

United States – Mexico – Canada Agreement (USMCA)

Anticorruption

The objective of the chapter is to **combat practices and acts of corruption** that may affect trade and investment between the parties. In Mexico, the objective is to **strengthen the fight against corruption** through a culture of **prevention** in the federal public administration and private industry to fortify and **consolidate the Anticorruption National System**.

General provisions:

Promotes the **active participation of the Government, companies, civil society and NGOs** through the following commitments:

- **At the government level**, adopt or maintain legislation or measures to:
 - Establish **acts of corruption** that affect trade and investment, including **embezzlement** or **misappropriation** as a **criminal offense**.
 - **Prevent acts of corruption** in the public service by training public officials, identifying conflicts of interest and submitting patrimonial declarations, among others.
 - **Protect informers (whistle blowers)**.
- **At the enterprises level, encourage companies to:**
 - **Prohibit bribery or other “facilitation payments”**.
 - Adopt compliance programs to identify and combat corruption within their structures.
- **At the intergovernmental level, strengthen or facilitate:**
 - **Cooperation and coordination** among authorities.
 - Exchange experiences and best practices.
- The chapter is **subject to Dispute Settlement Resolution** with modifications and exceptions that address the nature of the commitments adopted.
- **No party may resort to the resolution of disputes for any matter arising under articles 27.6 or 27.9.**
 - Article 27.6 on Enforcement of Anticorruption Laws states **that no party shall cease to apply its laws** or other measures to combat corruption in a sustained manner or through inaction **as an incentive for trade and investment**.
 - Each party retains the right of the authorities to **exercise discretion regarding the application of anti-corruption laws**.
- There are explicit commitments to **strengthen the obligation of the Parties** that derive from **international agreements**, with emphasis on the **anti-corruption conventions** of the **OAS**, the **OECD** and the **UN**. Other mechanisms that imply **compliance of the private sector** with commitments subscribed in the anticorruption working groups of the G-20 and APEC are also included.