Initiative on
Good Governance for Development in the Arab Countries
(GfD)

GfD Programme on Anti-Corruption and the Rule of Law

Chair & Co-Chair Meeting
3 August 2007

Meeting Report

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Meeting Report

1. **Purpose:** The Chair and Co-Chair meeting was held in le Meridien Etoile in Paris, France on 3 August 2007 to discuss and endorse a strategy and a programme for the next phase of the GfD initiative and to set the framework for the workplan of 2007-2008.[1]

2. **Participants:** The meeting was attended by the Chair, the Minister of Justice in Jordan, and the Co-Chairs representing the governments of France and the United States, in addition to representatives from the Jordanian Ministry of Justice, the French Ministry of Justice, and the Embassy of France in Jordan and the United Nations development Programme's Programme on Governance in the Arab Region (UNDP-POGAR).[2]

3. **Discussions:** The meeting started with the opening statements of the Chair and Co-Chairs. The Chair thanked UNDP-POGAR for its efforts, emphasized the value of the GfD initiative and the importance of proceeding with small measurable and effective steps towards reform. The French Co-Chair expressed his pleasure to be working with his partners in the GfD and highlighted his support to all the projects that were developed under the fifth GfD regional working group on the "Role of the Judiciary and the Enforcement of Judgments", during the first phase of the GfD. The US Co-Chair agreed with the Chair's proposition to advance with measurable and effective steps towards reform. He referred to the importance of benefiting from lessons learned, such as what he referred to as flaws in the stocktaking activities undertaken during the first phase of the GfD. He also addressed the issue of financial resources, highlighting the need to approach other OECD countries to secure additional support, since, so far, only France and the United States of America have supported the proposed projects.

   After the opening statements, UNDP-POGAR thanked the Chair and Co-Chair for their comments and agreed on the need to support projects that are effective and that produce tangible and measurable results, while benefiting from lessons leaned and comparative experiences. It also supported the need to formulate a more proactive plan for resource

[1] Please review annex 1: Agenda
[2] Please review annex 2: List of Participants

mobilization. In addition to that, UNDP-POGAR informed the Chair that the GfD initiative has been recently endorsed by the OECD Council and that UNDP-POGAR's anti-corruption activities, in particular, have been endorsed by the G8 Justice and Interior Ministers thanks to the support of the Co-Chairs. Finally, it presented a brief overview of the past GfD activities and the overall picture on where it currently stands in preparation for discussions. The participants proceeded with discussing the items below reaching a number of decisions *(in italic)*.

3.1 *General design of the GfD Programme for the second phase of the initiative: The participants agreed to limit the programme to projects which have received financial support, with the possibility of expanding the programme to include other projects, once they receive funding, while giving priority to the project on judicial independence and integrity. The participants also agreed to refer to the programme as the GfD Programme on anti-Corruption and the Rule of Law.*

- UNDP-POGAR opened by proposing a programme comprised of four projects, which were selected from a pool of six projects that were developed and endorsed by the Arab States with the support of the Chair and Co-Chairs. The selection was also guided by the Chair's request to concentrate on top priorities, made during a coordination meeting held in Amman, Jordan on 4 April 2007. The proposed projects addressed the implementation of the UNCAC, judicial training in relation to economic laws, court automation, and the enforcement of judgments.
- UNDP-POGAR noted that two projects have received financial support so far. The first is the project on supporting the implementation of the United Nations Convention Against Corruption (UNCAC), which is supported by the United States of America; and the second is the project on judicial training on economic laws, which is supported by France. It also noted that the other projects have not received funds, with the project on the enforcement of judgments being considered for funding by Canada.
- The Chair suggested concentrating efforts on projects, which have received funding and avoid the confusion caused by endorsing projects that has not been successful in attracting

funds. He noted that the purpose is not to derail the process but to focus it to be more realistic and produce better results, stressing the fact that success breeds success. He also noted the importance of avoiding duplication with other projects and actors in the region. UNDP-POGAR agreed with the Chair and informed the participants of the ongoing efforts to revisit various aspects of the GfD initiative in coordination with the Organization for Economic Cooperation and Development (OECD). It also declared that it is coordinating with the OECD and the United Nations Office on Drugs and Crime (UNODC) to avoid any duplication and to create synergies to support more efficient and effective reforms.

- The Chair emphasized the importance of judicial independence and integrity and suggested that UNDP-POGAR should explore the possibility of developing a project on this issue. The French Co-Chair supported this suggestion noting that the fifth GfD regional working group on the "Role of the Judiciary and the Enforcement of Judgments" did indeed develop a draft project on judicial independence. The US Co-Chair also supported the importance of addressing this issue, but noted that there has been no financial support given to fund this project. He also mentioned that the project on supporting the implementation of the UNCAC, which is a project that has received funds from the US government, does address issues of judicial integrity and ethics. UNDP-POGAR concurred with the US Co-Chair, promising to pursue the idea of developing a separate project on judicial independence and integrity, with the French Co-Chair noting that France could possibly be interested in supporting such a project. In the meantime, it was agreed to increase emphasis on this topic under the project on UNCAC implementation.
- The Chair stressed on the importance of approaching reform strategically, on placing emphasis on legal education and on the importance of supporting a campaign to increase awareness of and respect for the rule of law. He also supported the notion that both anti-corruption reform and judicial training on economic laws are integral to the rule of law and are indeed priorities for the Arab Region. Furthermore, he requested that the GfD programme focus on these two areas of reform, suggesting that

it be referred to as the GfD Programme on Anti-Corruption and the Rule of Law. The Co-Chairs joined the Chair in stressing the need to support a programme that respects the priorities of Arab States and agreed to focus the current programme on the above-mentioned priorities.

3.2 *Project on supporting the implementation of the United Nations Convention against Corruption (UNCAC) – GfD-UNCAC project: The participants agreed to include the project on UNCAC implementation in the GfD programme, with an emphasis on the issues that are related to the judiciary and law enforcement. They also agreed to focus on six pilot counties, while allowing any other Arab State that wishes to be involved the opportunity to participate, noting that high-income states such as Gulf countries would be required to finance their own participation. Participants agreed that the project should start out with a gap analysis process and then hold the first conference in Amman Jordan during the first half of December 2007 to address the convention as a whole and then tackle the selected priority topics*.

- UNDP-POGAR suggested that the project should focus on a limited number of UNCAC topics that are a priority for Arab States and that fall within the purview of the Ministry of Justice and the judicial and law enforcement sector. The participants discussed the substantive priorities for the project and agreed on the following topics: (a) preventive anti-corruption bodies as per article 6; (b) independence and integrity of the judiciary and prosecution services as per article 11; (c) criminalization of corruption as per articles 15-30; (d) protection of witnesses and reporting persons as per articles 32 and 33; and (e) asset recovery as per chapter IV.
- UNDP-POGAR also suggested focusing on six pilot countries (Algeria, Egypt, Iraq, Jordan, Morocco, and Yemen) due to resource limitations. The suggested pilot countries were selected based on their status as State Parties to the Convention, i.e. signed and ratified it. Although Iraq is not currently a party to the Convention, it will be participating in this project based on the fact that a specific request was made by the UNDP Country Office, and based on the fact that Iraq is planning on ratifying the Convention shortly.

- The Chair supported the selection of the six pilot countries, but also called for opening the door to all the Arab States that want to participate, especially in the project's regional conferences. The US Co-Chair supported this suggestion.
- The US Co-Chair suggested a five-pronged methodology for the project comprising the following: (a) information gathering through the preparation of simple questionnaires; (b) regional meetings on the above priority topics of the UNCAC; (c) the deliverance of identified assistance at the national level, U.S. and other participating technical assistance providers, in close cooperation with the authorities of the participating Arab states; (d) follow-up seminars organized by UNDP-POGAR on national implementation efforts in specific areas; and (e) subsequent evaluation of the project by UNDP-POGAR and the participating technical assistance providers. UNDP-POGAR thanked the Co-Chair for his suggestions and promised to take it into consideration in the preparation of the programme document.
- The US Co-Chair suggested that asset recovery be addressed first in a separate regional conference, noting UNODC's efforts in this regard and suggesting that the project should benefit from the current momentum and start out with asset recovery as a priority. The Chair stated that asset recovery is important but not a priority if compared to other topics under the convention, namely judicial independence and integrity and preventive anti-corruption bodies. He also suggested that the first regional conference should be a chance for Arab States to review their status vis a vis the priority topics and discuss best practices and comparative experiences on all of them rather than just one. After further discussions, the Chair noted the possibility of having the first conference act as an introduction to the UNCAC and priority topics with the rest of it focusing on one specific topic, pending further technical coordination between the UNDP and UNODC.
- Participants agreed that the first regional conference be organized in Amman, Jordan during the first half of December 2007, requesting that UNDP-POGAR prepare an agenda in light of the discussions of this meeting. They also agreed to have the

French Co-Chair represented with an observer in this project, which is being supported by the US government.

3.3 *Project on judicial training in relation to economic laws – GfD-JTEL project: The participants agreed to include the project on judicial training in relation to economic laws, because it is a rapidly developing area of law and because building judicial capacity is integral to the rule of law. They also agreed to focus on eight pilot counties. Participants agreed that UNDP-POGAR will work with the Ecole Nationale de la Magistrature (the ENM) – the judicial institute in France – to designate the priority topics of economic law. They also agreed that two regional workshops be organized at a sub-regional level with the first one being organized in March 2008.*

- UNDP-POGAR suggested that the project should focus on eight Arab States as pilot countries, based on their request and increased integration in international markets. It also suggested that they be grouped together into two groups, with a workshop for each, due to organizational reasons and for the purpose of maximizing resources. This is instead of holding a regional workshop for all the countries and instead of holding workshops at the national level. UNDP-POGAR suggested that the first group should include Algeria, Lebanon, Morocco, and Tunisia and the second group should include Egypt, Iraq, Jordan, and Yemen. The workshop would then address the same topics and be organized successively.
- The Chair supported this project, declaring it as a priority for Jordan and the Arab States and stressing the need to coordinate with other involved players in the region, such as OECD. He also suggested a number of topics to be considered in the preparation for the project, including joint ventures, project financing, intellectual property, competition law and others.
- The French Co-Chair supported the design of the project noting that the importance of cooperating with the ENM in this regard. He also noted the important role that Judge Minnegheer could play, as the coordinator of judicial reform projects between France and Jordan. Representatives of the Ministry of Justice of France supported the French Co-Chair and offered to coordinate efforts with the ENM if needed.

- Participants agreed that the project would be implemented in annual cycles. Each year a number of priority topics, in the area of economic law, will be selected, treated and presented to Arab judges in workshops. These workshops will be interactive and will make use of information and communication technology to facilitate the transfer of knowledge. The workshops will also require the judges to play an active role therein, i.e. presenting case studies, exchanging legal knowledge with their counterparts from the other Arab States. After the conclusion of the workshops, the judges will be encouraged to disseminate the material and the acquired knowledge at the national level.
- Participants agreed that the first workshop be organized in March 2008, requesting UNDP-POGAR to prepare its agenda in light of the discussions of this meeting. They also agreed to have the US Co-Chair represented as an observer in this project, which is being supported by the French government, while the US Co-Chair stated that he will be pursuing the possibility of involving the US Department of Commerce in supporting this project.

3.4 *Resource mobilization issues: the participants agreed on the importance of playing a more active role in resource mobilization and advocated further cooperation in this regard. The Chair welcomed the idea and proposed to work closely with UNDP-POGAR on this issue and supporting the suggestion of the latter to address Arab funds and donors with a coherent and comprehensive strategy and maybe organizing a meeting for those donors.*

3.5 *Preparations for the upcoming GfD Steering Group meeting at the ministerial level: UNDP-POGAR informed the Chair and Co-Chair of the upcoming ministerial-level GfD Steering Group meeting, which will be held in Cairo, Egypt on 29 November 2007. It also informed them of a preparatory meeting which will be also held in Cairo, Egypt on 10 September 2007. UNDP-POGAR extended an invitation to the Chair and Co-Chairs and promised that it will coordinate their participation with them in the mentioned events and to ensure their input into the documents to be presented at both meetings and their presence therein.*

In conclusion, the Chair and Co-Chairs reaffirmed their commitment to the GfD initiative, and thanked UNDP-POGAR for holding this meeting.

UNDP-POGAR in turn thanked the Chair and Co-Chairs and promised to follow this meeting with a programme document in line with the results of the meeting.