IMPLEMENTATION OF THE LIMA COMMITMENT
SUMMARY OF FINDINGS BY THE CITIZEN CORRUPTION OBSERVATORY
(Andres Hernandez, Executive Director, Transparency – Colombia)

Good morning. My name is Gerardo Andres Hernandez. I am the Executive Director of Transparencia por Colombia and the joint coordinator of the Citizen Corruption Observatory. We thank you for this opportunity to share a summary of the results achieved by the Observatory so far.

The Citizen Corruption Observatory is a coalition of close to 400 civil society organizations from 19 countries in the Americas, who have monitored the implementation of the commitments adopted by the governments of the region in the Eighth Summit of the Americas. The Observatory is a collaboration between the Citizen Forum of the Americas, the Latin American and Caribbean Network for Democracy, and Transparency International Chapters in Latin America, and counts with financial support from the State Department of the United States of America.

Since November 2020, and through a wide participatory process that involved civil society organizations from different backgrounds and communities, the Observatory developed and applied a methodology based on regulatory and practice indicators, that looked at 19 priority commitments covered in 5 themes of the Lima Commitment on Democratic Governance Against Corruption.

The methodology analyzed the degree of progress of each commitment, considering three criteria: pertinence, efficacy and sustainability; and it uses a scale from 0, meaning no progress registered, to 3, that shows high level of progress. The following is a summary of the main results of the Observatory, which will be fully release by the end of October 2021 (https://occ-america.com/).

I. Results of policy indicators by themes

On average, the five themes of the Lima Commitment analyzed by the Observatory, obtained a score of 1.17 out of 3.00. This rating is based on the fact that, on the one side, there are wide legislative developments for the fight against corruption in the region, but, on the other side, in practice, the desired progress has not been made in terms of the creation of government plans, public policies and practical tools that guarantee compliance with the Lima Commitment.

It is worth noting the high relevance of the Lima Commitment for the fight against corruption, as it recalls priority actions contained in other international instruments, while presenting some innovative approaches in this area. However, the low score shows that greater achievements still need to be made
both in issues agreed prior to the eighth Summit of the Americas, and in the new areas included in this Commitment.

Looking at the five themes monitored by the Observatory, we found that, first, the implementation of commitments related to Strengthening Democratic Governance did not achieve a rating over 2 points.

Moreover, the innovative issues introduced by the Lima Commitment, such as the inclusion of a gender and differential perspectives in the fight against corruption, received scores between 0 and 1.2 showing the need for further efforts. On the other hand, the highest score in this theme was achieved on issues related to the adoption of measures to prevent conflicts of interest.

Second, about the theme on Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression, the best score was achieved by the commitment regarding the implementation of national open government policies and plans. However, none of the commitments of this theme obtained a score equal or greater than 2. In particular, the commitment related to developing statistics to evaluate transparency policies, received the lowest score.

Third, on the theme of Financing of Political Organizations and Election Campaigns, the commitment obtained the best assessment of the entire analysis carried out by the Observatory. At the regulatory level, 87% of the questions about the existence of laws that guarantee transparency, accountability, accounting and sanctioning the irregular financing of political campaigns, obtained a positive response. However, looking at the implementation of tools, plans and programs for the fulfillment of the commitment, the positive responses fell to 52%. This difference between regulation and practice is reflected in the overall final score of the commitment which was 1.45.

Fourth, about Prevention of Corruption in Public Works and Public Procurement and Contracting, the Observatory highlights the normative and practical advances around commitments related to electronic systems for public procurement, and the implementation of measures to reduce bureaucracy, which obtained an average score of 1.7/3.0. However, efforts to include anti-corruption clauses in all state contracts received a score below 1.

And fifth, about International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, Money Laundering; and Asset Recovery, the Observatory recalls that most of these issues were included already in the 1996 Inter-American Convention Against Corruption. However, the findings of the Observatory show that further progress is required as these commitments scored lower than 2.0/3.0.

II. Regional trends

Now, looking at regional trends in the progress of the Lima Commitment, the Observatory found that:

1. As mentioned before, the greatest progress is identified in commitments that promote measures for the prevention of corruption such as commitment No. 27 on the promotion of electronic systems for government procurement and public procurement, and commitment No. 33 on measures to reduce bureaucracy and simplify procedures. On the contrary, the incorporation
of different groups and the differential impact in the fight against corruption, in the terms indicated in commitments No. 7 and No. 8, show the least progress in the region.

2. Access to information is another issue that does not register significant progress and was seriously affected by the context of the pandemic.

3. In general, the inclusion of citizens in anti-corruption policies is one of the main challenges that the governments of the region will have to address during the following years.

III. Conclusion

To conclude, the Observatory finds that the Lima Commitment "Democratic Governance against Corruption" is a key instrument to promote the fight against corruption in the Americas. It is an innovative tool as it includes recently developed issues such as the inclusion of a differential approach, as well as other issues that have been covered already by International Anti-Corruption Conventions. However, on average, the results obtained in the monitoring exercise to the implementation of the Lima Commitment, indicate that progress is insufficient.

It is relevant mentioning that Covid-19 deepened the already existing social and economic inequalities that affect the most vulnerable populations, as well as the conditions for civil society to support and monitor the implementation of the Lima Commitment, which in some countries implied difficulties in accessing public information and obstacles to the exercise of oversight activities.

Nonetheless, civil society remains convinced on the need to promote anti-corruption efforts and look forward to continue engaging in further actions to support the effective implementation of the Lima Commitment, including new follow up opportunities around the next Summit of the Americas.

During the next weeks, national level reports will be launch in each of the countries analyzed by the Observatory, and, as mentioned before, the complete regional results will be release by the end of October and will be share with all of you.

Thank you very much.