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**Zagreb, 7. srpnja 2011.**

**PREDSJEDNIKU HRVATSKOGA SABORA**

Predmet: Prijedlog zakona o potvrđivanju Sporazuma o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije, s Konačnim prijedlogom zakona

Na temelju članka 84. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001 – pročišćeni tekst, 55/2001 – ispravak, 76/2010 i 85/2010 – pročišćeni tekst) i članaka 129. i 159. Poslovnika Hrvatskoga sabora (Narodne novine, br. 71/2000, 129/2000, 117/2001, 6/2002 – pročišćeni tekst, 41/2002, 91/2003, 58/2004, 69/2007, 39/2008 i 86/2008), Vlada Republike Hrvatske podnosi Prijedlog zakona o potvrđivanju Sporazuma o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije, s Konačnim prijedlogom zakona za hitni postupak.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila Dražena Bošnjakovića, ministra pravosuđa i mr. sc. Zorana Pičuljana, Tatijanu Vučetić i Baricu Novosel, državne tajnike u Ministarstvu pravosuđa.

PREDSJEDNICA

Jadranka Kosor, dipl. iur.

**VLADA REPUBLIKE HRVATSKE**

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**PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA O  
OSNIVANJU MEĐUNARODNE ANTIKORUPCIJSKE AKADEMIJE KAO  
MEĐUNARODNE ORGANIZACIJE, S KONAČNIM PRIJEDLOGOM ZAKONA**

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**Zagreb, srpanj 2011.**

# **PRIJEDLOG ZAKONA O POTVRĐIVANJU SPORAZUMA O OSNIVANJU MEĐUNARODNE ANTIKORUPCIJSKE AKADEMIJE KAO MEĐUNARODNE ORGANIZACIJE**

## **I. USTAVNA OSNOVA**

Ustavna osnova za donošenje Zakona o potvrđivanju Sporazuma o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije sadržana je u odredbi članka 139. stavka 1. Ustava Republike Hrvatske (Narodne novine, br. 56/90, 135/97, 8/98 – pročišćeni tekst, 113/2000, 124/2000 – pročišćeni tekst, 28/2001, 41/2001- pročišćeni tekst, 55/2001-ispravak, 76/2010 i 85/2010 - pročišćeni tekst).

## **II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI**

Međunarodna antikorupcijska akademija prvotno je osnovana kao neprofitna udruga kojom je upravljao Međunarodni upravni odbor kojeg su činili predstavnici Akademijinih glavnih partnera, a to su Ured Ujedinjenih naroda za droge i kriminal, Vlada Republike Austrije, Europski ured za borbu protiv prijevара (OLAF) i drugi. Inauguracijska konferencija Međunarodne antikorupcijske akademije, na kojoj su sudjelovali i predstavnici Republike Hrvatske, održana je 2. i 3. rujna 2010. godine, u Beču. Tom prilikom 35 država članica Ujedinjenih naroda i Europska organizacija za javno pravo potpisale su Sporazum o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije.

Vlada Republike Hrvatske je na sjednici održanoj 3. prosinca 2010. godine donijela Odluku o pokretanju postupka za sklapanje Sporazuma o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije. Tatijana Vučetić, državna tajnica u Ministarstvu pravosuđa je u ime Republike Hrvatske, 15. prosinca 2010. godine, potpisala Sporazum o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije (u daljnjem tekstu: Sporazum).

Sporazum je bio otvoren za potpisivanje do 31. prosinca 2010. godine, te se 51 država i 2 međunarodne organizacije koje su do navedenog datuma potpisale Sporazum, smatraju članovima osnivačima Međunarodne antikorupcijske akademije. Republika Hrvatska je, dakle, jedna od država osnivačica Međunarodne antikorupcijske akademije sa sjedištem u Laxenburgu, Republika Austrija, uz sljedeće europske države: Austriju, Bugarsku, Češku, Mađarsku, Luksemburg, Rumunjsku, Slovačku, Sloveniju i Ujedinjenu Kraljevinu Velike Britanije i Sjeverne Irske.

Do 11. svibnja 2011. godine, Sporazum je ratificiralo sedam država: Austrija, Mađarska, Maldivi, Ruska Federacija, Slovačka, Slovenija i Tajland, te dvije međunarodne organizacije: Europska organizacija za javno pravo (European Public Law Organization) i Međunarodni centar za razvoj migracijske politike (International Centre for Migration Policy Development).

Sporazum je, u skladu s člankom 18., stupio na snagu 8. ožujka 2011. godine, šezdesetog dana od datuma polaganja treće isprave o ratifikaciji, prihvatu, odobrenju ili pristupu (treću ispravu položio je Međunarodni centar za razvoj migracijske politike, kao međunarodna organizacija) te od tog datuma Međunarodna antikorupcijska akademija djeluje kao međunarodna organizacija.

Potvrđivanjem Sporazuma Republika Hrvatska iskazuje interes i pridružuje se naporima međunarodne zajednice kako bi se na području borbe protiv korupcije učinili daljnji napori i još odlučnije iskazala odlučnost u borbi protiv korupcije.

Kao stranka Sporazuma, Republika Hrvatska imat će pravo imenovati svog predstavnika u Skupštini stranaka, najvišeg tijela za donošenje odluka o programu rada i proračunu Akademije, te tijela koje bira članove Upravnog odbora.

### **III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM**

Ovim Zakonom potvrđuje se Sporazum o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije kako bi njegove odredbe u smislu članka 140. Ustava Republike Hrvatske postale dio unutarnjeg pravnog poretka Republike Hrvatske.

Sporazumom se osniva Međunarodna antikorupcijska akademija, uređuje se njezin pravni položaj, svrha i aktivnosti, sjedište, tijela Akademije: Skupština stranaka, Upravni odbor, Međunarodni viši savjetodavni odbor, Međunarodni akademski savjetodavni odbor, Dekan, financiranje Akademije, savjetovanje i razmjena informacija, suradnja, povlastice i imuniteti, odgovornost za obveze, izmjene i dopune Sporazuma, stupanje Sporazuma na snagu, rješavanje sporova, povlačenje iz Sporazuma i njegov prestanak. Kao depozitar se Sporazumom određuje Savezni ministar za europske i vanjske poslove Republike Austrije.

Međunarodna antikorupcijska akademija centar je izvrsnosti u području edukacije o suzbijanju korupcije, izobrazbe, suradnje i akademskog istraživanja, upotrebom holističkog pristupa i uzimanjem u obzir geografske i kulturne raznolikosti. Ona je pionirska organizacija koja teži prevladavanju trenutne manjkavosti u znanju i praksi u području borbe protiv korupcije.

Međunarodni viši savjetodavni odbor i Međunarodni akademski savjetodavni odbor Akademije osiguravaju Akademijine opće smjernice. Skupština stranaka djelovat će kao tijelo koje donosi konačne odluke, dok će Upravni odbor određivati strategiju, politiku i smjernice vezane uz rad Akademije. Dekan će biti odgovoran za svakodnevno djelovanje Akademije.

Program Akademije provodit će se na sljedećih pet razina: 1. Standardizirani trening i istraživanje, 2. Edukacija i istraživački rad prema potrebi, 3. (Interdisciplinarni) Programi na osnovi akademskog stupnja, 4. Platforma za dijalog i aktivnosti suradnje i povezivanja i 5. Antikorupcijski paneli i postupci evaluacije.

Edukacija i usavršavanje koje će se provoditi na Akademiji temeljit će se posebice na odredbama Konvencije Ujedinjenih naroda protiv korupcije (Narodne novine – Međunarodni ugovori, broj 2/2005). Svrha je Akademije promicanje učinkovite i uspješne prevencije i borbe protiv korupcije pružanjem antikorupcijskog obrazovanja i profesionalne izobrazbe, provođenjem i omogućavanjem istraživanja o svim aspektima korupcije, pružanjem drugih odgovarajućih oblika tehničke pomoći u borbi protiv korupcije i promicanjem međunarodne suradnje i umrežavanja u borbi protiv korupcije.

Programi izobrazbe posebno će biti pogodni za neophodno usavršavanje i edukaciju sudaca, državnih odvjetnika i policijskih službenika koji rade na istraživanju kaznenih djela korupcije i organiziranog kriminala, državnih službenika i dužnosnika Ministarstva pravosuđa, kao i ostalih državnih službenika i dužnosnika u ministarstvima i tijelima državne uprave koji rade na poslovima suzbijanja odnosno prevencije korupcije. Međunarodna antikorupcijska akademija svojim će radom dati doprinos daljnjem usavršavanju hrvatskih stručnjaka, ali će i hrvatski stručnjaci moći pružiti Akademiji svoje dosadašnje iskustvo i znanje u borbi protiv korupcije.

#### **IV. OCJENA SREDSTAVA POTREBNIH ZA PROVEDBU OVOGA ZAKONA**

Provedba ovoga Zakona neće zahtijevati dodatna financijska sredstava iz državnog proračuna Republike Hrvatske.

#### **V. PRIJEDLOG ZA DONOŠENJE ZAKONA PO HITNOM POSTUPKU**

Temelj za donošenje ovoga Zakona po hitnom postupku nalazi se u članku 159. Poslovnika Hrvatskoga sabora (Narodne novine, br. 71/2000, 129/2000, 117/2001, 6/2002 – pročišćeni tekst, 41/2002, 91/2003, 58/2004, 69/2007, 39/2008 i 86/2008) i to u drugim osobito opravdanim državnim razlozima. Naime, ocjenjuje se da postoji interes Republike Hrvatske da što skorije postane strankom Sporazuma, te članicom Međunarodne antikorupcijske akademije.

S obzirom na prirodu postupka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost da bude vezana već potpisanim međunarodnim ugovorom, kao i na činjenicu da se u ovoj fazi postupka ne mogu vršiti izmjene ili dopune teksta međunarodnog ugovora, predlaže se ovaj prijedlog Zakona raspraviti i prihvatiti po hitnom postupku objedinjavajući prvo i drugo čitanje.

**KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU  
SPORAZUMA O OSNIVANJU MEĐUNARODNE ANTIKORUPCIJSKE  
AKADEMIJE KAO MEĐUNARODNE ORGANIZACIJE**

**Članak 1.**

Potvrđuje se Sporazum o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije, sastavljen u Beču, dana 2. rujna 2010. godine, u izvorniku na arapskom, kineskom, engleskom, francuskom, ruskom i španjolskom jeziku, a kojeg je Republika Hrvatska potpisala u Laxenburgu, Republika Austrija, dana 15. prosinca 2010. godine.

**Članak 2.**

Tekst Sporazuma iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik, glasi:

**SPORAZUM O OSNIVANJU  
MEĐUNARODNE ANTIKORUPCIJSKE AKADEMIJE  
KAO MEĐUNARODNE ORGANIZACIJE**

STRANKE,

UVAŽAVAJUĆI važne doprinose u borbi protiv korupcije Ureda Ujedinjenih naroda za droge i kriminal (UNODC-a) kao čuvara Konvencije Ujedinjenih naroda protiv korupcije (UNCAC);

POTVRĐUJUĆI pripreme izvršene na međunarodnoj razini, a osobito značajne napore Republike Austrije poduzete u uskoj suradnji s UNODC-om, kao i ostalih stranaka utemeljiteljica, u osnivanju Međunarodne antikorupcijske akademije, IACA (u daljnjem tekstu "Akademija") te njihovu snažnu podršku Akademiji;

UVAŽAVAJUĆI dugogodišnje napore i trajnu podršku Međunarodne organizacije kriminalističkih policija (INTERPOL-a) u kreiranju i razvoju inicijativa za sprječavanje i borbu protiv korupcije širom svijeta;

UVAŽAVAJUĆI značajnu podršku Europskog ureda za borbu protiv prijevara (OLAF-a) i drugih sudionika u ovom zajedničkom nastojanju;

NAGLAŠAVAJUĆI globalnu i inkluzivnu narav ove inicijative te važnost težnje k zemljopisnoj raznolikosti;

PREPOZNAJUĆI važnost suradnje u zajedničkim naporima na globalnoj razini i regionalnim razinama u podršci UNCAC-u i drugim odgovarajućim međunarodnim instrumentima;

DIJELEĆI zajedničke ciljeve u pogledu pružanja tehničke pomoći i izgradnje kapaciteta kao ključnih instrumenata u borbi protiv korupcije;

PRIMJEĆUJUĆI da su antikorupcijsko obrazovanje, profesionalna izobrazba i istraživanje važne komponente takve pomoći i izgradnje kapaciteta;

ŽELEĆI unaprijediti njihove zajedničke ciljeve osnivanjem Akademije temeljem mnogostranog ugovora, otvorenog državama članicama Ujedinjenih naroda i međuvladinim organizacijama (u daljnjem tekstu "međunarodne organizacije") i pozivajući ih da udruže snage i postanu stranke ovog Sporazuma;

ODGOVARAJUĆI na poziv Republike Austrije da bude domaćin Akademiji u Laxenburgu kraj Beča;

SPORAZUMJELE SU SE kako slijedi:

## ČLANAK I.

### Osnivanje i pravni položaj

1. Ovime se osniva Akademija kao međunarodna organizacija.
2. Akademija ima punu međunarodno pravnu osobnost.
3. Akademija, *između ostalog*, ima pravnu i poslovnu sposobnost:
  - (a) za sklapanje ugovora;
  - (b) za stjecanje i otuđivanje nepokretne i pokretne imovine;
  - (c) za pokretanje i sudjelovanje u pravnim postupcima;
  - (d) za poduzimanje drugih takvih radnji koje mogu biti potrebne za ispunjavanje njene svrhe i aktivnosti.



4. Akademija djeluje u skladu s ovim Sporazumom.

## **ČLANAK II.**

### **Svrha i aktivnosti**

1. Svrha je Akademije promicanje učinkovite i uspješne prevencije i borbe protiv korupcije:

- (a) pružanjem antikorupcijskog obrazovanja i profesionalne izobrazbe;
- (b) provođenjem i omogućavanjem istraživanja o svim aspektima korupcije;
- (c) pružanjem drugih odgovarajućih oblika tehničke pomoći u borbi protiv korupcije;
- (d) promicanjem međunarodne suradnje i umrežavanja u borbi protiv korupcije.

2. Aktivnosti Akademije moraju poštivati načelo akademske slobode, ispunjavati najviše akademske i profesionalne standarde i baviti se fenomenom korupcije na sveobuhvatan i interdisciplinaran način, uzimajući u obzir kulturnu raznolikost, ravnopravnost spolova i noviji razvoj na području korupcije na globalnoj razini i regionalnim razinama.

## **ČLANAK III.**

### **Sjedište**

1. Sjedište Akademije nalazi se u Laxenburgu, Austrija, prema takvim odredbama i uvjetima kako su dogovoreni između Akademije i Republike Austrije.

2. Akademija može osnivati ustrojbene jedinice na drugim lokacijama kad je to potrebno za pružanje potpore njenim aktivnostima.

## **ČLANAK IV.**

### **Tijela**

Akademija ima

- (a) Skupštinu stranaka, u daljnjem tekstu "Skupština";
- (b) Upravni odbor, u daljnjem tekstu "Odbor";
- (c) Međunarodni viši savjetodavni odbor;
- (d) Međunarodni akademski savjetodavni odbor;
- (e) Dekana.

## **ČLANAK V.**

### **Skupština stranaka**

1. Skupština služi kao forum za stranke ovog Sporazuma za savjetovanje o cjelokupnoj politici Akademije i o drugim pitanjima od interesa u skladu s ovim Sporazumom.
2. Skupštinu čine predstavnici stranaka. Svaka stranka imenuje predstavnika koji djeluje kao član Skupštine. Svaki član Skupštine ima jedan glas.
3. Skupština osobito:
  - (a) usvaja preporuke koje se odnose na politike Akademije i upravljanje njome koje se upućuju Odboru na razmatranje;
  - (b) usvaja program rada i proračun Akademije, kako je predložio Odbor;

- (c) sudjeluje u aktivnostima prikupljanja financijskih sredstava za Akademiju u skladu s člankom XI.;
  - (d) bira članove Odbora u skladu s člankom VI.;
  - (e) odlučuje o opozivu članova Odbora dvotrećinskom većinom;
  - (f) prati tijek aktivnosti Akademije, *između ostalog*, na temelju izvješća Odbora;
  - (g) odobrava međunarodne ugovore;
  - (h) odobrava osnivanje ustrojbenih jedinica na drugim lokacijama.
4. Skupština se sastaje najmanje jednom godišnje i svoje odluke donosi običnom većinom, osim ako ovim Sporazumom nije drugačije određeno. Skupština usvaja poslovnik i bira svoje službenike, uključujući predsjednika i dva potpredsjednika. Članovi Odbora i Dekan mogu sudjelovati na sjednicama Skupštine bez prava glasa.

## ČLANAK VI.

### Upravni odbor

1. Akademijom upravlja Odbor koji se sastoji od ukupno jedanaest članova. Devet članova bira Skupština uzimajući u obzir njihove kvalifikacije i iskustvo, kao i načelo pravične zemljopisne zastupljenosti. Dodatno, UNODC i Republika Austrija svaki imaju pravo imenovati po jednog člana. Članovi Odbora obavljaju dužnost u svom pojedinačnom svojstvu za razdoblje od šest godina i mogu biti ponovno birani/imenovani za najviše još jedno razdoblje. Kod prvog se izbora pet članova bira na razdoblje od samo tri godine.

## 2. Odbor osobito:

- (a) odlučuje o strategiji, politikama i smjernicama za aktivnosti Akademije;
- (b) usvaja pravila za upravljanje radom Akademije, uključujući financijske uredbe i pravilnik o radu;
- (c) imenuje Dekana na obnovljivo razdoblje od četiri godine, ocjenjuje njegove ili njezine aktivnosti te, po potrebi, Dekana razrješuje dužnosti;
- (d) osniva, po potrebi, savjetodavne odbore i bira njihove članove;
- (e) bira članove Međunarodnoga višeg savjetodavnog odbora i Međunarodnoga akademskog savjetodavnog odbora, uzimajući u obzir njihove profesionalne kvalifikacije i iskustvo, načelo pravične zemljopisne zastupljenosti te ravnopravnost spolova;
- (f) podnosi program rada i proračun Akademije Skupštini na usvajanje;
- (g) imenuje neovisnog vanjskog revizora;
- (h) odobrava godišnje revizorsko izvješće Akademijinih računa;
- (i) izvješćuje Skupštinu o napretku aktivnosti Akademije;
- (j) razmatra preporuke Skupštine koje se odnose na politike Akademije i upravljanje njome;
- (k) usvaja strategije i smjernice radi osiguranja financijskih sredstava Akademije i u tome pomaže Dekanovim naporima;
- (l) određuje uvjete prijema sudionika u akademske aktivnosti Akademije;
- (m) odobrava uspostavljanje odnosa suradnje u skladu s člankom XIII.;
- (n) podnosi međunarodne ugovore Skupštini na odobrenje;
- (o) ocjenjuje aktivnosti Akademije temeljem izvješća Dekana i daje preporuke

u vezi s tim aktivnostima.

3. Odbor se sastaje najmanje jednom godišnje u sjedištu Akademije i svoje odluke donosi običnom većinom, osim ako ovim Sporazumom nije drugačije određeno. Svaki član ima jedan glas. Odbor donosi svoj poslovnik, bira svoje službenike, uključujući predsjedavajućeg i zamjenika predsjedavajućeg, i može osnivati odbore ako se ukaže potreba za učinkovitim funkcioniranjem Akademije.

## **ČLANAK VII.**

### **Međunarodni viši savjetodavni odbor**

1. Međunarodni viši savjetodavni odbor (ISAB) savjetuje Upravni odbor, a sastoji se od najviše petnaest članova, redom istaknutih osoba izvrsnih preporuka iz širokog raspona obrazovnih profila značajnih za aktivnosti Akademije.

2. Funkcija Međunarodnoga višeg savjetodavnog odbora je razmatranje aktivnosti Akademije i davanje primjedaba i savjeta o načinima postizanja i održavanja najviših standarda s obzirom na svrhu Akademije.

3. Članovi Međunarodnoga višeg savjetodavnog odbora obnašaju dužnost u svom pojedinačnom svojstvu u razdoblju od šest godina, uz mogućnost reizbora. Kod prvog se izbora sedam članova bira na mandat od samo tri godine.

4. Međunarodni viši savjetodavni odbor sastaje se najmanje jednom godišnje i svoje odluke donosi običnom većinom. Svaki član ima jedan glas. Međunarodni viši savjetodavni odbor usvaja svoj poslovnik i bira svoje službenike, uključujući predsjedavajućeg i zamjenika predsjedavajućeg.

5. Međunarodni viši savjetodavni odbor može Odboru predložiti osobe koje ispunjavaju kriterije iz stavka 1. za izbor u Međunarodni viši savjetodavni odbor.

## **ČLANAK VIII.**

### **Međunarodni akademski savjetodavni odbor**

1. Međunarodni akademski savjetodavni odbor (IAAB) savjetuje Upravni odbor u pitanjima koja se odnose na obrazovanje, izobrazbu i istraživanje, a sastoji se od najviše petnaest članova, redom istaknutih akademskih osoba ili stručnjaka s najvišim kvalifikacijama na područjima antikorupcijske prakse, izobrazbe i istraživanja i/ili kaznenog pravosuđa i policije, vezano uz borbu protiv korupcije, kao i na drugim područjima od važnosti za aktivnosti Akademije.

2. Članovi Međunarodnoga akademskog savjetodavnog odbora obnašaju dužnost u svom pojedinačnom svojstvu u razdoblju od šest godina, uz mogućnost reizbora. Kod prvog se izbora sedam članova bira na mandat od samo tri godine.

3. Međunarodni akademski savjetodavni odbor sastaje se najmanje jednom godišnje i svoje odluke donosi običnom većinom. Svaki član ima jedan glas. Akademski savjetodavni odbor usvaja svoj poslovnik i bira svoje službenike, uključujući predsjedavajućeg i zamjenika predsjedavajućeg.

4. Međunarodni akademski savjetodavni odbor može Odboru predložiti osobe koje ispunjavaju kriterije iz stavka 1. za izbor u Međunarodni akademski savjetodavni odbor.

**ČLANAK IX.****Dekan**

1. Dekan je odgovoran za tekuće upravljanje Akademijom i njezin samostalni program. Dekan izvješćuje Odbor i njemu je odgovoran.
2. Dekan osobito:
  - (a) predstavlja Akademiju prema trećima;
  - (b) osigurava pravilno rukovođenje Akademijom, uključujući upravljanje ljudskim resursima i financijama;
  - (c) priprema program rada i proračun Akademije koje razmatra Odbor i usvaja Skupština. Program rada uključuje prioritete u istraživanju, aktivnosti izobrazbe, plan i program studija te razvoj alata;
  - (d) provodi program rada i izvršava proračun;
  - (e) podnosi Odboru godišnja i ad hoc izvješća o aktivnostima Akademije, uključujući i godišnje revidirano financijsko izvješće za Akademiju;
  - (f) predlaže uspostavu suradnje u skladu s člankom XIII. i to podnosi na odobrenje Odboru;
  - (g) usklađuje rad Akademije s radom stranaka ovog Sporazuma i ostalim odgovarajućim međunarodnim i nacionalnim ustanovama, agencijama i mrežama, uzimajući u obzir relevantne preporuke i smjernice Skupštine i Odbora, kao i savjete Međunarodnoga višeg savjetodavnog odbora i Međunarodnoga akademskog savjetodavnog odbora;
  - (h) sklapa ugovore i dogovore u ime Akademije i pregovara međunarodne ugovore koje razmatra Odbor, a odobrava Skupština;

- (i) aktivno traži odgovarajuća financijska sredstva za Akademiju i u ime Akademije prima dobrovoljne donacije u skladu s relevantnim strategijama i smjernicama koje je donio Odbor, kao i u skladu s financijskim uredbama;
- (j) izvršava druge zadatke ili aktivnosti koje može odrediti Odbor.

## **ČLANAK X.**

### **Akademsko i administrativno osoblje**

1. Akademija će nastojati zaposliti i zadržati akademsko i administrativno osoblje najviših mogućih kvalifikacija.
2. U cilju maksimiziranja učinkovitosti i rentabilnosti, Akademija će izraditi plan i sklopiti odgovarajuće dogovore s akademskim osobljem za rad u nepunom radnom vremenu ili s gostujućim predavačima te će poticati države, međunarodne organizacije, sveučilišta i druge relevantne ustanove da razmotre mogućnosti davanja podrške kadrovskom popunjavanju Akademije, uključujući i razmjenu osoblja.

## **ČLANAK XI.**

### **Financiranje Akademije**

1. Neovisno o dugoročnom cilju samoodrživosti Akademije, izvori financiranja Akademije uključuju sljedeće:
  - (a) dobrovoljne donacije stranaka ovog Sporazuma;
  - (b) dobrovoljne donacije iz privatnog sektora i od drugih donatora;



- (c) školarine, kotizacije za radionice i naknade za tehničku pomoć, prihode od izdavaštva i drugih usluga;
  - (d) prihod od kamata na te donacije, naknade, dohodak, kao i drugi prihod od zaklada i darovanja.
2. Fiskalna godina Akademije traje od 1. siječnja do 31. prosinca.
  3. U skladu s financijskim uredbama koje usvaja Odbor sukladno članku VI. stavku 2. podstavku (b), jednom godišnje provodi se neovisna vanjska revizija poslovnih knjiga Akademije koja mora ispunjavati najviše standarde transparentnosti, odgovornosti i zakonitosti.
  4. Stranke ovog Sporazuma potiču se na provođenje aktivnosti radi prikupljanja financijskih sredstava za Akademiju, uključujući organiziranje zajedničkih donatorskih konferencija.

## **ČLANAK XII.**

### **Savjetovanje i razmjena informacija**

1. Stranke ovog Sporazuma obavještavaju jedna drugu i savjetuju se o pitanjima od interesa vezanim uz njihovu suradnju temeljem ovog Sporazuma, bilo na sjednicama Skupštine ili u bilo koje drugo odgovarajuće vrijeme.
2. Savjetovanje i razmjena informacija i dokumenata temeljem ovog članka vrši se u skladu s primjenjivim pravilima svake od stranaka glede objave informacija i predmetom su dogovora koji stranke mogu odlučiti sklopiti u svrhu očuvanja tajnosti, ograničenog karaktera i sigurnosti informacija koje se razmjenjuju. Svi takvi dogovori nastavljaju se primjenjivati čak i nakon prestanka ovog Sporazuma i, u odnosu na pojedinu stranku, čak

i kad se ta stranka povuče iz Sporazuma.

### **ČLANAK XIII.**

#### **Suradnja**

Akademija može uspostaviti suradnju s državama, drugim međunarodnim organizacijama, kao i javnim i privatnim subjektima koji mogu doprinijeti radu Akademije.

### **ČLANAK XIV.**

#### **Povlastice i imuniteti**

1. Akademija, članovi Skupštine, članovi Odbora, članovi Međunarodnoga višeg savjetodavnog odbora i članovi Međunarodnoga akademskog savjetodavnog odbora, Dekan, osoblje i stručnjaci uživaju one povlastice i imunitete, koji su dogovoreni između Akademije i Republike Austrije.
2. Akademija može sklapati sporazume s drugim državama s ciljem osiguranja odgovarajućih povlastica i imuniteta.

### **ČLANAK XV.**

#### **Odgovornost**

Stranke ovog Sporazuma ne odgovaraju, individualno ili kolektivno, za bilo kakve dugove, odgovornosti ili druge obveze Akademije; izjava s takvim učinkom uključit će se u svaki sporazum koji Akademija sklopi u skladu s člankom XIV.

## **ČLANAK XVI.**

### **Izmjene i dopune**

Ovaj Sporazum može se izmijeniti i dopuniti samo uz suglasnost svih stranaka ovog Sporazuma. Obavijest o takvoj suglasnosti upućuje se pisanim putem depozitaru. Svaka izmjena i dopuna stupa na snagu nakon što depozitar primi obavijesti svih stranaka ovog Sporazuma ili na neki drugi datum koji stranke mogu dogovoriti.

## **ČLANAK XVII.**

### **Prijelazne odredbe**

1. Stranke potvrđuju prijelazne dogovore za osnivanje i početak rada Akademije sadržane u Memorandumu o osnivanju Međunarodne antikorupcijske akademije u Laxenburgu, Austrija, od 29. siječnja 2010. te su suglasne da će ih se pridržavati sve dotle dok tijela Akademije ovlaštena za donošenje odluka ne budu u potpunosti operativna.
2. Odbor može isključivo jednoglasno donijeti bilo koju odluku koja utječe na obveze preuzete u svrhu osnivanja i početka rada Akademije ili koja partnere obvezuje na odgovornost (UNODC, Udruga "Prijatelji Akademije" ili Republika Austrija).

## ČLANAK XVIII.

### Stupanje na snagu i depozitar

1. Ovaj Sporazum otvoren je za potpisivanje državama članicama Ujedinjenih naroda (u daljnjem tekstu "države") i međuvladinim organizacijama (u daljnjem tekstu "međunarodne organizacije") do 31. prosinca 2010. On podliježe ratifikaciji, prihvatu ili odobrenju.
2. Države i međunarodne organizacije koje ne potpišu ovaj Sporazum mogu mu naknadno pristupiti.
3. Ovaj Sporazum stupa na snagu šezdeset dana od datuma kada tri države ili međunarodne organizacije polože svoje isprave o ratifikaciji, prihvatu, odobrenju ili pristupu.
4. Za svaku državu ili međunarodnu organizaciju koja ratificira, prihvati, odobri ili pristupi ovom Sporazumu nakon datuma njegovog stupanja na snagu, ovaj Sporazum stupa na snagu šezdeset dana od datuma polaganja njezine isprave o ratifikaciji, prihvatu, odobrenju ili pristupu.
5. Savezni ministar za europske i vanjske poslove Republike Austrije depozitar je ovoga Sporazuma.

## ČLANAK XIX.

### Rješavanje sporova

Bilo koji spor koji nastane između Akademije i bilo koje stranke ovog Sporazuma ili između stranaka temeljem ovog Sporazuma, vezano uz tumačenje ili primjenu ovog Sporazuma ili bilo kojeg dopunskog sporazuma ili bilo kojeg pitanja koje se odnosi na

Akademiju ili odnose stranaka, a koje nije riješeno pregovorima ili drugim načinom rješavanja spora, upućuje se radi donošenja konačne odluke sudu sastavljenom od tri arbitra: po jednog kojeg bira svaka stranka u sporu, i trećeg, koji je predsjedavajući sudu, kojeg biraju prva dva arbitra. Ako bilo koja stranka u sporu ne odabere svog arbitra u roku od šest mjeseci nakon što druga stranka imenuje svog arbitra ili ako se prva dva arbitra ne mogu sporazumjeti o trećem u roku od šest mjeseci od imenovanja prva dva arbitra, tada drugog ili trećeg arbitra bira predsjednik Međunarodnoga suda pravde na zahtjev bilo koje stranke u sporu.

## **ČLANAK XX.**

### **Povlačenje**

1. Svaka stranka ovog Sporazuma može se povući iz ovog Sporazuma pisanom obaviješću depozitaru. Takvo povlačenje proizvodi učinak tri mjeseca nakon što je depozitar primio takvu obavijest.
2. Povlačenje stranke iz ovog Sporazuma ne ograničava, umanjuje ili na drugi način utječe na njezinu donaciju ako je ista data prije datuma na koji povlačenje proizvodi učinak.

**ČLANAK XXI.****Prestanak**

1. Stranke ovog Sporazuma, djelujući jednoglasno, mogu okončati ovaj Sporazum u bilo kojem trenutku i likvidirati Akademiju pisanom obaviješću depozitaru. Bilo kakva imovina Akademije preostala nakon isplate njenih pravnih obveza raspodijelit će se u skladu s jednoglasnom odlukom Skupštine.
2. Odredbe ovog Sporazuma nastavit će biti primjenjive nakon njegovog prestanka u mjeri potrebnoj da se omogući pravilna raspodjela imovine i poravnanje računa.

Sastavljeno u Beču, dana 2. rujna 2010. na arapskom, kineskom, engleskom, francuskom, ruskom i španjolskom jeziku, pri čemu je svaki tekst jednako vjerodostojan.

**AGREEMENT FOR THE ESTABLISHMENT  
OF  
THE INTERNATIONAL ANTI-CORRUPTION ACADEMY  
AS AN INTERNATIONAL ORGANIZATION**

THE PARTIES,

NOTING the important contributions in the fight against corruption of the United Nations Office on Drugs and Crime (UNODC), as the guardian of the United Nations Convention against Corruption (UNCAC);

ACKNOWLEDGING the preparations made at the international level and in particular the substantial efforts of the Republic of Austria in close cooperation with

UNODC as well as of the other founding Parties in establishing the International Anti-Corruption Academy, IACA, (hereinafter referred to as “the Academy”) and their strong support for the Academy;

NOTING the long-standing efforts and the continued support of the International Criminal Police Organization (INTERPOL) to design and develop initiatives to prevent and fight corruption worldwide;

NOTING the considerable support of the European Anti-Fraud Office (OLAF) and other participants in this common endeavor;

EMPHASIZING the global and inclusive nature of this initiative and the importance of striving for geographical diversity;

RECOGNIZING the importance of collaboration in joint efforts at the global and regional levels in support of UNCAC and other relevant international instruments;

SHARING common goals with regard to the delivery of technical assistance and capacity building as key instruments in the fight against corruption;

NOTING that anti-corruption education, professional training and research are important components of such assistance and capacity building;

WISHING to enhance their common goals by the establishment of the Academy on the basis of a multilateral agreement open to Member States of the United Nations and intergovernmental organizations (hereinafter referred to as “International Organizations”) and inviting them to join forces and to become Parties to this Agreement;

RESPONDING to the invitation of the Republic of Austria to host the Academy in Laxenburg near Vienna;

HAVE AGREED as follows:

## **ARTICLE I**

### **Establishment and Status**

1. There is hereby established the Academy as an International Organization.
2. The Academy shall possess full international legal personality.
3. The Academy shall *inter alia* have the legal capacity:
  - (a) to contract;
  - (b) to acquire and dispose of immovable and movable property;
  - (c) to institute and respond to legal proceedings;
  - (d) to take such other action as may be necessary for the fulfillment of its purpose and activities.
4. The Academy shall operate in accordance with this Agreement.

## **ARTICLE II**

### **Purpose and Activities**

1. The purpose of the Academy shall be to promote effective and efficient prevention and combating of corruption by
  - (a) providing anti-corruption education and professional training;
  - (b) undertaking and facilitating research into all aspects of corruption;
  - (c) providing other relevant forms of technical assistance in the fight against corruption;
  - (d) fostering international cooperation and networking in the fight against corruption.



2. The activities of the Academy shall observe the principle of academic freedom, meet highest academic and professional standards and address the phenomenon of corruption in a comprehensive and inter-disciplinary way, taking due account of cultural diversity, gender equality and recent developments in the field of corruption at the global and regional levels.

### **ARTICLE III**

#### **Seat**

1. The seat of the Academy shall be located in Laxenburg, Austria, under such terms and conditions as agreed between the Academy and the Republic of Austria.
2. The Academy may establish facilities in other locations as required to support its activities.

### **ARTICLE IV**

#### **Organs**

The Academy shall have

- (a) an Assembly of Parties, hereinafter referred to as “the Assembly”;
- (b) a Board of Governors, hereinafter referred to as “the Board”;
- (c) an International Senior Advisory Board;
- (d) an International Academic Advisory Board;
- (e) a Dean.

**ARTICLE V****Assembly of Parties**

1. The Assembly shall serve as a forum for the Parties to this Agreement to consult on the overall policy of the Academy and on other matters of interest under this Agreement.
2. The Assembly shall consist of representatives of the Parties. Each Party shall appoint a representative to act as a member of the Assembly. Each member of the Assembly shall have one vote.
3. In particular, the Assembly shall:
  - (a) Adopt recommendations relating to the Academy's policies and management for consideration by the Board;
  - (b) Adopt the work programme and budget of the Academy as proposed by the Board;
  - (c) Engage in fund-raising activities for the Academy in accordance with Article XI;
  - (d) Elect the members of the Board in accordance with Article VI;
  - (e) Decide on the removal of members of the Board by a two-thirds majority;
  - (f) Review the progress of activities of the Academy on the basis of, *inter alia*, reports by the Board;
  - (g) Approve international agreements;
  - (h) Approve the establishment of facilities in other locations.

4. The Assembly shall meet at least once a year and shall take its decisions by simple majority unless otherwise provided by this Agreement. The Assembly shall adopt its rules of procedure and shall elect its officers, including its President and two Vice-Presidents. The members of the Board and the Dean may participate in the meetings of the Assembly without the right to vote.

## **ARTICLE VI**

### **Board of Governors**

1. The Academy shall be governed by a Board consisting of eleven members in total. Nine members shall be elected by the Assembly taking due account of their qualifications and experience as well as the principle of equitable geographical distribution. In addition, UNODC and the Republic of Austria are each entitled to appoint one member. The members of the Board shall serve in their individual capacity for a term of six years and shall be eligible for re-election/re-appointment for not more than one additional term. At the first election five members shall be elected for a period of only three years.

2. In particular, the Board shall:

- (a) Decide on the strategy, policies and guidelines for the activities of the Academy;
- (b) Adopt the rules governing the operation of the Academy, including financial regulations and staff rules;
- (c) Appoint the Dean for a renewable period of four years, evaluate his or her activities and terminate, if necessary, the appointment of the Dean;
- (d) Establish, where appropriate, advisory boards and elect their members;

- (e) Elect the members of the International Senior Advisory Board and the International Academic Advisory Board, taking due account of their professional qualifications and experience, the principle of equitable geographical distribution as well as gender equality;
  - (f) Submit the work programme and budget of the Academy to the Assembly for adoption;
  - (g) Appoint the independent external auditor;
  - (h) Approve the annual audited statement of the Academy's accounts;
  - (i) Report to the Assembly on the progress of the activities of the Academy;
  - (j) Consider the recommendations of the Assembly relating to the Academy's policies and management;
  - (k) Adopt strategies and guidelines for ensuring the financial resources of the Academy and assist the Dean's efforts to that effect;
  - (l) Determine the conditions of admission of participants in the Academy's academic activities;
  - (m) Approve the establishment of cooperative relationships in accordance with Article XIII;
  - (n) Submit international agreements to the Assembly for approval;
  - (o) Evaluate the activities of the Academy on the basis of reports by the Dean and make recommendations concerning these activities.
3. The Board shall meet at least once a year at the seat of the Academy and shall take its decisions by simple majority unless otherwise provided by this Agreement. Each member shall have one vote. The Board shall adopt its rules of procedure, shall elect its

officers, including its Chairperson and Vice-Chairperson, and may establish committees as deemed necessary for the efficient functioning of the Academy.

## **ARTICLE VII**

### **International Senior Advisory Board**

1. The Board shall be advised by an International Senior Advisory Board (ISAB) consisting of up to fifteen members who shall be eminent personalities with outstanding credentials from a wide variety of backgrounds of importance for the activities of the Academy.
2. The function of the International Senior Advisory Board shall be to reflect on the activities of the Academy and to offer observations and advice on how the highest standards with regard to the purpose of the Academy can be met and maintained.
3. The members of the International Senior Advisory Board shall serve in their individual capacity for a term of six years and shall be eligible for re-election. At the first election seven members shall be elected for a period of only three years.
4. The International Senior Advisory Board shall meet at least once a year and shall take its decisions by simple majority. Each member shall have one vote. The International Senior Advisory Board shall adopt its rules of procedure and shall elect its officers, including its Chairperson and Vice-Chairperson.
5. The International Senior Advisory Board may recommend to the Board persons who fulfil the criteria of paragraph 1 for election to the International Senior Advisory Board.

**ARTICLE VIII****International Academic Advisory Board**

1. The Board shall be advised in matters related to education, training and research by an International Academic Advisory Board (IAAB) consisting of up to fifteen members who shall be eminent academic personalities or experts of highest qualifications in the fields of anti-corruption practice, training and research and/or criminal justice and law enforcement related to anti-corruption as well as other fields of importance for the activities of the Academy.

2. The members of the International Academic Advisory Board shall serve in their individual capacity for a term of six years and shall be eligible for re-election. At the first election seven members shall be elected for a period of only three years.

3. The International Academic Advisory Board shall meet at least once a year and shall take its decisions by simple majority. Each member shall have one vote. The Academic Advisory Board shall adopt its rules of procedure and shall elect its officers, including its Chairperson and Vice-Chairperson.

4. The International Academic Advisory Board may recommend to the Board persons who fulfil the criteria of paragraph 1 for election to the International Academic Advisory Board.

**ARTICLE IX****Dean**

1. The Dean shall be responsible for day-to-day management of the Academy and its substantive programme. The Dean shall report to and be accountable to the Board.

2. In particular, the Dean shall:
  - (a) Represent the Academy externally;
  - (b) Ensure the proper administration of the Academy, including human resources and financial management;
  - (c) Prepare the work programme and budget of the Academy for consideration by the Board and adoption by the Assembly. The work programme shall include research priorities, training activities, curricula and tool development;
  - (d) Implement the work programme and budget;
  - (e) Submit to the Board annual and ad hoc reports on the activities of the Academy including an annual audited statement of the Academy's accounts;
  - (f) Propose the establishment of cooperative relationships in accordance with Article XIII for approval by the Board;
  - (g) Coordinate the work of the Academy with the work of the Parties to this Agreement and other international and national institutions, agencies and networks as relevant taking into account the relevant recommendations and guidelines of the Assembly and the Board as well as advice from the International Senior Advisory Board and the International Academic Advisory Board;
  - (h) Enter into contracts and arrangements on behalf of the Academy and negotiate international agreements for consideration by the Board and approval by the Assembly;

- (i) Actively seek appropriate funding for the Academy and accept voluntary contributions on behalf of the Academy in accordance with the relevant Board strategies and guidelines as well as the financial regulations;
- (j) Undertake other assignments or activities as may be determined by the Board.

## **ARTICLE X**

### **Academic and Administrative Staff**

1. The Academy shall strive to recruit and retain academic and administrative staff with the highest possible qualifications.
2. In order to maximize efficiency and cost-effectiveness the Academy shall develop a plan and conclude appropriate arrangements for part-time or visiting academic staff and shall encourage States, International Organizations, universities and other relevant institutions to consider supporting the staffing of the Academy, including by secondment of staff.

## **ARTICLE XI**

### **Financing of the Academy**

1. Notwithstanding the long-term goal to make the Academy self-sustainable, the resources of the Academy include the following:
  - (a) voluntary contributions by the Parties to this Agreement;
  - (b) voluntary contributions from the private sector and other donors;



- (c) tuition fees, training workshop and technical assistance fees, publication and other service revenue;
  - (d) income accruing from such contributions, fees, revenue and other income including from trusts and endowments.
2. The fiscal year of the Academy shall be from 1 January to 31 December.
  3. The accounts of the Academy shall, in accordance with the financial regulations adopted by the Board in accordance with Article VI paragraph 2 subparagraph b, be subject to an annual independent external audit which shall meet the highest standards of transparency, accountability and legitimacy.
  4. The Parties to this Agreement are encouraged to engage in fund-raising activities for the Academy, including through organizing joint donor conferences.

## **ARTICLE XII**

### **Consultation and Exchange of Information**

1. The Parties to this Agreement shall keep each other informed of and consult on matters of interest concerning their cooperation under this Agreement, either at meetings of the Assembly or at other times as appropriate.
2. Consultation and exchange of information and documents under this Article shall be done in accordance with each Party's applicable rules concerning disclosure of information and subject to arrangements, which the Parties may decide to conclude for the purposes of safeguarding the confidentiality, restricted character and security of the information exchanged. Any such arrangements shall continue to apply even after the

termination of this Agreement and, with regard to a particular Party, even after that Party's withdrawal from this Agreement.

### **ARTICLE XIII**

#### **Cooperative Relationships**

The Academy may establish cooperative relationships with States, other International Organizations as well as public or private entities which can contribute to the Academy's work.

### **ARTICLE XIV**

#### **Privileges and Immunities**

1. The Academy, the members of the Assembly, the members of the Board, the members of the International Senior Advisory Board and of the International Academic Advisory Board, the Dean, the staff and experts shall enjoy such privileges and immunities as agreed between the Academy and the Republic of Austria.
2. The Academy may conclude agreements with other States in order to secure appropriate privileges and immunities.

### **ARTICLE XV**

#### **Liability**

The Parties to this Agreement shall not be responsible, individually or collectively, for any debts, liabilities, or other obligations of the Academy; a statement to this effect shall be included in each of the agreements concluded by the Academy under Article XIV.

**ARTICLE XVI****Amendments**

This Agreement may be amended only with the consent of all Parties to this Agreement. Notification of such consent shall be made in writing to the Depository. Any amendment shall come into force upon receipt by the Depository of the notification of all Parties to this Agreement, or at such other date as the Parties may agree.

**ARTICLE XVII****Transitional Provisions**

1. The Parties acknowledge the transitional arrangements for the establishment and initial operations of the Academy contained in the Memorandum concerning the Establishment of the International Anti-Corruption Academy in Laxenburg, Austria of 29 January 2010 and agree to respect them until the decision-making organs of the Academy are fully operational.
2. Any decision affecting obligations entered into for the purposes of the establishment and initial operations of the Academy or creating liability for the Partners (UNODC, the Association “Friends of the Academy” or the Republic of Austria) may only be taken unanimously by the Board.

**ARTICLE XVIII****Entry into Force and Depositary**

1. This Agreement shall be open for signature by Member States of the United Nations (hereinafter referred to as “States”) and intergovernmental organizations (hereinafter referred to as “International Organizations”) until 31 December 2010. It shall be subject to ratification, acceptance or approval.
2. States and International Organizations which have not signed this Agreement may subsequently accede thereto.
3. This Agreement shall enter into force sixty days after the date of deposit of the instruments of ratification, acceptance, approval or accession by three States or International Organizations.
4. For every State or International Organization which ratifies, accepts, approves or accedes to this Agreement after the date of its entry into force, this Agreement shall enter into force sixty days after the date of deposit of its instrument of ratification, acceptance, approval or accession.
5. The Federal Minister for European and International Affairs of the Republic of Austria shall be the Depositary of this Agreement.

**ARTICLE XIX****Settlement of Disputes**

Any dispute arising between the Academy and any Party to this Agreement or between any Parties under this Agreement concerning the interpretation or application of this Agreement or of any supplementary agreement or any question affecting the Academy or the relations of the Parties which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators: one to be chosen by each party to the dispute, and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. Should either party to the dispute not have chosen its arbitrator within six months following the appointment by the other party of its arbitrator or should the first two arbitrators fail to agree upon the third within six months following the appointment of the first two arbitrators, such second or third arbitrator shall be chosen by the President of the International Court of Justice at the request of either party to the dispute.

**ARTICLE XX****Withdrawal**

1. Any of the Parties to this Agreement may withdraw from this Agreement by written notification to the Depositary. Such withdrawal shall become effective three months after receipt of such notification by the Depositary.
2. Withdrawal from this Agreement by a Party to this Agreement shall not limit, reduce or otherwise affect its contribution, if any that has been made before the effective date of withdrawal.

**ARTICLE XXI****Termination**

1. The Parties to this Agreement, acting unanimously, may terminate this Agreement at any time and wind up the Academy by written notification to the Depositary. Any assets of the Academy remaining after payment of its legal obligations shall be disposed of in accordance with a unanimous decision of the Assembly.
2. The provisions of this Agreement shall continue to be applicable after its termination to the extent necessary to permit an orderly disposal of assets and settlement of accounts.

Done at Vienna on 2 September 2010 in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

**Članak 3.**

Provedba ovoga Zakona u djelokrugu je središnjeg tijela državne uprave nadležnog za poslove pravosuđa.

**Članak 4.**

Na dan stupanja na snagu ovoga Zakona, Sporazum iz članka 1. ovoga Zakona nije na snazi za Republiku Hrvatsku, te će se podatak o njegovom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

**Članak 5.**

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

## OBRAZLOŽENJE

**Člankom 1.** Konačnog prijedloga zakona propisano je da se potvrđuje Sporazum o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije, sukladno odredbi članka 139. stavka 1. Ustava Republike Hrvatske čime se iskazuje formalni pristanak Republike Hrvatske da bude vezana Sporazumom o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije, na temelju čega će ovaj pristanak biti iskazan i na međunarodnoj razini.

**Članak 2.** Konačnog prijedloga zakona sadrži tekst Sporazuma o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

**Člankom 3.** Konačnog prijedloga zakona propisano je da je provedba ovoga Zakona u djelokrugu središnjeg tijela državne uprave nadležnog za poslove pravosuđa.

**Člankom 4.** Konačnog prijedloga zakona utvrđeno je da na dan stupanja Zakona na snagu, Sporazum o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije nije na snazi za Republiku Hrvatsku, te će se podatak o njegovom stupanju na snagu za Republiku Hrvatsku objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora.

**Člankom 5.** određeno je stupanje na snagu Zakona o potvrđivanju Sporazuma o osnivanju Međunarodne antikorupcijske akademije kao međunarodne organizacije.



**PRILOG – PRESLIKA TEKSTA SPORAZUMA U IZVORNIKU  
NA ENGLISKOM JEZIKU**

اتفاق إنشاء

الأكاديمية الدولية لمكافحة الفساد

بصفتها منظمة دولية

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关于建立一个国际组织形式的

国际反腐败学院的协定

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AGREEMENT FOR THE ESTABLISHMENT  
OF  
THE INTERNATIONAL ANTI-CORRUPTION ACADEMY  
AS AN INTERNATIONAL ORGANIZATION

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ACCORD CONFÉRANT  
LE STATUT D'ORGANISATION INTERNATIONALE À  
L'ACADÉMIE INTERNATIONALE DE LUTTE CONTRE LA  
CORRUPTION

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СОГЛАШЕНИЕ ОБ УЧРЕЖДЕНИИ  
МЕЖДУНАРОДНОЙ АНТИКОРРУПЦИОННОЙ АКАДЕМИИ  
В КАЧЕСТВЕ МЕЖДУНАРОДНОЙ ОРГАНИЗАЦИИ

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ACUERDO PARA LA CONSTITUCIÓN  
DE  
LA ACADEMIA INTERNACIONAL CONTRA LA CORRUPCIÓN  
COMO ORGANIZACIÓN INTERNACIONAL

AGREEMENT FOR THE ESTABLISHMENT  
OF  
THE INTERNATIONAL ANTI-CORRUPTION ACADEMY  
AS AN INTERNATIONAL ORGANIZATION

THE PARTIES,

NOTING the important contributions in the fight against corruption of the United Nations Office on Drugs and Crime (UNODC), as the guardian of the United Nations Convention against Corruption (UNCAC);

ACKNOWLEDGING the preparations made at the international level and in particular the substantial efforts of the Republic of Austria in close cooperation with UNODC as well as of the other founding Parties in establishing the International Anti-Corruption Academy, IACA, (hereinafter referred to as “the Academy”) and their strong support for the Academy;

NOTING the long-standing efforts and the continued support of the International Criminal Police Organization (INTERPOL) to design and develop initiatives to prevent and fight corruption worldwide;

NOTING the considerable support of the European Anti-Fraud Office (OLAF) and other participants in this common endeavor;

EMPHASIZING the global and inclusive nature of this initiative and the importance of striving for geographical diversity;

RECOGNIZING the importance of collaboration in joint efforts at the global and regional levels in support of UNCAC and other relevant international instruments;

SHARING common goals with regard to the delivery of technical assistance and capacity building as key instruments in the fight against corruption;

NOTING that anti-corruption education, professional training and research are important components of such assistance and capacity building;

WISHING to enhance their common goals by the establishment of the Academy on the basis of a multilateral agreement open to Member States of the United Nations and intergovernmental organizations (hereinafter referred to as “International Organizations”) and inviting them to join forces and to become Parties to this Agreement;

RESPONDING to the invitation of the Republic of Austria to host the Academy in Laxenburg near Vienna;

HAVE AGREED as follows:

## ARTICLE I

### Establishment and Status

1. There is hereby established the Academy as an International Organization.
2. The Academy shall possess full international legal personality.
3. The Academy shall *inter alia* have the legal capacity:
  - (a) to contract;

- (b) to acquire and dispose of immovable and movable property;
  - (c) to institute and respond to legal proceedings;
  - (d) to take such other action as may be necessary for the fulfillment of its purpose and activities.
4. The Academy shall operate in accordance with this Agreement.

## **ARTICLE II**

### **Purpose and Activities**

1. The purpose of the Academy shall be to promote effective and efficient prevention and combating of corruption by
- (a) providing anti-corruption education and professional training;
  - (b) undertaking and facilitating research into all aspects of corruption;
  - (c) providing other relevant forms of technical assistance in the fight against corruption;
  - (d) fostering international cooperation and networking in the fight against corruption.
2. The activities of the Academy shall observe the principle of academic freedom, meet highest academic and professional standards and address the phenomenon of corruption in a comprehensive and inter-disciplinary way, taking due account of cultural diversity, gender equality and recent developments in the field of corruption at the global and regional levels.

### **ARTICLE III**

#### **Seat**

1. The seat of the Academy shall be located in Laxenburg, Austria, under such terms and conditions as agreed between the Academy and the Republic of Austria.
2. The Academy may establish facilities in other locations as required to support its activities.

### **ARTICLE IV**

#### **Organs**

The Academy shall have

- (a) an Assembly of Parties, hereinafter referred to as “the Assembly”;
- (b) a Board of Governors, hereinafter referred to as “the Board”;
- (c) an International Senior Advisory Board;
- (d) an International Academic Advisory Board;
- (e) a Dean.

### **ARTICLE V**

#### **Assembly of Parties**

1. The Assembly shall serve as a forum for the Parties to this Agreement to consult on the overall policy of the Academy and on other matters of interest under this Agreement.
2. The Assembly shall consist of representatives of the Parties. Each Party shall appoint a representative to act as a member of the Assembly. Each member of the Assembly shall have one vote.

3. In particular, the Assembly shall:
  - (a) Adopt recommendations relating to the Academy's policies and management for consideration by the Board;
  - (b) Adopt the work programme and budget of the Academy as proposed by the Board;
  - (c) Engage in fund-raising activities for the Academy in accordance with Article XI;
  - (d) Elect the members of the Board in accordance with Article VI;
  - (e) Decide on the removal of members of the Board by a two-thirds majority;
  - (f) Review the progress of activities of the Academy on the basis of, *inter alia*, reports by the Board;
  - (g) Approve international agreements;
  - (h) Approve the establishment of facilities in other locations.
4. The Assembly shall meet at least once a year and shall take its decisions by simple majority unless otherwise provided by this Agreement. The Assembly shall adopt its rules of procedure and shall elect its officers, including its President and two Vice-Presidents. The members of the Board and the Dean may participate in the meetings of the Assembly without the right to vote.

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## ARTICLE VI

### Board of Governors

1. The Academy shall be governed by a Board consisting of eleven members in total. Nine members shall be elected by the Assembly taking due account of their

qualifications and experience as well as the principle of equitable geographical distribution. In addition, UNODC and the Republic of Austria are each entitled to appoint one member. The members of the Board shall serve in their individual capacity for a term of six years and shall be eligible for re-election/re-appointment for not more than one additional term. At the first election five members shall be elected for a period of only three years.

2. In particular, the Board shall:

- (a) Decide on the strategy, policies and guidelines for the activities of the Academy;
- (b) Adopt the rules governing the operation of the Academy, including financial regulations and staff rules;
- (c) Appoint the Dean for a renewable period of four years, evaluate his or her activities and terminate, if necessary, the appointment of the Dean;
- (d) Establish, where appropriate, advisory boards and elect their members;
- (e) Elect the members of the International Senior Advisory Board and the International Academic Advisory Board, taking due account of their professional qualifications and experience, the principle of equitable geographical distribution as well as gender equality;
- (f) Submit the work programme and budget of the Academy to the Assembly for adoption;
- (g) Appoint the independent external auditor;
- (h) Approve the annual audited statement of the Academy's accounts;
- (i) Report to the Assembly on the progress of the activities of the Academy;



- (j) Consider the recommendations of the Assembly relating to the Academy's policies and management;
  - (k) Adopt strategies and guidelines for ensuring the financial resources of the Academy and assist the Dean's efforts to that effect;
  - (l) Determine the conditions of admission of participants in the Academy's academic activities;
  - (m) Approve the establishment of cooperative relationships in accordance with Article XIII;
  - (n) Submit international agreements to the Assembly for approval;
  - (o) Evaluate the activities of the Academy on the basis of reports by the Dean and make recommendations concerning these activities.
3. The Board shall meet at least once a year at the seat of the Academy and shall take its decisions by simple majority unless otherwise provided by this Agreement. Each member shall have one vote. The Board shall adopt its rules of procedure, shall elect its officers, including its Chairperson and Vice-Chairperson, and may establish committees as deemed necessary for the efficient functioning of the Academy.

## **ARTICLE VII**

### **International Senior Advisory Board**

1. The Board shall be advised by an International Senior Advisory Board (ISAB) consisting of up to fifteen members who shall be eminent personalities with outstanding credentials from a wide variety of backgrounds of importance for the activities of the Academy.

2. The function of the International Senior Advisory Board shall be to reflect on the activities of the Academy and to offer observations and advice on how the highest standards with regard to the purpose of the Academy can be met and maintained.
3. The members of the International Senior Advisory Board shall serve in their individual capacity for a term of six years and shall be eligible for re-election. At the first election seven members shall be elected for a period of only three years.
4. The International Senior Advisory Board shall meet at least once a year and shall take its decisions by simple majority. Each member shall have one vote. The International Senior Advisory Board shall adopt its rules of procedure and shall elect its officers, including its Chairperson and Vice-Chairperson.
5. The International Senior Advisory Board may recommend to the Board persons who fulfil the criteria of paragraph 1 for election to the International Senior Advisory Board.

## **ARTICLE VIII**

### **International Academic Advisory Board**

1. The Board shall be advised in matters related to education, training and research by an International Academic Advisory Board (IAAB) consisting of up to fifteen members who shall be eminent academic personalities or experts of highest qualifications in the fields of anti-corruption practice, training and research and/or criminal justice and law enforcement related to anti-corruption as well as other fields of importance for the activities of the Academy.

2. The members of the International Academic Advisory Board shall serve in their individual capacity for a term of six years and shall be eligible for re-election. At the first election seven members shall be elected for a period of only three years.

3. The International Academic Advisory Board shall meet at least once a year and shall take its decisions by simple majority. Each member shall have one vote. The Academic Advisory Board shall adopt its rules of procedure and shall elect its officers, including its Chairperson and Vice-Chairperson.

4. The International Academic Advisory Board may recommend to the Board persons who fulfil the criteria of paragraph 1 for election to the International Academic Advisory Board.

## **ARTICLE IX**

### **Dean**

1. The Dean shall be responsible for day-to-day management of the Academy and its substantive programme. The Dean shall report to and be accountable to the Board.

2. In particular, the Dean shall:

- (a) Represent the Academy externally;
- (b) Ensure the proper administration of the Academy, including human resources and financial management;
- (c) Prepare the work programme and budget of the Academy for consideration by the Board and adoption by the Assembly. The work programme shall include research priorities, training activities, curricula and tool development;
- (d) Implement the work programme and budget;

- (e) Submit to the Board annual and ad hoc reports on the activities of the Academy including an annual audited statement of the Academy's accounts;
- (f) Propose the establishment of cooperative relationships in accordance with Article XIII for approval by the Board;
- (g) Coordinate the work of the Academy with the work of the Parties to this Agreement and other international and national institutions, agencies and networks as relevant taking into account the relevant recommendations and guidelines of the Assembly and the Board as well as advice from the International Senior Advisory Board and the International Academic Advisory Board;
- (h) Enter into contracts and arrangements on behalf of the Academy and negotiate international agreements for consideration by the Board and approval by the Assembly;
- (i) Actively seek appropriate funding for the Academy and accept voluntary contributions on behalf of the Academy in accordance with the relevant Board strategies and guidelines as well as the financial regulations;
- (j) Undertake other assignments or activities as may be determined by the Board.

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## **ARTICLE X**

### **Academic and Administrative Staff**

1. The Academy shall strive to recruit and retain academic and administrative staff with the highest possible qualifications.

2. In order to maximize efficiency and cost-effectiveness the Academy shall develop a plan and conclude appropriate arrangements for part-time or visiting academic staff and shall encourage States, International Organizations, universities and other relevant institutions to consider supporting the staffing of the Academy, including by secondment of staff.

## ARTICLE XI

### Financing of the Academy

1. Notwithstanding the long-term goal to make the Academy self-sustainable, the resources of the Academy include the following:
  - (a) voluntary contributions by the Parties to this Agreement;
  - (b) voluntary contributions from the private sector and other donors;
  - (c) tuition fees, training workshop and technical assistance fees, publication and other service revenue;
  - (d) income accruing from such contributions, fees, revenue and other income including from trusts and endowments.
2. The fiscal year of the Academy shall be from 1 January to 31 December.
3. The accounts of the Academy shall, in accordance with the financial regulations adopted by the Board in accordance with Article VI paragraph 2 subparagraph b, be subject to an annual independent external audit which shall meet the highest standards of transparency, accountability and legitimacy.
4. The Parties to this Agreement are encouraged to engage in fund-raising activities for the Academy, including through organizing joint donor conferences.

## **ARTICLE XII**

### **Consultation and Exchange of Information**

1. The Parties to this Agreement shall keep each other informed of and consult on matters of interest concerning their cooperation under this Agreement, either at meetings of the Assembly or at other times as appropriate.
2. Consultation and exchange of information and documents under this Article shall be done in accordance with each Party's applicable rules concerning disclosure of information and subject to arrangements, which the Parties may decide to conclude for the purposes of safeguarding the confidentiality, restricted character and security of the information exchanged. Any such arrangements shall continue to apply even after the termination of this Agreement and, with regard to a particular Party, even after that Party's withdrawal from this Agreement.

## **ARTICLE XIII**

### **Cooperative Relationships**

The Academy may establish cooperative relationships with States, other International Organizations as well as public or private entities which can contribute to the Academy's work.

## **ARTICLE XIV**

### **Privileges and Immunities**

1. The Academy, the members of the Assembly, the members of the Board, the members of the International Senior Advisory Board and of the International Academic

Advisory Board, the Dean, the staff and experts shall enjoy such privileges and immunities as agreed between the Academy and the Republic of Austria.

2. The Academy may conclude agreements with other States in order to secure appropriate privileges and immunities.

## **ARTICLE XV**

### **Liability**

The Parties to this Agreement shall not be responsible, individually or collectively, for any debts, liabilities, or other obligations of the Academy; a statement to this effect shall be included in each of the agreements concluded by the Academy under Article XIV.

## **ARTICLE XVI**

### **Amendments**

This Agreement may be amended only with the consent of all Parties to this Agreement. Notification of such consent shall be made in writing to the Depository. Any amendment shall come into force upon receipt by the Depository of the notification of all Parties to this Agreement, or at such other date as the Parties may agree.

## **ARTICLE XVII**

### **Transitional Provisions**

1. The Parties acknowledge the transitional arrangements for the establishment and initial operations of the Academy contained in the Memorandum concerning the Establishment of the International Anti-Corruption Academy in Laxenburg, Austria of

29 January 2010 and agree to respect them until the decision-making organs of the Academy are fully operational.

2. Any decision affecting obligations entered into for the purposes of the establishment and initial operations of the Academy or creating liability for the Partners (UNODC, the Association "Friends of the Academy" or the Republic of Austria) may only be taken unanimously by the Board.

## **ARTICLE XVIII**

### **Entry into Force and Depositary**

1. This Agreement shall be open for signature by Member States of the United Nations (hereinafter referred to as "States") and intergovernmental organizations (hereinafter referred to as "International Organizations") until 31 December 2010. It shall be subject to ratification, acceptance or approval.

2. States and International Organizations which have not signed this Agreement may subsequently accede thereto.

3. This Agreement shall enter into force sixty days after the date of deposit of the instruments of ratification, acceptance, approval or accession by three States or International Organizations.

4. For every State or International Organization which ratifies, accepts, approves or accedes to this Agreement after the date of its entry into force, this Agreement shall enter into force sixty days after the date of deposit of its instrument of ratification, acceptance, approval or accession.

5. The Federal Minister for European and International Affairs of the Republic of Austria shall be the Depositary of this Agreement.



## **ARTICLE XIX**

### **Settlement of Disputes**

Any dispute arising between the Academy and any Party to this Agreement or between any Parties under this Agreement concerning the interpretation or application of this Agreement or of any supplementary agreement or any question affecting the Academy or the relations of the Parties which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators: one to be chosen by each party to the dispute, and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. Should either party to the dispute not have chosen its arbitrator within six months following the appointment by the other party of its arbitrator or should the first two arbitrators fail to agree upon the third within six months following the appointment of the first two arbitrators, such second or third arbitrator shall be chosen by the President of the International Court of Justice at the request of either party to the dispute.

## **ARTICLE XX**

### **Withdrawal**

1. Any of the Parties to this Agreement may withdraw from this Agreement by written notification to the Depository. Such withdrawal shall become effective three months after receipt of such notification by the Depository.
2. Withdrawal from this Agreement by a Party to this Agreement shall not limit, reduce or otherwise affect its contribution, if any that has been made before the effective date of withdrawal.

## **ARTICLE XXI**

### **Termination**

1. The Parties to this Agreement, acting unanimously, may terminate this Agreement at any time and wind up the Academy by written notification to the Depositary. Any assets of the Academy remaining after payment of its legal obligations shall be disposed of in accordance with a unanimous decision of the Assembly.

2. The provisions of this Agreement shall continue to be applicable after its termination to the extent necessary to permit an orderly disposal of assets and settlement of accounts.

Done at Vienna on 2 September 2010 in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

I hereby certify that the foregoing text is a true copy, the original of which has been deposited with the Federal Minister for European and International Affairs of the Republic of Austria.

Je certifie que le texte qui précède est une copie conforme du texte original déposé auprès du Ministre fédéral des affaires européennes et internationales de la République d'Autriche.

Vienna, 30 September 2010

Vienne, le 30 septembre 2010

For the Federal Minister for  
European and International Affairs:

Pour le Ministre fédéral des affaires  
européennes et internationales:



Helmut Tichy

(The Legal Adviser / Le Conseiller juridique)

