



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 Chairperson, 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 [*Added at the 13th RAI Steering Group Meeting*] "concerning Cooperation in Fighting Corruption through the South Eastern European Anti-corruption Initiative" (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.

II. 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.

III. 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.

[Amended at the 22nd RAI Steering Group Meeting]

It facilitates regional cooperation and efforts in curbing corruption in SEE by building on existing actions, though better coordination of all efforts, and by relying on high-level political commitment. The Secretariat adopts human rights based approach and promotes anti-discrimination by promoting the impact of corruption is looked at from perspectives including gender, disability and poverty.

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.

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.

IV. 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 for SEE 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 *[Added at the 13th RAI Steering Group Meeting]* "UN", OECD, Council of Europe, European Commission, OSCE, ABA ROLI, OLAF, SEEPAG, Open Society Institute, Transparency International "and any other relevant stakeholder". 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.

V. Human Resources

[Amendments of the 13th, 16th, 18th and 22nd RAI Steering Group Meeting]

The Secretariat's staff consists of experts from the member countries. *[Amended at the 13th and 22nd RAI Steering Group Meeting]* "Core staff members of the Secretariat include international staff: Head of the Secretariat and Anti-corruption Experts, and resident staff: Finance and Administrative Officer, and Program and Outreach Officer. In addition, the Secretariat offers internship opportunities for the member countries' *[Amended at the 13th RAI Steering Group Meeting]* "candidates having a priority in selection, as well as for candidates from other non-member countries." The Secretariat could also 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 core staff members.

[Amended at the 22nd RAI Steering Group Meeting]

All Secretariat staff shall be appointed through open, fair and transparent recruitment process ensuring the principle of equal opportunities. All member states shall have the opportunity to be represented in the Secretariat.

[Amended at the 22nd RAI Steering Group Meeting]

Recruitment of international staff is a shared responsibility of Steering group, Chairperson and Secretariat, and the process selection shall be carried out as described in the Office Policies Manual. Initial appointment for the Head of the Secretariat and Anti-corruption Experts shall be for two years, subject to renewal upon approval by the Steering Group.

[Amended at the 18th and 22nd RAI Steering Group Meeting] Secretariat's staff shall be subject to annual performance evaluation. Performance evaluation is an on-going process



and shall be conducted in writing on the anniversary of employment start date. Chairperson shall conduct performance evaluation of the Head of the Secretariat. Head of the Secretariat shall conduct performance evaluation of other core staff members. Performance evaluation results shall be shared with the Steering Group. The term of appointment for the resident staff shall depend upon strategic organizational goals and staffing plans, and successful completion of the 90-day probationary period.

[Amended at the 19th, 22nd and 23rd RAI Steering Group Meeting] "The pay scale for the Secretariat staff shall be based on Bosnia and Herzegovina's market conditions for professional staff in comparable positions. The Secretariat, on behalf of the local employees, shall make mandatory pension and disability insurance, health and unemployment insurance, and related salary tax contributions in accordance with the local laws. The health insurance shall 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."

[Amended at the 13th RAI Steering Group Meeting] "Under reserve of a new agreement with the hosting country, the legal status of the Secretariat's staff shall be governed by the provisions of the Agreement made between the Government of Bosnia and Herzegovina (BiH) and the Stability Pact, signed in Brussels on September 15, 2003. BiH nationals shall 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. 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."

[Added at the 13th and amended at the 16th, 18th and 22nd RAI Steering Group Meeting]

"International positions within Secretariat cannot be held by a country which held the position in the previous term. One country cannot represent both positions of international staff of Secretariat at the same time.

A. The Head of the Secretariat

[Amendments of the 13th, 16th, 18th and 22nd RAI Steering Group Meeting]

1) Tasks

The Head of the Secretariat:

- a) Is responsible, in consultation with the "Chairperson" and Steering Group, for the overall supervision and management of the Secretariat, to include its initial establishment and subsequent operations";



- b) Is responsible for establishing and maintaining relations with Regional Anti-corruption Initiative's counterparts in regional states, other Regional Anti-corruption Initiative's partner states, representatives of international organizations, and non-governmental organizations;
- c) Identifies, develops and implements new and improved policies and ways of working to support achievements of the strategic objectives of the Regional Anti-Corruption Initiative, in cooperation with the Anti-corruption Expert) Coordinates the activities of the Secretariat in order to ensure the achievement of the Work Plan objectives, as set and approved by the Steering Group;
- e) Intercedes on all serious problems in the workplace disputes and other related matters;
- f) Coordinates expertise and policy aspects of projects implementation and oversees project monitoring and reporting;
- g) Leads the effective allocation and organization of the day to day work within the Secretariat, including planning and optimizing the use of financial and material resources, and oversight of all financial operations of the office; h) Delegates authority to fulfill the operational components of the aforementioned duties;
- i) Ensures cooperation and contacts with the Regional Cooperation Council in relation with the anti-corruption issues concerning the region, whenever necessary, in coordination with the Chairperson".
- j) Manages the performance and ongoing development of all Secretariat staff, including establishment of clear, measurable objectives, ongoing feedback and regular reviews;
- k) Conducts annual performance evaluation of all Secretariat staff;
- l) Resolves issues related to staff rights, responsibilities and duties regarding employment in accordance with applicable laws and other regulations and provides guidance, support and advice to members of the team as necessary;
- m) Promotes and monitors gender equality in all actions taken by the Secretariat.

2) Qualifications required

[Amended at the 13th, 16th, 18th and 22nd RAI Steering Group Meeting]

The Head of the Secretariat must:

- a) Have a citizenship of a Regional Anti-corruption Initiative's member country;
- b) Have a university degree in Law, Criminal Justice, Political Science, International Relations or related fields. A higher university degree would be considered as a strong advantage;
- c) Have seven years of professional experience in law, law enforcement, legislative, judicial or related anti-corruption fields;



- d) Have solid knowledge and working experience in the international multilateral arena and with national and international organizations involved in anti-corruption, with an operational role rather than representation;
- e) Previous experience on managerial positions;
- f) Previous experience in cooperating with Regional Anti-corruption Initiative and the Regional Anti-corruption Initiative Secretariat is an asset.

[Added at the 22nd RAI Steering Group Meeting]

3) Competences required

The Head of Secretariat should:

- a) 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;
- b) Be thoroughly versed in the political, social, economic and security landscape in South East Europe;
- c) Have strong organizational skills, be able to motivate and direct the Secretariat's staff as a coherent team;
- d) Be capable of initiative and innovation in developing the Secretariat into a valued asset of the Regional Anti-corruption Initiative;
- e) Be able to work in a demanding environment and within limited time frames.
- f) Be able to act proactively and to respond positively, creatively, and constructively to changing situations and new demands;
- g) Be able to resolve difficult or complicated challenges;
- h) Promote cooperation and commitment within a team to achieve goals and deliverables;
- i) Demonstrate integrity by modeling the universal and EU values and ethical standards;
- j) Display cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- k) Treat all people fairly without favoritism
- l) Fulfil all obligations related to gender sensitivity and zero tolerance for harassment.



B. The Anti-corruption Expert(s)

[Amendments of the 13th, 16th, 18th and 22nd RAI Steering Group Meeting]

1) Tasks

The Anti-corruption Expert:

- a) Is responsible for providing legal and law enforcement expertise on anti-corruption to the Head of the Secretariat, and to the Chairperson and the Steering Group;
- b) Has a pivotal role in establishing and maintaining relations with law enforcement, preventive, judicial and other anti-corruption bodies in member states, other RAI partner states, representatives of international organizations, and non-governmental organizations;
- c) Identifies, develops and implements new and improved policies and ways of working to support achievements of the strategic objectives of RAI, in coordination with Head of Secretariat;
- d) Participates, in close cooperation and coordination with the Program and Outreach Officer, in the development and drafting of project proposals;
- e) Leads expertise and policy aspects of projects' implementation and facilitates project monitoring and reporting;
- f) Is responsible for technical advice and guidance on anti-corruption and related issues and for technical contributions to regional training programs conducted under the RAI and the Secretariat;
- g) Supports the organization and participates in meetings with donors and partners;
- h) In the absence of Head of the Secretariat, assumes role of the Acting Head of Secretariat;
- i) Supervises, provides guidance and know-how to RAI interns, and assesses their achievements.
- j) Performs other duties as required.

2) Qualifications required

[Amendments of the 13th, 16th, 18th and 22nd RAI Steering Group Meeting]

The Anti-corruption Expert must have:

- a) A citizenship of a Regional Anti-corruption Initiative's member country;"
- b) A university degree in Law, Criminal Justice, Political Science or Security studies;
- c) Five years of professional experience in law, law enforcement or related anti-corruption field;



- d) Solid knowledge and working experience in the international multilateral arena and with national and international organizations involved in anti-corruption, with an operational role rather than representation;
- e) Previous experience in cooperating with Regional Anti-corruption Initiative and Regional Anti-corruption Initiative Secretariat is an asset.

[Added at the 22nd RAI Steering Group Meeting]

3) Competences required

Anti-corruption Expert Should:

- a) 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;
- b) Be familiar with UN, OECD, European Commission, and Council of Europe standards related to anti-corruption;
- c) Be able to act proactively and to respond positively, creatively, and constructively to changing situations and new demands;
- d) Have strong organizational skills and be capable of initiative and innovation;
- e) Be able to work in a demanding environment and within limited time frames."
- f) Work well independently and in teams to achieve collective goals through active participation;
- g) Demonstrate integrity by modeling the universal and EU values and ethical standards;
- e) Display cultural, gender, religion, race, nationality and age sensitivity and adaptability ;
- f) Treat all people fairly without favoritism
- g) Fulfil all obligations to gender sensitivity and zero tolerance for harassment.

C. The "Finance and Administrative Officer"

[Amendments of the 13th, 18th, and 22nd RAI Steering Group Meeting]

1) Tasks

The Finance and Administrative Officer:

- a) Is in charge of planning and executing all financial activities in the Secretariat in accordance with relevant laws, internal and donors' financial policies and procedures.



- b) "Conducts all activities related to the financial management, accounting and record-keeping of the Secretariat, including the preparation of operational and programmatic budgets and financial reports to the Steering Group and donors;
- c) Oversees the execution of Regional Anti-corruption Initiative's budgets and all projects' related budgets;
- d) Is in charge of ensuring proper preparation for external financial audits;
- e) Facilitates recruitment processes, and administers all types of contracts related to staff, temporary staff and interns;
- f) Implements appropriate Secretariat's office policies and provides guidance and clarification to staff accordingly;
- g) Maintains personnel files of staff members and temporary staff, ensuring their confidentiality, and ensuring that all employees have contracts and job descriptions;
- h) Facilitates annual staff performance evaluation and processes related to retention and development of staff;
- i) Maintains and updates the attendance record for all staff: annual leave, sick leave, compensation leave, maternity/paternity, etc. as defined in the Office Policies Manual;
- j) Administers payroll and contributions and tax reporting for all international and local staff in accordance with national legislation and internal procedures;
- k) Oversees activities of project staff;
- l) Establishes, maintains and updates shared documents, filing system and inventory list;
- m) Is in charge of logistical aspects in organization of conferences, workshops and other Secretariat's events;
- n) Provides general support to the Chairperson and the Steering Group, as coordinated by the Head of the Secretariat;
- o) Performs other duties as required.

2) Qualifications required

[Amendments of the 18th and 22nd RAI Steering Group Meeting]

The Finance and Administrative Officer must have:

- a) A Bachelor's degree or equivalent (240 ECTS period) in Management or Economy;
- b) At least four years of working experience, preferably with an international organization and at least two years of professional experience on financial matters;
- c) Demonstrated experience in developing, executing and monitoring of complex program and project budgets;
- d) Demonstrated experience in organization of conferences, workshops and/or training programs;



- e) Demonstrated work experience with different stakeholders: government institutions, public officials, international organizations, and civil society;
- f) Demonstrated experience with donor-funded projects in the region would be considered as an asset.

[Added at the 22nd RAI Steering Group Meeting]

3) Competences required

The Finance and Administrative Officer should:

- a) Have excellent communication and writing skills in English, and be competent in the use and application of information technology;
- b) Have strong planning and organizational skills;
- c) Be able to work in a demanding environment and within limited time frames.
- d) Be able to resolve difficult or complicated challenges;
- e) Work well independently and in teams to achieve collective goals through active participation;
- f) Demonstrate integrity by modeling the universal and EU values and ethical standards;
- g) Display cultural, gender, religion, race, nationality and age sensitivity and adaptability ;
- h) Treat all people fairly without favoritism; and
- i) Fulfil all obligations to gender sensitivity and zero tolerance for harassment.

D. The Program and Outreach Officer

[Section added at the 13th RAI Steering Group Meeting and Amended at the 18th and 22nd RAI Steering Group Meeting]

1) Tasks

The Program and Outreach Officer :

- a) Is responsible for developing and drafting project proposals and concept papers involving process planning and change management;
- b) Builds, manages and strengthens relationships with donors and foster partnerships with other entities, by pursuing a strategic and policy dialogue;
- c) Develops and updates fundraising plan, identifying targets and action items to be completed within specific timeframe;
- d) Is responsible for project monitoring and reporting, under the guidance of the Head of Secretariat;



- e) Assists Finance and Administrative Officer with formulating related budgets, as well as with receipt of new grants, such as compliance with financial reporting procedures;
- g) Creates outreach on RAI's impact on curbing corruption at both the regional and national levels; g) Ensures design, maintenance, upgrading, data security and integration and access controls of the RAI's official web site and its relevant components and databases;
- h) Develops and regularly updates RAI's official web-site, its components and other web-sites related to RAI activities;
- i) Acts as a Gender Focal point of RAI Secretariat;
- j) Prepares and participates in preparation of Organization's reports, documents briefs, presentations etc.;
- k) Performs other duties as required.

2) Qualifications required

[Amendments of the 18th and 22nd RAI Steering Group Meeting]

The Program and Outreach Officer must have:

- a) At least four years of work experience, preferably with an international organization, in a related field and at least one year in developing projects;
- b) Previous experience with writing funding proposals and donor reports as well as familiarity with drafting or managing budgets and/or other financial procedures;
- c) Demonstrated work experience with different stakeholders: government institutions, public officials, international organizations, and civil society;
- d) Demonstrated experience with donor-funded projects in the region
- e) Bachelor's degree or equivalent (240 ECTS period) in Law, International Relations, Management, Economy or a related field.

[Added at the 22nd RAI Steering Group Meeting]

3) Competences required

The Program and Outreach Officer should:

- a) Have excellent communication and writing skills in English;
- b) Ability to communicate effectively, both orally and in writing, with managers, colleagues and clients, conveying information clearly, accurately, and in a timely manner;
- c) Is able to act proactively and to respond positively, creatively, and constructively to changing situations and new demands;
- d) Work well independently and in teams to achieve collective goals through active participation;
- e) Have a high level computer skills and familiarity with managing websites;
- f) Demonstrate integrity by modeling the universal and EU values and ethical standards;



- g) Display cultural, gender, religion, race, nationality and age sensitivity and adaptability ;
- h) Treat all people fairly without favoritism; and
- i) Fulfil all obligations to gender sensitivity and zero tolerance for harassment.

E. Interns

[Section added at the 13th and amended at the 22nd RAI Steering Group Meeting]

1) Tasks

[Amended at the 22nd RAI Steering Group Meeting]

Under the guidance and direct supervision of the Anti-corruption Expert, the intern works within the Secretariat implementing the programmatic objectives of the Organization.

Under the same conditions, the Intern provides substantive input and active involvement to the ongoing projects/activities and performs the following tasks and duties:

- a) Provide substantive input and active involvement to the running projects;
- b) Assist to the development and updating of the RAI's Online Resource Centre;
- c) Support to the Secretariat staff in order to ensure the efficient preparation of RAI meetings and events;
- d) Perform other related tasks as directed by his/her direct supervisor.

The terms of reference describing the tasks of interns shall be prepared at an appropriate level of complexity and variety.

The Secretariat shall seek to create a working environment conducive to intern's substantive learning and professional development. The Anti-corruption Expert shall provide guidance and know-how to the intern, assess the intern's achievements and prepare the intern's evaluation report, which shall be delivered, along with the certificate, at the end of the above-mentioned period. If needed, the intern shall be asked to finalize by the end of the internship period a thematic study.

2) Status, responsibilities and obligations

[Amended at the 22nd RAI Steering Group Meeting]

Interns are not staff members and therefore are not entitled to the privileges and immunities extended by the host country to the staff of RAI Secretariat.



Interns shall not be sought or accepted as substitutes for staff to be recruited. Interns shall not represent the RAI and its Secretariat in any official capacity.

Interns shall observe all applicable rules, regulations, instructions, procedures and directives of the Organization notwithstanding their status.

Interns shall provide RAI Secretariat with a copy of all materials prepared by them during the internship. The RAI Secretariat shall be entitled to all property rights, including but not limited to patents, copyrights and trademarks, with regard to material which bears a direct relation to, or is made in consequence of, the services provided under the internship.

Interns shall respect the impartiality and independence required by the Organization and shall not seek or accept instructions regarding the services provided under the internship agreement from any person or authority external to the Organization.

Unless otherwise authorized by the appropriate RAI Secretariat staff, they may not communicate at any time to the media or to any institution, person, Government or any other external source any information which has become known to them by reason of their association with the RAI Secretariat, that they know or ought to have known has not been made public. They may not use any such information without the written authorization of the appropriate official, and such information may never be used for personal gain. These obligations also apply after the end of the internship with RAI Secretariat.

The RAI Secretariat is not responsible for any claims by any parties where the loss of or damage to their property, death or personal injury was caused by the actions or omission of action by the interns during their internship. RAI Secretariat is also not responsible for compensation for damage to property or for service-related death, injury or illness incurred by interns during their period of internship.

RAI Secretariat accepts no responsibility for the medical insurance of the intern or costs arising from accidents and illness incurred during an internship. Applicants for internship must show proof of valid medical insurance coverage and provide a medical certificate of good health.

Specific arrangements for internship program shall be announced and regulated in an internship agreement.



3) Duration of the internship program

[Amended at the 22nd RAI Steering Group Meeting]

Each internship period is from 1 to 3 months with the possibility to be renewed upon results achieved, special academic requirements or special needs within RAI Secretariat. The internship program is normally on a full-time basis in accordance with working hours of RAI Secretariat. In particular circumstances, it may be on part-time basis.

4) Intern's expenses

[Amended at the 18th and 22nd RAI Steering Group Meeting]

Costs for travel, accommodation, and living expenses are the responsibility of the Secretariat in accordance with its financial capacities. The Secretariat shall provide support and assistance to interns for other administrative issues.

5) Qualifications required/Profile

[Amended at the 18th and 22nd RAI Steering Group Meeting]

- a) Bachelor's degree in Law, Political Science, Security Studies, or related field;
- b) Good knowledge of anti-corruption policy and strategic studies as well as of the justice and home affairs environment of the EU and SEE;
- c) Strong organizational skills and self-motivation;
- d) Well-developed skills in research, analysis, and writing;
- e) Excellent knowledge of English and any other lingua franca in SEE is an advantage;
- f) Working proficiency in word processing and IT basics;
- g) Ability to work co-operatively with people of different ethnic and national backgrounds;
- h) Experience and ability to work in a demanding environment and within limited time frames.

VI. 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.