

COMPILATION OF MANDATES ON ANTICORRUPTION FROM SUMMITS AND PLANS OF ACTIONS

I Summit of the Americas, Miami, Florida - December 1994

Declaration of Principles

“Partnership for Development and Prosperity: Democracy, Free Trade and Sustainable Development in the Americas...Effective democracy requires a comprehensive attack on corruption as a factor of social disintegration and distortion of the economic system that undermines the legitimacy of political institutions.”

Plan of Action

“The heads of state and government participating in the 1994 Summit of the Americas in Miami, Florida, desirous of furthering the broad objectives set forth in their Declaration of Principles and mindful of the need for practical progress on the vital tasks of enhancing democracy, promoting development, achieving economic integration and free trade, improving the lives of their people, and protecting the natural environment for future generations, affirm their commitment to this Plan of Action.”

Combating Corruption

“The problem of corruption is now an issue of serious interest not only in this Hemisphere, but in all regions of the world. Corruption in both the public and private sectors weakens democracy and undermines the legitimacy of governments and institutions. The modernization of the state, including deregulation, privatization and the simplification of government procedures, reduces the opportunities for corruption. All aspects of public administration in a democracy must be transparent and open to public scrutiny.

Governments will:

- Promote open discussion of the most significant problems facing government and develop priorities for reforms needed to make government operations transparent and accountable.
- Ensure proper oversight of government functions by strengthening internal mechanisms, including investigative and enforcement capacity with respect to acts of corruption, and facilitating public access to information necessary for meaningful outside review.
- Establish conflict of interest standards for public employees and effective measures against illicit enrichment, including stiff penalties for those who utilize their public position to benefit private interests.
- Call on the governments of the world to adopt and enforce measures against bribery in all financial or commercial transactions with the Hemisphere; toward this end, invite the OAS to establish liaison with the OECD Working Group on Bribery in International Business Transactions.

- Develop mechanisms of cooperation in the judicial and banking areas to make possible rapid and effective response in the international investigation of corruption cases.
- Give priority to strengthening government regulations and procurement, tax collection, the administration of justice and the electoral and legislative processes, utilizing the support of the IDB and other international financial institutions where appropriate.
- Develop within the OAS, with due regard to applicable treaties and national legislation, a hemispheric approach to acts of corruption in both the public and private sectors that would include extradition and prosecution of individuals so charged, through negotiation of a new hemispheric agreement or new arrangements within existing frameworks for international cooperation.”

II Summit of the Americas, Santiago, Chile - April 1998

Declaration of Principles

“We, the democratically-elected Heads of State and Government of the countries of the Americas, have met in Santiago, Chile, in order to continue the dialogue and strengthen the cooperation we began in Miami in December 1994. Since that time, significant progress has been made in the formulation and execution of joint plans and programs in order to take advantage of the great opportunities before us. We reaffirm our will to continue this most important undertaking, which requires sustained national efforts and dynamic international cooperation.We will lend new impetus to the struggle against corruption, money laundering, terrorism, weapons trafficking, and the drug problem, including illicit use, and work together to ensure that criminals do not find safe haven anywhere in the Hemisphere. We are determined to persevere in this direction.”

Plan of Action

“We, the democratically elected Heads of State and Government of the Americas, recognizing the need to make a collective effort that complements the actions being developed and executed at the national level to improve the economic well-being and the quality of life of our peoples, mindful of our commitment to the continued implementation of the Miami Plan of Action, affirm our resolute determination to carry out this Plan of Action, which constitutes a body of concrete initiatives intended to promote the overall development of the countries of the Hemisphere and ensure access to and improve the quality of education, promote and strengthen democracy and the respect for human rights, deepen economic integration and free trade and eradicate poverty and discrimination. We have adopted this Plan of Action conscious that all the initiatives are inter-related and equally important to the attainment of our common endeavors.”

Corruption

“Governments will:

- Resolutely support the "Inter-American Program to Combat Corruption" and implement the actions established therein, particularly the adoption of a strategy to achieve prompt ratification of the 1996 Inter-American Convention against Corruption, the drafting of codes of conduct for public officials, in accordance with respective legal frameworks, the study of the problem of laundering assets or proceeds derived from corruption, and the promotion of information campaigns on the ethical values that sustain the democratic system.
- Sponsor in Chile a Symposium on Enhancing Probity in the Hemisphere to be held no later than August 1998, in order to consider, among other topics, the scope of the Inter-American Convention against Corruption, and the implementation of the aforementioned program
- They will also resolutely support the holding of workshops sponsored by the Organization of American States (OAS) to disseminate the provisions set forth in the Inter-American Convention against Corruption.
- Foster within the OAS framework, and in accordance with the mandate set forth in the Inter-American Program to Combat Corruption, appropriate follow-up on the progress achieved under the Inter-American Convention against Corruption.
- Promote in their domestic legislation the obligation for senior public officials, and those at other levels when the law so establishes, to declare or disclose their personal assets and liabilities to the appropriate agency.
- Encourage the approval of effective and specific measures to combat all forms of corruption, bribery, and related unlawful practices in commercial transactions, among others.”

III Summit of the Americas, Quebec City, Canada - April 2001

Declaration of Principles

“...Acknowledging that corruption undermines core democratic values, challenges political stability and economic growth and thus threatens vital interests in our Hemisphere, we pledge to reinvigorate our fight against corruption. We also recognize the need to improve the conditions for human security in the Hemisphere...”

Fight against Corruption

“Recognizing that corruption gravely affects democratic political institutions and the private sector, weakens economic growth and jeopardizes the basic needs and interests of a country’s most underprivileged groups, and that the prevention and control of these problems are the responsibility of government as well as legislative and judicial institutions:

- Consider signing and ratifying, ratifying, or acceding to, as soon as possible and as the case may be, the Inter-American Convention Against Corruption, in accordance with their respective legal frameworks, and promote effective implementation of the Convention by means of, inter alia, the Inter-American Program for Cooperation in the Fight Against Corruption and associated technical cooperation programs and

activities, including those of relevant multilateral organizations and MDBs, in the area of good governance and in the fight against corruption, as well as programs which each country designs and implements in accordance with national laws, by its own appropriate bodies that may require assistance;

- Support the establishment as soon as possible, taking into consideration the recommendation of the OAS, of a follow-up mechanism for the implementation of the Inter-American Convention Against Corruption by States Parties to this instrument;
- Support strengthening the Inter-American Network of Institutions and Experts in the Fight Against Corruption in the context of the OAS, as well as initiatives aimed at strengthening cooperation among ethics officials and members of civil society;
- Strengthen, in cooperation with multilateral organizations and MDBs, where appropriate, the participation of civil society in the fight against corruption, by means of initiatives that promote the organization, training and linkage of citizens groups in the context of concrete projects which promote transparency and accountability in governance;
- Continue to promote policies, processes and mechanisms that protect the public interest, the use of disclosure of assets mechanisms for public officials in order to avoid possible conflicts of interest and incompatibilities, as well as other measures that increase transparency.”

Extraordinary Summit, Monterrey, Mexico - January 2004⁵⁸

IV Summit of the Americas, Mar del Plata, Argentina - Nov. 2005

“.....d) A legal framework that upholds the rule of law, transparency, and access to justice; reinforces impartiality and independence of judicial institutions; prevents and combats impunity and corruption in both the public and the private spheres; and fights international crime;.....”

“.....66. Accountability is a key instrument to achieve transparency and efficiency in the use of resources administered by our governments. Fighting corruption is a key aspect of strengthening democracy and economic growth. For this reason, we call upon states to implement the Inter-American Convention against Corruption and participate fully in the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption. We stress the importance of the oversight role of legislatures, as appropriate, in the fight against corruption and the importance of promoting inter-parliamentary exchanges to encourage the development of national and international strategies to fight against corruption...”

⁵⁸ For the anti-corruption and transparency commitments, please see pages 9 and 10
http://www.oas.org/juridico/english/summit_decl_nuevo_leon.pdf

Plan of Action

HEMISPHERIC COOPERATION

“...To identify, before December 2006, specific initiatives for cooperation, and the exchange of experiences in the development of technical skills in our 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.”