



# SOUTH AFRICA

Chandré Gould, Centre for Conflict Resolution

Guy Lamb, Centre for Conflict Resolution

Gregory Mthembu-Salter, Independent Researcher

Steven Nakana, Centre for Conflict Resolution

Dennis Rubel, Independent Researcher

## Introduction

Researchers in many southern African countries involved in this study found it difficult, and in most cases impossible, to obtain accurate statistical data about the number of legal small arms in their countries, particularly those belonging to the state. South Africa was an exception as extensive official data is available.

South Africa has the highest number of legally owned civilian firearms in the region. In mid-1996 nearly 2 million South African citizens legally owned 3 503 573 firearms. In 2004 there were 3 737 676 firearms licenced to individuals and institutions in the country.

With so many civilian owners and a strong pro-gun lobby, it is to the credit of both the South African Police Service (SAPS) and the parliamentary sub-committee on Safety and Security that South Africa began implementing all provisions of its new firearms control legislation during 2004. This legislation introduced more stringent controls over civilian small arms than the Arms and Ammunition Act (No. 75 of 1969 and its subsequent amendments), which it replaced. The new law, known as the Firearms



Control Act (No. 60 of 2000) was drafted with South Africa's international and regional commitments to small arms control in mind. This chapter examines these positive developments and sets out the SAPS firearm control policy which attempts to address small arms proliferation in South Africa and southern Africa.<sup>1</sup>

While advances are being made to improve the control over both civilian and state-owned firearms, the huge number of legal firearms which enter the illegal pool through loss and theft remain a matter of concern. A 1995 report by the South African Police Service reflects this concern:<sup>2</sup>

“The illegal importation and smuggling of firearms into South Africa, as well as the theft or robbery of firearms in legal possession, and legal firearms reported lost, are certainly the most important factors contributing to the apparent general availability of illegal firearms in South Africa. The availability and alarming rise in the theft of firearms and firearms reported lost, exacerbate the incidence of violent crime”<sup>3</sup>

The view that civilian legal small arms have been significant contributors to the illegal pool of arms in South Africa is contentious. The pro-gun lobby argues that state-owned firearms contribute the greatest number of firearms to the illegal pool. This chapter seeks to inform the debate by assessing the size of legal national stockpiles and the extent of loss and theft of firearms from state departments and civilian owners.

### ***Chapter outline***

In the section titled: “South Africa's Production and Export of Firearms”, we present an overview of the manufacturing industry and the controls on the import and export of firearms to and from the country. South Africa is the only country in southern Africa which has a significant arms manufacturing industry. Since 1994 civil society has worked closely with the government to ensure the effective regulation of arms exports and to ensure that the process is open to public scrutiny.

We provide an overview of the SAPS firearms strategy, assess the size of SAPS firearms holdings and the extent of loss and theft from members of the police force in the section titled: “South African Police Service Firearms”.

For an assessment of the size of the South African National Defence Force (SANDF) firearm holdings and the number of weapons lost and stolen since 1994 see the section: “South African National Defence Force Firearms”.

The section titled: “Other State-Owned Firearms” provides an overview of the apartheid homeland system and the extent to which the firearms previously belonging to homeland security forces have contributed to the illegal pool of arms in South Africa.

Any discussion about the transfer of legal weapons to an illegal status in South Africa would be incomplete without reference to the provision of firearms by state security forces to members of political parties in the early 1990s. All the available information about the provision of weapons to the Inkatha Freedom Party by the police during the early 1990s is presented. Researchers did request information from the SANDF about the size and status of former liberation movement small arms stockpiles, but at the time of writing that information had not yet been made available.

We consider the burgeoning private security industry in South Africa and the controls over small arms in the industry in the section titled: “Firearm Use and Control in the Private Security Industry”.

The section titled: “Civilian Ownership and Illegal Firearms” considers the nature and extent of civilian firearm ownership, as well as loss and theft of firearms from legal owners. An overview of the factors which influence the civilian demand for firearms is presented in the section: “Assessing the Demand for Firearms”.

Finally we assess the following: national controls over firearms, South Africa's role in regional and international firearms control negotiations, and progress with regard to the implementation of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials.

### **Methodology**

The objective of this chapter was to make available baseline data about the size and nature of national firearm stockpiles. In seeking to achieve this objective, the following was undertaken: interviews with key government

officials, members of parliament, gun shop owners, representatives from firearms and ammunition manufacturers, representatives from the security industry and members of civil society organisations; an analysis of official statistics; an analysis of relevant legislation as well as government policy and other publications; a review of newspaper articles; internet searches; an assessment of published material; and survey research.

Researchers were able to collect detailed information about:

- The number of civilian-owned firearms.
- The number and nature of firearms in the military stockpile.
- Police weapons.
- The numbers of weapons owned by other state departments.
- Small arms owned and used by security companies.

The fact that South African researchers were able to gain access to detailed data was a reflection of the relative sophistication of the South African government's data collection and management systems and the maturity of democracy in the country. It is to the credit of the SANDF and the SAPS that their representatives acted in the interests of transparency in providing the information contained in this report. Figures for the number of firearms licenced to civilians had been published over many years, but information about the size and nature of the military and police stockpiles was not widely documented in the public domain.

### ***The Promotion of Access to Information Act***

Much of the previously unpublished information in this chapter was the result of applications for information to the police and military in terms of the Promotion of Access to Information Act (PAIA) (No. 2 of 2000). This Act allows members of the public to gain access to information held by both public and private bodies in South Africa (within certain limits).

Since it was enacted, state structures have responded in varying degrees to the Act's requirements. The Defence Force received large numbers of

applications for information within a short period of the introduction of the legislation. In response the Defence Force appointed an information officer to process all requests for information, who relays requests to the relevant officers within the Defence Force for their response. It was our experience that these requests, while taking a great deal of time to process, have been sufficiently met.<sup>4</sup>

Requests for information from the SAPS were extensively delayed for bureaucratic reasons. Unlike the SANDF, the SAPS does not have a system to respond to requests in terms of the Act. Not all units understood how the Act operated and consequently did not deal with the requests immediately, or as required by the Act.

While the advantage of the Act was to provide a mechanism to ensure that the relevant government department makes the requested information available, extensive follow-up was required to ensure that the request received the necessary attention.

Much of the qualitative information reflected in the sections on police and military stockpiles, losses and thefts was obtained through applications in terms of this Act.

### ***The researchers***

**Chandré Gould** managed the research process and is the main author of this chapter. She undertook the research for the following sections: The South African Police Service and Firearms Control, South African National Defence Force Firearms, Civilian Ownership and Illegal Firearms, Assessing the Demand for Firearms and Assessing Control Over Firearms and the Implementation of Regional and International Agreements.

**Guy Lamb** was responsible for the strategic management of the project and undertook the into South Africa's Production and Export of Firearms and contributed to editing this chapter.

**Steven Nakana** conducted telephonic interviews with gun clubs in South Africa to describe the profile of sports shooters (see "Assessing the Demand for Firearms"). He was also responsible for collecting and analysing open

source information about the transfer of firearms from the police to the Inkatha Freedom Party in the early 1990s (see *The Provision of State-Owned Firearms to the IFP: A Case Study*).

**Noel Stott** (Institute for Security Studies) provided valuable information regarding South African police firearms policy, and the destruction of weapons, and also contributed to the assessment of controls over firearms in South Africa, and South African involvement in regional and international negotiations.

**Gregory Mthembu-Salter** conducted interviews with representatives of the private security industry, the South African Police Services Central Firearms Register (SAPS CFR), members of the parliamentary sub-committee on Safety & Security and the private security regulatory authority – SIRA. His findings are presented in the section titled: “Firearm Use and Control in the Private Security Industry”. Assisted by Louise Flanagan, he conducted research into the status of firearms formerly in possession of homeland governments and security forces.

**Dennis Rubel** conducted semi-structured interviews with 40 firearms dealers in Gauteng, Cape Town, Bloemfontein and Durban. These interviews informed the findings on the retailing of firearms in South Africa in: “Assessing the Demand for Firearms”.

## South Africa's Production and Export of Firearms

### *Manufacturing industry: firearms and ammunition production*

The South African arms industry was established with British financial support on the eve of the Second World War, when training aircraft were assembled by local industry and the Royal Mint in Pretoria manufactured small arms ammunition, predominantly for use by the Union Defence Force.<sup>5</sup> Demand for arms and ammunition during the Second World War led to the rapid expansion of the industry, with approximately 50 million rounds of ammunition being produced annually. At the end of the war, demand for small arms and ammunition was significantly reduced and, as a

result, the industry shrank, with most factories closing down or converting to civilian production.<sup>6</sup>

In the early 1960s, there was a massive expansion in the arms industry because of the economic boom in South Africa and in response to the increased security threat to the government, as the African National Congress (ANC) and the Pan African Congress (PAC) initiated an armed struggle. The expansion of the industry was further boosted by a United Nations Security Council resolution calling on all states to voluntarily stop supplying South Africa with arms.<sup>7</sup>

By the early 1970s, the South African Defence Force (SADF) was being supplied with almost all its rifles, mortars, ammunition, bombs, grenades and landmines by the local defence industry. The standard NATO rifle, the Belgian FN 7.62mm, was being manufactured in South Africa under licence. This was replaced in the 1970s by the production of the Israeli Galil, better known as the R4 rifle.<sup>8</sup> In 1977, following the Soweto uprising,<sup>9</sup> the United Nations Security Council passed a mandatory arms embargo against South Africa. This had the effect of forcing the local small arms sector to become virtually self-sufficient.

Between 1989 and 1993 South Africa was in economic recession, which led to severe (40%) budget cuts for the Department of Defence. A process of disarmament followed, which included dramatic cuts in defence expenditure and reductions in personnel levels. The demand for small arms by the military was significantly reduced following the SADF's withdrawal from Angola and Namibia. These factors contributed to a downsizing and restructuring of the defence industry.<sup>10</sup>

From 1994 onwards, in the wake of further cuts in the defence budget as health and education became spending priorities, the defence industry continued to shrink and restructure. Many of the surviving companies turned to the export market in order to survive.<sup>11</sup>

The small arms and light weapons manufacturing sector of the South African arms industry is now relatively small compared to the aerospace and electronics sectors, and is comprised of a handful of companies, both public and private.

**Table 6.1: Profiles of Selected South African Small Arms Manufacturers and Their Products**

<b>New Generation Ammunition</b>	New Generation Ammunition is a Gauteng-based producer of small arms ammunition, including "special purpose ammunition".
<b>Hausler Scientific Instruments (Pty) Ltd</b>	This Gauteng-based company produces small arms (pistols); anti-riot arms and equipment; sights; fuses; 60mm and 81mm mortar systems.
<b>Swartklip Products</b>	Swartklip Products is the pyrotechnics division of Denel. It supplies 155 mm carrier rounds, 40 mm HV and LV rounds, commercial ammunition and industrial power cartridges. Swartklip Products also produces a range of .22 ammunition for the USA market.
<b>MGL Milkor MGL</b>	Milkor Marketing is based in Pretoria, and was established in 1995. Its flagship product is the MGL-MK1 shoulder-fired grenade launcher, which has been exported to 30 different countries. <sup>12</sup>
<b>Vektor</b>	Vektor designs, develops and manufactures machine guns, rapid-fire cannons and mortars for the military sector of both the SANDF and the export market. For the civilian market, Vektor produces hunting rifles and rifle actions. Examples of Vektor's products are: G12 Automatic Cannon (20mm); MG 4 Mounted Machine-gun (7.62mm); mortar systems (81mm; 60mm); R4/R5 Assault Rifles; 9mm Parabellum pistols; general purpose machine gun (7.62 NATO).
<b>Pretoria Metal Pressings</b>	Pretoria Metal Pressings (PMP), a subsidiary of Denel, was established in 1931, and develops and manufactures small to medium calibre ammunition, brass and copper strip, high quality percussion caps of all types, mining drill bits as well as power cartridges and cutting charges. PMP's premises are located in Pretoria West, Gauteng.

	PMP produces military and commercial ammunition products and components. The small arms ammunition ranges from 5,56 mm to 12,7 mm and the medium calibre range from 20 mm to 35 mm. PMP also produces the NTW-20 multi-calibre anti-material rifle. More than 70% of PMP's production is exported.
<b>Truvelo Manufacturing: Armoury</b>	The Armoury division of Truvelo Manufacturing was established in 1970. It is located in Gauteng and produces pistols, sporting rifles, hunting rifles, barrels and military-type weapons. It has distributors in Germany and Malaysia.

### ***South African government small arms exports***

South Africa has the largest and most complex arms industry in Africa, exporting worldwide. The industry produces and exports a range of small arms and ammunition. South Africa also has the highest number of registered gun dealers on the African continent. South African dealers sell South African-made firearms and import small arms and ammunition from various parts of the world, including the United States, United Kingdom and China.

From 1995 all arms exports required approval from the Cabinet level National Conventional Arms Control Committee (NCACC). Only government-to-government transactions are permitted.

Section 15 of the National Conventional Arms Control Act (No. 41 of 2002) sets out the guiding principles and criteria which must be applied by the NCACC, when considering applications for arms exports. They include:

1. Safeguarding the national security interests of South Africa and those of its allies.
2. Avoiding contributing to internal repression, including the systematic violation or suppression of human rights and fundamental freedoms.
3. Avoiding transfers of arms that are likely to contribute to the escalation of regional military conflicts, endanger peace by introducing

destabilising military capabilities into a region, or otherwise contribute to regional instability.

4. Adhering to international law, norms and practices and the international obligations and commitments of the Republic, including United Nations Security Council arms embargoes.
5. Taking into account calls for reduced military expenditure in the interests of development and human security.
6. Avoiding contributing to terrorism and crime.

Applications for arms transfers are processed by a four-tier regulatory system. First, the Directorate Conventional Arms Control (DCAC) receives the application, registers it and forwards the application to several other government departments, including the Department of Trade and Industry, the Department of Foreign Affairs, and the Department of Defence, for their assessment.

The assessments are correlated and submitted to an inter-departmental Scrutiny Committee at Director General level. The Scrutiny Committee makes final recommendations on the applications. The applications are then submitted to the NCACC for a decision. The DCAC also serves as a secretariat to the NCACC and carries out the decisions of the NCACC on a case-by-case basis.

The DCAC administers a number of different permits:

*Armaments Development and Manufacturing Permit:* A company must register with the DCAC and possess an Armaments Development and Manufacturing Permit before it can develop, manufacture or trade in conventional arms.

*Marketing Permit:* Conventional arms-related products require Marketing Permits, without which the product cannot be marketed internationally.

*Contracting Permit:* In order for a company to negotiate a contract on conventional arms transfers with a client, a contractual authorisation is required from the NCACC.

*Export Permit:* The DCAC will issue an Export Permit for an arms transfer, once the NCACC has granted contractual authorisation.

*Import Permit:* This may be issued to a company to import armaments or materials and components required in the manufacture of armaments by the DCAC.

*Transit Permit:* A Transit Permit is needed to transfer conventional arms through South African ports, or over its territory to neighbouring states or any destinations outside South Africa.

*End-User Certificate (EUC):* The DCAC will verify the End User by endorsing the End User Certificate in respect of armaments, materials or components required in the manufacture of armaments.

*Delivery Verification Certificate (DVC):* In compliance with international criteria and on request of information from the recipient, the DCAC will issue an official statement that defence material has arrived at its approved end destination.

### ***Product categories***

In terms of a Cabinet Memorandum of 1995, and the NCAC Act, the DCAC is required to provide an annual report on arms exports to Parliament every year. The details of the arms transferred are not provided in this report, only the monetary value, the country and category. The categories used by the NCACC are as follows:<sup>13</sup>

#### **Category A: Sensitive Major Significant Equipment (SMSE)**

This category comprises conventional implements of war such as explosives, large calibre arms and automatic weapons, guns, missiles, bombs and grenades, tanks, fighter aircraft, attack helicopters and naval vessels that could cause severe casualties and/or major damage and destruction.

#### **Category B: Sensitive Significant Equipment (SSE)**

This category comprises all types of handheld infantry firearms and portable assault weapons and associated ammunition of a calibre smaller than 12.7mm. This is the category that relates to small arms and small arms ammunition.

#### **Category C: Non-Sensitive Equipment (NSE)**

This category comprises all support equipment usually employed in the direct support of combat systems or operations, but which cannot kill

people or bring about physical destruction. Included are all forms of electronic equipment, radio and communication equipment; systems such as flight control, tactical observation, propulsion, missile tracking and guidance, weapon-firing sights; transport equipment for logistical support and other miscellaneous equipment.

#### Category D: Non-Lethal Equipment (NLE)

This category is limited to purposely designed demining, mine clearing and mine detecting equipment, and all non-lethal pyrotechnical and riot control products.

The following table presents data about South African small arms and ammunition exports between 1996 and 2001.

*Table 6.2: South African Small Arms Exports: 1996-2001  
(in Rand values at March 2004 prices)<sup>14</sup>*

Country	1996	1997	1998	1999	2000	2001	Total
Australia		144 000					144 000
Austria	3 077 000						3 077 000
Bahamas	42 000						42 000
Botswana		115 000		55 000	9 879 000	88 000	10 137 000
Brazil	1 918 000	2 682 000	877 000	436 000	1 642 000	460 000	8 015 000
Cameroon	31 000				2 053 000	871 000	2 955 000
Chile			829 000	915 000	1 302 000	1 062 000	4 108 000
Colombia	6 872 000	9 793 000	13 549 000	7 405 000	9 880 000	17 714 000	65 213 000
Cyprus	2 392 000						2 392 000
Denmark	4 000	2 000					6 000
Ecuador	3 979 000	291 600					6 895 000
Germany	564 000	2 106 000	5 668 000	10 890 000	8 172 000	5 236 000	32 636 000
Ghana	462 000	1 757 000	2 602 000				4 821 000
Guatemala				950 000			950 000
Greece			59 000	7 440 000	8 103 000	642 000	16 244 000
Ireland	1 000	74 000	33 000		77 000		185 000
Israel		22 796 000	2 106 000	534 000	77 000		25 513 000
Ivory Coast	957 000	399 000		925 000			2 281 000
Jordan	142 000	1 526 000	1 135 000				2 803 000
Kenya	2 293 000				141 000	3 005 000	5 439 000
Kuwait		439 000		319 000			758 000
Lesotho	41 000		1 655 000				1 696 000
Lithuania					3 482 000		3 482 000
Malaysia					5 627 000		5 627 000
Maldives						750 000	750 000

Country	1996	1997	1998	1999	2000	2001	Total
Mauritius	57 000						57 000
Mexico	848 000	6 067 000	1 097 000	158 000	2 534 000	1 113 000	11 817 000
Namibia		56 000					56 000
New Zealand		1 340 000					1 340 000
Oman	464 000				977 000	147 000	1 588 000
Pakistan	2 335 000	3 780 000	383 000	5 313 000			11 811 000
Paraguay	520 000		449 000				969 000
Peru	9 083 000	98 000					9 181 000
Philippines		986 000	1 010 000	2 532 000	4 283 000	2 906 000	11 717 000
Portugal	5 790 000	132 000	5 936 000		2 011 000	2 663 000	16 532 000
Republic of Congo		630 000					630 000
Rwanda		655 000	1 072 000				1 727 000
Singapore	15 083 000	4 426 000	8 247 000	15 552 000	6 678 000	10 672 000	60 658 000
Swaziland	379 000	667 000	1 081 000	136 000	254 000		2 517 000
Taiwan	237 000	19 704 000			333 000	14 940 000	35 214 000
Thailand	1 088 000	1 737 000		1 488 000	1 930 000		6 243 000
Togo	224 000						224 000
Uganda	2 720 000						2 720 000
United Arab Emirates	1 430 000		3 410 000		850 000		5 690 000
United Kingdom	164 000	2 334 000	98 000	19 000	4 000	12 558 000	15 177 000
United States of America						141 000	141 000
Uruguay	1 077 000						1 077 000
Venezuela		2 838 000					2 838 000
Yemen					522 000		522 000
Zimbabwe		6 000					6 000
<b>TOTAL</b>							<b>406 615 000</b>

Small arms trade in southern Africa earned South African arms manufacturers a total of R14 412 000 between 1996 and 2001, representing 3.5% of total earnings for arms exports. The most recent recorded transactions between South Africa and other South Africa Development Community (SADC) countries are exports to Botswana and Swaziland.

#### *Private small-scale exports*

It is illegal for individuals to export arms and related equipment for commercial purposes. However individuals are permitted to export their privately owned weapons, which cannot be for resale. In order for an

individual to export personal firearms, the owner of the firearms has to apply for a permanent export licence from the Central Firearm Registry. A firearm can also be exported temporarily (if for example the firearm owner is going hunting in another country and will bring the firearm back on return). This requires a passport and a temporary export permit (SAP 179).

If non-South Africans wish to transfer firearms purchased in South Africa to their country of residence, they must first obtain an import permit from their country of residence, which states the reason for the import. They can then apply for a South African export permit. Dealers from countries that allow commercial trade in firearms (such as Botswana) who wish to import firearms, are required to provide the Central Firearms Registry (CFR) with an end-user certificate. At present the destination of exported firearms is not captured on the CFR database, so it was not possible to obtain data on the number of private firearms exported.

### ***Small arms imports***

The Central Firearms Registry and the Department of Trade and Industry record all information on the import of firearms, but neither of these institutions were willing to provide data on South Africa's arms imports.

Because individuals importing firearms into South Africa are required to pay an import levy to the South African Revenue Service (SARS), researchers approached the Customs and Excise department of SARS for the relevant data. According to SARS representative, Mr Jack Heyns,<sup>15</sup> the information could not be made available because it is classified under Chapter 93 of the South African Revenue Services Act (1997). The researchers submitted an application for the information in terms of the Promotion of Access to Information Act to the SARS on 16 October 2003, but at the time of writing no response had been received.

## **The South African Police Service and Firearms Control**

### ***SAPS Firearms Policy***

The South African Police Service (SAPS) is the primary institution responsible for the control of small arms and light weapons in South Africa.

The Commissioner of the SAPS reports directly to the President. Operations by the SAPS are overseen by the Department of Safety and Security, which includes the civilian Secretariat for Safety and Security, the body that advises the Minister.

In 2001/2002, the SAPS developed a Firearms Strategy with the aim of eradicating the proliferation of firearms for use in crime and violence in South Africa. The strategy was based on the following five conceptual pillars:

#### **Pillar 1: Development and maintenance of appropriate firearm-related regulators**

This relates to the development of policies, procedures and operational mechanisms for the effective implementation of the Firearms Control Act (2000). These were to be in place by March 2004.<sup>16</sup>

#### **Pillar 2: Development and maintenance of effective control processes and procedures regarding firearms**

These are the administrative mechanisms and the human resource and equipment capacity that are required to implement the Firearms Control Act.

During the 2002/2003 financial year, units<sup>17</sup> of the SAPS received additional human and physical resources<sup>18</sup> for the purpose of implementing the new firearms control legislation. At the same time Designated Firearm Officials were appointed at police stations, area offices and provincial offices. These officials are responsible for implementing the provisions of the firearms control legislation in each province. Firearm Registration Centres were established to perform administrative functions in terms of the Act and the Firearms Control Regulations.

In 2003 a national firearms audit was conducted in all state departments to:

- Obtain detailed information regarding the status of firearms in their possession.



- Rectify the records of the respective departments with the Firearms Register System.

The SAPS was to assist state departments with the handing in and destruction of redundant and obsolete firearms.

Competency testing is one of the key elements in the new firearms control legislation. Minimum standards for firearm competency have been developed, and in June 2002 the South African Qualifications Authority (SAQA) approved these standards.

Minimum requirements for safes, strong rooms and safety devices were drawn up and integrated into the Firearms Control Regulations. These requirements contribute to the standardisation of civilian safekeeping facilities, and to more effective firearms control.

Steps were taken to improve the safekeeping facilities of state-owned firearms. Some R3.2 million (US\$ 320 000) was approved in July 2001 for the upgrading and/or installation of new safes for the SAPS, to safeguard confiscated firearms.

### **Pillar 3: The reduction and eradication of the illegal pool and the criminal use of firearms**

This pillar entails detailed analyses of control dysfunctions, the detection of the origin of illegal firearms, the linking of cases and criminality, procedural and focused organised crime interventions, and cross-border operations.

Senior Superintendent Stan Joubert of the Serious and Violent Crimes Unit of the SAPS told researchers that two operations had been conducted during November 2002, one in co-operation with the Lesotho police (Operation Katse) and the other with the Swaziland police (Operation Green Mamba). The operations were aimed at tracing firearms which had been confiscated by the Lesotho and Swaziland police. Operation Green Mamba resulted in the testing of 1 824 firearms, of which 523 could be found on South African databases (the remainder did not have clear identification numbers). Of these, 180 had possibly been licenced in South Africa, while 85 had possibly been stolen in South Africa, 53 had possibly

not been reported stolen, and 42 were possibly from South African state departments. During Operation Katse, 178 records were checked. Of these 106 firearms appear to have been licenced in South Africa, 55 were possibly stolen, 51 had possibly not been reported stolen, and 22 belonged to state departments.<sup>19</sup>

### **Pillar 4: The prevention of crime and violence through awareness and social crime prevention partnerships**

During 2001 and 2002 the SAPS undertook projects to declare certain schools Firearm Free Zones in terms of the Firearms Control Act, which makes provision for such zones. Gun Free South Africa is developing a database of Firearm Free Zones which, at the time of writing, included 440 schools.

### **Pillar 5: Regional firearms interventions**

The fifth pillar aims to ensure coordinated planning, implementation, monitoring and evaluation of firearms initiatives. These initiatives are aimed at reducing the proliferation of firearms for use in crime and violence in the southern African region by:

- Managing all regional policy implementation on firearms and operational interventions.
- Managing regional requests for assistance by countries or agencies in southern Africa, where the SAPS is the initiating or implementing agency.

In terms of the fifth pillar, the SAPS will participate in discussions about the SADC Protocol and the United Nations Programme of Action and engage in joint regional operations.

### ***Assessing the SAPS Stockpile***

At the time of writing, the SAPS had a Firearm Standardisation Plan to:

- Reduce the number of categories of firearms currently used and maintained by the SAPS;

- Ensure that all police officials are trained in the use of standard firearms and safekeeping procedures;
- Establish ideal numbers of firearms for a specific station (based on a socio-demographic analysis),<sup>20</sup> and
- Reduce the logistical burden of having and maintaining a wide-variety of firearms.

According to the SAPS Annual Report, the result of the Standardisation Plan was that firearms could be reassigned from stations with a surplus to stations where firearms were needed.<sup>21</sup>

In mid-2003, the police stockpile, including both standardised and non-standardised weapons stood at 262 062 firearms.<sup>22</sup> Of this 178 630 are standardised weapons. A member of the Logistics Division explained that the standardisation policy means that members of the SAPS will only be issued with those specific firearms required for daily policing duties. Members at station-level will not, for example, be issued with sniper rifles.<sup>23</sup> Only SAPS members who fulfill operational tasks are issued with firearms, those fulfilling purely administrative tasks are not. The range of firearms available to SAPS members has also been reduced which makes servicing and maintaining the firearms more economical.

In a recent audit of the number and types of firearms issued to police personnel, it was confirmed that 903 members of specialised units were issued with both rifles and handguns. A total of 79 253 officers have been issued with handguns only,<sup>24</sup> leaving 20 866 unarmed officers who purely undertake administrative duties.

The SAPS purchases all its firearms from the South African Armaments Corporation (Armscor). Firearms procured by the SAPS are kept in the Firearms Provisioning Store, which consists of walk-in safes. Those issued to members, stations or units are kept in safes at the police stations or at the officers' homes. According to the Logistics Division: "No member will be issued with a firearm on his personal inventory if the member does not have a safe for the safekeeping of the firearms."<sup>25</sup>

**Table 6.3: Personnel strength of the South African Police Service: 1997 - 2003**

Year	Number of Active Personnel
1997	115 198
1998	112 891
1999	109 104
2000	104 200
2001	Unknown
2002	123 000
2003	101 022 <sup>26</sup>

### ***Losses and Theft of Police Firearms***

Researchers were unable to access up-to-date figures for the number of police firearms lost and stolen during the period under review. It was, however, possible to estimate the number on the basis of various open sources.

In 1999 the Ministerial Policy on Firearms Control stated that over the previous nine years 14 636 police weapons were lost or stolen.<sup>27</sup> This means that during the period 1990-1999 an average of 1 626 firearms a year (135 a month) were lost by or stolen from the police.

According to research findings reported by the Democratic Party (DP), "of the 7 261 SAPS firearms that were lost between 1990 and 1995, 950 were reportedly lost after residences or quarters of police were burgled; 1 438 were lost out of charge offices during shift changes; 101 were reportedly forgotten in toilets and 1 046 were lost by police officers during visits to *inter alia*, discos and shebeens."<sup>28</sup> The DP's research findings for the period 1990-1995 indicate that, on average, 1 452 firearms were lost or stolen per annum. The DP's figures do not differ dramatically from those provided in the Ministerial Policy report.

The SAPS 2002/2003 Annual Report recorded that an audit had found that there were 921 firearms lost by the SAPS during 2002, which reflected "...no significant improvement in respect of [reducing the number of] losses of firearms."<sup>29</sup>

On the basis of this information it can be determined that an estimated 16 893 police firearms were lost between 1990 and 2002.

Although the SAPS Annual report for 2002/2003 provides a breakdown of the circumstances under which the firearms were lost or stolen (Table 6.4), the report is not clear on whether the officers were on or off-duty at the time of the loss or theft. The descriptions of the circumstances are unhelpful, for example, the report records that almost half of the weapons lost during the year were lost or stolen from police officers "...in townships and other places", without stating which "other places" were being referred to. More informative is the statement that during the firearms audit in 2002, "...several cases of poor control and safekeeping of weapons were noted", and "...the weapon register was not completed on a regular basis for the issue and return of weapons."<sup>30</sup> This indicates a need to improve the controls over police firearms, a function which should be addressed in terms of Pillar 3 of the SAPS firearm strategy.

*Table 6.4: Circumstances under which SAPS firearms were lost or stolen during 2002*

Circumstances	Number of firearms
Robbed - In townships and other places	474
Liquor involved	4
Housebreaking - properly locked	108
Not locked	12
Theft – out of dwelling	45
Out of state vehicle	13
Out of private vehicle	6
Out of offices	55
Collisions	9
Subtotal	726
During handing over	23
During inspections	104
Lost in bathrooms	7

Circumstances	Number of firearms
Lost under influence of alcohol	5
Lost from person	32
Lost during execution of official duties	24
Subtotal	195
<b>Total</b>	<b>921</b>

South Africa has a notoriously high crime rate. It can be expected, therefore, that police officers will be the victims of crime during the course of their work. Indeed, between 1994 and 2002, 1 894 police officers were murdered in South Africa (an average of 237 per year). Between January 2000 and the end of June 2003, 2 771 attacks on police officers were recorded.<sup>31</sup>

The 2002 figures for the number of firearms lost or stolen from police officers show that 63% of the firearms lost by the SAPS (582 of 921) were stolen from officers in the course of their duty or from their homes. On the basis of the 2002 figures, it appears that only a small number of the firearms lost by police officers are the result of negligence (42 of 921, or 4%).

### **Conclusion**

In 1997 the Standing Committee on Public Safety and Security of the Gauteng Legislature published the "Report on Illegal Weapons and the Licencing of Firearms", in which the view was expressed that illegal firearms, and in particular firearms of military origin that were left over from the various conflicts and civil wars in southern Africa since 1975, present one of the greatest threats to the stability of South Africa's new democracy. The report stated that the "...correlation between these illegal weapons and the serious crime that is committed in this country is beyond doubt."<sup>32</sup>

However, the Committee also noted that this "...concern with illegal firearms of military origin should not obscure what has become clear to many observers - that a closer examination of crime statistics reveals that the firearm most used in crimes is not the apparently ubiquitous Kalashnikov (AK-47) but the pistol or revolver".<sup>33</sup> Pistols or revolvers

accounted for 75% of all the firearms used in crimes in 1994 and 1995 according to SAPS statistics.<sup>34</sup> Consequently, it was identified that attention needed to be paid to the extent that legal firearms contribute to the problem of firearm proliferation.

Since 1997 the SAPS had addressed this problem through drafting the Firearms Control Act (2000) and its regulations, and through its comprehensive firearms control strategy. It is commendable that this strategy includes the ongoing analysis of control dysfunctions. It can, however, be expected that the SAPS will be hampered by its outdated, complex and inadequate information management systems. A new data management system is planned for implementation in 2005.

## South African National Defence Force Firearms

### *Introduction*

Much has been written about the extent to which the apartheid government focused its resources on bolstering the strength of South African Defence Force (SADF).<sup>35</sup> During the 1970s and 1980s, white men were conscripted to serve in the defence force, which was deployed both in neighbouring states and in the towns and townships within the country.<sup>36</sup> Since the end of apartheid, the South African government's security perceptions have shifted dramatically, not least because its own citizens are no longer viewed as a threat to stability.

As argued by Nontombi Makupula, "...national security in the new South Africa is no longer viewed as a predominantly military and police problem."<sup>37</sup> The result of this shift in policy has been a dramatic reduction in the size of the SANDF personnel, despite the fact the new defence force includes members of the former liberation movements armed wings and the former homeland defence forces. The reduction in size has been accompanied by a reduction in the SANDF's firearms holdings.

The SANDF still faces challenges in dealing with the legacy of its past. As will be seen below, the data management systems of the SADF for recording small arms holdings and transfers, were archaic. The result is that it has been very difficult for the SANDF to balance its books. Insufficient information is available about the numbers of small arms and light weapons donated during the 1970s and 1980s by the SADF to what were then the

South African government's allies in Angola and Mozambique. There is insufficient information about the number of firearms made available to political groups within the country over the same period. In addition, there remains uncertainty about some 23 387 firearms which are recorded on the SANDF database as "administrative losses". Some of these, perhaps as many as half this amount, may be firearms which are recorded twice on the system, so actual losses may not be this high.<sup>38</sup>

### *Military Firearms Stockpile*

During the 1996 Defence Review Process, the SANDF revealed that it had a total stockpile of almost 250 000 R1 rifles, almost 200 000 R4 and R5 rifles, 17 000 pistols, and thousands of machine guns. These figures excluded the so-called 'war reserves'.<sup>39</sup>

However, between 1998 and 2001 the SANDF destroyed<sup>40</sup> a total of 262 667 small arms.

According to 2003 data, the SANDF had 350 636 small arms and light weapons in its holdings. The breakdown in Table 6.5 lists all SANDF weapons smaller than 30mm calibre.

*Table 6.5: SANDF Small Arms Stockpile Per Type of Firearm (as of August 2003)*

Type of Firearm	Number of firearms in Stockpile
Machine Gun	23 850
Sub-machine Gun	2 846
Shotgun	3 042
Gun (unspecified)	2 076
Pistol	36 353
Revolver	1 243
Rifle	281 124
Practical Shooting Kit	40
Light Machine Gun	17
Sub Calibre for Launcher	3
Canon, Air-defence gun	44
<b>Total</b>	<b>350 636</b>

On the basis of the information in Table 6.5 it was possible to determine the number of firearms per member of the SANDF. It was not possible to obtain data for the number of active-duty military personnel, but former SANDF officers<sup>41</sup> suggested that a conservative estimate would put the number of active-duty personnel at 50% of the total force size. On that basis it can be calculated that the SANDF has a ratio of 5.89 firearms per uniformed officer. Canada, the only other country for which reliable estimates are available, has 2.5 firearms per active-duty officer.<sup>42</sup> By comparison, the South African military remains well armed despite the massive cut-backs.

*Table 6.6: Personnel Strength of the South African National Defence Force 1994 - 2002*

Year	Number of Active Personnel
1994	78 500
1995	136 900
1996	137 900
1997	79 400
1998	82 400
1999	69 950
2000	63 389
2001	61 500
2002	59 523

During 1995 the SANDF was formed, incorporating members of the armed wings of the liberation movements and the former homeland defence forces and former SADF members. This explains the increase in force size during 1995 and 1996. Then, in the six-year period between 1996 and 2002, the SANDF has downscaled dramatically, shedding some 78 377 members, primarily through natural attrition, non-renewal of certain short and medium term contracts and voluntary severance packages.

### ***Military Losses and Thefts***

During the 1970s and 1980s, the SADF was waging war in Namibia, Angola, Mozambique and Zimbabwe, South Africa's frontline states. South

Africa threw its support behind rebel movements in Mozambique and Angola, namely Unita and Renamo respectively, which were fighting their USSR-aligned governments. In Namibia (then South West Africa) the SADF held firm against the South West African People's Organisation (SWAPO). The SADF provided Unita and Renamo with firearms, the exact number of which cannot be determined. These weapons were assigned a particular administrative code when recorded on the SADF database, which was the same code as that allocated to weapons that were earmarked for disposal.

In the 1980s sub-categories were added to these administrative codes, e.g. 00002/4 referred to weapons sent to Namibia (then South West Africa) and 00002/1 referred to weapons sold to the police. In 2000 a new data collection system was devised, and an audit was conducted which revealed that a large number of weapons could not be accounted for, in part as a result of the archaic coding system that had been used, which included deliberately unfathomable codes such as 00002/Koos.

Already in 1993 the SANDF's Logistics division was assigned the mammoth task of auditing the SANDF stockpiles to ensure that weapons registered on the electronic databases match actual weapons being used or stored. In the process it became clear that a number of firearms previously considered unaccounted for, were in fact merely ghost numbers, weapons that had been recorded twice under different codes.<sup>43</sup>

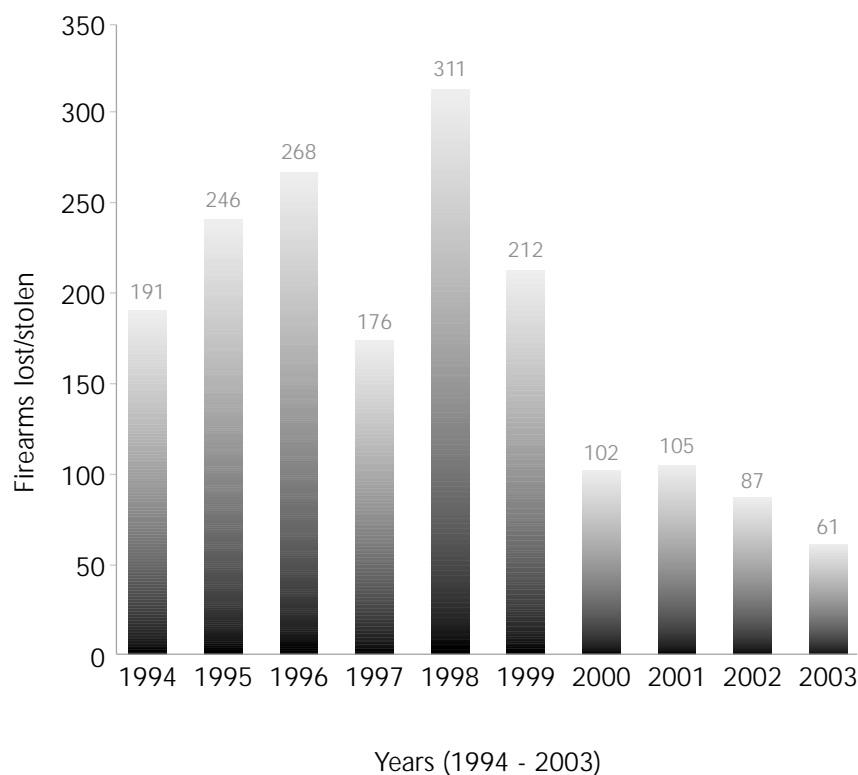
Despite these administrative difficulties the SANDF made available to researchers detailed information about the number of weapons lost and stolen from the defence force since 1994. The information reveals that the SANDF's annual losses are relatively low.<sup>44</sup>

Chart 6.1 provides a breakdown of the 1 759 firearms lost or stolen from the SANDF for the period 1994 - August 2003. This number does not include weapons which were donated to neighbouring countries, or weapons given to former homeland governments, or weapons still in possession of the Commando units (see below). Rather, these are weapons

which cannot be accounted for or which have been reported lost or stolen by the units of the defence force.<sup>45</sup>

The highest number of reported losses were incurred during 1998. In this year the 44 Parachute Brigade in Bloemfontein was robbed of 220 weapons including R4 and R5 rifles, rocket launchers and 7.62 calibre Brownings. Of these 220 weapons, 123 were recovered. Also during 1998, Group 8 in East London was closed down and it was found that 258 rifles and handguns were missing from the stocks. More than half of these weapons (143) were subsequently found. Most of them had been handed in to police stations by former members of the unit.

*Chart 6.1: SANDF Firearm Losses: 1994 - August 2003*



There appeared to be a significant drop in numbers of lost and stolen firearms after 2000. However this may be attributed to the fact that losses after 2000 had to be reported not only to the Logistics Division<sup>46</sup> of the SANDF but also (a new requirement) to the Finance Division, which did not always happen. In other words, more firearms may have been lost then were recorded by the Logistics Department.

Most of the losses recorded in the period 1994-1996 were firearms which were not found in stock during the 1993 – 1996 firearms audit.<sup>47</sup>

During 1997, 141 losses were identified through the process of stocktaking and 46 were reported lost or stolen from the homes of Commando members.

The high loss figures for 1998 can be ascribed to the following incidents:

- The closure of the Ciskei Defence Force (CDF). The CDF's losses were transferred to Group 8 in East London.
- Theft from the armoury of Group 16 in Heidelberg.
- Theft from Group 36 in Ladybrand.
- Theft from 10 Anti-Air Regiment in Kimberley.
- Robberies from the homes of Commando members.
- Stock taking deficiencies.<sup>48</sup>

During 1999 the losses can be ascribed to stock taking deficiencies (101), firearms lost during training exercises (17), firearms stolen from Commando members' homes (43) and firearms which were given to Commando members who relocated and failed to hand their weapons back to the SANDF (49).<sup>49</sup>

**Table 6.7: Circumstances Under Which SANDF Firearms Were Lost or Stolen: January 1994 - August 2003**

Circumstance of loss	Quantity lost	Quantity found	Total lost
Lost during internal operations ("suppression of unrest")	55	9	46
SANDF member left service without returning weapons	31	7	24
Lost during training or field exercises	35	7	28
Stocktaking losses <sup>54</sup>	1213	461	752
Cadet firearms missing from schools	15	1	14
Missing from SANDF living quarters	20	5	15
Missing from SANDF members homes (including robberies)	379	127	252
Lost/stolen from vehicles	51	9	42
Missing during transit	8	2	6
Stolen from units	519	130	389
Lost when the SADF member went Absent Without Leave	14	5	9
Armed robberies	28	10	18
Other	174	10	31
<b>Total</b>			<b>1 759</b>

Of the firearms reported lost or stolen by the military between 1990 and 2003, the majority were rifles, followed by handguns.

According to the SANDF's Logistics Division, aside from administrative losses, the greatest cause for concern was firearms (R1 rifles) which were issued to members of the civilian Commando units<sup>50</sup> and which have not been returned to the SANDF. Many Commando members assumed that the weapons which they were issued could remain in their possession indefinitely. According to Col. Champion, all Commando members (numbering 130 000 in 1993) were still in possession of the firearms issued

to them by the SANDF. Many of these people had subsequently moved from their original addresses taking their weapons with them, and had not informed the military of their new addresses. Finding the Commando members to recover the firearms has been complicated by the fact that Commando units kept manual accounting records and some of the firearms were issued more than 20 years ago.

**Table 6.8: Types of Military Firearms Lost or Stolen: 1990-2003**

Circumstance of loss	Quantity lost	Quantity found	Total
Handguns (revolvers and pistols)	597	121	476
Rifles	1 747	632	1 115
Other	76	35	41
Unknown	127		127
<b>Total</b>	<b>2 547</b>	<b>788</b>	<b>1 759</b>

In 2003 the SANDF policy with regard to what should happen to SANDF-issue firearms when a member is off-duty was unclear. All Permanent Force officers were previously issued with 9mm handguns, a nonsensical practice in the light of the fact that these firearms were intended only for operational use and the officers were not entitled to use them, even for purposes of self-protection, when off-duty. In 2004, the SANDF was in the process of withdrawing these firearms.

## Other State-Owned Firearms

### Introduction

Shortly before the 1994 elections, many white civilians began to arm themselves in anticipation of the outbreak of violence. State departments were not immune to the alarm which gripped many South Africans. Government departments which had no justification for keeping firearms, such as the Department of Foreign Affairs and Department of Transport, made sure that they were well stocked with small arms. There was no proper control over the firearms and no clear handing-over procedure after

the elections.<sup>51</sup> This was also the case in the government departments of the former homelands (Transkei, Ciskei, Bophuthatswana and Venda).

As it happened, there was no violent cataclysm. But after the elections and the change of government, the state was faced with the challenge of locating, counting and removing firearms from state departments. The problem was exacerbated by the absence of transfer records.

In 1995 the Cabinet instructed the Minister for Safety and Security to conduct an in-depth audit of state arms. A Joint Investigation Team (JIT), which included military and police personnel, was appointed to audit all state owned firearms and to find those that had been lost, stolen or misplaced. The Joint Investigation Team was unable to fulfil its mandate, and after encountering numerous insurmountable obstacles, it was disbanded.<sup>52</sup>

It was not until April 2003 that a full audit of weapons in the possession of state departments was conducted. The audit was part of Operation Sethunya, the SAPS operation which aimed to: “...eradicate the proliferation of firearms for the use and availability in crime and violence in South Africa.”<sup>53</sup>

The audit was conducted in two phases. During Phase 1 the SAPS obtained information from all state departments about firearms in their possession and updated the Firearms Register System to reflect the new information. The SAPS then assisted the 152 state institutions involved (22 national departments, 68 provincial departments and 31 museums) to hand in their weapons for destruction.<sup>54</sup> Phase 2 involved the physical inspection of all firearms in the possession of state departments. Departments would then hand in all redundant and obsolete firearms to be destroyed. Departments that retained firearms were to have official accreditation,<sup>55</sup> as required by the Firearms Control Act.

The Operation Sethunya audit found that provincial departments<sup>56</sup> had a total stockpile of 10 905 firearms, the 31 museums 2 305, and national government departments had 1 679 – a total 14 889 firearms.<sup>57</sup> It was not possible to obtain a breakdown of the number of firearms found per institution or information about how many firearms have been destroyed.

The researchers attempted to gather as much information as possible on the number of small arms in the possession of former homelands security forces, and how many of these are known to have been lost or stolen. No records seem to have been kept of the number and type of firearms sold or donated to the former homelands, and the homeland record-keeping systems were inadequate. This made it impossible to determine with any accuracy how many firearms were lost or stolen when the homelands were re-integrated into South Africa, particularly firearms held by the homeland defence forces. Unlike the police stations, which remained functional after re-integration, the defence force bases were closed and their small arms holdings transferred to SANDF armouries. According to 2003 SANDF figures, a total of 13 578 small arms were returned by homeland defence forces. The combined force size of these defence forces was 12 591, which means that 1.07 firearms were returned for every member of the forces. The ratio of number of firearms to number of military personnel differed between the homelands, as shown in Table 6.9.

*Table 6.9 Number of small arms returned by homeland defence forces compared to force size<sup>58</sup>*

	Transkei	Bophuthatswana	Venda	Ciskei
Number of small arms returned	3 300	3 852	1 382	5 044
Force size	6 799	1 261	3 713	818
Average firearms per person	0.49	3.05	0.37	6.17

It is clear from this table that Ciskei had the highest rate of returns, as indicated by the number of returned firearms in relation to force size, and that Venda and Transkei returned the lowest number of firearms per member of the force.

**Integration of Homeland Firearms and The Resultant Loss and Theft**

*Homelands and Firearms*

Homelands were conceived by South Africa’s first apartheid government under Hendrik Verwoerd in the 1950s. Verwoerd’s government proposed certain areas of South Africa he called *Bantustans*, representing the “historic



homelands” of the country’s major black ethnic groups. It thus followed, proclaimed Verwoerd, that black South Africans were not and could never become citizens of South Africa, since they already belonged elsewhere. South Africa, by this type of logic, belonged to white people exclusively. National Party (NP) cabinet minister, Connie Mulder, spoke of a future South Africa “...with no more black South Africans”.<sup>59</sup>

South Africa’s liberation movements were implacably opposed to the homeland system from the outset, arguing that it was intended to destroy African nationalism, co-opt and degrade institutions of traditional leadership and create vast labour reserves of black people without rights who had no option but to service South Africa’s mines, industry and farms for low wages.

Verwoerd was assassinated in 1966, but the NP’s homelands vision lived on, and in the 1970s and early 1980s four new “independent states” and six “self-governing territories” (whose rulers were accorded somewhat lesser powers) were established.

*Table 6.10. Homelands and the years they were established<sup>60</sup>*

Independent states	
Transkei	1976
Bophuthatswana	1977
Venda	1979
Ciskei	1981
Self-governing territories	
Lebowa	1972
Gazankulu	1973
Qwaqwa	1974
KwaZulu	1977
KaNgwane	1977
KwaNdebele	1981

The capacity of the ten new states and territories to maintain internal law and order, act against African nationalism and suppress workers’ unionisation was particularly important to the apartheid South African state. The homelands acquired armies, police forces, and in some cases an air force from the South African state. South Africa provided them with SAP and SADF personnel, as well as sufficient small arms and light weapons to arm loyal traditional leaders, paramilitary forces and other supporters of the homeland leaders.

Aware, perhaps, of the possible negative repercussions, the South African state appears to have mostly destroyed state records of firearms transferred to the homelands as soon as transfers were effected. It has proved almost impossible to trace any state documents providing this information. In 1996-97, when the JIT of the new South African police services and SANDF was attempting to recover state-owned firearms, SAPS reported that it would be “extremely difficult” to establish how many state-owned firearms had been distributed to the homelands. A JIT report stated:

“From 1985 onwards the previous SAP operated a computerised Pretoria Quartermaster System (PQMS) which recorded all the arms which the SAP had in stock. Whenever arms were transferred to the homelands – such a transfer was recorded under an administrative code 5008 as a transfer to an ‘outside body’ – the SAP terminated its record of such arms. In order to determine which “outside body” arms were distributed [to], one has to rely on issue vouchers and correspondence. In many instances, such vouchers were destroyed, which made it almost impossible to establish which accounting official received the arms.”<sup>61</sup>

Homeland administrations kept incomplete and unreliable records of their state armouries, and there is insufficient official data to determine with accuracy the true size of their arsenals. This makes assessment of the loss and theft of firearms during the integration process particularly difficult.

### ***Homeland Defence Forces and Firearms Loss and Theft***

Only the “independent” or TVBC homelands – Transkei, Venda, Bophuthatswana and Ciskei – had officially designated defence forces. These defence forces were disbanded after the 1994 elections and their

personnel given the opportunity to join the new SANDF. Their armouries were either integrated into SANDF holdings or discarded. This involved the physical transfer of the former homeland defence forces' armouries to the new SANDF stock holding depots and the registration of such firearms on the SANDF register.<sup>62</sup>

*Table 6.11: Firearms Taken Over by the SANDF From Former TVBC Defence Forces*

Type of firearm	Transkei	Bophuthatswana	Venda	Ciskei
Pistol	38	146	48	456
Revolver	15	0	0	0
Rifles	2 968	3 373	1 028	4 295
Shot guns	9	32	36	26
Sub-Machine Guns	14	41	1	152
Machine Guns	140	72	78	56
Rocket launcher (RPG7)	1	2	0	3
Grenade Launcher	16	40	54	10
Gun Anti Riot 37mm	0	56	95	14
Mortars	99	83	42	32
Gun Field Art 88mm	0	4	0	0
Gun Anti Aircraft 20mm	0	3	0	0
<b>Totals</b>	<b>3 300</b>	<b>3 852</b>	<b>1 382</b>	<b>5 044</b>
Total Force sizes	6 799	1 261	3 713	818

Source: SANDF

### ***Bophuthatswana Defence Force***

The Bophuthatswana National Guard started with 125 men and equipment donated by the SADF. It was commanded by a seconded SADF officer. In 1979 the National Guard became the Bophuthatswana Defence Force (BDF), still commanded by SADF officers. A paramilitary Bophuthatswana National Security Unit (BNSU), under the administrative control of the BDF, was added in 1986. In 1993, the BDF was estimated as being 4 000 strong, including combat forces consisting of:

- The Bophuthatswana Defence Force Task Force
- The Bophuthatswana Defence Force Air Force
- Two infantry battalions
- A parachute battalion
- An estimated total fighting force of 1 900<sup>63</sup>

This total does not appear to include the Bophuthatswana National Security Unit.

As can be seen in Table 6.11, the Bophuthatswana Defence Force handed over 3 852 firearms to the SANDF, representing a return rate per combat force member of 2.0. According to SANDF figures from 1998, only 102 firearms were lost by the Bophuthatswana Defence Force, and this figure had fallen to just 87 by 2003 as additional weapons had been located and logged.

*Table 6.12: Firearms Known by the SANDF to Have Been Held by the BDF and not Integrated into SANDF Holdings, 1998*

Type of firearm	Number not integrated
Pistol	19
Rifle R4 – 5,56mm	81
Grenade Launcher 40mm	2
<b>Total</b>	<b>102</b>

In an incident that was publicised widely, several hundred Bophuthatswana Defence Force firearms – mostly rifles – were distributed by the BDF to the Afrikaner Volksfront (AVF) before the elections in 1994, when AVF members failed in their bid to keep Bophuthatswana president, Lucas Mangope, in power. This provoked a furious response from the ANC.<sup>64</sup> The international human rights organisation Human Rights Watch alleged at the time that several thousand BDF weapons had been distributed to the Afrikaner Volksfront. This was denied by the Afrikaner Volksfront leadership, but one of the administrators appointed to run Bophuthatswana between the fall of Mangope and the 1994 elections, Job Mokgoro commented that: “...there is every reason to suppose it did happen”.<sup>65</sup> It remains unclear how many, if any, of the weapons were eventually recovered.

### *Ciskei Defence Force*

The Ciskei Defence Force (CDF) was established in 1981, with an initial size of 240 soldiers, 40 members of the military band, and 38 SADF officers who ran the force.<sup>66</sup>

The SADF withdrew its seconded personnel in the mid-1980s following a clash with the Ciskei president's Israeli military advisors.<sup>67</sup> SADF officers returned after the successful coup of Brigadier Oupa Gqozo in 1990. In 1993, the CDF was reported to be 2 000 strong, of which 1 700 were combat forces. After 1994, 818 former CDF members joined the SANDF.

The CDF's force consisted of:

- Two battalions, totalling 1 600 personnel
- A small airforce with two transport aircraft and five helicopters
- A military band
- Auxiliary services to protect chiefs and headmen
- Medical and signals units<sup>68</sup>

In 1993 it was reported that the Ciskei Defence Force was equipped for counter-insurgency and had R4 and R5 assault rifles, light machine guns and mortars. The CDF's 1993/94 budget was R99.9m.<sup>69</sup> Over 5 000 firearms mostly R4 and R5 rifles, representing 2.5 per CDF member, were handed over the SANDF after 1994 (see Table 6.9). This was the highest number of firearms returned to the SANDF of any of the TBVC states.

Four hundred and sixty-two CDF firearms were reported by the SANDF as missing in 1998, though between 1998 and 2003, the SANDF says it recovered 118 of the 462. The resulting SANDF estimate of 344 lost or stolen CDF firearms is probably an underestimate, and also does not take into account firearms lost and replaced by the Ciskei prior to re-integration.

*Table 6.13: Firearms known by the SANDF to have been held by the CDF and not integrated into SANDF holdings, 1998*

Type of firearm	Number of firearms not returned
Pistol Berretta 9mm	22
Pistol CZ-75 9mm	85
Pistol Star 9mm	5
Pistol Z88 9mm	100
Pistol Browning 9mm	18
Pistol Vzor 70 7.65mm	31
Rifle R4 – 5.56mm	144
Rifle G3 7.62mm	17
Rifle R5 – 5.56mm	15
Rifle Sniper .308	2
Submachine gun 9mm	3
Machine Gun Browning 7.62mm	3
Machine Gun SPS 7.62mm	3
Grenade Launcher 40mm	1
Anti Riot 37mm	12
Mortar 60mm	1
<b>Total</b>	<b>462</b>

Source: SANDF

### *Transkei Defence Force*

The Transkei Defence Force (TDF) was formed in 1975, and Transkei gained independence in 1976. With independence came an SADF officer corps, with arms and equipment from an SADF infantry company. From 1978 to 1981, SADF officers were forced to leave the TDF during a break in relations between Chief Kaizer Matanzima's Transkei government and the South African government. Thereafter the officers returned. The TDF was given additional equipment from the SADF, including firearms, after the restoration of relations.

In a coup d'état in 1987, the TDF took over Transkei under the leadership of Major General Bantu Holomisa. Once more, the SADF officers left. Holomisa retained political control until South Africa's democratic elections in 1994. In 1993, the TDF was estimated to be between 3 500 and 4 000 strong, with another 3 300 paramilitary and reserve forces listed. In 1993 the TDF's fighting forces comprised 1 800 to 2 100 people, and consisted of:

- A light infantry battalion, estimated at around 1 000 people
- A special forces regiment, 300-500 strong
- A mounted battalion, 500 strong
- Military police, 100 strong

In addition, the TDF was equipped with an infantry school, an air wing, a signals unit, and a maintenance unit. Most of the TDF's equipment was of the light infantry type, including rifles, light machine guns, mortars, and mine-protected vehicles. The 1993/94 budget for the TDF was R165.5m (then US\$ 50m).<sup>70</sup> After 1994, according to Holomisa "[A]ll the equipment of the TDF was handed over to the SANDF... Nothing went missing."<sup>71</sup> SANDF records show that the TDF handed over 3 300 firearms to the SANDF after integration.

A former member of the SAPS Illegal Firearms Unit, prior to its disbandment in 1998, estimated that 14 000 to 15 000 firearms, mainly belonging to the TDF but also to the Transkei Police, went missing prior to re-integration.<sup>72</sup> According to this informant, many of the firearms were given to supporters of the African National Congress (ANC) in preparation for the feared pre-election showdown with the Inkatha Freedom Party (IFP) in Natal, just north of Transkei. Other TDF firearms may have been given to the Pan African Congress (PAC) armed wing, the Azanian People's Liberation Army (APLA). In March 1993, a Commission of Inquiry into politically-motivated violence, led by judge Richard Goldstone, found that the Transkei government had supplied APLA with arms, and that the presence of armed APLA members was known to the Transkei Police.<sup>73</sup> Holomisa denied the charges.<sup>74</sup>

Many in the Transkei government and TDF viewed post-1994 re-integration into South Africa with misgivings. The location of the capital of the new Eastern Cape province was not Umtata but Bisho, the capital of Transkei's homeland rival, Ciskei. The SANDF's Eastern Cape Command was located in formerly "white" Port Elizabeth. Dissatisfaction over this may have encouraged some TDF personnel to retain or pass on their firearms to others rather than hand them over to the SANDF. In June 1994 for example, Major-General Themba Matanzima of the SANDF confirmed that junior TDF officers had recently been forcibly disarmed by SANDF units, and some detained for allegedly mutinous behaviour.<sup>75</sup>

In January 1995, the provincial Member of the Executive Council (MEC) for Safety and Security, Dr Malizo Mpehle, was found to have been running a militia of 50 people, funded with public money.<sup>76</sup> The unit included former members of the ANC's armed wing, Umkhonto weSizwe, and former ANC-aligned Self-Defence Unit members,<sup>77</sup> who had previously been accused of involvement in attempted murder, assault, kidnapping and armed robbery.<sup>78</sup> Mpehle eventually lost his position because of the scandal surrounding this militia, which was closed down and disarmed in 1995.<sup>79</sup>

The source of the militia's weapons is not entirely clear, but in March 1995, the South African Minister of Defence, Joe Modise, was told during a visit to Bisho that the militia had been armed with 50 rifles from the TDF, of which 40 had recently been recovered.<sup>80</sup> The Kroon Commission of Inquiry into violence in the Tsolo area of Transkei – Mpehle's home area, where the militia mainly operated – found that the militia had been issued weapons irregularly through the TDF to Mpehle, and that these had not been returned.<sup>81</sup>

It emerged later that the Transkei deputy police commissioner General Wheeldon Mbulawa in 1994 had written to the Minister of Safety and Security, Sydney Mufamadi, alleging that the guns used by Mpehle's militia had been used in 36 murders in Tsolo. In December 1994, a few weeks after Mbulawa wrote the note, he was gunned down at his Umtata home.<sup>82</sup>

**Table 6.14: Firearms known by the SANDF to have been held by the TDF and not integrated into SANDF holdings, 1998**

Type of firearm	Number of firearms not returned
Pistol CZ-75 9mm	30
Pistol Star 9mm	21
Pistol Z88 9mm	55
Pistol Vzor 70 7.65mm	47
Revolver .38	52
Rifle R1 - 7.62mm	59
Rifle AK-47 - 7.62mm	15
Rifle R4 - 5.56mm	229
Rifle G3 7.62mm	142
Submachine gun 9mm	19
Machine Gun Mag 7.62mm	5
Machine Gun PPK 7.62mm	6
Machine Gun SPS 7.62mm	6
Grenade Launcher 40mm	6
Anti Riot 37mm	10
Mortar 60mm	12
Mortar 81mm	1
<b>Total</b>	<b>715</b>

### **Venda Defence Force**

The Venda Defence Force (VDF) emerged in 1982 from a broader Venda National Force, which had been established at “independence” in 1979. Initially the VDF consisted of an SADF battalion, which was re-established as One Venda Battalion. A second battalion was added in 1985. The VDF was commanded by an SADF officer until 1990, when command was taken over by Brigadier Ramushwana, but other seconded SADF officers remained until re-integration. In 1993, the total strength of the VDF was estimated at 1 800 men, including:

- Two battalions of about 1 000 men
- A small airforce<sup>83</sup>

The VDF handed over 1 382 firearms to the SANDF at re-integration, most of which were R4 rifles (see Table 6.11). According to the SANDF, only eight VDF firearms were missing at integration, an implausibly low figure.

**Table 6.15: Firearms known by the SANDF to have been held by the VDF and not integrated into SANDF holdings, 1998**

Type of firearm	Number of firearms not returned
Pistol Berretta 9mm	2
Pistol Z88 9mm	2
Rifle R4 – 5.56mm	4
<b>Total</b>	<b>8</b>

### **Homeland police forces**

All of the homelands, including the “self governing territories” had police forces. According to the SAPS, the integration of the homeland police forces into the SAPS began in earnest in 1995. A task team was created especially to deal with the issue of homeland police property and firearms. Its job was to:

“...assist all former homeland police forces to conduct physical stock takings to ensure that all durable government property, including firearms, is accounted for... This information... was transferred and carried over to the accounting system of the SAPS with the amalgamation process.”<sup>84</sup>

However, the new SAPS database did not record where firearms were recovered from, making it impossible for the SAPS to determine the number of firearms it received from the former homeland police forces.<sup>85</sup>

The integration of homeland police forces into the SAPS did not entail the physical movement of people or property to new bases. According to the SAPS:

“...most of the police stations in the former homelands remained exactly where they were, although there was some reallocation of resources.”<sup>86</sup>

Instead, police stations were re-designated, each with their own armoury records. The SAPS argues that there was little opportunity for firearms to go missing, and the CFR says the SAPS received “...all the assets, including firearms.”<sup>87</sup>

Yet, according to one former member of the SAPS illegal firearms unit, after 1994 there were still at least 27 000 firearms from the KwaZulu Police (KZP) alone which had not been recovered.<sup>88</sup>

It has not proved possible to obtain information on how police force integration actually worked in each former homeland. What follows is a closer look at what happened in the former Ciskei and Transkei.

Members of the Ciskei and Transkei Police were officially amalgamated into the SAPS in 1995, but audits of their armouries began in June 1994, immediately after the election. All police from the Transkei were requested to hand over their firearms to police headquarters in Umtata. Acting commissioner of police, Major General WM Mbulawa, promised the Transkei police that their firearms would be returned once counting had been completed.<sup>89</sup>

Few Transkei policemen responded to the call, and in April 1995, Eastern Cape premier Raymond Mhlaba told the provincial legislature that the inventory of the Transkei police armoury had still not taken place, though a stocktaking of Ciskei police armouries had found that only 11 of the 3 355 firearms issued to police were missing.<sup>90</sup>

In September 1995, the national minister of Safety and Security, Sydney Mufamadi, told the National Assembly that a “recent stocktake” of firearms belonging to the Transkei police had found 2 120 weapons missing of the 5 634 which should have been present – a loss of over a third of the stock.<sup>91</sup> Eighteen months later, the SAPS said that further stock-taking had now reduced the number of unaccounted for Transkei police weapons to no

more than 800 after inspections at Transkei police stations had revealed “quite a few” of the outstanding weapons.<sup>92</sup>

Press reports during the police force integration period indicate that the two main reasons for losses from Ciskei and Transkei police armouries were theft and a lack of control. The lack of logistical control over police armouries in Ciskei and Transkei arose, in part, as a result of discontent over transformation within the Ciskei and Transkei police. In March 1994, for example, members of the Ciskei police mutinied and stole weapons from an armoury. They took senior officers hostage, demanding that their pensions be paid out before the election. The policemen involved were later charged with mutiny.<sup>93</sup> In June 1994, Transkei police in Umtata went on strike, took weapons from police armouries, armed themselves, and then exchanged shots with TDF troops sent to disarm them.<sup>94</sup> In February 1995, Umtata police again armed themselves and mutinied. They were detained and charged after an armed clash with the SANDF.<sup>95</sup>

### ***Other homeland firearms proliferation issues***

The homelands system was intended to entrench Pretoria-sanctioned “traditional” leadership structures, so it is not surprising that homeland administrations armed loyal traditional leaders with weapons originally supplied by the South African state.

The most extreme example was in KwaZulu, where the homeland administration was widely recognised as having armed traditional leaders and warlords loyal to the IFP and their attendant militia. This is undoubtedly why a vast number of KZP firearms were identified as missing by the SAPS Illegal Firearms Unit. It is well known that the South African state directly armed the IFP prior to 1994. Only six tons of these firearms have been recovered, although one member of the SAPS Illegal Firearms Unit has estimated that 116 tons of firearms were given by the SADF and SAP to the IFP prior to 1994. If this is true a massive 110 tons of firearms are unaccounted for and possibly lost.<sup>96</sup>

Among the recipients of firearms distributed directly to the IFP were its Special Protection Units (SPUs), which were formed in the early 1990s to combat the ANC and its alliance organisations. The SPUs numbered up to

5 000,<sup>97</sup> and appear to be referred to in SANDF records as the KwaZulu Special Protection Force (KZSPF). Three thousand eight hundred members of the KZSPF were integrated into the SANDF after 1994.<sup>98</sup> The SANDF has no record of any KZSPF small arms or light weapons being integrated into national holdings after 1994.

Although not quite on the same scale as in KwaZulu, other homeland administrations also distributed large numbers of firearms to loyal traditional leaders and other supporters. In Ciskei in 1992, the then-Commissioner of Police, Lieutenant-General JJ Viktor complained to Ciskei military leader Brigadier Oupa Gqozo about the distribution of firearms to headmen, implying that the CDF was responsible. He also queried the use of a private security company called Peace Force, which was armed by the Ciskei government. In Viktor's view:

“Headmen have effectively been placed above the provisions of the Arms and Ammunition Act and are being seen as part of the problem relating to the escalation of crime rather than part of the solution. Fitness to possess arms has not been considered and no licences to possess arms have been issued. Little or no control is exercised in this regard and the Police are virtually powerless to intervene.”<sup>99</sup>

Gqozo rejected Viktor's complaint, and Viktor resigned from the Ciskei police force shortly afterwards. Only shortly before the April 1994 election, after Gqozo had left office and the Ciskei was in the hands of interim administrators, was any attempt made to recover firearms distributed to headmen. Sixty firearms, for example, were recovered from headmen by the Ciskei police in early April 1994.<sup>100</sup>

A notice published in the Government Gazette of September 22, 1995 withdrew permission for individuals, including chiefs, to possess state-owned firearms and gave them until October 31 to return their firearms to police stations.<sup>101</sup> The response appears to have been poor in the former homelands. In January 1996 Eastern Cape police announced they were still trying to recover state weapons that had been issued to chiefs by the Transkei government, but that their efforts were hampered by the lack of a central firearms register for the former Transkei.<sup>102</sup>

### ***Private Firearm Licences in the Homelands***

It appears that civilian firearm licences were issued indiscriminately in the former homelands. A Ciskei police spokesman, Sibongile Ndyoko, complained in 1995 that many of the weapons confiscated by the Ciskei police turned out to have been licenced in the Transkei. According to Ndyoko, one local businessman had armed his staff with R5 rifles and shotguns, and personally carried a sub-machine gun, with all these weapons licenced in the Transkei.<sup>103</sup>

Holders of firearm licences issued in the homelands were later ordered to re-licence their weapons through the CFR and were given until March 1997 to do this.<sup>104</sup> About 70 000 private licences had reportedly been issued in Transkei, but by November 1996 only 16 900 people had applied for the new licences. In Ciskei, only 1 280 people of 4 000 originally issued licences had re-applied, despite the expiry of an earlier cut-off date for applications.<sup>105</sup> More re-applications were made later, but in 2000 the Auditor General found that:

“At least 14 272 licence holders or applicants for firearm licences from the former TBVC states had not applied for re-registration and were therefore not registered on the CFR as at January 2000. However, the actual figure could be higher since it was not always possible to verify the relevant records of the former TBVC states.”<sup>106</sup>

### ***Conclusion***

The former homeland administrations and their armed forces were important sources of illegal firearms proliferation in South Africa. Firearms loss and stolen during the integration of these armouries into national holdings appear to have been extensive from all the homeland defence forces.

Regarding the police, the SAPS were not able to submit any data about the loss and theft of homeland police firearms during the integration process. The available evidence suggests, however, that there was considerable loss in the former KwaZulu, an estimated 27 000 firearms are said to be still missing. In the cases of Ciskei and Transkei, the main causes of firearms loss was theft as a result of poor logistical control. This may, in part, have

been motivated by concerns of Ciskei and Transkei police officers that they would not have a future in the SAPS.

Unchecked licencing of firearms to civilians in the TVBC states, and the distribution of firearms by homeland administrations to supporters and traditional leaders, resulted in high levels of proliferation. This was at its most extreme in the former KwaZulu, where large numbers of weapons were channelled by the South African state to IFP supporters.

Weapons from the armouries of the former homelands have frequently been used in crime in the former homelands and elsewhere in South Africa, and will doubtless continue to be so for some time to come.<sup>107</sup> Efforts by the authorities to round up these weapons since 1994 had met with some success, and more successes are anticipated under Operation Sethunya, which has audited all state-owned firearms. However the process is difficult and slow.

## **The Provision of State-Owned Firearms to the IFP: A Case Study**

### ***Introduction***

From the mid-1980s to the mid-1990s, rivalry between the African National Congress (ANC) and the Inkatha Freedom Party (IFP) resulted in a massive upsurge in politically motivated violence, particularly in KwaZulu-Natal (KZN) and Gauteng.<sup>108</sup> In KZN, politically motivated violence continued until early 2000.

Evidence before the Truth and Reconciliation Commission (TRC) indicated that the IFP received a large number of firearms from members of the former South African Police (SAP) covert unit, C10 (more commonly known as Vlakplaas).<sup>109</sup> The weapons given to the IFP included AK-47 assault rifles and ammunition, explosives, hand grenades, limpet mines, homemade shotguns, RPG rocket launchers and pipe bombs.<sup>110</sup>

The unofficial war between the ANC and the IFP between 1985 and the late 1990s, which took place mainly in KwaZulu Natal, resulted in deaths of thousands of people. Today, KwaZulu Natal still remains a potentially

unstable and violent province. According to 2002/3 police statistics, KwaZulu Natal has the highest provincial rate of crime (5 540 murder cases or 25% of all murders recorded in South Africa).<sup>111</sup>

This case study seeks to present the available information about the nature of the transfer of weapons from the former South African Police to the IFP. The information presented here is based on evidence from the TRC, interviews conducted with representatives of the National Prosecuting Authority,<sup>112</sup> and press reports. Applications for amnesty submitted to the TRC by high-ranking members of the police force refer to large quantities of weapons having been given to members of the IFP.<sup>113</sup> However, it was the evidence of former Vlakplaas commander, Colonel Eugene de Kock and other SAP members, together with amnesty applications to the TRC by certain IFP members, that provides the greatest detail about the provision of firearms to the IFP.<sup>114</sup>

Colonel Eugene de Kock, a veteran of the Zimbabwean war of independence before 1980<sup>115</sup> was once regarded by the police as one of their most effective counter-insurgency operatives. De Kock played a crucial role in the founding and development of counter-insurgency units Koevoet and Vlakplaas, as well as the execution of covert operations that resulted in the deaths of many liberation movement cadres from 1979 to 1989, both in South Africa and other southern African countries.<sup>116</sup> In 1995 De Kock was convicted for various crimes, ranging from gun-running and torture to murder. Although granted amnesty for certain crimes, De Kock received a criminal life sentence which he is serving in a Pretoria maximum-security prison.

The IFP, established in 1975 by Dr Mangosuthu Buthelezi, was a cultural movement before becoming a political party in the 1990s. Informed by counter-insurgency strategic thinking, the apartheid government attempted to use the IFP as an alternative force to the ANC and the PAC in South Africa.<sup>117</sup>

The Truth Commission established that the apartheid government, through covert counter-insurgency units, provided financial and logistical support and training in the use of weapons and explosives to certain members of the IFP prior to the 1994 elections.<sup>118</sup> The fact that large quantities of weapons



were supplied to a political party by former members of the South African Police (SAP) and that 10 years later only 10% of the weapons had been recovered, raises a number of questions, some of which we attempt to answer here:

- Was the supply and distribution of weapons to the IFP sanctioned state strategy?
- At what level was this strategy sanctioned?
- Who was principally involved in the transfer process?
- Have these weapons been used in the commission of crime and in politically motivated violence?

### ***The Role of Koevoet and Vlakplaas in the Illegal Transfer of Firearms and Explosives***

Evidence before the TRC and the Goldstone Commission, and from published and unpublished sources, reveals that the weapons supplied to the IFP were initially acquired from Koevoet, the police Security Branch Counter-insurgency unit based in Namibia (prior to Namibian independence).<sup>119</sup> Koevoet was established as a mobile unit specialising in counter-insurgency activities. It based its modus operandi on the Rhodesian Selous Scouts during the war of independence in Rhodesia.<sup>120</sup> The activities of Koevoet included torture, murder and turning captured combatants into informers or “askaris”.<sup>121</sup> Koevoet was disbanded in 1989.

De Kock claims that before the closure of Koevoet, the unit’s firearms were illegally transported to the farm Vlakplaas outside Pretoria, which housed the police unit C10. These weapons had been captured in “pseudo operations” and stockpiled in Namibia. They were then used for various activities largely of a covert nature.<sup>122</sup> The firearms included AK-47s and ammunition, limpet mines, light machine guns, SAM7s, mortars, RPG pipes and ammunition.<sup>123</sup> Between 1986 and 1989 firearms were transferred from Namibia to Vlakplaas on at least three occasions, in the first instance on the order of Brig. Willem Schoon, head of the police Security Branch’s covert unit.<sup>124</sup>

A number of former SADF and SAP members applied for (and some were granted) amnesty for their involvement in the illegal importation and

transportation of these weapons. De Kock told TRC investigators that the weapons were distributed to criminal gangs such as the Black Cats, homeland governments, the Police Security Branch, the KwaZulu-Natal Police (KZP) and the Inkatha Freedom Party (IFP).<sup>125</sup>

### ***Distribution of Vlakplaas Weapons to the Inkatha Freedom Party***

In 1983 the United Democratic Front (UDF) was formed as an internal representative of the exiled ANC.<sup>126</sup> In KZN and Gauteng the IFP and the UDF were political opponents whose interaction was marked by violence.<sup>127</sup> It has been argued that the antagonism was based on the fact that the UDF presented a challenge to the IFP’s monopoly over political activity in these areas.<sup>128</sup> When the ANC was unbanned in 1990, the conflict between the two groups escalated into violent political outbursts, ambushes and attacks, culminating in the formation of armed IFP-aligned Self Protection Units (SPUs) and armed ANC-aligned Self Defence Units (SDUs).

In 1990, Vlakplaas operative Warrant Officer Andries van Heerden joined the Johannesburg security section of ABSA Bank where he met Viktor Ndlovu, a Gauteng IFP leader.<sup>129</sup> According to Van Heerden’s evidence before the TRC, Ndlovu approached Van Heerden<sup>130</sup> with a request to supply him with weapons.<sup>131</sup> Van Heerden relayed the request to his former colleagues at Vlakplaas explaining that the IFP urgently needed weapons to counter attacks against them by members of the ANC.<sup>132</sup> De Kock allegedly refused the request initially, but later agreed to supply weapons to IFP member Themba Khoza.<sup>133</sup>

According to Van Heerden’s application for amnesty to the TRC, the first meeting that established the basis of the transfer process of weapons to members of the IFP was held at his apartment.<sup>134</sup> This is when De Kock met Themba Khoza; the former IFP youth league leader and Viktor Ndlovu. It is alleged by former Vlakplaas members that, following the meeting, De Kock gave instructions for ten M26 hand grenades to be given to Van Heerden, who in turn handed the grenades to Khoza.<sup>135</sup>

Another appointment was made for the following evening, whereupon De Kock gave Khoza shotgun ammunition, R1 ammunition and RDG5 and F1 hand grenades all of which, according to De Kock, came from Vlakplaas. De Kock claims that up to this point he had acted without senior police authorisation.

On a third occasion, De Kock and Nortje met Van Heerden at his flat and drove to an industrial area where they handed over more weapons to Khoza and Ndlovu. De Kock claimed that he also gave large quantities of state ammunition, which were not part of the Koevoet consignment, to Khoza.<sup>136</sup>

De Kock informed Major General “Krappies” Engelbrecht, then head of Section C, and Major General Nick van Rensburg about the illegal supply and distribution of weapons to the IFP. Discussions between the three men resulted in the approval of the manufacture and distribution of homemade firearms to members of the IFP<sup>137</sup> by these senior police officials. The firearms included 100 homemade weapons (worth R60 000 or USD 9 485<sup>138</sup>) of which Themba Khoza was given between 30 and 40. The balance were given to General Jac Büchner, then Commissioner of the KwaZulu-Natal Police, under the authorisation of Major General Krappies Engelbrecht and Major General Nick van Rensburg.<sup>139</sup> General Jac Büchner denied ever receiving homemade weapons from De Kock.<sup>140</sup> De Kock’s amnesty application states that he also began to supply Themba Khoza with modified AK-47 rifles.<sup>141</sup> The supply of weapons to the IFP appears, therefore, to have been sanctioned by high-ranking members of the police. Minister C.J. Mthetwa of KwaZulu authorised the IFP receipt of the weapons, demonstrating high-level authorisation by the organisation.<sup>142</sup>

According to De Kock’s evidence before the TRC, the IFP received M26 hand grenades, AK-47s, SKS machine guns, home made shotguns, R4s, Makarov and Tokarev pistols, landmines, a magnetised car bomb and other items.<sup>143</sup> In addition, De Kock claimed in his amnesty application that he took between 24 and 30 hand grenades and AK-47s to C.J. Mthetwa’s house in Ulundi, Natal.<sup>144</sup> According to Van Heerden, all the weapons and ammunition in the possession of Themba Khoza were distributed to IFP hostels<sup>145</sup> in Gauteng where, in each hostel, an IFP supporting *induna* (headman) was identified to distribute the weapons to IFP supporters. Members of the IFP have corroborated this claim.<sup>146</sup>

### ***Weapons to IFP member Philip Powell***

Eugene de Kock maintains that he met Philip Powell, a former member of the Durban security police and IFP supporter, at a function in 1992<sup>147</sup> where they were introduced by members of the Durban police security

branch.<sup>148</sup> Powell and De Kock met again later and discussed the possibility of providing armed training to IFP members. In August 1993, a Self Protection Unit Training project in Ulundi, KwaZulu-Natal was initiated. Between October 1993 and April 1994 between 5 000 and 8 000 IFP recruits received ‘self-protection unit training’ at the Mlaba camp and the Emandleni Matleng camp in KwaZulu-Natal. Philip Powell was both the mastermind and driving force behind the IFP’s Self Protection Unit Training Project as well as Camp Commander.<sup>149</sup>

While the recruits received training, De Kock delivered more weapons to Philip Powell. In January 1994, acting on information received from a former IFP member, Israel Hlogwane, the police raided the Mlaba Camp and found large quantities of weapons and ammunition.<sup>150</sup> The weapons found and seized included 26 M26 hand grenades, five Rifle grenades, 76 G-3 Rifles, 49 shotguns, 11 cases of shotgun rounds, 1 box of 9mm ammunition and a number of AK-47 cartridges. During the raid on Mlaba Camp, Philip Powell’s car was searched and he was found to be in possession of two boxes of ammunition, a shotgun, a Ruger semi-automatic firearm, and a 9mm pistol.<sup>151</sup>

In October 1993, De Kock collected from Mechem, a subsidiary of parastatal arms procurement company, Armscor<sup>152</sup> a large quantity of weapons, including ammunition, rifle grenades, six rocket launchers with a number of rockets, one 81mm mortar with large bombs, and two or three 60mm mortar pipes with bombs. At the time, De Kock was no longer employed by the SAP and his motivation for continuing to supply Powell and the IFP with weapons is unclear. According to the TRC, he gained access to Mechem by using an old police issue identification card. He delivered the weapons in six ten-ton trucks to Philip Powell for use by members of the IFP (SPUs).<sup>153</sup> It is not possible to determine with any degree of accuracy how many weapons were transferred in this way. Six tons of these weapons were unearthed by the police in Nquthu, KwaZulu-Natal, in October 1997.

Eugene de Kock has been charged and convicted for the possession and illegal transportation of weapons to Philip Powell. All those implicated in

the transportation and distribution of this weaponry applied to the TRC for amnesty.

### ***Conclusion***

Only those directly involved know the exact quantities of weapons supplied to either members of the IFP or Philip Powell by former Vlakplaas commander Eugene de Kock and others. Estimates range from 27 to 60 tons of weapons.<sup>154</sup> It is also not known where the large quantity of weapons supplied to Philip Powell is currently located, or whether these weapons are being used for criminal purposes. This was reason for concern, particularly in the light of renewed violent clashes between the ANC and IFP in the run-up to the 2004 election.

It is imperative that investigations be conducted to determine the location of these weapons and that those responsible for their storage and use are prosecuted. It may be that some of the illegal firearms which were retrieved by the police during Operation Sethunya include firearms that were given to the IFP. The SAPS reported that during 2001 and 2002 over eleven thousand (11 635) firearms were confiscated in KwaZulu-Natal.<sup>155</sup>

## **Firearm Use and Control in the Private Security Industry**

### ***Introduction***

South Africa's large and heavily armed private security industry originated in the mid-1980s<sup>156</sup> when the apartheid regime attempted to depoliticise its counter-insurgency operations by deploying private companies instead of the police or armed forces. Since the transition to democracy in 1994, the private security industry experienced phenomenal growth for commercial rather than political reasons. This growth has led to an increase in firearms proliferation within the industry. Here we assess the current extent of firearms proliferation within the industry and consider the extent to which firearms have been transferred from the industry to criminal elements.

Since 1994 the state has increased its attempts to regulate the private security industry. However, as with much post-1994 legislation, the scope of legislation has greatly exceeded the capacity of regulatory bodies to enforce

their mandates. Despite this obstacle, progress has been made in regulating and controlling firearms possession and use within the private security industry.

### ***Private Security Industry Stockpiles***

The Central Firearms Registry of the South African Police Service keeps a record of every firearm licenced in South Africa. According to the CFR, as of 17 September 2003, 1 643 private security companies, out of a total of 3 252, were registered as possessing 58 981 firearms.<sup>157</sup> This was the first time data had been made available by the CFR on the number security company firearms, and it was not possible to identify historical trends with accuracy. Ironically, the Firearms Control Act (FCA) of 2000, which intended to reduce the number of firearms in circulation, may have contributed to an increase in the number of firearms owned by private security companies. This is because the Act forbids private security officers from using their own firearms on duty, as had previously been commonplace. In order to conform to the new legislation, most private security companies have acquired substantial numbers of new firearms, despite the fact that the implementation of the FCA had not yet commenced.

In September 2003, the private security industry regulatory authority (SIRA) had records of 4 271 registered private security providers. Forty-one percent were based in Gauteng, 16% in KwaZulu Natal, 12% in the Western Cape, 7% in the Eastern Cape and 7% in the Free State, with the remaining 17% distributed between the other four provinces. The total number of registered private security providers was reported by SIRA to be in decline from the 5 185 companies registered in January 2001.<sup>158</sup> The reduction can partially be explained by the deregistration of companies which failed to comply with SIRA's requirements, but the main reason seems to be the growing trend towards amalgamation and consolidation within the industry. This is confirmed by the fact that there has been no corresponding decline in the number of active security officers registered with SIRA – 186 878 in January 2001, rising to 248 025 in June 2003,<sup>159</sup> an increase of 33%. This was 146% higher than the total number of SAPS non-civilian personnel, although with 262 062 firearms, the SAPS has more than four times the firepower of the private security industry.<sup>160</sup>

**Table 6.16: SIRA Registered Private Security Businesses by Category, September 2003<sup>161</sup>**

Security Services	Number of Security Businesses <sup>162</sup>
Guarding and/or patrolling	3014
Safeguarding assets in transit	685
Bodyguarding	946
Providing security advice	335
Providing reaction or response services	339
Ensuring safety and order on premises	984
Manufacturing, importing, distributing, or advertising monitoring devices	141
Functioning as private investigators	855
Providing security training or instruction	951
Installing, servicing, or repairing security equipment	482
Providing services of a locksmith	260
Monitoring signals from electronic security equipment	1111
Making persons or their services available for rendering a security service	994
Carwatch or related activities	223

SIRA expressed concern that the number of firearms registered by private security companies with the CFR may not be an accurate reflection of the true number, for a variety of reasons, including:

- The alleged past tendency of security companies to exchange or trade their firearm licences.
- A lack of clarity deriving from the rate at which many security companies emerge and then go out of business.
- The possibility that registered security companies have not licenced all their firearms.

In 2003, SIRA started auditing firearms held by private security companies, with the assistance of the SAPS, in order to determine the actual total number. SIRA stressed that this was a long and difficult process, which would take some time to complete.<sup>163</sup> In 2003 the SAPS, in co-operation with SIRA, launched Operation Sethunya to trace illegal firearms and to test compliance with firearms legislation. By August 2003 the SAPS had inspected 3 879 firearms belonging to private security companies. The SAPS confiscated 111 of these firearms, arrested four people, and initiated 12 investigations arising from the inspections.<sup>164</sup> In September 2003, the CFR commented that thus far, it had not uncovered significant discrepancies between the quantity of firearms that security companies said they possessed and the number they were found to possess.<sup>165</sup>

An important issue, raised by SIRA director Eugene Vilakazi, was the location of firearms owned by security companies whose registration had been withdrawn by SIRA, either because of contravention of SIRA regulations or at the companies' own request. Firearm licences held by security companies are not automatically cancelled when the companies are deregistered. According to Vilakazi, security company registration and subsequent voluntary deregistration was often nothing more than a ploy by unscrupulous people to obtain firearms. SIRA had no means of checking what happened to a company's firearms after deregistration, and Vilakazi had told the Parliamentary Portfolio Committee on Safety and Security that SIRA was "working with SAPS" on the issue. When asked by the parliamentary portfolio committee whether SIRA took stock of all the firearms possessed by a private security company before it withdrew its authorisation, Vilakazi conceded that this was not SIRA's current practice, adding however, that the process was being introduced.<sup>166</sup> According to the SAPS this problem was being addressed. On a monthly basis SIRA provides the CFR with a list of all de-registered companies. If one of the companies owned firearms the CFR sends personnel to physically check the firearms and recover them if necessary.

Firearms are used throughout the private security industry, though no statistics exist on how many firearms each sector of the industry has. The heaviest use of firearms appears to be by companies safeguarding assets in transit. Typically, an assets-in-transit vehicle contains two or three security

officers, all of whom are armed, usually with R4 and R5 rifles, and pistols.<sup>167</sup> SIRA has 685 companies registered as safeguarding assets in transit. Two of these – Coin, which had 230 asset-in-transit vehicles, and Fidelity, which had more – are said to account for 90% of the market.<sup>168</sup>

Firearms are also widespread among the 339 companies registered as offering armed response services to protect homes and business premises. Clients apparently display a marked preference for armed over unarmed response services, and companies had responded accordingly, although in fact firearms are very rarely used in the course of their work. According to Grant Smith, the director of Cape Town's fast growing armed response company City Bowl, none of his 48 guards used their firearms during 2002.<sup>169</sup>

The main guarding companies, while all offering the service of armed guards, increasingly sought to encourage clients to hire unarmed guards instead. According to Wouter van Werkoven, a general manager for Securicor in Gauteng: "We don't promote issuing firearms for guards... We try to persuade clients against it".<sup>170</sup> Van Werkoven expressed the opinion that a firearm generally made a guard a target, while not significantly enhancing the service he could provide. He added that new legislation, including the Firearms Control Act, made it both harder and less worthwhile to deploy armed guards.<sup>171</sup> Helius Smit, Securicor Western Cape area manager, commented that:

"Our philosophy is that guards do not need firearms. We like to deploy them as little as possible. We try to persuade the clients not to have armed guards. It makes them a target. We want to be preventative, not reactive."<sup>172</sup>

Similar sentiments were repeated by most other respondents from the guarding sector during interviews. Francois Steynberg and Gerard Krik, senior managers of Coin Security in Gauteng, stated that Coin has been trying to move away from armed guards since 1993. They conceded that there was still a high demand for armed guards from clients, but claimed that Coin deliberately made the service expensive as a deterrent.<sup>173</sup>

The price charged to clients by Enforce, the largest unlisted private security company in South Africa, was little different for armed or unarmed guards.

Joe Engelbrecht, Enforce's firearms officer for the Western Cape, said the company tried to: "...persuade clients to go the unarmed route...because the guy with a firearm is a target."<sup>174</sup>

The crime rate in South Africa is high by international standards, though, if national statistics are valid, people appear to believe that crime is worse than the figures show. It is largely the perception of crime that drives the demand for private security, combined with the perception that the state alone is unable to combat crime effectively. Domestic demand for private security is high, and even if public confidence in the SAPS were to increase, it is likely that this demand would continue.

A stable or increased demand for private security would not, however, necessarily translate into stable or increased levels of firearm ownership within the industry. This is primarily because of a trend away from firearms use in the guarding sector. Increased supervision and regulation of firearms ownership by SIRA and the CFR is also likely to be a factor in encouraging security companies to hold only the minimum number of firearms required.

### ***Losses and Thefts***

There was consensus among respondents within the industry that by far the majority of losses of firearms within the industry were by companies safeguarding assets in transit. This was because:

- Security officers transporting assets are attacked more frequently than other security officers;
- Many of the attacks are successful;
- Attackers are likely to be armed;
- The security officers are likely to be armed; and
- Security officers' firearms are generally stolen during successful attacks.

A Coin representative said that in nearly all cases where its officers were the victims of asset-in-transit heists, their firearms were stolen, and they believed this was also the case with other asset-in-transit companies.<sup>175</sup> This picture was confirmed by CFR officials, who said asset-in-transit heists were

the main source of leakage from the private security industry to unlicensed firearm users.<sup>176</sup>

In nearly every newspaper report of successful asset-in-transit heists, the firearms of the security officers were reported as stolen.<sup>177</sup> The number of these heists was not something security companies wanted known, although most companies apparently supplied the banking security council SABRIC with details for its database. SAPS statistics, which had been challenged as inaccurate by some opposition political parties, indicated that the number of asset-in-transit heists, while still high, was declining. According to the police, there were 350 successful asset-in-transit heists in 2002, compared to 500 in 2001.<sup>178</sup> Assuming that figure was accurate, and that firearms were stolen in each instance, and that, on average, each asset-in-transit vehicle carried 2.5 firearms, this suggests an estimated 875 firearms were lost by asset-in-transit companies during 2002. Approximately a third of these were said by one source to have been subsequently recovered by the SAPS,<sup>179</sup> but this had not been confirmed by SAPS.

#### ***Selection of press reports on asset-in-transit heists.<sup>180</sup>***

##### ***Twelve armed men rob security guards (Sapa, 5 December 2000)***

Twelve men armed with AK-47 rifles and handguns held up and robbed two Coin security guards in Johannesburg on Monday afternoon, police reported on Tuesday.

“The two guards were travelling in a cash-in-transit security vehicle in City Deep when a BMW car rammed them from the front and a second car blocked them from behind,” said Sergeant Amanda Roestoff.

The 12 robbers got out of the two cars and held up the guards while removing 12 cash boxes from the Coin van.

The guards’ guns were also stolen.

##### ***Cash van attacked in daring daylight robbery (Xolani Mbanjwa, Cape Argus, 18 December 2002)***

Armed robbers overpowered cash-in-transit guards in Pinetown on Tuesday and stole nine cash boxes.

The daring daylight robbery occurred as guards from Secureco were collecting money from the Shepstone Road Motors dealership in New Germany.

As the driver of the van, Barry Wessels, climbed out of the vehicle to stand guard, a robber ran up behind him, overpowered him and put a gun to his head.

Disarming Wessels, the robber forced him to the back of the van where he and several other robbers attacked the other guard, George Cronje.

Wessels, who was carrying two firearms at the time, had both his guns stolen.

The robbers then grabbed nine cash boxes from the van, which contained an unknown amount of money, before fleeing in two vehicles.

##### ***Gang makes off with R1-million pension money (Sapa, 1 June 2003)***

Cash Point Services in Flagstaff, KwaZulu-Natal, was robbed of about R1-million in pension pay-out money by a group of well-prepared and equipped armed men on Saturday night.

Two security guards, employed by the Fidelity Services Group, were also robbed of an LM5 rifle and a shotgun along with 47 live rounds of ammunition.

The robbers came equipped with an angle grinder, a cutting torch and two gas cylinder bottles.

Police confiscated the gas cylinders that were left at the scene.

Firearm losses admitted to by security companies specialising in armed response were near zero. This was attributed by one armed response company to the fact that armed response guards are generally better trained than ordinary guards.<sup>181</sup> The most plausible explanation, suggested by several respondents, is that armed response security officers

summoned to an emergency arrive in pursuit mode and prepared for trouble, whereas asset-in-transit security and armed guards are “sitting ducks” who never know if or when they are going to be attacked.

Firearm losses admitted to by companies specialising in guarding were generally low. Most of the companies interviewed attributed this to the fact that their internal firearms controls were good. All the companies were adamant that their security personnel were never allowed to go home with company firearms, though several companies accused their competitors of allowing this and of in general, of controlling firearms inadequately. Smaller companies were said to lack adequate firearms storage facilities.

Firearms control procedures and storage facilities are among the matters checked during SIRA inspections, and failure to comply with SIRA regulations can lead to criminal proceedings and/or suspension of a company's SIRA registration. SIRA launched 52 criminal cases against private security companies in 2002, and 44 during the first half of 2003. However, available SIRA statistics do not differentiate between offences, and it is not known what proportion of these criminal proceedings related to firearms offences.

One of the most plausible reasons advanced for the relatively low level of firearms loss from guarding companies was that companies have been phasing out the use of armed guards in favour of guards with panic buttons who then summoned armed guards only if needed. With fewer firearms being used by guards, so the argument goes, there are fewer firearms to steal. While this did appear to be the general trend, it was by no means always the case, and there were still plenty of “horror stories” that have appeared in the print media.

***Security guard shot dead on his first day  
(Judy Damon, The Star, 20 January 2002)<sup>182</sup>***

Nineteen-year-old Faiek Moosa reported for his first shift as a security officer at 6am on Saturday. Hours later he was shot dead for his firearm.

Moosa and Reginald Lucas, 24, his colleague at Chubb Security, were found dead on Saturday afternoon at Stocks Meat Market in Lansdowne in the Cape, where they were stationed. Both had single gunshot wounds in their heads, and their guns were missing.

It was Moosa's first shift, and Lucas had just started last month, said police detective Phillip Swanepoel.

The two had logged hourly, handwritten entries into a security record book. The last entry was at 3.45pm.

Moosa's body was found inside their makeshift office, with Lucas's body nearby. They were shot at close range, said Swanepoel, who found two .38mm cartridges.

Moosa's family said it was his first full-time job after several casual jobs since he matriculated.

Moosa was buried on Sunday.

Swanepoel said nothing was stolen from the meat market. The theft of firearms was the only clear motive, he said.

Nkosinathi Maphumulo, the director of Nathi Security in Durban, said that Durban was a particularly dangerous operating environment, in part due to the already high number of firearms in the hands of criminals. This view was confirmed by several other respondents. Maphumulo estimated that his company, with 120 guards, had around five firearms stolen a year – a fairly high figure, given the size of the company.<sup>183</sup> By contrast, Lujeze Security, also Durban based, claims never to have lost a firearm since it began operating in 1999.<sup>184</sup> Pierre Bezuidenhout, a senior manager with ADT – one of the main guarding companies in South Africa – said ADT used only 30 firearms to service around 7 000 guards in the Johannesburg area, and that none of these firearms had ever been lost or stolen.<sup>185</sup> Wouter Van Werkoven of Securicor said that in the region from Midrand to Messina, he could remember only two instances of firearms being stolen from his company's guards in five years. He added that of the 2 400 Securicor

guards in this area, only 30 to 40 were armed.<sup>186</sup> In Cape Town, Joe Engelbrecht, firearms officer for Enforce, said his branch had only seven firearms, and he could not recall a single instance of one ever being lost or stolen.<sup>187</sup>

### ***Conclusion***

The survey showed that the main source of firearms transfer from the private security industry to criminals was from assets-in-transit companies. This seems likely to remain, as there are no indications of less demand for cash, despite the steady spread of electronic money-transfer technology in South Africa. Organised crime syndicates are heavily armed, and possess considerable expertise in conducting heists against assets in transit. Asset-in-transit companies conceded that their personnel would always be at least to some extent vulnerable to attack, no matter how well trained or armed they were. The most vulnerable moment for them was when assets move from the vehicle to the clients' premises.<sup>188</sup>

Improved training of security personnel in firearms use would raise firearm competency levels, and go some way towards containing the extent of losses from the industry. However, until the number of asset -in-transit heists or attacks on security personnel decreases it is unlikely that the number of firearms lost will decrease. This is beyond the scope of regulatory bodies like SIRA, the CFR and the Poslec SETA. Nonetheless these bodies could, in conjunction with the private security industry, make a difference regarding firearms. Acting together, they could:

- Improve firearms competency within the industry;
- Eliminate unprofessional and incompetent operators from the industry;
- Ensure that the industry does not allow firearms to be used by people unfit to do so; and
- Monitor and control the movement of firearms within the industry, particularly when companies deregistered.

## **Civilian Ownership and Illegal Firearms**

### ***Introduction***

When the Firearms Control Bill was being debated prior to 2000, a common assertion, particularly from gun owners, was that most illegal firearms were remnants from the regional civil wars, or weapons that had belonged to the liberation movements.<sup>189</sup> However the South African Police Service say that the greatest contributor to the pool of illegal arms<sup>190</sup> are firearms lost by and stolen from licenced owners.

Several attempts have been made by researchers and lobby groups in South Africa to estimate the size of the pool of illegal firearms, with varying results. A 1999 South African government firearms policy document based its estimate on the information made available by the Joint Investigation Team and the Illegal Firearm Investigation Units of the SAPS, and estimated that there were approximately 500 000 illegal small arms in South Africa. The document noted that "on the basis of an analysis of firearms recovered by the SAPS, and those used in crime, it could be deduced that the vast majority of illegal firearms were handguns."<sup>191</sup> The figure of 500 000 was estimated by adding 200 000 missing state owned firearms, 150 000 stolen from private owners, 20 000 to 30 000 homemade firearms, illegal imports from neighbouring states, and unreported losses from all sectors.<sup>192</sup>

This section of the chapter provides up-to-date data for civilian firearms ownership and loss and theft between 1994 and 2003 in an attempt to improve the accuracy of these estimates.

### ***Assessing the extent of civilian ownership***

A policy document issued by the Minister of Safety and Security in 1999 recorded that at mid-July 1999 there were 4 544 705 firearms licenced to civilian South Africans.<sup>193</sup> Since then, the number of licenced firearms appears to have diminished by 809 029. According to the Central Firearm Register there were 3 735 676 firearms registered to individuals and institutions at the end of 2003. The CFR ascribed the apparent decrease in the number of recorded licenced firearms to the following factors:

- The earlier figure may have included firearms owned by state departments;



- Since 1999 the SAPS embarked on an extensive audit of the recording systems, and as of 2000 the state was able to identify a number of duplications on the system, which were subsequently removed; and
- The SAPS provided firearm owners with the opportunity to voluntarily hand in their licenced firearms to the SAPS, and destroyed these firearms free of charge. This process resulted in the number of firearm licences being reduced.<sup>194</sup>

The Central Firearms Registry was unable to provide researchers with information pertaining to the nature of the firearms registered, ascribing this to the shortcomings of the data analysis software being used at the time. The CFR was in the process of developing new systems (to be in place by April 2005) to allow for more detailed information to be obtained more easily. Information about the nature of firearms licenced was, however, published in a report to the Minister of Safety and Security in 1999. Table 6.17 provides a breakdown of types of firearms registered up to and including 1998.

*Table 6.17 Licences Issued per Category of Firearm, 1998<sup>195</sup>*

Firearms	Registered at the CFR
Pistols	1 942 550
Rifles	1 286 628
Revolvers	841 870
Shotguns	453 486
Combinations	19 847
Light Machine Guns	179
Carbines	80
Humane killers	48
Homemade firearms	13
Pen Flair	2
Machine guns	2
<b>Total</b>	<b>4 544 705</b>

While it was not possible to determine the trends in the types of firearms licenced after 1998, the data presented in Table 6.17 indicates that

handguns outnumbered shotguns by over 1 million. It would appear, therefore, that more firearms were sought for purposes of personal protection then for recreational or sports shooting.

With regard to the number of owners, the report to the Minister of Safety and Security recorded that, "...approximately 3.5 million of the above-mentioned firearms are licenced to approximately 2.4 million individuals. The remainder are licenced to legal persons such as security companies, state departments, dealers, etc".<sup>196</sup> The report noted a shift in the nature of the market for legal handguns towards cheaper Chinese and American makes of firearm, stating that during 1997 and 1998 these "...handguns have taken over nearly half of the market, from virtually nothing in 1994."<sup>197</sup>

Chart 6.2 shows the number of firearms licenced to civilians between 1994 and 2002. The peak in 1994 supports the assertion by dealers that they experienced a surge in firearms purchases around the period of the first democratic elections in April 1994. Despite this peak, and the corresponding drop the following year, the number of licences issued appears to have remained relatively stable throughout the period under review with a trend, after 1997, towards fewer licences being issued.

*Chart 6.2: Number of Civilian Firearm Licences Issued Per Annum 1994 - 2002<sup>198</sup>*

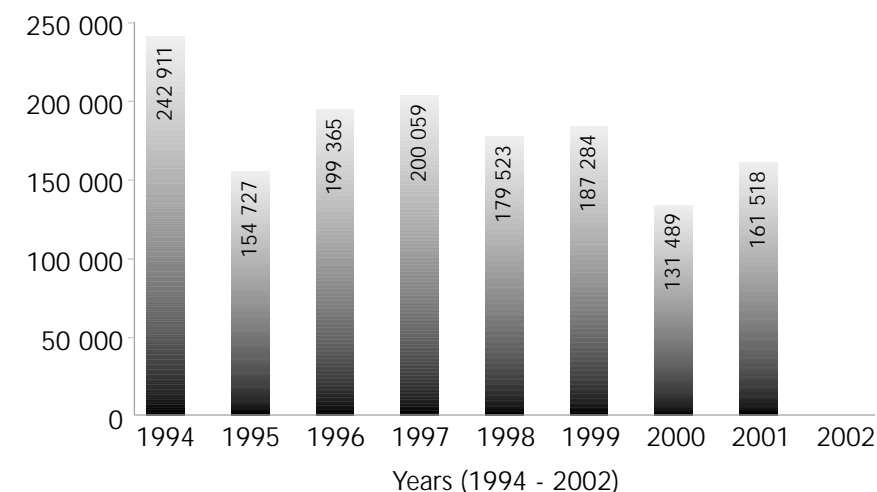
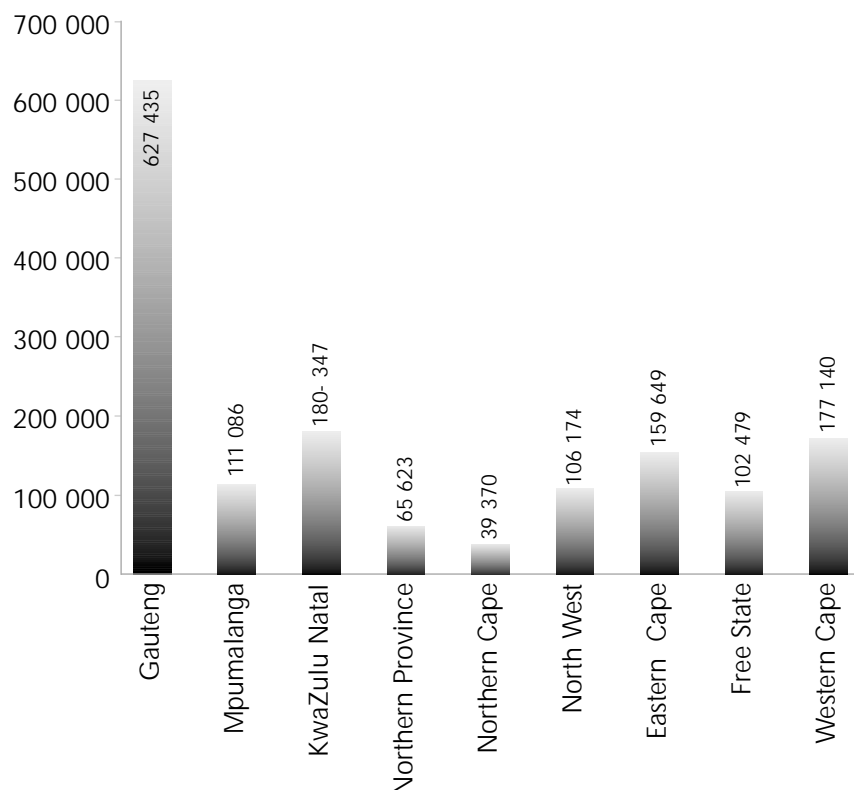


Chart 6.3 provides a graphic depiction of firearms ownership per region. The chart shows that in Gauteng, which incorporates the cities of Johannesburg and Pretoria, substantially more firearms are licenced to individuals than in any other part of the country. Given the high population density in this region, this is not surprising.

*Chart 6.3: Total Number of Firearms Licenced per Province: 1994 – 2002*



### ***Civilian firearms losses***

On average, 20 809 firearms are lost by or stolen from licenced civilian owners annually. According to the CFR, the majority of firearms recovered by the SAPS “...used to belong to private owners.”<sup>199</sup>

The intention in considering the levels of loss and theft from civilian owners is to determine to what extent civilian firearm loss and theft contributes to the illegal pool of firearms in South Africa. As such, this chapter does not distinguish between firearms reported lost and those reported stolen, since it is likely that a significant number of weapons which are reported stolen were, in fact, lost. In terms of Section 11 and 12 of the Arms and Ammunition Act, firearms owners who lose weapons face possible prosecution or could be declared unfit to own a firearm, so there is an incentive for firearms owners to report their firearm stolen rather than lost through negligence.

It has, therefore, been assumed that more accurate findings could be derived from regarding loss and theft as a single category. Such an interpretation is shared by Altbecker in research commissioned by Gun Free South Africa, which investigated the manner and means by which legally owned firearms were lost and stolen.<sup>200</sup> The information obtained through that research was mitigated by the strong likelihood that “...the number of cases reported to the police understate the true incidence of cases in which firearms are lost or stolen”. Reporting a firearm stolen is preferable if the owner wishes to replace a lost firearm, or if he or she believes that there is a chance of being deemed to have been negligent.<sup>201</sup>

Representatives from the Central Firearm Register noted that “... most firearms are not lost through targeted break-ins, but rather through negligence. Robbery figures are grossly inflated because owners want to claim from insurance so would rather report an item stolen than lost.”<sup>202</sup>

Altbecker interviewed police officers and police station commanders about the circumstances under which civilians had their firearms stolen or lost. He found that a large percentage of firearms were lost as a consequence of alcohol abuse by their owner:

“Officers pointed to examples of owners who left their firearms in the toilets of taverns, to owners who give or sell their firearm to others while drunk (often to finance further drinking), to owners who became too drunk to look after their weapon or to defend themselves

in the face of robbery. One officer estimated that 50% of weapons theft in KwaMashu<sup>203</sup> involved the owner being drunk at the time.”<sup>204</sup>

Police officers believed that there may have been more cases in which firearms were lost through alcohol abuse than they were directly aware of, as gun owners who lost their weapon while drunk would frequently wait until they were sober to report the incident and would seldom refer to their use of alcohol at the time of the loss.<sup>205</sup>

Table 6.18 shows how many firearms were lost or stolen each year by or from civilian owners.

*Table 6.18: Firearms Circulated Lost/Stolen from Civilian Owners: 1998-2003*<sup>206</sup>

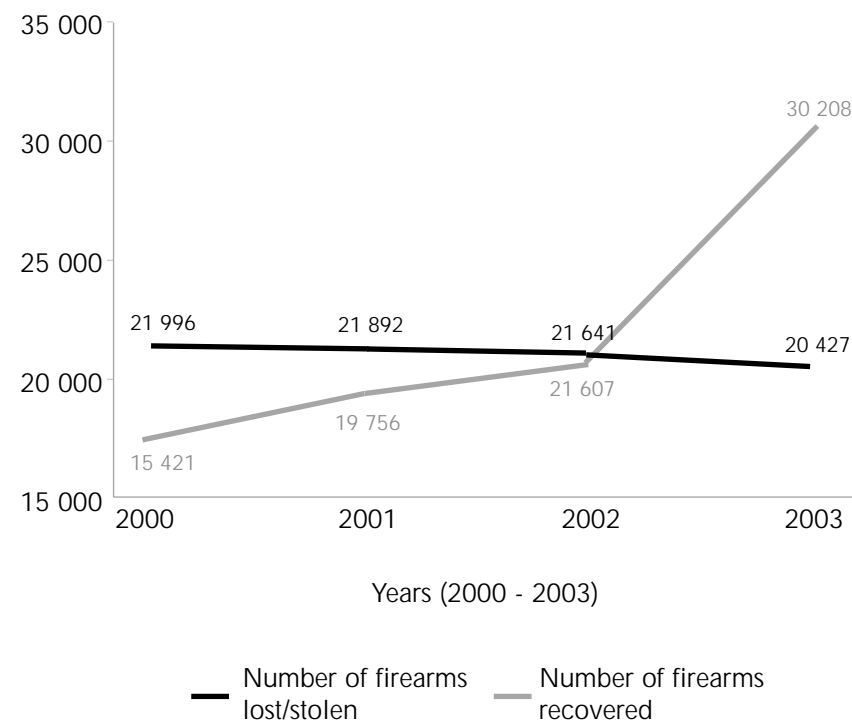
Year	Number of firearms lost/stolen
1994	14 158
1995	15 045
1996	18 619
1997	29 009
1998	22 563
1999	22 740
2000	21 996
2001	21 892
2002	21 641
2003	20 427
<b>Total</b>	<b>208 090</b>

Firearm losses and thefts seemed to increase substantially between 1996 and 1998. Altbecker argues that the apparent rapid growth in the number of firearms recorded as lost or stolen in this period may be due to better data collection systems having been introduced by the police, and may, therefore, not indicate a real increase in losses and thefts.<sup>207</sup>

Table 6.18 shows that in the 10 year period, from 1994 – 2003 a total of 208 090 firearms were reported lost or stolen from civilian owners. Chart 6.4<sup>208</sup> compares the number of lost and stolen firearms to those recovered, and indicates a trend towards increasing numbers of firearms being recovered by the SAPS. This process was helped by the introduction of Operation Sethunya in April 2003, which focused police attention on the recovery of illegal firearms.

While it would appear from the chart that in 2002 all lost or stolen weapons were recovered, it is likely that the figures represent the fact that the police are increasingly managing to recover previously stolen or lost weapons (e.g. a weapon lost or stolen in 1994 may only have been recovered in 2002).

*Chart 6.4: Firearms circulated lost/stolen and recovered: 2000 - 2003*



*Table 6.19: Firearms lost/stolen and recovered 1994 – 2003*

Year	Number of Firearms Lost/Stolen	Number of Firearms Recovered
1994	14 158	6 727
1995	15 045	9 834
1996	18 619	11 185
1997	29 009	10 750
1998	22 563	13 712
1999	22 740	14 272
2000	21 996	15 421
2001	21 892	19 746
2002	21 641	21 607
2003	20 427	30 208
<b>Total</b>	<b>208 090</b>	<b>153 462</b>

Altbecker found, on the basis of extensive docket analysis, that:

- The loss of a firearm, particularly during robberies, will generally occur out of doors.
- When the target of a robbery is a firearm, the robbers seldom act alone.
- Although the robbers are often not themselves armed with firearms, the victim is almost never able to defend himself against them.
- Reported cases of firearm loss and theft tend to occur in suburban areas where the victim is middle class.
- Placing a firearm in a safe does not guarantee protection from theft by a burglar.
- Robberies seldom result in negligence charges being brought against the person who lost his firearm, although this is not the case for thefts.<sup>209</sup>

### **Conclusion**

In South Africa there are more civilian licenced firearms than the combined small arms and light weapons stockpiles of the police and military. The combined police and military stockpile amounted to just over half a million firearms (567 698), whereas there were 3 735 676 licenced civilian firearms.

The number of civilian firearms lost and stolen from licenced owners each year is extremely high. An average of 20 809 civilian firearms were lost or stolen per annum between 1994 and 2003. The SAPS firearm strategy and Operation Sethunya showed remarkable results, with the recovery rate of firearms increasing steadily over the three years 2000 to 2003.

The high level of civilian ownership and consequent loss and theft presents a significant challenge to the SAPS in their attempt to control the proliferation of illegal firearms in South Africa and the region. It is hoped that the strict controls required by the Firearms Control Act will reduce the number of civilian-owned firearms in the future.

## **Assessing the Demand for Firearms**

### **Introduction**

The modern South African state emerged from the barrel of a gun. From the early 1700s a series of frontier wars saw Dutch and British colonialists subdue the African populations of South Africa by means of powder and shot in order to take control of the territory that is now defined as South Africa. Towards the end of the nineteenth century, British colonialists and settlers of Dutch descent (who became known as Boers) engaged in two bitter civil wars over control of the interior. The end of the second civil war resulted in the establishment of the Union of South Africa (1910) in which the Boer republics and British colonial territory became united under one government. From that day forward, any serious challenge to the Union was always repulsed by state-sanctioned violence. The system of apartheid following the National Party electoral victory in 1948 was ruthlessly maintained by the security forces and their extensive arsenal until the early 1990s.

Firearms continue to play a significant role in South Africa's social, political, economic and cultural landscape. South Africa has: the highest number of licenced firearms owners in the southern African region; an extensive network of hunting, recreational shooting and sports shooting clubs and associations, with sports shooting being recognised as an official sport in certain high schools; shooting ranges in virtually every major town; and approximately 500 registered firearms dealers. South Africa also

experiences a high rate of firearm-related crime and violence, and as a result there appears to be significant demand for firearms for reasons of self-protection. Below is an analysis of the limited primary and secondary data on firearms demand in South Africa.

In 1986 military analyst Gavin Cawthra described the relationship between white South Africans and firearms:

“Beneath its brash, armoured exterior, white South Africa is beset by a deep insecurity. For white South Africans, the gun has always been the key to survival in times of crisis. The massive arming of the state in recent years has been paralleled by the arming of the civilian population. Today white South Africans possess more firearms per head of population than any other people in the world. There are at least two million privately owned firearms in circulation, almost all of them owned by whites, that is, one firearm for virtually every adult.”<sup>210</sup>

Cawthra described a boom in gun sales in the months following the June 1976 Soweto uprisings<sup>211</sup> when white people felt particularly threatened. The government supported the arming of civilians, with some departments providing financial assistance to white employees who wished to arm themselves:

“The East Rand Bantu Affairs Board established a special R20 000 ‘gun fund’ to enable its employees to borrow money to purchase personal arms. The Railways adopted a different approach, selling off hundreds of .303 rifles to staff at a cost of only R7 each.... For Christmas 1983, the state Armaments Corporation released for public sale a ‘civilian’ version of the standard-issue SADF rifle, called the LM4. With a 50-round semi-automatic capacity, the weapon was marketed as the perfect Christmas present for the ‘discerning shooter’. The uprisings of late 1984 led to a further rush on firearms, as did the Langa massacre in Uitenhage in March 1985 and the State of Emergency four months later.”<sup>212</sup>

Gun dealers reported another escalation of arms sales shortly before the 1994 elections when many whites felt threatened and insecure by the political changes. The dependence of white South Africans on firearms for purposes of self-protection against an amorphous enemy was clearly

articulated in the submissions to the Parliamentary Sub-Committee on Safety and Security in 2000. Closely related to this, and as vehemently expressed, was the view that firearms ownership is a right rather than a privilege.

Cock argues that:

“The notion that private gun ownership is legitimate is linked to the belief that guns are an effective and necessary form of protection. The gun combines two contradictory images – it is a means of both order and of violence; paradoxically it is believed to provide protection from violence through the potential threat of violence. This has a powerful appeal in our context where since the 1980s there has been a ‘privatisation of security’ as increasing numbers of citizens have lost confidence in the capacity of the state to protect them, and have come to rely on private security arrangements; and individual gun ownership.”<sup>213</sup>

However, firearm ownership has not been entirely confined to the white population. According to the Democratic Alliance (DA), between 1992 and 1999 legal gun ownership grew significantly, particularly amongst the previously disadvantaged groups in South Africa. They ascribed this growth in demand for firearms to a need for civilians to protect themselves against rising levels of violent crime.<sup>214</sup>

A qualitative study conducted by GFSA with 14 informants from Soweto (a township in Johannesburg), all of whom were disabled by gun violence, reflects a similar concern about the need for firearms for self-protection. Interviewees were asked about their attitudes towards guns and gun ownership in relation to gender, race and disability. Despite their having been victims of gun violence, most felt that owning a gun would provide them with a sense of security and an ability to protect themselves and their property.<sup>215</sup>

These findings were further substantiated by a survey of firearms dealers conducted for the purposes of this research project (which is presented in the following section), as from the early 1990s firearms dealers reported a significant increase in the number of black men and women seeking to

purchase legal firearms, mainly for purposes of self-protection. The majority of firearms dealers interviewed during the research process claimed that 90% of their current clients were black men.<sup>216</sup>

South Africans have also sought firearms for reasons of status. According to Jacklyn Cock,

“[for] a diverse number of young South African men, guns are a marker of status, and signal a particular style. For example to many members of organised crime syndicates in Soweto ostentatiously displayed firearms indicate the status of being a ‘big man’. However the style that guns signal is not restricted to political allegiance or criminal defiance. Guns are also a form of social display which can signal male affluence as well. As one of my informants from Lenasia expressed it, ‘If you have a BMW, a cell phone and a glamorous woman you’ve got a lot; if you’ve got a gun as well, you’ve got everything’.”<sup>217</sup>

A publication produced by Gift Mataung and Claire Taylor from GFSA, based on research in Soweto, also drew similar conclusions.<sup>218</sup>

In 2000 GFSA approached the Zimiseleni Researchers Project, to undertake focus group research with 15 boys between the ages of 12 and 16 from Katorus township in Gauteng, all of who had been referred to the Ekupholeni Mental Health Centre due to involvement in crime and/or anti-social behaviour.<sup>219</sup> These boys had been involved in crimes ranging from petty crime to rape and gang involvement, and came from families who lived in extreme poverty.<sup>220</sup> The aim of the research was to determine the attitudes of these boys towards firearms. The research results indicated that the boys saw a direct link between owning a firearm and access to money. The boys strongly associated power and strength with firearm ownership. Being poor meant humiliation and abuse by peers and teachers because of their appearance or failure to pay school fees. Guns meant access to money and were seen as a way to solve relationship problems (i.e. by coercion). The boys also spoke about the protection a firearm could offer them.<sup>221</sup>

A telephonic survey of gun clubs was conducted to determine the racial and gender profile of recreational shooters (amateur shooters who shoot for pleasure and sport). A list of 60 registered gun clubs was obtained from the

South African Gun Association’s website. Of these 60 clubs, representatives from 23 in eight regions of South Africa agreed to be interviewed. While the respondents were often not able to give exact membership numbers, in total they claimed to represent 1 437 sports shooters. Of these, about 120 were women and three black, indicating that sports shooting remains a white male pursuit in South Africa.

Given the importance that many South Africans have placed on firearm ownership as a means of ensuring their security, it was inevitable that the adoption of new legislation to replace the Arms and Ammunition Act of 1969 would be an extremely controversial process. Those who advocated strong arms control were pitted against the powerful pro-gun lobby, which is predominantly made up of white people.

Below is an analysis of 117 submissions to the parliamentary committee in the following categories:

- Submissions made by religious organisations/churches (31)
- Submissions by sporting and hunting associations (15)
- Submissions from individuals (80 submissions, of which only one was in support of the Act)
- Submissions from farmers or agricultural organisations (6)
- Submissions from dealers/manufacturers (6)
- Submissions from the gun control lobby (non-governmental organisations) (7)

The submissions from the pro-gun lobby (including individuals) were unanimous in their assessment that firearms were a vital aspect of self-protection, and that banning civilian firearms use would leave civilians vulnerable to attack by criminals. There were numerous emotional expressions of concern about the potential negative impact of enhanced civilian firearms control. Herman Beyer, who made a submission in his individual capacity, echoed the views expressed by many others when he stated angrily:

“I am not a criminal nor have I ever been convicted of any criminal offence. I am an upstanding law-abiding citizen of this country, yet

now I have to bear the brunt of a draconian action because the true perpetrators and breakers of the law namely criminals and illegal users of firearms are beyond the Government's capability to control. So I become the victim?"<sup>222</sup>

There was the often-repeated claim that increased gun control would result in an increase in the market for illegal firearms. The argument expressed in a large number of submissions was that ownership of a firearm is the only way in which civilians can assure their personal security, and if firearms cannot be obtained legally, then they will be obtained illegally. Ironically, the same submissions stressed that the authors were "law-abiding citizens". Writing in the name of Suburban Guns (a firearm retailer), Fred Tatos stated in his submission that he believed the Bill would "...foster a violent black market in guns."<sup>223</sup> An individual submission expressed the view rather more emotively:

Current legal firearm owners feel very strongly about their right to life and self defence and that of their loved ones, as they have a right to. It is a basic constitutional right. If they are to be deprived of that right by the FCB [Firearms Control Bill], I believe that the State will effectively be forcing them to choose between compliance with what is widely perceived to be an unjust law, and the safety and well being of their families. It is virtually inevitable that large numbers will value their families above compliance with such a law, and will simply acquire replacement firearms from illegal sources. This would be a very undesirable outcome."<sup>224</sup>

The Transvaal Agricultural Union (TAU) expressed its concern in apocalyptic terms, suggesting a high level of emotional attachment to their firearms:

"As is clear from the Bill, restrictions of legal firearms are its goal. If applied, it would only lead to more illegal firearms in circulation with an additional burden on the SAPS and administration. A large percentage of presently, legally owned firearms would become illegal firearms, while the individual needs to look out for himself. If the capacity to apply the legislation can be found and these legal weapons are taken out of society, people will be forced to find

alternatives, resulting in even more illegal weapons, thus making smuggling an even more lucrative, profitable business.

The SAPS, already under extremely great pressure, will have to take control of the crime situation in South Africa ... This will leave voters totally defenseless. The government has failed dismally in its major task; to create and maintain a safe environment for all its citizens."<sup>225</sup>

The fear that the Bill would result in a dangerous world in which civilians were unable to protect themselves against the onslaught of criminals was expressed repeatedly in the submissions, particularly in response to the idea of Firearm Free Zones. So threatening was the vision of areas where the owners of firearms would have to be disarmed that many submissions expressed the view that these areas would become no more than 'criminal havens'. The submission from Rev. Peter Hammond, a representative of the Christian group: United Christian Action<sup>226</sup> claimed that "Firearm Free Zones [are] open invitations for homicidal maniacs."<sup>227</sup>

One of the most vocally represented interest groups in the debate was farmers. The South African Agricultural Union (Agri) submission to the Parliamentary Sub-Committee noted at the outset the insecurity in rural farming communities in South Africa as a result of increased levels of crime, particularly farm attacks. They linked this strongly to the need for farmers to have firearms to protect themselves. Agri, which claims to represent 40 000 commercial and 45 000 small scale agricultural producers throughout South Africa,<sup>228</sup> expressed the following concerns:

- The Bill appeared to prevent the rural community and security forces from protecting themselves against crime, by restricting the right to own a firearm.
- The hunting industry, which is a significant source of foreign exchange, would face restrictions which would limit the industry's ability to generate its income.
- The Bill would have a retrospective implication for firearms owners who had acquired their arms over time.

Agri argued that the Bill should exempt legal licenced firearms, which were acquired before the effective date of the legislation, in effect allowing

existing owners to retain the large number of firearms which many owners appear to have.

In objecting to Chapter 6 of the Bill Agri had the following to say about semi-automatic rifles:

This section ignores the tactical benefits of a semi automatic shotgun in a self-defence situation, especially for elderly people who are unable to use a pump action shotgun due to age or age-induced weakness. This is particularly relevant for ageing farmers and old people in remote areas, where a man and wife have to rely on themselves to fend off multiple attackers, who hold the element of surprise and in some cases use fully automatic weapons. This provision effectively eliminates such people from effective self-defence and infringes upon their right to life and bodily integrity. A semi automatic shotgun should be allowed to be used for self defence purposes.<sup>229</sup>

Agri argued that licenced owners should be able to register three different firearms.

The Transvaal Agricultural Union also spoke out against the Bill, saying that the large number of firearms brought into South Africa by the former liberation movements during the last days of apartheid, together with the large numbers of weapons stolen from the state, present a threat to all civilians. They stated that “clamping down on legal firearm owners in an attempt to curb crime and violence in South Africa leaving civilians defenceless against illegal weapons and criminals in general is ridiculous and irresponsible.”<sup>230</sup>

The TAU’s expressions of concern all appear to be based on an “us-and-them” understanding of post-transition South Africa. Underlying their statements is a fear that those returning from exile are better armed than they, and an assumption that the threat remains the same as it was under apartheid – a threat from the liberation movements:

“The official comments regarding attacks on farms and the murder of commercial farmers and their employees cannot simply be based on

crime, while verbal attacks which are racially inspired and specific expectations established under premise of transformation, continue. The lack of control over the unruly and undisciplined element in society, including trained terrorists, now unemployed and left to fend for themselves, is contributory to the present crime situation in South Africa which the Government intends to address.<sup>231</sup>

The TAU spoke of the “...cultural difference regarding the approach to property rights” (between black people and white people) and their fear that this would result in their loss of land. The underlying theme of their submission was that it was unfair to leave farmers inadequately protected and that their protection is ensured only by sufficiently arming themselves. Submissions from the agricultural sector echoed the concern expressed in many submissions that the rising crime rates showed that the state could not protect its citizens, who therefore have to protect themselves.

It would, however, be a mistake to assume that the TAU and Agri represented the views of all farmers. One farmer felt strongly enough to make an individual submission to the Parliamentary Sub-Committee that:

“The purchasing of a hand gun has often been the first response of farmers to the threat of farm attacks. This has often preceded other precautions such as fencing, burglar bars and alarms. I feel this reflects the fact that the buying of a hand gun is often an emotive response to the threat of a farm attack rather than a rational one.”<sup>232</sup>

As vocal as the pro-gun lobby has been, any study of the culture of firearm ownership in South Africa would be deficient if it did not recognise the size and strength of the gun-control lobby. The final version of the Firearms Control Act represents strongly the views of this advocacy group, which managed to secure support from over 180 national, regional and local organisations (including religious organisations, hospitals and human rights organisations, amongst others) and 4 000 individuals who endorsed a Charter for Gun Control.

Since 1998 the interests of the state and the police force in reducing the number of civilian firearms and the number of firearms which enter the illegal pool annually, have converged with the interests of the gun control



lobby. While it is unlikely that South Africans' attitudes to gun ownership will dramatically change in the foreseeable future, already it can be seen that the introduction of stricter legislation will reduce the number of firearms in the hands of civilians.

## **Assessing Controls Over Firearms and the Implementation of Regional and International Agreements**

### ***Introduction***

South Africa's commitment to strengthening and broadening controls over small arms within the country and the sub-region has been expressed in many international, national and regional forums. South Africa has located the discussion about small arms control within a broader vision for Africa's development, arguing that stopping the flow of illicit small arms and light weapons between countries in Africa is necessary to ensure stability, which will enable socio-economic development.<sup>233</sup>

A number of South African and international non-governmental organisations have engaged in research to assess the implementation of national, regional and international small arms control agreements from varying perspectives.<sup>234</sup> This report adds to the discussion by providing additional information about the process of implementation in South Africa.

### ***National control and a survey of gun dealers***

The researchers undertook a qualitative survey of gun dealers in South Africa, with particular reference to their views on the implementation of the Firearms Control Act and to the implications of the Act for the industry.

To ensure representivity, the researcher interviewed a selection of smaller shops, black-owned shops, township and transport terminus shops, niche market shops, and finally a selection of shops in provinces outside Gauteng.

Although some quantitative data was generated – for example, the number of guns sold per week or the racial profile of the customers – the non-random and incomplete selection of shops means this data is of limited value. The intention was rather to poll the opinions and experiences of guns

shop workers and owners and to cross-check the information given in other interviews.

A small number of owners refused to be interviewed, some because they “didn't do this kind of thing”, some because they “refused to have anything to do with a process that included Gun Free South Africa.”

### ***Overview of the retail firearm industry***

The dealers described their businesses as “customer orientated” in a sector that has small volumes and relatively high mark ups. All interviewees stressed that they spend long periods, sometimes hours, ascertaining exactly what the customer wants a gun for and then advise accordingly. They also often spend long periods helping the customers fill out the gun licence application forms.

The bulk of the market is for handguns. This is what draws most new customers to the shops. Generally customers either live or work in the vicinity of the shop; and according to the interviewees, have noticed the shop many times before entering to make or discuss a purchase.

Although there are reportedly about 500 gun shops nationally, Brian Robinson of Continental Weapons (the largest arms wholesaler in the country) spoke of there currently being only 350 ‘active’ shops. The difference is accounted for by the fact that there are many shops that hold licences without actively selling guns.

Alex Holmes of the SA Arms and Ammunition Dealers' Association believes that 90% of the sector's turnover takes place through the doors of 20 to 30 large dealers. These dealers, he says, are readily recognisable because they advertise in the monthly magazine, *Magnum*.

Besides the traditional hand gun market there are also several niche shops: rifles for hunting; antique and collectors' shops; clay pigeon shooting shops; and one shop that specialises in gun props for the film industry.

### ***Customer profile***

Almost all gun shops reported that 90% of their clients are black men. The same pattern was reported in Gauteng, Northwest Province, the Western

Cape and KwaZulu Natal. There were a few exceptions to this: a specialised hunting shop reported a largely white wealthy clientele; and a gun shop in Ormonde, south of Johannesburg, reported that 60% of the shop's clients were white and 40% black.

Those shops that had been operating for many years said that in the past legal firearms had been owned only by whites. They also referred to the dramatic increase in shotgun and ammunition purchases by whites during the early 1990s and prior to the 1994 election. They argued that the increasing numbers of black clients reflects a process whereby black consumers are "catching up with white gun ownership levels."

Although there is a tendency for younger buyers to upgrade their weapons with newer, better and bigger guns, most clients appear to seek a good handgun which they could keep for life.

### *The process of purchasing a legal gun*

Interviewees were asked to describe the process which a prospective gun owner undertakes in order to possess a firearm. The process was described as follows:

A customer enters the shop selects a gun after a process of deliberation and pays for it. The gun is then receipted and placed in the gun shop's safe until the customer acquires a licence.

The staff usually assist customers to fill out the licence application form. According to dealers, the most difficult part of the form is the written motivation explaining why the applicant wants or needs a firearm. Being a victim of crime or violence is generally regarded as a poor motivation for a licence, and shops admit to doing some 'creative' writing on the protection of property for their clients.

The fact that gun dealers are assisting clients to produce applications that they believe will be favourably viewed by the Central Firearm Register is a matter of concern. It is implicit that gun dealers assist clients to make applications that are less than truthful – making it extremely difficult for the CFR to accurately assess the applications.

Gun shops have asked the CFR for a list of criteria which would enable their clients to obtain a licence. So far, the CFR has refused all such requests. From the perspective of the CFR, providing such a list would undermine the controls. A list of criteria would be nothing less than a guide to filling in a successful application.

Research published by GFSA and Technikon South Africa reported that, in an analysis of a random samples of 250 applications received by the CFR, it was found that:

- Older applicants were more likely to have their firearms applications approved.
- 92% of applicants were males. However, females were more likely to have their applications approved.
- Those applying for rifles and shotguns were most likely to have their applications approved, 83% and 76% respectively. This appears to be due to their applications being for hunting and collecting rather than for self-defence. Less than half (43%) of the firearms applications in the sample for pistols were approved. Similarly less than half (45%) of the applications for revolvers were approved.
- Those applying for licences for self-protection reasons, were often turned down if the reason was a generic claim to need to ensure the safety of the applicant's family: "Generic reasons pertaining to ensuring the safety of the applicant's family were, as a rule, insufficient to overcome CFR concerns regarding the safekeeping of the weapon, prior convictions etc. This resulted in a large proportion of firearm applications so motivated being turned down. More promising were applications motivated by professional and recreational reasons like those from people employed in the security industry or from hunting enthusiasts."<sup>235</sup>

According to dealers, the three prerequisites for a licence application are:

- A R120 revenue stamp
- An acceptable lockup safe that is bolted securely in the customer's house, for keeping the weapon safe.

- Successful completion of a recognised training course.

These items are generally for sale at any gun shop. It should be noted that according to the Arms and Ammunition Act, a recognised training course is not a requirement for a firearm licence. It is, however, an additional way for dealers to make money. Most, but not all, shops run their own training courses for the licence application. A typical training course costs about R300 and involves 6 hours of instruction. The courses concentrate on knowledge of the particular firearm and the safe handling of it. Most include shooting practice at a range (hiring of the range and ammunition is an additional cost) and the customer is encouraged to become familiar with firing his or her weapon. Response training – practising what to do when confronted with an armed robber or hijacker i.e. shooting under pressure – is not included. Some training courses include an accuracy component but these seem to be the exception.

Most gun shops have a range of safes on offer and, if the customer wishes, most will install the safe or know someone who can install the safe.

Once this process is complete, the applicant hands the completed application form to a district police station for checking and assessment. The designated firearms officers then complete the following checks:

- They physically inspect the safe installation.
- They interview the applicant's partner asking whether the applicant has ever been guilty of domestic violence and whether the interviewee believes their partner to be responsible enough to own a gun.
- They interview neighbours about the fitness of the applicant to own a firearm.
- If the applicant owns a business they interview other businesses in the vicinity.
- They comment on the motivation for the weapon.
- They look into their own records for any illegal or violent incidents in which the applicant might have been involved.

While all these tasks are standard in theory, it appears that stations interpret their mandate variously. For example:

At Booysens police station, south of Johannesburg city centre, local gun shops tell customers to take their best friends with them when they apply for a licence so that the police can do the character reference on the spot.

At Silverton police station, the police do the safe inspection and the community interviews within one week of the application being handed in to them.

At Pretoria Central police station, the police inspect and do community interviews without phoning first; the result is that neighbours, when faced with a policeman asking if they know Mr X, instinctively reply that they have never heard of him. This indicates a high level of mistrust of the police by members of the community.

According to dealers, all East Rand police stations are widely known to believe that interviews are pointless, so they do them perfunctorily.

In North West Province there are no dedicated Firearm Registration Centres so these tasks are carried out by ordinary police stations in addition to other duties. Gun shops in Rustenberg initially reported no difficulties with this system; one owner mentioned, however, that he had applied for a licence for himself some six weeks previously and the motivation had been recommended and forwarded to Pretoria without any safe inspection or background check being performed. Whether this was a small town phenomenon, in which a prominent businessman knew important people in the police, or whether the police had simply given up doing this part of their duties, he would not say.

The Western Cape Province has the same system as Gauteng with the Firearm Registration Centres; the only difference is that, by agreement with the gun shops, the Centres have committed themselves to completing the safe inspections and background checks within two weeks of receiving the forms. This agreement predates the Firearms Control Act and is the product of a Police/ Dealer Forum started roughly five years prior to 2004. In addition to committing police to a time frame for recommendations for licences, the forum has also pioneered a form that the customer has to fill

out at the gun shop, which confirms that the customer's gun is fully paid up. The police will wait until this is confirmed before forwarding the licence application to Pretoria. This is to prevent the fairly common phenomenon of a licence being approved while the gun stays in the shop, because the customer still has not paid the full purchase price.

The police in KwaZulu Natal operate in the same way as in Gauteng, with regional responsibilities carried out in the larger stations. Gun shops in KwaZulu Natal, however, report that the police lack capacity. They claim that often applications are passed from one police officer to another because there is confusion on the procedure.

Once the Designated Police Officers have conducted the necessary background checks, their recommendation is forwarded to the Central Firearms Registry in Pretoria for consideration and possible issuing of the licence.

Dealers expressed the belief that the CFR turns down applications on the basis of social class:

“Let's say a black guy owns a spaza [small general dealer] shop in a township. He needs a gun to protect his merchandise and his cash at the end of the day. No argument – everyone can see he has a clear and legitimate need of a weapon. To the CFR, though, they see a guy with no property, almost no capital and no business history. Almost certainly he will fail to get a gun licence at first. Maybe he might succeed on appeal after we turt up his motivation a bit. But the first response of the CFR is likely to be a no.”

Many interviewees, when asked how the CFR came to its decisions, gave a short answer – quotas. They believe that a certain number of gun licences per province are allocated at the start of each month and when that number of applications has been approved the remainder are refused. The CFR denies that this is the case.

Other interviewees believed that the applicant's motivation is the determining factor in the issuing of a licence and did not believe that the CFR has a quota system. One small owner in Southdale admitted that he

regarded the motivation as the customer's business, and he took no hand in drafting the application. This appears to have had an impact on the success rate of applications from his clients: only 30% of applications from his clients were successful. Just a kilometre away in Rosettenville the staff spend a great deal of time drafting their client's motivation and, apparently as a consequence, report an 80% success rate.

One manager put it like this:

“I ask the customer why he wants a gun and he tells me he lives with a wife and young child in a crime ridden township. Well that's fine but it's never going to be enough; so I ask him what he needs to protect – his family, his own self, his property – car, house, business and so on. Then I ask him what sort of job he does, how he gets to work, what incidents of crime and violence he has witnessed himself on the way to work. Then I ask him to mention the training he has done (if he has done any) and to talk about what he knows the dangers of guns are. At the end of all that we have a motivation that's probably four times as long as when he started.”

No respondents admitted to having a pro forma motivation that simply needed the client's name filled in.

Dealers' criticism of the CFR focused on the length of time it took for an application to be processed. According to dealers the current waiting period is between three and six months – and getting longer. Several alleged that the system at the CFR was unnecessarily complicated. They stated that while computerised fingerprint software was available to check fingerprints in a matter of seconds, the CFR insisted on manual checking of fingerprint records – a process which can take weeks.

While long delays are associated with the fingerprint check for criminal records, according to dealers most licences are refused at the very last step of the process owing to “insufficient motivation”. The dealers argue that the motivation should be assessed first so that if a licence is going to be refused, the applicant has the answer in a far shorter period of time. One shop manager said: “I have to lie to my customers. If I told them that the licence will take more than six months and has only a 40% or less chance of success, do you think I would ever sell a gun again?”

When asked about possible corruption in the awarding of licences at the CFR, most gun dealers were emphatic that the process could not be altered. Several admitted, however, that money could work to move an application up the queue awaiting attention. They claimed that applications not accompanied by a bribe take longer to get attention. When asked for details they all said they had 'heard that other shops know how to do this'.

There seemed to be a great variation in the thoroughness of gun shop inspections by the police. The time police took to inspect stock varies greatly. The dealers did not report any incidents of corruption in the process, but it seemed that the amount of discomfort suffered by the shops through regular inspections depended on the relationship between the shop and the local police.

### *Licence application refusals*

If a customer fails to get a licence, the purchase price of the gun is refunded, minus an administration fee, and the weapon goes back into the shop's stock. While logic tells us that gun shops should not use the cash paid by customers for the guns until the licence is granted, practicality dictates otherwise. Only the larger shops can afford to run their businesses in this way. The average shop requires the income immediately, to replace the sold weapon from the suppliers. As a result, most shops attempt to pass on the cost of a lost sale to the customers. Some of the measures they attempt are:

- Increasing the handling fee from 10% of purchase price to 30% (so that in the event of a refund, the customer loses 30% of the purchase price immediately).
- Requiring the customer to sign a contract at the start of the transaction, which states if the licence is refused, the gun will remain the property of the owner, but be retained by the shop until it is sold to another customer.

Dan Levine of the Used Gun Exchange stated that, at the time of the interview, he had roughly 1 800 guns awaiting collection in his two shops, most of them awaiting a licence or the resolution of a licence application. He said that in the first half of 2003, 82% of licence applications were

granted; after July 2003 the figure was 32%. If the licencing delays continued, he foresaw small gun dealers 'going to the wall'. Small gun dealers, he explained, made up about 75% of the sector. They have small stocks; do small turnovers; have little capital; owe money on their stock; cannot afford advertising or diversify their products. This would include most of the new black-owned gun shops. Levine says the market would then be entirely run by the larger older shops (like his).

This view was confirmed by Riaan Lamprecht of Norkem Arms. He bought his shop in May of 2003. Since then he sold 30 guns – but only one had been collected. All the others were awaiting licence results or the licences had been refused. Those that had been refused would be appealed. He said this is not a viable business; he was trying to sell the shop and if there was no buyer he will have to close his doors.

Sunnyside Arms reported that in 2002 they had two licence refusals, while in the first nine months of 2003 they had already had approximately 15 refusals. Similarly E-guns in Pretoria retrenched two out of five workers in September 2003. Nationally, Buccaneer Guns has closed two of its five outlets.

While all shops reported falling sales, some dramatically so, there seemed to be other factors affecting the industry. Gun shops grew rapidly in number and turnover during the 1990s because of high demand from black buyers who were plagued by township crime. While crime does not seem to have dramatically decreased, it is possible that the black gun ownership drive is approaching a saturation point. Secondly, the gun panic of the 1990s was fuelled by political uncertainty, which is no longer the case.

Many gun shops said that their potential clients had been swayed by the widespread belief that the state sought to outlaw all private guns. They also said that the requirement of the Firearms Control Act that licences be renewed every five years puts clients off.

Despite their concerns about the market, gun shop owners were not opposed to gun control in principle. Their criticisms were focussed on the apparent bottlenecks in the licencing system. They did however express frustration with the fact that the state had not paid sufficient attention to

their representations when drafting the new law. One owner expressed his concern as follows:

“Say I sell a hunting rifle to a new hunter. He hunts small buck around Warmbaths. He gets a proper licence say four months later and he’s off – a satisfied customer. Then his friend invites him to hunt bigger buck and other animals further north in Limpopo, so he now wants to buy a bigger or better rifle. He has to start the licencing process right from the beginning, including the training programmes, the safe inspections, and interviews with his wife and so on. That is crazy. What we need to do is licence the person for owning a weapon and when he changes or adds to his guns then the CFR should simply be informed so their database can be updated.”

Another gun shop owner expressed his concern about the implementation of the Act through the following anecdote:

“It happens fairly often that a customer comes in with what we might call an antique gun; either it’s from the Boer War and belonged to his grandfather and has a value in the collector’s market; but more commonly it’s a .303 rifle from the SA army 50 years ago or even an R1 from the seventies. The guy says that he wants to get rid of it, can we take and destroy it or sell it. Of course we can’t – the owner has to apply for a licence before we can take the gun from him. With the inspections so common we dare not take it from him and we could not sell it if there was no licence. So he has to go to all the trouble of applying for a licence, including installing a safe he has no intention of using and a training course that he doesn’t want. And he might still be refused a licence at the end of it! Put yourself in his shoes – what would you do? Chances are he says to his gardener (or someone else who lives in the townships) can you take this gun off my hands? The guy takes the gun and sells it where he lives; we’ve just managed to move a gun that was not legal but was inactive into the illegal market. This is madness!”

This latter statement reflects the confusion and frustration which appears to surround the licencing process more than a problem with the process itself. The dealer was incorrect in his assumptions. Any person who has a firearm

for which they do not have a licence, because they inherited the gun or because they were issued with the gun as a Commando member, should voluntarily hand that weapon in to the SAPS. The owner would be required to make a statement about how s/he obtained the firearm. It would then be tested to ensure that it had not been used in the commission of a crime. This process is undertaken by the police at no cost to the owner. Dealers should refer clients to the SAPS. It should also be noted that firearms can be deactivated by the SAPS and deactivated firearms do not require a licence.

### *Firearm wholesalers*

The wholesale purchase of small arms from other countries for retailing into the South African market is an uncomplicated process dominated by a few wholesalers with well established business links in southern Africa.

A gun wholesaler requires a permit from the Department of Trade and Industry, which recognises her/him as a legitimate gun buyer. A police permit is also required for each order, which is obtained from the Central Firearms Registry. Each purchase requires a motivation as to why the particular items are needed and a standard testimony that the wholesaler is an established business involved in the reselling of arms to legal gun shops and other wholesalers.

Wholesaler Nicholas Yale noted that whereas previously the CFR took two to three weeks to approve an application, now the time is two to three months. Yale admitted that his firm simply ordered ahead of time now and was not inconvenienced by the change. Nevertheless he rejected the idea that the change was as a result of the CFR’s lack of capacity. He was convinced it was part of a policy to discourage gun ownership.

By contrast Brian Robinson of Continental Weapons maintained that the standard wholesaler’s motivation of ‘reselling guns to retailers’ was deemed insufficient by the CFR. Increasingly, he said, wholesalers were being asked for details as to what the guns were to be used for, who would buy them, and what type, calibre and other specifications. For the first time, he said, their company recently received a refusal of a request to import guns.

## Conclusion

The apparent antagonism between dealers and the CFR is unfortunate, yet it is unlikely to hamper the implementation of the requirements of the Firearms Control Act. The reduction in the numbers of firearms being sold and the deterrent effect that the longer and more complicated licencing process appears to have on prospective owners should be seen as a success for the government's firearms policy, which seeks to limit the number of firearms in the hands of civilian owners. This policy has undoubtedly had an effect on the firearms retail industry. According to a statement made by Dir. Bothma during a presentation to the Portfolio Committee on Safety and Security, almost 190 gun dealers had closed down, "due to the lack of a credible market" by April 2003.<sup>236</sup>

It remains to be seen whether stricter controls will reduce the demand for guns in South Africa. It is still too early to predict the effect of more licence refusals and stricter gun control measures. Stricter controls and a more complicated and lengthy licencing process may have the effect of reducing the number of small arms in the hands of civilians and the number of small arms which are stolen from or lost by civilian owners. The gun lobby suggested that stricter controls would result in an increased demand for illegal firearms. Illegal transactions, especially when they involve items such as firearms, open those who are involved in the transactions to risk. They would need to know something of the underground market in illegal arms. These factors should mitigate against prospective firearm owners seeking to purchase firearms on the black market.

The resistance of gun owners and the pro-gun lobby to the Firearms Control Act and the confusion created by the new law, places additional responsibility on the SAPS and on the gun control lobby to ensure that the public are aware of the requirements of the Act and aware of their options regarding handing in firearms which they are no longer entitled to hold.

## South Africa's Role in Regional and International Negotiations

Since 1995, South Africa has been an active and vocal supporter of initiatives to control legal firearms and reduce the number of illicit firearms in circulation at an international, continental, sub-regional and national

level. This is fitting, as South Africa is the largest of the ten small arms producing countries on the African continent<sup>237</sup> and has a history of fuelling African conflicts through the provision of weapons to conflict-ridden countries.

In 1996, through the Organisation of African Unity (OAU), African countries committed themselves to investigating ways of reducing small arms proliferation and combatting small arms circulation. Four years later this commitment was strengthened through the adoption of the Bamako Declaration on an African Position on the Illicit Proliferation, Circulation and Trafficking on Small Arms and Light Weapons (Bamako Declaration).<sup>238</sup> The Bamako Declaration, while not a legally binding instrument, commits African states to a common set of principles with regard to small arms control and focuses on national measures to control firearms.<sup>239</sup> Meek and Stott note that "South Africa played an important role during the negotiations of the Bamako Declaration, building a coalition that could balance the concerns of sub-Saharan countries with the security concerns of North African countries."<sup>240</sup>

In 2001, the United Nations General Assembly adopted the Protocol Against the Manufacturing of and Trafficking in Illicit Arms, Ammunition and Related Materials (UN Protocol). Stott notes that African initiatives to combat the small arms problem on the continent, particularly those undertaken by SADC countries, pre-date other international efforts. He ascribes this to the post-conflict status of many SADC countries where large numbers of small arms remained in circulation, having a negative effect on development.<sup>241</sup>

On 14 March 2003 South Africa ratified the Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and other Related Materials,<sup>242</sup> which had been adopted by SADC heads of states in August 2001. The SADC Protocol, which had been in development since 1998, commits SADC states to a legally binding regional small arms control policy, to be implemented through the Southern African Regional Police Chiefs Cooperation Organisation (SARPPCO).<sup>243</sup>

It seeks to "...combat and eradicate the illicit trade of firearms, ammunition and other related materials ... through the mobilisation of a regional

commitment to policy and practice”<sup>244</sup> the SADC Protocol is overly ambitious. It requires states to enact legislative measures to control ownership and use of firearms, and to establish regional information databases. While South Africa has the necessary existing infrastructure to implement many of the requirements of the Protocol, this is not the case in all SADC countries.

Although a shortage of resources places a constraint on implementation, According to South African Department of Foreign Affairs official, Rob Wensley “...the biggest problem with regard to the implementation of the Protocol is at the SADC foreign ministry officials level, which ultimately should feed into the consideration of the issue at the political level.” He added “...at the SARPCCO level things are going on, but the SADC Secretariat is not doing enough to encourage regional discussion. Meetings are hurried and there is no real opportunity to discuss what the implementation needs are in the region, and to develop common positions which can then be taken to donors. There is not enough focused discussion. The last meeting took place in February 2002 and since then there has been no meeting of the SADC Committee on Small Arms.”<sup>245</sup>

Wensley suggested that it was necessary for the SADC Secretariat to call member states to a workshop where each article of the Protocol would be considered and problems with implementation identified. He said that “...amongst the police chiefs there is a frankness and openness about problems, however the inactivity of the Committee remains an impediment to elevating discussions to the political level for a frank exchange of views on where problems remain in the implementation of the Protocol.”<sup>246</sup> By the end of 2003, South Africa had already conducted this exercise internally and had begun the process of implementation through the South African Police Service.

South African NGOs have focused attention on the Protocol’s requirement for the establishment of a National Focal Point on small arms. This body would bring together all relevant government departments to discuss small arms policy matters and share relevant information. In some SADC countries the proposed National Focal Points include civil society organisations and provide a forum where governments and NGOs could be in dialogue about small arms issues. In South Africa, where information

sharing between government departments NGOs is already happening on an ongoing basis, the establishment of National Focal Points is not regarded by the relevant government departments as a priority.

Wensley expressed cynicism about a mechanism which allowed NGOs to dictate an agenda to government bodies, and which appeared to service only the wishes of the NGOs while not being focused on making government more effective. “There is a lot of money involved in the implementation programme and there is a general perception in SADC countries that NGOs in South Africa have a pile of money to disburse at will. NGOs may be in a position to obtain donor funding for projects, but in the process they should not be drafting government’s agenda, ” he said.<sup>247</sup>

The head of the CFR agreed that a National Focal Point is not a priority for South Africa because, as he said, “...the networks in place that other regional states don’t have, so we aren’t as reliant as they are on the focal points. But,” he added “...the NFPs are helpful because they create a mechanism through which to liaise.”<sup>248</sup>

### ***South African implementation of the SADC Protocol***

In order to assess South Africa’s progress in implementing of the SADC Protocol it is necessary to consider each Article of the Protocol and its implementations.

Articles 1 to 3 define the terms used in the Protocol, the objectives of the Protocol and a statement regarding sovereignty. From Article 4, the progress on implementation can be listed as follows:

#### ***Article 4: International Initiatives***

This article commits State Parties to consider becoming parties to international instruments which concern the control of small arms (and related materials) and their proliferation, and to implement the agreements nationally.

- South Africa has ratified the SADC Protocol.
- South Africa is signatory to the Bamako Declaration.



- South Africa has signed the UN Firearms Protocol and ratification was expected in 2004.
- South Africa is sponsor to the UN Programme of Action.
- South Africa participated in and submitted a report to the United Nations Biennial Meeting of States on Small Arms in 2003.

#### *Article 5: Legislative Measures*

In terms of this article State Parties are required to enact legislation which reflects aspects of small arms control reflected in the Protocol.

The Firearms Control Act (2000), the National Conventional Arms Control Act (2002) and the Explosives Act (2003) conform to the SADC Protocol in terms of the following categories:

- Controls on civilian possession and use
- Record-keeping, marking and tracing
- Import, export and transit
- Brokering
- Manufacture
- Trade
- Seizure, disposal and enforcement
- Arms embargoes (sales of arms are controlled by the National Conventional Arms Control Committee)
- State-owned firearms
- Penalties

For first two categories South Africa has a centralised licencing system which, when fully operational, will allow information to be accessed rapidly. 'Enabled stations' which are centres which deal with large numbers of licences, have been established. Firearm Registration Centres have been

established and specialised Designated Firearm Officers have been trained and appointed. All firearms dealers are required to have computerised workstations (or manual data management systems where computers are inaccessible) so that as a firearm is sold, the dealer enters its details into the system and the data is sent to the Central Firearm Registry.

#### *Article 6: Operational Capacity*

This article specifies that the capacity of relevant law enforcement authorities must be built. National training programmes are to be put in place. National databases are to be improved and equipment for monitoring the movement of firearms across borders is to be acquired. Joint regional training programmes are proposed. Article 6 also provides for the establishment of inter-agency working groups.

Training programmes have been established, but they are not integrated. There is a need for better communication between different police departments, which would be facilitated by integrated training programmes involving all relevant law enforcement officials.<sup>249</sup> According to Sen Sup. Joubert of the SAPS Serious and Violent Crimes Unit, "...past experience shows that conducting training programmes, which involve different branches of law enforcement, e.g. the police and military police, meant that there was increased co-operation between the officers of the two structures, better information sharing because the officers at a junior level knew each other, and this had an effect on their ability to combat crime."<sup>250</sup>

By the end of 2003, South Africa was in the process of improving its border control databases. A Movement Control System, which would match weapons coming into the country with weapons going out, was under consideration. Such a system would have particular relevance to the hunting industry. According to Joubert, "...in the past, hunters from outside South Africa would come in with their firearms and at the end of the hunt may give their weapon to their guide as a tip, there was no way of following that up (indeed it may not have been picked up that the person left without a weapon). The Movement Control System will allow the police to pick this up and prevent it."<sup>251</sup>

The Central Firearm Registry is co-ordinating an inter-agency working group. At the end of 2003, there was some debate about whether

formalisation of the structure would enhance communication, or whether it would be an unnecessary drain on the already stretched resources of the CFR.<sup>252</sup> Joint regional training was being discussed at a senior level within the police forces but no courses had yet been initiated. According to Joubert, "...turf protection is the biggest stumbling block to regional training and co-operation."<sup>253</sup>

#### *Article 7: Control over Civilian Possession of Firearms*

States Parties commit themselves, in terms of this Article, to reviewing their firearm licencing procedures and establishing and maintaining electronic databases of firearms, firearm owners and commercial firearm traders.

The Firearms Control Act conforms fully with this article of the Protocol. The implementing body is the Central Firearms Register. The Central Firearms Register has an electronic database of licenced firearms and dealers. At the time of writing, the information systems were being updated and a new system was to be put in place during 2005.

#### *Article 8: State-owned Firearms*

In terms of this article States Parties are required to conduct an audit of state-owned weapons and maintain an inventory thereof, and enhance their capacity to manage and secure state owned arms. Article 8 (c) and (d) refer to regional responsibilities.

The Central Firearm Register had completed an audit of state-owned weapons. The results of the audit were reported to the Parliamentary Portfolio Committee on Safety and Security in September 2003. An inventory of state owned weapons was to be maintained by the CFR. The SANDF's Logistics Department maintained an inventory of military weapons which had been audited.

#### *Article 9: Marking of Firearms and Record Keeping*

This article commits state parties to establishing agreed systems to mark firearms at the time of import, and to keep records of these markings. It also stipulates the information such marking should reflect.

South Africa has implemented a system for marking firearms, however the system could not be implemented regionally because the numbers used were too long.<sup>254</sup>

South Africa was sponsoring negotiations on marking and tracing of firearms in terms of the United Nations Programme of Action and had been working with countries, including Brazil and Japan, on the matter.

#### *Article 10: Disposal of State-owned Firearms and Article 11: Disposal of Confiscated or Unlicensed Firearms*

These two articles commit State Parties to identify and adopt programmes for the safe storage, destruction and disposal of redundant, surplus, obsolete, confiscated and unlicensed firearms. Article 11 additionally commits States Parties to undertaking joint cross-border operations to locate and destroy caches of firearms and ammunition leftover from previous conflicts.

From 1999 to 2003 the South African Defence Force destroyed 260 000 firearms and the South African Police Service had destroyed 75 000<sup>255</sup> confiscated firearms and redundant state firearms.

The SAPS has implemented a standardisation policy in terms of which all firearms which did not conform to the requirements would be phased out and destroyed.<sup>256</sup> This process was co-ordinated by the SAPS Logistics Division.

The SAPS and Mozambican Police Force has undertaken several joint operations, known as Operation Rachel. These operations locate and recover firearms remaining in caches in Mozambique after the civil war. (For a detailed discussion about the Operations Rachel see the Mozambican country report).<sup>257</sup>

#### *Article 12: Voluntary Surrender of Firearms*

States Parties commit themselves to introducing programmes to encourage the voluntary surrender of firearms, for destruction by the state. This applies both to owners of legal and illegal firearms.

The SAPS provides opportunities for licenced owners to hand their weapons to the police. The SAPS then destroys these firearms free of charge.<sup>258</sup>

### *Article 13: Public Education and Awareness Programmes*

States Parties are required to develop national and regional public education and awareness programmes to increase public participation in efforts to combat firearms proliferation and trafficking and to promote responsible firearm ownership.

Public education programmes were being undertaken by the SAPS and there had been extensive media reference to the requirements of the Firearms Control Act.

### *Article 14: Mutual Legal Assistance*

This article establishes a requirement for states to co-operate and provide legal assistance to each other in support of the aims of the Protocol. The article provides a detailed account of what is considered to be legal assistance.

The International Co-operation on Criminal Matters Act (Act 75 of 1996) was passed to facilitate "...the provisions of evidence and the execution of sentences in criminal cases and the confiscation and transfer of the proceeds of crimes" between South Africa and other states. This enables South African courts to seek assistance from other countries in the conduct of investigations and in the acquisition and transfer of evidence. It also provides a legal framework within which foreign courts can seek the same assistance from South Africa.

South Africa has agreements with Lesotho, Swaziland, Botswana, Malawi, Namibia and Zimbabwe, which expedites the process of information sharing on legal matters. The agreements circumvent the need for diplomatic involvement in the process and allow for direct police-to-police contact.<sup>259</sup>

### *Article 15: Law Enforcement*

States Parties are required to establish mechanisms to enhance co-operation between national law enforcement agencies. This includes (amongst others) the establishment of:

- effective channels of communication

- multi-disciplinary law enforcement units
- national focal points within the law enforcement agencies to facilitate the sharing of information, and
- the introduction of extradition agreements.

An assessment by Minnaar of regional co-operation stated that: "Cross border initiatives such as the Southern African Regional Police Chiefs Co-operation Organisation (SARPPCO) have made an important contribution to reducing crime. The Organised Crime Investigation Units (OCIUs) of the SAPS have also fostered co-operation with neighbouring countries. Three-monthly tri-lateral workshops are held between South Africa, Swaziland and Mozambique, while co-operation between South Africa and Lesotho has also been established. The Border Police are permanently represented on five bi- or tri-lateral forums with neighbouring countries, and have entered into close co-operation with Interpol and border control training agencies abroad. The Border Police are also permanently represented in the Legislation Committee for Border Control."<sup>260</sup>

### *Article 16: Transparency and Information Exchange*

This article is open to interpretation, in that it states broadly that State Parties undertake to: "...develop and improve transparency in firearms accumulation, flow and policies relating to civilian owned firearms", without being specific about what this should entail.

The article commits State Parties to establish national firearm databases to facilitate the exchange of information on firearms imports, exports and transfers.<sup>261</sup>

South Africa has established a focal point in the Central Firearms Registry for queries from other countries. The focal point is the initial point of contact for any queries about firearm-related issues and will identify the relevant people to be consulted in relation to the particular query.

The SAPS has systems in place to ensure a quick and efficient exchange of information in the region, and these are subject to controls to ensure that they are not abused.

### *Article 17: Institutional Arrangement*

This Article requires that a committee be established at a SADC level to oversee the implementation of the Protocol.

By the end of 2003 no such committee had been formed. The responsibility for attending to the formation of such a committee is that of the Chair of the SADC Inter-State Defence and Security Committee (ISDSC).

### ***National controls***

#### ***Implementation of the Firearms Control Act***

The Firearms Control Act was passed by the South African parliament in late 2000 amidst strong criticism from the pro-gun lobby and guarded support from disarmament activists. Most of the submissions from the pro-gun lobby to the Parliamentary Sub-Committee on Safety and Security during 2000 claimed that they were excluded from the process.

The government's commitment to increasing controls over firearms triumphed, despite strenuous objections by the pro-gun lobby to the restrictions on the number and type of firearms and ammunition which civilians can own, and the requirement that licences would have to be renewed at specified regular intervals. A key section of the Firearms Control Act Chapter 12,<sup>262</sup> which allows the Registrar (the National Commissioner of Police) to declare a person unfit to possess a firearm. The circumstances under which a person can be declared unfit are:

- If the owner of a firearm has been subject to a final protection order in terms of the Domestic Violence Act (1998).
- If "that person has expressed the intention to kill or injure himself or herself or any other person by means of a firearm or any other dangerous weapon".
- If "...because of that person's mental condition, inclination to violence or dependence on any substance which has an intoxicating or narcotic effect, the possession of a firearm by that person is not in the interests of that person or any other person".
- If "that person has failed to take the prescribed steps for the safekeeping of any firearm".

- If "that person has provided information required in terms of the Act which is false or misleading".<sup>263</sup>

Firearm owners can also be declared unfit to possess a firearm by the court, should they be guilty of specified offences. In such a case the owner is required to dispose of his/her firearm through a registered dealer or by handing it to the police for destruction.

The Arms and Ammunition Act also makes provision for declarations of unfitness. However research conducted by Mistry et al<sup>264</sup> in 2002, found that magistrates and prosecutors were not sufficiently aware of when to issue an order declaring someone unfit to possess a firearm, this is changing. According to Director Bothma, head of the CFR, there has been more focus on the unfitness of licenced owners to possess a firearm, with the result that approximately 900 people were declared unfit to possess a firearm between January and September 2003.<sup>265</sup>

#### ***The Central Firearms Register***

In 1997, the Minister of Safety and Security appointed a Committee of Inquiry into the Central Firearms Register. Headed by Sheena Duncan, the committee was tasked to investigate the CFR "...and the manner in which it is operated and to make findings and recommendations"<sup>266</sup> in relation to a number of criteria, including irregularities and corruption in the licencing process. The Committee was established in the light of allegations of corruption and mismanagement of the CFR. Its findings were damning. The report noted that "...the overall picture is one of total chaos, an improper and unbalanced system within the CFR, which fails to cope with the demands from within the SAPS, and is also not meeting the requirements of the public."<sup>267</sup>

The Committee found that personal relationships between members of the CFR and firearms dealers were resulting in irregular licencing procedures, "[I]ndividual licence applicants and gun dealers bypass the local station altogether and go directly to the Registry where licences are issued very quickly: This appears best expressed in the words of one officer who said '...dealers seem to have more contact with, and easier access to, CFR than local police, and dealers get information from CFR more easily than the police can.'"

The Committee's report also noted that in 1997 there were 449 000 arms registered at the CFR as being of 'unknown make', despite the fact that there are very few weapons for which the make is genuinely unknown. Investigations by the Committee revealed that many of the weapons registered as of "make unknown" were probably semi-automatic.

The Committee also investigated the Appeal Board to determine why it appeared as though the Board approved a large number of applications that had been initially turned down. The statistics for 1996 (January – December) were as follows:

- 195 639 licences approved
- 13 789 applications refused
- 6 524 appeals submitted
- 4 523 appeals upheld

The Committee found that the members of the appeal board believed that "...if appeals are refused, the appellant might take the Board to court for denying him the 'right to own the means of self-defence'." Although the Committee believed this to be a misinterpretation of the Bill of Rights, it was affecting the way in which the Appeal Board made its findings. In addition, the Board members told the Committee they did not have sufficient information at their disposal to make informed decisions. The Committee proposed that the system be changed and that the Appeal Board be done away with altogether. Appeals, they argued, should be heard by the local magistrate in the area in which the applicant resides.

In 2000, to implement the recommendations of the Committee, Director Jaco Bothma replaced the previous head of the CFR. When Bothma was interviewed in 2003 by the researchers, he reported that the CFR had (since 2000):

- Developed a human resources structure
- Increased its staff component from 200 to 300.
- Limited access to the building in which they are housed so as to restrict contact between licence applicants and those responsible for approving

licences and, therefore, to limit the possibility of corruption of the process.

- Started a specific section focusing on state departments, which did not exist previously, which ensures that there is communication between the CFR and state departments regarding firearms.
- Initiated the development of a new data management system which eliminates the dysfunctions of the previous system. This system was set to be operational by 2005.
- Prepared its members to conduct physical audits when licences are renewed, to ensure that all the information on the CFR database is accurate.
- Appointed police officers at area level to conduct hearings into the fitness or unfitness of licence applicants to possess firearms. The 900 declarations of unfitness handed down during the period January to September 2003 were the result of a far higher number of hearings. According to Bothma, "...900 rejections might have meant 5 000 hearings".
- The CFR now has a new logo to help build the spirit of the CFR, and has changed the working environment for its staff.
- Remuneration of CFR staff has increased and staff training programmes for CFR staff and Designated Police Officers have been appointed.
- Powers and functions of the CFR have been delegated to station level - to the Designated Police Officers, which enables the CFR to circulate information on stolen firearms and have people declared fit or unfit much more quickly. In Gauteng there are 123 police stations with Designated Police Officers and 22 firearm registration centres.
- Has developed new standards for strong-rooms and safes and are introducing shooting range standards for the first time.

Bothma refused to say what specific measures had been implemented to stem corruption in the CFR but said "We have acted decisively against corrupt officers."<sup>268</sup>

***Superintendent Sanet Williams – the face of the new South African Police?***

Sanet Williams is 35 years of age now. She joined the police in 1987, aged 19.

In December 2001 she was appointed to head the regional Firearm Registration Centre in Booyens. The centre covers the police stations of Booyens, Jeppe, Cleveland and Langlaagte in Gauteng. The area includes the largely working class suburbs of southern Johannesburg as well as a few informal settlements, particularly a large one at Eikenhof.

The unit has a number of tasks including making sure that people applying for a firearm licence have a safe in which to keep their gun. Her unit is also responsible for doing 'background checks' on firearm applicants which involves taking character references from spouses, neighbours and work colleagues.

The unit also handles specific requests for investigation from the Central Firearms Registry in Pretoria including:

- inspections of premises of deceased licenced gun owners to ascertain the fate of the licenced firearm;
- inspections of the premises, records and firearms of gun shops, gunsmiths and manufacturers;
- inspections of gun bearing security companies;
- investigations into duplicate licences, as well as lost and stolen licences.

Although seasonal variations apply, the Booyens police station receives between 10 and 20 gun licence applications per day.

Initially Superintendent Williams was given little support. With no staff or vehicles at her disposal she became something of a legend among gun shops in the area during the next 18 months. In a

desperate attempt to clear, or at least keep pace with the backlog of licence applications she began to do safe inspections and background interviews in her own time at night. A single mother, she would load her three children, now aged 5, 6 and 12 in to her own car and make home visits to prospective gun owners. She did this almost every night for more than a year. She earned no overtime for this task, was not covered by police insurance because she was in her own car, and did not even receive petrol money for her trouble.

When asked why she did her job with a selflessness most South Africans would find hard to understand, Superintendent Williams said 'the public out there expect you to do the work'.

Earlier this year, her hard work was seemingly rewarded when an extra ten members of staff were seconded to the unit. Several gun shop owners reported with some amusement that the problems with capacity were made worse because there were no vehicles for the staff to use. Sanet Williams didn't want to talk about this, but did insist that now they had two vehicles on the road and inspections and interviews were going ahead. The problems she experienced now concerned the workload which was large and seemingly inching upwards; and providing the new staff with the necessary training so that when the new act became law they would be fully capable of taking up all their responsibilities.

In response to the common criticism of gun shop owners, that the new Firearms Control Act gives too much power to local police of varying capacity and experience, she disagreed that police could have no real role in assessing an individual's competence to carry a firearm. Her staff was experienced and growing more experienced with each passing day. They had an understanding of human nature and often felt that certain cases warranted more intensive investigation than others.

When asked what made her continue to work under quite trying conditions she said simply: 'I like my job; I look forward each day to going to work. What more could one hope for from a job?'

### *Operation Sethunya*

In April 2003, the SAPS initiated Operation Sethunya, which focussed specifically on testing legal compliance with the Arms and Ammunition Act and tracing illegal firearms. Sethunya is an intelligence-driven operation directed at stemming the proliferation of illegal firearms used in crime and violence. Police have made use of roadblocks, inspected premises, and stopped and searched pedestrians in an effort to locate and confiscate firearms. The success of the operation has been such that more than three times the number of firearms usually confiscated by police was confiscated for each of the two months immediately after its inception. During the period 1 April 2003 to 31 July 2003, 15 340 firearms were confiscated.<sup>269</sup>

Despite this impressive record by the SAPS, in April 2003, during the SAPS presentation to the Parliamentary Portfolio Committee on Safety and Security on the implementation of the FCA, the SAPS came under severe criticism for the extensive delays in the implementation of the Act. Despite SAPS assurances that they were addressing Parliament's concerns about firearm control and proliferation, members of the Committee were unimpressed. The greatest stumbling block to implementation of the Act appears to have been the length of time it took for the formulation of Regulations, these have subsequently been published in final form.

It is important to note how seriously the Parliamentary Portfolio Committee is taking its oversight of the implementation of the FCA. This oversight is vital to ensure that the Act is effectively implemented. As important has been the constructive role played by NGOs. The research undertaken by Mistry et al<sup>270</sup> drew attention to possible shortcomings in implementing the Act, and provided the SAPS and the Parliamentary Portfolio Committee with recommendations about how these problems could be addressed. The strong relationship between NGOs and the SAPS will continue to ensure that problems with implementation of the Act are addressed.

### *Data collection and management*

During the 1980s, when South Africa was internationally isolated, the South African Police were prevented from purchasing commercially available computer programmes. As a consequence police databases were

developed by SAP members, and it has not been possible to translate the data from those systems into currently available commercial applications. While the development of new data management systems is now underway, the situation with regard to data capture remained "very difficult",<sup>271</sup> according to the Crime Information and Analysis Centre's Alida Boettcher.

Only in 1995/6 did police stations start computerizing their data. Before that, the stations would send their weekly crime statistics on paper to head office, where the information would be captured electronically. According to Boettcher, most stations were in the process of inputting their data, but there were still some rural stations that sent their weekly statistics to their regional offices on paper.<sup>272</sup>

Providing computers for all police stations in South Africa would no doubt facilitate the flow of information within the police force. However, given that some police stations still had no running water, the introduction of computerised systems will be slow and difficult.

### *Closure of Illegal Firearms Units*

In 1993 the South African Police Service established specialist units to prevent and investigate illegal firearms related crimes. These units, known as Illegal Firearms Units (IFUs) were set up in all police areas in South Africa. The units were staffed with officers who were trained to identify explosives, explosive devices, and firearms, and who had an understanding of the legislation used to construct cases against those found in violation of the law. A total of 35 units were established, staffed by 429 officers.<sup>273</sup>

In December 2000 these units were disbanded. According to former IFU member Senior Superintendent Stan Joubert, one reason may have been to ensure that the knowledge and expertise of the former Illegal Firearm Unit members would be transferred to station level.<sup>274</sup> Some of the former members of these units remained in the Serious and Violent Crimes Unit of the SAPS, others moved into the detective branches of local stations, others joined the uniformed branches and others joined specialised units of the SAPS. While the intention may have been to ensure the spread of specialised firearms investigation skills, Joubert argues that it is more likely that these skills have become lost to the police "...their skills are not being

maintained,” he said, “...you lose the street language after a while and if you are working on hundreds of unrelated dockets everyday these skills are not used.”<sup>275</sup>

Joubert noted that the Designated Firearms Officers were not, by the end of 2003, receiving training in the identification of firearms, which, he argued, is a vital part of combatting illegal firearms related crimes, “...it’s like not having the right address when you are trying to find someone’s house”, he told researchers.<sup>276</sup>

Others within the police service assert that the closure of the Illegal Firearms Units is an indication of the fact that the SAPS views firearm control as being so fundamental to controlling crime that it is not a function that can be restricted to one branch of the SAPS. While it is not possible, in the absence of detailed statistics, to assess the impact of the closure of these units on the ability of the police to combat illegal firearms crime, the SAPS may have lost an effective tool to combat illegal firearms proliferation through their closure.

### ***Destruction of firearms***

South Africa is one of a small group of countries that take seriously the recommendation to implement programmes to destroy surplus state-owned small arms, made by the 1997 United Nations Panel of Experts on Small Arms. South Africa has been engaged in a process of rationalising and standardising its own stocks of small arms and ammunition and destroying those considered redundant, obsolete and unserviceable as well as illicit weapons in police custody.

### ***The South African National Defence Force (SANDF) - Operation Mouflon***

Operation Mouflon was the largest destruction of surplus state-owned small arms in sub-Saharan Africa. By the end of the operation in May 2001, more than 260 000 weapons had been destroyed and sold as scrap metal. As early as 1998, the Department of Defence (DOD) considered the need to destroy surplus, redundant, obsolete and confiscated small arms in its possession. The stocks to be destroyed were mainly surplus R1 rifles but

also included other weapons, such as AK-47s and AKMs and confiscated small calibre weapons, up to and including 12.7mm. Using the criteria of transparency, safety and security, verification and accountability as well as cost-effectiveness, the weapons were destroyed using the fragmentiser method.

### ***The South African Police Service***

The South African Police Service has a policy of destroying rather than selling redundant, obsolete, seized or any other firearms that cannot be classified as standard (including homemade weapons). This is in recognition of the devastating impact that small arms/firearms have had on South African society. This practice, while not unique, is in its scale and duration to be one of the most comprehensive undertaken.<sup>277</sup>

***Table 6.20: Destruction of Firearms: 2001 and 2002***

	Total for 2001	Total for 2002
OFFICIAL REDUNDANT/ OBSOLETE FIREARMS		
Pistols	4463	7534
Rifles	6946	7450
Shotguns	1518	2167
Sub-Machine guns/Machine guns	745	589
Revolvers	133	5073
Equipment	12 889	15 612
Launchers	1	1
SUB-TOTAL	26 695	38 426
CONFISCATED FIREARMS		
Firearms & Equipment	910	20 191
Revolvers & Pistols (combination)	2291	-
Rifles	127	-
SUB-TOTAL	3 328	20 191
<b>TOTAL</b>	<b>30 023</b>	<b>58 617</b>



### ***Legislation, regulation, and the private security industry The Security Industry Regulatory Authority (SIRA)***

The Private Security Regulations Act, which brought SIRA into being, was signed by President Thabo Mbeki in January 2002. SIRA replaced the previous security officers' board (SOB), which had been widely criticised, particularly by the ANC and smaller security companies, for allowing the major security companies too much control in regulating the industry.

SIRA's brief is to regulate the private security industry, and to "...exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself". This aim is defined in a variety of ways. SIRA has to ensure that companies are registered, that they provide information on the issuing, possession and use of firearms and other weapons, and that they act in the public and national interest. SIRA is required to promote high training standards. It determines and enforces "minimal standards of occupational conduct" from security companies, and encourages ownership and control of security companies by historically disadvantaged people.<sup>278</sup>

SIRA has not faced an easy operating environment in its short history to date. The authority was plagued with debilitating management problems virtually from its inception, leading to the dismissal of both its director and deputy director in late 2002. New appointments were only made in mid-2003. The authority also has severe capacity constraints, which have a significant negative impact on all aspects of its operations, including SIRA's ability to regulate firearm ownership, control and use within the industry.

When this research was conducted SIRA had 148 staff, but only 41 were engaged in law enforcement, with 14 in investigations and prosecutions.<sup>279</sup> During SIRA's presentation to the Parliamentary Portfolio Committee on Safety and Security in September 2003, members of Parliament demanded to know why SIRA inspectors had only visited 2 876 of the total 4 271 private security companies during the first half of the year, when their brief was to inspect each company twice a year. Colonel Mike Hadebe, the deputy director, replied that inspectors had a heavy workload, each visiting 20 companies a month, which included a firearms audit, and that the inspector component of the authority was "...too small to meet its current

demand". SIRA director Eugene Vilakazi proposed during the parliamentary presentation that the size of SIRA's investigative component be increased to the level of its administrative staff, which was 77 strong, and assured committee members that SIRA was "...currently looking into this". The committee called on SIRA to appoint more inspectors as a matter of urgency, reminding its directors that although SIRA was not intended to operate for profit, the authority had R14.3m in accumulated reserves, largely derived from registration fees.<sup>280</sup>

Another of SIRA's difficulties has been the hostile reception it has received from the security industry. Private security company respondents all complain about SIRA, and security industry publications reverberate with expressions of the companies' unhappiness. All the respondents said they accepted the need for the industry to be regulated, and most conceded that this could not be left to the industry itself. Nonetheless, the most common allegations levelled were that SIRA:

- Charged companies fees but provided them with no service.
- Is "aggressive" and does not build relationships with legitimate companies.
- Focused too much on prominent companies which adhere to the law, and focused insufficiently on dangerous "fly-by-nights".
- Intends to make all security guards wear the same uniforms.<sup>281</sup>

SIRA defended itself by emphasising that its mandate was to regulate the private security industry, and that complaints about the structural nature of its relationship to the industry should be taken up with the government which wrote the legislation.<sup>282</sup> SIRA denied that it was aggressive, or that it focused insufficiently on "fly-by-night" companies, though it had, as noted earlier, bemoaned its lack of investigative capacity.

The issue of security guard uniforms appeared still to be under consideration. Proposals that all guards wear the same or similar uniforms emanated from a concern in government about security guard uniforms that were designed to look like SAPS uniforms. Some in the industry claimed that such a move would be the "last straw" and would prompt a "massive"

court challenge.<sup>283</sup> Senior figures within SIRA hinted privately that they would welcome such a court challenge, as it would clarify the issue of its powers and responsibilities regarding the industry.

On the specific issue of firearms, SIRA's ability to fulfill its mandate of regulating and controlling the private security industry was negatively affected by its capacity constraints. However, SIRA's control and regulation capacity regarding firearms appeared to be increasing steadily, largely through the ongoing firearms audit in conjunction with the SAPS.

### *The Firearms Control Act and the private security industry*

The Firearms Control Act was signed into law in 2000, but by October 2003, regulations had still not been finalised and published. The Act empowers the CFR to issue firearms licences to security companies for business purposes, and requires that these firearms are owned by the companies, and not the individuals in their employ. Licences must be renewed every two years. In addition, only security personnel with recognised competency certificates may be issued with firearms.<sup>284</sup>

The requirement that security personnel can only use company firearms while on duty has been unpopular within the industry, where for years it has been common practice for employees to use their own firearms on duty. Security companies argue that personnel take better care of their own firearms than those issued to them by their employers, and that it contradicts the right granted in the Act for one's own weapon to be used in self-defence. However, defenders of the legislation argue that it enables tighter control on firearm proliferation and use within the industry, and protects security company employees in the event of the weapon being damaged or stolen.<sup>285</sup>

Acquiring new firearms to conform with the legislation has been a lengthy and costly business for the industry. Security industry respondents said it can take between two and five months from the time of application to the granting of a licence. The length of time it takes to process firearm licence applications has increased, largely as a result of the legal requirement that the SAPS to check companies before a licence can be granted. This is proving particularly problematic for smaller security companies, which are not in a position to stockpile weapons, but instead typically seek to obtain

them upon winning new contracts from clients. Companies say they are given a month by clients after the agreement of a contract to gather the necessary personnel and firearms, and their inability to obtain firearm licences in this time disadvantages them in their competition with larger companies for market share.<sup>286</sup> This was conceded by the CFR.<sup>287</sup>

Most of the industry respondents interviewed said their companies had complied with the Firearms Control Act and only allowed their personnel to use company weapons while on duty. Some of the smaller companies contacted, however, admitted, on condition of anonymity, that they still permitted their guards to use their own weapons, citing delays in receiving company licences as justification. All the industry respondents alleged that other companies were breaching the legislation, and the CFR confirmed that abuses do continue to take place. Once again, capacity constraints were the main problem for SIRA and the SAPS in enforcing this ruling, though the SAPS insisted that it was making good progress on the issue.<sup>288</sup>

Section 146 of the Firearms Control Act states that if a security company (or any person holding a firearm licence issued in terms of section 20 of the Act), ceases to operate for any reason, "...the firearms and ammunition in possession of that person must be kept in safe custody by the person and at the place designated by the Registrar, until they are disposed of as prescribed".<sup>289</sup> This section addresses the concern about what happens to the weapons of de-registered security companies.

### *Firearms training and the law*

The training of security personnel in firearms use in South Africa has been notorious for years for its variable quality. While some training is acknowledged as excellent, much has been reported to be poor, with some competency certificates allegedly issued by disreputable training centres after as little as one hour's training.<sup>290</sup> Most industry respondents characterised the general level of firearms training within the industry as poor, though all made an exception of training levels in their own companies, which they generally characterised as excellent.

The Private Security Regulations Act stipulates that training centres register with SIRA. SIRA withdrew accreditation from four training centres due to irregularities in 2002 and from eight centres during the first half of 2003.<sup>291</sup>

**Table 6.21: Active SIRA accredited security industry training centres, 2003**

Province	Number	% of total
Eastern Cape	38	7
Western Cape	72	14
KwaZulu-Natal	81	15
Gauteng	217	41
Northern Cape	4	1
Free State	25	5
North West	24	4
Limpopo	29	5
Mpumalanga	43	8
Total	533	100

Source: SIRA

As part of ongoing efforts to standardise training and qualifications, a national certificate in the use of firearms was introduced in June 2002 under the Police, Security, Law Enforcement and Correctional Services Sector Educational Training Authority (Poslec SETA). The certificate was registered with the South African Qualifications Authority (SAQA) at the end of 2002.<sup>292</sup> According to SAQA the qualification "...will allow the learner to obtain a nationally recognised qualification in the general and law enforcement tactical duty-related use of firearms". In addition, the qualification "...will also enable private individuals to gain the appropriate licence for the possession and/or carrying of firearms both private and for business purposes". Trainees are tested according to 28 performance criteria, and have to write modules on legal aspects of firearms use, safety, technical and "craft" issues.<sup>293</sup>

"Exit outcomes" of the qualification are described as:

- Use of a handgun
- Use of a hand machine carbine
- Use of a shotgun

- Use of a rifle
- Use of firearms in tactical duty related situations
- Ability to supervise safely the operations of shooting range and shooting exercises

Those teaching and assessing the new national certificate are required to register with, and be accredited by, the Poslec SETA. Assessors are required to assess and give credit for "evidence of learning that has already been acquired through formal, informal and non-formal learning and experience".<sup>294</sup>

The new requirements are said initially to have met with resistance from instructors and training centres, but according to Pierre Bezuidenhout of ADT, who helped write the firearms certificate curriculum and is involved in implementing the new process, compliance is increasing, and full compliance is tentatively envisaged by 2008.<sup>295</sup> Some of the security industry respondents, particularly from smaller companies, had never heard of the Poslec SETA, demonstrating that there was much work to be done. Feedback from larger companies and some training instructors, who were aware of developments about the certificate and the new requirements, was positive.

One reason for the positive response was industry involvement in the designing of the curriculum. Another important factor was the prospect presented by the SETA, of companies getting back portions of the skills levies that they are obliged to pay, and securing tax rebates if they train personnel in the firearms certificate.<sup>296</sup> Several industry respondents expressed the hope that the Poslec SETA would squeeze SIRA out of its current role in registering training centres. This seemed unlikely, though the precise relationship between SIRA and the Poslec SETA with regards accreditation of firearms competency trainers and assessors had not yet been finalised.

### *The political context*

While many within the private security industry regard the current regulatory framework as excessively interventionist, the view of the ruling

ANC, by contrast, is that the industry requires greater regulation and control. The ANC-controlled Parliamentary Portfolio Committee on Safety and Security made clear its wish that SIRA expand its capacity to implement its existing regulatory mandate more effectively, and indicated that the mandate might need to be expanded, to include, for example, vehicle guards.<sup>297</sup>

A senior ANC source said that the key issues for the party regarding the private security industry were for:

- Continued progress to be made in the demilitarisation of society.
- The relationship between the SAPS and private security companies in administering law and order to be clarified to ensure the clear supremacy of the SAPS.
- Local participants to be strengthened vis-à-vis foreign-owned companies.

The source said the ANC's ultimate objective was a safer society with less demand for private security provision; and alleged that it was not always clear whether private security companies were combating crime or creating fear. Despite the origins of some private security companies as front organisations for apartheid-era counter-insurgency, and the predominance of former military and police personnel in the industry, the ANC does not regard the industry as a political threat. However, the source said that the foreign ownership of some of the biggest South African security companies, such as Chubb and ADT, posed a national security risk, and that the Portfolio Committee "...wanted to reverse it".<sup>298</sup>

The performance of opposition party members in the Portfolio Committee on Safety and Security suggests a broad political consensus over the need for strong regulation by SIRA and the CFR of the private security industry, particularly regarding firearms. Most opposition party members, however, appear less concerned than ANC members on the issue of foreign ownership, while the government was taking a relaxed view on the matter. Keen to nurture the impression of an investment-friendly environment, the government earlier overruled the portfolio committee's objections to Chubb's entry into the private security market, at the request of the

Ministry of Finance. However, the ANC source said that recent security scares had "prompted a rethink".

### ***Conclusion***

Since 1994, the South African government's commitment to increasing and improving control over firearms use and proliferation has been unquestionable. The country has made considerable progress in strengthening the control over both civilian and state-owned firearms since 2000. The successes of Operation Sethunya, the largest SAPS operation to date with a specific focus on firearms, is an indication of the importance being placed on firearms control by the police. Assistant Police Commissioner, Gary Kruser, stated in the press that Operation Sethunya had been responsible for an 8.3% decrease in the number of murders and a 12.6% decrease in attempted murders since its initiation.<sup>299</sup> While it was not clear how the SAPS arrived at this analysis, the fact that Operation Sethunya has resulted in the confiscation of large numbers of illegal firearms is evidence of the ability of the SAPS to counter firearms proliferation, given sufficient resources and focus. The SAPS faces the challenge of sustaining the operation in the long term.

South Africa has taken an active role in international deliberations on small arms, indeed on all issues of disarmament. At a regional level, South Africa was an active participant in the drafting of the Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Region (SADC Protocol), and worked hard to ensure that there was regional agreement on the Protocol.<sup>300</sup>

The relationship between the government and NGOs which share the common goal of increasing effective control over firearms, is vital to South Africa's success in this regard. Non-governmental organisations have played an important role in public education and awareness about the Firearms Control Act and have consistently made information gained through research available to the Parliamentary Committee on Safety and Security. Although the relationship was not formalised structurally, it remains important for NGOs to interact critically and constructively with the SAPS and other relevant government structures on these matters.

While South Africa has both the financial and human resources to ensure the implementation of the SADC Protocol and the Firearms Control Act (2000), the effectiveness of the regional agreement cannot be measured solely by the ability of one country to implement it. At the end of 2003, many countries in the region still held fast to the notion that sharing information about firearms presented a threat to their national security. In the absence of verifiable information about the size and nature of government and civilian stockpiles in other countries in the region, the SADC countries still face a tremendous challenge to ensure that the Protocol does not remain just a commendable set of impossible-to-implement ideas.

### Select Bibliography

Altbecker, A. "Guns and Public Safety: Gun-Crime and Self-Defence in Alexandra and Bramley January-April 1997", Gun Free South Africa, 1997.

Altbecker, A. "The Police and Firearms: What do they think?", Gun Free South Africa, 2001.

Batchelor, P. "Intra-state Conflict, Political Violence and Small Arms Proliferation in Africa". In Gamba, V. (ed) *Society Under Siege: Crime, Violence and Illegal Weapons. Vol. 1*. Institute for Security Studies, Halfway House, Pretoria, South Africa, 1998.

Blecher, S. "Safety in Security? A report on the private security industry and its involvement in violence", Network of Independent Monitors, 1996.

Cawthra, G. *Brutal Force: The Apartheid War Machine*, International Defence and Aid Fund, London, 2003.

Central Firearms Registrar. Presentation to the Parliamentary Portfolio Committee on Safety and Security, 2003.

Chachiu, M. "Arms Management Programme: Operations Rachel 1996-1999." Institute for Security Studies (ISS) *Monograph 38*. Pretoria: ISS, 1999.

Chetty, R. (ed.). *Firearm Use and Distribution in South Africa*. Pretoria: National Crime Prevention Centre Firearm Programme, 2000.

Cock, J. "A Sociological Account of Light Weapons Proliferation in Southern Africa," in Singh, J. (ed.) *Light Weapons and International Security*. London: BASIC, 1995.

Cock, J. "Fixing our sights: a sociological perspective on gun violence in contemporary South Africa", *Society in Transition*, 1997.

Ellis, S. "The Historical Significance of South Africa's Third Force." *Journal of Southern African Studies*, 24 (2), p.283-5, 1998.

Gamba, V. *Governing Arms: The Southern African Experience*. Pretoria: ISS, 2000.

Goldstone Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, 27 October 1994.

Gordin, J. *A Long Night's Damage: Working for the Apartheid State*. Contra Press, 1998.

Gould, C. and Folb, P. *Project Coast: Apartheid's Chemical and Biological Warfare Programme*. UNIDIR and the Centre for Conflict Resolution, Cape Town, 1998.

Government of South Africa, Private Security Regulations Act, *Government Gazette*, Pretoria, 2002.

Government of South Africa, The Firearms Control Act, *Government Gazette*, Pretoria, 2000.

Guelke, A. "Interpretations of Political Violence During South Africa's Transitions", Politikon, South African Political Studies Association, 2000.

Gun Control Alliance. Submission on the Firearms Control Bill: Submitted to the Portfolio Committee on Safety and Security. Unpublished manuscript, 2000.

Hennop, E. *Operations Rachel*. Pretoria: SaferAfrica, 2003.

Hennop, E., Jefferson, C. and McLean, A. 2001. "The Challenge to Control: South Africa's Borders and Borderline," *ISS Monograph Series*, No. 57.

Howarth, D.R. and Norval, A.J. "Introduction: Changing Paradigms and the Politics of Transition in South Africa". In *South Africa in Transition: Theoretical Perspectives*, Macmillan, 1998.

Human Rights Watch. "Arming Rwanda: The Arms Trade and Human Rights Abuses in the Rwandan War. New York: Human Rights Watch, 1994.

Human Rights Watch. Rwanda/Zaire: Rearming with Impunity. International Support for the Perpetuators of the Rwandan Genocide. New York: Human Rights Watch, 1995.

Human Rights Watch. Angola Unravels: The Rise and Fall of the Lusaka Peace Process. New York: Human Rights Watch, 1999.

Irish, J. *Policing for Profit*, Institute for Security Studies Monograph No 39, Pretoria, 1999.

Lephophotho, M. and Mokalobe, M. *Reintegration into Civilian Life: The Case of Former MK and APLA Combatants*, Track Two Vol.12, Center for Conflict Resolution, Cape Town, 2003.

Mataung, G and Taylor, C. "The Physical, Social and Economic Costs of Gun Violence: Interviews with Survivors Living in Soweto", Gun Free South Africa, 1999.

Mckenzie, K. *Domestic Gun Control Policy in Ten SADC Countries*. Braamfontein: Gun Free South Africa, 1999.

Meek, S. and Stott, N. *Destroying Surplus Weapons: An Assessment of Experience in South Africa and Lesotho*. Geneva: UNIDIR and Small Arms Survey, 2003.

Morrison, M. and Hindson, D. "The Disintegration of Apartheid: From Violence to Reconstruction", in Moss, G. and Obery I. (eds) *From Red Friday to CODESA: South African Review 6*, Johannesburg, Ravan Press, 1992.

Nkiwane, T., Chachiua, M. and Meek, S. "Weapons Flows in Zimbabwe, Mozambique and Swaziland," *ISS Monograph* No. 34, 1999.

Oosthuysen, G. *Small Arms Proliferation and Control in Southern Africa*, Braamfontein: South African Institute of International Affairs, 1996.

Parliamentary Monitoring Group, Briefing by Private Security Industry Regulator Authority on Activities of Private Security Industries, September 10, 2003, PMG, September 2003

Pigou, P. . "The Apartheid State and Violence: What has the Truth and Reconciliation Commission Found?" Politikon, South African Political Association online print, 2001

Prinsloo, M., Matzopoulos, R. & Sukhai, A. "The magnitude of firearm homicide in Cape Town, 2001". *African Safety Promotion: A Journal of Injury and Violence Prevention*, 1(2), 2003.

Private Security Industry Regulatory Authority, Presentation to the Parliamentary Portfolio Committee on Safety and Security, 2003.

SaferWorld and SaferAfrica, *The Law of the Gun: An Audit of Firearms Control Legislation in the SADC Region*, 2003.

Sisk, T.D. *Democratisation in South Africa: The Elusive Social Contract*. Princeton University Press, 1995.

Smith, C. and Vines, A. *Light Weapons Proliferation in Southern Africa*. London: Centre for Defence Studies, 1997.

Smith, C., Batchelor, P. and Potgieter, J. *Small Arms Management and Peacekeeping in Southern Africa*. Geneva: UNIDIR, 1996.

South African Police Services *Annual Report of the National Commissioner* (2002/2003 Financial Year).

*Truth and Reconciliation Commission (TRC) Report of South Africa Volume 2*. Basingstoke and Oxford: Macmillan, 1999.

## Endnotes

- 1 At the time of conducting this research the Firearms Control Act was yet to come into effect. This report, therefore, refers largely to the Arms and Ammunition Act.
- 2 "Firearms in South Africa. An Escalating Problem"; report by the Firearms Investigation Unit of the SAPS, 1995.
- 3 Ibid.
- 4 The one exception was the inability of the responsible officer in the SANDF's Department of Logistics to respond to the researchers' request for information about the firearms stockpiles of former liberation movements within the required timeframe.
- 5 Cawthra, G. *Brutal Force: The Apartheid War Machine*. IDAF, London, 1986, p 89.
- 6 Simpson, G. "The Politics and Economics of the Arms Industry in South Africa". In Cock, J. & Nathan, L. *War and Society: The Militarisation of South Africa*. David Philip, Cape Town, 1989 pp217-231.
- 7 Simpson, op cit p221; Batchelor, P. "South Africa's Arms Industry: Prospects for Conversion", in Cock, J. & Mckenzie (eds.). *From Defence to Development: Redirecting Military Resources in South Africa*. Cape Town: David Philip, 1998 p 97-121.
- 8 Cawthra, op cit. p99.
- 9 On 1 June 1976 schoolchildren took to the streets of Soweto, Johannesburg's largest township, to protest against the use of Afrikaans as a language of instruction in their schools. Police responded with teargas and live ammunition. It is estimated that 700 protesters were killed and hundreds more were injured in the days of fighting that followed.
- 10 Batchelor, P & Willett, S. *Disarmament and Defence Industrial Adjustment in South Africa*. New York: Oxford University Press, 1998, p. 67.
- 11 Ibid, p 166.
- 12 <http://www.milkor.co.za>
- 13 See the South African Defence Secretariat website: <http://www.mil.za>
- 14 Directorate of National Conventional Arms Control. 2001. *Export Statistics for Conventional Arms: 1996-1998*, <http://www.mil.za/SANDF/DRO/NCACC/ncacc.htm>
- 15 Chandré Gould, telephonic discussion with Mr Jack Heyns, 16 October 2003.
- 16 Annual Report of the National Commissioner of the South African Police Service, 1 April 2002 to 31 March 2003.
- 17 These included police stations, the Central Firearms Register, Border Police units, Serious and Violent Crimes units and provincial and area offices of the SAPS.
- 18 Including logistical items such as vehicles, metal detectors, etching equipment, facsimile machines and computers.
- 19 Chandré Gould, interview with Senior Sup. Stan Joubert, Serious and Violent Crimes Unit, Pretoria, 26 June 2003.
- 20 Ibid.
- 21 Annual Report of the National Commissioner of the South African Police Service, 1 April 2002 to 31 March 2003.
- 22 Ibid.
- 23 SAPS: Logistics, letter dated 8 July 2003. Information provided in response to an application in terms of the Promotion of Access to Information Act.
- 24 Chandré Gould, telephonic interview with Superintendent Honiball, 29 September 2003.
- 25 Chandré Gould, telephonic discussion with Superintendent Honiball, 5 December 2003.
- 26 Figures provided by the South African Race Relations Survey for the relevant years. Figures for 1994-1996 were not available.
- 27 Report to the Minister for Safety and Security: Proposed Ministerial Policy on the Control of Firearms in South Africa (Approved Policy by Cabinet), September 1999, p.4.

- 28 "Controlling gun violence in South Africa: The Democratic Party's solution to the proliferation of illegal firearms and gun related crime", 28 April 1998, p.11.
- 29 SAPS Annual Report 2002-2003.
- 30 Ibid.
- 31 Correspondence from the Head: Personnel Administration, South African Police Service, 24 October 2003.
- 32 Report on Illegal Weapons and the Licencing of Firearms by the Standing Committee on Public Safety and Security of the Gauteng Legislature, 25 February 1997.
- 33 Ibid.
- 34 Oosthuysen, G. *Small Arms Proliferation and Control in South Africa*, South African Institute of International Affairs, Johannesburg, 1996.
- 35 See Batchelor and Willett, op cit.
- 36 Cock, J and Nathan, L, op cit.
- 37 Makupula, N. "Disarmament and Development: a South African perspective", *Disarmament Forum*, No. 3, 2003, p.57
- 38 SANDF computer print-out dated 24 March 2003 of all firearms in the SANDF inventory which included a breakdown under the category "lost". According to documentation from the SANDF: "The category 'Insignia' refers to administrative losses being investigated." This document reflects 28 387 firearms in the category "Insignia".
- 39 Cock, J. "Fixing our sights: a sociological perspective on gun violence in contemporary South Africa", in *Society in Transition*, 1997, p.74.
- 40 For a detailed description of Operation Mouflon (the SANDF firearms destruction operation) see Meek, S and Stott, N. *Destroying Surplus Weapons: An assessment of experience in South Africa and Lesotho*, United Nations Institute for Disarmament Research, Geneva 2003.
- 41 Chandré Gould, interview with Maj Gen L Le Roux, former Commander Swartkop Airforce Base, Pretoria, 6 September 2003.
- 42 *Small Arms Survey 2001: Profiling the Problem*, Oxford University Press 2001, p.73.
- 43 Chandré Gould, interview with Col. Fred Champion, Department of Defence: Logistics Division, Pretoria, 7 October 2003.
- 44 This does not take into account under-reporting of losses and thefts from SANDF units.
- 45 Written correspondence from Col. Fred Champion to Chandré Gould, 4 December 2003.
- 46 Source: SANDF Chief Logistics, December 2004.
- 47 Written correspondence from Col. Fred Champion to Chandré Gould, 4 December 2003.
- 48 Ibid.
- 49 Ibid.
- 50 The Commando system was a product of the militarisation of the South African state during the 1970s and 1980s. Commandos were local units of men and women who received training in the SADF. They specialised in local area protection, intelligence gathering and counter-insurgency. It is estimated that there were approximately 130 000 Commando members in South Africa. See Brig Bill Sass, "An Overview of the Changing South African Defence Force", *South African Defence Review*, Issue 13, 1993.
- 51 Chandré Gould, interview with Commissioner Ray Lala, South African Police Service, Crime Intelligence, Pretoria, 23 June 2003.
- 52 Report to the Minister of Safety and Security: Proposed Ministerial Policy on the Control of Firearms in South Africa September 1999, p2.
- 53 CFR Presentation to the Parliamentary Portfolio Committee on Safety and Security, 17 September 2003.
- 54 CFR Presentation to the Parliamentary Portfolio Committee on Safety and Security,

- 17 September 2003 and interview with representatives of the Central Firearm Register, Pretoria, 5 September 2003.
- 55 CFR Presentation to the Parliamentary Portfolio Committee on Safety and Security, 17 September 2003.
- 56 These did not include the security departments, the SAPS or the SANDF.
- 57 CFR Presentation to the Parliamentary Portfolio Committee on Safety and Security, 17 September 2003.
- 58 Cilliers, J. *An Overview of the Armed Forces of the TBVC Countries*, South African Defence Review 13, 1993.
- 59 Saunders, C. (ed), *Illustrated History of South Africa*, Reader's Digest 1994, Cape Town, page 426.
- 60 Cilliers, J. op cit.
- 61 Joint Investigative Team, *Progress Report*, SAPS Component, 1996.
- 62 Correspondence from Col F Champion to Gregory Mthembu-Salter, 4 December 2003.
- 63 Cilliers, J. *An Overview of the Armed Forces of the TBVC Countries*, South African Defence
- 64 "ANC wants action to retrieve AVF's Bop weapons", Reuters, 25 March 1994.
- 65 "Right-wing tries to get Bop guns back", Reuters, 24 March 1994.
- 66 Cilliers, J. op cit.
- 67 Saunders, C. op cit.
- 68 Cilliers, J. op cit.
- 69 Ibid.
- 70 Ibid. Average exchange rate during 1993 was US\$1:R3.3, according to Oanda.com
- 71 Mthembu-Salter, G. telephone interview with Bantu Holomisa, 31 July 2003.
- 72 Mthembu-Salter, G. interview with former member of SAPS Illegal Firearms Unit, Durban, 18 September 2003.
- 73 "Inquiry: Apla operated from T'kei", *Daily Dispatch*, 25 March 1993.
- 74 "Holomisa denies Transkei used as Apla springboard", *Daily Dispatch*, 25 March 1993.
- 75 "Police hand in firearms", *Daily Dispatch*, 27 June 1994.
- 76 "MEC's armed unit operates in Transkei," *Daily Dispatch*, 26 January 1995.
- 77 "DP queries unit deployment", *Daily Dispatch*, 15 February 1995
- 78 "Safety ministry aware of serious charges – official," *Daily Dispatch*, 27 January 1995.
- 79 "T'kei unit to be disbanded – Mhlaba", *Daily Dispatch*, 4 March 1995.
- 80 "Modise told of missing ex-TDF arms", *Daily Dispatch*, 16 March 1995.
- 81 "Kroon says Holomisa acted unlawfully", *Daily Dispatch*, 31 October 1995.
- 82 "Murdered police chief linked weapons to MEC", *Daily Dispatch*, 14 October 1995.
- 83 Cilliers, J. op cit.
- 84 Written correspondence from Superintendent Honiball, Divisional Commander of Logistics, SAPS, 19 November, 2003.
- 85 Ibid.
- 86 Chandré Gould and Gregory Mthembu-Salter, interview with members of the SAPS Central Firearms Registry, Pretoria, 5 September 2003
- 87 Ibid.
- 88 Gregory Mthembu-Salter, interview with former member of SAPS Illegal Firearms Unit, Durban, 18 September 2003..
- 89 "Police hand in firearms", *Daily Dispatch*, 27 June 1994.
- 90 "236 guns lost in E Cape – Mhlaba", *Daily Dispatch*, April 19th, 1995.
- 91 "Transkei police weapons missing", *Daily Dispatch*, 5 September 1995.
- 92 "800 T'kei weapons still unaccounted for", *Daily Dispatch*, 31 January 1996.
- 93 "Ciskei mutiny trial postponed", *Daily Dispatch*, 11 July 1995.

- 94 "Police, troops trade gunfire in Umtata", *Daily Dispatch*, 9 June 1994.
- 95 "60 policemen face charges of terrorism", *Daily Dispatch*, 28 February 1995.
- 96 Gregory Mthembu-Salter, interview with former member of SAPS Illegal Firearms Unit, Durban, 18 September 2003.
- 97 "Training Zulus to beat ANC at own game", *The Guardian*, March 22, 1994.
- 98 Republic of South Africa Ministry of Defence, Defence Review, Second report, Pretoria, Government Printer, 1997.
- 99 Letter from JJ Viktor to Brigadier Gqozo, reproduced in C. Gould and P. Goodenough, *Violence in the Ciskei 1992-1993*, Network of Independent Monitors, Grahamstown, 1994.
- 100 "60 firearms taken back from headmen – police", *Daily Dispatch*, 9 April 1994.
- 101 "Ministry uncertain of exact number of firearms", *Daily Dispatch*, 19 March 1996.
- 102 "Chiefs reject call to return firearms", *Daily Dispatch*, 18 January 1996.
- 103 "Police concern over lenient licence laws", *Daily Dispatch*, 4 August 1995.
- 104 "Gun licence deadline extended", *Daily Dispatch*, 20 November 1996.
- 105 "Gun owners in T'kei urged to get new licences", *Daily Dispatch*, 13 November 1996.
- 106 Report of the Auditor-General on the financial statements of Vote 29 – SA Police Service and the Secretariat for Safety and Security for the year ended 31 March 2000 and performance audits of human resource management and the management of the Central Firearms Register", RP 138/2000, 30 April 2001.
- 107 Gregory Mthembu-Salter, interview with former member of SAPS Illegal Firearms Unit, Durban, 18 September 2003.
- 108 Taylor, R. "Justice Denied: Political Violence in KwaZulu-Natal After 1994", *African Affairs*, 2002, Royal African Society, p.473-508.
- 109 *Truth and Reconciliation Commission (TRC) Report of South Africa*, Volume 2, 1999, Basingstoke and Oxford: Macmillan, p.36.
- 110 Ibid., p.606.
- 111 South African Police Services (SAPS) Annual Report of the National Commissioner for the (2002/2003) financial year, p.28.
- 112 Chris MacAdam under the authorisation of the Head of the National Prosecuting Authority, Mr Bulelani Ncuka, has been in charge of the investigating the illegal transfer and supply of weapons to members to the IFP since 1997.
- 113 *Truth and Reconciliation Commission (TRC) Report of South Africa*, Volume 2, 1999, Basingstoke and Oxford: Macmillan.
- 114 De Kock admitted to having carried out crimes ranging from murder and torture to the illegal transfer, supply and distribution of weaponry to members of the army, police, IFP, and other armed forces in southern Africa. See J. Gordin, *A Long Night's Damage: Working for the Apartheid State*, Contra, South Africa, 1998.
- 115 Gordin, J. *A Long Night's Damage: Working for the Apartheid State*, Contra, South Africa, 1998, p.241.
- 116 Pigou, P. "The Apartheid State and Violence: What has the Truth and Reconciliation Commission Found?" *Politikon*, 2001, South African Political Association online print ISSN 0258-9346 (02/02/03).
- 117 *Truth and Reconciliation Commission (TRC) Report of South Africa*, Volume 2, 1999, Basingstoke and Oxford: Macmillan, p.608.
- 118 Ibid.
- 119 *Truth and Reconciliation Commission (TRC) Report of South Africa*, Volume 2, 1999, Basingstoke and Oxford: Macmillan.
- 120 See Gould, C and Folb, P. (2002), *Project Coast: Apartheid's Chemical and Biological Warfare Programme*, UNIDIR and the Center for Conflict Resolution, Cape Town, South Africa.



- 121 Askari is a Swahili word that was used by former SAP members when referring to ANC/PAC combatants who had turned and become police informers or so-called "rehabilitated ANC/PAC members".
- 122 *Truth and Reconciliation Commission (TRC) Report of South Africa*, Volume 2, 1999, Basingstoke and Oxford: Macmillan, p.74.
- 123 Ibid, p.605 and De Kock, E. Application for Amnesty from the Truth and Reconciliation Commission, (AM0066/96), p.270-272.
- 124 De Kock, E. (AM0066/96), p.270-272.
- 125 Nortje, W. (AM3764/96), p.27-28 and De Kock, E. (AM0066/96), p.270-272.
- 126 *Truth and Reconciliation Commission (TRC) Report of South Africa*, Volume 2, 1999, Basingstoke and Oxford: Macmillan, p.605.
- 127 Morrison, M and Hindson, D. "The Disintegration of Apartheid: From Violence to Reconstruction," in Moss, G. and Obery I. (eds) *From Red Friday to CODESA: South African Review 6*, Johannesburg, Ravan Press, 1992.
- 128 Howarth, D.J and Norval, A.J. "Introduction: Changing Paradigms and the Politics of Transition in South Africa", in *South Africa in Transition: Theoretical Perspectives* (ed), Macmillan, 1998.
- 129 Gordin, J. *A Long Night's Damage: Working for the Apartheid State*, Contra, South Africa, 1998., p.241.
- 130 Van Heerden, A. (AM3763/96), p.3.
- 131 Van Heerden, A (AM3763/96), p.3.
- 132 Nortje, W. (AM3764/96), p.28.
- 133 De Kock, E. (AM0066/96), p.238.
- 134 *Truth and Reconciliation Commission (TRC) Report of South Africa*, Volume 2, 1999, Basingstoke and Oxford: Macmillan, p.605.
- 135 The whereabouts or the recipients of these weapons are not known.
- 136 Gordin, J. 1998, p.234.
- 137 TRC Report, Vol.2 (1998), p.606, De Kock, E. (AM0066/96), p.236-237 and Nortje, W. (AM3764/96), p.28-30.
- 138 Calculated at the exchange rate of March 2003: 1USD = ZAR 6.326
- 139 Gordin, J. 1998, p.241.
- 140 TRC Report, Vol.2. (1999), p.680.
- 141 De Kock, E. (AM0066/96), p.242.
- 142 See amnesty applications of Bhekisa Alex Khumalo (AM4027/96), Mhlupheni Petros Khumalo (AM2780/96) and Daluxolo Luthuli (AM4018/96).
- 143 TRC Report, Vol.2. (1999), p.605.
- 144 De Kock, E. (AM0066/96), p.243.
- 145 Van Heerden, A. (AM3763/96).
- 146 TRC Report, Vol.2. (1999), p.608. They include David Zweli Dlamini (AM3685/96), a former IFP Caprivi Strip trainee and hit squad member, Bhekisa Alex Khumalo (AM4027/96), Mhlupheni Petros Khumalo (AM2780/96) and Daluxolo Luthuli (AM4018/96) TRC Report, Vol.2. (1999), p.608.
- 147 Gordin, J. 1998, p.241.
- 148 Ibid
- 149 De Kock, E. (AM0066/96), p.238.
- 150 TRC Report, Vol.2. (1999), p.606.
- 151 Ibid.
- 152 Ibid.
- 153 TRC Report, Vol.2. (1999), p.605.

- 154 Steven Nakana, interview Chris MacAdam, 28 August 2003.
- 155 "NNP asks for urgent firearm amnesty", South African Press Association, 9 September 2003.
- 156 Blecher, S. "Safety in Security? A report on the private security industry and its involvement in violence", Network of Independent Monitors, March 1996.
- 157 Central Firearms Registry presentation to the parliamentary portfolio committee on safety and security, 17 September 2003.
- 158 Private Security Industry Regulatory Authority presentation to the parliamentary portfolio committee on safety and security, 10 September 2003.
- 159 Ibid.
- 160 Derived from SAPS statistics, as of October 2002.
- 161 Based on information provided by SIRA.
- 162 A security business may render any number of these services.
- 163 Gregory Mthembu-Salter, interview with Col. Mike Hadebe, deputy director, and Ash Boodhoo, head of law enforcement and training, SIRA, Pretoria, August 5, 2003.
- 164 Central Firearms Registrar presentation to the parliamentary portfolio committee on safety and security, 17 September 2003.
- 165 Chandré Gould and Gregory Mthembu-Salter, interview with members of the CFR, Pretoria, 5 September 2003.
- 166 Parliamentary Monitoring Group. Briefing by Private Security Industry Regulator Authority on Activities of Private Security Industries, 10 September 2003.
- 167 Gregory Mthembu-Salter, interview with Francois Steynberg and Gerard Krik, Coin Security, Centurion, 6 August 2003.
- 168 Ibid.
- 169 Gregory Mthembu-Salter, interview with Grant Smith, City Bowl, Cape Town, 29 July 2003.
- 170 Gregory Mthembu-Salter, interview with Wouter van Werkoven, Securicor, Pretoria, 5 August 2003.
- 171 Ibid.
- 172 Gregory Mthembu-Salter, interview with Helius Smit, Securicor, Cape Town, 24 July 2003.
- 173 Gregory Mthembu-Salter, interview with Francois Steynberg and Gerard Krik, 6 August 2003.
- 174 Gregory Mthembu-Salter, interview with Joe Engelbrecht, 27 June 2003.
- 175 Interview with Francois Steynberg and Gerard Krik, 6 August 2003.
- 176 Gregory Mthembu-Salter, interview with the CFR, Pretoria, 5 September 2003.
- 177 Survey of stories about private security companies, 2000-2003, Independent Online News (<http://www.iol.co.za>).
- 178 Reported in *Business Day*, 18 September 2003.
- 179 Gregory Mthembu-Salter, interview with manager of major asset-in-transit security company who requested anonymity, Gauteng, August 2003.
- 180 Sourced from Independent Online News (<http://www.iol.co.za>)
- 181 Gregory Mthembu-Salter, interview with Grant Smith, City Bowl, Cape Town, 29 July 2003.
- 182 Sourced from Independent Online News (<http://www.iol.co.za>)
- 183 Gregory Mthembu-Salter, interview with Nkosinathi Maphumulo, Nathi Security, Durban, 16 September 2003.
- 184 Gregory Mthembu-Salter, interview with "Lucky", Lujeze Security, Durban, 15 September 2003.

- 185 Gregory Mthembu-Salter, interview with Pierre Bezuidenhout, ADT, Johannesburg, 6 August 2003.
- 186 Interview with Wouter Van Werkoven, Pretoria, 5 August 2003.
- 187 Gregory Mthembu-Salter, interview with Joe Engelbrecht, Enforce, Cape Town, 27 June 2003.
- 188 Gregory Mthembu-Salter, interview with Francois Steynberg and Gerard Krik, 6 August 2003.
- 189 This was stated in numerous submissions to the Parliamentary Subcommittee on Safety and Security in response to the Firearms Control Bill.
- 190 Illegal arms are those held by individuals who do not have a licence, permit or authorisation for the firearm.
- 191 Report to the Minister for Safety and Security: Proposed Ministerial Policy on the Control of Firearms in South Africa (Approved Policy by Cabinet) September 1999, p4.
- 192 Ibid., p5.
- 193 "Policy for the Control of Firearms in South Africa". (<http://www.pmg.org.za/docs/2000/appendices/000905FirearmsControlPolicy.htm>).
- 194 Sup. Alice Pienaar-Marais, electronic communication, 21 November 2003.
- 195 Report to the Minister of Safety and Security: Proposed Ministerial Policy on the Control of Firearms in South Africa September 1999, p7.
- 196 Report to the Minister of Safety and Security: Proposed Ministerial Policy on the Control of Firearms in South Africa September 1999, p7.
- 197 Ibid, p8.
- 198 Based on figures provided by the Central Firearm Register. At the time of writing, figures for 2003 were available only up to the end of March, the CFR reported that between January and March 2003, 27 126 firearm licences were issued.
- 199 Chandré Gould and Gregory Mthembu-Salter, interview with members of the Central Firearms Registry (Director J. Bothma, Sup. Alice Marais-Pienaar, Sup. J Wepenaar, Sup. Legotla Sup. Alan Govender, Sup. Matlabane), Pretoria, 5 September 2003.
- 200 Altbecker, A. *et al.*, "Are South Africans Responsible Firearm Owners? Evidence from 1000 dockets", September 2000. Research commissioned by Gun Free South Africa, p.7.
- 201 Ibid, p8.
- 202 Altbecker, A. *op cit.*
- 203 KwaMashu is in KwaZulu Natal.
- 204 Altbecker, A. "The Police and Firearms: What do they think", August 2001. Research commissioned by GFSA, p6.
- 205 Altbecker, August 2001, p6.
- 206 The term "circulated" is SAPS terminology which means that these are firearms which have been recorded on the system.
- 207 Altbecker, 2000, p10.
- 208 Figures for 1994 to 1998 provided by the Central Firearm Register, 16 April 2003. Figures for 1999 to 2002 from the CFR presentation to the Parliamentary Portfolio Committee on Safety and Security, 9 September 2003.
- 209 Altbecker, September 2000, p12.
- 210 Cawthra, G. *Brutal Force: The Apartheid War Machine*, International Defence and Aid Fund, London, 1986, p59 – 60.
- 211 In 1976 school pupils in the township of Soweto outside Johannesburg took to the streets to demonstrate against the introduction of Afrikaans as a compulsory medium of education. The police fired on them and some 300 people were killed in the uprising that followed.

- 212 Cawthra, 1986, p59 - 60
- 213 Cock, J. "Fixing our sights: a sociological perspective on gun violence in contemporary South Africa", in *Society in Transition*, 1997, p75.
- 214 "Towards a Policy on Gun Control: Gun Control in South Africa in Context", Democratic Alliance, September 2000.
- 215 Gift Mataung and Claire Taylor, *The Physical, Social and Economic Costs of Gun Violence: Interviews with Survivors Living in Soweto*, Gun Free South Africa, July 1999, p25
- 216 There were two exceptions to this: a specialised hunting shop reported a largely white wealthy clientele; and a gun shop in Ormonde, which is primarily a white working class/lower middle class suburb south of Johannesburg, reported about a 60:40 white:black clientele.
- 217 Cock, J. "Fixing our sights: a sociological perspective on gun violence in contemporary South Africa", in *Society in Transition*, 1997, p76
- 218 Mataung, G and Taylor, C. "The Physical, Social and Economic Costs of Gun Violence: Interviews with Survivors Living in Soweto", Gun Free South Africa, July 1999, p27.
- 219 Ekupholeni Mental Health Centre is an NGO which offers mental health services in the Katorus area.
- 220 Clacherty, G and Kistner, J. "Guns, Power and Identity: A research project of the Zimiseleni Researchers", Report produced by Gun Free South Africa, October 2001.
- 221 Clacherty and Kistner, October 2001, p1.
- 222 Herman AA Bayer, submission to the Parliamentary Sub-Committee on Safety & Security, 19 May 2000.
- 223 Fred Tatos, submission to the Parliamentary Sub-Committee on Safety and Security with respect to the Firearms Control Bill, 15 December 2000.
- 224 MA Isaacs, submission to the Parliamentary Sub-Committee on Safety and Security, 1 June 2000.
- 225 Submission of the Transvaal Agricultural Union to the Portfolio Committee on Safety and Security, 20 January 2000, p6.
- 226 This organisation brings together 14 conservative Christian groups in South Africa, Namibia and Zambia.
- 227 Peter Hammond, Submission to the Parliamentary Sub-Committee on Safety and Security, 22 May 2000.
- 228 MJM Visser, Submission of the South African Agricultural Union to the Portfolio Committee on Safety and Security: Comments on the Firearms Control Bill Submitted to the Portfolio Committee on Safety and Security, 4 February 2000.
- 229 Ibid, p1
- 230 Submission of the Transvaal Agricultural Union to the Portfolio Committee on Safety and Security, 20 January 2000.
- 231 Ibid, p4.
- 232 KR Southey, Submission to the Parliamentary Sub-Committee on Safety & Security, 11 June 2000.
- 233 Statement of the South African Department of Foreign Affairs delivered by Mr Peter Goosen at the African Conference on the Implementation of the United Nation's Programme of Action on Small Arms: Needs and Partnerships, 12-18 March 2003.
- 234 Stott, N. *Implementing the Southern Africa Firearms Protocol: Identifying Challenges and Priorities*, Institute for Security Studies Paper 83, November 2003, and *The Law of the Gun*, Saferworld and SaferAfrica – an overview of national firearm control legislation in 12 of the 14 SADC countries.

- 235 Mistry, D; Minnaar, A; Redpath, J and Dhlamini, J. *The Role of the Criminal Justice System in Excluding Unfit Persons from Firearm Ownership*. Institute for Human Rights and Criminal Justice Studies, Technikon SA and Gun Free South Africa, December 2002, p47- 50.
- 236 Minutes of a meeting of the Safety and Security Portfolio Committee, Firearms Control Act Implementation: Briefing by SAPS, Technikon South Africa on the Role of the Justice System in Excluding Unfit Persons, 2 April 2003.
- 237 Small Arms Survey: Profiling the Problem 2001, Oxford University Press, 2001, p 40.
- 238 For a detailed discussion of the Bamako Declaration see Noel Stott, "Implementing the Southern Africa Firearms Protocol: Identifying Challenges and Priorities", ISS Paper 83, November 2003.
- 239 Stott, November 2003, p3.
- 240 Meek, S and Stott, N. *Destroying Surplus Weapons: An assessment of Experience in South Africa and Lesotho*, United Nations Institute for Disarmament Research, 2003, p15.
- 241 Stott, November 2003, p3.
- 242 Hereafter known as the SADC Protocol
- 243 Stott, November 2003, p2.
- 244 Ibid., p4.
- 245 Chandré Gould, interview with Rob Wensley, Deputy Director, Arms Control, Department of Foreign Affairs, Pretoria, 24 June 2003.
- 246 Ibid.
- 247 Ibid.
- 248 Chandré Gould and Gregory Mthembu-Salter, interview with representatives of the Central Firearms Register, Pretoria, 5 September 2003.
- 249 Chandré Gould, interview with Sen Sup Stan Joubert, SAPS Serious and Violent Crimes Unit, Pretoria, 24 June 2003
- 250 Ibid.
- 251 Ibid.
- 252 Interview with representatives of the Central Firearms Register, Pretoria, 5 September 2003
- 253 Interview with Sen Sup Stan Joubert, SAPS Serious and Violent Crimes Unit, Pretoria, 24 June 2003.
- 254 Ibid.
- 255 Meek and Stott, 2002, p4.
- 256 Media Release by the South African Police Service: Communication and Liaison Services, "Statement Regarding Destruction of Firearms", 18 July 2002.
- 257 See also Etienne Hennops, "Operations Rachel", Safer Africa report, 2003.
- 258 Sup Alice Pienaar-Marais, electronic communication with Chandré Gould, 21 November 2003.
- 259 Sup Alice Pienaar-Marais, electronic communication with Chandré Gould, 21 November 2003.
- 260 Anthony Minnaar, *Policing the Ports: Reducing Illicit Trafficking in South Africa*, Institute for Security Studies Monograph Series, No 84, May 2003, p24.
- 261 Article 16: Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community.
- 262 Firearms Control Act, no 60, 2000.
- 263 Firearms Control Act, no 60, 2000. Chapter 12 paragraphs 102-105.
- 264 Mistry, et al, December 2002, p7.
- 265 Interview with representatives of the CFR, Pretoria, 5 September 2003.

- 266 Report to the Minister of Safety and Security from the Committee of Inquiry into the Central Firearms Registry, 30 April 1997.
- 267 Ibid., p3.
- 268 Interview with representatives of the CFR, Pretoria, 5 September 2003.
- 269 Foreword by the National Commissioner of the South African Police Service, Annual Report 2002/2003. See also Noel Stott, "Operation Sethunya: April- October 2003, unpublished ISS paper.
- 270 Mistry, et al. December 2002, p7.
- 271 Chandré Gould, telephonic discussion with Capt Alida Boettcher: Crime Information Analysis Centre 19 May 2003
- 272 Ibid.
- 273 Chandré Gould, telephonic interview with Sen. Sup Stanley Joubert, Serious and Violent Crimes Unit, 5 February 2004.
- 274 Ibid.
- 275 Ibid.
- 276 Ibid.
- 277 Meek and Stott, 2003.
- 278 Government of South Africa, *Private Security Regulations Act*, Government Gazette, Pretoria, 2002.
- 279 Private Security Industry Regulatory Authority presentation to the Parliamentary Portfolio Committee on Safety and Security, 10 September 2003.
- 280 Parliamentary Monitoring Group, Briefing by Private Security Industry Regulator Authority on Activities of Private Security Industries, 10 September 2003.
- 281 Gregory Mthembu-Salter, interviews with senior managers in private security companies, Gauteng, Cape Town, Durban, June-September, 2003.
- 282 Gregory Mthembu-Salter, interview with Colonel Mike Hadebe, deputy director, and Ash Boodhoo, head of law enforcement and training, SIRA, Pretoria, 5 August 2003.
- 283 Gregory Mthembu-Salter, interviews with several security company managers, all requesting anonymity on this issue, June-September 2003.
- 284 Government of South Africa, *The Firearms Control Act*, Government Gazette, Pretoria, 2000.
- 285 Gregory Mthembu-Salter, interview with Jenni Irish, SIRA council vice-chairperson, Durban, 6 May 2003.
- 286 Gregory Mthembu-Salter, interview with Nkosinathi Maphumulo, Nathi Security, Durban, 16 September 2003.
- 287 Chandré Gould and Gregory Mthembu-Salter, interview with the CFR, Pretoria, 5 September 2003.
- 288 Ibid.
- 289 Government of South Africa, *The Firearms Control Act*, Government Gazette, Pretoria, 2000.
- 290 Gregory Mthembu-Salter, telephone interview with Mike Mitten, NASTEK training agency, Durban, 25 July 2003.
- 291 Private Security Industry Regulatory Authority presentation to the Parliamentary Portfolio Committee on Safety and Security, 10 September 2003.
- 292 Gregory Mthembu-Salter, interview with Pierre Bezuidenhout, ADT, Johannesburg, August 6t, 2003
- 293 Ibid.
- 294 SAQA web site: <http://www.saqa.co.za>
- 295 Gregory Mthembu-Salter, interview with Pierre Bezuidenhout, 6 August 2003.

- 296 Ibid.
- 297 Parliamentary Monitoring Group, Briefing by Private Security Industry Regulator Authority on Activities of Private Security Industries, 10 September 2003.
- 298 Gregory Mthembu-Salter interview with ANC member of Parliamentary Portfolio Committee on Finance, Safety and Security, Cape Town, August 2003
- 299 "Audit reveals thousand of guns in State Departments", *Mail & Guardian*, 17 September 2003.
- 300 "South Africa's Report on Developments Since the UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects", Permanent Mission of South Africa to the United Nations, New York, 2 June 2003.