



Organization of American States

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## Preamble

This document, prepared by the Department of Legal Cooperation of the Secretariat for Legal Affairs of the Organization of American States (OAS), is a teaching tool for the purpose of providing newly appointed governmental experts a brief introduction to the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), its origin, its role with regard to the Inter-American Convention against Corruption (IACAC), as well as its characteristics, structure, and operation, among other things.

The document also includes a brief explanation of the responsibilities of the governmental experts in their three roles within the Committee: as representatives of the state being reviewed, as members of the sub-group of experts assigned to review another state and, lastly, as part of the full Committee of Experts.

This document simply summarizes information contained in the Rules of Procedure of the Committee and in its methodology, as well as the Methodology for conducting on-site visits. In the event that doubts arise, those are the documents that prevail.

Washington, DC  
March 2015

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# Introduction

## ***Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC)***

The Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) is a tool to support the development of the Inter-American Convention against Corruption (IACAC) through cooperation among States Parties to the Convention who are members of the Mechanism. The MESICIC has the following objectives:

- To promote the implementation of the IACAC and contribute to the achievement of its goals.
- To follow up on the commitments assumed by the States Parties to the IACAC and to review how they are being implemented.
- To facilitate technical cooperation, the exchange of information, experiences and best practices, and to harmonize the legislation of States Parties.

It should also be pointed out that, although the MESICIC is inter-governmental by nature, it is also empowered to receive opinions from civil society.

### **>>> Links:**

*General Assembly Resolution establishing the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC)*

## ***Inter-American Convention against Corruption (IACAC)***

In 1996, OAS member states adopted the Inter-American Convention against Corruption (IACAC). This Convention, which was the first international legal instrument to address this issue, specifically includes in its underlying principle the recognition of the international importance of corruption and the need for an instrument to promote and facilitate cooperation between countries to combat it. Consequently, the Convention sets forth two goals: first, to promote and strengthen the development by each of the States Parties of the mechanisms needed to prevent, detect, punish and eradicate corruption; and second, to promote, facilitate and regulate cooperation among the States Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption in the performance of public duties and acts of corruption specifically related to such performance.

The IACAC identifies acts of corruption to which it applies, creates binding obligations under international law, and identifies principles to effectively combat corruption. The Convention underscores the importance of the measures to prevent corruption, provides for institutional development, requires the criminalization of specified acts of corruption, and contains provisions regarding extradition, seizure of assets, mutual legal assistance, and

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technical assistance where acts of corruption occur or have an impact on other States Parties.

**>>> Links:**

*Text of the Inter-American Convention against Corruption*

## **Origin of the MESICIC**

On March 29, 1996, OAS member states adopted the Inter-American Convention against Corruption (IACAC) at a Specialized Inter-American Conference held in Caracas, Venezuela. Aware that the convention constituted a first step in collectively combating corruption, and that it would require subsequent complementary developments to increase its effectiveness, the States Parties to the Convention created a follow-up mechanism for its implementation. On June 4, 2001, the OAS General Assembly held in San Jose, Costa Rica, adopted the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC). The MESICIC went into effect in January 2002 in accordance with the terms of the “Report of Buenos Aires on the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption.”

**>>> Links:**

*Report of Buenos Aires on the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption*

## **Structure of the MESICIC**

The MESICIC consists of two bodies: the Conference of States Parties, composed of representatives of all the states, which has the authority and responsibility of supervising implementation of the Mechanism (the political body); and the Committee of Experts, composed of experts designated by each State Party, which is responsible for the technical review of the implementation of the Convention by the States Parties (technical body). The General Secretariat of the OAS acts as the technical secretariat of the Mechanism.

**>>> Links:**

*Rules of Procedure of the Conference of States Parties of MESICIC*

*Rules of Procedure of the Committee of Experts of MESICIC*

## **Characteristics of the MESICIC**

The MESICIC operates within the framework of the purposes and principles established by the Charter of the OAS. It therefore takes into account the principles of sovereignty, non-intervention and the legal equality of the states.

The MESICIC is impartial and objective in its operations and decisions and does not employ the use of sanctions. Its purpose is neither to grade nor classify the states but rather to strengthen cooperation between states in their effort to combat a common enemy, corruption.

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The MESICIC also aims to establish the proper balance between confidentiality and transparency in its activities.

>>> **Links:**

*Charter of the OAS*

## ***Operation of the MESICIC***

The MESICIC process is one of reciprocal or mutual evaluation between the States Parties to the Mechanism. It is carried out through a series of successive “rounds” in which the Committee of Experts reviews the manner in which the states are implementing the provisions of the IACAC selected for each round. The rounds, which operate according to the established Rules of Procedure, methodology, and which use a uniform questionnaire, culminate in the adoption of national reports which contain specific recommendations for each state regarding areas that require further progress for a more effective implementation of those provisions.

Civil society organizations participate in the process, providing information similar to that submitted by each state; therefore they can submit documents regarding the implementation of the provisions of the IACAC and make presentations during meetings of the Committee of Experts as noted in the Rules of Procedure of the Committee.

## ***Process for the Preparation of Country Reports***

- The Secretariat forwards to the state to be reviewed a copy of the questionnaire approved by the Committee of Experts.
- The state submits its response to the Secretariat by the deadline set in the Committee’s schedule. At the same time, civil society organizations have the opportunity to submit their observations based on the same questionnaire and by the same deadline as that assigned to the state under review.
- The Secretariat, based on the information provided by the state under review in its response to the questionnaire, prepares a preliminary draft agenda and submits it for the consideration and approval of the members of the subgroup.
- Once the draft preliminary agenda has been approved by the members of the subgroup, the Secretariat submits it to the country under review, through its Lead Expert to the Committee, for its consideration and approval.
- Once finalized the on-site visit, the Secretariat, based on the information provided by the country under review in its questionnaire, and the information collected during the on-site visit, prepares the “draft preliminary report.” The Secretariat also takes into account the observations submitted by civil society within the corresponding deadline, and those submitted during the on-site visit.

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- By the deadline established in the schedule, the Secretariat forwards the draft preliminary report to the two members of the review sub-group for their comments.
  - The members of the sub-group attach their observations to the draft preliminary report and forward it to the Secretariat by the established deadline.
  - The Secretariat forwards the draft preliminary report with the sub-group comments to the state under review.
  - The state under review makes its observations and answers any questions that the members of the review sub-group may have submitted and forwards them to the Secretariat by the deadline.
  - The Secretariat prepares a consolidated document (the “revised draft preliminary report”) that includes the comments of the members of the sub-group, the observations made by the state as well as any clarifications that the Secretariat deems appropriate, and submits the document to all the members of the Committee of Experts, including the state under review.
  - Prior to the meeting of the full Committee of Experts, members of the sub-group and the representative or representatives of the state under review meet to clarify any doubts they may have with regard to the revised draft preliminary report. The Secretariat is present at this meeting to provide any technical advice required.
  - Once the sub-group meeting is completed, the Secretariat prepares a finalized version of the report (now called the “preliminary report”) and submits it to the plenary of the Committee for its consideration. Any unresolved subject in the report will be open to consideration and discussion by the full Committee.
  - The sub-group experts present to the plenary the contents and scope of the revised preliminary report. The expert of the state under review also makes a brief presentation with regard to said preliminary report.
  - The full Committee then considers the preliminary report and makes specific changes as it deems it appropriate, and formulates conclusions and recommendations as required.

**>>> Links:**

*Rules of Procedure of the Committee of Experts of MESICIC*

*Methodology for conducting on-site visits*

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## ***Advances in the Activities of the MESICIC***

Information regarding advances in the activities of the MESICIC can be found on the web page of the Department of Legal Cooperation.

**>>> Links:**

*Department of Legal Cooperation website*

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## Responsibilities of the Experts of the Committee

The Rules of Procedure of the Committee establish that the experts will have the following responsibilities:

### *As Representatives of the State under Review*

- Respond to the questionnaire, gathering information from different agencies or branches of government if necessary.
- Submit the response to the questionnaire and the corresponding attachments to the Secretariat within the deadline established in the schedule.
- Ensure that the response to the questionnaire follows the methodology used for reviewing the implementation of the provisions of the Convention selected for each round.
- Ensure that all the laws and regulations cited in the response to the questionnaire are attached to the response.
- Coordinate, with the respective authorities and with the Technical Secretariat, all matters related to defining the date and agenda of the on-site visit, and all its organizational and logistical aspects, as provided for in this Methodology.
- Ensure that all the representatives of the institutions and organizations that are to participate at the meetings held within the framework of the on-site visit confirm their attendance and arrive punctually at those meetings.
- Inform the representatives of the institutions and organizations that are to participate in the meetings held within the framework of the on-site visit, of the specific objectives of the meetings in question, and to that end, send them the relevant information from the agenda of the on-site visit identifying the relevant topics that are to be considered at the corresponding meeting, in advance.
- Participate in all the meetings held during the on-site visit, and coordinate any matters that may arise in order to follow up on them.
- Coordinate, with the Technical Secretariat, the provision of the support required from the country under review for the organization and execution of the meetings within the framework of the on-site visit.
- Respond to inquiries and to requests for documents from the Secretariat during the preparation phase of the draft preliminary report.
- Submit the observations of the state with respect to the observations of the sub-group, to the Secretariat.

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- Ensure that the observations mentioned in the preceding paragraph are presented in a clear and concise manner, preferably in “track changes” within the same document.
  - Be present at the meeting of the sub-group during the final phase. Doubts and discrepancies that are still pending will be resolved during this meeting.
  - Attend the meeting of the full Committee and participate in the deliberations.
  - Make a brief presentation to the full Committee on the preliminary report.
  - Except for the year in which the Hemispheric Report is adopted, prepare and submit annual progress reports to the Secretariat. The preparation of progress reports, as in the case of the response to the questionnaire, may be accomplished with the collaboration of the appropriate governmental agencies.

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### ***As Members of the Review Sub-group***

- Respond, in a timely fashion, to inquiries made by the Technical Secretariat regarding the process of defining the agenda of the on-site visit and the organizational and logistical aspects related to their participation therein, bearing in mind the terms of provision 14, final paragraph, and 16 of this Methodology.
- Prepare for the on-site visit by, inter alia, giving due consideration to the background documents for the visit made available to them by the Technical Secretariat.
- Make the arrangements for which they have competence to ensure their participation during the entire time anticipated for the on-site visit and avoiding the occurrence of last-minute difficulties caused by lack of foresight.
- Participate actively, constructively, objectively, and impartially in the meetings held during the on-site visit
- Review the draft preliminary report sent by the Secretariat, and submit comments and questions to the Secretariat by the deadline set in the schedule.
- Ensure that the comments cited in the preceding paragraph are presented in a clear and concise manner.
- Endeavor, to the extent possible, and taking budgetary restrictions into account, for the experts who participate in the on-site visit to also participate in the Subgroup and Plenary discussions on the draft report for the country under review.
- Take part in the meeting of the sub-group.
- Determine how the members of the sub-group will present the preliminary report to the full Committee.
- Present the preliminary report produced by the meeting of the sub-group to the full Committee. This should include a brief presentation of the contents and scope of the report.

### ***As Members of the Committee of Experts***

- Take part in the meetings and discussions of the full Committee with regard to the text of the preliminary reports. The goal is to craft texts suitable to all, with a spirit of cooperation among the States Parties.
- Approve the reports of the states reviewed.
- Review and approve the Hemispheric Report when it comes up for consideration.

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- Review the annual progress reports of the MESICIC member states.

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## MESICIC Online

The MESICIC web page provides ample information on the subject, including the following:

- Background, such as Summits of the Americas and OAS Resolutions specific to the fight against corruption
- Text of the Inter-American Convention against Corruption
- Structure of the Follow-up Mechanism
- Rules of Procedure of the Committee of Experts
- Methodology for conducting on-site visits
- Documents regarding the methodology used in each round of review
- Response of individual countries to the questionnaire
- Country reports adopted by the Committee of Experts
- Hemispheric Report on the First Round of Review
- National progress reports on the implementation of the Convention
- Documents regarding the participation of civil society in the activities of the Committee

**>>> Links:**

[MESICIC website](#)

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## Flowchart: Adoption of Country Reports

