

MONITORING THE IMPLEMENTATION
OF SMALL ARMS CONTROLS (MISAC)

Small Arms Control in

Paraguay

Paraguay

Introduction¹

Paraguay is the MERCOSUR country with the most complex dynamics in relation to SALW, particularly regarding their sale, import, export, illegal trafficking and usage. This is because in addition to a growing trend of violent crime and public insecurity as in the rest of the region, Paraguay is also an important corridor for illegal trafficking of SALW and ammunition. The main market for this illegal trade is organised crime in Brazil.

The country has a long history of serving as a 'revolving door' for the illegal and grey trade in products that are heavily controlled in neighbouring Argentina and Brazil, or foreign products that are subject to high taxes. Paraguay has become a point of triangulation and re-export of products manufactured in Brazil. SALW, cigarettes, and automobiles are exported to Paraguay and then re-sold in border cities to Brazilian clients who buy them at a lower price and re-introduce them to the Brazilian market. The triangulation and re-export of products is concentrated in the Tri-Border area where Brazil, Argentina and Paraguay meet. For a long time Paraguay, which does not grow coffee, appeared nevertheless as one of the world's leading coffee exporters.

The triangulation of SALW legally imported to Paraguay appears to have been addressed for three key reasons:

1. Brazil and the United States have cut off all legal SALW exports to Paraguay since 1999 and 1996 respectively;
2. In 2002 a new national SALW law was passed, followed by the adoption of the rules regulating the law in 2004, which make it illegal for foreign tourists to purchase weapons in the country; and
3. Over the past several years national control entities have implemented a series of administrative measures to restrict SALW and ammunition imports.

In recent years, Paraguayan authorities have taken more aggressive policies towards the control of illicit SALW commerce. However, largely due to corruption in the nation's bureaucracy and lack of state presence throughout much of the country's interior, illegal circuits continue to operate. Additionally, largely unregulated pawn shops are still considered to be a source of illegal SALW or places where individuals of questionable intentions can obtain weaponry and ammunition. Given growing rates of violent criminality, especially kidnappings, and the increased privatisation of security, a number of civil society organisations are becoming involved in SALW control and violence reduction activities.

There are 316,000 legally registered SALW in Paraguay, primarily pistols and revolvers. Sixty per cent of all suicides and 50 per cent of all injuries involved SALW.²

Participation in International SALW Control Mechanisms

Paraguay ratified CIFTA in 2001 and adopted the CICAD Model Regulations for its implementation. While Paraguay has signed and ratified the UN Convention on Transnational Organised Crime it has yet to sign or ratify this instrument's Firearms

Protocol. The Ministry of Defence's Directorate for War Materials (DIMABEL) has been designated as the national point of contact for the UN PoA and has reported on its implementation in 2002 and 2003. The Government of Paraguay also participates actively in the MERCOSUR Working Group on Firearms, that also includes associate members Bolivia, Chile and Peru, and has hosted several of this ad-hoc working group's meetings.

As mentioned above, Paraguay has bilateral agreements to restrict SALW imports coming from Brazil and the US. In 1995 Paraguay imported a total of 65,718 SALW by the year 2002 this figure had been reduced to 900.³ These commitments were forged under the leadership of former Brazilian President Cardoso thanks to extensive research and lobbying carried out by the Rio de Janeiro-based NGO Viva Rio. In October 2003, current Brazilian President da Silva reiterated the country's bilateral commitment to prevent illicit arms trafficking between the two countries alongside his homologue Paraguayan President Duarte.⁴

The Government of Paraguay has received financial and technical assistance from UN-LiREC for the destruction of surplus and confiscated weapons as well as support from the OAS-CICAD for the training of human resources in the implementation of CIFTA.

SALW Control

According to the new national law passed in 2002 the agencies responsible for SALW control are the Ministry of Defence's DIMABEL and the National Police (subordinate to the Ministry of Interior). The National Police is responsible for issuing public carrying permits and for the public control of SALW carrying and possession. DIMABEL is responsible for issuing possession permits, registering weapons and for the control over the following activities: manufacturing, imports, exports, sales, transit, transfers, storage and custody of confiscated firearms. Another DIMABEL function is the management of the national ballistics data bank.

The duties of DIMABEL and the National Police respectively, are performed by two agencies a) the National Arms Register (RENAR) run by the former and the National Register for Firearms Carrying by the latter. So in essence DIMABEL controls the weapons and the National Police the owners and their behaviour. According to the 2002 law both agencies will eventually be connected by a computer network to ease the exchange of information. The division of labour in national SALW control is occasionally a source of tension between civilian and military authorities. A government decree has also established a permanent working group on SALW though this has not yet been fully implemented.

The 2002 SALW legislation also mandates the destruction of all confiscated weapons though it has been easier in practice to destroy weapons in military and police custody than it has for those held by the judiciary. In September 2003, the Government of Paraguay destroyed 3,000 firearms along with 70 tonnes of surplus grenades and ammunition with the support of UN-LiREC. Further SALW destruction is planned for 2005.⁵

SALW Import/Export Legislation⁶

SALW can only be imported to Paraguay with MoD approval and via the national customs office in the international airport. The 2002 law requires for a registry of importing parties, not yet fully implemented. Importing permits must be renewed annually. Importers are also required to carry a register of inventory flows. If an authorised import only contains partial inventory the remaining merchandise cannot be received without new authorisation. All SALW and munitions must be held by DIMABEL for inspection prior to receipt by importing party. Several legal and administrative measures are in place to prevent theft and diversion once imported. Although Paraguay does not produce SALW it does require that DIMABEL provide authorisation for any re-export. Brokering activities are not covered in national legislation.

Domestic SALW Control Legislation

Paraguayan law now divides weapons into the following categories according to user: Armed Forces, National Police, Personal Defence, Sporting and Collection. Civilians are prohibited from possessing fully automatic weaponry and sporting weapons must be established as appropriate for sport by the Paraguayan Shooting Federation. Possession and carrying of the following weapons, in addition to military weapons, are expressly prohibited:

- SALW of any calibre where the information on manufacturer, original or serial number have been altered;
- SALW from craft production; and
- SALW without a permit or proper registration.

The internal domestic trade in firearms is not dealt with in great detail in national legislation and more importantly there is little regulation of the trade in ammunition. Even though Paraguay does not produce SALW there are legal workshops where weapons can be repaired and modified and these do contemplate measures that would control future production in that any weapon produced or modified must be marked with model, make, serial number, identification number and calibre.

Both the police and armed forces manage their own stockpile registries. Police weapons are difficult to control since they do not belong to government, rather are property of each individual officer. The requirement that police officers purchase their own weapons and ammunition is thought to prevent illegal sales of this property. Private security companies weapons are registered by DIMABEL while the laws over these are enforced by the police. As mentioned above, civilian weapons are registered by DIMABEL and licences for public, concealed carry are issued by police. A relatively new concern is the control of non-commercially oriented armed groups, such as neighbourhood watches, that have emerged as response to increased rates of armed crime and the ability of the police to provide security.

Some experts also complain that the SALW in custody of Paraguayan judges and the courts fall effectively out of the centralised control system and for this reasons are easily stolen or diverted to the illicit market.

Civil Society

Since 2003 Paraguayan civil society has become more active on SALW control issues. Four national NGOs are active participants in IANSA:

1. Amnesty International Paraguay
2. Latin American Coalition to Stop the Use of Child Soldiers
3. *Raíces* (social development NGO)
4. Paraguayan Criminology Society - PCS

PCS has been the most active in carrying out research, engaging with government and building links with IANSA and emerging NGO networks in MERCOSUR. In 2003 and 2004 PCS joined with Amnesty International to develop the international 'Control Arms' campaign in Paraguay. Beyond campaigning with the general public, PCS and Amnesty International were successful in convening an informal working group that brought together actors from government and civil society to discuss and analyse SALW issues. This working group, which should not be confused with the official government working group on SALW, includes DIMABEL, the National Police, Ministry of Interior, the Office of the Vice-President, Human Rights Ombudsman, Attorney General's Office, Ministry of Education, Secretariat of Youth and Children Affairs, Ministry of Foreign Affairs and the Municipality of Asunción (the capital city). On the NGO side this group includes Kuna Aty and Alter Vida, organisations focusing on women and gender issues and the Institute for Comparative Research in Social and Criminal Sciences (INECIP).

The first key achievement of the group was educating its members regarding the existence and content of the 2002 SALW legislation and its 2004 regulations. Later the working group identified weaknesses in the law and needs for capacity building for its implementation. Eventually, the working group was able to coordinate public debates on SALW on television, radio and the national university. None of the civil society institutions involved have significant resources to dedicate to SALW work and advocacy though several continue forward with it as an ongoing agenda item.

Recommendations

1. The Government Paraguay should sign and ratify the UN Firearms Protocol;
2. Support should be provided by the international community for the development of a Paraguayan national civil society network for SALW control with capacity for both research and advocacy;
3. Further legal development, including institutional capacity building is required to deal with: pawn shop SALW sales; border controls; ammunition in general; commercial and non-commercial private security weapons inventories and confiscated weapons under judicial custody; and
4. The US, Brazil and other countries should maintain their restrictions on SALW sales to Paraguay.

Endnotes

1. Much of the information in this report was provided via ongoing interviews with Dr. Hugo Corrales, former Legal Adviser to the Paraguayan Ministry of Defence's Directorate for War Materials and Maria Cecilia Gortari from the Paraguayan Criminology Society. The text of the law 1910 of the Republic of Paraguay passed in 2002 by the national legislature on 'firearms, ammunition and explosives' was also consulted extensively.
2. Data provided by the Paraguayan Criminology Society.
3. Data provided by the Paraguayan Ministry of Defence's Directorate for War Materials.
4. 'Los presidentes de Brasil y Paraguay coinciden en luchar contra el tráfico de armas', *Desarme.org*, 15 October 2003.
5. Interview with Pericles Gasparini, Director, UN-LiREC, Lima, Peru, November 2004.
6. Information provided by the Paraguayan Directorate for War Materials and the Paraguayan Criminology Society.