

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

GfD Programme on the Rule of Law
(Anti-Corruption and Judicial Reform)

4th Chair & Co-Chair Meeting
04 March 2008

Meeting Report

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Meeting Report

1. **Purpose:** The 4th Chair and Co-Chair meeting was hosted by the French Ministry of Justice in Paris, France on 4 March 2008. The purpose was to discuss the progress of the GfD Programme on the Rule of Law (Anti-Corruption and Judicial Reform) in the context of the GfD Initiative, to endorse the annual work plan for 2008, to establish appropriate mechanisms for coordination and communication between the Chair, Co-Chairs, and UNDP, and finally to discuss the outlook and the way forward for the Programme, including resource mobilization issues.[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 French Ministry of Justice, l'Ecole Nationale de la Magistrature (ENM), the US Department of State, the US Department of Justice-Overseas Prosecutor Development and Training (USDoJ-OPDAT) office and the United Nations Development Programme–Programme on Governance in the Arab Region (UNDP-POGAR).[2]

3. **Discussions:** H.E. the French Co-Chair Mr. Herve GRANGE opened the meeting by welcoming H.E. the Chair, the Jordanian Minister of Justice Mr. Ayman ODEH to his first Chair and Co-Chair meeting. He expressed France's continued commitment to the GfD Initiative, to its cooperation with UNDP-POGAR and to its partnership with Jordan and the U.S. in chairing the *Working Group on Judiciary and the Enforcement of Judgments*, which has put forward the ***GfD Programme on the Rule of Law (Anti-Corruption and Judicial Reform)*** (hereinafter Programme) as its programme of work for the second phase of the GfD Initiative from 2008-2010 (GfD II). He then presented a brief overview of the Programme, which was endorsed during the most recent GfD Steering Group Meeting at Ministerial Level, held in Cairo (Egypt) on 29 November 2007. He explained that there are two projects that have already been launched (i) the GfD project on supporting UNCAC implementation in Arab countries (GfD-UNCAC), which is being supported by U.S. and (ii) the GfD project on judicial training on economic laws (GfD-JTEL), which is being supported by France. Furthermore, he explained, that the other two projects constituting the bulk of the Programme (i) the GfD project on enforcement of judgments (GfD-EJAR); and (ii) the GfD project on judicial independence and integrity (GfD-JININ) are still under consideration for funding with the Canadian government expressing interest to support GfD-EJAR.

   H.E. the Chair Minister ODEH thanked the French Co-Chair for his welcoming statement and spoke to the participants expressing his thanks and gratitude to UNDP-POGAR for its continuous support to the GfD Initiative and extending his appreciation to the co-chairs for their strong support and commitment to the GfD

[1] Please review the attached "Agenda" at the end of the document.
[2] Please review the attached "List of Participants" at the end of the document.

Initiative. Minister ODEH presented himself to the co-chairs describing his strong and diversified experience as a legal professional, not only in his own country, Jordan, but also in other Arab countries, namely Kuwait and UAE. Furthermore, he expressed his will to employ this experience to serve the development of a strong judicial component for the *GfD Programme on the Rule of Law*. The Chair highlighted the importance of the anti-corruption component of the Programme, but stressed the need to broaden the scope of envisioned judicial reforms in order to address pressing priorities, such as criminal justice, the litigation process, judicial independence and others. He emphasized the added value of the Initiative and how it provides momentum for national efforts; Minister ODEH said that national reform drivers are motivated and inspired by a strong regional drive towards reform and that it provides them with the needed strength and support to promote needed reforms at the national level. The Chair requested that the GfD Initiative continues to provide a regional platform for national reform efforts, calling his partners to work together with a view to supporting a broader, more comprehensive vision for judicial reform in the Arab region.

H.E. the U.S. Co-Chair, Mr. Kenneth HARRIS thanked the Chair for his words and underlined the continuation of the U.S. support to the GfD Initiative; he introduced his successor in co-chairing the GfD *Working Group on Judiciary and the Enforcement of Judgments*, Mr. Jeffrey COLE. He also presented Mr. James SILVERWOOD, representing OPDAT, who is also expected to contribute to the GfD Initiative. Furthermore, Mr. HARRIS expressed his willingness to continue providing needed support to the GfD Initiative as requested. The U.S. Co-Chair, then proceeded, to address the issues raised by the Chair; he agreed on the importance of broadening the GfD scope of judicial reform and explained that the current approach has been governed by the realities of insufficient funding. That led to endorsing specific pilot projects, rather than a comprehensive plan for judicial reform, with the hope that successful implementation will encourage donors to support bigger and more comprehensive projects. Moreover, Mr. Harris shed the light on how the projects, that have been funded so far, may be used to address broader areas of judicial reform as cited by H.E. Minister ODEH. He referred, in particular, to the GfD-UNCAC project, which addresses aspects of judicial independence fro example. Mr. Harris concluded by reasserting the readiness of the U.S. to work together with its Arab partners represented by H.E. the Chair, in order to contribute to the successful implementation of the GfD Initiative. In this regard, he offered to connect UNDP-POGAR and the US Department of Commerce's Commercial Law Development Program (CLDP) with a view to maximizing support to the GfD Programme for 2008-2010.

The new U.S. Co-Chair, Mr. Jeffrey COLE introduced himself to the participants and went on to express his agreement with the Chair on the importance of broadening the scope of judicial reform to extend beyond what has been envisioned by the GfD Programme on the Rule of Law. He supported revisiting some priorities, such as asset recovery, in favor of other priorities that are more significant for the region. He stressed the importance of working to promote basic needed changes in the legal and judicial system. In this regard, Mr. COLE suggested focusing efforts

on a limited number of countries, which have the potential to implement the needed reforms efficiently and effectively. He also brought attention to the importance of maximizing coordination with other projects that are implemented in the area of justice reform. He expressed particular interest in UNDP-POGAR's project on *Modernization of Public Prosecution Offices in the Arab Countries*, requesting to be informed about its progress with a view to maximizing synergies with the GfD Initiative.

Mr. GRANGE joined the consensus on the importance of broadening the scope of judicial reforms envisioned by the GfD Programme and noted that the *Project on Judicial Training on Economic Laws* may be widened to address priorities mentioned by H.E. the Chair.

Dr. Wassim HARB spoke on behalf of the UNDP-POGAR and expressed his appreciation to the French Ministry of Justice for hosting this important meeting. He thanked Mr. HARRIS for his dedicated involvement in the GfD Initiative and called upon him to maintain his support to the initiative despite the fact that he will not be directly involved in its implementation. Dr. HARB also underlined the U.S. support, which has been instrumental to launch a successful second phase of the GfD Initiative. He also thanked the Chair and Co-Chairs for their statements and expressed UNDP-POGAR's readiness to serve the emerging consensus towards expanding the scope of the judicial reform component of the GfD Programme. He drew the participants' attention to the importance of considering the four strategic directions that have been endorsed at Ministerial Level, for the implementation of GfD II[3], whenever considering the development of new projects or components for the Programme. On other issues, Dr. HARB explained to Mr. COLE that UNDP-POGAR works to maximize synergies between its various projects and that it will make sure to provide needed information to the Chair and Co-Chairs on the project on *Modernization of Public Prosecution Offices in the Arab Countries*. He also promised to carry out the Minister's request that UNDP-POGAR coordinates the implementation of the anti-corruption component of GfD Programme with the Head of the Anti-Corruption Commission in Jordan, H.E. Dr. Abed SHAKHANBEH. Finally, Dr. HARB presented the meeting agenda and requested Mr. Arkan EL SEBLANI to present the progress that has been achieved so far in the implementation of the GfD Programme on the Rule of Law.

Mr. EL SEBLANI proceeded with explaining that the bulk of the work done so far has been focused on the GfD-UNCAC project, with work to launch the GfD-JTEL component of the Programme is underway. Implementation activities began right after the conclusion of the Steering Group Meeting at Ministerial level, which was

[3] Building on the results and lessons-learned of GfD I, four strategic directions have been identified by GfD stakeholders together with the OECD/UNDP Secretariat for 2008-2010 (GfD II) (i) deepening policy dialogue, knowledge and capacity building at the regional level; (ii) fostering peer advice and partnerships for reform at the national level; (iii) monitoring and measuring progress both in the public sector and the judiciary system; and (iv) anchoring the GfD Initiative in a regional framework of institutions and networks for reform.

held in Cairo (Egypt) on 29 November 2007. So far, Mr. EL SEBLANI explained that the achievements may be categorized as the following:

- Establishing the *Arab Governmental Expert Group* (AGEG) *on UNCAC Self Assessment* and related achievements: Mr. EL SEBLANI explained that as a result of the 3rd Chair and Co-Chair meeting, UNDP-POGAR launched the implementation of the GfD-UNCAC with a focus on establishing an effective and efficient mechanism for information gathering, that does not rely on independent consultants, but rather engages the participating Arab countries. After a preparatory meeting held in Sharm El Sheikh (Egypt) on 23 October 2007, UNDP-POGAR organized a regional workshop on UNCAC Self Assessment, in cooperation with UNODC and in partnership with the Ministry of Justice and the Anti-Corruption Commission in Jordan. The workshop was held in Amman (Jordan) on 16-18 December 2007. The objective was to identify and build capacity for government experts on the UNCAC self assessment tool that was developed by UNODC. At the end of the workshop, the AGEG was formed with more than 18 experts from 12 Arab countries. AGEG has been engaged in a periodic exchange with UNDP-POGAR and UNODC experts with a view to completing detailed assessment reports in the Arab countries. These reports will feed into the Conference of State Parties to the UNCAC, but more importantly, they will provide the needed information to help develop technical assistance programs to the Arab countries and to help inform the reform agenda of the Arab anti-corruption network that is expected to be established.

- Regional Conference on Supporting UNCAC Implementation in Arab Countries: Mr. EL SEBLANI proceeded to report on the first regional conference that launched the GfD-UNCAC project. The conference was held at the Dead Sea (Jordan) on 21-23 January 2008, and attended by more than 220 participants from 19 Arab countries including 9 Ministers of Justice. The conference was organized with a view to strengthening interaction between key anti-corruption institutions, including Ministries of justice, anti-corruption bodies, administrative and financial control bodies, anti-money-laundering units, judicial bodies, parliamentarians, civil society, private sectors and media. The conference provided a high-level event to emphasize buy-in and commitment to anti-corruption efforts and a forum for exchange of knowledge, experiences and best practices on UNCAC implementation.[4] The conference also prepared Arab countries for their participation in the second session of the Conference of Sate Parties to the UNCAC that was held in Bali (Indonesia) one week later.

- Launching the process to establish the Arab anti-corruption network: Perhaps one of the main outputs of the *Regional Conference on Supporting UNCAC Implementation in Arab Countries*, Mr. EL SEBLANI explained, is the

[4] Please review the attached "*Dead Sea declaration on strengthening the rule of law and supporting UNCAC implementation in Arab countries*" at the end of the document.

launching of the process to establish the Arab anti-corruption network. The conferences recommended the commencement of work to establish an Arab network that brings together the various governmental bodies that wish to join with the aim of working to support UNCAC implementation. It also recommended the establishment of a parallel network that brings together the nongovernmental bodies that whish to join, including civil society organizations, the private sector, parliamentarian, and activists in the field of fighting corruption and promoting transparency and accountability. The two networks are requested to meet in an annual forum to promote dialogue and a comprehensive and coordinated vision for UNCAC implementation in the Arab region.

Mr. EL SEBLANI noted that the conference has recommended the establishment of an Arab group of governmental experts, representing their countries, to begin work towards drafting the charter and rules of procedure for the governmental network, through a coordinated mechanism. The conference requested that the Anti-Corruption Commission in Jordan hosts the activities of this group, in line with a number of guidelines found in the *Dead Sea declaration on strengthening the rule of law and supporting UNCAC implementation in Arab countries*.[5] The conference also called upon the UNDP, in cooperation with the UNODC and the OECD to support the establishment and functioning of the two networks, in coordination with the League of Arab States (LoAS) and called upon Arab and international donor to increase productive cooperation and provide technical and financial support for the GfD Initiative, particularly the GfD-UNCAC project.

At this point, Mr. EL SEBLANI noted that additional funds will be needed to support the implementation of the declaration as put forward by the Arab countries. Finally, he presented the GfD annual workplan for 2008 to the participants who discussed its various elements, including activities under the GfD-UNCAC project, GfD-JTEL project and other components including the upcoming Steering Group Meeting Group Meeting at Technical Level, which is expected to be held in Bahrain in early June 2008.

After making minor changes to the annual workplan for 2008 and approving it, participants moved to discuss mechanisms for communication and coordination between the Chair, Co-Chairs, and UNDP-POGAR. In this context, participants addressed the issue of the first regional conference, which was envisaged to include a component on UNCAC implementation and a second component: practioners-oriented workshop on asset recovery. Participants addressed how the second component was dropped out, causing a misunderstanding between UNDP-POGAR and the U.S. Co-Chair, who supported the organization of this component during the first regional conference under the GfD-UNCAC project. Mr. HARRIS described the issue as being a miscommunication due to different perception of what was going on. UNDP-POGAR maintained that it was bound

[5] *Ibid.*

by its commitment to implement the workplan as endorsed by the Chair and Co-Chair and that the unavailability of funds to support the practioners-oriented workshop on asset recovery led it to postpone that component, so as not to undermine the initiative's credibility with the Arab partners or jeopardize its progress. Accordingly, UNDP-POGAR communicated, to the Chair and Co-Chairs, its plan to postpone the workshop and only organize the first component of the conference, which was instrumental for the implementation of the project and launching the process for establishing the Arab anti-corruption network. The participants agreed that the role of the Chair and Co-Chairs is to provide strategic guidance while entrusting the management and implementation of the initiative to UNDP-POGAR. They also agreed that it would be better to establish a clear system for communication to avoid similar glitches in the future. This system should be two-way ensuring complete transparency and requiring diligent exchange of information between all parties. Mr. EL SEBLANI suggested sharing a monthly communiqué on GfD progress and participants agreed, while encouraging additional coordination whenever needed.

4. Suggestions and Decisions: The following suggestions and decisions have been made during the 4th Chair and Co-Chair meeting:

3.1 *Relationship between the anti-corruption component and the judicial reform component of the GfD Programme on the Rule of Law*: The GfD Programme on the Rule of Law will continue to be chaired by the Jordanian Minister of Justice; however, UNDP-POGAR is requested to coordinate the implementation of the Programme's anti-corruption component with the Jordanian Anti-Corruption Commission in Jordan, and the Programme's judicial reform component with the Jordanian Ministry of Justice.

3.2 *Scope of the judicial component of the GfD Programme on the Rule of Law*: The participants agreed to expand the scope of the judicial reform component of the GfD Programme on the Rule of Law to address other pressing priority areas, including the development of a comprehensive regional platform for judicial reform. UNDP-POGAR will develop one or more concept papers addressing selected priority areas in the hope of developing pilot projects for a limited number of Arab countries. These concept papers will be presented to the Chair and Co-Chairs for their input.

3.3 *Annual Workplan for 2008*: The participants approved the Annual Work Plan for 2008, with changes that have been suggested and approved during the meeting.[6] anti-corruption component with the Jordanian Anti-Corruption Commission in Jordan, and

3.4 *Adjusting priorities for the GfD-UNCAC project*: Participants agreed to include "International Cooperation" as a priority area for the GfD-UNCAC

[6] Please review the attached "AWP 2008" at the end of the document.

project instead "asset recovery", which will be partially mainstreamed into the work on international cooperation.

3.5 *Preparations for the first meeting of the intergovernmental expert group for developing the charter and rule of procedure for the Arab anti-corruption network*: UNDP-POGAR presented the design of the first meeting of the intergovernmental expert group, which is expected to develop the charter and rules of procedures for the Arab anti-corruption network as per the recommendations of the "*Dead Sea Declaration on Strengthening the Rule of Law and Supporting UNCAC Implementation in Arab Countries*". The meeting will be held back-to-back with the 2nd regional workshop on UNCAC self assessment, which is expected to take place in Morocco by the end of April 2008. The participants discussed and approved the design. UNDP-POGAR, OECD and UNODC are working to prepare the meeting documentation and will be sharing them with the Chair and Co-Chairs by early April. The U.S. Co-Chair offered to provide technical assistance to the expert group through providing U.S. expertise; accordingly, this support will be coordinated with UNDP-POGAR, who shall provide an outline of the documents that are expected to be discussed at the meeting, in order to facilitate the timely selection of the expert.

3.6 *Preparations for the first seminar in the context of the GfD-JTEL project*: UNDP-POGAR presented the design of the first seminar on judicial training for economic la, which was prepared in partnership with ENM. The 4-day seminar is expected to be held in Tunisia [7] by the end of May. The French government will be providing trainers and technical expertise to support the implementation of the seminar, which will address franchise and leasing contracts, liability of directors, protection of minority shareholders, competition law, and trademarks & unfair competition. The seminar will include theoretical portions as well as practical portions; it will also include a panel discussion on modern economic-law-problems facing businesses in the Arab region and an evaluation session administered by ENM. The participants discussed and approved the design. The U.S. Co-Chair offered to help UNDP-POGAR explore the possibility of involving the US Department of Commerce as an observer in the seminar and a possible contributor to the GfD activities. The Chair, Co-Chair and UNDP-POGAR welcomed the opportunity.

3.7 *Preparations for the GfD Steering Group Meeting At Technical Level*: UNDP-POGAR informed the participants that a GfD Steering Group Meeting at Technical Level is expected to be held, in principle, Bahrain by mid June and called upon the Chair and Co-Chairs to use the opportunity to expand the judicial reform component of the Programme. The Chairs and Co-Chairs agreed to remain seized with the suggestion of providing input and supporting a strong presence at the meeting.

[7] During the time of preparing this report, logistical reasons mandated transferring the seminar to Lebanon.

3.8 *Communication and coordination between Chair, Co-Chairs and UNDP-POGAR*: UNDP-POGAR will send a monthly communiqué to the Chair and Co-Chair informing them of main development in the GfD Initiative. Any strategic decisions will continue to be made at the Chair and Co-Chairs level, with all parties encouraged to maximize coordination at the level of implementation, which is undertaken by UNDP-POGAR in line with its mission and mandate.

In conclusion, the Chair and Co-Chairs reaffirmed their commitment to the GfD initiative and their desire to maximize cooperation in order to successfully implement the GfD Programme on the Rule of Law; they also thanked UNDP-POGAR for preparing this meeting and the French Ministry of Justice for hosting it and expressed readiness to hold the next Chair and Co-Chair meeting towards the end of the fourth quarter if deemed necessary by the concerned parties.

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ATTACHEMENTS

Agenda

List of Participants

Dead Sea Declaration

AWP 2008