

**United Nations Conference to Review Progress  
Made in the Implementation of the  
Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in  
Small Arms and Light Weapons in All Its Aspects  
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**"A Mandate from Brazil"**

Presented by Jairo Paes de Lira  
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Mr. President, distinguished members of this honourable committee:

I am Jairo Paes de Lira, a Brazilian citizen and retired high-ranking police officer, and I speak as representative of the 60 million Brazilian voters who, within the national referendum held in 2005, said a loud NO to the government attempt to ban the legitimate firearms owned by common, good, law-abiding people of our beloved Motherland.

In my country there has been a wave of political action directed against gun ownership. As has often been the recent case in other countries, the apparent — just apparent — intent of the legislation, to reduce high levels of crime and violence, was shown by the outcome of unique events in Brazil to be disbelieved by the people at large, and, as I will show, resoundingly rejected.

In 1997 new gun laws made it extremely difficult for hunters, sport shooters and other law-abiding owners to privately possess arms. Then, in 2003, a new attempt was made at a complete ban on legal firearms, disregarding the previous law. Even military and police personnel were also to be forbidden to hold their official guns while off duty. The country, it was said, needed to pursue a "culture of peace", and that goal would not be attainable if Brazilians continued to permit the prevalence of ideas of people who, and I quote the slogan, "loved to kill" (presumably meaning animals or other persons), as well as men and women affected by a "fetish" for firearms — that is, sport shooters, including Olympic competitors, and antique collectors.

Mr. President, these people daring to want firearms to hunt food for their families or to shoot at targets on weekends in recreation were the ordinary, law-abiding citizens of Brazil.

Supported by a huge media network, the initiative began. A new law was approved, almost as presented, by both Houses. The new law (number 10826 of December 23, 2003, known as the Statute of Disarmament) brought much more restriction and also unbearable taxes (for example, US\$500 for a shooting permit, an amount equivalent to three months of the minimum wage, renewable every three years) which made legitimate licensing virtually impossible to the poor, especially rural people.

In addition, the new Statute offered the Government unlimited power to impose further regulations on, for example, the quantity of ammunition one can buy during a certain time.

The Statute also imposed total prohibition on the sale of firearms and ammunition all over the country, except for official purposes, depending on the decision of a popular referendum. As we shall see, Mr. President, these sweeping requirements found no sympathy with the ordinary men and women of the nation.

The Members of Parliament who proposed the Statute of Disarmament set out to gain total prohibition of lawfully owned guns by leaving the decision directly to the electors, with the additional benefit of going down in history as the first political representatives to give the people a chance to decide a relevant issue in terms of direct democracy since the introduction of the Constitution of 1988. This is how a gun ban referendum was presented to the Brazilian people.

Opinion polls initially indicated more than 80% of the population would support the complete ban. So the government's political strategists believed the referendum was as good as won, and went ahead with their political show.

In the referendum, set for October 23, 2005, the question for voters was: "Should the sale of firearms and ammunition be forbidden in Brazil?"

The gigantic Globo Communications Network joined with a number of powerful NGOs which were financed from Europe and the USA. They and many, indeed, most, governmental representatives brazenly blamed law-abiding people, sport shooters, hunters and civilian firearm owners for the homicides which occur during gang wars. The activities of armed criminals cause fatalities every day in cities like Rio de Janeiro and Sao Paulo. There are daily shootings involving police.

The arguments mounted by these combined groups were fallacious, based on distorted treatment of the available data about violent crime rates in Brazil.

However, legislation assured both sides of the argument twenty days of free programs on radio and television. It would be just a few minutes twice a day, but would prove time enough to put the factual case to voters.

When the results were in, fully 65% of the Brazilian voters rejected the prohibition.

Mr. President, the people of Brazil in the world's first attempt at a nationwide gun ban in a free country clearly favoured preservation of the right to legally own firearms, for shooting and hunting activities, as well as for legitimate home defence.

In debates and live conferences with audiences all around the country, and with radio and television time, Mr. President, the issues arising from a threat to lawful civilian firearm ownership had been discussed across Brazil, and the focus was on the issue of the constitutional right.

The referendum was not about disarmament, but about the total prohibition of the sale of goods to civilians and law enforcement personnel. The case against it was based on a simple and true message: the anti-gun case *jeopardized a citizen 's rights*. The Brazilians of today could not afford to throw these away because if they did so they would irreparably damage future generations' inheritance of rights.

This message was delivered to the people plainly and without artifice, in a direct manner, offering factual arguments which could be checked and proved.

The people's will was clearly, emphatically expressed in two thirds vote defeating the so-called Statute of Disarmament.

The October 23, 2005, referendum was a landmark for all Brazilians, a signpost of political maturity, and it will no doubt go on to produce other important stances to be taken by the population.

Mr. President, it is my understanding that here at the UN one speaks in terms of "mandates" – whether or not a body has the authority, the authorizations, the commission as it were, to do something. If a body has no mandate then it cannot act. Mr. President, the vote in Brazil on last October 23<sup>rd</sup> was a mandate. There is no greater mandate in a democracy than a vote of the people. And on this subject, the voice of the majority of the Brazilian people echoes through this international assembly. Small arms of good and lawful origin, destined exclusively for legitimate hunting, sport shooting and home defence, should never be confused with light weapons because they are not conceived or owned for harming or for war, but for respectable and traditional civilian purposes, linked with inalienable natural rights of peaceful, law-abiding people.

Mr. President, the international anti-gun community, especially powerful NGOs, was intimately and extensively involved in supporting the gun ban referendum. They lost. **They did not receive the mandate.**

Who did receive the mandate? It was the people I humbly speak for today, the millions of legal gun owners in my country and several other millions of voters who, even though they were not themselves firearms owners, understood and supported the profound need to keep for everybody precious constitutional and human rights. It was a mandate that rejected further erosion of their rights. It was a mandate that rejected international interference. It was a mandate that must be acknowledged and respected.

Thank you.