

Political Culture of Corruption  
And  
State of Corruption in Yemen

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## **Overview of Yemen**

In 22nd of May 1990, a new Republic was emerged by merging two dogmatically distinct regimes (Southern part of Yemen and Northern part of Yemen). This republic called the “Republic of Yemen”. The Republic of Yemen inherited many political, economic and social challenges from the former regimes and added more problems and challenges due to many reasons among them; lack of transparent government, corruption, lack of good governance and real practice of direct democracy.

Direct democracy refers to the institutionalization of citizen participation in decision-making that is, creating mechanisms for making participation a regular feature of government business. State institutions are not functioning properly and corruption is becoming the forcing drive of citizen’s life. The number of the poor and unemployed is towering up every year and the number of the influential forces, officials, and tribal figures enriched by the abuse of power is increasing in a dramatic style. Corruption is a very serious headache that hits all aspects of Yemeni’s life.

Accountability, transparency, fair judiciary, decentralization, rule of law, real practice of direct democracy and other elements of good governance are the most important factors of change in Yemen and would keep the Yemeni society in harmony.

Despite the facts that, Yemen has made important efforts with the aid of many donors agency; World Bank, UNDP, EU and others, to modernize the management of the country and to brings about reforms in its structures and institutions. These efforts have been accompanied with many obstacles and faced by corruption, absence of transparency, lack of accountability and rule of law, and weak judiciary.

Observing this satiation in Yemen, one can find that no serious analyses or concrete procedures that have been taken to tackle the problem corruption.

However, attention to the issues of corruption, transparency, and accountability in Yemen was neglected in early 1990s, but is timely now as there is a willingness to deal with these issues and considered the main problem facing the government and the people Yemen

## **Political Culture of Corruption in Yemen**

The main sources of corruption in Yemen are weak structure of governance, non-transparent structure of government institutions, and long tradition of breaking the laws by the high ranks officials. Therefore, improving the quality of governance in Yemen cannot take place without reducing corruption.

### **Definition of corruption**

## **Formal legal framework prevents corruption in Yemen**

Since May 1990 the new unified state, the republic of Yemen, has taken several steps to build its unified legal and judiciary system eliminating the old former systems of former parts of Yemen.

Many laws and regulations have been issued to strengthen the rule of law, administration public service, and criminal justice system and to establish a base for legal framework that helps institutions to curb corruption.

The legal framework for curbing corruption in Yemen is based on the following laws, regulations and by laws:

### **1. National laws and Regulations**

- The constitution of the republic of Yemen ( last amended 2001)
- Law No.12 of 1994 for penal and criminal law;
- Law No.19 of 1991 for the Civil Service;
- By-law No.122 of 1992 for the Civil Service;
- Law No.35 of 1991 and its amendment No.7 of 1979 for public sector enterprises;
- Law No.39 of 1992 for Central Organization Control and Accountability (COCA);
- Law No.8 of 1990 and its amendment of 1979 for financial law;
- Law No.6 of 1995 for Indictment and Trial Procedures of High levels Officials of State High Executive Posts; and
- Prime Minister Decree for Regulation of Administrative and Financial Violations No.27 of 1998.

## **2. International Conventions**

- UN Convention against Corruption (signed December 2003; and has been ratified by the parliament and issued by the presidential decree No.47 of 2005 )
- UN Convention against Transnational Organized Crime (ratified September 2004)

The above mentioned are the main legal framework that directly involve in preventing and fighting corruption , there are also other laws and regulations implicitly related to the issue of corruption .

For the purpose of this study, attention will be given to the main legal framework in the following pages.

### **1. The constitution of Yemen 2001**

The constitution of the republic of Yemen ( last amended 2001) prohibits the president, prime minister and ministers to conduct any kind of business directly or in directly or hold any other public office or private job during their term of office .(art.118, 136).<sup>1</sup>

Regarding the president, article 118 of the constitution Stated that “The President of the Republic may not during his term, directly or indirectly, engage in any private business of any kind whether commercial, financial, or industrial. He is not allowed to buy or rent government property, not even through an open auction and he is not allowed to lease, sell, or barter any of his property to the state”.

Regarding the government, article 136 of the constitution Stated that” During their term of office, the Prime Minister and Ministers may not engage in any other public office, or in any private, commercial, financial or industrial activities, even if indirectly. They may not participate in any undertakings the government (or any of its Public corporations) contracts and they may not combine the posts of minister with membership of the board of directors of any company. During their term, they may not purchase, rent or barter government property, even through an open bid. They may not lease, sell, or barter any of their property to the government”.

The Constitution considers interference in judiciary procedures a crime (aart149). This provision criminalizes and covers all three branches of government -- legislative, executive, and judicial.

Regarding interference in judiciary and misleading Justice as a corrupt crime, article 149 of the constitution Stated that” The Judiciary authority is an autonomous authority in its judicial, financial and administrative aspects and the General Prosecution is one of its sub-bodies. The courts shall judge all disputes and crimes. The judges are independent and not subject to any authority, except the law. No other body may interfere in any way in the affairs and procedures of justice. Such interference shall be considered a crime that must be

punished by law. A charge regarding such interference cannot be nullified with the passing of time”.

## **2. Penal and criminal law No.12 of 1994**

Penal and criminal law No.12 of 1994 did not provide a definition of the word “corruption”. However, it covers all offences that considered as a crime including these crimes related to corruption. The penal and criminal law applied to all public employees that defined in the first article paragraph 2 of the law as stated “public employee in this law it shall include;

a) Those responsible for public authority, state employees and of the deferent institutions of the government.

b) The staff of judiciary branch and the member of armed forces.

It also includes the members of general and local legislative councils during the period of their tenure (elected and appointed members).”

The law provides in separate chapters some corruption offences (art. 151-158) such as:

- Bribe of public servants (art151)which stated “ each public servant should be punished with a period not exceeding 10 years in prison if asked or accepted for himself any benefit or gift of any kinds or promised of such to do or refuse to do any act that effects his post duties , and punishment should not exceeding 3 years if such act or refusing of act are rights ...” and
- Private employees (art 158)witch stated ‘each private employee should be punished with a period not exceeding 2 years in prison if asked for himself or for other with his employer’s knowledge or approval “
- Offering bribes (art 154) stated that “ any one offering any benefit or gift of any kinds or promised to a public servant (active bribe) to do or refuse to do any act that effects his post duties , and punishment should not exceeding 1 year if such act or refusing of act are rights ...”
- Mediators in bribes (art 155),stated that “ any one who has business interest is considered to be a corruptor if he offers to a public servant any of the mentioned in pervious articles and any one should be considered as mediators in bribes if help the offeror or the acceptor of bribes in any means to conduct the act of bribe and knows this act as a bribe ...”
- Accepting bribe (152,153) as passive bribe, the punishment of this crime is 7years in prison.
- Accepting bribe from a foreign state (160) .” he should be punished with a maximum of 10 years any one accepted or asked from a foreign state for himself or for other or through mediation any money or benefit to do any harm to the Yemeni state “
- Offences against official duty (art.171172))
- Offences of misuse of power (art.163),
- Offences of using power for private interest (art.159).

### **Class of Employees Covered by this Law**

The Penal and criminal law applies to public employees defined in article 1 paragraph 2 of the law, which cover all levels, from the President to rank-end-file civil servants and employees of state and mixed enterprises. Furthermore, the House of Representatives can investigate the senior members of the executive branch under the Constitution and Procedure of Indictment and Trial of Senior Officials of the State. The Prime Minister, Ministers, and Vice-Ministers can be investigated and tried for high treason, contravention of the Constitution, and derogation from the

independence or sovereignty of the state as well as for forgery, injury to public funds or receiving personal benefits for public duties, embezzlement, abuse of power, bribery, attempting to influence the judiciary and intervening in elections to influence outcomes.

However, public and mixed sector employees are covered unless there is legislation to specifically govern these sectors such as Law No.35 of 1991 and its amendment No.7 of 1979 for public sector enterprises. With some exceptions, members of the armed forces and the Ministry of the Interior and security forces are not covered by this law.

### **3. Law of Civil Service No.19 of 1991 and its By-law No.122 of 1992.**

The main law and regulations governing the public sector employee is the civil service law and its by-laws. However, this law does not even mention corruption, transparency in its provisions, nor does it talk about accountability of various levels of administration toward the public sector employees and the public.

#### **Class of Employees Covered by this Law**

In addition to the penal and crime law, executive branch of the government, from the Deputy Ministers to the rank-and-file civil servants and employees of state and mixed enterprises, is covered by the Civil Service Law (1991) and its Executive By-Law (1992) and Law No.35 of 1991 and its amendment No.7 of 1979 for public sector enterprises.

#### **Principles of civil service covered by this law**

The Civil Service Law provides the basic principles of the civil service, such as the duty to put public interest above self-interest (Article 12, 13). Also the law of civil service (art14) prohibits government employees from engaging in additional employment, from divulging confidential information obtained during the course of duty, and from abusing his/her position for personal benefit or that of others.

Most important to mention here is that the law of Civil Service (1991) and its Executive By-Law (1992) and Law No.35 of 1991 and its amendment No.7 of 1979 for public sector enterprises did not mention or address any of the most important principles related to the civil servant such as ;

- Conflict of interest
- Disclosure of financial assets of public servant
- Showing sources of public servant's incomes
- limits of responsibility

#### **Penalties for administrative violations covered by this law**

The law outlines the different levels of penalties for administrative violations considered a corruption conduct according to the corruption definition (art.111).

this article stated that “ if the public servant conduct a violation of the duties stated in article 13 of this laws and other laws or regulation applied to the civil service ( duties and principles) one of the following penalties should be enforced against him after investigation being conducted with him :

- warning
- alerting note
- cut of salary not exceeding 2%
- delaying the annual promotion for a period not exceeding 6 months
- preventing him from the annual promotion

- delaying the regular ranking
- imbursement of all cost lose resulting from the violation no exceeding 20% of his monthly salary
- decrease of his salary
- decrease both of his salary and class category
- dismiss from service with keeping his rights on salary and other dues

However, when the law mentions the duties and prohibitions of the employees, they come in general terms and those terms could be interpreted in different ways that allow leaders to personalize those provisions and abuse them.

The by-laws also mention duties, restrictions, administrative violations, and punishments and refer to the penal and criminal law for serious crimes committed by the employee.

In reality, public sector employees do not charged with and/or convicted of any kind of corruption despite the increase voices and criticism on media .

However, it is evident that there are several indications show that the current system suffers from a number of charges of favoritism, corruption and laxity in administering and executing justice.

### **Law No.39of 1992 for Central Organization Control and Accountability (COCA)**

The COCA Act of 1992 gives COCA as the external auditor the authority to exercise control over public funds, develop the performance of government organizations, and develop and promote the accounting and auditing profession in Yemen.

According to article 6 of the law. No. 39 of 1992 , COCA seeks to:

- Achieve an effective control on public resources that aim to the good use and managed affectively, economically and efficiently.
- Contribute in developing the audit's' performance.
- Develop Auditing and Accounting profession.
- Provide the president of republic, the parliament, the cabinet, with the appropriate information via the audit reports according to COCA's core curriculum and professional accepted standards auditing.
- In addition, refers cases of corruption to the prosecution office with the evidence and reports to support the charges of the cases transferred.

### **Class of institution Covered by this Law**

The law no.39 of 1992 , established Central Organization Control and Accountability (COCA) as an independent authority for auditing and exercising control over public funds, checking administratively the performance of government organizations, and promoting the accounting and auditing of public and mixed sectors .

The COCA performs the following functions in the fields of statutory controls and evaluations, of statutory and organizational status:

- In the field of statutory controls, the organization examines and reviews decisions made by units under the control of the organization as regard of financial breaches or inconsistency to ensure that proper action been taken, and that responsibility has been determined, and an appropriate punishment was given.
- In the field of evaluation of statutory and organizational status, the organization is concerned of inspection of legislation articles and financial, accounting and administrative regulations to ensure that it is adequate and appropriate, and suggests amendments where needed.
- It will also contribute by giving its professional opinions on any bill drafts of law, articles, decisions and systems concerned with accounting, auditing, inspection, financial control or accounting practice.

- Without any breach of the provisions of articles (23, 25) of COCA act, the organization will inspect any accounts or any other activity entrusted to it, to audit or inspect, by the responsible authority and the organization has to report to the concerned authority.
- The president of the Republic, the prime minister and the parliament may assign to the organization the inspection of any activities of the units subject to the organization control, and preparation of any reports or information about any of them, without any breach of the provisions of articles (23, 25) of COCA law.

### **Breaches and violations covered by this law**

The law and its by law covered all government and public and mixed sectors breaches and violations. The law classified these breach and violation into categories; financial and administrative breaches and violations as follows:

#### **A - Financial Breaches and Violations of the Provisions of this Law**

The followings considered financial breaches and violation of the provisions of the law:

- Contradictions to principles and financial procedures lay down in the constitution legislation and by - laws.
- Contradictions to principles and procedures relating to the execution of the general budgets, supplemented budgets and independent budgets.
- Contradictions to accounting and financial principles, procedures and regulations currently adopted.
- Any wrong action whether it is intentionally or negligently the consequences of which is making unauthorized or illegal payments or loss of financial rights of any of the bodies subject to the organization control.
- Any other breaches and violation that considered by other legislations as financial breaches.

#### **B-Administrative Breaches and Violations of the Provisions of this Law**

The following considered administrative breaches and violations of the provisions of the law:

- Not to provide the organization with accounts, results of the operations, and supporting documents within specified period and whatever demanded by the organization from papers data, decisions, meetings minutes, documents or others which it has the right to inspect, audit or examine.
- Not to respond to the organization reports and correspondence within the specified period without a reasonable justification. It is considered as not responding if the replies imply procrastination.
- Not to notify the organization of any managerial decisions or judgments regarding financial irregularities within the period specified by this act.
- Unjustified delay in notifying the organization within the period specified in this act about the decision taken concerning financial irregularities known to the organization.
- Refusal to receive and respond to the organization's written inquiries.
- Non-compliance with the provisions of article (14) of this act and paragraphs (3' 4' 5' 6' 7' 8' 10) of article (15) of this act.
- Any employee who commits any financial or administrative irregularities specified in the above articles, or facilitates , contributes to its occurrence, or cover up the preparatory, he will be disciplined according to the provisions of the act and disciplinary by- laws, without any breach for the right to bring a criminal proceedings.

### **International Conventions**

- **UN Convention against Corruption (Decree no. 47 of 2005)**

Yemen has ratified many conventions and treaties, in the last three years relation to corruption. Yemen has signed and ratified the UN Convention against Corruption (signed December 2003; and has been ratified by the parliament and issued by the presidential decree no. 47 of 2005) and

- **The UN Convention against Transnational Organized Crime (ratified September 2004).**

Yemen ratified the UNCAC, and now, must, followed by full implementation of its main provisions: prevention of corruption, criminalization of corrupt practices and access to information about government spending.

In doing so, Yemen will not be a ratifying with out implementation state as it used to be known in the past.

### **Institutional infrastructure for combating corruption in Yemen**

The institutional infrastructures that deal with corruption classified into two stages:

- **First**, institutions deal with corruption during the investigation period; these are;
  1. The Central Organization for Control and Auditing (COCA),
  2. Public persecution for public fund,
  3. Supreme Judicial Council ( for judges and prosecutors),and
  4. Ministry of finance for checks and control of finance affairs
- **Second**, institutions deal with corruption during the trail in courts; these include;
  1. Court of public fund,
  2. Constitutional division at Supreme Court (for high level of public employees) never conduct any trails for corrupts official since its formation in 1995; and
  3. Legal departments of all ministries and government units, which deal with violations of public service duties and for minor corruption offences.
- **Central Organization for Control and Auditing (COCA)**

COCA, for the first time before the unification, is founded as Supreme Audit Institution with an independent considerable Identity according to the Act No. 45 for the year 1974 issued in Sana'a, under the founder of the correction movement of 13 June 1974 former president Ibrahim Alhamdi.

In the former South of Yemen, the Act No. 11 for the year 1982 issued in Aden to govern the Control and Auditing of government organization.

Moreover, the two organizations (in Sana'a, and Aden) integrated as one independent body in 1990 after the Unification of the south and north of Yemen, then issued the law no.39 of the year 1992. to establish one body called Central Organization for Control and Auditing (COCA).

Furthermore, COCA developed its own regulations for improving its functions these include:

- Executive Regulations By-laws of COCA's Law.
- The System of Sub-contracting Service of the Chartered accountants/Private Auditing Firms.
- System of Professional remunerations.
- Regulation of Country/Local and Abroad Training.
- Regulation of Social Care Funds for COCA Members.
- Decrees of COCA President Adopting Generally/Internationally Accepted Professional
- Standards in the field of Accounting and Auditing,

In addition to headquarter, COCA has established 20 branches in the Governorates of the Republic. It has a total number of Employees within COCA and its branches reaches 1820 employees male and female.

### **The Role of COCA as an Anti-Corruption in Realty.**

The Central Organization for Control and Auditing (COCA), as an anti-corruption watchdog in practice is not an independent body. In the law as stated, it is answerable to the president and presents its report to the parliament once a year. It has been monitoring government revenues, spending, procurement and performance. Nevertheless, its reports are either not taken into account or are being used to blackmail this or that government official.

Despite its comprehensive mandate and wide-ranging powers, in practice, however, COCA's mandate is too broad for its resources to give it full effect and the real impact of its efforts on government transparency or accountability has not been measured.

The Yemeni institutional infrastructures that responsible for fighting and preventing corruption have been characterized by a serious crisis of responsibility. In addition, this framework faces many obstacles and a lack of transparency and accountability in its structure and level of administration.

Building transparent and accountable institutions for preventing corruption is a fundamental starting point for developing good governance and fighting corruption in Yemen.

However, this study found in all institutions responsible for fighting corruption that all institutions have unclear structures, overlapping responsibilities of managers, unclear management lines and weak supervision lead to corruption and over employment in many of these institutions.

Generally speaking, according to general perceptions and findings of some studies conducted within the reform initiative efforts, all government institutions including these responsible for fighting corruption are weak at all levels due, amongst other things, to a lack of effective training, poor salaries, and a lack of any correspondence between training and job performance on the one hand and promotion and pay on the other.

### **State of corruption in Yemen**

Widespread and growing corruption has a profoundly corrosive effect on governance and the quality of life in Yemen. Corruption is ranked as a major problem by many reports and donors comments including EU, world banks and the Americans.

Transparency International ranks Yemen near the bottom of its corruption scale 2.4 in 2004 and 2.7 in 2005. The World Bank recently declared that the government's performance indicators fell markedly and cut Yemen's funding support by 34 percent due to corruption. As indicated by News Yemen web, this significant reduction attributed to the failure of the government to meet the minimum standards of transparency, efficiency, and improvement of investment-related conditions, and its deficiency in fighting corruption.

The qualification assessment for the U.S. funded Millennium Challenge Account determined that the Yemen has moved backwards from previous assessments. Yemen ranks eighth on the Fund for Peace's "Failed State Index."<sup>ii</sup>

### **Forms of corruption in Yemen**

Furthermore, corruption is widespread in every branch and level of government. In real live of Yemeni institutions and among people, the following forms of corruption are exercised:

1. **Bribery:** Probably the most common form of corruption that practiced by most employees of all institutions in Yemen, the term bribery in this context is the giving of some form of benefit to unduly influence some action or decision on the part of the recipient or beneficiary.
2. **Embezzlement, theft and fraud:** the second form of corruption that practiced by the government employees and even private sector is the taking or conversion of money,

or other valuables for personal benefit. The term Embezzlement and theft in this context involve the taking of property by estate dealers , job sellers and misrepresenting the amount of people in need of a particular service, specially these graduated but do not find jobs. these who convicted with these practice not even charged or trailed .

3. **Extortion:** the third form of corruption that practiced by the government employees and tribe people who have power within the government body.
4. **Abuse of discretion:** the fourth form of corruption that practiced by the government official in the high and middle levels. These officials abuse their office for private gain. the patterns of such abuses are usually associated with bureaucracies in which broad individual discretion is created, few oversights or accountability structures are present, as well as those in which decision-making rules are so complex as to neutralize the effectiveness of such structures even if they exist.
5. **Favoritism, nepotism and clientele:** the fifth form of corruption that practiced by the government official in the high and middle levels. In general, these practices involve abuse of discretion, such as advancing the interest of family (nepotism)and a political party.
6. **Improper political contributions:** the sixth form of corruption that practiced by the government official of the ruling party in term of payments made in an attempt to influence present or future activities by a party or its members.

Most government officials and parliamentarians alike are the main lawbreakers and were presumed to benefit from insider deals and embezzlement.

### **Level of corruption in Yemen**

According to experts working in the field of fighting corruption, the most corrupt public institutions in Yemen are:

1. civil service ministry and its offices all over the country,
2. health sector,
3. Custom authority,
4. traffic police, judicial authority,
5. Public work and procurements committees.
6. Procurement was a regular source of corruption in the executive branch. For instance, in September the Ministry of Public Works acknowledged before the parliament that only 20 percent of contracts were awarded by tender and the 80 percent without.
7. The judiciary has been criticized for many years for its lengthy proceedings and perceived corruption. Files went missing, cases were barred before entering the docket and verdicts were delivered because of false evidence. The judges were not exclusively to blame. Public attention has recently focused on dishonest court experts who falsify evidence and corrupt lay judges who are available for hire. Lay judges are members of the panels that preside over the criminal, family and labor courts.

The phenomenon of corruption in Yemen is a result of prevailing bad socio-economic and governance conditions in the country. Factors such as poverty, scarcity, and lack of access to basic services, lack of information, overly bureaucratic institutions and low incentives for civil servants come together in various permutations and combinations to give rise to corruption.

In 2004, The Central Organization for Controlling and Audit COCA documented 68 cases of corruption costing billions of Yemeni Rials in the theft of public funds. The COCA reported that the following institution documented as corrupted authorities, the oil and mineral ministry, the electricity ministry, health, education, Vocational Training and the ministry for local administration.<sup>iii</sup>

Despite this and previous reports, no judiciary has taking place .however, for the first half of 2005, C.O.C.A. has listed 55 cases, resulting in financial losses exceeding \$3 billion Yemeni rials, (\$15 million U.S.). The actual number of corruption cases was generally considered significantly higher than what was reported by COCA. The cost of corruption in governmental agencies has been reported as exceeding \$9 million U.S. annually. Nonetheless, some ministers were named in COCA reports but they were granted ministerial posts in the last amended government.

Despite strong pressures, the governor of Mahweet governorate decided that eight education officials should be charged for the alleged embezzlement of \$9 million Yemeni Rials. This is one of the first corruption prosecutions of high government officials in recent history.

All the previous detailed on corruption in Yemen proved that absence of governance produced corruption which in turn serves as an obstacle against the functions of state economic policy, reform program, and redistribution of good and welfare .

A clear example, the Federation of Chambers of Commerce reported, “Administrative corruption is one of the reasons for the rolling down of the economy, resulting in misdetection, draining the public funds.”<sup>iv</sup>

This fact also stated by Robert D. Burrowes who confirm that, “many potential foreign investors decided that the risks were too great relative to potential gains based partly on a number of well –publicized cases of corruption, nepotism, and political favoritism”<sup>v</sup>

However, for the first time, parliament actively challenged the executive in a number of high-profile corruption cases. These included a 2004 oil scandal for the allegedly illegal sale of government property to the Yemen Petroleum Company. Petty corruption was widely reported in nearly every government office. Job candidates are often expected to purchase their positions. Tax inspectors were reported to undervalue their assessments and pocket the difference.

Many government officials received salaries for jobs they did not perform or multiple salaries for the same job.

### **Government initiatives on Anti-corruption**

The main sources of corruption in Yemen are weak structure of governance, non-transparent structure of government institutions, and long tradition of breaking the laws by the high ranks officials. Therefore, improving the quality of governance in Yemen cannot take place without reducing corruption. As a result, there were growing calls for mechanisms of fighting corruption in Yemen from Yemeni people ,civil society organizations , donors and even the government when face a criticism from these calling to fight corruption .

However, anti- corruption efforts and initiatives by government is considered as result of pressured from international donors particularly the World Bank, IMF, and others rater than the citizen pressure or government realization of the state of corruption that exist in Yemen. Small efforts had been initiated by government such as engaging in public reform, judicial reform and announcing discourse by high officials about corruption.

The government also ratified the following International Conventions

- UN Convention against Corruption (signed December 2003; and has been ratified by the parliament and issued by the presidential decree no. 47 of 2005.
- UN Convention against Transnational Organized Crime (ratified September 2004)

However, the law requires a degree of transparency and public access to information, and the Press and Publications Law provides journalists with some access to government reports and information; however, in practice the government offered few procedures to ensure transparency. The government provided limited information on Web sites; however, most citizens did not have access to the Internet.

- In 2003 , the government with the help of the German government , Transparency international TI , agreed to the concept of GTZ( German Agency working in Yemen ) for cooperation to fight corruption that includes nine smaller projects intended to support the government measures that set by the Presidential Office (PO) as the plan for 2003 to bring more structural order and transparency into Yemeni state organizations and administration in order to help detecting ,eradicate or minimize corruption<sup>vi</sup>.

All efforts done by this project are seminars inside the PO's building or out of it .those seminars include the following subjects: Management of the government by the Presidential Office, job descriptions in cooperation with civil service ministry, establishing the Internal Audit Units in ministries and other organizations, and implementing of administrative procedural law intended for National Institute for Administration Science (NIAS).

In addition to the public sector reforms, the government initiated some efforts such as:

- The government issued a decree to form high committee to curb corruption headed by Prime Minister, even though this committee did not even know or informed to the public.
- With very few exceptions government did not declare any actions; program or strategies to fight corruption, as well as international instruments and pressures seem to have failed so far to deliver dramatic change. However, a draft bill to fight corruption is introduced the parliament which call for establishing a committee to fight corruption consists many expert, civil society organization respected persons in the Yemeni society.
- Presently, there is only very limited training in public sector at NIAS, the only public institute for training, providing guidance on how public sector employees are to conduct themselves and provide services .
- The National Institute for Administrative Sciences (NIAS) provides civil service ethics in its two-year diploma programme. Apart from this, severe constraints on training budgets prevent widespread orientation for or advice to employees.
- Introduce some bill draft to the parliament such as anti-corruption bill, financial disclosure bill, and public funds protection bill. These bills are still in parliament after approved by the cabinet ministers.
- There are several efforts by international donors aimed to help the government in reforming its structural institutions and governance structures However, aimed to curb corruption in Yemen.
- Despite all efforts to contain corruption, the reform process in Yemen is still very vulnerable to corrupt initiatives due to the lack of transparency, cod of conduct, access to information, and accountability within these reforms projects or initiatives.

## **Findings and Recommendations**

### **1. Findings**

Important finding and lessons to be drawn from this study are that:

- (i) Corruption requires promoting transparency, accountability, law enforcement. In addition, political well and sincerity.
- (ii) Causes of corruption vary in term of (social, culture, political, institutional, and legal causes) in Yemen case; need to be taken into account in the design of anti - corruption strategies and programs .

- (iii) The main sources of corruption in Yemen are weak structure of governance, non-transparent structure of government institutions, and long tradition of breaking the laws by the high ranks officials.
- (iv) Corruption not only violates the basic democratic principles of equality, transparency, and fairness, but it is also believed to foster poverty and losing trust on government.
- (v) Institutional framework for fighting corruption in Yemen faces many obstacles and a lack of transparency and accountability in its structure and level of administration.
- (vi) Despite all efforts to contain corruption, the reform process in Yemen is still very vulnerable to finalizing the drafting of the anti-corruption law ;
- (vii) In term of training against corruption in Yemen , there are no any institution or organization in charge of anti-corruption training except NIAS

## **2- Recommendations**

Improving governance in general, and enhancing transparency and public participation in particular, can go a long way in tackling the problem of corruption at all levels.

- Promoting regular and effective specialized anti-corruption training for public prosecutors , police officers and judges
- Providing capacity –building and implementation support to NGOs in coalition building ,advocacy and lobbying , public awareness campaigns ,legal support for victims of corruption ,and monitoring of government .
- set up the codes of conduct for all ministries and public sector units and finalizing the drafting of the anti-corruption law which is ob parliament’s hand as soon as possible
- Issue Transparent Procurement Law for competitive bidding for all major public projects and programs will ensure that the assignments of large government contracts are determined by free market force and not by any other consideration whether personal or political.

## End note

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- <sup>i</sup> The constitution of the republic of Yemen ( last amended 2001)
- <sup>ii</sup> Foreign policy Journal.
- <sup>iii</sup> COCA's Annual Control Statement of 2004, presented to the Parliament
- <sup>iv</sup> The Federation of the Chambers of Commerce & Industry of Yemen, The View of the Private Sector on Administrative Functions: A Paper Submitted to the National Conference for Administrative and Financial Reforms held in Sana'a in 1998.
- <sup>v</sup> Robert D. Burrows, Yemen: political economy and the effort against terrorism, in battling terrorism in the horn of Africa, RobertI. Rotberg, editor p.154. P.p 141-172.
- <sup>vi</sup> Address by Klaus – Henning Rosen. a consulting to the PO to fight corruption in Yemen

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