



ANTI-CORRUPTION COMMUNITY OF PRACTICE IN THE ARAB REGION

Regional Workshop on

“Supporting UNCAC Implementation: Programming Entry Points and Approaches for the Arab Region”

Gamart, Tunisia

25-26 June 2009

Background Paper (Draft)

I. Introduction

This short paper offers background information about the second annual meeting of the Anti-Corruption Community of Practice (AC-COP) in the Arab Region, which will focus on “Supporting UNCAC Implementation: Programming Entry Points and Approaches for the Arab Region”.

The regional workshop will be held in Gamart (Tunisia) on 25-26 June 2009, with the joint support of UNDP’s regional Programme on Governance in the Arab Region (POGAR), and the Democratic Governance Group (DGG) of the Bureau for Development Policy (BDP), and in coordination with UNDP Tunisia and the host government of the Republic of Tunisia.

II. Context

Anti-Corruption is emerging as a new critical policy area in the Arab region. No longer perceived as taboo, it has found its way to the arena of public debate. Slowly, it is being viewed by both state and non-state actors as a key issue for governance reform and a major challenge for development effectiveness as a whole.

This coincides with the growing international emphasis on fighting corruption, with the recognition that corruption is now increasingly being viewed as a serious challenge for developing and developed countries alike, and a major threat to human development as well as human security.

In the region, however, anti-corruption efforts are still at their earlier stages, despite some important achievements made during the last two years. Serious nationally-owned and long-term support that builds on these achievements and seeks to expand them is needed; and the role of bilateral and multilateral organizations and donors is critical.

Arab stakeholders recognize the need to promote collective and inclusive action against corruption, despite concerns towards entry points, sequencing and the interplay between the anti-corruption agenda and national politics. Arab stakeholders are also aware of the importance of forging effective approaches that address structural issues and focus on implementation rather than be limited to the mere creation of laws and institutions, which are necessary, and indeed required in many instances, but cannot solely provide the solution to this deep rooted problem which affects the whole region, albeit in varying magnitudes.

Accordingly, there are a number of broad reform areas that require urgent attention: strengthening integrity in government, with a focus on particularly vulnerable sectors such as procurement, customs, health, social security and other basic public services; reinforcing integrity in the judiciary and the police; improving the capacity to investigate and prosecute corruption; strengthening the role of parliament and other oversight institutions, specifically administrative and financial inspection bodies; enhancing the engagement of civil society and the media; enabling the pro-active involvement of the private sector; and mainstreaming anti-corruption issues into the education system.

A starting point is fostering a critical mass of committed reform drivers and securing the needed political will to drive the process forward while maintaining its momentum. In this respect, looking at the capacity to diagnose corruption in a given environment and assess the content and effectiveness of anti-corruption frameworks in order to inform policy, identify normative and capacity gaps, and benchmark reform progress could prove to be an effective entry point for broader governance reform.

At this moment in time, several important opportunities avail themselves to anti-corruption programming in the Arab region, with several indications of arguably limited yet important proportions.

- Fourteen Arab states¹ have ratified the UN Convention against Corruption (UNCAC) with four additional signatories². UNCAC, which entered into force in 2005, is the first global anti-corruption legal instrument and a driving force behind the anti-corruption debate/reforms at the global, regional and country levels. While it is true that UNCAC ratification by a certain state does not necessarily mean the actual implementation of the norms and standards provided therein, it is still a formal indication of the acceptance of a degree of accountability in the eye of its peers, and more importantly its citizens and hence an entry point for governance and anti-corruption reform.
- After more than a year of regional and country-level consultations and a number of policy-level workshops, heads and senior officials from anti-corruption authorities from sixteen Arab countries³ declared the launching of the Arab Anti-Corruption and Integrity Network (ACINET) in Amman (Jordan) on 30 July 2008. This Arab-led process is supported by the United Nations Development Programme (UNDP) – through its regional Programme on Governance in the Arab Region (POGAR) – in coordination with a number of regional and global actors including the League of Arab States (LoAS), UN Office on Drugs and Crime (UNODC), and the Organization for Economic Cooperation and Development (OECD). Today, ACINET stands as a unique regional platform for policy dialogue, knowledge sharing and capacity development in the area of anti-corruption. It is also a permanent forum that brings together state and non-state actors with a view to fostering collective and inclusive action against corruption. Although still in its early phase of activity, ACINET, in the comparatively short period of its establishment, has proved to be an active forum for knowledge sharing and the identification of normative and capacity gaps. Given its Charter and Rules of Procedure, ACINET will subsequently act as a dynamic vehicle for anti-corruption reforms in the region, if properly supported at the regional level and effectively utilized at the country level.
- Finally, several Arab countries have embarked on a number of concrete steps in their efforts to fight corruption. For example, more than ten Arab countries have launched coordinated processes to assess anti-corruption frameworks with a view to gauging

¹ Algeria, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Qatar, Tunisia, United Arab Emirates, and Yemen; (<http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>); note: the Occupied Palestinian Territory has also declared its commitment to implement the UNCAC.

² Bahrain, Comoros, Saudi Arabia, Sudan, and Syria
(<http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>)

³ Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Occupied Palestinian Territory, Sudan, Qatar, Tunisia, United Arab Emirates, and Yemen.

compliance with the UNCAC and identifying technical assistance needs. These efforts have been driven by the Arab Governmental Expert Group (AGEG) on UNCAC Self Assessment that was established and continues to be supported by UNDP-POGAR in cooperation with UNODC. Iraq, Jordan, Morocco, and Yemen have established new independent anti-corruption authorities; other countries such as Egypt and Qatar established specialized committees. Jordan and Mauritania developed national anti-corruption strategies and serious efforts are being made to implement this strategy, in case of Jordan. Other countries in the region are also preparing to develop their own strategies, including Iraq, Lebanon, Morocco and Yemen. A series of anti-corruption legal reforms have already been enacted in Bahrain, Jordan and Yemen. The relationship between government and civil society is witnessing cautious yet promising improvement in interaction and cooperation. Kuwait, Lebanon, Morocco and Yemen offer good examples. Other efforts are also underway at the country level, including efforts to engage the role of civil society and media, in Lebanon and Yemen; consolidate asset declaration systems in Yemen; enhance integrity in procurement in Morocco and Yemen; and develop the capacity of newly established anti-corruption commissions such as in Iraq, Jordan, and Yemen.⁴ Much remains to be done of course, but these indications offer some insight on the political environment for anti-corruption and ultimately offer building blocks that should be utilized.

III. UNDP and Anti-Corruption in 2008-2009

Prompted by global developments including the advent of the UNCAC and driven by its mandate on poverty reduction, the realization of the Millennium Development Goals (MDGs) and the promotion of sustainable human development, UNDP worked to reinforce its position as a global anti-corruption actor, with a view to maximizing its capacity to contribute to related country efforts across the globe.

In doing so, it has built on (i) its long experience in providing anti-corruption technical assistance within its democratic governance portfolio; and (ii) its unique position to engage a broad range of national stakeholders in a holistic anti-corruption approach, based on its wide country presence/experience and support for nationally-led programming processes.⁵

⁴ Information provided by UNDP's Programme on Governance in the Arab Region (POGAR).

⁵ *Anti-Corruption Practice Note*, UNDP, 2008, pp.3 and 7.

UNDP also benefits from a number of additional factors including (i) its expanding cooperative relationships in the area of anti-corruption with other global actors such as UNODC,⁶ OECD, U4, GTZ, Transparency International (TI) and others.⁷ OECD as well as others; (ii) its comparative advantage in supporting the implementation of specific aspects of the UNCAC, as well as other regional or global anti-corruption standards and best practices, especially in the area of preventing corruption;⁸ and finally, (iii) its diverse and dynamic knowledge networks and communities of practice.

In 2008-2009, UNDP is implementing a global anti-corruption programme,⁹ and a number of regional and country level anti-corruption interventions. It also developed a number of valuable anti-corruption knowledge products¹⁰ and increased efforts aimed at increasing knowledge networking and cross-regional knowledge exchange with a view to enhancing South-South cooperation.

Key challenges ahead include streamlining UNDP's intervention in the area of anti-corruption; increasing knowledge/experience sharing among UNDP practitioners; enhancing programming capacities at the country level; and supporting effective cross-regional and cross-organizational linkages and synergies.

IV. The Anti-Corruption Community of Practice (AC-COP) in the Arab Region

The Anti-Corruption Community of Practice (AC-CoP) in the Arab region is part of the global AC-CoP that convened its third meeting in Athens (Greece) on 28-29 October 2008, back-to-back with the International Anti-Corruption Conference.

⁶ Memorandum of Understanding finalized and signed in 2008.

⁷ ***Mainstreaming Anti-Corruption in Development: Update on UNDP Anti-Corruption Work in 2008***, DGG/BDP/UNDP, 2009, p. 2.

⁸ ***Anti-Corruption Practice Note***, UNDP, 2008, pp. 9-11.

⁹ UNDP Global Thematic Programme on Anti-Corruption for Development Effectiveness (PACDE).

¹⁰ These include the (i) *Anti-Corruption Practice Note 2008: Mainstreaming Anti-Corruption in Development*; (ii) *Primer on Corruption and Development: Anti-Corruption Intervention for Poverty Reduction, Realization of the MDGs and Promoting Sustainable Development*; (iii) *UNDP Framework on Corruption and Development: Anti-Corruption Guidance Note*; (iv) *Brochure: UNDP's Work in Anti-Corruption*; and (v) *User's Guide for Measuring Corruption* in cooperation with Global Integrity. In 2009, it produced "*Mainstreaming Anti-Corruption in Development: Update on UNDP Anti-Corruption Work in 2008*". Other region-specific or country-specific products have been developed or are under development. In the Arab region, UNDP-POGAR is working to develop two major knowledge products on whistleblower protection and anti-corruption commissions.

The AC-CoP in the Arab region was convened for the first time in Beirut (Lebanon) on 27-30 June 2008 in the context of a regional workshop on “Building Partnerships to Support UNCAC Implementation”. The workshop brought together UNDP practitioners from 13 Country Offices¹¹ and a number of national counterparts, including government officials, prosecutors, parliamentarians, and representatives from civil society and media, in addition to global and regional UNDP advisors and representatives from key international organizations including LoAS, UNODC and TI.

The workshop succeeded in establishing and building a sense of community and reinforcing a common language among participating practitioners. It also contributed to the clarifying country-regional-global synergies and complementarities with other organizations; and provided an important opportunity for introducing and discussing new concepts and sharing experiences from the region and the beyond. More specifically, the workshop focused on improving the participants’ knowledge on programming entry points, approaches and challenges and concluded in identifying three priority areas for further support and follow up (i) anti-corruption strategies and commissions; (ii) the role of the judiciary in fighting corruption; and (iii) mainstreaming UNCAC into public administration reforms.¹² Key issues were identified under each area through working groups.

At the end of the workshop, UNDP practitioners were also able to discuss and provide inputs to UNDP’s new knowledge products namely the “Anti-Corruption Practice Note” and the “Anti-Corruption Primer for Practitioners”.

As a result of this workshop, the AC-CoP in the Arab region was activated, but there is a lot to be done in order to reap the full benefits of this strong and unique dynamic and to facilitate its integration and interaction with the global AC-CoP and other regional AC-CoPs. During the first year after the workshop, the community already served as a vehicle for sharing knowledge, providing expertise, and identifying complementarities; however, it promises to provide much more.

The second meeting which will be held in Tunisia in June 2009 will provide an opportunity to further consolidate the community, review progress on related efforts, and explore complementarities and synergies between country-regional-global anti-corruption interventions. More importantly, it will serve as a platform, to address in more detail, the

¹¹ Algeria, Bahrain, Egypt, Iraq, Jordan, Lebanon, Mauritania, Morocco, Saudi Arabia, Sudan, Syria, Tunisia and Yemen.

¹² Anti-Corruption Community of Practice in the Arab Region: Building Partnerships to Support UNCAC Implementation, Final Report.

anti-corruption programming priority areas that have been identified during the last meeting in Beirut as well as identify themes and issues for the next meeting in 2010.

V. Programme

The Anti-Corruption Community of Practice in the Arab Region will be convened for the second time with the overall theme of “Supporting UNCAC Implementation: Programming Entry Points and Approaches for the Arab Region”.

The Programme will be divided over two days; 25-26 June 2009.

Thursday, 25 June 2009: the first day will be divided into an opening session and three substantive sessions.

The opening session will provide an opportunity for the host government and the organizers to address the participants and outline key concepts, issues and challenges.

The first session will address anti-corruption efforts in the Arab Region since the last AC-CoP meeting in Beirut in June 2008, including country/regional activities and developments as well as linkages to global efforts. The objective is to identify emerging synergies between national, regional and global efforts and facilitate sharing knowledge and lessons learned.

The second session will address the establishment and consolidation of independent Anti-Corruption Commissions under the UNCAC. The objective is to present issues and challenges and support the identification of effective ways to provide technical assistance to anti-corruption commissions. This includes the presentation of key concepts, good practices and lessons learned; discussions on the interplay with other anti-corruption authorities; and a presentation and analysis of related experiences from Arab countries.

The third session will address the role of the judiciary in promoting integrity and supporting UNCAC implementation. The objective is to present issues and challenges and support the exploration of programming entry points for strengthening the role of judiciary on UNCAC implementation. This includes institutional arrangements to strengthen judicial integrity; the capacity to investigate and prosecute corruption crimes; as well as good practices and lessons learned from other regions.

Friday, 26 June 2009: the second day will be divided into three sessions followed by the closing session.

The fourth session will address mainstreaming UNCAC norms and standards in public administration reform with a focus on entry points and priorities. The objective is to increase

knowledge on programming areas and possible interventions for mainstreaming UNCAC norms and standards in public administration reform. This includes the presentation of good practices and lessons learned on the norms and standards that are related to Public Administration Reform; discussions on complementarities with additional tools and products including other conventions and best practices; as well as specific experiences from Europe and the CIS Region.

The fifth session will address diagnostics and assessments in the area of anti-corruption including concepts, tools, and challenges. The objective is to increase knowledge on the utilization of measurement tools for anti-corruption policy reforms and identification of technical assistance needs. More specifically, the session will include presenting and discussing the User's Guide for Measuring Corruption; presenting and discussing the Omnibus Software Survey (new UNCAC Self Assessment Checklist); as well as an in-depth discussion on benefits, challenges, and the role of different actors in such processes.

The sixth session will be a Working Group Session, meaning that participants will be divided to three working groups. Each corresponds to one of the major workshop topics, i.e. (i) anti-corruption commissions; (ii) role of the judiciary; and (iii) mainstreaming anti-corruption in public administration reforms. The session will seek to provide a framework for moving from sensitization and awareness to programming through enabling a focused exchange among participants. The objective is to explore and identify (i) entry points for programming interventions for UNCAC implementation – with a focus on the priority areas of the workshop – at the country level in the Arab region and (ii) complementarities with the regional efforts. This will be done based on the results of previous sessions and the experience of the various participants.

The three working groups will discuss the following five questions (i) what are the key areas of anti-corruption programming at the country level in Arab region?; (ii) what are possible synergies and complementarities with regional anti-corruption efforts?; (iii) what are the UNCAC linkages related to each of the above-mentioned programming areas?; (iv) what are the key challenges faced by the programming areas identified above?; and (v) how can the above-mentioned challenged be addressed to implement the identified programming areas? Working group discussions will be concluded with report-backs in plenary, followed by cross-working-group discussions.

The closing session will summarize the results of the workshop and outline the way forward based on feedback from participants.

For more information on the Programme, please review the agenda (attached) or contact Mr. Arkan EL SEBLANI at arkan.el-seblani@undp.org.

VI. Participation and Organizational Notes

The regional workshop is organized by UNDP's regional Programme on Governance in the Arab Region (POGAR) with the support of the Democratic Governance Group (DGG) in UNDP's Bureau for Development Policy (BDP), and in coordination with the host government of the Republic of Tunisia.

It will be open to practitioners from UNDP Country Offices in the Arab region as well as their national counterparts including government officials, prosecutors and judges, parliamentarians, and representatives from civil society, media or private sectors. The organizers have also invited UNDP advisors from other regions and representatives and experts from regional and international organizations and bilateral and multilateral donors.

Upon confirming participation, the organizers will send a logistics letter to participants with all needed information and will stand ready to provide assistance as needed. For information on logistic matters, please contact karim.helal@undp.org.

VII. Concluding Remarks

Anti-corruption reform is a long and challenging course of action that lends itself to a variety of complex factors, but is also a course that we cannot afford to neglect given the serious and negative impact of corruption on, *inter alia*, the quality of basic social services, investment levels and trends, the rule of law, and the citizen trust in government; and hence on human development and human security.

In the Arab region, recent global developments and region-specific indications present important opportunities for focusing and realigning anti-corruption interventions. Related reform efforts are neither expected to yield a zero-corruption environment nor address all of the entrenched aspects of corruption in a given country at once. Nevertheless, the broader aim remains to control this age-old phenomenon and limit its impact on the quality of human life.

In this context, the AC-CoP in the Arab region and its partners at the country level (national counterparts) or at the regional and international level (regional and international organizations and bilateral and multilateral donors) play a critical role in mobilizing the needed resources to support anti-corruption efforts and focus on mainstreaming it into nationally-led development processes.
