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Ad Hoc Committee for the Negotiation of a Convention against Corruption

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Agenda item 4

Consideration of the draft United Nations Convention against Corruption

Proposals and contributions received from Governments

Mexico: amendments to articles 9-11, 13 and 15

Article 9: Public reporting

Paragraph 2

1. Mexico proposes to add a new subparagraph to read as follows:

“(c) Mechanisms that promote transparency in the management of public affairs, including relations between the authorities and the general public, which provide, on a mandatory basis, information on the results of the steps and measures taken in dealings with them.”

Article 10: Funding of political parties

2. [The proposal applies to the Spanish text only.]

Article 11: Private sector

Paragraph 1

3. Mexico proposes the following amended text:

“1. ...

“(a) ...

“(b) Codes of ethics and standards of conduct for the correct, honourable and proper performance of activities by individuals. Such standards shall be aimed at preventing conflicts of interest, both between individuals and between individuals and public officials. They shall also establish methods and systems for promoting the reporting of illicit acts of corruption between individuals and in their dealings with public officials;

“(c) [Former subpara. (b)];

“(d) [Former subpara. (c)];

“(e) [Former subpara. (d)];

“(f) [Former subpara. (e)];

“(g) Laws that deny favourable tax treatment for any individual or corporation for expenditures made in violation of the anti-corruption laws of the States Parties;

“(h) Mechanisms for exchanging information on multinational and transnational corporations that may have committed illicit or improper acts or administrative offences during a government bidding process in any State Party.”

Article 13: Civil society

4. Mexico proposes to replace article 13 with the following:

“1. Each State Party shall take appropriate measures within its means to promote an active civil society, including non-governmental organizations, and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. The role of civil society should be strengthened by measures such as:

“(a) Inclusion of the public in decision-making processes through greater transparency;

“(b) Optimum access to information for the public;

“(c) Protection of ‘whistle-blowers’ as set forth in article [...] [Protection of ‘whistle-blowers’ and witnesses] of this Convention; and

“(d) Public information activities that contribute to non-tolerance of corruption as well as programmes of public education, including school curricula.

“2. States Parties shall guarantee to the media the freedom to receive, publish and disseminate information concerning cases of corruption, subject only to restrictions established by law.”

Article 15: Accounting measures to combat the bribing of public officials

Paragraph 1

5. Mexico proposes to replace subparagraphs (a)-(c) with the following:

“(a) The obligation to keep and maintain books and records of account;

“(b) The obligation to disclose financial statements and to publish accounting and auditing standards; and

“(c) The prevention of articles of monetary value or gifts, favours or advantages granted for the purpose of commission of the offences set forth in article [...] [Acts of corruption], paragraph 1 (c), of this Convention from being tax deductible and prohibition of the establishment of off-the-books accounts, the maintenance of double accounting systems or of inadequately identified transactions, the recording of non-existent expenditures, the entry of

liabilities with incorrect identification of their object, as well as the use of false documents for the purpose of bribing foreign public officials or of concealing such bribery.”
