Follow up Mechanism to the Inter American Convention Against Corruption

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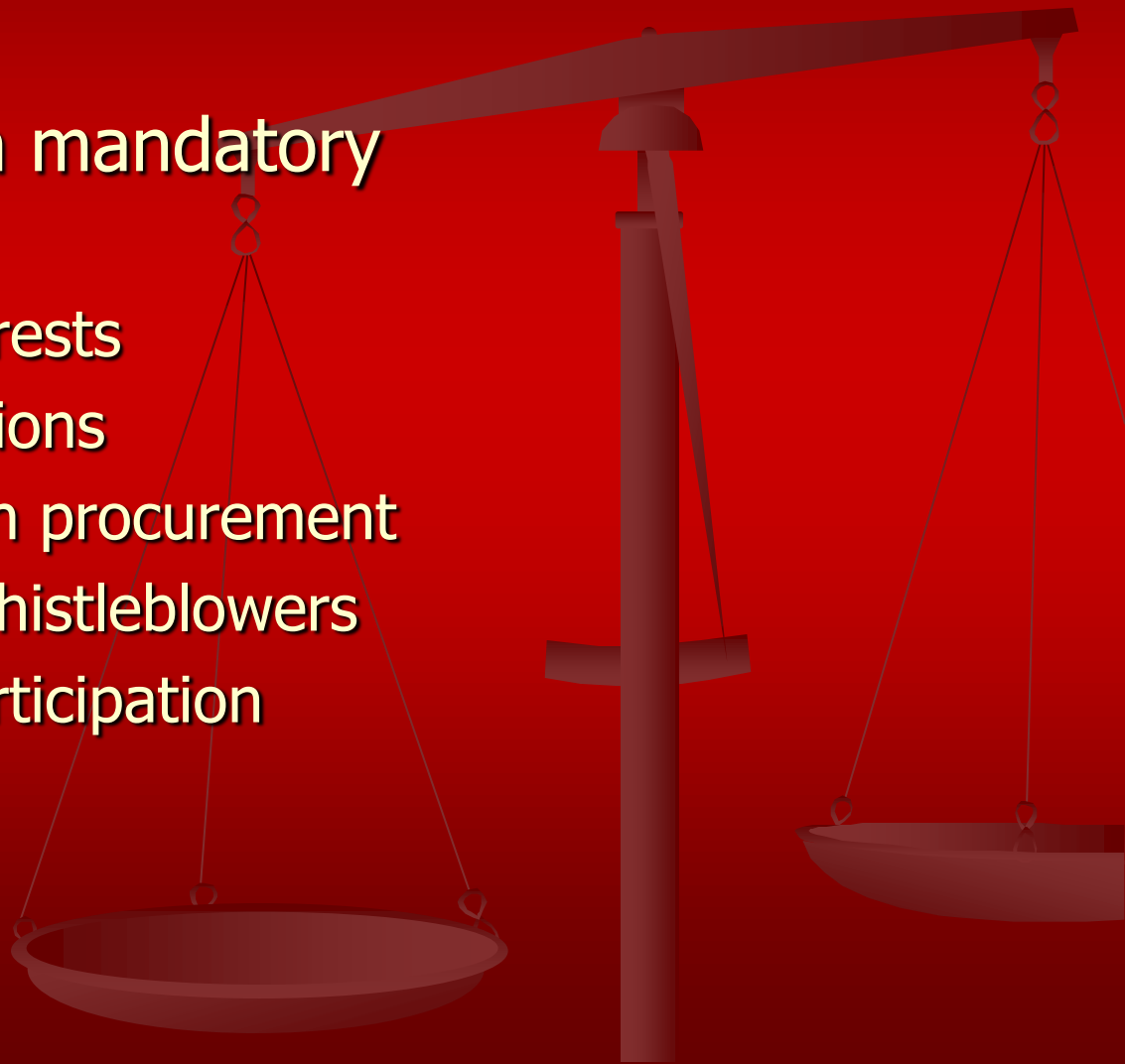
Inter American Convention against Corruption

- Preamble
  - Corruption undermines the legitimacy of public institutions and strikes at society, moral order and justice, as well as at the comprehensive development of peoples
- Purposes
  - To promote and strengthen the mechanisms needed to prevent, detect, punish and eradicate corruption
  - To promote, facilitate and regulate cooperation among the States Parties

Inter American Convention against Corruption

- Prevention
  - Article III – non mandatory
    - Ethics codes
    - Conflict of Interests
    - Assets declarations
    - Transparency in procurement
    - Protection of whistleblowers
    - Civil society participation
    - Accounting



Inter American Convention against Corruption

- Criminalization
  - Articles VI to XI – Most of them mandatory
    - Bribery
    - Embezzlement
    - Abuse of functions
    - Trading in influence
    - Transnational bribery
    - Illicit enrichment
    - Concealment

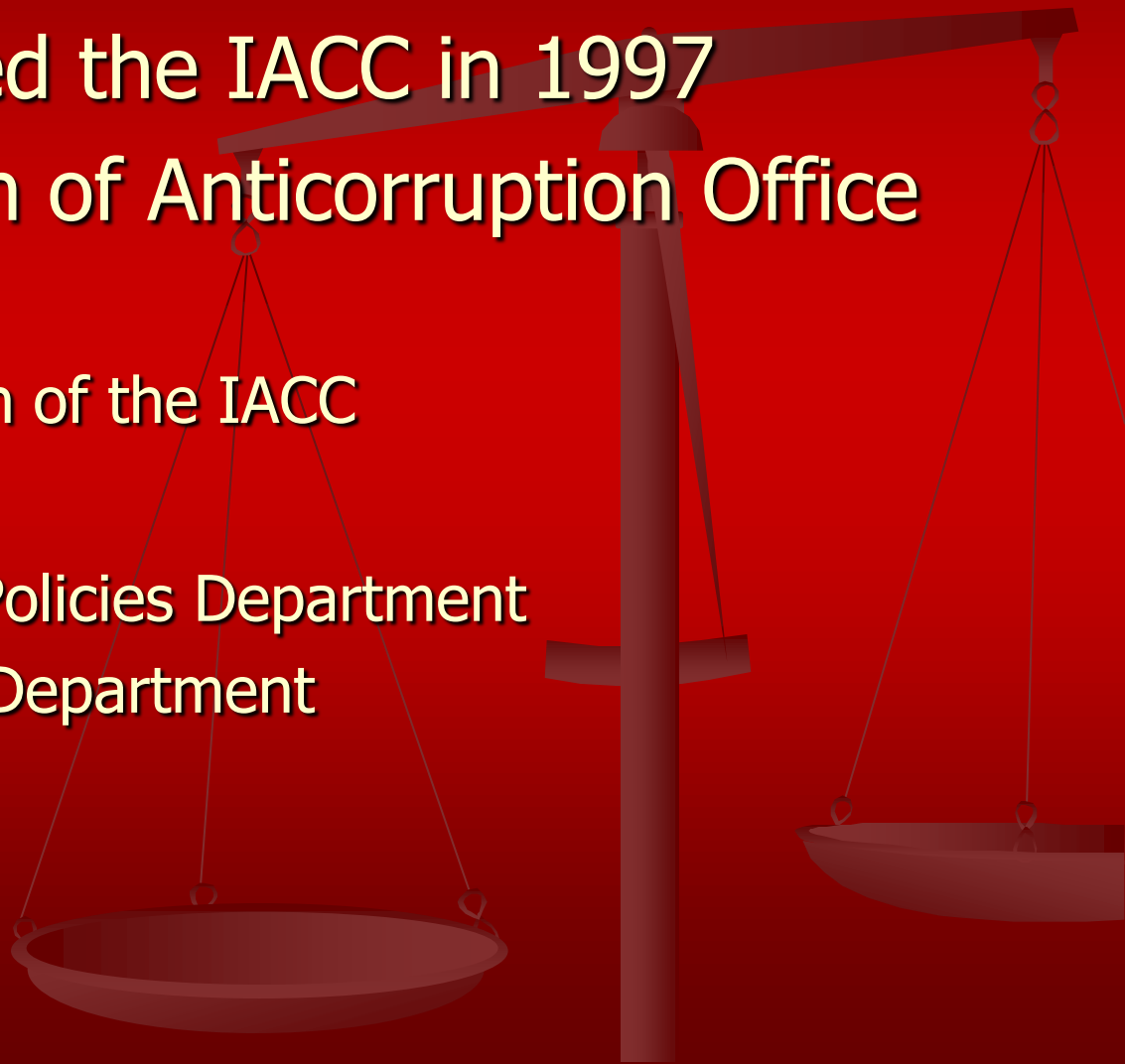


Follow Up Mechanism - MESICIC

- OAS has 35 member countries
- 33 countries are parties to the IACC
- MESICIC is an inter governmental body in the framework of the OAS
- It is not an obligation as part to the IACC
- 28 countries are part of the MESICIC

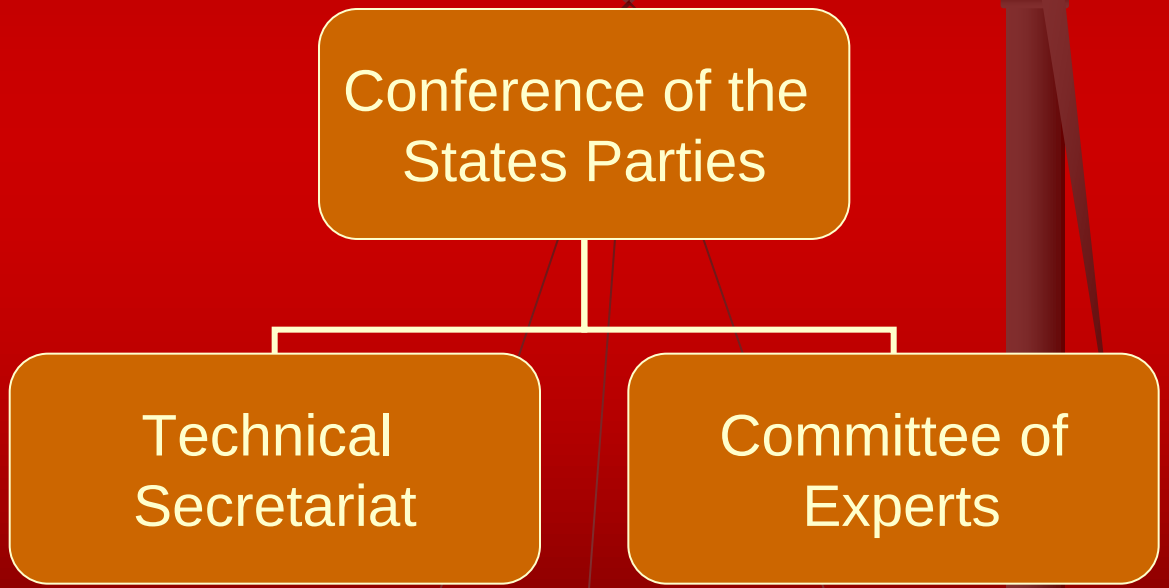
Inter American Convention against Corruption

- Argentina ratified the IACC in 1997
- In 1999 creation of Anticorruption Office
  - Mandate
    - Implementation of the IACC
  - Structure
    - Transparency Policies Department
    - Investigations Department



MESICIC

Structure



MESICIC

- Purposes
  - Promote the implementation of the IACC
  - Follow-up on the commitments by the States Parties and analyze the manner in which they are being implemented
  - Facilitate technical cooperation activities; the exchange of information, experiences and best practices

MESICIC - Circuits



MESICIC – Main features

- Mandate by the General Assembly
- Technical experts form the mechanism
- Equal treatment
- Peer review
- No "on site" visits
- Non intrusive – Sovereignty is always respected
- Reports
  - Recommendations
  - No sanctions



MESICIC – Peer Review characteristics

- Experts from two different countries
  - Continental
  - Common Law
- Support by the Technical Secretariat of MESICIC
- Information is provided by the State under review
  - Formal Implementation of the Convention
  - Operational results
- Civil Society organizations may send reports to the Secretariat
- Consensus meetings of country under review and subgroup



MESICIC – Argentina's experience

- First Round
  - Argentina volunteered for review
  - Difficulties in collecting information
  - Main aspects prevention – non mandatory
    - Public Ethics
    - Disclosure Forms
  - Action Plan
  - Report was broadly disseminated
- Second round
  - Argentina volunteered again
  - Criminalization
  - Prevention –
    - Procurement
    - Hiring of public officials



MESICIC – Argentina's experience - Results

- Excellent reception by society at large
- Involvement of Mass Media in corruption fight
- Sound policies were implemented
  - Assets declarations
  - Improvement in procurement policies
  - Draft legislation for whistleblowers, new ethics law
- Anticorruption action at sub national levels
- Involvement of the rest of state powers
- Cooperation opportunities with ethics offices
- Technical assistance needs identified

Thank you!

