


THE ALGERIAN RESPONSE TO INTERNATIONAL EFFORTS TO COMBAT CORRUPTION

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Abstract:

This study aims to describe the international efforts undertaken by different international organizations concerned with corruption issues, most importantly the United Nations. The study focuses primarily on studying the most significant outcomes of international meetings on combating corruption, which sought to frame national efforts by states to confront this scourge witnessed by various countries and societies to varying degrees. The study concluded that Algeria has positively responded to international efforts through different laws regulating combating corruption in all its forms. In addition to a group of oversight institutions such as: the Supreme Authority for Transparency, Prevention and Fight against Corruption. These institutions oversee developing a national strategy for combating and preventing corruption in response to international calls.

Keywords: *Corruption, anti-corruption, international anti-corruption agreements, the United Nations, Algeria, anti-corruption laws.*

1-INTRODUCTION:

Corruption is fundamentally a national phenomenon; however, its significant effects have necessitated intensified national and international efforts to combat it, particularly due to its severe repercussions on state institutions and the functioning of the political system. In its different forms, whether political, economic, or administrative, corruption is regarded as one of the most important obstacles and challenges to fulfilling good governance as a main national and global goal.

Given the diversity of corruption manifestations, sources, and forms in human societies, combating corruption and punishing its perpetrators has become a pressing national and international demand. This has led to the intensification of different international efforts to develop effective strategies to confront corruption at the level of each country's national policies and regional and global systems through several agreements adopted by many international parties.

This research paper explores international efforts exerted by international organizations and national governments to fight corruption. Furthermore, it aims to describe and analyze the Algerian response within the context of these efforts. This will be achieved by addressing the following problem statement:

How has the Algerian response manifested towards various international efforts to combat and prevent corruption?

2-STUDY METHODOLOGY:

The study adopted different specialized references in law and political science that have addressed the topic of corruption and its prevention within the framework of international and national agreements in Algeria. We started with a descriptive-historical approach to describe the historical development of international efforts to combat corruption, particularly within the United Nations framework. The content analysis method analyzed legal texts such as the United Nations



Convention against Corruption of 2003 and Algerian Law No. 06/01 on the Prevention and Fight against Corruption of 2006. Furthermore, we used an analytical method to analyze how Algeria has responded to these international efforts through various national laws and policies.

3-DEFINITION OF CORRUPTION:

3-1-Linguistic definition:

Corruption in Arabic is unjustly taking money, and the corruptor acts against the interest while benefiting from it, which is against reform. According to Merriam-webster dictionary corruption is defined as dishonest or illegal behavior especially by powerful people (such as government officials or police officers), we understand here that corruption is an illegal behavior expressing the use of powerful position.¹ It is worth noting that the word corruption carries a negative connotation, signifying causing harm.

Corruption generally refers to improper behaviour, including the exploitation of one's position and authority to violate laws, regulations, and instructions to fulfill personal benefit for oneself or relatives, friends, and acquaintances at the expense of the public interest. It involves actions such as bribery, fraud, embezzlement, nepotism, favoritism, extortion, and abuse of power for private benefit.

3-2-Terminological definition:

According to Samuel Huntington in his book "Political Order in Changing Societies" Corruption is the behavior of government officials who deviate from accepted rules to serve personal goals.² So it can be understood as the use of public office for personal gain, this means that corruption primarily involves the public official and their unethical conduct aimed at serving their own interests.

Corruptionis also defined as "Any act or behaviour that violates the laws of the state, resulting in the waste of its economic resources, unjust enrichment, and the pursuit of private or public benefit for an individual or group that does not deserve it, thereby impeding the development process".³ Corruption leads to harming the state and its resources, serving private interests at the expense of the public good. This ultimately reflects on the development level of the state.

3-3-International definition of corruption :

In the context of international efforts to address the phenomenon of Corruption, different useful definitions have been provided, most importantly:

The United Nations defines *Corruption* as the abuse of public power for personal gain while harming the public interest.

The International Transparency Organization defines *Corruption* as "the misuse of entrusted power to fulfill personal interests". This misuse of power leads to erode trust, weakens democracy, hampers economic development and further exacerbates inequality, poverty, social division and the environmental crisis.⁴

In Algerian law, Law No. 06-01 regarding preventing and combating corruption in 2006 does not explicitly define "corruption." Instead, the Algerian legislator referred to its different forms. Paragraph A of Article 2 of this law states that "corruption includes all crimes stipulated in Chapter Four of this law." Chapter Four of the "Law on the Prevention and Combating of Corruption" criminalizes a range of actions and considers them acts of corruption. Among these are bribery of public officials, unjustified privileges in public procurement, bribery in public procurement, bribery

¹ Merriam-webster dictionary, "Corruption", online at: <https://www.merriam-webster.com/dictionary/corruption>, Accessed January 15th 2024.

² Huntington, S. P, Political System of Changing Societies, (Beirut: Dar Al-Saqi, 1993), 77.

³ Mohamed Ali, S, *Crimes of Corruption: A Comparative Study* (Cairo: Egyptian Publishing and Distribution Establishment, 2017), 25.

⁴ Transparency international, "WHAT IS CORRUPTION?", online at: <https://www.transparency.org/en/what-is-corruption>, Accessed January 15th 2024.



of foreign public officials and employees of international public organizations, embezzlement by a public official, or its unauthorized use, treachery, abuse of power, and other crimes.¹ These forms are regarded as prominent manifestations of corruption.

Corruption undermines the principles of transparency, accountability, and fairness in governance and economic transactions, leading to inefficiency, injustice, and inequality. It can occur in various contexts, including government, politics, business, law enforcement, healthcare, education, and non-profit organizations. Fighting corruption requires comprehensive efforts to promote transparency, strengthen institutions, uphold the rule of law, and foster a culture of integrity and ethical behavior.

Corruption is a widespread phenomenon in all societies, and its forms are varied across different areas of life. There is political, administrative, economic, and social corruption. Additionally, there are distinctions between grand and petty corruption, all unified by deviating from integrity, breaching trust, and infringing upon the rights of others². Generally, corruption is characterized by two main features:

First, it constitutes actions that violate the law and public order and contradicts society's prevailing moral values.

Second, corruption arises from the misuse or exploitation of public office to serve personal interests and gain material or moral benefits.

4-INTERNATIONAL EFFORTS TO COMBAT CORRUPTION:

4-1-The international anti-corruption path :

International organizations have shown concern for corruption by establishing general rules for its prevention and combat, signifying international acknowledgment of its severity, widespread nature, and serious effect on all countries. Efforts have been consolidated among different international organizations, each contributing within its scope, to confront corruption through various possible means and in coordination with member states. The most significant organizations are the United Nations, the World Bank, and Transparency International.³

Given the negative impacts of corruption on different political, economic, and security levels of a country, Corruption has negative impacts on every aspect of society and is profoundly intertwined with conflict and instability, jeopardizing social and economic development and undermining democratic institutions and the rule of law. Certainly, corruption can have significant negative impacts on societies and economies. It can lead to the deterioration of public services, reduce trust in institutions, and undermine justice and equality. Additionally, corruption can hinder economic growth and widen the gap between the rich and the poor. Moreover, corruption also leads to a loss of confidence in the government and disillusionment with the political system, ultimately potentially leading to the collapse of the political and social order.

Several international meetings have been held, and agreements have been developed to address corruption issues. These agreements were overseen by the United Nations and its specialized agencies. Such efforts underscore the recognition that corruption is a transnational problem that requires coordinated action at the international level.

4-2-Reasons for control :

¹ Algerian Republic, Law No. 06-01, *concerning the prevention and combating of corruption, amended and supplemented*. Dated 20 February 2006. Article 2

² Al-Khudromi, O, *The Phenomenon of Corruption: Politically, Economically, and Socially* (Jordan: Publications of Amarah Research at the University of Jordan, 2014), 22.

³ Ben Marzouk, A, "International Efforts in Combating Corruption and Rationalizing Governance Systems", *Journal of Studies on Algeria and the World*, 01(03), (2016), <https://www.asjp.cerist.dz/en/downArticle/373/1/3/63024:1-38>.



The international interest in addressing and combating corruption on both national and international levels can be attributed to various reasons, the most important are:¹

- Corruption represents the greatest threat to society's security and stability, as it undermines democratic values and impedes development processes.
- Corruption is linked to different forms of organized crime, particularly in money laundering.
- The international dimension of corruption has affected various countries and societies, necessitating intensified international efforts to combat it.

4-3-Legal establishment : United Nations Convention against Corruption 2003 :

Therefore, the United Nations focused on combating corruption, stating that "fighting this crime is everyone's right and responsibility" simultaneously. These efforts developed the "United Nations Convention against Corruption" in 2003, which the General Assembly adopted on October 31, 2003. The General Assembly requested the Secretary-General to designate the United Nations Office on Drugs and Crime as the secretariat of the Conference of the States Parties to the Convention. To date, 188 countries have ratified the Convention with its provisions, indicating global recognition of the significance of good governance, accountability, and political commitment.²

This Convention, considered the most important and widely applicable international agreement due to the consent of the majority of countries, aims to institutionalize a culture of combating corruption and promoting standards of integrity, transparency, and accountability. This is achieved by engaging all sectors of the international and local communities in combating corruption. Corruption is a complex and multifaceted phenomenon, and the provisions of the Convention address different stakeholders potentially influencing corruption issues. It addresses governments, oversight bodies, employees, political parties, civil society organizations, and media outlets with its provisions.³

The United Nations Convention against Corruption (UNCAC) aims to achieve several key objectives in combating corruption at both national and international levels. Among these objectives are:

- Enhancing international cooperation: By exchanging information and experiences and enhancing cooperation between countries in combating corruption.
- Promoting transparency and accountability: By promoting transparency in government operations and enhancing accountability for corruption offenders.
- Strengthening legislation and national institutions: By strengthening laws and national institutions to combat corruption and ensuring the effectiveness of legal systems.
- Preventing corruption: By taking preventive measures to prevent corruption through promoting integrity, legal education, and enhancing a culture of accountability.
- Enhancing public-private sector cooperation: By encouraging partnerships between the public and private sectors to combat corruption and achieve sustainable development.
- Enhancing international cooperation in combating corruption: By enhancing cooperation between countries in extradition, asset recovery, and combating money laundering.

4-4- Fundamentals of combating corruption :

¹Boudjaadar, H, "Corruption: Its Forms, Risks, and Countermeasures", *Journal of Humanities*, 49, (2018) <https://www.asjp.cerist.dz/en/downArticle/23/29/1/91991:07-17>

²United Nations, "The UN Convention against Corruption at 20: Uniting the World against Corruption", online at: <https://www.un.org/en/observances/anti-corruption-day>, Accessed January 3rd 2024.

³Athmane, M, International Efforts to Combat Corruption: The United Nations Convention against Corruption as a Model, *Dimensions of Economics Journal*, 9(1), (2019) <https://www.asjp.cerist.dz/en/downArticle/279/9/1/97111:1-19>.



Through reviewing the articles of the Convention, divided into eight chapters comprising 71 articles, we find that the international approach to combating corruption is based on four pillars, which are:

A. Prevention: pertains to different legislations and policies that countries must adhere to in their national legislation to establish transparency and oversight, making it difficult for corrupt individuals to engage in corrupt practices. This includes:¹

- Implementing different effective policies to fight corruption by enhancing community participation and embodying principles of rule of law, good governance, public asset management, integrity, transparency, and accountability.
- Conducting periodic assessments of legal frameworks and administrative measures to estimate their adequacy in preventing and combating corruption.
- Collaborating with other State Parties and regional organizations to improve and develop anti-corruption measures.

In addition to a set of detailed measures related to anti-corruption policies, including:²

- Establishing specialized bodies responsible for preventing corruption at the national level for each country (preventive anti-corruption bodies) by its legal system, with the necessity of granting them independence in their work.
- Reengineering work and employment systems for public sector employees (in the public sector) and systems for electing public office holders to ensure efficiency and transparency.
- Establishing public money management systems based on justice, transparency, and accountability.
- Ensuring the independence of the judiciary and public prosecution authorities.
- Preventing the involvement of the private sector in corruption by strengthening accountability measures and auditing.
- Enhancing the participation of individuals and civil society institutions in anti-corruption activities.
- Establishing a comprehensive internal control and supervision system for banks and financial institutions, including natural persons, to deter and detect all money laundering.

B. Criminalization and Law Enforcement (Treatment): The Convention, in Chapter III,³ specifies a set of crimes related to corruption, such as bribery, embezzlement of assets, misappropriation, abuse of power, exploitation of office, illicit enrichment, obstruction of justice, among others. It highlights the necessity of imposing deterrent penalties for these crimes and devising mechanisms to effectively prosecute perpetrators before the judiciary without obstacles such as immunities, banking secrecy, etc.

C. International Cooperation: This part of the Convention (Chapter IV) involves provisions facilitating clear methods and avenues for each country to request legal and judicial assistance from other countries if needed. It enables State Parties to the Convention to work together on common corruption issues such as cooperation in criminal matters, exchange of legal assistance, extradition of criminals, and other procedures.

D. Asset Recovery: Considered a fundamental principle of anti-corruption efforts, the Convention included in Chapter V all the means through which a state can trace, seize, freeze, confiscate, and recover assets obtained by corrupt individuals, even if located in other countries.

Alongside the United Nations, we find the International Transparency Organization in the field of combating corruption on an international level. Established in 1993, this organization is regarded as a non-governmental international organization that monitors corruption issues, exposing its practices and violations.

¹ United Nations, "United Nations Convention against Corruption," General Assembly, November 2003. Chapter 02, Article 05.

² United Nations, "United Nations Convention against Corruption," articles: 06-14.

³ United Nations, "United Nations Convention against Corruption," articles: 15-42.



The organization is well known for its annual report entitled the "Corruption Perceptions Index," which covers over 180 countries worldwide. It ranks countries based on their commitment to combating corruption on a scale ranging from 0 to 100. The higher the country's score, the less corrupt it is perceived to be (with zero indicating severe corruption and 100 the opposite).¹

Generally, the work of all these international organizations is supervisory and directive concerning issues of combating corruption on both regional and national levels. This is fulfilled by supervising the establishment of necessary agreements and coordinating between countries to achieve international cooperation within this framework. Furthermore, conditionalities may be used to compel countries to implement effective strategies to combat corruption, similar to the World Bank, which requires countries receiving loans to establish the necessary framework for managing those loans in a more transparent and less corrupt manner.²

5-THE ALGERIAN RESPONSE:

Algeria actively participated in this international movement in response to the aforementioned international efforts and in compliance with international demands for preventing and deterring corruption. Algeria is enhancing international cooperation in the fight against corruption through several measures and initiatives, including:

Joining international agreements: Algeria has ratified several international agreements and treaties aimed at combating corruption. It was among the first Arab countries to voluntarily join the United Nations Convention against Corruption (UNCAC), signing it on April 19, 2004.³ In the African level, Algeria contributed to formulating a continental strategy to fight corruption, as it was one of the architects of the African Union Convention on Preventing and Combating Corruption on July 11, 2003. Furthermore, Algeria actively shaped the Arab Convention against Corruption on December 21, 2010.

5-1- Algerian approach to combat corruption:

Cooperation with international organizations: Algeria collaborates with international organizations such as the United Nations, the European Union, the World Bank, and the African Union in combating corruption and exchanging expertise and information.

Participation in international conferences and meetings: Algeria regularly participates in international conferences and meetings on combating corruption to exchange experiences, knowledge, and enhance international cooperation in this field.

Technical support and training: Algeria receives technical support and training from international organizations to enhance its capacity in combating corruption, including the development of laws and policies and the training of human resources.

Cooperation with partner countries: Algeria exchanges information and experiences with partner countries in the fight against corruption, developing bilateral and regional partnerships to strengthen anti-corruption efforts.

These efforts demonstrate Algeria's commitment to international cooperation as part of its national efforts to combat corruption and achieve integrity and transparency in political and economic systems.

¹ Transparency International, "CORRUPTION PERCEPTIONS INDEX 2022", online at: https://images.transparencycdn.org/images/CPI2021_Report_EN-web.pdf, Accessed January 4th 2024.

²Ibid.

³Algerian Republic, Presidential Decree No. 04-128 includes the ratification with reservation of the United Nations Convention against Corruption, Official paper, No26. 2004.



Nationally, there are many reasons and objectives for developing the Algerian legislative system in the field of preventing and combating corruption according to A. Mazouz, Head of the Office for Combating Corruption:¹

- Economic, social, and national necessity.
- The engagement of the Algerian state in significant efforts to combat corruption.
- Adapting Algerian legislative texts to align with international agreements.
- Ensuring greater effectiveness through the introduction of new mechanisms and procedural provisions.
- Strengthening the foundations of integrity and transparency and establishing principles of accountability to achieve economic governance.

In general, The Algerian legislative framework in the field of preventing and combating corruption has witnessed significant developments in recent years. Among these developments are:

Issuance of new laws: New laws have been enacted aimed at enhancing integrity and combating corruption, such as the Law 06/01 concerning preventing and combating corruption and others mentioned above.

Strengthening legal procedures: Legal procedures and penalties against corrupt individuals have been strengthened, including imposing stricter penalties and tightening surveillance on suspicious activities.

Improvement of judicial structures: Judicial structures have been reinforced, and necessary training and support have been provided to judges and investigators to ensure effective implementation of anti-corruption laws.

Increased international cooperation: International cooperation in the fight against corruption has been enhanced through the exchange of information and expertise with international entities concerned with related issues.

Promotion of a culture of integrity and transparency: A culture of integrity and transparency has been promoted in government institutions and society at large through awareness campaigns and training.

These developments reflect Algeria's commitment to combating corruption and promoting integrity across all sectors of public life.

5-2- National strategy to combat corruption:

Algeria aimed to establish a national strategy to combat corruption that aligns with international standards. It improved its legal and institutional mechanisms to comply with the provisions of the international and regional agreements it ratified. This can be observed as follows:

5-2-1 Updating the legal framework for preventing and combating corruption: Algeria swiftly moved to update its legal framework for combating corruption by issuing Law 06/01 concerning preventing and combating corruption, comprising 74 articles, The first article of this law outlines its main purposes as follows:²

- Supporting measures sought at preventing and combating corruption.
- Enhancing integrity, responsibility, and transparency in managing the public and private sectors.
- Facilitating and supporting international cooperation and technical assistance for preventing and combating corruption, including asset recovery.

The first observation that can be noted is the alignment of the law's purposes with those mentioned earlier within the United Nations Convention against Corruption, underscoring Algeria's response to

¹ Mazouz, A, "The Evolution of Algerian Legislation in the Field of Prevention and Combating Corruption", from the Central Office for the Suppression of Corruption, online at: <https://cutt.us/TsKVj>, Accessed January 6th 2024.

² Algerian Republic, Law No. 06-01, concerning the prevention and combating of corruption, amended and supplemented, Article 01.



the mentioned international efforts. This alignment can be observed through different measures enacted by Algeria to fulfill the objectives of combating and preventing corruption, such as:

A. preventive measures for employment in the public sector: The recruitment of public sector employees and the management of their professional lives are governed by the principles of integrity, equality, and competence, as specified in Article 03. These conditions include:

- Principles of efficiency, transparency, and objective criteria, such as merit, fairness, and competence.
- Appropriate procedures for selecting and training individuals nominated for public positions that are more susceptible to corruption.
- Adequate remuneration along with sufficient compensation.
- Developing educational and training programs tailored to enable public employees to perform their duties correctly, honestly, and efficiently, benefiting from specialized training to increase their awareness of the risks of corruption.

B. The declaration of assets: In the context of the Algerian state's efforts to ensure transparency in political life and public affairs, protect public assets, and uphold the integrity of individuals entrusted with public service, Article 03 mandates that public employees must declare their assets within the month following their appointment to their position or the beginning of their electoral mandate.¹

This declaration serves as a means to enhance accountability, combat corruption, and foster public trust in the integrity of government officials and public servants. It reflects the commitment of the Algerian government to uphold ethical standards and transparency in governance, ensuring the responsible management of public resources and the promotion of good governance practices.

Additionally, Article 06 stipulates that all official representatives in the Algerian state must submit a declaration of their assets.² This includes the President of the Republic, members of parliament, the President of the Constitutional Council and its members, the Prime Minister and members of the government, the President of the Audit Board, the Governor of the Central Bank of Algeria, ambassadors, consuls, and governors. The declaration is to be submitted to the Chief Justice of the Supreme Court and its contents are to be published in the official newspaper of the People's Democratic Republic of Algeria within the two months following the election or assumption of duties by the individuals concerned.

The declaration of assets for presidents and members of elected local councils is to be made before the competent authority and published through posting on notice boards at the municipality or provincial headquarters, as appropriate, within a month.

C. public procurement and the management of public funds :

The Law 01/06 also addresses the regulation of public procurement and the management of public funds, emphasizing the importance of adhering to transparency and integrity standards in management practices. The law underscores the seriousness of embezzlement and bribery as criminal offenses, aiming to deter and punish any instances of corruption within public administration and procurement processes.

Article 09 of the law specifies the procedures applicable to public procurement as follows:

- Transparency of information related to the procedures for concluding public procurement contracts.
- Preparing in advance the conditions for participation and selection.
- Including a declaration of integrity when concluding public procurement contracts.
- Objective and precise criteria for making decisions related to concluding public procurement contracts.
- Exercising all avenues of appeal in case the rules of public procurement are not respected.

¹ Algerian Republic, Law No. 06-01, *concerning the prevention and combating of corruption, amended and supplemented*, Article 03.

² Algerian Republic, Law No. 06-01, *concerning the prevention and combating of corruption, amended and supplemented*, Article 06.



For the sake of enhancing transparency in the management of public affairs, institutions, administrations, and public bodies are required to primarily:

- Adopt procedures and rules that enable the public to access information regarding their organization, operation, and decision-making processes.
- Simplify administrative procedures.
- Disseminate informative materials about the risks of corruption in public administration.
- Respond to citizens' petitions and complaints.
- Justify their decisions when they are not in favor of the citizen and clarify the appeal mechanisms available.

D. Accountability and Anti-Money Laundering Standards:

The Law 01/06 outlines a set of procedures and policies aimed at ensuring transparency and integrity in dealing with both public and private funds, as well as preventing money laundering and financial corruption. These standards encompass several aspects, including :¹

- Holding accounts off the books,
- Conducting transactions without recording them in the books or without clearly specifying them,
- Recording fictitious expenses or misrepresenting financial obligations without accurately stating their purpose,
- Using forged documents,
- Intentionally destroying accounting documents before the legally mandated deadlines stipulated by applicable legislation and regulations.

In support of combating corruption, banks and non-bank financial institutions, including natural or legal persons providing regular or irregular services in the field of money transfer or any valuable assets, must be subject to an internal control system aimed at preventing and detecting all forms of money laundering in accordance with applicable legislation and regulations.

In addition to these measures, Algeria affirmed its commitment to international cooperation in combating corruption through different measures, including judicial cooperation, prevention, detection, and transfer of criminal proceeds, dealing with banks and financial institutions, and providing information. This aligns with international anti-corruption standards.

In support of what this law stipulates, the Algerian legislature has established a detailed set of laws related to corruption issues, such as: Law 23-01 concerning the prevention and combating of money laundering and terrorist financing,² Decree 05-06 concerning combating smuggling,³ Decree 03-10 concerning the movement of capital,⁴ and Law 03-11 concerning cash and loans.⁵

5-2-2-The establishment of national institutions dedicated to monitoring and combating corruption: Through its commitment to creating national bodies dedicated to fighting corruption, Algeria has initiated efforts towards their development and enhancement. The most important of these institutions include:

A- Traditional institutions: that has supported the Algerian missions in the field of preventing and combating corruption:⁶

Council of Accounting:

¹ Algerian Republic, Law No. 06-01, *concerning the prevention and combating of corruption, amended and supplemented*, Article 14.

² Algerian Republic, Law No. 23-01 of February 7, 2023 amends and supplements Law No. 01-05 related to preventing and combating money laundering and terrorist financing.

³ Algerian Republic, Order No. 06-09 of July 15, 2006 amends and supplements Order No. 05-06 of August 23, 2005 relating to combating smuggling.

⁴ Algerian Republic, Order No. 03-10 of August 2010 relating to the suppression of violations of legislation and regulation relating to exchange and the movement of capital to and from abroad.

⁵ Algerian Republic, Law No. 23-09 of June 21, 2023, includes the Monetary and Banking Law

⁶ Mazouz, A, *supra* note.



A supreme body for overseeing the secondary control of state funds and local communities established under the 1976 Constitution and founded in 1980. Its tasks and regulations were subject to amendment under Order No. 95-02 to enable its engagement in the effort to prevent and combat corruption by monitoring to establish proper, fair, and transparent management rules.

General Inspectorate of Finance:

Established in 1980 by Presidential Decree 80-53, which was amended by Presidential Decree 92-78 and underwent substantial amendments under Decree 08-272. The mission of the General Inspectorate of Finance is to oversee the financial and accounting management of the state, local communities, and industrial and commercial entities, as well as agencies and institutions.

Judicial Control Services in their Various Branches:

They are one of the effective mechanisms due to their widespread presence throughout the Algerian territory. Given their material resources, human frameworks, technical capabilities, and operational expertise, their powers have been reinforced by expanding the scope of regional jurisdiction and introducing effective research and investigation methods and operational rules based on specialized and continuous training for their human resources.

Central and Local Administrative Bodies and Services:

This includes the National Observatory for Monitoring and Preventing Bribery established by Presidential Decree 96-233, in addition to a range of central and regional services such as customs administration, the General Directorate of Taxes, the General Treasury Department, the Bank of Algeria, various sectoral committees for public procurement, financial controllers, and competition and price administration services.

B/Modern institutions:

Establishment of the National Anti-Corruption Authority: In compliance with the provisions of Article 6 of the United Nations Convention against Corruption, which states that "each State Party shall, by the fundamental principles of its legal system, ensure the existence of one or more bodies specialized in preventing corruption,"¹ Algeria, under Article 17 of Law 01/06, established the National Anti-Corruption Authority. Its mandate is to implement the national strategy for combating corruption. This authority is granted the status of an independent administrative authority with legal personality, directly accountable to the President of the Republic, and submits its annual reports to him. The authority serves advisory functions, proposing comprehensive policies for preventing corruption, coordinating between sectors and entities involved in anti-corruption efforts, addressing legislative gaps, preventing corrupt individuals from escaping justice, and making recommendations. Among its competencies are:²

- Suggesting comprehensive policies for corruption prevention that reflect the principles of the rule's law, integrity, transparency, and accountability in public affairs and funds management.
- Providing corruption prevention guidance to public and private entities, proposing specific measures, including legislative and regulatory ones.
- Developing awareness programs to educate citizens about the harmful effects of corruption.
- Collecting, centralizing, and employing all information that may contribute to detecting and preventing corruption.
- Ensuring coordination between sectors and cooperation with anti-corruption authorities at both national and international levels

National Office for Combating Corruption:

In line with the legislature's will to enhance mechanisms for combating corruption and support them institutionally and operationally, the Central Office for the Suppression of Corruption was established. The Central Office for the Suppression of Corruption is considered an enforcement agency operating under judicial supervision, with its main mission being the investigation and

¹ United Nations, "United Nations Convention against Corruption," Article 06.

² Kada, C, *The Algerian Experience in Combating Corruption and its Paradoxes: Ambitious Legal and Institutional Framework Lacking Enforcement Mechanisms*, *Rule of Law and Anti-Corruption Center Journal*, 01(03) (2019), <https://doi.org/10.5339/rolacc.2019.5:02-09>.



detection of corruption crimes and the referral of perpetrators to justice. The majority of its composition consists of officers and judicial police agents affiliated with the Ministries of Defense and Interior.

The National Office for Combating Corruption is regarded as a central operational entity within the judicial police under the authority of the Minister of Justice. It enjoys legal personality and financial independence. It was established by Decree No. 10-05 as a complement to Law 06-01 and by the provisions of the second chapter of the United Nations Convention against Corruption. However, it started its duties on March 3, 2013. Despite legislative provisions granting it independence in its work, it has yet to be granted legal personality and financial independence, despite the serious and sensitive powers entrusted to it, mainly related to investigating and probing acts of corruption.

Higher Authority for Transparency, Prevention, and Combatting Corruption:

Establishing this authority is part of the political and legal reforms adopted by the Algerian political system through the November 1, 2020, Constitution to enhance the legal and institutional framework related to transparency, prevention, and combating corruption. This includes elevating the National Authority for the Prevention and Combating of Corruption from a consultative body to the status of a regulatory institution and granting it broader powers.

This authority was inaugurated in July 2022 with the appointment of Ms. Salima Mesarati as its president. Law No. 22-08, issued on May 5, 2022, specifies the organization of this higher authority, classified by the constitution as a regulatory institution and endowed with extensive powers. It is tasked with formulating a national strategy for transparency and the prevention and combating of corruption, overseeing its implementation and monitoring, and contributing to promoting public ethics and improving the principles of transparency and good governance.¹

The Algerian legislator defined the National Anti-Corruption Authority in Article 18 of Law 06/01 as:² "An independent administrative authority enjoying legal personality and financial independence placed under the President of the Republic." Furthermore, the fourth chapter of the fourth section of the 2020 Constitution defined it as an "independent institution," considering it an independent administrative authority whose function is supervisory, tasked with promoting transparency in public life and preventing and combating corruption.³

5-3- The National Strategy for Transparency 2023-2027:

Recently, the Higher Authority for Transparency, Prevention, and Combatting Corruption has developed the so-called: The National Strategy for Transparency, Prevention, and Combatting Corruption 2023/2027, the preparation of this national strategy came "in line with the commitment of public authorities in Algeria to make the fight against corruption a national priority, as reflected in the President's program, which made ethical conduct in public life one of its main pillars⁴.

Through the strategy, the National Authority has identified a set of national objectives, which include:⁵

- Actualizing the rule of law.
- Cementing the principles of good governance.

¹Prime Minister's Office, *"The Prime Minister Presides over the Inauguration of the High Authority for Transparency, Prevention, and Combating of Corruption"*.online at: <https://cutt.us/Z6Nb7>, Accessed January 8th 2024.

²Algerian Republic, Law No. 06-01, *concerning the prevention and combating of corruption, amended and supplemented*, Article 18.

³Algerian Republic, Constitution of the Democratic and Popular Republic of Algeria 2020, Official Journal, Number 82, December 2020.

⁴HATPLC, *"NATIONAL STRATEGY FOR TRANSPARENCY :PREVENTION AND FIGHT AGAINST CORRUPTION 2023-2027"*.online at: https://hatplc.dz/pdf/RESUME%20_ANGLAIS.pdf, Accessed April 9th 2024.

⁵ibid.



- Promoting ethical conduct in public life.
- Enhancing participatory democracy to restore citizens' trust in state institutions.
- Improving Algeria's image on the international level.

To achieve these objectives effectively, the Authority has defined a set of general strategic purposes, which encompass:¹

- A. Strengthening transparency and moralisation of public life: this can be achieved through:
- Promoting the integrity of public officials.
 - Establishing transparency in public affairs management.
 - Strengthening accountability in the management of public affairs.
 - Reducered tape.
- B. Promoting the participation of civil society and the media in preventing and fighting corruption involves:
- Promote a culture of rejection of corruption in society.
 - Strengthen participatory democracy and social control in the management of public affairs.
 - Strengthening the role of associations in preventing corruption.
 - Involve the media in preventing and fighting corruption.
 - Encouraging the denunciation of corruption.

C. Strengthening transparency and integrity in the economic sector:which require :

- Promoting a transparent and competitive business environment.
- Strengthen integrity within economic companies.
- Prevent and combat money laundering.

D. Strengthening the role and capacity of the judiciary and control institutions in the fight against corruption which require the Strengthenment of:

- The capacity and role of supervisory institutions and law enforcement authorities.
- The role of the High Authority for Transparency, Prevention and Fight against corruption.
- The independence of the judiciary and the integrity of magistrates.

E. Encouraging international cooperation and asset recovery requires:

- Encourage international cooperation in the fight against corruption.
- Strengthen asset recovery and management mechanisms.

It is difficult to assess the effectiveness of this strategy early on. This depends on several factors, including the government's commitment to implementing the relevant policies and procedures, as well as the cooperation of other countries and international institutions in this effort. Generally, the success of the strategy can be evaluated by monitoring the progress made in combating corruption and recovering stolen assets, in addition to assessing the extent of international cooperation and measures taken to enhance it.

5-3- Challenges of combating corruption in Algeria:

On the other hand, despite the efforts made by Algerian authorities to improve the strategy for combating and preventing corruption, Algeria continues to suffer from this scourge in its different forms and degrees. The latest reports by Transparency International on the Corruption Perceptions Index for the year 2022-2023 indicated that the Arab world, in general, still witnesses widespread corruption in all its forms and degrees, evidenced by corruption indicators reported by the organization. Arab countries (including North Africa and the Middle East, according to the organization's classifications) scored an average of 38-39 out of 100 for the fifth consecutive year, attributed to political disorganization and private interests that override the public good in the

¹Ibid.



region - already ravaged by different conflicts - with corruption and human rights violations exacerbated during the COVID-19 pandemic.¹

In the 2023 report, Algeria scored 36 points and ranked 104th out of 180 countries globally, categorizing it among countries with high levels of corruption.² This highlights the need to identify the reasons behind this situation and find ways to overcome and remove its obstacles.

The state of corruption in Algeria is considered complex and constantly changing. Reports and studies indicate the existence of multiple challenges related to corruption across various government and economic sectors.

Many policies and reforms have been adopted in Algeria in recent years to combat corruption and enhance transparency and integrity. However, Algeria faces numerous challenges in effectively implementing these policies, including political and economic pressures, lack of technology and infrastructure, outdated administrative culture, and limited awareness of the risks and negative effects of corruption.

Efforts to combat corruption in Algeria are being strengthened at the level of state institutions and civil society, with a focus on enhancing transparency, accountability, and good governance in various sectors. However, achieving tangible progress in the fight against corruption requires continuous and concerted efforts across all relevant entities in the country.

From a realistic perspective, relying solely on laws won't effectively combat corruption. This legal arsenal won't fulfill its function or achieve significant results without being accompanied by efficient enforcement mechanisms. The launch of the national anti-corruption strategy by the Algerian government aims to activate deeper efforts in combating corruption nationally, following a participatory approach that involves all civil society actors.

Combatting corruption in Algeria is a long journey, not merely a decision or a law. Corruption, as a phenomenon, has negative effects on the state and its economy. It has become entrenched and institutionalized, requiring a comprehensive vision to uproot its local, central, administrative, financial, and ethical roots. Thus, political will is essential to combat it, as it continues to undermine the national economy. This will isn't just governmental but societal as well. Therefore, everyone must be involved in their respective roles to make progress in this ongoing journey.

Corruption has infiltrated public mentality, with bureaucracy often facilitating and supporting it, providing avenues for its persistence. Alongside anti-corruption efforts, there should be media campaigns to expose and report corrupt individuals, accompanied by regulations to protect whistleblowers.

6-CONCLUSION :

In conclusion, based on our study, Algeria has been one of the leading countries in responding to international demands to combat and prevent corruption. Algerian interest in anti-corruption issues has been reflected in several national laws and legislations, in addition to the establishment of different institutions with diverse mandates and areas of intervention in corruption-related issues, the latest being the establishment of the National Authority for the Fight against Corruption, which reflects Algeria's new direction towards building a comprehensive national strategy to combat corruption.

However, the Algerian national situation still suffers from the effects of corruption and its spread in many national sectors, as reflected in Algeria's ranking at the bottom of global rankings. This necessitates all official and non-official parties to share responsibility for combating this serious scourge. Therefore, this paper suggests a set of recommendations summarized as follows:

Firstly, enhancing democratic practices and principles of governance is essential, as corruption is a major obstacle to democratic work due to non-compliance with democratic standards. Thus,

¹ Transparency International, "CORRUPTION PERCEPTIONS INDEX 2023", online at: <https://images.transparencycdn.org/images/CPI-2023-Report.pdf>, Accessed April 9th 2024.

² Ibid.



Algeria should continue the comprehensive reform process based on democratic work standards involving pluralism, respect for freedoms, rule of law, transparency, accountability, and judicial independence.

Secondly, it is crucial to raise awareness about corruption and its dangers (political upbringing) and the necessity of genuine commitment to combat and change it among different parties. Combatting corruption is regarded as a culture and personal conviction before being a legal procedure and judicial pursuit. Therefore, it is essential to strengthen different educational and awareness mechanisms to instill an anti-corruption culture among individuals of all ages.

Thirdly, it is necessary to involve everyone in the combat against corruption, as it is everyone's responsibility and requires all participation, particularly through empowering and engaging civil society. Therefore, attention should be given to activating the role of non-official parties, particularly by granting them the necessary authority for oversight and reporting any violations and transgressions.

Fourthly, transparency should be prioritized, and the media's important role in the oversight process should be activated by granting them facilitations in their work and easy access to information.

Fifthly, expanding information technology and communication in administrative and oversight processes is significant due to its positive effect on consolidating transparency, facilitating oversight work, and documenting it.

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