



FLASH SPAIgram

This newsletter is a periodic update on the activities of the SPAI and SPAI RSLO

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10 -11 June 2005, Durrës, Application of Treaty Law: CoE and UN Conventions against corruption
Regional thematic seminar organized by the Council of Europe and SPAI Regional Secretariat
within the framework of CoE PACO Impact regional project



The event was organized in partnership by the Council of Europe and SPAI Regional Secretariat Liaison Office (RSLO) and brought together over 60 treaty law experts from nine project areas (Albania, Bosnia and Herzegovina, Croatia, FYR Macedonia, Montenegro, Moldova, Romania, Serbia and Kosovo).

The event answered to a very practical and pragmatic request from the countries and provided the opportunity for Council of Europe and RSLO to achieve, in cooperation, the objective of ensuring a sound comparative analysis of implementation requirements of the three relevant international legal instruments: Council of Europe Civil and Criminal Conventions and UN Convention against Corruption.

The event benefited from the high level expertise of Mrs. Velerie Lebaux (UNODC), Mr. Goran Klemencic and Mr. Georgi Rouchev (Council of Europe). All three experts provided detailed and comprehensive presentations and answers to the experts attending the event.

It was agreed that one of 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 anticorruption instruments. Strong political commitment, along with the signature and ratification of treat-

ties 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 specific treaty law provisions, when combating corruption, represent a challenge in terms of their practical 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.

The CoE regional project PACO Impact and SPAI RSLO Workplan for 2005, pays a 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 prior to the application of treaty law into the domestic legislation reforms. Thus, in addition to the in-country project activities, the Durres regional thematic seminar was dedicated to this issue with a regional participation from South-eastern Europe.

The following specific issues were 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.

For additional info about this event please do not hesitate to contact Ms. Ardita ABDIU, PACO IMPACT Program Manager (ardita.abdiu@coe.int) or Mr. Cornel Virgiliu Calinescu, SPAI RSLO Anticorruption expert (calinescucv@lol.ba)



CURRENT STATUS

on
Ratification/Adoption of the Council of Europe and United Nations Conventions on Corruption

Anti-corruption Instruments	Albania	Bosnia & Herzegovina	Croatia	FYR of Macedonia	Serbia and Montenegro	Romania	Moldova
CoE Criminal Law Convention on Corruption – Council of Europe Entry into force 1/7/2002	Ratified on 19/7/2001 Entry into force on 1/7/2002	Ratified on 30/1/2002 Entry into force on 1/7/2002	Ratified on 8/11/2000 Entry into force on 1/7/2002	Ratified on 28/11/1999 Entry into force on 1/7/2002	Ratified on 18/12/2002 Entry into force on 1/4/2003	Ratified on 11/7/2002 Entry into force on 1/11/2002	Ratified on 14/1/2004 Entry into force on 1/5/2004
CoE Civil Law Convention on Corruption – Council of Europe Entry into force 1/11/2003	Ratified on 21/9/2000 Entry into force on 1/11/2003	Ratified on 30/1/2000 Entry into force on 1/11/2003	Ratified on 5/6/2003 Entry into force on 1/11/2003	Ratified on 29/9/2002 Entry into force on 1/11/2003	Signed on 7/4/2005	Ratified on 23/4/2002 Entry into force on 1/11/2003	Ratified on 17/3/2002 Entry into force on 1/7/2004
CoE Additional Protocol to the Criminal Law Convention on Corruption Entry into force 1/2/2005	Ratified on 15/11/2004 Entry into force on 1/3/2005	-	Ratified on 10/5/2005 Entry into force 1/9/2005	Signed on 15/5/2003	-	Ratified on 29/11/2004 Entry into force 1/3/2005	Signed on 15/5/2003
United Nations Convention against Corruption 5 more ratifications required in order to enter into force	Signed on 18/12/2003	-	Ratified on 25/04/2005	-	Signed on 11/12/2003	Ratified on 2/09/2004	Signed on 28/9/2004



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