Memorandum of Understanding
MEMORANDUM OF UNDERSTANDING

Between

THE EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (THE VENICE COMMISSION)

and

THE ORGANIZATION OF ARAB ELECTORAL MANAGEMENT BODIES (ARABEMBS)

OCTOBER 2015

This Memorandum Of Understanding Is Entered Into Force on 24/10/2015

مذكرة تفاهم

بين

لجنة مجلس أوروبا للديمقراطية من خلال القانون (لجنة البندقية)

و

المنظمة العربية للإذارات الانتخابية (ArabEMBs)

أكتوبر 2015

دخلت مذكرة التفاهم هذه حيز التنفيذ بتاريخ 2015/10/24
This Memorandum of Understanding (MOU) establishes the following terms and conditions for cooperation between the two Parties:

1. **PARTIES**
   1.1 The European Commission for Democracy through Law - better known as the Venice Commission (The First Party) - is the Council of Europe's advisory body on constitutional matters. The role of the Commission is to provide legal advice to its member states and to help states wishing to bring their legal and institutional structures into line with European standards and international experience in the fields of democracy, human rights and the rule of law. Its permanent secretariat is located in Strasbourg, France.

   2.1 The ARAB Electoral Management Bodies (ArabEMBs) (The Second Party) is an independent, non-profit regional organization aiming to support cooperation between the different electoral bodies in the Arab region. The ArabEMBs' general secretariat office is located at the IEC Jordan headquarters, Ta'a Al-Ali Area - Musa Saket Road, next to Chief Justice Building, P.O.Box 375 Amman 11953 Jordan.

3. Each a “Party”, together the “Parties”.

2. **BACKGROUND**
   1-2 The Venice Commission was established in May 1990. The Commission has 60 member states: the 47 Council of Europe member states, plus 13 other countries. The Commission works in three areas:

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تضع هذه المذكرة بنود وشروط التعاون بين الطرفين التاليين:

1. **الأطراف**
   1.1 لجنة الدبلوماسية (الطرف الأول) واسمها الكامل هو اللجنة الأوروبية من أجل الديمقراطية من خلال القانون، وتمثل دورها في توفير المشورة القانونية للدول الأعضاء فيها وللمؤسسات القانونية في اتساق مع المقاييس الأوروبية والخبرة الدولية في مجالات الديمقراطية وحقوق الإنسان وسياسة القانون، توجد الأمانة العامة للجنة في مدينة مونثيرول في فرنسا لدى مقر مجلس أوروبا.

2.1 المنظمة العربية للإدارات الانتخابية (الطرف الثاني)، وهي منظمة قومية مستقلة غير ربحية تهدف إلى تعزيز التعاون المشترك ما بين الإدارات الانتخابية في المنطقة العربية بما يسهم في تحقيق أهدافها المشتركة، وتم إنشاؤها في مبنى الهيئة المسؤولة للانتخاب في عمان – الأردن، منطقة تلاع العلي - شارع موسى الساكت - بجانب مبنى قاضي القضية، صندوق بريد: 375 عمان 11953 الأردن.

1.3 وتتمركز كل منهما "طرف"، وتدعى معاً "الطرفين".

2. **خلفية تاريخية**
   2-1 أُنشِئَت لجنة الدبلوماسية في أيار 1990، وتضم اللجنة (20) دولة عضوًا، الدول ال 47 الأعضاء بمجلس أوروبا و (13) بلدًا غير أوروب، وتعمل اللجنة في ثلاثة مجالات:
- Democratic institutions and fundamental rights
- Constitutional justice and ordinary justice
- Elections, referendums and political parties.

2.2 The ARAB Electoral Management Bodies (ArabEMBs) was established in June 2015 to respond to a distinct need for cooperation between the different electoral bodies in the Arab region. Many Arab states have recently witnessed developments in democracy with such efforts present in legislative, executive, and institutional branches. Notable efforts were undertaken to democratize the electoral process in the region. Despite the numerous challenges facing electoral bodies in the Arab region and the diversity and range of electoral expertise available across the Arab region, they all share a united goal to enhance the credibility of the electoral process in the region and reinstate the citizens' confidence in its outcomes.

3 PURPOSE AND ACTIVITIES

3.1 The Parties have reached an understanding to cooperate as follows:

3.1.1 Set up a platform that enables the two Parties to build networks and share experience in the field of electoral legislation and practice.

3.1.2 The First Party should provide advice and technical legal assistance to the Second Party in areas related to legislation and best practices in the field of elections, referendums and political parties.

3.2 The Parties agree to accomplish the aforementioned objectives by carrying out the following activities:

- The ministries of democratic and constitutional development
- The ministries of justice and ordinary justice
- The electoral and referendum and political parties.

2-3 تأسست المنظمة العربية للإدارات الانتخابية في جزيرة من عام 2015 استجابة لحاجة المنطقة العربية للتعاون بين الهيئات الإتحادية المختلفة في المنطقة العربية. حيث شهدت العديد من الدول العربية مؤخراً تطورات في مجال الديمقراطية أخذت أشكال مختلفة تضمنت الجوانب التشريعية والتنفيذية والمؤسساتية. وقد بذلت هذه الهيئات جهوداً ملحوظة لنشر الديمقراطية في المنطقة على الرغم من التحديات التامة التي تواجه الهيئات الإتحادية في المنطقة العربية وتتنوع واسع نطاق الخبرات الإنتخابية المتاحة، فجميعها تعتمد في هدف موحد لتعزيز مصداقية العملية الإنتخابية في المنطقة وإستعادة ثقة المواطن في نتائجها.

4. الغاية والأنشطة

3.1 اتفاق الطرفين على التعاون لتحقيق الأهداف التالية:

3.1.1 وضع منصة تمكن الطرفين من التبادل المعرفة والخبرات في مجالات الإنتخابات وتعزيز المشاركة في مجالات الإنتخابات والتشريعات والمعايير الفضلى المتعلقة بالانتخابات والاستفتاءات والحزبية.

3.2 يوافق الطرفين على تحقيق الأهداف المذكورة أعلاه من خلال تنفيذ الأنشطة التالية:
3.2.1 The Parties will work together to identify, customize and develop standards in the area of elections including codes of good practice in the aforementioned areas.

3.2.2 After consultations and upon mutual agreement on the scope and concrete questions to be examined, the First Party will provide opinions on electoral legislation and electoral administration upon requests from the Second Party.

3.2.3 Conduct workshops and training events on areas of mutual interests in fields related to electoral administration, as well as organize capacity building activities aimed at strengthening the secretariat of the ArabEMBs, including study visits.

3.2.4 Undertake joint research and publications in the area of electoral administration and regional cooperation on elections.

3.2.5 Share and exchange information and documents aimed at promoting electoral good practices and advancing objectives of the MOU.

3.2.6 Cooperate in conducting joint events to advance electoral practices and promote credible, transparent and professional electoral processes.

3.2.7 Invite each other to meetings or conferences convened by them or under their auspices.

3.2.8 Keep each other informed of and consult on matters of common interest which are likely to lead to mutual collaboration.

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4 Confidentiality

Each Party shall keep in strict confidence all documents, processes or initiatives which are of a confidential nature (indicated as such to the other Party) and have been disclosed to the other Party, its employees, agents, consultants or subcontractors and any other confidential information concerning each Party’s projects.

5 General Provisions

5.1 This Memorandum is not intended to create legally binding obligations for both Parties as regards the intended activities as outlined in Article 3. Nevertheless, both Parties will make their best efforts to cooperate under this MOU. In doing so both Parties only commit themselves within the limits of their respective human and financial resources and work programmes.

5.2 This Memorandum was written in two languages Arabic and English, two original copies will be signed and each Party will retain one original copy to work according to it. The English language version will prevail should there be conflict between the two versions.

6 Funding

This MOU does not entail the commitment of any funds.

7 Duration

This MOU shall become effective upon signature by the authorized officials of the two Parties and shall remain in effect for an initial period of two years, tacitly renewable for additional two-year periods every two years, unless one of the Parties objects thereto at the latest six months before the next renewal date.

4. المحافظة على السرية

على كل طرف المحافظة على سرية جميع الوثائق والعملات والمبادرات ذات الطابع السري والتي تم الكشف عنها للطرف الآخر أو موظف أو وكلاهما أو الأشخاص أو المقالين مباشرة أو بطريقة غير مباشرة وأية معلومات سرية أخرى تتعلق بأعمال أو أية مخرجات يحصل عليها الطرفان.

5. أحكام عامة

5.1 تعتبر هذه المذكرة وثيقة بين نوايا فقط بما يخص مجالات التعاون المحددة بالمادة (3) من هذه المذكرة ولا يقصد بها ايجاد علاقات ملزمة قانونياً بين الطرفين. على الرغم من ذلك، على الطرفين بناء الجهد لتحقيق التعاون من خلال هذه المذكرة ضمن الإمكانات البشرية والماليّة وبرامج العمل المتوقعة لدى الطرفين.

5.2 تم كتابة هذه المذكرة باللغتين العربية والإنجليزية وسيتم توقيع نسختين وساتحتين كل طرف بنسخة أصلية للعمل بموجبها. في حال وجدت اختلافات في أحكام هذه المذكرة بين النسختين يتم الاشتراك بالنسخة الإنجليزية.

6. التمويل

لا تربت هذه المذكرة بأية التزامات بالتمويل لأي من الطرفين.

7. المدة

تدخل هذه المذكرة حيز التنفيذ فور التوقيع عليها من قبل المسؤولين المخولين من الطرفين، وبمجرد انتهاء المدة ستنتهي، تجدد تلقائيا كل ستة سنوات، إلا في...
This MoU can be terminated or modified by the Parties by mutual consent at any time.

8 Dispute Settlement
Both Parties agree to settle any disputes arising under or in connection with this MOU amicably.

9 Contact Information and Signature
9-1. The European Commission for Democracy through Law (the Venice Commission)

Partner Representative:
Dr. Gianni Buquicchio, President of the Venice Commission

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Telephone: +33 (0) 3 88 41 30 48
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E-mail: venice@coe.int

9-2 The Arab Electoral Bodies (ArabEMBs)

Partner Representative:
Dr. Emad Al Saiah /President of ArabEMBs

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E-mail: (arabembs@gmail.com)
Date: 24/10/2015