



**Mechanism for Follow-up on the Implementation of  
the Inter-American Convention against Corruption**

**M E S I C I C**

**HEMISPHERIC REPORT**

**First Round of Review**

**COMMITTEE OF EXPERTS**

MECHANISM FOR FOLLOW-UP ON THE  
IMPLEMENTATION OF THE INTER-AMERICAN  
CONVENTION AGAINST CORRUPTION  
Ninth Meeting of the Committee of Experts  
March 27 to April 1, 2006  
Washington, DC

SG/MESICIC/doc.170/06 rev. 1  
31 March 2006  
Original: Spanish

[PT - SP](#)

HEMISPHERIC REPORT ON THE FIRST ROUND OF REVIEW OF THE COMMITTEE OF  
EXPERTS OF THE MECHANISM FOR FOLLOW-UP ON THE IMPLEMENTATION OF THE  
INTER-AMERICAN CONVENTION AGAINST CORRUPTION (MESICIC)

## TABLE OF CONTENTS

|  |    |
|--|----|
| INTRODUCTION .....   | 1  |
| I. THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION (IACC) AND ITS FOLLOW-UP MECHANISM (MESICIC) .....             | 2  |
| 1.1. THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION (IACC).....  | 2  |
| 1.1.1. <u>Background</u> .....   | 2  |
| 1.1.2. <u>Content and scope</u> .....  | 2  |
| 1.1.3. <u>Status of signatures and ratifications</u> .....   | 3  |
| 1.2. FOLLOW-UP MECHANISM FOR THE IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION (MESICIC)..... | 4  |
| 1.2.1. <u>Background</u> .....   | 4  |
| 1.2.2. <u>Purpose, organs and characteristics</u> .....  | 4  |
| II. THE COMMITTEE OF EXPERTS OF THE MESICIC: ORGANIZATION AND OPERATION; AND ACTIVITIES CARRIED OUT TO DATE .....  | 5  |
| 2.1. <u>Organization and operation</u> .....   | 5  |
| 2.2. <u>Principal activities carried out</u> .....   | 6  |
| 2.3. <u>Other activities</u> .....   | 7  |
| 2.4. <u>Civil society participation in the Committee's activities</u> .....  | 8  |
| III. THE FIRST ROUND OF REVIEW.....  | 9  |
| 3.1. <u>Provisions of the Convention selected for review</u> .....   | 9  |
| 3.2. <u>Methodology for the review</u> .....   | 10 |
| 3.3. <u>Questionnaire</u> .....  | 11 |
| 3.4. <u>Structure of the country reports</u> .....   | 12 |
| 3.5. <u>Setting the order for country review</u> .....   | 12 |
| 3.6. <u>Establishment of the preliminary review subgroups</u> .....  | 12 |
| 3.7. <u>Replies to the questionnaire by the States Parties to the Mechanism</u> .....                              | 13 |
| IV. PREPARATION AND ADOPTION OF THE COUNTRY REPORTS .....  | 13 |
| 4.1. <u>Preparation of the draft preliminary reports</u> .....   | 13 |
| 4.2. <u>Procedure for the review and adoption of the reports</u> .....   | 14 |
| V. COUNTRY REPORTS .....   | 15 |
| 5.1. <u>Characteristics</u> .....  | 15 |
| 5.2. <u>General content</u> .....  | 15 |
| VI. GENERAL AND COMPREHENSIVE REVIEW OF THE COUNTRY REPORTS .....  | 16 |
| 6.1. <u>General conclusions from the First Round of Review</u> .....   | 16 |
| 6.2. <u>Recommendations in the country reports</u> .....   | 17 |
| 6.2.1. <u>Most common recommendations</u> .....  | 17 |

|   |    |
|---|----|
| 1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE<br>(ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION) . . . . .   | 18 |
| 1.1. Standards of conduct to prevent conflicts of interest and enforcement mechanisms. . . . .  | 18 |
| 1.2. Standards of conduct and mechanisms to ensure the proper conservation and use<br>of resources entrusted to government officials. . . . .   | 19 |
| 1.3. Measures and systems requiring government officials to report to appropriate authorities<br>acts of corruption in the performance of public functions of which they are aware. . . . .   | 19 |
| 2. SYSTEMS FOR REGISTERING ASSETS, INCOME AND LIABILITIES<br>(ARTICLE III, PARAGRAPH 4 OF THE CONVENTION). . . . .  | 20 |
| 3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS<br>(ARTICLE III, PARAGRAPHS 1, 2, 4 y 11 OF THE CONVENTION). . . . .  | 21 |
| 4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND<br>NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION<br>(ARTICLE III, PARAGRAPH 11 OF THE CONVENTION) . . . . .  | 21 |
| 4.1. General participation mechanisms . . . . .   | 21 |
| 4.2. Mechanisms for access to information . . . . .   | 21 |
| 4.3. Mechanisms for consultation . . . . .  | 22 |
| 4.4. Mechanisms to encourage participation in public administration . . . . .   | 22 |
| 4.5. Mechanisms for participation in the follow-up of public administration . . . . .   | 23 |
| 5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION) . . . . .   | 23 |
| 6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION) . . . . .  | 24 |
| 6.2.2. <u>General recommendations</u> . . . . .   | 24 |
| VII. RECOMMENDATIONS OF A COLLECTIVE NATURE. . . . .  | 24 |
| 7.1. <u>Regarding follow-up of the results of the reports.</u> . . . . .  | 24 |
| 7.2. <u>Regarding the kinds of actions recommended for consolidating or strengthening<br/>        hemispheric cooperation on the topics referred to in the provisions selected for the<br/>        First Round, or closely related thereto.</u> . . . . . | 26 |
| VIII. ANNEXES . . . . .   | 28 |
| ANNEX I. <u>States Parties to the Convention and to the MESICIC</u> . . . . .   | 29 |
| ANNEX II. <u>Order in which States were reviewed.</u> . . . . .   | 31 |
| ANNEX III. <u>Composition of the review subgroups</u> . . . . .   | 32 |
| ANNEX IV. <u>Civil society participation in the review process.</u> . . . . .   | 33 |
| ANNEX V. <u>Procedure for adoption of the final country reports</u> . . . . .   | 36 |
| ANNEX VI. <u>Graphic representation of the frequency of some of the most common<br/>        recommendations</u> . . . . .   | 37 |
| ANNEX VII. <u>Experts that participated during the First Round of Review in the<br/>        Committee of Experts of the MESICIC</u> . . . . .   | 45 |

## **HEMISPHERIC REPORT ON THE FIRST ROUND OF REVIEW OF THE COMMITTEE OF EXPERTS OF THE FOLLOW-UP MECHANISM FOR THE IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION**

### **INTRODUCTION**

Upon the creation of the Mechanism for Follow-up on the Implementation of the Inter-American Convention Against Corruption (MESICIC), the States Parties noted their willingness to adequately disseminate the activities carried out in pursuit of its mission, in the understanding that in addition to making its performance transparent, this would represent a significant contribution toward attaining its goals related to strengthening the fight against corruption.

This report reflects that desire to publicize the Mechanism's activities, in that it is based on the provisions of the "Report of Buenos Aires," which set out the foundations on which the Mechanism was conceived, and on the rules of procedure adopted by the Committee of Experts of the MESICIC for its organization and functioning.

Section 3.d of the Report of Buenos Aires notes as one of the characteristics of the Mechanism, that there shall be proper balance between confidentiality and transparency in its activities. Section 7.b.iv lists those activities and provides for the publication of a final report related to the State Party reports adopted by the Mechanism's Committee of Experts in its review of the countries' implementation of the Convention's provisions.

Article 30 of the Rules of Procedure and Other Provisions of the MESICIC Committee of Experts also requires the adoption of a Hemispheric Report at the end of each round of review, on the implementation of the Convention provisions selected for review during that round.

Article 30 stipulates that the Hemispheric Report is made up of two parts:

(A) A general, comprehensive review that includes, among other things, the conclusions arrived at in the country reports and the recommendations of a collective nature, both as regards following up on the results of said reports and regarding the recommended actions for consolidating or strengthening hemispheric cooperation on the issues addressed in the provisions under consideration in each round or closely related to them; and

(B) A summary of the progress achieved by the countries as a whole in implementing the recommendations made by the Committee in previous rounds.

This report will only address the first of these (paragraph A), as provided for by the transitory paragraph of the article, and because this is the First Round of Review carried out by the Committee of Experts of the MESICIC, there are no earlier rounds regarding which a progress report can be given.

The first section of the report describes the background to the Inter-American Convention against Corruption and its Follow-up Mechanism; the following section deals with the organization and functioning of the Mechanism and its activities up to the drafting of this report, along with civil society participation therein; section three describes the steps taken in carrying out the First Round of

Review; the fourth section deals with the drafting and adoption of the country reports during that round; section five describes the characteristics and general content of those reports; section six covers the comprehensive review of those contents, focusing on the conclusions and recommendations; and, finally, a number of collective recommendations are offered regarding following up on the results of the reports and the kind of actions recommended for consolidating or strengthening hemispheric cooperation on the issues dealt with therein.

This report was adopted by the Committee of Experts of the MESICIC based on the draft prepared by its Technical Secretariat pursuant to the terms of Article 9.f of the Committee's Rules of Procedure and Other Provisions.

## **I. THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION (IACC) AND ITS FOLLOW-UP MECHANISM (MESICIC)**

### **1.1. THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION**

#### **1.1.1. Background**

Fighting corruption has been a constant concern of the Member States of the Organization of American States. The OAS Charter states that "representative democracy is an indispensable condition for the stability, peace and development of the region," and the Member States have recognized that corruption is one of the most serious threats facing democratic systems.

This acknowledgement was first reflected in various instruments adopted by the inter-American system, including the Santiago Commitment to Democracy and the Renewal of the Inter-American System of 1991, OAS General Assembly Resolution 1159 of 1992 on corrupt practices in international trade, the 1993 Declaration of Managua for the Promotion of Democracy and Development, the 1993 Declaration of San José on Human Rights, and the 1994 Declaration of Belém do Pará.

The Summits Process, gathering together the heads of state and government of the Americas, invested the hemispheric treatment of the corruption phenomenon with increased dynamism. The first of these Summits, held in Miami in December, 1994, was a milestone in this regard. On that occasion, the heads of state and government recognized the multilateral dimension of the problem and, bearing that in mind, agreed to negotiate a hemispheric accord on the topic within the framework of the OAS. As a result of that decision and following an extensive process of analysis and discussion, the American states adopted the Inter-American Convention against Corruption in Caracas in March, 1996.<sup>1</sup>

#### **1.1.2 Content and scope**

The Convention, which was the first international legal instrument to address this issue, specifically includes in its rationale the recognition of the international importance of corruption and the need for an instrument to promote and facilitate inter-country cooperation to combat it. Consequently, with that motivation, it set forth two goals:

- First, to promote and strengthen the development by each of the States Parties, of the mechanisms needed to prevent, detect, punish, and eradicate corruption.

---

<sup>1</sup> The text of the Convention can be seen at: [www.oas.org/juridico/english/treaties/b-58.html](http://www.oas.org/juridico/english/treaties/b-58.html)

- Second, to promote, facilitate, and regulate cooperation among the States Parties to ensure the effectiveness of measures and actions to prevent, detect, punish, and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance.

In its preamble and several of its articles, the Convention specifically recognizes that corruption cannot be resolved solely through repression or sanctions once the problem has arisen; rather, decisions of a preventive nature are also needed in order to modernize institutions and eliminate the root causes of corruption and the conditions that facilitate or encourage it. Thus, the preventive measures set out in Article III are an important part of its provisions.

The instrument sees the fight against corruption as a process and not simply the result of specific, isolated actions that are neither connected nor coordinated.

The Convention also emphasizes the importance of the actions of all the players involved: individual states, the private sector, civil society, and the international community.

It is also the principal inter-American legal instrument for extraditions in corruption-related cases, for inter-state cooperation and assistance in securing evidence and pursuing other formalities necessary to facilitate the investigation and prosecution of acts of corruption, and for identifying, tracking, securing, seizing, and confiscating assets obtained or derived from the commission of crimes of corruption and assets used to commit such offenses or produced thereby.

With regard to the investigation or submission of information from banks and other financial entities, the Convention takes a significant step forward in preventing bank secrecy from being used to conceal or protect the corrupt.

Regarding the right of asylum, the Convention strikes an acceptable compromise between the values that asylum protects and the aim of fighting corruption. As was stated during the drafting discussions, the rationale and essence of asylum can in no way be undermined, but neither can asylum be used to conceal those guilty of corruption offenses or to assist them in evading justice. One particularly important provision within the context of that aim is Article XVII, which stipulates that the fact that the property obtained or derived from an act of corruption was intended for political purposes, or that it is alleged that an act of corruption was committed for political motives or purposes, shall not suffice in and of itself to qualify the act as a political offense or as a common offense related to a political offense.

Finally, it should be noted that another topic addressed by the Convention is combating bribery in international commercial transactions. More than merely a great step forward, Article VIII of the Convention places the American hemisphere at the vanguard by setting out the regulation of such practices and the commitment to punish them in a legally binding instrument.

### **1.1.3. Status of signatures and ratifications**

The Inter-American Convention against Corruption was adopted in Caracas, Venezuela, in March, 1996, and it came into force in March, 1997. As of the date of this report it has been signed by 34 of the Member States of the OAS, and 33 of those have ratified it – an indication of how important its provisions are to the states of the American hemisphere. Annex I of this report contains a list of the states that have signed and/or ratified the Convention.

## **1.2. THE FOLLOW-UP MECHANISM ON THE IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION (MESICIC)**

### **1.2.1. Background**

The Member States of the OAS, aware of the need to strengthen the implementation of the IACC, adopted resolution AG/RES. 1727 on June 5, 2000, at the 30th regular session of the General Assembly. That resolution instructed the Permanent Council to analyze the follow-up mechanisms that existed at the regional and international levels and to draw up a recommendation on the optimal model for monitoring compliance with the Convention. This was done and set out in resolution CP/RES. 783 of January 18, 2001.

At the Third Summit of the Americas, held in Québec City in April 2001, the heads of state and government stated their commitment to strengthening the fight against corruption and, in the Plan of Action adopted at the meeting, they agreed to support “the establishment as soon as possible, taking into consideration the recommendation of the OAS, of a follow-up mechanism for the implementation of the Inter-American Convention Against Corruption by the States Parties to the instrument.”

This commitment was formalized on June 4, 2001, at the 31st regular session of the OAS General Assembly, held in San José, Costa Rica. On that occasion the Mechanism for Follow-up on Implementation of the Inter-American Convention Against Corruption (MESICIC) was adopted pursuant to the terms set out in the document “Report of Buenos Aires on the Mechanism for Follow-up on Implementation of the Inter-American Convention Against Corruption,”<sup>2</sup> which was approved by the Conference of States Parties of the IACC in that city on May 2 to 4, 2001.

This document was initially signed by twenty IACC States Parties and, since it was agreed that other States Parties could join the Mechanism, a further eight states signed it at a later date; with this, as of the drafting of this Report, the MESICIC involves 28 states. Annex I of this Report contains a list of the states that have joined the Mechanism.

### **1.2.2. Purpose, organs and characteristics**

As stated in the Report of Buenos Aires, the purpose of the Mechanism is promote the implementation of the IACC, to follow up on the commitments made by the States Parties to the Convention, to study how those commitments are being implemented, and to facilitate technical cooperation activities, exchanges of information, experience, and best practices, and the harmonization of the States Parties’ domestic legislations.

The goals set for the Mechanism strike an appropriate balance between the need to monitor the states’ progress and the ultimate aim of facilitating cooperation among them in pursuit of the Convention’s purposes and ensuring that it is enforced and applied.

The Mechanism is also to function under the framework of the goals and principles set forth in the OAS Charter and to uphold principles such as sovereignty, non-intervention, and the legal equality of states.

---

<sup>2</sup> The text of this document can be found at: [www.oas.org/juridico/english/followup\\_corr\\_arg.htm](http://www.oas.org/juridico/english/followup_corr_arg.htm)

The Mechanism comprises two bodies: the Conference of the States Parties and the Committee of Experts.

The Conference of States Parties is made up of representatives of all the states and has the authority and general responsibility for implementing the Mechanism.

The Committee of Experts is made up of experts appointed by each State Party and is the body responsible for the technical analysis of how those states implement the Convention.

The Technical Secretariat of the Mechanism is the OAS General Secretariat and, in the performance of that function, is responsible for drawing up the draft documents that are used as the basis for the aforementioned bodies to adopt decisions.

The characteristics of the Mechanism have also been defined. These include impartiality and objectivity in its operations and in the conclusions it reaches, together with the absence of sanctions. This both guarantees the seriousness of the Mechanism and upholds the notion that its purpose is not to assess or classify the states, but rather to strengthen cooperation among them in their efforts to combat the common enemy that is corruption.

Efforts are also made to strike a fair balance between confidentiality and transparency in its activities. Thus, the provisions contained in the Rules of Procedure of the Committee of Experts regarding the disclosure of materials, how the topics for review are selected, the Questionnaire and the method used to review it, and the final reports adopted in each round of review are of great importance.

It should also be noted that although the Mechanism is intergovernmental in nature, it is also empowered to hear opinions from civil society.

## **II. THE MESICIC COMMITTEE OF EXPERTS: ORGANIZATION AND FUNCTIONS, AND ACTIVITIES TO DATE**

### **2.1. Organization and operation**

At the start of the Committee's first meeting, on January 14, 2002, a seminar was held with the purpose of "presenting, from a practical outlook, the organization and functions of four international evaluation or follow-up mechanisms, and facilitating awareness of the developments made and experience acquired within their frameworks, with a view toward providing useful details and information for the decisions to be adopted by the Committee of Experts of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption, including, *inter alia*, those to be adopted in its rules of procedure and other provisions."

The seminar studied four international evaluation and/or follow-up mechanisms,<sup>3</sup> the experiences of which over the years<sup>4</sup> was deemed of much use in the process on which the MESICIC was about to

---

<sup>3</sup> The four mechanisms analyzed by the seminar were: the Mutual Evaluation Mechanism of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the revised recommendation of 1997, adopted within the framework of the OECD; the Mutual Evaluation Mechanism of the Council of Europe's Group of States Against Corruption (GRECO); the Mutual Evaluation Mechanism of the Financial Action Task Force (GAFI-FATF), which deals with money laundering; and the CICAD/OAS's Multilateral Evaluation Mechanism (MEM), which deals with drug-related issues.

<sup>4</sup> GAFI since 1989; the OECD's Mechanism since 1997; the MEM since 1998; and the GRECO since 1999.

embark. Then, at its meetings held in the week of January 14 to 18, 2002, the Committee discussed a draft of its rules of procedure that had previously been drawn up by the Technical Secretariat. The Committee's Rules of Procedure and Other Provisions, which, with certain later amendments, serves as the framework that contains the rules regarding that body's organization and functioning, emerged out of this discussion.

The Rules of Procedure and Other Provisions of the Committee of Experts<sup>5</sup> regulates basic aspects of its organization and functioning, such as identifying the functions for which it is responsible; the allocation of powers to its various officers and organs (chair, vice-chair, and technical secretariat); the way in which its decisions are to be adopted; the procedures to be followed for selecting the Convention provisions to be studied in a round of review and for carrying out the review; how the follow-up of the adopted measures is to be carried out; civil society participation; encouraging and facilitating cooperation among the States Parties; and the enforcement and modification of the Rules of Procedure.

## **2.2. Principal activities carried out**

The main activities carried out by the Committee during the First Round of Review can be summarized as follows:

At its first meeting (January 14 to 18, 2002), the Committee adopted its Rules of Procedure and Other Provisions and selected the provisions of the Convention that were to be reviewed during the First Round.

At the second meeting (May 20 to 24, 2002), the Committee adopted the decisions necessary for the First Round of Review to commence, such as the methodology for reviewing the implementation of the selected Convention provisions; the questionnaire for gathering the data needed for that review; the structure of the country reports; an impartial method for setting the dates for analyzing the information on each State Party; and the establishment of the corresponding review subgroups.

At its third meeting (February 10 to 13, 2003), the Committee adopted its first country report, which assessed Argentina, based on a draft prepared by the Technical Secretariat. The Committee also ordered that the format and wording of the other three drafts drawn up for discussion at the meeting - dealing with Paraguay, Colombia, and Nicaragua - be adapted by the Technical Secretariat, using as a guide the report on Argentina as finalized during the Committee's deliberations, for discussion at its next meeting.

The meeting also decided that the States Parties could update their responses to the questionnaire within a period of one month following the date of the meeting immediately prior to the one at which the corresponding country report was to be studied, and that a similar period of time would also be given to the civil society organizations, to enable them to submit documents with information specifically and directly related to the questions set out in the questionnaire.

At its fourth meeting (July 14 to 18, 2003), the Committee approved country reports corresponding to Paraguay, Colombia, and Nicaragua.

---

<sup>5</sup> See the text of the Rules of Procedure at: [www.oas.org/juridico/english/mesicic\\_rules.pdf](http://www.oas.org/juridico/english/mesicic_rules.pdf)

At its fifth meeting (February 2 to 6, 2004), the Committee adopted country reports on Uruguay, Panama, Ecuador, and Chile; it also approved the Committee's report to the Conference of States Parties.

That meeting also adopted an amendment of the Rules of Procedure and Other Provisions, whereby the invitations already being extended to civil society organizations to verbally submit documents with information specifically and directly related to the questions contained in the questionnaire would be covered by a regulatory provision requiring such invitations to be issued.

At its sixth meeting (July 26 to 30, 2004), the Committee adopted country reports on Bolivia, Peru, Costa Rica, and Venezuela. It also adopted a series of measures for strengthening the MESICIC, including speeding up its work by increasing the number of country reports to be considered each year from 8 to 12.

At its seventh meeting (March 7 to 12, 2005), the Committee adopted country reports on Mexico, Trinidad and Tobago, Honduras, El Salvador, the Dominican Republic, and The Bahamas.

At its eighth meeting, (September 26 to 30, 2005), the Committee adopted country reports on Canada, the United States, Jamaica, Guatemala, and Saint Vincent and the Grenadines. It also selected the provisions of the Convention to be reviewed during the Second Round. It made several amendments to the Rules of Procedure, such as adopting annual progress reports on the implementation of the Convention and "Hemispheric Reports" at the conclusion of each round of review, and made decisions regarding the publication of the country reports adopted by the Committee and regarding follow-up on the implementation of the recommendations contained therein.

At its ninth meeting (March 27 to 31, 2006), the Committee adopted country reports covering Guyana, Grenada, Suriname, Brazil, and Belize, together with the Hemispheric Report on the First Round of Review. It also adopted decisions for the commencement of the Second Round of Review, including the method to be used to review the selected Convention provisions; the questionnaire for gathering the data needed for that review; the structure of the country reports; an impartial method for setting the dates for reviewing the information on each State Party; and the establishment of the corresponding review subgroups.

### **2.3. Other activities**

In addition to the activities specifically identified in connection with each of these meetings, other activities also in line with the purposes of the Mechanisms were undertaken, which the following should be noted:

- Reports on the progress in implementing the Convention:

As of the second meeting the States Parties began to submit reports on the measures they had adopted between the previous and next one on the advances in implementing the Convention. These reports are found on the MESICIC's webpage: [www.oas.org/juridico/spanish/mec\\_inf\\_avance.htm](http://www.oas.org/juridico/spanish/mec_inf_avance.htm).

- Topics of collective interest:

At the second, third, fifth, and sixth meetings, the topic of collective interest “Systems for state procurement of goods and services that ensure openness, equity, and efficiency” was discussed and the Technical Secretariat prepared the related document “Topics of collective interest: towards a regulatory framework to prevent corruption in public procurement,” which was distributed among the members of the Committee. Experts from several of the States Parties gave presentations and some of them distributed documents on the subject.

At the fifth meeting another item of collective interest concerning “existing technical cooperation programs or projects, in areas covered by the Convention, with the support of cooperation agencies or international organizations” was discussed. Presentations were made on the subject by representatives of the Inter-American Development Bank, the World Bank, the United States Agency for International Development and the Canadian International Development Agency.

#### **2.4. Civil society participation in the Committee’s activities**

Civil society organizations have been involved in the Committee’s activities since its inception. Particularly noteworthy were the valuable contributions made by representatives of “Transparency International – Canada” and “Transparency International for Latin America and the Caribbean” when they spoke at the seminar held at the start of the first meeting and provided information of use to the Committee in adopting decisions regarding its organization and functions for incorporation into its Rules of Procedure and Other Provisions.

Following the guidelines set out in Section 8 of the Report of Buenos Aires, Chapter V (Arts. 33 to 35) of the Rules of Procedure and Other Provisions governs the participation of civil society organizations in the work of the Committee of Experts. In light of the content and scope of the amendments made to the rules and the results that they have already yielded, the Mechanism can be said to have provided civil society organizations with increasingly ample possibilities for contributing to its activities.

Notwithstanding the foregoing, the Committee would have liked to see greater and more diverse participation by civil society organizations in its activities since, with few exceptions, observations were made by only one network of organizations (Transparency International), despite the fact that, as we shall see later, the Committee’s Rules of Procedure foster broader participation by different civil society organization in the tasks assigned to it. The Committee invites these organizations to make better use of the opportunities for participation that are at its disposal.

Firstly, Article 33(a) of the Rules of Procedure and Other Provisions allowed civil society organizations to “present, through the Secretariat, specific proposals to be considered in the drafting process referred to in Article 18 of these Rules.” Under this provision, the Committee received and considered, very positively, the proposals conveyed to it by Transparency International in communications of April 8 and May 10, 2002, titled “Key elements to be considered in the analysis methodology of the Inter-American Convention against Corruption” and “Comments on the first version of the draft questionnaire and methodology,” respectively.

Secondly, Article 33(b) of the Rules of Procedure and Other Provisions allowed civil society organizations to “present, through the Secretariat, documents with specific and direct information related to the questions that are referred to in the questionnaire with respect to the implementation, by a State Party under review, of the provisions selected for review within the framework of a round.”

These documents were originally to be submitted during the same timeframe as given to the state in question for responding to the questionnaire. However, at its third meeting, the Committee decided to allow civil society organizations to present their documents within the same one-month period given to the States Parties for updating their responses to the questionnaire. Subsequently, at its fifth meeting, the Committee amended its Rules of Procedure so that the invitations already being extended to those organizations to verbally submit documents prior to the meetings would be covered by a regulatory provision requiring such invitations to be issued.

Pursuant to this rule, documents were received<sup>6</sup> within the deadline and in compliance with the conditions set, from the civil society organizations listed in Annex IV of this report.

These documents were duly distributed to the members of the corresponding preliminary review subgroups, to the States Parties under review, and to the other members of the Committee. Those organizations that responded to the Committee's invitation, made verbal presentations of the documents. These presentations were considered in the meetings' deliberations, and the comments contained in them deemed relevant by the Committee were incorporated into its reports.

Thirdly, Article 33(c) of the Rules of Procedure and Other Provisions allowed civil society organizations to "present proposal documents related to the collective interest issues that the Committee has included in their annual working plan, in accordance with the provision in Article 36(b) of these Rules."

Finally, at its eighth meeting, aware of the important role played by civil society organizations in implementing the recommendations contained in the country reports, the Committee added paragraph (b) to Article 33 of its Rules of Procedure and Other Provisions, allowing those organizations to present, in subsequent rounds, documents with information related to the implementation of the recommendations served on the States Parties in earlier rounds.

### **III. THE FIRST ROUND OF REVIEW**

#### **3.1. Provisions of the Convention selected for review**

The Committee selected the following provisions from the Convention for the First Round of Review in order to study how they had been implemented by the States Parties:

Article III, in relation to preventive measures, specifically the following paragraphs:

- “1. Standards of conduct for the correct, honorable and proper fulfillment of public functions. These standards shall be intended to prevent conflicts of interest and mandate the proper conservation and use of the resources entrusted to government officials in the performance of their functions. These standards shall also establish measures and systems requiring government official to report to appropriate authorities acts of corruption in the performance of public functions. Such measures should help preserve the public's confidence in the integrity of public servants and government processes.
2. Mechanisms to enforce these standards of conduct.

---

<sup>6</sup> These documents can be found at: [www.oas.org/juridico/english/follow\\_civ.htm](http://www.oas.org/juridico/english/follow_civ.htm)

4. Systems for registering the income, assets and liabilities of persons who perform public functions in certain posts as specified by law and, where appropriate, for making such registrations public.
9. Oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts (in regards to the functions performed by those bodies in connection with the provisions of paragraphs 1, 2, 4 and 11 of Article III).
11. Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption.”

Article XIV, which provides that:

- “1. In accordance with their domestic laws and applicable treaties, the States Parties shall afford one another the widest measure of mutual assistance by processing requests from authorities that, in conformity with their domestic laws, have the power to investigate or prosecute the acts of corruption described in this Convention, to obtain evidence and take other necessary action to facilitate legal proceedings and measures regarding the investigation or prosecution of acts of corruption.
2. The States Parties shall also provide each other with the widest measure of mutual technical cooperation on the most effective ways and means of preventing, detecting, investigating and punishing acts of corruption. To that end, they shall foster exchanges of experiences by way of agreements and meetings between competent bodies and institutions, and shall pay special attention to methods and procedures of citizen participation in the fight against corruption.”

Article XVIII, which provides that:

- “1. For the purposes of international assistance and cooperation provided under this Convention, each State Party may designate a central authority or may rely upon such central authorities as are provided for in any relevant treaties or other agreements.
2. The central authorities shall be responsible for making and receiving the requests for assistance and cooperation referred to in this Convention.
3. The central authorities shall communicate with each other directly for the purposes of this Convention.”

### **3.2. Methodology for the review**

The methodology<sup>7</sup> adopted by the Committee for reviewing the implementation of the provisions of the Convention selected for the First Round stipulated the purpose and scope of that review, stating that it would deal with the existence in each State Party of a legal framework and other measures for the enforcement of each provision, and, if they existed, with their adequacy and the results they had yielded.

---

<sup>7</sup> The text of this methodology can be found at: [www.oas.org/juridico/english/followup\\_method.htm](http://www.oas.org/juridico/english/followup_method.htm)

In order to achieve this, the methodology set the following specific criteria:

- Level of progress made with the implementation of the Convention: based on this criterion, the Committee reviewed the progress made and, when applicable, identified the areas where greater progress in implementing the Convention was still needed.
- Existence of provisions in the legal framework and/or other measures: based on this criterion the Committee determined whether the State Party had a legal framework and other measures for the implementation of the respective provision of the Convention.
- Adequacy of the legal framework and/or other measures: if the State Party under review had a legal framework and other measures for the enforcement of the Convention provision in question, the Committee examined whether it was appropriate for the Convention's goals of preventing, detecting, punishing, and eradicating corruption.
- Results of the legal framework and/or other measures: under this criterion, efforts were made toward a preliminary review of the objective results obtained with the enforcement of the legal framework and other measures existing in the State Party in connection with a given Convention provision.

The methodology also set general guidelines for the review. These were: equal treatment for all states; the functional equivalence of the measures adopted by the states for implementing the Convention's provisions, in light of their legal systems and contexts; and strengthening cooperation among them all for the prevention, detection, punishment, and eradication of corruption.

It finally identified the issues the Committee was to address in connection with each of the provisions of the Convention under review and the sources of information in order to support the analysis, such as the responses to the questionnaire by the respective State Party, the documents submitted by civil society and any other relevant information gathered by the Secretariat and the Committee members.

### **3.3. Questionnaire**

The questionnaire<sup>8</sup> adopted by the Committee for directly gathering from each State Party relevant information for reviewing progress with the implementation of the provisions of the Convention which were selected for review, was designed to explore the existence of a legal framework and other measures for the enforcement of each provision and, in those cases in which they were found to exist, to explore their adequacy and results, thereby remaining coherent with the content of the review methodology.

In accordance with the foregoing, the questionnaire, after requesting a summarized description from each State Party of its legal-institutional system, asked for succinct information on any developments made in implementing each of the provisions mentioned, a brief description of the standards or measures governing their implementation, and the objective results achieved by applying them.

The questionnaire also requested that they attach a copy of the provisions or documents describing the developments reported by the States Parties so they could be ascertained and analyzed in depth.

---

<sup>8</sup> The text of this questionnaire can be found at: [www.oas.org/juridico/english/questionnaire.doc](http://www.oas.org/juridico/english/questionnaire.doc)

### **3.4. Structure of the country reports**

The Committee, in approving a uniform structure for the country reports,<sup>9</sup> included the criteria contained in the aforementioned methodology. This is why that structure, in addition to assuring the equal treatment for the States Parties, envisaged the inclusion in the part that analyzed each of the provisions selected, subject headings corresponding to the existence of provisions in the legal framework and/or other measures; their compliance with the Convention; the results of that legal framework and/or those measures, and finally, the recommendations made for the proper implementation of the Convention.

### **3.5. Setting the order for country review**

The Committee determined the order or sequence for reviewing the information corresponding to all the States Parties in the First Round by means of the following procedure:

First, States Parties were included in the order that they volunteered: Argentina, Paraguay, Colombia, Nicaragua, Uruguay, Panama, Ecuador, and Chile. Then, the remaining States Parties belonging to the Follow-up Mechanism were included, in the chronological order of their ratification to the Convention.

Thus, the list containing the order in which the States Parties were to be reviewed was drawn up, and is attached to this report (Annex II).

### **3.6. Establishment of the preliminary review subgroups**

As provided for in the Report of Buenos Aires and in Article 3(f) of its Rules of Procedure and Other Provisions, the Committee set up preliminary review subgroups, each one comprising two lead experts from different countries, to be responsible for reviewing the implementation of the selected provisions in the States Parties. In selecting these groups it proceeded at random and in accordance with the rules in Article 20 of the Rules of Procedure, which read as follows:

“Article 20. Composition of subgroups for the review of the information and the preliminary report. The Committee, based on the proposal prepared by the Secretariat in co-ordination with the Chair, shall determine the composition of the subgroups with experts (one or more) from two States Parties that, with support from the Secretariat, shall review the information and prepare the preliminary reports on each State Party whose information shall be reviewed in the next meeting by the Committee.

In selecting the members of a subgroup consideration shall be given to the historical legal tradition of the State Party whose information shall be the subject of review.

Consideration will be given to avoid the selection, to a subgroup, of experts from a State Party that has been reviewed by the State Party under review in that round.

Each State Party shall endeavor to be part of a subgroup, on at least two occasions in each round.”

The list of preliminary review subgroups is attached to this report (Annex III)

---

<sup>9</sup> The text of this structure can be found at: [www.oas.org/juridico/english/followup\\_format.htm](http://www.oas.org/juridico/english/followup_format.htm)

### **3.7. Replies to the questionnaire by the States Parties to the Mechanism**

The twenty-two States Parties that as of the date of the Committee's second meeting were members of the Follow-up Mechanism submitted to the OAS General Secretariat, on August 31, 2002, their replies to the "questionnaire on provisions selected by the Committee of Experts for analysis within the framework of the First Round."

The six States Parties that joined the Follow-up Mechanism after the second meeting were given a reasonable time in which to present their replies to the questionnaire.

At its third meeting, the Committee stipulated that the States Parties could update their questionnaire replies within a period of one month following the date of the meeting immediately prior to the one at which the corresponding country report was to be studied.

The questionnaire responses and their updates can be seen on the Mechanism's webpage.<sup>10</sup>

## **IV. PREPARATION AND ADOPTION OF THE COUNTRY REPORTS**

### **4.1. Preparation of the preliminary draft reports**

As stipulated by the Rules of Procedure and Other Provisions of the Committee of Experts, the Technical Secretariat is responsible for compiling the draft preliminary country reports. To perform this task for the draft preliminary report in the First Round of Review, the Technical Secretariat had to abide by the terms of the review methodology approved by the Committee for that round and to observe the parameters set out in the report structure it had adopted.

Bearing this in mind, the first step was to determine whether the country had a legal framework covering the provisions of the Convention selected for the First Round; to examine whether that legal framework was adequate for attaining those provisions' goals; then to determine whether there had been objective results that would allow its effectiveness to be established; and, finally, to draw conclusions and, where necessary, to formulate specific recommendations to remedy the shortcomings or to adjust the inadequacies detected.

In performing this review, attention was paid to the legal and institutional structure of each State Party; the information furnished in the states' responses to the Committee's questionnaire was studied; the legal provisions and other documents attached to the response were evaluated, together with the comments submitted by civil society organizations in accordance with the Rules of Procedure and within the deadlines set by the Committee; and additional information was gathered in those cases in which it was deemed necessary.<sup>11</sup>

---

<sup>10</sup> This page can be found at the following address: [www.oas.org/juridico/english/correspen.htm](http://www.oas.org/juridico/english/correspen.htm)

<sup>11</sup> Because of the number of Convention provisions to be reviewed, and on account of the topics they address, the countries and some civil society organizations submitted great volumes of information, comprising numerous legal texts of various kinds and documents from a range of disciplines. As a result, the Secretariat took an average of two months to prepare each draft preliminary report.

#### 4.2. Procedure for the review and adoption of the reports

The procedure set out for report review and adoption in the Rules of Procedure observes due process and seeks to ensure the active participation therein of the members of the preliminary review subgroup, the state under review, all the Committee members, and civil society. The steps in this procedure are followed in accordance with the terms of Articles 23 to 25 of the Rules of Procedure, whereby:<sup>12</sup>

- Once the Technical Secretariat has prepared the draft preliminary report, it is submitted for consideration by the Committee's lead experts from the two states selected to be the preliminary review subgroup, who then offer their comments on it.<sup>13</sup> It is then sent to the lead expert from the state under review, along with those comments, so s/he can provide a reply on the draft and the experts' remarks.<sup>14</sup>

- Based on the review of the state's reply, the Technical Secretariat prepares a revised version of the draft preliminary report and sends it to the members of the Committee (the lead experts of the MESICIC States Parties) at least two weeks prior to the meeting at which the draft is to be discussed, thereby assuring that all Committee members have the opportunity to be fully familiar with its contents.

- Prior to the date that the draft preliminary report is to be discussed by the plenary of the Committee, a meeting conducted by the Technical Secretariat must be held between the members of the review subgroup and the representatives of the state under review,<sup>15</sup> intended to review or clarify those areas of the report where there are still discrepancies in content or language and to determine a method for its presentation to the plenary.

- Prior to the commencement of sessions on the day the plenary meetings are to begin, the Committee holds an informal meeting at which the civil society organizations that submitted timely documents with specific and direct information related to the questions in the questionnaire regarding the implementation of the selected Convention provisions in the states under review<sup>16</sup> give a verbal presentation on the contents of those documents.

- Once the draft report has been submitted to the plenary of the Committee,<sup>17</sup> the Chairman submits it for discussion by the Committee's members. During this discussion, the members present questions to the members of the review subgroup and the representatives of the state under review, and they propose the additions and modifications they deem appropriate; following the discussion, the report is adopted, preferably pursuant to a consensus decision.

---

<sup>12</sup> Annex V of this report contains a flow chart indicating the sequence of these steps.

<sup>13</sup> The deadline set by the Committee for the members of the review subgroup to submit those comments was originally two weeks; it was later extended to three weeks for the states under review after the eighth meeting.

<sup>14</sup> The deadline set by the Committee for the state under review to submit its reply was originally one month; it was later reduced to three weeks for the states undergoing analysis after the eighth meeting.

<sup>15</sup> These meetings are held during the week before the Committee's plenary sessions.

<sup>16</sup> The deadline the Committee gives the civil society organizations for submitting these documents is the same as the period given to the states under review for updating their replies to the questionnaire – one month.

<sup>17</sup> The Committee's plenary sessions at which the draft reports are discussed are held during the week of its regular meetings.

## **V. COUNTRY REPORTS**

### **5.1. Characteristics**

The country reports that the Committee adopts share the following characteristics:

- Uniform structure: The Committee decided that all the reports must have the same structure, thereby upholding the principle of the juridical equality of states cited in the Report of Buenos Aires and the guideline of equal treatment stipulated by the review methodology. Consequently, they all follow the same order of chapters and sections and address the same topics.
- Sources of information: Grounded on the sources of information previously defined in the Rules of Procedure and the review methodology, comprising the replies given by the States Parties to the Committee's questionnaire, the comments from civil society organizations submitted in accordance with the established terms, and other information gathered by the Technical Secretariat or by the members of the Committee.
- Deadlines for submitting information: Grounded on the information furnished prior to the deadline set by the Committee in timetables that indicate the datelines for countries to respond to the questionnaire and to update their information and for civil society organizations to submit their observations.
- Terminology: Use of phrases in accordance with the scope of the commitments assumed by the states under the Convention provisions being reviewed, and in accordance with the aims of the follow-up mechanism: the tone, style, and vocabulary used in the review, conclusions, and recommendations obey those commitments and aims.

In accordance with the foregoing, as regards the scope of the commitments assumed by the States Parties with respect to the terms of Article III of the Convention, the principle is that the states have agreed to consider the applicability of the preventive measures indicated therein and, consequently, the recommendations served in connection with them use the expression corresponding to that commitment – namely, that they are to give the recommendations due consideration.

The Committee also considers that the ultimate goal of the Mechanism is to facilitate cooperation among the States Parties to promote compliance with the Convention and to ensure that it is implemented and enforced.

- Adoption by consensus: The Committee approved all its reports on a consensus basis, and so their contents reflect the results of the agreements reached by its members during the report discussions.

### **5.2. General content**

The purpose of the country reports is to review, in each MESICIC State Party, the implementation of those provisions of the Convention that the Committee selected for the First Round of Review. To attain that goal, the reports cover the following topics:

- They give a summarized description of the legal and institutional structure of the reviewed countries, in order to place the review within the context of those states that are governed by Civil Law or Common Law, those that are federal or unitary states, and those that have presidential or parliamentary systems of government.

- They identify the main legal provisions and measures that the countries under review have for implementing the Convention provisions under review, along with the existing enforcement mechanisms.
- They describe the adequacy of those legal provisions, measures, and mechanisms as regards their relevance to the Convention's goals, and where applicable, they indicate shortcomings or areas for correction, improvement, or expansion in order to attain those objectives.
- They identify the results yielded by these legal provisions, measures, and mechanisms, based on the data gathered from the established sources of information and, should there be no such information on the results, they indicate that it would be useful for the countries to develop a system of indicators. Finally, in a series of general recommendations, they suggest that the countries could, when applicable, use a set of indicators designed by the Secretariat and published on the Mechanism's webpage.
- They formulate recommendations intended to expand, rectify, or improve the mechanisms in the country under review for complying with the provisions of the Convention under review, indicating the steps they could take to implement those recommendations.
- They indicate the procedure that, pursuant to the Rules of Procedure, is to be used to monitor progress made in implementing the recommendations issued.

## **VI. GENERAL AND COMPREHENSIVE REVIEW OF THE COUNTRY REPORTS**

### **6.1. General conclusions from the First Round of Review**

The following general conclusions can be drawn from the analysis of the country reports:

- The countries are at different levels of progress in their consideration and adoption of measures for implementing the selected provisions of the Convention, and some of them still have to complete the enactment of laws and regulations covering certain aspects covered by those provisions.
- Progress with developing a legal framework and/or other measures for implementing the provisions of the Convention under review, together with mechanisms for enforcing them, has been notable in most of the countries following its adoption in 1996; this progress has increased even further since the launch of the follow-up mechanism in 2002.
- The countries' willingness to deal appropriately with the provisions of the Convention subject to review can also be seen in the numerous pieces of draft legislation dealing with those provisions of which the Committee was told; these represent an effort that the Committee supports and it hopes that their results will make a major contribution to the implementation of the provisions in the corresponding countries.
- The Committee noted that it would be necessary, useful, or appropriate, according to each country's level of development with the reviewed measures, when appropriate and as required to attain the goals set by the Convention provisions, for the countries to consider expanding, strengthening, or amending the laws and, to this end, it offered pertinent recommendations.

- The comprehensive analysis of the results of the countries' measures relating to the selected provisions of the Convention was hindered by the lack of information processed appropriately for such an assessment and, consequently, the Committee issued general recommendations regarding the usefulness of designing and implementing indicators for the objective measurement of the level of compliance with those provisions.

## **6.2. Recommendations in the country reports**

Some of the recommendations drawn up by the Committee refer specifically to situations that affect a given country; they therefore specifically indicate that in such situations, consideration should be given to adopting a concrete measure deemed advisable in accordance with the purposes of the Convention. Other cases refer to situations that arise more frequently in the countries under review, and are therefore more general in their scope. The Committee also formulated a series of recommendations of a general nature relating to various specific aspects it believed were applicable to the majority of the reviewed countries.

Without minimizing the importance of the Committee's recommendations that are specific in nature and can be seen in full in each of the adopted country reports,<sup>18</sup> this section of the report will focus on the most frequently issued recommendations, since they better reflect the guidelines followed by the Committee in examining the provisions of the Convention and the most important aspects taken into account in connection with each. In line with this, reference will also be made to the general recommendations issued in relation to the implementation, when appropriate, of training programs for public officials and procedures and indicators for analyzing the mechanisms mentioned in the reports and to ascertain whether the recommendations they contain were followed up.

### **6.2.1. Most common recommendations**

These recommendations, as mentioned earlier, refer to situations that occur most frequently in the countries reviewed which is why they have a more common connotation. However, it should be noted that not all the countries under review received these recommendations nor were they formulated in the exact manner in which they are described in this section. In order to formulate them to each country to which they were addressed, each country's level of progress in implementing the Convention and the specific characteristics of their legal and institutional provisions was taken into account, which is why their content and approach may differ slightly.

It should also be pointed out that a recommendation applicable to all the provisions of the Convention was formulated for all the countries that are a federal state. It is summarized as follows: Promote cooperation mechanisms for state and municipal authorities in order to obtain or expand the information on the issues corresponding to the Convention, within their jurisdiction, and in order to provide technical assistance for the effective implementation of the Convention.

The most common recommendations that were made by the Committee for consideration by the countries, regarding each of the provisions of the Convention that were selected for review, contain the elements summarized below<sup>19</sup>:

---

<sup>18</sup> These reports can be found at: [www.oas.org/juridico/english/mec\\_ron1\\_rep.htm](http://www.oas.org/juridico/english/mec_ron1_rep.htm)

<sup>19</sup> The Technical Secretariat prepared a series of charts to indicate the frequency with which these recommendations were issued. They can be found in Annex VI of this Report.

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2, OF THE CONVENTION)

1.1. Standards of conduct to prevent conflicts of interest and enforcement mechanisms

- Take steps so that measures intended to prevent conflicts of interest apply to all public employees, in accordance with the needs, responsibilities, and characteristics of each institution, independently of the adoption of specific measures for those officials who, by reason of their position or the nature of their functions, must abide by particularly strict standards of conduct in order to uphold the general public interest.
- Adopt measures to enact and enforce “codes of ethics” or “codes of conduct” for public employees for the prevention of conflicts of interest, or conclude the processes of issuing, regulating, and enacting such codes, in order to comply with the provisions contained in the laws of the country in question.
- Implement or strengthen measures for the timely detection of situations involving conflicts of interest prior to the commencement of public employment, as well as consider the adoption of mechanisms aimed at preventing conflicts, such as: records of sanctions that lead to disqualification from performing public functions; standard formats for résumés; and declarations of employment history, personal interests and net worth.
- Implement computer-based technologies to facilitate the use of the above mechanisms, so that optimal use can be made of them in the timely detection and prevention of conflicts of interest.
- Adequately develop measures intended to prevent conflicts of interest during the performance of public functions, establishing detailed regulations to cover the most common or most relevant eventualities, such as those that could arise from circumstances such as business relations, family ties, or bonds of friendship; belonging to a company, a professional or trade association, or a nongovernmental organization; and holding other positions or performing other functions of a labor, professional, or political nature.
- Implement mechanisms to resolve consultations lodged by public employees regarding possible conflicts of interest, and adopt measures for the timely resolution of those conflicts of interest that are detected, such as a system of disqualifications, excuses, and refusals to guarantee that the general public interest is protected.
- Develop appropriate measures to prevent conflicts of interest following periods of public employment, setting appropriate restrictions so that former public employees cannot make improper use of that status – such as disqualification for a reasonable period of time from involvement in cases in which they intervened by reason of their public function, or with those agencies with which they were recently involved.
- Adopt measures to boost the effectiveness of these provisions, such as clearly determining the agencies or offices responsible for overseeing compliance with them and the punishments applicable for noncompliance; providing streamlined procedures for their application to violators; and assessing their use in order to take steps to increase their effectiveness.

1.2. Standards of conduct and mechanisms to ensure the proper conservation and use of resources entrusted to public officials

- Strengthening measures for oversight of public spending, by methods including, *inter alia*, restricting the margin of discretion of public officials who handle the budget and public procurement; allowing citizen participation in certain processes related to those topics; and optimizing the use of technology in implementing the corresponding mechanisms.
- Strengthen measures related to accountability, by taking steps aimed at, *inter alia*, ensuring that auditing rules are in force; ensuring the effectiveness of internal and external fiscal oversight systems; guaranteeing that they are put into practice objectively, with autonomy and functional independence, and that they apply to the majority of public resources, including those that are handled by private citizens.
- Adopt measures to enact and enforce Codes of Ethics or Codes of Conduct for public employees intended for the protection of public resources, or to conclude their processes of issuing, regulating, and enacting those codes, in order to comply with the provisions contained in the laws of the country in question.
- Adopt measures to ensure that provisions for the preservation of public resources apply to all public employees, in consideration of the needs, responsibilities, and characteristics of each institution, independently of the adoption of specific measures for those officials who, by reason of their position or the nature of their functions, have a greater influence on how those resources are managed.
- Adopt measures to improve the effectiveness of those rules, such as determining the sort of liability (criminal, disciplinary, civil, or fiscal) arising from noncompliance; strengthen the organs or agencies responsible for overseeing that they are complied with; establish an appropriate level of severity in the penalties applicable to violations, and ensure that they are enforced; establish records of punishments involving removals and dismissals; establish mechanisms for repairing the financial damage inflicted on the state; and assess their use in order to take steps to increase their effectiveness.

1.3. Measures and systems requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware

- Adopt measures to require that public employees report any and all acts of corruption of which they become aware, and ensure that this obligation applies to all such employees.
- Adopt measures to ensure that this reporting obligation applies not only to acts of corruption as described in criminal law, but also to those set out in administrative provisions.
- Adopt measures to ensure that the requirements set for the filing of complaints do not inhibit public employees from complying with this duty, and implement streamlined filing procedures.
- Facilitate compliance with the reporting obligation through the use of forms and computer and communications technologies, which will serve to encourage public employees to file complaints and simplify the presentation thereof.
- Establish the necessary offices responsible for receiving and processing these complaints, and publicize them as necessary to ensure public employees easy access to them.

- Adopt provisions to provide those filing reports with guarantees against any threats, retaliations, or reprisals they may face as a result of complying with this duty, including the protection of their identities.
- Provide special protective measures in those cases in which the complaint involves the reporting employee's hierarchical superior.
- Develop, in addition to rules for protecting public officials who lodge reports, mechanisms or programs for ensuring that protection is effective.
- Adopt measures to increase the effectiveness of the rules requiring acts of corruption to be reported, such as the establishment of administrative and criminal sanctions to failures to do so, and ensuring that they are sufficiently persuasive and severe, and provide streamlined procedures for their effective enforcement.

## 2. SYSTEMS FOR REGISTERING INCOME, ASSETS, INCOME AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)

- Specify those who are required to file declarations of income, assets, and liabilities, ensuring that this obligation includes those who, by reason of their position or status or of their functions, must be subject to the analyses of their net worth or interests.
- Develop adequate rules on the minimum content of these declarations, ensuring that they reflect all the income, assets, and liabilities of those required to make filings, include the assets of the members of their closest circles, such as spouses and dependents, and require a description of the nature or characteristics of the listed assets, together with the criteria to be used in the economic appraisal thereof.
- Implement systems to verify compliance with the declaration filing obligation, such as an updated register of those required to file, indicating whether the deadlines for filing and updating declarations have been met; together with databases to facilitate the use of the information furnished in the declarations in pursuing the purposes of the instrument.
- Implement systems for ensuring due verification of declaration contents, indicating the agencies responsible for doing so, setting dates and deadlines or establishing methods such as sampling, and establishing actions for overcoming obstacles that hinder access to the necessary sources of information.
- Use sworn statements, optimizing the analysis of their content so that they become useful tools for detecting and preventing conflicts of interest, when applicable, as well as illegal acts or activities, including the detection of illicit enrichment, when that offense is criminalized by the criminal legislation of the state in question.
- Regulate the conditions, procedures, and other relevant issues related to making declarations public, when applicable and in accordance with the basic principles of the legal system of the state in question.
- Criminalize the offense of illicit enrichment, in light of its close relationship to this topic, when applicable and when permissible under the legal system of the state in question.

- Take the steps necessary to increase the effectiveness of obligations related to the declaration, such as clearly defining the agencies responsible for overseeing its compliance and establishing applicable measures or sanctions for noncompliance.

3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4, AND 11 OF THE CONVENTION)

- Establish oversight bodies to perform functions related to effective compliance with the terms of paragraphs 1, 2, 4, and 11 of the Convention, if they do not already exist, or assign existing bodies the authority to perform those functions.

- Strengthen the oversight bodies with respect to the functions they perform in overseeing effective compliance with the provisions set out in the above-noted provisions of the Convention, in order to ensure the effectiveness of that oversight, providing them with the resources needed to fully discharge their functions, ensuring that they have greater support from policy makers and society, and establishing mechanisms to allow institutional coordination of their actions and their continuous evaluation and follow-up.

4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11 OF THE CONVENTION)

4.1. General participation mechanisms

Most of the country reports did not contain recommendations in connection with general participation mechanisms, and the few that did addressed very particular situations related thereto. The Committee used a method for classifying civil society participation in corruption prevention efforts that was set out in the methodology for reviewing this provision of the Convention. It identifies four types of mechanisms (those indicated in sections 4.2 to 4.5 hereunder), in connection with which the most common recommendations issued are summarized below.

4.2. Mechanisms for access to information

- Establish a system for freedom of access to government information held or controlled by public institutions, with the exception of those that are restricted by law.

- Take steps to guarantee the exercise of the right to government information, so that access thereto cannot be denied for reasons other than those expressly stated in law or based on principles other than those set out in legislation.

- Develop processes for receiving requests for information and responding to them on a timely basis, clearly determining the submission and admissibility requirements, indicating the agencies with authority to process them, setting reasonable deadlines for ruling on them, and establishing systems for communicating the decisions adopted to the interested parties.

- Strengthen the mechanisms for appealing decisions denying requests for information, developing processes for appeals of such decisions through administrative and judicial venues to guarantee easy access by citizens to those mechanisms and ensuring they are effective in protecting the right to government information.

- Disclose information about the public administration through channels that facilitate access to it, such as web-pages, the mass media, or information centers.
- Implement training and dissemination programs dealing with the mechanisms for access to government information, in order to help public officials and citizens understand them and to optimize the use of available technology to that end.
- Analyze the functioning of the access to information access systems, in order to make any relevant improvements in logistics issues affecting their performance, such as archiving information and the resources assigned for data management.
- Take the steps necessary to increase the effectiveness of provisions and measures related to the furnishing of government information, such as clearly identifying the offices or agencies responsible for overseeing compliance and establishing measures or sanctions applicable to noncompliance.

#### 4.3. Mechanisms for consultation

- Establish or institutionalize consultation mechanisms to enable civil society to express opinions and make proposals, within the framework of the executive and legislative branches or of other agencies, in areas other than those already provided for, to be taken on board in efforts to prevent, detect, investigate, and punish corruption.
- Organize or continue to organize processes to allow interested sectors to present consultations related to the public administration, the design of public policies, and the drafting of legislative proposals, decrees, or resolutions under the aegis of the executive branch.
- Expand to nationwide coverage or into other areas the use of consultation instruments similar to those that already exist locally or for specific areas.
- Hold public hearings or develop other mechanisms for allowing public consultation in areas other than those already provided for.
- Take steps to enhance the effectiveness of provisions related to the consultation mechanisms, such as issuing the regulations necessary so that mechanisms such as referenda, plebiscites, and consultation panels can effectively be made available to the citizenry; determine the importance to be given to the results they produce and consequences applicable to failure to comply with these regulations; and assess their use in order to take steps to increase their effectiveness.

#### 4.4. Mechanisms to encourage participation in public administration

- Establish mechanisms, in addition to those that already exist, to strengthen the participation of the civil society organizations in the public administration, particularly in efforts to prevent corruption, and encourage awareness about the participation mechanisms that exist and how they can be used.
- Develop public awareness regarding the corruption problem.
- Design and implement programs for disseminating the mechanisms that exist for encouraging participation in the public administration as elements in the fight against corruption and, when appropriate, train and equip civil society, nongovernmental organizations, and public officials and employees for the use of those mechanisms.

- Repeal *desacato* laws,<sup>20</sup> in order to keep those provisions from hindering or preventing participation by civil society and nongovernmental organizations in efforts to prevent corruption.
- Assess the existing mechanisms for participation in the public administration as instruments for preventing corruption, and, following that evaluation, consider taking steps to promote, facilitate, consolidate, or ensure their effectiveness toward that goal.
- When appropriate, provide ways in which those responsible for public duties can allow, facilitate, or assist civil society and nongovernmental organizations in activities undertaken to monitor their public actions.

#### 4.5. Mechanisms for participation in the follow-up of public administration

- When appropriate, provide ways in which those responsible for public duties can allow, facilitate, or assist civil society and nongovernmental organizations in activities undertaken to follow-up on their public actions.
- Design and implement programs for disseminating the mechanisms for participating in the follow-up of the public administration and, when appropriate, training and providing civil society and NGOs with the tools needed to use those mechanisms adequately.

### 5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)

- Identify specific areas in which technical cooperation from other States Parties and international cooperation agencies could be used to bolster the capacity for preventing, detecting, investigating, and punishing acts of corruption.
- Identify and prioritize requests for mutual assistance for investigating or prosecuting corruption cases.
- Exchange technical cooperation with other States Parties regarding optimal methods for preventing, detecting, investigating, and punishing acts of corruption.
- Design and implement a comprehensive dissemination and training program for the competent officials, so that they understand and can enforce mutual assistance provisions for the investigation or prosecution of acts of corruption provided for in the Convention and in other relevant instruments.
- Design and implement an information program to enable the competent officials and authorities to permanently monitor requests for mutual assistance involving acts of corruption and, in particular, those provided for in the Inter-American Convention against Corruption.

---

<sup>20</sup> The Report of the OAS Special Rapporteur for Freedom of Expression (for years 2000 and 2002) lists those countries of the American hemisphere that have *desacato* laws on their statute books. Such laws provide special penalties for those guilty of specific behaviors, such as “defamation,” “libel,” or “acts of disrespect,” performed in connection with public authorities. It is believed that these laws could inhibit the participation of civil society and nongovernmental organizations in efforts to prevent corruption. This report can be found on the OAS’s website.

## 6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

- Inform the General Secretariat of the Organization of American States (OAS), in accordance with the established procedures, of the appointment of the central authority or authorities for the purposes of the mutual assistance and reciprocal technical cooperation referred to in the Convention.
- Ensure that the central authority or authorities have the resources necessary for fully discharging their duties.

### **6.2.2. General recommendations**

The Committee also decided that issues related to training and the design of indicators for assessing compliance with the existing provisions and with the recommendations set out in the reports warranted coverage in a series of general recommendations; it consequently recommended that the reviewed countries give consideration to the following:

- Design and implement, when appropriate, training programs for the civil servants responsible for enforcing the systems, standards, measures, and mechanisms referred to in their reports, in order to ensure that they are adequately understood, managed, and put into practice.
- Select and develop procedures, as appropriate, for verifying follow-up of the recommendations contained in their reports, and report back to the Committee, through the Technical Secretariat, on the steps taken. For this purpose, consideration could be given to the list of more general indicators applicable within the Inter-American System that were available for the selection indicated by the State under review and posted on the OAS website by the Technical Secretariat of the Committee,<sup>21</sup> together with information derived from the review of the mechanisms developed in accordance with the following recommendation.
- Develop, as appropriate and where they do not yet exist, procedures designed to analyze the mechanisms mentioned in the reports, as well as the recommendations contained therein.

## **VII. RECOMMENDATIONS OF A COLLECTIVE NATURE**

The Committee offers these recommendations pursuant to Article 30 of the Rules of Procedure and Other Provisions, the text of which is already cited in the introduction chapter of this report and which states that this report is to include, *inter alia*, recommendations of a collective nature, both as regards following up on the results of the country reports, and regarding the recommended actions for consolidating or strengthening hemispheric cooperation on the issues addressed by the provisions under consideration in each round or closely related thereto.

### **7.1. Regarding follow-up of the results of the reports**

It is hoped that the countries will find the recommendations formulated in the reports adopted by the Committee to be useful in improving the existing mechanisms in those countries for tackling corruption. To that end, they must take the steps necessary to implement those recommendations and conduct follow-up in order to identify the results that have been obtained.

---

<sup>21</sup> This page can be found at the following address: [www.oas.org/juridico/english/mec\\_ind.pdf](http://www.oas.org/juridico/english/mec_ind.pdf)

An analysis as a group of all of the recommendations issued by the Committee indicates that the various branches of government and organs of the state must participate in their implementation, given that the recommendations are directed at those branches and organs in accordance with the competence assigned to them by the legal and institutional order of the country in question. Those recommendations also reflect the role that civil society organizations can play in supporting implementation.

The Committee issued recommendations suggesting that legislative branches adopt legal provisions to expand or adapt the legal framework for pursuing the reviewed provisions of the Convention in the countries in question. It should be noted that the Committee was informed of numerous pieces of draft legislation related to these provisions that are pending analysis by various legislatures. These could be used as the bases for discussion prior to the adoption of the corresponding legislative measures.

In this regard, it should be noted that the 35th session of the OAS General Assembly, held in June 2005, adopted a resolution (AG/RES. 2064) on “The Role of the Legislative Branch in Combating Corruption and Impunity in the Hemisphere,” which urges the legislatures of the Convention’s States Parties to participate in its follow-up mechanism and to redouble their efforts toward full implementation of the recommendations issued by the MESICIC, and, in particular, of those recommendations that require legislative action.

The executive branch also has a key role to play in pursuing the implementation of the MESICIC’s recommendations, in that it is responsible for promoting and coordinating the adoption of the measures required by the various branches of government and state agencies in addition to adopting those for which it has competence.

Some of the Committee’s recommendations also suggest that the competent agencies of the judiciary should adopt decisions to establish or clarify the currency of some of the provisions contained in the legal framework in question, or to clarify how they are to be enforced and bring them into line with other provisions.

Oversight bodies have an important role to play in the implementation of those recommendations that aim at strengthening the effectiveness of the measures available to the countries for enforcing the Convention provisions that were reviewed.

Civil society organizations are called upon to raise civic awareness about the importance of implementing the MESICIC’s recommendations in fighting corruption, to support the countries’ efforts toward that end, and to perform the follow-up on the measures that this requires. It should be noted that in its Rules of Procedure and Other Provisions, the Committee, aware of the important role to be played by these organizations, has provided opportunities for them to submit information relating to recommendation implementation.

The Committee expects that the State Parties will take the steps necessary in order to attain the goal of implementing the recommendations. Among these steps, consideration should be given to the following:

- Designate a body, authority, or agency to be responsible for pursuing the recommendation implementation process.

- Adequately disseminate the country reports, so that the authorities or bodies responsible for implementation, and civil society, are made aware of the information and recommendations they contain.
- Raise awareness of the authorities or bodies responsible for implementing the recommendations, and the various nongovernmental organizations and civil society, about their responsibilities as necessary players in complying with a commitment that their country has acquired with the international community.
- Clearly identify the tasks that each of the competent authorities and agencies is to perform in pursuit of recommendation implementation, so they can undertake the activities required for performance of those tasks.
- Provide the coordination mechanisms necessary for the harmonious development of the recommendation implementation process, with the relevant participation by the competent authorities or agencies.
- Encourage civil society participation in the process of implementing the recommendations, so that the process can be enriched with contributions from civil society.
- Design and develop a plan of action or other procedure for planning the activities required to implement the recommendations, establish execution responsibilities, and monitor their performance.
- Adopt indicators for the objective measuring of progress with the tasks needed for implementation of the recommendations.

The OAS General Secretariat intends to assist the States Parties to the Mechanism in implementing the Committee's recommendations by helping them to obtain the technical consultancy services. A Plan of Action would be designed with the wide participation of the authorities from each country and civil society organizations and would take into account the activities necessary to implement the recommendation. The initial stage of this cooperation project is already under way, and the first four (4) reviewed countries (Argentina, Paraguay, Colombia and Nicaragua) have accepted the help offered. It is hoped to continue in this vein with the other states that require assistance. The Committee wishes to thank the Canadian International Development Agency (CIDA) for contributing the necessary funding to develop the pilot phase of the project and considers this generous behavior to be exemplary.

**7.2. Regarding the kind of actions recommended for consolidating or strengthening hemispheric cooperation on the topics referred to in the provisions selected for the First Round, or closely related thereto**

Among the issues addressed during the First Round of Review of greatest importance to hemispheric cooperation in the fight against corruption, were those contained in IACC articles XIV and XVIII, which deal with mutual assistance and technical cooperation among the States Parties on matters related to the Convention, and the appointment of central authorities by the States, which will be responsible for issuing and receiving requests in those areas.

The first of these Convention articles provides that the States Parties are to afford one another the widest measure of mutual assistance, in accordance with the applicable laws and treaties, by processing requests from authorities that, in conformity with their domestic laws, have the power to investigate or prosecute the acts of corruption described in this Convention, to obtain evidence and take other necessary action to facilitate legal proceedings and measures regarding the investigation or prosecution of acts of corruption.

Aware that the practical application of this provision assumes that the authorities and officials with competence for requesting or providing such mutual assistance are adequately aware of the relevant provisions set out in the IACC and in other related treaties and agreements signed by the States Parties, the Committee recommended the design and implementation of comprehensive dissemination and training programs for those authorities and officials.

For the implementation of this recommendation, the Committee noted that it was useful for the training provided to cover both the provisions contained in the relevant international treaties and those set out in the States Parties' rules for mutual assistance, providing the officials for whom the training is intended with a broad understanding of the substantive and procedural requirements contained in those treaties and rules with a view to providing the assistance effectively.

In order to strengthen hemispheric cooperation in this area of the Convention, the Committee also believes the States should keep in mind the recommendations of the Meeting of Experts on Cooperation with respect to the denial of safe haven to corrupt officials and those who corrupt them, their extradition, and the denial of entry and recovery of the proceeds of corruption and their return to their legitimate owners, held on March 28 and 29, 2005, under the auspices of the OAS in Washington D.C.<sup>22</sup>

Article XIV of the Convention also stipulates that the States Parties are to provide each other with the widest measure of mutual technical cooperation on the most effective ways and means of preventing, detecting, investigating and punishing acts of corruption, and that, to that end, are to foster exchanges of experiences by way of agreements and meetings between competent bodies and institutions, and are to pay special attention to forms and methods of citizen participation in the fight against corruption.

From the recommendations offered by the Committee in connection with this provision, it can be clearly seen that the States Parties have not made use of mutual technical cooperation either to the extent or as frequently as desired, and to achieve its effective enforcement, they should determine specific areas in which they believe they have a need for technical cooperation from other States Parties in order to strengthen their ability to prevent, detect, investigate, and punish acts of corruption, along with those areas in which they could provide the same, and that they should pursue the relevant exchanges of cooperation.

The Committee believes that it would help these horizontal cooperation efforts if the countries made use of the country reports' review of the mechanisms in place for implementing the selected Convention provisions. There they will find valuable information for identifying the strengths of a given mechanism and determining whether, within the context of their circumstances and their particular legal and institutional structure, they could benefit from including such a mechanism among the rules and measures they have for implementing the Convention provision in question.

---

<sup>22</sup> These recommendations can be found at: [www.oas.org/juridico/english/rexecor\\_recomend\\_en.pdf](http://www.oas.org/juridico/english/rexecor_recomend_en.pdf)

The conclusions and recommendations issued by the Committee in connection with Article XVIII of the IACC – which deals with the designation of central authorities for issuing and receiving requests for mutual assistance and technical cooperation among the States Parties on matters covered by the Convention – indicate that most of the countries have designated their authorities or have taken steps in that regard, but that it is important, to ensure the timely and effective processing of those requests, that the provision of the article requiring direct communications between the authorities be effectively implemented.

The Committee believes that for this it would be useful to establish proper communication channels for the safe and fluid exchange of information and, to this end, it also suggests taking into account the relevant recommendations of the meeting of experts referred to above, particularly as regards the compilation of a directory of central anticorruption authorities for inclusion in the “Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition,” set up under the aegis of the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA).

It is also important to recall that for compiling this directory of central authorities, and for the exchanges of information and the direct communications between them, the countries must keep the OAS duly informed, through the formal channels created for the purpose, about the appointment of those authorities and about any changes made with respect to them or with the information necessary for locating and contacting them.

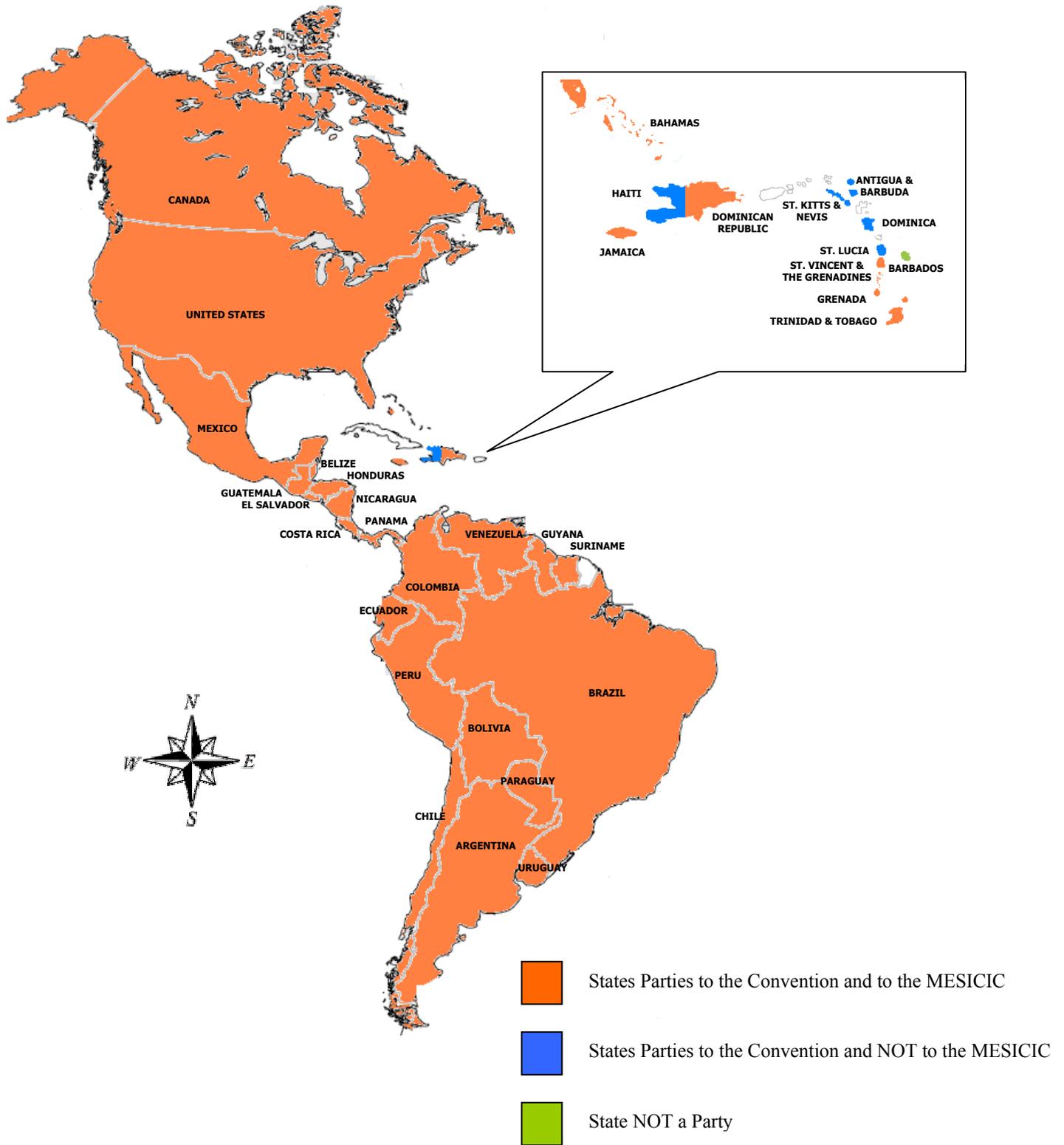
Finally, the Committee’s recommendation about ensuring that these central authority or authorities have the resources necessary to perform their duties should not be forgotten, since this is essential in pursuing the Convention’s goal of strengthening hemispheric cooperation.

## **VIII. ANNEXES**

**ANNEX I  
STATES PARTIES TO THE CONVENTION AND TO THE MESICIC**

| State  | State Party to the Convention | State Party to the MESICIC |
|--|-------------------------------|----------------------------|
|  Antigua and Barbuda                | •                             |                            |
|  Argentina                          | •                             | •                          |
|  Bahamas                            | •                             | •                          |
|  Barbados                           |                               |                            |
|  Belize                             | •                             | •                          |
|  Bolivia                            | •                             | •                          |
|  Brazil                             | •                             | •                          |
|  Canada                             | •                             | •                          |
|  Chile                              | •                             | •                          |
|  Colombia                           | •                             | •                          |
|  Costa Rica                         | •                             | •                          |
|  Dominica                          | •                             |                            |
|  Dominican Republic               | •                             | •                          |
|  Ecuador                          | •                             | •                          |
|  El Salvador                      | •                             | •                          |
|  Grenada                          | •                             | •                          |
|  Guatemala                        | •                             | •                          |
|  Guyana                           | •                             | •                          |
|  Haiti                            | •                             |                            |
|  Honduras                         | •                             | •                          |
|  Jamaica                          | •                             | •                          |
|  Mexico                           | •                             | •                          |
|  Nicaragua                        | •                             | •                          |
|  Panama                           | •                             | •                          |
|  Paraguay                         | •                             | •                          |
|  Peru                             | •                             | •                          |
|  Saint Kitts and Nevis            | •                             |                            |
|  Saint Lucia                      | •                             |                            |
|  Saint Vincent and the Grenadines | •                             | •                          |
|  Suriname                         | •                             | •                          |
|  Trinidad and Tobago              | •                             | •                          |
|  United States                    | •                             | •                          |
|  Uruguay                          | •                             | •                          |
|  Venezuela                        | •                             | •                          |

### GEOGRAPHICAL REPRESENTATION OF THE STATES PARTIES TO THE CONVENTION AND TO THE MESICIC



**ANNEX II  
ORDER IN WHICH THE STATES WERE REVIEWED**

1. States that VOLUNTEERED to be reviewed at the beginning of the round

|   |   |           |  |             |                      |
|---|---|-----------|--|-------------|----------------------|
| 1 |  | Argentina |  | III Meeting | February 10-13, 2003 |
| 2 |  | Paraguay  |  |             |                      |
| 3 |  | Colombia  |  | IV Meeting  | July 14-18, 2003     |
| 4 |  | Nicaragua |  |             |                      |
| 5 |  | Uruguay   |  | V Meeting   | February 2 -6, 2004  |
| 6 |  | Panama    |  |             |                      |
| 7 |  | Ecuador   |  |             |                      |
| 8 |  | Chile     |  |             |                      |

2. States in the CHRONOLOGICAL ORDER of their ratification of the Convention

|    |   |                                |            |              |                       |
|----|---|--------------------------------|------------|--------------|-----------------------|
| 9  |    | Bolivia                        | 01/23/1997 | VI Meeting   | July 26-30, 2004      |
| 10 |    | Peru                           | 04/04/1997 |              |                       |
| 11 |    | Costa Rica                     | 05/09/1997 |              |                       |
| 12 |   | Venezuela                      | 05/22/1997 |              |                       |
| 13 |  | Mexico                         | 05/27/1997 | VII Meeting  | March 7-12, 2005      |
| 14 |  | Trinidad and Tobago            | 04/15/1998 |              |                       |
| 15 |  | Honduras                       | 05/25/1998 |              |                       |
| 16 |  | El Salvador                    | 10/26/1998 |              |                       |
| 17 |  | Dominican Republic             | 06/02/1999 |              |                       |
| 18 |  | Bahamas                        | 03/09/2000 |              |                       |
| 19 |  | Canada                         | 06/01/2000 | VIII Meeting | September 26-30, 2005 |
| 20 |  | United States                  | 09/15/2000 |              |                       |
| 21 |  | Jamaica                        | 03/16/2001 |              |                       |
| 22 |  | Guatemala                      | 06/12/2001 |              |                       |
| 23 |  | St. Vincent and the Grenadines | 05/28/2001 |              |                       |
| 24 |  | Guyana*                        | 12/11/2000 |              |                       |
| 25 |  | Grenada                        | 11/15/2001 | IX Meeting   | March 27-31, 2006     |
| 26 |  | Suriname                       | 03/27/2002 |              |                       |
| 27 |  | Brazil                         | 07/10/2002 |              |                       |
| 28 |  | Belize                         | 09/06/2002 |              |                       |

\* Due to causes of *force majeure*, the Permanent Mission of Guyana to the OAS asked that the review of its report be rescheduled for the IX Meeting of the Committee of Experts (SG/MESICIC/doc.149/05).

**ANNEX III  
COMPOSITION OF THE REVIEW SUBGROUPS**

| Reviewed State   | States Members of the Subgroup   |   |
|--|--|---|
|  Argentina                        |  El Salvador          |  Mexico                |
|  Bahamas                          |  Peru                 |  United States         |
|  Belize                           |  Colombia             |  United States         |
|  Bolivia                          |  Ecuador              |  Panama                |
|  Brazil                           |  Bolivia              |  Suriname              |
|  Canada                           |  Bolivia              |  United States         |
|  Chile                            |  Canada               |  Uruguay               |
|  Colombia                         |  Chile                |  Dominican Republic    |
|  Costa Rica                       |  Bolivia              |  Paraguay              |
|  Dominican Republic               |  Canada               |  Peru                  |
|  Ecuador                          |  Guatemala            |  Uruguay               |
|  El Salvador                     |  Costa Rica          |  Mexico               |
|  Grenada                        |  Colombia           |  United States       |
|  Guatemala                      |  Bahamas            |  Colombia            |
|  Guyana                         |  Belize             |  Honduras            |
|  Honduras                       |  El Salvador        |  Venezuela           |
|  Jamaica                        |  Honduras           |  Trinidad and Tobago |
|  Mexico                         |  Ecuador            |  Trinidad and Tobago |
|  Nicaragua                      |  Dominican Republic |  Venezuela           |
|  Panama                         |  Argentina          |  Paraguay            |
|  Paraguay                       |  Bahamas            |  Nicaragua           |
|  Peru                           |  Argentina          |  Nicaragua           |
|  St. Vincent and the Grenadines |  Jamaica            |  Uruguay             |
|  Suriname                       |  Bahamas            |  Colombia            |
|  Trinidad and Tobago            |  Bahamas            |  Guatemala           |
|  United States                  |  Jamaica            |  Panama              |
|  Uruguay                        |  Costa Rica         |  Honduras            |
|  Venezuela                      |  Chile              |  Jamaica             |

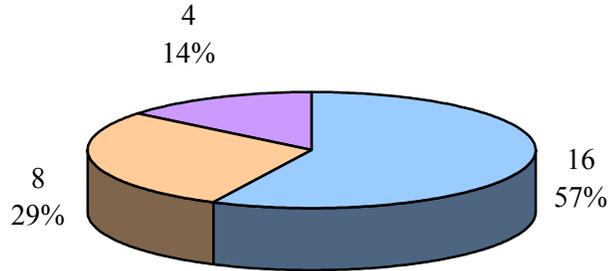
**ANNEX IV  
PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS IN THE REVIEW PROCESS**

| State  | Civil Society Organization   |
|--|--|
|  Argentina                        | <i>Comisión de Seguimiento del cumplimiento de la Convención Interamericana contra la Corrupción</i> |
|  Bahamas                          |  |
|  Belize                           |  |
|  Bolivia                          | <i>Fundación Ética y Democracia</i>  |
|  Brazil                           | <i>Associação Brasileira de Jornalismo Investigativo</i>   |
|  Canada                           | Transparency International Canada<br>(TI- National Chapter)  |
|  Chile                            | <i>Corporación Chile Transparente</i> (TI-National Chapter)  |
|  Colombia                         | <i>Corporación Transparencia por Colombia</i> (TI-National Chapter)                                  |
|  Costa Rica                       | <i>Transparencia Internacional Costa Rica</i> (TI-National Chapter)                                  |
|  Dominican Republic              | <i>Movimiento Cívico Participación Ciudadana</i>   |
|  Ecuador                        | <i>Corporación Latinoamericana para el Desarrollo</i> (TI-National Chapter)                          |
|  El Salvador                    | <i>Probidad</i>  |
|  Grenada                        |  |
|  Guatemala                      | <i>Acción Ciudadana</i> (TI-National Chapter)  |
|  Guyana                         |  |
|  Honduras                       |  |
|  Jamaica                        |  |
|  Mexico                         | <i>Transparencia Mexicana</i> (TI-National Chapter)*   |
|  Nicaragua                      | <i>Transparencia Internacional Nicaragua</i> (TI-National Chapter)*                                  |
|  Panama                         | <i>Fundación para la Libertad Ciudadana</i> (TI-National Chapter)                                    |
|  Paraguay                       | <i>Transparencia Internacional Paraguay</i> (TI-National Chapter)*                                   |
|  Peru                           | <i>Proética</i>  |
|  St. Vincent and the Grenadines |  |
|  Suriname                       |  |
|  Trinidad and Tobago            | The Trinidad and Tobago Transparency Institute   |
|  United States                  | Transparency International USA (TI-National Chapter)   |
|  Uruguay                        | <i>Uruguay Transparente</i> (TI-National Chapter)  |
|  Venezuela                      | <i>Transparencia Venezuela</i> (TI-National Chapter)**   |

\* These documents were not considered as it were received after the deadline adopted by the Committee at its Sixth Meeting.

\*\* The document submitted by *Transparencia Venezuela* was not considered as it did not meet the conditions set forth in Article 33 of the Rules of Procedure and Other Provisions of the Committee.

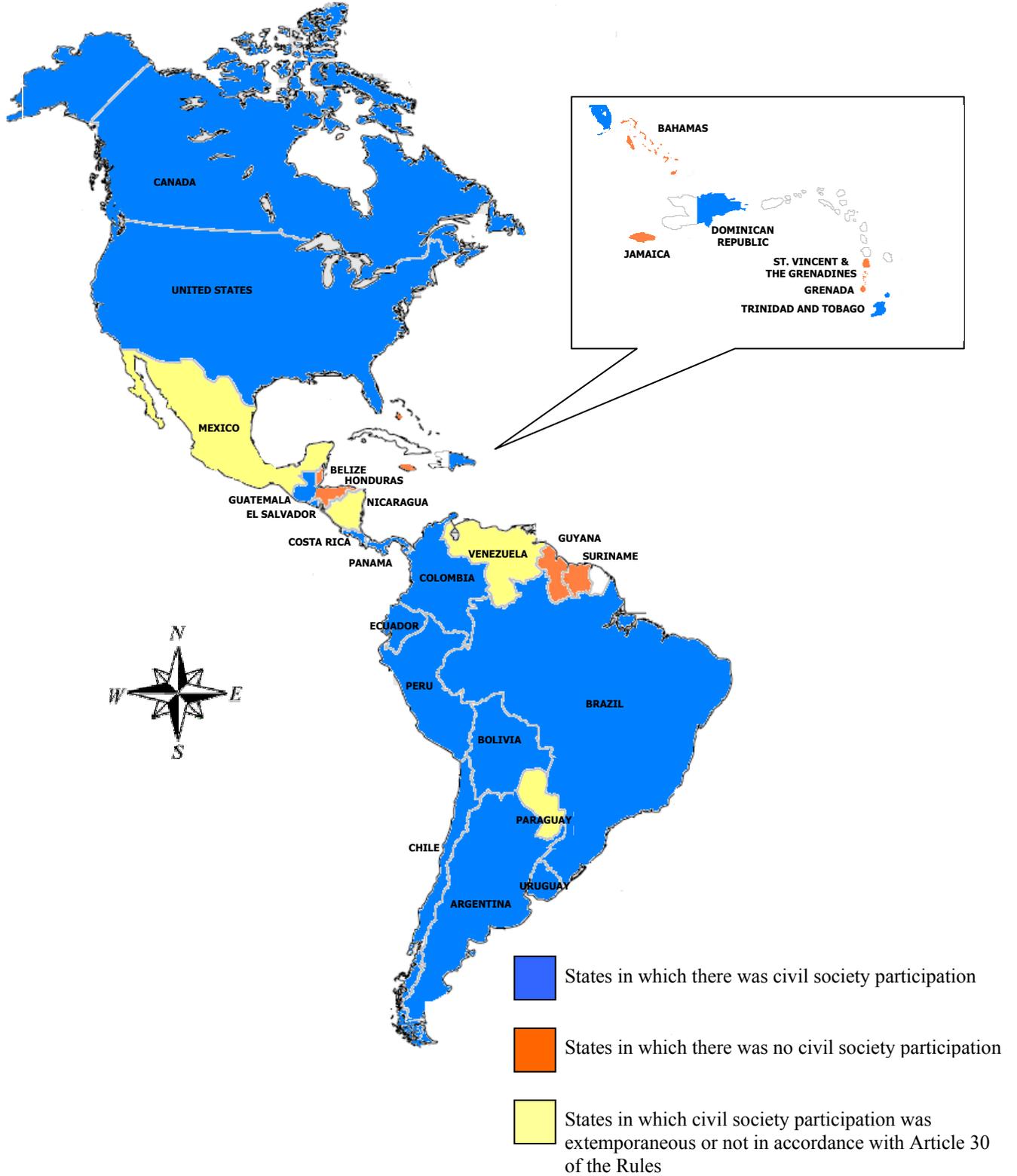
**GRAPHICAL REPRESENTATION OF THE PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS IN THE REVIEW PROCESS**



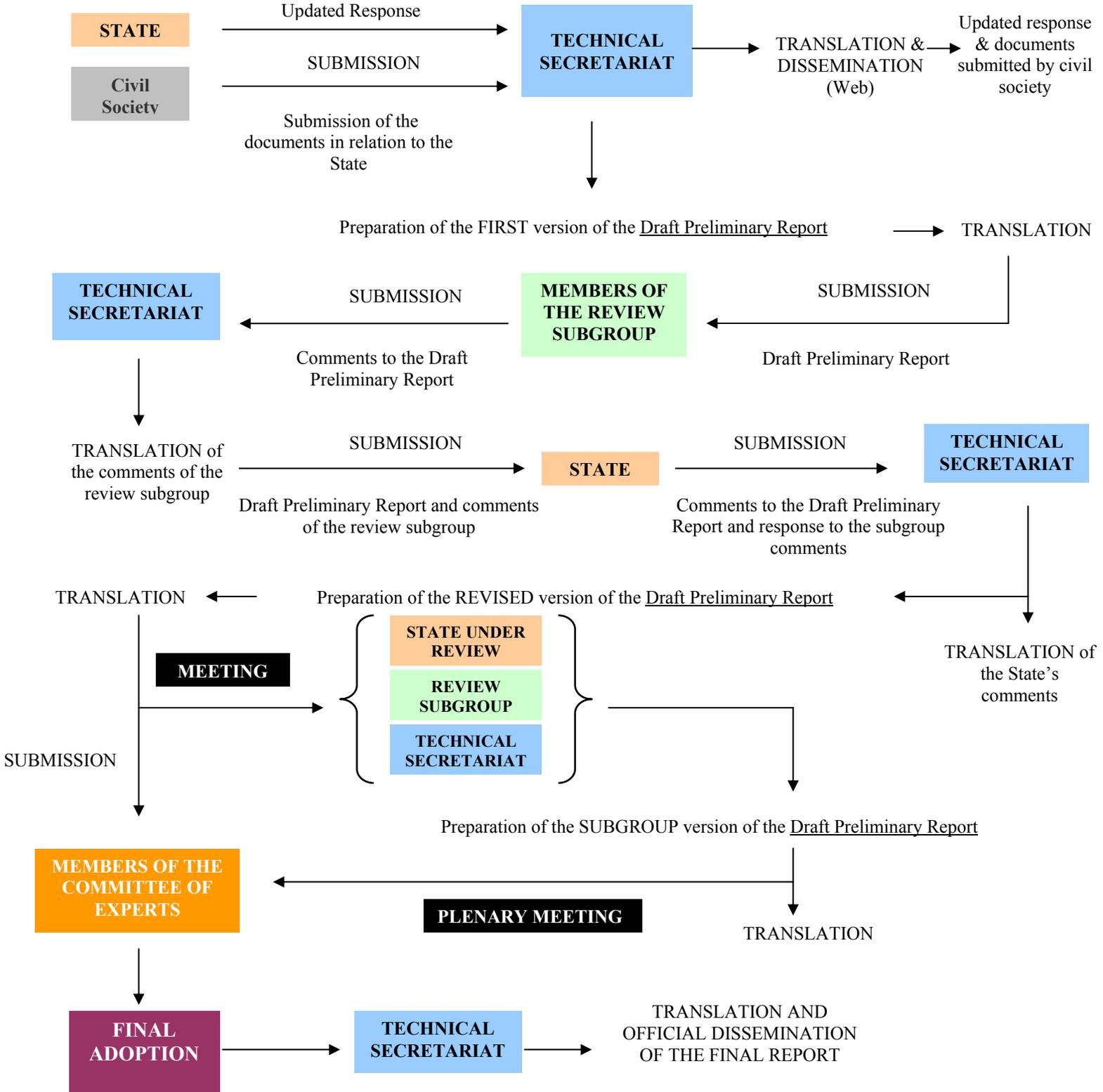
- A) States in which there was civil society participation
- B) States in which there was no civil society participation
- C) States in which the civil society participation was extemporaneous or not in accordance with Article 30 of the Rules

| A |                     | B |                                | C |           |
|---|---------------------|---|--------------------------------|---|-----------|
|   | Argentina           |   | Bahamas                        |   | Mexico    |
|   | Bolivia             |   | Belize                         |   | Nicaragua |
|   | Brazil              |   | Grenada                        |   | Paraguay  |
|   | Canada              |   | Guyana                         |   | Venezuela |
|   | Chile               |   | Honduras                       |   |           |
|   | Colombia            |   | Jamaica                        |   |           |
|   | Costa Rica          |   | St. Vincent and the Grenadines |   |           |
|   | Dominican Republic  |   | Suriname                       |   |           |
|   | Ecuador             |   |                                |   |           |
|   | El Salvador         |   |                                |   |           |
|   | Guatemala           |   |                                |   |           |
|   | Panama              |   |                                |   |           |
|   | Peru                |   |                                |   |           |
|   | Trinidad and Tobago |   |                                |   |           |
|   | United States       |   |                                |   |           |
|   | Uruguay             |   |                                |   |           |

### GEOGRAPHICAL REPRESENTATION OF THE PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS IN THE REVIEW PROCESS



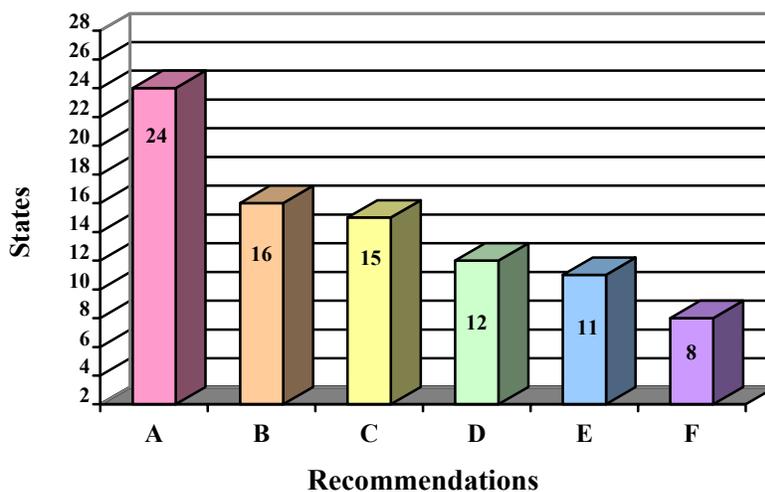
### ANNEX V PROCEDURE FOR ADOPTION OF THE FINAL COUNTRY REPORTS



**ANNEX VI**  
**GRAPHICAL REPRESENTATION OF THE FREQUENCY OF SOME OF THE MOST**  
**COMMON RECOMMENDATIONS <sup>23</sup>**

**1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE THEM (ARTICLE III, PARAGRAPHS 1 AND 2, OF THE CONVENTION)**

**1.1. Standards of conduct for preventing conflicts of interest and mechanisms for their enforcement**



**A:** Take appropriate steps to prevent conflicts of interest following a period of public service.

**B:** Take steps to promote the effectiveness of the rules for preventing conflicts of interest.

**C:** Adequately develop measures intended to prevent conflicts of interest during the performance of public functions.

**D:** Take steps to ensure that the rules for preventing conflicts of interest apply to all public employees.

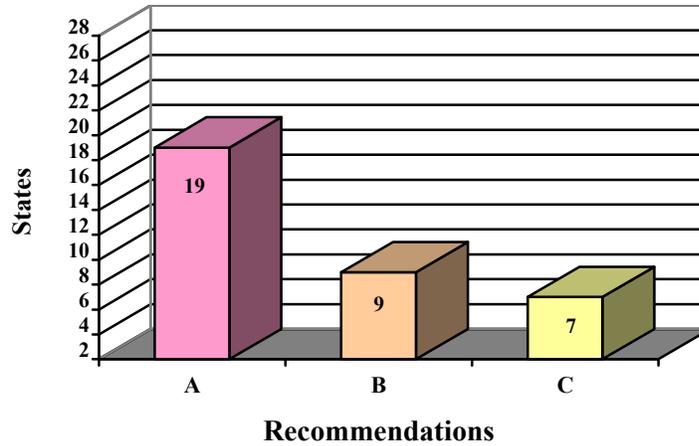
**E:** Adopt specific measures for those officials who, by reason of their position or the nature of their functions, must observe particularly strict standards of conduct in order to uphold the general public interest.

**F:** Implement or strengthen mechanisms for the timely detection of conflicts of interest prior to the commencement of public employment.

---

<sup>23</sup> These charts were prepared by the Technical Secretariat of the Committee in order to reflect the frequency of some of the most common recommendations contained in the country reports that were adopted during the first round. These recommendations have been titles to facilitate their understanding. The summary of the contents of the elements making up the recommendations can be found in Chapter VI, B1 of this report.

**1.2. Standards of conduct and mechanisms for ensuring the conservation and proper use of resources entrusted to public officials**

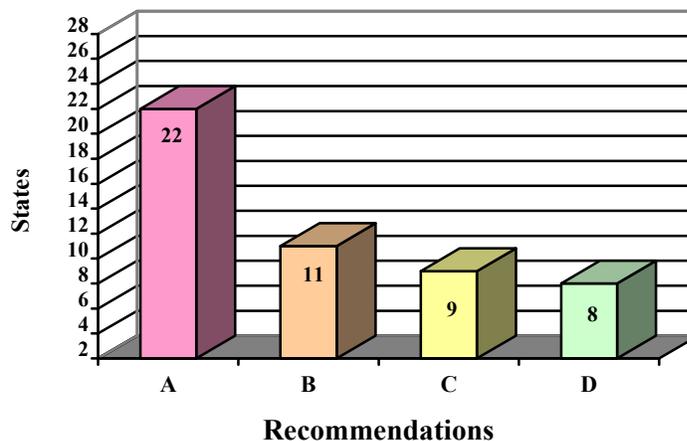


**A:** Take steps to promote the effectiveness of the rules for the preservation of public resources.

**B:** Strengthen the measures for oversight of public spending.

**C:** Strengthen measures for accountability.

**1.3. Measures and systems requiring public officials to report acts of corruption in the performance of public functions of which they are aware to the appropriate authorities**



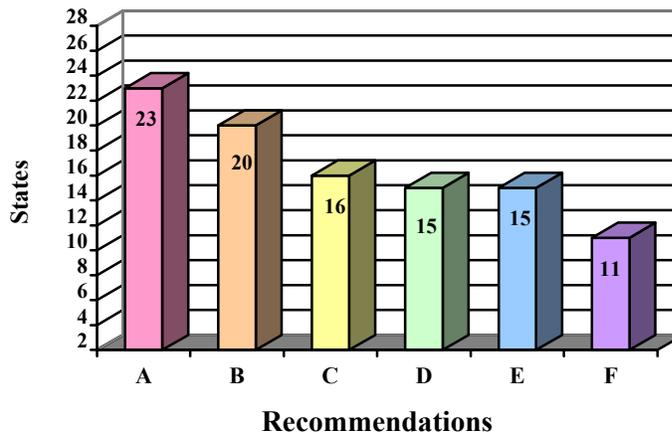
**A:** Adopt provisions to provide those filing reports with guarantees against any threats, retaliations, or reprisals they may face.

**B:** Require employees to report acts of corruption in public service.

**C:** Adopt measures to increase the effectiveness of the rules requiring acts of corruption to be reported.

**D:** Adopt measures to ensure that the requirements set for the lodging of complaints do not prevent public employees from complying with this duty.

## 2. SYSTEMS FOR REGISTERING INCOME, ASSETS, AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)



**A:** Optimize the analysis of the statements' content so they can be used to detect and prevent conflicts of interest

**B:** Regulate the requirements and procedures for making statements public.

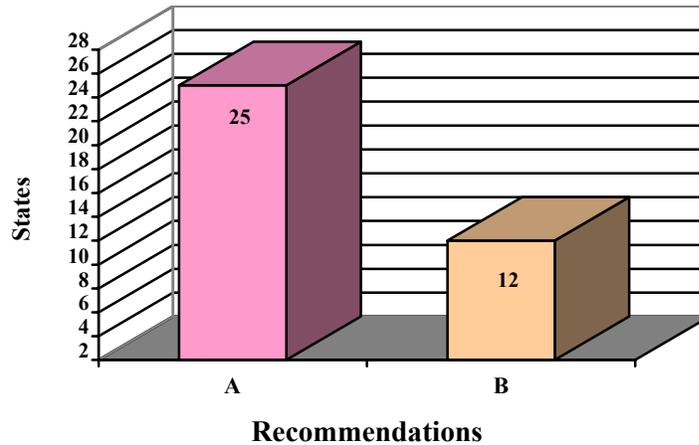
**C:** Optimize the analysis of the statements' content so they can be used to detect and prevent possible illegal enrichment.

**D:** Implement systems to check the content of their declarations.

**E:** Adopt measures to increase the effectiveness of the obligations related to these statements.

**F:** Expand the group required to file declarations.

### 3. OVERSIGHT BODIES RESPONSIBLE FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4, AND 11 OF THE CONVENTION)

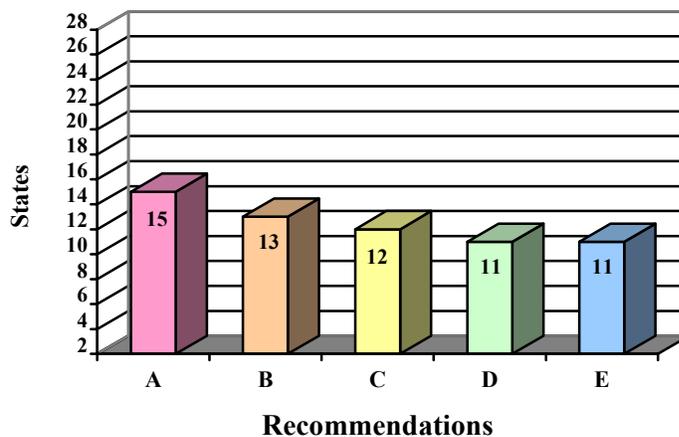


**A:** Strengthen the oversight bodies in connection with the functions they perform in overseeing effective compliance with the indicated Convention provisions.

**B:** Establish oversight bodies to perform functions related to effective compliance with the terms of paragraphs 1, 2, 4, and 11 of the Convention, if they do not already exist, or assign existing bodies the authority to perform those functions.

### 4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11, OF THE CONVENTION)

#### 4.2. Mechanisms for access to information



**A:** Take steps to expand the information considered public.

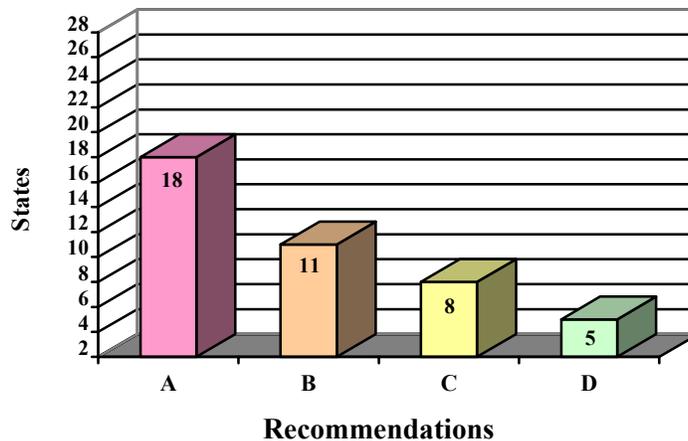
**B:** Implement training and dissemination programs on the mechanisms for access to public information and to optimize the use of available technology to that end.

**C:** Develop procedures for the timely processing of requests for information.

**D:** Strengthen the mechanisms for challenging or appealing against decisions denying requests for information.

**E:** Take steps to increase the effectiveness of provisions and measures related to the furnishing of public information.

### 4.3. Mechanisms for consultation



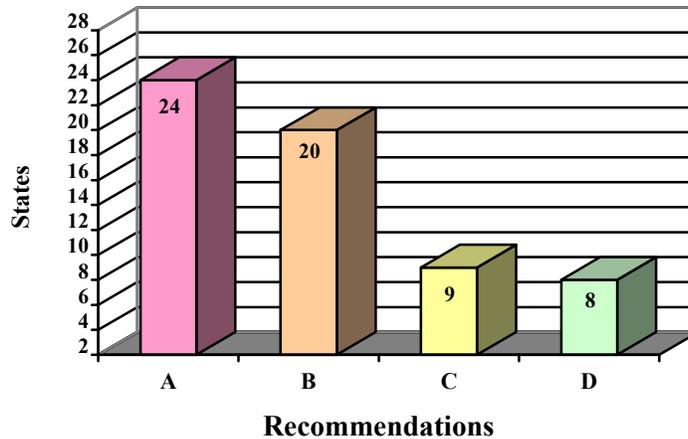
**A:** Organize or continue to organize processes to allow interested sectors to present consultations related to the public administration, the design of public policies, and the drafting of legislative proposals, decrees, or resolutions under the aegis of the executive branch.

**B:** Implement training and dissemination programs on the consultation mechanisms.

**C:** Expand to nationwide coverage or into other areas the use of consultation instruments similar to those that already exist locally or for specific areas.

**D:** Adopt measures to increase the effectiveness of the rules governing consultation mechanisms.

#### 4.4. Mechanisms for encouraging participation in the public administration



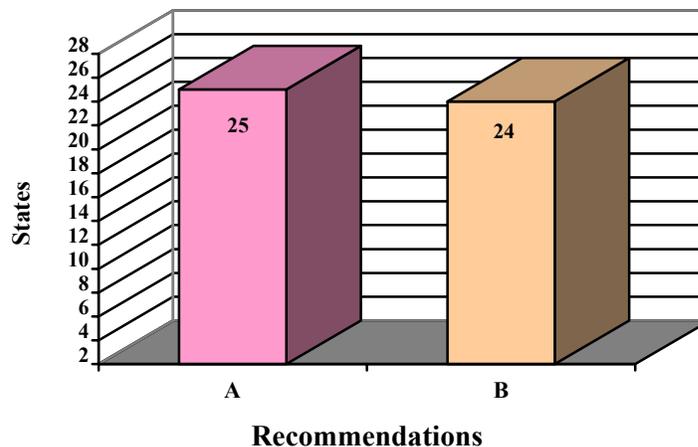
**A:** Establish mechanisms, in addition to those that already exist, to strengthen the participation of civil society organizations in the public administration.

**B:** Implement training and dissemination programs on mechanisms for encouraging participation in the public administration.

**C:** Repeal *desacato* laws.

**D:** Develop public awareness regarding the corruption problem.

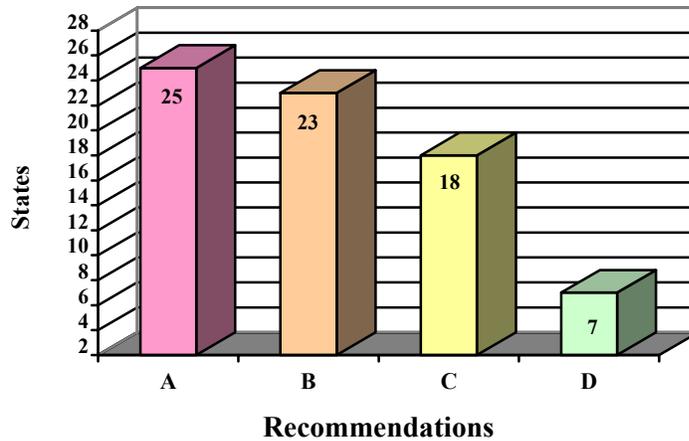
#### 4.5. Participation mechanisms for follow-up of public administration



**A:** Develop additional methods, when appropriate, for enabling civil society to monitor the public administration.

**B:** Implement training and dissemination programs on mechanisms for monitoring the public administration.

## 5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)



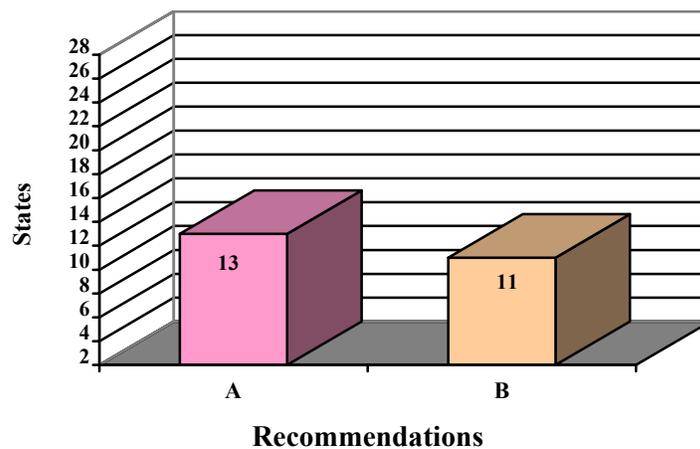
**A:** Exchange technical cooperation with other states parties regarding the best ways and methods for preventing, detecting, investigating, and punishing acts of corruption.

**B:** Identify specific areas in which technical cooperation from other states parties and international cooperation agencies could be used to bolster the capacity for preventing, detecting, investigating, and punishing acts of corruption.

**C:** Establish a training program to assist the authorities in pursuing the mutual assistance provided for in the Convention.

**D:** Identify and prioritize requests for mutual assistance for investigating or prosecuting corruption cases.

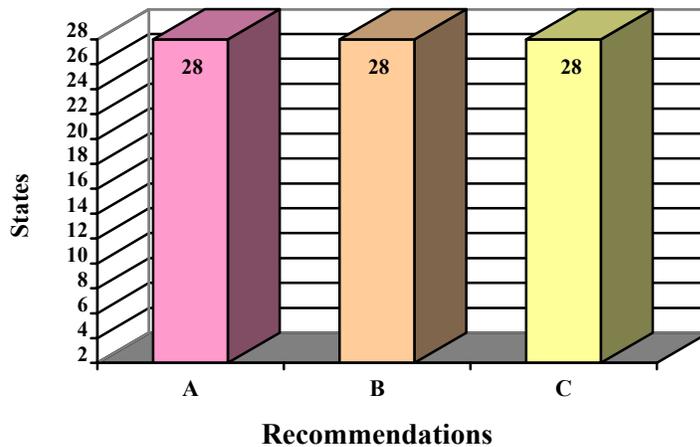
## 6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)



**A:** Inform the OAS General Secretariat of the appointment of the central authority or authorities for the purposes of the mutual assistance and reciprocal technical cooperation referred to in the Convention.

**B:** Ensure that the central authority or authorities have the resources necessary for performing their duties in full.

## 7. GENERAL RECOMMENDATIONS



**A:** Design and implement, where appropriate, training programs for public servants responsible for application of the systems, standards, measures, and mechanisms included in this report, in order to ensure their proper acquaintance, management, and application.

**B:** Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, the Republic of Suriname could take into account the list of broader indicators applicable to the Inter-American system that were available for selection, as necessary, by the State under review, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. The State under review could also take into account any information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.

**C:** Implement the recommendations contained in this report and develop, as appropriate and where none exist, procedures to review the mechanisms mentioned herein.

**ANNEX VII**  
**EXPERTS THAT PARTICIPATED DURING THE FIRST ROUND OF REVIEW IN THE**  
**COMMITTEE OF EXPERTS OF THE MESICIC\***  
**(January 14, 2002 – March 31, 2006)**

| State  | Expert (s)   |
|--|--|
|  Argentina            | <u>Néstor Baragli</u> , Nicolás Raigorodsky, <sup>1</sup> Susana M. Ruiz Cerutti, Mauricio Alice, Roberto de Michelle, Nicolás Dassen, Eduardo Acevedo.  |
|  Bahamas              | <u>Bernard Turner</u> , Rhonda P. Bain, Eurika Charlton.   |
|  Belize               | <u>Elson Kaseke</u> , Rondine Twist, Iran T. Dominguez, Nestor Mendez, Michael E. Bejos.   |
|  Bolivia              | <u>Pablo R. Valeriano Barroso</u> , Guadalupe Cajías de la Vega,* Javier Diez de Medina Valle, Apolinar Gómez Franco, Luis Eduardo Serrate Céspedes, Oswaldo Ulloa Peña, Patricia Bozo de Durán, Marco Antonio Valverde Carrasco.  |
|  Brazil               | Ivete Lund Viêgas, Luiz Armando Badin, Luiz Guilherme Mendes da Paiva, Ricardo Cravo Midlej Silva, José Carlos Soares de Azevedo, Glaucia Elaine de Paula, Helio Franchini Neto, Luis Flávio Zampronha de Oliveira, Luiz Augusto Fraga Navarro de Britto Filho, Mônica Nicida Garcia, Marcos Rodrigues de Mello, Gustavo Martins Nogueira, Paulo Eduardo Azevedo, Marcus Rector Toledo Silva, Patricia Maria Oliveira Lima, Marcilandia de Fátima Araújo, Maria da Piedade de Andrade Couto. |
|  Canada             | <u>Douglas R. Breithaupt</u> , Amanda Sheldrake, Giles Norman, Katherine Liao, Robert Sinclair, Anne-Tamara Lorre, Caroline Desrochers, Lissette Lafontaine, Catherine MacQuarrie.   |
|  Chile              | <u>Gonzalo Sánchez García-Huidobro**</u> , Miguel Ángel Peñaillo López, Rodrigo Hume, Manuel Brito, Nancy Barra, Arturo Onfray, Mirna Olmos, Alejandra Quezada.  |
|  Colombia           | <u>Alicia Salazar Vieira</u> , Albert Cuesta Gómez, Juan Camilo Nariño Alcocer, Maria Margarita Zuleta, María Jimena Escandón García, Jorge Mario Echeverry Cárdenas, Margarita Rey Anaya, Lorenzo Calderón Jaramillo, Nora Quintero.  |
|  Costa Rica         | <u>Ronald Víquez Solís</u> , Tatiana Gutiérrez Delgado, José Enrique Castro Marín.   |
|  Dominican Republic | <u>Octavio Lister Henríquez</u> , Jesús Faustino Collado**, Ignacio Matos Ramírez, Víctor Tirado, Daniel Suazo, José Elías Jiménez, Ramón Mercedes Reyes, Cirilo Quiñónez, Jesús Félix Jiménez, Hotoniel Bonilla García, José René García Díaz, Carlos E. Pimentel.  |
|  Ecuador            | <u>Manuel García-Jaén</u> , Michelle Artieda, Alí Lozada Prado, Rómulo López Sabando, Francisco Terán Hidalgo.   |
|  El Salvador        | <u>José Enrique Silva</u> , Álvaro Magaña Granados, Maria del Pilar Escobar Anaya, Luis Menéndez-Castro, Gabriela Zablah, Luis Armando Calderón.   |

\* The names of the lead Experts as of March 31, 2006 are underlined. Those who participated as *Chair* of the Committee during the First Round of Review are identified with a “\*”. Those who participated as Vice-Chair of the Committee during this same period are identified with a “\*\*”.

<sup>1</sup> Current *Vice-Chair* of the Committee of Experts of MESICIC.

|   |                                  |  |
|---|----------------------------------|--|
|    | Grenada                          | <u>Hugh Wildman</u> , Patricia D. M. Clarke.   |
|    | Guatemala                        | <u>Violeta Mazariegos Zetina</u> , Hugo Leonel Maul Figueroa, Otto Pérez.  |
|    | Guyana                           | Bayney R. Karran, Forbes July, Deborah Yaw.  |
|    | Honduras                         | <u>Renán Sagastume Fernández</u> , Ricardo Galo Marengo, Rigoberto Córdova Laitano, Mauricio Aguilar Robles.   |
|    | Jamaica                          | <u>Michael Hylton</u> * **, Gladys Young.  |
|    | Mexico                           | <u>Moisés Herrera Solís</u> , <sup>2</sup> Juan Sandoval Mendiola, Josefa Casas Velásquez, Mariana Michel Calderón, Carlos A. Torres García.   |
|    | Nicaragua                        | <u>Haydée Acosta Chacón</u> *, Julieta M. Blandón Miranda, Ulises Caldera Ávila, Sergio J. Cuaresma Terán.   |
|    | Panama                           | <u>Alma Montenegro de Fletcher</u> , Martha Patricia de González, Publio Ricardo Cortés, Enrique Lau Cortés, Nisla Lorena Aparicio Robles, Carmen Zita Stanziola Navarro, Eduardo A. Quirós, José García Valdés, Carlos Iván Zúñiga.   |
|    | Paraguay                         | <u>Enrique Sosa Arrúa</u> , María Soledad Machuca Vida, Mercedes Argaña, Graciela Sánchez Martínez, Carlos Lezcano, Elisa Ruíz Díaz, Carla Poletti Serafini.   |
|    | Peru                             | <u>Edgardo Hopkins</u> , Alfredo A. Solf Monsalve, Gianna Macchiavelo Casabonne, Lorenzo Sotomayor von Maack, Ricardo Silva-Santisteban Benza, Luis Castro, Pedro Álvaro Cateriano Bellido.  |
|    | Saint Vincent and the Grenadines | <u>Judith Jones-Morgan</u> , Peter J. Pursglove.   |
|    | Suriname                         | <u>Garcia Ramcharan-Parasingh</u> .  |
|    | Trinidad and Tobago              | <u>Charles Sabga</u> , Norton Jack, Peter J. Pursglove, Jennifer Marchand, Paul Byam.  |
|  | United States                    | <u>Richard R. Werksman</u> ** , Joseph Gangloff, Jane Ley, Hiram R. Morales Lugo, Jerry O'Brien, Barbara Mullen-Roth, Inna Dexter, Wendy Sneff, Richard Rogers, Diane M. Kohn, David Sullivan, Erinn P. Nicley, Marshall Brown, Roberto Figueredo, John Harris, Mary P. Stickle. |
|  | Uruguay                          | <u>Beatriz Pereira de Pólito</u> , Carlos Balsa D'Agosto*, Adolfo Pérez Piera, Jorge A. Samarino, Jorge A. Sere Sturzenegger, Laura Dupuy Lasserre.  |
|  | Venezuela                        | <u>Adelina González</u> , Yadira Espinoza Moreno, Ilenia Medina, Salvador Hernández Vela, Maria Eugenia de los Ríos Ojeda.   |

<sup>2</sup> Current *Chair* of the Committee of Experts of MESICIC.