

Cabinet Resolution No. 165 of 2011
regulating the National Anti-Corruption Commission

Dated: 28 / 05 / 1432 A.H.

02 / 03 / 2011 A.D.

The Council of Ministers, upon perusal of File No. 17363/B dated 13/5/1432H received from the Office of Presidency of the Council of Ministers, including Cable No. 1283/1 dated 12/5/1432H of HE Chief of the Bureau of Experts at the Council of Ministers and HE President of the National Anti-Corruption Commission, attached therewith the Draft Statute of the National Anti-Corruption Commission;

Upon perusal of Royal Order No. A/65 dated 13/4/1432H, establishing the National Anti-Corruption Commission, which provided in Clause (Third) that the President of the National Anti-Corruption Commission and the Chief of the Bureau of Experts at the Council of Ministers shall draft the Statute of said Commission, provided it shall be promulgated by the Council of Ministers within 3 months from the date of said Order;

Upon perusal of paragraph (2) of Article (24) of the Law of the Council of Ministers, issued by Royal Order No. (A/13) dated 3/3/1414H;

Upon perusal of Minutes No. 198 dated 12/5/1432H, prepared in this regard and signed by HE Chief of the Bureau of Experts at the Council of Ministers and HE President of the National Anti-Corruption Commission; Upon perusal of the minutes adopted on 20/5/1432H by HE Minister of Islamic Affairs, Endowments, Da'wah and Guidance; HE Minister of Justice, HE Minister of Hajj, HE Chief of the Bureau of Experts at the Council of Ministers and HE President of the National Anti-Corruption Commission, enforcing the directive of the Council of Ministers in the Session of 14/5/1432H; and Pursuant to the High Directive in this regard, included in Cable No. 17363/B dated 13/5/1432H;

Resolves as follows:

the Statute of the National Anti-Corruption Commission shall be approved as per the enclosed form.

(Signed)
Prime Minister

Article 1

The following terms and phrases – wherever mentioned in this Statute – shall have the meanings assigned thereto:

- 1 - Statute: Statute of the National Anti-Corruption Commission
- 2 - Commission: the National Anti-Corruption Commission
- 3 - President: President of the Commission
- 4 - Entities under the Commission's jurisdiction: All government entities and companies which the State owns not less than 25% of their capital

Commission's Legal Status and to whom It Reports

Article 2

- 1- The Commission shall report directly to the King, and shall enjoy a corporate personality as well as full financial and administrative independence to ensure performance of its duties with neutrality and without influence from by any entity whatsoever. No person may interfere in the Commission's affairs.
- 2 - The Commission's headquarters shall be in the City of Riyadh, and it may establish branches or offices in the Kingdom as necessary.

Objectives and Powers

Article 3

The Commission aims to maintain integrity, promote transparency and combat financial and administrative corruption in all forms, manifestations and means. To this end, it shall have the following powers:

- 1 - Pursue implementation of orders and directives relating to matters of public concern and interests of citizens to ensure compliance therewith.
- 2 - Investigate financial and administrative corruption in public works contracts, operation and maintenance contracts and other contracts relating to matters of public concern and interests of citizens in entities under the Commission's jurisdiction, and pursue necessary legal procedures with regard to any contract involving corruption or which is concluded or being executed in violation of laws and regulations in force.

3 - Refer violations and irregularities related to financial or administrative corruption – upon detection – to audit or investigation agencies, as applicable, and report the same to the head of the entity with which the violating employee is affiliated. The Commission shall have access to the investigation and the right to follow-up on the progress of proceedings. It shall also have the right to demand the relevant entities to take precautionary or preventive measures – as prescribed by the law – against persons suspected, due to the presence of evidence or presumptions, of committing acts within the definition of corruption. In all cases, if the Commission deems that such violations and irregularities amount to an institutional level in any entity under the Commission's jurisdiction, it shall report the same to the King to decide thereupon.

4 - Work towards achieving objectives provided for in the National Strategy for Maintaining Integrity and Combating Corruption, pursue implementation thereof with relevant entities, monitor, assess and review the results and set plans as well as implementation schemes.

5 - Encourage public and private sectors to adopt plans and programs for maintaining integrity and combating corruption, pursuing implementation and assessing results thereof.

6 - Pursue with relevant entities the recovery of property and proceeds of corruption crimes.

7 - Review business procedures of entities under the Commission's jurisdiction in order to identify and address deficiencies that may lead to corruption to ensure achievement of the Commission's objectives and exercise of powers.

8 - Propose laws and policies necessary to prevent and combat corruption and periodically review relevant laws and regulations to determine their efficiency and work on their improvement, and submit the same in accordance with legal procedures.

9 - Set controls necessary to submit financial declarations and take an oath of office – with regard to some categories of government employees – and bring the same before the King for approval.

10 - Pursue the level of compliance of entities under the Commission's jurisdiction with laws incriminating financial and administrative corruption, and promote accountability of each person, regardless of position.

11 - Pursue implementation of obligations relating to maintaining integrity and combating corruption as provided for in international treaties to which the Kingdom is party.

12 - Provide direct communication channels to receive and verify reports from the public on acts involving corruption, and take necessary measures thereon.

13 - Cooperate with relevant entities and civil society institutions towards raising the sense of citizenship and the importance of protecting public property to ensure proper management and protection thereof.

14 - Receive and review – upon the Commission's request – periodical reports and statistics from entities under the Commission's jurisdiction prepare analytical data, and take necessary measures thereon.

15 - Support research and studies on maintaining integrity and combating corruption, and encourage relevant entities, specialized research centers and civil society institutions to participate therein.

16 - Conduct and analyze studies and measure the impact of corruption on social cohesion and economic development, and devise methods required to address such issues.

17 - Collect, classify and analyze information, data and statistics relating to corruption, and build databases and information systems therefor.

18 - Promote awareness on the concept of corruption and point out its dangers and effects as well as the importance of maintaining integrity and raising self-monitoring and intolerance of corruption, and encourage civil society institutions and the media to cooperate and contribute thereto.

19 - Represent the Kingdom at international conferences and events relating to transparency and maintaining integrity and combating corruption, and cooperate with regional and international commissions and organizations in the field.

20 - Organize conferences, seminars and training courses on transparency, integrity and combating corruption.

21 - Any other power entrusted to the Commission pursuant to special provisions.

Relations with other Entities

Article 4

Competent audit agencies shall cooperate with the Commission within its field of business, regarding any inquiries or procedures, to ensure complementarity and consistency of roles in exercising powers related to maintaining integrity and combating corruption.

Article 5

1 - Competent audit agencies shall notify the Commission of any financial or administrative irregularity falling within its jurisdiction.

2 - Entities under the Commission's jurisdiction as well as contracted private entities shall furnish the Commission – upon its request – with documents, data and information relating to its duties.

3 - Entities under the Commission's jurisdiction shall undertake the following:

a) Provide the Commission with approved projects and their contracts as well as operation and maintenance contracts according to a mechanism set by it.

b) Enable Commission personnel to carry out their tasks, and provide them with documents and papers required or copies thereof.c) Respond to the Commission's inquiries and observations and notify it of actions taken within a maximum of 30 days from date of notification.

Presidency and Administrative Body

Article 6

The Commission shall have a president of the rank «Minister» and two vice-presidents of the rank «Excellent», to be appointed by Royal Order.tt

Article 7

The President shall oversee achievement of the Commission's objectives and exercise of powers and oversee its administration, finance and personnel, and manage its affairs. He may in particular:

- 1 - Oversee drafting of the Commission's financial and personnel by-laws, and bring the same before the King for approval.
- 2 - Issue the Commission's administrative by-laws and organizational structure.
- 3 - Represent the Commission before public and private entities and others.
- 4 - Oversee the preparation of the Commission's draft budget, and bring the same before the King for approval.

The President may delegate some of the powers provided for in this Article to any Commission official.

Article 8

The administrative body of the Commission shall comprise a number of specialized departments, including:

- 1 - A department for maintaining integrity
- 2 - A department for combating corruption
- 3 - A department for following-up on projects and public affairs
- 4 - A department for research and studies
- 5 - A department for financial declarations and oath of office
- 6 - A department for monitoring, statistics and measurements
- 7 - A department for international treaties and organizations
- 8 - A department for education and awareness

Article 9

In addition to requirements specified in the personnel bylaws referred to in Article 7, paragraph 1 of this Statute, a person assuming any duties relating to the Commission shall meet the following conditions:

- 1 - Be a person of wisdom, honesty, integrity and neutrality
- 2 - Not have been sentenced to a hadd (punishment prescribed by Sharia) or ta'zir (discretionary punishment), convicted of a crime impinging on honor or integrity or subjected to a disciplinary decision dismissing him from a public office, even if rehabilitated.
- 3 - Submit a financial declaration.
- 4 - Not engage in any work – directly or indirectly, paid or unpaid, in government or private sector – while employed by the Commission.

Article 10

Prior to assuming their duties, Commission employees shall take the following oath before the President: "I swear by Almighty God that I shall perform my duties with honesty, integrity and impartiality, and I shall not disclose any information to which I am privy by virtue of my employment in the Commission even after leaving office". The personnel by-laws – referred to in Article 7, paragraph 1 of this Statute – shall specify categories of employees covered by the provision of this Article.

Article 11

Except for the President and Vice-Presidents, Commission employees shall be subject to Labor Law and Social Insurance Law.

Budget

Article 12

1 - The Commission shall have an independent budget to be deposited in an account under its name at the Saudi Arabian Monetary Agency. Disbursement shall be in accordance with the financial by-laws provided for in Article 7, paragraph 1 of this Statute.

2 - The fiscal year of the Commission shall be that of the State.

General Provisions

Article 13

The Commission shall set rules for maintaining integrity, including schemes for granting incentives (financial or moral) to government employees and others whose diligence leads to uncover cases of corruption or saves public funds, and bring such rules before the King for approval.

Article 14

The President shall prepare reports for submission to the King as follows:

1 - An annual report within a maximum of ninety days from the end of the fiscal year, which includes:

- a) The Commission's achievements and difficulties encountered during the previous year and recommendations it deems fit
- b) Assessment of integrity and corruption in the Kingdom within said year

2 - Special reports, as necessary.

Article 15

The Commission's financial audit and preparation of final accounts shall be in accordance with the provisions stipulated in the financial bylaws referred to in Article 7, paragraph 1 of this Statute.

Article 16

The Implementing Regulations of this Statute shall be promulgated by Royal Order upon recommendation by the President.

Article 17

This Statute shall enter into force from the day following the date of its publication in the Official Gazette.