

MECHANISM FOR FOLLOW-UP ON
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
Twenty-Second Meeting of the Committee of Experts
September 9 to 13, 2013
Washington, D.C.

OEA/Ser.L
SG/MESICIC/doc.405/13 rev. 2
13 September 2013
Original: Spanish

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

I. BACKGROUND

In accordance with the schedule for the Fourth Round of Review agreed on by the Committee of Experts of the Mechanism for Follow-up on Implementation of the Inter-American Convention against Corruption (MESICIC), the Twenty-Second Meeting of that Committee was held at OAS headquarters in the city of Washington, D.C., on September 9 to 13, 2013.

The meeting was attended by the following participants, representing the states parties: Annette Mark (Antigua and Barbuda); Néstor Baragli (Argentina); Iran Tillett-Dominguez, Nestor Mendez, Lauren Quiroz (Belize); Franklyn Williams (Bahamas), Nardi Suxo, Alexandra Miranda, Olmer Torrejón, Fiorella Caldera (Bolivia), Renato Capanema, Elizabeth Marques, Ricardo Saadi, Flavio Dontal (Brazil); Mathilda Haykal (Canada); Jorge Vio, Patricia Arriagada, Javier Cruz, María Loreto, Yelica Lusic, Felipe Aliaga, Priscila Jara, Tomás Koch, María Isabel Mercadal, Alberto Rodríguez (Chile); Sandra Morelli, Andrés González, José Agustín Suárez Alba, Mario Montes, Juan Carlos Novoa, Ligia Helena Borrero, , Carlos Rodríguez, Mónica Rueda, Laura Corral Bautista, Yadir Salazar, (Colombia); Tatiana Gutiérrez, Samy Araya (Costa Rica); Simón Castaños, Ramon Revi, Víctor Tirado (Dominican Republic); Mario Hidalgo, Fernando Cedeño, Eduardo Bermúdez, Alejandro Fuentes, Santiago Velasco, Gloria Polastri, Andrés Sierra (Ecuador); Álvaro Magaña, Miguel Girón (El Salvador); Verónica Taracena, Gustavo Bonilla, Nora Segura, Rodrigo Vielmann, Aura López, Calvin Galindo, Olga María Pérez, Carlos López, Luis Carranza, Javier Monterroso (Guatemala); Gail Teixeira (Guyana); Antoine Atouriste, Yvlore Pigeot (Haiti); Jorge Bográn, Rigoberto Córdova (Honduras); O'Neil Francis (Jamaica); Jaime Cerdio, Dolores Jiménez, Pablo Monroy, Fernanda Alvarado (Mexico); Iván Lara (Nicaragua); Abigaíl Benzádon, Antonio Lam, Cristian Pérez, Ana Bouche, Edwin Herrera, Ramses Barrera (Panama); Miguel Romero, Analía Antola, Adolfo Marín (Paraguay); Susana Silva Hasemback, Javier Yépez (Peru); Simone Bullen (Saint Kitts and Nevis); Rolinne Gravenbeek (Suriname); Joan R. Furlonge (Trinidad and Tobago); Robert Leventhal, Alyce Ahn, Wendy Pond, Tina Yu (United States); José Pedro Montero, Iván Toledo, Milton Romani, Paula Rolando (Uruguay); Adelina González, Basilio Jáuregui, Carmen Velásquez y Marlene Da Vargem (Venezuela).

II. PROCEEDINGS

The Committee Chair began the meeting by submitting the draft agenda and draft schedule for consideration. They were adopted by consensus (annexes I and II).

Pursuant to Item 1 on the agenda, the Technical Secretariat presented a report on activities carried out since the last meeting of the Committee, underscoring the adoption by the OAS General Assembly of

the Model Law on the Declaration of Interests, Income, Assets, and Liabilities of Persons Performing Public Functions and the Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses, which the Committee had approved at its last meeting. Mention was also made of some of the items on the agenda for this meeting of the Committee.

Under item 2 on the agenda, the candidacies of the principal experts of Ecuador (annex III) and Peru for the position of Chair of the Committee were presented, along with the candidacy of the Principal Expert of Panama for the position of Vice Chair, for the next one-year term, as agreed upon at the Fifteenth meeting and in accordance with Article 4 of the Rules of Procedure.

The Committee then took on agenda item 3, considering, in order, the preliminary draft reports on Panama, Chile, Uruguay, Colombia, and Guatemala.

In reviewing the preliminary draft country reports, the Committee proceeded in accordance with Article 25 of the Rules of Procedure. Thus, 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 Committee 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 Committee 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.

Next, under item 4 on the agenda, came the presentation and consideration of the draft *Second Progress Report on Implementation of the Inter-American Convention against Corruption* (annex IV), prepared by the Technical Secretariat in accordance with Article 32 of the Rules of Procedure of the Committee. Following a number of comments by the delegations, the Committee agreed to approve the Report ad referendum of the opportunity for delegations to remit in writing to the Technical Secretariat by no later than October 15, 2013 any specific changes relating to items of information that they had included in their own progress reports and that they considered worthy of including or adjusting in this Progress Report. After that deadline, the Technical Secretariat will publish the final version of the aforementioned Progress Report.

The meeting then proceeded to review the draft Work Program of the Committee for 2013-2014 (item 5 on the agenda), which was approved following a number of considerations. It is attached as annex V.

Under Item 6 on the agenda, representatives of the World Economic Forum, the OECD, the U.S. Chamber of Commerce, and the World Bank then gave presentations on the collective interest topic regarding "the responsibility of the private sector in preventing and combating corruption." The delegations of Brazil, Mexico, and Peru also gave presentations on relevant developments in their countries in this field. The electronic versions of all these presentations are attached as annex VI and will be posted on the Anti-corruption Portal of the Americas.

The Committee undertook a final review of the draft country reports for Panama, Chile, Uruguay, Colombia, and Guatemala, which, following comments on each of them, were approved by consensus. The approved texts of those five country reports may be found in annexes VII, VIII, IX, X and XI of these minutes.

Under agenda item 8, "Other business":

- a) As regards the proposals to amend Article 4 of the Rules of Procedure concerning the election of the Chair and Vice Chair of the Committee, the Committee agreed, after discussing the issue, to put off consideration of this item until its next meeting and to entrust the Technical Secretariat with the preparation of a study on the compatibility with the OAS Charter of the establishment of the requirement that to be elected Chair or Vice Chair of the Committee, a candidate must have participated in previous meetings of the Committee, and on the ways in which authorities are selected in other OAS mechanisms. The Secretariat will circulate the texts of the proposals in advance. In the event of a vote on them, they will be voted on in the order in which they were presented, namely: (1) the proposal put forward by the Bolivarian Republic of Venezuela; (2) the proposal put forward by the Bolivarian Republic of Venezuela with the addendum proposed by Guatemala; (3) the current text of Article 4 with the addendum proposed by Guatemala.
- b) As regards the order to be followed for the review of The Bahamas in the Fourth Round, and bearing in mind the reasons set forth in that delegation's communication (annex XII), the Committee agreed that that State would be reviewed as part of the sixth group of countries and that, within that group, its place would be determined by the chronological order of ratification of the Convention.

It was also agreed that Saint Kitts and Nevis would replace Guyana as part of the Saint Vincent subgroup and that, in turn, Guyana would replace Saint Kitts and Nevis as part of the Bahamas subgroup.

It was likewise decided that arrangements would be made to ensure that the dates for on-site visits to Jamaica and Belize do not overlap.

With that decision in mind, the Committee instructed the Technical Secretariat to prepare a revised version of the documents regarding the composition of the subgroups^{1/} and the sequence^{2/} for the review of the information of the States parties within the framework of the Fourth Round, and to send those revised versions of the aforementioned documents to the Committee members, as well as post them on the MESICIC website.

- c) The delegation of the United States suggested that the new experts have the opportunity to tap the expertise of the more experienced experts, on a voluntary basis of each, and offered to coordinate a dinner when the Committee next met to facilitate contact among Committee members, should there be sufficient interest by delegates.
- d) Regarding potential additional measures relating to live transmission, via Webcast, of the Committee's informal meeting with civil society organizations under Article 36 of the Rules of Procedure, the Committee agreed to defer consideration of this matter to its next meeting and to place it on that agenda.

The Committee then addressed item 7 on the agenda and, pursuant to Article 4 of the Rules of Procedure elected from among its members Mario Hidalgo Jara, the Lead Expert of Ecuador, and

1. See: http://www.oas.org/juridico/PDFs/subgroup_IVround.pdf

2. See: http://www.oas.org/juridico/PDFs/sequence_IVround.pdf

Abigail Benzadón Cohen, the Lead Expert of Panama, to be Chair and Vice Chair of the Committee, respectively, for a one-year term, by acclamation.

Finally, at the proposal of the delegation of Argentina, the Committee asked that the efficient work of the Technical Secretariat be placed on record.

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 13, 2013

ANNEXES		
No.	Title	Link
I	Agenda of the Twenty-Second Meeting of the Committee.	
II	Schedule of the Twenty-Second Meeting of the Committee	
III	Note from the Permanent Mission of Ecuador presenting a Candidacy for the Chair of the Committee of Experts of the MESICIC.	
IV	Draft Second Progress Report on Implementation of the Inter-American Convention against Corruption (corresponding to the period from December 18, 2010 to March 17, 2013).	
V	Work Program for the Year 2013-2014.	
VI	World Bank Institute: <i>Open Private Sector.</i>	
	World Economic Forum: <i>Partnering Against Corruption Initiative – PACI.</i>	
	U.S. Chamber of Commerce: <i>Coalition for the Rule of Law in Global Markets.</i>	
	OECD: <i>The Responsibility of the Private Sector in Preventing and Combating Corruption.</i>	
	Delegation of Brazil: <i>Responsabilidad de las personas jurídicas por actos lesivos contra la Administración Pública Nacional y Extranjera</i>	
	Delegation of Mexico: <i>Integridad Empresarial.</i>	
	Delegation of Peru: <i>Responsabilidad del sector privado en la prevención y combate contra la corrupción.</i>	
VII	Report of Panama on the implementation of the provision selected for review in the Fourth Round, and on follow-up to the recommendations formulated in the First Round.	

VIII	Report of Chile on the implementation of the provision selected for review in the Fourth Round, and on follow-up to the recommendations formulated in the First Round.	
IX	Report of Uruguay on the implementation of the provision selected for review in the Fourth Round, and on follow-up to the recommendations formulated in the First Round.	
X	Report of Colombia on the implementation of the provision selected for review in the Fourth Round, and on follow-up to the recommendations formulated in the First Round.	
XI	Report of Guatemala on the implementation of the provision selected for review in the Fourth Round, and on follow-up to the recommendations formulated in the First Round.	
XII	Communication presented by the Delegation of The Bahamas	
XIII	General criteria adopted by the Committee for the Fourth Round	