



FOLLOW-UP MECHANISM FOR THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
Thirty-Third Meeting of the Committee of Experts
September 9 to 12, 2019
Washington, D.C.

OEA/Ser.L.
SG/MESICIC/doc.553/19
19 September 2019
Original: Spanish

MINUTES OF THE THIRTY-THIRD MEETING OF THE COMMITTEE OF EXPERTS OF THE FOLLOW-UP MECHANISM FOR THE IMPLEMENTATION OF THE INTER- AMERICAN CONVENTION AGAINST CORRUPTION

I. BACKGROUND

In accordance with the schedule for the Fifth Round of Review agreed on by the Committee of Experts of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), the Thirty-Third meeting of that Committee was held at OAS Headquarters in the city of Washington, D.C., on September 9 to 12, 2019.

The meeting was attended by the following participants, representing their States Parties: Laura Geler, Maximiliano Javier Alvarez (Argentina); Michael Anthony Mena (Belize); Brayan Tintaya Laruta (Bolivia); Elizabeth Cosmo, Sara Lopes, Priscila de Castro Busnello, Eduardo Mauat da Silva, Luis Felipe Vilela Pereira (Brazil); Greg Koster, Marie-José Gingras (Canada); Eugenio Rebolledo Suazo, Lya Cabello Abdala, María Loreto Gutiérrez, Mayra Johana Zambrano, Yelica Lusic Nadal (Chile); Camilo Ernesto Jaimes Poveda (Colombia); Miguel Cortés (Costa Rica); Iván Granada Molina, Fabrizio Zavala Celi, Ambassador Carlos Alberto Játiva Naranjo, Sandra Sisalema (Ecuador); Katherine Rubio (El Salvador); Michael Overby, Kellen McClure, Kalli Back, Teddi Shihadeh Bouffard, Melissa Rann, Helaina Stein, Patrick Shepherd, Chris Swartz, Alexander Kasanof (United States); Marco Antonio Archia Cabrera, Ambassador Rita Claverie de Scioli, Saulo J. Zuleta Guzmán, Mauricio Benard (Guatemala); Jason Darcy Fields (Guyana); Ricardo Rodriguez, Jorge Medina, Melissa Paz (Honduras); Dálida Acosta Pimentel, Ambassador Luz Elena Baños Rivas, Susana García García (Mexico); Gabriela de Obarrio Carles, María Fernanda Cortizo Frías (Panama); María Soledad Machuca (Paraguay); Susana Silva Hasembank, Virna Ruiz (Peru); Rafael Basora Arriaga, Juan Santiago Santiago, Ramón Reví Matos (Dominican Republic); Jaundy O. R. Martin (Saint Vincent and the Grenadines); Ian Rampersad (Trinidad and Tobago); Ricardo Gil (Uruguay); Jose Ignacio Hernandez, Gianina Romero, and Neiza Pineda (Venezuela).

II. PROCEEDINGS

Under the first item on the meeting's agenda and schedule (Annexes I and II), the Technical Secretariat gave a report on the agenda for this meeting and on the operations of the MESICIC.

Under item 2 on the agenda, the Committee considered, in order, the preliminary draft country reports of Guatemala, Trinidad and Tobago, and Saint Vincent and the Grenadines.

In reviewing the preliminary draft country reports, the Committee proceeded in accordance with Article 25 of its Rules of Procedure. Thus, in each case, the review subgroup presented the content and scope of its preliminary draft report; then, the State Party under review made a brief statement in regard to the draft report; and, finally, the Committee examined the corresponding draft report, with the experts offering observations and comments on the chapters and sections in order.

For each draft report it examined, the Committee agreed on modifications, and it gave instructions for the corresponding changes to be made and for the revised versions to be submitted to the plenary for consideration and final approval.

Under agenda item 3, presentations were given on best practices by representatives of five States— Brazil, Mexico, Peru, Argentina, and Ecuador—that had previously submitted the standard form with the corresponding information to the MESICIC Technical Secretariat, in keeping with the methodology for the presentation of best practices adopted by the Committee. The electronic versions of the forms previously sent to the MESICIC Technical Secretariat on the best practices presented at this meeting, along with their annexes, are published on the [Mechanism's web site](#), in compliance with the methodology adopted by the Committee.

Then, in accordance with item 4 on the agenda, a panel session on international anticorruption mechanisms and best practices was held, which heard presentations by the OECD, represented by William Loo; the Council of Europe–GRECO, represented by Gianluca Esposito; the UN, represented by Brigitte Strobel-Shaw; and the MESICIC Technical Secretariat, represented by Jorge García González. The electronic versions of these presentations as submitted to the MESICIC Technical Secretariat appear in the annexes to these minutes (Annexes III, IV, V, and VI).

Under agenda item 5, a panel session on Open Government was held. Presentations were given by the Department of Effective Public Management of the OAS General Secretariat, represented by María Fernanda Trigo, and the Country Support Division of the Open Government Partnership, represented by Alonso Cerdan. The electronic versions of those presentations, as submitted to the MESICIC Technical Secretariat, appear in the annexes to these minutes (Annexes VII and VIII).

With respect to item 6 on the agenda, the Technical Secretariat addressed the topic of the draft Model Law for the Prevention of Conflicts of Interest, prepared pursuant to Recommendation 25 of the Fourth Meeting of the Conference of MESICIC States Parties. The draft had been previously sent to the competent national authorities, and to the Committee's Lead Experts, and civil society organizations, for their comments and suggestions. The Committee was then asked to consider the version of the draft prepared by the international consultant Guillermo Jorge, taking into account the comments made by the Committee's Lead Experts at their March 2019 meeting, together with their other comments received before the deadline set by the Committee for that purpose. After these considerations, the Committee decided to:

- 1) Set November 15, 2019, as the deadline for the Lead Experts, based on the most recent version of the draft Model Law, to inform the Technical Secretariat, the opinion of their countries' delegations on: (a) which topics should be covered by the Model Law and which should not, in order to define its scope; and (b) comments and specific proposals regarding the text of this most recent version of draft Model Law. To that end, the Technical Secretariat will convey to the Lead Experts the methodological instructions for submitting their comments and proposals, together with reminder messages prior to the deadline.
- 2) The Technical Secretariat will prepare a revised version of the draft Model Law, incorporating the comments and proposals received from the MESICIC States' Lead Experts by the set deadline.
- 3) Depending on available resources, a technical workshop is planned, to be attended by experts from the States with experience in and direct knowledge of the issues addressed by the draft Model Law, at which it will be reviewed and progress will be made with defining its scope and contents, for the subsequent presentation of the results for the Committee's consideration.

Regarding agenda item 7, the Technical Secretariat presented the Proposed System of Indicators to Detect, Prevent and Reduce Impunity for Acts of Corruption, prepared pursuant to mandates received from both the Fourth Meeting of the Conference of MESICIC States Parties and the Eighth Summit of the Americas. After receiving the observations by its members on this issue, the Committee decided:

- 1) To set November 15, 2019, as the deadline for the Lead Experts to present, to the Technical Secretariat, their States' comments and suggestions regarding the proposed system of indicators. To that end, the Technical Secretariat will convey to the Lead Experts the methodological instructions for submitting their comments and suggestions, together with reminder messages prior to the deadline.

- 2) To continue its consideration of the system at a future meeting, for which purpose a revised version will be prepared, taking into account the comments and suggestions received by the set deadline.

The Committee then dealt with the final review of the draft country reports of Guatemala, Trinidad and Tobago, and Saint Vincent and the Grenadines. After comments were offered on each of these reports, they were adopted by consensus. The approved texts of these three country reports may be found in the annexes of these minutes (Annexes IX, X, and XI).

Then, under agenda item 8, "Other business":










- a) Given the circumstances examined at this meeting, and bearing in mind that the Fifth Round was to conclude soon, the Committee agreed that the analyses relating to Dominica and Venezuela would not be performed during this round, without prejudice to their being conducted during a later round.
- b) The Committee, taking into account the expressed opinion of the Fourth Meeting of the Conference of MESICIC States Parties regarding the follow-up of recommendations, agreed to endorse that same position and decided that the Sixth Round would be dedicated to following up on the Convention provisions analyzed in the Third Round. In addition, it also agreed that the Convention provision to be analyzed during the Sixth Round would be that of bank secrecy, as provided for in Article XVI.
- c) In pursuit thereof, the Committee instructed the Technical Secretariat to prepare, and to distribute prior to the Committee's next meeting, the corresponding draft questionnaire, methodology, report structure, and calendar for the Sixth Round, as provided for in the Rules of Procedure, in order for the Committee to discuss them on that occasion.
- d) The delegation of Chile proposed that States be encouraged to allow their permanent missions to represent them when the experts based in their capitals were unable to do so, and that coordination efforts be made to avoid convening important meetings within the OAS that could hinder the participation of those diplomatic missions on the Committee in such cases. That proposal was supported by the delegation of Guatemala.


The delegation of Chile further proposed that other topics be examined within the Committee and, in particular, it spoke of the question of gender and anticorruption efforts.

- e) The delegation of Colombia spoke of considering mechanisms for cross-referencing information between States and the initiative—known as the “C list”—that the country has been pursuing.
- f) To further the consideration of those issues, the Chair proposed that they be examined as topics of collective interest at future meetings.
- g) The delegation of the United States said that regarding the number of provisions to be analyzed in each round, notice should be taken of the resource constraints facing the MESICIC. Regarding the topics proposed to be addressed within the mechanism, it also stated that the primary focus of the MESICIC was the implementation of the Inter-American Convention against Corruption.
- h) Further to a proposal made by the delegation of Uruguay, the Committee approved by consensus a motion congratulating and expressing its support toward the MESICIC Technical Secretariat for the excellent work carried out, and congratulating Laura Geler, the Chair of the Committee and Lead Expert of the Republic of Argentina, for her excellent leadership of the meeting.

Before ending the meeting, the Technical Secretariat read out these minutes, which were then unanimously approved by the plenary of the Committee, together with all the annexes that form an integral part thereof.

Washington, D.C., September 12, 2019

ANNEXES		
No.	Title	Link
I	Meeting Agenda	
II	Meeting Schedule	
III	Presentation by the OECD	
IV	Presentation by the Council of Europe–GRECO	
V	Presentation by the UNODC	
VI	Presentation by the MESICIC	
VII	Presentation by the OAS Department of Effective Public Management	
VIII	Presentation by the Country Support Division of the Open Government Partnership	
IX	Report on Guatemala	

X	Report on Trinidad and Tobago	
XI	Report on Saint Vincent and the Grenadines	