

REGIONAL ANTI-CORRUPTION INITIATIVE

32nd STEERING GROUP MEETING



Summary, Conclusions and Decisions

October, 21st 2020 (Teleconference, via Zoom)

32nd Regional Anti-corruption Initiative (RAI) Steering Group (SG) Meeting took place on October 21st 2020 in the teleconference format, due to continued travel and gathering restrictions brought upon by the COVID-19 pandemic. The meeting was organized by the RAI Secretariat via the Zoom platform.

Participants

32nd RAI Steering Group Meeting was chaired by the RAI Chairperson, Ms Laura Stefan. It was attended by 9 member countries' representatives:

Albania – Ms. Rovena Pregja – Head of the Anticorruption Programs Unit in the Anticorruption Directorate in the Ministry of Justice of Albania;

Bosnia and Herzegovina – Mr. Adnan Dlakic - Senior Representative, Expert Adviser, Department for Combating Organized Crime and Corruption, Ministry of Security;

Bulgaria – Ms. Dora Zgurovska – Deputy Senior Representative, Head of International Legal Affairs Unit, EU and International Co-operation Directorate, Ministry of Interior;

Croatia – Ms. Tamara Miserda, Senior Representative, Head of the Anti-Corruption Sector, Ministry of Justice and Mr. Tomislav Matoc – Deputy Senior Representative, Senior Advisor, the Anti-Corruption Sector, Ministry of Justice;

Moldova – Mr. Valeriu Cupcea, Senior Representative, Head of the International Cooperation Directorate, National Anti-corruption Centre;

Montenegro – Ms. Marina Micunovic, Senior Representative Head of Unit for International Cooperation, Agency for Prevention of Corruption;

North Macedonia – Ms. Elena Dimovska, Deputy Senior Representative, Advisor, Unit for Coordination of the Activities Against Corruption, Ministry of Justice;

Romania – Ms. Roxana Florentina Serbanoiu, Deputy Senior Representative, Ministry of Justice, Romania

Serbia – Ms. Katarina Nikolic, Senior Representative, Advisor on International Co-operation Matters, Ministry of Justice.

Ms. Laura Stefan, RAI Chairperson

RAI Secretariat was represented by:

Mr. Vladan Joksimovic – Head of Secretariat;

Ms. Aneta Arnaudovska – Senior Anti-corruption Advisor;

Ms. Aida Zukic – Chief Finance and Operations Officer;

Ms. Dejana Grbic-Velagic – Chief Programme and Communications Officer.

Summary of Discussions

RAI Chairperson, Ms. Laura Stefan, opened the meeting and welcomed all participants joining the Zoom meeting.

1. Adoption of Agenda

Followed by proposal of the Macedonian representative, Ms. Dimovska, third item of the Agenda was amended to read: “RAI Chairperson’s proposal for extension of the Mandate of the Head of RAI Secretariat”.

The proposed Agenda was adopted with the above-mentioned amendment.

2. Prolongation of the RAI Chairperson mandate

Ms. Stefan outlined the main developments during her mandate since November 2019. Mr. Joksimovic presented the Secretariat’s positive experience in cooperating with Ms. Stefan, despite the difficulties and complications brought on by the COVID-19 pandemic.

Representative of Bosnia and Herzegovina proposed that the RAI Chairperson position is rotated among the Steering Group members in alphabetical order of the member states, during Covid-19 outbreak because of fears that during the pandemic a new competent Chairperson will be difficult to find. Croatian, Bulgarian and Montenegro representatives reflected on Mr. Dlakic’s proposal by stating that this cannot be done *ad hoc*, but would require the change of RAI’s internal documents. Head of Secretariat pointed out that this topic was discussed several times on previous meetings but no decision was made in this respect.

In reflection to BiH proposal, SG members have underlined the need of adhering to the internal regulations, while acknowledging the sheer complexity of the process of amending the internal and regulations and the need for ensuring the transparency and applicability of the regulations under different circumstances (including the current pandemic), while focusing on RAI’s best interest as the main goal in the process. All the other members voted in favour of the prolongation of the mandate of the Chairperson. Senior BiH representative pointed out that BiH is not against extension of Mr. Stefan’s mandate, but that the proposal of Chairperson’ role to rotate among the member countries’ representatives is something that should be thought about.

Ms. Stefan’s mandate was prolonged by consensus.

3. RAI Chairperson’s proposal for extension of the Mandate of the Head of RAI Secretariat

Ms. Stefan has proposed to the Steering Group that mandate of the Head of the Secretariat be extended temporarily for three months. Ms. Stefan has pointed out that the idea of extending the duration of the mandate of the Head of Secretariat was circulated with the members of the Steering Group months in advance via email. Ms. Stefan stated that this temporary prolongation of the mandate would be in the

best interest of RAI because conducting a selection process in the winter during the COVID 19 pandemic is probably the worst solution. The whole world and the SEE region in particular are facing with and leaving in an extraordinary time, Covid-19 outbreak is far from being over, numbers are getting higher every day in the region, moving throughout the region is very difficult. Equally challenging would be to ask someone to move in a different country during this COVID 19 impacted winter – if the selected candidate does not come from Sarajevo – is equally challenging. These circumstances act as a deterrent for qualified professional when considering applying for positions in foreign jurisdictions. In addition, there are a number of very important activities being postponed due to Corona virus outbreak, such as a signing of the International Treaty on Exchange of Data for Verification of Asset Declarations, second phase of the programme supported by the Austrian Development Agency, further negotiations of a potential project with the UNODC within the Berlin Process and the extension of the ongoing Regional Asset Recovery project. All these activities have to be implemented by a very small team.

Ms. Stefan noted that via email some member states expressed views in favour and others views against. She has stressed that the proposal does not come because RAI does not have mechanisms to ensure temporary replacement of the Head of Secretariat, but because the current Head of Secretariat is involved in international negotiations and a lot of momentum might be lost if RAI proceeds to replacements now.

The Head of Secretariat clarified that his mandate was supposed to end on February 1, 2021. The Secretariat pointed out that there is still time to launch the selection procedure in accordance with the internal rules of RAI as the position has to be advertised 90 days before the expiration of the mandate of the Head of Secretariat (February 1, 2021). Several options were discussed regarding the duration of the prolongation of the mandate, but in the end the agreement was that the additional time period will be of three months starting with February 1, 2021.

A discussion took place regarding the legal provision allowing the Senior Anticorruption Advisor to take over the position of the Head of Secretariat. The representatives of Montenegro and Moldova stated that the interpretation of this provision means that the Head of Secretariat is temporary absent, and does not cover the vacancy of the function of the Head of Secretariat.

The representative of North Macedonia stated that the Steering Group does not have the competence of prolonging the duration of the mandate of the Head of Secretariat in the MoU or the internal documents. In addition, previously when the Head of Secretariat has left, the Senior Anticorruption Expert took over the position.

The representative of Croatia supported the prolongation of the mandate of the Head of Secretariat and asked for the clarification of the duration of prolongation. Several options were discussed regarding the duration of the prolongation of the mandate, but in the end the agreement was that the additional time period will be of three months starting with February 1, 2021. The Croatian representative has also asked that the Secretariat and the Chairperson use the next months to prepare a contingency plan to ensure that such emergencies do not generate in the future ad-hoc solutions and that a regular mechanism is proposed to the Steering Group for the selection of the members of the Secretariat and the Chairperson. The Chairperson agreed that a mechanism for emergency situations must be established, rather than relying on interim prolongations in the future. Croatia supported the prolongation of the mandate of the

Head of Secretariat as a separate issue from the formulation of a legal mechanism for extraordinary situation.

Country representatives of Bosnia and Herzegovina, North Macedonia, and Serbia objected the proposal, arguing that:

- The Extension of the mandate after the second mandate is not possible because is not in accordance with RAI regulation and there is no legal ground for adoption of a decision for extension of the mandate of the Head of RAI Secretariat and such decision would be against the adopted RAI internal rules, therefore the selection procedure should be started;
- the reasoning that it is necessary to extend the renewed mandate of the Head of RAI Secretariat due to undesirable "possible" situations that would be caused by the COVID-19 pandemic is insufficient. It is highly unlikely that the situation will improve and that all important negotiations will be completed in the first half of 2021;
- the given explanation, in terms of the necessary decision-making due to extraordinary circumstances even when the internal rules do not provide for extraordinary decisions, is also insufficient;
- in the event that a good candidate for the Head of Secretariat is not identified, the current Senior Anti-Corruption Expert could assume the function of Acting Head of Secretariat. This, with a broader interpretation of the existing provisions, would be in line with the existing RAI internal rules and practice, because we had a same situation in the past that the Senior Anti-Corruption Adviser assumed the role of the Acting Head of the Secretariat while the position was vacant. Now, we also have two chiefs in the Secretariat, the Chief Financial and Operation Officer and the Chief Program and Communications Officer. The both of them are capable of conducting their duties and that they will be adequate support to the Senior Anti-Corruption Adviser in the eventual absence of the Head of the Secretariat or prolonged vacancy. This could ensure unhindered operation of the RAI Secretariat, particularly bearing in mind that any organisation should not be dependent on one person alone. Member states put their trust in the organisation rather than a single person, and we are in no doubt as to the capabilities of the members of the Secretariat to see through the important RAI activities projected in the near and distant future.

The Serbian representative expressed her concerns due to the lack of legal basis indicating that we must have legal grounds for voting on the mandate extension issue since all Steering Group decisions must be substantiated and brought in accordance with RAI internal documents. It was critical at this point to ensure that, as a regional anti-corruption organisation, we must be vigilant that the decisions of the Steering Group are made in a proper manner both procedurally and materially so that they do not shed any doubt on the organisation's reputation. It was further questionable what would the organisation gain by a three-month extension, provided that the prospects of the coronavirus pandemic to normalise by spring are not very promising, therefore it would not resolve any standing issues. Speaking about deterrent issues for submitting applications for the Head of Secretariat position, Serbian Senior Representative did not find any convincing arguments, since diplomatic status of the Head of Secretariat enables unimpeded border crossing. Ms. Nikolic has also expressed satisfaction for the work of the current Head of Secretariat and hopes that the candidate selected will be at least as good.

Ms. Stefan pointed out that RAI has a very small team and that one person means a lot under those circumstances and that while solutions might exist, the question is which one would allow the organization to move forward. The Chairperson stressed that there is no prohibition in the RAI regulations to make such a decision to prolong the mandate of the Head of Secretariat provided that the Steering Group takes the decision by consensus or with two-thirds majority. Also, she stressed that this decision would be in the best interest of RAI.

The Chairperson raised the issue of equal opportunity in response to the previous comments from as some people would have an advantage versus others in the selection process. In the context of future possible lockdowns and travel restriction so professionals will refrain from applying if they come from a different country. In the middle of the winter during COVID19 candidates closer to Sarajevo will be advantaged vis-à-vis others.

The representative of Moldova reaffirmed that in his interpretation the provision allowing the Senior Anticorruption Expert to take over the position of the Head of Secretariat does not apply to the situation when the position is vacant, but only to the short absence of the Head of Secretariat.

The Secretariat has clarified that the Head of Secretariat and the Senior Anticorruption Advisor enjoy diplomatic status.

The Senior Anticorruption Advisor explained that in her view the issue is not if she can take over the position of Head of Secretariat, but to keep the human resources in the Secretariat. Extraordinary measures were taken everywhere in our countries to respond to COVID19 and this response was found to be acceptable under these extraordinary situations. Likewise, the proposal of the Chairperson to prolong the duration of the mandate of the Head of Secretariat is made in extraordinary circumstances. For the future, maybe a provision can be included in the internal rules to clarify what happens in emergency situations. In the previous situation when the replacement took about one year which is too much. The competences of the two functions are very separate and the workload for the two positions heavy.

The representatives of Albania, Romania and Bulgaria supported the proposal to prolong the mandate of the Head of Secretariat with three months.

In the end the Chairperson stressed once again that the situation we are facing now is one of force majeure and that the Steering Group is within its mandate to take the decision to prolong temporary the mandate of the Head of Secretariat. By now it is known that COVID 19 pandemic is worse during winter than during summer - it is likely to attract less professionals in the winter for than competition than in the spring. The situation regarding the opening of borders is very volatile and when several borders are involved – as in the case of candidates coming from other countries.

Finally, the proposal of the Chairperson was adopted by voting with qualified majority with 6 votes for the proposal and 3 votes against. Six of the member countries agreed to the proposal of the Chairperson, finding the provided explanation satisfactory for this interim measure (Albania, Bulgaria, Croatia, Moldova, Montenegro and Romania) for three months extending starts from February 1st2021. That means this extended mandate will end on May 01st 2021.

The Macedonian representative requested all dissenting opinions to be expressed and attached to the decision on the proposal.

3. Renewal of the Senior Anti-Corruption Advisor's mandate

Performance Evaluation of the Senior-Anti-Corruption Advisor was shared with the SG Members prior to the meeting. Head of Secretariat positively evaluated her performance without any major objection. Steering Group Members had no objections and supported the renewal of Ms. Arnaudovska's mandate. The Chairperson also commended the work of the Senior Anti-Corruption Advisor.

Proposal to renew the mandate of the Senior Anti- Corruption was accepted by consensus.

4. Approval of 2020 Core Budget reallocation

Chief Finance and Operations Officer briefly presented the request for 2020 Core Budget reallocation. Additional funds were needed for purchase of IT equipment for new staff member. Ms. Zukic emphasized the fact that there are savings in 2020 Core Budget due to Covid-19 outbreak, mainly in the categories related to travel and organization of planned events.

Request for 2020 Core Budget reallocation was approved by the Steering Group by consensus.

5. Approval of RAI Core Budget for 2021

Head of Secretariat gave an overall insight into the cumulative budget for 2021. It was noted that nearly 720.000 EURO cumulative budget for 2021 illustrates the success of RAI Secretariat's fundraising activities. Chief Finance and Operations Officer continued the budget presentation by stating that RAI Core Budget (member countries' funds) for 2021 totals at 266.000, and is calculated inclusive of nine member countries' contributions, plus envisaged savings from 2020 Core budget.

Having secured donors' funds enables the ratio of programmatic versus operational expenses to be on an increasing scale. Chief Finance and Operations Officer mentioned that the Secretariat has secured funds for implementation of Primary Objectives from other sources, while the core RAI programmatic budget is mainly planned for including all member countries into activities not covered by projects and covering Other and Cross cutting issues, with primary focus on internship program and development of online learning platform.

Finally, it was pointed out that the 2021 budget is planned given the current COVID-19 constrains and shall be closely monitored and adjusted to circumstances in the future.

RAI Core Budget for 2021 proposal was approved by the Steering Group by consensus.

6. Information from the Secretariat on the past and forthcoming activities

Head of Secretariat presented the most significant activities since the last SG Meeting and most important prospects for the coming period. He has briefly informed the Steering, *inter alia*, about the implementation of the project funded by the European Union, perspectives in regards to the International Treaty on Exchange of Data for the Verification of Asset Declarations and the future cooperation with the Austrian Development Agency and. Recent activities within the Berlin Process

in regards to development of an Anti-Corruption Road Map and Asset Recovery. Important meetings took place with the new President of Slovenian Anti-Corruption Commission and new IISG Head of the Office.

The Senior Anti-Corruption Advisor notified the SG members about RAI School for Young Practitioners from the SEE and developments about the cooperation with the RCC and the OECD.

The Chief Programme and Communications Officer, Ms. Grbic-Velagic presented the RAI Secretariat's extraordinary online internship, its purpose and the selection process undertaken.

7. Discussion and approval of the Evaluation Report for the Work Plan (2018-2020) and taking note on the Financial Report for 2019

The Evaluation Report was circulated among the SG Members prior to the meeting for additional interventions. All suggestions were compiled and the Evaluation report was adopted by consensus.

Also, the Steering took a note of the Financial Report for 2019.

8. Discussion and approval of the Draft Work Plan (2021-2022)

Draft Work-Plan 2021-2022 was previously shared with the SG Members. Many of them provided the Secretariat with their feedback. During the meeting discussion was concentrated on main objectives and certain definitions in the Work Plan.

Nevertheless, the Steering obliged the Secretariat to compile all the comments and share the document with the Steering Group Members. Final decision about the adopted text will be taken via exchange of emails and through tacit agreement by the end of October 2020.

9. Tour de Table (presentations on the summary of the recent anti-corruption achievements in individual jurisdictions)

SG members presented recent anti-corruption developments in their respective countries. They presented the most recent legislative changes as well the implementation of the current, and development of new anti-corruption strategies and policies. Most of them underlined the importance of UNCAC Review Mechanism and GRECO Evaluation Procedures and presented the current status of evaluation and implementation of the recommendations imposed by the monitoring mechanisms.

10. Any Other Business

The Head of Secretariat used the opportunity to thank the Konrad Adenauer Foundation (KAS) and its Rule of Law Programme for Southeast Europe who financially the purchase of video-conferencing equipment used during the Steering Group meeting. The equipment represents their support in establishment of the Regional on-line learning anti-corruption platform.

Following the intervention of the representative of Montenegro, it was announced without further objections that the meeting was recorded for minutes purposes only.

Conclusions and Decisions

1. Mandate of Ms. Laura Stefan, the RAI Chairperson was prolonged for additional year.
2. Mandate of Mr. Vladan Joksimovic, the Head of RAI Secretariat was extended for three months by May 01st, 2021 (majority decision taken with 6 votes in favour and 3 votes against)
3. Mandate of Ms. Aneta Arnaudovska, the Senior Anti-Corruption Advisor was renewed.
4. Request for RAI 2020 Core Budget reallocation was approved.
5. RAI Core Budget for 2021 was approved.
6. Steering Group took note of the Financial Report for 2019.
7. Evaluation Report for the Work Plan (2018-2020) was adopted.
8. Following discussion and amendments of the Draft Work Plan (2021-2022), it was agreed that any additional comments are to be shared by the SG members within the seven days following the SG meeting. The approval procedure will follow via emails.