



FIREARMS CONTROL BRIEFING

REDUCING ILLICIT ARMS FLOWS: CONTRIBUTING TO SUSTAINABLE DEVELOPMENT

INTRODUCTION¹

In September 2015, the United Nations (UN) member states, including South Africa, adopted the 2030 Agenda for Sustainable Development, replacing the Millennium Development Goals, with a set of 17 Sustainable Development Goals (SDGs) and 169 targets.² A significant shift in the development of these new goals was the recognition that a broader range of factors such as violence and insecurity contribute to ongoing underdevelopment, and that unless these are addressed in a comprehensive manner, the main aims of the 2030 Agenda, namely, to reduce poverty and promote health and education, will not be achieved.³ Both South Africa's National Development Plan 2030 (NDP) and the African Union *Agenda 2063: The Africa We Want*, emphasise the importance of building peaceful and secure communities as a pathway to sustainable development, with *Agenda 2063* committing to interventions that will ensure that 'by 2020 all guns will be silent.'⁴

Goal 16 which focuses on promoting peaceful and inclusive societies makes a clear connection between development, peace, security and arms control, with **Target 16.4** of **Goal 16** making the link explicit: reducing 'illicit arms flows' is an important contributor to building peaceful societies.⁵ The inclusion of Goal 16 is also a recognition that violence and insecurity negatively impact on the quality of people's lives with long-term consequences such as permanent injury and disability as well as psychological effects.⁶ For example, according to the 2015 *Global Burden of Armed Violence* report, of the estimated 2.5 million people who died violently between 2007 and 2012, mostly in non-conflict situations (such as in South Africa), almost half (44%) of these were death by shooting.⁷ Furthermore, the impact of high levels of violence on public institutions, infrastructures, the economy, and social cohesion is devastating and often hard to measure.

Translating these 17 goals into reality is a big challenge. However, the development of clear targets (results) and indicators (assessing progress towards achieving the target) for each goal will make it possible to measure progress and to determine whether and to what extent states are fulfilling their commitments.

This briefing explores **Target 16.4** of **Goal 16** in more detail, with a particular focus on what steps South Africa needs to take to '*significantly reduce illicit.... arms flows by 2030*', which in effect means mopping up the existing pool of illegal guns and reducing the movement of guns from the legal to the illegal market.

THE SUSTAINABLE DEVELOPMENT GOALS: GOAL 16

Goal 16 is the centre piece of the global community's approach to peace, justice and security, and is a new thematic area within the global development agenda. It is important for a number of reasons: it demonstrates a generational commitment to put in place comprehensive and cross-cutting strategies to build a more peaceful world; to provide equal access to justice for everyone; and to ensure that people all over the world are served by institutions that are effective, accountable and inclusive.

¹ The following terms are used interchangeably in this briefing: illegal and illicit; guns, firearms, and small arms and light weapons.

² Small Arms Survey Research Notes. Number 57. May 2016. *Measuring Illicit Arms Flows: SDG Target 16.4*. SAS: Geneva.

³ United National General Assembly (UNGA). 2015a. *Transforming our World: The 2030 Agenda for Sustainable Development*. Resolution 70/1 of 25 September.

⁴ African Union 2063 Agenda. April 2015. AU Commission. pg.6.

⁵ Small Arms Survey Research Notes. Number 57. May 2016. *Measuring Illicit Arms Flows: SDG Target 16.4*. SAS: Geneva.

⁶ Small Arms Survey Research Notes. Number 50. March 2015. *Reducing Illicit Arms Flows and the New Development Agenda*. Small Arms Survey: Geneva.

⁷ Geneva Declaration Secretariat. 2015. *Global Burden of Armed Violence 2015: Every Body Counts*. Cambridge University Press.



Box 1: Understanding Goal 16⁸

Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.⁹

Target 16.1: Significantly reduce all forms of violence and related death rates everywhere.

Global Indicator 16.1.1: Violent deaths per 100,000 people.

Global Indicator 16.1.2: Proportion of people who feel safe walking at night in the area where they live, disaggregated by sex, age, and location and/or urban/rural.

Target 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

Global Indicator 16.4.1: Total volume of inward and outward illicit financial flows (by monitoring the total volume of illicit financial flows, it can help measure the reduction).

Global Indicator 16.4.2: 'Proportion of seized small arms and light weapons that are recorded and traced, in accordance with international standards and legal instruments.'¹⁰

Goal 16 has 12 targets, with 24 global level indicators. The inclusion of **Indicator 16.4.2**, which requires states to demonstrate that the volume of weapons recovered during police intelligence operations has had a significant impact on reducing the circulation of illegal guns, reflects the widespread acceptance of the importance of arms control in promoting sustainable development.¹¹

MONITORING IMPLEMENTATION OF GOAL 16 IN SOUTH AFRICA

How will South Africans know when we have achieved Goal 16, and in particular how will we know if we are reaching the target of reducing the circulation of illegal guns in our country? And what do we have to do to make sure that we are monitoring progress towards achieving this goal?

South Africa has an incredible opportunity to make a significant contribution to building safe communities and realising aspects of the NDP 2030 vision. This means putting in place mechanisms that will help track the removal of illegal weapons from our communities as well as ensuring that the existing mechanisms, which ensure that guns do not readily move from the legal to the illegal market, are strengthened.

Measuring peace, justice and effective and accountable institutions is a complex undertaking, especially as many of the concepts imbedded in Goal 16 are difficult to describe in concrete terms.¹² However, it is not impossible. There are several examples that demonstrate that the knowledge and capacity exists on how to measure some of these complex concepts. For example, in Mexico the *Social Cohesion and Violence Prevention Survey* presents a new module for household surveys, measuring conflict, displacement and social cohesion; and the SHaSA – Strategic for the Harmonization of Statistics in Africa – is measuring governance, peace and security through surveys assessing perceptions of governance, and people's experience with bribery and corruption. In addition to putting in place measures to assess progress, it is also

⁸ The 12 targets of Goal 16 include a range of issues aimed at addressing the achievement of creating peaceful and inclusive societies such as tackling corruption, and building accountable institutions; the two targets highlighted in Box 1 are relevant to the issue examined in this briefing. For more information on the SDGs and Goal 16 in particular see footnote 9.

⁹ Virtual Network Sourcebook on Measuring Peace, Justice and Effective Institutions. *Goal16 – The Indicators we want*. 2015. United Nations Development Programme (UNDP): New York. See www.undp.org for more information.

¹⁰ See <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

¹¹ Small Arms Survey Research Notes. Number 50. March 2015. *Reducing Illicit Arms Flows and the New Development Agenda*. Small Arms Survey: Geneva.

¹² Virtual Network Sourcebook on Measuring Peace, Justice and Effective Institutions. 2015. *Goal16 – The Indicators we want*. UNDP: New York.



important to identify the data sources to be used that will assist in determining if progress is indeed occurring. In South Africa this will include data sources such as the StatsSA Victims of Crime Survey, SAPS data on recovery and seizure of illegal weapons and Customs and Excise records of cross-border trafficking.

Recognising that South Africa needs to develop a comprehensive set of national level indicators to complement and supplement the global level indicator framework for Goal 16, the United Nations Development Programme together with the African Policing Civilian Oversight Forum is engaged in helping strengthen the role of civil society in monitoring the domestication of Goal 16 in South Africa.¹³ The strategy will be informed by an analysis of the national-level indicator framework and baseline report developed by Statistics South Africa (StatsSA) to identify gaps and create opportunities to enhance civil society involvement in the collection, analysis and reporting of SDG-related data. GFSa was one of several NGOs which attended the first National Consultation on Monitoring Sustainable Development *Goal #16* in South Africa in June 2017. South Africa is due to finalise its baseline report in September this year.

CHALLENGES IN MEASURING GLOBAL INDICATOR 16.4.2

As shown in Box 1, one of the means to assess progress towards achieving **Target 16.4** is the extent to which illegal weapons are recovered and removed from society.

The measurement of illegal activities is, by definition, difficult, as those engaged in illegal activities do not want to be discovered and will make every effort to conceal their activities; and this is true for the illicit trade in firearms.¹⁴ One of the obstacles to defining indicators that will enable a state to assess whether or not 'illicit flows have been 'significantly reduced' is the very limited information available on the quantity, type and value of the illegal weapons in circulation. Furthermore the poor recording of the seizure of such weapons including circumstance and location contributes to the challenge of neither being able to accurately measure the proportion of seized weapons nor being able to trace them.

A further point to note is that the number of seizures recorded per year does not necessarily reflect a change in illicit flows – an increase in seizures may signal an increase in more effective policing or it may signal an increase in the volume of weapons entering the illegal market – and therefore is not the most reliable indicator or one that can be clearly interpreted as to its meaning.

A number of global instruments to which South Africa is a signatory¹⁵, provide a solid foundation for gathering the information that *Indicator 16.4.2* requires. However, the reporting by states (including South Africa), is patchy with very little information on the recording and tracing of illicit small arms seizures.¹⁶

¹³ UNDP/APCOF letter of invitation to National Consultation on Monitoring SDG #16. 16 May 2017.

¹⁴ Virtual Network Sourcebook on Measuring Peace, Justice and Effective Institutions. *Goal16 – The Indicators we want*. 2015. UNDP: New York. p.33.

¹⁵ These are: United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA) of 2001; International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI) of 2005; and the Firearms Protocol of 2000.

¹⁶ Small Arms Survey Research Notes. Number 57. May 2016. *Measuring Illicit Arms Flows: SDG Target 16.4*. SAS: Geneva.



Box 2: Defining illicit weapons

Illicit small arms and light weapons are defined as weapons that are produced, transferred, held, or used in violation of national or international law.¹⁷

Firearms enter the illegal market through a number of ways: diversion from legal stocks through loss and theft of legal guns (both state and private); deliberate leakage and sale of legal guns to non-state groups; black market purchases and manufacture of home-made weapons; and illegal cross-border trafficking.

HOW TO ACHIEVE THE GOAL OF REDUCING ILLICIT ARMS FLOWS

Recording and analysing the recovery of illegal weapons whether through cross border customs controls or police search and seizure operations, is key to successfully removing illegal weapons from circulation. Given the challenges identified above, if states are to increase their effectiveness in reducing the illicit flows of small arms, they need to adopt a systemic approach which focuses on developing and implementing measures to lower the risk of firearms entering the illicit market. South Africa has a wealth of experience in this regard but currently is not effectively using its existing mechanisms or legislative framework to tackle the problem of too many guns in circulation.

This briefing identifies three key points of control which if implemented will lower the risk of guns leaving the legal market and entering the illegal market. These interventions are applicable globally, but have particular relevance to the South African context.

ACCURATE RECORD KEEPING

Accurate record-keeping is a cornerstone of effective firearms control which includes preventing the movement of firearms from the licit into the illicit market. With the adoption of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (UN PoA) in 2001, consensus emerged within the international community that marking and record-keeping are basic preventive measures to stem the flow of guns from the legal to the illegal pool.

Under the Firearms Control Act (FCA), the Central Firearms Registry is the record-keeping centre, which collects and maintains information in order to 'facilitate the identification of any weapon, its legal status and the location of its storage, at a given stage of its life.'¹⁸ Records are generally kept across the life cycle of a firearm: from the point of manufacture, at import, at commercial sale, at possession, in case of loss or theft, and finally at destruction. So although the FCA is one of the mechanisms which can assist in reducing the risk of legal guns being diverted into the illicit market, a number of factors such as the lack of an integrated electronic recording system, the uneven enforcement of firearm licence renewals, and several counts of corrupt and fraudulent practice, contribute to weakening the law and its potential to stem the flow of weapons into the illegal market.¹⁹

RECORDING WEAPONS SEIZURES IN CRIME RECOVERY OPERATIONS

A key ingredient to collecting good data on the seizure of weapons is that the information must be disaggregated by weapon type, model, and the circumstances of the seizure or recovery. This will help to

¹⁷ Small Arms Survey Research Notes. Number 50. March 2015. *Reducing Illicit Arms Flows and the New Development Agenda*. Small Arms Survey: Geneva.

¹⁸ The Organization for Security and Co-operation in Europe (OSCE). 2003. *Best Practice Guide on Marking, Record-Keeping and Traceability of Small Arms and Light Weapons*. OSCE: Vienna. p.8.

¹⁹ Since early 2012 there have been numerous media reports on fraud and corruption related to firearms control in South Africa. For more information see Firearms Control Briefing 3 of 2016: *Record Keeping: A Cornerstone of Firearms Control*. 19 May 2016.



determine whether unusual or new types of equipment have entered the illegal market, identifying the transfer routes and potentially revealing new flows of illegal guns.²⁰ For example, one of the key factors leading to the arrest of Colonel Christiaan Prinsloo was the observation by senior Western Cape police officers that the volume and type of bullet casings found during crime recovery operations had changed and that the firearms recovered had been altered in exactly the same manner.²¹

Monitoring the price and type of firearms and ammunition being sold illicitly can also provide useful insight into the changing nature of the illegal market.

STOCKPILE MANAGEMENT

Stockpile management of weapons is the term used to describe those procedures and activities that are necessary for the 'safe and secure accounting, storage, transportation and handling of small arms and light weapons.'²² One of the main objectives of stockpile management is to prevent firearms and ammunition from being diverted from unsecured and poorly managed stockpiles, thereby falling into the hands of criminals.²³

Once SAPS has recovered firearms, whether through crime recovery operations, search and seizure or firearms amnesties, and recorded the data, there are three crucial steps that have to be taken to ensure that these guns do not leak back into the illegal market:

- The weapons must be securely stored and safeguarded;
- The safe storage facility must be effectively managed, with high levels of physical security; and
- The weapons must be destroyed as soon as possible after recovery.

As a signatory to both the UN PoA and the SADC Firearms Protocol, South Africa is obliged to comply with these procedures. Although South Africa has the facilities and capacity to comply with these obligations, and has a good record of the public destruction of surplus weapons, there are a number of weaknesses in the effective management and secure storage of these recovered weapons. The Prinsloo case is but one example of gross mismanagement.²⁴

CONCLUSION

South Africa has a unique opportunity to put in place a firm foundation to build a safe society: a society in which all people living in South Africa feel safe from crime and violence and live in safe and peaceful environments.²⁵ It has both the legislative framework and the necessary experience to ensure that the three interventions outlined above are an integral part of its arms control efforts, thereby contributing to its national development agenda. However, if South Africa is going to be successful in reducing the flows of illicit arms, it will need to ensure that it complies with and adheres to its existing obligations (both at the national and global level), that existing national legislation is enforced, and that systems are strengthened in order to more effectively record, analyse and monitor its progress towards reaching Target 16.4.

²⁰ Small Arms Survey Research Notes. Number 57. May 2016. *Measuring Illicit Arms Flows: SDG Target 16.4*. SAS: Geneva.

²¹ For more information on this matter refer to the founding affidavit of Vearey & Jacobs in their Labour Court case (Case #: C768/16).

²² United Nations Coordinating Action on Small Arms. 2012. Stockpile Management: Weapons. ISACS 05.20:2012(E)V1.0. www.smallarmsstandards.org/isacs/0520-en.pdf p.v.

²³ Parker, Sarah. 2015. *Stockpile Management and Diversion Provisions in Selected International and Regional Instruments*. Small Arms Survey Practical Disarmament Initiative Briefing Paper, February 2015, p.2.

²⁴ For more information on this refer to Firearms Control Briefing 5 of 2017: *Protecting Children from Armed Violence*. 7 June 2017.

²⁵ National Development Plan 2030. *Our Future-make it work*. National Planning Commission. The Presidency. Pretoria. p.53.