

IACA Provisional Commission

3rd Session

Report

Thursday, 21 June, 13:30 – 16:00
Vienna International Centre
M3 Conference Room, Vienna, Austria

Participation

Members: Albania, Argentina, Australia, Austria, Bolivia (Plurinational State of), Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Greece, Indonesia, Israel, Latvia, Liechtenstein, Luxembourg, Mexico, Nigeria, Pakistan, Panama, Peru, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Syrian Arab Republic, Thailand, Turkey, United Kingdom, Yemen, International Organization for Migration (IOM), United Nations Office on Drugs and Crime (UNODC)

Observers: People's Republic of China

President: Ambassador Eugenio M. Curia (GRULAC)

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

Secretariat: Ms. Christiane Pohn-Hufnagl, Mr. Gabriel Amman, Ms. Vanja Gutovic, Ms. Sofia Hjertonssohn, Mr. Klaus Kapuy, Ms. Despina Touratzof, Mr. Wolfgang Willi

The third session of the Provisional Commission had been preceded by a round of informal consultations on draft papers dealing with IACA's staff regulatory framework and financial regulations. The consultations took place in the M3 Conference Room, Vienna International Centre, from 10:30 to 13:00, 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 2nd session of the Provisional Commission
 - e. 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 (incl. cooperation agreement with UNODC).
3. Report on programmes & activities: information on the International Anti-Corruption Summer Academy 2012, the UK Bribery Act seminar, the EE/CIS training, the Best of seminar, the Master's programme, the Power of the Pen 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: discussion and adoption of the revised document (as attached)¹
6. Financial Regulations of the International Anti-Corruption Academy: discussion (and adoption) of these financial regulations
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 As agreed in the 2nd session of IACA's ProvCom, Parties and Signatories were invited to submit comments to the first draft (presented prior to and discussed during the informals, as well as this 2nd session). These comments were, to the greatest extent possible, incorporated in the present revised version. In some instances, they provide clarification, and in others add to the substance of the original draft.

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 representative of the Russian Federation proposed the following changes to the provisional agenda:

- Item 2.b) should read “Memoranda of Understanding including the Cooperation Agreement with UNODC and other technical arrangements”
- Item 5.b) should read “Key principles and parameters for IACA’s staff statute, discussion and possible adoption of the final document”
- Item 6. should read “Financial Regulations of the International Anti-Corruption Academy: discussion and possible adoption of these financial regulations”
- Item 7. should read “Preparations for IACA’s Assembly of Parties (Art 5 of the *Agreement for the Establishment of IACA as an International Organization*): way forward & (general) road map, procedure for elections and a list of documents for Parties”

The agenda was unanimously adopted as such.

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

There were no requests for the Executive Secretary to report on credentials. Upon proposal by the President, the room unanimously agreed that the People’s Republic of China could take part in this session as an observer.

d) Adoption of the report on the 2nd session of the ProvCom

The President pointed out that Thailand requested that the name of the national anti-corruption training institute in item 8 paragraph 1 be changed. He invited the representative of Thailand to submit the correct name of the institution.

The representative of the Russian Federation observed that paragraph 2 of item 6 was inaccurate, noting that the published *Resolution on the Independent External Audit of the International Anti-Corruption Academy*, did not communicate that external auditors will be appointed by IACA’s Board of Governors. The President noted that the resolution would be adapted to reflect this explicitly.

The report on the second session of the Provisional Commission was unanimously adopted.

e) General discussion

The representative of Israel reiterated that it would be helpful if the Secretariat could come up with a questionnaire in order to determine the most pertinent issues for the Assembly of Parties. The President suggested that Members come up with a template for this questionnaire by sending the Secretariat ideas on which topics they would like to discuss at the Assembly of Parties by 1 September. The fourth session of the Provisional Commission would then discuss the ideas compiled and choose the most pertinent ones for the template.

2. Report on Legal Issues:

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

The Executive Secretary reported that IACA has a total of 60 Members, out of which 31 are Parties (status 18 June). Since the last session of the Provisional Commission, Bosnia and Herzegovina has acceded to the IACA Agreement and Australia has ratified it.

The representative of Australia emphasized that her country's ratification of the IACA Agreement is further proof of its commitment to the fight against corruption. She asserted that Australia looks forward to supporting IACA's work and participating in future Assemblies of Parties.

b) Memoranda of Understanding including the Cooperation Agreement with UNODC and other technical arrangements

The Executive Secretary informed the Commission that the Headquarters Agreement has been ratified by the Austrian Parliament and signed by the President of the Republic. It will enter into force on 1 August and applies retroactively. The Executive Secretary also mentioned that since the last session, IACA has entered into a Memorandum of Understanding with the Anti-Corruption and Civil Rights Commission of Korea and is currently negotiating a memorandum with the UNODC.

3. Report on programmes & activities: information on the International Anti-Corruption Summer Academy 2012, the UK Bribery Act seminar, the EE/CIS training, the Best of seminar, the Master's programme, the Power of the Pen seminar, etc.

The Executive Secretary informed that IACA offered an exclusive seminar on the UK Bribery Act in April. A tailor-made training for private sector officials from Eastern Europe and the CIS, co-sponsored by the Russian Federation, was offered in May. He added that the application deadline for the International Anti-Corruption Summer Academy is closed, and that the programme will take place from 4 to 15 July. A seminar for journalists, entitled Power of the Pen, is scheduled for September. Owing to the generous contribution from the Austrian government, the Master in Anti-Corruption Studies programme will start in December.

The representative of the Russian Federation disclosed that she participated in the training for private sector officials from Eastern Europe and the CIS, asserting that it was organized in a very professional manner and proved to be a great platform for cooperation with the UNODC, OECD, OSCE and the International Chamber of Commerce. The Russian Federation is awaiting feedback from the countries which sent participants in order to determine if follow-up is needed. She added that her country would be happy to sponsor other IACA programmes for the private sector or others related to specific areas of interest.

The representative of Israel notified to room that the two Israeli citizens working in the private sector who had taken part in IACA trainings were very impressed. He indicated that Israel would be interested in showing example courses to its public in order to give IACA greater exposure and thus attract more participants.

4. Financial and Budgetary Matters:

a) Contributions by Parties/Signatories

The Executive Secretary disclosed that no contributions have been received since 7 March. He added that the Secretariat has received signals that certain Member States would be prepared to provide donations in the near future and that some non-Member States have expressed interest in contributing to the Master programme in the form of scholarships.

The representative of Thailand complimented the Secretariat's work and reiterated that his country pledged 5,000 EUR during the second session of the Provisional Commission. He added that the Thai National Anti-Corruption Commission is pledging another 10,000 EUR and that Thailand will continue to raise awareness on IACA, especially in the Mekong region.

The representative of the Republic of Moldova expressed that the fee for the Master programme is quite high, inquired what it includes and whether it could be reduced. The Executive Secretary responded that the 24,000 EUR fee is for a period of two years. The Master in Anti-Corruption Studies is an international programme which will feature renowned lecturers from all over the world and aim at attracting an international student body, all of which requires funds. He asserted that the programme's price is in the lower third in comparison to that of comparable programmes. In addition, a system of merit-based scholarships and scholarships for students from Least Developed Countries will be in place, which also has financial implications. If IACA would have more contributions from Members, programme fees could be reduced.

b) Call for pledges

No interventions.

c) Way forward

No interventions.

5. Staff Statute and Human Resources:

a) Status quo

The Executive Secretary informed the Provisional Commission that the International Transition Team currently consists of 27 people, 12 out of which are interns.

b) Key principles and parameters for IACA's staff statute, discussion and possible adoption of the final document

The President informed that around ten Members had sent their comments for the *Guidelines of the Staff Regulatory Framework for the International Anti-Corruption Academy*, some of them having come in quite late. He notified the Commission that the document was briefly discussed during the informal consultations.

The representative of Israel suggested that the section on Recruitment and Selection should also reflect that recruitment and selection will take different legal systems and countries of smaller size into account. The President noted that these facts are implied.

Following a brief discussion on whether to continue working on the document, the *Guidelines of the Staff Regulatory Framework for the International Anti-Corruption Academy* were unanimously adopted. They document will serve as a framework for the development of a staff statute.

With reference to disciplinary proceedings, the representative of Romania stressed that the staff statute should make it clear that informal and formal actions should not adversely affect the status of employment.

The representative of the Russian Federation emphasized that her country would like to see a reference to pregnant women not being sent on mission without their consent reflected in the staff statute.

6. Financial Regulations of the International Anti-Corruption Academy: discussion and possible adoption of these financial regulations

The President informed that the *Financial Framework of the International Anti-Corruption Academy* was briefly looked over during the informals. He proposed that the Members consult with their capitals on its content and send their comments to the Secretariat not later than 20 August. The Secretariat could then prepare a new version to be presented close before the next informal consultations, scheduled for 29 August.

7. Preparations for IACA's Assembly of Parties (Art 5 of the *Agreement for the Establishment of IACA as an International Organization*): way forward & (general) road map, procedure for elections and a list of documents for Parties.

The President reminded the room of the dates for upcoming meetings. The next round of informal consultations will take place on 29 August and the fourth session of the Provisional Commission on 21 September. Another round of informal consultations is scheduled for 5 November while the fifth and final session of the Provisional Commission will convene on 28 November. The Assembly of Parties is scheduled for 29 and 30 November.

Following a brief discussion, the room agreed that the Secretariat would provide a preliminary list of documents to be considered by the Assembly of Parties and the election procedure at the next round of informal consultations on 29 August.

The President reiterated that only Parties will have voting rights at the Assembly of Parties. In order for a state to become party in time for the Assembly, it needs to ratify, approve or accede to the IACA Agreement by 30 September.

The President will send a letter to all Parties informing them that the Assembly will include a ministerial segment. He will also send a letter to all Signatories which have not ratified the agreement to urge them to do so and remind them of the consequences of not being a Party.

The Executive Secretary informed the room that the Austrian Vice Chancellor and Foreign Minister, Michael Spindelegger, will host the Assembly and lead the Austrian delegation. He encouraged all Parties to send ministerial delegations if possible.

With regard to the questions posed by the delegates of Portugal and Romania, the President stated that non-Parties can attend the Assembly but cannot participate. He added that they are also welcome to come with ministerial delegations. The delegate of the Russian Federation stressed that non-Parties with ministerial delegations could give greater impetus to IACA.

The representative of Yemen expressed regret that his country will not be able to ratify the IACA Agreement in time for the Assembly of Parties. He mentioned that this procedure is taking longer due to the political situation in his country.

Upon the suggestion of the President, it was agreed that organizational issues related to the Assembly of Parties will be discussed at the next informal consultations.

8. Other Matters

Upon the request of the representative of the Russian Federation, the President informed the room on IACA's status vis-à-vis the G20, stating that unfortunately only a few people supported IACA's incorporation into this forum.

The representative of Thailand disclosed that the Thai National Anti-Corruption Commission, supported by IACA, will organize a regional training course in Bangkok. Around 60 participants from countries including Cambodia, China, Laos, Myanmar, Thailand and Vietnam are expected to take part. It will include sessions on money laundering and improving international initiatives to fight corruption. The key objective of the training is to provide capacity building and increase the exposure of non-Members from the Mekong Region to IACA's work and encourage them to join the organization.

Closing of the Provisional Commission

The President thanked all representatives for their attendance and most constructive participation. He also conveyed his gratitude to the Secretariat and the Transition Team for their constant support, closing the meeting by reminding participants that the next session of the Provisional Commission will take place on 21 September, to be preceded by a round of informal consultations on 29 August.