



Good Governance for Development (GfD) in Arab Countries Initiative  
(Jointly supported by UNDP and OECD)

## **Regional Conference on Supporting United Nations Convention against Corruption (UNCAC) Implementation in Arab Countries**

**Under the Patronage of H.E. the Prime Minister of Jordan, Mr.  
Nader DAHABI**

Dead Sea, Hashemite Kingdom of Jordan  
21-23 January 2008

**Final Report**

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### **1. Introduction**

In the framework of the Initiative on Good Governance for Development (GfD) in the Arab countries launched by the Prime Ministers and Ministers of 18 Arab countries in 2005 under the patronage of His Majesty King Abdullah II<sup>1</sup> of Jordan, the United Nations Development Programme - Programme on Governance in the Arab Region (UNDP-POGAR) organized the **Regional Conference on Supporting United Nations Convention against Corruption (UNCAC) Implementation in Arab Countries** in the Dead Sea region (Jordan) on 21-23 January 2008. The conference was held under the patronage of H.E. the Prime Minister of the Hashemite Kingdom of Jordan, in cooperation with the United Nations Office on Drugs and Crime (UNODC) and in partnership with the Ministry of Justice and the Anti-Corruption Commission in Jordan.

Around two hundred and twenty participants attended the Conference among whom, Ministers of Justice and senior delegations from 19 Arab countries<sup>2</sup> comprising representatives of the judicial authority and competent official anti-corruption bodies, in addition to members of Parliament, members of civil society and the private sector, Arab League representatives, regional and international organizations as well as regional and international experts.

This conference was an essential milestone of the Initiative on Good Governance for Development (GfD) that gathered Arab countries interested in achieving development and boosting modernization, advancement and reform efforts. It manifested the growth of political will in the region so as to consolidate anti-corruption efforts and transparency through UNCAC implementation. These efforts shall be supported by a practical framework, which is the GfD Programme on the Rule of Law (Fighting Corruption and Judicial Reform) developed within the framework of the Regional Working Group on the Role of the Judiciary and Law Enforcement, chaired by Jordan in partnership with France and the United States of America during the first phase of the GfD Initiative in the Arab countries (2005-2007). This

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<sup>1</sup> Kindly refer to the Dead Sea Declaration attached herewith. For more information on the Initiative, kindly visit the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

<sup>2</sup> Jordan, United Arab Emirates, Bahrain, Tunisia, Algeria, Sudan, Saudi Arabia, Syria, Iraq, Oman, the Palestinian National Authority, Qatar, Kuwait, Lebanon, Libya, Egypt, Morocco, Mauritania, Yemen.

programme shall be implemented during the second stage of the Initiative (2008-2010)<sup>3</sup>. As such, this Conference is considered the first main step in implementing the aforesaid programme, which will focus on supporting UNCAC implementation and launch a group of coordinated activities to consolidate knowledge and capacities in the Arab countries so as to support the making and implementation of effective civil, administrative and penal policies and measures to fight corruption as per UNCAC.

## **2. Summary of activities of the first day of the Conference: Monday, 21 January 2008**

- **Opening Session:** H.E. Mr Ayman Odeh, Jordanian Minister of Justice, inaugurated the Conference activities representing H.E. The Prime Minister as well as in his capacity as Chair of the Working Group on the Role of the Judiciary and Law Enforcement. Afterwards, Mr. Jeffrey Cole and Judge Eric Meningheer took their turns at the speaker's rostrum representing the American and French partners. Then speeches were successively delivered by H.E. Dr. Abed Shakhaneh, President of the Anti-Corruption Commission (ACC) in Jordan; Mr. Luc Stevens, UNDP-Jordan Resident Representative; Magistrate Dr. Hatem Aly, UNODC representative; Mr. Martin Forst, OECD representative; Dr. Wassim Harb, representative of UNDP-POGAR. Following these speeches, several heads of official Arab delegations spoke, then the opportunity to speak was granted to any head of the participating Arab delegations.

**H.E. Mr Ayman Odeh, Jordanian Minister of Justice representing the Prime Minister, and Chair of the Working Group on the Role of the Judiciary and Law Enforcement** <sup>4</sup>: During the opening session, H.E. Mr Odeh welcomed the participants and thanked the organizers for their efforts. Afterwards, he reaffirmed Jordan's support and adoption of the Initiative on Good Governance for Development (GfD), a pioneer in this field and a true reflection of the Arab identity as it was based on the Reform and Modernization Document, approved by the 16<sup>th</sup> Arab League summit held in Tunisia. He also pointed out that the Ministry of Justice in Jordan was honored to chair the Working Group on the Role of the Judiciary and Law Enforcement, hence within the six working groups formed by this initiative<sup>5</sup>. The Jordanian Ministry of Justice chaired this working group in partnership with the governments of France and the United States of America and with support from UNDP-

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<sup>3</sup> It is worth mentioning at this point that the second phase (2008 – 2010) of the Initiative on Good Governance for Development (GfD) in Arab countries shall focus on implementing two programmes within the framework of strategic trends adopted in the meeting of the Working Group at the Ministerial level in Cairo (Egypt) on November 29, 2007 under the patronage of H.E. the Prime Minister of Egypt. 110 participants attended the meeting, including ministers and senior delegations from 11 Arab countries and 24 OECD countries, in addition to representatives of the Arab League, the European Union and regional and international organizations. The first programme shall deal with the administration and modernization of the public sector and shall be implemented by support from OECD. The second programme shall deal with the consolidation of the rule of law focusing on the fight against corruption and judicial reform and shall be implemented by support from UNDP-POGAR.

<sup>4</sup> The speech of H.E. The Jordanian Minister of Justice is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

<sup>5</sup> The six Working Groups are: Civil service and integrity (chaired by Morocco in partnership with Spain), E-government and administrative simplification (chaired by the United Arab Emirates (Dubai) in partnership with Italy and Korea), Governance of public finance (chaired by Egypt in partnership with Holland), Public Services Delivery, Public-Private Partnerships and Regulatory Reform (chaired by Tunisia in partnership with the United Kingdom), the Role of the judiciary and enforcement of judgments (chaired by Jordan in partnership with France and USA), Citizens, civil society and public sector reform in the Arab region (chaired by Lebanon in partnership with the European Union).

POGAR. He also added that Jordan is exerting every effort to ensure the success of this initiative through cooperation with the partners in finalizing the GfD Programme on the Rule of Law (Fighting Corruption and Judicial Reform) to be implemented during the period extending from 2008 until 2010 through four main projects as follows: (1) Project on Supporting the implementation of the United Nations Convention against Corruption (UNCAC) in Arab countries. (2) Project on building the capacity of judicial systems to deal more effectively with economic disputes (3) Project on encouraging a fair and effective mechanism for the enforcement of judgments (4) Project on enhancing the independence and integrity of the judicial system H.E. Mr. Odeh pointed out that the previous phase was characterized by its pure scientific trend in analyzing the current status of the judiciary and the rule of law in the Arab countries as well as looking into the difficulties that hinder its progress and proposing the corresponding developmental projects. The next phase shall be the phase of effective and practical implementation as well as true manifestation of the four aforementioned projects. He also emphasized that the choice of fighting corruption as a theme of the first regional conference within the scope of activities of the initiative's new phase is due to the significant negative impact of corruption on development and on the interests of the peoples. At the outset, he indicated that Supporting United Nations Convention against Corruption (UNCAC) Implementation in Arab Countries is specifically based on the necessity to support the Arab countries that ratified the convention so as to fulfill their obligations mentioned in the said convention, in addition to increasing the potential and awareness of decision-makers in the region, thus contributing to support the efforts of fighting corruption through a series of regional activities. At the end of his speech, he emphasized the necessity of establishing Arab Anti-Corruption and Transparency Network, which acts as a forum for the exchange of information and expertise in the scope of fighting corruption as well as making a periodic review of these efforts and establishing a code of conduct in the public sector, the judicial body, the public prosecution bodies, conviction, legal enforcement and asset recovery.

**Mr. Jeffrey Cole, judicial attaché at the US Embassy in Egypt, representative of the Co-Chair from the United States of America:** Mr. Cole delivered the official speech of the United States Government pointing out that the Conference is held at a very important phase and at a time prior to holding the Conference of UNCAC member countries. He added that this meeting reflects the level of commitment of this region in fighting corruption, saying that the decision to establish the Arab Anti-Corruption and Transparency Network clearly shows the genuine intention to fight corruption in the Arab world. This confirms the endeavor of Arab countries to combat the phenomenon affecting all countries in the world, emphasizing the need to pursue efforts by all means to ensure the implementation of conventions and treaties related to this bane affecting growth and national security in all

countries of the world. Moreover, he emphasized that the most important reformative step in fighting corruption is related to finding a strong judiciary system that fights corruption offences and prevents the acts that facilitate its emergence.

**Judge Eric Meningheer, regional attaché for judicial cooperation at the French Embassy in Jordan, and representative of the French Co-Chair:** Judge Meningheer delivered the official speech of France saying that the Initiative on Good Governance for Development (GfD) deals with judicial reform as one of the main pillars in fighting corruption and all types of offences as well as preventing the perpetration of terrorist acts. The French Judge also reiterated the support of France to these efforts since corruption is considered a bane affecting all societies in the world, jeopardizing the establishment of state institutions and its social cohesion and hindering justice, thus preventing an equal and balanced presence for all citizens inside the state and the region.

**H.E. Dr. Abed Al Shakhanbeh, President of the Anti-Corruption Commission (ACC) in Jordan:** H.E. Dr. Shakhanbeh pointed out that the establishment of the Anti-Corruption Commission (ACC) in Jordan is a result of His Majesty's desire to establish an independent commission that coordinates with the competent authorities in making and implementing a general strategy for fighting and preventing corruption on an institutional basis, thus ensuring the disclosure of corruption sources and enquiring about all matters related thereof, including financial and administrative corruption. Moreover, this commission should be free from any influence or intervention from any party whatsoever. He also added that fostering cooperation and coordination among the Arab countries requires the establishment of Arab Anti-Corruption and Transparency Network seeking to unify the work mechanisms and increase effort coordination so as to become a regional forum for governmental commissions of Arab countries. He also pointed out that the Anti-Corruption Commission in Jordan shall coordinate with the competent anti-corruption authorities in Arab countries in order to have such a regional network, since it sincerely believes in its effective role in fighting and preventing corruption, and supporting UNCAC implementation. Moreover, he discussed the importance of fostering the anti-corruption efforts in the region in view of its positive and required impact on development and investment.

**Mr. Luc Stevens, UNDP-Jordan Resident Representative<sup>6</sup>:**

Mr. Stevens mentioned in his speech the growing impact of corruption on development up to the point of hindering the implementation of laws and economic programs, fostering the emergence of a non-democratic environment and undermining citizens' respect for the authority. He also pointed out that UNDP supports governance institutions and provides them

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<sup>6</sup> The speech of Mr. Luc Stevens is available on the website of the initiative: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

with all possible means that may assist them in pursuing their reform program. Furthermore, he praised Jordan's efforts in fighting corruption, saying that it promptly realized that corruption constitutes a setback in fighting poverty and implementing economic programs, and advocated a significant cooperation with the United Nations so as to build a true partnership that may be helpful in fighting this crime, thereby considering it as a collective responsibility in which state institutions participate with the private sector and civil society institutions.

**Magistrate Dr. Hatem Aly, expert in crime prevention and representative of the United Nations Office on Drugs and Crime (UNODC):**

Dr. Aly stated in his speech that the objective of the conference is to come up with advanced measures to fight corruption and provide an integrated system and culture in this scope. It also aims at providing a preventive network against corruption that combats, punishes, develops and cooperates at the international level in the fight against corruption, namely that UNCAC comprises, in addition to conviction mechanisms, prevention mechanisms against corruption and the strategies for fighting such phenomenon. He also emphasized the importance of the political will of governments to adopt this convention and participate in making all the implementation mechanisms for fighting corruption, referring to the role of Jordan as the first country in the Arab region that established a specialized Anti-Corruption Commission as well as being the first country that successfully completed the UNCAC self-assessment process. Furthermore, he emphasized the importance of focusing the efforts of Arab countries in the field of fighting corruption and exchanging acquired experiences and expertise. He also laid out the achievements of the past period and the basis for launching the Arab cooperation network in the field of fighting corruption in Arab countries. Furthermore, he provided a general explanation on the role of the office in providing support to the countries on the implementation of the Convention, exposing the importance of strategic partnership with UNDP-POGAR through which support shall be provided to Arab countries for UNCAC implementation.

**Mr. Martin Forst, Head of the Department of Public Sector Administration and Performance, Directorate of Governance Administration and Development, OECD:**

Mr. Forst presented an overview of the Initiative on Good Governance for Development (GfD) in Arab countries supported by UNDP and OECD, starting from phase one (2005 – 2007). He pointed out that the Initiative assisted the Arab countries and OECD member countries in establishing and fostering a unique regional network of decision-makers and practitioners. The Initiative also indicated the pivotal role that can be played by such initiatives in facilitating cooperation between Arab countries and OECD member countries in the field of governance. In fact, this constituted the pillar for future activity during the second phase of

the initiative (2008 – 2010), which derives its strength from the common understanding that the Initiative should concentrate on the dialogue of policies that fosters the implementation of reforms in governance and the measure of its results. Mr. Forst also indicated that, one important way to foster this process, is to improve communication between active grantors in supporting the initiative and increasing their awareness with reform projects implemented by the participating Arab countries, adding that this can also be guaranteed through integration between the Initiative and the existing cooperation programmes in the Arab region. Mr. Forst concluded his speech with an overview of strategic trends that can be adopted for the second phase of the Initiative and enumerated as follows: (1) deepening the dialogue of policies as well as establishing knowledge and capacities at the regional level, (2) support the consultancy of counterparts and partnerships for reform at the national level, (3) monitoring and measuring progress in the government and the judicial system, (4) consolidating the initiative in a regional framework for the reform institutions and networks.

**Dr. Wassim Harb, Senior Rule of Law Advisor, UNDP - POGAR:**<sup>7</sup> Dr. Harb started his speech with a definition of the Programme On Governance in Arab Region (UNDP-POGAR) and its leading role in the Arab region through the activities it is carrying out. Afterwards, he made a presentation on the Programme on the Rule of Law (Fighting Corruption and Judicial Reform) within the scope of the Initiative on Good Governance for Development (GfD) in Arab countries supported by UNDP and OECD. Furthermore, he briefly exposed the miscellaneous projects included in the aforementioned programme and which the Programme on the Rule of Law shall implement in Arab countries within the framework of Initiative on Good Governance: (1) Project on Supporting the implementation of the United Nations Convention against Corruption (UNCAC) in Arab countries. (2) Project on building the capacity of judicial systems to deal more effectively with economic disputes (3) project on encouraging a fair and effective mechanism for the enforcement of judgments (4) project on enhancing the independence and integrity of the judicial system.

Moreover, he made a presentation of the UNCAC self-assessment process, highlighting its importance and role in determining the factual needs of countries starting from their priorities and particularities, thus in compliance with the provisions of the international convention. Afterwards, he spoke of the Arab Anti-Corruption and Transparency Network mentioned by H.E. the Minister of Justice and H.E. the Anti-Corruption Commission Chief in Jordan in their respective speeches. Such network shall be commissioned with the task of deepening regional policies dialogue, establishing knowledge and capacities in Arab countries in the various domains of the convention and contributing to the development of technical assistance programmes at the national level for implementing the Convention as per the

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<sup>7</sup> Speech of Dr. Wassim Harb under the title “Initiative programme for fostering the rule of law – Fighting Corruption and Judicial Reform” is available on the website of the Initiative: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

priorities of every state, in addition to supporting a learning mechanism from counterparts and consultancy, establishing partnerships for supporting the implementation of the Convention at the national, regional and international level and fostering the process of developing Arab indicators so as to monitor and measure progress in the field of fighting corruption and fostering transparency in the framework of the United Nations Convention. Dr. Harb concluded his speech pinpointing to the witness protection scheme and its role in invigorating the anti-corruption operation. He explained that, during this year, legal witness protection systems in Arab countries shall be monitored. Finally, Dr. Harb emphasized on the importance of strategic partnership that shall join UNDP and UNODC in order to support UNCAC implementation in Arab countries during the second phase of the Initiative on Good Governance for Development (GfD) in Arab countries extending between 2008 and 2010.

**Afterwards, the right to speak was granted to any head of delegation, and the following speeches were delivered:**

**Head of the United Arab Emirates Delegation H.E. Mr. Mohamad Al Zahiri, the Minister of Justice:**<sup>8</sup> H.E. Mr Al Zahiri underlined the importance of the Conference by shedding light on the Convention, urging Arab countries to ratify it and amend national laws and regulations to comply with it. He also focused on the necessity to complete Arab efforts to prepare an anti-corruption convention that fulfills the requirements of the International Convention, thus pointing out to a special committee established in the framework of the Arab League to this effect. He also laid out the efforts of his country in the field of fighting corruption and abidance by the International Convention and he stated that the United Arab Emirates (UAE) is one of the first countries that ratified the Convention. He also pointed out that the government promulgated an integrated federal law comprising the necessary texts for the fulfillment of obligations related to the handover of criminals and reciprocal legal assistance in penal cases. Furthermore, he reiterated that the issue of corruption does not constitute a bane in Emirati society, given the progress of the State at all levels. He also confirmed that the UAE are determined to develop the corresponding mechanisms for fighting corruption and sanctioning its perpetrators in accordance with the international instruments.

**Head of the Bahraini Delegation H.E. Dr. Ali Ben Fadl ABU AL AYNAYN, the First Public Prosecutor:**<sup>9</sup> H.E. The Public Prosecutor presented an overview of the efforts exerted by the Kingdom of Bahrain in fighting corruption, indicating that Bahrain was among the vanguard states that promulgated a legislation on fighting money laundering and has

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<sup>8</sup> Speech of H.E. the Emirates Minister of Justice is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

<sup>9</sup> Speech of H.E. the Bahraini First Public prosecutor is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)



now drafted a law for joining UNCAC, which is duly referred to the Parliament for approval. H.E. the Public Prosecutor requested the prompt adoption of Arab draft laws relating to fighting corruption, criminal judicial cooperation and the development of some legislations which could encompass bribery including international bribery and bribery in the private sector, along with the confirmation of penal responsibility for the juridical person, conviction for obstruction of justice, guarantee for the protection of witnesses and experts in addition to the importance of reconsidering some theories related to the conditions of handover and extradition. He stressed on the necessity to find a common space for prior consultation between Arab countries before looking into such cases and deciding on rejection. In fact, these decisions may be adopted on the basis of viewpoints and explanations that contradict the provisions of constitutions and laws among which, for example, considering corruption and financial offences among political offences in which handover of criminals should not be carried out. These are gaps which may be exploited by the perpetrators in order to bypass the provisions of handover and extradition of criminals. Bahrain provided a work document on the role that the Convention should play in finding objective and institutional frameworks for fighting corruption.<sup>10</sup>

**Speech of the Sudanese Minister of Justice delivered on his behalf by the Sudanese Ambassador in the Hashemite Kingdom of Jordan Mr. Mohamad Othman Said:**<sup>11</sup> H.E. the Minister pointed out in his speech to the impact of corruption on hindering the development process and presented an overview of the efforts exerted by the Republic of Sudan in fighting corruption. In fact, he laid out some related laws such as the Code of Fighting Illicit and Suspicious Wealth of 1989 and the Code of Public Accounting Cabinet as well as the Special Code on Governmental Acquisitions and the Code of Money Laundering. As such, he considered the aforementioned to be an evident indicator that Sudan is adopting a full methodology in fighting corruption based on integrity and transparency in governance as well as the mode of administering government institutions. He also pointed out in this framework to the crucial role of the Inspection Directorate at the Ministry of Justice in evaluating the work of legal consultants and public prosecutors. He concluded his speech emphasizing the importance of international cooperation in fighting corruption.

**Head of the Palestinian Delegation H.E. Dr. Ali Al Khashan, the Minister of Justice:**<sup>12</sup> H.E. Dr. Khashan spoke of the efforts of the Palestinian National Authority in the field of fighting corruption, pointing out that the PNA has ratified several laws relating to

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<sup>10</sup> Work document submitted by the Bahraini official delegation titled: "Role of UNCAC" is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

<sup>11</sup> Speech of H.E. the Sudanese Minister of Justice is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

<sup>12</sup> Speech of H.E. the Palestinian Minister of Justice is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

fighting corruption and adopted more penal and punitive measures to this effect. He also indicated that the theme of fighting corruption has absolute priority on the agenda of the current Palestinian government in public and private institutions. Furthermore, he laid out the importance of the independence of the judiciary and of fostering its role in fighting corruption, pointing out to the role of public prosecution to this effect. At the same time, he reiterated that these efforts have had a positive impact on the Palestinian situation by fostering the confidence of donor countries, which provided the Palestinians with significant support way beyond the overall amount requested by the Palestinians.

**Head of the Lebanese Delegation Judge Mohamad Ali Oueida, Judicial Inspection**

**Chief:**<sup>13</sup> Judge Oueida spoke in the name of H.E. Dr. Charles Rizk, the Lebanese Minister of Justice, of the action undertaken by the Lebanese State in the field of fighting corruption, hence pointing out that the legal frameworks in Lebanon are greatly compatible with the Convention requirements. He referred to a set of legislations, laws and institutional frameworks related thereof among which anti-money laundering laws and illicit wealth. He also explained the arrangements for the handover of criminals, asset recovery and international cooperation adopted in Lebanon, and reiterated that it was important for Lebanon to join the Convention. He finally pointed out that there is a draft law for fighting corruption submitted to the Lebanese Parliament, in addition to the draft law of affiliation to the international convention.

**Head of the Yemeni Delegation H.E. Dr. Ghazi Al Aghbari, the Minister of Justice:**<sup>14</sup>

H.E. Dr Al Aghbari spoke of the danger of corruption on the national economy and explained the legislative and institutional mechanisms adopted by Yemen in order to fight corruption. He then presented the Supreme National Anti-Corruption Commission and its role, referring to other bodies that practice their roles in fighting corruption. He also emphasized in his speech the determination of Yemen to launch the National Coalition for Integrity and Fighting Corruption in April 2008 with the participation of all partners from both the public and private sectors and civil society. This coalition shall proceed as per a document of principles and a determined mechanism for establishing a comprehensive national strategy for fighting corruption.

**3. Summary of activities of the second day of the Conference: Tuesday, 22 January 2008**

- **The First Session:** The first session deals with the theme of “**Corruption and its Impact on Development and the International and Regional Anti-Corruption Efforts**”. The

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<sup>13</sup> Speech of H.E. the Judicial Inspection Chief in Lebanon is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

<sup>14</sup> Speech of H.E. the Yemeni Minister of Justice is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

session was chaired by H.E. Ambassador Dr. Mohieddine Touq. Speeches were delivered by Mr. Phil Matsheza, Dr. Ahmad Ashour, Mr. Rainer Geiger, Mrs. Arwa Hassan, H.E. Consultant Dr. Abdallah Kilani, and Dr. Abdallah Al Shamsi.

**Mr. Phil Matsheza, Consultant on Policies Affairs at UNDP:**<sup>15</sup> Mr. Matsheza delivered a speech entitled “Corruption and Development: the International Efforts” in which he outlined the relationship between corruption and development. He also provided statistics and considered that a bad investment climate, obstruction of competitiveness, creation of a non-democratic environment, transgression of the rule of law and weakened institutions are some of the important downfalls of corruption. Moreover, he explained how corruption negatively affects economic growth by hindering foreign and national investments and undermining the general infrastructure. He indicated how corruption causes the brain drain and reduces the revenues of taxation and income. Mr. Matsheza then presented a quick overview of the regional and international anti-corruption efforts and concluded his speech pointing out the UNDP Anti-Corruption Efforts, considering UNCAC as an approved developmental tool.

**Dr. Ahmad Ashour, Expert in Administrative Reform and Anti-Corruption Affairs and Professor of Management at Alexandria University:**<sup>16</sup> Dr. Ashour delivered a valuable speech outlining the results of a study he submitted to UNDP-POGAR. The study examined the relationship between integrity and corruption in accordance with the Corruption Perception Index (CPI) issued by Transparency International (TI). He also provided several development indicators, pinpointing the relationship of each of them with corruption. He explained that the relationship might be divergent in the case of indicators related to competitiveness, average income, human development, expenditure rate on health and the state's share in foreign direct investments as well as the expenditure rate on education. He also explained that the relationship might be convergent in the case of indicators related to the non-official economic rate and the poverty rate. Afterwards, he outlined the conditions needed so that anti-corruption programmes support development, saying that these conditions depend on whether these programs are serious and to what extent they are linked to the developmental objectives and policies, in addition to their expansion as per the overlapping between types of corruption but within priorities. He highlighted the importance of finding a mechanism for the participation of the competent stakeholders, in addition to the importance of correct diagnosis pursuant to actual studies. He also stressed on the importance of building a structure for corruption and integrity indicators as well as related development indicators, including the making of development-oriented anti-corruption

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<sup>15</sup> The interposition of Mr. Phil Machisa titled “Corruption and Development: the International Efforts” is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

<sup>16</sup> The interposition of Dr. Ahmad Ashour titled “Fighting Corruption in Support of Development” is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org)

strategies, whilst carrying out an evaluation of realized achievements as per the set goals, and comparison with other countries. Finally, he highlighted the central role of transparency as well as gaining the sympathy and participation of society and public opinion. He concluded his speech by emphasizing the importance of establishing an anti-corruption network in charge of coordinating efforts and establishing an anti-corruption strategy.

**H.E. Ambassador Dr. Mohieddine Touq:** H.E. Dr. Touq delivered a speech on corruption and the role of UNCAC, in which he pointed out that corruption, constitutes a real dilemma for all nations in view of the serious repercussions on all aspects of life. At this point, it is worth mentioning that every society is suffering from corruption. However, the power to control this phenomenon fluctuates depending on the rule of law and good governance in each different country. However, it is unfortunate that the repercussions of corruption are great on developing countries in comparison with developed countries. In this framework, Dr. Taouk presented a series of statistics pinpointing to this fact and derived from World Bank studies on the impact of corruption on some African countries, hence emphasizing the link of corruption with increase in poverty and decline in development rates as well as the absence of the concept of good governance. A study prepared by UNDP in 1998 entitled "Fighting Corruption for Improving Governance" clearly demonstrated this link. Dr. Taouk considers that, with the lack of reliable estimations, 15 to 25 million US Dollars are annually squandered in the Arab world. He then outlined the UNCAC and its prospective impacts on sustainable development and estimated that one day, State's capacity to implement the convention will be a criterion to judge its performance in economic development as well as for obtaining grants and aids. Furthermore, he outlined the impact of corruption on development, emphasizing the importance of what the preamble of the Convention and article 62 provide to this effect, in view of the fact that a comprehensive chapter has been dedicated to preventive measures. The Convention significantly also provides for technical assistance and information exchange. In this context, he indicated that the Conference of member countries in UNCAC held at the end of 2006 gave absolute priority to technical assistance and asset recovery, thus in view of the association between asset recovery and sustainable development, since success in recovering stolen assets leads to using such assets in development. The Convention emphasizes the importance of partnership in the recovery of stolen assets as developing countries need to improve their governance in order to prevent asset evasion, whereas developed countries should stop providing safe haven for such assets in their banks. It is worth mentioning at this point that the World Bank and The United Nations Office on Drugs and Crime jointly established an association called "Association of Friends for the Recovery of Stolen Assets" so as to look study the issue of asset recovery and provide the best means for recovery. Dr. Taouk mentioned that he is personally a member of this association, which shall hold its first meeting in March 2008 in

Washington D.C.. Accordingly, he concluded his speech with an outline of the report of the international cooperation workshop relating to technical assistance and implementation of the Convention held in Montevideo (Uruguay) between 30 May – 1 June 2007. This report included 16 thematic panels relating to coordination between regional and international anti-corruption initiatives and the programs of public reform and promotion of the Convention. As such, they can be taken into account in the scope of providing technical assistance.

**Mr. Rainer Geiger, Deputy Director, Directorate for Financial and Enterprise Affairs,, OECD:** Mr. Geiger provided a speech entitled “Implementation of OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions with reference to the OECD Investment Program in countries of the Middle East and North Africa”. He first praised the leading role of Jordan in fighting corruption in the region. Then, he outlined the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, its implementation mechanisms and role in fighting corruption, pointing out to the offence of bribing foreign public officials and the liability of juridical persons. He highlighted the importance of accountability and its rules and outlined the obligations related to this effect. Afterwards, he presented an overview of the reciprocal legal assistance and the issues of handover of criminals, mentioning the mechanisms of monitoring and follow-up as an important support tool in implementing the Convention. Furthermore, he outlined the OECD investment program in countries of the Middle East and North Africa, specifically what has been discussed in the Second Ministerial Conference held in Cairo (Egypt) on 27 – 28 November 2007 entitled “Impact of Foreign Direct Investment and Local Investment on Economic Growth and Sustainable Development”, emphasizing the need to deal with corruption and ensure high level standards in managing private companies and projects, since they are essential elements favoring the investment climate. He established a link between fighting corruption, economic development and investment, concluding with the statement that corruption is an offence against humanity in view of its destructive impact on societies.

**Mrs. Arwa Hassan, Programme Officer for the Middle East/North Africa at the Berlin Secretariat of Transparency International:**<sup>17</sup> Mrs. Hassan delivered interposition speech pointing out that the problem of corruption has become manifest at the international level with the expansion of commercial transactions. As such, it has become mandatory to deal with this bane through tools and conventions whose implementation requires the availability of monitoring and review mechanisms, which guarantee the execution of obligations by the concerned countries. It is worth mentioning that UNCAC is

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<sup>17</sup> The speech of Mrs. Arwa Hassan titled “Importance of Regional Conventions and Tools in Fighting Corruption” is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

different from regional conventions in the scope of its implementation. Despite that, Mrs. Hassan considered that there are lessons to be learned from UNCAC monitoring and review mechanisms. According to her, it is evident from the comparative view of monitoring mechanisms relating to regional anti-corruption conventions as to the adopted methodology, the scope of review, the speed of work, the number of workshops and the visitations performed, that the most significant features for ensuring the effectiveness of monitoring mechanisms are (1) serious commitments by the government, (2) information gathering from multiple sources, (3) drafting a report by independent experts comprising evaluation and recommendations, (4) availability of a strong and informed general secretariat, (5) establishment of an open, honest and constructive dialogue on evaluation with a group of governmental counterparts, (6) determining the necessary technical assistance, (7) publication of the final report, and (8) follow up of the report's final recommendations. Concerning the UNCAC monitoring mechanism, it should comprise in addition to the mentioned general features three constituents summarized as follows: (1) it is the responsibility of the member countries to set priorities and policies related to the review process, (2) the General Secretariat should follow up the review process on a daily basis, (3) it is mandatory to establish a committee of experts specialized in providing assistance and consultancy for the member countries and the General Secretariat on the mode of organizing the review process. Finally, the speaker outlined the challenges facing countries in implementing the monitoring mechanism, such as providing the necessary financing for undertaking reviews and then correcting the flaws that may emerge after review. For this reason, it is mandatory for developed countries to provide financial, human and technical assistance when deemed necessary.

**H.E. Dr. Abdallah Al Kailani, Minister Plenipotentiary, Head of the Legal and Judicial Studies Division at the Legal Department of the Arab League:**<sup>18</sup> Dr. Al Kailani delivered a speech on the efforts and achievements of the Arab League in the scope of UNCAC implementation and Drafting an Arab Anti-Corruption Convention. He pointed out that, in implementation of the resolutions adopted by the Council of Arab Justice Ministers and its executive office, the Committee of Experts and Representatives of Arab Countries held a meeting to coordinate Arab positions relating to international conventions and conferences as well as coordination meetings relating to UNCAC from the moment it was a mere draft convention and until it became a fully effective convention. The Arab League participated in an effective and positive manner in the meetings of the ad hoc committees for drafting the United Nations Convention on Anti-Corruption (UNCAC) and welcomed the enforcement of the Convention. It also called on the member countries to ratify the

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<sup>18</sup> The interposition of H.E. the Commissioned Minister at the Arab League titled "Efforts and Achievements of the Arab League in the scope of UNCAC implementation and Drafting an Arab Anti-Corruption Convention" is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

convention or affiliate to this convention since it is an indispensable mechanism for fostering international cooperation in fighting corruption and supporting national efforts to this effect. Moreover, the Council of Arab Justice Ministers adopted resolution number 506 – D19 – 8/11/2003 calling on Arab countries to give special importance for UNCAC ratification. In this framework, the Council of Arab Justice Ministers adopted in its 21<sup>st</sup> session resolution number 604-29/11/2005 which “stresses on the importance of ratifying UNCAC or affiliating to such convention since it is an indispensable mechanism for fostering international cooperation in fighting corruption and supporting national efforts to this effect as well as holding an Arab ministerial seminar on UNCAC at the general headquarters of the Arab League’s general secretariat”. He also pointed out in his speech to resolution number 512-24/5/2007 adopted by the Council’s executive bureau, which “calls on Arab countries that did not ratify or affiliate to UNCAC to do so”. Dr. Al Kailani also spoke of maintaining the general secretariat’s efforts through the holding of coordination meetings between the participating Arab delegations in the Second Conference of Member Countries signatory of the Convention. In fact, the General Secretariat held during the period of 13 – 16/1/2008 a meeting for experts and representatives of Arab countries during which was discussed the corresponding mechanism for UNCAC implementation in accordance with resolution number 1/1 adopted in the first conference of member countries. The committee expressed its hope that efforts be exerted in order to establish the proper mechanism as per the requirements of the Convention, provided it is a transparent, effective and neutral mechanism. Furthermore, discussion was held on the issues of asset recovery and technical assistance in addition to the issue of bribery of public servants and public organizations. Dr. Kailani concluded with an overview of the Arab League’s efforts in drafting an Arab Anti-Corruption Convention in addition to its efforts aiming at drawing up an oriented Arab Anti-Corruption Law, the oriented Arab Law for International Judicial Cooperation in criminal matters, and the collective report on responses by Arab countries on an inquiry relating to UNCAC.

**Magistrate Dr. Abdullah Al Chamsi, President of Al Sharqa Court of Appeals, Ministry of Justice, the United Arab Emirates:** Dr. Al Shamsi delivered interposition speech entitled “the General Features of the Arab Anti-Corruption Draft Convention and its comparison with UNCAC”<sup>19</sup> in which he outlined the traits of the Arab Anti-Corruption Draft Convention, mentioning to this effect the Arab efforts which originated in implementation of successive resolutions adopted by the Councils of Arab Justice and Interior Ministers since 2002, in cooperation and coordination between the secretariats of the two councils. In fact, a joint committee of experts from the two councils was constituted in order to review the preliminary draft of the Arab Anti-Corruption Convention. The committee held several

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<sup>19</sup> The Arab Anti-Corruption Draft Convention is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

meetings during the past four years and reviewed the project in light of observations made by countries and the international convention that the committee considered as the general framework for making the Arab convention. It also completed the preparation of the draft by including the missing aspects, in light of the working paper submitted by Consultant Abdallah Y Al Chamsi, representative of the Ministry of Justice at the United Arab Emirates, who was commissioned with this task by the Council's executive by virtue of resolution number 542/2007. Afterwards, the speaker outlined the draft convention in coordination with the General Secretariat of the Arab League along with its approval. He also pointed out that the established draft contains a preamble pinpointing to the impact of corruption and the association of such phenomenon with organized crime. He explained that the draft convention is significantly focused on UNCAC texts. Furthermore, Judge Al Chamsi laid out some issues included in the draft convention and outlined that some differences between the Arab draft convention and UNCAC are specific in matters of conviction, in view of the fact that the Arab draft convention merely established a general framework without placing details relating to the objective scope of conviction. He also added that the international convention provides in article 28 thereof how to disclose the pillars of the corruption offence. However, this point was not covered by the Arab draft convention, hence considering the fact that this matter should be left for the national judge. He also pointed out to this effect that the convention, upon its approval, shall constitute a regional framework, completing and fostering the implementation of the UN Convention at the Arab level.

At the end of the session, **Dr. Muhyieddeen Touq** discussed the issue of asset recovery, confirming its importance on the one hand and the complications it entails on the other hand. He also added that Nigeria, for example, waited five years for recovering half a billion dollars from a total of 5 billion US Dollars it was claiming, and it took the Philippines 18 years to recover the funds evaded by former President Marcos. These examples indicate the necessity for a real partnership relating to the efforts of asset recovery among the developing countries from which embezzled funds are evaded on the one hand and among the developed countries that receive in their respective banks the funds obtained from the offences of corruption on the other hand.

**The second session:** the second session dealt with **“UNCAC implementation efforts in the Arab region”**

- The session was chaired by Dr. Wassim Harb, in which Dr. Hatem Madi delivered a speech. Afterwards, Mr. Arkan Al Sablani presented an Arab Governmental Experts Group (AGEG) for UNCAC Self-Assessment. Afterwards, some Arab governmental experts delivered concise interpositions on the progress of the self-assessment process in their countries.



**Dr. Wassim Harb, senior rule of law advisor, UNDP-POGAR:** The interposition of Dr. Harb was centered on the strategic importance of self-assessment, since in-depth study and effective monitoring of the legal status in each country and its comparison with UNCAC provisions is quintessential for making coordinated policies in fighting corruption, whereas this matter contributes in determining the needs of nations starting from their priorities and particularities and in compliance with the provisions of the international convention. Furthermore, Dr. Harb outlined the self-assessment process, referring to the efforts of the governance administration program in Arab countries, in cooperation with the United Nations Office on Drugs and Crime. In fact, this support shall focus on holding a regional training workshop for preparation on self-assessment within an ongoing and coordinated framework for assisting Arab countries in the completion of such process and determination of its needs.

**Dr. Hatem Aly, Crime Prevention Expert UN Global Programme against Corruption and the Anti-Corruption Unit, Rule of Law Section, Division for Operations, United Nations Office on Drugs and Crime (UNODC) :** The Judge outlined in his interposition some main obligations for the member countries within the framework of the Convention in terms of legislation, policymaking, and adoption of administrative and civil measures. Afterwards, he gave a concise explanation of the UNCAC Self Assessment Checklist, emphasizing the importance of self-evaluation and the role of this mechanism in determining the needs of states in a systematic and effective way, thus facilitating its tasks in implementing the Convention and boosting the process of providing the adequate technical support. He also explained the contents of the aforementioned program and the mode of its development.

**Mr Arkan Al Seblani, Legal Specialist in UNDP-POGAR:** Mr Al Seblani welcomed in a concise speech the members of the Arab Governmental Expert Group (AGEG) outlining the efforts exerted in the framework of support to Arab countries in the UNCAC Self Assessment Process. He referred to the preparatory session held in Sharm El Sheikh (Egypt) on October 23, 2007 with the participation of 5 Arab countries during which was presented the UNCAC Self Assessment Checklist. He also discussed the best means to foster the potential of Arab countries in implementing a qualified and effective self-assessment. He pointed out that the aforementioned was followed by the making of a first training workshop held in Amman (Jordan) on 16-18 December 2007, during which the Self Assessment Checklist was accurately explained along with the subjects of the evaluation and the main requirements for its execution. At the end of the workshop, he explained the process of constituting **of the Arab Governmental Expert Group (AGEG) for UNCAC self-assessment**, made up so far of experts from 12 Arab countries: Jordan, United Arab Emirates, Tunisia, Algeria, Syria, the Palestinian National Authority, Qatar, Kuwait, Lebanon, Morocco, Mauritania, and Yemen.

**After that, it was the turn of the Arab Governmental Expert Group (AGEG) for UNCAC self-assessment in order to discuss the situation of Arab countries respect to the implementation of the Convention and the progress achieved in the Self Assessment Process:**

**Dr. Mohamad Adenat, Member of the Anti-Corruption Commission – Jordan:**

The Jordanian expert outlined the experience of his country in this field, referring to the role of the **Anti-Corruption Commission** in preventing and combating corruption and raising awareness about its dangers on society. He discussed the phases during which was carried out the Self Assessment Process that Jordan successfully completed. He pointed out that Jordan constituted a national working group that divided the Self Assessment questions on the governmental bodies playing different roles in fighting corruption so that aforesaid parties may reply to the Self Assessment questions with expertise and professionalism, each in his own field of action. The aforesaid task was distributed between the Ministry of Justice and the Anti-Corruption **Commission** recently created at that time. Furthermore, Dr. Adenat pointed out that Jordan, in view of its vanguard experience in the Self Assessment process and having completed the task on the set deadline, is nowadays among the countries that carry out an assessment process for the experiences of other countries in the self-assessment process.

**Judge Abdullah Al Shamsi, President of Al Sharqa Court of Appeals, Ministry of Justice, the United Arab Emirates:** The Emirati expert outlined the importance of the Self Assessment process, praising the knowledge received from the regional training workshop that took place in Jordan during December 2007 and had a positive impact on the initiation of this process. He also pointed out that the Self Assessment process in UAE is in an advanced phase, due to coordination with other Arab countries and implying that the Self-Assessment process needs additional time for proper reply with expertise and accuracy. In this framework, the United Arab Emirates distributed self-assessment questions on the competent bodies, each according to their area of expertise, as a prelude for gathering answers and placing them in one framework within the self-assessment tool. Furthermore, the speaker discussed in his speech the state-of-the-art techniques in fighting corruption in UAE, whether through effective laws or the bodies performing their respective tasks in fighting corruption such as the competent public prosecutions, emphasizing on the importance of benefiting from the experiences of other countries.

**Mrs. Djailila Haddad, Chief of the Bureau of Legal and Judicial Cooperation Strategy at the Ministry of Justice, Algeria:**<sup>20</sup> The Algerian expert laid out in her

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<sup>20</sup> The speech of the Algerian official delegation is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

interposition the efforts exerted by her country in fighting the corruption bane in the institutional, legislative and regulatory fields within what is denominated as the justice reform program. She also focused on Algeria's ratification of UNCAC and the promulgation of the Code on Prevention and Fighting Corruption in 2006, which rendered corruption offences non susceptible to prescription in view of their danger and impact on the economy, development and social cohesion. Moreover, she pointed out that Algeria adopted effective mechanisms for preventing and fighting corruption such as binding public servants, judges, members of the government and Parliament to declare their properties upon holding their occupations, subject to the penal prosecution in case of non-declaration or submission of an incorrect declaration. As for Self Assessment, Mrs. Djalila referred to the participation of Algeria in the regional training workshop activities related to self-assessment, which took place in Amman during December 2007. This seminar was an occasion for presenting some observations and proposals on the Self Assessment Electronic Checklist in addition to keep working on the self-assessment checklist and its definition in Algeria by making a report to the Ministry of Justice and submitting a Data Show to this effect.

**Mrs. Reem Abou Al Rub, Legal Assistant at the Ministry of Justice, Palestinian National Authority:** <sup>21</sup> The Palestinian expert laid out the efforts exerted in the framework of fighting corruption and referred to laws related to fighting corruption such as the Code on Fighting Money Laundering of 2007, which constituted a national committee specialized in money laundering and established a financial follow up unit for monitoring suspicious operations. She also referred to the Code of Illicit Wealth of 2005 and the Code of the Cabinet on Financial and Administrative Inspection. She also discussed the availability of a specialized public prosecution for fighting corruption and its role, in addition to the availability of laws yielding committees specialized in fighting corruption, whose establishment is hindered by several obstacles. In conclusion, she outlined the presence of procedural difficulties that delay the completion of the Self Assessment process, praising the benefit achieved from participation in the regional training workshop on Self Assessment held by Jordan in December 2007, being the most significant the speed up in concluding the assessment process.

**Mr. Abdulaziz Noor, Chief of the International Conventions Division at the Ministry of Justice, Qatar:** The Qatari expert pointed out that his country effectively started to answer the self-assessment questions, but technical problems prevented their completion. Efforts are currently exerted for answering them once again. He quickly made an overview of Qatar's efforts in fighting corruption, notably respect to the establishment of the National

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<sup>21</sup> The interposition of the representative of the Ministry of Justice at the Palestinian National Authority is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

Committee for Integrity and Transparency by virtue of Emiri Order number 84 of 2007, hence within the framework of efforts for implementing UNCAC.

**Mr. Zakaria Al Ansari, Director of International Relations Administration, Kuwait:**<sup>22</sup> The Kuwaiti expert referred to difficulties in completing the self-assessment process because the answer to some points requires taking the opinion of some competent authorities. Therefore, the completion of the self-assessment was delayed. Afterwards, he presented an overview of the efforts exerted in fighting corruption, the most important being the anti-corruption draft laws, in addition to cooperation at Arab and international level, specifically on the necessity of establishing an international mechanism of asset recovery. In this framework, a working paper shall be submitted at the Conference of State Parties on asset forfeiture. He pointed out that the laws related thereof shall be grouped in order to be notified to the Secretary General.

**Judge Nada Nakhle from the Legislation and Consultancies Committee at the Ministry of Justice, Lebanon:**<sup>23</sup> The Lebanese expert outlined that the Lebanese legislation contains many provisions that concur with the stipulations of the Convention, pointing out to the existence of specialized inspection bodies. However, the problem resides in the absence of a National Anti-Corruption Commission. As for the Self Assessment process, the Lebanese representative stated that, upon the conclusion of the workshop on UNCAC Self Assessment, she submitted a detailed report to the Lebanese Minister of Justice in which she explained the importance of what was laid out during the workshop in addition to the importance of Self Assessment in indicating the technical assistance that country may need. She also pointed out in that report to the necessity of establishing an Anti-Corruption Commission benefiting from the experiences of Jordan, Yemen and Algeria. As for the progress in the Self Assessment process, it shall be initiated after Lebanon's ratification of the Convention. The Lebanese expert also explained some legal frameworks for fighting corruption in Lebanon and the extent of their compliance with the Convention. She also pointed out that the Code of Lebanese public accountability and other codes related thereof stipulate provisions that may fight corruption in the governance of public finance, pointing out to the availability of a draft law relating to public dealings and another draft law relating to the establishment of a management for public dealings. She also mentioned the Code of Lebanese Public Servants and its annexes, which comprises the obligations of public servants, the prohibited activities for them, and the arrangements that oblige them to report any act of corruption in addition to other codes in this framework such the Code of Illicit Wealth and the

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<sup>22</sup> The interposition of the official Kuwaiti delegation is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

<sup>23</sup> The interposition of Judge Nada Nakhle from Lebanon titled "UNCAC Self Assessment based on the main priorities and commitments of member countries in the Convention is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

Code of Fighting Money Laundering. Furthermore, she stated that, upon approval of the Lebanese Cabinet to ratify the Convention, the Central Bank of Lebanon (Banque du Liban) submitted a draft law aiming at the modification of the Code of Fighting Money Laundering, notably Article 1 thereof so as to include all the corruption offences stipulated in the Convention.

After that, **the Libyan Delegation Chief, H.E. Consultant Moustapha Abd Al Jalil Amin, Secretary of the General Popular Justice Committee<sup>24</sup>** requested to speak. He laid out in his interposition the Anti-Corruption efforts in Libya, referring to a series of laws and measures relating to fighting corruption such as the Code of Purification and Economic Offences and other laws. He also pointed out that, among the difficulties hindering progress in Anti-Corruption efforts was the difficulty to promote the function of public servant. He also thanked Jordan for hosting this important Convention which, indicated the various aspects of corruption and attempted to determine a practical mechanism for fighting such bane and putting an end to it.

**Mr. Mohamad Benalilou, Chief of the Special Penal Cases Division at the Directorate of Penal Affairs and Amnesty at the Ministry of Justice, Morocco:<sup>25</sup>** The Moroccan expert explained the Anti-Corruption efforts exerted by his country at the level of the judicial, administrative and legislative bodies in addition to efforts to raise awareness on this issue. In this framework, he referred to the law promulgated to establish the Central Committee for Bribery Prevention, whose members will soon be appointed, in addition to the specialized rooms in corruption cases at 9 courts of appeal as well as financial courts. Moreover, he pointed out to the importance of asset recovery and stated that Morocco is partially organizing this matter within the framework of money laundering offences only and not other corruption offences. The expert also outlined a series of laws related to the anti-corruption efforts such as the law of declaration of properties, which considers as offence the act of non-declaration of properties. Furthermore, he referred to the role of public prosecution in fighting corruption as well as raising awareness and educating society on the hazards of corruption offences.

**Mr. Molaye Ould Guewad Ould Molaye, Deputy Inspector General for the State, Mauritania:<sup>26</sup>** The Mauritanian expert presented an overview of the Mauritanian experience in the scope of Self Assessment within a distinguished visual presentation framework and

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<sup>24</sup> The speech of the Consultant, Secretary of the General Popular Justice Committee in Libya is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

<sup>25</sup> The interposition of Mr. Mohamad Benalilou titled "Overview of the Status of Morocco relating to UNCAC" is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

<sup>26</sup> The interposition of Mr. Moulaye Ould Guewad Ould Molaye titled "Self Assessment Mechanism – The Mauritanian Experience" is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

through a distinguished statistical approach. The expert also laid out the answers to the Self Assessment questions, which concur in an overall 66% rate with the content of the Convention. Afterwards, Mr. Molaye made a detailed explanation of the question that were answered with “Yes”, “Partial Yes” or “No”, whether these questions are related to preventive measures, conviction, legal enforcement, international cooperation or asset recovery.

**Judge Rached Al Manifi, Director General - Office of the Minister of Councils and Committees Affairs, Good Governance Coordinator at the Ministry of Justice, Yemen:**<sup>27</sup>

The Yemeni expert presented an overview of the Self Assessment process in Yemen and the extent of development that occurred upon completing the training workshop related to Self Assessment. He referred to the establishment of a committee constituted of the Supreme National Anti-Corruption Authority (SNACC), the Ministry of Finance, the Central Inspection and Accounting Board, the Public Prosecution, the Parliament, the Office of the Presidency of the Republic, the Ministry of Justice, and the Information Gathering Unit on money laundering operations and financing terrorism at the Central Bank, in order to discuss the UNCAC Self Assessment Process. They made use of a document elaborated by UNDP-POGAR experts, which happens to be a UNCAC Self Assessment document, for the purpose of answering self assessment questions and determining the needs of the state to assist it in fighting corruption. The assessment results shall be outlined in the second Conference of State Parties (CoSP II) held in Bali, Indonesia. As for anti-corruption efforts, Yemen started to prepare to amend the group of legislations on corruption, including the Code of Fighting Money Laundering, so that it complies with the Convention requirements. .

At the end of the interpositions, **Dr. Wassim Harb** thanked the Arab Governmental Experts Group (AGEG) for outlining the experiences of their respective countries on the Self Assessment Process. He declared that the second regional training workshop in this framework will be organized in Morocco at the end of March or beginning of April 2008, hence calling on countries that did not participate in the previous session and willing to participate within the Arab Governmental Experts Group (AGEG) for UNCAC self-assessment to nominate their representative. Afterwards, Dr. Harb highlighted to the importance of developing a comparative referential framework for Self Assessment in Arab countries.

At the end of the session, Dr. Harb declared that UNDP-POGAR has completed the Arab Criminal Encyclopedia that contains the penal rules and laws in five Arab countries: Morocco, Egypt, Jordan, Lebanon, and Yemen. He pointed out that Iraq recently ratified the Convention and the invitation is open for all Arab countries to include their laws in the Encyclopedia. The aforesaid Encyclopedia provides the possibility of comparison among Arab

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<sup>27</sup> The interposition of Mr. Manifi titled “Brief Overview of Yemen’s efforts in the Fields of Fighting Corruption and Self Assessment relating to UNCAC” is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

legislations in any penal theme such as bribery for example. It also includes judicial judgments, international treaties and jurisprudence references related thereof.

- **The third session:** The third session dealt with “**Global Anti-Corruption Experiences**”. It was headed by Mr. Michael Defeo, and speeches were delivered by Mr. Emmanuel Akomaye, Mr. Can Berk, Mr. Mr. Howard Whitton and Mr. Christopher Ndzengu.

**Mr. Michael Defeo, Integrity and Law Enforcement expert, from the United States of America**<sup>28</sup> inaugurated the session with interposition speech on the implementation of the rules of conduct in which he outlined some of the experiences related to fostering ethics and good behavior in the public sector, the judiciary, and public prosecution bodies. He pointed out that, long before UNCAC, the United Nations set in 1979 the rules of conduct for legal enforcement officials. He pointed out to the adoption by the Eighth Conference on Crime of the orientation principles on the role of public prosecution members of 1990. The main theme was the practice of authority and its misuse, though it also dealt with financial corruption. The efforts of the United Nations General Assembly in 1996 dealt with resolution number 51/59 on Corruption, to which was attached the international rules on the behavior of public officials. These rules included explicit criteria concerning the conflict of interests, the declaration of properties and the acceptance of gifts. Since 2002, the Bangalore principles on Judicial Behavior were approved since they are considered a valuable collection of international criteria for ethical behavior of the judicial authority. Afterwards, the speaker referred to article 8 of UNCAC which focuses on fostering the adoption of rules for correct and sound performance in public occupations, indicating that the most significant fact to be faced is the economic need of public servants without omitting the non-economic factors embodied in the moral motives that make the employee convinced of his modest and honest lifestyle. Mr. Defeo added that the insinuation of disciplinary measures, lay off, judicial pursuit, loss of social status and loss of monthly remuneration is deemed as a tool for persuading the public servant that any act of corruption may have dire consequences for him. Mr. Defeo concluded that the government is responsible of finding a way to pay wages that cover the living needs of public servants. In case the government does not assume such responsibility, it may risk legitimizing the practice of one of the forms of corruptions. He reiterated that honest public servants known as policymakers are considered a good example. As such, their moral precepts compel them to take into consideration non-economic factors and moral incentives that contribute to achieve integrity in providing public service. At this point, it is worth mentioning that the good administration that is based on explicit,

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<sup>28</sup> The interposition of Mr. Michael Deveo titled “Implementation of Rules of Conduct is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

practical and administrative measures, an accurate control as well as rules for transparency and accountability is deemed mandatory for achieving integrity in the government.

**Mr. Emmanuel Akomaye, Secretary General, Economic and Financial Crime Commission (EFCC) /Nigeria:**<sup>29</sup> Mr. Akomaye started his speech by expressing the danger of fighting corruption and calling on its consideration with utter seriousness. He then indicated that Nigeria was one of the most corrupt countries in the world during the dictatorial rule of General Sani Abacha, the former Nigerian President as 4 – 5 billion US dollars were stolen during his rule. However, with the advent of democracy in Nigeria, a political will for fighting corruption was manifested in view of the fact that fighting this phenomenon leads to the eradication of poverty. Accordingly, the policy of fighting corruption was included within the pillars of poverty eradication strategies. Afterwards, Mr. Akomaye laid out the efforts exerted by Nigeria within this framework, whether at the legislative, institutional or procedural level. As such, an Anti-Corruption Committee, a Committee for Fighting Money Laundering and a Financial Intelligence Unit were established as well as an office for monitoring government procurement and an Asset Confiscation Unit. He also added that legislations in Nigeria started to be widely modified so as to be compatible with Anti-Corruption policies. For instance, the Anti-Corruption Committee is considered an independent committee in which a chairman and members are appointed by the President of Nigeria. However, their removal is the competence of the Parliament. It is worth mentioning at this point that the Code of Bank Secrecy is not considered an impediment. As for investigation in corruption offences, the inspector is entitled to examine any bank statements during investigation in corruption offences. He also emphasized the role of Asset Confiscation Unit in fighting corruption.

**Mr. Can Berk, Prime Minister's Inspector, Turkey:**<sup>30</sup> Mr. Berk delivered an interposition in which he outlined the Anti-Corruption Policies and the legal framework for fighting corruption in Turkey. He referred to the role of the Inspection Service at the Presidency of the Cabinet in fighting corruption. In this framework, the speaker explained some of the aspects of General Anti-Corruption Policy, emphasizing that Turkey is aware of the corruption phenomenon, which should be undoubtedly tackled. In fact, besides restraining the capacity and effectiveness of the public sector, it significantly affects the confidence of the general public in the government. As such, fighting corruption was placed as top priority in the agenda of the latest governments in Turkey, thus leading to a decrease in its rates and

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<sup>29</sup> The interposition of Mr. Emmanuel titled "The Nigerian Experience in Fighting Corruption" is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

<sup>30</sup> The interposition of Mr. Berk titled "The Experience of Turkey in the Services of Preventing and Fighting Corruption" is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).



fostering good governance. Afterwards, he presented an overview of the institutional framework for fighting corruption in Turkey by mentioning the services that practice a role in such tasks being: the Presidency, the Parliament, law enforcement agencies (the police, the gendarmerie, customs), the Accounting Cabinet, the administrative bodies (the inspection service at the Presidency of the Cabinet, the Banking Authority, the General Acquisitions Authority, the revenue service), and the public prosecution. Then, he focused on the role of the inspection service at the Presidency of the Cabinet in Turkey, and emphasized that, in compliance with Code number 3056 relating to Inspection, the competencies of the Inspector is to undertake investigations and inspection operations on agencies and institutions under the control of the Presidency of the Cabinet, as well as report the cases of fraud and corruption, fight bribery and corruption in addition to some coordinative roles to this effect. He outlined the compliance of Turkish legislations with international instruments since, by virtue of article 90 of the Constitution; international conventions that became effective according to rules shall bear the force of law and be immediately implemented. He also pointed out the effective participation of Turkey in international organizations among which "Ilgmont" Group for Financial Intelligence Units. Afterwards, he concluded by referring to a joint project on the Corpus of Ethics for Corruption Prevention in Turkey, drafted in cooperation with the Council of Europe and the European Union (2007 – 2009). The objective of such project is to make systems for monitoring the impact of Anti-Corruption measures on the miscellaneous competent sectors. This project is made up of research studies and proposals relating to the future of Anti-Corruption strategies in addition to the national conferences on preventing corruption and proposals for improving the management, coordination and monitoring of the process of fighting corruption. It is worth mentioning at this point that one of the main constituents of this project is to carry out assessment studies on the effectiveness of Anti-Corruption measures that were implemented in the last years, including the measures of the Penal Code, the Freedom of Information Act, the Corpus of Rules of Conduct and others.

**Mr. Howard Whitton, Australian expert in the domain of Public Sector Ethics and Anti-Corruption Policies:**<sup>31</sup> Mr. Whitton elaborated in his speech the Corpus on Rules of Conduct for public servants according to article 8 of UNCAC, based on integrity, fidelity and responsibility among state public servants. Afterwards, he discussed the issue of providing protection to informants and victims. The expert emphasized the importance of the Corpus on Rules of Conduct for preventing corruption since it is considered a preventive approach for corruption offences. Such corpuses include conducts to be adopted by citizens and employees. Afterwards, Mr. Whitton presented an overview of the general features for

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<sup>31</sup> The interposition of Mr. Howard Whitton titled "International Experiences in UNCAC Implementation" is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

protecting informants, indicating that the main objective of protecting informants is to foster Anti-Corruption efforts. Then, he laid out the issues of proof and the cases related to offences in the public and private sectors such abuse of occupation, violation of law, breach of contract, deception and theft.

**Mr. Christopher Ndzingu, Deputy Director of the Asset Recovery Unit at the Public Prosecution, South Africa:**<sup>32</sup> Mr. Ndzingu outlined the practical experience of the Republic of South Africa in asset recovery relating to corruption cases. He also pointed out to the existing links between corruption and money laundering/financing terrorism as a complementary element. He referred to the Palermo Convention that placed criteria for local laws in order to face organized crime in an effective manner. Then, he laid out the United Nations Convention on Anti-Corruption (UNCAC) and its prospective objectives. In this framework, he referred to the experience of his country in fighting corruption and indicated the presence of a group of laws that constitute Anti-Corruption legal frameworks, among which the Code of Prohibition and Fighting Anti-Corruption Activities of 2004 and the Witness Protection Code of 1998. Afterwards, Mr. Nadzingo discussed the systems of corruption revenues recovery and presented examples and samples of corruption offences. Afterwards, he laid out the transnational efforts of fighting money laundering and determining the regulation to be applied in this framework. He also pointed out some features in the regulation of civil confiscation for assets obtained through corruption offences. Furthermore, he presented an overview of the mechanisms of reciprocal legal assistance and international cooperation, emphasizing the importance of focusing on the issue of legal enforcement respect to corruption offences. At the outset, it is convened that the confiscation of assets is one of the forms of legal enforcement. At the end of his speech, he outlined the efforts and measures adopted in fighting organized crime, drug trafficking, money laundering and other criminal gang activities, which should also be used in fighting corruption in the framework of the corruption offence exceeding local borders and turning into an international offence.

**Fourth session:** The fourth session dealt with the theme of **“Establishing an Effective Asset Recovery System**

- “Mr. Christopher Ndzingu chaired the session, in which speeches were delivered by Mrs. Yara Esquivel and Mr. Boutros Kanaan. **Mr. Christopher Ndzingu, Deputy Director of the Asset Recovery Unit at the Public Prosecution, South Africa**, inaugurated the session. He emphasized that the effective system of asset recovery is an essential part of the Convention and indicated that the session shall provide the necessary institutional and

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<sup>32</sup> The interposition of Mr. Christopher Ndzingu titled “The Practical Experience of the Republic of South Africa in the scope of asset recovery relating to corruption cases” is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

legislative reform so as to make the systems of local asset recovery compatible with the Convention provisions in addition to submitting some practical experience to this effect.

Afterwards, **Mrs. Yara Esquivel, specialist in Anti-Corruption Affairs, International Center for Asset Recovery (ICAR)**<sup>33</sup> delivered an interposition in which she explained the mode of placing UNCAC within an institutional framework and asset recovery systems. She explained article 52 and the forty recommendations issued by the financial working group, the “Know your Customer (KYC)” policy, and the audit procedures in financial operations in addition to record keeping. Afterwards, she explained what is stipulated in article 53 in terms of adopting the capacity of plaintiff in the civil action or the capacity of party in the recovery of damages cost resulting from offences, or adopting the capacity of third party claiming the ownership of rights in the confiscation procedures, whether by civil or penal procedure. Afterwards, she outlined recognition of the orders (provisions) of foreign confiscation as per article 54. She also referred to the recognition of foreign confiscation orders and their direct implementation as well as adopting new procedures in accordance with national law in addition to adopting all measures required for allowing the confiscation of these properties without criminal conviction in the cases where the perpetrator cannot be legally pursued, and likewise the preventive measures. Mrs. Esquivel also pointed out to consolidation of international cooperation as laid out in article 15 and 55, considering that UNCAC is a multilateral convention. Afterwards, she outlined the conditions for accepting legal assistance petition. She ended her interposition with a detailed account on the rules of asset recovery, whether these assets are property obtained from embezzlement of public funds or money laundering of these funds or any other revenues resulting from corruption offences.

**Mr. Chris Ndzingu, Deputy Director of the Asset Recovery Unit at the Public Prosecution, South Africa**<sup>34</sup>: Mr. Ndzingu delivered an interposition declaring that UNCAC considers Asset Recovery as an essential element in dealing effectively with corruption. He added that it was mandatory to undertake through private litigation several asset recovery operations taking place at the international level until present, because cooperation between states was not effective. He also pointed out that asset confiscation being effectively carried out is considered an essential matter for a better cooperation. The establishment of a team of experts for ensuring optimal use of asset confiscation was a main decision approved in the member countries conference held on December 2006. Mr. Ndzingu focused on two main types of asset forfeiture within the Anglo-Saxon legal system: the first type is penal

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<sup>33</sup> The interposition of Mrs. Yara Esquivel titled “Asset recovery systems – UNCAC Consolidation in an Institutional Framework” is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

<sup>34</sup> The interposition of Mr. Chris Ndzingu titled “Establishment of an Effective Asset Recovery System – the South African Experience” is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

confiscation, indicating that South Africa adopts the model prevailing in the United Kingdom based on confiscation pursuant to conviction judgment. Nevertheless, it is a civil operation similar to the ordinary civil judiciary. As in the case of ordinary civil action, if voluntary payment is not carried out, execution is carried on properties through an execution order. It is possible to carry execution against any property and not just against properties of illicit source. He also pointed out that properties can be frozen at an early time even before issuing the indictment decision with a prohibition decision so as to ensure its non-dispersion. The second type is civil confiscation similar to the American system, which is focused around the reservation order so as to freeze properties and seizure through civil implementation. Contrary to judicial confiscation, criminal conviction is not necessary. However, it is mandatory to prove that these properties are impure revenues. Afterwards, Mr. Ndzingu stated that corporeal execution is against properties and not against an individual. He also defined **revenues** as (1) direct evidence against specific properties, such as stolen vehicle or money, or (2) circumstantial evidence against specific properties such as money confiscated from drug trafficking or brokers, or (3) circumstantial evidence that all assets of a specific criminal are proceeds thus within an integrated financial investigation. As for **tools**, they are the properties used for committing crime such as legal funds used for concealing “dirty” funds. At the outset, he pointed out that criminals in most cases do not challenge civil confiscation cases associated with oath taking because this can be used against them in criminal cases. As in the case of civil procedure, old proceeds can be recovered. As for heads of states, civil confiscation is the best solution for the majority of cases related to politicians. Nevertheless, what should be done when illicit proceeds are at the service of the head of state and are discovered during performance of obligations imposed on financial institutions? With civil confiscation, the host country may freeze or even confiscate properties in cases in which there is no petition from the victim country, because the accused is still the head of state or because of influence. Obviously, the sufficiency of evidence and diplomatic considerations still play a significant role to this effect. Finding the correct institutional framework is the prevailing challenge in this course. In this framework, some difficulties can be summarized in the fact that confiscation laws are often limited to specific offences, in addition to the fact some countries do not cooperate in financial offences and there is no anti-money laundering service. In conclusion of his speech, Mr. Nadzingo considers the confiscation of assets as a vital part of the war against corruption because this hurts the corruptor (perpetrator of the corruption act) in the most sensitive place: the pocket! He also pointed out in conclusion to the importance of confiscating funds resulting from corruption operations that originate from arms trafficking, requesting to deal effectively with these offences with the reiteration that “crime does not feed bread”.

**Mr. Boutros Kanaan, Director of Legal Affairs at the Central Bank of Lebanon (Banque du Liban):**<sup>35</sup> Mr. Kanaan delivered his interposition speaking of corruption along with the problems and hazards it may cause to the stability and security of societies as well as the association of corruption with the other forms of crime, notably organized crime and economic crime including money laundering. Afterwards, he spoke of the legal setbacks resulting from bank secrecy respect to the anti-corruption issue. He also explained that approving bank secrecy was not only in favor of the customers but also in favor of the financial and banking system. He outlined the obligation and responsibility of banks and financial institutions to preserve secrecy and non-disclosure of information relating to customers, and to keep such obligation towards the competent authorities in addition to the inability to seize the funds and assets deposited at banks except by written authorization from its holders. However, there are some exceptions relating to creditor and debtor accounts as well as relating to the written authorization of the customer himself, his heirs or legatees, or upon his bankruptcy, or in case of action filed relating to a bank formality between banks and its customers. As for legal exceptions relating to debtor accounts, they are focused on information exchange between banks relating to the debtor accounts of its clients. In this framework, the Governor of Banque du Liban was exempted from compliance with bank secrecy laid out in article 151 of the Code of Money and Credit as for information related to the bank, which he shall refer to competent banking court established by virtue of law number 110 of November 7, 1991 relating to reform of the banking situation. In reference to law number 318 relating to fighting money laundering, he considered that he added a new case for lifting bank secrecy being the availability of an explicit decision from the special investigation committee based on timely conditions as well as limited and based on the doubts of individuals bound in most cases to bank secrecy. He also referred to article 40 of the Convention to this effect, which requires every member country, in case of carrying out internal judicial investigations in criminal acts as per this Convention, to have adequate mechanisms in its internal legal system in order to overcome the obstacles that may arise from implementing bank secrecy laws. As such, the member countries should not refuse to provide reciprocal legal assistance under the allegation of bank secrecy. Afterwards, Mr. Kanaan discussed the meaning of the asset recovery system, being a fundamental principal in this convention. He emphasized that member countries should provide each other with the greatest possible assistance in this domain. Then, he outlined the impact of bank secrecy on the Anti-Corruption Convention, indicating that banking secrecy laws constitute an obstacle for local and international authorities and accordingly, prohibit them to examine the accounts of individuals and their assets at financial banks and institutions. He also considered that the promulgation of aforementioned law number 318 relating to money laundering has

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<sup>35</sup> The interposition of Mr. Boutros Kanaan titled "Bank Secrecy and Fighting Corruption in Lebanon" is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

created a change in the implementation of the bank secrecy law in Lebanon by authorizing the special investigation committee to lift bank secrecy from accounts available at banks in case money-laundering operations are suspected. Moreover, he emphasized the readiness of the Lebanese legal system to follow up all legislative developments aiming at fighting all types of offences including corruption offences. At the outset, he pointed out that Lebanon, despite having enacted some laws among which illicit gain and money laundering in addition to the provisions of the Penal Code, still needs to follow up the developments in this domain at the international level. Accordingly, Lebanon's ratification of UNCAC shall prove the serious political determination of the country to fight this offence.

### **Summary of the activities of the third of the Conference: Wednesday, 23 January 2008**

**The Fifth Session:** This session discussed the theme of **"Role of parliamentarians in UNCAC implementation "**

- . Dr. Salim Nasr chaired this session during which Dr. Azmi Al Shuaibi delivered a speech. Then, this was followed by an open discussion for participants on Convention activities.

**Dr. Salim Nasr, Senior Advisor for UNDP-POGAR**, inaugurated the session by indicating that, since the Parliament plays a crucial role in fighting corruption, through its constitutional, legislative and inspection functions and since the executive authority dominates its competencies in most Arab countries, it became mandatory to dedicate an independent session of this conference to shed light on the role of the Parliament in UNCAC implementation.

**Dr. Azmi Al Shuaibi, Board Member of "Arab Parliamentarians against Corruption"(ARPAC):** Dr. Shuaibi outlined in his interposition the role of Arab parliamentarians in fighting corruption and spoke of the organization of "Arab Parliamentarians against Corruption" as a Non-Governmental Organization (NGO). The main purpose of its establishment was to group parliamentarians and activists in the public sector, to boost their potential in fighting corruption and fostering accountability, transparency and the rule of law. This organization is the Arab branch of the international "Parliamentarians Against Corruption", and so far eight national branches were established for "Arab Parliamentarians against Corruption" in eight Arab countries, and the number is increasing. The Arabic branch was established in a regional parliamentarian conference held in Beirut on November 2004 and coinciding with the launch of UNCAC. Dr. Shuaibi added that UNCAC was adopted as a fundamental tool for making the Arab parliamentarians members of the organization, exert pressure on their respective governments in order to ratify the Convention. Furthermore, the main role of the parliamentarians is focused on monitoring the

implementation of the Convention clauses, starting from a strategy based on the fact that the Convention provided the opportunity for parliamentarians to rely on establishing an integrated system against corruption, being the national integrity system. After that, Dr. Shuaibi outlined the mechanisms for the participation of parliamentarians in a more efficient manner in the ongoing efforts for fighting corruption, thus by elaborating a national plan for establishing a national integrity system and with true partnership with the government, civil society, the private sector and the media, each within the scope of his activity based on the availability of a political determination in the country to establish such system. In this framework, Dr. Shuaibi referred to some activities undertaken by the organization such as preparing a study for assessing the actual situation of national integrity systems in eight Arab countries, thus from the legislative, institutional and procedural framework along with a study of electoral systems, the role of civil society and the extent of implementing the principle of separation between authorities. This report can be used in elaborating national plans for establishing a national integrity system. The speaker also highlighted the importance of focusing on specific themes directly related to fighting corruption such as squandering public funds. Furthermore, he stressed on the importance of expanding the concept of parliamentary activity, opening up to civil society and enabling the judicial authority to consolidate its independence and foster the role of the media in shedding light on the issues of transparency and fighting corruption as well as to release the financial and administrative inspection bodies from its dependency of the executive authority and turn them into tools assisting the Parliament in its role to achieve accountability within the framework of Anti-corruption efforts.

**Afterwards, discussion was initiated in the themes outlined in this session and the following interpositions were delivered:**

**Dr. Ismail Sukkarieh, MP in the Lebanese Parliament:** Dr. Sukkarieh pointed out that the legislative, theoretical and statistical frameworks for fighting corruption are available in most Arab countries, but the effective implementation of laws and regulations is even more important. For instance, in some countries such as Lebanon, a United Nations Convention on Drugs was signed, and the prevailing situation indicates that drugs are greatly widespread in Lebanon. He also indicated that corruption has become widespread in administrations, parties and some political forces and constitutes a separating barrier between the UN expectations on fighting corruption and the aspirations of peoples in this context. Furthermore, he added that when the Parliamentarian uncovers corruption cases, he performs his role of inspection mainly based on the presence of a strong Parliament that performs his role in uncovering corruption cases. He finally wondered about the appropriate mechanisms for good implementation.

**Mr. Ghassan Moukheiber, MP in the Lebanese Parliament:** Mr. Moukheiber outlined the declaration of principles issued in the special meeting of Parliamentarians on December 13, 2006. This declaration originated a work plan, which includes principles and practical ideas on boosting UNCAC implementation. At this point, he emphasized the importance of these principles and the necessity of their distribution among participants so as to examine them, benefit from them and proceed with their follow up. He added that, in view of the non-existence of effective parliaments in the Arab region, it is deemed important to develop the role of parliaments and boost their bylaws thus fostering the inspectional tasks attributed to the Parliament, among which government accountability. He also emphasized the obligation of upholding the role of the Parliament so that it may not ultimately turn into a Non-governmental organization (NGO).

**Mr. Abdul Hakim Al Sharjabi, Chairperson of the Yemeni Foundation for Transparency & Good Governance :** Mr. Al Sharjabi pointed out the significant role assumed by the Parliament at the inspectional level and the protection of public finance. He also emphasized the importance of the other role of the Parliament: the legislative and preventive role extending to perform global reforms in the domain of fighting corruption.

**Dr. Mahmoud Abou Al Rub, President of State Audit & Administrative Center:** Dr. Abou Al Rub emphasized that bilateral and multilateral audit of foreign assistance, specifically in the case Palestinian National Authority, is one of the anti-corruption mechanisms. He reiterated the government's commitment to transparency and fighting corruption. He also added that there is a proposal from the Palestinian National Authority on undertaking a joint auditing between the Accounting Cabinet in developed countries and the Accounting Cabinet at the Palestinian National Authority (PNA). Afterwards, he outlined the importance of coordination between the Accounting Cabinet and the Inspection Cabinet on the one hand, and the Parliament on the other hand, thus fostering Anti-Corruption efforts. Furthermore, he emphasized that this operation aims at upholding the resolutions issued by the Accounting or Inspection Cabinet and making them applicable, with reference to the experience of Kuwait in this context.

**Mrs. Mintata Mint Khilil, Member of the Mauritanian Parliament and Chairman of the Finance Committee:** To enhance the UNCAC implementation, Mrs. Mintata proposed, some suggestions, including the setting of special programs that would integrate and coordinate the parliamentarians efforts due to the significant role the parliamentarians play in this respect regardless of their support or opposition to the government. She also highlighted the importance of coordination with civil society and the inspection organizations.



**Mr. Salem Jrar, Attorney General at the Palestinian National Authority (PNA):** Mr. Jrar stated that the failure of Arab Parliaments in performing their role is due to the lack of the political will in some countries to fight corruption; therefore, the parliaments have to exert great efforts until they become on equal terms with parliaments in other countries adopting democracy as a regime. Consequently, Arab parliaments will be positively influenced by practicing their inspection role on the basis of a regime of transparency and accountability.

Then, **Dr. Azmi Shuaibi**, in his comments on some of the inquiries and interpositions, stated that the Parliament must play an indispensable inspection role, where he referred, to the decision taken by the organization of "Arab Parliamentarians Against Corruption" related to granting a prize for a number of parliamentarians and committee national branches, who shall have good experiences in their respective countries, hence pointing out to the need of developing parliamentary inspection mechanisms for the enforcement of law and the extent of compliance with its implementation.

**The sixth session:** This session discussed the **"Role of the civil society and the private sector in UNCAC implementation"**

Dr. Salim Nasr chaired the session during which Dr. Khalil Jabbara and Mrs. Nicolas Eliremine-Kash delivered their speeches as well. Dr. Salim Nasr opened the session with a presentation of the interpositions included in the session on the role of civil society and the private sector in fighting corruption and supporting the implementing the Convention, in addition to an introduction to the spokesmen.

**Dr. Khalil Gebara, Director of Lebanon Transparency Association (LTA):** Dr. Gebara discussed, in his interposition, the role of civil society in making efforts to fight corruption and support the implementation of the Convention, starting from a survey study he prepared for the United Nations Development Program (UNDP). He also emphasized the there should be a social, economical and political reform process for establishing an integrated system of integrity within countries. Therefore, corruption prevails because of the nature of the relationship of regimes with their societies, taking into consideration that corruption in the Arab region is part of the political economy. This approach clearly emerged in the final declaration of the work plan for civil society, for the sake of achieving transparency and fighting corruption in the Middle East and North Africa region, which was announced at Forum For the Future, whose activities were carried out last year, and which emphasized the importance of considering UNCAC as a significant tool to foster economic development, achieve social justice and carry out the reform programs in the region thus leading to the establishment of integrity systems. Afterwards, Dr. Gebara indicated the significant role civil

society should play in organizing national campaigns for supporting the implementation of the Convention and providing education on the risks of corruption, on condition that those campaigns are set upon the alliance of various organizations in civil society. Perhaps, the most significant of these campaigns is what the "Aman" Coalition for Integrity and Accountability is doing in the Palestinian territories. Civil society is efficiently playing its role by raising awareness and educating citizens on fighting corruption, and placing such theme on top of national priorities as in the case of projects of development and fighting poverty. Coordination between civil society and the Parliament is also crucial by consolidating the relationship between parliamentarians (MPs) or members of other parliamentary organizations such as the organization of "Arab Parliamentarians Against Corruption" (ARPAC). Case studies on compliance of national legislations with UNCAC should be carried out to ensure successful efforts. Consequently, this would yield a dialogue within the state on its national legislations. The speaker referred in this context to the experience of the Kuwaiti Transparency Association in laying down a self-assessment study on Kuwaiti legislations. Afterwards, he proceeded with some tasks that might be essential for civil society organizations to perform while undertaking their role in support of UNCAC implementation - such as establishing an association to supervise the performance of governmental organizations for fighting corruption on the one hand, and supervise the extent of compliance by public servants with the rules of conduct relating to public occupation on the other hand. He also highlighted the importance of a mechanism to monitor public bidding, the method of setting the general budget and the transparency in including revenues and expenses. Dr. Gebara also presented the results of the survey study mentioning that only few of civil society organizations are playing an active role in supporting the Convention implementation and they are related to international and regional organizations as the branches of the Transparency International and the Organization of "Arab Parliamentarians against Corruption". Therefore, the implementation of the Convention is not actually supported by Arab Organizations for reasons that might have to do with the technical issue of the Convention. He also pointed out to the fruitful efforts of some civil society organizations in the Arab region such as the Arab Organization for Fighting Corruption, the Yemeni Parliamentarians Anti-Corruption, the Yemeni Center for Human Rights and some other organizations. Finally, Dr. Gebara praised the coordination of efforts among civil society organizations in fighting corruption, in general, or in supporting the implementation of the Convention, in particular, whether through networking by establishing a regional network joining civil society organizations concerned in this regard and the organizations concerned about social and economical development.

**Mrs. Nicola Ehlermann, Administrator of Anti - Corruption Unit - Directorate for Financial, Fiscal and Enterprise Affairs in OECD:** In her interposition, Mrs. Ehlermann

first expressed her gratitude for participating in the conference and pointed out that, based on her ten-year experience in fighting corruption, she realized that tackling corruption in the private sector is a main characteristic of UNCAC. Then she proceeded to outline the role of the private sector in the process of fighting corruption and supporting the implementation of the Convention, starting from the significant role the business sector should play in fighting corruption along with the governmental efforts in this respect, where the government should set the public legal framework and the criminal legislations and sanctions. However, efforts to raise awareness and define corruption acts and their risks along with legislations set forth to sanction such acts are crucial, adding that setting a legislative framework alone is not effective unless it is implemented. The private sector also has to assume responsibility in this respect; it must provide a model in adopting fair and transparency practices, abiding by codes of ethics and fighting corruption, in general, and bribery in particular. She also pointed out that business men in OECD countries are developing mechanisms to ensure compliance of their activities with anti-corruption legislations, among which are rules of conduct. The speaker indicated that these efforts should be observed and developed. She also explained the risks of corruption, which stands as an obstacle to business progress since it is correlated with other crimes such as money laundering, illegal competition and bribery. She also added that implementing the Convention varies among OECD countries. She concluded her speech referring to the importance of examining the working paper that she asked to be distributed to the participants, regarding the declaration issued on the participant's commitment to OECD Convention on fighting bribery of foreign public employees in international trade transactions. This declaration was issued in (Rome) Italy on Nov. 21, 2007.

**Dr. Salim Nasr, Senior Advisor (UNDP-POGAR):** In his interposition, Dr. Nasr proposed some of the suggestions discussed in a sideway session held the day before, and attended by some civil society representatives concerned in fighting corruption. He indicated that fighting corruption is a matter of political will necessary to ensure an effective implementation of the corruption efforts, mentioning that corruption, despite its correlation with development, is also correlated with the democratic development. Then Dr. Nasr pointed out the importance of networking and establishing a network that includes civil society organizations aiming at fighting corruption along with the necessity of determining the network role: Would it focus on the UNCAC implementation or would it tackle the issue of integrity in general? He also stressed that it is important to take into consideration the efforts and role of the civil society organizations especially Transparency International Branches. This network would be an independent Arabic network in charge of fostering cooperation and coordination among civil society organizations for the sake of building capacities, developing performance and transmitting expertise, carrying out comparative studies about the works of civil society organizations, and comparative studies among official

anti-corruption bodies in Arab Countries, and developing accountability methods for the actual implementation of anti-corruption legislations. He stated that among the ideas suggested by one of the participants in the sideways session is the participation of civil society in the self-assessment process.

**Afterwards, during discussion, the following issues and interpositions were proposed.**

**Mr. Sakhar Al Wajeh, member of the Yemeni Parliament and Chief of Yemeni Parliamentarians Against Corruption (Yemen PAC) :** Mr. Al Wajeh wondered about the role of Arabic regimes in fighting corruption, and asked whether reforming regimes leads to fighting corruption or fighting corruption leads to regimes reform. Then he pointed out to another issue where the private sector in the Arab region is closely related with the authorities and has no interest in fighting the activities of corruption and monopolization. Subsequently, he gave examples of cases in the Arab countries which clearly show that corruption is a part of the regime. This is manifested in the absence of a real parliament, falsification of the public will, subjugation of the parliament to issue laws that legitimize private interests and single-party domination over the Parliament, thus, leading to the absence of accountability, in addition to the involvement of some parliamentarians in issues of corruption or suspicion of conflict of interests in case of hegemony of business men over the Parliament.

**Dr. Ismail Sukkarieh, a Member of the Lebanese Parliament (MP):** Dr. Sukkarieh criticized the performance of some civil society organizations and demanded the setting of standards and rules to define the methods of dealing with these organizations. He also emphasized that the work of organizations is absolutely theoretical.

**Mrs. Maalouma Mint ELMokhtar, a Senator in Mauritania:** Mrs. Maalouma pointed out to the weak performance of the Parliament and civil society due to the hegemony of the executive authority and the marginalization of the opposition, thus emphasizing the importance of fostering the role of civil society organizations in fighting corruption.

**Mr. Ghassan Moukheiber, a Member of the Lebanese Parliament (MP):** Mr. Moukheiber stated that the weak role of civil society is consequence result of the stern measures adopted by governments in granting civil society organizations licenses. Accordingly, these organizations should be exempted from tight immoderate conditions to increase their number and activate their role. Mr. Moukheiber highlighted the need to get past the constant objection to the role of civil society organizations and the skepticism in this

regard, which only underestimate their work. He also wondered about the absence of governments representatives as spokesmen in this session and expressed his wishes that governments abide by developing, enhancing and encouraging civil society organizations which endeavor to play their role in supporting UNCAC implementation. He also stressed on the necessity to support Parliaments in developing their capacities to perform their inspection role fully, through the existence of truly representative parliaments with clear roles - a target that could not be achieved unless the government displays definite will and commitment in this regard.

**Dr. Mahmoud Abou El Rub, president of State Audit & Administrative Center at the Palestinian National Authority (PNA):** Dr. Abou El Rub wondered about the efficiency of actions undertaken by civil society organizations in fighting corruption and the results achieved in the development, or in reducing corruption levels. He mentioned that the Palestinian authority is committed to supporting civil society organizations efforts in this respect. He also wished civil society organizations would not be involved in the UNCAC Self-Assessment process since the answering process of the self-assessment questions is performed by empowered bodies in the field of inspection, a feature not available in civil society organizations that are in need of assessing their experience.

**Mrs. Shaza Al Jayousi of the UNDP - PAPP:** Mrs. Jayousi emphasized the prevailing gap in the legislations promulgated for licensing the establishment and activities of civil society organizations referring to the necessity of developing these legislations to emphasize the role of civil society in fighting corruption in particular.

**Consultant Juma Bou Zaid, Head of the Judicial Inspection Department in Libya:** Consultant Bou Zaid pointed out that corruption is a bane in all societies. He said that acknowledging its existence and fighting it is a positive indicator, given the existence of anti-corruption legislations in particular. However, the implementation of these legislations is a problem, hence the necessity of an annual index to measure the progress in UNCAC implementation. The speaker also referred to the importance of enhancing public awareness towards fighting corruption through setting codes of conduct for all the categories of society and enhancing the role of civil society organizations.

**Mr. Abdellatif Ngadi of Transparency International-Morocco:** The speaker emphasized that civil society should work within the allowed field for action in fighting corruption. He referred to the link between the private sector and the government, and the role that the private sector plays in fighting corruption. Then he referred to an experience that took place in Morocco where the Moroccan Transparency Association supervised

hospitals, which enhanced their performance, and the citizens were the first beneficiaries of this progress. He finally praised the role played by the Palestinian civil society in fighting corruption.

In his response to Dr. Abou El Rab, **Dr. Azmi El Shuaibi** pointed out that he was selected by civil society and not by the Palestinian Authority to perform the tasks vested to him, indicating that, both in Lebanon and the Palestinian territories, civil society plays a greater role given the weakness of the central authority. Dr. Shuaibi concluded his reply by calling for broadening the scope of civil society institutions concerned with fighting corruption. In this respect, he referred to a study made by “Aman” organization in the Palestinian Territories whose outcome indicated that marginalized groups (women, children and people with special needs) are most harmed by corruption, and that it is necessary for civil society organizations working with these categories to participate in the national campaign for fighting corruption.

**Mrs. Nicola Ehlermann** replied to some of what was proposed, and pointed that the beneficiary of the corruption crime is the perpetrator himself, whereas, the victim is society itself, with all its components, given the impact of corruption on health sectors and infrastructure. She also referred to bribery as one of corruption acts that negatively influences the investment environment and the business sector, therefore, it has to be considered when dealing with bribery crimes. In this respect, she pointed that the OECD had set penalties on the violators whether individuals or institutions.

- **The Seventh Session:** This session dealt with the issue of **“Enhancing cooperation and communication among the Arab Governments to support the UNCAC implementation”**. H.E. Dr. Shakhanbeh chaired this session where Mr. Ezzeddine El Asbahi, Dr. Hatem Aly, Mr. Janos Bertok, Dr. Wassim Harb, Mr. Mohamad Ould Sidi OULD Jeilany, and the Iraqi minister of justice successively spoke.

**H.E. Dr. Abed Shakhanbeh, President of the Anti-Corruption Commission (ACC) in Jordan:**<sup>36</sup> H.E Dr. Shakhanbeh submitted a working paper in which he exposed the regional and international efforts in fighting corruption, including the UNCAC which aims at promoting and supporting the measures to prevent and fight corruption more efficiently, and facilitate and support international cooperation and technical support in the field of preventing and fighting corruption. To enhance this cooperation, the Convention required the enforcement of the capacities of communication among authorities and bodies, the exchange of experiences and the conclusion of regional and bilateral Conventions in this respect. Thus,

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<sup>36</sup> The interposition of Dr. Shakhanbeh titled “Importance of establishing a network comprising Arab government parties in support of the Convention Implementation” is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

fighting corruption actually requires coordinated and serious effort from all Arab countries pursuant to the fact that the preventive measures and the anti-corruptive procedures are already convergent, Arab legislations all criminalize corruption and agree upon the fact that it brings down development efforts and the nations' achievements. Thus, establishing an Arab network in charge of unifying anti-corruption procedures and enhancing information and experience exchange, and efforts coordination has become necessary to fight and prevent corruption offences and facilitate the extradition process. Dr. Shakhaneh closed his interposition saying that establishing such a network would lead to providing a regional forum to the Arab Governmental Bodies for the sake of exchanging knowledge and experience to support the UNCAC implementation, where this might be one of the objectives aimed at by this conference.

**Mr. Ezzeddine El-Asbahi, a member of the Supreme National Anti-Corruption Commission (SNACC) In Yemen:**<sup>37</sup>

Mr. El-asbahi submitted an interposition entitled "The Supreme National Anti Corruption Commission is a Giant Step Towards Fighting Corruption in Yemen". He pointed to the experience of Yemen in fighting corruption, indicating that when Yemen adhered to the Convention, the ratification of this Convention took place with reservation on article no. (44) and clause 2 of article (66). Afterwards, Dr. El-Asbahi stated that a regional partnership is necessary for fighting corruption, pointing out that it is internationally convened that corruption has become one of the issues that reach beyond local societies turning into an international threat whereas cooperation is required to fight it at the international and Arab level. In this respect, it could be agreed upon "creating one Arab Space" for the anti-corruption national institutions and bodies. This could be an annual regional conference which sets common action plans to enhance the capacities of these institutions and guarantee experience sharing among them, provided that every national body and institution of any country concerned about anti-corruption cases join this Arab network. The network would encourage the countries which have not taken measures yet in forming specialized national anti-corruption bodies to do so, and unify the various efforts in fighting corruption.

**Mr. Mohamad Ould Sidi Ould Jeilany, the State Inspector General of Mauritania:**<sup>38</sup>

On this occasion, Mr. El-Jeilany, first thanked the conference organizers, pointing out that corruption is considered one of the greatest obstacles that hinder development, whereas, bribery is the most severe kind of financial and administrative corruption. Then Mr. Jeilany presented a brief overview on the efforts of Mauritania in fighting corruption, namely joining

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<sup>37</sup> The interposition of Mr. Ezzeddine El Asbahi titled "The Higher National Anti-Corruption Committee: an Advanced Step in Fighting Corruption in Yemen" is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

<sup>38</sup> The speech of H.E. the State Inspector General is available on the Initiative website: [www.arabgov-initiative.org](http://www.arabgov-initiative.org).

the UNCAC and setting a new strategy to fight bribery on the basis of transparency in addition to setting a code for financial transparency. In parallel, Mauritania implemented inspective, legislative, institutional and administrative reform by including the issue of fighting bribery in the government's policies. Then the speaker explained the role of the Public Investigation Department in Mauritania as a dependent inspection body assigned to fight financial and administrative corruption in all its forms. Mr. Jeilany concluded his speech by inviting all the concerned Arab bodies to establish a specialized network for the official anti-corruption bodies.

Afterwards, the Iraqi delegation requested to speak where **Inspector General Mr. Ahmad Alabassi**, delivered his speech on behalf of **H.E. Mr. Safa El Din El-Safi, Minister Of Justice**. Mr Alabassi spoke of the efforts of Iraq in fighting corruption including the institutional, criminal and objective frameworks in this respect, emphasizing that his country's constitution stipulates establishing the Integrity Committee to follow up the issues of corruption, set the appropriate measures to fight corruption and enforce these measures in all the state departments. It would also appoint a general inspector in every ministry to investigate every suspected act of administrative or financial corruption in these ministries. The speaker added that the Iraqi Parliament has the right to supervise all the administration work through the Integrity Committee to follow up the corruption cases, in addition to the existence of a financial inspection department.

**Judge Dr. Hatem Aly, Expert in Crime Prevention, the representative of the United Nations Office on Drugs and Crime (UNODC):** In his interposition, the judge spoke of the significance of the strategic alliances to provide legal assistance programmes for countries to support the UNCAC implementation. The speaker mentioned that the UNCAC includes frameworks of implementation which are based on the establishment of strategic alliances and association to offer legal assistance. He added that it is necessary start this network given the highly-technical needs required to fight corruption. Moreover, the Convention emphasizes the necessity of mutual legal assistance for its implementation and determines frameworks and policies in this respect through technical cooperation, consultancy and exchange of knowledge and experience. Establishing this network is important because the UNCAC requires the adoption of countries strategies and policies for fighting corruption where the network establishment might help the countries in fulfilling this commitment. Meanwhile, he emphasized the importance of establishing a corresponding Arab network that includes all the non-governmental parties interested in joining it, including the Parliamentarians, civil society and the private sector, as well as active members in fighting corruption and enforcing transparency and accountability. He concluded his speech pointing out to the role of the United Nations Office on Drugs and Crime (UNODC) as the



convention secretariat general or secretariat of the countries parties in the Convention which requires the coordination of efforts of reciprocal legal assistance relating to supporting the Convention implementation, blessing the step of establishing the network under the patronage of Jordan.

**Mr. Janos Bertok, Principal Administrator, Innovation and Integrity Division -**

**Public Governance and Territorial Development Directorate:** In his interposition on the strategy of establishing an Arab network to fight corruption, Mr. Bertok pointed out that, in his capacity as the leader of his organization's activities in the domain of integrity and public service theme headed by Morocco and in being one of those who contributed in setting the main features for the initiative of a prudent administration to serve development in the Arab countries, he will try to give some remarks with respect to the strategy of establishing an Arab network to fight corruption. He pointed out that the most important activity accomplished is the process of common education which linked Arab experts and OECD experts about the issues related to public service, which is considered of the most important target of anti-corruption efforts. Then he proposed the urgent fundamental practical measures which could be taken into consideration and which focus on the need to appoint members of this network by their government given that they be highly experienced in fighting corruption and having direct responsibility in implementing the Convention. There is also another dimension regarding the coordination process where there should be a national means of communication for coordination of efforts of governmental organizations concerned about fighting corruption whether those organizations were administrative, punitive or inspective, such as the Anti-Corruption Organization, Anti-Money Laundering Association and the associations related to public procurement and others. Mr. Bertok also highlighted the importance of civil society and the members of parliament participation in such efforts. Afterwards he gave some examples where he mentioned that the American Organization in charge of the American Anti-Corruption Convention implementation formed a committee of experts of civil society and parliamentarians to be consulted when necessary. Moreover, the OECD constituted a Permanent Advisory Committee of members of civil society and some businessmen. Mr. Bertok summed up his speech declaring the OECD support to the process of establishing a network and the exchange of experiences, mentioning that the Initiative Management Group which held a meeting in the end of November 2007 had set the general framework for the network. Then he declared that the OECD had agreed upon what Dr. Wassim Harb would read openly regarding the procedures and steps of establishing a network or regarding the convention recommendations.

**Dr. Wassim Harb, Senior Rule of law Advisor, UNDP-POGAR :** Dr. Harb spoke of the steps suggested to establish an Arab Anti-Corruption and Transparency Network that plays a

significant role as a gateway and a referential field through which the activities - to be done by the Rule Management Program in the Arab Countries in coordination with its partners - would be translated to be executed in the region to support the Arab Countries efforts in the UNCAC implementation; accordingly, international experiences in this field as: the network established in Latin America, Europe and Asia; and the International Association declared to be established in China last year - including Anti-Corruption Governmental Bodies, would be relied upon. Dr. Harb drew attention to the role of this network in deepening the regional policies argument and the process of building education and capacities in the Arab countries in the various fields of the Convention, and its contribution to develop the Technical Assistance Programs at the national level to implement the Convention according to each country priorities; in addition to the support of a mechanism for learning from coordinates and consultation among them, establishing partnerships to support the Convention implementation internationally, regionally, and nationally until solid and proper mechanisms are achieved in the field of fighting corruption, and the enforcement of transparency with respect to the United Nations Convention. Subsequently, Dr. Harb pointed out the Anti-Corruption Arab Network approach starting from establishing two networks in this regard of which the first includes all the governmental parties interested in joining it and which works on supporting the Convention implementation; and the second is correspondent to the first and includes all the non-governmental parties interested in joining it including the parliamentarians, the civil community and private sector parties, and active members in the field of fighting corruption and enforcing transparency and accountability. The two networks meet at an annual Arabic, regional forum to review the efforts of UNCAC and develop the annual draft agenda/work plans in this respect. Accordingly, a group of Arab Governmental Experts would be formed as representatives of their countries to launch the formation of the charter of the Arab Network for the governmental parties and its bylaw through a coordinated mechanism; Dr. Harb welcomed the reception of the Anti-Corruption Body in Jordan for the agenda of this group.

**In the end of session,** the Coonference Closing Declaration was openly read. It included the recommendations determined in the deliberations and discussions of the convention agenda, this declaration was entitled **“Dead Sea Declaration on Strengthening the Rule of Law and Supporting UNCAC Implementation in the Arab Countries”**.<sup>39</sup>

**Afterwards, remarks about the recommendations were expressed upon which the following amendments were based:**

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<sup>39</sup> Kindly review the text of the Declaration herewith attached.

The first remark indicated that recommendations must include an indication to the political reform necessary for limiting public corruption. Another speaker asked the international organizations to develop the mechanisms of creating and enforcing the capacities of civil society organizations, pointing to the importance of determining common work fields between the private sector and civil society regarding the refusal of monopoly and the revenue economy, asking the enforcement of the liberties of the civil society organizations so that they can perform their role effectively.

Then, the Yemeni delegation said it was not necessary to mention the characteristics of each country with respect to the special recommendation on the necessity of cooperation at the Arab level since fighting corruption deeply concerns all the countries where no special characteristics exist in fighting it as a negative phenomenon, given the existence of the International Convention. The participants then emphasized the importance of implementing the Convention provisions on the non governmental institutions at the very same level it is implemented on the governmental institutions.

In another interposition, the Kuwaiti delegation drew the attention to the importance of reconsidering the title "Anti-Corruption Arab Network" and suggesting any other more precise title. In regard of joining this network which is involuntary and requires no financial commitments from its members, he added that there is a confusion between civil society organizations and the governmental bodies, suggesting the consideration of separating between the governmental and the non governmental network and the coordination in joining the governmental network through official mechanisms as the Arab Ministries of Justice meetings.

Finally, **H.E. Dr. Abed Shakhanbeh** closed up indicating the efficiency of the conference and summing up the themes discussed by the spokesmen and participants. He also thanked the United Nations Developmental Program, the partners and the audience. A brief speech was delivered by **Dr. Harb** where he thanked the attendance, the kind patronage of H.E. the prime minister, the efforts of H.E. the Jordanian Ministry of Justice, Chief Commissioner of the Anti-Corruption Committee in Jordan and all the partners in organizing the agenda of this convention.

## **5. Conclusion**

The conference was closed up with the release of the project “Supporting the UNCAC implementation in the Arab countries” according to the closing declaration which launched the regional project for supporting the Convention implementation as well as the preparations to establish a relevant Arab network. This would take place through the programmes on the Rule of Law (fighting corruption and judiciary reform) which would be executed during the second stage (2008-2010) of the Initiative on Good Governance for development (GfD) in Arab countries.

This conference was considered efficient and the high-rank speakers as a clear expression of the commitment of Arab countries to foster the efforts of the UNCAC implementation prior to the second session of the Conference of Member Countries in the Convention held in Bali (Indonesia). It was also considered as an obvious indication on reiterating its effective constant association with the initiative after three-years of its launching.