

IACA Agreement – JSCOT Hearing 31 October 2011, Questions on Notice for AGD

QUESTION 1

Ms PARKE: *What is the background leading up to the establishment of this organisation?*

Ms Jackson: *I cannot help you there. We will take that on notice.*

The Academy was originally initiated by the United Nations Office on Drugs and Crime (UNODC), the Republic of Austria, the European Anti-Fraud Office (OLAF) and other stakeholders. The Academy aims to overcome current shortcomings in knowledge and practice in the field of anti-corruption. In pursuing this aim, the Academy will function as an independent centre of excellence in the field of anti-corruption education, training, networking, cooperation and academic research. It will take a holistic approach (international, inter-disciplinary, inter-sectoral, integrative and sustainable). The Academy will offer education and training based especially on the framework of the United Nations Convention against Corruption (UNCAC).

The Academy has been endorsed by a number of international organizations, including

- United Nations General Assembly - Resolution 64/237
- the Economic and Social Council - Resolution 2009/22, and
- the 3rd Conference of States Parties to the UNCAC - Resolutions 3/2 and 3/4.

The Academy was established through a multilateral agreement because it was recognised that in the fight against corruption, such an institution should be a collaborative effort at the global and regional levels. As part of this effort, it was noted that anti-corruption education, professional training and research are important factors towards combating corruption at both the global and regional levels.

QUESTION 2

Dr STONE: *Have we expressed any interest in the past in becoming a member of the advisory body to this new agency or institution or to be elected to the academy or the board? What has been our past involvement in this sphere and are you aware of any intentions in the future?*

Mr Street: *The international senior advisory board comprises members who are elected in their individual capacity. There is currently one Australian representative on that board—that is, the Hon Barry O’Keefe. I am not aware of any other Australian members on the boards which are associated with this particular academy. It is still in its early stages. A preparatory commission has been established prior to an assembly of states parties convening for the first time in October next year. At least, that is what is scheduled at this point. It is anticipated that the assembly will have a role in electing the members of the board of governors. The board of governors has a role in selecting the members of the international senior advisory board and also those of the international academic advisory board.*

Dr STONE: *If we already have the Hon Barry O’Keefe elected onto the board—is that what you are saying?*

Mr Street: *I would have to take that question on notice. But what I can say at this stage is that I am not aware of the Australian government being involved in the election of the Hon Barry O’Keefe to that position.*

Dr STONE: *How did he get there if we did not participate in his election?*

Mr Street: *We will have to take that question on notice.*

In accordance with the governance structure of the Academy the International Senior Advisory Board (ISAB) and the International Academic Advisory Board (IAAB) of IACA provide general guidance for the Academy. An Assembly of the Parties will act as the final decision-making body and a Board of Governors will determine the strategy, policies and guidelines concerning the functions of the Academy. The Dean and a Managing Director will be responsible for the day-to-day management of the Academy.

The current Senior Advisory Board was set up from 2008 onwards and consists of representatives of the organisations involved in the establishment of the IACA. This includes the UNODC, the Government of Austria, the European Anti-Fraud Office (OLAF) and Interpol. Prominent personalities who are experts in the anti-corruption field were invited to join the board, with due regard to regional diversity. For example, the Hon Barry O’Keefe AM QC was invited to join the Senior Advisory Board as he is an expert in the anti-corruption field and Chairman of Interpol’s International Group of Experts on Corruption. In the future, members of the Board of Governors can propose appointments and the Senior Advisory Board can decide upon the appointments. Future procedures may also be determined by the Assembly of the Parties, should they decide to put it on their agenda. Given that the current members of the Board are all appointed in their individual capacity and are not State representatives, the Australian Government has not been involved in the appointments to the Senior Advisory Board.

QUESTION 3

Senator FAWCETT: *I am interested in the concept of the governance of the body and how it will work. I note that article talks about the assemblies of parties and the board of governors. Article X talks about recruiting and retaining academics with the highest possible qualifications. If we look at some other boards with predominance at the moment, such as the IPCC et cetera, and we look at how the various considerations of geographic distribution of people and equity have affected the attraction and recruitment of people, what governance, accountability and transparency is there going to be around the appointment of people either to the board or the academics who are developing and delivering programs? What options does Australia have, if it objects to any of those, to have those objections heard?*

Ms Jackson: *We would have to take that on notice.*

Senator FAWCETT: *Okay. I am concerned in part by the board of governors. Article VI states:*

Nine members shall be elected ... taking due account of their qualifications and experience – which is in line with article X about being the best possible qualified—as well as the principle of equitable geographical distribution.

It seems to me the two can be mutually exclusive. I would be interested to know how that process is going to work, how transparent it will be and what right of rebuttal or reply member states would have if they felt the appointment was not appropriate at either the governance level or indeed the academic level.

Ms Jackson: *We will take that on notice.*

Should a State Party have any objection to a decision made by the Board of Governors in relation to the advisory boards, they are able to put the item on the agenda at the Assembly of the Parties to consider the issue. The Assembly has the power to overrule the Board’s decision, however it is unlikely this would happen except in exceptional circumstances. The Senior Advisory Board, as its name suggests, is established in an advisory capacity and its members are experts in the field of anti-corruption. The Board of Governors must have due regard to

professional experience and geographical distribution when making appointments to the Senior Advisory Board.

In relation to academic staff, the Dean will make decisions on the day to day management of the Academy (as per Article IX of the Agreement). This includes academic staffing and the precise procedures for this will be determined in consultation between the Dean and the Board of Governors.

CLARIFY

Mr Street: To clarify, the actual agreement entered into force generally on 8 March this year but as Ms Jackson advised we are not aware of a minimum number of ratifications that are necessary for this to move forward. It has already been established as an organisation because it reached the sufficient number of signatories. That occurred on 8 March earlier this year.

The Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization (the Agreement) was signed by 51 UN Member States and two international organizations. The first round of signatures for the agreement closed on 31 December 2010, and as of 1 January 2011, states and international organizations have the possibility to accede to it.

As of 8 November 2011, 19 UN Member States and two international organizations have ratified or acceded to the Agreement. Refer to **Attachment A** for a complete list of signatories and parties to the Agreement.

According to the terms of the Agreement (Article XVIII – Entry into force and depositary) the Agreement enters into force 60 days after three States or international organisations have ratified. This threshold was reached on 1 January 2011, accordingly the Agreement entered into force on 2 March 2011.

Attachment A

IACA Signatories and Parties

	States/International Organisations	Signature	Ratification/Accession	Entry into Force
1.	Albania	02 Sep 2010	21 Sep 2011	20 Nov 2011
2.	Argentina	02 Sep 2010		
3.	Australia	16 Dec 2010		
4.	Austria	02 Sep 2010	30 Dec 2010	08 Mar 2011
5.	Benin	02 Sep 2010		
6.	Bolivia	02 Sep 2010		
7.	Brazil	22 Dec 2010		
8.	Bulgaria	02 Sep 2010	31 Aug 2011	30 Oct 2011
9.	Burkina Faso	15 Dec 2010		
10.	Cape Verde	02 Sep 2010		
11.	Chile	02 Sep 2010		
12.	Democratic Republic of the Congo	03 Dec 2010		
13.	Croatia	15 Dec 2010	23 Sep 2011	22 Nov 2011
14.	Cyprus	02 Sep 2010	19 Aug 2011	18 Oct 2011
15.	Czech Republic	14 Dec 2010	06 Jun 2011	05 Aug 2011
16.	Greece	28 Dec 2010		
17.	Hungary	02 Sep 2010	27 Apr 2011	26 Jun 2011
18.	Indonesia	02 Sep 2010		
19.	Iraq	02 Sep 2010		
20.	Israel	21 Dec 2010		
21.	Jordan	02 Sep 2010	30 Jun 2011	29 Aug 2011
22.	Kenya	02 Sep 2010		
23.	Libya	02 Sep 2010		
24.	Liechtenstein	02 Sep 2010	19 Sep 2011	18 Nov 2011
25.	Luxembourg	02 Sep 2010		
26.	Malaysia	02 Sep 2010		
27.	Maldives		31 Mar 2011 (a)	30 May 2011
28.	Mali	02 Sep 2010		
29.	Mexico	02 Sep 2010	14 Oct 2011	13 Dec 2011
30.	Moldova	21 Dec 2010		
31.	Montenegro	02 Sep 2010		
32.	Mozambique	23 Dec 2010		
33.	Nigeria	30 Dec 2010		
34.	Panama	02 Sep 2010		
35.	Peru	02 Sep 2010		
36.	Philippines	02 Sep 2010	29 Jun 2011	28 Aug 2011
37.	Portugal	02 Sep 2010		

38.	Republic of Korea	29 Dec 2010		
39.	Romania	02 Sep 2010	09 Aug 2011	08 Oct 2011
40.	Russian Federation	29 Dec 2010	01 Mar 2011	30 Apr 2011
41.	Senegal	02 Sep 2010		
42.	Serbia	02 Sep 2010		
43.	Slovakia	21 Dec 2010	24 Mar 2011	23 May 2011
44.	Slovenia	02 Sep 2010	11 May 2011	10 Jul 2011
45.	Spain		13 Oct 2011 (a)	12 Dec 2011
46.	Syrian Arab Republic	02 Sep 2010	04 Oct 2011	03 Dec 2011
47.	Thailand		09 May 2011 (a)	08 Jul 2011
48.	The Former Yugoslav Republic of Macedonia	02 Sep 2010		
49.	Togo	02 Sep 2010		
50.	Turkey	21 Dec 2010		
51.	Uganda	02 Sep 2010		
52.	United Kingdom of Great Britain and Northern Ireland	02 Sep 2010		
53.	Yemen	02 Sep 2010		
54.	Zambia	02 Sep 2010		
55.	European Public Law Organization	02 Sep 2010	11 Nov 2010	08 Mar 2011
56.	International Centre for Migration Policy Development	28 Oct 2010	07 Jan 2011	08 Mar 2011