

# Firearms Control Briefing

## The illegal firearms trade in South Africa

### Introduction

In May 2021 the Civilian Secretariat for Police Service published a draft Firearms Control Amendment Bill. With almost 100 proposed amendments, a key focus of the Bill is to control legal firearms and ammunition more effectively. This Briefing explores whether that approach will have an impact on the illegal firearms trade in South Africa, and is based on a recently published report by the Global Initiative Against Transnational Organized Crime (GITOC).

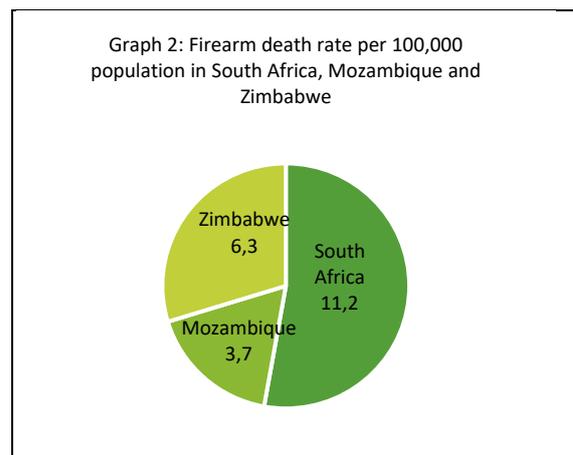
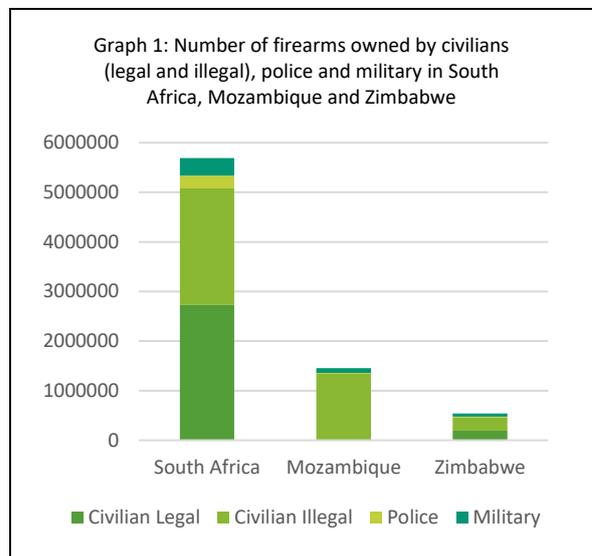
### Researching illegal guns

By their character illegal guns are outside of any control. This makes them highly valued by criminals. It also makes understanding the nature and extent of the illegal firearms trade extremely difficult to research, which means limited information to inform interventions.

A recently published [report](#) *How to silence the Guns? Southern Africa's illegal firearms market*<sup>1</sup> adds valuable information to our knowledge of the illicit firearms trade in the region. The report, which is based on extensive research, examines the sources and markets of illegal guns in South Africa, Mozambique, and Zimbabwe. Unless indicated, all information in this Briefing is drawn from that report, and while this Briefing focuses specifically on the illegal gun trade in South Africa, the report also includes detailed information on the illegal gun trade in Mozambique and Zimbabwe.

### The numbers

While the exact number of illicit firearms in circulation in the Southern African Development Community (SADC) region is not available, it is estimated that in South Africa, Mozambique and Zimbabwe the number is about 3.9 million. The graphs and table below summarise available information, showing that South Africa has far higher gun numbers and gun-related deaths than our neighbours.



<sup>1</sup> Irish-Qhobosheane, Jenni. 2021. How to silence the guns? Southern Africa's illegal firearms markets. Geneva: The Global Initiative Against Transnational Organized Crime. (Online). Available at <https://globalinitiative.net/wp-content/uploads/2021/09/GITOC-ESA-Obs-How-to-silence-the-guns-Southern-Africas-illegal-firearms-markets.pdf> (accessed 20 October 2021).

	South Africa	Mozambique	Zimbabwe
Legal firearms owned by civilians (number)	2,73 million <sup>2</sup>	7,000	190,685
Illegal firearms owned by civilians (estimated number) <sup>3</sup>	2,35 million	1,33 million	264,315
<i>Total firearms owned by civilians (estimated number)</i>	<i>5,07 million</i>	<i>1,34 million</i>	<i>455,000</i>
Firearms owned by the police (number)	258,000	24,000	23,000
Firearms owned by the military (number)	350,636	91,580	60,000
Firearm-related deaths (per 100,000 population)	11,2 (2017) <sup>4</sup>	3,7 (2016) <sup>5</sup>	6,3 (2016) <sup>6</sup>

## Sources of illegal firearms in South Africa

There are four main sources of illegal firearms in South Africa: 1) conflict guns, 2) cross-border trafficking, 3) diversion of legal guns held by civilians and the state (police, military and other government departments) and 4) legal guns used illegally. These are summarised below, along with an indication of how significant they are.



### Source 1: Conflict guns



**History:** As the struggle against apartheid intensified in the 1980s and early 1990s, the demand for firearms grew. On the one hand the defence force and police provided weapons to civilian groups believed to be aligned to the apartheid state. On the other, firearms were brought into the country by liberation forces.

**Present:** It is difficult to know with certainty how many conflict firearms are still part of the illicit pool of weapons in South Africa. However, most would now be relatively old and, unless stored and maintained, would no longer be effective. Indications are that, while some of these weapons may still be in use, over the past 15 years there has been a gradual shift to more modern firearms, which are now playing a more prominent role in South Africa's illicit firearms economy.

### Source 2: Cross-border trade



**History:** Before 1994, firearm smuggling routes across South African borders were used mainly by political actors, but after democracy criminals began to take over some of these smuggling routes, particularly along Mozambique's borders (which historically played a significant role in the smuggling of weapons into South Africa). Initially this black market trade involved the sale of small numbers of firearms, often in exchange for food or other commodities, but it soon grew into an organised business. In 1995 the South African and Mozambican governments launched Operation Rachel to

<sup>2</sup> Sitole, KJ. (Khehla) (National Police Commissioner) 2021. Reply to Question NW1666 to the Minister of Police. 31 July. (Online). Available at <https://pmg.org.za/committee-question/16760/> (accessed 31 August 2021).

<sup>3</sup> The number of illegal firearms cited is sourced from Karp, Aron. 2018. Estimating global civilian-held firearms numbers. Small Arms Survey Briefing Paper, June. Geneva: Small Arms Survey. The Small Arms Survey's civilian ownership estimates are based on available data sources, including published official documents and research studies, official responses to questionnaires, public opinion surveys, news reports, and private correspondence with experts. As such, they are approximations based on how good the available information is.

<sup>4</sup> Prinsloo, Megan. et al. 2021. The 2nd injury mortality survey: A national study of injury mortality levels and causes in South Africa in 2017. Cape Town: South African Medical Research Council. (Online). Available at [www.samrc.ac.za/sites/default/files/files/2021-10-11/The%202nd%20Injury%20Mortality%20Survey%20Report\\_Final.pdf](http://www.samrc.ac.za/sites/default/files/files/2021-10-11/The%202nd%20Injury%20Mortality%20Survey%20Report_Final.pdf) (accessed 15 October 2021).

<sup>5</sup> Naghavi, Mohsen (ed). 2016. Global mortality from firearms. Journal of the American Medical Association. Vol. 320, No. 8, pp. 792-814.

<sup>6</sup> Ibid.

collect and destroy illegal weapons circulating in Mozambique. Operation Rachel ran from 1996 to 2003, during which time 611 arms caches comprising more than 34,903 weapons and 11.4 million rounds of ammunition were found and destroyed.

**Present:** Whether as a result of initiatives like Operation Rachel or other factors, by the late 1990s, the number of firearms being smuggled into South Africa decreased significantly. For instance, police statistics show a decline in the number of illegal weapons seized at ports of entry since 2009/10 (when 179 illegal firearms were recovered, while 49 illegal firearms were recovered in 2018/19).



### Source 3: Legal firearms

The third source of illegal weapons are legally-held firearms which are diverted into the illegal pool through loss, theft and corruption. The section below summarises the significance of this source of illegal firearms, looking at both civilian and state (police (issued and held), military, and other state departments) firearms.

#### Civilian firearms

Within the SADC region South Africa has the largest number of legally held civilian firearms, recorded as being 2,73 million.<sup>7</sup> Police statistics show that between 2013/14 and 2018/19, more than 47,028 licensed civilian firearms were reported lost or stolen. During the same period, police recovered 28,891 firearms, leaving 18,137 (39%) unaccounted for, which are likely to be in the hands of criminals.

Although high, the reality is that the number of lost and stolen civilian firearms (which includes firearms owned by private security companies) may be significantly higher than what has been reported to the police. Between 2003 and 2014, about 20,291 civilian-owned firearms were recovered that had never been reported as lost or stolen. This figure included 19,143 firearms licensed to private individuals, 381 firearms licensed to businesses or nongovernmental institutions and 767 licensed to firearm dealers.

#### Police firearms

##### Police-issued

Of the three countries examined, South Africa has the highest number of police officials and police-issued firearms, with 192,277 police officials and 258,000 firearms (Mozambique has about 20,000 police officers and 24,000 firearms and Zimbabwe 19,500 officers and 23,000 firearms).

Just over 26,000 (26,277) police-issued firearms were lost or stolen between 2002/3 and 2018/19, according to published information. Seventy percent (70%) were lost or stolen during the eight years from

The term 'illegal firearm' is inaccurate. A better term is 'previously legal firearm' as almost all illegally held firearms were once legally held before being diverted into the illegal pool \*

\* GFSA comment, not from Irish-Qhobosheane, Jenni. 2021. How to silence the guns? Southern Africa's illegal firearms markets. Geneva: The Global Initiative Against Transnational Organized Crime.

<sup>7</sup> Sitole, KJ. (Khehla) (National Police Commissioner) 2021. Reply to Question NW1666 to the Minister of Police. 31 July. (Online). Available at <https://pmg.org.za/committee-question/16760/> (accessed 31 August 2021).

2002/03, with a much lower number lost/stolen in the subsequent nine years (to 2018/19). There are two reasons why the number declined after 2010:

1. SAPS introduced measures to reduce losses, including Integrated Ballistics Identification System (IBIS) testing to link officers to firearms issued to them, and dot-peen marking of firearms with the SAPS emblem to allow them to be more easily traced.
2. SAPS' decision to change how lost/stolen police-issued firearms are reported. Prior to 2010/11, firearms that could not be traced during station audits were included in loss/theft statistics. However, after 2011/12, unaccounted firearms were not included, only those that were actually reported as being lost/stolen were counted. This has major implications for the accuracy of published figures, suggesting that the number of lost/stolen police firearms is likely to be significantly higher. This concern is backed by the Auditor General (AG), whose 2018/19 police audit found that SAPS underreported the number of firearms lost/stolen by 12% (according to SAPS, 607 firearms were lost/stolen, the AG reported the loss/theft of 689 firearms).

Various factors contribute to the 'disappearance' of police-issued firearms. A major contributor is the lack of consequences for officers who lose their weapons: According to SAPS 2018/19 annual report, only six officers faced disciplinary charges, despite hundreds of firearms reported as lost/stolen according to SAPS (607) and the AG (689).

Another contributor (reported in 2018/19) are problems with SAPS' IT system, with the Firearm Permit System (which assists with the track and trace of firearms and firearm permits) 'still experiencing problems'.

Compounding the situation is the marked difference in the recovery rate of police and civilian firearms: Between 2013/14 and 2018/19, the recovery rate for civilian weapons was 61% while recoveries for police-issued firearms was just 18%, suggesting that a significant number of police-issued firearms were not lost or stolen, but were rather illegally diverted.

### Police-held

It is not only police-issued firearms that 'disappear', firearms held by the police after being seized, handed-in and/or stored in police armouries and evidence stores (known as SAPS 13 stores) are also lost/stolen. While the case of senior police officer Colonel Christiaan Prinsloo (who supplied at least 2,400 firearms to criminal groups) is the most well-known, loss/theft of police-held firearms dates to much earlier. For instance, a KwaZulu-Natal provincial police task team was established in 2012 to monitor the province's 184 police stations after allegations that hundreds of guns had gone missing or were unaccounted for at stations across the province.

### Military firearms

More weapons are held by regional national defence forces than the police: The South African National Defence Force (SANDF) holds the highest number of firearms (350,636) followed by the Zimbabwean National Army (91,580) and the Mozambique Defence Armed Forces (60,000). Despite the high number of firearms held by defence forces, none reports annually on lost/stolen firearms.

In some cases, the diversion of firearms occurs because armouries are poorly guarded and maintained. However, many cases involve corrupt army personnel who sell or rent out firearms managed by or issued to them. Few are ever charged despite the frequency of such occurrences.

In South Africa information on the loss/theft of firearms from the SANDF is not published annually, though available information indicates that loss is a serious problem: In July 2007, a report by the SANDF legal services alleged that the SANDF did not have any system in place to ensure that loss/theft of arms and ammunition were immediately reported to the police. The report also claimed that the SANDF had no register of firearms of less than 20 mm, nor details of every official allowed to be in possession of a firearm and particulars regarding disposal, transfer, loss, theft and destruction of firearms. The report warned that the head of the SANDF could face criminal charges because of the army's shoddy weapons control.

Since this report, little seems to have changed: In July 2016, hand grenades, machine guns, pistols and hundreds of rounds of ammunition were stolen from the Simon's Town Naval Base armoury in Cape Town. In December 2019, a spot check at the SANDF Lyttleton Tek Base armoury outside Pretoria found that 19 R4 rifles had been stolen and while 10 people were arrested, the head of the SANDF Union said they were arrested for being on duty at the time the theft was discovered, adding that the SANDF could not say when the actual theft occurred. Added to this, in October 2020, the Minister of Defence reported that between April 2017 and August 2020, 50 standard issue R4 and R5 rifles, ten Z88 pistols, five Beretta pistols, four Star pistols, a pair of Sig Sauers, one Glock pistol and a vector handgun had been lost or stolen from the SANDF.

### Other government agency firearms

In addition to the police and military, other government agencies and institutions also possess state-issued firearms. However, it was not possible to get details on the number of firearms held (or lost) by different government agencies: Formal requests to seven government departments (Agriculture, Forestry and Fisheries; Correctional Services; Defence; Environmental Affairs; Justice and Constitutional Development; Military Veterans; and the State Security Agency) under the Promotion of Access to Information Act yielded just one response (Department of Justice). This shows both a problematic disregard for the law and indicates the lack of seriousness with which government departments view control of firearms under their jurisdiction.

This is particularly concerning considering the number of weapons held by the state. In 2015 the SAPS National Commissioner said there were 425 official government institutions that owned just under 1.3 million firearms.<sup>8</sup> Currently, the SAPS and the SANDF jointly hold just over 608,000 firearms, which means more than 660,000 guns are held by other government institutions in South Africa. Testifying before the Zondo Commission of Inquiry into State Capture in January 2021, Loyiso Jafta, the acting director general of SA's State Security Agency (SSA) said he was worried that SSA firearms could have been used in criminal acts. He described how the Chief Directorate of Special Operations had violated SSA firearm policies and procedures, resulting in the SSA not being able to trace and recover all the firearms and ammunition that had been taken out of the SSA's armoury.

While the SAPS does publish some data on the loss of state firearms from government departments, it does not specify where losses occurred. The data also rely on different departments reporting losses/thefts to the police, which does not happen in many cases, e.g. between 2000 and 2014:

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<sup>8</sup> In 2021 the National Police Commissioner reported that official institutions owned 3,467,398 firearms, though no breakdown was given of the numbers owned by different institutions. This is almost three million firearms more than previously reported. Source: Sitole, KJ. (Khehla) (National Police Commissioner) 2021. Reply to Question NW1666 to the Minister of Police. 31 July. (Online). Available at <https://pmg.org.za/committee-question/16760/> (accessed 31 August 2021).

- Government departments (excluding the SAPS but including the SANDF), reported 18,033 firearms lost/stolen;
- 4,991 state-issued firearms were recovered by the police over the period, none of which had been reported as being lost/stolen.

In the subsequent five years (2014 to April 2019), SAPS reports that 667 firearms belonging to different departments were lost/stolen, with 456 of these reported as being recovered. However, based on the poor track record of government departments in accurately reporting lost/stolen firearms, these figures are likely to be inaccurate.

The failure of various South African government departments to report accurately on the loss/theft of firearms within their departments highlights three major problems with the way state institutions manage their firearms:

- **Breaking the law:** The Firearms Control Act (2000) requires government institutions that possess firearms to put in place clear control mechanisms and for the head of these institutions to immediately report any firearms lost/stolen to both the SAPS Firearms Registrar and to their local police station. It is clear that many of these government institutions are not complying with the Act.
- **Failing to treat firearms as lethal weapons:** Some government departments treat the loss/theft of firearms under their jurisdiction in the same way they would treat the loss/theft of other physical assets without taking into account the lethal nature of firearms and damage that can be done should they end up in the hands of criminals.
- **Lack of oversight:** The lack of public and parliamentary accountability with regard to government departments' management of firearms is highlighted by the poor management of these assets and the general failure to report loss/theft to parliament, the police and to the public.



#### Source 4: Blurred lines - Legal and illegal weapons

The blurring of lines between legal and illegal firearms makes efforts to tackle the illicit trade in weapons more complex. A number of factors contribute to this problem, including:

- Legally held firearms being hired out to criminals.
- Legally held firearms used by legal owners for illegal purposes. An example is the South African minibus-taxi industry. Private security companies operating within the industry have been known to use legally acquired firearms to conduct illegal operations on behalf of taxi mafias.
- The fraudulent issue of firearm licences by the legitimate authority. In South Africa, corruption in the Central Firearms Registry has enabled known criminals to get firearm licences. For instance in 2020, police arrested 28 people, including high-ranking police officers and Cape Town-based underworld figures, for their involvement in the fraudulent procurement of licences.

#### Cleaning up: What needs to be done?

The illicit firearms economy is a serious threat to the stability of South Africa and the SADC region as a whole. Networks fuel criminal activities, but also threaten political stability.

South Africa (as well as Mozambique and Zimbabwe) has ratified international and regional treaties, has legislation in place to control firearms, and has embarked on initiatives to reduce the availability of illegal firearms. Despite this, the illicit firearms economy is flourishing, with an increasing number

of firearms sourced locally, primarily through the diversion of legal weapons from civilians (which includes private security companies) and the state.

South Africa is a signatory to the 2001 SADC Firearms Protocol, which seeks to control firearms, ammunition and related materials in the region. While this is currently being revised (with amendments emphasising weapons and ammunition management), the challenge is lack of implementation, not the protocol itself. For it to be effective, countries need to act on its provisions. Similarly the United Nations has developed clear norms and standards for weapons and ammunition management, which are also ineffective without proper implementation.

## Recommendations

The GITOC report makes the following recommendations:

1. Proper norms and standards regarding the safe management of firearms are developed and rigorously enforced.
2. Proper mechanisms for reporting lost firearms from all government departments with stocks are put in place.
3. Adequate resources are allocated to investigate negligence or corruption in the loss of state firearms.
4. Rigorous controls for the storage, sale and provision of ammunition are developed and rigorously enforced.
5. Organisations investigating and dealing with organised crime to focus on the illicit weapons economy in order to allocate resources accordingly.

## Conclusion

This Briefing set out to assess whether, by strengthening control over civilian and state firearms in South Africa, the draft Firearms Control Amendment Bill will impact on the country's illicit firearms trade.

Using the most recent information available, it has shown that legal firearms held by civilians and the state are the biggest source of illegal firearms. As such, it affirms that interventions aimed at improving the control of legal weapon and ammunition stocks in South Africa will help reduce the illicit firearms economy.

### Weapons and ammunition audit

*“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.”<sup>9</sup>*

In addition to recommendations identified in the report, GFSa also urges that an audit be done to assess exactly how many firearms are held by civilians and the state.

The United Nations has recently developed [guidelines](#) for states to undertake national weapons and ammunition baseline assessments to “strengthen governance, oversight, accountability and management of arms and ammunition throughout their life cycle at the national level in order to prevent diversion and misuse, address illicit proliferation, and reduce and mitigate risks associated with unplanned explosions.”<sup>10</sup>

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<sup>9</sup> GFSa. 2019. Firearms Control Briefing 1: How many guns are there in SA? The importance of stockpile management, 5 February. (Online). Available at <https://gfsa.org.za/download/briefing-1-of-2019-how-many-guns-are-there-in-sa-the-importance-of-stockpile-management-2/> (accessed 12 November 2021).

<sup>10</sup> Giezendanner, Hardy, and Himayu Shiotani. 2021. A reference methodology for national weapons and ammunition management baseline assessments. Geneva: United Nations Institute for Disarmament Research. (Online). Available at <https://unidir.org/sites/default/files/2021-07/Reference%20Methodology%20For%20National%20Weapons%20and%20Ammunition%20Baseline%20Assessments.pdf> (accessed 12 November 2021).