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DRAFT DECLARATION OF QUITO ON SOCIAL DEVELOPMENT AND
DEMOCRACY, AND THE IMPACT OF CORRUPTION

(Approved by the General Committee at its third meeting, held on June 8, 2004)

The Ministers of Foreign Affairs and Heads of Delegation of the member states of the Organization of American States, assembled in Quito, Ecuador, on the occasion of the thirty-fourth regular session of the General Assembly,

REITERATING that social development and democracy are essential purposes of the OAS and of its member states;

RECALLING that the Inter-American Democratic Charter declares that the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it and, at the same time, it establishes that transparency in government activities, probity, and responsible public administration on the part of governments are essential components of the exercise of democracy;

BEARING IN MIND that, since its inception, the Summits of the Americas process has been concerned with the fight against corruption and that this topic has warranted the attention of our Heads of State and Government;

TAKING INTO ACCOUNT the Declaration of Santiago on Democracy and Public Trust: A

New Commitment to Good Governance for the Americas [AG/DEC. 31 (XXXIII-O/03)] and resolution AG/RES. 1960 (XXXIII-O/03), “Program for Democratic Governance in the Americas”;

UNDERSCORING the Declaration on Security in the Americas, in which corruption is recognized, from a multidimensional perspective, as a new threat to the security of states that undermines public and private institutions and public trust, causes grave economic damage, impairs stability, erodes the rule of law, and weakens governmental capacity to respond to other threats to security;

RECALLING the mandate set forth in the Declaration of Nuevo León, adopted by the Special Summit of the Americas, which establishes a commitment to join efforts within the framework of the Inter-American Convention against Corruption, particularly by strengthening the Follow-up Mechanism for Implementation of that Convention;

REAFFIRMING our determination to continue to implement the Plans of Action of the Summits of the Americas as well as the commitments undertaken in the Declaration of the Millennium Summit;

RECALLING that the United Nations Convention against Corruption (Mérida Convention) indicates that corruption is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation to prevent and control it essential;

RECALLING ALSO that the Mérida Convention affirms that cases of corruption involve vast quantities of assets, which may constitute a substantial proportion of the resources of states, and that

threaten the political stability and sustainable development of those states;

CONVINCED that multilateralism and cooperation among sovereign states play an important role in supporting national efforts to consolidate democracy, promote social development, and fight corruption;

RECOGNIZING that external debt relief may be a critical factor in freeing resources that can be directed to activities that promote social investment of states and strengthen democracy;

RECOGNIZING:

That the Inter-American Convention against Corruption is the most important inter-American legal instrument for fighting corruption, in that it establishes indispensable means of cooperation in the fight against this scourge and thus promotes international actions to prevent, detect, and punish it;

The efforts made by member states to honor the commitments undertaken in the Inter-American Convention against Corruption, and their participation in the Follow-up Mechanism to that Convention; and

The importance of the “Conclusions and Recommendations concerning Specific Measures for Strengthening the Follow-up Mechanism for Implementation of the Inter-American Convention against Corruption (MESICIC), adopted by the First Conference of the States Parties to the Mechanism, held at OAS headquarters on April 1 and 2, 2004; and

UNDERSCORING the recent adoption of the Mérida Convention as an effective and modern

instrument for fighting corruption, particularly because it establishes the obligation of the States Parties to adopt preventive measures and to criminalize a wide range of acts of corruption; to extend to one another the broadest possible cooperation with respect to extradition and mutual legal assistance, pursuant to national legislation and applicable international norms, and confiscation of the proceeds of crime; to provide technical assistance and create a mechanism for returning proceeds of acts of corruption to their legitimate owners; and making an appeal for its prompt ratification to ensure its entry into force and the implementation of its mechanisms,

DECLARE:

1. That development, democracy, and the fight against corruption are closely interrelated topics and, as such, should be addressed in a balanced and integrated way by our countries.

2. That the world phenomenon of corruption constitutes a serious obstacle to the social development of our peoples and has warranted the attention of our Heads of State and Government in the Summits of the Americas. In that regard, we reaffirm our commitment to fight corruption, which jeopardizes democracy and democratic governance, weakens institutions, undermines economic and social development and the fight against poverty, erodes public trust, and disrupts political stability.

3. That they commit, in the framework of applicable national and international law, to deny safe haven to corrupt officials, to those who corrupt them, and the proceeds of corruption; and to cooperate in their extradition as well as in the recovery and return of those proceeds of corruption to their legitimate owners and enhance regional mechanisms for mutual legal assistance in criminal matters.

4. Our concern regarding corrupt, illegal, and fraudulent practices in the management of some national and transnational enterprises, which may have a negative impact on economies, in particular those of developing countries, and on their producers and consumers.

5. That we reaffirm our pledge to intensify our efforts to combat corruption and other unethical practices in the public and/or private sectors, strengthening a culture of transparency and ensuring more efficient public management.

6. Their willingness to promote the adoption, in accordance with fundamental principles of their domestic law, as may be necessary to enable competent authorities to return confiscated property to the requesting state, in the case of embezzlement of public funds or of laundering of embezzled public funds.

7. The importance of the international community making concerted efforts with the states of the Hemisphere to fight corruption and impunity, offering them the broadest cooperation in the framework of applicable treaties and laws so that those who have perpetrated acts of corruption from a position of political power against those states can be tried by their national courts and be answerable to them.

8. That political pluralism and sound political parties are essential elements of democracy. We underscore the importance of rules to ensure the transparency of party finances, to prevent corruption and the risk of undue influence and to encourage a high level of electoral participation.

9. That the prevention and eradication of corruption is a responsibility of all states and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, nongovernmental organizations, and community-based organizations, as well with the private sector, if their efforts in this area are to be effective.

10. That the fight against corruption should involve principles of proper management of public affairs and public property, fairness, responsibility and equality before the law, fundamental principles of due process of law in criminal proceedings and in civil or administrative proceedings to advocate property rights, and the need to safeguard integrity and to foster a culture of rejection of corruption.

11. That international cooperation against corruption should be respectful of the sovereignty and territorial integrity of states and the principle of nonintervention in domestic matters.

12. That the Inter-American Convention against Corruption is the framework for collective action and hemispheric cooperation in this field. We underscore our commitment to strengthen the Follow-up Mechanism for Implementation of the Inter-American Convention against Corruption (MESICIC), and in that connection we endorse the conclusions and recommendations of concrete measures to strengthen the MESICIC adopted by the First Conference of the States Parties thereto.

13. That they also underscore the importance of having the Conference of the States Parties to the Convention, to be held in Managua, Nicaragua on July 8 and 9, 2004, pursuant to the mandate of the Special Summit of the Americas, adopt additional concrete measures to increase

transparency and combat corruption in the Hemisphere.

14. Their resolute support for implementation of the Inter-American Program to Combat Corruption and for the Inter-American Network for Cooperation against Corruption, established in the framework of the OAS.

15. That the media and the various actors in civil society must play a fundamental role in the prevention of and fight against corruption, in accordance with domestic law and applicable international norms. Responsible action on their part contributes to the culture of transparency, good governance, and democratic values.

16. That access to public information supports government transparency and contributes to preventing impunity by permitting the detection of acts of corruption. We pledge to promote additional measures to enhance government transparency.

17. That the strengthening of and respect for the rule of law, the defense of human rights and fundamental freedoms, economic progress, well-being and social justice, transparency and accountability in public affairs, the promotion of diverse forms of participation by our citizens, and the development of opportunities for all are fundamental to promote and consolidate representative democracy.

18. Their commitment to move forward toward overcoming poverty, hunger, and social inequality and toward the development of the Inter-American Program against Poverty, through the recently strengthened Inter-American Committee on Social Development.

19. The importance of intensifying actions, especially by means of international cooperation and the exchange of information, best practices, and shared visions on existing anticorruption commitments adopted by our governments, including those set forth in the Inter-American Convention against Corruption, the Declaration of Nuevo León, and the Mérida Convention, as appropriate.