



TERMS OF REFERENCES

I. Overview

The Stability Pact Anti-corruption 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. SPAI took 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 provided all partners with a general framework for coordination, optimization of effort and permanent dialogue with the donor community. Considering the fact that SPAI assumed that ultimately the regional states must themselves take ownership and leadership of the initiative, SPAI RSLO, in cooperation with the SPAI Chairman, Stability Pact Working Table III and in close consultations with the SPAI Senior Representatives drafted, at the second half of 2006, the Memorandum of Understanding (MoU) that was disseminated for the final review by the SPAI Senior Representatives and Stability Pact National Coordinators until January 31, 2007. Based on these inputs SPAI RSLO officially initiated the signature procedure by the relevant national authorities. MoU was opened for signature and ratification by the SPAI Member countries during the SEECF JHA Meeting in Zagreb on April 13, 2007. The MoU regulates the steps that are to be taken by the Region in order to ensure the sustainability of the Regional Anti-corruption Initiative Secretariat in Sarajevo and leadership of the Anti-corruption 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 anti-corruption 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 Macedonia) agreed to establish the Regional Secretariat Liaison Office (RSLO) 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 Secretariat

The Secretariat is the executive body of the initiative. The Secretariat serves as a concrete and visible demonstration of the Regional Anti-Corruption Initiative commitment of the



regional states to the continuing, concerted and coordinated fight against corruption in South Eastern Europe.

It gives impetus to the fight against corruption in SEE by building on existing actions, though better coordination of all efforts, and by relying on high-level political commitment. Its objective is to assist and support countries of the region to adopt efficient legislation, to establish effective institutions, to strengthen institutional capacities and to develop best practices in civil society for a joint sustained fight against corruption.

The Secretariat acts and serves as the main focal point and reference center for interaction and coordination on anti-corruption issues among the representatives from the regional states, and between the regional states and the other international partners.

According to the Working Plan and upon to the decision of the Steering Group, the Secretariat organizes anti-corruption regional meetings, including specialized trainings, and regional information exchange through its web site.

Sarajevo based Anti-corruption Secretariat serves as the center for regional anti-corruption cooperation in South Eastern Europe through coordination, facilitation and dissemination of best practices and lessons learned.

4. Specific Objectives

The Secretariat coordinates and provides general administrative support for regional training activities. It coordinates, in the regional level, anti-corruption public awareness activities.

The Secretariat also serves as a multidisciplinary regional Anti-corruption Resource Center and network for information and expertise exchange by providing a platform of interaction among relevant regional and international actors.

In particular, the Secretariat coordinates and cooperates closely with ongoing anti-corruption programs conducted by the OECD, the Council of Europe, the European Commission, OSCE, ABA ROLI, OLAF, SEEPAG, Open Society Institute and Transparency International. Specifically, the Secretariat works closely with all Regional Anti-corruption Initiative partners to support the establishment and implementation of the Regional Anti-corruption Initiative strategic commitments (or principles, or priorities) and Working Plan and to ensure a harmonized and focused support and specialized assistance.

The Regional Anti-corruption Initiative Secretariat coordinates training and operational proposals from the regional states as well as from donor states and develops recommendations for specific projects based on its own assessment of regional needs.

The Secretariat takes responsibility for SPAI RSLO historical records, files, facilities and infrastructure.



5. Human Resources

The Secretariat staff consists of experts from the member countries. The Office includes a Head of the Secretariat, Anticorruption Experts, and Administrative Staff. In addition, the Secretariat offers Internship opportunities for young lawyers from the member countries and could benefit from the offers of the international partners to assist with specialized experts in implementing specific projects. International experts could be seconded to the Secretariat in addition to the permanent staff.

In general, the Steering Group expects that the Head of the Office and the Anti-corruption Experts will be proposed by the member countries. The Administrative Staff will be proposed by the host Government. All regional states shall have the opportunity to be represented in the Secretariat.

The nominations for the Secretariat staff will be submitted to the 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 Head of the Office and Anti-corruption 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 Head of the Office, the Regional Anti-corruption Initiative Chairman and the Steering Group. All members of the Secretariat staff shall be subject to periodic review of their performance by the Regional Anti-corruption Initiative Chairman and the Steering Group.

The pay scale for the Secretariat 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. In the transition phase, until the member states will finalize implementation of MoU, the payments related to the staff will be done from contributions by both donors and member states.

Under reserve of a new agreement with the hosting country, the legal status of the Secretariat 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 to the diplomatic or administrative and technical (A&T) staff of an embassy or international organization. The Secretariat staff on official travel within the region or to other Regional Anti-corruption Initiative partner states may enjoy diplomatic or A&T status depending on the type of passport on which they are traveling (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 Secretariat 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 Head of the Office

In consultation with the Regional Anti-corruption Initiative Chairman and Steering Group, the Head of the Office is responsible for overall supervision and management of the Secretariat, to include its initial establishment and subsequent operations. The Head of the Office will be responsible for establishing and maintaining relations with Regional Anti-corruption Initiative counterparts in regional states, other Regional Anti-corruption Initiative partner states, representatives of international organizations, and nongovernmental organizations.

The Head of the Office should have a university degree in Law, Criminal Justice, Political Science or related fields and have at least five years of professional experience. The Head of the Office should have extensive experience in law, law enforcement, legislative and judicial or related anti-corruption fields. He or she should have knowledge of and working experience in the international multilateral arena and with national and international organizations involved in anti-corruption activities. The incumbent should be thoroughly versed in the political, social, economic and security landscape in South East Europe. The Head of the Office 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 Secretariat staff as a coherent team, and be capable of initiative and innovation in developing the Secretariat into a valued asset of the Regional Anti-corruption Initiative.

II. Responsibilities of the Anti-corruption Expert

The Anti-corruption Expert is responsible for providing legal and law enforcement expertise on anti-corruption to the Head of the Office, and to the Regional Anti-corruption Initiative Chairman and the Steering Group. The Anti-corruption Expert will have a pivotal role in establishing and maintaining relations with law enforcement and legal experts in regional states, other Regional Anti-corruption Initiative partner states, representatives of international organizations, and nongovernmental organizations. The Anti-corruption Expert will be responsible for technical advice and guidance on anti-corruption and related law enforcement issues and for technical contributions to regional training programs conducted under the Regional Anti-corruption Initiative and the Secretariat.

The Anti-corruption Expert should have a university degree in an area related to the anti-corruption mission of the Secretariat and have at least three years of professional experience. The Anti-corruption Expert should have a background in law, law enforcement, or related anti-corruption fields. The Anti-corruption 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 anti-corruption activities. The Anti-corruption 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 Head of the Office.

III. Responsibilities of the Executive Assistant

The Executive Assistant is in charge of planning and executing all financial activities in the Secretariat in accordance with internal and donors' financial policies and procedures. Also, he or she is responsible for all administrative support to the Secretariat and to the Head of the Office and Anti-corruption Expert. He or she will also provide general support to the Regional Anti-corruption Initiative Chairman and the Steering Group, as coordinated by the Head of the Office.

The Executive Assistant should have appropriate financial/administrative training and paraprofessional experience or qualifications related to the financial/administrative support of a governmental office. The Executive 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.

6. Review

The Terms of Reference (ToR) set the parameters for establishment of the Secretariat 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.