

UNITED NATIONS CONFERENCE ON THE ILLICIT TRADE OF SMALL
ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS
SECOND BIENNIAL MEETING - 11/15 JULY 2005
IMPLEMENTATION OF THE PROGRAMME OF ACTION



BRASIL

**Statements Delivered by the Delegation of Brazil
During the Thematic Debate**

1. Weapons Collection and Destruction

As already mentioned in our opening statement, in the wake of the adoption of a new Federal Law on the control of weapons and ammunition, the Brazilian Federal Government has launched in 2004 a major nationwide initiative known as "Disarmament Campaign", which includes a massive weapons and ammunition buy-back programme. Citizens are encouraged to dispose of their firearms, and in return receive a compensation that ranges from 40 to 120 dollars, depending on weapon type and condition. As of June 2005, more than 350.000 firearms had been collected by the Campaign, far more than originally expected.

Apart from the impressive numbers of collected and destroyed weapons, the Campaign has already given many evidences of its effectiveness as a public policy. Data collected by the Ministries of Health and Justice reveal a remarkable aggregate reduction of 28% in cases of injuries caused by firearms in Brazil after the beginning of the Campaign. Another indication is the steep reduction in the number of crimes committed with firearms in the State of São Paulo, which has undergone a reduction of 22%.

Among the lessons learned so far from the experience of the National Disarmament Campaign is the fact that weapons collection initiatives achieve greater results if coupled with measures aimed at promoting public awareness and at spreading information on collection procedures. Involvement of the civil society, local communities and churches is also instrumental to this end.

Another important lesson is the need to guarantee that weapons collected will not fall into wrong hands. In the case of the Brazilian Disarmament Campaign, there is prompt destruction of the weapons, in accordance with Federal Law 10.826, which also specifically forecloses any alternative uses for collected weapons.

2. Stockpile management

Brazil has already established laws and regulations aimed at controlling stockpiles of small arms and light weapons, either governmental or private.

Our national experience in this area reveals that an effective way to enhance stockpile security is the creation and enforcement of strict penal and administrative sanctions, including fines, for owners or officials found guilty of omission of responsibility in the application of security measures required by Law and by regulations of the Ministry of Defence.

Another suggestion may be drawn from procedures already implemented by the Brazilian Armed Forces, which conduct periodical physical inspections and recounts of weapons and ammunition in arsenals under their control. Paragraphs 17 and 18 of the Programme of Action already mention the need for management and accounting controls, but the inclusion of an indicative time-frame for recounts to take place would make them more effective for the timely detection and investigation of thefts.

It is also important to emphasize that the effective implementation of these or any other measures aimed at guaranteeing stockpile security depends on weapons and ammunition being unique and adequately marked. Criminal and administrative investigation of thefts from government arsenals and private stocks would also be greatly benefited by the existence of a reliable record-keeping and control system that allows for prompt retrieval of information related to weapons characteristics and history.

4. Capacity building

Traffickers of small arms, light weapons and ammunition often resort to intricate and sophisticated methods in order to avoid governmental controls. An effective and sustained action against such activities thus requires many capabilities from the part of police officers and investigators involved, which range from knowledge on the firearms legislation to specific training in intelligence gathering and operational planning and execution.

The recent creation by the Brazilian Federal Police of a new Division specialized in the combat against trafficking of small arms, light weapons and ammunition has allowed optimization of training and capacity-building activities, and at the same time created the conditions for operational coordination in this area at the national level.

5. Resource mobilization

Brazil regards the issue of assistance in capacity-building as essential for the effective implementation of the Programme of Action, especially in the case of developing countries.

The substantial financial and technical aid imparted so far by international organizations and donor States is noteworthy and commendable; however, such efforts must be decisively bolstered in the future.

In addition to "classic" bilateral financial grants or donations, we should also consider innovative cooperation and assistance schemes that allow for more efficient use of different national capabilities in this regard. Some States may have technical expertise and extensive implementation experience to share with other countries, but lack the financial resources needed to organize training and capacity-building courses.

In this regard, Brazil believes that the Programme of Action should profit from the positive experience of regional organizations such as the Organization of American States (particularly of its subsidiary body, the Inter-American Drug Abuse Control Commission) in optimising resources earmarked for cooperation and assistance, by means of devising programmes for regions or groups of countries, instead of specific single countries and by means of exploring trilateral cooperation schemes, financing horizontal cooperation between developing countries.

As regards national initiatives related to this issue, in 2004, the Brazilian National Public Security Secretariat, in cooperation with UN-LiREC and UNDP, created the Regional Public Security Training Center for Latin America and the Caribbean, through which Brazil has been offering to countries in the region training courses and capacity-building activities for government officials and civil society representatives directly involved in public security issues. One of the priorities of the Regional Center is capacity-building in the area of small arms and light weapons control.

6. Institution building

Brazil has had a very positive experience with the establishment of national coordination commissions in various areas of the struggle against illicit acts in general, such as the National Anti-Drug Council, the Council for Control of Financial Activities) and SISBIN (Brazilian Intelligence System).

8. Linkages (Terrorism, organized crime, trafficking in drugs and precious minerals)

In the context of the efforts to combat terrorism in its different manifestations, Brazil believes that the international community should revisit the issue of transfer of weapons and ammunition to non-state actors not authorized by their respective governments, once such transfers are among the most susceptible to be deviated for terrorist purposes. It should also be noted that profits generated by the illegal trade in small arms may also help to finance terrorist and criminal groups, which reinforce the need to approach those problems in a coordinated manner.

Brazil would like to suggest that the Programme of Action draws upon the experience of multilateral instruments and treaties related to the combat against organized crime, drug-trafficking and terrorism. In this regard, the establishment of coordination channels with UNODC could pave the way for a coherent treatment of these associated matters.

9. Import/Export controls

In Brazil, arms can only be exported by authorized dealers and export licenses are required. Requests for export shall be submitted to the Army for approval, and must be accompanied by an import license or an end-user certificate, issued by authorities of the importing State. Regulations also require physical inspection of the merchandise, which must be marked and registered according to national legislation.

The Brazilian government has repeatedly voiced its support for the idea of adopting legally-binding commitments on the control of arms transfers, including export, import and transit, and has taken active part in discussions on the issue, in particular those sponsored by the United Kingdom under its Transfer Controls Initiative. For Brazil, such commitments would constitute an important tool to avoid destabilizing deviation of weapons for illicit purposes. In order to guarantee an effective and balanced implementation, global controls must be objective, transparent and non-discriminatory, and negotiated and adopted in the framework of the United Nations. They should also encompass prohibition of arms transfers to unauthorized non-state actors.

As the distinguished delegates will recall, in 2001 some countries found it difficult to accept the inclusion of language on the prohibition of transfers to non-state-actors. Brazil believes, however, that the issue should come back into consideration in the 2006 Review Conference. As in the first Biennial Meeting, Brazil takes this opportunity to call upon States to voluntarily adopt national legislation prohibiting transfers of weapons or ammunition to unauthorized non-state actors.

Another proposal, of a more procedural or operational nature, is the creation of a previous notification system, similar to the one that is in place for chemical substances used in drug refining processes, established by the UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Such a system, which may also include notification of receipt, would allow authorities of all States involved in the transaction to be timely alerted of possible deviation or theft, and to take appropriate measures to recover stolen cargo.

10. Illicit brokering

Although Brazilian legislation on small arms and light weapons does not refer nominally to the term "broker", it contains comprehensive dispositions on the main activities commonly associated with brokering, such as manufacturing, exporting, importing, mediating, purchasing, selling, transferring, transporting, freight-forwarding, supplying, and delivering firearms.

States should ensure that they have adequate legislation, regulation and administrative procedures in place to control relevant aspects of SALW brokering, as a part of their efforts to prevent and combat illicit arms trafficking.

The issue of brokering needs immediate action, so that States can reach agreement on an international set of norms aimed at regulating this activity. In this regard, the recent adoption of comprehensive Model Regulations on Brokering by the Inter-American Drug Abuse Control Commission of the Organization of American States should be taken into account as an example of how to deal with the issue.

12. Public awareness and the culture of peace

All initiatives recently undertaken by the Brazilian Government have clearly been based upon the need of achieving the cooperation of society as a whole. Brazilian NGOs play a very relevant and positive role in mobilizing society towards the collective goal of combating the illicit traffic of small arms and light weapons and preventing their misuse. We are satisfied with the contribution imparted by civil society organizations such as "Viva Rio" and "Sou da Paz", both represented in this meeting by their respective directors.