

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

(Resolution adopted at the first plenary session, held on June 5, 2000)

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/doc.3333/00);

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. 1649 (XXIX-O/99), "Enhancement of Probity in the Hemisphere and Follow-up on the Inter-American Program for Cooperation in the Fight against Corruption," the Permanent Council was instructed to promote the exchange of experiences and information among public institutions and international organizations and, in following up on the Inter-American Program on the Fight against Corruption, adopted by the General Assembly through resolution AG/RES. 1477 (XXVII-O/97), to consider "specific measures to encourage ratification and implementation of the Convention, strengthen cooperation, and provide technical assistance to member states which request it, and exchange information and experiences regarding implementation of the Convention, taking into account the conclusions and recommendations of the Symposium on Enhancement of Probity in the Hemisphere";

CONSIDERING that the Inter-American Convention against Corruption has been signed by 26 member states and ratified by 19;

ACKNOWLEDGING WITH SATISFACTION the work of the Working Group on Probity and Public Ethics, particularly the Special Meeting on the Enhancement of Probity and the Fight against Corruption in the Americas, held on March 31, 2000—a meeting attended by representatives of international and regional organizations, the private sector, and civil society;

TAKING INTO ACCOUNT the important efforts being made in the prevention of and fight against corruption by, *inter alia*, the Inter-American Development Bank, the World Bank, the International Monetary Fund, the United Nations agencies, the Organisation for Economic Co-operation and Development (OECD), and the Council of Europe, as well as bilateral cooperation agencies and other entities of the private sector and civil society;

RECOGNIZING the increasing worldwide attention to the concept of "corporate social responsibility" and that issues connected with that subject, including, *inter alia*, the role of companies in the prevention of and fight against corruption, are being addressed in various forums at the multilateral level, such as the United Nations, the International Labour Organization, and the OECD, in the framework of their respective mandates;

BEARING IN MIND that the Plan of Action of the Second Summit of the Americas expressed resolute support for the Inter-American Program for Cooperation in the Fight against Corruption and its implementation, as well as for carrying out, in the framework of the OAS, appropriate follow-up of the progress achieved under the Inter-American Convention against Corruption; and

FURTHER BEARING IN MIND that the Third Western Hemisphere Finance Ministers Meeting called "upon all member governments to ratify and implement the OAS Anti-Corruption Convention and to support establishment of a follow-up OAS mechanism for multilateral and mutual review and evaluation of progress towards effective prevention and punishment of corruption,"

RESOLVES:

1. To urge the member states of the OAS that have not yet done so to sign or ratify the Inter-American Convention against Corruption.

2. To urge the States Parties to the Convention to take any measures they deem appropriate to adapt their domestic law to 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 to the Inter-American Convention against Corruption, in accordance with Article XXIII thereof.

4. To request the countries that have not done so to reply to the "Questionnaire on Ratification and Implementation of the Inter-American Convention against Corruption" (CP/GT/PEC-68/99 rev. 3), so that the Permanent Council may continue to examine replies from the member states in order to consider specific measures for implementing the Convention, strengthening cooperation, and providing technical assistance to those that request it.

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

6. To request the Permanent Council to promote the establishment of 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.

7. To instruct the Permanent Council, in following up on the Inter-American Program for Cooperation in the Fight against Corruption, to study corporate social responsibility with a view to defining precisely its scope and content in the inter-American context, to examining and disseminating national and international experiences undertaken to address the issue, and to promoting the exchange of information and experiences among the member states with international financial institutions, other international organizations, the private sector, and civil society organizations.

8. To instruct the Permanent Council, in following up on the Inter-American Program for Cooperation in the Fight against Corruption, to address, *inter alia*, the following subjects: training, experience acquired by national institutions, public sector procurement, incompatibilities between public office and private sector interests, and analysis of criminal laws on corruption and related offenses.

9. To request the Permanent Council to analyze existing regional and international follow-up mechanisms with a view to recommending, by the end of the year, the most appropriate model that States Parties could use, if they think fit, to monitor implementation of the Inter-American Convention against Corruption. That recommendation will be transmitted to the States Parties to the Convention for them to choose the course of action they deem most appropriate.

10. To invite the Inter-American Juridical Committee to continue to support the Permanent Council in its efforts to fulfill the mandates conferred in this resolution.

11. To request the General Secretariat to continue carrying out, through the Secretariat for Legal Affairs, the technical cooperation activities designed to contribute to the signing or ratification of, or accession to, the Inter-American Convention against Corruption; to strengthen exchanges of information and experiences, including those of the inter-American network against corruption; and to support implementation of the Inter-American Program for Cooperation in the Fight against Corruption, the conclusions and recommendations of the Symposium on Enhancement of Probity in the Hemisphere, adopted in Santiago, Chile, in November 1998, and the measures set forth in this resolution, within the resources allocated in the program-budget and other resources.

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