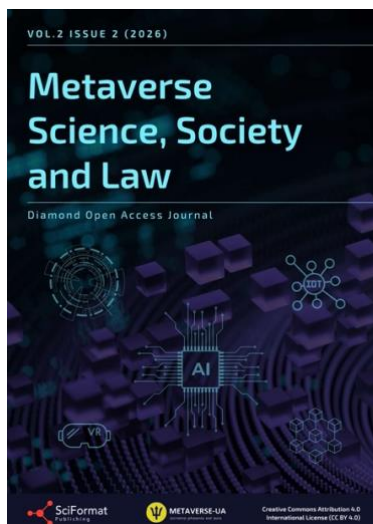




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UNIVERSAL INTERNATIONAL LEGAL MECHANISMS OF ANTI-CORRUPTION POLICY IN THE CONSTRUCTION SECTOR

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ABSTRACT

Problem. This article presents a scholarly examination of the system through which anti-corruption policy in the construction sector is shaped by international legal mechanisms and implemented by international intergovernmental institutions, including the United Nations, the Organisation for Economic Co-operation and Development, the World Trade Organization, and the World Bank Group.

Purpose. The purpose of the article is to examine the international legal regulation and institutional foundations of international anti-corruption policy, as well as the patterns of its implementation by international intergovernmental institutions, and to formulate evidence-based recommendations for incorporating Ukraine's anti-corruption policy in the construction sector into the international legal framework for ensuring legality and the rule of law in construction-related legal relations.

Methods. The study reviews the current state of scholarly research on the problem, identifies a set of insufficiently explored issues, and outlines a research methodology based on methods employed in political and legal sciences, including systemic, comparative, formal-legal, institutional, and political-legal methods. The article also characterizes the principal global and Ukrainian trends in manifestations of corruption in construction, their destructive impact on the economy, and the relative weight of corruption in the construction sector compared with other sectors of the economy.

Results. The main body of the article provides a detailed analysis of international instruments governing the formation of anti-corruption policy in construction and its implementation by international intergovernmental organizations. The instruments examined include the United Nations Convention against Corruption (UNCAC), OECD recommendations, the WTO Agreement on Government Procurement, the World Bank Procurement Regulations for IPF Borrowers, and the Guidelines on Preventing and Combating Fraud and Corruption in Projects Financed by IBRD Loans and IDA Credits and Grants. Conclusions are drawn regarding the anti-corruption mechanisms contained in these instruments, and recommendations are formulated for their implementation in Ukrainian national legislation with a view to improving the institutional and legal foundations of Ukraine's anti-corruption policy. The analysis of international instruments is supplemented by an examination of the bodies of international intergovernmental organizations responsible for implementing this anti-corruption policy.

Scientific novelty. For the first time, the study identifies the principal directions for improving Ukraine's anti-corruption policy in the construction sector through the incorporation of selected elements of these international legal mechanisms into the formulation and implementation of a national implementation programme as a component of Ukraine's European integration policy.

KEYWORDS

International Construction Law, International Intergovernmental Organization, Anti-Corruption Policy, Construction Law, Combating Corruption, Anti-Corruption Legislation, Construction Legislation, Political Strategy

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Statement of the problem.

The construction sector occupies a particularly important place in international policy because it constitutes one of the leading drivers of countries' economic growth and, at the same time, affects international financial stability. This was demonstrated by the global financial crisis of 2008–2013 and other similar shocks. In response, Ukraine adopted the Law of Ukraine “On Preventing the Impact of the Global Financial Crisis on the Development of the Construction Industry and Housing Construction” (Verkhovna Rada of Ukraine, 2008), which remains in force, with the latest amendments dated 9 January 2025. The global impact of construction on national economies and social development more broadly is confirmed by data from the Organisation for Economic Co-operation and Development (OECD), whose experts note that “... globally, around 220 million people work in a sector spanning large multinational corporations and materials manufacturers through to extensive networks of small and medium-sized enterprises and subcontractors” (OECD, 2026). Accordingly, any risks in the construction sector associated with transnational factors, including financial stability, are significant and clearly require effective oversight. In this context, particular attention should be paid to corruption risks, which affect construction quality, the safety of buildings and structures in operation, the investment and economic stability of the market, living standards, and other areas. One of the priority areas of contemporary political science, legal, and economic scholarship should therefore be the search for optimal models of anti-corruption policy in the construction sector at the international level. International legal anti-corruption mechanisms serve as benchmarks for national strategies, facilitate the coordination of joint anti-corruption measures at the regional level, for example within the European Union, and enhance the overall effectiveness of anti-corruption policy.

Analysis of recent research.

The problem of combating corruption in construction at the international level has been examined by both Ukrainian and international scholars. Within Ukrainian scholarship, particular attention should be paid to the work of O. M. Nepomniashchyi and T. K. Mytropan (Nepomniashchyi & Mytropan, 2018), who examined international and foreign experience in risk management within procurement systems for goods, works, and services in the construction sector and focused on risk-based control at all stages of a construction project, which can also reduce corruption risks. K. Yu. Vodolaskova (Vodolaskova, 2015) addressed related issues by examining international principles and instruments for combating corruption in construction procurement. Comparative studies of reducing corruption risks in the construction sector in Ukraine and EU countries have been undertaken by T. I. Shvydka (Shvydka, 2025), A. L. Kryvenko (Kryvenko, 2021), Ya. V. Petrunenko (Petrunenko, 2019), and others. International experience in countering corruption-related criminal offences in the construction industry has also been studied by I. V. Kramarenko (Kramarenko, 2025). These and other studies reveal differing approaches to the role and significance of international legal mechanisms in anti-corruption policy in construction. Most scholars emphasize the implementation of procurement transparency mechanisms as a principal means of combating corruption, whereas others advocate stronger criminal liability for corruption offences in construction.

At the same time, international researchers devote considerable attention to the applied dimensions of international legal mechanisms. Relevant studies include research on the legal foundations of digital international standards for public procurement in construction by G. Adjorlolo, P. Adu Sarfo, R. Blankson Safo, G. Wauk, Z. Tang and others (Adjorlolo, Tang, Wauk, Adu, Braimah, Blankson, 2025). Research by S. Djakman, V. Diyanty, H. Rossieta and I. Suardi (Suardi, Rossieta, Djakman, Diyanty, 2024) on procurement governance in accordance with international integrity principles is also important. More broadly, numerous researchers have analysed individual instruments within international legal mechanisms of anti-corruption policy in construction, including T. Weingärtner, D. Batista, S. Köchli and G. Voutat (Weingärtner, Batista, Köchli, Voutat, 2021), A. Øversveen, O. Lædre and J. Lohne (Øversveen, Lædre, Lohne, 2022), T. Nguyen Chau, T. T. T. Pham, T. C. V. Ha and D. Nguyen (Nguyen Chau, Pham, Nguyen, 2024), among many others.

Previously unresolved aspects of the general problem.

An analysis of the above-mentioned and numerous other studies, notwithstanding their substantive and methodological strengths, indicates that scholarly approaches remain contested. There is no shared understanding of the foundations of anti-corruption policy in the construction sector, no comprehensive conception of the system of international legal mechanisms applicable to anti-corruption policy in this field, and insufficient systematization of the components of these mechanisms, their effectiveness, and the prospects for their implementation in Ukraine's anti-corruption policy in construction.

Objectives of the article (research task).

The purpose of the article is to examine the international legal order and mechanisms for combating corruption in construction. This entails analysing the international legal regulation and institutional foundations of international anti-corruption policy and identifying the patterns of its implementation by international intergovernmental institutions. The task of the article is to formulate evidence-based recommendations for incorporating Ukraine's anti-corruption policy in the construction sector into the international legal framework for ensuring legality and the rule of law in construction-related legal relations.

Methodological foundations of the study.

The study of international legal mechanisms of anti-corruption policy in the construction sector is based on an interdisciplinary methodological framework encompassing general scientific and specialized methods used in political science and legal scholarship. The systemic method occupies a central place in the methodology and makes it possible to analyse international legal anti-corruption mechanisms as an integrated system of interrelated international treaties, institutions, principles, and implementation mechanisms applicable to construction. The comparative method is likewise central, enabling a comparative analysis of international anti-corruption policy standards, Ukrainian legislation, and the legislation of European Union Member States concerning the prevention of corruption across different areas of construction activity. The formal-legal method is used to establish the content, structure, legal nature, and regulatory characteristics of international instruments governing anti-corruption policy in construction. The institutional method is applied to examine the activities of international organizations and institutions that shape contemporary anti-corruption policy in the construction sector. In addition, the political-legal method is used to explore the relationship between international anti-corruption policy and international legal standards. Modelling and forecasting methods are subsequently employed to formulate evidence-based recommendations for improving Ukraine's anti-corruption policy through the implementation of international anti-corruption mechanisms in construction in the context of Ukraine's European integration and post-war recovery.

Main research findings.

The international legal mechanisms that shape anti-corruption policy in the construction sector are the product of sustained diplomatic efforts that placed the need to address this problem on the international policy agenda because of its exceptionally harmful effects on global financial and economic processes, national economies, and the social sector more broadly. The examination of these mechanisms provides grounds for characterizing this policy as institutional and legal in nature. The combination of international instruments, on the one hand, and the corresponding institutional framework, on the other, demonstrates the existence of a highly regulated system of international anti-corruption policy.

The body of international instruments and the institutions responsible for their implementation demonstrates that international anti-corruption policy in the construction sector has developed within universal and regional institutional and legal mechanisms. Universal mechanisms include, first and foremost, the instruments and institutions of the United Nations. The United Nations Convention against Corruption (UNCAC) is currently in force and should be regarded as the only legally binding universal anti-corruption instrument. The Convention was negotiated in Vienna, Austria, in 2002–2003 and subsequently adopted by the United Nations General Assembly on 31 October 2003 (United Nations Convention against Corruption, 2003). The Ukrainian Parliament ratified it on 18 October 2006, and it entered into force for Ukraine on 1 January 2010. Its provisions are implemented, *inter alia*, through the activities of the United Nations Office for Project Services (UNOPS).

For States Parties, UNCAC establishes universal standards for developing the legal foundations of anti-corruption measures. In relation to corruption risks relevant to the construction sector, particular importance attaches to Article 9, "Public procurement and management of public finances", which provides that "Each

State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement... based on transparency, competition and objective criteria in decision-making...". Paragraph 1 of Article 9 identifies mechanisms that should underpin national legal frameworks, including the public distribution of information relating to procurement procedures and contracts; the establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication; the use of objective and predetermined criteria for public procurement decisions; an effective system of domestic review, including an effective system of appeal to ensure legal recourse and remedies; requirements concerning declarations of interest in particular public procurements; screening procedures; and professional training requirements (United Nations Convention against Corruption, 2006).

With respect to public finances, paragraph 2 of Article 9 identifies the following implementation mechanisms (United Nations Convention against Corruption, 2006): procedures for the adoption of the national budget; timely reporting on revenue and expenditure; a system of accounting and auditing standards and related oversight; effective and efficient systems of risk management and internal control; and, where appropriate, corrective action in cases of non-compliance. Paragraph 3 of the Convention further requires States Parties to ensure the integrity and preservation of financial records and to prevent their falsification.

Thus, UNCAC established the principal directions of anti-corruption policy in public procurement and public finance, including their application to the construction sector. In our view, however, the Convention would benefit from more detailed recommendations and requirements concerning the mandatory incorporation into national criminal legislation of provisions ensuring the inevitability of criminal liability, as well as measures for the prevention of corruption-related crime in this field.

In addition to the United Nations, the universal international legal framework for combating corruption in construction is reflected in instruments developed by the Organisation for Economic Co-operation and Development. These include the Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service (2003), the OECD Principles for Private Sector Participation in Infrastructure (2007), the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions (2009), the Recommendation of the Council on Principles for Transparency and Integrity in Lobbying (2010), and other instruments. Subsequently, on 18 February 2015, acting on the proposal of the Public Governance Committee in cooperation with the Competition Committee and the Working Group on Bribery in International Business Transactions and in consultation with other OECD committees, the OECD Council adopted the Recommendation of the Council on Public Procurement (Recommendation of the Council..., 2015).

Analysis of these international instruments indicates that the OECD regards the establishment and maintenance of an appropriate level of transparency throughout the entire public procurement cycle as a principal anti-corruption instrument in public procurement and other contracts involving public funds. This is directly relevant to construction financed from public budgets. The instruments further indicate that international legal tools developed within the OECD framework are intended to support comprehensive risk mapping, enabling auditors both to prevent and to detect fraud and corruption during the implementation of publicly funded construction projects.

At the universal level, in addition to the leading institutions discussed above, the World Trade Organization (WTO) also addresses anti-corruption policy relevant to construction through its regulation of government procurement, which encompasses construction services. In particular, Article IV(4) of the WTO Agreement on Government Procurement of 30 March 2012 (Agreement on Government Procurement, GPA) (Agreement on Government Procurement..., 2012, p. 18) requires procurement to be conducted in a transparent and impartial manner, in a manner that avoids conflicts of interest, and in a manner that prevents corrupt practices.

It is also important to note that, alongside the organizations and instruments analysed above, the World Bank Group is one of the most significant global actors shaping anti-corruption policy in the construction sector and in infrastructure projects. The importance of its instruments lies primarily in the fact that, unlike the United Nations or the WTO, the World Bank Group does not conclude international treaties in this field; nevertheless, its rules are binding within projects financed by the World Bank and therefore effectively establish international anti-corruption standards. In particular, the Bank has adopted the World Bank Procurement Regulations for IPF Borrowers (Procurement Regulations), which govern the procurement of goods, works, non-consulting services, and consulting services for IPF operations financed in whole or in part

by the Bank. One of the most recent instruments, effective from 2025, is the “World Bank Procurement Regulations for IPF Borrowers: Procurement in Investment Project Financing – Goods, Works, Non-Consulting and Consulting Services” (World Bank, 2025). The Regulations establish the Bank’s core procurement principles, including value for money, economy, integrity, fit for purpose, efficiency, transparency, and fairness. Their provisions, including section 1.3 on Core Procurement Principles, are designed to prevent fraud, bribery, collusion, coercion, and obstruction of audits and investigations.

One of the principal World Bank instruments aimed at preventing corruption and fraud in construction and infrastructure projects is the “Guidelines on Preventing and Combating Fraud and Corruption in Projects Financed by IBRD Loans and IDA Credits and Grants” (World Bank, 2011). The Guidelines contain provisions for preventing and combating fraud and corruption that may arise in connection with the use of financing from the International Bank for Reconstruction and Development (IBRD) or the International Development Association (IDA) during the preparation and/or implementation of investment projects financed by these institutions. They establish general principles, requirements, and sanctions applicable to persons and entities that receive, are responsible for depositing or transferring, or make or influence decisions concerning the use of such funds. In particular, all such persons and entities are required to take all appropriate measures to prevent and combat fraud and corruption and to refrain from fraudulent and corrupt practices in connection with the use of IBRD financing (World Bank, 2011).

Unlike many other international organizations, the World Bank Group has a specialized institutional body responsible for implementing its anti-corruption policy in relation to projects financed by the Group: the Integrity Vice Presidency (INT). INT operates with independent authority as a dedicated unit within the World Bank Group and investigates allegations of fraud and corruption in World Bank Group-financed projects, including allegations involving suppliers and Bank staff, while supporting the sanctions process. Among its other anti-corruption functions, INT supports the Bank’s core operational units and external stakeholders by mitigating fraud and corruption risks through investigations, integrity compliance, prevention, and outreach. In implementing this anti-corruption mandate, INT reports directly to the President of the World Bank Group and operates under the oversight of the Audit Committee of the Board (World Bank Group, Integrity Vice Presidency). In our view, such a separately institutionalized mechanism represents an effective model of oversight and anti-corruption control both within the institution itself and in the use of credit resources by recipients.

Conclusions and prospects for further research.

The anti-corruption policies of universal international organizations demonstrate that the instruments of the United Nations, the OECD, the WTO, and the World Bank Group establish universal international standards for tendering, contract award, and contract performance aimed at promoting integrity and minimizing corruption risks in infrastructure projects. At the same time, in our view, a common gap in international anti-corruption policy and in the patterns of its implementation by international intergovernmental institutions through universal international legal mechanisms applicable to construction is the absence, or insufficient elaboration in UNCAC, of recommendations concerning the prevention of corruption offences and the obligation of States to ensure the inevitability of punishment for corruption-related crimes in construction. This issue is addressed to some extent in the anti-corruption framework of the IBRD. In this context, the Ukrainian anti-corruption model for the construction sector should draw on the IBRD approach while also ensuring the direct implementation, where appropriate, of UNCAC criminal-law standards into national criminal and criminal procedural legislation. Anti-corruption policy should be based on the development and implementation of a national programme for incorporating the mechanisms examined above and other effective instruments into Ukraine’s anti-corruption framework. Such an approach would constitute a concrete step in implementing Ukraine’s European integration policy and also demonstrates the need for further research into regional international legal mechanisms of anti-corruption policy in the construction sector, particularly those of the European Union. In addition to the international governmental organizations discussed above, the experience of international non-governmental organizations in developing and implementing international anti-corruption mechanisms relevant to construction is also important and represents a promising avenue for further political science and legal research into combating corruption in the construction sector.

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