

May 11, 2006

The Honorable Richard G. Lugar  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

On behalf of the American Bar Association, I write to urge the Senate to ratify the United Nations Convention Against Corruption. The Convention, which entered into force on December 14, 2005, reflects a global consensus on the international legal system necessary to fight corruption. To date, over 50 countries, including China and the United Kingdom, have ratified the Convention.

The Convention can be a critically important tool in the global fight against corruption. It includes provisions to prevent and criminalize corruption and procedures for governments to recover assets that have been acquired illicitly by corrupt officials. It also includes a broad range of measures that enhance international cooperation among governments, including extradition and mutual legal assistance. As a leading prosecutor of transnational crime, the United States stands to benefit greatly from this enhanced cooperation.

U.S. ratification of the Convention is non-controversial and has broad support. The Administration's transmittal of October 27, 2005, notes that no change in U.S. law is required. The Convention's universal prohibition on foreign bribery can help level the playing field for U.S. companies which have long operated under more stringent rules than their foreign competitors. It is also a crucial tool for improving the rule of law, thus promoting more effective economic development and a more stable environment in countries around the world.

Prompt Senate ratification is also necessary for the United States to take a leadership role in moving forward with implementation. This is particularly true with respect to creation of an effective monitoring process. Although the Convention provides for such a process, the specific contours of that process will be discussed in November 2006 at the first Conference of States Parties. U.S. leadership at the Conference of States Parties is vital to ensuring that an effective and transparent monitoring mechanism is put in place. As a global defender of due process rights, it is also important that the United States participate actively in interpretation and application of the Convention around the world to ensure that those countries with less robust protections use it as a tool to prosecute the guilty, not harass political or economic competition.

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The ability of the U.S. to influence these discussions will be significantly diminished if it has not ratified the Convention before the Conference takes place.

For these reasons, we would appreciate your leadership in convening a hearing on the Convention in the very near future. The ABA is hopeful that ratification by the full Senate will quickly follow, and will be pleased to work with you to secure this objective.

Sincerely,

A handwritten signature in dark ink, reading "Michael S. Greco". The signature is written in a cursive style with a large, prominent initial "M".

Michael S. Greco