

MECHANISM FOR FOLLOW-UP ON
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION

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Committee of Experts

RULES OF PROCEDURE AND OTHER PROVISIONS ¹

CHAPTER I
SCOPE OF THE RULES OF PROCEDURE AND OTHER PROVISIONS

Article 1. Scope of the Rules of Procedure and Other Provisions. The Rules of Procedure and Other Provisions (hereafter Rules) shall prescribe the structure and operation of the Committee of Experts (hereafter Committee) of the Mechanism for Follow-up (hereafter Follow-up Mechanism) on the Implementation of the Inter-American Convention against Corruption (hereafter Convention).

The Committee shall have the responsibility of undertaking its activities within the framework of the purposes, basic principles, characteristics and other provisions established in the "Report of Buenos Aires on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption" (hereafter Report of Buenos Aires), of the decisions that are adopted by the Conference of States Parties and, pertinently, of the Organization of American States (OAS) Charter.

The Committee may resolve those matters not addressed by these Rules, the Report of Buenos Aires or the OAS Charter in accordance with the provisions in article 3 (k) and article 13.

CHAPTER II
STRUCTURE AND RESPONSIBILITIES OF THE COMMITTEE

Article 2. Composition. The Committee shall be comprised of the experts appointed by each of the States Parties that are members of the Follow-up Mechanism (hereafter States Parties).

Each State Party shall notify the Secretariat of the name or names and personal information (address, e-mail address, phone and fax number) of the expert or experts that will represent it in the Committee. When more than one expert is appointed, the State Party shall indicate the name of the expert who shall lead the group. In this case, the lead expert shall be the contact point for the Secretariat in distributing documents and for all communications.

Each State Party shall notify the Secretariat when there is a change in its representation to the Committee.

Article 3. Responsibilities of the Committee. In accordance with the Report of Buenos Aires, the Committee shall be responsible for the technical analysis of the implementation of the Convention by the States Parties. In performing this function, the Committee shall undertake the following:

¹ The Rules of Procedure and other Provisions was adopted by the Committee in its First Meeting, held at the OAS Headquarters, from January 14 to 18, 2002.

- a. Adopt its annual working plan, for which the Secretariat will develop a draft in conformity with the provisions in article 9 (a) of these Rules.
- b. Select, from among the provisions of the Convention, those whose implementation by all of the States Parties shall be reviewed, seeking to include both preventive measures and other provisions contained in the Convention, and determine the length of time it shall devote to this task, which shall be known as a "round".
- c. Adopt a methodology for the review of the implementation of the provisions of the Convention selected to be reviewed in each round that is designed to ensure that sufficient reliable information is obtained. The adoption of this methodology shall comply with the procedure described in article 18 of these Rules.
- d. Adopt a questionnaire on the provisions selected for review in each round, based on OAS document CP/GT/PEC-68/00 rev. 3 "Questionnaire on Ratification and Implementation of the Inter-American Convention against Corruption" and in accordance with article 18 of these Rules.
- e. Select, in each round, an impartial methodology (such as presentation on a voluntary basis, in chronological order of ratification of the Convention or by lot) for setting the dates for review of the information on each State Party.
- f. Determine the composition of each subgroup, to be comprised of experts from two States Parties in accordance with article 20 of these Rules, which shall review, with support from the Secretariat, the information on the State Party they have been assigned to review.
- g. Adopt the country reports in regard to each of the States Parties and a Hemispheric Report at the end of each round, in accordance with articles 21 to 25 of these Rules.
- h. Promote and facilitate co-operation among the States Parties, within the framework of the Convention and in accordance with the Report of Buenos Aires and article 37 of these Rules.
- i. Approve a yearly activity report, which shall be forwarded to the Conference of States Parties.
- j. Review periodically the operation of the Follow-up Mechanism and propose any recommendations it considers pertinent to the Conference of States Parties regarding the Convention and the Report of Buenos Aires.
- k. Request the assistance and guidance from the Conference of States Parties, when it considers it necessary or convenient in fulfilling its responsibilities.

Article 4. Chair and Vice-Chair. The Committee shall have a Chair and a Vice-Chair, who will be elected separately from among its members for a one-year term and may be re-elected for the following year.

If the Chair or Vice-Chair cease to serve as representatives of their respective States, then their term as such would be terminated.

If the Chairman ceases to serve as a representative of a State Party or resigns before the term is concluded, the Vice-Chair shall assume the responsibilities of Chair and the Committee shall elect a new Vice-Chair for the remainder of the term.

If the Vice-Chair were to cease serving as a representative of a State Party or resigns before the term is concluded, the Committee shall elect a new Vice-Chair for the remainder of the term.

In the case of a permanent absence of both the Chair and Vice-Chair, their replacements shall be elected during the following Committee meeting, according to the procedure established by these rules.

Elections of the Chair and Vice-Chair shall be by consensus. In the case of not reaching consensus on the decision it shall be adopted by one half plus one of the lead experts of the States Parties, through a secret vote.

Article 5. Responsibilities of the Chair. The Chair shall have the following responsibilities:

- a. Co-ordinate with the Secretariat the various activities related to the operation of the Committee.
- b. Open and adjourn all meetings and direct the discussions.
- c. Submit to the Committee for its consideration the topics that are a part of the approved order of business for each meeting.
- d. Decide on points of order that may arise during deliberations.
- e. Put motions to a vote and announce the results thereof.
- f. Represent the Committee before the Conference of States Parties, OAS organs and other institutions.
- g. Submit to the Committee for its consideration the proposals on the composition of the preliminary review subgroups, to be comprised of experts from two States Parties, which shall review, with support from the Secretariat, the information received from a reviewed State Party.
- h. All other responsibilities conferred by these Rules and the Committee.

Article 6. Temporary leave of Chair. When the Chair or Vice-Chair is presiding the Committee, he or she must be excused temporarily from the Chair duties when review and approval of the country report in regards to the State Party he or she represents takes place.

Article 7. Responsibilities of the Vice-Chair. The Vice-Chair shall assume the duties of the Chair in the temporary or permanent absence of the Chair and shall assist the Chair in the performance of his or her activities.

Article 8. Secretariat. The Secretariat of the Committee shall be undertaken by the OAS General Secretariat.

As a result, matters regarding the Secretariat's technical and administrative personnel, as well as its structure and responsibilities, shall adhere to the provisions in the OAS Charter, the General Standards to Govern the Operations of the General Secretariat of the OAS approved by its General Assembly, and the decisions that the Secretary General may adopt in developing said General Standards.

Article 9. Responsibilities of the Secretariat. The Secretariat shall have the following responsibilities:

- a. Prepare an annual draft working plan of the Committee, which shall include the respective proposals in regards to the number of States Parties that will be reviewed in said period, the meetings that will be held for such review and a timetable to complement said activities, and submit it to the Committee for its consideration.
- b. Send convocation notices for all Committee meetings.
- c. Prepare the draft order of business for each Committee meeting.
- d. Prepare the methodology and questionnaire proposals for the review of the provisions of the Convention selected, whose application shall be reviewed in a round, and submit them to the Committee for its consideration and approval, in accordance with article 18 of these Rules.
- e. Support the subgroups of experts in the process of reviewing the information received from the States Parties and in preparing and presenting the preliminary reports referred to in provision 7 (b) (iii), of the Report of Buenos Aires.
- f. Prepare a draft Hemispheric Report at the end of each round, submit it to the Committee for its consideration and, once the Hemispheric Report is adopted by the Committee, forward it to the Conference of States Parties.
- g. Prepare a draft Committee Annual Report and, once said Report is adopted by the Committee, forward it to the Conference of States Parties.
- h. Serve as a custodian for all the documents and files of the Committee.
- i. Disseminate, through the Internet and by any other means of communication, information and public documents related to the Follow-up Mechanism, as well as the country and final reports of each round, once they are made public in accordance with these Rules.
- j. Serve as the central co-ordinating and contact point for the delivery and exchange of documents and communications between the experts, as individuals or as a Committee, with the Conference of States Parties, OAS organs and other organizations or institutions.
- k. Notify the Committee members of communications received or submitted to them for their consideration, unless they are significantly beyond the scope of the responsibilities of the Committee or in the case of Civil Society Organizations that do not comply with the requirements or time periods prescribed in article 34 of these Rules.
- l. Prepare the minutes of Committee meetings and maintain its files.

- m. Update periodically information on the progress made by each State Party regarding the implementation of the Convention, based on the information submitted by them, directly or within the framework of the Committee meetings in accordance with article 31 of these Rules.
- n. Prepare or co-ordinate the preparation of research papers, investigations or studies on topics related to the Committee's responsibilities, which shall be submitted to the Committee for its consideration in conformity with article 37 (b) of these Rules.
- o. Advise the Chair, Vice-Chair and the Committee members in undertaking their responsibilities when requested.
- p. Promote and organize programs of technical co-operation in conjunction with other international co-operation organizations and agencies to support the States Parties in their efforts to comply with the recommendations that are made by the Committee, as well as the exchange of information between States Parties on the best practices that they identify in the implementation of those recommendations.²
- q. All other responsibilities that the Committee may assign to the Secretariat or those which may be necessary for the effective fulfillment of its responsibilities.

Article 10. Means for delivery of communications and distribution of documents. In order to facilitate distribution and minimize costs, the communications between the Secretariat and lead experts (and vice-versa), as well as the documents for consideration by them individually, in subgroups or in plenary Committee meetings, shall be forwarded via electronic mail with a copy to be sent to the Permanent Mission of the respective State Party to the OAS.

The responses to the questionnaires by the States Parties, and whatever other documents they or lead expert may forward for distribution among the Committee members, shall also be forwarded to the Secretariat in an electronic form.

In extraordinary cases, when no electronic version exists of the documents, they shall be forwarded, preferably, via fax and, as a last alternative, via regular mail.

Article 11. Languages. The working languages of the Committee are the languages of the States Parties which are at the same time the official languages of the OAS

Article 12. Quorum. Quorum for meeting shall constitute the presence of one-half plus one of the lead experts that represent the States Parties.

Article 13. Decisions. As a general rule, the Committee shall make its decisions by consensus.

In those cases where there is a controversy in regards to a decision, the Chair shall undertake the good offices and all the measures at the Chair's disposal in trying to reach a consensus among the Committee members. Once the Chair considers that this path has been exhausted and that a decision by consensus is not possible, the issue shall be put to a vote. In this event, decisions shall enter into force with a vote of two-thirds of the lead experts present, if the issue is with regard to the adoption

² The text of paragraph p. of Article 9 corresponds to the amendment approved by the Committee at its Eighth Meeting, held at the OAS Headquarters, from September 26 to 30, 2005.

of a country or final report or the amendment of these Rules. In all other cases, the decision shall enter into force by a vote of one-half plus one of the lead experts present. In this last case, all votes shall be yes, no or be an abstention.

A lead expert shall abstain from voting when the Committee is considering his or her State Party's draft preliminary report.

Article 14. Consultations by electronic means. In periods between meetings, the Committee may consult through electronic means of communication.

Article 15. Observers. In accordance with provision 7 (d) of the Report of Buenos Aires, States that are not States Parties may be invited to observe the plenary meetings of the Committee if they so request.

Article 16. Headquarters. In accordance with provision 6 of the Report of Buenos Aires, the Committee, as an entity, shall have its headquarters at the OAS.

Article 17. Funding. The Committee's activities will be funded in accordance with provision 9 of the Report of Buenos Aires.

CHAPTER III REVIEW PROCEDURE

Article 18. Selection of provisions, determination of a round and adoption of methodology and questionnaire. The procedure for the selection of the provisions, the determination of a round and the adoption of a methodology and questionnaire for the review of the implementation by the States Parties of the provisions of the Convention, shall be the following:

- a. The Committee shall select the provisions of the Convention, whose implementation by the States Parties shall be reviewed, seeking to include both preventive measures and other provisions contained in the Convention. This information shall be made public once the Committee selects the respective provisions.
- b. The Secretariat shall prepare the methodology and questionnaire proposals for the review of said provisions and shall forward them to the lead experts of all the States Parties and shall publish them via the Internet and by any other means of communication in accordance with article 34, no later than thirty (30) days before the date of the Committee meeting that will consider said methodology and questionnaire.
- c. The Committee in plenary shall adopt the final versions of the methodology and questionnaire, and shall determine the length of time it will devote to the review of the implementation by the States Parties of those provisions selected, which shall be known as a round.
- d. The final versions of the methodology and questionnaire shall be disseminated by the Secretariat via the Internet and by any other means of communication.

Article 19. Definition of the review process of the States Parties. At the beginning of every round, the Committee shall:

- a. Adopt an impartial methodology (such as presentation on a voluntary basis, chronological order of ratification of the Convention, or lot) for setting the dates for review of the information on each State Party.
- b. Determine the number of States Parties whose information shall be the subject of review in each meeting so as to complete the round within the planned time frame.
- c. Determine, as a minimum and in accordance with the impartial methodology referred to in paragraph (a) of this article, the States Parties whose information shall be the subject of review for the first meeting within the framework of a round.

In the event that in the beginning of a round only the States Parties whose information shall be the subject of review in the next meeting are selected, then in accordance with the impartial methodology adopted for the entire round, the States Parties whose information shall be the subject of review for the following meeting shall be selected.

The information that is referred to in this article shall be made public once the Committee reaches the decisions herein mentioned.

Article 20. Composition of subgroups for the review of the information and the preliminary report. The Committee, based on the proposal prepared by the Secretariat in co-ordination with the Chair, shall determine the composition of the subgroups with experts (one or more) from two States Parties that, with support from the Secretariat, shall review the information and prepare the preliminary reports on each State Party whose information shall be reviewed in the next meeting by the Committee.

In selecting the members of a subgroup consideration shall be given to the historical legal tradition of the State Party whose information shall be the subject of review.

Consideration will be given to avoid the selection, to a subgroup, of experts from a State Party that has been reviewed by the State Party under review in that round.

Each State Party shall endeavor to be part of a subgroup, on at least two occasions in each round.

Article 21. Questionnaire response. Once the final version of the questionnaire is agreed upon, the Secretariat shall forward it, in electronic format, to the State Party whose information shall be the subject of review, through its Permanent Mission to the OAS, with a copy to the lead expert on Committee of said State Party.

The State Party shall, through its Permanent Mission to the OAS, forward to the Secretariat the responses to the questionnaire, in electronic format, with all the supporting documents, within the time period that the Committee sets in each round.

The lead experts shall take all the necessary measures in ensuring that their respective States Parties respond to the questionnaire within the time period referred to in the previous paragraph.

Article 22. Coordinating governmental unit in regard to the questionnaire. In all matters related to the forwarding and response of the questionnaire, each State Party shall identify the coordinating governmental unit and notify the Secretariat. The Secretariat shall then register said unit.

Article 23. Procedure for the review of the information and preparation of the preliminary report.

Once the responses to the questionnaire is received, the procedure shall be as follows:

- a. The Secretariat shall prepare a draft preliminary report;
- b. The Secretariat shall forward the draft preliminary report to the corresponding subgroup for its comments;
- c. The subgroup shall forward to the Secretariat any comments they may have in regard to the draft preliminary report;
- d. The Secretariat shall forward the draft preliminary report and the comments of the subgroup to the State Party under review for clarification;
- e. Upon receipt of its draft preliminary report, the State Party being reviewed shall respond to the comments of the subgroup and the Secretariat;
- f. On the basis of the responses of the State Party being reviewed to the comments of the subgroup, the Secretariat shall prepare a revised draft preliminary report, which it shall forward to the Committee at least two weeks before the subsequent Committee meeting for consideration.

Article 24. Preliminary review meeting of the subgroup and the State Party under review. The representatives of each reviewed State Party shall meet with the members of the subgroup in charge of the preliminary review and with the Secretariat the day before the beginning of the Committee meeting in which the said preliminary report shall be considered.

This meeting shall have as its purpose the revision or clarification of those areas of the draft preliminary report where discrepancies in regards to its content or form may still exist and establish a methodology for the presentation of the draft preliminary report in the plenary of the Committee.

Based on the information received from the reviewed State Party, the subgroup may agree to change the text of the draft preliminary report or maintain it as is for its presentation to the Committee. The members of the subgroup shall also agree upon the presentation format of their preliminary report to the plenary of the Committee.

Article 25. Consideration and approval of the country report in the Committee. For the consideration and adoption of the report, the Committee shall proceed as follows:

- a. The members of the subgroup in charge of the preliminary review shall briefly present the content and scope of the preliminary report.
- b. The reviewed State Party shall make a brief statement in regards to the preliminary report.
- c. A discussion, open to the Committee as a whole, shall then begin on the preliminary report.
- d. The plenary of the Committee may make any specific changes to the preliminary report it considers necessary, prepare the conclusions and, if deemed appropriate, make any recommendations it considers pertinent.

- e. In accordance with the spirit of provision 3 (e) of the Report of Buenos Aires, the Committee shall strive to base its recommendations, if any, on the principles of consensus and cooperation.
- f. The Secretariat shall revise the report as agreed by the Committee and shall present the revised report to the Committee for its approval.
- g. Once the country report is approved in accordance with the provisions mentioned in the previous paragraphs, the Secretariat shall publish it on the Internet web page of the Mechanism.³

Article 26. Documents. In each round the Secretariat shall recommend the format, characteristics and length of the documents that will circulate within the framework of the Committee's responsibilities, allowing each State Party the possibility of providing additional documents it considers to be necessary.

Article 27. Length and format of the country report. All the country reports shall have the same structure. This structure is to be considered and approved by the Committee in the same manner as foreseen in Article 18 in adopting the methodology and questionnaire.

Article 28. Review of new States Parties. Once a State Party becomes part of the Follow-up Mechanism, it shall:

- a. Respond to the previously adopted questionnaires.
- b. Be reviewed by the subgroup assigned to follow-up on its compliance with the provisions of the Convention that were considered in previous rounds as well as of those that are being reviewed within the framework of the developing round at the moment the State becomes a State Party.

CHAPTER IV ⁴ FOLLOW-UP AND REPORTS

Article 29. Follow-up within the framework of future rounds. At the start of a new round, there shall be included within the questionnaire a section on "Follow-up on Recommendations" to enable the review of progress made in implementing the recommendations included in its country report adopted in previous rounds. To that end, each State Party shall submit the appropriate information in the standard format that the Committee shall provide as an Annex to the Questionnaire.

With respect to the implementation of recommendations, the State Party shall refer to any difficulties that may have arisen in the process. Should it deem it to be appropriate, the State Party may also identify the domestic agencies that have participated in implementing the recommendations, as well as identify specific technical assistance or other needs connected with the implementation of the recommendations.

During the second and subsequent rounds, the country report of each State Party shall address the steps taken to implement the recommendation adopted by the Committee in previous country reports.

³ The text of paragraph g. of Article 25 corresponds to the amendment approved by the Committee at its Eighth Meeting, held at the OAS Headquarters, from September 26 to 30, 2005.

⁴ The text of Chapter IV corresponds to the amendment approved by the Committee at its Eighth Meeting, held at the OAS Headquarters, from September 26 to 30, 2005.

The country report shall note those recommendations that have been satisfactorily considered and those that need additional attention by the country under review.

Article 30. Hemispheric Reports

1. At the end of a round the Committee shall adopt a Hemispheric Report which shall be composed of two parts, as follows:
 - a. An overall review that contemplates, among other things, the conclusions that are arrived at in the country reports and the recommendations of a collective nature in respect to following up on the results of said reports, such as the actions that are recommended in consolidating or strengthening hemispheric cooperation on the issues that are referred to in the provisions under consideration in each round or that are closely related to them.
 - b. A summary of progress achieved by the countries overall in implementing the recommendations made by the Committee in previous rounds.
2. Once adopted by the Committee, each Hemispheric Report shall be transmitted to the Conference of States Parties.
3. The Secretariat shall publish and distribute a printed version of each Hemispheric Report, as well as disseminate it via the Internet web page of the Mechanism.

Transitory Paragraph: At the end of the first round of review, the Hemispheric Report shall only include the information referred to in subparagraph 1.a of this Article.

Article 31. Reports within the framework of the Committee meetings.⁵ At the first Committee meeting of each year, each State Party shall submit a brief verbal report on the measures that it has adopted since the first meeting of the previous year with respect to the recommendations made by the Committee. Similarly, each State Party may inform on the difficulties that it has faced with respect to the implementation of those recommendations as well as on other progress related to the implementation of the Convention during that time period. An electronic copy of these reports, which shall be drafted in a standard format approved by the Committee* and shall not exceed five pages in length, shall be published on the Internet web page of the Mechanism.

Transitory paragraph. The amendment to the preceding article adopted at the Committee's 11th meeting shall come into effect as of 2008. At the second meeting of the Committee in 2007 each State Party shall submit a brief verbal report on the measures that it has adopted since the previous meeting and on progress made in implementing the Convention, in accordance with the former wording of article 31, and an electronic copy of those reports, which shall not exceed five pages in length, shall be published on the Internet web page of the Mechanism.

⁵ The text of Article 31 corresponds to the amendment approved by the Committee at its Eleventh Meeting, held at the OAS Headquarters, from June 25 to 29, 2007.

* At its Eleventh Meeting, the Plenary Session of the Committee held on June 29, 2007 adopted the standard format which is contained in document SG/MESICIC/doc.201/07, and which has been published at the following Internet webpage of the MESICIC: http://www.oas.org/juridico/english/mesicic_format_std.doc

Article 32. Annual progress reports.⁶ The Secretariat shall annually compile the results mentioned in the foregoing paragraph and shall accompany them with a summary of progress achieved by all countries in implementing the recommendations made by the Committee together with the information provided by the States with respect to the difficulties that they have encountered in the implementation of those recommendations, as well as on other progress in the implementation of the Convention. Those reports and their summary, once approved by the Committee at the second meeting of each year, shall be published as the "Annual Report on Progress in Implementation of the Inter-American Convention against Corruption", on the dates stipulated for this purpose in the schedule for each round of analysis, and shall be disseminated via the Internet web page of the Mechanism, and otherwise publicized. In the year in which the Hemispheric Report stipulated in Article 30 of these Rules of Procedure is to be adopted, the annual progress report referred to in this article shall not be prepared.

Transitory paragraph. The amendment to the preceding article adopted at the Committee's 11th meeting shall come into effect as of 2008. The Annual Report on Progress in Implementation of the Inter-American Convention against Corruption for the year 2007 shall contain the compilation of the reports referred to in the old text of Article 31 and shall be published on World Anti-Corruption Day, as provided in the old text of Article 32, and shall be disseminated via the Internet web page of the Mechanism, and otherwise publicized.

Article 33. Visits for follow-up.⁷ In following up on the provisions reviewed and recommendations made within the framework of a round, as part of the methodology and cooperation efforts in accordance with provisions 3 and 7(b)(i) of the Report of Buenos Aires, the Committee may establish visits by the members of the subgroups to all reviewed States Parties in future rounds.

In addition, visits may be undertaken when the reviewed State Party requests said visit.

CHAPTER V CIVIL SOCIETY ORGANIZATIONS PARTICIPATION

Article 34. Civil Society Organizations participation. Upon the publication of draft questionnaires, instruments of methodology and any other documents which the Committee deems appropriate, civil society organizations, taking into account the Guidelines for the Participation of Civil Society Organizations in OAS activities CP/RES. 759 (1217/99), and in accordance with the internal legislation of the respective State Party, may:

- a. Present, through the Secretariat, specific proposals to be considered in the drafting process referred to in Article 18 of these Rules. These proposals should be presented with a copy in electronic format, within a time frame established by the Secretariat, which time frame will be made public.
- b. Present, through the Secretariat, documents with specific and direct information related to the questions that are referred to in the questionnaire with respect to the implementation, by a State Party under review, of the provisions selected for review within the framework of a round. They

⁶ The text of Article 31 corresponds to the amendment approved by the Committee at its Eleventh Meeting, held at the OAS Headquarters, from June 25 to 29, 2007.

⁷ The text of Article 33 corresponds to the amendment approved by the Committee at its Tenth Meeting, held at the OAS Headquarters, from December 11 to 15, 2006.

may also present documents with information related to the implementation of the recommendations formulated by the Committee to the State Party in previous rounds. These documents shall be presented, with a copy in an electronic format, within the same time period given to the State Party in responding to the questionnaire.⁸

The Secretariat shall forward the documents that comply with the aforementioned conditions and terms before mentioned, to the State Party under review as well as to the members of the subgroup in charge of the preliminary review.

- c. Present proposal documents related to the collective interest issues that the Committee has included in their annual working plan, in accordance with the provision in article 37 (b) of these Rules. These documents shall be presented, through the Secretariat, with a copy in electronic format, no later than a month before the date of the meeting in which the Committee shall consider these issues.

The Secretariat shall forward a copy of these documents to the lead experts via electronic mail.

Article 35. Distribution of documents from civil society organizations. The documents presented by civil society organizations, in accordance with the provisions in the previous article, shall be distributed in the language in which they were presented. Civil society organizations may, along with the document, annex a translation of it in the official languages of the Follow-up Mechanism, in electronic format, for distribution.

The documents presented by civil society organizations that are not in electronic format shall only be distributed among the Committee members during the meeting when their length is no greater than ten (10) pages. If the length is greater than 10 pages, civil society organizations shall forward enough copies to the Secretariat for distribution.

Article 36. Participation of civil society organizations in Committee meetings. The Committee may invite or accept the request from civil society organizations, within the framework of its meetings, to give a verbal presentation of the documents they presented in accordance with the provision in article 34 (c) of these Rules.⁹

The Committee will invite civil society organizations to give verbal presentations, in informal meetings, of the documents they presented in accordance with the provisions in Article 34 (a) and (b) of these Rules.

CHAPTER VI COOPERATION

Article 37. Cooperation. Within the framework of its responsibilities, the Committee shall always take into account that the Convention and the Follow-up Mechanism have as their purposes the need to promote and strengthen cooperation among the States Parties for preventing, detecting, punishing and eradicating corruption.

⁸ The text of paragraph b. of Article 34 corresponds to the amendment approved by the Committee at its Eighth Meeting, held at the OAS Headquarters, from September 26 to 30, 2005.

⁹ The text of Article 36 corresponds to the amendment approved by the Committee at its Fifth Meeting, held at the OAS Headquarters, from February 2 to 6, 2004.

Taking into account the previous paragraph, the Committee:

- a. Mindful of the information that it receives from the States Parties for its review of the implementation of the measures foreseen in the Convention and, in its country and final reports, shall prepare specific recommendations on programs, projects and types of cooperation that will allow States to progress in those specific areas that are referred to in the reports or to search for more effective review measures.
- b. In addition to the consideration and adoption of the country and final reports in accordance with the procedures prescribed in these Rules, shall also include the consideration of those collective interest issues related to the Committee's responsibilities in trying to determine specific actions that will allow the strengthening of cooperation among them within the framework of the Convention.

In achieving this purpose, may invite specialists to present the results of their research or investigations in specific areas or recommend the preparation of certain studies, researches or analyses that will allow a greater number of review criteria to be available for the consideration of a specific issue.

- c. Based on the information received as a result of the review of the implementation of the provisions of the Convention by the States Parties and the issues that are referred to in the previous paragraph, shall consider and prepare recommendations in regards to the areas in which technical cooperation activities; the exchange of information, experience and best practices; and the harmonization of the legislation of the States Parties should be facilitated to promote the implementation of the Convention and contribute to its purposes established in article II.
- d. In accordance with the provision 7(c) of the Report of Buenos Aires, and mindful of the purposes of the Follow-up Mechanism and in the framework of the Inter-American Program for Cooperation in the Fight against Corruption, shall strive to cooperate with all OAS Member States, taking account of the activities already under way within the Organization, and shall report to the Conference of States Parties thereon.

Likewise, it shall undertake a systematic consideration of the issues involved in cooperation and assistance among States Parties in order to identify the areas where technical cooperation is needed and the most appropriate methods for the collection of useful data to review such cooperation and assistance. This work shall take into account of the provisions of Articles XIII through XVI and XVIII of the Convention.

CHAPTER VII ENTRY INTO FORCE AND AMENDMENT OF THE RULES

Article 38. Entry into force, publicity and amendment of the Rules. These Rules shall enter into force upon their adoption by the Committee and the Committee may amend these Rules through the consensus of the lead experts of the Follow-up Mechanism, or in the event that no consensus is reached, these Rules may be amended through a vote of two-thirds of the said lead experts present in favor of said amendment.

The Secretariat shall communicate these Rules to the Permanent Mission to the OAS of each State Party, and shall publish them via the Internet and by any other means of communication.