

MONITORING THE IMPLEMENTATION  
OF SMALL ARMS CONTROLS (MISAC)

Small Arms Control in  
**Chile**

## Chile

### Introduction

The firearms issue in Chile is subsumed within the general problem of public security associated with increasingly violent criminality, particularly armed robberies. SALW are not a popular subject of academic inquiry in Chile or a top priority for civil society. The Chilean government's greatest concern is the use of firearms in crimes related to illegal drugs trafficking, given that the use of knives and blade weapons still predominate.

Although Chile has a small arms industry, production is mainly directed to use of the armed forces and police. This explains why most of the firearms in civilian hands are imported. According to sources consulted there is a growing SALW illicit market comprised primarily military style weapons belonging to insurgent groups that have been inactive for more than a decade, arms stolen from private residences and craft weapons.

### Participation in International SALW Control Mechanisms

Chile ratified CIFTA in 2003 and has adopted the CICAD Model Regulations. With regards to the UN PoA Chile has named two national points of contact in the Ministry of Foreign Affairs: the Directorate for Legal Affairs and the Directorate of Special Policy. Chile has not signed nor ratified the UN Firearms Protocol.

Additionally, the Chilean government has been active on SALW issues through its participation in the Human Security Network, as the only Latin American government participating in that body.

### SALW Control

SALW control is the responsibility of the Ministry of Defence through the General Directorate for National Mobilisation (DGMN). In turn the following institutions and agencies act as implementing and advisory authorities to the DGMN:

- Garrison Commands of the Armed Forces;
- National militarised police or Carabineros;
- Chilean Ballistic Test Bank; and

### SALW Import/Export Legislation

As mentioned above Chilean SALW production is not aimed at the civilian market, rather at the armed forces, police and other security forces. Civilians tend to purchase imported weapons. The state enterprise Armoury of the Armed Forces (FAMAE) in recent years has exported sub-machine guns to police forces in Paraguay and Argentina. It also produces one model of sub-machine gun in partnership with Brazil's Taurus.

In Chile, SALW importers and exporters as well as manufacturers and merchants must be authorized by the DGMN. Export authorization is valid for six months and the importer/exporter must keep a register of all commercial transactions. The DGMN also keeps a register of SALW manufacturers, exporters and merchants. Importers are entered

in the register as merchants and must inform the DGMN of all transactions. This is done using a form called the 'Monthly Report of Commercial Activity'.

### Domestic SALW Control Legislation

Every firearm must be registered with the controlling authority. When the owner is an individual the registration is carried out with the authority in the area of domicile. In the case of legal entities, such as private security companies, the responsible authority will be the one in the region where the weapons are stored. The DGMN delegates local control over arms registration to the Garrison Commands of the Armed Forces.

There are two prerequisites for registering firearms:

- a) that the arm be appraised by the Chilean Ballistic Test Bank;
- b) the owner can demonstrate a clean criminal record, justify possession of the weapon; and proof of domicile.

Once granted the registration has no expiration date and whenever the owner changes domicile the controlling authority must be notified within ten days. A carrying permit shall be granted by the authorities upon application from the interested party and after a study of the specific circumstances around the application. These permits expire on 30 March every year.

The law also stipulates that persons who manufacture, import, export, distribute or enter into agreements related to SALW and ammunition without prior authorisation of the authorities will be sentenced to prison. Likewise, carrying firearms without proper authorisation may also bring a prison sentence.

In November 2004 the Ministry of Interior oversaw destruction of 2,800 firearms held in judicial custody a large percentage of which were craft weapons. The scrap metal was destined for use in construction projects.

### Civil Society

The International Action Network on Small Arms lists several Chilean universities and institutes as network participants though none have visibly carried out activities beyond participating in occasional seminars.

### Recommendations

1. Chile should ratify the UN Firearms Protocol;
2. Chile should officially constitute a national SALW commission to interface with multilateral mechanisms at the UN, OAS and Mercosur levels; and
3. When revisiting the country's national arms legislation should explore the possibility of incorporating controls specifically over brokering along the lines of the principles of the Arms Trade Treaty.