



PARLIAMENTARY FORUM
ON SMALL ARMS AND LIGHT WEAPONS



WOLA

***Illegal Arms Trafficking to Latin America
– A Parliamentary Dialogue
Parliamentary Forum on Small Arms and Light Weapons & Washington Office on Latin America***

March 20, 2013
1:30 PM – 3:00 PM
210 Cannon HOB
US Congress
Washington DC, USA

REPORT

1. Background

Since 2008, the Parliamentary Forum on Small Arms and Light Weapons (SALW) has facilitated ongoing dialogue between US, Latin American and European parliamentarians on the illegal transfer of SALW to Latin America, where the consequences of insecurity, firearms and crime are of prime concern to its citizens, as well as having an impact on US society.

With the last gathering taking place in 2010, the Parliamentary Forum has now joined forces with the Washington Office on Latin America (WOLA) to continue this dialogue.

Congressman Jim P. McGovern provided the Opening Remarks and, together with expert speakers, a delegation of MPs from Central and South America and Europe participated to give their perspectives and learn about developments in the US since the last meeting.

The main objectives were to:

- Provide a platform for an exchange of views between U.S. Members of Congress and Latin American parliamentarians
- Share information on best practices and ongoing work to improve control of the illicit transfer of SALW (border control, etc.)
- Explore the various methods to move the issue forward.

More than 30 participants attended the seminar including;

- 6 Members of Congress and Members of Parliament from the United States, Costa Rica, Uruguay, Sweden and the United Kingdom
- 15 members of Congress staff
- Experts and representatives from think tanks, research institutes, civil society and the diplomatic community (for a full list of participants see annex 1).



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2. Opening

Hon. Congressman Jim P. McGovern opened the Forum and gave the welcoming remarks. He thanked the Parliamentary Forum on Small Arms and Light Weapons and the Washington Office on Latin America (WOLA) for organizing the briefing. He especially welcomed the Members of Parliament from Latin America and Europe.

He started by explaining that almost exactly two years ago – in April 2010 – the Parliamentary Forum had organized a similar briefing on the illegal transfer of light weapons to Latin America. This was one of the first times Members of Congress and their staff had the opportunity to hear from experts in the field and counterparts from other nations about how the flood of illegal weapons – many from the United States – affected their southern neighbors and allies.

He recalled stating his understanding of how his country's insatiable demand for illegal drugs and inability to stem the flow of cash and guns is fuelling the deadly violence endured by so many people in Latin America. The US bears a special responsibility and thus shares the obligation to work with Latin American neighbors in addressing how to put an end to the violence.

He continued by saying that he wished he could say the situation had changed over the past two years. While some are more optimistic he remains unconvinced but wished that the Forum would end with a sense of hope.

He believed America's rhetoric on these matters has been consistent – beginning with President Obama and Secretary Clinton's first statements at the Summit of the Americas back in April 2009. The U.S.-Mexico border is more secure than ever before and the Obama Administration has increased efforts to disrupt the flow of firearms, ammunition, explosives and bulk cash being trafficked and smuggled into Latin America, especially Mexico. However, the efforts and will are not yet at sufficient levels to bring about the required impact.

He agreed that to a significant degree, it is the fault of the U.S. Congress which puts road blocks in the way of real change. Although supportive of law enforcement, agencies such as police, the Border Patrol, Customs, the FBI and so forth are not given sufficient tools, authority and funding to stop illegal arms trafficking. He emphasized the word 'illegal', referring to arms transfers which help criminals, drug traffickers, cartels, warlords etc. who terrorize local communities, kidnap and murder for a living. He explained that he did not understand why there are continuous blocks to bring an end to this.

He brought up the June 2009 seminal report of the General Accountability Office (GAO - the investigative arm of the U.S. Congress) on arms trafficking to Mexico. It found that about 87 percent of the firearms seized by Mexican authorities and traced in the previous five years originated in the United States. Even worse, the report found that a growing number of these firearms are increasingly used as lethal weapons.



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Since the GAO report, dozens of U.S. government and independent reports have confirmed its findings – including one issued just this month by the University of San Diego’s Trans-Border Institute called, *“The Way of the Gun: Estimating Firearms Traffic Across the U.S.-Mexico Border.”* The findings of this report suggest that the U.S. is a significant contributor to the global black market in arms and ammunition whilst displaying negligence in the prevention of illegal arms trafficking and putting in place smarter policies.

These findings should be a wake-up call for the US Congress to reinstate the ban on assault weapons or for background checks and other restrictions to be applied to gun shows and open gun markets. Unfortunately, reports and common-sense recommendations are not enough to turn around American politics. Each year, over 30,000 deaths occur in the United States related to firearms. The tragedy of Newtown, Connecticut in December 2012 was a nightmare too familiar to many Latin American families. But with each day that passes, the horror of that massacre fades away, and with it, the motivation in Congress to bring about real change.

The Congressman said that had the forum been held 48 hours ago he might have been more optimistic. However yesterday, Senator Dianne Feinstein and Senate Majority Leader Harry Reid announced that there was no possibility of reinstating the ban on assault weapons in the Senate as the votes simply are not there.

Nevertheless he remained hopeful that Congress can approve legislation to strengthen background checks on gun purchases and that those background checks will also be geared toward identifying “straw” purchasers¹.

He ended by noting that the subject matter is very important and he looked forward to the discussion, hoping it would result in a continued dialogue. He was hopeful that the seminar participants would speak about the many fine efforts taking place throughout Latin America to disrupt, shut down and destroy illegal arms trafficking, describe what steps the U.S. has taken, and recommend what more the United States can be doing to halt illegal arms transfers to Latin America.

Moderator of the seminar Hon. Christer Winbäck, Member of Parliament of Sweden and Vice President of the Parliamentary Forum on SALW thanked Hon. McGovern for his encouraging words and gave the floor to the next speaker Mr. Peter Weiderud, Secretary General of the Parliamentary Forum on SALW.

¹ ‘straw purchases’ refers to a person buying weapons on behalf of someone else either unwilling or unable to purchase themselves due to a criminal record etc.



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3. The Parliamentary Forum on Small Arms and Light Weapons

Mr. Peter Weiderud, Secretary General of the Parliamentary Forum on SALW thanked WOLA and Hon. McGovern for their invaluable support in organizing the seminar.

He gave a brief introduction to the Parliamentary Forum and its work in ending illegal trafficking of SALW. The proliferation of illicit small arms and light weapons is a major threat to development, democracy and security in many parts of the world, and hence a serious concern for parliamentarians world-wide.

The Forum is a global network of legislators concerned with this specific issue. It provides a platform for parliamentarians to meet, join forces and discuss issues related to armed violence prevention, such as different perspectives from supplying and demanding countries in arms transfer.

The work of the Parliamentary Forum originates from the aftermath of Hurricane Mitch in Central America in 1990s when it became clear to many actors in the international community that the proliferation of small arms was a major obstacle to re-building societies. Spanish and Swedish members of parliaments took the initiative to form a network offering political, legal and financial support to their colleagues in Central America on how to deal with the problem. This concrete act of solidarity was strongly appreciated, and based on that experience the need to have a more permanent network of parliamentarians was identified.

The reality of SALW had been clear to parliamentarians in Latin America for many years. For Latin American Forum members the flow of weapons from the US is a primary issue for discussion at regional inter-parliamentary exchanges. Half a day can easily be dedicated to testimonies of this kind before the debate can move on to on-the-ground solutions in Latin America.

However, in order to generate credible reforms, this dialogue is necessary to understand the realities facing both US and Latin American parliamentarians.

The proliferation of SALW is a global problem and research shows us that the majority of deaths, two out of three, occur outside of warfare. Dialogues dealing with this proliferation take time to deal with the complex realities being faced in order to find sustainable solutions. Today's seminar is another step in the right direction.

For more information about the Forum and its work visit www.parliamentaryforum.org



4. Presentations

Expert speaker Mr. Colby Goodman continued by giving an overview of the situation in Latin America, particularly Mexico. According to a study conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a federal law enforcement organization within the US Department of Justice, 90,000 weapons have been seized in Mexico of which 68,000 originate in the US since 2007. These range from pistols to AR 15s and AK 47s. The study also showed that most weapons come from pawn shops rather than gun shows with most trade occurring along major highways.

He explained the concept of ‘straw purchases’ referring to a person buying weapons on behalf of someone else either unwilling or unable to purchase themselves due to a criminal record etc. This is a major challenge for the ATF.

According to recent research it appears the trade is spreading further south, with fewer guns being found in Mexico but more guns purchased in the US are found in Guatemala than before. Whilst not as many as in Mexico, the number of illegal firearms in Guatemala remain in their thousands.

Ms. Michele Jawando, General Counsel and Senior Advisor at the office of US Senator Kirsten Gillibrand, shared with the audience the kind of legislative action the Senator has taken.

Senator Gillibrand (Democrat, New York) has been working on gun trafficking legislation since 2009 and in January 2013, together with Senator Mark Kirk (Republican, Illinois) introduced a bipartisan gun trafficking legislation in order to hamper the flow of illicit arms on the streets. In her home state of New York, the majority of arms (85%) used in gun crime come from outside of the state and 90% are estimated to be illegal. Currently no federal law defines gun trafficking as a crime and straw purchases are treated as just lying on a form. The 2013 Gillibrand-Kirk Gun Trafficking Prevention Act is the first to make gun trafficking a federal crime, treating offenders as arms dealers to aid law enforcement agents in tracking down illicit arms on the streets by investigating and prosecuting gun traffickers.

The Senator has also co-written and supports other initiatives including Senator Feinstein’s long-standing bill on assault weapons mentioned earlier, which she believed to be a common sense issue.

Ms. Jawando ended by stating that she remains an optimist, a necessity for working for change in Congress.

Expert speaker Kirsten Rand, Senior Policy Analyst at the Violence Policy Office, described and showed images of popular types of weapons, largely high powered weapons including automatic and semi-automatic such as AK47s characteristic of a highly militarized industry. She also highlighted the weak laws and the issue of straw purchases, stressing that licensed dealers are high contributors.



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The floor was then given to **US Congressman Hank Johnson** who noted three elements that together make a vicious circle namely; money, drugs and guns. Guns are used to protect drugs which in turn generate money for these illegal groups. Guns can be purchased easily in America where there are little efforts made to keep track of who acquires arms and for what reason, these arms often falling into the hands of drug runners. He asked how it is possible to break this vicious circle and end money-making at the cost of human suffering.

Ms. Joy Olsen, Executive Director of WOLA, made a short intervention to discuss WOLA's work in Mexico and the drug-related violence often committed with guns illegally trafficked from the US. The US must do more to combat this. Stricter laws in the US, where penalties remain extremely low, would help improve the situation in Mexico.

Hon. Daisy Tourné, Member of Parliament, Uruguay and Board Member of the Parliamentary Forum wanted to share her experiences and give a view of the problem in order for US and Latin American legislators to get to know each other better. Latin America continues to be the most violent region in the world – a region with almost no declared armed conflict. Uruguay may be an exception and experiences lower rates of violence than other countries in the region. Nevertheless, one in three people own a gun - in a country that is considered one of the 'best in the class'.

She agreed with Congressman Johnson that it is indeed a vicious circle. Drug dealers need guns to protect their commodity. As the US is one of the largest consumers of drugs, if countries do not work together, the problem cannot be solved.

She finished by mentioning the ongoing negotiations at the UN for an Arms Trade Treaty. Latin America is in desperate need of a strong treaty. Dialogue is needed and states need to come to an agreement.

Hon. Carmen Muñoz, Member of Parliament, Costa Rica and Board Member of the Parliamentary Forum, grew up in a family of eight brothers and sisters and recalled that when the siblings fought her parents would make them all responsible for the fight. In terms of the illicit trade of arms from the US to Latin America, in the same way, countries need to assume responsibility. Central American countries need to see their part in problems linked to the drug trade.

She ended by noting the tragedy in Newtown, Connecticut in December 2012 and said that Latin America usually accounts for the high deaths in this trade but that sadly the USA is now also contributing to the toll of victims.



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5. Questions and answers

The floor was opened for questions which mostly circled around the ongoing UN Arms Trade Treaty negotiations. Legislative Director Ms. Cindy Buhl from Congressman McGovern's office explained that in the Congress there is still a lot of misunderstanding around the treaty and how it will affect the internal US market. Although she was unsure if the US would ever sign or ratify the treaty, it will come to set international norms and standards setting a benchmark for the US to adhere to even if they are not parties. An example of this is the Land Mine Ban Treaty to which the US is not a signatory but still adheres to.

Mr. Goodman agreed with Ms. Buhl and said that US export laws are actually much stricter than its domestic laws meaning that the treaty would bring other countries' export laws up to the same standard as the US.

Examples of success stories were also brought up. In Mexico guns were not traced before but since more rigorous tracing had begun arms seizures have increased.

It was also noted that the issue of preventing gun violence is not partisan. Politicians from the left, right and center want to live in peace. However sensitive the issue is in the US, if there is political will it can be dealt with. The right leadership is essential as well as cross party consensus. It is also important to remember that these issues take time for cultures to shift, similar to the lengthy process of abolishing the slave trade.

6. Closing

Forum Secretary General Mr. Weiderud wrapped up the seminar by pointing to the common ground of all parliamentarians, the love for politics, and once more stressed the unique characteristic of the Forum as the only existing global network for and of parliamentarians. He recalled, however, that the Forum is also a political network and that the political nature of the organization should be taken into consideration.

He explained his particular understanding of politics as an art, which is based upon three main pillars;

- First, a vision, a desire, an idea of where to go;
- Second, an interest in representing the roots and defined interests in society;
- Third, the mature moment, the ability to see the ripe moment when change is possible.

He argued that politics could only be realized if all three were combined. A mere focus on desire without taking interest or the mature moment into account turns politics into moralism. If the focus lies only on interest then politics will be limited to tribalism. And merely taking the mature moment into account without knowing where to go will turn politics into populism.



He concluded his remark by thanking all participants and with a sense of optimism that it is easy to find solutions to the problem when the political will is there. He hoped that this dialogue would continue, reaching higher levels of political commitment.

Annex 1

LIST OF PARTICIPANTS

Members of Parliament		
Rep. Jim P. McGovern	United States	
Rep. Hank Johnson	United States, Armed Services Committee	
MP Christer Winbäck	Sweden, Foreign Affairs Committee, Vice President Parliamentary Forum on SALW	
MP Carmen Muñoz	Costa Rica, Security and Drugs trafficking Committee, Board Member Parliamentary Forum on SALW	
MP Mark Pritchard	United Kingdom, International Development Committee, National Security Strategy Committee	
MP Daisy Tourné	Uruguay, Constitution and legislation Committee Board Member Parliamentary Forum on SALW	
Org. / Office	Name	Position
Sen. Kirsten Gillibrand's Office	Michele Jawando	General Counsel and Senior Advisor
Sen. Kirsten Gillibrand's Office	Margaret Franklin	Legislative Correspondent
Rep. Donna Edward's Office	Yuval Peleg	Intern
Rep. Sam Farr's Office	Kaitlin Bulavinetz	Intern
Rep. John Garamendi's Office	Josh Abel	Intern
Rep. Jim Himes' Office	Jeff Meyer	Intern
Rep. Sheila Jackson Lee's Office	Michal Shinnar	Legislative fellow
Rep. Hank Johnson's Office	Sascha Thompson	Staff
Rep. Alan Lowenthal's Office	Mavonue Garnich	



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Rep. Jim McGovern's Office	Cindy Buhl	Legislative Director
Rep. Jerrod Nadler's Office	Auran Fritscher	Intern
Rep. Jan Schakowsky	Andrea Walton	Intern
Rep. Carol Shear-Porter's Office	Will Snyder	Intern
Rep. John Tierny's Office	Sylvan LaChance	Intern
Dem. Whips Office	Nick Hallchurch	Intern
Embassy of El Salvador	Luis Aparicio	Counselor
CRS	Clare Seelke	Analyst in Latin American Affairs; Foreign Affairs, Defense, and Trade Division
Securus LLC	Kevin Mara	Associate
Stimson	Johan Bergenäs	Deputy Director Managing Across Boundaries
Parliamentary Forum on SALW	Peter Weiderud	Secretary-General
Parliamentary Forum on SALW	Teresa Dybeck	Program Officer
Violence Policy Office	Kristen Rand	Senior Policy Analyst
Washington Office on Latin America	Joy Olson	Executive Director
Washington Office on Latin America	Clay Boggs	Program Officer
Washington Office on Latin America	Celina Artusi	Intern
	Colby Goodman	Expert