Anti-Corruption Institutions in Selected Arab Countries

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Introduction

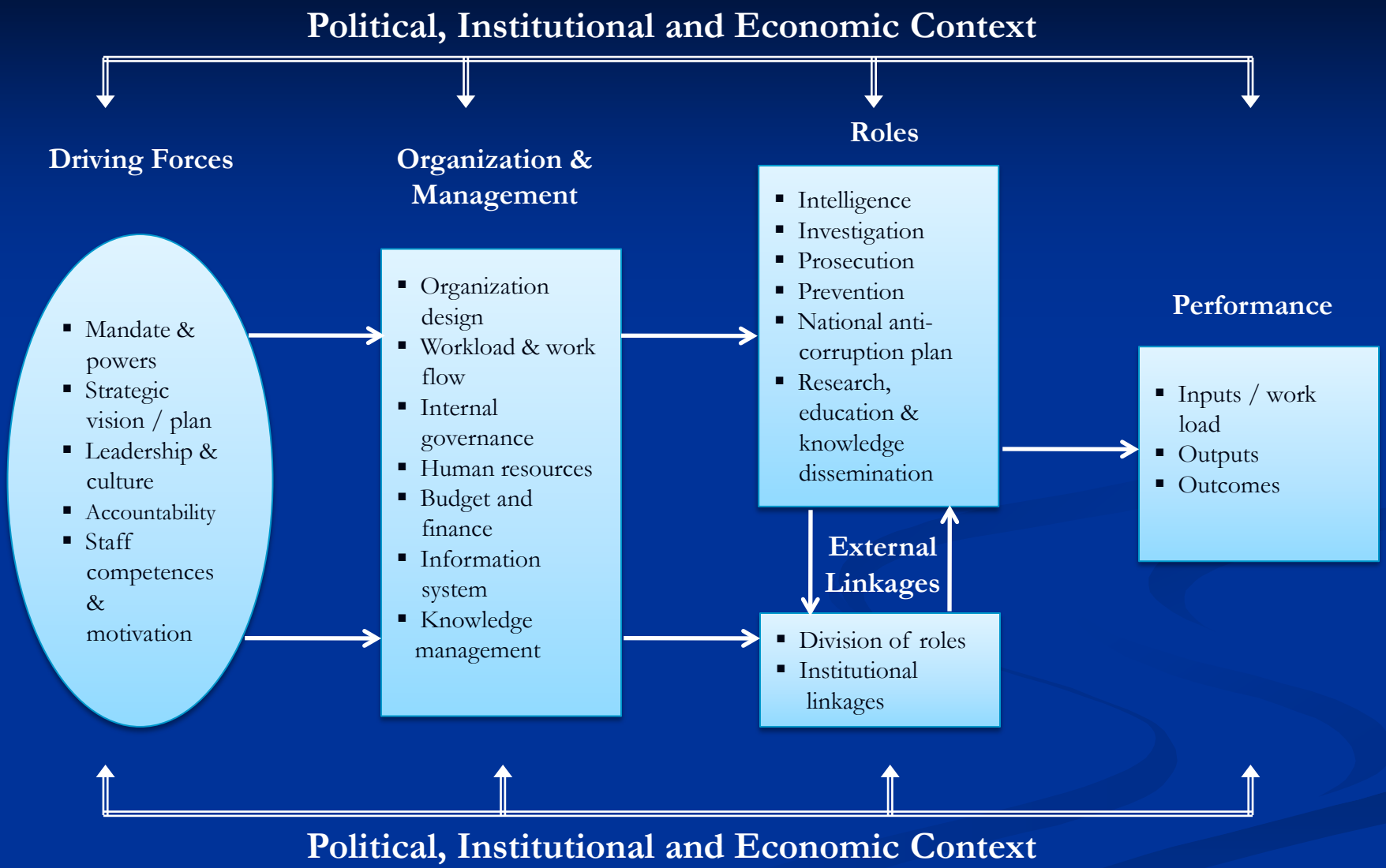
- The study is part of a series of studies conducted by POGAR-UNDP to map and assess anti-corruption policies, institutions and achievements in Arab countries in light of international experience
- The objectives of this study:
  - To map and assess the institutional framework of anti-corruption with a particular focus on the national anti-corruption organizations in selected Arab countries
  - To compare and contrast these institutions/organizations across the countries
  - To examine the challenges facing these institutions/organizations

The Conceptual Infrastructure of the Study

Two main conceptual sources:

- The body of international experience of the institutional arrangements of anti-corruption
- A conceptual framework developed to guide the study

The Conceptual Framework



Corruption Profile in the Four Countries

Corruption / Country	Grand & State-Capture	Middle Level	Petty
Iraq	High	High	High
Jordan	Medium	Medium	High
Morocco	High	High	High
Yemen	High	High	High

Economic and Political Context of Corruption

Context / Area / Country	Economic	Political
Iraq	▪ Transformation from state control to market economy ▪ Economic set back and high inflation due to shaky security	▪ The collapse of the state institutions and the building of a new ones ▪ Rent seeking by various political and ethnic factions ▪ State-capture by the elites of the political factions
Jordan	▪ Economic reform and transformation to market economy ▪ High inflation combined with steady growth ▪ Economic oligarchy	▪ Emerging regulated/controlled democracy ▪ Centralized political action
Morocco	▪ Transformation to market economy ▪ Economic oligarchy ▪ Economic patronage	▪ Regulated/controlled democracy ▪ Centralized political action
Yemen	▪ Economic oligarchy in key sectors ▪ Economic patronage provided by the state	▪ Rent-seeking by most political groups ▪ Emerging political freedom and reform

Institutional Profile of Anti-Corruption

1. Legal framework of anti-corruption
2. The anti-corruption organization
3. Complementary oversight institutions

Legal Framework of Anti-Corruption

- All of the countries have legal framework that criminalizes corruption and misuse of public authority. But all of them have significant gaps in certain areas (examples):
  - Transparency and access to information
  - Conflict of interest
  - Protection of notifyers/informers and witnesses
  - Trials of high public officials
  - Corruption in the political arenas
- Most of the countries, with their recent anti-corruption initiatives are lacking an integrative legal framework on anti-corruption
- Some (e.g. Yemen) have taken some major strides to introduce legal regulations in areas that were totally vulnerable before
- All the countries still have a long way to go into anti-corruption legal reform

The Anti-Corruption Organization

The Context of the Overall Profile

- In all the countries, the Anti-Corruption Organizations (ACOs), were established as part of or in response to:
  - Requirements of UNCAC
  - Requests by international organizations/forces (including the international investment community)
  - Internal forces/pressures (with variations among the countries). A key force here is the will/consent of the head of the state
  - Larger economic, political or institutional reform
- In Jordan, the establishment of the national ACO was a development of an earlier initiative. Only in Yemen, the Parliament played a key role in the formation of the Anti-Corruption Authority

Composition and Structure of ACOs

Composition and representation of key stakeholders in the strategic apex of the ACOs

Representation / Country	Government	Civil Society	Private Sector
Iraq	Yes	No	No
Jordan	Yes	No	No
Morocco	Yes	Yes	Yes
Yemen	Yes	Yes	Yes

Composition and Structure of ACOs

Strategic Positioning

Dimension / Country	Independence	Attached to
Iraq	▪ Structurally independent	No state body (totally independent – drives its existence from the law)
Jordan	Semi-independent	Prime Minister
Morocco	Semi-independent	Prime Minister
Yemen	Relatively independent	President

Functions and Roles of ACOs

Functions / Country	Strategic	Coordinative	Preventive	Combating / Fighting	Research	Education
Iraq	▪ Prepares the national combating strategy ▪ Proposes policy/ initiatives	Plays a leading role in coordinating and monitoring strategy implementa-tion	▪ Diagnoses institutional gaps ▪ Proposes reform initiatives ▪ Exercises pressure through corruption surveys	▪ Investigative Role ▪ Receives and processes corruption notifications ▪ Refers corruption cases to the court	▪ Conducts institutional and legal research ▪ Conducts regular citizen surveys on corruption in various sectors	▪ Conducts campaigns, conferences/ symposia and workshops to raise awareness ▪ Issues various periodicals and publications

Functions and Roles of ACOs (Contd.)

Functions / Country	Strategic	Coordinative	Preventive	Combating / Fighting	Research	Education
Jordan	▪ Prepares the national combating strategy (though needing substantial technical upgrading)	▪ Limited role in coordinating and monitoring strategy implementa-tion due to recency of the strategy	▪ Limited role in diagnosing reform gaps ▪ Limited preventive/ reform proposals	▪ Shares investigative role in the notifications it receives ▪ Receives and processes corruption notifications ▪ Full investigations are conducted through representatives of the Prosecutor General ▪ Cannot refer cases directly to the	▪ Some research activities /citizen surveys	▪ Conducts symposia and workshops ▪ Anti-Corruption Advocacy Initiative (An Emerging Partnership with other entities) ▪ No periodicals and limited publications

Functions and Roles of ACOs (Contd.)

Functions / Country	Strategic	Coordinative	Preventive	Combating / Fighting	Research	Education
Morocco	▪ Proposes policy/ reform initiatives ▪ No reference to the national combating strategy or plan	▪ Monitors implementa-ion of proposed policies / reforms ▪ No reference to a leading/ coordinative role though the composition of GA of the Authority could facilitate that	▪ Diagnoses institutional and legal gaps ▪ Proposes reform initiatives ▪ No particular powers exerted on the government sectors	▪ Merely receives complaints / appeals but refers them to the appropriate bodies ▪ No investigative or judicial powers	▪ Conducts legal and institutional assessment ▪ Outsources sectorial assessment and diagnostic studies	▪ Limited activities in awareness raising ▪ No periodicals or publications except the Annual Report

Functions and Roles of ACOs (Contd.)

Functions / Country	Strategic	Coordinative	Preventive	Combating / Fighting	Research	Education
Yemen	▪ Prepares the national combating strategy ▪ Proposes policy/ reform initiatives	▪ Limited role in coordinating and monitoring strategy implementa-tion due to recency of the strategy	▪ Limited role in diagnosing reform gaps ▪ Limited role in proposing preventive/ reform initiatives	▪ Shares investigative role in the notifications it receives ▪ Receives and processes corruption notifications ▪ Full investigations are conducted through representatives of the Prosecutor General ▪ Cannot refer cases directly to the	▪ Limited research activities ▪ No citizen surveys on corruption	▪ Conducts symposia and workshops ▪ No periodicals or publications except the National Anti-Corruption Strategy

Role Sharing / Collaboration with Complementary Oversight Institutions

Iraq

Supreme Anti-Corruption Coordinating Council	Central Audit	Prosecutor General	Inspection Body	Tender Control Authority	Diwan Mathalem (The Appeals Authority)	Civil Society
▪A Supreme Joint Council for Integrity in which various oversight institutions are represented	▪ Refers some corruption incidents to the Commission for Integrity ▪ No structural mechanism for joint work with the Commission except through the Supreme Joint Counsel	▪ Shares role with the Commission in investigation of corruption cases when received directly	▪ Works closely with the Commission	▪ No such body	▪ No such body	▪ Collaborates with the Commissions

Role Sharing / Collaboration with Complementary Oversight Institutions(Contd.)

Jordan

Supreme Anti-Corruption Coordinating Council	Central Audit	Prosecutor General	Inspection Body	Tender Control Authority	Diwan Mathalem (The Appeals Authority)	Civil Society
▪ No separate body	▪ Works independently with little joint work	▪ Performs the full function of investigation and referral to courts ▪ Partial joint work but under the supervision of the PG	▪ No separate body ▪ The Civil Service Commission conducts assessments and surveys of public services rendered	▪ No separate body	▪ Refers corruption cases and exchanges information with the ACA but no joint initiatives or work	▪ Limited collaboration or joint work

Role Sharing / Collaboration with Complementary Oversight Institutions (Contd.)

Morocco

Supreme Anti-Corruption Coordinating Council	Central Audit	Prosecutor General	Inspection Body	Tender Control Authority	Diwan Mathalem (The Appeals Authority)	Civil Society
▪ Various entities and sectors are represented in the GA of the Authority ▪ The Authority is represented in a Ministerial Committee that looks over corruption combating reforms	▪ Central Audit Court possesses full judicial powers ▪ No direct collaboration or joint work	▪ Performs the investigative /prosecutor functions independently ▪ No joint work with the Authority as the later is confined to the preventive function	▪ Financial inspection is performed by an Inspection Directorate of the Ministry of Finance ▪ No direct link with the Authority ▪ Administrative and financial inspection over local entities is conducted by an inspectorate body in the Ministry of Interior	▪ No separate entity	▪ Is represented in the GA of the Authority but no joint initiatives or work	▪ Is represented in the Body/GA of the Authorty

Role Sharing / Collaboration with Complementary Oversight Institutions (Contd.)

Yemen

Supreme Anti-Corruption Coordinating Council	Central Audit	Prosecutor General	Inspection Body	Tender Control Authority	Diwan Mathalem (The Appeals Authority)	Civil Society
▪ No separate body	▪ Works independently and separately from the Authority ▪ Limited sharing of information ▪ No joint work / initiatives	▪ Conducts the full work of investigation and referral to the courts ▪ Has representation within the Authority to facilitate communica-tion	▪ No separate body	▪ A newly established Supreme Authority for Tender Control But with no record of achievement yet	▪ No such body	▪ Is represented in the Council of the Authority ▪ Some collaborative work exists (e.g. educational activities)

Key Challenges

1. Playing the leadership role in the arena of anti-corruption.
2. Building on international and own experiences. How could these entities accelerate their learning?
3. Strengthening the effectiveness and achievements within the current mandate. Creating success stories is a key vehicle. Let the achievements speak.
4. Strengthening their linkages, network and collaborative initiatives.
5. Assuring, reinforcing and strengthening their independence.
6. Exercising strategic choice regarding important areas of focus.
7. Be a model in diagnosis efficiency, transparency and self-accountability.
8. Accelerate innovation in combating corruption.