

AG/RES. 2076 (XXXV-O/05)

**FOLLOW-UP ON THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION
AND ITS PROGRAM FOR COOPERATION**

(Adopted at the fourth plenary session, held on June 7, 2005)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (AG/doc.4376/05);

BEARING IN MIND the Declaration of Quito on Social Development and Democracy, and the Impact of Corruption [AG/DEC. 36 (XXXIV-O/04)] and resolutions AG/RES. 2022 (XXXIV-O/04), “Joint Efforts of the Americas in the Struggle against Corruption and Impunity”; and AG/RES. 2034 (XXXIV-O/04), “Follow-up on the Inter-American Convention against Corruption and Its Program for Cooperation”;

RECALLING that the Plan of Action of the Third Summit of the Americas, held in Quebec City, Canada, in April 2001, devotes a special chapter 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 civil society participation in the respective states in the fight against corruption, and the adoption of policies, processes, and mechanisms to protect the public interest;

CONSIDERING the importance of the Inter-American Convention against Corruption and the fact that it has been ratified by 33 OAS member states, which constitutes an increase of three states over the past year, and that 28 of them participate in the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC);

BEARING IN MIND that, in the Declaration on Security in the Americas, adopted at the Special Conference on Security, in Mexico City, in October 2003, the states of the Hemisphere reaffirmed their commitment to the fight against both passive and active corruption, which constitutes a threat to their security; stated that cooperation, mutual legal assistance, extradition, and concerted action to combat corruption constituted a political and moral imperative; and pledged to strengthen the MESICIC;

RECALLING that the Heads of State and Government, in the Declaration of Nuevo León, adopted at the Special Summit of the Americas, in Monterrey, Mexico, in January 2004, recognized “that corruption and impunity weaken public and private institutions, erode social values, undermine the rule of law, and distort economies and the allocation of resources for development”; and pledged, *inter alia*, to increase their “cooperation within the framework of the Inter-American Convention against Corruption, particularly by strengthening its follow-up mechanism”;

RECALLING ALSO that, in the Declaration of Nuevo León, the Heads of State and Government expressed their “concern regarding corrupt, illegal, and fraudulent practices in the management of some national and transnational enterprises, that may have a negative impact on

economies, in particular those of developing countries and on their producers and consumers,” which makes it necessary to strengthen hemispheric cooperation in fighting corruption;

WELCOMING the results of the First Meeting of the Conference of States Parties to the MESICIC, held in Washington, D.C., on April 1 and 2, 2004, and, in particular, the “Conclusions and Recommendations on Concrete Measures to Strengthen MESICIC” (SG/MESICIC/doc.103/04 rev. 6);

RECOGNIZING the work of the Committee of Experts of the MESICIC, which has been supported by the OAS General Secretariat;

EMPHASIZING that, in fulfillment of the Declaration of Nuevo León and of resolution AG/RES. 2034 (XXXIV-O/04), the Meeting of States Parties to the Inter-American Convention against Corruption was held in Managua, Nicaragua, on July 8 and 9, 2004, and that it adopted the Declaration of Managua (EPCICOR/doc.05/04 rev. 6 corr. 1) and the Plan of Action of Managua on Additional Concrete Measures to Increase Transparency and Combat Corruption within the Framework of the Inter-American Convention against Corruption (EPCICOR/doc.04/04 rev. 5 corr. 1); and

WELCOMING the signing by numerous states of the Hemisphere of the United Nations Convention against Corruption, adopted in Mérida, Mexico, on December 9, 2003,

RESOLVES:

1. To welcome the accession to the Inter-American Convention against Corruption by the Government of Dominica and its ratification by the Governments of Haiti and Saint Kitts and Nevis; to urge those states parties that have not yet done so to participate in the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC); and to urge all states parties to the Mechanism to fund it through voluntary contributions.

2. Also to urge those member states of the OAS that have not yet done so to consider signing and ratifying, ratifying, or acceding to, as the case may be, the United Nations Convention against Corruption (Mérida Convention), so that it may enter into force as soon as possible, as well as the United Nations Convention against Transnational Organized Crime (Palermo Convention).

3. To urge the states parties to the Inter-American Convention against Corruption to take any measures they deem necessary to adapt their domestic law in order to comply with the commitments they undertook upon ratification of or accession to the Convention.

4. To urge the states parties to the Inter-American Convention against Corruption to improve, on the basis of the Convention and applicable laws and treaties, regional and bilateral mechanisms for mutual legal assistance in criminal matters, and to apply them, in order to respond to requests made in accordance with the procedures established in these mechanisms in relation to the acts of corruption described in the Convention, with a view to combating impunity.

5. To express once again its support for strengthening the MESICIC and, in that regard:

- a. To reaffirm its satisfaction over the agreement reached at the First Meeting of the Conference of States Parties to the MESICIC to strengthen the Conference of States Parties as a political forum for addressing topics in the area of hemispheric cooperation against corruption; and, in that regard, to invite it, with technical support from the Office of Inter-American Law and Programs of the Department of Legal Affairs and Services of the OAS General Secretariat, to continue holding working meetings taking into account the Document of Buenos Aires and to evaluate the possibility of requesting from the Committee of Experts recommendations and other contributions on the topics it is considering;
- b. To invite the Conference of States Parties to the MESICIC to consider discussing concrete measures, in accordance with Articles V, VI.1.b, and VIII of the Inter-American Convention against Corruption, to prevent and punish the corruption or bribery of domestic public officials by foreign persons or enterprises in international business transactions, and to strengthen information exchange and cooperation with, *inter alia*, the Organisation for Economic Co-operation and Development (OECD), the United Nations, the World Bank, and the Inter-American Development Bank (IDB), with regard to developments in this field; and to invite the Conference to share with the Permanent Council the outcome of its deliberations;
- c. Also to invite the Conference of States Parties to the MESICIC to consider appropriate measures to strengthen cooperation in the context of this Follow-up Mechanism, taking into account, when appropriate, the new forms of cooperation established in the Mérida Convention;
- d. To express its satisfaction with the progress made by the Committee of Experts of the MESICIC, with support from the OAS General Secretariat, in strengthening the Mechanism; and to take note of the increase in the number of country reports considered by the Committee, which allowed the Committee, at its seventh meeting, to adopt the reports on Mexico, Trinidad and Tobago, Honduras, El Salvador, the Dominican Republic, and The Bahamas, adding them to those previously adopted, on Argentina, Paraguay, Colombia, Nicaragua, Uruguay, Panama, Ecuador, Chile, Bolivia, Peru, Costa Rica, and Venezuela;
- e. To request the General Secretariat to continue identifying sources of funding within the OAS, such as the Regular Fund, and of external funding, such as international and regional financial institutions and national government agencies, among others, for the adequate funding of the MESICIC and, when applicable, for the full and effective implementation of its recommendations; and
- f. To invite the Conference of States Parties to the MESICIC to continue reporting to the Permanent Council on the implementation of the “Conclusions and Recommendations on Concrete Measures to Strengthen MESICIC” (SG/MESICIC/doc.103/04 rev. 6), adopted at the

First Meeting of the Conference of States Parties, as well as on other topics submitted to it for consideration.

6. To take into account the mandates set forth in the Declaration and the Plan of Action of Managua (EPCICOR/doc.05/04 rev. 6 corr. 1 and EPCICOR/doc.04/04 rev. 5 corr. 1), adopted at the Meeting of States Parties to the Inter-American Convention against Corruption, held pursuant to the Declaration of Nuevo León; and, in that regard:

- a. To request the Permanent Council, and invite the Conference of States Parties to the MESICIC, to continue, in their respective areas of competence, to follow up on the results of the Meeting of States Parties to the Convention;
- b. To take note of the recommendations (REXCOR/doc.2/05 rev. 1) and the Final Report (REXCOR/doc.6/05), which include proposals that were not considered, of the Meeting of Experts on Cooperation with respect to the Denial of Safe Haven to Corrupt Officials and Those Who Corrupt Them, Their Extradition, and the Denial of Entry and Recovery of the Proceeds of Corruption and Their Return to Their Legitimate Owners, in fulfillment of the Plan of Action of Managua on Additional Concrete Measures to Increase Transparency and Combat Corruption within the Framework of the Inter-American Convention against Corruption (EPCICOR/doc.04/04 rev. 5, corr. 1, paragraph 9) and resolutions AG/RES. 2034 (XXXIV-O/04), operative paragraph 6.c, and CP/RES. 875 (1460/05), held on March 28 and 29, 2005, at OAS headquarters;
- c. To invite the Conference of States Parties to the MESICIC and the REMJA Working Group on Mutual Legal Assistance in Criminal Matters and Extradition to give appropriate consideration to the topics addressed at the meeting mentioned in the preceding subparagraph.

7. To request the General Secretariat to continue, through the Office of Inter-American Law and Programs of the Department of Legal Affairs and Services, to provide technical secretariat services for follow-up on the results of the meetings referred to in the preceding operative paragraph.

8. To instruct the Permanent Council to consider, review, update, and supplement, through the Committee on Juridical and Political Affairs (CAJP) and insofar as it considers this appropriate, the Inter-American Program for Cooperation in the Fight against Corruption, adopted by resolution AG/RES. 1477 (XXVII-O/97), and present it for adoption to the General Assembly at its thirty-sixth regular session; and to request the General Secretariat to draft a proposal that would provide the basis for execution of this mandate by the Permanent Council.

9. To request the General Secretariat to continue carrying out, in the execution of the Inter-American Program for Cooperation in the Fight against Corruption, technical cooperation activities to provide assistance in the signature or ratification of, or accession to, the Inter-American Convention against Corruption and in its implementation, and in the exchange of information and experiences among government authorities responsible for this area, including those of the Inter-American Network for Cooperation against Corruption.

10. To instruct the Permanent Council to follow up on the activities stemming from this resolution, which will be implemented within the resources allocated in the program-budget of the Organization and other resources, and to present a report on its implementation to the General Assembly at its thirty-sixth regular session.