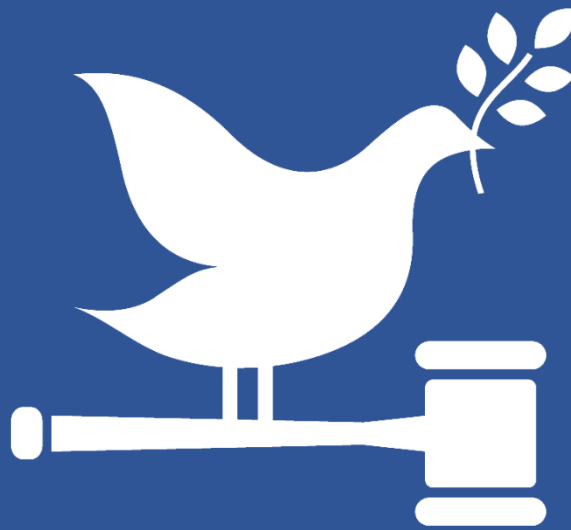


Sharm El-Sheikh Anti-Corruption Declaration:  
A Step for Sustainable Development during Pandemics



# 16 PEACE, JUSTICE AND STRONG INSTITUTIONS



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## **Sharm El-Sheikh Anti-Corruption Declaration: A Step for Sustainable Development during Pandemics**

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## Introduction:

Corruption is a global phenomenon that refers to the misuse of entrusted power for personal gain. It has dire economic, social and political consequences for countries; thus, countries have made several attempts to combat this phenomenon locally. However, with the passage of time the importance of international cooperation in combating corruption became clear with many regional agreements established in this regard, such as the Inter-American Convention Against Corruption (1996), the Council of Europe Criminal Law Convention on Corruption (1999), the Anti-Corruption Initiative for Asia-Pacific (1999), and the African Union Convention on Preventing and Combating Corruption (2003). The United Nations (UN) found the need to develop an international comprehensive framework to prevent, combat and prosecute corruption, thus, the UN Convention against Corruption was adopted.

The COVID-19 pandemic has posed a challenge to combating corruption in the world. It led to regulatory gaps that were exploited by some during the pandemic to achieve personal gains within the scope of their work. This increases the obstacles of countries in achieving the Sustainable Development Goals (SDGs). It also increases the burdens and obstacles to combating both corruption and COVID-19, in order to support economic growth and development without stagnation or significant deterioration in social conditions. The repercussions of corruption and the pandemic at the same time should not dominate the process of sustainable development. From this, the Egyptian state worked on early warnings of COVID-19 and corruption, and it proceeded in steady steps to confront them within an institutional and regulatory framework.

The report discusses the United Nations Convention against Corruption and focuses on the decisions of the ninth session of the Conference of the States Parties to the Convention that was held in December 2021 in Egypt, especially the Sharm El-Sheikh Declaration. It also examines the relationship of the Convention to the Sustainable Development Goals, as well as its impact on developing countries.



## **First: The United Nations Convention against Corruption (UNCAC)**

As corruption has become a transnational phenomenon, the UN found the need to develop common international measures and solutions to solve this issue. The Convention was adopted in 2003, with 189 countries signing and ratifying it. The Convention included preventive measures to stop corruption, such as: the establishment of independent anti-corruption bodies, transparency in the appointment of public offices, the application of codes or standards of conduct, the establishment of procurement systems based on transparency, competition and objectivity, simplification of administrative procedures, prevention of conflict of interest in dealings with the private sector, the establishment of a comprehensive internal audit system for financial institutions, encouragement of civil society and non-governmental organizations to participate in anti-corruption efforts and raise awareness.

It included other measures of criminalization and law enforcement aimed to punish corruption by clarifying some of the corrupt practices such as: bribery of national public officials, bribery of foreign public officials and officials of public international organizations, and bribery in the private sector. They also identified the crimes of trading in influence, embezzlement or misappropriation of property in the public or private sector, abuse of functions, illicit enrichment, laundering of criminal proceeds, concealment and obstruction of justice. It also mentioned some legal procedures related to intention, participation, or knowledge as elements of a criminal act, statute of limitations, prosecution and judicial penalties, property confiscation, and protection of witnesses, victims and reporting persons.

It also stressed the importance of international cooperation to confront this phenomenon. This is through cooperation in investigations and procedures for civil and administrative matters related to corruption, and international cooperation is also necessary for asset recovery, and prevention and detection of proceeds of crime. The agreement also includes the importance of training, technical assistance, and the collection and exchange of information.



## **Second: The Ninth Session of the Conference of the States Parties to the UNCAC (COSP9)**

The conference is held every two years, in order “to improve the capacity of and cooperation between States Parties to achieve the objectives set forth in this Convention and to promote and review its implementation.” Nine sessions of the conference have been held so far; with the ninth being held in Egypt in December 2021.

In this session, the Sharm el-Sheikh Declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery was issued, stating the following:

- 1- Urges states to make effective use of the Convention to improve anti-corruption policies to prepare for emergencies and address corruption.
- 2- Monitors the measures implemented during crises, and the impact of the pandemic on corruption trends.
- 3- Grants the anti-corruption bodies, supreme audit institutions, and other relevant entities the appropriate powers, independence, and the necessary resources.
- 4- Prevent opportunities for abuse of office by public officials through disclosing potential conflicts of interest and periodic review.
- 5- Establish transparent, competitive and objective public procurement systems conducted by electronic means, and develop and improve guidelines for the use and management of emergency procurement procedures.
- 6- Have and strengthen sufficient internal audit systems to help monitor the allocation and distribution of emergency relief.
- 7- Establish transparency and accountability measures in public financial management during crisis response and recovery, and enhancing them through the presentation of budget items to ensure that budgets and accounts are available to the public, using flexible and effective financial distribution policies to manage funds allocated for relief, and empowering supreme audit institutions that support public financial management policies and procedures.
- 8- Understand the links between gender and corruption, including the ways in which corruption can affect women and men differently, especially in times of emergency, and further promote gender equality and women’s empowerment through their inclusion in legislation, policies, research, projects and programmes.



- 9- Implement corruption risk management processes in organizations responsible for or involved in crisis response and recovery, to help identify and mitigate potential corruption risks when designing and managing the full cycle of public procurement and relief measures.
- 10- Adopt or strengthen anti-corruption measures necessary for private sector compliance with applicable laws and regulations, and develop codes of conduct for correct, honourable and sound performance.
- 11- Exert efforts in the field of international cooperation and taking appropriate measures to enhance the transparency of the beneficial ownership by ensuring the availability of sufficient and accurate information on the beneficial ownership and its availability to the competent authorities.
- 12- Investigate and prosecute crimes stipulated in the Convention, which lead to unfair business practices, such as manipulating the prices of basic goods and services or bids.
- 13- Promote inter-agency cooperation at all levels to prevent committing or facilitating acts of corruption by individuals, companies and other legal entities and the systems used to transfer money, as well as unregulated or unregistered financial, commercial or non-commercial entities that are at significant risk of being misused in corruption and money laundering offences.
- 14- Take measures to combat corruption with regard to the use of the executive authority in emergency situations during crisis response and recovery.
- 15- Take measures to provide the public with timely information in times of emergency.
- 16- Promote the active participation of individuals and groups outside the public sector, such as civil society, NGOs, community-based organizations, and the private sector, to raise public awareness about the existence, causes and seriousness of corruption, and to respect, promote and protect freedom of access and dissemination of information.
- 17- Establish, diversify and enhance confidential complaints systems and accessible, protected reporting systems to facilitate timely reporting and provide protection to anyone who does.
- 18- Develop and promote the use of reliable and high-quality electronic communication channels that enable anti-corruption bodies, supreme audit institutions and other relevant entities to rapidly exchange information at the national and international levels through existing mechanisms, including those of INTERPOL.



- 19-Provide training and resources to ensure that relevant officials in oversight institutions have the tools and expertise needed to analyse data and information to guide crisis planning, response and recovery, and benefit from capacity building and training programs provided by the United Nations Office on Drugs and Crime (UNODC).
- 20-Collect and exchange best practices in preventing and combating corruption and lessons learned regarding the use, availability and impact of digital data and tools.
- 21-Recalls Article 43 of the Convention which provides for cooperation in criminal matters, and consideration of states assisting each other in investigations and proceedings in civil and administrative matters relating to corruption, as well as Article 46 to provide each other with the greatest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings, including through joint or parallel investigations and bilateral sharing of capabilities and expertise.
- 22-Enhance their knowledge of the links between corruption and other forms of crime, in particular organized crime and economic crime, including money laundering, in order to enhance integrity, transparency and accountability.
- 23-Direct the Open-ended Intergovernmental Expert Meeting to enhance international cooperation to:
  - a) Gather information on international cooperation during emergency response and recovery.
  - b) Analyse the information received with a view to developing non-binding guidelines to enhance international and multilateral cooperation.
- 24-Decide that the upcoming Open-ended Intergovernmental Expert Meeting to enhance international cooperation will take the theme of “Strengthening international and multilateral cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery”.
- 25-Request that the General Secretariat submit a report on the progress made and the challenges encountered in implementing this resolution.
- 26-Request that the UNODC provides technical assistance.

The Riyadh initiative to enhance international cooperation in the enforcement of anti-corruption law was also endorsed. The initiative includes the establishment of a Global Operational Network of Anti-Corruption Law Enforcement Authorities (Globe Network), which aims to provide a rapid and





effective toolkit to combat cross-border corruption crimes, and to enhance the exchange of information between law enforcement authorities. There are also plans to work on developing the network to be an integrated electronic centre that provides a forum for cooperation, and includes a secure platform for confidential communication between members.

The decisions related to the second chapter of the agreement (preventive measures) also included the emphasis on the Marrakesh Declaration on the Prevention of Corruption (2011), which was the outcome of the fifth annual conference and the general meeting of the International Association of Anti-Corruption Authorities, and the Abu Dhabi declaration on enhancing collaboration between the supreme audit institutions and anti-corruption bodies to more effectively prevent and fight corruption, and the use of information and communications technologies (2019).

As part of the Convention's efforts to prevent corruption, it stipulates the promotion anti-corruption education, awareness-raising and training in the field of combating corruption, to ensure the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations, community-based organizations and the private sector.

It also stipulated strengthening the implementation of the UNCAC at regional levels, by urging states parties to provide all means of technical assistance to each other. It also requests that the UNODC provide technical assistance to countries that request it, and regional organizations to participate in the fight against corruption.

Moreover, regarding Chapter 5 of the Convention (Asset Recovery), it provided for enhancing the use of beneficial ownership information to facilitate the identification, recovery and return of proceeds of crime. This is through urging states parties to adopt a multipronged approach through appropriate mechanisms such as records that provide effective access to sufficient and accurate information on beneficial ownership in timely manner in order to facilitate the investigation and prosecution of corruption cases.



### Third: The UNCAC and the SDGs

The UN 2030 Agenda for Sustainable Development provides a common blueprint for peace and prosperity for people and planet, now and in the future. It includes the 17 Sustainable Development Goals, and 169 targets.

The SDG address the goals of the UNCAC in its content. SDG 16 “peace, justice and strong institutions” aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” Among the targets of the goal:

- **16.4** By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.
- **16.5** Substantially reduce corruption and bribery in all their forms.
- **16.6** Develop effective, accountable and transparent institutions at all levels.
- **16.10** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

Corruption, money laundering and related financial crimes also affect the SDGs related to the environment. Environmental corruption, which is corruption, bribery and nepotism practiced by some companies to obtain permission to carry out projects or measures that harm the environment, is an obstacle to achieving the SDGs through:

- Undermining law enforcement efforts against environmental crimes and the sustainable management of natural resources.
- Reducing the state's revenues, and thus its ability to achieve development goals.
- Allowing unsafe shipment of some materials.
- Transforming individual corrupt practices that are harmful to the environment (ex: illegal poaching, artisanal mining and logging) into global criminal enterprises, which increases its harmful effects on the environment.
- Perverting of regulations set to preserve the environment.
- Weakening and diverting government policies designed to ensure environmental rehabilitation and equitable access to natural resources.



- Allowing environmentally destructive activities to continue (ex: operating illegal mines, trafficking in toxic waste and ozone-depleting substances, and illegal and unsustainable trade in plants and animals).

The ninth session of the conference emphasized the linkage of the Convention to the SDGs, expressing its concern, in the Sharm El-Sheikh Declaration, about the impact of emergencies and crises on the achievement of the 2030 Agenda for Sustainable Development, especially SDG 16 “on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and its targets.”

In the Marrakesh Declaration, it emphasized the importance of preventing corruption for the broader development agenda, including the implementation of SDG 16 and other goals related to “Transforming Our World: The 2030 Agenda for Sustainable Development” and other initiatives aimed at enhancing coordination and information-sharing with development partners.

Thus, it called upon the UNODC, as the leading entity in the UN system to combat corruption, to continue coordination and cooperation with the UNDP and the wider UN system to strengthen anti-corruption measures that enable the implementation of the 2030 Agenda for Sustainable Development. Moreover, it requested the inclusion of anti-corruption measures in implementing the UN Sustainable Development Cooperation Framework, as well as, increasing the coordination and cooperation with the Department of Political and Peacebuilding Affairs and the Department of Peace Operations of the Secretariat to strengthen the rule of law and anti-corruption measures in their peacekeeping and peacebuilding efforts.

#### **Fourth: The UNCAC and Developing Countries**

Developing countries are the most affected by corruption, as corruption reduces their capabilities and potential which are already limited. Therefore, it is the countries that benefited the most from the United Nations Convention against Corruption. It provided them with a comprehensive framework that can be followed to prevent corrupt practices, and a legal framework to punish it. The



Convention gave developing countries the opportunity to obtain technical assistance from the UN, as well as, other countries.

Asset recovery is particularly important for developing countries. Corruption has decimated national wealth. They are also in need of resources to finance sustainable development. Effective asset recovery supports efforts to address the worst effects of corruption while sending a message to the corrupt that there will be nowhere to hide their illicit money.

### **Fifth: The Egyptian State and the Recommendations of COSP9**

Egypt particularly benefits from UNCAC. Egypt put forward the first phase of the National Anti-Corruption Strategy in 2014, in accordance with the UNCAC which it ratified in 2005. The second phase of the strategy 2019-2022 was also adopted. The Egyptian experience of the fight against corruption and the COVID-19 pandemic has been reflected on the recommendations of COSP9 to the UNCAC. The UN adopted the Egyptian recommendations after its success locally. The fight against corruption is considered an intersectional issue in all the measures taken by the Egyptian state, and this matter did not differ in light of the COVID-19 crisis.

The Egyptian institutional framework for dealing with crises is the Crisis Management & Disaster Reduction Sector at Information and Decision Support Centre, the National Committee for Crisis and Disaster Management and Risk Reduction, the Council of Governors to deal with the crisis in the governorates, and the health committees of the House of Representatives and the Senate to follow up on the government's performance with regard to all decisions related to the crisis. The institutional framework provides national strategies to reduce disaster risks, adapt to climate changes, raise societal awareness in crises and disasters. It also provides national plans to confront nuclear and radiological emergencies, earthquakes and reduce their risks, marine disasters, Nile disasters, environmental disasters, effects of extreme weather and limiting its dangers, floods and limiting their risks, metro and railway accidents, major fires, and infectious diseases and epidemics.

An internal control unit has not been established Crisis Management & Disaster Reduction Sector at Information and Decision Support Centre. However, a coordination committee for crisis and disaster management has been established. It includes the Administrative Control Authority, which is the main



anti-corruption body, and enjoys technical, financial and administrative independence from other institutions. Moreover, an internal control unit has also been established in various government agencies, including the Ministry of Health.

In order to monitor the measures implemented and provide the public with timely information in times of emergency, the Ministry of Planning and Economic Development has established " Egypt's COVID-19 Policy Tracker", to monitor all the measures taken by the state. The Egyptian Ministry of Health launched the "Health of Egypt" application, which includes updated data about the virus and its spread, and instructions on dealing with the virus in case of infection or contact. It also provides services that can be obtained from health units, and a reporting mechanism in case of suspected infection.

In the context of understanding the links between gender and corruption, especially in emergency situations, an observatory of policies and programs that respond to the needs of women during the emerging Coronavirus pandemic was established. The National Council for Women also prepared research on the situation of Egyptian women in light of the pandemic and made recommendations on how to respond to the impact of the pandemic on health, education, social protection, violence against women, and representation in decision-making during crisis management, influencing economic opportunities, and enhancing data and knowledge. In the United Nations Women's report on the extent to which women's needs are being met by responses to the pandemic, Egypt ranked first in the countries of North Africa and West Asia in terms of the measures and actions it took in three areas: "economic protection for women, unpaid care, and combating violence against women."

A hotline system for complaints was also activated. The complaints system concerned with anti-corruption has also been developed at the Administrative Control Authority, the Administrative Prosecution, And the unified governmental complaints system at the Information and Decision Support Centre in the Council of Ministers. The Egyptian government was also keen on the availability of complaints mechanisms related to the pandemic. The unified complaints system of the Council of Ministers worked to receive complaints related to the pandemic, deal with them and respond to them. Complaints could also be submitted through the electronic portal. However, the country still needs a legal framework to protect whistle-blowers, witnesses, victims, and experts, and allow for international cooperation in criminal matters.



However, there are still efforts by the state to enhance international cooperation. The Administrative Control Authority has joined the Network of Corruption Prevention Authorities, which is an international network that aims to unify efforts to improve the collection, management and exchange of information in a systematic manner between the anti-corruption forces in the region. Egypt is also one of the 51 countries participating in the GlobE network.

In order to combat corruption in the allocation and distribution of relief, the Egyptian government has sought to implement clear and transparent criteria to ensure the equitable distribution of COVID-19 vaccines. The state launched an official website to receive applications for registration to obtain the vaccine, and to identify priority groups through it. It also provided these services through a hotline for groups that do not have access to the Internet.

The Egyptian state has also been keen on the efficient use of technology according to the recommendations of the Abu Dhabi Declaration, through clear mechanisms that provide various services, and work to reduce corruption opportunities. For example, the Egyptian Ministry of Health and Population launched the “health passport” application, and to prevent corruption, registration must be made on the application through the national ID number or passport number. The application is linked to the registration system for the vaccine to identify the number and type of doses that the person obtained and the date of obtaining them.

Moreover, the government has published the citizen’s budget 2020-2021 on the website of the Ministry of Finance, in addition to publishing a report on government procurement and making it available for public opinion to enhance transparency in light of the crisis. In order to prevent opportunities for officials to misuse their positions, the state is moving towards digitization to reduce communication between citizens and officials, and the complications of bureaucracy that give room for corruption. However, the law prohibiting the conflict of interests of public officials has not been activated due to the non-issuance of a decision to establish the Corruption Prevention Committee, which is entrusted with implementing the provisions of this law.

Within the framework of promoting education, awareness and training in the field of combating corruption, the state conducts trainings for employees and awareness campaigns for citizens in partnership with civil society organizations and the media, such as the “Get Your Right” initiative and “Who is the winner?”



## **Conclusion:**

The ninth session of the Conference of the States Parties to the United Nations Convention against Corruption resulted in the Sharm El-Sheikh Declaration, which focused on the importance of international cooperation to combat corruption, especially in times of crisis. It also emphasized the Marrakesh Declaration, the Abu Dhabi Declaration and the Riyadh Initiative, the promotion of education, awareness-raising and training, the use of beneficial ownership information to facilitate the identification, recovery and return of proceeds of crime, and the implementation of the United Nations Convention against Corruption at regional levels.

The ninth session of the conference also affirmed the Convention's link to achieving the 2030 Agenda for Sustainable Development, especially the Sustainable Development Goal 16, requesting the UNODC to cooperate with the UNDP to strengthen anti-corruption measures that enable the implementation of the 2030 Agenda for Sustainable Development. It also clarified the link between the recommendations of the ninth session of the conference and the efforts of the Egyptian state to combat corruption in light of the pandemic.