



Stability Pact Anti-Corruption Initiative

REGIONAL SECRETARIAT LIAISON OFFICE

Sarajevo, Bosnia and Herzegovina

TERMS OF REFERENCE

1. Overview

The Stability Pact Anticorruption Initiative (SPAI) was adopted in Sarajevo in February 2000 to address one of the most serious threats to the recovery and development of South East European countries. Corruption is highly detrimental to the stability of democratic institutions and considerably undermines the business climate, discourages foreign direct investment and hampers economic growth. The SPAI takes a multidisciplinary approach to fighting corruption, incorporating issues such as the adoption of international legal instruments, promotion of good governance, strengthening the rule of law, promotion of transparency and integrity in business operations and development of an active civil society. It also provides all partners with a general framework for coordination, optimization of effort and permanent dialogue with the donor community. Of necessity, the SPAI assumes that ultimately the regional states must themselves take ownership and leadership of the initiative.

2. Background

The SPAI Steering Group (SG) agreed at its September 2002 meeting in Rome on the need to establish a liaison office in the region to promote local ownership of the initiative and to enhance regional capabilities to lead the fight against corruption in South East Europe. To this end, the SPAI participating states in the region (Albania, Croatia, Bosnia and Herzegovina, Moldova, Romania, Serbia and Montenegro, and the Former Yugoslav Republic of Macedonia) agreed to establish the regional secretariat liaison office in Sarajevo, BiH. This decision was reconfirmed at the SPAI SG meeting in Brussels in April 2003 and endorsed at the Stability Pact Working Table and Regional Table meetings in Cavtat, Croatia in May 2003.

3. Mission of the Regional Secretariat Liaison Office

Under the guidance of the SPAI Chairman, the Regional Secretariat Liaison Office (RSLO) will assume over time an increasing responsibility for the administration and secretariat support to the SPAI, in coordination with the OECD and the Council of Europe. The RSLO will serve as a concrete and visible demonstration of the

commitment of the regional states to the continuing, concerted and coordinated fight against corruption in SEE.

In this context, the RSLO will act as the focal point for interaction and coordination among the SPAI representations from the regional states, and between the regional states and the other SPAI partners. The RSLO will serve as the venue for the conduct of anticorruption training, SPAI meetings and regional information exchange, and will concurrently function as the focus and forum for the conduct of public awareness campaigns against corruption.

Initially, the RSLO will support the SPAI Secretariat as administered by the OECD and the Council of Europe, and will serve as its executive agent in the region. However, the establishment of the RSLO in Sarajevo represents only the first step in an evolutionary process of conveying leadership of the SPAI to the states of South Eastern Europe. The RSLO will not initially replace existing arrangements for administration of this initiative nor will it immediately assume the full functions of the SPAI Secretariat.

4. **Specific Objectives**

Initially, the RSLO will serve to support the SPAI Chairman and the Secretariat functions presently being carried out under the auspices of the OECD and the Council of Europe. The RSLO will coordinate among the regional states and serve as the primary point of contact between the region and the SPAI on regional issues. The RSLO will host and support regional training courses and coordinate public awareness activities related to SPAI objectives. The RSLO will also serve as a regional resource center for the SPAI, for regional perspectives on the anticorruption campaign and to provide general administrative support for regional activities.

As the RSLO gains enhanced experience and expertise, it will assume increasing responsibility for Secretariat support for SPAI activities in the region. The RSLO will serve as the primary point of contact within the region for interaction with SPAI partners, international organizations, and nongovernmental organizations. In particular, the RSLO will coordinate and cooperate closely with ongoing anticorruption programs conducted by the OECD, the Council of Europe, the European Commission and Transparency International. Specifically, the RSLO will work closely with all SPAI partners to support and implement the SPAI Action Plan. The RSLO will coordinate training and operational proposals from the regional states as well as from donor states and will develop recommendations for specific projects based on its own assessment of regional needs. The RSLO will in time take responsibility for the SPAI historical records and files and act as the regional center for information exchange. In the normal course of its training programs, the RSLO will host anticorruption experts from regional states to enhance the capabilities of both the RSLO staff and the regional experts and to foster greater exchange of information and expertise among the regional partners. The exchange of regional experts may be financed, as appropriate, by SPAI project funds.

Ultimately, the RSLO will become fully self-sustaining and will provide full Secretariat support to the SPAI. It will be responsible for the administrative support to the Chairman and will coordinate the meetings of the SPAI Steering Group and other such activities as directed by the Chairman. In addition to full support for training and operational activities, the RSLO will maintain and refine on a continuing basis the Action Plan for the SPAI and the strategic concept governing the coordinated regional fight against corruption. The RSLO will increasingly become the ultimate reference center for anticorruption activities and will become the advocate of choice for related legislative and judicial reform in the region. In the end state, the RSLO will cease to be a liaison office but will transition to become the Regional Anticorruption Initiative Secretariat itself. In this capacity, this office in Sarajevo will remain as an institution and the embodiment of the commitment of the regional states to the fight against corruption.

5. Establishment of the RSLO

The establishment of the RSLO in Sarajevo and its transition to full secretariat capacity will proceed in three general phases of development:

Phase I:

The Government of Bosnia and Herzegovina has agreed to host and support the RSLO in Sarajevo and to provide the necessary facilities and infrastructure. Accordingly, the RSLO will be established in the facilities provided and will organize and configure its offices to support its mission and specific objectives. In addition, the RSLO will identify appropriate office and conference facilities to be used periodically for meetings, conferences and training courses. The RSLO will identify and provide usage plans for all administrative and technical equipment and support it will require to carry out its function, which cannot be met by the BiH Government. Such support equipment may include telephone systems, computer modules and network, internet access, facsimile machines, and other standard office equipment and supplies. Initially, administrative, technical and operational costs in support of the RSLO will be borne by donor states. At a later stage, in line with their own economic development, regional states can be asked to participate in funding the RSLO, either financially or with contributions in kind.

Phase II:

When the RSLO has been administratively configured, it will then undertake to assume an operational role in coordinating SPAI activities in the region. The American Bar Association/ Central Europe and Eurasia Law Initiative (ABA/CEELI) will provide expert guidance to assist the RSLO staff in carrying out its administrative and operational functions.

The RSLO will concurrently begin to take over the support function for training courses to be conducted by donor states in Sarajevo. With the assistance of the current SPAI Secretariat, the RSLO will establish itself as a regional training center. It will make the administrative preparations for the conduct of training courses, provide support during

the courses, and conduct such other subsequent actions which may be required and which fall under its purview.

The RSLO will take an increasing role in the assessment of training proposals submitted by regional and donor states and will as appropriate develop other proposals based on its own assessment of regional needs. In this regard, the RSLO will coordinate closely with the OECD, the European Commission and the Council of Europe, and in particular with the European Anti-Fraud Office (OLAF) and the European Commission's CARDS regional program to ensure a harmonized and focused training program for the region. The RSLO will coordinate as well with nongovernmental organizations, such as Transparency International, and other implementers such as ABA/CEELI, to carry out specific anticorruption projects.

The RSLO will prepare to assume an active and operational role in developing and pursuing a regional public awareness program to support the anticorruption initiative. In close cooperation and coordination with the OECD, the Council of Europe and donor states, the RSLO will serve as the regional center for public awareness activities. It will coordinate public awareness activities undertaken by the SPAI and will develop proposed public awareness projects to support SPAI objectives.

Phase III:

As the RSLO gains experience and develops its expertise, the Secretariat function presently being filled by the OECD and the Council of Europe will be transferred to Sarajevo. While the RSLO will continue to coordinate closely with these offices and with other SPAI partners, it will become increasingly autonomous in its support function to the SPAI Chairman and Steering Group. The RSLO will take over the administrative and historical files of the SPAI and will take on responsibility for administrative support and preparation for formal and informal meetings of the SPAI. This will include support for the Steering Group meetings and the SPAI-related component of meetings of the Working Table III and the Regional Table for as long as the Stability Pact continues to exist.

The RSLO will consolidate its function as the regional center for training and public awareness activities and become as well the regional center for expertise and information exchange on anticorruption. The RSLO will play an increasing role in the assessment, coordination, and preparation of specific anticorruption proposals and will also undertake to prepare proposals for specific legislative and judicial reform to support the objectives of the initiative.

As the Stabilization and Association Process advances, the Stability Pact winds down its activities, and the regional states are associated or integrated more closely into the European Union, the RSLO will become the Regional Anticorruption Initiative Secretariat. At such time, the SPAI itself will phase out and the regional states will assume full responsibility for the anticorruption effort in SEE.

6. Human Resources

Initially, the RSLO staff will consist of three persons from the region: an executive secretary, an anticorruption expert, and one administrative assistant. In addition, SPAI partner states may wish to offer anticorruption experts to the RSLO to provide specialized training and guidance.

In general, the SPAI Steering Group expects that the executive secretary and the anticorruption expert will be proposed by the regional states. The administrative assistant will be proposed by the host government. The positions of executive secretary and anticorruption expert will rotate among the regional states and all regional states shall have the opportunity to be represented in the RSLO.

The nominations for the RSLO staff will be submitted to the SPAI Chairman and Steering Group for final approval. The Steering Group will assess the qualifications and experience of each candidate and select the candidate most appropriate for the proposed position. Initial appointment for the executive secretary and anticorruption expert will be for two years, subject to renewal upon approval by the Steering Group. The term of appointment for the administrative assistant will depend on the assessment of work performance by the executive secretary, the SPAI Chairman and the Steering Group. All members of the RSLO staff shall be subject to periodic review of their performance by the SPAI Chairman and the Steering Group.

The pay scale for the RSLO staff will be based on market conditions for professional and paraprofessional staff in comparable positions. All appropriate benefits provided for under local law, regulations and custom will be provided (e.g., health & disability insurance, pension plan, taxes, etc.). However, pay and allowances will not include a housing benefit for locally hired staff. Initially, the cost of pay and allowances will be borne by donor states. All costs for experts seconded to the RSLO from donor states will be borne by the contributing states.

The legal status of RSLO staff will be governed by the provisions of the Memorandum of Understanding between the Government of Bosnia and Herzegovina and the Stability Pact, signed in Brussels on September 15, 2003. BiH nationals will not enjoy any form of privileges or immunities normally accorded the diplomatic or administrative and technical (A&T) staff of an embassy or international organization. RSLO staff on official travel within the region or to other SPAI partner states may enjoy diplomatic or A&T status depending on the type of passport on which they are travelling (i.e., diplomatic, official or service passport) and existing agreements between the Government of BiH, their host government (where applicable), and the state of destination. Foreign experts seconded to the RSLO may be administratively assigned to the contributing states' missions in Sarajevo and may derive diplomatic or A&T status on that basis.

I. Responsibilities of the Executive Secretary

In consultation with the SPAI Chairman and Steering Group, the Executive Secretary is responsible for overall supervision and management of the RSLO, to include its initial establishment and subsequent operations. The Executive Secretary will be responsible for establishing and maintaining relations with SPAI counterparts in regional states, other SPAI partner states, representatives of international organizations, and nongovernmental organizations.

The Executive Secretary should have a university degree in Law, Criminal Justice, Political Science or related fields and have five to ten years of professional experience. The Executive Secretary should have extensive experience in law, law enforcement, legislative and judicial or related anticorruption fields. He or she should have knowledge of and working experience in the international multilateral arena and with national and international organizations involved in anticorruption activities. The incumbent should be thoroughly versed in the political, social, economic and security landscape in South East Europe. The Executive Secretary must have excellent communication and writing skills in English and at least one other language of the region, and be competent in the use and application of information technology. He or she must have strong organizational skills, be able to motivate and direct the RSLO staff as a coherent team, and be capable of initiative and innovation in developing the RSLO into a valued asset of the SPAI.

II. Responsibilities of the Anticorruption Expert

The Anticorruption Expert is responsible for providing legal and law enforcement expertise on anticorruption to the Executive Secretary, and to the SPAI Chairman and the Steering Group. The Anticorruption Expert will have a pivotal role in establishing and maintaining relations with law enforcement and legal experts in regional states, other SPAI partner states, representatives of international organizations, and nongovernmental organizations. The Anticorruption Expert will be responsible for technical advice and guidance on anticorruption and related law enforcement issues and for technical contributions to regional training programs conducted under the SPAI and the RSLO.

The Anticorruption Expert should have a university degree in an area related to the anticorruption mission of the RSLO and have three to five years of professional experience. The Anticorruption Expert should have a background in law, law enforcement, or related anticorruption fields. The Anticorruption Expert should be familiar with OECD, European Commission, and Council of Europe rules and regulations relating to corruption. Ideally, he or she would have knowledge and working experience in the international multilateral arena and with national and international organizations involved in anticorruption activities. The Anticorruption Expert must have competence in communication and writing skills in English and at least one other language of the region, and be conversant in the use and application of information technology. He or she should have strong organizational skills and be capable of initiative and innovation in supporting the Executive Secretary.

III. Responsibilities of the Administrative Assistant

The Administrative Assistant is responsible for all administrative support to the RSLO and to its Executive Secretary and Anticorruption Expert. He or she will also provide general support to the SPAI Chairman and the Steering Group, as coordinated by the Executive Secretary.

The Administrative Assistant should have appropriate administrative training and paraprofessional experience or qualifications related to the administrative support of a governmental office. The Administrative Assistant must have competence in communication and writing skills in English and at least one other language of the region, and be conversant in the use and application of information technology and computer software. He or she should be experienced and fully competent in the use and application of all standard office equipment and technology.

7. Action Plan

With the assistance of ABA/CEELI and other donor state or organization experts, the RSLO members are tasked to develop the Action Plan of the RSLO. It shall refer to the SPAI Strategy. The Action Plan shall describe the concept of operations; contain the short-, medium- and long-term objectives and planned activities of the RSLO, as well as indicators of progress. The Action Plan should be submitted to the SPAI Chairman for consideration by the Steering Group within **three months** of establishment of the RSLO.

8. Review

The Terms of Reference set the parameters for establishment of the RSLO and outline a concept for its development and maturation as a regional center for coordination and cooperation in the fight against corruption. The TOR is thus a "living document" which may be adjusted or expanded in part or in whole as circumstances warrant. The TOR shall be subject to ongoing review at all times and shall be considered for formal review at the periodic meetings of the Steering Group.