

MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
Twentieth Meeting of the Committee of Experts
September 10-14, 2012
Washington, D.C.

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MINUTES
OF THE TWENTIETH MEETING OF THE COMMITTEE OF EXPERTS OF THE
MECHANISM FOR FOLLOW-UP ON 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 Twentieth Meeting of that Committee was held at OAS headquarters in the city of Washington, D.C., on September 10 to 14, 2012.

The meeting was attended by the following participants, representing the states parties: Néstor Baragli (Argentina); Iran Tillett-Dominguez (Belize); Nardi Suxo, Diego Pari, Jessica Saravia, Fiorella Caldera, Mariela Sánchez (Bolivia); Vânia Vieira, Breno Costa, J. Wilson Moreira, Renato Capanema, Anthair Valente, André L. Araújo, Guilherme H. Almeida, Marcelo L. Eira, Mónica García, Wellington Saraiva, Gilberto Martins, Boni Soares (Brazil); Mathilda Haykal (Canada); Jorge Vio, Patricia Arriagada, Felipe Aliaga, Rodrigo Olsen (Chile); Carlos Fernando Galán, Mónica Rueda, Andrés González Díaz, Yadir Salazar, Ligia Helena Borrero, Juan Carlos Novoa, Mario Montes, Carlos Rodríguez, Claudia Flórez Ocampo (Colombia); Tatiana Gutiérrez (Costa Rica); Simón Castaños (Dominican Republic); Mario Hidalgo, Juana Marcela Miranda, Fabián Jaramillo, Andrés Sierra, Pablo Valdivieso, Nelson Ayala, Irina Echeverría, Denys Toscano, Santiago Zurita, Paúl Iñiguez, Eduardo Paz, Alejandro Fuentes, María Fernanda Vela, Yolanda Velasco (Ecuador); Miguel Girón, Álvaro Magaña (El Salvador); Verónica Taracena, José Rodrigo Viemann, Lionel Maza (Guatemala); Gail Teixeira (Guyana); Antoine Atouriste, Yvlore Pigeot (Haiti); Rigoberto Córdova (Honduras); Alfredo Esparza, Joel Hernández, Dolores Jiménez, Miguel Alonso, Guillermo Fonseca, David Macedo (Mexico); Abigail Benzadón (Panama); Juan F. Recalde, Octavio Airaldi, Juan Zim Zaracho, Juan Carlos Cano, José Pereira Sosa (Paraguay); Susana Silva Hasembank, Javier Yépez (Peru); Rolinne Gravenbeek (Suriname); Joan Ramnarine-Furlonge (Trinidad and Tobago); Robert Leventhal, Jane Ley, Alyce Ahn, Wendy Pond (United States); José Pedro Montero, Milton Romani Gerner, Iván Toledo, Adriana Rodríguez (Uruguay); Adelina González y Basilio Jáuregui (Venezuela).

II. PROCEEDINGS

The inauguration of the meeting was attended by the Secretary General of the OAS, Dr. José Miguel Insulza, who welcomed the Committee's members and shared a series of thoughts on the MESICIC's main achievements during the Third Round and on the successful completion of the Mechanism's first on-site visits.

The Chair of the Committee then presented the draft agenda and schedule for consideration, which were adopted by consensus (Annexes I and II).

In compliance with agenda item 1, the Technical Secretariat submitted a report on the actions taken since the Committee's last meeting, on the results of the on-site visits to the first five states, on matters covered by the "other business" item on the agenda, and on the new austerity policies being implemented by the Technical Secretariat to maximize the resources available to fund the MESICIC's activities.

Then, under agenda item 2, the meeting received verbal notice of the candidacies of the lead representatives of Colombia and of Ecuador to serve as the Chair of the Committee, and that of the representative of Peru to serve as the Vice Chair, for the following one-year period, in accordance with the agreement reached at the Fifteenth Meeting and with the terms of 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 Brazil, El Salvador, Mexico, Bolivia, and Paraguay.

In reviewing the draft preliminary 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, the delegations of the United States, Peru, and Colombia gave presentations on the first topic of collective interest: "Responsibility of the private sector in preventing and combating corruption." After that, the Technical Secretariat and the delegations of the United States, Brazil, Uruguay, and Mexico gave presentations on the second topic of collective interest on the agenda: "MESICIC and the Open Government Partnership (OGP)." The electronic versions of these presentations may be found in Annex III.

The Committee dealt with the final review of the draft country reports for Brazil, El Salvador, Mexico, Bolivia, and Paraguay; after comments were offered on each, the reports were adopted by consensus. The approved texts of those five country reports may be found in Annexes IV, V, VI, VII, and VIII of these minutes.

The meeting then turned its attention to the Work Program of the Committee for the year 2012-2013 (agenda item 5). Following a proposal made by the delegation of Ecuador, it was agreed to include, as a topic of collective interest, the promotion of citizen participation in transparency and the fight against corruption. In addition, and after discussing the topic, it was agreed to include, as part of the work program, the continued encouragement of the States parties, other OAS member states, permanent observers, and international agencies to consider contributing to the funding of the MESICIC's operations, particularly in light of the new costs incurred in conducting on-site visits.

The approved text of the Work Program for the year 2012-2013 may be found in Annex IX of these minutes.

In discharging item 7, "Other business":

- a) Regarding the Draft Model Law on the Declaration of Interests, Income, Assets, and Liabilities of Persons Performing Public Functions (Annex X) and the Draft Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses (Annex XI), the Committee agreed to grant an extension until October 12, 2012, to enable the states' representatives to present any remaining comments on these drafts that they might have, and for the Technical Secretariat to report back thereon to the Committee at its next meeting, so that work can continue toward their presentation and formal adoption by the OAS General Assembly at its next regular session.
- b) Regarding the sequence for review in the Fourth Round, the Committee agreed that Guatemala would be reviewed as part of the third group of countries and would occupy, within that group, the place indicated by the chronological order in which the Convention was ratified. As a result, as of the third group of countries, the review sequence will continue following the criterion adopted by the Committee for the Fourth Round: thus, each meeting will consider the draft reports on a maximum of six (6) states.
- c) Regarding the communication submitted by delegation of Ecuador, in which it indicated its consent for an on-site visit during the Fourth Round, comments were made regarding the implications this would have on the observance of the Methodology for Conducting On-site Visits and the schedule adopted by the Committee for this round. The delegation of the United States offered to cede its place in the fourth group of countries to Ecuador, with which the United States would be transferred to the last group of countries to undergo review in the Fourth Round, and that change was agreed upon. Thus, Ecuador will assume the place of the United States, and the United States will join the last group of countries to be reviewed in the Fourth Round.
- d) In light of these decisions, the Committee instructed the Technical Secretariat to prepare a revised version of the documents on the review sequence and schedule for the Fourth Round, following the criterion already adopted by the Committee whereby each meeting will consider the draft reports on a maximum of six (6) states, to submit the revised versions of those documents to the Committee's country experts, and to publish them on the MESICIC web site.
- e) Following a proposal made by the delegation of Belize, it was agreed that the Technical Secretariat will prepare a document with the general criteria adopted in each country report, which it will update, as appropriate, after each meeting.
- f) The delegation of the Bolivarian Republic of Venezuela presented a proposed amendment to Article 4 of the Rules of Procedure, dealing with the election of the Chair and Vice Chair, and requested that the Technical Secretariat review its drafting and convey it to the States parties' experts, for consideration at the Committee's next meeting. Several delegations offered preliminary remarks on the scope of this proposal.

- g) Several general comments were given regarding the first on-site visits, their positive results, the usefulness of the methodology adopted for them, and possibilities for their continued improvement. Suggestions were made related to keeping the experiences of previous on-site visits in mind at all times; working to respond to the challenges posed by language differences, within time and budget constraints; the intensity of the agendas; preparing the countries under review for their on-site visits; and having the countries under review provide additional information on their respective national contexts.

The meeting then addressed agenda item 6. The lead expert of Ecuador noted his gratitude for his nomination to serve as Chair and for the support received from several states; although he declined the nomination on this occasion, he expressed his interest in being considered to chair the Committee during the next period. Consequently, the lead expert of Colombia, Carlos Fernando Galán Pachón, was elected by acclamation as Chair of the Committee.

The lead expert of Peru, Susana Silva Hasembank, was also elected by acclamation to serve as Vice Chair of the Committee.

Finally, the Committee noted its thanks to the outgoing Chair of the Committee and lead representative of Mexico, Alfredo Esparza, and to the Technical Secretariat for its efficient work.

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 14, 2012

ANNEXES

ANNEX I

AGENDA



ANNEX I

ANNEX II

SCHEDULE



ANNEX II

ANNEX III

PRESENTATIONS

AS PART OF THE DISCUSSION OF TOPICS OF COLLECTIVE INTEREST



COLOMBIA



PERU



OGP_EE.UU.



OGP_SECRETARIA_T
ECNICA

ANNEX IV

**REPORT ON IMPLEMENTATION IN THE FEDERATIVE REPUBLIC OF BRAZIL OF THE
CONVENTION PROVISION SELECTED FOR REVIEW IN THE FOURTH ROUND, AND
ON FOLLOW-UP TO THE RECOMMENDATIONS FORMULATED TO THAT COUNTRY
IN THE FIRST ROUND**

http://www.oas.org/juridico/PDFs/mesicic4_bra_en.pdf

ANNEX V

**REPORT ON IMPLEMENTATION IN THE REPUBLIC OF EL SALVADOR OF THE
CONVENTION PROVISION SELECTED FOR REVIEW IN THE FOURTH ROUND, AND
ON FOLLOW-UP TO THE RECOMMENDATIONS FORMULATED TO THAT COUNTRY
IN THE FIRST ROUND**

http://www.oas.org/juridico/PDFs/mesicic4_slv_en.pdf

ANNEX VI

**REPORT ON IMPLEMENTATION IN MEXICO OF THE CONVENTION PROVISION
SELECTED FOR REVIEW IN THE FOURTH ROUND, AND ON FOLLOW-UP TO THE
RECOMMENDATIONS FORMULATED TO THAT COUNTRY IN THE FIRST ROUND**

http://www.oas.org/juridico/PDFs/mesicic4_mex_en.pdf

ANNEX VII

**REPORT ON IMPLEMENTATION IN THE PLURINATIONAL STATE OF BOLIVIA OF
THE CONVENTION PROVISION SELECTED FOR REVIEW IN THE FOURTH ROUND,
AND ON FOLLOW-UP TO THE RECOMMENDATIONS FORMULATED TO THAT
COUNTRY IN THE FIRST ROUND**

http://www.oas.org/juridico/PDFs/mesicic4_blv_en.pdf

ANNEX VIII

**REPORT ON IMPLEMENTATION IN THE REPUBLIC OF PARAGUAY OF THE
CONVENTION PROVISION SELECTED FOR REVIEW IN THE FOURTH ROUND, AND
ON FOLLOW-UP TO THE RECOMMENDATIONS FORMULATED TO THAT COUNTRY
IN THE FIRST ROUND**

http://www.oas.org/juridico/PDFs/mesicic4_pry_en.pdf

ANNEX IX

WORK PROGRAM FOR THE YEAR 2012-2013



ANNEX IX

ANNEX X

**MODEL LAW
ON THE DECLARATION OF INTERESTS, INCOME, ASSETS AND LIABILITIES OF
PERSONS PERFORMING PUBLIC FUNCTIONS**



ANNEX X

ANNEX XI

**MODEL LAW
TO FACILITATE AND ENCOURAGE THE REPORTING OF ACTS OF CORRUPTION
AND TO PROTECT WHISTLEBLOWERS AND WITNESSES**



ANNEX XI