

ANTI-CORRUPTION SUMMIT – LONDON 2016

Argentina's Commitments

1. Expose corruption

- We commit to expanding the beneficial ownership universe of foreign companies to be identified, through the introduction of reforms aimed to reduce the percentage of ownership of capital used as a criterion for determining - or not the obligation to register¹.
- We will take steps to ensure transparency of the ownership and control of all companies involved in property purchase and public contracting.
- We welcome the establishment of transparent central registers of foreign companies bidding on public contracts and buying property, and intend to explore options for taking similar action.
- We commit to deploying public-private information sharing partnerships to bring together governments, law enforcement, regulators and the financial sector to detect, prevent and disrupt money laundering linked to corruption.
- We commit to promoting the inclusion of Argentina to EITI² and to that end, to adapt its standards to the constitutional specifications and political functioning of our country.
- We commit to enacting a National Law on Access to Public Information as a fundamental pillar for an open government policy and preventing corruption³.
- We commit to expanding access to information on commercial companies, foreign companies, civil associations and foundations⁴.
- We commit to publicize, to broadening the scope of the obligors, to improving the quality of the financial and employment information provided in the affidavits of public officials to prevent conflicts of interest⁵.
- We commit to work on the implementation of the principles of the Open Contracting Partnership in the process of purchase and procurement of public goods and services of the National Public Administration⁶. We will put special focus on the health system.

¹ The General Inspectorate of Justice (IGJ) provides that the beneficial ownership of foreign companies must be identified even if they have only one share (currently they should only do so if they have at least 20% of company capital).

² Through the Anticorruption Office, Argentina participated for the first time in the Annual Conference held in Lima in February 2016 along with representatives of the Ministry of Energy and Mines. At this time, the Ministry is carrying out a policy analysis to propose adjustments to the requirements of EITI.

³ The Argentine Government has submitted a draft bill to Congress in order ensure the effective exercise of the right to access to public information (message No. 0564/16). Also in January 2016, the Government issued the Open Government Decree 117/2016.

⁴ IGJ Resolution No. 3/2016 struck derogated all norms restricting access to information

⁵ Anti-Corruption Office is working on a new system for submitting and controlling of affidavits as well as a reform of the Public Ethics Law, which would include changes in terms of quantity and quality of the information presented in the mentioned affidavits.

⁶ At this time the National Procurement Office, under the Ministry of Modernization, is laying out a unique digital platform for the public procurement.

- We commit to establishing mechanisms of cooperation with other countries for the exchange of financial information and any other information that facilitates the effectiveness of strategies to combat and prevent money laundering from corruption offenses⁷.

2. Punish the corrupt and support those who have suffered from corruption

- We commit to strengthen the national government agencies specialized in the prevention and investigation of the binomial corruption-money laundering and to reinforce cooperation between them.
- We commend to developing internationally-endorsed guidelines for the transparent and accountable management of returned stolen assets.
- We commend to outline strategies and create new legal and institutional arrangements for the State to recover assets coming from corruption offenses and return them to the victims to repair the damage generated by corruption and/or allocate them to strengthen anti-corruption agencies in order to promote their self-sustainability.
- We commit to enforce and ratify international conventions in cooperation and mutual legal or judicial assistance in the seizing, identifying, recovery, and confiscation of assets derived from corruption and money laundering.
- We commit to persecute public – private corruption domestic and transnational through a legal regime of criminal liability for the legal entities⁸.
- We commit to promote the introduction of new prosecutorial tools such as the witness/collaborator/whistleblower with the aim to facilitate the detection, investigation and criminal persecution of corruption crimes.
- We commit to promote the creation of a data base containing information on juridical persons who commit acts of corruption.
- We commit to build a global network of anti-corruption agencies and develop a recommendation of general principles that they must comply in accordance with the standards established by the United Nations Convention against Corruption.
- We commit to promote expeditious mechanisms for administrative cooperation, exchange of information and mutual evaluation between anti-corruption bodies.

3. Drive out the culture of corruption, wherever it exists

- We commit to strengthen the public integrity system in the Argentine State in order to prevent, detect and punish situations of conflict of interest, incompatibility, or use of public funds with private aims that turn into corruption crimes.

⁷ In this line, a Memorandum of Understanding between the Argentine FIU and the FINCEN was signed in March 21st, 2016.

⁸ The Anti-Corruption Office is preparing a draft bill to establish a system of attribution of criminal liability of legal persons for corruption offenses in accordance with the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted by law No. 25.319 in 2000. A proposal was drafted to extend national jurisdiction of the national state so that it can prosecute Argentine citizens or persons domiciled in Argentina in cases of foreign bribery.

- We commit to strengthen the public-private cooperation for the prevention and investigation of corruption through the promotion of integrity programs in companies and other legal entities.
- We commit to establishing agile, accessible and trustworthy mechanisms for corruption complaints, which guarantee the protection of the whistleblowers.
- We will work with others countries, civil society, international organisations to support accelerated implementation of the voluntary provisions of the UN Convention against Corruption.

