

SECURITY AND PEACEBUILDING PROGRAMME  
MONITORING THE IMPLEMENTATION  
OF SMALL ARMS CONTROLS (MISAC)

Small Arms Control in  
**Central America**

LATIN AMERICA SERIES NO. 2 (ENGLISH VERSION)

**William Godnick y Helena Vázquez**

JUNE 2003

# Small Arms Control in Central America

William Godnick and Helena Vázquez

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Latin America Series No. 2 (English version)

International Alert – Security and Peacebuilding Programme

## International Alert

International Alert (IA) is an independent non-governmental organisation that is working to help build just and lasting peace in areas of violent conflict. It seeks to identify and address the root causes of violent conflict and contribute to the creation of sustainable peace. International Alert works with partner organisations in the Great Lakes region of Africa, West Africa, Eurasia, South and Southeast Asia and Latin America.

To complement fieldwork IA undertakes research and advocacy to influence policies and practices at the national, regional, and international levels that impact on conflict. The organisation seeks to act as a catalyst for change by bringing the voices and perspectives of those affected by conflict to the international arena and creating spaces for dialogue. The work hence focuses on the following global issues: the role of women in peacebuilding, development assistance in conflict and peacebuilding, the role of business in conflict and peacebuilding, and security and peacebuilding, including the reform of security sector institutions and combating the unregulated proliferation of small arms and light weapons.

## Security and Peacebuilding Programme

The Security and Peacebuilding (S&PB) Programme is a division of the Global Issues Department at International Alert. Its purpose is to advise on policy development, implementation and assessment with regard to security for those in conflict-torn societies.

The Programme works primarily by facilitating dialogue between stakeholders and policymakers, and by bringing the most informed research and analysis to the attention of decision makers. It endeavours to advise policy that contributes to conflict transformation by working with partners to create locally informed solutions in order to increase policy relevance, efficacy and sustainability. To this end, the Programme develops projects in the area of Small Arms and Light Weapons and Security and Sector Reform.

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## Acronyms

<b>CEEN</b>	Nicaraguan Centre for Strategic Studies
<b>CEI</b>	Centre for International Studies
<b>CICAD</b>	Inter-American Drug Abuse Control Commission
<b>CIFTA</b>	Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Explosives, and Other Related Materials
<b>CIID</b>	Consejo de Investigaciones e Información en Desarrollo (Council for Information and Research for Development)
<b>CIPRODEH</b>	Centre for Human Rights Research and Promotion
<b>CNSP</b>	National Public Security Commission
<b>DAE</b>	Arms and Explosive Division
<b>DECAM</b>	Department for Control of Arms and Munitions
<b>DFID</b>	Department for International Development (UK)
<b>FESPAD</b>	Foundation for the Study of Applied Law
<b>FGR</b>	Attorney General's Office
<b>FLACSO</b>	Latin American Faculty of Social Sciences
<b>FMLN</b>	Farabundo Martí National Liberation Front
<b>IADB</b>	Inter-American Defence Board
<b>IANSA</b>	International Action Network on Small Arms
<b>ICRC</b>	International Committee of the Red Cross
<b>IDRC</b>	International Development Research Centre – Canada
<b>IPEADES</b>	Institute of Education for Sustainable Development
<b>IMG</b>	Industrias Militares de Guatemala (Guatemalan Military Industries)
<b>IML</b>	Institute of Legal Medicine
<b>INGO</b>	International Non-Governmental Organisation
<b>IPM</b>	Military Pension Institute
<b>IPPNW</b>	International Physicians for the Prevention of Nuclear War
<b>IUDOP</b>	Central American University Public Opinion Institute
<b>MDN</b>	Ministry of National Defence
<b>MESADES</b>	Medicos Salvadoreños para la Responsabilidad Social (Salvadoran Physicians for Social Responsibility)
<b>MIJ</b>	Ministry of Interior and Justice
<b>MINUGUA</b>	United Nations Observer Mission in Guatemala
<b>MSPAS</b>	Ministry of Public Health and Social Security
<b>NGO</b>	Non-Governmental Organisation
<b>OAS</b>	Organisation of American States
<b>ONUSAL</b>	United Nations Observer Mission in El Salvador
<b>PNC</b>	National Civilian Police
<b>PN</b>	National Police
<b>PTJ</b>	Technical Judicial Police
<b>SERPAJ</b>	Justice and Peace Service
<b>SICA</b>	Central American Integration System
<b>SIECA</b>	Central American Economic Integration System
<b>UNDP</b>	United Nations Development Programme
<b>UN-LiREC</b>	United Nations Centre for Peace, Disarmament and Development in Latin America and the Caribbean's

## About The Authors

William “Bill” Godnick is International Alert’s Security and Peacebuilding Advisor for Latin America and a Ph.D. candidate with the University of Bradford’s Department of Peace Studies. Bill received his M.A. in International Policy Studies from the Monterey Institute of International Studies in California.

Helena Vázquez is a programme officer with International Alert’s Security and Peacebuilding programme. She received her M.A. in Political Science from the University of Lund in Sweden.

## Acknowledgements

The authors would like to thank the following persons for their contributions to this research: Marcela Smutt from the United Nations Development Programme (UNDP) in El Salvador, Jaime Martinez FESPAD El Salvador, Jose Miguel Cruz from the Central American University in San Salvador, Elvira Cuadra from CEI Nicaragua, Ana Yancy Espinoza from the Arias Foundation in Costa Rica, Erick Vilchez from the Secretariat of the Central American Integration System and Robert Scharf from the UNDP’s Bureau for Crisis Prevention and Recovery in Geneva. Thanks to Alex Potter for his editorial support. Additionally, it is important to emphasise that this work is part of a team effort that includes Derek Miller, Michael Page, Eugenia Piza-López, Stephanie Powell, Kevin Villanueva and Charlotte Watson. Finally, International Alert’s Security and Peacebuilding Programme would like to thank the UK Department for International Development, Ministry of Defence and Foreign and Commonwealth Office who jointly support the Conflict, Humanitarian Aid and Development pool which funds this project.

The authors accept full responsibility for any error or omission and invite representatives of governments and NGOs to send corrections and updates by e-mail to [wgodnick@international-alert.org](mailto:wgodnick@international-alert.org) or [hvazquez@international-alert.org](mailto:hvazquez@international-alert.org)

## Preface

A key issue to improving conflict prevention and management is the challenge of curbing the proliferation and misuse of small arms and light weapons. The Monitoring and Implementation of Small Arms Controls Project (MISAC) of the Security and Peacebuilding Programme of International Alert is a three-year initiative to aid countries in Latin America, West Africa and Eastern Eurasia to better implement international and national small arms control measures. By working with governments, donors and NGOs its intention is not only to develop a better level of understanding regarding the scope and nature of international and regional small arms controls but to directly assist stakeholders in working towards the full implementation of small arms controls.

Through process orientated research and direct facilitation with governments, donors and civil society actors the MISAC Project will undertake this work in three phases. The first is a mapping phase that creates a profile of the regional agreements and activities, as well as identify relevant actors and their capacities. This work is public and is published as a series of reports.

The mapping phase is then followed by regional assessment studies, which detail institutional capacities and challenges with regards to the implementation of small arms controls. These studies are directed towards supporting state institutions and activities as well as enhancing the capacity of civil society actors to deal with small arms issues. In the course of this work – comprising of analysis from International Alert and its partners as well as consultations with key stakeholders– state needs are brought to the attention of the international community so that financial and technical support can be provided as applicable.

Finally, the assessments are followed by the targeted assistance phase of the project. In this part of the work International Alert will, with local and international partners and stakeholders, seek to craft and implement supportive and sustainable policies to strengthen small arms control measures within a small number of previously identified states.

This report, *Small Arms Control in Central America*, is the second in a series of Assessments published by International Alert in English and Spanish to support the exchange of knowledge and information about small arms controls in Latin America.

This document, along with all the others in this series, is available for download on our website in PDF format at <http://www.international-alert.org/publications.htm#security>. Further information will later be available in digital format through the Magellan Database of the Security and Peacebuilding Programme.

## Summary

This report seeks to document governmental, multilateral and NGO activity in Central America with a specific focus on the time period following the UN 2001 Small Arms Conference. The purpose of the report is to assess regional, governmental, and civil society trends and capacities to lessen the illicit transfer and misuse of small arms.

The research shows that work on small arms issues in the region began before the International Community started to focus on these problems. As a result Central America is, currently, the most active Latin American sub-region involved in the implementation of small arms controls. In addition, the different peace processes in the region (e.g. Nicaragua, El Salvador and Guatemala) have contributed to the knowledge and experience that have enhanced the disarmament field both regionally and internationally. The presence of international organisations, such as the UN and the Organisation of American States (OAS), facilitated the process of the exchange of sensitive information between Central American governments as well as an increased openness towards public scrutiny of their institutions. These processes, together with civil society initiatives, have resulted in a relative abundance of research, information and public knowledge of all six Spanish speaking Central American countries.

Despite these positive developments the report shows that there are still several challenges facing the Central American sub-region. With the growing number of private security companies and the public perception of a deteriorating security situation the demand for small arms is constantly being fuelled. Narcotics trafficking throughout the region has been accompanied by illegal arms trafficking and this, together with poorly paid customs and public security officials, is contributing to the corruption that facilitates the illegal arms trade. Another concern is the distrust between the countries due to the pending border demarcation or sovereignty disputes.

Based on the findings of the reports the authors make the following recommendations:

- SICA's Central American Security Commission and its Member States sign a memorandum of understanding with the OAS, CICAD and UN-LiREC to appoint a delegation who will compile all of the baseline information and institutional contacts needed to coordinate the monitoring and implementation of small arms control agreements at all levels.
- The representatives of the institutions responsible for the national arms registries convene a meeting with the primary private security associations in Central America to discuss legal responsibilities, codes of conduct and the role of the latter in preventing illicit trafficking in firearms and their subsequent misuse.
- SICA and UNDP begin a dialogue on how to cooperate so that national action programmes can provide synergy for bilateral and regional arrangements that also provide space for the proactive and critical participation of NGOs and other sectors of civil society.



# 1. Introduction: Central America

At present, Central America is the Latin American sub-region where the most constant and intense activity towards implementing small arms controls is taking place in the Americas. Despite the sub-region's small geographic extension there is a certain contextual diversity that includes three post-conflict societies, one post-military dictatorship society, one post-foreign invasion society and the longest-standing demilitarised democracy in Latin America. While these differences do require looking at the implementation of small arms controls differently in each country, there are several contemporary factors common to all:

- Narcotics trafficking through the isthmus has been accompanied by illegal arms trafficking involving remnants of the sub-region's civil wars;
- Poorly paid customs and public security officials foster the corruption that enables the illegal trade in small arms to flourish;
- Violent youth gangs, modelling themselves on urban gang culture in the United States, have grown exponentially and are of increasing concern;
- The private security industry is also growing in response to the inadequate provision of public security by police authorities. The companies involved are often owned by active or former police or military officers, which frequently causes conflicts of interest in security provision. There is also insufficient governmental or legal control over their activities thereby undermining the potential for accountability. These companies fuel demand for legal firearms, as they must purchase weapons for their agents. At the same time, because of lax control standards and legal frameworks, private security weapons are often diverted to illegal markets or misused by off-duty security agents;
- Virtually every Central American nation has either a pending border demarcation or a sovereignty dispute with one or more of its neighbours. While this has not caused significant bouts of violent conflict in recent years, it has bred distrust between nations; *and*
- Despite a levelling of still-alarming homicide rates across Central America, the general public and media perceive conditions to be more insecure than ever. This has driven many citizens, especially those who cannot afford expensive private security services, to obtain weapons in the legal and black markets.



Efforts towards small arms control began in Central America before the international community began to act collectively on the issue. Consequently, it is inaccurate to suggest that work on small arms in the region is the result of global policymaking like the UN Programme of Action; although such activities do contribute to the region's momentum in addressing their own problems. The disarmament component of the peace processes in Nicaragua, El Salvador, and Guatemala, as well as the US army's disarmament activities after it intervened in Panama created lessons, knowledge and experience that have enriched the disarmament field in the sub-region and internationally. In addition, the security sector and constitutional reform aspects of peace agreements in El Salvador and Guatemala required looking at how weapons are controlled in national contexts. The presence of international observer bodies such as the UN and the Organization of American States (OAS), combined with the active participation of many international donor governments, required the Central American governments to increasingly share sensitive information related to small arms and open their institutions up to more public scrutiny.

Thanks to these processes and several non-governmental organisation (NGO) initiatives, most notably the June 2000 Central American Forum on Small Arms Proliferation held in Antigua, Guatemala, there is a relative abundance of research, information, and public knowledge available on all six Spanish-speaking Central American countries. Despite some shortcomings of the research available, it would be difficult to find six contiguous countries in the world with the amount of comparable information available to the public on small arms trafficking, the impact of armed violence on society, and the laws and measures in place to combat the problem.

Within Latin America, with the notable exception of the Brazilian NGO Viva Rio, Central America has the most vibrant and active NGO community participating in the global small arms network known as the International Action Network on Small Arms (IANSA). The Arias Foundation for Peace and Human Progress has been involved with security and demilitarisation issues for more than a decade. Over the past year, the small arms control NGO movement has become more cohesive and, with the emergence of IANSA in 1999, new NGOs from Guatemala, Honduras, Nicaragua, El Salvador and Panama have engaged with the small arms issue. At present, the Arias Foundation is leading a project to train Central American NGOs on techniques for lobbying governments on small arms issues, while the sub-regional IANSA network for Central America (the Central American Human Security Network), which also includes the Arias Foundation, has carried out a comparative study of Central American arms legislation and is exploring the relationship between arms and gender.

This report seeks to document governmental, multilateral and NGO activity in Central America, with a specific focus on the time period following the UN 2001 small arms conference, towards the end of assessing regional, governmental, and civil society trends and capacities to lessen the illicit transfer and misuse of small arms.

## 1.1 Central American Follow-up to the UN Small Arms Conference

In December 2001, the governments of Canada, Finland, and Costa Rica, together with the Arias Foundation, hosted a sub-regional meeting in San José, Costa Rica entitled Small Arms and Light Weapons in Central America: Implementing the UN Programme of Action's Elements for Regulating and Controlling Transfers. The idea was similar to that of the Latin American regional follow-up held in Santiago a week earlier, but participation was proportionally stronger. Table 1, (below) shows the participation of Central American delegations in the meeting by country. There were a significant number of delegates from other countries further a field of the region such as Canada, Finland, Norway, Russia, Germany, Israel, Poland, South Korea, Sweden, France, and Belgium, in addition to the Colombian ambassador to the UN in Geneva, Camilo Reyes, who had presided over the UN Small Arms Conference in July 2001.

**Table 1: Participants at the San José conference**

COUNTRY	NO. OF PARTICIPANTS	AGENCIES REPRESENTED
Costa Rica	22	Foreign Affairs, Intelligence, Interior, Police, ICRC, INGO, NGO,
El Salvador	5	Foreign Affairs, Customs, Police, INGO, NGO
Guatemala	6	Foreign Affairs, Intelligence, Customs, ICRC, NGO
Honduras	4	Foreign Affairs, Police, Customs, NGO
Nicaragua	5	Foreign Affairs, local embassy, Interior, Police, NGO
Panama	4	Foreign Affairs, Police, local embassy, NGO

Source: Conference participant list

INGO: *International Non-Governmental Organisation*

Participation in this conference was much more substantive and focused than the Latin American regional conference, as the Central American context made it relevant to all parties involved. The participants took forward Ambassador Reyes' proposal of developing a matrix that outlines the commitments made in the different OAS and UN agreements, aligns them with the responsible parties and identifies them as national or regional responsibilities (see Annex 1). This matrix was then adopted by the Central American Integration System's (SICA) Security Commission as official policy. SICA's current plans to promote the implementation of small arms controls are described in more detail below.

In addition to the activities of national governments and NGOs, several international organisations have also been active in implementing small arms control in the sub-region: the United Nations Development Programme (UNDP), the Inter-American Defence Board (IADB), and SICA. The UNDP recently expanded its work on strengthening small arms control mechanisms in El Salvador to include pilot efforts in Guatemala, Nicaragua and Honduras, with the coordinating body to be established in San Salvador. The IADB has had a presence in Guatemala, Honduras, Nicaragua and Costa Rica as the technical support for the Central American de-mining programme overseen by the OAS. Finally, SICA has become active in pushing for the implementation of small arms controls as described below.

## 1.2 The Central American Integration System (SICA)

SICA is the sub-regional organisation for political and legal integration in Central America, with headquarters in San Salvador. The sub-regional organisation responsible for matters of economic integration is the Central American Economic Integration System (SIECA), with headquarters in Guatemala City. In 1995, the presidents of Central America agreed to the Framework Agreement for Democratic Security in Central America with the multiple objectives of promoting civilian control of the armed forces, public and economic security, a reduction in violence and the fight against drugs and arms trafficking. The Framework Agreement deals with arms issues directly in at least six articles:

- Article 11a calls for the strengthening of sub-regional mechanisms for controlling illicit arms trafficking;
- Article 30 calls for the harmonisation of national laws relating to firearms and military equipment;
- Article 31 requires providing mutual legal assistance in cases of arms trafficking involving more than one legal jurisdiction;
- Articles 32 encourages the maintenance of reasonable arms stockpiles; and
- Articles 35c and 37 call for the creation of a Central American arms register.

El Salvador, Guatemala, Honduras and Nicaragua have ratified the agreement, while legislatures in Costa Rica, Panama and Belize have delayed such action because of concerns about the division of labour between military and civilian security forces. In the cases of Panama and Costa Rica, they no longer have standing military forces. In addition, the persisting border disputes involving virtually every Central American country to one degree or another, with the exception of Panama, have made it difficult for even the countries that have ratified the Framework Agreement to progress seriously in its implementation.

However, on a more positive note, in August 2002 the Central American Security Commission under SICA approved a resolution to reinvigorate the work of the commission and the Framework Agreement. One priority area identified was arms control, where weapons collection, weapons registration and the fight against illicit arms trafficking will be emphasised. This repositioning of small arms issues among SICA's institutional priorities has resulted in a Central American action plan.

### 1.3 Central American Plan against Illegal Trafficking in Small Arms and Light Weapons

The Central American small arms control plan has been, and will be, initiated under the SICA presidencies of Costa Rica and Panama (the SICA presidency rotates every six months). The current proposal for this five-year plan contemplates the following activities:

- The modernisation of national firearms laws with the goal of sub-regional harmonisation;
- The provision of specialised ballistics and tracing technology and training to all SICA Member States;
- The creation of multidisciplinary commissions to deal with small arms issues in each Central American country, consisting of government officials, parliamentarians, and members of civil society;
- Major efforts to educate the Central American public on the responsibilities and risks involved with firearms ownership;
- A sub-regional firearms information-sharing mechanism utilising the latest software technology; and
- Implementation of voluntary weapons collection and registration programmes throughout the sub-region.

To date, SICA's Member States' track records of implementation in the area of sub-regional security have been limited. However, there are now international instruments and political support that can be used to support a SICA initiative at the level of the UN and OAS. Furthermore, the presence of a sub-regional UNDP small arms control programme that contemplates many of the same activities could potentially share resources and in fact help has been offered to assist SICA in the formation of the national commissions mentioned above. In addition to the UNDP small arms trust fund there are now a variety of donors willing to invest in these types of activities. Also, unlike five years ago, there are more NGOs and research institutes engaged in small arms control work and willing to partner with such initiatives.

## 2. Costa Rica<sup>1</sup>

In relative Central American terms, Costa Rica is a peaceful country with a robust tourism industry. The country has one of the longest standing democracies in the Western hemisphere and abolished its army in 1949. Because of its government's role in bringing about peace in Central America in the late 1980s and early 1990s (former president Oscar Arias won the Nobel Peace Prize), Costa Rica is perceived as an agent of peace within the sub-region.

However, the country has been susceptible to the parallel phenomena of the increase in narcotics trafficking and youth violence and the particular impacts of the transition of its northern neighbours from conflict to post-conflict transition societies. On the one hand, Costa Rica has become a key transit point for AK-47 assault rifles making their way southward to Colombia by sea and by land through Panama. On the other hand, within the country itself, criminal and social violence committed with pistols and revolvers is on the rise. While the country has a relatively low homicide rate per 100,000 inhabitants, 50% of all incidents are committed with firearms. The Costa Rican legislature reformed the existing 1995 Law on Armaments and Explosives through a reform passed on 27 May 2002. The law introduces specific elements to increase control, giving more authority to the General Office for Armaments and regulates stockpile security issues for the first time. The reform also allows the Ministry of Health to provide input into the government's policy on small arms control for the first time. According to government officials, much of the revised law includes language taken directly from the OAS Model Regulations and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Explosives, and Other Related Materials (CIFTA).

### 2.1 Participation in International Small Arms Control Mechanisms

Costa Rica is one of the few Central American countries to participate actively in multiple forums for the control of small arms. The government began the process of admission to the Conference on Disarmament in Geneva in 2000 and was accepted as an observer in 2001. Costa Rica currently occupies the seventh place on the waiting list for permanent admission. If admitted, Costa Rica will be the first Central American country ever admitted to that multilateral body.



CIFTA was ratified by the Costa Rican government on 22 November 2000.<sup>2</sup> As of May 2002, Costa Rica was not one of the 17 OAS member states to respond to the convention's official questionnaire on ratification and implementation of that instrument. However, government officials have announced that this will be remedied soon. According to the Small Arms Survey (2001), Costa Rica was in the process of adopting the Inter-American Drug Abuse Control Commission's (CICAD) Model Regulations under the coordination of the Ministry of Public Security.<sup>3</sup> The Legal Advisor and the Arms Control Director for the Ministry of the Interior, Public Security and Police have been designated as the central points of contact with CICAD.<sup>4</sup> Costa Rica signed the UN Convention against Transnational Organised Crime on 16 March 2001 and then the convention's Firearms Protocol on 12 November 2001, but has not yet ratified either the convention or the protocol.<sup>5</sup>

As mentioned above, Costa Rica has not signed or ratified the Framework Agreement for Democratic Security. On 17 February 1998, the Costa Rican Congress' Commission for Legal Affairs voted unanimously to reject ratification of the treaty, citing lack of distinction between the roles of the military and civilian security forces. With the support of Belize and Panama, Costa Rica is moving forward a proposal to review the treaty with an eye to reform and modification. As also mentioned above, Costa Rica was one of the government sponsors behind the sub-regional follow-up to the UN Small Arms Conference that took place in San José in December 2001. The government continues to use the results of that meeting as a platform for action and reform in the sub-region.

At present, the Costa Rican government is particularly active on two international fronts:

1. As president of SICA's Security Commission until January 2003, the country has been promoting development of, and fundraising for, a regional action plan against illicit arms trafficking; *and*
2. In cooperation with the governments of Canada, Brazil, and possibly others, Costa Rica is pushing for a code of conduct on arms transfers with the OAS. This proposal was developed as a collaboration between the Costa Rican government and civil society.

## 2.2 Small Arms Control

National law delegates responsibility for arms control issues to the Ministry of the Interior, Public Security and Police's General Office for Armaments. This office contains three departments within it: Arms Control and Explosives, the National Arms Register and the National Arsenal. In April 2002, the police destroyed 521 AK-47s that were confiscated during the time of the region's civil wars. What was left of them was integrated into a peace monument designed by a university sculptor, located in the capital's Peace Park.

### *2.2.1 Import/export control laws*

There is no small arms industry in Costa Rica to speak of. In general, any weapons exported would be re-exports or sales of used items. In order to export small arms, the exporter must be accredited,

renewable each year, with the Department for Arms Control and Explosives and also possess a permit for each shipment by the country of destination. Import permits must be renewed each year and no weapons can be turned over to the importing company until they have been inspected by the authorities. Each Costa Rican citizen can however import up to 500 rounds of ammunition annually and this quota increases to 1000 rounds for sporting activities.

### 2.2.2 *Domestic arms control laws*

Within the law, there are weapons permitted for civilian use, sporting firearms, collectibles, and defensive or military-style weapons. The seller of a firearm has the responsibility to report the sale and information regarding the buyer within three days of the purchase. The individual then has the responsibility to register the firearm and submit the weapon to a ballistics test, though research has demonstrated that this does not take place in practice. The head of the arms control unit cites the lack of sophisticated equipment and resources to obtain it as the main impediments to implementing ballistics tests universally.

Each Costa Rican citizen can own and register up to three firearms and purchase up to 500 rounds of ammunition annually. There is some confusion in the law between a registered weapon and a licence to own one, which are basically the same. However, to carry a weapon in public one must request a special authorisation and prove legitimate reasons. Only the Judicial Investigation Organ, National Bank, and police may use weaponry capable of automatic fire. In August 2002, officials from the Ministry of the Interior, Public Security and Police were trying to promote a reform of the law for arms purchases in Costa Rica requiring that vendors verify the requisites at time of purchase instead of several days later, but mentioned that congressional interest and support was weak, especially after the recent election of seven Libertarians to the legislature.

Arms dealers must renew their permits annually, while shooting ranges and clubs must have authorisation from the arms registry, the Ministry of Sports and Recreation and the Ministry of Public Health. The Costa Rican law punishes the following activities:

- Possession of prohibited weapons;
- Illegal trafficking;
- Illegal manufacturing, modification or repair;
- Irregular administration of arms dealerships;
- Unlicensed carrying of weapons in public; *and*
- Altering serial numbers and other identifying characteristics.

Penalties range from six months in jail for irregularities in the management of retail arms dealerships to eight years for illegal trafficking in military-style weapons. In almost all cases, the penalty includes confiscation of the weapons involved. The confiscated weapons are then stored at the National Arsenal and eventually may be assigned for use, if an appropriate weapon type, to the Judicial Investigation Organ (OIJ). Those weapons which do not fulfil the necessary characteristics must be destroyed.

## 2.3 Civil Society

The Arias Foundation has represented Costa Rica, and more broadly Central American civil society, in the international arms control arena for almost a decade. Initial efforts focused on disarmament as it related to the sub-region's peace processes, and the organisation published books and a monthly bulletin *Central American Dialogue*. Later, Oscar Arias, the founder of the organisation, initiated efforts to develop an international code of conduct in cooperation with other Nobel Laureates and coalitions of NGOs.

In 2000, along with a host of other Central American NGOs that had become involved in the small arms issue through IANSA, the Arias Foundation organised the First Central American Forum on the Proliferation of Small Arms and Light Weapons, bringing together representatives from governments and NGOs from throughout the isthmus and commissioning national studies in each country. The studies presented at the forum still serve as the basis of knowledge on the small arms issue in Central America and were eventually published in a book.

Before the emergence of IANSA, the Arias Foundation was the only visible Central American NGO actor on the scene. Once IANSA was formed, NGOs from the other Central American countries joined the movement, many of whom had collaborated with the Arias Foundation previously. Although some of the other Central American NGOs were justified in creating their own national spaces for working on small arms and the Arias Foundation has had to adapt to this reality, it still remains a fact to this day that the foundation has the ability to bring together a larger and broader group of government and NGO representatives in all of the countries of Central America than does any other sub-regional IANSA participant in their own country.

At present the Arias Foundation is involved in three key projects related to small arms issues:

1. It is training Central American NGOs (including IANSA participants and members of the Central American Human Security Network) in lobbying techniques on small arms issues;
2. It is participating in the United Nations Centre for Peace, Disarmament and Development in Latin America and the Caribbean's (UN-LiREC) NGO capacity-building project; and
3. In cooperation with its own government, the governments of Brazil and Canada and in cooperation with the NGOs Viva Rio (Brazil) and Project Ploughshares (Canada), it is pushing an arms export code of conduct within the OAS as well as an updated version of the Nobel Laureates Code of Conduct called the Framework Convention on International Arms Transfers that is coordinated by a working group consisting of the following NGOs: American Friends Service Committee, British American Security Information Council, Federation of American Scientists, Friends Committee on National Legislation, Oxfam, Project Ploughshares and Saferworld.



### 3. El Salvador<sup>8</sup>

Hundreds of thousands, if not millions of weapons were distributed in El Salvador during its twelve-year civil war (1980–1992). The US government alone sent 32,474 M-16 assault rifles and more than 260,000 grenades to the Salvadoran armed forces during this period.<sup>9</sup> At the end of the country's civil war in 1992, the United Nations Observer Mission in El Salvador (ONUSAL) oversaw the disarmament of guerrilla units, which resulted in the surrender of approximately 10,000 weapons.<sup>10</sup> While this was only a small number of the total weapons in circulation, it did contribute toward the cease-fire, despite the fact that the FMLN guerrillas had left some arsenals hidden in El Salvador and Nicaragua as an insurance policy.

Today, scholars conservatively estimate that there are at least 400,000 firearms still circulating in El Salvador, of which only approximately 173,000 are legally registered with the authorities.<sup>11</sup> Between 1994 and 1999, El Salvador was the seventh most important export market for US-made revolvers and pistols.<sup>12</sup> Other important sources for El Salvador's legal firearms imports include Germany, Spain, Belgium, Israel and Brazil.

Homicide rates began to rise even after the UN-brokered peace accords and the establishment of ONUSAL. In the early to mid-1990s, homicide rates were close to 150 per 100,000 inhabitants. At present there are three government entities that collect homicide data, the Attorney-General, the National Civilian Police (PNC) and the Institute of Legal Medicine (IML), which report homicide rates of 56.6, 37.3, and 42.9 per 100,000 respectively for the year 2000.<sup>15</sup> While overall homicides figures are down from several years ago, the incidence of firearms in homicides is increasing, with 70% of all homicides committed in the country involving the use of firearms. According to the Ministry of Public Health, firearm injury rates dropped from 65 per 100,000 to 57 per 100,000 from 2000 to 2001.<sup>16</sup> While firearms are the instruments used in most homicides, knives and machetes account for the most non-fatal injuries involving weapons, with an incidence of 118 per 100,000 for 2001.



El Salvador is not a small arms exporter, except for a very small industry that produces bullet heads without the casings and gunpowder, though the black market thrives internally as well as for export to other Central American countries and conflict regions such as Chiapas in Mexico and Colombia. The rising crime in the post-war period has led to the growth in the number of private security companies hired by private citizens, businesses, and even government entities. A recent study on private security companies in Central America suggests that there are at least 20,000 private security agents in El Salvador, compared to a police force of 12,000 officers.<sup>17</sup> These businesses fuel the legal demand for firearms in the country, but are often sources of weapons for the illegal markets because of lax controls over agents and company stockpiles.

Another contemporary issue related to the illicit trafficking and misuse of firearms is the growth in youth gangs within El Salvador over the course of the last decade. These gangs, known as *maras*, have links to groups formed by the children of Salvadoran immigrants in American cities such as Los Angeles, as well as to bands of organised criminals involved in drug trafficking, extortion and kidnapping. While some of the more senior gang members with access to organised crime may have assault rifles and military-issue hand grenades, most of these youth carry knives and make-shift guns made out of metal tubing and bedsprings, often referred to as *armas hechizas*. The gangs have also been known to create their own explosive devices made with materials easy to access in most neighbourhoods. As early as 1996, public opinion polls showed that 65% of Salvadorans viewed the *maras* as the primary problem in the country.<sup>18</sup> In general they have been dealt with by government structures through the criminal code and national youth policy plans. Dealing with the weapons they use has proven difficult. Only recently in 2002, with the passage of reforms to the 1999 law on arms and munitions, have the *armas hechizas* used by the gangs been typified as illegal by law.

### 3.1 Participation in International Small Arms Control Mechanisms

CIFTA was ratified by El Salvador on 18 March 1999,<sup>19</sup> and the country has responded to the convention's official questionnaire, but has not established a central contact authority before the convention's Consultative Committee. According to the Small Arms Survey (2001), El Salvador has adopted the CICAD Model Regulations.<sup>20</sup> The PNC's Arms and Explosive Division, which falls under the Ministry of the Interior, and the Legal Counsel of the Ministry of Defence are the two entities registered as national points of contact with CICAD.<sup>21</sup> El Salvador is also a ratifying party to the Framework Agreement for Democratic Security in Central America.

El Salvador signed the UN Convention against Transnational Organised Crime on 14 December 2000, with congressional ratification still pending and signed the Firearms Protocol on 15 August 2002.<sup>22</sup>

### 3.2 Small Arms Control

The Ministry of National Defence (MDN) and the PNC are the two institutions with the greatest responsibility in the control of firearms circulation and use in El Salvador, with the MDN working on

the arms control and registry side and the PNC on the enforcement end. According to the Salvadoran constitution, the MDN is the entity responsible for national arms control by law. In addition to the PNC's regular officers in the streets and precincts, several specialised agencies also deal with firearms trafficking and use. Some of the most relevant among these agencies include the Arms and Explosives Division (DAE) as well as the PNC Border and Finance divisions. The PNC also maintain statistics related to the incidence of firearms in crimes and homicides. In its most recent analysis of information in the year 2001, the PNC reported that only 14 percent of all homicides were directly attributable to criminal activities, while the remaining 86 percent were related to social violence (e.g. domestic violence, gang fights, interpersonal conflicts).<sup>23</sup>

In 1998 and 1999, the Salvadoran congress debated and passed a new law on firearms, explosives and munitions after a heated debate over the types of weapons civilians would be able to possess for their own self-protection. While the law was significantly better than its predecessor, it did allow civilians to own automatic weapons such as assault rifles, as long as their mechanisms for automatic fire were removed or disabled. In 2002, 14 additional reforms were made and 30 new articles were added to the Arms Law.<sup>24</sup> Among the most important changes were: the increased criminalisation of violations of the law with the establishment of a schedule of fines; greater restrictions on the public places where individuals may carry firearms; the development of a psychological test for all persons applying for a firearm user licence; and the categorisation of re-exporting arms, munitions or explosives imported from abroad to third countries without prior notification as encouraged in the Inter-American Convention.

### *3.2.1 Import/export arms control laws*

The MDN's Logistics Division is the institution responsible for authorising small arms imports and exports, issuing licences to firearms users, maintaining the national firearms register (including weapons held by private security companies and other legal entities) and a database of ballistics tests on all weapons legally introduced into the country. Once a firearm is introduced into El Salvador, it must be deposited in one of the MDN's special facilities for ballistics tests before it is handed over to the firearms merchant or the individual owner.

The PNC Border Division carries out duties that include the prevention of illicit arms trafficking across its borders, while the PNC Finance Division is present in all land, sea, and airport customs facilities to inspect incoming shipments. In this latter context, it is the PNC officer's responsibility to monitor incoming shipments for contraband, while the customs administrator is responsible for valuing each shipment and collecting the related taxes.

Before someone can import weapons, ammunitions or explosives into El Salvador, they need a licence distributed by the MDN and two authorisations per shipment – one from the MDN and the other from the corresponding government agency in the exporting country. Private citizens are allowed to import two firearms per year, but must have the appropriate authorisations in advance. Up to 200 rounds of ammunition may be imported per legally introduced weapon. Exporters must sign an affidavit confirming that the weapons being exported will indeed end up in the designated country.

### *3.2.2 Domestic arms control laws*

The MDN maintains a website where the public can obtain information on the relevant national laws and procedures, though it does not yet contain the latest reforms to the law. Salvadoran firearms owners must register their weapons with the MDN, as well as obtain a licence to possess and/or carry firearms in public places. A firearms buyer must obtain a licence before purchasing a firearm from a licenced dealer and has to wait for five days after requesting to make a purchase. In comparison to

other Central American countries, there is a broader range of weaponry that public citizens can acquire, including semi-automatic rifles. Ownership licences must be renewed every six years, while licences for concealed/carrying must be renewed every three years. Ammunition is only sold to persons who can show a licence for a weapon of the same calibre as requested.

Only the MDN, PNC, National Public Security Academy and National Shooting Association are authorised to operate firing ranges. Firearms retailers must be registered with the MDN. The following activities are illegal under the law:

- Illegal imports and exports, including re-export;
- Possession of illegal weapons or legal weapons without appropriate permits;
- Converting weapons to automatic fire;
- Possession of military explosive devices such as grenades;
- Home-made production of firearms;
- Altering serial numbers and other identifying features;
- Loaning or borrowing money with firearms as collateral; *and*
- Shooting in the air.

Originally penalties ranged from fines of USD 25 to USD 12,000, the temporary suspension of licences from 3 months to two years or permanent cancellation. A recent decree now outlines more specific details and defines three categories of violations; minor, serious and severe. Minor violations are penalised by a temporary licence suspension and a fine equivalent to a percentage of the minimum monthly salary. Thirteen specific situations have been defined as minor violations and the fines range from 5 per cent to 100 per cent of the minimum monthly salary. Serious violations are penalised by a temporary licence suspension for three months to two years and a fine equivalent to up to ten times the minimum monthly salary. For example “to sell permitted ammunition for weapons that do not match the permit ” would incur a fine equivalent to five times the minimum monthly salary. The same penalty would also be incurred for using ammunition without a permit. In total there are twenty-three examples that have been identified as serious violations. Severe violations are penalised by licence suspension and a fine equivalent to between twenty and fifty times the minimum monthly salary. This category includes twenty-seven violations including the brokering of weapons and ammunition to a third party outside Salvadoran territory.

The PNC-DAE is a technical unit responsible for safe storage, transfers from the PNC to the MDN and carrying out the ballistics identification of confiscated weapons. The MDN is responsible for destroying all confiscated weapons that have not been returned to their rightful owner in cases of theft. Since ballistics tests are archived with the MDN, the PNC has to make a formal request every time it wants access to ballistics data, placing a bureaucratic burden on any query. In the past, the MDN was closed on weekends, and this halted PNC investigations, though discussions are currently under way to provide complete access for the PNC at all times.

### *3.2.3 Other government entities*

The other government entities that play roles relevant to small arms and the impact of their use include the Attorney General’s Office (FGR), the IML and the Ministry of Public Health and Social Security (MSPAS). The FGR investigates and prosecutes cases and may hold confiscated firearms as evidence in cases related to organised crime, youth offenders, drug trafficking, and crimes against property. In addition, the FGR maintains statistics on homicides and violent crime, which tend to show higher rates than the same statistics gathered by the PNC, IML, and government statistics office.<sup>25</sup> Some within the FGR believe the higher homicide and violence rates reported by that institution are attributable to duplicate reporting of cases where more than one prosecutor was involved, though this has not been systematically confirmed.<sup>26</sup>

The IML, basically the judicial morgue, maintains statistics on all criminal activities that result in death, including those involving firearms. Among the relevant information collected by the IML is the type of weapon used and motive. While the FGR showed a slight drop in homicide rates between 1999 and 2000, the IML figures demonstrated a slight increase for the same period from 36.3 to 37.3 per 100,000.<sup>27</sup> Experts within and outside the IML affirm that the homicide data collected by that institution is the most reliable at the national level.<sup>28</sup>

The MSPAS maintains systematic information on non-fatal firearm injuries through its Epidemiological Unit's surveillance project on injuries by external causes. In addition, the MSPAS takes special interest in the children injured by firearms, especially those caught in the crossfire by stray bullets, through a special programme at the national children's hospital.<sup>29</sup>

### 3.3 Civil Society

In 1996, the Patriotic Movement Against Crime, a private sector organisation aided by the government, police, military, and Catholic Church, implemented a Goods for Guns programme that lasted four years and succeeded in collecting more than 6,000 firearms, 3,000 grenades, and 100,000 rounds of ammunition. As with the ONUSAL disarmament process, only a small percentage of all illegal weapons in circulation were recovered. However, this programme provided the opportunity to the military and police to support civil society and civilian government in an attempt to improve the security environment, a revolutionary development given the country's recent past of agendas based on national security interests. At the same time, the programme provided the space for some civil society organisations to voice their opinion and influence legislation on firearms and criminal codes.

A more recent civil society initiative, Strengthening the Mechanisms for Small Arms Control in El Salvador, has been funded by the UNDP's Bureau for Conflict Prevention and Recovery (based in Geneva) and facilitated by the UNDP's country office in El Salvador. The programme is part of a broader civil society initiative known as *Hacia una Sociedad Sin Violencia*, run by a coordination group consisting of the Central American University's Public Opinion Institute (IUDOP), the Foundation for the Study of Applied Law (FESPAD), the Latin American Faculty of Social Sciences (FLACSO), the National Public Security Commission (CNSP), the National Judicial Commission and national networks against domestic violence and in favour of children and youth rights. In relation to small arms control, this project has achieved the following:

- It convened an international conference on small arms control attended by experts from the fields of international research, sociology, public health, and criminology, in addition to national experts. The conference created attention in the national press at all levels;
- The IUDOP, in collaboration with the PNC, computerised all of the information available on firearms registration, crimes, confiscations, and the like, which created a whole new body of knowledge on the issue and dispelled several myths, such as the notion that ownership of guns provided for more security and that the majority of guns used in crime were military-style weapons;
- FESPAD has developed a proposed reform agenda for the law on firearms, used as a lobbying tool with legislators;
- A joint programme has been developed with the PNC called *Angeles de la Paz* to train elementary school children in how to be agents for peace in their communities; and
- The UNDP has decided to expand its funding for small arms controls regionally through initial pilot efforts in Guatemala, Honduras, and Nicaragua, based on the success of the programme in El Salvador.

In addition, the international NGO International Physicians for the Prevention of Nuclear War (IPPNW) has begun the development of a programme of action with its Salvadoran affiliate, MESADES, to further develop the public health community's ability to collect data relevant to the impact of small

arms on society and advocate better control and prevention. Much of IPPNW's decision to add small arms control to its agenda, which has traditionally been dominated by nuclear arms control, has been caused by pressure from local affiliate organisations in Central America and Africa, where the nuclear threat is minimal, but the daily threat from small arms is more than significant.

The collective impact of these civil society initiatives is difficult to quantify and distinguish from the impact of governmental initiatives. If success or failure by association were to be used as an indicator, the official statistics on firearms homicides have dropped considerably, though progress appears to be levelling off. At the same time, similar progress has not materialised in terms of injuries, gang violence, and kidnappings, and much less in terms of the general citizenry's perception of public security. However, the several hundred national newspaper articles that have appeared over the last several years covering everything from legislative reform, public opinion, and illicit arms trafficking to the impact of these on society provide evidence that collectively Salvadoran society has taken the issue to heart, despite divergent viewpoints on the best way to proceed.

## 4. Guatemala<sup>30</sup>

At the end of the country's civil war in 1996, the United Nations Observer Mission in Guatemala (MINUGUA) oversaw the disarmament of guerrilla units, which resulted in the surrender of approximately 1,500 weapons.<sup>31</sup> Since then, no significant disarmament efforts have taken place beyond the regular confiscations carried out by the police. In April 2002, the government authorities reported 181,051 legally registered weapons circulating in Guatemala and MINUGUA estimates that there are at least 1.5 million more circulating illegally. This figure makes Guatemala the most highly armed country in the sub-region. The two principal sources of black market arms in Guatemala are AK-47s and other military weapons coming from Honduras and El Salvador, as well as arms stolen internally within Guatemala from private homes, the military, and police inventories.

For several decades, *Industrias Militares de Guatemala* (IMG), a dependency of the defence ministry, produced Galil assault rifles under licence from Israel. At present there is no evidence that IMG manufactures anything more than 5.56 calibre ammunition for military and police use. However, bullet casings from a series of a dozen bank assaults were traced back to IMG, demonstrating that there is theft taking place from state arsenals.

Homicide rates have risen since the end of the civil war and now citizens in the country's urban zones are as equally affected as the rural indigenous populations. Some studies have demonstrated levels of crime and violence similar to those found in Colombia and Brazil. As in other countries in the sub-region, private security companies have emerged as a response to growing levels of crime and insecurity. There are now more private security agents than officials of the new demilitarised civilian police force formed after the Peace Accords.



The section of the Peace Accords dealing with Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society called for the transfer of power over the control of arms and ammunition from the Ministry of Defence to the Ministry of the Interior. In a May 1999 referendum with high levels of voter absenteeism, voters rejected a package of 50 amendments to the constitution that had been prepared in accordance with the UN-brokered peace plan. The rejection of the package has made reforming the arms law difficult, in addition to hampering progress on other laws, including the one that governs private security companies. In one last effort before its mandate expires on 31 December 2002, MINUGUA is carrying out a study on arms and ammunition control and legal regulations that looks at the current law, current arms trafficking and the violence situation, compares the Guatemalan law with firearms laws in El Salvador, Chile, Uruguay, Mexico and Spain, and then promotes the reforms to the current law that was last modified in 1989.

## 4.1 Participation in International Small Arms Control Mechanisms

Guatemala ratified CIFTA on 5 February 2003. As of May 2002, Guatemala was one of the 17 OAS member states to respond to the convention's official questionnaire on ratification and implementation of that instrument, but did not have a central contact authority established before the convention's Consultative Committee. The difficulty of passing more restrictive firearms control legislation in the present environment of insecurity has led to delays in the implementation of relevant aspects of the Peace Accords.

According to the Small Arms Survey (2001), Guatemala has not adopted the Model Regulations.<sup>32</sup> The Ministry of Defence's Department for Control of Arms and Munitions (DECAM) and the National Civilian Police under the control of the Ministry of the Interior are the two entities registered as national points of contact with CICAD.<sup>33</sup> Guatemala signed the UN Convention against Transnational Organised Crime on 12 December 2000, with congressional ratification still pending, though it has not signed the convention's Firearms Protocol.<sup>34</sup>

The only other multilateral agreement controlling small arms that the Guatemalan government has ratified is the Framework Agreement for Democratic Security in Central America. This agreement entered into force on 26 December 1997, but has not been implemented.

## 4.2 Small Arms Control

Guatemala is the only Central American country whose constitution guarantees its citizens rights to bear arms. DECAM is the government entity in charge of all small arms control matters, with the exception of criminal law enforcement, which is the jurisdiction of the National Civilian Police. In rural areas, the Military Reserve Outposts take the place of DECAM. The 1996 Peace Accords call for the two following key reforms:



1. Increased restrictions of the ability of civilians to own and carry firearms in public; and
2. The transfer of the national arms register and other firearms control responsibilities to a new civilian entity under the Ministry of the Interior, to be called the General Office for Arms Control.

#### 4.2.1 *Import/export arms control laws*

Currently there is no licensing requirement for small arms exports, although the exporter is expected to provide DECAM with a list of arms and ammunition exported and the destination upon transfer. It is not clear whether or not IMG or private enterprises export significant quantities of ammunition and it is doubtful that any firearms are produced in the country any longer.

Small arms importation requires authorisation from DECAM, as does the importation of up to 200 rounds of ammunition per weapon, with an increased quota of 500 for sporting arms, four times each year. The laws and norms on small arms imports and exports are rather lax in comparative terms.

#### 4.2.2 *Domestic small arms control laws*

Individuals and legal entities that purchase firearms in Guatemala must first get authorisation from DECAM before purchasing a weapon at a private dealership. The new firearms owner then has three days to register the weapons and provide DECAM with two bullets for ballistics records. Each individual licensee may register three licences each of which can, in turn, register three weapons thus entitling an individual to possess up to nine weapons. This does not however apply to private security companies. The licence granted for concealed carrying is valid for one year, but after three years of use without any violations, new licences are extended for three-year periods. DECAM can also licence individuals and companies to own and carry automatic, military-style weapons. While ammunition purchases should correspond to the type of weapon licenced, there is no limit on the quantity that may be purchased.

As of January 2002, there were 93 legally registered firearms vendors in Guatemala, 11 firing ranges and 13 firearms repair shops. Within Guatemala, the following infractions are penalised by law:

- Illegal importation, exportation, sale, transfer or transport;
- Possession or storage of illegal and prohibited weapons and ammunition; and
- Illegal and unauthorised operation of firing ranges and repair shops.

Penalties generally range from one to three years in prison, although illegal arms trafficking can bring a sentence of up to six years. The most severe cases of trafficking or possessing illegal weapons of war can bring up to 12 years in prison. Weapons and ammunitions are confiscated in all cases and can be re-sold by public auction or returned to the original owner, depending on the specific situation.

### 4.3 Civil Society

IANSA lists eight Guatemalan organisations among its participants, although only one, the Institute of Education for Sustainable Development (IEPADES), is an active participant in the network and in the field of small arms non-proliferation in general. IEPADES was a founding member of IANSA and has also served on its governing board. The organisation has made efforts to engage the Guatemalan government on the ratification and implementation of the UN Programme of Action, CIFTA and the Central American Framework Agreement. IEPADES also helped found the Central American Human Security Network, which serves as a sub-regional base for IANSA.

On the fringes of IANSA and sub-regional activity, the *Consejo de Investigaciones e Información en Desarrollo* (CIID) has also been active on the small arms issue through the publication of an e-mail

newsletter on disarmament issue, *Boletín Desarmando América*, several studies on arms and violence, and participation in several ecumenical meetings in Latin America to deal with the issues of arms and violence from a faith perspective. In November 2000, with economic support from the Arias Foundation, CIID published a nation-wide public small arms opinion survey, *Violencia y Armas de Fuego: Percepciones de los guatemaltecos sobre la violencia social y la proliferación de armas de fuego* (Violence and firearms: Guatemalan perceptions on social violence and firearms proliferation)

Guatemalan civil society is quite fragmented, even more so than in other Central American countries, and as international funding priorities move elsewhere, competition for donor attention is increasingly fierce. This has left little space for a broad-based national network to develop on small arms issues.

## 5. Honduras

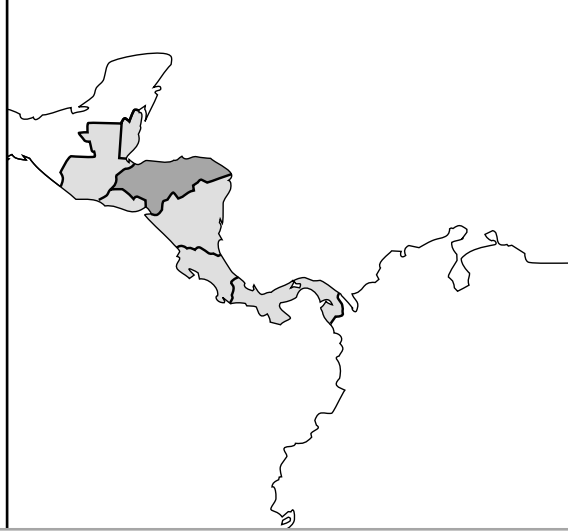
Despite having avoided civil war in the 1980s and 1990s, Honduras has experienced many of the same social, economic, and political problems of its post-conflict neighbours. This is explained by the fact that Honduras has experienced many of the same social conditions, combined with being used by the US as the primary base of operations against the leftist forces in the sub-region. Since the end of the sub-regional conflicts, violence, crime, and insecurity have risen in Honduras, including the emergence of private security companies, drug traffickers, organised criminals, and youth gangs.

The military is very directly involved in the legal transfer and distribution of small arms in two ways. Firstly, it is the Ministry of Defence that authorises all small arms imports and grants licences to importers. Secondly, the Military Pension Institute (IPM), governed by active and retired military officials, has a subsidiary, *La Armería*, that has a monopoly on firearms retail commercialisation in the country. On the illegal side, over the years, military institutions and officials have been complicit in several high profile arms trafficking scandals. These issues make a comprehensive control of small arms in the country a significant challenge.

### 5.1 Participation in International Small Arms Control Mechanisms

Honduras signed CIFTA, but has yet to ratify. As of May 2002, Honduras was not one of the 17 OAS member states to respond to the convention's official questionnaire on ratification and implementation, nor did it have a central contact authority established before the convention's Consultative Committee. According to the Small Arms Survey (2001), Honduras has not yet adopted the Model Regulations.<sup>35</sup> The Legal Counsel of the Secretariat of National Defence is the entity registered as the national point of contact with CICAD.<sup>36</sup>

The UN Convention against Transnational Organised Crime was signed on 14 December 2000, with congressional ratification still pending. However, Honduras has not signed the convention's Firearms Protocol.<sup>37</sup> Honduras is one of the ratifying parties to the



Framework Agreement for Democratic Security in Central America. Outside of the Central American context, representatives of the Ministry of Defence are the government officials most commonly found at international forums, but are not particularly active.

## 5.2 Small Arms Control

The current national law governing firearms, ammunition, and explosives in Honduras was passed by congress and approved by decree 30 in June 2000. However three years after the law was approved the legal guidelines designed to regulate the law still does not exist. While many practical changes were made in the law, the fundamental role of the military in import/export policy and national retail distribution was not affected. The Ministry of Security via the Preventive Police (the recently demilitarised police force) did obtain new responsibilities via licensing and registration. It could be argued that the military does not have a role in retail firearms sales because the IPM is technically not a government entity. However, in practice, separating the military's influence from the IPM, and thus the *La Armería* subsidiary, is quite difficult.

### 5.2.1 *Import/export arms control laws*

Honduran law does not contemplate small arms production it refers only to explosives production. Authorisation is required from both the security and defence ministries in order to re-export weapons, indicating the country of destination and product description. Importation is exclusively the responsibility of the Ministry of Defence, which maintains a small arms imports register. There are no limitations on the quantities of ammunition that may be imported under the law.

### 5.2.2 *Domestic small arms control laws*

In the new Honduran law, the Ministry of Security is primarily responsible for law enforcement, investigation into illegal trafficking, weapons registration and carrying permits and ballistics testing. The law also calls for the creation of a National Commission for the Collection of the Weapons of War.

The Ministry of Defence is responsible for control of its own inventories as well as that of the retail arms vendors. The Ministry of Security is responsible for the civilian arms register, including private security weapons. Individuals can register up to five weapons for a four-year period each. A couple of years ago, the Ministry of Security required private security enterprises to voluntarily surrender all military-style weapons in their inventories, such as AK-47s, given that they are illegal in the country (the AK-47 is not a weapon used by the military and police and has never been sold legally by *La Armería*).

The following activities are penalised by Honduran law:

- Trafficking in illegal firearms, ammunition or explosives;
- Illegal and/or unlicensed possession of legal firearms; and
- Alteration of weapons identification characteristics.

In all cases where the law is violated, weapons are confiscated and the respective licences suspended for up to six years. Fines based on salary scale are mentioned in the law, while jail time is omitted. The public auction of confiscated weapons is prohibited by law.

### 5.3 Civil Society

Within civil society, two NGOs have been active in recent years, both belonging to IANSA and its sub-regional network, the Centre for Human Rights Research and Promotion (CIPRODEH) and the *Foro Ciudadano* or Citizens' Forum. They have worked collaboratively, publishing reports on the issue of arms, violence, and control mechanisms, and form part of the Central American Security Network. However, both groups work on small arms on an *ad hoc* basis without systematic funding or programmes to carry out such work.

It is possible that the UNDP project on public security in Honduras will integrate small arms into its broader security work, but this is currently only in the idea stage.

## 6. Nicaragua<sup>38</sup>

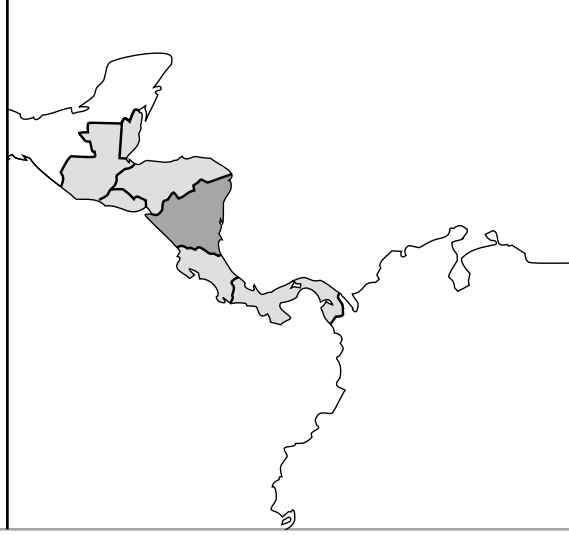
In 1990, Nicaragua was the first Central American country to undergo a significant peace transition process, which also included several large-scale micro-disarmament schemes, involving the UN, the OAS, the military, and support from the Italian government. The efforts brought in more than 100,000 weapons, which were destroyed publicly. The enormous distribution of weapons that took place during the conflict means that these efforts had a marginal impact on weapons proliferation and misuse, evidenced by the reformation of armed groups in the country's northern and eastern regions.

Interestingly, at present, recorded levels of violence and criminality show that Nicaragua is the safest of all Central American countries, with the exception of Costa Rica. While this information may in fact be true, it should be qualified in two ways. Firstly, the Nicaraguan government's institutional capacity is the weakest of the Central American countries and incidence of violence and arms trafficking may be widely understated (police homicide statistics do not systematically reflect the incidence of firearms in homicide and crime, as they do in all the other countries of the sub-region). Secondly, related to the first, in the northern and eastern parts of the country there is a substantial lack of government presence.

### 6.1 Participation in International Small Arms Control Mechanisms

Nicaragua ratified the CIFTA in 1999, but has not responded to the Consultative Committee's official questionnaire on ratification and implementation. The OAS CICAD Model Regulations have not been adopted, while the National Police (PN), under the authority of the Ministry of the Interior, have been identified as the central point of contact with that mechanism.

The Nicaraguan government is the only Central American country that has ratified the UN Convention on Transnational Organised Crime (September 2002), but has not



signed the Firearms Protocol. Nicaragua is one of the four ratifying parties to the Framework Agreement on Democratic Security in Central America.

Outside of the Central American context, Nicaragua participates in all the small arms control forums, primarily through representatives from the Ministry of Foreign Affairs.

## 6.2 Small Arms Control

Nicaraguan law is relatively weak in regard to small arms control, evidenced by the fact that the existing law was drafted and passed in 1937 and delegates primary responsibility to the defunct National Guard. Several modifications to the law were made by decree as recently as 1996, and in practice the PN has taken on the responsibility of enforcing the law.

### *6.2.1 Import/export arms control laws*

As in Honduras, Nicaraguan law does not contemplate production of small arms, ammunition, and explosives. Export regulations refer to cross-border transfers and not commercial export or re-export. The law is equally weak in terms of import controls and regulations of arms and ammunition for commercial purposes.

### *6.2.2 Domestic small arms control laws*

As mentioned above, the PN is responsible for controlling firearms licences, commerce, and private security and for enforcing the law. The PN register remains a handwritten mechanism, though there is the political will to computerise if resources become available. In terms of requiring ballistics testing of registered weapons, the law is rather deficient. There are no specified limits on the number of weapons an individual may own and each licence is valid for a three-year period. At the same time, there are no quantitative limits on ammunition purchases, although an individual may only legally purchase ammunition that corresponds to a weapon permit of the same calibre. The following infractions are penalised under Nicaraguan law:

- Possession and use of military-style weapons;
- The sale of firearms to foreigners;
- The carrying of a weapon with an expired permit;
- The loan of a weapon to another individual;
- The carrying of a weapon under the influence of alcohol or drugs;
- The exhibition of weapons in public;
- The sale of weapons without proper authorisation; and
- The repair of unregistered weapons.

The above-mentioned cases prescribe confiscation, fines and possible arrest of up to 30 days. Fines are not specifically designated in the law. The final destination of confiscated weapons is not specified either.

## 6.3 Civil Society

NGOs in Nicaragua have been active on the civil society front. The most active has been the Centre for International Studies (CEI), a founding member of IANSA and a member of its governing board. The CEI was also involved in the 2000 Antigua conference and produced the national assessment for Nicaragua. At present, primarily with the International Development Research Centre – Canada (IDRC), the CEI has carried out a comparative study of Central American legislations and is presently implementing a project on small arms coverage in the national media, as well as participating in the Central American Human Security Network.

Another NGO, the Nicaraguan Centre for Strategic Studies, has carried out several public opinion polls and held workshops on the small arms issue in problem regions of the country, but is rumoured to have problems with funding. The UNDP/Ministry of Interior programme on public security has created spaces for NGO participation, but to what degree is not clear, and is currently contemplating the incorporation of small arms control work with funding offered by UNDP's Bureau for Conflict Prevention and Recovery. The UK Department for International Development's (DFID) Central America office, based in Managua, is a partner with the UNDP and the Ministry of the Interior in a pilot project to prevent gang violence in a neighbourhood located in the capital.



## 7. Panama

Public information on Panama is significantly less than that available for the other Central American countries, with the exception of the 2000 study prepared for the Antigua NGO conference. The country plays a unique role in illegal arms trafficking for three reasons. Firstly, its territory and waters are used as key transit points for illegal weapons headed for the Colombian conflict. Secondly, the country's facilities for offshore banking, tax shelters and company registration facilitate the illicit arms trade. Thirdly, the free trade zone in Colon is also frequently used for contraband.

At the local level, the municipalities of Panama City and San Miguelito have facilitated weapons exchange schemes that have sought to work on arms possession at the local level to varied magnitudes and degrees of success.

### 7.1 Participation in International Small Arms Control Mechanisms

Panama ratified CIFTA in 1999 and is one of the OAS member states to respond to the official convention questionnaire. The government has not designated a point of contact for information exchange and cooperation, but has named a government representative for matters of mutual legal assistance. According to the Small Arms Survey (2001), Panama has adopted the CICAD Model Regulations and has named the National Police under the Ministry of the Interior and Justice as the liaison with that mechanism.

The government has signed the UN Convention on Transnational Organised Crime and its Firearms Protocol, but neither has been ratified. Panama is not a ratifying party to the Framework Agreement on Democratic Security in Central America, although along with Costa Rica is looking for find ways to participate more actively. Panama will hold the presidency of SICA from January to July 2003.



## 7.2 Small Arms Control

The current laws governing small arms in Panama were passed by decree in 1948, 1991, and 1995 respectively. The Technical Judicial Police (PTJ) is responsible for arms and ammunition control while the National Police (PN) take care of law enforcement duties.

### *7.2.1 Import/export arms control laws*

Panama does not produce small arms and this is not contemplated in national law, nor is exportation. Weapons imports must be authorised only to licenced importers by the Ministry of Interior and Justice (MIJ) before entry. Individuals may import three firearms each five years and there are no specified limits on the importation of ammunition. There are no specific laws governing the legal transfer of weapons across borders.

### *7.2.2 Domestic small arms control laws*

The PTJ authorises and licences the ownership and carrying of firearms nationally with supervision and additional auditing carried out by the MIJ. Arms vendors must submit inventory and sales movements to the MIJ on a monthly basis, including types, quantities, and the appropriate licences. Each time a new weapon is registered, the PTJ takes three ballistics tests. In years past, psychological and marksmanship tests were administered to those soliciting weapons licences, but these were eliminated because of administrative issues. Each licensee may register up to nine arms for a period of three years each. There are no specific limits on the acquisition of ammunition. The following infractions are penalised by Panamanian law:

- Illegal possession of firearms;
- The carrying of weapons in public sight;
- Expired weapons licences;
- Unlicensed trade in weapons; and
- Unauthorised repair or modification.

Penalties range from confiscation to cancellation of all weapons licences. The MIJ may request the integration of confiscated weapons into state inventories for use by the police.

## 7.3 Civil Society

Panamanian civil society and NGOs have been less active than municipal governments. The Justice and Peace Service (SERPAJ) has participated in sub-regional forums and research, but this work has not received sustained support.

## 8. Conclusions and Recommendations

The authors fully realise that the findings of this report represent a snapshot of time and might omit information not encountered during the research, and most certainly will not include positive developments on the part of governments and NGOs in the future. However, the research process has produced the following key conclusions:

- The problems related to small arms trafficking and misuse in Central America manifest themselves in two key ways. First, there is evidence of significant trafficking in military-style weapons left over from the Cold War and the region's civil wars heading for Colombia and for use by criminal elements within Central America. Second, however, pistols and revolvers represent the vast the majority of weapons used in crime and social violence in all Central American countries. These dual phenomena require a Central American response that channels political, legal, economic and technical support from a variety of international, regional, sub-regional, national and local institutions, instruments and laws. The UN PoA, the Inter-American Convention and CICAD Model Regulations are helpful, but not enough. The emergence of the UNDP as an interlocutor for further work on strengthening small arms controls mechanisms in individual Central American countries through relationships driven primarily by national political and legislative agendas is promising.
- The work of the Arias Foundation in Costa Rica and the partners of the UNDP's Programme for Strengthening Small Arms Control Mechanisms in El Salvador demonstrate that governments and NGOs from divergent points of view can work together pragmatically to improve small arms control without compromising their independence.
- Strict norms, laws and treaties for small arms control are of limited utility if there is not sufficient inter-institutional communication among government entities, bilaterally with other governments and between multilateral agencies. There are many good laws on the books in Central America along with a myriad of international agreements which have been ratified for which there is no visible action. In the case of small arms control a great deal of coordination will be required between multiple government ministries, SICA, OAS and the UN in order to build the baseline necessary of information exchange and political cooperation needed to fulfil already existing agreements. Military institutions and recently created civilian police forces alone have significant work ahead in order to increase trust and the willingness to share sensitive information.

- The indirect participation of military officials (through a subsidiary of the military pension fund) in the monopoly of retail sales of firearms in Honduras demonstrates the political and institutional complexity of creating greater transparency in the legal side of firearms control. However, while Honduras might be the only country where the military has a direct commercial interest in civilian firearms sales it is common throughout Central America for active and retired military and security officials to hold interests in private security companies. These potential conflicts of interest need to be taken into account during the policy implementation process because in the short-term the private security industry is not going to disappear.

Based on the above conclusions the authors have developed three concrete recommendations:

1. SICA's Central American Security Commission and its Member States sign a memorandum of understanding with the OAS, CICAD and UN-LiREC to appoint a delegation who will compile all of the baseline information and institutional contacts needed to coordinate on the monitoring and implementation of small arms control agreements at all levels.
2. The representatives of the institutions responsible for the national arms registries convene a meeting with the primary private security associations in Central America to discuss legal responsibilities, codes of conduct and the role of the latter in preventing illicit trafficking in firearms and their subsequent misuse.
3. SICA and UNDP begin a dialogue on how to cooperate so that national action programmes can provide synergy for bilateral and regional arrangements that also provide space for the proactive and critical participation of NGOs and other sectors of civil society.

## 9. Endnotes

- <sup>1</sup> Unless otherwise noted, all information contained in the section on Costa Rica was obtained through interviews during the week of 27 August 2002 with Elaine White (Vice-Minister of Foreign Affairs), Paul Chaves (Chief Advisor to the Minister of the Interior, Public Security and Police), Eric Karolicki (Head of Arms Control, Ministry of the Interior, Public Security and Police), Arturo Barth (Senior Analyst, National Intelligence Service), and Lara Blanco (Director of the Arias Foundation for Peace and Human Progress). Additional information was taken from the Arias Foundation for Peace and Human Progress, *Análisis Comparativo de Legislaciones Centroamericanas en Materia de Tenencia y Portación de Armas de Fuego*, San José, Arias Foundation, April 2002 and Elvira Cuadra and Gerardo Bravo, *Nicaragua: Prevención y control de las armas de fuego*, Managua, Centro de Estudios Internacionales, May 2002.
- <sup>2</sup> <http://www.oas.org>
- <sup>3</sup> Small Arms Survey, *Small Arms Survey 2001: Profiling the Problem*, Oxford, Oxford University Press, 2001, p. 254.
- <sup>4</sup> <http://www.cicad.oas.org/es/Armas/PtsContact.doc>
- <sup>5</sup> [http://www.odccp.org/crime\\_cicp\\_signatures\\_firearms.html](http://www.odccp.org/crime_cicp_signatures_firearms.html)
- <sup>6</sup> E-mail correspondence with Ana Matilde Rivera, Advisor to the Vice-Minister of Foreign Affairs, Government of Costa Rica.
- <sup>7</sup> Arias Foundation for Peace and Human Progress, *El Arsenal Invisible: Armas livianas y seguridad ciudadana en la postguerra centroamericana*, San José, Arias Foundation, 2001.
- <sup>8</sup> Unless otherwise noted, all information contained in the section on El Salvador was obtained through interviews during the week of 26 July 2002 with Marcela Smutt (Programme Official for UNDP's Permanent Seminar on Violence), Erick Vilchez (Director of Legal and Political Affairs, Central American Integration System), Belisario Artiga (Attorney-General), Jaime Martinez (Director, Foundation for the Study of Applied Law), José Miguel Cruz (University Institute of Public Opinion), Rene Dominguez (Vice-Minister for Public Security, Ministry of the Interior), August Cotto (Executive Secretary of the National Civilian Police), Francisco Ramos (Director, Logistics Division, Ministry of National Defence), Rodrigo Avila (Congressman, ARENA ruling party), Manuel Melgar (Congressman, FMLN opposition party), and Keith Allen (British Vice-Consul). Additional information was taken from Arias Foundation for Peace and Human Progress, *Análisis Comparativo de Legislaciones Centroamericanas en Materia de Tenencia y Portación de Armas de Fuego*, May 2001.
- <sup>9</sup> Michael Klare and David Andersen, *A Scourge of Guns: The Diffusion of Small Arms and Light Weapons in Latin America*, Washington, DC, Federation of American Scientists, 1996.
- <sup>10</sup> Edward Laurance and William Godnick, 'Weapons collection in Central America: El Salvador and Guatemala', in Sami Faltas and Joseph Di Chiaro III, eds., *Managing the Remnants of War: Micro-disarmament as an Element of Peace-building*, Baden-Baden, Nomos Verlag, 2001.
- <sup>11</sup> Presentations by José Miguel Cruz, Director of the Instituto Universitario de Opinión Pública at the Central American University and Mauricio Sandoval, Director of the Policía Nacional Civil, at the Conferencia Internacional sobre Violencia, hosted by the UNDP, San Salvador, 24 April 2002.
- <sup>12</sup> Data provided by the Office of Statistics, US Department of Commerce, 2000.
- <sup>13</sup> Interview with Colonel Francisco Ramos, Director of Logistics, Ministerio de la Defensa Nacional, San Salvador, 25 July 2002.
- <sup>14</sup> Mayra Buvinic, Andrew Morrisson and Michael Shifter, *La Violencia en América Latina y el Caribe: Un marco de referencia para la acción*, Washington, DC, Inter-American Development Bank, 1999.
- <sup>15</sup> Fundación de Estudios para la Aplicación del Derecho, *Metodología para la Cuantificación del Delito*, San Salvador, FESPAD, 2002.
- <sup>16</sup> Silvia Morán de García, *Vigilancia de Lesiones de Causa Externa*, San Salvador, Ministerio de Salud Pública y Asistencia Social, 2002.
- <sup>17</sup> Arias Foundation for Peace and Human Progress, *Seguridad Privada: Una Visión Centroamericana*, San José, Arias Foundation, 2002.
- <sup>18</sup> Marcela Smutt and Jenny Miranda, *El Fenómeno de las Pandillas en El Salvador*, San Salvador, Facultad Latinoamericana de Ciencias Sociales and UNICEF.
- <sup>19</sup> <http://www.oas.org>
- <sup>20</sup> Small Arms Survey, op. cit., p. 254.
- <sup>21</sup> <http://www.cicad.oas.org/es/Armas/PtsContact.doc>
- <sup>22</sup> [http://www.odccp.org/crime\\_cicp\\_signatures\\_firearms.html](http://www.odccp.org/crime_cicp_signatures_firearms.html)
- <sup>23</sup> Fundación de Estudios para la Aplicación del Derecho, op. cit.
- <sup>24</sup> Asamblea Legislativa de la República de El Salvador, *Decreto No. 915: Reformas a La Ley de Control y Regulación de Armas de Fuego, Municiones, Explosivos y Artículos Similares*, San Salvador, 11 July 2002.
- <sup>25</sup> Fiscalía General de El Salvador, *Diagnóstico Integral y Recomendaciones para el Fortalecimiento de la Fiscalía General de la República*, San

Salvador, Comisión Especial para una Evaluación de la Fiscalía General de la República, September 2001.

<sup>26</sup> Interview with Belisario Artiga, Fiscal General de El Salvador, San Salvador, 22 July 2002.

<sup>27</sup> Fundación de Estudios para la Aplicación del Derecho, *op. cit.*, p. 36.

<sup>28</sup> Interview with Dr Fabio Molina, Instituto de Medicina Legal, San Salvador, 19 December 2001 and interview with José Miguel Cruz, Director, Instituto Universitario de Opinión Pública at the Central American University, San Salvador, 25 July 2002.

<sup>29</sup> Interview with Dr Rafael Chacón, Technical Coordinator for Injury Surveillance, Hospital Nacional de Niños Benjamín Bloom, San Salvador, 25 July 2002.

<sup>30</sup> Unless otherwise noted, all information contained in the section on Guatemala was taken from United Nations Observer Mission to Guatemala (MINUGUA), *Armas y Municiones en Guatemala: Estudio sobre su control y regulación jurídica*, Guatemala City, MINUGUA, April 2002 and Arias Foundation for Peace and Human Progress, *Análisis Comparativo de Legislaciones Centroamericanas en Materia de Tenencia y Portación de Armas de Fuego*, May 2001.

<sup>31</sup> Laurance and Godnick, *op. cit.*

<sup>32</sup> Small Arms Survey, *op. cit.*, p. 254.

<sup>33</sup> <http://www.cicad.oas.org/es/Armas/PtsContact.doc>

<sup>34</sup> [http://www.odccp.org/crime\\_cicp\\_signatures\\_firearms.html](http://www.odccp.org/crime_cicp_signatures_firearms.html)

<sup>35</sup> Small Arms Survey, *op. cit.*, p. 254.

<sup>36</sup> <http://www.cicad.oas.org/es/Armas/PtsContact.doc>

<sup>37</sup> [http://www.odccp.org/crime\\_cicp\\_signatures\\_firearms.html](http://www.odccp.org/crime_cicp_signatures_firearms.html)

<sup>38</sup> Unless otherwise noted, the information for this section was taken from the following sources: Interviews with Elvira Cuadra (Center for International Studies), Georgia Taylor (DFID Head for Central America), María del Carmen Sacasas (UNDP Governance Programme Coordinator), Alfonso Peña (UNDP Governance Programme Officer), Carlos Orozco (OAS De-mining Programme Coordinator), Felix Maradiaga (Advisor to the Minister of Defence), Marco Valle (Security Advisor to the Ministry of the Interior) and Jose Lainez (Coordinator of the Ministry of the Interior's Public Security Programme).

## 10. Annexes

### ANNEX 1:

Matrix of Recommended Actions for National and Regional Implementation of Small Arms Controls in Central America

(approved by consensus on 5 December 2001)

Small Arms and Light Weapons in Central America: Implementing the UN Programme of Action's Aspects for Control and Regulation of Arms Transfers  
Recommended Actions for National and Regional Implementation

Approved by consensus December 5, 2001 San José, Costa Ric

The actions recommended here are grouped according to the elements of the 2001 Programme of Action to Prevent, Combat, and Eliminate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and the 1997 Inter-American Convention Against the Illicit Manufacturing of and Trade in Firearms, Munitions, Explosives, and Other Related Materials. The participants have emphasised that these recommendations can serve as a basis for the later development of concrete and detailed national plans of action, and that as the first step, the naming of the national points of contact and national committees laid out in the Programme of Action is of primary importance. The composition of these groups should be reflective of the diversity of people affected by the issue, and should also include representatives of all the appropriate entities.

The participants are in agreement that these recommendations should be made known to the relevant authorities in each Central American country and to the non-governmental organisations of the region, including the Security Commission of the System for Central American Integration (SICA). The participants also agree that these actions and recommendations should be sent to all other important international organisations, including the Organisation of American States and the United Nations. The participants emphasised the need to circulate these recommendations through the international networks of civil society, including the International Action Network on Small Arms (IANSA).

These actions constitute an essential component of the promotion of a culture of peace.

RESPONSIBLE PARTIES	COMMITMENTS		OBJECTIVE	ACTIVITIES	
	OAS	UN		NATIONAL	REGIONAL
LEGISLATIVE SECTOR	X	X	Establish laws, regulations and administrative procedures to control the production, export, import, transit or retransfer of weapons	<ul style="list-style-type: none"> <li>• Include the issue of homemade weapons and the cottage industry in weapons.</li> </ul>	<ul style="list-style-type: none"> <li>• Unify legal concepts, specifically legislation.</li> <li>• Unify criteria for classifying weapons.</li> <li>• Establish the acquisition of safety devices for transporting arms.</li> <li>• Establish a list of strict requirements that will guarantee the safety of transporting these items, because of their dangerous nature.</li> </ul>
	X	X	Ratify and fully implement legally binding agreements	<ul style="list-style-type: none"> <li>• Sensitise, promote, and ratify the instruments according to the domestic procedures in each country, and once ratified, implement agreements.</li> <li>• Create and harmonise domestic legislation in accordance with the international instrument.</li> <li>• Incorporate the international instruments into domestic legislation, regulations and procedures for exercising effective control over the inappropriate use of firearms, among them: The UN's basic principles on the use of force and weapons by officers charged with upholding the law, and the principles of the proposed Framework Convention on International Arms Transfers.</li> </ul>	
	X	X	Criminalise all aspects of the illicit trade	<ul style="list-style-type: none"> <li>• Criminalise the unauthorised possession and carrying of weapons.</li> </ul>	<ul style="list-style-type: none"> <li>• Promote the criminalisation of conduct related to trafficking, possession, and carrying of weapons.</li> <li>• Homogenise rules and procedures.</li> </ul>
		X	Establish strict national regulations and procedures for arms export authorisations that are consistent with States' existing responsibilities under international law		
		X	Regulate arms brokering, preferably including the registration of brokers, the licensing of transactions and establishment of penalties for illicit brokering	<ul style="list-style-type: none"> <li>• Make the registry of arms transactions mandatory, with attention to the specific characteristics of the shipment.</li> </ul>	<ul style="list-style-type: none"> <li>• Strictly homogenise rules, requirements, and procedures.</li> <li>• Homogenise the characteristics of the registry of arms transactions.</li> </ul>
	X		Establish jurisdiction over offences related to illicit trafficking		
	X	X	Ensure that manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process	<ul style="list-style-type: none"> <li>• Establish a ballistics test of the weapon as a requirement for importation.</li> </ul>	<ul style="list-style-type: none"> <li>• Standardise the requirement of a ballistics test for the importation of a weapon.</li> </ul>

RESPONSIBLE PARTIES	COMMITMENTS		ACTIVITIES		
	OAS	UN	NATIONAL	REGIONAL	
JUDICIAL SECTOR	X	X	<b>OBJECTIVE</b> Punish infractions of the law with upholding the law.	<b>REGIONAL</b> • Specialise state institutions charged with upholding the law. • Provide training on these issues to those charged with upholding the law. • Treat international arms trafficking as organised crime.	
	X	X	Take appropriate measures against any activity that violates a UN Arms Embargo Revise extradition processes with respect to legislation in this area	• Verify that arms embargoes proclaimed by the UN are approved by the state.	
	X	X	Offer judicial assistance, co-operation and information exchange	• Promote the signing of bilateral and multilateral agreements.	
SECURITY FORCES POLICE ARMED FORCES		X	Establish regulations and administrative procedures to prevent, combat and eradicate the illicit trade in all its aspects	• Create and reinforce specialised firearms and explosives units. In many countries they don't exist, or they don't have the hierarchical status that they should. • Judicial powers, for their part, should also seek out avenues for regional cooperation. • As a sign of their adherence to the Programme of Action, governments will promote weapons destruction processes in the coming months.	• Strengthen relations between police units, especially those that operate in border areas, through collaboration protocols and information exchange, in order to control licit and illicit arms transfers. Institutional collaboration should be strengthened at the same time, according to the Regional Plan against organised crime. • These units should meet regularly. This could be carried out within the existing security agenda of the Association of Chiefs of Police of Central America. Police chiefs should be accompanied by advisers knowledgeable in the field, to guarantee representation in each meeting. • Take advantage of regional experience in the control of drug trafficking (CCP) and auto theft (Central Authorities), and apply it to the illegal arms trade.
		X	Decommission unmarked or improperly marked weapons		• Unify data bases and weapons registries in the region and strengthen cross-border police co-operation. • Access to these data bases should be allowed to each country's diplomatic missions.
	X	X	Decommission illicitly produced weapons		• We suggest that all directors or chiefs of police give the order to those chiefs stationed in border areas to hold a meeting based on an agenda, with a specific strategy and a unified methodology.
	X		Ensure that decommissioned weapons do not re-enter the market or by any means fall into the hands of individuals.	• Maintain permanent training at the national level, or with regional support, in the collection and destruction of firearms.	• Recommend the destruction of decommissioned weapons as the most effective way to prevent their return to the market. • Implement the date of July 9 as the International Day of Weapons Destruction, according to the United Nations Programme of Action. • Train and maintain training at the regional level in information, coordination, and destruction of weapons.
		X	Establish accurate and comprehensive records of production, holding and transfer of arms under their jurisdiction		• Carry out and share ballistic tests in order to determine whether the weapons have been used in the commission of crimes in the region. • Recommend the Association of Chiefs of Police of Central America and the Caribbean evaluate the possibility of receiving technical support from the Government of Chile in the area of ballistic tests.
		X	Ensure responsibility for all arms held and issued by the State and effective measures for tracing such weapons.		• Promote a Central American registry based on the CICAD Model Regulations. • Establish contact with CICAD/OAS to hold a seminar on the application of the CICAD Model Regulations.
		X	Destroy confiscated weapons	• Carry out multiple collection programs locally and nationally to facilitate the population's progressive surrender of their weapons. • Train and maintain training permanently at the national level, or with regional support, in the collection and destruction of firearms. • Make an inventory of the existing structure, tools, machines and equipment for the destruction of confiscated and collected weapons. • Establish fixed periods within which collected weapons must be destroyed, with the exception of those weapons that constitute an indispensable part of a judicial process.	• Match police registries with those of the armed forces of Central America. • Share the structure, the means of destruction (portable machines, equipment, tools, and facilities) and existing information on weapons destruction.
			Participate in education and awareness raising programmes on the consequences of the illicit trade in all its aspects		• As part of Community-Police relations programs, incorporate the topic of the illicit arms trade.
		X	Regularly review stocks of small arms and light weapons held by all authorised bodies, and ensure that surplus stocks are identified and disposed of, preferably through destruction, and are adequately safeguarded until disposal.	• Promote and verify security measures, safe and effective management of military, police, and private security arsenals, particularly physical security measures. • Reduce the number of weapons in military and security force arsenals, to proceed to the destruction of weapons that are obsolete and no longer form part of the state's strategic reserve.	• We suggest the creation of police data bases that specify the quantity and type of weapons that exist and circulate in the region, and that this information flow adequately and securely between the police departments of the region, for example through an Intra-net system. • We urge that the Framework Treaty for Democratic Security in Central America be fulfilled, with regard to expediting the approval of inventory forms, with the aim of carrying out the exchange of information on the registries of the arsenals of the state security forces (police and army).
		X	Verify the security measures of privately held stocks		• Each state should implement and intensify internal measures of control over private arsenals (gun shops, private security companies, etc.), as well as their importation, exportation, transit, and storage.
		X	Guarantee the security of weapons during export, import and in transit		• We suggest defining police statistical mechanisms as a tool for evaluating the trade in and possession of weapons in the region, and that this area be integrated into the Police Statistics System of Central America and the Caribbean (SEPOLCAC).
			Establish adequate standards and procedures relating to the management and security of stocks		• We suggest strengthening the technical training of police in this area.



RESPONSIBLE PARTIES	COMMITMENTS		ACTIVITIES			
	OAS	UN	NATIONAL	REGIONAL		
	X	X		<ul style="list-style-type: none"> <li>• We suggest strengthening communication among the police units of each country, with the aim of improving communication at the regional level.</li> <li>• We suggest raising the standards of the systems for control of arms in the possession of and under custody of the state.</li> <li>• We suggest the creation of a single firearms storage centre in each country, under the responsibility of the police force.</li> <li>• We suggest implementing operational measures for the appropriate regulation of private security companies.</li> <li>• We suggest including the topic of gender in discussions of this issue.</li> <li>• We suggest taking the necessary measures to expedite the establishment of the sub-regional office of the INTERPOL in the area.</li> <li>• We suggest strengthening the collaborative relationship with civil society.</li> <li>• We suggest reintroducing the idea of establishing police attachés to the diplomatic missions in the region with the aim of strengthening the flow of information and institutional relations.</li> <li>• Channel these suggestions through the Regional Secretary of the Association of Chiefs of Police.</li> </ul>		
CUSTOMS AGENCIES		X	<ul style="list-style-type: none"> <li>• Evaluate applications for export and import authorisations according to strict national regulations and procedures that are consistent with States' existing responsibilities under international law</li> </ul>	<ul style="list-style-type: none"> <li>• Revise relevant legislation.</li> <li>• Strengthen the system to achieve the necessary control and guarantee its application. (For example, electronic control of documentation; establish registries that qualify the risk level of the different actors involved; statistical registry of all commercial operations carried out.)</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain close communication among the different countries, especially with neighbouring countries; establish electronic control of transfers; explore the use of satellite control of transfers.</li> </ul>	
		X	Maintain a register of imports and exports	<ul style="list-style-type: none"> <li>• Already exists.</li> </ul>	<ul style="list-style-type: none"> <li>• Establish a mechanism based on information technology that can facilitate the exchange of nonclassified information contained in the import and export registries, according to the conditions established by each state.</li> </ul>	
		X	Notify original exporter of destination of re-exported weapons	<ul style="list-style-type: none"> <li>• Consult with the relevant authority on the appropriate mechanism for implementation.</li> </ul>	N/A	
		X	Require appropriate markings on imported firearms permitting the identification of the importer's name and address	<ul style="list-style-type: none"> <li>• Verify whether legislation requiring arms to be marked exists, and if so, include this in the import requirements that must be fulfilled on the customs declarations issued by customs agents.</li> </ul>	N/A	
		X	Inform the exporter of the receipt of imported weapons and of their condition	<ul style="list-style-type: none"> <li>• Consult with the relevant authority on the appropriate mechanism for implementation.</li> </ul>	N/A	
		X	X	Verify all authorisations and licenses for import and export	<ul style="list-style-type: none"> <li>• Include this in the criteria for receiving the declarations issued by customs agents.</li> </ul>	N/A
			X	Maintain a record of arms brokers, and license or authorise brokered transactions	N/A	N/A
			X	Incorporate means of increased transborder co-operation	<ul style="list-style-type: none"> <li>• Establish bilateral agreements.</li> </ul>	<ul style="list-style-type: none"> <li>• Establish bilateral agreements.</li> </ul>
		X	X	Establish administrative procedures to regulate the transfer of arms through cooperation with public security forces, particularly the strengthening of export points	<ul style="list-style-type: none"> <li>• Revise the relevant legislation.</li> <li>• Strengthen the system to achieve the necessary control and guarantee its application. (For example, electronic control of documentation; establish registries that qualify the risk level of the different actors involved; statistical registry of all commercial operations carried out.)</li> </ul>	<ul style="list-style-type: none"> <li>• Revise necessary procedures within the framework of the Central American agreement on international transit by land.</li> </ul>
		X	X	Co-operate with other states and with competent international organisations to ensure that there is adequate training of personnel	<ul style="list-style-type: none"> <li>• Request training for specialised organisations.</li> </ul>	<ul style="list-style-type: none"> <li>• Operationalise and take advantage of the resources and mechanisms available to the Secretariat of Economic Integration of Central America.</li> </ul>
		X	X	Establish laws, regulations and administrative procedures to control the production, export, import, transit or retransfer of weapons	<ul style="list-style-type: none"> <li>• Collaborate by proposing laws, regulations, and procedures.</li> </ul>	
			X	Establish strict national regulations and procedures for arms export authorisations that are consistent with States' existing responsibilities under international law	<ul style="list-style-type: none"> <li>• Collaborate by proposing regulations and procedures.</li> </ul>	
			X	Establish regulations and administrative procedures to prevent, combat and eradicate the illicit trade in all its aspects	<ul style="list-style-type: none"> <li>• Collaborate by proposing regulations and administrative procedures.</li> </ul>	
	X	X	Ensure safety of arms and related materials that are imported, exported, in transit, etc.	<ul style="list-style-type: none"> <li>• Revise and share procedures among different customs agencies.</li> <li>• Proposal of the group: that three customs directors be included from the seven Central American countries; and</li> <li>• Propose a meeting of customs directors on this specific topic to structure a specific action plan on this issue that includes the suggested actions and systematises their effective implementation within a determined time period.</li> </ul>	<ul style="list-style-type: none"> <li>• Harmonise the procedures used to guarantee the safety of arms and related materials while they are in the custody of customs.</li> </ul>	

RESPONSIBLE PARTIES	COMMITMENTS		OBJECTIVE	ACTIVITIES	
	OAS	UN		NATIONAL	REGIONAL
CIVIL SOCIETY		X	Observe the destruction of confiscated weapons	<ul style="list-style-type: none"> <li>• Involvement of civil society in the destruction of weapons to ensure the transparency of the process.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor the rapid destruction of weapons.</li> <li>• Maintain permanent training at the national level, or with regional support, in the collection and destruction of firearms.</li> <li>• Train and maintain training at the regional level in information, coordination, and destruction of weapons.</li> </ul>
		X	Participate in education and awareness programmes on the consequences of the illicit trade in all its aspects	<ul style="list-style-type: none"> <li>• Make alliances with the health sector to make the public health aspect of the problem more visible.</li> </ul>	<ul style="list-style-type: none"> <li>• Identify women's organisations or those with a gender focus, as well as other organisations to take part in the co-ordination of NGOs in education and awareness-raising activities.</li> </ul>
		X	Work to meet the needs of children affected by armed conflict and by those affected by the illicit trade in all its aspects	<ul style="list-style-type: none"> <li>• Campaigns directed at children from civil society.</li> </ul>	
		X	Help in the public dissemination of legislation and information that help in the prevention and elimination of the illicit trade in all its aspects		
		X	Support DDR programmes.	<ul style="list-style-type: none"> <li>• Hold a meeting in the short term for the implementation of programs that deal with the proliferation of small arms and light weapons.</li> </ul>	<ul style="list-style-type: none"> <li>• Emphasis should be placed on creating a demobilisation process that leads to a true reinsertion of ex-combatants.</li> </ul>
		X	Promote dialogue and a culture of peace.	<ul style="list-style-type: none"> <li>• Urge states to consider including programs aimed at promoting a culture of peace and non-violence in national development plans. These plans should include the topic of small arms and light weapons to contribute to a culture of peace.</li> </ul>	<ul style="list-style-type: none"> <li>• To do this, the discourse must be changed from post-conflict to looking at the real and current causes.</li> </ul>
INTERNATIONAL ORGANIZATIONS		X	Participate in public education programmes regarding the problems and consequences of the illicit trade in all its aspects		<ul style="list-style-type: none"> <li>• Urge the United Nations Organisation, through its Regional Centre in Lima (UNLIREC) and UNESCO, the CICAD/OAS, the European Union, and others to offer assistance in this area, through training seminars and specialised programs.</li> </ul>
		X	Work to meet the needs of children affected by armed conflict and by those affected by the illicit trade in all its aspects		<ul style="list-style-type: none"> <li>• UNICEF, Mechanisms included in the Conventions and Protocol on the Rights of the Child, and the Ottawa Convention, in the case of anti-personnel mines.</li> </ul>
	X	X	Help in the public dissemination of legislation and information that help in the prevention and elimination of the illicit trade in all its aspects		<ul style="list-style-type: none"> <li>• Urge ILANUD to co-operate in the prevention of arms trafficking, as well as the Ministries of Justice in the region, the OCCEFS, the Association of Chiefs of Police of Central America and the Caribbean, the University for Peace, and UNESCO.</li> <li>• Identify specialised programs and projects.</li> </ul>
		X	Support DDR Programmes		<ul style="list-style-type: none"> <li>• UN Disarmament Centre in Lima.</li> <li>• Co-operation between governments and NGOs.</li> </ul>
	X	X	Offer training and assistance in different areas to help in the prevention, control and elimination of the illicit trade in all its aspects		<ul style="list-style-type: none"> <li>• Finance national and regional studies to match and disseminate laws and information.</li> <li>• Technical assistance for drafting legislation to eliminate the illicit arms trade in all its aspects.</li> </ul>
		X	Provide financial support		
	X	X	Assist in the harmonisation of procedures and legislation		
		X	Promote dialogue and a culture of peace. Increase co-operation with states and civil society		<ul style="list-style-type: none"> <li>• Incorporate the promotion of dialogue and a culture of peace into police and military education and training programs.</li> <li>• Co-operate with NGOs.</li> </ul>
		X	Compliance with the agreements the countries of the region are party to and that deal with disarmament.		<ul style="list-style-type: none"> <li>• Urge the naming of the point of contact in each country of the region, according to the United Nations Action Plan and the CICAD/OAS Model Regulations.</li> </ul>
NATIONAL COORDINATING BODIES		X	Establish a national co-ordination body or agency and the necessary corresponding infrastructure.		
	X	X	Co-operate and exchange information regarding: Legislation, research, institutional co-ordination, supervision, destruction, databases, illicit traffic routes, techniques technology and equipment		
		X	Establish a national point of contact to act as a liaison on matters relating to implementation		
	X	X	Identify groups and individuals who participate in any aspect of the illicit trade		
		X	Ensure that confiscated weapons are destroyed		
		X	Disseminate legislation and information that help in the prevention and elimination of the illicit trade in all its aspects		
		X	Maintain information on systems of transborder co-operation and networks of information interchange with all concerned entities		
		X	Encourage the secure management of stocks at the national, sub-regional and regional levels		
		X	Support DDR Programmes		
	X		Maintain registers that permit for arms to be traced		
	X	X	Generate and support training programmes for all activities related to the preventing, combating and eradicating the illicit trade in all its aspects		
	X	X	Aid in the maintenance of accurate and complete registers of imports, exports, production, holding and transfer of SALW		

RESPONSIBLE PARTIES FOREIGN MINISTRIES	COMMITMENTS		OBJECTIVE	ACTIVITIES	
	OAS	UN		NATIONAL	REGIONAL
		X	Establish, as appropriate, moratoria on the production and transfers of SALW in affected regions or subregions		
	X	X	Promote sub-regional and regional negotiations to conclude legally binding instruments for the prevention, control and elimination of the illicit trade in all its aspects		<ul style="list-style-type: none"> <li>Central American Security Commission, Council of Ministers of Foreign Relations, UN, OAS, Rio Group (recommend the creation of a forum on small arms and light weapons), Ibero-American Summit, Summit of the Americas, Association of Chiefs of Police of C.A. and the Caribbean, Summit of the EU, LA, and Caribbean.</li> </ul>
		X	Establish means of trans-border customs co-operation Promote regional negotiations to conclude legally binding instruments		<ul style="list-style-type: none"> <li>Elevate mechanism for trans-border co-operation to the level of the SCSICA to be channelled through the Customs Directors of Central America.</li> <li>Seek co-operation from the World Customs Organisation.</li> </ul>
		X	Participate in the OAS Convention consultative committee		
	X		Participate actively in the UN biannual meetings and 2006 review conference		<ul style="list-style-type: none"> <li>Urge the Central American Security Commission to hold regional preparatory meetings with a view to the biannual meetings and the 2006 Review Conference.</li> </ul>
		X	Support and respect UN arms embargoes		

**ANNEX 2:**

## Central American Government Participation in Multilateral Small Arms Control Mechanisms

COUNTRY	CIFTA	CICAD MODEL REGULATIONS	UN FIREARMS PROTOCOL	CA FRAMEWORK AGREEMENT
Belize	Ratified	Adopted	Unknown	In disagreement
Costa Rica	Ratified	Under way	Signed	In disagreement
El Salvador	Ratified	Adopted	Signed	Ratified
Guatemala	Ratified	Unknown	Unknown	Ratified
Honduras	Signed	Unknown	Unknown	Ratified
Nicaragua	Ratified	Under way	Unknown	Ratified
Panama	Ratified	Adopted	Signed	In disagreement

## Notes

## Notes

Security and Peacebuilding Programme  
International Alert  
346 Clapham Road  
London SW9 9AP  
United Kingdom  
Tel. +44 (0) 20 7627 6800  
Fax. +44 (0) 20 7627 6900  
E-mail: [general@international-alert.org](mailto:general@international-alert.org)  
Website: [www.international-alert.org](http://www.international-alert.org)

ISBN 1-898702-26-8

