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Corruption in the MENA Region

The Arab countries comprising the Middle East and North Africa — often referred to as the MENA region — face a set of specific challenges that are seriously hampering the effectiveness of anti-corruption efforts. The political and institutional infrastructure of Arab states partly accounts for the persistence of the governance gap in the region, while contextual factors such as insecurity, oil wealth and prevalence of conflict continue to fuel corruption and the lack of transparency.

Throughout the MENA region, anti-corruption strategies have primarily focused on strengthening public institutions, reviewing laws and regulations and simplifying procedures, with little attention given to proactively improving transparency and democratic processes.

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Perceptions of Corruption in MENA Countries

Nearly 90 percent of the respondents to a United Nations Development Programme (UNDP) survey conducted in five Arab countries said that corruption pervaded their society, while 70 percent of the respondents to another international survey in the region said that they believed their country was run for the benefit of the influential few.⁶

Understanding Corruption and Access to Information in MENA Countries

According to the most recent Global Integrity report (2008), the MENA region performs below the world median in all 23 categories assessed. Global Integrity is an organisation dedicated to independent information on governance and corruption.

Findings show that access to information and election integrity are the weakest areas in relation to supporting anti-corruption initiatives in the region. These results underscore the overwhelming transparency gap that characterises many MENA countries and which greatly affects levels of citizen participation and government accountability.⁷

1. Patterns of corruption

Little is known on the specific forms and nature of corruption in the MENA region, due to the lack of empirical data and political will for such scrutiny. Yet, there is a general consensus that both petty corruption and grand corruption are widespread and systemic.

Although the region is not entirely homogeneous, regional patterns of corruption emerge from various governance surveys and indicators (an overview of these is provided on page 7). Transparency International's Corruption Perceptions Index (CPI) consistently ranks MENA countries below the world median, with some degree of variation across countries¹. According to the World Bank Governance Indicators, MENA countries tend to score below states from other regions in transparency, voice and accountability, and control of corruption, although they perform relatively well in terms of political stability and rule of law, which are traits that are more representative of autocratic or monarchical regimes. Most MENA countries also perform rather poorly when it comes to freedom of the press, as captured by their rankings on the Reporters without Borders index (2007). In many countries in the region where there is an independent media, it has become the target of repeated attacks, including the censorship of articles, temporary closures of newspapers, confiscation of newspaper issues, harassment, prosecutions and imprisonment of journalists².

Consistent with the trends observed in the rest of the world, good results on certain socioeconomic indicators appear to correlate with varying degrees of political openness. In countries such as Jordan, Kuwait and Lebanon it is suggested that development results in an increase of open and participatory forms of governance. However, MENA countries generally have a lower quality of governance than would be expected for their level of income and development, which is often referred to as the 'governance gap'³.

Various factors have been identified as creating favourable conditions for corruption to flourish in the region, including unique political and institutional dynamics, limited civil society activism, regional insecurity and extreme oil wealth.

Political and institutional dynamics. The general prevalence of a governance gap in MENA countries appears to be deeply rooted in the political nature of the state. In the region, the public sector tends to be very large and overstaffed with relatively low salaried positions⁴. In most countries, leaders with highly concentrated presidential powers control the judicial and legislative branches of government, with parliaments and judiciaries lacking the independence, power and capacity to question the executive⁵. The region is further characterised by deficient internal and external accountability mechanisms and the lack of truly independent institutions that have the power to hold public officials accountable. In addition, as wealth is traditionally perceived as a manifestation of authority in the region, there is a widespread perception that public resources are

government owned. Rulers tend to dispense with national wealth under a reward system rather than through public spending on services that citizens are entitled to and for which governments are responsible to provide. Such practices reflect an institutional characteristic that ultimately undermines citizens' demand for greater accountability from the state. Political participation and pluralism are also generally less entrenched than in other developing regions. Although most countries have universal elections, electoral systems, laws and processes have been criticised at times for low levels of fairness and competitiveness.

Civil society space. In the region, civil society often lacks the political weight and capacity to foster more participatory forms of governance⁸. In many countries, civil society suffers from a lack of organisation and cross-sector coordination. Among civil society organisations (CSOs) that are from the region, a sizeable share started their work as Islamic charity organisations. As a result, they have little experience in advocacy, monitoring or lobbying and will need to develop a new set of skills if they are to play a meaningful role in promoting greater transparency and accountability. CSO activities are also heavily constrained by the social, legal and political context in which they operate. Laws regulating CSOs often lack clarity and in the worst cases restrict their liberties, scope of activities and/or sources of funding. This reality results in limited opportunities for civil society to participate in an open debate, influence public policies or advocate for change. The lack of transparency and access to information has also greatly limited the impact and effectiveness of civil society in leading and promoting anti-corruption initiatives in the region.

Insecurity challenges. Most MENA countries have been directly affected by some internal or external conflict in recent decades. The constant threat of war or conflict has tended to concentrate powers in the hand of the executive, and foster repressive and coercive forms of government that are more vulnerable to corruption. In Palestine, corruption is perceived as closely intertwined with security-related issues — internal as well as external — and a by-product of them⁹. The ever-present context of regional insecurity has led the defence sector in MENA countries to take on a central role in the power structure of Arab states¹⁰. It is usually granted substantial resources and enjoys powers greater than those of other institutions. Defence and national security agencies are placed directly under the executive's control and outside the oversight powers of the legislature and public. In some cases, national security institutions have been used by the ruling party to assert the executive's grip on power and impede the participation of citizens in state affairs.

Oil wealth. One of the more common explanations cited for the governance gap observed in many MENA countries is the argument that oil rich countries — which are sometimes referred to as 'rentier' states given their extreme dependency on external revenues — tend to be more authoritarian¹¹. Differences between rentier and non-rentier states are further reflected in varied progress at pursuing governance and economic reform. Rentier governments rely more on oil rents than direct tax revenues, which in turn reduces citizens' demand for greater accountability and representation from their governments¹². Governments in rentier states may also use oil revenues to relieve social pressures through increased spending rather than reforms. In addition, the overall lack of revenue transparency provides further opportunities for corruption, as in many countries only the inner circles of power control oil production, sales and revenues. This

MENA and UNCAC

The five chapters of UNCAC reflect generally accepted principles of good governance and provide measures to prevent and punish corruption.

Although there are wide variations in commitment and enforcement, progress towards the convention's ratification and implementation has been made in the region, since it entered into force in 2005.

UNCAC has been signed by nearly all countries in the region and ratified by many, including Algeria, Egypt, Jordan, Yemen, Morocco and Lebanon.

The first Conference of States Parties to UNCAC was held in Jordan in 2006 and the Qatari government will host the next meeting in November 2009.

Governance Reforms in Tunisia, Algeria and Egypt

Anti-corruption measures have been integrated into relevant areas of core governance reforms.

Tunisia has attempted to increase transparency by posting more government data on the internet.

In Algeria, the country's 2006 anti-corruption law holds public institutions responsible to make information on their decisions publicly available, simplify administrative procedures, and respond to citizen complaints.

Egypt's General Authority on Investment and Free Zones (GAFI) also was able to reduce the number of procedures for interested investors from 19 to 3, cutting the average time to register a company from 34 to 3 days.

combination of factors tends to widen the gap between MENA and other regions in terms of participatory governance and results in poor resource allocation, an inequitable distribution of national wealth and widespread corruption that seriously undermine the legitimacy of the region's political and economic systems¹³.

2. Tackling corruption: progress and challenges

The UN Convention against Corruption (UNCAC) has provided a useful, comprehensive tool and consensual framework to promote anti-corruption reforms and prosecutions in the region¹⁴. Aside from the UN Convention on Trans-national Organised Crime, which has a narrower focus, UNCAC is the only applicable international anti-corruption agreement for the region. It has helped to provide a critical platform for government, parliamentarians, civil society and the private sector to engage in anti-corruption work (see side bar).

Government

In many countries, public efforts to combat corruption have resulted in the creation of anti-corruption bodies that report to government. New anti-corruption institutions have been established in Jordan (2006), Morocco, Iraq and Yemen (2007). Other public interventions have focused on strengthening the role and outreach of control agencies including the offices of the auditor general and ombudsman, such as in Kuwait or Bahrain. In Libya, the Supreme Audit Institution reportedly promotes financial transparency and the government has established countless monitoring, auditing, and supervisory committees to contain corruption.

Anti-corruption legislation has also been passed or amended in a number of MENA countries to improve the legal framework to fight corruption (see side bar). For example, Algeria approved a comprehensive anti-corruption law in February 2006 that establishes a code of conduct for public workers, protects whistleblowers and stipulates that any public officials charged with corruption, regardless of their official rank, would lose their immunity from prosecution. At the same time, countries such as Yemen have passed laws on income and asset declaration while others like Jordan and Morocco have gone further and adopted anti-money laundering laws. Legislation on access to information also exists in Jordan, while such measures are under discussion in the Bahraini parliament.

Other efforts — such as in Algeria, United Arab Emirates and Egypt — have focused on trying and prosecuting high profile corruption cases involving senior public officials to demonstrate political will to tackle corruption. In the aftermath of the financial crisis, Dubai has also started prosecuting individuals accused of engaging in illegal profiteering. However, prosecuting corrupt senior officials regardless of their position, power or political affiliation requires a strong, independent and well-resourced judiciary. This is often not the case in many MENA countries.

Parliament

Parliaments have a decisive role to play in the fight against corruption as the institution through which government is held accountable to the electorate. Parliaments can contribute to the fight against corruption by setting up an appropriate anti-corruption legal framework and exercising an oversight function in sensitive areas such as monitoring budget processes (see side bar).

Most MENA countries have constitutions that provide for the establishment of parliament. In practice, however, a number of factors still hamper the ability of national legislatures to hold the executive accountable. These include the lack of adequate facilities, qualified staff, access to information and political will¹⁵. Recommendations to strengthen the legislative and oversight functions of Arab parliaments include reducing the procedural constraints. Another set of suggestions relate to providing Arab councils with technical support and expertise, such as making training, libraries, tools and materials more available. Awareness-raising activities are also needed to develop citizens' interest in parliamentary life and its potential in holding governments accountable for their actions and decisions.

Civil Society

There is considerable potential for civil society to impact anti-corruption work in the Arab region. The last two decades have seen the emergence of a broad range of civil society organisations in most MENA countries. Some organisations — including those linked to the TI network¹⁶ — have embarked on systematically addressing corruption-related issues through lobbying and coalition building. Within this framework, civil society's anti-corruption efforts have increasingly focused on research, advocacy and monitoring activities. These include initiatives such as the establishment of Advocacy & Legal Advice Centres (ALACs) to help citizens pursue official corruption-related complaints¹⁷, the creation of an "anti-corruption observatory" in Morocco, the implementation of National Integrity System (NIS) studies in various countries¹⁸, and UNCAC gap analyses in Lebanon, Palestine and Morocco (see side bar).

However, CSOs continue to operate under extremely difficult circumstances. In most countries, the freedom of the press is carefully contained or monitored. It is not rare to see journalists harassed, imprisoned or fined for their work.

In addition, cultural specificities for the region have an impact on the form, nature and agenda of civic activism¹⁹. Fighting corruption in MENA countries should be rooted in the cultural context — such as the long Islamic heritage of moral standards and values — to ensure ownership, impact and legitimacy. Yet a challenge for the region has been whether and how to engage faith-based organisations in the fight against corruption, as they often enjoy a wide grass root base in many countries²⁰. Most religious movements publicly denounce corruption for moral or political reasons, but few of them concretely address corruption-related issues through policy recommendations.

MENA Parliamentarians Fighting Corruption

Parliamentarian efforts towards combating corruption in the region come from multiple fronts.

The Arab Parliamentarians against Corruption (ARPAC) was founded in November 2004 in Beirut and works to address parliamentary issues. The network has grown substantially since being established²¹, with national counterparts in Palestine, Yemen, Kuwait, Jordan, Egypt, Bahrain, Morocco, Algeria, and Lebanon.

ARPAC's main objective is to call Arab governments to ratify and implement UNCAC but its impact has been uneven across the region.

Civil Society Challenges for Combating Corruption in MENA Countries

Case studies carried out by the TI network in Lebanon, Jordan, Bahrain and Morocco in 2005 and 2006 identify the lack of political will as one of the major obstacles to effectively implementing UNCAC in the region.

The studies also cite a set of common regional challenges, including the need to strengthen democratic processes and public participation, to better coordinate national anti-corruption efforts through the formulation of a comprehensive framework, and to promote transparency and integrity through civil society activism and a free media.

Private Sector Partnerships to Tackle Corruption

The Organisation for Economic Co-operation and Development (OECD) has set up with MENA countries a task force on responsible business conduct as well as a working group on corporate governance to support business efforts in fighting corruption and improving corporate governance in the region.

A Middle East-North Africa Financial Action Task Force (MENAFATF) has also been given the challenge to fight money laundering and funding terrorist groups in the region.

Pressures from the OECD have led tax evasion prevention measures to be put in place in Gulf Cooperation Council countries.

Private Sector

In the MENA region, private sector corruption is characterised by widespread collusion between public and private sectors, as members of the ruling elite often have parallel interests in politics and business. In many countries in the region, the private sector is concentrated in a small number of large firms that benefit from governmental protections and have the power to influence the rules to their advantage, while other legitimate business interests are not adequately represented in political processes²². Although corruption is increasingly recognised in the region as a major obstacle to business development and foreign investment, business associations have only played a marginal role in the fight against corruption.

In spite of these challenges, several initiatives have been developed both at the national and regional levels to raise business standards to counter bribery and encourage companies to develop new anti-bribery policies or review existing frameworks (see side bar). For example, in 2006, the Lebanese Transparency Association developed a Code of Corporate Governance focusing on Lebanese joint stock companies²³. Some MENA countries and companies are also members of international umbrella organisations or initiatives joining forces against corruption in specific sectors such as the International Federation of Consulting Engineers, the Water Integrity Network and the Extractive Industries Transparency Initiative (EITI)²⁴. However, such initiatives are unlikely to drive meaningful changes in terms of controlling corruption, unless more inclusive and open forms of governance arise.

3. Conclusion

Addressing the root causes of corruption in MENA countries poses considerable challenges as it entails substantial reforms of national-level political and economic structures through the introduction of laws and mechanisms to increase accountability and transparent governance.

Nevertheless, the successful introduction of anti-corruption reforms requires genuine political will to address the underlying causes of corruption as well as public support for reforms. Studies and research on the topic suggest that political will is missing, making it challenging to address the underlying causes of corruption in the region²⁵. Until this reality changes, through citizens' demand for reform and external pressures from donor countries, fighting corruption is likely to remain a significant challenge. 

	Algeria	Bahrain	Djibouti	Egypt	Iran	Iraq	Jordan	Kuwait	Lebanon	Libya	Morocco	Oman	Qatar	Saudi Arabia	Syria	Tunisia	UAE	West Bank	Yemen
CPI 2008	3.2	5.4	3	2.8	2.3	1.3	5.1	4.3	3	2.6	3.5	5.5	6.5	3.5	2.1	4.4	5.9		2.3
World Bank Governance Indicators*																			
Voice/Accountability	19.7	25	18.3	11.5	8.2	9.6	27.4	33.7	34.1	1.9	29.3	19.2	27.9	7.2	4.8	13	23.1	10.1	17.3
Political Stability	13.5	34.1	40.9	21.6	11.1	0.5	33.7	60.1	3.8	63.9	27.4	72.1	76	25	24.5	47.1	72.6	4.8	8.2
Government Effectiveness	36	68.2	13.7	38.9	23.7	1.9	64.9	62.6	29.4	12.3	54.5	66.8	58.3	51.2	16.1	69.2	79.1	9.5	13.3
Regulatory Quality	25.7	79.1	21.4	43.2	3.9	7.3	62.1	61.2	47.6	17.5	51	70.4	67.5	51.9	10.2	56.8	71.8	6.8	23.8
Rule of Law	26.2	69	40	51.9	21.4	1	64.8	71.4	30	32.4	51	72.4	80	58.6	36.7	60	69.5	21.9	18.1
Control of Corruption	41.1	72.9	40.1	35.7	37.2	1.9	66.7	72	31.4	21.7	52.7	73.4	82.1	58	18.8	60.4	81.6	24.2	33.3
Global Integrity Score	2007	N/D	N/D	2008	N/D	2008	2008	2008	2007	N/D	2008	N/D	N/D	N/D	N/D	N/D	N/D	2008	2008
Civil Society	26			43		43	75	58	55		39							59	36
Elections	57			37		49	35	55	35		48							66	46
Government Accountability	43			37		59	40	48	62		26							44	30
Administration/Civil Service	45			71		51	67	49	27		45							25	44
Oversight and Regulation	53			67		57	59	59	33		69							64	52
Anti-Corruption/Rule of Law	59			71		57	85	59	54		60							58	66
Freedom House 2008																			
Political Rights	6	5	5	6	6	6	5	4	5	7	5	6	6	7	7	7	6	6	
Civil Liberties	5	5	5	5	6	6	4	4	4	7	4	5	5	6	6	5	5	5	
Status	Not free	Partly free	Partly free	Not free	Not free	Not free	Partly free	Partly free	Partly free	Not free	Partly free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	5
Transformation Index*																			
Status Index:Score(Rank)	4.72 (84)	6.01 (57)		4.88 (82)	3.96 (101)	3.28 (116)	5.12 (81)	5.20 (78)	6.16 (49)	4.24 (97)	4.65 (86)	5.30 (75)		4.36 (96)	3.39 (113)	5.37 (73)	5.23 (77)		3.91 (103)
Political Transformation	4.27	4.63		4.4	3.73	3.3	3.98	4.08	6.25	2.98	4.4	3.63		2.72	2.6	3.95	3.47		3.9
Stateness	6.8	8.3		7.8	5.8	3	6.3	7	6.3	7.5	6.8	7.5		5.8	6.8	9.3	7.5		5.8
Political participation	4	3.3		4	3.8	5	3.8	4.3	7.3	1.8	4.3	2.8		1.5	1.8	2	2.3		3.8
Rule of law	4.3	5		4.3	3.5	3	4.3	4.5	5.5	3	4	4.3		3	1.5	3.5	4.3		4
Stability of democratic institut.	2	2		2	2	3.5	2	2	6	1	2	1		1	1	2	1		2
Political & social integration	4.3	4.7		4	3.7	2	3.7	2.7	6.3	1.7	5	2.7		2.3	2	3	2.3		4
Economic Transformation	5.18	7.39		5.36	4.18	3.25	6.25	6.32	6.07	5.5	4.89	6.96		6	4.18	6.79	7		3.93
Management Index	3.88 (97)	4.66 (78)		4.15 (92)	2.8 (112)	2.54 (115)	4.81 (69)	3.94 (95)	4.57 (83)	3.15 (107)	4.80 (80)	4.77 (72)		3.81 (101)	2.47 (116)	4.75 (73)	5.04 (60)		3.97 (94)
UNCAC Status	Ratified	Signed	Ratified	Ratified	Ratified	Accession	Ratified	Ratified	Accession	Ratified	Ratified	No data	Ratified	Signed	Signed	Ratified	Ratified		Ratified
UNCJOC Status	Ratified	Accession	Accession	Ratified	Signed	Accession	Signed	Ratified	Ratified	Ratified	Ratified	Accession	Accession	Ratified	Signed	Ratified	Ratified		Signed
MENA FATF	Member	Member	-	Member	-	-	Member	Member	Member	-	Member	Member	Member	Member	Member	Member	Member		Member

* Indicators are based on latest data available for countries from 2007; ** From Bertelsmann's Foundation

Notes: N/D = No data

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- ¹ As a gap is to be expected between perceptions and actual levels of corruption, global perception-based indexes may not fully reflect the multiple facets and complexity of the regional situation. Perceptions may be influenced by factors others than knowledge and experience of corruption. For example, some argue that a freer media such as in Morocco is more likely to report on corruption cases and fuel people's perception of higher levels of corruption than in countries where the media is particularly repressed and does not report on abuses. However, this argument has been proved wrong empirically, as countries with a free press have a better chance of controlling corruption.
- ² Please see: http://www.rsf.org/article.php3?id_article=24024.
- ³ Please see "Better governance for development in the Middle East and North Africa": <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/0..contentMDK:20261216~pagePK:146736~piPK:146830~theSitePK:256299,00.html>.
- ⁴ Please see "The Impact of Corruption on Human Development in the Arab world": <http://www.transparency-lebanon.org/2006/Archives/Human%20Development-%20Corruption.PDF>.
- ⁵ Judicial independence is usually guaranteed by the constitution in most countries. Countries such as Egypt, Lebanon or Morocco have highly professional judiciaries. However, judicial independence is under pressure from powerful and influential executives that may control financial and administrative management of the judiciary.
- ⁶ Please see <http://www.pogar.org/publications/other/ahdr/ahdr2004e.pdf>.
- ⁷ Please see <http://commons.globalintegrity.org/2009/02/for-access-to-government-information.html>.
- ⁸ Please see <http://www.u4.no/pdf/?file=/helpdesk/helpdesk/queries/query157.pdf>.
- ⁹ An opinion poll carried out in September 2004 by An-Najah National University established that more than two-thirds of the respondents believed that the occupation is an important reason for corruption within the Palestinian Authority. (<http://www.phrmq.org/Corruption%20in%20the%20Palestinian%20Authority.htm>).
- ¹⁰ Please see: <http://www.pogar.org/publications/other/ahdr/ahdr2004e.pdf>.
- ¹¹ Rentier states are understood within the context of this working paper as oil-reliant countries that derive their revenues from 'exogenous rents' in the form of oil and gas revenues paid directly to government by foreign companies. Please see "Better governance for development in the Middle East and North Africa": http://www.wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/11/06/000090341_20031106135835/Rendered/PDF/271460PAPER0Be1ance0for0development.pdf.
- ¹² Morocco, which partly relies on tax for treasury income, enjoys lively media discussions on corruption and accountability, including spending by the royal court.
- ¹³ Please see "The Impact of Corruption on Human Development in the Arab world": <http://www.transparency-lebanon.org/2006/Archives/Human%20Development-%20Corruption.PDF>.
- ¹⁴ Please see: http://www.transparency.org/news_room/in_focus/2006/uncac_mena.
- ¹⁵ Please see the comparative study of Arab parliaments that was prepared within the framework of a Symposium on Arab Parliamentary Development that was held in Beirut in May 2000: <http://www.pogar.org/publications/legislature/lcps1/section5.html>.
- ¹⁶ TI has three accredited national chapters in the region with multifaceted programmes, including Transparency Morocco, TI Lebanon and TI-Palestine (AMAN - The Coalition for Accountability and Integrity) and very active contacts and chapters in formation in other countries including Bahrain, Kuwait, Jordan, Yemen and Egypt.
- ¹⁷ Three ALACs have been opened in 2009 in three countries in the MENA region (Morocco, Palestine and Lebanon).
- ¹⁸ Four NIS studies (Morocco, Egypt, Palestine and Lebanon) will be published in the last quarter of 2009.
- ¹⁹ Please see: <http://www.u4.no/pdf/?file=/helpdesk/helpdesk/queries/query157.pdf>.
- ²⁰ Please see: http://www.icnl.org/knowledge/ijnl/vol9iss2/special_2.htm.
- ²¹ Please see: <http://www.arpacnetwork.org/>.
- ²² Please see: http://www.cipe.org/publications/papers/pdf/IP0804_MENAreform.pdf.
- ²³ Please see: www.lcgtf.org for more information on LTA's private sector program.
- ²⁴ Only Yemen is currently an EITI candidate country.
- ²⁵ Please see: <http://www.u4.no/helpdesk/helpdesk/queries/query92.cfm>.

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