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Al-Bayan Center for Planning and Studies

The Supreme Council for Combating Corruption: A Future Vision

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By: Ghazwan Rafiq Awaid*

Introduction

The idea of establishing a council of regulators to combat corruption is not a new invention for the anti-corruption system in Iraq, for in 2007, the Joint Council for Combating Corruption was established under the chairmanship of the Secretary-General of the Council of Ministers with the membership of the heads of the Supreme Judicial Council, the Federal Board of Supreme Audit, the Commission of Integrity; a Coordinator from the Office of the Prime Minister for Oversight Affairs and a representative from the Offices of the Inspectors General. Despite the initial misgivings and perceived obstacles concerning the establishment of such an entity, the stated purpose for its establishment was to coordinate the efforts of the parties concerned with combating corruption, and to elevate their efforts to a higher level and to make recommendations on legislation, procedures and regulations aimed at curtailing corruption.

In 2015, following a wave of popular street demonstrations denouncing corruption and demanding the corrupt be held accountable, the Joint Council was revived and reinvented under the name of the Supreme Council for Combating Corruption headed by the Prime Minister with the membership of the heads of the Commission of Integrity and the Federal Board of Supreme Audit; a representative from the Offices of the Inspectors General and a representative from the Supreme Judicial Council; the Secretary-General of the Council of Ministers, in addition to members from other state institutions.

In 2018, Prime Minister Adel Abdul Mahdi re-established the Council under his chairmanship with the membership of the heads of the Commission of Integrity, the Federal Board of Supreme Audit, two members from the Supreme Judicial Council - the Head of the Public Prosecution Office and the Head of the Judicial Supervisory Authority - and a representative from the Offices of the Inspectors

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General (coordinator), and a representative from the Office of the Prime Minister (Rapporteur), as well as a representative from civil society (Observer). The Council's agenda prioritised the submission of a national anti-corruption strategy and a follow up on its implementation; oversight of the completion of the legal framework to combat corruption; closing the legal loopholes through which corrupt acts exist, as well as updating the institutional framework of the anti-corruption system, consolidating efforts to combat corruption and provide those concerned with the necessary support. It was also charged with putting forward solutions that remove obstacles in the way of these efforts, and to follow-up on the implementation by the various state institutions of their policies, programmes and plans to fight corruption, and to undertake an evaluation of the success or otherwise of these policies and programmes.

Those who followed the work of the Joint Anti-Corruption Council that was established in 2007 will not see it as being very much different from its current re-incarnation. The specific tasks assigned to the Supreme Council for Combating Corruption, established, as mentioned earlier, in late 2018, was in reality taking over the work previously started by the Joint Anti-Corruption Council and had involved embarking on several projects, which took the form of certain operational measures, most notably the launching of the National Anti-Corruption Strategy for 2010-2014, a requirement under the United Nations Convention against Corruption, adopted by Iraq in 2007; and the launch of the national anti-bribery campaign, which resulted in positive results in the fight against the so-called micro-corruption practised by junior staff brought about by the reduction of the bureaucratic routine - the simplification of some tedious administrative and bureaucratic procedures - as well as providing air-conditioned waiting areas for the public, and an evaluation by the Commission of Integrity of the use of bribery in government service departments, something which greatly echoed the achievements of this campaign. Based on the foregoing, if the work of the Supreme Council for Combating Corruption is to prove effective, and in order to benefit from the lessons of the past - we would assert that it is necessary for the Prime Minister – in his capacity as the chief executive in charge of the general policy of the state and as Chair of the Supreme Council for Combating Corruption – to instigate practical steps that meet the public's aspirations in the fight against corruption.

A Future Vision for the Supreme Council

The formation of an overarching, coordinating council and unifying the efforts of the various oversight or regulatory bodies in the fight against corruption and minimising the damage corruption causes, will in all likelihood strengthen the fabric of the anti-corruption apparatus and help it with overcoming the problems facing the work of these regulatory bodies and also support their efforts in the fight against corruption; provided that the tasks and jurisdictional limits of this council and the future vision which it aspires to achieve are defined in a precise and transparent manner. Otherwise, its functions would be seen only in general terms such as: supporting the regulators or unifying their work. We propose below a future vision for the work of this Council:

First: Produce a manual – a constitution with internal rules and governance procedures regulating the day-to-day work of the Supreme Council for Combating Corruption, one which does not conflict with the laws of the oversight or regulatory authorities, and ensure that the document is publicised widely. The manual should include a mission statement with an explanation of the tasks to be performed by the Council, the administrative mechanisms regulating its meetings and the decision-making process, which should not just be limited to making regular announcements about the resolutions issued by the Council. The Council will be responsible for the development of anti-corruption strategies and policies in Iraq, supervise the work and output of the various regulatory bodies, such as the Commission for Integrity, the Federal Board of Supreme Audit and the Offices of the Inspectors General and keep abreast of the ongoing major corruption cases and inform the public of its achievements with all due transparency. Moreover, the Council will make the media, the general public and more particularly civil society fully aware of its vision for the eradication of corruption in Iraq.

Second: The creation of a team of national experts working under the supervision of the Supreme Council for Combating Corruption, staffed by employees seconded from the Commission for Integrity, the Federal Board of Supreme Audit and the Offices of the Inspectors General and other state institutions of known integrity who have experience in preparing practical studies, submitting ideas, producing technical opinions, strategic planning, media promotion, and the development of statistical criteria and indicators, so as to assist the Council with accomplishing its tasks and evaluating the work of state institutions.

Third: Evaluating the Iraqi national integrity system as a practical tool in assessing the existence of an effective system to confront corruption in the state by diagnosing the strengths and weaknesses of the main institutions of government (legislative, executive and judicial authorities), government/public sector institutions (ministries, quangos and independent commissions), non-governmental actors (political parties, civil society, the media and the private sector), and then publicise this assessment with transparency. Subsequently, the outputs of the evaluation process are turned into inputs for the preparation of the national anti-corruption strategy.

Fourth: to accelerate the preparation of the national anti-corruption strategy for the period 2019-2022 because of the anticipated impact it will have and the publicity it will generate on the domestic, regional and international levels. This strategy must rely on important sources such as the national integrity system, the outcomes of the national anti-corruption strategy for the period 2010-2014; the draft national anti-corruption strategy for the period 2016-2020 prepared by the Commission for Integrity, as well as International Reports on Corruption in Iraq.

Fifth: Accelerate the evaluation of all senior administrative leadership posts - director generals and deputy ministers - in accordance with objective criteria, and to take decisive action on relieving those who are not competent from their duties, since it will not possible to combat corruption with officials who do not have the appropriate level of competence to carry out the tasks and duties assigned to them. There will also be annual reviews and time limits set for the change or rotation of those most vulnerable to corruption.

Sixth: develop an index to measure the perceptions of citizens who use the service sector, of state and public sector employees, and of experts on the level of corruption in government institutions, in cooperation with civil society organizations, drawing on previous experiences of the Commission for Integrity and regional ones in particular those of Kuwait and Egypt; as well as the international experience of such countries as South Korea. Subsequently, to publish a periodic report ranking government institutions from best to the worst based on the results of the index, because of the multiple benefits it will have, the most important of which will be an assessment of the level of service provided, and the prevalence of corruption among the institutions., and thereby create a

competitiveness for the first rank. The index will then provide a means for the assessment of the performance of officials.

Seventh: Assign the regulatory authorities (viz. the Commission for Integrity, the Federal Board of Supreme Audit and the relevant Office of the Inspector General) the task of preparing semi-annual monitoring reports on the implementation of the government's programme for 2018-2022 and bringing it before the Supreme Council for Combating Corruption for discussion. Such reports should identify with the utmost care the parties in default of their obligations and also provide an objective assessment of the officials concerned.

Eighth: Launching a national anti-corruption campaign that includes specific programmes and projects focused on fighting corruption in the sectors most vulnerable to corruption and tackling all the signs of rampant corruption.

Ninth: The establishment of an anti-corruption forum in Iraq with the participation of United Nations organizations and international non-governmental organizations such as Transparency International and to benefit from international proposals, ideas and experiences and their impact on improving the image of Iraq in reports issued by international organizations.

Tenth: Launching a website for the Supreme Council for Combating Corruption to provide a platform for publishing the Council's resolutions and publications, as well as setting up a communication channel to receive proposals and complaints from the public at large; and holding seminars and information programmes to promote the role of the Supreme Council for Combating Corruption and its vision and its role in supporting efforts to combat corruption; and to liaise with the regulatory authorities to coordinate the efforts, as well as the promotion of all of the above.