OEA/Ser.G

CP/RES. 1220 (2426/23) rev. 2

27 April 2023

Original: English

CP/RES. 1220 (2426/23)

RECEIVING THE REPORT OF AN INVESTIGATION INTO

ALLEGATIONS CONCERNING THE SECRETARY GENERAL AND ACTIONS THEREON[[1]](#footnote-1)/[[2]](#footnote-2)/[[3]](#footnote-3)/

(Adopted by the Permanent Council at its special meeting, held on April 21, 2023)

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

PURSUANT TO Resolution CP/RES. 1210 (2402/22) of the OAS Permanent Council, which authorized a Working Group composed of the Chair and Vice Chair of the Permanent Council and the Secretary for Administration and Finance to select and contract an external company to conduct an investigation to determine whether allegations made against the Secretary General “hold any merit, and constitute any violations by the Secretary General of the rules and regulations of the OAS”;

AWARE that the Working Group selected and contracted the company, Miller & Chevalier, to conduct the investigation in accordance with the terms of reference given by the Permanent Council in Resolution CP/RES. 1210 (2402/22), including “taking into consideration the applicable regulatory framework of the OAS” amongst which are the OAS Code of Ethics and Staff Rules including supervision, salary increases, intimate relationships, abuse of authority, and all forms of workplace harassment;

ALSO AWARE that an extension was requested by, and granted to, the company to complete its work two weeks after the original deadline of three months from the date of its commission;

KNOWING that in accordance with the provisions of the terms of reference, Miller & Chevalier carried out the work entrusted to it and submitted to the Permanent Council the requested investigative report, which includes comments of the Secretary General and other relevant annexes;

RECALLING that operative paragraph 5 of Resolution CP/RES. 1210 (2402/22) resolved that the Permanent Council “take appropriate action after consideration of the external company's report”; and

MINDFUL that the external investigative company recommends a review of the OAS Rules and Regulations, including the Code of Ethics which “dates back to 2012 [-] without having gone through a recent update or adaptation process”, but noting that the Code of Ethics was, in fact, updated in 2017,

RESOLVES:

1. To acknowledge receipt of the report by the external investigation company, including its annexes and comments from the Secretary General.
2. To take note that “the External Investigation concluded that the Secretary General did not violate OAS Rules and Regulations regarding the obligations of (i) supervision; (ii) salary increases; (iii) intimidation; (iv) travel; or conflicts of interest.”
3. To take note that “the External Investigation concluded that the Secretary General violated OAS Rules and Regulations with regard to the provisions on (i) common sense and good judgment; and (ii) additional ethical obligations for the Secretary General”, and to further take note of the External Investigation’s conclusion that “the conduct of the Secretary General does not reflect the level of intentionality necessary to sustain the occurrence of an intentional violation of the OAS Rules and Regulations.”
4. To take note that “the External Investigation concluded that the allegations in the June 2022 Complaint related to the General Services Employee lack factual and probative support, determining, therefore, that the Secretary General did not violate the OAS Rules and Regulations in this regard.”
5. To urge the Secretary General and all staff members in the Organization to comply with the highest ethical standards associated with their roles, irrespective of a lack of specificity in the existing rules, until such time as the Code of Ethics and the Staff Rules and Regulations of the Organization are reviewed and revised to incorporate further best practices in the governing structure.
6. To mandate the Committee on Political and Juridical Affairs and the General Secretariat, within existing resources, to present to the Permanent Council for its consideration and early action, proposals for the further updating of the Code of Ethics and the Staff Regulations of the Organization, including the General Secretariat, in line with the recommendations contained in the investigative report.
7. To instruct the General Secretariat to release the investigative report for public information, including by publishing it on the website of the OAS.
8. That, by the adoption of this resolution, the Permanent Council has concluded the mandate of resolution CP/RES. 1210 (2402/22) of November 11, 2022.

FOOTNOTE

1. …we did not fully agree with its content, particularly with regard to the terms of reference under which the investigation was requested. Mexico faces a similar situation today, in that we join the consensus even though we consider the resolution extremely limited and not commensurate with the gravity of the breaches that occurred.

One of the report’s conclusions is that “the Secretary General violated the OAS Rules and Regulations regarding the obligation to exercise common sense and good judgment at all times,” which is undoubtedly very serious and sets a very bad example for the rest of the staff and for the prestige of the Organization itself.

Mexico regrets that at a time of financial crisis it was necessary to spend US$120,000 on an investigation that was clearly unnecessary in light of the public confession that the Secretary General gave to the Permanent Council about his intimate relationship with a staff member from his close circle, a relationship that was also described in the book *Almagro no pide perdón* that the Secretary General presented in the Hall of the Americas, when the premises were completely closed to the member states during the COVID-19 pandemic. At the very least the Secretary General should have assumed the cost of this and not charge it to our citizens’ taxes.

The ethical conduct that is to be observed by international civil servants should not depend on demands from the member states but on the individual’s own convictions. A Secretary General with high ethical standards is the minimum that a serious and robust OAS requires. It could therefore have been expected that after his confession to the Permanent Council, his speech would have concluded with the announcement of his resignation: in that way, he would have at least been recognized as remaining consistent with the values that he asserts and that the rest of the personnel who work with him have to observe. Nevertheless, the Organization has had to spend money and time to produce a report detailing what we already knew, that the head of the OAS lacks “ethics, common sense, and good judgment.” It is truly illogical to think that a person with the Secretary General’s years and experience could “maintain his conviction that his conduct would not violate his ethical obligations to the OAS,” as stated in the report. The logic of that claim is tremendously fragile.

Despite the evidence of the damage that the Secretary General has caused to the OAS and which is public knowledge, it is surprising that the appropriateness of relieving him of his leadership of the Organization is still being questioned, when in a recent similar case, the Inter-American Development Bank responded forcefully, thereby sending a positive message to the region and to its officers.

Mexico reiterates that the OAS urgently requires a Secretary General who respects the states; who respects the Rules and Code of Ethics of the Organization, who has good judgment and common sense, and who meets the profile of a respectable senior international civil servant; who can be a facilitator of dialogue and negotiation; who assists in promoting and consolidating peace and democracy without political maneuvering, based on the principles and rules of the Organization itself, and who does not use his high office and privileges to further his personal ends with the resources of the member states. We need a Secretary General who, in addition to enormous privileges, has strong obligations.

Because of his political and personal actions, and as it has stated before at different junctures, Mexico has no confidence in the current Secretary General. ([CP/INF.9731/23](http://scm.oas.org/IDMS/Redirectpage.aspx?class=CP/INF.&classNum=9731&lang=E))

3. …processed: it is overly respectful and does not question how a document more than 100 pages long and containing 400 references can be read—and a resolution drawn up—in less than four hours; it is unable to comprehend the reason for such haste.

Likewise, the Permanent Mission of Bolivia to the Organization of American States does not understand why, after the company had three months to prepare its report and requested a 10-day extension, coupled with the fact that the Secretary General was given an additional 10 days as the person under investigation, we had to act in just a few hours. Nor does it understand why a coordination meeting was held in less than 24 hours, or why this matter, as we stated on another occasion, had to be disposed of in the same week that it was introduced. In short, it does not understand the rush and some of the contents.

However, acting in a responsible and coherent manner, Bolivia has joined the consensus, on the understanding that, beyond any personal acceptance on our part or whether or not our State accepts the report, it reflects the reality that we commissioned and put our trust in this company, and as jurists we must respect that, whether or not we agree; and the resolution reflects in full the conclusions and recommendations contained in the aforementioned report.

Mr. Chairman, I would like to close by expressing a few words about common sense, a term that struck me deeply in the report, which says, “The Secretary General violated the ethical standards of common sense.” Therefore, I ask, Mr. Chairman, what is common sense? Is it common sense to investigate a case of this nature, concerning the personal situation of an official, but not a case like the one that occurred in Bolivia in 2019, into which I have been requesting an investigation from this Permanent Council for two years?

Just to mention one example, the Secretary General was given 10 days to answer and comment on the report. In the case of Bolivia, leaving aside the merits, which in many instances unfortunately cause the Secretary General exasperation, I will reference the report on that supposed electoral audit of which you are all aware; it was published at 5:00 a.m., with the same haste that has been used on this occasion with this resolution. What report is published at 5:00 a.m. in the midst of a terrible crisis that could affect people's lives? That report was never submitted to the State for consideration; the State was not given 10 days, nor nine days, nor a single day, nor even an hour, Mr. Chairman.

At 5:00 p.m., on the very day the report was published, a constitutional and democratic government was being overthrown in a coup d'état as a result of an insurrection by the armed forces and police of my country. And that fact, that fact alone—without going into the content of the reports, but simply the way in which a member state of this organization was dealt with, which resulted in the death of 38 people—has not been investigated; none found cause to draw up terms of reference or hire a company; none felt the need to act with the speed that a substantive matter warranted.

There are many matters here that merit our attention more than a personal situation, which deserves respect, whether it has to do with the Secretary General or any human being—I have not said anything in that regard and I do not intend to—but they are not issues that concern us, and they are not issues that we should be spending a Friday discussing. We should, however, be talking about Bolivia, about the judgments of the Administrative Tribunal, or issues to which even senators of this country have alluded. I do not know them, and I have no opinion either for or against; nevertheless, they must have something to say about their country, as they have stated in a communication, which does not deserve to be dismissed, but should be accorded the same respect as any other opinion.

Finally, Mr. Chairman, the Secretary General has made an interesting reference in his comments, telling us—quoting Kant—that “science without conscience is but the ruin of the soul.” On the subject of Kantian morality, in *Critique of Practical Reason,* Immanuel Kant also wrote, “Two things fill the mind with ever new and increasing admiration and awe, the more often and steadily we reflect upon them: the starry heavens above me and the moral law within me.” In each of the actors in the events to which I have referred and the facts that we are discussing today, at heart, deep down in our consciences lies the truth, no matter what we may say, do, or justify. Thank you. ([CP/INF. 9733/23](http://scm.oas.org/IDMS/Redirectpage.aspx?class=CP/INF.&&classNum=9733&&lang=E))



CP47633E01

1. . The delegation of El Salvador abstained from supporting the adoption of this resolution. [↑](#footnote-ref-1)
2. . Mexico takes note of the Report of the External Investigation presented pursuant to Resolution 1210, a resolution in which we joined the consensus to facilitate the process even though… [↑](#footnote-ref-2)
3. . Bolivia, like Mexico, does not fully agree with the report presented at this special meeting. It also does not agree with the way in which the final part of the resolution in this case has been … [↑](#footnote-ref-3)