



**Recommendations of Transparency International for the
XXXVI Regular Session of the OAS General Assembly
Dominican Republic, 4-6 June 2006**

Transparency International is the leading global non-governmental organisation devoted to the fight against corruption. Through its international secretariat in Berlin and its national chapters, national chapters in formation and national contacts, in nearly 100 countries, Transparency International (TI) works at the national and international level to stop the supply and demand of corruption. TI uses a systemic and non-partisan approach. It promotes campaigns that address the damage of corruption on social and economic development, particularly in developing countries. TI works in coalition with governments, the private sector and civil society organisations to achieve systemic reforms and greater levels of transparency and integrity. One of the strategic objectives of the organisation is to act at national and international levels to ensure the implementation of multilateral agreements.

Since the nineties, Transparency International's network of national chapters in the Americas has promoted the signing and ratification of international anticorruption conventions and monitored their implementation at the national and regional levels. It has been particularly active with respect to the Inter-American Convention against Corruption of the Organization of American States, the United Nations Convention Against Corruption and the Convention on Bribery of Foreign Public Officials of the Organisation for Economic Corporation and Development.

Transparency International participates actively in hemispheric processes by promoting change that will ensure that the region moves forward in terms of transparency. To this end, it has been present at every session held by the OAS General Assembly and the Summit of the Americas processes since 1994. Some of the recommendations that TI has put forth at such forums have been selected for incorporation in the Resolutions and Declarations. These most notably include:

- The Inter-American Convention against Corruption (ICAC), and its subsequent ratification and implementation in every signatory country.
- The Follow-up Mechanism for the implementation of the IACAC.
- Transparency and free access to public information.
- Accountability and social oversight.

On the basis of the follow-up efforts conducted by TI on the resolutions and mandates originating at the hemispheric meetings that were held in 2005 (XXXV Regular Session of the General Assembly in 2005 and the IV Summit of the Americas), we urge the Member States of the Organization of American States (OAS) to consider a number of

recommendations at the forthcoming regular session. The consideration of these recommendations will demonstrate a genuine commitment to putting an end to corruption in the hemisphere and having robust institutions that will promote transparency and accountability:

I- Recommendations for the Draft Declaration of Santo Domingo and the Draft Resolution Support for the Hemispheric Agenda of the Knowledge-Based Society

1. The Information and Communication Technologies (ICTs) are potential tools for helping ensure accountability and should be used for such in the fight against corruption.

We are pleased that the Draft Declaration (item 2) recognizes this fact. We recommend that the Final Declaration includes the concept of accountability as a process that will make use of the information technologies to promote responsible public administration and facilitate responsible citizen oversight.

We thus request the bodies, groups and entities of the OAS to continue supporting and promoting the use of information technologies in modernization of the state processes. This will in turn strengthen good governance and democracy, promote transparency, accountability and efficiency in the provision of public services and public administration, and also help strengthen the trust of citizens in public institutions.

2. The use of information and communication technologies should be incorporated into the system for transparent government procurement and public works.

TI requests that the OAS promotes the incorporation of e-procurement and public works mechanisms in the countries. This type of procurement system ensures that government funds are invested more efficiently, enhances transparency, social oversight and accountability. All this decreases the risk for corruption.

We also ask the OAS to incorporate the concept of transparent government procurement and public works when reference is made to the term e-government (item 3 and 19 of the Draft Declaration of Santo Domingo and item 9 of the Draft Resolution “Support for the Hemispheric Agenda of the Knowledge-Based Society”) in the Final Declaration and the Resolution Support for the Hemispheric Agenda of the Knowledge-Based Society.

3. The right of free access to public information by any means, including electronically, should be guaranteed in the Declaration of Santo Domingo.

State Parties should implement legal requirements to ensure the publication in writing and electronically of all laws, regulations, judicial decisions and administrative guidelines and decisions, issued by state agencies, as well as the broadest dissemination of information on government plans, budgets, programmes

and services. At the same time, they should also implement legal requirements to ensure that institutions that receive State funds, both private and public, for profit and not for profit, provide publicly available documentation concerning their activities.

Timely and efficient mechanisms for both publication and dissemination efforts must be established for releasing information to the public, as well as reasonable timeframes for listening in advance to those whose rights or individual or collective interests could be affected by government decisions.

4. Information and communication technologies should be used to guarantee oversight of political party financing.

The use of ICTs to ensure transparent political party and campaign funding is essential in promoting democratic governance and the fight against corruption in the Americas. TI requests the OEA to support the countries in implementing accountability systems for party and campaign funding. Both public and private funds, in terms of income and expenditure. Political financing is an area of risk that threatens democratic governance, which in turn must be strengthened to ensure that trust in political parties, representatives and elected officials is restored.

II.- Concerning the Inter-American Year of the Fight against Corruption (Resolution 2071/05) and the implementation of the recommendations provided during the first round of MESICIC

1. We urge the OAS and all member states to report prior to 31 December 2006 on the activities undertaken during the Inter-American Year of the Fight against Corruption.
2. We ask the members of the Follow-up Mechanism for the Inter-American Convention against Corruption (MESICIC) to report on the specific activities that they have undertaken to implement the recommendations provided during the First Round of MESICIC. This will demonstrate a genuine, effective commitment to complying with the Inter-American Convention against Corruption.

III.- Recommendations for the adoption of international legal instruments

1. We request the States that have not done so to ratify or accede to the international anticorruption instruments.
 - The Inter-American Convention Against Corruption (IACAC) of 1996, has to date been ratified or acceded to by nearly all OAS member states, 33 of them. Barbados signed the IACAC in 2001 and has yet to ratify the convention. It is the only country that remains.

- The United Nations Convention against Corruption (Merida Convention) of 2003, has to date been signed by 24 countries in the Americas, and ratified by only ten of them: Bolivia, Brazil, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay and Peru.

The countries that have yet ratified or acceded to it include: Antigua and Barbuda, Bahamas, Belize, Dominica, Grenada, Guyana, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Suriname. They should do so soon and announce in what stage of the process they are for doing so.

- The Inter-American Convention on Mutual Legal Assistance in Criminal Matters of 1992. 16 of the 34 OAS member states have not yet ratified or acceded to the Convention.

- The Inter-American Convention against Transnational Organised Crime (Palermo Convention) of 2001.

2. The legislative branches of the States Party to the IACAC should pass legal initiatives that include the crimes stipulated in the Convention. Particularly those found under Article VI, the implementation of which will be reviewed during the second round of MESICIC.

IV. With regard to the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption and the report on follow-up to the IACAC

Currently 28 countries participate in MESICIC. We request thus:

1. That the remaining five States Party to IACAC join the MESICIC: Antigua and Barbuda, Dominica, Haiti, St. Kitts and Nevis and St. Lucia;
2. That the States Party to MESICIC publish annual reports on their implementation of the recommendations of the Committee for the First and Second Round;
3. That the formal participation of civil society at the meetings of the Committee of Experts is instituted. During the first round, Civil Society Organisations (CSOs) from 18 countries produced reports on the implementation of IACAC by their governments and have presented their results to the Committee. The members of the Committee have to include in their Procedural Rules the right of CSO to present formally their findings and the Committee should facilitate this. TI strongly believes that the added value of civil society's participation has been demonstrated and it should therefore be institutionalised.
4. That the Committee of Experts considers the participation of CSOs as permanent observers of the Committee's work. Such would constitute a genuine, effective application of Article IX of the Report of Buenos Aires and Article III, paragraph 11 of the IACAC.

5. That follow-up visits be reinserted into the Procedural Rules for the Committee of Experts and that an explanation be provided as to why it was deleted. Other follow-up mechanisms, such as that of the OECD Convention, stipulate such visits. This makes the entire follow-up system more robust as firsthand information on the implementation of a convention and the obstacles potentially faced by the States in implementing a convention will be available.

6. That the independent reports prepared by civil society be furnished. The procedural rules for the Second Round should be modified to ensure that CSOs can present their reports thirty days after the governments and not the same day. This will ensure a greater, more effective contribution from civil society as it can complement, question or elaborate on several aspects of the country reports.

7. Information and communication technologies should be used to accelerate the rounds. Furthermore, the number of meetings established for 2006 should be increased. The timeframe established between the start of the second round (March) and the first review meeting (November), i.e. eight months later, is too long if the objective is to accelerate MESICIC. Holding three annual meetings will ensure the second round will be complete within two years.

8. That the OAS and States encourage international lending agencies to include, as part of their country-assistance strategies, support for the States Party to implement the commitments adopted under anticorruption conventions and contribute to their follow-up mechanisms and any recommendations that result from such. They should also promote the participation of civil society in this process.

9. That a meeting of the Conference of States Party to the MESICIC be held in 2006. The first meeting was held in 2004 and it is essential that the next meeting be held as soon as possible in order to evaluate country compliance with the IACAC and its Follow-up Mechanism.

V- Concerning compliance with the Declaration and Plan of Action of Mar del Plata

We urge States to comply with the content of the Declaration and Plan of Action of Mar del Plata, particularly Articles 64 and 66 of the Declaration and 64 of the Plan of Action:

- Reaffirming good governance that is democratic, transparent and responsible.
- Ensuring that accountability is considered a fundamental instrument in achieving transparency and ensuring the efficient administration of resources by the governments.
- Ensuring the States answer the call to implement the Inter-American Convention against Corruption and fully participate in its Follow-up Mechanism.

- Identifying prior to December 2006 specific initiatives for cooperation and the exchange of experiences in the development of technical skills that contribute to the full application of the IACAC and strengthening of its Implementation MESICIC, giving special consideration to the recommendations to that effect arising from the First Round of said Mechanism.

VI- Concerning the Draft Social Charter of the Americas.

1. We recommend that the States maintain the content addressing transparency, responsibility in accountability and the fight against corruption under Article 20 of the Preamble of the Social Charter.
2. We recommend including a paragraph on specific anticorruption measures where good governance and development is addressed in the body. The paragraph should cite the measures contained under numerals 281 through 284 of the Guiding Document for the Discussions of the Working Group for the Elaboration of the Social Charter of the Americas. These include: criminalization of corrupt practices, promotion of agreements adopted in the IACAC and the UN Convention Against Corruption, the effective and transparent administration of public programs, press freedom and the government's responsibility and promoting access to information.

These are the recommendations of Transparency International, an institution that continuously advocates heightened transparency in human, business, public, national and international relations and that have yet to be implemented in the form of concrete measures. We hope that the XXXVI Regular Session of the OAS General Assembly will constitute the occasion for their approval and promotion.

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