

# Balancing Act

## REGULATION OF CIVILIAN FIREARM POSSESSION

In all but a handful of countries around the world, civilians are permitted to purchase and possess firearms—with restrictions. While only a fraction of the world's civilians own guns, they possess a total of some 650 million—representing nearly three-quarters of the global firearm arsenal or approximately three times the number held by national armed forces and law enforcement.

Although civilian firearm regulation has been debated in multilateral circles over the past two decades, it has largely eluded international control efforts. It is the prerogative of each country, based on its own mix of cultural, historical, and constitutional factors, to regulate civilian gun ownership as it sees fit. The resulting complexity and diversity of approaches make a comparative analysis of states' efforts to regulate civilian possession very difficult, and thus relatively few such studies have been undertaken.

This chapter compares the legislation governing civilian access to and use of firearms in a sample of 42 jurisdictions (28 countries and 14 sub-national entities). The chapter aims to illustrate both the diversity of existing laws and their common features and foundations, although it does not assess the efficacy or suitability of particular civilian possession laws, nor does it investigate the extent to which they have been implemented, enforced, or observed.

The chapter provides an overview of approaches to regulating:

- the *firearm* (including prohibitions and restrictions on certain types of firearms as well as registration systems);
- the *user* (including a review of eligibility considerations such as age restrictions, mental and physical health, drug dependency, public interest, and competency requirements; owner licensing processes; and the regulation of civilian transfers); and
- the *use* of firearms (including a review of the 'genuine reasons' required in different jurisdictions for a person to acquire a firearm, such as hunting, target practice, sport shooting, profession, performance or art, collection or museum, and self-defence; as well as a comparison of the conditions attached to firearm possession in different jurisdictions, such as reporting requirements, safe storage, and carrying in public).



A Turkish boy looks at hunting guns during the Third Gun, Hunting & Nature Fair in Istanbul, September 2004. © Mustafa Ozer/AFP Photo

**All states recognize the need to adopt certain measures to promote the safe use of firearms and to prevent misuse and threats to public safety, as well as the safety of the person in possession of the firearm.**

The chapter's first observation is that national approaches to civilian firearm regulation turn on the question of whether civilian ownership is seen as a basic right or a privilege. Where civilians have a basic right to own firearms, regulation tends to be more permissive; in jurisdictions where firearm possession is regarded as a privilege, states place greater restrictions on ownership.

The chapter's second observation is that, despite the lack of international standards in this area, and irrespective of whether countries see civilian firearm ownership as a right or as a privilege, the reviewed jurisdictions share many elements of civilian firearm control. These include licensing systems that regulate access, gun registration, and record-keeping, and restrictions and prohibitions on the possession of certain weapons. More fundamentally, national controls on civilian firearm access are generally three-pronged, simultaneously regulating the type of firearm civilians can possess, the user, and the permitted use of firearms.

By and large, states share the same underlying objectives—to prevent gun misuse and improve public security. In some instances, they pursue these goals through strong firearm controls; in others, they favour more permissive gun laws. Only a few states worldwide prohibit civilians, as a group, from owning firearms, and none permit unrestricted civilian possession and use. In fact, nearly all seek a balance—one that is shaped by the unique history and culture of each country, and by its legal (constitutional) system.

**Underpinning most national approaches to civilian firearm possession is an attempt to balance the prevention of social harm (crime, interpersonal violence, and suicide) with legitimate civilian use.**

The process of passing laws is often a complex one, involving a range of interdependent factors—including public advocacy, private interests, social mobilization, prevailing national priorities, and even interpersonal relations between policy-makers, among many others. In the case of civilian possession laws, attitudes to and experiences of gun use and gun crime may be as important as all of these factors in shaping laws.

Simply put, there is no one-size-fits-all approach to the issue: authorities must consider many context-specific factors when designing national controls on civilian possession. Yet civilian firearm controls are not only a reflection of geography. As with other types of social regulation, civilian gun laws change over time. Revisions are sparked not only by high-profile mass shootings, but also by broader shifts in public attitudes towards armed violence—and towards regulation itself. States will undoubtedly continue to fine-tune their civilian gun laws as they seek to balance permission and restriction. 🍷