



Project PACO Impact
Implementation of anti-corruption plans
in South-eastern Europe



Activity Summary

Regional Thematic Seminar
Application of Treaty Law: CoE and UN Conventions against corruption
(Durrës, 10-11 June 2005)

Version 18 June 2005

Seminar title:	Application of Treaty Law: Legislative Reform when applying and implementing CoE and UN Conventions against Corruption
Date:	10-11 June 2005
Place:	Durres, Albania
Implemented by:	PACO Impact Project, Technical Cooperation, Crime Problems Department / Directorate General I – Legal Affairs / Council of Europe, and SPAI: Regional Secretariat Liaison Office
Activity reference:	Workplan of the PACO Impact Project
Source of funding:	Swedish International Development and Cooperation Agency (Sida) SPAI/Regional Secretariat Liaison Office (RSLO)

Background and justification

The PACO Impact project is a regional project aimed at the “implementation of the national anti-corruption plans in South-eastern Europe”. It was launched in March 2004. This project provides technical assistance directly to seven project areas in south-eastern Europe, that is, Albania, Bosnia and Herzegovina, Croatia, “the Former Yugoslav Republic of Macedonia”, (Serbia and Montenegro)¹. It follows up on assessments carried out under the Stability Pact Anti-corruption Initiative (SPAI) as well as recommendations resulting from GRECO evaluations. It furthermore builds on the commitments made by countries of South-eastern Europe at the London Ministerial Conference on Organised Crime (November 2002) and takes into account the anti-corruption measures identified within the Stabilisation and Association process and other agreements with the European Union.

Among the main challenges with regard to anti-corruption measures for the South-east European countries is the application of international standards established by the relevant Council of Europe and UN Conventions and other instruments when combating corruption. Strong political commitment, along with the signature and ratification of treaties in each project area is essential to the success of a sustainable legal reform in order to prevent and combat corruption. However the application of special treaty law when combating corruption represents a challenge in terms of its implementation aspects when considering differences of legal systems and the different pace of legislative reforms in each country of SEE. Furthermore, it presents the need for establishing and sharing certain guidelines when facing also the constitutional and legal questions of the applicability of international law vs. domestic law.

PACO Impact, therefore, pays particular attention to not only the process of signature and ratification of the corruption related conventions, but also to the necessary guidelines and tools that need to be considered

¹ The project area includes also Kosovo (Serbia and Montenegro), currently under the interim administration of UNMIK in accordance to the United Nations Security Council resolution 1244 (1999).

prior to the application and implementation of treaties into the domestic legislation reforms. Thus in addition to the in-country project activities, a regional thematic seminar dedicated to this issue is scheduled to take place with a regional participation from all seven project areas.

There are four specific issues which should be dealt with under this regional thematic seminar:

1. Application of Treaty Law concerning CoE and UN Conventions against corruption

Uniform and in-depth understanding of signature and ratification of treaties. Dualist System vs. Monist systems. Implementation aspects of treaty law and other international instruments by domestic institutions.

2. Drafting aspects of primary and secondary legislation in line with CoE and UN Conventions against corruption

Guidelines and tools when interpreting international standards and notions, while carrying out legislative reform in line with Council of Europe Civil Law Convention on Corruption; Council of Europe Criminal Law Convention on Corruption, and other texts such as Resolution (97) 24 on the twenty guiding principles for the fight against corruption, and United National Convention against Corruption. Financial, institutional and other resources aspects.

3. Preventive legislation and penal legislation aspects: necessary recommendations when implementing CoE and UN conventions against corruption

Aspects of civil, criminal and criminal procedure law, as well as legislation related to conflict of interests and declaration of assets.

Activities and expected results

Output 1:	Recommendations for a unified understanding and guidelines prior to and when implementing CoE and UN Conventions as well as other international and European instruments.
Output 2:	Good practices and lessons learnt regarding guidelines and tools of implementing international standards into domestic legislation.
Output 3:	Per review and follow up recommendations for each country with regard to adherence to CoE and UN treaty law based on country treaty law matrixes.

Organisers

The regional thematic seminar will be jointly co-organised and financed by:

- Council of Europe/ PACO Impact Project
- SPAI/Regional Secretariat Liaison Office

Agenda

9 June (Thursday)	Arrival of Participants in Tirana/Durrës
10 June (Friday)	
First Day of the Seminar	
	<i>Chair: Mr. Edmond Dunga, Country Project Director for Albania</i>
09:00-09:30 (Plenary)	Opening and Welcoming Remarks <ul style="list-style-type: none"> ▪ Mr Marko Bello, Albanian Minister of State for Coordination ▪ Mr Anastas Duro, Albanian Deputy Minister of Justice ▪ Mr Veselin Sukovic, Executive Secretary of SPAI/RSLO ▪ Ms Ardita Abdiu, PACO Impact Project Manager, Council of Europe
09:30-10:00 Coffee Break	
	<i>Chair: Ms Ardita Abdiu, Council of Europe</i>
10:00-11:00 (Plenary)	Council of Europe Civil Law Convention on Corruption (CETS No. 174) <p>Mr Goran Klemencic Council of Europe Expert</p> <ul style="list-style-type: none"> ▪ Applicability of the Convention; ▪ Notion Interpretations; ▪ Guidelines of implementation and their application on the domestic legislation
11:00-11:15 Coffee Break	
	<i>Chair: Ms Ardita Abdiu, Council of Europe</i>
11:15-12:15 (Plenary)	Q & A concerning the application of Civil Law Convention in different project areas <p>Discussion</p> <ul style="list-style-type: none"> ▪ Each project area must report and address issues of concern regarding the status of implementing/adopting the Council of Europe Civil Law Convention on Corruption
	<i>Chair: Ms. Ardita Abdiu, Council of Europe</i>
12:15-13:15 (Plenary)	Council of Europe Criminal Law Convention on Corruption (CETS No. 173) <p>Mr Georgi Roupchev, Council of Europe Expert</p> <ul style="list-style-type: none"> ▪ Applicability of the Convention; ▪ Notion Interpretations; ▪ Guidelines of implementation and their application on the domestic legislation
13:15-14:30 Lunch Break	
	<i>Chair: Ms Ardita Abdiu, Council of Europe</i>
14:30-15:30 (Plenary)	Q & A concerning the application of Criminal Law Convention in different project areas <p>Discussion</p> <ul style="list-style-type: none"> ▪ Each project area must report and address issues of concern regarding the status of implementing/adopting the Council of Europe Criminal Law Convention on Corruption
15:30-15:45 Coffee Break	
15:45-16:45	<i>Chair: Mr. Cornel Calinescu, SPAI/RSLO</i>

Participants

The thematic seminar was attended by representatives from legislative reform and legal drafting services as well as other institutions on the following order:

- Ministry of Justice (Codification Department/International Cooperation Department) of Albania, Bosnia and Herzegovina, Croatia, "the Former Yugoslav Republic of Macedonia", Moldavia, Montenegro, Romania, Kosovo, Serbia;
- Ministry of Foreign Affairs (Legal Advice Department): Albania, Bosnia and Herzegovina, Croatia, "the Former Yugoslav Republic of Macedonia", Moldavia, Montenegro, Romania, Kosovo, Serbia;
- PACO Impact Project Directors: Albania, Bosnia and Herzegovina, Croatia, "the Former Yugoslav Republic of Macedonia", Kosovo, Montenegro, Serbia.

Representatives of other institutions/initiatives involved in anti-corruption legal reforms (i.e., OSCE, ABA/CEELI, SPAI, UN, Sida) participated as observer.