



Boosting the detection and reporting of corruption in the MENA region: what is at stake?

Agenda

6-9 January 2020

IMF Centre
Kuwait

Background

Many countries around the globe have established corruption offences required by the United Nations Convention against Corruption (UNCAC) and regional instruments such as the Arab Anti-Corruption Convention, including cross border corruption offences¹ and provisions on corporate liability². However, detection, reporting and enforcement of complex corruption (e.g. cases involving legal persons, multiple intermediaries and/or jurisdictions) remains negligible due, in part to an uneven political will but also a lack of practical experience and solid knowledge on the “know-how”, especially when it comes to detection of corruption offences.

Detecting corruption and bribery is the first step, and a challenge, to any effective law enforcement. When the crime in question is foreign bribery, the difficulty may be even greater as neither the bribe payer nor the bribe recipient has any interest in disclosing the offence. Contrary to many other offences, there is rarely an easily identifiable, direct victim who would be willing to come forward. And while there may be witnesses to the foreign bribery, these may not be sufficiently aware of or alert to the offence occurring before them, and may not be aware of the importance or existence of reporting channels. Law enforcement is therefore left with the significant challenge of uncovering, investigating and prosecuting an offence which no one, it seems, has any incentive to disclose.

Adequate legal and institutional frameworks are the first step to promote detection and reporting by a given source. It is generally true that clear and adequate protection, incentives and support need to be afforded to those who report. Establishing and publicising reporting channels is also essential if any alleged bribery that has been detected is to be reported to law enforcement authorities. In many instances, awareness and training are also key to detection and reporting. Feedback from law enforcement following a report will also be important in developing the capacity to detect: it is a way of acknowledging the role played by the person or body in uncovering the foreign bribery. Where the detection source is a public agency, providing feedback also builds trust, increases expertise and mutual understanding, and more generally establishes a common goal of fighting corruption. Reporting of corruption by civil servants is essential but remains a challenge in most countries that fail to protect officials from discriminatory or disciplinary action. The role of civil society and media in detecting corruption offences is also crucial. The UNCAC acknowledges the critical role of media in fighting corruption. Art. 13(d) asks States Parties to strengthen the participation of society in the fight against corruption by “respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption”.

Objectives of the meeting

This seminar, organised by the OECD and hosted by the IMF, aims to facilitate the exchange of practical experiences and good practices among anti-corruption bodies responsible for preventing and detecting corruption in the MENA region. It will provide an opportunity to examine and build on existing practices that already exist within the region and beyond. The role of civil society and media in detecting corruption will also be discussed. The seminar will include expert presentations including real life case studies, working groups and plenary discussions on best practices. Seminar topics will include:

- Effective means to detect and report corruption.
- The importance of inter-agency cooperation in the detection and reporting of corruption.
- Mechanisms for the protection of whistleblowers. The sessions will aim at enhancing the understanding of the whistleblowing process from the perspective of the whistleblower, as well as measures to enhance the readiness of authorities to apply protection measures.

¹ UNCAC Article 16.

² UNCAC Article 26.

- The role of civil society and the media in detecting and reporting corruption.

Discussion on each theme will generate a list of “dos’ and don’ts” for trainers’ benefits.

At the end of the event, participants will also be invited to consider potential follow-up events/activities for anti-corruption practitioners from the MENA region.

Participants

The seminar is for anti-corruption experts from MENA countries, representing anti-corruption authorities. Other relevant law enforcement authorities that have a role in detecting corruption (such as financial intelligence units) are also invited.

Meeting Venue and Logistics

The IMF training centre will provide one amphitheatre room for plenary sessions, and up to four 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 and accommodation is also provided in a hotel.

IMF-Middle East Centre for Economics and Finance (CEF) OECD Boosting the detection and reporting of corruption in MENA and GCC countries: what is at stake? Kuwait City, 6 – 9 January 2020 Course Program	
MONDAY 6 JANUARY 2020 DAY ONE: DETECTION OF CORRUPTION IN THE PUBLIC SPHERE	
08:00-08:30	Registration
08:30-09:00	Administrative Briefing <ul style="list-style-type: none"> • Ali Al – Qallaf, Course Administrator, IMF Middle East Centre for Economics and Finance
09:00 – 09:45	Opening Session and Tour de Table
	Welcoming remarks by organisers <ul style="list-style-type: none"> • Oussama Kanaan, Director, IMF Middle East Centre for Economics and Finance; • Ms. Catherine Marty, Legal Analyst, OECD Anti-Corruption Division.
	Round Table Introduction by trainers and participants Trainers and participants will be invited to introduce themselves, their personal experience and role in the institution they represent, as well as their expectations for the course. Course Objectives The OECD Anti-Corruption Division will present the course objectives and agenda. <ul style="list-style-type: none"> • Ms. Catherine Marty, Legal Analyst, OECD Anti-Corruption Division
09:45-10:15	Group Photo and Coffee Break
10:15-10:25	Session 1.1 The OECD Convention among the other international legal instruments in the fight against corruption
	This session will serve to introduce a brief overview of the OECD Anti-Bribery Convention. In this session, the OECD standards on the detection of corruption offences will also be presented. <ul style="list-style-type: none"> • Ms. Catherine Marty, Legal Analyst, OECD Anti-Corruption Division

10:25-10:35	Session 1.2 MENA-OECD Business Integrity Network: The Promotion of Public-Private Dialogue
	<p>This session will present the MENA-OECD Business Integrity Network (MOBIN) that has operated as a bridge between the OECD and the MENA region since 2011. It holds events for practitioners and policy makers on issues related to anti-corruption integrity systems, effective enforcement methods and the adoption of robust national legal and institutional frameworks against corruption.</p> <ul style="list-style-type: none"> • Ms. Diane Pallez-Guillevic, Policy Analyst, Middle East and Africa Division, Global Relations Secretariat, OECD.
10:35-12:00	Session 1.3 - Detection of corruption cases: the role of public authorities
	<p>Detecting the crime is the first step, and a challenge, to any effective law enforcement. When the crime in question is corruption, the difficulty may be even greater as neither the bribe payer nor the bribe recipient has any interest in disclosing the offence. Contrary to many other offences, there is rarely an easily identifiable, direct victim who would be willing to come forward. Law enforcement is therefore left with the significant challenge of uncovering, investigating and prosecuting an offence which no one, it seems, has any incentive to disclose. In this session, practitioners will focus on the role of Anti-Corruption Agencies in the detection of corruption with the view to identify challenges and good practices.</p> <p>Each presentation will be followed by a question-and-answer session.</p> <ul style="list-style-type: none"> • Ms. Rym Gmati, National Anti-Corruption Authority, Tunisia • Ms. Nassima Hanafi, Authority for prevention and fighting corruption, Algeria • Anti-Corruption Authority; Kuwait
12:00 – 12:15	Noon Prayer Break
12:15 – 13:30	Session 1.4 - Role of public authorities in detecting and investigating corruption and related offences
Case study	<p>Coordinated by Ms. Diane Pallez-Guillevic, Policy Analyst, Middle East and Africa Division, Global Relations Secretariat, OECD</p> <p>Following a brief introduction by the OECD, participants will be split into four groups to work on a case study. This session will allow authorities from different MENA countries to share their experiences, strategies, and practical tools for detecting corruption in an interactive manner.</p> <p>Trainers will facilitate the break-out sessions. Each working group should choose a rapporteur to present its discussions to the Plenary during the afternoon session.</p>
13:30-14:00	Lunch Break
14:00-15:30	Report-back to Plenary
	<p>Moderated by Ms. Diane Pallez-Guillevic, Policy Analyst, Middle East and Africa Division, Global Relations Secretariat, OECD.</p> <p>Rapporteurs from the working groups will be invited to report on their</p>

	discussions and findings. Trainers will provide their feedback and guidance regarding steps to enhance the effective detection of corruption in MENA countries.
19:00-21:00	Social Event – Official Dinner at Cucina Restaurant

TUESDAY 7 JANUARY 2020	
DAY TWO: DETECTION OF CORRUPTION AND INTER-AGENCY COOPERATION	
08:30– 09:00	Session 2.1 - Anti-corruption: a need for the private and public sectors to work together
	<p>This session will explore the need for collaboration between the public and private sectors in the fight against corruption. A representative of the banking industry will share his perspective with the audience.</p> <ul style="list-style-type: none"> • Mr. Eduardo Rangel, Chief Compliance Officer, National Bank of Bahrain
09:00– 10:30	Session 2.2 – Experiences of inter-agency cooperation in the MENA region
	<p>National co-ordination and cooperation mechanisms are key ingredients for the success of detection. Experiences from different countries will be shared with the group with a view to identify good practices. The role of Financial Intelligence Units in the detection and inter-agency cooperation will be explored in this session.</p> <p>Each presentation is followed by a question-and-answer session:</p> <ul style="list-style-type: none"> • Mr. Abdul Hafiz Mansour, Head, Special Investigation Commission Financial Intelligence Unit, Lebanon • Mr. Ahmed Elhofy, Head Of Department, Administrative control Authority, Egypt • Ms. Dina Spule, Deputy Director, Criminal Law Department Ministry of Justice, Latvia
10:30-10:45	<i>Coffee and Networking Break</i>
10:45– 12:00	Session 2.3 - Anti-Corruption Agencies: key role and challenges
	<p>Anti-corruption agencies are increasingly faced with the challenge of developing a policy to provide a coordinated approach for developing and monitoring the implementation of anti-corruption/integrity measures, while the responsibility for implementing the individual measures lies with many actors. This pivotal role implies in particular to develop co-operation and information sharing mechanisms. Experiences from different countries will be shared with the group:</p>

	<p>Each presentation is followed by a question-and-answer session:</p> <ul style="list-style-type: none"> • Mr. Ahmad AlNaser, Integrity and Anti -Corruption Commission, Jordan • Ms. Kawtar Bouassria, National Authority for probity, prevention and fighting corruption, Morocco • Mr. Jamal Al Sharif and Mrs. Aya Al-Natsheh, Anti-Corruption Commission, Palestine
12:00 – 12:15	Noon Prayer Break
12:15 – 13:00	Session 2.4 - Networking dating
	<p>Coordinated by Ms. Catherine Marty, Legal Analyst, Anti-Corruption Division, OECD.</p> <p>Delegates will have the opportunity to have a quick bi-lateral meeting with other delegates to find out about the authorities in other countries that work on corruption cases and to establish personal contacts that can be useful in cross-border cases.</p>
13:00- 13:30	Lunch Break
13:30–14:45	Session 2.5- Building alliances to develop, implement, and monitor anti-corruption policies: hypothetical case study on the role of Anti-Corruption Agencies
Case study	<p>Coordinated by Ms. Catherine Marty, Legal Analyst, Anti-Corruption Division, OECD</p> <p>Following a brief introduction by the OECD, participants will be divided into four groups to discuss a hypothetical case study.</p> <p>The session aims at triggering dialogue and experience sharing, providing participants with the chance of learning from each other, exchanging their ideas, challenges and solutions.</p> <p>Trainers will facilitate the break-out sessions. Each working group should choose a rapporteur to present its discussions to the Plenary during the afternoon session.</p>
14:45-15:30	Report-back to Plenary
	<p>Rapporteurs from the working groups will be invited to report on their discussions and findings. Trainers will provide their feedback and guidance on the topics discussed.</p>

WEDNESDAY 8 JANUARY 2020	
DAY THREE: DETECTION OF CORRUPTION: THE ROLE OF WHISTLEBLOWERS	
08:30-08:45	Session 3.1 Corruption: the potential of detection by whistleblowers
	<p>This session will discuss the role of whistleblowers and the need for whistleblower protection in public and private sectors. The OECD standards will be presented to the audience.</p> <ul style="list-style-type: none"> • Ms. Catherine Marty, Legal Analyst, OECD Anti-Corruption Division n
08:45-10:00	Session 3.2 – Whistleblowers protection: countries’ experiences
	<p>There is growing awareness of the important role whistleblowing plays in stopping corruption. The discussion will touch on whistleblowing provisions across the MENA region and beyond; the conditions that need to be met for whistleblowers to feel safe; as well as tips and arguments for campaigning for enhanced whistleblower safeguards. It will also explore some of the steps that countries might want to take in supporting whistleblowers and the steps whistleblowers might take before and after speaking up.</p> <p>Each presentation is followed by a question-and-answer session.</p> <ul style="list-style-type: none"> • Ms. Dina Spule, Deputy Director, Criminal Law Department Ministry of Justice, Latvia • Mr. John Devitt, Transparency International, Ireland • Ms. Rym Gmati, National Anti-Corruption Authority, Tunisia
10:00-10:15	<i>Coffee and Networking Break</i>
10:15-12:00	Session 3.3 - Overcoming myths and arguments against whistleblowing
	<p>The word ‘whistleblower’ is not used widely in the MENA region. The MENA region is not unique in this regard. It should be borne in mind that the term ‘whistleblower’ did not enter into common usage to describe workers who report concerns about their colleagues, workplace or employer until relatively recently. It should be no surprise therefore that the concept is rather alien to the region. The concept of the informer or informant is as controversial in the MENA region as it is anywhere with a history of colonisation and conflict. The discussion will touch on how myths and arguments against whistleblowers can be overcome in the MENA region.</p> <p>Each presentation is followed by a question-and-answer session.</p> <ul style="list-style-type: none"> • Ms. Dina Spule, Deputy Director, Criminal Law Department Ministry of Justice, Latvia • Mr. John Devitt, Transparency International, Ireland • Mr. Mohamed Komani, investigative journalist, Arab Reporters for Investigative Journalism (ARIJ)

12:00– 12:15	Noon Prayer Break
12:15 – 13:30	Session 3.4 - Role of whistleblowers in detecting corruption
Case study	<p>Coordinated by Ms. Catherine Marty, Legal Analyst, Anti-Corruption Division, OECD.</p> <p>Following a brief introduction by the OECD, participants will be split into four groups to work on a case study. This session will allow authorities from different MENA countries to share their experiences, strategies, and practical tools for detecting corruption in an interactive manner.</p> <p>Trainers will facilitate the break-out sessions. Each working group should choose a rapporteur to present its discussions to the Plenary during the afternoon session.</p>
13:30-14:00	Lunch Break
14:00-15:30	Report-back to Plenary
	<p>Moderated by Ms. Catherine Marty, Legal Analyst, Anti-Corruption Division, OECD.</p> <p>Rapporteurs from the working groups will be invited to report on their discussions and findings. Trainers will provide their feedback and guidance regarding steps to enhance the role of whistleblowers in MENA countries.</p>
17:30-21:30	Social Event – Visit to a site in Kuwait

THURSDAY 9 JANUARY 2020	
DAY FOUR: DETECTION OF CORRUPTION: THE ROLE OF CIVIL SOCIETY AND MEDIA	
08:30 – 09:15	Session 4.1 – To be decided
	<ul style="list-style-type: none"> • Professor Fawaz Gerges, London School of Economics <p>In this session, professor Gerges will discuss with the audience the development challenges faced by MENA countries, including the damage of corruption in the region.</p>
09:15 – 09:25	Session 4.2 – The core role of civil society and media in the fight against corruption: where the OECD stands
	<p>This session will discuss the key role of civil society and media in detecting and reporting bribery.</p> <ul style="list-style-type: none"> • Ms. Catherine Marty, Legal Analyst, OECD Anti-Corruption Division
09:25 – 10:00	Session 4.3 – The key role of media in detecting corruption in the MENA region
	<p>This session will discuss the need for anti-corruption agencies in the MENA region to collaborate closely and strengthen their ties with civil society in the regional struggle against corruption.</p> <p>Each presentation is followed by a question-and-answer session.</p> <ul style="list-style-type: none"> • Professor Fawaz Gerges, London School of Economics • Mr. Mohamed Komani, investigative journalist, Arab Reporters for Investigative Journalism (ARIJ)
10:00-10:15	<i>Coffee and Networking Break</i>
10:15 – 11:00	Session 4.3 (continued) – The key role of media in detecting corruption in the MENA region
11:00 – 12:00	Course evaluation

12:00– 12:15	<i>Noon Prayer Break</i>
12:15 – 12:30	Session 4.4 – Informal Reflection on Next Steps
	<p>This is an opportunity to solicit participants' views about the meeting and proposal for possible future activities (further workshops or other activities).</p>

12:30-12:45	Final Closing Remarks by Organisers
	<ul style="list-style-type: none"> • Mr. Oussama Kanaan, Director, IMF Middle East Centre for Economics and Finance • Ms. Catherine Marty, Legal Analyst, OECD Anti-Corruption Division
12:45-13:15	<i>Lunch break</i>