

Watching the Neighborhood:

An assessment of small arms and ammunition “Grey Transactions” on the borders between Brazil and Paraguay, Bolivia, Uruguay and Argentina

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Viva Rio**

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Findings and a preliminary version of this report were presented at the following meetings:

Bogotá, April 2 to 5, 2006. Seminar organized by the Latin American Coalition for the Prevention of Armed Violence CLAVE, a network of Latin American NGOs for cooperation on advocacy and research concerning small arms control.

Buenos Aires, April 7, 2006. Seminar on Small Arms and Regional Security organized by the Latin American Parliament (Parlatino), an association of Latin American national parliaments that promote cooperation on regional issues.

Buenos Aires, April 11, 2006. Annual meeting of the MERCOSUR Governmental Working Group on Small Arms.

Santiago de Chile, April 16, 2006. Seminar on Small Arms and Regional Stability, organized by the Facultad Latinoamericana de Ciencias Sociales.

This report is mainly addressed to governments, NGOs and members of the academia interested in finding shared solutions to common problems in the field of small arms control. Comments and suggestions can be sent to the authors at the following e-mail addresses:

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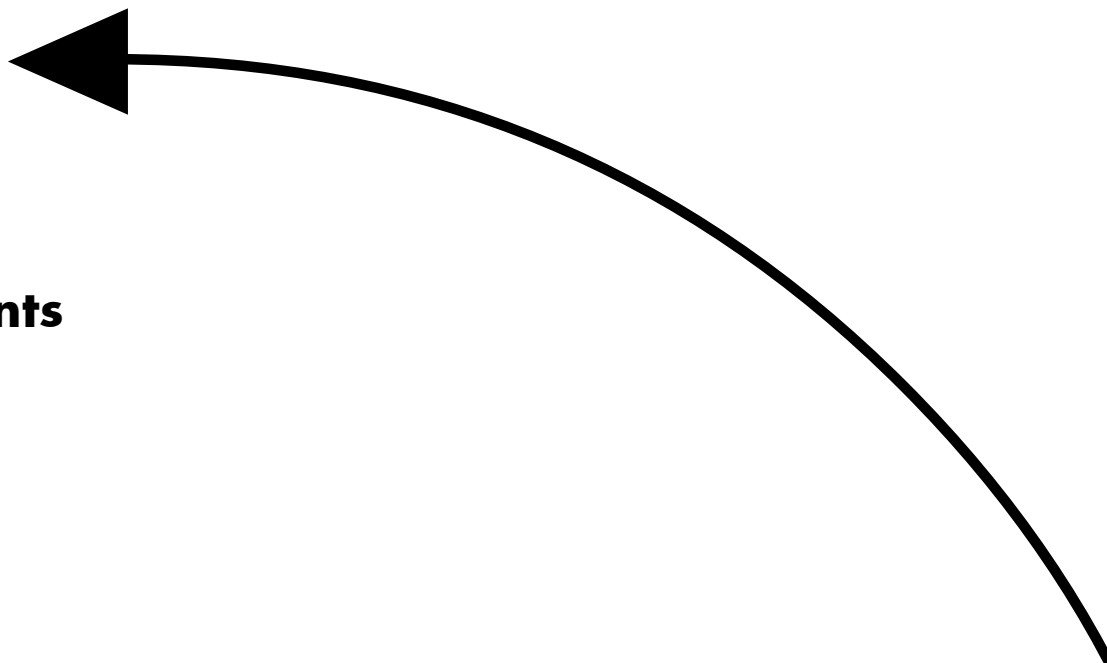


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1. Introduction and goals:

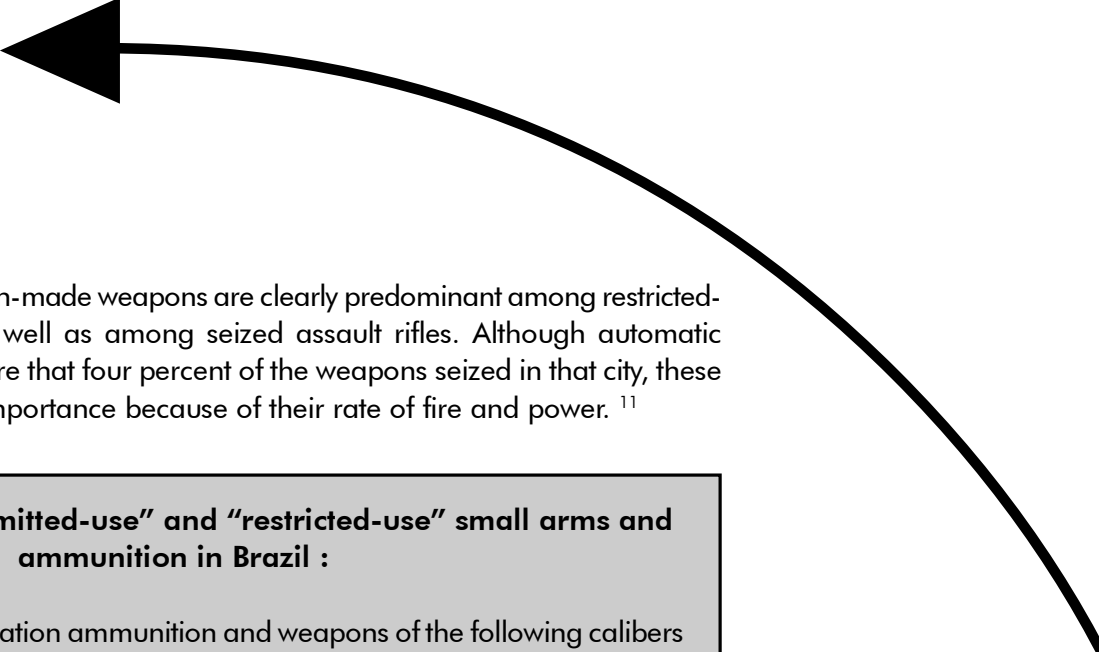
A. The situation in Brazil:

In terms of small arms production and trade, the situation of Brazil presents a dilemma. On one hand, with yearly exports of US\$ 127 million and an average production of US\$ 104 million per year, Brazil is (after the United States) the second producer and exporter of small arms and ammunition in the Americas. Its private companies Taurus (pistols and revolvers), and Companhia Brasileira de Cartuchos (small arms ammunition and shotguns), have consolidated markets in the United States (the industries main market), Latin America and Europe. Military small arms manufactured by the state owned Indústria de Material Bélico (IMBEL) have equipped the armed forces of several Latin American Sates. ¹

On the other hand, according to a recent Brazilian Ministry of Health research, in 2003, 39,325 people were killed by firearms- by homicide, suicide or unintentional injuries-.² In absolute numbers, this is higher than other countries with serious small arms related problems, such as Colombia, El Salvador and South Africa, as well as the United States. Relative to its population this figure represents the fourth highest rate of gun related death in the world, at 21.8 per 100,000 people.³ The great majority of firearm related deaths in Brazil (90 percent) are homicides; 3.6 percent are suicides; 5.6 unknown intention and 0.8 accidents. At the same time, 64 percent of homicides are committed with firearms.⁴ In 1982, the firearm-related homicide rate was 7.2 per 100,000, and in 2002, it increased to 21.8 deaths per 100,000 people. The increase was constant and regular over these twenty-one years. The total cost of hospitalization due to firearms-related injuries was estimated in 2002 as between US\$ 36,129,756 and US\$ 38,926,899 per year.⁵

Small arms related violence is related to its misuse of weapons, to crime, stimulated by drug trafficking and rooted in social inequality within highly densely populated urban areas. In the Central-West region of the country, which is still going through a process of recent expansion of the agricultural production frontier, and is a region that is closely located to the borders with drug producing countries, firearm mortality increased 57 percent in the last 20 years. In the Southeast part of the country, with its big urban centers (predominantly the state capitals of the Federation⁶ and their metropolitan areas heavily affected by drug trafficking), this rate increased 54.1 percent over the same period.⁷ Small arms related violence is in Brazil mainly an urban problem; with the higher average firearms death rates are concentrated in cities with over 100,000 inhabitants, which have suffered rapid and disorganized urbanization processes. Consequently, the analysis in this work has more relevance to countries (especially developing countries) with similar urban violence and crime problems.⁸

In Brasilia's big cities such as Rio de Janeiro and São Paulo the great majority of the small arms seized by the police are Brazilian-made permitted-use handguns.⁹ Most of the seized ammunition is also Brazilian-made. ¹⁰ However, in Rio de Janeiro, for example, when restricted- use weapons are analyzed separately; there is a predominance of



foreign made weapons. Foreign-made weapons are clearly predominant among restricted-use semiautomatic pistols as well as among seized assault rifles. Although automatic weapons do not represent more than four percent of the weapons seized in that city, these weapons have a qualitative importance because of their rate of fire and power.¹¹

Technical note on “permitted-use” and “restricted-use” small arms and ammunition in Brazil :

According to Brazilian legislation ammunition and weapons of the following calibers are considered to be restricted-use: 7.82x51mm; 5.56x45mm; 9mm; .357 Magnum; .38 Super Auto; .40 S&W; .44 SPL; .44 Magnum; .45 Colt and .45 Auto; .22-250; .243 Winchester; .270 Winchester; 7mm Mauser; .30-06; .308 Winchester; 7.62x39mm; .357 Magnum; 375 Winchester; 44 Magnum; 50 AE and 12.70mm. This category also includes automatic weapons as well as weapons with similar designs and features as those used by the armed forces. The use and possession of these kinds of weapons are restricted to the armed forces, law enforcement agencies and in certain cases to sport shooters, hunters and small arms collectors. Restricted-use weapons and ammunition can not be sold in gun shops; they can only be purchased directly from the factory with a special authorization from the Brazilian Army.¹²

On the other hand, small arms and ammunition of the following calibers are considered “permitted-use” weapons: .22 LR; .32S&W; .38SPL; .380 Auto; 7.65mm Browning (.32ACP); .25 Auto; 32-20; 38-40; 44-40 and up to 12 gauge for shotguns. These weapons can be purchased by civilians in gun shops if licensing procedures are followed and legal requisites are fulfilled.¹³

In the case of restricted-use ammunition, rounds are obtained by criminals in Rio de Janeiro mainly through theft or diversion from police stations and battalions as well as from military bases.¹⁴

B. Evolution of Brazilian small arms control legislation:

Because of flaws in the exchange of information between small arms control agencies and in small arms registration mechanisms, this industry grew practically unregulated from the 1960s to the late 1990s, when the first federal comprehensive small arms control law was passed. Historically, there has not been efficient small arms control in Brazil. The very first national regulation concerning small arms (a Ministry of the Army decree) was enacted in 1934 (with regulatory guidelines adopted in 1936). Although it organized and regulated small arms production and foreign trade, the decree did not deal directly with domestic sales or registration of small arms. It gave vague guidelines for the Ministry of the Army to establish arrangements with state government authorities concerning registration. The purchase and use of firearms by civilians remained unregulated until 1980, when the Ministry of the Army enacted a regulation that established the number and type of weapons that civilians above 20 years old would be

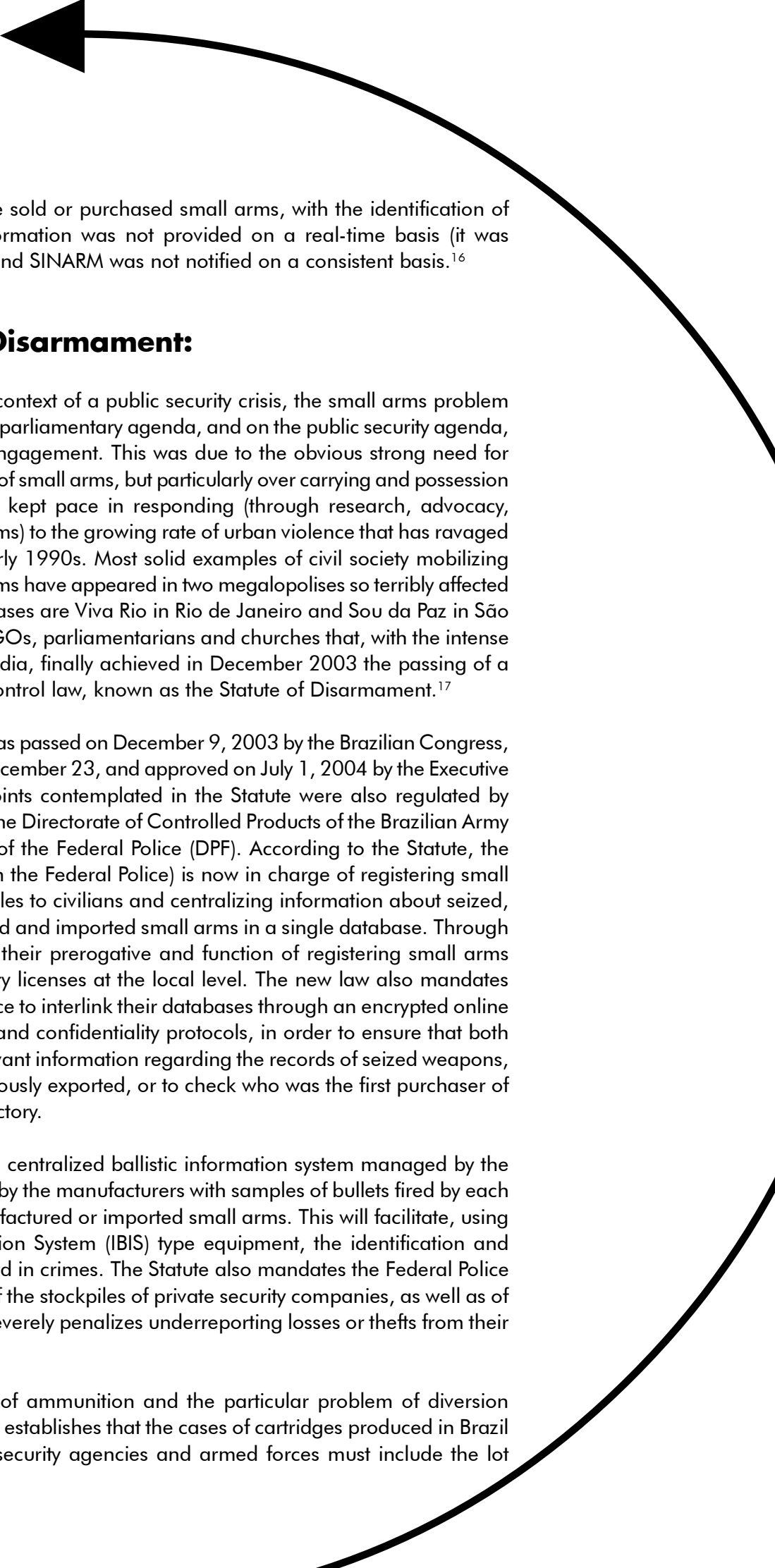
able to purchase and established the mandatory registration of those weapons. However, small arms were registered only with the Civilian Police of each state, with no national institution in charge of centralizing the data on firearms and their owners. Nonetheless, this was an improvement, as previously arms registration was optional. This situation, added to a historical lack of horizontal (state to state) and vertical (state to federal government) police cooperation, made it impossible to track the movement of imported and manufactured small arms.¹⁵

It was only in 1997, with the approval of law N° 9437 (known as SINARM Act) act, that the National Arms Control System (SINARM) was created and a legal requirement for comprehensive registration of privately owned guns was introduced. According to that law, in order to purchase a small arm, an individual had to first obtain a registry authorization that was granted by SINARM, which is administered by the Federal Police. Local authorities (normally the civilian investigative- police) received the request, filed it to the SINARM in Brasilia, after criminal records were checked, and an approval from SINARM was granted to local authorities for the registration of the weapon. This registry only authorized the person to hold the arm at home; it was not an arm-carrying authorization, which following separate procedures could be granted by State authorities (for carrying within State borders) and by the Federal Police for carrying within all the national territory.

According to the law, SINARM was to centralize and update a national database of all registered and seized firearms in the country. Each one of the states was to periodically update this information. However, the process of digitizing local registries, and linking them to SINARM via computerized interface, was more than slow. Sub-notification of data concerning both registered and seized weapons was the order of the day, and from 1997 to 2003 (when a new law federalizing and centralizing control, the Statute of Disarmament, was passed), SINARM was still incomplete and subject to random and inconsistent notification. This was due to technical deficiencies, such as the lack of trained personnel and equipment for the efficient digitalization of data (which was common in poor states with scarce resources), but also to political rivalries between local and federal authorities and inter-bureaucratic competition between state and Federal Police agencies.

To the chronic lack of efficient communication and cooperation between states and the federal government, we must add a historical lack of cooperation between the federal institutions that monitor arms and ammunition supply (manufacture, sales, imports and exports), and demand (buying, carrying, use and registration). On the one hand, the Army (which has neither police powers nor duties) controls 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. The Army also systematizes and centralizes information about these activities.

On the other hand, the Federal Police (under the Ministry of Justice), as we saw through SINARM, centralizes the information on arms registered by private citizens, as well as information about seized weapons. Up to 1997, there was no communication between these two agencies. The 1997 SINARM act decreed that the Ministry of Justice and Defense would establish an inter-agency protocol for information exchange concerning small arms. That protocol was never established and in practice, there was no exchange of information. According to the SINARM act, manufacturers and importers would send



the Federal Police a list of the sold or purchased small arms, with the identification of the purchaser. However, information was not provided on a real-time basis (it was erratically sent on diskettes) and SINARM was not notified on a consistent basis.¹⁶

C. The Statute of Disarmament:

Over the last decade, in the context of a public security crisis, the small arms problem has been given priority on the parliamentary agenda, and on the public security agenda, with increasing civil society engagement. This was due to the obvious strong need for stiffer controls over all aspects of small arms, but particularly over carrying and possession by civilians. Civil society has kept pace in responding (through research, advocacy, mobilization and civic programs) to the growing rate of urban violence that has ravaged Brazilian society since the early 1990s. Most solid examples of civil society mobilizing around the control of small arms have appeared in two megalopolises so terribly affected by violent criminality. These cases are Viva Rio in Rio de Janeiro and Sou da Paz in São Paulo. It was a coalition of NGOs, parliamentarians and churches that, with the intense collaboration of the mass media, finally achieved in December 2003 the passing of a more restrictive small arms control law, known as the Statute of Disarmament.¹⁷

The Statute of Disarmament was passed on December 9, 2003 by the Brazilian Congress, signed by President Lula on December 23, and approved on July 1, 2004 by the Executive Power.¹⁸ Specific technical points contemplated in the Statute were also regulated by subsequent resolutions from the Directorate of Controlled Products of the Brazilian Army (DFPC) and the Department of the Federal Police (DPF). According to the Statute, the Federal Government (through the Federal Police) is now in charge of registering small arms, controlling domestic sales to civilians and centralizing information about seized, registered, produced, exported and imported small arms in a single database. Through this new law, states gave up their prerogative and function of registering small arms and granting small arms carry licenses at the local level. The new law also mandates the Army and the Federal Police to interlink their databases through an encrypted online system, with levels of access and confidentiality protocols, in order to ensure that both institutions will exchange relevant information regarding the records of seized weapons, to see if they have been previously exported, or to check who was the first purchaser of the weapon after it left the factory.

The Statute also establishes a centralized ballistic information system managed by the Federal Police that will be fed by the manufacturers with samples of bullets fired by each one of the domestically manufactured or imported small arms. This will facilitate, using Integrated Ballistic Identification System (IBIS) type equipment, the identification and localization of small arms used in crimes. The Statute also mandates the Federal Police to do periodical inspections of the stockpiles of private security companies, as well as of gun shops and depots, and severely penalizes underreporting losses or thefts from their inventories.

Regarding the specific issue of ammunition and the particular problem of diversion explained above, the new law establishes that the cases of cartridges produced in Brazil for local and federal public security agencies and armed forces must include the lot

number. The regulation entered into force in January 1, 2005 for .40 and .45 ammunition, and since July 2005, for 5.56x45mm; 7.65x51mm, 9mm Parabellum; .380; .38; .50 and 12 gauge cartridges. The lot number identifies public legal entities meaning by this law enforcement agencies and armed forces that purchase lots of 10,000 rounds. These 10,000 rounds are assigned to a single entity with a unique lot number.¹⁹ Lots for legal entities are manufactured upon specific request. Let us suppose that a lot of 10,000 rounds of 5.56 x 45 mm cartridges is manufactured by CBC for the Brazilian Army. The lot will only be sold to the Army, and the lot number will be marked using laser technology, in the base of each case at the end of the production line.²⁰

It is expected that lot numbers will help the police to identify patterns of leakages of ammunition from the police/military to organized crime. Imported ammunition of the calibers named above will have to fulfill the packing and marking requirements requested for Brazilian-made ammunition.

Concerning civilian possession, the Statute establishes a series of norms that enhance control over the circulation, trade and use of small arms. The goal of these measures is to reduce the availability of small arms, identified as the vector of the epidemics of lethal violence in the country. Some of these measures are:

- Small arms' carrying is forbidden for civilians (it was allowed under the previous law through a permit issued by the state police). Illicit small arms' carrying is punished with imprisonment and the offender cannot request freedom on bail.²¹
- The law establishes very strict pre-requisites for the purchase of small arms by individuals, such as declaring effective necessity; the absence of criminal records; proving regular licit income and employment; presenting a residence certificate; proving technical capability to manipulate firearms and store them in safe conditions; and passing a medical and psychological exam.²²
- Transfers and sales between individuals must be declared to the Federal Police and authorized by this agency.²³
- Private security companies are inspected periodically by the Federal Police in order to detect non-declared theft or losses of small arms.²⁴
- Small arms international trafficking, illicit trade, stockpiling and manufacturing are identified and criminalized.²⁵
- Illegal possession of small arms is punishable by fines and prison.²⁶
- Arms holders also are penalized if they do not take measures to prevent access of children and mentally disabled people to firearms or when deaths or wounds result from the owner's firearm.²⁷
- A national buyback program for the voluntary collection of small arms was established for six months (then extended to 18 months). This buyback program was coincident with an amnesty for the registration of non-registered weapons. After the amnesty, illegal owners were subject to penalties established in the law for illegal possession.²⁸
- Specific regulations of the Brazilian Army, which are legally based on the Statute, also establish that each gun owner will be able to purchase up to 50 rounds of ammunition per year for each of the owned guns. The ammunition can only be purchased through the presentation of the possession permit for each weapon.²⁹



D. Brazil, Paraguay and the issue of small arms and ammunitions trade:

Strengthening domestic controls may lead however to a spillover of illicit small arms and ammunition transfers to neighboring countries, where criminals can exploit legal flows, porous and loosely patrolled borders, highways and rivers, or breaches in law enforcement such as connivance and corruption. These vulnerabilities can be exploited by criminals in order to avoid purchase and registration regulations and to get access to restricted-use weapons in Brazil.

Recent research proved that, during the 1990s, Paraguay was a major diversion point for small arms that were legally imported (mainly from its producing neighbor Brazil) by that country and then smuggled to criminal groups in the rest of the region, mainly in Brazil and Colombia.³⁰ This was due to flaws in Paraguay's small control legislation as well as institutional corruption and inefficient law enforcement, besides it being a transshipment point for international small arms trafficking. This latter case of illicit trafficking known as "grey markets" or "triangulation" will be the focus of this project.³¹

International pressure, as well as domestic political initiatives, led to changes in the domestic legislation of Paraguay in 2002, and to the adoption of unilateral and bilateral measures that led, from 1999 on, to a significant reduction of small arms imports by Paraguay. One of these measures was the adoption in 2000 of a three-year informal moratorium on small arms produced in Brazil. It is important to note that Viva Rio participated together with the Brazilian Government in the negotiation process for the adoption of the moratorium. Brazil also interrupted its commercial exports to Paraguay in late 1999.³² This fact that was further strengthened in June 2001 by a resolution of the Brazilian Ministry of Development, Industry and Foreign Trade, that imposed an export tax (*aliquota*) of 150 percent on small arms, ammunition, components and parts exported to countries in South America, Central America and the Caribbean, with the exception of Argentina, Chile and Ecuador, and also excepting exports for authorized users with final destination certificates or weapons for the armed forces or police institutions of the countries of these regions.³³

In this way, the grey market trafficking of small arms in Paraguay was practically stopped.

E. Goals:

This work aims at assessing the efficacy of the new small arms control laws adopted in Paraguay, as well as the dynamics of the small arms trade in Paraguay after the end of the three-year moratorium in late 2000. These measures are in line with some of the Arms Trade Treaty (ATT) principles. The ATT is a proposal for an international convention on arms transfers formulated by a collation of non-governmental organizations. This document is based on a restrictive code of conduct published in 1997 by a group of Nobel Laureates who proposed the adoption of internationally agreed standards for international arms transfers, based on humanitarian law, human rights obligations, and the requirements of international peace, stability and security.³⁴ This work aims at

demonstrating the importance of enforcing these principles by including them into the UN Programme of Action, as well as in regional initiatives aiming at harmonizing domestic laws in order to prevent illicit transfers.

Another goal of this research is to determine if there is currently a spillover effect of small arms and ammunition grey markets to neighboring countries due to stricter controls in Paraguay. This has required analysis of foreign trade and statistics, and intensive field research on the borders between Brazil and Bolivia, Uruguay and Argentina. Both desk and field research were completed between September 2005 and February 2006. This study is focused on these three countries because, unlike other neighbors such as Peru, Colombia, Guyana and Suriname, they have "active borders" with Brazil. By "active borders", we mean the existence of several border cities that are well connected to the rest of the country and where there are strong commercial and population bi-national movements. Because of the situation of pre-existent intense cross-border trade, "active borders" favor, in the absence of an efficient rule of law, the growth of grey markets and smuggling corridors.³⁵ The legal and control flaws that could allow the development of grey markets in these three countries were analyzed as well.

Finally another goal of this work is to propose regional small arms control measures such as joint border controls, reform of border control institutions in Brazil, and a ban on small arms sales along a 100 km wide strip along the national borders.



2. Paraguay: curbing grey trade

A. Background information:

Paraguay has a small population (6.2 million inhabitants)³⁶ and a very low per capita income. In socio-economic terms, Paraguay is one of the poorest countries in the Western Hemisphere. The economy of the country is highly dependent on its agricultural sector and the national government income is based on royalties paid by Brazil for the generation of energy by the bi-national hydro electrical dam of Itaipú, and for taxes charged by the Customs Agency on imported manufactured products.

Paraguay has neither an entrenched gun culture nor is small arms proliferation and violence a problem in comparison with neighboring Brazil. During the second half of the 1990s however, the country was one of the major South American importers of small arms and ammunitions and the largest South American importer of Brazilian-made small arms and ammunition during that decade.³⁷

Paraguay has a large, informal and underground economy, and has a long tradition as a 'revolving door' for trade in products that are heavily controlled in neighboring countries (most particularly Argentina and Brazil), or for foreign products that are subject to high domestic tax rates. 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 Salto del Guairá to the North.³⁸

Paraguay acts as a transshipment country for illegal trafficking in firearms and ammunition to other countries in three ways:

- Illegal sales of Armed Forces' and police stocks and inventory;
- Illicit trafficking crossing Paraguayan territory; and
- Grey transfers of legally exported small arms, which is focus of this work.³⁹

Regarding triangulation to criminal markets (primarily in Brazil) of legally imported arms (primarily from Brazil), it is important to notice that, up to 2001, Paraguayan small arms regulations explicitly allowed foreign tourists to buy small arms just by presenting a photocopy of an ID. This legal flaw allowed alleged "tourists", who were in fact members of criminal organizations, to buy small arms and rounds of ammunition in gun shops located in border cities.⁴⁰

Over the last five years, Paraguayan authorities have been showing a greater willingness to fulfill 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 support from the Brazilian Government), to suspend arms and munitions export licenses to Paraguay.⁴¹ It was also the year in which Brazil and Paraguay signed a bilateral agreement on the exchange of information about the identity of Brazilians making small arms purchases inside Paraguayan territory.⁴²

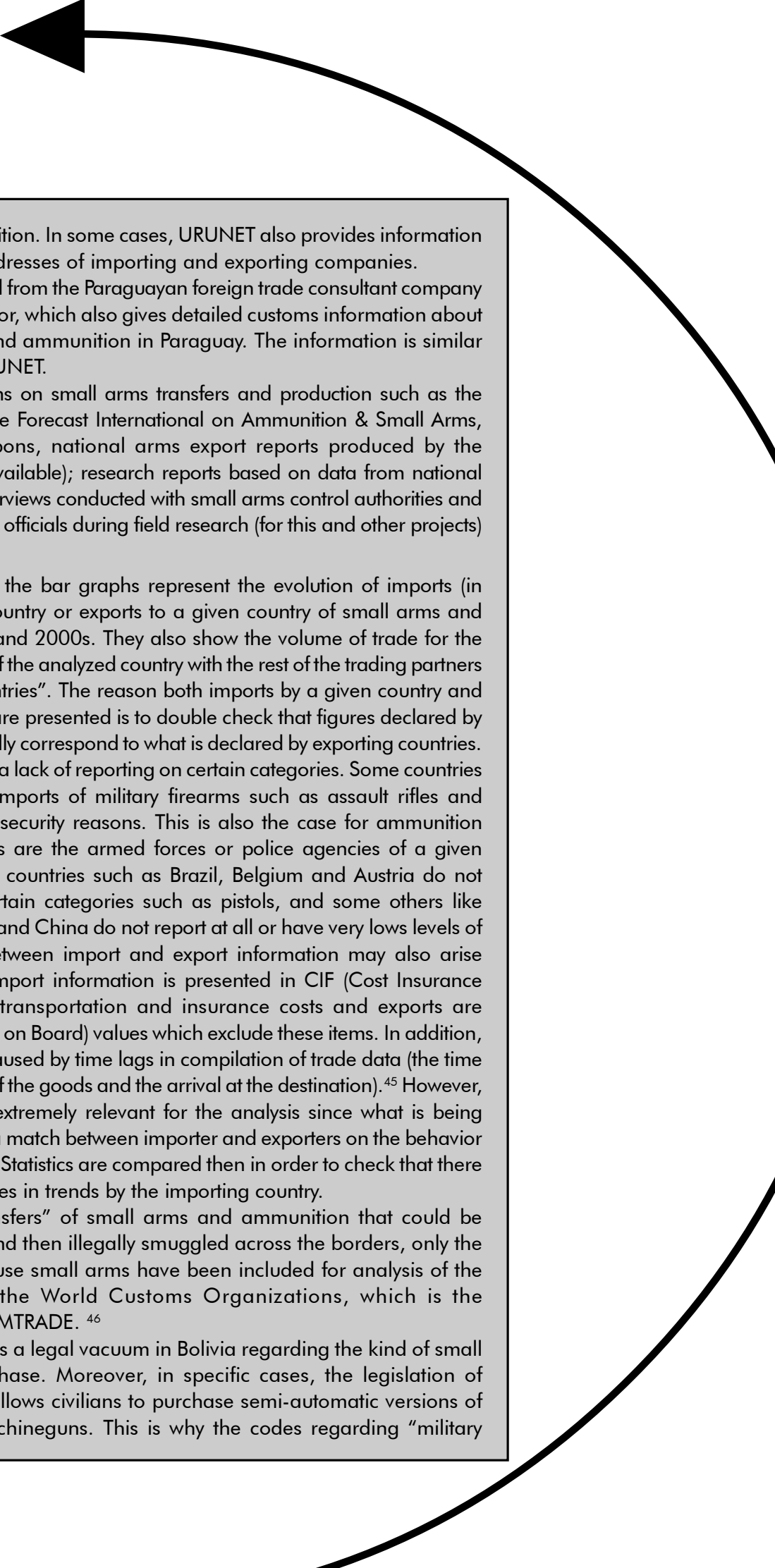
The suspension of U.S. firearms exports to Paraguay led to an increase in the import of Brazilian-made pistols and revolvers (Taurus and Rossi), but Brazil maintained diplomatic pressure on Paraguay to reduce arms and munitions imports. In August 2000, the President of Paraguay finally placed a moratorium on Brazilian arms and munitions imports. The importance of national initiatives to restrict the grey market in Paraguay should also be kept in mind. These initiatives mainly came out of DIMABEL, and from the Ministry of Foreign Affairs. With good reasons, they want to clean up Paraguay's image as the regional centre for arms trafficking. This posture also addressed the need to respond to the commitments acquired from the signing (in 1997) and ratification (in 2000) of the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (CIFTA)* and the adoption of the *United Nations Programme of Action*. In 2002, after intense parliamentary debates, a new small arms control law was approved.⁴³ Besides enhancing requirements for the purchase of small arms and ammunition by nationals, the new law explicitly forbids the purchase of small arms and ammunition by foreigners.

Whether due to international pressure or domestic initiatives, the fact is that from 1999 on firearms imports have been steadily dropping because of DIMABEL progressively denying import licenses, 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. The evolution of small arms and ammunition trade between Paraguay and Brazil can be followed in the following graphs and tables.

Explanatory note on graphs:

Desk research consisted of the analysis and triangulation of data from sources identifying quantities, values (in US\$), average prices, makes and models of imports and exports of small arms and ammunition by Brazil, Paraguay, Bolivia, Uruguay and Argentina. The following sources were consulted:

- The United Nations Commodity Trade Data Base (UN COMTRADE), which reproduces the data (generally in values) of imports and exports as reported by the national customs agencies.
- The small arms foreign trade database of the Norwegian Initiative on Small Arms Transfers (NISAT), which is administered by the Peace Research Institute Oslo (PRIO). This database is based on COMTRADE information.
- The foreign trade database of URUNET, a Uruguayan consulting company on international trade, which offers customs information for the following countries: Argentina, Brazil, Uruguay, Paraguay, Peru and Colombia. This is a paid service, which besides quantities and values of imports and exports also gives information about the unit prices of weapons and ammunition, as well as information about make, manufacturer, caliber and model of the



weapons and ammunition. In some cases, URUNET also provides information about names and addresses of importing and exporting companies.

- Information purchased from the Paraguayan foreign trade consultant company OCIT Comercio Exterior, which also gives detailed customs information about imports of firearms and ammunition in Paraguay. The information is similar to that offered by URUNET.
- Specialized publications on small arms transfers and production such as the Small Arms Survey; the Forecast International on Ammunition & Small Arms, Jane's Infantry Weapons, national arms export reports produced by the governments (when available); research reports based on data from national export reports and interviews conducted with small arms control authorities and small arms companies officials during field research (for this and other projects)

In all graphs in this work, the bar graphs represent the evolution of imports (in current US\$) by a given country or exports to a given country of small arms and ammunition in the 1990s and 2000s. They also show the volume of trade for the five main trading partners of the analyzed country with the rest of the trading partners represented as "other countries". The reason both imports by a given country and exports to a given country are presented is to double check that figures declared by the importing country actually correspond to what is declared by exporting countries. Differences may arise from a lack of reporting on certain categories. Some countries do not report exports or imports of military firearms such as assault rifles and machineguns for national security reasons. This is also the case for ammunition when the final destinations are the armed forces or police agencies of a given country. In addition, some countries such as Brazil, Belgium and Austria do not report their exports for certain categories such as pistols, and some others like Israel, South Africa, Russia and China do not report at all or have very low levels of reporting.⁴⁴ Differences between import and export information may also arise because of the fact that import information is presented in CIF (Cost Insurance Freight) values including transportation and insurance costs and exports are represented in FOB (Freight on Board) values which exclude these items. In addition, there may be differences caused by time lags in compilation of trade data (the time lag between the shipment of the goods and the arrival at the destination).⁴⁵ However, these differences are not extremely relevant for the analysis since what is being observed here is if there is a match between importer and exporters on the behavior of trade patterns over time. Statistics are compared then in order to check that there are not serious discrepancies in trends by the importing country.

In this study of "grey transfers" of small arms and ammunition that could be purchased in gun shops and then illegally smuggled across the borders, only the customs codes of civilian-use small arms have been included for analysis of the Harmonized System of the World Customs Organizations, which is the nomenclature used in COMTRADE.⁴⁶

Before May 2000 there was a legal vacuum in Bolivia regarding the kind of small arms civilians could purchase. Moreover, in specific cases, the legislation of Paraguay and Argentina allows civilians to purchase semi-automatic versions of assault rifles and sub-machineguns. This is why the codes regarding "military

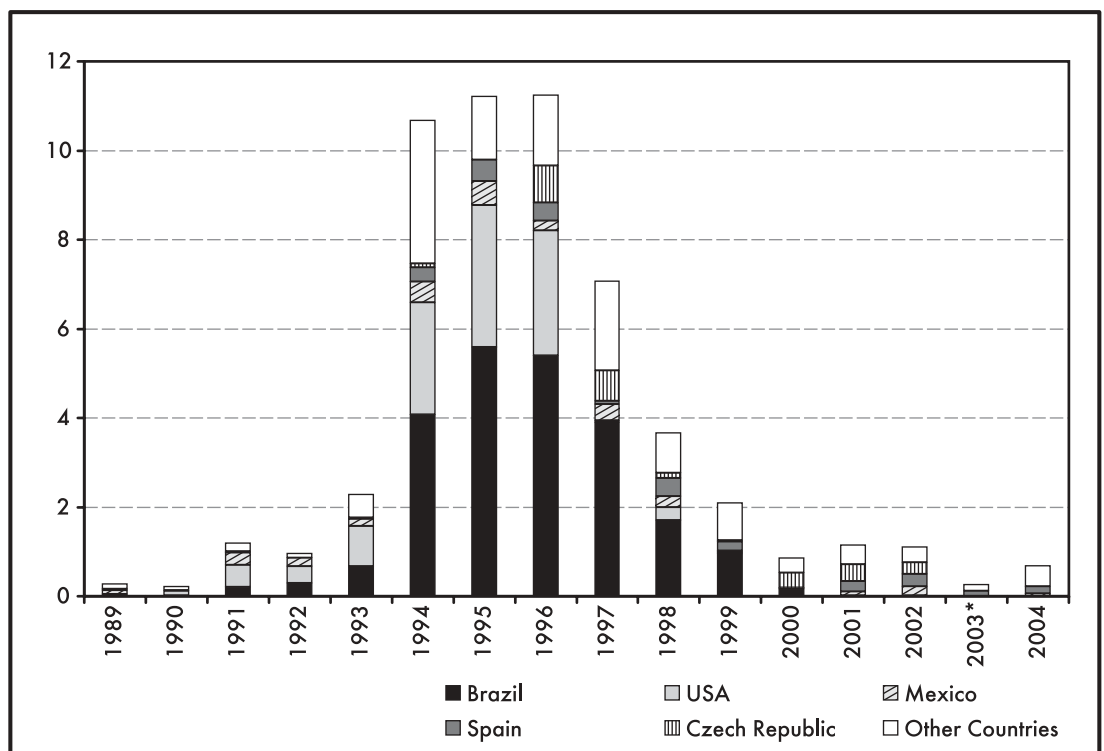
firearms” has been included when, after cross-referencing information from the sources quoted above, there was certainty that imports were destined for commercial markets instead of police or military forces.

The following customs codes were used for the graphs: 930190 (military firearms); 930200 (Revolvers and pistols); 930320 (Sporting, hunting or target-shooting shotguns, including combination shotgun-rifles; 930330 (Other sporting, hunting or target-shooting rifles); 930621 (Shotgun cartridges); 930630 (small arms ammunition).⁴⁷

In graphs 1 and 2 below it is possible to observe the magnitude of small arms and ammunition by Paraguay in the mid 1990s. Actually, during 1994 to 1997 Paraguay declared average imports of 12 million US\$. This is above the average in the same period of larger economies such as Argentina (11.7 million) and Brazil (3.2 million) or countries with internal armed conflicts such as Colombia (3.3 million).⁴⁸

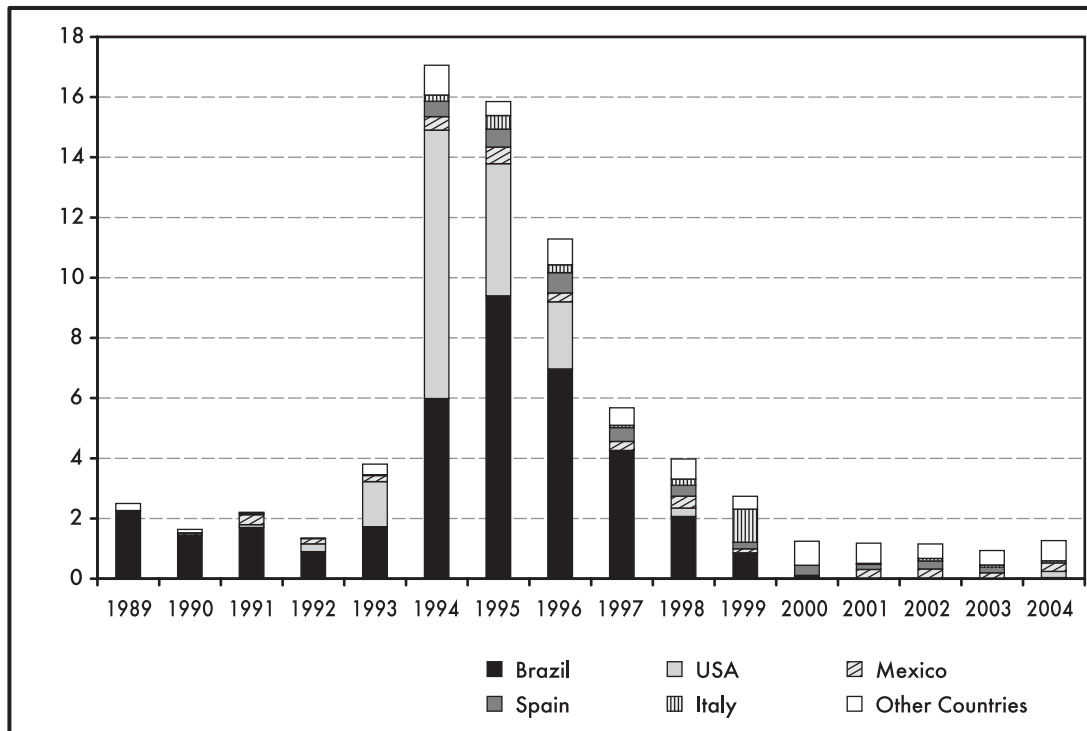
It is possible to see that the major exporters in small arms, and ammunition to Paraguay in the 1990s were Brazil and the United States. The U.S. disappears from the graph after 1996, when the export ban was adopted by the U.S. government and Brazil also disappears from the graph after the moratorium in 2000. In graphs 1 and 2, it is also possible to notice another marked decrease after 1999, when the Paraguayan government started adopting policy and legal measures in order to restrict and control the imports of these products. In Table 1, which represents official statistics from DIMABEL for small arms import, it is clear that Paraguay drastically reduced its small arms imports in 2000.

Graph 1. Paraguay: small arms and ammunitions imports, in current US\$ million, 1989/ 2004.



* Argentina and Spain data from OCIT.
Source: UN - Comtrade

Graph 2. Small arms and ammunition exports to Paraguay in current US\$ million, 1989/ 2004.



Source: UN - Comtrade

Table 1. Paraguay imports of small arms in units 1995-2002:

Year	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", document provided by Dr. Hugo Corrales Campagnucci, legal advisor of DIMABEL, Asunción, 2003.

B. Legal flaws and loopholes:

Up to June 2002, small arms and ammunition use, possession and trade were regulated in Paraguay by Decree N° 23,459, enacted in June 16, 1976, and by its enforcement guidelines established in Ministerial Resolution N° 397 of June 27, 1977. Both documents were enacted during the dictatorship of General Alfredo Stroessner (1954-1989).⁴⁹

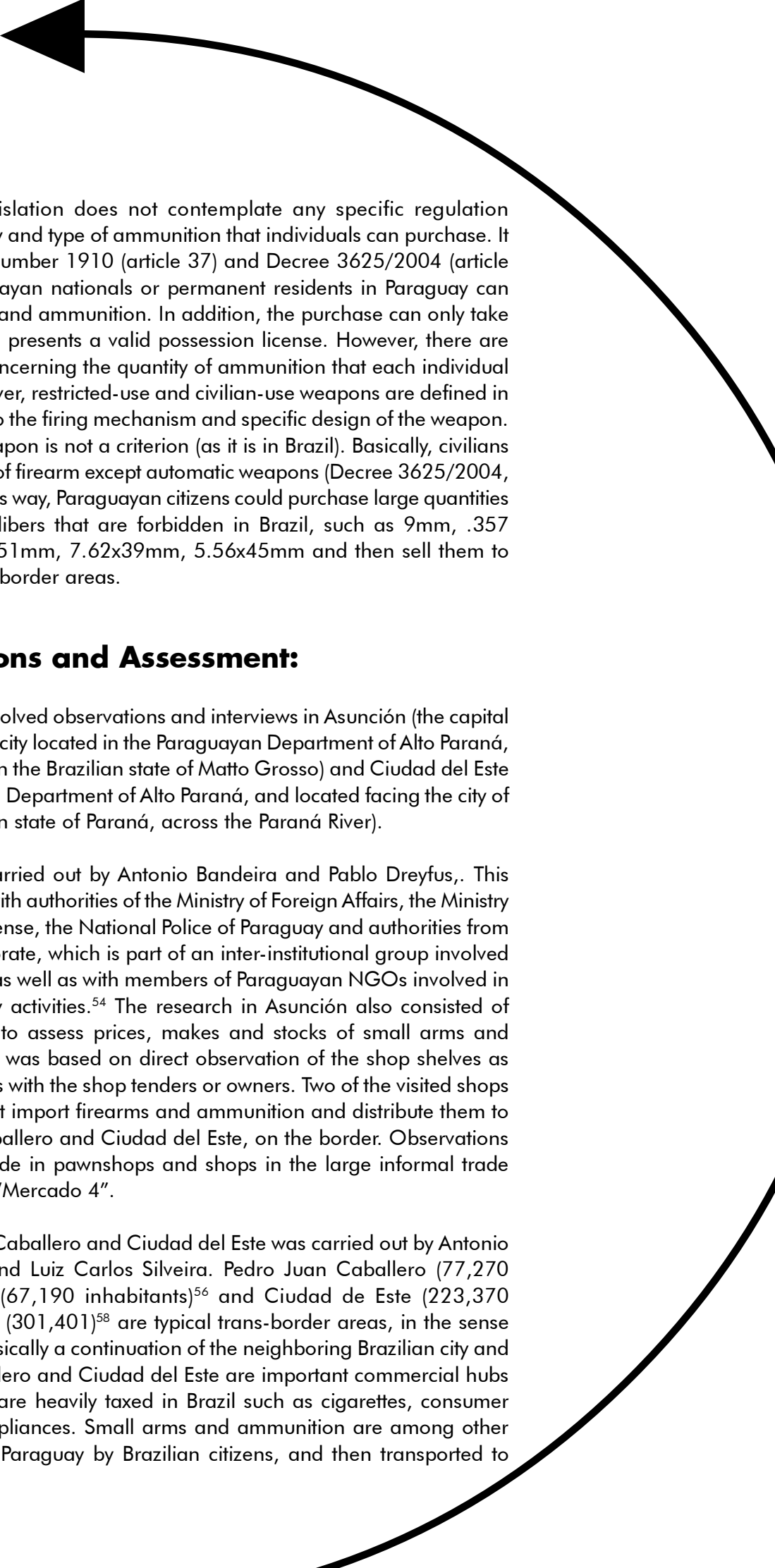
The major flaw of these decrees in relation to grey small arms markets in border cities in Paraguay was that article N° 85 of Resolution N° 397 explicitly allowed foreign tourists to buy firearms with an authorization granted by the local police station. The procedure for foreigners to get that authorization was simply to present a copy of a valid ID and then fill out a form with personal data at the gun shop.

As explained above, this legal flaw was used by Brazilian criminals to buy small arms in border cities, such as Pedro Juan Caballero and Ciudad del Este, violating Brazilian legal regulations regarding registration requirements as well as restrictions on calibers and types of weapons (on 9mm pistols and semi-automatic versions of assault rifles, for example). In January 2001, this legal flaw was partly mitigated (at least on paper) by a decree that established that in the specific case of Brazilians, foreigners living in Brazil or Brazilian legal entities (firms), the purchaser could only buy small arms through the presentation at the shop of a copy of an ID certified by the nearest Brazilian consular office.⁵⁰

In June 2002, the Paraguayan Congress enacted the *"Firearms, Ammunitions and Explosives Act"* (N° 1910/2002).⁵¹ This new law replaced Decree 23,459 and its enforcement guidelines, and was voted by Congress after long and tense debates over different bills presented in the mid-1990s. The voting of Law number 1910 was obstructed for six years by the lobbying activity of political sectors linked to small arms importers and traders.

The more positive aspect of this law is that overrules the previous decrees and also does not mention or authorize the purchase of small arms by foreigners in Paraguayan territory. Law number 1910 was further reinforced in October 2004 by its enforcement guidelines established in Presidential Decree N° 3625.⁵² In its article N° 31, this decree explicitly forbids the sale of firearms, ammunition and explosives or their parts or accessories to foreign tourists or foreigners in transit through Paraguayan territory. This measure, added to the restrictions on firearms trade mentioned before, helps to solve the issue of grey transactions involving firearms in gun shops in border areas. However, the new legislation still has two flaws that can be exploited by criminals:

- Decree N° 3265 allows pawn houses to accept firearms as guarantees on loans. This not only creates security problems in the form of possible theft and robberies from these houses, but also augments the possibility of illicit or irregular sales. Already DIMABEL has difficulty monitoring the activities of all gun shops in Paraguay, above all in distant border areas (DIMABEL is still based in Asunción and only in March 2005 did this agency open a desk in Ciudad del Este).⁵³ Allowing pawn houses to store, and eventually auction, small arms only duplicates these control problems.

- 
- The Paraguayan legislation does not contemplate any specific regulation regarding the quantity and type of ammunition that individuals can purchase. It is clear in both Law number 1910 (article 37) and Decree 3625/2004 (article 34), that only Paraguayan nationals or permanent residents in Paraguay can purchase small arms and ammunition. In addition, the purchase can only take place if the individual presents a valid possession license. However, there are not yet regulations concerning the quantity of ammunition that each individual can purchase. Moreover, restricted-use and civilian-use weapons are defined in Paraguay according to the firing mechanism and specific design of the weapon. The caliber of the weapon is not a criterion (as it is in Brazil). Basically, civilians can possess any type of firearm except automatic weapons (Decree 3625/2004, articles 4 and 5). In this way, Paraguayan citizens could purchase large quantities of ammunition of calibers that are forbidden in Brazil, such as 9mm, .357 Magnum, .44, 7.62x51mm, 7.62x39mm, 5.56x45mm and then sell them to Brazilian criminals in border areas.

C. Field observations and Assessment:

Field research in Paraguay involved observations and interviews in Asunción (the capital city), Pedro Juan Caballero (a city located in the Paraguayan Department of Alto Paraná, facing the city of Ponta Porã, in the Brazilian state of Matto Grosso) and Ciudad del Este (the capital of the Paraguayan Department of Alto Paraná, and located facing the city of Foz de Iguazú, in the Brazilian state of Paraná, across the Paraná River).

Research in Asunción was carried out by Antonio Bandeira and Pablo Dreyfus,. This research involved interviews with authorities of the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Defense, the National Police of Paraguay and authorities from the National Customs Directorate, which is part of an inter-institutional group involved in small arms control issues, as well as with members of Paraguayan NGOs involved in Small Arms control advocacy activities.⁵⁴ The research in Asunción also consisted of visits to gun shops in order to assess prices, makes and stocks of small arms and ammunition. The assessment was based on direct observation of the shop shelves as well as informal conversations with the shop tenders or owners. Two of the visited shops were also importing firms that import firearms and ammunition and distribute them to gun shops in Pedro Juan Caballero and Ciudad del Este, on the border. Observations and interviews were also made in pawnshops and shops in the large informal trade area of Asunción, known as “Mercado 4”.

Field research to Pedro Juan Caballero and Ciudad del Este was carried out by Antonio Bandeira ; Pablo Dreyfus, and Luiz Carlos Silveira. Pedro Juan Caballero (77,270 inhabitants)⁵⁵ /Ponta Porã (67,190 inhabitants)⁵⁶ and Ciudad de Este (223,370 inhabitants)⁵⁷ /Foz de Iguazú (301,401)⁵⁸ are typical trans-border areas, in the sense that the Paraguayan city is basically a continuation of the neighboring Brazilian city and vice versa. Pedro Juan Caballero and Ciudad del Este are important commercial hubs for all kind of products that are heavily taxed in Brazil such as cigarettes, consumer electronics and electronic appliances. Small arms and ammunition are among other items that are purchased in Paraguay by Brazilian citizens, and then transported to

Brazil along very porous and weakly controlled borders. However, there are differences in the scale of the trade as well as in the type of border area.

Ciudad del Este, located in the Triple Border ⁵⁹Area between Brazil, Paraguay and Argentina, is a strategic major city for Paraguay. Its customs desk collects most of the imports taxes in the country. The city is also the capital of the department where most soybeans, the main export national product, are produced and is also the major outlet for Paraguay's (a landlocked country) exports and imports through the international bridge to the Brazil and then by highway to the Brazilian port of Paranaguá. Ciudad del Este has an intensive international commercial trade with Miami and South East Asia and an important international commercial airport. The city also has large foreign communities (mainly Chinese and Lebanese) with commercial and family links with their countries of origin. The border between Ciudad del Este and Foz de Iguazú is a "wet border", that is, transit and land trade takes place across the Paraná river through the international "Friendship Bridge" (*Puente de la Amistad*) which is crossed back and forth on average by more than 30,000 people daily, and has an intense transit of trucks loaded with soybean and manufactured products. Transnational criminal organizations (mainly of Chinese or Middle East origin) take advantage of the intense legal land and air trade in the city in order to conceal illicit drugs and illicitly traded arms together with legal shipments. Controls at both extremes of the bridge are random and very scarce.⁶⁰

Pedro Juan Caballero is a smaller city in terms of population, with a more modest commercial movement. All the economic and social life of the city revolves around the trade of imported goods in small shops located right next to the borderline, and a single large shopping center, which sells imported consumption goods at low prices. In this case, there is a "dry border" between Pedro Juan and Ponta Porã. An avenue that actually marks the borderline divides both cities. There are no controls or check points.

Crossing the Amistad Bridge from Brazil to Paraguay:



Photo: Pablo Dreyfus

Actually, a striking fact is that in one place the border goes through the parking lot of the shopping center. Another sticking fact is the disproportionately large number of gun shops for such a small city. Researchers visited five gun shops including the “hunting and fishing” department inside the shopping center.

Beginning of the Amistad Bridge, Brazilian Side. The sign says “Dear tourist, Federal Customs informs you that bringing firearms, illicit drugs or Brazilian cigarettes back from Paraguay is forbidden.”



Photo: Pablo Dreyfus

Gun shop shelf in Pedro Juan Caballero: Ammunition from all parts of the world:



Photo: Pablo Dreyfus

Brazilian-Paraguayan border Ponta Porã/Pedro . Brazilian side viewed from Paraguay



Photo: Pablo Dreyfus

Brazil- Paraguay border as seen from the parking lot of a shopping center in Ponta Porã

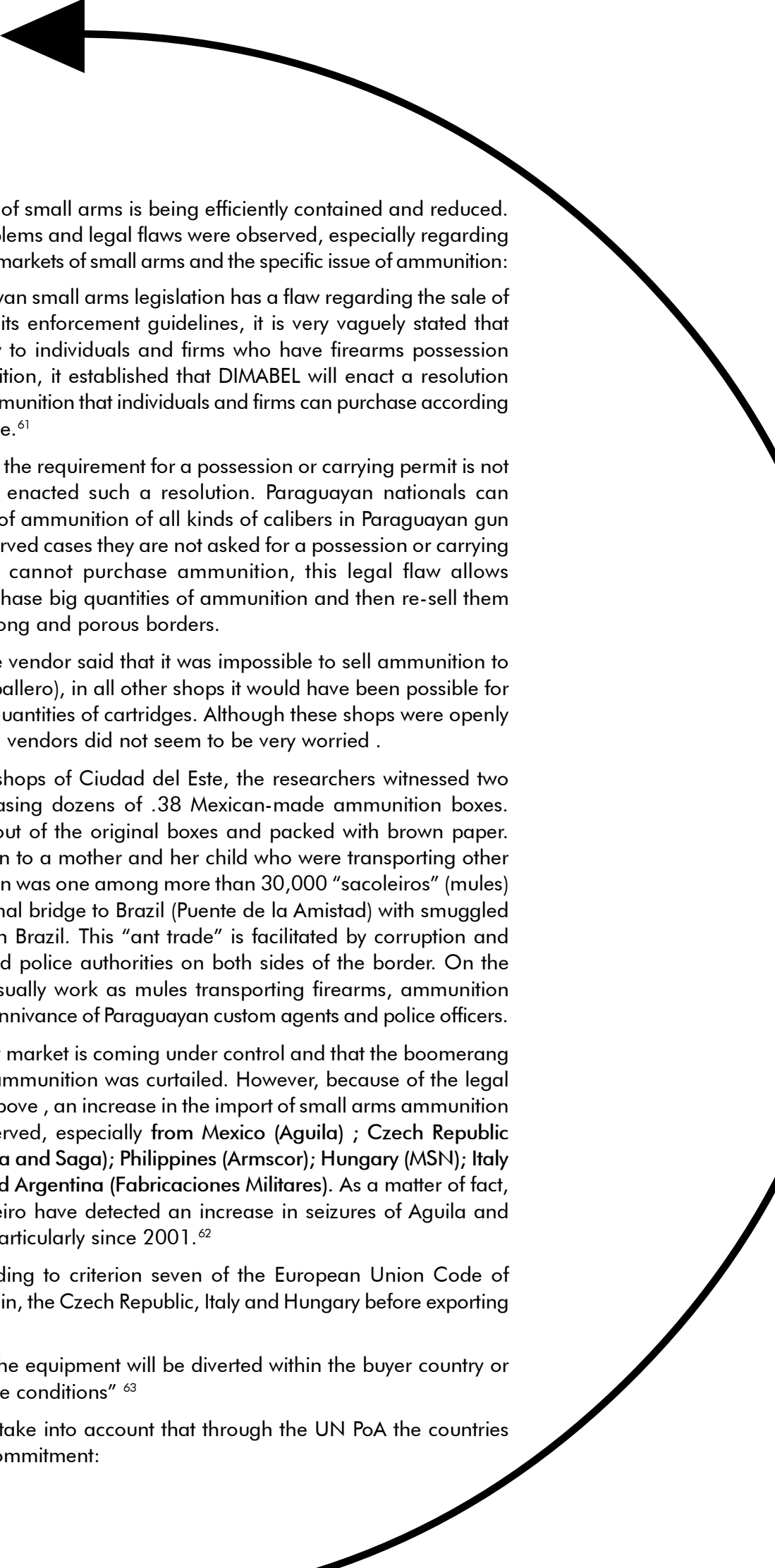


Photo: Pablo Dreyfus

Both Ciudad del Este and Pedro Juan Caballero are connected through a good road system to major Brazilian cities in the South East part of the country, such as São Paulo, Rio de Janeiro and Vitória. Because of a soybean boom in the area, in the states of Paraná and Mato Grosso do Sul there is heavy cargo truck traffic and this makes even more difficult the careful and meticulous police control of vehicles coming from border areas.

In Asunción, Pedro Juan Caballero and Ciudad del Este it was observed that gun shops basically do not have stocks of new Brazilian small arms and ammunition, and are only selling remaining old stocks of European-, US-, Israeli- and Argentine-made small arms as well as, in the particular case of Ciudad del Este, second hand Brazilian revolvers and pistols.

Through direct questions and conversations, the researchers observed that most of the vendors of the thirteen gun shops visited would have not sold small arms to foreigners. In two gun shops, however (one in Pedro Juan Caballero and another in Ciudad del Este), it would have been possible for the researchers to buy a gun. In Ciudad del Este, they offered to transport the gun across the river to Brazil for a surcharge of US\$ 40 above the price of about US\$ 1,000 for a US made pistol. This was a sort of "risk tax".



The problem of grey markets of small arms is being efficiently contained and reduced. However, several control problems and legal flaws were observed, especially regarding the issue of illicit and informal markets of small arms and the specific issue of ammunition:

As explained above, Paraguayan small arms legislation has a flaw regarding the sale of ammunition. In the law and its enforcement guidelines, it is very vaguely stated that ammunition will be sold only to individuals and firms who have firearms possession and carrying permits. In addition, it established that DIMABEL will enact a resolution establishing the amount of ammunition that individuals and firms can purchase according to the kind of permit they have.⁶¹

However, it was observed that the requirement for a possession or carrying permit is not respected nor has DIMABEL enacted such a resolution. Paraguayan nationals can purchase unlimited amounts of ammunition of all kinds of calibers in Paraguayan gun shops and in most of the observed cases they are not asked for a possession or carrying permit. Although foreigners cannot purchase ammunition, this legal flaw allows Paraguayan nationals to purchase big quantities of ammunition and then re-sell them to foreigners along the very long and porous borders.

Whereas in one gun shop the vendor said that it was impossible to sell ammunition to foreigners (in Pedro Juan Caballero), in all other shops it would have been possible for the researchers to buy large quantities of cartridges. Although these shops were openly violating the Paraguayan law, vendors did not seem to be very worried .

In one of the observed gun shops of Ciudad del Este, the researchers witnessed two Paraguayan nationals purchasing dozens of .38 Mexican-made ammunition boxes. The ammunition was taken out of the original boxes and packed with brown paper. Then the packages were given to a mother and her child who were transporting other goods in big bags. This woman was one among more than 30,000 "sacoleiros" (mules) that daily cross the international bridge to Brazil (Puente de la Amistad) with smuggled goods that are then traded in Brazil. This "ant trade" is facilitated by corruption and weak controls by customs and police authorities on both sides of the border. On the Paraguay side, taxi drivers usually work as mules transporting firearms, ammunition and other products with the connivance of Paraguayan custom agents and police officers.

It is true that the firearms grey market is coming under control and that the boomerang trade of Brazilian arms and ammunition was curtailed. However, because of the legal and control flaw mentioned above , an increase in the import of small arms ammunition from other sources was observed, especially from Mexico (Aguila) ; Czech Republic (Sellier&Bellot); Spain (Armusa and Saga); Philippines (Arm Scor); Hungary (MSN); Italy (Fiocchi); Israel (Samson); and Argentina (Fabricaciones Militares). As a matter of fact, police sources in Rio de Janeiro have detected an increase in seizures of Aguila and Sellier & Bellot ammunition particularly since 2001.⁶²

It is worth noting that according to criterion seven of the European Union Code of Conduct on Arms Exports, Spain, the Czech Republic, Italy and Hungary before exporting to Paraguay should evaluate:

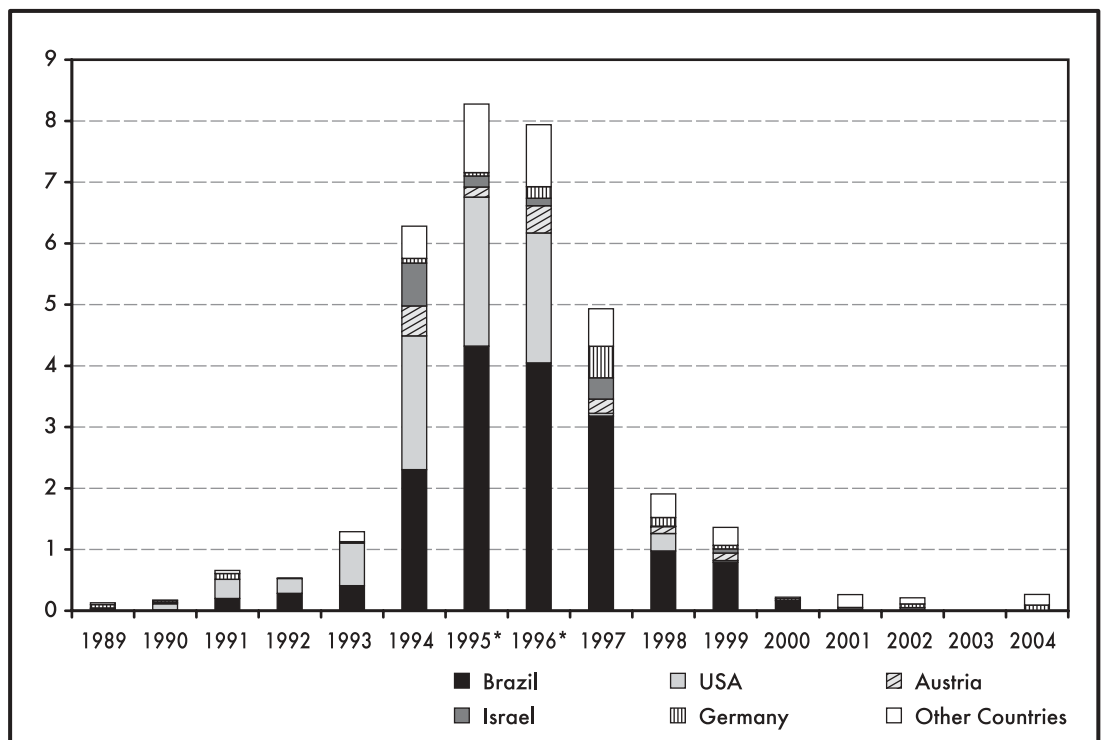
"The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions"⁶³

At the same time, all should take into account that through the UN PoA the countries mentioned above have the commitment:

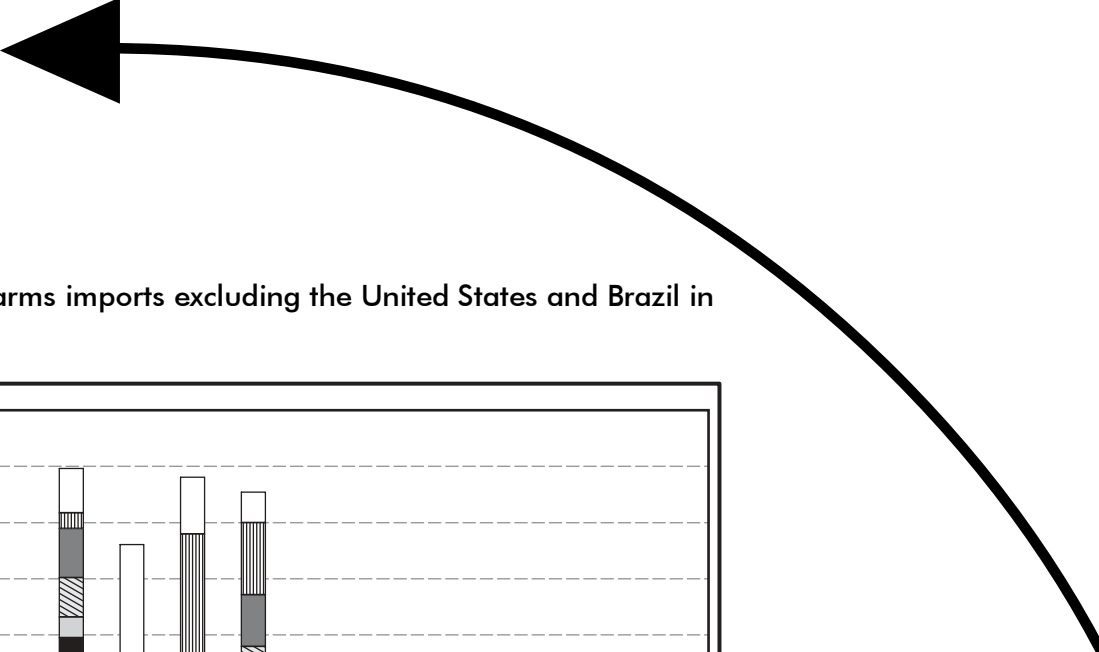
“To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.”⁶⁴

In the graphics below, it is possible to observe that following the US ban on firearms and ammunition exports to Paraguay in 1996, as well as the interruption of Brazilian commercial exports in 1999/2000, the import restriction policies adopted by Paraguay since 1999, and the changes in the legislation, the imports of small arms by Paraguay are reduced to relatively insignificant values when compared with the 1990s. However, when we observe the behavior in ammunition imports, we see a sudden decrease in US supplies after the ban (1996), and in Brazilian supplies since 2000. However, the volume of trade with other major suppliers of ammunition to Paraguay, such as the Czech Republic, Mexico, Spain and Argentina suffers less drastic modifications, and there are even newcomers such as Philippines (Armscor) from 1999 on. According to data from the Paraguayan foreign trade consultant company “Ocit Comercio Exterior”, which uses official data from the Paraguayan Customs, between 1997 and 2003 Paraguay commercially imported (imports other than to the armed forces and police) over 153 million rounds of ammunition. That seems exaggerated for a country with a low per capita consumption capacity and which in 2003 had no more than 320,000 registered small arms in the hands of civilians.⁶⁵

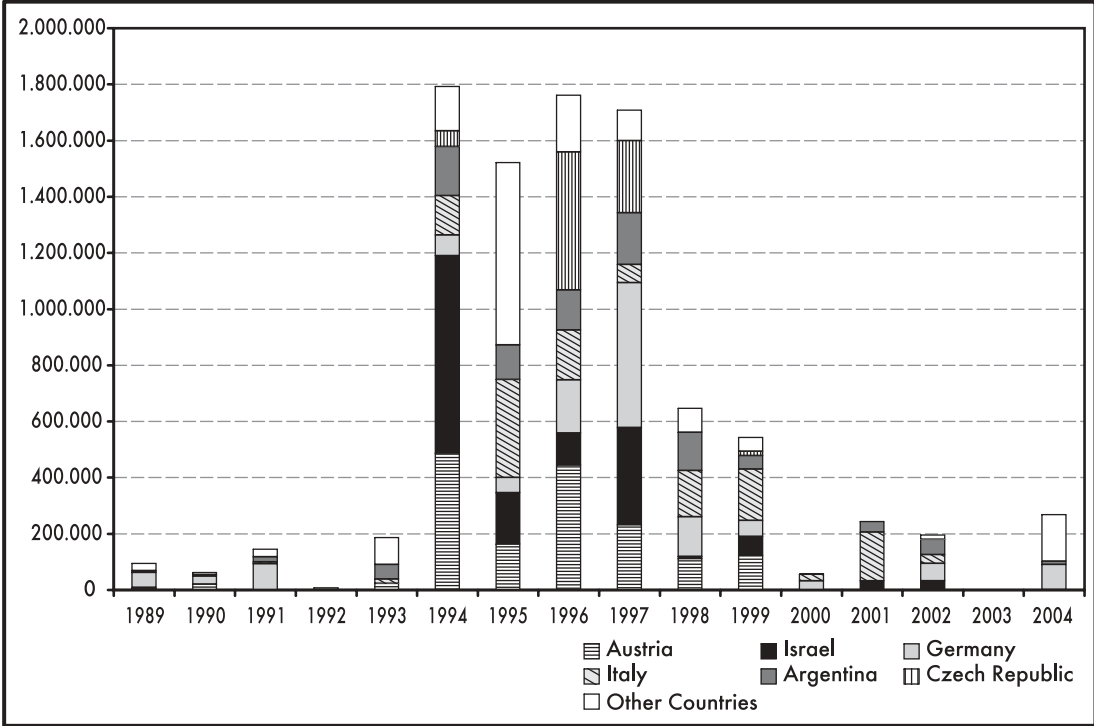
Graph 3.⁶⁶ Paraguay: small arms imports in current US\$ million, 1989/ 2004.



* Switzerland and USA data from OCIT.
Source: UN - Comtrade

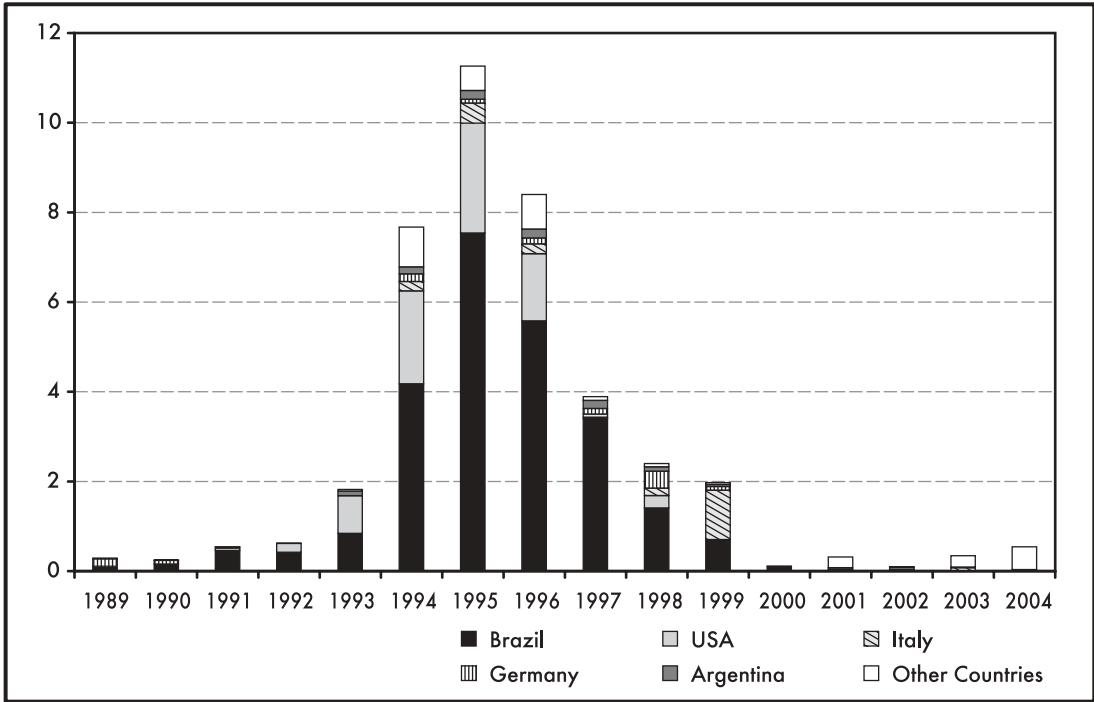


Graph 4. Paraguay: small arms imports excluding the United States and Brazil in current US\$, 1989/ 2004.



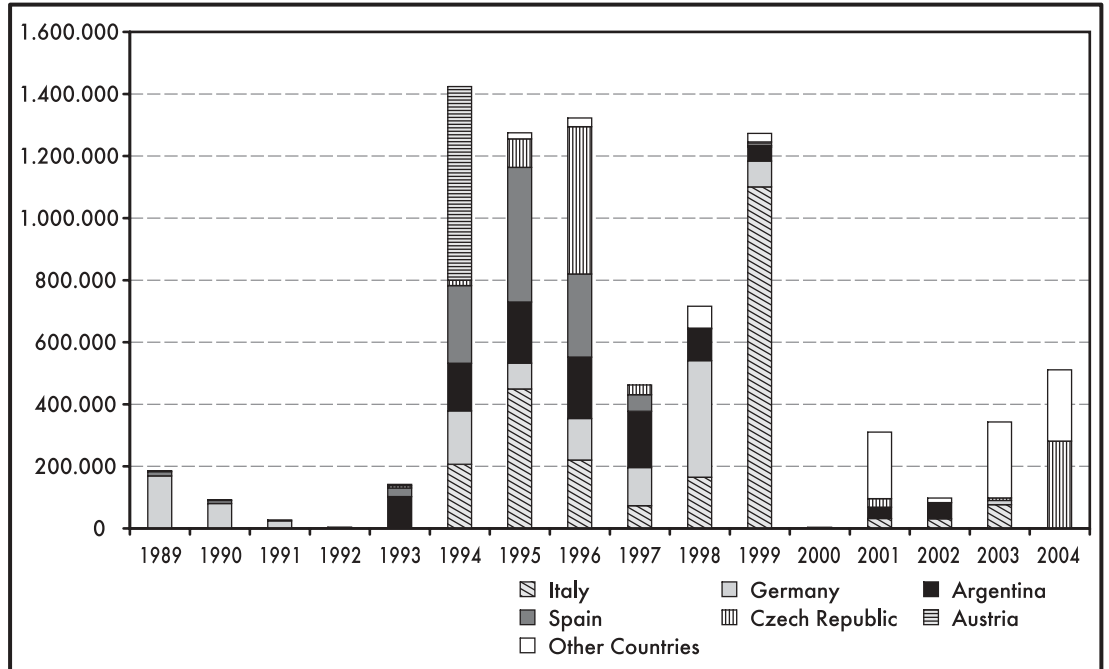
Source: UN - Comtrade

Graph 5. Small arms exports to Paraguay in current US\$ million, 1989/ 2004.



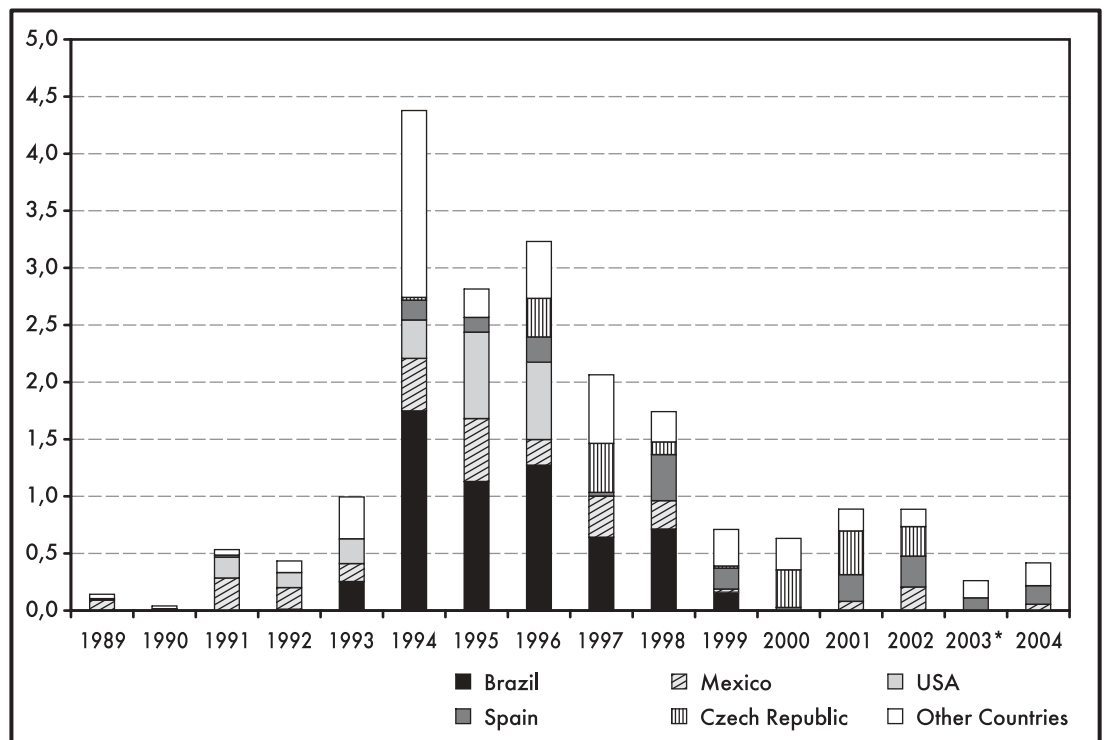
Source: UN - Comtrade

Graph 6. Small arms exports to Paraguay excluding the United States and Brazil in current US\$, 1989/ 2004.

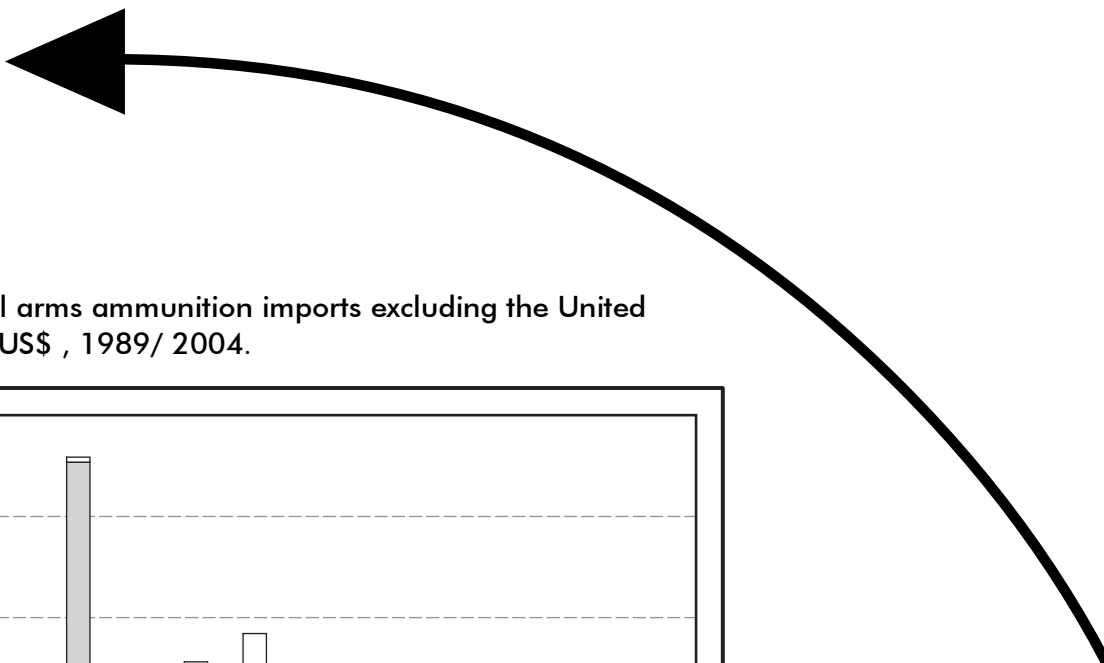


Source: UN - Comtrade

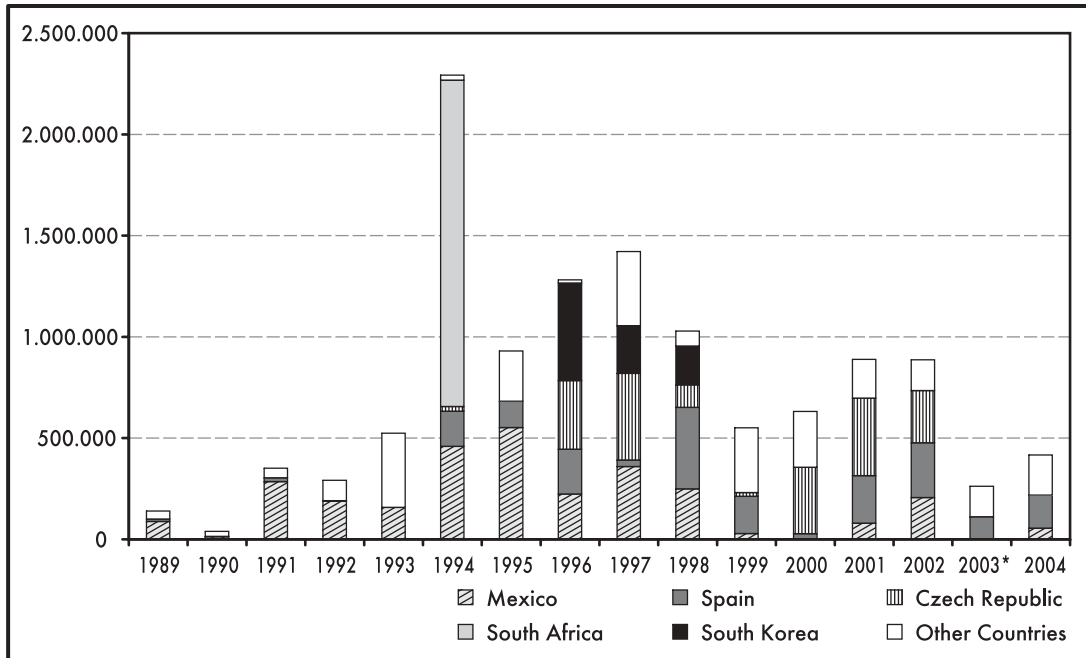
Graph 7. Paraguay: small arms ammunition imports in current US\$ million, 1989/ 2004.



* Argentina and Spain data from OCIT.
Source: UN - Comtrade

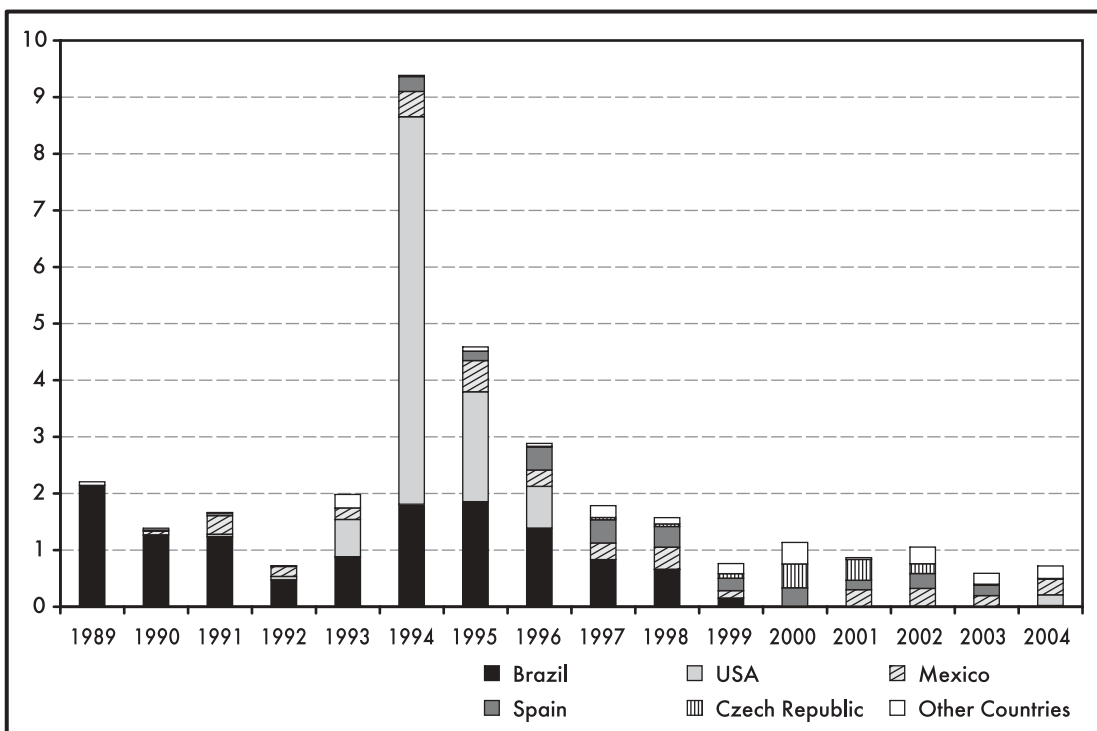


Graph 8.⁶⁷ Paraguay: small arms ammunition imports excluding the United States and Brazil in current US\$, 1989/ 2004.



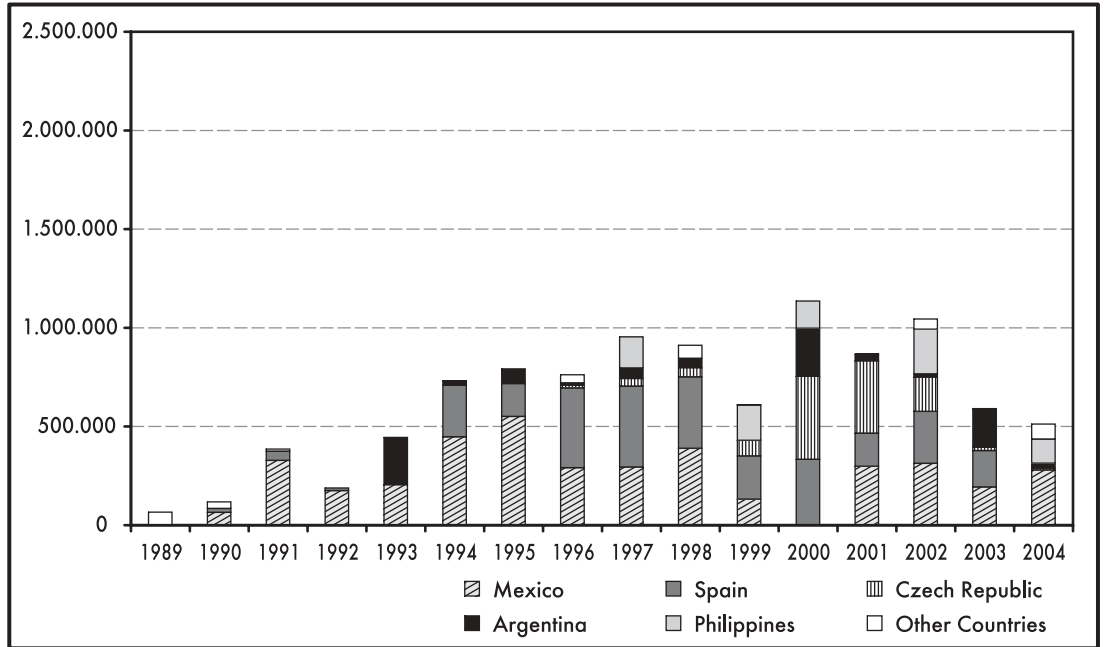
* Argentina and Spain data from OCIT.
Source: UN - Comtrade

Graph 9. Small arms ammunition exports to Paraguay in current US\$ million, 1989/ 2004.



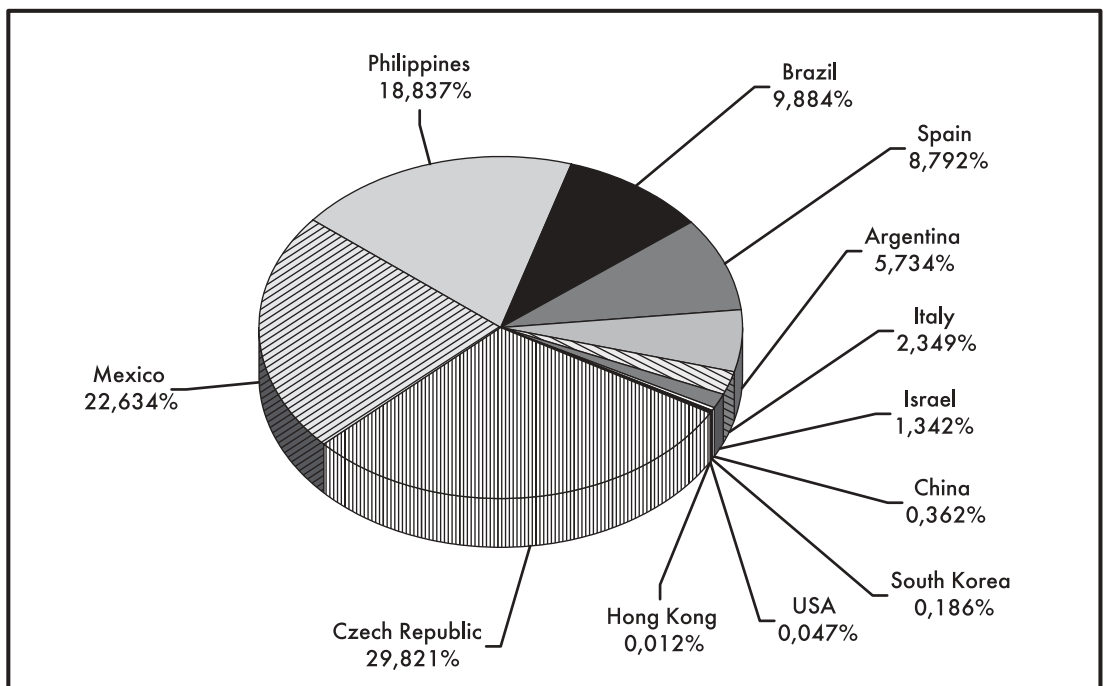
Source: UN - Comtrade

Graph 10. Small arms ammunition exports to Paraguay excluding the United States and Brazil in current US\$, 1989/ 2004.



Source: UN - Comtrade

Graph 11. Paraguay: volume of imports (in units-cartridges) by exporter, Total 153.5 million rounds 1997/ 2003.



Source: OCIT Comercio Exterior

Another problem is that the Paraguayan legislation allows small arms to be left as a guarantee and auctioned and sold at pawnshops. Technically, DIMABEL should monitor auctions and sales; however, this is not done adequately. It was observed that pawnshops are an important source of informal and illegal small arms sales. It was observed also an intense sale of handguns (used and new) at open market tents in Asunción, which suggest high degrees of police corruption.

The researchers detected the presence of suspicious cargo planes harbored in the commercially active airport of Ciudad del Este (see photo below) These planes did not have any commercial name or identification number. This also suggests a lack of efficient police and customs controls regarding cargo entering and leaving Paraguay.

Cargo plane without identification marks in Ciudad del Este international airport:



Photo: Antonio Rangel Bandeira

Finally, in Ciudad del Este and Pedro Juan Caballero researchers observed that some gun shops were actually selling second-hand models of old Brazilian-made revolvers, pistols and hand shotguns (known as “garruchas” in Brazil). A possible explanation for this is that Brazilian gun owners who have illegal (not duly registered) guns and who are not willing to follow all the required procedures to register their guns (including the payment of a tax) are illegally selling them in Paraguay.

D. Partial Conclusions and recommendations:

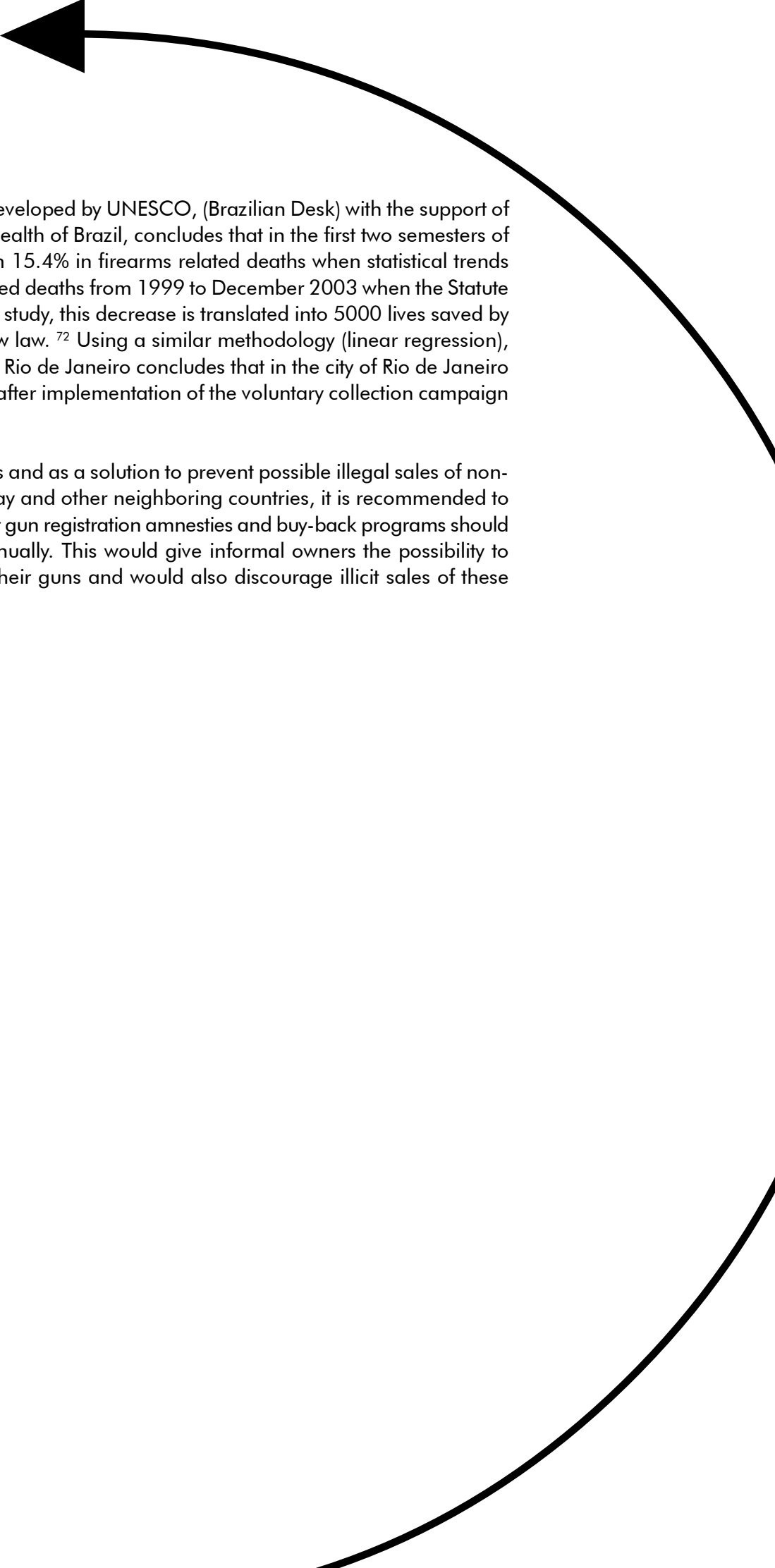
In the last five years, Paraguayan authorities have made enormous progress in the control of illicit arms sales. However, as observed in this research, these efforts and legal improvements are being undermined by several factors. These are:

- Lack of efficient and thorough controls on the sale of ammunition, especially to foreigners;
- The legislation allows pawnshops to receive small arms. This should be explicitly forbidden by law. Small arms are not like other goods. They kill and they should be only traded at specialized and heavily monitored shops.
- Weak and inefficient border controls, especially across the Paraná River.
- Lack of commitment to principle seven of the European Code of Conduct by the Czech Republic, Italy, Hungary and Spain regarding the export of ammunition to Paraguay as well as lack of commitment to the UN Programme of Action by Mexico, Argentina, Israel and Philippines and by the countries mentioned above for the same reason.
- On this particular aspect, it is worth noting that the Statute of Disarmament in Brazil established a six month (then extended to 18 months) national buyback program for the voluntary collection of small arms. This buyback campaign, which ended on October 23, 2005, was coincident with an amnesty for the registration of non-registered weapons. After the amnesty, illegal owners are subject to penalties established in the law for illegal possession.

Up to October 23, 2006 when the National Firearms Buyback campaign was closed, 459,855 small arms were collected in Brazil as part of the buyback program.⁶⁸ This quantity represents 3 percent of estimated private holdings (15,2 million); 6.8 percent of estimated legal private holdings (registered civilian guns, 6.8 million) ; 9.92 percent of estimated private informal holdings (unregistered guns in the hands of law-abiding citizens, 8.5 million) and 11.9 percent of estimated criminal holdings (guns in the hands of criminals, 3.8 million).⁶⁹

Most of the guns that were handed over at collection posts administered by Viva Rio in Rio de Janeiro, were old models of Taurus and Rossi revolvers and most of the firearms were handed over by middle class men over 50 years old. The age of the guns and the owners and the fact that most of the guns were handed over without the registration documents indicates that they were purchased before 1980 when registration became mandatory in Brazil.⁷⁰

Recent studies show that the combined national and local effect of the implementation of measures to restrict the purchase of small arms and ban illicit carrying (and thus penalize and seize illicitly carried firearms and ammunition), as well as the 18 month voluntary small arms collection campaign, are related to a significant decrease in firearm-related deaths (and above all homicides). In the case of Rio de Janeiro, the analysis of police records also show that the decrease in firearm-related homicides is even higher in interpersonal cases where there was a previous relationship between the victim and the aggressor or in cases of deaths caused by trivial causes such as discussions over car accidents, soccer match results and bar or street fights.⁷¹



At the national level a study developed by UNESCO, (Brazilian Desk) with the support of the Ministries of Justice and Health of Brazil, concludes that in the first two semesters of 2004 there was a decrease in 15.4% in firearms related deaths when statistical trends are compared to firearm related deaths from 1999 to December 2003 when the Statute was passed. According to this study, this decrease is translated into 5000 lives saved by the implementation of the new law.⁷² Using a similar methodology (linear regression), a study by ISER researchers in Rio de Janeiro concludes that in the city of Rio de Janeiro there was a decrease of 11% after implementation of the voluntary collection campaign which started in July 2004.⁷³

In light of these positive results and as a solution to prevent possible illegal sales of non-registered firearms in Paraguay and other neighboring countries, it is recommended to the Brazilian Government, that gun registration amnesties and buy-back programs should be periodically organized annually. This would give informal owners the possibility to either register or hand over their guns and would also discourage illicit sales of these weapons.

3. Analysis of small arms and ammunition import statistics for Argentina, Bolivia and Uruguay:

This section analyzes the import statistics of Argentina, Bolivia and Uruguay in order to observe if, improved small arms controls in Paraguay, as well as the decrease in imports of small arms and ammunition from Brazil, led to an increase of imports by neighboring countries which have “active borders” with Brazil, as well as “trans border” areas along the border.

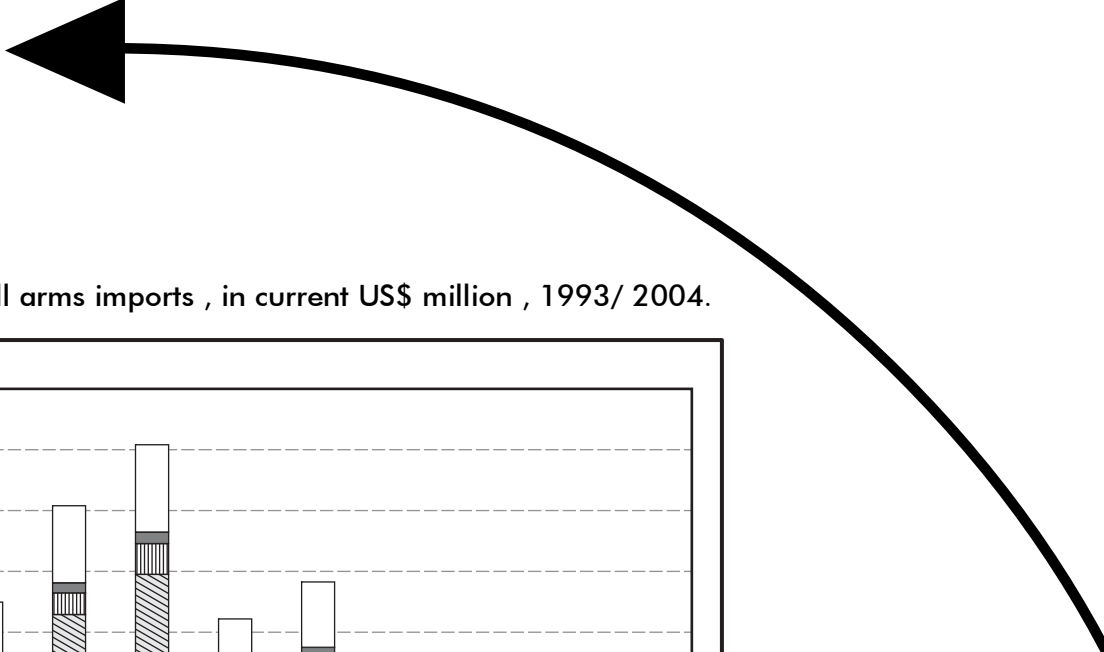
The evolution of imports statistics of small arms and ammunition is presented in the graphs below. Each country should be observed as a case in itself. Trade statistics are not comparable because each country differs in the consumption capacity of the population and the size of the market. There are big differences between Bolivia with 9.2 million inhabitants, and a per capita gross domestic product (GDP) of US\$ 939, Argentina, with a population of 38.2 million, a per capita GDP of US\$ 6,600, and which has a relevant domestic arms production, and Uruguay, a “middle class” country, with 3.4 million inhabitants, a per capita GDP of US\$ 4,952 and no domestic small arms production at all.⁷⁴

Variations in imports may also occur due to domestic economic reasons (crisis, decrease in purchasing power), international exchange rates or government policies concerning small arms. The goal of this section is to report whether or not after 1999 (when stricter small arms and ammunition trade control laws and measures began to be adopted in Paraguay) , countries are importing far above their historical import levels or far above the consumption capacity of their markets.

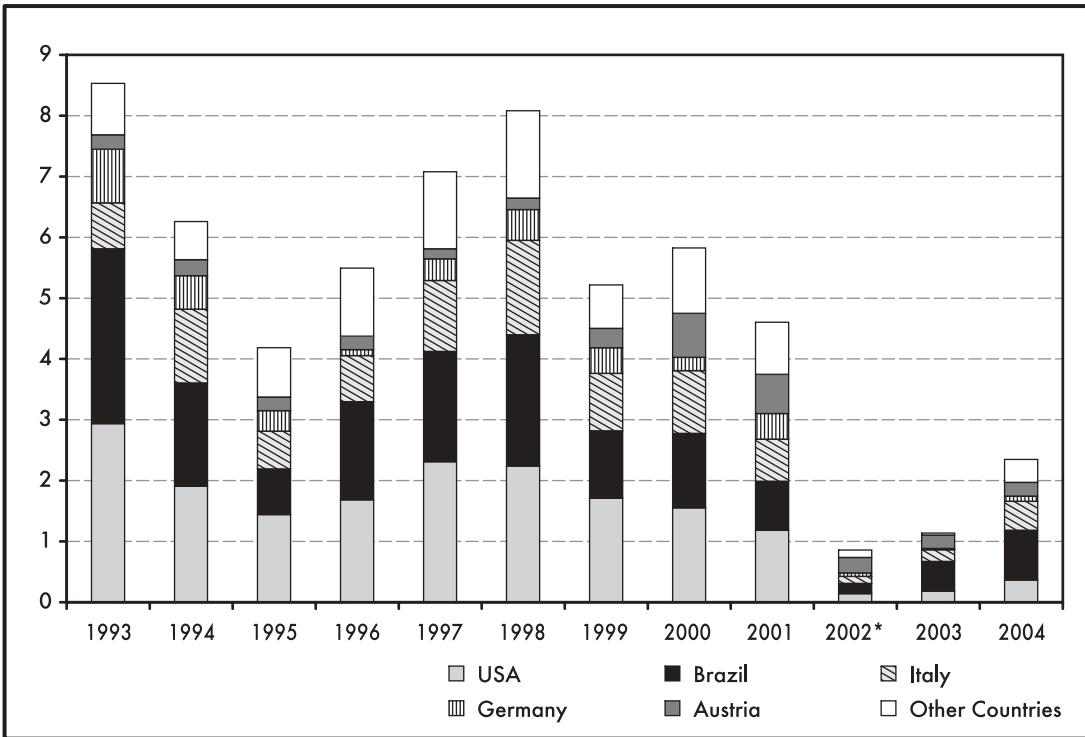
A. Argentina:

In the case of Argentina, it is possible to observe in graphs 12 and 13, a clear decrease in small arms imports in 2002, most likely as a consequence of the banking and economic crisis that this country suffered that year, as well as the sudden 300 percent devaluation of the Argentine Peso vis à vis the US\$. During the 1990s, Argentina had a Dollar/Peso currency parity that favored the import of manufactured goods. It is possible to see a slow recovery in imports in 2003 and 2004, together with the recovery of the Argentine economy, which however do not match the pre-2002 import levels.

In the case of ammunition imports by Argentina, it is possible to observe in graphs 14 and 15 again the same phenomenon. There is a sudden drop in 2002, with the devaluation of the peso, and then a slow recovery in 2003 and 2004. These imports do not however indicate possibility of “over-importation” for the supply of grey border markets.

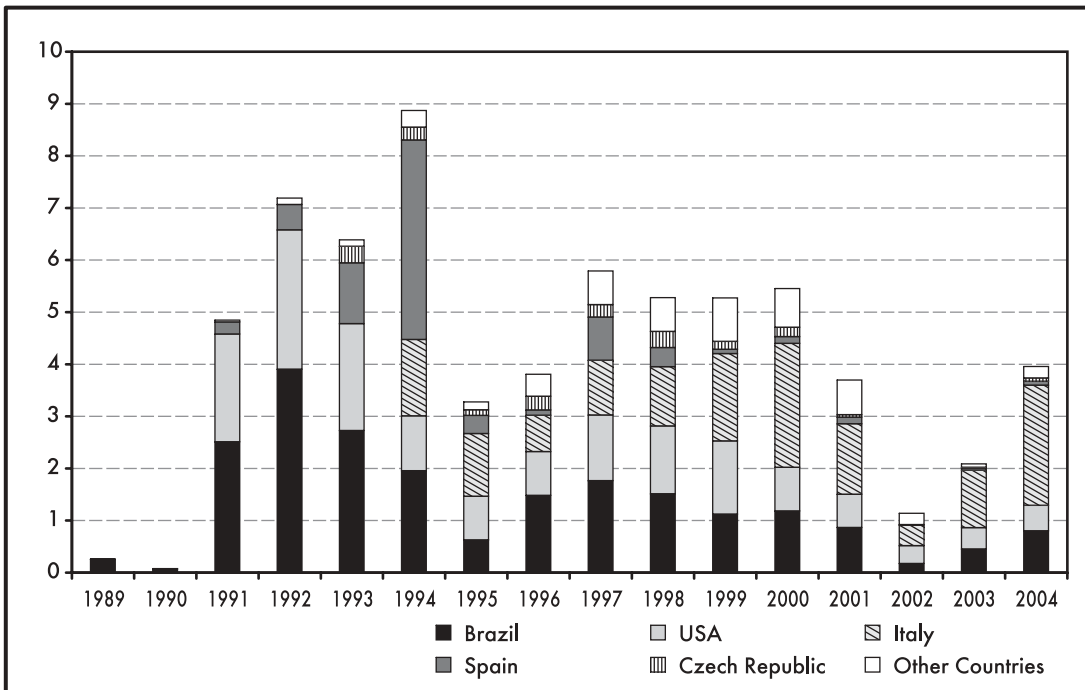


Graph 12. Argentina: small arms imports , in current US\$ million , 1993/ 2004.



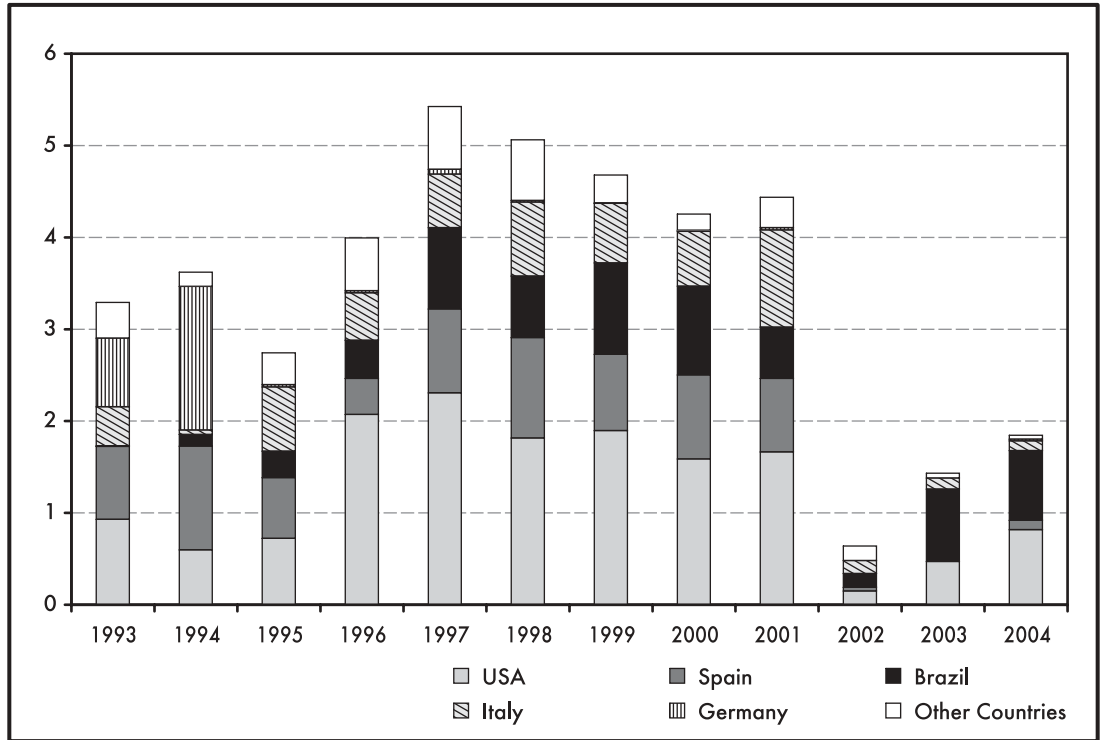
* Belgium and USA data from URUNET
Source: UN - Comtrade

Graph 13.⁷⁵ Small arms exports to Argentina, in current US\$ million , 1989/ 2004.



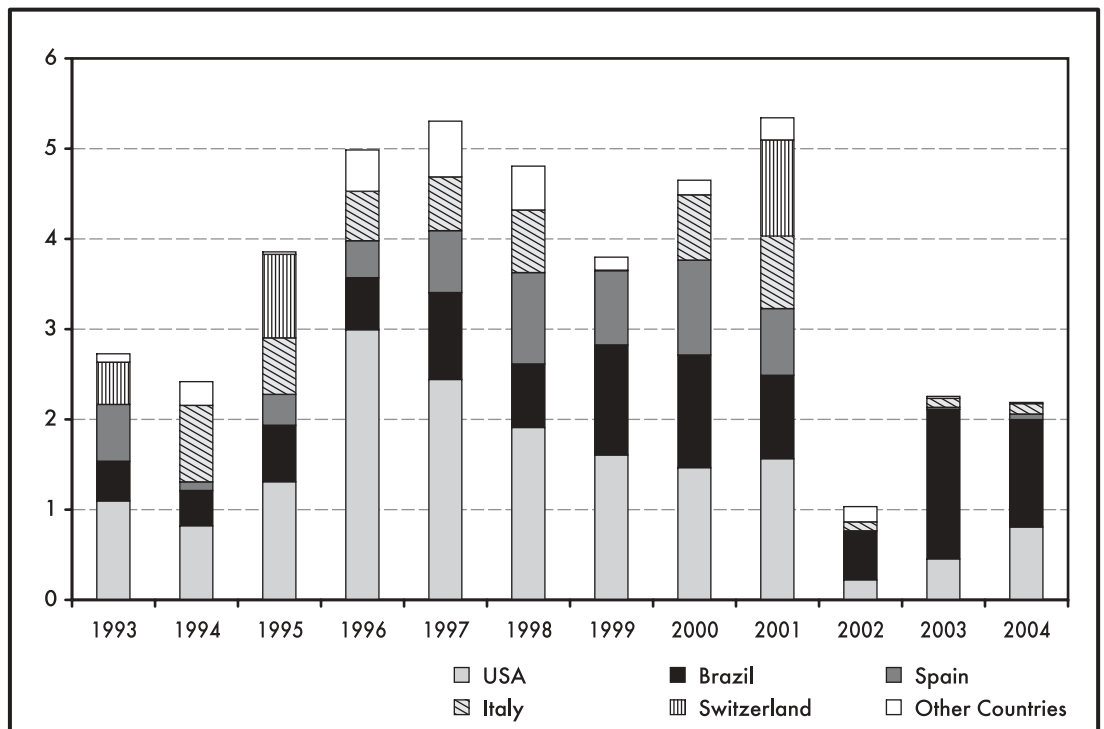
Source: UN - Comtrade

Graph 14. Argentina: small arms ammunition imports in current US\$ million 1993/ 2004.

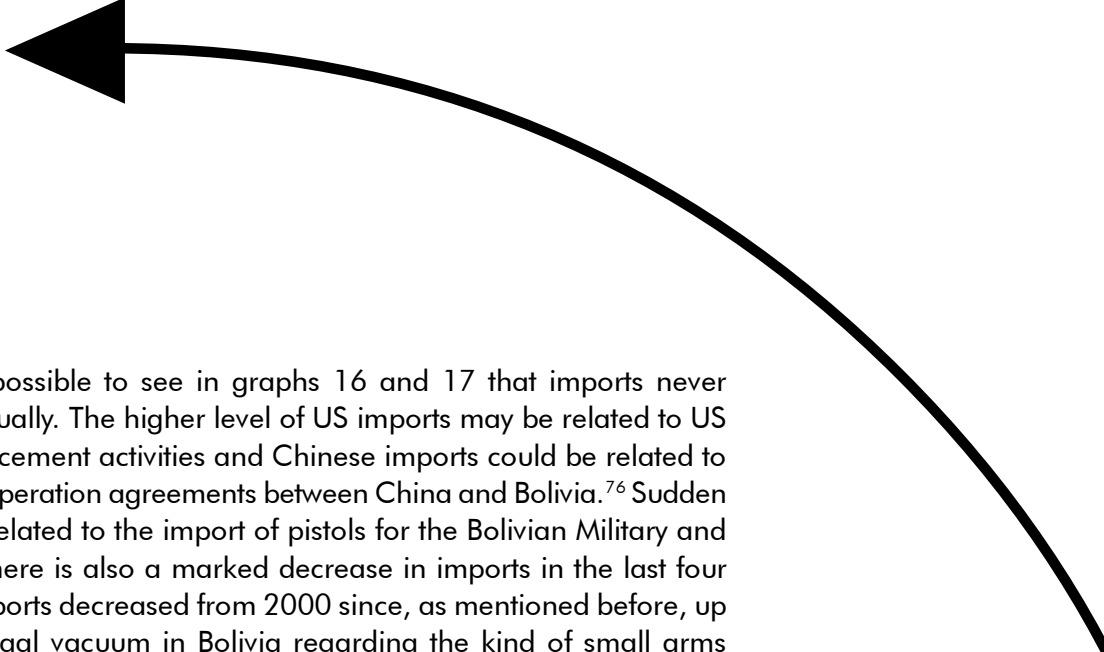


Source: UN - Comtrade

Graph 15. Small arms ammunition exports to Argentina in current US\$ million, 1989/ 2004.



Source: UN - Comtrade

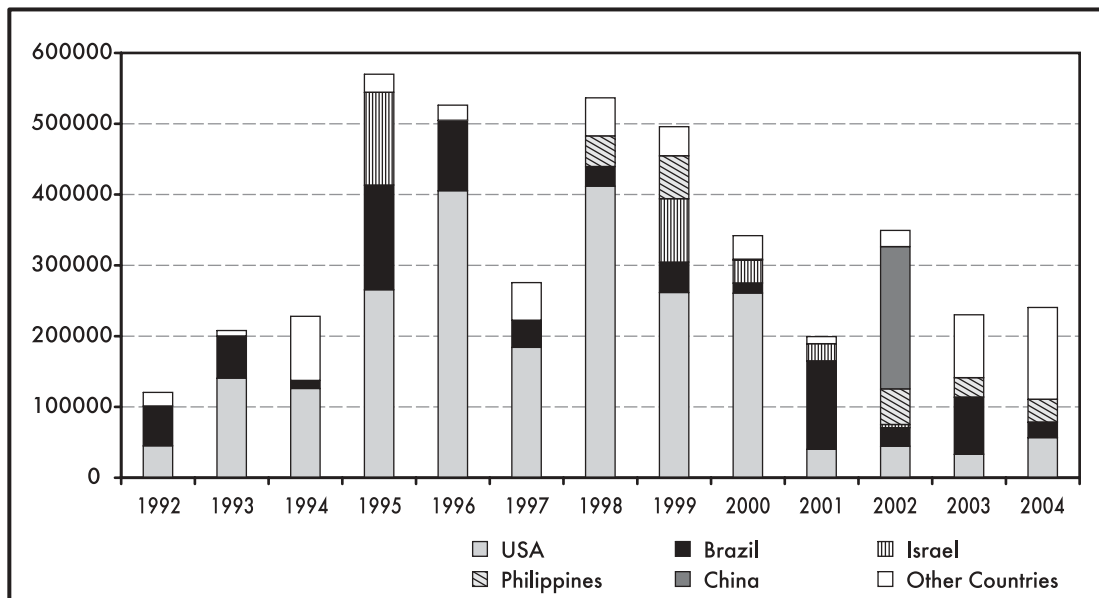


B. Bolivia:

In the case of Bolivia, it is possible to see in graphs 16 and 17 that imports never surpass US\$ one million annually. The higher level of US imports may be related to US assistance for drug law enforcement activities and Chinese imports could be related to recent military equipment cooperation agreements between China and Bolivia.⁷⁶ Sudden imports from Brazil may be related to the import of pistols for the Bolivian Military and Bolivian National Police.⁷⁷ There is also a marked decrease in imports in the last four years. It makes sense that imports decreased from 2000 since, as mentioned before, up to May 2000 there was a legal vacuum in Bolivia regarding the kind of small arms civilians could purchase. That year the Ministry of Defense passed a resolution that established requisites for the purchase of firearms and restricted the kind of small arms that civilians can purchase to shotguns and low caliber pistols and rifles and pistols.⁷⁸

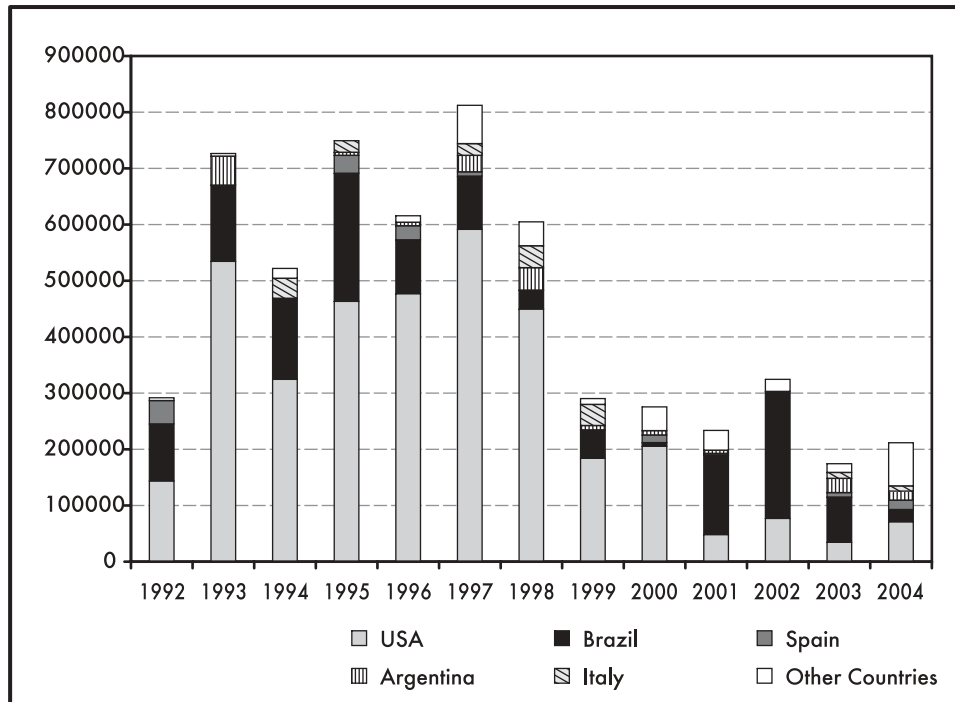
Again, in the case of ammunition imports by Bolivia, there is no evidence of an increasing trend from 1999 on, as shown in graphs 18 and 19. The increases reported by the US and Brazil in 2000 and 2003 are most likely related to military exports for the Bolivian police and armed forces.⁷⁹ This may be also the case for China, which has reached recent military cooperation agreements with Bolivia.⁸⁰ In those years only, imports exceeded over one million dollars. There are no red flags in the case of Bolivia.

Graph 16. Bolivia: small arms imports in current US\$, 1992/ 2004.



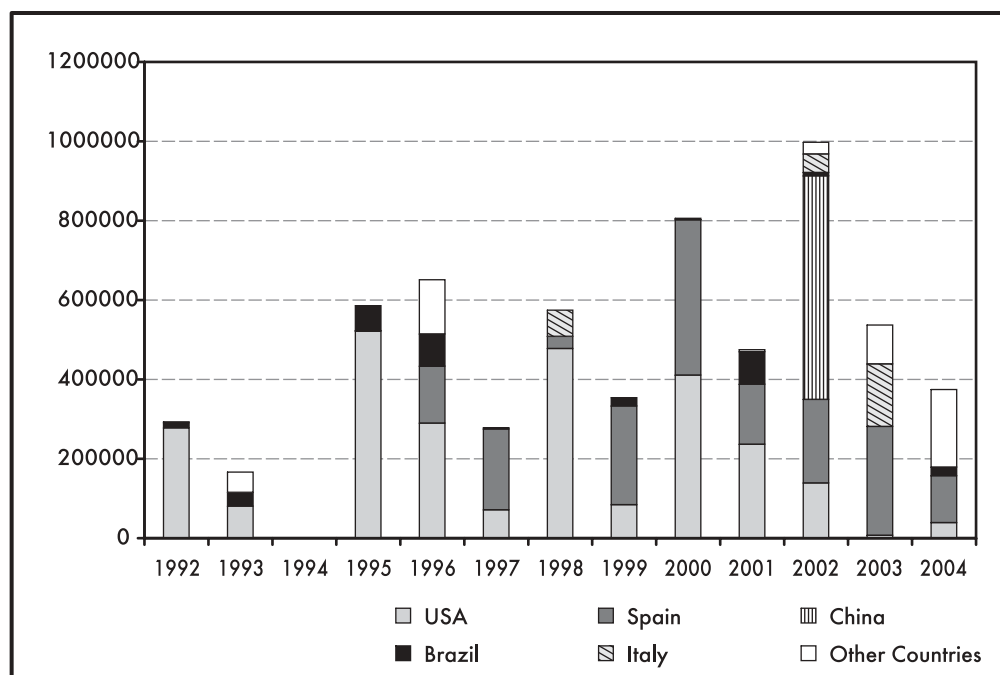
Source: UN - Comtrade

Graph 17. Small arms exports to Bolivia in current US\$, 1992/ 2004.

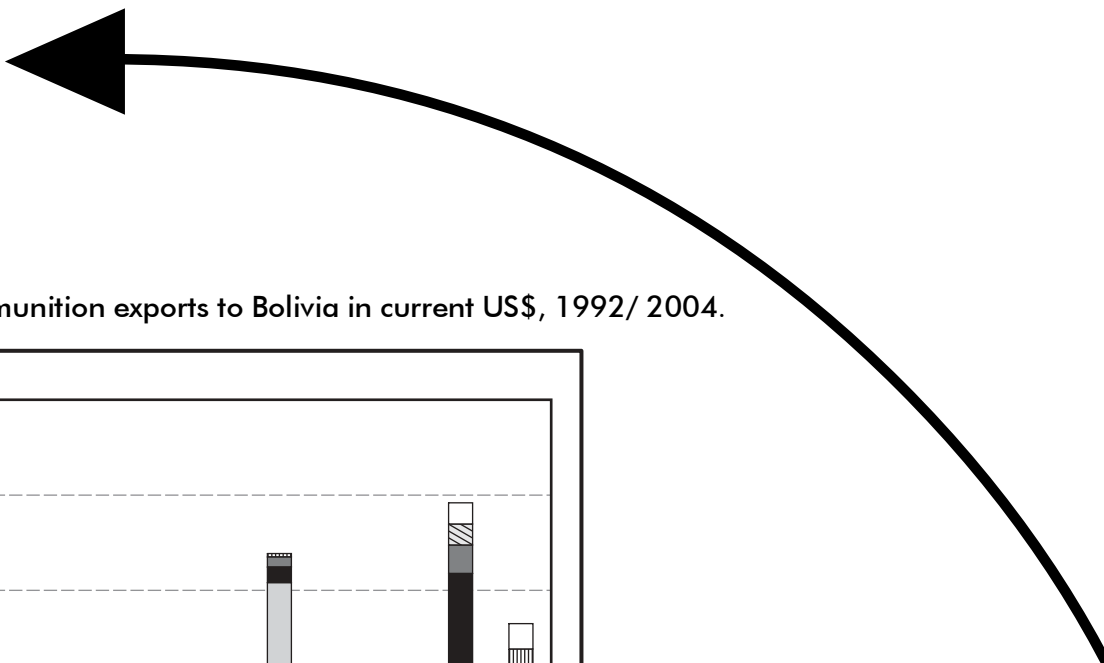


Source: UN - Comtrade

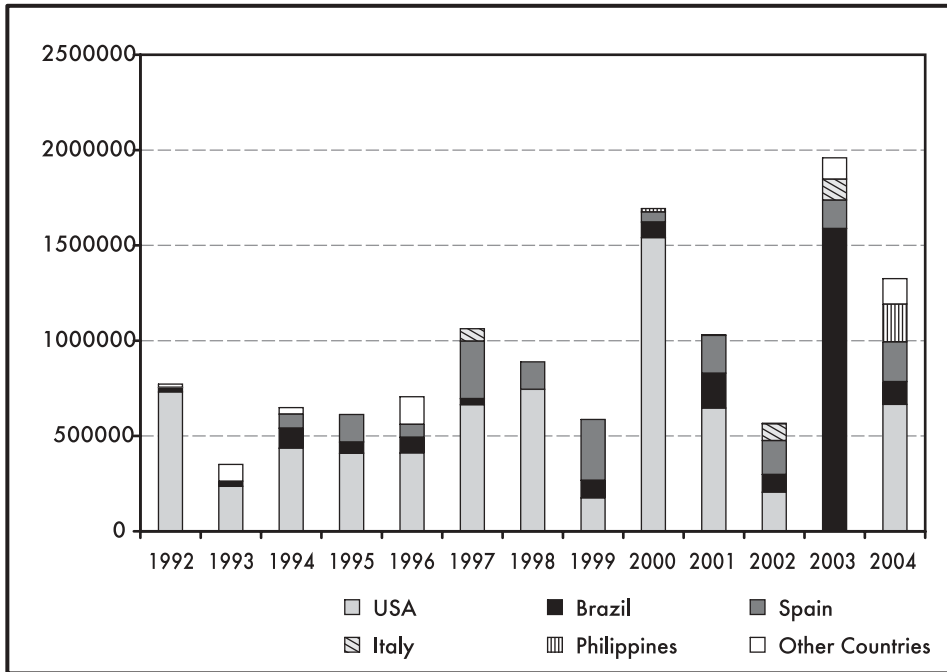
Graph 18. Bolivia: small arms ammunition imports in current US\$, 1992/ 2004.



Source: UN - Comtrade



Graph 19. Small arms ammunition exports to Bolivia in current US\$, 1992/ 2004.



Source: UN - Comtrade

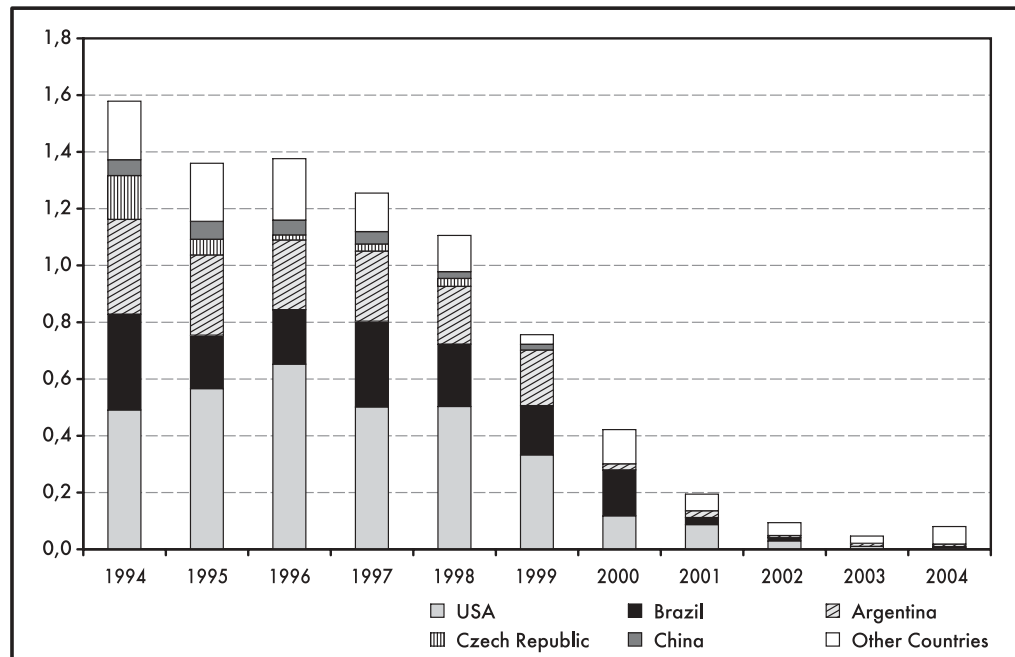
C. Uruguay:

In the case of Uruguay (a country that has no domestic small arms or ammunition industry), it is possible to observe a marked decrease in small arms imports during the 1990s. This is most likely due to the increasing depreciation of the Uruguayan Peso compared to the US Dollar during that decade.⁸¹ Uruguay was also severely affected by the economic crisis in Argentina, as it is also possible to see in graphs 20 and 21 and this could explain the collapse in imports in 2001 and 2002. Since in 2002 it passed a decree that established more requisites for the purchase of small arms by civilians, this could have also reduced the demand for weapons.⁸² It is also possible to see how Brazil “disappears” from the small arms graphs after 2001, which is a direct effect of the 150 percent tax on exports to neighboring countries mentioned before. As a matter of fact, the effect of the export tax was confirmed by gun shop owners in Uruguay, who complained about the relative high prices of Brazilian small arms and ammunition.

In the case of ammunition, a consumable product, the import patterns are more regular over time in spite of the deterioration of the exchange rates. This is because ammunition is both a cheaper product and a consumable product. In 2003 it was estimated that there were 522,000 legally registered firearms in Uruguay, a country with a little more than 3 million inhabitants.⁸³ This large number of weapons distributed among a small and (compared to its neighbors) wealthy population would explain a regular demand for ammunition. However as in the case of weapons, it is possible to see in graphs 22 and 23, a decrease in ammunition imports in 2001 and 2002, with recovery in 2003 and 2004. The rise in imports from Argentina may be related to the recovery of Argentine domestic ammunition production after the devaluation, and its relative cheaper prices when compared to European and US ammunition. There is a “jump” in imports from

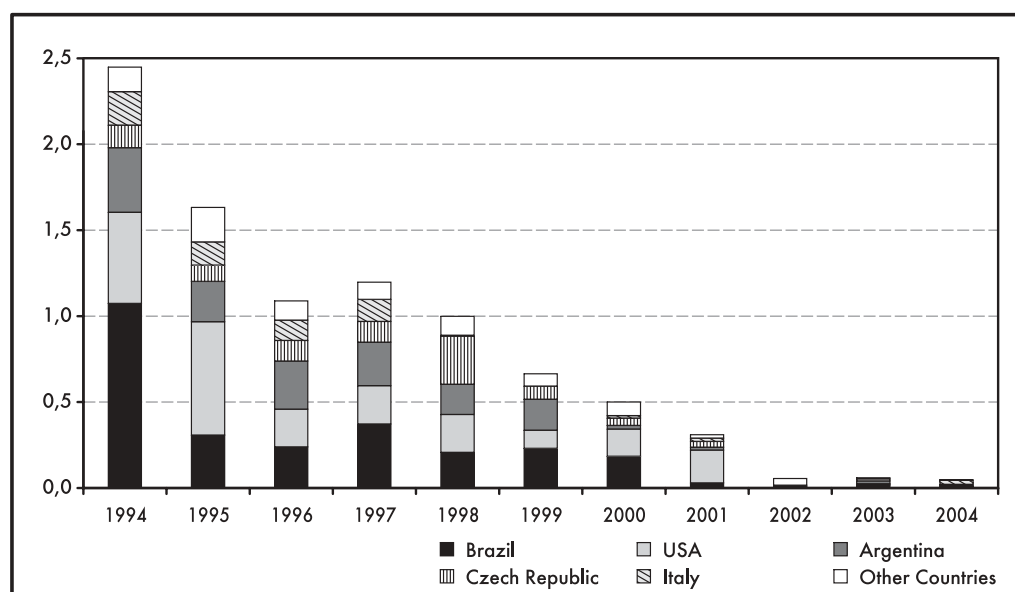
Argentina in 2004 of about 300,000 US\$. However, this value is not even near the value of the exaggerated imports by Paraguay in the 1990s. Peaks in ammunition exports from Brazil and the US, which are not reported in Uruguay import statistics, may be explained by state to state transactions of ammunition for armed forces and police.

Graph 20. Uruguay: small arms imports in current US\$ million, 1994/ 2004.

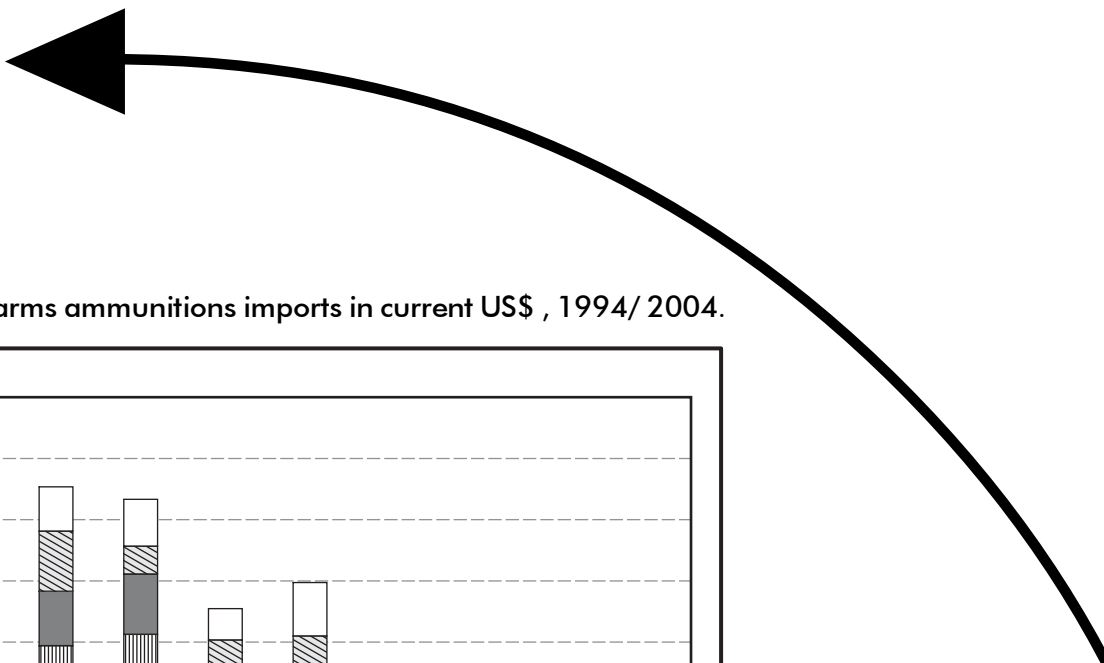


Source: UN - Comtrade

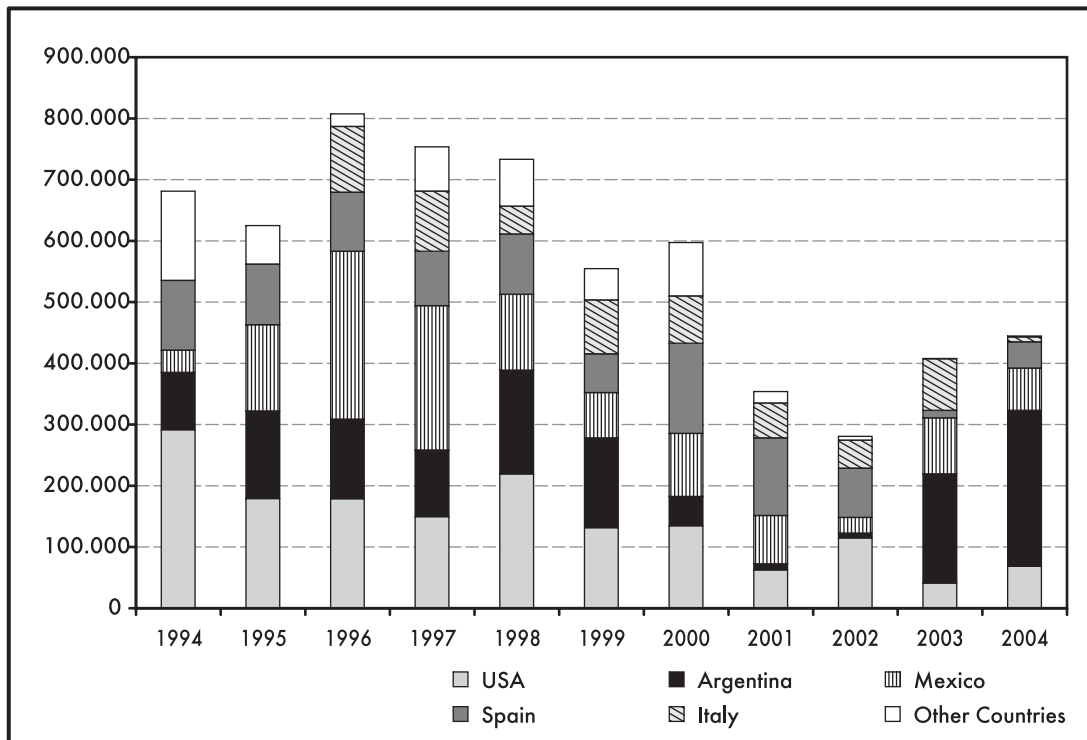
Graph 21. Small arms exports to Uruguay in current US\$ million, 1994/ 2004.



Source: UN - Comtrade

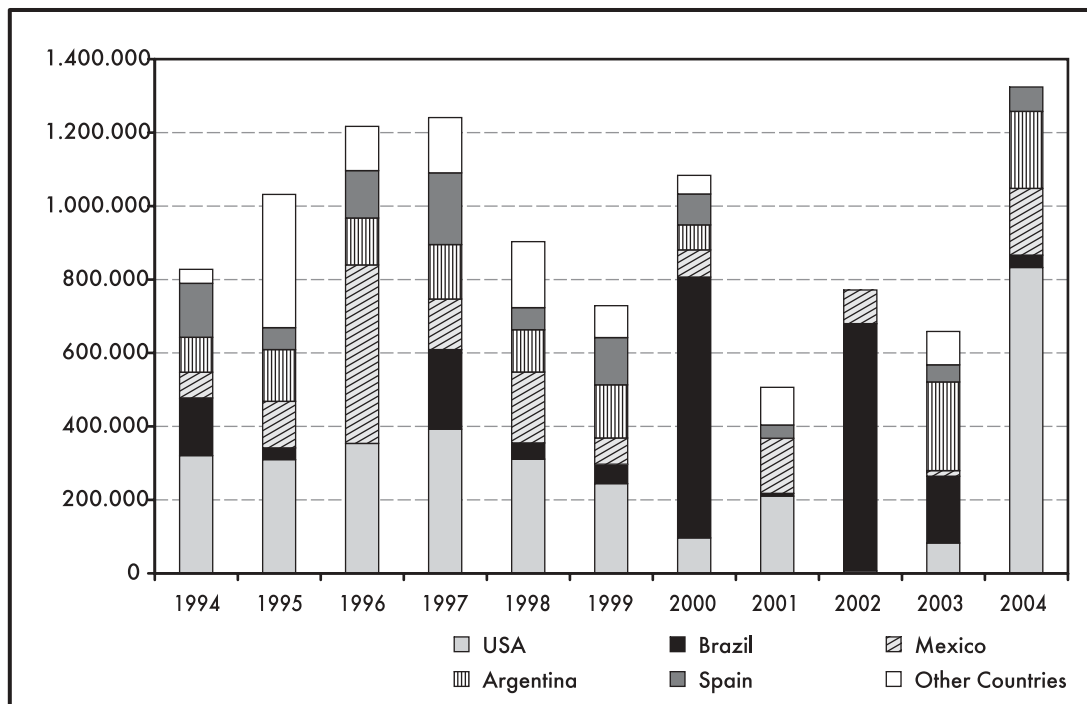


Graph 22. Uruguay: small arms ammunitions imports in current US\$, 1994/ 2004.



Source: UN - Comtrade

Graph 23. Small arms ammunitions exports in current US\$, 1994/ 2004.



Source: UN - Comtrade

The goal of this analytical section was to observe anomalies, or sudden and pronounced “jumps” in terms of imported values, that could give indications of grey small arms and ammunition markets migrating to these countries after 1999. The result is negative so far, at least based on the observed trade statistics. However, this work was intended to explore the legal and control flaws that could favor the development of grey markets in the borders with Bolivia, Uruguay and Argentina. These vulnerabilities and breaches are shown in the next sections, which analyze the results of field research observations.



4. The Brazilian-Bolivian Border: Into the Wild, Wild, West

A. Country background and Legal Flaws and Loopholes

Besides being the second poorest country in the Western Hemisphere, 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. The area under study was the Brazilian border with East Bolivia, or the tropical Bolivian lowlands. This is the region of Bolivia 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.

The Eastern plains, in the department of Santa Cruz, have 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.

The main legal flaw regarding small arms control in Bolivia is that the country does not have an arms control law. Small arms issues are regulated in Bolivia by a resolution of the Ministry of Defense (Resolution Number 00665 of May 24, 2000). A major problem with administrative resolutions is the impossibility of establishing criminal sanctions for the violations of rules. In terms of small arms and ammunition trade, the resolution is however quite strict, especially regarding the kinds of weapons that can be held by civilians: shotguns, .22 caliber, rifles and .25 pistols, that is, small caliber guns or short-range firearms.⁸⁴ Non-resident foreigners and tourists cannot purchase firearms.

In order to purchase a firearm in Bolivia, it is necessary to first get an authorization from the Police. Requisites for that license are very vaguely listed as:

- Mental and physical ability and good conduct
- Having completed the mandatory military service⁸⁵

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 Defense, and criminalizes the illicit manufacture of arms, the clandestine import and export of arms, as well as illicit trafficking in arms. It also classifies as misdemeanors violations to provisions on carrying, possession and registration, and sets forth a clear division of labor between the Ministry of Interior and the Ministry of National Defense. 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 prevention of homemade weapons manufacturing.

B. Field Observations and Assessment:

Field research on the border with Bolivia was carried out by Pablo Dreyfus and Luiz Carlos Silveira, and involved trips to the Brazilian states of Mato Grosso do Sul, Mato Grosso, Rondônia and Acre. The research involved extensive road traveling from the capital cities of these states to border cities and towns along the border. These trips by car allowed the researchers to assess the quality and intensity of police controls and check points in main highways and rural roads near the border.

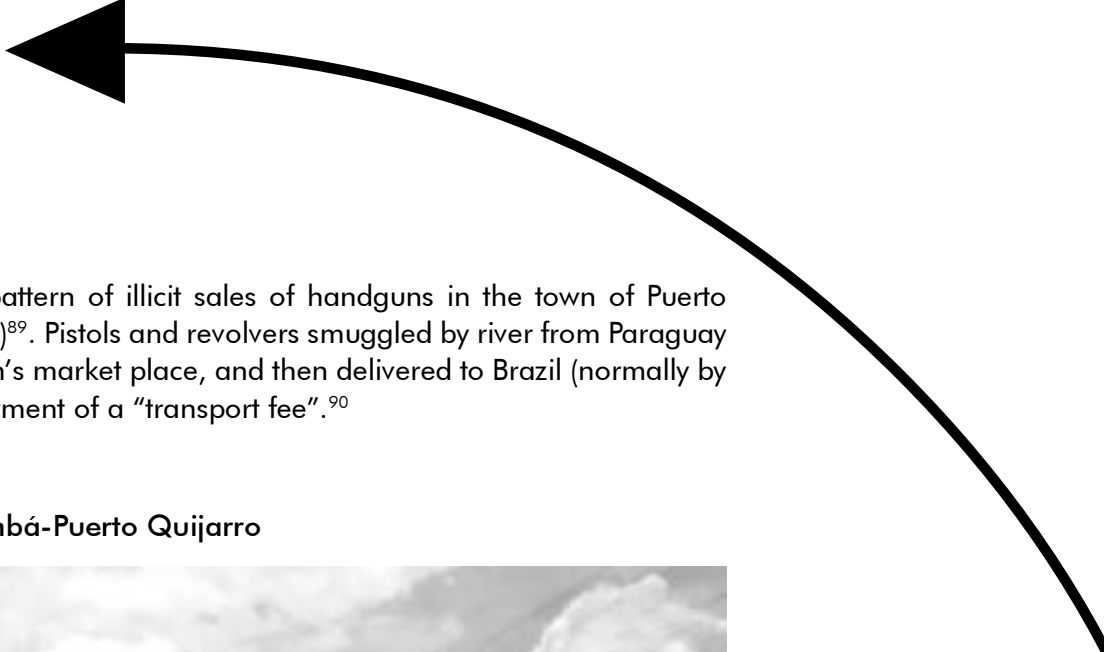
These researchers drove 435 km from Campo Grande, the capital of Mato Grosso do Sul, to Corumbá (95,701 inhabitants)⁸⁶ on the border with Bolivia and near the river Paraguay. This city is 18 km distant from Puerto Quijarro, right next to the borderline and about 30 km from Puerto Suarez (20,103 inhabitants)⁸⁷. Although there are police stations and customs desks at border control posts, cars and trucks were not being inspected at the time of our visit.

In terms of population and commercial activity, Puerto Suarez is a minor equivalent of Ciudad del Este in Paraguay. This little city hosts a free port (Puerto Aguirre), and a duty-free area also known as Puerto Aguirre. It is also the outlet for the production of natural gas (which is transported to Brazil through a pipe from gas fields near Santa Cruz) and soybeans produced in Santa Cruz, the richest department of Bolivia. Puerto Suarez is 630 km from Santa Cruz, the capital of the department, one of the largest cities in Bolivia and the more important in economic terms. This area is however also linked to the trafficking of coca paste and cocaine produced in the Bolivian region of Chapare and is at the core of several illicit activities involving the exchange of trucks and cars robbed in Brazil for drugs.⁸⁸

Puerto Suarez is linked with Santa Cruz by a railroad (basically the main means of transportation for cargo and people with the rest of Bolivia) and a rubble road. Most of the imports and exports going through Puerto Suarez are transported in cargo barges down the Paraguay river and then the Paraná river to Argentina. There is also an intense commercial river trade with Paraguay. Secondly, cargo is also transported to Brazil by truck along the BR 262 highway.

Because of the duty-free area of Puerto Aguirre, there is intense commercial activity with Brazilian residents, who purchase imported manufactured goods in the shopping area located on the Bolivian side. Only one small gun shop was spotted in Puerto Suarez, and hunting and fishing department within a branch of a Paraguayan shopping center chain.

As explained above, Bolivia is a modest small arms and ammunition importer. At the same time, according to Bolivian regulations, gun shops can only sell shotgun and small caliber ammunition and weapons (.22 and .25 –or 6.35mm), which are not attractive to criminals in Brazil (with probably the exception of 12 gauge cartridges and pump action shotguns). Although small arms grey markets could potentially develop in Puerto Suarez because of the trade dynamic with Corumbá, this is unlikely to happen unless the changes in Bolivian legislation favor the liberalization of higher caliber weapons and ammunition for civilian use. A clear indication that grey markets could potentially develop in Puerto Suarez/Corumbá is the fact that, according to interviews with local



people, there is already a pattern of illicit sales of handguns in the town of Puerto Quijarro (12,903 inhabitants)⁸⁹. Pistols and revolvers smuggled by river from Paraguay can be purchased at the town's market place, and then delivered to Brazil (normally by a taxi driver) through the payment of a "transport fee".⁹⁰

Brazilian Border Post Corumbá-Puerto Quijarro



Photo: Pablo Dreyfus

Bolivian border post at Corumbá-Puerto Quijarro



Photo: Pablo Dreyfus

Entry to the free on board port of Puerto Aguirre near Puerto Suarez:



Photo: Pablo Dreyfus

Duty Free Area of Puerto Aguirre:



Photo: Pablo Dreyfus

Research in Mato Grosso involved a trip by road to the cities of Cáceres (81,399 inhabitants and located at approximately 80 km from the Bolivian border⁹¹) and the Bolivian border town of San Matías (13,073 inhabitants)⁹², as well as interviews with a special advisor of the Governor of Mato Grosso and with Commander of the Military Police of Mato Grosso.

In the state of Mato Grosso there are no “trans border” areas along the border. However, there is an intense movement of people from Bolivian border towns, especially San Matías, to the city of Cáceres, which has one of the best public hospitals of the region and has a reputation as a medical center for people living on both sides of the border. Unfortunately, the area also is known for an intense criminal activity including drug trafficking (with cocaine coming from Bolivia), robbery of cargo (which is smuggled to Bolivia) and cars (also transported to Bolivia) and kidnap for ransom. These crimes are committed by Brazilian criminals that use border towns, such as San Matías, as safe heavens with the connivance of personnel from the Bolivian National Police and local authorities.⁹³ According to the Commander of the Military Police of Mato Grosso, the intensity of drug trafficking and other crimes along the borders has decreased since the creation of the Special Border Police Squadron (GEFRON), a special unit of the state police, which has the responsibility of patrolling the borders.⁹⁴ Viva Rio researchers were stopped and questioned at the GEFRON checkpoint, located about 20 Km from the border with Bolivia. The Commander of the Military Police, who was also the creator and first commander of GEFRON, also stated that most firearms trafficking problems occur at the border between Mato Grosso do Sul and Paraguay, and not at the border between Mato Grosso and Bolivia. Weapons coming through Paraguay via Mato Grosso do Sul are procured by bands of gunmen, generally contracted in the state of Goiás to rob cargo trucks and cars that are then taken to Bolivia.⁹⁵

Bolivian Army border post 7 km away from San Matías:



Photo: Pablo Dreyfus

San Matías is a small town with only one gun shop that sells shotgun and low caliber ammunition. Gun shops are unnecessary anyway....bandits who take refuge there have their own guns.

San Matías:



Photo: Pablo Dreyfus

The research in the states of Rondônia and Acre was carried out by Luiz Carlos Silveira. In Rondônia, Silveira interviewed a high ranking official of the Civilian Police (investigative state police), two journalists from local newspapers and the head of the civilian police in the border city of Guajará-Mirim (38,045 inhabitants)⁹⁶, which faces the Bolivian city of Guayaramerín (33,095 inhabitants)⁹⁷, across the Mamoré River. All interviewed sources identified the axis Guayaramerim/Guajará-Mirim as one of the main points of entry of cocaine from Bolivia to Brazil. As a matter of fact, Guayaramerín is located in the Bolivian region of El Beni, where most of the cocaine is produced, before being refined in laboratories located in jungle areas.⁹⁸ The interviewed high-ranking official of the Civilian Police of Rondônia stated that it is very common for the police to make seizures of cocaine concealed in cargo and suitcases on flights leaving the capital of the state, Porto Velho, to Rio de Janeiro and São Paulo. The airport does not have X ray equipment.

Guayará-Merim and Guayaramerín are typical trans-border cities. One city is the continuation of the other, across the river, which is constantly crossed by motor boats carrying merchandises, people and drugs...and guns. Most of the people living in Guayaramerín have jobs in the Brazilian neighboring city and the economy of both cities revolves around the trade of manufactured consumer goods. Guayara-Mirim does not have gun shops for the shotguns and ammunition which are intensively used in jungle areas, and which are purchased by Brazilians at cheaper prices in the Bolivian city. Guayarmerim, however, has six gun shops. On the surface, these shops sell allowed

products (shotguns and low caliber rifles and handguns). However, under the counter, they are front companies for the rent and sale of high caliber handguns (.40, .45 and 9mm) and assault weapons for the Brazilian criminals that use Guayaramerín as a hide-out. These weapons are smuggled from Paraguay and then stockpiled at the Bolivian side of the Mamoré river. All these operations take place with the connivance of the Bolivian police and local authorities.⁹⁹ According to police sources, in Rondônia, Brazilian gunmen are hired by drug traffickers based in big cities in the South East of Brazil to rob banks and cash transportation armored trucks. The cash resulting from these robberies is then used for the purchase of cocaine in Guayaramerín. In that way, criminal organizations in Rio de Janeiro and São Paulo, for example, reduce the risks of sending large amounts of cash all the way to border areas. Weapons for these “middle gunmen” are either purchased or rented in Guayaramerín.¹⁰⁰

Boat and barges port at Guayará-Merim



Photo: Luiz Carlos Silveira

Guayaramerín viewed from the Brazilian side:



Photo: Luiz Carlos Silveira

In Acre, Luiz Silveira interviewed Delegate Walter Prado, Chief of the Civilian Police of that state, and Nonato Sousa, chief of the press department of the Public Security Secretariat of Acre. The following border towns were visited:

Brasileia (17,013 inhabitants)¹⁰¹, which faces the town of Cobija (28,820 inhabitants)¹⁰², in Bolivia, and Assis Brazil, which is located in an isolated area in the triple border between Bolivia, Peru and Brazil. No intense trade and movement of people was noticed between Cobija and Brasileia. Cobija has two gun shops that also function as front companies for the rental and illicit sale of large caliber weapons to criminals operating on the border. It is very common that shotgun cartridges are sold to local people in bazaars and grocery stores. The main concern of police authorities in that area is not illicit arms trade, however, but drug trafficking from Bolivia.

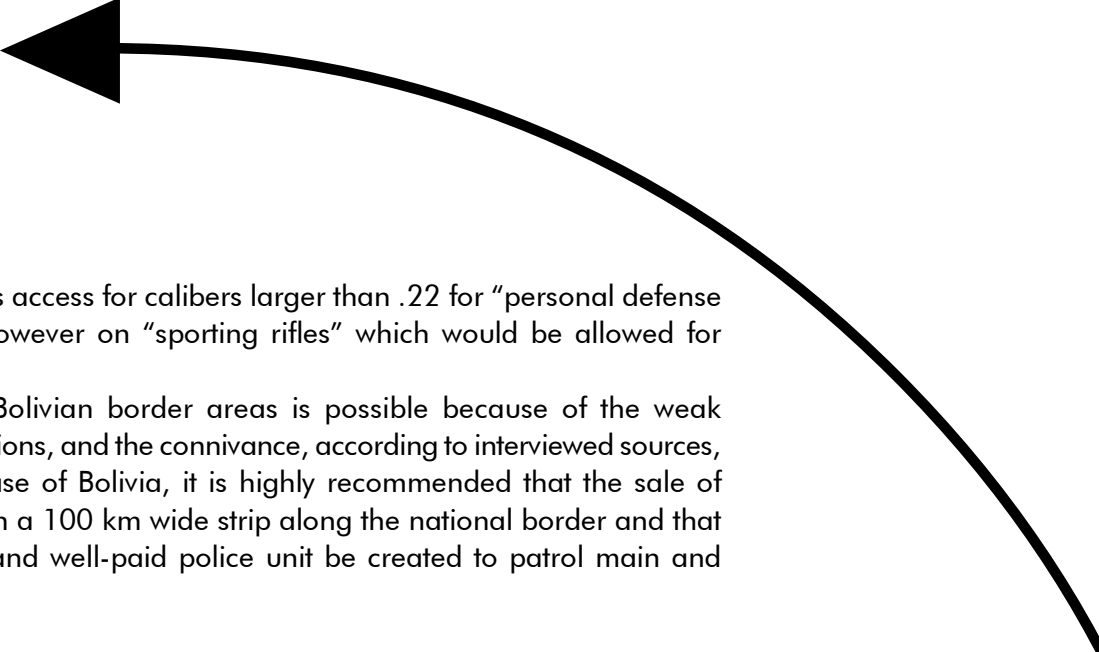
Control border post at Brasileia-Cobija:



Photo: Luiz Carlos Silveira

C. Partial conclusions:

Of all the visited border cities, the trans-border areas of Puerto Suarez-Puerto Quijarro/Corumbá and Guayaramerín/Guayará-Mirim have the greatest potential for the future development of grey transactions involving purchases of small arms and ammunition legally imported by Bolivia by criminal organizations based in Brazil (or elsewhere in the region). In fact, there are already grey transactions by local residents on the Brazilian side who purchase small caliber ammunition (.22) and shotgun ammunition at lower prices, without quantity limitations. The problem could certainly worsen should a new small arms control law, that the Bolivian Congress may pass, authorize the sale of larger caliber ammunition and weapons. In this case, Puerto Suarez and Guayaramerin could become the new Pedro Juan Caballero and Ciudad del Este in terms of grey transactions. The open and authorized sale of, for example, .45, 9mm and 7.62mm weapons and ammunition would become extremely attractive for criminals in Brazil. In a sense the purchases that are currently taking place underground and for specific "criminal jobs" could become an open and widespread practice if the sale of a wider caliber range of weapons is authorized. The latest bill project under consideration at the



Bolivian Congress still restricts access for calibers larger than .22 for “personal defense firearms”. It is ambiguous however on “sporting rifles” which would be allowed for civilians for “all calibers”..¹⁰³

In any case, illicit trade in Bolivian border areas is possible because of the weak enforcement of current regulations, and the connivance, according to interviewed sources, of local authorities. In the case of Bolivia, it is highly recommended that the sale of ammunition be banned within a 100 km wide strip along the national border and that a highly trained, controlled and well-paid police unit be created to patrol main and secondary roads in this area.

5. Uruguayan-Brazilian border: at the edge of illegality

A. Country background and legal flaws and loopholes

Problems related to small arms proliferation and related violence in Uruguay are small in comparison to neighboring 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 its neighbors.

Up to 2002 the requirements for purchasing a firearm in Uruguay were to obtain a purchase license from the Police Department known as THATA, and then to present the purchase license to the Service of Material and Armament of the Army (SMA). Conditions for obtaining the THATA were:

- Being older than 18 years old
- Presenting a valid ID
- Presenting a certificate of a clean criminal record

In 2002, through a Presidential Decree, the requirements for obtaining a THATA were raised with the intention of enacting stricter control over firearms possession. Now, in order to obtain a THATA, one needs to present the following documentation:¹⁰⁴

- Proof of employment or regular income;
- Certificate of lack of criminal or penal records;
- Psychophysical fitness certificate issued by a professional authorized 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 centers for arms handling authorized by the Ministry of Justice. The total cost of obtaining a THATA, including the course and medical exam, is 600 Uruguayan pesos (approximately US\$ 25) and can take up to one month to process.¹⁰⁵

Once the THATA is obtained, an individual has to register his or her 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. Only Uruguayans or permanent foreign residents can acquire firearms.¹⁰⁶

According to the Uruguayan firearm control norms the following kind of small arms can be purchased and used by civilians:¹⁰⁷

- Long barrel firearms of up to and including 6.5mm; automatic pistols up to and including 7.65mm and semi-automatic pistols up to and including 9mm.¹⁰⁸
- Central Revolver ammunition: up to an initial velocity (i.v) of 413 meters per second (m/s) and an energy at the muzzle of 53 kilogrameters (kgm)¹⁰⁹
- Central fire Pistol ammunition: up to a i.v. of 350 m/s and 52 kgm¹¹⁰
- Central fire Rifle ammunition: up to a i.v. of 969 m/s and 341 kgm¹¹¹

In the case of .22 and shotgun shells, any person (providing that he or she is 21 years old or older) can purchase ammunition without quantity restrictions and without the need of presenting a gun possession permit.¹¹² This would allow the purchase of large quantities of 12 gauge shells that could be used in pump action shotguns by criminals at both sides of the border.

In the case of larger calibers for rifle bore firearms, gun owners must present the possession permit of the gun and are able to only acquire ammunition for that particular gun. Shop owners must register the name and address of the purchaser, the number of the possession permit and must send every month the information of ammunition sales to the SMA. For these kinds of firearms, gun shops are not allowed to sale more than 25 cartridges per purchase and per firearm. In order to purchase larger quantities of ammunition, sporting shooters must show a certificate of the Directorate of Sporting Shooting and in order to obtain further authorizations they must first deliver to the SMA the empty cases of the ammunition use in target practice.¹¹³

B. Field observations and assessment:

In the Uruguayan-Brazilian Border, field research was carried out by Pablo Dreyfus and Antonio Bandeira,. Both researchers visited the following neighboring cities:

Uruguay ¹¹⁴	Brazil ¹¹⁵
Chuy (10,041 inhabitants)	Chuí (5,167 inhabitants)
Rio Branco (13,306 inhabitants)	Jaguarão (30,093 inhabitants)
Aceguá (1,432 inhabitants)	Aceguá (3,589 inhabitants)
Rivera (63,365 inhabitants)	Santa Ana do Livramento (90,849 inhabitants)
Artigas (40,045 inhabitants)	Quaraí (24,002 inhabitants)

All cities listed above are typical trans-border communities with intense economic exchange. Rivera/Santa Ana do Livramento and Aceguá/Aceguá have a dry border, and Rio Branco/Jaguarão and Artigas/Quarai are united by a bridge.

The researchers also conducted observations in Melo, which is 40 km away from the Brazilian border.

All the Uruguayan cities are located on the border with Rio Grande do Sul, which is a rural state with strong cattle raising economy and a strong gun culture. Rio Grande do Sul has one of the highest concentrations of legally registered firearms in Brazil (15 firearms per 100 people) and the highest consumption of firearms and ammunition in Brazil. Rio Grande do Sul, when compared with the rest of Brazil, has a higher proportion of registered long barrel weapons (40 percent), most of them shotguns.¹¹⁶ Rio Grande do Sul is also the only state in Brazil where hunting is authorized. The observed neighboring cities are located in rural areas with middle-sized and large cattle ranches (fazendas), where the use and property of firearms is common.

On the Brazilian side of the border, we have a gun culture with a now heavily regulated and controlled firearms and ammunition market (50 rounds per person per year). On the Uruguayan side, there are no restrictions on the quantity of .22 and shotgun ammunition that can be purchased per person, and at cheaper prices. Tempting...

In the border cities of Aceguá, Rio Branco and Artigas it was observed that shotgun and .22 ammunition were sold together with other products in grocery stores and bazaars. All shop tenders told the researchers that would it not be problem to sell this ammunition to Brazilian nationals. In Artigas, the owner of a veterinary product shop, who also sells ammunition, even offered .38 and 9mm ammunition. In Chuy, a gun shop would sell only .22 and shotgun ammunition to foreigners.

In Rivera and Melo, the situation was the same. In these two major cities, researchers visited three gun shops (two in Rivera and the sole shop in Melo). In all cases, the shop owners stated that Uruguay is no longer importing Brazilian small arms and ammunition because of the heavy prices they attributed to the 150-export tax imposed by Brazil in 2001. Actually, as we saw in the earlier graphs, imports from Brazil almost stopped in 2001. The tables below show that there is a big difference between pre and post 2001 import prices. They also show import prices in Argentina, which were not affected by the export tax.

None of the visited shops had Brazilian ammunition. A gun shop in Rivera had some remaining Brazilian pistols from pre-2001 stocks. All the shop owners stated that it was legally (and practically) impossible for non-resident foreigners to buy firearms. This would be only possible with the presentation of the THATA by permanent residents or Uruguayan nationals. However, the matter was different for ammunition. It would have been possible for the researchers to buy shotgun, .22 and .38 ammunition and take it back to Brazil by just crossing a street or an uncontrolled bridge. Shop owners in Rivera stated that the situation was different before the modifications of THATA regulations in 2002. At that time, it was easy to purchase a firearm. This could be done by a Uruguayan who could re-sell it to a Brazilian or by a bi-national citizen (common in border areas) for his or her own use. Gun shop owners in Rivera also stated that the frequency and volume of ammunition purchases by Brazilians also diminished with the approval of the Statute of Disarmament. With the new Brazilian law, taking ammunition into Brazil and carrying it without a valid permit are considered "illicit arms trafficking" and "illicit arms carrying", and both crimes are now punished with prison. As a matter of fact, the number of arrests for illicit trafficking and illicit carrying have increased all over Brazil since the passing of the law, which at least in Rio Grande do Sul (a very orderly state) is

Table 2.

Uruguay: average import price (in US\$ CIF) of Brazilian firearms and ammunition

Type	2000	2001	2002	2004	2005
Revolvers	135,05	143,64	173,43		
Pistols	194,57	180,19			
Shotguns	52,96	44,26		149,13	
Rifles and Carbines	80,37	56,05			
Shotgun cartridges	0,10	0,09			
Small Arms Ammunition	0,05				

Source: URUNET

Argentina: average price (US\$ FOB) of imported Brazilian firearms

Type	2000	2001	2005
Revolvers	147,12	143,02	115,86
Pistols	200,39	200,83	159,87
Shotguns	81,41	83,62	74,18
Rifles and Carbines	195,71	151,27	149,34

Source: URUNET

having a deterrent effect. Gun shop owners stated that a Brazilian could buy ammunition in Rivera but they would risk being arrested in Santa Ana do Livramento. The same warnings were not made by shop tenders in the more isolated rural areas of Artigas, Aceguá or Chuí, where researchers were even encouraged to buy ammunition.

In all cases, most of the observed ammunition was imported from Mexico (CI and Aguila); Argentina (FLB); Italian (FIOCCHI) and the US (Winchester).

Bridge between Rio Branco and Jaguarão.



Photo: Pablo Dreyfus

Borderline between Chuy (Uruguay) and Chuí (Brazil)



Photo: Pablo Dreyfus



C. Partial conclusions and recommendations:

The enforcement of new small arms regulations in Brazil (2003) and Uruguay (2002) prevent and actually deter the purchase of firearms by Brazilians in Uruguayan border cities. However, the purchase of ammunition is still a problem, and if restrictive and control measures are not taken and implemented, the Uruguayan border certainly could become a source of ammunition for grey transactions. In fact, grey transactions are going on today as law-abiding rural workers and landowners purchase shotgun ammunition in Uruguayan border towns and cities and break Brazilian laws. A disquieting issue is the fact that this research detected the possibility of illegal sales 9mm caliber ammunition to foreigners, which is of "restricted use" in Brazil and widely used in violent settings in that country. This could in the future recreate on the Uruguayan border the grey ammunition market scenarios described in the case of Paraguay.

It is recommended that Uruguay change its legislation in order to restrict the sale of all caliber ammunition to Uruguayan gun owners with a valid gun license. Inspections and controls on gun shops located in cities along the border also should be strengthened in order to detect and curtail illicit sales. Because of the porosity of the border, and the trans-border nature of the border cities, it is advised that in multilateral consultations (in MERCOSUR), or bilaterally (with Brazil and Argentina), Uruguay and its neighbors adopt a ban on small arms sales within a 100 km wide strip along the national borders .

6. Argentine-Brazilian border: breaking good laws

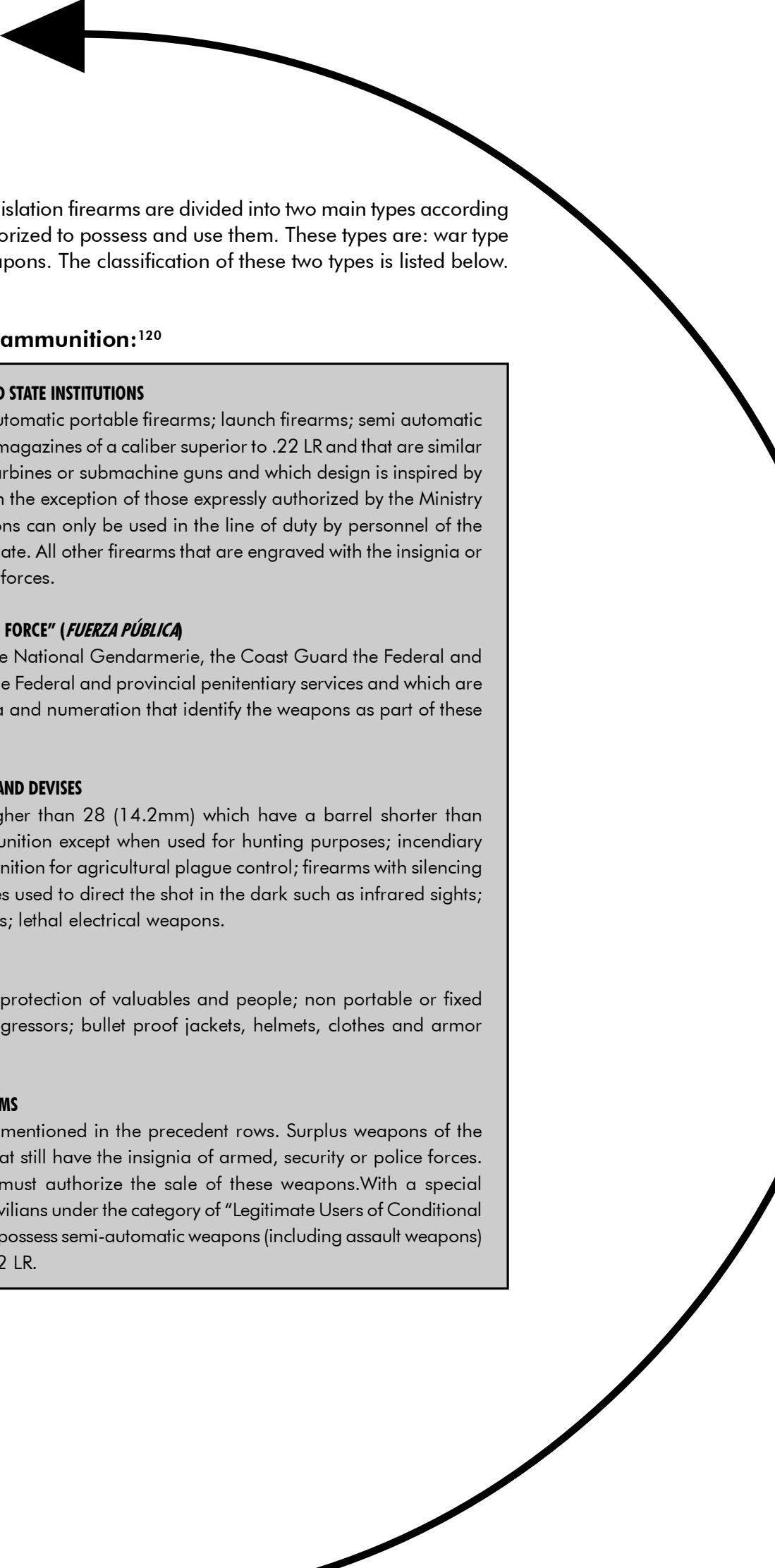
A. Country background:

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 South America (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 found export opportunities. In the last ten years, Argentina has suffered a profound process of pauperization, growing unemployment and income concentration that has been accompanied by a rise in violent criminality. Firearms use in 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 organized 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 specialized in robbing banks, armored 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 and Mendoza), especially in the suburban belt around the city of Buenos Aires.¹¹⁷

In Argentina, every individual or legal entity that wishes to purchase, possess or carry a firearm must be officially recognized as a legitimate user (LU) by the national small arms control agency the *Registro Nacional de Armas* (RENAR) under the Ministry of Defense. In order to obtain a LU identification card (*Credencial de Legítimo Usuario*, CLU) 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.¹¹⁸

In order to be able to sell firearms, it is also necessary to be accredited by RENAR as a legitimate user. Only Argentine citizens or foreign permanent residents can obtain a CLU. Once it is finally granted, a firearms possession permit is valid throughout the country. Authorization for possessing a weapon does not include authorization 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 authorizations and permits).¹¹⁹



According to the Argentine legislation firearms are divided into two main types according to the kind of user that is authorized to possess and use them. These types are: war type weapons and civilian use weapons. The classification of these two types is listed below.

War material, arms and ammunition:¹²⁰

ARMS FOR EXCLUSIVE USE BY ARMED STATE INSTITUTIONS

Non-portable firearms; automatic portable firearms; launch firearms; semi automatic weapons with removable magazines of a caliber superior to .22 LR and that are similar to assault rifles, assault carbines or submachine guns and which design is inspired by military use weapons (with the exception of those expressly authorized by the Ministry of Defense). These weapons can only be used in the line of duty by personnel of the armed institutions of the state. All other firearms that are engraved with the insignia or numeration of the armed forces.

ARMS FOR THE USE OF THE "PUBLIC FORCE" (*FUERZA PÚBLICA*)

Those firearms used by the National Gendarmerie, the Coast Guard the Federal and provincial police forces, the Federal and provincial penitentiary services and which are engraved with the insignia and numeration that identify the weapons as part of these institutions.

FORBIDDEN FIREARMS, MATERIALS AND DEVICES

Shotguns of a caliber higher than 28 (14.2mm) which have a barrel shorter than 380mm; expansive ammunition except when used for hunting purposes; incendiary ammunition except ammunition for agricultural plague control; firearms with silencing devices; attachable devices used to direct the shot in the dark such as infrared sights; lethal chemical aggressors; lethal electrical weapons.

SPECIAL USE MATERIALS

Armored vehicles for the protection of valuables and people; non portable or fixed launchers of chemical aggressors; bullet proof jackets, helmets, clothes and armor plaques.

CONDITIONAL CIVILIAN USE FIREARMS

All portable firearms not mentioned in the precedent rows. Surplus weapons of the armed state institutions that still have the insignia of armed, security or police forces. The Ministry of Defense must authorize the sale of these weapons. With a special authorization of RENAR, civilians under the category of "Legitimate Users of Conditional Civilian use Firearms" can possess semi-automatic weapons (including assault weapons) of higher calibers than .22 LR.

Civilian use firearms and ammunition:¹²¹

HANDGUNS

- a) Pistols: repetition or semi-automatic up to a caliber of 6.35 mm (.25 inches) inclusive; shot-by-shot up to caliber of 8.1 mm (.32 inches) with exception of the "Magnum" or similar pistols.
- b) Revolvers: up to a caliber of 8.1 mm (.32 inches) inclusive; with exclusion of the "Magnum" or similar types .¹²²
- c) Hand shotguns: with 1 or 2 barrels, with shot-by-shot loading system of a caliber of 14.2mm (28), 14 mm (32) and 12 mm (36).

LONG BARREL FIREARMS

- a) Carbines, rifles and hunting rifles with shot by shot loading system, repetition or semi-automatic up to a caliber of 5.6 mm (.22) inclusive, excluding those weapons that use more powerful ammunition than .22 LR.
- b) Shotguns with shot by shot loading system. Shotguns with a caliber up to 14.2 mm inclusive and with a barrel no shorter than 600mm.

Civilian use weapons can be purchased and owned by civilians credited as legitimate users. The following categories of civilian legitimate users can own conditional civilian use weapons. These weapons can be sold in gun shops:¹²³

- People living in regions with scarce police presence.
- Individuals who can prove (to the RENAR) personal security reasons. Exceptionally, the Ministry of Defense can grant permits for the possession of automatic weapons which are not included within the category "exclusive use of the armed forces"
- Sporting shooting associations.
- Members of sporting shooting associations.
- Hunter (major hunting only)
- Crews of commercial ships.
- Crews of commercial planes.
- Airport and port officials.
- Private security companies.
- Collectors.

Like in Brazil, there are restrictions on the amount of ammunition that can be purchased and stored per year and per caliber (2,500 cartridges for .22 caliber ammunition and shotgun shells and 1000 cartridges for other civilian use and conditional civilian use calibers). Ammunition can be purchased only with an ammunition control card and the license for the gun. Once the total amount is completed in the ammunition control card, the authorized user has to request a new control card that is only granted upon analysis by RENAR.¹²⁴



B. Field observations and assessment:

Field research in the border with Argentina was made in two phases and in two different locations. The first phase involved observations in the North of the Argentine province of Misiones. In this phase research was part of the observation of the dynamic of grey transactions in the Triple Border Area between Paraguay, Argentina and Brazil. Research was carried out by Pablo Dreyfus, Antonio Bandeira and Luiz Carlos Silveira and it included visits to the border cities of Puerto Iguazú (32,038 inhabitants)¹²⁵ (Misiones, Argentina), São Luiz (Paraná, Brazil) and Capanema (18,239 inhabitants)¹²⁶ (Paraná, Brazil).

Together with Ciudad del Este and Foz de Iguazú, Puerto Iguazú is the Argentine member of the three cities that form the trans-border region known as the Triple Border Area. Conditions in Puerto Iguazú are however completely different from those observed in Ciudad del Este and Foz de Iguazú. Puerto Iguazú is a smaller city with no relevant commercial activity and which is not directly connected to Ciudad del Este. In order to get to Puerto Iguazú from Paraguay, first it is necessary to cross to Brazil and then to Argentina through the “Tancredo Neves” international bridge. The flow of people and goods traffic in that bridge actually pales in comparison with the Amistad bridge between Paraguay and Brazil. Although there is a sporadic intense transit of tourists who go to the other side in order to watch the magnificent Iguazú falls (which have a more spectacular view from Brazil), there is no big movement of merchandise and cargo. The bridge is consciously and intensively controlled on the Argentine side by four federal agencies: the National Gendarmerie (militarized border guard police); Customs; Immigration Service and the National Sanitation Service (Food and Animals control). All incoming and outgoing cars and buses were searched and the documentation of people checked. It was also illustrative to listen in informal conversations to the complaints of members of the business community of Ciudad del Este about the heavy border controls on the Argentine side. Compared to Foz de Iguazú and Ciudad del Este, Puerto Iguazú has no movement of commercial goods or people.

Intense border control on the Brazilian side was also observed in São Luiz and Capanema, where the bridge across the Iguazú river is closed after 6pm on both sides. Besides the heavy controls on arms purchasing in Argentina, the heavy risk of being searched and arrested by the border controls would dissuade grey arms and ammunition transactions on the Argentine side of the Triple Border Area.

The second phase of the research involved a completely different scenario. It was carried out by Pablo Dreyfus and Antonio Bandeira in the border cities of Uruguaiana (126,936 inhabitants)¹²⁷ (Rio Grande do Sul, Brazil) and Paso de los Libres (43,596 inhabitants)¹²⁸ (Argentina). Paso de los Libres / Uruguaiana is the main commercial trade axis between Argentina and Brazil. Most of the land trade between Argentina and Brazil, and also other members of MERCOSUR (like Chile), goes by either truck or train across the international bridge that unites both cities. Moreover, the masses of Argentine tourists that go to the beaches of Southern Brazil during summer also cross by that bridge. Although there are incoming and outgoing border controls by Argentine federal authorities (Gendarmerie, Customs, Immigration and Food and Animal Sanitation), it is impossible to control all vehicles crossing the bridge. Police and customs searches are then made randomly.

Researchers visited the two gun shops of Paso de Los Libres. In one of the shops, the researchers were astonished by the large amounts of weapons and ammunition of all calibers and makes displayed on the shelves. As explained before, in Argentina, there are no absolute restrictions for civilians regarding large caliber small arms considered as “conditional civilian use” (such as .45, .40, 9mm, 7.62mm). Differently from Uruguay and Paraguay, in this case the gun shop was selling Brazilian-made small arms and ammunition as well as an array of European and US makes, besides Israeli arms and Mexican ammunition. To the surprise of the researchers, the shop tender said that although it was not possible to buy weapons without the CLU (granted only to Argentine nationals or permanent foreign residents), it was possible for foreigners to buy ammunition of any caliber. They would not then request the CLU and the ammunition control card, thus overtly violating the Argentine legislation. The shop tender told the researchers that they could buy all the ammunition they wanted, it was just a matter “of not being caught by customs” on the way back to Brazil.

In the other visited shop (which also is a watchmaker workshop), the interviewed shop tender “played by the rules” and stated that both the CLU and the ammunition control card were necessary to buy either firearms or ammunition.

Although the Argentine control legislation covers almost every angle of trade, consumption use and manufacture, apparently enforcement of the laws is failing. It is possible for Brazilian nationals (criminals or not) to buy ammunition in Paso de los Libres and, then

Railway and road commercial transit at the Uruguaiana-Paso de los Libres international Bridge:



Photo: Pablo Dreyfus

Railway and road commercial transit at the Uruguaiana-Paso de los Libres international Bridge:



Photo: Pablo Dreyfus

taking advantage of weak controls on the bridge, smuggle it to Brazil. In this case, the Argentine market is attractive to Brazilian criminals because they can find restricted-use ammunition.

C. Partial conclusions and recommendations:

The case of law breaking in Paso de Los Libres is an indication that, no matter how good laws may be on paper, they have to be well-enforced in practice to be effective. Recommendations for the case of Argentina are that in consultation with MERCOSUR neighbors, or in bi-lateral consultations with Brazil, the sale of firearms and ammunition should be banned within a 100 km strip along the national borders. It is also recommended that RENAR and Federal Police officials carry out surprise and undercover checks in gun shops all over the country in order to detect and sanction, and eventually close, shops that are breaking the arms control law.

7. Final conclusions and recommendations

An obvious general conclusion stems from this report: the harmonization of domestic laws regulating domestic arms and ammunition sales is, in the context of combating illicit arms trafficking, as relevant as measures regarding import, export, transit and manufacture regulations and policies. It is necessary then that a provision for the global harmonization of certain common restrictions regarding domestic sales is included in the United Nations Program of Action. The inclusion of principle four, (regarding factors to be taken into account before exporting) of the Arms Trade Treaty initiative is also recommended.¹²⁹ Such provision is already included in the European Code of Conduct.

Weapons are useless without ammunition. As demonstrated in this work, the issue of illicit sales of ammunition in border areas is extremely serious. Therefore, in all instances, the issue of ammunition trade regulations should be treated at the same level as small arms.

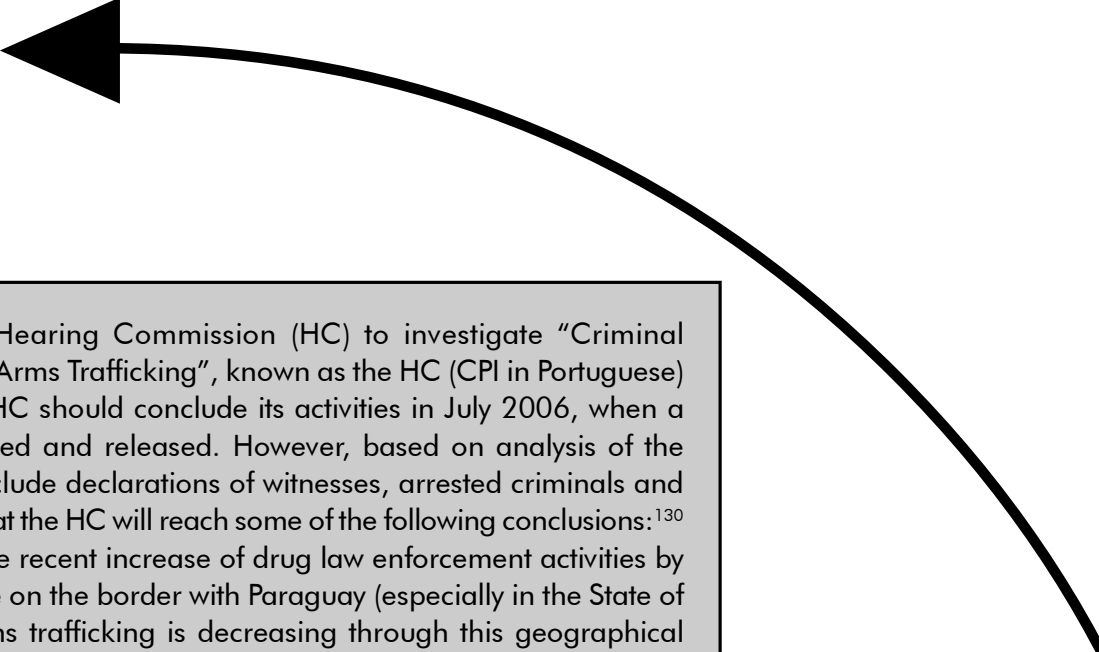
The situation is particularly favorable because at the last Biennial Meeting of States on the UN Programme of Action (BMS) held in July 2005, MERCOSUR countries declared their support for a legally-binding treaty on arms transfers. They also stated the need for a convergence of domestic laws towards common and shared principles and practices.

In light of field research findings, MERCOSUR governments are encouraged to negotiate a regional agreement regarding the ban of small arms and ammunition within a 100 km wide strip along national borders in order to facilitate police and customs controls regarding illicit arms trafficking and grey transactions involving small arms. This agreement could be extended to the whole Western Hemisphere through the OAS since the problems analyzed here are also common in Central and North America. This measure was proposed by Viva Rio during a hearing at the Special Committee on Transnational Organized Crime of the Permanent Council of the Organization of American States on November 2005.

Regarding the specific case of Brazil, further efforts would be needed from Brazilian federal authorities in order to effectively patrol international borders. Enforcing border controls is a federal responsibility and it could be better enforced with the creation of a permanent federal border control agency. The Federal Police (basically an investigative agency) and Federal Highway Police (a highway patrolling police) simply do not have the equipment, mandate and personnel for the effective control of more than 16,000 kilometers of borders. This was evident by the lack of federal state presence in all the border areas visited during the research.

A final note on the preliminary findings of the Hearing Commission (HC) on Arms Trafficking of the Brazilian National Congress:

Although this work focuses in "grey transactions" and its conclusions are based on field research and the analysis of legal foreign trade statistics, it is very important to mention that in March 2005 the Representative Chamber of the Brazilian



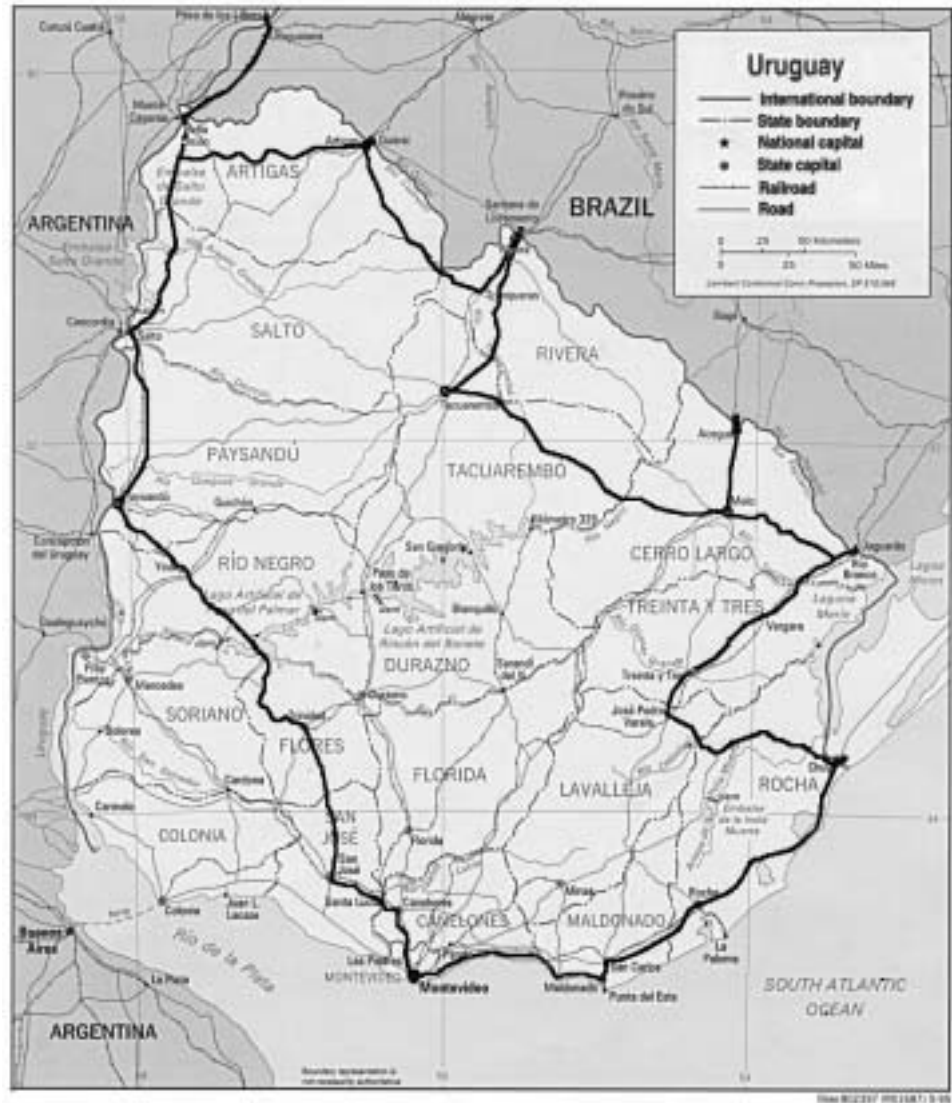
Congress established a Hearing Commission (HC) to investigate “Criminal Organizations Involved in Arms Trafficking”, known as the HC (CPI in Portuguese) on Arms Trafficking. The HC should conclude its activities in July 2006, when a final report will be prepared and released. However, based on analysis of the hearing transcripts that include declarations of witnesses, arrested criminals and policemen, it is expected that the HC will reach some of the following conclusions:¹³⁰ In the first place, due to the recent increase of drug law enforcement activities by the Brazilian Federal Police on the border with Paraguay (especially in the State of Mato Grosso do Sul), arms trafficking is decreasing through this geographical area. Instead small arms and ammunition legally imported by Paraguay and/or trafficked to Paraguay is being increasingly smuggled from that country to Argentina and then introduced into Brazil through the Brazilian border city of Uruguaiana in the State of Rio Grande do Sul. From Uruguaiana, these arms and ammunition are transported using the highway system to São Paulo, Rio de Janeiro and other big urban centers. The second conclusion that it is expected to be reported by the HC concerns irregularities in the sales of small arms in gun shops. According to the hearings, most of the gun shops located in the Paraguayan, Argentine and Uruguayan side of the border with Brazil, apparently only sell civilian-use small arms that are displayed on the shelves; however, there are restricted- and prohibited-caliber guns and assault weapons in their storage and vaults that are sold to people presented as “reliable contacts”. It is worth noting that based on the hearings as well as on site observations, members of the HC also will recommend the establishment of a 50 to 100 km narrow strip along the borders where small arms and ammunition sales would be forbidden. This position reinforces the proposal made in this work.

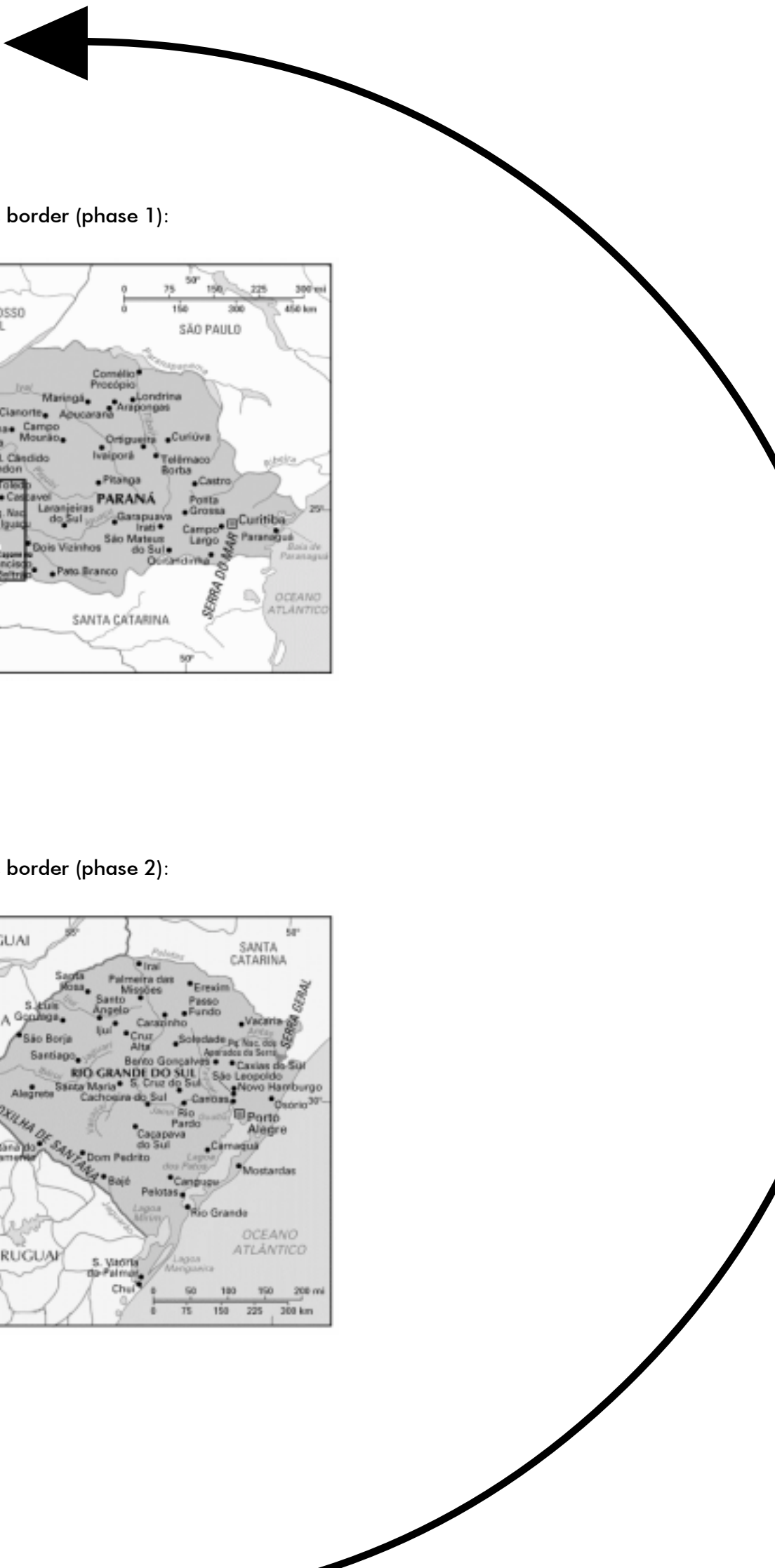
Annexes

Itinerary of research trip to Paraguay



Itinerary Border Brazil-Uruguay





Itinerary of Brazil-Argentine border (phase 1):

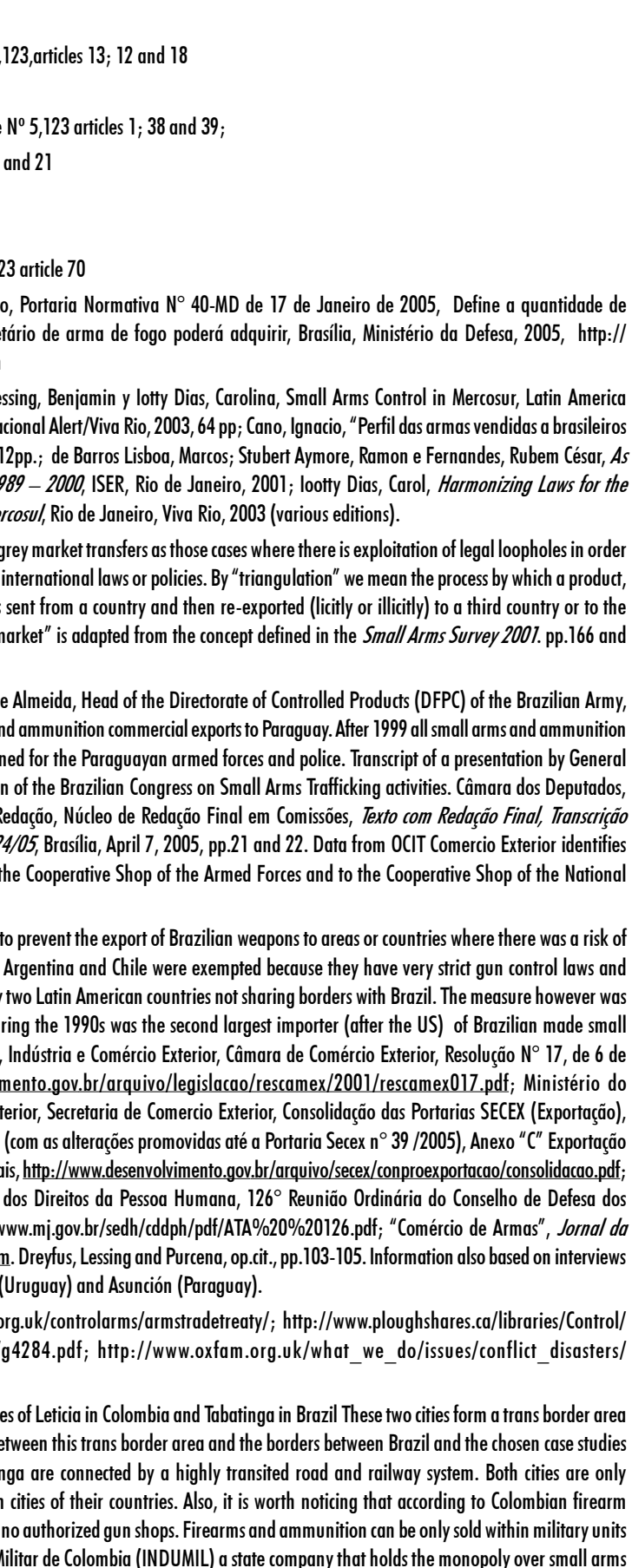


Itinerary of Brazil-Argentine border (phase 2):



Endnotes

- ¹ Dreyfus, Pablo, Lessing Benjamin and Purcena, Julio Cesar. 2005. *A Indústria Brasileira de Armas Leves e de Pequeno Porte: Produção Legal e Comércio* in Fernandes, Rubem César (coordinator), *Brasil: As Armas e as Vítimas*, Rio de Janeiro, seven Letras/ISER, pp. 64-125. http://www.desarme.org/publique/media/vitimas_armas_producao_comercio.pdf. English version available at: http://www.vivario.org.br/publique/media/The_Brazilian_Small_Arms_Industry_Legal_production_and_Trade_By_Pablo_Dreyfus_Benjamin_Lessing_e_Julio_Cezar_Purcena.pdf
- ² Ministério da Saúde-MS Secretaria de Vigilância em Saúde-SVS, *Impacto da Campanha do Desarmamento no Índice Nacional de Mortalidade por Arma de Fogo*, Brasília, August, 2005, p.2
- ³ Phebo, Luciana (2005), "Impacto da arma de fogo na saúde da população do Brasil", in Fernandes, Rubem César (coordinator), *Brasil: as armas e as vítimas*, Rio de Janeiro, 7 Letras/ISER, pp. 9-36
- ⁴ Ibid.
- ⁵ Ibid.
- ⁶ Brazil is a Federal Republic divided into 26 states plus the Federal District,
- ⁷ Ibid. p.19
- ⁸ ISER. 2005, Research Project: Brazil and the Small Arms Factor, unpublished.
- ⁹ See: Dreyfus, Pablo and de Sousa Nascimento, Marcelo, "Posse de Armas de Fogo no Brasil: Mapeamento das Armas e seus Proprietários", in Fernandes, Rubem César (coordinator), *Brasil: as Armas e as Vítimas*, Rio de Janeiro, 7 Letras/ISER, 2005, pp.126-197 English version available at: http://www.vivario.org.br/publique/media/Small_Arms_Holding_in_Brazil_Toward_a_comprehensive_mapping_of_guns_and_their_owners_By_Pablo_Dreyfus_e_Marcelo_de_Souza_Nascimento.pdf
- ¹⁰ See: Dreyfus, Pablo, "Crime and Ammunition Procurement: The Case of Brazil", in Stéphanie Pézard and Holger Anders, eds. Geneva, Small Arms Survey, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), Viva Rio and Centre for International Cooperation and Security (CICS), University of Bradford, forthcoming 2006.
- ¹¹ See: Rivero, Patricia, "O Mercado Ilegal de Armas de Fogo no Rio de Janeiro" in Fernandes, Rubem César, op.cit. pp.197-267 English version available at: http://www.vivario.org.br/publique/media/The_Value_of_the_Illegal_Firearms_Market_in_the_City_of_Rio_de_Janeiro_by_Patricia_Rivero.pdf
- ¹² See: Presidência da República, Casa Civil, Subchefia para Assuntos Jurídicos, Decreto Nº 3665 de 20 de Novembro de 2000, Da nova redação ao Regulamento para Fiscalização de Produtos Controlados (R-105), articles 3, 15, 16 and 17. <http://www.dfpc.eb.mil.br/paginas/index.html>
- ¹³ Ibid. 12 gauge caliber shotguns are considered to be of "restricted use" when their barrel is shorter than 24 inches.
- ¹⁴ See: Dreyfus, Pablo, "Crime and Ammunition Procurement: The Case of Brazil"
- ¹⁵ On this issue see: Iooty de Paiva Dias, Carolina, "Small Arms Control Legislation in Brazil: From Vargas to Lula", in Fernandes, Rubem Cesar (coordinator), *Brazil: The Arms and the Victims*, Rio de Janeiro, ISER, 2005, pp. 26-48 http://www.vivario.org.br/publique/media/Small_Arms_Control_Legislation_in_Brazil_from_Vargas_to_Lula_By_Carolina_Iooty.pdf,
- ¹⁶ See Iooty de Paiva Dias, op. cit. and Dreyfus and de Sousa Nascimento, op.cit. pp.129-136
- ¹⁷ Presidência da República, Casa Civil, Subchefia para Assuntos Jurídicos, Lei 10.826. DE 22 DE DEZEMBRO DE 2003. Dispõe sobre registro, posse e comercialização de armas de fogo e munição e sobre o Sistema Nacional de Armas - Sinarm. Define crimes e dá outras providências, Brasília, December 22, 2003. [http://www.dfpc.eb.mil.br/docs_pdf/lei_10.826_de_22_Dez_2003\(Alteradas_pelas_Leis_nº_10.826_de_12MAI2004_e_nº10884_de_17JUN2000.pdf](http://www.dfpc.eb.mil.br/docs_pdf/lei_10.826_de_22_Dez_2003(Alteradas_pelas_Leis_nº_10.826_de_12MAI2004_e_nº10884_de_17JUN2000.pdf)
- ¹⁸ Presidência da República, Casa Civil, Subchefia para Assuntos Jurídicos, Decreto Nº 5123, de 1º de Julho de 2004, Regulamenta a Lei nº 10.826, de 22 de dezembro de 2003, que dispõe sobre registro, posse e comercialização de armas de fogo e munição, sobre o Sistema Nacional de Armas - SINARM e define crimes., Brasília, July 1, 2004. http://www.mariz.eti.br/Dec_5123_04.htm
- ¹⁹ Ministério da Defesa, Comando do Exército, Departamento Logístico, Aprova a Norma Reguladora da Marcação de Embalagens e Cartuchos de Munição, Diário Oficial de la União, Nº 252, December 31, 2004, p. 34
- ²⁰ Ibid. and information also gathered from a presentation by an officer of the Directorate of Controlled Products of the Brazilian Army at the Putting People First, Rio Meeting "Regulating civilian ownership of weapons" organized by Humanitarian Dialogue, Viva Rio and Sou da Paz, Rio de Janeiro 16-18 March, 2005.

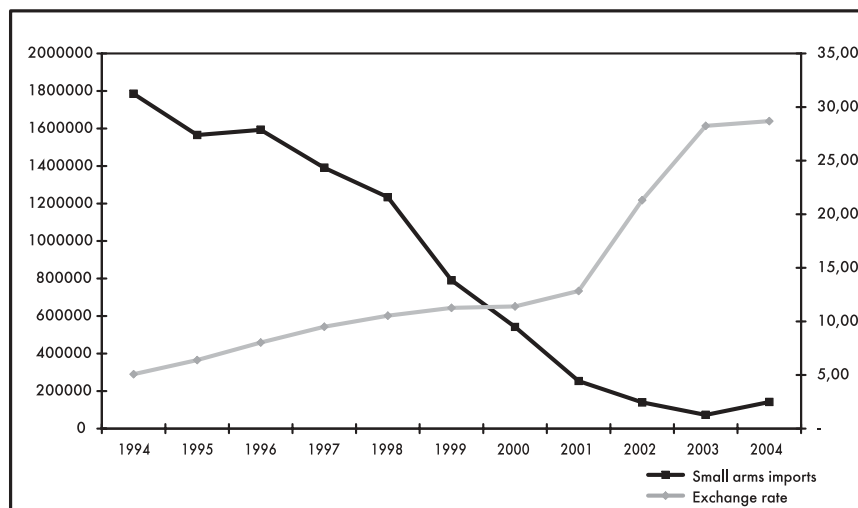
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- ²¹ Law N° 10, 826, articles 6; 14; 16 and 21
- ²² Law N° 10,826, articles, 4 and Decree N° 5,123,articles 13; 12 and 18
- ²³ Ibid.
- ²⁴ Law N° 10,826, articles 2 and 7 and Decree N° 5,123 articles 1; 38 and 39;
- ²⁵ Law N° 10,826 articles, 16; 17; 18; 19; 20 and 21
- ²⁶ Law N° 10, 826 article 12
- ²⁷ Law N° 10,826, article 13
- ²⁸ Law N° 10,826, article 32 and Decree ° 5,123 article 70
- ²⁹ Ministério da Defesa, Gabinete do Ministro, Portaria Normativa N° 40-MD de 17 de Janeiro de 2005, Define a quantidade de munição e os acessórios que cada proprietário de arma de fogo poderá adquirir, Brasília, Ministério da Defesa, 2005, http://www.mariz.eti.br/Portaria%2040_MD.htm
- ³⁰ See: Dreyfus, Pablo; Godnick, William; Lessing, Benjamin y Iotty Dias, Carolina, *Small Arms Control in Mercosur, Latin America Series No.3*, Rio de Janeiro/London, Internacional Alert/Viva Rio, 2003, 64 pp; Cano, Ignacio, "Perfil das armas vendidas a brasileiros no Paraguai", Rio de Janeiro, ISER, 2000, 12pp.; de Barros Lisboa, Marcos; Stubert Aymore, Ramon e Fernandes, Rubem César, *As Exportações Brasileiras de Armas Leves 1989 – 2000*, ISER, Rio de Janeiro, 2001; Iotty Dias, Carol, *Harmonizing Laws for the Prevention of Small Arms Trafficking in Mercosul*, Rio de Janeiro, Viva Rio, 2003 (various editions).
- ³¹ For the scope of this paper we refer to illicit grey market transfers as those cases where there is exploitation of legal loopholes in order to intentionally circumvent national and/or international laws or policies. By "triangulation" we mean the process by which a product, in this case small arms and ammunition, is sent from a country and then re-exported (licitly or illicitly) to a third country or to the country of origin. The definition for "grey market" is adapted from the concept defined in the *Small Arms Survey 2001*. pp.166 and 167.
- ³² According to General José Rosalvo Leitão de Almeida, Head of the Directorate of Controlled Products (DFPC) of the Brazilian Army, since 1999 Brazil is not making small arms and ammunition commercial exports to Paraguay. After 1999 all small arms and ammunition exports from Brazil to Paraguay were destined for the Paraguayan armed forces and police. Transcript of a presentation by General Leitão de Almeida at a Hearing Commission of the Brazilian Congress on Small Arms Trafficking activities. Câmara dos Deputados, Departamento de Taquigrafia, Revisão e Redação, Núcleo de Redação Final em Comissões, *Texto com Redação Final, Transcrição IPSIS VERBIS, CPI Tráfico de Armas N° 0324/05*, Brasília, April 7, 2005, pp.21 and 22. Data from OCIT Comercio Exterior identifies 647 semi-automatic pistols as exported to the Cooperative Shop of the Armed Forces and to the Cooperative Shop of the National Police.
- ³³ The reason for this export tax was precisely to prevent the export of Brazilian weapons to areas or countries where there was a risk of diversion to crime and/ or conflict settings. Argentina and Chile were exempted because they have very strict gun control laws and policies. Also Chile and Ecuador are the only two Latin American countries not sharing borders with Brazil. The measure however was specifically targeted at Paraguay, which during the 1990s was the second largest importer (after the US) of Brazilian made small arms. See: Ministério do Desenvolvimento, Indústria e Comércio Exterior, Câmara de Comércio Exterior, Resolução N° 17, de 6 de Junho de 2001, <http://www.desenvolvimento.gov.br/arquivo/legislacao/rescamex/2001/rescamex017.pdf>; Ministério do Desenvolvimento, Indústria e Comércio Exterior, Secretaria de Comercio Exterior, Consolidação das Portarias SECEX (Exportação), Portaria N° 15 de 17 de novembro de 2004 (com as alterações promovidas até a Portaria Secex n° 39 /2005), Anexo "C" Exportação de Produtos Sujeitos a Procedimentos Especiais, <http://www.desenvolvimento.gov.br/arquivo/secex/conproexportacao/consolidacao.pdf>; Ministério da Justiça, Conselho de Defesa dos Direitos da Pessoa Humana, 126° Reunião Ordinária do Conselho de Defesa dos Direitos da Pessoa Humana, p. 4, <http://www.mj.gov.br/sedh/cddph/pdf/ATA%20%20126.pdf>; "Comércio de Armas", *Jornal da Segurança*, <http://www.jseg.net/notas77.htm>. Dreyfus, Lessing and Purcena, op.cit., pp.103-105. Information also based on interviews with gun shop owners in Melo and Rivera (Uruguay) and Asunción (Paraguay).
- ³⁴ On this issue see: <http://www.amnesty.org.uk/controlarms/armstradetreaty/>; <http://www.ploughshares.ca/libraries/Control/ATTPubs.htm>; www.grip.org/bdg/pdf/g4284.pdf; http://www.oxfam.org.uk/what_we_do/issues/conflict_disasters/arms_trade_treaty.htm
- ³⁵ An exception to this are the neighboring cities of Leticia in Colombia and Tabatinga in Brazil. These two cities form a trans border area in the Amazon rain forest. The difference between this trans border area and the borders between Brazil and the chosen case studies however is that neither Leticia nor Tabatinga are connected by a highly transited road and railway system. Both cities are only connected by plane or by river to the main cities of their countries. Also, it is worth noticing that according to Colombian firearm control legislation, in that country there are no authorized gun shops. Firearms and ammunition can be only sold within military units where there is representation of Industria Militar de Colombia (INDUMIL) a state company that holds the monopoly over small arms

and ammunition production and domestic and international trade. Firearms at the same time can be only purchased with a registration permit. This would discourage the growth of open grey markets. In the Amazon borders between Colombia and Brazil small arms issues are related not to grey markets but to illicit trafficking of small arms and ammunition from Brazil to insurgent groups operating in the South of Colombia. On this issue see: Dreyfus, Pablo, 'Political Economy of Illegal Arms Acquisitions in Colombia'. Background paper for a book on small arms proliferation and human security in Colombia, forthcoming, 2006, Geneva/Bogotá: Small Arms Survey (SAS)/Conflict Analysis Resource Center (CERAC) and Palacio Castañeda, Germán, "Brasil: Visión y Percepción desde la Triple Frontera: Leticia, Colombia", in Brasil: La Visión de sus Vecinos y Más Allá", Konrad Adenauer Foundation (Brasil) and FLACSO (General Secretariat), forthcoming 2006.

- ³⁶ Economic Commission for Latin America (CEPAL), Anuario Estadístico de América Latina y el Caribe, Santiago de Chile, United Nations, 2004, p.183
- ³⁷ See: Dreyfus, Lessing and Purcena, op.cit., p. 104
- ³⁸ See: Dreyfus, Godnick et al, pp.44-53
- ³⁹ Ibid.
- ⁴⁰ Ibid.
- ⁴¹ See: U.S Department of State, Fact Sheet: US Initiative Against Small Arms and Illicit Trafficking, Section Careful Scrutiny of Export Licenses, Washington D.C., Office of the Spokesman, 10 March 2000, <http://www.fas.org/asmp/campaigns/smallarms/factsheetfeb23.htm> and Barros Lisboa, Marcos; Stubert Aymore, Ramon and Fernandes, Rubem César, As exportações Brasileiras de Armas Leves, 1989-2000, Rio de Janeiro, ISER, 2001, p.10 http://www.iser.org.br/portug/segpub_texto_rubem.pdf
- ⁴² República del Paraguay, Poder Legislativo, *Ley N° 1057, Que Aprueba el Acuerdo para Facilitar el Control del Comercio Ilícito de Armas entre la República del Paraguay y la República Federativa del Brasil*, Asunción, 17 October 1996.
- ⁴³ See: Honorable Cámara de Senadores, Diario de Sesiones N° 47, *Proyecto de Ley "DE ARMAS, MUNICIONES Y EXPLOSIVOS". Lectura de los dictámenes por Secretaría, April 18, 2002, pp.1-74*
- ⁴⁴ On this issue see: Small Arms Survey, *Small Arms Survey 2006: Unfinished Business*, Oxford, Oxford University Press, pp. 68-82
- ⁴⁵ On these issues see: International Trade Centre (UNCTAD/World Trade Organization), Reliability of trade statistics: Indicators of consistency between trade figures reported by countries and their corresponding mirror estimates, Geneva, Market Analysis Section, 2005.
- ⁴⁶ On this issue see: World Customs Organization, Harmonized System Convention - General information - Countries applying the HS, http://www.wcoomd.org/ie/En/Topics_Issues/HarmonizedSystem/hsconve2.html
- ⁴⁷ Ammunition codes were selected according to the criteria used by the Small Arms Survey. See: Small Arms Survey 2006, p.67 and Glatz, Anne-Kathrin, "Buying the Bullet: Authorized Small Arms Ammunition Transfers", in Stéphanie Pézard and Holger Anders, eds. op.cit., Small Arms Survey, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), Viva Rio and Centre for International Cooperation and Security (CICS), University of Bradford, forthcoming, 2006.
- ⁴⁸ UN Comtrade and Secretariat of Foreign Trade (Secex) of Brazil. As explained in Dreyfus, Lessing and Purcena, op.cit., p. 105, Brazil has a very strong and protected domestic industry. This explains its relatively lower value of imports when compared to Argentina for example.
- ⁴⁹ Ministerio de Defensa Nacional, Decreto N° 23.459, *Por el Cual se establece Normas sobre Adquisición, Fabricación, Tenencia, Transporte y Todo Acto Jurídico Relacionado con las Armas de Fuego, Pólvoras, Explosivos y Afines*, Asunción, 1976, Ministerio de Defensa Nacional, *Resolución Ministerial N° 397, Por la Cual se Reglamenta el Decreto N° 23.450/76 en lo Concerniente a Armas y Municiones y las Sanciones Comunes para Todos los Actos Mencionados en el Art. 1 del Citado Decreto*, Asunción, Paraguay, 1977,
- ⁵⁰ Presidencia de la República, Ministerio de Defensa Nacional, *Decreto N° 11919, Que Amplía el Decreto N° 23450 del 16 de Junio de 1976 'Por el cual se establece normas sobre adquisición, fabricación, tenencia, transporte y todo acto jurídico relacionado con las armas de fuego, pólvoras, explosivos y afines'*, Asunción, Paraguay, 2001, article 1.
- ⁵¹ Poder Legislativo, Ley N° 1910 de Armas de Fuego, Municiones y Explosivos, Asunción, 2002, available on line: <http://www.oea.org/main/main.asp?sLang=E&sLink=http://www.cicad.oas.org>
- ⁵² Presidencia de la República, Ministerio de Defensa, *Decreto N° 3.625 del 28 Oct/04 Por El Cual Se Reglamenta La Ley N° 1910/02 De Fecha 19 De Junio De 2002, "De Armas De Fuego, Municiones Y Explosivos"*, Asunción, 2004
- ⁵³ Interview with DIMABEL officials.
- ⁵⁴ Interviews with: Lieutenant Colonel (Army) José Jiménez Cabañas, Head of the Arms Register Department of DIMABEL; Dr. Venancio Román, Legal Advisor of DIMABEL; Lic. Osvaldo Molinas Riso, Deputy Director of the National Customs Directorate; Counselor Julio César Peralta, Director of International Organizations of the Ministry of Foreign Affairs; Comisario Principal DAEP (National Police), Vicente Vega Zarga, Head of the Department of Arms and Ammunition of the National Police; Dr. José Caballero, President of the Paraguayan Society of Criminology; María José Garcete, Amnesty International Paraguay.

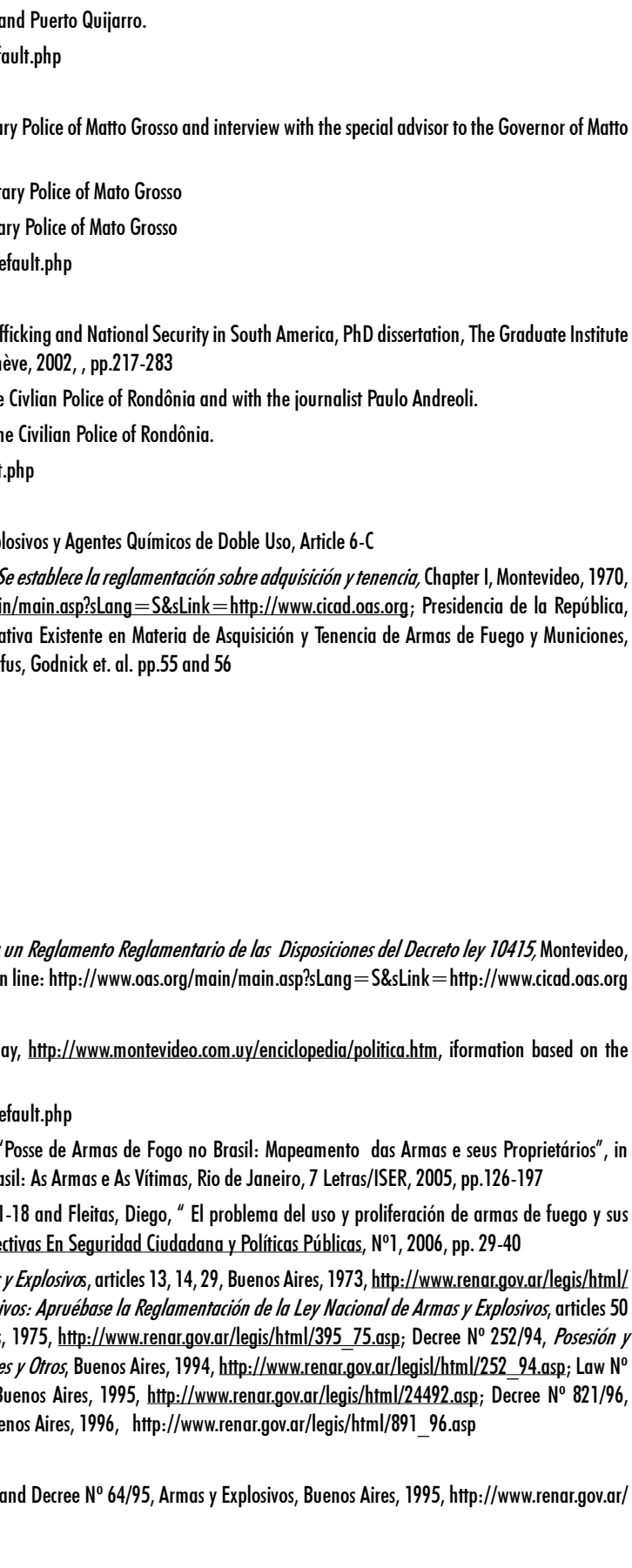
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- ⁵⁵ Dirección General de Estadísticas Encuestas y Censos, <http://www.dgeec.gov.py/ResultadosPreliminares/Total/amambay.pdf>.
- ⁵⁶ Instituto Brasileiro de Geografia e Estatística, www.ibge.gov.br-IBGE-Cidades@-
- ⁵⁷ Municipalidad de Ciudad del Este, <http://www.mcde.gov.py/v02/principal.php>
- ⁵⁸ Instituto Brasileiro de Geografia e Estatística, www.ibge.gov.br-IBGE-Cidades@-
- ⁵⁹ On the Triple Border Area as well as the concept of trans-border community see: Dreyfus, Pablo, "La Triple Frontera: zona de encuentros y desencuentros", en *Brasil: Visión de Sus Vecinos y Más Allá*, Konrad Adenauer Foundation (Brazil) and Facultad Latinoamericana de Ciencias Sociales (FLACSO), forthcoming, 2006 and Rolim, Cassio. "Como analisar as regiões fronteiriças: esboço de um enquadramento teórico-metodológico a partir do caso de Foz de Iguacu", *TD Nereus*, 05-2004, São Paulo, Núcleo de Economia Regional e Urbana da Universidade de São Paulo, 2004.
- ⁶⁰ Dreyfus, "La Triple Frontera: zona de encuentros y desencuentros"
- ⁶¹ Law N° 1910, article 37 and Decree N° 3625 article 34
- ⁶² Phone interview with Police Delegate, Carlos Oliveira, Head of the Arms and Explosives Enforcement Division of the Civilian Police of Rio de Janeiro.
- ⁶³ See: <http://www.sipri.org/contents/expcon/eucode.html>
- ⁶⁴ See: United Nations, Department of Disarmament Affairs, (UN Document A/CONF.192/15). Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, <http://disarmament.un.org/cab/poa.html>
- ⁶⁵ OCIT, Comercio Exterior for the figure of ammunition imports and Corrales Campagnucci, "Aspectos Positivos de la lucha de la República del Paraguay contra el tráfico de armas de fuego, municiones y explosivos", 2003, for the number of registered weapons.
- ⁶⁶ Imports from Brazil in 2000 were identified as pistols destined to the Cooperative Shop of the Paraguayan Armed Forces and the Cooperative Shop of the Paraguayan National Police. Source: OCIT Comercio Exterior.
- ⁶⁷ Note how South Africa, which does not report at all to COMTRADE is represented in the small arms imports graph and does not show up in graph 9 on small arms ammunition exports to Paraguay excluding the United States and Brazil.
- ⁶⁸ See: <http://www.entreguesuaarma.com.br/publique/>
- ⁶⁹ See: Dreyfus, Pablo and Sousa, Marcelo, "Posse de Armas de Fogo no Brasil: Mapeamento das Armas e seus Proprietários", in Fernandes, Rubem César (coordinator), *Brasil: As Armas e As Vítimas*, Rio de Janeiro, 7 Letras/ISER, 2005, pp.126-197
- ⁷⁰ Dreyfus, Pablo; de Sousa Nascimento, Marcelo and Guedes, Luis Eduardo, "Voluntary Small Arms Collection in a Non-Conflict Violent Country: Brazil and the Experience of Rio de Janeiro", *International Studies Perspectives*, forthcoming, 2006
- ⁷¹ See: Misse, Michel (coordinator), *Desarmamento e Índices de Criminalidade Envolvendo Armas de Fogo, Um Exame Sistemático dos Dados Oficiais*, Núcleo de Estudos da Cidadania, Conflito e Violência Urbana, Instituto de Filosofia e Ciências Sociais, Universidade Federal do Rio de Janeiro, 2005, <http://www.necvu.ifcs.ufrj.br/arquivos/relatoriofinaldesarmamento.pdf>; Dreyfus, Pablo; de Sousa Nascimento, Marcelo and Guedes, Luis Eduardo, op.cit.; Ministério da Saúde, Secretaria de Vigilância em Saúde SVS, *Impacto da Campanha do Desarmamento no Índice Nacional de Mortalidade por Arma de Fogo*, Ministério da Saúde, Brasília, August 2005, http://www.desarme.org/publique/media/pesquisa_min_saude_mortalidade_armas.pdf; Waiselfisz, Julio Jacobo, *Vidas Poupadas*, Unesco, Ministry of Justice of Brazil, Ministry of Health of Brazil, Brasília, 2005, Khan, Túlio, *A queda de homicídios em São Paulo*, unpublished, 2005.
- ⁷² Waiselfisz, op.cit. p. 5 According to the Ministry of Health, the firearm-related deaths decreased eight percent from 2003 to 2004 and this resulted in 3146 saved lives. Ministério da Saúde, op.cit. p.2
- ⁷³ Dreyfus, de Sousa Nascimento and Guedes, op.cit.
- ⁷⁴ Economic Commission for Latin America (CEPAL), *Anuario Estadístico de América Latina y el Caribe*, Santiago de Chile, United Nations, 2004, pp. 183 and 197
- ⁷⁵ The year 2002 does not include USD 2.1 million of exports of military firearms (930190) from the United States that were identified as possible sales to the Argentine armed forces. In fact since the late 1990s the Argentine military has shifted from 7.62x51mm to 5.56x45mm assault weapons. Since 1999 Infantería de Marina (marines) of the Argentine Navy has been replacing its FAL assault rifles and FAP light machine guns by US-made M16A2 5.56mm assault rifles and M249 SAW "MINIMI" light machine guns. It is important to note that in January 1998 Argentina was designated a Major Non-NATO Ally of the United States (MNNA). As such, Argentina is eligible for priority delivery of excess defense articles (EDA). On this issue see: Dreyfus, Pablo, *National small arms and light weapons and inventories: Argentina*, background paper produced for the Small Arms Survey 2001, Buenos Aires, August, 2000. Also see: Center for International Policy, Latin American Working Group Education Fund and Washington Office on Latin America (WOLA), *Just the Facts: A civilian's guide to U.S. defense and security assistance to Latin America and the Caribbean*, <http://www.ciponline.org/facts/ar.htm>

- ⁷⁶ There are no reports in COMTRADE of either "military weapons" or "military firearms" from these two countries under the period of study. The only identified record was an export from of US\$ 30, 729 in "Military Firearms" (assault rifles, sub machineguns or machineguns) in 2004 that was not included in the graph. Most the imports from China fall under the category "pistols and revolvers" and in the case of the US under the category "pistols and revolvers" and "sport rifles". See: Center for International Policy, Latin American Working Group Education Fund and Washington Office on Latin America (WOLA), *Just the Facts: A civilian's guide to U.S. defense and security assistance to Latin America and the Caribbean*, <http://www.ciponline.org/facts/bo.htm>; Ministry of Foreign Affairs of the People's Republic of China, *Bolivia, Bilateral Relations*, 2003, <http://www.fmprc.gov.cn/eng/wj/zjg/ldmzs/gjlb/3468/default.htm> and *Los Tiempos.Com, Nacional*, "Los Militares Dijeron que Los Misiles Eran Obsoletos: Ex Canciller Denunció que EEUU Pidió a Mesa los Misiles Chinos", November 6, 2005, www.lostiempos.com/noticias/dossierbolivia/nacional/fuerzasarmadas/misiles/ - 48k - 15 jun. 2006
- ⁷⁷ See: El Deber, "Militares Venden Pistolas Taurus 9 mm a Policías", 3 March, 2003, <http://www.boliviahoy.com/modules/news/article.php?storyid=3647>
- ⁷⁸ Ministerio de Defensa Nacional, Dirección General de Logística, Unidad de Material Bélico, Bolivia, Resolución Ministerial N° 00665, *Reglamento para Importación, Transporte, Almacenamiento y Comercialización de Explosivos, Armas y Municiones*, La Paz, May 25, 2000, available on-line at: <http://www.oas.org/main/main.asp?sLang=S&sLink=http://www.cicad.oas.org>
- ⁷⁹ See: Center for International Policy, Latin American Working Group Education Fund and Washington Office on Latin America (WOLA), *Just the Facts: A civilian's guide to U.S. defense and security assistance to Latin America and the Caribbean*, <http://www.ciponline.org/facts/bo.htm> and El Deber, "Militares Venden Pistolas Taurus 9 mm a Policías", 3 March, 2003, <http://www.boliviahoy.com/modules/news/article.php?storyid=3647>
- ⁸⁰ Ministry of Foreign Affairs of the People's Republic of China, *Bolivia, Bilateral Relations*, 2003, <http://www.fmprc.gov.cn/eng/wj/zjg/ldmzs/gjlb/3468/default.htm> and *Los Tiempos.Com, Nacional*, "Los Militares Dijeron que Los Misiles Eran Obsoletos: Ex Canciller Denunció que EEUU Pidió a Mesa los Misiles Chinos", November 6, 2005, www.lostiempos.com/noticias/dossierbolivia/nacional/fuerzasarmadas/misiles/ - 48k - 15 jun. 2006
- ⁸¹ Uruguay: Small arms imports and exchange rate, 1994/ 2004



Source: UN - Comtrade/ OANDA Corporation

- ⁸² Presidencia de la República, Decreto N°231/002, *Se Actualiza la Normativa Existente en Materia de Adquisición y Tenencia de Armas de Fuego y Municiones*, Montevideo, 2002, <http://www.presidencia.gub.uy/decretos/20020622002>
- ⁸³ Dreyfus, Godnick et al., op. cit. p. 54
- ⁸⁴ Resolution N°00665 Chapters X and XI
- ⁸⁵ Ibid.
- ⁸⁶ IBGE, <http://www.ibge.gov.br/cidadesat/default.php>
- ⁸⁷ Instituto Nacional de Estadística, Bolivia, www.ine.gov.bo
- ⁸⁸ Interviews with locals and also see: Dreyfus, Godnick, Lessing and lootty, pp.44-53
- ⁸⁹ INE, Bolivia, www.ine.gov.bo

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- ⁹⁰ Conversations with taxi drives in Corumbá and Puerto Quijarro.
- ⁹¹ IBGE, <http://www.ibge.gov.br/cidadesat/default.php>
- ⁹² INE, <http://www.ine.gov.bo>
- ⁹³ Interview with the Commander of the Military Police of Matto Grosso and interview with the special advisor to the Governor of Matto Grosso, Cuiabá,
- ⁹⁴ Interview with the Commander of the Military Police of Mato Grosso
- ⁹⁵ Interview with the Commander of the Military Police of Mato Grosso
- ⁹⁶ IBGE, <http://www.ibge.gov.br/cidadesat/default.php>
- ⁹⁷ INE, <http://www.ine.gov.bo>
- ⁹⁸ Dreyfus, Pablo, *Border Spill Over: Drug Trafficking and National Security in South America*, PhD dissertation, The Graduate Institute of International Studies, Université de Genève, 2002, , pp.217-283
- ⁹⁹ Interview with a high ranking official of the Civilian Police of Rondônia and with the journalist Paulo Andreoli.
- ¹⁰⁰ Interview with a high ranking official of the Civilian Police of Rondônia.
- ¹⁰¹ IBGE, <http://www.ibge.gov.br/cidadesat/default.php>
- ¹⁰² INE, <http://www.ine.gov.bo>
- ¹⁰³ Proyecto de Ley de Armas, Municiones, Explosivos y Agentes Químicos de Doble Uso, Article 6-C
- ¹⁰⁴ See: Decree N° 652/970, *Armas de Fuego: Se establece la reglamentación sobre adquisición y tenencia*, Chapter I, Montevideo, 1970, available on-line: <http://www.oas.org/main/main.asp?sLang=S&sLink=http://www.cicad.oas.org>; Presidencia de la República, Decreto N°231/002, *Se Actualiza la Normativa Existente en Materia de Adquisición y Tenencia de Armas de Fuego y Municiones*, Montevideo, 2002, articles 1 to 12 and Dreyfus, Godnick et. al. pp.55 and 56
- ¹⁰⁵ Ibid.
- ¹⁰⁶ Ibid.
- ¹⁰⁷ Decree N° 231/002, article 12.
- ¹⁰⁸ Decree N° 231/002, article 13
- ¹⁰⁹ Ibid
- ¹¹⁰ Ibid
- ¹¹¹ Ibid
- ¹¹² Decree N° 2605, *Explosivos y Armas: Se da un Reglamento Reglamentario de las Disposiciones del Decreto ley 10415*, Montevideo, 1943, articles 213, 219 and 222, available on line: <http://www.oas.org/main/main.asp?sLang=S&sLink=http://www.cicad.oas.org>
- ¹¹³ Decree N° 2605, article 213
- ¹¹⁴ Source: Enciclopedia Geográfica del Uruguay, <http://www.montevideo.com.uy/enciclopedia/politica.htm>, information based on the 2004 national census.
- ¹¹⁵ IBGE, <http://www.ibge.gov.br/cidadesat/default.php>
- ¹¹⁶ See: Dreyfus, Pablo and Sousa, Marcelo, "Posse de Armas de Fogo no Brasil: Mapeamento das Armas e seus Proprietários", in Ferdandes, Rubem César (coordinator), *Brasil: As Armas e As Vítimas*, Rio de Janeiro, 7 Letras/ISER, 2005, pp.126-197
- ¹¹⁷ See: Dreyfus, Godnick et. al., op cit., pp.11-18 and Fleitas, Diego, " El problema del uso y proliferación de armas de fuego y sus políticas de control en Argentina" in *Perspectivas En Seguridad Ciudadana y Políticas Públicas*, N°1, 2006, pp. 29-40
- ¹¹⁸ See: Law N° 20429, *Ley Nacional de Armas y Explosivos*, articles 13, 14, 29, Buenos Aires, 1973, <http://www.renar.gov.ar/legis/html/20429.asp>; Decree N° 395, *Armas y Explosivos: Apruébase la Reglamentación de la Ley Nacional de Armas y Explosivos*, articles 50 to 76 and articles 90 to 113, Buenos Aires, 1975, http://www.renar.gov.ar/legis/html/395_75.asp; Decree N° 252/94, *Posesión y Transmisión de Armas de Fuego, Municiones y Otras*, Buenos Aires, 1994, http://www.renar.gov.ar/legisl/html/252_94.asp; Law N° 24492, *Credencial de Legítimo Usuario*, Buenos Aires, 1995, <http://www.renar.gov.ar/legis/html/24492.asp>; Decree N° 821/96, *Clasificación de Armas*, articles 1 and 2, Buenos Aires, 1996, http://www.renar.gov.ar/legis/html/891_96.asp
- ¹¹⁹ Ibid.
- ¹²⁰ See: See: Decree N° 395/75 articles 4 to 8 and Decree N° 64/95, *Armas y Explosivos*, Buenos Aires, 1995, http://www.renar.gov.ar/legis/html/64_95.asp
- ¹²¹ Ibid.

¹²² Up to 1996 the .38 revolvers were also considered as Civilian Use weapons. That year the legislation was amended and .38 revolvers were included as conditional civilian use weapons. See: Decree N° 821/96, Clasificación de Armas, articles 1 and 2, Buenos Aires, 1996, http://www.renar.gov.ar/legis/html/891_96.asp

¹²³ Law N° 29429, article 14 and Decree N° 395/75 article 53

¹²⁴ RENAR Regulation N° 119/04, Tarjeta de Control de Consumo de Municiones, Registro Nacional de Armas, Buenos Aires, 2004, http://www.renar.gov.ar/legis/dispo/119_04.asp

¹²⁵ Gobierno de la Provincia de Misiones, Instituto Provincial de Estadística y Censos, <http://www.Misiones.gov.ar/IPEC/INDEX.htm>

¹²⁶ IBGE, <http://www.ibge.gov.br/cidadesat/default.php>

¹²⁷ IBGE, <http://www.ibge.gov.br/cidadesat/default.php>

¹²⁸ See: www.libresweb.com.ar/00info_poblacevoluc.html, information based on the 2001 national census

¹²⁹ "Principle 4: Factors to be taken into account

States shall take into account other factors, including the likely use of the arms, before authorizing an arms transfer, including:

A the recipient's record of compliance with commitments and transparency in the field of non-proliferation, arms control, and disarmament.

States should not authorize the transfer if it is likely to:

B be used for or to facilitate the commission of violent crimes;

C adversely affect regional security or stability;

D adversely affect sustainable development;

E involve corrupt practices;

F contravene other international, regional, or sub-regional commitments or decisions made, or agreements on non-proliferation, arms control, and disarmament to which the exporting, importing, or transit states are party;

G or be diverted for any of the above."

¹³⁰ The public hearings of the SHC can be consulted at: Serviço de Comissões Parlamentares de Inquérito, Controle de Reuniões-52ª Legislatura, "Comissão Parlamentar de Inquérito Destinada a Investigar as Organizações Criminosas do Tráfico de Armas (CPI-Tráfico de Armas), Notas Taquigráficas, <http://www2.camara.gov.br/comissoes/temporarias/cpi/cpiarmas/notastaq.html>