

## CHAPTER 4: ASSESSING ARMS DIVERSION IN LATIN AMERICA

Small arms and light weapons (SALW), and their ammunition, are particularly prone to diversion. This is a key issue for Latin American and Caribbean (LAC) countries, which are affected by high rates of violence carried out by SALW. In this region, firearm-related homicide and violent crime are reaching epidemic proportions. The region registers the highest toll of gun-related violence in the world. More than 75 percent of the region's murders involve firearms, far outstripping the global average of roughly 40 percent.<sup>1</sup> Latin America is home to 10 of the 15 countries with the highest rates of homicide outside of armed conflict.<sup>2</sup> Chief among the factors contributing to this armed violence epidemic is the diversion of SALW across the Americas, especially in LAC. Arms are deviated from state stockpiles and during the course of authorized arms transfers which provide sources of weapons fueling delinquency and organized crime.<sup>3</sup> The Arms Trade Treaty (ATT) has the potential to be a key mechanism for preventing diversion and reducing human suffering from gun violence in the region.

The ATT was enthusiastically embraced by most Latin American countries. Of the 33 countries in the region, 28 (85 percent) have signed the ATT, and 24 have ratified it.<sup>4</sup> However, some of the countries most seriously affected by arms diversion and armed violence have signed but have yet to ratify the Treaty, including Brazil<sup>5</sup> and Colombia. Increasing ratification of the ATT and strengthening diversion mitigation and investigation is a critical priority.

The LAC region is an opportune setting in which to consider the potential of the ATT to restrain diversion and look at what countries are trying to do to address it. Given the gravity of the problem, arms trafficking and diversion are comparatively under-examined and under-reported in LAC. Some information is anecdotal and episodic rather than fact-based and systematic. The focus tends to be more on limiting cross-border transfers to organized crime groups rather than securing domestic arsenals from leakage. In addition, government and law enforcement responses to the phenomenon tend to be reactive rather than proactive.<sup>6</sup> While there is sporadic evidence from police-led operations that reveal aspects of diversion,<sup>7</sup> genuine progress will require greater transparency in arms transfers involving LAC states and an acknowledgment of the multiple sources of diversion. More public reporting on arms exports and imports by States Parties would give a better sense of what they are doing practically to address diversion challenges and implement their political support for the Treaty.

To illustrate the diverse manifestations of diversion, this chapter applies a broad understanding of how and when it occurs – from the point of production to the point of end use. While the ATT covers a range of conventional weapons, for the purpose of this chapter we focus primarily on the diversion of SALW and ammunition, as the high rates of violence in the region are carried out by SALW. The first section reviews what the ATT's provisions are relating to diversion, and what LAC States Parties claim in their Initial Reports that they do to address diversion. Section two lays out a typology describing key points and types of diversion and outlines several high-profile cases of diversion, illustrating weak points in the transfer chain. The final section reviews policy and programming responses in LAC.

1 See the Homicide Monitor for more information. <http://homicide.igarape.org.br/>.

2 The Economist (2018). 'Shining light on Latin America's homicide epidemic'. <https://www.economist.com/news/briefing/21739954-latin-americas-violent-crime-and-ways-dealing-it-have-lessons-rest>.

3 UNODC (2012). 'Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment'. Vienna: UNODC. <https://www.unodc.org/toc/en/reports/TOCTACentralAmerica-Caribbean.html>; Stohl, R. and Tuttle, D. (2008). 'The Small Arms Trade in Latin America'. NACLA Report on The Americas. New York: NACLA. [http://fes-seguridadregional.org/images/stories/docs/4689-001\\_g.pdf](http://fes-seguridadregional.org/images/stories/docs/4689-001_g.pdf).

4 UNODA (2018). 'The Arms Trade Treaty'. <https://www.un.org/disarmament/att/>.

5 Brazil completed its national ATT ratification process on 27 June 2018 and will accede to the Treaty upon deposit of its instrument of ratification. See Control Arms Secretariat (2018). 'Brazil to join the ATT: The large weapons exporter must review its policies'. 29 June 2018. <https://controlarms.org/blog/brazil-to-join-the-att-the-large-weapons-exporter-must-review-its-policies/>.

6 See ATT Secretariat (2018). 'ATT Status of Ratifications and Accessions'. 29 March 2018. <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2018/03/ATT-status-report-29-March-2018.pdf>. There are also 34 signatories and 31 ratifications of the Inter-American Convention Against the Illicit Manufacturing of and Tracking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), and substantive regional engagement with UNPoA.

7 When provided by police, for example, seizure data can provide a degree of insight into trends on illicit firearms and ammunition flows.

8 UNODA (2015). 'Arms Trade Treaty Implementation Toolkit: Module 10, Preventing Diversion'. 21 August 2015. <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2015/08/2015-08-21-Toolkit-Module-10.pdf>.

## THE ATT AND DIVERSION

Similar to other conventional arms control mechanisms, the ATT does not define precisely what is meant by diversion. The UN Office for Disarmament Affairs (UNODA) defines diversion obliquely as the 'transfer of items from an authorized owner/user to an unauthorized user'.<sup>8</sup> Definitional ambiguity may have advantages in the diplomatic sphere but can generate challenges operationally when it comes to implementing strategies to prevent, mitigate and investigate diversion.<sup>9</sup>

Though the importance of effectively tackling diversion in the arms trade is emphasized throughout the ATT, and obligations that address diversion are not confined solely to Article 11, this article is dedicated exclusively to the prevention of diversion and the possible adoption of mitigation measures by States Parties, and refers to imports, exports, transit and transshipment. It is not clear, however, if it also includes stockpiles diverted at the point of manufacture or after transferred arms have been delivered and supposedly incorporated into the state stockpile. In the case of Latin America, theft and leakage from national stockpiles are some of the most common ways in which weaponry is diverted to criminal actors. This issue has been recognized by the ATT Working Group on Effective Treaty Implementation (WGETI), established by the Conference of States Parties (CSP) to explore how States Parties can put their newly-agreed obligations into practice. The WGETI has agreed that, although it is not made explicit in the Treaty text, States Parties should consider the issue of preventing and addressing both in-transfer diversion, as well as post-delivery diversion.<sup>9</sup>

Tackling diversion is complicated by the fact that it can occur at any stage of a weapon's life cycle and through a wide variety of mechanisms. Diversion can be either deliberate (theft or corruption) or accidental (through loss or negligence). It can occur at any point along the chain of custody: direct from the point of manufacture; by brokers and agents during authorized transfers (export, import, transit/transshipment and domestic sale); via shipping and customs agents, by intended beneficiaries; during storage and maintenance, and even when weapons are being disposed of and destroyed.<sup>10</sup> Finally, diversion of a consignment can occur, wholesale, immediately upon reaching an authorized end user, or it may involve incremental leakage over the course of months or years after a transfer.<sup>11</sup>

Considering diversion broadly requires expanding the range of possible sources of SALW and ammunition leakage. A shortlist might include firearms and ammunition companies, authorized retailers, SALW trade shows, online warehouses, and of course the inventories of private security companies and official military and police stockpiles. There are also multiple methods of diversion including unauthorized exporting (for example, using forged export certificates), unauthorized importing (for example, using forged end-use certificates), un-authorized re-exporting, ant-trade and straw-man purchases and thefts from official inventories. There are also a wide range of actors involved – from corrupt security and customs personnel to brokers and organized crime groups. All of this means that States Parties require an extensive tool kit of responses to effectively prevent and mitigate the possibility of diversion.

9 ATT Secretariat (2018). 'Sub-Working Group on Article 11 (Diversion) – Work Plan'. 15 May 2018. ATT/CSP4/WGETI/20108/CHAIR/303/M2/WorkPlanArt11. [http://thearmstradetreaty.org/images/CSP4/CSP4\\_preparatory\\_process/March\\_WG\\_Prep\\_Meetings/ATT\\_WGETI\\_CSP4\\_Chair\\_Letter\\_and\\_Sub-Workgroups\\_Plans.pdf](http://thearmstradetreaty.org/images/CSP4/CSP4_preparatory_process/March_WG_Prep_Meetings/ATT_WGETI_CSP4_Chair_Letter_and_Sub-Workgroups_Plans.pdf).

10 Control Arms Secretariat (2017). 'ATT Monitor 2017'. 11 September 2017. [https://attmonitor.org/en/wp-content/uploads/2017/09/EN-ATT\\_Monitor-Report-2017\\_ONLINE-1.pdf](https://attmonitor.org/en/wp-content/uploads/2017/09/EN-ATT_Monitor-Report-2017_ONLINE-1.pdf), pg. 26.

11 Saferworld (2015). 'Key issues for ATT implementation: Preventing and combating diversion'. Expert Group on ATT implementation. Briefing 2. <https://www.saferworld.org.uk/resources/publications/885-key-issues-for-att-implementation-preventing-and-combating-diversion>.

**\*Table 4.1: Typology of factors driving diversion**

Cause	Examples/characteristics
History of arms and armed conflict in the region	Vast quantities of weaponry were supplied to governments and armed groups in LAC since the 1950s, with few of them ultimately collected. In El Salvador, for example, an estimated 360,000 military-style weapons failed to be handed in at the end of the war. <sup>12</sup> In Colombia, Guatemala and Nicaragua, relatively few weapons were turned in, compared to the total number of combatants involved.
Geography	There are vast and unguarded borders between many South and Central American countries, and between Mexico and the U.S. as most populations live along the coastline. There is therefore ample scope for illicit arms shipments to move with impunity over land, sea and by air.
Lack of information sharing	The U.S. is the largest source of diverted firearms into LAC. There is also diversion of intra- and inter-regional exports and imports. Yet information exchange mechanisms are limited, owing to mistrust among governments in the region. There is an over-reliance on the U.S. to conduct traces and few regional mechanisms that are actively used.
Corruption	With comparatively high levels of corruption in the region, Latin America has seen conditions worsen in 14 of the 33 countries in the region over the past year. <sup>13</sup> Corruption in the military, police, and customs services – as well as among arms brokers and manufacturers – facilitate the diversion of firearms to unintended users. <sup>14</sup>
Organized crime	A wide range of organized crime groups procure weapons, including from corrupt military, police and private vendors. There is significant evidence of groups from Central America (e.g. MS-13, Barrio 18), Mexico (e.g. Zeta, Sinaloa, Gulf cartels), Brazil (e.g. PCC, CV and others), Colombia (ex-FARC, Bacrim) purchasing or seizing diverted weapons.
Large and under-regulated private security sector	An explosion of violence in LAC has fueled the rapid growth of the region's private security industry. The region has over 16,000 firms employing at least 2.4 million people in the formal sector. The absence of legal frameworks and inadequate oversight capacity at governmental level, as well as poor management and storage of small arms throughout the sector contribute to diversion.

12 UNODC (2016). 'Transnational Organized Crime in Latin America'.

[https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/English/TOCTA\\_CACaribb\\_firearmsmuggling\\_within\\_CAmerica.pdf](https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/English/TOCTA_CACaribb_firearmsmuggling_within_CAmerica.pdf).

13 Transparency International (2017). 'Corruption Perception Index'.

[https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2017-table](https://www.transparency.org/news/feature/corruption_perceptions_index_2017-table).

14 Survey data has shown that corruption in the armed forces tends to be more prevalent in countries in which the military plays a more active role in criminal violence law enforcement activities. Respondents indicated that bribe-taking from the armed forces was greatest in the Dominican Republic, Venezuela, Honduras and Ecuador. See Pion-Berlin, D. and Carreras, M. (2017). 'Armed Forces, Police and Crimefighting in Latin America'. *Journal of Politics in Latin America*. Vol. 9, 3, pp. 3–26. <https://journals.sub.uni-hamburg.de/giga/jpla/article/download/1072/1079>.

The challenge of addressing diversion in an effective and responsible manner is complicated by the fact that diversion can occur in many different ways. Diversion has many faces and can stem from a multitude of diverse actors or methods.

The ATT lays out some important benchmarks for reducing diversion at different stages of the transfer cycle. With respect to prevention, Article 11.1 establishes that: 'Each State Party involved in the transfer of conventional arms covered under Article 2 (1) shall take measures to prevent their diversion'. This underscores the importance of concerted action by States Parties whether they are involved in the export, import, transit/trans-shipment or brokering of arms.

Article 11.2 emphasizes the key role that exporting states have to play in preventing diversion throughout the arms transfer chain.<sup>15</sup> It obliges arms-exporting states to make tackling diversion a priority within their national control systems, in particular by assessing diversion risks and by considering mitigation measures that may be adopted jointly by exporting and importing states. The prominence of diversion mitigation within Article 11 reflects concerns of some importing states that exporters may prefer to refuse a transfer rather than to identify and implement measures to reduce diversion risks to an acceptable level. Meaningful dialogue between exporters and importers on the issue of diversion risk mitigation is thus seen by some importing states as an important way of ensuring a balanced approach in the application of the Treaty.<sup>16</sup> However, Article 11.2 does make clear that one option always available to an exporting state concerned about diversion risks is not to authorize the export.

Other relevant Treaty provisions include possible state responses to cases of diversion when detected, such as 'alerting potentially affected states' and 'examining diverted shipments' (Article 11.4). Information sharing in respect of measures taken to address diversion are set out in Article 11.5 and may cover 'illicit activities including corruption, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion'. Reporting to the ATT Secretariat on strategies developed to tackle diversion is mandated by Articles 11.6 and 13.2. Additional provisions include the promotion of

international cooperation to increase transparency during the arms transfer process (Article 15) and the encouragement of information sharing practices among states parties (Article 13).

The ATT provides a broad framework for States Parties to address diversion. However, as with other areas of the arms trade governed by the Treaty, the impact it will have on tackling the problem will depend entirely on the extent to which its obligations are commonly implemented by States Parties. Reporting by Latin American countries on measures in their national control systems to address diversion has been uneven. Of the 27 LAC countries that have ratified the ATT, just 11 have submitted publicly-available initial reports, while Honduras has completed a report but have kept it confidential among States Parties. These low reporting rates, and decisions to keep information private can limit collective action to prevent and mitigate diversion. Indeed, even opportunities for sharing positive experiences are limited since there continues to be a high level of secrecy, both in the LAC region and more generally, around the types of strategies governments are implementing to stem diversion.<sup>17</sup> In addition, the Initial Reporting templates only ask two questions of states in the section on binding obligations of the Treaty, while a further four are relegated to the non-binding section. This means that even those States Parties that are committed to furthering transparency under the ATT are not required to provide much detailed or substantiated information about their national or regional anti-diversion policies and practices.

Some positive anti-diversion practices have been reported by countries in the region, such as Mexico's assertion that when it detects that conventional arms may have been diverted the authorized license may be cancelled;<sup>18</sup> and Trinidad and Tobago and Jamaica both indicating that they use international tracing mechanisms such as the US Department of Justice's Electronic Tracing System (eTrace) and the International Criminal Police Organization's (Interpol) Weapons Electronic Tracing System. However, in other cases important gaps have been flagged up by Initial Reports. For example, Costa Rica, Panama, Paraguay and Trinidad and Tobago all indicated that they do not examine parties involved in a transfer,<sup>19</sup> and the tick box model used by the reporting template means that there are no further available details as to why this important gap in their national control systems exists.

15 Saferworld (2015). Op cit. 2.

16 Ibid.

17 For more on diversion and transparency, consult Control Arms Secretariat (2017). 'Chapter 1.2: Transparency and ATT Implementation'. ATT Monitor. [https://armstretymonitor.org/en/wp-content/uploads/2017/09/EN-ATT\\_Monitor\\_17\\_Chapter-1.pdf](https://armstretymonitor.org/en/wp-content/uploads/2017/09/EN-ATT_Monitor_17_Chapter-1.pdf). pp. 24-26.

18 See SEGOB (2011). 'ACUERDO por el que se sujeta al requisito de permiso previo por parte de la Secretaría de Economía la exportación de armas convencionales, sus partes y componentes, bienes de uso dual, software y tecnologías susceptibles de desvío para la fabricación y proliferación de armas convencionales y de destrucción masiva'. [http://dof.gob.mx/nota\\_detalle.php?codigo=5196224&fecha=16/06/2011](http://dof.gob.mx/nota_detalle.php?codigo=5196224&fecha=16/06/2011).

19 See Control Arms Secretariat (2017). 'Appendix 2: Data from Initial Reports (Diversion)'. ATT Monitor. [https://armstretymonitor.org/en/wp-content/uploads/2017/09/EN-ATT\\_Monitor\\_17\\_Appendix.pdf](https://armstretymonitor.org/en/wp-content/uploads/2017/09/EN-ATT_Monitor_17_Appendix.pdf).

One common measure that states deploy as part of efforts to prevent diversion is the use of end-user or end-use certificates (EUC) as part of the arms export authorization process. The ATT makes reference to such confidence-building measures and programmes jointly developed by the exporting and importing countries (Article 8.1). The Treaty also recommends vetting of all parties involved in the export process, requiring additional documentation, certificates and assurances (Article 11.2). In many ways, an EUC is a first line of defense against diversion; however, it is critical that any documentation is thoroughly checked and authenticated by all parties to a transfer. Even then, in isolation an EUC cannot be relied upon as the sole instrument in diversion prevention efforts, particularly where diversion risks are significant, as some governments renege on commitments made in EUCs.<sup>20</sup>

Additional documentation, such as delivery verification certificates (DVC) can also provide assurances that a consignment of arms has arrived at its final destination. Not surprisingly, the issuance of end-user certificates authorizing export is among the most common strategies reported by ATT States Parties for assessing the risk of diversion. The ATT Monitor has previously described how 37 of the first 44 States Parties to submit their Initial Reports claimed that they require end-user documentation, statements, and/or other assurances.<sup>21</sup> Of the 11 publicly-reporting States Parties from the LAC region, only Paraguay and Trinidad and Tobago indicated that they did not require such documentation. Trinidad and Tobago clarified that at the time it was completing its report it only had "ad hoc arrangements" to deal with diversion, and was undertaking legislative amendments that would consider incorporating a requirement of an EUC and other documentation.<sup>22</sup> States Parties are required to update their reports when new measures to implement the Treaty are undertaken, and it will be interesting to see how Trinidad and Tobago strengthens its national control system to tackle instances of diversion.



**THERE CONTINUES TO BE A HIGH LEVEL OF SECRECY, BOTH IN THE LAC REGION AND MORE GENERALLY, AROUND THE TYPES OF STRATEGIES GOVERNMENTS ARE IMPLEMENTING TO STEM DIVERSION.**

## DIVERSION IN LAC

### DIVERSION DURING ARMS TRANSFERS

As previously noted, there is a particular problem with diversion of legally-purchased firearms to unauthorized users across LAC. This can involve the diversion of modest quantities of weapons and ammunition acquired through 'straw man purchases', instances in which an individual with a clean background purchases firearms specifically on behalf of a person prohibited from purchasing a firearm, and the 'ant-trade', a common form of illicit trafficking in which shipments of small numbers of weapons result, over time, in the accumulation of large amounts of SALW by unauthorized end users. The most commonly reported examples of these two types of trade involve weapons that are purchased by individuals in the U.S. and are trafficked in small numbers to Mexican, Central American and Brazilian cartels and gangs, among others. Diversion can also consist of higher order transfers of weapons, sometimes involving the use of falsified documentation – including end-user certificates – produced by intermediaries. These latter transactions can include the cooperation or collusion of corrupt public officials, including in third countries.

<sup>20</sup> For example, US retransfers contravened clauses in EUCs that were issued to EU supplier governments by the United States. See Conflict Armament Research (2017). 'Weapons of the Islamic State: A three-year investigation in Iraq and Syria'. December 2017. <http://www.conflictarm.com/reports/weapons-of-the-islamic-state/>

<sup>21</sup> See Control Arms Secretariat (2016). 'Chapter 3.1. Initial Reports Review'. ATT Monitor. [https://armstreasurymonitor.org/en/wp-content/uploads/2016/08/ATT-ENGLISH-Monitor\\_16\\_CHAPTER-3.1.pdf](https://armstreasurymonitor.org/en/wp-content/uploads/2016/08/ATT-ENGLISH-Monitor_16_CHAPTER-3.1.pdf)

<sup>22</sup> See Trinidad and Tobago's Initial Report submitted to the ATT Secretariat 27 August 2015. [https://www.thearmstradetreaty.org/images/ATT\\_Initial\\_Report\\_-\\_Trinidad\\_and\\_Tobago.pdf](https://www.thearmstradetreaty.org/images/ATT_Initial_Report_-_Trinidad_and_Tobago.pdf).

**WEAPONS LAID DOWN BY  
THE REVOLUTIONARY ARMED  
FORCES OF COLOMBIA (FARC-  
EP) ARE DE-ACTIVATED AS PART  
OF THE PEACE AGREEMENT  
BETWEEN THE GOVERNMENT  
OF COLOMBIA AND FARC-EP.**

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Diverted weapons that were originally purchased lawfully in the US are a major challenge for many countries across LAC. Between 2009 and 2014, 70 percent of all illegal weapons seized in Mexico by national authorities were determined to have originated in the U.S. – a total of 73,684 firearms.<sup>23</sup> Also, between 2006 and 2009, 34 percent of illegal guns seized in crimes in Guatemala were traced from the U.S.<sup>24</sup> Furthermore from 2014 to 2016, some 50,133 guns originating in the U.S. were recovered as part of criminal investigations in 15 countries stretching from North America to Central America and the Caribbean.<sup>25</sup> Finally, according to a 2017 report by Brazil's Federal Police, of 10,000 firearms seized since 2014, roughly 1,500 were originally manufactured and sold in the U.S.<sup>26</sup>

Table 4.2 outlines examples of different types of diversion during transfers that occurs in LAC. These examples are listed as country-to-country (e.g. US to Mexico) but are not intended to imply the complicity of the governments of those countries in these diversion cases.

As described in the previous section, a range of documentation exists, such as EUCs and DVCs, to support efforts to limit such in-transfer diversion, and many states in the region claim to use these tools already. However, such certification on its own is likely insufficient to prevent deliberate diversion, and the ATT indicates that it should be seen as part of a broader sweep of information-sharing and confidence-building tools between parties to a transfer. The ATT specifies some of the types of information that States Parties are encouraged to share, including "corruption, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion."<sup>27</sup> Such confidence building could also include post-delivery verification measures. An example of such measures relevant to the region is the US's 'Blue Lantern' monitoring programme, which monitors the end-use of military as well as dual-use goods both before and after export, and can include physical inspections on the site of delivery within 45 days. In 2014, 25 per cent of the Blue Lantern checks carried out by the US were in the Americas.<sup>28</sup>

23 U.S. Government Accountability Office GAO (2016). 'Firearms trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain'. [Online]. <https://www.gao.gov/assets/680/674570.pdf>.

24 Goodman, C. (2013). 'U.S. Firearms Trafficking to Guatemala and Mexico'. Washington: Woodrow Wilson Center-Latin American Program. <https://www.wilsoncenter.org/publication/us-firearms-trafficking-to-guatemala-and-mexico>.

25 Parsons, C. and Weigend Vargas, E. (2018). 'Beyond Our Borders: How Weak U.S. Gun Laws Contribute to Violent Crime Abroad'. Washington: Center for American Progress. <https://www.americanprogress.org/issues/guns-crime/reports/2018/02/02/445659/beyond-our-borders/>.

26 MercoPress (2018). 'U.S., via Paraguay, largest source of guns entering Brazil'. <http://en.mercopress.com/2018/01/11/us-via-paraguay-largest-source-of-guns-entering-brazil>.

27 Arms Trade Treaty. Article 11.5 (adopted 2 April 2013, entered into force 24 December 2014)\_UNTS\_(ATT) Art 13(1). <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

28 See U.S. Office of Defense Trade Controls Policy (2015). 'U.S. Defense Trade Controls and the Blue Lantern End-Use Monitoring Program'. <https://www.bis.doc.gov/index.php/documents/update-2015-presentations/1375-civil-military-ddtc/file>.

**\*Table 4.2: Diversion during transfers**

Method	Examples
Straw-man purchases and ant-trade	US to Mexico: Weapons are purchased "legally" from federally-licensed firearms retail outlets, pawn shops or gun shows in the U.S. by individuals. An estimated 253,000 firearms purchased through straw man sales were believed to have crossed the U.S.-Mexico border each year between 2010-2012. <sup>29</sup>
	Paraguay to Brazil: Firearms outlets in Ciudad del Este in the tri-border area with Argentina and Brazil are an important source of weapons. <sup>30</sup>
Legally purchased firearms sent to countries in LAC	U.S. to Brazil: In June 2017, 60 assault rifles were shipped to Rio de Janeiro's international airport. Forged import certificates were used. <sup>31</sup>
	U.S. to Colombia: In February 2017, more than 500 firearms went to armed groups in Medellin. <sup>32</sup>
Dismantled weapons shipped by commercial flights	U.S. to Mexico: dismantled weapons are frequently shipped illicitly. In some cases, disassembled parts are combined with parts manufactured inside the destination countries. <sup>33</sup>
Duty-free firearm purchases	Panama to LAC: Firearms can be bought legally in duty-free shops and sent illegally to other Central American countries. <sup>34</sup>

### DIVERSION DUE TO MISUSE OF EXPORT AND IMPORT CERTIFICATES

Across LAC, there are reported instances of forged or unauthorized end-user certificates being used to facilitate diversion. Historically, many of these cases have involved shipments that have been diverted from 'lawful' purchasers to armed groups involved in civil wars and armed conflicts across the region. Indeed, several cases of large-scale diversion to unauthorized third parties occurred during Colombia's five-decade long armed conflict, typically involving the use of forged end-user certificates and the involvement of corrupt officials.<sup>35</sup>

### DIVERSION FROM OFFICIAL STOCKPILES

Significant amounts of SALW and ammunition are diverted from state-controlled stockpiles across many countries in LAC, making their way into the possession of criminal groups throughout the region. Indeed, military- and police-issued arms and ammunition are routinely pilfered from the official stockpiles in Mexico, Central America, Brazil, Colombia and Venezuela, including those of the army and law enforcement agencies. In some cases, governments have launched investigations. For example, in April 2012, the Attorney General of El Salvador arrested eight military officials for illegal possession of weapons of war, and for unauthorized storage of illegal weapons. In 2011, the Guatemalan Military Court investigated some cases whereby weapons of war had disappeared from military stockpiles.

29 McDougal et al. (2013). 'The Way of the Gun: Estimating Firearms Traffic Across the U.S.-Mexico Border.' Rio de Janeiro: Igarapé Institute and San Diego: Trans-Border Institute at University of San Diego. [https://igarape.org.br/wp-content/uploads/2013/03/Paper\\_The\\_Way\\_of\\_the\\_Gun\\_web2.pdf](https://igarape.org.br/wp-content/uploads/2013/03/Paper_The_Way_of_the_Gun_web2.pdf).

30 Misiones Cuatro (2016). 'Tráfico de armas en la Triple Frontera'. <https://misionescuatro.com/general/trafico-armas-la-triple-frontera/>.

31 Waldron, T. (2018). 'How Brazil's 'Lord Of Guns' Armed Rio's Drug War With U.S. Weapons'. Huffington Post. 8 March 2018. [https://www.huffingtonpost.com/entry/weapon-smuggling-us-brazilLus\\_5aa053d8e4b0d4f5b66d14e8](https://www.huffingtonpost.com/entry/weapon-smuggling-us-brazilLus_5aa053d8e4b0d4f5b66d14e8).

32 El Espectador (2017). 'El fin de una banda que enviaba armas por correo postal'. 23 February 2017. <https://www.elespectador.com/noticias/judicial/el-fin-de-una-banda-que-enviaba-armas-por-correo-postal-articulo-681521>.

33 Olson, G. (2016). 'Los cárteles traen armas por partes; le dan la vuelta a la ley en EU'. Excelsior. 27 January 2016. <http://www.excelsior.com.mx/nacional/2016/01/27/1071333>.

34 UNODC (2012). 'Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment'. Vienna: UNODC. <https://www.unodc.org/toc/en/reports/TOCTACentralAmerica-Caribbean.html>. p. 62.

35 El Tiempo (2002). 'La ruta del arsenal búlgaro'. 13 June 2002. <http://www.eltiempo.com/archivo/documento/MAM-1366591>

Despite these efforts, diversion from official stockpiles is known to be considerable and is likely to be one of the key sources of weaponry sustaining criminal organizations, drug trafficking gangs, private security firms, militia and other armed groups in the region.<sup>36</sup>

There are several prominent historical cases of diversion that stand out. Incidents such as a large-scale diversion by Manuel Noriega, former dictator of Panama (1983-89), demonstrate that weapons with long lives can resurface in multiple settings and contexts. Noriega is alleged to have provided firearms to both rebels and counterinsurgency groups in Nicaragua, Guatemala, El Salvador and Colombia (M-19).<sup>37</sup> Likewise, in 2009, Colombian authorities reported that three man-portable air defense (MANPADS) missiles found in the FARC arsenal were part of a major shipment sold by Sweden to Venezuela in the 1980s. The FARC reportedly entered into talks to obtain surface-to-air weaponry.<sup>38</sup>

A significant proportion of the weapons held by armed groups in LAC were at some stage diverted from official stocks. For example, one study that surveyed active and former gang members in El Salvador, Guatemala and Honduras determined that the primary source of arms and ammunition were corrupt members of the security forces – either sourced directly or through middlemen.<sup>39</sup> Meanwhile, surveys in Guatemala revealed that more than a third of all respondents believed that the military and police were the key sources of illegal firearms; in Honduras, 26 percent of respondents to a similar survey reported thefts of official stockpiles as most frequent source of weapons.<sup>40</sup>

Venezuela is also widely regarded as a major hub of firearms diversion in the region.<sup>41</sup> The country was Latin America's largest importer of weapons in 2016, and the European Union (EU) imposed an arms embargo on Venezuela in 2018, arguing that the country was repressing its citizens and risked destabilizing the region.<sup>42</sup> The Venezuelan opposition recently stated that the government armed pro-regime militia groups as part of an anti-crime and intelligence collective drive (i.e. colectivos).<sup>43</sup> Venezuela also has a record of providing weapons to insurgent groups during the Colombian conflict.<sup>44</sup> There are concerns that Venezuela continues to provide material and support to the National Liberation army (ELN) and ex-FARC members.<sup>45</sup>

The ATT references stockpile management only in Article 16 (International Assistance), but it has since been recognized through the WGETI sub-working group on diversion that the States Parties should consider the issue of preventing and addressing diversion not only during transfers but also after delivery. Measures identified by this sub-working group include: applying physical security measures (such as fencing and locking systems), and ensuring and conducting inventory management and accounting procedures. Other ATT obligations touch on the need for greater accountability and controls on arms within a recipient country: for example, Article 12 (Record keeping), which requires States Parties to keep records of conventional arms covered under Article 2(1)- which includes SALW – that are transferred to its territory as the final destination.

36 Muggah, R. and Dudley, S. (2015). 'The Latin American gun leak'. Los Angeles Times.

<http://www.latimes.com/opinion/op-ed/la-oe-muggah-arming-latin-america-20150118-story.html>.

37 Hersch, S. (1986). 'Panama Strongman said to trade in drugs, arms and illicit money'. The New York Times [online]. 12 June 1986.

<https://www.nytimes.com/1986/06/12/world/panama-strongman-said-to-trade-in-drugs-arms-and-illicit-money.html>.

38 Gupta, G. (2017). 'Exclusive- Venezuela holds 5,000 Russian surface-to-air MANPADS missiles'. Reuters. 22 May 2017. <https://www.reuters.com/article/uk-venezuela-arms-manpads-exclusive/exclusive-venezuela-holds-5000-russian-surface-to-air-manpads-missiles-idUKKBN1810E1>.

39 Action on Armed Violence (2014). 'The Devil's Trade: Guns and violence in El Salvador'. London: Action on Armed Violence. [https://aoav.org.uk/wp-content/uploads/2014/11/the\\_devils\\_trade\\_lr.pdf](https://aoav.org.uk/wp-content/uploads/2014/11/the_devils_trade_lr.pdf).

40 Demoscopia (2007). 'Maras y pandillas, comunidad y policía en Centroamérica: Hallazgos de un estudio integral'. San José: Demoscopia. [http://www.dhLhegoa.ehu.es/ficheros/0000/0143/maras\\_y\\_pandillas\\_comunidad\\_y\\_policia\\_en\\_centroamerica.pdf](http://www.dhLhegoa.ehu.es/ficheros/0000/0143/maras_y_pandillas_comunidad_y_policia_en_centroamerica.pdf).

41 SIPRI (2017). 'Venezuela'. Oslo: SIPRI. <https://www.sipri.org/node/4331>.

42 Ibid.

43 Torres and Casey (2017). 'Los colectivos venezolanos, las bandas de civiles armados que atacan a los manifestantes y defienden a Maduro'. The New York Times. 22 April 2017. <https://www.nytimes.com/es/2017/04/22/colectivos-venezuela-nicolas-maduro/>.

44 Romero, S. (2009). 'Venezuela Still Aids Colombia Rebels, New Material Shows'. The New York Times. 2 August 2009. <https://www.nytimes.com/2009/08/03/world/americas/03venez.html>.

45 What is more, the Venezuelan authorities currently possess an estimated 5,000 Russian-made SA-24 surface-to-air missiles (also known as Igla-S), the largest known stockpile in Latin America and a concern to countries across the region. El Tiempo (2018). 'Cúpula militar de Venezuela ordenaría dar armas a guerrilla colombiana'. 26 January 2018. <http://www.eltiempo.com/mundo/venezuela/cupula-militar-de-venezuela-ordenaria-a-subalternos-dar-armas-a-guerrillas-colombianas-175774>.



**\*Table 4.3: Diversion from official stockpiles**

Method	Examples
Diversion from law enforcement institutions	Honduras: a network of 30 policemen were found to have provided firearms to criminal groups in Colombia since 2003. <sup>46</sup>
Diversion from armed forces	Brazil: arms have systematically vanished due to apparent irregularities in the processing of documents, authorizations and transfers. <sup>47</sup> Brazilian military/police have diverted weapons to domestic criminal gangs. <sup>48</sup>
	From Paraguay to Brazil: more than 40,000 rounds of firearms and ammunition stored in boxes bearing official Paraguay markings were recently seized by Rio de Janeiro Civil Police. <sup>49</sup>
Diversion facilitated by the government	Argentina to Ecuador in 1991-95 (embargoed during an armed conflict). 6,500 tons of weapons and ammunition were transferred by President Menem. Menem was subsequently sentenced for arms trafficking. <sup>50</sup>

## DIVERSION FROM PRIVATE SECURITY COMPANIES

Most LAC countries exhibit a robust private security sector. Indeed, there are roughly two private security guards for every police officer in the region.<sup>51</sup> The ratio increases in countries such as Brazil, Colombia, Mexico and throughout the Northern Triangle (i.e. El Salvador, Guatemala and Honduras). Armed private guards – both formal and informal – are common on the streets of these countries- and some are associated with diversion into the civilian market. In most LAC countries, there are few regulations or oversight mechanisms to manage the proper registration of private firms and civilian employees, which leads to abuses. For example, in 2011, the El Salvador government announced that more than 1,700 firearms used by private security companies since 2009 had been sold on the black market after being reported missing.<sup>52</sup>

There is limited oversight of the firearms holdings of private security companies in LAC. Information on the extent of diversion is sparse and only hints at the scale of the challenge. One study determined that as much as 40 percent of the illegal firearms in circulation in El Salvador are linked to the country's estimated 500 private security companies.<sup>53</sup> In Honduras, the general lack of regulation of private security companies opens big possibilities for the illegal trade of firearms.<sup>54</sup> In Brazil, more than 17,600 weapons were "stolen" from private security companies in Rio de Janeiro state alone, representing nearly 30 percent of private security company stockpiles.<sup>55</sup>

46 El Heraldo (2017). 'Una estructura criminal conformada por policías hondureños enviaba armas a las FARC de Colombia'. 20 February 2017. <http://www.elheraldo.hn/pais/1045935-466/una-estructura-criminal-conformada-por-polic%C3%ADas-hondure%C3%B1os-enviaba-armas-a-las-farc>.

47 Carvalho, M. (2016). 'Coronéis do Exército são acusados de liberar armas de forma irregular em São Paulo'. Estadão. 13 November 2016. <http://sao-paulo.estadao.com.br/noticias/geral,coroneis-do-exercito-sao-acusados-de-liberar-armas-de-forma-irregular-em-sao-paulo,10000088082>.

48 Muggah, R. (2016). 'Where do Rio de Janeiro's crime guns come from?' Open Democracy. 8 August 2016. <https://www.opendemocracy.net/democraciaabierta/robert-muggah/where-do-rio-de-janeiros-crime-guns-come-from>.

49 Última Hora (2018). 'Fuerzas Militares ordena investigación por hallazgo de municiones en Brasil'. 27 February 2018. <http://www.ultimahora.com/fuerzas-militares-ordena-investigacion-hallazgo-municiones-brasil-n1135692.html>.

50 La Nación (2011). 'Las claves de la Causa de Armas'. 13 September 2011. <https://www.lanacion.com.ar/1405860-los-antecedentes-del-caso>.

51 Kinosian, S. and Bosworth, J. (2018). 'Security for Sale: Challenges and Good Practices in Regulating Private Military and Security Companies in Latin America'. Washington: The Inter-American Dialogue. <https://www.thedialogue.org/wp-content/uploads/2018/03/Security-for-Sale-FINAL-ENGLISH.pdf>.

52 Ramsey, G. (2012). 'Private Security Firms are Unfortunate Necessity in Central America'. 22 October 2012. <https://www.insightcrime.org/news/analysis/private-security-necessity-central-america/>.

53 Kinosian, S. and Bosworth, J. (2018). 'Security for Sale: Challenges and Good Practices in Regulating Private Military and Security Companies in Latin America'. Washington: The Inter-American Dialogue. <https://www.thedialogue.org/wp-content/uploads/2018/03/Security-for-Sale-FINAL-ENGLISH.pdf>.

54 Insight Crime and ASJ (2017). 'El tráfico de armas de fuego en Honduras'. <https://es.insightcrime.org/images/PDFs/2017/Trafico-armas-Honduras.pdf>.

55 O Globo (2016). 'Armas roubadas de empresas de segurança somam 17,6 mil'. <https://oglobo.globo.com/rio/armas-roubadas-de-empresas-de-seguranca-somam-176-mil-19353590>.

## POLICY AND PROGRAMMING RESPONSES

A comprehensive approach addressing diversion, both in LAC and more broadly, should consider the full lifecycle of firearms and ammunition, from production to final disposal. For example, in the case of diversion from the US to Mexico and other countries in Central America, strategies should emphasize domestic controls such as universal background checks on firearms and bulk ammunition purchases, safeguards to limit straw purchases<sup>56</sup>, restrictions on the number of firearms that can be purchased at a time, and comprehensive sales registries in the U.S. Other measures include bilateral agreements in which the U.S. State Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) develop and implement strategies to interdict illegal outflows, intelligence sharing and introducing additional border and custom controls, firearms and ammunitions marking, improved stockpile management procedures and targeted measures to reduce the number of stolen firearms.

The ATT, while legally binding, is not the sole international instrument relevant to tackling diversion in LAC. For a start, there are important and complementary obligations between the ATT and the UN Programme of Action on Small Arms and Light Weapons (PoA).<sup>57</sup> The International Small Arms Control Standards (ISACS) provide comprehensive and practical guidance to minimize diversion across the full lifecycle of SALW.<sup>58</sup> Bilateral and international agencies have played a role

in providing capacity building through technical assistance and promoting collaboration between domestic and international law enforcement agencies, thus assisting implementation of international instruments such as CIFTA and to a lesser extent the ATT. Both the Department of Public Security (DSP) of the Secretariat for Multidimensional Security (SSM) of the Organization of American States (OAS)<sup>59</sup> and the UN Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC)<sup>60</sup> have supported efforts to improve transparency and improve capacity for diversion prevention in the region. Civil society actors can also provide pivotal support to States Parties working to fulfill their ATT commitments to address diversion. The UK-based investigative organization Conflict Armament Research (CAR), for example, maintains the EU-funded iTrace database, containing information that documents weapons and ammunition that have been diverted into conflict zones, and maps out points of diversion in the chain of custody. While CAR does not currently document weapons and ammunition in the LAC region, its insights into diversion risks may be influential to countries in the region considering arms exports themselves.

Table 4.4 presents a typology of practices and policies, along with examples of implementation in LAC. The list is not exhaustive, but seeks to present a range of policies, practices or actions that can be taken at the various stages in the life-cycle of a weapon.

56 For example, cash transactions for gun purchases along the border could also be carefully monitored or, potentially, prohibited.

57 See Control Arms Secretariat (2016). 'Tackling Terror: How the Arms Trade Treaty (ATT) could help stop the diversion of arms and ammunition in West Africa'. ATT Monitor: Case Study 3.

58 See the 'International Small Arms Control Standards'. <http://www.smallarmsstandards.org/>.

59 OAS (2018). 'Report on activities carried out by OAS on the implementation of CIFTA'. Presented at the IV Conference of State Parties of CIFTA in Ciudad de Mexico, 4-5 April 2018. <http://scm.oas.org/cifta/Docs/CIFTA00809S03.doc>.

60 UNLIREC (2018). 'CIFTA meeting'. Presented at the IV conference of State Parties of CIFTA in Ciudad de Mexico, 4-5 April 2018. <http://scm.oas.org/cifta/Docs/CIFTA00813T03.doc>.

**\*Table 4.4: A typology of practices for preventing diversion and examples of interventions in the region**

	Stage or aspect of the life-cycle of a weapon / Policy, practice or action taken	Examples in Latin America
Marking, tracing and record-keeping	<p>Marking firearms/ammunition at time of manufacture, import and export</p> <p>Deterring and counteracting removal/alteration of markings</p> <p>Domestic information exchange</p> <p>International tracing operations</p>	<p>"Promoting the Marking of Firearms in Latin America and the Caribbean" by OAS. 39 marking machines provided, roughly 300,000 firearms marked<sup>61</sup></p> <p>Some countries, such as Mexico and states from The Caribbean claim to have made use of ATF eTrace requests and Interpol's Illicit Arms Records and tracing Management System (iARMS)</p>
Stockpile management	<p>Inventory management</p> <p>Reporting of losses and investigations</p> <p>Destruction of surplus stock</p> <p>Security over transportation</p> <p>Physical security</p> <p>Staff vetting and selection</p> <p>Assessments of stockpile facilities</p>	<p>UNLIREC Stockpile Management and Firearms Destruction training<sup>62</sup></p> <p>During the Colombia peace process, a framework for stockpile management was developed for disarmament<sup>63</sup></p>
Collection and destruction of unwanted weapons	<p>Voluntary civilian disarmament</p> <p>Permanent destruction of seized surplus and obsolete weapons (including record keeping, physical collection, storage and disposal)</p>	<p>Management and Destruction of Stockpiles including Technical Manuals, by OAS<sup>64</sup></p> <p>Bolstering Stockpile Safety and Security and Assisting in Weapons Destruction, by UNLIREC<sup>65</sup></p>

61 OAS (2018). 'Report on activities carried out by OAS on the implementation of CIFTA'. Presented at the IV Conference of State Parties of CIFTA in Ciudad de Mexico, 4-5 April 2018. <http://scm.oas.org/cifta/>.

62 UNLIREC (2018). 'CIFTA meeting'. Presented at the IV conference of State Parties of CIFTA in Ciudad de Mexico, 4-5 April 2018. <http://scm.oas.org/cifta/Docs/CIFTA00813T03.doc>.

63 Alto Comisionado para la Paz (2016). 'Protocolo y Anexos del capitulo de DEJACION DE ARMAS (DA) del Acuerdo de Cese al Fuego y de Hostilidades Bilateral y Definitivo (CFHBD) y Dejación de las Armas (DA)'. Borradores de los acuerdos. <http://www.altocomisionadoparalapaz.gov.co/mesadeconversaciones/PDF/07-147042588g.-dejacion-de-las-armas-147042588g.pdf>.

64 OAS (2018). op. cit.

65 UNLIREC (2018). op. cit.

**\*Table 4.4: A typology of practices for preventing diversion and examples of interventions in the region (continued)**

	Stage or aspect of the life-cycle of a weapon / Policy, practice or action taken	Examples in Latin America
Border controls and law enforcement cooperation	<p>Cooperation with Interpol, World Customs Organization including Customs Enforcement Network and regional intelligence liaison offices</p> <p>Integrated border management frameworks</p> <p>Border assessments and evaluations</p> <p>Enhanced customs, border, civil aviation, maritime, immigration and intelligence services</p> <p>Working level law enforcement cooperation, inter-agency cooperation</p> <p>Integrated border management commissions</p> <p>Ballistics forensics</p>	<p>UNLIREC's Firearms and Ammunition Evidence Management Course (EMC)<sup>66</sup></p> <p>Since 1996, Brazil and Paraguay have held bilateral consultations, signing security cooperation agreements to develop mechanisms for controlling arms retail and reducing arms trafficking across the border between the countries.<sup>67</sup></p> <p>Multilateral cooperation agreements, e.g. Mercosur (2017)<sup>68</sup> and Central America – SICA (2012-2015)<sup>69</sup></p> <p>UNLIREC framework "Combating Illicit Firearms and Ammunition in the Caribbean through Operational Forensic Ballistics"<sup>70</sup></p>
National controls over manufacture	<p>Introduce licensing procedures, restrictions and conditions for manufacturers to ensure record-keeping, notification of diversion, secure storage, and response to tracing requests, inspection and sanctions/ penalties for non-compliance</p>	<p>All countries in the region have their own regulations for production, management and trade of firearms, e.g. Ecuador (reformed in 2009, regulatory decree 2015).<sup>71</sup></p>
National controls over international end-use	<p>Clear requirements for end-user and end-use documentation (including certificate, statement, authentication and verification, grounds for denial)</p> <p>Post-delivery controls (including inspection and restrictions on re-export)</p> <p>National legislation setting out key elements, offences and enforcement</p> <p>Robust record-keeping, notification systems and follow-up</p>	<p>Mexico has developed regulatory provisions stipulating that if diversion is detected, the granted license will be cancelled, among other restrictive and punitive actions.<sup>72</sup></p> <p>UNLIREC's Specialized Course for the Implementation of the ATT<sup>73</sup></p>

66 Ibid.

67 See [http://www.mre.gov.py/tratados/public\\_web/Tratados.aspx](http://www.mre.gov.py/tratados/public_web/Tratados.aspx).68 'Acuerdo entre los Estados Partes del Mercosur y los Estados Asociados para el Intercambio de Información sobre la Fabricación y el Tráfico Ilícitos de Armas de Fuego, Municiones, Explosivos y otros Materiales Relacionados'. [http://www.mre.gov.py/tratados/public\\_web/DetallesTratado.aspx?id=eHhgNvACBFYyNpOCl1wWA=&em-bRu3GBt3aX/47gzs3dceglVjF+GtX1u/PGtpPOJXiwY](http://www.mre.gov.py/tratados/public_web/DetallesTratado.aspx?id=eHhgNvACBFYyNpOCl1wWA=&em-bRu3GBt3aX/47gzs3dceglVjF+GtX1u/PGtpPOJXiwY).69 SICA (2013). 'Programa Centroamericano para el Control de Armas Pequeñas y Ligeras (CASAC)'. San Salvador: SICA. <https://www.sica.int/consulta/documento.aspx?idn=84675&idm=1>.

70 UNLIREC (2018). op. cit.

71 See all documentation of the legal framework regarding firearms in Ecuador at <https://controlarmas.cffaa.mil.ec/pagina-ejemplo/>72 Find detailed procedures in the agreement for the export of conventional weapons, their parts and components. SEGOB (2011). 'ACUERDO por el que se sujeta al requisito de permiso previo por parte de la Secretaría de Economía la exportación de armas convencionales, sus partes y componentes, bienes de uso dual, software y tecnologías susceptibles de desvío para la fabricación y proliferación de armas convencionales y de destrucción masiva'. [http://dof.gob.mx/nota\\_detalle.php?codigo=5196224&fecha=16/06/2011](http://dof.gob.mx/nota_detalle.php?codigo=5196224&fecha=16/06/2011).

73 UNLIREC (2018). op. cit.

**\*Table 4.4: A typology of practices for preventing diversion and examples of interventions in the region (continued)**

	Stage or aspect of the life-cycle of a weapon / Policy, practice or action taken	Examples in Latin America
National controls over transfers	<p>Ensure national legislation has licensing requirements</p> <p>Introduce import controls including recordkeeping and marking at time of import/re-export</p> <p>Assessments for applications of import/export authorization</p> <p>Transit and trans-shipment notification processes and recordkeeping at all stages</p> <p>Brokering controls, including authorization and recordkeeping</p> <p>Enforcement mechanisms for non-compliance, including violations of arms embargoes and at customs</p> <p>Risk assessments</p> <p>National Control Authority</p> <p>National Control List</p>	<p>All countries have their own regulation and controls over transfers, some of which are more comprehensive than others. As signatories of international instruments such as CIFTA, PoA and ATT they should follow such provisions. For example, in Colombia the CIFTA was approved by Law 737 of 2002, adopting the Convention.<sup>74</sup></p> <p>Countries typically claim that exports are evaluated by a national authority, such as RENAR in Argentina or SUCAMEC in Peru.<sup>75</sup></p> <p>In Costa Rica, all imported firearms are accompanied by a law enforcement agency representative from the point of arrival (by air, sea or land) until final delivery to the licensed end-user (ATT initial report).</p>



**PARTICIPANTS AT CONTROL ARMS' ATT ACADEMY IN LATIN AMERICA IDENTIFY CONVENTIONAL ARMS COVERED IN THE SCOPE OF THE ATT DURING AN EXERCISE DEVELOPED BY UNLIREC.**

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74 See all documentation of the legal framework regarding firearms in Colombia at <https://www.indumil.gov.co/en/leyes/>

75 From initial reports of the ATT. See <http://www.thearmstradetreaty.org/index.php/en/2017-01-18-12-27-42/reports>

## CONCLUSION

Diversion, particularly of SALW and ammunition, remains a serious problem in the LAC region, and a key priority for LAC States Parties to the ATT. The challenge of tackling diversion in the region is a complex one. Many causal factors – including but not limited to geography, a history of armed conflict in the region, a lack of information sharing, high levels of corruption and influence of organized crime networks – shape the diversion of SALW and ammunition in LAC. Diversion occurs at numerous different points in the weapons transfer chain and through many different means, and requires an extensive toolkit of preventative and mitigating measures to combat.

States in the LAC region, however, have such a policy toolkit at their disposal to help tackle the problem, not only through the ATT, but also through political instruments like the UN PoA or regional bodies and guidelines.

Responses of LAC States Parties to the ATT to diversion questions in their initial reporting suggest that in some cases their national control systems do not effectively address the many points of diversion across the entire transfer chain. However, it is clear that these governments, and actors in the region, are doing far more than is reported under the ATT: undertaking weapon marking, conducting their own delivery verification exercises, and carrying out bilateral cooperation to reduce cross-border trafficking.

The responsibility to address diversion within LAC is not limited solely to countries in the region. The ATT affirms that all States Parties have a shared responsibility to address diversion, and that particular onus rests on exporters who provide weapons and ammunition where diversion risks may exist to take preemptive action to reduce or negate those concerns. This is as true for LAC as it is for any region grappling with diversion. The US, itself a Signatory to the ATT, has a critical role to play in order to minimize diversion of SALW and ammunition to

LAC. The United States could also expand its Blue Lantern, Golden Sentry<sup>76</sup> and end-use checks to positive effect. These programmes have vetted tens of thousands of suspicious transfers to ensure that consignments reach their intended end users, whether military, police or civilian<sup>77</sup>. Notwithstanding successes in identifying actors involved in arms diversion, a more systematic approach is needed, in order to track transfers at the sub-national (i.e. state) level and beyond so as to avoid their falling into the hands of unauthorized users and fueling crime, conflict and human rights violations in the LAC region and beyond.

Critically no state can inoculate itself from the consequences of diversion by acting alone. In order to effectively tackle diversion, in all its varied forms, it is important for ATT States Parties in LAC to collaborate; sharing information on diversion risks, and working together – as well as with international and local civil society expert actors – to reduce diversion risks and instances.

ATT States Parties in the region have been leading on efforts to develop a mechanism through which information on risks relating to diversion, and measures taken to prevent it, can be shared with other States Parties.<sup>78</sup> More information is required to fully understand what States Parties in the LAC region are doing to remedy diversion risks, and what gaps continue to exist in their national control systems. Countries in the region need to take opportunities, outside of the Initial Reports where appropriate, to share information about effective measures to prevent diversion, including through the sub-working group on this issue. By sharing information about both good practices and challenges faced, states can not only build collective understanding about the most efficient interventions to tackle diversion, but can also highlight assistance needs that may help governments to build their technical capacity in this challenging area.

76 See U.S. Office of Defense Trade Controls Policy (2015). 'U.S. Defense Trade Controls and the Blue Lantern End-Use Monitoring Program.' <https://www.bis.doc.gov/index.php/documents/update-2015-presentations/1375-civil-military-ddtc/file>.

77 Muggah, R (2016). op cit.

78 ATT Secretariat (2018). 'Mexico Working Paper'. 6 April 2017. [https://www.thearmstradetreaty.org/images/CSP3\\_Documents/WG\\_documents/Mexico\\_Working\\_Paper\\_WGTR2\\_6\\_April\\_2017.pdf](https://www.thearmstradetreaty.org/images/CSP3_Documents/WG_documents/Mexico_Working_Paper_WGTR2_6_April_2017.pdf). See also Argentina previous proposal.



**U.S. ARMY FORCES CONDUCT  
TRAINING IN POLAND AS PART OF A  
MULTINATIONAL EXERCISE INVOLVING  
TROOPS FROM 19 NATIONS.**

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