

THE SIXTEENTH PLENARY SESSION OF THE GENERAL ASSEMBLY

Doc.: GA16/LC16/REC46/00

RECOMMENDATION 46/2000¹

on the Legislative Framework for Combating Corruption

1. The Parliamentary Assembly of the Organisation of the Black Sea Economic Cooperation is fully aware that corruption undermines the rule of law, moral order and justice within societies and strikes at the comprehensive development of the countries in the region. In this respect, the Assembly shares the global approach to focus on the tasks directed towards elimination of each and every incentive of corruption and commits itself to strengthen its efforts to expand anti-corruption measures embracing every level and sphere of cooperation in the Black Sea region appropriately tailored by each country to its specific political, legal, economic and cultural circumstances.
2. Parliaments and parliamentarians in their capacity as the representative democracy, have paramount responsibility for fighting corruption in all its forms, particularly, corruption in the performance of public functions. National parliaments serve as a main pillar of democratic society with prime task to enact and streamline the laws, rules and regulations as well as to set an example of incorruptibility to the society by enforcing the ethical norms and code of conduct. This paves the way towards good governance and improvement of general morality of a society as well as overall economic progress, which vitally depends on honesty and trust.
3. The fight against corruption expands as the economic cooperation between the countries and the groups of countries intensifies. Rather complex in its nature, corruption penetrates through all societies regardless of their level of development or form of government and is an issue of enormous significance to the future of the global economy as well as to the development of open economic systems within a country limits, the whole regions and the world at large. Corruption is often a tool used by organised crime and, in certain cases, it acquires international dimension, which requires coordinated action by the countries.
4. The problem of corruption is now an issue of serious concern in the Black Sea region. The countries through the regional and international organisations as well as the national parliaments and the parliamentary assemblies mobilise their efforts to

¹ Assembly debate on 29 November 2000 (see Doc.: GA16/LC16/REP/00, Report of the Legal and Political Affairs Committee “Legislative Framework for Combating Corruption” discussed in Kyiv, on 11-12 October 2000; Rapporteur: Mr. Olexander Charodeev – Ukraine)

Text adopted by the Assembly in Yerevan on 29 November 2000.

actively promote good governance locally and internationally, as well as to raise public awareness of the damages and dangers of corruption.

5. The Parliamentary Assembly is convinced to lend new impetus to the struggle against corruption and calls for prompt adoption, ratification or adherence by the national parliaments of anti-corruption international instruments to promote and facilitate fight against corruption as well as to detect imperfection or lack in anti-corruption activities and to promote and develop necessary mechanisms enriched from the experience gained at the international platform.
6. The Assembly welcomes the efforts of the international and regional bodies, including those of the Council of Europe through its Criminal Law Convention on Corruption, the Civil Law Convention on Corruption and the Guiding Principles for the Fight Against Corruption, as well as the intensifying efforts of the European Union through its Convention on Corruption Involving Officials of Communities or Officials of Member States of the European Union and the recent OECD Convention on Bribery of Foreign and Public Officials in International Business Transactions.
7. The Assembly appreciates the initiatives of the Organisation of the Black Sea Economic Cooperation to encourage the efforts to step up cooperation among the countries against corruption through its bodies and existing national and international mechanisms similar to the Agreement for Cooperation of the Governments of the BSEC Participating States in Combating Crime, in Particular in its Organised Forms signed in Kerkyra, Greece on 2 October 1998. The Parliamentary Assembly notes the actions of the BSEC Working Group of Experts on Combating Crime in this direction.
8. The Parliamentary Assembly of the Organisation of the Black Sea Economic Cooperation, within the framework of the objectives and the principles set forth in the basic BSEC statutory documents as well as the commitments stated by the Heads of State or Government at the BSEC Summits regarding fight against corruption, stresses the need for more comprehensive response to corruption on the basis of the respective national legal systems and national anti-corruption programmes complemented with the relevant international legal instruments.
9. **Therefore, the Assembly recommends** the Parliaments and the Governments of the PABSEC Member Countries:
 - i. to resolutely support every step for improvement of the economic well-being and the quality of life of our peoples, promotion of overall development of the countries, strengthening of democracy, deepening of economic integration, eradication of poverty and discrimination in the Black Sea region;
 - ii. to give priority to elimination of incentives for corruption and to speed up and broaden economic, social, legal and political reforms, where necessary, as well as to strengthening of government regulations, administration of justice and electoral and legislative processes;
 - iii. to make every effort to prevent, detect, punish and eradicate corruption in the performance of public functions and to encourage the approval of effective and specific measures to combat all forms of corruption and related unlawful practices;
 - iv. to continue elaboration or improvement of national enforcement and anti-corruption legislative framework through comparative studies of legal provisions

- in the member states and international legal instruments, identifying similarities, and differences and making steps forward towards harmonisation of the national anti-corruption laws and regulations with due regard to the globally recognised standards and norms, as well as the recommendations of the international financial institutions, where appropriate; to initiate elaboration of PABSEC model law on anti-corruption expertise of adopted draft laws;
- v. to ensure proper oversight of government functions by strengthening internal control mechanisms, including investigative and enforcement capacity with respect to acts of corruption;
 - vi. to develop mechanisms of cooperation in the judicial and banking areas to make possible rapid and effective response in the investigation of corruption cases;
 - vii. to draft, where necessary, codes of conduct for public officials in accordance with respective legal frameworks;
 - viii. to increase transparency and accountability by means of close and impartial cooperation between parliaments, institutions of executive branch, judiciary, enforcement agencies and any other anti-corruption bodies;
 - ix. to encourage exchange of the legal information and other necessary data related to the anticorruption national legislation through the use of an electronic network system within the framework of the Agreement on Cooperation of the Exchange of Legal Information among the PABSEC Member Countries;
 - x. to cooperate in appropriate regional and global bodies, to adopt effective anti-corruption principles and practices and to create ways to assist each other through mutual cooperation;
 - xi. to put every effort for the adherence or ratification of the basic international anti-corruption instruments, where necessary, those of the Council of Europe, European Union, Organisation for the Economic Cooperation and Development, etc. on combating corruption.
 - xii. to establish, where appropriate, a system of consultations to share experience and information with the specialised agencies within the structures of the United Nations, the Council of Europe, the Organisation for Economic Cooperation and Development, the World Bank, and the International Monetary Fund so as to devise and integrate the international norms and requirements in combating corruption;
 - xiii. to raise the role of free and open mass media in anti-corruption campaigns and to develop educational programs in the area of ethics and other matters related to the conduct in public and private sectors;
 - xiv. to establish means of maintaining and strengthening participation of civil society and non-governmental organisations in anti-corruption efforts.
10. **The Assembly invites** the BSEC Council of the Ministers of Foreign Affairs to consider this Recommendation.