



REGIONAL ANTI-CORRUPTION INITIATIVE
◦ SECRETARIAT ◦

18th RAI STEERING GROUP MEETING



Summary, Conclusions and Decisions

*Munich, Germany
February 14, 2014*



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18th Regional Anti-corruption Initiative (RAI) Steering Group (SG) Meeting took place in Munich, Germany, on February 14, 2014. It was organized by RAI Secretariat.

Participants

18th RAI Steering Group Meeting was chaired by the RAI Chairperson Mr. Davor Dubravica. It was attended by 9 member states' representatives and one regional partner institution – the Regional Cooperation Council.

The countries were represented by:

- *Albania* – Ms. Eridana Çano – Director of Cabinet, Ministry of State on Local Issues;
- *Bosnia and Herzegovina* – Mr. Tomislav Curic – Expert Adviser, Department for Combating Organized Crime and Corruption, Ministry of Security;
- *Bulgaria* – Mr. Rosen Kukushev – Expert in EU and International Cooperation Directorate, Ministry of Interior;
- *Croatia* — Ms. Zeljka Buric - Head of Anti-corruption Sector, Ministry of Justice;
- *Macedonia* – Ms. Monika Mucha – Ministry of Justice;
- *Moldova* – Mr. Valeriu Cupcea – Senior Inspector, Directorate for Legislation and Anti-corruption Expertise, National Anti-Corruption Center (by online video conference);
- *Montenegro* – Ms. Vesna Ratkovic – Director of Directorate for Anti-corruption Initiative (DACI);
- *Romania* – Mr. Cornel Virgiliu Calinescu – Head of National Office for Crime Prevention and Assets Recovery, Ministry of Justice;
- *Serbia* – Ms. Mirjana Mihajlovic – Advisor to the Minister, Ministry of Justice.

RAI Secretariat was represented by:

- Mr. Radu Cotici – Head of Secretariat;
- Mr. Kiro Cvetkov - Anti-corruption Expert;
- Ms. Adriana Fazlic Ahmic – Finance and Administrative Assistant;

The meeting was also attended by:

- The Regional Cooperation Council, at the invitation of Head of RAI Secretariat:
 - Mr. Predrag Vujicic – Expert on Justice and Home Affairs, RCC.



Summary of Discussion Part

18th RAI SG Meeting was opened by Mr. Davor Dubravica who pointed out as event's priorities the presentation and adoption of RAI Work Plan 2014-2015, election of RAI Chairperson, and adoption of the amendments to the set of RAI's official documents. Before discussing the agenda items, Mr. Valeriu Cupcea read the statement from the Director of the National Anti-Corruption Center of Moldova, Mr. Viorel Chetraru, in light of the impossibility to host the Meeting in Chisinau, but also of full support for RAI activities. The meeting continued with the Secretariat presenting the agenda items for adoption.

The first agenda item discussed at the SG Meeting was the election of RAI Chairperson. The Steering Group agreed to give the honor to Ms. Vesna Ratkovic, as the most experienced Senior Representative in the Steering Group, to chair the election of the RAI Chairperson. Ms. Ratkovic accepted the role and used the opportunity to open the discussion stating that the acting Chairperson, Mr. Davor Dubravica, is the only candidate for this position and that he was performing his duties of Chairperson in his previous mandate with integrity and professionalism and that the organization should have a Chairperson because of the importance of the role, and therefore he had the support from Montenegrin side for his re-election as Chairperson.

Although a question in regard of candidate's application procedure was raised by Ms. Buric, the SG representatives found this issue irrelevant for discussions and focused the discussion on the fact that there was one application only for the position of Chairperson. Mr. Calinescu declared that the fact of lacking candidates is worrying, especially because RAI as an organization is based on the principles of ownership and participation. He also suggested to proceed with the single candidate this time and to set Secretariat the task to clarify the Terms of References for RAI Chairperson in light of those already stated. States' representatives were urged to undertake further measures for attracting more candidates and producing greater visibility for the organization as a whole. After Representatives agreed on enhancing the efforts for having more candidates next time, a consensus was reached among SG Representatives, who accepted proposal of Mr. Calinescu and expressed the support for Mr. Davor Dubravica's candidature for position of the RAI Chairperson, acknowledging his achievements in holding this position during the last two years. Finally, Ms. Vesna Ratkovic concluded on the first agenda item by declaring that the SG re-elected Mr. Davor Dubravica as the RAI Chairperson. Mr. Dubravica continued chairing the meeting.

The next topic SG focused on was the Information from RAI Secretariat on its activities in 2013. The Secretariat informed the SG that it organized the events which had been also organized in 2012. The lack of programmatic activities during 2013 was used for strategic planning of future activities: Secretariat had been actively involved in



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the South East Europe 2020 Strategy development, conducted a research on the RAI member countries, and developed the Work Plan for the next two years. The most important event for RAI was the signature of the Protocol amending the RAI Memorandum of Understanding.

The SG representatives gave their support for the Secretariat future activities, and noted that 2014 should be a different year in comparison with 2013, in terms of specific results that should be delivered by the Secretariat in the next year. The SG expected the Secretariat to be result oriented and to define the regional priorities in close cooperation with all countries represented in RAI.

The next agenda item was the adoption of the amendments to the set of RAI official documents. At the beginning of this session Ms. Buric stated that there were no provisions on how the Senior Representatives are appointed and how the Secretariat should be notified on the appointment of SG representatives. She also noted that there was no mechanism in place that could deal with inactivity of the Senior Representatives. The SG reacted by general opinion that it is countries' sovereign right to send to the SG whoever they deem appropriate. Mr. Dubravica cited Annex 1 "Institutional Mechanism" of the RAI Strategic Document: "The member (country) shall inform the Secretariat of the name, position and address of the designated representatives. Members shall promptly notify the Head of the Secretariat of any change in the composition of their representative".

In this context, Ms. Mihajlovic explained, and the SG consensually accepted the explanation, that any form of communication is relevant. That meant that not only official letters but also official e-mails are a valid form of notification to the Secretariat about the appointment of SG members. After this discussion, the amendments proposed by the Secretariat were discussed in details. By this approach the Secretariat explained every single amendment giving the reasons behind them, and also accepting the changes to the amendments proposed during the meeting by the SG representatives. All the amendments were adopted by consensus.

The afternoon session of the SG Meeting was dedicated to the presentation and adoption of the RAI Work Plan 2014 – 2015. Mr. Cotici explained its structure and offered information related to the Work Plan drafting and priorities' identification. Further, RCC representative Mr. Predrag Vujicic offered certain clarification on the South East Europe 2020 Strategy, its necessity, process of adoption and implementation, particularly in concerns of Governance for Growth Pillar. He also explained the roll of RAI as dimension coordinator for the Anti-corruption Dimension and the link between the Strategy and the RAI Work Plan 2014 – 2015. Finally, Mr. Vujicic expressed the RCC support for the proposed Work Plan and its adoption.

The SG members went through, discussed and proposed changes to the Work Plan envisaged activities. The Secretariat provided additional explanations for the objectives and the activities proposed, while accepting the ideas and proposals from the SG representatives. Next issue raised was the fact that not all countries members to RAI are covered by the South East Europe 2020 Strategy. Mr. Vujicic explained that RCC would



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search for additional funds to cover the non-member countries. He also stated that it was agreed, after RCC Secretary's General visit to Moldova, to cover expenses related to Moldova's participation in anti-corruption activities under the South East Europe 2020 Strategy.

Mr. Calinescu stated that Romania considers the second group of targets – the RAI Specific Targets, as the most important objectives. Romania found those three targets close to their national priorities and they will support RAI in this regard. He pointed out the high level practitioners' Conference that was about to happen in April 2014 in Bucharest as opportunity for close cooperation with RAI on the subject of high – level corruption cases and asset recovery. As regards targets related to the South East Europe 2020 Strategy, Romania wanted to be informed about all the activities undertaken for the implementation of those targets and the level of Romania's involvement in those activities would be determined on a case by case basis.

Mr. Cotici stated that funds coming from states' contributions would be focused on the implementation of RAI Specific Targets. He also pointed out that RAI Work Plan was designed for all member states and therefore all RAI member countries could participate in all envisaged activities. As far as partner organizations are concerned, the Secretariat noted that the status of a partner organization was not exclusively given to those institutions that were supposed to financially support the activities, but that any kind of involvement could mark an organization as a partner, for example by providing expertise, logistical support etc. In this context, countries were invited to provide the Secretariat with the information related to eventual national partner organizations.

In light of discussions on the South East Europe 2020 Strategy, it was agreed that Senior Representatives from RAI countries, covered by SEE 2020 Strategy (Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia), would serve for the Secretariat as focal points for providing information regarding the Strategy implementation, particularly when it comes to quantitative and qualitative indicators for the SEE 2020 Strategy implementation monitoring and evaluation, or provide the Secretariat with the name of the person coming from the relevant national institution who could undertake that role.

Furthermore, Senior Representatives discussed the possibility for Kosovo* to join RAI. In this regard Ms. Çano pointed out the existence of the Arrangements Regarding Regional Representation and Cooperation between Serbia and Kosovo* which according to her solves the problem in a sense that the agreement itself allows Kosovo* to be a full member to any regional initiative or international organization. Ms. Mihajlovic stated that the agreements should be respected by both sides, which was not the case, and that by breaking the Arrangements, she found that Kosovo* had no right to invoke its provisions. Aside from this, the position of Serbia was that Kosovo* can participate in RAI activities if there would be interest shown for participation, but Serbia being against

* This designation is without prejudice to positions on status, and is in line with UNCHR 1244 and ICJ Advisory opinion on the Kosovo declaration of independence.



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full membership. The SG noted that there were three other member countries besides Serbia (Romania, Moldova, and Bosnia and Herzegovina) which were also against full membership of Kosovo* in RAI. However, none of them was against Kosovo* joining the activities undertaken under the Initiative, by finding appropriate model for cooperation in terms of partner, observer, etc. At the end of this session the SG concluded that the question of Kosovo* would remain open and would be discussed in the future when appropriate conditions are created.

Another topic discussed was the status of the MoU and its Protocol in terms of the ratification process, entering into force and implementation. Considering the information received from the Depository representative, the current status of the MoU in terms of entering into full action was that one more state – Serbia, should notify on the completion of the internal procedure for adoption/ratification and with that notification the MoU would be formally binding. The conditions for the Protocol entering into force were met, since more than three states had already notified the Depository on completion of internal procedures for its approval. Once Serbia notifies the Depository, the Croatian Ministry of Foreign Affairs would inform the Secretariat from which date the MoU and the Protocol effectively entered in force.

Finally, Ms. Adriana Fazlic Ahmic presented the RAI financial report for 2013. The SG members agreed to send their National Progress Reports to the Secretariat in written after the meeting. As for the next National Progress Reports, the Secretariat requested that countries should focus on RAI Specific Targets from the Work Plan, and create the National Progress Reports mainly around these topics.

The 18th RAI SG Meeting was closed by Mr. Davor Dubravica with conclusion that it achieved its planned goals.

Conclusions and Decisions

The RAI Steering Group:

1. Re-elected Mr. Davor Dubravica as the RAI Chairperson;
2. Adopted the amendments to the set of RAI official documents (in Annex);
3. Adopted the RAI Work Plan 2014-2015;
4. Agreed to take further measures in promotion of the position of RAI Chairperson in order to attract more applications for the next elections.
5. Agreed that the issue on Kosovo* membership in RAI would stay open and would be discussed in the future, which is not denying Kosovo* the possibility of participation in RAI activities;



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6. Agreed that for the purpose of notifying the Secretariat on the appointments of the Senior and Deputy Senior Representatives any form of official communication is relevant, including communication via official e-mails;

7. Agreed that Senior Representatives (or other appropriate person appointed by the Senior Representatives, and coming from relevant national institution) from RAI countries covered by SEE 2020 Strategy would serve for the Secretariat as focal points for providing information regarding the implementation of the South East Europe 2020 Strategy;

8. Agreed that the Senior Representatives would send to the Secretariat in written the National Progress Reports prepared for RAI, and starting from the next year would focus their reports around the RAI Specific Targets from the Work Plan 2014-2015.

9. Took note on RAI financial report for 2013.

Munich, February 14, 2014



AMENDMENTS to RAI'S DOCUMENTS

Note: Throughout the entire official set of documents, the following should be changed:

- “Chairman” should be replaced with “Chairperson”
- “Head of the Office” should be replaced with “Head of the Secretariat”
- “Finance and Administrative Assistant” should be replaced with “Finance and Administrative Officer”
- “Fundraising and Outreach Assistant” should be replaced with “Program and Outreach Officer”

OFFICE POLICIES MANUAL

1. Article 3.2 „Authority for Personnel Action“ should be amended as follows:

“The Head of the Secretariat retains the overall authority and responsibility for personnel matters, although he/she may delegate authority for certain personnel matters to designated staff members. In particular, hiring, firing, or changes in salary for resident staff member must be approved by the Head of the Secretariat.”

2. Article 3.3.2. „Recruitment of International Staff“ should be amended as follows:

“The Regional Anti-corruption Initiative's Chairperson and Steering Group are responsible for the selection and recruitment of international staff according to the Terms of Reference and Institutional Mechanism, annex I of the Strategic Document adopted by the Steering Group, as well as in consultation with the Head of the Secretariat.”

3. Article 3.3.4 „Job Descriptions“ should become 3.3.3.1

4. Article 3.3.5 „Advertising for new staff“ should become 3.3.3.2

5. Article 3.3.6 “Selection” should become 3.3.3.3

6. Article 3.3.7 „Reference“ should become 3.3.4 and should be amended as follows:

“Once a candidate for a position has been identified, the candidate’s references must be checked before a final offer is made. *The references for the candidate for any vacancy in the Secretariat are checked by the Head of the Secretariat, while the references of the candidate for the position of the Head of Secretariat are checked by the Chairperson.* The provisionally successful candidate should be requested to provide names, addresses, email address and telephone numbers of at least three references, such as former supervisors, teachers, or other professionals who can attest to the work and personal qualities required for the job. The provisionally successful candidates must sign a form authorizing the release of information to enable the Secretariat to conduct a reference check. References should be sought by email or phone whenever feasible. A written record of the results will be kept in the personnel file. Testimonials written before the selection procedure cannot be considered valid references.”

7. Article 3.3.8. „Anti-Nepotism“ should become 3.3.5



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8. Article 3.3.9. "Hiring" should become 3.3.6

9. Article 3.3.10. "Part-time Staff" should become 3.3.7

10. Article 3.3.11. „Probation“ should become 3.3.8 and be amended as follows:

"All new salaried personnel are in a probationary period for the first 90 days of employment. If, during the probationary period, the staff member's performance does not meet the supervisor's expectations, the Head of the Secretariat may terminate the employment or advise the Steering Group to terminate it in case of Anti-corruption Expert. The Chairperson is responsible to advise the Steering Group to terminate the employment of the Head of Secretariat. Alternatively, the probationary period may be extended for an additional 90 days, following a performance appraisal which summarizes in writing issues in which improvements need to be made over the extended period.

Interns undergo a probationary period "that is proportional to the length of the full internship program and agreed in advance", during which they are given a set of specific tasks to complete. At the end of "this period" they will undergo a performance review which will identify good and weak aspects, and a development plan for improvement. If the intern's work or behavior is considered significantly poor, the Head of the Secretariat shall terminate the internship."

11. Article 4.2.2. „Unscheduled and Excessive Absences“, 2nd paragraph should be amended as follows:

"Regular attendance in RAI Secretariat is mandatory. Abuse of unscheduled and excessive absences will result in withholding of salary for respective period and possible additional disciplinary action. Personnel, who cannot be at work regularly and consistently, even if their absences are caused by chronic illness or other factors beyond their control, may be terminated and replaced, unless it contravenes BiH law."

12. Article 4.8. „Maternity leave“ should become 4.8.1 and should be amended as follows:

"(a) Staff members are entitled to paid maternity leave of up to 22 weeks. This period may be extended by six weeks in case of a multiple birth.

(b) First 14 weeks will be at full salary, or in case of a multiple birth – 20 weeks of full salary. The remaining 8 weeks will be at 50% of salary.

(c) Unused maternity leave is not payable.

(d) Annual leave will be accumulated during maternity leave.

(e) If a Staff member's contract expires during maternity leave, the maternity leave shall only be paid to the end of the existing contract."

13. Insertion Article 4.8.2. should be as follows:

"Paternity Leave



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Staff member is entitled to 12 days of paternity leave in addition to a leave entitlement covered by the article 4.6. Special Leave.”

14. Article 6.3.2. „Keys“ should be amended as follows:

“All office staff will have a set of keys to the office, which they are required to return upon end of the contract, if applicable”.

15. Article 8.1. “Staff Complaint Procedure” should be amended as follows:

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“If the employee’s concern relates to the Head of the Secretariat, the staff member should contact the Chairperson, who will be responsible for documenting the nature of the concern after consulting the Steering Group and carrying forward the resolutions process as outlined above. In such cases, Chairperson can suspend a decision of the Head of Secretariat unless the final decision is made.”

16. Article 8.2. “Conduct Subject to Disciplinary Procedures” should be amended as follows:

- **Paragraph 2:**
A 2nd sentence to the paragraph is added as follows:
“Actions should be applied in the order they are exposed; however, in cases laid down in Article 7.5 points 1), 12), 13), 14) or other cases which led to serious damages for the Secretariat, an appropriate disciplinary action should be applied.”
- **Paragraph 3:**
“The Head of Secretariat is required to document each instance of disciplinary action, including verbal warnings. Recorded disciplinary action may take the form of a written memo to the staff member’s file. Head of the Secretariat is required to inform the Chairperson on all disciplinary matters. The Steering Group is responsible for procedures leading to suspension, dismissal or discharge of the Secretariat’s international staff, in consultation with the Head of the Secretariat and RAI Chairperson.”

ToR SECRETARIAT

1. Article V “Human Resources”, paragraph 3 should be amended as follows:

“The nominations for the Secretariat *international* staff will be submitted to the *Chairperson* and *Steering Group* for final approval. The *Steering Group* will assess the qualifications and experience of each candidate and select the most appropriate candidate for the proposed position. Initial appointment for the Head of the *Secretariat* and *Anti-corruption Experts* will be for two years, subject to renewal upon approval by the *Steering Group*. *Secretariat’s international staff* shall be subject to periodic review of their performance by the *Regional Anti-corruption Initiative Chairperson* and the *Steering Group*. The term of appointment for the resident staff will depend on the assessment of work performance by the Head of the *Secretariat*.”

2. Article V “Human Resources”, paragraph 4 should be amended as follows:



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“The pay scale for the Secretariat staff will be based on Bosnia and Herzegovina’s market conditions for professional staff in comparable positions. All appropriate benefits (e.g., pension and disability insurance, as well as any taxes) will be included in the gross salary amount and the employees shall calculate and pay them by themselves in accordance with the local laws. However, pay and allowances will not include a housing benefit for locally hired staff. The health insurance will be provided for both international and local staff. The payments related to the staff can be done from contributions by both donors and member states.”

3. Article V “Human Resources”, paragraph 6 should be amended as follows:

“International Secretariat’s personnel (Head of the Secretariat and Anti-Corruption Experts) are appointed following the principle of rotation among Regional Anti-corruption Initiative’s member countries, as are interns. The same position within Secretariat cannot be held by previous two countries which already held the position. One country cannot represent both positions of international staff of Secretariat at the same time. Resident staff is appointed through open recruitment procedures which ensure the principle of equal opportunities.”

4. Article V “Human Resources”, „A. Head of Secretariat“, letters b) and c) from „2) Qualifications required“ should be amended as follows:

„b) Have a university degree in Law, Criminal Justice, Political Science or related fields;

c) Have seven years of professional experience in law, law enforcement, legislative, judicial or related anti-corruption fields;“.

5. Article V “Human Resources”, „B. The Anti-corruption Expert(s)“ should be amended as follows:

In Anti-corruption Expert’s Tasks one letter is added, letter c), with the following content:

“c) Is responsible for developing and drafting project proposals, as well as in their implementation, monitoring and reporting, under the guidance of the Head of the RAI Secretariat;“

Current letters c) and d) become letters d) and e) respectively.

Letter f) is exposed with a new content:

f) Support the organization and participate in meetings with donors and partners.

Current letter e) becomes letter g).

In “2) Qualifications required” letters b) and c) are exposed as follows:

“b) Have a university degree in an area related to the anti-corruption mission of the Secretariat;

c) Have five years of professional experience in law, law enforcement or related anti-corruption fields;“

6. Article V “Human Resources”, „C. The Finance and Administrative Assistant“ should be amended as follows:

The position title “Finance and Administrative Assistant” should be replaced with “Finance and Administrative Officer”.

Letter a) from “Qualifications required” should be amended as follows:



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“a) Have a Bachelor’s degree or equivalent (240 ECTS period) in Business (preferably finance) and professional financial and administrative experience for at least 2 years;”

7. Article V, “Human Resources”, „D. The Fundraising and Outreach Assistant“, should be amended as follows:

The position title “Fundraising and Outreach Assistant” should be replaced with “Program and Fundraising Officer”.

Letter c) is deleted; current letter d) becomes letter c); letter d) is exposed with a new content:

“d) Participate, in close cooperation and coordination with the Anti-corruption Expert, in the development and drafting of project proposals;”.

Letter g) is deleted; current letter f) becomes letter g); letter f) is exposed with a new content:

“f) Support in editing and preparing relevant activities reports, updates, info sheets, presentations and other information materials, analysis of statistical information for the purposes of the projects;”.

Letters j) is deleted; current letter k) becomes letter j) and is exposed with a new content:

“j) develop and regularly update RAI’s official web-site, its components and other web-sites related to RAI activities;”.

Current letters l) and m) become letters k) and l) respectively; letter m) is exposed with a new content:

“m) Support the organization and participate in meetings with donors and partners, inter alia, taking minutes of the meetings, brief notes / notes for the file;”.

Letters a) and h) from “Qualifications required” should be amended as follows:

“a) Have at least four years of work experience, preferably with an international organization, in a related field and at least one year in developing projects;

h) Have a Bachelor’s degree or equivalent (240 ECTS period) in related field.”

8. Article V “Human Resources”, „E „ should be amended as follows:

“4) Intern’s expenses” paragraph 1 should be amended as follows:

“Costs and arrangements for travel, visas, accommodation, and living expenses are the responsibilities of interns or their sponsoring institutions. The RAI Secretariat will provide support and assistance to interns for visas, accommodation or other administrative issues. The RAI Secretariat may cover partial expenses if budget permits and when Secretariat’s capacity needs to be increased, upon notifying the RAI Chairperson and Steering Group of such decision.”

“5. Qualifications required” should be amended as follows:

“a) Bachelor’s degree in related fields (law or political science)” - to be effective as of 2015.

FINANCE AND MANAGEMENT MANUAL

Article 4.2, bullet point 1 should be amended as follows:

- *“The hotel and lodging rates should be chosen at the best-cost-for-the-quality ratio and preferably within the limits of average hotel up to 4 stars”.*



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INSTITUTIONAL MECHANISM
(ANNEX 1 OF THE STRATEGIC DOCUMENT)

Chapter “Powers” should be added with one paragraph, which becomes the last one, with the following content:

“Steering Group members have to perform their duties in an ethical manner and in compliance with the highest standards on integrity, avoiding all conflicts of interest that might arise because of economic or personal self-interest. Ethical conduct includes, inter alia, using impartial judgement in all matters affecting RAI and refraining from voting on their own candidature in RAI’s positions and also from proposing themselves for consulting arrangements.”