

Anti-Corruption Commission
Hashemite Kingdom of
Jordan

Regional Bureau for
Arab States

Under the Patronage of His Excellency the Prime Minister of the Hashemite Kingdom of Jordan, Mr. Samir Al Refai

REGIONAL WORKSHOP

"ANTI-CORRUPTION AGENCIES: INTERNATIONAL STANDARDS AND PRACTICAL EXPERIENCES"

Amman, the Hashemite Kingdom of Jordan

28 October 2010

PROGRAMME

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I. BACKGROUND

1. In the Arab region, corruption is perceived as a major problem that undermines the Arab countries' efforts to achieve better levels of human development and establish more representative and responsive governance institutions. Until recently, however, speaking about corruption was considered to be a taboo, nearly banned from public policy discussions and avoided in governance reform processes. This situation has contributed to the polarization of the issue along political lines and slowed down the movement towards a nationally-driven and evidence-based approach to preventing and combating corruption.

2. The advent of the UN Convention against Corruption (UNCAC) and the emerging global consensus on the need to intensify anti-corruption efforts have led most of the Arab countries to join the global debate on the necessary legal, institutional and procedural mechanisms that are required to address the challenges of corruption. One salient feature in this debate is the issue of specialized anti-corruption bodies, or what is most commonly referred to as "Anti-Corruption Agencies", where discussions continue revolve around the added value and effectiveness of this approach, as opposed to a focus on reinforcing more traditional anti-corruption institutional arrangements, such as financial and administrative control bodies, ombudsman offices, prosecution and police and others.

3. Anti-Corruption Agencies could be traced back to the 1950s with the establishment of the Corrupt Practices Investigation Bureau (CPIB) in Singapore in 1952, followed by the Malaysian Anti-Corruption Commission in Malaysia (MACC) in 1967 and the Hong Kong Independent Commission against Corruption (ICAC) in 1974. The emergence of Anti-Corruption Agencies as a worldwide phenomenon, favored by bilateral and multilateral donors, occurred with the establishment of the Directorate on Corruption and Economic Crime (DCEC) in

Botswana in 1994. Based on the structure and staffing of the Hong Kong ICAC, and its three-pronged strategy of investigation, prevention and education and awareness, the apparent success of DCEC convinced donors of its transferability and adaptability as an effective, and now internationally accepted, tool in the fight against corruption.

4. The entry into force of the UNCAC in 2005 has provided additional momentum to the argument for Anti-Corruption Agencies and fueled a strong debate on whether they are an obligatory institutional requirement under the UNCAC or not. Article 6 of the UNCAC calls for the "… *existence of a body or bodies, as appropriate, that prevent corruption* ...", while Article 36 calls for the *"… existence of a body or bodies or persons specialized in combating corruption through law enforcement*." Using the same texts, many stakeholders posit that an Anti-Corruption Agency is essential for the proper implementation of the Convention, especially in countries where corruption is considered to be a major challenge, while others argue that such an agency is not among the mandatory institutions that are required by the UNCAC, although it is clear that certain countries have seen the institutional value in centralizing anti-corruption work in a single agency.

5. Prior to 2006, Arab countries exhibited little interest in establishing specialized anti-corruption bodies, with a few exceptions. In the 1960s, Morocco established a special anti-corruption court, which was later abolished in the 1990s. Lebanon established a higher national anti-corruption committee in the late 1990s, which continues to exist on paper but not in reality. In 1996, Jordan also established an Anti-Corruption Unit (ACU) at the General Intelligence Department. This does not mean that these countries do not have anti-corruption institutions in place; in fact, some, like Egypt for example, have an exceptionally large number of institutions that undertake various anti-corruption functions. What it means though is that the inclination to establish a dedicated agency was very far from being a trend until very recently, when this situation started to change, mainly driven by the advent of the UNCAC, but also by the increasing external and internal demand for more concrete anti-corruption achievements. As of September 2010, Egypt, Iraq, Jordan, Morocco, the Palestinian National Authority, Qatar and Yemen have made decisions to establish specialized anti-corruption bodies, and have ended up with different models that vary in form and content.[1] Furthermore,

[1] The Commission of Integrity (COI) in Iraq was established pursuant to statute promulgated by the Iraq Governing Council and according to delegation of the dissolved Coalition Provisional Authority (CPA) in order 55 of 2004. http://www.nazaha.iq/en_news2.asp?page_namper=e2. The Jordanian Anti-Corruption Commission (JACC) established under the 2006 Anti-corruption Commission Act (Law no. 62). http://www.jacc.gov.jo/en/Aboutus.aspx. The Transparency and Integrity Committee in Egypt was established in 2007 by the Decision on the Minster of State for Administrative Development (no.86). The Central Instance for Preventing Corruption in Morocco was established under decree (no.2.05.1228) of 2007. The Palestinian Anti-Corruption Commission was established under the Anti-corruption Act (Law no.1) of 2005. www.pacc.pna.ps; however it was not activated until 2010. The National Committee for Transparency and Integrity in Qatar was

many other Arab countries are currently exploring the need to establish specialized anti-corruption bodies with the respective draft laws being circulated in the Parliaments of Kuwait and Lebanon.

II. THEMATIC FOCUS

6. The theme of Anti-Corruption Agencies has recently started to attract the attention of the public opinion in a number of Arab countries and is increasingly becoming an important item on the policymakers' list of concerns. Many governmental and non-governmental stakeholders have already expressed an interest to learn more about related concepts and experiences. While some continue to be cautious about the need for dedicated anti-corruption agencies, others have been very vocal in calling for their establishment. Notwithstanding this debate, there is a consensus over the need to support the newly-established agencies in order to maximize the potentials of their success. The Arab Anti-Corruption and Integrity Network (ACINET)[2] that was formed in 2008, has identified "developing the capacities of specialized anti-corruption bodies" as a priority for its second annual Programme of Work (2010-2011). Earlier in 2009, it requested UNDP's Programme on Governance in the Arab Region to support the development of a specialized study that would contribute to the ongoing debate on Anti-Corruption Agencies in the context of the Arab region. This study is currently being finalized and is expected to be published before the end of 2010.

7. The thematic focus of this regional workshop will be the international standards and practical experiences related to Anti-Corruption Agencies. It will be followed by a number of related activities at the regional and national levels in 2010 and 2011, with a view to assisting decision-makers in the Arab countries to explore the most suitable approaches to anti-corruption institutional arrangements in the context of their own countries, including the challenges and opportunities associated with the establishment of Anti-Corruption Agencies.

III. OBJECTIVES

8. The overall aim of this workshop is to launch an interactive and inclusive regional discussion on anti-corruption institutional arrangements starting with the exploration of the concepts and practices associated with specialized anti-corruption bodies, or what is most commonly referred to as Anti-Corruption Agencies. More specifically, the workshop seeks to:

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established under prince order (no.84) of 2007. The Supreme National Authority for Combating Corruption in Yemen was established under law (no.39) of 2006. www.snaccyemen.org/.

[2] For more information about ACINET, please visit www.undp-pogar.org/acinet, or contact info@arabacinet.org.

- facilitate in-depth knowledge-sharing on the experiences of Anti-Corruption Agencies in a variety of contexts;
- explore the substantive requirements for institutional arrangements under the UNCAC and the responses adopted by States Parties; and
- foster an interactive exchange on the experiences of Arab countries in establishing Anti-Corruption Agencies and identify possible alternative approaches to reinforce anti-corruption institutional arrangements.

IV. PARTICIPANTS AND RESOURCE PERSONS

9. The regional workshop will bring together senior representatives of specialized anti-corruption bodies in Arab countries and partner countries, as well as key stakeholders involved in country-level discussions on the added value and effectiveness of Anti-Corruption Agencies, including senior government officials, parliamentarians and representatives of well-established civil society organizations. Resource persons will include senior regional and international experts and representatives of multilateral organizations and donor agencies that have been involved in supporting anti-corruption agencies in the region and beyond.

V. METHODOLOGY AND DOCUMENTATION

10. This one-day regional workshop will comprise three roundtable discussions. The working languages will be Arabic, English and French, with simultaneous interpretation provided in the three languages.

11. The following material will be provided to workshop participants:

- The UN Convention against Corruption and Related Documentation.
- Institutional Arrangements to Combat Corruption: A Comparative Study (UNDP).
- U4 Issue Paper on "Institutional arrangements for corruption prevention: Considerations for the implementation of the United Nations Convention against Corruption Article 6.
- U4 Issue Paper "An exception to the rule? Why Indonesia's Anti-Corruption Commission succeeds where others don't – a comparison with the Philippines' Ombudsman.
- Documentation on the Arab Anti-Corruption and Integrity Network (ACINET) – *Brochure*; *Constitutive Documents*; and *Progress Report I*.
- Other relevant material submitted by participants (to submit material please contact anti-corruption@undp-pogar.org).

VI. AGENDA

Thursday, 28 October 2010	
08.30 – 09.00	**Registration**
09.00 – 11.00	**First Roundtable** **Anti-Corruption Agencies: Learning from International Experience** ***Session Objective:*** *to share in-depth knowledge on the experiences of Anti-Corruption Agencies in a variety of contexts and enable an interactive discussion on related lessons learned.* *Moderated by Mr. Robert WILLIAMS, Independent Consultant, Emeritus Professor of Government, University of Durham, United Kingdom.*

- **Introductory remarks and the presentation of the agenda.**

  Mr. Arkan EL SEBLANI, Legal Specialist, Programme on Governance in the Arab Region, UNDP.

- **Reviewing the international experience on Anti-Corruption Agencies.**

  Mr. Robert WILLIAMS, Independent Consultant, Emeritus Professor of Government, University of Durham, United Kingdom.

- **A Case in Focus: the Malaysian Anti-Corruption Commission.**

  Mr. Haji Mustafar HAJI ALI, Director of Investigation, the Anti-Corruption Commission, Malaysia.

- **Moderated discussion focusing on the experience of Anti-Corruption Agencies in the Arab Region compared to the peer institutions from across the world.**

11.00 – 11.30	**Break**
11.30 – 13.30	**Second Roundtable** **Anti-Corruption Agencies under the UN Convention against Corruption:**

	Exploring Normative Requirements and Country Responses. ***Session Objective:*** *to explore the substantive requirements for institutional arrangements under the UNCAC and the responses adopted by States Parties, with a view to promoting concrete discussions on the implementation of Articles 6 and 36 of the Convention.* *Moderated by Mr. Alan DOIG, Anti-Corruption Expert.*

- **Overview on the institutional requirements under the United Nations against Corruption.**

  Mr. Arkan EL SEBLANI, Legal Specialist, Programme on Governance in the Arab Region, UNDP.

- **Exploring Article 6 of the UNCAC and related country applications.**

  Ms. Karen HAUSMANN, Independent Consultant, Public Policy Expert.

- **Exploring Article 36 of the United Nations Convention against Corruption and the nexus with Article 6, and related country applications.**

  Mr. Alan DOIG, Anti-Corruption Expert.

- **Moderated discussion focusing on the applications of the institutional requirements under the United Nations against Corruption in the Arab Countries.**

13.30 – 15.00	**Lunch**

15.00 – 17.00	**Third Roundtable** **Anti-Corruption Institutional Arrangements in the Arab Countries: Possible Approaches and Related Implications.** ***Session Objective:*** *to foster an interactive exchange on the experiences of Arab countries in establishing Anti-Corruption Agencies and identify possible alternative approaches to reinforce anti-corruption institutional arrangements in the context of the Arab countries including related implications in relation to organizational development, resourcing and performance issues.* *Moderated by Dr. Ahmad Sakr ASHOUR, Governance and Anti-Corruption*

Expert, Professor, Alexandria University.

- **Overview on anti-corruption institutional arrangements in a selected number of Arab countries.**

  Dr. Ahmad Sakr ASHOUR, Governance and Anti-Corruption Expert, Professor, Alexandria University.

- **Approaches to anti-corruption institutional arrangements in OECD Countries.**

  Ms. Elodie BETH, Administrator, Integrity, Public Sector Reform Division, Public Governance and Territorial Development Directorate, OECD.

- **Addressing law enforcement functions as a challenge for anti-corruption institutional structures.**

  Mr. Jeffrey COLE, Regional Justice Attaché, the Department of Justice, United States of America.

- **Moderated discussion on the added value of anti-corruption agencies in the context of Arab countries and possible alternative approaches to strengthen anti-corruption institutional arrangements.**