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INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION

CICAD

Organization of American States

P. 202.458.3000

www.oas.org

Secretariat for Multidimensional Security

FIFTIETH REGULAR SESSION
November 2 - 4, 2011
Buenos Aires, Argentina

OEA/Ser.L/XIV.2.50
CICAD/doc.1907/11
27 October 2011
Original: English

**REPORT OF THE ONLINE TECHNICAL WORKING GROUP FOR THE REVIEW OF THE MULTILATERAL
EVALUATION MECHANISM (MEM)**

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BACKGROUND

In accordance with the mandate received at the 48th Regular Session, CICAD organized a Contact Group, which met April 14-15, 2011. The mandate for this Contact Group was to prepare a draft document on the modifications to the MEM for the Sixth Evaluation Round to be presented at CICAD 49th Regular Session.

April 2011 Contact Group Conclusions

1. The need to ensure respect for the principles of the Multilateral Evaluation Mechanism, particularly the multilateral and intergovernmental nature, in any review process that is undertaken.
2. The importance of developing goals, indicators, verification methods and a system that enables the monitoring and evaluation of countries' progress in policy implementation, in accordance with the Hemispheric Drug Strategy and its Plan of Action.
3. The need for an in-depth analysis of public policy monitoring and evaluation systems, in order to identify components, best practices, and dynamics that may be incorporated into the mechanism in order to strengthen the evaluation process, for which a technical online working group is suggested, to carry out this analysis prior to the initiation of preparations for the Sixth Evaluation Round.
4. Keeping in mind the multilateral nature of the MEM, the analysis of the process will consider essential elements such as data collection, the methodology for evaluation, training needs, the role of the Executive Secretariat, the evaluation cycle and the nature of the reports to be published.

Based upon the above conclusions, the mission of the proposed Online Technical Working Group was to:

- Ø Carry out an in-depth analysis of public policy monitoring and evaluation systems, in order to identify components, best practices, and dynamics that may be incorporated into the MEM in order to strengthen the evaluation process. The analysis of the process will consider essential elements such as data collection, the methodology for evaluation, training needs, the role of the Executive Secretariat, the evaluation cycle and the nature of the reports to be published.

At its 49th Regular Session, convened May 4-6, 2011 in Paramaribo, Suriname, the Commission approved the formation of the Online Technical Working Group for the Review of the Multilateral Evaluation Mechanism (hereafter referred to as the Group), which commenced its work through a web-based platform with the participation of the member states listed in the Annex I. The Group selected Daniel Cuzzolino (United States) and Mariana Souto Zabaleta (Argentina), to serve as coordinators.

The Online Technical Working Group approved a work plan that was based upon the conclusions of the April 2011 meeting of the Contact Group for the Revision of the MEM, as approved by the CICAD Commission at its 49th Regular Session.

The work plan was accompanied by a standard form intended to unify the analysis of the evaluation systems to be studied. Participants submitted proposals regarding which evaluation systems should be analyzed and reached agreement on which members would be responsible for the preliminary analysis:

- Mutual Evaluation Reports of the Financial Action Task Force – Argentina and Venezuela

- Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption – Argentina and Venezuela
- Mechanism for the Review of Implementation of the United Nations Convention against Corruption – Chile
- The MEM Process - Canada

The responsible member states submitted their analyses by posting their completed forms to the web-based platform. All participating member states were then afforded the opportunity to review and comment on the analyses.

The report that follows is the result of this process of analysis and review, identifying components, best practices and dynamics of interest arising out of the analyzed systems that could potentially be incorporated into the MEM in order to strengthen the evaluation process. This report is intended to inform the deliberations of the 50th regular session of CICAD, which will provide political and technical guidelines to serve as a mandate for the Intergovernmental Working Group (IWG), which will convene in 2012 to revise the MEM process.

ANALYSIS

In analyzing the designated evaluation mechanisms, the Online Technical Working Group for the Review of the Multilateral Evaluation Mechanism (MEM) recommends that the following elements be considered in order to build on the strengths of the current MEM process. These recommendations are offered in view of the need to ensure respect for the principles of the Multilateral Evaluation Mechanism, particularly the multilateral and intergovernmental nature, in any review process that is undertaken. The Group recommends that the 2012 Intergovernmental Working Group (IWG) consider, in priority order:

1. Revise the current evaluation system (MEM) developing a new assessment instrument to replace the current MEM Questionnaire in a FATF-like Methodology Document, taking into consideration the working document that was produced by co-coordinators of the On-line Technical Group mandated to review the MEM process where the strengths of each system were examined and compared, arriving at a consensus based on the group's inputs, that some elements and best practices of the FATF methodology would be considered in developing this new/revised assessment instrument. Since Member States agreed that the Hemispheric Drug Strategy (HDS) sets the framework for their individual and collective efforts in drug control, the IWG would have to translate the objectives of the HDS into recommendations that would be used as evaluation criteria. Information requested from the countries would support the collection of data to evaluate the implementation of the HDS and avoid the gathering of information for information sake. The revised instrument would contain a set of indicators, based on the HDS and its Plan of Action, that appropriately address the nature of the actions recommended to countries by the CICAD Hemispheric Drug Strategy and its Plan of Action.
2. Creating a Handbook on Evaluation Criteria that should be considered in evaluating a country's progress. The Handbook would be more focused on substantive issues than on procedure and style. The Handbook would describe how a recommendation is to be considered unfulfilled, partially met, mostly met, completely met, etc. Drafting of this Handbook will be initiated at the IWG, recognizing that the time required to develop a suitable document may exceed the time allotted at this meeting, an on-line working group could be created to meet this objective.
3. Assessing the possibility of implementing a thematic focus for each round of evaluation, which would help to address the fact that, after five MEM rounds, most countries have reached a high level of compliance with the fundamental aspects of the Hemispheric Drug Strategy.
4. Organizing the experts according to thematic area and specialty, as is done with FATF and MESICIC. Subgroups with specialties in different thematic areas of drug control policy could review the country reports and then discuss the final reports in plenary.
5. Reassessing the length of each evaluation cycle. Simplification of the mechanism as described in the previous recommendations might allow for a return to the shorter, two-year cycle used in previous evaluation rounds.
6. Identifying those elements of the current MEM process that should be retained in subsequent evaluation rounds.

As actions that could be undertaken in the future, to be considered prior to the seventh round, the Group identifies the following:

- The creation of a team of evaluators with expertise in each of the topics to be evaluated.

- To carry out in situ visits to ensure that the evaluation system may speak to relevant national officials in the areas being evaluated.
- The implementation of evaluation cycles in terms of priorities to avoid repeating year after year the same considerations and focusing the reports on progress made in the implementation of policies.
- The possibility that the reports could be presented in the plenary session with the participation of the evaluated State ensuring transparency and objectivity of evaluations.

APPENDIX I: CHARACTERISTICS OF EVALUATION MECHANISMS

A. The MEM Process

Brief Description

The Multilateral Evaluation Mechanism (MEM) is an instrument designed to measure the progress of actions taken by the 34 member states of the Inter-American Drug Abuse Control Commission (CICAD). This evaluation is carried out through the elaboration and publication of national and hemispheric reports on the progress in drug control. Acting on a mandate from the Second Summit of the Americas, the MEM was created in 1999 with the objective of increasing coordination, dialogue, and cooperation within the 34 member states in order to confront the drug problem more efficiently.

The evaluation process is structured in rounds, and currently the MEM is in its Fifth Evaluation Round, covering the evaluation period 2006-2009. During this round, progress achieved in drug control is evaluated and compared to previous rounds. Each round consists of two principle stages:

1. Full evaluation: reports and recommendations on individual country and hemispheric progress in combating the drug problem in all its forms are published. The information used for the evaluation is obtained from the country responses to the 50 indicators that compose the MEM Questionnaire of Indicators. Additionally, countries prepare an Introductory Document to contextualize the information provided in the Questionnaire.
2. Evaluations on the implementation of recommendations: reports on the individual country and hemispheric progress in complying with the recommendations assigned during the full evaluation phase are published.

The MEM provides a means to identify countries' vulnerabilities and areas for improvement to correct deficiencies identified in anti-drug policies. The MEM promotes improved national coordination on drug control issues and increased multilateral cooperation in all aspects of the drug problem. The MEM also provides the opportunity for member states to request assistance to implement projects related to priority recommendations.

The MEM offers each country an analysis of their efforts and difficulties encountered. It opens the possibility for collaboration and cooperation. In addition, it encourages national dialogue and awareness among stakeholders and drug control policies.

Data Collection Process

- A National Coordinating Entity (NCE) is identified in each of the countries and he/she is responsible to collect and collate the information requested in the MEM questionnaire which currently contains 50 indicators on various issues related to drug control. The questionnaire is divided into 4 chapters (institutional strengthening, demand reduction, supply reduction, and control measures).
- Over the past few years, the streamlining of indicators has assisted in a more focused evaluation of countries' drug control efforts.

Evaluation Methodology

- The GEG usually meet 4 times for the drafting session within each evaluation round (twice to evaluate progress based on information provided in the MEM questionnaires and twice to evaluate the implementation of recommendations). The GEG members are divided into 4 groups and make up of these groups take expertise into account to ensure good coverage for the different aspects of the MEM questionnaire
- Upon receipt of the MEM questionnaire, the MEM unit prepares a draft country report.
- Each GEG member has lead responsibility for a country report. S/he will review and revise the narrative report. Once completed the report is returned to the MEM for translation and posting on a secure website.
- Members of each of the working groups review and further revise the country reports prepared by members of the group. Upon completion, the plenary session is convened to review each of the country reports. Agreement on the text of the report is reached by consensus. This guarantees the principle of all countries evaluating all countries (i.e., the multilateral element).
- Peer Review Process: The Governmental Expert Group (GEG) analyzes the information provided by member states and drafts the national and hemispheric reports. The GEG is composed of experts from different areas related to drug control and covered by the MEM. Each country designates an expert and may also appoint an alternate expert.
- Transparency, impartiality and equality are essential to assure an objective evaluation.

Training Needs

- Training is currently provided through a number of guidance materials, including a guide for using the MEM evaluation questionnaire processing system; procedural manuals; and, manual for the preparation of country and hemispheric evaluation reports.
- The MEM Unit also organizes National Coordinating Entity (NCE) and GEG training meetings.
- The MEM Unit is instrumental in providing guidance related to all aspects of the MEM evaluation, such as coordination, preparation of reports and other written materials, and technical support. Their contributions are essential to the MEM process.

Role of the Executive Secretariat

- The MEM Unit was established within the CICAD Executive Secretariat to support and coordinate all the activities of the process and to provide technical support to all the stakeholders that participate in the MEM process.
- Responsibilities of the MEM are essential in assuring that all related MEM reports are prepared in a timely manner, and especially in facilitating the work of the GEG.

Evaluation Cycle

- The MEM evaluation cycle takes place over a 3-year period, and involves various key milestones within the cycle, including responses to the MEM questionnaire from Member States; the analysis

of countries' MEM questionnaire responses from the GEG; drafting of country and hemispheric reports; and, analysis/follow-up of CICAD/GEG recommendations.

- While a 3-year cycle is a sufficient amount of time to carry-out the evaluation process, the cycle does not necessarily allow for an appropriate amount of time for a country to implement recommendations. As a consequence, a recommendation or several recommendations are reiterated in the following round of evaluation.

Nature of Reports

- Based on the evaluation process, individual country reports and hemispheric reports are published. Ad hoc reports are also generated to reflect special topics, such as a 10 year progress report.
- Currently, country reports are lengthy, repeating information submitted by countries in the MEM questionnaire. Reports need to be streamlined, and should focus on the evaluation.

Other Essential Elements

- Carrying out the various activities in a given evaluation round requires a significant amount of time and effort from countries and the MEM Unit. In addition, a number of face-to-face meetings are convened. This results in a substantial financial and human resource burden, which has budgetary implications for both member states and CICAD.
- Given the current fiscal environment, it would be appropriate to examine streamlining processes and deliverables.

Supplementary Comments

There are a number of challenges with the current GEG process. For the 5th round evaluation, deadlines were not met and additional meetings were scheduled in order to complete the work and deliver the country reports. Many GEG members found it difficult to be away from their home offices for extended periods of time required by the drafting sessions. Challenges also arose with limited expertise on some of the topics (e.g., only one or two GEG members speak to diversion of drugs and chemicals or to marine interdiction). When their country is being reviewed they are out of the room and the level of expertise to review the content drops. This also occurs if these GEG members are required to leave the meeting due to illness or other demands.

The ability to reach consensus in plenary can, at times, be a long and drawn out process when the discussion on topics which may not be adequately answered by the country are debated and interventions are made which may not be based on expert opinion, rather on perceptions and concerns. One potential way to improve the efficiency of the plenary and shorten the length of the GEG meetings would be to move to groups of topic/theme specific experts would review and revise the specific areas where they have expertise. The country reports would need to be reassembled by the MEM Unit and presented to the plenary. The review by the plenary would focus on accepting expert advice on these areas and only if there were major issues brought forth would discussions take place. This would likely result in less time for the plenary portion of the meeting thereby reducing the meeting length required.

B. Mutual Evaluation Reports of the Financial Action Task Force (FATF)

Brief Description

The Financial Action Task Force on Money Laundering (FATF) was established by the G-7 Summit that was held in Paris in 1989.

The Task Force was given the responsibility of examining money laundering techniques and trends, reviewing actions that had already been taken at a national or international level, and setting out the measures that still needed to be taken to combat money laundering and, starting in 2001, terrorist financing.

It established a series of recommendations in 1990, which were revised in 1996 and in 2003, to ensure that they remain up to date and relevant to the evolving threat of money laundering.

The FATF monitors members' progress in implementing necessary measures, reviews money laundering and terrorist financing techniques and counter-measures, and promotes the adoption and implementation of appropriate measures globally.

Data Collection Process

- A questionnaire is the means by which the authorities in the country being evaluated can provide all the detailed input to the evaluation/assessment process prior to the on-site mission. This input should describe (i) the measures that are currently in place, including the implementation measures and the results obtained, and (ii) the measures or changes which are not yet in place, but which the country has firm plans to implement. The country may also set out any additional analysis or commentary that it believes would assist the assessors in carrying out the evaluation/assessment.
- The template of the mutual evaluation questionnaire should be received for completion by the country being evaluated at least five (5) months prior to the on-site mission.
- The questionnaire should be completed and returned at least two (2) months prior to the commencement of the on-site mission.
- The questionnaire response should be accompanied by copies of all relevant laws, regulations, guidelines, reports, manuals, protocols and other material referenced in the response.

Evaluation Methodology

- Evaluation is based on the Anti-Money Laundering/Combating Terrorist Financing (AML/CFT) Methodology 2004. The said document sets out the assessment criteria and is designed to guide the assessment of a country compliance with the international AML/CFT standards as contained in the FATF Forty Recommendations 2003 (updated as of October 2004) and the FATF Nine Special Recommendations on Terrorist Financing 2001 (updated as of February 2008). It assists evaluators in identifying the systems and mechanisms developed by countries with diverse legal, regulatory and financial frameworks, in order to implement AML/CFT systems.
- The assessment of a country's AML/CFT system and its compliance with AML/CFT standards is conducted by experts experienced in the legal, financial sector and law enforcement areas of AML/CFT systems.

- FATF Secretariat provides assessors with an outline of the mutual evaluation reports (MER) prior to the on-site visit. This outline (a preliminary draft report) will be based on the questionnaire responses (information on both the essential criteria and the additional elements). It will also reflect a first brief analysis of the AML/CFT system of the examined country.
- Assessors need to carefully examine this outline and have a good overall understanding of the AML/CFT system of the examined country prior to the on-site visit. Their attention should essentially focus on any outstanding issues, weaknesses or other substantive points raised in the outline or discovered in the course of their own reading/analysis.
- Evaluators are entitled to question national authorities and bodies they consider relevant to get a better understanding of the AML / CFT during the on-site visit.
- During the on-site visit, examined countries should organize meetings with a range of government Ministries and agencies, as well as the private sector to allow assessors validate the information in the preliminary draft report.
- During the on-site visit assessors should focus on the essential criteria to assign a compliance rating.
- The compliance ranges from non-compliant (NC) to compliant (C), passing through partially compliant (PC) and mostly compliant (MC).
- A typical assessment team consists of four experts who should come from different countries, and whose expertise must cover all aspects of the fight against money laundering and the financing of terrorism, assisted by Secretariat experts.
- Both assessors and examined countries are required to meet the necessary deadlines in order to minimize the time between the dates of the on-site visit and the finalization for the MER and the summary.
- At the end of the on-site visit, assessors and the FATF Secretariat will meet to discuss all major issues and recommendations and agree on the ratings.
- Assessors must also be able to attend the relevant FATF or FATF Style Regional Body (FSRB) Plenary meeting where the report is discussed.

Training Needs

- Training needs are identified at the beginning of each evaluation round and focus primarily on changes in the methodology. Training can also include familiarization with international legislation relating to the subject.

Role of the Executive Secretariat

- Prepare the on-site visit.
- Provide assessors with an outline of the MER prior to the on-site visit.
- Contribute to any parts of the mutual evaluation report to assist the assessors as necessary.
- Ensure consistency among reports.
- Keep track of contacts in each country.
- To assist countries with the enactment of the methodology to be applied.
- Assist with the training for each country.
- Compilation of reports
- Publication of reports.

Evaluation Cycle

- An evaluation round is deemed complete once every country or jurisdiction is evaluated according to the updated methodology. At the end of every evaluation round FATF completes a review of its standards that sets out the basis for a new round. This review principally focuses on addressing certain issues that are identified during the previous round.
- Each country will be assessed every two years.

Nature of Reports

- Public reports assessing AML/CFT systems.
- Briefings to policy makers in the evaluated country.

C. Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC)

Brief Description

The mechanism for follow-up of the implementation of the Inter-American Convention against Corruption (MESICIC) is an instrument of intergovernmental nature established in the framework of the OAS to support States party in the implementation of the provisions of the Convention, through a process of mutual evaluation that provides specific recommendations with regard to the areas in which there are gaps or require further progress.

Purposes

- To promote the implementation of the Convention and contribute to the achievement of its purposes.
- To follow up the commitments undertaken by States parties and analyze the way in which they are being implemented.
- Facilitate the implementation of technical cooperation activities; the exchange of information, experience and best practices; and the harmonization of the laws of the States parties.

Fundamental principles

Follow-up of the commitments made by the States parties to the Convention takes place in the framework of the purposes and principles set forth in the Charter of the Organization of American States. Accordingly, the powers of this mechanism and the procedures used take into account the principles of sovereignty, of non-intervention and of equality before the law of States, as well as the need to respect the Constitution and the fundamental principles of the legal system of each State party.

Features

The follow-up mechanism for the implementation of the Convention is of an intergovernmental nature and has the following characteristics:

- a) It is impartial and objective in its operation and in the conclusions to that above.
- b) It ensures fair application and equal treatment between Member States.
- c) Does not involve the imposition of sanctions.
- d) It establishes an appropriate balance between confidentiality and transparency of its activities.
- e) It is an exercise developed on the basis of the principle of cooperation among States parties.

Bodies

1. The Conference of the States parties which has the authority and overall responsibility for implementing the mechanism (body of political representation).
2. The Committee of experts responsible for the technical analysis of the implementation of the Convention (technical representative body), whose members are appointed by each State party.

The secretariat functions are exercised by the General Secretariat of OAS.

Data Collection Process

Questionnaire

Each round of assessment provides a questionnaire to which countries should respond as the beginning of the follow-up process. Except in the first round, this questionnaire is divided into two sections:

- Section 1: Explores the provisions of the Convention selected to be analyzed in the round, taking into account the specificities of each one and considering the specific criteria that guide the analysis (see methodology evaluation)
- Section 2: Explores advances in the recommendations made to the country in previous rounds, or if there are no results, the difficulties in achieving this progress.

Selection of Analysis Subgroups

To analyze information and to develop relevant preliminary reports on the status and progress in the implementation of the Convention, review subgroups are established, choosing for each country two expert representatives of two different States parties to conduct the analysis. The process takes into account that at least one of the selected States should have the legal tradition of the State party whose information will be analyzed. The process also seeks to avoid subgroups composed of experts from a State party that has been previously analyzed by the State party that is currently the subject of evaluation.

Sources of Information

The analysis is performed based upon replies to the questionnaire of the respective State party, relevant documents, consultations with civil society organizations (in accordance with provisions of the rules of procedure of the Committee), and any other relevant information that is collected by the Secretariat and the members of the Committee.

During the period in which the members of the analysis subgroup review the draft preliminary report prepared by the Secretariat, the analysis subgroup members may be put in contact with each other and with experts of the analyzed State through teleconferences, videoconferences, or any other means they deem appropriate.

If a State adopts a law after the expected date for its response to the questionnaire, the State can contact the Secretariat one month prior to the date of the analysis subgroup meeting, so that the Secretariat can transmit it to the members of the subgroup.

Follow-Up Visits

To follow up on the analyzed provisions and recommendations, the Committee can arrange visits of the analysis subgroups to the States parties. All States party should officially inform of their consent to these visits at the beginning of each round. The purpose of these in situ visits are to specify, clarify, or complement the information provided; promote appropriate, useful, objective and comprehensive information for analysis; identify any difficulties in the country; consider good practices identified in the country that can contribute to the strengthening of cooperation and the exchange of information and experiences; and to provide the analyzed state the opportunity to benefit from or to request technical assistance.

Visits may not last more than five days and are coordinated by the General Secretariat, which accompanies the analysis subgroup experts. If the General Secretariat or any expert can not attend the visit, the objectives and planned activities must still be achieved.

Profile of the Evaluators

Experts in the MESICIC Committee are appointed by their respective State party and their responsibilities are established by the rules of procedure of the Committee as follows:

As representatives of the analyzed State

- To respond to the questionnaire, collecting information from different agencies or relevant branches of Government if necessary.

- Send the reply to the questionnaire and the annexes to the Secretariat within the deadline set in the calendar
- Ensure that the reply to the questionnaire conforms to the methodology for the analysis of the implementation of the provisions of the Convention selected for the respective round.
- Ensure that all the laws cited in the reply to the questionnaire are annexed to the response.
- Respond to consultations by the Secretariat and requests for documents during the drafting of the preliminary report.
- Upon receipt of the draft preliminary report, together with the comments of the members of the subgroup, respond to the Secretariat with comments from the States on the report as well as the comments made by members of the subgroup.
- To attend the meeting of the Sub-group during the final stage. This meeting serves to clarify any doubts or discrepancies that still exist.
- Attend the meeting of the plenary of the Committee and participate in its deliberations.
- Make a brief speech before the plenary of the Committee on the preliminary report on the country in the terms laid down in the regulation.
- With the exception of the year in which the hemispheric report is adopted, prepare and send the Secretariat the annual progress reports. The preparation of the reports of progress, as in the case of the response to the questionnaire, can be done with the collaboration of relevant government agencies.

As members of the analysis subgroup

- Once the draft preliminary report is received by the Secretariat, analyze the document and send the Secretariat comments and questions within the time specified in the schedule.
- Ensure that the observations referred to in the preceding paragraph are made in a clear and concise manner.
- Participate in the meetings of the Sub-group.
- Agree on how the members of the Sub-group presented the preliminary report to the plenary of the Committee.
- The resulting preliminary report of the meeting of the subgroup to the plenary of the Committee, which will contain a brief presentation of the content and scope of the preliminary report.

As members of the Committee of experts

- Participate in the sessions and discussions of the plenary on the text of the preliminary report, for the purposes of reaching a consensus text, in a spirit of cooperation among States parties.
- Approve the reports of States surveyed.
- Consider and approve, in turn, the hemispheric report.
- Consider the annual reports on progress of the States members of the MESICIC.

Evaluation Methodology

The Committee of Experts of MESICIC schedules a mutual evaluation process among States in the context of "rounds", in which the implementation of selected provisions of the CICC are analyzed in accordance with a regulation, a methodology, a questionnaire and a uniform structure. National reports are adopted that make specific recommendations to each State in relation to the gaps or areas that require progress for a full implementation of the selected provisions.

The procedure for the selection of provisions, the determination of a round, and the adoption of the methodology and the questionnaire for the analysis of the implementation of provisions of the Convention by States party, is as follows:

- The Committee selects the provisions of the Convention whose implementation by the States parties will be subject to analysis, seeking to include both preventive measures and other provisions of the Convention.
- The Secretariat prepares proposals for the methodology and questionnaire for the analysis of the provisions and those forwarded to experts of all the States parties, not less than thirty days in advance of the date of the meeting of the Committee in which it will decide on them.
- The Committee in plenary session adopts the final versions of the methodology and questionnaire and decides on the duration of the session devoted to the analysis of the implementation of the provisions selected by Member States, which is referred to as a round.

General criteria

The following criteria guide the general and comprehensive analysis of the implementation of selected provisions of the Convention:

1. Equal treatment

According to this criterion, for the analysis of information on the implementation of selected measures of the Convention, the treatment will be equal and consistent for all Member States. In order to ensure compliance with this criterion, in particular, the following provisions shall be taken:

- (a) all States parties will be analyzed in the framework of the round and in accordance with the criteria and procedure;
- (b) the questionnaire will be the same for all States parties; and,
- (c) all the country reports will have the same structure.

2. Functional equivalence

The Committee will examine the measures taken by a State party with regard to the implementation of the specific provisions of the Convention to determine if they seek to comply with the obligations and purposes of this. In this regard, the Committee will review the information within the specific system and legal context of each State party and shall not consider whether the measures are uniform among different States parties. The Committee will appreciate the equivalence of these in the search for the fulfillment of the identified purposes.

3. Strengthening of cooperation

According to this criterion, the information received will be analyzed bearing in mind that both the Convention and the follow-up mechanism have as purpose to promote, facilitate, and strengthen cooperation among States parties in the prevention, detection, punishment and eradication of corruption.

Specific Criteria

The analysis of the implementation by a party State of each of the selected provisions is conducted according to the following specific criteria:

1. Existence of a legal framework and/or other measures. Based on this criterion, we analyze whether the State party has a legal framework and other measures for the implementation of the respective provision of the Convention.
2. Adequacy of the legal framework and/or other measures. In the event that the State party has a legal framework and other measures for the implementation of the respective provision of the Convention, discusses whether they are appropriate for the promotion of the purposes of the Convention: prevent, detect, punish and eradicate corruption.
3. Results of the legal framework and/or other measures. In the light of this criterion, seeks to advance an initial analysis of objective results that has produced the application of the legal framework and other measures existing in a State party, relating to the implementation of a particular provision of the Convention.

4. Level of progress in the implementation of the Convention. Based on this criterion, the Committee examines the progress made and, if any, identifies areas that require progress in the implementation of the Convention. In addition, for the analysis, where appropriate, the Committee may take into account elements contained in the rules of the United Nations Convention against corruption which relate to matters provided for in the Inter-American Convention against Corruption.

Training Needs

Training needs specifically targeting experts of the Committee have not been determined, however, the Committee developed a "Introductory Guide for the Experts of the MESICIC" that briefly details the mechanism, its characteristics, its operation, and the responsibilities of experts, without going into detail on the provisions of the Convention.

Role of the Executive Secretariat

- Prepare the draft annual work program of the Committee, which must include the respective proposals in relation to the number of parties to be discussed during this period. Meetings would be held to develop the schedule and submit to the Committee.
- Send the announcements for the meetings of the Committee.
- Prepare the draft agenda for each meeting of the Committee.
- Develop proposals for the methodology and questionnaire for the analysis of the implementation of the provisions of the Convention that have been selected to be analyzed in a round and submit them for consideration by the Committee.
- Support sub-groups of experts in the whole process of analysis of the information submitted by States parties and preparation and presentation of the preliminary reports.
- Prepare the draft hemispheric report after each round, submit to the Committee and, once the Hemispheric Report is adopted by the Committee, refer to the Conference of States Parties.
- Prepare the draft Annual Report of the Committee and, once this report is adopted by the Committee, refer to the Conference of States Parties.
- Keeping custody of all documents and files of the Committee.
- Disseminate, via the Internet and by any other means of communication, information and public documents relating to the mechanism for follow-up and reports by country at the end of each round, once they are made public.
- Serve as the focal point for coordination and contact for sending and exchange of documents and communications both between the experts and the Committee with the Conference of the States parties, the bodies of the OAS and other organizations or institutions.
- Bring to the attention of the members of the Committee communications received to be submitted for its approval, unless they are manifestly outside the scope of the functions of the Committee, or do not comply with the requirements or deadlines in the case of civil society organizations.
- Develop the summary records of the meetings of the Committee and carry the same file.
- Regularly update information on the progress made by each of the States parties for the implementation of the Convention, based on the information provided by them, directly or in the framework of the meetings of the Committee.
- Prepare or coordinate the preparation of studies, research and analysis for the consideration of issues of collective interest by the Committee.
- Advise the President and the members of the Committee in the discharge of their duties when it requested.
- Promote and organize programmes of technical cooperation, together with other international organizations and cooperation agencies, to support States parties in their efforts to comply with

the recommendations made by the Committee and the exchange of information among them on best practices identified in the implementation of such recommendations.

Evaluation Cycle

- The term of each evaluation round is established prior to each. Similarly, countries are determined to be analyzed by round and the order in which they will be evaluated taking into account that the Committee performs two plenary meetings per year. For example, the current round sets the period of analysis from 2009 to 2011 inclusive. The analyses of Member States are performed by groups and in different sequences.
- Each cycle is started when the secretariat refers to the States parties to be analyzed a copy of the questionnaire adopted by the Committee of experts.
- The State sends its response to the Secretariat within the period prescribed by the schedule of the Committee. At that time, civil society organizations have the opportunity to comment based on the same questionnaire. The deadline for the response of civil society organizations is the same as assigned to the analyzed State.
- The Secretariat, based on the information provided by the State within the questionnaire, prepares the draft preliminary report. The Secretariat also considers the comments which have been submitted from by civil society organizations.
- The Secretariat refers the draft preliminary report to the two members of the analysis subgroup for their comments, within the time limit agreed in the calendar.
- The members of the subgroup make their observations to the draft preliminary report and refer it to the Secretariat within the respective time limit.
- The Secretariat sends the draft preliminary report and the comments of the experts of the subgroup to the State for their comments.
- The analyzed State makes their remarks, responding to questions made by the members of the analysis subgroup and refers them to the Secretariat within the deadline.
- The Secretariat prepares a consolidated document (the revised version of the draft preliminary report), which contains the comments of the members of the Sub-group and analyzed State, as well as the clarifications that the Secretariat deems pertinent include. This document at the same time is sent to all members of the Committee of experts, including the State under consideration.
- Prior to the meeting of the plenary of the Committee of experts, members of the subgroup and the representatives of the analyzed State meet for the purpose of clarifying any doubt or discrepancy that could still persist with regard to the revised version of the draft preliminary report. On that occasion, it has with the assistance of the Secretariat, which is also present at that meeting.
- Once the meeting of the Sub-group concludes, the Secretariat prepares a version of the report (now the "preliminary report"), which is forwarded for consideration by the plenary of the Committee. Unless there is any pending issue with regard to the report, the report is opened for consideration and discussion of the whole.
- The expert members of the analysis subgroup make a brief speech before the plenary for the purpose of presenting the content and scope of the initial report reviewed by the subgroup. The expert from the analyzed State also makes a short speech on the preliminary report.
- Upon completion of the interventions, the full committee considers the draft report and, if necessary, makes specific changes it deems appropriate, and may make findings and recommendations.

Nature of Reports

Reports by Country

Introduction

This section identifies the State Party whose information is analyzed and briefly describes their legal status - according to their institutional and constitutional order referring to the dates on which it ratified the Convention and joined the Monitoring Mechanism.

Summary of Information Received

This part is a summary of information received for the analysis of the implementation of selected provisions of the Convention by the respective State party.

Analysis of the Implementation of the Provisions Selected by the State Party

In this part we analyze, in accordance with the methodology adopted by the Committee, the implementation by the State party of the provisions selected within the framework of the round.

1. Existence of a legal framework and/or other measures.
2. Adequacy of the legal framework and/or other measures.
3. Results of the legal framework and/or other measures.

Considerations Regarding the Scope of the Follow-Up to the Recommendations Made in Previous Rounds

This part refers to steps taken to implement the recommendations that were made to the respective State in previous rounds, taking note of those recommendations have been considered successful and those that require additional attention by the State under review.

Conclusions and Recommendations

This part analyses the level of progress in the implementation of selected provisions of the Convention and conclusions and recommendations are formulated.

Hemispheric Reports

At the end of a round, the Committee adopts a hemispheric report composed of two parts:

(a) a general and comprehensive analysis containing, among others, the conclusions it reaches from the analysis and the recommendations of a collective nature both with respect to monitoring the results of those reports, as to the type of recommended actions to take to consolidate or strengthen hemispheric cooperation in the issues covered by the provisions taken in that round or are in close relationship with them.

(b) a summary of the progress made by all countries in the implementation of the recommendations made by the Committee in previous rounds.

Annual Reports of Progress.

At the first meeting of the Committee of each year, each State party presents a brief verbal report on the steps taken by the State between the first meeting of the previous year regarding the recommendations made to it by the Committee. The States also explain difficulties that had been encountered in the implementation of these recommendations and other developments relating to the implementation of the Convention during that period.

Except for the year in which the hemispheric report is adopted, the General Secretariat prepares the "annual report of progress in the implementation of the Inter-American Convention against Corruption", annually compiling the reports referred to in the preceding paragraph and complementing them with a summary of the progress made by all the countries in the implementation of the recommendations made by the Committee and information provided by States with respect to any difficulties that have been in the

implementation of those recommendations and on other developments in the implementation of the Convention.

Other Essential Elements

- Resources: The activities of the follow-up mechanism are financed by the contributions of the States parties to the Convention, States that are not party to the Convention, international financial institutions, and any other contribution according to the General rules for the functioning of the Secretariat General of the Organization of the American States, including the possibility of the establishment of a specific fund. Such contributions may include offers from Member States for organizing and hosting the meetings of the organs of the mechanism. The Conference of the States parties can determine criteria for determining regular contributions.
- Periodic review of the mechanism: The Conference periodically reviews the functioning of the mechanism, taking into account the observations of the Committee of experts and you can enter the modifications it deems fit.
- Participation of civil society: The Committee, in order to obtain greater elements of analysis, may request information from organizations of civil society, in accordance with the domestic legislation of the State party which is the subject of analysis.

D. Mechanism for the Review of Implementation of the United Nations Convention against Corruption

Brief Description

The Group of States against Corruption (GRECO) was established in 1998 by the European Council to monitor the compliance of States with the standards of anti-corruption of organizations. GRECO aims to improve the capacity of its members to fight against corruption through the monitoring of compliance with the European Council anti-corruption standards, using a dynamic process of mutual evaluation and peer pressure. It helps to identify deficiencies in national anti-corruption policies by promoting the necessary legislative and institutional reforms and practices. GRECO also provides a platform to share best practices in the prevention and detection of corruption.

Mechanism for the Review of Implementation of the United Nations Convention against Corruption was established to provide pursuant to the provisions of paragraph 1 of article 4 of the United Nations Convention against Corruption, which provides that the States parties fulfilled their obligations under the Convention in line with the principles of sovereign equality and territorial integrity of States, as well as non-interference in the internal affairs of other States.

Membership in GRECO, an expanded agreement, is not limited to the Member States of the European Council. Any State which has taken part in the preparation of a partial agreement can be incorporated through notification to the Secretariat of the European Council. Moreover, any State that is part in the legal or civil Convention on corruption automatically accesses GRECO and its evaluation process. Currently, GRECO comprises 49 Member States (48 European States and the United States in North America).

The operation of GRECO is governed by its Statute and rules of procedure. Each Member State registers up to 2 representatives who participate in the plenary meetings of GRECO with the right to vote; each Member also provides a list of experts available to participate in the evaluations. Other bodies of the European Council can register representatives (e.g. the Parliamentary Assembly of the Council of Europe). GRECO has granted observer status to the Organization for Economic Development and Cooperation (OECD) and the United Nations — represented by the United Nations Office for Drugs and Crime (UNODC). GRECO elects its President, Vice-President, and members of the office, who play an important role in designing the programme of work of GRECO and in supervising evaluation procedures.

Purpose and objectives of the mechanism: the purpose of the mechanism, in conformity with the Convention, in particular its article 63, is to support the implementation of the Convention by the States members.

The objectives of the mechanism are:

1. To promote the purpose of the Convention set forth in article 1
2. Submit to the Conference information on the measures taken by the States party to implement the Convention and on the difficulties encountered in this regard.
3. Help the States party to identify and substantiate specific needs for technical assistance and promote and facilitate the provision of such assistance.
4. To promote and facilitate international cooperation in the field of prevention and fight against corruption, including in the field of asset recovery.
5. Information to the Conference concerning the achievements, best practices and problems of the States party to the task of implementing and using the Convention.
6. Promote and facilitate the exchange of information, practices and experiences gained in the implementation of the Convention.

Data Collection Process

1. Each State party will be evaluated by two other States party. The State party evaluated actively participates in the evaluation process.
2. One of the two States party evaluators belongs to the same geographical region of the State party evaluated and is, as far as possible, a State that has a legal system similar to the State party evaluated. The States party evaluators are selected by lot at the beginning of each cycle, on the understanding that States party will not engage in reciprocal evaluations. The State party evaluated can ask, at a maximum of twice, to repeat the draw. In exceptional circumstances it may repeat the draw more than twice.
3. A State party evaluated can postpone its performance as State party evaluating the same year. The same principle applies to States party evaluators. At the end of a cycle of evaluation, each State party must have been subjected to its own evaluation and completion of a minimum of one assessment and a maximum of three.
4. Each State party designates up to 15 governmental experts for the purpose of the evaluation process. Before the draw for the selection of evaluator States, the Secretariat collects and distributes a list of these governmental experts, which provides information about their professional background, positions held, other posts or relevant activities, as well as the necessary relevant technical competence areas for the respective evaluation cycle. The States party seek to provide the necessary information to enable the Secretariat to compile the list and to keep it up-to-date.
5. The Secretariat, in consultation with the States party, develops a set of guidelines (see annex No. 1) for the governmental experts and the Secretariat to carry out assessments of the countries (hereinafter referred to as "the guidelines"). These guidelines must be endorsed by the Group on the assessment of the application.
6. States party evaluators make, in accordance with the guidelines, a documentary assessment of responses to the extensive list of verification for the self-assessment of the State party evaluated. This review involves an analysis of the responses, focusing on measures taken to implement the Convention and on the achievements and problems relating to the application.
7. In accordance with the guiding principles (see annex No. 2) and the guidelines, States party assessors, with the support of the Secretariat, may request of the State party evaluated this clarification or additional information or to reply to additional questions relating to the assessment. The resulting constructive dialogue may be carried out, inter alia, through Conference calls, video conferencing, or exchanges of electronic mail, as appropriate.
8. The Secretariat, in consultation with the States party evaluators and the State party evaluated, lays down the timetable and the requirements of each evaluation and attends to all issues relevant to this assessment. Ideally, evaluations are structured in such a way that does not last more than six months.
9. The assessment of the country culminates with the preparation of a report on the country based on a basic model (see annex N ° 3) prepares the Secretariat in consultation with the States party and endorses the Group on the assessment of the application in order to ensure consistency.
10. The assessment of the country is carried out in the following way:
 - The assessment document is based on responses to the comprehensive assessment checklist and any additional information submitted by the State party assessed.
 - In the context of constructive dialogue between government experts evaluated, the State party facilitates the exchange of information relevant to the implementation of the Convention.
 - When the State party assessed is a member of a relevant international organization whose mandate covers issues of combating corruption or international or regional mechanisms for combating and preventing corruption, the States party evaluators may consider

relevant information for implementation of the Convention produced by that organization or that mechanism.

11. The State party evaluated prepares its replies to the list of verification for self-assessment through extensive consultations at the national level with all stakeholders in the field, including the private sector and individuals and groups who do not belong to the public sector.
12. With the consent of the State party evaluated, the documentary assessment should be complemented by any other means of direct dialogue, as a visit to the country or joint a meeting at the United Nations Office at Vienna, in accordance with the guidelines.
13. The States party are encouraged to facilitate the participation of all stakeholders in the country in the field during a visit to the country.
14. States party evaluators and the Secretariat maintain the confidentiality of all information obtained in the course of the evaluation process or used therein.
15. The Secretariat organizes regular training courses for experts participating in the evaluation process, in order to familiarize them with the guidelines and increase their ability to participate in that process.

Evaluation Methodology

- The mechanism is applied to all States party and gradually covers the implementation of the Convention.
- The evaluation of all the States which are party to the start date of a cycle of assessment must be completed before the start of a new cycle. However, in exceptional cases, the Conference may decide to begin a new cycle before they have completed all the evaluations of the previous cycle. No State party will be evaluated twice during the same cycle, without prejudice to the right of a State party to submit further information.
- The number of States parties from each regional group participating in the evaluation process in a given year is proportional to the size of the regional group concerned and the number of members of the group that are States parties to the Convention. At the beginning of each review cycle a draw is carried out to select the States party to participate in the evaluation process in a given year of the cycle. Any State party that is selected to be evaluated in a given year may defer their participation until the following year of the cycle for justified reasons.
- Each State party provides to the Secretariat the information requested by the Conference on the implementation of the Convention and compliance with its provisions, using the extensive list of verification for the self-assessment as a first step to that end. The States party should have complete updated, accurate, and timely answers.
- The secretariat will provide assistance to the States party requesting such for the preparation of the replies.
- Each State party appoints a liaison to coordinate their participation in the evaluation process. Each State party shall endeavour to appoint a person or persons who have solid experience in relation to the provisions of the Convention under review as a link.

Training Needs

- Regular training occurs for experts in order to familiarize them with the guidelines and increase their ability to participate in this process.

Role of the Executive Secretariat

- The Secretariat of the Conference is the Secretariat of the mechanism and performs all the tasks required for efficient operation, even offering, upon request, technical and substantive support to States party in the course of the activities of the mechanism.

Evaluation Cycle

- GRECO works in cycles, or evaluation rounds, each covering specific topics. The first evaluation round (2000-2002) focused on independence, expertise and resources of national bodies involved in the prevention and fight against corruption. It also dealt with the extent and focus of the immunities of public officials to arrest, prosecution, etc. The second round of evaluation (2003-2006) focused on the identification, seizure and confiscation of corruption, prevention and detection of corruption in public administration, and prevention procedures for legitimate entities that are used as facades for corruption. The third evaluation round (launched in January 2007) assesses a.) the charges provided in the criminal law regarding the Convention on Corruption and b) transparency of funds for the parties.

Nature of Reports

- In close cooperation and coordination with the State party evaluated and with the assistance of the Secretariat, as well as in accordance with the guidelines and the basic model, the States parties evaluators prepare a report on the evaluation of the country and a summary of the report (see annex No. 1). The report outlines the achievements, best practices and problems and makes observations for the implementation of the Convention. Where appropriate, technical assistance needs are specified in the report to improve the implementation of the Convention.
- The report on the evaluation of the country, including the summary, ends by mutual agreement between States party evaluating and the State party evaluated.
- The Secretariat compiles the most current and relevant information on achievements, best practices and problems, as well as comments and technical assistance needs in the country assessment reports.
- Summaries of each report completed on the review of a country are translated into the six official languages of the United Nations and published as an official document of the Group on the assessment of the application only for information.
- The country assessment reports are kept confidential.
- States party evaluated are encouraged to exercise their sovereign right to publish their respective report or part of it.
- In order to improve and strengthen cooperation and learning among States party, they shall endeavour to make evaluation reports available to any State party requesting it. The State party requesting shall fully respect the confidential nature of such reports.

Other Essential Elements

- The needs of the mechanism and its secretariat are funded from the regular budget of the United Nations.
- The needs in connection with visits to countries, the joint meetings at the United Nations Office at Vienna, and the training of experts are funded through voluntary contributions, provided unconditionally and without expectations of influence.

- The Secretariat is responsible for preparing a draft biennial budget to finance the activities of the evaluation mechanism.
- The Conference assesses the mechanism budget biennially. The budget ensures the efficient, uninterrupted and impartial operation of the mechanism.
- Sufficient human and financial resources must be provided to the Secretariat to enable it to fulfill the functions assigned to it in its terms of reference.

Additional Comments

The assessment looks at some aspects not contained in the guidelines, which are listed and described below:

Process of follow-up. In the following evaluation phase, each State party submits, in its responses to the extensive list of the self-assessment checklist, information on progress made with regard to the comments contained in previous reports on the assessment of the country. The States party also provide, as appropriate, information on whether the technical assistance requested in connection with the reports on the assessment of the country has been provided. The Conference, through the Panel on the evaluation of the implementation, evaluate and adapt, as appropriate, the procedures and requirements to follow up the conclusions and observations emanating from the evaluation process.

Group on the assessment of implementation. The group on the assessment of implementation is an open-ended intergovernmental group consisting of States party. It operates under the authority of the Conference, to which it reports. The assessment of implementation group holds meetings at least once a year, in Vienna. The functions of the assessment of implementation group will provide an overview of the assessment process to identify problems and good practices and assess needs for technical assistance to ensure the effective implementation of the Convention. The thematic report on implementation will provide the basis for the analytical work of the Panel on the assessment of implementation. On the basis of its deliberations, the Group on the assessment of implementation will submit conclusions and recommendations to the Conference of the States parties for evaluation and approval.

The Conference of the States parties. The Conference shall establish policies and priorities relating to the review process. The Conference of the States parties shall consider the recommendations and conclusions of the Panel on the assessment of implementation. The Conference determines phases and cycles of the evaluation process, as well as the scope, the thematic sequence, and the details of such an assessment. The evaluation phase will conclude when it has evaluated all the articles of the Convention in all States party. Each stage is divided into cycles of evaluation. The Conference determines the duration of each cycle and the number of States parties that participate each year in the cycle, taking into account the number of States party to be subject to assessment and the scope of the cycle. The Conference shall adopt any future amendment to the terms of reference of the evaluation mechanism. At the end of each cycle of evaluation, the Conference shall evaluate the functioning of the mechanism and the fulfillment of its terms of reference.

APPENDIX II: PARTICIPATING MEMBER STATES

Argentina

Canada

Chile

Colombia

Costa Rica

Dominican Republic

El Salvador

Grenada

Mexico

Suriname

Trinidad and Tobago

United States of America

Uruguay

Venezuela