



EIGHT SUMMIT OF THE AMERICAS  
April 13 and 14, 2018  
Lima, Peru

OEA/Ser.E  
CA-VIII/doc.1/18  
14 April 2018  
Original: Spanish

## LIMA COMMITMENT

### "DEMOCRATIC GOVERNANCE AGAINST CORRUPTION"

Lima, April 14, 2018

We, the Heads of State and of Government of the Hemisphere, meeting in Lima, Peru at the VIII Summit of the Americas,

Underscoring that the prevention of and fight against corruption are fundamental to strengthening democracy and the rule of law in our States, and that corruption weakens democratic governance and citizens' trust in institutions, in addition to having a negative impact on the effective enjoyment of human rights and the sustainable development of the peoples of our Hemisphere as well as other regions of the world;

Reaffirming our commitment to anti-corruption treaties, such as the United Nations Convention against Corruption (UNCAC) and the Inter-American Convention against Corruption (IACAC);

Reaffirming also the 2030 Agenda for Sustainable Development and our firm support for its implementation<sup>1</sup>; and

In keeping with our respective domestic legislation and the multilateral and bilateral treaties to which we are Party, as well as recognized principles such as respect for sovereignty and non-interference,

#### COMMIT TO:

##### A. Reinforcement of Democratic Governance

1. Strengthening democratic institutions for the prevention of and fight against corruption in the Hemisphere, ensuring that the competent authorities have the necessary guarantees for the proper performance of their functions.
2. Strengthening judicial autonomy and independence, following applicable inter-American and universal standards on this matter, to promote respect for the rule of law and access to justice as well as to promote and encourage policies of integrity and transparency in the judicial system.

3. Promoting a hemispheric initiative to coordinate the efforts of competent regional and international organizations in the framework on the Inter-American Education Agenda focusing on civic education led by the Organization of American States (OAS), through the Inter-American Committee on Education (CIE), with the support of the Joint Summit Working Group (JSWG) and with respect for regional diversity.
4. Developing a culture of citizen participation and prevention of corruption with a view to strengthening democratic and civic values from early childhood and throughout life, by implementing teaching and learning programs at all levels of education, as well as ongoing education programs.
5. Promoting public awareness and citizen participation campaigns for the prevention of and participation in the fight against corruption and impunity, and on the tools available to address and combat corruption.
6. Recognizing the positive contributions of indigenous peoples and their traditional values and principles, and the contributions of Afrodescendent communities to improving the efficiency, effectiveness, and transparency of public administration and raising awareness in favor of the fight against corruption.
7. Promoting gender equity and equality and women's empowerment as a cross-cutting goal of our anti-corruption policies, through a task force on women's leadership and empowerment that will actively promote cooperation among inter-American institutions and synergies with other international agencies.
8. Including different vulnerable groups in defining measures to strengthen governance and combat corruption, recognizing the serious impact it has on these populations.
9. Ensuring transparency and equal opportunities in the selection processes of public officials based on objective criteria such as merit, fairness, and aptitude.
10. Promoting the adoption of measures to prevent conflicts of interest, as well as the public filing of financial-disclosure statements by public officials, as appropriate.
11. Furthering codes of conduct for public officials that contain high standards of ethics, honesty, integrity, and transparency, using as a point of reference the "Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas" and urging the private sector to develop similar codes of conduct.
12. Encouraging the effective participation of the private sector in public policies to prevent and combat corruption; and urging public and private enterprises to develop or implement integrity promotion programs and training programs at all levels.

**B. Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression**

13. Continuing to strengthen national anti-corruption measures or systems and enhancing conditions for the effective participation of civil society, social organizations, academia, the private sector, citizens, and other social actors in monitoring government performance, including the development of prevention mechanisms, channels for reporting possible acts of corruption and facilitating the work of watchdogs including other citizen oversight mechanisms, and incentivizing the adoption of digital means of participation.
14. Promoting and or strengthening the implementation of national policies and plans, and as appropriate subnational plans in the areas of open government, digital government, open data, fiscal transparency, open budgeting, digital procurement systems, public contracting and a public registry of state suppliers, considering towards that end the participation of civil society and other social actors.
15. Consolidating the autonomy and independence of high-level oversight bodies.
16. Implementing and/or strengthening of bodies responsible for transparency and access to public information, based on applicable international best practices.
17. Promoting the use of new technologies that facilitate digital government in order to promote transparency, interaction with citizens and accountability, through development of tools for the identification, detection, systematization, and monitoring of government procedures and, to that end, strengthening cooperation and exchange of best practices on the development and application of such technologies.
18. Developing statistics and indicators in our States for assessing the impact of transparency and anti-corruption policies and advancing government capacity in this field.
19. Bolstering transparency and strengthening the accountability mechanisms of regional and international organizations of which we are members.
20. Promoting the establishment of an Inter-American Open Data Program within the OAS in order to strengthen open information policies and increase the capacity of governments and citizens to prevent and fight corruption, bearing in mind the important work done in this field within the inter-American framework and other regional and global initiatives.
21. Promoting the adoption and/or strengthening of such legislative measures as are necessary to criminalize acts of corruption and related offenses consistent with the United Nations Convention against Corruption (UNCAC), the United Nations Convention on Transnational Organized Crime, and the Inter-American Convention against Corruption (IACAC).
22. Protecting whistleblowers, witnesses, and informants of acts of corruption from intimidation and retaliatory actions.

23. Protecting the work of journalists and persons who investigate corruption cases in a manner consistent with international obligations and commitments on human rights, including freedom of expression.
24. Protecting public officials, including those involved in law enforcement and the investigation, prosecution, and punishment of acts of corruption.

**C. Financing of Political Organizations and Election Campaigns**

25. Encouraging adoption and/or strengthening of measures that promote transparency, accountability, appropriate accounting, and use of the banking system for income and expenditures of political organizations and parties, especially those related to their electoral campaigns, in order to guarantee the licit origin of the contributions and penalizing anyone involved in accepting illicit contributions.
26. Considering the adoption of legal measures that could restrict access to public office for individuals convicted of acts of corruption.

**D. Prevention of Corruption in Public Works and Public Procurement and Contracting**

27. Promoting the use of digital systems for government procurement and contracting of services and public works, to ensure disclosure, transparency, citizen oversight, and effective accountability.
28. Implementing intergovernmental mechanisms to monitor specific projects at the request of the State that will be implementing them, in keeping with its legal framework, in order to ensure transparency and build trust.
29. Promoting the inclusion of anti-corruption clauses in all state and public-private-partnership contracts and establishing registers of natural and legal persons involved in acts of corruption and money laundering with a view to ensuring that they are not contracted.
30. Requesting that the Joint Summit Working Group (JSWG), together with other relevant regional and international bodies, develop an infrastructure platform to facilitate the exchange of experiences, training and cooperation programs for project monitoring and development, feasibility and risk analysis studies, transparent bidding procedures, and government procurement.
31. Fostering transparency in the management of infrastructure and public resources allocated to ensure resilience to disaster, including the aforementioned infrastructure platform, in order to improve the response to emergencies and prevention, mitigation, recovery and reconstruction projects, and, to that end, promoting coordination through the Regional Platform for Disaster Risk Reduction in the Americas.

32. Fostering coordinated, transparent practices in the issuance of government permits *inter alia* by the use of one-stop shops, including in the area of construction, as a measure to prevent corruption, promote competitiveness, and expedite the corresponding permits.
33. Implementing measures to reduce bureaucracy and simplify administrative processes at all levels of government in order to prevent corruption.

**E. International Legal Cooperation; the Fight against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery**

34. Advancing the fight against corruption, in particular in the prevention and combating of bribery of national and foreign public officials by continuing to implement, prior to the IX Summit of the Americas, the applicable recommendations from the specific rounds of the Implementation Review Mechanism of the United Nations Convention against Corruption, as well as the recommendations from the successive rounds of the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC).
35. Adopting a legal framework for holding legal entities accountable for acts of corruption, including domestic and international bribery, consistent with the United Nations Convention against Corruption and the Inter-American Convention against Corruption, when such a framework does not already exist under domestic law.
36. Considering the provision of the broadest possible assistance, where appropriate and in keeping with the respective domestic legal frameworks, with investigations and procedures corresponding to civil and administrative matters regarding acts of corruption committed by natural and legal persons.
37. Promoting the broadest possible cooperation among judicial, police, and prosecutorial authorities, financial intelligence units, and administrative authorities in investigations and procedures related to offenses of corruption, money laundering, and transnational bribery and corruption.
38. Promoting, among competent authorities, the use of flexible mechanisms for exchanges of information, cooperation, and coordination in the investigation and prosecution of acts of corruption.
39. Promoting cooperation between and among financial institutions and financial oversight bodies, and agencies responsible for the investigation and prosecution of acts of corruption, to provide a prompt, effective response in international investigations and asset recovery.
40. Strengthening the international legal and institutional cooperation framework to prevent the region's financial systems from being misused for the transfer and concealment of funds derived from acts of corruption, including those criminal offenses specified in the United Nations Convention against Corruption and the Inter-American Convention against Corruption.

41. Furthering the adoption or strengthening of measures through relevant institutions to enable the freezing, seizure, and confiscation of proceeds of corruption.
42. Deepening the participation of our States in multilateral networks and initiatives against money laundering, by providing the broadest and most rapid assistance possible to identify, trace, freeze, confiscate, forfeit, and recover assets.
43. Taking effective measures against tax evasion and to combat tax avoidance, money laundering, and the illicit financial flows derived from corruption; as well as measures to identify beneficial ownership.
44. Promoting transparency in the exchange of tax information and requesting that the Joint Summit Working Group (JSWG) consider strengthening cooperation in this area among our States consistent with the existing international framework.

#### **F. Strengthening of Inter-American Anti-Corruption Mechanisms**

45. Continuing to strengthen the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), by identifying resources to bolster its operations with a view to more efficiently addressing the new challenges that corruption poses in the Hemisphere.
46. Calling upon MESICIC to promote instruments for the exchange and dissemination of best practices, technical capacities, and measures to strengthen legal and institutional frameworks to prevent and combat corruption that will contribute to the implementation of its recommendations.
47. Calling upon MESICIC to coordinate with other international and regional anti-corruption bodies so as to foster synergies and to avoid duplication of efforts in the fight against corruption.
48. Continuing to advance effective implementation of the recommendations made by MESICIC through concrete measures prior to the regular session of the OAS General Assembly, to be held in 2020.
49. Calling upon MESICIC to develop, within the framework of its sphere of competence, an initiative for observing and measuring anti-corruption policies, with a view to formulating anti-corruption indicators, promoting corruption prevention mechanisms, evaluating the impact and progress of public policies, consolidating a database of regional best practices, and conducting prompt risk analysis.
50. Strengthening the Inter-American Cooperation Mechanism for Effective Public Management (MECIGEP) as a forum for sharing best practices in democratic governance and open government.
51. Calling upon the Joint Summit Working Group (JSWG) to support the implementation and strengthening of national human rights-based programs to develop the capacity of the police,

public prosecutors' offices, the judiciary, and domestic oversight agencies to combat acts of corruption, including those related to drug trafficking, trafficking in persons, trafficking in firearms and other weapons and the smuggling of goods and wildlife.

**G. Follow-up and Reports**

52. Requesting that the Joint Summit Working Group (JSWG) assist States with resources and technical capacity-building, so that they can implement the commitments undertaken at this Summit in the area of strengthening democratic governance and the fight against corruption, including those commitments that refer to implementation of legislation, institution-building, training, and cooperation.
53. Taking note of the recommendations of the Civil Society and Social Actors Forum, the Youth Forum of the Americas, the Forum of Indigenous Peoples, the ParlAmericas Open Parliament Network, and the Americas Business Dialogue.
54. Taking note of the "Private Sector Commitment to Transparency" of the Americas Business Dialogue presented at the III CEO Summit of the Americas and calling upon the private sector in general to adopt similar initiatives.
55. Taking action such that follow-up measures stemming from the Lima Commitment promote the advancement of gender equity and equality and women's empowerment in the Hemisphere.
56. Recognizing the importance of the Summits Secretariat in following up on and implementing the mandates and initiatives stemming from the VIII Summit of the Americas and prior Summits, as well as that of the Technical Secretariat, which is the institutional memory of the process and the coordinating body of the Joint Summit Working Group (JSWG), and recalling that all tasks to be executed by the OAS stemming from this Lima Commitment and prior Summits are to be implemented respecting the necessary budgetary sustainability of the Organization.
57. Instructing the Summit Implementation Review Group (SIRG) to report through the Chair of the Summits of the Americas Process on the implementation of this Commitment.

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<sup>i</sup> The United States underscores that paragraph 18 of the 2030 Agenda calls for countries to implement the Agenda in a manner that is consistent with the rights and obligations of States under international law. We also highlight our mutual recognition in paragraph 58 that 2030 Agenda implementation must respect and be without prejudice to the independent mandates of other processes and institutions, including negotiations, and does not prejudge or serve as precedent for decisions and actions underway in other forums. For example, this Agenda does not represent a commitment to provide new market access for goods or services. This Agenda also does not interpret or alter any WTO agreement or decision, including the Agreement on Trade-Related Aspects of Intellectual Property.