



INTERNATIONAL ALERT

VIVA RIO

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

Small Arms Control in
MERCOSUR

LATIN AMERICA SERIES NO. 3 (ENGLISH VERSION)

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Small Arms Control in Mercosur

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with Benjamin Lessing and William Godnick

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International Alert – Security and Peacebuilding Programme

Viva Rio – Small Arms Control Project

International Alert's Security and Peacebuilding Programme

International Alert 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 the Americas.

The Security and Peacebuilding Programme works on policy development, implementation and assessment with regard to security for those in conflict-torn societies. The Programme facilitates dialogue between civil society stakeholders and policymakers, 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 fields of small arms control, security sector reform and the privatisation of security.

Viva Rio's Small Arms Control Project

Viva Rio is a non-governmental organisation that brings together individuals, communities, government and the private sector to build a more just and democratic society. In collaboration with local authorities it develops projects that seek to prevent violence and advance social justice. The organisation was created in 1993 in response to two horrific massacres that included the execution of eight street children. Over the course of the last decade has developed more than 600 projects in the city of Rio de Janeiro's slums focusing its attention in five key areas: environment; community development; education; sports; and public security and human rights.

Of the 300,000 homicides committed in Brazil during the last ten years the majority have been committed with firearms in urban crime and violence. For this reason in the context of urban violence prevention, Viva Rio has created a project that addresses the problems associated with the proliferation and misuse of firearms. The Small Arms Control Project activities include:

- Demand reduction (activities designed to raise public awareness of the risks of firearms ownership and shape public opinion in favour of disarmament);
- Supply reduction (control of the legal and illegal trade); and
- Stockpile management (destruction of surplus stocks and voluntary weapons collection programmes).

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Acronyms

AAPP	Argentine Association for Public Policy
AICACYP	Commercial Association of the Hunting and Fishing Industry (Argentina)
ALUDEC	Association Pro Civilian Disarmament (Uruguay)
CBA	City of Buenos Aires
CBC	Brazilian Ammunition Company
CICAD	Inter-American Commission for the Control of Drug Abuse
CIFTA	Inter-American Convention against the Illicit Trafficking and Manufacturing of Firearms, Ammunition, Explosives and Other Related Materials
CONARM	National Arms Coordination (Brazil)
CR	certificate of registry (Brazil)
DFAE	Division of Arms and Explosives Control (Rio de Janeiro, Brazil)
DGMN	General Directorate for National Mobilisation (Chile)
DIMABEL	Armed Forces Directorate for War Materials (Paraguay)
FAMAE	Armoury of the Armed Forces (Chile)
FELCN	Anti-Narcotics Special Task Force (Bolivia)
FLACSO	Latin American Faculty of Social Science
GEOPLAN	Centre for Local Research and Planning (Chile)
IANSA	International Action Network on Small Arms
ILANUD	Latin American Institute for the Prevention of Crime and Offender Rehabilitation
IMBEL	War Material Industries (Brazil)
ISER	Institute of Advanced Religious Studies (Brazil)
LU	legitimate user
MERCOSUR	Southern Cone Common Market
NGO	non-governmental organisation
OAS	Organisation of American States
OCA	Office of Arms Control (Uruguay)
PBA	Province of Buenos Aires
PN	National Police (Bolivia)
PTJ	Judicial Technical Police (Bolivia)
RENAR	National Arms Register (same name Argentina, Bolivia and Paraguay)
RNA	National Arms Register (Uruguay)
SALW	Small Arms and Light Weapons
SENASP	National Secretariat of Public Security (Brazil)
SINARM	National Arms System (Brazil)
SISME	MERCOSUR Security Information System
SMA	Arms and Related Material Service (Uruguay)
SPC	Paraguayan Criminological Association
SSI	Secretariat for Domestic Security (Argentina)
THATA	Authorisation for the Acquisition and Possession of Firearms (Uruguay)
UCR	Radical Civil Union (Argentina)
UN	United Nations

UNPoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
UN-LIREC	United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean

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Preface

International Alert's Monitoring the Implementation of Small Arms Control (MISAC) project approached the Brazilian NGO Viva Rio with the intention of undertaking the first comprehensive assessment of small arms control mechanisms in MERCOSUR as well as the relevant government and civil society organisations. International Alert felt that Viva Rio was the ideal partner for such work given its experience on the issue of small arms in terms of evidenced-based advocacy and linking local contexts to international processes.

The primary objective of this report was not the generation of stand-alone research, rather the beginning of a process that fed into a sub-regional consultation involving like-minded actors from governments, parliaments, research institutes and NGOs involved in advocacy. This consultation took place 19 – 20 June, 2003 in Buenos Aires, Argentina with the support of the Latin America Faculty of Social Sciences and the recently established Office of Coordination for the International Action Network on Small Arms in MERCOSUR.

Hopefully, this report provides useful information for the international community. However, it is even more important that the research process and consultations contribute to the development of a network for action that can influence policy on small arms control at the local, national, regional and international levels. This report is the third covering Latin America in the MISAC publication series that also includes West Africa and Eurasia.

Summary

This report seeks to document mechanisms and institutions important to small arms control in MERCOSUR, including the two associate members, Bolivia and Chile. With the exception of Brazil, where the small arms issue is a priority in the public policy arena, and at the centre of political debate involving a mobilised civil society, the small arms control issue in the MERCOSUR region is still subsumed within general concerns over public security or citizen security. Nevertheless, firearms are beginning to be increasingly identified as a principal vector and catalyst for violence and a nascent civil society is beginning to demand more effective control over all aspects involving the transfer and use of small arms. Following are some of the main points for each of the nations covered in this report:

- In Argentina, the national government and coalitions of legislators are initiating actions for better control over arms used in criminal activity and arms illegally exported to other countries. The fact that Argentina has relatively strong arms control laws and institutions and a ministry of foreign affairs active around the arms control issue adds to its capacity. Argentine civil society organisations are beginning to get more involved and the example of collaboration between local government and civil society in the province of Mendoza is encouraging for possible future activities.
- The small arms issue in Bolivia has still not developed as much as in neighbouring countries, although the media are giving it increasing attention. Currently, there is activity in the legislature to pass a new arms law since the current legal framework consists solely of a ministerial resolution that does not specify legal consequences involved with non-compliance.
- Brazilian authorities are pushing sweeping new initiatives to deal with the small arms issue because their country is the most affected by the misuse of arms within MERCOSUR and is the second largest small arms producer in the hemisphere. Evidence-based research, activism, and cooperation between the NGOs *Viva Rio* and *Sou da Paz* and several state governments have helped to develop coalitions working in favour of disarmament and changing public opinion.

- Chile is not experiencing the same degree of small arms related problems as its neighbours, but several recent events suggest that more attention needs to be paid to the phenomenon to keep the problem from growing.
- In Paraguay, pressure from several neighbouring countries and the international community led the government to take specific actions to halt the heavy smuggling of small arms from this country to others. In response, the executive and legislative branches have approved a new law that significantly improves the legal framework but that still requires secondary legislation so that it can be properly implemented.
- The small arms problem in Uruguay is reflected more in suicides than in criminality. The government acknowledges that there are problems related to arms but it is not yet a priority issue on the national agenda. An emerging coalition of legislators and individuals from the private sector is seeking to implement a national pro-disarmament campaign to influence public opinion.

Thus far, MERCOSUR has done more than the other Latin American sub-regions to develop its own mechanism and framework for collaboration. However, it has not made sufficient progress toward operationalising these mechanisms and the authors of this report believe that there is a pressing need to sign, ratify and implement all significant international agreements along with breathing new life into MERCOSUR's own multilateral mechanism.

Civil society is showing signs of life in Brazil and Argentina but much more work and awareness-raising is needed for NGOs and community groups in the other countries to commit themselves in the long term. Tensions also persist in each country between military and public security institutions over who should control small arms. This is a generalised tension between old concepts of national security and new ones about human and citizen security that get complicated when the problems of narcotics trafficking and terrorism are added into the equation.

The report's authors and their institutions make the following specific recommendations based on the information and new insights gleaned during the preparation of this report:

1. That MERCOSUR and associated countries, through SISME, the MERCOSUR Working Group on Firearms or some other appropriate mechanism, design a plan to harmonise national laws on illicit trafficking in firearms within the sub-region, including bringing into line penalties for similar offences;
2. That all the MERCOSUR and associated countries sign and ratify the UN Firearms Protocol, and in doing so, strengthen their capacity to combat arms trafficking beyond the Western Hemisphere;
3. That all national as well as local governments declare 9 July as "National Arms Destruction Day" for destroying confiscated weapons and for working with civil society organisations on public awareness-raising about the need for disarmament in the context of citizen security and peaceful co-existence; and
4. That the national legislatures, through specific task forces, take on a more significant role in monitoring the performance of the bodies that control small arms and light weapons to promote coordination and transparency among executive agencies.

1. Introduction

The small arms¹ control mechanisms of the Southern Cone Common Market (MERCOSUR) include its member countries – Argentina, Brazil, Paraguay and Uruguay – the two associate member states – Bolivia and Chile. MERCOSUR has a small-arms industrial base for civilian and military markets, with production centred mainly in Brazil and Argentina. Traditional armed conflicts are not characteristic of this sub-region, instead violence using firearms is connected with urban crime, youth gangs, conflicts over land ownership and rights, and increasingly with social violence.

MERCOSUR was the first Latin American sub-region to create its own mechanism for firearms control through the *Presidents Declaration on Combating the Manufacturing of and Illicit Trafficking in Arms, Ammunition and Related Material in the Southern Cone*, signed in April 1998. This declaration sets forth the *Plan for Cooperation and Reciprocal Assistance for Regional Security*, in which different facets of organised crime are addressed, including the illegal trafficking in arms. Another outcome of the declaration was the decision by the ministers of interior and justice of the respective countries to develop a joint registry mechanism for firearms, ammunition, explosives and other similar material as part of the MERCOSUR Security Information System (SISME), which should include²:

- A register of individuals and legal entities that purchase, sell, exchange, import, export and distribute firearms;
- A register of points used for shipping, import and export, including intermediary points; and
- National registers of persons and institutions that own firearms.

The parties also agreed to use the framework of the Model Regulations for the Control of the International Movement of Firearms, their Parts, and Components and Ammunition of the Inter-American Commission for the Control of Drug Abuse (CICAD), an entity of the Organisation of American States (OAS), to set up national data processing centres that would help ensure implementation. Decisions by the MERCOSUR Council are of obligatory observance and do not require approval and ratification by national



parliaments. In November 2000, the Interior ministers met and approved a common nomenclature regarding small arms but since then have not visibly moved forward on this issue. In September 2002, the web magazine for disarmament and security issues, *Desarme.org*, identified the lack of progress on this mechanism as an impediment to the fight against illegal arms trafficking and its negative impact on society.³

Table 1.1 shows the participation of MERCOSUR countries in the primary international mechanisms against the trafficking of small arms. The main multilateral instruments on this subject are:

1. Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Material (CIFTA), of the OAS (1997);
2. Model Regulations for the Control of the International Movement of Firearms, their Parts, and Components and Ammunition, of the Inter-American Commission for the Control of Drug Abuse (CICAD) of the OAS (1998);
3. United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts, and Components, and Ammunition of the United Nations Convention against Transnational Organised Crime (UN Protocol) (2001); and
4. United Nations Programme of Action to Prevent, Combat, and Eliminate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001) (UNPoA).

Table 1.1: Participation of MERCOSUR Member Countries in Multilateral Mechanisms against Trafficking in Small Arms and Light Weapons

Country	CIFTA (a)	CICAD (b)	UN Protocol (c)	UN Programme of Action (d)
Argentina	Ratified 2001	Adopted	Signed 2002	Reported 2003
Bolivia	Ratified 1999	In process	Not signed	Has not reported
Brazil	Ratified 1999	In process	Signed 2001	Reported 2002 and 2003
Chile	Signed 1997	In process	Not signed	Has not reported
Paraguay	Ratified 2001	In process	Not signed	Reported 2002 and 2003
Uruguay	Ratified 2001	In process	Not signed	Reported 2003

Sources: a) <<http://www.oea.org>>; b) *Small Arms Survey* 2001: Profiling the Problem, Oxford University Press, p. 254; c)

<http://www.unodc.org/unodc/crime_cicp_signatures_firearms.html>; and d)<<http://disarmament.un.org/cab/salw-nationalreports.html>>.

MERCOSUR countries show a good track record regarding their involvement in CIFTA and a mixed record related to their adoption of the CICAD Model Regulations. Unfortunately, there is little visible evidence of accession to the two primary UN mechanisms. However, most of the MERCOSUR countries did actively participate in and/or report to the First Biennial Meeting of States for the Implementation of the UNPoA in New York in July 2003, demonstrating some progress. The governments of Argentina and Bolivia cooperated with other countries in organising an unofficial roundtable on the margins of the official July 2003 meeting about progress in regulating the transfer of small arms and light weapons (SALW) and the needs of some of the countries for technical assistance and financial aid.⁴

None of the MERCOSUR countries has ratified the UN Protocol, although Argentina and Brazil have signed it. In March 2002, in Quito, Ecuador, senior officials of all the MERCOSUR and associated countries participated in a ministerial meeting on the United Nations Convention against Transnational Organised Crime and its protocols, but concrete results of the Firearms Protocol have yet to be seen.

At first glance, it appears that the MERCOSUR countries are more committed to, or have advanced further with, hemispheric mechanisms against illicit trafficking in small arms than the rest of Latin America. Perhaps their priorities are on control within the Americas, including the United States and Canada. However, without greater involvement in and accession to UN-level international agreements, MERCOSUR countries will not be able to prevent or take more effective measures against the illicit trafficking in weapons coming from Europe or Asia for example.

Assessing the status of national implementation of multilateral agreements is a delicate task that depends greatly on the availability of public information on the matter and how open governments are to queries by the media and civil society in general. The authors of this report believe that there is a pressing need to sign, ratify and implement all significant international agreements along with breathing new life into MERCOSUR's own internal multilateral mechanism.

This report, in conjunction with earlier publications⁵, intends to make a general assessment of the national institutions and laws responsible for the control of SALW in MERCOSUR member countries. Even though we live in the age of globalisation, the international arena cannot ignore the idiosyncrasies of national contexts. In order to be able to work toward more coordinated and effective control, strengths and gaps in institutions as well as in legal frameworks need to be identified, in order to know where to seek alliances and where to place pressure. It is our hope that this report will contribute to that process for the fight against the proliferation of SALW in MERCOSUR.

2. Argentina

Argentina's population, territory and economy make it the second largest country in the region. It is also the second largest producer of small arms in MERCOSUR (following Brazil) and the number-three producer of this type of armament in the Western Hemisphere. This means that the national industry is capable of supplying the domestic market and has also found export opportunities.

In the last ten years, Argentina has suffered a profound process of pauperisation, growing unemployment and income concentration that has been accompanied by a rise in violent criminality. Firearms use in the commission of crimes is becoming more frequent as is the public's propensity for arming itself. This increasing trend to purchase is directly related to a crisis in the State's capacity to guarantee public security.

Argentina does not have a serious organised crime problem. Most crimes are related to armed robberies committed by ever-younger men. However, cases of diverting and illegally selling weapons from the armed forces and police seem to be the order of the day. The primary destination of these weapons is bands specialised in robbing banks, armoured cars and land cargo transport (highway robbery). Patterns have also been detected of diverting and trafficking in SALW belonging to the Argentine military and police forces, particularly hand grenades, which end up being used by drug traffickers in Rio de Janeiro, Brazil. Violent crimes are concentrated in large cities and their surrounding areas (Buenos Aires, Rosario, Córdoba, Mendoza), especially in the suburban belt around the City of Buenos Aires.

A study by the National Directorate of Criminal Policy of the Ministry of Justice documented an increase in the incidence of firearms use in murder cases. In 1991, 49 per cent of homicides were committed with firearms, while in 1997 the percentage rose to 78 per cent.⁶ Even though Argentina has a sophisticated small arms registration and control system, it is estimated that a large number of small-calibre weapons remain unregistered. This is because until 1994 the arms law had practically no regulations for the purchase of arms for civilian use.

The strong feeling of insecurity has led to the development of bills of law which:

- Increase the requirements for purchasing and registering arms;
- Stiffen penalties for the illegal possession and carrying of arms; and
- Organise voluntary weapons collection campaigns.



These bills, currently being debated, have been supported by the *Fundación Espacios*, an organisation from the province of Mendoza. *Fundación Espacios* carries out campaigns against small arms proliferation and, together with the provincial government of Mendoza, has implemented a successful voluntary weapons collection programme.

With the exception of the *Fundación Espacios*, there are yet no other civil society organisations that implement activities related to small arms control. Nevertheless, it is possible to note incipient activities from academic institutions and NGOs interested in implementing awareness-raising activities and doing research on the reduction of firearm-related violence.

It is important to point out that the Ministry of Justice, Security and Human Rights is planning to publish in 2003 the National Programme for the control of illicit trafficking, illegal trade and criminal use of small arms. This programme has been planned and designed taking into consideration the main points of the UNPoA.

2.1 Participation in International Small Arms Control Mechanisms

Argentina ratified CIFTA in October 2001 and has adopted the CICAD Model Regulations. Additionally, the orientation of its small arms control policy is based on the UNPoA. In fact, the website of the National Arms Register (RENAR) mentions the national commitment to the Programme of Action and includes links to other significant UN sites.⁷

Argentina's legislation (laws, decrees and resolutions) is the most compatible, or at least the most convergent, with the three foregoing documents. Currently, however, Argentine legislation is undergoing review and a serious risk exists that the law will become less restrictive. Argentine legislation, however, continues to be the strictest in MERCOSUR for the legal retail trade as well as for controls on arms importers and exporters.

Multilaterally, Argentina has one of the most active delegations on the issue of arms control at the level of OAS and well as at the UN. It was one of the main protagonists in the debate on how to implement the UNPoA at a regional level during the "Latin American and Caribbean Regional Seminar: Evaluation and Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects." This seminar was held in Santiago, Chile in November 2001 under the auspices of the governments of Chile and the United Kingdom, and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LIREC).

The Argentine government named the Directorate of International Security, Nuclear and Space Affairs of the Ministry of Foreign Affairs as the national point of contact for the implementation of the UNPoA. Argentina has also submitted proposals to the MERCOSUR Working Group on Firearms for harmonising systems for sharing information between the agencies that oversee exports, imports and management of confiscated weapons in order to improve their tracing.

2.2 Small Arms Control

Responsibility for control over the purchase, sale, use, possession, carrying, production, import, export and transit of firearms by private (individual or institutional) users falls on RENAR, a civilian entity that operates within the sphere of the Ministry of Defence. It is important to stress that RENAR has responsibility for all aspects of small arms control outside the scope of the Armed Forces or the Security Forces (National Gendarmerie, Naval Prefecture and Aeronautical Police). This means that RENAR controls the civilian small arms universe.⁸ RENAR has a very complete website with information on national legislation and statistics on small arms in Argentina.⁹

Suppression of firearms-related crime, such as illegal weapons carrying falls on federal as well as provincial police agencies (Argentina is a federal nation divided into 24 provinces). For its part, the Ministry of Justice, Security and Human Rights, through its Secretariat for Domestic Security (SSI), has responsibility for coordinating national police efforts. In May 2002, the SSI drew up the "Criminal Violence Reduction Plan." In its first phase, this plan includes implementation of a National Arms Control Policy having the following objectives:

- Decreasing the size of the illegal arms market;
- Impeding access to illegal arms;
- Discouraging the carrying of illegal arms; and
- Effective exercise of the authority to control the legal arms market.¹⁰

The activities of the Directorate of International Security, Nuclear and Space Affairs of the Ministry of Foreign Affairs should also be taken into account, as it is the point of contact for channelling bilateral requests or requests to international agencies for aid and cooperation on issues regarding the control of illicit trafficking in small arms.

2.3 Small Arms Import/Export Legislation

Argentina is the third-largest firearms producer in the hemisphere. There are currently four national companies of primary importance (one state and three private) that supply the domestic market, primarily with handguns for personal defence. These companies are:

- The Directorate General of Military Manufacturing which makes pistols, rifles and carbines for the civilian market and supplies the armed forces and police with small arms (automatic pistols and pistols, although they made assault rifles until 1992) and light weapons (mortars, heavy machine guns and hand grenades);
- Bersa S.A., which makes semi-automatic pistols of various calibres;
- F&L SRL, which makes revolvers of several calibres; and
- Laserre S.A. (Rexio), which makes revolvers and pistols.

Bersa S.A. and Rexio in particular, have managed to position themselves in the international market as exporters, primarily to other countries in the region and the United States. According to RENAR, in 2001, Argentina exported 51,711 small arms and imported 26,251.¹¹ Table 2.1 breaks down Argentine imports and exports in recent years.

Table 2.1
Exports and Imports of Firearms in Argentina (1994 – 2001)

YEAR	IMPORTS	EXPORTS
1994	43,341	49,792
1995	22,055	39,839
1996	29,529	51,318
1997	40,489	58,066
1998	45,864	44,206
1999	28,137	56,664
2000	33,828	44,070
2001	26,151	51,711
Total	269,394	394,666

Source: Registro Nacional de Armas de Argentina, June 2003, <http://www.renar.gov.ar/estadistica/impo_expo.asp>

An individual or legal entity can only import small arms if registered as an importer with RENAR. The import licence is valid for one year and its renewal depends on the importer's conduct during the preceding year. An authorised importer also has the obligation to inform RENAR in advance of all international transactions it plans to carry out.

With regards to exports, RENAR verifies and inspects the merchandise to be exported and requires the importing country to provide a end-user certificate for all products to be purchased. It must be stressed here that according to an internal RENAR provision, shipments are only released after being verified by a RENAR official, a customs inspector, a legal representative of the company and a local control official.

Arms smuggling is defined as a crime in the Customs Code. However, under Argentine criminal law, 'illicit trafficking' is not established as a criminal offence and has no specific penalty. The issue of arms brokering and brokers is not included in the law either.

2.4 Domestic Small Arms Control Legislation

In Argentina, every individual or legal entity that wishes to purchase, possess or carry a firearm must be officially recognised as a legitimate user (LU) by RENAR. In order to obtain an LU identification card an individual must meet the following requirements: be over 21 years of age; have a known residence and a lawful source of income; pass a medical and psycho-technical exam and demonstrate proficiency in handling a weapon.

In order to be able to sell firearms it is also necessary to be accredited by RENAR as a legitimate user. Once it is finally granted, a firearms possession permit is valid throughout the country. Authorisation for possessing a weapon does not include authorisation for carrying it in public. Possession means:

- Storing the weapon at one's residence;
- Transporting the weapon unloaded;
- Acquiring ammunition for the weapon; and
- Entering and exiting the country with the weapon (with the required authorisations and permits).

Carrying on the other hand (which requires a special permit) consists of permission to carry a loaded arm ready for use in public places or easily accessible in public. This authorisation is valid for one year and refers only to concealed handguns.

Authorisation for carrying is of an exceptional nature and is justified for three types of individuals:

- a) Public officials on duty, when their duties justify the utilisation of a firearm;

- b) Personnel of companies that transport valuables and private guards, solely during working hours; and
- c) Individuals who can prove that carrying a small arm is indispensable to their personal security.

A firearms carrying permit is of limited duration and upon expiration the weapon's owner must re-apply and submit the same documentation required for the first application.

Finally, it should be made clear that Argentine criminal law as a whole (laws specific to firearms as well as others) penalises unauthorised carrying, stockpiling, and supplying someone who is not an LU. However, current law does not specifically penalise the illicit manufacture of this type of weapon.¹²

2.5 Civil Society

Firearms are an emerging issue in Argentine society. The topic is not foremost among the population as an isolated issue, but it is gaining in importance associated with concerns about public security in general. One NGO stands out in the civil society arena; it started with local activities and went on to have an impact nationally and globally. This is the *Fundación Espacios para el Progreso Social*, or simply *Fundación Espacios*, from the province of Mendoza. This NGO began work in 1999 assessing and developing strategies for community development, emphasising citizen participation and violence reduction.

Fundación Espacios is the first Argentine NGO that has devoted itself to studying the social impact of firearms and ways to counteract illegal sales, trafficking and the demand for small arms and ammunition. *Fundación Espacios* is a member of the International Action Network on Small Arms (IANSA), and together with *Viva Rio* (Rio de Janeiro, Brazil) produces the bilingual (Spanish-Portuguese) web magazine, *Desarme.org*, containing information on arms control, human rights and related issues. Between 2000 and 2001, *Fundación Espacios* cooperated with the Ministry of Justice and Security of the Government of Mendoza on a successful voluntary weapons collection campaign. Weapons were handed in by civilians in exchange for food vouchers valid in small stores (a strategy to also reactivate small local business) and passes to sporting events.

Altogether, 2,566 arms were collected, which corresponds to fifteen per cent of all the illegally circulating arms in the province according to the provincial Minister of Justice and Security. The collected weapons were later destroyed in public ceremonies carried out with the collaboration of UN-LiREC and other members of the international community.

Fundación Espacios has created an informal network of members of parliament interested in sponsoring bills for stricter firearms control and has also been influential in other provinces. For example, *Fundación Espacios* and the NGO *La Comuna de Derechos* (The Rights Collaborative) based in the second largest city in the country, Rosario, have agreed to coordinate a common agenda for activities similar to those implemented in Mendoza. *Fundación Espacios* is in a class by itself, and for the moment, its activism and concrete actions are unique.

From a more academic angle, we can include two recent civil organisations:

- The Argentine Association for Public Policy (AAPP). This organisation was founded in 2002 with the primary objective of forging intellectual links between governmental agencies and in turn between government and civil society. The AAPP's specific objectives include generating public policy proposals that will be at the disposal of the authorities and that can serve to provide greater efficiency and continuity in public administration. Officials from different institutions and jurisdictions, scholars and people dedicated to public affairs participate in the Association. A study group in the AAPP focuses on analysing and researching problems related to firearm use, citizen security and peaceful co-existence.

- The Latin American Faculty of Social Sciences (FLACSO). A research group has formed at this graduate-level academic institution that has as a first objective doing an assessment of violence related to firearms use in the City of Buenos Aires within its Department for Urban Studies.

2.6 Analysis

In 2001 (including January 2002), Argentina had more than 2.5 million arms registered by legal users and 805,097 LU's in the country. This means that 3.21 per cent of the population over 21 years old (the legal age for being able to acquire an arm) possesses weapons.¹³ Most of these users are concentrated in the Province of Buenos Aires (42.91%), the Federal District (12.92%), Santa Fe (11.35%) and Córdoba (8.87%).

Official figures show that during 1999, through legal channels alone, 61,305 arms of different calibres were sold in the country, around 27 per cent more than the approximately 44,000 sold in 1998.¹⁴ Sources consulted say that after the fall of President Fernando de la Rúa (which was preceded and followed by episodes of looting) a veritable flood of applications for LU identification cards ensued, primarily for shotguns and repeat-fire rifles, and large numbers of small arms transfers were recorded. Requests for arms carrying permits also went up.¹⁵

Furthermore, RENAR estimates that there are between 100,000 to 150,000 unregistered weapons and that of these arms, 50,000 are probably in criminal hands.¹⁶ However, according to the Ministry of Justice, Security and Human Rights, approximately 1,500,000 illicit arms could be in circulation.¹⁷

A survey done by the consulting firm Graciela Römer & Asociados, based on a sample of 800 household interviews in the province of Buenos Aires and the Federal District, gives even higher, more unsettling figures. According to this study:

- Fifteen per cent of the residents of the Province of Buenos Aires and eight per cent of Federal District residents (a region where more than half of Argentina's population lives) stated that they keep firearms at home. This works out to approximately 1,530,000 individuals (165,000 in the Federal District and 1,365,000 in the Province of Buenos Aires) who possess small arms;
- The difference between official figures for legally registered arms and figures taken from voluntary statements shows that in the City of Buenos Aires (CBA) approximately 86 per cent of arms have been registered. However, in the Province of Buenos Aires (PBA), less than 30 per cent have been properly registered, which indicates the existence of an extensive illegal arms market in this province;
- Some 17 per cent of CBA residents and 23 per cent of PBA residents (which works out to 350,000 and 2,092,000 persons respectively) admit their inclination to acquire an arm as soon as they can.¹⁸

In this context the ready availability of firearms is contributing to an increase in violent crime involving these weapons. For example, in the City of Buenos Aires between March and December 2000, 49 per cent of murders were committed with firearms. In the Province of Santa Fe during the same period, the figure was 58 per cent, and in the Province of Córdoba, 60 per cent.¹⁹

Under these conditions, a group of civil society organisations, members of parliament and government officials have come to consensus about the need to restrict the availability of firearms, since they are considered to increase the potential for violent crime.

Additionally, a proposal came out of RENAR in November 2002, expressing the need to regulate the requirements to obtain authorisation for the purchase and use of firearms. Through an internal RENAR resolution (187/02), provisions were adopted to stiffen control over the requirements for

competence in handling arms and psycho-physical fitness. The objective of this measure was to discourage compulsive arms purchases and guarantee the eligibility of arms permit applicants. A change in RENAR's political leadership however, rescinded this measure. In the Congress, this led for example, to the Radical Civil Union (UCR) party deputy, Carlos Iparaguirre, sponsoring a bill that would put Resolution 187/02 back into effect.²⁰ This bill has been backed by *Fundación Espacios*, which has also supported bills (that have still not been passed) for a nationwide campaign similar to the one implemented in Mendoza and to stiffen penalties for illegal arms carrying. *Fundación Espacios'* primary criticism of RENAR's current policy is that the repeal of Resolution 187/02 could be encouraging the indiscriminate purchase and registration of arms by persons that are not necessarily either scrupulous nor prepared to assume the responsibility of firearms ownership.

According to *Fundación Espacios*, RENAR may be giving priority to revenues coming in from the registry of arms (which involves payment of a fee) over its responsibility to regulate and control civilian firearm acquisition, possession and use. It seems odd, furthermore, that RENAR's cooperating agency, which by law must provide financial aid and technical assistance, is actually the Commercial Association of the Hunting and Fishing Industry (AICACYP), which is the chamber of firearms producers and retailers.

In terms of controlling illegal possession and use, the Secretariat of Domestic Security has taken steps to prevent illegal weapons' carrying; in the last year it has allocated police resources and facilities aimed at suppressing and discouraging illegal arms carrying.²¹ In 2002, RENAR also destroyed approximately 8,000 confiscated or obsolete weapons at a steel mill to prevent their potential diversion to the black market.²²

Regarding interactions and cooperation between different agencies directly or indirectly involved in small arms control, mid-level technical officials maintain close contact, consulting each other, especially to draft agendas on questions related to the fulfilment of international commitments. In this area, the Ministry of Foreign Relations plays a very important networking role between different executive branch agencies.

However, there are cooperation problems with the judicial branch. The courts are the first stop for weapons confiscated by the police. The judge hearing a case where there are confiscated weapons can return the weapons to the police force so they remain in police custody, can order them to be sent to the arsenal of the armed forces or may decide to keep them at the court. Under this system, most of the time impounded weapons end up spending years under precarious security conditions in the courts or in police stations and other police units, which facilitates (whether through negligence or corruption) theft and diversion to the illegal market. Furthermore, judges do not always inform RENAR regarding confiscated arms in their power, which means an important source of information is lost about the makeup of the criminal arms market and control is also lost over arms that, once they are no longer needed for the court case, should be destroyed. The judiciary has rejected the idea proposed by the legislative branch to set up a centralised register of confiscated arms, rationalising that it would be encroaching on the separation of powers.²³

Eleven per cent of all the assault rifles and pistols confiscated by the police in Rio de Janeiro between 1951 and 2001 (confiscations increased after 1992) in operations against drug trafficking were manufactured in Argentina, and 23 per cent of hand grenades (103 grenades) confiscated in Rio de Janeiro in operations against drug trafficking between January and October 2002 were also of Argentine manufacture. These arms are for the exclusive use of armed forces or public security agencies, which suggests that arms are being diverted from Argentine police and military institutions to transnational illegal markets in the MERCOSUR region.²⁴

Finally, Argentina is actively participating in international and sub-regional forums on the control of illicit trafficking in arms, particularly in the MERCOSUR Working Group on Firearms. There, the Argentine Foreign Minister is proposing a harmonised categorisation of concepts such as illicit trafficking and stockpiling of SALW with the purpose of contributing to the implementation of CIFTA.²⁵

3. Bolivia

Besides being the poorest country in the MERCOSUR region (and in South America), Bolivia is a country of enormous cultural, linguistic, ethnic, social, economic and geographical contrasts. The problems related to small arms are patterned along the lines of these contrasts.

Along with the rest of the MERCOSUR sub-region, in addition to being immersed in a serious economic crisis, Bolivia is also going through a public security crisis. The concept used in Bolivia for this phenomenon is 'citizen security', a concept that refers primarily to the physical security of individuals and to the security of their property, as well as the safeguarding of their rights and guarantees. Firearms issues are dealt with increasingly in this citizen security context. For example, a new firearms and ammunition control law is currently under discussion in Congress.

Insecurity and firearms-related crimes manifest themselves differently according to regional and cultural patterns at the local level. Geographically, economically and culturally, Bolivia is divided into three clearly defined regions: the mountainous *altiplano*, the tropical lowlands and the eastern plains.

The *altiplano* economy is closely tied to mining, especially of tin, a depressed sector since the 1980s when tin prices fell sharply. The *altiplano* is also the region where large Amerindian communities are concentrated (primarily Aymara and Quechua), many of which are still extremely isolated geographically and practice subsistence agriculture. However, La Paz, the country's administrative and political centre, is also in the *altiplano*. Urban sprawl at the outskirts of La Paz has been widespread and disorderly over the past 20 years, to the point where the largest outlying neighbourhood, 'El Alto', was declared an independent city with its own municipal government. In the *altiplano*, small arms present security problems in three settings:

- In relationship to the increase in injuries, murders and armed robberies in the El Alto area. Young, poor men are the main victims and perpetrators;
- By increasing the potential for violent conflicts between *altiplano* Amerindian communities. These conflicts are especially bloody and are tied to familial and clan disputes over control of pasturelands and water; and
- Episodic confrontations between Armed Forces soldiers and Police officers, such as the events that took place on 12 and 13 February 2003, in which there were 33 casualties among civilians, police and soldiers. These episodes have to do with a historic rivalry between the army and the police over holding positions of power and



influence and over budgetary allocations. Added to this is the abuse of lethal force by the police and army when controlling public disorder. These episodes have mostly occurred in La Paz.

In the tropical lowlands, the formal economy is based on agriculture and an industrial sector made up of small and medium-size businesses and of cattle ranching (mainly in the Beni region). However, the tropical lowlands is where illegal coca growing and cocaine refining is concentrated. Bolivia, along with Peru and Colombia, is a leading cocaine producer. The main markets for the cocaine produced in Bolivia are Europe, Brazil and Argentina. In the tropical lowland region, small arms present the following problems:

- The abuse of lethal force by the police and army during coca eradication operations;
- Armed conflicts between *cocaleros* (peasant coca growers) and police and military troops;
- Settling of scores between drug traffickers; and
- Firearms trafficking by drug traffickers.

The eastern plains, in the department of Santa Cruz, has an agriculture-based economy (mainly soybeans and cotton) and gas and oil production from the recently discovered deposits at Bulo-Bulo. However, the eastern plains zone is also along the route cocaine must travel in transit toward Brazil and it is reported to be a zone for laundering illegal assets and for cocaine processing.

Notwithstanding, the proliferation of small arms is more related to the large-scale urban growth of recent years. New urban belts alternating between poor and middle class neighbourhoods have been adding on to the city. The risk group, just like in other Latin American cities, is unemployed young people who see crime as an economic alternative. Due to its proximity to Brazil and Paraguay, the biggest problem in Santa Cruz appears to be tied to the theft of imported automobiles (Santa Cruz residents have relatively high purchasing power compared with the rest of the country), which are then smuggled into neighbouring countries to be sold. These robberies are generally violent and involve the use of firearms. The weapons used come mostly from neighbouring Brazil.

Finally, there are four additional problems related to illicit aspects of small arms in Bolivia:

- Proliferation, in the face of state failure to guarantee citizen security, armed private security companies and groups. These companies are not properly regulated by law and are also a potential source of diverting arms to the illegal market and can lead to the abuse of firearms by their employees;
- Cases of illicit trafficking in arms to or through Bolivia often directly or indirectly involving military and police officials;
- The massive transfer of armed forces surplus SALW to the police with no record-keeping whatsoever, which facilitates diverting materials and also has as a consequence of over-arming the police force relative to the types of duties it must perform to protect citizen security; and
- Bolivia has an enormous legal void. There is no arms and ammunition control law. There is only an administrative resolution of the Ministry of Defence to regulate all aspects related to small arms and their ammunition, which is quite lax.

To deal with this situation, a group of young legislators new to the political system is sponsoring a vote on a citizen security law (a concept up until now absent from legislation) and an arms control law addressing current problems and aimed at guaranteeing citizen security. Both bills are still under discussion in congressional committee. It is important to stress that the current small arms control bill was drafted with advice from officials in the Bolivian Ministry of Foreign Affairs and that they took into account the UNPoA as well as the relevant international commitments signed and ratified by Bolivia.

It is possible to note the beginnings of a core of scholars and academics involved in researching violence and firearms. There are no NGOs either directly involved in or giving priority to small arms control or citizen disarmament activities. On the other hand, there are government-organised projects, specifically in the army, for the collection of small arms voluntarily turned in by members of *altiplano* peasant communities in exchange for goods.

3.1 Participation in International Small Arms Control Mechanisms

Bolivia ratified CIFTA in April 1999 and is in the process of adopting the CICAD Model Regulations. However, even though the ratification has become law it has not been reflected in concrete actions, given that Bolivia does not have a national small arms law approved by its legislature. Small arms affairs are regulated by ministerial resolutions.

As of June 2003, Bolivia had been participating in information sharing with the OAS but with regards to the UN, it had not reported on its progress in implementing the UNPoA, nor named a national point of contact. Bolivia still has not signed the UN Firearms Protocol, but the government has participated in the pertinent meetings. Furthermore, Bolivia requested in 2003 support on the subject from the Centre for International Crime Prevention of the UN Office on Drugs and Crime, based in Vienna, on penalising offences associated with illicit trafficking in firearms.²⁶

3.2 Small Arms Control

In Bolivia, importing, transporting, warehousing, selling and using explosive products, arms and ammunition are regulated under Ministerial Resolution No. 00665 (of May 2000) of the Ministry of National Defence, which given the lack of a law passed by the Congress, serves as the primary legal instrument.

According to this regulation, the Ministry of National Defence, through its War Materials Unit, and the Command Force, through its departments and intelligence sections, are in charge of implementing the resolution. However, all actions related to granting firearms possession and carrying licences to civilians is the responsibility of the Judicial Technical Police (PTJ), an investigative arm of the National Police (PN), which in turn falls under the Ministry of Interior. The PN is also in charge of fighting small-arms related offences. Nevertheless, every application for a possession or carrying licence must be reported by the PTJ to the War Materials Unit of the Ministry of Defence, which maintains a register of these weapons.

In its specific field of action, the Anti-Narcotics Special Task Force (FELCN) of the PN participates in the confiscation of small arms during operations against illicit drug trafficking. The FELCN, in fact, has recorded growing confiscations of small weapons in the last three years, especially of handguns.

3.3 Small Arms Import/Export Legislation

Bolivia has only one ammunition factory for SALW, the *Fábrica Boliviana de Municiones* (Bolivian Ammunition Factory), run by the Armed Forces National Development Corporation under the Ministry

of National Defence. This factory produces ammunition for the armed forces and also has a limited production of hunting shotguns and pistols for the civilian market. The *Fábrica Boliviana de Municiones* exported small shipments of shotguns and ammunition in 1999, 2000 and 2001.

Regarding imports, Bolivia records regular imports of rifles and handguns (including arms for the armed forces) from the United States, Israel, Argentina, Brazil and the People's Republic of China. In no year have total imports gone over USD 10 million. Between 1996 and 2001, a 55 per cent increase was observed in pistol and revolver imports.²⁷

Given that there is no domestic production of pistols and revolvers, it can be inferred that the imports respond to demand in the civilian market. Of course, they could also be imports for the armed forces, police or private security agencies.

According to Ministerial Resolution No. 00665, small arms imports must receive prior authorisation from the Ministry of National Defence. Small arms importers and merchants must be legal entities registered with the Ministry. The War Materials Unit within the ministry is responsible for keeping a register of authorised importers. When requiring import authorisation, the importer must show the receipt for the materials that will enter Bolivia. This authorisation is only valid for 180 days. If the importation is not realised within that timeframe, the importer must request a new authorisation. The importer is also required to appear before the Ministry of National Defence, or at an office of the War Materials Unit to arrange for a review and supervision of the disembarkation on Bolivian territory. Additionally, an Armed Forces officer will be assigned to accompany the cargo transport to the site where it will be deposited.

There is no specific regulation for the export of small arms in the ministerial resolution currently regulating these matters in Bolivia. The resolution provides that arms exports shall be covered by the 1948 Exports Law, the 1990 General Customs Law and by other "regulations and further provisions as may apply."

3.4 Domestic Small Arms Control Legislation

Provisions for the small arms trade within Bolivian territory are covered in Chapter VII (Arts. 87-102) of Ministerial Resolution No. 00665. The only ones who may engage in this type of trade are legal entities registered with the Ministry of National Defence, or more precisely, with the War Materials Unit, in accordance with the stipulations of Chapter IV (Arts. 14-28).

Upon the sale of a weapon, the merchant shall issue a fiscal invoice that will record a description of the products, units, quantities and respective prices. The merchant shall also make a list of products that are for sale available to tax authorities.

In order to purchase, possess and carry a small arm in Bolivia an individual must show physical and mental fitness, have good conduct, be of legal age and have performed compulsory military service. The ministerial resolution however, does not spell out the procedures for proving physical and mental fitness and good conduct to the competent authorities. It should be underlined that Ministerial Resolution No. 00665 does not provide for criminal penalties of any kind in the case of infringement of any of its provisions.

At the time of this writing, a bill was before the Bolivian Congress, which if passed, will significantly improve State control over operations with small arms. The bill provides for the creation of a National Arms Register – RENAR – that would operate within the scope of the Ministry of Interior. The RENAR would have the primary function of controlling operations with small arms used by civilians, individuals as well as legal entities. The RENAR would be an agency for control as well as for authorisation of all

of the most routine small arms operations, including procurement, registration, possession, carrying, use, circulation, transfers of any kind and domestic trade. Information about firearms for civilian use would then be shared with the Ministry of National Defence, which would have jurisdiction over operations with firearms for military use and over foreign trade with any type of small arm.

It is important to point out that this bill criminalises and provides the respective sanctions (most include prison terms of 8 to 15 years) for the following conduct:

- a) Illicit manufacture of conventional and unconventional weapons, ammunition and explosives;
- b) Clandestine imports, exports and trade in conventional weapons;
- c) Illicit trafficking in conventional weapons; and
- d) Wrongful use of military weaponry.²⁸

The issue of brokers and brokering of SALW, their parts and ammunition is not provided for nor criminalised.

3.5 Civil Society

Even though a considerable number of non-governmental organisations exist in Bolivia that are devoted to social, educational and health issues, none of them works on issues related to the reduction of small-arms related violence or small arms control. There has also been no sign that the churches have initiatives or activities along these lines.²⁹ The small arms issue is generally not on the agenda of academic circles, though there are two isolated cases of research groups that are worth mentioning:

- The Police and Democracy Project of the Bolivian Programme for Strategic Research (La Paz):

The objectives of this project (which is not affiliated with IANSA) are to study strategies for reforming and modernising the police forces and for organising a citizen security policy and framework for Bolivia. The project does not engage in specific studies about the impact of small arms on Bolivian society. However, the issue is examined as an ancillary topic because it contributes to increasing violence rates in the country. According to the project's coordinator, Juan Ramón Quintana, arms are one part of what he calls the "anatomy of conflict" in Bolivia, a country, according to this researcher, which is suffering a breakdown in public authority and a corresponding increase in violence at different levels. This is why the project regularly gathers information about the use and transfer of arms and, according to Quintana, why they are interested in specifically studying the subject in the future.

- The Department of Education for Peace and Integration of Nur University (Santa Cruz):

The priority of this department (which joined IANSA in April 2002) is to investigate and research interpersonal and social conflict resolution. However, given the conditions of growing violent criminality being experienced by Bolivia and in particular Santa Cruz, they have decided to begin by investigating violence related to arms use starting with an assessment and using the broader perspective of firearms use as a public health problem. The Department of Education for Peace is currently in the stage of planning the investigation and identifying possible donors so they can implement their projects.

3.6 Analysis

Bolivia follows the general trend in all of MERCOSUR- that of growing criminal violence and the difficulties the State has in guaranteeing the security of its citizens. These problems have been

increasing over the last five years and according to sources interviewed, this increase in criminality is directly related to the overall deterioration of Bolivia's socio-economic situation during the same time period.³⁰ This growth in violent crime has been accompanied by an increase in firearms use by criminals and the willingness of citizens to purchase weaponry for their personal defence or hire private security services.

For example, in a survey on victimisation done in 1995 and repeated in 2001, respondents were asked if they possessed a firearm for their personal defence. In 1995, 5 per cent of the population surveyed said they had a firearm for self-defence, while in 2001, 11 per cent of respondents answered that they had a firearm or stated the need to have a firearm for protection against criminals.³¹ Also, while in 1995, only 32 per cent of those surveyed had been at one time victim of robbery or assault with some type of weapon, this percentage rose to 50 per cent in 2001. Moreover, while in 1995, 2 per cent of those surveyed had been attacked by firearms, this percentage went up to 4 per cent in 2001.³²

Exacerbating this situation is the lack of an arms control law that would provide criminal sanctions for the illegal possession and carrying of small arms, while mechanisms for purchasing firearms have very lax requirements. Not to mention that in the face of security forces failure to reduce crime and the lack of a plan and a strategy for citizen security it is becoming increasingly common for businesses and neighbours to hire private security services or to organise armed citizen watch groups to patrol their neighbourhoods. This phenomenon is being seen across the social spectrum in Bolivia's large cities.³³

In cities like La Paz and Santa Cruz, most armed crimes are committed by unemployed youth. In the case of Santa Cruz, the average age is 17 to 25 years old and the crimes, particularly violent, are related to the theft of automobiles, which are then smuggled into Brazil or Paraguay.³⁴ In addition to these cases of urban violence, the ready availability of firearms is increasing the potential for drug-trafficking related violence, especially in the Chapare region, and aggravating conflicts over land and water between *altiplano* peasant communities.

Extremely worrisome is the increase in firearm use between the communities of Laimes and Cacachacas located on the border between the departments of Oruro and Potosí in the *altiplano*. In the last five years, more than 70 deaths by firearms have been recorded in confrontations between Laimes and Cacachacas.³⁵ In addition, more than 500 orphans have lost both parents due to these conflicts. Fuelled by the desire for vengeance, many young people in these communities steal arms from the military barracks when discharged from military service and these arms contribute to reinforcing the cycle of violence.

In light of this situation, the Army (an institution with greater public support than the police) has begun a disarmament plan based on trading arms for goods and agricultural implements. The results have been relatively positive with the recovery of between 120 to 140 firearms, including old Mauser and Brno CZ rifles, and also Bolivian Army FAL rifles.³⁶

Furthermore, the National Government, together with the prefectures of Oruro and Potosí and aid from the Government of Japan and NGOs, has begun a local development project to facilitate the access of these communities (living under very isolated conditions in difficult to reach mountainous regions) to natural resources, access roads and transportation.³⁷

Finally, we should mention that cases have occurred of illicit arms trafficking involving Armed Forces personnel either directly or indirectly. In many of these cases, the destination of these arms was Brazil.³⁸

This situation calls for having clear, specific norms for all firearm-related operations and issues. These norms, however, do not exist because Bolivia at present has only an internal Ministry of Defence

resolution, which does not provide for any specific type of sanctions. At present, a bill is being discussed in Congress. The bill consists of proposals submitted by the Ministry of Interior and by the Ministry of National Defence in 1999³⁹ and criminalises the illicit manufacture of arms, the clandestine import and export of arms, as well as illicit trafficking in arms. It also classifies as misdemeanours violations to provisions on carrying, possession and registration and sets forth a clear division of labour between the Ministry of Interior and Ministry of National Defence. The Ministry of Interior, through a National Arms Register, would have the following responsibilities over arms for civilian use: registration, domestic trade, carrying and possession, and fighting homemade weapons manufacturing. However, the vote on this bill is being blocked. There are three possible reasons that could explain this:

- 1) There could be conflicting interests between the Police and the Ministry of National Defence over control of the resources implied by exercising control over granting firearms carrying and possession permits, especially given the burgeoning private security industry with companies requiring the use of weapons for their personnel. This conflict of interests could be manifesting itself through a boycott of a vote on the bill.⁴⁰
- 2) Before the vote to approve or reject the law, consensus should be built through convening a national level seminar (which the Congressional Defence Committee is planning to organise) where civil society, the army, the police and the ministries of National Defence and Interior would all be represented, in order to raise awareness about the need to set a policy for the 'rational, controlled management; of small arms'.⁴¹
- 3) The arms control law is at a standstill because it is not a priority issue either in Congress or in the public eye. The priority is the creation of an effective citizen security system. The bill will continue to be blocked as long as there is not much greater awareness about the importance of adequately regulating and controlling the trade and use of arms.⁴²

In the meantime, Bolivia continues with its legal quasi-void in a region that is increasingly affected by the illicit trafficking in arms and rising violent criminality.

4. Brazil

Brazil is the largest producer of SALW in the MERCOSUR region. In addition to being the second leading producer of small arms in the Western Hemisphere, Brazil has a large private sector that produces and exports arms and ammunition and that has successfully penetrated the international market and markets where big arms makers, such as the United States, also participate.

This significant, flourishing arms and munitions industry lacking effective, efficient controls nevertheless coexists alongside the country's violent conditions overlaid with drug trafficking, extreme poverty and enormous social disparity. The lack of effective regulation over the production, trade and use of firearms on a national scale feeds back into spiralling violence occurring mainly in specific urban areas such as Rio de Janeiro and Sao Paulo. There, it is tied to organised crime, but it also occurs to a lesser degree in rural areas linked to interpersonal violence and illegal mining and logging. A lamentable historical record of extra-judicial executions, police corruption and kidnappings for extortion completes the picture.

Over the last decade, in the context of a public security crisis, the firearms problem has been given priority on the parliamentary agenda, on the public policy agenda and with increasing civil society engagement. This is due to the strong need for stiffer controls over all aspects tied to small arms, but particularly over carrying and possession by civilians.

4.1 Participation in International Small Arms Control Mechanisms

Brazil ratified CIFTA in September 1999 and has adopted the CICAD Model Regulations. It signed the UN Protocol in 2001 but has not yet ratified it. From 2002 until the present, it has held the role of Secretary Pro Tempore of the Consultative Committee of CIFTA through its representation to the OAS in Washington. It is also one of 23 UN Member States, and the only one from MERCOSUR, represented on an expert panel aiding the UN Secretary General in a feasibility study for the development of an international instrument on small arms marking and tracing.

In terms of information sharing, the Brazilian government has responded to the official CIFTA questionnaire and in 2002 reported to the UN Department for Disarmament



Affairs on implementation of the UNPoA. The General Coordinating Office to Combat Transnational Illicit Activities of the Ministry of Foreign Affairs was named the national point of contact for the UNPoA.

In his address to the First Biennial Meeting of States for the Implementation of the UNPoA held in New York in July 2003, the Brazilian ambassador expressed his interest in opening the negotiations for an international instrument covering marking and tracing.⁴³ Before the biennial meeting took place, the Brazilian Government submitted its official report on implementation of the Programme of Action to the Department for Disarmament Affairs, which included information on the following issues: national legislation, national points of contact, weapons marking and tracing, the national registration system, destruction of illicit arms, public awareness campaigns and embargoes.⁴⁴

Brazilian law, like Argentina's, establishes rigorous procedures for small arms imports and exports. Brazilian law is compatible with the CICAD Model Regulations as well as with CIFTA. The UNPoA, however, has still been accepted only in political terms. Communication with the public about arms control policies is insufficient, and the arms control laws have not been sufficiently publicised. For example, while RENAR in Argentina has an extremely useful website, the National Arms Coordination (CONARM) does not even have a website, which feeds into the lack of transparency on small arms control issues. Regarding import and export controls, it is important to take note that federal congresswomen Laura Carneiro recently filed a bill that bans the export of SALW to adjacent countries.

Finally, a comment on SISME: This system has not yet been implemented in the manner stipulated in the document signed by the states; that is, a system of interconnected computer nodes with shared, encrypted databases. However, several Argentine and Brazilian public security agencies have come up with a unique solution: the exchange of police intelligence information between the National Secretariat of Public Security of the State of Rio de Janeiro and Argentine police authorities by using encrypted e-mail. This system, implemented last year, is considered to be 'off the record' and unofficial by the governments, but it helps in funnelling information about police operations involving both countries.⁴⁵

4.2 Small Arms Control

Control over arms circulation by individuals within Brazil is carried out by CONARM in the Ministry of Justice and in part by each state's police force. Within CONARM, the National Arms System is the Federal Police body that authorises purchases and sales by individuals. However, the following operations with SALW and their ammunition are controlled by the Brazilian Army through its Department of Controlled Goods (under the directorate of logistics), through decree 3665/2000 on controlled goods: production; commercial sales (direct sales by manufacturing companies or sales by manufacturing companies to armouries); sales to police forces, the Armed Forces, and to police and military personnel when private users; sales to collectors; commercial transport; and imports and exports. This means that, on the one hand, the arms supply is controlled by the Ministry of Defence

through the Army, while on the other hand, the demand for arms by private civilian users is controlled nationally by the Ministry of Justice through the Federal Police.

4.3 Small Arms Import/Export Legislation

Any individual or legal entity wanting to sell small arms must first obtain a Certificate of Registry (CR) from the Army. Small arms importers and exporters must be registered with the Army. Importers, in addition to this registry, must obtain authorisation for each time they import. This authorisation is valid for six months and, most important, is only good for a specific, designated product. According to the document that regulates this matter, imports of types of arms already being manufactured in Brazil by Brazilian companies may be authorised only under exceptional circumstances. That is, the law gives priority to and protects the national industry.

Finally, it is important to note that since 15 September 2000, arms imported by authorised importers have to be marked by the manufacturer with the importer's name, the name of the city where the importer's home office is and the abbreviation of the branch of the respective federation. This important rule was introduced by Article 10 in Resolution No. 22 of the army's War Materials Department to bring arms import and export procedures into line with CIFTA recommendations. The Resolution also provides, in Article 11, that arms that have been imported by public security agencies must be marked by the manufacturer in the same way as arms that are sold on the domestic market of their respective countries.

Resolution 22 of the War Materials Department also affects arms exports. According to Article 4, any Brazilian arm exported to adjacent countries must be marked by the manufacturer with the importer's name and with its country's name or international abbreviation. In referring to arms exported to countries other than adjacent ones, Article 5 provides that these will be marked "according to the current laws in each country." This resolution signifies a very important advance in the control of the foreign arms market and falls short only on this point. It follows the pattern of all the arms rules (laws, decrees or resolutions) analysed here by prioritising the control over this type of operation, giving greater importance to imports over exports.

However, it should be noted that in practice full implementation of the resolution has still not been accomplished and that there are no effective external controls, like for example via the National Congress, to monitor whether the Army is effectively controlling the marking of imported and exported arms.⁴⁶

4.4 Domestic Small Arms Control Legislation

To purchase a firearm, an individual first has to obtain registry authorisation, which is given by SINARM. The local police register the weapon and grant the registry authorisation following a background check of the applicant and upon approval from SINARM. Registration does not authorise the person to carry the weapon. Carrying can only be authorised by SINARM.

It is important to note that requirements for purchasing a firearm in the state of Rio de Janeiro were increased through a state law that went into effect in August 2002. This law provides very strict requirements for purchases, especially concerning the payment of fees and the need to have affidavits from three neighbours attesting to the moral fitness and good reputation of the candidate purchasing a firearm. The rules for this law have not yet been promulgated.

Federal Law No. 9437/97 (the SINARM Law) provides for ten offences and their respective penalties. According to the law, the following practices constitute crimes: to possess, carry, manufacture, acquire, sell, lease, exhibit for sale, receive, keep in storage, transport, transfer (even without a

monetary exchange), lend, remit, utilise, or conceal firearms permitted for civilian use without the required authorisation or in non-adherence with legal or regulatory stipulations. A punishment of incarceration for one to two years plus a fine may be imposed. The same law also criminalises the following conduct: eliminating or altering markings on the weapon, and modifying its mechanism in such a way as to convert it into a of prohibited or restricted use weapon. The punishment to be imposed in this case will be two to four years incarceration plus a fine, “without prejudgement of punishment for the possible crime of contraband if the firearm were of prohibited or restricted use for civilians.”

4.5 Civil Society

Civil society has kept pace in responding to the rate of growing urban violence that has ravaged Brazilian society since the early 1990s. Most solid examples of civil society mobilising around the control of SALW have appeared in the two megalopolises so terribly affected by violent criminality-- Rio de Janeiro and Sao Paulo.

In Rio de Janeiro, the NGO *Viva Rio* has been implementing programmes and actions since 1993 geared toward reducing urban violence there, and particularly since 1999, *Viva Rio* has targeted its work to reducing the proliferation of firearms and to campaigns in favour of greater arms control. *Viva Rio* was founded in response to the killings in July and August 1993 of eight ‘street children’ in front of La Candelaria cathedral, in the very heart of Rio de Janeiro, and the illegal executions by the police of 22 people in the Vigário Geral favela. Society perceived these killings as two landmark events that underscored the degree to which violence had risen in the city over the preceding decade.

Viva Rio is an example of cooperation between government and civil society working toward implementation of stricter controls nationally as well as internationally. *Viva Rio* currently works in the following areas of action: Education; Communication; Community Development; Environment; Sports; Volunteers; and Security and Human Rights, the latter being of primary interest for this report.

One of *Viva Rio*’s main messages is that the response to criminality should not be to arm oneself, but instead to improve the quality and effectiveness of public security for each and every member of society. From the beginning, *Viva Rio* also affirmed the need to take the police into the most deprived neighbourhoods, the favelas, using approaches that would show that the police are at the service of the community and not solely a repressive, violent body. In this context they have been engaged in the following activities in the area of Public Security throughout the last four years:

- Training the police on technical matters as well as concerning changes in attitudes toward the public. This is done not only to improve police force effectiveness, but also to help the police act in a more democratic manner and contribute to preventing and reducing corruption within the police institution.
- The introduction of Community Police projects like those implemented in the favelas of Cantagalo, Pavão and Pavãozinho, where the number of reported firearm-related homicides went down to nil and where civilians are no longer seen carrying firearms. In this type of project, the population participates in setting the public security agenda, in monitoring police behaviour (reporting bad officers directly to the unit commander through a direct mobile-telephone number) and collaborating in crime prevention by reporting suspected lawbreakers to an anonymous tip line.

The Firearms Control Project is another part of *Viva Rio*’s Security and Human Rights area, with activities focused on three main lines of action:

1. Reducing the demand for firearms. This involves activities aimed at public awareness-raising about the dangers inherent in firearms possession and rebutting the arguments of the firearms industry lobby;

2. Reducing the supply. This line of action covers programmes directed at improving control over the illicit trafficking in firearms and controls over sales, exports, production and imports of arms and ammunition; and
3. Controlling stores of confiscated arms. These actions include the destruction of confiscated arms and voluntary firearms collection programmes.

Following these lines of action, these have been the main activities of the Small Arms Control Project over the last four years:

Disarmament Campaigns

- Awareness-raising campaigns about the need to disarm the population, preventing civilians from becoming victims of their own weapons due to accidents or the disadvantage they have against a better prepared assailant who is more willing to kill, and in favour of a culture of peace, through the peaceful resolution of interpersonal conflicts. These campaigns are aimed at young people, women, and health professionals and to mobilising churches.
- Local and national arms control legislation reform campaigns, since laws are currently very permissive, with the purpose of reducing civilian arms possession as much as possible. With the support of *Viva Rio*, for example, the Legislative Assembly of the State of Rio de Janeiro passed a new law stiffening controls over arms sales, making their purchase by civilians very difficult. Nationally, several initiatives have been undertaken, urging the National Congress not to buckle under pressure from the powerful domestic arms industry lobby and to vote for a bill banning firearms use by civilians. This, according to public opinion polls, reflects the wishes of a broad national majority (78 per cent of Brazilians are again civilians carrying firearms and 60 per cent of the population is in favour of a total ban on civilian firearms possession.⁴⁷
- Campaigns promoting voluntary weapons collection and destruction programmes.

Destruction of Stores of Confiscated Weapons

- On 24 June 2001, 100,000 firearms were publicly destroyed in Rio de Janeiro. It was the largest mass weapons destruction in world history and was jointly organised by the Rio de Janeiro state government and *Viva Rio*.
- On 12 July 2002, in honour of International Small Arms Destruction Day, another 10,000 confiscated arms were destroyed. These arms were destroyed in a public ceremony with the presence of the Governor of the State of Rio de Janeiro, and UN and OAS representatives. An educational video about arms destruction has been made based on this activity.
- On 6 July 2003, coinciding with the opening of the First Biennial Meeting of States to review implementation of the UNPoA another 4,158 arms were destroyed, 300 of which were symbolically burned in a "Flame of Peace."

Research

- *Viva Rio's* Arms Control Project is carrying out research together with the Institute of Religious Studies (ISER), a research institute on social issues (including the issue of violence) working closely with *Viva Rio*. These studies produce scientific information about the results of firearms use and their proliferation and about ways to reduce the number of deaths. Studies have been done, for example, on the public health impact of firearms use, victimisation, the law, illicit arms trafficking and the whole issue of children and youth involved in urban violence and drug trafficking.
- Modernising the classification and management methods in warehouses for arms confiscated by the Rio de Janeiro police, with the further objective of creating and implementing a national register. With this, it is sought not only to make the storage conditions of confiscated arms more secure, but also to facilitate tracing the routes and methods used in illicit diverting of and trafficking in small

arms. For that purpose, a Classification Manual for Firearms Tracing has been developed by *Viva Rio* and adopted by the Secretariat of Public Security of the State of Rio de Janeiro.⁴⁸

- Organising and modernising a database with information on 750,000 small arms (both registered and confiscated arms). This database belongs to the Division of Arms and Explosives Control (DFAE) of the Civilian Police of the State of Rio de Janeiro. This database can be used to analyse the composition of the illegal arms market as well as for studying the routes used for diverting and trafficking in small arms. These investigations and the lists of arms classified by country are available on the Internet (www.desarme.org). This information, together with a request for collaboration on the tracing of arms, was delivered on 12 July 2002 to government representatives of the 14 countries identified as the principal producers of the arms used in crime in the State of Rio de Janeiro.

Pro-Disarmament Events

- Public activities, including marches, shows, murals, that aim to reduce the demand for arms. An example of this is shows in Rio's favelas where rap musicians try to convince young people to give up crime and not use guns. Another example is the Wall of Pain, which was exhibited in Rio and in front of the National Congress in Brasilia and which is currently touring different U.S. cities with support from the World Council of Churches. This mural was made by firearms victims and their family members who put up photographs of the victims, letters, poems and anti-violence statements.

Filmmaking

- With the objective of instructing NGOs and conveying the experience of IANSA-affiliated NGOs, *Viva Rio* made a short film on 'Small Arms Destruction', designed for teaching NGO, police and armed forces personnel.

MERCOSUR Action Network and Regional Training

- In 2001, an NGO disarmament network was formed, with members from MERCOSUR countries and associated states. The network was reinforced in 2003 with the creation of the IANSA regional coordinator's office in MERCOSUR. In June 2003, for example, under the auspices of IANSA and FLACSO Argentina (Latin American Faculty of Social Sciences, based in Buenos Aires), and with collaboration from *Viva Rio* and International Alert, a seminar organised at FLACSO was held in Buenos Aires on research and advocacy for the harmonisation of firearms laws and control mechanisms, in which several research institutions and NGOs from MERCOSUR participated, along with the special participation of an envoy from Colombia.
- Encouraging research centres in Brazil and around Latin America to do work that will shed light on the damaging effects of the proliferation of SALW.
- Training NGOs in Latin America on how to carry out campaigns and research (coordinated by the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean- UN-LiREC, with cooperation from the Small Arms Survey, International Alert, SweFOR, Save the Children Sweden and the Fundación Árias).
- On 12 July 2002, a website was launched about disarmament and public security with news, information, research, photos and topical links. This bilingual (Spanish/Portuguese) site is updated daily.⁴⁹

Like the case in Mendoza, Argentina, but on a greater scale, *Viva Rio* has had an influence on local and well as national arms control policy through a combination of its own research-based advocacy. This demonstrates the importance of successful concrete actions at the sub-national level as part of national firearms control actions. In addition to swaying the 2001 vote on the arms sales control law in the State of Rio de Janeiro, *Viva Rio* formed part of the Brazilian governmental delegation to the

UN Conference on the Illicit Trade in SALW in All Its Aspects in July 2001. It was also part of a Brazilian governmental mission that travelled to Paraguay in 2000 to negotiate with the former President González Macchi over a three-year moratorium on imports of Brazilian arms and munitions; negotiations which concluded successfully and which significantly contributed to the reduction of the grey arms market in the neighbouring country.

Before *Viva Rio* began its specific small arms control and civilian disarmament actions (although not in relation to anti-violence actions and campaigns), there was the example of the *Sou da Paz* Institute, a Sao Paulo based NGO. *Sou da Paz* started in 1997 as a campaign for civilian disarmament and firearms control. This campaign was organised and launched by the student movement of the Law School at the State University of Sao Paulo. This campaign was one in a series of campaigns to mobilise around issues of public interest that had first started two years earlier. In 1996, for example, the student movement had organised demonstrations supporting agrarian reform. The firearms issue was chosen for 1997 since that year violence and insecurity surpassed unemployment in public opinion polls as the primary cause for concern among Sao Paulo's residents. Studies done by the Latin American Institute for the Prevention of Crime and Offender Rehabilitation (ILANUD) revealed a high rate of mortality due to homicide among young people between the ages of 15 and 24, and that in almost 90 per cent of the cases the deaths involved firearm use. The decision to choose the issue of firearms was, then, a rational decision based on statistical data and not just on emotional reactions to specific events, such as could have happened around the massacre at La Candelaria in Rio de Janeiro.

From the beginning, the *Sou da Paz* campaign had the wholehearted support of the media, the Catholic Church and the private sector in general (particularly advertising agencies). Radio and television stations donated airtime, several famous actors and personalities agreed to sponsor spots with no fee and well-known advertisers contributed logos, slogans and symbols. One symbol, a dove of peace formed by two interlocking human hands, came to be the emblem of actions against armed violence and the logo of *Sou da Paz*. In time, an alliance was formed between the campaign's promoters and recognised research centres like ILANUD and the Centre for Violence Studies of the University of Sao Paulo. The combination of media support and reliable data lent strength to the campaign, which continued throughout 1997 and 1998, and involved activities including the organisation of voluntary arms collection programmes and their public destruction. In 1997, for example, in coordination with the police, *Sou da Paz* collected 1,721 arms that had been voluntarily turned in by their owners.

However, there began to be criticism from intellectual and political circles (primarily on the left) about the inadequacy of mere mobilisation and public awareness campaigns. The main criticism was that the campaigns were focusing on the symptoms, the guns, of violent criminality and not on its causes. Encouraged by media reaction and in response to the criticism, the campaign's founders decided to create a permanent institution that could carry out concrete actions addressing the problem of how to prevent criminality.

In 1999, the *Sou da Paz* campaign became institutionalised through the creation of the *Sou da Paz* Institute, an NGO that started out with just four people and a set of by-laws. The Institute, using its always-skillful interaction with the media began to raise funds and recruit people. *Sou da Paz's* actions became focussed on two fronts: mobilisation and intervention.

The mobilisation work consists of lobbying the legislative and executive branches of government locally and nationally seeking concrete legal and public policy measures to improve control over the use and circulation of firearms. In 1999 for example, *Sou da Paz* mobilised support for a bill totally banning firearm possession and carrying, which although it did not prosper (the law was voted down), did contribute, together with simultaneous actions by *Viva Rio* in Rio de Janeiro, to bringing the issue to the fore in the National Congress and in public opinion across the nation.

A second component of mobilisation is awareness-raising work to sway public opinion. This is done through public activities around the country, including an exposition of the shoes of hundreds of firearm-related homicide victims and the public destruction of arms. One positive response to the public arms destruction activities has been the healthy competition generated with Sao Paulo police agencies. Since *Sou da Paz* began destroying arms, the police force has begun to phase in not only confiscating, but also immediately destroying most confiscated weapons not involved in judicial proceedings. While in 1997 the police confiscated 1,000 arms, in 2002 the number climbed to 40,000, of which the majority were immediately destroyed. The awareness-raising campaigns have also been carried out using e-mail and cyber-forums to spread the message about the advantages of choosing peaceful means to resolve interpersonal conflicts.

Intervention is aimed at two types of concrete actions:

In the first, crime prevention plans are focused on the most conflictive geographical zones of Greater Sao Paulo and targeted to low-income males aged 15 to 24 living in those areas.

These programmes have their inspiration in other experiences such as the violence reduction programmes implemented in Bogotá, Colombia and the Cease Fire programme in Boston, United States, and are also in tune with the programmes implemented by *Viva Rio* in Rio de Janeiro.

These programmes, always carried out in partnership with local community leaders, consist of:

- Education about peaceful conflict resolution;
- Training young community leaders;
- Forming student associations in schools to promote public service activities; and
- Opening public areas and facilities.

The second type of intervention focuses on plans for supporting the courts and public security institutions. Regarding public security institutions, plans have been put in place to make the police a more open, democratic institution, bringing it more in line with the population's needs. A system has been set up in partnership with the private sector for rewarding those police units with the best performance in community service and crime fighting. Regarding actions to improve the courts, programmes have been implemented for psychological and legal aid to victims of violence and alternative sentencing for misdemeanours has been developed and encouraged (such as compulsory community service).

One big success in this area in partnership with the state government is the reduction between 2001 and 2002 of the rates of violent criminality in the community of Jardim ngela (known as the most violent in Greater Sao Paulo). Homicide rates dropped by 19.6 per cent in this community between 2001 and 2002, which represented a 10 per cent drop in the mean criminality rate of the entire Greater Sao Paulo area. *Sou da Paz* is a member of IANSA and currently it has a permanent staff of 70, plus 480 volunteers.

Sou da Paz has been particularly active in recent months, participating in Public Security Committee hearings in the National Senate where increased penalties and non-prison penalties for illegal arms carrying were debated (which have finally been passed). *Sou da Paz* also advises and supports initiatives, together with *Viva Rio*, from senators who have presented bills of law for more restrictive, more substantial national controls over firearms possession. *Sou da Paz* does not carry out its own academic research, but instead uses data produced and analysed by academic and international institutions such as ILANUD and the State University of Sao Paulo.

Finally, the non-governmental organisation *Movimento Pela Paz e a Não Violência* must be mentioned, which works in Vitória, State of Espírito Santo. According to official statistics, Vitória is the city with the highest homicide rate among young men between the ages of 15 and 24.⁵⁰

The primary objective of this organisation is to foment a culture of peace both in individuals and in society. The organisation's work is founded on the premise that firearms increase the potential for violence and for harm being caused during violent crimes. The *Movimento Pela Paz e a Não Violência* has a staff of 30 and their activities are focused on disarmament campaigns, awareness-raising workshops, producing basic-level workbooks on non-violence, and sharing experiences and information with local public security representatives. This NGO also maintains informal ties with *Viva Rio* and with IANSA.

These positive experiences of cooperation between NGOs and local government have set a new standard for the implementation of SALW control measures in Brazil.

4.6 Analysis

According to official figures, in 2000 there were 49,919 homicides recorded in Brazil, of which 34,755 or 75 per cent were committed with firearms.⁵¹ These figures are similar to countries at war; Brazil however, is not at war with any other state nor is it involved in a civil war.

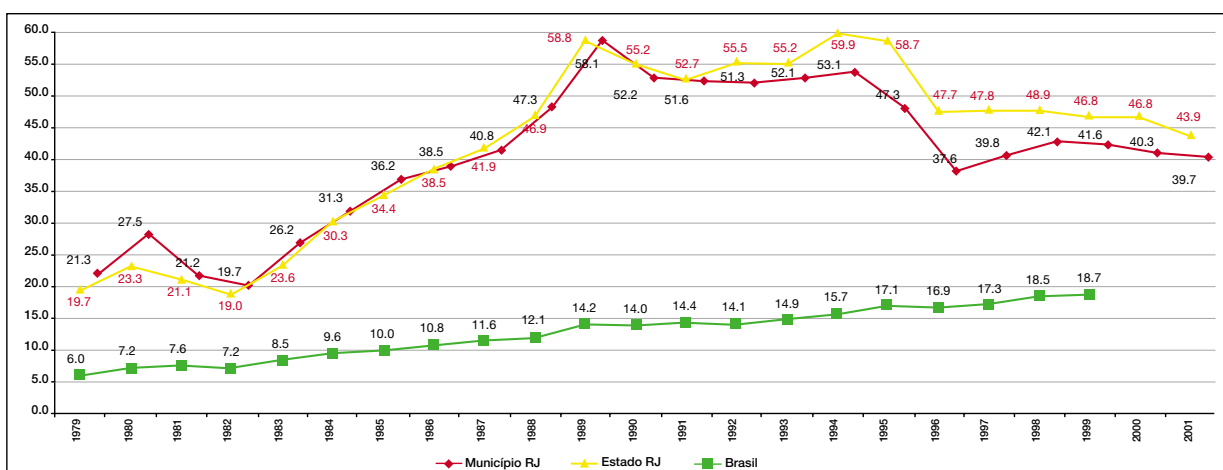
Historical Homicide rates in Brazil and Rio de Janeiro

Tendência das taxas de mortes por PAF, MRJ, ERJ e BR, 1979-2001

Mortes por PAF	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Município RJ	21.3	27.5	21.2	19.7	26.2	31.3	36.2	38.5	40.8	47.3	58.1	52.2	51.6	51.3	52.1	53.1	47.3	37.6	39.8	42.1	41.6	40.3	39.7
Estado RJ	19.7	23.3	21.1	19.0	23.6	30.3	34.4	38.5	41.9	46.9	58.8	52.2	52.7	55.5	55.2	59.9	58.7	47.7	47.7	47.8	47.7	46.8	43.9
Brasil	6.0	7.2	7.6	7.2	8.5	9.6	10.0	10.8	11.6	12.1	14.2	14.0	14.4	14.1	14.9	15.7	17.1	16.9	17.3	18.5	18.7		

Tendência de mortes por PAF, MRJ, ERJ e BR, 1979-2001

Mortes por PAF	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Município RJ	1089	1413	1095	1028	1373	1650	1924	2056	2196	2560	3168	2861	2855	2846	2903	2969	2650	2088	2241	2399	2405	2360	2639
Estado RJ	2185	2628	2411	2198	2767	3587	4120	4666	5131	5810	7373	6997	6753	7184	7218	7921	7752	6346	6488	6610	6614	6742	6434
Brasil	7020	8604	9218	8964	10700	12393	13226	14562	15805	16834	20085	20221	21181	20972	20972	24066	26546	26514	27745	30200	31229		



Rio de Janeiro can be taken as an example demonstrating the upward spiral of urban violence and proliferation of SALW being seen in Brazil. For example, in 2001, 3,006 individuals died in the municipality of Rio de Janeiro due to firearms use, representing 40 per cent of the deaths from external causes occurring in that city during that time period.⁵² Most of these deaths are concentrated (as in all of Brazil's large cities) among low-income, poorly young males between the ages of 15 to 29 that have dropped out of school before high school. In Rio's favelas, where residents fitting this profile are recruited by drug trafficking organisations, mortality rates among young males are greater than in war zones such as the Gaza Strip, Liberia and Sierra Leone.⁵³

At the same time that Brazil is experiencing such violent conditions, it is also manufacturing large quantities of small arms and ammunition. This arms industry, however, is virtually unregulated (*de facto* although not *de jure*) and lacks effective control from the authorities responsible for public security in each one of the states as well as nationally. In fact, most of the arms confiscated by the police are made in Brazil and migrated to illegal markets precisely because of this lack of effective controls over their sale.

Brazil is the second largest producer of SALW in the Western Hemisphere, and its industry (private and state-owned) covers 8 per cent of the international market for these products.⁵⁴ The private sector has large manufacturers, such as the Brazilian Ammunition Company (CBC), which makes different calibre ammunition, shotguns and hunting rifles; Forjas Taurus, a big maker of pistols and revolvers, which has moved into producing submachine guns and has a branch in the United States (Taurus, Inc.); and Amadeo Rossi, a leading producer of revolvers that was partially purchased by Forjas Taurus in the late 1990s.

The state enterprise, War Materials Industries (IMBEL), on the other hand, produces SALW primarily for the Brazilian armed forces and police forces and has also supplied armaments to several Latin American countries through bilateral transactions.

It is estimated that there are 7 million arms registered by legal users in Brazil (including arms in police inventories). However, it is also speculated that the total number of arms in circulation (that is, including unregistered, and therefore illegal, arms) is closer to 18.5 million.⁵⁵ In the State of Rio de Janeiro, between 1950 and 2001, more than 551,000 small arms were registered by legal users and the police confiscated around 204,000 weapons during the same time period.⁵⁶ Of all the arms confiscated during the decade between 1991 and 2001, 64 per cent were revolvers and 16 per cent pistols. Furthermore, of all the arms confiscated between 1950 and 2001, 32 per cent were made by Taurus and 22 per cent by the Rossi company. This means that 55 per cent of all illegal arms involved in crimes in the State of Rio de Janeiro were produced domestically. Among the arms confiscated during the 1990s, 8.4 per cent were of prohibited calibres (that cannot be sold in armouries to civilians) compared with 2.8 per cent in the 1980s. Likewise, 44 per cent of prohibited arms confiscated by the police in Rio de Janeiro between 1990 and 2002 are of domestic manufacture. The decade of the 90s is precisely when drug trafficking organisations operating in Rio de Janeiro's favelas became consolidated. These figures demonstrate the significant migration of arms produced legally in Brazil to illegal markets inside the same country.

Recent studies based on field observation and on the comparison of statistics of small arms imports and exports from Brazil to Paraguay demonstrate a significant pattern of triangulation of Brazilian arms from armouries in Paraguayan territory. There, until 2002, arms sales to foreign tourists were legal and permitted by means of simply presenting a photocopy of the buyer's personal identity document and where, also until 2002, 9mm weapons were regarded as being permitted for civilian use.⁵⁷

Preliminary studies however, also reveal that there is a significant pattern of arms migrating from private owners to the criminal market. For example, around 42 per cent of Taurus pistols and

revolvers in the custody of the DFAE warehouse of the Rio de Janeiro Civilian Police originated in the legal civilian market.

From the statistics on arms confiscated in Rio de Janeiro, it can also be inferred that there is a significant pattern with SALW of Brazilian manufacture and for the exclusive use of the armed forces and police being diverted to the criminal market. We refer here specifically to submachine guns, assault rifles and hand grenades. For example, between 1999 and 2003 police in Rio de Janeiro confiscated 166 assault rifles and 80 submachine guns made in Brazil. Between January and November 2002, they also confiscated 291 Brazilian-made hand grenades.⁵⁸

As long as there are no findings from an official investigation, the following patterns for diverting these types of weapons may be assumed:

- Theft from military or police units;
- Sale of this type of weapon from military or police inventories by corrupt armed forces or police personnel;
- Sale of surplus materials by corrupt armed forces or police personnel;
- Trafficking in these arms through authorised collectors who, according to the law, are authorised to purchase though not use, a limited quantity of automatic weapons (but not grenades); and
- Exports of these arms to the armed forces and police of third countries (especially adjoining countries) and the return of this material to Brazil after being diverted in the purchasing countries.

In spite of the fundamental role that small arms play in violent criminality, in practice there is a lack of cooperation and information concerning the arms and ammunition supply (manufacture, sales, imports and exports) and demand (buying, carrying, use and registration).

On the one hand, the Army (which does not have police powers nor public security authority or duties) controls law enforcement concerning production; sales by manufacturers to dealers and exporters; imports; exports and direct factory sales to armed forces, police forces, police officers and soldiers when private users, and arms collectors. At the same time, the Army centralises all the information about these transactions and its practice is to hold onto the information, not sharing it with other governmental bodies.

On the other hand, the Federal Police (part of the Ministry of Justice), through SINARM, centralises the information on arms registered by private citizens. But in order to do this, it depends on information being passed on by each state's police. The result is that information on trade routes taken by arms after leaving the factory and on arms produced (or imported) is not compared with the data on arms registration and confiscation. Given this situation, it is practically impossible to track patterns in the routes used for diverting arms and illicit trafficking as well as to detect the irregularities in arms sales that enable 'grey markets' to be established. Therefore, the police forces and in particular, the Federal Police, are virtually disabled in trying to fight the illicit trade in small arms and for determining the volume, type and serial numbers of arms (and ammunition) that are exported to countries representing a potential risk for triangulation like Paraguay or Suriname for example.

The Federal Police recently (2003) created a special division devoted to the suppression of illicit trafficking in arms. In addition, the National Secretariat of Public Security (SENASP) of the Ministry of Justice is working to develop a system within of the Secretariat for sharing cross-referenced information about arms produced, sold and confiscated. The objective is to compare information that will contribute to police intelligence gathering on patterns of diverting and trafficking in small arms and munitions.⁵⁹

It is also necessary to improve the exchange of information and mechanisms for police cooperation between Brazil and adjoining countries both inside and outside the MERCOSUR area. Of course it is

not possible to control entirely 16,000 km of border area, however, exchanging information during joint operations and coordinating hot pursuit operations along the borders will contribute to discouraging illicit trafficking in arms at the point of entry. Trafficking will be further restrained when Brazil begins to implement and control legal measures requiring the names and addresses of importers of Brazilian arms in adjoining countries. These measures should also be adopted by the rest of the MERCOSUR countries in fulfilment of CIFTA, as a way of reducing the chances of triangulation of legally exported arms.

Finally, a significant legal void still exists in Brazilian law concerning the requirements that a person must meet in order to purchase an arm. Brazil is a federal nation and the State of Rio de Janeiro for example has passed laws providing very strict requirements for arms purchases. This is because the law regulating arms purchases in Rio de Janeiro is focused on the person and not on the arm itself. To address this, while this report was in press the Brazilian Congress was debating support for bills that to a greater or lesser extent increase arms purchasing requirements for individuals (including medical and psychological exams and official proof of knowledge of arms handling and of safety measures for storing weapons).

On 23 July 2003, the Federal Senate passed an arms control bill with much more rigorous rules. The most important point in the body of the bill is a total ban on civilian arms carrying. Firearms purchases would become even more difficult. Those interested must be over 25 years of age and prove psychological fitness and competence in arms handling in order to possess a firearm, while at the same time high fees on purchases will make possession considerably more costly.

In addition, commercial firearms transactions will begin to be rigorously controlled and will be authorised by the Ministry of Justice (no longer just by the Army) through the Federal Police. This represents a great step forward, given that control over the supply and demand for arms would then be the responsibility of a state agency with the capacity to investigate illicit trafficking in arms and with law enforcement power.

The bill also provides for holding a referendum in October 2005 in which voters will decide if the firearms trade should continue to be legally permitted in Brazil. This will determine whether or not firearms sales to civilians will continue to be permitted legally within Brazilian territory. The referendum will be held at the same time as the legislative elections in order to keep organising costs down.

Regarding the penal aspects of the legislation, it is also worth mentioning that according to the bill, the crime of illegal firearms carrying will be punishable with a maximum six-year sentence. Furthermore, anyone who illegally imports or exports a firearm could be punished by incarceration of up to eight years. Bail will not be permitted for any of these crimes. In the case of firearms of restricted use by civilians, penalties could go as high as 12 years in prison. This bill must still be voted on in the Chamber of Deputies.

5. Chile

As is the case in Bolivia and several other MERCOSUR countries, the firearms issue in Chile is subsumed within the whole problem of citizen security associated with growing violent criminality, particularly violent robberies. Firearms are not a subject of academic study or a priority in the activities of civil society. Regarding the governmental public security agenda, the greatest concern is related to the increase in firearms use in crimes related to illegal drugs, given that the use of knives and blade weapons still predominates in the cases of homicides in general and violent robberies.

Although Chile has a small-arms industry, production is mainly aimed at the armed forces and police, which is why most of the small arms in civilian hands are imported. According to sources consulted, there is a growing small-arms black market primarily consisting of leftover military-type weapons belonging to insurgent groups that have been inactive since the 1990s, arms stolen from private users and homemade weapons known as *armas hechizas*.

5.1 Participation in International Small Arms Control Mechanisms

Due to disagreements in the Senate over the legal interpretation of CIFTA, its ratification continues to be delayed. Additionally, Chile invested in equipment and personnel for implementing SISME, but delays in the system's implementation by other countries of the region led to the equipment being used for other tasks unrelated to intelligence sharing about unlawful acts involving small arms. With regard to the UNPoA, Chile has named two national points of contact in the Ministry of Foreign Affairs: the Directorate of Legal Affairs and the Directorate of Special Policy.

Even though it has not had strong participation in the different multilateral agreements addressing small arms, the Chilean Government has attempted to play a productive role in two distinct areas. The first has been through sponsorship of the Latin American and Caribbean Regional Seminar: Evaluation and Follow-up of the United Nations



Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects” held in Santiago, Chile in November 2001 with support from the Government of the United Kingdom and UN-LiREC. The second area has been as the only Latin American country in the Human Security Network, a multilateral group of thirteen countries that analyses the small arms problem from a human security perspective including efforts surrounding the issues of child soldiers and land mines.⁶⁰

Also similar to Bolivia, the other neighbouring MERCOSUR associate member, Chile, requested support from the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, based in Vienna, for assistance regarding the penalisation of offences associated with illicit trafficking in firearms.⁶¹

5.2 Small Arms Control

Small arms control is the responsibility of the Ministry of National Defence through the General Directorate for National Mobilisation (DGMN). In turn, the following institutions and agencies act as executing or advisory authorities of the DGMN:

- The Garrison Commands of the Armed Forces;
- The Chilean '*Autoridades de Carabineros*' (national militarised police);
- The Chilean Ballistic Test Bank; and
- The Special Services of the Armed Forces.⁶²

5.3 Small Arms Import/Export Legislation

Chilean small arms production is not aimed at the civilian market, but at the armed forces, the police and the security forces; therefore, most firearms in civilian hands are imported.

The state enterprise, Armoury of the Armed Forces (FAMAE), has exported submachine guns over the last three years for police forces in Latin American countries - including Paraguay and Argentina in MERCOSUR – and produces one submachine gun model in partnership with Forjas Taurus of Brazil.

In Chile, small arms importers and exporters as well as manufacturers and merchants must be authorised by the DGMN. Export authorisation is valid for six months and the importer/exporter must keep a register of all commercial transactions. The DGMN also keeps a register of small arms exporters, manufacturers and merchants. Importers are entered in the register as habitual small arms merchants and must inform the DGMN of all their commercial operations. This must be done using a form called the 'Monthly Report of Commercial Activity.'

5.4 Domestic Small Arms Control Legislation

Every firearm must be registered with the controlling authority (the DGMN). When the owner is an individual, the registration will be done with the authority responsible for the area where the owner is domiciled. In the case of legal entities, the responsible authority will be the one in the region where the arms are stored. It is important to note that when mentioning the controlling authorities responsible for many of the administrative activities that are vitally important to this study, this does not mean the DGMN, but instead the Garrison Commands of the Armed Forces with authority over a particular region, which act as local offices of the DGMN.

There are two prerequisites for registering a firearm:

- a) that the arm be appraised by the Chilean Ballistic Test Bank, which will certify its nature, quality, security conditions and identification; and
- b) that the owner have a clean criminal record and that he justify the need for a weapon the domicile or workplace.

Once granted, the registration has no expiration date and whenever the owner changes domicile the controlling authority must be identified within ten days. A carrying permit shall be granted by the controlling authorities after, and only upon, application from the interested person. Beforehand, the controlling authority shall do a study of the security circumstances of the applicant. These permits expire on 30 March every year.

The penalties provided for under law include incarceration. Article 10 of the law stipulates that persons who manufacture, import, export, distribute or enter into agreements regarding SALW and their ammunition without prior authorisation of the competent authorities will be sentenced to prison. Likewise, those who carry arms without proper authorisation may also receive prison sentences.

5.5 Civil Society

In and of itself the question of small arms is not a priority in Chilean society. What does cause concern (as in the rest of the region) is increasing criminality, expressed primarily in robberies and violent robberies. Within this context, arms are beginning to be seen as a problem, especially as they are perceived to enhance the sense of public insecurity.

No programmes or activities exist in academia or in governmental organisations specific to the proliferation of SALW or about the specific question of criminality and firearms-related violence. However, there is one academic research project (associated with IANSA) and a non-governmental organisation interested in carrying out activities in this area that should be mentioned here.

The Centre for Local Research and Planning (GEOPLAN) operates within the Private University of the Seventh Region of Maule in Chile. According to GEOPLAN's director, the small arms issue is beginning to be examined due to the high rates of suicide among firearms owners who take their own lives. There has also been an increase in armed assault, and in the confiscation of arms used in assaults. From the studies done, it is evident that most of the arms used in these types of crimes have been previously registered, meaning they have migrated from a legal to an illegal status.⁶³

GEOPLAN took part in a regional seminar organised in 2002 by the Brazilian NGO Viva Rio at which information was presented about how to research and carry out awareness-raising campaigns on the problems of small-arms related criminality and violence. This experience led to the issue of small arms, violence and criminality being introduced into several courses given at the Private University of Maule.

Another relevant NGO is the *Fundación Paz Ciudadana* (Citizen's Peace Foundation). This organisation was founded in 1992 and has the active participation of prominent Chileans who represent the business sector, the media, government and academia. *Paz Ciudadana* is funded by contributions from private companies and national and international institutions. The mission of *Paz Ciudadana* is to help reduce crime and the fear of crime through expert input on policy-making and by the publication of research papers. Currently the foundation works in eight areas: statistics and analysis, modernisation of the police force, modernisation of the courts, prevention with children, prevention with youth, decentralisation and citizen participation, drugs and safe city design. The organisation has a 20-person workforce.

Even though the small arms issue is a concern warranting study by *Paz Ciudadana*, it is still not a priority for action. The reason given for this is that according to a recent study done by the Foundation, 24 per cent of homicides are committed with firearms compared to 58 per cent that are committed with knives and blade weapons. In addition, according to the surveys done by *Paz Ciudadana*, the statistical information available does not establish either an increase or a decrease in firearms use in violent events.⁶⁴

5.6 Analysis

Compared to its neighbours, Chile does not seem to have significant problems related to small arms use in general terms. The arms market for civilian use is very limited and depends on imports. Chile does not share borders with countries that report heavy arms trafficking like Paraguay or Brazil for example, and its borders are hard to reach and generally well-patrolled. Furthermore, the security forces, especially the *Carabineros*, have low levels of corruption, which helps to restrain cross-border trafficking.

As of March 2000, there were 649,524 legally registered small arms in Chile, most of which were revolvers, pistols and shotguns.⁶⁵ The number of legal users in March 2000 included 395,267 individuals and 3,554 legal entities.⁶⁶ Of the almost 650,000 registered arms, between 200,000 and 210,000 were registered with the DGMN during the transition to democracy in the 1990s.⁶⁷ However, no sound studies have been done on the dimensions of the illegal arms market. According to Ministry of Interior officials, it is estimated that there are 1,300,000 illegal (unregistered) small arms. This figure gives a proportion of one armed person for every 11 to 12 people. However, the same officials believe that this estimate is highly inflated; according to them, the number of illegal arms is probably no greater than 750,000, which would represent a proportion of one armed person for every 21 or 22 inhabitants.⁶⁸

In recent years, Chile has registered a striking increase in violent robbery and bodily harm. However, knives and blade weapons are the predominant arms used in this type of crime (in 71-72 per cent of cases).⁶⁹ However, where it is possible to see a growing increase in the use of all types of small arms is in crime related to illegal drugs (trafficking and sales). In the last decade, Chile has increasingly been used as a cocaine trafficking route from the Andean countries (primarily Peru and Bolivia) and there has also been a recorded increase in the use of and trafficking in coca paste in large cities. Coca paste distribution occurs mainly in the poor neighbourhoods of the southern metropolitan area (Santiago and Greater Santiago) and in other cities around the country. It is precisely in police operations to suppress this type of crime in these areas where more and more firearms are being confiscated.⁷⁰ These arms come from four main sources:

- they are stolen from private citizens who have legally registered them;
- to a lesser degree they are smuggled in from adjoining countries;
- they come from terrorist cells that were active until the mid-1990s; and
- they are homemade weapons or '*armas hechizas*.'

A new phenomenon that caused an uproar in the media late last year was the diverting of confiscated weapons to drug trafficking bands. These arms (mainly AK-47 rifles) had been captured in the 1980s during an operation against the Manuel Rodríguez Patriotic Front. The arms were diverted from official warehouses by retired members of the military who were later tried and removed from their positions.⁷¹ It remains to be seen whether this was an isolated occurrence or if these cases of corruption and diverting of stores of confiscated arms will come up again in Chile.

Finally, it is extremely important that the Chilean Congress ratify CIFTA so that the country can participate with equal legal standing in the MERCOSUR forums (meetings of the Groups of Ministers of Interior and Justice and the Working Group on Firearms), for the design of regional strategies to adopt and further specific points in the Convention.

6. Paraguay

Paraguay is the sub-region's country with the most complex dynamic regarding SALW, particularly concerning their sale, import, export, illegal trafficking and usage. This is because in addition to a growing trend of violent criminality and public insecurity as in the rest of the sub-region, Paraguay is also an important corridor for illegal trafficking in SALW and their ammunition. The main market for this illegal traffic is criminal organisations in Brazil, especially Rio de Janeiro.

Paraguay is a country with a long tradition as a 'revolving door' for trade in products that are heavily controlled in adjoining countries (most particularly Argentina and Brazil) or for foreign products that are subject to high domestic tax rates. This type of trade has increased since the formation of MERCOSUR due to tariff reductions on trade among member countries. In a certain sense, Paraguay has turned into a stage for the triangulation and re-export of products manufactured in Brazil. Small arms, cigarettes and automobiles are exported to Paraguay and then resold in border cities to Brazilian buyers who buy them at a lower price and take them back to Brazil.

The triangulation and re-export of products is concentrated in the so-called 'Golden Triangle' whose points are Ciudad del Este to the south, Pedro Juan Caballero to the east and Saltos del Guairá to the north. This zone was infamous fifteen years ago for the triangulation of Brazilian soybeans and coffee. At that time, the earnings in dollars coming from the export of these two products had to be turned over to the Brazilian government, which would then exchange them at the official rate of exchange. Given that in Paraguay there was a free rate of exchange, Brazilian producers would export their coffee and soybean crops to the neighbouring country and then re-export those commodities to the United States and Europe. In this way, Paraguay benefited from a free rate of exchange. For a long time, Paraguay, which does not grow coffee, appeared nevertheless as one of the world's major coffee exporters.

Due to the corruption prevailing in the Paraguayan customs service, the Ciudad del Este airport is also used for smuggling products made outside the region (perfume, small appliances, cameras, etc.), which are then purchased by Brazilian or Argentine citizens who need do no more than cross the Friendship Bridge in order to make their purchases and then return to their home countries. It is understood that most



shopping centre and store owners working in Ciudad del Este and Pedro Juan Caballero are Brazilian, as well as the employees of these businesses. In these cities the Brazilian real, the Argentine peso and the U.S. dollar are all accepted as legal tender. In the specific case of Ciudad del Este, a large part of the trade is also controlled by Taiwanese, Chinese, Korean and Lebanese immigrants. Paraguay has a very small population (5 million inhabitants) with a very low per capita income. The huge volume of legal exports of Brazilian products is a function of purchases made by Brazilian citizens who cross the poorly controlled land (Pedro Juan Caballero and Saltos del Guairá) and river (Ciudad del Este) borders every day to make their purchases. In the case of arms trafficking, methods for illegal trade and trafficking are used that were already in use for products such as soybeans, coffee, perfume or cigarettes.

Paraguay acts as a 'revolving door' for illegal trafficking in firearms to other countries in three ways:

- Illegal sales of Armed Forces and police stocks and inventory;
- Illicit trafficking crossing Paraguayan territory; and
- Illegal triangulation of legally imported arms.

Regarding triangulation to criminal markets (primarily Brazil) of legally imported arms (primarily from Brazil), it is expected that this type of 'grey trade' will diminish. This is due to the following factors:

- The implementation in the past three years of administrative measures taken by the Paraguayan government (to a large degree as the result of negotiations with Brazil) that restrict imports of small arms and ammunition;
- The suspension of arms and ammunition exports from the United States (since 1996) and from Brazil (since 1999-2000) to Paraguay; and
- The approval, last year, of a new arms law that does not allow foreign tourists to purchase arms and that repeals the previous law, which was highly permissive in this regard.

Over the last three years, Paraguayan authorities have shown a greater predisposition for fulfilling international commitments and for regulating and controlling legal operations involving arms and munitions. However, largely due to administrative corruption and lack of control over certain geographical areas of the country, illicit trafficking in arms, meaning the entirely illegal circuits, continues to be an issue that affects all the MERCOSUR countries. Furthermore, until the executive branch issues the regulations for Paraguay's new arms control law, certain ambiguities contained in the law could be exploited by organised crime. Given growing violent criminality and the privatisation of security, a number of civil society organisations in Paraguay are starting to get interested in small arms control and violence reduction activities related to the use of small arms.

6.1 Participation in International Small Arms Control Mechanisms

Paraguay ratified CIFTA in April 2001 and responded to its official questionnaire. It has also signed the CICAD Model Regulations and the UNPoA. It has not yet signed the Firearms Protocol but it has reported to the UN on its implementation of the Programme of Action in 2002 and 2003 and named the Armed Forces Directorate for War Materials (DIMABEL) as the national point of contact for the UN.

In 1996, the Paraguayan Congress approved by law the 'Agreement to Contribute to the Control of the Illicit Trade in Arms between the Republic of Paraguay and the Federative Republic of Brazil.' Through this agreement, the Government of Paraguay promised to furnish through diplomatic channels a monthly list of all the Brazilians, foreigners residing in Brazil or Brazilian legal entities that had acquired firearms in Paraguay during the preceding month. It is precisely as a result of this agreement that the Government of Brazil detected that most purchases made in Paraguay by Brazilian citizens were made using false documents and identities.

Until May 2002, when Law 1910, the Firearms, Munitions and Explosives Law, went into effect, Paraguay was the only MERCOSUR country that had legal provisions making possible the purchase of firearms by foreign tourists. This was possible by means of the simple presentation of a photocopy of a personal identity card. This option is no longer provided for in Law 1910/02.

Knowledge about SISME and its relationship to firearms control is minimal among the country's different governmental agencies.⁷² However, the Paraguayan government has been active in the group known as the Working Group on Firearms and Munitions of MERCOSUR, Bolivia and Chile and organised the third meeting of the group in Asunción in June 2003.⁷³

6.2 Small Arms Control

According to Law 1910/02, the agencies responsible for small arms control are DIMABEL (under the Ministry of Defence) and the National Police (under the Ministry of Interior). The National Police is responsible for issuing carrying permits and for the actual control of firearms possession and carrying. DIMABEL is responsible for issuing possession permits, arms registration and for control over the following activities: manufacturing, imports, exports, sales, transit, transfers, storage and the deposit and custody of confiscated firearms. Another DIMABEL function is to organise and run a National Test Bank (for ballistics tests).

The duties of DIMABEL and the National Police respectively, are performed in part by two agencies: the National Arms Register (RENAR- a DIMABEL body) and the National Register for Firearms Carrying (National Police). These two agencies are provided for in Article 10 of Law 1910/02. According to Art. 10, the Possession Register shall be administered by DIMABEL and its function shall be to keep the registers of importers, exporters, manufacturers, merchants and users of firearms all together. The Carrying Register was assigned control over carrying permits. Both sub-agencies, according to the law, will be connected via a computer network so that DIMABEL can have access to the database of the Carrying Register and the National Police can have access to the Possession Register.

6.3 Small Arms Import/Export Legislation

The previous law (Decree No. 23,459/75) and its regulating resolution (No. 397/77) provided for the existence of a register of authorised arms and explosives importers and also provided that these had to render detailed accounts of their activities to DIMABEL annually. Each purchaser with authorisation to import arms would have to report to DIMABEL every time it acquired arms coming from other countries. Written authorisation would then be granted, which would certify the armaments' country of origin, their type and the number of arms that would be introduced into Paraguayan territory.

The current law (1910/02) however, just provides that the executive branch will be the one to grant import permits but it does not specify how that will be done nor precisely which authority is responsible for doing it. It should be noted, however, that a proposed regulating decree exists (not yet approved) that provides for import and export authorisation being granted by DIMABEL. A new provision has also been included to limit all arrivals and departures of arms and ammunition to the Silvio Pettrossi International Airport in the capital, Asunción.

Law 1910/02 establishes the following practices as criminal offences in Articles 80 and 81: importing or exporting without authorisation or through a customs post not authorised to receive arms; manufacturing or selling without prior authorisation from the competent authorities; modifying an arm for civilian use in such a way as to convert it into a military-style weapon. The applicable penalties are the following: in the case of illegal importers and exporters, from one to five years in prison; for illegal manufacturers and merchants, from two to four years; and for those who tamper with arms for civilian use, from three to six years.

6.4 Domestic Small Arms Control Legislation

Articles 4 to 9 of Law 1910/02 classify the different types of firearms. The rules or by-laws for this law, as was already stated, have not yet been adopted, which also therefore affects the classification of arms. It is important to note that the designation firearms for conditional civilian use no longer exists.

So long as the proposed by-laws are not approved by decree, the law stands as written. According to its text, firearms in Paraguay are divided into military weapons and arms for civilian use. Military weapons, according to Article 5, are those for exclusive use by law enforcement personnel, and their design, calibre and other technical specifications "shall be defined in the rules decree of the executive branch, which shall be ratified by the Ministers of Justice and National Defence." Arms for civilian use, in turn, are subdivided into three groups: personal defence weapons, sporting arms and arms for collection. Here there is also a legal void, since according to the law, personal defence weapons are those intended for individual defence, and their design, calibre and other specifications "shall be defined in the rules decree issued by the executive branch, which shall be ratified by the Minister of Interior." Sporting arms have already been more clearly defined in the text of Law 1910/02 in Article 8, which provides that sporting arms are those that meet the necessary specifications for practising the different kinds of shooting accepted by the Paraguayan Shooting Federation, International Shooting Federations and other recognised associations of this nature. Sporting arms are also considered to be those that are permitted by hunting associations, and their design, calibre and other specifications "shall be defined in the rules decree issued by the executive branch, which shall be ratified by the Minister of Interior." Finally, arms for collection are those that by their technical and scientific characteristics or by their historical value are intended exclusively for private or public exhibition.

The proposed rules decree awaiting approval in the Ministry of Interior, if published as is, will classify firearms in the following manner: military weapons will be subdivided as Armed Forces weapons and National Police weapons; arms for civilian use will remain subdivided in the manner provided for in the law (into arms for personal defence, sporting and collection).⁷⁴ According to the proposed decree, weapons of war will then be divided in the following manner:

Armed Forces Weapons:

- a) automatic firearms;
- b) antitank weapons, cannon, mortars, howitzers, and land, sea, or air missiles, etc.;
- c) armoured vehicles with their armaments and accessories;
- d) rocket launchers, grenade launchers and flamethrowers;
- e) explosive charges of any kind, such as bombs, grenades and mines;

- f) warplanes and their armaments; and
- g) vessels and ships of any type for naval war and their armaments.

National Police Arms:

- a) handguns of any calibre, including automatic pistols;
- b) 12-gauge shotguns;
- c) tear-gas grenade launchers; and
- d) anti-riot materials.

Regarding arms for civilian use, they can never be automatic, since the decree expressly prohibits private citizens or private legal entities from carrying automatic weaponry. It is worthwhile pointing out also, that the arms for National Police use listed in a) and b) could also be included in the list of arms for civilian use, as long as they are not automatic. The individual or legal entity would only need the appropriate permit from the competent authority to keep or bear them. Following is the subdivision of the types of arms for civilian use according to the proposed rules decree for Law 1910/02:

Arms for Personal Defence:

Handguns (pistols and revolvers) and long arms (rifles and shotguns) that are non-automatic, have simple or special sights, are not prohibited, and that in the judgement of the competent authority, are intended for individual defence and the protection of real property and its inhabitants.

Sporting Arms:

Handguns (revolvers and pistols) and long arms (rifles, carbines and shotguns) of any calibre, mechanism and sighting elements – non-automatic – that are employed for practicing the different types of shooting established primarily by the International Shooting Sport Federation, The International Handgun Metallic Silhouette Association, the U.S. National Rifle Association (which regulates metallic silhouette shooting with long arms), the International Practical Shooting Federation, the International Olympic Committee, the Paraguayan Shooting Federation or other shooting associations created or to be created, as well as those for large game or small game hunting. This category includes arms manufactured specifically for sporting purposes, those that are modified or adapted to the needs of one or more types of sports shooting, as well as non-automatic arms originally manufactured for military use, but which for reasons of obsolescence, were sold or are sold without restrictions to the general public and are used for practicing sports shooting.

Arms for Collection:

Antique or modern arms that because of their distinctive features or for reasons of fondness are the object of collection. Included among these are arms for civilian use and automatic weapons. The latter under no circumstances and for no reason shall be used by civilians.

Possession and/or carrying of the following weapons, in addition to weapons of war, is expressly prohibited:

- a) Arms of any calibre that have had their features of manufacturing and origin altered;
- b) Handmade weapons without prior authorisation of the competent authority; and
- c) Arms lacking a permit issued by the competent authority.

Possession and carrying of silencers, as well as infrared or laser sights or illuminating scopes are also prohibited.

Domestic trade in firearms, curiously, is barely mentioned in the new law. In the event the proposed decree, awaiting approval in the Ministry of Interior, is published in its entirety, the rules will truly change, but for now a legal void remains. In addition, in the event of the decree's approval, applicants will have to show a possession permit in order to be able to purchase and obtain a firearm.

If the interested party were to purchase the arm for another person, he must request arms purchase authorisation in accordance with Articles 10 and 11 (of the proposed decree) and give the weapon's owner's possession permit to DIMABEL. We note that the mentioned articles, 10 and 11, are those that stipulate the procedures for requesting and granting possession permits. In other words, in the event that the proposed rules decree is approved, a person interested in purchasing a firearm must first obtain a possession permit and then give a copy of it to the seller, who, according to Article 11 "will take it for sales authorisation."

The decree will also provide that military-style weapons may not be sold, except when the National Government determines that purchases are necessary to equip the Armed Forces or the National Police. The other types of arms may be sold by importers, exporters, merchants, assemblers and manufacturers, duly registered in the National Arms Register "by the persons authorised by DIMABEL."

Additionally, according to the proposed decree, if a firearm owner wishes to assign use of the arm to someone else, he must first request permission from DIMABEL. The assignee who will use the arm must provide DIMABEL with certificates of clean judicial, criminal and police records and of mental/physical fitness for handling firearms. If DIMABEL considers that the assignee meets the prerequisites for use of the arm, it will then grant a voucher in the applicant's name, which will be valid for a maximum of 180 days. This document will not constitute a possession permit.

The proposed decree also regulates the situation of secured loans. If a lending institution wishes to accept firearms as collateral, it must be duly enrolled in the DIMABEL merchants register. In loan or transfer operations (of the pecuniary value), the weapons, along with the respective possession permit and authorisation for sale of the arm must be handed over to the lending institution in the event the loan is not repaid during the term set by the parties. It will fall to the institution to fulfil the responsibility of keeping the weapon and documents together.

Finally, it is important to point out that in the event of its approval by the Ministry of Interior, the decree will permit the sale of firearms at public judicial or non-judicial auction, always with the express authorisation of DIMABEL. Possession and carrying of arms are currently regulated by chapters III, IV and V of Law 1910/02. Possession (Art. 14) is understood as having the loaded weapon inside the property registered in the authorisation granted by DIMABEL (through RENAR). What is odd is that in the new Paraguayan law, possession is also valid for guests of the family that lives at that address, meaning that it is personal and transferable.

Carrying of weapons, according to the new law (Art. 15), is the transport of the loaded weapon outside of the domicile registered on the permit. According to the proposed rules decree, possession and carrying permits are valid for three years everywhere in the country and are granted upon proof of meeting the following requirements:

Possession permit for individuals:

- a) Fill out the respective form at the competent authority (RENAR);
- b) Provide a copy of the national identity card;
- c) Provide a certificate showing clean judicial and police records; and
- d) Provide a medical certificate of psychophysical fitness for handling arms (this certificate must be verified by representatives of the Ministry of Health and Social Welfare).

Possession permit for legal entities:

- a) Provide the respective form to RENAR;
- b) Provide the incorporation papers of the company; and
- c) Provide a copy of the national identity card of the company's legal representative.

Carrying permit:

- a) Fulfilment of all requirements for a possession permit; and
- b) Justify the need to carry a firearm.

Even though it has been mentioned that possession permits are only valid for individuals, a legal entity may also request one. This is provided for in Article 28, which stipulates that the company shall specify which officials will use the arm. In other words, the permit will continue to be personal and non-transferable, but it will have been requested for the defence of a legal entity's property.

Possession and carrying permits shall become void under the following circumstances: death of the bearer, transferring use of the arm without prior authorisation from the Registers of Possession and Carrying, destruction or deterioration of the arm, confiscation of the arm, sentencing of the bearer to incarceration, and obviously when the permit's three year period expires.

It is important to note that the law organising the National Police (from 1992) stipulates that the police will exercise control over arms in the power of civilians in accordance with current law. This implies the authority to issue and control firearms possession and carrying permits.⁷⁵ This has led, as shall be seen further on, to a conflict of regulatory and institutional jurisdiction between the Army and the Police. In any case, as was explained earlier, the new law clearly establishes that DIMABEL is the institution that registers arms and grants possession permits and the National Police is the one that grants carrying permits and keeps a register of carrying permits.

6.5 Civil Society

Paraguayan civil society is not currently engaged in specific activities targeted to promoting greater control over small arms or focused on research and concrete actions around the small arms issue. There are no academic studies, nor NGOs working specifically on the issue. Neither has it been taken up as an issue by the churches.

It is striking that all the advocacy and lobbying activity carried out during the debate and voting process for Law 1910/02 was engaged in by stakeholders from institutions of the state itself, particularly from the Police and Armed Forces, and that what they were really defending through their Congressional representatives was winning greater or lesser control authority for one institution or another.

In Paraguay, however, there exist the seeds of a civil society which is increasingly concerned with and active around insecurity and the State's crisis in providing public security. In this context, small arms are still relegated to the sidelines on the agenda of these organisations. An example of these organisations is the Paraguayan Criminological Association (SPC). Like the AAPP in Argentina, the SPC is a 'governmental NGO' in the sense that most of its members are tied in one way or another to institutional activities of government. Some SPC members work at the Attorney General's office.⁷⁶ This civil association is a member of IANSA and was created in May 2002 after some of its members attended an NGO training conference organised by Viva Rio in Rio de Janeiro. The first contact between Viva Rio and SPC's future director took place in August 2000 when members of the Brazilian organisation travelled to Asunción together with a governmental delegation, which discussed bilateral firearms control measures with the President of Paraguay. SPC's by-laws have not yet been written; however, the main issues they are working on are criminological and public security research. The firearms issue was added to the agenda after finding, through victimisation studies, that a growing number of crimes were being committed with firearms, especially homicides. SPC's objective is to influence public policymaking and also to do research in order to propose public security policies. At present, SPC does not receive specific funding to engage in work related to small arms control.

Another NGO that is beginning to get involved in small arms control research and advocacy in Paraguay is the organisation *Raíces para el Fortalecimiento y el Desarrollo*. Raíces primary mission is monitoring human rights conditions in jails. Together with the Paraguayan section of the Peace and Justice Service, they have mounted a strong campaign in favour of passage of the Conscientious Objector Act, considered to be an instrument for the defence of human rights in a country where conscription of minors by the Army and abuse of conscripts in military service are commonplace.⁷⁷ However, it was during activities monitoring living conditions in the prisons, through personal interviews with prisoners, that the concern arose about carrying out research and advocacy activities on the firearms issue, when it was seen that a lot of the recidivism involved using this type of weapon.⁷⁸ However, no action has yet been taken in this area.

The other organisation that should be mentioned is Kuña Aty. Kuña Aty is a direct aid and assistance organisation for women affected by domestic violence.⁷⁹ The organisation's director, a journalist, has been gathering news articles since 1999 about women who were wounded or killed with firearms by their partners. A qualitative study using this material has still not begun because of lack of resources.

6.6 Analysis

In the last three years, Paraguayan authorities have been showing a greater willingness to fulfil international commitments and to regulate and control legal transactions and transfers involving arms and ammunition. This has come about in part due to international pressure, mainly from the United States and Brazil. This international pressure has mostly made itself felt since 1996 when the U.S. Government decided (partly in response to a request for aid from the Brazilian Government) to suspend arms and munitions export licenses to Paraguay after Brazilian authorities detected that large numbers of U.S. arms that had been previously sold legally to Paraguay were being diverted to organised crime in Brazil. That was precisely the year when the first proposals to change arms laws began to be surface from within the ranks of DIMABEL. That was the year in which Brazil and Paraguay also signed a bilateral agreement on the exchange of information about the identity of Brazilians making small arms purchases inside Paraguayan territory.

The suspension of U.S. firearms exports to Paraguay, however, led to an increase in the import of Brazilian-made pistols and revolvers (Taurus and Rossi), but Brazil maintained diplomatic pressure on Paraguay to reduce arms and munitions imports. An example of this is the previously mentioned visit to Paraguay by a Brazilian presidential commission in August 2000 with the President of Paraguay's ensuing decision to place a moratorium on Brazilian arms and munitions imports.

The importance of national initiatives to restrict the grey market in Paraguay, meaning the diverting of legally imported arms to illegal markets in third countries, should also be kept in mind. These initiatives mainly came out of DIMABEL, primarily from civilian advisors and from the Ministry of Foreign Affairs. Their motivation was, and continues to be, cleaning up Paraguay's image as the regional centre for arms trafficking.⁸⁰ This posture also addressed the need to respond to the commitments acquired with the signing and ratification of CIFTA and the adoption of the UNPoA.

Whether due to international pressure or domestic initiatives, the fact is that from 1996 on firearms imports have been steadily dropping as a result of DIMABEL progressively denying import licences, especially since 2000. The approach used by DIMABEL has been that the number of arms imported did not correspond either to the needs or to the buying power of Paraguay's domestic market.⁸¹

Table 6.1 – Firearms Imports in Paraguay

YEARS	REVOLVERS	PISTOLS	RIFLES	SHOTGUNS	TOTAL
1995	25,911	23,349	6,228	10,230	65,718
1996	25,518	18,513	7,232	6,990	58,253
1997	12,855	14,238	4,794	2,865	34,752
1998	3,373	3,436	1,151	5,642	13,602
1999	3,445	3,267	2,766	2,491	11,969
2000	90	540	-	-	630
2001		117	-	-	117
2002	900	-	-	-	900
TOTAL	72,092	63,460	22,171	28,218	185,941

Source: DIMABEL, "Aspectos Positivos de la Lucha de la República del Paraguay Contra el Tráfico de Armas de Fuego, Municiones y Explosivos," article provided by Dr. Hugo Corrales Campagnucci, DIMABEL legal advisor.

However, mostly due to administrative corruption and the lack of control over certain geographic areas of the country, illicit trafficking in arms, meaning the entirely illegal circuits of illegal trade, continues to be an issue affecting all the MERCOSUR countries.⁸² In addition, as long as its regulations are not promulgated by the administration, Paraguay's new arms control law will continue to have certain ambiguities that could be exploited by organised crime.

Furthermore, although it is true that legal imports of small arms have dropped, the import of ammunition of all calibres for these arms has not followed the same trend. Indeed, in armouries along the border one can see display cases fully stocked with new ammunition made in Mexico and the Czech Republic.⁸³

In spite of the progress made with the change in the Paraguayan arms control law, problems of a technical, operational and institutional nature still persist that need to be resolved in order to effectively control the law's enforcement. For example, as was stated earlier, before the passage of Law 1910/02, which clearly delimits the division of authority between DIMABEL and the National Police, there had been a conflict between these two institutions over the authority to register arms and grant possession permits. Many times the Police did not recognise possession permits given by DIMABEL as valid and this institutional pattern, part of the Army-Police rivalry, continues today.⁸⁴ In fact, DIMABEL asserts that it has registered 300,906 small arms in Paraguay.⁸⁵ The Police, for their part, would have registered 20,000 arms before Law 1910/02 was passed.⁸⁶ This is why it is so fundamentally important that the decree regulating the law be approved so that no room is left for doubt about the responsibilities of each institution. Otherwise, the new law will lose credibility and as a result, its effectiveness.

Another problem, which also exists in Argentina, is the lack of trust and cooperation between the prosecutors and the judges and DIMABEL. DIMABEL is the institution that administers and safeguards the storage of all weapons confiscated by the police (those that are remitted to the prosecutors and the judges). However, frequently the prosecutors and courts do not remit these arms, which facilitates the theft or diverting of these arms to criminal markets since they are not stored under sufficiently secure conditions.⁸⁷ DIMABEL is considering organising, under the auspices of UN-LiREC, an informational seminar series with judges and prosecutors in order to foster institutional trust.⁸⁸

Finally, Paraguay (along with the rest of the MERCOSUR sub-region) is also experiencing a growth in violent criminality as well as a trend toward the privatisation of security. As has already been seen, this has led to some civil society organisations beginning to get interested in small arms control and activities to reduce violence related to small-arms use. This, in a society where 62 per

cent of homicides, 33 per cent of personal injuries and 20 per cent of mutual injuries perpetrated in 2001 were caused by firearms.⁸⁹ This, of a total of 890 homicides, 2,880 injuries and 202 mutual injuries in a total population of 5,778,000.⁹⁰ The highest rates of homicide, injury and mutual injury are found in young males in the 20 to 39 year-old age group.⁹¹ Furthermore, it is estimated that there are 400,000 unregistered and thus illegal small arms in Paraguay.

7. Uruguay

In absolute terms, problems related to the proliferation and abuse of small arms in Uruguay are small in comparison to neighbouring countries. Uruguay does not have an arms or munitions industry, although its territory probably serves as a transit point for illegal trafficking, but on a much smaller scale than Paraguay for example. Nevertheless, firearms are omnipresent in Uruguayan society. Until recently, laws regulating the procurement and legalisation of firearms were very lax and did not require more than showing a personal identity card. In the 1990s, due to growing activity of the *Movimento Sem Terra* (Landless Workers Movement) in Brazil, landowners in southern Brazil began to amass personal arsenals with arms purchased in Uruguay, evading stricter controls in their home country. Currently, it is estimated that there are 522,000 legally registered arms in this country with a population of three million people.⁹²

During the past decade, armed violence has increased in Uruguay, mainly in the capital city of Montevideo, but on a much smaller scale than Brazil and Argentina. However, this increase in firearms-related violence sparked a response from public officials and the media, which led to significant change with the passage of a new, more stringent weapons law in August 2002. Although Uruguayan civil society has been slow to respond to the small-arms problem, the implementation of a public campaign for national disarmament shows there is growing awareness.

Even though the media often play up dramatic cases of bloody assaults and crimes, the rather low homicide rate has remained almost constant, with an average of 200 homicides per year.⁹³ Additionally, most of the deaths caused by firearms are not related to homicide. Twenty-two per cent of firearms deaths are homicides, while 29 per cent are accident-related and 49 per cent are suicides.⁹⁴



7.1 Participation in International Small Arms Control Mechanisms

Uruguay ratified CIFTA in July 2001 but has not completed the adoption of the CICAD Model Regulations, nor has it signed the UN Protocol. It has participated more actively in MERCOSUR (giving an address on behalf of the MERCOSUR countries at the 2001 Conference), and in its report to the First Biennial Meeting of States for the Implementation of the UNPoA in 2003, the Uruguayan ambassador mentioned the following in the sub-regional, hemispheric and international context.⁹⁵

- The Uruguayan government receives support from UN-LiREC for a project to centralise information about arms involved in criminal incidents as well as for a project to train police officers; and
- In the second half of 2003, while it still holds the Chairmanship of MERCOSUR, Uruguay will encourage and support initiatives focused on strengthening sub-regional border control capacity. In addition, it will also continue to support the MERCOSUR Working Group on Firearms on its project to create a model format on arms movement and will insist on greater harmonisation of arms laws and penalties in member countries.

7.2 Small Arms Control

The responsibility for arms control in Uruguay is split between the ministries of Interior and Defence. The first is responsible for control over arms users while the latter is in charge of the actual control over arms. The National Arms Register (RNA) falls under the responsibility of the Arms and Related Material Service (SMA) of the Ministry of Defence. The RNA is the sole register for firearms in the country, including weapons for private, personal use weapons of army and police personnel.

Conversely, the Ministry of Interior is in charge of registration and authorisation of arms holders. In order to register a new arm, or legalise a previously unregistered arm, the individual must obtain an Authorisation for the Acquisition and Possession of Firearms (THATA), which is essentially a possession licence.

7.3 Small Arms Import/Export Legislation

Uruguay does not produce small arms or munitions and it is also not considered to be a re-exporting country. It is theoretically possible for an armoury or collector to re-export used small arms, but no armament exports have been recorded from 2000 to 2003.⁹⁶

The SMA regulates all small arms imports. Importers have to register with the SMA and apply for an import permit for each shipment they want to bring into the country. The majority of firearms imports are handled through distributors that then supply armouries and private security enterprises. Some of the larger armouries and security firms import their own arms. Collectors may also import arms but have to register each arm imported. It is common for collectors to physically introduce arms into the country that they have obtained at international exhibitions abroad. In this case, it is necessary to

give prior notice to the customs service, which notifies SMA, so that an agent can be present to register the arm when it arrives in the country.

Imports by governmental agencies are also controlled by SMA, particularly imports by the ministries of Interior and of Livestock and Fisheries. An exception is the Ministry of Defence, which has its own Department of Logistics to control its arms and munitions imports. In theory, SMA keeps the register for all armaments that enter the country, but there may be several loopholes and deficiencies. Apparently, on several occasions the Ministry of Interior has imported arms for the public security forces without notifying SMA.⁹⁷

In 2001, Uruguay imported 1,100 handguns (revolvers and pistols) and 600 shotguns and hunting rifles.⁹⁸ Since all new arms have to be imported, as there is no domestic production, it is logical to conclude that the demand for new arms in the country is minimal.

7.4 Domestic Small Arms Control Legislation

The regulations set forth in the new decree of 2002 for obtaining a THATA have the intention of enacting stricter control over firearms possession. In order to obtain a THATA one needs to present the following documentation:

- Proof of employment or regular income;
- Certificate of lack of criminal or penal records;
- Psychophysical fitness certificate issued by a professional authorised by the Ministry of Health; and
- Certificate of fitness for handling firearms.

The fitness certificate is obtained after taking a course in a military or police training centre, although there are several private training centres for arms handling authorised by the Ministry of Justice. The total cost of obtaining a THATA, including the course and medical exam, is 600 Uruguayan pesos (approximately USD 25) and can take up to one month to process.⁹⁹

Once the THATA is obtained, an individual has to register his new arm with the SMA. It is compulsory to physically present the weapon to the SMA for inspection and then registration. Once it is duly registered, the arm's owner receives a Possession Permit for each arm registered. The permit is valid for ten years.

The THATA only authorises civilian possession. Licences for carrying and collection require separate procedures. Generally, carrying licences are given to employees of private security companies. Both licences are more costly and difficult to obtain than the simple THATA. Collectors are allowed to possess a variety of arms prohibited for the general public, like assault rifles and high-calibre revolvers. Collectors are also authorised to sell arms in small quantities and import arms with SMA's approval. There are approximately 1,100 collectors registered in Uruguay.¹⁰⁰

7.5 Civil Society

In general, Uruguayan civil society is less developed than its Brazilian and Argentine counterparts, and in many instances retains strong ties to the Catholic Church. Until 2002, there were no Uruguayan NGOs devoted to the issue of disarmament or arms control, although some organisations working on social justice issues with low income groups began to touch on the firearms issue in the context of urban and intra-family violence. The *Obra Iniciativa Ecuménica Oscar Romero* organised a series of workshops on the dangers of keeping firearms in the home and community responses to violence. The NGO *Mujer Ahora* has researched the role that firearms play in domestic violence, and found that 38 per cent of homicides in Uruguay are

committed within the family.¹⁰¹ In another study, the Federation of Evangelical Churches of Uruguay found a relationship between arms possession and the high suicide rate-- 44 per cent of suicides in the county are committed with firearms.¹⁰²

A recent development is the effort headed up by national congresswomen Daisy Tourné of the Broad Front party, and member of the Citizen Security Committee in Congress, to carry out a public disarmament campaign. Tourné began by spreading the message that firearms in the home represent a greater risk than their usefulness as a security measure, a generalised perception in Uruguayan society. Inspired by her message, the owner of a public relations agency in Montevideo offered his collaboration, which has resulted in the design of a public campaign including posters, newspapers ads and radio and television spots. The campaign's message, "You have a gun: you have a problem", has received political backing from the ministries of Interior and Public Health and the National Congress, but as of the date of this report it had not yet achieved the necessary financial support to go public. The Municipality of Montevideo has also offered its support, putting the advertising billboards located at city bus stops at the campaign's disposal.

In an attempt to make the campaign more systematic, congresswomen Tourné and her private sector collaborators created the Association Pro Civilian Disarmament (ALUDEC). Its main activity is developing the "You have a gun: you have a problem" campaign focusing on addressing the firearms issue in cases of suicide and the risk of death or injury that arms kept at home represent to children. In response to this campaign the arms sellers association has announced that it will launch its own campaign with its own messages.

Even though activity is starting to be visible on the social facets of disarmament and arms control, NGO participation is still lacking in affairs related to issues of police action, marking and tracing, and international illegal trafficking.

7.6 Analysis

In spite of growing common crime, especially since 1998 and 1999, Uruguay continues to have one of the lowest rates of violence among Latin American countries. Ironically, though, Uruguay is one the most armed countries per capita. There is no reliable method for determining the number of illegal or unregistered arms in the country. Estimates made by the police, the army and intelligence officers vary from 10,000 to one million illegal arms. Taking a relatively conservative estimate of 200,000 would mean that there is one firearm for every three adults in Uruguay. Even in a relatively peaceful country, this prevalence of legal and illegal arms possession can have an impact on the rates of fatal accidents, suicides and armed robbery.

On paper, the new arms control measures described above appear to be good and in fact, the country received a favourable evaluation from CICAD in 2001.¹⁰³ Nevertheless, certain challenges to their implementation persist in practice. First, the new requirements and fees for firearms registration possession, especially the psychophysical exam and the firearms handling course, can seem excessive to many current and potential firearms owners, encouraging them to purchase arms illegally without registering them. Several government officials have mentioned that now, since the adoption of the new regulations, it is more common for armouries to sell arms under the table at a lower price without registering them.

In any case, the new law does not seem to prevent criminals from obtaining arms, since by their nature, they seek arms on the illicit market. Many residents of Montevideo's poor neighbourhoods report that there are individuals who sell and rent arms and at any given time may have up to twenty arms for sale. In cases where the trafficker rents a weapon to a criminal, he usually expects a cut of the stolen goods.

According to Ministry of Interior sources, there is an underground market in automatic weapons, mainly assault rifles, which have been brought into Uruguay by Armed Forces personnel that were assigned to peacekeeping missions in the Balkans and in Africa. These Uruguayan soldiers have come into contact with the soldiers and heads of armed factions willing to sell second- or third-hand arms manufactured in the ex-Soviet bloc (mainly AK-47 rifles). These small arms have been sold on the black market and some of them have been used by criminal bands in assaults on vehicles transporting valuables.¹⁰⁴ According to a Ministry of Interior official, the Uruguayan army has stated that 800 of these arms have been brought into Uruguay by personnel returning from peacekeeping missions. The same official has also reported that eleven FAL rifles and 13 dozen grenades belonging to the Uruguayan Navy are missing, which would indicate a possible transfer to the illegal market of small arms belonging to the inventories of the Armed Forces of Uruguay.¹⁰⁵

As is often the case in other Latin American countries, one of the main challenges facing better arms control are the institutional rivalries between the Ministry of Defence and Ministry of Interior. The implementation of the THATA, for example, was interpreted by the director of the RNA (an agency under the authority of the Ministry of Defence) as an attempt by the Ministry of Interior to consolidate its power over the arms issue and to find a new source of income for the institution. On the other hand, the police (under Interior's control) complain that the RNA, and therefore the SMA, are too bureaucratic and are poor collaborators, and that in fact the RNA should be run by the police and not the army. The army argues that the register would become essential in the case of an armed national mobilisation and that is why it needs to be part of the Ministry of Defence. Other administration and congressional officials have proposed transferring the RNA to a third body, like the Ministry of Justice, as an alternative.

The current arrangement and the lukewarm relations between Defence and Interior have resulted in large gaps in arms control in practice. It is important to highlight that the arms confiscated by the police forces are not regularly checked against the RNA. According to the director of the Office of Arms Control (OCA), a police body that registers and stores confiscated arms, they are only checked with the RNA when there is a court order and that only happens in about 5 per cent of cases.¹⁰⁶ In addition, requests for verification can take several weeks and it would be impossible to do with all the arms confiscated due to the quantity.

Due to the situation described in the preceding paragraph, the lack of analysis of confiscated arms does not take advantage of the valuable information that they could provide about the size of the black market and the frequency of legally registered arms being used in illegal incidents. Analysis of the serial numbers alone provides useful information for crime prevention and intervening in the illicit market. Additionally, the Uruguayan public security system does not systematically record deaths and injuries caused by firearms to be able to identify what type of arms represent the main problem in society.¹⁰⁷

The issue of arsenals or stockpiles is another that merits greater attention in Uruguay. In theory, the SMA keeps the only storehouse of confiscated and unclaimed arms, which is currently holding around 15,000 arms.¹⁰⁸ Once a year the SMA destroys arms that cannot be used by the army- approximately 1,500 arms annually.¹⁰⁹ In theory, the police send confiscated arms to the SMA for storage until the five-year period expires, after which they may legally be destroyed. However, according to OCA, the arms confiscated by the police can remain in their possession for up to five years before being transferred to the SMA, meaning that a confiscated arm could be under State control for ten years before being eligible for destruction. Each year the police confiscate an average of 1,200 arms and normally there are between 3,000 and 4,000 arms in OCA custody.¹¹⁰ Due to the lack of crosschecking and consistent interinstitutional communication between Defence and Interior, the SMA does not know what arms OCA has in its custody.

Integration and cooperation with the customs service is equally weak. It is common knowledge that sometimes hunters and collectors bribe customs officials to get around SMA paperwork. Intelligence sources have also noted weaknesses in the capacity of the Uruguayan Air Force to monitor clandestine landing strips located on private estates in the northern part of the country and considered to be transit points for arms and drugs on their way to Argentina, Brazil and Paraguay. The Air Force does not have the equipment to effectively monitor the entire country because its main tasks concern the coastal area and the capital city.

Civil society and academia have just begun to address the firearms problem in Uruguay. These new efforts appear to be positive but need more work and more than anything, material support.

8. Conclusions and Recommendations

With the exception of Brazil, where the small arms issue is a priority in the public policy arena, at the centre of political debate and an issue seen as urgent by an active, mobilised civil society, the small arms control issue in the MERCOSUR region remains subsumed within general concerns over public security or citizen security. Nevertheless, firearms are beginning to be identified increasingly as a principal vector and catalyst for violence and (aside from Brazil where this is already a reality) a nascent civil society is beginning to demand more effective control over all aspects of the transfer and use of small arms.

All of these countries share the following phenomena:

- Rising violent criminality;
- Increased privatisation of security;
- Problems related to drug trafficking and use; and
- Administrative corruption.

Small arms proliferation contributes to reinforcing this growing cycle of insecurity and of governmental crises in guaranteeing the security of their citizens' lives and property. Some of the abovementioned factors, such as the privatisation of security (which makes a greater number of firearms available outside of the state monopoly on violence), administrative corruption (which permits illicit trafficking and migration of arms to illegal markets) and drug trafficking, in turn reinforce the greater availability of firearms. This situation is aggravated by the fact that serious legal loopholes still exist that hamper effectively controlling the misuse of small arms, as is the case in Bolivia and (until the new law is regulated) in Paraguay. Furthermore, due to bureaucratic competition and mistrust, serious operational failings exist. These not only hamper proper firearms control to prevent migration to the illegal market but also, as in the case of SISME and the MERCOSUR Mechanism for Joint Registration of Buyers and Sellers of Firearms and Ammunition, hinder effective international cooperation in the fight against illicit trafficking. Added to this are institutional rivalries (mainly between the areas of defence and public security), which make it difficult to adequately control the firearms supply and demand.

In the scope of international cooperation, there are certain areas where cooperation needs to be stronger and practices need to move toward a common framework for ensuring the common security. In particular, we refer to the following:

- Compatible markings that comply with CIFTA and that guarantee the tracing of arms produced and/or sold in the sub-region, including if at all possible, designating official test banks where the ballistic samples of arms produced and/or imported by each country are kept on record;
- Harmonised procedures for destroying stocks of confiscated arms and military surplus;
- Dynamic, coordinated exchange of police intelligence;
- Inclusion of provisions to categorise as offences and penalise arms brokering (only Chile has a provision that could be interpreted as brokering where their law mentions persons who enter into “any type of commercial agreement”); and
- Compatible categorisation of the crime of illicit trafficking of firearms, ammunition and components.

The stage is set for the discussion and coordination of these matters, one example being the MERCOSUR Working Group on Firearms.

In the scope of transnational civil society, it is evident that effective networks have formed for the control of illicit arms trafficking and for information and experience sharing about domestic firearms control. This is demonstrated by the establishment of an IANSA regional coordinator for MERCOSUR; the organisation of regional seminars; the success of the www.desarme.org website as a vehicle for ideas, research and concerns; and the interaction between NGOs and the press that brings to light acts of corruption and illicit trafficking. The NGOs show a flexibility in their interactions and a solidarity that is not visible among governments, who are, when it comes down to it, those with the power and the strength to enforce national and international laws. The experience of the NGOs could be taken by the governments as an example of the path to follow to reduce the magnitude of a problem that is growing as efficient networks for trafficking and corruption become organised.

Specific Recommendations:

1. That MERCOSUR and associated countries, through SISME, the MERCOSUR Working Group on Firearms or some other appropriate mechanism, design a plan to harmonise national laws on illicit trafficking in firearms within the sub-region, including bringing into line penalties for similar offences;
2. That all the MERCOSUR and associated countries sign and ratify the UN Firearms Protocol, and in doing so, strengthen their capacity to combat arms trafficking beyond the Western Hemisphere;
3. That all national as well as local governments declare 9 July as “National Arms Destruction Day” for destroying confiscated weapons and for working with civil society organisations on public awareness-raising about the need for disarmament in the context of citizen security and peaceful co-existence; and
4. That the national legislatures, through specific task forces, take on a more significant role in monitoring the performance of the bodies that control SALW to promote coordination and transparency among executive agencies.

9. Endnotes

- ¹ In this report small arms and light weapons, firearms, weapons and guns are used interchangeably depending upon the specific context.
- ² MERCOSUR Joint Registration Mechanism for Buyers and Sellers of Firearms, Ammunition, Explosives and Other Related Materials, MERCOSUR/CMC/DEC No. 7/98, 7 July 1998.
- ³ 'El combate a las transferencias ilegales de armas en el MERCOSUR necesita que se cumplan los acuerdos ya firmados', <<http://www.desarme.org>>, 6 September 2002.
- ⁴ The other countries are Australia, Bulgaria, Canada, Colombia, Costa Rica, United States, Finland, France, Kenya, Nicaragua, Norway, United Kingdom, Romania, Russia, Serbia and Montenegro, Sri Lanka, Sweden and Turkey.
- ⁵ See Carolina Iooty de Paiva Dias, *Harmonizing Laws for the Prevention of Illicit Firearms Transfers*, Viva Rio Working Paper No. 1, Rio de Janeiro, Viva Rio, March 2003.
- ⁶ Luis Cappagli, *Intervención del Representante Permanente Alterno de la República Argentina ante las Naciones Unidas*, First Biennial Meeting of States to Examine the Implementation of the UN Programme of Action on Small Arms and Light Weapons in All its Aspects, New York, 8 July 2003.
- ⁷ See <<http://www.renar.gov.ar>>.
- ⁸ Weapons held by the federal and provincial police forces and private security companies are also included in the register.
- ⁹ See <<http://www.renar.gov.ar>>.
- ¹⁰ National Office of Coordination and Analysis for Crime Prevention, Secretariat of Domestic Security, Ministry of Justice, Security and Human Rights, *Armas Ligeras, Tráfico Ilícito, Comercio Ilegal y Violencia Delictual: Antecedentes e Implicancias para la Política de Seguridad Pública y para el Diseño de un Programa Nacional*, Technical Document, Working Paper Nro. 1, Buenos Aires, 2002, p.40.
- ¹¹ See <http://www.renar.gov.ar/estadistica/impo_expo.asp>.
- ¹² National Office of Coordination and Analysis for Crime Prevention, Secretariat of Domestic Security, Ministry of Justice, Security and Human Rights, p. 30.
- ¹³ National Office of Coordination and Analysis for Crime Prevention, Secretariat of Domestic Security, Ministry of Justice, Security and Human Rights, p14; y <http://www.renar.gov.ar/estadistica/tipo_armas.asp>.
- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Ibid, p. 16.
- ¹⁷ Ibid.
- ¹⁸ Graciela Römer & Associates, 'La inseguridad pública y la justicia por mano propia', 800 household interviews in Buenos Aires. Margin of error: +/- 3.5%, December 2002.
- ¹⁹ National Office of Coordination and Analysis for Crime Prevention, Secretariat of Domestic Security, Ministry of Justice, Security and Human Rights, p. 25.
- ²⁰ Interview with Congressman Carlos Iparraguirre and Hector Mendez de Leo, a former RENAR official, Buenos Aires, April 2003.
- ²¹ Interview with Congressman Carlos Iparraguirre; and interview with Eduardo Estevez, adviser to the Secretariat for Domestic Security, Ministry of Justice, Security and Human Rights, April 2003.
- ²² Luis Cappagli, *Intervención del Representante Permanente Alterno de la República Argentina ante las Naciones Unidas*, First Biennial Meeting of States to Examine the Implementation of the UN Programme of Action on Small Arms and Light Weapons in All its Aspects, New York, 8 July 2003.
- ²³ Interviews with official from the judicial and executive branches of the Argentine government, Buenos Aires, April 2003.
- ²⁴ See Pablo Dreyfus, *Siguiendo la Ruta de las Armas Incautadas en Rio de Janeiro: algunas pistas para Argentina*, Viva Rio, Rio de Janeiro, 2002, p. 12; and Antonio Werneck, 'Argentina sabia de desvios de armas', O Globo, Rio de Janeiro, 28 May 2003.
- ²⁵ Interview with Santiago Villalba, Ministry of Foreign Affairs, Buenos Aires, April 2003.
- ²⁶ United Nations Economic and Social Commission, *Informe del Secretario General sobre la Ratificación de la Convención de la ONU contra la Delincuencia Transnacional y de sus Protocolos*, Vienna: Crime Prevention and Criminal Justice Commission, 13 May 2003.
- ²⁷ Information provided by the National Institute of Statistics, La Paz, Bolivia.
- ²⁸ Title VIII, Article 82 of proposed bill of law.
- ²⁹ Interviews with Joel Vargas, Nur University, Santa Cruz, Bolivia and Juan Ramon Quintana, Bolivian Programme for Strategic Research, La Paz, Bolivia, March 2003.
- ³⁰ Interviews with Bolivian congressmen Eduardo Prudencio and Daniel Valverde, La Paz, Bolivia, March 2003.
- ³¹ Interview with Juan Ramon Quintana, March 2003.
- ³² Ibid.
- ³³ Interviews with Juan Ramon Quintana, Joel Vargas, Eduardo Prudencio and Daniel Valverde, March 2003.
- ³⁴ Ibid.
- ³⁵ Ibid.
- ³⁶ Ibid.
- ³⁷ Ibid.
- ³⁸ Ibid.
- ³⁹ Interview with official from the Technical Judicial Police, La Paz, Bolivia, March 2003.
- ⁴⁰ Interview with Juan Ramon Quintana, March 2003.
- ⁴¹ Interview with congressman Santos Ramirez, La Paz, Bolivia, March 2003.
- ⁴² Interviews with congressmen Prudencio and Valverde, March 2003.
- ⁴³ Declaration made by Ronaldo Sardenberg, Permanent Representative of Brazil to the United Nations at the First Biennial Meeting of States, New York, 7 July 2003.
- ⁴⁴ Ibid.
- ⁴⁵ Interview with officials from the National Secretariat of Public Security, Rio de Janeiro, Brazil, June 2003.

- ⁴⁶ Interviews with official from the Division of Arms and Explosives Control, Rio de Janeiro State Civilian Police, Rio de Janeiro, Brazil, June 2003.
- ⁴⁷ According to survey results published by the Vox Populi Institute in 2000.
- ⁴⁸ See Pablo Dreyfus, Marcelo de Sousa Nascimento and Patricia Rivero. *Classification Manual for Tracing Seized Small Arms*. Rio de Janeiro. Viva Rio and the State of Rio de Janeiro Secretariat for Public Security, June 2003.
- ⁴⁹ See <<http://www.desarme.org>>.
- ⁵⁰ See Rubem Cesar Fernández, Luciana Phebo y Pablo Dreyfus, 'The impact of firearm injuries on the young population in the city of Rio de Janeiro, Brazil -Viva Rio activities and strategies', Paper presented at the seminar 'The Role of Public Health in the Prevention of War-Related Injuries', 9-11 mayo 2003, Montreal, Canada.
- ⁵¹ See Luke Dowdney, *Children of the Drug Trade: a case of children in organised armed violence in Rio de Janeiro*, Rio de Janeiro: 7 Letras, 2002.
- ⁵² Small Arms Survey, 2001, p.28.
- ⁵³ The Help Network, The Handgun Epidemic Lowering Plan Network and SAFER-Net, Small Arms/Firearms Education & Research Network, *National Status Reports on Violence and Firearms*, 2001.
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- ⁸¹ Ibid.
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⁸⁸ Ibid.

⁸⁹ National Police of Paraguay, General Logistics Division, Department of Statistics, *Anuario Estadístico*, Asunción, Paraguay, 2001, p. 21.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² This figure of 522,000 is based on information provided by the Uruguayan Ministry of Defence's Office of Public Relations. The Public Security Commission of the National Congress uses a figure of 570,000. During an interview with an official from the National Arms Register (31 March 2003) a figure closer to 700,000 was mentioned.

⁹³ Information provided by the Ministry of Interior's Media Department.

⁹⁴ Figures for the year 1999 provided by the Uruguayan Ministry of Health. Figures for 2000 and 2001 are similar: homicides, 25%; accidents 21%; y suicides, 54%.

⁹⁵ Felipe Paolillo, *Intervention of the Permanent Representative of Uruguay to the United Nations*, First Biennial Meeting of States to Examine the Implementation of the UN Programme of Action on Small Arms and Light Weapons in All its Aspects, New York, 8 July 2003.

⁹⁶ Official information provided by the Uruguayan National Customs Service.

⁹⁷ Officials from three different sources have mentioned these anomalies from the Ministry of Interior, Intelligence Service and one of the country's leading newspapers.

⁹⁸ Information provided by the Uruguayan National Customs Service.

⁹⁹ Interview with Gerado Dalmezes, armoury proprietor, Montevideo, Uruguay, 5 April 2003.

¹⁰⁰ Interview with congresswomen Daisy Tourne, member of the citizen security commission, Montevideo, Uruguay, 31 March 2003.

¹⁰¹ Figure based on research carried out by the Uruguayan Ministry of Interior and corresponding to homicides committed between January and September 2001.

¹⁰² Information corresponds to Ministry of Health reports for 1999.

¹⁰³ See 'Gobierno elabora proyectos; Habrá registro oficial sobre armas y drogas', *El País*, Montevideo, 20 February 2002.

¹⁰⁴ Interview with the Director of the Office of Arms Control, Montevideo, 1 April 2003.

¹⁰⁵ Ibid.

¹⁰⁶ Interview with the Director of the National Arms Register, Montevideo, 31 March 2003.

¹⁰⁷ The NGO ALUDEC had to review death certificates to find useful information on firearm deaths.

¹⁰⁸ Interview with the Director of the National Arms Register, 31 March 2003.

¹⁰⁹ Ibid.

¹¹⁰ 'Preven que a fines de este año se confisquen más de 1.500 armas de fuego', *El País*, Montevideo, 7 July 2000.

Notes

Notes

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