

MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
Nineteenth Meeting of the Committee of Experts
September 12-16, 2011
Washington, D.C.

OEA/Ser.L
SG/MESICIC/doc.305/11
16 September 2011
Original: Spanish

MINUTES
OF THE NINETEENTH MEETING OF THE COMMITTEE OF EXPERTS OF THE
FOLLOW-UP MECHANISM FOR THE IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION

I. BACKGROUND

In accordance with the schedule agreed on by the Committee of Experts of the Mechanism for Follow-up on Implementation of the Inter-American Convention against Corruption, the Nineteenth Meeting of the Committee was held at OAS headquarters in the city of Washington, D.C., on September 12 to 16, 2011.

The meeting was attended by the following participants, representing the states parties: Kenroy Simmons (Antigua and Barbuda); Néstor Baragli (Argentina); Franklyn Williams (Bahamas); Iran Tillett-Dominguez (Belize); Nardi Suxo, Diego Pari, Gabriela Veizaga, Carlos Camargo, Tania Iturri (Bolivia); Vânia Vieira, Marcelo Paranhos de Oliveira Miller, Renato Capanema, Sandro de Vargas Serpa, Camila Colares Bezerra, Aldenor de Souza e Silva, Wilson Dockhorn Junior, Leonardo Wester (Brazil); Mathilda Haykal Sater (Canada); Jorge Vio, José Ramón Correa, Yelica Lusic, Álvaro Hernández, María Isabel Mercadal, Alberto Rodríguez (Chile); Fernando Brito, Ligia Helena Borrero, María Virginia Torres de Cristancho, Nicolás Lozada, Yadir Salazar (Colombia); Miguel Cortés (Costa Rica); Simón Castaños (Dominican Republic); Luis Pachala, Paul Iñiguez, Sonia Vera, Raúl Martínez, Aura Celly, Andrés Chiriboga (Ecuador); Miguel Girón, Álvaro Magaña (El Salvador); Darshan Ramdhani (Grenada); Jorge Pérez, Miguel Valladares (Guatemala); Gail Teixeira (Guyana); Amos Durosier, Joseph Jean Figaro (Haiti); Rigoberto Córdova (Honduras); O'Neil Francis (Jamaica); Alfredo Esparza, Karla Ornelas, Martha J. Gaytán, Martha López-Barroso (Mexico); Iván Lara (Nicaragua); Max Ballesteros, Mariela Jiménez (Panama); María Soledad Machuca, Julio Duarte, Diana Correa, Luis Carlos García (Paraguay); Delila Arraga, Javier Prado (Peru); John Tyme (Saint Kitts and Nevis); Chandra Algae, Reshma Alladin (Suriname); Cuthbert Jolly (Trinidad and Tobago); Robert Leventhal, Rachel Owen, (United States); José Pedro Montero, Iván Toledo (Uruguay); Adelina González, Basilio Jáuregui y María Eugenia de los Ríos (Venezuela)

II. PROCEEDINGS

In accordance with the first item on the agenda and the schedule established for this meeting (Annexes I and II), the Technical Secretariat submitted a report on the actions taken since the Committee's last meeting and on the documents prepared for this meeting.

Then, under item 2 on the agenda, the delegations of Bolivia, Mexico, and Panama verbally presented their candidacies to chair the Committee over the following one-year period, as agreed on at the Fifteenth Meeting and provided for in Article 4 of the Rules of Procedure.

The Committee then embarked on agenda item 3 by considering, in that order, the draft preliminary country reports for Grenada, Suriname, Brazil, and Belize.

In reviewing the draft preliminary country reports, the Committee proceeded in accordance with Article 25 of its Rules of Procedure: in each case, the preliminary review subgroup presented the content and scope of its preliminary draft report; then, the state party under review made a brief statement in regard to the preliminary report; and, finally, the plenary examined the corresponding draft report, with the experts' observations and comments being offered on the chapters and sections in order.

For each draft report it examined, the plenary agreed on modifications, and it gave instructions for the corresponding changes to be made and for the revised versions to be submitted to the plenary for their consideration and final approval.

Under agenda item 4, the Technical Secretariat informed the Committee that through their Permanent Missions to the OAS, 29 states parties had formally given their consent for on-site visits to be conducted during the Fourth Round of Review, following the Methodology for Conducting On-site Visits approved by the Committee at its Eighteenth Meeting. The list of those states is included in Annex III of these minutes.

The Committee then examined, in the order set out on the agenda, the documents for commencing with the Fourth Round of Review.

The Committee first undertook a study of the draft questionnaire, methodology, and report structure. Several delegations offered various comments and proposals on those documents. Based on those proposals, the Committee gave a final consideration to and approved the questionnaire, methodology, and report structure for the Fourth Round, which may be found in Annexes IV, V, VI, and VII.

The Committee also considered and adopted the Schedule for the Fourth Round of Review, based on the proposal made by the Technical Secretariat, which may be found in Annex VIII.

For the sequence in which the states parties' information would be reviewed during the Fourth Round, it was agreed that those states that volunteered would be reviewed first, followed by the remaining states in the order in which they had ratified the Convention. Accordingly, the following states put themselves forward as volunteers for the start of the Fourth Round: Guatemala, Brazil, El Salvador, Mexico, Bolivia, and Paraguay. Similarly, in accordance with the request made by the state, it was agreed that the Bolivarian Republic of Venezuela would be reviewed as part of the third group of states to undergo examination. In line with this decision, the sequence in which the states parties' information will be reviewed during the Fourth Round may be found in Annex IX.

The Committee then approved the proposal for the composition of the preliminary review subgroups as set out in the document included as Annex X and, as agreed, it proceeded to select the Fourth Round review subgroups for each of the states parties, which may be seen in Annex XI.

The Secretary General of the OAS, Dr. José Miguel Insulza, attended the September 15 session, offering his greetings and a series of thoughts on the importance of hemispheric cooperation against corruption and on the usefulness and relevance of the Convention, the Mechanism, and the work of the Committee of Experts.

Regarding item 6 on the agenda, the Technical Secretariat presented the Committee with a proposed methodology for dealing with the topic of collective interest “the responsibility of the private sector in preventing and combating corruption” in compliance with recommendation 15 of the Third Meeting of the Conference of MESICIC States Parties; this, after some discussion, was adopted by the Committee and is included as Annex XII.

The Committee then continued with agenda item 5. Based on the draft prepared by the Technical Secretariat, it discussed and adopted the Hemispheric Report of the Third Round of Review, included as Annex XIII hereto.

Then, as part of the discussion of topics of collective interest, the following presentations were made:

- The delegation of the United States gave a presentation on that country’s legal framework for asset recovery.
- The delegation of Costa Rica gave a presentation on the social harm caused by acts of corruption and the recognition of that fact by the country’s courts.
- The delegation of Brazil gave a presentation on the initiative for an alliance of open governments.
- The delegation of Chile gave a presentation on the open agenda of the Comptroller’s Office and on certificates of origin.

The electronic versions of these presentations may be found in Annex XIV.

The Committee conducted the final review of the draft country reports for Grenada, Suriname, Brazil, and Belize. After comments were offered on each, these were adopted by consensus. The approved texts of these four country reports appear as Annexes XV, XVI, XVII, and XVIII to these minutes.

The Committee then studied its Work Program for the year 2011-2012 (item 7 on the agenda), which was adopted in accordance with the text included as Annex XIX.

The Committee then addressed agenda item 8. As provided for in Article 4 of the Rules of Procedure, the Committee elected by consensus the lead representative of Mexico, Alfredo Esparza, to serve as Chair, and the lead representative of Grenada, Darshan Ramdhani, to serve as Vice Chair.

In discharging item 9, “Other business”:

- a) It was agreed that the state of Honduras will submit its information on the topics studied in the Third Round and that the Technical Secretariat will distribute it among the states parties’ experts to the Committee and publish it on the Anticorruption Portal of the Americas on the OAS web site.
- b) In response to the proposal made by Belize, it was agreed that as of the second meeting in each round, the Technical Secretariat will present an updated compilation of the recommendations previously served on the states under review during the round in question, in order to facilitate the Committee’s discussions on the draft reports at each meeting.

In connection with this, Argentina also offered to forward the Technical Secretariat the documents it had drawn up in the past.

- c) It was agreed that the Technical Secretariat will publish, on the web site, the text of each state's individual questionnaire when it is sent to the country in question for its response.

Before ending the meeting, the Technical Secretariat read out these minutes, which were then unanimously approved by the plenary of the Committee, together with all the annexes that form an integral part thereof.

Washington, D.C., September 16, 2011

ANNEX I

AGENDA



ANNEX I

ANNEX II

SCHEDULE



ANNEX II.

ANNEX III

**INFORMATION RECEIVED BY THE TECHNICAL SECRETARIAT IN CONNECTION
WITH THE STATES PARTIES' CONSENT FOR ON-SITE VISITS TO BE CONDUCTED
DURING THE FOURTH ROUND OF REVIEW**



ANNEX III.

ANNEX IV

**QUESTIONNAIRE
REGARDING THE PROVISION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION SELECTED FOR REVIEW IN THE FOURTH ROUND AND FOR
FOLLOW-UP OF THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND**

www.oas.org/juridico/docs/cuest_IVronda_en.doc

ANNEX V

**METHODOLOGY
FOR THE REVIEW OF THE IMPLEMENTATION OF THE PROVISION OF THE INTER-
AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE FOURTH
ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN
THE FIRST ROUND**

www.oas.org/juridico/PDFs/metod_IVronda_sp.pdf

ANNEX VI

**FORMAT
FOR THE COUNTRY REPORTS THAT WILL BE PREPARED IN THE FRAMEWORK OF
THE FOURTH ROUND**

www.oas.org/juridico/PDFs/estruc_IVronda_en.pdf

ANNEX VII

**FORMAT
FOR THE COUNTRY REPORTS THAT WILL BE PREPARED IN THE FRAMEWORK OF
THE FOURTH ROUND FOR STATES THAT WERE NOT PARTY TO THE MESICIC IN
THE FIRST ROUND**

www.oas.org/juridico/PDFs/estruc2_IVronda_en.pdf

ANNEX VIII

**SCHEDULE
FOR THE FOURTH ROUND OF REVIEW**

www.oas.org/juridico/PDFs/schedule_IVround.pdf

ANNEX IX

**SEQUENCE FOR THE REVIEW OF THE INFORMATION
OF THE STATES PARTIES WITHIN THE FRAMEWORK OF THE FOURTH ROUND**

www.oas.org/juridico/PDFs/sequence_IVround.pdf

ANNEX X

**PROPOSAL FOR THE COMPOSITION OF THE
REVIEW SUBGROUPS WITHIN THE FRAMEWORK OF THE FOURTH ROUND**



ANNEX X.

ANNEX XI

**COMPOSITION OF THE REVIEW SUBGROUPS
IN THE FRAMEWORK OF THE FOURTH ROUND OF REVIEW**

www.oas.org/juridico/PDFs/subgroup_IVround.pdf

ANNEX XII

**METHODOLOGY
FOR CONSIDERATION OF THE TOPIC OF COLLECTIVE INTEREST CONCERNING
"THE RESPONSIBILITY OF THE PRIVATE SECTOR IN PREVENTING AND
COMBATING CORRUPTION"**

www.oas.org/juridico/PDFs/met_collective.pdf

ANNEX XIII

**HEMISPHERIC REPORT
ON THE THIRD ROUND OF REVIEW OF THE COMMITTEE OF EXPERTS OF THE
MESICIC**

www.oas.org/juridico/PDFs/IIIinf_hemis_en.pdf

ANNEX XIV

**PRESENTATIONS
AS PART OF THE DISCUSSION OF TOPICS OF COLLECTIVE INTEREST**



Estados Unidos



Costa Rica



Brasil



Chile

ANNEX XV

**REPORT ON IMPLEMENTATION IN GRENADA OF THE CONVENTION PROVISIONS
SELECTED FOR REVIEW IN THE THIRD ROUND, AND ON FOLLOW-UP TO THE
RECOMMENDATIONS FORMULATED TO THAT COUNTRY IN PREVIOUS ROUNDS**

www.oas.org/juridico/PDFs/mesicic3_grd_en.pdf

ANNEX XVI

**REPORT ON IMPLEMENTATION IN THE REPUBLIC OF SURINAME OF THE
CONVENTION PROVISIONS SELECTED FOR REVIEW IN THE THIRD ROUND, AND
ON FOLLOW-UP TO THE RECOMMENDATIONS FORMULATED TO THAT COUNTRY
IN PREVIOUS ROUNDS**

www.oas.org/juridico/PDFs/mesicic3_sur_en.pdf

ANNEX XVII

**REPORT ON IMPLEMENTATION IN THE FEDERATIVE REPUBLIC OF BRAZIL OF
THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THE THIRD ROUND,
AND ON FOLLOW-UP TO THE RECOMMENDATIONS FORMULATED TO THAT
COUNTRY IN PREVIOUS ROUNDS**

www.oas.org/juridico/PDFs/mesicic3_bra_en.pdf

ANNEX XVIII

**REPORT ON IMPLEMENTATION IN BELIZE OF THE CONVENTION PROVISIONS
SELECTED FOR REVIEW IN THE THIRD ROUND, AND ON FOLLOW-UP TO THE
RECOMMENDATIONS FORMULATED TO THAT COUNTRY IN PREVIOUS ROUNDS**

www.oas.org/juridico/PDFs/mesicic3_blz_en.pdf

ANNEX XIX

WORK PROGRAM FOR THE YEAR 2011-2012



ANNEX XIX.