CONCEPTUALIZING CORRUPTION IN THE CONTEXT OF AZERBAIJANI ANTI-CORRUPTION POLICIES

Elnur Musayev
(*elnurnet@yahoo.co.uk*)
Ph.D Candidate
(Baku State University)

Abstract

Although corruption takes public agenda frequently, with governments adopting targeted measures under anti-corruption banners, its definition is not a settled matter. Few narrow definitions adopted internationally and set forth in national legislation do not reflect the scope and various forms of corruption. In order to understand this phenomenon, it is worth analyzing the measures taken in the framework of the anti-corruption policies and discerns the patterns in order to build a concept of corruption. This analysis highlights the dynamics in the concepttualization of corruption in line with the level of development and achievements in various sectors of public life, presently confining corruption to the domain of serious forms of misconduct, such as administrative and criminal misbehavior.

Keywords: *corruption, concept, conceptualization, transparency, good governance, open government, criminal law, professional behavior, conflict of interest, competitions, private sector, public sector*

Introduction

It is the settled position of the international expert community, that there is no single definition of corruption. Several working formulae developed by international organizations are used for specific purposes. But these definitions do not encompass various forms of this multifaceted phenomenon. Instead, the international community and foreign governments tend to conceptualize corruption. That is to say, they try to develop common principles and criteria based on which certain patterns of behavior; practices and conditions could be considered as corrupt. There are many benefits to this approach. Among others, this allows keeping the list open and subject to further adjustments, as necessary to meet the emerging challenges. In this paper, I attempt to identify the position on conceptualizing corruption in the context of the reforms that have taken place in Azerbaijan in recent years under the banners of the fight against corruption. I made a particular accent on the developments in public sectors, trying to discern patterns in delineating corruption in the public sector. Corruption in the private sector merits separate and closer attention. Although the national legislation even contains the definition of 'corruption' per se and mentions this word in legislation, this position does not contribute to the conclusion that the concept of corruption is clear-cut and net. Far from it, the practice of the application of laws and official statements of the Government shows that corruption is no way near to be defined yet. Whether this has a positive or negative ring to it, is not the subject of this article. In order to particularize the matter, the article aims to demonstrate a certain dynamic in shrinking and stretching of the corruption concept, which is reflected in the government actions. In order to show this, I will collate the measures and developments that took place within the framework of the national and institutional anti-corruption strategies and review the implemented measures against the yardsticks provided by the United Nations Convention against Corruption. Although the latter does not provide a definition of corruption, it certainly sets out a universal formula for tackling it.

General Framework

According to the global anti-corruption watchdog, Transparency International, "corruption is the abuse of entrusted power for private gain". In order to explain the phenomenon, TI classifies it as grand, petty and political, depending on the amounts of money lost and the sector

where it occurs.[1] The European Bank of Reconstruction and Development, in its turn, says that "corrupt practices mean the bribery of public officials or other persons to gain improper commercial advantage".[3] Although initially, the EBRD aimed at compartmentalization of corruption and targeting commercial advantage, in practice it also refers to the wider definition, for compliance and anti-corruption and anti-fraud activities. Explaining it as something resulting in the erosion of public confidence in political institutions and legal systems, the EBRD directive states that "Corruption involves the abuse of public or private office for personal gain". [4] The World Bank provides a definition of corruption as "the abuse of public office for private gain". [5] The definitions above hinge on the concepts of the 'office' or 'power', whether private or public, their abuse and the purpose of 'gain'. Research rightly points out that most definitions relate corruption to the behavior of a public official, point to an illegal act, emphasize the payment of bribes, and assume some direct and indirect benefits to one or both parties and these limitations make it impossible to capture the whole scope of corruption.[6] Despite the narrow circle, these definitions provide a fulcrum to build on, which may lead to a commensurate understanding of corruption. Whether the anti-corruption legislation and practice of its application in Azerbaijan reflect the centripetal trend of formulating the concept of corruption is the subject of the following analysis.

Early-stage

Traditionally, in Azerbaijan, corruption is either taken for bribery or for any possible misconduct in office. While the modern understanding of corruption is located in the domain of misconduct of officials, it was not always the case in the past. In the early years of independence, i.e. in the early 1990s, when the state was extremely fragile and prone to serious existential challenges, corruption was seen exclusively as a form of criminal activity, its serious forms to be specific. With little to no legislation aimed at fight against corruption, early statutory instruments listed corruption among serious forms of crime predicate to the activity of the organized criminal groups along with other forms of economic crimes, such as bribery, false entrepreneurship and bankruptcy, diversion of credits supported by state guarantees, racketeering, false auditing, etc. The law enforcement bodies took drastic measures against serious forms of crime, while corruption cases were some sort of side effects of the anti-crime efforts. Notably, the legislative instruments describe a dire condition of corruption being perceived 'as a norm' in the Presidential Ordinance № 181 dated 09/08/1994 On intensifying measures aimed at fighting against crime and consolidating lawfulness and law and order. As a measure to tackle corruption, the Ordinance 1994 required running of open and transparent trials to expose corruption. It also encouraged more active take on corruption and economic crime elements, as a means of undermining financial resources for the organized crime. While the priority of the state at the time was the restoration of law and order and thwarting of external menaces, certain measures driven by the early statutory instruments counted for consolidation of a prospective anti-corruption framework. When the law enforcement authorities demonstrated progress in the fight against crime, taking down organized criminal rings, it became apparent that bureaucracy had turned into the primary habitat of arbitrariness and corruption.

As the next step, the Government aimed at dismantling the legacy of the former Soviet Union, its bloated machinery of financial supervisory and law enforcement apparatus leeching on nascent entrepreneurship in the Presidential Ordinance № 463 dated 17/06/1996 On setting in order state oversight in the field of productions, service and financial-credit activity ad banning ungrounded inquiries. The measures which were taken at the initial stage, such as sporadic restricting of financial inquiries and centralizing financial investigations by law enforcement, did not seem to be a proportionate response to challenges in the field, which bred corruption. In the course of the reforms undertaken in line with the Ordinance 1996, the Government identified and scrapped several parallel and repetitive financial control and examination mechanisms. Soon it became apparent that further positive results were contingent on deeper reforms that would

secure removing barriers to building a market economy, especially hurdles to foreign investments, which was considered as a foundation for building a sustainable economy. According to the proclaimed position, tackling corruption stipulated achievement of these targets.

The new Presidential Ordinance № 69 dated 07/01/1999 On streamlining state oversight system and removal of artificial barriers to the development of the entrepreneurship identified bribery and red tape, especially the occasions of these types of behavior demonstrated in the course of ungrounded financial examinations, registration and incorporation of legal persons, as well as licensing as burning problems. In an attempt to curb abuse of office by the law enforcement officials, the Ordinance 1999 prescribed centralization of the parallel financial investigations through establishing a register for criminal financial investigations under the auspices of the financial authorities, including the tax authority and bank regulator. The Ordinance came at the time when the economy of Azerbaijan saw steady investments, the flow of which was diminished and occasionally interrupted by the unjustified interference and abuse of office by public officials. Facilitation payments extorted by law enforcement and auditing institutions were identified as the principal challenges posed to the economic development of the country. Apart from the private sector interferences, the reform also addressed abuses in the public sector. In order to streamline control of public spending's, Government scrapped supervisory-auditing units in all public institutions and left public financial control with the Ministry of Finance. It is apparent that in the course of a few years, the concept of corruption widened enough to merit addressing in its own right, and not as misbehavior emanating from the organized criminal activity or alternatively, as a form of economic crime. Duplication of control mechanisms, prolongation of the terms of auditing and criminal investigation, complicating of administrative procedures, abuse of power in the communication with the entrepreneurs, especially foreign businesses, addressing of civil disputes within the framework of criminal proceedings were perceived as manifestations of corrupt behavior. This added up to the understanding of corruption as a gross type of criminal behavior.

An important development in this field took place when the authorities spelt out economic crimes and corruption, specifically its forms like an offence of abuse of office, as the predicate to money laundering in the Presidential Decree № 730 dated 27/01/1998 On Some Measures to Tackle Economic Crime. Although it tackled specific instances of corrupt behavior and economic offences, it demonstrated the will to address corruption, not as an isolated criminal behavior. It reflected the approach of the Government to treat corruption as a crime committed at large scale and generating illegal funds, resulting in subsequent offences of money laundering and undermining the fragile process of setting up a legitimate market economy.

As a result of the aforementioned measures, the authorities managed to stabilize the situation, diminish red tape to sensible proportions and raise awareness about corruption in the society. With the bureaucracy harnessed to a certain degree and the economy resuscitated, mainly at the cost of the foreign aid, and law and order established, the state administration policy did not have to focus solely on the existential threats. The analysis of crime statistics show that the level of serious crimes dropped by 30%, violent crimes and fatality dropped almost twice within 1994-2000. Nevertheless, the level of fraud offences more than tripled.[7] The agriculture sector, shrinking in the years 1990-2000, started to grow since 2000 and reached the level of the 1990s only in 2015. Since 2000 the international donors, including the World Bank, EU started to invest in the non-oil sector. The growth in the level of productivity in the years 2000-2008 was 16%, later on, it dropped to 2%.[8]

Corruption took the stage among the ultimate challenges facing society. The new Presidential Ordinance № 730 dated 08/06/2000 On Intensification of Fight against Corruption specifically targeted corruption as the main problem for further economic development, foreign investments, adequate public procurement, proper usage of natural resources and other social and economic benefits. Building on the results of the preceding measures, including the partial development of the legislative framework dealing with economic crime, the Ordinance 2000

proclaimed the fight against corruption as one of the main trends of state policy. This instrument also reflected the new economic reality of Azerbaijan where the private sector by far dominated the public sector in the economy. This situation ought to be reflected in the statutory and institutional framework in order to address the challenges in an adequate manner. It was indicative of the fact that the authorities extended their vision of the concept of corruption to include the abuse of power in the regulatory and supervisory institutions, misconduct of officials with a view to gain not only material but non-material benefits, misappropriation of property and wealth of the state, unfair competition, concealment of income, flawed state financial control and inadequate public expenses, as well as illicit enrichment. Notably, the Ordinance 2000 remains the only legislative instrument to reflect on the illicit enrichment as a form of corruption. Illicit enrichment is not criminalized in Azerbaijan yet. The Ordinance also outlined a very important issue that all the measures aimed against corruption until then were occasional and sporadic and did not produce the necessary results. The authorities expressed the political will to tackle corruption in its own right and not only as a part and parcel of the economic crime or organized crime. Among others, the Ordinance 2000 envisaged the development of a specific founding statute and action plan to fight against corruption. Despite the time limit of six months allowed for the development of the mentioned instruments, the process took four years. This might also be indicative of the position that the Ordinance 2000 outpaced the existing level of understanding the phenomenon of corruption at the time.

Strategic Approach

The starting point for systemic and sustainable anti-corruption efforts date back to 2004. It is in this year that the principal legislation in this field was adopted. Previously, the anti-corruption measures defining the position of the Government in defining the concept of corruption were promulgated through the secondary legislation. The level of commitment rose when the parliament passed the Anti-Corruption [Framework] Act 2004, which became effective as of 01/01/2005. As declared in the preamble, the Act aimed at setting the standard for prevention and detection of corruption offences and to preempt negative consequences caused by corruption. Corruption is positioned in the law as an indispensable element of the general framework of the welfare state and social justice based on irrevocable human rights and freedoms and sustainable economic development. It hinges on the targets of lawfulness, transparency and effectiveness of State authorities, municipal bodies and officials. The Act accentuates on the behavior of people that should be regulated and punished in order to tackle corruption. It, therefore, meant to be the legislative foundation for securing systematic, coordinated, targeted and sustainable actions specifically against corruption, and also an etalon for subsequent legislative acts. The level and weight of impact of the Act on the subsequent legislative and institutional measures are hard to measure and even harder to demonstrate as the country achieved the European standards for systematic public consultations on bills and adoption procedure within the parliament only recently.[9] In the preceding period, there was a lack of any additional material which could have displayed the process of development, discussion and adoption of the laws hinting at the objectives underlying statutes. The review of the structure of this Act shows that only a small part of it is dedicated to the definition of the substance of corruption, while the most part of it is dedicated to institutional arrangements, description of violations and their perpetrators, as well as consequences of corrupt behavior. More symbolically, rather than functionally, the Statute obliges all officials of the state institutions and self-governing bodies to fight corruption within their competences. In addition to the lists of officials who can be held liable for corrupt behavior and the list of such types of behavior, the Act describes few anti-corruption measures. These measures cover certain aspects of asset declaration, gift and conflict of interest rules and whistleblower protection.

In order to specify the contribution of the Act 2004 to the shaping of the concept of corruption, it is worth to look deeper at the statute. The Anti-Corruption Act 2004 provides defi-

nition of corruption: "Corruption shall mean illicit obtaining by an official of material and other values, privileges or advantages, by using for that purpose his or her position, or the status of the body he or she represents, or his or her official powers, or the opportunities deriving from those status or powers, as well as bribery of an official by illicit offering, promising or giving him or her by individuals or legal persons of the said material and other values, privileges or advantages". It is reminiscent of the definition of the criminal offences of bribery and abuse of office. Such an approach, if accepted as an exhaustive definition, would have diminished the scope of the anti-corruption activities and exhausted the means of handling anti-corruption measures. This narrow approach to the definition of corruption is compensated by the introduction of additional ancillary terms. According to this approach, the Anti-Corruption Act 2004 uses the term "offences related to corruption", which according to Section 9 include corruption offences and offences conducive to corruption. The Section provides a long list of violations in addition to the one featured in the definition of corruption. Such an approach adds certain complications. For example, the use by an official of unlawfully obtained property with a view to deriving benefit for himself or herself or for third persons, for acting or refraining from acting in the exercise of his or her service duties or powers; and the getting, by an official, of benefits from savings (deposits), securities, rent, realty or lease in the course of performing his or her service duties (powers) are considered corruption offences. While acting as a representative of individuals or legal persons in affairs of the body in which he or she is holding an office or the body under his or her subordination or supervision or accountable to him or her; or refusing, without due grounds, giving to individuals or legal persons information as provided for in the laws or other normative legal acts, or to delay the giving of that information or to give incomplete or distorted information by an official are the examples of offences conducive to corruption. The complications mentioned above relate also to the rationale and practical significance of such a differentiation. The law neither provides for criteria and principles for a different classification of the types of behavior nor does it explain what kind of difference in consequences will ensue. Also, it is not clear why the legislature decided to provide this range of activities and not another. The attempt to expand the concept of corruption apparently lacked the necessary justification. The author has skepticism as to the practical and theoretical significance of having such a wide spectrum of misconducts. Not all of these are listed in other statutes for the purpose of prohibition, such as the Penal Code 2000 or Code on the Administrative Infractions 2015, or any other statute, in order to be enforced. As a framework statute, the Anti-Corruption Act 2004 is not referenced in other punitive statutes presently. Until 2011, the Penal Code 2000 had a reference to the Act for the purpose of defining the notion of 'official', but this reference was scrapped by the legislative reform in 2011, according to Penal Code (Amendment) Act 92-IIIQD dated 07/04/2006.

The adoption of the Anti-Corruption Act 2004 inaugurated the formal record of targeted anti-corruption efforts in Azerbaijan. In 2004, the authorities developed and launched the first anti-corruption triennial action plan. Since then the anti-corruption measures are implemented in the format of coordinated policies and action plans.[10] While the strategies describe the conceptual issues and approaches, as well as set standards and goals; specific measures aimed at reaching the goals and abiding by the standards are set forth in the actions plans. The Action plans are laid in the format of specific measures, indicators of performance, competent institutions and time frames. The overview of the anti-corruption strategies and programs cast light on the issue of conceptualization of corruption, i.e. defining corruption through the measures aimed to tackle this phenomenon through the set of regulatory and administrative measures. Within the period of 2004-2018, Azerbaijan formally adopted and implemented two anti-corruption strategies and four anti-corruption action plans. In doing so, the authorities drew on the achievements and good practices of the previous years and streamlined various initiatives by government, civil society and international stakeholders into a single process. Within the review mechanism of the UNCAC implementation, it was specified that anti-corruption strategies could

provide a comprehensive policy framework for actions to be taken by States in combating and preventing corruption and could be a useful tool for mobilizing and coordinating the efforts and resources.[11] Indeed, the anti-corruption strategies in Azerbaijan, especially the process of their collective elaboration, wider involvement of the civil society in surveying the efficiency and awareness-raising, as well as political support at the highest level have been acknowledged in the international reports.[12] The analysis below is not aimed at measuring the efficiency of the strategies in terms of their impact, ownership, addressing the real risks, simplicity, and being realistic in terms of their objective; nor does it provide an insight into the process of their formulation, promulgation and subsequent revision, i.e. the criteria provided for proofing sound anti-corruption policy.[13]

The first National Anti-Corruption Action Plan (NACAP) 2004-2006 was introduced by the Decree of the President of the Republic of Azerbaijan № 377 dated 03/09/2004. The document is composed of two parts, the first part setting the conceptual basis, akin to the strategic overview, and the second part listing practical measures. In addition to such important measures as setting up specialized anti-corruption agencies, NACAP required the harmonization of legislation with the Anti-Corruption Act 2004. The Action Plan referred to the requirements of the international instruments defining certain behavior as corruption offences. It provided for implementation of these provisions in the national legislation. Thus Azerbaijan joined international and regional anti-corruption instruments and hence the regime envisaged by these instruments, including review mechanisms, which had a profound effect on defining the concept of corruption. In 2003 Azerbaijan signed and ratified Criminal Law Convention on Corruption and Civil Law Convention on Corruption, both of which became effective in respect of Azerbaijan in 01/07/2004. In 2005 Azerbaijan signed and ratified United Nations Convention against Corruption and informed the Secretary-General hitherto on 01/11/2005, before its entry into force on 14/12/2005. Therefore Azerbaijan is under the effect of the UN Review Mechanism (UNCAC IRG) and Council of Europe Mechanism GRECO. Furthermore, Azerbaijan is under review by the Istanbul Action Plan of the Anti-Corruption Network of the Organization of the Economic Cooperation and Development. These developments profoundly affected and shaped the process of conceptualization of corruption of Azerbaijan. Azerbaijan has been evaluated for criminalization and incrimination of corruption, anti-corruption policy, transparency and prevention of corruption in parliament, civil service, judiciary and prosecution service, public procurement, political party financing, as well as international cooperation in corruption cases.

Without reference to any specific concept, the NACAP 2004-2006 rather accentuated on actions and outcomes relating to such as lawfulness, transparency, supervision of state agencies. Naturally so, as the Action Plan introduced the relatively new notion of corruption, it had to use other known concepts to pin on. In comparison to the previous approach, when corruption was seen as a form of crime or more specifically such a variety as the economic crime, this time the authorities tried to define fight against corruption in terms of a general framework of boosting the economy and improving state administration. The measures formulated in the action plan transcended the reign of the criminal law into the domains of finance, public administration and socio-economic sphere. The concept of corruption stretched out not only through the legislative but also through the set of regulatory and practical measures.

As a result of the implementation of the first Action Plan, Azerbaijan set up its anti-corruption institutions for prevention and law enforcement, in the meaning of the UNCAC relevant provisions. The Commission on Combating Corruption established according to Section 4.2 of the Anti-Corruption Act 2004 mainly acts as a specialized agency in the field of preventing corruption, develops state policy on corruption, and coordinates the activity of public institutions in this area. The Anti-Corruption Directorate with the Prosecutor General, set up by the executive order is the specialized anti-corruption law enforcement agency entrusted with limited functions in the field of prevention and mainly with the criminal investigation of corruption offences, including exercising of the Special Investigation Means. The former acts in the

domain of prevention and the latter generates case law through the investigation of criminal cases.

Most importantly, in 2006 corruption offences in the Penal Code 2000 saw a substantial upgrade to the international standards. Such concepts as an offer, promise, acceptance of offer and promise of a bribe, trade in interest were criminalized by the introduction into the corresponding sections of the Criminal Code 2000. The definition of an official expanded to cover a variety of functionaries in both public and private sectors, mainly in charge of the managing, controlling and disposing of assets. Such a considerable expansion of the corruption offences took place within the framework of the implementation of the international instruments at the recommendation of the review mechanism experts.

The subsequent Anti-Corruption Strategy, i.e. the National Strategy on Increasing Transparency and Anti-Corruption (NSITAC) had two action plans. The first one promulgated by the Decree of the President of the Republic of Azerbaijan № 2292 dated 28/07/2007 covered the period of 2007-201. The second one promulgated by the Decree of the President of the Republic of Azerbaijan № 2421 dated 05/09/2012 covered 2012-2015. As seen from the title, the authorities tried to insulate corruption from the domain of the general framework, previously tied to the concept of lawfulness, supervision, transparency, etc. This time the concept of corruption appeared in the context of good governance principles. According to the classical explanation, Good Governance has eight major characteristics. It is participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.[14]

As seen from the title, transparency was set as the general framework and corruption was coined as unlawful practices and behavior worth punishment and suppression due to breaching the normal course of transparent activity of the state bodies. Corruption proofing of regulatory instruments, the raising of awareness and implementation of the international legal instruments were the typical issues specifically referred to the (anti) corruption domain in this document. Law enforcement and courts were set as the main platform to handle corruption, while other state institutions were commissioned to operate in the field of transparency. For example, in order to boost transparency the Parliament, Presidential Administration and Ministry of Justice were charged with the elaboration of the national database of legislation, securing of public participation in the legislative process and carrying out feasibility studies in the field of lobbying. Cabinet of Ministers was charged with formulation and adoption of conflict of interest and professional behavior rules and practical tools.

The National Anti-Corruption Action Plan for years 2012 - 2015 was endorsed along with the National Action Plan on Promotion of Open Government. It continued the trend of the previous action plan. Traditionally anti-corruption measures covered further improvement of (1) legislation in the field of criminal investigation and prosecution, (2) reviewing grievances and applications, (3) activity of the specialized anti-corruption agencies, (4) AML regime, (5) civil service regulation and practice and other sector-specific activities. Strikingly, it also encompassed the means and tools for securing professional conduct, prevention of conflict of interest and systemic violations, such as impeding entrepreneurial activity in the context of the fight against corruption. The Government continued its demarcation of transparency-bound measures through the establishment of the one-stop-shops. The concept of corruption was further pushed in the field of serious violations of conflict of interest and professional conduct rules, as well as criminal infractions.

The success of the national project on delivery of public service ASAN, to be described later, led to the shift on the approach of tackling corruption. The authorities refrained from adopting a separate anti-corruption plan and confined the anti-corruption measures to a chapter in the National Action Plan for 2016-2018 on Promotion of Open Government, promulgated by

Decree of the President of the Republic of Azerbaijan № 1993 dated 27/04/2016. It would be a far-fetched statement that the authorities tried to conceptualize corruption as the most aggravating form of breaching the normal course of public administration, civil service and entrepreneurial activity. But the intention to concentrate main efforts in the domain of the criminal or administrative law and slightly in the field of integrity is obvious. While some areas encompassed by Action Plan are specific to the OGP, other areas traditionally considered as anti-corruption was declassified as anti-corruption measures and handled as efforts targeting Open Government targets. The former include such measures as improvement of electronic services through the capabilities and use of the Electronic Government portal, reduction of the number of official documents and certificates required by the public institutions, improving e-payment methods; securing access to information through the operation of Information Ombudsman, developing the mobile versions of the websites of public institutions; and ensuring public participation and civil society involvement through establishing civil society platform, financing projects, setting up civil councils in state institutions. While the further improvement of the legislative database; ensuring financial transparency shifted to the transparency domain due to applying such methods as using information technologies in the implementation of the state financial oversight and improving electronic control, disclosure of the annual report on execution of the state budget, on state procurements by budgetary organizations in the internet pages. Recruitment and discipline, as well as professional conduct of municipal officials; and increasing transparency and responsibility in private sector, including measures aimed at securing transparency, ethics and accountability standards, development and adopting draft law on Competition Code were listed among the OGP activities. Notably, the cornerstone of the criminal law reform envisaged mitigation and decriminalization of economic violations in the private sector.

The national authorities abandoned the plans to develop separate anti-corruption strategies by continuing the trend and adopting the Open Government Initiative Action Plan 2020-2022. However, this approach does not match the concerns of the international institutions looking at the corruption situation in the Country. The measures described above affected the scorings of Azerbaijan to a certain extent. The score of Azerbaijan in the ratings of TI's Corruption Perception Index surged from 24 in 2011 to 31 in 2017.[15] However, subsequent shifts to 25 in 2018 and back to 31 in 2019 makes it hard to argue with the argument that fluctuations of these ratings do not add up significantly to understanding the corruption situation in the country.[16] However, the study in this field also expressed a cautious opinion that the institutional and regulatory measures did not affect the international anti-corruption ratings [17], the long term results partially disproved it. But the overall performance does not allow much room for optimism in continuing the trend of shrinking the concept of corruption. It rather necessitates the expanding of the concept to deal with the problems in a robust manner.

Conclusion

Although the national legislation contains the definition of 'corruption' in the Anti-Corruption Act 2004, this definition is not conclusive and indicative of the understanding of corruption and handling measures to counter it in Azerbaijan. The analysis of the measures potentially targeting corruption shows that the authorities in Azerbaijan did not pursue the goal of clearly delineating the concept of corruption. Apparently, due to the lack of profound research of this problem and scientific justification, they rather took the stance of identifying particular violations and proposing measures to address its consequences or prevent its occurrences. The concept of corruption, mirroring the process of fight against corruption, passed several stages of evolution, first growing to dominate the public agenda and then shrinking back to its traditional domain of corruption. It is presumably explained by the substantial achievements in establishing law and order and then reaching the economic stability, which moved corruption, as a challenge, behind the scenes. It started in the criminal law reigns when corruption was treated as a predicate to the organized criminal activity. After gaining tangible achievements in the field of law and

order, corruption was declared as the stumbling block for the development of the economy and building social justice. Soon enough, problems previously identified as corruption-related were rethought as matters of transparency, good governance and open government. While the government closely follows the pattern defined by the international instruments to which it is a party, the concept of corruption entrenches in the domain of serious forms of misconduct, which are subject to various forms of liability. This approach, however, does not match the existing concerns.

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