

Strengthening Integrity in the Public and Private Sector in the MENA Region: Reforming and enforcing anti-corruption legislation

Training programme

Prepared by the MENA-OECD Investment Programme

in cooperation with the IMF - Middle East Center for Economics and Finance

7-10 April 2014, Kuwait

Objective

Preventing corruption in interactions between the public officials and private companies is an important element of the general efforts to reduce corruption and to create favourable conditions for private sector development in MENA economies. Business integrity is a relatively new subject globally and in the MENA region. The objective of this training is to present to the government officials and business representatives from the MENA region the emerging standards and good practices for promoting business integrity from the OECD countries and other regions, and to develop practical skills necessary for preparing business integrity policies and measures in their own countries. The main focus will be giving to the reforming and enforcing of anti-corruption legislations in the MENA countries as one of the starting condition for promoting business integrity.

Participants

The training will be targeting the following participants form public institutions:

- Experts from anti-corruption agencies that are involved in reform of anti-corruption legislation and strengthening its enforcement in practice;
- Experts from ministries of justice that are involved in reform of anti-corruption legislation;
- Investigators, prosecutors and other law-enforcement practitioners involved in anti-corruption cases.

The training will also be useful for the representatives of the private sector, and in particular to the business associations from the MENA region that are involved in the public-private dialogue regarding reform and enforcement of anti-corruption legislation in their countries.

Participants from Arab League countries will be invited by the IMF through their contacts in Ministries of Finance and using the OECD advice; selection and confirmation of participants by the IMF jointly with the OECD. Trainers will be identified by the OECD.

Meeting Venue and Logistics

The IMF training center will provide one amphitheatre room for plenary sessions, and two round table rooms for working group sessions. Simultaneous interpretation from English to Arabic is provided in the plenary session room, consecutive interpretation will be provided in the working group rooms.

Lunches are provided on-site, accommodation is provided in a hotel in a walking distance from the training centre. Visas, travel, accommodation and meals for all participants are provided by the IMF; the OECD will cover the expense of the trainers.

Programme

Time	Session	Materials
7 April	Day 1	
8.30	<p>SESSION 1.1 ADMINISTRATIVE BRIEFING</p> <p>Mr Muhannad Darwish, Course Administrator IMF- Middle East Center for Economics and Finance (CEF)</p>	
9:00	<p>SESSION 1.2 INTRODUCTION</p> <p>In the first part of this session the organising institutions will welcome the participants and the overall objectives of the course:</p> <ul style="list-style-type: none"> • Welcome by Mr Abdelhadi Yousef, CEF Director; • Welcome by Mrs Olga Savran, Senior Anti-Corruption Advisor, MENA-OECD Investment Programme, OECD. <p>In the second part of this session, the participants will be invited to introduce themselves, including the institution that they represent, their expertise and their role in their institution, as well as their expectations from the course:</p> <ul style="list-style-type: none"> • A round of self-introductions by the participants. <p>In the third part of this session, the trainers will introduce themselves, and will provide feedback regarding the expectations of the participants from the course:</p> <ul style="list-style-type: none"> • Mr Drago Kos, former Chair, Commission for the Prevention of Corruption of Slovenia; former President of Council of Europe GRECO; Chairman of the OECD Working Group on Bribery; • Mr Tom Thraya, Head of UAE Corporate and Commercial Practice, Baker & McKenzie, Habib Al Mulla • Dr Abdullah Abdullah, Associate Professor of Law, Beirut Arab University, Expert & Regional Anti-Corruption Adviser, Lebanon. <p>At the last part of this session, the OECD Secretariat will present the objectives of the course, the agenda and the working rules:</p> <ul style="list-style-type: none"> • Introduction of the programme and working rules: Ms Dina Moussa, Consultant, MENA-OECD Investment Programme, OECD. 	<ol style="list-style-type: none"> 1. Programme 2. CVs of trainers 3. List of participants
10.30	Coffee break	
11.00	<p>SESSION 1.3 REFORM OF ANTI-CORRUPTION LEGISLATION AS A CONDITION FOR BUSINESS INTEGRITY</p> <p>This session will introduce the international anti-corruption standards and will discuss how an effective legal framework at the national level should create condition for business integrity. It</p>	<ol style="list-style-type: none"> 4. Slides of the trainers 5. UNCAC 6. ACAC 7. OECD anti-bribery convention 8. OECD guidelines on

	<p>will examine how MENA anti-corruption legislation complies with international standards and good practice.</p> <ul style="list-style-type: none"> • Mr Drago Kos: International Anti-corruption Standards and Good Practices regarding corruption offences, conflict of interests and gifts; • Mr Tom Thraya: Key Elements of the anti-corruption legislation and their enforcement as conditions to promote business integrity in the MENA region; • Dr Abdullah Abdullah: a Brief Overview of Anti-corruption legal reform in the MENA region. <p>Questions and answers</p>	<p>conflict of interests</p> <p>9. OECD/ACN Glossary on criminal law standards on corruption</p> <p>10. OECD/ACN study on Asset Declarations</p>
12.00	<p>Several MENA countries will be invited to present how their domestic anti-corruption legislation complies with international standards and good practice in the areas of corruption offences, gifts and conflict of interest; countries can volunteer to make these presentations or they may be selected on the basis of their answers to the preparatory questionnaire:</p> <ul style="list-style-type: none"> • Country 1 • Country 2 <p>Questions and answers</p>	<p>11. Questionnaire/answer on corruption offences, definition of gifts and Col in MENA</p> <p>12. UNCAC reviews of MENA countries</p> <p>13. ACAC</p> <p>14. Integrity scan of Tunisia</p>
12.30	Lunch	
13.00	<p>SESSION 1.4 WORKING GROUPS ON REFORM OF ANTI-CORRUPTION LEGISLATION IN THE MENA COUNTRIES</p> <p>Participants will be split into several working groups. They will be invited to analyse corruption-related offences and definitions established in their national legislation and to assess them in the light of the international standards and good practice:</p> <ul style="list-style-type: none"> • Group 1: elements of bribery offence, undue advantage, small facilitation payments, solicitation and offering of undue advantage; <i>moderators: Mr Kos and Dr Abdullah</i> • Group 2: gift, hospitality and expenses, political and charitable contribution; <i>moderators: Mr Thraya and Ms Moussa</i> • Group 3: conflict of interests in public and private sectors; <i>moderator: Ms Savran</i> <p>Each group will appoint a rapporteur to report to plenary.</p>	<p>15. Tasks for the group: to analyse national legislation regarding corruption offences, gifts and conflict of interest, to identify compliance gaps in relation to international standards and propose solutions</p> <p>16. Charts for splitting the groups (e.g. English, French and Arab speaking or self-selection by theme)</p>
14.00	Coffee break	

14.30	<p>SESSION 1.5 RECOMMENDATIONS ON REFORM OF ANTI-CORRUPTION LEGISLATION FOR THE MENA COUNTRIES</p> <p>During the wrap up session, the working groups will be invited to report about their discussions and findings, and the trainers will be invited to provide their feedback and guidance regarding steps necessary to further reform anti-corruption legislation in the MENA countries. The participants will then be invited to formulate recommendations for their countries.</p> <ul style="list-style-type: none"> • Reporting from working groups to the plenary • Feedback by the trainers • Developing regional recommendations: how to improve anti-corruption legal framework in the MENA countries to promote business integrity <p>Ms Dina Moussa will record the feedback and recommendations.</p>	<p>17. Flipcharts with the results of the working group discussions</p> <p>18. Record of the feedback from the trainers</p> <p>19. Record of the recommendations for further reform</p>
15.30	Closing	
8 April	Day 2	
8.30	<p>SESSION 2.1 MORNING EXERCISE</p> <p>Mrs Olga Savran and Ms Dina Moussa will invite all participants to name 1 main new issue they have learned in the first day and will record the main ideas on the board/computer.</p>	
9.00	<p>SESSION 2.3 ENFORCMENT OF ANTI-CORRUPTION LEGISLATION AS A CONDITION FOR BUSINESS INTEGRITY</p> <p>This session will introduce the international standards and good practice regarding specialised anti-corruption law-enforcement institutions, and good practice for investigation and prosecution of corruption cases. It will also allow examining how anti-corruption legislation related to business integrity in enforced in the MENA countries.</p> <ul style="list-style-type: none"> • Mrs Olga Savran: international standards and models of specialised anti-corruption institutions; • Mr Drago Kos: international standards and good practice regarding investigation and prosecution of corruption cases. 	<p>20. Slides of trainers</p> <p>21. UNCAC</p> <p>22. ACAC</p> <p>23. OECD Anti-Bribery Convention</p> <p>24. OECD/ACN Study on specialised anti-corruption institutions</p> <p>25. OECD/ACN Manual on financial investigations</p>
10.00	Coffee break	
10.30	<ul style="list-style-type: none"> • Dr Abdullah: Overview of Anti-corruption Law-Enforcement Bodies and Investigation and Prosecution Practices in the MENA countries <p>Presentations from several MENA countries about anti-corruption legislation and its enforcement in the MENA countries:</p> <ul style="list-style-type: none"> • Country 1 • Country 2 • Country 3 • Country 4 <p>Questions and answers</p>	<p>26. Questionnaire/answers on law-enforcement institutions</p>
12.00	Lunch	
12.30	SESSION 2.4 WORKING GROUPS ON ENFORCMENT OF ANTI-	27. Task for working

	<p>CORRUPTION LEGISLATION</p> <p>Participants will be split into several working groups. They will be invited to analyse specific aspects of enforcement of anti-corruption legislation in the MENA countries:</p> <ul style="list-style-type: none"> • Groups 1-2: specialised anti-corruption law-enforcement bodies and how to make them more effective; <i>moderators: Dr Abdullah and Mrs Savran;</i> • Groups 3-4: effective detection, investigation and prosecution of corrupt related cases; moderators: Mr Kos and Ms Moussa <p>Each group will appoint a rapporteur who will present the results of the discussion to the next session.</p>	<p>groups: to analyse the law-enforcement institutions and investigation practices in the MENA countries in light of international standards and good practice, to identify compliance gaps and propose solutions</p>
14.00	Coffee break	
14.30	<p>SESSION 2.5 RECOMMENDATIONS ON STRENGTHENING THE ENFORCEMENT OF ANTI-CORRUPTION LEGISLATION</p> <p>During the wrap up session, the working groups will be invited to report about their discussions and findings, and the trainers will be invited to provide their feedback and guidance regarding steps necessary to further strengthen the enforcement of anti-corruption legislation in the MENA countries. The participants will then be invited to formulate recommendations for their countries on further strengthening the enforcement of anti-corruption laws to promote business integrity.</p> <ul style="list-style-type: none"> • Reporting from working groups to the plenary • Feedback by the trainers • Developing regional recommendations: how to strengthen the enforcement of anti-corruption legislation in the MENA countries to promote business integrity <p>Ms Dina Moussa will record the feedback and recommendations.</p>	<p>28. Flipcharts with the results of the working group discussions</p> <p>29. Record of the feedback form the trainers</p> <p>30. Record of the recommendations for further reform</p>
15.30	Closing	
9 April	Day 3	
8.30	<p>SESSION 3.1 MORNING EXERCISE</p> <p>Mrs Olga Savran and Ms Dina Moussa will present one of the ICC RESIST ethical dilemmas to the participants and will invite them to discuss what actions they could take in the presented situation. The trainers will be invited comment on the proposals of the participants.</p>	31. ICC Resist
9.00	<p>SESSION 3.2 RESPONSIBILITY OF LEGAL PERSONS FOR CORRUPTION AS A TOOL TO PROMOTE COMPLIANCE BY COMPANIES</p> <p>This session will introduce the international standards and good practice regarding the responsibility of legal persons for corruption and will discuss how this international norm can be effectively introduced and enforced in the MENA countries. It will also allow examining how anti-corruption legislation addresses this norm in the MENA countries.</p>	<p>32. Slides</p> <p>33. UNCAC</p> <p>34. ACAC</p> <p>35. OECD Convention</p> <p>36. OECD/ACN proceedings on liability of legal persons</p>

	<ul style="list-style-type: none"> • Mr Drago Kos: international standards and good practice regarding responsibility of legal persons for corruption. • Dr Abdullah Abdullah: overview of corporate liability in the MENA countries <p>Questions and answers</p>	
10.00	Coffee break	
11.30	<p>Presentations from several MENA countries about the responsibility of companies for corruption in the MENA countries:</p> <ul style="list-style-type: none"> • Country 1 • Country 2 <p>Questions and answers</p>	
12.00	Lunch	
12.30	<p>SESSION 3.3. WORKING GROUPS ON RESPONSIBILITY OF LEGAL PERSONS</p> <p>Participants will be split into several working groups. They will be invited to analyse specific aspects of enforcement of anti-corruption legislation in the MENA countries:</p> <ul style="list-style-type: none"> • Groups 1-2: countries that do not have corporate liability will be asked to prepare a proposal how to introduce it with the main elements of the bill; <i>moderators: Mr Kos, and Ms Moussa;</i> • Groups 3-4: countries that have corporate liability will be asked to assess their regimes with the international standards and propose further reforms; <i>moderators: Mrs Savran and Dr Abdullah.</i> <p>Each group will appoint a rapporteur.</p>	<p>37. Tasks for working groups: to analyse how the international standard on corporate liability is introduced and enforced in the MENA countries, to identify compliance gaps and propose solutions</p>
14.00	Coffee break	
14.30	<p>SESSION 3.4 RECOMMENDATIONS ON CORPORATE LIABILITY REFORM FOR THE MENA COUNTRIES</p> <p>During the wrap up session, the working groups will be invited to report about their discussions and findings, and the trainers will be invited to provide their feedback and guidance regarding steps necessary to ensure an effective corporate liability regime in the MENA countries. The participants will then be invited to formulate recommendations for their countries on corporate liability regimes to promote business integrity.</p> <ul style="list-style-type: none"> • Reporting from working groups to the plenary • Feedback by the trainers • Developing regional recommendations: how to introduce and enforce effective responsibility of companies for corruption in the MENA countries to promote business integrity <p>Ms Dina Moussa will record the feedback and recommendations.</p>	<p>38. Flipcharts with the results of the working group discussions</p> <p>39. Record of the feedback from the trainers</p> <p>40. Record of the recommendations for further reform</p>
15.30	Closure	
10 April	Day 4	
8.30	SESSION 4.1 MORNING EXERCISE	

	<p>Ms Dina Moussa will invite all participants to name 1 main issue they have learned in the third day and will record the main ideas on the board. Alternatively, they can invite the participants to respond to one of the ICC RESIST dilemmas.</p>	
9.00	<p>SESSION 4.2 ADDITIONAL SANCTIONS AND INCENTIVES TO PROMOTE BUSINESS INTEGRITY</p> <p>During this session the trainers will present emerging good practices regarding additional sanctions and incentives that the governments can use to promote business integrity and company compliance. The participants will be invited to discuss how these good practices can be promoted in the MENA countries.</p> <ul style="list-style-type: none"> • Mr Drago Kos: Company compliance programme as a defence against prosecution, examples from selected OECD countries; • Dr Abdullah Abdullah: Anti-corruption provisions in public procurement and other publicly funded projects, anti-corruption declarations, due diligence and black-listing; 	<p>41. Slides 42. Other: to be recommended by the trainers</p>
10.00	Coffee break	
	<ul style="list-style-type: none"> • Ms Dina Moussa: Disclosure requirements and responsibility of corporate management for prevention of corruption as a part of the corporate governance regulations; voluntary disclosure; • Mrs Olga Savran: Collective actions and integrity pacts. <p>Questions and answers</p> <p>Presentations from MENA countries about additional sanctions and incentives to promote business integrity in their countries:</p> <ul style="list-style-type: none"> • Country 1 • Country 2 • Country 3 • Country 4 <p>Questions and answers</p>	
12.00	Lunch	
12.30	<p>SESSION 4.3. WORKING GROUPS ON ADDITIONAL SANCTIONS AND INCENTIVES</p> <p>Participants will be split into several working groups. They will be invited to analyse specific aspects of enforcement of anti-corruption legislation in the MENA countries:</p> <ul style="list-style-type: none"> • Group 1 compliance programmes; <i>moderator: Mr Kos;</i> • Group 2: black listing; <i>moderators: Dr Abdullah;</i> • Group 3: disclosure; <i>moderator: Ms Moussa;</i> • Group 4: integrity pacts; <i>moderator: Mrs Savran.</i> <p>Each group will appoint a rapporteur.</p>	
14.00	<p>SESSION 4.4 RECOMMENDATIONS ON ADDITIONAL SANCTIONS AND INCENTIVES FOR THE MENA COUNTRIES</p>	43. Flipcharts with the results of the working

	<p>During the wrap up session, the working groups will be invited to report about their discussions and findings, and the trainers will be invited to provide their feedback and guidance regarding additional sanctions and incentives to promote business integrity in the MENA countries. The participants will then be invited to formulate recommendations for their countries.</p> <ul style="list-style-type: none"> • Reporting from working groups to the plenary • Feedback by the trainers • Developing regional recommendations: additional sanctions and incentives that can be developed by the governments of the MENA countries to promote business integrity. <p>Ms Dina Moussa will record the feedback and recommendations.</p>	<p>group discussions</p> <p>44. Record of the feedback form the trainers</p> <p>45. Record of the recommendations for further reform</p>
14.30	Coffee break	
15.00	<p>SESSION 4.5 EVALUATION</p> <p>A round of oral feedback from participants: what were the most useful results for you from this training; how will you use the newly acquired knowledge in practice during the next year; what would you like to learn next time;</p> <p>Anonymous questionnaire for participants: quality of training and organisation;</p> <p>Certificates and photos: CEF will award the participants with the certificates confirming their participation in the course and photos to the trainers to thank them for their contribution.</p>	<p>46. Evaluation forms for participants</p> <p>47. Certificates</p> <p>48. Photos</p>
15.30	Closure	