

IACA Provisional Commission 4th Session Report

Friday, 21 September, 16:00 – 18:00
Großer Vortragssaal
Austrian Ministry of the Interior, Vienna, Austria

Participation

Members: Albania, Argentina, Australia, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Croatia, Czech Republic, Greece, Indonesia, Israel, Libya, Liechtenstein, Malaysia, Mexico, Nigeria, Pakistan, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Syrian Arab Republic, Thailand, Turkey, United Kingdom, Yemen, United Nations Office on Drugs and Crime (UNODC)

President: Ambassador Eugenio M. Curia (GRULAC)

Executive Secretary: Mr. Martin Kreutner (Chair, International Transition Team)

Secretariat: Ms. Christiane Pohn-Hufnagl, Ms. Despina Touratzof, Mr. Klaus Kapuy, Ms. Vanja Gutovic

The fourth session of the Provisional Commission had been preceded by a round of informal consultations on draft papers dealing with IACA's financial framework and rules of procedure for the Assembly of Parties. The informal consultations took place in the Austrian Ministry of the Interior, *Großer Vortragssaal*, and were chaired by the Executive Secretary.

Provisional Agenda

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. Adoption of the report on the 3rd session of the Provisional Commission
 - e. General discussion
2. Report on Legal Issues: Status quo of signatures, ratifications, accessions; outreach and perspectives
3. Financial and Budgetary Matters:
 - a. *Financial Framework of the International Anti-Corruption Academy*: discussion and adoption of the revised document¹
 - b. External audit 2011
 - c. Budget preparations 2013
 - d. Contributions by Parties/Signatories
 - e. Call for pledges
4. Preparations for the Assembly of Parties (Art 5 of the *Agreement for the Establishment of IACA as an International Organization*):
 - a. Rules of Procedure for the Assembly of Parties: discussion and adoption of these rules² (incl. accreditation to the Assembly of Parties, credentials)
 - b. Election procedures for Board membership
 - c. Agenda for the Assembly of Parties
 - d. Work programme: proposals by Signatories, Parties and Partners³
 - e. *Preliminary List of Documents for Parties*: update⁴
5. Programmes & Activities: Report on the Master in Anti-Corruption Studies (MACS), Power of the Pen seminar, seminars in cooperation with UNODC, International Anti-Corruption Summer Academy 2012, “Best of” seminar
6. Other Matters

¹ As agreed in the 3rd session of the Provisional Commission, Parties and Signatories were invited to submit comments to the draft presented and discussed during the 3rd session of the Provisional Commission as well as during the informal consultations of 29 August. These comments were, to the greatest extent possible, incorporated into the revised draft.

² A first draft, *Key Elements on the Rules of Procedure for the Assembly of Parties*, addressing issues of credentials, officers and observers in particular, was sent out prior to and presented during the informal consultations on 29 August. The complete set of the Rules of Procedure was drafted, to the extent possible, along the lines of the commonly accepted *Rules of Procedure for the Conference of the States Parties to the UNCAC*.

³ As discussed in the course of the 3rd session of the Provisional Commission.

⁴ All documents mentioned, with the exception of those ‘in progress’ are available on IACA’s website, www.iaca.int.

1. Organizational Matters:

a. Opening of the session

The President opened the meeting, welcoming all delegates and the Secretariat.

b) Adoption of the agenda and organization of work

The Executive Secretary informed that no additional agenda items were forwarded to the Secretariat. The Provisional Commission unanimously adopted the agenda.

c) Report of the Executive Secretary on credentials (upon request)

There were no requests for the Executive Secretary to report on credentials.

d) Adoption of the report on the 3rd session of the Provisional Commission

The President pointed out that Thailand requested a change under item 8, paragraph 2 in reference to the training organized by the Thai National Anti-Corruption Commission with the support of IACA. The Provisional Commission accepted the change and unanimously adopted the report on its third session.

e) General discussion

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2. Report on Legal Issues: Status quo of signatures, ratifications, accessions; outreach and perspectives

The Executive Secretary informed delegations on the status quo of signatures, ratifications, and accessions. He also reminded Members of the 30 September deadline for depositing instruments of ratification/accession in order to become Parties with voting rights for the first Assembly of Parties in November.

Furthermore, he announced that the Cooperation Agreement with UNODC is ready for signature and will be signed in the upcoming weeks. A Memorandum of Understanding with the Malaysian government is in its final stages and scheduled for signature by the first week of October.

3. Financial and Budgetary Matters:

a) *Financial Framework of the International Anti-Corruption Academy*: discussion and adoption of the revised document

The President informed the room that there was a short general discussion on the revised draft *Financial Framework of the International Anti-Corruption Academy* during the informal consultations.

The representative of the Russian Federation inquired whether her country's request that unspent surplus be included in the budget of the following year had been reflected somewhere. The Executive Secretary noted that this was covered, inter alia, under Regulation 5 (4) and 5 (5).

The representative of Austria requested clarification on why specific references to human rights, environmental damages and labour rights had been removed from Regulation 12 (C). The representative of Israel disclosed that this was his country's proposal, indicating that it was sufficient to have the Universal Declaration of Human Rights mentioned in Regulation 1, without going into more specific details in the rest of the document. He observed that other IACA documents, such as the *Agreement for the Establishment of IACA as an International Organization* and *Guiding Principles*, do not make specific references to these concepts, and thus for the sake of consistency the *Financial Framework* should not either.

The representative of Pakistan asked for clarification on the first sentence of Regulation 1 (3). Following a brief discussion on the relationship between anti-corruption, human rights, connected concepts, and IACA's mandate, the room agreed to drop "human rights" from the first sentence of Regulation 1 (3), but to stick to the general notion by referring to the Universal Declaration of Human Rights in its second sentence.

The *Financial Framework of the International Anti-Corruption Academy* was unanimously adopted by the room.

b) External audit 2011

The President drew the room's attention to the letter submitted to delegations by the Executive Secretary informing that the independent external auditor found the Academy's finances for the year 2011 to be in perfect order. The room approved the report and thanked the Chairman and the International Transition Team for their good work.

c) Budget preparations 2013

The Executive Secretary indicated that the Secretariat has started preparing a budget proposal. He stressed that this will be a preliminary one as IACA is still under development and its staff statute not in place yet.

d) Contributions by Parties/Signatories

During the general discussion under item 1 (e), the representative of the Russian Federation announced a 200,000 contribution to IACA's 2012 annual budget. With the permission of the Malaysian delegation, the Executive Secretary informed that he is negotiating a Memorandum of Understanding with the Malaysian government, which would also foresee a financial contribution of 1,000,000 Ringgit to the general budget of IACA.

f) Call for pledges

The Executive Secretary reminded delegations of the necessity to equip IACA with a stable and viable general budget allocation to allow for the continuation of the organization's successful development. In this context, he renewed his invitation to Members to use the

high-level segment of the Assembly of Parties on 29 and 30 November for pledging contributions.

4. Preparations for the Assembly of Parties (Art 5 of the *Agreement for the Establishment of IACA as an International Organization*):

a) *Rules of Procedure for the Assembly of Parties*: discussion and adoption of these rules (incl. accreditation to the Assembly of Parties, credentials)

The President indicated that the *Rules of Procedure for the Assembly of Parties* were discussed during the informal consultations. Upon the President's proposal, the room agreed that the Secretariat would incorporate all comments from the informal consultations and circulate the revised draft to Members by the end of the month. Members would then have the opportunity to submit their final comments on the document no later than 21 October, to be discussed during the next session of informal consultations on 5 November.

With regard to credentials, the President reminded the room that in accordance with international treaties, accreditations to the Assembly of Parties can only be bestowed by those with full power under domestic law.

Upon the suggestions of Austria, Israel, Romania, Spain, and the United Kingdom in echoing the remarks of the President, it was unanimously agreed that, to the extent possible, a flexible framework on the issue of accreditation be applied only for the first Assembly of Parties. The room agreed by consensus that credentials for this first Assembly could only be issued by official communication via diplomatic channels and signed by a country's Head of State, Head of Government, Minister of Foreign Affairs, bilateral ambassador to the Republic of Austria, or the Permanent Representative to the United Nations and/or International Organizations (Vienna).

b) Election procedures for Board membership

The President stated that the election procedure for Board membership will be discussed at the 5 November informal consultations. The Executive Secretary reminded Members that pursuant to Art VI of the IACA Agreement these individuals are to be elected in their personal capacity and not as representatives of a country.

The Provisional Commission unanimously agreed that the deadline for submitting candidatures for Board membership was 29 October, 18:00 GMT+1. These nominations shall be addressed to the Secretariat and officially forwarded via diplomatic channels.

In response to Romania's question, the President informed the room that at this stage, nominations do not go through regional groups but should be forwarded to the Secretariat

The representative of Austria raised concerns about the unrepresented African Group and suggested discussing how this will reflect the necessary geographic distribution. The President affirmed that this will be up to the constituency to decide.

c) Agenda for the Assembly of Parties

The President called on all Members to send ideas on topics for the Agenda to the Secretariat no later than 21 October. A first provisional agenda would be presented to all Members and be discussed at the 5 November informal consultations.

d) Work programme: proposal by Signatories, Parties and Partners

The President mentioned that Israel was the only Member who had sent a work programme proposal to date. He encouraged all Members to submit proposals to the Secretariat by 21 October so that they can be circulated and discussed at the 5 November consultations. He also reminded the room that the 5 November informal consultations should be used for discussing the Rules of Procedure (for a preferably last time), the first budget proposal, the rent agreement, and other matters in preparation for the Assembly of Parties.

e) Preliminary List of Documents for Parties: update

The President reminded the room of the *Preliminary List of Documents for Parties*, which has been updated and submitted to delegations.

6. Programmes & Activities: Report on the Master in Anti-Corruption Studies (MACS), Power of the Pen seminar, seminars in cooperation with UNODC, International Anti-Corruption Summer Academy 2012, “Best of” seminar

The Executive Secretary gave an update on IACA’s Master in Anti-Corruption Studies (MACS), encouraging Members to provide support in the form of scholarships for both their own and foreign nationals. He also informed the room that IACA will host two expert group meetings in cooperation with UNODC from 24 to 28 September. The Power of the Pen workshop targeting journalists from the MENA region will follow suit from 1 to 3 October, while a UNODC civil society training will take place from 9 to 12 October, and the “Best of Bo Rothstein” seminar on 6 and 7 December.

The representative of Thailand delivered a brief presentation on “The Workshop on Strengthening Cross-Border Anti-Corruption Efforts: Greater Mekong Sub-Region”, organized by Thailand’s National Anti-Corruption Commission in cooperation with IACA from 5 to 8 September. He thanked IACA for the excellent cooperation and the results achieved.

Closing of the Provisional Commission

The President thanked all representatives and the Secretariat for their attendance and constructive participation. He summed up the upcoming deadlines, reminding Members to submit their final comments on the *Rules of Procedure for the Assembly of Parties*, as well as proposals for the Assembly of Parties’ agenda items and work programme by 21 October. In addition, he emphasized that 29 October, 18:00 GMT+1, was the last date for submitting candidatures for Board membership.

The next session of the Provisional Commission will take place on 28 November, to be preceded by a round of informal consultations on 5 November.