

MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
Nineteenth Meeting of the Committee of Experts
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**METHODOLOGY
FOR CONSIDERATION OF THE TOPIC OF COLLECTIVE INTEREST CONCERNING
"THE RESPONSIBILITY OF THE PRIVATE SECTOR IN PREVENTING AND
COMBATING CORRUPTION"**

I. INTRODUCTION

This document contains the methodology for considering the topic of collective interest relating to the responsibility of the private sector in preventing and combating corruption, in accordance with Recommendation 14 of the Third Meeting of the Conference of States Parties of the MESICIC^{1/}, and taking into account the progress made in dealing with this topic of collective interest by the MESICIC Committee of Experts since its Seventeenth Meeting.

The Committee's consideration of topics of collective interest to States Parties, pursuant to Articles 3(h) and 37(b) of its *Rules of Procedure*^{2/}, reflects the intent of the *Convention* and of the MESICIC to promote and facilitate cooperation among States Parties in preventing, detecting, punishing and eradicating corruption.

In order to facilitate initial consideration of the topic of collective interest by the Committee, the Technical Secretariat, pursuant to Article 9(n) of the *Rules of Procedure*, prepared a document entitled "Inventory of Developments Regarding the Responsibility of the Private Sector in Preventing and Combating Corruption"^{3/}.

II. OBJECTIVES

The Committee's consideration of this topic of collective interest has the following main objectives:

1. To facilitate the exchange of information, experience and best practices regarding the responsibility of the private sector in preventing and combating corruption, as established in provision 1(c) of the *Report of Buenos Aires*^{4/}, Article 37(c) of the *Rules of Procedure* and recommendations 14, 15 and 34 from the Third Meeting of the Conference of States Parties of MESICIC.

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1. The Recommendations of the Third Meeting of the Conference of States Parties of the MESICIC (document MESICIC/CEP-III/doc.4/10 rev. 1) are available at: www.oas.org/juridico/english/cepIII_recom_en.pdf
 2. The Rules of Procedure and Other Provisions of the Committee of Experts of the MESICIC (document SG/MESICIC/doc.9/04 rev. 4) are available at: www.oas.org/juridico/english/mesicic_rules.pdf
 3. That document is available at: www.oas.org/juridico/english/collective_int.htm
 4. The Report of Buenos Aires (document AG/RES. 1784 (XXXI-O/01)) is available at: www.oas.org/juridico/english/doc_buenos_aires_en.pdf

2. To allow the Committee to identify basic principles or rules that could be considered for incorporation into national laws or legal frameworks in order to promote, strengthen or ensure the responsibility of the private sector in preventing and combating corruption, and to formulate specific guidelines in this area, pursuant to Article 36(c) of the *Rules of Procedure*.

3. To ensure that the guidelines referred to in the preceding paragraph will be useful as guidance or support for the legal and institutional reforms that States Parties will undertake, and for designing and implementing international programs of technical cooperation in this area, as well as for future monitoring by the Committee.

III. THE FINAL PRODUCT RESULTING FROM THE COMMITTEE'S CONSIDERATION OF THIS TOPIC OF COLLECTIVE INTEREST

Upon conclusion of its consideration of this topic of collective interest, it is expected that the Committee will formulate a set of guidelines on the fundamental or essential principles or rules that could be considered for incorporation into national laws or legal frameworks in order to promote, strengthen or ensure the responsibility of the private sector in preventing and combating corruption.

IV. PROCEDURE FOR CONSIDERATION OF THIS TOPIC OF COLLECTIVE INTEREST BY THE COMMITTEE

For consideration of this topic of collective interest in the course of its meetings, the Committee will follow the procedure described below:

1. First phase: *presentation of the document prepared by the Technical Secretariat*. The Technical Secretariat will present the content and scope of the document that has been prepared to facilitate initial consideration of this topic of collective interest, and delegations will formulate any comments and observations with respect to it.^{5/}

2. Second phase: *exchange of information, experience and best practices*. In this phase, the Committee's meetings will be used as an opportunity to exchange information on legal and regulatory developments, experience or best practices and, as a result of such exchange, to move forward with the analysis and identification of principles or basic rules that could be considered for incorporation into national laws or legal frameworks in order to promote, strengthen or ensure the responsibility of the private sector in preventing and combating corruption.

For these purposes:

- a) States Parties may give voluntary presentations with respect to legal and regulatory developments, experience or best practices regarding the topic of collective interest which they consider it useful to share with other members of the Committee for achievement of the objectives established for consideration of this topic.^{6/}
- b) The Committee may invite representatives of other international organizations, the private sector, academic and research institutions and nongovernmental organizations to give presentations during its meetings with respect to activities they may have under way of relevance to this topic of collective interest.

5. This phase will take place during the Nineteenth Meeting of the Committee.

6. This phase was already launched at the Seventeenth Meeting of the Committee.

- c) The Committee will consider documents with proposals relating to this topic of collective interest submitted by organizations of civil society and it may invite them or accept their requests to give oral presentations of those documents at its meetings, pursuant to Articles 34(c) and 37 of the *Rules of Procedure*.

3. Third phase: preparation and adoption of guidelines by the Committee. When the Committee deems the previous phase concluded, it will proceed as follows:

- a) To facilitate the beginning of deliberations, the Technical Secretariat will prepare a first draft of guidelines for consideration by the Committee.

In preparing that draft, the Secretariat will take into account the information that the Committee has received, and the results of its analysis and deliberations, during the two previous phases.

The draft guidelines will be published at the MESICIC website.

- b) On the basis of the draft prepared by the Technical Secretariat, the Committee will consider and adopt its guidelines as to the of principles or basic rules that could be considered for incorporation into national laws or legal frameworks in order to promote, strengthen or ensure the responsibility of the private sector in preventing and combating corruption.

- c) The Committee will transmit those guidelines to the Conference of States Parties.

4. Fourth phase: dissemination of the guidelines. Once the guidelines are adopted, they will be disseminated via the “Anticorruption Portal of the Americas”, so that they can assist in achieving the objectives to which section II of this document refers.