

Brazil Votes “No”

By Benjamin Lessing



Photo courtesy of Luke Dowdney, www.cocac.org.br

Two young men pose with guns in a Rio de Janeiro favela.

On October 23, Brazil went to the polls in a nationwide referendum to decide a single question: “Should the sale of firearms and ammunition be prohibited?” The so-called Disarmament Referendum was historic in more than one sense. It was not only the first popular consultation of its kind in Brazilian history — and thus a landmark in the consolidation of Brazilian democracy — it was also the farthest any Western Hemisphere nation has gone in prohibiting firearms and probably the first time any nation has used a direct vote to decide the issue.

For those like myself who have worked for the cause of disarmament in Brazil, the results were disappointing. Unlike in San Francisco, where November’s ballot initiative to ban handguns

passed by a wide margin, Brazil’s disarmament referendum was voted down 63 to 35 percent. This in spite of the fact that as late as September an Instituto Sensus poll showed support for the referendum running above 72 percent. Indeed, the precipitous reversal of voter opinion over the course of a relatively brief campaign has left Brazilian gun control advocates reeling and opponents of the referendum flush with victory.

Of course, we must view the referendum in the larger context of the Disarmament Statute — the sweeping reform of Brazil’s gun control laws passed by congress in December 2003 — and the long process of civil society involvement in the larger question of public security that brought it about. The referendum on gun sales was mandated by one of the Disarmament Statute’s

37 articles; the remaining 36 have brought major changes to the way firearms are treated under Brazilian law, as well as to the institutional structure of gun control efforts. Among the key measures:

- More stringent requirements for gun ownership, elimination of the right to carry a firearm;
- Harsher penalties for illegal possession or carrying of an unregistered firearm;
- A central national gun database, both of registered arms and those involved in crimes, to facilitate tracing and research on illicit gun flows;
- The marking of ammunition by the purchasing institution, allowing researchers to track diversion of legal munitions to the illegal market;
- The definition of illicit arms trafficking as a specific crime;
- A nationwide gun buyback, with amnesty for unregistered weapons, that has collected over 400,000 firearms since 2003.

In addition, the statute has brought control over gun-related issues — previously a strictly military affair — under the purview of the Ministry of Justice, a civilian ministry. As such, it represents an important chapter in the long process of Brazil’s re-democratization. Most importantly, early results suggest that the statute is having a measurable impact on Brazil’s crippling epidemic of armed violence: in 2004, firearms deaths fell 8 percent from their shocking 2003 high of over 39,000.

So, with such a positive response to the statute and particularly the gun buyback, the question remains: How did the “Yes” camp lose its lead?

Political Scandal

From June onward, the Worker’s Party (PT) government has been embroiled in a vote-buying scandal — the so-called *mensalão* — that led to the resignation of President Luiz Inácio Lula da Silva’s right-hand man, José Dirceu. The scandal hurt the “Yes” camp for two interrelated reasons.



Image courtesy of Benjamin Lessing

First, the months before the vote — winter in Brazil — were seen by gun control advocates as a period of calm, when the issues surrounding the gun sale ban would be thoroughly discussed and carefully examined. Instead, winter was entirely dominated by the *mensalão* scandal. To a degree rarely seen in Brazil, politics became a spectator sport, with millions tuning in to congressional ethics hearings and watching as one corrupt official after another went down. The referendum slid to the back of the agenda. (Indeed, amidst the noise of the scandal, the congressional resolution authorizing the actual funding for the special election was nearly scuttled.) Thus, when the official media campaigns began a mere 20 days before the vote, little groundwork had been laid. Most voters first real contact with the issue came in the form of the nightly TV programs each side produced. As one might expect, these spots did not provide the kind of in-depth analysis of findings or careful consideration of the arguments the “Yes” camp had counted on.

The scandal had a second major impact: it put nearly the entire country in a mood of dissatisfaction with and mistrust of the government. The Lula government came to power in 2002 on a wave of rare hopefulness among Brazilians; no small part of that hope

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A slogan urging a yes vote in the referendum reads: “Say yes to life, vote 2.”

Brazil's Arms Referendum

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Image courtesy of Benjamin Lessing

This slogan reads:
“Vote 1; no!”

was based on the promise of no corruption that the PT had always made a part of its platform. So while the substance of the mensalão scandal was in itself rather underwhelming (most observers agree that a similar vote-buying scheme existed under Fernando Henrique Cardoso’s PSDB government), the fact that the supposedly squeaky-clean PT could not or did not avoid the ethical pitfalls of Brasília left Lula’s supporters disheartened and his detractors giddy. For the wider public, the sense that government was ineffective and not trustworthy reigned anew.

This, along with the fact that the referendum enjoyed the support of key PT figures, provided the “No” camp with an opportunity to turn the moral tables on the pro-disarmament movement. Since its inception, that movement had been able to tap into the average citizen’s frustration, anger and fear at the rising tide of armed violence and channel it into what it saw as positive, progressive reforms. Popular campaigns such as Viva Rio’s “*Basta! Eu Quero Paz*” (“Enough! I Want Peace”) or São Paulo’s “*Sou da Paz pelo Desarmamento*” (“I’m for Peace Through Disarmament”) gave voice to this feeling of revolt, while eschewing all-too-common reactionary responses such as calls for more repressive and violent policing and the

lowering of the *idade penal*, the age at which children are treated legally as adults and hence can be jailed. Indeed, this mobilization across broad sectors of the population was crucial in generating the political pressure necessary to get the Disarmament Statute passed in 2003.

By the time of the referendum, however, disarmament had become a government policy. Most visibly, the nationwide gun buyback was being implemented by the Federal Police, with cooperation from the Army and the Ministry of Justice. Government-funded television and radio campaigns informed citizens about the statute and the buyback, and the cooperation of NGOs, churches and other groups in operating neighborhood gun handover posts, though crucial to the success of the buyback, blurred the line between civil society and the state. To be fair, this was largely in keeping with the vision of disarmament leaders: a democratic expression of the citizenry’s choice to disarm as a step towards reducing violence, effected through, but not imposed by, the government. Nonetheless, in the hands of the “No” camp’s marketing strategist, the gun sale ban was painted as an imposition by the government, an encroachment on hard-won freedoms and worse, a cynical attempt to distract the public from its failure to truly address the public security crisis.

Rights, the Right and the Future of a Movement

“Winning rights is never easy. So never give up a right you’ve already won. Say NO to the extinguishing of your right.”

— From “Saying No Is a Citizen’s Right,” campaign material published by the “No” camp.

The “No” camp’s focus on rights turned out to be a stroke of genius, attracting voters from all ends of the political spectrum. Nonetheless, it was hardly original. Some have detected the

influence of the U.S.-based National Rifle Association (NRA) in the emphasis on citizens' inalienable right to bear arms. There is no doubt that the NRA — a very good friend of Taurus, Brazil's largest gun manufacturer, and a major exporter to the U.S. market — gave technical advice and supplied a whole library of inaccurate claims and shoddy research on disarmament efforts throughout the world. But the actual origin of the "rights" message is homegrown: the selfsame argument was used by the selfsame campaign manager — Chico Santa Rita, the man who elected Fernando Collor — in the 1993 plebiscite on Brazil's form of government. Although the coalition that supported the presidential system was far less conservative than that behind the "No" vote, the invocation of democratic rights was identical. Indeed, one of the "No" camp's more popular commercials paid homage to the "Diretas Já!" ("Direct Elections Now!") mass movement that ushered in direct elections in the 1980s. The reference was resonant, if rather disingenuous: at the time, many of the "No" congressional supporters were staunch defenders of Brazil's military dictatorship.

In any case, in the wake of their victory, the "No" camp has made efforts to consolidate its position, with leaders Alberto Fraga and Luiz Antônio Fleury calling for future referenda on lowering or abolishing the idade penal and legalizing life imprisonment, in addition to formally prohibiting abortion. Meanwhile, the reverse-coattail effect of the PT's support for the referendum does not bode well for the upcoming presidential elections in 2006. As anthropologist and former Secretary of Public Security Luiz Eduardo Soares observed, according to the daily *Folha de S. Paulo*, in "the first electoral

result post-fall of the PT... the PT showed that it is no longer in a leadership position, able to orient decisions."

And what of disarmament? There is no doubt that the referendum was a setback. I spoke to Rubem César Fernandes, director of Viva Rio, shortly after the votes were tallied. "We are in a process of reevaluation and stock-taking," he told me, "both of the campaign and where to go from here." Nonetheless, Fernandes was dubious as to the real gains made by the reactionary right. "The 'No' camp brought together a lot of disparate groups, including the extreme left. It was a protest vote, not a cohesive movement. The 'Yes' camp, on the other hand, is much more consolidated, more coherent. And there were more than 33 million of us. *Não é pouco; é muito.*"

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Anti-gun control demonstrators march before the referendum.



Photo courtesy of Benjamin Lessing