

**ACUERDOS BILATERALES/ BILATERAL AGREEMENT/
ACORDOS BILATERAIS/ACCORDS BILATERAUX**

Clasificación:
Classification: 13-2021
Classifacation:
Classificação:

Fecha de Ingreso:
Entry Date: March 3, 2021
Data de Admissão:

Nombre del Acuerdo:
Name of the agreement: Cooperation agreement on strengthening democracy and supporting reforms of electoral legislation and practice between the European Commission for Democracy through Law of the Council of Europe (Venice Commission) and the General Secretariat of the Organization of American States

Nom de l'accord:

Nome do Acordo:

Materia:
Subject: Establish a set of provision for the advancement and realization of exchange, cooperation and technical assistance actions related to the further development of the principles of rule of law and separation of powers, among others.

Sujet:
Materia:

Partes:
Parties involved: GS/ the European Commission for Democracy through Law of the Council of Europe (Venice Commission).

Parties:
Partes:

Referencia:
Reference: European Commission for Democracy through Law of the Council of Europe (Venice Commission).

Référence:

Referência:
Fecha de Firma:
Signature Date: June 9, 2020.
Data de Assinatura:

Fecha de Inicio:
Start Date:
Date du commencement:
Data de Início:

Fecha de Terminación:
End Date:
Date de résiliation :
Data de Rescisão :

Lugar de Firma:
Place of Signature: Strasbourg; Washington, DC.
Lieu de la signature:
Lugar de assinatura:

Unidad Encargada:
Unit in Charge:
Unité responsable:
Unidade Encarregada:

Persona Encargada:
Person in Charge:
Personne responsable:
Pessoa Encarregada:

Cierre del proceso:
Closure of proceedings:
Clôture des procédures:
Fechamento do processo:

Notas adicionales/Additional notes/Notes supplémentaires/Notas adicionais:



COOPERATION AGREEMENT ON STRENGTHENING DEMOCRACY AND SUPPORTING REFORMS OF ELECTORAL LEGISLATION AND PRACTICE

between
the **European Commission for Democracy through Law of the Council of Europe**
(hereinafter referred to as "the Venice Commission"), represented by its President
and
the **General Secretariat of the Organization of American States**
(hereinafter referred to as "GS/OAS"), represented by the OAS Secretary General
(hereinafter collectively referred to as the "Parties" and individually as the "Party")

WHEREAS

1. The Memorandum of Understanding between the Secretariat General of the Council of Europe (CoE) and the GS/OAS was signed on 19 September 2011 in New York and has since formed the foundation for the fruitful cooperation between the two organisations; and
2. Based on this Memorandum of Understanding, the Parties endeavour to intensify their cooperation activities in the fields of strengthening democracy, constitutional and legal reforms, elections, state modernisation and good governance, as well as the protection of human rights;

The Parties have agreed the following:

I. OBJECTIVE

The aim of this Cooperation Agreement is to establish a set of provisions for the advancement and realisation of exchange, cooperation and technical assistance actions related to the further development of the principles of rule of law and separation of powers, as well as fundamental rights, constitutional justice, political systems, representative democracy, notably electoral systems and common work on electoral management guidelines, standards and procedures.

II. LEGAL EFFECTS OF THE COOPERATION AGREEMENT

This Cooperation Agreement is based on the Memorandum of Understanding signed by the CoE and the GS/OAS in 2011. This Cooperation Agreement in and of itself does not create obligations of a financial nature for either of the Parties and does not create legally binding rights or obligations under international law for the Parties.

III. AREAS OF COOPERATION

In view of their shared aims and concerns, the Parties agree to cooperate in the following areas and activities:

1. Assistance aimed at strengthening democracy and assisting in constitutional and legal reforms in the Americas;
2. Common work on the further development of common standards in electoral field; and
3. Organisation of joint multilateral activities on democracy, human rights, electoral processes and facilitating exchanges of technical experience and best practices between national electoral management bodies and international organizations in Europe and the Americas.

IV. ACTIONS EXPECTED FROM THE PARTIES

The Parties agree to undertake to make every possible effort to cooperate under this Cooperation Agreement, as follows:

1. Given the experience of the Venice Commission in the preparation of studies on matters related to democracy, human rights and rule of law, the GS/OAS, through its Secretariat for Strengthening Democracy (hereinafter "SSD"), can invite the Venice Commission to participate in the preparation of such studies on subjects of common interest in the Americas.
2. The GS/OAS, through the SSD, can request the Venice Commission to prepare opinions on matters on which it is competent as provided for in Article 3 paragraph 2 of the Statute of the Venice Commission.
3. The Venice Commission can invite the GS/OAS to participate in plenaries and meetings of its Sub-commission on Latin America.
4. The Parties agree to collaborate in the organisation and development of international fora aimed at promoting international standards for strengthening democracy and promoting best practices in fields such as democratic transition, constitution-building, constitutional justice and electoral legislation and practice.
5. For these purposes, the Parties shall establish information mechanisms for the organisation of different fora and events, including the topics, format and potential spaces of collaboration, so that the corresponding participation can be assessed.
6. Without detriment to the potential joint organisation of international events, the Parties shall endeavour to invite each other's representatives to those events which are not co-organised in the framework of this Cooperation Agreement.
7. The Parties agree to develop workshops, seminars and courses for those countries which are considered by the Venice Commission and GS/OAS as being in need of such assistance.

V. COMMUNICATION

Both Parties reserve the right to communicate, at any time and in writing, further contact points to the counterpart.

VI. PRIVILEGES AND IMMUNITIES

The Parties mutually recognise the privileges and immunities they enjoy by virtue of the relevant agreements and laws on the subject and general principles of international law.

VII. OPERATIONAL MEANS AND PROCEDURES

Both Parties will make their best efforts to cooperate under this Cooperation Agreement. In doing so both Parties only commit themselves within the limits of their respective human and financial resources and work programmes.

The financial obligations which the Parties might incur as a result of the cooperation programme originating from this Cooperation Agreement will be determined by their respective institutions, according to their internal rules, including the availability of resources and the corresponding applicable financial and budgetary regulations.

The Parties agree that the ownership of the copyright of materials developed under this Cooperation Agreement will be the property of the one that produced them; if these derive from a joint work, both will be holders of the rights in the same proportion, giving proper recognition to those who have intervened in its realisation. They shall be specified in the corresponding communications exchanged by the representatives of each of the Parties.

VIII. AMENDMENTS

The Parties may modify or amend this Cooperation Agreement at any time, by means of a written agreement signed by the duly authorized representatives of the Parties. Those modifications or additions will take effect from the date of its signature.

IX. RESOLUTION OF DISPUTES

This Cooperation Agreement is a result of good faith, and therefore any conflict that may arise due to its interpretation, enforcement, execution, and fulfilment shall be solved amicably by common consent between the Parties. If a solution satisfactory to both Parties cannot be reached, then the Parties shall submit their differences to arbitration pursuant to Article VIII of the Memorandum of Understanding signed by the CoE and the GS/OAS in 2011.


X. ENTRY INTO OPERATION AND VALIDITY

This Cooperation Agreement shall become effective upon signature by the authorised officials of the two Parties and will remain in effect until it is terminated in accordance with the following paragraph.

This Cooperation Agreement may be terminated by mutual consent or by either Party by giving three months written notice to the other Party on the understanding that appropriate consultations have taken place. The provisions of this Cooperation Agreement will, however, remain in effect beyond the date of termination to the extent necessary to allow for the completion of joint activities already underway, unless the Parties mutually decide otherwise.

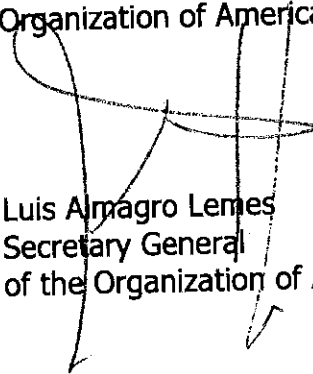
This Agreement has been written and executed in the English language and translated into Spanish and French.

In Strasbourg, on June 9, 2020
For the Venice Commission:



Gianni Buquicchio
President
European Commission for Democracy
through Law

In Washington DC, on June 6, 2020
For the General Secretariat of the
Organization of American States:



Luis Almagro Lemes
Secretary General
of the Organization of American States