

EXECUTIVE ORDER 22-1

THE SECRETARY GENERAL,

Under the authority granted to him by Articles 109 and 113 of the Charter of the Organization of American States (OAS), by Articles 4, 8, 12, and 14 of the General Standards to Govern the Operations of the General Secretariat of the OAS (General Standards), and

CONSIDERING:

That the General Secretariat of the Organization of American States (GS/OAS) has a strong commitment to transparency and to conducting activities in accordance with the highest ethical standards and thus prohibits all forms of fraud and corruption;

That the General Standards, the Code of Ethics (Executive Order No. 12-3 Rev. 1), the Performance Contract "CPR" Rules (Executive Order No. 05-4 Corr. 1), the Procurement Contract Rules (Executive Order No. 00-1 Corr. 1) and the Budgetary and Financial Rules (Administrative Memorandum No. 103) have provisions that deal with the subject of corruption and references to fraudulent activities; and

The need to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls that will aid in the detection and prevention of fraud against the General Secretariat,

RESOLVES:

1. To adopt as of the date of this Executive Order the "Anti-Corruption and Anti-Fraud Policy" attached hereto as Appendix A.

2. This Executive Order shall replace any contrary provision and practice of the General Secretariat.


Luis Almagro
Secretary General

Date: February 8, 2022

Original: English

ANTI-CORRUPTION AND ANTI-FRAUD POLICY

A. PURPOSE AND SCOPE

1. Purpose: The General Secretariat of the Organization of American States (GS/OAS) expects all Staff Members, "Other Service Providers," implementing partners and other third parties who are contracted or financed by the GS/OAS observe the highest standards of ethics and refrain from engaging in any Forbidden Practice (as hereinafter defined), irrespective of citizenship, domicile, or location. This Policy is intended to outline the guidelines to prevent and combat Forbidden Practices within the GS/OAS.
2. Scope and Range of application: This Policy applies to any alleged Forbidden Practice that may occur in connection with the GS/OAS' ordinary course of business involving Staff Members, Other Service Providers, implementing partners and any other third party contracted or financed by the GS/OAS.
3. For the purposes of this Policy, "Other Service Providers" means any person who is not a Staff Member as defined in Article 17(a) of the General Standards but who works under contracts and/or other arrangements to provide services for or on behalf of GS/OAS. They include, among others, independent contractors contracted pursuant to Article 17(b) of the General Standards; persons contracted by independent contractors to provide services for GS/OAS; interns; former Staff Members and other persons who volunteer their services to GS/OAS.

B. FORBIDDEN PRACTICES

1. Forbidden practices at the GS/OAS¹: The GS/OAS forbids the following practices:
 - 1.1 A "Corrupt Practice" is offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;
 - 1.2 A "Fraudulent Practice" is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to

¹ The definitions of corrupt, fraudulent, coercive, and collusive practice are those agreed upon by the International Financial Institutions (IFI) Anti-Corruption Task Force and included in the Uniform Framework for Preventing and Combating Fraud and Corruption.

mislead, a party to obtain a financial or other benefit or to avoid an obligation;

- 1.3 A "Coercive Practice" is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
- 1.4 A "Collusive Practice" is an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
- 1.5 An "Obstructive Practice" is: (i) destroying, falsifying, altering or concealing of evidence material to a GS/OAS investigation, or making false statements to investigators with the intent to impede an GS/OAS investigation; (ii) threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to a GS/OAS investigation or from pursuing the investigation; or (iii) acts intended to impede the exercise of the GS/OAS contractual rights of audit or inspection or access to information; and
- 1.6 A "Misappropriation" is the use of GS/OAS resources for an improper or unauthorized purpose, committed either intentionally or through reckless disregard.

2. Examples of Forbidden Practices include, but are not limited to:

- 2.1 Solicit or accept, directly or indirectly, any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for themselves or for another person or entity, in exchange for any act or omission in the performance of their official duties or duties required under their contract;
- 2.2 Offer or grant, directly or indirectly, to a government official or a person who performs public functions, any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for themselves or for another person or entity, in exchange for any act or failure to act in the performance of that official or person's public functions;
- 2.3 Act or fail to act in the discharge of their official duties and/or duties required under their contract for the purpose of illicitly obtaining benefits for themselves or for a third party;

- 2.4 Fraudulently use or conceal property derived from any of the acts listed above; and
- 2.5 Participate, attempt to participate, collaborate or conspire as a principal, co-principal, instigator, accomplice or accessory after the fact, or in any other manner, in any of the acts listed above.

C. PREVENTION AND ENFORCEMENT

1. **Responsibility of Staff Members in Managerial Positions:** Staff Members in managerial positions are responsible for the detection and prevention of Forbidden Practices within the GS/OAS. Each member of the management team shall be familiar with the risks of Forbidden Practices within his or her area and take appropriate measures to prevent them.
2. **Duty to Report:** All Staff Members and Other Services Providers have the duty to immediately report any suspicious activity that may constitute a Forbidden Practice to the Office of the Inspector General. The Office of the Inspector General shall promptly investigate complaints in accordance with its rules and procedures in those cases when the inspector general determines that a formal fact-finding investigation is warranted, including complaints from anonymous or confidential sources, in accordance with the criteria provided in Executive Order 14-03 – Procedures for Whistleblowers and Protections Against Retaliation, and its Appendixes.
3. **Consequences of non-compliance:** A violation of this Policy by Staff Members may result in disciplinary actions including, but not limited to, termination of employment. A violation of this Policy by Other Service Providers, implementing partner or other third parties contracted or financed by GS/OAS may result in the termination of contract or cooperation agreement, discontinuation of any financing from the GS/OAS, and declaring such entity or individual as ineligible to benefit from a GS/OAS financed contract or participate in the implementation of any project financed, in whole or in part, by the GS/OAS.

The GS/OAS may also take other measures to remedy, correct and prevent non-compliance with this Policy. These include, among others, transfer, placement on administrative leave, compulsory restitution by way of deductions from compensation and/or termination benefits, and write-up in the corresponding

performance and/or contract evaluation. For Other Service Providers, violation may result in contract termination and exclusion from future contracting opportunities with GS/OAS, as well as legal action seeking restitution and other compensation for damages.

4. **Training:** The General Secretariat requires that all Staff Members and Other Service Providers complete Anti-Corruption training every other year. The General Secretariat is responsible for designing training and monitoring compliance with online training requirements.
5. **Internal Auditing:** The Office of the Inspector General conducts periodic internal audits in the context of a general review of GS/OAS's financial operations to help ensure the GS/OAS' continued compliance with this Policy.