



## IAP Executive Committee Protocol

*This protocol does not supplant, nor detract from, the Constitution of the International Association of Prosecutors (the Constitution). Rather, under the provisions of Article 8.11 of the Constitution, it sets out arrangements for the running of efficient and effective meetings of the Executive Committee.*

The *Constitution* of the International Association of Prosecutors (the IAP) sets out at Article 8.2 the following powers and duties for the Executive Committee:

- to supervise and control the affairs of the Association generally;
- to adopt annual budgets and financial statements at the proposal of the Secretary-General;
- to adopt annual working programs at the proposal of the Secretary-General;
- to determine annual membership dues in accordance with Article 5;
- to admit applicants to organisational membership in accordance with Article 4 and to suspend the membership of or expel organisational members in accordance with Article 6.3;
- to recommend persons to the General Meeting for honorary membership in accordance with Article 4;
- to make nominations to the General Meeting for the appointment of members of the Executive Committee and the Conflict Committee and for the election of the President, the Vice-Presidents and the Secretary-General;
- to appoint the General Counsel;
- to suspend from membership members of the Executive Committee, and to recommend to the General Meeting to dismiss such members or to dismiss the President, a Vice-President, the Secretary-General or the General Counsel;
- to prepare in conjunction with the Secretary-General for Conferences held pursuant to Article 15, to determine Conference fees, programs and budgets, and to appoint a Conference Committee for the Annual Conference and, if deemed necessary, for any other Conference to assist in the preparation therefore;
- to make determinations pursuant to Articles 14.3 and 14.4 and 15.1 and 15.4;
- to assist members in accordance with the objects of the Association;

- to propose the establishment of committees of the Association by the General Meeting and to determine, whether before or after such establishment, the titles, functions, powers and procedures of such committees

### **Nominations to membership of the Executive Committee**

1. Nominations to membership of the Executive Committee made by the Executive Committee shall be made on a personal basis, i.e. no country, jurisdiction, organisation or association has an automatic right to a seat on the Executive Committee.
2. The Executive Committee may decline to accept a proposal for a replacement to come from the same country, jurisdiction, organisation or association as a retiring member (or any other proposal). The Executive Committee will always bear in mind the need for regional and gender balance.
3. When speaking in the Executive Committee, members are encouraged to use their experience in the widest possible form. However, it is understood that there will be occasions when members will be constrained by domestic requirements and will not be able to agree consensus lines with the other members of the Executive Committee.
4. The Chair of a meeting of the Executive Committee will always endeavour to achieve a consensus position, enabling all IAP policies and documents to have the unanimous support of the Executive Committee.

### **Procedure for nominating persons to membership of the Executive Committee**

The Executive Committee, in considering the potential nomination to its number for appointment by the General Meeting, will base its decision on the following criteria:

1. The nominee shall be an individual member of the Association or one of the formally appointed representatives of an organisational member – once elected, members of the Executive Committee are expected to become individual members;
2. The nominee shall be from the region of the world in which the vacancy has arisen, unless his/her nomination would improve the balance between the regions of the world and the representation of the principal legal systems of the world; the Executive Committee shall also take into consideration the need to establish and maintain the fair representation of female and male prosecutors.
3. The working language of the Executive Committee is English and the nominee shall be sufficiently fluent in English to take an active part in the Committee's discussions.
4. The nominee shall be either:
  - a) the head of a prosecution agency or a member of such an agency's senior management team, who would accept appointment with the approval of the head of the agency;

- 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;
  - d) an individual member who, through demonstrable work on behalf of the IAP or more generally on behalf of prosecutors, has shown that he/she is worthy of membership of the Executive Committee.
5. The Executive Committee should not nominate any person whose political or other functions or responsibilities create doubts as to the nominee's ability to work in a manner consistent with the Constitution of the Association.
6. The nominee should normally be currently active in prosecution work or in an organisation as referred to in Article 2.2 of the IAP Constitution.
7. Any 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
  - b) demonstrable work on behalf of the IAP and/or in support of its objectives; or
  - c) other significant work on behalf of prosecutors.
8. The nominee must be prepared to devote time to and to work actively in the activities and programmes of the IAP.
9. As the criteria mentioned above are considered essential for the nomination of a member, the Executive Committee expects members who no longer meet the criteria to resign from the Executive Committee.

### **Responsibilities of members of the Executive Committee**

In addition to the duties of the Executive Committee as set out in the IAP Constitution at Article 8.2, the individual members of the Executive Committee also have certain general personal responsibilities. These include:

- promotion of the IAP;
- recruitment of individual and organisational members;
- making proposals to and responding to requests for assistance from the Secretariat in relation to :
  - a) the IAP Newsletter

- b) the IAP journal
  - c) the IAP Best Practice Series and other publications, including the Directory, the History and Annual Reports
  - d) the work of the IAP
  - e) the subject matter and speakers for the Annual and Regional Conferences
  - f) the running of conferences
  - g) the provision of assistance to other prosecutors.
- preparing and submitting to the Northern Spring meeting of the Executive Committee a written report on the member's activities in support of the IAP.

## **Arrangements for the running of efficient and effective meetings of the Ex. Com.**

### **1. Frequency and timing of meetings**

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.

### **2. Meeting venues**

One meeting will naturally 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 Spring meeting. The Executive Committee will use its best endeavours to ensure that its meetings are held in widely dispersed venues which adequately represent the membership of the IAP. If the Executive Committee does not have before it a proposed venue for the next Spring meeting, that meeting will be held in the following year in Vienna, to coincide with the meeting of the UN Commission on Crime Prevention and Criminal Justice."

### **3. Meeting papers**

Papers for each meeting will be circulated by the Secretary-General to members of the Executive Committee or posted on the executive committee members site of the IAP website at least fourteen days before the date of the meeting. The circulation will be carried out electronically.

### *4. The meeting*

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

4.2 The President, or in his absence one of the Vice-Presidents, will chair meetings of the Executive Committee.

4.3 The minutes of the meeting will be kept by the Secretary-General. These will include decisions of the Executive Committee and will co-ordinate the follow-up action as a result of the decisions made. 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 tape-recorded.

4.4 Membership of the Executive Committee is personal and seating will be provided at the committee table for members only. Should a member be unable to attend, he or she may send

a representative as an observer. This must be notified to the Secretary-General fourteen days before the meeting. Separate seating will be provided for observers.

### *5. The agenda*

5.1 The agenda for each meeting will be circulated or posted on the website with the papers.

5.2 The following will appear as standing items on the Agenda:

- a) The adoption of the minutes of the previous meeting
- b) Matters arising from the minutes.
- c) Apologies for absence.
- d) Admission of organisational members.
  
- e) Composition of Executive Committee
- f) Composition of Conflict Committee[every 3 years or as required]
- g) Recommendations for honorary membership and for IAP Awards.
- h) Report on the activities (of the Bureau) of the Secretary-General and on the affairs of the Association.
- i) Financial report
  - present financial situation
  - membership situation
  - membership dues
  - governmental support
  
- j) Report from General Counsel and project update
- k) Review of Business Plan and future work plan
- l) Activity reports of Executive Committee members(Northern Spring Meeting only)
- m) Annual Conferences (and General Meeting as required)
- n) Regional Conferences
- o) The date and venue of the next meeting of the Executive Committee

### *6. The quorum*

There will be a quorum of one third of the current members (including the President, Vice-Presidents, Secretary-General and General Counsel) are present at a meeting of the Executive Committee.

### *7. Voting*

It is intended that decisions of the Executive Committee will be arrived at by consensus. Where, however, it is appropriate to hold a vote, decisions of the Executive Committee shall be by a simple majority of its members present and voting as deemed appropriate by the President either in an open or secret ballot. A vote will only be taken on an item of business if a member of the Executive Committee 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.

Votes may only be cast by full members of the Executive Committee present at a meeting.

### *8. Interim business*

The business of the Executive Committee, including the conduct of votes, may also be carried out between meetings by electronic communication. If, however, there is no consensus on a given matter, the subject will be referred to the next full meeting of the Executive Committee.

### *9. Reports*

Each member of the Executive Committee will at the Northern Spring meeting provide a short report of his or her activity undertaken in support of the objects of the IAP. Summaries of these reports will be published in the Newsletter.