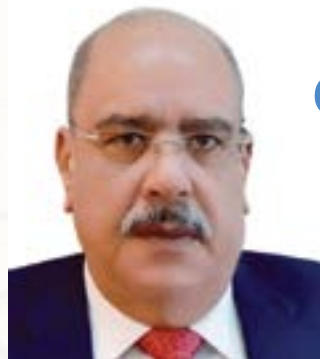




Role of the Central Auditing Organization in Combating Corruption within the International and National Frameworks



Judge/ Hesham Badawi
Chairman of the Central Auditing Organization

Articles 215219- of the Egyptian Constitution define the general framework for the Central Auditing Organization work as being one of the technically, financially and administratively independent audit bodies entrusted with the duties of monitoring funds of the state, the public legal persons and other bodies specified by its law. It is also entrusted with monitoring the implementation of the state general budget and independent budgets and auditing their accounts, as well as submitting annual audit reports to the President of the Republic, the House of Representatives and the Prime Minister as soon as they are issued. Moreover, it informs the competent investigation authorities of the discovered evidence of violations or crimes in accordance with the provisions of law. It determines its obligations as one of the monitoring bodies concerned with combating corruption in coordination with other independent and related bodies and strengthening the values of integrity, transparency and partnership in implementing the National Anti-Corruption Strategy as regulated by law. This happens within the legally prescribed powers of the Organization regarding the functions of financial control, performance control, monitoring and implementation of the plan and legal supervision of the decisions issued regarding financial violations.

The general constitutional and legislative framework for the Organization work in implementing its national control and anti-corruption obligations is consistent with the implementation of its international obligations under the articles of the "United Nations Convention against Corruption", approved by the United Nations General Assembly Resolution No. 584/ dated 102003/31/ to which the Egyptian government acceded on 92003/12/. This was regulated by Presidential Approval Decree No. 3072004/ on 112004/09/, and ratified by the Egyptian House of Representatives on 202004/12/ (provision of Article 151 of the Constitution). The Convention entered into force on 142005/12/, through which the Organization undertook implementation of the decisions of the conferences of the States Parties to the UN Convention. The latest were the decisions of the Conference of the States Parties in its ninth session, held in Sharm El-Sheikh, Egypt, during the period 1317- December 2021, chaired by Egypt, represented by the Administrative Control

Authority. This Convention is the first comprehensive international legal instrument whose application is binding to the States Parties to the UN Convention against Corruption without prejudice to the provisions of Article 4 of the Convention on the "preservation of sovereignty" of the States Parties to the Convention.

The good practices of the Egyptian state in promoting the Organization's role as defined by the constitution and legislation, and in implementing its obligations under the terms of the UN Convention against Corruption and the decisions of the regular conferences of the States Parties to it, include the following:

- Enhancing coordination between the Administrative Control Authority, law enforcement agencies and the Organization in the areas of combating corruption and promoting the values of integrity and transparency to ensure proper performance of the public function and the preservation of public money through cooperation in developing and monitoring implementation of the

National Anti-Corruption Strategy as regulated by law.

- Membership of the Organization in both the "National Coordination Committee for Combating Corruption" whose powers include activating the effective implementation of the provisions of the UN Convention against Corruption, and the "Coordinating Sub-Committee for the Prevention and Combating of Corruption". Its competencies include preparing the necessary study for the development and implementation of the National Anti-Corruption Strategy and monitoring its implementation.

- Proceeding with achievement of the sixth goal of the second phase of the National Anti-Corruption Strategy, which is related to supporting law enforcement agencies to prevent and combat corruption through participation of the Organization in taking executive measures that include:

- Completing the development of the organizational structure of the Organization in preparation for its approval, and concluding a draft of an expanded cooperation protocol between the Administrative Control Authority, the law enforcement agencies and the Organization". This includes concluding a bilateral protocol between the Authority and the Organization regarding the mechanism of cooperation and exchange of information in combating corruption, corruption crimes and the crimes of laundering corruption proceeds as prescribed by law as well as updating the informational structure of the regulatory agencies.

- In addition, the state should pay due attention to the audit reports issued by the Organization and should take the initiative to implement its recommendations.

The good practices implemented by the Organization in fulfilling its national and international obligations also include the following:

- Performing its duties within a legal framework that enhances transparency and accountability, guided by Standard No. 20 on transparency and accountability issued by the International Organization of Supreme Audit Institutions and Accountability (INTOSAI). This aims to achieve the third goal of the second phase of the National Anti-Corruption Strategy (activating the mechanisms of transparency and integrity) in a manner consistent with the fulfillment of its constitutional obligations, the national legislature and its international commitments and in a professional and effective manner within the international and regional bodies, organizations and forums. These are seen as basic requirements for a democracy based on the rule of law to achieve leadership through embodying ideals and enhancing its credibility. In fact, transparency and accountability are two important components of good governance because transparency can fight corruption, improve governance and enhance accountability.

Updating the information structure of the Organization and its employees.

- Enhancing the human and logistic capabilities of the Organization, including what was mentioned in Article 60 of the Convention (training and technical assistance) to enhance confidence in the Organization and its members and the use of information and communication technology to implement the Convention. In addition, the members of the Organization should possess the expertise necessary for analyzing data and information to guide the process of developing audit plans and programs, including training, education and the exchange of knowledge in line with national, regional and international programs to enhance the Organization's local and international position among the supreme control bodies of other countries. These matters include supporting and encouraging continuing professional education and effective training plans on an annual basis to spread awareness among the Organization members regarding corruption and its crimes, including

the crimes of proceeds laundering, through registration for training in specialized courses in the relevant authorities, such as the National Anti-Corruption Academy and the Egyptian Financial Supervisory Authority. It is also essential to strengthen the policy of retaining competent human resources in the appropriate places according to their practical and professional experiences as well as improving capabilities and technological needs and restructuring wages and salaries in line with constitutional and legislative requirements. This will help consolidate the principles of impartiality, integrity, independence and accountability for the Organization's members, and the provision of financial allocations to finance its local and international obligations as a member of international organizations and bodies and the working groups emanating from them.

- Working to fulfill its international obligations under the Articles of Chapter Two "Preventive Measures" of the aforementioned UN Convention (Articles 714-) and the rest of the relevant Convention articles regarding its role in combating and preventing corruption.

This can be done by defining these obligations and the current practices of the Organization to meet them as well as defining the aspects and mechanism of their development and the challenges of implementation as per its terms of reference defined by the constitution and legislation and its role in the work of relevant local and international organizations and bodies.

- Participating in preparing the practical guide to enhance cooperation between the supreme institutions of financial control and accountability and the anti-corruption agencies in preventing

and combating corruption as regulated by the United Nations Office on Drugs and Crime in implementation of Decision No. 813/ during the Eighth Session of the Conference of the States Parties to the Convention held in Abu Dhabi on December 19, 2019.

- Membership of the Organization in various work teams to achieve the strategic goals of INTOSAI and the consequent exchange, refinement and transfer of experiences and good practices among members of the Organization and their counterparts in other supreme control bodies in other countries in the organization. This will be reflected positively on achieving the goals of the Organization, including the exchange of expertise and experiences in the field of good management of affairs and public property.

- The Organization's presidency of the technical secretariat of the INTOSAI working groups concerned with combating corruption and money laundering and its positive impact on enhancing the capabilities of the Organization in this field through becoming familiar with the good practices of the supreme audit institutions in other countries, and exchanging knowledge regarding the following topics:

(1) Strengthening controls over public funds, (2) Recovery of Stolen Assets, (3) Corruption Prevention Auditing in Public Procurements, (4) Anti-Money Laundering and (5) the guide on "Public-Private Partnership Projects".

- Determining the extent to which public procurement systems achieve transparency, competitiveness and objectivity by reviewing the existing controls, and control measures and the methods of developing them to ensure transparency and accountability. This includes their management through electronic means incorporating anti-corruption guarantees and means of developing and promoting the use of documented, high-quality, timely and effective electronic communication channels. This will help ensure transparency, control and accountability at the times of emergency, crisis response and recovery and will facilitate the rapid and timely exchange of information at the national and international levels through the existing mechanisms.

The good practices of the Egyptian state in promoting the Organization's role as defined by the constitution and legislation, and in implementing its obligations under the terms of the UN Convention against Corruption and the decisions of the regular conferences of the States Parties to it, include the following: - Enhancing coordination between the Administrative Control Authority, law enforcement agencies and the Organization in the areas of combating corruption and promoting the values of integrity and transparency to ensure proper performance of the public function and the preservation of public money

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