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## IACA Provisional Commission 1<sup>st</sup> Session Report

**Monday, 19 December 2011, 14:00 – 16:30**  
Vienna International Centre  
M1 Conference Room, Vienna, Austria

### Participation

**Members:** Albania, Argentina, Australia, Austria, Bolivia, Brazil, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Greece, Hungary, Israel, Kenya, Latvia, Libya, Liechtenstein, Luxembourg, Malaysia, Mexico, Moldova, Panama, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Thailand, The former Yugoslav Republic of Macedonia, Turkey, European Public Law Organization (EPLO), International Centre for Migration Policy Development (ICMPD), United Nations Office on Drugs and Crime (UNODC).

**Secretariat:** Mr. Martin Kreutner (Executive Secretary), Ms. Christiane Pohn-Hufnagl, Ms. Despina Touratzof, Mr. Gabriel Amann, Ms. Vanja Gutovic.

The session of the Provisional Commission (ProvCom) had been preceded by a round of informal consultations among Parties and Signatories on the election of officers. The consultations took place in the M1 Conference Room, Vienna International Centre, starting at 13:15, and were chaired by the Executive Secretary.

### Provisional Agenda of the ProvCom:

1. Organizational matters:
  - a) Opening of the session
  - b) Adoption of the agenda and organization of work

- c) Report of the Executive Secretary on credentials (upon request)
  - d) Election of Officers pursuant to Rule 6 of the Rules of Procedure (RoP)
  - e) General Discussion
2. Report on legal issues: status quo of signatures, ratifications, accessions.
  3. Report on programmes & activities: status quo and way forward.
  4. Staff Statute and Human Resources.
  5. Financial issues:
    - a) Contributions by Parties/Signatories
    - b) Call of pledges
    - c) Other donors
    - d) Way forward
  6. Discussion on / appointing the independent external auditors.
  7. Other matters.

## **1. Organizational matters:**

### **a) Opening of the session**

The Executive Secretary to the ProvCom, opened the meeting, welcoming all representatives of IACA's Signatories, Parties and the UNODC.

### **b) Adoption of the agenda and organization of work**

The Executive Secretary informed that no additional agenda items were forwarded to the Secretariat over the last few weeks, and thus asked for any comments or suggestions. As no objections or comments were made, the agenda was unanimously adopted.

### **c) Report of the Executive Secretary on credentials**

The Executive Secretary informed that all necessary credentials for the meeting had been received by the Secretariat and that all delegations present were appropriately mandated to take part in the meeting.

### **d) Election of Officers pursuant to Rule 6 of the RoP**

With reference to Rule 6 of the ProvCom's RoP, the Executive Secretary recalled that IACA's Provisional Assembly of 13 October 2011 decided to elect officers for the ProvCom preferably during its first session. As was also decided during the Provisional Assembly, the Secretariat invited the Chairs of the five Regional Groups

to submit proposals for nominations for their respective groups. Pursuant to the aforementioned Rule 6, the ProvCom should be chaired by one President and four Vice Presidents, representing the five “classical” UN Regional Groups [African Group, Asia-Pacific Group, Eastern European Group (EEG), Latin American and Caribbean Group (GRULAC), and Western European and Other States Group (WEOG)].

The Secretariat received proposals from all groups except the African Group. Upon inquiry in the course of the informal consultations and the session of the ProvCom, the representative of Kenya notified the Commission that the African Group will put forward a nomination by 15 January 2012 at the latest. In this context, she also informed the Commission that Kenya intended to propose a candidate, subject to the agreement by the other group members.

On the basis of nominations received, the Kenyan intervention, the deliberations during the informal consultations, and based on the understanding of consent and compromise among the nominating Members, the Executive Secretary proposed to the Commission for election the composition of officers as follows:

**Asia-Pacific Group:** Prof. Pakdee Pothisiri, Thailand (Vice President, 12 months term)

**EEG:** Ms. Anca Jurma, Romania (Vice President, until 31 May 2012), and Ms. Sofia A. Zakharova, Russian Federation (Vice President, starting 1 June 2012)

**GRULAC:** H.E. Amb. Eugenio M. Curia, Argentina (President, 12 months)

**WEOG:** H.E. Amb. Helmut Böck, Austria (Vice President, until 31 May 2012), Mr. Itai Apter, Israel (Vice President, starting 1 June 2012)

**African Group:** to be elected at the 2<sup>nd</sup> session of the ProvCom.

Pursuant to Rule 27 of the RoP, the Commission decided to proceed without a secret ballot vote and subsequently elected the proposed officers by acclamation.

Following these elections, the Executive Secretary handed over chairmanship of the ProvCom to the elected President, H.E. Amb. Eugenio M. Curia. The President, on behalf of all elected officers, thanked the ProvCom for the confidence entrusted through the elections.

#### **e) General Discussion**

No interventions.

## **2. Report on legal issues: status quo of signatures, ratifications, accessions**

Upon request by the President, the Executive Secretary informed the Commission that as of 19 December 2011, IACA has 57 Members, out of which 26 have ratified or acceded to the IACA Agreement. He also outlined that IACA had recently been granted observer status with the Council of Europe’s Group of States against Corruption (GRECO), in addition to her observer status with the United Nations Social and Economic Council (ECOSOC).

### **3. Report on programmes & activities: status quo and way forward**

The Head of IACA's Programmes & Activities Department, International Transition Team (ITT), delivered a presentation on the Master in Anti-Corruption Studies (MACS), an eighteen-month executive programme set to start in 2012. She also informed delegates that IACA's International Anti-Corruption Summer Academy (IACSA) will take place from 5 to 14 July 2012. Furthermore, she reported on the work for tailor-made trainings, noting that IACA is involved in, *inter alia*, two UNODC seminars and a training on the UK Bribery Act.

The Chairman of the ITT and Executive Secretary noted that the start of many programmes and activities, including the MACS, is still dependent on financial resources. The MACS, as one of IACA's most important and prominent programmes, requires finances in order to be further developed and implemented. The ITT also has many requirements for other trainings, but there needs to be certainty over IACA's financial resources in order to proceed with them.

The representative of the Russian Federation, supported by other speakers, commended the work done so far by the ITT and asked how national practitioners can participate in the MACS and what the programme fee would be.

The Chair of the ITT affirmed that the ITT is more than ready to receive input and looks forward to providing further details about the programmes. He explained that IACSA is a programme which will operate under the same framework as last year, and will again be financed by the Siemens Integrity Initiative. With regard to the MACS, fees were expected to be around 22,000.- EUR, not taking travel and accommodation expenses into account. To ensure participation from the public sector and developing states, a system of scholarships will be put in place. The Chair of the ITT noted that during IACSA 2011, for example, geographical balance was assured with 66 participants representing 64 states from all corners of the globe.

The President stressed that the ITT needs to be thanked for all the extraordinary progress made so far and for the outstanding developments achieved. He called on all Parties and Signatories to become more engaged in IACA's development and make decisions on how to support the ITT.

### **4. Staff Statute and Human Resources**

The Executive Secretary informed the Commission that the ITT has been mostly composed of secondments from the Republic of Austria, a secondment from Greece and a few individuals hired in accordance with Austrian labour laws. In the past, the ITT has also included short-term secondments from other Signatories and Parties. While thanking contributing Members, the Executive Secretary asked that the Commission ASAP adopt a more permanent solution on the question of human resources. He proposed that the Secretariat present a draft framework for the staff statute prior to or in the course of the next ProvCom session at the latest, in order to facilitate discussions and decisions. This proposal was welcomed by the ProvCom.

## **5. Financial issues:**

### **a) Contributions by Parties/Signatories**

Upon request by the President, the Executive Secretary outlined the financial contributions made to IACA by Members and the private sector thus far. They are as follows:

- Morocco (2011) – 10,000.- USD
- Motorola Foundation (2010) – 250,000.- USD
- Siemens Integrity Initiative (2011 - 2014) – 2,000,000.- USD (earmarked for IACSA and scholarships for students from LDCs)
- Austria (2010 - 2011) – 515,000.- EUR
- Russian Federation (2011) – 200.000.- USD (partly earmarked)
- Slovakia (2011) – 3,000.- EUR
- Czech Republic (2011) – 4,000.- EUR
- Unites States State Department (late 2011 for 2012 - 2014) – 400,000.- USD (earmarked for a two-year position in the ITT)

In addition, the Executive Secretary informed that he is presently negotiating additional resources with the host country and other stakeholders. Apart from their strong political commitment, he urged all IACA Members to take financial ownership of the Academy, with special emphasis on general budget allocation.

The President thanked the ITT and the Secretariat and urged all Members to financially contribute to IACA in order to finalize her establishment, further her work and help maintain momentum.

### **b) Call of pledges**

No new pledges made.

### **c) Other donors**

No new developments.

### **d) Way forward**

Nothing to be reported in this section.

## **6. Discussion on / appointing the independent external auditors**

Reminding everybody that the year 2011 was coming to an end and recalling the relevant provisions of the *Agreement for the Establishment of IACA as an International Organization*, the President opened a discussion on the appointment of external auditors. He emphasized that only someone with independence and

extensive financial knowledge should be taken into consideration, the more so as IACA needs to act as a role model for accountability, legitimacy and transparency.

The Executive Secretary noted that for the financial year 2010, the ITT had to engage two independent external auditors. From this experience, he suggested that until a more permanent solution be adopted by the ProvCom, or ultimately the Board of Governors, these external auditors be tasked with reviewing and auditing IACA's 2011 expenses, and that the audit report then be presented to the ProvCom. In parallel, the ITT will work on alternatives, namely the establishment of an Auditing Board composed of Member States' professional auditors. The ITT will present these prior to or in the course of the next ProvCom session at the latest, in order to facilitate discussions and decisions. This way forward was welcomed by the ProvCom.

## **7. Others matters**

The representative of Israel suggested that the Commission come up with means to ensure state engagement. He proposed a report on every session as a way for circulating information and getting people in the capitals more involved in IACA.

The representative of Austria supported this proposal, emphasizing the usefulness to increase ownership in a political, programmatic, and financial sense.

The representative of Malaysia offered that IACA hold some of her trainings at the Malaysian Anti-Corruption Academy. This could be Malaysia's offer for relieving some of IACA's financial burden related to programmes and activities.

Speakers discussed the issue of how often the ProvCom should convene, suggesting that Commission sessions be paired with UNCAC WG meetings, or other such as UNTOC, to draw greater participation from capitals.

It was agreed that the Secretariat send out a proposal for the second session of the Commission by the end of January.

## **Closing of the meeting**

The President thanked all representatives for their attendance and most constructive participation. He also conveyed his gratitude to the Secretariat for its constant support, closing the meeting by wishing everyone a festive holiday period and a most prosperous 2012.