

## **10. National Firearms Legislation: Developments since 2001, with emphasis on lessons learned and implementation**

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To be delivered in **English**

According to the Small Arms Survey, some 60% of the 640 million guns currently in circulation are in the hands of civilians. The majority of those weapons were produced and introduced into the market legally, but often they are used in illegal activity or diverted into the illegal market.

Because of the size of this arsenal and its capacity to increase the lethality of hostile encounters - whether in conflict or in crime - many States have decided to enact national firearms legislation to reduce the risk of diversion and misuse of small arms.

Since 2001 a growing number of States have reviewed and strengthened their national firearms legislation. Reporting at the two Biennial Meetings of States, 70% of States have reported on their efforts to strengthen national controls.<sup>2</sup> Clearly the majority of States regard national firearms legislation as an essential part of implementing the Programme of Action,

Many states including Brazil, Liberia, El Salvador, Argentina, Cambodia, Papua New Guinée and Sierra Leone have recognised that efforts to restrict access to guns, and to control weapons already in circulation, can make an important contribution to combating the illicit trade.

Latin America as a whole is one of the most affected regions in the world when it comes to gun violence, accounting for 42% of gun homicide victims. The World Health Organization estimated that in the year 2000 nearly half of homicide deaths worldwide for young men ages 15-29 were in the Americas.<sup>3</sup> This means that the risk of homicide for a young man in the region is almost 28 times higher than the average risk worldwide.<sup>4</sup> And, it is important to stress: this is a region that is mostly affected by urban armed violence rather than armed conflict.

In Brazil, where I come from, there are 200,000 fewer young men than young women, mostly because of firearm related deaths. Strengthening Brazilian gun laws has been a priority and has contributed to reducing the illicit trade in small arms and urban violence in general.

In 2003, after a long process of consultation and negotiation, a new law called the Disarmament Statute was passed. This law made it harder to buy a gun, and prohibited civilians from carrying guns. It also made provision for a firearms amnesty, which resulted in the collection and destruction of over 450,000 guns. In 2004, the first

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<sup>2</sup> Kytomaki, Elli and Valerie Yankey-Wayne (2006), Five years of implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional analysis of national reports, UNIDIR, Geneva.

<sup>3</sup> WHO (2002), *World Report on Violence and Health*, pp. 274-5

<sup>4</sup> ibid

year of implementation of the statute, Brazil saw an 8% decline in firearms homicide. This was the first reduction in gun violence after 13 years of increases. That 8% reduction in homicides translated into 3,234 lives saved.

I must mention the referendum on the sale of guns and ammunition that took place last October. There have been some attempts to misinterpret the results and the impact of the referendum. Despite the gun lobby's propaganda claim that Brazilians voted against gun control, the question at stake in the referendum was only one of the 37 articles of the Disarmament Statute: article 35 which referred to a total ban on the sale of guns to civilians. The 36 other articles included marking of small arms, marking ammunition, thorough registration renewed every 3 years, the age limit to buy a gun increased to 25, psychological and gun handling tests, among many other technical and legal issues. All these provisions came into effect in 2004 and enjoy huge public support - they are even supported by the gun lobby, according to the tv campaign it ran during the referendum.

The reality is that Brazilian society is against guns and understands their deadly impact. Since the referendum, gun sales have declined by 92%. Even more important, lives by the thousands continue to be saved because of the enforcement of the law.

Lastly it is important to remind this audience that the massive propaganda against last year's proposed gun ban was paid for by the gun and ammunition industry in Brazil, a fact that was only made public two days after the referendum. Of course - because the gun industry stands to lose money if gun violence is reduced. It is the mandate of this Assembly to analyse and weigh people over profit, bodies over hobbies and continue to build the path to safer societies.

The Programme of Action provides us with tools to achieve to control these weapons in the hands of civilians. Many States are improving record-keeping, in implementation of the Programme of Action, to ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons within their jurisdiction.

Restricting access to inappropriate end users is also evident as encouraged in the Programme of Action, and States have worked to 'identify, groups and individuals engaged in illicit manufacture, trade, stockpiling, possession and to take action under appropriate national law'.

States have also been working to criminalise the illegal manufacture, possession, stockpiling and trade in small arms, and to take 'necessary measures to prevent the possession of any unmarked or inadequately marked small arms and light weapons' as referred to in the Programme of Action.

These efforts are informed by solid research and reinforced by work at the international and regional levels. Several regional organisations indeed explicitly call for more careful regulation of access and ownership of small arms. In many cases civil society has been instrumental in drafting, communicating and supporting legislative

reforms and continues to play an important role in changing attitudes and practice towards responsible gun use and implementation of stricter domestic legislation.

We can assure that not only in Brazil, were the integrated efforts between government and civil society were decisive to the design, approval and implementation of the new law, but in majority of Latin American States, NGOs have been crucial actors in this area.

Encouragingly Brazil and Latin America have also distinguished themselves in their efforts for curbing the illicit trade in small arms and light weapons in all its aspects. The ongoing implementation of the *1997 Inter American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials* remains a key activity in the region linked to the implementation of the PoA.

In closing, in the next six years, those interested States and civil society have many possibilities to exchange experiences and good practices on strengthening national firearms legislation. Essential elements in this area include **four components: prohibiting or restricting certain uses of guns; prohibiting or restricting certain users of guns; prohibiting or restricting certain types of small arms and, we can not forget, controlling and marking ammunition.**

In Brazil, according to new regulations, all ammunition manufactured or imported for official use must be marked on each cartridge with the production lot and purchasing organization. Most countries regulate the sale of ammunition and many require that it be securely stored, define the conditions under which ammunition may be held.

The impacts of lack of domestic control on small arms are felt and feared everyday throughout the globe. It is the challenge and responsibility of states and civil society together to offer, implement and enforce all necessary measures in order to not only to reduce the availability of arms for armed groups and criminals, but essentially, to save lives.

Thank you.