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## Mexico: Good news in the midst of not so good news?

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On 12 and 13 May 2014, the International Bar Association and the International Chamber of Commerce (Mexico) organised a very successful anti-corruption conference in Mexico City entitled 'The fight against corruption in Latin America: implications for lawyers'.

This regional conference, co-chaired by James Tillen (Co-Chair of the IBA Anti-Corruption Committee, based in the US) and Roberto Hernández (Co-Vice Chair of the IBA Anti-Corruption Committee, based in Mexico), had successful results as a consequence of the participation of approximately 80 practitioners from 17 countries in the region, as well as from other continents, including Russia, Japan and the United Kingdom.

One of the very negative aspects of the event's success is that it reflects the very profound concern of Latin American lawyers and practitioners in the region of the growing presence of corruption in this area of the world.

So, against the backdrop of this successful event, what is the situation in Mexico regarding anti-corruption?

First, we can say that the Public Administration that took office in December 2012 suggested they would take measures to fight corruption. And yet, almost two years on, other topics such as the political reform, the telecommunications reform, the tax reform and the energy reform have become a priority – not only for the government but for all the political actors of the country.

Secondly, we can say that there are many pending actions still to be finalised. These include the pending creation of a central anti-corruption entity (half approved in December 2013, with the other half to be sent to the Senate for approval) as well as the semi-disappearance of the Ministry of Public Function (the Ministry is in charge of administrative matters as well as anti-corruption) as a result of a certain legal modifications. Issues such as these have created a perception that no-one is in charge and has created a lack of clarity regarding anti-corruption actions.

Thirdly, the eagerly anticipated Mexican energy reform has been a matter of concern because it seems that the redefinition of the nature of Mexican energy government entities, and their possible future actions and powers, may not be clearly defined or subject to current anti-corruption rules. In addition, the new scheme seems to provoke discretionary measures for the good of a few, which may jeopardise the seriousness of the reform.

It is important to stress that these concerns have been raised by international organisations such as the International Chamber of Commerce, Mexico, which has issued very formal and serious positions regarding the need for clear and effective anti-corruption measures, laws and authorities for the good of the business environment, including the ones related to the energy reform.

On the upside, many private companies are working proactively to establish their own integrity systems and fight corruption themselves in order to demonstrate their commitment to anti-corruption. In a way, this trend is primarily the result of companies that engage in international transactions with counterparts from the US, UK and Canada and must, therefore, comply with the laws and regulations of those countries, including the US Foreign Corrupt Practices Act and the UK Bribery Act. As a complement, other companies are convinced that taking the first steps against corruption from the inside is a must in order to create a better nation.

Another positive piece of news is that this year, the United Nations Office on Drugs and Crime successfully completed two anti-corruption projects in Mexico: the so-called 'GLOX30' (anti-corruption in public procurement) and the 'GLOX32' (anti-corruption and corporate integrity). These projects were relevant because both the public and private sector realised how much they need to communicate regarding integrity and anti-corruption in order to fight such evil. Both projects are currently being evaluated by an external consultant, and the results will be shared in an upcoming issue of this newsletter as soon as they are available.

In conclusion, although Mexico has hosted one of the most successful anti-corruption conferences in the region, it is still struggling to find a way to build the true anti-corruption regime lawyers, business people and government want in order to fully rely on the country. Projects such as the GLOX30 and GLOX32 may have been successful but they have to be replicated for the good of the country.

The public and private sectors in Mexico require concrete, effective and serious decision-making in order to avoid the current lack of clarity in the fight against corruption. If this does not happen, Mexico will have many important structural reforms but poor results

on integrity.

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