

INTERNATIONAL LEGAL FRAMEWORK OF CORRUPTION AND ITS IMPORTANCE IN UZBEKISTAN TO REFORM GOVERNMENTAL MANAGEMENT POLICY

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Annotation: *Building a society free of corruption is a matter of urgency in today's world. Because corruption hinders development in all areas of the state. Today, almost all sectors: medicine, education, politics, and the social sphere suffer from corruption. However, it should be noted that significant changes in public policy in recent years have led to a decrease in corruption. That is why it is important to prevent corruption at every level of public policy. In doing so, it relies primarily on international legal norms. Therefore, this article discusses the international legal framework for corruption in the reform of public administration in Uzbekistan.*

Key words: *corruption, convention, sustainable development goals, United Nations, anti-corruption, reform*

The United Nations Convention against Corruption

UNCAC [1] is the first truly global anti-corruption treaty that defines a "common language" [2] for the anti-corruption movement. It was adopted by the United Nations General Assembly (UNGA) on 31 October 2003 and opened for signature in Merida, Mexico on 9-11 December 2003. UNCAC entered into force two years later, on 14 December 2005. The number of highly signed and ratified documents reflects the broad international consensus on UNCAC. This consensus was not only between states, but also between the international private sector and civil society.

'The adoption of the United Nations Convention against Corruption makes it clear that the international community is committed to preventing and controlling corruption. It warns the bribe-takers that betrayal of the people's trust will no longer be allowed ... The adoption of a new Convention would be a remarkable achievement. But let's be clear: this is just the beginning.

– Kofi Annan [3].

The United Nations Convention against Corruption is the only legally binding universal document to combat corruption. The comprehensive approach of the Convention and the binding nature of its many provisions make it a unique tool for developing a comprehensive response to the global problem. The Convention covers five main areas: preventive measures, criminalization and law enforcement, international cooperation, asset recovery, technical assistance and information exchange.

The Convention covers many different forms, including bribery, coercion, abuse of office, and various acts of corruption in the private sector. A key aspect of the Convention is the introduction of a special chapter on the return of assets aimed at returning the assets to their rightful owners, including the countries in which they were illegally seized. Most of the member states of the United Nations are parties of the Convention.

Corruption and governance

As Alexander Gillespie pointed out, "good governance" became the of the international community. It is not necessary to give a full description of good governance to contribute to this [5]. At the same time, corruption undermines specific values that encompass the concept of good governance, such as transparency and the rule of law. International anti-corruption documents often point to good governance values [7]. The inclusion of anti-corruption measures in a broader good governance system reflects a high level of consensus on the harmful social impact of corruption. Effective governance measures to combat corruption can take many forms.

For example, requiring officials to disclose their personal positions is one of the most acceptable approaches to prevent inappropriate behavior. The Iraq war revealed the close ties between Halliburton, a private military firm, and Dick Cheney, a former U.S. vice president under the Bush administration who served as Halliburton's chief executive for several years [8]. Halliburton has benefited from important security agreements for the U.S. government in Iraq and elsewhere, sometimes without open tenders. As a public company, Halliburton is required to disclose certain information in accordance with its securities regulations [9]. In addition to regulating securities for positions held in non-government companies, other disclosure requirements may be required to encourage transparency in potential conflicts of interest.

Financial transparency obligations imposed not only on companies but also on politicians can be one of the useful approaches to help shed light on the close links between politics and business that can lead to corruption. Legal attempts to prevent a potential conflict of interest can take many forms. Requiring politicians or high-ranking civil servants to disclose their

current or previous positions provides transparency. This is a ‘management’ approach in which transparency is assumed to lead to a form of self-regulation. Another option is a “regulatory” approach, in which the legislature replaces meta-rules that enhance transparency with meaningful rules. This may include a direct ban on holding (certain) public and private positions at the same time.

Thus, UNCAC urges States Parties to endeavor to establish measures and systems that require public officials to submit declarations to the relevant authorities, in particular their external activities and employment, that could lead to a conflict of interest in their functions. as government officials [10]. The fact that UNCAC negotiators did not make this a mandatory condition may seem like a missed opportunity. Mandatory disclosure of positions held simultaneously in the public and private sectors will significantly enhance the prevention of corruption not only in developing countries but also in developed countries. There is no similar provision in the OECD Convention, although the risk of a conflict of interest in transnational business operations it covers is significant. Like UNCAC, [11] the OAS Convention requires states to develop standards of conduct for public functions [12]. Similarly, under the AU Convention, States Parties undertake to develop a draft code of conduct for public officials and to establish a body to oversee its implementation [13]. Going beyond these efforts, the CoE published a Model Code of Conduct for Public Officials [14], which stipulates that the Code of Conduct becomes an integral part of a civil servant’s contract [15]. This does not require public officials to announce other positions in the private sector, but rather to resign from any external position that “does not adequately or impede the performance of their duties as public officials” [16]. In addition, if an official wishes to hold certain (unspecified) positions outside the civil service, he or she must notify or seek the approval of his or her supervisor [17].

Sustainable Development Agenda and Corruption:

Corruption ranks high in the doctrines of human rights and development. The 2015 2030 Agenda for Sustainable Development of the United Nations General Assembly calls on all states to “significantly reduce all forms of corruption and bribery” and return all stolen assets by 2030. [18] in their official contributions to the order, the bodies of the Treaty on Human Rights. “Mismanagement of resources and corruption have been identified as barriers to the allocation of resources to support equal rights” [19]. Indeed, countries with high levels of corruption have a poor human rights record. For example, the countries with the lowest rankings in Transparency International's Corruption Perceptions Index in 2017 are

Syria, South Sudan and Somalia, all of which have major human rights concerns.

Uzbekistan on the path of reforms

In Uzbekistan, the fight against corruption has also become a priority of public policy. This can be seen in the conceptual documents adopted in recent years in this area, as well as in the example of administrative reforms aimed at preventing corruption. In particular, the National Action Strategy for the five priority areas of development for 2017-2021, adopted at the initiative of the President of our country, plays an important role in increasing the effectiveness of the fight against corruption [21].

In his speech on the occasion of the 26th anniversary of the adoption of the Constitution of the Republic of Uzbekistan, President Mirziyoyev proposed to establish special committees to combat corruption under the chambers of the Oliy Majlis, based on best international practices and legislative requirements of our Constitution.

In 2019, the Legislative Chamber of the Oliy Majlis passed a resolution "On the establishment of the Committee on Judicial Issues and Combating Corruption of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" [22].

In the same year, the Senate of the Oliy Majlis established the Committee on Judicial Issues and the Fight against Corruption. More than 70 anti-corruption regulations in all areas of state and society building have provided a solid foundation for these reforms.

The most important step in this direction was the signing of the Anti-Corruption Law as one of the first steps of legislation since the President came to power. The law, passed in 2017, defines a number of concepts, such as "corruption", "corruption offenses" and "conflict of interest". The direction of public policy in the fight against corruption has also been identified [24].

The State Program on Combating Corruption for 2017-2018 was also adopted. Adopted under the program "On Public Procurement", "On Public-Private Partnership", "On Dissemination and Use of Legal Information", "On Public Oversight" These laws are also aimed at ensuring economic growth through the fight against corruption [6].

According to Transparency International's Corruption Perceptions Index 2020, Uzbekistan has risen 7 places compared to 2019 and has achieved steady growth for 4 consecutive years (from 17 points in 2013 to 26 points in 2020). That is why Transparency International recognized Uzbekistan as one of the fastest growing countries in the region in its 2020 report.

However, despite the results achieved, we still have huge tasks ahead of us. In his Address to the Oliy Majlis, the President also touched upon the problem of corruption and stressed that intolerance of any form of it should become a part of our daily lives.

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2. Antonio Argandoña, ‘The United Nations Convention against Corruption and Its Impact on International Companies’ (2007) 74 Journal of Business Ethics 481, 482. Certain international instruments, however, refer to the serious moral concerns about corruption, such as the Preamble to the OECD Convention.

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9.2 See Securities and Exchange Commission, Public Companies: <https://m.investor.gov/i>

10. UNCAC art 8.5

11. Article 8 of the UNCAC merely requests that states parties ‘endeavour to apply’ codes of conduct for public officials

12. OAS Convention art III.1.

13. AU Convention art 7.2.

14. Committee of Ministers, Council of Europe, Recommendation No R (2000)10 on Codes of Conduct for Public Officials (11 May 2000) app (‘Model Code of Conduct for Public Officials’).

15. Ibid art 2.2.

16. Ibid art 15.1.

17. Ibid arts 15.1, 15.2.

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