

# FIREARMS CONTROL BRIEFING

# HOW MANY GUNS ARE THERE IN SA? THE IMPORTANCE OF STOCKPILE MANAGEMENT

## INTRODUCTION

South Africa's most recent crime statistics show that serious and violent crimes have again increased, with guns overwhelmingly used to kill, injure, threaten and intimidate: A shocking 41.3% of murders and 59.5% of aggravated robberies in 2017/18 were gun-related.<sup>1</sup> The vast majority of these crimes involve handguns: Between 1999/2000 and 2013/14, handguns were used in 94% of murders and 97% of aggravated robberies.<sup>2</sup>

Despite the increasing use of firearms to commit crimes, it is clear that South African authorities do not know how many guns are in the country. While it is extremely difficult to measure the number of guns that are circulating in the illegal market, the fact that the state cannot verify the number of licensed guns in South Africa is deeply worrying as most, if not all unlicensed guns currently in circulation were once legal before leaking into the illegal pool through loss and theft, trafficking, or fraud, corruption and poor enforcement of the law.

A key contributor to the state's lack of accurate data is a history of poor stockpile management. This Briefing looks more closely at the components of effective stockpile management, which ensures that the authorities know exactly who owns what weapon/s for which purpose at any given time to reduce the risk of leakage and criminal use of guns.

## DO WE KNOW HOW MANY GUNS ARE IN SOUTH AFRICA?

An assessment of how many guns there are in South Africa shows that there is no consistency in the figures available, which leads to the conclusion that the state, not even the Registrar of the Central Firearms Registry (CFR) – which is mandated to keep firearm-related records – can say how many guns and gun owners there are in the country.

To illustrate, Figure 1 below contrasts data provided by the police on the number of civilian gun owners in South Africa from 2010/11 to 2015/16. The data for the 'various sources' series include an affidavit made by the Minister of Police,<sup>3</sup> research commissioned by the Civilian Secretariat for Police which accessed data from the CFR,<sup>4</sup> and a presentation given by the National Police Commissioner at the 2015 National Firearms Summit.<sup>5</sup> In contrast, the 2018 figures were provided by the Minister of Police in response to a parliamentary question.<sup>6</sup>

As Figure 1 illustrates, the numbers are wildly divergent and depict a completely different pattern of civilian gun ownership: The data from 'various sources' show that the number of civilian gun owners in South Africa has declined slightly in the six years reviewed, while the figures responding to a parliamentary question show a steady and marked increase.

<sup>&</sup>lt;sup>1</sup> South African Police Service <u>www.saps.gov.za</u>. The most recent national crime statistics (2017/18) show that murder increased 31% between 2011/12 and 2017/18 (15,554 to 20,336), attempted murder 24% (14,370 to 18,233) and aggravated robbery 37% (100,769 to 138,364).

<sup>&</sup>lt;sup>2</sup> Wits School of Governance Public Safety Programme. 2015. Analysis of the Firearms Control Act on Crime (1999 to 2014). University of the Witwatersrand.

<sup>&</sup>lt;sup>3</sup> Mthethwa, Nkosinathi. Answering Affidavit submitted by the Minister of Police in response to an application made by TAU SA and AFRIFORUM in the North Gauteng High Court, Case 6586/2010/Z51, 28 October 2011.

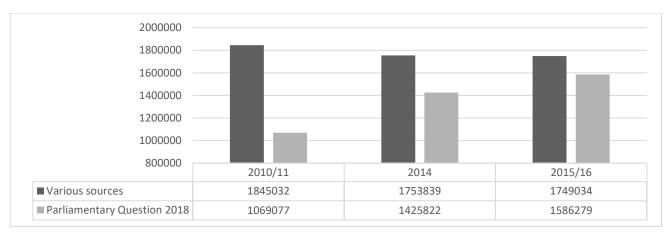
<sup>&</sup>lt;sup>4</sup> Wits School of Governance Public Safety Programme. 2015. Analysis of the Firearms Control Act on Crime (1999 to 2014). University of the Witwatersrand.

<sup>&</sup>lt;sup>5</sup> Phiyega, Riah. 2015. Implementing the Firearms Control Act. PowerPoint presentation by the National Police Commissioner at the National Firearms Summit, Parliament of the Republic of South Africa, 24-25 March.

<sup>&</sup>lt;sup>6</sup> Cele, Bheki. Reply by the Minister of Police to Parliamentary Question NW1546, 30 July 2018.



In sum, Figure 1 is disturbing in that it shows that no-one really knows how many guns are out there.



# Figure 1: Contradictory figures from the police on the number of private gun owners in South Africa from 2010/11-2015/16

# WHAT IS STOCKPILE MANAGEMENT?

While there is no internationally agreed definition of small arms and light weapons stockpile management, the United Nations International Small Arms Control Standards (ISACS) defines the term as follows:

"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."<sup>7</sup>

# WHY IS STOCKPILE MANAGEMENT IMPORTANT?

Most, if not all unlicensed guns in South Africa were once legally held until they were leaked into the illegal pool through loss and theft, trafficking, or fraud, corruption and poor enforcement of the law.

Effective stockpile management is key to preventing the leakage of legal guns: "Stockpile management is an example of a diversion prevention measure, because it is designed to prevent weapons and ammunition from being diverted from unsecured and poorly managed stockpiles and falling into the hands of unauthorized end users."<sup>8</sup>

# SOUTH AFRICA'S STOCKPILE MANAGEMENT OBLIGATIONS

SA is a signatory to three international instruments aimed at promoting effective stockpile management by states, these are:

<sup>&</sup>lt;sup>7</sup> United Nations Coordinating Action on Small Arms. 2012. Stockpile Management: Weapons. ISACS 05.20:2012(E)V1.0. <u>www.smallarmsstandards.org/isacs/0520-en.pdf p.v</u> (accessed 23 August 2016).

<sup>&</sup>lt;sup>8</sup> 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. Available online at <u>www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2015/SAS-Parker-BP-Disarmament-Initiative-EN.pdf</u> (accessed 20 August 2016).



- 1. The Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC Protocol) of 2000 (specifically Articles 8 and 10).<sup>9</sup>
- 2. 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).<sup>10</sup>
- 3. The Arms Trade Treaty (ATT).<sup>11</sup>

Two of these instruments – the SADC Protocol and ATT – are legally binding and require that South Africa manage nationally held weapons and ammunition stockpiles by way of five distinct actions:

- 1. Safe storage;
- 2. Scheduled audits;
- 3. Regular collections;
- 4. Frequent destructions; and
- 5. Accurate record-keeping.

## **TRANSLATING OBLIGATIONS INTO PRACTICE**

An analysis of how effectively South Africa is managing weapons stockpiles reveals some successes and many failures, as summarised below.

1. Storing stockpiles

The physical space in which firearms and ammunition are stored, whether by state departments (including the police and the military), weapons-related businesses (such as gunsmiths and gun dealers) as well as civilian gun owners (which includes the private security industry), is central to effective stockpile management to prevent loss and theft, and includes:<sup>12</sup>

- Choosing appropriate locations to store firearms and ammunition;
- Putting in place security measures that protect against intrusion and which can withstand attempts at forced access; and
- Controlling access to stocks.

In recent years a range of losses resulting from poor storage by the state have come to light: In 2016 the South African National Defence Force reported that military weapons (including hand grenades, explosives and heavy-calibre machine guns) were stolen from the Simon's Town naval base armoury when six storerooms were broken into on 23 July.<sup>13</sup>

The most high profile case of unsecured weapons stocks involves Christiaan Prinsloo, a senior police officer who was sentenced in 2016 to 18 years for being involved in the illegal gun trade: He sold over 2,000 guns confiscated

<sup>&</sup>lt;sup>9</sup> The Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC Protocol) is available at <a href="http://www.poa-iss.org/RegionalOrganizations/SADC/Instruments/SADC%20Protocol.pdf">www.poa-iss.org/RegionalOrganizations/SADC/Instruments/SADC%20Protocol.pdf</a> (accessed 25 August 2016).

<sup>&</sup>lt;sup>10</sup> 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) is available at <u>www.un.org/events/smallarms2006/pdf/PoA.pdf</u> (accessed 20 August 2016).

<sup>&</sup>lt;sup>11</sup> United Nations Arms Trade Treaty (ATT) is available at <u>https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/.../English7.pdf</u> (accessed 20 August 2016).

<sup>&</sup>lt;sup>12</sup> Parker, Sarah. 2015. Stockpile Management and Diversion Provisions in Selected International and Regional Instruments. Small Arms Survey Practical Disarmament Initiative Briefing Paper, February 2015. Available online at <a href="http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2015/SAS-Parker-BP-Disarmament-Initiative-EN.pdf">www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2015/SAS-Parker-BP-Disarmament-Initiative-EN.pdf</a> (accessed 20 August 2016).

<sup>&</sup>lt;sup>13</sup> Editorial: Navy base robbery: Urgent answers needed on how a National Key Point was breached? Times Media Group Digital, 27 July 2016. Available online at <a href="http://www.timeslive.co.za/local/2016/07/27/Navy-base-robbery-Urgent-answers-needed-on-how-a-National-Key-Point-was-breached">www.timeslive.co.za/local/2016/07/27/Navy-base-robbery-Urgent-answers-needed-on-how-a-National-Key-Point-was-breached</a> (accessed 25 August 2016).

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by or surrendered to the police and held in storage awaiting destruction to gang leaders on the Cape Flats; over 800 of these guns have still not been recovered.<sup>14</sup>

Moreover, even though the Firearms Control Act (2000) requires that privately-owned firearms be stored in quality approved safes, in 2017/18 civilians reported the loss or theft of almost 9,000 guns – an average of 24 guns a day.<sup>15</sup>

## 2. Auditing stockpiles

Regular audits is another essential component of effective stockpile management. According to the police, audits have two key aims, to: 1) Rectify records held by the Central Firearms Registry; and 2) Identify obsolete/redundant firearms for destruction.

### Auditing state-owned weapons

In 2000, the South African Police Service (SAPS) began auditing and recertifying state owned firearms. Progress reports indicate that various institutions were audited, though it's unclear whether this process was finalised or what its impact was. To illustrate:

- Government departments: In 2002, SAPS reported that 173 state institutions were being audited and that the "audit indicates that a total number of 1,106,754 firearms are under the control of national and provincial government departments."<sup>16</sup> A year later SAPS reported that the audit of state departments had continued, with the number of departments being audited increasing from 173 to 182.<sup>17</sup> No further updates are provided.
- Municipalities: In 2002, SAPS reported that "an additional process" to audit local government departments' firearms started in June 2001; of the 856 municipalities participating, 316 had been audited by February 2002.<sup>18</sup> No further updates are provided.

#### Auditing privately-owned weapons

SAPS has also attempted to audit privately owned firearms, including those held by the private security industry and civilians:

- **Private security companies**: In 2002, SAPS reported that private security companies had been audited, to:
  - "Determine the existence of the security companies and the firearms in their possession;
  - Update the records of the Central Firearms Register and the Security Officers Board; and
  - Identify existing dysfunctions in the firearm industry."<sup>19</sup>

No further updates on this audit are given, though in 2007/08, SAPS reported that it had begun negotiating a Memorandum of Understanding (MoU) with the Private Security Industry Regulatory Authority (PSIRA) to "introduce a workable framework for cooperation for firearms control to ensure the proper monitoring of the issuing, possession, use and disposal of firearms within the industry."<sup>20</sup> In 2008/09, a "draft working document was developed." Between the two<sup>21</sup> No further updates are provided; though speaking at a private security imbizo in September 2018, PSIRA's CEO, Manabela Chauke, said an ongoing firearms audit had revealed that nationally, 2,700 security companies controlled about 70,000 firearms, down from 101,000 in 2013.<sup>22</sup>

https://citizen.co.za/news/south-africa/2013806/security-industry-regulator-concerned-about-warzone-firearms/ (accessed 6 October 2018).

<sup>&</sup>lt;sup>14</sup> Booysen, Chevon. Special skills the answer to curb Cape's crime wave, says SAPS. Cape Times, 22 August 2018. Available online at www.iol.co.za/capetimes/news/special-skills-the-answer-to-curb-capes-crime-wave-says-saps-16691437 (accessed 7 September 2018).

<sup>&</sup>lt;sup>15</sup> South African Police Service 2017/18 Annual Report. The exact figure for civilian loss and theft was 8,867; police members lost 358 that year.

<sup>&</sup>lt;sup>16</sup> South African Police Service 2001/02 Annual Report, p. 45.

<sup>&</sup>lt;sup>17</sup> South African Police Services 2002/03 Annual Report.

<sup>&</sup>lt;sup>18</sup> South African Police Services 2001/02 Annual Report, p. 45.

<sup>&</sup>lt;sup>19</sup> South African Police Services 2001/02 Annual Report, p. 45.

<sup>&</sup>lt;sup>20</sup> South African Police Services 2007/08 Annual Report, p. 88.

<sup>&</sup>lt;sup>21</sup> South African Police Services 2008/09 Annual Report, p. 77.

<sup>&</sup>lt;sup>22</sup> ANA. Security industry regulator concerned about 'warzone' firearms, The Citizen, 25 September 2018. Available online at

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• **Civilian owned guns:** The auditing of guns held by individuals is facilitated through two provisions in the Firearms Control Act (FCA). However, both have failed in this intention, as summarised in Table 1 below:

Table 1: Firearms Control Act (2000) provisions aimed at auditing privately held guns in South Africa		
	Provision 1: Transitional Provisions	Provision 2: Regular licence renewal
Description	The Transitional Provisions gave all gun owners with 'green' licences issued under the 1969 Arms and Ammunition Act five years to relicense under the new and stricter provisions of the FCA after it was fully implemented in 2004.	Sections 24 and 28 require gun owners to regularly renew their firearm licences or forfeit guns for which licences have expired. Renewals allow the state to update records on who owns what weapons for which purpose, and to verify that gun owners remain "fit and proper" for this responsibility.
Impact	In mid-2009, as the FCA's Transitional Provisions were ending, the SA Hunters and Game Conservation Association legally challenged them. On 26 June 2009, Judge Bill Prinsloo granted an interim court order in the North Gauteng High Court to the Association under which 'green' licences remain valid pending the final outcome of the Association's application to have certain sections of the FCA declared unconstitutional. The interim order (under which more than one million firearm owners have not yet re-applied for licences under the FCA) has still not been set down for a hearing as the Minister of Police has not filed an answer, thereby preventing full implementation of the FCA.	In 2016, the SA Hunters and Game Conservation Association challenged s24 and s28 after the police issued a directive to standardise the renewal process, which had been unevenly enforced and complied with around the country. <sup>23</sup> The case was referred to the Constitutional Court, which unanimously ruled on 7 June 2018 that both sections are constitutional. <sup>24</sup> In response, Gun Owners SA (GOSA) lodged an urgent appeal in the North Gauteng High Court to stop the police acting on the ConCourt ruling. In an egregious order, which directly contradicts the ruling of the highest court in South Africa, Judge Bill Prinsloo granted an interim interdict halting any action by the police until the case has been heard as part of the normal court's roll. <sup>25</sup> The Minister of Police has lodged an appeal.

### 3. Weapons and ammunition collection

While audits are an important collection mechanism, weapons and ammunition can be recovered through campaigns that encourage voluntary surrender. Firearm amnesties can be particularly effective, as has been recognised by the state, which sees amnesties as having two broad aims, to:<sup>26</sup>

- Recover unlicensed guns, in that people in possession of previously legal guns and/or ammunition can hand these in for destruction without fearing prosecution; and
- Encourage the voluntary handing in of unwanted licensed guns for destruction by legal owners.

www.saga.org.za/.cm4all/iproc.php/SAPS%20Instruction%203Feb2016.pdf?cdp=a (accessed 3 November 2016).

<sup>&</sup>lt;sup>23</sup> Phahlane, Lieutenant General, Acting National Commissioner, South Africa Police Service. 2016. Letter titled *Renewal of firearm licences in terms of section 24 of the Firearms Control Act, 2000 (Act 60 of 2000)*, 3 February. Available online at

<sup>&</sup>lt;sup>24</sup> Judge Froneman, Constitutional Court of South Africa. Case CCT 177/17 in the matter between the Minister of Safety and Security (Applicant) and South African Hunters and Game Conservation Association (Respondent) and Fidelity Security Services (PTY) Limited (First Amicus) and Gun Free South Africa (NPO) (Second Amicus). Unanimous judgement made on 7 June 2018. Available online at <u>www.saflii.org/za/cases/ZACC/2018/14.pdf</u> (accessed 12 June 2018).

 <sup>&</sup>lt;sup>25</sup> Judge Prinsloo, North Gauteng High Court. Case 46684/18 in the matter between Gun Owners of South Africa (Applicant) and the National Commissioner of Police (First Respondent) and Minister of Police (Second Respondent). Interim Order made on 27 July 2018.
<sup>26</sup> South African Police Service 2004/05 Annual Report.



Two national gun amnesties have been held in South Africa under Section 139 of the FCA – in 2005 and 2010; collecting a total of over 120,000 firearms (76,169 legal and 45,133 illegal).<sup>27; 28</sup>

### 4. Destruction

The destruction of excess, redundant, unwanted, recovered, confiscated and surrendered firearms is recognised globally as the *only* way to guarantee that these guns are not leaked through loss, theft, fraud or corruption into the illegal pool of weapons.

Over the years South Africa has destroyed thousands of weapons. According to police reports over 1, 2 million guns have been destroyed since 2000, thereby reducing gun availability and use in crime.<sup>29</sup>

However, fraud, corruption and a dereliction of duty by state officials have facilitated the leakage of guns earmarked for destruction into the illegal pool; this has been aided by poor record keeping, including audits of destructions.

#### 5. Record-keeping

It is now accepted across the world that accurate record-keeping is a cornerstone of effective firearms control. Record-keeping involves the collection and maintenance of 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."<sup>30</sup> 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. Accurate record-keeping is also a key element in developing appropriate and effective strategies to reduce gun violence.

Chapter 17 of the FCA identifies the organisational structures responsible for implementing the Act; s123 appoints the National Police Commissioner as the Registrar of Firearms and s124 (2) lists the Registrar's functions, which include an obligation to establish and maintain the Central Firearms Register.

In August 2000 (as the FCA was being finalised), SAPS told Parliament that the existing Firearms Register System was being assessed via a Business Process Re-engineering (BPR) study, after which a new "integrated" Firearm Control System would be implemented.<sup>31</sup> In 2003/04 SAPS reported that the BPR "has been finalized,"<sup>32</sup> though no evidence to substantiate this statement was provided.

Subsequent information indicates that SAPS signed a contract with an external service provider, Waymark Infotech, for "the supply of a Firearm Control System."<sup>33</sup> In its 2003 bid, Waymark costed the IT system, which would "enable the police to track firearms and identify the ownership, identity and history of a firearm 'anywhere anytime'" at R42 million, though the contract price set in 2004 was R93 million.<sup>34</sup>

 <sup>&</sup>lt;sup>27</sup> Kirsten, Adèle. 2007. Simpler, better, faster. Review of the 2005 Firearms Amnesty. ISS Paper 134. Pretoria: Institute for Security Studies.
<sup>28</sup> South African Police Service 2009/10 Annual Report.

<sup>&</sup>lt;sup>29</sup> South African Police Service Annual Reports from 2000/01 to 2016/17.

<sup>&</sup>lt;sup>30</sup> The Organization for Security and Co-operation in Europe. 2003. Best Practice Guide on Marking, Record-Keeping and Traceability of Small Arms and Light Weapons. OSCE. Vienna. p. 8.

<sup>&</sup>lt;sup>31</sup> Parliamentary Monitoring Group. 2000. Minutes of Portfolio Committee on Safety and Security meeting on 24 August, including presentation 'South African Police Service: Submission Firearm Strategy in support of the Firearm Control Bill'. Minutes available online at <u>https://pmg.org.za/committeemeeting/168/</u> and SAPS presentation available online at <u>http://pmg-assets.s3-website-eu-west-</u> <u>1.amazonaws.com/docs/2000/appendices/000824SAPS.htm</u> (accessed 9 July 2017).

<sup>&</sup>lt;sup>32</sup> SAPS 2003/04 Annual Report, p. 13.

<sup>&</sup>lt;sup>33</sup> Contract between Waymark Infotech (PTY) LTD and the South African Police Service. The supply of a firearm control system for the South African Police Service. Signed in Pretoria by Mr Pikie Monaheng, CEO of Waymark and Assistant Commissioner Meyer, SAPS Head of Information and Systems Management on 30 September 2004.

<sup>&</sup>lt;sup>34</sup> Knoetze, Daneel. SAPS: R400 million firearms control system in shambles. GroundUp, 17 October 2014. Available online at <a href="https://www.groundup.org.za/article/r400-million-firearms-control-system-shambles">https://www.groundup.org.za/article/r400-million-firearms-control-system-shambles</a> 2359/ (accessed 14 April 2018).



While Waymark Infotech's website boasts that, "The Waymark Firearm Control System is an integrated solution that enables the management and administration of firearms and associated licenses throughout the lifecycle of a firearm"<sup>35</sup>, the reality is that the system does not, and has never, worked:<sup>36</sup>

- While the contracted deadline for the system handover was 5 July 2006, repeated addendums to the contract pushed this date forward multiple times.
- The cost of the system escalated to R412 million, of which R343 million had been paid as of 2011/12.

In 2010 SAPS began a "turnaround strategy" at the CFR. In 2012 SAPS suspended dealings with Waymark, and launched an internal investigation into the contract.<sup>37</sup> In January 2013, the Auditor-General noted that Waymark had failed to produce any results almost six years after the original end date; this meant the contract amounted to fruitless and wasteful expenditure.<sup>38</sup> In 2014 SAPS cancelled its contract with Waymark.<sup>39</sup> In response, Waymark instituted court proceedings to claim "outstanding funds."<sup>40</sup> It's unclear what the status of these proceedings is.

The internal investigation into Waymark begun in 2012 grew into a "criminal investigation" overseen by the Hawks (SAPS' Directorate for Priority Crime Investigation). Subsequent media reports indicate that a range of investigations into SAPS-related tender fraud, including SAPS' contract with Waymark, were under threat due to "a spectacular battle" raging between the then National Police Commissioner (Riah Phiyega) and Police Minister (Nathi Nhleko).<sup>41</sup> No further information on the status of the Hawks' investigation could be found.

In 2015, SAPS reported that an MoU had been entered into with the Council for Scientific and Industrial Research (CSIR) under which "a bilateral and technical committee" was established to address "all issues relating to the evaluation and assessment of the (firearms) system, (including) assessing the level to which the contractor had implemented under the contractual obligations.<sup>42</sup>

In 2016, the SAPS entered into a contract with an external contractor, Forensic Data Analysis, to manage the Firearm Permit System, which had previously been managed by Waymark; FDA has since been implicated in a multibillion rand contract with SAPS and SITA.<sup>43</sup>

As of 2019, there is no publicly available information on the status of the SAPS' firearms record keeping system, though it would appear that a parallel system is still in place, creating loopholes and facilitating fraud and corruption in the issuing of gun-related applications, permits, licences and authorisations.

<sup>36</sup> Knoetze, Daneel. SAPS: R400 million firearms control system in shambles. GroundUp, 17 October 2014. Available online at <u>https://www.groundup.org.za/article/r400-million-firearms-control-system-shambles\_2359/</u> (accessed 14 April 2018).

<sup>37</sup> Ibid.

https://www.groundup.org.za/article/polices-firearms-registry-contract-probed-hawks\_2370/ (accessed 14 April 2018).

<sup>41</sup> Munusamy, Ranjeni. Nhleko vs Phiyega: SAPS tender fraud probes in the balance. The Daily Maverick, 16 November 2015. Available online at <u>https://www.dailymaverick.co.za/article/2015-11-16-nhleko-vs-phiyega-saps-tender-fraud-probes-in-the-balance/#.WtHPW5e-kcA</u> (accessed 14 April 2018).

<sup>&</sup>lt;sup>35</sup> Integrated firearm control system page on Waymark Infotech website. Available online at <u>http://www.waymark.co.za/firearm-control-system.aspx</u> (accessed 14 April 2018).

<sup>&</sup>lt;sup>38</sup> Ndifuna Ukwazi. Waymark's wasteful and corrupt contract with SAPS exposed. Available online at <u>http://nu.org.za/saps-waymark-contracts/</u> (accessed 14 April 2018).

<sup>&</sup>lt;sup>39</sup> South African Police Service. Presentation entitled Enhanced Firearm Register System, collaboration with the Centre for Scientific and Industrial Research and the Waymark contract status. 25 May 2016. Minutes and presentation available online at <a href="https://pmg.org.za/committee-meeting/22614/">https://pmg.org.za/committee-meeting/22614/</a> (accessed 14 April 2018).

<sup>&</sup>lt;sup>40</sup> Knoetze, Daneel. Police's Firearms Registry contract probed by Hawks. GroundUp, 21 October 2014. Available online at

 <sup>&</sup>lt;sup>42</sup> Parliamentary Monitoring Group. Minutes of meeting entitled Central Firearms Registry: SAPS progress report; Firearms: inputs by Gun Free South Africa, MJ Hood & Associates Attorneys. 3 June 2015. Available online at <a href="https://pmg.org.za/committee-meeting/21014/">https://pmg.org.za/committee-meeting/21014/</a> (accessed 14 April 2018).
<sup>43</sup> Thamm, Marianne. Key state technology agency was captured – lock, stock and secret codes. Daily Maverick, 28 August 2018. Available online at <a href="https://www.dailymaverick.co.za/article/2018-08-28-key-state-technology-agency-was-captured-lock-stock-and-secret-codes/">https://pmg.org.za/committee-meeting/21014/</a> (accessed 14 April 2018).
<sup>43</sup> Thamm, Marianne. Key state technology agency was captured – lock, stock and secret codes. Daily Maverick, 28 August 2018. Available online at <a href="https://www.dailymaverick.co.za/article/2018-08-28-key-state-technology-agency-was-captured-lock-stock-and-secret-codes/">https://www.dailymaverick.co.za/article/2018-08-28-key-state-technology-agency-was-captured-lock-stock-and-secret-codes/</a> (accessed 10 September 2018).



# CONCLUSION

Safe small arms stockpile management is described as "a litmus test of a Government's ability to function as a guarantor of peace, security and development for its citizens."<sup>44</sup> By all accounts the South African government has not adequately enforced the five steps of stockpile management, and thereby is failing in its duty to ensure that all who live in SA are and feel safe.

As a signatory to three key weapons stockpile management-related international instruments, South Africa is legally obliged to secure state and privately held arms and ammunition stockpiles. Further impetus for action can be found in both the National Development Plan 2030 and the Sustainable Development Goals (SDG) 2030.

Progress on achieving SDG Goal 16: "Peace, Justice and Strong Institutions" (particularly target 16.4, which calls for a significant reduction in illicit arms flows by 2030) will be reviewed at the 2019 High-Level Political Forum on Sustainable Development at the United Nations.<sup>45</sup> This serves as a golden opportunity for South Africa to take immediate control of its stockpiles, progress on which can be showcased at this UN meeting.

Urgent actions to be undertaken by the Minister of Police and National Police Commissioner include:

- Review and upgrade weapons storage and destruction facilities to prevent loss and theft and ensure weapons earmarked for destruction are destroyed;
- Set down the 2009 North Gauteng High Court interdict which exempts gun owners with 'green' licences issued under the Arms and Ammunition Act from having to relicense under the stricter FCA;
- Appeal the 2018 interim North Gauteng High Court order which has blocked the police from enforcing the renewals provisions in the FCA;
- Proceed with the necessary actions to hold a national firearms amnesty as soon as possible so that gun owners whose licences have expired can surrender their firearms to the state without fear of prosecution; and
- Amend the FCA to simplify the administration thereof and rigorously restrict access to handguns, which are highly prized by those who cannot get access through legal channels and are thus overwhelming targeted and used to commit crimes.

 <sup>&</sup>lt;sup>44</sup> United Nations. Risks linked to surplus weapons stockpiles, illicit arms brokering examined as biennial meeting of states on small arms continues.
Press Release, 15 July 2008. Available online at <a href="https://www.un.org/press/en/2008/dc3121.doc.htm">https://www.un.org/press/en/2008/dc3121.doc.htm</a> (accessed 12 January 2019).
<sup>45</sup> For additional information on the High-Level Political Forum on Sustainable Development, see <a href="https://sustainabledevelopment.un.org/hlpf">https://sustainabledevelopment.un.org/hlpf</a> (accessed 10 September 2018).