



# SUMMITS OF THE AMERICAS BULLETIN

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## *The Summit - a Multi-faceted Agenda*

### **Introduction**

*Jaime Aparicio*

Since the publication of the first *Bulletin of the Summits of the Americas*, the Organization of American States (OAS) has taken new steps in the creation of instruments of dialogue, cooperation and collective action in the implementation of several mandates from the Quebec City Plan of Action. For our second Bulletin we have asked that experts from throughout the region reflect upon three of the greatest threats posed to our societies today: corruption, drugs and terrorism.

As Chris Patten, the European Union Commissioner for External Relations, states, these global threats represent “the dark side of globalization”

and require responses that are the “result of multilateral engagement” - an engagement which takes into account “the root causes of terrorism, such as poverty, disease and environmental degradation.”<sup>1</sup>

In this context, important events related to these issues have occurred in the last few months at the OAS:

### **Corruption**

Corruption is today a serious social, political and economic problem. There has not been a single legislative or presidential campaign that has not had this issue among its main priorities, given that inquiries into several countries of the region state that corruption and impunity are areas of principal concern for its citizens. Thus, controlling corruption has become one of the most urgent political challenges for the regions’ governments.

On the other hand, people are worried about corruption within their institutions, legislative bodies, judicial systems, the private sector and even in law enforcement. There is also the perception that these acts of corruption increase when there is greater impunity and less real cooperation among countries to work legally and judicially in this fight.

Faced with this reality, the first step that states must take is to adhere to or ratify the Inter-American Convention against Corruption, an agreement elaborated to create new instruments of cooperation in the fight against corruption. From there, the next phase involves the implementation of the Convention, through a Committee of Experts of the Follow Up Mechanism for the Implementation of the Inter-American Convention against Corruption. This Committee had its first meeting on January 15-18, 2002, at OAS headquarters. Here, Member States

selected the provisions of the Convention that, for a first round of evaluations, they have committed to implementing in their countries.

This meeting of the Committee of Experts also included a Practical Analysis Seminar on the International Monitoring Mechanisms, during which the international monitoring mechanisms of the following groups were presented: Organization for Economic Cooperation and Development (OECD); Group of States against Corruption of the Council of Europe (GRECO); Financial Action Task Force (FATF); and the Inter-American Drug Abuse Control Commission (CICAD-OAS). The objective of this presentation was to demonstrate the make-up and operation of each international monitoring mechanism and to promote a greater understanding of the experiences and knowledge obtained by those who operated these four mechanisms. In this way, the Committee of Experts on the Follow-Up Mechanism can use these experiences as a basis for their own decision-making processes.

### **The Fight against Drugs**

Government experts from throughout the region have developed, within the framework of the Inter-American Drug Abuse Control Commission (CICAD), a multilateral system for evaluating the fight against drugs. This system seeks to give to this struggle “an international legitimacy that cannot be provided by unilaterally-defined criteria”.<sup>2</sup> As a part of this process, the Second Special Session of CICAD took place in Washington DC, in the middle of March, during which the Hemispheric Report of the Multilateral Evaluation Mechanism (MEM) on the

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Implementation of Recommendations from the First Round of Evaluations was made public. According to this report, the countries of the Americas have made “a significant effort” to take steps recommended in the first round of the evaluation process, but in some cases have encountered obstacles due to a lack of technical and financial resources.

This report also includes a summary at the hemispheric level and an evaluation of each country, taking into account the almost 400 recommendations made a year ago during the first round of the MEM. The Hemispheric overview shows progress in a number of areas, including the development of national anti-drug plans, the ability of countries to calculate the amount of land under illicit cultivation and the adoption of measures against money laundering.

As a part of the MEM process, CICAD conducts full evaluations every other year, with progress reports issued during the alternate years. In April, CICAD will begin compiling new data for a second round of full evaluations, based on MEM questionnaires that the countries are in the process of completing. It will issue the next complete evaluation reports, covering the years 2001-2002, in January 2003.

**Terrorism**

On January 28-29, 2002, the Second Regular Meeting of the Inter-American Committee against Terrorism (CICTE) took place at the OAS Main Building, in Washington DC. At the meeting, Member States presented their reports on actions taken by their countries in accordance with the decisions taken by the XXIII Consultative Meeting of Ministers of Foreign Affairs in order to strengthen domestic security and hemispheric and international cooperation. They expressed that measures have been intensified to contribute to the fight against terrorism within the framework of individual, civil and political liberties and the respect of human rights. They also stated that the United Nations (UN) Resolution 1373, combined with the 12 UN anti-terrorist Conventions, provide the basis from which every country develops legislative and operational measures. Among those measures proposed were: the prevention and suppression of the financing of terrorism; the establishment of serious penalties within each legal

system for those who participate in and support terrorism; and the improvement of mechanisms for mutual legal assistance and extradition.

At the same time, it was decided that the draft Convention would be written as a complement to the twelve existing Conventions, and that it would address such issues as money laundering and border control. It is hoped that deliberations on this draft will be concluded for the next General Assembly, which will take place in Barbados, in June 2002. Peru offered to be the host for the signing of the Convention.

The Summits of the Americas Process, through a new and active presidential diplomacy, has strengthened the role of the Organization of American States as a political forum for the design of policies in cooperation and collective action throughout the region for the issues that are reflected in this edition of our Bulletin.

- Jaime Aparicio is the former Bolivian Vice Minister of Foreign Affairs and current Director of the OAS Office of Summit Follow Up

**(Endnotes)**

<sup>1</sup> Keith B. Richburg, Washington Post Foreign Service; March 4, 2002; Page A13

<sup>2</sup> Viron P. Vaky and Luigi Einaudi, Inter-American Dialogue, Sol Linowitz Forum, April 1998

**Strengthening the Fight against Corruption in the Americas**

*Dr. Roberto de Michele*

The fight against corruption is an element of increasing importance in regional and international agendas, along with the other issues mentioned in this publication. Corruption and its effects transcend national borders<sup>1</sup>. Recent events would appear to reaffirm the notion that a phenomenon such as transnational bribery, in the same way as terrorism, money laundering and psychotropic substance trafficking, damages the quality of relationships between states and the quality of governance, and therefore are a threat to democracy and our security.

Corruption is a complex and multi-dimensional issue that requires answers that can respond to its intricacies. That being said, an effective prevention, research and fight against corruption cannot be the responsibility of the nation state alone. In this context, the contributions that the hemisphere has

made within the framework of the Summit process should be considered.

The Presidents of the Americas first laid the groundwork in 1994, when they included in the Miami Plan of Action commitments to the fight against corruption.

These commitments were strengthened in 1996, with the adoption of the Inter-American Convention against

*(this article is continued on page 4, column 4)*

**“...it is now time to seriously consider the future role of the TIAR.”**  
- Roberto Russell and Juan Tokatlian

**On the First Round of the Multilateral Evaluation Mechanism**

*Miguel Ruiz-Cabañas Izquierdo*

Despite efforts by the hemisphere’s governments, drug consumption remains high in our continent. The drug problem is dynamic, as much in the nature of the products that are consumed – which has passed from traditionally cultivated drugs to those that are made synthetically – as in the routes that criminal organizations use to reach demand markets. The strength and operation capacity that delinquent organizations dedicated to drug trafficking have acquired are factors that represent one of the main sources of violence and insecurity for society and constitute a threat to the democratic institutions of our countries.

The fight against drugs is one of the main present-day challenges for the governments of the Americas. The Mexican government has expressed its conviction that international cooperation is the key tool with which states can confront this global phenomenon, and in this sense has sought to consolidate a multilateral evaluation mechanism from the efforts made by governments against drug trafficking in the hemisphere. This effort should favor the elimination of unilateral initiatives that make cooperation difficult and weaken the mutual confidence needed to effectively face the drug scourge.

The Multilateral Evaluation Mechanism (MEM), adopted at the Second Summit of the Americas, is a

*(this article is continued on page 4, column 1)*



## On Terrorism

*Roberto Russell and  
Juan Tokatlian*

1. After the September 11 attacks, there has been a tendency to define international terrorism in generic terms, as does Resolution 1373 of the United Nations Security Council. Relationships and bonds are formed between terrorism and organized crime, the business of illegal drugs, the proliferation of arms, the illegal trafficking of weapons, unrestrained corruption, the violation of human rights and the laundering of underground capital – phenomena that before September 11 had been considered separately. Without a doubt, addressing one of the greatest threats to international security in this way presents several problems. Is it really thought that, by extending this (real or supposed) link between international terrorism and all of these criminal modalities, terrorism will be more easily defeated? Is political intervention with terrorist groups no longer considered a possibility? Are the factors that contribute to the problem of terrorism being addressed at their roots? Is it believed that in this way, states – both developed and developing – can truly fight this scourge in a joint and equal fashion? In a forum such as the OAS, efforts should be made to avoid joining this trend without first viewing it critically. It is justifiable, then, to convoke a High Commission to study this issue, as was done in the United States, and without astronomical costs, so that recommendations for action can be developed.

2. In our hemisphere, we support the signing of any existing convention in order to transfer to the multilateral plain anything that we do not do, do not want to do or cannot do at the national, subregional or regional levels. When confronting ‘international terrorism,’ this impulse to subscribe to protocols, treaties and agreements should be curbed. The sensitivity and complexity of the issue beg that the commitments adopted be feasible. This, in itself, would be an enormous achievement. Moreover, it is now time to seriously consider the future role of the Inter-American Treaty of Reciprocal Assistance (TIAR).

3. Above all else, the OAS should be concerned with those dimensions of terrorism that could be reduced, avoided or contained within stronger states. The

## Civil Society Perspective

### Combating Corruption: Realizing a Summit Vision

*Nancy Zucker Boswell*

In 1994, leaders meeting at the Miami Summit of the Americas envisioned a prosperous and integrated Americas, joined by a common commitment to democracy, open trade and sustainable development. However, they wisely cautioned about the pernicious effect corruption, drug trafficking, and terrorism could have on realizing this vision if not addressed.

Four years later, at the second Summit, leaders agreed to put “new impetus” into the struggle against these threats and “to work together to ensure that criminals do not find safe haven anywhere in the hemisphere.”

Almost a decade after Miami, there is still an urgent need to lend new impetus to the struggle. For, while there has been progress, the obstacles remain formidable. The effort to raise public awareness and gain widespread understanding that corruption impedes investment and undermines economic growth has been successful. Agreement has also been reached on common norms to make the public and private sectors more accountable and transparent. The 1996 Inter-American Convention Against Corruption codifies many of these norms. Negotiators of the bilateral and multilateral Free Trade Agreements are working to incorporate requirements for legal and regulatory transparency.

Yet, corruption in the public and the private sector still continues to fuel deep public dissatisfaction across the region and to erode the vitality of major economies and some democracies.

What will it take to bring us closer to the leaders’ original vision? First, an understanding that the commitments of the first Summit were, and remain, the essential building blocks.

On combating corruption, they include:

- reforms to make government operations transparent and accountable;
- strengthening internal oversight mechanisms and enforcement capacity;
- conflict of interest standards and penalties for those who utilize public position to benefit private interests;
- enforcement of measures against illicit enrichment and transnational bribery;
- strengthening the administration of justice and the regulation of procurement; and
- a hemispheric agreement against corruption.

There is no shortcut to setting these building blocks in place. It will take political will, time and financial and technical resources. With capital scarce and governments hard-pressed to confront drug trafficking and terrorism, the fight against corruption must compete for attention and resources. For example, the nascent follow-up mechanism for promoting implementation of the Convention Against Corruption holds great promise; but, it can only succeed if it has strong political, technical and financial support. Therefore, Parties to the convention and the leaders of the multilateral banks must move quickly to fulfill their Summit promises to provide adequate financial resources.

Finally, multilateral organizations, ministers and bureaucrats, the press, the private sector and ordinary citizens must challenge more vigorously the deeply entrenched vested interests that put personal gain ahead of national interest. Their collective action is essential to achieving sustainable reform.

The OAS, by encouraging civil society participation in the Summit follow-up process and by providing a forum in which members can cooperate in promoting reform, has made a substantial contribution to realizing the Summit vision of transparency and accountability in the Americas.

- *Nancy Zucker Boswell is the Managing Director of Transparency International - USA*

weakness of the state within the majority of this region’s countries is a source of immense vulnerability. Collapsed nations can be transformed into real threats for their neighbors given that they provide fertile terrain for the emergence and development of terrorism.

- *Roberto Russell, Director of the Masters Program in International Studies, Universidad Torcuato Di Tella*  
- *Juan Tokatlian, Director of the Department of Political Science and International Affairs at the Universidad de San Andrés*

*(First Round of the MEM):*

mechanism unique in the world, born out of consensus and the participation of the totality of OAS nations, in which achieving solid and reliable results ought to be the permanent objective of the evaluation processes.

The Governmental Expert Groups (GEG) of the MEM, during the two stages of the first round of evaluations – one was diagnostic and the other follow up to formulated recommendations – have been fundamental. This first round has confirmed the impartiality and quality of the status of the fight against the consumption and trafficking of drugs in each country. Strengthening this mechanism will require both political will of the states and scientific precision in their response to the requirements made by the GEG experts. A better diagnosis of the dimension and characteristics of the problem in each state will allow for a more accurate assessment of the treatment necessary. In this sense, the MEM report should be objective, non-complacent, purposeful and didactic.

Briefly, I consider the greatest virtues of the MEM to be the following:

1. It has obligated governments to adopt integral national strategies that address the drug problem.
2. The foci of the problem have been balanced since it is recognized that every state is vulnerable to all manifestations of the drug problem (production, transport, consumption, money laundering, arms trafficking and chemical precursors).

3. The multilateral focus of the drug problem has favored the fostering of mutual confidence among states and the cultivating of a new dialogue that is less politicized and more technical and allows for the development of new and dynamic strategies for analysis and cooperation.
4. The MEM is a mechanism of mutual pressure that does not take with it the threat of sanctions. It is an instrument that diagnoses the problem and encourages cooperation at all levels to resolve it. At its center is the respect for jurisdictions and the internal juridical order of states, as well as the basic tenets of shared responsibility. Any attempt to modify these fundamental principals would corrupt it.

The states and the hemisphere as a whole ought to objectively recognize some failures in the focus that may be given to the phenomena, failures that are based on the evaluation that the MEM carries out. It should also be justified that, despite efforts made to eradicate the drug problem, this desired objective has not been reached, given that if every policy had been successful, the problem would no longer exist. The recognition of faults and working to perfect a process that has now only just begun is what will allow for the adoption of new foci and the strategic change in national and hemispheric policies.

- Miguel Ruiz-Cabañas is the Ambassador of Mexico to the OAS

*(The Fight Against Corruption):*

Corruption (ICC). The ICC is the first international instrument in which a political and juridical link was established that recognizes responsibilities in prevention, punitive measures and cooperation among states. It did not, however, contemplate a mechanism that would analyze the effective fulfillment of these contractual obligations.

Four years later, negotiations began that would bring the ICC to more constructive terrain, leading to the adoption of a follow-up mechanism to the Convention. This is critical in light of the transnational implications of the problem and the possibilities for finding solutions.

In 2001, twenty States Parties to the ICC adopted the “Report of Buenos Aires on the Mechanism for Follow-up on Implementation of the ICC.” This established that the States Parties, through a Committee of Experts, would evaluate the manner in which each country has implemented the measures in the Convention.

Last January these experts met for the first time in Washington, DC, initiating a process that will conclude with a public report that will contain recommendations and suggestions on aspects that can be improved, changed or implemented in internal legislation or in institutional guidelines.

This brief description allows us to take note of the realization of Summit proposals and the creation of new and imperative tools for regional governance. As we work to consolidate this process, we ought to attempt to create and fortify links with those instruments that, like ours, include spaces for negotiation, facilitate the adoption of agreements and generate other necessary input in order to formulate more efficient joint strategies of prevention and to fight the various manifestations of organized crime that affect our region.

**(Endnotes)**

<sup>1</sup> Along these lines in the Declaration of Quebec City, the Presidents and Heads of State of the Americas recognize that this phenomenon “undermines core democratic values, challenges political stability and economic growth and thus threatens vital interests in our Hemisphere”.

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**For more information on the three issues discussed in this edition of the Bulletin, please see the following Web sites:**

**Fight against Corruption - OAS Department of Legal Cooperation and Information:**  
<http://www.oas.org/juridico/english/default.htm>

**Fight against Drugs - Inter-American Drug Abuse Control Commission:**  
<http://www.cicad.oas.org>

**Fight against Terrorism - Inter-American Committee Against Terrorism:**  
<http://www.cicte.oas.org/>

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