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FINDINGS AND RECOMMENDATIONS

ALTHOUGH MANY gaps remain in our knowledge of the arms trade in Latin America, one conclusion appears inescapable: the nations of South and Central America have been inundated with small arms and light weapons, greatly contributing to the pervasiveness of violence, lawlessness, and criminality in the hemisphere.

This flood of arms has poured through many channels. Whether through domestic production, military aid deliveries, foreign purchases, or clandestine transactions, the nations of Latin America have acquired millions of pistols, revolvers, rifles, machine guns, grenades, landmines, and other light weapons over the past several decades. Because such weapons cost far less than major weapons systems like tanks and planes, Latin America does not rank as high as the Middle East and Asia (which import large quantities of major weapons) in the standard statistics on arms transfers; when looking at the trade in light weapons, however, Latin America stands out as a major market for arms.

The flow of light weapons into Latin America cannot be measured with a great deal of specificity. Most of the key statistical sources on the munitions trade do not provide disaggregated data on transfers of small arms and similar munitions. From fragmentary evidence, however, it is possible to chart at least some aspects of this inflow. It is evident, for instance, that both the United States and the Soviet Union donated huge quantities of rifles, machine guns, mortars and other light weapons to friendly Latin American countries during the Cold War, many of which remain in active service. Both superpowers also provided tens of thousands of guns to insurgent forces through clandestine channels during this period. Many more rifles and machine guns were imported into the region via the commercial arms trade, or smuggled in through various black-market channels. And hundreds of thousands of guns are produced each year in the arms factories of the larger Latin American countries.

As a result of all this, many Latin American countries are awash in light weapons. An instructive example is Colombia, where a million firearms are believed to be in private hands, and a wide array of non-state actors—guerrilla groups, private militias, drug cartels, and commercial security services—are equipped with assault weapons and other light arms.[1] A surfeit of arms can also be found in other nations, including Brazil, El Salvador, Guatemala, Haiti, Mexico, Nicaragua, and Peru. In these, and other countries of the region, the ubiquitous presence of armed security forces—ordinary police, paramilitary entities, the regular military, and private security agencies—is often matched by the proliferation of small arms in private, insurgent, and criminal hands.

Several factors explain the centrality of light weapons in the Latin American arms trade. These include: (1) a historic emphasis on the part of the military in these countries on internal security and counterinsurgency; (2) a lack of funds—and, for the most part, a lack of need—to acquire or produce more costly, sophisticated weapons; (3) the emphasis placed on internal security in U.S. military aid programs over much of the past half-century; (4) the widespread presence of insurgent forces, private militias, and criminal enterprises that are equipped with light weapons alone; and (5) the growing privatization of security in Latin America, entailing the rapid growth of lightly-armed private security forces. When combined, these factors have produced a vigorous and continuing demand for small arms and light weapons throughout the region.

This study has shown, moreover, that these weapons are proliferating at every level of society. Historically, the bulk of the arms produced in or sold to the nations of Latin America have been garnered by the established military and police forces of the state. Later, in the 1960s and 1970s, revolutionary guerrilla bands emerged in many of these countries, creating a new demand for light weapons. Still later, these guerrilla groups were joined by other non-state paramilitary forces, including the drug cartels, private militia forces, and criminal gangs. The emergence of these forces, in turn, has stimulated the development of private security services in many countries and the acquisition of arms by individuals for their own self-defense. As the number and quality of arms in any of these strata increases, there tends to be a corresponding increase in arms at all other levels of society. What we are seeing, then, is an ever-increasing diffusion of arms within Latin

American societies.

This diffusion of arms is helping to fuel an epidemic of societal violence throughout the region. While the schisms in these societies have deep political and socioeconomic roots, often reaching back to the colonial era, the abundance of arms is contributing to the intensity of internal conflict and the tendency of contending groups and forces to settle disputes through armed violence, rather than through negotiation or adjudication. The widespread availability of light weapons has also facilitated the rise of paramilitary formations, both political and criminal, and sustained their conflicts with the state and one another. The state, too, has tended to increase its reliance on arms, often creating heavily-armed counterguerrilla units or semi-autonomous death squads and militias (like the FRAPH in Haiti) and giving them license to employ maximum force in the suppression of oppositional groups. This, in turn, has produced a "state of war" in many rural and shantytown areas, as state-sponsored and anti-state forces spar with one another over the control of people and territory. Needless to say, it is usually unarmed civilians who suffer the most from the resulting carnage.[2] At the present time, with the threat of conventional interstate warfare in Latin America at an all-time low, internal lawlessness and violence pose the greatest threat to peace and security in the region. So long as government officials and ruling elites feel threatened by armed opposition or criminal organizations, they will sanction the use of state power—often entailing the application of excessive or extrajudicial force—to suppress such threats; this, in turn, encourages opposition forces to rely on armed violence to advance their interests. As the state appears less able to maintain stability and protect human rights, moreover, private individuals lose faith in the democratic process and create their own, autonomous security structures—thereby contributing to the erosion of social peace and cohesion. In the end, all that remains is fear and violence.

In sum, Latin America is suffering from a *scourge of guns*, producing mounting bloodshed and diminished security. While many other problems of a socioeconomic nature must also be addressed if lasting peace and stability are to be attained, it is clear that any progress in these areas will be short-lived unless this scourge is somehow remedied.

In addition to the above, this study has also generated the following conclusions:

1. *Latin America is itself a major producer of small arms and light weapons.*

While Latin American countries generally lack the resources and expertise to manufacture major weapons systems, they have proven themselves quite capable of producing small arms and light weapons of many types. Today, the military inventories of the region's major powers are replete with arms and ammunition manufactured in local factories. These factories also produce arms for sale to private entities, and to other states in the region; some also manufacture guns for sale in the U.S. market. Often neglected in academic studies on the arms trade, these indigenous arms-making capabilities represent a significant source of light weaponry in the Western Hemisphere and an obstacle to future international restraints on the arms traffic.

2. *Light arms often outlive the conflicts for which they were originally intended.*

Many of the weapons acquired by governmental and non-governmental forces in Latin America in recent decades were originally obtained in response to a particular conflict then under way. When peace is finally achieved, the various parties to the dispute often sell or donate their weapons to belligerent groups in other countries, thereby contributing to the duration of conflict. At least some of the arms used by the Sandinistas to topple Somoza, for instance, were passed on to the guerrillas in El Salvador. In some cases, moreover, demobilized soldiers have used their arms in criminal enterprises, or sold them to illicit buyers in the black market. In this way, arms provided for one purpose continue to produce havoc and bloodshed in other contexts, long after the purpose for which they were originally obtained have ceased to matter.

3. *The United States and the former Soviet Union bear a considerable responsibility for the continuing gun violence in Latin America as a result of their past arms-supply operations in the region.*

While the successor states of the Soviet Union are no longer providing arms to client states and guerrilla organizations in Latin America, and the United States has terminated its own covert supply operations, these two countries bear much responsibility for the continuing violence in the region because of their past role in supplying belligerents with small arms and light weapons. Whether supplied initially to guerrilla groups or government forces, these weapons have often been sold or donated to other belligerents, including narcotraffickers and death squads, or siphoned off into the black market. U.S. arms provided to the contras, for instance, have reportedly been sold to the drug cartels in Colombia, while Soviet-type arms given to the FMLN have been acquired by criminal gangs in El Salvador.

4. *The black-market traffic in arms poses a significant threat to peace and stability in Latin America.*

No doubt most of the small arms and light weapons acquired by governmental and nongovernmental entities in Latin America were acquired through established trade channels or official military aid programs. However, a significant portion of the arms flow is comprised of black-market weapons that have been stolen from their original, legitimate owners or smuggled into the region from other areas. And while their numbers are relatively small when compared to inventories of legally-acquired weapons, illicit arms play a disproportionate role in the violence currently plaguing Latin America as they constitute the principal weaponry of insurgents, warlords, drug traffickers, and criminal organizations. So long as these groups continue to fight with the state and each other, black-market arms trafficking is likely to constitute a major threat to peace and security in the region.

5. *Gun outlets in the United States constitute a major source of black-market arms for Latin America.*

Because it is relatively easy to procure small arms and ammunition in the United States (as compared to most other countries in the hemisphere), many of the black-market dealers operating in Latin America rely on gun outlets in this country to replenish their illicit inventory. As revealed by the Bureau of Alcohol, Tobacco and Firearms, these dealers often make repeated trips to gun stores in Florida, Texas and California to acquire firearms for resale in Mexico or other Latin American countries. And while the Brady Bill (requiring a one-week waiting period and criminal check) and the current ban on sales of assault rifles have made it more difficult for gun-runners to acquire arms in this country, the United States remains a major source of illicit arms in the Western Hemisphere.

6. *Existing national and international measures for the control of arms trafficking are not adequate to the task of reducing gun violence in Latin America.*

Although the nations of the Western Hemisphere have all adopted measures for controlling the import and export of arms in their territory, these measures have generally proved inadequate for the task of curbing persistent gun violence in the region. Either existing border controls have been penetrated by black-market traffickers, or internal controls on the ownership of guns have been circumvented, or both. As a result, insurgent groups, death squads, and criminal organizations have found it relatively easy to procure arms for their violent activities. If this violence is to be brought under control, it will be necessary to tighten hemispheric controls on the trade in firearms.

Recommendations

Based on these findings, it is apparent that much more needs to be done to curb the diffusion of small arms and light weapons in Latin America. Clearly, any significant moves in this direction will require further analysis and consultation among the states of the region, including the United States and Canada. But this study indicates that a number of steps can and should be taken by the United States and the nations of Latin America to make transparent and better control the spread of light weapons in the western hemisphere. These steps fall under four basic headings: increased transparency, enhanced export controls, suppression of illicit arms trafficking, and demilitarization and disarmament.

1. *Increased transparency.*

One of the main problems encountered in the course of this study was the lack of detailed information on the sale and distribution of small arms and other light weapons in Latin America. Often the authors were forced to rely on anecdotal or fragmentary data in order to estimate the level of gun proliferation in the region. In some cases, we found that the desired information was simply not available; in others, we were denied access to particular information on the grounds that releasing it would infringe on the privacy of commercial arms enterprises. In addition, many nations lack a mechanism for collecting and disseminating information on domestic gun production and ownership. Our first recommendation, then, is for increased transparency regarding the production and trade in light weapons in the region.

As a first step, we recommend that each nation of Latin America conduct a *domestic arms census* to determine: (1) the number of light weapons of various types possessed by governmental and nongovernmental entities; (2) the number of light weapons produced each year in the country, the number imported, and the number exported; (3) the laws and regulations governing gun ownership, production, and commerce; and (4) the extent of noncompliance with existing laws and regulations, as evinced in arrests, court cases, arms seizures, and so on. The undertaking of such a census in each country would go a long way toward filling in the blanks in our knowledge of the diffusion of light weapons in Latin America. More importantly, it would alert parliamentarians and government officials to any deficiencies in existing gun control legislation, and set priorities for the development of new laws and regulations.

A further step in this direction of increased transparency would be the establishment of a *regional arms trade register* modeled on the existing United Nations Register of Conventional Arms. Under the General Assembly resolution of December 9, 1991 creating the U.N. Register, each member state is asked to provide an annual tally of its imports and exports of seven categories of conventional arms: main battle tanks, armored combat vehicles, heavy artillery, combat aircraft, attack helicopters, large warships, and missiles with a range of 25 kilometers or more. Small arms and other light weapons were excluded from the list of arms to be tallied because of the presumed difficulty in assembling such information and a belief that major weapons systems were more significant in assessing a state's capacity to engage in aggression. Some U.N. delegates have argued, however, that the existing register should be supplemented by regional registers that would be more responsive to the particular needs and conditions of the region involved.[3] In the case of Latin America—where most armed conflict is of an internal nature—such a register should properly include light as well as heavy weapons. And, while it will no doubt prove difficult to compile the necessary information (at least in the first years of the register's operation), repeated effort will facilitate greater proficiency in this regard. Once established, such a register would prove highly useful in tracking the flow of small arms and light munitions in the region and provide early warning of any destabilizing weapons buildups.[4]

The United States, because of its pivotal role in the supply of arms to Latin America, should also increase transparency with respect to its military exports. The most important step that Washington could take in this direction would be to provide comprehensive information on the sale of small arms and light weapons through the Direct Commercial Sales (DCS) program—the principal channel for such exports. At present, the government provides no information on DCS sales, except for a total dollar figure for licenses granted to each country on an annual basis. What is needed, instead, is an annual breakdown *by weapons type* of DCS licenses and deliveries to foreign recipients. Similar data should be provided on arms exports licensed by the Commerce Department. By supplying such information, the U.S. government would enable policymakers and researchers to develop a much clearer picture of the light weapons trade in the region. (Some of this information may be included in the reports to be provided to Congress in future years under Section 655 of the Foreign Assistance Act, adopted in February 1996, but it is not yet known how detailed these reports will be; obviously, the greater the specificity, the better.)

2. *Enhanced export controls.*

Until very recently, the trade in small arms and light weapons was viewed as a relatively minor aspect of the global munitions traffic, and thus was subjected to far less scrutiny by policymakers and arms control experts than was the trade in major weapons systems. As a result, very little effort has been made to limit or control the spread of light weapons, which have poured into Latin America in great quantity. Now that the lethal consequences of this deluge are becoming more apparent, it is necessary to reverse the traditional, *laissez-faire* approach to light weapons trafficking and subject it to greater oversight and control.

The most important task, at this stage in the game, is for each nation of the western hemisphere to review its arms import and export regulations in order to determine where weaknesses exist and to adopt appropriate corrective measures. To the degree possible, these regulations should be harmonized throughout the region so as to remove any incentive for arms traffickers to reroute their deliveries through nations with weak import/ export controls. The Organization of American States (OAS) could play an extremely useful role in this regard by bringing together government officials and parliamentarians from throughout the region to compare national controls and consider the adoption of uniform regulations.

Because the United States is the source of so many of the weapons supplied to Latin America, it bears a particular responsibility to tighten its arms export controls. Although U.S. law (specifically, the Arms Export Control Act of 1976, as amended) requires strict oversight of all munitions exports, sales of small arms and light weapons tend to receive relatively little attention from the designated government officials as compared to transfers of major weapons systems. Thus, a 1994 report by the staff of the Senate Committee on Governmental Affairs revealed that only 21 out of the 1,632 applications (or 1.3 percent) submitted to the State Department's Office of Defense Trade Controls (DTC) for sales of small arms to seven Latin American nations in 1989-1993 were subjected to "end-user checks"—meaning that 99 percent were approved with very little official scrutiny.[5] Clearly, if the DTC is to exercise effective oversight and control of such sales, it must subject a higher percentage of export applications to end-user checks and determine that all information provided by suppliers is accurate and reliable.

Furthermore, the United States should adopt a "code of conduct" for arms transfers, prohibiting the sale of weapons of any type to countries that engage in aggression, systematically violate human rights, or fail to participate fully in the U.N. Register of Conventional Arms. A bill that would mandate the adoption of such a code has been introduced in each of the past few sessions of Congress, and in 1995 received 157 votes in the House of Representatives. Should such a measure be forged into law, it would force U.S. government officials to more carefully scrutinize the behavior of recipient governments in Latin America (and other regions) before permitting arms shipments.

3. *Suppression of illicit arms trafficking.*

A significant share of the arms pouring into Latin America are entering the region through black-market channels. These channels can be greatly curtailed by enhancing customs surveillance and cooperation throughout the hemisphere. Improved monitoring of arms trafficking and greater information sharing between countries would significantly complicate the task of would-be arms smugglers. To advance such efforts, customs officials should take advantage of emerging communications and information processing technologies. An on-line hemispheric data base listing known and suspected arms smugglers, illicit end users, and so on, should be installed in the customs bureaus of every country. Once in operation, such a system would make it much easier to intercept suspicious arms shipments and to prevent large-scale smuggling.

This study also found that many of the firearms entering Latin America through illicit channels originated in the United States, often through phony purchases from commercial gun stores. The United States could better stem the flow of black-market arms into Latin America by tightening its laws on gun ownership—specifically, by forbidding multiple purchases of firearms in any given period and by requiring police checks on prospective buyers. Increased resources should also be provided to such agencies as the Customs Service and the Bureau of Alcohol, Tobacco, and Firearms, allowing them to better investigate, interdict, and prosecute illicit arms traffickers operating in the United States.

Similar measures are also needed in Latin America. Representatives of all states in the region should meet under OAS auspices to devise common guidelines for customs supervision of arms imports and exports, and to allow for systematic information sharing on such activities. Where appropriate, the United States should assist in the development of modern customs organizations and the installation of advanced communications and data-processing systems of the sort described above. In addition, every state in the region should take such steps as are necessary to insure effective oversight of arms ownership, production, and trafficking in their territory.

4. *Demilitarization and Disarmament.*

Ultimately, the only way to ensure a long-term reduction in gun violence in Latin America is to reduce the size and pervasiveness of the military institution in these countries, to encourage insurgent forces to lay down their arms and participate in the democratic process, and to curtail the recirculation of firearms. These will not, of course, be easy steps to arrange. Nevertheless, there is a growing recognition in Latin America that such action is necessary if lasting peace and stability are to be attained. Moreover, the peace process in El Salvador demonstrates—however imperfectly—that it is possible to negotiate the cessation of conflict, the destruction of military firearms, and the reintegration of armed factions into civilian society.[6] A similar process must be undertaken and completed in other countries torn by internal conflict, including Colombia, Guatemala, and Peru.

Once a measure of peace and stability has been attained, the nations of

Latin America should strive to reduce the size and presence of their armed forces. So long as the military intrudes conspicuously and aggressively in civil society, opposition political forces will be tempted to procure arms in order to deter or resist any efforts on the part of the government—or the military acting on its own—to suppress dissent; only when the right of dissent is unthreatened by force will opposition groups place their full trust in the democratic process. With this in mind, Oscar Arias Sánchez has advanced a plan for the demilitarization of Central America and the Caribbean. So far, Costa Rica, Haiti, and Panama have eliminated their armed forces and taken other steps to demilitarize their society. Further efforts in this direction by other states in the region will contribute significantly to the advancement of peace and stability.

Accompanying these efforts, greater progress must be made in collecting and destroying (or "decommissioning") the weapons once used by armed paramilitary formations. This study has shown that the recirculation of previously employed firearms represents a major threat to peace and security in the region. To reduce this danger, all peace accords signed with irregular or guerrilla forces should require the collection and destruction of insurgent weapons under international inspection, with appropriate sanctions for non-compliance. Any peacekeeping forces sent to the region to monitor such accords should be empowered to search for, confiscate, and destroy any weapons not voluntarily turned in as required. In addition, the United Nations or the OAS should create a regional weapons buy-back fund that could be drawn upon by states in the process of demilitarization to compensate individuals who agree to turn over any guns in their possession for decommissioning. This fund could also be used to provide job training and economic assistance to ex-soldiers and demobilized insurgents who might otherwise be tempted to engage in banditry, drug trafficking, or other criminal activities.[7]

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These measures will not, by themselves, eliminate all gun violence in Latin America, but they could, as part of a long-term program of political reform and socioeconomic development, greatly reduce the availability of arms to prospective belligerents and felons. These steps would also entail a de-emphasis on military power throughout the region, allowing for the greater development of human rights and democratic practice. Such efforts will, in turn, contribute to the development of a robust and stable civil society in Latin America—and this, more than anything, will ensure the preservation of internal peace and security.

The promotion of civil peace and security in Latin America will also prove enormously beneficial to the United States. Because drug trafficking and mass human migrations thrive in an atmosphere of lawlessness and civil disorder, any improvement in the sociopolitical climate in Latin America—particularly with respect to the levels of peace and security—will automatically produce a decline in narcotics smuggling and illegal immigration into the United States. A crackdown on black-market arms trafficking in the hemisphere will also contribute to peace and security in the United States, no less than to the states of South and Central America. Establishing tight control over the hemispheric trade in small arms and light weapons should be seen, then, as a shared objective of both the United States and Latin America.

Endnotes for Chapter 7

1. For an in-depth study of arms circulation in Colombia, see Juan Gabriel Tokatlian and José Luis Ramírez, eds., *La Violencia de las Armas en Colombia* (Bogotá: Fondación Alejandro Ángel Escobar, 1995). See also García-Peña, "Light Weapons and Internal Conflict in Colombia."

2. See Human Rights Watch, *State of War.*

3. For discussion see Edward J. Laurance, "Addressing the Negative Consequences of Light Weapons Trafficking: Opportunities for Transparency and Restraint," in Boutwell, *et al.*, *Light Weapons,* pp. 140-157.

4. As a demonstration of the viability of such efforts, Jamaica has provided information on small arms transfers to the U.N. Register over the past few years.

5. Senate Committee on Governmental Affairs, Review of Arms Export Licensing, p. 37.

6. For background on this process, see *The United Nations and El Salvador 1990-1995* (New York: United Nations, 1995).

7. For an assessment of the relative effectiveness of weapons buy-back and decommissioning efforts in Central America and Haiti, see Program for Arms Control, *Armed Violence in El Salvador.*