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Hon. John Kerry
Chair, U.S. Senate Committee on Foreign Relations
218 Russell Senate Office Building
Washington D.C. 20510

Hon. Richard G. Lugar
Ranking Minority Member, U.S. Senate Committee on Foreign Relations
306 Hart Senate Office Building
Washington, D.C. 20510-1401

Re: Treaty Doc. 105-49: Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials ("CIFTA")

Dear Senators Kerry and Lugar:

We write on behalf of the Committee on Inter-American Affairs, the Committee on International Security Affairs and the Committee on Military Affairs of the Association of the Bar of the City of New York to urge the Senate Committee on Foreign Relations to take up and report out favorably the above-referenced Convention at the earliest opportunity so that the Convention may be put before the full Senate for its advice and consent during the 111th Congress.

As you are aware, the Mexican Government currently is engaged in its most extensive confrontation with the drug cartels that operate within its territory. That confrontation has been exacerbated to devastating effect by the illegal trafficking of small arms purchased within the United States and smuggled illegally into Mexico. Signed and ratified by nearly every nation in the Western hemisphere, CIFTA establishes a comprehensive regional framework to address precisely that problem. Ratification by the United States will strengthen that consensus effort to address the scourge of illegal arms trafficking.

Ratification of CIFTA will not require modification of existing U.S. law. The Convention requires signatories to establish certain licensing requirements for the import and export of firearms. It also requires signatories to establish certain marking requirements for firearms manufactured, imported or confiscated in the signatory state. As the U.S. Department of State

noted in its Report to accompany transmittal of the Convention, however, U.S. law already includes all of those requirements under the Gun Control Act of 1968, 18 U.S.C. Sec. 921 *et seq.*, the National Firearms Act, 26 U.S.C. Sec. 5801 *et seq.*, the Arms Export Control Act, 22 U.S.C. Sec. 2778 *et seq.*, and other federal statutes. *See* S. Treaty Doc. No. 105-49, at vii (June 9, 1998). Furthermore, soon after President Clinton signed CIFTA, the U.S. Departments of Commerce, State and the Treasury adopted regulations further to harmonize U.S. law with model implementing regulations drafted by the Organization of American States ("OAS"). *See* 65 Fed. Reg. 38194 (June 20, 2000); 64 Fed. Reg. 17698 (Apr. 13, 1999); 64 Fed. Reg. 17531 (Apr. 12, 1999). These regulations remained in effect throughout the term of the subsequent administration and have yet to be repealed.

CIFTA also includes aspirational provisions to facilitate collaboration between and coordination among signatories. The United States already endorses such collaborative measures, albeit on a bilateral basis. For instance, President Obama recently announced various cooperative initiatives to address the violence resulting from the illegal traffic of firearms from the United States into Mexico, and Congress appropriated $700 million to Mexico for similar purposes under the Merida Initiative. Those policies acknowledge the critical importance of international collaboration to combat illicit arms trafficking. Ratifying CIFTA will provide a framework within which further to expand those bilateral initiatives.

Most importantly, however, ratification of CIFTA will send the long overdue message that the United States is willing to partner meaningfully with the nations of Latin America to overcome common obstacles through collective action. Stated simply, CIFTA is a convention we helped draft, that requires no legislative compromises from us and that aspires to policies we already endorse. Under those circumstances, there can be little doubt about the message we send our neighbors by our failure to ratify it. Our Committees join in urging you and your colleagues to reverse that legacy of unilateralism by promptly reporting the Convention favorably to the full Senate for its advice and consent to its ratification.

Sincerely,

Steven Kahaner	*Margaret Stock*	*Myles Bartley*
Steven M. Kahaner Chair, Committee on Inter-American Affairs	Margaret D. Stock Chair, Committee on International Security Affairs	Myles K. Bartley Chair, Committee on Military Affairs

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Philip V. Tisne (Committee on Inter-American Affairs)
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cc: Sen. Charles E. Schumer
Sen. Kirsten E. Gillibrand