

Anticorruption for Good Governance in the Arab Region

Whistle-Blowing

A study prepared

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1. GENERAL CONTEXT

1.1- Definition and origin of whistle-blowing:

It is not known from where the term *whistle-blowing* has originated.¹ It may have come from the English police force's practice of blowing a whistle when crime is detected--the blowing of the whistle alerts others to danger.²

The American Heritage Dictionary defines a whistleblower as "one who reveals wrongdoing within an organization to the public or to those in positions of authority."³

The Oxford English Dictionary describes whistle-blowing as "bringing an activity to a sharp conclusion as if by the blast of a whistle."⁴

According to the Anticorruption Plain Language Guide developed by Transparency International: "Whistle-blowing is the sounding of an alarm by an employee, director, or external person, in an attempt to reveal neglect or abuses within the activities of an organization, government body or company (or one of its business partners) that threaten public interest, its integrity and reputation."⁵

Most people have become familiar with whistle-blowing as a result of the high-profile cases being reported in the news. Following the recent global economic crisis, numerous cases of whistle-blowing in the financial and banking sectors came to light.

Who is a whistleblower?

No special qualifications are required for one to be a whistleblower. Ideally, a whistleblower would be well-educated, motivated by altruistic concerns, utilitarian, and professional. But because there is no specific set of qualifications to be a whistleblower, scholars are reluctant to give a universal definition.

1.2- Types of non-whistleblowers:

The following are terms that refer to people who perform functions similar to whistle-blowing but who are not classified generally as whistleblowers:

- *Witnesses*: People who personally observe a thing or an event;
- *Informants*: People who report information;
- *Spies*: People who perform intelligence work;
- *Complainants*: People who express dissatisfaction orally or in writing; and
- *Experts and Consultants*: People with a high degree of skill and/or knowledge of a certain subject who give professional advice or an opinion.

1.3- Types of whistleblowers:

There are two types of whistleblowers: the *internal* whistleblower and the *external* whistleblower.⁶ "The internal whistleblower reports the wrongdoing to some other person who works within the same company."⁷ The external whistleblower, on the other hand,

reports the wrongdoing to people or entities outside the company like the media, an attorney, law enforcement, or special protective agencies.⁸

In addition, whistleblowers can be from the public sector or the private sector. Although the disclosure of unethical or illegal behavior in the public sphere is particularly important, whistleblowers from both sectors play an important role in fighting corruption and implementing transparency. Both types of whistleblowers reveal secrets which they believe should be revealed.⁹ These secrets can vary widely in their gravity and impact. In the worst cases, the secrets relate to violations of the law.¹⁰

A whistleblower whose identity is known¹¹ is an open whistleblower. A whistleblower whose identity remains unknown is an anonymous whistleblower. Information disclosed by the anonymous whistleblower is generally less effective because it is more easily ignored and follow-up on it with the whistleblower is usually not possible.¹²

Whistleblowers who report the misconduct of their present employer are called current whistleblowers,¹³ while those reporting the misconduct of a prior employer are called former whistleblowers.¹⁴

2. LEGAL FRAMEWORK

2.1- International standards:

The United Nations has expressly recognized that corruption poses a serious threat “to the stability and security of societies[;] undermin[es] the institutions and values of democracy, ethical values[,] and justice[;] and jeopardize[es] sustainable development and the rule of law.”¹⁵ In order to address this threat, the United Nations General Assembly adopted the United Nation Convention against Corruption (UNCAC) in 2003 by Resolution No. 58/4.¹⁶ In accordance with Article 68 (1) of Resolution No. 58/4, the convention went into effect on December 14, 2005.¹⁷ There are 140 signatories and 148 parties to the UNCAC.¹⁸

The UNCAC instructs States to enact laws to address multiple forms of corruption. These forms include, among other things, trading in official influence (Article 18), abuse of power (Article 19), various acts of corruption in the private sector (Articles 21 and 22), bribery of foreign and domestic governmental officials (Articles 15 and 16), and obstruction of justice (Article 25). Additionally, Articles 51 through 59 of the UNCAC provide for the return of assets acquired through corruption.

The UNCAC also recognizes the need to protect people who report corruption. Article 33 states:

“Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offenses established in accordance with this Convention.”¹⁹

Article 32(1) of the UNCAC similarly states:

“Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offenses established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.”²⁰

Around 50 countries have adopted national laws on whistleblower protection.²¹

2.2- Legislations and local policies:

In the Arab region, local anticorruption efforts concerning whistle-blowing are still in the early stages.²² A number of regional efforts, however, have recently been made to implement the UNCAC.²³

In addition, the League of Arab States (LOAS) has launched a broad consultative process in order to develop an Arab anticorruption agreement.²⁴

Furthermore, a project on supporting the UNCAC’s implementation in Arab countries was developed by the United Nations Development Program (UNDP) on Governance in the Arab Region (UNDP-POGAR) in the context of the governance for development in Arab countries initiative (The GFD Initiative). The GFD Initiative is jointly supported by the UNDP and Jordan, and it was launched in February of 2005.²⁵

Regionally, the Arab Anti-Corruption Integrity Network (ACINET) is also considered to be a unique platform for policy dialogue, information sharing, and capacity development in the anticorruption field.²⁶ Although still relatively new, ACINET has proved to be an active and successful organization for fighting corruption.²⁷

Lastly, the Anticorruption Community of Practice also works to rid the Arab region of corruption.²⁸

The UNCAC in the Arab world

The UNCAC is the only multilateral document that offers all nations a comprehensive approach to combating corruption²⁹ which in turn helps each nation develop its own strategies to prevent and fight corruption’s numerous manifestations.³⁰

So far, fifteen Arab countries have ratified the UNCAC.³¹ Four countries have signed but not ratified the UNCAC (Comoros Islands, Saudi Arabia, Sudan, and Syria).³² And, two Arab countries (Oman and Somalia) have not signed or ratified the UNCAC.³³

Arab Countries and UNCAC³⁴

<u>COUNTRY</u>	<u>SIGNATURE</u>	<u>RATIFICATION</u>	<u>NOTES</u>
JORDAN	9/12/2003	24/2/2005	-
UNITED ARAB EMIRATES	10/8/2005	22/2/2006	-
BAHRAIN	8/2/2005	5-10-2010	-
TUNISIA	30/3/2004	23/9/2008	-
ALGERIA	9/12/2003	25/8/2004	-
COMOROS ISLANDS	10/12/2003	-	-
DJIBOUTI	17/6/2004	20/4/2005	-
SOMALIA	-	-	-
OMAN	-	-	-
SAUDI ARABIA	9/1/2004	-	-
SYRIA	9/12/2003	-	-
SUDAN	14/1/2005	-	-
IRAQ	-	17/3/2008	-
PALESTINE	-	-	Palestine cannot sign international treaties; however, the Palestinian Authority had sent a letter to the Secretary General of the United Nations in 2007 stating that it shall abide by the terms of the UNCAC and work to harmonize its legislation with the International Convention.
QATAR	1/12/2005	30/1/2007	-
KUWAIT	9/12/2003	16/2/2007	-
LIBYA	23/12/2003	7/6/2005	-
LEBANON	-	22/4/2009	-
EGYPT	9/12/2003	25/2/2005	-
MORITANIA	-	25/10/2006	-
MOROCCO	9/12/2003	9/5/2007	-
YEMEN	11/12/2003	7/11/2005	-

Within this legal framework, some Arab countries have taken measures relating to whistle-blowing and are carrying out certain actions towards adopting and/or implementing the whistle-blowing protection laws.

2.2.1- Lebanon:

Corruption in Lebanon is thought to stem from several causes.³⁵ First, there is a history of corruption within the various State institutions.³⁶ Indeed, there have been several instances of impartiality by the police and the judiciary.³⁷ Second, Lebanon's system of confessionalism has divided national power between warlords, former militia leaders, and various politicians.³⁸ Confessionalism has essentially encouraged various communities to compete for national resources and has resulted in "national networks of patronage."³⁹ It is also believed that confessionalism contributes to social strife because it preserves "the status-quo among confessional elites."⁴⁰ Third, the Lebanese tend to pay bribes willingly because they do not know their rights.⁴¹ Consequently, bribes are an accepted and expected cost of doing business in Lebanon.⁴² In fact, the Lebanese commonly refer to bribes as "bakhsheesh"—the Lebanese word for "tips."⁴³ Fourth, Lebanon's numerous wars, foreign interferences, sectarian unrest, and government failures have also contributed to the country's high rate of corruption.⁴⁴ Finally, Lebanon has not enacted the kinds of laws and created the entities necessary to address corruption.⁴⁵ For example, Lebanon lacks a whistleblower protection law, an access to information law, conflicts of interest regulations and the existence of a national ombudsman and an anticorruption commission.⁴⁶

The Lebanese Government endorsed the United Nations Convention against Transnational Organized Crime on October 5, 2005, and the UNCAC on October 6, 2008.⁴⁷ For more than ten years, there have been efforts in Lebanon to pass legislation relating to access to information, but nothing has been implemented so far.⁴⁸ A whistle-blowing draft law has also been submitted to the Lebanese Parliament, but voting on this law has not been scheduled.⁴⁹ Ironically, Article 13 of the Lebanese Constitution acknowledges oral and written freedom of expression, but again, there is no law that guarantees access to information or protection for whistleblowers.⁵⁰

As a result of this lack of legislation, civil society organizations and private sector organizations, with the support of the international donor community, have led the way in promoting good governance, transparency, and accountability in Lebanon since 2005.⁵¹ For instance, the National Network for the Right of Access to Information (the Network), is a multi-sectoral group formed on April 11, 2008, upon the initiative each of: the Lebanese Parliamentarians Against Corruption (LebPAC), the Lebanese Transparency Association (LTA), and the Association pour la Défense des Droits et des Libertés⁵² in collaboration with the American Bar Association's Rule of Law Initiative in Lebanon. Members of the Network include representatives from the government, the civil society, the media, the public sector, and the private sector. The Network drafted a law on access to information that was submitted to the Lebanese Parliament on April 9, 2009, by members of the LebPAC.⁵³

Additionally, the Legal Working Group (LWG) of the Network is drafting a proposed whistleblower protection law.⁵⁴ The LWG of the Network formed of a group of parliamentarians, legal experts, attorneys and judges.⁵⁵

In addition, "outside the framework of the project, a draft law on fighting corruption in the public sector has been submitted to the Lebanese Parliament and endorsed by the Justice and Administration Parliamentary Committee on February 23, 2009. This draft law provides for the establishment of an independent Anticorruption Commission."⁵⁶

Nahar Ash Shabab, a Lebanese NGO, with assistance from the American Bar Association and the Network, conducted workshops in Beirut, Tripoli, Salhieh (east of Saida), Zahlé and Marjeyoun for members of the media on the proposed right to access information law and the proposed protection of whistleblowers law. The goals of the workshops were to get input from members of the media, summarize the input, and use the information to improve the draft law.

Following are the outcomes of the workshops:

1. The recommendations to increase the efficiency of the right of access to information law are:
 - Require each governmental entity to have a department dedicated to handling citizen requests for information.
 - Impose on each governmental entity time restrictions for responding to information requests--especially requests from reporters and judges.
 - Specify which matters are related to national security to avoid the rejection of information requests under the pretense of national security.
 - Continue to recognize the immunities of public officials as far as information requests are concerned.⁵⁷
 - Consider the discussions occurring during the Council of Ministers meeting and its minutes as information accessible by the public.⁵⁸
2. The recommendations to facilitate the role of the Anticorruption Commission are:
 - The Commission is directly related to the General Prosecutor or has his authorities.
 - Specify whether the Commission is judicial or not.
 - Avoid contradictions between the role given to the Commission by the right to access to information law and the one given to it in the Anticorruption Commission law.⁵⁹

The LTA is the first Lebanese NGO specifically dedicated to fighting corruption in Lebanon.⁶⁰ For the past 10 years, this organization has promoted a wide array of anticorruption initiatives for the public and the private sectors, youth, and Lebanese citizens.⁶¹ The LTA has been active at the national level and also in the Arab region.⁶² Studies have been made regarding access to information laws as well as whistleblower protection, and the LTA has recently issued a whistleblower protection manual.⁶³

In November of 2007, an Anticorruption Draft Law was presented to the Lebanese Parliament by MP Robert Ghanem.⁶⁴ This draft law targets corruption occurring in the public sector.⁶⁵ The draft law first defines corruption, and then it provides measures and guidelines for establishing a National Anticorruption Commission.⁶⁶ Although the draft law has been submitted to parliament for vote,⁶⁷ however, the vote has not been scheduled.⁶⁸

➤ **Objectives of the draft law:**⁶⁹

- Motivate the whistleblower to report corruption cases in both the public and private sectors by granting rewards in certain cases;
- Protect the confidentiality of information; the National Anticorruption Commission (NACC) will be the only entity entitled to receive information; and
- Adopt effective prosecution procedures that enable the NACC to investigate further issues when needed. The NACC would enjoy the same privileges as the General Prosecutor's Office.

➤ **Main components of the draft law:**⁷⁰

- Purpose
- Duties and functions of the NACC
- Procedure for reporting information to the NACC
- Provisions providing for the protection of whistleblowers
- Establishment of rewards and compensation for whistleblowers

The main components of the draft law are detailed as follows:

Purpose:

Lebanon's draft law seeks to combat corruption by encouraging individuals to report corrupt acts that take place in the private and public sectors.⁷¹ The draft law would also protect whistleblowers from any potential harm that might occur as a result of their disclosure.⁷²

Procedure for reporting information to the NACC:⁷³

The whistleblower would submit a signed written form that includes the following:

- Whistleblower's full contact information;
- A description of the type of the corrupt act being disclosed;
- The name(s) of the individual(s) committing the corrupt act; and
- The time and place at which the corrupt acts occurred or will occur.

Protection of whistleblowers:⁷⁴

Whistleblowers who provide information regarding corruption to the NACC would be protected along with their families and any person assisting them. The NACC would provide two types of protection: employment protection and personal protection.

- A- *Employment Protection:* Any person who was subject to harm in the workplace can ask the NACC to provide him/her with employment protection.

If the request is justified, the NACC would issue an order/recommendation that the whistleblower's employment situation be rectified and propose compensation for any damages incurred.

B- Personal Protection: The NACC would submit a request to the General Prosecutor or the Security Forces to take the necessary measures to protect the whistleblower, the whistleblower's family, anyone working with the whistleblower, experts, and witnesses. This request could be made upon the NACC's initiative or by the whistleblower.

The General Prosecutor or the Security Forces must respond to the NACC's request for security protection.

Rewards and compensation for whistleblowers:⁷⁵

The draft law provides for a rewards and compensations committee to study compensation and make recommendations about rewards that would be granted to whistleblowers.

Rewards would not be automatic--they would be discretionary based on whether the disclosure resulted in recovered sums or material gains for the public or private entity or prevented material loss or damage for the public or private entity.

The amount of a reward could not exceed 5% of the recovered sums or the material gains achieved by the public or private entity.

Whistleblowers who are involved in the corruption would not be entitled to receive rewards.

The Commission would assist a whistleblower who was physically or materially harmed as for reporting by providing financial and legal assistance.

The Commission would also have the right to recover the amount of the compensation paid to the whistleblower from the offender or any involved party.

Role and Function of the NACC:⁷⁶

The NACC would investigate all corruption committed in both the public and private sectors. It would have the investigative powers of the General Prosecutor of the Court of Appeal and its investigations would be completely confidential.

The Commission would also have the following functions:

Draft annual or special reports on the state of corruption in Lebanon;

- Raise public awareness of the problem of corruption through all available means, set and implement programs for promoting the prevention and elimination of corruption, and spread a culture of combating corruption in educational institutions;
- Draft studies and carry out research; issue reports, newsletters and printed material specialized in combating corruption; and establish an information center;

- Assist with draft bills and regulations that aim to combat and prevent corruption in compliance with international regulations and standards;
- Contribute to international cooperation efforts in combating corruption; and
- Investigate cases where corrupt acts are suspected and receive complaints and reports about any corruption. The Commission would also lodge complaints before the competent judicial or disciplinary body if it confirms the occurrence of acts that could constitute crimes.

Composition of the NACC:⁷⁷

According to the draft law, the NACC would consist of ten members including the chair and the vice-chair. Members would be appointed for six non-renewable years. The members would be selected from the sectors included in the list below.

An active or retired honorary judge selected from three names put forth by the Higher Council of Magistracy	Chair
An active or retired honorary judge selected from three names put forth by the Council of State	Vice-Chair
An active or retired honorary judge selected from three names put forth by the State Audit Office	Member
A lawyer selected from three names put forth by the Beirut Bar Association	Member
A lawyer selected from three names put forth by the Tripoli Bar Association	Member
A person selected from three names put forth by the Union of Syndicates of Liberal Professions	Member
An expert in banking affairs selected from three names put forth by the Association of Banks	Member
Three experts in the administration and the combat of corruption selected by the Council of Ministers	Member

- A member could not be the president or a member of: the Council of Ministers, Parliament, the Board of Directors of a public institution, or the head of a municipal council while serving on the NACC.
- A member could not run for parliamentary, municipal or local elections or be appointed to any political or administrative position before a full year has passed after the expiration of his/her membership on the NACC.
- A member could not practice any other public or private profession during his/her tenure with the exception of university teaching.

Thoughts on the NACC:

International experience shows that a failure to provide the NACC with technical and administrative facilities endangers its sustainability and ability to follow up.⁷⁸ This failure could result in complaints not being addressed in a systematic, centralized, and transparent manner by the NACC.⁷⁹ Thus it is critical that whistleblowers be able to report cases of corruption by phone, email, or a personal visit to the NACC offices.⁸⁰ Consequently, the

NACC must have sufficient staff and financial resources to ensure that whistleblowers' complaints are dealt with according to principles of equal treatment.⁸¹

Unfortunately, some anticorruption bodies have actually ignored whistleblowers' complaints due to their incapacity to handle the complaint and/or their poor administration.⁸² Regardless the reason, whistleblower complaints should be dealt with seriously when they shed light on possible cases of fraud and corruption.⁸³

2.2.2- Jordan:

Like the Lebanese Constitution, the Jordanian Constitution provides for freedom of expression and freedom of press. Article 15 of the Jordanian Constitution specifically provides that "the State shall guarantee freedom of opinion. Every Jordanian shall be free to express his opinion by speech, in writing or by means of photographic representation and other forms of expression, provided that such does not violate the law."⁸⁴ The same article also provides that "freedom of the press and publications shall be insured within the limits of law."⁸⁵

Jordan endorsed the UNCAC on December 9, 2003, and ratified the convention on February 24, 2005.⁸⁶ Unfortunately, no law providing protection for whistleblowers has been enacted in Jordan despite the efforts of some human rights organizations and anticorruption communities to submit proposed legislation on this issue. Thus, Jordan too should start working on a draft law related to whistleblower protection in accordance with Article 33 of the UNCAC.

It should be noted that Jordan has taken some substantial steps towards eliminating corruption. About thirty institutions have been established to deal with human rights ranging from the Jordanian Foundation to parliamentary committees, and nongovernmental human rights organizations. The organizations facilitate the monitoring of all public institutions' performance and provide remedies for all citizens and ensure ease of access.⁸⁷

Moreover, an anticorruption body (the Authority) has been established with the task of hunting down corruption in all its forms. The Authority has been delegated judicial powers, financial and administrative autonomy in the exercise of its powers and in the pursuit of corruption, and the power to bring the perpetrators before justice.

The Anticorruption Authority Law of 2006 states in Article 7 that the Authority has the "powers to conduct the necessary inquiries to follow up on any corruption case based on its own initiative or based on information emanating from any party."⁸⁸ But nothing has been adopted to enhance the protection that is supposed to be afforded to witnesses and whistleblowers in corruption cases.⁸⁹

In 2007, Jordan also became the first Arab country to have enacted an access to information law, Law of Access to Information No. 47/2007.⁹⁰ This law requires ministries, departments, and public institutions to disclose information in their possession. But the law needs reforming as ministries and government institutions have proven to be reluctant in providing the required information in an adequate form. In addition, the deficiency of the ministries and government institutions in classifying information and documents that facilitate dealing with the requirements of the law is a problem. And, the State Secrecy Law No. 50 dated 1971,

which remains a temporary law, must be amended to establish a clear criteria and transparency for the classifications of documents, to ensure access to information, and to harmonize the Law of Access to Information. It is unreasonable for the citizens not to access important documents such as disclosure of assets, companies' financial records, and government reports.⁹¹

Below are some key questions and answers relating to Jordanian whistle-blowing law:⁹²

Are there appropriate measures taken to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with the UNCAC?	Yes, in part, <i>see</i> Articles 224 of the Jordanian Criminal Law.
Are there special training programs for public officials with regard to the methods applied in the protection of whistleblowers?	No
Does your country receive any form of technical assistance with regard to the protection of whistleblowers?	No
Does your country need assistance in developing programs for the protection of whistleblowers?	Yes
Are there appropriate measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions?	Yes, in part, <i>see</i> Article 67 of the Jordanian Civil Service Law and Article 6 of the Code of Conduct of Public Officials.
Are the views and concerns of victims allowed to be presented at appropriate stages of criminal proceedings against offenders?	Yes, in part, <i>see</i> Article 176 of the Criminal Law Procedures
Are there special training program for public officials with regard to the methods applied in the protection of such persons?	No

Does your country receive any form of technical assistance with regard to the protection of such persons?	No
Does your country need assistance in developing programs for the protection of such persons?	Yes

2.2.3- Yemen:

Yemen endorsed the UNCAC on December 11, 2003, and ratified it on November 7, 2005.⁹³ Yemen has already taken significant steps towards whistleblower protection by including some provisions in its anticorruption law, but Yemen should promulgate a law for whistleblower protection in an independent text of law to conform to Article 33 of the UNCAC.⁹⁴

Yemeni law has established the National Supreme Anti-Corruption Authority. Its most important responsibilities are to fight corruption and track violators.⁹⁵ This entity is very powerful. It is financially and administratively independent and located in the capital Sanaa. In order to achieve its goals, Yemeni law⁹⁶ authorizes the National Supreme Anti-Corruption Authority to have offices established in any Yemeni jurisdiction.

In addition to establishing the National Supreme Anti-Corruption Authority, Anticorruption Law No. 36 of 2006 also provides that whistleblowers are to be protected. Article 24 of Law 36 encourages anyone aware of a corruption offense to report and submit all the information to the competent authority for investigation. Article 27 obligates the National Supreme Anti-Corruption Commission to ensure legal protection for witnesses and whistleblowers. But Law 36 does not specify any protection procedures for whistleblowers.⁹⁷

In order to provide more transparency and fight corruption, a proposed law for granting access to information was issued in 2008 and approved by the Council of Ministers and submitted to the House of Representatives by Resolution 431 of 2008.⁹⁸

At least two draft laws on access to information have been proposed in Yemen. The first draft was issued by the Yemeni Journalists Against Corruption while the other by the Yemeni Government.⁹⁹

Accordingly, there is still no whistle-blowing law in the Republic of Yemen but only a draft law for access to information.

2.2.4- Kuwait:

Regulations outlawing corruption are found in the Kuwaiti Constitution. Article 17 states that every Kuwaiti citizen must protect public funds.¹⁰⁰

The Kuwait Transparency Society (KTS) draft law proposes to protect whistleblowers who expose incidences of corruption and offers them legal protection and confidentiality to safeguard against intimidation.¹⁰¹

This latest KTS draft legislation follows several previous draft laws that are awaiting approval, and should be approved forthwith since they are intended to ensure compliance with international conventions including agreements on monetary ethics, combating corruption, opposing special interests, protecting public funds and guaranteeing freedom of access to information.¹⁰²

Constitutional experts predict that the new draft law would be approved by the parliament. They also expect that neither unnecessary debates between branches of the government nor political interests of any branches would be involved.¹⁰³

Yet despite this progress, experts in Kuwait are disappointed at the ubiquitous nature of corruption in their country. The obligation for public officials to disclose their financial statements remains the initial mission to protect public office and State funds from misuse, abuse and neglect.¹⁰⁴ This disclosure is a must before taking office.¹⁰⁵ Determining his/her financial situation will be based on comparing the official's assets at the time he/she takes office with the official's assets at the time of resignation or retirement.¹⁰⁶ However, this system is not enough to monitor any illegal enrichment.¹⁰⁷ A binding rule of law that protects employees who report any type of public office misuse must be issued.¹⁰⁸ In addition, this system will also protect the reporter and compensate him/her whether or not the government has taken enough measures to stop the violation if the reporter suffered any type of injury.¹⁰⁹ Article 17 of the Constitution states that public funds are sacred and their protection is the duty of every citizen, but whistleblowers face great difficulties when reporting. In order to assist whistleblowers and promote whistle-blowing, legislation that protects them must be enacted. Indeed, this is the approach taken by many European countries and the United States of America.¹¹⁰

Moreover, below are some questions related to whistle-blowing and answers derived from the money laundering law, criminal law, and the protection of public funds law.

Are there appropriate measures taken to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with UNCAC Convention?	No
Are there special training programs for public officials with regard to the methods applied in the protection of whistleblowers?	No

Does your country receive any form of technical assistance with regard to the protection of whistleblowers?	Yes, the World Bank is providing technical assistance for drafting laws on whistleblower protection.
Does your country need assistance in developing programs for the protection of whistleblowers?	Yes
Are there appropriate measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions?	Articles 14 and 15 of Law No. 35/2002 on Fighting Money Laundering.
Are there appropriate measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions?	Investigators listen to the victims in order to detect the offender, the circumstances and evidence of the crime.
Are the views and concerns of victims enabled to be presented at appropriate stages of criminal proceedings against offenders?	Investigators listen to the victims in order to detect the offender, the circumstances and evidence of the crime.
Are there special training programs for public officials with regard to the methods applied in the protection of such persons?	No
Does your Country receive any form of technical assistance with regard to the protection of such persons?	No
Does your country need assistance in developing programs for the protection of such persons?	Yes

2.2.5- Morocco:

As previously stated, Morocco ratified the UNCAC Convention on May 9, 2007. But, Morocco has been trying to implement a governmental plan to fight corruption since 2005.¹¹¹ For example, Morocco has adopted anti-money laundering legislation, established the Central Authority for the Prevention of Corruption, created a policy of requiring public officials to declare their assets, and issued a decree regulating public procurement.¹¹² The Central Authority is responsible for overseeing and gathering information about corruption. It also coordinates Morocco's anticorruption policy.

In addition to the Moroccan Government's efforts, there are a number of NGOs working to end corruption in Morocco.

Transparency Maroc, founded in 1996, carries out awareness, training, and victim assistance campaigns.¹¹³

Association Adala (meaning "justice" in Arabic), a Moroccan NGO, organized a symposium in 2007 on media and the right to information in Morocco.¹¹⁴ The symposium called upon the Moroccan Government to pass a law on access to information. The symposium adopted the

“Morocco Declaration on the Right to Information.”¹¹⁵ This declaration demands that the bill on access to information establish an independent empowered body that monitors the implementation of the law, consults with and advises the administration and examines petitions from people.

Despite a comprehensive regulatory framework of anticorruption laws, legal protection is absent in Morocco for whistleblowers, anticorruption activists, and investigators who report cases of bribery and corruption--especially at the highest levels in the hierarchy.

2.3- Related Cases:

2.3.1- Lebanon:

The Lebanese Advocacy and Legal Advice Center (LALAC) is part of the Lebanese Transparency Association (LTA), an organization working on administrative reform in Lebanon since 1999 with the support of Transparency International. LALAC has helped hundreds of victims of corruption in Lebanon by providing them with legal advice.

LALAC’s primary goal is to assist victims by advising them on how to proceed legally with their case as many people do not have the necessary funds to cover attorney’s fees. Anyone who has been subject or witness to corruption in any form can call the LALAC hotline to schedule a free consultation with the organization’s lawyer.

When the hotline was first installed, the organization didn’t receive as many calls as one would expect, some were too afraid to call and others were simply unaware of the existence of the hotline. Accordingly, a “Visibility Plan” was soon drafted and put into action, and TV commercials and internet ads started to appear on screens all over Lebanon encouraging people to take advantage of the LALAC hotline. A Short Message Service or SMS campaign was also started in order to reach the Lebanese public in a quick and efficient way.¹¹⁶

And yet despite the difficulties, successes are met along the way, encouraging LALAC members to keep moving forward with their campaign. For example, a citizen came forth recently claiming that the judge in charge of his case was blindly acting in favor of the opposing party. Thanks to the citizen’s courage and LALAC’s legal advice, the biased judge was successfully replaced.¹¹⁷

In a different matter, the Lebanese Supreme Court reversed by a decision dated March 24, 2010, a judgment of the Court of Publications and cleared a television reporter, Ghada Eid, the host of *Al Fassad* (Arabic for “corruption”), from the charge of slander by concluding that Eid performed her duty and that the media has the right to truthfully report the news.¹¹⁸

The Supreme Court in declaring the innocence of Eid cancelled the judgment of the Court of Publications that ruled for the imprisonment of Eid for three months but later replaced the penalty by a fine of three million Lebanese pounds, and six million Lebanese pounds to be paid in compensation for the plaintiff.¹¹⁹

The Supreme Court considered that there is significance from the approach of Article 387 of the Penal Code, which stipulates that “Except for the slander targeting the Head of State, the suspect is discharged if the subject of the slander related to the public service was proven to

be true.”¹²⁰ Article 583 of the same code highlights that the actions of each individual elected or appointed in the public sector, except the Head of State, are subject to the public opinion control.¹²¹

The verdict added that, in principle, everyone has the right to highlight the suspicious fact of the non-functioning of public services in accordance with the laws and regulations.¹²²

The Court’s decision also discussed what Eid has put forth “what if she exercised her right as a journalist specialized in the issue,” or acted as an abusive journalist.¹²³ Unlike the Publications Court decision, “which ended in condemning Eid for her inability to prove all what has been brought up against the plaintiff.”¹²⁴ The reasonable ground for granting her a patent of innocence, even though the acts of slander were verified, is when it is proven that there is a deviation in general thrust of the employee in the exercise of his function.¹²⁵

Finally, the Court stated that the proof brought before her by the plaintiff must demonstrate that the slander is not just an abstract lie or fabrication, and, therefore, the court enabled the defendant Eid to bring over a productive proof with serious foundation verifying the wrongdoing which she did and ended in her favor by announcing her innocence.¹²⁶

2.3.2- Kuwait:

Blogger Mohammed Abdel Qader al-Jassem was ordered to serve six months in jail for criminal slander after he stated that Prime Minister Sheikh Nasser Al Sabah should resign because he was not able to run Kuwait.¹²⁷ Although the Kuwaiti authorities maintain that the Kuwaiti constitution supports freedom of expression, the prosecution of al-Jassem unfortunately belies this contention.¹²⁸

2.3.3- Morocco:

A Moroccan court sentenced Chakib El Khayari, a human rights activist and outspoken critic of the Moroccan Government’s antidrug policy, to three years’ imprisonment for offending the authorities and allegedly making unauthorized currency transactions.¹²⁹

According to the court, Khayari deposited money in foreign banks without the authorization of Morocco’s Exchange Office. But Human Rights Watch (HRW), has implied that Khayari is really being punished for having made numerous statements questioning the government’s diligence in suppressing the smuggling of illegal drugs from northern Morocco to Europe.¹³⁰ And HRW has indicated that Khayari’s conviction was “meant to have a chilling effect on other whistleblowers and rights campaigners in the Rif region.”¹³¹

3. OBSTACLES AND LEGAL CONSEQUENCES

3.1- Political framework:

Although Arab leaders frequently talk about fighting corruption, promoting good governance, and introducing reforms, there has been little change in the laws concerning whistle-blowing. There are few provisions allowing for the development of civil society organizations. Indeed, academics, journalists, lawyers, and other activists involved in fighting corruption are systematically attacked.¹³²

The most common obstacles facing whistleblowers in fighting corruption in the Arab countries include:¹³³

1. Defects in the government bidding system, *i.e.*, obscure criteria and standards that do not encourage real competition.
2. Making government appointments based on favoritism, nepotism, or political loyalty instead of qualifications.
3. Government officials wasting public resources and unfairly distributing grants and benefits based on tribal or regional considerations for political gain.
4. Officials who abuse public office for their private political gain.
5. Control of government-owned corporations and civil society organizations by the relatives or the supporters of the politically and financially powerful.
6. The lack of transparency and the culture of secrecy in the public and private sectors.
7. The lack of objectivity in the media resulting from some journalists being in league with corrupt individuals in government and the private sector.
8. Some cooperatives and civil society organizations have abandoned their goals and missions.
9. Coalitions between the politically powerful and the financially powerful to gain at the public's expense.
10. Appropriating public funds for projects, including useless activities, in order to benefit a special lobby.

3.2- Lack of protection in employment:

A major obstacle for potential whistleblowers is the fact that they are often too intimidated to speak out against the corrupt and unlawful activities they observe in the workplace.¹³⁴ Indeed, the inclusion of confidentiality clauses in employment contracts sends a strong message to employees that they must remain silent both in and out of the workplace.¹³⁵ Although employees are usually the first to know of wrongful conduct in the workplace, they often remain silent out of fear that they would lose their jobs.¹³⁶

3.3- Results of lack of protection in employment law:

Job harassment:

“Researchers have investigated tangible forms of retaliation against whistleblowers such as demotion and termination. Anecdotal evidence, however, suggests that ostracism may be the most frequently used form of retaliation against whistleblowers.”¹³⁷ Ostracism likely occurs more frequently than any other form of retaliation because anyone can ostracize another individual and ostracism is difficult to document, hence it is less likely to qualify as illegal retaliation.¹³⁸ Thus ostracism is a “safe and relatively undetectable strategy to handle whistleblowers.”¹³⁹

4. RECOMMENDATIONS

Unlike the other countries discussed in this study, Lebanon has a comprehensive draft law. Accordingly, this study will make specific recommendations for Lebanon in light of its draft law and more general recommendations for the other countries.

4.1- Lebanon:

Lebanon has ratified several international conventions addressing international and domestic corruption.¹⁴⁰ These conventions include the United Nations Convention against Transnational Organized Crime and the UNCAC.¹⁴¹

Whistleblower protection is a critical anticorruption tool to achieve the aims of these conventions.¹⁴² Hence, Lebanon should undertake the necessary measures in order to prove its commitment toward whistleblower protection.

The measures should include:¹⁴³

1. Establishing procedures to secure the physical safety of whistleblowers.
2. Modifying court procedures to allow whistleblowers to testify via video or similar means when their safety is in jeopardy.
3. Entering into agreements with other countries to allow for whistleblowers to be relocated to other countries when necessary.
4. Developing procedures to ensure that whistleblowers' identities and addresses will be kept private.
5. Granting the NACC sufficient authority to allow it to effectively prosecute corruption cases.

4.1.1- Recommendations for whistle-blowing law in public sector:

Within the frame of the UNCAC text stated above, the following objectives should be considered for the public sector:

- A. Drafting laws that fight corruption by encouraging individuals in the public sector (public officials, employees and others) to report any corrupt act. In addition, such laws should protect the reporter from any potential harm that might happen as a result of the disclosure.
- B. Establishing an independent body, a National Anti-Corruption Commission (NACC), that would have similar authority to the General Prosecutor of the Court of Appeal, especially in terms of investigative powers. Its investigations would be totally confidential.
- C. Based on the investigation results, the NACC may retain the disclosure file or take appropriate measures before the competent authorities or disciplinary bodies. The General Prosecutor must notify the NACC of all investigation results.
- D. The whistleblower employee in the public field has the choice to submit or not to submit a written signed form that includes full contact information, the type of the

corruption being disclosed, and the name(s) of the person(s) concerned by the disclosure.

- E. Guarantee full protection to the public sector employee who discloses information on corruption cases that have taken place and/or that will take place within the administration. Provided the information is disclosed to the NACC or the independent body, the protection will be provided to the public employee.
- F. Providing employment protection to the public official employee who was subject to harm in the workplace.
- G. In practice, the employee should present a justified request for protection to the independent body. The body would conduct an investigation aiming at verifying the causal relation between the damage and the disclosure.
- H. If the request is deemed fair, the whistleblower's employment situation should be rectified and he/she should also get compensation for any damages.
- I. The independent body must address a request to take the necessary security measures to protect the public official, any of his family members, those working with him, experts and/or witnesses. This request is made upon the body's initiative or upon the whistleblower's request.
- J. The General Prosecution or the Security Forces must respond to the request upon reception of orders and provide with whistleblower with all available security.
- K. The Commission must compensate through all available means the whistleblower that was physically or materially harmed as a result of the disclosure by providing financial and legal assistance.
- L. Public employees should also receive rewards as a result of their disclosure because the disclosure brings positive results to the administration such as prevention of material loss or damage for the administration.¹⁴⁴
- M.

Whistleblower Protection laws need a powerful and independent anticorruption commission. To that end, it is highly recommended that the NACC should be composed as discussed in part 2.2.1 of this study.

4.1.2- Recommendations for whistle-blowing law in private sector:¹⁴⁵

The following objectives should be considered for creating a whistle-blowing law governing private sector employers in Lebanon.

1. The Company must develop a procedure that ensures that employees who communicate their concerns about illegal, unethical, or questionable practices to the board and/or to senior management will not be punished.¹⁴⁶
2. The Company, in light of its activities and corporate profile, should seriously assess the various risks that the business faces and find a recovery procedure. The recovery procedure should cover the following kinds of activities:¹⁴⁷
 - Criminal activity;
 - Unethical practices;
 - Fraud and embezzlement;
 - Corruption;
 - Discrimination;
 - Harassment;
 - Threat to health safety;
 - Abuse of power; and

- Failure to comply with a legal obligation.
3. The whistle-blowing law does not cover any issue arising out of a personal employment situation, nor does it cover mismanagement, which may arise from weak or poor management rather than malpractice.
 4. The Company should emphasize the importance of adopting two prerequisites for a sound and fair procedure: anonymous reporting and confidential reporting.
 5. The company is encouraged to consider hiring an ethics representative or an independent director. Such ethics representative or independent director shall be responsible for informing the chair of the company as well as the chair of the audit committee.
 6. The technical means for the transmission of information should be well defined: telephone, e-mail or in-person reporting. In some circumstances, the company should understand that the only way for certain employees to disclose their problem is to enable them to voice their problems outside of the company.
 7. All complaints should be handled quickly, but all complaints should be thoroughly investigated.
 8. The whistleblower is entitled to a timely and fair response. The whistleblower should also be given access to all relevant and reliable information regarding the wrongdoing and investigation carried out within the company.
 9. Compensation policies should be developed in the event that the whistleblower has suffered harm. Rewards can also be granted to the whistleblower if, thanks to his actions, he has brought back money to the company. If the report is not substantiated, the whistleblower should not be held accountable, unless the report was made in bad faith.

4.2- General recommendations for Arab countries:

A country must eradicate corruption if it wishes to succeed globally. Empowering individual citizens to monitor and report corrupt conduct by adopting and enforcing a whistle-blower protection policy is an easy and highly effective means of achieving transparency and accountability in government and commerce. Given the prevalence of corruption in the Arab world, there is a pressing need for Arab countries to enact whistle-blowing protection laws.

4.2.1- Recommendations for developing awareness of whistle-blowing on the societal level:¹⁴⁸

In order to create a culture conducive to whistle-blowing in the Arab countries, people must become aware of the benefits of whistle-blowing. These benefits include:

- Promoting transparency and accountability in government and commerce.
- Correcting situations before they get worse.
- Bringing corrupt individuals to justice.

To develop awareness of whistle-blowing on the societal level, countries should do the following:

- Educate people about the value of whistle-blowing.
- Provide materials concerning whistle-blowing to schools.

- Encourage the media to promote whistle-blowing. Increase people's ability to whistle-blow: 1) make sure that people understand how and to whom they can report corruption, and 2) provide educational materials on whistle-blowing's best practices and procedures.
- Acknowledge whistleblowers' achievements: create a culture that shows that it highly values whistle-blowing by recognizing whistleblowers.

4.2.2- Recommendations for developing whistle-blowing policies on the legislative level:¹⁴⁹

As previously discussed, whistle-blowing is one of society's most powerful anticorruption tools. Arab countries serious about fighting corruption must enact legislation that formally recognizes people's right to whistle-blow and provides sufficient protection for whistleblowers.

These are the specific recommendations for developing effective whistle-blowing policies on the legislative level:

- Provide real security for whistleblowers.

People who know that they are subject to retaliation are less likely to report corruption. People who try to further the common good by reporting corruption should not have to sacrifice their employment and/or safety. Although it is virtually impossible to legislatively eliminate all risk, whistle-blowing protection measures must be comprehensive and reduce risk to the greatest degree possible.

- Create a strong anticorruption committee.

As previously explained, anticorruption committees that lack sufficient administrative and financial resources are not equipped to handle whistleblower complaints properly. If they are to accomplish their mission, anticorruption committees must also be powerful enough to investigate complaints, protect whistleblowers, and bring wrongdoers to justice.

- Ensure that channels and procedures for making complaints exist and are secure.

Whistleblower complaints cannot be acted upon if they do not reach the appropriate authority. Consequently, it is essential that legislation establish channels for receiving complaints and procedures informing whistleblowers how they can make a complaint. In addition, people will be less likely to report if they do not believe that the committee will not protect the confidentiality of their identifying information.

- Establish whistleblower support centers.

Many countries have independent organizations that assist whistleblowers. The Arab world should similarly promote whistleblower support centers operated by representatives of private sector and civil society organizations.

- Seek support from civil society organizations.

Many civil society organizations have actively worked on promoting anticorruption efforts. Where appropriate, the legislature should seek and accept assistance from these organizations.

- Promote good organizational whistle-blowing practices and secure support for whistle-blowing from organizational leaders.

An organization's culture can either hamper or promote whistle-blowing. And an organization's leaders create the organization's culture. Thus organizational leaders must be shown the benefits of having corruption exposed.

Having strong organizational whistle-blowing practices also makes it clear to employees that the organization encourages and supports whistle-blowing.

- Promote free speech and ethical conduct.

The following items are also recommended for the public and private sectors, where applicable:¹⁵⁰

- Protection from government abuse.

This protection will cover the risk of salary reduction, promotion delay, and/or ill-treatment and also save the whistleblower's right to remain anonymous when reporting until the beginning of the criminal investigation undertaken by the attorney general.

- The whistleblower shall have the right to ask for compensation for injury, moral, and material damage as long as he informed the higher authorities about the offender.

Such compensation will be due even if the competent authorities did not act. This compensation will cover damages like abuse of management or retaliation in the grade or salary.

4.3- Disclosure Procedures:

Several options exist for disclosing wrongdoing and unethical behavior.¹⁵¹ For example, organizations could use dedicated hotlines and/or comprehensive electronic whistle-blowing systems that would help them receive and classify the complaints for effective processing.¹⁵² It should also be noted that there are four main channels for reporting wrongdoing:¹⁵³

- An organization's own internal channels;
- Channels provided by a governmental entity;
- Channels provided by civil society organizations; or
- The media.

4.3.1- Internal reporting:

Most organizations would prefer that whistle-blowers reported corruption internally.¹⁵⁴ Internal reporting benefits the organization by keeping its issues private and giving it the opportunity to resolve issues without external intervention.¹⁵⁵ Internal reporting is sufficient when the organization truly wishes to prevent and control corruption. But in many cases, external reporting is necessary.¹⁵⁶

4.3.2- External reporting:

Again, organizations frequently have ineffective internal channels.¹⁵⁷ In addition, it is generally of little consequence to report corruption internally when the corruption is occurring at an organization's highest level. Thus in order to ensure that all corruption is addressed; whistleblowers must have access to some kind of external reporting channel.¹⁵⁸

4.4- Protection:

As previously explained, it is essential to protect whistleblowers from retaliation. Failure to provide proper protection for whistleblowers discourages others from coming forward.

Providing protection and recourse for whistleblowers reduces the risks and costs typically associated with whistle-blowing.¹⁵⁹ In order to be truly effective, protection must encompass more than just protection of the whistleblower's legal interests.¹⁶⁰ Instead, protection should include:

1. Physical protection for the whistleblower and his/her family—including relocating and/or changing the identities of the whistleblower and his/her family.¹⁶¹
2. Recourse against retaliatory action and/or harassment—including retaliatory legal action.¹⁶²
3. Employment security.¹⁶³
4. The right to bar the media from disclosing the whistleblower's identity.¹⁶⁴
5. A guarantee that whistleblower complaints will be investigated swiftly.¹⁶⁵
6. Review of criminal actions against whistleblowers by a special commission to ensure that whistleblowers are not being subjected to retaliatory prosecutions.¹⁶⁶

5. CONCLUSION

Whistle-blowing is strongly linked to a favorable political context. The legislative process is subject to many external influences. The effectiveness of law depends on other factors that affect the law itself, including guarantees ensured by the judiciary, the balance of power in society, the dominant political culture, habits and customs, and the potential of civil society.

Laws that do not enjoy strong legitimacy and a political climate will be misapplied, or even will be applied by force with a high cost in administrative and judicial levels to control implementation and punish offenders. Thus, by itself, the law on whistle-blowing is not enough. It has to be accompanied by a liberal political system and good governance.

Whistle-blowing system is not just created by the enactment of a law or by decision of a visionary leader, but it must be the result of a tradition of a democratic political system, and of a long and continuous practice and a degree of advance professionalism on the protection of whistleblowers.

Without the conjunction of all these factors, the whistle-blowing system would simply be an accessory whose sole legal function is giving the illusion of respect for human rights and privacy of modernity and competitiveness.

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²³ <http://www.pogar.org/publications/agfd/GfDII/ACINET/Rabat09/Background.eng.pdf> - Regional Workshop on Whistleblower Protection (April 2-3, 2009).

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³³ *Id.*

³⁴ *Id.*
³⁵ http://www.transparency.org/publications/publications/nis_egypt_2009 - National Integrity System Study: Lebanon 2009.
³⁶ *Id.*
³⁷ *Id.*
³⁸ *Id.*
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⁴¹ *Id.*
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⁴³ *Id.*
⁴⁴ *Id.*
⁴⁵ *Id.*
⁴⁶ *Id.*
⁴⁷ <http://www.a2ilebanon.org/rubberdoc/wbp.pdf>.
⁴⁸ www.a2ilebanon.org.
⁴⁹ www.transparency.org/publications/nis_egypt_2009 - “National Integrity System Study: Lebanon 2009,” Lebanese Transparency Association.
⁵⁰ <http://right2info.org/resources/publications/Overview%20of%20FOI%20legislation%20in%20the%20Arab%20World%20-%20SA%20-%202002-06-2010.doc>
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⁵³ “Status of Freedom of Information legislation in the Arab World,” by Said Almadhoun, Open Society Justice Initiative (February 6, 2010).
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⁵⁵ *Id.*
⁵⁶ www.a2ilebanon.org (National Network for the Right of access to information /whistleblower protection draft law).
⁵⁷ The author of this study disagrees with this suggestion.
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⁵⁹ *Id.*
⁶⁰ <http://www.transparency-lebanon.org/index.php?lang=en>
⁶¹ http://www.transparency-lebanon.org/index.php?option=com_content&view=article&id=56&Itemid=79&lang=en
⁶² http://www.transparency-lebanon.org/index.php?option=com_content&view=article&id=10&Itemid=16&lang=en
⁶³ www.transparency-lebanon.org/publications/national_integrity_systems_en.pdf (National Integrity System Report on Lebanon).
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⁶⁵ www.transparency.org/publications/nis-studies.
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⁶⁷ *Id.*
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⁷⁰ *Id.*
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- ¹²⁰ *Id.*
- ¹²¹ *Id.*
- ¹²² *Id.*
- ¹²³ *Id.*
- ¹²⁴ *Id.*
- ¹²⁵ *Id.*
- ¹²⁶ *Id.*
- ¹²⁷ www.amnesty.org/en/news-and-updates/kuwait-urged-release-blogger-who-criticised-prime-minister-2010-05-14.
- ¹²⁸ *Id.*
- ¹²⁹ <http://uk.reuters.com/article/idUKTRE55N5FE20090624>.
- ¹³⁰ See *id.*
- ¹³¹ *Id.* Quoting Eric Goldstein, Human Rights Watch Research Director for the Middle East and North Africa.
- ¹³² <http://www.alarcheef.com/studies/againstCorruption.asp>-Arab Archives Institute.
- ¹³³ http://www.gopacnetwork.org/Docs/kuwait/Kuwait_Strategy_EN.pdf-Kuwait’s National Anticorruption Strategy.
- ¹³⁴ www.nacf.org.za/guide_to_the_whistle_blowing_act/section_one.html - National Anti-Corruption Forum.
- ¹³⁵ *Id.*
- ¹³⁶ *Id.*
- ¹³⁷ Williams, Kipling D. *Ostracism: The Power of Silence*, 191 (2001).
- ¹³⁸ *Id.* at 193.
- ¹³⁹ *Id.*
- ¹⁴⁰ <http://www.a2ilebanon.org/rubberdoc/wbp.pdf>- Manual Whistleblower Protection and Mechanism for Reporting Corruption in Lebanon.
- ¹⁴¹ *Id.*
- ¹⁴² *Id.*
- ¹⁴³ *Id.*
- ¹⁴⁴ Whistleblower Protection and Mechanism for Reporting Corruption in Lebanon / WBP_Manual_LTA_Research-April_19_2010[1] – a2ilebanon.org/rubberdoc/wbp.pdf
- ¹⁴⁵ www.transparency-lebanon.org-Code of Ethics and Whistleblower Procedure for Small and Medium Enterprises (Lebanon Anti-Bribery Network a Lebanese Transparency Association Initiative).
- ¹⁴⁶ <http://a2ilebanon.org/rubberdoc/wbp.pdf>
- ¹⁴⁷ *Id.*
- ¹⁴⁸ The recommendations in this section were informed by “Whistle-blowing in the Philippines: Awareness, Attitudes and Structures,” a monograph prepared by the Hills Governance Center/Asian Institute of Management (June 2006).
- ¹⁴⁹ Unless stated otherwise, the recommendations in this section were informed by “Whistle-blowing in the Philippines: Awareness, Attitudes and Structures,” *supra*.
- ¹⁵⁰ For further Information: Mr. Labeed Abdal, Attorney at Law – Kuwait Times 2009.
- ¹⁵¹ www.transparency.org – Alternatives to Silence: Whistleblower Protection in 10 European Countries.
- ¹⁵² *Id.*
- ¹⁵³ *Id.*
- ¹⁵⁴ *Id.*
- ¹⁵⁵ *Id.*
- ¹⁵⁶ *Id.*
- ¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ “Whistle-blowing in the Philippines: Awareness, Attitudes and Structures,” *supra*.

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ www.moneylife.in/article/8/5493.html - Moneylife Personal Finance Magazine.

¹⁶⁶ *Id.*