



# İdare Hukuku ve İlimleri Dergisi

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## The Role and Significance of Civil Society Institutions in the Fight Against Corruption in Uzbekistan

Eldor Tulyakov\*

### Abstract

This article analyzes issues related to the effective participation of civil society organizations in the fight against corruption in Uzbekistan. The author puts forward new ideas regarding civil society organizations' (CSOs) role in ensuring an effective battle against corruption and in particular considers the following four areas to be important: improving legislation, developing effective policies, enhancing the best practices, and polishing the behaviors of state bodies.

First of all, civil society institutions should work together with state bodies to improve existing legislature and create new laws if necessary, be active in the various stages of legislative initiatives, and involve work groups formed by relevant organizations. Secondly, CSOs must be active in determining, changing, and improving policies to fight against corruption. Thirdly, CSOs should be active in calling state bodies to embrace effective anti-corruption practices through monitoring and public control. Fourthly, CSOs should work to change the strategic behavior of state bodies if they believe that certain actions unregulated by existing laws and policies are being governed by informal relations. In terms of effectively organizing such work as a key factor in successfully tackling corruption, the government must ensure openness and transparency in its practices, and allow CSOs to contribute to developing the country by implementing practices best suited toward public control.

### Keywords

Civil Society • Corruption • Raising Awareness • Transparency • Public Control

\* **Correspondence to:** Eldor Tulyakov (Executive Director), Development Strategy Center, Tashkent, Uzbekistan E-mail: [info@strategy.uz](mailto:info@strategy.uz)  
ORCID: 0000-0003-0948-2563

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## Introduction

Corruption is an insidious plague with many corrosive effects on societies. It undermines democracy and the rule of law, leads to human rights violations, distorts markets, erodes the quality of life, and allows organized crime, terrorism, and other threats to human security to flourish.

Article 13 (i.e., Participation of society) of the United Nations (UN) Convention Against Corruption states, “Each State Party shall take appropriate measures, within its means, and in accordance with the fundamental principles of its domestic law to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations, and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes, gravity of, and threat posed by corruption”<sup>1</sup>.

The fight against corruption is a long-term process requiring significant structural changes to a country’s institutions, legal framework, and culture. Therefore, actors outside the government, especially civil society organizations (CSOs), are essential in fighting against corruption.

Civil society is often described as a return to reciprocity in political and social arrangements and as the third force through which the traditional hierarchy of state and subject can be unseated. Political scientists use the term somewhat more rigorously to encompass all those substances of society and all the arrangements within it that exist outside the state’s reach or instigation. Nowadays, however, the most widespread understanding of civil society is as a promoter of various political and social goals. In short, civil society has come to be thought of as encompassing everything that is not the state and as representing a set of inherently democratic values.<sup>2</sup>

CSOs’ contributions range from awareness-raising and prevention campaigns to participation in policy formation and monitoring of the implementation of anti-corruption strategies and legislation. CSOs are primarily engaged in empowering citizens and exerting pressure on governments to address their international commitments. All these activities are crucial for building national anti-corruption capacities and supporting institutional reform.

As a responsible member-state of the UN Convention Against Corruption, Uzbekistan has been creating the necessary conditions for NGOs and other institutions of civil society to be more active in the fight against this threat. In turn, the place and

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<sup>1</sup> United Nations Office on Drugs and Crime (2004) Convention against corruption [https://www.unodc.org/documents/brussels/UN\\_Convention\\_Against\\_Corruption.pdf](https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf).

<sup>2</sup> Trifonova E, (2003). Civil society - A key element of the post-cold war zeitgeist Institute for Regional and International Studies <http://pdc.ceu.hu/archive/00002353/01/trifonova.pdf>.

role of non-governmental non-profit organizations in the fight against corruption has increased in Uzbekistan. Involving civil society institutions and other representatives of the non-governmental sector is considered necessary for effectively implementing these works. Measures are also noteworthy being implemented to strengthen public control.

From this point of view, the further development and support of non-governmental non-profit organizations and other institutions of civil society that are active in the fight against corruption in our country are essential for societal development. As President of Uzbekistan Shavkat Mirziyoev stated in the New Uzbekistan Strategy, "...creating the necessary conditions for the free functioning of civil society institutions, their active participation in state and community management, and further improvement of their state support mechanisms are in the center of attention"<sup>3</sup>.

Based on the principle of society as the initiator of reforms, the participation of civil society institutions, especially non-governmental non-profit organizations, is increasingly expanding in the efforts carried out in Uzbekistan<sup>4</sup>, and proof for this statement can be seen in the public discussions that occur before adopting legislative documents, the system implemented to hear officials' reports, the openness and transparency of the activities of state bodies and organizations, the improvement of public control by ensuring freedom of access to information, the introduction of a communication system between leaders and citizens (online and offline), the participation of representatives from state organizations as well as from non-state organizations in various working groups formed to positively solve current issues, and the involvement of representatives from non-profit organizations and other civil society institutions.

Having the state cooperate with civil society institutions in the fight against corruption should be recognized as being appropriate. This cooperation has several advantages that are reflected in certain forms and mechanisms. In particular, non-governmental non-profit organizations have a place and role in monitoring state policy in the field. After all, monitoring helps increase the sense of responsibility the responsible state bodies have and gets them to regularly report to the public. This in turn serves to improve the system of public accountability of state bodies and to increase the effectiveness of reforms in the fight against corruption by constantly listening to the population's opinion<sup>5</sup>.

Monitoring reforms in the fight against corruption should be noted to be able to be carried out by non-governmental non-profit organizations and other institutions

<sup>3</sup> Mirziyoyev Sh, (2021) Strategy of New Uzbekistan, Uzbekistan.

<sup>4</sup> Mirziyoyev Sh, (2020, January 24). Society – initiator of reforms <https://president.uz/uz/3312>.

<sup>5</sup> Tulyakov E, (2021, June 9) *Civil Society Reforms in Uzbekistan* Diplomat Magazine <https://diplomatmagazine.eu/2021/06/09/civil-society-reforms-in-uzbekistan>.

of civil society independently or in cooperation with relevant state bodies. After all, these two mechanisms have their own positive and negative aspects.

A positive characteristic of independent monitoring is that non-governmental organizations and other civil society institutions have the opportunity to independently develop their monitoring plan and strategy without consulting anyone; this also significantly increases the likelihood that they will be able to demonstrate their ability to act independently. This also leaves little room for the probability of manipulation by relevant state bodies.

In addition, based on the monitoring results and conclusions, non-governmental non-profit organizations and other civil society institutions will be free to revise their activities and adjust their work process in accordance with the results. This in turn allows more covert monitoring in the fight against corruption.

A positive feature of monitoring conducted in cooperation with relevant state bodies is that non-governmental non-profit organizations and other civil society institutions can obtain the information they need. In independent monitoring, one should note that non-governmental and non-profit organizations will be limited to only available data. Cooperating with state bodies allows databases to be used that are not open to all, as well as the ability to successfully request additional information from state bodies to be more likely. This makes the conclusions and recommendations based on monitoring more accurate and reasonable.

One of the most important positive features of cooperation established between state bodies and civil society institutions is the mature competence gained due to the exchange of experience. In other words, the effective and extensive experience of the state organization in combating corruption increases the skills the civil society institution has in this field. Also, cooperating with civil society institutions helps in the practical application of advanced foreign experience. That state bodies being forced to follow various bureaucratic procedures when communicating with their counterparts abroad and strengthening mutual relations should be stated as being likely. This can significantly weaken international cooperation in this area and delay the implementation of foreign experience for a long time.

In Uzbekistan, the fight against corruption is carried out in conjunction with the implementation of international experience and relevant norms of law in the country's legislation and practices<sup>6</sup>. The fact that active non-governmental non-profit organizations today have the opportunity to quickly establish contact with colleagues who are advanced in the fight against corruption in the international arena is worth noting. This accelerates the process of improving practices based on advanced

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<sup>6</sup> Nodirhanova N, (2021) *Fighting against corruption is an important factor in the renewal of state and society* <https://strategy.uz/index.php?news=1397>.

foreign experience. Establishing mutually beneficial foreign cooperation is must, and analyzing the practical and positive results of international non-profit organizations' anti-corruption efforts is one of the main tasks facing non-governmental organizations such as the Development Strategy Center.

Active cooperation with civil society institutions in promoting public policy to prevent and combat corruption and raise awareness of the population in this regard will bring positive results. After all, these have the opportunity to cover a broad segment of the people, which will undoubtedly help increase the number of those supporting reforms in this field.

Civil society institutions can make calls on the following four issues: laws, policies, practices, and behaviors. Civil society institutions can call for improving existing laws or for working to adopt new legislature if corruption occurs due to existing loopholes in the legislation. Also of vital importance is having non-governmental and non-profit organizations be active in various stages of the legislative initiative, including the work groups formed by relevant organizations.

Non-governmental non-profit organizations and other civil society institutions must be active in determining, changing, and improving policies to fight against corruption. This requires civil society institutions to be well aware of the formal and informal processes of politics.

CSOs can call for the effective implementation of laws and policies. This method is used when appropriate laws and policies are in place but corruption is rampant due to non-compliance. A great deal of skill is required from non-governmental organizations. They will need to skillfully warn those who violate existing laws and policies and attract the attention of those who have the power to stop corruption. Of course, this is not easy, because making such a call requires perfect knowledge of the law and sufficient evidence.

In this regard, non-governmental non-profit organizations can call for changes in the behaviors, actions, or practices that are not regulated by existing laws and policies but are governed by ingrained informal relations and traditional methods. This process is known to be manifested through questionable behaviors such as gifts, deals, and conflicts of interest. Nepotism is another such practice that, while not an objective view, does intend to give certain advantages to a person.

Establishing permanent cooperation between civil society institutions and mass media is also an effective way to fight corruption, because mass media has an extensive database and can also serve to take appropriate measures using this information. Meanwhile, the state can also actively and widely promote policies in this area with great precision using mass media. In this regard, paying attention to the truthfulness of information is necessary.

Civil society institutions can widely apply the abovementioned factors in the fight against corruption. In particular, civil society institutions need to be active in determining the corruption factors that occur in certain situations, from allocating budget funds to how the funds are spent, as well as the various processes involved in privatizing state property, in state procurement, and the construction of state facilities in every corner of the country, in addition to other such practices. In this regard, the changes taking place in the field of digitalization in the country, as well as the particular electronic portals operating in each field, undoubtedly have incomparable roles. All these aspects significantly ease the work by expanding the possibility of having civil society institutions conduct monitoring and come up with appropriate proposals based on the results.

These days, publishing the decisions state bodies make in open electronic databases allows non-governmental non-profit organizations to closely monitor the activities of state bodies, especially their financial behaviors. Most importantly, the number of people who take advantage of such opportunities also increases daily.

Addressing the problems and difficulties NGOs and other civil society institutions face in the fight against corruption would be appropriate. The main problem is the lack of sufficient resources in civil society institutions, including finances and skilled professionals. Therefore, to fully use the potential of civil society institutions, financial issues should be promptly resolved by the state, and international or foreign donors, because this situation directly affects the efficiency of their work. However, non-governmental and non-profit organizations should not be biased. Most importantly, non-governmental non-profit organizations or other civil society institutions should not spend the aid funds from international and foreign donors specifically for foreign interests. Special attention needs to be paid to not allowing such actions.

In addition, state bodies may be demanded to provide relevant information to non-governmental non-profit organizations with regard to collaborative monitoring processes. In particular, the results from the monitoring can be referenced to the relevant state organization and confirmed as examples of what will be shown before being presented to the general public.

In conclusion, the extensive work carried out by non-governmental non-profit organizations and other civil society institutions in the fight against corruption should be stated to be bearing fruit. These groups have been making unparalleled contributions in mitigating and positively solving the various problems being faced today. In particular, these include the initiatives to regulate such areas as ecology and environmental protection, health care, and the protection of human rights.

In addition, the promotion and campaign activities of non-governmental non-profit organizations are almost entirely aimed at societal development, at eliminating any obstacles to this development, and in particular at taking measures to fight against corruption, which is an important step toward constructing the new Uzbekistan.

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