



General Assembly

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Ad Hoc Committee for the Negotiation of a Convention against Corruption

Third session

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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

Argentina: amendments to article 25

It is proposed to continue work on article 25 on the basis of the following text:¹

*“Article 25
“Illicit enrichment”²*

“1. Subject to its Constitution and the fundamental principles of its legal system, each State Party shall take [consider taking] the necessary measures to establish under its laws as an offence the illicit enrichment or a significant increase in the assets of a government official that he or she cannot reasonably explain in relation to his or her lawful earnings during the performance of his or her functions.

¹ The text of this proposal is a revised version submitted, pursuant to a request by the Chairman, by Argentina, which coordinated an informal working group.

² The delegations of the Russian Federation, the member States of the European Union and others expressed their strong wish to delete this article. The Czech Republic proposed an article on tax evasion (A/AC.261/L.140) that was not taken up by the informal working group. The Philippines agreed to withdraw its original proposal in option 4 of article 25 (A/AC.261/3/Rev.1 and Corr.1) on the condition that subparagraph (a) of that option be moved, in amended form, to a new article, 25 bis, entitled “Plunder”, for consideration by the Ad Hoc Committee during its third reading of the draft text. The proposal (A/AC.261/L.151) was not discussed in the informal working group.



“2. Among those States Parties that have established illicit enrichment as an offence, such offence shall be considered an act of corruption for the purposes of this Convention.”³

“3. Any State Party that has not established illicit enrichment as an offence shall [insofar as its laws permit,⁴] provide assistance and cooperation with respect to this offence as provided for in this Convention.”⁵

³ Some delegations were of the view that paragraph 2 might not be necessary.

⁴ Many delegations were of the view that the words between brackets in paragraph 3 should be deleted.

⁵ Many delegations were in favour of deleting paragraph 3 in its entirety.