Ad Hoc Committee for the Negotiation
of a Convention against Corruption
Sixth session
Vienna, 21 July-8 August 2003
Item 3 of the provisional agenda*
Consideration of the draft United Nations Convention
against Corruption

Proposals and contributions received from Governments

Libyan Arab Jamahiriya: amendment to article 21

Article 21

It is proposed to amend article 21 to read as follows:

“Article 21

“Abuse of [Trading in] influence and instigation thereof

“Each State Party shall adopt [consider adopting] such legislative and
other measures as may be necessary to establish as criminal offences, when
committed intentionally:

“(a) The solicitation or acceptance by a public official or any other
person, directly or indirectly, of any undue advantage for himself or herself or
for any other person in order that the public official or the person abuse his or
her real or supposed influence with a view to obtaining from an administration
or a public authority of the State Party any undue advantage or any favourable
decision for himself or herself or for any other person;

“(b) The promising, offering or giving to a public official or to any other
person of any undue advantage, directly or indirectly, in order to induce the
public official or the person abuse his or her real or supposed influence with a
view to obtaining from an administration or a public authority of the State
Party any undue advantage or any favourable decision for the original
instigator of the act or for any other person;

* A/AC.261/17.
“(c) The provisions of subparagraphs (a) and (b) above shall apply whether or not the influence is exerted and whether or not the influence leads to the intended result.”