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**RECOMMENDATION OF THE PERMANENT COUNCIL TO STATES
PARTIES
ON THE MECHANISM FOR FOLLOW-UP OF IMPLEMENTATION OF
THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION**

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN
STATES,

HAVING SEEN the report of the Chair of the Working Group on Probity and Public Ethics regarding the draft recommendation on the mechanism for follow-up of implementation of the Inter-American Convention Against Corruption (CP/GT/PEC-98/00 rev. 1 corr.1);

CONSIDERING the mandate issued in operative paragraph 9 of resolution AG/RES. 1723 (XXX-O/00), which asks the Permanent Council "to analyze existing regional and international follow-up mechanisms with a view to recommending, by the end of the year, the most appropriate model that States Parties could use, if they think fit, to monitor implementation of the Inter-American Convention against Corruption. This recommendation will be transmitted to the States Parties to the Convention for them to choose the course of action they deem most appropriate"; and

CONSIDERING ALSO that the Inter-American Convention against Corruption has been signed by 26 member states and ratified by 20 of them,

RESOLVES:

1. To put forward the recommendation on the Mechanism for Follow-up of the Inter-American Convention against Corruption that is transcribed below.
2. To forward said recommendation to the States Parties to the Convention for them to decide on the most appropriate course of action.
3. To report to the General Assembly, at its next regular session, on implementation of resolution AG/RES. 1723 (XXX-O/00).

**RECOMMENDATION OF THE PERMANENT COUNCIL TO STATES PARTIES ON
THE MECHANISM FOR FOLLOW-UP OF IMPLEMENTATION OF THE INTER-
AMERICAN CONVENTION AGAINST CORRUPTION**

PREAMBLE

The purpose of the Inter-American Convention is to promote and strengthen cooperation among the States Parties and the development of the mechanisms needed to prevent, detect, punish, and eradicate corruption.

Significant progress has already been achieved in implementing the provisions of the Inter-American Convention against Corruption at the national level, along with substantial developments at the subregional and international levels, especially through the Inter-American Program for Cooperation in the Fight against Corruption.

A mechanism for follow-up of those achievements, that facilitates cooperation both among States Parties and among all member states of the OAS, will help to achieve the objectives of the Convention. This mechanism must acknowledge the need to proceed in a progressive manner toward the achievement of its goals and to support the programs that the States Parties undertake to implement the Convention

1. Purposes

The purposes of the mechanism shall be:

- a. To promote implementation of the Convention and contribute to promotion of the achievement of the purposes established in Article II thereof;
- b. To follow up on the commitments made by the States Parties to the Convention; and
- c. To facilitate technical cooperation activities; the exchange of information, experience, and best practices; and the harmonization of legislation of the States Parties.

2. Basic principles

The mechanism for follow-up of the commitments made by the States Parties to the Convention shall be guided by the purposes and principles established in the Charter of the Organization of American States. Accordingly, the powers accorded to it and the procedures it employs must bear in mind the principles of sovereignty, nonintervention, and the legal equality of the States Parties, as well as the need to respect the legal systems of each State party.

3. Characteristics

The mechanism for follow-up of the implementation of the Convention shall have the following characteristics:

- a. It shall be impartial and objective in its procedures and in the conclusions it reaches.

- b. It shall contain guarantees of fair application and equal treatment.
- c. It shall not entail the adoption of sanctions.
- d. It shall establish an appropriate balance between the confidentiality and the transparency of its activities.
- e. It shall be conducted on the basis of consensus.

4. Members of the follow-up mechanism

Only States Parties to the Convention shall participate in the follow-up mechanism.

5. Structure

The States Parties shall establish a Committee of Experts against Corruption, which shall have the following structure and functions:

- a. The Committee of Experts shall be comprised of the experts appointed by each of the States Parties. The experts shall be persons of recognized standing, expertise, and experience in areas directly related to the Convention.

- b. The Committee of Experts shall adopt its own rules of procedure.

- c. The Committee of Experts shall elect its chair and other officers in the manner established in its rules of procedure.

- d. The Committee of Experts shall hold such meetings as it considers necessary for the performance of its functions.

- e. Secretariat functions shall be performed by the General Secretariat of the Organization of American States.

6. Headquarters

The headquarters of the Committee of Experts shall be at the Organization of American States.

7. Proceedings

- a. Selection of topics and questionnaire

The Committee of Experts shall select, from among topics addressed in the Convention, those to be reviewed, and shall determine the length of time it will devote to this task, which shall be known as a round. The Committee shall publish this information.

At each round, the Committee shall prepare a questionnaire on the topics selected, based on OAS document CP/GT/PEC-68/99, "Questionnaire on Ratification and

Implementation of the Inter-American Convention against Corruption," and shall forward it to all States Parties, which shall undertake to reply to the questionnaire by the deadline established by the Committee. The replies shall be distributed to all members of the Committee.

b. Selection of countries

At the start of each round, the Committee shall set the date for the review of the information on each State Party. Given the difficulty of reviewing all countries simultaneously, the Committee will draw up a schedule, using an impartial method for that purpose, such as presentation on a voluntary basis, chronological order of ratification of the Convention, or lot. The Committee of Experts shall publish this information.

c. Review of information and preliminary report

In order to expedite its work, the Committee shall establish in each case a subgroup of experts to review, with support from the Secretariat, the information on each State Party.

On the basis of that review, each subgroup shall prepare, with support from the Secretariat, a confidential preliminary report, which shall be made available to the state party involved for its observations.

Each subgroup shall prepare a revised version of the preliminary report taking into account the observations presented by the state party and present it to a plenary meeting of the Committee of Experts for consideration.

The plenary meeting of the Committee shall prepare the conclusions and, if pertinent, make the recommendations it deems appropriate.

d. Final report

After completing its review of the reports of all the States Parties in each round, the Committee of Experts shall issue a final report, which shall be forwarded first to the States Parties and then made public.

8. Cooperation

a. Mindful of the purposes of the follow-up mechanism and in the framework of the Inter-American Program for Cooperation in the Fight against Corruption, the Committee of Experts shall strive to cooperate with all member states of the OAS, bearing in mind the activities already underway in the OAS and report thereon.

b. Non-States Parties to the Inter-American Convention against Corruption may be invited to participate as observers in the plenary meetings of the Committee of Experts

in order to benefit from the experience acquired by States Parties in implementing that international instrument.

9. Participation of civil society

The follow-up mechanism is intergovernmental in nature. In the performance of its functions, the Committee of Experts may receive written opinions from civil society, taking into account the Guidelines for the Participation of Civil Society Organizations in OAS activities, as well as the definition of civil society in AG/RES. 1661 (XXIX-O/99).

10. Resources

The activities of the Committee of Experts shall be financed by a special fund, to be administered in accordance with the General Standards to Govern the Operations of the General Secretariat. This fund shall be made up of any contributions made by States Parties to the Convention, by member states of the Organization, by the permanent observers, international financial organizations, and any other contribution that may be received in accordance with the rules and regulations of the Organization of American States.

11. Periodic review of the mechanism

The States Parties to the Convention shall periodically review the operation of the mechanism, taking into account observations made by the Committee of Experts, and introduce the changes they may deem appropriate.