

ORGANIZATION OF AMERICAN STATES (OAS)

In conjunction with the OECD, Council of Europe, FATF and MEM (CICAD-OAS)

PRACTICAL ANALYSIS SEMINAR ON THE INTERNATIONAL MONITORING MECHANISMS

**Simón Bolívar Room – OAS Headquarters
Washington D.C. - January 14, 2002**

PURPOSE

The Seminar will seek to present, from a practical point of view, the structure and operation of four international monitoring mechanisms, as well as facilitate an understanding of the developments made and experiences obtained within their frameworks, in trying to provide the Committee of Experts of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption with judging elements and useful information for its decisions.

MECHANISMS

The international monitoring mechanisms that will be considered in the seminar are the following:

1. Mutual Monitoring Mechanism of Implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and of the 1997 Revised Recommendation, both adopted within the OECD framework.¹
2. Mutual Monitoring Mechanism of the Group of States against Corruption (GRECO), of the Council of Europe.
3. Mutual Monitoring Mechanism of the Financial Action Task Force on money laundering (FATF).
4. Multi-lateral Evaluation Mechanism (MEM), of the Inter-American Drug Abuse Commission (CICAD-OAS).

¹ The General Secretariat of the OAS would like to express its gratitude to the Secretariats of the four Mechanisms for its support and participation in this Seminar, without which the Seminar would not be possible. Likewise, the General Secretariat wishes to acknowledge the help of the OECD Anti-Corruption Division, through Irene Hors, in conceptualizing and preparing this Seminar.

These four mechanisms have accumulated many years of experience² that are considered of great utility for the Follow-up Mechanism of the Inter-American Convention against Corruption.

METHODOLOGY

The Seminar shall be divided in four sessions. In each one of them there will be presentations on the issue and the experience each one of the mechanisms had, followed by a questions and discussion period. At the end of this document please find enclosed a list of issues and questions to serve as a guide for the presentations and discussions in each one of the sessions.

PRESENTATIONS AND AUDIENCE

Experts from the secretariats as well as country delegates who participate in these mechanisms will give presentations.

The audience will be the Experts that comprise the Committee, the representatives of the States Parties and non-States Parties to the Convention, and OAS Staff.

AGENDA

9:00 – 9:30 Inaugural ceremony

Inaugural Remarks by the Secretary General of the OAS, César Gaviria

9:30 – 11:00 General presentation of each one of the Mechanisms.

*Enerly Quiñones, Director of the Anti-Corruption Division, OECD
Manuel Lezertua, Executive Secretary of GRECO, Council of Europe*

Patrick Moulette, Executive Secretary of FATF

David Beall, Executive Secretary of CICAD

Moderator: Pedro Cateriano, Vice-Minister of Justice and representative of Peru on the Committee of Experts.

11:00 – 13:00 The review process of each Mechanism.

*Enerly Quiñones, Director of the Anti-Corruption Division, OECD
Manuel Lezertua, Executive Secretary of GRECO, Council of Europe*

Patrick Moulette, Executive Secretary of FATF

David Beall, Executive Secretary of CICAD

² FATF since 1989; OECD Mechanism since 1997; MEM since 1998 and GRECO since 1999.

Moderator: *Miguel Angel Peñailillo, Representative of Chile on the Committee of Experts.*

13:00 – 14:30

Break-Lunch.³

14:30 – 15:45

States and their role as examiners and examinees.

Representative of Mexico in the OECD Mechanism

Eugenio Curia, Representative of Argentina in the OECD and FATF Mechanisms

Joseph Gangloff, Representative of the United States of America in GRECO-Council of Europe

Ornell H. A. Brooks, Representative of Belize in the MEM

Moderator: *Peter Pursglove, S.C., Representative of Trinidad and Tobago on the Committee of Experts.*

15:45 – 17:30

Follow-up, public information and civil society participation.

- **Presentations and experiences of the Secretariats of the Mechanisms:**

Enery Quiñones, Director of the Anti-Corruption Division, OECD

Manuel Lezertua, Executive Secretary of GRECO, Council of Europe

Patrick Moulette, Executive Secretary of FATF

David Beall, Executive Secretary of CICAD

- **Experiences of Civil Society:**

Michael Davies, Chairman of the Canadian Committee against Bribery and Corruption of the Canadian Council for International Business, and Vice-Chairman of Transparency International-Canada

Valeria Merino Dirani, Director of Transparency Ecuador, in representation of “Transparency International for Latin America and the Caribbean” (TILAC).

Moderator: *José Enrique Castro Marin, Representative of Costa Rica on the Committee of Experts.*

³ The OAS shall offer a lunch for the Seminar experts and participants.

17:30 **Closure**

Ambassador Lombardo Martínez, Permanent Representative of Nicaragua and Chairman of the Working Group on Probity and Public Ethics of the OAS.

Enrique Lagos, Assistant Secretary for Legal Affairs, OAS General Secretariat.

17:40 **Reception offered by the OAS Secretary General**

ANNEX

GUIDE FOR THE PRESENTATIONS AND DISCUSSION

I. GENERAL PRESENTATION OF EACH ONE OF THE MECHANISMS

In this first session, it is expected that each panelist give a brief general presentation on their mechanism, with special emphasis on its origins, objectives, guiding principles, structure, essential characteristics and concrete results that may have been attained up until the present.

As a part of this general presentation, the panelists will be asked to explain if, within the framework of their activities apart from the individual country evaluations, they review issues of a collective interest. In this case, how they are selected, what is the criteria for selection, and how do they treat and follow-up on these issues.

II. THE REVIEW PROCESS IN EACH MECHANISM

In this session it is expected that each one of the panelists refer to, among other things, the review process phases that are mentioned below. Detailing in each one of them the conditions that, experience wise, are basic to its good development, as well as those difficulties or problems that can be prevented or avoided.

1. Selection of review issues

- What is to be reviewed and how is the process organized in so much as the issues, areas or provisions whose application, progress or implementation is to be evaluated?
- To this effect, has the review process been divided into rounds or phases?
- How have the issues of the rounds or phases been selected, in the case that this has occurred?
- What have been the difficulties in this process depending on the magnitude or scope of the issues or provisions whose implementation is to be reviewed?
- As part of your experience, what specific recommendations would you give in regard to the selection process of issues, areas or provisions whose implementation by the States is to be reviewed?

2. *Methodology for determining the scheduling of the reviews of the States and the examining States.*

- How is the order of the country reviews decided and by whom?
- How are the countries who will be the examiners decided and by whom?
- Do you take into account for this process regional or sub-regional characteristics (for example, non-review by neighbor States) or differences in regards to size, levels of development or legal traditions (civil law vs. “common law”)? What other criteria are taken into account for this process?
- How is equal treatment assured among the States?
- What specific recommendations would you have on this process?

3. *Sources of information for producing the review (questionnaires, on-site visits and other sources of information)*

- Which are the basic sources of information for producing the reviews?
- Who was responsible for developing the questionnaires and how were the questions agreed upon? What documents or information are the countries asked to provide?

- Which sources of information are used when the application of legal provisions is treated?
- In those mechanisms that use on-site visits: which are the objectives and how are they prepared and organized?
- What other sources of information are used?
- What specific recommendations would you have regarding this issue?

4. *The preparation process of the preliminary reports and their consultation*

- Which aspects are considered crucial for assuring the quality of the preliminary reports (for example, give sufficient time; adequate division of work between the Secretariat and the country delegates, etc.)?
- Does the country reviewed have an opportunity to comment or make observations on the preliminary report? How much time is given to the country for that?
- How does the consultation process work in regard to the preliminary report, on average how long does it take and what difficulties have been found in this process?
- What specific recommendations would you have regarding this issue?

5. *The process of discussion and adoption of the reports*

- How does the process of discussion and approval of the reports in the Committee operate?
- Can the reviewed State veto the report as a whole or in parts?
- When is a country report made public?
- What specific recommendations would you have regarding this issue?

III. STATES AND THEIR ROLE AS EXAMINERS AND EXAMINEES

- How has your country prepared itself to be reviewed?
- How much time has your country taken to respond to a questionnaire? Who has responded it? What difficulties have been found in this process (for example, coordination difficulties between governmental agencies, lack of information, translation of documents, etc.)?

- What has been your country's experience in acting as an examiner? What difficulties have been found in this process? How much time has been taken to review the responses to the questionnaire and the information given by the reviewed State?
- What specific recommendations would you have regarding this issue?

IV. FOLLOW-UP, PUBLIC INFORMATION AND CIVIL SOCIETY PARTICIPATION

A. For the representatives of the Secretariats of the mechanisms:

1. Follow-up

- How is the follow-up to the recommendations in regard to a State accomplished?
- Are measures taken in regards to the compliance or non-compliance of the recommendations? What types of measures and what has been the experience?
- How has peer pressure functioned in practice?

2. Public information

- What information is confidential or classified and what is public or made public and when does this occur?
- How has this been organized, in general, the public information?
- Must the reviewed State authorize the publication of its report? Can it decide not to make public the report?

3. Civil society participation

- How is civil society's participation organized?
- How are comments from civil society organizations considered or taken into account?
- Are there conditions or specific rules governing the participation of civil society organizations or can any organization participate in representation of civil society?

- What specific recommendations would you have regarding any of the three issues previously stated?

B. For the representatives of the civil society organizations:

- Based on your experiences in other mechanisms, how do you consider that civil society organizations can contribute in a more effective manner within the frameworks of these mechanisms?