

MECHANISM FOR FOLLOW-UP ON
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
Seventeenth Meeting of the Committee of Experts
September 13-16, 2010
Washington, D.C.

OEA/Ser.L
SG/MESICIC/doc.269/10
16 September 2010
Original: Spanish

**MINUTES
OF THE SEVENTEENTH 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 Committee held its Seventeenth Meeting at OAS headquarters, in the city of Washington, D.C., on September 13 to 16, 2010.

The meeting was attended by the following participants, representing the states parties: Néstor Baragli (Argentina); Franklyn Williams (The Bahamas); Virginia Aillón (Bolivia); Vânia Vieira, Rafael Dubeux, Ricardo dos Santos Poletto, Renato de Oliveira (Brazil); Douglas Breithaupt, Mathilda Haykal Sater (Canada); Jorge Vio, José Correa, Patricia Arriagada, Dorothy Pérez, Yelica Lusic, Álvaro Hernández, María Isabel Mercadal, Francisco Bernales (Chile); Juan Claudio Morales (Colombia); Miguel Cortés (Costa Rica); Simón Castaños, Verónica Guzmán, Hotoniel Bonilla, Andrés R. Apolinar (Dominican Republic); Fernando Cedeño, Paúl Iñiguez (Ecuador); Marcos Rodríguez, Miguel Girón (El Salvador); Jorge Pérez (Guatemala); Gail Teixeira (Guyana); O'Neil Francis (Jamaica); Alicia Verduzco, Xóchitl Lara, María F. Pérez, Karla Ornelas, Miguel Olamendi (Mexico); Hernaldo Chamorro, Dora Fiallos, José Saravia, Iván Lara (Nicaragua); Fernando Núñez, Lastenia Domingo, Max Ballesteros, Franklin Rodríguez, Esmeralda George (Panama); Ma. Soledad Machuca (Paraguay); Patricia Guillén (Peru); Sharita R. Baldeorai (Suriname); Annand R. Misir (Trinidad and Tobago); Diane M. Kohn (United States); Beatriz Pereira de Pólito, Adolfo Pérez-Piera (Uruguay); Adelina González y Ma. Eugenia de los Ríos (Venezuela).

II. PROCEEDINGS

At the beginning of the meeting, the Chair of the Committee presented the draft agenda and schedule for consideration. It was agreed that for the submission of candidacies for the Chair and Vice Chair, those delegations interested in nominating their experts to serve in those capacities would inform the Secretariat, which would in turn report the nominations to the plenary of the Committee at the start of business on the meeting's second day. With that change, the draft agenda and schedule were adopted by consensus (Annexes I and II).

Under item 1 on the agenda, the Technical Secretariat presented a report on recent progress with technical cooperation and on certain points covered by this meeting's agenda and other related issues.

The Committee then turned its attention to item 3 on the agenda: the study of the draft preliminary reports on Panama, Chile, El Salvador, the Dominican Republic, Nicaragua, and The Bahamas.

In doing so, it proceeded in accordance with the terms of Article 25 of the Rules of Procedure and Other Provisions of the Committee. In each case, the preliminary review subgroup presented the content and scope of the draft; the state party under review then spoke about it; and finally the plenary considered each draft report, with the experts offering remarks and observations following the order of the chapters and sections into which each draft was divided.

Under item agenda 4, the Technical Secretariat's preliminary draft of the Annual Report on Progress in Implementation of the Inter-American Convention against Corruption was examined and, after hearing a series of comments offered by the delegations, the following points were agreed on:

1. A brief introduction will be added to the standard format for presenting reports adopted by the Committee under Article 31 of the Rules of Procedure. With a maximum length of one page, in it the member states will list the main developments during the period covered by the report as regards both the implementation of the recommendations and measures suggested in the first two rounds as well as other measures provided for in the Inter-American Convention against Corruption. Detailed information on the developments listed in this initial section will be included in the report's body text.
2. This standard format will be sent to the states parties so they can update the information on the reported developments up to December 17, 2010.
3. The length of the reports may exceed five (5) pages if deemed necessary.
4. In light of the reports submitted by the states, the Technical Secretariat will prepare a revised version of the Draft Annual Report on Progress in Implementation of the Inter-American Convention against Corruption, and it will send it to the experts prior to the next meeting of the Committee so it can be discussed on that occasion.

In dealing with item 5, the delegations gave presentations on the topics indicated below:

- The Delegation of Ecuador gave a presentation on the developments that have taken place under the provisions of its new Constitution in areas related to the institutional framework for preventing and combating corruption.
- The Delegation of Peru gave a presentation dealing with its newly enacted law on the protection of whistleblowers and on its transparency portal.
- The Delegation of Brazil gave a presentation on the developments that have taken place in that country in areas related to the private sector's responsibility in preventing and combating corruption.
- The Delegation of El Salvador gave a presentation on, *inter alia*, the state's recent progress with the accountability of public institutions.

- The Delegation of Guatemala shared some thoughts on the usefulness and importance of the process of review and cooperation that takes place under the aegis of MESICIC and of continuing to exchange ideas on developments to date and those that could take place in the future.

The electronic versions of those presentations that were submitted to the Secretariat appear in Annex III of these minutes.

After completing the previous agenda item, the Committee then examined the final versions of the draft reports on Panama, Chile, El Salvador, the Dominican Republic, Nicaragua, and The Bahamas, which, after comments were offered on each, were adopted by consensus. Electronic links with the final texts of these six reports are included as Annexes IV, V, VI, VII, VIII, and IX.

The Committee then studied its Work Program for the year 2010-2011 (item 6 on the agenda), which was adopted in accordance with the text included as Annex X.

The Committee then moved its attention to item 7 on the agenda and, as provided for in Article 4 of the Rules of Procedure, elected, from among its members and for a period of one year, the representative of Brazil, Vânia Vieira, to serve as Chair, with the representative of Panama, Max Ballesteros, to serve as Vice Chair.

Finally, under “other business”:

1. In line with the instructions of the OAS General Assembly in resolution AG/RES. 2 (XXXVII-E/09), whereby the State of Honduras was suspended from exercising its right of participation in the OAS under Article 21 of the Inter-American Democratic Charter, the Committee agreed to elect a replacement for that state as a member of the review subgroup from Guatemala. To that end it followed the random selection procedure in accordance with the criteria agreed on and carried out at the start of the Third Round, and the result was that Costa Rica was selected to serve on the review subgroup for Guatemala in lieu of Honduras.

2. The Secretariat reported on the start of preparations for the Conference of States Parties of MESICIC, to be chaired by Brazil and to take place in that country, with the convening of the first preparatory meeting for Monday, September 20, at OAS headquarters.

Emphasis was placed on the importance of the experts remaining in contact with their representatives to the preparatory meetings and to the Conference of States Parties. The meeting was also told about the training program that is to be held in Panama on September 28 to October 1, 2010, for experts from the follow-up mechanism of the United Nations Convention against Corruption and the exchanges to take place there among the attending experts. Mention was made of the Mechanism’s funding and its importance regarding the future possibility of conducting on-site visits.

3. As a topic of collective interest, it was agreed that at the Committee’s next meeting the states could offer presentations on good practices for promoting ethics in the private sector and for cooperation between the public and private sectors in preventing and combating corruption.

4. Since this was last meeting they would attend, the Committee noted its particular recognition and gratitude toward the representative of the United States on the Committee, Diane Khon, and the representatives of the Republic of Uruguay, Beatriz Pereira de Pólito and Adolfo Pérez Piera, for their extraordinary contributions to the Committee.

5. The Committee also requested that the minutes record its particular acknowledgment of the support received from the Technical Secretariat during this meeting.

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 appendices that form an integral part thereof.

Washington, D.C., September 16, 2010.

ANNEX I

AGENDA

1. Report of the Technical Secretariat.
2. Presentation of candidates for Chair and Vice-Chair of the Committee: Report of the Technical Secretariat on communications received in this regard.
3. Consideration of the country reports for the following States Parties:^{1/}
 - 3.1. Panama;
 - 3.2. Chile;
 - 3.3. El Salvador;
 - 3.4. Dominican Republic;
 - 3.5. Nicaragua; and
 - 3.6. The Bahamas.
4. Consideration of the draft Annual Report on Progress in Implementation of the Inter-American Convention against Corruption for 2010.^{2/}
5. Presentation on best practices used in Ecuador in the prevention and fight against corruption.^{3/}
6. Consideration of the draft Work Program of the Committee for the year 2010-2011.^{4/}
7. Election of the Chair and Vice-Chair of the Committee.^{5/}
8. Other business.
9. Consideration and adoption of the Minutes of the Meeting.

1. Article 25 of the Rules establishes the procedure to be followed for the consideration and adoption of the country reports at the plenary meeting of the Committee.

2. In accordance with article 32 of the Rules of Procedure, the Secretariat shall annually compile the results mentioned in article 31 of the Rules of Procedure and shall accompany them with a summary of progress achieved by all countries in implementing the recommendations made by the Committee together with the information provided by the States with respect to the difficulties that they have encountered in the implementation of those recommendations, as well as on other progress in the implementation of the Convention. That summary will be approved by the Committee at the second meeting of each year, which together with the reports mentioned shall be published as the "Annual Report on Progress in Implementation of the Inter-American Convention against Corruption".

3. Taking into account what was agreed to by the Committee in the framework of its Sixteenth Meeting, and pursuant to what is provided for in the original version of this draft agenda (document SG/MESICIC/doc.264/10, dated August 6, 2010), this point is included in the agenda as requested in writing by the Delegation of Ecuador.

4. In accordance with Article 3(a) of the Rules of Procedure, the Committee shall adopt an annual work plan. To this end, the Technical Secretariat has prepared a draft that is available in a separate document

5. Article 4, first paragraph, of the Rules of Procedure states the following: "*Article 4. Chair and Vice-Chair. The Committee shall have a Chair and a Vice-Chair, who will be elected separately from among its members for a one-year term and may be re-elected for the following year.*"

ANNEX II
SCHEDULE

Day One: Monday, September 13, 2010

I. INFORMAL MEETING WITH CIVIL SOCIETY ORGANIZATIONS^{6/}

9:00 – 11:00: - Presentations by civil society organizations.
Questions and answers

II. FORMAL MEETING OF THE COMMITTEE

11:00 – 12:30: - Opening of the meeting.
- Consideration and adoption of the Agenda.
- Report of the Technical Secretariat (item 1 on the Agenda).
- Beginning of the preliminary consideration of the first draft country report: *Panama* (item 3.1. on the Agenda).
12:30 – 14:00: - Break
14:00 – 17:30: - Continued consideration of the first draft country report: *Panama* (item 3.1. on the Agenda).

Day Two: Tuesday, September 14, 2010

9:00 – 12:30: - Presentation of candidates for Chair and Vice-Chair of the Committee (item 2 on the Agenda).
- Consideration of the second draft country report: *Chile* (item 3.2. on the Agenda).
12:30 – 14:00: - Break
14:00 – 17:30: - Consideration of the third draft country report: *El Salvador* (item 3.3. on the Agenda).

Day Three: Wednesday, September 15, 2010

9:00 – 12:30: - Consideration of the fourth draft country report: *Dominican Republic* (item 3.4. on the Agenda).
12:30 – 14:00: - Break
14:00 – 17:30: - Consideration of the fifth draft country report: *Nicaragua* (item 3.5. on the Agenda).

6. This informal meeting with civil society organizations is held pursuant to the second paragraph of Article 36 of the Committee's Rules of Procedure and Other Provisions.

Day Four: Thursday, September 16, 2010

- 9:00 – 12:30: - Consideration of the sixth draft country report: *The Bahamas* (item 3.6. on the Agenda).
- 12:30 – 14:00: - Break
- 14:00 – 17:30: - Consideration of the draft Annual Report on Progress in Implementation of the Inter-American Convention against Corruption for 2010 (item 4 on the Agenda).^{7/}
- Presentation on best practices used in Ecuador in the prevention and fight against corruption (item 5 on the Agenda).^{8/}
 - Beginning of the final review and adoption of the six country reports: *Panama, Chile, El Salvador, Dominican Republic, Nicaragua, and The Bahamas* (item 3 on the Agenda).

Day Five: Friday, September 17, 2010

- 9:00 – 12:30: - Continuation of the final review and adoption of the six country reports: *Panama, Chile, El Salvador, Dominican Republic, Nicaragua, and The Bahamas* (item 3 on the Agenda).
- 12:30 – 14:00: - Break
- 14:00 – 17:30: - Consideration of the draft Work Program of the Committee for the year 2009-2010.^{9/} (item 5 on the Agenda)
- Election of the Chair and Vice-Chair of the Committee.^{10/} (item 6 on the Agenda)
 - Other business (item 7 on the Agenda)
 - Consideration and adoption of the Minutes of the Meeting (item 8 on the Agenda)

7. Pursuant to article 32 of the Rules of Procedure, the Secretariat shall annually compile the results mentioned in article 31 of the Rules of Procedure and shall accompany them with a summary of progress achieved by all countries in implementing the recommendations made by the Committee together with the information provided by the States with respect to the difficulties that they have encountered in the implementation of those recommendations, as well as on other progress in the implementation of the Convention. That summary will be approved by the Committee at the second meeting of each year, which together with the reports mentioned shall be published as the “Annual Report on Progress in Implementation of the Inter-American Convention against Corruption”.

8. Taking into account what was agreed to by the Committee in the framework of its Sixteenth Meeting, and pursuant to what is provided for in the original version of this draft agenda (document SG/MESICIC/doc.264/10, dated August 6, 2010), this point is included in the agenda as requested in writing by the Delegation of Ecuador.

9. Pursuant to Article 3(a) of the Rules of Procedure, the Committee shall adopt an annual work plan. To this end, the Technical Secretariat has prepared a draft that has been published in a separate document

10. Article 4, first paragraph, of the Rules of Procedure states the following: “*Article 4. Chair and Vice-Chair. The Committee shall have a Chair and a Vice-Chair, who will be elected separately from among its members for a one-year term and may be re-elected for the following year.*”

ANNEX III



Presentation (Brazil)



Presentation (Peru)

ANNEX IV

**REPORT ON IMPLEMENTATION IN THE REPUBLIC OF PANAMA 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**

http://www.oas.org/juridico/english/mesicic_III_rep_PAN.pdf

ANNEX V

**REPORT ON IMPLEMENTATION IN THE REPUBLIC OF CHILE 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**

http://www.oas.org/juridico/english/mesicic_III_rep_CHL.pdf

ANNEX VI

**REPORT ON IMPLEMENTATION IN THE REPUBLIC OF EL SALVADOR 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**

http://www.oas.org/juridico/english/mesicic_III_rep_SLV.pdf

ANNEX VII

**REPORT ON IMPLEMENTATION IN THE DOMINICAN REPUBLIC 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**

http://www.oas.org/juridico/english/mesicic_III_rep_DOM.pdf

ANNEX VIII

**REPORT ON IMPLEMENTATION IN THE REPUBLIC OF NICARAGUA 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**

http://www.oas.org/juridico/english/mesicic_III_rep_NIC.pdf

ANNEX IX

**REPORT ON IMPLEMENTATION IN THE BAHAMAS 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**

http://www.oas.org/juridico/english/mesicic_III_rep_BHS.pdf

ANNEX X

WORK PROGRAM FOR THE YEAR 2010-2011

I. COMMITTEE OPERATIONS

- 1.1. Consideration and adoption of the Work Program for the year 2010-2011.^{11/}
- 1.2. Election of the Chair and Vice-Chair of the Committee.^{12/}
- 1.3. Adoption and dissemination of the Annual Report on Progress in Implementation of the Inter-American Convention against Corruption for 2010.^{13/}
- 1.4. Adoption and dissemination of the Hemispheric Report on the Third Round of Review.^{14/}

II. REVIEW OF THE FOURTH AND FIFTH GROUPS OF THE THIRD ROUND AND CONCLUSION OF THAT ROUND

The review process of the States Parties that comprise the fourth^{15/} and fifth^{16/} groups of the Third Round, will require carrying out the following activities, pursuant to the schedule adopted by the Committee for the development of this round:

- 2.1. Preparation of draft preliminary reports and the consultation process in respect thereof.
- 2.2. Meeting of the review subgroups of the States Parties that makeup said groups.
- 2.3. Adoption by the Plenary of the Committee of the reports of the States Parties that comprise the fourth group at the eighteenth meeting of the Committee, and those that comprise the fifth group at the nineteenth meeting.

III. COMMENCEMENT OF THE FOURTH ROUND OF REVIEW.

The commencement of the Fourth Round of Review would suppose to develop the following activities during year 2010-2011:

- Adoption, at the eighteenth meeting of the Committee, of the provisions of the Convention to be reviewed in the Fourth Round, and other topics to be addressed in that round.

11. This annual period runs from September 17, 2010 to September 16, 2011.

12. Article 4 of the Rules of Procedure and other Provisions establishes: "*The Committee shall have a Chair and a Vice-Chair, who will be elected separately from among its members for a one-year term and may be re-elected for the following year.*" Thus, this election should be carried out at the nineteenth meeting of the Committee of Experts.

13. This Report is provided for by Article 32 of the Rules of Procedure and other Provisions.

14. This Report is provided for by Article 30 of the Rules of Procedure and other Provisions.

15. The fourth group is made up of Canada, the United States, Guyana, Jamaica, Saint Vincent and the Grenadines, and Guatemala.

16. The fifth group is made up of Grenada, Suriname, Brazil and Belize.

- Adoption, at the nineteenth meeting of the Committee, of the methodology for the review, the questionnaire, the structure of the country reports, an impartial method for establishing the sequence of review of the information for each State Party, composition of the respective review subgroups and the schedule of the Fourth Round of Review.