



**Civil Society for Transparency and Anti-Corruption
in the
Broader Middle East and North Africa**

Action Plan

Forum for the Future

Dead Sea, Jordan

30 November and 1 December 2006

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Preamble

Vision and Strategy

The entry into force of the United Nations Convention against Corruption (UNCAC) is an event of major importance for those concerned about corruption and its consequences. This should be highly appreciated, for it is a responsible step on the international community's part and a political choice that should be further consolidated. Today, such consolidation requires that all countries of the Broader Middle East and North Africa (BMENA) and of the "Group of 8" (G8) ratify this Convention without further delay and necessarily adapt legal texts to reflect the Convention's provisions. This adaptation should unequivocally strengthen all legal provisions that ought to prevent and effectively combat all forms of corruption. To this end, there should be a genuine and efficient international cooperation as stipulated for in Chapter IV of the Convention.

Signatory countries recognize officially and explicitly that corruption undermines democracy, destabilizes countries, contributes to the violation of human rights, confounds the rules of the economic game, introduces doubt, and blurs vision. States also recognize that the fight against corruption is one of the main conduits for the establishment of democracy and the reinforcement of the rule of law.

As for corruption itself, the situation in the BMENA countries is particularly worrying as evidenced by their classification in the annual Corruption Perception Index (CPI). This classification reveals a serious deficit of good governance, which acts counter-productively at all levels. It definitely impedes the reform agenda and calls upon the region's political authorities to react. The fight against corruption is above all a struggle to improve existing governance systems in a sustainable and durable manner. This struggle is therefore everybody's business, not only in countries of this region but also, and in particular, their partners in the G8.

Both should be aware of the fact that the ongoing tensions in the region prevent the fruition of efforts towards reform, delay the establishment of democracy, and feed various kinds of extremism. It is therefore amply clear now that combating corruption is tantamount to working for democracy, and working for democracy requires steps to relieve tensions in the region rather than continuously stoking their fire.

Armed with this conviction, the G8 BMENA Civil Society Dialogue on Transparency and Anti-Corruption participated in the Forum for the Future held in Bahrain in November 2005, and submitted a Platform for Action to the Ministerial meeting. Some of the Platform's recommendations were incorporated into the presidency's final statement at the Forum's closing ceremony. Unfortunately, however, there was nothing to demonstrate any serious intent to move forward on the part of authorities. There was no strong signal either from any political officials indicating a desire to

bolster the final statement's recommendations. This we strongly regret, as we regret the obvious and unjustified hesitation by many governments in the region, and even by some representatives of the G8, to ratify the Convention and concretize its provisions.

On and above the essential role that states in the region and even more so in the G8 countries must play, it is important to underline the fundamental need for civil society organisations in the BMENA region to equally play a role in the struggle against corruption, the establishment of democracy, and in the development of a rule of law capable of protecting its citizens and eliminating all forms of corruption and discrimination. This task must be predominant in all projects pertaining to the network of Transparency International and its partner organisations in the region that must view the United Nations Convention against Corruption as an important tool to promote economic, political, and social reform projects in the region. This role of civil society reflects the idea of a constructive dialogue. Governments are called to establish and engage in such a dialogue with civil society in the BMENA as a partner in development and reform.

The avenues of action mentioned in the Platform submitted by Transparency International in Bahrain in November 2005 are still up to date, and those that have been identified to be presented herewith must complement them. Three main priority areas have drawn the attention of a civil society / expert meeting in Amman on 14 and 15 September 2006:

- Establishing effective mechanisms to monitor the implementation of the UN Convention by its member states
- Strengthening Anti-Money Laundering Legislation and Procedures
- Introducing Whistleblower Protection Measures

By raising the issue of corruption at the global level, the international community expressed the importance related to finding immediate solutions. The governments represented at the first Conference of States Parties to the UN Convention against Corruption are expected to bear responsibility by adopting and supporting an effective follow-up process of the implementation of the Convention.

Transparency International, its National Chapters, and civil society partners represented at the expert meeting are offering their cooperation in evaluating, analyzing, and assisting the signatory countries to apply the provisions of the UNCAC.

Recommendation I:

Establishing effective mechanisms to monitor the implementation of the UN Convention by its member states

To insure the successful implementation of the UN Convention, Civil Society Organisations should be actively involved in monitoring the implementation process. This involvement is vital for both the credibility and effectiveness of the Convention.

Governments should undertake measures which:

- a) support the active participation of civil society observers in the forthcoming Conference of States Parties; and
- b) identify a designated focal point for the UN Convention and to make this information widely available.

We call on all governments to submit annual reports on the implementation of the UN Convention to parliament and make these reports publicly available. We also call on governments to support the early establishment of an adequately financed monitoring system from the UN's regular budget based on the following:

- a) Full participation of CSOs in the design of the monitoring mechanism and questionnaires and in the monitoring process itself;
- b) Wide publication of all documents, including questionnaires and country reports, so as to ensure public access;
- c) Acceptance and formal consideration of reports from non-governmental actors;
- d) Requirement to report on the national structures established for involving civil society and reporting to parliament.

Seen from the viewpoint of civil society, we welcome the Convention's provisions on technical and financial assistance and stress the need to focus on capacity building of civil society organisations as well as governments. We urge governments to contribute to the voluntary fund to finance this assistance and request the forthcoming Conference of States Parties to establish a technical assistance working group. We also underline the need for coordination both among United Nations agencies and between the United Nations and other key development agencies on this issue.

Recommendation II:

Strengthening Anti-Money Laundering Legislation and Procedures

To reduce the opportunities for corruption, a remedy to money laundering must first be found. Article 14 of the Convention recognizes this, and states that each state party should introduce a comprehensive regulatory and supervisory regime, ensure cooperation and exchange of information between domestic and international law enforcement, implement feasible measures to detect and monitor the movement of cash and negotiable instruments across their borders and establish a domestic regulatory and supervisory regime.

These measures should be undertaken in a manner which insures that all money transactions must be controlled, transparent and followed up closely (as stated in Paragraph 3 (b) of Article 14 the Convention).

We call on all governments to introduce or amend, if needed, its laws and regulations related to corruption and money laundering in order to establish a code of rules that financial and non-financial institutions must abide to, such as for instance, keeping legal records of all the money depositions and informing the State of any suspicious act committed that is illegal.

Those institutions are forced to take strict decisions, mainly regarding State personnel. We also call on governments to reform laws and regulations related to money laundering to be in line with Article 14 of the Convention. Governments should establish regulatory unities with the mandate to monitor the movement of money and to report on any suspicion. These units should be equipped with professionals and experts and should be independent.

Seen from the viewpoint of civil society, we believe that in order to successfully implement anti-money laundering measures, government should cooperate with regional and international partners. In this context, it is important that governments join organisations such as Middle East and North Africa Financial Action Task Force (MENAFATF) against money laundering and terrorist financing as well as the Egmont Group. It is also essential to follow and adopt the recommendations of specialized organisations such as MENAFATF.

Recommendation III:

Introducing Whistleblower Protection Measures

To combat corruption, people must be able to safely report any facts about corruption. Article 33 of the Convention recognizes this and states that “each party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment of any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.”

These measures should be undertaken in a manner which:

- a) fosters an environment in which a person can safely report any facts concerning corruption to the competent authorities; and
- b) protects and promotes the right of freedom of expression, including the right of freedom of information, as guaranteed under international human rights law.

We call on all governments to consult and work with civil society organisations in considering and formulating measures for the protection of persons who report any facts concerning corruption. These measures must be in accordance with internationally recognized standards for the protection of persons who report any facts concerning corruption.

We also call on all governments, in conjunction with civil society, to conduct a review of any and all existing laws, which are inconsistent with the protection of persons who report any facts concerning corruption. The review should be completed and submitted to the domestic legislature within one year. The domestic legislature should disseminate the report to interested civil society organisations and stakeholders in order to launch a consultation process.

Seen from the viewpoint of civil society, we believe that the effectiveness of these measures relies upon:

- a) an entrenched guarantee of access to information in accordance with international best practice;
- b) a free and independent media;
- c) public awareness campaigns; and
- d) training of the judiciary and authorities responsible for the investigation and prosecution of allegations of corruption.

Conclusion

As representatives of Transparency International, its national chapters in the MENA region and civil society partners in the Broader Middle East and North Africa (BMENA) region, we believe that the entry into force of the United Nations Convention Against Corruption is a major and promising step in the fight against corruption. At the same time, we consider the UNCAC as an tool to promote economic, social and political reforms in our region. This tool needs international enforcement and support now.

The Platform for Action that was presented at the Forum for the Future in Bahrain in November 2005 is still appropriate and relevant to our region. We identified for the 2006 Forum for the Future three main priority areas where action needs be taken: Establishing effective mechanisms to monitor the implementation of the UNCAC by its member states, strengthening anti-money laundering legislation and introducing whistleblower protection measures.

We call on the presidency of the 2006 Forum for the Future to incorporate our recommendations in its final statement. We also call on all governments represented at the Forum to show more commitment and to step up its efforts towards ratifying the UNCAC as well as to present in the upcoming Conference of State Parties on the UNCAC a timeline for next steps in ratifying and implementing the UNCAC.

Annex:**List of organisations and institutions represented in the civil society process on anti-corruption and transparency towards the Forum for the Future 2006**

G8 BMENA Civil Society Organisations	
Al-Noor Universal Foundation	Iraq
AMAN Coalition for Accountability and Integrity	Palestine
Arab Archives Institute	Jordan
Arab Thought Forum	Palestine
Bahraini Section of Arab Parliamentarians Against Corruption	Bahrain
Article 19	United Kingdom
Association Algérienne de Lutte contre la Corruption	Algeria
Bahrain Transparency Society	Bahrain
CEWLA - Center for Egyptian Women's Legal Assistance	Egypt
Forum for Civil Society	Yemen
Forum pour la Protection des Deniers Publics	Morocco
General Federation of Jordanian Trade Unions	Jordan
Iraqi Center For Transparency & Anti-Corruption	Iraq
Iraqi Institute for Economic Reform	Iraq
Jordan Transparency Forum	Jordan
Kuwait Economic Society	Kuwait
Kuwait Transparency Society	Kuwait
Lebanese Transparency Association	Lebanon
Lebanese Section of Arab Parliamentarians Against Corruption	Lebanon
Pakistan Institute of Legislative Development and Transparency	Pakistan
Public Interest Advocacy Center	Lebanon
Transparence Maroc	Morocco
Transparency International	
UNICORN	United Kingdom
Consultative Participation	
MENA Financial Action Task Force	Bahrain
Public Concern at Work	United Kingdom
Special Investigation Commission	Lebanon