

Asking the Impossible: The Illicit Arms Trafficking between Mexico and the United States, and the Mexican Consular Diplomacy*

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Introduction

How to stop the supply of weapons and ammunition? This is a question whose answer lies in the need to seek the cooperation and commitment of other countries. Illicit firearms trade is a shared responsibility and this paper focuses on that question from the perspective of consular diplomacy.

The first part lays out the right to arms in both the United States and Mexico and the urge to reduce the firepower capacity of organized crime. Likewise, it describes some of the obstacles to greater collaboration between the two countries.

The second part analyzes the scope and limits of greater involvement of the Mexican consular network in addressing the problem, as well as in developing a new narrative.

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Part One

Neighbors with some resemblance

Mexico and the United States guarantee the right to possess arms. However, they have followed different paths in the development and scope of this right. Mexico has only one store for the sale of weapons (managed by the Mexican Army); all transactions must be registered and certain types of weapons and calibers are prohibited to individuals. Essentially, the citizen's right to arms means that he can *have them at his residence* for his own defense and, unless explicitly authorized by the competent authority, he cannot carry them.¹

In the United States, the current regime began to take shape in 2008, when the Supreme Court resolved the case of the District of Columbia *v. Heller*.² The Court considered two notions of the Second Amendment:³ the first considered that the amendment should be understood as a col-

¹ The current wording of Article 10 came with a reform in 1967 and a decree published in the *Diario Oficial de la Federación* on October 22, 1971. The intention to reform at that time, it was said, alluded to the fact that, given the prevailing circumstances of the nineteenth century, the national authorities were not in a position to guarantee the safety of their inhabitants and it had therefore been determined that both carrying and possession could only be granted in those cases and places where the authorities were unable to provide adequate protection. See Ernesto Villanueva and Karla Valenzuela, "El derecho a portar armas de fuego," in *Seguridad, armas de fuego y transparencia. Mito y realidad sobre el derecho de posesión y portación de armas de fuego en México*, Mexico, Jus/Instituto de Investigaciones Jurídicas-UNAM, 2002, pp. 29-30. One cannot help but notice the optimism, difficult to share in these times, of the legislator of the late 1960s and early 1970s regarding the security of the governed.

² The District of Columbia enacted a law prohibiting the possession of handguns, criminalizing the carrying of any unregistered weapon, prohibiting the registration of handguns and the carrying of small arms without a license, but authorized the chief of police to issue annual licenses; finally, it established for residents who wanted to keep a weapon at home legally, that it must be unloaded, disassembled or have a trigger lock on the trigger. Glenn Harlan Reynolds, "Foreword: The Second Amendment as Ordinary Constitutional Law," in *Tennessee Law Review*, vol. 81, no. 3, Spring 2014, p. 409, available at <https://ssrn.com/abstract=2423394>, pp. 410-413 (date of access: February 17, 2020).

³ "A Well Regulated Militia Being Necessary to the Security of a Free State, the Right of the People to Keep and Bear Arms Shall not Be Infringed." "The Bill of Rights (Amendments 1-10)," in National Center for Constitutional Studies, at <https://nccs.net/blogs/americas-founding-documents/bill-of-rights-amendments-1-10> (date of access: February 11, 2020).

lective right to maintain a militia and its right to bear arms, and the second considered that it was an individual right.⁴ It was the second that prevailed, with the District of Columbia law being found to violate this right.

In 2010, the Court determined in *McDonald v. Chicago* that the right to self-defense established in *District of Columbia v. Heller* is a fundamental right and is the main part of the Second Amendment.⁵ This led to the belief that the individual right to self-defense in the United States is of such importance that it is beyond the regulatory control of the State, considering that the life and physical integrity of the citizen belongs only to the State.⁶ An individualistic vision that seems to be opposed to the Mexican one, as we will see below.

In Mexico, it is considered that the guarantee of Article 10 of the Constitution to possess firearms is based on the right to security and legitimate defense (a situation that is similar to that of the United States), but its courts have established criteria for the possession and carrying of weapons that, in addition to the life, integrity and estate of the citizen, protect public peace and security. For instance, in the case of the possession of arms at home,⁷ it has established that commercial facilities do not fall within the concept

⁴ G. H. Reynolds, *op. cit.*, p. 413.

⁵ *McDonald v. Chicago*, applied the American doctrine of incorporation, making the individual law recognized in *District of Columbia v. Heller* mandatory for federal entities. In *McDonald v. Chicago*, the facts also deal with a Chicago city law prohibiting the possession of arms by virtually any citizen. The argument of the dissenters was that the law violated the Second Amendment right and that it was mandatory for the federated entity to observe this right, since the Second Amendment was, by incorporation, mandatory for the federated entities in terms of the due process clause of the Fourteenth Amendment. It is worth mentioning the argument used by the city of Chicago, which stated that the rights in the Bill of Rights were applicable to the federated entities, as long as they were indispensable attributes of any "civilized" legal system, so that if it was possible to conceive of a civilized legal system that did not recognize this right or guarantee, that right was not protected by the due process of the Fourteenth Amendment. In this logic, due process was not impaired, since there were examples of other legal systems in civilized nations, where restrictions or prohibitions on the possession of firearms were a reality. Nevertheless, the Court made it clear that the self-defense established in *District of Columbia v. Heller* is a fundamental right and is the central part of the Second Amendment.

⁶ G. H. Reynolds, *op. cit.*, p. 416.

⁷ See Articles 15 and 16 of the Federal Firearms and Explosives Act and Article 9 of its Regulations, which establish the concept of residence and justify the Court's criterion.

of residence for the purpose of possessing a weapon,⁸ favouring a regulatory or control aspect by the authority.⁹

In the case of the United States, possessing and carrying arms continues to be a right with an individualistic notion,¹⁰ if at all subject to some limitations of a state nature, while for Mexico there is a fundamental right to possess them, and it has to be the one declared to the authority. As for carrying guns, this is strongly regulated and, in general, the right to arms is limited, above all, by notions of collective tranquility and well-being.

⁸ “Possession of firearms. For the purposes of the place in which this right may be exercised, mercantile negotiations do not fall within the meaning of ‘residence’ referred to in Article 10 of the Federal Constitution”, thesis 1 CVXIII/2007, registration number 172171, available in *Semanario Judicial de la Federación*, 9th period, volume XXV, June 2007, p. 202. Although from a theoretical perspective, it is worth asking whether commercial establishments and their contents are not part of an individual’s estate and therefore liable of being protected by their owner.

⁹ An example in which the aspect of control by the authority seems to be privileged and also the legal assets such as public peace and security is found in the jurisprudence of the Supreme Court of Justice of the Nation in which, when referring to the criminal type of weapon carrying and specifically one in a bad mechanical state, it states that the mere presence of the armed person attacks, damages, and offends the peace and public security, see: “Carrying of firearms for the exclusive use of the Army, Navy, or Air Force without the corresponding permit. This is an offence even if the weapon is in a bad mechanical state or if one or more of its parts are missing, and for that reason it does not work”, Thesis 1a./J. 45/2002, registration number 185688, available in *Semanario Judicial de la Federación*, 9th period, volume XVI, October 2002, p. 142. Another criterion, referring to the crime of carrying arms, is the interpretation of the verb “to carry” that must be made in a broad way in order to materialize the intention of the legislator that originated the reforms to Article 10 of the Constitution and the law on the matter, in the sense of inhibiting the carrying of arms in the face of the insecurity, fear, and social fury that it generates, especially since the protected legal right is collective peace and security, see “Carrying of firearms. This crime is included when the weapon is carried in any part of the vehicle and regardless of the number of movements that the active subject must make to get close to it”, thesis 1a./J. 195/2005, registration number 175856, available in *Semanario Judicial de la Federación*, 9th period, volume XXIII, February 2006, p. 396.

¹⁰ It is worth considering that, despite the *District of Columbia v. Heller* and *McDonald v. Chicago*, there is evidence that the Supreme Court did not issue a blank check, but subjected this right to certain limitations, such as access to individuals with mental problems, prohibition of carrying weapons in certain places as schools, government buildings, or imposing conditions on sale. For more information on this and relevant litigation following the above court decisions: “The Supreme Court & the Second Amendment”, in Giffords Law Center to Prevent Gun Violence, at <https://lawcenter.giffords.org/gun-laws/the-second-amendment/the-supreme-court-the-second-amendment/> (date of access: February 18, 2020).

The imperative to reduce fire power

The other side of the story about the right to possess arms is the disruptive power they have with respect to social peace and tranquillity, especially when they are used in the violence that goes hand in hand with crime.¹¹

Illegal firearms trafficking is a threat to the security of both countries, but above all to Mexico.¹² Criminal organizations in Mexico have found their channels of supply for weapons in the United States. For example, approximately 70% of the weapons that Mexico has requested the United States to trace originate in the United States.¹³

¹¹ See Andrea Cruz, “Nueve momentos de 2019, el año más violento,” *El Universal*, January 20, 2020, at <https://www.eluniversal.com.mx/nacion/nueve-momentos-de-2019-el-ano-mas-violento> (date of access: February 14, 2020). Let us remember the arrest and subsequent release of Ovidio Guzmán in October 2019 and the video footage displayed on the news with the deployment of weaponry. See Patricia Ramos, “México libera al hijo del Chapo tras la balacera: lo que debes saber,” in CNN en Español, October 18, 2019, at <https://cnnespanol.cnn.com/video/ovidio-guzman-lopez-sinaloa-chapo-guzman-mexico-cartel-militares-amlo-rec-vo/> (date of access: February 14, 2020); see also “Hijo de ‘El Chapo’ Guzmán orquestó las fuertes balaceras que llevaron a la liberación de su hermano en Culiacán,” in RT, October 26, 2019, at <https://actualidad.rt.com/actualidad/331581-bijo-chapo-guzman-orquesto-balaceras-liberar-hermano-ovidio> (date of access: February 14, 2020).

¹² “Many of the same organizations that traffic drugs into the United States are also involved in the outbound flow of illicit drug proceeds and illegal weapons. The smuggling, trafficking, and illegal export of weapons from the United States to Mexico are a threat to the safety and security of both countries and continue to fuel violence along the SWB [Southwest Border] and in the interior of Mexico. Weapons smuggled into Mexico often end up in the hands of TCOs [Transnational Criminal Organizations] or other smuggling organizations, where they can be used against law enforcement officers and civilians. On its shared border with the United States, Mexico continues to experience elevated rates of crime and violence due to the intense competition among Mexican TCOs to dominate these lucrative smuggling corridors.” [...] “[Mexico’s] TCOs require a steady supply of firearms and ammunition to defend their turf, eliminate rivals, enforce illegal business relationships, challenge law enforcement operations, and control their membership.” Office of National Drug Control Policy, *National Southwest Border Counternarcotics Strategy*, May 2016, p. 1 and 9, available at <https://www.bsdl.org/?view&did=795944> (date of access: February 15, 2020).

¹³ This percentage matches in two reports, the first on firearms trafficking from the U.S. Government Accountability Office (GAO) from 2016, covering 2009 to 2014, and reflecting that Mexican authorities requested U.S. authorities to trace 104 850 weapons seized in Mexico, of which the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) found that 73 684 came from the U.S., the 70% of the weapons traced. The same report shows that a great part

The most complete expression of the cooperation mechanisms is the eTrace system, run by the Bureau of Alcoholic, Tobacco, Firearms and Explosives (ATF),¹⁴ through which statistical data on the origin of weapons secured in Mexico were obtained.¹⁵ However, it is clear that the nature of a cooperation and research system such as eTrace is reactive because the weapons have been seized by a Mexican corporation and were probably used. It is necessary to go beyond reactive tools such as those we have been using so far.

Asking the impossible

Mexico requires a cooperation of a preventive nature, as well as privileging the possibility of sharing intelligence and developing binational cooperation. It also requires international support for capacity-building; beyond a larger budget for personnel and equipment, Mexico needs the support

of these weapons were purchased legally in stores and arms fairs in the Southeast of the United States, to be subsequently exported illegally to Mexico. GAO, *U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain*, Washington, D.C., GAO, January 2016, p. 8, at <https://www.gao.gov/assets/680/674570.pdf> (date of access: February 14, 2020). The second report, this time from ATF for 2017 and 2018, shows that Mexico requested the United States to trace 15 668 and 16 343 weapons, respectively. The results demonstrate that 69.3% and 70.4% of the weapons were manufactured in the United States or legally imported into that country. See Office of Strategic Intelligence and Information-ATF, Mexico, *Data Source: Firearms Tracing System, January 1, 2013-December 31, 2018*, Washington, D.C., U.S. Department of Justice-ATF, March 2019, at <https://www.atf.gov/file/135106/download> (date of access: April 8, 2020).

¹⁴ The ATF seems to be the only organization authorized in the United States to perform weapons tracing, domestic or foreign-made, for the benefit of investigations by domestic and foreign law enforcement corporations. See ATF, "National Tracing Center", at <https://www.atf.gov/firearms/national-tracing-center> (date of access: February 15, 2020).

¹⁵ The ATF tracking consists of a systematic monitoring of the transactions to which the weapon has been subjected, following the path from the last transaction to the first sale by the manufacturer or importer. See National Tracing Center, eTrace, Washington, D.C., ATF (Publication 3312.9), 2009, at <https://www.atf.gov/firearms/docs/guide/national-tracing-center-%E2%80%93-etra-ce-%E2%80%93-internet-based-firearms-tracing-and-analysis/download> (date of access: February 15, 2020). eTrace also makes it easier for tracing requests to be made remotely, and for the results of tracing, data storage and subsequent searches to be received, with the intention of facilitating the work of law enforcement corporations.

from its northern neighbour to develop cooperation measures to fight illicit arms trafficking as a pre-emptive action based on intelligence.

The problem is that the United States is organized to act on different priorities. The American priority has to do with problems associated with migratory flows, car theft, drug trafficking and not necessarily with firearms trafficking to Mexico.

Everyday, in stores and gun shops in the United States, people who serve as straw men for others acquire weapons or parts of weapons that are brought into Mexico as part of a “contrabando hormiga” (smuggling arms little by little) through which they transport the dismantled weapons so that they can be reassembled in Mexico. Combating this flow requires a level of coordination between different government agencies that does not exist within each country or at the bilateral level.

On the U.S. side, the libertarian political culture, the regulations that guarantee absolute respect for the privacy of the arms buyer or the inter-bureaucratic competition between different federal agencies are great limitations to the possibility of expanding the channels of international cooperation. On the Mexican side, the main obstacles have to do with corruption and the subsequent lack of trust with respect to Mexican police authorities; the lack of protocols for coordinated action between federal, state and local authorities, and excessive bureaucracy, which hampers the flow of information to develop timely preventive actions.

Despite the urgency with which the Government of Mexico is forced to act in the face of the challenge posed by the violence generated by organized crime, it should be borne in mind that breaking down the barriers that today prevent greater cooperation in the area of illicit arms trafficking is a long-term task.

On the other hand, we believe that one of the main obstacles to cooperation between both countries had to do in part with Mexico's inability to clearly set out its demands. The arrival of a new Government and the favourable situation regarding cooperation in the migratory area created conditions that enabled Mexico to take a more vigorous stance in demanding greater cooperation in this area, so that fighting the illicit trafficking in arms was redefined as an objective of the highest priority.¹⁶

¹⁶ In the words of Foreign Minister Marcelo Ebrard: “Mexico put on the table at that meeting that the control of arms trafficking at the border, for us, has the same priority status as for them the issue of migration”. See the speech by Foreign Minister Marcelo Ebrard on September 12, 2019

Part Two

The role of consuls: the value of narrative

The debate around the need to increase arms control mechanisms is one of the most contentious in the American public sphere. Along with abortion and undocumented immigration, the discussion about the need to control the easy access to high-powered guns is one of the major battlegrounds setting Americans apart in liberals and conservatives, Democrats and Republicans, especially after the federal government ended the Federal Assault Weapons Ban on the sale of assault weapons for civilian use in 2004. The issue is at the center of public discussion in the United States because of the frequency with which indiscriminate public shootings occur in that country. In 2019 there was more than one daily, with a total of 417 shootings.¹⁷

What explains the fact that so-called *mass shootings* or mass murders take place so frequently in that country, usually by one or two individuals who, using high-powered weapons, shoot indiscriminately at a crowd or group of unarmed people?

The outright defense of the Second Amendment, daily testimony to one of the “cultural wars” that polarize U.S. society today, leads different groups to turn to explanations that are not supported by empirical evidence. It is often said that American society is particularly violent; that people with mental health problems lack adequate medical treatment; or that by glorifying

in Mario González, “Ebrard: 70% de armas usadas en actos delictivos en México están relacionadas con compras en EE.UU”, in CNN en Español, September 12, 2019, in <https://comspanol.cnn.com/video/amlo-ebard-trump-llamada-migracion-trafico-armas-estados-unidos-perspectivas-mexico/> (date of access: February 17, 2020). In other interventions, the Foreign Minister has compared the importance of combating arms trafficking with the fight against drugs: “Mexico’s highest priority is the issue of arms, just as the United States’ highest priority is to control the production and introduction into the United States of different types of drugs [...] because for Mexico it is important that there be an effective effort by the United States to reduce illicit arms trafficking.” Milenio, “Detener tráfico de armas sería la mejor contribución de EU a México: Ebrard”, in YouTube, 25 October, 2019, at <https://youtu.be/M1onLDvx-xc> (date of access: April 7, 2020).

¹⁷ Gun Violence Archive, “GVA-Six Years Review”, 2020, in <https://www.gunviolencearchive.org/> (date of access: February 28, 2020).

or simulating war, video games encourage violent, irrational, and indiscriminate action.

However, empirical evidence indicates that, compared to other industrialized societies, the only correlation that is sustained is that which links the number of murders to the availability of weapons in the United States. The United States is home to 4.4% of the world's population, but it is the home of 42% of all weapons in the world. Therefore, it could be said that the greater the number of gun owners, the greater the number of gun murders. In 2013, while in the United States the number of deaths caused by firearms reached 21 175 suicides, 11 208 homicides and 508 deaths by accidental shot, in Japan, a country whose population is one third of the U.S. population, firearms were only involved in the deaths of 13 people. While a person is about as likely to be a victim of crime in New York as in London, a New Yorker is 54 times more likely to die in the process of being mugged than a Londoner.¹⁸

Keeping these figures in mind is relevant because it helps to understand why Mexico's contribution to the discussion of this issue in the United States is, almost by definition, marginal. By raising the priority level of illicit firearms trafficking in the context of the bilateral relationship, Mexico inserts itself as part of a profoundly controversial debate that in the United States responds to purely internal means. Unlike other countries where mass murders of innocent people have served as a catalyst for passing a more severe legislation, as happened in Australia and the United Kingdom,¹⁹ in the United States these same incidents have not served to leg-

¹⁸ In 2009, there were 33 murders in New York City for every million people. In London, the corresponding figure was 0.7 per million. Max Fisher and Josh Keller, "What Explains U.S. Mass Shootings? International Comparisons Suggest an Answer," *The New York Times*, November 7, 2017.

¹⁹ On April 28, 1996, the Port Arthur massacre took place in Tasmania, Australia, and triggered public and political encouragement to adopt restrictive measures on arms. See Calla Wahlquist, "It Took One Massacre: How Australia Embraced Gun Control after Port Arthur," *The Guardian*, March 14, 2016, at <https://www.theguardian.com/world/2016/mar/15/it-took-one-massacre-how-australia-made-gun-control-happen-after-port-arthur> (date of access: March 19, 2020), while in the UK the Hungerford and Dunblane massacres in 1987 and 1996 respectively triggered stricter legislative measures for arms control. See Peter Wilkinson, "Dunblane: How UK School Massacre Led to Tighter Gun Control", in CNN, January 30, 2013, at <https://www.cnn.com/2012/12/17/world/europe/dunblane-lessons/index.html> (date of access: February 19, 2020).

islate stricter regulations at the federal level for the purchase of firearms. In spite of the rejection they generate in broad sectors of society, the incidents of mass killings have, if at all, served to ratify or make more explicit the will of a majority of U.S. legislators to keep the deregulation regime that today facilitates the possession and carrying of arms in private hands.

By raising the level of priority of this issue in the context of bilateral relations, Mexico's objective is not to question or pronounce itself on the relevance or legitimacy of the Second Amendment. Rather, the objective is to draw attention to the cross-border impact of the deregulation regime south of the border and to encourage more effective collaboration to curb illicit firearms trafficking. Just as in the United States there is enough empirical evidence on the correlation between the availability of arms and the number of homicides by firearm, in Mexico the National Institute of Statistics and Geography (Inegi, in Spanish) has documented the existence of a kind of mirror correlation: while in 2018 the death rate from armed violence reached 70% of the total, a decade earlier, when the ban on the sale of assault weapons to individuals had just occurred, the equivalent percentage was 15%.²⁰

Mexico's responsibility is to raise awareness in the U.S. society and government about the profoundly destabilizing consequences that the lack of a U.S. regulation has on our country. It is certainly not the only explanatory variable of violence associated with organized crime, but it is one of the main contributors. If Mexico wants the United States to help hinder illicit arms trafficking, it must begin by recognizing that the issues that concern Mexico (illegal trafficking routes to the south; small scale smuggling mechanisms; increased death rates for Mexican crime) are virtually unknown in Mexican public opinion.

The network of Mexican consular offices in the United States can serve as a spearhead for the Government to make visible, in its daily work

²⁰ See Inegi, "Datos preliminares revelan que en 2018 se registraron 35 mil 964 homicidios. Información a nivel nacional y por entidad federativa", Press Release No. 347/19, July 25, 2019, at <https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2019/EstSegPub/homicidios2018.pdf> (date of access: February 18, 2020); and Fabián Medina, "Hacia un mapa del flujo ilícito de las armas a las zonas de mayor violencia", Milenio, February 3, 2020, at <https://www.milenio.com/opinion/fabian-medina/columna-fabian-medina/mapa-flujo-ilicito-armas-zonas-violenci> (date of access: February 19, 2020).

of dialogue with authorities and civil society, some of the issues that are fundamental for Mexico, but not for its neighbour. This is true in at least two dimensions.

In the first, in terms of public diplomacy, the embassy and the capillary nature of a network of 50 consulates in the United States can help experts, public officials and opinion leaders in that country to receive clear and consistent messages from Mexico on the subject of weapons, without having to read between the lines to know their position, which initially can help some of them to assume a more sensitive position to the impact of the phenomenon on their southern neighbour.

A second dimension has to do with the management capacity of the consulates (especially those on the border and those located in capital cities) *vis-à-vis* the U.S. authorities, especially on the border, who are not used to dealing with the issue from a binational perspective, partly because Mexico had not given it the level of supremacy it now does, and partly because of the dysfunctionality of its bureaucratic apparatus described above.

Naturally, the possibilities for collaboration will always depend on what both federal governments can agree upon. But even if new lines of cooperation are not opened, simple dialogue with mayors, supervisors, state legislators and governors can be of great value, especially in light of the fact that restrictions and control measures on arms sales and registration are largely the responsibility of state legislatures.²¹

California is the best example of this. It is one of the entities that has gone the furthest in its efforts to use its relative autonomy in the legislative field to approve control measures aimed at strengthening or expanding requirements for the purchase and sale of arms, making the registration of buyers mandatory, stipulating waiting periods for background checks, recording transactions, eliminating arms sale fairs, among other measures aimed at discouraging the purchase of high-powered weapons

²¹ For example, consider that even though the Federal Assault Weapons Ban expired in 2004, there are federated entities that have local legislation with bans on the sale of these types of weapons, see "Assault Weapons", in Giffords Law Center to Prevent Gun Violence at <https://lawcenter.giffords.org/gun-laws/policy-areas/hardware-ammunition/assault-weapons/> (date of access: February 18, 2020).

and especially the acquisition of equipment and devices by high-risk individuals or straw men.²² The approach of the consuls and the creation of spaces with local actors can lead to the identification of common interests, useful practices and, eventually, new ideas to improve fight arms trafficking. In turn, it can create a resonance effect in Mexico that is highly appreciated by elected officials who represent constituencies with a strong Latino presence.

The ability of the Ministry of Foreign Affairs (SRE) to empower its consuls, train them, define indicators of success, and monitor the consistency and discipline with which these messages are transmitted and local evaluation arrangements with municipal and regional authorities are put in place will determine the scope of the campaign. The work of the Foreign Ministry is complicated by the fact that this is an issue that adds to the already overloaded work agenda of its consular offices. More importantly, its task is set back by the fact that, for the reasons explained above, it is not feasible to expect a drastic or immediate change in the formulation of public policy on illicit firearms trafficking at the federal level in the United States. Nevertheless, the effort can be productive and can lead us to the objective of reducing the flow of arms, if the consulates, especially the border ones, are reinforced with qualified personnel and technical knowledge, such as the attachés of the former Attorney General's Office.

Conclusion

According to information issued by U.S. authorities, a large portion of the weapons that have been seized by Mexico and traced by the ATF confirm that they were purchased legally, which points to deficiencies or limitations in current control measures on both sides of the border. This paper has tried to describe the reasons that hinder greater coordination within the U.S. government, as well as between the two countries. The main tool for collaboration, the eTrace system, as a reactive measure, is insuf-

²² See NRA-ILA, "California Gun Laws," October 3, 2018, at <https://www.nra.org/gun-laws/state-gun-laws/california/> (date of access: February 17, 2020).

ficient and cannot prevent illicitly exported weapons from being used in criminal acts. Without a doubt, a much more restrictive regime for access to weapons in the United States would facilitate the fight against organized crime in Mexico.

However, as noted in this paper, in the short or medium term it is highly unlikely that the availability of arms in the United States will decrease, given the prevailing political and legal conditions. Regardless of what Mexico demands of its northern neighbor, the inability to reform the regulatory structure at the federal level in light of the indiscriminate shootings of innocent victims gives an account of the political strength of those who defend the status quo under the second amendment.

But nothing lasts forever. As in Mexico, the United States is a pluralistic and open society where public opinion tends to be volatile. Even the most entrenched paradigms or the most politically controversial issues are bound to change over time, in part because of the way the “marketplace of ideas” evolves, and because of the inevitable demographic and generational changes that translate into political or partisan realignments over the long term.

Even if this is a very long term task, Mexico can and must take advantage of the capillarity of its consular network to exercise an aggressive, constant and disciplined public diplomacy on the issue of illicit firearms trafficking from north to south, knowing that no one is going to do it for us. In the logic of asymmetric interdependence that characterizes the bilateral relationship, it is important to take the initiative and expand the issues on the agenda that are relevant for Mexico. It is the consuls, in coordination with their embassies, who are responsible for documenting and drawing attention at the local and regional level to the lack of functionality of the U.S. regulatory system, to the transnational nature of organized crime, and to the need to take on the issue of arms as another challenge of shared responsibility.

As for the rest, we should not lose sight of the basic solution. In the hypothetical case that one day the illicit trafficking of arms from the United States were to be made harder, the logic of the black market would lead not so much to the disappearance of the supply of illegal arms but rather to hinder their acquisition by making them more expensive and forcing the diversification of suppliers and markets. While this would theoretically help

reduce the firepower capacity of organized crime, the fundamental solution to the crisis of violence in Mexico is a path that is entirely our responsibility as Mexicans, and it has to do with our ability to develop the deterrent use of our justice system, by strengthening the capacity to investigate and punish those who commit high-impact crimes.²³

²³ See Eduardo Guerrero, “Cambio de rumbo, error de cálculo”, in *Nexos*, no. 506, February 2020, p. 25.