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Meeting of the States Parties of the Inter-American Convention Against Corruption

Crowne Plaza Hotel, Managua, Nicaragua July 8-9, 2004

Overview

The Meeting of the States Parties of the Inter-American Convention Against Corruption organized by the Summit of the Americas Secretariat of the Organization of American States (OAS) in Managua, Nicaragua, emanated from the Declaration of Nuevo León (adopted by the Heads of States and Governments of the Hemisphere at the Special Summit of the Americas in Monterrey, Mexico in January 2004) to strengthen the follow-up mechanism of the Inter-American Convention against Corruption and to propose additional concrete measures to increase transparency and fight corruption at all levels.

The Secretary General of the OAS, Mr. César Gaviria, and the President of Nicaragua, Mr. Enrique Bolaños Geyer, inaugurated the two-day meeting highlighting that corruption is eroding our democracies and the rule of law and is fostering the inequalities and injustices in our societies, which discourage investment and economic growth as a result. Corruption is a problem of systems and not simply a problem of corrupt individuals, thus its cause must be tackled from a structural perspective in order to combat corruption effectively.

The Inter-American Convention against Corruption

In March 1996, 32 OAS Member States adopted the Inter-American Convention against Corruption in Venezuela to fight corruption at the hemispheric level. This convention was mandated by the 1994 Miami Summit and was the first of its kind at a time when the international scope of corruption was still being discussed. Other international organizations, such as the Organization for Economic Cooperation and Development (OECD), the Council of Europe and the United Nations (UN), had similar treaties, but had not made much progress in confronting the issue.

The objectives of the Inter-American Convention against Corruption are to promote and strengthen the development of mechanisms needed to prevent, detect, punish and eradicate corruption, and to promote, facilitate and regulate cooperation, in areas of extradition, information exchange and bank secrecy, between States Parties. The Convention also contains preventive measures directed towards modernizing institutions and assuring transparency, efficiency and accountability of governments.

Furthermore, in compliance with the Plan of Action of the 2001 Quebec Summit, the States Parties approved in June 2001 the Report of Buenos Aires, which sets forth the purposes,

principles and basic provisions on the organization and functioning of a mechanism for follow-up on the implementation of the Inter-American Convention Against Corruption (MESICIC). The main objectives of the MESICIC include promoting the implementation of the Convention and contributing to the achievement of its objectives; strengthening cooperation between States Parties, through reciprocal analysis of the implementation of the Convention, and making recommendations in relation to areas that need improvement.

The Fight Against Corruption in the Agenda of the Summits of the Americas

Within the framework of the OAS, the fight against corruption has been brought to a hemispheric level, where governments, the private sector, civil society and the international community all play an important role. The Inter-American Convention Against Corruption was the first step towards addressing this problem in a collective manner and ensuing Summit Plans of Actions have demonstrated the OAS' commitment to the fight against corruption. For instance, at the 1998 Santiago Summit concrete measures were adopted to prevent the illicit funding of electoral campaigns and the 2001 Quebec Summit called for increased government transparency, the creation of a follow-up mechanism for the implementation of the Convention and the participation of civil society in the fight against corruption.

In 2003, under the Declaration on Security in the Americas, corruption was recognized from a multidimensional perspective as a new threat to the security of States. It undermines public trust of institutions and causes grave economic damage, impairs stability, erodes the rule of law and weakens governmental capacity to respond to other threats to security. Member States agreed under the Declaration on Security to strengthen the Mechanism for Follow-up on the Implementation of the Inter-American Convention Against Corruption (MESICIC). As well, under the United Nations Convention against Corruption (also known as the Mérida Convention), corruption was no longer perceived as a local matter, but a transnational phenomenon that affects all societies and economies, making international cooperation essential to preventing and controlling it. Similarly, the Declaration of Nuevo León (January 2004) and the most recent Declaration of Quito on Social Development, Democracy and the Impact of Corruption (June 2004) highlight and promote the Inter-American Convention Against Corruption and the MESICIC as the most important inter-American legal instruments for fighting corruption and call upon heads of States and governments to increase cooperation within the framework of the Convention and to determine concrete measures to strengthen the follow-up mechanism.

In terms of concrete actions, the OAS has, thus far, assisted States in the adaptation of their criminal legislation in order to implement the Convention; has developed a model legislation and a pilot project in Central America on preventive measures that include, among others, the right to information and mechanisms for the participation of civil society; has created an electronic information exchange network and supports the network of mutual legal assistance in criminal matters created within the framework of the Meetings of Ministers of Justice and Attorney Generals. At the state level, State Parties have begun participating in the analysis of their implementation of the Convention; have elaborated preliminary country reports and have submitted them for review to the committee of experts.

The Declaration of Managua and the Plan of Action

The projects of the Declaration of Managua and the Plan of Action on Additional Concrete Measures to Increase Transparency and Fight Corruption within the Framework of the Inter-American Convention Against Corruption, which were discussed and approved during the

meeting of States Parties in Managua, constitute a milestone in the process of cooperation between States and in the fight against corruption.

On July 9, 2004, the States Parties present at the meeting, with a noticeable absence from Caribbean States, approved the Declaration of Managua as a sign of their government's commitment to the fight against corruption and impunity. In addition the States Parties of the Inter-American Convention Against Corruption adopted the Plan of Action on Additional Concrete Measures to Increase Transparency and Fight Corruption Within the Framework of the Inter-American Convention Against Corruption, which beckons for increased cooperation in areas of extradition, bank secrecy, access to information and lessons learned; promotes an increased participation of civil society; advises States Parties, who have not done so, to ratify the Inter-American Convention Against Corruption and urges OAS Member States to sign, ratify and/or support the Mérida Convention, so that its provisions can strengthen the anti-corruption policy worldwide.

Civil Society Participation

FOCAL's presence at the Meeting of States Parties of the Inter-American Convention was attributed to its long-standing work on civil society participation and Summit related issues. The participation of civil society at this meeting, however, was hardly visible. FOCAL was one of the few non-governmental organizations present, including Probidad (El Salvador), Centro Nicaragüense de Derechos Humanos (CNDH-Nicaragua), Centro Nacional de Comunicación Social (CENCOS-Mexico) and Ética y Transparencia (Nicaragua), during the two-day deliberations.

At an informal meeting with representatives of civil society and heads of delegations, the presence of civil society was greater, but not noticeable. Their main message to the delegations present (namely the United States, Canada and Nicaragua) was the need to improve access to information and government transparency, particularly in relation to national budgets. During this meeting a document entitled "Acceso a la Información, Tema Estratégico en el Combate a la Corrupción", was presented and disseminated to those in attendance. This document is part of a project on civil society participation in the Summit of the Americas coordinated by FOCAL and other civil society organizations of the region, namely PARTICIPA (Chile), the Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES), FLACSO-Chile, Universidad de los Andes (Colombia) and the Red Interamericana para la Democracia (RID). The main objective of this project is to inform citizens and civil society organizations about the Summit process and the implementation (or lack thereof) the commitments adopted by their heads of States.

The general consensus at this informal meeting was that civil society organizations need to get involved and take responsible actions in order to contribute to a culture of transparency, good governance and democratic values.

What's next?

It was announced by the Summit of the Americas Secretariat that the next Summit will take place in Argentina during the first week of November 2005, during which the Plan of Action on Additional Concrete Measures to Increase Transparency and Fight Corruption Within the Framework of the Inter-American Convention Against Corruption will be presented as well as an update on the implementation of the Convention by States Parties.

It was also revealed that the slogan for the 2005 Argentina Summit would read as follows:
"Crear Trabajo para Enfrentar la Pobreza y Fortalecer la Gobernabilidad Democrática"
(Generate Employment to Confront Poverty and Strengthen Democratic Governance).

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