

# Firearms Control Briefing

## Functional Central Firearms Registry key to dealing with illegal guns in SA

### Introduction

In the context of year-on-year increases in gun-related crime, on 9 May 2023 GfSA instituted class action proceedings to hold SA's Police Service (SAPS) accountable for crimes committed by a senior police member Colonel Christiaan Prinsloo, who confessed to selling 2,000+ guns held in police stores to gang leaders on the Cape Flats.<sup>1</sup> In Prinsloo's initial statement to his lawyer, he described how firearms were "removed from the police computer" before being sold to criminals.<sup>2</sup>

The Prinsloo Guns case highlights two fundamental problems at SA's Central Firearms Registry (CFR, the police unit responsible for firearms management, including recordkeeping)<sup>3</sup>: Database invalidity and corruption. These, together with backlogs in processing firearms-related applications were three key problems identified in 2010 when the first CFR turnaround strategy was announced.<sup>4</sup> In 2021 the CFR's Action Plan was developed to deal with these exact issues; highlighting that the problems undermining the functioning of the CFR are historic, systemic and persist despite various interventions, and that something needs to change, including, possibly, outsourcing the CFR.

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*Although most gun crime in SA is committed with illegal guns, almost all illegal guns were once legal. Accurate records tracking a gun from cradle to grave helps close the taps leaking legal guns into criminal hands*

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GfSA, together with the African Policing Civilian Oversight Forum (APCOF), consulted global experts on small arms and light weapons control to help identify countries with firearms registry systems managed by a party other than the police or military that SA could learn from. Key findings from the resultant report, *The State of the Central Firearms Registry in South Africa: Challenges and Opportunities*, form the basis of this Briefing.<sup>5</sup>

### Countries to learn from

Firearms experts identified just six countries as having or "possibly having" outsourced firearms registration systems:

- **Americas:** Canada, Dominican Republic, Jamaica
- **Asia:** Japan, Thailand
- **Europe:** Switzerland

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<sup>1</sup> For more information on the Prinsloo Guns class action see [www.prinslooguns.org.za](http://www.prinslooguns.org.za)

<sup>2</sup> Hood, Martin. 2015. Initial statement made by Christiaan Prinsloo, 12 February. Rivonia: MJ Hood & Associates Attorneys. (Online). Available at <https://prinslooguns.org.za/wp-content/uploads/2023/05/AK8-Christiaan-Prinsloos-2015-statement-to-SAPS.pdf>

<sup>3</sup> Located within SAPS, the CFR is responsible for a range of firearms control issues, including firearms licensing, recordkeeping, as well as the monitoring and enforcement of many aspects of South Africa's Firearms Control Act (2000).

<sup>4</sup> GfSA. 2021. SA's Central Firearms Register: The collapsing cornerstone of gun control, Briefing 2, 12 May. (Online). Available at <https://gfsa.org.za/download/briefing-2-of-2021-sa-s-central-firearms-register-the-collapsing-cornerstone-of-gun-control/?wpdmdl=3012&refresh=652f9524b1f711697617188>

<sup>5</sup> The State of the Central Firearms Registry in South Africa: Challenges and Opportunities, 2023 can be downloaded from <https://gfsa.org.za/download/research-central-firearms-registry-challenges-and-opportunities/?wpdmdl=4547&refresh=64b56a601181a1689610848>



As shown in the Table below, three of these – Canada, Japan and Switzerland – perform extraordinarily well on a range of functionality indices: They generally have low levels of corruption, socio-economic inequality, and organised crime, and high levels of democracy and peace; they also have well-functioning registries. Like South Africa, the Dominican Republic, Jamaica and Thailand are contextually less functional; they also offer three firearms registry outsourcing variations for SA to consider – privatisation, devolution and management by an independent authority.

Table comparing six countries and South Africa on a range of functionality indices						
Risk:		High ●	Medium ●	Low ●	Where 1 = most/ highest	
	Index	Corruption	Democracy	Inequality	Organised Crime	Peace
Americas	Canada	74	12	99	Low criminality - high resilience	12
	Dominican Republic	32	60	49	Low criminality – low resilience	81
	Jamaica	44	42	54	High criminality – low resilience	81
Asia	Japan	73	17	119	Low criminality - high resilience	10
	Thailand	36	72	76	High criminality – low resilience	103
Europe	Switzerland	82	9	162	Low criminality - high resilience	11
Africa	South Africa	43	44	1	High criminality – high resilience	118

### Option 1: Privatised

Privatising the CFR was frequently identified as *the* solution to deal with dysfunctionality at the CFR, the belief being that this could both improve performance and protect against political interference.



Only one country, the Dominican Republic, was identified by global experts as an example of a firearms registry successfully managed through a public-private partnership (PPP).

However, following the signing of a new contract in 2018, there are reports that this PPP has broken down because the private company allegedly “prioritised business”, and used a cheaper and not compatible ballistic testing technology than the trade-marked IBIS technology it was charging the state for.

This example highlights – as in any outsourcing variation – the importance of clear contracts which specify the equipment, technology and databases to be installed and used. In addition, that these are identified as being government property. In this regard, the ongoing case involving Forensic Data Analysts owned by former police official Keith Keating and the State Information and Technology

Agency (SITA) regarding source codes used in several of the SAPS electronic management systems, including its Firearm Permit System (FPS) illustrates the importance of this.

Even with these safeguards, global experts were very cautious about firearms registry privatisation, arguing that a company's drive for profit is always a risk for public safety, particularly when firearms are involved.

## Option 2: Devolve

A second variation of outsourcing is to devolve various processes managed by the CFR. For instance, firearms licensing could be managed by provincial or local government, while the Department of Home Affairs (which already keeps different registers) could take over the firearms registry. The motivation for devolving functions this way includes that firearms and associated violence are a community safety rather than a policing issue, and so firearms management shouldn't sit with the police. In addition, devolving functions potentially reduces the possibility of organised crime as more stakeholders are involved in processes, thereby spreading the risk (although the counterargument is that involving more people in the process opens up more opportunity for more people to corrupt the system).

Japan, Switzerland and Thailand have devolved firearms management and recordkeeping to sub-national government departments, with very different results. In Japan and Switzerland devolution works well. While the Western Cape and Gauteng in South Africa may have the capacity to take on firearms control functions, the risk is that the high number of under-capacitated and corruption-prone provinces and districts will result in SA becoming like Thailand. There, firearms licensing and registration is managed by the Ministry of Interior's Department of Provincial Administration under which local registrars at provincial and district level have significant discretion to bypass firearms controls, which is further entrenched by corruption and patronage in that country.

## Option 3: Independent authority

The final outsourcing option considered is to establish an independent authority that reports to the police, as in Jamaica. Jamaica established a Firearms Licensing Authority (FLA) in 2006 to deal with corruption in the police's handling of firearms licences. However, ten years later, the Authority was wracked by allegations of corruption which ultimately led to the entire board resigning and the establishment of an inquiry into corruption and abuses of power. Last year Jamaica passed a new Firearms Act to deal with a range of issues related to the functioning of the FLA e.g. around the country's firearms registry as well as appeals processes.

In South Africa, the Private Security Industry Regulatory Authority, which seems to have had some recent success in holding the private security industry to account despite resource constraints, could be looked at more closely as a potential model to use. With a clear mandate, oversight structure and sufficient funding, the advantage of this option includes that it removes firearms recordkeeping (and potentially other functions) from SAPS, while still reporting to the police. This is important as SAPS is likely to resist outsourcing the CFR, so establishing an independent authority that reports to it may have more traction. Moreover, this variation goes some way to overcoming a significant practical concern repeatedly raised by global experts to removing the CFR from the police: Impeded investigations, in that the police would have to liaise with another agency to access gun-related



information, which could both slow investigations down and facilitate further firearms loss and theft as firearms would necessarily be kept in evidence stores for even longer.

## Next steps

### Green shoots

In May 2023, the late chairperson of the Parliamentary Portfolio Committee on Police, Tina Joematt-Petersson, described some green shoots at the CFR. These included that:

- Ten years after concerns were first raised, the CFR will soon be moving from its unsafe offices at Veritas Building to Telkom Towers.
- Firearms-related paperwork that had blocked the office has been archived and stored offsite.
- Parliament has been monitoring the CFR's 2021 Action Plan.

However, history has shown that turning the CFR into a functional firearms licensing and registration unit cannot be left to the police, with SAPS having repeatedly squandered opportunities to address underperformance and corruption.

The research undertaken to explore the feasibility of outsourcing the CFR was exactly this – exploratory. It was also limited to information available online and in English, and offers some leads, but no obvious solutions for South Africa, where options are constrained by a macro environment that is largely dysfunctional.

This requires taking into account other factors including cost, accountability and transparency as ways to improve the CFR's functionality are considered.

### Cost

Cost was a key factor that led to Canada's independent and comprehensive firearms registry being downscaled and moved to the police. More recently, New Zealand established a new Firearms Business Unit within the police to oversee that country's firearms register at a cost of ZAR2,4bn for the Firearms Business Unit of which ZAR1,5bn is for a five-year contract to establish the register.

Following year-on-year increases in gun-related violence in South Africa since 2011, and an estimated 31 people shot and killed every day, paying a high price is clearly justified if it leads to an effective record-keeping system that helps ensure legal guns do not seep into the illicit market and criminal hands.

### Transparency and accountability

This raises the issue of transparency and accountability. In 2004 SAPS signed a contract with a company called Waymark Infotech to develop an electronic gun registry, the "Firearms Control System; in 2013 the Auditor-General wrote off ZAR343m paid to Waymark as "wasteful and fruitless expenditure". While the Waymark Infotech contract was subsequently cancelled, there has been no accountability, as the Directorate for Priority Crime Investigation has sat on the case for years.

With this history, we have reason to be concerned that SITA awarded a three-year "comprehensive and expensive" contract to a company called Providence Software Solutions to develop a "new Firearm Control System" earlier this year.



## Opportunities to support efficiency, transparency, accountability

The research into potentially outsourcing the CFR highlights several opportunities to support efficiency, transparency and accountability, including that:



South Africa is a signatory to various global and regional firearms-related instruments. These put a legal, political and moral obligation on the state to put systems in place to mark and trace legal firearms stocks to prevent diversion.



Being a signatory to these various instruments potentially allows our government to access global initiatives through the United Nations and Commonwealth to support firearms and ammunition stock management; for instance, both the Dominican Republic and Jamaica are currently being supported by the UN.



Within the context of legal and political imperatives and a history of dysfunction, civil society has a strong case to argue for the establishment of an oversight body made up of firearms control experts (both inside and outside of government). This could monitor the implementation of the CFR's 2021 Action Plan, including the work of Providence Software Solutions to reduce the possibility of mistakes of the past being repeated.



In addition, serious consideration needs to be given to the feasibility of outsourcing the CFR. In this regard, following the launch of the research report into this in July 2023, GFSa approached the Global Initiative Against Transnational Organised Crime to host a meeting with several firearms owner associations to find common areas of engagement regarding the functioning of the CFR.

## Conclusion

Globally, accurate and accessible recordkeeping, which tracks firearms from cradle to grave, is recognised as a cornerstone to effectively manage legal gun stocks and ensure they don't leak into criminal hands. It is a requirement under several international small arms control instruments which SA has signed onto.

Without up-to-date and accurate data on firearms and ammunition, the state is failing to meet its global, regional and national legal obligations, is facilitating the illicit trade, ownership and use of firearms and ammunition and is contributing to gun crime and violence in South Africa.

It is time that the government recognise that the CFR is not an administrative responsibility but has the potential to reduce crime in South Africa. This means seriously considering the potential of taking it away from the police, while ensuring proper oversight in the interim.

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*SAPS sees the CFR as an administrative function instead of a crime-fighting tool that can reduce gun violence*

Annelize van Wyk, vice-chair of APCOF and previous chairperson of the Portfolio Committee on Police, speaking at a roundtable to launch the research into outsourcing the CFR<sup>6</sup>

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<sup>6</sup> GFSa. 2023. Statement: Underperformance and corruption at Central Firearms Registry fuels gun violence epidemic in SA. Functional Central Firearms Registry key to dealing with illegal guns in SA, 11 July. (Online). Available at <https://gfsa.org.za/download/statement-underperformance-corruption-at-central-firearms-registry-fuel-gun-violence-epidemic-in-sa/?wpdmdl=4548&refresh=64b3bf49612c31689501513>