

Forum: Disarmament Committee

Issue: Measures to Combat Arms Smuggling in the Americas

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Introduction

The UN defines illicit arms trafficking as "the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the State Parties concerned does not authorize this [...] or if the firearms are not marked in accordance with the [...] protocol."¹ It is known and acknowledged by the majority that the Americas region is a hot pot for armed conflicts, and hence, a major fueling factor for this besides political and ideological accounts is the availability of illicit arms trafficking in the region. It can be argued that ongoing conflicts, primarily in Mexico and non-international armed conflicts in Ecuador, Paraguay can only be brought to a point of solution, most desirably with such peace treaties; however, it cannot be overlooked that the urgency of systematically reducing illicit arms trading in the Americas region is a major part in establishing such states of equilibrium. This is a direct consequence of the fact that since many of the perpetrators in the region are not official bodies such as states, and that it is in many cases illegal to supply arms to such unofficial agents while evading inspections of all kinds. Thus, tackling this issue should be, if to be carried out effectively, composed of acutely considered action plans, both including on-site controlling mechanisms such as patrol teams at uncanny regions and off-site tracking systems that would be best achieved with tight control of the marking processes of such firearms. Apart from this, it is also important to acknowledge the capacity of illicit arms trade within the region - with a special emphasis on the illicit gray market arms transfers which refers to deals done by governments, or their clients and agents, exploiting loopholes or intentionally circumventing national and international laws governing arms trade - to be able to extensively identify the role and range of the factor in perpetuating ongoing conflicts. It should be hence noted with heavy importance that unveiling and perhaps effectively resolving this catalyst is a key point to bring an end to the conflicts in the Americas region, regardless of their motivations. The discrepancies ensuing illegal arms smuggling are closely correlated with RCIMUN's theme of "International Reconciliation: Resilience in the face of Shifting Power Dynamics" as illegal arms trafficking lead to gun violence, substance use and disrupt the order.

Definition of Key Terms

¹ Illicit Trade

Exploitation: To take unfair advantage of someone. It involves taking advantage of someone else's vulnerability for personal gain.

Gunrunning: This is another term widely used for any smuggling and illicit arm trafficking action.

Small arms: Revolvers and self-loading pistols, rifles and carbines, submachine guns, assault rifles, and light machine guns are examples of weapons that are designed for individual use. Small arms take the major part of the illicit arms traffic along with the explosive devices.

Illicit gray market arms transfers: Deals made by governments, or their clients and agents, taking advantage of loopholes or purposefully disregarding international and national regulations regulating the arms trade.

General Overview

Illegal arms smuggling in the Americas involves the illicit transportation and trade of firearms, ammunition, explosives, and related materials across national borders, often facilitated by organized crime networks and criminal syndicates. The proliferation of illicit firearms contributes to various forms of violence, including gang-related crime, drug trafficking, armed conflicts, and terrorism, posing significant challenges to public safety and security in the region. Illicit firearms are trafficked into the Americas through multiple routes and methods, including: smuggling across land borders in which most firearms are smuggled across land borders, often concealed in vehicles, cargo shipments, or hidden compartments, maritime smuggling through which firearms are trafficked via maritime routes, exploiting maritime traffic and coastal areas for clandestine shipments, air trafficking through which firearms may be smuggled via commercial flights or private aircraft, using forged documents or corrupt practices to evade detection. Additionally, criminal networks employ sophisticated methods to circumvent border controls, such as utilizing multiple smuggling routes, employing decoys, and bribing border officials. Firearms trafficking contributes to high rates of homicides, assaults, kidnappings, and extortion, undermining public safety, social cohesion, and economic development in affected communities. Governments in the Americas have implemented various measures to combat illegal arms smuggling, including strengthening border controls, enhancing law enforcement cooperation, and implementing stricter firearms regulations. However, challenges such as corruption, limited resources, weak institutional capacities, and political instability prevent effective enforcement efforts and regulatory measures. Addressing the root causes of arms trafficking, such as poverty, inequality, social exclusion, and weak governance, requires comprehensive strategies, international cooperation, and sustained commitment from governments and civil society stakeholders. Initiatives such as the United Nations Programme of Action on Small Arms and Light Weapons (UNPoA), the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), and bilateral agreements facilitate cooperation, information sharing, and capacity-building efforts to combat arms trafficking.

Public Safety Impacts:

The influx of illicit firearms fuels various forms of violence, including homicides, armed robberies, assaults, and kidnappings. Illicit firearms play a central role in gang-related violence and organized crime activities across the Americas. Criminal organizations use firearms to protect drug trafficking routes, extort businesses, and engage in territorial disputes, contributing to a cycle of violence and instability in affected regions. The proliferation of illicit firearms poses significant challenges to law enforcement agencies tasked with maintaining public safety and combating organized crime. Law enforcement officers face increased risks of violence and encounter heavily armed criminal groups, leading to casualties and fatalities among police forces. The proliferation of illicit firearms contributes to human rights violations, including extrajudicial killings, forced disappearances, and arbitrary arrests by state security forces and non-state actors. Human rights defenders, journalists, and marginalized groups are particularly vulnerable to violence and persecution, as armed groups seek to silence dissent and maintain their grip on power through coercion and intimidation. Illegal arms and the threat of violence create a sense of fear and insecurity among the population, undermining trust in public institutions and social cohesion. Individuals and communities live in constant fear of becoming victims of gun violence, leading to psychological distress, trauma, and long-term mental health consequences.

Economic Impacts:

High levels of violence associated with illegal arms trafficking disrupt economic activities, hinder investment, and impede socioeconomic development in affected areas. Businesses face security risks, extortion demands, and disruptions to supply chains, leading to reduced productivity and economic losses. Persistent insecurity and violence deter tourism and foreign investment in countries affected by illicit arms trafficking. The perception of insecurity undermines tourism revenues, constraints economic growth, and hinders efforts to attract foreign investors, limiting job opportunities and economic prosperity. The economic costs of gun violence extend to healthcare systems and social services as governments allocate resources to treat gunshot injuries, provide rehabilitation services, and address the psychosocial impacts of violence on communities. Healthcare expenditures related to treating gunshot wounds divert resources from other essential healthcare needs, affecting the quality and accessibility of healthcare services for the population. The persistent insecurity and lack of economic opportunities resulting from illegal arms trafficking contribute to human capital flight, where skilled workers and professionals seek opportunities abroad. This as a result causes a lack of valuable human resources needed for economic development and innovation, worsening existing challenges and creating a cycle of underdevelopment. Small businesses, which often lack the resources to protect themselves against criminal threats, are particularly vulnerable to the economic impacts of illegal arms trafficking. Extortion demands from criminal organizations combined with the threat of violence, force many small businesses to operate under duress or shut down operations altogether, leading to job losses and economic instability in local communities.

Border Security and Transnational Crime

Criminal organizations exploit weak border controls to smuggle illicit firearms across international boundaries. Trafficking routes often span vast and remote border regions, where law enforcement presence may be limited, and terrain can be challenging to monitor effectively. Corruption among border officials, law enforcement agencies, and government institutions exacerbates the challenges of border security and facilitates illicit arms trafficking. Corrupt border guards may accept bribes or collude with criminal networks to allow the passage of illegal firearms or provide advance warnings of law enforcement operations. Transnational crime requires coordinated efforts and cooperation between countries to effectively combat illegal arms trafficking. Bilateral and multilateral agreements facilitate information-sharing, joint operations, and mutual assistance between neighboring countries to enhance border security and disrupt trafficking networks. Regional organizations, such as the Organization of American States (OAS) and the Caribbean Community (CARICOM), play a vital role in promoting cross-border cooperation and facilitating dialogue on security challenges.

Major Parties Involved and Their Views

The United States of America

The United States is the biggest source of illegal guns in the Americas. The US has the world's most extensive legal firearms market, with more than 400 million firearms in the hands of civilians, but a parallel black market of guns feeds off the legal market. Many are illegally trafficked to Mexico, the Caribbean, and Central and South America. While federal laws regulate firearms in the United States, there are variations in gun laws among states, with some states having more relaxed regulations than others. Weak regulations and loopholes, such as gun shows and private sales without background checks, contribute to the illegal flow of firearms out of the country. The United States is home to a significant firearms manufacturing industry. While most manufacturers operate legally and comply with regulations, there have been cases of firearms being diverted from legal channels into illegal markets, either through theft, corruption, or illicit manufacturing. The vast and porous border between the United States and countries in the Americas presents challenges for law enforcement agencies attempting to intercept illegal firearms shipments. Criminal organizations often exploit these vulnerabilities to smuggle firearms across borders using various methods, including concealed compartments in vehicles, commercial shipments, or through remote areas. The influx of illegal firearms from the United States contributes to armed violence, organized crime, and instability in countries across the Americas. It fuels drug trafficking, gang violence, and other criminal activities, posing significant challenges to law enforcement and public safety efforts in the region. Law enforcement agencies in the United States work to combat illegal arms trafficking through initiatives such as the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and the Department of Homeland Security (DHS). The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) reported that around 70% of firearms recovered from crime scenes in Mexico and traced by the ATF originated in the United States. In Brazil, estimates suggest that a substantial portion of illegal firearms seized by

authorities are of American origin. The Brazilian government reported that between 2005 and 2015, over 50% of firearms seized were traced back to the United States.

Brazil

Brazil has played a prominent role in the dynamics of transnational illicit markets for many years, and in 2021, the Global Crime Index ranked the country 22nd in the world for criminality and 11th in terms of illegal markets. In Brazil, criminals obtain firearms in different ways. The stockpiles maintained by the police and security forces are usually seen as the principal sources from which firearms are diverted to the criminal economy. However, it is essential also to look at another source, which, despite receiving less attention, accounts for a significant share of all the firearms and ammunition diverted to criminals: those purchased by ordinary citizens. In this regard, the measures adopted by the Brazilian federal government from 2019 onwards, which made it easier for citizens to acquire firearms, eroded the already limited effectiveness of policies aimed at combating armed violence in the country. They have also undermined the fight against organized crime in the country, as it has become easier to acquire arms and ammunition. As the Global Organized Crime Index 2021 points out, Brazil faces challenges in terms of law enforcement, contributing to its low ranking of 87th in terms of its resilience to crime. In 1997, President Fernando Henrique Cardoso enacted Brazil's first law improving arms and ammunition control. Law No. 9347/1997 introduced criteria for gun licensing, made it a criminal offense to carry a firearm illegally, and created the Brazilian National Firearms System Two years later, in 1999, still during the Cardoso administration, the Ministry of Justice submitted a bill on firearms control to Congress, thereby intensifying discussion on the issue. The bill aimed to restrict the sale of arms and ammunition to the armed forces, private security companies and intelligence agencies. Disarmament Act, was passed by Congress in October 2003 and enacted by President Lula, during his first term of office, on 22 December of that year. The Disarmament Act set criteria for the purchase (possession), trade, circulation and inspection of arms and ammunition in Brazil. However, since the Disarmament Act was passed, there have been several initiatives aimed at relaxing or even repealing it.

Mexico

Mexico is one of the prominent countries when it comes to the issue of illegal arms smuggling. Firearms trafficked into Mexico include a wide range of weapons, from handguns and rifles to military-grade weapons such as assault rifles and grenades. These weapons often originate from legal purchases, gun shows, straw purchases, or thefts in the United States. Firearms are trafficked into Mexico through various routes and methods, including smuggling across the U.S.-Mexico border through which criminal organizations use vehicles, tunnels, and even drones to transport firearms across the border, maritime smuggling in which firearms are smuggled into Mexico via maritime routes, exploiting the extensive coastline and maritime traffic between the two countries. Mexican drug cartels and criminal organizations heavily rely on firearms to assert control, intimidate rivals, and carry out violent acts, including assassinations, kidnappings, and extortion, therefore, the issue still remains a significant problem in terms of safety. The Mexican government has implemented various

measures to combat arms trafficking, including enhanced border security, interagency cooperation, and collaboration with U.S. authorities through initiatives such as the Merida Initiative. However, challenges such as corruption, limited resources, and the sheer volume of illicit firearms present significant obstacles to effective enforcement efforts. Additionally, Mexico's strict gun control laws have faced criticism for their limited impact on reducing firearms-related violence, as criminals continue to obtain weapons through illicit means.

The United Nations Office on Drugs and Crime (UNODC)

The United Nations Office on Drugs and Crime (UNODC) is the primary UN organization that deals with illicit arms trafficking, among other transnational organized crime issues. The UNODC is tasked with promoting international cooperation to combat organized crime, including the illicit trafficking of firearms, ammunition, explosives, and related materials. The UNODC's attempts to address illicit arms trafficking include implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and its protocols, particularly the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, which specifically targets the illicit trafficking of firearms. UNODC provides technical assistance and capacity-building support to member states to strengthen their legal frameworks, law enforcement capabilities, border controls, and information-sharing mechanisms to combat arms trafficking. It conducts research and collects data on trends and patterns of illicit arms trafficking to inform evidence-based policies and strategies to prevent and combat this crime. It supports regional and international initiatives to enhance cooperation among law enforcement agencies, border authorities, and other stakeholders to disrupt trafficking networks and prevent the proliferation of illicit firearms and collaborates with other UN agencies, international organizations, and civil society partners to address the root causes of arms trafficking, including poverty, conflict, and weak governance, and promote sustainable development and peacebuilding efforts.

Timeline of Events

1945 - United Nations Charter	The United Nations Charter is adopted, laying the foundation for international cooperation on issues of peace and security, including arms control and disarmament.
1997 - Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA)	CIFTA is adopted by member states of the Organization of American States (OAS) to combat the illicit manufacturing and trafficking of firearms in the Americas.

<p>2001 - United Nations Programme of Action on Small Arms and Light Weapons (UNPoA)</p>	<p>The UNPoA is adopted by member states to address the illicit trade in small arms and light weapons, including measures to prevent their unauthorized possession and transfer.</p>
<p>2006 - United Nations Convention against Transnational Organized Crime (UNTOC) and Firearms Protocol</p>	<p>The Firearms Protocol, supplementing the UNTOC, is adopted to address the illicit manufacturing and trafficking of firearms, their parts, and ammunition.</p>
<p>2009 - Mérida Initiative</p>	<p>The Mérida Initiative, a security cooperation agreement between the United States and Mexico, is launched to combat drug trafficking and transnational organized crime, including the smuggling of firearms from the U.S. into Mexico.</p>
<p>2013 - Arms Trade Treaty (ATT)</p>	<p>The ATT is adopted by the United Nations General Assembly, establishing international standards for the regulation of the international trade in conventional arms to prevent their diversion to illicit markets.</p>
<p>2014 - Central American Integration System (SICA) Agreement on Firearms</p>	<p>SICA member states adopt an agreement to enhance cooperation and coordination in addressing the illicit trafficking of firearms and promoting arms control measures in Central America.</p>
<p>2019 - Lima Commitment</p>	<p>Member states of the Organization of American States (OAS) adopt the Lima Commitment, reaffirming their commitment to combating transnational organized crime, including illicit arms trafficking, through regional cooperation and coordination.</p>
<p>2021 - United Nations Small Arms and</p>	<p>The United Nations convenes a review</p>

Light Weapons Review Conference:	conference to assess progress on the implementation of the UNPoA and identify challenges and priorities for addressing the illicit trade in small arms and light weapons.
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UN Involvement

The United Nations have not directly interfered with the issue of illegal arms smuggling in the Americas, however, the United Nations Office on Drugs and Crime have published numerous studies on this topic and have been an active party in the issue. The UN has created the UN Convention against Transnational Crimes to combat this issue. The UNODC’s project on Countering Transnational Illicit Arms Trafficking has been active in numerous countries in South America including Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay. The United Nations General Assembly has several resolutions regarding this topic and the Secretary General has published 3 reports on small arms and light weaponry. The United Nations needs to enhance cooperation between countries to improve the current situation and should publish more comprehensive reports.

Relevant UN Documents

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol)- adopted by the General Assembly of the United Nations (31 May 2001, Resolution 55/255)

Security Council Resolution S/RES/2220 - Adopted by the Security Council at its 7447th meeting (22 May 2015)

Secretary General Report S/2021/839- Seventh biennial report (20 September 2021)

Treaties and Events

The Arms Trade Treaty:

The Arms Trade Treaty (ATT) is an international treaty that regulates the international trade in conventional arms and seeks to prevent and eradicate illicit trade and diversion of conventional arms by establishing international standards governing arms transfers. The Treaty came into force on 24 December 2014. At this stage the Treaty has a total of 112 States Parties and 29 States that have signed but not yet ratified the Treaty. Brazil and Mexico are State Parties but are

not signatories. The United States has signed the treaty but no longer intends to be a State Party.

United Nations Convention against Transnational Organized Crime (UNTOC):

It was adopted in 2000, the UNTOC is a comprehensive international legal instrument aimed at combating transnational organized crime, including illicit arms smuggling. The UNTOC includes provisions for enhancing international cooperation, strengthening law enforcement capacities, and promoting measures to prevent and combat the illicit manufacturing, trafficking, and diversion of firearms and ammunition.

Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA):

It was adopted in 1997 under the auspices of the Organization of American States (OAS), CIFTA is a regional treaty aimed at preventing, combating, and eradicating the illicit manufacturing and trafficking of firearms, ammunition, explosives, and related materials in the Americas. The convention requires participating states to establish comprehensive national measures to regulate firearms, enhance border controls, and strengthen cooperation among law enforcement agencies to combat illicit arms trafficking.

Evaluation of Previous Attempts to Resolve the Issue

The United Nations Office on Drugs and Crime (UNODC) Global Firearms Programme, in cooperation with Wilton Park and the Government of Germany, convened a Conference on "Addressing Illicit Firearms Trafficking in the Context of Organized Crime and Terrorism - Towards a new Paradigm", from 23 to 26 January 2019 at Wiston House, Sussex, in the United Kingdom, to help develop a comprehensive strategy to address these interconnected threats. The conference was informative, however, didn't have direct outcomes on the issue. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol) is the only legally binding instrument on small arms at the global level. It has been beneficial but a more detailed and comprehensive protocol is needed at the current level. A variety of international and regional instruments form part of the international legal regime on firearms. While this plurality of instruments demonstrate the complex and multi-dimensional nature of the firearms problems, they also illustrate the need for diversified and multi-disciplinary approaches, and the central role that firearms continue to play in the international agenda. These instruments provide on the one hand a solid legal and operational framework for States to reinforce their domestic legal regime, but can on the other hand, become a source of confusion and contradiction, when their relationship and the different context in which these instruments operate is not clear to national decision makers. The Director for the UN Institute for Disarmament Research (UNIDIR) supported 11 States in conducting assessments on weapons and ammunition management, known as WAM, however, a lack of infrastructure remains a significant issue in many countries.

Possible Solutions

Addressing illicit arms smuggling in the Americas requires a multifaceted approach that combines efforts at the national, regional, and international levels. The weakness of border controls must be evaluated. The member States should enhance border surveillance and monitoring capabilities to detect and intercept illicit firearms crossing international borders. They should invest in technology such as drones, sensors, and scanning equipment to improve detection of concealed weapons and smuggling routes. They should increase staffing and training for border security personnel to effectively respond to illicit arms trafficking and enhance cooperation with neighboring countries. Law enforcement cooperation in member states should also be improved. Member states should establish joint task forces and intelligence-sharing mechanisms to target transnational criminal networks involved in illicit arms trafficking and facilitate extradition and mutual legal assistance agreements to prosecute individuals involved in arms smuggling across borders. Corruption remains a significant factor in the issue at hand. Member states should Strengthen anti-corruption measures within law enforcement agencies, border security, and customs authorities to prevent complicity in illicit arms trafficking. They should target financial networks and money laundering activities associated with the illicit arms trade to disrupt the financial flows of criminal organizations. They should enhance cooperation with financial institutions and regulatory authorities to identify and freeze assets linked to arms smuggling and organized crime. Improving Firearms Regulation and Control is also essential, therefore, countries should implement and enforce strict firearms regulations, including comprehensive background checks, registration requirements, and licensing systems for firearm owners and dealers. In addition, they must enhance marking and tracing mechanisms for firearms to facilitate the identification of illicit weapons and trace their origins and promote responsible arms transfers and export controls to prevent diversion of legal weapons into illicit markets and prevent arms transfers to illicit actors. Strengthening regional cooperation mechanisms, such as the Organization of American States (OAS) and the Caribbean Community (CARICOM), to facilitate coordinated responses to arms trafficking across borders is also an effective solution. The United Nations or other member states should provide technical assistance, training, and capacity-building support to countries in the Americas to enhance their capacities for arms control, border security, and law enforcement.

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