

First Meeting of the Conference of States Parties within the MESICIC framework
April 1- 2, 2004
Washington, DC

**RULES OF PROCEDURE OF THE CONFERENCE OF THE STATES PARTIES TO THE
MECHANISM FOR FOLLOW-UP ON IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION**

CHAPTER I

SCOPE OF THE RULES OF PROCEDURE

Article 1. Scope of the Rules of Procedure.

These Rules of Procedure shall prescribe the structure and operation of the Conference of the States Parties of the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (hereinafter “the Conference”, “the Mechanism”, and “the Convention”, respectively).

The Conference shall perform its functions in accordance with the purposes, basic principles, characteristics and other provisions set forth in the “Document of Buenos Aires on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption,” which shall hereinafter be referred to as the “Document of Buenos Aires” and, whenever pertinent, with the provisions of the Charter of the Organization of American States (OAS).

CHAPTER II

NATURE, ORGANIZATION AND OPERATION OF THE CONFERENCE

Article 2. Nature.

The Conference is the principal organ of the Mechanism and prepares its general guidelines and directions in the framework of the purposes and basic principles contained in provisions 1 and 2 of the Document of Buenos Aires. It shall have general authority to supervise implementation of the Mechanism and to adopt the decisions it deems appropriate to achieve its objectives.

Article 3. Composition.

The Conference shall be comprised of the States Parties to the Convention that are members of the Mechanism. Each State Party to the Mechanism shall designate a head of delegation and the delegates that it deems necessary.

Article 4. Functions

Pursuant to the provisions of Article 2, the Conference shall have the following functions:

- a. Adopt the decisions it deems necessary to implement the Follow-up Mechanism, so that its purposes are achieved and its basic principles and characteristics, as set down in the Document of Buenos Aires, are observed.
- b. Review the Mechanism's operation, taking account of the observations of the Committee of Experts, and introduce any changes it deems appropriate, pursuant to provision 10 of the Document of Buenos Aires.
- c. Provide the Committee of Experts with guidance as to the adoption and implementation of measures that help it to discharge the work associated with its function of technical analysis of the Convention's implementation.
- d. Issue to the Committee of Experts assistance and guidance that it requests, so as to facilitate the latter's performance of its technical activities.
- e. Monitor the activities carried out by the Committee of Experts in performing its functions and make such recommendations to the Committee as the Conference deems pertinent to optimize its work. To that end, the Conference shall take note of, among other things, the reports that the Committee submits to it pursuant to the latter's Rules of Procedure.
- f. Consider the issues necessary to ensure the Mechanism's funding, taking into account the Secretariat's reports, and propose criteria to the member states regarding contributions, pursuant to provision 9 of the Document of Buenos Aires.
- g. Undertake the necessary steps to establish or strengthen cooperation relationships with international and regional organizations and mechanisms that are committed to the fight against corruption.
- h. Consider proposals put forward by the States Parties as regards monitoring the Mechanism, with a view to their consideration by the OAS General Assembly, in the framework of the purposes and principles contained in the Inter-American Convention against Corruption.
- i. Carry out the other functions and mandates assigned to it in the framework of the purposes and principles contained in the Inter-American Convention against Corruption.

Article 5. Chair and Vice Chair.

The Conference shall have a Chair and a Vice Chair, which it shall elect at the start of each meeting in accordance with Article 15.

The State Party elected as Chair of the Conference shall serve in that capacity until the next meeting.

In the event of absence of the Chair, the Vice Chair shall preside in its place.

The Vice Chair shall assist the Chair in the performance of its functions.

Article 6. Functions of the Chair

The State Party chairing the Conference shall have the following functions:

- a. Convene the Conference meetings and prepare and propose the draft calendar and agenda in cooperation with the host country, as appropriate.
- b. Call the sessions to order, adjourn the sessions, and chair the proceedings.
- c. Submit the draft agenda of the meeting for consideration and adoption by the Conference.
- d. Submit for consideration and approval by the Conference the inclusion on the agenda of any initiative or document proposed by any State Party to the Mechanism.
- e. Rule on any points of order that may be raised during the proceedings.
- f. Submit for consideration any items under discussion that require a decision, and announce the results.
- g. To follow-up on the decisions of the Conference and to inform the States Parties when applicable.
- h. The other functions that these Rules of Procedure and the Conference confer upon it.

Article 7. Secretariat

The General Secretariat of the OAS shall serve as the Secretariat of the Conference.

All matters relating to its technical and administrative personnel and their structure and functioning shall be governed by the OAS Charter, the General Standards to govern the operations of the OAS General Secretariat, approved by the General Assembly, and any decisions that the Secretary General should adopt in furtherance of those Standards.

Article 8. Date of meetings

In each meeting of the Conference the date of the next meeting will be decided. If this were not possible, the date will be decided within the framework of the preparatory meetings as referred to in Article 10.

Article 9. Venue of meetings

The meetings of the Conference will be held at the Headquarters of the General Secretariat of the Organization of American States, unless a State Party offers to host.

States Parties that wish to host a meeting must communicate it in writing to the Secretary General of the OAS, who would inform all the States Parties through their Permanent Mission to the Organization.

If there were offers to host the Conference, the decision will be adopted in the meeting prior to the next one or in the preparatory meetings referred to in the following Article.

Article 10. Preparatory Meetings

The State Party that is Chair of the Conference will convene the State Party members of the Mechanism to preparatory meetings of the Conference's meetings, with enough time before the date the meetings will be held.

In case there were no decisions taken in this respect during the previous meeting, in the preparatory meetings the date, venue, and draft calendar and agenda of the next meeting of the Conference will be decided pursuant to the provisions contained in the two foregoing articles. In such circumstances, any of the states parties may request the convocation of a meeting. For the adoption of the decisions in the preparatory meetings in relation with these and other issues expressed in these Rules of Procedure, Articles 14 and 15 will be applied where pertinent.

Article 11. Accreditation of delegations

The accreditation of the delegations that the States designate to represent them at meetings of the Conference shall be done by a written communication addressed to the General Secretariat of the Organization of American States.

Article 12. Presentation of drafts and proposals

The drafts and proposals that the States Parties submit for consideration at a meeting of the Conference must be presented to the Secretariat in writing at least seventy-two hours in advance of the date of the respective meeting.

The Conference, notwithstanding, may exceptionally authorize the discussion of drafts or proposals not presented in writing by the stipulated deadline.

Article 13. Order of precedence

Lots drawn at the corresponding preparatory meeting shall establish the order of precedence of the delegations. For this effect, the alphabetical order of the States Parties in Spanish will be followed.

Article 14. Quorum

The presence of half plus one of the members of the Conference shall constitute the quorum necessary to meet in session or to convene a meeting of the Conference.

Article 15. Adoption of decisions

In the Conference deliberations, each delegation shall be entitled to one vote. Decisions shall be adopted by a majority of the members present.

For decisions regarding the budgetary matters and amendments to the Rules, a two-thirds majority among the States Parties will be needed for approval.

Without prejudice to the preceding provisions, the Conference may also take decisions by consensus. When decisions adopted by consensus refer to matters that require a qualified majority, the number of delegates present must be equal or greater to the number of votes that would have been necessary in case said decision had been voted upon.

Article 16. Participation other States

In the preparatory meetings referred to in Article 10 it may be decided to invite as observers to the meetings of the Conference, States that are not a Party to the Mechanism to participate, as observers, if so requested.

Article 17. Participation of international organizations or mechanisms

In the preparatory meetings that are referred to in Article 10 it may be decided to invite to the respective meetings of the Conference or accept a written request to attend it, as observers, representatives of international organizations or mechanisms that have as their business matters within the purview of the Mechanism.

Requests for the participation of international organizations or mechanisms must be presented in writing to the Chair of the Conference no later than thirty days before the meeting.

Article 18. Participation of civil society organizations

In the preparatory meetings that are referred to in Article 10 it may be decided to invite to the respective meetings of the Conference or accept a written request to attend it, as observers, civil society organizations related with the issues within the purview of the Mechanism, that are duly accredited pursuant to the "Guidelines for the participation of Civil Society Organization in OAS activities" (CP/RES. 759(1217/99)) and the "Strategies for Implementing and Strengthening Participation of Civil Society Organizations in OAS Activities".

Requests for the participation of civil society organizations in accordance with the above paragraph must be presented in writing to the Chair of the Conference no later than thirty days before the meeting.

Article 19. Languages.

The Conference shall function in the official languages of the OAS.

Article 20. Minutes

The Secretariat will keep minutes on each meeting, which will contain a summary of the matters addressed and of the decisions adopted, as appropriate, on those matters. The Conference will approve this document at the end of each meeting.

The Secretariat will maintain a file with the minutes of the Conference.

CHAPTER III

CONCERNING THE RULES OF PROCEDURE

Article 21. Adoption and amendment

The Conference shall adopt the Rules of Procedure. Their adoption and amendment shall be done in accordance with Article 15. A decision that refers to an amendment of these rules will be adopted during a meeting of the Conference. Any draft amendments will be proposed and circulated among the States Parties of the Mechanism at least a month before the meeting in which the proposing State Party requests that said amendment be considered is held.

Article 22. Entry into force

The Rules of Procedure shall enter into force on the date of their adoption by the Conference.