



General Assembly

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Ad Hoc Committee for the Negotiation of a Convention against Corruption

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Agenda item 3

Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 1-39

Proposals and contributions received from Governments

Algeria, Argentina, Austria, Cameroon, France, Netherlands and New Zealand: amendments to the proposed article on the public sector contained in document A/AC.261/L.112

Article 6: Public sector

1. The amendments below are to the proposed text on article 6 submitted by Botswana (A/AC.261/L.112).
2. It is proposed to amend subparagraph 1 (a) to read as follows:
“(a) That are based on principles of efficiency and transparency and on objective criteria based on merit, equity and aptitude;”¹
3. It is proposed to amend subparagraph 1 (b) to read as follows:
“(b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation of such individuals to other positions;”²

¹ The amendment proposed is closely linked to the original text, which had the support of many delegations. It also has the same clear wording used in the proposal submitted by Algeria (A/AC.261/L.93), which also enjoyed the support of many delegations. Furthermore, the notion introduced by Botswana, that “merit, equity and aptitude” should be regarded as criteria as such, is confusing and allows for many different interpretations. It is therefore proposed that the text be clarified by adding that those criteria should be “based on” merit, equity and aptitude.

² This amendment only reformulates the text introduced by Botswana to prevent any misunderstandings.



4. It is proposed that subparagraph (e) should become new paragraph 3, to read as follows:

“3. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest by requiring public officials, where appropriate, to declare their financial interests, [assets, debts] and sources of income and, where appropriate, by making public the information contained in such declarations.”³

³ The declaration of financial interests and so forth could also be appropriate for elected public officials, so the limitation to “non-elected public officials” embedded in the text introduced by Botswana, is not necessary. It is for the States Parties themselves to decide for which public functions it is appropriate to make declarations of financial interests and so forth. Elected officials, such as members of parliament, local councillors and mayors should not be excluded beforehand.