

Arms brokering control in the Americas

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The Americas have been at the forefront of efforts to control small arms proliferation. The Organization of American States (OAS) was the first regional organization to negotiate an agreement to prevent, combat, and eradicate illegal trafficking in firearms, ammunition, and explosives. This agreement, known as the Inter-American Firearms Convention or CIFTA, the acronym of its Spanish name,¹ entered into force in July 1998. By then OAS member states had also approved Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition. These were later supplemented with Model Regulations for the Control of Brokers.² The Declaration of Bogotá, made at the First Conference of CIFTA states parties in 2004, led to the adoption of additional model legislation on the marking of firearms³ and strengthening controls at export points, as well as other legislative measures to ensure compliance with the purpose and effective application of the Inter-American Firearms Convention.⁴

Subregional initiatives also began providing for illicit arms brokering control. In 2003 an Andean Plan was approved to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all Its Aspects. Mercosur countries adopted a Memorandum of Understanding for the Exchange of Information Regarding the Manufacture and Trafficking of Small Arms, Ammunition, Explosives and Other Materials in 2004, and in 2006 the Central American states approved a Code of Conduct on the Transfer of Arms, Ammunition, Explosives and Other Related Material. Explicit anti-brokering legislation was enacted in Nicaragua and in the United States—even if the US has yet to ratify CIFTA.

American states have also been visible in work at the international level. Several have ratified the UN Firearms Protocol (adopted in 2001) and some, by their early ratification, helped it enter into force.⁵ Colombian Ambassador Camilo Reyes Rodríguez presided over the 2001 United Nations conference that engendered the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (POA).

Regional agreements are a source of support for POA implementation, and the pioneering agreements of the Americas have been applauded by governments and civil society alike. There is less unanimity, however, about the success of arms brokering controls in the Americas. How effectively American states have used legislation to respond to specific challenges can only be seen by exploring the quality of brokering investigations and the sentencing of those found guilty—are they likely to deter those tempted to supply the region's next generation of unauthorized arms users? In an effort to

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inform that assessment, this article will consider specific episodes in the development of the American illicit arms market and the authorities' responses.

Cold War supplies and internal diversions

During the Cold War, the larger American states south of the Rio Grande demonstrated considerable independence from the hemispheric superpower when it came to supplying their armed forces. Several combined relatively modest arms imports with domestic licensed production arrangements. Unauthorized arms users tended to obtain their arms by pilfering from state forces, or from civilians with access to local markets and imports. For example, most arms seized from criminals in Rio de Janeiro between 1974 and 2004 appear to have been domestically produced, and approximately half of the rest were made in the United States.⁶ A substantial number of those arms were traced to have passed through Paraguay. Paraguay legally imported large quantities of arms, from Brazil as well as a number of other countries, and foreign visitors were able, upon the presentation of a photocopied ID to police authorities, to buy these.⁷ Some of the larger firearms—particularly semi-automatic rifles—later found their way to criminal gangs in Brazil.

Latin American insurgent groups were also armed through pilfering, stealing and small-time smuggling. Such a supply chain did not equip the groups sufficiently to take on state authorities: however, the transfer of Warsaw Pact arms to the region through Cuba boosted many groups' arsenals.⁸ In response to the arms passed to Sandinista troops in Nicaragua via Cuba, the United States supplied the Contra army, often with the assistance of third countries.⁹ Equipment could be exported legally to Honduras for its regular armed forces, and then diverted to Contra bases. However, it is reported that some members of the Honduran military pilfered weapons and diverted them to guerrillas such as the Frente Faribundi Martí para la Liberación Nacional (FMLN) that opposed US-allied state forces in El Salvador.¹⁰

The Nicaraguan case illustrates that demobilization in the early 1990s (in El Salvador, Guatemala and Nicaragua) was not entirely successful: many combatants, distrustful of the peace process, appeared at disarmament, demobilization and reintegration programmes without their weapons. An association of demobilized Salvadoran liberation fighters reportedly even notified the US State Department with concerns that their old missiles were for sale on the local black market.¹¹ Even those arms that were properly collected could find their way back into illicit channels. For example, serial numbers registered by OAS representatives monitoring FMLN demobilization in El Salvador were recognized 15 years later on arms received by the OAS team monitoring demobilization processes in Colombia.¹² When and how these weapons re-entered circulation is unclear.

With so many weapons circulating within the region, no sophisticated transborder brokering schemes were necessary to supply the next hot market for illegal arms. Non-state armed groups in Colombia, active since the 1960s, became prominent arms buyers in the early 1990s, as opportunities opened for them to participate in the global illicit narcotics trade. These groups were supplied over trafficking routes from Brazil, Ecuador, Panama, Peru and Venezuela.¹³ Transfers were generally on a far smaller scale, the so-called "ant trade" of individuals illegally trading small quantities of arms. Private citizens were also known to provide Colombian guerrillas with weapons as part of kidnapping ransoms.¹⁴ The wide variety of equipment supplied over these varied routes included different types of AK-47, each of which required different ammunition. Obtaining all these types of ammunition was challenging, and showed that sheer quantity of weapons was not sufficient; non-state armed groups sought a more uniform, high-quality arsenal.

Nonetheless, the weapons available in the region have exacted a heavy human price, and continue to do so. The civil war in El Salvador claimed 75,000 lives over 12 years; but since the war, the rate of

deaths from criminal violence has been higher than the average annual rate of war deaths.¹⁵ Over 200,000 victims were counted during the protracted civil war in Guatemala, and here too the homicide rate since the war has been extremely high.¹⁶ Criminal violence is less pervasive in Nicaragua, but the loss of human life in the Sandinista–Contra confrontation has been compounded by the economic catastrophe caused by the war and by the United States' economic embargo.

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Clearly, American states were not effectively containing the markets for illicit arms. Reports, based on Brazilian police data, that Brazilian gangs disposed of arms that the United States had legally exported to Paraguay met with an ad hoc response: the United States stopped its exports to Paraguay in 1996, shortly after president Clinton made a first call to curb illicit arms trafficking at the UN General Assembly. But since Paraguay had imported vast quantities of arms for decades, and both the state and private dealers had abundant stockpiles, the move had little effect. Nonetheless, it bore witness to growing awareness of the consequences of illegal arms trafficking, which CIFTA and model legislation came to address.

The age of the brokers

In 1998, the year CIFTA entered into force, the Fuerzas Armadas Revolucionarias de Colombia (FARC) sought to procure a large arsenal of a single model of AK-47. FARC intermediaries approached Vladimiro Lenin Montesinos Torres, security advisor to the then Peruvian president Alberto Fujimori.¹⁷ Montesinos had helped fight two Peruvian insurgency movements, which did not make him an obvious choice, but he undoubtedly knew about arms. He had trained at the US Army's School of the Americas and had been a Peruvian army captain until 1976, when he was caught selling to US intelligence officers a list of weapons that Peru had bought from the Soviet Union.

Montesinos had Peruvian army generals sign an end-user certificate for AK-47 assault rifles. With that certificate, he sent an envoy to Miami to confer with a Franco-American business contact, Charles Acelor. Acelor in turn referred him to Sarkis Soghanalian, a Lebanese arms dealer and long-time resident of the United States, who was able to provide a Jordanian surplus stock of AK-47s. Through a Russian military attaché in Lima, arrangements were made for the use of a modified Ukrainian-registered cargo aircraft to airdrop the arms to troops near the border with Colombia.

When this aircraft made a first trip from Jordan to Peru, in March 1999, it dropped its cargo while still well above the Colombian jungle: descending to 10,000 feet, it delivered 240 crates of arms in packages of 20 crates each, each package attached to two parachutes. The aircraft made at least three similar runs, transporting a total of 10,000 AK-47s.

Colombian security forces seized the first of these AK-47s in July 1999. Specimens were traced to their source and the Peruvian link was revealed. Montesinos initially stated that Colombian guerrillas had stolen the arms from the Peruvian army. Later he admitted that people posing as Peruvian army officers had tricked him into brokering the deal. When that account was proven false as well, Montesinos went in hiding. He was arrested in Venezuela in July 2001 and extradited to Peru, where he found several court orders waiting, including one for his role in the diversion of assault rifles to Colombian guerrillas. By then the affair had become a well-documented case of illicit arms brokering. It served to alert the international community and push for international cooperation to prevent similar cases.¹⁸ An analysis of how this case was dealt with can help evaluate what responses the Americas are giving to illicit arms brokering.

At the time of the diversion, Peru had already ratified CIFTA but had no specific arms brokering law. This did not stop Lima's Corte Superior de Justicia initiating a high-profile prosecution in 2000.¹⁹ In 2006, Montesinos was sentenced to 20 years in prison for arms trafficking, embezzlement, conspiracy

against the security of the state, and other charges with which the Peruvian court effectively captured this case of illicit brokering.

This judgement concerns over 30 other people, including the crew that flew the aircraft and intermediaries who connected Montesinos to the FARC. It also concerns businessmen with US residency, who facilitated the sale. The revelation of their involvement in such a high-profile case had excited great expectations for testing US legislation on arms brokering.²⁰ In line with such expectations, the US Federal Bureau of Investigation helped trace Montesinos through bank accounts he had continued to use while hiding in Venezuela. Soghanalian, however, had to be tried *in absentia*, as the Peruvian court was unsuccessful in seeking his extradition from the United States.

Soghanalian defended his actions in newspaper interviews.²¹ He stated that he charged Montesinos between US\$ 75 and \$ 95 per rifle, and denied he anticipated the arms would be diverted mid-air. He added that the deal had been cleared with the US Central Intelligence Agency. That last claim concurs with the Jordanian authorities' defence for not having prevented the sale: they reportedly claimed having cleared the deal with representatives of US agencies.²² Orders not to obstruct the arms transfer would explain why none of the flights encountered problems leaving Jordan, nor when refuelling in Algeria, Cape Verde, Grenada and Trinidad and Tobago on one flight, nor even in Spain, Mauritania and still other places where it refuelled on other flights. None of the four flights, moreover, had problems entering the Amazon airspace that is monitored as part of counter-narcotics activities.

Montesinos sold the arms for a profitable US\$ 8 million.²³ And he sold arms which proved of little use to the FARC, as technicalities from a note that is reproduced in the Peruvian court documents reveal:

The serial numbers reveal the rifles were fabricated in Germany in 1984 and 1985, and are of the type "MpiKM". These were probably supplied to Nicaragua, where an undetermined number were handed to guerrilla groups in El Salvador and Guatemala in ... 1987, 1988, 1989.²⁴

The FARC wanted modern Russian-made rifles: Soghanalian had arranged for the supply of AKM-MPiKM 7.62 x 39 mm. This calibre of ammunition was increasingly hard to come by in Latin America, where NATO-standard 7.62 x 51 mm ammunition is commonly used and produced. The Peruvian armed forces were the only ones in the region that had used 7.62 x 39 mm ammunition in the past and for whom such ammunition had been produced locally. By the time the AKM-MPiKM were airdropped, that calibre of bullet sold at five times the price of more conventional ammunition.²⁵ From a public policy perspective and in retrospect, the Colombian security situation actually "benefited" from the FARC being armed with this specific weapon. The guerrillas wasted resources on arms for which ammunition could be supplied with difficulty and at increasing cost. This helped contain the damage that the guerrillas could have caused had they procured an arsenal for which ammunition was more easily available.

Nonetheless, some of the rifles had been used before they were recovered,²⁶ and they were of symbolic importance. The Caguan jungle region of Colombia had been demilitarized by the government's 1998 decision to conduct peace talks with the guerrillas. While the talks stalled in the course of the following years, the guerrillas were able to interact openly with civil society and international observers, while simultaneously displaying their new arsenal.

Explaining this arms purchase as the FARC's reaction to US support for Colombian regular armed forces is perhaps simplistic, when the timeline is examined in detail. The FARC approached Montesinos before October 1998, when the Pastrana government first presented its project for a development programme to the Colombian National Congress, which initially provided for social development,

action to protect human rights and the environment, and institutional strengthening. The international community was asked to help finance the plan, known at the time as the Plan Colombia para la Paz. The plan was revised to include military support during that process, with the help of Washington officials. This revised Plan Colombia fit the US policy that cocaine use in the United States must be tackled by containing the drugs where they were produced: the United States could provide planes to spray coca fields, combat helicopters to protect spraying operations and transport troops, and could even provide training and communications system upgrades. Advocacy groups in the United States lobbied against the Plan, arguing that financing Colombian armed forces might lead to human rights violations.

It could be said that Montesinos' deal with the FARC ultimately coincided with US interests in two ways: the weapons bought by the FARC did not in fact damage the security situation in Colombia, but at the same time, with their massive new arsenal, the FARC appeared to pose a much increased threat. This threat could help to diminish opposition to Plan Colombia.²⁷ US Congress allotted a first budget (US\$ 1.3 billion) to the Plan in 2000, stipulating that it was to finance efforts in the War on Drugs, not to fight guerrillas. In August 2002, the United States lifted that restriction and continued allotting military aid to Colombia over subsequent years.

Drugs and guerrillas were not all that Colombian state forces were equipped to confront. Among other threats was a private "anti-guerrilla" force, known by the acronym AUC (Autodefensas Unidas de Colombia). The AUC was outlawed in 1989 but continued to expand until it demobilized in 2003–2005. By then, the use of AUC arms had contributed significantly to Colombia having the world's second highest per capita homicide rate at the turn of the millennium.²⁸ Many of its arms were acquired by brokering arrangements similar to those described below.

In 1999, a retired Colombian army officer allegedly bought 7,640 AK-47 M1A1 5.56 calibre assault rifles, spare parts and matching ammunition from the Bulgarian Arsenal company, in Kazanlak.²⁹ The armaments left the Bulgarian port of Varna on a ship that docked at the Pacific coast harbour of Buenaventura, Colombia in November 2001. The arms were unloaded without raising a stir, piled on trucks and brought inland to AUC troops rather than to Colombia's state-owned military industry (INDUMIL), which the end-user certificate identified as the importer. The weapons went unnoticed until some were recorded in Colombian authorities' inventories of confiscated arms. Investigation revealed the origin of the rifles, identified the retired officer as the broker and revealed an active army major to have signed the end-user certificate. The brokers' clear links to state forces did not stop Colombian authorities from prosecuting them.³⁰ Court proceedings began in April 2003,³¹ and dragged on to the highest court of appeal in November 2008.³² A study of the case indicates that authorities in the exporting country could have prevented this diversion if they had found it suspicious that the officer who signed the end-user certificate was too low in the military hierarchy to be responsible for such documentation and/or they had made a confirmation call to the Colombian authorities.

More arms still were diverted to the AUC from the AK-47 stockpile that Cuba had supplied to Sandinista forces in Nicaragua. These arms had become part of the Nicaraguan police force's arsenal, and the cash-strapped Nicaraguan police force was tempted by a proposal to exchange these old AK-47s.³³ Ori Zoller, owner of a firearms brokerage agency, offered to barter a few thousand of the police's AK-47s for a few hundred new sidearms. He would find a buyer for the AK-47s to compensate for his delivery of the new sidearms.

Zoller's Israeli compatriot Shimon Yelinek arranged for an end-user certificate that identified the Panamanian police as the client of several thousand rifles, which helped clear the deal at the Nicaraguan end. The *Otterloo*, a ship bought in Mexico by a recently established Panamanian maritime transport company, would transport 3,000 AK-47s and several million rounds of matching

ammunition. In November 2001, that ship failed to stop in Panama, but instead unloaded the rifles in Colombia. The AUC arranged for further transport.

This well-known case of diversion goes by the name of the ship, the *Otterloo*. Colombian authorities became aware that the AUC had received the arms in January 2002, and in the following May the governments of Colombia, Nicaragua and Panama asked the OAS to investigate the case in an effort to ascertain who was responsible and consider how such events could be prevented in future. The OAS Secretary General assigned the investigation to Morris D. Busby, a US ambassador with a long track record in Central America. His research team found that Nicaraguan authorities neglected to check the Panamanian end-user certificate, in disrespect of the commitments Nicaragua made when ratifying CIFTA in 1999.³⁴ Nicaragua was moved to set up an Inter-institutional Investigative Commission to probe the matter.

This inspired optimism in the 2003 *Small Arms Survey*:

The most welcome revelation from the affair concerned the attitudes of governments. Instead of retreating in denial and obfuscation, regional governments were more willing to acknowledge their problems of illegal small arms trafficking, although some still hesitate to fix them. In the past, deals like this would have been tolerated or dismissed as the unfortunate result of negligence or graft. The 2003 OAS report leaves no doubt about the need for systematic reform of government stockpile management and transfer of decision-making in Central America.³⁵

The OAS investigation also recommended steps to prevent unlicensed brokers such as Yelinek from trading arms in the future and the OAS adopted a brokering amendment to the Model Regulations in 2003.

Despite the lack of anti-brokering legislation at the time, existing anti-terror laws could have been used to prosecute Yelinek, and thereby also to deter others. As Panama had been among the first to ratify CIFTA, it was expected to take the necessary steps for Yelinek's prosecution. But Yelinek left Panama in April 2002, when Colombian papers began revealing the *Otterloo* had supplied the AUC's latest arms acquisition.³⁶ He testified for judicial authorities in Israel that he had not been involved in the deal. He returned to Panama in November, as proof of his willingness to cooperate, and he was arrested upon arrival. Yelinek later provided testimony for Nicaragua's investigative commission.³⁷ However, it was too late for Ambassador Busby, whose report was already being translated for presentation to the governments of Colombia, Nicaragua and Panama.³⁸ Thus the OAS report did not include a full investigation of the role of a key figure in the case.

Yelinek was given bail in March 2003. Several Panamanian courts disputed whether they had jurisdiction over a crime an Israeli national was suspected to have committed in a country other than Panama.³⁹ By March 2004, the Panamanian Supreme Court decided to drop all charges against Yelinek and closed the investigation. The course of these proceedings has been questioned.⁴⁰

In Colombia, local judicial authorities had for some time been following a lead mentioned in the OAS report. The port facility in Puerto Zungo, where the *Otterloo* had unloaded its deadly cargo, was at that time under licence to Banadex, the Colombian subsidiary of the Chiquita food company. Banadex was in charge of the shipment, and provided its personnel, warehouses and equipment for the purpose of receiving and transferring the arms and ammunition to the AUC.⁴¹

In 2007, US judicial authorities finalized an investigation that put Chiquita's involvement with the AUC in the *Otterloo* case in a broader perspective. Chiquita was indicted and pleaded guilty to providing material support to a terrorist group. The US Department of Justice reached an agreement in which Chiquita paid a fine of US\$ 25 million.⁴² Under that agreement, none of the company's executives faced criminal charges.

These proceedings paralleled US efforts to prosecute others allegedly engaged in supplying arms to Colombian armed groups. In 2007, the United States arranged for the arrest of arms broker Monzer al Kassar in Madrid.⁴³ He was extradited to the United States, where a federal court sentenced him to 30 years in prison for having conspired to supply heavy military equipment to a terrorist organization. The case was based on evidence the United States had collected by a sting operation rather than a genuine deal with the FARC. In 2008, a similar procedure led to the arrest of Russian arms broker Viktor Bout in Bangkok. Undercover Drug Enforcement Administration agents had tempted Bout to make a business trip to Thailand on the understanding he was about to conclude an arms deal with representatives of the FARC.

Current challenges

As perhaps the use of sting operations against Viktor Bout and Monzer al Kassar illustrates, the demand for military-style arsenals and therefore the age of grand international brokering schemes appear to have expired in the Americas. Monzer al Kassar was successfully extradited to the United States and Viktor Bout's hearing for extradition to the United States is ongoing at the time of writing, although US resident Sarkis Soghanalian was not extradited to stand trial in Peru. In Peru and Colombia, one-time amateur arms brokers, inexperienced in keeping the compromising part of their deals in the shade, have been awarded harsh sentences. This may well have deterred others from trying their hand in similar deals.

Nonetheless, illegal arms trafficking continues. The more spectacular arsenals seized by Colombian state security forces are ascribed to narcotics traffickers. One example is an arsenal seized in mid-2008, alleged to belong to the troops of "Don Mario", a chief of a narcotics trafficking organization. It contained Russian AK-103s that Venezuelan state forces had legally imported only a few months earlier. It is not yet known how the weapons appear to have found their way into the hands of narcotics traffickers.

In Venezuela, escalating criminal violence means Caracas has one of the highest rates of homicide in the world. The overwhelming majority of these homicides are ascribed to firearms abuse.⁴⁴ Over the last decade, El Salvador, Honduras and Guatemala have been in the top ten in international homicide rankings—a more lethal position than during the Central American civil wars—mainly due to criminal armed violence.⁴⁵ Medical costs and efforts to prevent crime weigh heavily on small Central American countries, increasing their stakes in an effective arms control system.

In Mexico, narcotics cartels have also become more violent and more heavily armed. Arms control by the Mexican Secretaría de la Defensa Nacional (SEDENA) is seen as highly deficient.⁴⁶ With the assistance of the US Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), over 90% of firearms recovered in Mexico in 2008 were revealed to have originated in the United States,⁴⁷ where firearms can legally be purchased from tens of thousands of licensed arms dealers, as well as unlicensed individuals selling their private arms collections at gun shows.

Despite region-wide efforts to control brokering, the arms transfer control regime in the Americas suffers from differences across the region. In some states, such as Colombia, Brazil or Mexico, strict legislation has been put in place and is implemented, but the number of deaths involving firearms in these countries remains high, in part because legislation elsewhere in the region is either poorly implemented or non-existent, facilitating illicit transfers. The wide variety of high-powered arms sold openly on the US market finds a lucrative illicit re-sale market south of the Rio Grande. Criminal gangs can afford high prices on the illicit market, and this economic incentive drives

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many small-time traffickers and traders, thereby dispersing illicit trade to a point where it becomes technically uncontrollable.

An important challenge is therefore to control illegal arms transfers from the United States. However, cases recently brought before US courts reveal a mixed record on arms brokering control on a small scale, just as the US record appears mixed for those involved in brokering larger-scale deals. In Arizona, a state notorious for its lenient gun laws and large number of dealers, and which was shown to have been a point of sale for 500 of the guns recovered by the Mexican police in 2008, a court dismissed charges against a local arms dealer who knowingly sold about 700 weapons through intermediaries to two smugglers, who then shipped the arms to a narcotics cartel in the Mexican state of Sinaloa.⁴⁸ Most of the weapons sold in this case were imported AK-47s.⁴⁹ But at the same time, elsewhere in the United States, a US resident accused of conspiring to buy high-powered firearms in Miami was found guilty of illegally exporting arms to Honduras.⁵⁰ Among her exports was the companion sidearm to the FN PS90 submachine gun, a weapon designed to fire a round capable of piercing body armour. The Belgian manufacturers of this arm insist that it is only sold to police forces.⁵¹ Its diversion to Honduras indicates that Criterion 7 of the European Union Code of Conduct on Arms Exports, which demands that export permits be screened against the risk of illegal re-exports, is not always effectively applied. Evidence is accumulating to suggest that US importers constitute a loophole in arms control regimes; European export control authorities hardly ever deny permits for exports to the United States.⁵²

It will require more than placing additional ATF agents and detection equipment on the US–Mexico border to stop illegal firearms transfers, even if the United States were to deposit its ratification of CIFTA, as 29 other OAS states have already done. Each state faces its own challenges in improving brokering controls, but only with a coherently applied arms export control regime across the region can the Americas hope to do better.

Notes

1. Convención Interamericana Contra la Fabricación y el Tráfico Ilícitos de Armas de Fuego, Municiones, Explosivos y Otros Materiales Relacionados, adopted 14 November 1997 in Washington, DC.
2. The Model Regulations on Movement were drafted by the OAS Inter-American Drug Abuse Control Commission (CICAD) in 1997 and amended in 2003. The Model Regulations on Brokering that the OAS adopted in 2003 constitute an additional chapter to the original regulations.
3. Progress in the drafting of this model legislation is reported by Michael Sullivan, 2009, “Armas de fuego”, *En la Mira – the Latin American Small Arms Watch*, vol. 4, no. 26, January–February.
4. A second CIFTA review conference was held in 2008 and annual meetings are held by the Consultative Committee.
5. Costa Rica, El Salvador, Guatemala, Jamaica, Mexico, Panama, Peru, St Kitts and Nevis all ratified early. By May 2009, Argentina, Brazil, Dominican Republic, Guyana, Honduras, Nicaragua, Paraguay, Trinidad and Tobago and Uruguay had also ratified the protocol.
6. Pablo Dreyfus and Nicholas Marsh, 2006, *Tracking the Guns: International Diversion of Small Arms to Illicit Markets in Rio de Janeiro*, Oslo and Rio de Janeiro, PRIO and Viva Rio/ISER.
7. *Ibid.*
8. Rachel Stohl, Matt Schroeder and Dan Smith, 2007, *The Small Arms Trade: A Beginner’s Guide*, Oxford, Oneworld Publications, pp. 8–9.
9. Lucy Mathiak and Lora Lumpe, 2000, “Government Gun-running to Guerrillas”, in Lora Lumpe (ed.), *Running Guns: The Global Black Market in Small Arms*, London, Zed Books, pp. 54–80.
10. The assertion is made by Rachel Stohl and Doug Tuttle, 2008, “The Small Arms Trade in Latin America”, *NACLA (North American Congress on Latin America) Report on the Americas*, March–April, pp. 14–20. Honduras has denied this.
11. “Los misiles de las FARC”, *Semana* (Bogotá), 6 September 1999.
12. Author interview with MAPP/OAS (Mission to Support the Peace Process) team in Bogotá, August 2008.
13. Kim Cragin and Bruce Hoffman, 2003, *Arms Trafficking and Colombia*, Santa Monica, CA, RAND Corporation.

14. International Crisis Group, 2004, *Colombia's Borders: the Weak Link in Uribe's Security Policy*, Latin America Report no. 9, Brussels and Quito, ICG, September, p. 13.
15. United Nations Office on Drugs and Crime, 2007, *Crime and Development in Central America*, United Nations.
16. Ibid.: the vast majority of homicides are carried out with firearms.
17. Unless otherwise stated, the details presented here can be found in Kathi Austin, 2001, *Arms Trafficking: Closing the Net. A Test Case for Prosecution under the US Law on Arms Brokering*, Washington, DC, Fund for Peace.
18. For example, the case is referred to in Small Arms Survey, 2008, "Deadly Deception: Arms Transfer Diversion", in *Small Arms Survey 2008: Risk and Resilience*, Cambridge, Cambridge University Press, 2008, pp. 112–144.
19. Primera Sala Penal Especial de la Corte Superior de Justicia de Lima, Impartiendo justicia a nombre de la Nación, *Sentencia* (Exp. nº 038-2001).
20. Kathi Austin, op. cit.
21. "Arms Dealer Implicates Peru Spy Chief in Smuggling Ring", *Los Angeles Times*, 1 November 2000; and "Sarkis Soghanalian: The Cold War's Largest Arms Merchant", *Frontline/World [PBS]*, March 2001, at <www.pbs.org/frontlineworld/stories/sierraleone/soghanalian.html>.
22. "Arms Dealer Implicates Peru Spy Chief in Smuggling Ring", *Los Angeles Times*, 1 November 2000; "CIA Links Cited on Peru Arms Deal that Backfired", *New York Times*, 6 November 2000; "Las armas de las FARC", *Semana*, 19 June 2001.
23. Jeremy McDermott, 2004, "FARC and the Paramilitaries Take over Colombia's Drugs Trade", *Jane's Intelligence Review*, vol. 16, no. 7, July, pp. 28–33.
24. Author translation from the note reproduced in the *Sentencia* (Exp. nº 038-2001), op. cit., p. 72 as "[49] Fojas 25,063, del Tomo LL-1. July 19, 1999 N° 328/GIAT/DINTE/PONAL/DAS/CI-129". The (confidential) note is signed by a liaison officer of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) at the US embassy in Bogotá, in reply to a request from the Colombian Inter-institutional Terrorist Analysis Group (GIAT) to trace recently seized rifles.
25. Ibid.
26. Specimens were among the 27,000 recently confiscated arms at a public arms destruction event in December 2008, according to a witness account by researchers from the Colombian thinktank Fundación Ideas Para la Paz.
27. This theory for the deal is suggested in "Las armas de las Farc", *Semana* (Bogotá), 19 June 2001.
28. United Nations Office on Drugs and Crime, *United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, Covering the Period 1990–2000*, Table 02.02, at <www.unodc.org/pdf/crime/seventh_survey/567svr.pdf>.
29. Philip Gounev et al. (eds), 2004, *Weapons Under Scrutiny: Implementing Arms Export Controls and Combating Small Arms Proliferation in Bulgaria*, Saferworld, p. 37.
30. Fiscalía, "Aseguramientos por caso de fusiles búlgaros", press release no. 170, 29 May 2002, at <www.fiscalia.gov.co/pag/divulga/Bol2002/mayo/bol170.htm>.
31. Fiscalía, "Confirmada acusación por armas de Bulgaria", press release no. 120, 29 March 2003, at <www.fiscalia.gov.co/pag/divulga/Bol2003/marzo/bol120.htm>; "Tráfico pesado – Dos oficiales (r) del Ejército y una empresaria de la industria militar van a juicio, acusados de contrabando de armas para las Auc", *Revista Cambio* (Bogotá), 7 April 2003.
32. See <www.ramajudicial.gov.co/csj_portal/assets/Estad.%20Nov.%2028.doc>.
33. The details recounted here can all be found in the *Report of the General Secretariat of the Organization of American States on the Diversion of Nicaraguan Arms to the United Defense Forces of Colombia*, 6 January 2003, document OEA/Ser.G, CP/doc.3687/03 (dated 29 January 2003).
34. Ibid.
35. The Small Arms Survey refers to the case in "Insights and Mysteries: Global Small Arms Transfers", in *Small Arms Survey 2003: Development Denied*, 2003, Oxford, Oxford University Press, p. 116.
36. "Armamento ilegal nicaragüense podría estar en manos de autodefensas", *El Tiempo* (Bogotá), 24 April 2002.
37. "Entrevistan a empresario Yelinek", *La Prensa* (Panama City), 3 February 2003.
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