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THE ROLE OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE FIGHT AGAINST CORRUPTION IN THE PUBLIC SPHERE

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The article examines the role of international non-governmental organizations in the fight against corruption in the public sphere. It is noted that the international legal mechanism for overcoming corruption consists of a system of international legal acts, an institutional and instrumental component, mechanisms of the system of monitoring and evaluating the implementation of international anti-corruption obligations, technical and resource support, which contributes to the creation of a global system of effective fight at the international level and of anti-corruption policy, which have a normative, informative and practical direction. It is emphasized that the institutional component of the international mechanism for countering and fighting corruption, including international non-governmental organizations are also included. It was determined that an international non-governmental organization is created on the basis of the implementation of the will of citizens' initiatives, unites non-governmental organizations of different countries and private individuals and legal entities in order to solve the problems of countering and fighting corruption, which either remained outside the attention of states and governments, or cannot be solved without their additional participation. It is highlighted that international non-governmental organizations differ in such main features as: they exert pressure on international governmental organizations, governments and other actors of international relations and act as a kind of counterweight to the state, they are created on the initiative of private individuals, they carry out non-commercial activities, they have the status of a legal entity, they are recognized although by one state or have consultative status with an international governmental organization, receive funding from states, direct their activities to solving social, economic, cultural, educational and other issues. Within the framework of the functioning of the international mechanism for countering and fighting corruption, international non-governmental organizations perform the following tasks: collect, analyze and disseminate information on corruption manifestations, drawing the public's attention to them, offer different approaches to solving problems related to corruption, monitor the activities of governments, especially in the fulfillment of international obligations regarding the prevention of corruption, mobilize public opinion and involve the public in discussing the issue of combating and preventing corruption, lobby for the adoption of important decisions to solve problematic issues. Classification of international non-governmental organizations fighting corruption has been carried out.

Key words: corruption, international non-governmental organizations, opposition and fight against corruption.

Сімонець Л. О. Роль міжнародних неурядових організацій у боротьбі з корупцією у публічній сфері

У статті здійснено дослідження ролі міжнародних неурядових організацій у боротьбі з корупцією у публічній сфері. Зауважено, що міжнародно-правовий механізм подолання корупції складається із системи міжнародно-правових актів, інституційної та інструментальної складової, механізмів системи моніторингу та оцінки виконання міжнародних антикорупційних зобов'язань, технічно-ресурсного забезпечення, що сприяє створенню глобальної системи ефективної боротьби на міжнародному рівні та антикорупційної політики, які мають нормотворче, інформаційне та практичне спрямування. Підкреслено, що до інституційної складової міжнародного механізму протидії і боротьби з корупцією в т.ч. відносяться і міжнародні неурядові організації. Визначено, що міжнародна неурядова організація створюється на основі реалізації волі громадянських ініціатив об'єднує неурядові організації різних країн та приватних фізичних і юридичних осіб з метою вирішення проблем протидії та боротьби із корупцією, які або залишилися поза увагою держав та урядів, або не можуть бути вирішені без їх додаткової участі. Виокремлено, що

міжнародні неурядові організації відрізняються такими основними ознаками, як: здійснюють тиск на міжнародні урядові організації, уряди та інших акторів міжнародних відносин і виступають як своєрідна противага державі, створюються за ініціативи приватних осіб, здійснюють некомерційну діяльність, мають статус юридичної особи, визнані хоча би однією державою або мають консультативний статус при міжнародній урядовій організації, отримують фінансування з боку держав, спрямовують свою діяльність на вирішення соціальних, економічних, культурних, освітніх та інших питань. В межах функціонування міжнародного механізму протидії та боротьби з корупцією міжнародні неурядові організації виконують наступні завдання: збирають, аналізують та поширюють інформацію щодо корупційних проявів, привертаючи до них увагу громадськості, пропонують різні підходи до вирішення проблем пов'язаних із корупцією, контролюють діяльність урядів, особливо у виконанні міжнародних зобов'язань щодо запобігання корупції, мобілізують громадську думку та залучають громадськість до обговорення питання протидії та запобігання корупції, лобіюють прийняття важливих рішень для вирішення проблемних питань. Здійснено класифікацію міжнародних неурядових організацій, які борються із корупцією.

Ключові слова: *корупція, міжнародні неурядові організації, протидія та боротьба із корупцією.*

Statement of the problem. The relevance of the study of the role of international non-governmental organizations in the fight against corruption in the public sphere is determined by a number of reasons. For instance, international non-governmental organizations have gained considerable experience in anti-corruption measures, which allows us to understand which strategies and approaches to combating and counteracting corruption in the public sphere are most effective, and international non-governmental organizations are actively working to increase the transparency and accountability of governments and international governmental organizations, as well as public understanding of the importance of overcoming and combating corruption. It should be noted that international non-governmental organizations facilitate the exchange of experience and best practices between countries, which helps to identify mechanisms that promote effective international cooperation in the fight against corruption, which is especially important in the context of globalization, when corruption schemes often go beyond the borders of one country. International non-governmental organizations cooperate with civil society and support it in the fight against corruption, and a study of their activities allows us to understand how civil society can be involved in the anti-corruption fight. The study of the role of international non-governmental organizations in the fight against corruption contributes to the development of scientific knowledge in this area, helps researchers, policy makers and practitioners to better understand the complex processes and challenges associated with corruption and find new ways to overcome it.

Analysis of recent research and publications. The role of international non-governmental organizations in solving current international problems has been studied by such scholars as: A.V. Voitsikhovsky (international non-governmental organizations in the fight against crime), D. Krotkov (international non-governmental organizations: the nature of their influence on modern international relations), R.Y. Polovinkina (the role of international organizations in the fight against corruption: theoretical aspect), O.Y. Khar (classification of international non-governmental organizations: key functional features), etc. In addition, in our research, we were guided by journalistic articles and official websites of individual international non-governmental organizations.

The purpose of the article is to study the role of international non-governmental organizations in the fight against corruption in the public sphere.

Summary of the main material. Corruption is a problem which has transcended national borders and is of international importance, and therefore requires an effective

international legal mechanism for combating and counteracting corruption, including in the public sphere. Since 1975, a number of international legal acts have been adopted at the international level aimed at overcoming corruption, including: UN General Assembly Resolution 3514 “Measures against corrupt practices of transnational and other corporations, their intermediaries and others involved” (1975), Recommendations of the Eighth UN Congress in Havana (1997)), Recommendations of the UN Secretariat “Practical Methods of Combating Corruption”, Resolution “Corruption in Public Administration”, Resolutions of UN Committees devoted to the issue of combating corruption and bribery (Resolution 1995/14 ECOSOC, 1995; Resolution 51/191, 1996; Resolution 55/61, 2001, etc.). The modern system of anti-corruption international legislation also includes the UN Convention against Corruption (UNCAC, 2003), the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), the Inter-American Convention against Corruption (IACAC, 1996), the Council of Europe Convention against Corruption (Civil Convention on Corruption and Criminal Convention on Corruption, 1999), the Inter-American Convention on Corruption (1999).), the Inter-American Convention against Corruption (IACAC, 1996), the Group of States against Corruption (GRECO, 1999), the African Union Convention on Preventing and Combating Corruption (2003), the Southern African Development Community (SADC) Protocol against Corruption, the EU Convention on the Protection of Financial Interests, the ADB/OECD Anti-Corruption Action Plan for Asia and the Pacific, etc. These international legal acts have become the basis for the further development of the international mechanism for combating and counteracting corruption and establishing the basis for cooperation of various actors in international relations in the field of anti-corruption policy, which has a rule-making, informational and practical orientation [1].

Along with the system of international intergovernmental universal and regional organizations that focus on combating and counteracting corruption, international non-governmental organizations operate in the international legal field.

As O.Y. Khar notes, “in international law and in the documents of intergovernmental organizations, the term “non-governmental organizations” is most often applied to organizations that are international in nature, which means either territorial coverage of certain activities or membership in this NGO (non-governmental organization – deciphered by us, L.S.) of organizations from different countries of the world” [2, p. 96]. A more extended definition of the concept of “international non-governmental organization” is given by D. Krotkov “as an organizationally structured non-profit association of individuals and legal entities (and in some cases, official representatives of states) of several countries based on the idea of “people’s diplomacy”, an organizationally structured non-profit association of individuals and legal entities (and in some cases, official representatives of states) of several countries to carry out legitimate international activities within their competence for the benefit of humanity” [3, p. 22].

The main features of international non-governmental organizations include the following:

- 1) They exert pressure on international governmental organizations, governments and other actors in international relations and act as a kind of counterweight to the state (a pressure group is “a socio-political association that seeks to satisfy its own interests through influence on the state authorities or political parties, it differs from a party in that it does not directly fight for power, does not participate in the leadership and management of the state” [4]). For example, the Open Society Foundations supports

the fight against corruption by funding various projects and organizations and exerts pressure on governments and international organizations to maintain transparency in their activities and the rule of law;

2) They are created on the initiative of individuals. For example, the Anti-Corruption Foundation was created in Russia by A. Navalny to expose corruption schemes in the work of the Russian government;

3) Carry out non-commercial activities. For example, the International Consortium of Investigative Journalists (ICIJ) coordinates large-scale investigations of corruption schemes and international finance crimes by providing support and resources to journalists involved in corruption investigations;

4) They have the status of a legal entity under national law, since the scope of rights and obligations corresponds to the level of powers of legal entities, and the status of a non-political organization under national and international law, since international non-governmental organizations are not funded by state budgets, their activities are not related to party interests or support for specific political parties. Also, they have the status of charitable or public organizations focused on specific missions and tasks, which allows them to effectively address important global issues without interference from political interests or influences. It should be noted that in international practice, there are often cases when international non-governmental organizations make decisions by lobbying the interests of individual states, however, no such facts were found in relation to international non-governmental organizations in the field of crime prevention in the course of our study, which indicates that such organizations seek to maintain their independence from political influence and objectivity to ensure the effective implementation of their tasks;

5) Recognized by at least one state or having consultative status with an international governmental organization. In particular, the main form of cooperation between international governmental organizations and international non-governmental organizations is consulting, in particular, Article 71 of the UN Charter enshrines the powers of the UN Economic and Social Council to consult with non-governmental organizations [5]. For example, Transparency International has the status of a consultative body to the UN, which allows it to provide expert advice and recommendations to facilitate the development and implementation of anti-corruption measures at the global level;

6) Receive funding from governments. For example, Global Witness, which focuses on exposing corruption related to natural resources, illegal mining and trade, receives funding from the governments of the United Kingdom, the Netherlands and Sweden;

7) Focus their activities on social, economic, cultural, educational and other issues. For example, the International Anti-Corruption Academy (IACA) aims to promote the fight against corruption through training, research, cooperation, support of international standards, development of partnerships, formation of anti-corruption national policies, raising professional standards of specialists in anti-corruption policy, etc.

Within the framework of the international mechanism for countering and combating corruption, international non-governmental organizations perform the following tasks:

1. Collect, analyze and disseminate information on corruption, drawing public attention to it. For example, Transparency International periodically compiles the Corruption Perceptions Index (CPI), which reflects the results of measuring the level of corruption in individual countries. For example, Transparency International conducted a study of corruption enablers in 180 countries in 2021-2023 based on the Bertelsmann Foundation's Transformation Index for 2024 and Democracy Scorecard for 2023, World

Economic Forum's Executive Opinion Survey for 2023, Freedom House's Transition Countries Report for 2022, Global Insight's Country Risk Ranking for 2022, Economist Intelligence Unit's Country Risk Ranking for 2023, etc. Transparency International summarized the data to form the Corruption Perceptions Index–2023, which measures the level of perception of corruption in the public sector by such indicators as bribery, embezzlement of public funds, effectiveness of prosecuting corrupt officials, nepotism in the civil service, availability of a legal mechanism for financial disclosure, bureaucracy, protection of whistleblowers, investigators and journalists, and the level of implementation of the integrity mechanism. In particular, according to the Corruption Perceptions Index–2023, Ukraine received 38 points and ranked 104th among 180 countries [6].

2. Offer different approaches to solving corruption-related problems. For example, the International Chamber of Commerce promotes codes of conduct and anti-corruption programs in international companies, provides recommendations and resources for implementing anti-corruption measures in small and medium-sized businesses.

3. Monitor the activities of governments, especially in fulfilling international obligations to prevent corruption. For example, in 2006, Global Witness reminded in its statement that while conducting research on the gas sector in Ukraine, it found that “little-known private companies played a central role in gas links between Europe and Ukraine, which is a key point for transporting gas from Russia and Central Asia” [7].

4. Mobilize public opinion and engage the public in discussions on combating and preventing corruption. For example, in 2022, Razom We Stand and the Darwin Climax Coalition filed a criminal complaint with the Paris prosecutor against Total Energies for complicity in war crimes in Ukraine based on the publication of the results of an investigation conducted by the British NGO Global Witness and the French newspaper *Le Monde*.

5. Lobbying for important decisions to address problematic issues. International anti-corruption NGOs use a variety of strategies to lobby for important anti-corruption decisions, including advocacy, campaigns to draw attention to anti-corruption issues and mobilize the public, cooperation with governments and international organizations to provide expert advice and support in implementing important anti-corruption reforms, preparation and publication of research reports and recommendations that indicate the need for specific anti-corruption measures.

International non-governmental organizations that fight corruption operate at the following levels:

- national level (e.g., Transparency International has about one hundred national chapters, in Ukraine it is the Creative Association “TORO” (non-governmental organization, registered in 1999 [8]);
- regional and sub-regional level (for example, the Asian Development Bank supports Asian countries in eliminating corruption through technical assistance, training and development of anti-corruption strategies at the sub-regional level);
- international level (e.g., Anti-Corruption Network for Eastern Europe and Central Asia aims to help strengthen anti-corruption efforts in the countries of these regions) [3, p. 22–23].

The following types of international non-governmental organizations can be conditionally distinguished in the field of combating and countering corruption in the public sphere:

1. Research and analytical international non-governmental organizations. For example, Transparency International develops the Corruption Perceptions Index, Global

Integrity analyzes and evaluates anti-corruption measures in different countries, U4 Anti-Corruption Resource Centre (a permanent center at the Christian Michelsen Institute) provides research results and analytical materials for governments and organizations fighting corruption.

2. International non-governmental organizations for advocacy and education. For example, Global Witness exposes corruption schemes and campaigns for transparency in the extractive industry, Open Society Foundations supports anti-corruption initiatives and projects around the world, International Budget Partnership promotes transparency and accountability in the budget process.

3. International non-governmental technical assistance and consulting organizations. For example, The Basel Institute on Governance provides advice and technical assistance in the field of anti-corruption governance.

4. Networks and coalitions of international non-governmental organizations. For example, Transparency International operates as a global network of national chapters, Open Government Partnership brings together governments and civil society to promote open and accountable governance, Anti-Corruption Transparency International is a network of organizations dealing with transparency and accountability in the public sector, and the International Penal Reform Movement [9].

Conclusions. The international legal mechanism for combating corruption consists of a system of international legal acts, institutional and instrumental components, mechanisms for monitoring and evaluating the implementation of international anti-corruption obligations, technical and resource support, which contributes to the creation of a global system of effective international fight and anti-corruption policy, which have a rule-making, informational and practical orientation. The institutional component of the international mechanism for countering and combating corruption includes international non-governmental organizations. An international non-governmental organization is created on the basis of the will of civil initiatives and brings together non-governmental organizations from different countries and private individuals and legal entities to address the problems of countering and combating corruption that have either been ignored by states and governments or cannot be resolved without their additional participation. International non-governmental organizations are distinguished by the following main features: they exert pressure on international governmental organizations, governments and other actors of international relations and act as a kind of counterweight to the state, are created on the initiative of individuals, carry out non-commercial activities, have the status of a legal entity, are recognized by at least one state or have consultative status with an international governmental organization, receive funding from states, and direct their activities to address social, economic, cultural, educational, and other issues. Within the framework of the international mechanism for countering and combating corruption, international non-governmental organizations perform the following tasks: collect, analyze and disseminate information on corruption, drawing public attention to it, propose different approaches to solving problems related to corruption, monitor the activities of governments, especially in fulfilling international obligations to prevent corruption, mobilize public opinion and engage the public in discussions on countering and preventing corruption, lobby International anti-corruption NGOs operate at the national, regional, sub-regional and international levels and are conventionally classified into research, analytical, advocacy and education NGOs, technical assistance and consulting organizations, networks and coalitions of international NGOs.

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