

**Resolution of the IACA Provisional Assembly
establishing the
Provisional Commission
for the International Anti-Corruption Academy (IACA)**

The Parties and Signatories of the *Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization* (hereinafter referred to as "Agreement"),

Recalling and welcoming the fact that the Agreement entered into force on 8 March 2011, thus establishing IACA as a fully fledged international organization effective as of that day,

Acknowledging the work that was undertaken in preparation of the establishment of IACA as an international organization as well as of the results that have been achieved since IACA became an international organization,

Welcoming the signing of the *Agreement between the Republic of Austria and IACA regarding the Seat of the International Anti-Corruption Academy in Austria* (hereinafter referred to as "the HQ-Agreement"), pursuant to Article III of the Agreement,

Acknowledging IACA's role as a provider for anti-corruption education and professional training, research into all aspects of corruption, as well as for other relevant forms of technical assistance, in support of the United Nations Convention against Corruption (UNCAC) and other international and regional instruments, her many links with other anti-corruption stakeholders, her recent activities and her upcoming trainings and programmes,

Pledging their commitment to make IACA a strong and highly reputed service provider and international centre of excellence with a holistic approach for promoting effective and efficient prevention and combating of corruption,

Inviting all Members States of the United Nations and Intergovernmental Organizations which have not done so, to accede to the Agreement at the earliest convenience,

Having decided to convene for the first Assembly of Parties in the second half of 2012, and until then, to base decisions upon an inclusive process of Parties and Signatories alike,

Having decided to establish a Provisional Commission to this end,

1. Approve the Text on the Establishment of a Provisional Commission for the International Anti-Corruption Academy (IACA), as annexed to the present resolution;
2. Request the Chairman of IACA's International Transition Team to provide the services required to prepare and initiate the work of the Provisional Commission.

ANNEX

Text on the Establishment of a Provisional Commission for the International Anti-Corruption Academy (IACA)

1. There is hereby established the Provisional Commission (hereinafter referred to as "the Commission") for the International Anti-Corruption Academy (IACA) (hereinafter referred to as "IACA" or "the Academy") as an interim function of IACA for the purpose of supporting IACA's activities, basing decisions upon an inclusive process of Parties and Signatories, and carrying out the necessary arrangements for finalizing the effective implementation of the *Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization* (hereinafter referred to as "Agreement"), as well as for preparing for the first session of the Assembly of Parties to that Agreement.
2. All Member States of the United Nations and intergovernmental organizations (hereinafter referred to as "International Organizations") which have signed the Agreement or which have acceded thereto – the latter by effect of the deposit of their instrument of accession with the Depositary – shall be and are hereinafter referred to as "Members" of the Commission. The United Nations Office on Drugs and Crime (UNODC) upon its own discretion and by reference to Article VI of the Agreement may also be a Member of the Commission.
 - a. Each Member shall have one accredited representative in the Commission, who may be accompanied by alternates and advisers. The representative may designate an alternate or an adviser to act as the representative;
 - b. Each Member shall have one vote;
 - c. The credentials of representatives or the official communication notifying of representatives as well as the names of alternates and advisers shall be submitted to the Chairman of IACA's International Transition Team (hereinafter referred to as "the ITT") acting as the Executive Secretary of the Commission;
 - d. The Chairman of the ITT may participate in the sessions of the Commission and its subsidiary bodies without the right to vote;
 - e. Upon decision of the Commission, representatives of States which are not Members of the Commission, as well as representatives of UN bodies, other international organizations or of other relevant institutions and bodies, can be invited to attend meetings of the Commission and its subsidiary bodies as observers without the right to participate in the decision-making of the Commission;
 - f. The costs of a delegation's participation in the sessions of the Commission and its subsidiary bodies shall be borne by the respective Member.
3. The Commission shall convene at the seat of the Academy or in Vienna, Austria.
4. The Commission shall make every effort to adopt decisions by consensus. If, notwithstanding the efforts of representatives to achieve consensus, such consensus cannot be achieved within reasonable time

during meetings, the Commission shall take its decisions on procedural matters by simple majority, including a simple majority of Parties, present and voting, unless otherwise provided by the Agreement. Decisions on matters of substance, including budgetary issues, shall be taken by a two-thirds majority of the Members, including a two-thirds majority of Parties, present and voting, unless otherwise provided by the Agreement. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Commission by the majority required for decisions on matters of substance.

5. The Commission shall:
 - a. Elect its officers, including its President and Vice-Presidents, adopt its Rules of Procedure, meet as often as necessary and establish such subsidiary bodies as it deems useful. The subsidiary bodies shall be open to all Members;
 - b. Work closely with the ITT, which will assist the Commission in its activity and provide resources for the Secretariat of the Commission. The Secretariat shall be headed by the Chairman of the ITT acting as the Executive Secretary to the Commission. The Executive Secretary shall have the right to propose the convening of sessions of the Commission;
 - c. Establish administrative and financial regulations in respect of its own expenditure, providing for, *inter alia*:
 - i. Proper financial control and accounting by the Commission;
 - ii. Preparation and approval of periodic financial statements by the Commission;
 - iii. Independent audit of the Commission's financial statements.

6. The Commission shall undertake, *inter alia*, the following tasks:
 - a. Make arrangements for the first session of the Assembly of Parties, including the preparation of a draft agenda and draft rules of procedure;
 - b. Adopt strategies and guidelines for ensuring the financial resources of the Academy, with special emphasis on general purpose budget allocation, and assist the Chairman of the ITT's efforts to that effect;
 - c. Review the progress of activities of the Academy on the basis of, *inter alia*, reports by the Chairman of the ITT;
 - d. Adopt recommendations relating to the Academy's policies and management for implementation by the Chairman of the ITT;
 - e. Adopt as soon as possible the strategic rules governing the operation of the Academy, including financial frameworks and the staff statute, and – until then – mandate the Chairman of the ITT with the necessary case-by-case arrangements to continue the successful and timely operationalization of IACA's tasks;
 - f. Appoint as soon as possible - taking into account IACA's legal nature as an international organization since 8 March 2011 - an acting Dean for a phase of two years to finalize the operational set-up of the Academy, and consequently, after an appropriate period of time, evaluate his or her activities;

- g. Appoint the independent external auditor;
 - h. Approve the annual audited statement of the Academy's accounts;
 - i. Report to the first Assembly of Parties on the progress of the activities of the Academy;
 - j. Approve the establishment of facilities in other locations.
7. The Commission shall also:
 - a. Facilitate the exchange of information between Parties and Signatories concerning legal and administrative measures for the implementation of the Agreement, and if requested by Parties and Signatories, give advice and assistance to them on these matters;
 - b. Follow the ratification process, and if requested by Signatories, provide them with legal and technical information and advice about the Agreement in order to facilitate its ratification process; and
 - c. Prepare such studies, reports and records as it deems necessary.
8. The costs of the Commission and its activities, including the Secretariat, shall be met by funds provided by the Parties and Signatories. The Commission shall develop the respective funding procedures in line with the relevant provisions of the Agreement.
9. In light of the provisional nature of the Commission and its limited resources, English shall be the language of the Commission.
10. Subject to the availability of voluntary contributions, any of the UN official languages can be additionally used to facilitate the work of the Commission.
11. The Commission shall prepare a final report on all matters within its mandate, including recommendations affecting a smooth transition, for the first Assembly of Parties.
12. Any funds allocated to the Commission shall be transferred to the budget-line reserved for the Assembly of Parties at the first session of the Assembly of Parties.
13. The activities of the Commission as an interim function of IACA shall be deemed official activities and as such are covered by the HQ-Agreement.
14. Nothing contained in this Resolution shall be deemed a waiver of the Agreement or the HQ-Agreement (pursuant to Article III of the Agreement). In the event that there is an inconsistency between this Resolution and the two Agreements the latter shall prevail.
15. The Commission shall remain in existence until the conclusion of the first session of the Assembly of Parties.