

RECOMMENDATION 147/2015¹

Role of Parliaments in Providing Legal Framework for Combating Corruption

1. The Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC) underlines that corruption prevents economic development, has negative impact on quality of life and threatens security and stability and increases the criminality level. 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 in every level and sphere of cooperation in the Black Sea region appropriately tailored by each country to its specific political, legal, economic, social and cultural circumstances.
2. The PABSEC is mindful that parliaments and parliamentarians have paramount responsibility for fighting corruption in all its forms. National parliaments serve as pillars of democratic society and are entrusted with the prime task of enacting and streamlining laws, rules and regulations as well as setting an example of incorruptibility by enforcing the ethical norms and codes of conduct. This paves the way towards good governance and higher ethics within societies, promotes economic progress.
3. The PABSEC welcomes the efforts of the Organisation of the Black Sea Economic Cooperation (BSEC) in encouraging its fight against corruption and commends the intentions expressed in the *Joint Declaration of the Ministers of Interior of the Member States of the Organization of the Black Sea Economic Cooperation (BSEC) on Regional Efforts on Preventing and Combating Corruption*, adopted in Bucharest on 14 April 2011.
4. The PABSEC affirms that fight against corruption requires the engagement of multiple stakeholders. Corruption is often a tool used by organised crime; in certain cases, combating corruption acquires an international dimension that requires coordinated action by the concerned nations. The formation of sound economic policies and implementation of institutional reforms, and preventive anti-corruption measures are decisive measures in government initiatives to fight corruption. At the same time, sustained effort is required to improve all legislation relevant to the rule of law and fight against corruption.

¹ Assembly debate on 26 November 2015 (see Doc.: GA46/LC46/REP/15, Report of the Legal and Political Affairs Committee “Role of Parliaments in Providing Legal Framework for Combating Corruption” discussed in Varna on 5 October 2015; Rapporteur: Mr. Mikheil Machavariani – Georgia)

5. The PABSEC voices its concern that corruption is now a serious problem in the Black Sea region. National efforts to combat corruption depend largely on the determination with which they are carried out and on the economic policies and institutions involved in the effort. National anti-corruption programmes entail identifying ways and means to control corruption and to adhere to all multilateral international legal instruments. The region needs to actively promote good governance at the local and international levels through the collaborative efforts of regional and international organisations and national parliaments, and to raise public awareness of the dangers of corruption and the subsequent damage.
6. The PABSEC deems necessary to provide fresh impetus to the fight against corruption and calls for prompt adoption, ratification or adherence to international anti-corruption instruments by national parliaments. As a further measure to combat corruption, the Assembly emphasizes the need to identify any lack in anti-corruption efforts and to promote and develop necessary mechanisms for fighting corruption by harnessing the international experience.
7. The PABSEC welcomes the documents of the international and regional bodies, including the United Nations Convention against Corruption (UNCAC), the conventions promoted by the Council of Europe: the Criminal Law Convention on Corruption, the Civil Law Convention on Corruption and the Guiding Principles for the Fight Against Corruption; the intensifying efforts of the European Union (EU) through its Convention on Corruption Involving Officials of Communities or Officials of Member States of the European Union and the Convention on Bribery of Foreign and Public Officials in International Business Transactions by the Organization for Economic Cooperation and Development (OECD).
8. The PABSEC reaffirms its determination to ensure that the Member States take individual and joint actions aimed at more effective and efficient prevention of corruption and fight against it within the framework of the objectives and the principles of their respective national legal systems and national anti-corruption programmes, effectively complemented by the relevant international legal instruments.
9. **Therefore, the Assembly recommends** that the Parliaments and the Governments of the BSEC Member States:
 - i. *strive* 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 illegal practices;
 - ii. *provide* active support to every anti-corruption initiative for the overall development of the countries, the strengthening of democratic institutions, enhanced economic integration, and the eradication of poverty and discrimination in the Black Sea region;
 - iii. *prioritize* the elimination of incentives for corruption and expedite economic, social, legal and political reforms, widening their scope where necessary, as well as strengthen legislative framework in the sphere of fight against corruption;
 - iv. *promote* implementation of anti-corruption reforms by organizing systematic action on the prevention of corruption, including measures to promote economic development, democratic reform, strong civil society with access to information and a mandate to oversee the state and ensure the presence of rule of law;

- v. *facilitate* elaboration or improvement of national enforcement and anti-corruption legislative frameworks through comparative studies of legal provisions of the Member States and international legal instruments; identification of similarities and differences; making effort towards harmonisation of national anti-corruption laws and regulations with due regard to globally recognised standards and norms and the recommendations of the international financial institutions;
- vi. *promote* development of robust civil society institutions and the formation of strong democratic traditions and ethics in society, and to draft codes of conduct to ensure that acceptable standards of behaviour are respected in both the private and public sectors in accordance with respective legal frameworks;
- vii. *facilitate* organization of special training for law enforcement agents in the fight against corrupt structures at all levels, and ensure proper oversight of government functions by strengthening internal control mechanisms against acts of corruption, including investigative and enforcement capacity;
- viii. *increase* transparency and openness through close and impartial cooperation between parliaments, executive and judiciary institutions, enforcement agencies, and any other anti-corruption bodies;
- ix. *strengthen* cooperation with the relevant regional and global bodies to adopt effective anti-corruption principles and practices and to create strategies for mutual assistance;
- x. *undertake* educational measures aimed at increasing the population's legal awareness, sense of responsibility, and respect for the law;
- xi. *promote* development of truly independent media and ensure their role in anti-corruption campaigns and in developing educational programs on various matters related to the conduct in public and private sectors;
- xii. *consider* possibility of using the experience of the most successful countries in fighting against corruption and the establishment of international standards, which can be implemented in the countries with high levels of corruption;
- xiii. *make every effort* to adhere to or to ratify the basic international anti-corruption instruments on combating corruption, including those of the UN, the Council of Europe, the European Union, and the OECD;
- xiv. *tailor* international experience to local conditions in designing reforms by adapting foreign practices to local circumstances as needed;
- xv. *establish*, where appropriate, a system of consultations to share experience and information with the specialized agencies within the structures of the UN, the Council of Europe, the OECD, the World Bank, and the International Monetary Fund so as to adapt and/or integrate international norms and requirements with national instruments in combating corruption;
- xvi. *consider* possibility of preparing a draft agreement between the Black Sea region states on cooperation in preventing and combating corruption. Such an agreement will allow to regulate the procedures for cooperation in dealing corruption crimes, as well as to multiply the forms and methods of cooperation.

10. **The Assembly invites** the BSEC Council of the Ministers of Foreign Affairs to consider this Recommendation.

