

AG/RES. 2022 (XXXIV-O/04)

**JOINT EFFORTS OF THE AMERICAS
IN THE STRUGGLE AGAINST CORRUPTION AND IMPUNITY**

(Adopted at the fourth plenary session, held on June 8, 2004)

THE GENERAL ASSEMBLY,

CONSIDERING:

That democracy, peace, development, and solidarity among our peoples are fundamental values and ideals shared by all the nations of the Hemisphere and constitute our peoples' commitment to coexistence;

That the Charter of the Organization of American States recognizes that representative democracy is an indispensable condition for the stability, peace, and development of the region and that one of the purposes of the OAS is to promote and consolidate that system;

That transparency in government activities, probity, and responsible public administration on the part of governments are essential components of the exercise of democracy, as stated in the Inter-American Democratic Charter;

That in the Inter-American Convention against Corruption the states of the Americas reiterate that the struggle against corruption strengthens democratic institutions and prevents distortions in the economy, improprieties in public administration, and damage to a society's moral fiber; that in that struggle it is the responsibility of states to eradicate impunity; and that their action in this area requires cooperation among them in order to be effective;

That the Declaration of Santiago on Democracy and Public Trust: A New Commitment to Good Governance for the Americas affirms that cooperation and reciprocal assistance against corruption, in accordance with applicable treaties and law, are fundamental factors in the promotion of democratic governance;

That in the Declaration on Security in the Americas, adopted by the Special Conference on Security, in Mexico City, the states of the Americas reaffirmed that cooperation, mutual legal assistance, extradition, and concerted action to combat corruption constitute a political and moral imperative;

That the preamble to the United Nations Convention against Corruption emphasizes that corruption is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation to prevent it and fight it essential;

That in the Declaration of Nuevo León, adopted at the Special Summit of the Americas, the Heads of State pledge, *inter alia*, to cooperate in the extradition of corrupt officials and to enhance regional mechanisms for mutual legal assistance in criminal matters and their implementation; and express their concern regarding corrupt, illegal, and fraudulent practices in the management of some national and transnational enterprises, which may have a negative impact on economies, in particular those of developing countries, and on their producers and consumers;

That the historical tradition of our Hemisphere has been to welcome immigrants from the world over with open arms;

That the actions of the Americas as a collective of nations of the Hemisphere should not be limited to statements directed toward our own countries but should clearly express our Hemisphere's political will and its principled contribution to the international community; and

That it is necessary, in accordance with the various documents we have adopted in the Hemisphere, to express, in a collective and unified manner, the political will of our peoples to insist that the international community fulfill its commitments to these values and ideals,

RESOLVES:

1. To reaffirm that the struggle against corruption and impunity is a fundamental commitment and a mutual duty of the states of the Americas, as a guarantee of the exercise of democracy and the consolidation of its institutions, governance, strengthening of the rule of law, and respect for human rights, because corruption, whether passive or active, is a menace to the security of states, undermines public and private institutions, and encumbers the development of peoples.

2. To express, in the context of strengthening democratic governance and in accordance with the instruments and resolutions previously adopted, its full support for the efforts being carried out by member states so that those who have committed acts of corruption against those states while in public office shall be prosecuted by national courts and answer before them.

3. To call upon the international community, in accordance with applicable treaties and laws, to refrain, without accepting justifications based on fraud or abuse of the law and legal principles, from granting safe haven; and to provide broad cooperation to the states of the Hemisphere for the purpose of guaranteeing that those public officials who have exercised political power and, in that capacity, have committed crimes of corruption, may be made available to the corresponding authorities of the countries in which these crimes were committed for prosecution by their national courts.

4. To request the Inter-American Juridical Committee to prepare a report on the:
- a. Legal effects of giving safe haven in regional or extra-regional countries to public officials and persons accused of crimes of corruption after having exercised political power; and
 - b. Cases in which appealing to the principle of dual nationality may be considered a fraud or abuse of the law.