

MECHANISM FOR FOLLOW-UP ON
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
Twenty-first Meeting of the Committee of Experts
March 18 to 22, 2013
Washington, D.C.

OEA/Ser.L
SG/MESICIC/doc.371/13 rev. 2
22 March 2013
Original: Spanish

MINUTES
**OF THE TWENTY-FIRST 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 for the Fourth Round of Review agreed on by the Committee of Experts of the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC), the Twenty-first Meeting of that Committee was held at OAS headquarters in the city of Washington, D.C., on March 18 to 22, 2013.

The meeting was attended by the following participants, representing the states parties: Kenroy Simmons (Antigua and Barbuda); Néstor Baragli, Laura Geler, Luis Arocena, Ricardo Massot (Argentina); Cheryl Krusen (Belize); Nardi Suxo, Olmer Torrejón (Bolivia); Renato Capanema, Marcello Miller, José Wilson Moreira, Roberto Fromer (Brazil); Mathilda Haykal (Canada); Jorge Vio, Patricia Arriagada, Felipe Aliaga, Rodrigo Olsen (Chile); Mónica Rueda; Claudia Liliana, Flores, Mario Montes, Yadir Salazar (Colombia); Tatiana Gutiérrez, Marta Acosta, Ana Lorena Brenes, Nabil Campos, María Cristina Castro (Costa Rica); Simón Castaños (Dominican Republic); Mario Hidalgo, Hugo Arias, Paúl Iñiguez, Nelson Dueñas, Alejandro Fuentes (Ecuador); Miguel Girón, Álvaro Magaña (El Salvador); Darshan Ramdhani (Grenada); Verónica Taracena (Guatemala); Forbes July (Guyana); Antoine Atouriste, Yvlore Pigeot (Haiti); Jorge Bográn, Rigoberto Córdova (Honduras); O'Neil Francis (Jamaica); Flor de María Diaz (Mexico); Abigail Benzádon, Antonio Lam, Elida Caballero (Panama); Octavio Airaldi (Paraguay); Susana Silva, Julio Arbizu, Hugo Príncipe, Gustavo Quiroz, Carla Salaza, Fernando Ortega, Javier Yépez (Peru); Jason Hamilton (Saint Kitts and Nevis); Rolinne Gravenbeek (Suriname); Joan R. Furlonge, Anand Ramlogan, Lynette Stephenson, Anthony Bucchan, Kathy-Ann Waterman, Yvette Hall, R. Frederick, Samray Harripaul (Trinidad and Tobago); Robert Leventhal, Alyce Ahn, Wendy Pond, Jonathan Mitchell, Kristen Calandrelli (United States); José Pedro Montero, Milton Romani Gerner, Iván Toledo, Néstor A. Rosa, Adriana Rodríguez (Uruguay); and Basilio Jáuregui (Venezuela).

II. PROCEEDINGS

At the inaugural session, the members of the Committee were greeted by the OAS Secretary for Legal Affairs, Jean Michel Arrighi.

The delegation of Colombia then reported that, as indicated in a communication previously sent to the members of the Committee (Annex I) by that delegation, the Chair of the Committee and Lead Expert of Colombia, Carlos Fernando Galán, had, for personal reasons, resigned his position as Secretary for Transparency with the office of the President of the Republic of Colombia and, consequently, had also resigned as the Chair of the Committee.

Accordingly, and as provided for in Article 4, paragraph 3, of the Committee's Rules of Procedure, the Vice Chair and Lead Expert of Peru, Susana Silva Hasembank, assumed the chair.

The Chair of the Committee then placed the draft agenda and schedule before the meeting for its consideration, both of which were adopted by consensus (Annexes II and III).

In compliance with agenda item 1, the Technical Secretariat submitted a report on recent developments and items on the agenda related to the review process, topics of collective interest, and cooperation tools.

Then, the Chair of the Committee read out a communication from the delegation of Ecuador (Annex IV) in connection with agenda item 2, in which, pursuant to Article 4, paragraph 3, of the Rules of Procedure and bearing in mind the agreements reached at the Fifteenth Meeting of the Committee, it presented the candidacy of the Lead Expert of Ecuador, Mario Hidalgo Jara, to serve as its Vice Chair. In consideration of the foregoing and after hearing expressions of support from several delegations, the Committee decided to proceed with the election, by acclamation, of Mario Hidalgo Jara, Lead Expert of Ecuador, to serve as its Vice Chair.

The Committee then began its treatment of agenda item 3, considering, in order, the preliminary draft reports on Peru, Costa Rica, Argentina, Trinidad and Tobago, and Honduras.

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.

Then, under agenda item 4 and in compliance with Article 31 of the Rules of Procedure, representatives of states parties gave brief verbal reports on the measures adopted by their states between December 2010 and March 2013 in connection with the recommendations made by the Committee, as well as on other progress made with the implementation of the Convention during that period. Electronic copies of these reports, using the standard form adopted by the Committee, will be published on the Mechanism's web site.

Under agenda item 5, the delegations of Colombia and the United States gave presentations on the first topic of collective interest, "Private sector responsibility in preventing and combating corruption." In its address, the delegation of Colombia noted the results obtained at the Regional Meeting on Private Sector Responsibility in the Fight against Corruption, which was held in Bogotá on March 7 and 8, 2013, under the aegis of the MESICIC. The United States presented on the ways it works with the private sector to combat foreign bribery and referenced a 2013 publication—*A Resource Guide to the Foreign Corrupt Practices Act*—that includes detailed information about U.S. enforcement efforts and the importance of effective compliance programs. Then, the delegations of Ecuador and Peru gave presentations on the second topic of collective interest set out in the agenda:

“Promotion of citizen participation in transparency and the fight against corruption.” The electronic versions of these presentations may be found in Annex V.

The Committee undertook a final review of the draft country reports for Peru, Costa Rica, Argentina, Trinidad and Tobago, and Honduras, which, following comments on each of them, were approved by consensus. The approved texts of those five country reports may be found in Annexes VI, VII, VIII, IX, and X of these minutes.

In discharging agenda item 7, “Other business”:

a. In connection with the proposed Model Law on the Declaration of Interests, Income, Assets, and Liabilities of Persons Performing Public Functions (Annex XI) and Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses (Annex XII), the Committee agreed that they be conveyed to the OAS General Assembly to receive the support of the Organization’s supreme organ as OAS model laws on the topics they cover, allowing progress to be made in giving them the broadest dissemination and in making them available to all states as resources or tools for the adoption of legislative amendments in those areas. Several members of the Committee recognized the value of these model laws and reiterated their understanding that they will serve only as resources or tools for interested states to draw upon, and not as a standard against which member states will be evaluated in the future.

b. Regarding the communication received from the delegation of Antigua and Barbuda (Annex XIII) requesting its transfer to the sixth group of countries to be analyzed during the Fourth Round for the reasons set out therein, the Committee agreed that the state in question would be reviewed as a part of the sixth group of countries and would take the place therein indicated by the chronological order of Convention ratifications.

c. Regarding the communication received from the delegation of the Bolivarian Republic of Venezuela (Annex XIV), after several issues were addressed the Committee agreed that the Bolivarian Republic would be analyzed as part of the sixth group during the Fourth Round of Review and would take the place therein indicated by the chronological order of Convention ratifications.

d. Similarly, at the request of the delegation of Haiti, it was agreed that that state would be reviewed as part of the Fourth Round’s fifth group.

e. In consideration of the foregoing decisions, the Committee instructed the Technical Secretariat to draw up a revised version of the review sequence for the Fourth Round and to publish it on the MESICIC web site.

f. In connection with the proposed amendment to the provisions in Article 4 of the Rules of Procedure governing the election of the Chair and Vice Chair, which was presented by the delegation of the Bolivarian Republic of Venezuela (Annex XV), after several issues were addressed it was agreed that the next meeting would deal with the following two proposals that arose from the discussion of this topic:

i. The proposal from the delegation of the Bolivarian Republic of Venezuela, with the addition proposed by the delegation of Guatemala stating that to serve as Chair or Vice Chair, an expert must have attended, at a minimum, the two immediately preceding meetings of the Committee.

ii. The proposal from the Chair of the Committee, which would maintain the current text of Article 4 of the Rules of Procedure with the addition of a new paragraph stating that to serve as Chair or Vice Chair, an expert must have attended, at a minimum, the two immediately preceding meetings of the Committee.

g. Regarding the document on general criteria agreed on by the Committee during the Fourth Round, after hearing comments from the delegations of Canada and the United States and agreeing on changes to it, the criteria were adopted (Annex XVI), without prejudice to the later addition of such other criteria that the Committee may agree on in the future.

The delegation of Argentina offered to convey to the Technical Secretariat a series of comparative charts with the recommendations served on the states parties in the past, in order for them to be made available to the states through the web site.

h. The Chair proposed the creation of an on-line forum to facilitate exchanges of information among the experts, and it was agreed to progress with its development with the support of the Technical Secretariat.

i. The delegation of Argentina proposed pursuing cooperation on the development of indicators for assessing the progress made with the recommendations formulated by the Committee for the states.

j. The Committee requested that the minutes record its recognition and support for the excellent work carried out by the Technical Secretariat, as well as of the importance of continuing to receive its technical support and working for its strengthening to ensure the success of the work of Committee and of the MESICIC as a whole.

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., March 22, 2013

ANNEXES		
No.	Title	Link
I	Communication received from the delegation of Colombia.	
II	Agenda of Twenty-first Meeting of the Committee of Experts.	
III	Schedule of Twenty-first Meeting of the Committee of Experts.	
IV	Communication received from the delegation of Ecuador.	
V	Presentation of Colombia as part of the discussion of topics of collective interest (<i>Spanish</i>).	
	Presentation of Ecuador as part of the discussion of topics of collective interest (<i>Spanish</i>).	
VI	Report of Peru 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.	
VII	Report of Costa Rica 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 Argentina 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 Trinidad y Tobago 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 Honduras 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	Model Law on the Declaration of Interests, Income, Assets and Liabilities of Persons Performing Public Functions.	
XII	Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses.	
XIII	Communication received from the delegation of Antigua and Barbuda.	
XIV	Communication received from the delegation of the Bolivarian Republic of Venezuela.	
XV	Proposed amendment to Article 4 of the Rules of Procedure and Other Provisions of the Committee of Experts presented by delegation of the Bolivarian Republic of Venezuela.	
XVI	General criteria agreed on by the Committee during the Fourth Round.	