

STRENGTHENING THE ROLE OF THE PRIVATE SECTOR AND CIVIL SOCIETY
IN COMBATING CORRUPTION IN THE MENA REGION

Multi-stakeholder dialogue on the integrity frameworks in Egypt, Iraq and Jordan

Agenda

Organised by the

MENA-OECD INVESTMENT PROGRAMME

In association with the



JORDANIAN ANTI-CORRUPTION COMMISSION

12-13 February 2012
Intercontinental Hotel
Amman, Jordan

Background

Corruption is one of the main challenges that must be addressed by political and opinion leaders in the MENA region given its corrosive impact on social justice and economic growth. Corruption penalises individuals, imposing extra costs for basic administrative services, and the withholding or delaying of service in the absence of payment may have dramatic effects, including on the livelihoods of individuals. In the private sector, corruption increases the cost of doing business and discourages new investments that would create jobs and tax revenue. Foreign companies may favour less corrupt, more transparent destinations in order to reduce both their transaction costs and their legal liabilities under anti-corruption laws in their home countries.

The sense of injustice generated by corrupt practices in the daily lives of individuals was a key factor in the recent popular uprisings dubbed the Arab Spring, which can be regarded as a historic illustration of the importance of the fight against corruption. Although governmental awareness of these issues has been increasing in the MENA region, tremendous efforts still lie ahead if regional economies are to meet the international standards expected by their citizens.

Key international instruments, notably the United Nations Convention Against Corruption (UNCAC), and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention) offer guidance on identifying the strengths and weaknesses of national anti-corruption strategies and legal frameworks. They also serve as a basis for formulating improvements to anti-bribery and integrity enforcement provisions. It is important to increase awareness of these international instruments and to focus on their implementation in specific national contexts as part of renewed efforts to build a compliant and appropriate integrity framework.

The public sector, the private sector and civil society stakeholders play a key role in the fight against corruption, each offering a different perspective on the issue and each being in a position to influence certain levers of change that may be out of reach for other actors. By working together, the different stakeholders maximise their capacity to identify needs and create joint solutions to improve integrity in their day-to-day interactions. Public procurement, for instance, has been identified as highly vulnerable to corruption risks and its complex and technical nature calls for specialised responses by both parties – the contracting agency and the supplier. In view of enhancing co-operation in these interactions joint programmes have started to develop between the government and the private sector aimed at identifying best practices to help companies and their employees prevent malpractices and adopt operating procedures consistent with prevailing anti-corruption rules and regulations.

Objectives of the Meeting

The overall objective of the meeting is to identify the strengths and weaknesses of the current integrity frameworks in Egypt, Iraq and Jordan, benchmarked against the key international instruments, UNCAC and the OECD Anti-Bribery Convention, with a view to supporting efforts for improvement through constructive dialogue with the relevant stakeholders.

Following an opening session on UNCAC, the OECD Anti-Bribery Convention, and the FCPA, a comparative study of the three countries' legal provisions and institutional arrangements for integrity will serve as a basis for the discussions. Subsequent sessions will focus on the Iraqi, Egyptian and Jordanian cases in terms of possible legislative improvements as well as institutional communication and co-operation. Participants will comment on the conclusions and recommendations of the comparative study, and discuss its implications for Iraq, Egypt and Jordan in the country specific sessions.

Two parallel sessions, one bringing together government representatives and the other bringing together the private sector and civil society representatives, will identify ways in which each sector can improve its effectiveness in the fight against corruption and map the way ahead for more effective co-operation within and between the public and private sectors.

The multi-stakeholder dialogue will seek to develop a set of concrete recommendations for improving integrity policy frameworks and for orienting future MENA-OECD Investment Programme work on these issues.

Participants

Participants will include representatives with integrity responsibilities from the public sector, the business community and civil society in Egypt, Iraq and Jordan. The dialogue will also be attended and addressed by local and international anti-corruption experts.

Documentation

- OECD comparative study on the legal provisions and institutional arrangements for integrity in Egypt, Iraq and Jordan
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and related recommendations

Useful References

- Conclusions of the Roundtable on the Private Sector's Role in Fighting Corruption (Cairo, Egypt, 21 November 2011)¹
- Conclusions of the Regional Workshop on Strengthening Integrity in the Private Sector in Arab Countries (Manama, Kingdom of Bahrain, 16-17 March 2010)²
- Strengthening Integrity in Business in Arab Countries (SIBAC) Programme³
- Anti-Corruption Policy Dimension of the Business Climate Development Strategy for Egypt (OECD)⁴
- OECD Guidelines for Multinational Enterprises⁵
- United Nations Convention Against Corruption⁶
- United Nations Global Compact Ten Principles⁷

Interpretation

English/Arabic interpretation will be provided throughout the dialogue.

¹ http://www.oecd.org/document/55/0,3746,en_34645207_34645466_49381047_1_1_1_1,00.html

² http://www.oecd.org/document/58/0,3746,en_34645207_34645590_44746234_1_1_1_1,00.html

³ http://www.oecd.org/document/11/0,3746,en_34645207_43984956_47468427_1_1_1_1,00.html

⁴ http://www.oecd.org/document/21/0,3746,en_2649_40340912_46264213_1_1_1_1,00.html

⁵ http://www.oecd.org/document/28/0,3746,en_2649_34889_2397532_1_1_1_1,00.html

⁶ <http://www.unodc.org/unodc/en/treaties/CAC/>

⁷ <http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>

PARTICIPANTS
Egypt
<p>Mr. Ayman Elgammal, Minister Plenipotentiary, Anti-Corruption Co-ordinator, Ministry of Foreign Affairs Major General Mohamed Hossam Mohamed Rashwan, Vice President, Administrative Control Authority Mr. Mohamed Rami Moussa, Chief Prosecutor, Administrative Prosecution Authority Mr. Nader Salem, Legal Co-ordinator, Governance Center Mr. Fouad Thabet, President, Federation of Economic Development Associations Mr. Mohamed El Sawy, CEO, Misr Contracting Company Mr. Waheed Abdel Samad, Chairman, Beni Suef SMEs Association Mr. Osama Mourad, Chairman, Arab Finance Brokerage Mr. Ahmed Sobh, Vice Chairman, Sobh for Food Industries and Cold Store Ms. Ghada Darwish, Managing Director, PIZA Industrial Supplies Co. Mr. Qusay Salama, Business Development Manager, Kayan Technologies Mr. Abdel Moaty Lotfy, Product Manager, Tib Pharmaceutical Company</p>
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<p>The Honorable Madhat Al-Mahmood, President, Supreme Judiciary Council The Honorable Ezzat Jaafar, Vice President, Commission on Integrity Dr. Abdulhussein Al-Anbaki, Chairman of the Board, Iqtisaduna for Development and Private Sector Support Mr. Ali Al-Shimmari, Chairman, Iraqi Jurist Union Dr. Ali Al-Rufaie, Dean, Baghdad University College of Law Mr. Kadhim Salman Nahar, Chief of Staff, Commission on Public Integrity Mr. Tarik Al-Jubori, Legal Advisor, Central Bank Dr. Amer Fayyadh, Dean of the Political Sciences College, Al Nahrain University Dr. Abduljabar Fatah, Dean of the College of Administration and Economics, University of Baghdad Mr. Mohammed Al-Jawhar, Deputy Chairman, Iraqi Jurist Union Dr. Salem Mohammed, Head of Legal and International Studies, Al Nahrain University Mr. Kamel El Hassani, Lawyer Mr. Nael Ghali, CEO, Siemens Iraq Mr. Riad Al Khouri, Dean of Business School, Erbil Lebanese French University</p>
Jordan
<p>Mr. Samih Bino, Chairman, Jordanian Anti-Corruption Commission Mr. Hamdi Tabba'a, Chairman, Jordanian Businessmen Association Dr. Hatem Halawani, Chairman, Jordan Chamber of Industry Mr. Ramzi Nuzha, Board Member, Jordanian Anti-Corruption Commission Dr. Awni Al-Rushoud, Acting CEO, Jordan Investment Board Dr. Fayyad Al Qudah, Board Member, Jordanian Anti-Corruption Commission Dr. Qasem Al Zoubi, Prevention Department Director, Jordanian Anti-Corruption Commission Dr. Ahmad Abu Zaid, Head of Studies and Research Division, Jordanian Anti-Corruption Commission Mrs. Ruba Al Sader, Head of Public Relations Division, Jordanian Anti-Corruption Commission Dr. Zuhair Al Kayed, Expert Dr. Bashar Al-Zu'bi, Senior Advisor to the CEO, Jordan Investment Board Mr. Nidal Al-Dabbas, Office of the CEO, Jordan Investment Board Dr. Haider Rashid, General Federation of Jordanian Trade Unions Dr. Arwa Al-Mothaffar, Civil Service Reform Specialist Ms. Lina Hundailah, Chairwoman, Young Entrepreneurs Association Mr. Hammam Al-Maalyah, General Federation of Jordanian Trade Unions Mr. Mohammed Hiassat, Director of Performance Monitoring, Audit Bureau Mr. Mahmoud Al Ta'any, Audit Bureau Ms. Maali Qasem, Managing Partner, Schema – Technical Thinking Mr. Khaled Hababbeh, Program Office, International Relations Director, General Federation of Jordanian Trade Unions Mr. Muhyeddein Touq, Anti-Corruption Expert (Asset Recovery) Ms. Hilda Ajeilat, Executive Director, Jordan Transparency Center</p>
OECD
<p>Mr. Robert Ley, Deputy Director, Directorate for Financial and Enterprise Affairs, OECD Mr. Alexander Boehmer, Head of the MENA-OECD Investment Programme, OECD Ms. Nicola Ehlermann-Cache, Senior Policy Analyst, MENA-OECD Investment Programme, OECD Mr. Carl Dawson, Policy Analyst, MENA-OECD Investment Programme, OECD Mr. Anders Jönsson, Policy Analyst, MENA-OECD Investment Programme, OECD Ms. Maha El Masri, Consultant, MENA-OECD Investment Programme, OECD</p>

Ms. May Khoury, Consultant, MENA-OECD Investment Programme, OECD Mr. Zuhair Al-Maliki, Iraq Project Advisor, OECD Ms. Christelle Monteillet, Iraq Project Advisor, OECD

International Experts

Mr. Yahya Hakim, Managing Director, Lebanese Transparency Association Dr. Ali Rame, Legal Affairs Director, Central Instance for Corruption Prevention, Morocco
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09:00-09:15	Opening Remarks
Grand Ballroom Badiya Hall	<ul style="list-style-type: none"> – Mr. Samih Bino, Chairman, Jordanian Anti-Corruption Commission – Ms. Nicola Ehlermann-Cache, Senior Policy Analyst, OECD
09:15-10:30	Session 1 – International anti-corruption and integrity standards: guidance on the way forward
Grand Ballroom Badiya Hall	<p><i>This session will seek to familiarise participants with key international anti-corruption conventions and standards under which companies in the three countries operate. In the last decade, several international anti-corruption instruments have been adopted. These instruments have tangible consequences for the business community: criminal sanctions have been increasing since their entry into force, and companies discovered to be involved in bribery offences have seen their market shares strongly affected. Special focus will be placed on the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and the United Nations Convention Against Corruption.</i></p> <p>Moderator: Mr. Carl Dawson, Policy Analyst, MENA-OECD Investment Programme</p> <p>The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and other public governance and integrity standards</p> <ul style="list-style-type: none"> – Ms. Nicola Ehlermann-Cache, Senior Policy Analyst, OECD <p>The United Nations Convention on Anti-Corruption</p> <ul style="list-style-type: none"> – Dr. Ali Rame, Legal Affairs Director, Central Instance for Corruption Prevention, Morocco <p>Discussants:</p> <ul style="list-style-type: none"> – Mr. Zuhair Al-Maliki, MENA-OECD Iraq Project Advisor
10:30-11:00	Coffee Break
11:00-12:30	Session 2 – Anti-corruption frameworks: findings of an OECD comparative study
Grand Ballroom Badiya Hall	<p><i>This session will feature an overview of legal and institutional anti-corruption frameworks in Iraq, Egypt and Jordan based on an OECD comparative study that is currently under development. Participants will be invited to provide comments on the main themes of study.</i></p> <p>Moderator: Ms. Nicola Ehlermann-Cache, Senior Policy Analyst, OECD</p> <p>Presentation of the main themes of the OECD comparative study</p> <ul style="list-style-type: none"> – Ms. Maha El Masri, Consultant, OECD <p>Discussants:</p> <ul style="list-style-type: none"> – Mr. Zuhair Al-Maliki, MENA-OECD Iraq Project Advisor – Mr. Mohamed Hiassat, Director of Performance Monitoring, Audit Bureau, Jordan <p>Comments on the findings of the study by participants</p> <p>Roundtable discussion</p>
12:30-14:00	Lunch

14:00-15:15	Session 3 – The effectiveness of institutional arrangements in fighting corruption
Grand Ballroom Badiya Hall	<p><i>Participants will have the opportunity to identify the weaknesses of the existing institutional anti-corruption arrangements in their countries, especially in light of the recent strengthening of integrity standards. Following presentations of the most recent developments and the current state of enforcement of the integrity provisions, the discussions will revolve around key issues and questions.</i></p> <p><i>Moderator:</i> Mr. Robert Ley, Deputy Director, Directorate for Financial and Enterprise Affairs, OECD</p> <p>The effectiveness of institutional arrangements in fighting corruption</p> <ul style="list-style-type: none"> – Mr. Ayman Elgammal, Anti-Corruption Co-ordinator, Ministry of Foreign Affairs, Egypt – The Honorable Madhat Al-Mahmood, President, Supreme Judiciary Council, Iraq – The Honorable Ezzat Jaafar, Vice President, Commission on Integrity, Iraq – Dr. Arwa Al-Mothaffar, Civil Service Reform Specialist, Jordan <p><i>Discussant:</i></p> <ul style="list-style-type: none"> – Mr. Nael Ghali, CEO, Siemens Iraq <p>Roundtable discussion</p> <p><i>Questions for consideration:</i></p> <p><i>What is the state of enforcement of the domestic anti-corruption provisions (inspection and detection, investigation and prosecution, reporting, collection of statistics on corruption offences, and enforcement of sanctions)? Which institutions are involved in the fight against corruption? How do they interact and share information? Are their mandates for prevention, detection, investigation and prosecution clear? What is their relationship with non-governmental actors? Do public and private sector representatives engage in an institutionalised exchange? Are recommendations by the private sector taken into account? Does the private sector engage in any individual and collective actions against corruption (codes of conduct, compliance programmes, integrity pacts...)?</i></p>
15:15-15:45	Coffee Break
15:45-17:00	Session 3 continues
17:00-17:15	Session 4 – Promoting reforms through public and private consultations: Presentation of the methodology for the session
Grand Ballroom Badiya Hall	<p><i>During this session, a presentation will be given by the OECD Secretariat regarding the next day's break-out sessions.</i></p>

Evening: Welcome Dinner hosted by the Jordanian Anti-Corruption Commission at Reem Al Bawadi Restaurant

Meeting point: Intercontinental Hotel Lobby at 07:30 PM

09:30-13:15	Session 4 – Promoting reforms through public and private consultations	
	<p><i>Government representatives and private sector representatives will meet separately in two parallel sessions. They will attempt to identify and prioritise ways in which each sector can improve its effectiveness in the fight against corruption as well as the means to co-operate more effectively with other stakeholders.</i></p> <p><i>Each group will select a rapporteur to present its conclusions in the plenary session.</i></p>	
09:30-12:00	4 (a) Break-out sessions for government and non-government representatives	
<p>Break-out 1: Ayla Room</p> <p>Break-out 2: Nebo Room</p> <p><i>Both rooms are located on the second floor above the hotel lobby</i></p>	<p>Break-out 1: Public sector representatives</p> <p><i>Moderator: Ms. Nicola Ehlermann-Cache, Senior Policy Analyst, OECD</i></p> <p>Introductory remarks:</p> <ul style="list-style-type: none"> – The Honorable Madhat Al-Mahmood, President, Supreme Judiciary Council – Mr. Ayman Elgammal, Minister Plenipotentiary, Anti-Corruption Co-ordinator, Ministry of Foreign Affairs <p><i>Participants may discuss:</i></p> <ul style="list-style-type: none"> • <i>The means of improving internal operations (including issues such as finance, manpower, technology and training);</i> • <i>The clarity of relations with other anti-corruption agencies;</i> • <i>The institutionalisation of exchanges with the private sector to improve the business climate;</i> • <i>The responsibility of the public sector in the fight against corruption.</i> 	<p>Break-out 2: Private sector and civil society representatives</p> <p><i>Moderator: Mr. Carl Dawson, Policy Analyst, OECD</i></p> <p>Introductory remarks:</p> <ul style="list-style-type: none"> – Mr. Nael Ghali, CEO, Siemens Iraq – Ms. Lina Hundaleh, Chairman, Young Entrepreneurship Association, Jordan <p><i>Participants may discuss:</i></p> <ul style="list-style-type: none"> • <i>Individual and collective actions by the private sector and business associations against corruption and optimal ways to implement and enforce them;</i> • <i>Recommendations for exchanges with the public sector;</i> • <i>The responsibility of the private sector in the fight against corruption.</i>
12:00-13:15	4 (b) Plenary: Presentation of the findings of the break-out sessions	
Grand Ballroom Badiya Hall	<p><i>The rapporteur of each group will present the outcome of the discussions and recommendations developed during each break-out session and make proposals on the possible next steps.</i></p> <p><i>Participants will collectively have an opportunity to identify, assess, and discuss key activities for implementing concrete steps to improve integrity in the selected countries.</i></p> <p><i>Moderator: Ms. Nicola Ehlermann-Cache, Senior Policy Analyst, OECD</i></p> <p>Rapporteur presentations</p> <p>Roundtable discussion</p>	
13:15-14:00	Lunch	
14:00-14:30	Closing: Conclusions and next steps	
Grand Ballroom Badiya Hall	<p><i>Based on the discussions, the conclusions of the meeting will be presented and steps for further actions will be agreed upon.</i></p>	

MENA-OECD Investment Programme

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