

AG/RES. 1785 (XXXI-O/01)

**ENHANCEMENT OF PROBITY IN THE HEMISPHERE AND FOLLOW-UP ON
THE INTER-AMERICAN PROGRAM FOR COOPERATION IN THE FIGHT
AGAINST CORRUPTION**

(Resolution adopted at the third plenary session, held on June 5, 2001)

THE GENERAL ASSEMBLY,

HAVING SEEN the report of the Permanent Council on enhancement of probity in the Hemisphere and follow-up on the Inter-American Program for Cooperation in the Fight against Corruption (CP/GT/PEC-121/01);

UNDERSCORING that, in its preamble, the Charter of the Organization of American States affirms that “representative democracy is an indispensable condition for the stability, peace and development of the region” and that “juridical organization is a necessary condition for security and peace founded on moral order and on justice”;

TAKING INTO ACCOUNT that the purposes of the Inter-American Convention against Corruption are to promote and strengthen the development, by each of the States Parties, of the mechanisms needed to prevent, detect, punish, and eradicate corruption, and to promote, facilitate, and regulate cooperation among the States Parties to ensure the effectiveness of measures and actions to combat acts of corruption in the performance of public functions and those specifically related to such performance;

RECALLING that, through resolution AG/RES. 1723 (XXX-O/00), "Enhancement of Probity in the Hemisphere and Follow-up on the Inter-American Program for Cooperation in the Fight against Corruption,"^[EB1] the Permanent Council was requested to analyze existing regional and ^[JC2]international follow-up mechanisms with a view to recommending, by the end of the year 2000, the most appropriate model that States Parties could use, if they should think fit, to monitor implementation of the Inter-American Convention against Corruption; and that said^[JC3]^[EB4] recommendation would be transmitted to the States Parties to the Convention for them to choose the course of action they deemed most appropriate;

ACKNOWLEDGING the efforts of the Working Group on Probity and Public Ethics, which laid the foundation for the documents on the mechanism for follow-up on implementation of the Inter-American Convention against Corruption, in a process that fostered broad participation by all member states of the Organization;

HAVING TAKEN NOTE of the Recommendation of the Permanent Council to States Parties on the Mechanism for Follow-up of Implementation of the Inter-American Convention against Corruption [CP/RES. 783 (1260/01)];

CONSIDERING that the Working Group on Probitry and Public Ethics convened the Meeting of Government Experts to Prepare for the Conference of States Parties to the Inter-American Convention against Corruption, held in Washington, D.C., from March 21 to 23, 2001, which resulted in a set of recommendations to be considered at the Conference of States Parties to the Inter-American Convention against Corruption, as recommended by the Permanent Council;

EXPRESSING APPRECIATION to the Argentine Republic for having hosted the First Conference of States Parties to the Inter-American Convention against Corruption on the Follow-up Mechanism on Implementation of that Convention, held in Buenos Aires from May 2 to 4, 2001;

CONSIDERING that the Inter-American Convention against Corruption has been signed by 26 member states and ratified by 22, which means that four additional states ratified the Convention in the past year;

RECOGNIZING that, pursuant to operative paragraph 7 of resolution AG/RES. 1723 (XXX-O/00), the important topic of “corporate social responsibility” has begun to be studied in the Organization of American States, as well as in other multilateral forums, within the framework of their respective mandates and addressing such aspects as the role of the private sector in the prevention of and fight against corruption;

AWARE of the exchange of views among several delegations regarding the possibility of establishing a specific voluntary fund to finance activities aimed at providing the necessary institutional support to the States Parties for implementing the Inter-American Convention against Corruption[JC5], pursuant to operative paragraph 6 of resolution AG/RES. 1723 (XXX-O/00), in the course of which various considerations were brought up regarding the advisability of creating a new fund or using existing OAS General Secretariat mechanisms, without a consensus being reached on establishing the fund;

BEARING IN MIND the legal cooperation programs and activities carried out by the General Secretariat in developing the Inter-American Program for Cooperation in the Fight against Corruption[JC6], with a view to promoting ratification and implementation of the Inter-American Convention against Corruption, as well as the dissemination and exchange of information through the Inter-American Network for Cooperation against Corruption;

RECOGNIZING the importance of the proposals presented in the framework of the Working Group on Probitry and Public Ethics, with a view to continuing to make progress in developing the Inter-American Program for Cooperation in the Fight against Corruption, along the lines indicated in operative paragraph 8 of resolution AG/RES. 1723 (XXX-O/00);

TAKING INTO ACCOUNT that the Declaration of Quebec City, adopted at the Third Summit of the Americas, recognizes that “corruption undermines core democratic

values, challenges political stability and economic growth and thus threatens vital interests in our Hemisphere, we pledge to reinvigorate our fight against corruption”; and

CONSIDERING likewise that the Plan of Action of the Third Summit of the Americas devotes a special section to the fight against corruption and that commitments are made therein on the Inter-American Convention against Corruption, the Inter-American Program for Cooperation in the Fight against Corruption, and the establishment of a follow-up mechanism for implementation of said Convention, as well as the strengthening of the Inter-American Network for Cooperation against Corruption, the strengthening of the participation of civil society in the respective states in the fight against corruption, and the adoption of policies, processes, and mechanisms that protect the public interest,

RESOLVES:

1. To urge the member states of the OAS that have not yet done so to give prompt consideration to signing and ratifying, or to ratifying, as the case may be, the Inter-American Convention against Corruption.

2. To urge the States Parties to the Convention to take any measures they deem appropriate to comply with the commitments they undertook upon ratification of the Convention.

3. To invite states that are not members of the Organization, in particular the OAS permanent observers, to accede[SW7] to the Inter-American Convention against Corruption, in accordance with Article XXIII [EB8]thereof.

4. To express its appreciation to the Permanent Council for its timely adoption of the recommendation to the States Parties to the Inter-American Convention against Corruption on the mechanism for follow-up of its implementation.

5. To thank the Government of the Argentine Republic for having hosted the First Conference of States Parties to the Inter-American Convention against Corruption on the Mechanism for Follow-up of Its Implementation, held in Buenos Aires from May 2 to 4, 2001.

6. To promote extensive cooperation among member states of the Organization within the framework of the Inter-American Program for Cooperation in the Fight against Corruption, as well as the establishment of mechanisms and incentives to encourage states to sign, ratify, and implement the Inter-American Convention against Corruption.

7. To request the states that have not done so to reply promptly to the Questionnaire on Ratification and Implementation of the Inter-American Convention against Corruption (CP/GT/PEC-68/00 rev. 3), so that the Permanent Council may continue to examine replies from the member states in order to enhance implementation

of the Convention, strengthen cooperation, and provide technical assistance to those that request it.

8. To instruct the Permanent Council to continue to foster the exchange of experiences and information among the OAS, multilateral organizations, and international financial institutions, in order to coordinate, strengthen, and identify cooperation activities in the area among the member states and to foster the participation of civil society and, in particular, the private sector, among other pertinent entities, in these activities.

9. To request the Permanent Council to continue considering alternative ways of financing activities aimed at providing the necessary institutional support to the States Parties for implementing the Inter-American Convention against Corruption.

10. To instruct the Permanent Council, in following up on the Inter-American Program for Cooperation in the Fight against Corruption, to continue studying corporate social responsibility.

11. To instruct the Permanent Council, in following up on the Inter-American Program for Cooperation in the Fight against Corruption, to continue addressing, *inter alia*, with the assistance of the General Secretariat, the following subjects: training, experience acquired by national institutions, public sector procurement, incompatibilities between civil service and private sector interests, and analysis of criminal laws on corruption and related offenses.

12. To request the General Secretariat to continue carrying out, through the Secretariat for Legal Affairs and in the course of the activities of the Inter-American Program for Cooperation in the Fight against Corruption, the technical cooperation activities designed to contribute to the signing and ratification of, or accession to, the Inter-American Convention against Corruption and to its implementation, and to strengthen exchanges of information and experiences among government authorities responsible for this area, including those of the Inter-American Network for Cooperation against Corruption.

13. To instruct the Permanent Council to report to the General Assembly at its thirty-second regular session on the implementation of this resolution.