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CONGRESSIONAL RECORD—SENATE

my concern about U.S. policy at the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

This was the first effort by the international community to address the issue of the illicit proliferation of small arms and light weapons at the United Nations. I believed it was imperative that the United States take a leadership role in the conference rather than being an impediment to progress.

It seemed to me, that the position staked out by Undersecretary Bolton in his opening statement at the conference—a position which I found to be unwarranted and unwise—had created the very real possibility the conference, because of the U.S. position, would be doomed to failure.

The conference did not fail—a consensus on a program of action was achieved. But the conference was far from a total success.

The conference had presented the international community with an unparalleled opportunity to take meaningful and concrete steps to develop and implement a clear international plan of action.

Instead the program of action, approved by the conference, is all too often silent on important issues, and all too often weak and equivocal in places where a course of action is needed.

The program of action does contain provisions addressing such critical issues as: establishing national regulations on arms brokers; the need for greater security of weapons stockpiles held by states; a commitment to carry out more effective post-conflict disarmament and demobilization programs, including the destruction of surplus stocks; and, criminalizing the illegal production, possession, stockpiling, and trade of small arms and light weapons.

If individual nations and the international community are able to effectively follow through in these areas it will mark a significant step forward on this issue.

And, just as importantly, the program of action calls for a follow-up conference, no later than 2006, the time and place to be determined by the 58th United Nations General Assembly.

Unfortunately, consensus on the program of action was only achieved after lengthy and sometimes acrimonious negotiations.

Many of the participants—especially those from sub-Saharan Africa, which has been hit so hard by the scourge of small arms and light weapons—came away with a deep sense of disappointment that more was not accomplished.

And they are laying the blame for much of the conference’s shortcomings squarely at the feet of the United States.

A number of critical issues were left out of the final program of action, including: failure to reach a commitment to negotiate international treaties on arms brokering or the marking and tracing of weapons; absence of any reference to regulate civilian ownership of weapons; no reference to protecting human rights; and, a lack of commitment to greater transparency on the trade in small arms and light weapons.

In addition, in all too many cases the forward looking action that was agreed on is to take place “within existing resources” rather than with the additional resources that are required to address the issues to only be carried out “as appropriate” allowing wide latitude for interpretation.

Considering the strong commitments for such issues as international agreements on brokering and the marking and tracing of weapons in the earlier drafts of the Program of action, it is very disappointing that these items were blocked from inclusion in the final document.

While it is fair that the blame must also be allotted to others, the United States must face up to the role it played in impeding action on some of these issues—including in areas where the United States itself already has strong laws on the books.

For example, there were legitimate questions about what the appropriate program for the language of action should have been regarding private ownership of small arms and light weapons. But it is important to recognize that U.S. law and numerous Supreme Court rulings recognize that government regulations on private ownership of weapons is legitimate, notwithstanding somewhat spurious arguments about the nature of the Second Amendment raised by some who influenced the U.S. position at the conference.

The National Firearms Act and the assault weapon ban are just two of the laws that the United States has on the books which control private ownership of small arms and light weapons and pass constitutional muster.

For the United States to stand in the way of a non-binding document suggesting international efforts to seek ways, consistent with individual national constitutional and political structures, to control private ownership of small arms and light weapons is, to me at least, mind boggling.

This is especially important given the clear nexus between legal trade and private ownership and the growth of the international black market in small arms and light weapons.

According to the independent Small Arms Survey 2001 by the Graduate Institute of International Studies in Geneva, Switzerland, the black market often operates on a individual basis, where a small numbers of legally purchased firearms are transferred to illegal users across international borders.

Such individual black market transfers have a dramatic cumulative effect.

The United States, with its huge stores of privately-held firearms, is both a source, a supplier, and a recipient of trafficked firearms.

Although it is very difficult to quantify illicit arms trafficking in the United States, there are clear indicators that a number of criminal gangs operating on U.S. territory are active in the trafficking of small arms and light weapons into Canada and Mexico.

The United States is the largest source of illegal weapons for Mexico, for example, with this arms trade directly linked to the drug trade.

I believe that Ambassador McConnell and Assistant Secretary Bloomfield and others on the U.S. delegation acted to the best of their abilities to represent the United States. But I am also concerned that the unrelenting unilateralist position taken by the United States has served to undermine and damage our reputation as a leader in the international community.

The majority of delegations at the conference expressed displeasure with the U.S. attitude and approach to the meetings, sometimes in terms that verged on the undiplomatic.

For example, Camilo Reyes of Colombia, the president of the conference—who deserves recognition for his hard work on this issue—said at the conference’s close that: “I must express my disappointment over the conference’s inability to agree due to the concerns of one State on language recognizing the need to establish and maintain controls over private ownership of these deadly weapons and the need for preventing sales of such arms to nonstate groups.” Both of these issues were blocked by the United States.

As I stated on the floor last week, I believe that the global flood of small arms is a real and pressing threat to peace, development, democracy, human rights, and U.S. national security interests around the world.

These weapons are cheap: An AK-47 can be bought for as little as $15 in sub-Saharan Africa.

They are durable and easy to transport and to smuggle across international boundaries.

And, with little or no training, anyone—children can use these weapons to deadly effect.

According to the independent Small Arms Survey 2001, small arms are implicated in well over 1,000 deaths around the world every single day.

The goals of the United Nations conference was not to infringe on national sovereignty or to take guns away from their legal owners. And it would not have, in my opinion, even with the inclusion of some of the language to which the United States objected.

The freedoms and rights of American citizens would not have been diminished by a stronger, more forward looking program of action.
As Secretary General Annan stated, the goals of the conference were to address the phenomenon created by "unscrupulous arms dealers, corrupt officials, drug trafficking syndicates, terrorists and others who bring death and mayhem into streets, schools and towns throughout the world."

The conference's program of action represents an important first step by the international community toward developing an international framework for cooperation and collaboration to promote better national and international laws and more effective regulations to eliminate the illicit trade in small arms and light weapons.

In fact, the United States has not formally consented to the program for action, so this is a step I urge the Administration to take as soon as possible.

And much more will be needed in the future. Many important issues that should have been addressed by the conference were not and other issues that were did not receive sufficient emphasis.

I am hopeful that, looking ahead, the United States will be able to play a more constructive leadership role as we work towards developing real and binding international norms and agreements on these issues.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable society.

I would like to describe a terrible crime that occurred August 28, 1993 in New York City. Two gay men were beaten with a golf club by three men outside a Greenwich Village gay bar. Noel Torres, Joseph Vasquez, and David Santiago were charged in connection with the assault.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

HONORING THE HISTORY OF THE U.S.S. CASSIN YOUNG, DD-793

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