

EXECUTIVE COMMITTEE RULES OF PROCEDURE

1. Introduction

1.1. These Rules of Procedure (the Rules) regulate the operational workings of the Executive Committee of the International Association of Prosecutors (IAP).

1.2. These Rules are adopted pursuant to Article 8.11 of the IAP Constitution.

1.3. These Rules do not supplant, nor detract from, the IAP Constitution. Where there is a conflict between the IAP Constitution and these Rules, the IAP Constitution will prevail.

2. Nominations for election to the Executive Committee

2.1. Pursuant to Article 8.6 of the IAP Constitution and without prejudice to Article 8.6A, nominations for election as an ordinary member to the Executive Committee may be made by the Executive Committee.

2.2. Nominations for election to the Executive Committee made by the Executive Committee shall be made on a personal basis. No country, jurisdiction, organisation or association has an automatic right to a seat on the Executive Committee.

2.3. In considering potential nominations for election to the Executive Committee, the Executive Committee will base its decision on the following criteria and any other factor that appears to them to be relevant:

- i. The nominee should be an individual member of the IAP or one of the formally appointed representatives of an organisational member. Once elected, members of the Executive Committee are expected to become individual members;
- ii. The nominee should be from the region of the world in which the vacancy has arisen, unless a nomination from another region would improve the balance between the regions of the world and the representation of the principal legal systems of the world;
- iii. Due regard should be had to the need to establish and maintain the fair representation of female and male prosecutors;
- iv. Due regard should be had to the need to establish and maintain a balance between members representing associations of prosecutors and prosecution services, so that the balance reflects the balance of IAP membership;
- v. As the working language of the Executive Committee is English, the nominee should be sufficiently fluent in English to take an active part in the Executive Committee's discussions or should be able to understand proceedings and converse sufficiently via an interpreter;
- vi. The nominee should be either:
 - a. the head of a prosecution service or a member of such a prosecution service's senior management team, who would accept appointment with the approval of the head of the prosecution service;

- b. the head of an association of prosecutors organised on a country or a jurisdictional basis or a member of the senior body of that association, who would accept appointment with the approval of the head of the association: or
 - c. the head of an organisation, agency or foundation established for the promotion of crime prevention measures, or a member of the senior management team of such an organisation, agency or foundation who would accept appointment with the approval of the head of the organisation, agency or foundation; or
 - d. an individual member who, through demonstrable work on behalf of the IAP or more generally on behalf of prosecutors, has shown that they are worthy of membership of the Executive Committee.
- vii. The nominee must be able to show a commitment to the IAP's Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors; and
- viii. The nominee must be prepared to devote sufficient time to enable their active participation in the activities and programmes of the IAP.

2.4. The Executive Committee should not nominate any person whose political or other functions or responsibilities create real or perceived doubts as to the nominee's ability to work in a manner consistent with the IAP Constitution.

2.5. Each member, supernumerary member and co-opted member of the Executive Committee shall have an equal vote in relation to nominations for election.

2.6. Votes may only be cast by eligible members who are present at the meeting at which the vote takes place.

2.7. A vote must take place in relation to each potential nominee. The voting procedure will take place in accordance with Article 8.10 of the IAP Constitution.

2.8. The Secretary-General shall notify nominations by the Executive Committee for election as an ordinary member to the members of the IAP in accordance with Article 8.6 of the IAP Constitution.

3. Elections for President and Vice-President

3.1. Pursuant to Article 8.2(g) of the IAP Constitution, nominations for the election of the IAP President and Vice-Presidents may be made by the Executive Committee to the General Meeting.

3.2. The procedure for the nomination for election of the IAP President and Vice-Presidents is set out in Annex A.

4. Responsibilities of members of the Executive Committee

4.1. In addition to the duties of the Executive Committee as set out in the IAP Constitution at Article 8.2, individual members of the Executive Committee also have personal responsibilities including, but not limited to:

- i. Promoting the IAP within their geographic region and internationally;
- ii. Assisting in the identification and recruitment of individual and organisational members;
- iii. Regularly attending and actively participating in Executive Committee meetings;
- iv. Actively supporting and participating in IAP committees and sub-committees;
- v. Actively participating in Executive Committee deliberations, whether during a meeting or electronically;
- vi. Assisting in identifying new hosts for IAP Annual and Regional Conferences;
- vii. Regularly attending and actively participating in IAP Annual Conferences, relevant Regional Conferences, the IAP General Meeting and other IAP events;
- viii. Representing the IAP at other relevant meetings / conferences if asked to do so by the President or Secretariat;
- ix. Making proposals for and responding to requests for assistance from the Secretariat in relation to the annual work programme of the IAP, including newsletters, conferences and training events;
- x. Assisting in responding to complaints against prosecutors in their region;
- xi. Providing a written report on their activities in support of the IAP and its Objects for the Northern Spring meeting of the Executive Committee.

4.2. Members of the Executive Committee have a duty to always act with integrity, in good faith, and in the best interests of the IAP. They must also always act in accordance with the IAP Constitution and any other IAP rules, policies or protocols that are in force.

5. Resignation from the Executive Committee

5.1. A member of the Executive Committee may resign at any time by providing notice, in writing, to the Secretary-General.

5.2. A member who no longer meets the criteria outlined in rule 3 for eligibility for membership of the Executive Committee is expected to resign from the Executive Committee. Such resignation should take place at or before the Executive Committee meeting that follows their change in eligibility status.

6. Executive Committee meetings

Frequency and timing of meetings

6.1. The Executive Committee will normally meet twice a year. One of these meetings will be held immediately before the Annual Conference (the “Conference meeting”) and General Meeting, and the other (the “Northern Spring meeting”) approximately six months before that date.

Meeting venues

6.2. The Conference meeting will be held at the same venue as the Annual Conference. At that meeting, or earlier, the Executive Committee will decide on the venue for the Northern Spring meeting. The Executive Committee will use its best endeavours to ensure that its meetings are held in geographically dispersed locations which adequately represent the membership of the IAP.

6.3. Meetings of the Executive Committee can take place entirely remotely if special circumstances exist. Hybrid meetings, where some Executive Committee members attend in person and some attend remotely, cannot take place.

Meeting papers

6.4. Papers for each meeting will be provided electronically to all Executive Committee members at least seven days before the date of the meeting.

The meeting

6.5. The working language of the Executive Committee will be English.

6.6. The President will chair meetings of the Executive Committee. In the absence of the President, or if the President so requests, the Executive Committee may appoint a Vice-President to chair all or part of the meeting or, if no Vice-President is available or willing to accept such appointment, one of its other members to chair all or part of the meeting.

6.7. The minutes of the meeting will be kept by the IAP Secretariat. These will include decisions of the Executive Committee and the coordination of resultant actions.

6.8. Members of the press will not be invited to the meetings of the Executive Committee, and the proceedings of the Executive Committee will not be recorded (audio/visual).

6.9. Seating will be provided at the committee table for full members, co-opted members, substitutes, supernumerary members, observers, and the Secretariat only.

6.10. Should a member be unable to attend, he or she may send a representative as a substitute. Notification of the substitute must be given to the Secretary-General fourteen days before the meeting.

6.11. The Executive Committee may invite any individual or representative of a body/organisation to attend all or part of an Executive Committee meeting, without the right to vote, in circumstances where their attendance would be beneficial to the work of the Executive Committee or to any of the issues on the meeting agenda.

6.12. Without prejudice to rule 6.11., representatives of the IAP Senate and of the Financial Review Committee have a recurring invitation to attend each Executive Committee meeting, without the right to vote, by virtue of their advisory roles to the Executive Committee.

The agenda

6.13. The agenda for each meeting will be circulated with the meeting papers.

6.14. The following will appear as standing items on the agenda:

- i. The adoption of the minutes of the previous meeting
- ii. Matters arising from the minutes
- iii. Apologies for absence
- iv. Admission of organisational members
- v. Composition of Executive Committee
- vi. Composition of Conflict Committee [every 3 years or as required]
- vii. Composition of IAP Committees, as required
- viii. Recommendations for honorary membership and for IAP Awards and Decorations
- ix. Report on the activities of the Secretariat and on the affairs of the IAP
- x. Financial reports
- xi. Review of business plan and future work plan
- xii. Activity reports of Executive Committee members (Northern Spring Meeting only)
- xiii. Annual Conferences (and General Meeting as required)
- xiv. Regional Conferences
- xv. The date and venue of the next meeting of the Executive Committee.

The quorum

6.15. There will be a quorum if one third of the current members (full members, supernumerary members and co-opted members) are present at a meeting of the Executive Committee.

Voting

6.16. Decisions of the Executive Committee should be arrived at by consensus if possible.

6.17. Save for where a different process is set down, where it is appropriate or necessary to hold a vote, decisions of the Executive Committee shall be by a simple majority of its members present and voting in either an open or secret ballot, as deemed appropriate by the President. A vote will only be taken on an item of business if a member of the Executive Committee or Secretariat requires it. In the event of a vote, the names of the proposer and seconder of the motion will be recorded in the minutes, together with the numerical result of the vote.

6.18. Votes may only be cast by full members (including co-opted members) of the Executive Committee present at a meeting.

Interim business

6.19. The business of the Executive Committee, including the conduct of votes, may also be carried out between meetings by electronic communication.

6.20. Where the Secretariat assess that the decision is likely to be straightforward and/or unanimous, then it can be approved by tacit agreement within a specified timeframe. However, any member can request that a vote takes place via notification to the Secretariat within the same timeframe. In such circumstances, the request for a decision will be recirculated with voting options.

6.21. Where the Secretariat assess that the decision is not straightforward and/or where any vote is unlikely to be unanimous, the request for a decision will be circulated with voting options. A decision will be made based on a simple majority of responses received within a specified timeframe.

6.22. Within the same specified timeframe, any member of the Executive Committee can request that the issue is discussed in-person before a decision is reached. If the need for a decision cannot wait until the next Executive Committee meeting, then the Secretariat will arrange for an ad-hoc meeting to be attended remotely. If the decision can wait until the next Executive Committee meeting, then it will be adjourned and placed on the agenda for that meeting so that full discussions and a subsequent vote can take place.

Reports

6.23. Each member of the Executive Committee will provide a short report of their activity undertaken in support of the Objects of the IAP at each Northern Spring Meeting. Summaries of these reports will be published in the IAP Newsletter.

ANNEX A

ELECTION OF IAP PRESIDENT AND VICE-PRESIDENTS

1. Pursuant to Article 8.2(g) of the IAP Constitution, nominations for the election of the IAP President and Vice-President may be made by the Executive Committee to the General Meeting.
2. Candidates for President and Vice-President shall be existing members of the Executive Committee.
3. Each member, supernumerary member and co-opted member of the Executive Committee shall have an equal vote.

4. Votes may only be cast by eligible members who are present at the meeting at which the vote takes place.
5. A vote must be held in relation to each candidate for President and Vice-President.
6. The Secretary-General shall submit the names of candidates and any supporting documentation to the Executive Committee no later than three weeks before the Northern Spring Meeting in the year in which the election by the General Meeting will take place.
7. If there is only one or two candidates for each position, then voting will take place in accordance with Article 8.10 of the Constitution.
8. If there are three or more candidates for each position, then voting shall take place by using the Single Transferable Voting system, as described in Annex 4 to the IAP Constitution and below:
 - i. The Secretary-General will chair the part of the meeting during which the voting takes place. The Secretary-General will clarify the Single Transferable Voting procedure and will conduct the ballot.
 - ii. Each eligible member will be provided with a ballot paper listing the candidates for the relevant position. A number 1 should be placed against the name of the candidate to whom the member wishes to give their primary vote. The member may also place subsequent numbers against the name/s of other candidates to indicate their second and subsequent preferences.
 - iii. Ballot papers are collected and counted.
 - iv. If no candidate is marked clearly or if the ballot paper is blank the individual ballot will be considered invalid.
 - v. If a candidate secures more primary votes (namely number 1 votes) than all the other candidates combined, then that candidate is elected.
 - vi. If no candidate secures more primary votes than all the other candidates combined, then the candidate with the lowest number of primary votes is eliminated. The ballot papers where that candidate received the primary vote are re-checked. If the ballot paper does not contain any second preference, then that ballot paper is set aside. If the ballot paper does contain a second preference, then the ballot paper is distributed to the second preference candidate and will be classed as a primary vote.
 - vii. The ballot papers are counted again. If a candidate now has more primary votes than all the other candidates combined, then that candidate is elected.
 - viii. If not, then the candidate with the lowest number of votes is eliminated. Their ballot papers are re-checked to determine the next available preference after that candidate on the ballot paper, and the ballot papers are then redistributed to the remaining candidates based on the next available preference. Each redistributed vote will be classed as a primary vote.
 - ix. The above process will continue until one candidate has secured more votes than all the remaining candidates combined.
 - x. At the final count, if the two remaining candidates both receive an equal number of votes, then the candidate that is the longest serving member of the Executive Committee will be deemed to be elected. If both candidates have served for equal terms, then a draw will

be executed by the Secretary-General to determine who will be deemed to be elected.
The results will be announced by the Secretary-General.

9. A record should be taken to reflect:

- i. The number of members, supernumerary members and co-opted members present;
- ii. The number of invalid votes cast;
- iii. The number of valid votes cast in each of the vote-counting rounds;
- iv. The final number of votes cast for each candidate (in alphabetical order);
- v. The result.

10. The result of the ballot will be communicated to the general membership of the IAP in accordance with Article 10.4 (for the President) and Article 11.3 (for a Vice-President) of the IAP Constitution.