



International Civil Society Initiatives In The Fight Against Corruption And Their Demands

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ABSTRACT

The article provides an overview of the literature on corruption relations in civil society, and then - the relationship between public administration, institutions and civil society.

The study examined cooperation with civil society in the fight against corruption and its solution, as well as its eradication at the national and international levels, as well as the activities of international organizations in the fight against corruption, their objectives and goals.

A comprehensive analysis of the international legal framework of civil society in the fight against corruption, the specifics of international legal regulation based on universal mechanisms, legal regulation of regional structures, as well as the level of interaction and powers of international NGOs in the fight against corruption was carried out.

KEYWORDS

Corruption, civil society, regulation, international cooperation, international mechanism, active participation, international agreement.

INTRODUCTION

The fight against corruption is a long-term process that requires profound structural

changes in the country's institutions, its legal framework and culture.

Therefore, at a time when confidence in government commitments to fight corruption is declining, it is important to encourage and enable the participation of civil society[1].

From the second half of the twentieth century, we can say that it is precisely the specific foundations for anti-corruption mechanisms. It is from this period that the formation of international organizations in the fight against crime and the growth of their place and role have led to the creation of various international and national mechanisms to combat corruption.

It is also important to understand the meaning of corruption. For the first time in international documents, the concept of corruption is defined in the Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly Resolution of 17 December 1979, in which “corruption is defined as whether or not to perform certain actions in the interests of the awardee, with or without violation of the rules of the job description”[2].

MATERIALS AND METHODS

The fight against corruption is taking place in many interrelated areas. In this regard, Transparency International spokesman **Jeremy Pope** gave a good description of anti-corruption governance: according to him, the fight against corruption consists of the following ten “pillars of integrity”:

1.Legislation, 2.Executing, 3.Judicial power, 4.Auditor general, 5.Ombudsman, 6.Guardian agencies, 7.Civil service, 8.Private sector, 9.International actors and 10.Civil society. [3]

To date, there is no generally accepted definition of “civil society” in terms of

combating corruption, but we believe that this should be interpreted subjectively.

The CIVICUS Global Alliance for the Development of Civil Society, established in 1993, defines “civil society” as “the space created by organizations, institutions and institutions, the promotion of the common good, individual and collective action, the promotion of common interests” [4].

The theorist, John Locke, embodied the principles of “conciseness” or “trust” for the state - a model based on the consent of civil society and advanced the theory of the struggle against unjust rule[5].

The United Nations Convention against Corruption (UNCAC) recognizes the role of civil society in the fight against corruption, calling on governments to increase transparency, ensure public education, and contribute to public decision-making [6].

In recent years, a number of international organizations have taken initiatives in the fight against corruption, and the international community has been calling for cooperation in preventing this scourge.

The UN Convention against Corruption (UNCAC) on July 19, 2013 recognizes the role of civil society in the fight against corruption and calls on governments to increase transparency, improve public access to information, and contribute to public decision-making. UNODC will strengthen the capacity and activism of civil society, especially in developing countries, by providing the necessary tools for constructive work with the government and the private sector in implementing UNCAC.

The European Union is a world leader in supporting civil society. Over the years, it has

helped civil society in Central Asia and elsewhere around the world through a variety of thematic initiatives, including the European Initiative for Democracy and Human Rights. On June 19, 2017, the conclusion of the Council of the European Union on work with civil society organizations in the framework of the EU's activities abroad was issued. The document reiterates that "relations with civil society play a more important role in the EU's overseas partnerships and that the EU's strategic participation in this area should be included in all foreign initiatives and programs" [7].

Since the 1990s, international agreements on combating corruption have been adopted at the international and regional levels. It can be said that today the fight against corruption remains one of the priorities of every state policy. Building a successful anti-corruption system requires extensive international cooperation in this area and the study of best practices of foreign countries and their critical application in national legislation and practice.

In particular, the so-called global problem in the fight against corruption requires a thorough study of international experience, not only to create conditions for the comprehensive and rapid development of state and society, its modernization, but also to implement priorities. For example, the European Union, UNODC (United Nations Office on Drugs and Crime), UNDP (United Nations Development Program), OSCE (Organization for Security and Cooperation in Europe), OECD (Organization for Economic Cooperation and Development), FATF (Organization for Combating Money Laundering) EGMONT It is desirable to build an anti-corruption system through successful cooperation with a number of international

organizations, such as the GROUP (Association of Financial Intelligence).

The UN Convention on the Suppression of Transnational Organized Crime and Corruption (2000) and the Convention against Corruption (2003) can be included in the category of multilateral international documents on the prevention and fight against corruption. These documents call for the active participation of civil society, non-governmental organizations and community-based organizations.

Including Article 13 of the 2003 UN Convention against Corruption dedicated to "community participation", according to this, each participating state within its capabilities and in accordance with the basic principles of its domestic legislation, civil society, non-governmental organizations to prevent and combat corruption and to better understand the existence of corruption, its causes, dangers and threats and take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as community-based organizations. They believe that such participation should be strengthened through the following measures:

- Assistance in involving the population in decision-making processes and increasing its transparency;
- Providing effective opportunities for the population to have access to information;
- Carrying out activities aimed at providing the population with information that will create an environment of intolerance to corruption, as well as the implementation of state educational programs, including curricula in schools and universities;
- Respect, encourage and protect the freedom to seek, receive, publish and disseminate information on corruption.

Certain restrictions on such freedom may be imposed, but they will be provided for in the legislation and are necessary for:

- To respect the rights and dignity of others;
- To protect national security or public order, or health, or morals.

Many countries have strengthened and adopted their legal and institutional frameworks, and have begun to develop comprehensive anti-corruption strategies[8]

Civil society assistance in the fight against corruption is also widely recognized and included in many international anti-corruption conventions, for example: Articles 5, 13 and 63, (4), (c) of the UNCAC clearly state the role of civil society in the fight against corruption[9]. However, in practice, civil society is not able to take full advantage of access to UNCAC and its processes.

Another foreign experience is the Transparency International Handbook, which analyzes the forms of participation in the collective action against corruption. The results of these analyzes suggested that the implementation process should consist of: initiative, facilitator, participant / shareholder, and monitoring.

In the field of anti-corruption, there is an international alliance dedicated to strengthening the civil movement and civil society around the world (CIVICUS). The union has a membership alliance with more than 9,000 members in more than 175 countries, working to strengthen the civil movement and civil society, as well as where citizens' freedom of association is under threat.

The World Bank has identified the **“Social Report”** as an approach based on citizen activism aimed at preventing and combating

corruption. This, in turn, has been recognized as a broad-based action and mechanism that can be used by citizens, communities, independent media, and civil society institutions to hold government officials and civil servants accountable[10]

As a continuation of activities in this area, it is possible to present the results of the OECD's **“Thirteen Years of Experience Report”** on working with civil society in the fight against corruption. The OECD experience recognizes that civil society emphasizes that countries can play a major role in anti-corruption initiatives, and suggests a critical study of the idea that civil society is crucial in the fight against corruption[11]

In Sweden, the church and civil society have a special role to play in tackling corruption. The mentality of Swedish citizens is shaped in such a way that anyone who has acquired a large amount of money or valuable property in a short period of time is questioned. If there is a lack of confidence in an official or a civil servant, then their chances of success in society and subsequent employment in civil service positions or in private companies are reduced to zero[12]

In 2019, the Republic of Kazakhstan established Special Monitoring Groups (MMG) to combat corruption. This monitoring group has become an effective tool of public scrutiny. More than 3,000 specialists and public figures were involved in their activities. They conduct an external evaluation of the implementation of the Anti-Corruption Strategy. MMG also contributes greatly to the formation of an anti-corruption culture in society[13].

It is also worth noting that a number of regional documents have been adopted to

combat corruption globally. For example, the American Convention against Corruption, adopted by the Organization of American States on March 29, 1996, and the Convention against Corruption, adopted by the Council of the European Union on November 21, 1997, against officials of the European Union or EU member states. Convention for the Suppression of Bribery of Foreign Officials in International Trade Practices, adopted by the Organization for Cooperation and Development on 21 November 1997, the African Union Convention on the Prevention and Combating of Corruption of 12 July 2003, and the CIS Legislation on Anti-Corruption Policy Model Laws of November 15, 2003

It should be noted that within the European Union, the Conventions on Criminal Liability for Corruption were adopted on January 27, 1999, and on November 4, 1999, on Civil Liability for Corruption.

Over the past 40 years, it has adopted a number of important resolutions that provide for political and legal restrictions to ensure cooperation among states aimed at tackling corruption.

Paragraph 12 of the OECD Recommendations of the Economic Cooperation and Development Organization of March 2020 is entitled The Control System, which strengthens the fight against corruption by strengthening impartiality, in particular the role and control of the external public oversight system.

Paragraph 13 of this Resolution stipulates that the process of policy formulation and implementation in order to encourage the involvement of stakeholders at all stages of political transparency, as well as to encourage

accountability and affirm the public interest, should include:

Ensuring transparency and openness of governing bodies, including the use of information and public data, as well as timely response to information requests;

Providing opportunities for all stakeholders, including the private sector, civil society and individuals, to participate in the development and implementation of public policy;

Prevention of usurpation of public policy by narrow groups through the financing of political parties and election campaigns and the introduction of transparency in lobbying, as well as the management of conflicts of interest;

Non-governmental organizations “watch dogs” - organizations, civic groups, trade unions and independent media.

The Assembly of the Council of Europe stressed that in addition to the traditional standards of the Council of Europe on the parameters for assessing the democratic development of each country, the following indicators should be included[14].

- Transparency of the political decision-making process;
- The level of non-parliamentary political activity of the public and its impact on the functioning of the parliament as a platform for democratic discussion and decision-making;
- The degree to which civil society structures and organizations are free from state control and, at the same time, do not act as clandestine opposition parties deprived of democratic legitimacy;

- Measures to protect democracy from non-democratic initiatives.

At present, a system of international legal cooperation has been formed in the fight against corruption, which is a comprehensive mechanism of cooperation between states at the global, regional, subregional and bilateral levels. The formation of such a system allows the existence of independent traditional and institutional mechanisms to combat corruption, their interdependence and cooperation, as well as the complex application of specific forms of cooperation to prevent and combat corruption.

The norms governing the mechanisms of civil society's fight against corruption, which directly define the goals and objectives, can be divided into the following groups:

- Universal international agreements on combating corruption in civil society (**United Nations, Organization for Economic Cooperation and Development, World Bank**);
- International agreements of a regional (**European Union and African Union**) nature in the fight against corruption in civil society;
- Normative and legal documents of international non-governmental civil society anti-corruption organizations (Transparency International, International Chamber of Commerce, International Anti-Corruption Academy);
- Domestic legislation of states on combating corruption in civil society, etc.

In summary, based on the above discussions, although civil society and its structure have an impact on mitigating corruption, such an impact is related to a number of factors.

First, an environment that clearly regulates government attempts to repress civil society institutions is important in the anti-corruption impact of civil society.

Second, it is important to shape the political-legal institutional environment as well, relying on institutionalism as a basic theory. Consequently, the existence of transparent laws is important in considering the impact of civil society on curbing corruption. Because the contribution of civil society in the fight against corruption is useless without the important mechanisms discussed above.

CONCLUSION

Therefore, the role of international organizations and their influence on the domestic legislation of states play an important role in the fight against corruption in civil society. Their analysis, recommendations and reports are a “mirror” of the state’s anti-corruption legislation and its implementation.

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