

## Acuerdos Bilaterales

Clasificación: 1 -2007

Fecha de Ingreso: 23 de Abril de 2007

Nombre de Acuerdo: Memorandum of understanding Between the General Secretariat of the Organisation of American States and The Organisation for Economic Co-operation and Development for strengthening co-operation with respect to State Modernisation and the Fight Against Corruption

Materia:

Partes: SG/OEA & The Organisation for Economic Co-operation and Development

Referencia: OECD

Fecha de Firma: 13 de Abril de 2007

Fecha de Inicio: 13 de Abril de 2007

Fecha de Terminación:

Lugar de Firma: Washington,DC, Estados Unidos

Unidad Encargada:

Persona Encargada:

Original:

Claves:

Cierre del proceso:



**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE GENERAL SECRETARIAT OF THE ORGANISATION OF AMERICAN STATES  
AND  
THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT  
FOR  
STRENGTHENING CO-OPERATION WITH RESPECT TO STATE MODERNISATION  
AND THE FIGHT AGAINST CORRUPTION**

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**AND**  
**THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT**  
**FOR**  
**STRENGTHENING CO-OPERATION WITH RESPECT TO STATE MODERNISATION**  
**AND THE FIGHT AGAINST CORRUPTION**

The General Secretariat of the Organisation of American States ("GS/OAS"), represented by its Secretary General, José Miguel Insulza, and the Organisation for Economic Co-operation and Development ("OECD"), represented by its Secretary General, Angel Gurría, hereafter the "Organisations",

**CONSIDERING:**

That the Organisations have had a continuous co-operative relationship since 1963;

That recent years have witnessed significant OAS and OECD developments in state modernisation, and preventing and fighting corruption within their respective areas of competence;

That for the OAS, those developments have included: the 1996 Inter-American Convention against Corruption ("IACC") which has been ratified by 33 of the 34 OAS member states; the 2001 adoption of the Inter-American Democratic Charter by the OAS General Assembly; the 1997 Inter-American Program of Co-operation to Fight Corruption and its 2006 amendments; the 2001 decision to establish the Mechanism for Follow-Up on the Implementation of the IACC ("MESICIC"); the decisions of the OAS General Assembly, the Summits of Presidents and Heads of State of the Americas, and the Meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas ("REMJA") supporting state modernisation, the fight against corruption and international legal co-operation; and the technical co-operation activities executed by GS/OAS in fulfilment of those decisions;

That for the OECD, those developments have included: the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the establishment of its Monitoring Mechanism; the 1997 Revised Recommendation of the Council on Combating Bribery in International Business Transactions and Agreed Common Elements of Criminal Legislation and Related Action; the 1998 Recommendation of the Council on Improving Ethical Conduct in the Public Service; the 2001 Best Practices for Budget Transparency; the 2003 Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service; the 2005 Guiding Principles for Regulatory Quality and Performance; and the development and publication of reports, guidelines and tools in areas related to state modernisation, preventing and fighting corruption;

That the common objectives in state modernisation, and preventing and fighting corruption may be better achieved by the creation of a framework for co-ordinating their related programmes in a more organised and systematic manner;

NOW, WHEREFORE, the Organisations agree:

## **ARTICLE I PURPOSE**

- 1.1. The purpose of this Memorandum of Understanding ("MoU") is to establish a framework which facilitates the strengthening of the co-operative relationship between the Organisations with respect to state modernisation, and preventing and fighting corruption, so that related joint activities may be carried out more frequently, and in a more organised and systematic manner.

## **ARTICLE II THEMATIC CO-OPERATION AREAS**

- 2.1. The Organisations will, in particular, seek to strengthen their co-operative relationship, principally with respect to the following thematic areas:
- a) Co-operation in areas related to state modernisation, such as:
    - i) E-government;
    - ii) Public employment and management;
    - iii) Budgeting and public expenditures;
    - iv) Open government and citizen participation;
    - v) Administrative simplification and regulatory quality;
    - vi) Decentralisation and regional development.
  - b) Co-operation in areas related to preventing corruption in the public service, such as:
    - i) Avoiding conflict of interest;
    - ii) Promoting integrity through transparency and accountability;
    - iii) Enhancing resistance to corruption in risk areas such as public procurement, contract management and lobbying;
    - iv) Supporting assessment of implementation and impact of corruption prevention measures.
  - c) Co-operation in areas related to preventing and fighting corruption, such as:
    - i) Legal and criminal law matters raised by the implementation of the OAS and the OECD Conventions;
    - ii) Enforcement of the OAS and OECD Conventions through adequate means of prevention, detection, investigation and prosecution;
    - iii) International co-operation (extradition and mutual legal assistance);
    - iv) Risk areas including public procurement and money laundering;
    - v) Exchange of lessons learned from the monitoring and follow-up mechanisms of the OAS and the OECD Conventions.
  - d) Potential issues of mutual interest.

**ARTICLE III  
CO-OPERATION ACTIVITIES**

- 3.1. For the strengthening of co-operation in the thematic areas above, and without prejudice of the programme of work of each organisation, the Organisations will:
- a) Facilitate the regular exchange of information on the relevant aspects of their programme of work, their implementation and the developments in those areas listed in Article II.
  - b) Facilitate the access and exchange of information between the OAS and the OECD, notably using Internet pages or networks, in specific areas listed in Article II.
  - c) Sponsor, promote, organise and execute joint activities or projects related to state modernisation, and preventing and fighting corruption. Such joint activities may result in joint publications.
  - d) Co-ordinate information sharing about relevant activities with other organisations interested in the areas of co-operation described in Article II of this MoU, for the purpose of future collaboration; these activities may include participation in national and international events (e.g. conferences, seminars and workshops).
  - e) Carry out other activities deemed necessary and useful for the purpose of this MoU.
- 3.2. Additional areas of co-operation may be agreed upon by the Organisations through a supplement to this MoU or through an Exchange of Letters.

**ARTICLE IV  
CO-ORDINATION COMMITTEE, REPRESENTATIVES AND NOTICE**

- 4.1. Each Organisation will designate contact points in order to facilitate the definition, follow-up and evaluation of co-operation activities undertaken pursuant to this MoU.
- 4.2. The Contact points of GS/OAS are:
- a) For co-operation in areas related to state modernisation:

Mr. German Quintana  
Director, Department of State Modernisation and Governability  
Secretariat for Political Affairs  
1889 F Street, N.W.  
Washington D.C. 20006  
United States of America  
Tel: (1-202) 4586115  
Fax: (1-202) 4586250  
E-mail: [gquintana@oas.org](mailto:gquintana@oas.org)

- b) For co-operation in areas related to the prevention, investigation, prosecution of corruption:

Mr. Jorge Garcia-Gonzalez  
Director, Office of Legal Cooperation  
Department of International Legal Affairs  
19<sup>th</sup> Street & Constitution Ave., N.W.  
Washington D.C. 20006  
United States of America  
Tel: (1-202) 4583040  
Fax: (1-202) 4583598  
E-mail: [jgarciag@oas.org](mailto:jgarciag@oas.org)

4.3. The contact points for the OECD are:

- a) For co-operation in areas related to state modernisation and prevention of corruption in the public service:

Mrs. Odile Sallard  
Director, Public Governance  
and Territorial Development Directorate  
2, rue André Pascal  
75775 Paris Cedex 16  
France  
Tel: (+33 1) 45.24. 87. 40  
Fax : (+33 1) 44.30.61.04  
E-mail: [Odile.Sallard@OECD.org](mailto:Odile.Sallard@OECD.org)

- b) For co-operation in areas related to preventing and fighting corruption:

Mr. Patrick Moulette  
Head, OECD Anti-Corruption Division  
2, rue André Pascal  
75775 Paris Cedex 16  
France  
Tel: (33 1) 45 24 91 02  
Fax: ( 33 1) 45 24 63 07  
E-mail: [patrick.moulette@oecd.org](mailto:patrick.moulette@oecd.org)

4.4. Each Organisation may change its contact points by giving written notice to the other.

4.5. The Organisations will hold regular meetings for the purpose of evaluating the status of joint activities between the Organisations, to evaluate proposals for additional joint projects or other activities, and to discuss other issues related to joint co-operation and the implementation of this MoU. They may also hold special meetings as the need arises.

**ARTICLE V  
FINANCIAL ASPECTS**

- 5.1. This MoU does not create or imply any obligations of a financial nature for the Organisations.
- 5.2. If necessary, the Organisations will agree on specific financial and technical arrangements with regard to the individual areas of collaboration.
- 5.3. Each Organisation will implement this MoU in conformity with their respective regulations, rules and administrative practices.

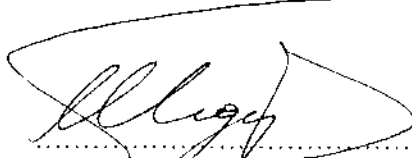
**ARTICLE VI  
MISCELLANEOUS CONDITIONS**

- 6.1. The MoU will enter into force upon signature by the Secretary General of the OAS and the Secretary General of the OECD. It will remain in force indefinitely until terminated in accordance with the following Section 6.2.
- 6.2. Either Organisation may terminate the MoU by giving sixty days' written notice to the other. In addition, both Organisations may agree to terminate this MoU according to whatever terms as they may mutually agree upon. If the MoU is terminated unilaterally by either Organisation, steps should be taken to ensure that the termination does not affect any project or activity already in progress.
- 6.3. Nothing in this MoU will require either Organisation to furnish to the other any material, data and information which it considers confidential.

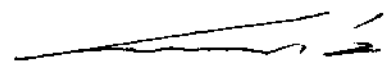
The present MoU is signed in two identical copies in English, in Washington, D.C., on 13 April, 2007.

THE GENERAL SECRETARIAT  
OF THE ORGANISATION  
OF AMERICAN STATES

THE ORGANISATION FOR ECONOMIC  
CO-OPERATION AND DEVELOPMENT



.....  
Jose Miguel Insulza  
Secretary General



.....  
Angel Gurría  
Secretary General

