

METHODOLOGY FOR CONSIDERATION OF THE FIRST COLLECTIVE INTEREST TOPIC¹

I. BACKGROUND

Consideration of issues of collective interest for the States Parties by the *Committee*, in conformity with the provisions of Articles 3 h) and 36 b) of the *Rules*, is part of the objective of the Convention and the *Mechanism for Follow-up* of promoting and facilitating cooperation among the States Parties to prevent, detect, penalize, and eradicate corruption.

In compliance with the above-mentioned provisions of the *Rules*, the Committee decided that the first issue of collective interest to be considered would be the one relative to the preventive measure referred to in Article III 5) of the Convention, on “government procurement of goods and services that assure the openness, equity and efficiency of such systems.”²

In order to the help initiate consideration of this issue of collective interest by the Committee, the Secretariat, pursuant to the provisions of Article 9 n) of the *Rules*, drew up the document entitled “*Collective Interest Topic: Towards a Regulatory Framework for Preventing Corruption in Government Contracting*,”³ which was presented and distributed at the Committee’s second meeting.⁴

Bearing in mind this background, the present document contains the methodology to initiate discussion of this first issue of collective interest.

II. OBJECTIVES

Consideration of this issue of collective interest by the Committee has the following main objectives:

1. Facilitate the exchange of information, experiences, and best practices in government contracting, in accordance with what is prescribed in provision 1 c) of the *Report of Buenos Aires* on the purposes of the *Mechanism for Follow-up*.
2. Enable the *Committee* to identify basic or fundamental principles or rules that should be incorporated into national laws or regulatory frameworks in this field, in order to achieve the goal of preventing corruption as referred to in the *Convention*, and to formulate a series of specific recommendations regarding this, pursuant to the provisions of Article 36 c) of the *Rules*.
3. Ensure that the recommendations referred to in the preceding paragraph are useful as a guide or support for legal and institutional reform processes carried out by the States Parties and for the design and implementation of international technical cooperation programs in government contracting, as well as for future follow-up, in the framework of

¹ This document was approved by the Committee on July 18, 2003, in the context of its fourth meeting, held at OAS headquarters in Washington, D.C., July 14-18, 2003.

² This decision was adopted by the Committee in the framework of its first meeting, held at OAS headquarters in Washington D.C., on January 14-18, 2002.

³ This document is published at the following Internet address:
http://www.oas.org/juridico/spanish/mec_ron1_temas.htm

⁴ The Committee’s second meeting was held on May 20-24, 2002.

the Committee's work, of the implementation of the preventive measure referred to in Article III 5) of the *Convention*.

III. FINAL OUTCOME STEMMING FROM CONSIDERATION OF THIS COLLECTIVE INTEREST TOPIC BY THE COMMITTEE

After considering this issue of collective interest, it is expected that the Committee will draw up a series of recommendations on the basic or fundamental principles or rules that could be considered for incorporation in national laws or regulatory frameworks to prevent corruption in the various stages of government contracting processes.

IV. PROCEDURE FOR CONSIDERING THIS COLLECTIVE INTEREST TOPIC BY THE COMMITTEE

To consider this issue of collective interest in the framework of the Committee's meetings, the procedures described below will be followed:

1. **First phase: Presentation of the document drafted by the Secretariat.** The Secretariat will present the contents and scope of the document that it has drafted to help initiate consideration of this issue of collective interest, and the delegations will make comments and observations regarding it.
2. **Second phase: Exchange of information, experiences, and best practices.** This phase is aimed at exchanging, in the framework of the Committee's meetings, information about regulatory developments, experiences or best practices and, as a result of this exchange, making progress in analyzing and identifying the basic or fundamental principles or rules that could be considered for incorporation in national laws or regulatory frameworks to prevent corruption in the various stages of government contracting processes.

For this purpose:

- a) The States Parties will be entitled to make any voluntary presentations regarding regulatory developments, experiences or best practices in the field of government contracting they deem advisable, so as to share them with the other members of the Committee to achieve the goals that were set for discussing this subject.
- b) The Committee shall invite representatives from other international organizations to present developments that have taken place in the field of government contracting and, on the basis of these developments, in particular, to identify specific elements or factors that can contribute to preventing corruption in the various stages of government contracting processes.
- c) The Committee will invite representatives from the private sector, academic and research institutions, or nongovernmental organizations that have developments in this field that are important for reaching the objectives of consideration of this issue of collective interest.
- d) The Committee shall consider documents with proposals regarding this issue of collective interest sent to it by civil society organizations and will invite them or

accept their request to present such documents verbally, in the framework of its meetings, in accordance with the provisions of Article 33 c) and 35 of the *Rules*.

3. Third Phase: Drafting and adoption of recommendations by the Committee:

Once the Committee considers that the previous phase has concluded, it will proceed as follows:

- a) To help initiate deliberations on the recommendations, the Chair of the Committee, with support from the Secretariat, will draw up the first draft document of recommendations.

To draw up this draft document, it will bear in mind the pertinent information received by the Committee during the two previous phases and the results of the reviews and deliberations regarding these recommendations.

The draft recommendations will be published on the Mechanism's Internet webpage.

- b) On the basis of the Chair's draft document, the Committee will proceed to consider and adopt its recommendations on the basic or fundamental principles or rules that could be considered for incorporation in national laws or regulatory frameworks to prevent acts of corruption in the various stages of government contracting processes.
- c) The Committee will transmit the above-mentioned recommendations to the Conference of the States Parties.

4. Fourth Phase: Dissemination of Recommendations:

Once the recommendations have been adopted, they will be disseminated via Internet and other means of communication, so they can contribute to achieving the purposes referred to in section II of the present document.