

AG/RES. 2219 (XXXVI-O/06)

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

(Adopted by the Plenary at its fourth session, held on June 6, 2006)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (AG/doc.../06 add. 3) as it pertains to this topic;

TAKING INTO ACCOUNT 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), AG/RES. 2064 (XXXV-O/05), AG/RES. 2071 (XXXV-O/05), and AG/RES. 2076 (XXXV-O/05);

CONSIDERING the importance of the Inter-American Convention against Corruption, the fact that it has been ratified by 33 OAS member states, and that 28 of those states participate in the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), established through the Document of Buenos Aires;

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 in completing in March 2006 the first round of review for the 28 states parties, and in finalizing preparations for the second round of review to cover Articles III(5) and (8), and Article VI of the Convention;

RECALLING the results 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 (EPCICOR/doc.4/04 rev. 5 corr. 1);

BEARING IN MIND the Declaration on Security in the Americas, adopted at the Special Conference on Security, in Mexico City, in October 2003;

WELCOMING the entry into force, on December 14, 2005, of the United Nations Convention against Corruption, adopted in Mérida, Mexico, on December 9, 2003; and that 10 OAS member states have ratified it;

UNDERSCORING the mandates on the fight against corruption set forth in the Plan of Action of the Third Summit of the Americas, held in Quebec City, and in the Declaration of the Special Summit of the Americas, held in Monterrey; and

BEARING IN MIND that the Heads of State and Government, in the Declaration of Mar del Plata, adopted at the Fourth Summit of the Americas, in Mar del Plata, Argentina, in November 2005, stated: “Accountability is a key instrument to achieve transparency and efficiency in the use of resources administered by our governments. Fighting corruption is a key aspect of strengthening democracy and economic growth. For this reason, we call upon states to implement the Inter-American Convention against Corruption and participate fully in the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption. We stress the importance of the oversight role of legislatures, as appropriate, in the fight against corruption and the importance of promoting inter-parliamentary exchanges to encourage the development of national and international strategies to fight against corruption.”

RESOLVES:

1. To urge those states parties to the Inter-American Convention against Corruption 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), 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 Juridical Cooperation Office of the Secretary for Legal Affairs 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 identify, before December 2006, specific initiatives for cooperation and the exchange of experiences in the development of technical skills in our countries that contribute to the full application of the provisions of the Inter-American Convention against Corruption and to the strengthening of the MESICIC, giving special consideration to the recommendations to that effect arising from the first round of said Mechanism
- c. 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; and to request the technical secretariat of the MESICIC to encourage dialogue, as appropriate, with the United Nations Office on Drugs and Crime;
- d. To express its satisfaction with the progress made by the Committee of Experts of the MESICIC, with support from the OAS General Secretariat, reflected in the successful completion of the first round of review of implementation of the provisions of the Convention selected for that round in the 28 states participating in the MESICIC; in the adoption of the hemispheric report on that round; and in the adoption of the necessary decisions to initiate the second round of review;
- 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;
- 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; and

- g. To support the holding of the meeting of the Conference of States Parties to the MESICIC, which will be held in the second half of 2006.

6. 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 progress related to the mandates set forth in both 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), and to the recommendations 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 (EPCICOR/doc.04/04 rev. 5 corr. 1, paragraph 9) and of resolution AG/RES. 2034 (XXXIV-O/04), operative paragraph 6.c, and the recommendations (REXCOR/doc.2/05 rev. 1) and the final report (REXCOR/doc.6/05), which include proposals that were not considered at that meeting.

7. To request the OAS General Secretariat to continue, through the Juridical Cooperation Office of the Secretary for Legal Affairs, to provide technical secretariat services to the Conference of States Parties to the MESICIC and to the Committee of Experts of that mechanism, and for follow-up on the progress referred to in the preceding operative paragraph.

8. To recommend that the next meeting of the Conference of States Parties to the MESICIC consider, review, update, and supplement, 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 its recommendations to the General Assembly for formal adoption at its thirty-seventh regular session, through the Permanent Council; and to request the General Secretariat to draft a basic proposal for that purpose.

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 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-seventh regular session.