

# Combating corruption and its implications for the democratization process in the Arab world

Khaled Ali

Egyptian human rights lawyer and politician



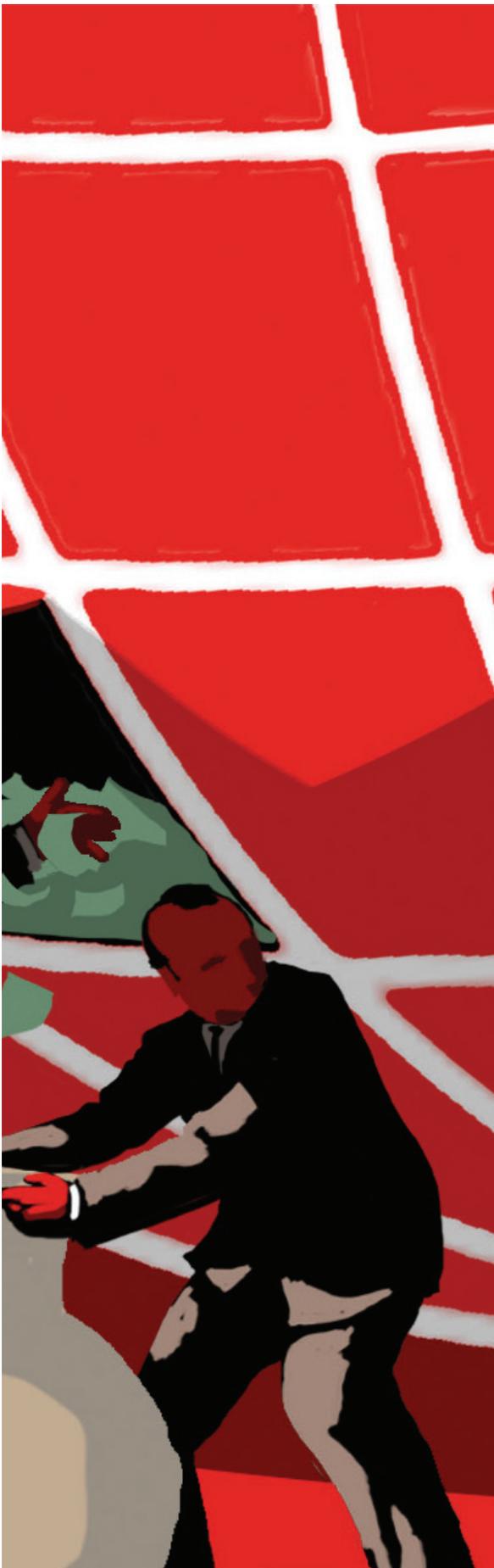
Corruption linguistically means: abuse, anything against common good, and to deviate from the right path, it comes in many forms according to the context corrupt/corrupted/corruption etc. Corruption may also refer to damage, or failure, or inappropriateness. It is also means voidness, so as to say that something is void, in conclusion, as aforementioned; the expression comes to refer to several meanings according to the contextl.

As a term: It means abusing official powers and authorities that are granted to public or government officials, whether related to public money, influence, or laxity and negligence in applying laws and regulations, in order to maximize personal interests and gains, causing harm at the expense of the public interest. There is, of course, no one universal comprehensive definition for corruption, as there are many definitions for it, but mainly it is the abuse or exploitation of public office's power for private benefits, whether through bribery, extortion, power to exploit influence, favoritism, embezzlement, fraud or paying ex gratia payments to expedite given services.

The World Bank defined it as "the abuse of public office for private gains"<sup>2</sup>.

Corruption might be rampant in the

Almaany dictionary <https://www.almaany.com/ar/dict/ar--1/ar/d97817d87b37d87a77d87af>  
 see World Bank report "The State in a Changing World, - 2 Development in the world" 1997, p.112



private sector, just as it is rooted in the government sector, in fact, the private sector is often the channel to involve government officials or political and executive officials in government corruption, mostly cases that involves misuse or wasting or facilitating expropriation of public money, profiteering, seeking services of personal gain nature, abuse of official power or influence in exchange for money or services, or breach of public interest for gaining private privileges.

Corruption has many forms in all aspects of life, it is a complicated concept that has multiple dimensions and varies from one point of view to another, and the United Nations Convention against Corruption has given States the authority to address different forms of corruption that may emerge in the future, especially since the term corruption is flexible which makes it adaptable and differ from one society to another. And since defining corruption is a difficult and complicated process, and since corruption has various manifestations in which through it can spread and be involved in all domains of our daily life, the convention only mentioned several examples of its forms [Bribery offenses, trading in influence, Embezzlement, misappropriation or other diversion of property by a public official, abuse of functions, illicit enrichment, Bribery in the private sector, laundering of proceeds of crime. And we can consider realistic definition for corruption.

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peoples' future, and their right to sustainable and equitable development, as it is an impediment for States progress in all political, cultural, social and economic aspects.

The world has recognized the dangers of corruption, and that it is a scourge in all its manifestations, it is the greatest impediment to all attempts of making progress, and the main undermining obstacle for all foundations of development. All that make its effects and damages even more lethal and effective than any other form of disorder. It's devastating role is not limited to some aspects of life, but extends to almost all aspects of life such as the economic, social and political aspects<sup>2</sup>.

### On the economic level, corruption leads to:

- Impeding economic growth and this leads to undermining all targets of long- and short-term development plans.
- Wasting, or at the very least misusing State resources which destroys any opportunity to make the best use out of them.
- Escape of investments, whether national or foreign, due to lack of incentives.
- Undermining fair distribution of income and resources, and this weakens economic efficiency and increase the gap between the rich and the poor.
- Weakening the public revenue of the State as a result of evading payment of customs, taxes and duties by using fraudulent means and circumventing the laws in force.
- Raising the negative impact of poor public expenditure on State resources by wasting them in mega projects, thereby depriving important sectors such as health, education and services of benefiting from these resources.
- Low efficiency of public investments and poor quality of public infrastructure due to bribes paid to overlook required standards.

### On the political level, corruption leads to:

- Distorting the Government's required role in implementing State policy and achieving the development plans objectives.

<sup>2</sup> - See Kuwait's Anti-Corruption Authority website, through this link: <http://www.nazaha.gov.kw/AR/pages/effects-of-corruption.aspx>

- The collapse and loss of the State's institutions, and State of law concepts, which can no longer be trusted by individuals.
- Weakening all pro-democracy reform efforts leading to political unrests and instability.
- Excluding honorable and competent individuals from leadership positions, which increases the state of anger among individuals and makes them not willing to cooperate with the State's institutions.
- Obstructing and undermining all regulatory efforts to monitor the government and private sector business.

### On the social level, corruption leads to:

- The collapse of the social fabric of society and the spread of the spirit of hatred among its classes and groups as a result of inequality, injustice, and lack of equal opportunities.
- Direct and indirect impacts of economic and political corruption on security, stability and social peace.

There is no society that is totally free from corruption, but it can even be declared that we are facing a global phenomenon, this prompted the United Nations to issue its anti-corruption agreement in October 2003, which is an international recognition of the seriousness, extent and impact of this phenomenon to the extent that it has prompted the United Nations to move toward international cooperation in order to combat it, and this effort has been preceded and followed by many conventions that seek the same purpose, such as:

- Inter-American Convention against Corruption (1996).
- Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997).
- Criminal Law Convention on Corruption (Council of Europe, 1999).
- African Union Convention on Prevention and combating of Corruption (July 2003).
- The Arab Anti-Corruption Convention (December 2010).

It is worth to be noted that, the UN Convention against Corruption was published and adopted at the end of 2003, has been signed by 124 countries, including 13 Arab countries, and has been ratified by 25 Arab coun-



Combating corruption means all legislative, administrative, security, procedural and judicial processes, procedures and policies adopted by the State which detect corruption, collect evidence, track and investigate those who are involved, bring them to trial, enforce sentences upon them without facilitating their impunity, protect public money and recover what has been seized from it

tries, including Egypt (February 2005), Algeria, Jordan, Djibouti, and Tunisia (February 2008).

While corruption is a global phenomenon, and there is no society that is totally free of it, the fundamental difference between all these societies is the will to confront it, to recognize its risks, to control it and to reduce its spread. There are States that seeking confronting it, and other countries that create a fertile environment for the growth and spread of corruption until it becomes one of their instruments and an essential pillar of governance.

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facilitating their impunity, protect public money and recover what has been seized from it.

The real fight against corruption does not take place after committing these crimes but it is usually preceded by an Avoidance and prevention phase... "Avoidance" means taking the necessary means to make the society and individuals unwilling to commit the prohibited act. "Prevention" means protection from harm, prevention of crime before it occurs, and both will be achieved only through providing and paving the way for (accountability, transparency, integrity).

"Accountability" means that everyone is subject to the law, especially those who are in public office, no matter how high the position they hold, and that none of them is subject to be immune against any claim.

Accountability enables all regulatory agencies, whether judicial, legislative, administrative or popular, to enforce the law on all public officials, especially those who are at the top of the hierarchy, whether elected or appointed, so that their work is confirmed to be consistent with democratic values, and with the law that defines their functions and tasks, which is the basis for their continued acquisition of legitimacy and support from the people.

"Transparency" means the creation and enforcement of a legislative environment that allows, through the right to know and free circulation of information, knowing the functioning of government organs, the clarity of its relationship with employees [who are beneficiaries of services or financing them] and the publicity of actions, procedures and objectives, and that apply to the government's work as well as to the work of other non-governmental institutions.

"Integrity" is the system of values of honesty, dedication and professionalism at work.

Despite the convergence of the concepts of transparency and integrity, the second relates to moral values, while the former relates to practical systems and procedures. Both need an institutional environment that helps their availability.

One of the most important problems of combating lies in how to strike a balance between individual rights on one hand and the society's public interest on the other, and to achieve political, economic, and social stability in an open international society that is dominated by globalization, free-market economies, multinational corporations, and transnational corporations.

Corruption's implications are not limited to economic aspects only, but it also affects the societies' stability and security, and undermines the institutions of democracy, moral values and justice, jeopardizes development and the rule of law, and hinders all the paths of democratic transition that peoples seek.

Our Arab countries are the best example for that, as we have enormous wealth, but we are the least developed countries, we are the biggest importer of weapons in the world, and the forces of colonialism control parts of its land, drain its wealth, control its vital decisions, leading to a situation where our Arab homelands fight within itself instead of facing its enemy, crimes against humanity and hunger are besieging Yemen, and the Syrian people are suffering from the most severe waves of asylum in the world, Sudan is being divided into two countries, Iraq and Libya are threatened by this same danger. Terrorism, oppression and poverty are grinding the Egyptian people and putting them at crossfire. Lebanon is at a top of volcano that is about to erupt, Saudi Arabia, the UAE and Qatar are getting their capabilities drained in their struggle for dominance, influence and interests in the Arab world, and competing with Oman to scramble for public normalization with Israel, and economic and social conditions ruthlessly crush the people of Jordan, Tunisia, Morocco, Mauritania, Algeria, Somalia and Djibouti.

This was not a coincidence, but it is a reflection of our Arab homeland's ruling corrupt systems, in which many rulers treat the country's wealth as their own treasurer for them and for their ruling close buddies.

For some researchers<sup>1</sup>, corruption has rea

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<sup>1</sup> See the researcher's Walid Mansour - the role of security agencies in the -1 fight against corruption in the light of the United Nations Convention against Corruption - PhD Thesis - Mubarak Academy for Security - Faculty of Graduate Studies

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sons ranging from personal reasons to internal public reasons and external ones<sup>1</sup>.

### Some summarize these reasons as follows:

- Capital's ascendancy in a globalizing and market-oriented world.
- The spread of poverty and poor social and economic conditions that lead to scarcity of sources needed to create jobs and promote public services performance, which increases competition for limited employment and services, as well as seeking the help of intermediary persons to win employment opportunities or use services.
- These stifling social and economic conditions sometimes result in some trading influence or using the public functions to provide services for a ridiculous expensive price.
- The public and governmental employees' low salaries are among the well-known causes of corruption, and many researchers agreed that as salaries fall, there is a continuous rise in prices and living costs, which represents an environment for some governmental workers to search for other financial sources, including bribery, which is a crime of corruption<sup>2</sup>.
- Widespread ignorance, lack of knowledge of individual rights, the prevalence of traditional values, and close ties and links based on descent and kinship that facilitate benefits.
- Failure to comply with the principle of separation of State powers, and the encroachment of the executive authority on the legislative and judicial branches constitutionally, thereby violating the principle of mutual control between authorities.
- The weak, marginal and limited role of civil society institutions in monitoring the government's performance and the fact that some of them are not neutral when they carry out their work<sup>3</sup>, or that the Authority seeks to make them lose their independence.
- There are some external reasons for corruption, the ones which result from the existence of business interests and relationships with partners or producers from other countries; it mainly can be addressed as the use of illegal means by companies to obtain privileges and

1- Ibid - Walid Mansour - the book (references) «the Arab integrity system in the face of corruption» from the publications of Transparency International, the Lebanese Center for Studies, Technopress Press 2005, p. 204 and beyond.

2 - Ibid-Walid Mansour - Dr. / Ahmed Abu Rayah, - Corruption: ways and mechanisms to combat it - Publications Coalition for Accountability and Integrity Aman - First Edition - p. 10.

.Ibid, p.9 - 3

monopolies within the State or through this network of interests and relationships to sell their corrupt goods<sup>4</sup>.

- International and regional economic institutions that impose on peoples development paths that drain money and wealth and deepen circles of poverty and social injustice, as privatization of the public sector companies proceeds, in fact that is being applied in Egypt since 1996, until in 2015 its revenues reached 28 billion Egyptian pounds only<sup>5</sup>, whereas the arbitration ruling issued against Egypt for its abstention from exporting a gas share reached 2 billion dollars, which is equivalent to 36 billion Egyptian pounds.
- Unfair international and bilateral trade agreements that impose a resolution system for investment disputes by international commercial arbitration, thereby undermining States sovereignty and facilitates the issuance of high cost judgments against developing countries.

Corruption is also a major impediment to economic development because it increases the cost of projects and deals, limits investment motives, limits state revenues from tax collection, enables service providers and entrepreneurs to ignore quality and professional standards which harm countries and their economies, and facilitates economically unjustifiable transactions and contracts, at an expensive cost, without genuine tenders or competitiveness, or through conceptual competition, so eventually enterprises and land will not be offered for those who provide a better service at a lower cost, but for those who pay better bribes and commissions<sup>6</sup>.

The main reason for the spread of corruption in our Arab world is the absence of the rule of law and its culture, both at the popular and formal levels. The relationship between the rule of law and corruption is an inverse relationship, the more the law is a fair and objective tool in regulating the relationship between individuals and society, and between the ruler and the ruled, and applied by all, without discrimination or bias the more corruption is controlled and reduced, and vice versa<sup>7</sup>

Thus, the struggle between the rule of law and corruption is an eternal and decisive conflict as it is an existential conflict. An environment that encourages rule of law enables combating corruption and reducing its effects, accordingly, corruption resist and obstructs the adoption of any legislation that would limit its spread, and seeks to weaken the institutions and control them to serve its own interests and objectives.

4 - Ibid.

5 - National Planning Institute - Planning and Development Issues Series (No. 278) - Mechanisms and means of reforming the public business sector in Egypt - July 2017

6- See - Dr. Daoud Khairallah - El Lewaa International Newspaper - An article entitled Corruption and obstacles to development in the Arab world

7 - Ibid- Dr. Daoud KhairAllah

## The main reason for the spread of corruption in our Arab world is the absence of the rule of law and its culture, both at the popular and formal levels



Needless to say that corruption prevents building of democratic systems, and that freedom of information, transparency, integrity, accountability, and independence of regulatory and judiciary authorities are the most important pillars and foundations of any democratic system, pillars that are indispensable in the fight against corruption and confronting it.

The same fact can be affirmed through considering Transparency International's Corruption Perceptions Index (CPI) which monitors and documents the relationship between transparency and lack of corruption in most democratic countries and states, and it can be easily found that corruption spreads in totalitarian and authoritarian regimes and vice versa.<sup>1</sup>

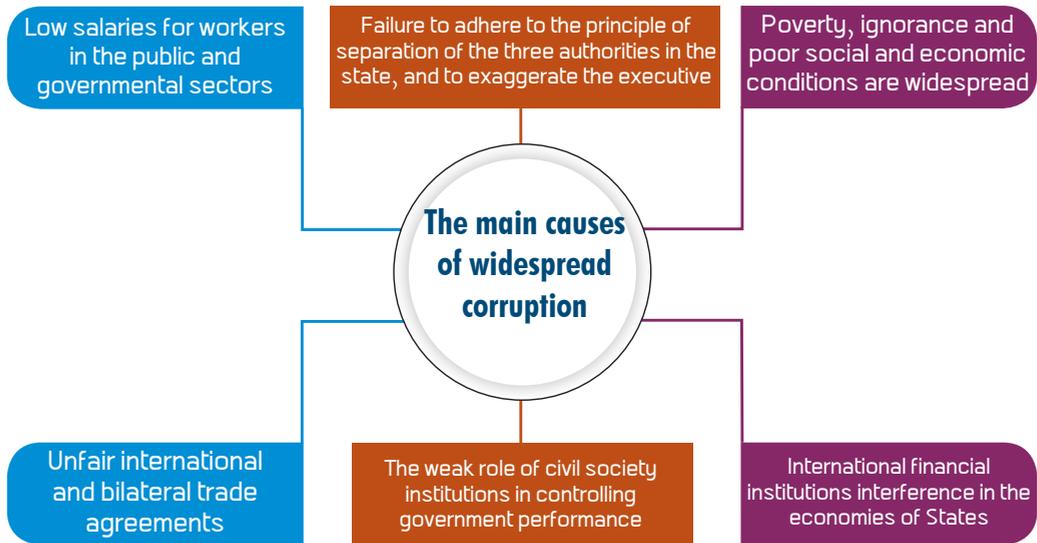
And who ever closely observes the Arab world and its governing systems, can clearly see the wide gap between rulers and those who are ruled which keeps increasing and getting deeper and deeper. It is difficult to find in an Arab state a ruler who represents the aspirations and interests of his

<sup>1</sup> - Ibid- Dr. Daoud KhairAllah



people, and derives his ruling's legitimacy from his people's will, a will manifested through constitutional institutions that transparency and fairness guarantees. Whoever observes can also see the security chaos and destruction in many Arab countries which are the result of a political blunder and the absence of State's components and institutions that guarantee the security of any nation, and create and facilitate conditions of its growth and development. It is noted that in our region the concept of freedom has not been really deepened, and that the scientific mindset, and confidence in the ability of man, not only on understanding his society, but also on developing it has declined greatly from what it used to be for decades. Any perceptive observer notes accurately that the world nowadays has available enormous economic potential, but our countries are among the least developed countries economically.

This Arabic scene which can be characterized as a politically blundering, chaotic in terms of security, scientific backwardness and economic reces



sion is one that cannot be an environment for development and growth, it is a reflection of many obstacles, the most notable one of them is corruption. Development, whether economically, socially or politically is usually historically coupled with the concept of freedom and awareness of human beings of their mental abilities and using them to understand their society and work to develop it for their own benefit.

I am convinced that any development can be expected in the Arab world will only be a reflection the concept of freedom's evolution that would naturally be emanating from self-confidence, Arab's mental potentials and a <sup>2</sup>.desire to keep up with our time's progress in all areas of life

Democracy is a number of mechanisms and tools that enable people to express their wills and participate in public affairs. It is also the accumulation of culture acquired by citizens' practice and experiences. And because democracy involves, in nature, material, moral and symbolic dimensions, it requires a long period of time to cultivate the land for it to be available and ready to be embraced and to nurture its development and continuity, before it become the value shared among people, regardless of their color, sex, or their beliefs or economic, social and political backgrounds. 3

However, the real democracy experiences with all what it contains of acquired culture by society members comes through practice and the accumulation of experience and expertise, and from the many critical readings of global indicators to measure democracy and the interdependence that

Ibid - Daoud Khairallah - 1

Ibid- Daoud Khairallah - 2

See- Hisham Yahia- Democracy and the problem The relationship between the patterns of corruption and crime Anizh- - 3

<https://goo.gl/mWj5B4>

exists between knowledge and application, and understandings of democratic practice, it emphasizes that the issue of measuring democracy in its comprehensiveness, dimensions, quantitative the qualitative indexes is a very complicated issue and varies from one country to another according to different circumstances, and we cannot also separate democracy applications forms from every society's political, social and cultural aspects which primarily control Democracy index's composition and its assessments in any country<sup>4</sup>

The disposal of corruption networks needs an integrated vision that aims to dismantle its foundations, on legislative, financial, administrative or cultural terms. And the existence of a real democracy that allows direct control on local bodies and authorities, starting from the smallest employee in the localities and to the governor himself, a system that prevents the spread of corruption crimes in local government in particular and in the state apparatus in general. The peaceful transfer of power will not allow any party to keep corruption crimes hidden, because he will be in power today but tomorrow his opponent will take his place.<sup>5</sup>

Any strategy to combat corruption requires the use of a comprehensive means supported by the State's true will to address it, these means include the following:

1. Adopting a democratic system that is based on democracy, citizenship rights, and respect for the Constitution and the principle of flexible separation of powers, the rule of law, the judiciary's independence, and the respect and subordination of all to law equality before courts, and the implementation of law provisions to all parties equally, in other words, a system that is based on accountability, transparency, and integrity.
2. Building an independent judiciary system that is strong and honest, and free of all influences that could weaken its work and to make sure that the executive branch is committed to respect its judgments.
3. Activating laws related to combating corruption at all levels, as the law on disclosure of financial accounts for those who hold governmental official positions, racketeering law, the law of free access to information, and the tightening of law provisions on combating bribery, nepotism and abuse of public office in the Penal Code
4. Developing the role of the legislative bodies on oversight and accountability through the various parliamentary tools in this field, such



as questioning ministers and putting forward topics for discussion public, investigation and interrogation procedures, and government confidence motions

5. Strengthening the role of public oversight bodies as an observer over the State's activities, and strengthening the role of financial and administrative oversight offices and boards of Grievances, which tracks cases of mismanagement, abuse of power, lack of financial and administrative legal commitment in state institutions, and lack of transparency in procedures relating to exercising power in public offices.

6. Focusing on the ethical and moral dimensions and cultivating humans to fight corruption in public and private business sectors, though stressing out all religions calls to fight corruption in its various forms, as well as through the civil service laws or regulations and conventions relating to exercising functions (codes of conduct)

7. Providing the press the needed freedom and enabling them access to information and granting immunity to journalists to enable them

doing their part in disseminating information and carrying out investigations that reveal corruption cases and perpetrators



8. Developing the public's role in the fight against corruption through spreading awareness of this scourge and its risks and cost on the state and its citizens, and promoting the role of civil society institutions, universities, educational institutes and intellectuals in the fight against corruption and in raising sectorial and public awareness

9. Discontinuation of all impunity policies and legislation

10. Reviewing all international trade agreements, and adopting new agreements models that would restore balance between investments and protecting the developing countries rights and sovereignty over their resources

11. Discontinuation of emergency laws and all special or military law systems

12. Dealing with corruption as a human rights violation will open up new prospects to combat corruption, control and reduce it