



# BRASIL

## **Statement by the Delegation of Brazil**

Second Biennial Meeting to consider 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.

11 - 15 July 2005

Mr. Chairman,

At the outset, I wish to congratulate you for your election as chairman of this Second Biennial Meeting. I am certain that your ability will guarantee the efficacy of our discussions.

Before starting our brief outline of Brazilian implementation of the Programme of Action since 2003, our Delegation would like to fully associate itself with the statement delivered by the distinguished representative of Uruguay, on behalf of MERCOSUL and Associated States.

The adoption of the Programme of Action by the 2001 UN Conference on the Illicit Trade of Small Arms and Light Weapons in All Its Aspects confirms the unequivocal importance of multilateralism in addressing global challenges through globally coordinated responses.

Brazil attaches utmost importance to the Programme of Action's Follow-up Mechanism, which allows the international community to take into consideration the experience gathered in implementing its dispositions since its adoption in 2001. It is our collective duty to address the problems and outstanding issues identified in both Biennial Meetings, thus opening the way for the 2006 Review Conference to adopt informed, balanced and substantive decisions.

Mr. Chairman,

Since 2003, Brazil has intensified its efforts towards fully and effectively implementing the Programme Consider-Action.

As stated in our previous report, legislation on the control of small arms and light weapons has been in place in Brazil since 1934.

Laws and regulations have been periodically reviewed to incorporate new and improved provisions, including those required by the Inter-American Convention (CIFTA) and solicited by the UN Programme of Action.

The last of such revisions has occurred with the adoption, in December 22<sup>nd</sup>, 2003, of Federal Law 10.826, which sets out a new legal and regulatory framework for the control of small arms and light weapons and ammunition in Brazil. The new Law, also known as the "Disarmament Statute", besides introducing improvements to National Arms System (SINARM), includes more rigorous requirements for the issuing of gun-licenses, as well as much heavier penal sanctions for violators. Penalties may reach up to 8 years of imprisonment, in some cases not subject to bail or parole. Additionally, the "Disarmament Statute" determines that all small arms and light weapons or ammunition found or seized in illicit situations must be promptly destroyed, immediately upon completion of judicial measures that may be needed for criminal investigation purposes.

The new Law also improves regulations on marking. Since its entry into force, all ammunition, whether manufactured locally or imported, must bear a barcode sign printed to the smallest packaging unit (box), which allows for the identification of the manufacturer, the purchaser, the ammunition type and its production/delivery lot. According to regulations recently issued by the Ministry of Defense, since January 1<sup>st</sup>, 2005, all ammunition manufactured or imported for use by the Armed Forces, by Federal, State or Municipal Police and Security Forces, as well as by intelligence agents, must have individual marks (i.e. in each cartridge or round) that allow for the identification of the production lot and of the purchasing organization.

In tandem with the adoption of reinforced legislation, in 2004 the Brazilian Federal Government has launched a major nationwide initiative known as "Disarmament Campaign", in collaboration with State Governments, organized civil society and Churches. The Campaign aims to promote a culture of peace, by raising public awareness on the dangers inherent to the possession of weapons and stimulating their voluntary disposal, through a massive buy-back programme. As of June 2005, more than 350.000 firearms had been collected by the Campaign, far more than the 80.000 originally expected.

Brazil has long been calling for a renewed commitment with international cooperation and assistance, and has been imparting its contribution to this goal in the measure of its possibilities. In 2004, the Brazilian National Public Security Secretariat, in cooperation with UN-LIREC and UNDP, created the Regional Public Security Training Center, through which Brazil has been offering training courses and capacity-building activities to government officials and civil society representatives directly involved in public security issues from fellow Latin American and Caribbean Countries. One of the priorities of the Regional Center is capacity-building in the area of small arms and light weapons control.

Mr. Chairman,

In order to fully implement the goals set out by the Programme of Action, the international community must address the many areas it left uncovered, such as marking and tracing, export and import controls (including a prohibition of transfers to unauthorized non-State actors) and brokering.

As regards marking and tracing small arms and light weapons, throughout the recently-concluded negotiations of the Open-Ended

Working Group created to negotiate an instrument on the issue, Brazil has advocated for the group to decide in favor of a legally-binding nature. Quite regrettably, this was not possible, in spite of the strong support of the vast majority of delegations (as well as of two regional groups). Brazil has also repeatedly called for the inclusion of regulations related to ammunition in the instrument. The group, however, could not reach consensus on this issue either, despite the fact that nearly all existing multilateral treaties on the issue recognize the clear and intrinsic connection between the problem of illicit small arms and light weapons and their ammunition, and the need to deal with both in a coordinated manner. Brazil hopes that these two major deficiencies do not prevent the future instrument from being an effective tool for international efforts against the scourge of the illicit trade of small arms and light weapons, something that depends on an unequivocal commitment from all States to the full implementation and future strengthening of its terms.

Brazil has also been actively supporting discussions on the adoption of international controls on transfers of small arms and light weapons. Such controls may include common criteria for authorization of transfers (provided that such criteria are objective, transparent and non-discriminatory), as well as common operational procedures for the enforcement of national and international regulations on exports, imports and transit of small arms and light weapons. In this context, one of the most urgently needed measures is an effective ban on transfers of weapons to non-State actors not duly authorized by the competent authorities of the importing State. We are convinced that the United Nations remains the only legitimate forum for the adoption of such controls, so as to guarantee the necessary support and involvement of all States.

In relation to illicit brokering, Brazil expects States to agree on basic control and cooperation elements so that such activities can be effectively controlled and illicit brokering halted.

Thank you."