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Republic of Tunisia



**Under the High Patronage of Mr. Mohamed El-Moncef El-Marzouki
President of the Republic of Tunisia**

Regional Workshop

Enhancing Transparency in the Private Sector and the Roles of Different Stakeholders in Arab Countries

Tunis, Republic of Tunisia

7-8 June 2012

Programme

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OVERVIEW

More than 80 participants from 15 Arab countries are coming together to discuss how different stakeholders, including governments, businesses, and civil society organizations, can contribute to private sector transparency in the Arab region. The regional workshop is taking place in Tunis (Tunisia) on 7-8 June 2012, under the high patronage of His Excellency the President of the Republic of Tunisia, Mr. Mohamed El-Moncef El-Marzouki. It is organized in the framework of the 2012-2013 Action Plan of the non-governmental group of the Arab Anti-Corruption and Integrity Network (ACINET), with the support of UNDP's regional project on "Anti-Corruption and Integrity in the Arab Countries" (ACIAC) and in cooperation with the Arab Institute of Business Managers (IACE) and the Humboldt-Viadrina School of Governance (HVSG). The regional workshop is expected to help participants to identify specific components of the overarching theme of "transparency in the private sector", drawing on related international standards and good practices; and to exchange their expertise and perspectives on the various incentives and sanctions that could be adopted by different stakeholders to enhance related efforts in the Arab region. ACINET and UNDP, together with a number of partner organizations such as the MENA-OECD Investment Programme, are expected to support the findings of this workshop through a number of activities at the country and regional levels.

I. CONTEXT

1. The transformations that the Arab region is currently witnessing have placed anti-corruption at the forefront of the reform agenda. While corruption in the public sector has been emphasized as a core area to be addressed, anti-corruption efforts, including the implementation of the [UN Convention against Corruption](#) (UNCAC), additionally require measures that are specifically related to the private sector at both the preventive and enforcement levels. Indeed, reducing corruption in the public-private interface and increasing private sector transparency and integrity are being increasingly recognized by stakeholders in the region, as critical measures for increasing competitiveness, attracting clean investment, spurring economic growth and accelerating the recovery of Arab economies, which is all the more important in current times of economic crises and social unrest.

2. Strengthening accountability, transparency, and integrity in the private sector in Arab countries, and strengthening the role that this sector plays in national and regional anti-corruption efforts is all the more pressing given the specific circumstances of the region, where various corruption vulnerabilities persist in the interface between the public and the private sectors. These vulnerabilities are further exacerbated by weak law enforcement capacities and the unchecked relationship between politics and business. In addition, business structures in the region have their own specificities, which need to be taken into consideration, including the important role that State-Owned Enterprises (SOEs) play in some

economies, and the role that Small and Medium Enterprises (SMEs) are expected to play in others. Another key factor to be considered is the prevalence of Family Owned Enterprises (FOEs) or privately held businesses across the region, where adherence to, and the understanding of, Corporate Social Responsibility (CSR) is still under developed, and the role of the private sector in anti-corruption is in need of further development, whether internally in terms of compliance, or externally in terms of collective action and other initiatives aimed at advocating and supporting related efforts.

3. The UNCAC provides an actionable global framework for use by governments, businesses and civil society organizations in this regard. It includes private-sector specific measures such as articles 12 and 13 that serve as preventive measures. Other articles provide criminal sanctions, including articles 21 and 22 which deal with bribery and embezzlement within the private sector. In addition to the UNCAC, several instruments provide principles, recommendations and best practices to help promote transparency and integrity in the private sector. These include, but are not limited to, the [OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#), Transparency International's [Business Principles for Countering Bribery](#), the World Economic Forum's [Partnering against Corruption Initiative](#) (PACI), the [International Chamber of Commerce's Rules on Combating Corruption](#), the [10th Principle of the UN Global Compact](#)¹ and others.

4. In its 2012-2013 action plan, the non-governmental group of the "[Arab Anti-Corruption and Integrity Network](#)" (ACINET) has identified three main priorities. One of them is strengthening the role of the private sector in anti-corruption. Related actions will be supported by a number of partners including UNDP's regional project on "Anti-Corruption and Integrity in the Arab Countries". They will also build on previous preparatory activities which have been organized by various partners including, but not limited to the UN Development Programme, the MENA-OECD Investment Programme, and the Commercial Law Development Program (CLDP) of the United States Department of Commerce. During the [Regional Workshop on Strengthening Integrity in the Private Sector in Arab Countries](#)" (Manama, Bahrain on 16-17 March 2010) and "[Regional Workshop on Private Sector Integrity and Economic Development In Gulf Countries](#)" (Doha, Qatar, 11 May 2011), participants from across the region underlined the corrosive impact of corruption on business and the need to progress the implementation of related legally-binding international standards, including the UNCAC, and to promote proactive adherence to a number of voluntary standards. They also agreed that the focus of current country policies is more inclined towards sanctions; however, the weak and disparate implementation of these policies, especially in terms of law enforcement, undermine effectiveness, while little effort is directed towards the establishment of incentives that could contribute to private sector integrity and transparency in Arab countries.

5. In preparation for this regional workshop, UNDP also organized a regional expert meeting on "[Training Materials on Promoting Business Integrity and the Implementation of the United Nations Convention against Corruption in the Arab Region](#)" (Doha, Qatar, 27 March 2012). The meeting, which brought together a group of distinguished experts from the region and various partner organizations, enabled participants to engage in an in-depth discussion on the content of training materials that ACIAC plans to develop in order to promote UNCAC implementation in the Arab region from a business-enabling perspective. Participants recognized that there is a myriad of related initiatives at the country,

¹ The UN Global Compact's tenth principle states as follows: "Businesses should work against corruption in all its forms, including extortion and bribery".

regional, and global level that could support such efforts, and recommended the development of two region-specific courses. The first one would be addressed to university students studying law and the second on to managers and compliance professionals in SMEs. They agreed to form a regional working group tasked with informing the development of the two courses, drawing on ACINET support, the ongoing work of UNODC's Academic Anti-Corruption (ACAD) Initiative, and the technical contributions of several universities and leading businesses and business associations.

II. METHODOLOGY

6. Under the high patronage of His Excellency the President of the Republic of Tunisia, Mr. Mohamed El-Moncef El-Marzouki and in cooperation the Arab Institute of Business Managers (IACE) and the Humboldt-Viadrina School of Governance (HVSG), UNDP's regional project on "Anti-Corruption and Integrity in the Arab Countries" (ACIAC) is organizing the regional workshop on "*Enhancing Transparency in the Private Sector and the Roles of Different stakeholders in Arab Countries*" in Tunis (Tunisia) on 7-8 June 2012. The regional workshop recognizes that the private sector has an important role to play in promoting anti-corruption efforts in the Arab region. It also recognizes that in order for it to play this role effectively, it also has to set an example in its own conduct. For this purpose, the regional workshop identifies the overarching, yet critical, theme of private sector transparency as a starting point for these efforts. With the vast number of related international standards and good practices at hand, the lack of incentives to pursue this agenda is perceived as one of the key challenges undermining efforts in that direction. Many available sanctions on the other hand are either outdated, inadequate or ineffectively implemented. Finally, and notwithstanding the important role that needs to be played by the businesses themselves to enhance transparency in the private sector, the latter also requires other stakeholders including governments, civil society and the media to take action. Each of these stakeholders can build on their specific roles and entry points to enhance transparency in the private sector but must also coordinate and cooperate to ensure that overall efforts are successful and sustainable.

7. The regional workshop will extend over two days and will gather over 80 participants across the region including representatives from governments, businesses, civil society organizations, international organizations as well as regional and international experts. The first day will be dedicated to technical sessions, including a meeting of the non-governmental group of ACINET, as well as two sessions to present, discuss, and expand on the outlines of two courses on "anti-corruption in business transactions" that will be developed in 2012 in the framework of the UNDP-ACIAC regional project. The first is addressed to university students studying law and the second to managers and compliance professionals in SMEs. The second day will begin with a session dedicated to promoting an interactive multi-stakeholder discussion on the global architecture of private sector transparency including legally-binding and voluntary standards. The next session will identify key components of private sector transparency focusing on specific disclosures expected from businesses and the specific requirements needed to adhere to them. This session will be followed by another one that explores *de facto* adherence to related requirements in the region, and finally a session dedicated to explore what incentives and sanctions each of governments, businesses, and civil society organizations can undertake to implement these requirements and improve transparency in the private sector in Arab countries. The content and findings of the discussions will be included into a report that will be published after the workshop.

III. AGENDA

Thursday, 07 June 2012

09.00 – 12.00 Meeting of the non-governmental group of the Arab Anti-Corruption and Integrity Network (closed)

Objective: enable the Group to discuss progress achieved since the last meeting (Doha, 28-29 March 2012) and the possible various upcoming activities within the framework of the Group's action plan for 2012-2013.

- **Presentation of the non-governmental group of the Arab Anti-Corruption and Integrity Network's 2012-2013 action plan**
Dr. Azmi SHUAIBI, Coordinator of the non-governmental group of ACINET
- **Presentation of the preliminary assessment report on the role of non-governmental organizations in anti-corruption**
Dr. Khalil Gebara, Lecturer at the American University of Beirut
- **Discussion**

12.00 – 12.30 Break

12.30 – 13.30 Roundtable on the Development of Capacity Development Courses on Anti-Corruption in Business Transactions (Part A)

Objective: inform the development of the course aimed for university students studying law in Arab countries.

- **Moderator**
Dr. Chaker MZOUGHJI, Professor at the Faculty of Juridical, Political and Social Sciences at the University of Tunis
- **Panelist**
Mr. Badri EL-MEOUCHI, Executive Director, Lebanese Transparency Association
Mr. Arkan EL-SEBLANI, Manager of UNDP's Regional Project on Anti-Corruption and Integrity in the Arab Countries
- **Discussion**

13.30 – 14.30 Lunch

14.30 – 16.00 Roundtable on the Development of Capacity Development Courses on Anti-Corruption in Business Transactions (Part B)

Objective: inform the development of the course aimed for managers and compliance officers in Small and Medium Enterprises (SMEs) in Arab countries.

- **Moderator**

Mr. Hamzeh HAMMOURI, Advisor, Schema Tactical Thinking

- **Panelists**

Mr. Tareq HADDAD, Partner, PricewaterhouseCoopers

Ms. Nicola EHLERMANN-CACHE, Senior Policy Advisor, Organization for Economic Co-operation and Development

- **Discussion**

20.00

Dinner

Friday, 08 June 2012

09.30 – 10.30

Official Opening Session

Objective: enable key regional stakeholders to share their perspectives on transparency in the private sector in the Arab region and the way forward.

- **Opening Statement**

H.E Mr. Nouredine BHIRI, Minister of Justice, Republic of Tunisia

- **Official statements**

H.E Dr. Ali BEN FETAIS AL MARRI, Attorney General of the State of Qatar

Ms. Selomey YAMADJAKO, Deputy Resident Representative, UNDP Tunisia

Dr. Azmi SHUAIBI, Coordinator of the non-governmental group of ACINET

Mr. Majdi HASSEN, Executive Counselor, Arab Institute of Business Leaders

10.30 – 11.00

Break

11.00 – 12.30

First Session

The global architecture of private sector transparency

Objective: promote a comprehensive understanding of applicable international standards, voluntary standards and key national laws with wide international reach.

- **Panelists**

Dr. Stuart GILMAN, Senior Partner, Global Integrity Group

Ms. Nicola EHLERMANN-CACHE, Senior Policy Advisor, Organization for Economic

Co-operation and Development

Mr. Hussein HASSAN, Anti-Corruption Project Manager, Regional Office United Nations Office on Drugs and Crimes

- **Discussion**

12.30 – 13.30

Second Session

Key components of private sector transparency in light of international standards and good practices

***Objective:** identify key components as well as related international good practices and standards that may be considered by stakeholders to pursue a transparency agenda within the private sector.*

- **Panelists**

Dr. Juanita OLAYA, Independent Research and Consulting

Ms. Olajobi MAKINWA, Head of Transparency and Anti-Corruption Initiatives, United Nations Global Compact

- **Discussion**

13.30 – 14.30

Lunch

14.30 – 16.00

Third Session

Private sector transparency in Arab countries

***Objective:** analyze the extent to which the identified components and standards of transparency in the private sector are implemented in the region and identify emerging challenges and opportunities.*

- **Panelists**

Mr. Yazid SKANDARANI, Member of the director committee, Arab Institute of Business Managers

Mr. Qusay SALAMA, Deputy Head of the Corporate Social Responsibility Committee and Anti-Corruption Task Force, Egyptian Junior Business Association

Mr. Hamzeh HAMMOURI, Advisor, Schema Tactical Thinking

- **Case of Morocco**

Ms. Amina BENJELLOUN, Advisor to the Head of Government of Morocco and Head of the Economic Development Department at the Ministry of General Affairs and Governance

Mr. Fahim ZAKARIA, President of the Commission on Ethics and Deontology, General Confederation of Moroccan Enterprises, Kingdom of Morocco

- **Discussion**

16.00 – 16.15 Break

16.15 – 18.00 Fourth Session

Incentives and sanctions that different stakeholders can undertake

***Objective:** discuss the incentives and sanctions that could be established by governments, Civil Society Organizations or businesses to implement identified requirements and components of private sector transparency.*

- **Presentation**

Mr. Sven BIERMAN, Director of Anti-Corruption Projects, Humboldt-Viadrina School of Governance

- **Moderator**

Mr. Arkan EL-SEBLANI, Manager of UNDP's Regional Project on Anti-Corruption and Integrity in the Arab Countries

- **Discussion**

- **Concluding statement**

Dr. Azmi SHUAIBI, Coordinator of the non-governmental group of ACINET

20.00 Dinner
