

# The Preventive Role of Combating Corruption in the Business World in Light of International Legislation

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## ABSTRACT

Interest in combating corruption crimes in the business world has increased recently, as it is considered one of the most important risks that threaten the stability of the global economic, security and political system. Combating the phenomenon of corruption in the business world requires integrated efforts not only at the national level but also at the international and regional levels. Accordingly, countries have entered into international agreements and participated in international and regional organizations and conferences to determine the causes and motives of this phenomenon and to know the means to address it. As well as to benefit from the standards established and established by international efforts, and this is represented by ratifying them in its internal law to achieve the principle of international cooperation and coexistence between these legal systems to confront the problems brought by the phenomenon of corruption, to strengthen the will of the state with the will of the international community in order for efforts and positions to be unified in a way that leads to strengthening the preventive role and internationalization. The solutions to confront this phenomenon and ensure the implementation of the rulings issued to confront it. As a result, the international community realized that corruption in the business world is an international phenomenon that crosses borders and affects all countries negatively and in all fields. Therefore, the parties of this society and all its governmental and non-governmental international and regional institutions took the initiative to activate the preventive role as well as Confront and eliminating this phenomenon through the important roles taken by these parties

**Keywords:** *international legislation; combating corruption; corruption*

## INTRODUCTION

### First: The Subject of the Research

Corruption in all its forms and types is a real threat to countries and their institutions, and leads to dangerous consequences that threaten societies and their wealth. The phenomenon of corruption is no longer just an internal problem related to a country, but rather it has become a global phenomenon that crosses state borders, and is so complex that it is sometimes difficult to recognize it. It has been known to all societies and at all times, and it is no longer specific to a society in itself or a specific historical stage, as corruption exists in the majority of countries. States and societies, but in varying proportions from one state to another, according to their preventive and punitive means of confrontation, and how they manage their public institutions.

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Corruption in the business world represents one of the most important risks facing global economies, specifically the economies of developing countries, because it represents a waste of wealth, or investment in non-productive areas, in addition to the theft of part of it by corruptors and exploiters, thus depriving the country and people of their wealth, and the survival of... Poverty and backwardness rest on the hearts of citizens.

Despite the attempt of some governments and their institutions to combat the phenomenon of corruption in the business world through strict legal and legislative texts only, they have not succeeded and are not destined to succeed, because laws alone are unable to control this complex phenomenon with multiple causes, unless there is a role. Preventive international legislation.

### **Second: The importance of research**

The existence of a legal framework to criminalize acts of corruption in the business world is the basic foundation from which confronting these crimes begins to take preventive and remedial measures against it. If these acts are not criminalized under international legislation, then these measures taken against him will be ineffective because there is no legal cover for these procedures or measures, which is With the presence of a legal text that criminalizes the act, based on this, the international community has tried, through international and regional agreements, to criminalize all forms of corruption, so that it is almost impossible to leave an act of corruption without criminalizing it, to the extent that it can be said that the matter is no longer related to a crime, but rather to the idea of a crime that includes many of its forms. In addition, international governmental and non-governmental bodies have played a major role in combating and reducing corruption, given that addressing and confronting this phenomenon is at the forefront of the work of these bodies.

### **Third: Objectives of the study**

This study aims to identify the preventive role provided by international legislation in combating corruption in the business world, due to the exacerbation of this phenomenon and its great spread throughout the entire world, with the aim of uniting international efforts to address and combat this phenomenon, as it is a dangerous scourge that leads to dire effects with unfortunate consequences. .

### **Fourth: The research problem**

The research problem revolves around “the preventive role of anti-corruption in the business world in light of international legislation” by answering several questions to decipher the contents of this topic, the most important of which are: What is the preventive role of international legislation to combat corruption in the business world, what is the role of international and regional agreements and treaties, and what are the bodies International and regional issues specialized in combating corruption, we will try to answer them in light of this legal study.

### **Fifth: Research methodology**

For the purpose of covering the aspects of our research topic, we adopted the descriptive and analytical approach based on collecting and analyzing legal information from various relevant studies, books and research.

### **Sixth: Research plan**

The study of the research topic “The preventive role of combating corruption in the business world in light of international legislation” requires dividing it into two sections. The first section includes the preventive role in international agreements and treaties, by dividing it into two topics. In the first, we address the role of the United Nations Convention against Corruption, In the second requirement, we highlight the Arab Convention against Corruption. The second section includes the international and regional bodies competent to combat corruption, by dividing it into two requirements. In the first, we show the international bodies competent to combat corruption, and

in the second requirement, we address the regional bodies competent to combat corruption. Then we end our research with a conclusion that includes the essence of our findings and proposals.

### **THE FIRST TOPIC: THE PREVENTIVE ROLE IN INTERNATIONAL AGREEMENTS AND TREATIES**

Many international and regional bodies have given the utmost importance to the issue of corruption of its various types, and given it great importance in view of its risk. Over the past years, through a series of international legislation, a global framework for combating corruption has begun to emerge, and individual countries can now make their own efforts to combat corruption more effective by Strict application of anti-corruption measures, relying on international cooperation to support it. Despite the issuance of many international agreements concerned with combating and preventing corruption, our study will be limited to mentioning some of these agreements by dividing this topic into two sections. We devote the first section to a statement of the United Nations Convention. United Nations Anti-Corruption Committee, and we devote the second section to a statement of the Arab Anti-Corruption Convention, as follows:-

#### ***The first requirement: United Nations Convention against Corruption***

The United Nations Convention against Corruption included various innovative provisions in the field of combating the phenomenon of corruption in the business world, and these provisions as a whole represent an important qualitative development, whether in terms of means and tools for combating this phenomenon on the ground or through the development of some legal concepts and mechanisms imposed by a phenomenon that by its nature goes beyond The borders of countries, especially in the aspect related to the transfer and smuggling of funds obtained from corruption crimes.

The United Nations Convention against Corruption, as stipulated in Article 1 thereof, aims to achieve the following purposes: “Promoting and strengthening measures aimed at preventing and combating corruption in a more efficient and successful manner, in addition to promoting, facilitating and supporting international cooperation and technical assistance in the field of preventing and combating corruption, including the field of recovery.”

Assets, it also aims to enhance integrity, accountability and sound management of public affairs and public property.

In addition, we find that the preamble of the Convention has in turn clarified a number of other objectives represented in “providing technical assistance that can play an important role, including ways to strengthen capacities and build institutions in enhancing the ability of states to effectively prevent and combat corruption, as well as working to prevent Detect and deter international transfers of illicitly acquired funds and assets, and enhance cooperation in the field of their recovery.

As for the comprehensiveness of the scope of application of the United Nations Convention against Corruption, its scope has been characterized by comprehensiveness in a way that ensures the application of its provisions at all stages and levels of combating corruption crimes, whether before they occur (preventive measures), or after they occur (through investigation and prosecution). Or track the proceeds obtained by recovering funds obtained from corruption crimes. The comprehensive scope of application of this agreement is also clear from the fact that the implementation of its provisions does not necessarily depend on whether or not the corruption crimes covered by the agreement have resulted in damage to state property ().

Referring to the text of Article (21) and Article (22) of the Convention, we find that the criminalization of acts of corruption is comprehensive and includes not only acts of corruption committed by public officials within the framework of the governmental or public sector, but also includes acts of corruption committed within the framework of the private sector. Such as criminalizing bribery in private companies, and criminalizing the embezzlement of property in the private sector in light of the rule of economic liberalism in almost all countries of the world ().

Regarding the Convention's combating and reducing corruption crimes in the business world, we find that the Convention has addressed this type of corruption in the following crimes:

First - Embezzlement of public funds: It is one of the most important corruption crimes in the business world in view of the negative effects resulting from it, as it represents a waste of state funds and property that are the property of society. Its danger also lies in that it constitutes a form of betrayal by the employee of the trust entrusted to him by assuming the job. And the necessity of preserving the money and property that he controls by virtue of this position.

In view of the seriousness of this crime, it has been addressed in the text of Article (17) of the United Nations Convention against Corruption by saying: "Each State Party shall adopt such legislative and other measures as may be necessary to criminalize the intentional embezzlement or waste by a public official, for his own benefit or for the benefit of another person or entity, of Any property, money, public or private securities, or any other things of value entrusted to him by virtue of his position, or leaked in any other way."

By means of the above text, it becomes clear to us that the legal model for the crime of embezzlement of public funds contained in Article (17) of the Convention was limited to the public employee in its narrow sense, that is, the national public employee whose definition was dealt with in Paragraph (A) of Article Two of the Convention. Therefore, it does not include the foreign or international public employee defined in paragraphs (b and c) of Article Two. Hence, it is clear that the Convention has expanded the scope of the crime of bribery compared to the crime of embezzlement of public funds, given that the first crime is committed by every public employee, whether national, foreign, or international employee in an international institution. As for the crime of embezzlement, it only occurs by those who possess the characteristic National public employee.

By analyzing the text of Article (17) of the Convention, we find that it includes two elements for the crime of embezzlement, the first is material and the second is moral, and the material element includes two elements: -

1- The act of embezzlement: The element of embezzlement is represented by acts of embezzlement (i.e. appropriation coupled with the intention of ownership), squandering, and any other illegal use. The last image is particularly important because it allows us to understand the mere illegal use of public funds or property, even if this use is not accompanied by the intention of ownership. This is a form of embezzlement that may not be stipulated in some national legislation (). What is worth noting in this regard is that the text of Article (17) of the Convention stipulates that "the act of embezzlement must be for the benefit of the employee or for the benefit of another person or entity." This means that it is not necessary for the employee to become personally enriched from the crime of embezzlement. Rather, the legal model for the crime of embezzlement is available if everything the employee did was for the benefit of others, whether this third party was a natural or legal person.

2- The subject of the embezzlement: The United Nations Convention against Corruption limited its subject matter (i.e. the money subject to the attack) to that money in the custody of the employee, provided that these funds, properties or things were delivered to the employee because of his job, but it made some distinction between Embezzlement by a public employee and an employee in the private sector. This is clear from the comparison between the text of Article (17), which stipulates this crime against the public employee, and Article (22), which addresses it in the private sector, as we find that the Convention combats the crime of embezzlement in the government sector. It focused on defining and describing material actions, following the expansive legislative approach that it adopted to ultimately achieve the goal it seeks. It described the material action occurring on public money in several ways, as it is either embezzling it, squandering it, or leaking it in another way ().

Embezzlement means that the assaulted money is in the custody of the perpetrator. As for squandering and diversion, they include crimes of seizing property owned by the offender's employer but not in his custody. They also include crimes of facilitating the seizure of that property by others, and damaging it intentionally or negligently.

While the Convention did not adhere to the same approach with regard to combating the crime of embezzlement in the private sector, as it stipulated for the physical act of the crime in one form, which is embezzlement, that is, the occurrence of the criminal act on property in the custody of the employee, in a way that is not subject to criminal offense if it is an assault on other property of the entity ().

In addition to pillar A For the crime of embezzlement of public funds, the legal model for embezzlement requires the presence of the moral element, which should take the form of intentionality as stipulated in Article (17) of the Convention ().

Second - Laundering money resulting from corruption crimes: In order to prevent the offender from benefiting from the proceeds of his crime, Article Twenty-Three of the United Nations Convention against Corruption criminalized the laundering of money or criminal proceeds as corruption crimes in the world of business, "whether by exchanging or transferring them for the purpose of Concealing or camouflaging its source, or by actually concealing or camouflaging it" (), and laundering money obtained from corruption crimes in the world of business is considered the most important and perhaps the most dangerous form of corruption of all, for several reasons, including: -

1- Corruption crimes are essentially financial crimes in which material benefit represents the real motive for committing them. Therefore, securing this material benefit requires the perpetrator to quickly use tricks and means of camouflage that enable him to legitimize the money obtained from the corruption crimes he committed.

2- The laundering of the proceeds of corruption, like the laundering of the proceeds of any other crime, is not only considered a financial crime, meaning that it has a material benefit, but it is also, and in particular, one of the crimes of obstructing the course of justice.

3- The means of laundering money obtained from corruption crimes are often carried out by transferring or smuggling this money to another country that may not have supervisory controls over its banking systems, through which it is transferred to a third country. Which ultimately brings us to a kind of (globalization of corruption).

Based on these reasons, we find that the United Nations Convention against Corruption represents great importance, given that it attempts to provide solutions to the difficulties and legal problems arising from the phenomenon of laundering the proceeds of corruption. Article Twenty-Three of the Convention on the laundering of proceeds of crime includes the substantive provisions that make up the legal model of the crime, in addition to To some procedural provisions related to jurisdiction, the most important of which are the following acts: -

1- Acts of laundering the proceeds obtained from a corruption crime. These acts, as indicated in Article Twenty-Three of the Convention, are the following acts:

"A- Exchanging or transferring property, knowing that it is criminal proceeds, for the purpose of concealing or disguising the illicit source of that property. B- Concealing or disguising the true nature of the property, its source, location, disposition, movement, ownership, or rights related to it, with Knowing that such property is proceeds of crime (c) Acquiring, possessing, or using property knowing at the time of receipt that they are proceeds of crime.

2- The place to which the crime of laundering the proceeds of corruption occurs. The crime of laundering the proceeds of corruption applies to property and proceeds obtained from a corruption crime. Paragraph (d) of Article Two of the Convention defined property and revenues within the special terms by saying: "Assets of all kinds, whether tangible or intangible, movable or immovable, tangible or intangible, and the legal documents or instruments that prove the ownership of those assets or the existence of Right to it." As for proceeds of crime, it was defined in paragraph (e) of the same article above by saying: "Any property derived or obtained, directly or indirectly, from the commission of any crime stipulated in the Convention"

3- The original crime from which the property or proceeds were obtained. In order for the legal model to be available for the crime of money laundering obtained from corruption crimes, these funds, which the agreement expressed as

property and proceeds, must be obtained from a predicate crime (). Paragraph (A) of the second paragraph of Article Twenty-Three of the Convention referred to this by saying, “For the purposes of implementing or enforcing the crime of laundering proceeds from predicate crimes” (). The benefit of this provision lies in that it allows the application of the provisions of the Convention regarding the confiscation and recovery of funds and all forms of international judicial cooperation, not only to the laundering of money obtained from one of the crimes stipulated in Articles (15 to 25) of the Convention, but also to the laundering of money obtained from any other crime. Among the corruption crimes stipulated in the domestic legislation of any State Party ()).

The original crime, as stipulated in Paragraph (C) of the second paragraph of Article Twenty-Three of the Convention, “is that the source of the funds being laundered must be committed within or outside the jurisdiction of the state in question, but the crime committed outside the jurisdiction of the state is not considered a crime.” original unless the conduct in question constitutes a criminal offense under the domestic law of the State in which it was committed, and would have been considered a criminal offense under the domestic law of the State Party implementing or applying this article even if it had been committed there.”

Based on this, it can be said that the United Nations Convention against Corruption is one of the important agreements and is an important international instrument for the following reasons:

1- It constitutes a comprehensive strategy to combat corruption in the business world, which relies on taking a set of legislative and non-legislative measures, and creates for itself a mechanism to monitor implementation through the Conference of States Parties, and aims to achieve judicial cooperation between the countries parties at all levels of combating the phenomenon of corruption in the business world.

2- Because it is a global agreement, more than one hundred and twenty countries participated in its preliminary work and in the negotiations that preceded its approval, in addition to many representatives of international, governmental and civil organizations. It is thus considered a continuation and culmination of a series of regional agreements in the field of combating corruption.

3- It announced an international will to reject corruption and an international criminal system that focused on combating the laundering of financial proceeds resulting from all corruption crimes, including, of course, corruption crimes in the business world, and a commitment to adherence to... Delete national legislation in fulfillment of the international obligations imposed by this agreement to criminalize all corruption activities, prosecute their perpetrators, and impose deterrent penalties on them, in addition to taking preventive measures that the agreement was intended to explain. The most important of these measures that combat corruption in the business world and limit it is represented by emphasizing cooperation between the agencies specializing in combating corruption. Corruption and the private sector by setting integrity standards within the private sector, especially codes of conduct, in addition to enhancing transparency and preventing conflicts of interest as one of the important and effective measures to prevent corruption, as well as prohibiting the deduction of bribes and commissions from the tax base, and maintaining books and records to prevent the creation of accounts outside the books or recording Fictitious expenses or the use of false documents, etc. ().

### ***The second requirement: Arab Convention against Corruption***

The Arab Anti-Corruption Convention clearly and frankly expressed the basic reasons that called on the Arab countries to take effective action in order to adopt a regional international instrument that guarantees more international cooperation in the field of combating corruption. The first indications of this matter appeared through what the agreement stated in its preamble by saying, “The The signatory Arab countries, convinced that corruption is a multifaceted criminal phenomenon with negative effects on moral values, political life, and economic and social aspects, and bearing in mind that the role of combating corruption is not limited to the official authorities of the state, but also includes individuals and civil society institutions, which must play a role. effective in this field.

By analyzing this part of the preamble, it becomes clear to us that it reveals the dangerous dimensions of the phenomenon of corruption on all aspects of economic, social and political life, and that systems of moral values may also be vulnerable to these dangers as a result of the aggravation of this phenomenon of corruption on the one hand, and on the other hand, corruption may affect Government sectors, and may affect the private sector, non-governmental organizations, and civil society institutions, indicating that all social, economic, and political sectors are vulnerable to the risks of corruption and its negative effects ().

The importance of the Arab Anti-Corruption Convention comes from the fact that it emphasizes the need for an international mechanism concerned with combating corruption, and the need for countries to cooperate in this regard, especially with regard to transnational organized crime, and that no country, no matter how powerful it is, can confront these crimes alone, which constitute... An imminent danger to the entity of states and their economic, social and political foundations. Likewise, acts of corruption criminalized in accordance with this Convention are subject to criminalization in the State Party in accordance with its internal law, and the binding articles therein are to be implemented in accordance with the state system ().

Article Two of the Convention emphasized the most prominent goals that the States Parties are trying to achieve as a result of concluding this international legal document of a regional nature, which are represented in the following:

"1- Strengthening measures aimed at preventing, combating and detecting corruption in all its forms, and all other crimes related to it, and prosecuting their perpetrators. 2- Strengthening Arab cooperation in preventing, combating and detecting corruption, recovering assets, and promoting integrity, transparency, accountability and the rule of law. 3- Encouraging individuals and civil society institutions To participate effectively in preventing and combating corruption."

In addition, we find that Article Four of the Convention specifies the crimes punishable under its provisions within the framework of what the Convention called the term (criminalization), taking into account that the description of criminalized acts of corruption in accordance with this Convention is subject to the law of the State Party, and each country adopts, in accordance with its legal system, what may Legislative and other measures are necessary to criminalize acts of corruption when they are committed intentionally or intentionally, and among the forms of corruption in the business world criminalized by the Convention are "illicit enrichment, laundering of criminal proceeds, concealment of criminal proceeds obtained from these acts, and misappropriation of public property and unlawful seizure of it." In addition to the embezzlement of the property of joint-stock companies and private associations for public benefit and the private sector.

Article Five of the Arab Convention against Corruption also emphasized the adoption of the principle of establishing legal responsibility for legal persons when it explained that "each State Party must adopt whatever measures may be necessary, consistent with its legal system, to determine the criminal, civil, or administrative responsibility of a legal person for... The crimes mentioned in this agreement, without prejudice to the criminal liability of the natural person.

It is worth noting in this regard that the Arab Anti-Corruption Convention has realized the importance of preparing appropriate plans to prevent the risks of corruption in the business world and taking appropriate immunizations to ensure its fight, by adopting a basic set of preventive and remedial measures that member states deemed appropriate and important. At the same time to achieve better results. As a result, Article 10 of the Convention specified a set of measures that member states were obligated to take into account in order to prevent and combat corruption in the business world. These measures were as follows:

"The need for each State party to this Convention, in accordance with the basic principles of its legal system, to develop, implement and consolidate effective, coordinated policies to prevent and combat corruption, which will enhance community participation and embody the principles of the rule of law and good management of public affairs and property, in addition to integrity and accountability, as well as Conduct a periodic evaluation of relevant legislation

and administrative measures in order to determine their adequacy in preventing and combating corruption in the business world.

In addition, we find that Article Ten of the Convention specifies the procedures that must be followed in the field of the private sector in order to prevent and reduce corruption. These procedures are:

“The need for each State Party to take whatever measures may be necessary, in accordance with its internal laws and regulations relating to bookkeeping and records, the disclosure of financial statements, and accounting and auditing standards, to prevent the following acts for the purpose of committing any of the criminal acts in accordance with this Agreement: A - Creating accounts outside Books. B- Conducting transactions without recording them in the books or explaining them adequately. C- Recording fictitious expenses. D- Recording financial obligations without properly stating their purpose. E- Using false documents. F- Intentional destruction of accounting documents before the specified date the law”( ).

It is worth noting in this regard that the agreement indicated the existence of a group of basic objective issues that cannot be overlooked to ensure the proper and effective application of the provisions of the Arab Anti-Corruption Convention. These issues are related to granting civil society greater roles in the field of addressing corruption problems through “community awareness.” To combat corruption, its causes, its gravity, and the threat it poses to its interests, in addition to educating people and introducing them to the relevant anti-corruption bodies in this agreement, and providing them with means of contacting those bodies so that they can report to them any cases of corruption that constitute a criminal act in accordance with this agreement.”( ), and these issues are related Also guarantees the independence of judicial bodies supervising the tracking and treatment of corruption cases, as they have a crucial role in preventing and combating corruption. Therefore, “every state party to the Convention must guarantee the independence of the judiciary, support its integrity, and provide the necessary protection for it” ( ).

In addition, we find that the Arab Convention against Corruption has obligated the States Parties to the Convention to take the necessary measures to provide legal protection for whistleblowers, witnesses, experts and victims of corruption crimes through several means, including “the necessity of providing them with protection in their place of residence, and not disclosing information.” related to their identity and whereabouts, and that informants, witnesses, experts, and victims give their statements in a way that ensures their safety, such as testifying through the use of communications technology, and the necessity of taking punitive measures against anyone who discloses information related to the identity or whereabouts of informants, witnesses, experts, or victims” ( ).

It is worth noting that the Arab Anti-Corruption Convention was not limited to the above measures, but we also find that it has taken other measures to enhance Arab efforts to combat corruption, and these measures are as follows: -

First - Special investigative methods: The Convention, in accordance with Article Twenty-Six, allows “each state party to the Convention, in accordance with its internal legal system, to combat corruption in all its forms and manifestations, and within the limits of its capabilities, by taking whatever measures may be necessary to enable its competent authorities to use the controlled delivery method.” In the appropriate manner and also wherever it deems appropriate, in order to achieve this, it may use special investigative methods, such as electronic surveillance and other forms of surveillance and secret operations, to be used appropriately within its territory, and also for the courts to accept the evidence derived from these methods.”

Second - Preventing and detecting the transfer of criminal proceeds: Article Twenty-Eight of the Arab Convention against Corruption allows “each state party to this agreement to take the necessary measures in accordance with its internal law in order to oblige financial institutions located within the scope of its jurisdiction to verify the identity of customers and to take Reasonable steps should be taken to determine the identity of the beneficial owners of funds deposited in high-value accounts, and to conduct a careful examination of accounts requested to be opened or maintained by, or on behalf of, individuals assigned or previously assigned to perform important public functions, or



members of their families or persons closely related to them. Through this careful examination, it makes it possible to detect suspicious transactions with the aim of reporting them to the competent authorities.”

Third - Collecting, exchanging and analyzing information related to corruption: Article 32 of the Convention stipulates the following: “1 - Each State Party shall consider analyzing prevailing corruption trends within its territory, as well as the circumstances in which corruption crimes are committed. 2- States Parties shall consider developing statistics and analytical expertise on corruption and information and sharing such statistics, analytical expertise and information among themselves and through international and regional organizations, with a view to finding common standards and methodologies as much as possible, as well as information on best practices for preventing and combating corruption. 3 - Each State Party shall consider monitoring its actual anti-corruption policies and measures and conducting evaluations “For the effectiveness and efficiency of those policies and measures.”

Based on what was mentioned above, it can be said that the Arab Anti-Corruption Convention is one of the international regional agreements that has an effective role in combating corruption in all its forms, including, of course, corruption in the business world. This agreement established the procedures that must be followed by the states parties to it and committed them to the necessity Taking preventive measures to combat corruption and reduce it as it is a dangerous phenomenon that affects social, economic and political life. In addition, the Arab Convention against Corruption also had an effective role, along with the United Nations Convention against Corruption, in combating transnational organized crime as it is one of the dangerous crimes that It poses a threat to the entity of states and their economic, social and political foundations. Therefore, the Convention established international cooperation mechanisms between states to prevent the aggravation of this crime and limit it by following a set of objective measures.

## **THE SECOND TOPIC: INTERNATIONAL AND REGIONAL BODIES SPECIALIZED IN COMBATING CORRUPTION**

Combating the phenomenon of corruption in the business world requires integrated efforts not only at the national level, but also at the international and regional levels. Accordingly, countries have organized international agreements and participated in international and regional organizations and conferences to determine the causes and motives of this phenomenon and to know the means to address it. As well as to benefit from the standards established and established by international efforts, and this is represented by ratifying them in its internal law to achieve the principle of international cooperation and coexistence between these legal systems to confront the problems brought by the phenomenon of corruption, to strengthen the will of the state with the will of the international community in order for efforts and positions to be unified in a way that leads to the internationalization of solutions to confront this phenomenon and ensuring the implementation of rulings issued to confront it. As a result, the international community realized that corruption in the business world is an international, cross-border phenomenon that affects all countries negatively and in all fields. Therefore, the parties of this society and all its governmental and non-governmental international and regional institutions took the initiative to confront the phenomenon and eliminate it through roles The mission undertaken by these parties ()

In order to explain the international and regional authorities competent to combat corruption in the world of business and reduce it, we must divide this requirement into two sections. We devote the first section to explaining the international authorities competent to combat corruption, and we devote the second section to explaining the regional authorities competent to combat corruption, as follows: -

### ***The first requirement: International bodies specialized in combating corruption***

Dismantling corruption in the business world and confronting it as a global phenomenon requires international efforts organized by the international community, represented by international governmental and non-governmental organizations and institutions. Some of these organizations are specialized in confronting corruption crimes in the business world and others are not directly specialized in confronting it, but within their work and goals is confronting

this. This is a global phenomenon, so we will discuss some of these international organizations and their mechanisms in fighting corruption, as follows:

First - The World Bank: The World Bank is at the forefront of international organizations that have shed light on the problem of governance and corruption. The World Bank has gained extensive knowledge about corporate governance as it was the first institution to develop a blacklist of the names of companies that were stripped of bank contracts due to their involvement in corrupt practices. In 2001, the World Bank created a new department known as the (Institutional Integrity Department), whose responsibility is to investigate allegations of fraud and corruption in the projects it finances and refer them to one of its committees for the purpose of imposing some penalties on companies or persons proven to be involved in that ().

In the year 2006, the World Bank announced its comprehensive strategy to combat and reduce corruption in the business world through several objectives embodied in the following: -

- 1- Reducing corruption in the projects it finances by assessing the risks of corruption in advance before starting the projects, investigating allegations of corruption, and determining the control and supervision component.
- 2- Raising the level of coordination between the World Bank, donor countries, and development institutions in the field of supporting reform programs in various political, economic, and administrative fields to help improve transparency, ensure the protection of projects, and activate the law and accountability mechanisms.
- 3- Developing anti-corruption systems in developing countries and building transparent and accountable institutions.
- 4- Combating corruption is a basic condition for providing the bank's services in the areas of drawing up auxiliary strategies, determining lending terms and standards, developing a negotiation policy, and selecting and designing projects.
- 5- Providing full aid and support to all international efforts to prevent and fight corruption ().

Through the above objectives, it becomes clear to us that the World Bank has put in place three steps to control and besiege corruption in the business world: The first step is to diagnose the phenomenon of corruption, its causes and consequences. The second step is to introduce reforms to countries' systems from the legislative, administrative and economic aspects to reduce the chances of corruption occurring. The third step is to involve civil society organizations and the media in order to organize campaigns to spread the culture of anti-corruption and identify the necessary mechanisms to control and combat corruption ().

Second - Organization for Economic Cooperation and Development: The activity of this organization is one of the most important international initiatives undertaken to combat and reduce corruption in the business world, and these efforts are concentrated in the following fields: -

- 1- Bribery in international business exchanges: This field occupies a distinct importance in the organization's activity, and the first step taken dates back to 1994 when the organization issued a set of recommendations known as (the 1994 recommendations) regarding bribery in international business exchanges, which called on member states to determine Effective standards to combat and prevent bribery of foreign officials. The recommendations stipulated that "the International Investments and Multinational Companies Committee in the organization shall monitor countries' compliance with these recommendations and submit a report thereon to the organization within three years" ().

In 1997, these recommendations were reviewed in light of the report submitted by the committee, and new recommendations were issued, known as the 1997 recommendations regarding bribery in international business exchanges. They were more comprehensive than the previous ones, and included more specific pledges in specific areas such as (criminalizing bribery of public officials). foreigners). The achievements that have been achieved in terms of implementing the recommendations have led to the transition to a more advanced stage, represented by the

fact that the member states of the organization, in addition to five non-member states, signed an international agreement to combat bribery of foreign official officials involved in international business exchanges, on 12/17/1997, and it entered into force. The agreement entered into force on February 15, 1999.

It is the first agreement that obliges states to bear responsibility for the corrupt actions committed by their citizens and companies.

In an effort to obtain projects or maintain existing projects in other countries ().

2- Corruption in procurement financed with aid: In 1996, the organization issued recommendations for combating corruption in procurement financed with aid, which calls for the adoption of a set of conditions and measures to prevent corrupt practices in procurement financed with foreign aid. The recommendations called on member states to cooperate with the countries benefiting from the funding and with international development institutions to implement these recommendations. In addition, the organization helps member states develop an effective framework to enhance the integrity of public officials and increase the efficiency of their performance ().

Third - The International Action Group: This group is the most important international body in the field of combating money laundering, as it was established during the Group of Seven (G7) summit, in addition to the membership of two regional organizations, the European Commission and the Cooperation Council for the Arab Gulf States, which was held in 1989 in Paris. This is to confront the increasing seriousness of money laundering crimes that threaten the banking system and financial institutions ().

In 1990, the Financial Action Task Force issued forty recommendations that are considered among the most important in this field. It covers both sides (substantive and procedural to combat money laundering). Substantively, it criminalizes money laundering based on the 2000 United Nations Convention against Transnational Organized Crime (Palermo Convention). In terms of the procedural aspect, it includes the authorities responsible for investigating and collecting information, limiting the principle of banking secrecy, extraditing criminals, and monitoring banking operations, among others ().

These recommendations serve as a guide for how to confront money laundering crimes, and for developing combat strategies and legislative measures by the competent authorities in this field or by financial and banking institutions to evaluate their performance in this field ().

The organization also aims to identify money laundering activities through a group of experts and supervisory committees, which receive the attention of government agencies concerned with combating money laundering. This group issued a report in 1990 after a study that lasted seven months. The report included forty recommendations that address the issue of money laundering at the global level. The importance of these recommendations is due to the accuracy of their formulation and their consideration of the global charter to govern the fight against money laundering ().

Fourth - Transparency International: This organization is one of the international institutions concerned with monitoring corruption and urging the fight against it, because it is a non-governmental organization whose mission is to restrict local and international corruption as it is an international movement to fight corruption (and it issues an annual report on corruption in the world based on information it collects from Businessmen, academics and employees in every country in the world, as this study included about (163) countries in 2006. This organization analyzes the information and summarizes it in an annual report that is published. Transparency International has branches in more than (90) countries, and its secretariat is located. The public in Germany and this organization issues three reports on corruption: the first is the Corruption Perceptions Index report, the second report is the comprehensive global report on corruption and focuses each year on corruption in a specific vital sector in various countries of the world, and the third report is a measuring index. Paying bribes () The most important principles of Transparency International are as follows (): -

- 1- The movement against corruption is a global movement that transcends the political, economic, social and cultural systems within the country.
- 2- Paying attention to the principles of democracy, participation, decentralization, and transparency at the local level, and transcending class-based party affiliations in administration and governance.
- 3- Recognizing the existence of practical and moral reasons behind the phenomenon of corruption.
- 4- Realizing that the risks of corruption involve a global nature that transcends the borders of each country and must be combated by means that take into account the nature of that phenomenon itself.
- 5- Realizing the reality of corruption and revealing the shortcomings in the measures taken against it at the local and international levels.
- 6- Forming coalitions against corruption whose goal is to bring together all parties using material means and human resources.
- 7- Drawing the media's attention to the dangers of corruption and revealing the damage it causes, especially in developing countries ().

Since its first annual conference, which it held at its headquarters in the German capital, Berlin, in 1994, this organization has sought to create an appropriate climate characterized by transparency and uncover cases that represent corruption scandals in the future. The organization has issued several reports, including a report in 1995, which clarified the position of countries. In 1999, the organization issued an index report on bribes between the position of companies that pay bribes and the position of their countries towards them. After that, several international reports were issued to show the locations of corruption for every vital sector of the state and on a global scale (), and the organization believes that "corruption cannot be prevented." It can only be combated through the combined efforts of all parties represented by the state, oversight institutions, civil society, and the private sector, at the national and international levels, and by increasing global awareness against corruption and highlighting its negative effects on all political, economic, and social aspects.

In summary, it can be said that the above international bodies have played a prominent role in preventing and reducing corruption crimes in the business world through the concerted efforts of the international community as a result of the seriousness of this crime and its spread throughout the world.

### ***The second requirement: Regional authorities competent to combat corruption***

There are many regional governmental and non-governmental organizations and federations that are concerned with combating and reducing corruption in the business world, especially after these organizations realized that the phenomenon of corruption in the business world is no longer a phenomenon or a crime limited to the borders of a country or being an internal matter related to its system of government, therefore We will discuss some of these organizations by explaining the role they play in MOA The aspect of corruption, in brief, is as follows:

First - The Organization of American States: The Organization of American States issued a multilateral anti-corruption agreement, which is considered the first of its kind, as it had never previously approved an international, regional agreement on combating corruption. In 1996, the Organization of American States approved the Inter-American Convention against Corruption. The agreement includes detecting, preventing and criminally treating corruption, international cooperation in combating cross-border corruption, and extraditing the perpetrators of these crimes. The agreement entered into force on March 6, 1997 ().

The scope of this convention is broader than other European and OECD instruments, as it addresses bribery, whether positive (which is the crime in which a person makes promises or bribes) or negative bribery (which is the crime in

which a bribe is received). The Convention not only criminalizes bribery of foreign public officials, but also encourages governments to address internal corruption.

It requires States Parties to criminalize acts of solicitation, acceptance, or the offer of illicit amounts; As well as acts or negligence carried out by government officials in order to obtain a bribe; Or the fraudulent use of property obtained from these activities and participation in these acts either as an original actor, an accomplice, or an accomplice. The provisions stipulated in the Organization of American States Convention regarding the crime of transnational bribery are broader than the corresponding provisions stipulated in the Organization for Cooperation and Development Convention, as they do not include Only the crime of bribery when its purpose is to conclude a contract or commercial transactions, but also includes any other case related to the crime of bribery, including any act or negligence carried out by an employee or official during the performance of the duties of his public office. It also called on states parties to consider criminalizing a broader chain of crimes. Of crimes, including crimes of official misuse of confidential information or government property, in addition to seeking to obtain a decision from public bodies regarding illicit gain, and misuse of state property, funds, or financial shares. In the event that these acts are adopted and become acts of corruption under the Convention, this will demonstrate the need for cooperation requirements imposed on states, including states that have not criminalized those acts ( ).

Second - The European Union: The European Union, through its official institutions, plays an important role in combating some forms of corruption through its participation in legally binding documents, but they were limited to acts harmful to the private economic interests of a country, and these documents only dealt with the behavior of the fifteen member states, and aimed The 1995 Convention for the Protection of the Financial Interests of the European Communities and the two Protocols thereto in 1996 and 1997 aim to combat fraud affecting expenditure and revenues using provisions of criminal law. The agreement included the public and private sectors and dealt with acts described as fraudulent acts that affect the financial interests of European societies. It obligated each member state to take the necessary measures to ensure the imposition of the criminalization of such acts with deterrent and proportionate penalties. It also called for holding the heads of commercial institutions to individual criminal responsibility. In cases where it is proven that they committed fraudulent acts.

It is worth noting that the first protocol issued in 1996 dealt with positive and negative corruption ( ), while the second protocol issued in 1997 dealt with the criminal liability of legal persons, money laundering and proceeds of crime, confiscation of funds obtained from crimes, and judicial cooperation between member states and the European Commission ( ).

Within the framework of this fight, the European Union adopted the Convention against Corruption among Employees of the European Communities or Officials of Member States in 1997. This Convention was limited to criminalizing bribery of public officials without addressing the crimes of fraud or money laundering resulting from bribery. However, we find that the European Union's interest has been directed In 1998 towards the private sector through a joint plan in which consistent definitions were developed to combat corruption in the private sector, with a particular focus on preventing it. The text was formulated in legally binding clauses that required member states to submit proposals regarding implementation by the year 2000, but It is not clear whether the proposals were submitted to the European Union or not, but in July 2002 Denmark presented an initiative aimed at developing a common definition of positive and negative corruption and the penalties applied in relation to them.

Third - The African Union: The African Union replaced the Organization of African Unity in 2002 to be a new beginning for fighting poverty, adopting democracy, achieving economic, social and political development, respecting human rights, and ending conflicts and civil wars on the African continent ( ).

One of the most prominent efforts undertaken by the African Union to confront corruption in the world of business was the adoption of the African Union Convention to Combat and Prevent Corruption in 2003, as this agreement was

a road map for the countries of the Union to confront corruption and achieve good governance, and the agreement entered into force on August 5 of the year. 2006( ).

The above agreement aims to strengthen anti-corruption mechanisms in the public and private sectors, and to facilitate cooperation between state parties, as well as coordinating policies and legislation related to corruption.

As for the comprehensiveness of the scope of the Convention's criminalization of corruption crimes in the business world, we find that it expands to include both (active and passive bribery, as well as illicit enrichment, and concealing the proceeds derived from corruption) ( ), where the obligations of this Convention are broad and binding; States Parties undertake to adopt legislative and other measures to criminalize the crimes stipulated in the Convention, in addition to strengthening national control measures to ensure that companies established in Satisfied with their national legislation, establishing independent national authorities to combat corruption and issuing laws to protect those who report acts of corruption, protect witnesses, and punish those who submit any false or biased reports of acts of corruption. States parties must adopt legislation to activate the right to obtain any required information. Helps fight corruption.

In summary, it can be said that the above agreement represented a clear and comprehensive vision for confronting corruption crimes in the business world, in terms of preventing it and ways to treat it, and the participation of all concerned parties in developing and implementing a strategy to combat it, in addition to international cooperation between member states in order to exchange information and experiences. successful in reducing it.

Fourth - The Arab Anti-Corruption Organization: This organization was established in 2005 and is one of the regional non-governmental organizations. It strives to promote good governance, democratic concepts, combat corruption, and protect public interests and public money in Arab countries. It fights corruption resulting from the illicit acquisition of political power and wealth in the Arab world. All sectors of society.

One of the most prominent things that this organization does to confront corruption is organizing annual seminars and discussions on corruption and mechanisms to combat it. Among the most prominent of these seminars is: "The Symposium on International Projects to Combat Corruption and Advocating for Political and Economic Reform in the Arab Countries in 2006. And the Symposium on Accountability and Accountability, Its Legislation and Mechanisms in the Arab Countries in 2007." And the symposium on integrity in parliamentary elections, its components and mechanisms in the Arab countries in 2008. And the symposium on the corruption index in the Arab countries, the problems of measurement and methodology in 2010. In addition to the symposium on the role of the private sector in the path of sustainable development and rationalization of governance in the Arab countries in 2011. These symposiums are scientific discussion sessions attended by specialists from all Arab countries, and they address the most important problems and phenomena that plague the governance systems in the Arab countries and their institutions, and how to address them and correct the reform path for them ( ).

## CONCLUSION

Through studying "The preventive role of combating corruption in the world of business in light of international legislation," after studying those international and regional agreements and treaties, and the international and regional bodies specialized in combating corruption, we have reached several conclusions, most of which we have mentioned at length in their respective places, and we will present them in more detail below. Specifically, in addition to some suggestions that we consider presenting regarding the subject of this study.

### First: Conclusions:

1- The United Nations Convention against Corruption included various provisions. These provisions, in their entirety, represent an important qualitative development in the field of combating the phenomenon of corruption in the business

world, whether in terms of means and tools for combating this phenomenon on the ground or through the development of some legal concepts and mechanisms imposed by the phenomenon that go beyond Its nature is state borders.

2- The United Nations Convention against Corruption is characterized by comprehensiveness in a way that ensures the application of its provisions at all stages and levels of combating corruption crimes, whether before they occur (preventive measures), or after they occur (through investigation and prosecution).

3- We concluded that the United Nations Convention against Corruption has addressed corruption in the business world through crimes represented by the embezzlement of public funds and the laundering of money obtained from corruption crimes.

4- The United Nations Convention represents great importance as it provides solutions to the difficulties and legal problems arising from the phenomenon of laundering the proceeds of corruption. It is also considered one of the important agreements and serves as an important international instrument.

5- We concluded that the Arab Convention against Corruption has obligated the States Parties to the Convention to take the necessary measures to provide legal protection for whistleblowers, witnesses, experts and victims of corruption crimes through several means, including “the necessity of providing them with protection in their place of residence, and not disclosing information related to it.” Their identity and whereabouts, and that informants, witnesses, experts and victims give their statements in a way that ensures their safety.

6- It became clear to us that the Arab Anti-Corruption Convention is one of the international regional agreements that has an effective role in combating corruption in all its forms and manifestations, including, of course, corruption in the business world. This agreement established the procedures that must be followed by the states parties to it and obligated them to take preventive measures against In order to combat and reduce corruption as it is a dangerous phenomenon that affects social, economic and political life.

7- The Organization of American States is considered the first of its kind, as it has never approved an international regional agreement on combating corruption, as it was approved in 1996 and includes the detection, prevention, and criminal treatment of corruption.

8- The African Union Agreement represented a clear and comprehensive vision for confronting corruption crimes in the business world, in terms of preventing it and ways to treat it, and the participation of all concerned parties in developing and implementing a strategy to combat it, in addition to international cooperation among member states in order to exchange information and successful experiences to reduce it. .

9- The international community has realized that corruption in the business world is an international, cross-border phenomenon that affects all countries negatively and in all fields. Therefore, the entities of this society and all of its governmental, non-governmental, international and regional institutions took the initiative to confront and eliminate the phenomenon through the important roles taken by these entities.

10- The World Bank is the first institution to establish a blacklist of the names of companies that were stripped of bank contracts due to their involvement in corrupt practices.

11- One of the most prominent works carried out by the Arab Anti-Corruption Organization is holding seminars and scientific discussion groups attended by specialists from all Arab countries, and dealing with the most important problems and phenomena that plague the ruling systems in the Arab countries and their institutions, and how to address them and correct the reform path for them.

**Second: Suggestions:**

1- Intensifying international and regional efforts in order to develop an approved international strategy to prevent and combat corruption in the business world.

2- Calling on the international community to establish accredited international centers and holding international and regional conferences in order to find out the causes and motives of corruption in all its forms, and corruption in the business world of course, and to develop means to address it.

3- Unifying efforts and positions among the countries of the world and the necessity of adopting the standards set and established by international efforts, which is represented by ratifying them in their internal law to achieve the principle of cooperation and coexistence between legal systems to confront the problems brought by the phenomenon of corruption.

4- Involving regional governmental and non-governmental organizations and federations concerned with combating corruption in order to combine efforts and cooperate with concerned parties to develop preventive and procedural measures to combat the phenomenon of corruption in the business world as it has become a global phenomenon.

5- Requiring that states parties to international and regional treaties and agreements must criminalize acts of seduction or the offering of illegal sums, as well as acts or negligence carried out by a government official in order to obtain a bribe, or the fraudulent use of property obtained from these activities.

6- Encouraging research and studies that deal with corruption crimes in the business world and determining the nature of these crimes, their effects, and methods of combating them, which in turn helps the competent authorities in forming an information base that can be referred to in finding appropriate solutions in combating these crimes.

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