



**Regional School of Public Administration (Phase 1)**

A Joint Initiative of the European Union  
and the OECD, principally financed by the EU



## RESPA/SC(2008)2/001

### FURTHER INSTITUTIONALISATION OF CO-OPERATION

*Article V(1) of the Protocol of Co-operation (signed May 2006) states that “within two years from the entry into force of this Protocol, the Parties will consider further institutionalisation of their co-operation, including participation by all Parties in the funding arrangements...”. Considerable progress has been achieved on further institutionalisation. It is now proposed to establish ReSPA as an International Organisation, with signature at Ministerial level in June in Ljubljana under the auspices of the Slovene Presidency. To this end, the European Commission, as Chair of the Steering Committee, has drawn up a draft International Agreement for consideration. It is proposed to proceed as follows:*

1. The Steering Committee will comment the Commission’s draft
2. The Chair will note Members’ comments and provide a redraft within one week of the meeting, which will be sent to Members.
3. Members will have one week to react.
4. The Commission and the ReSPA team at OECD will produce a new version based on comments received
5. The Commission and the ReSPA team at OECD will visit capitals in early May
6. A revised version of the draft will be sent to Members by 19<sup>th</sup> May
7. A further meeting of the Steering Committee is scheduled for 26<sup>th</sup> May in Danilovgrad, at which Members of the Steering Committee will be invited to initial the draft International Agreement
8. The initialled version of the draft International Agreement will be translated and distributed to EU Member States and the ReSPA Parties by 5<sup>th</sup> June
9. Ministers will be invited to sign the document under the auspices of the Slovene Presidency and in the presence of the European Commission on xx June
10. Those ReSPA Parties where it is a requirement are then invited to submit the agreement for ratification by national Parliaments
11. Upon ratification, ReSPA is deemed to have been created
12. A Host Country agreement will then be signed between the ReSPA team at OECD and Montenegro
13. ReSPA will be in position to operate as a legal person in Montenegro (e.g. have its own bank account)

The Steering Committee is invited to:

- **Comment** the draft International Agreement
- **Note** the process and timing for the further establishment of the ReSPA team at OECD

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# AGREEMENT ON THE ESTABLISHMENT OF THE REGIONAL SCHOOL OF PUBLIC ADMINISTRATION (ReSPA)

## Preamble

The Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia, Montenegro, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo, acting on behalf of Kosovo pursuant to the United Nations Security Council Resolution 1244, (hereafter referred to as Members), in the presence of the European Commission,

**Recalling** that in June 2003 the Council of the European Union endorsed “[t]he Thessaloniki Agenda for the Western Balkans: moving towards European integration” which encouraged the creation of a regional mechanism fostering training and education for public administration,

**Recalling** that the “Protocol of Co-operation on the Creation of the Regional School of Public Administration (Phase 1)” was signed on 2<sup>nd</sup> May 2006 by the representatives of the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the State Union of Serbia and Montenegro along with the Republic of Montenegro and the Republic of Serbia, the United Nations Interim Administration Mission in Kosovo (UNMIK) acting on behalf of Kosovo pursuant to United Nations Security Council Resolution 1244, in presence of the European Commission.

**Recalling** that, in accordance with Article V, the Parties considered “further institutionalisation of their cooperation, including participation by all Members in the funding arrangements”.

**Noting** that this Agreement is the result of those considerations, based upon the “Protocol of Co-operation on the Creation of the Regional School of Public Administration (Phase 1)”,

**Have agreed** to establish a Regional School of Public Administration (hereinafter “ReSPA”) the establishment and operation of which shall be in accordance with the following provisions:

## Chapter I. Objectives

### *Article 1. Objectives*

- 1) The objectives for ReSPA are to:
  - improve cooperation in the field of public administration amongst the Members and between the Members and the Member States of the European Union and the European Economic Area;
  - strengthen administrative capacity in the public administration’s of the Members as required by the European integration process;
  - develop human resources in the public administrations of the Members in line with the principles of the European Administrative Space.

## Chapter II. Activities

### **Article 2. Activities**

1) ReSPA shall deliver training to mixed groups of public servants from the Members' administrations, maintain contacts amongst the institutions of the Members responsible for public administration training and education, and facilitate sharing of information and experiences through activities including but not limited to:

- a) Organising training activities
- b) Stimulating cooperation between public administration institutions of the Members and similar institutions of the European Union Member States, as well as participation in international networks;
- c) Organising activities such as seminars and summer/winter schools for public administration professionals, as well as an annual conference for public administration training and education institutions;
- d) Acting as a catalyst for international communities of practice, through the implementation of training by mobility schemes allowing public servants to gain experience of different contexts;
- e) Sharing information resources through the publication of, for example, a newsletter, the creation of a joint electronic library, and the issuing of other specialised publications such as training materials.

2) The Members also participate in joint projects of mutual interest, through ReSPA, aiming at direct improvements in the training and education for their public administration. Such activities may include but are not limited to:

- a) Developing methodological guidelines based on good practice for training and education programs, and encouraging innovation by reviewing existing ones;
- b) Strengthening the research base of training and education for public administration through joint study groups for comparative research on topics of immediate interest;
- c) Advising on the strengthening of the institutional framework for the management of quality training and education for public administration;
- d) Improving the availability and quality of training and education by delivering, in cooperation with national institutions, high quality programmes on issues relevant to the European integration process.

## Chapter II. Membership and Participation

### **Article 3. Membership**

1) The Parties to this Agreement shall be Members of ReSPA

### **Article 4. Additional Members**

1) Candidate and potential candidate countries to the European Union, as defined by the European Union, may apply to accede to the present Agreement and thus to become Members of ReSPA.

2) Decisions regarding applications to accede to the Agreement shall be made by the Governing Body in accordance with Article 14(3)

**Article 5. Participation**

- 1) Candidate and potential candidate countries to the European Union, as defined by the European Union, may apply to become Participants in ReSPA.
- 2) Member States of the European Union or the European Economic Area, which contribute significantly, financially or otherwise to ReSPA, may also apply to become Participants in ReSPA.
- 3) Participation in ReSPA allows the country to attend meetings of the Governing Board, with voice but without voting rights.
- 4) Decisions regarding applications to become a Participant in ReSPA shall be made by the Governing Body in accordance with Article 14(4).

## **Chapter III. Information**

**Article 6. Access to national data**

- 1) The Members of the Governing Board undertake to ensure access to national data necessary for ReSPA to fulfil its work, in a timely manner and without cost to ReSPA.

**Article 7. Dissemination of information about ReSPA**

- 1) Members undertake to inform their Governments regularly of the activities of ReSPA.

## **Chapter III. Acts**

**Article 8. Procedural Acts**

- 1) The Governing Board of ReSPA (Chapter IV) may issue Procedural Acts.

**Article 9. Subject of Procedural Acts**

- 1) Procedural Acts shall regulate organisational, budgetary and transparency issues of ReSPA, and the mandates of subsidiary bodies (Article 14(10)).

**Article 10. Agreement on Procedural Acts**

- 1) Procedural Acts shall be agreed by consensus among the Members, unless otherwise specified in this Agreement.

**Article 11. Binding force of Procedural Acts**

- 1) Procedural Acts shall be binding on the Governing Board (Chapter IV) and the Secretariat (Chapter V) of ReSPA and, unless the Procedural Act provides otherwise, on the Members of ReSPA.

**Article 12. Other Decisions**

- 1) The Governing Board of ReSPA may take other types of decision in accordance with its Rules of Procedure (Article 14.15).

## Chapter IV. Governing Board of ReSPA

### **Article 13. Composition**

- 1) The Governing Board shall be comprised of one representative of each Member. Representatives shall be from Ministries responsible for European integration or for the development of the human resources within their national public administrations.
- 2) Each Member shall appoint a Minister as its representative to the Governing Board for its meetings at Ministerial level (Article 14(16)).
- 3) Each Member shall appoint one senior official and one substitute, as its Permanent Representative to the Governing Board for its meetings at senior official level Article 14(17).
- 4) A representative of the European Commission participates in the Governing Board, ex officio, with voice but without voting rights.
- 5) The Director of ReSPA's Secretariat (Chapter V) participates in the Governing Board, ex officio, with voice but without voting rights.
- 6) The Governing Board may invite other States, organisations or experts to attend its meetings, with voice but without voting rights.

### **Article 14. Responsibilities**

#### *General responsibilities*

- 1) The Governing Board shall be responsible for (a) providing general policy guidelines for ReSPA, (b) ensuring that ReSPA's activities contribute to the European Integration process (c) adopting ReSPA's Annual Programme of Work and Budget (d) receiving reports from the Subsidiary bodies on execution of ReSPA activities and budget.
- 2) The Governing Board shall provide information annually to the European Union on its activities.

#### *Membership and Participation*

- 3) In conformity with Article 4, the Governing Board may decide, by Procedural Act, to accept the applications of other States to accede to the present Agreement. The Governing Board shall take such decisions by unanimity.
- 4) In conformity with Article 5, the Governing Board may decide, by Procedural Act, to accept the applications of other States to become a Participant in ReSPA for a two-year period. The Governing Board shall decide, by Procedural Act, on the renewal of the status of Participant.

#### *Financial decisions*

- 5) The Governing Board shall adopt a Procedural Act specifying the Financial Rules and Regulations of ReSPA.
- 6) The Governing Board shall set an envelope for its annual Core Budget (Article 19) by Procedural Act.
- 7) The Governing Board shall decide, by Procedural Act, the method of selection of Independent Auditor(s) to verify the regular execution of the Core Budget and the implementation of other funds provided to ReSPA to finance its activities (Article 20), recognising the INTOSAI principle concerning the auditing of International Organisations.
- 8) The Governing Board will nominate the Independent Auditor(s).
- 9) The Governing Board shall review the reports of the Independent Auditor(s).

*Internal Organisation*

10) The Governing Board may create, by Procedural Act, subsidiary bodies with specific Mandates.

11) The Governing Board may, by Procedural Act, delegate tasks to the Secretariat (Chapter V) in order to carry out the objectives and activities of ReSPA.

*Functioning*

12) The Governing Board may meet at Ministerial level or at senior official level.

13) The Governing Board will be chaired, for one-year terms, by each of the Parties in turn according to a list following the order of citation in the first paragraph of the Preamble. Any new Parties to the Agreement shall be added to this list in the order that they accede to the Agreement.

14) The Governing Board may set a quorum for its meetings, by Procedural Act adopted by unanimity.

15) The Governing Board shall adopt its Rules of Procedure, by Procedural Act.

16) The Governing Board shall meet at least once per year at Ministerial level.

17) The Governing Board shall meet between 3 and 5 times a year in ordinary sessions at senior official level, and whenever necessary in extraordinary sessions.

**Article 15. First meeting of the Governing Board**

1) The Governing Board shall first meet within 2 months of the entry into force of this Agreement. As the first item of its first meeting, the Governing Board, under the Chairmanship of the European Commission, shall elect its Chair.

## **Chapter V. Secretariat**

**Article 16. Director of the Secretariat**

1) The Director of the ReSPA Secretariat shall be appointed by the Governing Board, by Procedural Act, for a term of five years, renewable once, according to a procedure based on selection by merit and respecting the requirements of fairness and diversity.

2) The Governing Board may, by unanimity, terminate the Director's appointment before the end of the term of his/her appointment for justifiable cause. Such justifiable cause includes, in particular, unsatisfactory services and serious misconduct.

**Article 17. Staff of the Secretariat**

1) The Secretariat shall have a small team of international staff, headed by the Director, responsible for implementing the principal activities of ReSPA. In addition, ReSPA may employ locally recruited staff for the purposes of operating the site and providing necessary operational services.

2) The Governing Board shall, by Procedural Act, specify the Staff Regulations of ReSPA

3) The Director of ReSPA shall appoint such staff as ReSPA may require according to a procedure based on selection by merit and respecting the requirements of fairness and diversity.

4) An adequate and fair procedure for the resolution of disputes between ReSPA and its staff shall be established.

**Article 18. Independence**

1) The Director and staff of ReSPA shall neither seek nor receive instructions from any of the Members or from any State or authority external to ReSPA.

## **Chapter VI. Financial Management**

**Article 19. Core Budget**

1) ReSPA shall have a Core Budget to cover its general expenses, including financing meetings of the Governing Board and operations necessary for the functioning of the ReSPA Governing Board, subsidiary bodies, Secretariat and the site. Activities described in Article 2 may also be covered by the Core Budget.

2) The Governing Board shall decide on the annual Core Budget of ReSPA in accordance with the Financial Rules and Regulations.

3) The Core Budget shall be financed by the Members each of which shall contribute an equal share.

4) The contribution of each Member to the ReSPA Core Budget will be provided by each Member from the government treasuries

5) The Members shall supply their contribution during the first 3 months of the budgetary year.

6) Contributions to ReSPA in kind, including from the Host Country, shall not be considered as being a part of the Core Budget contribution of the Members.

7) ReSPA is not permitted to enter into debt, except for operational cash flow purposes, unless decided by the Governing Board by unanimity.

8) The expense of the Independent Auditor(s) will be financed from the ReSPA Core Budget (Article 21).

**Article 20. Financing of Other Activities**

1) The activities of ReSPA (Chapter II) which are not included in the Core Budget may be financed by contributions of the Members, Participants or other donors, in accordance with the Financial Rules and Regulations.

2) ReSPA is not permitted to levy charges on such financing except for special requirements such as interpretation or study visits.

**Article 21. Financial Reporting**

1) The Secretariat shall prepare annual reports on the execution of the Core Budget, as specified in the Financial Rules and Regulations.

2) The Secretariat shall prepare reports on the use of funds contributed by Members, Participants or donors for ReSPA activities, as specified in the Financial Rules and Regulations.

3) The Secretariat shall prepare reports on the use of funds contributed in pursuit of Article 20(1), in accordance with the requirements of the contributor.

4) There shall be an annual independent audit of the use of the Core Budget and of contributions received from Members, Participants or other donors.

5) In accordance with Article 14, the Governing Board shall decide on the method of selection of the Independent Auditor(s), nominate such Auditor(s) and review their report.

6) The reports mentioned in Paragraphs 1), 2) and 3) of this Article will be subject to audit by the Independent Auditor

## **Chapter VII. Legal Capacity, Privileges and Immunities**

### **Article 22. Headquarters**

- 1) The Headquarters of ReSPA shall be in Danilovgrad, Montenegro.
- 2) A headquarters agreement shall be concluded between ReSPA and Montenegro.

### **Article 23. Legal Capacity**

- 1) ReSPA shall enjoy, in the territory of each of the Members, such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its objectives.
- 2) The Director of the Secretariat is entitled to act on behalf of ReSPA, including to sign contracts necessary for the functioning of ReSPA and in conformity with the provisions of the Financial Rules and Regulations (ref) GITA please check

### **Article 24. Privileges and Immunities**

- 1) ReSPA shall enjoy, in the territory of each of the Members, such privileges and immunities as are necessary for the exercise of its functions and the fulfilment of its objectives.

## **Chapter VIII. Final provisions**

### **Article 25. Amendments**

- 1) The present Agreement may be amended by unanimous decision of the Governing Board.
- 2) Amendments shall enter into force following ratification, acceptance or approval by at least 2/3 of all Parties to the Agreement.

### **Article 26. Duration**

- 1) The present Agreement shall remain in force for 5 years after the date of its entry into force with the possibility of extending it by agreement amongst the Parties

### **Article 27. Withdrawal**

- 1) A Member may withdraw from the present Agreement by written notice of withdrawal addressed to the Governing Board. Such notice may take effect no earlier than the end of the calendar year after the year in which the notice was received by the Governing Board.
- 2) A Member shall not be discharged by reason of its withdrawal from financial obligations which accrued while it was a Member of this Agreement.
- 3) A Member which has withdrawn from the present Agreement may subsequently apply to accede to the Agreement or to become a Participant in ReSPA in accordance with the Article 14.3) or Article 14.4).

### **Article 28. Ratification and entry into force**

- 1) The present Agreement shall be ratified, accepted or approved by the Parties in accordance with their respective constitutional requirements.

2) The present Agreement shall enter into force on the first day of the month following the date on which five of the seven Parties listed in Paragraph 1 of the Preamble have deposited their instruments of ratification, acceptance or approval with the Depositary.

3) The present Agreement, on the date of its entry into force, will abrogate and replace the "Protocol of Co-operation on the Creation of the Regional School of Public Administration".

**Article 29. Depositary and Registration**

1) The Government of Montenegro shall be the Depositary for the present Agreement and shall arrange for the registration of the Agreement, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

**Article 30. Accession**

1) After the Governing Board has invited a State to accede to the present Agreement in accordance with Article 14, 3), accession shall take effect upon the deposit of an instrument of accession with the depositary.

**Article 31. Authentic language**

1) The authentic language of this Agreement is English.

In witness whereof, the undersigned, being duly authorised, have signed this Agreement.  
Done in [place] this [e.g. tenth] day of [month], [year].

For the Government of Xxxx:

For the Government of Xxxx: (etc.)"