

Firearm Renewals: A Basic Principle of National Firearms Legislation¹

The international norm

Limiting and controlling the acquisition, possession and use of firearms on the part of civilians is necessary, not only for combating a culture of violence but especially to prevent the diversion of once legally held guns into the illegal market. Strengthening national gun laws at both national and regional level has become the international norm.² Although laws should be reflective of the national situation in terms of culture, history, and legal traditions, some general principles can nonetheless be identified. Laws governing private possession and use of small arms typically delineate *what uses* of guns are legitimate; *who may or may not own guns*; and *what weapons are deemed appropriate* and legal for civilian possession.³ Standards that have developed around national laws include:

- Owner licensing
- Weapons registration
- Fitness/propriety to own a gun
- Age limits
- Limits on the number of guns and ammunition
- Prohibition of military-style weapons
- Banning the carrying of guns in public

Licence the person and register the gun

One of the key principles of the Firearms Control Act is the dual system of licensing the person and registering the gun. This is a cornerstone of the FCA and must not in any way be compromised. By establishing a system in which every gun is registered to a properly licensed owner, the state creates a system of accountability for legal owners, and registration provides an incentive for them to obey the rules of a licensing system.

Licence the person

A firearm license documents the state's decision that a person has been judged fit and proper to own a firearm, so granting her/him permission to possess the firearm for which the license applies. In a similar way, by granting a code 08 driver's license the state recognises that the holder can competently and responsibly drive a car, though not a motorbike or truck, and grants them permission to drive a sedan car.

Register the gun

Having granted a firearm license, the state keeps a record of who owns what firearms, and how many guns are in their possession. Registration is thus a control system that individually links each firearm to a person who is then responsible for this weapon. Information recorded when registering a firearm includes:

- The make, model, and serial number of that firearm, as well as any other identifying mark the firearm may have

- The calibre of that firearm
- The name and address of the person who has possession of the firearm
- The number of the firearms licence of the person who has possession of the firearm

Registration offers a number of advantages:

Keeps gun owners responsible

Firearm registration links the person to his/her firearm, building a culture of responsible gun ownership. Gun owners are more likely to comply with storage requirements, so reducing the risk of firearm accidents, thefts and loss. They are also more likely to report such losses, knowing that recovered guns can easily be traced back to them.

Reduces the criminal use of guns

By reducing instances of gun theft and loss, registration decreases the number of guns that fall into criminal hands. It also reduces the criminal use of firearms by licensed gun owners, who know that the weapon used in a crime can easily be traced back to them. In addition, licensed gun owners are less inclined to sell or lend their firearms to others, knowing that they will be held accountable for crimes that they did not commit.⁴

Reduces the illegal trade in guns

Gun registration assists the police in cracking down on smuggling as firearms can be traced back to their original source, even in other countries.⁵

Enhances police work

If police know the gun (or even the type of gun) used in a crime, registration provides a starting point for tracing the owner and piecing together the chain of events surrounding the crime.⁶ By linking the owner and firearm, registration also allows the police to **prove** who the legal owner of a firearm is, so assisting them in prosecuting gun theft and illegal possession.

License renewal

The system of renewals is an integral part of the licensing and registration system which makes provision for the legal gun owner to reaffirm his/her responsibility for the firearm registered in his/her name or be given an opportunity to explain why he or she should no longer be accountable for its whereabouts. Such explanations may include a lawful transfer, theft (supported by a police report) or voluntary surrender (supported by evidence).

Firearm license renewal requires that genuine need for the continued ownership of the firearm must be proven again. Once a licence to possess a firearm is granted, permission to own said firearm must not last forever. Imposing a limited duration on a gun license provides for the following:

- regular confirmation that the licensed owner is still qualified to have a firearm
- an incentive for complying with licensing
- an incentive for acquiring a new license when the old license expires.

The underlying rationale for establishing a system of renewals is a recognition that firearm owners' behaviour, attitudes and material and social conditions change over time.

It is of vital importance to ensure the integrity of the firearms licensing system by conducting regular renewals which enable the police to determine if the same conditions exist when the competency certificate and firearms license were first issued. Background checks, safe inspections, interviewing neighbours and family members are important methods of determining whether or not any individual remains fit and proper to be in the possession of a firearm.

In order for the information recorded at the CFR to be useful, it has to remain accurate. The system of renewals is critical therefore in making sure that information on firearm imports, exports, sales and transfers remains current.

The state has the responsibility of ensuring the safety of its citizens. Relinquishing the power to decide whether a person remains fit and proper to own a firearm is a great threat to this safety. Any amendments therefore which alter the principle of the renewals system will ultimately undermine the effective implementation of the law and its desired impact of reducing the flow of weapons in South Africa.

¹ This briefing is based on work by Claire Taylor, author of the GFSa briefing documents from 1999 until 2002.

² Based on Buchanan, C and M. Widmer (2006). "Civilians, guns and peace-building: approaches, norms and possibilities." (Unpublished paper).

³ Based on Zimring, F (1991). 'Firearms, violence and public policy', *Scientific American*, November, pp. 24-30

⁴ Peters, R (1997). "Rational Firearm Regulation", *Submission to the Review of Firearms Control in New Zealand*. Sydney: National Coalition for Gun Control, p 23.

⁵ Canadians Against Violence Everywhere Advocating Its Termination (CAVEAT), *Reality Check*, Canada quoted in Gun Free South Africa (n.d.) "What Are Competency Certificates, Firearm Licences, Registration and Licence Renewals." *Firearm Control Briefing 38*. Johannesburg: Gun Free South Africa.

⁶ Peters, R (1997), op. cit.