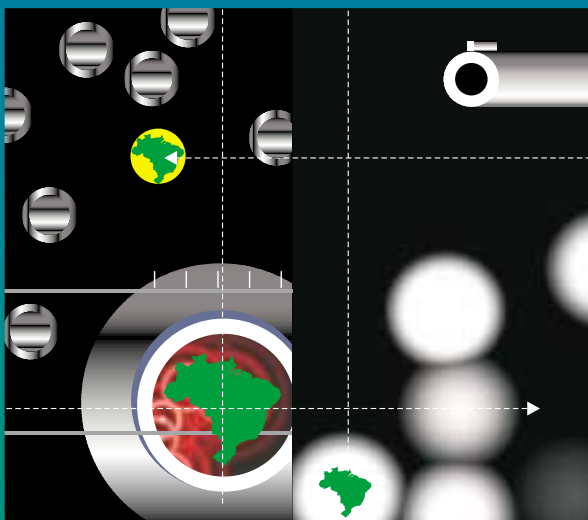


UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH  
UNIDIR

# **Illicit Trafficking in Firearms: Prevention and Combat in Rio de Janeiro, Brazil**

## **A National, Regional and Global Issue**

Péricles GASPARINI ALVES



UNITED NATIONS

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Geneva, Switzerland

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## ACKNOWLEDGEMENTS

There are occasions where theoretical knowledge alone is not enough to fully appreciate the complexity of a situation. One needs to touch base, to observe how people use their professional skills to tackle a problem which consumes vast amounts of time and money locally, regionally and globally, at all levels of contemporary society.

The illicit trafficking in firearms, ammunition and explosives is a case in point and I am therefore indebted to all the law enforcement officers of the city of Rio de Janeiro and the Federal Police of Brazil who gave me not only the opportunity to see, at first hand, their work against illicit firearms trafficking, but also spared neither time nor effort in setting up a programme of visits and many lively discussions. I would also like to express my special gratitude to Police Commissioner Nelson José da Silva Pereira for his part in affording me the opportunity to see the Civil Police firearms registration installation and the seized firearms storage facility.

Thanks are also due to Colonel (ret.) Romeu Antonio Ferreira, Director of the Intelligence Centre for Public Safety (CISP) of the State Secretariat for Public Safety, Rio de Janeiro, for his personal endeavours which enabled me to visit a number of police installations and make a special flight over the *favelas* and *morros* of the city of Rio de Janeiro.

It was these supportive measures, which are in keeping with the spirit of United Nations objectives, that inspired me to write this paper in the hope that it might contribute, from a hands-on field experience, to the literature on illicit trafficking in firearms, ammunition and explosives. However, I emphasize that the views expressed herein do not necessarily represent the opinions of any of the individuals or organizations concerned.

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## INTRODUCTION

When the terms *small arms*, *light weapons*, and *firearms* are discussed in international debates, it may be thought that the only difference between them is merely a semantic—after all, they all refer to arms which injure and kill people. To a large extent, this is true, but the striking differences in the way these terms are defined, have direct implications as to how, when and with what means illicit trafficking is dealt with nationally and by the international community as a whole.<sup>1</sup>

For example, some experts are concerned with the use of small arms in street crime as it relates to the safety of the public: theirs is the so-called *nationalist* approach which mostly excludes a discussion on light weapons and the security of States. Other experts look at firearms from the point of State security: these are the *internationalists* who consider illicit trafficking to be a threat caused by the access of guerrilla and insurgency groups to small arms and light weapons. The internationalists rarely address the consequences of illicit trafficking for the safety of a population, only considering them when they threaten the existence of States, or if they involve large-scale killing such as genocide.

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<sup>1</sup> The term *small arms* is broadly defined by the *Report of the United Nations Panel of Government Experts on Small Arms* as weapons designed for personal use and *light weapons* as weapons designed for use by several persons serving as a crew. The Panel defined the following as *small arms*: revolvers and self-loading pistols; rifles and carbines; sub-machine-guns; assault rifles; and light machine-guns. It defined the following as *light weapons*: heavy machine-guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns, recoilless rifles; portable launchers of anti-aircraft missile systems; mortars of calibres of less than 100 mm. (See A/52/298, 27 August 1997, pp. 24-26.) Other sources do not distinguish between these two categories but combine most of the items in their respective lists under the term *firearms*. See, for example, article 1, paragraph 3 of the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials*, Organization of American States (OAS), GT/CIFTA-10/97, 4 September 1997, where a *firearm* is defined as “[a]ny barrelled weapon which will or is designed to or may be readily converted to expel a bullet or projectile by the action of an explosive”, with the exception of antique firearms, or “[a]ny other weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system, or mine”.



The present paper seeks to broaden the international debate on the matter by arguing that both the nationalist and internationalist perspectives need to be taken into account in the fight against illicit trafficking. This is demonstrated by the situation in Rio de Janeiro, Brazil, where the criminal use of firearms and access to ever-higher calibre weapons is a serious problem; where the number of firearms seized is significant; and where foreign-manufactured firearms constitute over one third of all seizures. The rampant availability of firearms to individuals as well as to semi- or organized crime in Rio de Janeiro and other Brazilian towns and regions, not only threatens the security of ordinary citizens and discredits the rule of law, but could also undermine the stability of the State in the long run. To address the illicit trafficking in firearms at its basis regardless of the end-use of the firearms, whether criminal or State security-oriented, a concerted effort by local, subregional, regional and international authorities is needed. Moreover, for measures put in place to be effective, these must embrace every type of illicitly trafficked firearm plus a wide range of ammunition, whether legally acquired or not. Special attention to the stock-keeping and tracing of explosives will also be required.

## ILLICIT FIREARMS IN RIO DE JANEIRO

Whether nationally manufactured or imported, legally or illicitly acquired, small arms have long been the tools of thieves, delinquents, burglars, criminals, drug traffickers, terrorists, guerrilla groups and other outlaws. A report by the Intelligence Centre for Public Safety (CISP) of the State Secretariat for Public Safety of the State of Rio de Janeiro indicates that a total of 7,054 firearms were seized in that State during 1997.<sup>2</sup> While this might already seem to be a fairly high figure, Brazilian experts believe that it represents only a small fraction of the actual number of firearms in criminal hands in the State.

By March 1998, about 160,000 firearms had been catalogued and stored by the Rio de Janeiro civil police (see Photos 1 and 2). These will be kept for use as evidence in criminal proceedings, or be transferred to

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<sup>2</sup> The report also details the type and origin of the seized arms. *Apreensão de Armas Estrangeiras no Estado do Rio de Janeiro em 1997*, unpublished.

national/federal police/army arsenals, or be destroyed. In the storage facility shown in Photos 1 and 2, there is no more space to accommodate any further seizures and efforts to send some of the firearms to the local army depot for disposal have been intensified. Photo 3 gives an idea of the extent of the problem; the firearms lying on the floor were seized within the space of only two weeks.

*Photo 1: Ceiling View of a Storage Facility Containing Seized Firearms*





*Photo 2:  
Floor View of  
a Storage Facility  
Containing Seized Firearms*

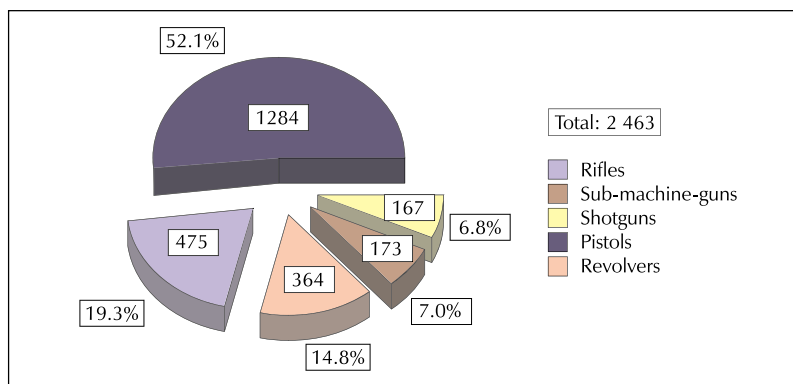


*Photo 3:  
Pre-Storage Line-up  
of two Weeks' Firearms Seizures*

## Volume of Firearms Seizures

While the overall volume of illicit firearm seizures in the State of Rio de Janeiro is alarming, so is the volume of seized firearms manufactured abroad—2,463 (35 per cent) of all illicit firearms captured in the State in 1997, were manufactured outside Brazil. Graph 1 shows the five types of foreign firearms (pistols, rifles, revolvers, shotguns, and sub-machine-guns) seized in the State of Rio de Janeiro during 1997. Of these, pistols form the overwhelming majority (52.1 per cent), while the number of rifles (19.3 per cent) is also perturbing. The number of sub-machine-guns (7.0 per cent) and of shotguns (6.8 per cent) is also significant.

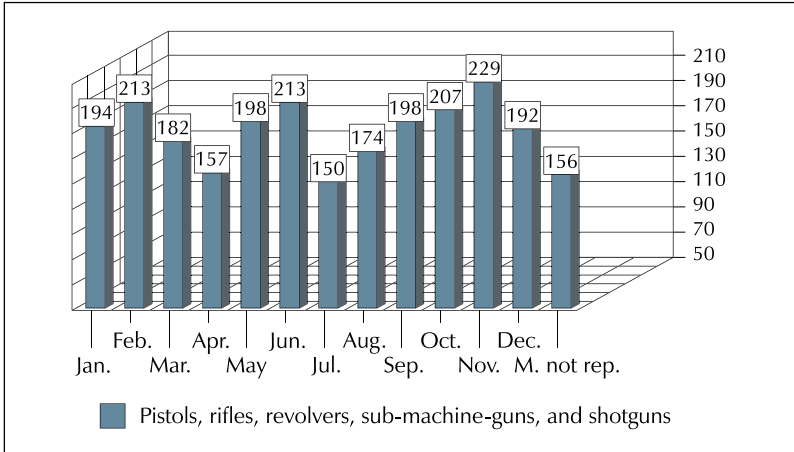
*Graph 1. Foreign-Manufactured Firearms Seized  
(State of Rio de Janeiro: 1997)*



*Source:* Adapted from *Apreensão de Armas Estrangeiras no Estado do Rio de Janeiro em 1997*.

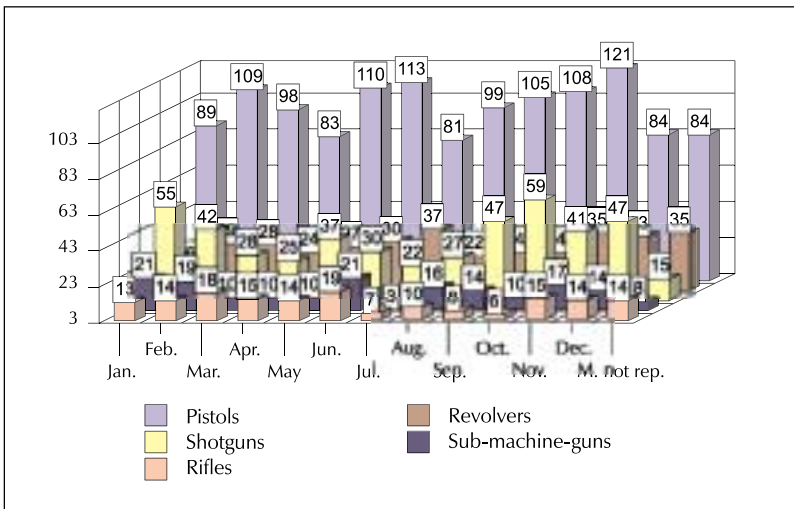
As illustrated in Graph 2, in 1997, over 180 firearms per month were seized during each of eight months, while over 150 firearms per month were seized during each of the remaining four months. Reported seizures of illicit foreign-manufactured firearms were thus consistently spread throughout the year, even though the exact month(s) in which 156 firearms were seized was not reported. Firearms seizures peaked in February, June and November, which shows a constant pattern of seizure activity throughout the year (Graph 3). Similar trends also exist with respect to specific types of firearms, e.g. pistols and revolvers. Whereas it appears that the number of other firearms such as rifles was higher in the first semester, seizures of shotguns peaked in February and October/November.

Graph 2. Foreign-Manufactured Firearms Monthly Seizures: 1997



Source: Adapted from *Apreensão de Armas Estrangeiras no Estado do Rio de Janeiro em 1997*.

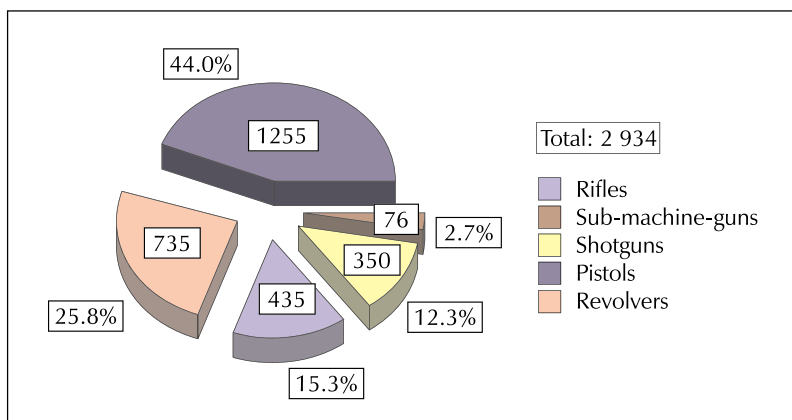
Graph 3. Foreign-Manufactured Firearms Monthly Seizures, by Type of Firearms: 1997



Source: Adapted from *Apreensão de Armas Estrangeiras no Estado do Rio de Janeiro em 1997*.

Although these data are very useful for a general analysis of the foreign firearms seized in a given year, a broader picture of firearm seizures would emerge if they could be compared to equivalent data for previous years, and to data on firearms manufactured in Brazil. Unfortunately, no such data from other sources are available.<sup>3</sup> It is important to note, however, that available figures show a significant increase in seized weapons for 1998 over the previous year, notably as regards foreign-made firearms (see Graph 4).<sup>4</sup>

*Graph 4. Foreign-Manufactured Firearms Seized  
(State of Rio de Janeiro: 1998)*



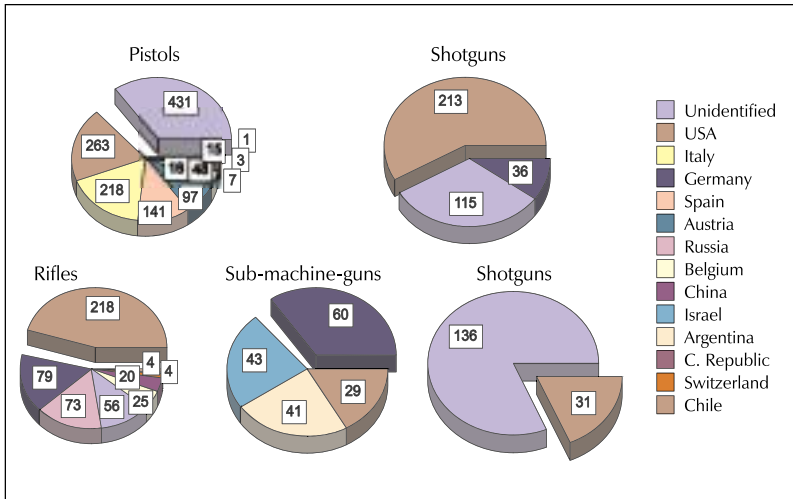
*Source:* Adapted from "Tráfico Ilícito de Armas Pequenas e o Crescimento da Violência Urbana", in *Proliferation of Small Arms, Ammunition and Explosives and the Influence Thereof on Regional Stability*, Buenos Aires, 17-18 May 1998, pp. 4/5, unpublished.

<sup>3</sup> It should be noted that comprehensive figures on firearm seizures, whether in Brazil or elsewhere, are very difficult to obtain, both in the open literature and from government sources. The inconsistent, fragmented nature of the data that are available makes it difficult to compare seizures in different Brazilian cities and seizures per capita. Therefore, the author has purposely refrained from any such exercise, since this could lead to unsubstantiated claims as to both the nature and scope of the illegal firearms trafficking in Brazil.

<sup>4</sup> "Tráfico Ilícito de Armas Pequenas e o Crescimento da Violência Urbana", in *Proliferation of Small Arms, Ammunition and Explosives and the Influence Thereof on Regional Stability*, Buenos Aires, 17-18 May 1998, pp. 4/5, unpublished.

Graph 5 lists the country of origin of the foreign-manufactured firearms seized in the State of Rio de Janeiro in 1997. Of these, 754 weapons originated from the United States, 241 from Italy, and 177 from Germany. Taken together, these three figures constitute 48 per cent of all the foreign-manufactured firearms seized.

*Graph 5: Foreign-Manufactured Firearms Seized, by Country of Origin: 1997*

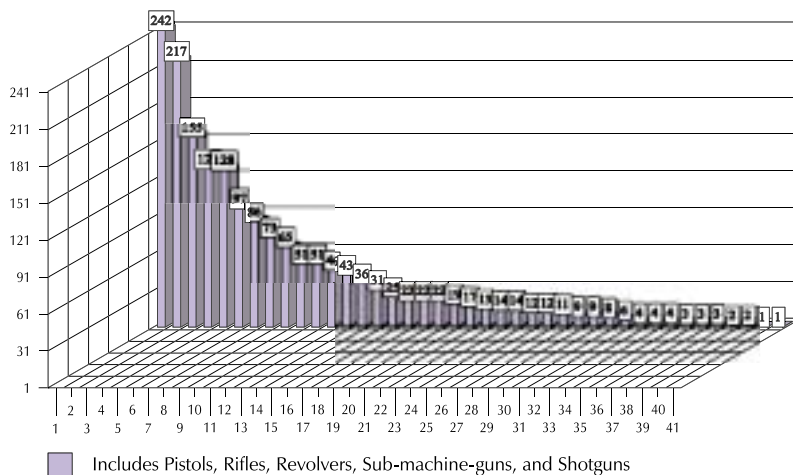


Source: Adapted from *Apreensão de Armas Estrangeiras no Estado do Rio de Janeiro em 1997*.

Graph 6 shows the over 40 different types of illicit foreign firearms represented in the 1997 seizures. However, it is worth noting that the “Top Ten” types detailed in Table 1 account for 75.5 per cent of all these weapons.

Photos 4 and 5 show high-calibre firearms in a storage facility and at a seized firearms display at a law enforcement meeting in Rio de Janeiro. Another high-calibre weapon, a tripod machine-gun designed for military tactical or ambush operations, is shown in Photo 6. Other military weapons seized in the City of Rio de Janeiro during the first quarter of 1998 include 75 grenades; of these, 70 were manufactured in Brazil and 5 were made elsewhere.

Graph 6: Foreign-Manufactured Firearms Seized, by Name: 1997



1=S&W, 2=Colt, 3=Beretta, 4=Llama, 5=Ruger, 6=Glock, 7=HK, 8=AK, 9=Norinco, 10=FN, 11=Browning, 12=Bersa, 13=Uzi, 14=Doberman, 15=Walther, 16=Intratec, 17=Fal, 18=FMK-3, 19=Luger, 20=PAM, 21=Mosberg, 22=CZ, 23=Mauser, 24=Maverick, 25=Busmaster, 26=Astra, 27=Star, 28=PWA, 29=Desert Eagle, 30=Springfield, 31=Jericho, 32=Bernadelli, 33=SIG, 34=Ithaca, 35=Famae, 36=Magnum, 37=Cobray, 38=Tanfoglio, 39=Remington, 40=Ingram, 41=Milina.

Source: Adapted from *Apreensão de Armas Estrangeiras no Estado do Rio de Janeiro em 1997*.



*Table 1: Seized Foreign-Manufactured Firearms,  
by Quantity (Top Ten): 1997*

| Name    | Seized Firearms |                  |               |               |          |
|---------|-----------------|------------------|---------------|---------------|----------|
|         | Rifle           |                  | Pistol        |               | Revolver |
|         | Number (Name)   | Calibre          | Number (Name) | Calibre       |          |
| S&W     |                 |                  | 32 (M39)      | 9mm (9x19mm)  | 210      |
| Colt    | 106 (AR-15)     | .223 (5,56x45mm) | 111 (M911)    | .45 ACP       |          |
| Beretta |                 |                  | 155 (M92)     | 9mm (9x19mm)  |          |
| Llama   |                 |                  | 129           | 9mm & .45 ACP |          |
| Ruger   | 92              | .223 (5,56x45mm) | 37 (P85)      | 9mm (9x19mm)  |          |
| Glock   |                 |                  | 97            | 9mm (9x19mm)  |          |
| HK      | 79 (HK-G3)      | 7.62mm           | 7             | 9mm           |          |
| AK      | 73 (AK-47)      | .30 (7,62x39mm)  |               |               |          |
| Norinco | 20              | .30 (7,62x39mm)  | 45 (TT33)     | 7.62mm        |          |
| FN      | 3               | .30 (7,62x51mm)  | 48 (HERSTAL)  | 9mm & 7,65mm  |          |
|         |                 |                  | 51 (GP35)     | 9mm (9x19mm)  |          |

*Source:* Adapted from *Apreensão de Armas Estrangeiras no Estado do Rio de Janeiro em 1997*.



Photo 4:  
Seized High-Calibre  
Firearms  
in a Storage Facility

*Photo 5: Display of Selected Seized High-Calibre Foreign-Manufactured Firearms*



From left to right: HK-G3 (Germany), AR-15 Colt (United States), RUGER (United States), Norinco (China), SG 550-2 SIG (Switzerland), and AK-47 (Russia).

*Photo 6: Seized Machine-Gun*



## Ammunition Seizures

Ammunition is another important aspect of illicit arms trafficking. Photo 7 shows bullets and other ammunition stored in bulk by calibre type in a police storage facility. The trafficking of weapons and ammunition goes hand in hand, and seizures of one can be used to form an idea about the availability of the other. For example, trafficking in high-calibre ammunition most likely indicates trafficking in high-powered weapons and vice versa.<sup>5</sup> For this reason it is important to note the calibre distribution of both seized weapons and ammunition.

*Photo 7: Seized Ammunition*



Rio de Janeiro police officers report that significant quantities of ammunition are seized annually, both foreign- and Brazilian-manufactured. Much of the Brazilian-made seizures are 9 mm Taurus and 357 Magnum ammunition, much of which is sold legally to dealers in Paraguay but re-enters Brazil illegally for sale on the streets. It should be emphasized that ammunition purchase is not very efficiently monitored. Authorized dealers are allowed to purchase a certain quantity of ammunition per given period, but the lack of computerized or other bookkeeping mechanisms makes it difficult to ensure control. However, since June 1998, embryonic control of ammunition sales has begun to develop in different places in Rio de Janeiro.

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<sup>5</sup> Traffickers and other outlaws now carry firearms capable of holding 15-30 rounds of ammunition, most of which are much more lethal than the .22, .32, and .38 single-round barrel revolvers they used in the past, notably because of their different bullet penetration techniques (9mm, .223, and .30).

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## Selected Sites of Firearm Seizures

In Brazil, firearms are illicitly imported by land, sea and air routes. For instance, approximately 30 clandestine aircraft landings around the country are reported daily by the Brazilian Air Force and other authorities. In the State of Rio de Janeiro, some of the major firearms seizures actually take place in the capital. Map 1 illustrates the areas in the city where major seizures have occurred. The first 10 seizure sites account for over 14 per cent of the captured firearms manufactured abroad.

Sea routes are also often used to smuggle illicit weapons into Rio de Janeiro. For example, *Morro do Dendê* (Photo 8), which is near Galeão International Airport on Governor's Island (see Map 1), is known to be a transit area for illicit trafficking because of its proximity to Guanabara Bay. Firearms are acquired from ships and boats in the harbour at night and taken to other *favelas* and *morros* on the mainland.<sup>6</sup> Curbing illicit trafficking in these areas is indeed a difficult task. For instance, in the Morro do Dendê, there are approximately 400 police officers altogether, which means that per shift, about 100 officers are responsible for providing all police services in the area. This implies that in practice very few officers are available for combating the trafficking of illicit arms.

*Photo 8: Morro do Dendê*



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<sup>6</sup> *Morro*, or hill, is also commonly used in Brazil as a synonym for *favela*.



The *Morro da Mangueira* (Photo 9)—internationally known for one of the largest samba groups in Rio de Janeiro, the Mangueira Samba School—is the area where most of the foreign-manufactured firearms (i.e. 64 items) have been seized. *Morro da Mangueira* is believed to be the administrative centre for drug trafficking and a place where firearms can be hired. Its hilly landscape gives traffickers a good vantage point over the surrounding areas, and adds to the difficulties of access encountered by the police during daylight hours. Traffickers on *Morro da Mangueira* tend to be armed with higher-calibre weapons and also to be supported by some of the local residents who either fear or protect them, particularly if they provide financial help and/or personal protection. It is generally accepted that at night, *Morro da Mangueira* is a no-entry area even for law enforcement forces.

*Photo 9: Morro da Mangueira*



Other *favelas* and *morros* are also extremely dangerous for the police officers trying to carry out law enforcement action. The urban layout of some *favelas* requires quasi-military planning for any major police intervention (see Photo 10). Moreover, *favelas* and *morros* are generally densely populated areas—Rocinha (Photo 11) is said to be the largest *morro* in Latin America, with some half a million inhabitants, followed by Jacarezinho (Photo 12) with around 100,000 inhabitants, and the Complexo do Alemão, where 47 firearms were seized in 1997, is a conglomerate of *favelas* with, reportedly, about 300 men and children engaged in various illicit activities—which also complicates attempts at law enforcement.

*Photo 10: A Flat Area Favela Inside the City of Rio de Janeiro*



The combination of difficult access due to terrain and other unfavourable tactical conditions, make it virtually impossible to fight the illicit trafficking of arms in the city of Rio de Janeiro alone. An effective attempt to control the illegal spread of firearms in the city and surrounding areas therefore, must begin with efforts to stem the illegal import of arms at Brazil's national borders and beyond. It is also important to understand why illicit trafficking has become such an important and evolving phenomenon. Official reports have indicated that, based on police seizures, it can be concluded that:<sup>7</sup>

- a. Organized crime is the first final destination of illicit trafficking, with an estimated proportion of about 70 per cent of the influx of such traffic;
- b. About 10 per cent of the illicit trafficking is absorbed by police officers, as an attempt to reduce the disadvantage which they face when using official firearms supplied by the establishment;
- c. Another 10 per cent of the illegal traffic goes to private security firms, irregular or clandestine business;

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<sup>7</sup> "Tráfico Ilícito de Armas Pequenas e o Crescimento da Violência Urbana", *op. cit.*, pp. 4/4-4/5.

- d. Landowners absorb 5 per cent of the traffic, allegedly to defend their property from social movements which claim to seek agricultural land reform; and
- e. The remaining 5 per cent is absorbed by collectors and shooters.

*Photo 11: Morro da Rocinha*



*Photo 12: Morro do Jacarezinho*





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## THE NEW BRAZILIAN DRIVE AGAINST ILLICIT TRAFFICKING

The illicit arms trafficking situation in Rio de Janeiro is not unique in Brazil. A similar situation also exists in São Paulo, although reportedly to a much lesser degree. Unfortunately, there is an enormous gap between what is desirable and what is feasible in curbing the illicit arms trafficking. A fundamental handicap is the sheer size of the country, with its huge airspace and long sea and land borders. There is also an acute shortage of human, material and financial resources, both present and future. Furthermore, Brazil is a federation of 26 states. The problem is not the same everywhere and different states have different means at their disposal to cope with it.

The particularly alarming situation of firearms trafficking in general and the case of Rio de Janeiro in particular, plus the growing number of high-calibre foreign-manufactured firearms, have caused Brazilian authorities to develop a new and more robust strategy to combat this scourge. This new strategy comprises four main areas of activities:

1. A re-evaluation of the situation, to identify areas where measures to prevent and combat illicit trafficking in firearms should be strengthened;
2. The introduction of national firearm control legislation;
3. Improved firearm registration and tracing measures; and
4. An appraisal of the traditional role of the armed forces and the development of a new vision of cooperation.

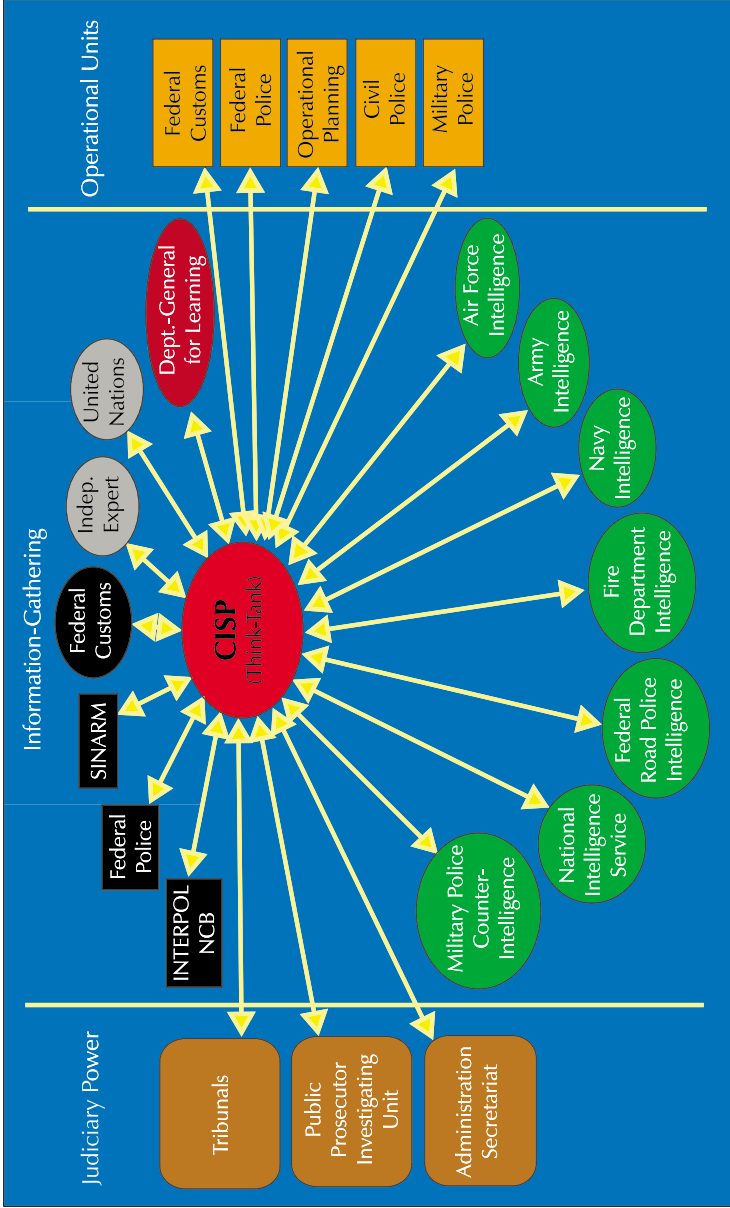
### Rethinking Ways of Prevention and Combating Trafficking

The nature and scope of illicit trafficking are such that it is commonly accepted that only joint efforts can generate the means to prevent and combat it. Accordingly, a gathering entitled SEMINARM was organized in early 1998 which brought together representatives of different law enforcement and related agencies established in the city of Rio de Janeiro, representatives of the São Paulo State Secretariat for Safety, independent experts and representatives of the United Nations (see Diagram 1).<sup>8</sup>

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<sup>8</sup> SEMINARM, or *Firearms: Controlling and Combating Illicit Trafficking in Rio de Janeiro*, took place from 24 to 28 March 1998, in Rio de Janeiro, Brazil.

Diagram 1 : Controlling and Combating Illicit Trafficking in Firearms: A Strategy for Rio de Janeiro



SEMINARM was the first meeting of its kind and provided a useful platform for collective brainstorming, for the discussion of ideas in detail, and for the analysis of the situation of illicit trafficking and the specific role that each agency could play in fighting it. SEMINARM also enabled officers and other individuals who work specifically in the area of illicit trafficking in firearms to meet one another and to exchange important contact information.

One of the most useful tools in the Brazilian fight against illicit firearm trafficking is the nationwide federal police programme on firearms which now provides valuable information on legally owned and stolen firearms throughout the country.<sup>9</sup> In addition, since intelligence-gathering is central to the preparation of preventive and repressive operations, police intelligence activity is, therefore, a *sine qua non*. The role that the military police intelligence and counter-intelligence branches of the armed forces could play, was also discussed during SEMINARM.<sup>10</sup> The need for open dialogue between these specialized services was clear, especially as many of the trafficking cases in Rio de Janeiro had involved the participation of active duty or retired federal police officers or military personnel.

Cooperation with global institutions such as the International Police Organization (INTERPOL) and the United Nations in the fight against illicit trafficking in firearms could provide a complementary international dimension to the ideas discussed nationally in Brazil. INTERPOL's impressive worldwide network of officers and communications system could certainly make a substantial contribution to the work of the Rio de Janeiro Secretariat for Public Safety, but some fine-tuning of communications would first be needed to institute firearms tracing as a routine procedure between, say, INTERPOL and CISP. This was one of the areas where the SEMINARM meeting was so valuable in providing an opportunity to identify problems.

As for the United Nations, the United Nations Institute for Disarmament Research (UNIDIR) and other like institutions could play a

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<sup>9</sup> For a more detailed discussion on this topic, see *Firearms Registration and Tracing*, op. cit.

<sup>10</sup> It should be noted that the term *military police* refers to a branch of the Brazilian police force in charge of civilian matters, and not to the military police of the armed forces.

useful role in explaining a series of initiatives undertaken at the sub-regional and regional levels, with respect to both field operations and international agreements. For example, the 1997 Inter-American Convention signed by countries of the Organization of American States (OAS) is an agreement which advances initiatives related to the work of Brazilian law enforcement communities and much effort is necessary to familiarize the field officers of other national law enforcement bodies with this initiative.<sup>11</sup> Other agreements which could have a positive impact in the fight against trafficking are developed within the framework of the Southern Common Market (MERCOSUR), involving Argentina, Brazil, Paraguay, and Uruguay, as well as their Associated Countries, Bolivia and Chile. Among these agreements are the “Security Information Exchange System”, the “Mutual Legal Assistance Protocol for Criminal Matters”, the “Regional Plan for Citizens’ Security”, the “General Security Plan for the Triple Border Zone”, and other legal instruments at the MERCOSUR and bilateral level (see Table 2).

Having demonstrated the need for reinforced cooperation (i) between the various law enforcement agencies within the State of Rio de Janeiro as a primary step, (ii) with bordering states, and (iii) with the Federal Government and international organizations, SEMINARM was deemed to have successfully generated contacts and concrete cooperation, so much so that the organization of follow-up meetings, in Rio de Janeiro or another major Brazilian city, with a much wider international participation, was contemplated by the State of Rio de Janeiro and the executive of the Republic.

### New Laws and Regulations on Illicit Trafficking in Firearms?

The lack of standardization in international legislation on firearm acquisition and ownership, has been highlighted in a comprehensive United Nations report.<sup>12</sup> However, countries are showing increasing interest in improving or creating such legislation. For example, in 1998 both France and the United Kingdom updated their legislation regulating

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<sup>11</sup> *Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.*

<sup>12</sup> *United Nations International Study on Firearm Regulations*, prepared by the Crime Prevention and Criminal Justice Division, United Nations Office at Vienna, E/CN.15/1997/CRP.6, 25 April 1997.

firearm acquisition and ownership.<sup>13</sup> Similar action is also expected in all the Latin American and Caribbean countries once they have ratified the 1997 Inter-American Convention.

*Table 2: Brazilian Participation in International Agreements Involving Firearms*

| Document  | Adhesion      | Parties   | Scope   |
|---|---------------|---|---|
| Model Regulation for the Control of the International Movement of Firearms, their Arts and Components and Ammunition, OAS       | 5 Nov. 1997   | OAS Member States                               | Export, import and in-transit of firearms, their arts and ammunition    |
| General Security Plan for the Triple Border Zone  |               | MERCOSUR Member States and Associated Countries | Firearms illicit trafficking, among other police-related issues         |
| Cooperation and Reciprocal Assistance Plan for the Regional Security of MERCOSUR  |               | MERCOSUR Member States and Associated Countries |   |
| Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Material | 14 Nov. 1997  | OAS Member States                               | Illicit trafficking in firearms, ammunition and explosives              |
| Security Information Exchange System  | 27 March 1998 | MERCOSUR Member States and Associated Countries | Establishes channels of information exchange on security-related issues |

<sup>13</sup> See, for instance, "Proposition de loi relative à l'acquisition et à la détention des armes à feu" [Draft Law on the Acquisition and Ownership of Firearms], text No. 141 adopted by the French National Assembly on 29 May 1998.

Table 2: continued

| Document  | Adhesion      | Parties   | Scope   |
|---|---------------|---|---|
| Presidential Declaration on "Combat and the Manufacturing and the Illicit Trafficking of Firearms, Ammunition, Explosives and Related Material" | 18 April 1998 | MERCOSUR Member States and Associated Countries | Calls for, among others, (i) the stimulation of the process of ratification of the 1997 Firearms Inter-American Convention, (ii) the acceleration of the MERCOSUR Ministerial Forum work on firearms and (iii) a ministerial meeting on the matter as soon as a draft MERCOSUR mechanism is ready |
| Firearms, Ammunition, Explosives and other Related Material Buyers and Sellers Joint Mechanism, No. 4/98  | July 1998     | MERCOSUR Member States and Associated Countries | Establishes a register covering activities related to purchase, sale, exchange, import, export, distribution or any other type of exchange  |
| Exchange of Letters on Arms Trafficking, Legislative Decree No. 22  | 1 April 1999  | Paraguay  | Exchange of information on nationals and/or residents of their respective countries who buy firearms  |

In the case of Brazil, significant changes are being made to laws concerning firearms at the time of writing, however the current array of legislation and institutions controlling weapons' ownership and acquisition, is as follows. The overall control of war material is currently addressed in the Federal Constitution under Article 21, paragraph VI of Chapter II, which gives the Government the authority to supervise the production and trade of war material (including its import and export).<sup>14</sup>

<sup>14</sup> *Constitution of the Federal Republic of Brazil*, 5 October 1988, Article 21, Chapter II, paragraph VI, p. 31.

Governmental competence is empowered by a Presidential Decree of June 1934, on the establishment of companies wishing to manufacture arms and war munitions for both domestic use and export.<sup>15</sup> Under this Decree, the Ministry of the Army is responsible for supervising these regulations.<sup>16</sup>

For example, under the present regulations, a company must submit a detailed report of its production capacity to the Ministry of the Army, including the number of buildings, staff, equipment, locations, product range, storage capability, and other details such as transportation and commerce activities. In addition, under a Federal Decree of 28 January 1965 approving the Regulation for the Supervision of Controlled Products (R-105), any company wishing to produce controlled material must also obtain an operating licence (Registration Certificate) from the Ministry of the Army. The companies concerned include export firms, subcontractors, and producers of controlled raw material.<sup>17</sup>

Brazilian exporters of controlled products are also required to comply with the legal norms and regulations of the importing countries.<sup>18</sup> Additional supervision is exercised by the Ministry of External Relations which must approve all documents in Brazil or through its consulates abroad. More than 600 controlled items, including firearms, other war materials and chemical agents, are listed and classified into 10 groups of utilization and three main categories of control. The lower the category number, the stricter the control. For example, firearms are usually listed under category 1 (e.g. shotguns "calibres 12 to 40" are classified under 1-A), while most chemical agents are classified under category 2 or 3 (e.g. nitrogen peroxide is classified under 3).<sup>19</sup>

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<sup>15</sup> Federal Decree No. 24 602, 6 June 1934; *Regulamento para a Fiscalização de Produtos Controlados*, Ministério do Exército, Estado-Maior do Exército, 1 edição, 1965.

<sup>16</sup> *Ibid.*, pp. 121-124.

<sup>17</sup> Federal Decree No. 55 649. See Chapter XIV, Article 132 (production authorization) and Chapter III, Article 11 (export authorization) of R-105. However, Article 132, *parágrafo único*, excludes authorization for export by the Ministry of the Navy and the Ministry of Aeronautics.

<sup>18</sup> A certificate must be obtained from the importing country confirming the purchase of the controlled product. *Ibid.*, Article 133.

<sup>19</sup> *Regulamento para a Fiscalização de Produtos Controlados*.

Regulation R-105 also classifies firearms into two categories: permitted use and prohibited use. In addition, R-105 and subsequent legislation also define firearms, accessories, and artefacts of permitted use as weapons of small offensive power, used for personal defence and the defence of personal property. In contrast, firearms, accessories, and artefacts of greater offensive power and for which utilization requires special knowledge are restricted or prohibited, and therefore subject to control and special authorization for production, possession, use, import and export.<sup>20</sup> Table 3 lists the major restrictions.

Table 3 also shows that possession of certain types of ammunition is prohibited, while others are subject to specific regulations—e.g. there are quotas for hunters, police officers, shooting clubs, and firearm collectors.

*Table 3: Selected Firearms and Ammunition whose Use is Prohibited*

| Item   | Prohibition   |
|--|---|
| Firearms, accessories, equipment, and ammunition | (a) equal or similar, irrespective of tactical, strategic, and technical use, to war material used by national or foreign forces<br>(b) which, due to their characteristics, can only be apt for military or police use |
| Rifles and similar weapons                       | of calibre superior to .44 (11,17 mm)   |
| Revolvers  | of calibre superior to .38 (9,65 mm)  |
| Semi-automatic pistols                           | of calibre superior to 7,65 mm, or of inferior calibre but with a barrel of more than 15 cm   |
| Automatic pistols                                | any calibre   |
| Long-barrel handguns                             | of calibre superior to .380 (9,65 mm)   |
| Gas firearms                                     | certain types   |
| Bullet-filled cartridges                         | used in prohibited firearms, including gas cartridges   |
| Ammunition                                       | with pyrotechnic or similar products to provoke fire or explosion   |

<sup>20</sup> See *Regulamento para a Fiscalização de Produtos Controlados*; and Federal Decree No. 2.222, 8 May 1997, Chapter VI, Articles 42 and 43.



As well as defining firearms as permitted, restricted or prohibited, the Ministry of the Army defines legal, technical and general terms relating to firearms and other controlled material.<sup>21</sup> Furthermore, the Ministry of the Army is required to supervise the production, trade and export of firearms, their import and sale, and the registration and certification of firearms traded by collectors, marksmen, hunters and the military.<sup>22</sup> Moreover, the Ministry of the Army may also, under exceptional circumstances, authorize the acquisition of restricted or prohibited firearms. A new version of the R-105 is in preparation and should be released before the end of 1999. However, it is not thought that any of the requirements mentioned above will be withdrawn from the Ministry of the Army's authority.

Brazil's civil penal code also regulates firearms, but the law makes no precise distinction between illicit trafficking in firearms and illicit trafficking in other goods. Article 334 of the 1940 Federal Decree (No. 2.848) establishes penalties for contraband or re-routing merchandise as follows:

Article 334

To import or export prohibited merchandise or evade, in whole or in part, direct payment of entry, exit, and consumption taxes on merchandise:

Penalty: 1-4 years' detention

1. Eligible for such penalty are those who:
  - (a) Practise coastal navigation, outside of the legally permitted limits;
  - (b) Practise activities related to contraband or re-routing;
  - (c) Sell, offer for sale, store or by any means utilize for their own benefit or for that of others, in the exercise of commercial or industrial activities, merchandise originating from abroad which is clandestinely imported into the country, or fraudulently imported or products that are known to have been fraudulently imported into the national territory in a clandestine manner, or so fraudulently imported on behalf of others;
  - (d) Acquire, receive or hide, for their own benefit or that of others, in the exercise of commercial or industrial activities,

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<sup>21</sup> Bill of Law No. 9.437, 20 February 1997, Chapter V, Articles 16 and 17.

<sup>22</sup> Ibid., Chapter V, Article 13.

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merchandise originated from abroad, unaccompanied by legal documents, or accompanied by documents known to be fraudulent;

2. For the purpose of this Article, commercial activities are any form of irregular or clandestine commerce of foreign merchandise, including activities carried out in non-commercial residencies;
3. The penalty shall be doubled if air transportation is used to import or re-route contraband merchandise.<sup>23</sup>

Some police officers argue that the lack of distinction between the traded commodities makes it very difficult to control the illicit movement of firearms, because such trafficking is treated in exactly the same way as trafficking in, say, toys or clothes.

In Brazil, the only law dealing specifically with firearm *trafficking* is the “Crimes Against National Security—Social and Political Order” (also known as the National Security Law)—Bill of Law No. 7.170 of 14 December 1983. Five of its articles are relevant to the use and import of firearms. Article 1 itemizes the crimes that affect or threaten to affect three areas: (i) territorial integrity and national sovereignty, (ii) the democratic and representative regime, the federation and the state of law, and (iii) the physical person of the authorities of the union. This article should be considered in conjunction with Article 2, which takes account, *inter alia*, of the motivation and objectives of suspected criminals under certain conditions provided by the law. Article 3 limits the penalty to be imposed to crimes actually committed, although also under specific conditions.

Articles 12 and 13 refer expressly to illicit trafficking and manufacturing of firearms when activities involve:

Article 12

To import or introduce into the national territory, by whatever means, without the authorization of the competent federal authority, armaments or military material exclusively for the use of the Armed Forces.

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<sup>23</sup> Author’s translation.

Penalty: 3-10 years' imprisonment.

Such penalty is applicable to those who, without authorization, manufacture, sell, transport, receive, hide, store or distribute, the armaments or military material covered by the present Article.

#### Article 14

To facilitate, in a significant manner, the practice of any of the crimes described in Articles 12 and 13.

Penalty: 1-5 years' detention.<sup>24</sup>

However, these Articles cover only the types and calibres of firearms considered to be under control—that is to say, those defined as for military usage—but says nothing about other weapons which are not considered to be controlled—e.g. lower calibre firearms. In addition, their application is limited to crimes deemed to be a matter of national security.

Another important law on firearms is the National Arms System (SINARM)—Bill of Law No. 9.437 of 20 February 1997, which establishes, under the auspices of the Federal Police, Ministry of Justice, the conditions for firearms registration and ownership, and defines crimes and other related issues. The basic purpose of SINARM is set forth in Article 2, as follows:

#### Article 2:

- I. Identify the characteristics and ownership of firearms in a Register;
- II. Register firearms manufactured in Brazil, or imported, and sold in the country;
- III. Register ownership changes, loss, theft, robbery and other occurrences liable to alter registration data;
- IV. Identify any modifications that alter the characteristics of firearms or their functioning;
- V. Enter existing police incidents in the Register;
- VI. Register firearms seized, including those involved in police and judicial procedures.<sup>25</sup>

It is important to note that SINARM does not apply to firearms owned by the armed forces or auxiliary forces, nor does it apply to firearms

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<sup>24</sup> Crimes Against National Security—Social and Political Order, Bill of Law No. 7.170, 14 December 1983. Author's translation.

<sup>25</sup> Bill of Law No. 9.437, 20 February 1997, Chapter I, Article 2. Author's translation.

recorded in the registers of those forces. However, all other firearm registration is mandatory under this law, except for weapons considered as obsolete.<sup>26</sup> SINARM also stipulates that owners of restricted or prohibited firearms must register themselves as collectors, marksmen or hunters with the Ministry of the Army. A Certificate of Registration issued under this law authorizes an owner to keep his/her firearm(s) in certain specified locations and under certain conditions, as follows:

1. Inside the owner's house or its dependencies; or
2. At the owner's place of employment, provided that the said owner is the person in charge or is the person legally responsible for the establishment or company.<sup>27</sup>

Only an *Authorization to Carry Firearms*, also stipulated in this bill of law, allows firearm owners to carry their weapons within the boundaries of the state or the federal territory, according to the scope of the permit.<sup>28</sup> Any individual who possesses, detains, carries, manufactures, acquires, sells, rents, displays for sale or provides storage, transports, keeps in custody and hides firearms of permitted use without proper authorization and not in conformity with the legal requirements is liable to be imprisoned from 1 to 12 years and has to pay a fine.<sup>29</sup> In the case of restricted or prohibited-use firearms and accessories, this penalty is raised to 2-4 years and a fine. In addition, these penalties do not preclude other penalties in the case of illicit trafficking. People under 21 years of age are not permitted to acquire firearms.

While SINARM is a very significant law, it could certainly be improved in certain aspects. For example, SINARM has no provisions concerning the registration and control of ammunition, nor does it make any distinction between firearms control and illicit trafficking. Apart from the National Security Law whose range of application is limited, R-105, SINARM and the other laws and regulations cover various aspects of firearm possession and legal trading, but not illicit trafficking.

This means that while Brazil's laws and regulations on firearms are, overall, fairly comprehensive (see Table 4), some additional measures

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<sup>26</sup> Ibid., Chapter II, Article 3.

<sup>27</sup> Author's translation.

<sup>28</sup> Ibid., Chapter III, Articles 6, 7 and 8.

<sup>29</sup> Ibid., Chapter IV, Article 10.

could be envisaged to prepare the implementation of the Inter-American Convention and demonstrate a far-reaching determination to fight illicit trafficking.<sup>30</sup>

*Table 4: Selected Brazilian Laws and Regulations on Firearms*

| Document                    | Date             | Scope  |
|-----------------------------|------------------|--|
| Federal Decree No. 24 602   | July 1934        | Articles 1-14: Authorizes the Ministry of the Army to supervise the follow-up of requirements made by the Federal Government with respect to the production and trade of war material for both national consumption and export.  |
| Federal Decree No. 1 246-36 | 11 December 1936 | Regulation for the Supervision of Controlled Products (R-105).   |
| Federal Decree No. 2.848    | 7 December 1940  | Article 334: defines contraband and re-routing or merchandise as illicit activities and establishes penalties for such actions.  |
| Federal Decree No. 55 649   | 28 January 1965  | Approved a new edition of the <i>Regulamento para a Fiscalização de Produtos Controlados</i> (R-105), approved by Federal Decree No. 1 246-36, 11 Dec. 1936; Chapter XIX, Articles 157-59: Nature of controlled products and their categories; Chapter XXI, Articles 164-65: Classification of firearms, their components and a list of controlled products. |

<sup>30</sup> However, the evolution of firearms ownership in Brazil is still uncertain. The commercialization of firearms and ammunition has been prohibited in the State of Rio de Janeiro, the State of Rio Grande do Sul and the Federal Capital and the debate in other states has indicated that more state law could be enacted in this direction. Nonetheless, these prohibitions are criticized and accused of being unconstitutional. In 1999, a bill was introduced at the House of Representatives with the objective of prohibiting firearms and ammunition sales on the national territory. Much debate has followed the introduction of this project which, if enacted, would considerably alter SINARM. No voting on this item is expected in the near future. "Projecto de Lei No. 1.073, de 1999", *Câmara do Deputados*, Brasília, D.F., Brazil.

Table 4: continued

| Document                    | Date              | Scope   |
|-----------------------------|-------------------|---|
| Army Min. Order No. 1.014   | 1 September 1970  | Adds long barrel firearms to the R-105 firearms list (e.g. rifles and similar semi-automatic firearms, of calibre superior to .22 (5,588mm)).               |
| Army Min. Order No. 1.261   | 17 October 1980   | Approves norms regulating the purchase and sale of firearms and ammunition by physical and juridical persons.   |
| Army Min. Order No. 341     | 2 April 1981      | Approves norms regulating the destination of seized firearms, ammunition, explosives, exceeding material, obsolete or non-functional.                       |
| Army Min. Order No. 1.055   | 3 December 1982   | Enumerates changes to the Army Min. Order No. 1.261.  |
| Federal Decree No. 88 113   | 28 January 1983   | Amended Federal Decree No. 55 649 of 28 January 1965.   |
| Federal Decree No. 7.102    | 20 June 1983      | Establishes financial establishments' security norms, including the authorization of their security guards to carry firearms.                               |
| Federal Decree No. 7.170    | 14 December 1983  | Defines crimes against national security, political and social order, and enumerates the penalties for such crimes.   |
| Army Min. Order No. 1.227   | 18 November 1986  | Enumerates changes to Army Min. Order No. 1.261.  |
| Army Min. Order No. 1.237   | 1 December 1987   | Switches semi-automatic pistols, 9 mm calibre short-barrel, and respective ammunition from the prohibited use classification to the permitted use category. |
| Army Min. Order No. 889     | 13 September 1988 | Firearm sales to Federal Police Officers.   |
| Army Min. Order No. 007-DMB | 12 December 1988  | Norms for the acquisition of 9 mm and .45 Pistols, .357 Magnum, and respective ammunition by Federal Police Officers.                                       |
| Army Min. Order No. 234     | 10 March 1989     | Authorizes the sale of a single permitted-use firearm to certain officers of the Military Police under certain conditions.                                  |

*Table 4: continued*

| Document                        | Date              | Scope  |
|---------------------------------|-------------------|--|
| Army Min. Order No. 294         | 30 March 1989     | Establishes norms for the refilling of cases and ammunition.   |
| Army Min. Order No. 312         | 5 April 1989      | Approves new norms for firearms and ammunition collectors.   |
| Army Min. Order No. 17          | 17 January 1991   | Adds Magnum type firearms and Magnum and Super type ammunition to the prohibited products classification list.   |
| Army Min. Order No. 381 (33386) |                   | Includes the repeated-fire or semi-automatic shotgun used for police purposes, swords, and other armaments used by the armed forces and auxiliary forces, as well as compressed air firearms, which simulate the 964 FAL 7,62 mm rifle in the classification of prohibited use and under the listing of controlled products. |
| Order DGP-10                    | 13 April 1994     | Regulates the use of automatic firearms.   |
| Order DGP-28                    | 19 October 1994   | Establishes conditions under which civil police officers may carry firearms.   |
| National Arms System No. 9.437  | 20 February 1997  | Institutes the national arms system (SINARM), defines crimes and other related issues.   |
| Federal Decree No. 2.222        | 8 May 1997        | Regulations on the Bill of Law No. 9.437.  |
| Order DGP-19                    | 21 July 1997      | Defines the obligation for identification for the Civil Police.  |
| Army Min. Order No. 549         | 30 July 1997      | Relates to the SINARM Bill of Law.   |
| Order DG-24                     | 16 September 1997 | Information on the registration certificate and concession authorizing civil police officers to carry firearms.  |
| Order No. PM4-002/1.2/97        | 27 September 1997 | Authorization for the Military Police to carry firearms.   |
| Directive No. PM4-002/1.2       | 31 October 1997   | Firearms and accessories classification.   |

Table 4: continued

| Document   | Date            | Scope  |
|--|-----------------|--|
| Federal Police Department Normative Instruction No. 11 | 7 October 1998  | Consolidates NINARM norms and establishes criteria for the registration of firearms nationally manufactured and imported, as well as firearms sold within the national territory, ownership transfer, transit loss, theft and other events which may change firearms registration information. |
| Army Min. Order No. 767                                | 4 December 1998 | Firearms registration and possession authorization.  |
| Law No. 3.219  | 4 June 1999     | Prohibits the commercialization of firearms and ammunition within the State of Rio de Janeiro.   |
| Federal District Law No. 2.375                         | 14 May 1999     | Prohibits the commercialization of firearms within the Federal Capital district.   |

Source: *Regulamento para a Fiscalização de Produtos Controlados, (R-105); Constituição Federal do Brasil; Diário Oficial, various years; Summary of Legislation, William Terra de Oliveira, São Paulo, Brazil, 1998, unpublished.*

From the legal point of view, two initiatives could be contemplated as follows:

1. The insertion of specific Articles in the Penal Code on illicit trafficking in firearms, ammunition, and explosives; and
2. A review of the penalties, to reinforce the deterrent features of laws and regulations.

With regard to practical field work, the following could be implemented:

1. The creation of a specific police section to fight illicit firearm trafficking;
2. The creation of a country-wide Task Force comprising experts from different areas of the Government (e.g. law enforcement, judiciary, operational police units and police intelligence services);
3. The definition of a strategy to control ammunition and ammunition-refilling machines;
4. The control of firearms in areas of difficult access both inside and outside major cities; and



5. The strengthening of control and verification procedures with respect to Brazilian-made grenades and other light weapons.

### Firearms Registration and Tracing

It seems that the number of firearms legally acquired in Brazil has dropped dramatically in the last three years or so. For example, 6,500 firearms were purchased in the first trimester of 1996, 2,200 in the same period in 1997, but only about 1,000 in the first three months of 1998. Among the different explanations for this fall, experts believe that the SINARM control measures have had a considerable impact, especially as most Brazilians are still not used to the requirement of registering their firearms. However, the drop is also in some respects worrisome because it may indicate that people who purchased arms legally in the past may now be buying them illegally. Unfortunately, there is no way of confirming this suspicion.

Under Article 5 of SINARM, gun owners are obliged to register their firearms within six months after the Bill's entry into force.<sup>31</sup> This Article also discharges the owner from proving the origin of the firearm. However, the diffusion of ownership information to the police and the short registration deadline (six months) is said to have made it difficult for many owners to register their firearms. In conclusion, it is estimated that a significant number of firearms have still not been registered.

At present, it is the civil police who manually process firearm registration—effected by completing small filing cards and tracing—by consulting the files following telephone calls to the central registration unit of the civil police from any police station, 24 hours a day. The firearm's number or the owner's name is used to trace weapons. Accordingly, a software program for storing this kind of information has been designed, and plans call for filling it with three million files in Rio de Janeiro alone. However, there is a growing multitude of software programmes within the State of Rio de Janeiro and also in other states. Various police and other law enforcement units already have databases, or plan to create them, and standardization has become an important issue. For instance, the army has its own database for the registration of firearms owned by military personnel, hunters, marksmen and collectors, but this cannot be easily accessed by any other institution.

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<sup>31</sup> Bill of Law No. 9.437, Chapter II, Article 5.

There is therefore an obvious need for a national database on firearm registration and local databases that are compatible with the Federal Police SINARM database mentioned above. At the time of writing, only the States of Goiás and Minas Gerais and the Federal Capital, Brasília, are connected to this database, with the States of Rio de Janeiro and São Paulo to be added shortly. Eventually, there will be a rapid system to register and trace firearms and dealers, throughout the entire country. The SINARM database will also include firearms in transit, and imports and exports.

The Federal Police play a vital role in the development and maintenance of the user-friendliness of the SINARM database, although it is not to be excluded that another central body may be appointed to centralize the data at some point in the future. Several institutions such as the State law enforcement and related agencies, the judiciary and other government institutions are expected to have access to the database, as well as firearm retailers for whom such access would allow a rapid way of checking whether a customer is authorized to purchase a weapon. In turn, retailers could also insert information in the database. The fact that some 1,600,000 firearms had already been registered on the SINARM database by early-to-mid-1999, shows that its potential impact is very real, especially once the registration figures from all the major Brazilian states are also added.<sup>32</sup>

### Is There an Additional Role for the Armed Forces?

The growing access by individual criminals and semi- or organized crime to firearms, many of which are high-calibre weapons, means that public safety in Rio de Janeiro is now in jeopardy. Furthermore, in certain areas of the city, these firearms are used for guerrilla-type activity. Unfortunately, the police and other law enforcement agencies are insufficiently trained and equipped to combat this situation and this, together with the growing need for integrated action, has led some state authorities to discuss whether and how the Armed Forces could be enlisted to play a more active role in fighting this problem.

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<sup>32</sup> "Tráfico Ilícito de Armas Pequenas e o Crescimento da Violência Urbana", in *Proliferation of Small Arms, Ammunition and Explosives and the Influence Thereof on Regional Stability*, op. cit., pp. 3/5.

At present, the role of the Armed Forces is, by definition, confined to regulating and verifying firearm ownership. Additionally, the Armed Forces also receive intelligence information, in isolated cases, when any one of the three services acquires data through its own intelligence means: e.g. air force and navy radar, other equipment and observation missions. Many law enforcement officers and even some military personnel consider this to be a rather minor contribution. Moreover, firearms registration does not, in actual fact, involve all three branches of the Armed Forces since, constitutionally, this is the responsibility of the Army.<sup>33</sup> Another question now being raised is whether the armed forces should provide more active assistance to the federal police and federal customs in their enforcement of border controls in firearms trafficking, and, if so, how.

Some experts argue that the Armed Forces are trained to use high-calibre firearms in tactical military situations, and that they have the logistic means to strengthen State capability in combating illicit trafficking, particularly given Brazil's huge land, sea and airspace borders. It is also often argued that since the Armed Forces can deploy human and material resources in remote areas (radars, logistic air and sea support, etc.), it is a waste not to use them. Yet another argument is that illicit trafficking of firearms threatens State security, so the involvement of the Armed Forces would be both warranted and constitutional.

However, the response of both civilian and military leaders has been lukewarm, especially because the Armed Forces do not have a specific mandate to patrol the country's borders to prevent the illegal entry of merchandise, whether firearms or any other commodity. For the Armed Forces to absorb that responsibility would be an enormous undertaking with major doctrinal and other consequences, because the Armed Forces have neither the necessary police training nor the budget to tackle this task. The argument that firearms trafficking threatens State security is considered by many experts to be valid for other countries in the region and elsewhere, but not for Brazil where firearms have not been used or intended to be used to destabilize the Government.

There is also much hesitation to ask the Armed Forces to take an active part in any campaign that would resemble the role played by the

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<sup>33</sup> The Navy and the Air Force are, however, responsible for registering their own firearms.

Armed Forces of the United States in support of American law enforcement agencies because, the problem being both global and regional, any such campaign could lead to foreign intervention in the pursuit of traffickers and merchandise with consequent repercussions for national and regional security. Any major change in the Armed Forces' mission would have to be incorporated into the new Brazilian Ministry of Defence, which was only inaugurated during the course of 1999. However, at the time of writing, there is no indication that the new Ministry will be charged with such a task.

Rather than using the Armed Forces, another solution would be the creation of a national coastguard. However, this solution would not be without its problems, because although it is unanimously agreed that greater control of the country's borders is needed, there is strong opposition to the introduction of more institutions. A national coastguard would have an impact on the role of the Federal Police and the Federal Customs, which are already charged with similar duties. Nevertheless, more creativity in addressing this issue is needed and some of the new initiatives that could be contemplated are as follows:

- a.* Encourage the Armed Forces to define additional areas of assistance: e.g. intelligence-gathering, special training courses, logistic support as part of the normal activities of the Armed Forces;
- b.* Increase the human and equipment capabilities of the Federal Police and the Federal Customs to upgrade countrywide coverage;
- c.* Improve coordination between law enforcement agencies with respect to remote and border area situations; and
- d.* Increase and improve joint cross-border control operations, particularly with respect to known firearms trafficking routes into Brazil and into the South American region (see Map 2).

## THE SUBREGIONAL AND REGIONAL DIMENSIONS OF THE FIGHT AGAINST ILLICIT TRAFFICKING

The illicit trafficking in firearms, ammunition and explosives has gained much attention at both the Inter-American and MERCOSUR levels since the mid-to-late-1990s, and the evolution of the debate on how to curb such trafficking has to be seen in the light of related events at MERCOSUR and OAS meetings. Discussions to develop the Triple Border agreement, for example, contemplated field cooperation in an area that has been identified as a central platform for illicit firearms trafficking into Rio de

Map 2: Illicit Firearms Trafficking into Brazil: Major Routes



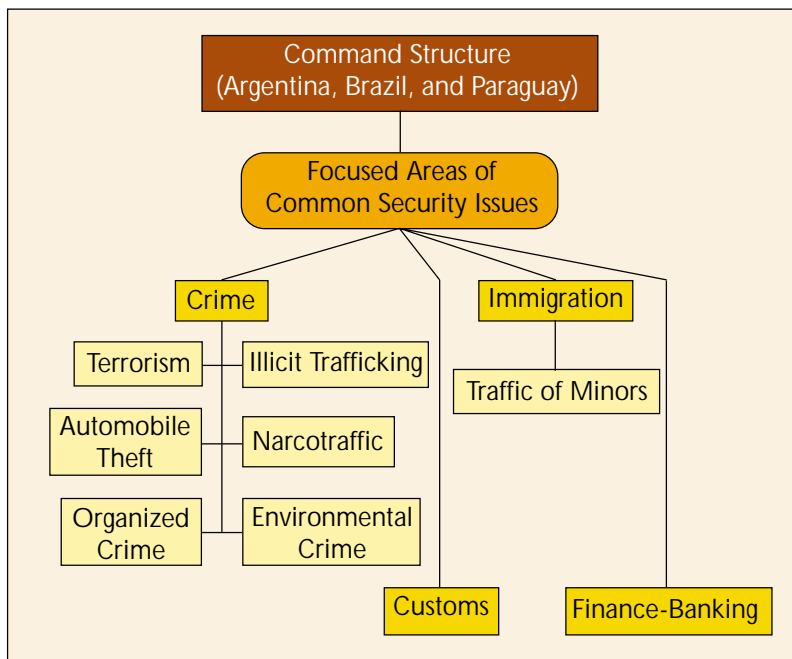
Example of routes most frequently used for firearms trafficking by the VERMELHO Commando:

- Santa Cruz de la Sierra (Bolivia), Corumba (Brazil), São Paulo or Rio de Janeiro (Brazil)
- Miami (United States), Pedro Juan Caballero (Paraguay), Ponta Pora (Brazil), Rio de Janeiro (Brazil)
- Miami (United States), Rio de Janeiro (Brazil) through Galeão Airport
- From Europe to the ports of Santos and Paranaguá
- Puerto Iguazu (Argentina), Rio de Janeiro, Santos, etc.

Source: Silvia Cucovaz, "Interrelationship between the Illicit Trafficking in Small Arms, Drug Trafficking, and Terrorist Groups in South America", in Péricles Gasparini Alves and Daiana Belinda Cipollone (eds), *Curbing Illicit Trafficking in Small Arms and Sensitive Technologies: An Action-Oriented Agenda*, New York and Geneva: United Nations, 1998.

Janeiro and other Brazilian cities (see Map 3).<sup>34</sup> The agreement also contains a general plan for cooperative security-related measures, to develop strategy and concrete action on specific security issues (see Diagram 2) inside the Triple Border Zone, thus creating an environment that is more conducive for sustainable economic and social development.

*Diagram 2: Thematic Representation of the General Security Plan for the Triple Border Zone*



<sup>34</sup> See Silvia Cucovaz, "Inter-relationship between the Illicit Trafficking in Small Arms, Drug Trafficking, and Terrorist Groups in South America", in Péricles Gasparini Alves and Daiana Belinda Cipollone (eds), *Curbing Illicit Trafficking in Small Arms and Sensitive Technologies: An Action-Oriented Agenda*, New York and Geneva: United Nations, 1998.

Map 3: Illicit Firearms Trafficking in Major Latin American Areas



Areas where firearm trafficking has been detected and where guerrilla groups and drug traffickers operate either separately or jointly:

- Border between Brazil and Paraguay, in the area between the cities of Pedro Juan Caballero and Ponta Porá;
- Border between Colombia and Venezuela, in the area of Tachira;
- Border between Ecuador and Colombia, in the area of Putumayo;
- Border between Brazil and Colombia, in the north of Amazonas;
- Border between Peru and Ecuador, especially in the area of Tambo Grande and La Tina;
- Puerto Iguazu, Argentina.

Source: Silvia Cucovaz, "Inter-relationship Between Illicit Trafficking in Small Arms, Drug Trafficking, and Terrorist Groups in South America", in Péricles Gasparini Alves and Daiana Belinda Cipollone (eds), *Curbing Illicit Trafficking in Small Arms and Sensitive Technologies: An Action-Oriented Agenda*, New York and Geneva: United Nations, 1998.

Given the variety of security and economic issues to be addressed by the Triple Border Command (the coordinating body of the agreement), any new joint measure will involve the participation—in the Zone, or in Zone-related issues—of several law enforcement agencies as well as institutions whose work has not hitherto involved security activities as such (see Diagram 3).

On the specific issue of firearms, a prerequisite of the Plan is the exchange of information on the purchase and sale of firearms, ammunition, and explosives inside the Zone. Another important feature is monthly field-control operations by the different participating institutions, with particular emphasis on customs actions. In this connection, the Plan has emphasized the need to update communications equipment, especially computer systems which help in carrying out accurate preventive and repressive measures. Concerted attention on illicit trafficking in the Zone is expected to have an impact on the flow of firearms in this subregion of South America and priority was given to this issue at the highest levels of government.

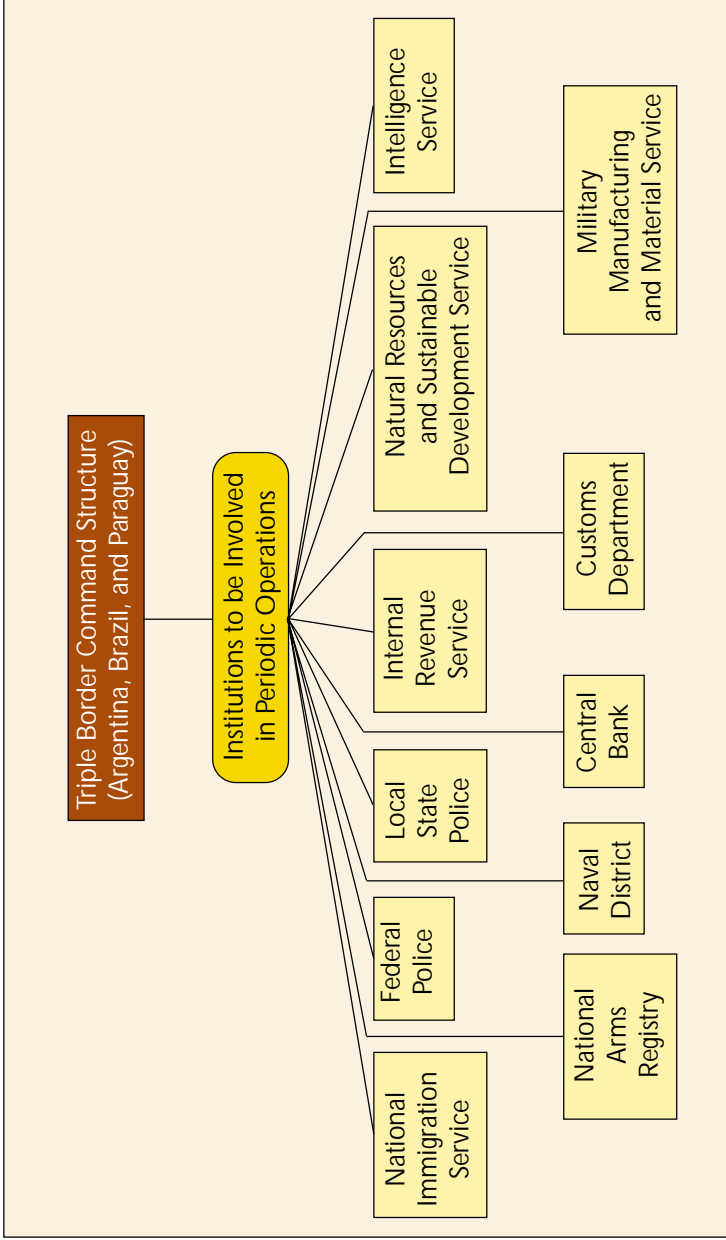
Under the auspices of the Ministers of Interior of MERCOSUR member States (Argentina, Brazil, Paraguay and Uruguay) and Associated Countries (Bolivia and Chile), an agreement was drafted to develop a joint mechanism to report on the firearms, ammunition, explosives and other related material, including a list of both buyers and sellers within MERCOSUR. This issue received political attention from the presidents of MERCOSUR member States and Associated Countries, who made a Presidential Declaration on “Combat and the Manufacturing and the Illicit Trafficking of Firearms, Ammunition, Explosives and Related Material”, in Santiago de Chile on 18 April 1998. In July of the same year, at a Buenos Aires MERCOSUR meeting, an agreement was approved creating such a reporting mechanism.<sup>35</sup> This mechanism contains a register with information to be exchanged through the MERCOSUR, Bolivia, and Chile’s “Security Information Exchange System” covering activities related to commerce in firearms, explosives, ammunition, their parts, components, and other related material. The term “commerce” in this case includes purchase, sale, exchange, import, export, distribution or any other type of exchange. Information on the register should contain at least the following:

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<sup>35</sup> See “Security Information Exchange System”, MERCOSUR/RMI/Acuerdo No. 4/98, Buenos Aires, 27 March 1998.



Diagram 3: Institutional Representation of the General Security Plan for the Triple Border Zone



1. *On an individual*: name and surname, identity card number and address;
2. *On companies*: name or legal reference, headquarters or legal location, date of authorization, commerce authorization, if applicable;
3. Authorized ports of embarkation and/or arrival.

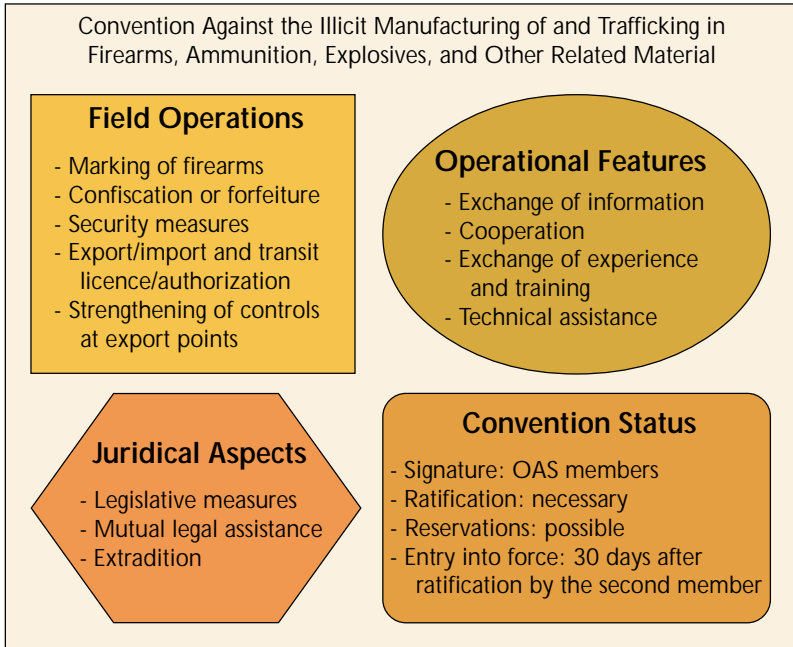
In line with this initiative, in 1999, the Brazilian Congress approved an exchange of letters between Brazil and Paraguay on 17 October 1996, whereby both Governments expressed their will to curb organized crime at their borders, particularly as it involved the control of narco- and arms trafficking. The agreement established a monthly information exchange, via diplomatic means, of a list of their respective citizens, foreigners residing in their respective countries or companies which acquired firearms in either country during the month preceding the report. Details on the information to be exchanged between these countries require both of them to report on firearm brand, model calibre and serial number, as well as the name, identification number and address of the buyer.

The need to obtain more information on the legal commerce of firearms is coupled with the need to help law enforcement officers learn more about the passage of firearms between borders. One solution to this problem is the development of intelligence capabilities. For example, CISC decided to set up a *police intelligence* branch and seek cooperation in this area. Only a few State secretariats have centres like the CISC, and it is suggested that these could be envisaged in other places afflicted by significant illicit trafficking. On the need for field officers to join diplomats in the fight against illicit trafficking, the Inter-American Convention provides the proper framework which, as shown in Diagram 4, has various articles stimulating joint field operations, legislative measures and other cooperative features. Several areas of cooperation are, for example, foreseen in Article XV:

#### Article XV: Exchange of Experience and Training

1. States Parties shall cooperate in formulating programmes for the exchange of experience and training among competent officials, and shall provide each other assistance that would facilitate their respective access to equipment or technology proven to be effective for the implementation of this Convention.

Diagram 4: Inter-American Convention



2. States Parties shall cooperate with each other and with competent international organizations, as appropriate, to ensure that there is adequate training of personnel in their territories to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. The subject matters of such training shall include, *inter alia*:
- a. Identification and tracing of firearms, ammunition, explosives, and other related materials;
  - b. Intelligence gathering, especially that which relates to identification of illicit manufacturers and traffickers, methods of shipment, and means of concealment of firearms, ammunition, explosives, and other related materials; and
  - c. Improvement of the efficiency of personnel responsible for searching for and detecting, at conventional and non-conventional points of entry and exit, illicitly trafficked firearms, ammunition, explosives, and other related materials.

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## Article XVI: Technical Assistance

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties that so request receive the technical assistance necessary to enhance their ability to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, including technical assistance in those matters identified in Article XV.2.

The scope of the Convention is sufficiently wide to cover a variety of operational and legal measures necessary to properly address the fight against illicit trafficking. Notably, it allows for the exchange of information, training and technical assistance in sensitive areas of common interest for national institutions (e.g. police academies and operational forces, intelligence services and border patrol units) and international organizations (e.g. the United Nations and INTERPOL), as well as the firearms industry. All OAS members have signed the Convention, which entered into force 30 days after its first two ratifications.

An additional area which needs attention to ensure compatibility between national law and regional agreements is standardization of information. For instance, notwithstanding its national success, the Brazilian SINARM database also needs to be compatible with other software abroad, in particular with the INTERPOL databases and any future initiatives undertaken under the 1997 Inter-American Convention, especially those related to identifying firearm imports and exports as laid down in the 1997 Model Regulations.<sup>36</sup> Such harmonization would be in line with Article XIII, paragraph 3 of the 1997 Inter-American Convention which reads:

3. States Parties shall cooperate in the tracing of firearms, ammunition, explosives, and other related materials which may have been illicitly manufactured or trafficked. Such cooperation shall include accurate and prompt responses to trace requests.

Standardization or harmonization would also facilitate the implementation of 1997 Model Regulations which recommend member States to point their national work as follows:

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<sup>36</sup> Model Regulation for the Control of the International Movement of Firearms, their Arts and Components and Ammunition, OAS/Ser. L/XIV.2.22, CICAD/doc. 905/97, 5 November 1997.

### 1.1 Preamble

...  
And in view of the member States' conviction that illicit international trade in firearms, their parts and components and ammunition constitutes a specific risk to the security and well-being of member States and that measures to promote further cooperation among them, in particular by the promotion of harmonized import and export controls over the legal international movements of firearms, their parts and components and ammunition and a system of procedures for applying them, will assist in preventing illegal trafficking among the countries concerned.

The General Assembly recommends to the member States the adoption of measures and procedures consistent with those provided herein directed at controlling the legal international movements of firearms, their parts and components and ammunition, in accordance with the provisions of their legal systems and their fundamental laws.

### 1.2 Purpose and Scope of Application

The purpose of these Model Regulations is to set out for use on a multilateral basis, harmonized measures and a harmonized system of procedures for monitoring and controlling international movements of firearms, their parts and components and ammunition, in order to prevent their illegal trafficking and diversion to illegal uses and purposes.

Chapter IV of the 1997 Model Regulations establishes the responsibilities of member States in this particular area by stating that:

#### 9.1 Record-Keeping

Countries shall maintain their own individual records of import/export/in-transit shipments of firearms, parts and components and ammunition by recording, by classification and description, the actual quantities proceeding under each shipment transaction. As a minimum, in the case of export and import transactions, records shall be maintained by the appropriate authorities that reflect the quantities of firearms, parts and components and ammunition remaining to be exported or imported, as the case may be, pursuant to a particular certificate.

Records shall be kept for a period of not less than five years after the last transaction effected under a particular certificate. Countries

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shall identify to one another the agencies responsible for record-keeping.

## 9.2 Computerization of Records

Countries shall use their best efforts to computerize their records, for the purposes of enhancing effective information access among one another.

Countries that already possess computerized information systems, and the associated technical competence and expertise, agree to share this technology and knowledge with interested participating countries, in order to facilitate and harmonize record-keeping and information-sharing.

## 9.3 Information Exchange

Each country shall designate a Central Information Office to receive and fulfil information requests to it from participating countries, concerning import, export and in-transit shipment transactions of firearms, parts and components and ammunition. Where the information is required for judicial proceedings, it shall be provided on a basis consistent with existing agreement for such purpose.

There is thus more to computerizing the records of the Rio de Janeiro firearms registration office than might be thought: today's decisions must be attuned to Brazil's strategic engagements tomorrow. Once again, the need of working at the grass-roots level needs to be harmonized with international diplomatic initiatives, to ensure that international agreements have a truly positive impact on the streets in the fight against illicit trafficking.

However, other areas also require attention. For example, more equipment and human resources, particularly for small police stations and similar institutions, and a revised deadline period for the registration of purchased firearms could help remove some weapons from their present clandestine status. Such new initiatives should be coupled with innovative prevention and education measures which could help firearm owners to develop a new attitude towards both the legal and illicit ownership of firearms.

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## ESSENTIAL ADDITIONAL MEASURES TO CURB ILLICIT TRAFFICKING IN FIREARMS

Although in recent years governments as well as non-governmental and research institutions have become increasingly concerned about firearms trafficking, it is important to note that there is a lack of ideas to generate change, as well as a lack of human resources and cooperation mechanisms. Equally important, there is a lack of motivation, a common denominator, which would inspire governments and peoples along lines similar to the endeavours which enabled the international community to introduce a ban on landmines following just a few months of negotiations. Although it is true that the two issues are quite different, there is a need to identify with respect to firearms different areas where joint actions could better contribute to the creation of a much needed momentum in national and international debates over how to curb the illicit trafficking of such arms.

There is thus a need for political will to be expressed in an unequivocal way. Political will, however, does not exist in a political and social vacuum; rather, it has to be generated. Presidential decisions can change the course of events, but so can ordinary people's aspirations and initiatives. This was clearly proven by the public campaign to ban anti-personnel landmines. Unfortunately, when it comes to the illicit trafficking of firearms, no such mobilization of citizen and public resources and hence of political will has taken place as yet. Action, therefore, is needed on at least four different levels: national, subregional, regional and global.

### National Initiatives

Nationally, the first priority is to properly coordinate the work under way by the different domestic law enforcement agencies. This priority requires much determination and responsibility in deciding on prompt and decisive action. Jealousy between different services, departments, and agencies must be eliminated and national entities must find new means of inter-institution cooperation. Once achieved, such cooperation could then be extended to take account of international agencies and institutions both at the regional and global level.

Equally, all members of society should be urged to develop an acute sense of civic commitment: in other words, to realize that illicit firearms

are not simply a problem for the State, but a problem which affects the public both individually and as a whole. The approaches of the civil society and State should be mutually reinforcing: citizens will be less fearful or reluctant to act if they feel they have the support of national entities which, in turn, will find their efforts strengthened by the action of ordinary citizens. These are major goals on which States should base their national initiatives.

The second priority is the creation of an appropriate environment which balances the means with the goals of the desired objectives—this should be based on a sound and realistic assessment of the human, material and financial investments that are going to be required without which no success is attainable.

The third priority is that governments must play a more active role in national campaigns and measures such as those discussed above. However, the following additional initiatives could also be included:

- a.* Seminars and other meetings in which Senators, Congress representatives, members of the judiciary, law enforcement officers and others would be invited to take an active part; and
- b.* Mass media campaigns to inform and educate the public at large, from schoolchildren to senior citizens, about the problems involved. The public can play a useful role by:
  - i.* Discussing ways in which ordinary citizens can contribute to prevent trafficking (at times their help may be much more effective than actions undertaken by law enforcement agencies); and
  - ii.* Urging national parliaments to make the elimination of illicit trafficking a true priority.

### Subregional and Regional Initiatives

In Latin America, the possibility for rapid, concentrated regional and subregional action against illicit arms trafficking, could fruitfully be pursued under the aegis of organizations such as MERCOSUR and OAS. For example, the 1997 Inter-American Convention already forms the basis of a good beginning of cooperation towards the elimination of the illicit traffic of weapons in the region. Furthermore, precedents for sweeping region-wide cooperation on arms control matters in South America



already exist in the form of the 1967 Treaty on a Nuclear-Weapons-Free Zone in Latin America and the Caribbean (the Treaty of Tlatelolco). Thirty-one years ago, that Treaty was a daring, innovative agreement which stimulated a fundamental change in the international approach to nuclear weapons, which has since come to serve as an example for similar agreements covering the South Pacific (the Treaty of Rarotonga, 1985), South-East Asia (the Treaty of Bangkok, 1995), and Africa (the Treaty of Pelindaba, 1997).

In the course of 1999, the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) initiated a project entitled "Regional Clearing House on Illicit Trafficking in Firearms, Ammunition and Explosives", where a number of workshops have been scheduled in cooperation with the Inter-American Drug Abuse Control Commission (CICAD) of OAS. These workshops are aimed at building awareness on the modalities of the 1997 Firearms Model Regulations and regroup police and customs officers, as well as diplomats and military officials working on illicit trafficking in the region. Yet, more comprehensive programmes are necessary over time and further cooperative action amongst Latin American States in combating arms trafficking in the region could include:

- a. Stimulating close cooperation between the MERCOSUR Triple Border Agreement Command and the 1997 Inter-American Convention Consultative Committee, as provided for in Article XX of the Convention;
- b. Reiterating interest in furthering the work already started by the Model Regulations by addressing the issue of explosives rapidly and comprehensively; and
- c. Enlisting the help of organizations such as the INTERPOL Regional Office, CARICOM<sup>37</sup> and others to help prepare the implementation of the different clauses of the 1997 Inter-American Convention. National institutions should also be invited to propose their ideas for strengthening the Consultative Committee's work.

## Global Initiatives: Moving Towards 2001

Cooperation at the global level is also a key undertaking in addressing the illicit arms trafficking issue. Several international organizations are

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<sup>34</sup> Caribbean Community.

already carrying out or considering work in this area. For example, the United Nations Department for Disarmament Affairs (DDA) in New York has assessed the international political dimension of illicit arms trafficking and its implications for peacekeeping activities, and has been instrumental in appraising the illicit trafficking situation for recommendations made by the United Nations Secretary-General to the General Assembly. DDA has also set up a policy-coordination cell called "Coordinating Action on Small Arms (CASA)" which delineates the scope of United Nations action in this area and sets out guidelines for cooperation between different agencies and departments.<sup>38</sup>

In global forums, UNIDIR in Geneva has in cooperation with the United Nations Development Programme (UNDP) office in Mali addressed the more localized aspects of illicit trafficking by supporting the international action on a West Africa moratorium on the import of small arms into the region.<sup>39</sup> The United Nations Centre for International Crime Prevention (CICP) in Vienna has researched the public safety aspects of firearms. In addition, considerable work is in progress for the elaboration of the "Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials Supplementary to the United Nations Convention Against Transnational Organized Crime". Here again there is a need to ascertain common ground between the national, regional and global approaches.

The United Nations Security Council and the General Assembly also have passed several resolutions calling on Member States to contribute to the United Nations effort to curb the illicit trafficking in small arms and for the Secretary-General to conduct a number of studies and consultations on the matter. In this connection, official reports have, among others:

- a. Encouraged the Secretary-General to explore means to collect and share information on illicit arms flows and their destabilizing effects in order to improve the international community's ability to combat and prevent them;

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<sup>38</sup> "Coordinating Action on Small Arms (CASA): The United Nations Policy", Department for Disarmament Affairs, 19 June 1998.

<sup>39</sup> See "Draft Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials Supplementary to the United Nations Convention Against Transnational Organized Crime", A/AC.254/4/Add.2, 15 December 1998.

- b. Addressed the issue of small arms in some detail with specific recommendations;
- c. Considered the feasibility of carrying out a study on restricting the manufacture and trade of small arms to manufactures and dealers authorized by States;
- d. Requested broad-based consultations on illicit trafficking on small arms; and
- e. Reinforced the Secretary-General's recommendation to convene an international conference on illicit arms trade no later than 2001.

Consequently, there is today an increasing amount of information deriving from both regional and more global initiatives. No doubt, there is a need to assess national policies and practices on the regional level related to the issue of firearms in order to provide a clear picture of the view of Member States on different aspects of this issue. This would facilitate the preparation for the international conference on small arms and light-weapons to be held no later than 2001. Regional policy-assessing seminars could therefore contribute to the debate in 2001 by:

- a. Facilitating the gathering of information and the debate on regional firearms issues;
- b. Creating an environment favourable for the reaching of consensus on main principles of regional interests;
- c. Providing the open-ended preparatory committee of the global United Nations small arms and light weapons conference with valuable coherent background information on the initiatives and positions of countries in their respective regions; and
- d. Providing for a regional platform to discuss Member States' views on the agenda of the proposed 2001 conference.

It could be argued that the United Nations should further act as a catalyst of ideas, human and financial resources to give shape and impetus to the different endeavours now being undertaken on illicit trafficking in firearms. For example, the United Nations could, *inter alia*:

- a. Develop a programme, within CASA, whereby the United Nations regional centres for peace and disarmament (Lima, Lomé, and Kathmandu) would coordinate local information and activities on firearms in close cooperation with UNIDIR, CICP and other institutions of the Organization, to provide the international community with concrete research and technical expertise in the campaign against illicit trafficking;
- b. Conduct an internal study, within the CASA framework, of existing United Nations and related programmes that could be coupled

- with programmes being undertaken by DDA, UNIDIR, CICP, UNDP and others, in the interest of economy and effectiveness and, in particular, to help in the implementation of the recommendations made by the United Nations Panel on Small Arms;
- c. Involve representatives of OAS, INTERPOL, the World Customs Organization, the European Union, and other interested institutions in United Nations studies and meetings;
  - d. Draw up an agreement with interested institutions on the exchange of information and cooperation. While the agreement between the United Nations and CARICOM<sup>40</sup> could serve as a model, a more comprehensive and extended agreement would facilitate joint action on the part of the institutions possessing wider and more comprehensive agendas; and
  - e. Encourage the *lessons learned* study of the subregional and regional initiatives on firearms assessing their differences and similarities. This type of study could instigate cross-regional fertilization and could constitute an important measure to be taken by the United Nations which could capitalize on its traditional role as a platform for discussion and initiative.

In addressing the United Nations Advisory Board on Disarmament Matters, the Secretary-General, Mr. Kofi Annan, summarized the need for the Organization to undertake practical steps in disarmament matters, which of course could be applied to the firearms issues, as follows:

Let us, in this light, examine the effectiveness of international disarmament machinery not as an intellectual exercise, but rather as an exercise in defining how best to ensure that the Organization has, and is seen to have, an immediate impact in preventing war, minimizing its effects and rebuilding and sustaining peaceful and prosperous societies after conflict has ended. That is the essence of disarmament. So let us redouble our efforts and do all we can to make the world a safer, and more secure place.<sup>41</sup>

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<sup>40</sup> Agenda Item 7, State Security-Measures, First General Meeting between CARICOM and United Nations Secretariats and Related Agencies, CAR/UN 97/1/9, New York, 27-28 May 1997.

<sup>41</sup> "Statement to the 30th Session of the Advisory Board on Disarmament Matters", the Secretary-General, Geneva, 17 March 1998.

## FINAL REFLECTIONS

While access to weapons of mass destruction and disarmament measures still rightly retain international attention a decade after the end of the Cold War, increasingly, a growing number of diplomats, academics, international and non-governmental organizations and indeed, lay people in general, are paying more attention to the issue of illicit firearms trafficking. Illicit trafficking in firearms affects peace and security in different ways, for it supplies the criminal communities in cities across the world, and terrorist and insurgent groups on every continent. The denominator common to all these illegal activities is the illegal access to firearms. Several institutions are devoting much of their resources to fathom this phenomenon and make recommendations or act themselves to address it.

As the above account of the arms trafficking situation in the city of Rio de Janeiro shows, combating illicit firearms is a national, subregional, regional and global problem at once. A larger number of firearms with ever-greater firepower is available in the hands of outlaws. Against this, local initiatives constitute society's front line of defence. In the case of Rio de Janeiro, concrete steps would aim to curb the flow of illicit firearms into the State, most notably by blocking the smuggling routes in the border areas with Argentina and Paraguay, as well as those from the sea.

Local initiatives, however, are not enough, because the arms trafficking problem actually involves many actors, operating across many countries on all continents. Thus, concerted action to prevent illicit arms trafficking is also needed internationally at both the subregional/regional and global levels. In Latin America, the 1997 Inter-American Convention recognizes this and seeks to make headway in the right direction, and countries in the region should take care to implement and apply all of its provisions effectively. At the global level, cooperation on weapons smuggling is scant. This situation could be improved if, for instance, those countries where many of the smuggled firearms are manufactured passed more stringent laws and took more vigorous action to prevent weapons, ammunition and explosives from leaving and transiting their territory illegally. Action is also required to stop legally acquired firearms from entering into and circulating on the illegal market.

At present, efforts to tackle the issue of the illicit trafficking of firearms are not coordinated and few know *who* is doing *what* and *when* and

*where*, and for *what purpose*. Some institutions address the illicit firearms problem from the criminal angle, while others address it from its links with terrorism, money laundering, or drug trafficking. Still others are more concerned with its international impact and look at its implications for civil unrest and threats to the security of the State. While all these initiatives should be continued with intensity and resolve, it is also important to ensure that the international community does not waste time and energy, and that its operations are coherent and complementary. There is a need for leadership in the international community, not only to convince governments and peoples of the measures that must be taken, but equally important, to generate a collective sense of responsibility and determined action. This is perhaps the greatest challenge the international community will have to face at the 2001 global conference on small arms and light weapons which opens a new window of opportunity for the world community to act consciously, collectively, and decisively to eliminate the illicit trafficking of firearms. The time is ripe for those countries concerned to refocus human, material and financial resources to face this unique challenge from a common national, regional and global stance.