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The Extent of Compatibility Between National Mechanisms and International Mechanisms to Combat Corruption

Naseer Jassim Jabr

Faculty of Law, University of Dfax, Republic of Tunisia

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*Correspondence: Naseer Jassim Jabr
Email: naseerbudairi1981@gmail.com

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Abstract: This study aims to analyze the extent to which national mechanisms for combating corruption align with international mechanisms, particularly in the context of Iraq. The research focuses on the harmonization between national laws and oversight institutions with international conventions ratified by Iraq, such as the United Nations Convention Against Corruption (UNCAC) 2003. The research methodology employs an analytical approach by examining international treaty texts and national laws, as well as a comparative approach to assess the alignment between international agreements and domestic legislation. The findings indicate that although Iraq has made efforts toward harmonization through the ratification of international conventions and the enactment of anti-corruption laws, challenges remain in their implementation. These challenges include weak governmental institutions, political party interference, and a lack of public trust. This study recommends strengthening oversight institutions, enhancing transparency, and increasing public participation in the fight against corruption

Keywords: Corruption, National Mechanisms, International Mechanisms, Legal Harmonization, Iraq

Introduction

The state among all states is like the individual among the rest of his kind, as man needs the existence of a group with which he can cooperate in order to facilitate his livelihood. Here we also find that the state cannot remain in complete isolation from other states, because there are some needs that it does not have, so they must be available in another state, as there must be a need for cooperation and exchange among them to enter into relations with other states, and this cooperation enables it to establish regular and stable relations between them and other states. Harmonization or agreement means a set of legal procedures related to removing the conflict between internal (national) laws and international charters (agreements, declarations and treaties) that states have signed and ratified.

The internal laws of countries differ, meaning that some countries differ among themselves in terms of issuing laws, which consider international treaties to be higher than their law, and others do not consider them binding on them except when a law is issued for

them to make them equal to the internal law by the country that ratified them, including Egypt, and an example of this is in the case of the railway workers' strike and how the judge adapts the internal law to the International Covenant on Economic, Social and Cultural Rights ratified by Egypt, including (Iraq), as the 2005 Constitution stipulated in Article (61/Fourth) that (the process of ratification of international treaties and agreements shall be regulated by a law enacted by a two-thirds majority of the members of the House of Representatives), and Parliament is the body responsible for harmonizing internal legislation with international covenants, because it is primarily responsible for legislating laws and at the same time represents the people in actions, especially legislative ones, through legislation, ratification, or signing of covenants and harmonizing them, so Parliament was called (the legislative authority).

Therefore, the legislative authority must agree between the internal legal rules through its legislation of laws and their adaptation to the international legal rules stipulated in the international conventions ratified by Iraq. Without this harmonization, joining and ratifying these agreements loses its value and becomes useless, through the lack of an effect or reflection on the reality of the legislation approved by Parliament. As there is a responsibility on the state in the event of ratification or signing it and issuing legislation that holds it responsible for non-implementation, such as:

1. Adopting legislation or a law whose provisions conflict with an international legal rule.
2. Refraining from adopting a law necessary to implement the state's international obligations, such as not establishing a body capable of implementing the international obligation, as the United Nations Convention against Corruption of 2003 stipulated the establishment of a body or bodies to combat corruption and monitor the implementation of the provisions of the Convention.
3. Refraining from repealing a law that conflicts or contradicts the obligations of the provisions of the Convention.

Methodology

Importance of Research

The goal we hope to achieve in this research is to show the mechanisms that combat corruption, which has become a major issue for all countries in the world, both developing and developed. As a result of the world's interest (governments and international and national organizations) in this phenomenon, international agreements and bilateral agreements have been concluded, conferences have been held, and organizations concerned with it have been established. The importance of the study stems from the importance of the subject represented in defining the specialized mechanisms, whether international, regional, or national, and the seriousness of the problems and risks that corruption causes to the stability and security of countries, which made us stand to know these mechanisms, because the phenomenon of corruption and its negative effects on all fields have become one of the most important obstacles to reform and establishing good governance, and also to reveal the legal procedures and mechanisms monitored by the legislator (international and national), as our research seeks to harmonize national mechanisms to combat corruption with international mechanisms.

Research Problem

The phenomenon of corruption has become a widespread scientific phenomenon with different dimensions and factors that are difficult to distinguish between, as there are legislative mechanisms and governmental and non-governmental oversight mechanisms to combat corruption that have not been shown or highlighted in the media or in the field, which prompted us to highlight these mechanisms (national or international).

Research Objective

The study aims to show the first extent of compatibility of national legislative mechanisms with international mechanisms. The second section is compatibility of national regulatory mechanisms with international regulatory mechanisms and the extent of compatibility of these mechanisms and their actual application in national legislation and international responsibility for failure to apply these mechanisms.

Research Methodology

Given the nature of the problem at hand, we saw it most appropriate to adopt the analytical approach by analyzing the texts of international agreements and national laws, and the comparative approach in terms of comparing the texts of international agreements with national laws.

Research Structure

We will address the topic of this research in two studies. In the first section, we addressed the compatibility of national legislative mechanisms with international mechanisms. In the second section, we addressed the compatibility of national regulatory mechanisms with international regulatory mechanisms, as follows:

Result and Discussion

The first topic

Compatibility of National Mechanisms with International Mechanisms

Domestic law is the law that complements international law and one of its systems that can complete its cycle in expressing its concerns about crimes committed against humans and striving to ensure that they enjoy all rights and freedoms with justice. Given the importance of international covenants, including agreements that embody the international strategic vision and the measures that must be taken to combat corruption crimes, it is necessary to stop to know the content of these agreements and what are the measures and obligations that they refer to, which countries must implement. Combating corruption requires the unification of all efforts at various levels to take deterrent and strict measures, through the necessity of coordination between the parties of the international community of countries and organizations to confront international corruption, which in turn supports the internal corruption of the state .

This can be achieved by enacting laws related to combating corruption and criminalizing everything related to corruption and imposing deterrent penalties on its perpetrators and prosecuting them criminally and civilly. Whereas the Iraqi laws issued

after 2003, which relate to preventing and combating corruption, do not differ from the provisions referred to in the ratified agreements, because their goal and the goal for which the law was enacted is to eliminate corruption once and for all and prevent its spread in the state's agencies and institutions, and since dealing with corruption cannot be effective without establishing practical and objective mechanisms, it is necessary to rely to a large extent on the state's oversight agencies, and to establish a common link for the purpose of communication between them, such as the Joint Council for Combating Corruption, which includes the oversight agencies. For the above, we will examine in this section the extent to which national legislation is compatible with international legislation for combating corruption as a first requirement and the extent to which national agencies and bodies are compatible with international agencies for combating corruption as a second requirement, as follows:

The First Requirement

The Extent to Which National Legislation Is Compatible qith International Anti-Corruption Legislation

Iraq has ratified the aforementioned anti-corruption agreements and other agreements. The legislative authority has issued a number of laws aimed at eliminating corruption in the public and private sectors, which is the same goal for which the agreements were established, and which gave member states the power to implement and establish effective policies to combat corruption by harmonizing their domestic legislation with international ones. The inclusion of the content of the provisions of international conventions ratified or incorporated into domestic laws should be consistent with the legal system, provided that they do not violate public order and morals. There may be crimes that are not punishable by national law, while international agreements stipulate them. These agreements include texts of articles referred to as binding and others that are not binding, some of which relate to preventive measures imposed by the state party and others that are penal and are placed in the form of legal texts in the state's domestic legislation.

Since the issue of corruption is a major and pivotal issue in countries, because corruption in its various forms and its destructive effects on all sectors, countries must take a position towards this phenomenon and strive to combat it through their domestic legislation. Keeping pace with international legislation, ratifying and joining it. The legislator's task is to legislate his legislation in a way that does not conflict with the international agreements to which he is a party, nor does he legislate anything that contradicts the legal system of the state, because the agreements constitute a direct source of rights and duties for the member states, as they should be fully and regularly applied from the date of their entry into force (11). For the above, we will address this requirement from two aspects. In the first section, we will discuss penal measures and in the second section, preventive measures, as follows:

Section One: Penal Measures

Corruption crimes necessitate legislative amendments to effectively combat them, prompting the international community to establish agreements addressing corruption directly or indirectly. States must criminalize corruption acts not previously covered in their laws and align their legislation with international agreements. Key conventions, such as the United Nations Convention against Corruption and the Arab Convention against Corruption, outline mandatory and non-mandatory measures for criminalizing corruption, including bribery, embezzlement, and illicit enrichment. The Iraqi Penal Code (1969) already criminalizes many of these acts, such as bribery and embezzlement, and has laws addressing illicit enrichment, like the Illicit Gains Law (1958) and the Integrity Commission Law (2011). However, bribery and embezzlement in the private sector remain largely unaddressed, except under Article 310 of the Penal Code. The Political Parties Law (2015) introduced penalties for corruption in the private sector, reflecting Iraq's shift toward modern democracy and multi-party governance.

Thus, we find that the law is the first national legislation that criminalizes acts of corruption in the private sector directly, despite the fact that this law specifies a specific category of the private sector, which is political parties. However, we see that this is a step in the right direction by criminalizing bribery and other crimes in this law that occur in private. The agreement did not exclude any crime that is considered a corruption crime, including the crime of laundering criminal proceeds referred to in Article (23) of the Anti-Corruption Convention. The Iraqi legislation came in line with its provisions, referred to in the Anti-Money Laundering Law No. 93 of 2004 pursuant to Article (3) thereof (14). Regarding Article (35) of the Convention, which referred to compensation for damage resulting from an act of corruption, according to the principles of its internal law against those responsible for causing the damage, the Iraqi legislator adopted a civil compensation other than criminal compensation to confront corrupt people and compensate for crimes committed by them, as indicated in the Iraqi Central Bank Law No. 56 of 2004, Article (62/4) thereof (15), and the Iraqi Banking Law No. 94 of 2004, Article (56/5) thereof (16), that the criminal penalties imposed do not prevent the claim for civil compensation.

The Convention came with something new, which is the entry of the attempt and preparation to commit any corruption crime under the penalty of criminalization (17), due to the difficulty of discovering corruption crimes and the enormity of the damages resulting from them. International agreements have taken to deviating from the general rules of criminalization, so that its scope extends to every act that the perpetrator prepares to commit (18). Since the Arab Convention against Corruption came as a replication of the United Nations Convention against Corruption, except for the differences in the articles and the merging of some of them, and since most of the Iraqi laws were legislated before ratification, we were satisfied with looking at some of the important articles of it.

Section Two: Preventive Measures

To combat corruption, it is essential to establish an environment that promotes integrity, transparency, and collaboration between public and private sectors. The

Convention emphasizes preventive measures, including effective policies, accountability, and periodic evaluations. Iraq has implemented various anti-corruption strategies, such as the National Strategy for Combating Corruption and legislation like the Integrity Commission Law No. 30 of 2011 and the Financial Supervision Bureau Law No. 31 of 2011. Additionally, Iraq collaborates with international organizations and anti-corruption bodies in other countries.

Transparency plays a key role in corruption prevention, as highlighted in the Convention's Article 10, which promotes public access to information and simplified administrative procedures. Iraq has aligned its legal framework with international conventions, including the 2003 United Nations Convention against Corruption and the 2010 Arab Convention against Corruption. However, gaps remain, such as the lack of a fully implemented Right to Access Information Law. Efforts to review Iraq's accession documents have faced bureaucratic challenges, limiting access to critical information.

The Second Requirement

The Extent of Compatibility Of National Bodies and Authorities with International Bodies To Combat Corruption

There is no doubt that harmonizing national mechanisms with international mechanisms, especially bodies working in the field of combating corruption, is one of the necessary means and precautions to avoid corruption and prevent its spread within the country, and to determine points of contact between internal and international bodies through concluding general international agreements or bilateral agreements, as it is necessary for countries to establish bodies concerned with combating corruption, grant them administrative and financial independence, provide them with the necessary resources, and organize their legislative texts in a way that does not conflict with their tasks with the tasks of other bodies, as the harmonization of mechanisms should be by implementing the provisions of the agreement through the process of legislative drafting of its laws, and including the implementation paragraph and what is necessary in terms of human, financial and other resources for the effective implementation of these mechanisms of their tasks (20), i.e. harmonization is putting the provisions of the agreements into effect, not just copying them with internal laws. The impact of international agreements is the key to understanding the relationship between the international level and the national levels, which is viewed through the theories of international integration and constitutional models of states. This relationship has had democratic arrangements and results on national sovereignty, but the tangible effects of international legislation on national legal orders and individuals are equally important as national legislation (21). For the above, we will address in this section the governmental bodies, authorities and agencies as a first branch, and the second branch will include non-governmental bodies and agencies, as follows:

Section One: Governmental Bodies and Agencies

To combat corruption, international and regional agreements mandate the establishment of independent bodies to oversee and implement anti-corruption policies.

The 2003 United Nations Convention against Corruption (Article 6) and the 2010 Arab Convention against Corruption (Article 10) emphasize the necessity of such institutions, ensuring their independence for effective operation.

In Iraq, the Integrity Commission and the Financial Supervision Bureau were established under the 2005 Constitution (Articles 102-103) to function independently. Earlier, these agencies were created under Coalition Authority Orders (55, 56, 57, 77), later replaced by the Integrity Commission Law No. 30 of 2011 and the Financial Supervision Bureau Law No. 31 of 2011. The Joint Council for Combating Corruption was also formed to coordinate anti-corruption efforts.

Additionally, Iraq incorporated the United Nations Convention against Transnational Organized Crime of 2000 into its legal framework, establishing the Directorate of Combating Organized Crime under the Ministry of Interior to enhance cooperation in tackling money laundering and organized crime.

Section Two: Non-governmental organizations

Combating corruption is an integrated process between the state and society. It requires a strong political will supported by popular will, ensuring the building of a counter system that enhances the values and principles of integrity, transparency and accountability, and that all official and popular efforts and civil society institutions combine to build a national integrity system, reduce corruption, unify efforts and carry out collective work at all levels of civil society, parliament and government to combat corruption. The involvement of civil society (organizations or individuals) plays an effective role as a new measure of contribution and participation in combating corruption with government agencies for the purpose of providing better services, which leads to the creation of a more transparent and accountable administrative, political and judicial apparatus, and the elimination of corruption and obstacles to development (25). The United Nations Convention against Corruption of 2003 indicated in Article (5) Clause (1/1) that each State Party shall, in accordance with the basic principles of its legal system, promote community participation and embody the principles of the rule of law.

The Arab Convention against Corruption of 2010 also indicated in Article (2) that it aims to encourage individuals and civil society institutions to participate effectively in preventing and combating corruption. It seems that the Iraqi legislator was more consistent with its internal legislation with what was stated in the agreements, as it indicated under Article (45/First) of the Iraqi Constitution of 2005 that the state is keen to strengthen the role of civil society institutions, support them, develop them and their independence, in a manner consistent with the proper means to achieve their legitimate goals, and the legislator came to put the text of this article in the form of a law, as it enacted the Non-Governmental Organizations Law No. (12) of 2010, and the Iraqi legislator also adopts the status of civil society organizations and their continuity with the oversight authorities, as it indicated cooperation and activation of the role of civil society organizations with the Integrity Commission through one of its specialized departments, which is the Department of Relations with Non-Governmental Organizations under Article (10/Fifth) of its Law No. 30

of 2011, which undertakes to do what is necessary to strengthen the culture of ethical behavior in the public and private sectors in cooperation with non-governmental organizations through training programs and communication with the public via the media and others. According to the basic principles that the agreement brought to draw up anti-corruption policies, the Iraqi legislator came to enact the Journalists Protection Law No. (21) of 2011 (26), and one of the most important articles of the law is (2-3-4-6/first), which indicated the goal of the law by strengthening the rights of journalists and providing them with protection, and obligating state departments, the public sector and other entities to provide the facilities required by the duties of the journalist, as he has the right to obtain information, news, data and statistics that are not prohibited from their various sources and has the right to publish them, and has the right to maintain the confidentiality of his sources of information, and the journalist has the right to view reports, information and official data, and the concerned party must enable him to view them and benefit from them unless their disclosure constitutes harm to the public order and violates the provisions of the law.

We find that the legislator has indicated in Legislation No. (178) of 1969 concerning the Journalists Syndicate Law in Article (3/7) thereof, to combat the corruption of the press by colonial governments and their creations and the influence of monopolistic companies on it. Here, the legislator has enabled this body to carry out its functions effectively by monitoring journalists and preventing their corruption by others. We find that Iraqi legislation, by establishing a body or bodies, has been consistent with what has been approved by international or regional agreements regarding mechanisms for combating corruption, whether governmental or non-governmental, by establishing these bodies that have been approved by the constitution and laws concerned with implementing their goals and tasks. To ensure their independence, which the constitution and law have indicated, the legislative authority must make these authorities independent in their work so that they are not subject to any pressures and carry out their work in a way that constitutes the elimination of corruption.

Section Two:

The Effects of The Incompatibility of National Mechanisms with International Mechanisms

The state expresses its satisfaction with the commitment to the agreement by (ratifying or joining) it, and the state is obligated to implement its provisions and harmonize its domestic legislation with the provisions of the agreement and take internal measures to enforce it. It cannot claim that there is no internal legal text obligating it to implement it, and harmonizing national legislation with international conventions will ensure the protection of human rights and freedoms. The procedure for harmonizing domestic legislation with international conventions constitutes a fundamental challenge for the state, which represents many implications, perhaps the most prominent of which is that this harmony is an actual confirmation of the state's credibility as a state that respects its commitments before the international community, and the extent of its commitment to its responsibility before all its citizens and before the world as a civil state. The treaty aims to arrange legal

effects for the purpose of considering it an international treaty because the creation of rights and obligations on the part of the parties is what creates the treaty, including (the United Nations Convention against Corruption of 2003, the United Nations Convention against Transnational Organized Crime of 2000). For the above, we will discuss legal responsibility in the first section and moral responsibility in the second section, as follows:

First Requirement

Legal Responsibility

Phrases are often used that indicate the obligation of states to implement them, including (states should, states must take, obligate states to take), and many of them are found in international treaties that indicate the obligation for the purpose of taking measures to ensure that domestic legislation is consistent with international treaties that the state has ratified or joined. The treaty is considered an expression of the will of states regarding the relationship that arises through it, as an international legal relationship is achieved by virtue of it, and because it is an expression of the will of the contracting states, it is binding for application in the internal laws of the state, because it expresses the personal moral will of the state, which is higher than the internal will, and some international treaties require obligating states not to violate them in their internal laws, including the constitution (27).

We find that the Iraqi Constitution of 2005, in Article (8), indicated that (Iraq shall observe the principles of good neighborliness, shall commit to non-interference in the internal affairs of other countries, shall seek to resolve disputes by peaceful means, shall establish its relations on the basis of common interests and reciprocity, and shall respect its international obligations), and based on the above, we see that the Constitution obligated the state to respect international obligations when concluding international treaties and covenants and obligating it to implement their provisions through any legislative or executive obligation to harmonize its internal laws with these covenants, and after that the legislative authority came to legislate the Iraqi Treaties Law No. (35) of 2015 (28), which referred to Iraq's commitment to the treaties it ratifies or organizes (29).

International law did not specify the method of obligation to implement treaties, nor the penalties that will be imposed on countries in the event of their non-compliance and failure to implement or execute them, and which authority imposes the penalty, but only referred to achieving the international responsibility of the state parties, and resorting to the International Court by the will of both parties (30). International jurisprudence has established the theoretical basis for states' commitment to international treaties on the basis that their commitment is based on their explicit acceptance of them, which makes them committed in accordance with the rule of the contract being the law of the contracting parties and the principle of good faith in order to establish and develop friendly international relations (31). For the above, we will discuss in this section according to states' commitment to treaties to the rule of the contract being the law of the contracting parties as a first branch and the principle of good faith as a second branch, as follows:

The First Section: The Contract Is The Law Of The Contracting Parties

Treaties are considered a source of international law, because they codify the jurisprudential interpretations of legal scholars and are formulated in the form of specific phrases in treaties intended by the parties to the treaty, and then become an international custom adopted by states (32). The state's commitment to concluding a treaty has bound itself to international obligations that it must fulfill towards the other parties to any international treaty, because commitment and implementation confirm and lead to the continuation of international treaty relations, as it is inconceivable that there would be calm and stable international relations if international treaties concluded between persons of public international law were merely ink on paper (33). We find that the Vienna Convention on the Law of Treaties of 1969 came with some mandatory texts for states in the event of concluding bilateral or multilateral treaties, as the treaty was considered binding on its parties in the event of exchanging or depositing instruments of ratification, acceptance, approval or accession to the treaty (34), and states must respect the treaties they conclude and not violate them under the pretext of their conflict with domestic law, and this is what is stipulated in Article (27) thereof, which states that (a party to a treaty may not invoke the provisions of its domestic law as a justification for its failure to implement the treaty. This rule does not prejudice Article 46) (35).

The principle is that when a state ratifies or accedes to a treaty to which it is bound, the commitment is to the treaty as a whole and its application, but in some treaties some conditions are placed in the event of signing the treaty, including reservations on some of the treaty's provisions and non-application of these provisions in its territory if the treaty allows this and specifies those provisions (36). Recently, the international community has moved towards concluding a number of international instruments to combat corruption, including the United Nations Convention against Transnational Organized Crime and its Protocols in 2000, and the United Nations Convention against Corruption 2003, which stipulate the obligation of the States Parties to judicial cooperation in accordance with the provisions of the agreements, and the obligation is based on the text of Article (37). The International Court of Justice also played a major role in establishing this principle through the decision issued in the case before it between the United Nations and the United States of America, related to the cancellation of the office of the headquarters of the Palestine Liberation Organization mission in New York, which was established by the United Nations under the agreement concluded between them on (26/June/1947) after giving it observer status at the United Nations.

After the enactment of the United States of America's Anti-Terrorism Act in 1987, directed specifically against the Palestine Liberation Organization, the United States of America decided to close the organization's headquarters after considering it a terrorist organization. The court was resorted to, and it issued a fatwa stating that "the United States of America, as a party to the agreement concluded between the United Nations and the United States of America regarding the headquarters of the United Nations on (26/June/1947), is obligated, according to Section (21) of the agreement, to enter into arbitration to settle the dispute between it and the United Nations" (38). We find that

international law has obligated states to implement their treaty obligations towards other states according to the principle that the contract is the law of the contracting parties, and that there is a competent court that can be resorted to in the event of non-implementation to consider and issue a fatwa on the extent to which states are obligated to implement their obligations towards others, and there are no penalties against the state that refuses to implement its obligations, but there is a general principle, which is the principle of reciprocity, that the state can deal with towards others.

The second Section: The Principle of Good Faith (39)

International treaties have a special sanctity that requires their parties to respect them and implement their provisions in good faith (40). This principle is one of the general principles of international law, as it has become one of the important principles applied in treaties by referring to it in special articles to urge states to implement their obligations in accordance with this principle, which has become a principle that most treaties are not without and has become part of them. Although the interests of states differ among themselves, the international legal system works on the voluntary and cooperative nature that states themselves work with (41). The principle of good faith has become highly structured (42), and the United Nations Charter has confirmed this principle, considering that the obligations that must be implemented by the members of the Charter are implemented in accordance with this principle (43).

The International Law Commission declared regarding the principle of good faith in the conclusion and application of treaties when preparing the draft Vienna Convention on the Law of Treaties of 1969 that "the Commission declares that the fundamental and main principle in the law of international treaties is the principle of the implementation and application of treaties in good faith and respect for the rule of pacta sunt servanda, which are two interrelated matters and together constitute two complementary aspects of one principle, and the principle means that each contracting party refrains from doing anything that would defeat the purpose or aim of the treaty" (44). The Vienna Convention was not satisfied with the obligation being only through the pacta sunt servanda, but rather referred to the principle of good faith in treaties. It stipulated under Article (26) thereof that (every treaty in force is binding on its parties and they must perform it in good faith). Here we see that the Convention referred to the obligation in it, but it linked it to the principle of good faith in implementation and not to other motives. The international judiciary has confirmed the importance of the principle of good faith in international relations.

The International Court of Justice has decided in many fatwas regarding this principle. It issued its fatwa regarding reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, in which it referred to the state's intention to make a reservation when concluding the treaty. If the reservation is made at the time of ratification or accession or at the time of signing followed by ratification, the court considers that if the reservation is made in good faith and does not affect the objective or purpose of the convention, then it does not affect it and the reservation remains valid. However, if it is for other purposes that are not consistent with the objective and purpose for which the

convention was established, then the state is not considered a party to it, because the basic principle in negotiations is the principle of good faith (45).

From the above, we find that the principle of good faith comes at the beginning of the conclusion of the treaty, i.e. during the negotiation and what follows after it from signing and acceptance until ratification, because the treaty begins to be implemented after ratification or accession, so whoever commits himself to ratification must implement the treaty based on the principle of the contract is the law of the contracting parties, so the principle is applied most of the time when conducting negotiations and what follows them until ratification, and we note what the Vienna Convention indicated in its preamble and Article (18) thereof (that this principle is one of the universally recognized principles and states must commit not to obstruct the subject of the treaty or its purpose), i.e. it indicated that the basis of dealing is according to this principle, despite all of this, it is not possible to determine who is in good faith in the negotiation or in the procedures subsequent to the negotiation of the treaty, but despite that, it is a principle that cannot be dispensed with. We can see the extent of the state's commitment to the texts of the agreements through its seriousness in reviewing, amending and developing the legislation and laws designated to combat corruption, and not only through issuing these inapplicable laws, without activating them and supporting them with deterrent punitive texts so that we are faced with laws and institutions that can combat corruption in all its forms.

The Second Requirement
Moral Responsibility

Ratification and accession to international agreements is the first step taken by the state in working to achieve the objectives of international agreements, as the ratification and accession step should be followed by other steps that are no less important than them, and the most important of these steps is harmonizing domestic legislation with the provisions of the agreement (46). The state's commitment to the treaties it ratifies or accessions and converting them into legislation in its legal system, achieves international cooperation and consistency between international and national legal rules, which in turn confronts problems globally and nationally, including the phenomenon of corruption, with the best means, as the application of the principle of good faith by the will of the state that concludes the treaty enhances its role in the international community by harmonizing its legislation in accordance with the concluded treaties, whether they stipulate obligation or not (47), as if the agreement does not create any obligations between the parties to the agreement, thus creating a moral, not a legal, obligation (48). For the above, we will discuss in this section moral responsibility in international law as a first branch and moral responsibility in domestic law as a second branch, as follows:

The First Section: Moral Responsibility in Internal Law

Moral responsibility is the breach of obligations imposed by moral rules that do not entail a legal penalty and are left to the conscience and are based on a purely subjective basis. It is a responsibility before God or a responsibility before the conscience, and is related

to a person's relationship with himself or his relationship with others or with his Lord. Responsibility is realized even in the absence of harm (49). Moral harm differs from one case to another. The Iraqi Civil Law No. (40) of 1951, pursuant to Article (205) thereof, referred to the right to compensation for moral harm that befalls people through aggression against their freedom, dignity, honor, etc. by others, or compensation for family members due to the death of a person close to them (50). The Iraqi courts have emphasized the importance of moral harm that befalls people, and this is what the Federal Court of Cassation referred to in its decision No. (243 on 8/31/2009) regarding compensation for moral harm that befell people as a result of the death of their brother as a result of electric shock (51). We find that moral responsibility in domestic laws differs from moral responsibility in international law because the former can be used to obtain moral compensation according to domestic law, while the latter does not include compensation for moral damage, but rather only raises public opinion against the state that fails to fulfill its moral duty towards the other. The Egyptian Civil Law No. (131) of 1948 referred to compensation for moral damage that befalls the injured party or compensation for spouses or relatives up to the second degree (52), and the Egyptian Court of Cassation issued its decision numbered (Civil Cassation - Appeal No. 2854 of 73 Q - Session 27/3/2005) in the case of the death of the daughter of the two defendants, which deprived them of the opportunity to care for her in their old age (53).

Section Two: Moral Responsibility in International Law

Moral responsibility: It is a responsibility that results from a state's breach of a moral duty towards another state, and the resulting negative impact on public opinion related to the state towards which the breach occurred, which has the right to treat the state in kind, such as insulting its diplomats (54). Treaties are the ideal form of organizing relations between states, each of which enjoys the rights of sovereignty and equality in the face of other states, which excludes the existence of legislation imposed by the will of one state as is present and followed in domestic law (55). Moral responsibility towards states imposes a number of non-binding duties aimed at strengthening relations and unifying the orders of friendship, based on ethical considerations, rules of international courtesies and the idea of human justice, and violating them results in the application of the principle of reciprocity and sometimes public opinion denunciation. The most important of these duties are (56):

1. Providing aid and assistance to countries.
2. Observing the principle of public morality and justice in its relations with other countries.
3. Cooperation in raising the standard of living of individuals, most importantly in the health and environmental fields.
4. Cooperation in the framework of extradition of criminals and the elimination of crime.

These rights are not met by corresponding obligations imposed by law that must be followed for the purpose of implementing these rights, such as (assisting countries that are afflicted by a natural disaster), i.e. they are obligations and principles approved by the global conscience, according to which the actions of countries are restricted without being legally binding, thus any violation of them does not entail legal responsibility, but

sometimes these moral obligations have led to their transformation into a legal rule and their inclusion in international treaties, including (compassion in war) in the Fourth Geneva Convention of 1949 on the Protection of Civilians in Time of War (57).

In conclusion, we see that implementing treaties is an obligation that must be adhered to by both countries, and failure to adhere to them in most cases will lead to a catastrophe represented by a war between the parties to the treaty, which results in the genocide of the parties to the treaty and those who join it later, and there are many examples, but we will address an example from our reality that everyone has witnessed. An example of failure to implement treaties is the cancellation of the Algiers Agreement of 1975 between Iraq and Iran (58). The agreement included three protocols attached to it to implement its provisions, namely (the protocol for determining the river borders, the protocol for redrawing the land borders, and the protocol for security on the borders). The first protocol, which concerned determining the river borders in the Shatt al-Arab, was implemented, and the second protocol between the two countries was implemented on paper, while in reality it was not implemented, and the areas whose borders were defined, which became Iraqi lands, were not handed over to the other side due to the change of government in Iran between 1978 and 1979, and the lands remained under the control of the other side. Due to the other side's breach of the provisions of the agreement, a decision was issued by the dissolved Revolutionary Command Council on 9/17/1980 to cancel the Algiers Agreement of 1975 between Iran and Iraq and its attached protocols.

Conclusion

1. The phenomenon of corruption is a global phenomenon that must be confronted by the international community by all possible means, and these countries must support each other to confront the phenomenon that has begun to destroy the systems and economies of peoples. 2. The existence of international agreements with a direct impact on combating corruption, such as (the United Nations Convention against Transnational Organized Crime of 2000 and the United Nations Convention against Corruption of 2003, and agreements with an indirect impact on combating corruption, such as (the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the International Convention for the Suppression of the Financing of Terrorism of 1999).
2. The existence of legislation and laws that contribute to combating corruption, of two types: special legislation or laws, such as (the Financial Supervision Bureau Law, the Integrity Commission Law, and the Inspectors General Law), and general laws whose provisions include preventive and punitive measures to combat corruption. Such as (the General Penal Code, the Illicit Gains Law, and the Inclusion Law).
3. Anti-corruption mechanisms consist of governmental oversight mechanisms, including the Integrity Commission and the Financial Supervision Bureau, and non-governmental oversight mechanisms, including civil society organizations, the media, and public oversight.

4. The existence of a major role for the media, whether visual, audio, or print, in combating corruption, as it is the authority in addition to the authorities Legislative, executive and judicial.
5. The judiciary is one of the most important authorities in combating corruption because it is the only authority that can impose punitive sanctions against perpetrators of corruption and prosecute them judicially.
6. Moral responsibility in domestic laws Moral responsibility in international law differs because the former can be obtained through moral compensation according to domestic law, while the latter does not include compensation for moral damage, but only raises public opinion towards the state that fails to fulfill its moral duty towards the other.
7. Iraq is keen to share with the international community its interest in combating corruption through its keenness to conclude agreements, attend conferences and seminars, and enhance international cooperation.

Recommendations:

1. Work on developing legislation and enacting new laws that are considered means of combating corruption, such as the Right to Information Law and a special law for procurement committees.
2. Issuing laws to criminalize the forms referred to in the United Nations Convention against Corruption of 2003, especially those related to the private sector for which no law has been enacted yet.
3. The House of Representatives carrying out its duties in combating corruption by opening up to all aspects of the state, including institutions, organizations and individuals.
4. Involving and involving citizens in combating corruption and protecting them from corrupt people.
5. Intensifying the exchange of expertise between oversight bodies to combat corruption with other oversight bodies, whether global, regional or Arab.
6. Seeking to obtain complete financial and administrative independence and expanding the scope of work of oversight institutions.
7. The oversight bodies should be equipped with competent and honest elements, and determining rules through which elements that can represent the oversight bodies as employees can be selected.

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