

**AGREEMENT ESTABLISHING
THE REGIONAL SCHOOL OF PUBLIC ADMINISTRATION (ReSPA)**

Preamble

The Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the 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 the "Parties"), 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" was signed on 02 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 the United Nations Security Council Resolution 1244, in presence of the European Commission,

Recalling that, in accordance with Article V of that Protocol, the Parties considered "further institutionalisation of their co-operation, including participation by all Members of ReSPA in the funding arrangements",

Recalling the agreement reached in Paris on 31 January 2008 at the 6th session of the Steering Committee to proceed towards the establishment of a Regional School of Public Administration (ReSPA) located in Montenegro,

Recalling the signature of the letter of intent, signed in Slovenia on 12 June 2008,

Have agreed that ReSPA shall be organised and shall operate in accordance with the following provisions:

Chapter I. General Provisions

Article 1 Establishment

ReSPA is established as an international organisation.

Article 2 Legal Capacity

ReSPA shall enjoy such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its Objectives, including the capacity to contract, to acquire and to dispose of movable and immovable property and to institute legal proceedings.

Article 3 Headquarters

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

Chapter II. Objectives

Article 4

ReSPA's Objectives are to:

- improve co-operation in the field of public administration amongst the Members of ReSPA;
- strengthen exchange with the Member States of the European Union and the European Economic Area;
- strengthen administrative capacity in the public administrations of the Members of ReSPA as required by the European integration process;
- develop human resources in the public administrations of the Members of ReSPA in line with the principles of the European Administrative Space.

Chapter III. Activities

Article 5

ReSPA shall undertake different activities in pursuit of its Objectives, inter alia:

- a) Regional needs analysis: ReSPA shall conduct training needs analysis in cooperation with its Members to identify those training needs which can be effectively undertaken at a regional level;
- b) Training public servants: ReSPA shall deliver training to mixed groups of public servants from the Members' administrations, including through the seminars and summer/winter schools for public administration professionals, and through the implementation of training-by-mobility schemes allowing public servants to gain experience from different contexts;
- c) Training systems: ReSPA shall act to improve the institutional framework for the management of quality training and education for its Members'

- public administrations and seek to improve the availability and quality of training and education systems in the Members of ReSPA;
- d) Networks, exchanges and communities of practice: ReSPA shall stimulate co-operation between public administration institutions of its Members and similar institutions of the European Union Member States, as well as participation in international networks, and facilitate sharing of information and experiences; ReSPA shall hold regular conferences and support international communities of practice;
 - e) Information resources: ReSPA shall support the sharing of information through its website, the publication of, for example, a newsletter, the creation of a joint electronic library and the issuing of specialised publications;
 - f) Training methodologies and material: ReSPA shall facilitate the development of methodological guidelines for effective training and encourage innovation, the co-operative development of training materials, and the strengthening of the research base of training and education for public administration.

Chapter IV. Members, Observers, Participants

Article 6 Members

The Parties to this Agreement are Members of ReSPA.

Article 7 Additional Members

- (1) Other 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) Resolutions regarding applications to accede to the Agreement shall be made by the Governing Board in accordance with Article 11(3) of this Agreement.

Article 8 Observers

- (1) Other candidate and potential candidate countries to the European Union, as defined by the European Union, may apply to become Observers 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 Observers in ReSPA.
- (3) Observers in ReSPA may attend meetings and participate fully in the work of the Governing Board without the right to vote.
- (4) Resolutions regarding applications to become an Observer in ReSPA shall be made by the Governing Board in accordance with Article 11(3) of this Agreement.

Article 9 Participants

- (1) Other candidate and potential candidate countries to the European Union, as defined by the European Union, Member States of the European Union or the

European Economic Area, and other states and organisations may apply to participate in the activities of ReSPA.

- (2) Resolutions regarding applications to become Participants in ReSPA activities shall be made by the Governing Board in accordance with Article 11(3) of this Agreement.

Chapter V. Information

Article 10 Access to Information and Data

Members of ReSPA undertake to ensure access to information and data that are necessary for ReSPA to fulfill its work, in accordance with domestic legislation.

Chapter VI. Acts

Article 11 Resolutions

- (1) The Governing Board shall adopt Resolutions, which shall be binding.
- (2) The Governing Board shall adopt Resolutions for all matters pertaining to its responsibilities as defined in Article 15 (1), including Rules of Procedure, Financial Regulations, Staff Regulations and accession of new members.
- (3) Resolutions shall be adopted by unanimity of all Members of ReSPA, except when deciding on the extension of this Agreement, in accordance with Article 30.

Article 12 Other Decisions

The Governing Board may adopt Decisions in accordance with its Rules of Procedure.

Chapter VII. Governing Board

Article 13

The Governing Board is the decision-making body of ReSPA.

Article 14 Composition

- (1) The Governing Board shall be comprised of one representative from each Member of ReSPA. Representatives shall be from ministries or equivalent responsible for public administration, human resources development or European integration.
- (2) Each Member of ReSPA shall appoint a minister, or equivalent, as its representative to the Governing Board for its meetings at ministerial level.
- (3) Each Member of ReSPA shall appoint one senior official and one substitute as its Permanent Representative to the Governing Board for its meetings at senior official level.
- (4) A representative of the European Commission shall participate in the Governing Board on an *ex officio* basis without the right to vote.

- (5) The Director of the ReSPA Secretariat shall participate in the Governing Board on an *ex officio* basis without the right to vote.
- (6) The Governing Board may invite other states and organisations to attend its meetings and participate in its deliberations without the right to vote.
- (7) The Governing Board may invite experts to participate in its sessions.

Article 15 Responsibilities

- (1) The Governing Board shall:
 - a) provide General Policy Guidelines for ReSPA, in line with ReSPA's Objectives;
 - b) ensure that ReSPA's activities contribute to the European integration process;
 - c) adopt ReSPA's Annual Programme of Work and Budget;
 - d) receive and act upon all reports, including the reports of the Independent Auditors;
 - e) adopt Resolutions on applications of other countries to accede to the present Agreement in accordance with Article 7 of this Agreement;
 - f) adopt Resolutions on applications of other countries to become Observers in ReSPA for a two-year period in accordance with Article 8 of this Agreement as well as Resolutions on renewal of the status of Observer;
 - g) adopt Resolutions on application of other countries or organisations to participate in ReSPA activities in accordance with Article 9 of this Agreement; ReSPA may charge for such participation according to the Financial Regulations;
 - h) adopt the Financial Regulations of ReSPA;
 - i) set an envelope for ReSPA annual Core Budget;
 - j) adopt the Rules of Procedure;
 - k) adopt the Staff Regulations;
 - l) appoint and dismiss the Director;
 - m) decide the method of selection of Independent Auditor(s) to verify the regular execution of the Core Budget and the implementation of "directly managed funds" provided to ReSPA in order to finance its activities, recognising the INTOSAI principles concerning the auditing of International Organisations, particularly the role of the Supreme Audit Institutions;
 - n) nominate the Independent Auditor(s);
 - o) adopt the method and criteria for the selection of trainers and experts;
 - p) approve the Headquarters Agreement;
 - q) approve proposals for amendments of the present Agreement.
- (2) The Governing Board may create subsidiary bodies with specific mandates and delegate to the Secretariat other tasks not specified in the present Agreement in order to carry out the Objectives and activities of ReSPA.
- (3) The Governing Board shall provide annual reports to the European Union and ReSPA Members on ReSPA's activities.

- (4) The Governing Board shall perform other tasks necessary for the achievement of ReSPA's Objectives.

Article 16 Functioning

- (1) The Governing Board shall meet at ministerial and senior official levels.
- (2) The Governing Board shall first meet within two months of the entry into force of this Agreement.
- (3) The Governing Board will be chaired, for one-year terms, by each of the Members of ReSPA in turn, according to a list following the order of citation in the first paragraph of the Preamble.
- (4) The Governing Board shall meet at least once a year at ministerial level.
- (5) The Governing Board shall meet quarterly in ordinary sessions at senior official level and whenever necessary in extraordinary sessions.

Chapter VIII. Secretariat

Article 17

- (1) The Secretariat is the executive body of ReSPA.
- (2) The Secretariat is composed of the Director and the ReSPA staff.
- (3) The Secretariat shall be supported by technical and service employees.

Article 18 Responsibilities

- (1) The Secretariat is responsible for ensuring the proper functioning of ReSPA.
- (2) The Secretariat is responsible for drafting and submitting the annual Programme of Work and Budget to the Governing Board for approval, as well as for its implementation.
- (3) The Secretariat submits to the Governing Board reports on ReSPA functioning, implementation of the Programme of Work and other matters, as requested by the Governing Board.

Article 19 Director

- (1) The Director shall be appointed for a term of five years, renewable once.
- (2) The Director is the Head of the Secretariat. The Director is responsible for ensuring the regular and efficient functioning of ReSPA according to the Financial Regulations and Staff Regulations. The Director reports to, and is accountable to, the Governing Board.
- (3) The Director shall come from one of the Members of ReSPA.
- (4) The Director is entitled to act on behalf of ReSPA, including the signature of the Headquarters Agreement and of contracts necessary for the functioning of ReSPA and in conformity with the provisions of the Financial Regulations and other Resolutions.
- (5) The Governing Board may dismiss the Director before the end of the term of his/her appointment for justifiable cause. Such justifiable cause includes, but is

not limited to, unsatisfactory services and serious misconduct, in accordance with the Staff Regulations.

Article 20 Employment Conditions

- (1) Recruitment, selection, promotion and all other aspects of personnel management shall be based on merit and shall respect the requirements of equal access to employment, fairness, transparency, diversity and representation from all Members of ReSPA.
- (2) ReSPA staff and technical and service employees shall be selected in accordance with the Staff Regulations.

Article 21 Impartiality

- (1) The Director shall receive instructions only from the Governing Board.
- (2) The Director and staff of ReSPA shall not seek, receive or act on instructions from any individual Member of the Governing Board or from any third party.

Chapter IX. Financial Management

Article 22 Financing

ReSPA shall be financed from Member contributions and donations.

Article 23 Core Budget

- (1) The contents of the Core Budget shall be defined in the Financial Regulations. The Governing Board shall decide on the annual Core Budget of ReSPA in accordance with the Financial Regulations.
- (2) The Core Budget shall be financed by the budgets of the Members of ReSPA, each of which shall contribute an equal share.
- (3) The envelope for the annual Core Budget for each Member of ReSPA shall be set at € 120,000 for 2009 and at € 150,000 for 2010.
- (4) A Party which accedes to the present Agreement following the procedure of Article 7 shall be liable to pay its full share of the Core Budget for the entire year of its accession.
- (5) The Members of ReSPA shall supply their contribution during the first three months of ReSPA's budgetary year, as defined in ReSPA's Financial Regulations. For 2009 the contributions shall be supplied within one month of the entry into force of this Agreement in accordance with Article 27, Paragraphs (2) and (3).
- (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 of ReSPA.
- (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) shall be financed from the ReSPA Core Budget.

Article 24 Financing of ReSPA Activities

- (1) The activities of ReSPA as described in Article 5 may be financed by donations of the Members of ReSPA, Observers or other donors, or from the Core Budget, in accordance with the Financial Regulations.
- (2) Activities financed by donations may be managed by the funders or their contractors. Alternatively, they may be provided to ReSPA and directly managed by the Secretariat, under ReSPA's accountability ("directly managed funds"). ReSPA is permitted to levy charges on "directly managed funds", in accordance with the Financial Regulations.

Article 25 Financial Reporting

- (1) The Secretariat shall prepare annual reports on the execution of the Core Budget, as specified in the Financial Regulations.
- (2) The Secretariat shall prepare reports on the use of "directly managed funds" as specified in ReSPA's Financial Regulations.
- (3) The Secretariat shall also prepare reports on the use of "directly managed funds" in accordance with the accountability requirements of the funder.
- (4) There shall be an annual independent audit by the Independent Auditor(s) of the use of the Core Budget and of "directly managed funds", received from Members of ReSPA, Observers or other donors. The final results of the audit, after due process and with comments from ReSPA, shall be made public.
- (5) The reports mentioned in Paragraphs (1), (2) and (3) of this Article shall be subject to audit by the Independent Auditor(s).

Chapter X. Privileges and Immunities

Article 26

ReSPA, the Director and ReSPA staff shall enjoy, in each of the Members of ReSPA, the privileges and immunities which are necessary for the independent exercise of their functions, equivalent to the applicable sections of the Convention on Privileges and Immunities of the United Nations of 1946. In particular:

- a) ReSPA shall enjoy privileges and immunities equivalent to those laid out in Article II of the Convention.
- b) The Director and the staff shall have privileges and immunities equivalent to those in Article V, Section 18 of the Convention.
- c) The Director shall have additional privileges and immunities equivalent to those in Section 19 of the Convention.
- d) The Governing Board shall consider waiver of immunity and shall cooperate with Members and make provision of settlement of disputes in a manner equivalent to that in Sections 20, 21 and 29 of the Convention.

Chapter XI. Final Provisions

Article 27 Ratification and Entry into Force

- (1) The present Agreement shall be ratified, accepted or approved by the Parties in accordance with their respective legal 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, including Montenegro, have deposited their instruments of ratification, acceptance or approval with the Depository.
- (3) For the Parties that ratify, accept or approve the Agreement after the deposit of the fifth instrument of ratification, acceptance or approval, the Agreement shall enter into force on the first day of the month following the date on which the Party deposits its instrument of ratification, acceptance or approval with the Depository.
- (4) On the date of entry into force of the present Agreement the "Protocol of Cooperation on the Creation of the Regional School of Public Administration" will cease to have effect.

Article 28 Accession

After the Governing Board has adopted the Resolution on the application of a Country to accede to the present Agreement in accordance with Article 7, accession shall take effect upon the first day of the month following the deposit of an instrument of accession with the Depository.

Article 29 Amendments

- (1) The present Agreement may be amended on the proposal of a Member of ReSPA.
- (2) Any proposal to amend this Agreement shall be communicated by the Secretariat to the Members of ReSPA at least two months before submission to the Governing Board for consideration and approval.
- (3) Amendments to the present Agreement approved pursuant to Paragraph 2 shall be subject to ratification, acceptance or approval by the Members of ReSPA in accordance with their respective legal requirements.

Article 30 Duration

- (1) The present Agreement shall remain in force for seven years after the date of its entry into force, with the possibility of extending it by agreement amongst the Members of ReSPA.
- (2) Before the end of the 5th year after the date of its entry into force, the Members of ReSPA shall decide by a majority of 2/3 of all Members of ReSPA whether to extend the Agreement.

Article 31 Withdrawal

- (1) A Member of ReSPA may withdraw from the present Agreement by written notice of withdrawal addressed to the Depositary. Such notice shall take effect no earlier than the end of ReSPA's financial year after the financial year in which the notice was received by the Depositary.
- (2) A Member of ReSPA shall not be discharged, by reason of its withdrawal, from financial obligations which accrued while it was a Member of this Agreement.

Article 32 Depositary

The Government of Montenegro shall be the Depositary for the present Agreement.

In witness whereof, the undersigned, being duly authorised, have signed this Agreement.

Signed at Podgorica this twenty first day of November 2008 in a single authentic copy in the English language.

For the Government of the Republic of Albania:

Gent Shkëmbi

For the Government of Bosnia and Herzegovina:

Bledin

For the Government of the Republic of Croatia:

Stjepan Mesić

For the Government of the Republic of Macedonia:

Stevan Pendarovski

For the Government of Montenegro:

Veljko Blagojević

For the Government of the Republic of Serbia:

Drasko Pijetović

For the United Nations Interim Administration Mission in Kosovo, acting on behalf of Kosovo pursuant to the United Nations Security Council Resolution 1244:



Montenegro
Ministry of Foreign Affairs

I hereby certify that this is a true copy of the
sole original document in English language,
deposited in the archives of the Ministry of
Foreign Affairs

Podgorica, 23 January 2009

Acting POLITICAL DIRECTOR

A handwritten signature in black ink, appearing to read 'V. Garčević'.

Vesko Garčević

