

# GUNS UNDER FIRE

## Initial results of the 2005 firearms amnesty

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On 1 January 2005 government launched the largest ever firearms amnesty. By 31 March 50,233 firearms had been surrendered. Due to public demand, the amnesty was extended to 30 June. This article assesses the impact of the first three months of the amnesty. Although media coverage focused on the illegal weapons handed in, the nearly 28,000 licensed guns surrendered represent just over one year's supply of lost guns that will now not enter the illegal market. And considering the widespread use of handguns in violent crime, the removal of over 43,000 handguns from circulation represents a substantial victory.

Over the past few years, there has been a gradual stabilisation and downward trend in most violent crimes, and murder in particular (see the first article in this issue on crime statistics). Although this is good news, the percentage of people killed by firearms increased from 41% of all murders in 1994 to 49% in 2000 (the last year for which this information was released publicly).<sup>1</sup>

South Africa has high levels of both firearm related crime and firearm ownership. In 1994 there were 3.5 million firearms licensed to civilians.<sup>2</sup> Licensed firearm ownership has increased slightly over the last 10 years and civilians now own 3,547,406 firearms while the police and the army have 567,000 firearms.<sup>3</sup> This means that civilians have more than six times as many firearms as those held by the state security forces.<sup>4</sup>

Licensed guns that are lost and stolen contribute to the pool of illegal firearms in South Africa. The single biggest source of illegal firearms is loss and theft from civilian owners.<sup>5</sup> Annually 20,000 guns on average are stolen from civilians, most of which are handguns.<sup>6</sup> In addition, between 1990 and 2002, an estimated 16,893 police firearms were lost or stolen, while 1,759 firearms were stolen from the South African National Defence Force (SANDF).

### Amnesties as a tool for reducing firearms

Amnesties are most often held in order to reduce or dispose of illegal firearms or in some instances, superfluous guns. Amnesties by their nature imply anonymity and exemption from prosecution. In terms of section 138 of the new Firearms Control Act (No. 60 of 2000) the term amnesty means an "indemnity against prosecution for the unlawful possession of a firearm or ammunition."<sup>7</sup>

However, most amnesties impose conditions, such as conducting ballistic testing on any firearm handed in, which can result in prosecution if the firearm is linked to a crime. Most governments impose these conditions during an amnesty. In some instances, however, such as in the case of Brazil, blanket amnesties – in which no ballistic testing is undertaken – are declared.

Within the international community, firearm amnesties are seen as one of the tools available to governments to control both legal and illegal stocks of guns, and have been used around the world for this purpose. Sometimes known as voluntary weapons collection programmes, amnesties also provide an avenue for people to voluntarily hand in guns. This may take the form of gun buy-back schemes or exchange programmes.

These programmes have been used in a wide range of situations, including United Nations peace operations in post-conflict countries such as Sierra Leone and the Solomon Islands; inner cities and rural towns in the United States; in Australia to collect weapons that were banned under new legislation; and in South Africa to complement the Firearms Control Act (FCA).<sup>8</sup>

There are several key factors that contribute to the success of an amnesty. These include their duration and timing, conditions for amnesty, location of hand-in points, communication and publicity, incentives, and internal organisational planning and capacity.<sup>9</sup> In addition, the socio-political climate in which a declaration of amnesty occurs is critical to its success or failure.

For example, one of the reasons that the amnesty initiated by Gun Free South Africa in late 1994 yielded few firearms is that the public did not yet sufficiently trust either the police or the new democratic order and so were reluctant to hand in their guns. The climate in 2005 is very different: South Africa has just celebrated 10 years of democracy with a growing confidence both locally and internationally in the country's future. In addition, and more importantly for its success, the 2005 amnesty was declared during the first phase of the implementation of the new FCA.

Although the primary objective of most governments in declaring amnesties is to remove illegal guns from circulation, experience shows that amnesties have the potential to achieve a number of objectives. These can include raising public awareness and creating a climate to assist in the implementation of new firearms legislation, as well as providing an opportunity for the voluntary surrender of licensed guns that are no longer needed or wanted. These impacts must not be underestimated.

#### **Firearm amnesties in South Africa**

Several amnesties, which included ammunition, have been held over the past 10 years. The first national amnesty was held sometime during the four years of the negotiated settlement (1990-1994) over a period of three days.<sup>10</sup> The main purpose was to remove excess weapons from a society that had engaged in a low-intensity civil war for several decades.

The only other national amnesty was the one initiated by civil society through the *gun free South Africa campaign*. This was a 24-hour amnesty held on 16 December 1994. Although it yielded few firearms, the amnesty's most significant impact was to put the issue of gun control on the political agenda. This eventually resulted in the promulgation of new and stricter firearms legislation (the FCA).

When considered against the success factors noted above, the impact of these amnesties was generally limited by their short duration, poor communication, and insufficient organisational planning.

By contrast, the 2005 amnesty was part of a major governmental drive to reduce and better manage firearms in South Africa. One of the priorities of the South African Police Service's (SAPS) five-pillar strategy for combating the proliferation of firearms is to reduce and eradicate the illegal pool of guns and criminal use of firearms.<sup>11</sup> Operation Sethunya – the largest ever police effort to stem the proliferation of firearms – and other similar police interventions have been one of the mechanisms for dealing with illegal guns (see *SA Crime Quarterly* No 10). The declaration of a firearm amnesty is another tool to address the problem.

The amnesty issue had been on the political agenda for several years. In 2004 discussions in the SAPS and the Secretariat of Safety and Security led to the conclusion that the time was right because the firearms strategy adopted by government in 2000 was beginning to show results.<sup>12</sup> Specifically, these included police initiatives like Operation Sethunya and its integration into day-to-day police activities; the public destruction of recovered firearms, and the implementation of the Firearms Control Act.

These successes together with increased police visibility, especially in dealing with firearm related crimes, contributed to a climate conducive to declaring an amnesty for the illegal possession of firearms. Another factor was the increase in the number of queries from the public on the surrender of unwanted guns, both at the Central Firearms Register (CFR) and police stations across the country.<sup>13</sup>

### **Aims of Amnesty 2005**

The primary objective was to recover illegal firearms. However, a second important objective – and one which has received less media coverage – was to provide firearm owners with the opportunity to hand in unwanted licensed firearms.<sup>14</sup>

The declaration of the amnesty was intended to complement the implementation of the FCA by providing the public with an opportunity to hand in weapons which under the new Act had become illegal, or for those who had failed to comply under the old Act (such as failure to register an inherited firearm), or even for those who did not want to renew their licence.

In developing the strategy for the amnesty, government identified several key elements for success. One was the need to work closely with civil society in order to secure public support, and the other was to develop a comprehensive communications and media strategy.

Approval was granted by parliament in November 2004 for an amnesty limited to firearms, their parts and components and ammunition. Any other offence committed with firearms was not included and the perpetrators of any such crimes would be prosecuted.

### **National communications strategy**

The SAPS viewed communications as a priority and a comprehensive strategy was developed at national level, with emphasis on devolving authority and initiative to provincial and station level. The aims of the strategy were to:

- inform the public about the amnesty and encourage them to hand in firearms; and
- inform the public about the FCA with a specific emphasis on responsible gun ownership and the requirements of the new Act.

The strategy also had specific internal and external components. Although most communications were directed to the public, all police members had to aware of the SAPS' goals in declaring an amnesty, and the need to reduce the circulation of firearms in the country.<sup>15</sup> To this end a leaflet explaining both the purpose and the procedures for the amnesty and the procedure for the voluntary handing in of firearms

was inserted into all 144,000 SAPS salary advice envelopes.

### *Communicating with the public*

The external communications strategy was widespread, and used a multi-media approach to meet its three objectives:

- informing the public about how to participate in the amnesty through distributing materials such as pamphlets, newspaper adverts and inserts in national newspapers;
- communicating with the public through a national call centre which operated on a 24-hour basis and was able to give detailed information on each specific case; and
- mobilising broad support for the amnesty and the vision of a safer South Africa, through radio adverts as well as T-shirts, caps and posters.

In January 2005 a double-page insert was placed in the TV magazine of both *City Press* and *Rapport* newspapers. The insert combined information about the amnesty with useful details about the new Act with the hope of encouraging people to use the amnesty to dispose of their illegal or unwanted firearms. Other popular magazines such as *Huisgenoot* and *You* were also used to distribute similar information.

The SAPS also developed partnerships with key corporate institutions such as SABC, Shoprite Checkers and SA Pole Advertising, securing sponsorship at the same time as getting maximum coverage. Media coverage was most extensive on radio, which included adverts as well as frequent talk shows. Although the SABC was one of the main channels of communication, local community radio stations and independent stations were also used, especially at provincial level.

All three SABC TV stations were also used to communicate the message – again through adverts, talk shows and interviews. In the last week of the amnesty, SABC TV 3 (*Take 5*) had a daily slot focusing on issues related to the amnesty, ending with the TV 1 *Asikhulume* talk show on the Sunday after the 31 March closing date.

Products such as the T-shirts, caps, posters and pamphlets were primarily aimed at promoting the

Firearms Control Act. This was a deliberate strategy to ensure that some of the key messages communicated through the amnesty period – such as responsible firearm ownership – could be sustained after the amnesty, in support of the new legislation.

The national firearms call centre received between 500 and 1,000 calls a day, peaking in the last few days before the 31 March deadline.

### **Provincial communication strategies**

Although the communications strategy was developed and managed at national level, provinces could develop their own programmes based on their particular needs and context. The provincial strategies differed but were generally impressive. The communications strategies from KwaZulu-Natal and the Western Cape were the most comprehensive,<sup>16</sup> which is encouraging considering that these two provinces, together with Gauteng, have the highest number of firearm related crimes.

A message shared across most of the provinces was the creation of a safer country or province. For example, one of the slogans in the Eastern Cape was "Let's make the Eastern Cape the safest province."<sup>17</sup> In some provinces, such as Mpumalanga, a greater emphasis was placed on the amnesty process, with the primary message "you only have ninety (90) days to surrender your unlawful firearm or ammunition without prosecution."<sup>18</sup>

### **Amnesty results**

The weapons handed in during the amnesty have been grouped into three categories:

- Illegal firearms: weapons or ammunition which under the new Act are deemed illegal that are surrendered voluntarily. This can include guns that have not been licensed, or firearms (licensed or unlicensed) used to commit a crime.
- Voluntary hand-in: the handing in of any licensed firearm or ammunition permitted under the licence.
- Confiscated: any firearm or ammunition confiscated by the SAPS during day-to-day police activities and operations.

A total of 59,301 firearms, including firearm parts and components, were handed in during the first

three months of the 2005 amnesty (Table 1). Given the dual focus of the amnesty on both legal and illegal firearms, it is not surprising that the largest number of weapons (28,409) were in the 'voluntary hand-in' category. Nevertheless, as many as 43% (21,824) of all firearms and components collected were illegal (Table 1). An additional 9,068 firearms and components were confiscated during the same period.

If the figures for the amnesty are added to those of the confiscated firearms, a total of 52% of firearms retained by police between January and March 2005 can be described as 'illegally possessed firearms'. One aspect of the amnesty which has been underplayed in the media reports is the significant amount of ammunition handed in and confiscated, amounting to more than one million rounds (Table 1).

Most of the firearms surrendered were handguns (pistols/revolvers), followed by rifles and shotguns (Table 1). Given the widespread use of handguns in violent crime in South Africa, this is one of the most significant impacts of the amnesty: removing over 43,000 handguns from circulation.

The ISS was given permission to study a sample of the applications received by the SAPS from people surrendering a firearm. A total of 269 SAPS 522(a) forms were reviewed, identifying province, make and type of firearm, and reasons for handing in the gun. The results show that the most likely reason (45%) for turning in a gun was that it had belonged to a deceased person (Table 2).

### **Impact**

The 2005 firearms amnesty has had a significant impact at several levels:

- the removal of thousands of firearms from circulation;
- increased public awareness about the need to rid society of guns;
- raised public awareness about the FCA; and
- improved police visibility.

### *Removing firearms from circulation*

A substantial number of firearms were collected during the amnesty – the largest number during any amnesty effort in South Africa thus far. The number

*Table 1: Firearms, parts and components surrendered under amnesty, by type*

Type	Confiscated by police	Surrendered by the public		Total
		Illegal	Voluntary hand-in	
<b>Complete firearm</b>				
Revolver/pistol	7,465	14,403	21,399	43,267
Rifle	664	4,815	4,266	9,745
Shotgun	519	2,205	2,231	4,955
Auto/semi-automatic	92	35	35	162
Homemade	211	34	14	259
Total	8,951	21,492	27,945	58,388
<b>Firearm components</b>				
Barrel	101	283	386	770
Frame	7	35	66	108
Receiver	9	14	12	35
Total	117	332	464	913
<b>Total: firearms &amp; components</b>	<b>9,068</b>	<b>21,824</b>	<b>28,409</b>	<b>59,301</b>
Ammunition	116,820	388,163	550,309	1,055,292
Magazines	5,876	4,057	6,522	16,455

*Source: Central Firearms Registry*

and types of guns handed in suggest that the first three months of the amnesty have been a success. Despite a focus on the high number of licensed guns that have been handed in, it is precisely this type of firearm that is most likely to be either lost or stolen: owners who have an interest in possessing a firearm will generally take care of it; those who are disinterested are most at risk for loss and theft.

The nearly 28,000 licensed guns handed in voluntarily exceed the number of firearms stolen or lost annually from licensed owners. This translates into just over one year's supply of lost guns that will not enter the illegal market thanks to the amnesty. This is a substantial victory. According to one analyst, "no matter what way you look at it, this amnesty has been an unqualified success."<sup>19</sup> The many firearms surrendered that fall into the 'voluntary handing-in' category demonstrates the value of not focusing on illegal firearms only.

The tendency to focus almost exclusively on the number of illegal firearms misses one of the central purposes of an amnesty – its ability to create a climate for all sorts of weapons to be handed in. This is most evident in the number of legal firearms

*Table 2: Most common reasons for surrendering firearm\**

Category	Number	%
Belonged to deceased person	138	45
Take advantage of amnesty	42	14
No need or use for firearm	27	9
Want to relicence firearm	23	8
Want firearm destroyed	23	8

*\*Respondents provided their own reason, with some listing multiple reasons for surrender.*

surrendered, as well as the handing over of limpet mines, grenades and other explosives and light weapons that technically were not covered under the amnesty declaration.

#### *Raising public awareness*

The amnesty has created a climate in which government is not only able to remove illegal guns from circulation, but is also able to raise awareness about the new Act and the need for gun owners to comply with its provisions or face prosecution. In a survey conducted by SaferAfrica among 400 South Africans between the ages of 16–40 years, 90% of

the sample had heard about the amnesty through radio, TV, print media or the police.<sup>20</sup> This shows a high level of awareness.

The duration of the amnesty has also been a key element in its success. All previous amnesties in South Africa have been less than a week, the shortest being 24 hours. This is insufficient time for people to consider handing in weapons. The 2005 amnesty has demonstrated the importance of having a lengthy period in which guns can be handed in, as well as a comprehensive communications strategy.

The decision to extend the amnesty based on public requests suggests that the original three-month time frame may well have been too short. It could also be seen as a sign of success, with the dramatic increase in firearms handed in over the last 10 days of the amnesty period indicating that people want to hand in their guns and that there are still many firearms out there that need to be collected.

#### *Blanket vs. conditional amnesty*

Placing conditions on an amnesty such as ballistics testing, which raises the fear of prosecution, will automatically exclude certain people from participating. This is a difficult choice for government to make but blanket amnesties have had enormous success in countries such as Brazil. The South African government's decision not to provide a blanket amnesty was based on a legal review by the state law advisers, as well as a concern that criminals might be seen as 'getting off the hook' if weapons were not tested.

#### **Conclusion**

Amnesties remain a useful and effective tool to remove illegal firearms from circulation and to create a climate which builds support for a range of other measures to control the flow of firearms. These can include the regulation of civilian possession of firearms, and day-to-day police operations aimed at confiscating guns. The firearms amnesty should be viewed as a success in South Africa and as one tool to reduce the illicit proliferation of small arms and inculcate a culture of responsible firearms ownership.

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#### **Endnotes**

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