

الوسائل الدولية لمكافحة جرائم الفساد

International Methods to Combat Corruption Crimes

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الملخص:

تعد جرائم الفساد من أخطر الجرائم على المستوى الوطني والدولي فضلا عن انتشارها الرهيب بسرعة ولأجل التصدي لها، نتطرق في هذا البحث الى بيان تعريف الفساد وصوره وخصائصه والأسباب التي أدت إلى انتشاره وأنواعه وآثاره المدمرة على المستوى الاجتماعي والاقتصادي والقانوني والسياسي ومدى تأثير جرائم الفساد على العلاقات الدولية، والتي بينتها اتفاقية الأمم المتحدة لعام 2003م والاتفاقية العربية لعام 2010م، وتطرق البحث إلى أهم الآليات الدولية في مكافحة الفساد من خلال المعاهدات الولية والمنظمات الدولية الحكومية مثل صندوق النقد الدولي ومؤسسة البنك الدولي، أو غير الحكومية مثل منظمة الشفافية الدولية. ونتناول في هذا البحث على المستوى الدولي تجربة الولايات المتحدة الأمريكية في مكافحة الفساد، أما على المستوى العربي استعرضنا التجربة السعودية، ثم تطرقنا الى مكافحة هذه الجريمة في العراق، وانتهى البحث بخاتمة واستنتاجات ثم التوصيات.

الكلمات المفتاحية: الفساد، مكافحة الفساد، الجهود الدولية في مكافحة الفساد، جريمة الفساد.

Abstract:

Corruption crimes are among the most dangerous crimes at the national and international levels, in addition to their terrible spread quickly. In order to address them, we address in this research a statement of the definition of corruption, its forms and characteristics, the reasons that led to its spread, its types and its destructive effects on the social, economic, legal and political levels, and the extent of the impact of corruption crimes on international relations, which was indicated by the United Nations Convention of 2003 AD and the Arab Convention of 2010 AD, and the research touched on the most important international mechanisms in combating corruption through international treaties and intergovernmental organizations such as the International Monetary Fund and the World Bank, or non-governmental organizations such as Transparency International. In this research, we will discuss at the international level the experience of the United States of America in combating corruption. As for the Arab level, we reviewed the Saudi experience, then we dealt with combating this crime in Iraq. The research ended with a conclusion, conclusions, and recommendations.

Keywords: corruption, fight, international. a crime

Introduction:

Corruption has become a global crime, and with the scientific and technical development of globalization and modern technology, it has moved from a national to an international scale, the impact of which goes beyond the territorial framework of the State to include an attack on human values in the international community at large.

The phenomenon of corruption is a crime of national law, but at the same time it is a transnational crime, falling within the framework of international criminal law, which in all legal systems has long acquired an international dimension relating to the competence to punish crimes involving a foreign element, i.e. ordinary crimes of an international nature, defined by international conventions: They are global crimes that affect the common core values of humanity and threaten the interests of all societies, requiring cooperation and international solidarity in order to counter the crime of corruption, whether through the rejuvenation of domestic legislation or through joint action to trace its perpetrators on a global scale.

Search problem:

The problem with this research is that the crime of corruption has become so widespread that it must be addressed by all means by the international community, through the conclusion of international treaties and the adoption of several decisions to limit and prevent its rapid spread.

Search objectives:

The purpose of this research, which is described in the International Convention against Corruption, is to make corruption and its types known, to explain its causes and the increase in the phenomenon of corruption, to describe the images of the crimes of corruption dealt with in international agreements and their impact on international relations, to identify the most

important international mechanisms for combating corruption as a cross-border crime, and to refer to the experiences of some States.

Importance of research:

The importance of this research is to identify the international efforts and means taken in the fight against corruption crimes, to identify effective action at the national and international levels and the legal measures in place to reduce and prevent the crime of corruption.

Research structure:

We took up the subject at two searches, one: The concept of the crime of corruption was outlined in two first requests: The second is its causes, types and effects, and the second is: International efforts to combat corruption: Application

First, the concept of the crime of corruption

corruption is defined as (exploitation by State officials of their places of work and their powers to obtain illicit profits or personal benefits and interests that cannot be achieved by lawful means, in other words, informal conduct imposed by certain circumstances to which societies are subjected from time to time). the absence of them and the bypassing of the policy and objectives declared and adopted by political power and other legitimate institutions for personal benefit, whether political, economic or social, of the individual or of the group.

(Transnational phenomenon affecting all societies and economies, making international cooperation to prevent and combat it necessary) The 2010 Arab Convention against Corruption defined corruption in the context of the content of its preamble and stated that corruption (A multifaceted criminal phenomenon with negative effects on moral values, political life and economic and social aspects The definition of corruption in the 2003 African

Union Convention on the Prevention of Corruption, article 1 of which states that: Acts and practices of related offences criminalized by the Convention.

The World Bank has also defined corruption as "the misuse of public or official office for the sake of private interest."

The International Monetary Fund (IMF) also defined corruption as "the misuse of public power for private gain," and Transparency International defined corruption as "any act involving the misuse of public office for personal benefit".

Section II: Images of corruption:

The United Nations Convention against Corruption of 2003, the Arab Convention against Corruption of 2010 and laws against corruption and money–laundering in various countries of the world have produced numerous forms of corruption offences, taking into account the evolution of corruption crime images. Corruption offences can be classified into two main types: traditional corruption crimes and modern corruption crimes.

First: Traditional corruption offences:

These offences, which are contained in national penal laws and anti–corruption laws, are in turn divided into offences of corruption harmful to the interests of the State and offences of corruption harmful to the private sector.

Offences harmful to the interest of the State. These offences are provided for by national penal laws, which include damage to public interests. The seriousness of corruption offences is evident when they directly affect the interest of society and endanger the State in the external entity or in its political stability and in the public trust in its institutions and administrative and economic systems.

1- **Bribery:** "an offence involving the trafficking and exploitation of the public official's functions for his or her own benefit," which is the most serious scourge to the public service and which exorcises the organs of States. It is also defined as "bilateral conduct which presupposes the contribution of two persons, the public official or any person in his judgment, who requests or accepts an offer or a promise in exchange for his or her performance and omission from his or her employment or breach of his or her duties, The other person, who is the stakeholder or need who makes or promises the Attiya and is called the Rashi, An intermediary may intervene between them, seeking to complete the agreement between them, called the mediator or the fearless. "The reason for the criminalization of bribery is that the right abused is the integrity of the public service and is the right of society as a whole. This crime robbes the public official and the State of their respect from the citizens.

Internationally, articles 15 and 16 of the United Nations Convention against Corruption of 2003 provide for the crime of bribery and require that it be considered an offence in accordance with national laws, as well as article 4 of the Arab Convention against Corruption of 2010.

2- **Crime of embezzlement:** The offence of embezzlement is considered to be an aggravated act of treason and is based on the seizure by the public official or by his or her judgement of public money granted by reason or by virtue of his or her employment. The crime of embezzlement is based on the fact that it is regarded as a betrayal of the trust which the State has placed in the employee, the trust entrusted to him and the possession of public property for his own account. Article 17 of the United Nations Convention against Corruption provides that (Each State Party shall adopt such legislative and other measures as may be necessary to criminalize the deliberate embezzlement or waste

by a public official of any property, funds or other objects of value entrusted to him or her by reason of his or her location or other diversion.

Articles 315–320 of the Arab Convention for the Suppression of Corruption established the offence of embezzlement as an offence under Iraqi Penal Code No. 111 of 1969. Articles 315–320 also criminalize and punish embezzlement.

3- **The offence of treachery** is the fact that a public official takes a money owed or exceeds the entitlement to be paid by a citizen to the State. The reason for the criminalization is the will of the legislator to protect individuals from abuse of public office.

We note that due to administrative chaos, lawlessness and general deterrence, the crimes of treachery are widely committed. A huge amount of money, such as fees and fines, without legal grounds for the development of provinces, territories or other illegal justification, goes to the pockets of corrupt people and those who stand behind them. Nevertheless, there are no explicit legal provisions criminalizing this act as a corruption offence.

Harmful corruption in the private sector:

1- **Offences committed within private activity** by individuals or moral persons such as corporations, including bribery and embezzlement in the private sector," as follows: The Private Sector Bribery Act: "Any person who manages or works for a private sector entity is promised, offered or granted, directly or indirectly, a benefit or benefit in order for that person to act or refrain from acting in violation of his or her duties." This act has been criminalized for engaging with the ordinary crime of bribery in most of its elements, as confirmed by the United Nations Convention against Corruption for 2003 in its article 21 (States shall consider all necessary to criminalize bribery in the private sector).

2- **The offence of embezzlement in the private sector:** "The offender here is described as an employee or worker of private companies. The physical element of this crime is the act of embezzlement and unlawful seizure or facilitating the seizure of others. The moral element is the necessity of the criminal intent of knowing and wanting that the money belongs to the company and yet the offender wants to commit the crime."

3- **Crime of concealment:** This is the concealment of criminal acts obtained, such as money-laundering, and the crime of concealment, a crime of corruption, which is committed only in the presence of the special pillar. The perpetrator knows that the funds were obtained from a punishable offence. Article 24 of the United Nations Convention against Corruption, for 2003, and article 4 of the Arab Convention against Corruption, for 2010.

4- **The offence of false communication:** "A person intentionally informs or informs the competent authorities of a malicious and false report of a crime of corruption, and a malicious communication in all its forms, whether written or written, is an intentional offence, i.e., that the person doing so knows that the information he provides is incorrect and that the accused person or victim is innocent of charges under this false communication."

Second: Modern corruption crimes:

Anti-corruption laws in Arab and foreign States have included many new crimes of corruption, which have not long been criminalized as a result of the development of corruption offences and the emergence of new forms and forms of corruption. These offences include the United Nations Convention against Corruption of 2003 and the Arab Convention against Corruption of 2010, respectively:

1- **Money laundering:** This offence is the transfer of the financial proceeds from criminal activity into funds that appear legally or legitimately in the possession of the offender.

2- **Bribery of foreign officials and employees of international institutions:** "Willfully promising, offering or giving to a foreign public official or an official of a public international organization an uncommon advantage, directly or indirectly, for the benefit of the official himself or herself or herself or another person or entity, in order that the official act or refrain from acting in the performance of his or her official duties in order to obtain an undue commercial benefit or advantage."

3- **Failure to report and cover up corruption offences:** failure to report corruption offences or to avoid them from serious crimes, which are intentional offences requiring knowledge and knowledge.

4- **Crime of obstruction of justice:** The use of physical force, threats, intimidation, intimidation or the promise, offering or granting of an undue advantage to incite false testimony, to interfere with testimony or to give evidence in proceedings involving corruption offences or to interfere with the work of a law enforcement officer in connection with corruption offences, This crime also includes the act of refraining from giving control over documents and documents relating to corruption offences. The crime of obstruction of justice is one of the intentional offences in which the moral element takes the form of a criminal intent with knowledge and will. Article 25 of the United Nations Convention against Corruption of 2003 also emphasizes this crime.

Section III Characteristics of the crime of corruption:

We must identify the characteristics of corruption offences in order to put in place appropriate legislative mechanisms to combat them nationally and internationally.

1- **Secrecy:** Corruption offences are classified because they are illegal, legally and socially unacceptable, and because of their high penalties of

imprisonment, imprisonment, financial penalties and dismissal from employment.

2– **Spread:** The crime of corruption has the advantage of being widespread, especially in the case of an appropriate incubator. Scientific development has had a significant impact on the rapid spread of corruption and the transcendence of borders.

3– **Internationality:** The most transnational crimes of corruption, because of their arity, are a global crime, an attack on human values and the international community. We therefore believe that national penal laws should be co-ordinated to combat them through treaties and determine the universal jurisdiction of national courts to punish them, regardless of where they are committed, the nationality of the perpetrator or the victim.

4–**Corruption of dangerous crimes:** Corruption is a crime that manipulates the destiny of peoples and future generations. It is therefore a great danger to the entire world, and it has become organized and very dangerous crimes. National criminal legislation and international conventions must therefore not await harm.

5–**Corruption is an offence committed jointly:** Corruption is no longer an individual crime but is committed by several parties, A person who benefits from a corruption that meets another person benefits from the criminal act at the same time. It turns out that there are original actors, including partners, and there is a moral actor who moves others as a tool to commit crime. The middlemen are often seized and the large and masterminded heads go unpunished. The concept of participation, contribution and moral actor must therefore be defined and criminalized, as should international crimes.

Corruption: causes, types and effects:

We shall explain in this request the reasons for the spread of corruption and the types of corruption and its effects on the economic, social, political, administrative, service and international relations, as follows:

Causes of corruption:

1- **Political causes of corruption:** Political causes are the main cause of financial and administrative corruption and are the basis for all types of corruption. Administrative action is within the political curriculum, and corruption of politicians and lack of control results in breaches of the laws and deviations of employees.

2- **The legal grounds for corruption:** The lack of legislation, its ambiguity or its contradiction, and the existence of legal loopholes from which corruption and corrupt persons are infiltrated, are called corruption, and if the law is not binding on all citizens and individuals, it becomes a cause of corruption related to the rule of law.

3- **Organizational and administrative reasons.** Administrative backwardness and the failure, backwardness, lack of independence and vulnerability of regulatory bodies to corruption have led to widespread administrative and financial corruption.

4- **Social causes of corruption:** The most important social causes of corruption, the most important of which are class inequality, internal and external migration and other causes of pressure on society, may result in a weak national sense and a weak religious distribution.

5- **Economic causes of corruption:** Note that most crimes of corruption are committed because of the economic factor, We believe that economic distress leads to psychological pressure and is motivated to commit crimes such as theft, embezzlement, bribery and forgery. The nature of the economic and political system also plays an important role in guiding

economic activity. The sudden and unregulated economic transition, widespread unemployment, poverty, low salaries and low wages are among the most important economic causes of the rise and spread of corruption and the misallocation of wealth, leading to the emergence of a two-tiered, harmonious society that is deprived of the most basic human features.

Types of corruption:

The types of corruption offences vary depending on the angle from which they are viewed or the circumstances associated with them, as follows:

- 1- Types of corruption in terms of prevalence: Splits into two types: The first is local and the second is international.
- 2- Corruption is divided into institutional and non-institutional corruption.
- 3- The consequences of corruption in terms of its freedom of practice are divided into forced corruption or corruption of conspiracy.
- 3- The types of corruption in terms of persons engaged in it are divided into two types: Top Corruption: Big Corruption and Middle and Lower Class Corruption: Pure Corruption.
- 4- The consequences of corruption in terms of the number of persons are divided into: Corruption of individuals and collective corruption.
- 5- Corruption in terms of organization in its practice: Divided into organized and unregulated corruption.

Effects of political corruption:

Among the most important forms of political corruption are:

- 1- The inability to formulate an independent political decision because it is in the special interests of the corrupt would undermine trust between power and individuals on the one hand and isolate the State from the international community.

2- It has the effect of weakening democracy, reducing its foundations and neutralizing the concept of good governance. "the political dimension of the legitimacy of political power, the technical dimension of the functioning of the administration and its success in providing services, and the economic and social dimension, but the prevalence of corruption undermines the three dimensions when it creates an undemocratic environment and weakens the State system."

3- Weak political stability leads to political chaos and conflicts between political currents, leading to widespread violence in the country.

4- Weak political participation and theft of voters' votes in favour of groups in disguise as a result of the monopoly of governing power, its acquisition of political, security and economic decision-making and the fact that other opposition forces and parties are not allowed to participate in governance.

5- The weakness of the State in the international field reduces its ability to negotiate with global companies in the interest of bribing politicians. This is evident in some Arab States, including Iraq, as a result of the deterioration of their situation and the spread of corruption.

Economic effects of corruption:

1- Corruption leads to a waste of State resources because it reaches a level of non-entitlement, as well as to a low level of investment and the removal of capitalists, which in turn leads to a decline in income and national output.

2- To reduce the access of the State to the international loans and aid necessary to sustain development in order to lose confidence in the administration of the State and the loss of such funds, as in Iraq as a result of widespread corruption.

3- Public revenues of the State are weakened in terms of duties, taxes and revenues.

4- Capital markets, exchanges and the fall in the exchange rate of national currencies vis-à-vis foreign currencies lead to instability in the national economy.

5- Increase public spending, distort government spending, increase security and media spending, and buy support and support will transform all sectors from producers to consumers.

Legal effects of corruption:

1- Under a corrupt system, legislation is certainly incapable of fighting corruption.

2- Selective application of laws and the ineffectiveness of most of them due to the corruption of those responsible.

3- Lack of independence of the judiciary because the appointment of the leadership of the judiciary is subject to the will of the ruling political power.

Effects of corruption internationally:

1- Low foreign investment undermines economic and human development, as the relationship between corruption and investment is counterproductive and comprehensive and sustainable development is lacking at all levels.

2- The erosion of international relations in all areas, in particular diplomatic and economic relations, has a negative impact on international and economic trade as it is centred on linkages and trade and economic and capital transfers.

3- Corruption distorts honest international competition and is a constraint on the freedom of international trade, contributing to the spread of illicit trade as well as the notoriety of the State.

International efforts to combat corruption

In view of the devastating effects of the crime of corruption on the world economy and the difficulty of dealing with it by the State alone, it has

led to the consolidation of formal and informal international efforts to conclude international anti-corruption treaties and to the establishment of formal international anti-corruption organizations to deal firmly with this crime and reduce its horrific consequences. We will address this: International anti-corruption mechanisms in the first, and in the second, some international applications in the fight against the crime of corruption.

International anti-corruption mechanisms

Corruption crimes have become serious international crimes in terms of their implementation and effectiveness. In order to reduce their impact, international cooperation is required to combat them. In order to explain this, we have divided this requirement into two sections: Institutional mechanisms to combat corruption.

Several international anti-corruption conventions have been concluded, such as the United Nations Convention against Corruption for 2003, which have a direct impact. All regional conventions contribute to the fight against corruption.

2003 United Nations Convention against Corruption.

The International Convention against Corruption of 2003, article 1 of which refers to support for measures to prevent and combat corruption, calls for international cooperation and the promotion of the values of integrity and the faithful management of public affairs and property.

The preamble to the Convention noted that corruption was a transnational phenomenon affecting the entire world. Action was needed to combat it because of the dangers it posed to security and stability. All States must therefore cooperate with each other and with international organizations, civil society organizations and individuals. The Convention therefore contained provisions relating to compliance with its provisions and the acts criminalized by the Convention, as follows:

Implementation of and compliance with the United Nations Convention against Corruption. It should be noted that the Convention is a multilateral international treaty and its provisions are in force in the domestic law of States parties. The rules of international treaties must therefore be applied and implemented within the framework of domestic legislation. "It is the view of the majority of scholars of international law who are theorists of the unity of law, such as George Sale, Burkan and Kulsen, which emphasize the superiority and primacy of international law over national law for practical and logical considerations confirmed by international justice and action." The main principles of the Convention against Corruption in implementation are:

1–Article 65 of the International Convention against Corruption provides (the application of the Convention and its implementation by investigating and prosecuting bodies is in accordance with national laws), which emphasizes the legislative and executive action required to give effect to the Convention.

2–The Convention allows States parties to complement the provisions of the Convention through legislation or to enter into other bilateral or multilateral conventions, as indicated in article 31 on respect for the sovereignty of States and the principle of their equality.

3–The liability rules shall apply to States Parties in the event of non-compliance with their rules, and article 46 of the Convention refers to ways of resolving the dispute between States by arbitration and of not bringing the dispute to the International Court of Justice.

4–The national judge must comply with the provisions of the Convention by incorporating them into domestic legislation, which the State is obliged to adapt to the provisions of the Convention.

5–To eliminate the State in the territory of the State, taking into account international cooperation in the application of judicial assistance and other methods and mechanisms of international cooperation in the fight against corruption.

There are two categories of crimes, the first of which States have a duty to criminalize in their domestic law, which were criminalized by the International Convention against Corruption of 2003, and the second of which has left the freedom to criminalize and provide for States. In domestic laws, the offences to be criminalized are:

- 1- The offence of bribing a public official (as provided for in article 15 of the Convention).
- 2- The offence of bribery of foreign public officials and officials of public international institutions (in accordance with article 16 (a) of the Convention).
- 3- The offence of embezzlement of public property (article 17 of the Convention).
- 4- The offence of money-laundering (article 23 of the Convention).
- 5- The offence of obstruction of justice (article 25 of the Convention).

For offences which the Convention has left the choice to States to criminalize in accordance with their domestic laws, the following are:

- 1-Application for bribery by foreign public officials and officials of international institutions (article 16).
- 2-Exploitation by a public official of actual or presumed influence in a manner contrary to the law (article 18).
- 3-Illicit wealth (article 20 of the Convention).
- 4-Bribery in the private sector (article 21).
- 5-Embezzlement of property in the private sector (article 22).
- 6-Concealment of property knowing its origin is unlawful (article 24).

Arab Convention for the Suppression of Corruption, 2010.

In its Charter, the League of Arab States emphasized the need for Arab cooperation in the fight against corruption as a transnational phenomenon. In conformity with the International Convention for the

Suppression of Corruption of 2003, the Arab Convention for the Suppression of Corruption was concluded and ratified in 2010 and entered into force in 2013. For the purpose of consultation, the following statement is required.

Objectives of the Arab Convention for the Suppression of Corruption:

- 1-Preventing and combating corruption in all its forms and other related crimes? It's out.
- 2-Of course. Recovery of funds and assets resulting from corruption.
- 3-Encourage individuals and civil society organizations to participate in preventing and combating corruption.
- 4-promoting integrity, transparency, accountability and the rule of law.

The Arab Convention against Corruption refers to preventive measures in article 10:

- 1-Periodic evaluation of legislation and measures taken to develop and comply with anti-corruption policies,
- 2-prevention and functional conduct regulations.
- 3-Development of objective criteria for government procurement and contracts.
- 4-Prevention of corruption in the private sector by all available means. Invitation to Member States to cooperate with international and regional institutions in accordance with their regulations according to internal legal.
- 5-Establishment of impartial bodies, granting them the necessary independence and powers and improving their performance in the fight against corruption.

Arab Convention for the Suppression of Corruption, 2010:

- 1- This Convention omits measures to recover property and does not specify the concepts of criminal proceeds. The Convention omits

measures to combat money–laundering. The Convention has also emphasized in more than one article the sovereignty of Arab States. The draft convention is the question of sovereignty and non–interference in internal affairs, not the issue of combating corruption, which has a significant impact on the economies of Arab States and on Arab societies, all of which are weaker than the Arab Convention against Corruption.

- 2– Unwillingness or inability to implement the rules of these conventions in the domestic laws of Member States, and failure to comply with the national laws competent to combat corruption in the application of international conventions.
- 3– Legal safeguards for the protection of victims, whistleblowers, witnesses and complainants are very weak.

Institutional mechanisms and their role in combating corruption:

Reference should be made to some international institutions operating in the United Nations system. Most importantly the International Monetary Fund (IMF) and the World Bank, which have played a significant role in the fight against corruption, The role of NGOs in Transparency Worldwide also played a major role in the fight against corruption, As well as the role of international criminal justice in deterring the perpetrators of corruption, we will respectively state:

The role of intergovernmental institutions in the fight against corruption Because of the serious effects on the international community, the competent intergovernmental organizations and bodies have done everything possible to combat corruption, including:

- 1– The functions of the United Nations in combating and eradicating corruption.
- 2–The role of the Organization for Economic Cooperation and Development in combating corruption.

3- Combating corruption through the activation of Interpol's international police role.

4- Fighting Corruption in the Role of the International Financial Action Group: The World Bank and the International Monetary Fund (IMF), as well as the efforts of the International Trade Organization (WTO) to combat corruption, are the specialized intergovernmental organizations with the greatest role in the fight against corruption by using a variety of means to address this phenomenon.

Role of the World Bank in the fight against corruption:

"The World Bank is the world's largest source of financing, providing financial and technical assistance," particularly in third world countries, for the purpose of raising their economies to the global level, and is one of the largest international financial institutions concerned with the fight against corruption, taking important steps:

1-Acts to prevent and combat corruption in projects it finances, as a prerequisite for the provision of assistance to developing countries and to the competent authority in the fight against corruption.

2-Establishment of lending requirements and controls to prevent corruption.

3- Assisting developing States in the fight against corruption.

4-Establishment of a competent service to investigate suspicions in projects financed by the World Bank.

5-Identify a set of procedures and mechanisms for advertising the names of individuals and companies with indicators of corruption or failure in the projects they have implemented in order not to involve them in the implementation of the new projects financed by the World Bank, as this has an important impact and an effective role in the fight against international corruption on the one hand and in strengthening confidence in the work of the World Bank and the success of its functions on the other.

The International Monetary Fund:

"an institution representing Governments established by an international treaty to oversee the functioning of the new international monetary system after the Second World War.

The establishment of the International Monetary Fund (IMF) is aimed at promoting international monetary cooperation, facilitating the growth of international trade, stabilizing the foreign exchange rate and building a unified payment system, as well as financing and lending operations. "The International Monetary Fund (IMF) has played a major role in the fight against corruption by putting in place controls over the provision of loans and financial assistance and emphasizing the suspension of financial assistance to a State where government corruption is proving to impede the tasks of overcoming economic problems in those States." The Fund has provided a range of controls regarding the provision of loans and assistance to achieve its anti-corruption objectives. The suspension of financial assistance to a State where corruption is prevalent has been adopted, including in cases where assistance and loans are prohibited, as follows:

- 1–Involvement of government officials in customs fraud or tax evasion.
- 2–Poor use of hard currency reserves in the country.
- 3–Exploitation of authority by the responsible authorities in the supervision of banks.
- 4–Corruption in the regulation of national investment.

The functions of IMF are as follows:

- 1–The oversight advisory function is to control exchange rates and determine financial and economic policies and controls for economic and financial development and stability.
- 2–Default function: IMF requires Governments to take action to address

economic crises in cases of bankruptcy and currency exchange instability by granting loans and bank facilities in accordance with agreements to reduce poverty and promote economic growth.

3-Substantive function: The Fund provides all its considerable expertise to assist requesting States in increasing their capacity to formulate and implement successful economic and financial policies.

Objectives of Transparency International:

- 1- Hacking the anomaly surrounding corruption.
- 2-To disclose the lack of action taken against corruption nationally and internationally through the shared knowledge and awareness of corruption by all States.
- 3-To bring together and coordinate the work of the various parties and their understanding of the fight against corruption.

Transparency International working mechanisms:

Major global corporations have criticized Transparency World and accused it of corrupting public officials, but the organization has continued to uncover corruption and has been successful through its work based on the following mechanisms and means:

- 1-Collect information on the phenomenon of corruption and develop new policies and methods to measure levels of corruption through the collection of information and data.
- 2-Since its establishment, the Organization has been a consultant and technical secretary for international anti-corruption conferences and a permanent presence in international anti-corruption forums at the State level.
- 3-Cooperation with financial and banking institutions in the implementation of the Know Your Customer Program. By providing them with adequate and available information on international individuals and institutions,

drawing on their existing database, as well as supporting national institutions and associations working in the fight against corruption.

4–Transparency International had a role in concluding many of the relevant international conventions against corruption.

5–The Organization prepares and publishes periodic reports on the level of corruption in the world, the so-called indicators of corruption, as well as other reports and indicators such as the Bribery Payers' Index and the Comprehensive Global Report.

–Corruption Cognition Index:

"a composite index, a combination of corruption surveys and assessments collected by a variety of reputable research institutions. This indicator is adopted by Transparency International in its periodic reports in measuring levels of corruption in all countries of the world." The features of this indicator are:

1–This indicator is the most widely understood indicator of corruption to see its global prevalence.

2–Focusing on corruption of public servants through the Corruption Awareness Index and the extent to which they abuse and exploit public office and deviate from it in order to pursue personal interests, such as specific administrative and political corruption, or corruption of government officials, the Index warns of the seriousness of such corruption.

3–The scale of corruption cognition starts from 0 ° C to 100 ° C and is considered to be the highest level of (very corrupt) government sector in a given state, while the degree (100) equals the lowest level of perceived corruption (very clean).

4–Transparency World procedures all data sources for the Cognitive Index and a detailed image to ensure that these sources meet the Organization's quality standards.

5–The OECD Corruption Cognition Index is based on independent and

specialized sources of governance and business, and reflects the views of specialists and their inclusion in international questionnaires in the assessment of States. A specific period of 24 months is adopted as a measurement unit to reflect and adopt the Corruption Cognition Index in the States of the world.

International criminal justice and its role in combating corruption:

Article 93/10 of the Rome Statute provides that (If so requested, the Court may cooperate with and assist any State Party if that State is conducting an investigation or trial in respect of conduct which constitutes an offence within the jurisdiction of the Court or constitutes a serious crime under the national law of the requesting State) This section indicates that perpetrators of corruption offences can be prosecuted at the request of a State if it is a party or not to a convention. (International Criminal Court) and its activation will allow international criminal justice to play an important role in punishing perpetrators of corruption.

International applications in the fight against corruption

Levels of corruption are periodically assessed by international institutions and Transparency International, Presents the International Classification of the Level of Corruption and the extent to which a State adheres to international standards and considers it an environment fit for investment or not, Among Transparency International's most recent report, based on 113 corruption assessment surveys prepared by international experts to determine levels of corruption in 180 countries and a ratio ranging from zero to 100, the 2018 report revealed the seriousness of the spread of corruption in the world and the ongoing failure in most States to curb corruption. There is a close link between the strength of democratic systems and the weakness of corruption.

The report issued a list showing the most corrupt and the least corrupt countries in the world, and the Arab countries were the United Arab Emirates? Somalia comes at the end of the list and is the most corrupt country at the Arab level, followed by Syria, Yemen, Sudan, and Iraq.

Anti – corruption in the United States of America:

According to international indicators, reports and Transparency International reports, the United States of America is a developed country in the International Classification at the Anti–Corruption Level, and since 2011 it has been among the top 20 countries in terms of integrity according to the World Corruption Level Scale, which shows the level of 180 countries as a unit of measurement – the Corruption Awareness Index of Transparency International. This success is due to the adoption of initiatives since the 1990s,

The identification of corruption hubs and the adoption of new anti–corruption mechanisms, which will be outlined in turn:

- 1–Initiative to Ban Corrupt Foreign Practices. Act Practices Corrupt Forward, where a U.S. company was held accountable if it was treated with corruption.
- 2–Participation of the United States of America in the Inter–American Convention against Corruption. 1969 to criminalize the international bribery of government officials in international transactions.
- 3–Entry by the United States of America into the Convention against Bribery in the International Commercial Sphere in 1997 with the participation of 34 States.
- 4–The United States of America has worked with intergovernmental institutions such as the World Bank, the International Monetary Fund and non–governmental organizations such as Transparency International to unite the international effort against corruption.

The anti-corruption instruments used by the United States of America are:

economic reform, transparency and clear action, enhancing the efficiency of administrative organs and government institutions, granting appropriate authority for financial control through financial reform, the independence of the judiciary, cultural upgrading of the American people, the enactment of a law on international engagement, and the examination of existing laws and their appropriateness in creating effective regulatory bodies in the fight against corruption.

Recent anti-corruption mechanisms used by the United States of America, the most important of which is reporting, is reporting an act of gravity to an employee in his or her workplace, such as violating the law or regulations or damaging public interests, such as serious acts of public health and safety or the environment, or constituting fraud and fraud, and acts constituting offences within the concept of corruption. The reporting mechanism is of great importance in detecting corruption offences, Expresses the level of fidelity to the country, despite this importance, which poses a threat to the life, family and property of the whistle-blower and his revenge on him by corrupt actors and elements of organized crime, This has led to the enactment of a series of laws that provide protection and support to them as they face the most serious crimes and perform a national mission that has both dimensions and advantages in the fight against corruption,

the most important of which are:

- 1-The Whistleblower Protection Act, 1989 guarantees full protection to the public official.
- 2-The Investor Protection Act 2002 and the Accounting of Publicly Traded Companies.

3–The Counterfeit Claims Act of 1863, amended in 1990.

4–The Consumer Products Safety Act.

Combating corruption in Saudi Arabia:

The Kingdom of Saudi Arabia, like other forms of corruption, cannot be without it, because corruption exists with financial transactions in general, and since Saudi Arabia has great financial, commercial and economic dealings with the world, allowing for the emergence of the crime of corruption, and in order to reduce the devastating effects of corruption, the Kingdom has taken a strong response by providing substantial support to the agencies involved in combating corruption. Of the 180 States in Transparency International's Corruption Awareness Index 2018 and fourth ranked Arab, this level is good compared to other States. This was done through the responsible bodies and the actions taken by them to combat the crime of corruption, as follows:

Institutions responsible for combating corruption:

1–In 2004, Saudi Arabia adopted the principle of openness in the fight against corruption and the involvement of civil society organizations in the fight against corruption, as well as the principle of accountability of all State officials.

2–Legislation on laws and regulations aimed at strengthening the fight against corruption, the most important of which are the Anti–Money Laundering Act of 2003, the Bank Control Act of 2005, the Accountability of Employees for Questionable Sources and Staff Enrichment Act of 1962, as amended.

3–Examination and revision of the administrative pyramid of all institutions and review of the system of public functions.

4–To invite citizens to cooperate with the competent bodies in the fight against corruption, to find a hotline for receiving complaints and

communications on a 24-hour basis, and in an unprecedented step to open a bank account for the purpose of returning public funds stolen or embezzled to those wishing to return them voluntarily as a result of remorse or discharge.

5-Adoption of an electronic system of daily transactions and reduced friction between citizens and State officials aimed at reducing corruption as well as supporting scientific research and administrative development in the fight against corruption.

Combating corruption in Iraq

Iraq is one of the first countries in the world's oil reserves and its daily production is about. 6 million barrels, population over 40 million, oil equivalent (90%) of State revenue is therefore the main source of Iraq's balance. At first sight, the division of budget sections shows the opinion of the competent and non-competent person that the management of State resources through this mechanism is incorrect.

If we compare the devastating effects of the wars that Iraq experienced with the effects of the embargo and occupation in 2003, and if we compare this budget to the minimum, as measured by the urgent need for the reconstruction of infrastructure, and what has happened after 17 years of occupation, from the destruction of everything that points to the viability of the State and the collapse of the economy and the social and security system, the crime of corruption has spread.

In its most recent report, Transparency International reported that Iraq was one of the most corrupt countries in the world, followed by Sudan, Somalia and Syria, and ranked 168th out of 180 countries as a global measurement unit for 2019.

We will show the seriousness of corruption crimes in Iraq, the main reasons for the spread of corruption and the main actions taken to combat corruption

at the national and international levels and the institutions that have faced corruption crimes.

Conclusion:

1–The inability of States to combat the crime of corruption alone as a transnational crime.

2–Corruption is influenced by the culture of peoples, the stability of the economic situation, unemployment, poverty and so on.

3–The United Nations Convention against Corruption of 2003 is the main and effective focus of the fight against corruption and its reduction.

4–The functioning of oversight bodies is influenced by religious, sectarian and political considerations and limits their independence.

5–The most serious crime of corruption is elite corruption, as well as the corruption of the security services.

6–The lack of deterrence of perpetrators of corruption and the loss of transparency and integrity reinforce the prevalence of corruption.

Recommendations:

1–Implementation of international conventions, implementation of their provisions and incorporation into national laws, and the need to intensify cooperation between all States, on the one hand, and between international organizations and States, on the other.

2–Conclusion of international conventions binding on all States of the world that address the crime of corruption and impose sanctions on States that do not abide by their provisions, as they threaten the international public order.

3–The selection of government officials by adopting the principle of (the right man in the right place) and taking into account competence, integrity, expertise and specialization.

4–Adoption of modern technology, investigative and analytical tools, adoption of e–governance and reduction of friction between entrepreneurs and the career cadre.

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