

MEETING OF THE STATES PARTIES TO
THE INTER-AMERICAN CONVENTION
AGAINST CORRUPTION
July 8-9, 2004
Managua, Nicaragua

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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

(Adopted at the fourth plenary session, held on July 9, 2004)

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WE, THE STATES PARTIES TO THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION, meeting in the city of Managua, Republic of Nicaragua, on July 8 and 9, 2004, in compliance with the mandate handed down in the Declaration of Nuevo León, which was adopted at the Special Summit of the Americas in the city of Monterrey, Mexico, in January 2004, for the purpose of considering additional concrete measures to increase transparency and combat corruption, and bearing in mind the Declaration of Managua,

ADOPT the following Plan of Action:

1. That if another State so requests, the States Parties should, in conformity with their laws and applicable international instruments, take all appropriate steps in order to trace and identify the proceeds of illegal activities, providing as appropriate for banking secrecy to be lifted and for preventive measures to be applied to prevent the concealment of funds.

2. That those States which have not hitherto done so should identify and operationalize their central authorities for the purposes of the international assistance and cooperation provided for in the Inter-American Convention against Corruption, the Inter-American Convention on Mutual Assistance in Criminal Matters, and other applicable international instruments, and should ensure that those authorities discharge their functions promptly and efficiently.

3. In accordance with the Inter-American Convention against Corruption and other applicable international instruments, maintain and improve the use of assistance mechanisms to facilitate, by means of the central authorities designated for the purpose, the provision of useful information for investigations and for evidentiary purposes, and to provide effective and specific assistance to help deny criminals the proceeds of their crimes and to recover those proceeds and return them to their legitimate owners.

4. To begin a process of consultations, under the aegis of the OAS Permanent Council, to consider whether or not it is necessary to adopt an instrument that would facilitate the recovery of proceeds of corruption and their return to their legitimate owners, in accordance with Article XV of the Inter-American Convention against Corruption.

5. That to facilitate information-sharing, the States Parties should consider unifying, in compliance with their domestic law, the central authorities designated under the Inter-American Convention against Corruption, the central authorities designated under the Inter-American Convention on Mutual Assistance in Criminal Matters, and those designated under other applicable

international instruments, and that those authorities should join the Information Exchange Network for Mutual Legal Assistance in Criminal Matters.

6. That to secure the arrest and trial of those who perpetrate, jointly perpetrate, instigate, serve as accomplices in, and conceal acts of corruption, international cooperation should not be confined to the provision of mutual legal assistance but, when appropriate, it should include the broad application of extradition provisions, in compliance with the provisions of Article XIII of the Inter-American Convention against Corruption.

7. In order to identify more effective ways and means to prevent, detect, investigate, and punish the acts of corruption described in the Convention, the States Parties reiterate their commitment to promoting technical cooperation and to providing the widest measure of mutual assistance, in compliance with the provisions of Article XIV of the Inter-American Convention against Corruption.

8. The Conference of States Parties of MESICIC should consider the convenience of convening a meeting of the entities of the Member States that are specifically responsible for assessing, identifying, and hearing administrative and criminal proceedings involving acts of corruption as described in Article VI of the Inter-American Convention against Corruption, in order for them to exchange information and experiences.

9. In accordance with applicable national and international law, the States Parties shall deny safe haven to corrupt officials and to those who corrupt them, cooperate in their extradition, and deny the entry and attempt the recovery and return of the proceeds of corruption to their legitimate owners. To this end they agree to convene, in the second half of 2004, a meeting of experts to share information and experiences and to recommend shared concrete policies. In this way, the States Parties shall assist compliance with the mandate of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V).

10. To begin a process of consultations and study, under the aegis of the Conference of States Parties of MESICIC, with the participation of government experts, to analyze the usefulness of adopting an Additional Protocol to the Inter-American Convention against Corruption, dealing with the MESICIC, in accordance with the provisions established by the Convention.

11. To recommend to the Committee of Experts of the MESICIC the incorporation of provisions in the Rules of Procedure of the MESICIC Committee of Experts to enable the evaluated countries' implementation of the recommendations issued by the Committee to be monitored. These provisions could provide for, *inter alia*, methods and deadlines for submitting progress reports on recommendation implementation, to identify the weaknesses and strengths of the analyzed state so that, at the request of the country concerned, such cooperation and assistance as might be necessary in each case could be facilitated and provided.

12. That the States Parties should continue to strengthen electoral processes and transparency, recognizing the importance of rules to ensure transparency in the financing of electoral campaigns and parties, independent candidates, and other political associations of an electoral nature, and to prevent corruption and the risk of undue influences.

13. That each State Party should disseminate, among civil society and the media, the work of the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption and, in particular, the Committee's final reports.

14. That the States Parties, within the framework of their domestic laws, should consider initiatives from civil society and nongovernmental organizations to strengthen their participation in efforts to promote transparency in public administration, including the reporting of crimes or acts of corruption to the competent authorities. Similarly, they should encourage programs for facilitating civil society's participation in the oversight of public administration as a basic instrument for preventing and tackling corruption.

15. That the States Parties to the Inter-American Convention against Corruption should redouble their efforts to formulate strategies for preventing and tackling corruption, including programs of high educational value at every level of the education system, so that the ethical, moral and civic values which sustain democracy and restrain corruption are cultivated from an early age.

16. To launch a consultation process, in the framework of the OAS Permanent Council, to consider the possibility of encouraging the multilateral financial agencies that are creditors of Inter-American Convention against Corruption States Parties to concede a percentage to be determined of those states' annual public debt payments to fund programs described in the anticorruption agendas that promote ethical, moral, and civic values that support democracy.

17. That the States Parties, in compliance with their domestic laws, consider the establishment of the measures needed for a percentage of the value of internationally recovered assets earned through corruption to be used to fund the programs described in anticorruption agendas.

18. That those States Parties to the Convention that have not yet done so should set up national offices or similar mechanisms whose prime responsibility is to prepare and implement policies and programs to promote transparency and effectiveness in the management of public property and funds and to follow up their respective anti-corruption agendas, giving their work the widest and most varied dissemination possible.

19. To recommend to the Conference of States Parties of MESICIC, with support from the Technical Secretariat, that it study the establishment of a hemispheric network of entities responsible for regulating, controlling, managing, and/or supervising the States Parties' public procurement systems for goods and services to enhance coordination, cooperation, and the exchange of information and experiences, as described in Article III.5 of the Inter-American Convention against Corruption.

20. That the States Parties of the Inter-American Convention against Corruption, bearing in mind the terms of Article 9.2 of the Mérida Convention, should continue to develop appropriate additional measures to promote transparency and accountability in the management of public finances, including, *inter alia*, procedures for the adoption of the national budget; timely reporting on revenue and expenditure; a system of accounting and auditing standards and related oversight; effective and efficient systems of risk management and internal control; and, where appropriate, corrective action in the case of failure to comply with the established requirements.

21. That the Conference of States Parties of MESICIC, as a part of its commitment to strengthen efforts in fighting corruption, should consider convening a meeting for exchanges of experiences and information among the competent agencies and entities of the Member States in connection with national systems for tax collecting and better control of state revenues, including information on best practices and modern mechanisms for preventing, detecting, punishing, and eradicating corrupt practices.

22. That the States Parties, to reinforce integrity in public service, should introduce, when they do not exist, national systems to protect civil servants and private citizens who denounce acts of corruption in compliance with the terms of Article III.8 of the Convention.

23. To urge the Member States of the Organization of American States to consider signing, ratifying, or acceding to the Mérida Convention, so that it can come into force in the near future, and so that its provisions can strengthen anti-corruption policy worldwide.

24. To recommend that the General Assembly of the OAS declare 2006 to be the “Inter-American Year of the Fight against Corruption.”

25. To inform the Fourth Summit of the Americas, to be held in the Argentine Republic in 2005, regarding the content of this Plan of Action, in compliance with the request handed down by the Special Summit of the Americas and set forth in the Declaration of Nuevo León.