



# ***FUELING VIOLENCE IN MEXICO: THE ILLICIT TRADE OF FIREARMS ACROSS U.S.-MEXICO BORDER***

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## ***Abstract***

*The complex relationship between the illegal arms trade and the Mexican cartel has a substantial impact on violence, organized crime, and law enforcement along the US-Mexico border. The illicit weapons trade worsens tensions, endangering public safety. The United States-Mexico border is witnessing unforeseen trade and exchange. If Mexico does not improve its security situation, it will remain a danger to both domestic and international communities and create more problems in its relationships with other countries. Weapons similar to those used by the military are being illegally imported in large quantities from the US civilian market to criminal groups in Mexico and several countries in Latin America. These weapons give transnational organizations the ability to fight violent battles for control over profitable criminal activities across the Western Hemisphere. These dangerous individuals engage in violent activities such as murder, kidnapping, and extortion, and are involved in illegal trades ranging from drug trafficking to human trafficking.*

*The rise in drug trafficking in the United States is a consequence of two factors firstly, drug cartels as powerful drug cartels in Mexico have taken control of the drug trade, purchasing drugs from major producers in South America and distributing them in the U.S. secondly access to firearms, the disparity in gun control laws between Mexico and the U.S. has made it easier for Mexican criminals to acquire firearms. Unlike in the U.S., where civilians have access to guns, only the Mexican army is legally authorized to sell firearms. Criminals must therefore resort to illegal methods such as manufacturing, black market purchases, or trafficking from the United States to obtain weapons. Additionally, the smuggling of weapons across the US-Mexico border contributes to the illicit drug trade and is linked to organized crime activities.*

*Mexico faces significant challenges due to the presence of criminal organizations that engage in various illegal activities. These networks drive demand for firearms, contributing to the high levels of violence in the country. The competition among transnational criminal organizations (TCOs) for control of lucrative smuggling routes perpetuates high crime and violence rates.*

*TCOs rely on weapons, ammunition, and explosives to maintain their dominance over trafficking routes, drug production facilities, territories, and illegal profits. To effectively address the challenges of arms trafficking, a multifaceted response from law enforcement is essential. This research aims to provide an in-depth examination of the illicit activities of illegal entry and weapons smuggling occurring along the United States-Mexico border.*

## Chapter 1.

### 1.1 INTRODUCTION

Mexico, ranked among the top 10 in world population and 15th in economic size, has a close relationship with the United States due to their shared border, extensive economic connections, shared cultural heritage, and historical events. Mexico shares a nearly 2,000-mile border with the United States and holds significant importance for U.S. trade and energy needs. This border is one of the most utilized international borders globally. Specifically, California, Arizona, New Mexico, and Texas in the U.S., along with six Mexican states, Baja California, Sonora, Chihuahua, Coahuila, Nuevo Leon, and Tamaulipas, as well as 38 neighboring Mexican municipalities, are directly involved in this border region. The border shares a historical crossroads encapsulating an array of identities 4 frontier, barrier, danger, and opportunity 4 serves as a witness to the developing relationship between the U.S. and Mexico. Violence in Mexico is complex but mostly concentrated in a few areas. Most homicides are committed with pistols or revolvers, not assault rifles. Drug cartels and gangs account for many murders, as do clashes between armed forces and civilians.

Mexico's rampant internal and inter-cartel violence has contributed to its status as one of the world's most violent countries. In 2016, this violence resulted in an estimate of 21,000 to 23,000 deaths. From 2007 to 2017, an alarming 177,000 murders were recorded in Mexico, a figure that may be significantly underestimated as mass graves remain undetected and undiscovered. Mexican cities along the border, which serve as key entry points for drugs entering the United States, have been disproportionately impacted by this violence.<sup>1</sup> Critics argue that border offensives have led to a record number of injuries and deaths. The surge in drug trafficking by cartels serving the insatiable demand in the US has led to corresponding increase in the flow of weapons from the US into Mexico. These weapons bolster the cartels' firepower, enabling them to dominate their rivals and overwhelm the Mexican government with superior weaponry. As a consequence, Mexico has suffered an escalation in cartel violence, with increased deaths, civilian disappearances, and a weakened justice system.

Between 2010 and 2013, there was a noticeable increase in the smuggling of firearms from the United States into Mexico. Reports suggest that annually, anywhere from 106,700 to 426,729 firearms were purchased in the U.S. and transported into Mexico. This data is based on statistical analysis of the demand for firearms at the border between the two countries. Most of these weapons were rifles such as AK-47 and AR-15 variations. According to a study conducted by the Violence Policy Center, out of 4,813 firearms confiscated at crime scenes in Mexico and traced back to U.S. dealers, 2,518 were categorized as assault-type rifles. Smuggled firearms are frequently hidden inside storage containers within trucks and cars destined for Mexico. Additionally, there is evidence indicating that these weapons may also make their way to

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<sup>1</sup> Vanda Felbab-Brown, <The Wall: The real costs of a barrier between the United States and Mexico>, Brookings, August 2017.

other Latin American countries, including Guatemala, Nicaragua, and Honduras, after crossing the U.S-Mexico border.<sup>2</sup>

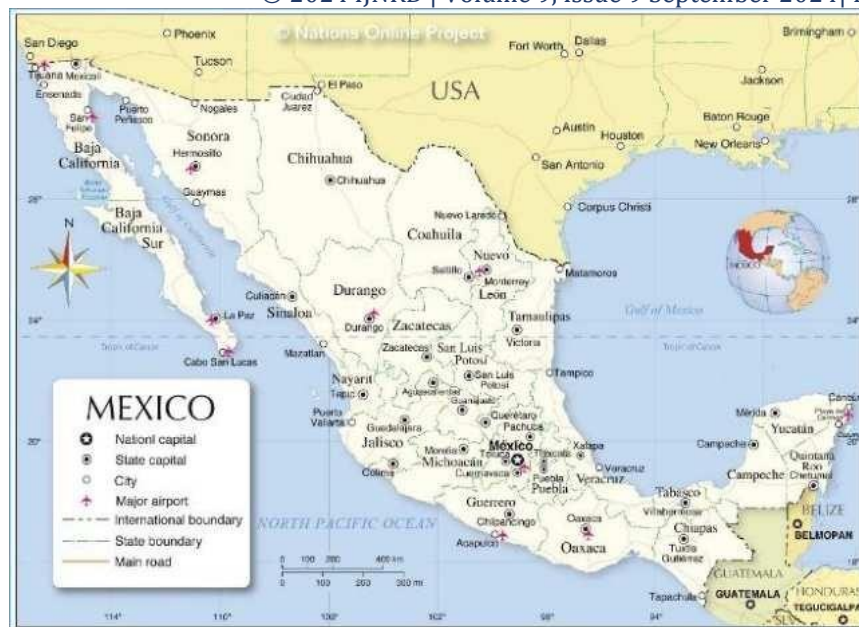
In Mexico, there is only one gun store throughout the entire country with strict firearm regulations in place. Despite these efforts, Mexico experiences approximately 30,000 deaths annually due to firearms. About 500,000 guns manufactured in the United States are illegally trafficked into Mexico each year, and seventy percent of firearms found at crime scenes in Mexico can be traced back to the United States. Criminal organizations in Mexico obtain weapons and ammunition from American retailers to target law enforcement, military personnel, civilians, and to assert dominance over their territory. It is also known that transnational criminal organizations trade drugs like fentanyl to American buyers in exchange for firearms.<sup>3</sup> Even a significant increase in border security along land would not stop the practice of smuggling people and cargo via boats that travel far north and arrive on the California coast. Additionally, the illicit transit of approximately 2 million weapons over a decade constitutes a hazard with worldwide security implications. In order to effectively secure and manage the U.S.-Mexico border, it is critical to perceive it as a dynamic, continuing problem.

According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), nearly 90% of firearms found at crime scenes in Mexico are linked to gun sellers in the United States. Between 2006 and 2009, gun shops in Texas alone supplied four out of every ten American guns recovered in Mexico. Arizona, California, and New Mexico alone, all of which border Mexico contributed significantly to the supply of weapons in the US, accounting for one-third of the U.S guns.

The paper will approach the problem in different ways: Outlining the general nature of the issue, estimating the size of the arms trade, and calculating the illicit weapons trade's economic worth, examining the judicial systems in the US and Mexico and emphasizing incidents when cartels are believed to have committed crimes using US weaponry. The study will include the Mexican government's lawsuit against American gun manufacturers. To understand why violence in Mexico forces civilians to flee their homes and migrate, it is necessary to identify the underlying root causes and driving factors. The objective of this paper is to enhance comprehension of the difficulties presented by this intricate and interwoven border by exploring the various factors that lead to the illegal guns trade. This study seeks to investigate the underlying reasons of illicit firearms, its far-reaching consequences, and its implications for global security.

<sup>2</sup> WOLA 3VPC (2015) Gun-running nation: How Foreign-Made Assault Weapons Are Trafficked from the United States to Mexico and What to Do About It. In: <https://goo.gl/1yDD0v>

<sup>3</sup> Castro, Goldman, Thompson, Congressman for the 20<sup>th</sup> District of Texas, November 14, 2023



Source: Nations Online

*<One simple reason why cartels and criminal groups in Mexico seek to acquire firearms from the United States is because they are unable to legally purchase them within Mexico due to strict restrictions on firearm sale and possession.=*

- Clay Boggs, WOLA and Kristen Rand, (2015) How Foreign-Made Assault Weapons are Trafficked from the United States to Mexico and What to Do About It<sup>4</sup>

## 1.2 Research Statement:

This research aims to advance our understanding of illegal firearm trafficking and the interconnection of Mexican cartels across the U.S.-Mexico border. By analyzing the factors influencing these illicit activities, the paper seeks to deepen our comprehension of the complex dynamics at this contested frontier. The study will delve into the motivations behind the illicit firearms movement and its broader impacts, and its implications for international security.

## 1.3 Research Questions:

1. What are the main forces behind the unauthorized transfer of weapons across the US- Mexico border, and how do they support the continuation of transnational criminal activity?
2. In what ways does the law enforcement initiatives on both sides of the border affect the trafficking of weapons, and what are the possible consequences for security and stability in the region?
3. How does the interaction of the illegal arms trade influence patterns of violence, organized crime, and law enforcement strategies along the US-Mexico border?

<sup>4</sup> C. Boggs, WOLA and K. Rand, Washington Office on Latin America, July 2015 <https://goo.gl/1yDD0v>

### **1.4 Hypothesis:** finding the gap in the study.

The illegal trafficking of firearms from the United States to Mexico jeopardizes the fundamental peace and national security of both nations. The manufacture of firearms within the U.S. poses a significant risk to public safety in Mexico, particularly accentuating the impact of the drug-related conflicts fueled by violent Mexican cartels. The study analyses the national security structure of United States and the intertwined challenges may perpetuate flow of violence, insecurity and danger along the border with the steps taken by the enforcement to ensure the safety of the citizens of Mexico. The paper examines how firearms manufactured in the U.S. are being used to harm Mexican citizens, as they are obtained through straw purchases and end up in the hands of Mexican cartels for drug-related activities.

This study explores the significant impact of illegal firearms smuggled across the US-Mexico border on the rising violence in Mexico. It is argued that the availability of these weapons significantly enhances the lethality and frequency of violent crimes committed by drug cartels and criminal organizations. This, in turn, poses a serious threat to public safety, instills fear among the general population, and hinders Mexico's social and economic development. By analyzing the extent and methods of firearm smuggling, its effects on criminal entities and civilians, and potential policy solutions, this research aims to shed light on a complex issue that severely impacts Mexico's stability and prosperity

### **1.5 Research Aim:**

The primary focus of this dissertation is to examine the intricate connection between the illicit trafficking of firearms and the Mexican cartels, particularly along the border between the United States and Mexico. The research aims to underscore the profound implications of this relationship on both national security and public safety. It seeks to understand the reasons behind the unauthorized transfer of weapons over the border and its capacity in maintaining international criminal networks. The research provides insights into the complex challenges facing border security and analyzing the law enforcement. This research investigates the causes of illegal weapons trafficking to uncover the underlying social, economic, political, and organizational factors that contribute to this criminal activity across borders. It also examines the wider security repercussions, such as the effects on organized crime, violence, and regional instability. The study examines the factors that leads the people to participate in illegal gun trafficking by investigating the economic inequality, lack of job opportunities and poverty that leads individuals to engage in crime or migrate to other nations for better opportunities.<sup>5</sup> This research delves into the underlying factors contributing to vulnerabilities that enable transnational criminal networks to flourish. It investigates the illicit transportation of firearms across the US-Mexico border, analyzing the reasons behind it, the routes and tactics employed by traffickers, and evaluates the efficacy of existing measures aimed at curbing such trafficking. By examining the social, economic, political, and geographic dimensions of this issue, it aims to uncover its complexities. Using empirical data

<sup>5</sup> Josi A. Gurri, <Mexico: Recent Developments, Structural Reforms and Future Challenges>, Finance and Development, March 2000



and analysis, the study aims to provide practical recommendations for policymakers, law enforcement, and international organizations to help address this illicit trade.

### ***1.6 Research Objective:***

The main objective of this paper is to analyze the threat of the global security as the movement between the U.S.-Mexico threatens the peace and stability of the people however the focus of this paper will be to find out if the illegal immigrants carry the weapons along with them while crossing the border, to track the government initiatives taken by both the countries to counter the illicit activities and to evaluate the legal frameworks and strategies, measures taken for border security and international cooperation mechanisms. The objective is to study the gaps, challenges and the practices in combating illicit trafficking and maintaining migration flows.

The analyses will map the Trump and Biden government's border security policies and the strategies to counter the transnational criminal activity. The objective of this study is to reveal and comprehend the patterns, dynamics, and factors that propel the unlawful movement of firearms across the border between the United States and Mexico. It seeks to uncover the key players in firearm trafficking, including criminal groups, individual smugglers, and corrupt officials, and explore their roles and connections within the illicit network and to examine the social, economic, and political conditions that contribute to the demand and supply of illegal firearms, including differences in regulations, financial motivations, and cartel-related violence and lastly, to trace the routes and methods used to transport firearms across the border, identifying the mechanisms and vulnerabilities in the trafficking chain.

## Chapter 2: Review of Literature & Research Methodology

This intricacy poses challenges for decision-makers, law enforcement agencies, and local communities situated on both sides of the border. To tackle these issues effectively, a comprehensive strategy is required. It addresses underlying factors, improve border security, strengthen U.S.-Mexico collaboration, and support economic growth and stability in the region. This introduces the concept of literature reviews and offers recommended resources for exploring the research. This study aims to understand the intricate aspects of firearms trafficking by combining research, theories, and real-world data. The porous border between the US and Mexico, marked by vast unwatched areas, has eased the secret flow of firearms from the US into Mexico, where criminal groups and drug cartels often obtain them. This review seeks to shed light on the important connections between illegal firearm trafficking and the use of the firearms in the US- Mexico border region. It will do this by carefully studying what other researchers have written about these problems. The information provided by this review will be used to better understand how to stop these issues at their source and lessen their effects.

### 2.1 Recent Literature:

1. Topher McDougal, David A. Shirk, Robert Muggah and John H. Patterson (2013), *The Way of the Gun: Estimating Firearms Traffic Across the U.S.-Mexico Border*

Since 2006, Mexico has experienced a significant increase in gun-related violence, largely attributed to the influx of illegal firearms smuggled from the United States. A substantial portion of firearms bought in the U.S. are suspected to be unlawfully trafficked into Mexico, further aggravating the situation. To gain a different perspective on arms trafficking, a unique dataset using geographical information systems (GIS) was created to generate a demand curve based on proximity to the U.S.-Mexico border. The analysis revealed an increasing trend of U.S. firearm sales being diverted to Mexico, with a higher volume of trafficking than previously estimated. The study shows that the government's current efforts to stop firearms from being illegally traded across the border aren't working. Based on evidence, the U.S. is a big player in the black market for guns around the world. This shows that we need better ways to fight arms trafficking. The report points out that the laws and rules around guns in the U.S. and Mexico are complicated. This means that we need to step up enforcement and regulation to halt the illicit trafficking of weapons across the border.

2. Eduardo S. Albarán, Diana Santos (2017), *Firearms Trafficking: Mexico-United States border*

This paper investigates the unlawful movement of firearms across the Mexico-United States border. It examines how weapons are diverted from legal sources and details the methods used by traffickers. The report highlights the importance of firearms to criminal organizations and reveals the flow of weapons and the involvement of different individuals

in the illegal trade. Additionally, it discusses the consequences of firearms trafficking on global security and criminal activities.

The report concentrates on gun smuggling between the US and Mexico, highlighting the significant impact of illegally trafficked guns from the US on Mexican crime, especially drug-related violence. It presents concerning figures on firearms traced to US dealers found at Mexican crime scenes and investigates the routes and techniques used to smuggle weapons across the border. The report also discusses the role of corruption and the involvement of law enforcement in facilitating this illegal trade, emphasizing the intricate network of international criminal groups involved in gun smuggling.

3. Sarah Kinoshian and Adam Isacson (2017), "Beyond the Border: How Mexico and the United States Can Crack Down on Arms Trafficking."

This literature review scrutinizes the intricacies of firearms trafficking across the U.S.- Mexico border and puts forward strategies for tackling the problem. Kinoshian and Isacson contend that a combination of supply-side and demand-side measures is imperative for effectively combating the illicit trafficking of arms. Supply-side measures include increased regulation of firearms sales in the United States, improved cooperation between U.S. and Mexican law enforcement agencies, and efforts to disrupt trafficking networks. Regarding the demand side, the authors underscore the significance of tackling the underlying factors contributing to violence in Mexico, such as poverty, inequality, and corruption. Additionally, they stress the importance of enhancing transparency and accountability in the arms trade to prevent diversion to illegal markets. In summary, Kinoshian and Isacson advocate for a holistic approach that encompasses both supply and demand aspects of the issue.

4. Robert J. Bunker and John P. Sullivan (2018), "Gun Trafficking and the Mexican Cartels:

Bunker and Sullivan offer a thorough examination of the longstanding issue of illicit firearms trade between the United States and Mexico, with particular attention to the involvement of Mexican drug cartels in facilitating weapon trafficking across the border. Leveraging contemporary research and case studies, the authors dissect the methods and approaches employed by cartels to procure firearms within the United States and subsequently transport them into Mexico. They also delve into the influence of U.S. gun regulations and enforcement endeavors on the accessibility of firearms for Mexican cartels. Bunker and Sullivan assert that effectively tackling the issue of gun trafficking necessitates a multifaceted strategy that addresses both the supply and demand aspects of the illicit market. They advocate for enhanced collaboration between U.S. and Mexican law enforcement entities, more stringent enforcement of firearm regulations in the United States, and initiatives aimed at dismantling the financial networks that sustain cartel operations. In essence, Bunker and Sullivan underscore the imperative for comprehensive and coordinated measures to combat illegal firearms trade and mitigate violence in both nations.

5. David A. Shirk, Robert Muggah, and John H. Patterson (2019), "The Way of the Gun Revisited:

Estimating Firearms Traffic Across the U.S.-Mexico Border." Building on their earlier work, Shirk, Muggah, and Patterson provide an updated analysis of firearms trafficking across the U.S.-Mexico border. Using new data and improved methodologies, the authors refine their estimates of the volume and flow of illegal firearms from the United States to Mexico. They also examine trends in gun trafficking patterns over time and assess the effectiveness of efforts to combat the problem. The authors observe that despite certain advancements in disrupting trafficking networks, illicit firearms persistently traverse the border at concerning frequencies, exacerbating violence and instability in Mexico. They contend that addressing the fundamental drivers of violence, including poverty, corruption, and inadequate governance, is crucial for diminishing the demand for firearms and eroding the influence of



criminal groups. Shirk, Muggah, and Patterson underscore the necessity for sustained endeavors and collaboration between the United States and Mexico to combat illegal arms trafficking and foster security and stability in the region.

6. Jorge Chabat and Edwin Meléndez (2020), "Firearms Trafficking and Violence in Mexico:

Chabat and Meléndez delve deeply into the issue of firearms trafficking and its connection to the widespread violence in Mexico. They investigate the pathways through which illegal firearms enter Mexico, often originating from the United States, and analyze the strategies used by criminal groups to acquire and distribute these weapons. The paper highlights the significant obstacles posed by factors like poverty, corruption, and ineffective governance, which not only drive the demand for firearms but also enable criminal organizations to flourish.

Moreover, Chabat and Meléndez stress the importance of addressing both the supply and demand aspects of the problem. They emphasize the need for stricter enforcement of gun regulations and efforts to disrupt trafficking networks on the supply side. On the demand side, they advocate for initiatives targeting the underlying causes of violence, including poverty alleviation, anti-corruption measures, and governance reforms.

In conclusion, the paper underscores the urgent requirement for continuous collaboration and cooperation between the United States and Mexico to effectively combat illegal arms trafficking. By tackling the various drivers of violence and implementing comprehensive strategies, Chabat and Meléndez assert that it is feasible to enhance security and stability in the region.

7. Ana Laura Magaloni and David A. Shirk (2016), "The Impact of Firearms Trafficking on Security and Governance in Mexico."

Magaloni and Shirk's paper examines the repercussions of firearms trafficking on security and governance in Mexico. They investigate how the illegal movement of firearms, often originating from the United States, influences various aspects of security and governance within Mexico. The authors delve into the ways in which the influx of illicit weapons contributes to the proliferation of violence, the empowerment of criminal organizations, and the erosion of state authority.

Furthermore, Magaloni and Shirk analyze the challenges faced by Mexican authorities in addressing firearms trafficking and its associated impacts. They explore the effectiveness of existing policies and strategies aimed at curbing illicit arms flow and enhancing security measures. Additionally, the paper discusses the broader implications of firearms trafficking on governance structures, including issues related to corruption, law enforcement capacity, and the rule of law.

Overall, Magaloni and Shirk highlight the complex and multifaceted nature of the issue, emphasizing the need for comprehensive approaches that address both the supply and demand sides of firearms trafficking. They advocate for increased collaboration between Mexico and the United States, as well as the implementation of effective policies to mitigate the adverse effects of illicit arms trade on security and governance in Mexico.

8. Tom Long and Coryell Stout (2018), "Guns and Votes: The Political Effects of Firearms Trafficking in Mexico."

Long and Stout explore the political effects of firearms trafficking in Mexico, focusing on how the proliferation of guns has influenced electoral dynamics and political behavior. They argue that the availability of firearms has empowered criminal organizations and undermined democratic institutions, leading to increased violence and

insecurity. The authors analyze the impact of firearms trafficking on voter preferences, political participation, and government legitimacy. Long and Stout also discuss the implications of their findings for policy makers and electoral reform efforts in Mexico.

9. David Shirk and Robert Muggah (2017), "Firearms Trafficking in the Americas:

Confronting a Threat to Citizen Security." Shirk and Muggah examine the challenges posed by firearms trafficking in the Americas and propose strategies for addressing the problem. They analyze the drivers of illegal arms trafficking, including weak gun regulations, porous borders, and demand from criminal organizations. The authors also discuss the social, economic, and political consequences of firearms trafficking, emphasizing the need for comprehensive and coordinated responses. Shirk and Muggah call for enhanced cooperation among governments, law enforcement agencies, and civil society

organizations to combat illegal arms trafficking and promote citizen security in the region.

10. Coletta A. Youngers and Eileen Rosin (2019), "Unintended Consequences: U.S. and Mexican Gun Policies and the Impact on Transnational Criminal Organizations."

Youngers and Rosin examine the unintended consequences of U.S. and Mexican gun policies on transnational criminal organizations. They analyze how efforts to regulate firearms in the United States have influenced the illegal arms trade and fueled violence in Mexico. The authors also discuss the challenges faced by Mexican authorities in enforcing gun laws and combating firearms trafficking. Youngers and Rosin highlight the need for coordinated action between the United States and Mexico to address the root causes of illegal arms trafficking and promote security and stability in the region.

## **2.2 Prior Research:**

Mexico faces significant challenges due to the presence of criminal organizations that engage in various illegal activities. These networks drive demand for firearms, contributing to the high levels of violence in the country. The competition among transnational criminal organizations (TCOs) for control of lucrative smuggling routes perpetuates high crime and violence rates. TCOs rely on weapons, ammunition, and explosives to maintain their dominance over trafficking routes, drug production facilities, territories, and illegal profits. Since the Mexican Army has exclusive authority to sell firearms legally, criminals acquire their weapons through either manufacturing or importing them. The United States, with its extensive network of 8,827 registered firearms sellers in the southern border states, serves as a primary source for Mexican criminal organizations seeking to procure weapons.

The tunnel used for drugs includes air vents, trains, and power, was found by US law enforcement authorities to stretch almost half a mile from Tijuana to San Diego. There have been 13 tunnels of exceptional length i.e. the longest and technological skill identified since 2006 however the U.S.3 Mexico border has seen the discovery of 224 tunnels overall between 1990 and 2016. The border observed a record 1,659,206 encounters with migrants in fiscal 2021, highlighting the changing nature of the issues.<sup>6</sup> Additionally, the illicit transit of approximately 2 million weapons over a decade constitutes a hazard with worldwide security implications. In order to effectively secure and manage the U.S.-Mexico border, it is critical to perceive it as a dynamic, continuing problem.

The scholarly literature is limited when it comes to accurate data and analysis of the violence caused by Mexican cartels using US weapons and affecting innocent lives in Mexico, leading to mass displacement. The drug wars between cartels breed violence, while corrupt authorities further destabilize Mexico. This sheds light on existing research and analysis on the violence in Mexico fueled by US weapons.

<sup>6</sup> <The Wall: The real costs of a barrier between the United States and Mexico=, Brookings, August 2017

### 2.3 Current Theory:

Border agents in the United States are intensifying their efforts to prevent the smuggling of guns across the southern border as part of a larger collaborative initiative to combat Mexican drug cartels. According to U.S. Customs and Border Protection, a total of 1,171 guns were intercepted before reaching Mexico in 2023. This represents a significant increase compared to 2019, when only 173 guns were intercepted by CBP.

Guns supplied by the cartels are fueling the rise in American overdose deaths, with over 112,000 fatalities reported in 2023. Most of these deaths were linked to fentanyl and other synthetic opioids, many of which are produced in Mexico and trafficked across the border. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, about 124,000 guns were found at crime scenes in Mexico and traced back between 2017 and 2022. The data shows that over 83,000 of those guns, which is about 68%, originated from the United States. <sup>7</sup>

The Mexican government has put forward a bilateral proposal aimed at addressing arms trafficking by suggesting the deployment of both intrusive and non-intrusive technology at 58 border points. They presented historical data on weapons seizures and highlighted the most commonly used weapons by organized crime groups. Under the current administration, Mexico has confiscated 7,432 firearms. Among the commonly found firearms are the Browning M2 .50-caliber machine gun, Barrett .50-caliber rifle, AR-15, and AK-47 rifles, all of which are traced back to the United States. It's highlighted that 7 out of every 10 weapons used by organized crime in Mexico are obtained from the U.S. <sup>8</sup>

Mexico filed a lawsuit in 2021, accusing companies of violating its gun laws by producing and promoting military-style assault weapons that they knew would end up in the hands of drug cartels. This has led to an increase in crimes such as murders, extortions, and kidnappings in the country. According to Mexico, more than 500,000 guns are illegally transported from the U.S. to Mexico every year, with over 68% of them being manufactured by the companies targeted in the lawsuit.

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Mexico stated that smuggling has led to increased rates of gun-related fatalities, decreased investments and economic growth, and the necessity to allocate more resources towards law enforcement and public safety. The corporations involved maintain their innocence. "These products, which are subject to strict regulations, are produced and distributed in accordance with the law," commented Lawrence Keane, the chief legal officer of the National Shooting Sports Foundation, representing the industry.

<sup>7</sup> Alain Stephens, "U.S. Agents are seizing more guns headed to Mexico", The Trace, March 7, 2024 available at <https://www.thetrace.org/2024/03/us-mexico-gun-trafficking-border-cbp/#:~:text=United%20States%20border%20agents%20are,crossed%20into%20Mexico%20in%202023.>

<sup>8</sup> Secretaría de Relaciones Exteriores, <Progress for Mexico-US Binational Strategy on Illicit Arms Trafficking=, November 21, 2019

<sup>9</sup> Transnational Organized Crime: National Security Council

## 2.4 Seminal Theory:

At its core, this theory suggests that the illegal trafficking of firearms across the border is driven by the intersection of demand from Mexican criminal organizations, primarily drug cartels, and the relatively lax regulatory environment surrounding firearms in certain parts of the United States. This theory highlights the role of economic incentives, with the high profitability of the illegal arms trade attracting individuals and groups to engage in smuggling activities. Additionally, it emphasizes the importance of political and institutional factors, such as corruption within law enforcement agencies on both sides of the border, which facilitate the movement of illegal firearms.

The theory emphasizes that economic incentives play a key role in fueling the illegal arms trade. Smuggling firearms into Mexico, driven by the high demand from the drug war and cartel violence, proves to be very profitable. This motivates many individuals and groups to get involved in trafficking. The attractiveness of the trade attracts various players, such as criminal organizations, smugglers, and corrupt officials in law enforcement and border security. According to information from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a large number of firearms found at crime scenes in Mexico from 2009 to 2014 came from the United States. This data suggests a connection between the accessibility of firearms in the US and their transportation into Mexico, where the demand is fueled by the ongoing drug war and cartel conflicts. Additionally, an examination of political and institutional influences shows how corruption within law enforcement agencies on both sides of the border assists in the trafficking of illicit firearms.

In some US states, lax enforcement of regulations and loopholes in gun laws make it easier to acquire and smuggle firearms into Mexico. The militarization of the US-Mexico border, fueled by efforts to combat drug trafficking and illegal immigration, also plays a role in the increase of illegal firearms as criminal groups adjust to security measures.<sup>10</sup> The initial concept surrounding the illicit weapons trade along the US-Mexico border highlights the intricate relationship between economic, political, and social influences that fuel this issue. It is crucial to tackle the underlying reasons outlined by this theory in order to create successful tactics for stopping the flow of arms and fostering peace and security in the region.

A clear connection exists between the illegal trafficking of guns and the Mexican cartels, who are the main recipients of firearms produced in the United States. This leads to increased violence and fear in Mexican border cities, prompting civilians to flee to the U.S. To escape Mexico, people often rely on the cartels for assistance, utilizing their knowledge of illegal routes for both weapons smuggling and migration. Corruption permeates the Mexican government, hindering effective governance. Weak connections and limited information sharing between the A.T.F. and U.S. Immigration and Customs Enforcement (ICE) lead to incomplete data. Moreover, Mexican

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<sup>10</sup> Eugenio W. Vargas, Silvia V. Gonzalez, <Regulatory challenges for preventing firearms smuggling into Mexico>, Elsevier, January-June 2015  
authorities lack access to a Spanish version of the eTrace program, further impeding their ability to track firearms effectively.<sup>11</sup>

## 2.5 Context:

When analyzing firearms trafficking, it is important to carefully consider the use of seizure data. Seizure data can be challenging to interpret on its own and may result in misleading conclusions if viewed in isolation. This is because seizure data is influenced not only by the availability of firearms but also by law enforcement priorities and

capabilities. To address this challenge, it is essential to incorporate additional independent sources of information. Additionally, the quality of seizure data should also be evaluated, including the extent of data coverage provided by a particular country. When paired with other relevant data like crime rates and homicide statistics, analyzing the types of firearms seized can offer valuable insights into the context of these seizures. This information can be a useful tool for law enforcement agencies to enhance their strategies and focus on key priorities.

Between 2015 and 2018, the murder rate in Mexico increased by 71%, peaking at 29 homicides per 100,000 people. These high levels of violence continued into the COVID-19 pandemic but have since decreased. The spike in homicides has been closely linked to organized crime and the competition for control over illegal smuggling routes into the United States.<sup>12</sup> In the last ten years, Mexico has seen a surge in firearms from the United States, with around 2.5 million estimated to have entered the country. Only one gun store is legally operating in Mexico, making it difficult to control the influx of weapons. This poses a significant challenge for both Mexican and American diplomats, as regulating gun ownership is crucial for reducing the high levels of violence in Mexico.

In 2009, Mexico recorded 7,724 deaths related to the drug war. By January of the following year, Ciudad Juárez had already witnessed 227 fatalities. Over the weekend of March 13, 2010, nearly 50 individuals lost their lives in the same city, including U.S. Consulate staff and their relatives. Many experts and officials attribute these deaths to drug cartel disputes over control of markets and land, turf wars between rival factions, and conflicts with law enforcement.<sup>13</sup>

<sup>11</sup> ATF, Fact Sheet- eTrace: Internet-Based Firearms Tracing and Analysis. April 2023

<sup>12</sup> Congressional Research Service, Mexico: Background and U.S. Relations, May 17, 2023 <https://crsreports.congress.gov/product/pdf/R/R42917>

<sup>13</sup> Lisa Guaqueta, Arms Trafficking at the U.S.-Mexico Border, Foreign Policy in Focus, March 26, 2010



## Chapter 3. RESEARCH METHODOLOGY AND METHOD:

### 3.1 Methodological Approach:

This study will delve into the qualitative approach by focusing on the theoretical analysis of U.S.-Mexico dynamics of illicit movement of firearms, with an emphasis on U.S. being the producer of the firearms focusing on how the weapons end up in the hands of Mexican cartels. The qualitative approach fits for this paper as it permits the exploration of complex phenomena such as several operations, policies, and international relations in-depth. The interconnectedness and interrelation between the undocumented firearms and cartels linked analysis leads to the cohesive understanding of the U.S.-Mexico relationship along with the data picked from a wide range of policymakers, academics and analysts from both the nations.

### 3.2 Method:

The research will begin by examining the detailed analysis of the illegal firearms falling into the hands of Mexican cartels through several published research papers by scholars, articles, journals by focusing on how the transnational criminal activities are ultimately impacting the United States as well as the Mexican civilians through Mexican cartels. This research will explore the implementation of policies to counter the transnational criminal activities.

The global security threat is the primarily focus of the paper as it seeks to clarify the ways in which both the countries can strengthen their enforcement in order to control the illicit trade of firearms. It examines the historical ties between United States and Mexico depicting the border relationship of the two nations and the rise of illicit transnational crimes in the region. Secondly, based on the Mexico perspective, the production of firearms in U.S. is encouraging the violent Mexican cartels and suppress the Mexican civilians. The unchallenging trade of firearms cross border is a threat to the global security as it allows easy movement of firearms which can be owned to different nationalities and regions.

### 3.3 Limitations

The U.S.-Mexico bordering regions holds many victims of violent Mexican cartels who carry the weapons produced by the United States however it would be helpful to have an in-depth discussion with the authorities concerned and policymakers from both the nations to gather their arguments about the transnational criminal activities. However, approaching the experts for the interview is challenging due to time limitations and other constraints. Thus, this thesis will use data collected from reliable sources of government official sites, official documents, academic journals and newspapers.

## Chapter 4: FINDINGS AND DISCUSSION

### 4.1 Data and data analysis

#### Chapter- 1 Gun policy in U.S.: An Overview

Gun violence in Mexico has reached alarming levels in recent years, with both state and non-state actors contributing to the crisis. Between 2010 and 2022, over 214,000 gun-related homicides have occurred in the country.<sup>14</sup> Communities are facing a severe climate of violence and lawlessness, where daily incidents of gun violence, torture, disappearances, extrajudicial killings, and arbitrary arrests go unpunished.<sup>15</sup> The impact of this gun violence is not uniform and affects different people in varying ways. A large number of these violent acts involve the use of firearms that were either smuggled illegally or legally exported from the United States. An astonishing 70 percent of firearms found at crime scenes in Mexico originate from the U.S.

*On January 17, 1989, a devastating incident occurred when Patrick Edward Purdy returned to his former elementary school in Stockton, California, armed with an AKS rifle, a semi-automatic variant of the military AK-47. In a tragic act, Purdy opened fire, resulting in the loss of five young lives and injuring 30 others. Purdy, described as leading a transient lifestyle, discharged over 100 rounds in less than a minute before ultimately taking his own life.*

Here are some of the measures implemented by the United States to address the manufacturing of firearms within the country.

In the 1980s and early 1990s, tragic events like this, along with rising violence among urban gangs over territory and drugs, led to a heated discussion nationwide about the necessity of regulating the trade of imported and domestic "assault weapons." Some States took action by implementing their own bans on these weapons starting in 1989, but it wasn't until 1994 that a federal law was finally put into place.<sup>16</sup> The presence of extremely lethal firearms such as assault weapons and high-capacity magazines has contributed to a concerning rise in mass shootings resulting in high casualties throughout the country.

#### A. Federal Assault Weapons Ban:

On September 13, 1994, President Bill Clinton signed into law the Public Safety and Recreational Firearms Use Protection Act, commonly known as the Federal Assault Weapons Ban (AWB). This measure prohibited the production and importation of semi-automatic firearms for civilian use, categorizing them as 'assault weapons'. Enacted as a federal law, it applied to all states throughout the United States.<sup>17</sup> The goal of limiting the availability of military-style guns was to strengthen

<sup>14</sup> John, <Stop US Arms to Mexico>, June 8, 2023 [Key Facts on U.S.-Sourced Guns and Violence in Mexico](#) 3 [Stop US Arms to Mexico](#)

<sup>15</sup> Global Exchange, Stop US Arms to Mexico, June 19, 2023

<sup>16</sup> Jeremy Travis, <Impacts of the 1994 Assault Weapons Ban: 1994-96>, U.S. Department of Justice, National Institute of Justice, March 1999 <https://www.ojp.gov/pdffiles1/173405.pdf>

<sup>17</sup> Everytown Research and Policy, <Assault Weapons and High-Capacity Magazines>, March 3, 2019

police forces and decrease the social impact of public shootings, accidents, and murders in the United States. While there is no definitive agreement on the success of the AWB, most research indicates positive outcomes. However, on September 13, 2004, President George W. Bush and the U.S. Congress decided to allow the AWB to lapse. This resulted in the removal of restrictions on private contractors regarding the production, importation, and trading of semi-automatic weapons that had been banned for a decade. Brauer (2013, p. 30) points out that the expiration of the ban led to an increase in firearm production, particularly of assault weapons.

The ban on firearms was very specific, only prohibiting certain types of pistols, rifles, and shotguns within nine narrow categories. The ban also encompassed a restriction on "features test" weapons, which included semiautomatic firearms equipped with multiple features such as detachable magazines, flash suppressors, folding rifle stocks, and threaded barrels for attaching silencers. These features were deemed beneficial in military and criminal contexts but unnecessary for shooting sports. Additionally, the legislation barred revolving cylinder shotguns (commonly referred to as large capacity shotguns) and "large capacity magazines," defined as ammunition feeding devices designed to accommodate more than 10 rounds, far exceeding the typical requirements of hunters or competitive shooters.

The expiry of the *Assault Weapons Ban* in 2004 was not the only significant shift in gun legislation during that time period. The Tiahrt Amendments were submitted in 2003 by United States Representative Todd Tiahrt (R-KS).<sup>18</sup> These revisions were designed to restrict the US Bureau of Alcohol, Tobacco, weapons, and Explosives (ATF) from disclosing data that may be used to track weapons, even if it was for the purpose of fighting gun violence (such as identifying gun traffickers and corrupt dealers).<sup>19</sup> Critics said that providing such information would unjustly target gun owners and violate their Second Amendment rights. The Amendments were updated in 2008 and 2010 to lift certain restrictions that had previously prevented law enforcement agencies from sharing information. Despite these changes, the existing regulations still prevent the disclosure of data to the public, including researchers and litigants.

Between 2015 and 2022, there were significantly more casualties in mass shootings where assault weapons were used compared to incidents without these weapons. Shootings involving assault weapons, on average, resulted in six times as many individuals shot, over twice as many fatalities, and 23 times as many injuries per incident compared to shootings with other types of firearms. Similarly, incidents involving a firearm equipped with a high-capacity magazine led to higher casualties compared to those without such magazines. On average, shootings involving high-capacity magazines resulted in nearly five times as many individuals shot, more than double the number of fatalities, and almost ten times as many injuries per incident compared to shootings without high-capacity magazines.

Across the United States, a number of states as well as the District of Columbia have enacted legislation aimed at prohibiting the sale, production, and transfer of assault weapons. These states encompass California, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, New York, and Washington. Furthermore, Minnesota and Virginia have introduced laws that impose certain safety precautions and regulations on assault weapons. However, it's worth noting that these regulations fall short of the complete bans seen in the aforementioned states. Assault weapons are powerful semiautomatic firearms that shoot bullets much faster and with more force than handguns. This results in more severe injuries when these weapons are used against humans. In addition, semiautomatic guns are able to shoot multiple rounds quickly compared to manually operated firearms. However, according to a study, the ban on assault weapons and high-capacity magazines at the federal level led to a notable

reduction in public mass shootings and related casualties. This measure prevented a minimum of 11 public mass shootings during its 10-year enforcement period. The researchers further calculated that if the ban had continued from 2005 to 2019, it could have stopped 30 mass shootings, saving the lives of 339 individuals and preventing injuries to 1,139 others.

<sup>18</sup> H.R. 1302- Gun Records Restoration and Preservation Act, 118<sup>th</sup> Congress (2023-2024)

<sup>19</sup> American Academy of Pediatrics, Assault Weapons Ban

## ● Prohibited Activities

Assault weapon bans differ in the behaviors they control. Certain state laws, such as those in California, have broad limitations on the sale, manufacture, distribution, importation, transportation, and possession of assault weapons. The strictest laws also typically outlaw the possession of assault weapons, even regulating older weapons obtained before the assault weapon ban was implemented. <sup>20</sup> The regulations regarding the ban of assault weapons vary in terms of the actions they cover. California, for instance, imposes extensive restrictions on the sale, production, distribution, importation, transportation, and possession of assault weapons. These stringent laws typically encompass not only the possession of assault weapons but also involve rigorous oversight of legacy weapons acquired prior to the implementation of the assault weapons legislation. For example, in both California and Illinois, individuals who owned assault weapons before the enactment of the relevant laws are typically obligated to register their firearms with state law enforcement. Furthermore, they are typically limited to possessing the weapon in specific locations or situations, such as on private property, at authorized shooting ranges, or while engaging in legal hunting activities. <sup>21</sup>

## B. Protection of Lawful Commerce in Arms Act (PLCAA):

President George W. Bush endorsed a pivotal piece of legislation in the firearms industry, enacting it into law. This legislation, known as the Protection of Lawful Commerce in Arms Act, was passed in 2005 and aimed to provide legal safeguards for licensed manufacturers, dealers, and sellers of firearms or ammunition, as well as trade associations. This law shields them from civil lawsuits related to the criminal or unlawful misuse of their products, with only six specific exceptions where such legal action may proceed. The push to pass this law came in response to many lawsuits in the

<sup>20</sup> Everytown, Prohibit Assault Weapons, April 25, 2023 <https://www.everytown.org/solutions/assault-weapons/#learn-more>

<sup>21</sup> Giffords Law Center: To Prevent Gun Violence, Assault Weapons-Hardware and Ammunition <https://giffords.org/lawcenter/gun-laws/policy-areas/hardware-ammunition/assault-weapons/>

early 1990s brought by over 40 cities. These lawsuits put forth a new legal claim stating that gun makers were causing public harm by selling firearms in a way that allowed for illegal sales in secondary markets and trafficking. Eventually, these guns were used in violent crimes.

The introduction of the PLCAA was prompted by lawsuits filed by municipalities and shooting victims against federally licensed firearms manufacturers and dealers. These lawsuits included cases where the manufacturers and dealers were located in states different from where the incidents occurred. As a result, the majority of legal cases filed since this law was passed have been thrown out, despite some instances where a civil lawsuit could proceed against a licensed firearms dealer.<sup>22</sup> The enactment of the Protection of Lawful Commerce in Arms Act (PLCAA) was prompted by shooting incident victims and municipalities initiating civil lawsuits against firearms manufacturers and sellers located out-of-state. These legal actions were aimed at curbing the influx of firearms into illegal markets. The law contends that assigning liability to the entire firearms industry for harm caused by individuals is unjust, and that businesses should not be held accountable for the criminal misuse of their products.

*<Senator Larry E. Craig, who introduced the bill, stated that it aims to stop lawsuits that target the firearms industry for political reasons. He emphasized that these lawsuits, which try to blame law-abiding companies for the actions of criminals, not only put jobs and the economy at risk but also infringe on constitutional rights, undermine national security, and bypass the authority of Congress and state legislatures.=*

## • How does PLCAA work?

While the PLCAA was not intended to protect gun makers from the consequences of misconduct, the industry claims it provides protection from civil lawsuits, even in cases of negligence, defective products, or irresponsible actions. There have been several instances where courts have misunderstood and incorrectly applied the law, granting excessive protections to the gun industry. Generally speaking, the Protection of Lawful Commerce in Arms Act (PLCAA) has blocked legal actions against firearm manufacturers or sellers seeking compensation for the criminal or illegal misuse of a gun however not every lawsuit filed against gun manufacturers was successful, but a number of them did lead to settlement agreements. These agreements mandated the adoption of new practices and standards aimed at reducing illegal gun trafficking. Some of the measures included recording sales transactions on video, introducing a computerized system to track crime gun traces, and providing additional training for employees.

The Protection of Lawful Commerce in Arms Act (PLCAA) was established to counter lawsuits targeting gun manufacturers and dealers for damages resulting from their products and alleged facilitation of gun trafficking through irresponsible business practices. This legislation provides significant protection to manufacturers and dealers in both federal and state courts, effectively shielding them from most civil liability cases. Essentially, the PLCAA bars individuals from bringing legal action against the gun industry, even in cases involving their alleged negligence or when firearms or ammunition are used unlawfully or criminally

<sup>22</sup> Public Law 109-92, 109<sup>th</sup> Congress, <Protection of Lawful Commerce in Arms Act 15 USC 7901 note=, October 26, 2005



• **What impact has the Protection of Lawful Commerce in Arms Act (PLCAA) had on efforts to hold the firearms industry responsible through legal action?**

Since the implementation of the PLCAA, it has become exceedingly challenging for victims and municipal authorities to pursue legal recourse in court for the harm inflicted by gun violence. This provision has effectively thwarted lawsuits seeking to hold the gun industry responsible. Since 2005, only a handful of cases against firearms manufacturers and dealers have managed to proceed past pretrial dismissal attempts. As a result, numerous legitimate grievances are dismissed before any evidence of misconduct by the industry is even considered.

I. Lonnie and Sandy Phillips, who lost their child in the devastating 2012 Aurora, Colorado theater shooting, filed a lawsuit against Lucky Gunner for supplying the shooter with thousands of rounds of ammunition and a 100-round magazine. They argued that Lucky Gunner's online operations lacked sufficient safeguards to prevent individuals at risk of committing violence from accessing weapons. However, the case was dismissed under the PLCAA, and the Phillips were compelled to bear the burden of over \$200,000 in legal fees for the ammunition retailer.

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II. In 2003, the family of Officer Matthew Pavelka initiated legal action against a gun dealer and manufacturer after Pavelka's untimely death while on duty. They alleged that the defendants had failed to take adequate measures to prevent illicit gun sales. Nonetheless, the case was eventually dismissed under the PLCAA.

III. On March 20, 2016, a tragic incident unfolded resulting in the loss of 13-year-old J.R. Gustafson's life due to an accidental shooting by another child. The shooter mistakenly believed the gun was unloaded because the magazine was detached. The firearm, manufactured by Springfield Armory and sold by a local gun store, lacked common safety features such as a magazine disconnect. Brady: United Against Gun Violence pursued legal action against both the gun manufacturer and dealer for product liability, citing the absence of these crucial safety measures. However, in 2019, a trial judge dismissed the case under the PLCAA. Brady has since appealed this decision to the Superior Court of Pennsylvania.

<sup>23</sup> CAP 20, Gun Violence Prevention FAQs, <What is PLCAA?>= [Frequently Asked Questions About Gun Industry Immunity - Center for American Progress](https://www.americanprogress.org/article/frequently-asked-questions-about-gun-industry-immunity/)

• **In what ways has the Protection of Lawful Commerce in Arms Act (PLCAA) impeded the gun industry's ability to implement essential safety measures?**

Throughout history, civil litigation has played a crucial role in encouraging industry players to embrace optimal practices. Enhancing public awareness regarding public health concerns, accessing confidential corporate data to influence public perception, and catalyzing legislative action have all contributed to driving structural transformation and enforcing industry accountability.

The Protection of Lawful Commerce in Arms Act (PLCAA) eliminates the use of lawsuits as a way to push gun manufacturers to enhance product safety and prevent negligent or criminal use of their guns. This legal shield has allowed the industry to cut corners on safety measures and led to poor-quality production practices at many companies, including removing proven safety features meant to prevent accidental shootings. Safety issues within the gun industry are not rare, with numerous instances of consumer harm from guns going off unexpectedly when bumped or dropped, firing without the trigger being pulled, or discharging during disassembly. Manufacturers have even issued safety recalls due to these defects.<sup>24</sup>

Before the PLCAA, people could sue for safety issues in civil court. Civil lawsuits even pushed the gun industry to improve safety measures in some cases, such as

I. Back in 2000, Smith & Wesson faced multiple lawsuits that led to a settlement. As part of the agreement, the company committed to implementing various safety measures. This included selling handguns with safety devices, creating a code of conduct for dealers, and engraving hidden serial numbers on new guns to deter criminals from removing identifying marks. The Clinton administration's historic agreement with Smith and Wesson includes new measures to prevent guns from falling into the wrong hands and to assist law enforcement in combating illicit gun trafficking. Manufacturers will only sell to approved dealers and distributors who adhere to a set of guidelines. These guidelines introduce additional obligations for approved dealers and distributors.<sup>25</sup>

Stopping dealers who supply a high number of crime guns. As per the agreement, gun manufacturers will address dealers or distributors who are responsible for selling a disproportionately high number of guns that are later used in crimes within three years of purchase. Actions may include terminating or suspending the dealer or distributor. Restrictions on gun shows. Authorized dealers are not permitted to make sales at gun shows unless every seller present conduct background checks.

<sup>24</sup> CAP20, Immunizing the Gun Industry: The Harmful Effect of the Protection of Lawful Commerce in Arms Act, January 15, 2016

<sup>25</sup> The White House Office of the Press Secretary, Clinton Administration Reaches Historic Agreement with Smith and Wesson, March 17, 2000

Ballistics testing plays a critical role in assisting law enforcement in tracing firearms used in crimes, especially when only bullets or casings are recovered. It is suggested that ballistics fingerprints should be provided for all newly manufactured firearms to the ATF/FBI National Integrated Ballistics Identification Network within six months, provided it is technologically feasible. Ensuring safety through training is imperative, and sales should only be conducted with dealers who mandate that gun purchasers demonstrate the ability to safely handle and store firearms. Additionally, preventing theft is a top priority, and sales should only be made to dealers who have implemented effective security measures to deter gun theft.

Criminals are often attracted to firearms, prompting new regulations. Authorized dealers and distributors are now barred from selling large capacity ammunition magazines or semiautomatic assault weapons. To curb illegal gun trafficking, restrictions have been imposed on multiple handgun sales. Dealers must comply with these new limits, which dictate that purchasers of multiple handguns can only take possession of one on the day of sale, with the remainder available for pickup 14 days later.

II. In 2002, John Allen Muhammad and Lee Boyd Malvo committed a series of shootings, known as the Beltway sniper attacks, resulting in the deaths of 17 people and injuries to seven others over a nine-month period. The firearms used in these attacks were traced back to Bull's Eye Shooter Supply, a gun store that had failed to maintain required sales records and had lost over 238 firearms in the three years leading up to the shootings.

The families of the victims filed a lawsuit against the snipers, Bull's Eye, and the gun manufacturer, Bushmaster Firearms. They alleged that the store was responsible for the shootings due to its negligence, and that Bushmaster was also liable for continuing to supply firearms despite being aware of the store's careless sales practices. As part of the settlement, Bushmaster agreed to revise its distribution methods to prioritize product safety.

*On a daily basis, over 120 individuals lose their lives due to gun-related incidents in the United States. Additionally, double that number suffer injuries from gunshot wounds, and numerous others experience the effects of gun violence. In 2021, more than 48,000 people were killed due to gunshot wounds in the United States given by the data of the statistics analysis reported by the Centers for Disease Control and Prevention.*

### C. Understanding the scope of the problem

The discussion on gun control in the United States has ebbed and flowed due to numerous mass shootings in public places. Gun violence is a major cause of death among young people in the country. The easy access to assault weapons and ammo has sparked debates nationally, especially after the school shootings, like the one in Uvalde, Texas. Despite widespread public backing for stricter gun laws, Congress has struggled to enact significant legislation following these heartbreaking incidents. In the past few years, there has been a surge in gun violence in the United States, with over 45,000 Americans being killed by guns in 2021 alone.<sup>26</sup> This is the highest number of gun-related deaths in decades, and unfortunately, the trend looks set to continue. A number of advocates for gun control argue that the U.S. should learn from other wealthy democratic countries that have implemented stricter regulations to reduce gun violence. In recent years, the United States has experienced an increase in firearm-related deaths, which is a reversal from the previous trend of declining death rates that were seen since the mid-1990s. Over the same period, the number of firearm-related suicides decreased to a low in the mid-2000s, but have been steadily increasing each year since. In contrast, firearm-related homicides dropped to a low in 2014, but have since been on the rise and by 2023, they were close to the levels seen in the early 1990s.

The U.S. Congress and state legislatures have the power to pass laws that regulate firearms, and the Supreme Court of the United States has supported some gun control measures like banning concealed weapons and certain types of firearms. They have also banned the sale of guns to certain groups of individuals like those under eighteen, convicted criminals, the mentally disabled, dishonorably discharged military personnel, and others. The Gun Control Act of 1968 specifically prohibits these individuals from buying firearms.

#### **D. Gun Policy in Mexico:**

For nearly a century, Mexico has implemented some of the most stringent gun regulations globally, in stark contrast to the United States. The manufacturing of firearms for civilian use is severely restricted, with government production being rare and primarily managed by the Mexican Army. The possession of firearms by civilians is subject to rigorous regulation, and individuals seeking to legally acquire a gun in Mexico must undergo extensive legal and medical background checks conducted by the Mexican Army (United Nations Office on Drugs and Crime, 2013). Owning a firearm in Mexico is not easy for citizens, as there are strict regulations in place. Those wishing to legally acquire a gun must undergo a thorough background check conducted by the Mexican Army.

Handgun ownership in Mexico is restricted to specific purposes, such as hunting, and only low-caliber weapons (.38 or below) are permitted. The Federal Penal Code outlines prohibited weapons in articles 160-163. Article 160 states that individuals who possess, make, bring in, or keep, without a lawful reason, tools that are only suitable for attacking, and have no practical use for work or leisure activities, will face imprisonment for three months to three years, and a fine of up to 360 days of the offender's net income, along with the confiscation of the weapons.<sup>27</sup> These offenses are punishable in addition to the regulations in the Federal Law of Firearms and Explosives.

The sole legal gun store in Mexico is located within an Army base in Mexico City and is operated by military personnel. The pervasive issue of gun violence in Mexico is further exacerbated by the thriving illegal market and the competition among military forces to control it. In Mexico, civilians are prohibited from carrying guns in public, whether they are visible or concealed. The Mexican Army rigorously enforces this regulation, confiscating unauthorized firearms. Only a small fraction of private citizens, approximately 2.6 per 100,000 people, possess a legal gun license in Mexico. Consequently, very few individuals in Mexico are able to obtain firearms legally, thereby restricting their availability through legal channels.

<sup>26</sup> Jonathan Masters, <U.S. Gun Policy: Global Comparisons>, Council on Foreign Relations, June 10, 2022

<sup>27</sup> Fines in terms of earnings of the convicted person are defined in the Federal Penal Code, Código Penal, art. 29, as amended, D.O., Aug. 14, 1931.

According to Article 160, public employees are allowed to carry weapons necessary for their job duties as long as they comply with the law. Article 161 specifies that licenses are needed to carry or sell pistols and revolvers. Article 162 outlines penalties for various offenses related to weapons, including imprisonment and fines. These offenses include importing, manufacturing, selling, or giving away weapons, selling pistols or revolvers without authorization, carrying prohibited weapons, stockpiling arms without legal permission, and carrying a weapon without a license.



Source: by Erik Lee: the State of Security in the U.S.-Mexico Border Region

## E. Smuggling Weapons:

Illegal gun trafficking is addressed within the framework of the Federal Law of Firearms and Explosives, which complements the regulations outlined in the Federal Penal Code. According to Article 84 of this law, individuals involved in smuggling firearms, ammunition, explosives, and restricted materials into the country face severe penalties. Offenders can be sentenced to five to thirty years in prison and fined twenty to five hundred days. Those who participate in the clandestine introduction of these items, reserved only for the National Army, Navy, and Air Force, are subject to these harsh consequences under this legislation. A public servant who fails to prevent this introduction, despite being obligated by their functions, will face termination and disqualification from any public position. Any individual who acquires the mentioned items for commercial purposes will also be held accountable.<sup>28</sup>

The smuggling of weapons from the United States into Mexico poses a serious threat to national security, as it supports the illegal drug trade and is connected to organized criminal activities. Firearms trafficking from the U.S. to Mexico is a major issue that is causing significant security challenges for both countries however, this illegal activity is linked to drug trafficking and abuse, which has resulted in a high number of drug overdose deaths in the U.S. in 2021. In Mexico, American guns are weakening the authority of the government and leading to unprecedented levels of violent crime, with a 75% increase in reported murders between 2015 and 2022. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) under the Department of Justice, a significant portion of firearms recovered in Mexico between 2014 and 2018 and submitted for tracing originated in the United States. Cases



involving five firearms or fewer constituted two-thirds of the firearms confiscated by Mexico upon entry from the United States. Similarly, an even higher percentage (78%) of firearms seized by the United States at the same border (heading towards Mexico) originated from the United States.

In Mexico, it is against the law to buy assault weapons and high-capacity magazines. However, these items are easily found in many gun stores in Texas, Arizona, and New Mexico. Similar to the US, the majority of guns used in crimes in Mexico are handguns. Between 2006 and March 2018, the Mexican military seized 66,011 firearms.<sup>29</sup> Out of these, over 12,000 were confirmed to be assault weapons. The illegal trade of weapons between the US and Mexico continues steadily due to various factors. Violence from gangs in Mexico and strict gun laws have led to a higher need for weapons in the southern region. Meanwhile, lax regulations in some US states make it easy for criminals to obtain firearms. Criminal groups exploit these differences, using smuggling paths and potentially corrupt authorities to bypass legal protocols. Buying guns for others and using remote border regions helps them even more. This increase in weapons leads to more violence: drug cartels gain strength, organized crime thrives, and the area becomes less stable due to fear and bloodshed.

## **F. Firearms in Mexico: Quantities, Origins, and Destinations:**

In the year 2016, the National Tracing Center (NTC) tracked over 364,000 firearms. In 2017, this number increased to over 400,000 firearms. By 2018, the NTC traced more than 425,000 firearms, and in 2019, more than 438,000 firearms were traced. The year 2020 saw over 484,000 firearms being traced, and in 2021, the NTC traced more than 543,000 firearms. Throughout this period, the NTC traced firearms not only for the United States but also for 133 other countries, including Mexico. In Mexico, there are strict background check requirements for citizens to purchase and own guns. Despite this, there is only one licensed gun store in the whole country, which is situated in Mexico City. The legal guns owned in Mexico amount to around 3 million, giving an average of 2.6 guns per 100 people. On the other hand, there are approximately 13 million unregistered guns in the country, meaning there are roughly 12.9 guns per 100 people that are unlawfully held. Approximately half of the firearms tracked back to the United States can be linked to a specific Federal Firearms Licensee (FFL), with most of these licensees situated in the four states bordering Mexico: Texas, Arizona, New Mexico, and California.

<sup>28</sup> Ley Federal de Armas de Fuego y Explosivos, as amended, D.O., Jan. 1, 1972, available at <http://www.diputados.gob.mx/LeyesBiblio/pdf/102.pdf>.

<sup>29</sup> Eugenio W. Vargas, Silvia V. Gonzalez, "Regulatory challenges for preventing firearms in smuggling into Mexico", Vol. 7. Issue 2., January-June 2015

The abundance of guns in Mexico, especially those arriving from the United States, poses a major threat to public safety and national security. A large number of firearms make their way into Mexico from the US, with many illegal weapons seized in Mexico actually originating from across the border. The porous US-Mexico border and lenient gun regulations in some US states make it easy to smuggle guns into Mexico, where they are often used in organized crime, drug trafficking, and violent acts. One of the main ways illegal firearms enter Mexico is through the United States, where the high number of gun owners and loose gun regulations provide opportunities for traffickers to get weapons for smuggling. Straw purchasing, where people with clean records buy guns for buyers who can't legally purchase them, is a common way to bypass background checks and get guns for illegal activities. Guns stolen from legal owners or acquired through other illegal methods also add to the supply of weapons going into Mexico.

When firearms are brought into Mexico, they are given to different criminal groups to cause violence and instability. These groups, like cartels, use the weapons to take control of areas, fight over territory, and scare off their enemies. The easy access to guns makes social issues worse, makes it harder for law enforcement to do their job, and creates big problems for keeping the public safe. To combat the problem of illegal firearm smuggling between the US and Mexico, both nations need to work together. Heightened security at the border, such as more monitoring and interception efforts, can impede the movement of weapons. Moreover, steps to bolster gun laws and enforcement in the US, especially in states with lax regulations, can limit access to firearms for unlawful activities.

## **G. Understanding the US manufactured firearms Trafficking to Mexico:**

### **• What led to the rise of the firearms in Mexico?**

The roots of gun trafficking from the United States to Mexico go back to the Mexican War of Independence, when José María Morelos got weapons from American ships loaded with arms that were anchored in Zihuatanejo, Guerrero. A decade after Mexico gained independence, it was already in a state of disarray during the Texas Revolution, and there are records of indigenous people getting guns from American agents and merchants to attack Northern Mexico. The United States' arms export policy towards Mexico was seen as favoring certain presidents, such as Madero, Huerta, and Carranza. To protect its own interests, the U.S. imposed an arms embargo on rebel groups, effectively siding with these presidents and potentially influencing the outcome of conflicts. After Ciudad Juárez was no longer the primary supply port, gun smuggling across the Arizona-Sonora border became more unchecked. Prices for war supplies soared, corruption spread, and illegal trades flourished. Decades later, after Mexican President Felipe Calderón's 2006 declaration of a war on cartels, arms trafficking had evolved into a major criminal dealing. US arms trafficking has devastating effects on Mexico. It empowers cartels by overwhelming security forces of Mexico, fueling violence and corruption, enabling drug trafficking, and threatening countless innocent civilians.

Since 2006, over 150,000 Mexican civilians have been killed by US guns in criminal hands. Estimates suggest that 200,000 US firearms illegally enter Mexico annually. Moreover, the ATF found that 70% of firearms seized in Mexico from 2014 to 2018 originated from the US, highlighting the magnitude of this crisis. Gun smuggling has played a significant role in the high homicide rates in Mexico. In 2020, Mexico accounted for 18 out of the 50 cities with the highest homicide rates globally. The surge in violent crime has had a significant impact on the country, leading to a 1.92% decrease in its GDP between 2010 and 2014. Firearms have been consistently implicated in the more than 277,000 murders in Mexico from 2007 to 2019, with guns being involved in two-thirds of these killings. Criminal organizations heavily depend on firearms to instill fear and assert control over their territories, frequently overshadowing government authority. Since the onset of the drug war in 2006, several cartels in Mexico, including the Sinaloa Cartel, Los Zetas, Cartel Jalisco Nueva Generación (CJNG), and Gulf Cartel, have obtained sophisticated

military-grade firearms. These weapons range from pistols and automatic rifles to submachine guns and shotguns, constituting a substantial portion of the firearms confiscated by the Mexican military. Furthermore, grenades, grenade launchers, rocket launchers, and mortar systems have also been seized. Among the firearms preferred by cartels are pistols in calibers such as 9mm, .45,

.38, and .22, along with 7.62mm machine guns, rifles including AK-47, .50, and AR-15 variants, and shotguns in 12, 16, and 20-gauge. Submachine guns such as 9mm and Uzis are also commonly utilized. Most explosives, particularly grenades, are reportedly procured from the United States but primarily originate from Central America, with M-67s being the most frequently confiscated.

In the Mexican Drug War, the law of supply and demand operates in two ways: The cartels sell drugs to meet the demand in the US, while they also traffic arms and illicit funds southward to equip themselves with weapons and finance their criminal activities. The main motivation for the cartels to obtain firearms from the US is Mexico's stringent gun laws, which prohibit civilians from owning guns for non-military purposes. This has led to the cartels being able to easily acquire a variety of firearms at reasonable prices from the US market. The increasing demand for firearms by Mexican criminals is posing new threats to Mexican national security. This is exacerbated by a porous border with inadequate checkpoints and a lack of effective measures to combat arms trafficking.<sup>30</sup>

The illicit firearms trade is a lucrative business, with guns on the black market fetching two to six times their original price compared to legal gun shops. Prices can skyrocket depending on various factors like location and condition, such as if a gun has its serial number filed off or is being sold to someone in distress. Interestingly, guns that have been used in crimes lose their value when resold. The guns and bullets are not only being used as a form of currency in illegal transactions, but they can also be traded for other contraband like drugs. Major criminal organizations like the Sinaloa Cartel and CJNG have a large workforce that enables them to acquire weapons at a lower cost compared to purchasing from gun smugglers.<sup>31</sup> Additionally, stealing firearms is another common and cheaper method for obtaining guns. With an abundance of weapons in their possession, these cartels are able to further expand their arsenal and exert more power and influence through the acquisition of more firearms.

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<sup>30</sup> Eduardo Daniel Rodríguez Lozano, <2001-2011 Estrategias de Una Relación Compleja: Tráfico Ilícito de Armas y Frontera Entre México y Estados Unidos>= 30 & 63-64

The arms trafficking supply chain at the US-Mexico border stands out from that of other countries due to the high number of US citizens who own firearms.<sup>32</sup> This abundance of firearms makes it relatively easy to purchase guns legally according to state laws and then transport them across the border for illegal purposes. Unlike other criminal activities, the process is straightforward and less intricate, with cartels simply needing the assistance of straw purchasers - individuals with clean records who buy firearms legally on behalf of criminals from licensed firearm dealers. Often, these purchases are made by the criminals' acquaintances or family members at gun shows, where legally purchased US firearms are diverted into the black market.

Although gun dealers and FFLs are not supposed to sell firearms to straw purchasers, they can never be sure if the transaction is legal or illegal. It is uncommon for them to turn down customers since they cannot always tell if the buyer is purchasing for themselves or for another person.<sup>33</sup> Technology has facilitated private sales through platforms like Armslist.com, where anonymous dealers can conduct multiple sales regardless of state laws, operating

continuously. ATF agents face additional challenges, such as dealing with untraceable guns lacking serial numbers. This tactic is utilized to avoid detection and monitoring of firearms being smuggled through postal services. The large quantity and size of packages being handled on a national scale further complicate the process of detection.

Corruption plays a significant role in facilitating illegal gun trafficking operations. Those involved often turn a blind eye to criminal activities, allowing them to operate without fear of repercussions and aiding them in navigating through complex tasks.<sup>34</sup> For example, cartels may enlist the help of corrupt officials in Mexico to bypass legal and customs controls and acquire weapons. Alternatively, they may steal or obtain firearms from dishonest police officers or soldiers. Instances of corruption among US law enforcement, like the case of the mayor and police chief of Columbus, New Mexico, collaborating with the Juárez Cartel in trafficking firearms, have also been reported. Corrupt individuals of private sector such as flight attendants, ship crew members, and train workers collaborate with traffickers to transport illegal goods. Additionally, corrupt firearms dealers may sell their products without verifying the buyer's background.<sup>35</sup> Surprisingly, these criminals often face no repercussions and are able to retain their licenses even when they break the law.

<sup>31</sup> Ioan Grillo, *Blood Gun Money: How America Arms Gangs and Cartels*. 347

<sup>32</sup> Fiona Mangan, <Annual Report 2018= (Geneva, Switzerland: Small Arms Survey, May 2019), 10 <https://www.smallarmssurvey.org/sites/default/files/resources/SAS-Annual-Report-2018.pdf>.

<sup>33</sup> Omar Camarillo, <A Content Analysis of the Coverage of Gun Trafficking along the U.S.-Mexico Border= (ProQuest Dissertations Publishing, 2015). 24-27. <https://search.proquest.com/docview/1733952335?pqorigsite=primo>

<sup>34</sup> Eduardo Daniel Rodríguez Lozano, <2001-2011 Estrategias de Una Relación Compleja: Tráfico Ilícito de Armas y Frontera Entre México y Estados Unidos= 30-31

<sup>35</sup> Ioan Grillo, *Blood Gun Money: How America Arms Gangs and Cartels*. 160-161, 198

Traffickers find it simple to get guns from secondary markets, as straw purchasers can buy several firearms at once from unlicensed sellers. The loopholes in private gun sales increase when buyers don't undergo background checks in informal markets, making it difficult for the ATF to trace these weapons. Approximately 25% of those selling firearms at gun shows may not have a license. The main locations along the border where cartels transport weapons south include San Diego-Tijuana, Mexicali-Calexico, El Paso-Ciudad Juárez, Laredo-Nuevo Laredo, McAllen-Reynosa, and Brownsville-Matamoros. While cartels may utilize concealed routes through mountains and deserts, they also have the option to traverse through more relaxed official entry and exit points. Many of these border crossings are connected to major cartel cities and the country's primary highways.

## • The main forces that are fueling the trafficking of illegal weapons across borders:

Drug cartels have grown and evolved over the years despite efforts by the US and Mexican governments to combat them. In the 1920s and 1930s, cartels acted as middlemen for larger groups, smuggling drugs into the US. However, cartel leaders seized the opportunity to expand their operations and began trafficking marijuana themselves as demand for drugs increased. By the 1980s, Colombians were seeking new cocaine routes into the US to avoid US anti-drug efforts. The patterns in Mexico's history of organized crime, such as a struggling economy, widespread corruption, tenuous relationships with other countries, strong cartels, and unstable state governments, underscore the enduring connection between organized crime in Mexico and the longstanding issues with state fragility.<sup>36</sup> Mexico's inadequate security measures, lack of effective legal systems, economic challenges, and pervasive corruption created opportunities for organized crime to exploit the country's vulnerabilities, leading to a current threat to the stability of the state. In 2006, President Calderón inherited a Mexico marked by widespread poverty, inequality, political

repression, violent conflicts between communities, and banditry. These conditions have allowed organized criminal activity to rapidly grow in the country.<sup>37</sup>

Since 2004, the flow of illegal firearms into Mexico has fueled the country's escalating violence, primarily driven by organized criminal cartels. For instance, In March 2023, shortly after crossing the border of the Mexican city of Matamoros the four U.S. citizens driving were shot and abducted by a group of Gulf Cartel members where two Americans were killed however the two remaining Americans were rescued promptly. Following the rescue, a Texas man was charged by the U.S. for supplying the weapon involved in the kidnappings and murders. Mexico's poor security not only endangers Mexicans, but also poses a threat to neighboring countries. The spread of violence, crime, and insecurity from the drug war has become increasingly prevalent in the US, leading to the declaration of Mexico's drug violence as a national security risk. Acts of crime and brutality that are commonly seen in Mexico have also been observed in the northern region: cartels are engaging in throat-slashing and beheading, American financial institutions are discovered to be supporting cartels, and there are reports of elected officials and police officers engaging in corruption by supplying illegal firearms to the cartels for personal gain.

<sup>36</sup> Stephen D. Morris, <Corruption, Drug Trafficking, and Violence in Mexico>, The Brown Journal of World Affairs, Vol. 18 No. 2. Pp. 29-43, 2012

<sup>37</sup> CFR.org Editors, <Mexico's Long War: Drugs, Crime, and the Cartels>, September 7, 2022.

These cartels' involvement in serious crimes like murder, abductions, extortion, and armed robbery has overwhelmed Mexican law enforcement. The use of firearms in criminal activities has escalated significantly. The percentage of crimes involving firearms rose from 58% to 65% between 2004 and 2012. The peak was reached in 2011, when an alarming 78% of crimes involved the use of a firearm. Experts widely attribute this surge to Calderon's aggressive approach toward criminal organizations like the Sinaloa, Gulf, and Guadalajara cartels. When Calderón's soldiers began capturing and killing cartel leaders, criminal organizations in Mexico started fighting battles between the government forces and drug cartels for control of the drug trade and local operations putting many Mexican citizens at risk. This period of chaos has led to an increase in common street crimes in several towns and cities which led to the emergence of new cartels, such as the Zetas and La Familia, who seized control of drug smuggling routes between Mexico and the United States. Firearms being trafficked into Mexico via land vehicles across the border.

Cartels responded with extreme violence, committing acts of terror including mass murders, beheadings, and abductions. This escalated the chaos in communities and weakened public trust in the government's capability to fight organized crime. Though Calderón's actions led to the apprehension or death of numerous prominent cartel figures, they intensified violence and human rights violations, worsening Mexico's enduring battle with drug-related crime and instability. Additionally, the militaristic tactics overlooked fundamental problems like corruption, poverty, and institutional deficiencies, emphasizing the ineffectiveness of depending solely on force to confront sophisticated criminal groups. The cartels retaliated, resulting in a sharp rise in homicides from 10,452 in 2006 to 27,213 in 2011. This gives Mexico a proportion of around 15 firearms per 100 citizens. Mexican authorities have seized over 78,000 crime-related firearms from 2006 to 2010, indicating the scale of illegal weapon flow.



As Calderon's presidency came to an end in 2012, the drug cartels were strong as ever and there was a rise in organized crime violence. Mexico ranked 98<sup>th</sup> out of 178<sup>th</sup> earning it a High Warning status by 2012 Fragile State Index.<sup>38</sup> In 2016, there was a 22% increase in drug-related homicides, resulting in over twenty thousand deaths. The following year, a mass grave was discovered in Veracruz State, containing the remains of over 250 victims of crime-related violence. Violence escalated significantly to reach a peak of 33,341 homicides in 2018, with the murder rate showing only a slight decrease since then. Furthermore, between 2017 and 2020, on average, one journalist was killed every week.<sup>39</sup>

<sup>38</sup> Nate Haken, et al., <Failed States Index 2012> (Washington, DC: The Fund for Peace, 2012), 4.

<sup>39</sup> Jocelyn Chi, Lila Hayatdavoudi, Sarah Kruszona, Brad Rowe, Mark A.R. Kleiman, Reducing Drug Violence in Mexico: Options for Implementing Targeted Enforcement, April 2014

## H. Border challenges:

The illegal weapons trade is made worse by corrupt members of law enforcement on each side of the border, allowing smugglers to avoid being caught and carry on with their activities without consequences. To make matters worse, transnational criminal groups also play a role in this trade, making it harder for authorities to stop them due to their resources and ability to outsmart law enforcement. To tackle this issue, we need a multifaceted approach that includes better border surveillance, increased efforts to intercept illegal weapons, stricter gun laws, and efforts to root out corruption in law enforcement agencies.<sup>40</sup> Collaborating with US and Mexican authorities, along with other countries impacted by illegal weapons trade, is crucial in stopping the flow of firearms to criminal organizations and reducing the impact of gun violence on both sides of the border. By addressing the underlying issues fueling the illegal weapons trade, the United States can improve border security and help maintain regional stability and public safety.

According to information from Guatemala, in 2017, 80% of confiscated weapons were seized in cases involving violent crimes. In El Salvador, trafficking was found to be a more common criminal context than violent crime. However, El Salvador also reported that data on illicit trafficking included the transfer of goods within the country and across borders. In Mexico, there has been a surge in violent crime due to the increasing number of illegal guns smuggled in from the United States. The reported number of murders has risen by almost 75% from 2015 to 2022, jumping from around 18,000 to 31,000. Out of the total of nearly 237,000 murders during that 8-year span, around 70% approximately 162,000 were carried out using firearms.

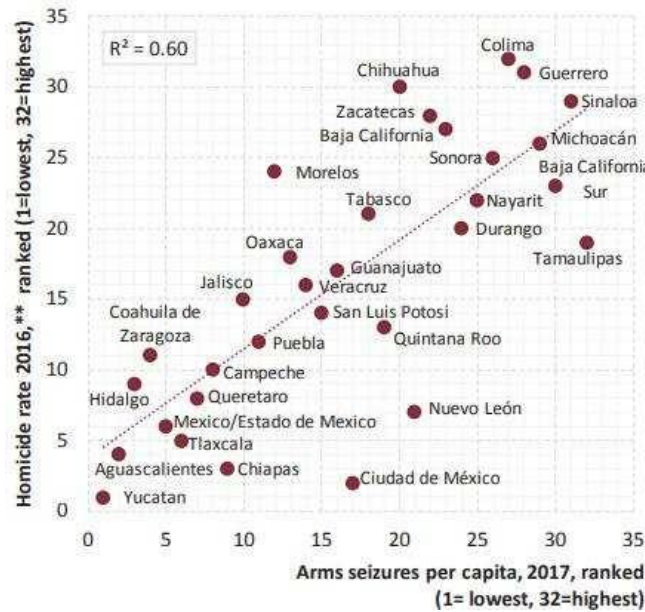
In 2010, Mexico experienced a staggering rate of gun violence, with 10 people per 100,000 dying from gun homicides. In contrast, the United States had a rate of 3.2 per 100,000 people of gun homicides. It is estimated that 253,000 firearms purchased legally in the U.S. are smuggled into Mexico each year. This illicit trafficking enables Mexican organized crime to acquire weapons, highlighting the urgent need for collaborative efforts to combat the problem and reduce violence in both countries. The smuggling of firearms across borders is sometimes done through a method referred to as "ant trafficking",<sup>41</sup> where small quantities of weapons are carried or transported by multiple individuals. Cartels conceal weapons in storage compartments of trucks and cars. Mexican customs officials are often bribed or threatened by criminals, while American border control focuses more on drug smuggling. In Mexico, in 2017, the highest numbers of arms seized were in Tamaulipas, Sinaloa, Michoacán, and Guerrero, out of the 32 administrative regions. These states also ranked among the top five when considering the number of arms seized per person, along with Baja California Sur. The data suggests a correlation between homicide rates and the seizures of arms per person, indicating a connection to organized crime groups and inter-cartel violence.

<sup>40</sup> United Nations Office on Drugs and Crime (UNODC). "Transnational Organized Crime in Central America and the Caribbean: A Threat

Assessment." UNODC, 2012.

<sup>41</sup> Organized Crime and Corruption Reporting Project, <UNODC: Ant Trafficking of Arms from US to Mexico=, September 10, 2020.

### 2016/17: Homicide rates and number of arms seized per capita in different regions of Mexico



\* 31 states and 1 federal district

Source: UNODC, Global Study on Firearms Trafficking 2020

The closeness to the border with the United States could play a key role in the illegal transportation of firearms. Tamaulipas and Guerrero have experienced notable incidents of large gun seizures in Mexico: 101 rifles were confiscated in Tamaulipas, and 48 firearms were seized in Guerrero (the most significant case reported by Mexico involved 109 seized firearms in Nuevo León).

In general, about 71% of firearms that could be traced back to a purchaser and the state of the final dealer were bought in the same state where they were found. It is also noted that there can be a significant time lapse between when a firearm is initially bought and when it is recovered, with several years passing depending on the distance between the purchasing state and the state where the firearm is eventually seized. The number of rifles confiscated in Mexico was much greater compared to other countries in Latin America and the Caribbean.



Source: United Nations Office on Drugs and Crime (UNODC) <sup>42</sup>

The United Nations Office on Drugs and Crime reports that most firearms trafficking is carried out by groups known as "hormigas" (ants), where numerous buyers transport small quantities of concealed weapons across the border. This method makes monitoring and controlling the trade challenging due to the large number of individuals involved in transporting firearms daily. Additionally, if any part of this network is disrupted, participants can easily be replaced, reducing the effectiveness of prosecution and sentencing. <sup>43</sup> The widespread gun violence in Mexico is a major issue due to the thriving illegal market and the dangerous competition between the military and criminal organizations. Approximately one out of every ten individuals in Mexico owns a firearm, contributing to the escalating violence caused by gangs and drug trafficking. This has led to a significant increase in homicide rates, with over 100,000 lives lost since 2007. <sup>44</sup> There were over 30,000 reported homicides, averaging about 82 murders per day. This number does not include the unreported homicides. <sup>45</sup> To combat these concerning levels of violence, the Mexican military has been rapidly expanding its arsenal of firearms. Recent figures from the Census Bureau indicate that the legal export of weapons and explosives from the United States to Mexico has surged in recent years, reaching a peak of nearly \$122 million between 2015 and 2017. This amount is more than twelve times greater than the exports recorded between 2002 and 2004.

## I. Corruption:

Corruption has been a long-standing issue among Mexican government officials, affecting all levels of governance from local to federal. This widespread corruption has significantly impeded the government's efforts to combat organized crime and has hindered the progress of building a strong state. Ideally, government officials should prioritize the public good over personal gain. However, Mexican officials have often prioritized personal benefits over the well-being of their constituents. Corrupt officials used to benefit greatly from the drug trade, but now that it has ended, they are no longer receiving large sums of money. Cartels have exploited this lack of integrity by manipulating public officials for their own gain. Corruption is deeply rooted in Mexican society, with many viewing it as a normal part of life. It is seen as a cultural phenomenon among the powerful, with success often tied to amassing influence and wealth through corrupt practices. Throughout history, government officials at every level have been shown to be corrupted and working hand in hand with drug cartels. A prime example of this is the establishment of the Federal Security Directorate (DFS) in 1947, which was intended to be a more efficient organization in combating organized crime. Sadly, the original members of the DFS were corrupt, leading to the agency inadvertently supporting and even overseeing the drug trade for a period. The history of corruption within the Mexican police force is extensive. From local to federal levels, police officers have been dismissed or taken into custody for engaging in corrupt behavior and involvement in the drug trade. The organized crime industry was challenging and provided significant incentives for police officers to give up the fight. As a result, drug enforcement efforts were never fully successful due to the constant presence of a profitable trade that criminals could use to bribe

officials and law enforcers.

<sup>42</sup> United Nations Office on Drugs and Crime, <The Globalization of Crime: A Transnational Organized Crime Threat Assessment>. 2010. <https://www.unodc.org/documents/data-and-analysis/tocta/6.Firearms.pdf> Pg. 135

<sup>43</sup> United Nations Office on Drugs and Crime, Ibid.

<sup>44</sup> O'Boyle, Michael; Zengerle, Patricia. <U.S., Mexican efforts to battle gun trafficking falter: GAO> Reuters. Jan 11th 2016. <https://www.reuters.com/article/us-usa-mexicoguncontrol-idUSKCN0UP1OA20160111>

<sup>45</sup> NPR. <Mexico Registers Its Highest Number of Homicides on Record> Jan 25th 2018.

<https://www.npr.org/sections/parallels/2018/01/25/580239712/mexico-registers-its-highest-homicides-on-record>

In certain instances, these individuals even became directly involved in illegal activities, particularly in areas where law and order were lacking. Regrettably, even the military, which is the last remaining institution that still commands the respect of Mexican citizens, has not been immune to corruption. Over the years, several high-ranking officers have been implicated in drug-related activities. One notable corruption scandal occurred in 1972 when a battalion colonel in Michoacán was apprehended by the Mexican Secret Service. Another troubling incident involved a general officer who was appointed as the drug czar in 1994. Despite receiving accolades from American counterparts in the media, it was later discovered that he had been leaking information to the Juárez cartel for seven years. Corruption has deeply penetrated all levels of Mexican institutions. The deep-rooted corruption in Mexican culture has hindered the government's ability to establish a transparent and efficient bureaucracy. This is crucial for implementing impactful policies that could strengthen the state. Mexico's history of lacking a trustworthy bureaucracy has perpetuated the presence of organized crime. By giving in to bribery and corruption, government officials have lost their determination to resist illegal payments and work towards bettering the country and combatting organized crime.

## J. Addressing the gap of United States Gun Laws:

The gun laws in the United States are not strong enough to control the availability of guns to the public, stop gun trafficking, and ensure accountability through tracing. While some states have stricter regulations than federal laws, the following are federal standards that weaken the effectiveness of state laws:

- **Easy access to purchase weapons:**

In the United States, there are no federal laws mandating gun users to obtain a license or undergo a waiting period before purchasing a firearm. Federal restrictions primarily target specific groups, including individuals under eighteen for long guns and under twenty-one for handguns, out-of-state purchasers of handguns, undocumented immigrants, drug users or addicts, individuals convicted of domestic violence offenses, and those under a restraining order for harassing or threatening behavior towards a partner or child. Additionally, individuals who have entered the United States unlawfully or on a non-immigrant visa, those who have relinquished their citizenship, and individuals convicted of crimes punishable by imprisonment for more than one year are prohibited from purchasing firearms. However, individuals who have been convicted of crimes may regain their right to own firearms if their civil rights have been restored or if their convictions have been pardoned, set aside, or expunged.

Despite these restrictions, a loophole exists in the system: while gun buyers are required to present proof of identity when purchasing a firearm, dealers lack the means to verify the authenticity of these identification documents. This gap in the federal background check system enables individuals who are legally prohibited from purchasing firearms to do so using counterfeit or forged identification documents.

- **Anyone has the potential to become a dealer:**

Only individuals actively involved in the business of dealing arms are mandated to obtain a license, excluding those who conduct occasional sales, exchanges, or purchases for personal collection or hobby purposes.<sup>46</sup> The ATF has expressed frustration with this definition, as it allows unlicensed dealers posing as collectors or hobbyists to traffic



<sup>46</sup> 7 Giffords Law Center to Prevent Gun Violence. <Gun Dealers: Summary of Federal Law= <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-dealers/>

A 2011 study examined private gun sales online and discovered that 62 percent of sellers on Armslist and comparable websites agreed to continue with the sale, even after undercover buyers voiced concerns about background checks. Social media platforms such as Reddit and Facebook are also utilized for similar transactions, although Facebook ceased permitting users to arrange such deals in 2016. Twenty states (and Washington D.C.) have taken measures to close the federal loophole that allows for these unregulated private sales. However, Texas, which is the largest source of illegal firearms entering Mexico, has yet to address the issue of private sellers exploiting this loophole.

- **Gun-Trafficking's ineffective laws:**

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prevent gun violence. Federal law requires background checks for purchasing from licensed dealers, but there are large gaps in private sales and transactions at gun shows. These gaps allow people with criminal or mental health issues to get guns without proper scrutiny. Failing to close these gaps not only puts public safety at risk but also makes it easier for high-risk individuals to access firearms and possibly commit violent acts.

It is legal to purchase firearms from a Federal Firearms Licensee (FFL) and then privately sell them without background checks. This makes it difficult for law enforcement to prove that individuals knowingly sell their guns to prohibited buyers on the black market after their guns were confiscated in Mexico. Additionally, giving a gun as a gift is legal, and falsely reporting a gun as lost or stolen to avoid laws against straw purchasing is another loophole. Some states attempt to enforce reporting stolen or missing guns by prosecuting those whose guns are recovered at crime scenes. Although making gun owners responsible in this manner could potentially lead them to falsely claim their guns were stolen shortly after purchase. A survey conducted on inmates in Cook County, Illinois revealed that a significant number of them admitted to acquiring guns from friends who had legally purchased them and later reported them as stolen.<sup>47</sup>

The easy access to a wide range of firearms worsens the problem of gun violence in the United States. Semi-automatic rifles and high-capacity magazines, which are commonly used in mass shootings because of their deadly effectiveness, are easily accessible for civilians to buy with little regulation in numerous areas. Critics believe that the widespread availability of these weapons plays a role in the increase in both the number and severity of mass shootings, underscoring the pressing importance of implementing stricter regulations on the types of firearms and accessories that can be purchased. Although federal laws are in place to regulate firearms, the enforcement of these laws is hindered by a lack of resources and political barriers. Limited funding for law enforcement agencies responsible for upholding gun laws, along with resistance to policies seen as violating Second Amendment rights, hinders the full implementation of existing regulations. Consequently, enforcement actions frequently fail to effectively tackle the complexities of gun-related offenses and prevent them from happening again.

### • Access to Semi-Automatic Assault Weapons:

Access to semi-automatic assault weapons in the United States continues to be a highly debated issue, highlighting the balance between constitutional rights and public safety. Despite ongoing discussions and occasional calls for more stringent regulations, these firearms remain easily obtainable by individuals throughout the country, largely because of legal loopholes, cultural influences, and political factors. In 1994, Congress enacted a law prohibiting the manufacturing, transfer, and possession of semi-automatic assault weapons for everyone except the military. This legislation included a provision that the ban would expire in 2004, thereby making semi-automatic weapons legal again unless prohibited by state law. Semi-automatic assault weapons are frequently preferred by Mexican cartels, and multiple studies have indicated a notable rise in homicides and gun violence associated with drug trafficking in Mexico following the expiration of the federal assault weapons ban in 2004.

Semi-automatic assault weapons are widely available due to lenient gun laws in many states, unlike countries with stricter firearm regulations. The US permits legal ownership and purchase of semi-automatic rifles and pistols, including those resembling military-style assault weapons. Although some states have restrictions, variations in gun laws allow individuals to obtain firearms in states with lax regulations and bring them to states with stricter laws. Furthermore, the power of the gun lobby, specifically the National Rifle Association (NRA), has had a major impact on shaping the political environment regarding gun control laws. By lobbying, contributing to campaigns, and mobilizing grassroots support, the NRA and other pro-gun groups have successfully hindered efforts to pass thorough reforms that would limit the availability of semi-automatic assault weapons. This political sway has resulted in the failure or weakening of proposed laws meant to ban specific firearms or enforce stricter background checks, ultimately keeping these weapons accessible to the public.

<sup>47</sup> Philip J. Cook, Susan T. Parker, Harold A. Pollack, <Sources of guns to dangerous people: What we learn by asking them= Preventive Medicine, Volume 79, 2015, Pg. 35.



## • **Unraveling the Roots of Violence in Mexico:**

The complex issue of illegal weapons smuggling across the U.S.-Mexico border today is influenced by various forces, including shifting global politics, economic inequalities, and criminal networks. While the U.S.-Mexico border works to combat illegal weapons, the trade persists, increasing safety issues on both sides. The enormous U.S. firearms market and relaxed gun laws make it easy for guns to end up on the black market in Mexico. Criminal groups like drug cartels and smuggling rings use these weapons to arm their members and cause violence. These illegal arms fuel conflicts between competing cartels and make it difficult for law enforcement on both sides of the border. Lately, illegal immigration and weapons smuggling have become closely linked. Smugglers take advantage of migrants and illegally transport both people and weapons across the border. This shows how complicated and interconnected border security is. In counties with more residents, the relationship between murder rates and indicators of well-being is more pronounced. If murder rates negatively impact a county's quality of life, or vice versa, we might expect a strong to moderate positive correlation with poverty and unemployment rates. To solve these problems, we need to look at the root causes, make law enforcement agencies work together better, and improve border controls.

### **K. Initiatives taken by the enforcement:**

Both the United States and Mexico have enacted legislation aimed at enhancing gun control measures. In the U.S., the Federal Assault Weapons Ban (AWB) was incorporated into the 1994 Violent Crime Control and Law Enforcement Act. Although this ban was in effect from September 1994 to 2004, it was not renewed. While certain states, such as California, maintained the ban, the majority permitted the purchase and possession of previously restricted firearms. Despite statutes like the Gun Control Act of 1968, illicit gun trafficking persists due to legal loopholes and the significant proliferation of firearms in the U.S. The illegal gun trade from Mexico to the U.S. is particularly concerning, contributing to violence and instability in both countries. This highlights the need for stronger collaboration, strict enforcement, and overall strategies to address this international threat. Although the United States being known for its large number of firearms, Mexico has a relatively low level of weapon ownership. While Mexico manufactures its own firearms and ammunition, its production is limited. The estimated 18 million guns in Mexico, approximately 2.5 million are legally registered, with the remaining 15.5 million being illegal reported in 2011. For over a century, the US has maintained a robust firearms industry, mass-producing guns, from everyday handguns to high-powered assault rifles used in military combat. Although most guns are legally made and sold, a substantial portion ends up in illegal hands. This occurs due to weak laws, unsecured borders, and the strong demand for weapons in Mexico's black market. Political unrest, like the Mexican Revolution, increased arms smuggling across the US- Mexico border as groups needed weapons. The Prohibition era in the US intensified illegal arms trade, with criminal organizations transporting firearms to Mexico for bootlegging. In the late 20th century, Mexican drug cartels emerged and took advantage of the readily available weapons from the US to arm their members and establish dominance.

### **L. Economic Conditions of Mexico:**

In the late 1980s, Mexico shifted from a closed economy, where the government controlled most economic activities, to a more open market economy that allowed for international trade. This transition became more pronounced after the implementation of the North American Free Trade Agreement (NAFTA) in 1994, which created free trade zones between Mexico, the United States, and Canada. As a result, Mexico has since signed trade agreements with 50 countries worldwide. After NAFTA's implementation, Mexico has shifted towards an economy centered around exports. In 2021, exports accounted for 41% of Mexico's GDP, a significant increase from 12% in 1993. While Mexico continues to supply crude oil to the United States, its primary exports to that country now include vehicles and their components, data processing equipment, and electrical machinery. Between 2010 and 2019, Mexico's economy grew steadily at an average of 2.7% per year. However, in 2020, the global pandemic triggered a severe economic downturn, causing a sharp 8% contraction. Despite this setback, the economy partially recovered in

2021, expanding by 4.7% due to increased demand from the United States and wider vaccination coverage. However, economic growth slowed in 2022 and is projected to be even slower in 2023 at 1.8%. This is attributed to concerns regarding tightening interest rates, rising inflation, and a potential slowdown in US economic growth. Mexico's future growth prospects are uncertain. Mexico's medium-term economic performance is hindered by financial exclusion, a lack of competitiveness, informal sector employment, corruption, and poor female labor participation, according to the Organization for Economic Cooperation and Development (OECD). Due to pandemic, long term growth was hindered as the energy sector discouraged foreign investments and the rise in technological innovation and climate change challenges. Mexico possesses significant economic advantages, including abundant resources, a youthful workforce, and close proximity to U.S. markets. These strengths make it an ideal candidate for companies looking to relocate production outside of China. United States plays a dominant role for Mexico's economic connection expansion and foster its economy. Mexico's trade agreements with the following entities contribute to the following percentages of global Gross Domestic Product (GDP): Pacific Alliance: 41% (\$2,707 billion) of Latin American and Caribbean GDP European Union (EU): 22.9% (\$19,974 billion) of global GDP USMCA: 28% (\$24,440 billion) of global GDP CPTPP: 12.9% (\$11,262 billion) of global GDP.

## **M. Social Conditions of Mexico:**

Despite Mexico's economic progress, poverty levels have remained high, a situation worsened by the COVID-19 pandemic. In 2020, approximately 10 million individuals in Mexico slipped below the poverty threshold, resulting in a poverty rate of 43.9%. Traditionally, poverty has been most pronounced in rural regions of southern Mexico, particularly among indigenous communities and individuals engaged in subsistence farming or informal economic activities. Mexico's society is a blend of diverse cultures, shaped by its history and facing current issues. Despite its vibrant cultural heritage with indigenous influences and artistic traditions, Mexico struggles with social problems. Education and healthcare are not equally available to everyone in Mexico, leading to differences in opportunities and overall well-being. Moreover, the country struggles with crime, such as organized crime, drug trafficking, and the killing of women, which significantly impacts people's safety and the harmony within communities. Income disparity is prevalent, with many individuals living in poverty, particularly in rural and disadvantaged urban regions. Contrary to expectations, deprived and working-class families in Mexico received financial assistance (remittances) from relatives living abroad throughout the pandemic. Remittances sent to Mexico grew by 27% between 2020 and 2021. Mexico has a long-standing problem with income inequality. As per the 2022 World Inequality Report, 57% of the nation's wealth is held by only 10% of its citizens. This distribution has remained largely unchanged over the past century. The contributing factors to this inequality include: A tax system that favors the wealthy. - Market dominance by a small number of large companies (oligopolies). - A minimum wage that is relatively low. - Inefficiencies in certain social welfare programs.

## **N. The Border Wall and the Tunnel:**

Under Democratic presidents Roosevelt and Truman, the United States began constructing border fences along the U.S.-Mexico border to address the increasing human migration from Mexico. Prior to this, fences had primarily been used to control animal movement, but the government's focus shifted as immigration surged in the 1940s and 1950s. The fence is ideally 30 feet tall but not shorter than 18 feet and buried at least six feet underground to deter tunneling and resistant to climbing, even with advanced equipment. Withstand sustained attacks using tools such as impact tools, cutters, and torches. During a period of change, Mexico and the United States decided that the border could be crossed freely. Since 1989, drug cartels have employed intricate tunnels to smuggle illicit substances into the United States. The method was popularized by well-known drugs dealer Joaquín "El Chapo" Guzmán of the Sinaloa Cartel. These tunnels have become increasingly sophisticated over time. In 2016, authorities uncovered a groundbreaking tunnel that stretched over half a mile between Tijuana and San Diego. It boasted features such as ventilation systems, tracks, and electrical installations. This was the longest tunnel discovered yet, joining a list of 13 highly advanced underground passages that have emerged since 2006. From 1990 to 2016, a total of 224 tunnels have been uncovered along the U.S.-Mexico border. The border fence starts in Texas, but is located away from the actual coast at the Gulf of Mexico. In other areas, the fences are placed intermittently, with large gaps in between. All of these fences are

designed for pedestrians, preventing people from crossing the border illegally. Massive stretch of the border lacks physical barriers, with the most extended unfenced portion spanning over 600 miles in the central Texas region. This area is sparsely populated, with no significant cities on either side of the border. The construction of physical barriers along the border, whether fences or walls, is influenced by various factors, including the landscape, financial constraints, and legal regulations. The Texas region of the border has limited fencing due to treaties, private land rights, ongoing legal challenges, and floodplains. In contrast, erecting fences was more feasible in New Mexico, Arizona, and California, where the federal government manages a 60-foot-wide area along the border. Smugglers are adapting their techniques, employing drones, catapults, and interconnected drainage systems with tunnels or tubes that allow people and drugs to be transported covertly. However, increased land border security could lead to a shift in smuggling methods towards maritime routes, with goods and individuals being smuggled by boats sailing up the coast and landing in California. Between 2009 and 2014, around 70% of guns seized in Mexico came from the United States. Despite seizing over 73,000 firearms, experts believe they were just a small portion of the smuggled weapons. Additionally, billions of dollars generated annually from drug sales in the U.S. are illegally transferred back to Mexico, supporting cartel operations. While complex money laundering methods are sometimes used, significant amounts of money cross the border daily in bulk cash stashed in vehicles and cargo.

## 2.2 Important themes:

The illicit trade of firearms across the U.S.-Mexico border is a complex and pressing issue that demands thorough examination. At its heart, this research seeks to unravel the intricate mechanisms driving the flow of illegal weapons from the United States into Mexico, a phenomenon that has fueled violence and instability in both countries. Understanding the root causes of this illicit trade is crucial for devising effective strategies to combat it.

One major factor contributing to the problem is the relatively lax regulations governing gun sales in the United States. The ease with which individuals can purchase firearms, coupled with weak enforcement measures, has created a thriving black market where guns are readily available to criminal organizations. Additionally, corruption within Mexican law enforcement agencies exacerbates the problem, allowing trafficking networks to operate with impunity.

The consequences of firearms trafficking extend far beyond mere proliferation of weapons. It has profound impacts on violence levels, governance structures, and political processes in Mexico. The availability of guns empowers criminal organizations, enabling them to assert control over territory and challenge state authority. This, in turn, undermines trust in government institutions and erodes the rule of law.

Furthermore, firearms trafficking is intricately linked to other transnational threats such as organized crime and drug trafficking. Criminal networks exploit the same smuggling routes used to traffic drugs to move weapons across the border, exacerbating the challenges faced by law enforcement agencies on both sides.

To address this multifaceted problem, policymakers and stakeholders must adopt a comprehensive approach that tackles both the supply and demand sides of the illicit arms trade. This may involve strengthening gun regulations in the United States, enhancing border security measures, and improving coordination between U.S. and Mexican law enforcement agencies. Additionally, efforts to address the root causes of violence, such as poverty and inequality, are essential for reducing the demand for firearms.

Ultimately, by gaining a deeper understanding of the complexities surrounding firearms trafficking across the U.S.-Mexico border, this research aims to inform evidence-based policies and interventions that can effectively mitigate the threats posed by illegal arms trade and promote security and stability in the region.

## 2.3 Discussion

### 2.3.1 Analysis:

## A. Scrutinizing the link between illicit firearms and Mexican cartels:

Mexican drug cartels depend heavily on guns to control their areas, run their operations, and fight off other groups and the police. They often get their guns from illegal sources, such as smuggling from the United States, Central America, and other places with weak gun laws. The easy flow of guns across the porous border between Mexico and the United States makes it easy for cartels to get these weapons, which they use to commit violent crimes, scare their enemies, and grow their criminal operations. The high demand for firearms by Mexican cartels fuels a thriving black market for weapons. This illicit trade provides enormous profits for arms traffickers and perpetuates the cycle of violence in Mexico and nearby nations.

Addressing this issue demands collaboration between countries, involving increased law enforcement cooperation, stricter gun regulations, and focused initiatives to dismantle the network supporting the illegal firearms trade. Conflicts between drug cartels for profitable drug trade routes have displaced civilians and escalated into a devastating civil war-like situation. Drug cartels utilize the same pathways to smuggle drugs, migrants, and firearms, safeguarding these routes from any disruptions by their adversaries or governmental authorities. Mexico's northern and southern borders play a pivotal role in the illicit transportation of firearms via land, air, and sea. The main channels for introducing firearms from the U.S. into Mexico encompass the Pacific route from Tijuana to the Pacific states, the central route from Ciudad Juárez to Jalisco or Michoacán, the Gulf route from Coahuila or Tamaulipas to Oaxaca, Veracruz, or Tabasco, and the Southern route from Tabasco or Chiapas to Veracruz or Oaxaca.

Despite gun control restrictions in Mexico, the country possesses an illicit firearms supply that exceeds the legal supply by over five times. Illegal weapons and ammunition create a dangerous cycle where conflict breeds crime, and crime in turn fuels conflict. These weapons can both start and sustain armed conflicts, and conflict zones often provide opportunities for weapons to be stolen and sold for profit by criminal networks. Terrorist groups and organized crime syndicates use illegal weapons to carry out their activities, while both groups may also engage in arms trafficking. In times of conflict or its aftermath, the boundaries between these types of organizations can become unclear, leading to a complex and dangerous situation. In the past 20 years, active conflicts have surged. Since the mid-1990s, more civil conflicts have reignited than emerged anew. Notably, internationalized civil conflicts have driven most of the recent global increase in conflicts. The ongoing wave of intra-state conflicts frequently exhibits features that heighten their potential for extended durations, such as multiple fighting factions or external interference. Non-state armed groups (NSAGs) often rely on illegal sources of income, such as looting, extortion, kidnapping, and illegal resource extraction. They also engage in the production and sale of contraband. These activities contribute to and result from ongoing and protracted armed conflicts.

Illegal arms trafficking has significantly contributed to Mexico's high homicide rates. Eighteen of the world's top 50 cities with the highest homicide rates in 2020 were in Mexico. The violence has had a significant impact on the country's economy, with GDP reducing by approximately 1.92% between 2010 and 2014. From 2007 to 2019, over two-thirds of the 277,000 murders in Mexico involved firearms. Criminal organizations use guns to establish dominance, intimidate rivals, and gain control over territories. They have access to advanced high-caliber weapons typically reserved for military use, which has been particularly prevalent since the start of the drug war in 2006. Mexican cartels buy guns from the US because Mexico has strict gun laws that forbid civilians from owning military-grade weapons. This makes it easier for cartels to get various types of guns at reasonable prices from the US gun market. Because of this, Mexican criminals are buying more guns from the US, posing new threats to Mexico's security. Other factors contributing to this problem include the porous nature of the US-Mexico border and the lack of strong measures to stop weapons trafficking. Powerful criminal organizations, like the Sinaloa Cartel and the CJNG, leverage their large numbers to obtain weapons at lower costs compared to purchasing them from illegal arms dealers. They also employ cheaper methods, such as stealing firearms. When these cartels amass an excess of weapons, they can seize even more. Purchasing firearms illegally is less complicated than participating in other criminal activities.

Illegal gun traffickers often exploit loopholes in secondary gun markets, where unlicensed "straw purchasers" can buy multiple firearms at once without background checks. This lack of regulation makes it simpler for criminals to



obtain weapons. Furthermore, private gun sales at these informal markets often avoid background checks, further aiding the ATF's challenges in tracking firearms. It's estimated that up to 25% of gun show vendors may be unlicensed, contributing to the proliferation of illegal firearm sales. Cartels can simply enlist the help of "straw purchasers," individuals with clean criminal records who can legally acquire firearms from federally licensed dealers on behalf of convicted felons. These transactions frequently occur at gun shows, where lawfully obtained American firearms are diverted into the illicit market. Often, the people who make these purchases are friends or relatives of the criminals themselves.

Criminals use a clever tactic called "ant trafficking" to smuggle firearms from the United States to Mexico. Unlike traditional smuggling, where large amounts of weapons are moved in one go, this method involves many individuals transporting smaller quantities of guns to reduce the risk of detection. It often involves organized groups making multiple straw purchases of firearms and crossing borders repeatedly. This strategy allows for the accumulation of significant numbers of illegal weapons, facilitating illicit flows and contributing to the large-scale supply and demand of firearms. Notably, customs in both countries commonly seize small batches of five or fewer firearms, which aligns with the modus operandi of ant trafficking. Throughout the US, there are more than 51,000 of gun stores estimated where 6,700 are in the border states within the border zones. Cartels exploit their existing drug trafficking and migrant smuggling routes to transport weapons, shielding them from threats posed by competitors and authorities. Essential entry points for illicit guns into Mexico include both its northern and southern borders, accessible by land, air, and sea. The main channels through which firearms from the United States enter Mexico include the Pacific Route, which originates from Tijuana and extends to the Pacific states, the Central Route running from Ciudad Juárez to Jalisco or Michoacán, the Gulf Route spanning from Coahuila or Tamaulipas to Oaxaca, Veracruz, or Tabasco, and the Southern Route beginning from Tabasco or Chiapas and leading to Veracruz or Oaxaca. The cartels have access to hidden trails in rugged terrain, they also take advantage of lax security at official border crossings. These crossings connect to major cartel cities and provide access to national highways.

According to data from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), approximately 70% of firearms recovered at crime scenes in Mexico from 2009 to 2014 originated from the United States. These weapons encompass a variety of firearms, ranging from handguns to military-grade assault rifles such as the AK-47 and AR-15, which are favored by cartels for their potency and dependability. Mexican cartels take advantage of the loose gun laws and weak border security in the United States to obtain weapons through straw purchases, buying in bulk at gun shows, and smuggling them across the border. These guns are then taken into Mexico and given to cartel members, equipping them for violent actions to capture Mexico's territories. The Mexican cartels are able to carry out long-lasting disputes with rival groups, authorities, and even military forces thanks to the access to powerful weapons imported from the United States. This has led to extreme levels of violence and loss of life in Mexico, with tens of thousands of deaths linked to cartel violence annually. Furthermore, the illegal arms trade adds to the cartels' control over power, allowing them to make profits from drug trafficking and trafficking weapons. The dangerous partnership between Mexican cartels and the movement of illegal weapons across the US-Mexico border leads to ongoing violence and chaos, supporting a profitable underground economy that benefits from the pain of many people in both countries. To tackle this problem, we need to focus on improving border security, tightening gun laws, fighting corruption, and dismantling the financial motives behind the illegal arms trade.

## **B. Analyzing the pursuit of Mexican cartels and corrupt Mexican government:**

Corruption in the Mexican government is deeply rooted and widespread, almost like a built-in part of their system. It is something that the public and society condemn, but also sadly acknowledge as a common feature. Government corruption, which involves the misuse of public power for personal benefit, has been present in Mexico through actions like extortion, bribery, kickbacks, and tax evasion. Corruption has been well-documented in various levels of the Mexican government since colonial times. Corruption within various tiers of the Mexican government has been extensively documented since colonial times. This was facilitated by shortcomings in Mexico's political and legal frameworks, which permitted the exploitation of power within the federal government. Significant historical events further entrenched the influence of Mexican cartels, resulting in heightened levels of corruption. Nevertheless,

substantial changes have occurred in Mexican politics in the early decades of the 21st century. There have been notable advancements in ensuring accountability among public officials.

Mexico's flawed constitutional and political system, coupled with decades of one-party and hegemonic governance, rendered the country particularly susceptible to corruption. In the 20th century, Mexican law banned reelection, leading to frequent job changes in the government and concerns about job stability. This system, with power flowing upwards in a single party, forced civil servants to prioritize pleasing their superiors over serving the public. According to Morris (1991), government workers relied on their connections within the party or with high-ranking officials for career advancement opportunities. Even when politicians found corruption among their peers, loyalty norms and job security concerns often discouraged them from speaking out.

It is possible that political leaders collaborated in dishonest actions with their followers to cultivate stronger loyalty and reliance. The existing legal procedures aimed at preventing corruption were ineffective. Rules discouraged the reporting of corrupt activities without solid proof, and there was a significant lack of legal foundation for holding accountable officials accused of misconduct. The Mexican constitution provides protection from prosecution to senators, deputies, governors, and other government officials while they are in power. This safeguard, known as *fuero* in Spanish, has been a blemish on the Mexican government since its beginning and continues to be present today (Rodriguez, 2013). The increase in drug abuse near the US border led to a rise in gang warfare in nearby cities. Multiple gangs emerged, engaging in violent confrontations to gain control of the local drug trade. Current estimates suggest there are between 60 to 80 drug gangs operating in the area. Another issue that arose was the emergence of vigilante justice, particularly in small towns. Instead of relying on the police to address crime and disputes, some groups take the matters into their own hands. These additional consequences of organized crime added to the complexity of an already challenging situation, highlighting the inadequate security measures and rule of law in Mexico.

### **C. Utilizing the ineffectiveness of government:**

The corruption history in Mexican politics shows that several factors led to the state being vulnerable to corruption by drug cartels. One major factor was the monopoly of absolute power by a dominant political party. Drug cartels took advantage of this vulnerability in the Mexican government and legal system by bribing high-ranking officials. Because officials in Mexico were shielded from prosecution while in office, they felt secure in their illegal transactions with drug traffickers. According to sources with access to confidential U.S. intelligence documents and individuals who have conducted interviews with multiple current and former officials, the American government has been aware of this issue for years. However, there has been limited action taken to address the trafficking of weapons within the United States. These networks are responsible for smuggling up to a million firearms across the border annually, including high-powered weapons such as belt-fed miniguns and grenade launchers. Various cartel gunrunning groups, resembling terrorist cells in their operation, recruit Americans to purchase firearms from stores and online dealers nationwide, with operations extending as far north as Wisconsin and Alaska. Subsequently, these firearms are transported across the southwest border through a network of intermediaries and couriers.

During the 1970s and '80s, Mexican drug cartels formed a pact with the government where they could operate freely as long as they followed certain rules. These rules included providing substantial amounts of money upon request, carrying out favors like assassinations, and avoiding selling drugs to minors. In exchange for their cooperation, the cartels received protection from various authorities like local police, military leaders, governors, and their envoys (Grayson, 2014,

p. 22). In a well-known scheme called the "1-2-3 system," criminal cartels supposedly paid off officials to operate drug activities in certain areas: \$1M for inland locations, \$2M for coastal regions, and \$3M for border crossings between the U.S. and Mexico. It was typical for drug lords and government authorities to have a close relationship when both parties upheld their corrupt agreement. These drug lords would frequently socialize with public figures, attending public events, weddings, and other high-profile gatherings alongside state officials (Grayson, 2014, pp. 23-24).

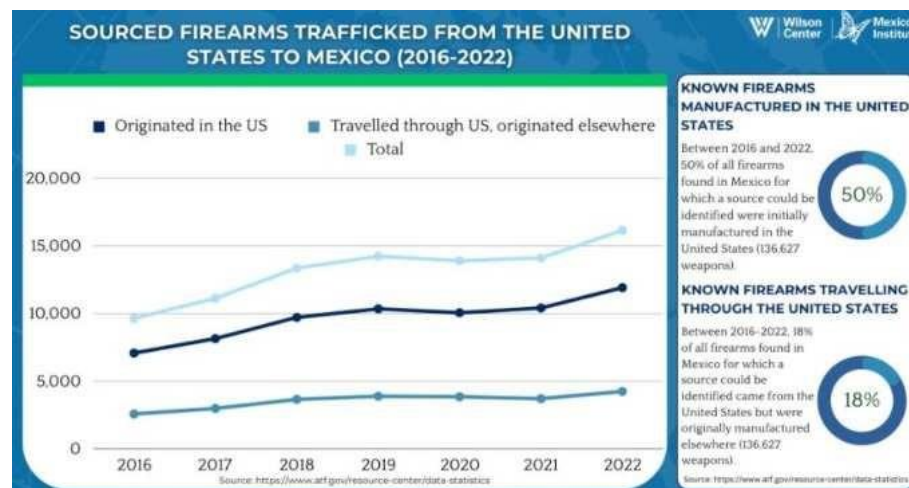


Many experts believe that both domestic and international factors play a role in the situation. In Mexico, the cartels are known to use a portion of their huge profits to bribe judges, law enforcement officers, and politicians. They also force government officials to work with them through threats and violence; it is not uncommon for journalists and public servants to be assassinated by the cartels. The lead-up to the country's midterm elections in 2021 saw the deaths of numerous politicians, with many of them believed to have been targeted by the cartels. The cartels thrived during the seven decades when Mexico was under the control of the Institutional Revolutionary Party (PRI).

The firearms confiscated by Mexican security and law enforcement agencies, then traced back to their origins, predominantly originate from the United States. Some of these firearms are manufactured and sold within the United States, while others are illegally brought into the country and subsequently find their way to Mexico. The majority of these firearms enter Mexico unlawfully through five southwest border crossings - San Diego, Nogales, El Paso, Laredo, and McAllen. A considerable portion, ranging from 24% to 69% of traced firearms, were initially purchased in Texas, California, and Arizona. The ramifications of ineffective governance are profound, as the proliferation of illegal firearms contributes to escalating violence, insecurity, and lawlessness both in the United States and Mexico. Criminal groups have strong control over this underground market, taking advantage of weaknesses in regulations and using corruption to continue their activities. To tackle this problem, it is necessary to take a comprehensive approach that closes regulatory gaps, enhances border security, and fights corruption in law enforcement.

## Data analysis about the firearms trafficking across the U.S.-Mexico border:

### Firearms obtained from the United States and trafficked to Mexico between 2016-2022:



Over recent years, both the United States and Mexico have confronted escalating challenges related to arms and drug trafficking. To confront the surge in violence, the Mexican Attorney General of the Republic (FGR) and the United

States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) joined forces to monitor the origins and volume of firearms entering Mexico from or traveling through the United States. Data analysis indicates a notable expansion in cross-border arms commerce, particularly evident between 2016 and 2022.

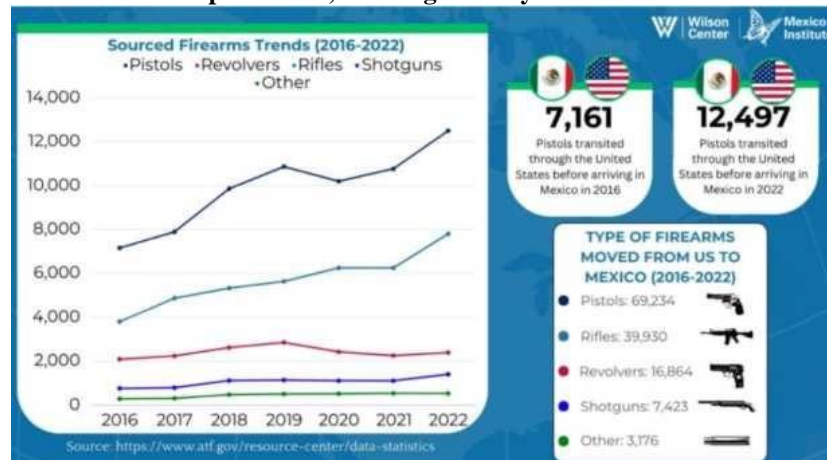
Both the United States and Mexico have grappled with a surge in arms and drug trafficking over recent years. This uptick in violence prompted collaboration between the Mexican Attorney General of the Republic (FGR) and the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to monitor the origins and quantities of firearms entering Mexico from or passing through the United States. According to findings from the Secretariat of Foreign Relations in Mexico, the bulk (70-90%) of traced firearms are sourced from and transit through the US. However, the ATF and the US Government Accountability Office (GAO) reported a slightly lower proportion of 68%, with 50% manufactured domestically, 18% imported, and ultimately discovered in Mexico.

The ATF has made notable findings. While pistols have traditionally been the most prevalent firearms found by the ATF, the reported number of rifles in Mexico between 2016 and 2022 has surged by 105%. This indicates a potential shift in cartel preferences towards this type of firearm.

Certain counties in the US have been linked to firearms discovered in various Mexican cities, spanning from the Pacific to the Atlantic Coasts. This connection was underscored by former Mexican Foreign Affairs Secretary Marcelo Ebrard and the Mexican Attorney General's Office. Additionally, the United Nations Office on Drugs and Crime (UNODC) has highlighted the existence of 'ant-trafficking,' where firearms are deliberately diverted from legal sources, as well as straw purchases, where individuals purchase guns on behalf of others, along these routes. These practices exacerbate the illegal trafficking of firearms. The presence of firearms in Mexico,

coupled with these phenomena, demonstrates the interconnectedness of these trafficking routes, leading to a more widespread illegal transportation of firearms. The escalation of these activities underscores the need for enhanced cooperation between the United States and Mexico to curb the illegal flow of firearms.

**The data highlights the rise of the bilateral weapons trade, focusing on the years 2016-2022.**



The United States is struggling with the ongoing problem of guns being smuggled across its borders, both to the north and to the south. The illegal buying of guns within the country, which is frequently done by groups purchasing guns on behalf of cartels, is driving the flow of guns into Mexico (ATF, 2021).



## D. Initiatives to control illegal trade of firearms:

The evolution of infrastructure at Ports of Entry along the U.S.-Mexican border has been irregular, often prompted by sudden perceived needs for heightened border security. Operations like Gatekeeper and Hold the Line, launched by the Clinton Administration in the mid-1990s in San Diego and El Paso, respectively, partly stemmed from community concerns regarding unauthorized immigration. These efforts signaled a transition towards bolstered border security measures, such as reinforced fencing, improved lighting, and the implementation of various sensor technologies aimed at deterring and detecting illegal border crossings between official entry points.

### • Holding Traffickers Accountable and Using New Authorities:

Last year, the Department of Justice (DOJ) established a dedicated team to combat firearms trafficking by cartels along the Southwest border, yielding notable successes in dismantling networks involved in illegal gun trafficking. Noteworthy cases include the prosecution of Jorge Zuniga-Aguilera in the District of Arizona, resulting in a 27-month federal prison sentence for trafficking at least 82 firearms, one of which was linked to the murder of a Mexican citizen.

Another significant case involved Jaime Jesus Esquivel in Laredo, Texas, prosecuted for manufacturing and unlawfully exporting fully automatic weapons to Mexico for cartel use.

Leveraging the newly conferred criminal authorities under the Bipartisan Safer Communities Act (BSCA), the DOJ is intensifying efforts to target and prosecute firearms traffickers. Empowered by these legal provisions, the DOJ is actively pursuing individuals engaged in the illicit trafficking of firearms, including those facilitating straw purchases of firearms destined for unlawful activities. To date, over 100 defendants have faced charges under the BSCA's provisions targeting firearms trafficking and straw purchasing. Notably, the enforcement of firearms-trafficking laws has proven particularly effective in curbing illicit activities along the Southwest border, with a majority of charges being brought by U.S. Attorneys' Offices in border states.

### • Addressing the Increase in Ghost Guns and Other Dangerous Weapons:

To address the growing challenge posed by the proliferation of privately created firearms, often referred to as "ghost guns," the ATF implemented a final rule last year aimed at tightening regulations to control the spread of these firearms. Recognizing the evolving landscape of technological advancements that could potentially compromise public safety, including 3D printers and machinegun conversion devices, the ATF established an Emerging Threats Unit (ETU) tasked with overseeing and coordinating investigations spanning multiple jurisdictions. These investigations are conducted in close collaboration with inquiries into violent crimes and involve formal partnerships with relevant United States Attorneys' Offices (USAOs).

Employing a range of strategies to curb the illegal dissemination of firearms, the ATF collaborates with USAOs to pursue civil actions and obtain restraining orders to halt the sale of illicit machine gun conversion devices. Additionally, President Biden's Executive Order issued on March 14 instructed the Federal Trade Commission to conduct a comprehensive analysis of how gun manufacturers target minors in their marketing efforts and whether they employ military-themed imagery in their advertising aimed at civilians.

To stem the flow of illegal firearms, the Justice Department enacted a new policy in 2021, demonstrating a firm stance against intentional violations of the law by federally licensed firearms dealers that jeopardize public safety. The government has embarked on initiatives to encourage secure storage practices for firearms, aiming to thwart theft and illicit gun trafficking. One key measure involves the ATF's issuance of a final rule that clarifies the responsibilities of firearms dealers in providing secure storage options to customers. President Biden further bolstered these efforts through an Executive Order issued on March 14, directing Cabinet members to raise awareness and advocate for the safe storage of firearms. Additionally, he instructed the Secretary of Transportation to collaborate with the Department of Justice to mitigate the loss or theft of firearms during shipment and enhance reporting of such incidents by engaging with carriers and shippers.

Collaborating closely with Mexico, the Department of Justice (DOJ) - in conjunction with the State Department's Bureau of International Narcotics and Law Enforcement (INL) - has bolstered the utilization of the eTrace system in Mexico. This initiative enables Mexican law enforcement to efficiently trace the origins and purchasers of numerous firearms involved in criminal activities. To date, accounts have been established in most of Mexico's states, with efforts underway to complete implementation in the remaining states by year's end. Additionally, the Institute of Nuclear Leadership (INL) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) have joined forces to deliver training to a total of 757 forensic experts and investigators from various law enforcement agencies. This training focuses on the identification of firearms and explosives, enhancing the capabilities of Mexican authorities in combating illegal arms trafficking and related crimes. They've also provided training to more than 118 forensic experts and investigators specifically on the ATF's eTrace system. Thanks to these training efforts, approximately 12,000 traces were submitted to the ATF by Mexican government agencies in the first half of Fiscal Year 23. Out of these traces, more than a third were successfully linked back to the original purchaser. These successful eTrace hits have been crucial in supporting multiple firearms trafficking investigations and prosecutions led by the United States, including the Villa Union case, which resulted in the prosecution of 18 individuals. This collaborative effort has involved the participation of 18 states and the Federal Attorney General's office, demonstrating a strong commitment to combating illegal firearms trafficking. Through its partnership with the Mexican government via INL, the State Department is dedicated to enhancing the country's fight against narcotics by offering training, technical support, and equipment. This includes assistance in police training, criminal investigations, and border security at the U.S.-Mexico border and entry points. Working alongside the Department of Justice, INL has aided in accrediting 25 ballistics labs in 19 Mexican states and the Federal Attorney General's office. This accreditation involves providing necessary resources such as analysis equipment and mobile labs to aid in firearms-related investigations, including trafficking.

## • **Project Thor:**

Project Thor, initiated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in 2018, aimed to combat firearms trafficking to Mexican cartels. With support from the Drug Enforcement Administration's Special Operations Division, the project sought to dismantle trafficking networks, seize their assets, and prosecute their leaders. This comprehensive approach involved collaboration across government agencies, with over 16 executive branch agencies participating, including the Department of Homeland Security (DHS), Customs and Border Protection (CBP), Homeland Security Investigations (HSI), the U.S. Postal Inspection Service (USPIS), the Federal Bureau of Investigation (FBI), the U.S. Marshals Service (USMS), the U.S. Embassy in Mexico, the Drug Enforcement Administration (DEA), and attorneys from the Justice Department. Project Thor received public recognition for its achievements, with the ATF awarding its team the Distinguished Service Medal. However, funding for the project was suspended and terminated by the ATF in fiscal year 2022.



Project Thor's purpose was to disrupt Mexican cartels' access to American firearms and financial resources to restrain the escalation of their violent drug operations. The project leveraged intelligence across the U.S. government to uncover weapons trafficking networks of these cartels and connect separate law enforcement investigations nationwide. It uncovered cartel-directed networks in the U.S. facilitating the flow of weapons into Mexico through straw buyers, intermediaries, and smugglers. Project Thor also assisted in investigations of criminal organizations' financial operations, enabling them to fund illegal weapon purchases in the United States and transport them into Mexico. The project aimed to target specific organizations to apprehend and extradite their members, seize their finances, and disrupt firearms trafficking routes. Between 2018 and 2020, Project Thor aided in 76 criminal trafficking cases involving these organizations. However, the project was discontinued in 2022.

## • **Operation Southbound:**

In 2020, the Alcohol, Tobacco, Firearms and Explosives (ATF) launched Operation Southbound, which involves ATF law enforcement personnel and intelligence teams collaborating with other U.S. law enforcement agencies to impede transnational criminal organizations from acquiring weapons. The primary objective of Operation Southbound is to improve information sharing and intelligence development regarding weapons traffickers and their networks through cooperation among federal agencies, state and local law enforcement, and prosecutors. However, the Government Accountability Office (GAO) observed that the ATF lacked performance metrics to assess the effectiveness of this operation.

Operation Southbound bears similarities to Project Thor, a previous initiative aimed at gathering and analyzing intelligence on gun smuggling. Project Thor sought to link various law enforcement investigations to uncover organized firearms smuggling networks operating in the U.S. Through information sharing and intelligence gathering, Project Thor identified a vast network of gun smuggling supply chains controlled by the Jalisco New Generation Cartel (CJNG) across the United States.

According to the Government Accountability Office (GAO) study on disrupting gun smuggling operations from the U.S. to Mexico, the ATF officially established Operation Southbound using ATF's criminal enforcement industry operations and intelligence personnel in collaboration with other U.S. law enforcement agencies. The operation aims to disrupt the ability of transnational criminal organizations to acquire weapons.

### **2.3.2 Interpretation:**

#### **A. Lawsuits by Mexico imposed on United States:**

The Mexican government has filed a lawsuit against American gun manufacturers, accusing them of enabling the illegal trafficking of guns across the border, thereby contributing to the rise in violent crimes in Mexico. Seeking \$10 billion in damages, the lawsuit aims to compel companies like Smith & Wesson, Colt, Glock, Beretta, and Ruger to modify their business practices. In a significant development, a federal appeals court in Boston ruled in January that the legal immunity traditionally shielding gun manufacturers from civil liability does not extend to the Mexican lawsuit.

Mexico contends that American gun manufacturers intentionally foster and support an underground market for their weapons in Mexico. The lawsuit alleges that these manufacturers purposefully design firearms to cater to criminal groups in Mexico, making them easily convertible to fully automatic fire, compatible with high-capacity magazines, and with removable serial numbers. Moreover, Mexico highlights marketing strategies within the industry that offer buyers a military-style experience, specifically targeting civilian consumers.

Accusing manufacturers of knowingly distributing their products to dealers who serve as transit points for illegal gun trafficking, Mexico points to illegal straw sales, unlicensed sales at gun shows and online, and off-book sales disguised as inventory theft. Essentially, Mexico asserts that illegal gun trafficking is not merely a byproduct of the industry's decisions, advertising, and distribution methods but a deliberate aspect of its business strategy.

In response, gun manufacturers argue that Mexico's attempt to hold them accountable for the actions of criminals is precisely the kind of lawsuit that the federal immunity law was designed to prevent. They maintain that merely

selling a product subsequently used in a crime does not constitute a violation of federal law that would negate their immunity. Furthermore, they argue that even if Mexico's lawsuit were not protected by the immunity law, they are not legally obliged to prevent criminal violence occurring outside the United States.

In January 2024, a federal appeals court in Massachusetts made a significant ruling regarding Mexico's accusations against gun manufacturers. The court determined that Mexico's claims could potentially strip gun manufacturers of their legal immunity, thus sending the case back to trial court for further proceedings. Mexico is now tasked with presenting evidence to substantiate its allegations that the industry not only has knowledge of but also actively facilitates illegal gun trafficking. Furthermore, to prevail in court, Mexico must convince a Boston jury that the manufacturers' design choices, marketing tactics, and distribution practices are directly linked to criminal activities on the streets of Mexico. This legal principle is known as "proximate cause" in legal terminology.

If Mexico succeeds in court, the potential repercussions for the firearm industry could be significant. The demand for \$10 billion in damages, if granted, could potentially bankrupt several of the country's largest firearm manufacturers. Even if a settlement is reached for a lesser amount, a victory for Mexico would establish a precedent for numerous future lawsuits. These lawsuits could prompt changes in the way the gun industry operates, particularly regarding product designs

deemed dangerous, marketing practices considered irresponsible, and distribution methods seen as reckless.

Similar legal strategies have been employed in the pharmaceutical sector, particularly in opioid litigation. Lawsuits in this realm have led drug companies to acknowledge their role in a nationwide health crisis, prompting them to overhaul their operational practices and pay substantial sums in judgments and settlements. The outcome of Mexico's lawsuit against firearm manufacturers could similarly reshape the landscape of the gun industry and hold companies accountable for their impact on public safety.

## **B. Lack of Coordination hampers ATF and ICE efforts to combat arms trafficking to Mexico:**

While the ATF and ICE have collaborated effectively on certain initiatives to combat arms trafficking to Mexico, a review has revealed inconsistent coordination between the two agencies in this regard. While the ATF has expressed its commitment to addressing arms trafficking in collaboration with domestic and Mexican law enforcement agencies, including ICE and DEA, there have been challenges in consistent coordination.

The ATF's Project Gunrunner, outlined in a 2007 document, aimed to involve ICE, CBP, and other participating agencies in joint efforts to enhance information sharing and coordinated operations. Similarly, ICE's BEST initiative was established to facilitate collaboration and resource pooling among various law enforcement agencies to address border violence and vulnerabilities.

However, outdated agreements and jurisdictional disputes have hindered effective coordination between ICE and CBP. Both agencies have reported instances of poor communication, reluctance to share information, and operational inefficiencies, highlighting the need for improved coordination mechanisms to address arms trafficking to Mexico more effectively.

It remains uncertain whether ATF and ICE are effectively utilizing U.S. government resources and avoiding duplicate efforts in combating arms trafficking. Interviews with officials from both agencies revealed differing opinions on their roles in addressing this issue. ATF asserted that its expertise in firearms and its various authorities, such as tracing crime guns and regulating the firearms industry, make it the most suitable agency to lead efforts against arms trafficking to Mexico.

Despite the establishment of the El Paso Intelligence Center (EPIC) to facilitate coordinated intelligence gathering and distribution among member agencies working on Southwest border issues, including arms trafficking, it was found that agencies at EPIC were not consistently sharing information related to this issue. This lack of information sharing contradicts the principles outlined in the 9/11 Commission Report, which emphasizes the importance of sharing intelligence to combat threats effectively.



ICE stated that its Border Violence Intelligence Cell (BVIC) was established at EPIC to coordinate investigations into weapons smuggling and related activities, aiming to ensure rapid information

sharing and analysis. However, ATF officials at EPIC reported limited contact with BVIC staff, indicating potential gaps in coordination between the two agencies.

ICE officials reported instances where ATF and ICE did not fully cooperate in arms trafficking investigations. Specifically, ATF officials did not provide necessary statements for cases investigated by ICE that involved interstate firearms violations. Consequently, ICE officials withheld required documentation, such as immigration certificates, from ATF in cases where immigration violations were linked to arms trafficking investigations. Despite ICE's creation of BEST teams to enhance collaboration between agencies and address border issues comprehensively, ATF's involvement has been limited. As of May 2009, ATF was only working with 4 out of the 10 Southwest border BEST teams, and in February 2009, ATF had not permanently assigned any agents to BEST teams. However, some ATF agents were occasionally available to assist in efforts to combat the illegal export of weapons from the U.S.

The main challenge arises from jurisdictional complexities and differing responsibilities between the ATF and ICE, hindering coordination and leading to inefficiencies. While the ATF focuses on enforcing gun laws and regulating the firearms industry, ICE is tasked with investigating transnational criminal organizations and ensuring border security. To tackle these issues, it's essential to clarify each agency's roles and improve communication between them. Another obstacle stems from differences in organizational culture, priorities, and operational approaches, which can impede seamless collaboration between the two agencies. Both ATF and ICE have distinct missions and strategies for combating illegal arms trade, requiring efforts to establish trust, foster open communication, and align goals and strategies. Moreover, limited resources such as funding, personnel, and technology pose challenges to joint efforts and information-sharing. Both agencies require adequate resources to conduct investigations, deploy staff, and leverage technology effectively in combating illegal weapons trafficking. Additionally, legal and diplomatic concerns like sovereignty, data sharing, and jurisdictional determinations add complexity to cooperation between American and Mexican authorities.

Incomplete data poses a significant challenge in understanding the scope of illegal weapons trafficking along the US-Mexico border. Factors such as the clandestine nature of illicit activities, limited transparency in reporting, and insufficient information sharing among law enforcement agencies contribute to this data gap. Criminal organizations engaged in arms trafficking operate covertly, employing tactics like encrypted communication and bribery to evade detection, making it challenging for authorities to track illegal firearms flow accurately. Inadequate crime reporting and resource constraints in Mexico hinder the collection of reliable statistics on gun-related offenses and seizures. Similarly, variations in reporting methods among US law enforcement agencies can lead to inconsistencies in data on weapons trafficking. Moreover, challenges in information sharing and cooperation between US and Mexican law enforcement agencies, including jurisdictional differences and language barriers, further complicate efforts to combat illegal arms trade. Concerns about sharing sensitive information and national security issues may also impede effective collaboration and data sharing between agencies.

## **Meaning of Findings:**

To significantly reduce the flow of guns from the U.S. to Mexico, policymakers should prioritize addressing the most common loopholes exploited by gun traffickers. The research findings provide valuable insights into the dynamics and consequences of firearms trafficking across the U.S.- Mexico border. They illuminate the underlying factors driving the illicit trade of weapons, the mechanisms facilitating their movement, and the resulting impacts on security, governance, and political processes in both countries.

These insights are essential for informing policymakers, law enforcement agencies, and other stakeholders in developing effective strategies and interventions to combat illegal arms trafficking. For instance, by identifying the primary drivers of firearms trafficking, policymakers can implement targeted measures to strengthen gun regulations, enhance border security, and disrupt trafficking networks. Additionally, fostering cross-border

cooperation and information sharing between U.S. and Mexican authorities is crucial for tackling this transnational issue effectively. By addressing the root causes and implementing coordinated efforts, policymakers can work towards reducing the flow of illegal guns and improving overall security in the region.

Additionally, the research findings shed light on the broader ramifications of firearms trafficking, including its contribution to escalating violence, empowering criminal groups, and eroding governance structures. This comprehension can guide initiatives aimed at tackling the underlying causes of violence, such as addressing poverty, inequality, and corruption, and implementing more robust strategies to bolster security and stability in the area.

Furthermore, the findings underscore the necessity for international collaboration and coordination to combat the cross-border dimensions of illicit arms trafficking. Recognizing the interplay between firearms trafficking and other transnational menaces like organized crime and drug trafficking enables policymakers to devise comprehensive and interconnected approaches to addressing these multifaceted challenges.

In conclusion, the insights gleaned from this research offer valuable perspectives and evidence-based understandings that can inform policymaking, law enforcement endeavors, and cross-border partnerships aimed at mitigating the risks associated with illegal arms trafficking and fostering security and stability along the U.S.-Mexico border.

## ❖ Policy recommendations:

### A. Mandatory universal background checks:

Closing the private-seller loophole has become a focal point among candidates in the 2020 presidential elections due to its substantial role in exacerbating current levels of gun violence. Mandating background checks for all gun sales, regardless of seller licensure, would enhance accountability and facilitate the tracking of gun trafficking activities. This measure would establish a documented record of all legal firearm transactions, thereby bolstering gun control initiatives. Requiring individual sellers to retain copies of ATF form 4473 would enable law enforcement to more effectively trace illegal firearms and hold straw purchasers accountable for their involvement in trafficking. Closing this loophole would also impede the easy exchange of firearms at venues like gun shows or online platforms such as Armslist.

Drawing on the success witnessed in California, where crime guns sent to Mexico decreased by 195% compared to other border states, expanding a system that improves monitoring of both primary and secondary markets could lead to a significant reduction in illegal gun smuggling to Mexico. Additionally, research indicates that regulating private sales correlates with decreased levels of gun trafficking within states, underscoring the evident benefits of this policy domestically.

The current system relies on the integrity of all parties involved in firearm transactions, which leaves loopholes that could be exploited by those seeking to make illegal sales. For instance, a gun owner wanting to conduct an illegal sale could provide the identity of someone they know would pass a background check or falsely report their guns as lost or stolen. These loopholes underscore the necessity of implementing this policy alongside enhancements to the NICS background checks system.

Introducing measures such as using fingerprinting technology to verify the buyer's identity or requiring a firearms license issued by local law enforcement could bolster the transparency and effectiveness of the system. Additionally, imposing fines on individuals for each lost or stolen gun might incentivize more people to utilize the NICS system for private sales.

However, it's anticipated that implementing these changes may encounter substantial political opposition. Therefore, collaborating with mobile app developers like Google could yield viable solutions for maintaining the integrity of background checks within legal constraints. This partnership could help develop innovative approaches to address the challenges associated with private firearm sales while navigating the complexities of legal and regulatory

frameworks.

## **B. Combatting gun trafficking across the country corridors:**

While the Iron Pipeline is widely known as a major route for gun trafficking along the East Coast, other regions are also grappling with similar challenges. Illinois, for instance, has been wrestling with a rise in crime due to an influx of firearms from neighboring states. According to ATF data, half of the crime guns recovered in Illinois originate from out-of-state sources, particularly from states with less stringent gun laws such as Indiana, Kentucky, Mississippi, Missouri, and Wisconsin, as per the Giffords Law Center to Prevent Gun Violence. In Chicago, a staggering 66% of crime guns come from out-of-state locations like Indiana, Wisconsin, Mississippi, Kentucky, and Tennessee.

It's imperative for the government to not only focus on addressing rogue gun dealers along the Iron Pipeline but also target trafficking routes in other areas. Monitoring gun sales at private gun shows is particularly crucial, as these events often lack stringent regulations. With some states not requiring background checks for private sales, gun shows can provide opportunities for traffickers to acquire or sell firearms without undergoing proper scrutiny.

Addressing gun trafficking requires a comprehensive approach that targets all levels of the gun supply chain, not just rogue dealers. Given the lack of oversight and regulation surrounding gun shows across the country, there is a pressing need for increased monitoring and regulation to stem the flow of firearms into the illegal market.

## **C. Regulate Ammunition like Firearms:**

The United States faces a significant challenge with the unrestricted availability of ammunition, which has been exploited by criminal organizations, including drug cartels in Mexico, to replenish their bullet supplies. Research highlights U.S. ammunition as a major threat to Mexican officials and civilians, underscoring the urgent need for stricter regulation in a market often overlooked in political discussions. California's Proposition 63, slated to enact new ammunition laws from July 1st, serves as a model for nationwide implementation, warranting a statistical analysis to assess its impact on international trafficking and Mexican homicide rates.

To bolster interagency collaboration in combating arms trafficking to Mexico and ensure coherent policy and program direction, finalizing the Memorandum of Understanding between the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and Immigration and Customs Enforcement (ICE) is recommended. It's crucial to establish processes for ongoing monitoring of its implementation and make necessary adjustments. To pinpoint areas for targeted efforts against illicit arms trafficking to Mexico, several recommendations are proposed to enhance data collection and reporting. These include regular updates of ATF reports on firearms trafficking data and trends and collaboration between ATF and ICE to share data and expertise on southbound weapons smuggling.

Moreover, collaboration with the Government of Mexico to enhance data collection on firearms trafficked to Mexico is essential for disrupting illicit arms trafficking networks. Expedited dissemination of eTrace in Spanish across Mexico to relevant government officials, coupled with comprehensive training on its effective use, is vital. Additionally, ensuring accurate input of seized arms information into eTrace is crucial for maximizing its effectiveness.

## **D. Reviving the Federal Assault Weapons Ban:**

Studying the statistical analysis of homicide rates in Mexico during and after the Federal Assault Weapons Ban (FAWB) offers valuable insights into the impact of assault weapons on violence. Following the ban's expiration in 2004, the legalization of these firearms in border states like Texas, Arizona, and New Mexico led to a significant increase in homicide rates in Mexican counties bordering these states. Research indicates that the lifting of the ban contributed to a 60% rise in homicide rates compared to neighboring counties just 100 miles away. Moreover, the expiration of the FAWB is linked to 21% of all homicides in these border municipalities. Notably, areas bordering California, where assault weapons remain illegal, saw varying homicide rates. With assault weapons becoming favored by cartels, reinstating the FAWB holds promise for reducing homicides in Mexico.

Efforts to combat international gun trafficking require enhanced teamwork among different agencies. Homeland Security Investigations (HSI) under U.S. Immigration and Customs Enforcement (ICE) should establish mechanisms for exchanging integrated data on intercepting southbound firearms and tracing guns from the U.S. found in Mexico. Collaborating closely with Mexican authorities is essential for better tracking and analyzing firearms linked to U.S. gun traffickers found at crime scenes in Mexico. This includes bolstering inspections at the southwest border by U.S. Customs and Border Protection (CBP). Additionally, setting specific goals to curb American firearms smuggling into Mexico and mandating annual reports from the Secretary of Homeland Security on anti-trafficking efforts will strengthen efforts to combat this issue.

## Chapter 5. Conclusion:

The security dynamics along the U.S.-Mexico border are intricate and continuously evolving, prompting both governments to allocate substantial resources towards addressing various threats and challenges. Yet, the effectiveness of measures, such as apprehending undocumented migrants and reducing violence in cities like Ciudad Juárez, remains uncertain. To tackle these issues, innovative and collaborative approaches between the two countries are essential, considering the contrasting power dynamics between the U.S. and Mexico.

In the United States, the escalating problem of gun violence underscores the urgency of targeting gun trafficking. While the Biden administration has taken steps to address this issue by cracking down on unscrupulous dealers, regulating ghost guns, and appointing an ATF director, further actions are needed. Legislative efforts at both the federal and state levels are crucial to enact laws that effectively combat gun trafficking and contribute to reducing violent crime rates.

Globally, various non-state actors, including transnational criminal organizations (TCOs), terrorists, and insurgents, rely on the illegal arms trade to exert power through violence and intimidation while undermining government authority. The proliferation of trafficked weapons exacerbates armed conflicts, escalates violence, displaces populations, and undermines justice and order. Unlike other illicit trades, trafficked weapons often originate from legal sources before being diverted to the black market. Mexican cartels exploit lax regulations in American gun shops and shows to acquire firearms through legal purchases, utilizing short supply chains to funnel these weapons into their operations.

The strengthening economic integration and growing interactions between the United States and Mexico underscore the urgency for federal governments, border states, and local communities to develop innovative and efficient strategies for bolstering public safety along the U.S.-Mexico border. This entails allocating increased resources at the state and local levels and adopting creative and sustainable policy approaches, underpinned by robust leadership at the federal level.

While collaboration between the two nations has intensified, exemplified by the official policy articulated in the May 19, 2010 Joint Declaration on Twenty First Century Border Management by Presidents Barack Obama and Felipe Calderón, tangible progress towards establishing a durable binational security framework has only begun to materialize recently.

### 5.1 Implications of the findings:

The study underscores the urgent need for coordinated efforts to combat the illicit arms trade and mitigate its adverse impacts on public safety and security in Mexico. Recommended policy measures include strengthening border security, implementing stricter regulations on gun sales and transfers, and fostering improved cooperation between U.S. and Mexican law enforcement agencies. Addressing root causes such as corruption, poverty, and the demand for weapons by criminal groups is also essential to effectively tackle the problem of illegal arms trafficking. Moreover, global collaboration is crucial in addressing the issue of illegal firearms crossing

borders. By employing proven strategies and adopting a comprehensive approach, policymakers can make strides in reducing violence in Mexico and promoting peace and prosperity in the region.

The illegal trade of firearms originating from the United States exacerbates the already dire issue of violence and instability perpetuated by cartels in Mexico. This illicit trade empowers criminal organizations to consolidate their control over territory, engage in conflicts with rival factions, and intimidate both civilians and law enforcement agencies. The flourishing underground market for firearms is sustained by various factors, including disparities in regulatory frameworks, inadequate border security measures, and the persistent demand for weapons by Mexican cartels.

A significant driver of the illegal arms trade is the variance in gun laws between the United States and Mexico. While



Mexico imposes stringent regulations on firearms, certain states within the US have more permissive laws. Criminal groups exploit these regulatory disparities to procure weapons unlawfully through tactics such as straw purchases, exploiting loopholes in gun show regulations, and engaging in smuggling operations. Subsequently, these firearms are funneled into the hands of cartel operatives in Mexico to facilitate violence and assert control in the illicit drug trade.

Furthermore, porous border security exacerbates the facilitation of illegal arms trafficking, as criminal networks capitalize on vulnerabilities in border infrastructure and instances of corruption within law enforcement agencies to transport weapons clandestinely across the border. Despite efforts to enhance border security through increased patrols, deployment of surveillance technology, and construction of physical barriers, smugglers continue to evade detection and transport illicit firearms across the border.

Overall, the illegal trade of firearms from the United States into Mexico underscores the urgent need for comprehensive measures to address regulatory disparities, strengthen border security, and disrupt the operations of criminal organizations involved in arms trafficking. Such initiatives are crucial to curbing violence and promoting stability in Mexico and the broader region.

The illegal trade of firearms between the US and Mexico has profound and diverse consequences, particularly from a humanitarian perspective. The proliferation of firearms contributes to heightened levels of violence, displacement, and human rights violations in Mexico, exacerbating the plight of vulnerable populations. Moreover, the widespread availability of illicit weapons undermines efforts to establish law and order, impeding efforts to promote stability and economic development in the region.

Addressing the challenge of illegal arms trafficking requires a comprehensive approach that addresses underlying systemic issues. This entails strengthening border security measures, implementing stricter regulations on gun transactions, and fostering closer collaboration between US and Mexican law enforcement agencies. Additionally, combating corruption, alleviating poverty, and addressing the root causes of cartel violence are essential components of any effective strategy aimed at curbing the illegal arms trade.

By coordinating efforts and working collaboratively, policymakers can work towards reducing violence and instability in Mexico, laying the foundation for sustainable peace and prosperity in the region.

## 5.2 Relevance:

The discussion surrounding the illegal trafficking of firearms across the US-Mexico border is critically important due to its significant implications for public safety, security, and regional stability. Understanding and addressing this issue is paramount for several reasons.

Firstly, the proliferation of illicit firearms exacerbates levels of violence and insecurity in Mexico, compounding the already severe challenges posed by criminal cartels. This violence not only jeopardizes the safety and well-being of Mexican citizens but also undermines efforts to enforce laws, promote economic growth, and attract investment to the region.

Moreover, the illegal smuggling of firearms across the US-Mexico border remains a persistent and serious problem, with profound impacts on public safety and security. Data from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) indicates that a significant portion of firearms recovered at crime scenes in Mexico between 2009 and 2014 originated from the US, comprising approximately 70% of the total. These firearms range from handguns to high-powered assault rifles like the AK-47 and AR-15, which are favored by criminal cartels for their firepower and reliability.

In summary, addressing the illegal trafficking of firearms between the US and Mexico is imperative for mitigating violence, enhancing security, and promoting stability in the region. This multifaceted issue requires comprehensive strategies that involve cooperation between law enforcement agencies, regulatory measures to restrict access to illicit firearms, and efforts to address the root causes of criminal activity and violence.

The illegal arms trade not only affects regional security and stability but also has spillover effects on neighboring countries and the wider international community. Mexican cartels, who are powered by illegal firearms, engage in activities like drug trafficking, human trafficking, and other transnational crimes that have far-reaching consequences beyond Mexico's borders. This highlights the crucial role the United States plays in providing illegal firearms that fuel violence in Mexico. The ease of obtaining firearms in the United States, along with regulatory differences and weak border security, allows criminal organizations to smuggle weapons into Mexico.

Thirdly, the illegal sale of guns across the US-Mexico border shows how security issues are linked between the two countries, and the importance of working together to find solutions. Dealing with this problem involves working together with both US and Mexican officials, as well as cooperating internationally with other countries impacted by the illegal arms trade. This issue is also significant in discussions about gun control and regulations in the United States. The movement of illegal weapons from the United States to Mexico underscores the problems caused by weak gun regulations and loopholes in regulations. This has led to debates about the importance of implementing stricter gun control laws and stronger enforcement actions to stop weapons from getting into the possession of criminal groups. In general, the illegal trafficking of firearms

between the United States and Mexico is a critical concern with serious consequences for public safety, security, and the stability of the region.

By identifying the underlying reasons for this issue and implementing well-coordinated and efficient plans to tackle it, policymakers can strive to decrease violence and insecurity in Mexico, foster peace and stability in the area, and strengthen worldwide security initiatives. In order to combat the illegal trafficking of firearms across the US-Mexico border, it is crucial for authorities in both countries to work together and coordinate their efforts. Despite some improvements in border security and firearm regulations, there are still challenges like corruption, jurisdictional issues, and limited resources that are impeding progress. By tackling these obstacles head-on and implementing successful tactics to disrupt the illegal arms trade, policymakers can take steps towards decreasing violence and instability in Mexico, fostering peace and security in the area, and bolstering global security initiatives.

### **5.3 Significance:**

Studying the illegal trade of guns along the US-Mexico border is important because it has major impacts on public safety, security, and stability in the region. It is essential to comprehend and tackle this problem for various reasons. To begin, this study delves into the underlying reasons and patterns of violence in Mexico, particularly how the availability of illegal firearms worsens the already severe issue of cartel-related violence and instability. By understanding how criminal groups obtain and distribute weapons, the study offers important insights into the factors driving violence and insecurity in the area.

The study has important implications for security and stability in the region, with possible impacts on neighboring countries and the international community. The actions of Mexican cartels, driven by illegal weapons, have wide-reaching effects that reach beyond Mexico, such as drug trafficking, human trafficking, and other cross-border crimes. Recognizing the interplay of security threats in the area is crucial for creating successful tactics to tackle these multifaceted problems. The paper provides valuable insights for discussions on gun control and regulation in the United States. It emphasizes the negative outcomes of weak gun laws and loopholes in regulations, underscoring the importance of implementing stricter measures to keep weapons out of the hands of criminal groups.

In general, studying the illegal gun trafficking between the US and Mexico is crucial for tackling security issues in the area. By identifying the root causes of violence, influencing policy discussions, and fostering collaboration among stakeholders, the research helps in decreasing violence and insecurity in Mexico, fostering stability in the region, and improving global security endeavors.

### **5.4 Recommendations for future research:**

It is crucial to enhance data collection efforts to obtain more precise and detailed information regarding the movement of illegal firearms from the US to Mexico. This involves gathering information on the specific weapons

being trafficked, the routes used for smuggling, how the firearms are acquired, and where they end up in Mexico. By improving data collection, we can gain a better insight into the complexities of the illegal arms trade and use this knowledge to create policies based on evidence. There are challenges to obtain exact number of weapons trafficked from the specific bordering regions and the daily basis violence in the bordering cities of Mexico. The data regarding the details of the innocent lives impacted due to the Mexican cartels due the U.S. produced weapons.

In the future, it is essential for research to concentrate on thoroughly assessing the effects of illegal firearms trading on society, economy, and security. This involves studying how the availability of illicit firearms contributes to different types of violence like cartel-related conflicts, murder rates, and violations of human rights. By understanding the consequences of illegal arms trading, policymakers can better focus on interventions and resource allocation. Regarding law enforcement tactics, further research should investigate creative strategies to disrupt trafficking networks and dismantle criminal groups engaged in illicit arms trading. The examination of effective law enforcement approaches like joint task forces, intelligence-led operations, and the use of technology and forensic tools to track firearms and capture traffickers. By studying best practices in law enforcement, we can create stronger strategies to fight against illegal arms trading.

In the future papers, it would be beneficial to explore ways to improve collaboration between US and Mexican authorities in order to combat the illegal trafficking of firearms. This could involve looking into methods of sharing information, coordinating enforcement actions, and bolstering border security. By understanding the obstacles and advantages of working together across borders, we can find ways to break down barriers and foster better cooperation in tackling the illegal arms trade.

Accessing official records and government documents related to the illicit arms trade may prove difficult. Government agencies could be hesitant to share sensitive information or may lack the necessary resources for data collection and distribution. Differences in legal frameworks between the United States and Mexico could also complicate access to relevant records and information.

To deepen our understanding of the impact of large capacity magazines in gun-related offenses, it's essential to enhance the documentation of magazines found with crime guns. This can be achieved through collaborative efforts between the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) and state and local law enforcement agencies. Current procedures often overlook the documentation of magazines accompanying confiscated firearms, so promoting initiatives to capture this information is crucial.

Furthermore, additional research is needed to analyze patterns in the criminal use of guns equipped with large capacity magazines. By thoroughly studying the details of both fatal and nonfatal gun attacks, focusing on specific situational contexts, we can gain insights into the factors influencing the outcomes of violent encounters. Despite ongoing debates over gun control, uncertainties persist regarding the influence of various factors such as the type of weapon used, the characteristics of the perpetrator, and the circumstances of the incident.

Therefore, conducting further research is imperative to illuminate the roles that both banned and legal firearms play in causing intentional deaths and injuries. For example, understanding the impact of being able to fire more than 10 rounds without reloading on the number of victims in gun attacks is critical. A study has indicated weak evidence suggesting that victims killed by guns with large capacity magazines, such as assault weapons, may suffer more bullet wounds. Additionally, mass murders involving assault weapons often result in more victims compared to those involving other firearms. This underscores the importance of comprehensive research to inform evidence-based policies aimed at reducing gun-related violence and enhancing public safety.

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