Forum: General Assembly First Committee

Issue: Reducing the illicit trafficking of small arms and light weapons (SALW) in Latin America

Student Officer: Jacqueline Hon

Position: Assistant President of General Assembly First Committee

Introduction

The majority of the 7-8 million guns are produced from the legal trade of small arms. However, with limited controls of legal trade and failure to enforce them many arms are diverted into the illegal sector. The illegal acquisition of small arms and light weapons (SALW) is commonly the beginning of numerous crimes, whether it is a robbery or a terrorist attack. This can both hinder a nation’s development and affect human security. With weak export controls and borders, an overabundance of small arms and light weapons and the loss of 73,000-90,000 people annually to SALWs, Latin America is one of the worst affected regions worldwide. Not only does the trafficking of such weapons cause the death of hundreds, they also stunt economic growth and provide a ground on which gangs and criminals thrive. Unfortunately, with focus on other problems such as the dangers of nuclear proliferation, the issue of the spread and use of conventional arms seems to be of less importance.

Definition of Key Terms

Illicit Trafficking

The illegal trading, selling or dealing of specified goods.

Small Arms and Light Weapons (SALW)

Small arms include: revolvers, rifles, self-loading pistols and etc. They are weapons intended for use by individual member of armed forces. Light weapons are arms intended for use by several people members of armed forces, such as anti-aircraft guns, ant-tank guns, grenade launchers, and missile launcher that have a caliber of less then 100 mm.

Latin America

Includes countries in the American continents where Spanish or Portuguese are the main national languages. Latin America is comprised of twenty countries and stretches from the southern borders of the United States to the southern part of South America.
United Nations Regional Centre for Peace, Disarmament, and Development in Latin America and the Caribbean (UNLIREC)

UNLIREC was created in 1986 by a United Nations General Assembly resolution and aims to support Latin American and Caribbean countries in achieving and maintaining peace and security through disarmament. It is the only UN regional entity that is specialized in disarmament and non-proliferation in this region. The UNLIREC’s main function is to turn decisions and commitment of member states related to disarmament and non-proliferation into action at national, sub-regional, and regional levels.

International Action Network on Small Arms (IANSA)

IANSA is an international non-governmental organization against gun violence, linking civil society organizations working to stop the proliferation and misuse of small arms and light weapons. IANSA supports efforts to make communities safer by reducing demand for such weapons, improving firearm regulation and strengthening controls on arms transfers.

United Nations Institute for Disarmament Research (UNIDIR)

The UNIDIR was created in 1980 and is a voluntarily funded autonomous institute within the United Nations that carries out research related to disarmament and security in order to assist with disarmament efforts to facilitate progress towards greater security and economic and social development.

United Nations Register of Conventional Arms (UNROCA)

The UNROCA is a register under the United Nations Office for Disarmament (UNOD) that records the number of arms imported and exported from various nations.

United Nations Firearms Protocol

This protocol was established in 2001 and aims to strengthening cooperation among member nations to help combat the illegitimate manufacturing, trafficking, and transferring of small arms, their parts and components and ammunition. The protocol was adopted in May 2001 and entered into force on July 3, 2005.

Background

The Red Cross has deemed small arms and light weapons the principal cause of death in conflicts, amounting to around 90% of recent war casualties. SALWs are cheap and portable and are used by almost all combatants. However, it is because of their size and prevalence that has allowed for the widespread proliferation of such weapons that has created this global black market. SALWs facilitate large number of human rights violations that include: killing, torture, rape, and kidnapping. Small arms and light weapons, unlike heavy arms circulate not only in military markets, but also civilian ones. Due to the secrecy of smuggling SALW it is almost impossible to
know the magnitude of the situation, some estimate that this trafficking accounts for as much as half of SALW transfers.

History

The trade of weapons is as old as the history of war. During the Cold War large amounts of small arms and light weapons were smuggled into developing countries to fight proxy wars, however, the world’s focus still remained on weapons of mass destruction. After the Cold War diminished many external threats in Latin America, the millions of SALW that had poured into the region remain a region threat to peace and security. Furthermore, the civil wars in Central America in the 1980s heightened the problem, with many wars fought with light and medium weapons alone. This is true of conflicts such as the guerilla wars in Colombia, Guatemala, Nicaragua, and Peru. Additionally, many Latin American countries have had a long history of military rule. As a result, over the past decades armed clashes between peasant and military forces have become a recurring incident. On top of this there has been a growing presence of drug traffickers and other criminal groups. Since then illegal arms trade has only grown due to corruption and lack of government.

Current Situation in Latin America

Latin American governments have played a mixed role in numerous treaties, and international agreements undertaken by the international community. The abundance of small arms and light weapons in Latin America has led to numerous crises throughout the region. With around 73,000-90,000 deaths annually due to SALW, Latin America is one of the worst affected regions in the world. Even though civil wars in Latin America have spurred the arms trade, gun violence has also increased after the end of the wars. Today, the demand for SALW is no longer politically motivated, but driven by criminal profit making and deeply connect to drug trade. Frequently due to lack of an alternative, guns, grenades and firearms have been used to trade drugs. This is because groups who traffic drugs or weapons commonly use the same routes. In 2009, Honduras experienced a peak in arms trafficking because of a Mexican drug cartel called Zetas. This drug cartel attempted to transport firearms stolen from Mexican and Guatemalan security officers. This issue was instigated due to an attempt to exchange such arms for cocaine.

Evidence suggests that the sea route in Central America through Panama is one of the major transit places for illicit weapons. The US-Mexican border is seen as the second major entry point. Both the licit and illicit trafficking of SALW is closely related. Arms that are exported legally, but not properly traced often fall into illegal circulation. Over 3,376 guns are discovered in Mexico, in any given year, which originated in the United States. This connects to one of the largest factors relating to this issue, border control. It is important to understand that a popular strategy to illegally transfer small arms and light weapons is though a process called ant-trade. Ant-trade is the process of sending small amount of SALW at once on a regular basis. After a period of time the receiver would have a large amount of weapons.

Another major problem is many Latin American countries’ is the lack of a strong judicial system that can deal with an increase in crime, widespread corruption, and persistent government repression. In Nicaragua, the law
does not extent to rural areas, allowing for large waves of criminal violence. In Honduras, exemption for the elite and a weak, underfunded judiciary has allowed many human right abuses to go unpunished.

Major Parties Involved

Brazil

Brazil has the second largest arms industry in the Western Hemisphere. The estimated number of firearms in Brazil is around 17 million, with around 9 million unregistered. Around 80% of arms are manufactured in Brazil are exported; many of which are then smuggled back in. In 2005, a referendum was held in Brazil in an attempt to forbid the sale of firearms and ammunition nationwide. Pro-gun campaigners questioned the morality of the government for removing citizen’s rights, as in Brazilian constitution every citizen has the right to self-defense. On the other hand, anti-gun proponents argued that guns are dangerous to society. Additionally, the International Action Network of Small Arms coordinated a day of support for the ban, to reinforce the movement in favor of gun control in other Latin American Countries full of armed violence and back efforts to control gun ownership at an international level. The result of the referendum showed victory for those against the gun ban with over 63% of voters opposing, even though the Brazilian Government, Catholic Church, the International Action Network on Small Arms and the United Nations argued in favor of a gun ban.

El Salvador

During El Salvador’s brutal civil war, hundreds of thousand of citizens joined dangerous Latino gangs for protection and livelihood. Soon gang began to grow, absorbing their smaller counterparts and resorting to greater levels of violence. Additionally, many gangs were linked to the smuggling of weapons to gain more power and ammunition. To deal with gang violence and the spread of illicitly trafficked weapons, President Francisco in 2003 launched Plan Mano Dura (Strong Hand). Backed by media publicity, measures included area sweeps, joint military patrols, and anti-gang law that permitted the arrest of suspected gang members. Aware of the plans political nature, human right defenders, and even the United Nations criticized the initiative for its abuse and neglect for prevention. Contrary to plans of success Mano Dura was unsuccessful, with homicide rates escalating and gangs adapting to the climate of repression. Gangs toughened entry requirements and used heavier weaponry. When the Funes government came to power in 2009 the gangs had become brutal. The Funes government decided to implement a comprehensive crime policy with social prevention, law enforcement, rehabilitation, victim support and legal reforms. This plan greatly improved gang and weapon related problems. On April 14th of 2012, the nation celebrated its first homicide free day, since then crime rates have dropped almost 40%.

Colombia

In Colombia, many armed groups have become involved in both drug and weapon trafficking along Colombia’s border. The most significant and well-organized trafficking network is known to be centered in Colombia. To deal with escalating problems, in 2011, President Juan Santos launched a Borders for Prosperity plan, to be led by the Ministry of Foreign Affairs. This plan aimed to both fight poverty and combat violence from
illegal armed groups along Colombia’s borders through social and economic development. Additionally, the plan works towards providing a strategic, comprehensive, appropriate, and timely response to daily challenges faced by border regions by coordinating activities between government agencies and entities. The plan has helped in ensuring the harmonious and effective implementation of the intuitional efforts and initiatives. Defining the cause of the violence within the country to be the lack of control at the border regions, the government is focused on sending advisors such as doctors and teachers into the region. Almost $32 million has been spent on this project on infrastructure, agricultural development and governance. And according to the International Crisis Group the plan has had a positive impact on problems related to armed groups.

**United States of America**

The United States is one of the main exporters of small arms and light weapons. Thousands of firearms are trafficked from the United States into Mexico, annually. These weapons are commonly purchased at local gun shops in small numbers and then smuggled over the border. The UNODC recorded that in 2008 arms trafficking was a US$20 billion business in Mexico and the United States alone. Over 70% of the 99,000 arms recovered by Mexico was traced to US manufactures. Additionally, the UNODC reported that easy access to firearms is a major factor influences homicide trends in Latin America.

**Timeline of Events**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
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<tr>
<td>November 13th 1997</td>
<td>Approval of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, or CIFTA</td>
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<td>June 7th 1999</td>
<td>The Inter-American Convention on Transparency in Conventional Weapons Acquisitions adopted in Guatemala City was opened for signature. It requires its States-parties to annually report on their weapons exports and imports, as well as make timely notifications of their weapons acquisitions, whether imported or produced domestically.</td>
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<tr>
<td>May 21st 2001</td>
<td>Adoption of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms</td>
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<td>July 20th 2001</td>
<td>Implementation of the Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects</td>
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<tr>
<td>December 8th 2005</td>
<td>General Assembly adopted international instrument to enable states to identify and trace in a timely and reliable manner, illicit small arms and light weapons</td>
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<tr>
<td>December 2006</td>
<td>Adoption by the United Nations General Assembly of resolution Towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms”</td>
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<tr>
<td>August 29th 2012</td>
<td>United Nations launches new International Small Arms Control Standards</td>
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<tr>
<td>June 3rd 2013</td>
<td>Arms Trade Treaty is formally open for member states’ signatures.</td>
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<tr>
<td>December 24th 2014</td>
<td>Arms Trade Treaty is entered into force.</td>
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Previous Attempts to Resolve the Issue

Latin American nations have attempted to solve these issues both internationally and domestically, but with unstable situations in the politics of Latin America, attempts have been met with varying degrees of success. One common attempt is the collection and destruction of small arms and light weapons. The most successful attempt was made by El Salvador, when a private sector association, the Patriotic Movement Against Crime, initiated Goods for Guns program. Over a five-year period the program has collected 4,000 firearms, 3,000 grenades, and hundreds of thousands of rounds of ammunition. Weapons were then destroyed publicly to show the end of conflict and ensure weapons would not be reused. This effort serves as the best model for other collection efforts. Other Latin American countries have used incentives such as vouchers worth 500 pesos or micro-credit loans. While such programs have ensured the effective destruction of many weapons there is still not true evidence as to whether or not weapons collection programs contribute to tangible reduction in the illegal proliferation of SALW. It is estimated that for every gun destroyed about nine guns are produced. Additionally, while El Salvador with UN sponsored programs have collected around 14,000 firearms, compared to the estimated 400,000 firearms (of which 145,000 are legally registered) still circulating El Salvador the problem is still far from being solved.

Another attempt were national gun laws, since the majority of SALWs remain privately with civilians. As noted previously, an attempt to ban guns was created with the 2005 referendum held in Brazil. However, with the resulting vote unsuccessful the gun ban did not pass with many argue that guns are needed for personal security. In 2011 the Obama administration adopted a rule that requires all gun dealers in California, Texas, Arizona, and New Mexico to report sales of more than two rifles to the same person in a five-day period. This rule would have made it more difficult to for smuggles to obtain guns however, the law unintentionally shifted gun sales to neighboring states that weren’t in the requirement. In an extreme move by the Venezuelan government in 2012, a new gun law banned the commercial sale of firearms and ammunition. With this new law, only army police and certain groups are able to buy arms. According to civilians, while the law is important, more needs to be done.

Possible Solutions

Without systematic cooperation, intelligence sharing, and assistance other attempts will not be effectively implemented, as the problem is transnational and multifaceted. Regional and multilateral organizations can also help provide support in the creation and implementation of small arms programs. The need for legally binding conventions that tie states’ obligations could tremendously curb misuse and demand. Sharing rules in regard to gun buyback programs in border regions will build mutual confidence among countries. Controls, at a minimum, would prohibit transfers under circumstances that transfers would violate exporting state’s direct obligations, that weapons in questions are likely to be used in violation on threats to peace, and that the weapons are likely to be used to violate human rights and laws. This would help ensure that weapons are used for lawful purposes. The evaluation of a buyer can include: history of violent behavior, mental health, age, and
knowledge of the safe operation of weapons. Additionally, states that have not criminalized the unauthorized export, use, and ownership of weapons should do so immediately.

Nations must also consider strategies that address reasons individual or groups may seek weapons in the first place. This requires the understanding of violence in conflict zones, crime-ridden countries and countries recovering from war. Such strategies may be linked to violence reduction, and disarmament programs. Disarmament, demobilization and reintegration (DDR) programs are especially important in post conflict areas and essential in limiting future proliferation and misuse of weapons. This initiative begins with disarmament, the collection, documentation, control and disposal of SALWs. It then continues with demobilization, the discharge of active forces and groups. Lastly reintegration is vital for ex-combatants to rebuild their lives. When implemented well, DDR programs reduce the number of weapons circulating and provide opportunities for former combatants.

Another important aspect is the need for transparency mechanisms, more specifically, transparency in terms of exports and imports of commercial and government small arm and light weapon sales, number of SALWs confiscated, number of SALWs destroyed, route identified in illegal arms trade, number of SALWs lost or stolen, and types of penalties given to those convicted of illegal arms trafficking. This data would help in the better control of the supply and transfer of SALWs and could help the establishment of a way to record movement of SALWs. Controlling supply is a vital issue in stopping the proliferation and misuse of SALWs. To improve the effectiveness of weapon collection programs the United Nations could develop an international norm on weapon collection and destruction, such as the destruction of SALWs in the presence of NGO representatives. Currently, without a universal system to mark weapons during production, import, and export, it is very hard for law enforcement to track the route of black market SALWs and determine how to stop weapons from following the same route. It is thus important for states to seek and develop marking and tracing methods to place specialized marking on each weapon. Additionally, the development of performance indicators after weapons are donated, such as: measures of recovery, crime, black market trends, programs cost and death, and physical injury risks. However, this depends on the quality of the countries statistics, a common problem in some Latin American countries.

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