

Legal Nature And Classification Of International Agreements Between The Republics Of Uzbekistan And Türkiye

Xudayberdiyeva Shohista¹, Toshqulov Juraboy Urinboyevich ²

¹PhD student of the National Center for
Human Rights of the Republic of Uzbekistan
yelenaskot@gmail.com

²Head of Department of the Institute
of State and Law of the Academy of Sciences
of Uzbekistan, doctor of Science in Law, professor

How to cite this article: Xudayberdiyeva Shohista, Toshqulov Juraboy Urinboyevich (2024). Legal Nature And Classification Of International Agreements Between The Republics Of Uzbekistan And Türkiye. *Library Progress International*, 44(3), 4894-4903.

ABSTRACT

In this article, the author systematically studied the essence of the contracts between Uzbekistan and Türkiye and the specific features of the contracts, scientifically and theoretically substantiated. The legal nature of international agreements and scientific approaches to them are studied. The international agreements between the Republics of Uzbekistan and Türkiye were analyzed using special, logical, political, theological, systematic, normative interpretation methods.

Keywords: international agreements, cooperation, international agreements between Uzbekistan and Türkiye, contractual and legal cooperation.

Türkiye recognized the independence of the Republic of Uzbekistan and entered into international legal relations from the time when diplomatic relations between the two countries were established. Relations were established within the framework of international and regional organizations and on the basis of bilateral agreements. Conventions, agreements, declarations and agreements, which are the legal basis of relations between the states, were signed. Relations were established and regulated on the basis of these legal documents. Today, it is difficult to find any area of international relations that is governed to some extent without treaties. The agreements govern political and military cooperation, economic and financial relations, cooperation in science, technology, culture, environmental protection and other spheres. International organizations are established and operate on the basis of agreements. Treaties are also important in the administration of the domestic law of the state. It is the treaties that have a major impact on the domestic law of the state.

From this point of view, international agreements are a legal framework that regulates relations between subjects of international law and develops them. Regulation of relations between states ensures compliance with obligations under international agreements based on the principle of “pacta sunt servanda”¹ and helps to develop international cooperation in accordance with the goals of the UN Charter. According to Article 2 of the 1969 Vienna Convention on the Law of Treaties, a treaty is a written agreement between states and governed by international law, such an agreement must be in a single document or in two or more related documents, and its specific means an international agreement regardless of its name.

H. Krause noted that an international agreement is a mutual agreement expressing the will of two or more states,² while F. List stated that an international agreement is an agreement between two or more states regarding

¹ Қаранг: 1969 йилда қабул қилинган “Халқаро шартномалар ҳуқуқи тўғрисида”ги Вена конвенциясининг 26-моддаси// <https://lex.uz/docs/2646414>

² Kraus H. System et fonctions des traites international //«Rescueil de cours». – P.50.

the sovereign rights of a state.³

Through an international agreement, states fulfill their main tasks of solving the problems of the international community by conscientiously fulfilling one of the universally recognized principles of international law, “Pacta sunt servanda”.

According to the views of A.Kh. Saidov, “The contract represents the agreement between the subjects of international law on the creation of international legal norms on defining, changing or canceling the legally binding rules for them - their mutual rights and obligations”⁴.

According to I.M. Umarokhunov, “an international agreement is a clearly directed activity of states to regulate interstate legal relations”⁵.

According to D.Sh.Umarkhanova's views, “An international agreement is an agreement regulated by international law, regardless of its name, clearly expressed by creating mutual rights and obligations between one, two or several subjects of international law”⁶.

M.N.Mirhamidova says, “An international agreement is the basis for regulating relations between subjects of international law, which is voluntary, equal, and mutually beneficial between the parties and provides their internal national interests without contradicting the generally recognized norms and principles of international law”⁷.

The concept of an international agreement is defined as follows in accordance with Article 3 of the Law “On International Agreements of the Republic of Uzbekistan”: “An international agreement of the Republic of Uzbekistan is an equal right and obligation regarding the rights and obligations of the Republic of Uzbekistan in the field of international relations with one or more countries, international organizations or other subjects of international law”⁸.

The essence of the contract is the mutual agreement of the parties. It is known that an agreement is the only way to create norms of international law, and it creates not only contractual norms but also customary norms. We can see the difference between these norms in the process of creation as well as in the form of existence.⁹

Although this definition does not mention the oral form of treaties, states or other subjects of international law may implement the provisions set forth in the Vienna Conventions of 1969 and 1986 in oral form by mutual agreement.¹⁰

Agreeing with the opinion of the above authors, our author's definition of an international agreement is as follows: “An international agreement is an agreement between the subjects of international law, the formation, operation and annulment of which are regulated by the norms of international law”.

An international agreement is the result of the agreement of the parties and serves for the success of their political goals. Parties are an important element of contractual-legal relations. The character (property) and composition of the parties determine the composition (structure) of the contract, its legal and political significance. This situation has long been established by experts. In the evaluation of this or that agreement, the main attention is focused on which countries came out as the first initiators, which are participating in it, which were excluded and which expressed their opposition.

In accordance with the Vienna Convention “On the Law of International Treaties” adopted in 1969 in the international contract practice of the Republic of Uzbekistan, the political and legal opportunities of Uzbekistan in the formation of international contracts and other norms are expanding. The process of fulfilling international contractual obligations is being improved, taking into account the state's interests. The importance of international agreements on the legal protection of the vital interests of the individual, society and the state is increasing¹¹. Such trends are also observed in the bilateral and multilateral legal norms that create rights and obligations in the field

³ ЛистФ. Международное право. – Юрьев, 1909. – С.206-207.

⁴ Лукашук И., Саидова А. Хозирги замон халқаро ҳуқуқ назарияси асослари: дарслик. – Т.: Адолат, 2006. – 604 б

⁵ Умархунов И.М. Международная договорно-правовая практика Республики Узбекистан: вопросы теории и практики: монография. – Ташкент: Янги аср авлоди, 2016. – 20 с.

⁶ Халқаро шартномалар ҳуқуқи: Ўқув қўлланма // Азимов М.М., Муминов А.Р., Нугманов Н.А., Умарханова Д.Ш. – Т.: ТДИУ наشريёти, 2017. – 210 бет. Б-30.

⁷ Мирхамидова Махминора Нуруллаевна. Ўзбекистон Республикаси ва Кўрфаз араб давлатлари: халқаро-ҳуқуқий муносабатларнинг ривожланиши. Монография. – Т.: «Lesson press» наشريёти, 2023. – 196 б. Б-53.

⁸ “O‘zbekiston Respublikasining xalqaro shartnomalari to‘g‘risida” O‘zbekiston Respublikasining Qonuni, 07.02.2019. <https://lex.uz/docs/121884?ONDATE=15.12.2005&ONDATE2=07.02.2019&action=compare>

⁹ Xalqaro shartnomalar huquqi: O‘quv qo‘llanma // Azimov M.M., Muminov A.R., Nugmanov N.A. va Umarxanova D.Sh. – Т.: TDYU nashriyoti, 2017, 210-bet. Б-31.

¹⁰ Robert Kolb. The Law of Treaties (An Introduction). - Cheltenham, UK; Northampton, MA, USA: Edwarb Elgar Publishing, 2016. – P.22.; Anthony Aust. Modern treaty law and practice. - Cambridge, United Kingdom: Cambridge University Press, 2000. – P.14.

¹¹ Саидова Л.А. Дипломатическое право в Узбекистане: проблемы теории и практики: Автореф. дис... докт.наук.- Т.:УМЭД, 2001,-С.19.

of international relations between Uzbekistan and Türkiye and serve to regulate the quality of cooperation between the two countries.

Today, the issue of increasing the effectiveness of international legal norms is urgent, and the interest of local and foreign legal scholars is increasing. A.A. Tolaganov recommends including the principle of guaranteeing the effectiveness of international legal norms as one of the main principles and creating an effective mechanism for their implementation in order to increase their effectiveness. According to him, the efficiency category is not only a legal, but also an ideological-political category¹². In this regard, the role of legal expertise of national legislation is important, which allows checking the compliance of draft national legislation not only with generally recognized principles and norms of international law, but also with international treaties of the Republic of Uzbekistan.¹³

From this point of view, a systematic study of the state of the contractual and legal framework of Uzbekistan with Türkiye will become relevant in order to increase its completeness and efficiency. Such a study, conducted along with the analysis of the legal aspects of the common features characterizing the international agreements between the Republics of Uzbekistan and Türkiye and the classification of the specific features of the international agreements between the two countries, allows to determine the role of a particular international agreement in the mutual relations between the two countries and the relations between them.

The main common features of international agreements between the Republics of Uzbekistan and Türkiye:

First, one of the main common features of international agreements between two countries is that all of them, regardless of their types, purposes, roles and importance, have all the common features characteristic of any international legal and national law. These include the conciliatory nature of agreements, the voluntariness of their conclusion, the achievement of a consensus of interests, the will that is acceptable to the interests of all parties, and others. According to Article 2 of the Law “On International Agreements of the Republic of Uzbekistan” “International agreements of the Republic of Uzbekistan are concluded, executed, terminated, suspended and denounced in accordance with the generally recognized principles and norms of international law, the Constitution of the Republic of Uzbekistan, as well as this Law and the provisions of the agreement itself”¹⁴. Any agreement, as a rule, should be voluntary, equal, mutually beneficial and not contradict the generally recognized principles and norms of international law. In this regard, according to A.Kh. Saidov, international agreements, regardless of their name, are agreements regulated by the norms of international law and expressed in one, two or more interrelated documents concluded by states and other subjects of international law¹⁵.

Secondly, the general nature of the international agreements of two countries can be determined by the need to fulfill the requirement of their mandatory execution (“pacta sunt servanda”).

Thirdly, another common feature of the international agreements between the Republics of Uzbekistan and Türkiye is that they are also subject to the general procedure for the development, acceptance and entry into force of these agreements. International agreements between Uzbekistan and Türkiye are agreed upon in accordance with the requirements of the Constitution of the Republic of Uzbekistan, which serves as the legal basis for regulating international contractual relations, as well as the Law “On International Agreements”.

Fourthly, one of the common aspects of the international agreements of the two countries is that the content of the concluded agreements is determined by a number of principles of cooperation between Uzbekistan and Türkiye. According to the object of legal regulation, these principles are divided into international legal principles, as well as principles regulating the actions of national legal entities. In the implementation of these principles through the norms serving the legal regulation of cooperation, the limits of the validity of the rules of transactions between space, time and the circle of persons are determined.

Fifth, another common feature of the agreements between the Republics of Uzbekistan and Türkiye is that they are drawn up in accordance with the provisions of the Vienna Convention on the Law of International Treaties. According to the definition established in the convention, an international agreement can have different names - agreement, declaration, etc., must comply with the norms of international law and be made in writing.

¹² Туляганов А.А. Халқаро ҳуқуқ нормаларининг самарадорлигини ошириш – давр талаби // Сб. науч. трудов Академии МВД Республики Узбекистан.- Ташкент, 2004.-С.324-325.

¹³ Абдуллаев Б.Дж. Ўзбекистон Республикасида қонун ҳужжатлари ҳуқуқий экспертизасини такомиллаштириш муаммолари: Автореф.дис... канд.юр.наук.-ТГЮИ,2010.-Б.17.

¹⁴ “O‘zbekiston Respublikasining xalqaro shartnomalari to‘g‘risida” O‘zbekiston Respublikasining Qonuni, 07.02.2019/<https://lex.uz/docs/121884?ONDATE=15.12.2005&ONDATE2=07.02.2019&action=compare>

¹⁵ Саидов А.Х.. Халқаро ҳуқуқ: Дарслик. Т.: “Адабиёт жамғармаси”, 2001.-Б.138

Sixth, another common feature of the international agreements between the Republics of Uzbekistan and Türkiye is that both international legal and domestic instruments are widely used to ensure agreements - special laws and other normative documents are adopted in order for the states to fulfill their international legal obligations and ensure the agreements reached.

The legal aspects of common signs of international agreements between the Republics of Uzbekistan and Türkiye are also reflected in the nature of contractual norms. Mandatory contractual norms of international law can be divided into two categories according to the nature of their effect, they have a direct effect on the one hand and may not be included in the domestic legislation of the state. On the other hand, there are norms with indirect effect, which must be included in the national legislation in the original form, or the national legislation will be adapted to them. It is worth noting that the Russian scientist V.N. Kazakov is sure that with the development of international relations and the deepening of interdependence of states, the scope of application of mandatory norms is expanding. In his opinion, this is related to objective reasons such as the need to protect the most important interests of the states and the international community, the demand for uniform regulation in the fields of international cooperation, and the need for the effective operation of international law will arise only if such regulation is related to the specific nature of social relations¹⁶.

The legal aspects of common signs of international agreements between the Republics of Uzbekistan and Türkiye are especially evident in the process of concluding these agreements. In this case, one of the most important functions of the state is a complex structure that carries out activities related to the creation of norms. States have the highest and universal legal authority - sovereignty, through which they create international law, determine its content and ensure compliance with it. "In other words, the state is the original subject of international law. "Reflecting the actual situation, international law defines the basic rights and obligations of states that other subjects do not have and cannot have"¹⁷.

Another criterion that allows us to reveal the legal aspects of the common signs of international agreements between the Republics of Uzbekistan and Türkiye is international legal norms, which are often a legal fact that leads to the emergence of legal relations, and law-making is the first stage of international legal regulation. This fully applies not only to bilateral international agreements, but also to the application of the main principles of international law. At the same time, the emergence of the norm and the emergence of bilateral and multilateral legal relations, as well as the rights and obligations of subjects can occur at different times. For example, multilateral international legal regulation is characterized by such initial stages as the emergence of international legal relations based on legal facts expressed in law-making and joining a treaty.

The legal aspects of the common signs of the international agreements between the Republics of Uzbekistan and Türkiye are clearly manifested in the implementation of the rights and obligations of the subjects or "in the implementation of international legal norms implemented with the help of international legal and national legal mechanisms" and become an important stage of the international legal regulation of the cooperation of the two countries. . In this regard, it is appropriate to dwell on the existence of a number of reference norms, which are the main way of harmonizing international and domestic law. For example, the Uzbekistan- Türkiye Agreement on Mutual Legal Assistance in Civil, Commercial and Criminal Matters stipulates that requests will be enforced if they do not conflict with the basic principles of the law of the requested party or if they do not harm the sovereignty, security or public order¹⁸.

Speaking about the characteristics of international agreements between the Republics of Uzbekistan and Türkiye, we emphasize that they should be divided into bilateral and multilateral according to the number of subjects participating in them.

The bilateral type of agreements occupies the main place among the agreements signed between Uzbekistan and Türkiye, that is, most of the agreements are signed bilaterally. It should also be noted that Uzbekistan is a party to multilateral agreements with the Republic of Türkiye. There are specific aspects of the legal basis of Uzbekistan's multilateral cooperation with Türkiye. First of all, this is the legal basis of the institutional cooperation of Uzbekistan with the Republic of Türkiye within the framework of the United Nations, the Organization of Turkic States and the Organization of Islamic Cooperation, that is, multilateral cooperation within the framework of the main documents of these large intergovernmental organizations.

¹⁶ Казаков В.Н. О некоторых чертах современного международного правопорядка //Государство и право - Москва, 2003,- №004 - С.89.

¹⁷ Лукашук И.И. Субъекты права международных договоров // Государство и право - Москва, 2004 - №011.- С.56.

¹⁸ Ўзбекистон Республикаси ва Туркия Жумҳурияти ўртасида "Фуқаролик, савдо ва жиноий ишлар бўйича ўзаро ҳуқуқий ёрдам кўрсатиш ҳақида" шартнома. <https://lex.uz/docs/2592206>

Based on the views of legal scholars, we can divide international agreements into bilateral agreements and multilateral agreements according to the scope of participants.

Multilateral treaties are treaties between several countries, usually (but not always) involving most of the world's countries. Multilateral treaties cover almost all important areas of international law, from human rights to interstate agreements on matters such as trade or transport.

Examples of early successful multilateral treaties are the International Telegraph Convention (1865) and the Universal Postal Convention (1874). Other examples are the General Agreement on Tariffs and Trade (GATT) and the Paris Agreement¹⁹.

A multilateral treaty is a treaty to which two or more sovereign states are parties²⁰. Each party has the same obligations to all other parties, except to the extent that they object. Examples of multilateral treaties are the Convention Relating to the Status of Refugees, the United Nations Convention on the Law of the Sea, the Geneva Conventions, and the Rome Statute of the International Criminal Court.

N. Nugmanov defines multilateral agreements as follows. "Multilateral agreements are agreements with the participation of several countries, which contain norms, objects and goals that serve the interests of all countries"²¹.

Multilateral agreements are open, closed or semi-open. All countries can participate in open contracts. Only the signatories of the treaty participate in the closed treaty. Other countries can also participate in semi-open contracts, only with the consent of the contract participants. For example, contracts of this category include a number of multilateral contracts concluded within the CIS.

In the context of globalization, the number and nature of multilateral agreements is growing. With their help, issues related to the entire international community are resolved. For example, the Statute of the International Criminal Court.

Generally, multilateral treaties are treaties that imply universal treaties. Such agreements should be open, that is, all countries should have the right to participate in them. For example, the UN Charter.

Another characteristic of multilateral cooperation is that the implementation of cooperation leads to the solution of problematic issues. We decided to dwell on the legal foundations of Uzbekistan's multilateral cooperation with Türkiye in Chapter II of the thesis.

Bilateral agreements are agreements in which two subjects of international law participate, taking into account the specific aspects of the parties and their relations.²²

Bilateral contracts can be classified in several directions based on the views of scholars.

A.Kh. Saidov and I.I.Lukashuk divide the contracts into three types based on the name of the bodies acting on behalf of the state: interstate (signed at the highest level and on behalf of the states), intergovernmental (signed on behalf of governments) and interdepartmental agreements (signed on behalf of agencies)²³.

Also, in accordance with the Law of the Republic of Uzbekistan "On International Agreements"²⁴, international agreements on behalf of the Republic of Uzbekistan - interstate agreements; On behalf of the Government of the Republic of Uzbekistan - intergovernmental agreements; on behalf of state bodies, within the scope of their powers, it is noted that they will be allocated to interdepartmental contracts.

E. Umarokhunov touched on the classification of international legal agreements concluded on behalf of the state in his research and analyzed the classification of the contractual legal framework of Uzbekistan with the state of Azerbaijan in the order noted by A. Kh. Saidov and I. I. Lukashuk. According to it, contracts are divided into interstate, intergovernmental, and interdepartmental levels.

Analyzing the agreements concluded on behalf of the state with the Republic of Türkiye according to the classification, we can see the following:

The legal basis of the bilateral cooperation of the Republic of Uzbekistan with the Republic of Türkiye consists of 139 contracts and agreements since the years of independence, of which 13 are inter-state, 49 are inter-

¹⁹ https://www.law.cornell.edu/wex/multilateral_treaties

²⁰ Anthony Aust (2000). *Modern Treaty Law and Practice* (Cambridge: Cambridge University Press) p. 9.

²¹ Xalqaro shartnomalar huquqi: O'quv qo'llanma // Azimov M.M., Muminov A.R., Nugmanov N.A. va Umarxanova D.Sh. – T.: TDYU nashriyoti, 2017, 210-bet. B-54.

²² Xalqaro shartnomalar huquqi: O'quv qo'llanma // Azimov M.M., Muminov A.R., Nugmanov N.A. va Umarxanova D.Sh. – T.: TDYU nashriyoti, 2017, 210-bet. B-54.

²³ Лукашук И.И., Саидов А.Х. Хозирги замон халқаро ҳуқуқи назарияси асослари: дарслик. – Тошкент:

“Адолат”, 2006. – 181 б.

²⁴ Ўзбекистон Республикасининг “Халқаро шартномалар тўғрисида”ги Қонунининг 7-моддаси //ЎРҚ-518-сон, 06.02.2019 / Манба: <https://www.lex.uz/acts/121884>

governmental, 50 are inter-departmental, and 27 are documents of other directions (cooperation of cultural centers, higher education institutions, etc.) consists of Also, we can observe that there are inter-state, inter-governmental, inter-departmental agreements and agreements that do not have the status of an international agreement on the contractual and legal basis of relations between the Republic of Uzbekistan and the Republic of Türkiye. For example, the memorandum on cooperation between the Ministry of Justice of the Republic of Uzbekistan and the Ministry of Justice of the Republic of Türkiye²⁵.

According to the classification of contracts acting on behalf of the state, the most number of signed between Uzbekistan and Türkiye at the intergovernmental level determines the high level of cooperation.

According to the new version of the Law of the Republic of Uzbekistan “On International Agreements”, we observed that the agreements concluded between the Republic of Uzbekistan and the Republic of Türkiye at the interstate level are, as a general rule, concluded on behalf of Uzbekistan and Türkiye at the highest level. It was observed that the content of these interstate agreements is based on the content of friendly cooperation, trade, industry, agriculture, transport, tourism, science and other spheres of cooperation between the countries of Uzbekistan and Türkiye. Agreements of this type are the highest level of relations between states and serve as a basis for the development of future relations. The scope of cooperation between the two countries and issues related to the development of certain areas are implemented through mutual cooperation at the level of the countries. The above points represent the specific features of the Interstate Agreements.

According to the results of the research, the intergovernmental agreements between the Republic of Uzbekistan and the Republic of Türkiye are mainly in the form of an agreement, and these agreements entered into force from the moment of signing the agreements according to Article 24 of the Vienna Convention²⁶.

Most of the contents of the intergovernmental agreements between the Republic of Uzbekistan and the Republic of Türkiye are political, economic, trade, investment, scientific-technical, military, military-technical relations, tourism, cultural cooperation, mutual cooperation in the legal field, protection of investments and their promotion, terrorism, consists of agreements on cooperation in the fight against organized crime, illegal circulation of narcotic drugs and psychotropic substances, as well as other crimes. The distinctive features of intergovernmental bilateral agreements are that they are considered and implemented within the framework of the governments of the two countries on the basis of clearly defined measures on the issues listed above.

Also, it was observed that the inter-departmental agreements of the Republic of Uzbekistan with the Republic of Türkiye are agreements concluded between the relevant agencies on behalf of the state and between the relevant ministries of Uzbekistan and the development funds. We observed that the inter-agency agreements between the Republic of Uzbekistan and the Republic of Türkiye were concluded between the ministries of the two countries and between the chambers of commerce and industry, or between the ministries, committees, Turkish funds and investment agencies, as well as between the holding companies. For example, the protocol of mutual understanding between the Ministry of Foreign Economic Relations, Investments and Trade of the Republic of Uzbekistan and the Turkish Investment Agency can be cited.

It was observed that the content of the inter-agency agreements between the Republic of Uzbekistan and the Republic of Türkiye consists of directions in the form of a memorandum of understanding between the Ministries of Foreign Affairs or the Ministries of Justice.

It should also be noted that the proposal for the conclusion of the inter-departmental agreement of the Republic of Uzbekistan is submitted to the President of the Republic of Uzbekistan or the Cabinet of Ministers of the Republic of Uzbekistan by the state body that has jurisdiction over the issues regulated by this agreement²⁷. According to I.M. Umarkhanov, the international agreements of the Republic of Uzbekistan of an interdepartmental nature are agreements of relatively independent importance²⁸. Inter-departmental agreements were concluded between the Republics of Uzbekistan and Türkiye in trade-economic, cultural, agricultural, construction and many other areas. The peculiarity of such agreements is that they are beneficial for both countries and strengthen inter-agency cooperation.

²⁵ Ўзбекистон Республикаси Адлия вазирлиги билан Туркия Республикаси Адлия вазирлиги ўртасида ҳамкорлик тўғрисида меморандум. 2018 й.

²⁶ Венская конвенция о праве международных договоров // Вена, 23 мая 1969 года / Республика Узбекистан присоединилась к настоящей Конвенции в соответствии с постановлением Олий Мажлиси Республики Узбекистан от 24 февраля 1995 года № 29-І «О присоединении к Венской конвенции о праве международных договоров».

²⁷ Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 13-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРҚ-518

²⁸ Умарханонов И.М. Международная договорно-правовая практика Республики Узбекистан: вопросы теории и практики. Монография. – Ташкент: Янги аср авлоди, 2016. – 259 с.

Of course, as we noted above, in addition to this classification of international agreements, i.e. interstate, inter-governmental and inter-agency types, we found it desirable to include agreements that do not have the status of an international agreement. One of the unique aspects of these agreements is that we can see the development of agreements in relevant areas at the interstate, intergovernmental and interagency levels. That is, we observed that the mechanism of execution of interstate, intergovernmental and interdepartmental agreements was strengthened by the signing of such agreements.

In our opinion, this type of agreements, that is, agreements that do not have the status of an international agreement, plays a special role in ensuring the enforcement mechanism of interstate, intergovernmental and interdepartmental agreements. According to the Law of the Republic of Uzbekistan “On International Agreements”, international documents of the Republic of Uzbekistan that are not international agreements, adopted in the form of declarations, statements, communiques, memoranda of understanding, memorandums of understanding, cooperation plans and programs²⁹.

Based on the above classifications, a fundamental difference must be made between a bilateral agreement concluded between two parties and a multilateral agreement concluded between more than two parties.³⁰

First, bilateral and multilateral treaties are fundamentally different in their construction, entry into force and administration.

Secondly, in terms of the form of the contract, that is, a bilateral contract is usually in the form of a single document signed by both parties or two documents confirming the agreement of the parties, exchange of diplomatic notes or letters. A multilateral agreement consists of one document. In exceptional cases, a multilateral agreement can be concluded by exchange of documents, if the number of signatory parties does not exceed three or four.

According to the terms of another classification of agreements between states, international agreements are divided into fixed-term and indefinite, because “an international agreement can be concluded for a certain period, without specifying or specifying a period”³¹. Thus, the Environmental Protection Agreement of 1997 stipulates that it shall enter into force and apply for a period of five years from the date of signature, and shall be automatically extended for a further five-year period upon its expiration in the absence of a notice of denunciation.

The order and period of entry into force of international agreements between two countries are determined in the document itself or in another order determined in accordance with the agreements of the countries participating in the conclusion of the agreement. According to Article 25 of the Law on International Agreements of the Republic of Uzbekistan, “International agreements shall enter into force for the Republic of Uzbekistan in accordance with this Law and in the order and terms stipulated in the international agreement or agreed between the contracting parties after the Republic of Uzbekistan has expressed its agreement that the international agreement is binding for itself”³². For example, the extradition treaty stipulates that it will enter into force on the thirtieth day after the exchange of ratifications.

Uzbekistan's international agreements with Türkiye have different directions and nomenclature, taking into account the specific features of international contractual-legal relations in the provisions of the Vienna Convention “On the Law of International Treaties” and the law “On the Law of International Treaties”. According to Article 4 of the Law “On International Agreements of the Republic of Uzbekistan”, international agreements may be named and drawn up in the form of: contract, agreement, convention, protocol, memorandum, declaration, exchange of letters and notes, as well as have other names³³.

According to Article 51 of the Law “On International Agreements of the Republic of Uzbekistan”, international documents of the Republic of Uzbekistan, which are not international agreements, are generally accepted in the form of declarations, statements, communiques, memoranda of understanding, memorandums of understanding, cooperation plans and programs. The part of the provisions of this Law on initiating international agreements and signing them is also applied to international documents of the Republic of Uzbekistan that are not

²⁹ Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 51-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРҚ-518

³⁰ See art. 2 para. 1 let. a of the Vienna Convention of 23 May 1969 on the Law of Treaties (VCLT; RS 0.111). This convention contains the main rules, often customary, on the conclusion, application, interpretation and termination of treaties.

³¹ Сайдов А.Х.. Халқаро ҳуқуқ: Дарслик. Т.: “Адабиёт жамғармаси”, 2001.-Б.143

³² Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 25-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРҚ-518

³³ Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 4-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРҚ-518

international agreements³⁴.

The contract practice of Uzbekistan with the Republic of Türkiye shows that if the preamble indicating the goals of the contract is an integral part of the structure, the main part defines the rights and obligations of the parties and regulates the procedure for its execution. The final part of the international agreements of the Republics of Uzbekistan and Türkiye covers such elements of the agreement structure as the order of their entry into force, methods of interpretation, its validity period, termination, denunciation and extension procedures, as well as the validity of the text. This part of the international agreements between the Republics of Uzbekistan and Türkiye stipulates their right to cancel the agreement. Circumstances that lead to the termination of the contract are, as a rule, a certain period of validity or provisions for denunciation, the loss of the original purpose of the contract or its obsolescence.

The analysis of the structure of contractual and legal norms regulating the cooperation between the Republics of Uzbekistan and Türkiye and the study of the process of forming their international agreements shows that their contractual and legal practice is largely based on I.M. Umarokhunov's work "The Republic of Uzbekistan and International Contract Law". In the prism of the norms and requirements of the law "On International Agreements", the author's comments and conclusions regarding the international legal practice of Uzbekistan have fully influenced the international agreements between the Republics of Uzbekistan and Türkiye, so it seems necessary to dwell on some issues. Aspects of this work allow to reveal more widely the features of the studied topic.

He considered issues related to the structure of international agreements between Uzbekistan and the Republic of Türkiye, as well as issues related to the legal framework of Uzbekistan. The stages of concluding international agreements include: promotion of the initiative of the agreement; enter into negotiations; Negotiations; development and acceptance of the text of the international agreement, the termination of the international agreement, which applies equally to the agreements concluded between Uzbekistan and Türkiye.

The current contract practice of the Republic shows that international agreements are increasingly being signed without ratification, especially on special issues,³⁵ which also applies to the legal framework of Uzbekistan and Türkiye.

According to Article 5 of the Law "On International Agreements of the Republic of Uzbekistan", international agreements are usually concluded in written form. The law does not apply to the "gentlemen's agreement" of the republic with other subjects of international law. In this part, the contractual and legal foundations of Uzbekistan- Türkiye cooperation are not excluded. It is known that this type of contract differs from ordinary contracts by the absence of a text of the contract and a special level of trust between the subjects of international law, as well as compliance with the requirements of the contract.

Based on the results of the scientific and comparative analysis of the above agreements, it was justified that the legal nature of Uzbekistan's cooperation with Türkiye has a legal basis in specific areas:

First, the contractual legal basis in the economic sphere with the Republic of Türkiye takes priority. That is, there are legal bases for cooperation mainly in economic, investment and trade areas.

Secondly, we divided the studied international agreements into interstate, inter-governmental and inter-departmental agreements according to the type of agreements concluded by subjects acting on behalf of the state of the Republic of Uzbekistan in accordance with Article 7 of the Law of the Republic of Uzbekistan "On International Agreements". In addition, we noted that there are documents that do not have the status of an international agreement. It was observed that these types of contracts are of special importance in the contractual and legal framework formed between Uzbekistan and Türkiye. That is, we observed that the mechanism of practical implementation of intergovernmental agreements was strengthened by the signing of such agreements.

Thirdly, along with the bilateral agreements of Uzbekistan with Türkiye, the agreements within the framework of international organizations such as the Organization of Turkic States, the Organization of Islamic Cooperation, and the Islamic Development Bank have been formed. In addition, it can be recognized that the existence of international multilateral agreements is one of the unique aspects.

Fourthly, there are development funds, and in the implementation of relevant projects, inter-departmental agreements with the participation of these funds have a significant role.

Of course, it should be said that since 2016, the signing of intergovernmental and interdepartmental

³⁴ Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 51-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРК-518

³⁵ Умарохунов И.М. Республики Узбекистан и международная договорное-право. –Т.: Ўзбекистон миллий энциклопедияси, 1998.-С.45.

agreements has accelerated in the new period. It can also be noted that the legal basis of cooperation has been improved through the agreement on the establishment of a new, modern joint investment company, agreements on the modernization of agricultural infrastructure and the establishment of a modern agrocluster, agreements on the establishment of renewable energy, solar power plants.

References:

1. 1969 йилда қабул қилинган “Халқаро шартномалар ҳуқуқи тўғрисида”ги Вена конвенциясининг 26-моддаси// <https://lex.uz/docs/2646414>
2. Kraus H. System et fonctions des traites international //«Recueil de cours». – P.50.
3. ЛистФ. Международное право. – Юрьев, 1909. – С.206-207.
4. Лукашук И., Саидов А. Ҳозирги замон халқаро ҳуқуқ назарияси асослари: дарслик.– Т.: Адолат, 2006.– 604 б
5. Умархунов И.М. Международная договорно-правовая практика Республики Узбекистан: вопросы теории и практики: монография. – Ташкент: Янги аср авлоди, 2016. – 20 с.
6. Халқаро шартномалар ҳуқуқи: Ўқув қўлланма // Азимов М.М., Муминов А.Р., Нугманов Н.А., Умарханова Д.Ш. – Т.:ТДЮУ нашриёти, 2017. -210 бет. Б-30.
7. Мирхамидова Маҳиннора Нуруллаевна. Ўзбекистон Республикаси ва Қўрғаз араб давлатлари: халқаро-ҳуқуқий муносабатларнинг ривожланиши. Монография - Т.: «Lesson press» нашриёти, 2023. - 196 б. Б-53.
8. “O‘zbekiston Respublikasining xalqaro shartnomalari to‘g‘risida” O‘zbekiston Respublikasining Qonuni, 07.02.2019. <https://lex.uz/docs/121884?ONDATE=15.12.2005&ONDATE2=07.02.2019&action=compare>
9. Xalqaro shartnomalar huquqi: O‘quv qo‘llanma // Azimov M.M., Muminov A.R., Nugmanov N.A. va Umarxanova D.Sh. – T.: TDYU nashriyoti, 2017, 210-bet. B-31.
10. Robert Kolb. The Law of Treaties (An Introduction). - Cheltenham, UK; Northampton, MA, USA: Edward Elgar Publishing, 2016. – P.22.; Anthony Aust. Modern treaty law and practice. - Cambridge, United Kingdom: Cambridge University Press, 2000. – P.14.
11. Саидов Л.А. Дипломатическое право в Узбекистане: проблемы теории и практики: Автореф. дис... докт.наук.- Т.:УМЭД, 2001,-С.19.
12. Туляганов А.А. Халқаро ҳуқуқ нормаларининг самарадорлигини ошириш – давр талаби // Сб. науч. трудов Академии МВД Республики Узбекистан.- Ташкент, 2004.-С.324-325.
13. Абдуллаев Б.Дж. Ўзбекистон Республикасида конун ҳужжатлари ҳуқуқий экспертизасини такомиллаштириш муаммолари: Автореф.дис... канд.юр.наук.-ТГЮИ,2010.-Б.17.
14. “O‘zbekiston Respublikasining xalqaro shartnomalari to‘g‘risida” O‘zbekiston Respublikasining Qonuni, 07.02.2019/ <https://lex.uz/docs/121884?ONDATE=15.12.2005&ONDATE2=07.02.2019&action=compare>
15. Саидов А.Х.. Халқаро ҳуқуқ: Дарслик. Т.: “Адабиёт жамғармаси”, 2001.-Б.138
16. Казаков В.Н. О некоторых чертах современного .международного правопорядка //Государство и право - Москва, 2003,- №004 - С.89.
17. Лукашук И.И. Субъекты права международных договоров // Государство и право - Москва, 2004 - №011.- С.56.
18. Ўзбекистон Республикаси ва Туркия Жумҳурияти ўртасида “Фуқаролик, савдо ва жинойий ишлар бўйича ўзаро ҳуқуқий ёрдам кўрсатиш ҳақида” шартнома. <https://lex.uz/docs/2592206>
19. https://www.law.cornell.edu/wex/multilateral_treaties
20. Anthony Aust (2000). *Modern Treaty Law and Practice* (Cambridge: Cambridge University Press) p. 9.
21. Xalqaro shartnomalar huquqi: O‘quv qo‘llanma // Azimov M.M., Muminov A.R., Nugmanov N.A. va Umarxanova D.Sh. – T.: TDYU nashriyoti, 2017, 210-bet. B-54.
22. Xalqaro shartnomalar huquqi: O‘quv qo‘llanma // Azimov M.M., Muminov A.R., Nugmanov N.A. va Umarxanova D.Sh. – T.: TDYU nashriyoti, 2017, 210-bet. B-54.
23. Лукашук И.И., Саидов А.Х. Ҳозирги замон халқаро ҳуқуқи назарияси асослари: дарслик. – Тошкент: “Адолат”, 2006. – 181 б.
24. Ўзбекистон Республикасининг “Халқаро шартномалар тўғрисида”ги Қонунининг 7-моддаси //ЎРҚ-518-сон, 06.02.2019 / Манба: <https://www.lex.uz/acts/121884>
25. Ўзбекистон Республикаси Адлия вазирлиги билан Туркия Республикаси Адлия вазирлиги ўртасида ҳамкорлик тўғрисида меморандум. 2018 й.

26. Венская конвенция о праве международных договоров // Вена, 23 мая 1969 года / Республика Узбекистан присоединилась к настоящей Конвенции в соответствии с постановлением Олий Мажлиса Республики Узбекистан от 24 февраля 1995 года № 29-I «О присоединении к Венской конвенции о праве международных договоров».
27. Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 13-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРҚ-518
28. Умароҳунов И.М. Международная договорно-правовая практика Республики Узбекистан: вопросы теории и практики. Монография. – Ташкент: Янги аср авлоди, 2016. – 259 с.
29. Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 51-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРҚ-518
30. See art. 2 para. 1 let. a of the Vienna Convention of 23 May 1969 on the Law of Treaties (VCLT; RS 0.111). This convention contains the main rules, often customary, on the conclusion, application, interpretation and termination of treaties.
31. Саидов А.Х.. Халқаро ҳуқуқ: Дарслик. Т.: “Адабиёт жамғармаси”, 2001.-Б.143
32. Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 25-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРҚ-518
33. Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 4-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРҚ-518
34. Ўзбекистон Республикаси «Халқаро шартномалар тўғрисидаги» Қонунинг 51-моддаси Тошкент шаҳри, 2019 йил 6 февраль № ЎРҚ-518
35. Умароҳунов И.М. Республики Узбекистан и международная договорное-право. –Т.: Ўзбекистон миллий энциклопедияси, 1998.-С.45.