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National Workshop on Enhancing the Effectiveness of the Financial Disclosure System in Palestine

Ramallah, Palestine, 11-12 May 2015

PROGRAMME

I. Overview

The Palestinian Anti-Corruption Commission (PACC) in partnership with the Arab Anti-Corruption and Integrity Network (ACINET) and with joint support of the UN Development Programme (UNDP) and the UN Office on Drugs and Crime (UNODC), organized a national workshop on "Enhancing the Effectiveness of the Financial Disclosure System in Palestine". The event was held in Ramallah on 11 and 12 May 2015. It was attended by 62 participants representing key institutions from the public sector, civil society, academia, in addition to regional and international experts and specialists. It aimed to deepen understanding of the requirements for effective financial disclosure systems in light of related international and regional standards and comparative experiences, and to enable the formulation of concrete recommendations to enhance the system in Palestine in line with national needs and priorities.

II. Background

Financial disclosure systems typically require public officials to declare their properties and interests in a manner that allows the monitoring of any major changes therein while they are in public office. Such systems, when effective, tend to enhance public trust in government and constitute an important measure to prevent corruption, address conflicts of interest, and detect illicit enrichment.

The UN Convention against Corruption (UNCAC), in Article 8 (5) recommends to States Parties to establish the measures and systems for public officials to declare, to appropriate authorities, their outside activities, employment, investments, assets and substantial gifts or benefits, from which a conflict of interest may arise with respect to their functions as public officials. Furthermore, UNCAC, in the article 52 (5 and 6), and the Arab Convention on Anti-Corruption (ACAC), in article 28 (5 and 6) also recommend to States Parties to establish effective financial disclosure systems for appropriate public officials, provide for appropriate sanctions for non-compliance, and to require the reporting of any interest in, or signature or other authorities over a financial account in foreign country.

In the Arab region, several countries have moved to establish modern financial disclosure systems since the 1950s. Yemen, Morocco and Tunisia for example have established independent laws for this purpose, while Egypt, Iraq and Lebanon enacted related measures under illicit enrichment laws, whereas other countries like Oman adopted related measures as part of laws related to conflict of interest.

The Arab Anti-Corruption and Integrity Network (ACINET) reports that at least five countries in the region are in the process of enhancing their financial disclosure systems. Two of those, namely Kuwait and Saudi Arabia, are establishing such systems for the first time, while Jordan, which had adopted a specialized law in 2006, went ahead in 2014 and integrated related measures, with minor amendments, in a broader illicit enrichment law. Lebanon and Tunisia on the other hand have produced entirely new bills in 2014, drawing on extensive consultation processes. In the case of the former, the product is an illicit enrichment bill, which is meant to replace the current 1999 law, while in the case of the latter, the product is a stand-alone bill that is solely dedicated to financial disclosures and is meant to replace the current 1987 law.

In Palestine, financial disclosures are, in addition to other laws, governed by article 8 and other following articles of the 2005 Anti-Corruption Law and its amendments, under which the PACC has the authority to receive financial disclosure statements and request related information and clarifications. Implementation, however, has revealed a number of issues that require consideration, including but not limited to the criteria for the persons who are required to disclose, confidentiality, oversight, and processes for collecting and processing the disclosures.

III. Agenda

Sunday, 10 May 2015

19.30 – 21.00 Reception

Monday, 11 May 2015

08.00 – 09.00 Registration

09.00 – 10.00 Opening Session

Objective: Present the background of the workshop and the expected results, and highlight the importance of establishing effective financial disclosure systems for national anti-corruption efforts, and from the regional and global perspectives as well.

- **Opening Remarks**

H.E. Mr. Rafiq AL NATSHEH, Chair of the Anti-Corruption Commission, Palestine

H.E. Mr. Ashraf RIFI, Chair of the Arab Anti-Corruption and Integrity Network (AICNET), Minister of Justice, Lebanon

H.E. Mrs. Narjess SAIDANE, UNDP Deputy Special Representative, Palestine

Ms. Zorana MARKOVIC, Regional Anti-Corruption Advisor, Regional Office for Middle East and North Africa, UNODC

H.E. Dr. Rami HAMDALLAH, Prime Minister, Palestine

10.00 – 10.30 Break

10.30 – 12.00 First Session

International and Regional Standards on Financial Disclosure Systems

Objective: Deepen understanding of participants on key related international and regional standards, especially, those found in the UNCAC and the ACAC.

- **Chair**

H.E. Dr. Muhyieddeen TOUQ, Independent Expert, Former Chair of the Ad-hoc Committee for the Negotiation of the UN Convention Against Corruption

- **International Standards on Financial Disclosure**

Ms. Zorana MARKOVIC, Regional Anti-Corruption Advisor, Regional Office for Middle East and North Africa, UNODC

- **Regional Standards on Financial Disclosure**

Mr. Hussein HASSAN, Specialist of the Regional Project on Anti-Corruption and Integrity in the Arab Countries, UNDP

- **Open Discussion**

12.00 – 13.30 Second Session

Financial Disclosure System in Palestine and Related Challenges

Objective: Enable interactive discussion on the current financial disclosure system established in Palestine and the challenges that have been encountered in its implementation.

- **Chair**

H.E. Dr. Muhyieddeen TOUQ, Independent Expert, Former Chair of the Ad-hoc Committee for the Negotiation of the UN Convention Against Corruption

- **Presentation**

Ms. Rasha AMARNAH, Director General of Legal Affairs, Anti-Corruption Commission, Palestine

- **Open Discussion**

13.30 – 14.30 Lunch

14.30 – 16.30 Third Session

Good Practices and Lessons Learned from Comparative Experiences

Objective: Facilitate an interactive exchange of good practices and lessons learned from comparative experiences in establishing and implementing financial disclosure systems.

- **Chair**

H.E. Dr. Muhyieddeen TOUQ, Independent Expert, Former Chair of the Ad-hoc Committee for the Negotiation of the UN Convention Against Corruption

- **Comparative Experiences**

Mr. Ahmed OUERFELLI, Independent Expert, Former Legal Adviser to the President, Tunisia

Ms. Alma SEDLAR, Deputy Chief, Anti-Corruption Commission, Slovenia

Mr. Ramzi NUZHA, Independent Expert, Former Board Member of the Anti-Corruption Commission, Jordan

Dr. Ali RAME, Director of Legal Affairs, Central Authority for Corruption Prevention, Morocco

- **Open Discussion**

Tuesday, 12 May 2015

09.00 - 10.15 Fourth Session

Disclosing Persons and Receiving Entities

Objective: Explore good practices and lessons learned on the criteria for selecting the persons who will be required to disclose, and how to deal with those who are related to them, as well as the entities that would be responsible for receiving and processing the disclosures, and the characteristics, powers and expertise that those entities should have.

- **Chair**

Ms. Nancy FASHHO, Specialist of the Regional Project on Anti-Corruption and Integrity in the Arab Countries, UNDP

- **Roundtable Discussion**

10.15 – 11.30 Fifth Session

Content and Frequency of Financial Disclosures

Objective: Explore good practices and lessons learned on what should be included in the disclosures, and whether they will be accepted *bona fide* or require supporting documents; as well as on the optimal frequency for disclosures, the cost and benefits of an automated system.

- **Chair**

Ms. Zorana MARKOVIC, Regional Anti-Corruption Advisor, Regional Office for Middle East and North Africa, UNODC

- **Roundtable Discussion**

11.30 – 11.45 Break

11.45 – 13.00 Sixth Session

Oversight on Financial Disclosures and the Rights of Individuals and Society

Objective: Explore good practices and lessons learned on the process of examining disclosures in an effective manner while safeguarding the rights of concerned persons, and the issue of enabling public access to disclosures in light of related human rights.

- **Chair**

Mr. Ahmed OUERFELLI, Independent Expert, Former Legal Adviser to the President, Tunisia

- **Roundtable Discussion**

13.00 – 14.15 Seventh Session

Sanctions and Means to Incentivize

Objective: Explore good practices and lessons learned on wrongdoings that should be sanctioned in order to safeguard the effectiveness of the financial disclosure system, the nature of the sanctions that should be imposed and related mechanisms, in addition to rules and actions that can be used to incentivize higher compliance with financial disclosures.

- **Chair**

Mr. Ramzi NUZHA, Independent Expert, Former Board Member of the Anti-Corruption Commission, Jordan

- **Roundtable Discussion**

14.15 – 15.00 Closing Session

Future Steps in Enhancing the Financial Disclosure System in Palestine

Objective: Present the conclusions of the workshop, and enable participants to contribute to the formulation of specific and concrete recommendations on the way forward.

- **Chair**

H.E. Dr. Muhyieddeen TOUQ, Independent Expert, Former Chair of the Ad-hoc Committee for the Negotiation of the UN Convention Against Corruption

- **Conclusions and Closing Remarks**

H.E. Mr. Rafiq AL NATSHEH, Chair of the Anti-Corruption Commission, Palestine

Ms. Zorana MARKOVIC, Regional Anti-Corruption Advisor, Regional Office for Middle East and North Africa, UNODC

Ms. Nancy FASHHO, Specialist of the Regional Project on Anti-Corruption and Integrity in the Arab Countries, UNDP

15.00 – 16.00 Lunch
