

**FIREARMS IN SOUTH AFRICA**

by

**JOHAN ANDRIES CHRISTOFFEL PRETORIUS**

**Dissertation**

**submitted in fulfilment of the requirements**

**for a Master's degree in Technology**

in

**BUSINESS ADMINISTRATION**

at

**THE DURBAN UNIVERSITY OF TECHNOLOGY**

**Durban  
November 2008**

**Supervisor  
Dr Marie de Beer**

## **Declaration**

I, Johan Andries Christoffel Pretorius, herewith declare that this research report is my own unaided work. It is submitted in fulfilment of the requirements for the Master's degree in Technology in Business Administration at the Durban University of Technology. It has not been submitted before for any other degree or examination at any other university.

---

Johan Pretorius

November 2008

## **Acknowledgements**

I would like to thank the following people who assisted me in completing this M Tech Business Administration.

To my parents, especially my mother, for the support from the beginning.

To my brother Roelof and sister Mollie for their support and encouragement.

To my syndicate group:

- Susan Visser, for always being prepared to help and support.
- Tony Lanner, for the long hours reading and for the advice given.
- Johan Moerdyk, for the friendship that grew with this course.
- J.J. du Plessis, for highlighting the funny side of the course.

To my friends for their support and especially to Reinettes who helped me with the typing at the most ridiculous hours.

Importantly to God who gave me the courage and determination to finish this degree.

Thank you all.

## Table of Contents

Chapter and Title	Page No
<b>FIREARMS IN SOUTH AFRICA .....</b>	<b>1</b>
1.1 BACKGROUND .....	1
1.2 MAIN RESEARCH OBJECTIVE .....	2
1.3 SUB OBJECTIVES .....	3
1.4 DEFINING CONCEPTS .....	3
1.5 LIMITATIONS.....	4
1.5.1 <i>International legislation</i> .....	4
1.5.2 <i>South African legislation</i> .....	4
1.5.3 <i>Population from Gauteng Province</i> .....	4
1.6 RESEARCH DESIGN .....	5
1.7 SCOPE.....	6
1.8 ASSUMPTIONS.....	6
1.9 STRUCTURE OF THIS RESEARCH .....	6
1.10 CONCLUSION.....	7
<b>GLOBAL VIEW OF FIREARM LEGISLATION .....</b>	<b>8</b>
2.1 INTRODUCTION .....	8
2.2 WORLD COUNTRIES .....	8
2.3 THE AMERICAS .....	11
2.3.1 <i>Canada</i> .....	11
2.3.2 <i>United States of America</i> .....	13
2.3.3 <i>Brazil</i> .....	14
2.4 EUROPE.....	15
2.4.1 <i>United Kingdom</i> .....	15
2.4.2 <i>Austria</i> .....	16
2.4.3 <i>Germany</i> .....	16
2.4.4 <i>Switzerland</i> .....	17
2.4.5 <i>Norway</i> .....	17
2.5 EASTERN COUNTRIES .....	19
2.5.1 <i>Japan</i> .....	19
2.5.2 <i>China</i> .....	20
2.5.3 <i>Singapore</i> .....	20
2.5.4 <i>Australia</i> .....	20
2.5.5 <i>New Zealand</i> .....	22
2.6 AFRICAN COUNTRIES.....	22
2.7 SOUTHERN AFRICAN DEVELOPED COUNTRIES .....	23
2.8 SOUTH AFRICAN LEGISLATION .....	24
2.8.1 <i>Private firearm owner</i> .....	24
2.8.2 <i>Special firearm owners</i> .....	27
2.8.3 <i>Transition period</i> .....	29
2.8.4 <i>Crime and firearms</i> .....	31
2.8.5 <i>Firearm Free South Africa</i> .....	36
2.9 CONCLUSION.....	42
<b>LITERATURE REVIEW .....</b>	<b>43</b>
3.1 INTRODUCTION .....	43
3.2 BACKGROUND .....	43
3.3 ECONOMICAL EFFECT OF SOUTH AFRICAN LEGISLATION .....	45
3.4 ECONOMICAL EFFECT OF THE RESTRICTIONS .....	46
3.5 ECONOMICAL IMPACT OF RE-LICENSING A FIREARM .....	48
3.6 EFFECT ON THE FIREARM BUSINESS ENVIRONMENT .....	49
3.6.1 <i>Political</i> .....	49

3.6.2	<i>Economical</i> .....	49
3.6.3	<i>Social</i> .....	50
3.6.4	<i>Technology</i> .....	50
3.6.5	<i>Ecological</i> .....	50
3.7	CONCLUSION.....	51
<b>METHODOLOGY AND RESEARCH DESIGN .....</b>		<b>52</b>
4.1	INTRODUCTION .....	52
4.2	RESEARCH DESIGN .....	52
4.2.1	<i>Target population</i> .....	52
4.2.2	<i>Sample</i> .....	53
4.3	DATA COLLECTION .....	53
4.3.1	<i>The legislation applicable to a dealer / hunter with firearms</i> .....	55
4.3.2	<i>The restrictions on the number of firearms</i> .....	57
4.3.3	<i>The impact of the cost involved for re-licensing a firearm</i> .....	58
4.3.4	<i>The firearm business environment</i> .....	59
4.4	CONCLUSION.....	63
<b>ANALYSIS OF RESEARCH DATA .....</b>		<b>64</b>
5.1	INTRODUCTION .....	64
5.2	RESEARCH RESULTS OF QUESTIONNAIRE.....	65
5.2.1	<i>The legislation on a dealer / hunter with firearms</i> .....	65
5.2.2	<i>The restrictions on the number of firearms</i> .....	67
5.2.3	<i>The impact of the cost involved for re-licensing of a firearm</i> .....	69
5.2.4	<i>The firearm business environment</i> .....	72
5.3	CONCLUSION.....	77
<b>INTERPRETATION .....</b>		<b>79</b>
6.1	INTRODUCTION .....	79
6.2	EFFECT OF THE LEGISLATION ON A DEALER AND HUNTER.....	79
6.3	RESTRICTIONS ON THE NUMBER OF FIREARMS .....	80
6.4	THE COST INVOLVED FOR RE-LICENSING A FIREARM .....	81
6.5	THE FIREARM BUSINESS ENVIRONMENT.....	81
6.5.1	<i>Political</i> .....	81
6.5.2	<i>Economical</i> .....	82
6.5.3	<i>Social</i> .....	82
6.5.4	<i>Technological</i> .....	83
6.5.5	<i>Ecological</i> .....	83
6.6	COMPARISON .....	83
6.6.1	<i>Age restriction</i> .....	84
6.6.2	<i>Restrictions on possessing a firearm</i> .....	84
6.6.3	<i>Stealing of firearms</i> .....	85
6.6.4	<i>Total intentional gun death rate</i> .....	85
6.6.5	<i>Homicides and suicides</i> .....	86
6.6.6	<i>Self defence</i> .....	87
6.7	CONCLUSION.....	87
<b>CONCLUSION.....</b>		<b>89</b>
7.1	INTRODUCTION .....	89
7.2	RESEARCH METHOD.....	89
7.3	MAIN RESEARCH OBJECTIVE .....	90
7.3.1	<i>Economical effect of the legislation</i> .....	90
7.3.2	<i>The restrictions on the number of firearms</i> .....	90
7.3.3	<i>The re-licensing cost involved</i> .....	91
7.3.4	<i>Firearm business environment</i> .....	91
7.3.5	<i>Comparison of firearm regulations between countries</i> .....	93
7.3.6	<i>Recommendations</i> .....	94

7.4	FUTURE STUDY.....	97
7.5	SUMMARY.....	97
<b>APPENDIX A.....</b>		<b>A1</b>
	FIREARMS CONTROL BILL .....	A1
<b>APPENDIX B.....</b>		<b>B1</b>
<b>APPENDIX C.....</b>		<b>C1</b>
<b>QUESTIONNAIRE .....</b>		<b>C1</b>
<b>APPENDIX D.....</b>		<b>D1</b>
<b>QUESTIONNAIRE RESULTS .....</b>		<b>D1</b>
	DEALERS.....	D1
	PH .....	D3
	PUBLIC.....	D5

## Table of Tables

<b>Table and Title</b>	<b>Page No</b>
Table 2.1: International Firearms Regulations, Access and Deaths in High -income Countries .....	10
Table 2.2: Type of firearm stolen.....	26
Table 2.3: Numbers of crimes involving firearms from 1994 to 1998 .....	32
Table 2.4: Murder with firearms - Types of firearms used (1998) .....	33
Table 2.5: Numbers of murders with firearms 1994 – 1998.....	34
Table 2.6: Cost of implementing the Firearms Control Bill.....	40
Table 2.7: Medical Costs Incurred .....	40
Table 3.1: Licenses held by individuals .....	47
Table 5.1: Option to license a firearm.....	66
Table 5.2: Number of options to get rid of firearms .....	67
Table 5.3: Financial effect .....	68
Table 5.4: Firearms supposedly reported as stolen .....	69
Table 5.5: Legal and regulatory parameters .....	73
Table 5.6: Rand / Dollar Exchange Rate .....	75
Table 6.1: International gun death rate.....	85
Table 6.2: Homicides and Suicides .....	86
Table B.1: International Firearms Regulations, Access and Deaths in High Income Countries .....	B1

## Table of Figures

<b>Figure and Title</b>	<b>Page No</b>
Figure 2.1: Types of firearms.....	33
Figure 5.1: Research data .....	65

# **CHAPTER ONE**

## **FIREARMS IN SOUTH AFRICA**

### **1.1 BACKGROUND**

Since the days of our Voortrekker forebears, firearms have played a prominent role in our lives. To this day many South Africans possess rifles, of which a large number are unlicensed.

Weapons have been used for centuries and in the beginning it started off with black powder propellant that can still be used in firearms today. Rifles are being used to protect citizens and countries from foreign attacks. Individuals also use these firearms to kill game for survival. As a result of technology, weapons have changed over the years. The manufacturing of sophisticated equipment such as riflescopes, compact range finders, spotting scopes and binoculars are used to improve the effectiveness of a firearm. Today firearms are used in different situations: hunting, and various target shooting principles as well as for protection purposes. For businesses certain firearms, namely handguns, shotguns and semi-automatic rifles, are used for protection. All these weapons are used by the Police and Military Services of a country.

The world trend with regard to firearms has changed. This trend also has an effect on a country's economic sphere. South Africa did not go unnoticed. Currently South Africa is in the process of changing its firearm legislation. The Firearms Control Act 60 of 2000 promulgated in 2001 (Government Gazette No 22214, dated 10 April 2001), replaced the Arms and Ammunition Act, Act 75 of 1969. This new Act will affect all legal and illegal firearm owners.

It is the responsibility of the government and, in particular, the South African Police Service, to control all aspects relating to the possession and use of firearms. Various organisations and people involved in weapons contributed to the promulgation of the new Act. It is now the responsibility, not only of the government, but also of all



respected firearm owners, to help enforce the Act, as it is in the interest of all law-abiding firearm and non-firearm owners of a country. In terms of the new Act there will be more support for authorities to use stricter control measures. In South Africa, like elsewhere, there are firearm-friendly and firearm-averse organisations. For the firearm lover there are organisations such as the South African Hunters and Wildlife Conservation Association, the South African Sport Shooters Association, the South African Dealers Association, the South African Arms and Ammunition Collectors Association and the South African Gun-owners Association. There are also state owned firearms, and firearms for business use.

It came as no surprise that the Firearms Act had to be reviewed, as weapons play a major role in the incidence of crime in South Africa. Law-abiding citizens, who do not own firearms, are not affected by the new Act, as they see weapons as dangerous. However, for the law-abiding firearm owner and business person making a living out of firearms, the situation has changed. It is up to the owner to adapt to the requirements of this new Act.

Firearm-averse organisations include the “Gun Free South Africa” group, who wants to ban all firearms.

## **1.2 MAIN RESEARCH OBJECTIVE**

The purpose of this research is to compare the firearm legislation between South Africa and selected countries and to determine if multiple firearm owners and firearm dealers are affected in terms of economics, and changes to their business environment by the new Firearms Act, 60 of 2000.

### **1.3 SUB-OBJECTIVES**

The sub-objectives of this study are as follows:

- To compare firearm regulations between countries that were affected by access to firearms and deaths as a result thereof;
- To evaluate the economic effect of the legislation on a firearm dealer/dedicated hunter/dedicated sportsman/collector of firearms;
- To evaluate the economic effect of the restrictions on the number of firearms an owner may legally possess;
- To evaluate the economic impact of the cost involved for re-licensing a firearm;
- To establish how the firearm business environment is affected according to the political, economic, social, technological and ecological influences on business strategies.

### **1.4 DEFINING CONCEPTS**

In this research only certain concepts of the Firearms Control Act are used for clarity purposes. The concepts used give a clear meaning of what the Act implies, thus insofar it concerns the relation between the professional/dedicated hunter and firearm dealer and the Act. Chapter One of the Firearms Control Act, Act 60 of 2000, supplies a list of the definitions applicable in the context of the Act and which is used for this research.

For more detailed information regarding the Firearm Control Act, Act 60 of 2000, see Appendix A.

## **1.5 LIMITATIONS**

### **1.5.1 International legislation**

It is a difficult procedure to do a survey of this kind among world countries, as there are major barriers to contend with, such as languages and constitutional differences in the politics of each country. Only certain countries, where information could be retrieved, were used in the comparison with each other. In this research world countries are used and the information is divided into four categories; America, Europe, Eastern countries and Africa.

Limitation in this research relates to the amount of data involved if firearm laws the world over had been used. It would be a mammoth a task to include information on firearm legislation of the whole world and South Africa.

### **1.5.2 South African legislation**

The new Firearms Control Act, 60 of 2000, will affect the law-abiding firearm owner and firearm dealer in terms of the financial costs involved for possessing firearms, as well as the legal quantity allowed. It is futile to discuss the Firearms Act in detail, therefore only the relevant sections regarding the possession of more than four firearms will be discussed.

### **1.5.3 Population from Gauteng**

The questionnaire information used in this research was collected in Gauteng, where most firearms are found and where approximately a third of the firearm dealers throughout South Africa are found. Gauteng is also the place where most of the firearm organisations are found. Travelling around Gauteng is time-consuming, the cost of fuel is high and the time to present the questionnaire to the relevant organisations/ firearm dealers (dealers) and professional/dedicated hunter (hunters) is

limited. For this reason the population used does not apply to the whole of South Africa. Some of the firearm dealers did not want to complete the questionnaire as their business was personal. It is currently difficult to get updated information from the South African Police Service regarding statistics on the consequences of the Firearms Act and firearm-related crime. No addresses of firearm dealers are provided by SAPS. This might be for security reasons to combat possible crime at dealer premises. A few known dealers were approached and they were able to provide the contact details of other dealers not known.

## **1.6 RESEARCH DESIGN**

The research was done by means of a questionnaire and the following firearm businesses, professional / dedicated hunter organisations and the public were approached:

- Thirty firearm dealers and professional/dedicated hunters around Gauteng
- South African Hunters and Wildlife Conservation Association,
- South African Sport Shooters Association,
- South African Arms and Ammunition Collectors Association,
- South African Gun-owners Association, and
- Gun Free South Africa and the general public assisted with their points of view.

The research was a combination of a qualitative and quantitative approach. The use of this multi-method approach ensures that the data provides the correct conclusions. It is important that the researcher's findings are credible.

## **1.7 SCOPE**

The research does not include firearm owners with hand weapons or individuals with fewer than four firearms. It also excludes South African Police Service and South African Defence Force weapons, as these are not usually provided to the public.

## **1.8 ASSUMPTIONS**

There was always the risk that the general public, which formed part of the research sample, had no knowledge of the firearm law. Thus it could be assumed that some respondents of the public did and some did not know what the firearm legislation entailed.

## **1.9 STRUCTURE OF THIS RESEARCH**

The first chapter establishes the framework for the research and outlines the purpose thereof. The chapter outlines the proposed research design and explains the specific objectives and sub-objectives. The scope of the study is defined and the relevance of the research emphasised. The limitations are also mentioned.

Chapter two of the research consists of information, which provides data of firearm legislation around the globe and in South Africa. The material discussed in these chapters supports the decision or reason for countries that have changed their firearm legislation. This data is cited as evidence of theoretical studies of this or a similar nature, which substantiates the questions posed in this study regarding firearm legislation.

Chapter three investigates the economic effect of the South African legislation. The firearm legislation lays down restrictions on owning a firearm and the economic effect of re-licensing a firearm.

Chapter four provides an in-depth discussion of the methodology employed to conduct the research – detailing the objectives and sub-objectives of the study and explaining how the information required achieved the goal. It further explains the study type, target population and sample size selection, questionnaire design, data collection and interviewing procedures.

Chapter five sets out the findings of the research undertaken by the methods described in chapter four. It presents the facts uncovered by the research.

Chapter six shows how analysis of the data delivers results, which can be interpreted to produce findings of the study as a whole.

Chapter seven summarises and presents the conclusions, which can be drawn from the findings summarised in chapter five and the analysis and interpretation in chapter six. Recommendations are made regarding areas for further study developing from this research.

## **1.10 CONCLUSION**

The aim of this research is to establish if there is an effect on the dealers and hunters in the firearm industry in South Africa with the advent of the Firearms Control Act 60 of 2000.

The world trend changed firearm legislation world-wide and South Africa followed. In the following chapter the global and South African issue is discussed with some of the arguments on why the firearm legislation had to change.

## **CHAPTER TWO**

### **GLOBAL VIEW OF FIREARM LEGISLATION**

#### **2.1 INTRODUCTION**

Ownership of firearms for hunting, target-shooting and personal defence is under attack throughout the world. Leading the anti-gun movement is Japan, which financed a United Nations study into comparative levels of gun ownership and gun crime in a large number of countries. Private ownership of firearms is effectively banned, yet organised criminals are heavily armed. The Canadian government has also been at the forefront of gun control efforts, both internally and at the United Nations. Globally countries are changing firearm legislation or have done so recently (Cukier, Sarkar, and Quigley, 2002:4).

This chapter discusses some of these countries and their legislation – how and what caused these countries to change their legislation. Economically speaking, how much did it cost these countries to successfully control privately owned firearms? In the wake of mass killings the United Kingdom, Australia and Canada have passed new gun legislation. Comparison is made between a few countries where they have recently changed their firearm legislation. The South African firearm situation is also discussed.

#### **2.2 WORLD COUNTRIES**

The United Nations considered its study to be exploratory in nature and determined that a series of questions on each topic would be appropriate. In the survey only 13 countries (excluding all African countries) are used (Table 2.1). The countries used in the survey are divided into four categories: The Americas, Europe, Eastern countries and African countries. This information illustrates the position of the different countries under the following headings (Table 2.1):

- Licensing of owners
- Registration of firearms
- Other (means of control)
- Households with firearms (given as a percentage)
- Gun homicide (given as a decimal total per one hundred thousand people)
- Gun suicide (given as a decimal total per one hundred thousand people)
- Total intentional gun death (rate per one hundred thousand people)

For more detailed information about the survey describing the countries involved, see Appendix B.

In most countries around the world the person who owns the firearm has to be licensed according to that country's legislation. It is also required that firearms are registered in most countries. However, in Austria, Canada, New Zealand and some states in the United States of America only handguns need to be registered.

With "Other" it is more clearly stated what legislation allows in that specific country. In Singapore most handguns and rifles are prohibited, whereas in Austria only certain handguns and rifles are prohibited. England, Wales and Scotland prohibit all handguns.

The heading "Households with firearms" was used to discuss the percentage of households with weapons in the survey. It can be seen that a small percentage of citizens and households own weapons in these countries compared to the total households living in those states. Guns used in homicides have a ratio of one per one hundred thousand people. This is the crime statistic relating to the use of weapons. Then there is the use of guns in suicide cases that is also one per one hundred thousand people. The United Nations then used a "Total International Gun Death rate per one hundred thousand" people in their survey (Cukier *et al.*, 2002:2).



**Table 2.1: : International Firearms Regulations, Access and Deaths in High -income Countries**

Country	Licensing of owners?	Registration of all firearms?	Other	House-holds with firearms (%)	Gun homicide (per 100 000)	Gun suicide (per 100 000)	Total intentional gun death rate per 100 000
Japan	Yes	Yes	Prohibits handguns with few exceptions	0.6	0.03	0.04	0.07
Singapore	Yes	Yes	Most handguns and rifles prohibited	0.01(795 in the country)	0.07	0.17	0.24
England/Wales	Yes	Yes	Prohibits handguns	4.0	0.07	0.33	0.4
Scotland	Yes	Yes	Identical legislation to England and Wales though made separately	4.0	0.19	0.30	0.49
Northern Ireland	Yes	Yes	UK legislation applies except for right to possess or self defence	8.4	3.55	1.18	472
Germany	Yes	Yes		8.9	0.21	1.23	1.44
Austria	Handguns	Handguns	Certain handguns and rifles are prohibited	16-18% est.*	0.42	4.06	4.48
Australia	Yes	In 5 of 8 states until 1977, all states after	Banned semi-automatics unless good reason is shown	16.0	0.56	2.38	2.94
New Zealand	Yes	Handguns only. Proposed reintroducing for long guns		20	0.22	2.45	2.67
Canada	Acquisition only, possession by 2001	Handguns only all guns by 2003	Automatic converted and, and semi-automatic assault weapons and some hand-guns	26	0.60	3.35	3.95
Switzerland	Yes	Yes		27.2	0.46	5.74	6.2
Norway	Yes	Unknown		32	0.36	3.87	4.23
USA	In some states	Handguns in some states	Some weapons in some states	41	6.24	7.23	13.47

Source: Cukier, Sarkar, and Quigley (2002:2)

## 2.3 THE AMERICAS

### 2.3.1 Canada

Canadian legislation requires firearm owners to be licensed, and to register all firearms. Canada's initiatives were very much up to standard with world trends and with emerging international human rights. Canada has relatively strict controls on handguns. Canada's Criminal Law Amendment Acts changed in 1977. The most important change after the law had come into operation was the way in which the firearms were classified. The classifications are the unrestricted weapons, relating to rifles and shotguns, restricted weapons relating primarily to handguns, short barrelled semi-automatics, and grand-fathered prohibited weapons. It also covers prohibited weapons, which are mainly fully automatic firearms and sawn-off shotguns (Cukier *et al.*, 2002:4).

A person has to convince authorities that he/ she requires a firearm permit for use in a lawful occupation, like target-shooting. It would only be granted if the person in question belonged to an approved shooting club, or if the weapons formed part of a collection. Self-protection permits are rarely issued. These applicants have to demonstrate that their lives are in danger and that the police cannot protect them.

The Firearms Officer issues a Firearms Acquisition Certificate (FAC). The age for an application has been increased from 16 to 18 years. In terms of the law it is required that the firearm should be safely stored. It was found that rifles and shotguns were used more often for killing than handguns, but were also recovered more in crime. Consequently the Canadian Association of Chiefs of Police, Canadian Public Health Association, Canadian Bar Association, Canadian Criminal Justice Association, Victims of Violence and other organisations encouraged the government to improve the controls of licensing firearm owners and registering of firearms (Cukier *et al.*, 2002:4).

On 6 December 1989 14 female engineering students at L'Ecole Polytechnique in Montreal were killed. The attacker used a "Ruger Mini 14" assault rifle. This tragedy started the process in Canada to look at the Firearms Act. As a result the Government introduced the Firearms Bill C-17 in 1991. The important change was that semi-automatic military weapons, which could be converted to fully automatic fire, were prohibited. Canada prohibited fully automatic firearms in 1979, semi-automatic firearms that could be converted to fully automatic firearms in 1991 and semi-automatic versions of military firearms in 1995. The new government introduced the Firearms Act, Bill C-68, in 1995. This Act is still in the process of being implemented. However to tighten up the possibility of possessing a semi-automatic military assault weapon, firearms that are not used regularly for hunting can be prohibited by an order of the council. Regulations were also instituted where short-barrelled and small calibre (.25 and .32) handguns with a grandfather clause were banned; all firearm owners were to be licensed by 2001 and all firearms were to be registered by 2003. It was also necessary to produce a firearm licence in order to purchase ammunition (Cukier *et al.*, 2002:5).

Prohibited firearms with "Grandfather clause" came into force on 27 July 1992. Special permits are issued to transport or carry restricted firearms defining where and when the owner is allowed to use them. A "grandfather clause" is defined in Black's Law Dictionary that is used in Canada as "Provision in a new law or regulation exempting those already in or part of the existing system, which is being regulated. An exception to a restriction that allows all those already doing something to continue doing it even if they would be stopped by the new regulation" (Cukier *et al.*, 2002:5).

The law also contains a series of provisions, including the non-derogation clause intended to accommodate aboriginal people's hunting rights. According to the United Nations Survey, about 26 percent of households in Canada have firearms. Canada has a homicide rate of 0.6 per 100 000 people, but their suicide rate is 3.35 per 100 000 people. Thus their total gun death rate is 3.95 per one hundred thousand people (Cukier *et al.*, 2002:2).

In Canada the Supreme Court concluded that the gun control law falls within Parliament's jurisdiction over criminal law. The law in "pith and substance" is directed to enhancing public safety by controlling access to firearms through prohibitions and penalties. In the decision the court also confirmed that licensing couldn't be separated from registration. "The licensing provisions cannot be severed from the rest of the Act. The legislation required every person, who possesses a gun, to be licensed, and further it required guns to be registered. The Firearms Act is both tightly linked to Parliament's goal of promoting safety by reducing the misuse of any and all firearms" (Cukier *et al.*, 2002:5).

### **2.3.2 United States of America**

In the United States there is a great degree of decentralisation and local autonomy in the matter of firearm laws. There are federal laws that have to be adhered to. Each state has its own regulations that only pertain to their residents and/or sales made within the geographical confines of that state. In addition "in some states, but not all, local ordinances exist that restrict, to some degree or other, the sale, possession and/or use of firearms within their jurisdictions" (Scarlati, 2001:36).

The United States of America has the second highest rate of households with firearms, namely 41 percent. Their homicide is 6.24 per 100 000 people. Whereas firearms used in suicides are 7.23 per 100 000 people. The United States of America has a total death rate of 13.47 per 100 000 people (Cukier *et al.*, 2002:8).

Of the countries surveyed, America has the highest death rate. America has more handguns in circulation than the 24 other industrialised countries (included in Table 2.1) combined. In a single year it has been estimated that more than 300,000 firearms have been stolen in the United States fuelling the illicit firearms trade worldwide (Cukier *et al.*, 2002:9).

Firearms regulations in the United States cannot easily be summarised and range widely from state to state. Currently 32 states have no background checks when a

handgun is purchased through a private sale, and 44 states have no background checks when a rifle or shotgun is purchased from a private seller. Some states have no legal minimum age for children when firearms are purchased, though federal legislation sets a minimum age of 18 for the possession of handguns. Only four states have laws requiring firearms to be locked or unloaded. A total of 13 states have passed laws for the protection of the gun industry from being sued by local governments for negligent design or distribution of its products (Cukier *et al.*, 2002:9).

The American President George Washington had the following to say: "Firearms stand next in importance to the Constitution itself. They are the American people's liberty teeth and keystone under independence. To secure peace, security and happiness, the rifle and the pistol are equally indispensable. The very atmosphere of firearms everywhere restrains evil interference; they deserve a place of honour with all that is good" (Welch, 2000c:48).

### **2.3.3 Brazil**

Brazil requires licensing of firearm owners; the applicant has to be at least 21 years old, without a criminal background and has to prove that the firearm can be used properly. The applicant also has to demonstrate technical and physiological abilities necessary for firearm usage. A number of Latin American countries were intensively involved in proposals to strengthen domestic controls (Cukier *et al.*, 2002:10).

## **2.4 EUROPE**

### **2.4.1 United Kingdom**

The United Kingdom has strict controls over firearms, which are among the most restrictive in the Commonwealth and in the European Union. The Firearms Act was passed in 1937 and amended in 1965 and 1968. According to the Act, firearms and ammunition have to be accompanied by a firearms certificate, which can be obtained from the local police. Possession and acquisition of a shotgun requires a shotgun certificate. A Firearms Certificate has to be issued for each firearm and the police have to be satisfied that the application for a rifle or pistol certificate has a valid reason, such as sporting or target-shooting. Self-protection is not considered a valid reason.

The Act further requires certificates to be renewed every three years. After the tragic murder of 16 people in 1987 the new Firearms Act was introduced in 1988. As a result, the governing powers banned 95% of handguns and required that the remainder (.22 calibres) be stored at gun clubs. When the Labour Party took control, they introduced a total ban on handguns accompanied by a buy-back clause (Cukier *et al.*, 2002:6). This buy-back refers to the Government or an interested body supplying funds to pay for legal firearms bought back from the registered owners to reduce legal firearm ownership. Thus, the firearm quantity is reduced so that there are fewer in circulation.

The United Kingdom and Australia have already introduced legislation banning certain weapons and both have embarked on gun buy-back schemes; unfortunately for them neither has worked. An American study has clearly proved that armed citizens effectively ward off 98% of criminal attacks by displaying their weapons and not firing a shot (Welsh, 1999:59).

In England, Wales and Scotland, on average four percent of households possess firearms. In Northern Ireland more than double that percentage of households, 8.4%, possess firearms. Furthermore, in England, Wales and Scotland approximately 0.3

per 100 000 people use firearms in suicides but the rate is as high as 1.18 per 100 000 people in Northern Ireland. Northern Ireland has the highest death rate per 100 000 people, namely 472 (Cukier *et al.*, 2002:2).

#### **2.4.2 Austria**

Austria's gun laws are similar to those of most European countries. There are restrictions on certain categories of firearms, such as fully automatics and pump-action shotguns, and there are requirements for the safe storage of firearms. Firearm ownership is the highest in rural areas where hunting is common. At the same time Austria, along with the United States and South Africa, is one of the few countries, which has relatively permissive laws when it comes to the carrying of handguns for self-protection. While Austrian laws are stricter than laws in Switzerland, they are considerably more permissive than the laws in Germany.

Austria is estimated to have between 16 and 18 percent of households with firearms. Their homicide rate is average when compared to other countries and is 0.42 per 100 000 people; whereas firearms used in suicides are 4.06 per 100 000 people. Austria's death rate of 4.48 is far higher than that of the United Kingdom, Australia and New Zealand (Cukier *et al.*, 2002:3).

#### **2.4.3 Germany**

The tragic Olympic games of 1972, where terrorists attacked civilians, resulted in Germany passing restrictive firearm laws. On 5 September 1972 five Arab terrorists wearing tracksuits climbed a six and a half foot fence surrounding the Olympic village in Munich, Germany. Inside they met another three terrorists that gained entry through credentials. The hostage drama went wrong. Within 24 hours eleven Israelis, five terrorists and a German policeman had died. The terrorists' demands were that 234 Arab prisoners in Israel and two in German jails be released. The

reigning government of Germany did not want the 1972 attack to be repeated (Cukier *et al.*, 2002:8).

According to the United Nations Survey Germany has approximately 8.9% of households with firearms. Their homicide rate is 0.21 and their suicide rate is 1.23 per 100 000 people. Germany has one of the lowest death rates per 100 000 people of the European countries (Cukier *et al.*, 2002:3).

#### **2.4.4 Switzerland**

The responsibility for firearm legislation in Switzerland rested on 26 canton (state) governments. Firearms are strictly regulated; a permit is required for each hunting rifle and to purchase ammunition. Most cantons require additional permits to carry firearms outside one's home.

At 27.2%, Switzerland has one of the highest rates of gun ownership in Europe, although the rate of households with firearms is comparable to that of Canada. Switzerland has a homicide rate of 0.46 per 100 000 people but its suicide rate is the highest of the European countries, namely 5.74 per 100 000 people (Cukier *et al.*, 2002:3).

#### **2.4.5 Norway**

To obtain a firearm in Norway it costs N.Kr.125 (12 Pounds in Great Britain) per application. There is no limit to the number of firearms one may own. The process for an application normally takes between 10 and 14 days but it can take longer. The firearm is registered in the name of the purchaser and a Firearms Permit is issued to the buyer. The firearms permit is valid for the rest of that person's life. No firearm is banned in Norway; however the type of firearm you can own is dictated by the use to which it will be put. For hunting or vermin control any shotgun and any rifle, except military style semi-automatic rifles, can be owned. Any shotgun, rifle or



pistol, appropriate to the type of shooting target, can be owned. To be a collector of any type of firearm, including fully automatics, it is important to note that these collectors must define their area of interest (e.g. interest in German military weapons 1890 to 1945, or Winchester rifles). Then these collectors would be limited to only those rifles as defined as a collector status. The exception is made that members of the Armed Forces are entitled to a permit for any gun except for fully automatic rifles (Walls, 1998: 2).

The minimum age for acquisition is 18 years for rifles and shotguns (16 years with parental consent). The age restriction for pistols is 21 years. To acquire a shotgun or pistol the applicant must have been a member of a pistol club for six months and have passed a gun safety course.

To gain collector status the applicant can collect any type of firearm, it is that person's choice. When the collector exceeds 25 firearms the police have to approve it. This collector must then produce extra security at the residence where the firearms are kept.

The Norwegians sell silencers over the counter, and there is no registration requirement for the possession of a silencer. The use of a silencer is seen as an act of good neighbourliness. A gun for one purpose may be used for other purposes, as long as it is legal; for example a collector could go hunting with one of his rifles, while a hunter could use a shotgun for shooting trap (Walls, 1998: 2). About one adult in eight possesses a registered firearm. The full-bore rifle association has 200 000 members in a country with a population of 4.4 million people. In Norway approximately 32 percent of households possess firearms. Their homicide rate per 100 000 people is 0.36 and their suicide rate is 3.87 for the same quantity of people. Norway has a total death rate of 4.23 per one hundred thousand people (Cukier *et al.*, 2002:3).

Grimstad, the Norwegian Ambassador, commented that the international community has come to recognise that the excessive and destabilising accumulation of illegal

firearm smuggling poses a world-wide threat to peace. There is no method for dealing with this problem single-handedly, thus the solutions are scarce. “We have to have a comprehensive approach and bilateral co-operation is one of the tools.” (Grimstad, 9 July 2001) The trend of countries around the world is to increase regulations on firearm control.

When foreigners visit Norway with guns and ammunition to participate in hunting and/or competitions, a visitor’s permit is issued (Walls, 1998:3).

## **2.5 EASTERN COUNTRIES**

### **2.5.1 Japan**

Japan has a firearms control regime, which is one of the strictest among industrialised countries. After World War II in 1945, the Prohibition Act for Possession of Firearms was passed, banning the possession of firearms unless otherwise permitted for official duty or hunting. The Japanese remain concerned about what they perceive as an escalation in violence, the increasing proportion of firearm incidents involving individuals not associated with organised crime. The country has taken a leadership role in international efforts to reduce the illicit trafficking of firearms in the context of both crime and conflict at the United Nations (Cukier *et al.*, 2002: 5).

Japan has the lowest percentage of households that possess firearms, namely 0.6%. Japan's homicide rate is also one of the lowest in the survey, 0.03 per 100 000 persons. They further have the lowest suicide rate per 100 000 people, namely 0.04. Of all the countries mentioned in the survey, Japan has the lowest total gun deaths, namely 0.07 (Cukier *et al.*, 2002:2).

### **2.5.2 China**

China severely restricts civilian possession of firearms but does issue permits to security guards at financial institutions, and also to hunters and target-shooters. China is trying to reduce illicit firearm trafficking by introducing the death penalty for this crime (Cukier *et al.*, 2002:6).

### **2.5.3 Singapore**

In Singapore civilian possession of firearms is prohibited (Cukier *et al.*, 2002:6). Singapore is also among the nations with the lowest gun death rate per 100 000 people, namely 0.24. A mere 795 households or 0.01% possess firearms. The homicide rate of 0.07 and suicide rate of 0.17 make up the total death rate of 0.24 per 100 000 people (Cukier *et al.*, 2002:2).

### **2.5.4 Australia**

Gun legislation in Australia is state-controlled. Prior to 1996 owners were licensed in all the states, but only 5 to 8 Australian states registered firearms. After the murder of 35 people in Tasmania in 1996, representatives of all Australian Governments agreed to the Nationwide Agreement on Firearms, taking on a plan for the regulation of firearms. The legislation had the following in mind: “Registration of all firearms, stronger licensing provisions, proof of genuine reason to own any firearm, a minimum age of 18 years before you can purchase a firearm, a ban on semi-automatic rifles and shotguns, except to farmers who can prove a need and a tax levy of \$500 million dollars was set aside to buy back weapons” (Hanson, 1997:8993).

By August 1997 over 500,000 weapons had been surrendered and \$259.8 million had been paid out. The article, “National Firearms Program Implementation Bill 1997”, had interesting information about what is happening in Australia. Firearms are easily

accessible to residents of Australia. Australia has over 1 million firearms in circulation. The Australians introduced the strategy of buying back privately owned firearms. With this option they spent Aus\$500million. In August 1997, more than 500 000 weapons were handed in, the amount paid out for these weapons was Aus \$259.8 million. "Disarming real abiding Australians is not in the national interest and will do nothing to stop crime" (Hanson, 1997:8993).

The author comments that removing firearms from law-abiding citizens will most likely impact only upon accidents, and in this case there are only about 15 fatalities each year. "This has been a political exercise pure and simple, with no reduction in the amount of firearms in society. On the contrary, for every firearm turned in, approximately 1.7 modern firearms have been purchased with the compensation received. There is also the issue of the number of firearms that have literally gone underground" (Hanson, 1997:2).

"Violence and crime are not proportional to the availability of firearms; they are directly linked to the security and decency of our society. Governments that pretend otherwise are looking to hide the true causes of the situation and escape the responsibility for addressing the real issues and therefore they perpetrate a lie on their people" (Hanson, 1997:8993). The law-abiding citizen would probably not adhere to this request as they paid for their firearms. With a market that falls, due to this project size, the firearm owner will struggle to get a descent price for handing in legal firearms (Hanson, 1997:8993).

In Australia, 16 percent of households have firearms. Australia has a homicide rate of 0.56 per 100 000 people. Their suicide rate is 2.38 per 100 000 people. This gives a total death rate of 2.94 per 100 000 people. Thus the death rate is higher in Australia than the United Kingdom.

### **2.5.5 New Zealand**

New Zealand firearm legislation includes elements common to legislation in Canada, Australia and the United Kingdom. It dates back to the Arms Importation Ordinance of 1845 and the Arms Act of 1920. In 1983 the Arms Act shifted the focus from firearms' registration to licensing firearms' owners. Firearms could only be purchased by those over 16 years of age. The fact that New Zealand discontinued its manual paper-based firearms registration system for long guns in 1983 is a point that had been used by opponents of strict gun control to prove that firearm registration does not work.

New Zealand's Firearm Regulations has the following concepts, namely to have stricter controls on handguns, a buy-back of military-styled semi-automatic weapons and to train shooters with gun handling. Further it aims to have stricter control on the sale of ammunition, limit the size of collections and to register all firearms (Cukier *et al.*, 2002:7).

In New Zealand 20 percent of households have firearms and its homicide rate is 0.22 per 100 000 people. The suicide rate is 2.45 per 100 000 people. This gives a total of 2.67 per 100 000 people. By comparison New Zealand and Australia are close with the same total death rates.

## **2.6 AFRICAN COUNTRIES**

South Africa's domestic firearms legislation is compared to that of nine other Southern African nations, namely Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe.

There are some interesting contrasts. Botswana presently has a total prohibition on issuing handgun licenses to individuals. Namibia's domestic firearm policy (Arms and Ammunition Act of 1996) allows licenses to be issued for up to four firearms, all of which have to be registered. The Lesotho Arms and Ammunition Act of 1999

requires that firearm owners are licensed and registration certificates issued by local police. Rifles were banned in 1999. In Malawi firearms are licensed and issued annually. In Mozambique all firearm owners are to be licensed. Ownership is restricted to three hunting rifles and one handgun per person. It is estimated that there are only 3 000 legal firearm owners in the country. Zambia requires both licensing and registration, and restricts ownership to individuals aged 21 years and older (Cukier *et al.*, 2002:9).

Zimbabwe has strict gun laws and the legal possession of arms and ammunition is very well regulated. However, war veterans were neither disarmed nor prosecuted for not surrendering their assault rifles and other weapons of war, the possession of which is unlawful. It is not unusual for governments to fear a rebellion. They cannot afford to lose power. It is, more often than not, the reason a government institutes firearm controls in the first place. Countries such as China, Nazi-Germany, Cuba, the Soviet Union and numerous Latin American, African and East bloc countries instituted draconian disarmament of their citizens before major changes took place. In China, Nazi Germany and Rwanda millions of people were slaughtered for political reasons, or in support of some evil social engineering project (Welch, 2000c:48).

“It is comparatively easy for an unpopular government, which still enjoys the support of its security forces, to disarm citizens for the sake of dictatorial controls. They even embark on atrocities such as genocide. A disarmed population can also not defend itself against atrocities committed by dissidents, rogue warlords, invaders or disgruntled and uncontrollable security forces” (Welch, 2000c:48).

## **2.7 SOUTHERN AFRICAN DEVELOPED COUNTRIES**

In Botswana between five and six thousand applications are received annually for firearm licenses. Botswana is strict with the issuing of any type of firearm license. There is, however, a total prohibition on the issuing of handgun licences to

individuals. Hunters are also restricted, and only four hundred licenses are issued annually. This is further narrowed down by the type of firearms issued. It means that only two hundred shotguns and two hundred rifles are licensed annually (Gun Free South Africa, 2000 b:1).

In Lesotho firearm certificates must be renewed annually. Through this measure gun owners are controlled and monitored annually after they have obtained a firearm (G.F.S.A, 2000b:1).

Applying for a handgun licence in Tanzania can take a few months before it is authorised. The process starts at the local chairperson of a village. Then it goes to district level, then the regional defence and security committee, before it goes to the national director of criminal investigation who has the final say regarding the issuing of a licence. In Zambia firearm licences must be renewed every three years. To possess a firearm, a firearm owner may not be younger than 21 years (G.F.S.A, 2000b:2).

According to Gun Free South Africa (GFSA), there is evidence that firearms leave South Africa for neighbouring countries. South Africa is a major supplier of illegal firearms to individuals in Lesotho and Mozambique, as these countries do not sell firearms (G.F.S.A, 2000b:2).

## **2.8 SOUTH AFRICAN LEGISLATION**

### **2.8.1 Private firearm owner**

For the private firearm owner, the restrictions on the number of firearms will have an economic effect. If an owner had to get rid of firearms legally or to retain the weapons, what would the financial costs be? What is the firearm owner's duty? It is to understand the viewpoint of the law, as a legitimate firearm owner. One then arrives at two contradicting points. The authority wants to have more control over all firearms in the country. This is not a problem for law-abiding citizens with firearms.

The Government's point is to provide a safer place for the residents of this country with minimum violence. Usually the law-abiding firearm owner takes care of his valuable possessions through safekeeping (Welch, 2000f:71).

However, the right of a child to use a firearm to defend himself, his family or property according to the law has not changed. It means that the child can use the firearm in self-defence with safety in mind. The court will take cognisance of each situation where a firearm was used for self-defence (Welch, 2000f:71).

The new Act will not allow you to lend your rifle to your own son if you are not accompanying him and that applies to any other person. If your son lives with you and he wants to go hunting you must acquire a Section 21 permit or an additional licence for him (Welch, 2000h:32).

The Government stated "Of those who own guns, we must demand that they treat them with utmost responsibility. Gun ownership is a privilege bestowed by the state, and it is not a right." (Anger, 2000:78).

### ***Stolen firearms***

Statistics show that firearms are stolen for different purposes. Reasons for this behaviour are at times unaccountable. Certain firearms are stolen more often than other makes of firearms. Thus would owners fraudulently report these firearms as stolen or not (Welch, 2000f:70)? See Table 2.2.



**Table 2.2: Type of firearm stolen**

<b>TYPE OF FIREARM STOLEN</b>	<b>NUMBER OF FIREARMS</b>	<b>% OF TOTAL</b>
Pistol	347	60.3
Revolver	162	28.2
Rifle	33	5.7
Combination	3	0.5
Machine-gun	2	0.3
Shotgun	20	3.5
Other	5	0.9
Not stated	3	0.5
<b>TOTAL</b>	<b>575</b>	<b>100%</b>

Source: Chetty (2000:46)

This table shows the comparative percentages of the different firearms stolen in Gauteng. Pistols were the most frequently stolen (60.3%, or 347) in the period between 1996 and 1998. Revolvers were the handgun that was stolen second highest, (28.2% or 162) in the same period. Hand weapons contributed to most (88.5% or 509) stolen in the period between 1996 and 1998 in Gauteng. Rifles stolen were far fewer than pistols and revolvers - only 33 (5.7%) over the period between 1996 and 1998. Shotguns comprised only 20 (3.5%) stolen in the period between 1996 and 1998. The other types of firearms comprised thirteen (2.2%) of all the stolen firearms involved in the sample. Thus about eighty percent or four hundred and fifty six more handguns were likely to be stolen than rifles or shotguns (Chetty, 2000:46).

Firearm owners will be regarded as being negligent if they don't have full control over their firearms at all times, or when the firearm is not stored in a safe or strong room when it is not under their direct control. (Welch, 2000f:70). Firearms may be possessed only if they are licensed in the name of the owner. South African Gun-owners Association (SAGA) and various other pro-gun groups recommend that the person, rather than the firearm, is licensed, a recommendation that Parliament did not accept. A separate licence has to be issued in respect of each firearm.

### **2.8.2 Special firearm owners**

The firearm owner must comply with the legislation to own more than the prescribed four firearms. Thus there will be an economic effect for the owner to relinquish a weapon. The Act classifies an antique firearm as any muzzle-loading firearm manufactured before 1 January 1900, or any replica of such firearm (Welch, 2000h:32). A person will not be able to possess both a handgun and a shotgun for self-defence. This means that a person can have either a handgun or a shotgun, which means that neither one of the firearms can be fully-, nor semi-automatic. In this Act a restricted firearm is a semi-automatic rifle, semi-automatic shotgun or any other restricted firearm declared as such by the Minister of Safety and Security, which may be licensed for self-defence. If you can convince the Registrar that a handgun or shotgun will not provide sufficient protection in your particular circumstances, you may possess such a firearm. It is also suggested that a dealer, collector and dedicated hunter pay according to their status for such a licence (Welch, 2000b:33).

Note that South Africa allows the carrying of handguns for self-protection. Presently less than seven percent of firearms belong to privately owned firearm owners (Chetty, 2000: 64).

The Firearms Control Bill defines a "dedicated hunter" as a person who actively participates in hunting activities and who is a member of an accredited hunting association. This distinguishes him from an occasional hunter, who is a person who from time to time participates in hunting activities. The occasional hunter and occasional sport-shooter, according to the Bill, is restricted to the possession of four firearms licenses, which number includes only one self-defence firearm and possibly three other firearms. The occasional hunter, who has a self-defence handgun and a target pistol, may have two hunting firearms: one rifle and one shotgun. These restrictions do not apply to dedicated hunters or dedicated sport-shooters. Any dedicated hunter has to comply with stricter requirements laid down, in that they have to be members of an accredited hunting association and satisfy the Registrar that they are dedicated hunters (Welch, 2000b:38).

The dedicated hunter and/or collector must prove membership of a relevant accredited association. A public collector may possess any type of firearm and ammunition, provided it is licensed. Significantly, both private and public collectors may possess so-called restricted and prohibited firearms. It will, however, be difficult to convince the Registrar of intentions to collect fully automatic firearms. For firearm possession the law stipulates that an owner must renew firearm licences accordingly. A person that applies for a firearm licence for the first time will be issued according to the new Firearms legislation. The licensee will be restricted to provisions, such as the right to possess a firearm for self-defence that will terminate after five years.

Any other firearm that does not require a special licence also has a five-year licensing period. To possess a restricted firearm for self-defence will terminate after two years. For the possession of firearms where an occasional hunter, collector and/or sport-shooter are issued with a licence the termination period is ten years. The dedicated and private collector has the same period before the licence will expire. After the said period the firearm owner has to re-apply for the required licence (Greenwood, 2001:20).

### ***Gun Control Alliance***

Gun Free South Africa (GFSA) started their campaign in 1994 to generate a safer and more secure living standard for the nation. The result of the Firearms Control Bill gave Gun Control Alliance (GCA) the opportunity to submit their view on the Bill. GCA supported a number of the provisions, for example, competency certificates, a limit on the number of firearms, licence renewal and firearm-free zones.

GFSA suggests that firearm owners are kept responsible for all their actions regarding firearms. It also suggests a two-phased approach namely to re-license all existing gun owners and the registration of their firearms. GFSA also suggests that no licence should be issued to a person who has been convicted of any crime involving violence. GCA also recommends that the age limit be raised from 18 years

to either 21 or 25 years. Further, it was recommended that all firearms should be sold through a licensed dealer. For the current and prospective owners, it should be regulated to complete prescribed training and tests sessions (G.F.S.A, 2000f:1-3).

By raising the barrier of entry to gun ownership, it is important that it conveys the message that gun ownership is a privilege and not a right. It will also ensure that only competent people will have access to firearms, thus reducing firearms used by criminals. GFSA supports the issue of putting a limit on the number of firearms an individual may possess (G.F.S.A, 2000a:5).

It is necessary that all firearm owners, sport-shooters, hunters and collectors know what the Firearm Act requires of them. The onslaught is against private possession and the use of firearms. There are various groups, which are actively opposed to the right to own and use firearms. The anti-firearm association like “Gun Free South Africa” propagates the removal of all firearms from society, including those firearms possessed by law-abiding citizens. The criminal sees the private owner as a soft target and easy market to disarm citizens of their firearms for use in criminal activities (Welch, 1999:58).

### **2.8.3 Transition period**

The Firearms Control Bill is part of the transition from the Act of 1969 to the Act of 2000. The President has already proclaimed a few sections. “In terms of section 154 of the Firearms Control Act, 2000 (Act 60 of 2000) ... 1 June 2001 [is determined] as the date of which sections 1(ii), (iii), (iv), (vi), (xxiii), 2, 5, 113, 120 (1)(a) and (c), 121, 140 and Schedule 4 came into operation.” These sections are related to the penalties prescribed for a contravention of section 140(2) (Government Gazette No. 22347, dated 1 June 2001).

This, however, does not mean that a person can do what he wants, as there still is a law to be enforced during the transition period. The transition period started on the day of the proclamation, 1 June 2001. Section 1 (ii), states that any licence issued

under the previous Act, remains valid for a period of five years from the date on which the new Act came into operation. There is no certainty as to how long the process will take for the remaining sections to be proclaimed (Government Gazette No 22214, dated 10 April 2001).

Those licensed firearms held by an owner before the start of the transition period, from the current Act to the new Act, have to, after the incorporation of the transition period, dispose thereof accordingly. At present the transition period is five years. Persons will no longer get licences for restricted or prohibited firearms, or for those in excess of the maximum number allowed for self-defence, or for occasional hunters and sportsmen. They would have to dispose of the firearm, and failure to do so may lead to forfeiture without compensation (Greenwood, 2001:20).

In the Firearms Control Act of 2000, provision is made for compensation. Section 137 of the Act states that a person who has surrendered or forfeited a firearm to the State may in certain circumstances apply for compensation. These circumstances obviously exclude instances where the possession of the firearm was illegal. In such an event the firearm licence will be cancelled due to contravention of the law, or when a person is declared unfit to possess a firearm. Firearms received as an heirloom or as a gift, put responsibility on such a person. Such a person will get an opportunity to apply for a licence for that firearm. In the event where no licence is issued, such a person will have the opportunity to dispose thereof according to the legislation. The licence holder is given an opportunity to sell the firearm or to dispose of it.

No compensation will be paid where any firearms, which are surrendered to or seized by the State, are destroyed by the State. Thus in certain instances compensation will be paid. If you do not license your firearms as such, or sell them within the allowed five years after the new Act comes into operation, you allow the state to seize and confiscate your valuable property, without compensation (De Caris, 2001:40).

#### **2.8.4 Crime and firearms**

Crime, and in particular violence, is one of the biggest threats to the human rights of South African citizens. The police have to enforce the law but are unable to effectively protect the country's citizens, because they are understaffed and struggle to retain knowledgeable members. Any law-abiding citizen should be able to defend his life, limb, property and that of his fellow citizen. According to Welch (2000b:39), it is also wrong to restrict a person in terms of the specific kind of defence firearm to use. The prescription of the weapon to be used is not a constitutional right. There are some of those who are opposed to hunting, and argue that hunters do not care about nature conservation. Then the law enforcement would be able to implement the Firearms Control Act with its manpower under these circumstances in South Africa (Welch, 2000b:39).

The ethical hunters come from a very wide spectrum of society. Most of them protect a little every time they hunt. Hunting associations plough vast amounts of money back into nature conservation projects, without expecting or receiving any direct hunting benefit. Not everyone chooses hunting; some grow up with the privilege of being introduced to it by their fathers, or grandfathers and simply haven't had the opportunity to try. "Hunting involves a complete code of ethics, with no witnesses or audience other than the sharp peaks of the mountains, fresh air and the passing animals" (Welch, 2000b:39).

Firearms are used to commit different types of crime. There may be philosophical explanations that have been established through research for this type of behaviour but they will not be discussed. The crime rate in South Africa has increased over the years as a result of the environment in which we live. There are no clear answers to specific incidences that cause crime to escalate in a country like South Africa. See Table 2.3.

**Table 2.3: Numbers of crimes involving firearms from 1994 to 1998**

<b>CRIME</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>
Murder with firearm	11 134	11 056	11 394	11 224	12 298
Attempted murder with firearm	23 682	22 035	22 383	20 933	21 967
Robbery with firearm	-	-	51 004	54 230	74 854
Attempted robbery with firearm	-	-	2 014	4 237	4 703
Theft of firearm (No. of reported cases)	7 285	7 456	9 085	12 141	11 391
Negligent loss of firearm	-	-	4 729	4 964	6 224
Illegal possession of firearm / ammunition	-	-	13 413	13 036	14 554
Negligent handling of firearm	-	-	2 895	3 362	3 384
Firing of firearm in municipal area	-	-	2 791	2 983	3 098
Pointing of firearm	-	-	22 742	23 655	25 375

Source: Chetty (2000:19)

Note that a single case could involve the theft of more than one firearm. Where no data is available, it is because a new Crime Code List was only implemented in 1995 (Chetty, 2000:19).

In 1996, 86 795 crimes were committed with firearms. In 1997, 96 624 crimes were committed with firearms. In 1998, 113 822 crimes were committed with firearms. During the same periods the following statistics relate to firearms being stolen or lost negligently. There is an increase in crime of 27 027 cases between 1996 and 1998. The economy and unemployment can be the biggest factors in this trend. During 1996, 13 814 firearms were stolen or lost. In 1997, 17 105 were stolen or lost. During 1998, 17 615 firearms were stolen or lost. Since 1996 there has been a rapid increase in firearms being stolen or lost. In the same scenario the firearms stolen or lost through negligence increased by 3 801 cases (Chetty, 2000:19).

Up till now hunting rifles have not featured prominently at crime scenes. There have been occasions when the legal possessor of a rifle used one to commit a crime, but such incidents are scarce. The criminal who wants to commit a crime will do so with any means at his disposal. Such a person has no respect for another human being. The criminal will use any weapon to achieve his goal through criminal activities. The way in which the law-abiding firearm owner protects his possessions is irrelevant for the criminal (Welch, 2000b:38).

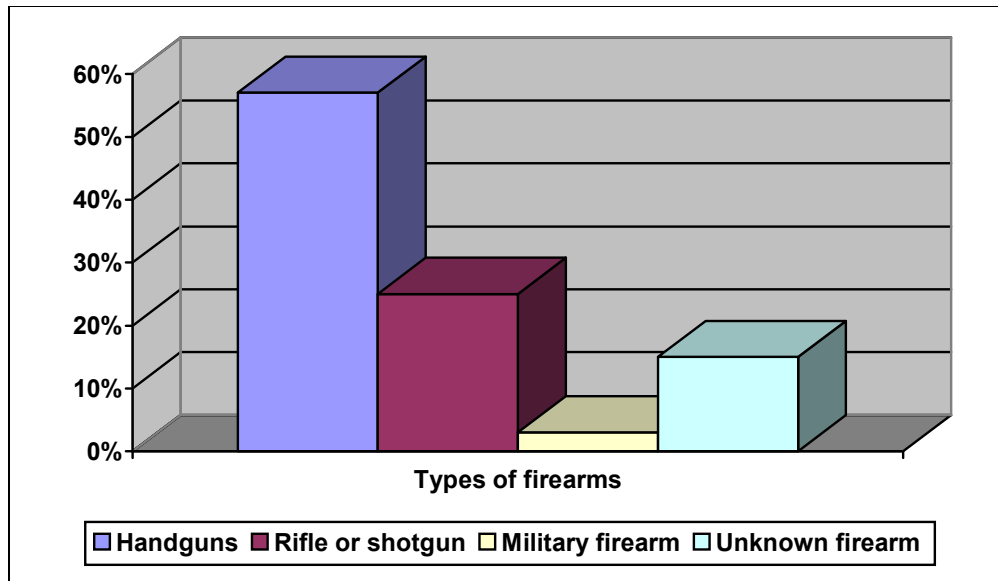
**Table 2.4: Murder with firearms - Types of firearms used (1998)**

<b>TYPES OF FIREARM USED</b>	<b>NUMBER</b>	<b>% OF ALL FIREARMS USED</b>
Handguns (pistols and revolvers)	7 057	57.4
Commercial rifle or shotgun	3 048	24.8
Military firearm	345	2.8
Unknown firearm	1 848	15.0
<b>TOTAL</b>	<b>12 298</b>	<b>100%</b>

Source: Chetty (2000:22)

Table 2.4 and Figure 2.1 illustrate the use of different firearms in murder cases. More than half (57.4%) of all murders were committed with handguns during 1998. Rifles and shotguns were the second most used firearms to commit murder, (24.8%). Military firearms contributed 2.8% usage, which is the least used among firearms in cases of murder. Fifteen percent of unknown firearms were used in murder cases (Chetty, 2000:22).

**Figure 2.1: Types of firearms**



Source: Chetty (2000:21)

The handgun is the most common type of firearm used in murder cases in South Africa. Of the murders committed with firearms in South Africa during 1998, 57%



were committed with handguns. In South Africa, the most commonly licensed handgun is the 9mm pistol. The bar chart gives the proportional breakdown of murders with firearms by type of firearm used. Handguns include pistols and revolvers (Chetty, 2000:21).

According to Welch, the South African Gun-owners Association states that no gun or rifle may be left unattended unless a part of the hammer has been removed to prevent the gun from being fired. The South African Gun-owners Association and the Police had meetings about practical problems especially with regard to the control of the illegal distribution of firearms and ammunition. The unavailability of sufficient manpower to effect proper law enforcement is a matter of great concern. In the past decade crime has reached new heights and it is increasing, and with it unemployment is also increasing (Welch, 2000a: 102).

Government decided that radical new firearm legislation was needed. The main rationale for this is said to be that firearms licensed to citizens constitute a serious threat to peace in society. Licensed firearm owners were to blame for the violent crimes. Firearm owners and their firearms had to be strenuously controlled by law (Welch, 2000a:102). See Table 2.5.

**Table 2.5: Numbers of murders with firearms 1994 – 1998**

	1994	1995	1996	1997	1998
Total murders	26 832	26 637	25 782	24 588	24 875
Murder with firearms	11 134	11 056	11 394	11 224	12 298
Firearm murders as a percentage of the total	41.5%	41.5%	44.2%	45.6%	49.4%

Source: Chetty (2000:20)

Firearms have been playing an increasing role in committing murder between 1994 and 1998. In 1998 half of all reported murders in South Africa, 12 298 out of 24 875, were carried out by using firearms (Chetty, 2000:20).

The Goldstone Commission found that the problem was not the law but its enforcement. According to Welch (2000a:103), law enforcement and prosecutions

have deteriorated, corruption has increased, and too many competent officials have left the various services.

According to Welch (2000a:48), it is time we acknowledge that crime is caused by economic desperation and helplessness, unemployment, loss of hope, family breakdown, substance abuse and cultural conflicts, not by firearm ownership.

The South African Police Service destroyed 13 815 confiscated small firearms to the value of R6.8 million in Benoni, Gauteng (Kempen, 2001:22). The Norwegian Government is the source of finance for the South African project to remove illegal firearms from society.

After the original successes the Police Service destroyed a total of 22 787 firearms. These firearms were destroyed as part of the effort by Government to reduce illegal firearms and the reduction of firearm related violence in South Africa. The firearms destroyed were confiscated over a period of three months throughout the country. Commissioner Hlela of the South African Police Service stated “Many firearms are lost or stolen each year. Often negligence or the irresponsible use of firearms by licensed owners is the direct cause of this loss, turning a legal firearm into an illegal one” (Venter, 2002:19).

An article in an Afrikaans newspaper indicated that South Africa has problems with illegal firearms coming into the country from neighbouring countries. Presently these neighbouring countries are struggling with firearms that come from South Africa and are used in crime there (Van der Westhuizen, 2002:11).

The anti-gun groups do not direct their efforts at the criminal but usually at the law-abiding firearm owner who on occasion gets into trouble. Licensed firearm owners have accepted the additional responsibility of always taking extra precautions to ensure the safety, responsible handling and possession of their firearms.

### **2.8.5 Firearm Free South Africa**

In South Africa the “Gun Free South Africa” (GFSA) campaign started during 1994. The trend around the world is to have a safer place in which to live. The result of a democratic election in 1994 was the reason that the campaign, GFSA, began. They aim to generate a safer and secure living standard for the nation. “The idea is to give the citizens a lifestyle that is free from fear and to reduce the number of firearms in our society”. GFSA is a member of the Gun Control Alliance (G.F.S.A, 2000a:1).

GFSA wants to force the Government to be stricter in the handling and the possession of firearm licence renewals by making gun owners responsible for all their actions regarding firearms. Therefore, a Charter for Gun Control was issued to give its view on the Firearms Act that will replace the old Firearms Act of 1969. GFSA states that the old Arms and Ammunitions Act of 1969 does not provide the necessary checks that are sufficient for existing firearm owners. A statement by the Minister of Safety and Security indicating that “the addresses listed with Central Firearm Registry are up to 70% out of order or false” confirmed this statement. GFSA states how important it is to have an updated Central Firearm Registry. With these statistics that are not accurate, it gives false information on the status of the firearms in South Africa.

GFSA suggests a two-phased approach, namely the re-licensing of all existing gun owners and the registration of their firearms (G.F.S.A, 2000e:1). The aim of GFSA is to reduce firearms in society through stricter gun control. The GCA consists of organisations that want to ban firearms in South Africa. The aim of these organisations is to implement an entirely new firearms control act through a Charter for Gun Control.

GFSA sets out to achieve goals by being involved in various activities. There are three main objectives that the organisation is pursuing, namely to campaign for legislative change for stricter gun control; to promote the declaration of gun-free zones in which firearms are unwelcome (the zones are identified places such as businesses, places of worship, government buildings, private homes and cars); and to

undertake research on a variety of topical issues, including the nature of small arms in South Africa, the physical, social and economic costs of gun violence in southern Africa and the gun culture in South Africa (G.F.S.A, 2000a:1).

### ***Re-licensing***

In the submission of the GFSA on the new Firearms Control Bill, a few points are highlighted, namely to set up organisational structures; to establish an Independent Firearms Authority; and to prevent corruption in the system. When the Firearms Authority is privatised, the process will be streamlined and then more policemen will be free to combat crime. This will shorten the time to process information. By maintaining the central firearms database privately and independently, the information will be controlled without unnecessary interference of power organisations. Application procedures are to be set in place for firearm owners. Two references attesting to the applicant's character are required on condition that the person giving the reference has known the applicant for more than 3 years. Partners of firearm licences should give confidential testimony. "The number of women killed by their boyfriends and husbands has increased in Gauteng, particular in the black communities" (G.F.S.A, 2000a:8). Any threat by any means should result in such a person being declared unfit to possess a firearm.

GFSA states that it is the responsibility of the Government to protect all people from violence in South Africa (G.F.S.A, 2000a:8). A person who is declared unfit must be permanently banned from owning a firearm again. Control should be enforced and only one self-defence firearm licence should be issued, thus either a shotgun, which is not fully or semi-automatic, or a handgun which is not fully automatic, or with the Registrar's approval, a restricted firearm. GFSA objects to the free licensing of firearms, as it is a significant source of illegal firearms. Further it will also decrease the pool from which unlicensed firearms are drawn (G.F.S.A, 2000a:9). All firearms must be bought and sold through licensed dealers; the aim is to record and control the process. Every firearm owner must complete the prescribed training and practical tests. GFSA states that training should be implemented over a 5-year period so that all firearm owners could demonstrate their skill in using firearms. Replica toy guns

should be banned, as they pose a danger by mimicking authentic firearms (G.F.S.A, 2000a:3).

With regular license renewals, GFSA argues that gun owners will be kept responsible, which means greater care will be taken and thus firearm accidents will be reduced. GFSA also felt that firearm thefts and losses would be less. It will also reduce illegal trade in guns as recovered firearms can be traced back to the original source from where they come (G.F.S.A, 2000a:5).

GFSA wants firearm-free zones to be implemented immediately after the new Act is passed. This will enhance the safety of children in schools. The Firearms Control Bill clearly aims to reduce illegal firearms in South Africa as well, so as to prevent firearm proliferation (G.F.S.A, 2000a:6).

“The Gun Control Alliance is a network of organisations and individuals that wants stricter control of firearms in South Africa. At present there are more than 200 diverse national, regional and local organisations supporting the Charter of Gun Control.” The GCA demands an entirely new Firearms Control Act. Their two main aims are to control guns and to strictly screen licence holders (G.F.S.A, 2000c:1-2). Thus, no licence should be issued to a person who has been convicted of any crime involving violence. Further, no licence is to be issued to a person younger than 18 years, and no licence for any automatic firearm should be issued. It also means that regular renewal of licences will include inspection of firearms (G.F.S.A, 2000c:1-2).

GFSA wants to raise the barrier for entry when an applicant applies for the possession of a firearm. It is believed that tougher regulation would restrict applications for firearms. Further, GFSA states that applicants should be thoroughly screened to ensure that the person is competent and responsible before he takes such firearm into possession. In 1996, 195 639 firearm licenses were approved and 195 398 in 1997. Thus, the legal firearms increased too freely according to GFSA. They further emphasise that firearms are issued to individuals that are not responsible or competent; hence the emphasis on inadequate screening before

licences are issued (G.F.S.A, 2000d:1).

GFSA proposes that firearm owners should be sent a notice to remind them to renew their firearm licence. With this procedure the firearms should be presented for identification purposes when the licence is renewed. It will also result in the Central Firearm Registry being kept up to date with information. It is also important to keep firearm owners accountable for firearm theft and losses. Further, it will encourage the safe storage of firearms, which will reduce firearm theft and thus licensed firearms will be transferred in a smaller scale to the criminal (G.F.S.A, 2000e:1-2).

According to statistics provided by Control Firearms Register on firearm licenses held by individuals, Table 3.1, GFSA states that only a third of individual firearm owners will be affected by limits on the number of firearms an individual may possess. Thus, according to GFSA less than a third of individual firearm owners may be affected by the Firearms Control Bill while possessing a handgun and a shotgun for self-defence purposes in the current situation (G.F.S.A, 2000g:1-2).

GFSA mentioned that the Bill was set to regulate legally held firearms. It also focuses on removing illegal firearms from society and reducing the proliferation of firearms. The Bill significantly strengthens the power of the police service to combat illegal firearms, through searches, for example (G.F.S.A, 2000h:1).

### ***Cost of firearm legislation***

According to GFSA the Minister of Safety and Security gave a three-year cost implementation plan for the Bill to be executed. Table 2.6 illustrates the cost of implementing the Firearms Control Bill that is provided for the period 2000/01 to 2002/03. It can be accepted that the rand dollar exchange rate will have an impact on the implementation of the new legislation.

**Table 2.6: Cost of implementing the Firearms Control Bill**

<b>Year</b>	<b>2000/01</b>	<b>2001/02</b>	<b>2002/03</b>	<b>Three years 2000-2003</b>
Personnel Expenditure	R22 498 613	R31 002 300	R41 895 000	R95 395 913
Other operational costs	R34 501 387	R50 997 700	R36 105 000	R121 604 087
Total expenditure	R57 million	R82 million	R78 million	R217 million

Source: Gun Free South Africa (2000i:1)

At the time of receiving this information from GFSA, it had not yet been established whether this budget was sufficient. The cost to implement such a major operation can easily be disrupted with the change of the environment. The environmental reasons that could have an effect on the outcome of this Firearms Act are discussed in Chapter five. GFSA also looked at other important factors when they presented their submission on the Firearms Act, one being the extremely high medical costs involved as a result of firearm wounds. A yearly average cannot illustrate the true cost to determine medical costs where patients are treated for gun shot wounds.

Table 2.7 summarises the expenses at three state hospitals for treating gun-injured patients in a one-year period. It shows how the medical cost has increased for gunshot treatment to victims (G.F.S.A, 2000i:2).

**Table 2.7: Medical Costs Incurred**

<b>Hospital</b>	<b>Year for which figures based</b>	<b>Number of gun injured patients</b>	<b>Medical costs (R3 982.00 per patient)</b>	<b>Total costs (R30 628.00 per patient)</b>
Groote Schuur	1993	969	R 3 858 331.00	R29 679 315.00
Chris Hani Baragwanath	1993	2 431	R 9 680 242.00	R74 456 6880.00
Johannesburg General	1998	1 542	R 6 140 244.00	R47 228.376.00
Total		4 942	R19 678 817.00	R151 364 359.00

Source: Gun Free South Africa (2000i:2)

The three hospitals treated 4 942 gun-injured people at a cost of over R150 million in one year. According to GFSA this shows a drastic red light that there is a need to

reduce firearm violence. The cost of human life is not measurable, thus the new Firearms Act is a must to prevent firearms from falling into the wrong hands (G.F.S.A, 2000i:3).

The firearm-related deaths as well as the injuries through shootings increased. This all adds up to high medical costs for treatment. The Groote Schuur Hospital in Cape Town provided information regarding the treatment of 969 firearm-injured patients at the hospital in 1993. It cost the hospital R 858 331.00, which was an average of R3 982.00 per patient. These figures exclude long-term management and rehabilitation of patients (G.F.S.A, 2000i:1).

According to GFSA gun violence has reached epidemic proportions in South Africa. The use of guns accounted for half of all murders in 1998. GFSA believes that the ultimate solution to this widespread gun violence is the abolishment of civilian firearm ownership (G.F.S.A, 2000a:2).

“Gun Free South Africa” wants to give the citizens a lifestyle that is free from fear. Their aim is to reduce the number of firearms in our society. Medical costs incurred through the use of firearms were also examined.

The economical expense of firearm violence cannot be established where lives are lost. The medical treatment is high and gun violence is the cause of loss of investments, negative tourism and the economic state that South Africa is in (G.F.S.A, 2000a:2).

GFSA states that South Africa is moving in the direction of other world countries where stricter gun control measures are implemented. Countries such as Brazil, Cambodia, Switzerland and the United Kingdom have already passed, or are passing, stricter gun legislation. Katharine McKenzie compiled a research project on countries in the Southern Africa Developed Countries region for GFSA. The project showed that South Africa was not on the same standard with the countries in the region (G.F.S.A, 2000a:2).



## **2.9 CONCLUSION**

The trend in countries around the world is in the direction of increasing regulations on firearms control. The United Nations is currently working on a world-wide ban of military assault firearms. England has now instituted a total ban on handguns, in addition to its long-standing licensing and registration requirements for all gun owners and firearms. Australia commenced a national system of registration and licensing along with a buy-back programme to remove now-prohibited firearms from the hands of owners. Canada took measures to strengthen its legislation by introducing a new licensing and registration system in 1995, which is currently in the process of being implemented.

South Africa is following the route of other international countries by changing its firearm legislation. There are new regulations for law-abiding citizens to possess firearms, namely whereby a person and an organisation have to subscribe to be a lawful firearm owner.

By reviewing the information it is possible to get the global view on firearm legislation and how it impacts South Africa. The next chapter is a literature review of the South African situation.

# **CHAPTER THREE**

## **LITERATURE REVIEW**

### **3.1 INTRODUCTION**

The firearm issue across the world, including the South African scenario, regarding firearm regulations has been covered so far. The United Nations Survey consisted of selected countries around the world. The survey touched on topics such as accidents and suicides in which firearms are involved and the status of firearm regulation by the law enforcement authorities of the countries involved.

In this chapter the background of firearms in South Africa, as well as the South African legislation, is given. The law stipulates ground rules for the possession of firearms and what a person has to do to keep firearms legally. It also gives reasons why the committing of crime with weapons was instrumental in changing the old law to the new Firearms Act.

### **3.2 BACKGROUND**

Firearm ownership started after the arrival of Jan van Riebeeck in the Cape of Good Hope in 1652. The settlers introduced the Roman Dutch law to the country. The Dutch governors introduced the first gun control laws in order to control the people. According to Welch (2000a:102) these laws were to protect the settlers and game. As a result the first nature conservation laws were introduced in the country. In 1677 Johann Bax introduced legislation in terms of which it was unlawful to supply guns, gunpowder or lead to Hottentots. In 1688 Simon van der Stel introduced the first safe-keeping legislation.

During the history of South Africa various gun legislation laws have been introduced to accommodate the changes evident in the civilisation. According to Welch

(2000a:102), after the proclamation of the four provinces, gun legislation laws were introduced in these provinces. In Natal, the Orange Free State and the Transvaal, the laws were more stringent regarding the possession of firearms by persons of colour, than in the Cape Province. In terms of the Orange Free State law, burghers had to apply to their resident magistrates to purchase rifles and ammunition. This provision was aimed at preventing the establishment of a militia in the Boer Republics. “It is significant that this provision was in line with the Second Amendment to the American Constitution, which by then was just a century young”.

27 years after the founding of the Union of South Africa, the Arms and Ammunition Act of 1937 was promulgated. At that stage any white person older than 14 years could be issued with a licence to possess a firearm. Non-whites could only apply with the consent of the Minister of Justice (Welch, 2000a:102).

The present Arms and Ammunition Act (No. 75 of 1969) came into operation on 1 February 1972. This Act was changed after the Union of South Africa became the Republic of South Africa. The important difference between the two Acts was the minimum age for possessing a firearm licence. It was raised from 14 to 16 years. The administration of the Act was transferred from the Justice Department to the South African Police. Firearm owners had to apply for the re-licensing of their firearms. It also enabled the Central Firearms Registry to update its records. After the 1994 election, special status licences were introduced for Collectors, Hunters and Sportsmen. Legal requirements for safes and strong rooms were also introduced (Welch, 2000a:102).

The Arms and Ammunition Act of 1969 requires that firearm owners be licensed, and that firearms be registered. It does not restrict in any manner the number of firearms an individual may own. South Africa is one of the few countries that allow the widespread carrying of handguns for self-protection by civilians. The elected government of 1994 announced the introduction of a firearm policy, with the intention of strengthening the current laws for licensing requirements. This policy

would look at the reduction of the number of firearms an individual may possess, and close the loopholes identified in the existing legislation (Cukier *et al.*, 2002:9).

“Gun Free South Africa” wants to give the citizens a lifestyle that is free from fear. Their aim is to reduce the number of firearms in our society. Medical costs incurred through the use of firearms were investigated as they are increasing.

### **3.3 ECONOMIC EFFECT OF SOUTH AFRICAN LEGISLATION**

The effect of the legislation in South Africa changed throughout the century. Every time the legislation changes it has an economic impact on the country. In the South African legal system, public law is that part of the law which regulates the relationship between the state and its citizens. This includes crimes, which the legislature determines to be the so-called statutory crimes. The objective of the new law will change the view that ordinary law-abiding citizens will have on the possession of firearms. Their constitutional freedom to exercise lawful activities might diminish in time. This will result in fewer and fewer entries to the shooting sports, hunting and firearms collecting and in fewer collectors using firearms as an investment commodity. Many people will not be prepared to re-license their firearms, or to participate in sport shooting, hunting or collecting. It will thus become more difficult to apply for firearms. Firearm owners would have to choose how they want to licence a firearm according to the law (Welch, 2000d:24).

The government’s aim is to reduce gun-associated violence in South Africa. They want to make firearms socially unacceptable, except in bona fide cases. They, and GFSA, do not want to allow a culture where firearm ownership is the norm of many citizens. The government wants to reduce the demand for legal firearms and, in so doing, reduce the number of firearms that can be lost or stolen, many of which feed the pool of illegal firearms. "Of those who do own guns we must demand that they treat them with the utmost responsibility. Gun ownership is a privilege bestowed by the state, and it is not a right." One hundred percent of privately owned licensed

guns belong to less than 7% of South Africans. Eighty of these firearms are reported lost or stolen every day. Everybody knows that a gun that falls into criminal hands is used to commit not just one, but also multiple crimes. The government estimates that there are between 500 000 and one million unlicensed firearms in circulation (Anger, 2000:78).

The Minister of Safety and Security recommended a two-tiered licensing system. The two-tiered plan would include firstly that the owner be licensed, and secondly that the firearm be licensed. Welch (2000e:26) states that legislation, which is not enforced or enforceable, is a sheer waste of man-hour time and paper. If the legislation is complex, law-abiding citizens will struggle to follow it. The cost thereof will also be high. To cut the cost the legislation should be user-friendly. “Most citizens, who understand the legislation, will willingly comply with it” (Welch, 2000e:26).

### **3.4 ECONOMIC EFFECT OF THE RESTRICTIONS**

At this stage the firearm owner in South Africa has numerous firearms registered in his name, be it only one firearm or many firearms. What could be the economic effect for a dealer and hunter after legislation changes, and what do they have to do to legally keep their firearms? Would legislation restrict an owner of firearms with regard to the number of firearms they may legally own? Distinction can be made between the types of firearms in their possession. It is also significant that it is not only private individuals who own firearms, but also the Government and other business institutions. There are currently more than two million firearm owners in South Africa.

“Even more individuals will not be able to justify their possession of firearms in excess of the four-gun limit. All those firearms will have to be disposed of, and as the value of second-hand firearms declines, disposal will be very difficult as firearms will flood the market. These firearms will then be forfeited to the state, if they are

not sold or disposed of according to the law. The State will dispose of the firearms without compensation. This will start to happen after the prescribed period of five years. With this Bill it appears that the objective is to eventually disarm all legitimate firearm owners. The Bill is written as a transitional law, thus as time goes by part of this Bill will become the new Act” (Welch, 2000d:24). See Table 3.1.

**Table 3.1: Licenses held by individuals**

	<b>Number of individuals (1999)</b>	<b>Quantity of firearms</b>	<b>Number of firearms</b>
Individuals with	1 365 271	1 firearm each	1 365 271
	662 140	2 or more firearms each	2 231 822
<b>Total individuals</b>	<b>2 027 411</b>		<b>Firearms 3 597 093</b>

Source: Source: Chetty (2000:39)

The information provided at the end of 1999, shows that there is a small percentage of firearms owned by individuals (2 027 411) compared to the total numbers of individuals that can apply for a firearm in South Africa. Almost one third of the individuals have more than two firearm licences. This is 32.7% of the total individuals who own firearms. Individuals who have only one firearm make up two thirds of the total. Thus one third own more than one firearm. The total number of individual licensed holders is 2 027 411. Approximately one third of the owners possess 2 231 822 firearms out a total of 3 597 093 licensed firearms. More than 13 000 individuals possess 10 or more registered firearms. There is thus a small minority that possess more than ten firearms in comparison to individuals with only one firearm (Chetty, 2000:39).

The Bill will affect all firearm owners in various ways, for example the limitation of one handgun for self-defence, as opposed to two or more handguns for self-defence purposes. Further limitations of four guns, which include one firearm for self-defence, and the re-licensing of all firearms are implemented. Then one also have to renew one’s licence while the licence fees currently stand at R120-00 per firearm license (Welch, 2000h:32).

According to Welch (2000g:78), the following aspects in the Firearm Control Act will be detrimental to legal firearm ownership. Gun-free zones refer to places of interest to the public. The author is sceptical that there will not be enough safekeeping facilities at the gun-free zones. Questions to be answered include the safety of one's firearm when it is given in for safekeeping and the matter of responsibility if something goes wrong when the firearm is not in one's possession while it is in safekeeping.

The firearm owner will have to be careful before acquiring any new firearms. There are other factors that are important which will be detrimental for the possession of firearms. These include the numerical limitations, thus the quantity of firearms that one may legally possess. Type limitations, depending on what the firearm will be used for, are essential. In terms of category restrictions, one's motivation to possess the firearm is important. Age restrictions, with regard to the influence on school children participating in sport shooting, are also crucial. Sometimes there is also trouble or difficulty in keeping, possessing and/or acquiring firearms; all applicants must convince the police of their need for a firearm before a firearm license is issued (Welch, 2000g:78).

### **3.5 ECONOMIC IMPACT OF THE RE-LICENSING OF A FIREARM**

The new Firearms Act, Act 60 of 2000, requires that a licence be renewed for a self-defence firearm after a period of 5 years. The licence for a restricted firearm has to be renewed after 2 years. A maximum of 4 licences may be issued to occasional hunters and sportsmen. These are people who, from time to time, participate in hunting or sporting activities and who are not members of an accredited organisation. In the event of a self-defence licence being issued to an occasional hunter or sportsman, only three further licenses may be issued (Welch, 2000h:32).

The lack of effective enforcement is the biggest single problem in our criminal justice system. Added to that is a complex law and a multitude of trivial offences,

which will add nothing towards providing a safe and secure environment for all South Africans as long as crime thrives. (Welch, 2000e:26).

### **3.6 EFFECT ON THE FIREARM BUSINESS ENVIRONMENT**

According to Pearce (1997:62) external environmental factors such as, economic, social, political, technological and ecological (PESTE) powers can influence the direction of an organisation/firm.

#### **3.6.1 Political**

Political factors are defined as “the legal and regulatory parameters within which a firm must operate. Political constraints can be fair-trade decisions, tax programmes, minimum wage legislation, price policies and the environment in which an organisation works” (Pearce, 1997:65). Any business is subjected to political risk at any stage of the business life cycle. It can affect the profit and goals of a particular business, Hill (1998:32). The term political system means that it is the government in power of a country. Thus political factors can have an effect on the firearm industry.

#### **3.6.2 Economic**

Economic factors are defined as “the nature and direction of the economy, which an organisation operates in” (Pearce, 1997:62). The businessman should consider the options that can influence the business; for example, in its strategic planning, how profits can be sustained. Other factors such as the availability of credit, disposable income, workforce (people), interest rates, inflation rates and exchange rates should get the necessary attention during the strategic planning phase. When these trends impact on a business, it is usually more than one factor that causes a change in the economic trend (Pearce, 1997:62).



### **3.6.3 Social**

Every nation has a social structure. Social factors can also influence a business. The ways in which social factors influence an organisation are through beliefs, values, attitudes, opinions and the lifestyle of the persons working in that business. These factors are developed from cultural, ecological, demographic, religious, educational and ethnic conditioning. Thus social factors can change constantly, with the result that the individual's efforts change to satisfy his / her own needs in the process (Pearce, 1997:64).

### **3.6.4 Technology**

Technology can influence the organisation in which it operates, with regard to products, manufacturing and marketing techniques. Technology can have a sudden and dramatic effect on an organisational environment. It actually forces top management to be innovative in the business strategic planning. The business plan should be used to optimise challenges and promising opportunities; otherwise the business will fall behind their competitors in the same industry. Thus there will be no profit for the stagnant business; the doors of such a business might even be closed (Pearce, 1997:55).

### **3.6.5 Ecological**

Ecological factors play a major role in the relationship between business and the ecology. The ecosystem provides life to humans and other living organisms. The earth's life forms are dependent on a well-functioning ecosystem and this can only be realised if the human being takes care of it. The loss of habitat and biodiversity can have an effect on a business, even if it is through a chain reaction (Pearce, 1997:67).

### **3.7 CONCLUSION**

In this chapter the firearm issue globally and in the South African scenario was covered. This included some factors that explain why South Africa changed from the old legislation to the new firearm legislation.

For any business to succeed in the business environment, it will have to keep external and internal factors in mind. Natural causes or human causes can cause external changes to the working environment, and also to the internal working environment. The firearm industry is influenced positively and negatively. On the positive side the firearm dealers can make more profit by selling imported firearms. The other side of the coin is that the cost of importing firearms becomes more expensive as the Rand / Dollar exchange rate increases.

The research design consists of the target population consisting of the private firearm owners who have more than four firearms and the firearm dealers in Gauteng. Further, the organisations/ groups which are surveyed adequately represent Gauteng. It is also the province where approximately 60% of the country's firearms are found (Chetty, 2000:35).

The data was collected from world countries and a comparison was made between them and South Africa with regards to the trend of changing firearm legislation. A questionnaire was the most convenient method to gather the data as there was no time for the respondents to sit down for an interview. The questions consisted of qualitative and quantitative questions in order to obtain a broad perspective on the Firearms Act. It must be reiterated that only certain parts of the Firearms Act was covered. The same questionnaire was distributed among citizens that are not directly involved with firearms to get their view on the Firearms Act.

In the next chapter the content of the questionnaire will be examined.

## **CHAPTER FOUR**

### **METHODOLOGY AND RESEARCH DESIGN**

#### **4.1 INTRODUCTION**

The firearm legislation of selected countries, the economics of owning multiple firearms and the business environment of firearm dealers formed the major part of the literature review.

It appears that little research has been conducted on the outcome of the Firearms Act. Presently owners of legal firearms may possess a number of different types of firearms. This research needs to provide findings for management, “the firearm owner”, and also needs to provide a procedure for solving managerial problems and addressing business issues (Gill and Johnson, 1991) as discussed in Saunders *et al.* (1997:2).

The research design and data collection, which includes the motivation for the individual questions, are covered. The questionnaire was divided into four sections with supporting questions.

#### **4.2 RESEARCH DESIGN**

##### **4.2.1 Target population**

A distinction is made between single-firearm owners and multiple-firearm owners. In South Africa there are 4 544 705 million registered firearms, of which 3 554 336 million belong to privately registered individuals (Chetty, 2000:33). Furthermore, 1 365 271 individuals are single-firearm licensees, compared to 662 140 individuals who possess two or more firearms. There are 554 firearm dealers in South Africa.

#### **4.2.2 Sample**

The Central Firearm Registry stated that there are 171 firearm dealers in Gauteng (Central Firearm Registry, 2004). Data is collected from both organisations/ groups that are involved with firearms and selected firearm dealers in Gauteng. Information about their business strategies and viewpoints is collected to substantiate current trends in the firearms market. A purposeful sample of fifteen organisations and firearm dealers were approached. A further twenty professional and dedicated hunters that use firearms as a business to generate income were also approached. To make it fully representative, thirty-two individuals of the general public were also included in the sample for their views on firearm legislation.

### **4.3 DATA COLLECTION**

#### ***Primary and secondary data***

In this research primary and secondary data are used. Primary data refers to the Firearms Act, Act 75 of 1969, and the information received through the questionnaires. Secondary data refers to the use of books, journals, newspapers and Internet resources.

#### ***Interviews versus questionnaires***

The survey approach refers to “the collection of a large amount of data from a sizable population in the most economically possible way.” This data is normally collected through a questionnaire or interviews, which is easily understood. The data is then compared and conclusions are drawn. These conclusions would then be applied to the whole population, according to the findings of the data, irrespective of whether they are right or wrong (Saunders *et al.*, 1997:76).

Interviews were not possible due to the work commitments of members of organisations, firearm dealers, dedicated hunters, sportsmen, professional hunters and the public. Interviews would take more of their valuable work time and it is

easier to cancel an interview appointment due to work-related issues, whereas a questionnaire could be done whenever they had time. A questionnaire can be answered more accurately as the person can always go back and read the questions again to ensure they were answered to the best of their ability. The researcher should, by sampling specific situations, use that informational data, so that it is clear and understandable for other persons who have to read it (Saunders *et al.*, 1997:145).

The reason for research is to get results, irrespective of whether these results are positive or negative. The purpose of “finding out’ means to describe, explain, understand, criticise or analyse a given situation. Thus it involves groups of people that are specialised or interested in a specific field (Saunders *et al.*, 1997:19). The organisations used were the South African Hunters and Wildlife Conservation Association, the South African Sport Shooters Association, the South African Arms and Ammunition Collectors Association, the South African Gun-owners Association, and Gun Free South Africa. Further firearm dealers, professional hunters, dedicated hunters and sportsman that posses firearms or work with firearms, were used as they supposedly know the legislation. Some of these organisations and individuals use firearms for their business purposes. As this research sample was less than fifty, Mouton (2001:149) suggests that ethnographic research should be used as it provides an in depth description of the study.

Each organisation, firearm dealer and individual was visited in order to hand out the questionnaire. The minority of the prospective respondents had a problem with answering the questionnaire. They were negative about their business but did not give direct reasons as to why they were reluctant to complete the questionnaire. The majority answered the questionnaire as they felt that the new firearms act would cause them problems in doing business with firearms. They see the law negatively as it was against law abiding firearm citizens and the lack of law enforcement.

## ***Questionnaire***

The questionnaire is divided into four main questions with supporting questions. The questions determine whether the cost and legal quantity that the law-abiding firearm owner may own, will affect the respondents (Appendix C).

The questionnaire consists of four main sections, each with supporting questions covering the sub objectives; namely:

- To evaluate the economic effect of the legislation on a dealer/hunter/sportsman/other with firearms.
- To evaluate the economic effect of the restrictions on the number of firearms an owner may legally own.
- To evaluate the economic impact of the cost involved for re-licensing a firearm.
- To establish how the firearm business environment is affected according to the political, economic, social, technological and ecological influences on business strategies.

### **4.3.1 The legislation applicable to a dealer /hunter with firearms**

The main objective for this section is to establish the financial effect of the new legislation on the organisations/dealers/hunters/sportsmen and other firearm owners.

#### ***Standard cost for prescribed training (Q1.1)***

“Should there be a standard cost for the prescribed test on knowledge of the Act, and prescribed training and practical tests regarding the safe and efficient handling of a firearm?”

This refers to the issue of the standard cost for the prescribed test on knowledge of the Act, and prescribed training and practical tests regarding the safe and efficient handling of a firearm?

The reason for this question is to discuss the different cost structures that are in place and the type of training that a person requires.

***Options to choose when licensing a firearm (Q1.2)***

“In terms of licensing the firearm which of the following options would you choose?”

This is to determine which options would be chosen in terms of licensing the firearm.

This gives a person a legal option to licence a firearm under certain conditions.

***Use of firearms as a source of investment (Q1.3)***

“There are people who use firearms as a source of investment, such as the South African Arms and Ammunition Collectors Association (SAAACA), hunters and sportsmen. Under the new Act, would there be any value in using firearms as an investment in South Africa?”

This determines whether there are people who use firearms as a source of investment, such as the Collectors, Hunters and Sportsmen. Under the new Act there is doubt as to whether there would be any value in using firearms as an investment in South Africa.

The purpose of this question is to establish if firearms could still be used as a source of investment under the new Act, seeing that not only Collectors use firearms as an investment.

#### **4.3.2 The restrictions on the number of firearms**

##### ***Reduction of excess of ten (10) firearms (Q2.1)***

“If at present you legally owned in excess of 10 firearms, what would you do if you had to get rid of some of these firearms in order to be a legal owner under the Act?”

There is a restriction on the number of firearms allowed without a specific licence. To acquire more than the restricted four firearms, a person has different options that are available according to the firearm act. Thus it is important to know what a person would do to get rid of his/her firearms if he/she was not going to abide by the firearm legislation.

##### ***If you had to get rid of excess firearms, how would it affect you financially? (Q2.2)***

“If you had to get rid of excess firearms, how would it affect you financially?”

Firearms are used as investment commodities by which a firearm is sold at a profit in another market. Thus the holder of such a rare or interesting firearm could financially profit from the deal. The public is not aware of the firearms law.

##### ***Loss on sale of firearms (Q2.3)***

“If a person has more than the prescribed four firearms when the Act is in place, and he/she is unable to sell the surplus at its full value, he/she may not be prepared to suffer a loss of any kind. Do you think people would fraudulently report these firearms as stolen, rather than declare their existence?”

Firearm owners will not go through the long process of acquiring a new licence. It is therefore an opportunity for some people to fraudulently report these firearms as stolen, rather than declare their existence.

##### ***Fraudulently report as stolen (Q2.4)***

“If “YES”, what percentage of people would fraudulently report these firearms stolen?”



The opinion is asked of law abiding firearm licence holders as to what could happen in this scenario. As the general public does not know the firearm legislation it is interesting to get their views on this question.

#### **4.3.3 The impact of the costs involved in re-licensing a firearm**

##### ***Fixed amount for licences, irrespective of number (Q3.1)***

“If you were registered as a collector or business person, who possessed more than 10 firearms, would you be happy to pay a fixed amount for a licence, irrespective of the number of firearms licensed to you?”

What is the view of firearm owners who have more than the prescribed four firearms, and would these firearm owners pay according to the number of firearms in their possession or not?

##### ***Maximum to fixed amount (Q3.2)***

“Should there be a maximum to this fixed amount?”

The question was asked to determine the willingness of the legal firearm owners toward an amount payable for the number of firearms in their possession.

##### ***Acceptable amount for licences (Q3.3)***

“Please indicate an amount that you think is an acceptable figure for the relevant licence holder, if he/she were a dealer / collector / dedicated hunter / sportsman?”

Suggested amounts for the relevant categories were needed.

##### ***Test on renewal of competency certificate (Q3.4)***

“In terms of the Act, a competency certificate is valid for only five years. Would you be happy to do a test about the law every time you have to renew your competency certificate?”

To do the competency certificate is time-consuming and it costs money to do it over and over again. A competency certificate is currently valid for five years – this means that you have to renew the competency certificate at a premium every five years.

***No test (Q3.5)***

“If your answer is “NO” in 3.4, indicate your reason”

***Uniform amount for re-licensing Q3.6)***

“Do you think a uniform amount should be charged for re-licensing, no matter what accredited institution you belong to?”

The reason for this question was to determine who would impose the relevant costs for competency certificates if there were no regulatory body. Thus, the institutions may ask whatever price they want for a competency certificate. In the absence of a regulatory body it also opens the door for corruption.

***Regulatory body to control costs (Q3.7)***

“Would you suggest that a regulatory body be formed to control the costs involved in the issuing and obtaining of a competency certificate?”

If there are no fixed laws, the institutions may ask whatever price they want which is currently happening in the firearm environment.

**4.3.4 The firearm business environment**

### ***Political influence***

#### ***Influence of legal and regulatory parameters (Q4.1)***

“How do you think the legal and regulatory parameters of the Firearms Act will influence the firearms industry?”

The important information required was to establish if the political influence would have an impact on the firearms business. A few options were given to the respondent to choose from such as, would the business close down, or will it grow or decline? Further, if illegal firearm dealers opened, would the business diversify or would collectors lose asset value?

### ***Economic influence***

#### ***Change of business strategy (Q4.2)***

“Do you think the South African firearms dealer is forced to change his business strategy?”

This question was asked to the firearms industry to get their response about their business and the view of the public regarding their perspective on the issue that the firearms business is forced to change.

#### ***Strategy to keep trading (Q4.3)***

“What strategy did you employ to keep the business doors open?”

If a firearms dealer had to change his business strategy, what would he/she do?

#### ***Effect of exchange rate (Q4.4)***

“Has the Rand/Dollar exchange rate had an effect on business?”

Money is always a factor in business. How did the Rand/Dollar influence the firearm industry, dealer or collector?

### ***Social influence***

#### ***Influence of upbringing on views of firearms (Q4.5)***

“Does a person’s upbringing influence his view on firearms?”

A person’s social upbringing may or may not have an influence on a person’s view about firearms.

### ***Technological influence***

#### ***Equipped to handle rapid changes in technology (Q4.6)***

“Do you think the firearms dealer is equipped to handle the rapid changes in technology?”

The purpose of this question is to determine whether firearm dealers are stagnant or not open to change as a result of technology.

#### ***Keep up with technological changes (Q4.7)***

“In order to keep up with technology, what have you done?”

Normally firearm dealers receive information from their suppliers regarding new technology but they also do self exploration when no information is provided.

### ***Ecological influence***

#### ***Utilisation of scarce resources (Q4.8)***

“Scarce economical resources, (which may soon be exhausted, e.g. wood for the stocks, etc) are utilised in the production of firearms. Can you suggest a method(s) to make the production of firearms more environmentally friendly?”

Here the firearms fraternity had to give their suggestions on how the firearms industry has had an impact on ecological habitats.

### ***Firearms Act***

The last three questions deal with the Firearms Act.

The purpose of these questions is to determine whether respondents believe that the Firearms Act will achieve its objectives.

Does the South African Police Service have the manpower to enforce the Act?

Further, does the South African Police Service have the knowledge to implement the Firearms Control Act, Act 60 of 2000?

### ***Reliability and validity***

Robson (1993: 40) defines a case study in Saunders as the "development of detail intensive knowledge about a single case, or a small number of related cases". This is to gain a rich knowledge about a single subject within a specialized context. Credibility has two meanings attached thereto, and that is reliability and validity. With reliability the outcome of the research should yield the same results on different occasions, and different researchers should make similar observations on different occasions.

Validity relates to whether the findings are really about what they appear to be about (Saunders et al., 1997:81). The research hopes to gain specialized knowledge about a specific subject in a specific context, namely how the Firearms Act will affect the firearm dealer and the individual firearm owner. Thus the questionnaire was used as a means to collect data from the respondents regarding the Firearms Act, which has a direct impact on them. The purpose was not to use organisations or individuals that do not know the firearm legislation.

#### **4.4 CONCLUSION**

Fifteen organisations and firearm dealers, twenty dedicated hunters, sportsman and professional hunters were approached in Gauteng for their views on firearms legislation. Thirty-two individuals from the general public were approached for their views on firearms legislation.

The responses and views of all the respondents will be discussed simultaneously. The responses will determine whether the cost and legal quantity that the law-abiding owner may own, will affect them. Further it will determine if the dealers and hunters (individuals), in terms of their business strategies, are affected by the new Firearms Act.

The South African scenario and, in particular Gauteng, where the questionnaire was distributed, will follow in the next chapter.

# **CHAPTER FIVE**

## **ANALYSIS OF RESEARCH DATA**

### **5.1 INTRODUCTION**

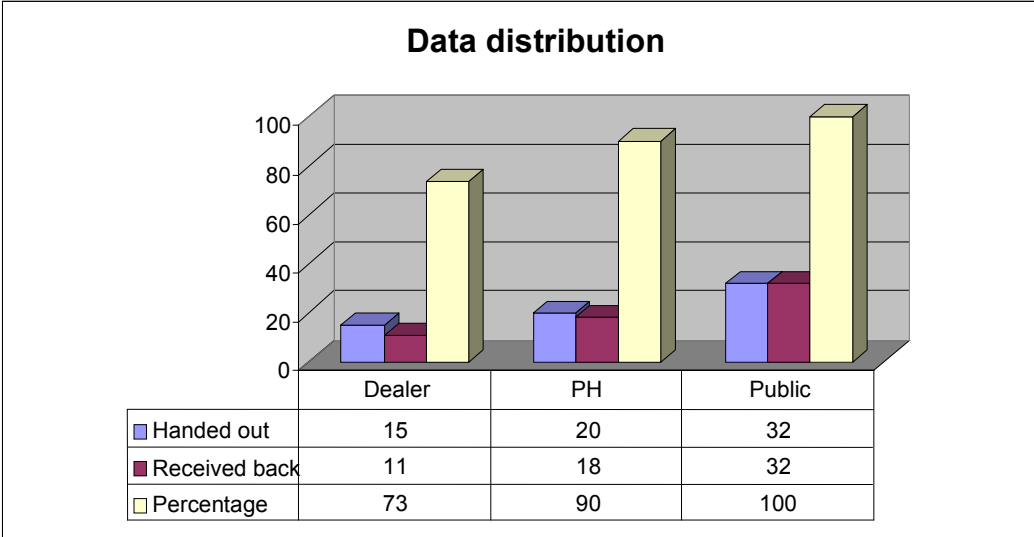
The objective of this research is to determine whether multiple firearm owners or dealers would be economically affected by the Firearms Act, 60 of 2000. The data required for this study was collected by means of the interrogation of dealers, hunters and the public and for this purpose a questionnaire was distributed. The questionnaire was divided into four main objectives. Each of these objectives was further delineated to gather further supporting information.

Organisations and firearm dealers, dedicated hunters, sportsmen and professional hunters were questioned in Gauteng for their views. As a result of the poor response, 32 people from the general public were also questioned for their views. This was done to broaden the scope of the field of study.

This chapter revolves around the outcomes and responses to the various questions in the questionnaire. For ease of reference the responses to these questions will be discussed in the same sequence as the questionnaire.

Most of the dealers (73%), hunters (90%) and all of the public completed and returned the questionnaires. See Figure 5.1.

**Figure 5.1: Research data**



**5.2 RESEARCH RESULTS OF THE QUESTIONNAIRE**

**5.2.1 The legislation in respect of a dealer/hunter with firearms**

*Standard cost (Q1.1)*

The question was asked whether there should be a standard cost to obtain a certificate regarding training and practical tests for a firearm licence.

Most of the respondents, (dealers 73%, hunters 90% and the public 100%) agreed that there should be a standard cost for the prescribed test on knowledge, training, as well as practical tests regarding the safe and efficient handling of a firearm.

A small number of the respondents (dealers 27%, hunters 10%) did not agree that there should be a standard cost for the prescribed test. There was no objection from the public.



### ***Licensing options (Q1.2)***

The respondents were asked to select from a variety of options regarding licensing a firearm. For instance, firearm for self-defence, restricted firearm for self-defence, occasional hunting and sport shooting, dedicated hunting and sport shooting, possession of ammunition in public collection, for business purposes and temporary possession.

From the findings it is clear that the most popular reason for licensing a firearm is for self-defence (25%). This is followed by dedicated hunting and sports shooting (19%) and occasional hunting/sport shooting (18%). On the other end of the scale are licences for collections, private (8%), and public (6%). Only a few respondents indicated that they would want licences for business (9%) and temporary purposes (7%). See Table 5.1.

**Table 5.1: Option to license a firearm**

<b>RESPONDENT OPTIONS</b>	<b>DEALERS</b>	<b>HUNTERS</b>	<b>PUBLIC</b>	<b>TOTAL</b>
Firearm for self-defence	24%	18%	32%	25%
Restricted firearm for self-defence	10%	6%	9%	8%
Occasional hunting/ Sport shooting	20%	18%	17%	18%
Dedicated hunting / Sport shooting	17%	24%	16%	19%
Ammunition in private collection	7%	10%	7%	8%
Firearm, permit to possess ammunition in public collection	5%	8%	5%	6%
Firearm for business purposes	12%	6%	9%	9%
Temporary authorisation	5%	10%	5%	7%
	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

### ***Investment commodity (Q1.3)***

It was further asked if, in their opinion, South African Arms and Ammunition Collectors Association, hunters and sportsmen value firearms as an investment commodity.

Most of the respondents (dealers 82%, hunters 78%) and more than half (56%) of the public felt that there is no investment opportunity for firearms in South Africa.

## 5.2.2 The restrictions on the number of firearms

### *Disposal of firearms (Q2.1)*

“If at present you legally own in excess of 10 firearms, what would you do if you had to get rid of some of these firearms in order to be a legal owner under the Act?”

More than a third of the respondents indicated that they would sell their firearms to a dealer (36%). But contrary to this quite a few (25%) of the respondents felt that they would sell to another person although a few (3%) of the hunters stated that there was no market to sell to. Nevertheless some of the respondents (20%) stated that they would explore other possibilities. One hunter said that he would deactivate his firearms and that he would register them lawfully to enable him to keep them. He further indicated that they would motivate the necessity of those firearms regarding calibre and distance, for example, and indicated that if he, as owner of his firearms, was not granted a licence for the firearms he already possessed, the State would have to compensate for those firearms. The minority of the respondents (9%) suggested that they would either hand over their firearms to SAPS or they (8%) would ignore the law. See Table 5.2.

**Table 5.2: Number of options to get rid of firearms**

<b>RESPONDENT OPTIONS</b>	<b>DEALERS</b>	<b>HUNTERS</b>	<b>PUBLIC</b>	<b>TOTAL</b>
Sell to a dealer	42%	27%	37%	36%
Sell to another person	15%	29%	38%	27%
Hand firearm over to SAPS	11%	7%	10%	9%
Ignore the law	11%	7%	5%	8%
Other	21%	30%	10%	20%
	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

***Financial effect (Q2.2)***

It was further required to determine whether organisations/firearm dealers would be affected financially through the loss of their firearms. A rating was given for the reply to the options, namely “substantially” (3), “A bit” (2) and “Not at all” (1). The dealers, hunters and general public could select any option relating to the investment value of firearms, namely: deduce income, reduce investment value, downsize business, diversify business and close your business.

Nearly two-thirds (62%) said that income would not be reduced but the rest felt that there might be a substantial reduction in income. Even so, half of the respondents (51%) felt that investment value would be reduced.

Whereas a large number (66%) of the respondents felt that businesses would not downsize, not everyone agreed with this and 28% indicated that the businesses would be downsized. There were even some respondents (5%) who felt that business would have to diversify or close but there was not consensus on this and a large number (59%) disagreed. Only 5% of the respondents stated that the business would “A bit” diversify or that the business would close. The majority of the respondents (59%) stated that the business would not have to diversify and stated that the firearm dealers would not have to close their businesses. See Table 5.3.

**Table 5.3: Financial effect**

OPTIONS %	DEALERS			HUNTERS		
	Substantially	A bit	Not at all	Substantially	A bit	Not at all
Reduce income	45	10	45	33	11	56
Reduce inv. value	73	9	18	61	11	28
Downsize business	55	0	45	22	17	61
Diversify business	64	0	36	39	11	50
Close business	45	10	45	39	0	61
OPTIONS %	PUBLIC			TOTAL		
	Substantially	A bit	Not at all	Substantially	A bit	Not at all
Reduce income	9	6	85	29%	9%	62%
Reduce inv. value	19	12	69	51%	11%	38%
Downsize business	6	3	91	28%	7%	66%
Diversify business	6	3	91	36%	5%	59%
Close business	3	3	94	29%	4%	67%

### ***Deny existence (Q2.3)***

The respondents were asked if a person had more than the prescribed four firearms and he / she was unable to sell the surplus at their full value, they might not be prepared to make a loss of any kind. Do they think people would fraudulently report these firearms as stolen rather than declare their existence?

The view of the majority of the respondents, (dealers 73%, hunters 61% and the public 69%) was that people would fraudulently report firearms stolen, rather than declare their existence.

### ***Report as stolen (Q2.4)***

The respondents that had a “YES” answer to the fact that people in their opinion would fraudulently report firearms as stolen, was the majority (dealers 73% and the public 78%). Less than half of the hunters (39%) gave a positive indication that firearms would be fraudulently reported as stolen. See Table 5.4.

**Table 5.4: Firearms supposedly reported as stolen**

<b>RESPONDENT INDICATIONS</b>	<b>DEALERS</b>	<b>HUNTERS</b>	<b>PUBLIC</b>
0 – 25%	13%	42%	36%
26 – 50%	50%	29%	48%
51 – 75%	13%	0%	12%
76 – 100%	0%	29%	4%

## **5.2.3 The impact of the cost involved for the re-licensing of a firearm**

### ***Fixed amount for licence (Q3.1, Q3.2)***

The question was asked that if the respondents were registered as collectors or businesspersons, who possessed more than 10 firearms, would they be happy to pay a fixed amount for a licence, irrespective of the number of firearms licensed to them.

The overwhelming response of the respondents was to pay a fixed amount for a licence, (dealers 91%, hunters 89% and the public 84%), irrespective of the number of firearms owned. But one dealer further indicated that he would preferably pay for a collector's status, rather than pay for each individual firearm.

A further question was whether there should be a maximum to this fixed amount.

It was also the majority view, (dealers 91%, hunters 89% and the public 94%), that there should be a maximum fixed amount (Q3.2).

### ***Value of firearm licence (Q3.3)***

The question was asked what an acceptable figure for this amount would be if the respondent was a: dealer, collector or a dedicated hunter/sportsman?

All the respondents gave Rand values ranging from R0.00 to R1 500.00 for dealers, gunsmiths and collectors. Dealers indicated that one should only pay the amount charged for the annual renewal amount for a dealer and that this amount should also include a gunsmith.

Some of the dealers indicated R500.00 would be acceptable for a 10-year period for a firearm licence. They also suggested the same amount for five years for a handgun licence. The rand value ranged from R20.00 up to R1500.00 payable for a dedicated hunter / sportsman.

### ***Competency certificate (Q3.4)***

In terms of the Act a competency certificate is valid for only 5 years. The respondents were asked if they would be happy to do a test about the law every time they had to renew their competency certificate.

The majority of the respondents stated that they did not want to be tested every time they went for a competency certificate, with only a few of the respondents indicating a willingness to be tested every time they renewed their competency certificate.

***Negative reply (Q3.5)***

In the case of “NO” answers in 3.4, the respondents were asked to indicate a reason. Namely: “cost too high”, “inconvenient”, “insult to my ability” and “other”.

Some of the respondents insisted that the cost for a competency certificate was too high and that it was an insult to them to be tested for a competency certificate. They also indicated that it was inconvenient to apply for a competency certificate and that it was time-consuming to do so.

Dealers were of the view that a competency certificate from POSLETSETA, the governing body, should be valid for life, on condition that you stay in touch with the law. They also stated that an open-book test tests only the ability to read and write but not a person’s ability to handle a firearm. Because it is a state requirement, the state should therefore pay for the certificate, or alternatively the competency certificate should be issued free of charge. One respondent claims that South African citizens pay large amounts in taxes and therefore the government will levy big amounts through the five-year cycle if you have to renew the competency certificate.

Of the respondents, hunters and the public said that it was an insult to them to be tested for a competency certificate. They gave other reasons such as the competency certificate issued by SAPS was valid for five years, thus it had to be renewed every five years and you had to pay for it.

***Re-licensing (Q3.6)***

The respondents were asked if they thought a uniform amount should be charged for re-licensing, no matter what accredited institution they belonged to.

Most dealers (73%), hunters (67%) and the public (84%) supported the idea that a uniform amount be charged for re-licensing a firearm.

### ***Regulatory body (Q3.7)***

The respondents were asked whether they would suggest that a regulatory body be formed to control the costs involved in the issuing and obtaining of a competency certificate.

The respondents overwhelmingly indicated that there should be a regulatory body to control the costs involved in issuing and obtaining a competency certificate while only a few disagreed that a regulatory body should be established to control the costs involved in issuing and obtaining a competency certificate.

## **5.2.4 The firearm business environment**

### ***Political influence***

#### ***Legal and regulatory parameters (Q4.1)***

A few options were given to the respondent to choose from such as, would the business close, or will it grow or decline; would illegal firearm dealers open; would the business diversify or would collectors lose asset value. A rating was given for each option: “In many cases” (3), “Occasionally” (2) and ‘Not at all’ (1). The respondents had the opportunity to select any of these options according to their view.

Of the respondents more than two-thirds (68%) thought that the business would close. One respondent indicated that the business could grow while most (83%) felt that the business would not grow.

Almost two-thirds (62%) of the respondents felt that the business would decline and that there would be a loss of asset value. Approximately a third (36%) of the

respondents said that the business would diversify. Dealers changed from doing business only in firearms, to combining their firearm business with outdoor equipment, accessories for firearms, firearm training and competency certificates.

More than half (54%) of the respondents were adamant that illegal firearm dealers would open as a result of the business situation. See Table 5.5.

**Table 5.5: Legal and regulatory parameters**

<b>RESPONDENT OPTIONS</b>	<b>DEALERS</b>		
	<b>In many cases</b>	<b>Occasionally</b>	<b>Not at All</b>
Business will close	82	18	0
Business will grow	9	9	82
Business will decline	73	18	9
Illegal dealers will open	55	18	27
Business will diversify	46	36	18
Collectors will loose asset value	73	18	9
<b>RESPONDENT OPTIONS</b>	<b>HUNTERS</b>		
	<b>In many cases</b>	<b>Occasionally</b>	<b>Not at All</b>
Business will close	78	16	6
Business will grow	0	6	94
Business will decline	67	11	22
Illegal dealers will open	50	28	22
Business will diversify	28	39	33
Collectors will loose asset value	66	6	28
<b>RESPONDENT OPTIONS</b>	<b>PUBLIC</b>		
	<b>In many cases</b>	<b>Occasionally</b>	<b>Not at all</b>
Business will close	44	31	25
Business will grow	9	19	72
Business will decline	47	22	31
Illegal dealers will open	56	16	28
Business will diversify	34	34	32
Collectors will loose asset value	56	19	25
<b>RESPONDENT OPTIONS</b>	<b>TOTAL</b>		
	<b>In many cases</b>	<b>Occasionally</b>	<b>Not at all</b>
Business will close	68%	22%	10%
Business will grow	6%	11%	83%
Business will decline	62%	17%	21%
Illegal dealers will open	54%	21%	26%
Business will diversify	36%	36%	28%
Collectors will lose asset value	65%	14%	21%



### ***Economical influence***

#### ***Change business strategy (Q4.2)***

The respondents were asked if they thought the South African firearm dealer was forced to change his/her business strategy.

The respondents were unanimous in their response, that firearm dealers would be forced to change their business strategy.

#### ***Employ business strategy (Q4.3)***

The respondents were further asked what strategy they would employ to keep the business doors open.

Most of the dealers indicated that they had to diversify their business further and more than half of the public respondents did not indicate a choice. The dealers and hunters indicated that they would sell airguns and black powder firearms. Another respondent dealer was positive about the new firearms act, as no licence was needed for an air rifle.

The minority of the dealer respondents indicated other ways to keep their business doors open. One dealer said, with no income coming from gun shops, he was supporting it privately by providing firearm training and archery.

#### ***Rand /Dollar exchange (Q4.4)***

The respondents were asked how the rand/dollar exchange rate influenced the firearm industry, dealer or collector. A rating was given for their options: Positive (3), Not at all (2) and Negative (1).

A third of the respondents (32%) stated that the Rand/Dollar exchange rate had a positive effect on their business as a dealer and as a collector.

A small number (15%) of the respondents indicated that there was no influence at all on the Rand/Dollar exchange rate for a dealer or collector.

A large number of the respondents (49%) indicated that the Rand/Dollar exchange rate had a negative effect on their business as a dealer or collector.

Most of the respondents participated by selecting an option but a few (4%) of the respondents abstained from selecting an option. See Table 5.6.

**Table 5.6: Rand / Dollar Exchange Rate**

RESPONDENT OPTIONS	DEALERS		HUNTERS		PUBLIC		TOTAL
	Dealer	Collector	Dealer	Collector	Dealer	Collector	
Positive	37	9	34	28	41	44	32%
Not at all	18	18	22	28	3	0	15%
Negative	45	64	44	28	56	56	49%
Abstention		9		16			4%

### *Social influence*

#### *Person's upbringing (Q4.5)*

The question was asked if, in their opinion, a person's upbringing would influence his view on firearms.

The public, dealers and the hunters involved were unanimous in indicating that a person's upbringing influences his/her view on firearms.

### *Technological influence*

#### *Changes in technology (Q4.6)*

The respondents were asked if, in their opinion, the firearms dealer was equipped to handle the rapid changes in technology.

The majority of respondents, dealers and hunters indicated that they were equipped to handle the rapid changes in technology.

#### ***Keep up with technology (Q4.7)***

It was enquired what the respondents had done in order to keep up with technology. The options given were “taken courses”, “read relevant firearm magazines”, “information by supplier”, “self exploration’ and ‘other’.

Less than half of the dealers and hunters indicated that they took courses to keep up with technology; the rest of the respondents did not answer the question.

The majority of dealers (73%) and hunters (89%) indicated that they read relevant firearm magazines, while more than half of the dealers (64%) also indicated that they received information from their suppliers or the public.

Most of the respondents, (dealers 91%, hunters 72% and public 91%) indicated that they had done self-exploration to keep up with technology.

The respondents did not use the option “other”.

#### ***Ecological influence***

##### ***Scarce economic resources (Q4.8)***

Scarce economic resources, (which may soon be exhausted, e.g. wood for the stocks) are utilised in the production of firearms. Suggestions were requested for a method(s) to make the production of firearms more environmentally friendly.

In the view of the most respondents, the dealers indicated that they “use recycled metals and synthetic materials”, and use non lead bullets. Further, most the hunters indicated the use of synthetic materials and high-technology composite materials, for example carbon fibre.

Only a few respondents from the public answered this question and said recycled metals and synthetic materials as well as non-lead bullets should be used.

***Firearms Act objectives (Q4.9)***

The majority of the respondents, (dealers 83%, hunters 94% and the public 78%) felt that, in their opinion, the Firearms Act will not achieve its objectives.

***Manpower (Q4.10)***

The majority of respondents, (dealers 91%, hunters 100% and the public 94%) stated that, in their opinion, the South African Police Service do not have the manpower to implement the Firearms Control Act, 60 of 2000.

***Knowledge to implement the Firearms Control Act, Act 60 of 2000 (Q4.11)***

The majority of the respondents, (dealers 91%, hunters 100% and the public 84%) stated that, in their opinion, the South African Police Service do not have the knowledge to implement the Firearms Control Act, 60 of 2000.

**5.3 CONCLUSION**

The findings are based on the answers to a questionnaire distributed to dealers, hunters and selected public members. From these it would appear that some of the general public respondents did not understand the firearms legislation that is now implemented in South Africa and this threatens the validity of their input.

For more detailed information about the questionnaire results, see Appendix D.

With the evaluation of the economic effect of the legislation on dealers, hunters and the public it was felt by most of the respondents that they preferred a standard cost

for a certificate for the training. They also indicated that, in their opinion, firearms should be licensed according to the needs for using such a weapon.

As far as the evaluation of the economic effect of the restrictions on the number of firearms an owner may legally own is concerned, the respondents indicated that in order to get rid of the excess weapons, they would sell them to a dealer or another person. Only a few respondents said they would hand these firearms over to the South African Police Service. It was also felt that there was a chance that people would fraudulently report firearms as stolen, rather than to declare the weapons' existence.

Although most of the respondents could not agree on an amount for a firearm licence they agreed that there should be a fixed amount and that it should be a standard amount, irrespective of the number of firearms a person possesses. They also felt strongly that there should be a regulatory body to control the costs involved. In the opinion of the majority of the respondents, the Firearms Act would not achieve its objective, nor does the South African Police Service have the manpower to implement the Firearms Act. They further stated that, as far as they are concerned, the South African Police Service does not have the knowledge to implement the Firearms Control Act, 60 of 2000. These findings will be further analysed and interpreted in the next chapter.

## **CHAPTER SIX**

### **INTERPRETATION**

#### **6.1 INTRODUCTION**

The respondents' views regarding the questionnaire, the problems they anticipated with the Firearms Act, and what they thought should happen to make the new act more relevant to the firearms industry were covered in the previous chapter.

The different cost structures and the type of training are covered by the sub-objective: analysing and defining the economic effect of the legislation on a dealer and hunter with firearms. This is followed by an examination of what the economic effect is of the restrictions on the number of firearms an owner may legally own. The economic impact of the cost involved is also covered together with the makeup of the political, economical, social, technological and ecological aspects of the Firearms Business Environment. The last item covered is a comparison of the main features of the global firearm legislation.

#### **6.2 EFFECT OF THE LEGISLATION ON A DEALER AND HUNTER**

The reason for this sub-objective is to discuss the different cost structures that are in place and the type of training that an owner of a firearm requires.

A test for the knowledge, training and practical application is being proposed and most of the respondents felt that there should be a standard cost for this prescribed test on knowledge, training and practical tests regarding the safe and efficient handling of a firearm (Q1.1). A further cost aspect was to keep the firearm as an investment but most of the respondents did not agree with this and felt that there was no investment opportunity for firearms in South Africa (Q1.3). At the same time, in

response to a question on licensing options, a large number of the respondents indicated that they required a firearm for self-defence.

### **6.3 RESTRICTIONS ON THE NUMBER OF FIREARMS**

The legislation rules that under certain circumstances a person can be classified to possess more firearms than the prescribed limit. The prescribed categories, under which a firearmholder could fall, include; collector, professional hunter, dedicated hunter/sportsperson, or occasional hunter/sportsperson. In any event the individual is forced to join an accredited association to retain his or her firearms.

When a firearm owner had to dispose of the firearms that were in excess of the legal number they might possess, most of the respondents indicated they would sell their excess firearms to dealers or other people. Some of the respondents also indicated that they would hand the firearms to the SAPS. However, the fact that, in their opinion, there were now too many weapons available, made this an unlikely option. Attention was also drawn to the fact that firearm dealers sold fewer weapons due to the new legislation in South Africa and that there would be an inevitable reduction in the number of firearm dealers. There were also some suggestions that the firearm owners should be compensated by the State for the reduction in value of the firearms (Q2.1). Regardless of this, the dealers and hunters felt that there would be a substantial financial effect on the investment value of firearms (Q2.2). Thus the holder of such a rare or interesting firearm could financially profit from the deal or lose financially on such a deal.

Where the respondents were not able to sell their surplus weapons at their full value, most of the respondents shared the view that people would ignore the law and fraudulently report weapons as stolen rather than to declare the weapons (Q2.3 and Q2.4).

## **6.4 THE COST INVOLVED FOR RE-LICENSING A FIREARM**

Most of the respondents preferred to pay a fixed amount for a firearms licence, irrespective of the quantity of weapons owned (Q3.1 and Q3.2). For a specified licence such as a dealer, gunsmith or collector the amount of R1500.00 was the norm suggested. Further, the organisations and firearm dealers suggested an amount of R500.00 for a 10-year period for rifles and the same amount for hand weapons but only for a five-year period (Q3.3).

A competency certificate is valid for only 5 years and the question was asked if it was necessary to do a test about the law every time a competency certificate needed renewing. Most of the respondents complained that the costs were too high and also that it was an insult to them with regard to their ability to handle a firearm. They also indicated that it would be inconvenient to apply for a competency certificate. These respondents questioned the validity of an open-book test, which they felt was not an appropriate test of a person's ability to use a firearm. Further, these respondents insisted that the government should issue the competency certificate as it was a state requirement. The general public was more conservative in the approach to get a competency certificate.

The majority of all the respondents felt that there should be a uniform amount for re-licensing a firearm (Q3.6) and that there should be a regulatory body to control the costs involved in issuing and obtaining a competency certificate (Q3.7).

## **6.5 THE FIREARM BUSINESS ENVIRONMENT**

### **6.5.1 Political**

It was of interest to establish if political influence would have an impact on the firearm business. The respondents had to choose if the business would close, grow, decline, would illegal firearm dealers open, would the business diversify and/or would collectors lose asset value.



Legal and regulatory parameters were seen by dealers and hunters in a negative view (Q4.1). All businesses are subjected to political risk at any stage of the business life cycle and most respondents felt that the firearms business would close under the circumstances created by the new Act.

### **6.5.2 Economic**

Economic influence can be applied to any of the following situations: the availability of credit, disposable income, workforce (people), interest rates, inflation rates and exchange rates.

All the respondents, dealers, hunters and the public unanimously agreed that firearm dealers would be forced to change their business strategy (Q4.2). It was proposed that dealers change from doing business only in firearms, to combining their firearms business with outdoor equipment. Approximately half of the hunters felt that illegal firearm dealers would open (Q4.3).

According to the research findings the respondents were of the opinion that the exchange rate had a major effect on the firearm dealers as they imported weapons and accessories for the South African market. The collectors were also influenced as they sold their investments outside our borders to get a better value for that weapon (Q4.4).

### **6.5.3 Social**

Social factors include the following: beliefs, values, attitudes and opinions. These factors are developed from cultural, ecological, demographic, religious, educational and ethnic conditioning.

The respondents involved in the research unanimously agreed that a person's upbringing had an effect on his/her view on weapons. This is also true of the culture of the firearm owner (Q4.5).

#### **6.5.4 Technological**

The research showed that the rapid changes in technology could also have an effect on any business in the opinion of the respondents.

The respondents also felt that technology could play a role in the firearms business (Q4.6). The dealers and hunters felt that it was in their business interest to adapt to the rapid changes in the technology of the firearms industry or they would lose business. Although most of the respondents indicated that they have done self-exploration to keep up with technology, a large number kept themselves informed by reading relevant firearm magazines and also through their suppliers or the public (Q4.7).

#### **6.5.5 Ecological**

The question on scarce economic resources was not well-answered.

The dealers indicated that they would use recycled metals, synthetic materials and non-lead bullets and the respondents from the Public agreed with them. The Hunters suggested the use of high-technology composite materials such as carbon fibre rather than using scarce resources.

Almost all the respondents were in agreement that the objectives of the Firearms Act will not be achieved and that the South African Police Service did not have the manpower to implement the Firearms Control Act, 60 of 2000.

### **6.6 COMPARISON**

In most civilized countries the person that owns the firearm has to be licensed and in some countries the firearm has to be licensed and most of the requirements and regulations for these licenses is common.

### **6.6.1 Age restriction**

In all the countries that license a person to possess a firearm, an age barrier is incorporated. In Canada the minimum age to possess a firearm was increased from 16 to 18 years (Cukier *et al.*, 2002:4). Some of the states in the United States of America have no minimum age when firearms are bought. In Brazil the age limit is 21 years, while in Norway the age restriction is 18 years to possess a rifle or shotgun but to possess a pistol the owner has to be older than 21 years. Australia has a minimum age restriction of 18 years. Now in South Africa the age limit has been increased to 21 years, but a younger person can use a firearm if he/she is under supervision of a licensed person older than 21 years. Firearm owners in Zambia must be older than 21 years to possess a weapon.

### **6.6.2 Restrictions on possessing a firearm**

Japan has the strictest firearm control of the industrialised countries. After World War 2 they banned the possession of firearms except when a firearm is used for official duties. Switzerland also has strict control regulations for people to own a firearm.

Canada prohibited fully automatic firearm possession in 1979. The United Kingdom banned handguns in 1988, whereas Australia banned certain weapons. There is, however, no firearm ban in Norway and South Africa. There are restrictions to possess a firearm in South Africa, thus there are fewer lawfully owned firearms and fewer firearms are sold. With Government's intention of limiting firearm possession the business of gun dealers will reduce proportionally. In some States of America there are restrictions to sell or possess firearms (Cukier *et al.*, 2002:9).

The United Kingdom and Australia attempted to use a buy-back scheme but it did not work. South Africa, at this stage, does not implement a buy-back scheme.

### 6.6.3 Stealing of firearms

Certain firearms are stolen more often than other types of firearms. In Gauteng pistols are the most frequently stolen (60.3%) and revolvers are the second highest handgun stolen, (28.2%). Rifles stolen are far less than pistols and revolvers, which only totalled 5.7% (Chetty, 2000:46).

### 6.6.4 Total intentional gun death rate

According to a United Nations Crime and Justice Information Network (1977), there is a direct correlation between the number of households with weapons and the total intentional gun death rate per 100 000 people. An exception to this is that of Northern Ireland where the percentage of households with firearms is 8.4% and the total intentional gun death rate per 100 000 people is 472. Northern Ireland has the highest death rate per one hundred thousand people, namely 472 whereas Japan has the lowest total gun deaths, namely 0.07 (Cukier *et al.*, 2002:2). Of the rest of the countries, the USA has the highest figures, namely 41% of households with firearms and 13.47 intentional gun deaths per 100 000 people. Most of the other countries appear to control their firearms usage better, where there is a high rate of households with firearms but a lower intentional gun death rate per 100 000 people. The following statistics support this. See Table 6.1.

**Table 6.1: International gun death rate**

<b>COUNTRY</b>	<b>% HOUSEHOLDS WITH FIREARMS</b>	<b>% INTENTIONAL GUN DEATH RATE</b>
USA (Some states)	41	13.47
NORWAY	32	4.23
SWITZERLAND	27.2	6.2
CANADA	26	3.95
AUSTRIA	16-18	4.48

### 6.6.5 Homicides and suicides

The gun homicide rate, in most countries surveyed, are below one per 100 000 people, except for Northern Ireland and the USA. In Northern Ireland the homicide rate per 100 000 people is 3.55 per 100 000 people and that of the USA is 6.24.

The gun suicide rate also seems to correlate with the rate of households with guns. Once again the USA is heading the list with 7.23 gun suicides per 100 000 (41% households with firearms) followed by Switzerland with 5.74 gun suicides per 100 000 (27.2% households with firearms), Austria with 4.06 gun suicides per 100 000 (16-18% households with firearms), Norway with 3.87 gun suicides per 100 000 (32% households with firearms) and Canada with 3.35 gun suicides per 100 000 (26% households with firearms). This is supported by the following statistics. See Table 6.2.

**Table 6.2: Homicides and Suicides**

<b>COUNTRY</b>	<b>GUN SUICIDES PER 100 000 PEOPLE</b>	<b>% HOUSEHOLDS WITH FIREARMS</b>
USA (Some states)	7.23	41
NORWAY	3.87	32
SWITZERLAND	5.74	27.2
CANADA	3.35	26
AUSTRIA	4.06	16-18

The statistics for SA are not given in the same format, but for comparative purposes the following could be applied.

Individuals with firearms in South Africa: 2 027 411 (Chetty, 2000:39).

Population in South Africa: 40 500 000 (1998 census, Stats SA 2008).

Number of firearm murders in South Africa: 12 298 (Chetty, 2000:20).

Applying this information the following statistics can be arrived at:

Households with firearms 5.01%

Intentional gun deaths per 100 000 30.3

Although the basis of the figures used are somewhat different, the numbers arrived at are alarming in comparison with the international figures.

#### **6.6.6 Self-defence**

This research study has shown that the main reason why gun owners in SA want a firearm is for self-defence purposes. In Canada a person can only possess a firearm for self-defence if the police cannot protect such a person. Thus there are few persons in Canada that possess a firearm permit for self-defence. It is not feasible to calculate this for the USA as there are 32 states in the USA that do no background checks if a handgun is bought, which means there is no record of the reason for the purchase. In the UK self-defence is no reason to possess a handgun. On the other hand, Austria, USA and SA allow their citizens to carry handguns for self protection. However, Japan, Singapore and China do not allow their citizens to possess handguns for self-protection at all and Botswana prohibits handguns to be sold to its people (Cukier *et al.*, 2002:5).

#### **6.7 CONCLUSION**

The new Act will influence the legal quantity of firearms an individual may own. In terms of the new legislation, most of the individual firearm owners will be restricted to four firearms. The legislation, however, wants the individual firearm owner, who is not registered at a prescribed accredited association, to get rid of the excess firearms.

The respondents generally felt that investment in firearms is not an option when deciding to reduce the number of firearms they possess, since there are no investment opportunities for firearms in SA. The respondents indicated that they would rather sell their surplus firearms to friends and other people or even hand them in to the SAPS. Some of the respondents felt that the state should compensate them for the reduction in value. The cost of re-licensing a firearm was another matter of

contention. Most of the respondents felt that the cost was too high and the tests were to be taken too frequently.

All the respondents agreed that the new firearm legislation would cause firearm dealers to drastically reduce their activities up to the point where they would have to close. The question of illegal firearm dealers entering the market was also raised.

According to the respondents, there is no doubt that the upbringing/background of a firearm owner and his/her culture has an impact on his/her views of firearms. Added to this, all the respondents were of the opinion that the objectives of the Firearms Act would not be achieved.

In comparing the international firearm owners some interesting statistics were highlighted. It appeared that the USA had the most households with firearms but at the same time also the second most intentional gun deaths per 100 000. In addition, although SA does not have as many households with firearms their figure for intentional gun deaths is almost twice that of the USA per 100 000.

The next chapter will revisit the main research objectives, the findings and make suggestions for further research.

# **CHAPTER SEVEN**

## **CONCLUSION**

### **7.1 INTRODUCTION**

The findings of the main objective encapsulating the five sub-objectives in the questionnaire were analysed and interpreted in the previous two chapters. In this chapter the main objective with the underlying sub-objectives will be revisited and the method of research enumerated on. The success of the research will be commented on and matters on which future research could be done will be highlighted.

### **7.2 RESEARCH METHOD**

The target population of the research was organisations and persons that work in the firearm industry, specifically the dealers and hunters. To increase the broad aspect of the research a further small portion of the public also participated in the research. This research was done in Gauteng. Secondary research also took place on certain countries who participated in a similar survey through the United Nations. This was the basis of the global countries used in this research.

The data-collecting for the empirical study was done through the use of a questionnaire that contained supporting questions to the different objectives. The questionnaire was distributed by hand to the various respondents over Gauteng. This meant that there was a lot of travelling done to deliver and collect the questionnaires. The questionnaire was categorised in three groups, namely dealers, hunters and the public. The findings of the questionnaire were discussed in Chapter five and interpreted in Chapter six.



### **7.3 MAIN RESEARCH OBJECTIVE**

The purpose of the research was to compare the firearm legislation between South Africa and selected countries and to determine if multiple firearm owners and firearm dealers were affected in terms of economics and changes to their business environment by the new Firearms Act, 60 of 2000 in order to set guidelines for the firearm owners.

It is contended that this objective was achieved through secondary research for the comparison as well as by means of a questionnaire distributed to dealers, hunters and the public on the following sub-objectives:

#### **7.3.1 Economic effect of the legislation**

The questions posed to the respondents related to the cost of the prescribed test and the options they would choose for the possession of a firearm. This ranged from that of self-defence to an investment opportunity.

There was a strong contention by the respondents that there should be a standard cost regarding the safe and efficient handling of a firearm, which consists of practical training and knowledge of the law. They further felt that a firearm should be licensed for self-defence. The dealers, hunters and the public felt that firearms could no longer be used as an investment commodity.

#### **7.3.2 The restrictions on the number of firearms**

It was to be established if there was an economic effect on restricting the possession of firearms, the disposal of the surplus firearms and how this would influence the dealer and hunter financially.

For the disposal of the surplus firearms the respondents felt that they would dispose of them through their friends or other people or give them back to the SAPS. The respondents also felt that people would fraudulently report their firearms as stolen rather than declare their existence. Most of the respondents felt that there would be a considerable financial loss to firearm owners up to the point where firearm dealers had to close their businesses.

### **7.3.3 The re-licensing costs involved**

The purpose of this sub-objective was to establish the economic effect of the costs involved for re-licensing a firearm and whether the respondents felt that there should be a fixed amount for re-licensing, the competency test required, and the need for a regulatory body to handle such re-licensing.

The respondents felt that it would be realistic to pay a fixed amount for re-licensing a firearm. They further suggested that a fixed amount should be paid by a dealer, collector and dedicated hunter.

The respondents felt that there should be a regulator to control the costs when issuing and obtaining a competency certificate and that there should be a uniform amount when a firearm had to be renewed.

### **7.3.4 Firearm business environment**

The purpose of this sub-objective was to establish how the firearm business environment was affected by political, economic, social, technological and ecological influences on the business strategies.

### ***Political***

To evaluate the political influence the respondents were asked their opinion on the state of the firearm industry, with regard to whether the businesses would close, grow or decline; illegal dealers entering the market; diversification and the loss of asset value.

Most of the respondents felt that the business would close as well as not growing. Dealers would change their business in firearms to accommodate, for example, camp accessories to stay in business. There was also a general consensus that illegal dealers would enter the market.

### ***Economic***

The respondents were questioned on the change of business, the strategies that they would employ to stay in business and the influence of the Rand/Dollar exchange rate.

Most respondents, dealers and hunters felt that the business would be forced to change their strategies and the way they did business so that they could continue in the business. Firearms were used as a business commodity all over the world. The Rand/Dollar exchange rate was important as it affected the dealer, collector and the hunter.

### ***Social***

The public, the dealers and the hunters felt that a person's upbringing and culture influenced his/her view on firearms.

### ***Technological***

The majority of dealers and hunters felt that they were equipped to handle changes in technology. They indicated that they kept themselves informed through reading, their suppliers and self-exploration.

### *Ecological*

The respondents were asked about how they would deal with scarce economic resources like certain wood used for the stocks.

The respondents felt that other materials such as metal and composites could also be used in the production of firearms.

#### **7.3.5 Comparison of firearm regulations between countries**

Japan is leading the anti-gun movement and financed the United Nations study into comparative levels of gun ownership and gun crime in a large number of countries. A small percentage of citizens and/or households own weapons in these countries. Most handguns and rifles are prohibited in Singapore. England and Wales prohibit handguns.

The households in the USA have one of the highest percentages of firearms, (41%), while Japan has only 0.06% of households with firearms. In the United States of America each state has its own regulations that pertain to only their residents regarding firearms. America has the second highest death rate - 13.47 per one hundred thousand people. Northern Ireland has the highest death rate per one hundred thousand people, namely 472. Comparing similar South African statistics, it appears that only 5.1% of households in South Africa own firearms, but that the intentional gun death rate is as much as 30.1 gun deaths per one hundred thousand people.

In Mozambique all firearm owners have to be licensed. Ownership is restricted to three hunting rifles and one handgun per person. Botswana has a total prohibition on the issuing of handgun licences to individuals. In Zambia firearm licences must be renewed every three years, while in South Africa firearms have to be renewed every five years except if the person is accredited to an association like dedicated hunters whose licences expire only every 10 years. Further, in South Africa firearms

may be possessed only if they are licensed in the name of the owner. It is suggested by the respondents that a dealer, collector and dedicated hunter pay according to their status for such a licence.

GFSA suggests that no license should be issued to a person who has been convicted of any crime involving violence.

### **7.3.6 Recommendation**

In order for the individual firearm owner to possess firearms, he or she will have to be accredited to an association to possess more than four weapons. The legislation states that, under certain circumstances, a person can be classified as such to possess more firearms than the prescribed limit. The cost would be high for the individual as the individual is forced to join an accredited association to retain his or her firearms. According to the constitution a person is entitled to his/her freedom of choice. But the Government can overrule this right if other individuals would suffer as a result thereof. The constitutional court thus far has had no case brought before it regarding the possession of more than the prescribed firearms. Thus the individual should only pay for the title and not the quantity of legal firearms owned.

For the requirement of a collector status, they could pay R2 000.00 for being registered as a collector irrespective of the quantity of firearms the collector possesses. The professional hunter could pay the same amount, as it is a business profession. A sliding scale is another option for individuals with more than ten firearms. Irrespective of the association, the individual who has between four and twenty firearms should pay R250.00 each to possess such firearms. For twenty to fifty firearms a sum of R500.00 could be charged. For a number in excess of fifty firearms, a sum of R1000.00 could be charged. Thus, when an individual legally owns ten or more firearms they should pay for their firearm licenses accordingly. For being in the possession of less than the limit of four firearm licenses, the individual can pay, per firearm, the cost that the legislation requires (R120.00).

For the requirement of obtaining a competency certificate, the legislation should provide categories for the different needs of firearms. The competency certificate can be issued for self-defence, hunting or sport shooting. The cost thereof should be regulated in all the provinces. In order to obtain a competency certificate, an amount of R50.00 should be charged. There must also be a controlling body for the issuing of a competency certificate. By having different organisations to issue a competency certificate the door for corruption is opened. Different amounts will be charged if it is not regulated. It may happen, for example, that in Soweto the charge will be R20.00 for the certificate while in Sandton the individual would have to pay R500.00 for the same competency certificate.

The renewal of a firearm license is time consuming. At present it takes far longer than 6 to 12 weeks for a license to be issued. Initially the applications go to a local police station, and then they are sent to the Central Firearm Registry in Pretoria. Here the applications are processed and issued. Thereafter, successful applications for firearm licenses are sent back to the Police Station of origin where they are handed over to the successful applicants. The same procedure applies to unsuccessful applications. The legislation will generate millions in Rand for the renewal of licenses. If the re-licensing process is difficult, there may be massive refusals to comply with it. The firearm legislation has however not indicated what will happen to classified persons / businesses with their firearm renewals. The drawback of the new system is that there are not enough knowledgeable officials to handle the new applications. Corruption of Government personnel will also increase.

Economically, firearms have their place in South Africa as they have in the international arena. The “black market” has a negative impact on the firearm business. Persons with criminal intentions hire firearms cheaply from suppliers and use them for what criminal purpose they desire. A further restriction to lawfully owned firearms is that fewer firearms are sold. With Government’s intention of limiting firearm possession, the business of gun dealers will reduce proportionally.

With the high crime rate in South Africa, the opportunity was seized by private companies that established security companies. In the South African Police Service there are approximately one hundred and ten thousand employees, whereas approximately forty five million residents are living in South Africa. This means that there is one police official to approximately four hundred and nine people. As this is a very high difference the crime is not effectively controlled. One security company has fifteen branches in Gauteng. This particular company employs approximately three thousand five hundred employees. Thus crime gives other people opportunities to earn a living. There are various security companies working in Gauteng and in the other provinces. Crime has always been part of the world and it will likely remain. The crime rate might fluctuate from time to time. Private security companies play a big role in assisting the Police Service to combat crime.

The legislation will obtain certain objectives with the new Act by means of minimising the individuals who possess more than four firearms. Further, the new firearm applicants must undergo a more stringent process before receiving a firearm licence.

There are more unanswered questions such as: who will be responsible when a legal firearm owner has to give his firearm for safekeeping at a restricted premises and it gets stolen from this premises? Would the owner be liable or the institution where the firearm was being kept? Who would be regarded as negligent and what impact would that have on that owner if he wants to buy another firearm? Who is going to regulate the cost for the prescribed test on knowledge and the practical training test? The compensation of firearms handed over to the Government willingly is not a problem, but, when forced through, no license received for a specific firearm is still a problem. Currently there is a court case regarding compensation for a firearm.

## **7.4 FUTURE RESEARCH**

There are a number of options for future research. These include:

- The cost and procedures of issuing a competency certificate, which differ according to the centre where it has been issued.
- The regulation of the costs for the prescribed test on knowledge and practical training test through a single institution.
- The safeguarding of firearms at restricted premises.
- A standard cost for a dealer, collector and dedicated hunter to possess any quantity of firearms.
- Business-related aspects of a firearm dealer. The firearm dealer has to keep the business going thus he/she has to do something to his/her business strategy.

## **7.5 SUMMARY**

The main objective, with its underlying sub-objectives, was revisited and the research methods used were covered. A brief overview of the research findings was given. The most relevant findings were that South Africans want firearms for self-defence purposes and they would like to pay a fixed amount for their firearm licences, irrespective of the owner's classification. Dealers and hunters prefer to license their firearms for dedicated hunting/ sport-shooting purposes. It is contended that the objectives of the research have been achieved successfully.



## REFERENCE LIST

Anger, R. 2000. Tough Talk or a Weak Argument? Man Magnum, 25(3), March 2000 DURBAN

Chetty, R. 2000. SAPS Central Firearm Registry – Firearm use and distribution in South Africa. National Crime Prevention Centre: PRETORIA

Commencement of certain sections of the Firearms Control ACT 60 of 2000 (Government Gazette No. 22347 dated 1 June 2001)

Cukier, W. Sarkar, T., and Quigley, T. Firearm Regulation: International Law and Jurisprudence. Available at: <http://www.research.ryerson.ca/SAFER-Net/Content/Contents/Interventions/firearm%> [Accessed on 18 March 2002].

De Caris, R. 2001. Control Act Q & A. Man Magnum, 26(12), December 2001. DURBAN

Greenwood, C. 2001. Guns and Crime. Man Magnum, 26(4), April 2001. DURBAN

Gun Free South Africa, 2000 (a). Submission on Firearms Control Bill. June 2000

Gun Free South Africa, 2000 (b). Firearm Brief 8: “South Africa versus SADC on domestic gun control”.

Gun Free South Africa, 2000 (c). Firearm Brief 11: “The Gun Control Alliance: Supporting Stricter Gun Control”.

Gun Free South Africa, 2000 (d). Firearm Brief 12: “Raising the Barrier for Gun Ownership: Screening Firearm Applicants”.

Gun Free South Africa, 2000 (e). Firearm Brief 13: “Firearm License Renewal: Keeping Gun Owners Responsible”.

Gun Free South Africa, 2000 (f). Firearm Brief 22: “What the GCA says about the Firearms Control Bill”.

Gun Free South Africa, 2000 (g). Firearm Brief 25: “Less than one-third of gun owners affected by proposed gun limits”.

Gun Free South Africa, 2000 (h). Firearm Brief 28: “Reducing Illegal Firearms: The Firearms Control Bill”.

Gun Free South Africa, 2000 (i). Firearm Brief 30: “The Cost of Implementing the Firearms Control Bill”.

Hanson, P. 1997. National Firearms Program Implementation Bill 1997, 1 October 1997. <http://www.gwb.com.au/onenation/speeches/nov7.html>  
[Accessed 21 March 2002]

Hill, C. W. L. 1999. International Business Competing in the Global Marketplace. Postscript 1998 International Editions 1999. McGraw-Hill Book Co- Singapore

Kempen, A. 2001. Creating a Safer World. Servamus, 94(9), September 2001. PRETORIA

Kempen, A, Servamus, SARP Publishers, PRETORIA, September, 2001:22. Joint media statement by the SAPS and the Royal Norwegian Government. Available at: <http://www.sabcnews.com>. [Accessed 9 July 2001].

Mouton, J. 2001. How to succeed in your masters and doctoral studies: A South African guide and resource book. PRETORIA. First edition 2001.

Pearce, J. & Robinson, R. 1997. Formulation, Implementation, and Control of Competitive Strategy. Sixth Edition. Irwin Book Team. Printed in the United States of America.

South African Police Service, 2004. Central Firearm Registry. PRETORIA

Saunders, M. Lewis, P., and Thornhill, A., 1997. Research Methods for Business Students. LONDON

Scarlata, P. 2001. Gun Laws in the United States. Man Magnum, 26(10), October 2001. DURBAN

The Firearms Control Act 60 of 2000 (Government Gazette No 22214 dated 10 April 2001)

Van der Westhuizen, C. 2002. Beeld. Gedateer 15 Augustus 2002.

Venter. L. 2002. The Citizen, Industria West, JOHANNESBURG, dated 19 July 2002.

Walls, A. 1998. Review of Norwegian Gun Laws. Revised 1 October 1998

<http://www.cybersurf.co.uk/johnny/dunblane/andrew.html>

[Accessed 10 March 2002]

Welch, J. 1999. The Total Onslaught. Man Magnum, 24(2), February 1999. DURBAN

Welch, J. 2000 (a). It started in 1677. Man Magnum, 25(1), January 2000. DURBAN

Welch, J. 2000 (b). The Firearms Control Bill and The Essence of Hunting. Man Magnum, 25(3), March 2000. DURBAN

Welch, J. 2000 (c). Constitutions, Gun Control & Democracy. Man Magnum, 25(6), June 2000. DURBAN

Welch, J. 2000 (d). Firearms Control Bill – Why it is Bad Law. Man Magnum, 25(8), August 2000. DURBAN

Welch, J. 2000 (e). Firearms Control Bill – What might have been? Man Magnum, 25(9), September 2000. DURBAN

Welch, J. 2000 (f). A Child Taking on the Defending Role. Man Magnum, 25(10), October 2000. DURBAN

Welch, J. 2000 (g). The Mythical Power of Legislation. Man Magnum, 25(11), November 2000. DURBAN

Welch, J. 2000 (h). Firearms Control Bill – Democracy in Practice. Man Magnum, 25(12), December 2000. DURBAN

**FIREARMS CONTROL BILL**

**Chapter 1**

**Definitions**

1. In this Act, unless the context indicates otherwise-
  - (i) "accredit" means accredit as contemplated in section 8;
  - (iv) "antique firearm" means any muzzle-loading firearm manufactured before 1 January 1900, or any replica of such a firearm;
  - (ix) "dedicated hunter" means a person who actively participates in hunting activities and who is a member of an accredited hunting association;
  - (x) "dedicated sports person" means a person who actively participates in sports-shooting and who is a member of an accredited the sports-shooting organization;
  - (xxi) "occasional hunter" means any person who, from time to time, participates in hunting activities but who is not a member of an accredited hunting association;
  - (xxii) "occasional sports person" means any person who, from time to time, participates in sports-shooting but who is not a member of an accredited sports-shooting organization;
  - (xxiv) "prescribed" means prescribed by regulation;
  - (xxvi) "private collector" means a person who collects firearms or ammunition, who is a member of an accredited collectors association and who is not a public collector;

(xxvii) "public collector" means a person who collects firearms or ammunition for display to the public and is accredited as such;

(xxx) "restricted firearm" means any firearm contemplated in section 14(1);

2. The purpose of this Act is to-

- (a) enhance the constitutional rights to life and bodily integrity;
- (b) prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from society and by improving control over illegally possessed firearms, to prevent crime involving the use of firearms;
- (c) enable the State to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;
- (d) establish a comprehensive and effective system of firearm control and management; and
- (e) ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms.

#### **Chapter 4**

#### **Competency certificates, licences, permits, authorisations and accreditations**

8. (1) Any accreditation required in terms of this act must be done by the Registrar in accordance with such regulations as may be prescribed.

## Competency certificates

9. (1) An application for a competency certificate to possess a firearm, to trade in firearms, to manufacture firearms or to carry on business as a gunsmith must be delivered to the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides or in which the applicant's business is or will be situated, as the case may be.

## Chapter 6

### Licence to possess firearm

#### Separate license in respect of its firearm

11. (1) The Registrar must issue a separate license in respect of each firearm licensed in terms of this Chapter.

#### Licensed to possess firearm for self-defence

13. (1) A firearm in respect of which a license may be issued in terms of this section is any-
  - (a) shotgun which is not fully or semi-automatic; or
  - (b) handgun, which is not fully automatic.

#### License to possess firearm for occasional hunting and sports-shooting

15. (1) A firearm in respect of which a license may be issued in terms of this section is any-
  - (a) handgun, which is not fully automatic;
  - (b) rifle or shotgun which is not fully or semi-automatic; or
  - (c) barrel, frame or receiver of a handgun, rifle or shotgun contemplated in paragraph (a) or (b), and which is not a restricted firearm.

License to possess firearm for dedicated hunting and dedicated sports-shooting

16. (1) A firearm in respect of which a license may be issued in terms of this section is any-
- (a) handgun, which is not fully automatic;
  - (b) rifle or shotgun which is not fully automatic;
  - (c) any semi-automatic shotgun manufactured to fire no more than 5 shots in succession without having to be reloaded; or
  - (d) barrel, frame or receiver of a handgun, rifle or shotgun contemplated in paragraph (a), (b) or (c).
16. (4) Every accredited hunting association and sports-shooting organisation must:
- (a) keep a register which contains such information as may be prescribed; and
  - (b) submit an annual report to the Registrar, which contains such information as, may be prescribed.

License to possess firearm in private collection

17. (1) (a) A firearm which may be possessed in a private collection is any firearm approved for collection by an accredited collectors association.

Holder of license may allow another person to use firearm

22. Despite anything to the contrary in this Act but subject to section 120(5), any person who is at least 21 years of age and the holder of a license to possess a firearm issued in terms of this Act may allow any other person to use that firearm while under his or her immediate supervision where it is safe to use the firearm and for a lawful purpose.



## Renewal of firearm licenses

24. (1) The holder of a license issued in terms of this Chapter who wishes to renew the license must, at least 90 days before the date of the expiry of the license, apply to the Registrar for its renewal.

### TABLE- PERIOD OF VALIDITY OF LICENCE OR PERMIT

Section number	:	13
Type of License or permit	:	License to possess firearm for self-defence
Period of Validity	:	5 years
Section number	:	14
Type of License or permit	:	License to possess restricted firearm for self-defence
Period of Validity	:	2 years
Section number	:	15
Type of License or permit	:	License to possess firearm for occasional hunting and sports-shooting
Period of Validity	:	10 years
Section number	:	16
Type of License or permit	:	License to possess firearm for dedicated hunting and dedicated sports-shooting
Period of Validity	:	10 years
Section number	:	17
Type of License or permit	:	License to possess firearm in private collection
Period of Validity	:	10 years

## APPENDIX B

**Table B.1: International Firearms Regulations, Access and Deaths in High Income Countries**

Country	Licensing of owners?	Registration of all firearms?	Other	Households with firearms (%)	Gun Homicide (per 100 000)	Gun Suicide (per 100 000)	Total Intentional Gun Death Rate per 100 000
Japan	Yes	Yes	Prohibits handguns with few exceptions	0.6	0.03	0.04	0.07
Taiwan	N/A	N/A		N/A	0.15	0.12	0.27
Singapore	Yes	Yes	Most handguns and rifles prohibited	0.01 (795 in the country)	0.07	0.17	0.24
Kuwait	N/A	N/A		N/A	0.34	0.03	0.37
Netherlands	Yes	Yes		1.9	0.27	0.28	0.55
England / Wales	Yes	Yes	Prohibits handguns	4.0	0.07	0.33	0.4
Scotland	Yes	Yes	Identical legislation to England and Wales though made separately	4.0	0.19	0.30	0.49
Ireland	Yes	Yes	Severely restricts handguns	N/A	0.30	0.94	1.24
Denmark	Yes	Records maintained for long guns only		8	0.23	2.25	2.48
Northern Ireland	Yes	Yes	UK legislation applies except for right to possess for self defence	8.4	3.55	1.18	472
Germany	Yes	Yes		8.9	0.21	1.23	1.44
Spain	Yes	Yes	Some handguns and rifles are Prohibited	13.1	0.19	0.55	0.74
Austria	Hand guns	Handguns	Certain handguns and rifles are prohibited	16-18% est.*	0.42	4.06	4.48

Country	Licensing of owners?	Registration of all firearms?	Other	Households with firearms (%)	Gun Homicide (per 100 000)	Gun Suicide (per 100 000)	Total Intentional Gun Death Rate per 100 000
Australia	Yes	in 5 of 8 states until 1977, all states after	Banned semi automatics unless good reason is shown	16.0	0.56	2.38	2.94
Belgium	For certain types of firearms	Yes	Some rifles are prohibited	16.6	0.87	2.45	3.32
Sweden	Yes	Yes	Restrictions in some regions	20	0.18	2.09	2.27
New Zealand	Yes	Handguns only Proposed re-introducing of long guns.		20	0.22	2.45	2.67
France	Yes	Yes, except for selected sporting rifles		22.6	0.55	4.93	5.48
Canada	Acquisition only, possession by 2001	Handguns only all guns by 2003	Automatic, converted and semi-automatic assault weapons and some handguns	26	0.60	3.35	3.95
Italy	Yes	Yes		N/A	1.16	1.11	2.27
Switzerland	Yes	Yes		27.2	0.46	5.74	6.2
Israel	Yes	Yes		N/A	0.72	1.84	2.56
Norway	Yes	Unknown		32	0.36	3.87	4.23
USA	In some states	Handguns some states	Some weapons in some states	41	6.24	7.23	13.47
Finland	Yes	Yes	No prohibitions	50	0.87	5.78	6.65

## APPENDIX C

### QUESTIONNAIRE

My name is Johan Pretorius, and I am currently busy with my research module towards my MTech degree at the Durban Institute of Technology. Your assistance in completing this questionnaire is appreciated. Although this research will be published you are assured of its confidential nature. You are free to contact me at (011) 871-5652 (W) or 082 778 7947 (Cell) in the event of any queries.

**1 To evaluate the economical effect of the legislation on a dealer/hunter/sportsman/other with firearms.**

- 1.1 Should there be a standard cost for the prescribed test on knowledge of the Act, and prescribed training and practical tests regarding the safe and efficient handling of a firearm?

Yes	No
-----	----

- 1.2 In terms of licensing the firearm which of the following options would you choose?

Licence to possess firearm for self-defence	
Licence to possess restricted firearm for self-defence	
Licence to possess firearm for occasional hunting and sports shooting	
Licence to possess firearm for dedicated hunting and dedicated sports shooting	
Permit to possess ammunition in private collection	
Licence to possess a firearm, and permit to possess ammunition, in public collection	
Licence to possess firearm for business purposes	
Temporary authorisation to possess firearm	

- 1.3 There are people who use firearms as a source of investment, such as the South African Arms and Ammunition Collectors Association (SAAACA), hunters and sportsmen. Under the new Act would there be any value in using firearms as an investment in South Africa?

Yes	No
-----	----

**2 To evaluate the economical effect of the restrictions on the number of firearms an owner may legally own.**

- 2.1 If at present you legally own in excess of ten (10) firearms, what would you do if you had to get rid of some of these firearms in order to be a legal owner under the Act?

Sell to a dealer	
Sell to another person	
Hand firearm over to SAPS	
Ignore the law	
Other – detail	

- 2.2 If you had to get rid of excess firearms, how would it affect you financially?

	<b>SUBSTANTIALLY</b>	<b>A BIT</b>	<b>NOT AT ALL</b>
Reduce your income			
Reduce your investment value			
Cause you to downsize your business			
Cause you to diversify your business			
Cause you to close your business			

- 2.3 If a person has more than the prescribed four firearms when the Act is in place, and he/she is unable to sell the surplus at their full value, they might not be

prepared to make a loss of any kind. Do you think people would fraudulently report these firearms as stolen rather than declare their existence?

Yes	No
-----	----

2.4 If “YES”, what percentage of people would fraudulently report these firearms stolen?

0 – 25%	
26 – 50%	
51 – 75%	
76 – 100%	

**3 To evaluate the economical impact of the cost involved for re-licensing a firearm.**

3.1 If you were registered as a collector or businessperson, who possesses more than ten (10) firearms, would you be happy to pay a fixed amount for a license, irrespective of the number of firearms licensed to you?

Yes	No
-----	----

3.2 Should there be a maximum to this fixed amount?

Yes	No
-----	----

3.3 What would be an acceptable figure for this amount if you were a:

Dealer \_\_\_\_\_

Collector \_\_\_\_\_

Dedicated hunter/ sportsman \_\_\_\_\_

3.4 In terms of the Act a competency certificate is valid for only five (5) years. Would you be happy to do a test about the law every time you have to renew your competency certificate?

Yes	No
-----	----

3.5 If your answer is “NO” in 3.4 indicate your reason

Cost too high	
Inconvenience	
Insult to my ability	
Other	

3.6 Do you think a uniform amount should be charged for re-licensing, no matter what accredited institution you belong to?

Yes	No
-----	----

3.7 Would you suggest that a regulatory body be formed to control the costs involved in the issuing and obtaining of a competency certificate?

Yes	No
-----	----

**4 To establish how the firearm business environment is affected according to the Political-, Economical-, Social-, Technological- and Ecological influences on business strategies.**

*Political influence*

4.1 How do you think the legal and regulatory parameters of the Firearms Act will influence the firearm industry?

	<b>IN MANY CASES</b>	<b>OCCASIONALLY</b>	<b>NOT AT ALL</b>
Business will close			
Business will grow			
Business will decline			
Illegal dealers will open up			
Business will diversify			
Collectors will loose asset value			

***Economical influence***

4.2 Do you think the South African firearm dealer is forced to change his business strategy?

Yes	No
-----	----

4.3 What strategy did you employ to keep the business doors open?

Diversify business	
Costs reduced for firearms	
Sell airguns	
Sell black powder firearms	
Other	

4.4 Has the Rand /Dollar exchange rate had an effect on business?

	<b>POSITIVE</b>	<b>NOT AT ALL</b>	<b>NEGATIVE</b>
Dealer			
Collector			

***Social influence***

4.5 Does a person's upbringing influence his view on firearms?

Yes	No	N/A
-----	----	-----

***Technological influence***

4.6 Do you think the firearms dealer is equipped to handle the rapid changes in technology?

Yes	No
-----	----

4.7 In order to keep up with technology what have you done?

Taken courses	
Read relevant firearm magazines	
Information by supplier	
Self-exploration	
Other	



*Ecological influence*

- 4.8 Scarce economical resources, (which may soon be exhausted e.g. wood for the stocks, etc.) are utilised in the production of firearms. Can you suggest a method(s) to make the production of firearms more environmentally friendly?

---

---

- 4.9 Do you think the Firearms Act will achieve its objectives?

Yes	No
-----	----

- 4.10 Do you think the South African Police Service has the manpower to implement the Firearms Control Act, Act 60 of 2000?

Yes	No
-----	----

- 4.11 Do you think the South African Police Service has the knowledge to implement the Firearms Control Act, Act 60 of 2000?

Yes	No
-----	----

Thank you very much for taking the time to complete this questionnaire.

Regards

Johan Pretorius

## APPENDIX D

### QUESTIONNAIRE RESULTS

#### DEALERS

		%	Total
1.1	Yes	73%	8
	No	27%	3
			11
1.2	Firearm for self-defense	24%	10
	Restricted for self-defense	10%	4
	Occasional hunting/sport shooting	20%	8
	Dedicated hunting/sports shooting	17%	7
	Ammo in private collection	7%	3
	Firearm , ammo public collection	5%	2
	Firearm for business purposes	12%	5
	Temporary authorization	5%	2
			41
1.3	Yes	18%	2
	No	82%	9
			11
2.1	Sell to a dealer	42%	8
	Sell to another person	16%	3
	Hand firearm over to SAPS	11%	2
	Ignore the law	11%	2
	Other – detail	21%	4
			19
2.3	Yes	73%	8
	No	27%	3
			11
2.4	0 - 25%	38%	3
	26 - 50%	50%	4
	51 - 75%	13%	1
	76 - 100%	0%	0
			8
3.1	Yes	91%	10
	No	9%	1
			11
3.2	Yes	90%	9
	No	10%	1
			10

		%	Total
3.4	Yes	27%	3
	No	73%	8
			11
3.5	Cost too high	24%	4
	Inconvenience	35%	6
	Insult to my ability	24%	4
	Other	18%	3
			17
3.6	Yes	73%	8
	No	27%	3
			11
3.7	Yes	82%	9
	No	18%	2
			11
4.2	Yes	100%	11
	No	0%	0
			11
4.3	Diversify Business	32	8
	Costs reduced for firearms	16	4
	Sell airguns	24	6
	Sell black powder firearms	16	4
	Other	12	3
			25
4.4	Dealer	60%	21
	Collector	40%	14
			<b>35</b>
4.5	Yes	100.0	11
	No	0.0	0
	Not Applicable	0.0	0
			11
4.6	Yes	64	7
	No	36	4
			11
4.7	Taken courses	17	5
	Read relevant firearm magazines	27	8
	Information by supplier	23	7
	Self-exploration	33	10

		%	Total
	Other	0	0
			30
4.9	Yes	17	2
	No	83	10
			12
4.10	Yes	9	1
	No	91	10
			11
4.11	Yes	9	1
	No	91	10
			11

## PH

		%	Total
1.1	Yes	89%	16
	No	11%	2
			18
1.2	Firearm for self-defense	18%	9
	Restricted for self-defense	6%	3
	Occasional hunting/sport shooting	18%	9
	Dedicated hunting/sports shooting	24%	12
	Ammo in private collection	10%	5
	Firearm , ammo public collection	8%	4
	Firearm for business purposes	6%	3
	Temporary authorisation	10%	5
			50
1.3	Yes	22%	4
	No	78%	14
			18
2.1	Sell to a dealer	27%	8
	Sell to another person	30%	9
	Hand firearm over to SAPS	7%	2
	Ignore the law	7%	2
	Other – detail	30%	9
			30
2.3	Yes	39%	7
	No	61%	11
			18
2.4	0 - 25%	43%	3
	26 - 50%	29%	2

		%	Total
51 - 75%		0%	0
76 - 100%		29%	2
			7
3.1	Yes	89%	16
	No	11%	2
			18
3.2	Yes	89%	16
	No	11%	2
			18
3.4	Yes	28%	5
	No	72%	13
			18
3.5	Cost too high	24%	6
	Inconvenience	20%	5
	Insult to my ability	40%	10
	Other	16%	4
			25
3.6	Yes	67%	12
	No	33%	6
			18
3.7	Yes	89%	16
	No	11%	2
			18
4.2	Yes	100%	18
	No	0%	0
			18
4.3	Diversify Business	33	12
	Costs reduced for firearms	8	3
	Sell airguns	22	8
	Sell black powder firearms	19	7
	Other	17	6
			36
4.4	Dealer	53	34
	Collector	47	30
			64
4.5	Yes	94	17
	No	0	0

		%	Total
	Not Applicable	6	1 18
4.6	Yes	56	10
	No	44	8 18
4.7	Taken courses	22	10
	Read relevant firearm magazines	36	16
	Information by supplier	13	6
	Self-exploration	29	13
	Other	0	0 45
4.9	Yes	6	1
	No	94	17 18
4.10	Yes	0	0
	No	100	18 18
4.11	Yes	0	0
	No	100	18 18

## **PUBLIC**

		%	Total
1.1	Yes	94%	30
	No	6%	2 32
1.2	Firearm for self-defense	32%	26
	Restricted for self-defense	9%	7
	Occasional hunting/sport shooting	17%	14
	Dedicated hunting/sports shooting	16%	13
	Ammo in private collection	7%	6
	Firearm , ammo public collection	5%	4
	Firearm for business purposes	9%	7
	Temporary authorisation	5%	4 81
1.3	Yes	44%	14
	No	56%	18 32
2.1	Sell to a dealer	38%	15
	Sell to another person	38%	15

	%	Total
Hand firearm over to SAPS	10%	4
Ignore the law	5%	2
Other – detail	10%	4
		40
2.3 Yes	69%	22
No	31%	10
		32
2.4 0 - 25%	36%	9
26 - 50%	48%	12
51 - 75%	12%	3
76 - 100%	4%	1
		25
3.1 Yes	84%	27
No	16%	5
		32
3.2 Yes	94%	29
No	6%	2
		31
3.4 Yes	56%	18
No	44%	14
		32
3.5 Cost too high	37%	10
Inconvenience	37%	10
Insult to my ability	22%	6
Other	4%	1
		27
3.6 Yes	84%	27
No	16%	5
		32
3.7 Yes	97%	31
No	3%	1
		32
4.2 Yes	93%	26
No	7%	2
		28
4.3 Diversify Business	42	18
Costs reduced for firearms	12	5
Sell airguns	23	10

		%	Total
	Sell black powder firearms	19	8
	Other	5	2
			43
4.4	Dealer	50	59
	Collector	50	60
			119
4.5	Yes	97	31
	No	0	0
	Not Applicable	3	1
			32
4.6	Yes	69	22
	No	31	10
			32
4.7	Taken courses	28	19
	Read relevant firearm magazines	28	19
	Information by supplier	18	12
	Self-exploration	19	13
	Other	7	5
			68
4.9	Yes	22	7
	No	78	25
			32
4.10	Yes	6	2
	No	94	30
			32
4.11	Yes	16	5
	No	84	27
			32