

IACA Provisional Commission

2nd Session

Report

Wednesday, 7 March, 14:00 – 16:45
Vienna International Centre
M3 Conference Room, Vienna, Austria

Participation

Members: Albania, Argentina, Australia, Austria, Brazil, Burkina Faso, Chile, Croatia, Cyprus, Czech Republic, Greece, Indonesia, Israel, Jordan, Kenya, Latvia, Liechtenstein, Malaysia, Mexico, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, European Public Law Organization (EPLO), International Centre for Migration Policy Development (ICMPD), International Organization for Migration (IOM), United Nations Office on Drugs and Crime (UNODC).

President: Ambassador Eugenio M. Curia (ARG)

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

Secretariat: Ms. Christiane Pohn-Hufnagl, Mr. Gabriel Amann, Ms. Vanja Gutovic, Ms. Sofia Hjertonsson, Mr. Ernst Schmid, Ms. Despina Touratzof, Mr. Wolfgang Willi

The 2nd session of the Provisional Commission had been preceded by a round of informal consultations on, inter alia, draft papers dealing with IACA's external audit as well as a staff regulatory framework. The consultations took place in the M3 Conference Room, Vienna International Centre, from 11:00 to 13:15 and were chaired by the President.

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
 - d) Adoption of the report on the 1st session of the Provisional Commission
 - e) Election of Officers pursuant to Rule 6 of the Rules of Procedure: Nomination for the office of Vice-President to the Provisional Commission by the African Group
 - f) General discussion
2. Report on Legal Issues:
 - a) Status quo of signatures, ratifications, accessions, outreach and perspectives
 - b) Memoranda of Understanding and (other) technical arrangements
 - c) Cooperation agreement with UNODC
3. Report on Programmes & Activities: information on the International Anti-Corruption Summer Academy 2012, UK Bribery Act seminar, Best-of seminar, etc.
4. Financial and Budgetary Matters
 - a) Contributions by Parties/Signatories
 - b) Call for pledges
 - c) Way forward
5. Staff Statute and Human Resources
 - a) Status quo
 - b) Key principles and parameters for IACA's staff statute
6. Independent External Auditors (pursuant to Art. 6 para g of the *Resolution Establishing the Provisional Commission for IACA* by the Provisional Assembly of 13 October 2012): discussion (and adoption) of a resolution on appointing independent external auditors
7. Preparations of IACA's Assembly of Parties (Art 5 of the *Agreement for the Establishment of IACA as an International Organization*): way forward & general road map
8. Other matters

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 as proposed in the annotations.

c) Report of the Executive Secretary on credentials

Upon request by the President, 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) Adoption of the report on the 1st session of the Provisional Commission

The Provisional Commission unanimously adopted the report on its first session.

e) Election of Officers pursuant to Rule 6 of the Rules of Procedure: Nomination for the office of Vice-President to the Provisional Commission by the African Group

Pursuant to Rule 6 of the Commission's Rules of Procedure, the African Group nominated Mr. Ukur Kanacho Yatani, the Ambassador and Permanent Representative of Kenya, for Vice-Presidency of the Commission. The room accepted his nomination by acclamation.

f) General Discussion

No interventions.

2. Report on Legal Issues

a) Status quo of signatures, ratifications, accessions, outreach and perspectives

The Executive Secretary reported that as of 28 February 2012, IACA has 59 Members, consisting of 56 UN Member States and three international organizations. The most recent Parties include Pakistan (by accession), the Republic of Moldova (by ratification), and the International Organization for Migration (by accession).

b) Memoranda of Understanding and other technical arrangements

The Executive Secretary informed that IACA has recently signed Memoranda of Understanding with the Ministry of Taxes of the Republic of Azerbaijan, the Central European University in Budapest, and the Ludwig Boltzmann Institute for Human Rights

in Vienna. He pointed out that the Scientific Director of the latter is former UN Special Rapporteur on Torture and Inhuman Treatment, Prof. Manfred Nowak.

c) Cooperation Agreement with UNODC

The President announced that IACA is working on a cooperation agreement with UNODC. He noted that negotiations by the Secretariat are ongoing and expressed hope for substantial progress by the next Commission session.

The representative of UNODC stated that the draft agreement submitted by UNODC to IACA follows the UN procedures for developing cooperation frameworks with other international organizations. It reflects on the core relationship between UNODC and IACA and the main areas on which UNODC can cooperate.

3. Report on Programmes & Activities: information on the International Anti-Corruption Summer Academy 2012, UKBA seminar, Best-of seminar, etc.

The President opened the floor for questions related to IACA's programmes.

The representative of Israel suggested that upcoming programmes should be communicated to UN missions in Vienna in a timely manner so that they can be circulated further, and that the Secretariat should consider reducing programme fees, with separate ones for government entities and the private sector. The President recalled that information on upcoming programmes is available on IACA's website and via newsletters, and that the Secretariat will make sure that its address list includes all missions. He also reminded that the Academy needs to work in a cost-effective way and thus apply reasonable tuition fees.

4. Financial and Budgetary Matters

a) Contributions by Parties/Signatories

The Executive Secretary announced that in negotiations Austria has generously agreed to donate 1.8 million EUR to IACA's regular budget over a period of two years. He added that no other pledges had been received.

The representative of Thailand announced that her country has pledged a first 5,000 EUR contribution and that the amount will be transferred to IACA this week. She added that a substantial contribution is also being considered by her capital.

b) Call for Pledges

The President emphasized the importance of financially contributing to IACA in order to render the organization's work effective and allow for the implementation of initiatives. He called on all Members to financially support the organization.

The representative of Austria reiterated his country's commitment to IACA, stressing that Austria would like to see a more diverse list of contributors, and thus called for more pledges. He also emphasized the need to provide IACA with a stable and realistic general budget to ensure its further buildup.

The representative of Slovakia asked whether IACA still bases its operations on voluntary pledges, and noted that it would be easier to have regular membership fees rather than ad hoc pledges.

The President stated that operations are still mainly based on voluntary contributions. He noted that this issue needed to be discussed and invited everyone to participate, especially with a view to achieve results until the Assembly of Parties.

c) Way Forward

No interventions.

5. Staff Statute and Human Resources

a) Status quo

The Executive Secretary reminded the Commission that IACA is still in a transition phase and that the International Transition Team, presently made up of 27 people, mostly consists of secondments from Austria and Greece, employees hired under Austrian law, and includes a few interns.

b) Key principles and parameters for IACA's staff statute

The President notified the Commission that delegations had started discussing the draft *Guidelines of the Staff Regulatory Framework for IACA* during the informal consultations. He emphasized that this document was not a staff statute but rather a framework for its development. As the issue is complex, he proposed that all Members submit their comments on the draft to the Secretariat by 13 April. The Provisional Commission was in agreement. With all comments incorporated, the draft would then be presented at the next session for consideration and eventual adoption. At the same time, the Secretariat would start drafting staff statute.

6. Independent External Auditors (pursuant to Art. 6 para g of the *Resolution Establishing the Provisional Commission for IACA* by the Provisional Assembly of 13 October 2012): discussion (and adoption) of a resolution on appointing independent external auditors

The President noted that during the informal consultations, delegations worked on the draft *Resolution of IACA's Provisional Commission on the Independent External Audit of IACA*. He outlined all major changes which had been proposed.

The representative of the Russian Federation expressed concern over an inconsistency in language with regard to the body responsible for appointing external auditors. Her suggestion and was taken on board by the Commission and alternative language was applied.

Various representative requested clarification on what kind of auditing procedure would be in place, what the audit term should be, which auditor should stay for how long, employment eligibility after the audit term, and reporting. The President noted that these matters will be up to the relevant organs to decide upon and that it could also be reflected in the Rules of Procedure.

The President thanked Slovakia for putting a candidature forward for the external audit.

The representative of the Russian Federation pointed out that the term “Dean” should be changed to “Chair of the International Transition Team and Executive Secretary to the Provisional Commission” in Op 7. The Commission agreed to alter the paragraph to include both.

Following a short discussion, the Commission decided to keep the term “volunteering Parties” rather than change it to “Parties”, in order to avoid confusion.

The Provisional Commission unanimously adopted the resolution (in its new version).

7. Preparations of IACA's Assembly of Parties (Art 5 of the Agreement for the Establishment of IACA as an International Organization): way forward & (general) road map

The President proposed that a road map for the first session of the Assembly of Parties be discussed at the next ProvCom session. The framework for the staff statute should, if possible, also be decided upon during its next session.

The representative of the Russian Federation stressed the necessity to convene the fully-fledged Assembly of Parties ASAP in order to end the transition phase. She requested

that the Secretariat send proposed dates and the procedure for elections as soon as possible.

The representative of Romania suggested to continue having informal consultations.

With regard to the suggested questionnaire, the President expressed that it would be easier if Members would directly send their requests for agenda items to the Secretariat.

In summing up the discussions, the President stated that the third session of the Provisional Commission would take place in June, and that the Secretariat should send proposed dates. The Commission could then again come together in the fall and, once more, a day prior to the Assembly of Parties. He also noted that he is open for informal consultations more often, if this is what the room is in favour of. The President called on all Members to send their requests for agenda items to the Secretariat.

8. Other Matters

The Representative of Thailand briefed the Commission on its National Anti-Corruption Commission's initiative of making countries in Southeast Asia more aware of IACA. She also suggested that the national anti-corruption training institute could be a possible site for future IACA trainings.

With reference to the G20 Anti-Corruption Working Group, the President asked whether the Commission would agree if he requested that IACA be an observer of this group. The room agreed. He subsequently called for support from other G20 members.

Closing of the Provisional Commission

The President thanked all representatives for their attendance and constructive participation. He also thanked the Executive Secretary, the Secretariat, and the International Transition Team for all their hard work and achievements. The next session of the Provisional Commission will take place in June. Date proposals will be circulated by the Secretariat.