

**Testimony of Harriet Babbitt
Senate Foreign Relations Committee
U.S. Mexico Border Violence
March 30, 2009**

Chairman Kerry, Senator Corker, Members of the Committee, Congressman Reyes:

I am pleased to have been asked to testify today on the Inter-American Convention on the Illicit Trafficking in Firearms. I welcome the opportunity for various reasons.

I grew up on the border in Brownsville, Texas; I went to college in Mexico; and lived for 25 years in the border state of Arizona. As a teenager growing up in Brownsville, “guns” meant the 20 gauge shot gun I used to hunt white wing doves with my father, not the massive arsenals of illegal heavy weapons used by drug cartels to kill each other and terrorize communities all along the border.

My engagement with Mexico has continued throughout my adult life: I have traveled regularly to Mexico professionally, both as a diplomat during my time at the Department of State and at USAID, and more recently in a non-governmental capacity.

I currently serve as a special advisor to the US-Mexico Bar Association and until recently chaired the American Bar Association’s Latin America rule of law program.

Both the United States and Mexico are in need of enhanced mechanisms with which to face unprecedented levels of violence perpetrated with illegally obtained arms in the hands of Mexican drug cartels and organized criminal gangs.

I am here today to urge ratification by the Senate of what can be an important tool in our common fight, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials. This convention is commonly referred to by its Spanish acronym, CIFTA, and I will refer to it as CIFTA today.

It was during the time that I was privileged to serve as the United States Ambassador to the Organization of American States that CIFTA was conceived, negotiated, and signed. The Convention has been signed by 33 countries in the hemisphere and ratified by 29. The United States was one of the original signers in 1997.

In the mid-1990s, member countries of the OAS developed a consensus about the need for new hemispheric tools to combat crime, corruption, narco-trafficking and the illicit trafficking of arms. Following a conversation between President Clinton and Mexico's President Zedillo, the U.S. and Mexico entered into the multilateral negotiations which lead to the agreement now known as CIFTA. Three major principles advocated by the United States inter-agency team charged with the negotiation became embodied in CIFTA.

The Three Major Principles of CIFTA

First, the principle that every country should mark for identification all weapons at the time of manufacture and at the time of export to another country.

Second, the principle that every country put into place a system to ensure that no weapons be exported, transited, or imported to that country if such export, transit, or import is in violation of any the laws of the countries involved. A weapon had to be legal in its place of origin, legal in the transit countries, and legal in the recipient country to lawfully cross those borders. Thus, each country signing onto the Convention would be helping itself and helping the other countries enforce its own laws first, and other countries' laws in the process.

Third, the principle that every country should help others in investigating violations of firearms laws of the other countries. Like the first two principles, this third principle was designed to help each country better enforce its own laws through processes of reciprocal, mutual cooperation when laws involving firearms are broken.

CIFTA's Respect for and Support of U.S. Law

The United States has long had a system in place under our national law embodying each of these three principles. The U.S. negotiating team stood firmly for the principle that each country has the sovereign right to enact its own domestic gun laws and regulations, but that every country should help other cooperating countries in enforcing laws against criminals who violate their laws.

The U.S. already required the marking of firearms at manufacture and at export. The U.S. already prohibited exports of weapons to other countries in violation of their laws. And the U.S. already had in place mutual legal assistance agreements allowing for bilateral cooperation to make cases against criminals. What CIFTA did for the first time was to bring on board the other countries in the Hemisphere to this same approach, making

possible a new level of cooperation against criminals involved in firearms trafficking. CIFTA united countries in protecting one another's sovereignty, and also provided new practical tools to combat such threats as cross-border weapons shipments to terrorist groups in countries such as Colombia and Peru.

A Open, Transparent, and Consultative Process

When the Clinton Administration worked at the OAS to develop an agreement embodying the three principles, it recognized that such a convention could affect a broad range of interests in the U.S. Accordingly, an inter-agency negotiating team was put together which included representatives of the Justice Department, Federal Bureau of Investigation, and Drug Enforcement Administration, of the Treasury Department, including the Secret Service and the Bureau of Alcohol, Firearms and Tobacco, consultants with U.S. intelligence and national security agencies, and diplomats and lawyers from the State Department.

The Clinton Administration instructed this team to consult widely with affected domestic interests. Consultations were carried out with Congress, and outreach was undertaken to the largest domestic association representing firearms owners, the National Rifle Association (NRA).

Participation of the National Rifle Association

The NRA had strong views on the negotiation of the Convention and took the position that no international instrument should require the U.S. to change its laws regarding firearms. Officials involved in the negotiation on behalf of the United States agreed with the NRA's position and took steps to ensure throughout the negotiating process that no convention would emerge that compromised in any way the ability of the U.S. to decide for itself how to treat domestic ownership and sale of firearms.

In the course of the negotiations, representatives of the NRA were repeatedly consulted, and expressed appreciation to the U.S. negotiating team for taking NRA concerns into account in designing the three principles. Throughout the process, the NRA repeatedly affirmed that CIFTA commitments did not violate any of its own core principles.

Impact of Ratification Now

Ratification will bring diplomatic benefits with genuine practical consequences.

CIFTA sets a consistent standard for the hemisphere in marking weapons -- the U.S. standard -- the implementation of which will be extremely helpful in

tracking weapons and illicitly diverted shipments. It is the cross-border violations of our law pertaining to the shipment and tracking of weapons that is exacerbating this most serious situation, here in El Paso and all along the border. Greater cooperation is what is sorely needed, and is the bottom line of CIFTA.

The Convention will amplify current methods of cooperation to combat gun-related violence along the U.S.-Mexican border and will compliment the important commitment and resources approved by Congress last year under the Merida initiative.

Just two weeks ago, a letter with 27 signatories urging ratification of CIFTA was delivered to you, Chairman Kerry, and to Senator Lugar. With the exception of one currently in government service, the signatories include all Assistant Secretaries of State for the Western Hemisphere since 1976, nearly all Ambassadors to the OAS since 1989, all Chairmen of the Inter-American Defense Board since 1989, and two thirds of the Commanders of U.S. Southern Command since 1983. Mr. Chairman, it is not a common occurrence to have one letter signed by civilian and military officials who served over 30 years.

There are many reasons why those officials most directly responsible for our diplomatic and security relationship with the hemisphere believe ratification will enhance our national security and that of our neighbors:

Mexico and almost every other nation in Latin America and the Caribbean have repeatedly asked us to ratify, both bilaterally and at the related OAS meetings. Once our neighbors see that we are prepared to join them in CIFTA, it makes clear that cooperation against illegal trafficking in firearms is not a favor to the U.S. or to any one country, but a common international commitment to the rule of law.

The U.S. will have added standing to challenge parties to implement enforcement measures in the Convention. Many have signed and ratified but are not yet implementing the measures as effectively as they could.

Extradition is one of the most effective tools we have in the battle to control illicit arms trafficking. CIFTA extradition provisions will bolster old list extradition treaties.

Many countries in the region need significant legal assistance to comply with CIFTA. The Mutual Legal Assistance (MLA) provisions may provide for MLA where none now exists.

Ratification now will signal to President Calderon and the Mexican people that this new Congress and this new President are committed to cooperating in the fight against organized crime and related violence in a very concrete way. It would enable both countries to send an important signal of that enhanced security cooperation at a series of upcoming hemispheric meetings.

Thank you again for inviting me to be part of this hearing. I would be pleased to respond to any questions you may have.