

**Arab Republic of Egypt
(Transparency and Integrity Committee)**

**Executive Summary
of the Third Report of the Transparency and Integrity Committee
“Enhancing Transparency and Integrity Efforts”**

Introduction:

This is considered the third report of the Transparency and Integrity Committee, and it comes under the title of “Enhancing Transparency and Integrity Efforts.” Since the third report follows up on the development of the means of mobilizing the recommendations of the second report of the Committee, it gives greater space for additional information and details concerning specific topics and elaborates in explaining certain questions that raised numerous debates such as the Ombudsman system, issuing a new Civil Service law, and pushing forward towards a more constructive mobilization of the media and the non-governmental organizations to raise the citizens’ awareness of the negative repercussions of corruption.

The Committee aimed in its two previous reports to gradually move from a general to a more specific approach through offering an overall vision on the various definitions of corruption, its forms and aspects, along with examples from the successful international experiences to limit it and combat it. It also touched on the relation between the governmental programs and the efforts exerted to limit and combat corruption, accordingly the report can more adequately focus on the larger issues related to corruption which affects governments and in turn affects it*.

The issuance of the third report of the Transparency and Integrity Committee comes in line with many important developments and incidences on both the national and international spheres:

- 1- On the international level, the current global financial crisis has revealed the vitality of transparency and integrity side-by-side with other elements that surfaced from this crisis. There is an implicit unanimity among analysts that one of the main factors that played a vital role in the crisis was the lack of transparency and information about the financial and funding situations of the institutions and the market; which is thought to be the reason behind the financial crisis that hit the Asian markets in the mid-1990s of the last century. The current financial crisis has proved that having and following clear political and economic regulations is necessary to manage the state’s affairs and assist citizens in following up and understanding the approved mechanisms to handle the State’s Affairs.
- 2- The issuance of the report follows the conclusion of the proceedings of the Third United Nations Conference of the Signatory Parties to the Convention Against Corruption which was held in the Doha, Qatar throughout November 2009,

* (Refer to the First and Second Report on the Ministry of State for Administrative Development’s website www.ad.gov.eg)

- especially after it succeeded in reaching a general consensus on a review mechanism that would be binding to the parties signatories to the Convention (refer to annex 1 of the report).
- 3- On the local level, the discussion of integrity and transparency now occupies a leading position in societal dialogues, whether this was exemplified in the numerous scientific studies that tackle this phenomenon, its developments and repercussions on the society and economy; or in the swelling number of civil society organizations and civic organizations working in this field, in addition to the attention paid to citizens' surveys and questionnaires on the phenomenon and its spread among the different political and academic entities.

Directions of the Third Report

Just as the Committee stressed in its third report that corruption reduces the tangible returns on development, it perceives a positively correlated relationship between realizing more transparency, increasing the capability to attract investment, and thus providing job opportunities and raise the salaries, which in turn boosts individual spending. This increases the total state revenues in the form of taxes, and accordingly helps to allocate more spending on public services and to provide social security networks and realize the prosperity of the Egyptian family.

The Committee also underlined the intertwined, entangled and varied nature of corruption issues which requires the participation of a greater number of state institutions to limit it and combat it. Those stakeholders may be official or unofficial players. Usually, countries introduce new institutions, or work through the existing ones. They might also decide to work through the two models together or by merging certain institutions together.

Thus, the role of the Committee is complementary to the role of the prevalent monitoring entities. It also motivates civil society organizations to exert more effort to raise citizens' awareness of the need to limit and combat corruption.

Within this context, the roles assigned to the Transparency and Integrity Committee were outlined, which are roles considered complementary and assisting to the main monitoring and executive functions of the various official entities. The roles of the Committee are mainly centred on the preventive plane in the field of combating corruption through the recommendation and study of anti-corruption policies, in addition to the coordination with the various concerned parties with the aim of implementing these policies, increasing and spreading knowledge about these policies and the different anti-corruption mechanisms.

Despite the political backgrounds, and the rational and justifications that led to the establishment of the Transparency and Integrity Committee, and the fact that the Committee has issued two reports depicting the state of transparency and integrity in the Egyptian society, still, the debate and discussions are ongoing in a number of official and non-official entities and in the different media outlets on the role of the Committee, and

whether it would be developed to become the organization or entity referred to in article (6) of the United Nations Convention Against Corruption, or not?

In spite of the assurances that what is stated in article (6) of the United Nations Convention Against Corruption does not entirely apply to the existing Committee, although its establishment is considered the building bloc in the road to create a National Committee; the presence of the latter does not mean- according to the legal explanation of article (6) of the Convention- canceling the role of the concerned supervisory entities or the overlapping of their roles, as the paragraph of article (6) of the United Nations Convention Against Corruption states that “Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption”.

The third report of the Committee is made up of 60 pages in addition to the conclusion and the annexes. The report is divided into six sections/themes, some of which have a special technical perspective while others have a more general direction. Within the framework of the Committee’s supervision of the government’s performance and its implementation of the advices, the report starts with the positive observations, and then moves to the six advices offered by the Committee, followed by a listing of the Committee’s activities in 2009. The report comprises 8 illustrative annexes of some of the recommendations that were included in the report.

The report commences with three positive observations and six advices:

The Positive Observations are:

1. The Decree to advertise all job vacancies whether contracted or tenure (the old decree mandated only to advertise tenure vacancies)
2. The launch of the Government Procurement Portal and the Prime Minister Decree that all government tenders be posted on the portal.
3. The operation of the Government to Government Network build on a Service Oriented Architecture (G2G SOA) and the Prime Minister Decree that sets the governance rules for data exchange.

The Six Advices of the Report:

The First Advice:

Reinforcing the legal framework related to the achievement of transparency and integrity, as well as fighting corruption. Thus, mechanisms to fill the gaps in the legislations concerned with the protection of witnesses and reporters (whistle blowers) were suggested in line with the danger associated with corruption incidents, which would encourage the citizens to monitor the violations and report them without any fear of penalty or a sense of menace. Within the same context, the First Advice endeavored to develop new mechanisms to mobilize the management and handling of citizens’ complaints in cooperation with the monitoring entities and the authorities concerned with the receipt of citizens’ complaints, which is the Ombudsman system.

The Second Advice:

Assisting the new draft laws tackled in the second report; recalling the reasons that pushed towards a pressing need for these laws, on top of these rests the issuance of a law to organize disclosure and the freedom of information. The international charters and conventions, along with the traditions organizing the process of information exchange have all agreed on a number of general principals that must be present to achieve a comprehensive awareness of the circumstances within the country and the organizations operating in it. The most important of which are: the absolute exposure and automatic posting of information; the smooth obtainment of data; the limited costs; the limited exceptions; in addition to issuing a new Civil Service Law to ensure the protection of the rights of the individual and the society, and sets clear bases for punishment and reward. It should also review what has been achieved in the area of supporting and completing the legal framework that prevents any conflict of interests through an assessment of the guaranties provided by the current laws.

The Third Advice:

Raising the efficiency and competence of the State's Administrative Apparatus, by means of studying the current institutional conditions and the main problems related to the organizational inflation; it also looked into the absence of the role that is supposed to be played by some of the existing administrative units; and the nonexistence of the principal of integration. It also touched on the problems concerned with the specializations, the most important of which the general job descriptions which lack clear differentiations between the specializations in certain administrative units; their relations to other units; as well as the duplication and contradictions within the one and same specialization among different administrative units, which leads to a conflict between them. There is also a problem with the lack of evidence for the work systems in most of the technical, financial or administrative operating units, in addition to the absence of the planning and strategic role of the upper management, as they are mostly preoccupied with executive responsibilities.

The Fourth Advice:

Focusing on the role of field researches to identify the values of transparency and integrity of the Egyptians. Since its inception, the Committee was concerned with the scientific studies, especially those related to topics of transparency and integrity, because issues of integrity and corruption are closely related to the predominant values system. The policies that are evidence-based have proven to be more effective and more likely to succeed. The disintegration of the values and the erosion of the collective conscience lead to the deterioration of values of transparency and integrity and pave the way for the predominance of corruption. Field studies -within this context- have pointed to the fact that the effective social policies must be evidence-based with realistic data that is connected to the real world, because Evidence-Based Policies are more efficient and more likely to succeed. These studies can also contribute to the formation of a new

culture in the Egyptian society, that is based on confidence in opinion polls and societal surveys; a culture that honors the scientific thinking in social matters and opens prospects for societal participation in fighting corruption through the publication of the results of the researches and the opinion polls, and the participation of the Committee members in discussing them on the television and newspapers.

It also comes in line with the international efforts, which in turn publishes annual reports that record the actual corruption on the international level, following a scientific method, thus opening the way for confidence-building and communication on the international scale. These studies have also dealt with the Egyptians' assessment of the role of the different entities and the mechanisms followed to prevent and combat corruption, and their vision of the large problems representing the general climate supportive of more transparency and integrity, as well as the cultural frameworks that form their direction towards the values related to transparency and integrity such as justice, consciousness, elevating the collective moral, group work, clarity and openness.

The Fifth Advice:

Centering on the role of media in preventing and combating corruption. Fighting corruption necessitates the discussion and handling of the matters in an objective, integrity-drive and ethical manner, with the presence of media that is known for its integrity and does not have other objectives from its activities except the reflection of the truth and the realization of people's interests and that of the nation in general. The advice touched upon the efforts of the civil society organizations in mobilizing the role of the media organizations in raising awareness of the risks of corruption, and to the most important aspects of media coverage of this topic through the readable or visual media, in addition to the mechanisms used to mobilize the "Anti-Corruption Media Personnel" initiative and the role of "Electronic Media" and the blogs in raising awareness of the risks of corruption.

The Sixth Advice:

International cooperation in the field of enhancing transparency and integrity, as international interest to create a Transparency and Integrity Committee grew to have an entity concerned - in the first place - with the enhancement of transparency and integrity in the civil service in Egypt; besides the Committee's role in spreading knowledge and information about the current international directions and expertise in the field of fighting corruption. The Committee is devoted to supporting cooperation between Egypt and other international institutes concerned with combating corruption, be they the interrelated international organizations and programs such as the United Nations Office on Drugs and Crimes UNODC or the United Nations Development Program UNDP, or the Organization for Economic Cooperation and Development OECD or other unofficial international institutions. It is worth mentioning that the committee since its inception seeks to learn and to provide its members and the readers of its reports with the latest international trends in the field of preventing and combating corruption, which express new philosophical visions on how to fight corruption and its repercussions. Most of these

trends tend not to separate the efforts of fighting corruption from those of achieving development and human security. It also tends to set and define the indicators on the basis of which we can assist countries to measure their efforts in the field of preventing and combating corruption.

Since Egypt has signed the United Nations Convention Against Corruption in 2003 and ratified it in 2005, this convention considered the legal, technical and reference framework approved by world nations as a principle to anti-corruption efforts. The Committee has benefited from the international efforts exerted to publicize the Convention; its directions, its elements, its main components and the semantics of the terms of the Convention in defining technical assistance. The Committee has also presented the different types of cooperation between the Committee and the concerned international organizations, and allotted a special section on the vision of the Committee regarding the Third Conference of the State's Parties concerned with the follow up on the implementation of the United Nations Convention Against Corruption which was held in Doha in November 2009, and the resulting approval of a mechanism to assess the implementation of the Convention.

The report was concluded with a presentation of the activities of the Transparency and Integrity Committee over 2009, and suggested several proposals that support the six recommendations, such as:

- Paying more attention to the issue of protecting witnesses and whistle blowers through the completion of the current legislations and providing them with a number of basic guarantees. Encouraging the media by shedding light on the positive role expected to be played by the good citizens to stand as a witness and to inform the authorities of any criminal activities that might harm the society.
- Considering the fundamental values that must be adhered to by all those occupying a public office to enhance integrity, fairness and responsibility while reinforcing and supporting the principle of averting conflicts of interest. Action should also be taken to manage any shares or quotas in companies, commercial activities or any further means of sharing the profits of commercial projects; and taking the necessary measures to separate ownership from management.
- Working seriously with the necessities of upgrading the administrative apparatus which brought about organizational structure problems leading to a duplication of legislations and consecutive amendments of the laws governing work performance on the different levels (laws, Presidential decrees, a decision of the Prime Minister, Ministerial decree, and others). This complicated work and even offset it in certain cases, while preventing certain legislations from corresponding with the recent economic, social and political changes introduced.
- Pinpointing to the dangers of social difference and the burden of the sense of injustice which leads to pressure and depression, especially among the younger generation due to their limited future prospects. This addresses a question to the entire society on who will carry the burden of development in the future in light of a general feeling of despair and loss of hope.
- The importance of the role of the media to raise people's awareness of the repercussions of corruption.

- The need for more synergy between the international, regional and local efforts due to the complexity of the phenomenon and its intermingling with other aspects, besides their various elements. There is also a need for the international assistance to go in line with the actual needs of the countries where it is channeled, while coordinating this assistance among the international donor entities to maximize their impact.
- Concentrating in the upcoming stage on achieving the strategic objectives reflected on its directions and plans as exemplified in the Second and Third Committee reports through the start of discussions and dialogues with the concerned partners, and on top of them civil society organizations, to frame a national strategy to limit corruption.
- Establishing the national committee to limit and combat corruption comprising experts covering various fields, intellectuals and the concerned and active civil society organizations in addition to the official and monitoring institutions.

The Third Report comprises 8 Annexes tackling:

- The reference framework of the review mechanism of implementing the United Nations Convention Against Corruption
- Protecting the witnesses and whistle blowers in both the Penal Code and the Criminal Procedures law
- The Ombudsman System
- Number of businessmen in the People's Assembly
- A Compliance Document to ensure no conflict of interest with those occupying public offices
- The qualitative composition of the civil servants in the State's administrative apparatus
- Egypt's rank in some international indicators
- A list of the members of the Transparency and Integrity Committee