



**Recommendations of Transparency International for the Round Table with Civil Society: “Good Governance and Development in the Knowledge-Based Society”  
2-3 May 2006  
Washington, DC**

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 around 100 countries, Transparency International works at the national and international level to curb the supply and demand side of corruption. TI’s strategic focus is systemic and non-partisan and it promotes campaigns that address the damage of corruption in social and economic development, particularly in developing countries. Transparency International 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 the national and international levels to ensure the implementation of multilateral commitments.

Since the nineties, Transparency International’s network of national chapters in the Americas has actively worked to promote and monitor the implementation of international anticorruption conventions at the national and regional levels: the Inter-American Convention against Corruption, the United Nations Convention against Corruption and the Organisation for Economic Corporation and Development (OECD) Anti-Bribery Convention.

Transparency International has been actively involved in every OAS General Assembly and in the Summit of the Americas process since 1994, promoting TI’s recommendations, some of which have been selected for incorporation in the resolutions and declarations originating at such meetings, addressing notably:

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

At this time and as a result of the follow-up efforts conducted by Transparency International on participation in, implementation of and follow-up to the resolutions and mandates originating at the thirty-fifth regular session of the OAS General Assembly, such as the Inter-American Democratic Charter, the Declaration of Florida, and the Declaration and Plan of Action of Mar del Plata, which directly relate to the fight against

corruption, we present to the OAS the following recommendations for review by the State Parties at the thirty-sixth regular session of the OAS General Assembly in Santo Domingo:

**I- Regarding Good Governance and Development in the Knowledge-Based Society, the Draft Declaration of Santo Domingo and the Draft Resolution Support for the Hemispheric Agenda of the Knowledge-Based Society.**

- The Information and Communication Technologies (ICTs) are tools for helping to ensure accountability and should be used for this purpose.

In this regard, we support the provisions contained under item 2 of the Draft Declaration and request inclusion of the concept of accountability as a process through which the use of information technologies will promote responsible public administration and responsible citizen oversight.

We thus request that the Organization of American States (OAS) continue to support the use of ICTs in national and municipal processes to modernize public institutions that reinforce good governance and a climate of democracy, promote transparency in public management, **accountability** and efficiency in the provision of services, and help meet the citizen's needs and aspirations.

- The right of free access to public information by any means, including electronically, should be guaranteed.

The State Parties should implement legal requirements to ensure the publication in writing and electronically of all information originating from / issued by or that is in the possession of institutions, agencies, entities and legal persons subject to public or private law, in terms of information, that have ties to the government or constitute state concessionaires, in any way, in accordance with the law in each country, the organised groups of workers and civil servants employed at government agencies, state-funded higher learning institutions, and non-governmental organisations, are subject to the principle of publication; as such, all information they possess is public, save exceptions relating to national security and information data. Timely and efficient mechanisms for both publication and dissemination efforts must be established for releasing information to the citizenry, as well as reasonable timeframes to allow for feedback from those whose rights or individual or collective interests could be affected by government decisions.

- The concept of government procurement and public works should be specifically addressed in the Declaration.

TI requests that the OAS support the incorporation of the government purchases and public works mechanism on behalf of States, as well as a procurement system that not only makes the investment of government funds more efficient but also enhances its visibility, increases social oversight and decreases corruption risk in the countries.

We thus request that the OAS specifically incorporate the concept of government procurement when reference is made to the term e-government, under item 3 and 17 of the Draft Declaration of Santo Domingo, in addition to item 9 of the Draft Resolution Support for the Hemispheric Agenda of the Knowledge-Based Society.

## **II Regarding Promotion of Democracy, the Inter-American Democratic Charter and the Declaration of Florida.**

- An update on compliance with Resolution 2071, which established 2006 as the Inter-American Year of the Fight against Corruption, is requested.

We request the OAS and each State Party report at the next session of the General Assembly on compliance with the provisions contained in Resolution 2071/05, which established “2006 as the Inter-American Year of the Fight Against Corruption,” through activities undertaken or planned throughout the year that will display a genuine, effective level of commitment to complying with the resolution.

- Request the States that have not done so to sign or ratify the international anticorruption instruments.

Transparency International supports and urges those States that have not done so, to take all measures necessary to sign and ratify, ratify or accede to, as the case may be:

- The Inter-American Convention Against Corruption (IACAC) of 1996, which to date has been ratified by nearly all OAS member states, 33 of them, leaving only Barbados.

- The United Nations Convention against Corruption (Merida Convention) of 2003, which to date has 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 not signed it include: Antigua and Barbuda, Bahamas, Belize, Dominica, Grenada, Guyana, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Suriname.

- The Inter-American Convention on Mutual Legal Assistance in Criminal Matters of 1992.

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

- Request legislative branches of States Party to the IACAC pass legislative initiatives to enable the incorporation into the criminal legislation of their countries of the crimes stipulated in the Convention, particularly those stipulated under Article VI of the Convention, adherence to which will come under review during the second round of MESICIC.

- With regard to the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) and on the Follow-up of IACAC:

1. As 28 countries currently participate in MESICIC, we urge the remaining five States Party to IACAC that have ratified it but have not joined MESICIC, to do so. Reference is made to Antigua and Barbuda, Dominica, Haiti, St. Kitts and Nevis and St. Lucia.

2. State Parties to MESICIC should publish annual reports on their implementation of the Recommendations of the Committee for the First and Second Round.

3. The formal participation of civil society at the meetings of the Committee of Experts should be recognised. Currently, civil society organisations from 18 countries have produced reports on the implementation of IACAC by their governments. The presentations given by the organisations before the Committee on the situation in their countries have been, in those instances when they were made possible, only informal. The Committee of Experts should recognise in its procedural rules the right of civil society organisations to formally present their findings during the country review process and must facilitate this contribution. Transparency International believes that the value of the civil society perspective has been amply demonstrated and should be institutionalised.

4. Furthermore, we urge the Committee of Experts to consider the participation of civil society as permanent observers of the Committee's work, which would constitute a genuine, effective implementation of Article IX of the Report of Buenos Aires and Article III, paragraph 11 of the Inter-American Convention against Corruption.

5. The follow-up visits should be reinserted into the Procedural Rules for the Committee of Experts.

Reference is made to the reinsertion of Article 32 of the Rules of Procedure for the First Round regarding follow-up visits. Transparency International requests an explanation as to why this provision was deleted from the procedural rules, and also strongly suggests re-insertion given that it is currently a best practice used in other follow-up mechanisms, as in the case of the OECD Anti-Bribery Convention, and will ensure that experts have reliable and even more in-depth information.

6. As regards the methodology adopted for the Second Round, the procedural rules should be modified to ensure that civil society organisations can submit their documents within the 30 days after the time limit established for State Parties to present their responses to the questionnaire, and not within the same time limit. This will ensure a greater, more effective contribution from civil society in terms of what it can supplement, question or elaborate with respect to several aspects of the country reports.

7. The desire to accelerate the second round of MESICIC calls on the States to promote the use of ICTs in the case of the mechanism. Furthermore and with regards to the timeline adopted for the Second Round, the number of meetings established for 2006

should be increased. The timeframe established between the start of the second round in March and the first review meeting scheduled for November, eight months later, seems excessive if the goal is to accelerate MESICIC. The existence of three annual meetings with the same number of countries agreed will ensure the second round will be complete in a period of two years.

8.- We request that the OAS and the State Parties encourage international lending agencies to include, as part of their country-assistance strategies, financial support for State Parties to implement the commitments that the countries have adopted with the ratification of anti-corruption conventions and to follow-up the Recommendations of the Experts Committee of MESICIC, and for the participation of civil society in this process.

9 - We request that the Conference of the States Party to MESICIC convene in 2006. Such is requested since the first meeting was held in 2004 and it is crucial for the implementation of the provisions contained in the IACAC and MESICIC on the part of countries to be reviewed.

### **III- Social and Economic Development and the Declaration and Plan of Action of Mar del Plata.**

- We urge States to implement the content of Articles 64 and 66 of the Declaration of Mar del Plata, in order to:

- Reaffirm good governance that is democratic, transparent and responsible,
- Ensure that accountability is a fundamental instrument for the achievement of transparency and the efficiency of the funds administered by the governments.
- Ensure that the States answer the call to implement the Inter-American Convention against Corruption and fully participate in MESICIC.

- We urge compliance with the content of Article 64 and 65 of the Plan of Action of the Mar del Plata Summit in order to:

- Identify, before December 2006, specific initiatives for cooperation, and the exchange of experiences in the development of technical skills in the countries that contribute to the full application of the provisions of the Inter-American Convention against Corruption and the strengthening of its Implementation Follow-up Mechanism (MESICIC), giving special consideration to the recommendations to that effect arising from the first round of said Mechanism.

### **IV- Promotion of Human Rights and the Social Charter of the Americas.**

Transparency International requests States to incorporate in the Preamble, as well as in the body of the Social Charter of the Americas, the following:

- Article 20 of the Preamble should maintain the reference to democratic governance that specifies the need for the involvement of citizens in drafting and implementing policies aimed at promoting equity and social inclusion, which will help consolidate democracy in our hemisphere, strengthen democratic governance and promote decentralisation in the case of the process for decision-making, transparency, accountability and the fight against corruption.
- The provisions that address good governance and development should contain a section on anti-corruption measures, which would cite the measures contained under numerals 281 and 284 of the Guiding Document for the Discussions of the Working Group for the Elaboration of the Social Charter of the Americas.

All such recommendations constitute the aspirations of Transparency International, which continuously advocates heightened transparency in human, business, public, national and international relations that have yet to reflect in the form of specific measures the spirit that inspired the authors, and which hopes that the thirty-sixth regular session of the OAS General Assembly will constitute the opportunity for their approval and promotion.

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