



PARLIAMENTARY FORUM
ON SMALL ARMS AND LIGHT WEAPONS

Policy Statement on Civilian Possession of Automatic and Semi-Automatic Rifles.

Board of the Parliamentary Forum on Small Arms and Light Weapons, meeting in New York, October 23rd, 2011.

Automatic and semi-automatic rifles are in frequent use all around the world. For example, they are used by child soldiers in Africa, and contribute to the high level of violence in the *Favelas* in Brazil. They are the weapons of choice in violence related to narco-trafficking along the US - Mexican border, and such weapons were used in the massacre of 69 persons in Utöya (Norway) in July 2011.

All small arms are potentially deadly tools, but the high rate of fire of automatic and semi-automatic rifles allows an individual to kill and wound more efficiently. Fully automatic rifles continue either firing until the trigger is released or until the ammunition has been expended. Semi-automatic rifles fire one bullet for each pull of the trigger and reload automatically, but require the trigger level to be released before the next shot. Given that both categories of rifles are able to fire from 20, 30 or 50 bullets in just a matter of seconds, there is no considerable difference between them.

These firearms are included in the category of military assault rifles and are made for military use. Notwithstanding that, the appearance of semi-automatic rifles can be modified making them suitable for hunting and sporting purposes, in addition to their military use. What remains the same is their semi-automatic capacity. This means that such changes are mostly cosmetic although the potential harm caused remains the same. In some countries a legal category of military assault weapon exists. For example, in the US, the 1994 US ban on military assault weapons created this category to differentiate semi automatic rifles for military use from other considered less “military”. This includes certain semi-automatic weapons that don’t have a military appearance. Hence, questions arise as to which are considered to be “military features” of such weapons and what the practical application of this distinction would be.

The appeal of these weapons relies on their efficiency to kill, relatively low cost, their easy transportation and camouflage, and their durability. These types of arms have been used and re-used in different conflicts throughout the years and the world. Persons with little knowledge, for example, child soldiers, can use these weapons¹. Of course, in hands of trained individuals these arms can be a real tool for carnage. The massacre in Utöya provides a clear example of the scale of death and harm created by just one person using these types of guns within a peaceful country.

¹ See Policy Statement on Children and SALW.



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Such weapons are available to civilians through both legal and illegal channels. It is important to take into account that in most of cases, both legal and illegal acquisitions are part of the same chain whereby they are diverted from the legal trade into illicit markets. Hence, the need for the effective regulation and restrictive legislation on civilian access to automatic and semi-automatic rifles is of the essence.

The Parliamentary Forum has, in previous policy statements, addressed the private illicit transfer of small arms from the United States to Mexico. The availability of automatic and semi-automatic rifles in the US market, and easy access to them has a direct impact on the violence related to the drug cartels in Mexico. These arms are trafficked to Mexico through the same illegal channels used for drug and human trafficking. It is important to highlight that during the 10 years that the ban on semi-automatic weapons in the US was in force, the level of violence in Mexico diminished. This implies that more restrictive legislation can have a positive effect on the reduction and/or prevention of gun violence².

At national level, legislative efforts vary from one country to another. In general, states limit the civil possession of military rifles but to different extents, given that important variations exist which do not only relate to the definition used, but also because of the ability and capacity to enforce laws and regulations. Some states are also more restrictive than others, depending on cultural, historical and legislative factors among others.

It is fundamental to consider, as a basic principle, that firearms should be forbidden when their potential risks outweigh their practical use. This is why such kinds of weapons –which do not only relate to illegal trafficking, conflict zones or high levels of gun violence but have also been used to perpetrate massacres in countries including New Zealand, United Kingdom, Australia, United States and recently in Norway - should be banned from civilian possession. These examples demonstrate the clear and concrete risks that exist if we do not take adequate measures towards outlawing the sale of such weapons to civilians.

Efforts to regulate these weapons at the international level are not sufficient. The Report of the Group of Governmental Experts on Small Arms (1999), pointed out that States should consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes such as automatic guns. Recommendations of the same nature have been made by the UN Disarmament Commission of 1999. These observations and recommendations needs to be put into binding agreements in order to be sufficient.

It is important to highlight here that in the context of the 2001 UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons, many States and NGO's were supporting the idea for the prohibition of unrestricted trade and possession by civilians of military assault weapons. However, these efforts were unsuccessful due to the strong opposition by some Member States.

² See Policy Statement on Private Illicit Transfer of Small Arms to Latin America.



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Automatic and semi-automatic rifles are included in the category of small arms that should fall within the scope of the Arms Trade Treaty, meaning that their international commerce will have to comply with its guidelines. Unfortunately, small arms and light weapons are not yet included in the U.N. Register of Conventional Arms.

The question of definition is of utmost importance, particularly when it comes to making steps to achieve international regulation. The widely used concept of “military assault weapon” is incomplete and misleading; many models of military weapons were initially designed to meet military specifications but then were also marketed to civilians. The gun that was used in the Utöya massacre was a Ruger Mini 14 that nowadays is sold as a sporting rifle to the civilian market. It is actually an adaptation of the M 16, a military rifle.

In terms of definition it might be wise to focus on the capacity of automatic and semi-automatic rifles rather than on concepts that can lead to confusion like “Military Assault Weapon.” All semi-automatic rifles shoot at a high rate, one pull of the trigger one bullet. In some countries where the risk factor is being acknowledged, there are discussions on banning the sales of magazines that contain more than 5 bullets. However, rifles that accept magazines do not discriminate between different sizes. This leads to the next logical conclusion: the only way to prohibit this category of weapon would be to ban guns that use detachable magazines, and limit magazines to a maximum of 5 bullets in the case of guns that use fixed magazines for civilian use.

Objectives:

The Board of the Parliamentary Forum on Small Arms and Light Weapons, meeting in New York on October 23rd, 2011;

Draws attention on the detrimental effect of automatic and semi-automatic rifles on countries and communities around the world whether at conflict or peace;

Conveys its solidarity with victims, survivors and relatives of those killed in the massacre in Norway, and to all of those affected by these weapons;

Highlights that armed violence perpetrated with this particular type of weapon requires immediate attention in the majority of countries around the world;

Proposes to ban the civilian possession of automatic and semi-automatic rifles in all legislations;

Urges governments to take the necessary steps towards international agreements, which would make the trade, possession and use of these particular rifles illegal for civilians;

Asks the Review Conference of 2012 to revisit the Programme of Action in order to include civilian possession of these rifles within its scope;



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Draws attention to the use of different definitions within different legislations of these kinds of weapons, which enables confusion and creates legal loopholes affecting the effective implementation of existing regulations;

Recommends parliamentarians to take steps in their national parliaments, advancing proposals oriented to the banning of these rifles for civilian use;

Suggests, in countries which have not yet banned automatic and semi-automatic rifles to adopt more restrictive legislation and enforcement measures to limit the acquisition and possession of these weapons, e.g. background checks for all firearms particularly for automatic and semi-automatic rifles, including sales at gun shows, and the banning of high capacity ammunition magazines, amongst other strategies aimed at diminishing the risks associated with these rifles.;

Welcomes the most recent steps within the framework of the United Nations towards the Arms Trade Treaty;

Rejects all possible efforts to exclude these kinds of weapons from the scope of the Arms Trade Treaty, for example by labeling them as sporting and hunting rifles;

Asks the Group of Experts for the United Nations Register of Conventional Arms to include small arms and light weapons and ammunition among the categories of arms that should be reported to this authority;

Mandates the Secretariat of the Forum to continue monitoring and following the development of this issue.