

Firearms Control Briefing

How South Africa can help silence the guns in Africa

Introduction

On 9 February South Africa assumed chairing the African Union (AU) for 2020. In his acceptance speech President Cyril Ramaphosa prioritised the AU's *Silencing the Guns* agenda as a strategy to creating conducive environments for Africa's development.¹

Ramaphosa's championing of the *Silencing the Guns* agenda contrasts sharply with our national context: South Africa has one of the highest rates of gun-related violence and gun stockpile levels on the continent and is the largest exporter and importer of small arms and light weapons in Africa.

To lead the AU with sincerity and materially contribute to achieving Africa's ambition of *Silencing the Guns* on the continent, South Africa needs to take meaningful action to do this within its own borders. This Briefing, the first of 2020, identifies steps South Africa can take to silence the guns nationally. It starts by contextualising the problem by contrasting data on gun violence, gun stocks and the gun trade in Africa and South Africa.

Contextualising the problem

To silence the guns in Africa we need to understand the extent of the problem. Three key indicators – firearm-related death rates, firearm stockpile levels and the nature and extent of the licit and illicit trade in small arms and light weapons in Africa and South Africa – are summarised below.

Box 1: *Silencing the Guns* in Africa



SILENCING THE GUNS:
Creating Conducive Conditions for Africa's Development

The *Silencing the Guns* in Africa agenda was initiated in 2013 on the 50th anniversary of the AU with the aim of ending all wars on the continent by 2020. The agenda forms part of the AU's strategic framework for socio-economic transformation of the continent, called Agenda 2063, which is envisaged to positively transform the lives of Africans by the organisation's hundredth anniversary.

¹ Ramaphosa, Cyril (President of South Africa). 2020. Acceptance statement on assuming the Chair of the African Union for 2020, 9 February. African Union. (Online). Available at <https://au.int/en/speeches/20200209/acceptance-statement-south-african-president-he-cyril-ramaphosa-assuming-chair> (accessed 22 February 2020).

Indicator 1: Gun violence – Africa and South Africa

As shown in Table 1 below, the estimated firearm-related homicide rate in Africa is 3.8 per 100,000, though there are regional variations: At 5.5, Southern Africa tops the list, while Eastern Africa is ranked lowest at a rate of 2 per 100,000. South Africa's firearm-related murder rate is three times higher than Africa's average rate and significantly contributes to Southern Africa leading the gun homicide rate list.

Africa (average for 2011-2016): ²		South Africa (2018-19): 12.2 ⁺
- Southern Africa <i>Botswana, Lesotho, Namibia, South Africa, Swaziland</i>	5.5	⁺ According to national crime statistics, 7,156 murders in the 2018-19 financial year were firearm-related. ³ - The average firearm-related murder rate per 100,000 population was calculated based on SatsSA's most recent estimated population of 58,8 million. ⁴
- Middle Africa <i>Angola, Cameroon, Central African Republic, Chad, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Republic of the Congo, São Tomé and Príncipe</i>	4.5	
- Western Africa <i>Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Saint Helena, Senegal, Sierra Leone, Togo</i>	4.5	
- Northern Africa <i>Algeria, Egypt, Libya, Morocco, Sudan, Tunisia, Western Sahara</i>	2.5	
- Eastern Africa <i>British Indian Ocean Territory, Burundi, Comoros, Djibouti, Eritrea, Ethiopia, French Southern Territories, Kenya, Madagascar, Malawi, Mauritius, Mayotte, Mozambique, Réunion, Rwanda, Seychelles, Somalia, South Sudan, Tanzania, Uganda, Zambia, Zimbabwe</i>	2	

Indicator 2: Gun stockpiles – Africa and South Africa

Graphs 1 and 2 show that South Africa has one of the biggest stockpiles of weapons owned by the state (defence force and police) and civilians on the continent.⁵ As discussed in more detail in Indicator 3 below, poorly managed stockpiles enable the leakage of legal stocks into the illicit market.

² Mc Evoy, Claire, and Gergely Hideg. 2017. *Global Violent Deaths 2017*. Geneva: Small Arms Survey.

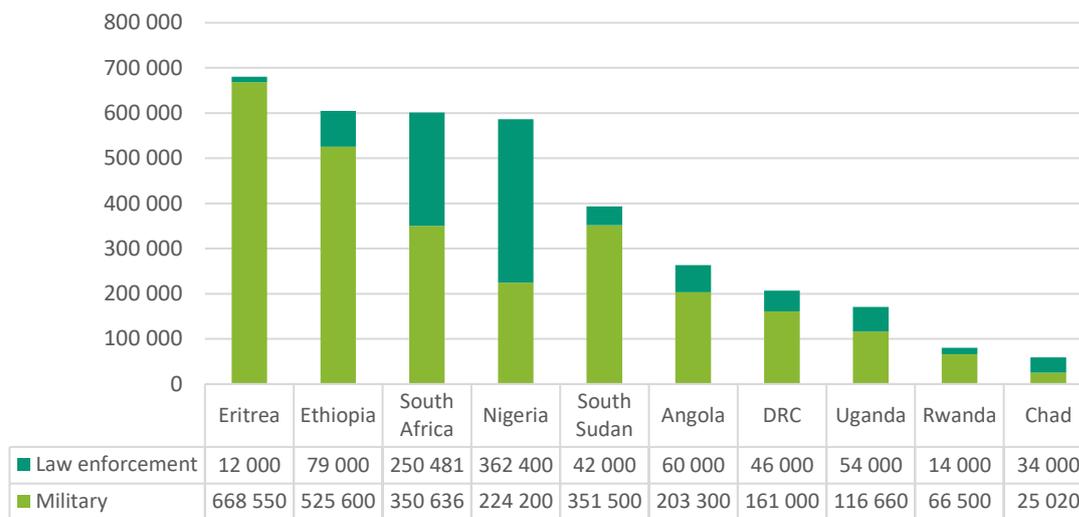
The authors note that 45 African countries had "poor or scattered reporting" and that multiple sources of data were used to fill gaps. The Africa average of 3.8 per 100,000 in Table 1 was calculated based on averages from the five African regions listed.

³ South African Police Service. 2019. Presentation to the Portfolio Committee on Police: Crime Situation in Republic of South Africa 12 Months (April to March 2018-19), 12 September. (Online) Available online at <https://pmg.org.za/committee-meeting/28873/> (accessed 22 February 2020).

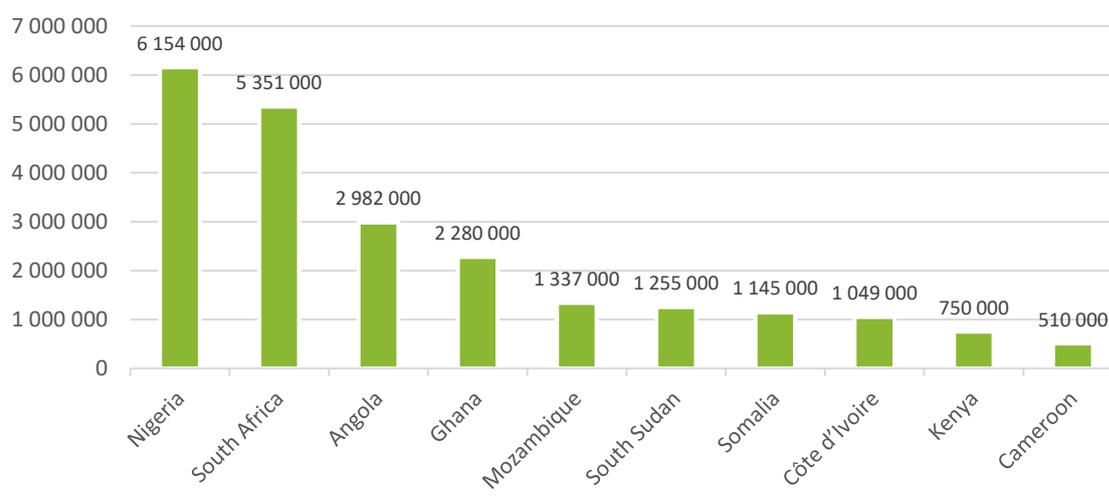
⁴ Statistics South Africa. 2019. SA population reaches 58,8 million. (Online). Available at www.statssa.gov.za/?p=12362 (accessed 22 February 2020).

⁵ Data in Graphs 1 and 2 sourced from: Holtom, Paul, and Irene Pavesi. 2018. *Trade Update 2018: Sub-Saharan Africa in Focus*. Geneva: Small Arms Survey. Additional and updated data on civilian-held, law enforcement and military owned firearms globally and by country, including an interactive map, are available online at the Small Arms Survey Global Firearms Holdings Database: www.smallarmssurvey.org/?global-firearms-holdings.html.

Graph 1: Estimated military and law enforcement firearm holdings in top ten sub-Saharan African countries, 2018



Graph 2: Estimated civilian firearm holdings in top ten sub-Saharan African countries, 2018



Indicator 3: Gun trade – Africa and South Africa

Authorised trade

Although Africa appears to import fewer small arms and light weapons than other regions, the value of its imports has tripled between 2001 and 2014 (from USD 82 million to USD 237 million).⁶

⁶ Florquin, Nicolas, Sigrid Lipott, and Francis Wairagu. 2019 Weapons Compass: Mapping Illicit Small Arms Flows in Africa. Geneva: Small Arms Survey.

As shown in Table 2 below, South Africa is both the largest importer and by far the largest exporter of small arms and light weapons in Africa – exporting three times more than the combined total number of exports from the next top four countries.⁷

Table 2: Summary of selected data on small arms and light weapons trade in sub-Saharan Africa and South Africa				
Measure	Sub-Saharan Africa		South Africa	
Confirmed producers of small arms (does not include ammunition)	Nigeria South Africa Tanzania Zimbabwe		List of South African producers of small arms and ammunition: Denel, Milkor, Diplopoint, KZN Ammunition, Frontier Bullets, Peregrine Bullets	
Largest small arms exporters*	- Côte d'Ivoire	11.4m		
	- Namibia	3.4m		
	- Central African Republic (2015)	3.0m		
	- Kenya	1.4m		
	TOTAL: Top 4 exporters (SA excluded)	19.2m	South Africa	62.3m
Largest small arms importers*	- Côte d'Ivoire	52.0m		
	- Malawi	38.3m		
	- Namibia	32.2m		
	- Niger (2014 & 2015)	26.1m		
	TOTAL: Top 4 importers (SA excluded)	148.6m	South Africa	126.1m

* Total amount reported to UN Comtrade for the years 2013–2015, amount in US Dollars

Illicit trade⁸

The type of illicit weapons traded on the continent is “context and actor specific.”⁹ For instance, AU member states in Southern Africa report that handguns for use in robberies and rifles used in poaching are the primary type of weapon trafficked across borders. In contrast, states in Western and Eastern Africa have identified automatic AK-style rifles as the main weapon type smuggled across borders to fuel conflict and supply armed groups. While these military-style weapons were often produced decades ago, this is changing with comparatively newer weapons and ammunition being traded.

The size and level of organisation in weapons trafficking across borders ranges along a continuum: On the one end are dedicated convoys transporting significant numbers of weapons and ammunition rounds. At the other end of the range is the ‘ant trade’, small scale smuggling of weapons (usually less than a dozen at a time); while seemingly unimportant, the cumulative effect of this trade is nevertheless significant.

⁷ Data in Table 2 sourced from: Holtom, Paul, and Irene Pavesi. 2018. Trade Update 2018: Sub-Saharan Africa in Focus. Geneva: Small Arms Survey.

⁸ All information in this section has been sourced from: Florquin, Nicolas, Sigrid Lipott, and Francis Wairagu. 2019 Weapons Compass: Mapping Illicit Small Arms Flows in Africa. Geneva: Small Arms Survey.

⁹ Ibid, p. 33.

Weapons that are smuggled within and across countries were almost always legal before being diverted. There are three ways in which legal weapons are diverted; Table 3 below summarises these and compares the situation in Africa and South Africa.

Table 3: Summary of mechanisms used to divert legal guns into the illicit market in Africa and South Africa		
Mechanism	Africa	South Africa
<p>Transfer diversions Weapons and ammunition authorised for one end user are delivered to an unauthorised end user or are used in an unauthorised way by the authorised end user</p>	<p>UN monitoring shows that “Africa is not only a recipient of embargo-breaking arms transfers, but also at times a source of such transfers.”¹⁰ Very prevalent in the 1990s and early 2000s. Has become less prevalent but still remains an important concern e.g. as of August 2018 UN arms embargoes were active in Eritrea and Libya, yet cases of transfer diversions to both these countries have been identified.</p>	<p>Implicated in exports breaking arms embargos e.g. in 2013 Dave Sheer Guns was identified by the Hawks as being at the centre of a large-scale corruption racket involving bribery and creating fraudulent permits to export weapons and ammunition to conflict countries including Sudan and Syria.¹¹ To date, there have been no arrests.</p>
<p>Diversion from state stockpiles The loss or theft of weapons and ammunition under the control of state defence and law enforcement agencies</p>	<p>Takes several forms, including theft by staff or external actors at storage facilities or during combat operations. Prevalent and facilitated by weak oversight and poor physical measures to protect stockpiles.</p>	<p>Losses from both the police and defence force have been reported, e.g. between 2001-02 and 2018-19 the SAPS reported the loss/theft of 29,869 firearms (an average of 1,659 a year); in recent years this number has dropped: In 2018-19 SAPS reported the loss/theft of 607 firearms (less than 2 a day).¹²</p>
<p>Diversion from civilian holdings The loss or theft of arms and ammunition owned by civilians</p>	<p>Includes diversion of arms and ammunition from manufacturers, wholesalers, gun shops, private security companies and civilians with firearms e.g. for self-defence, hunting and sports-shooting. Data scarce as few countries publish national statistics on loss and theft.</p>	<p>Civilians are the largest source of lost and stolen firearms with handguns featuring prominently.¹³ Between 1994-95 and 2018-19 civilians reported the loss/theft of 346,701 guns (an average of 14,445 a year); in recent years this number has dropped: In 2018-19 civilians reported the loss/theft of 9,002 firearms (25 a day).¹⁴</p>

¹⁰ Ibid, p. 49.

¹¹ Serrao, Angelique, and Solly Maphumulo. 2013. Firearm shop suspects nabbed at airport. The Star, 12 July. (Online). Available at www.iol.co.za/news/crime-courts/firearm-shop-suspects-nabbed-at-airport-1545671#.VZU2zUYTg2E. Serrao, Angelique. 2013. SA man ‘sold conflict arms’. Saturday Star, 20 July. (Online). Available at www.iol.co.za/news/crime-courts/sa-man-sold-conflict-arms-1549911#.VZVeDOYtg2E (accessed 27 February 2020).

¹² South African Police Service Annual Reports:

- Reports from 2001-2002 to 2006-2007. (Hard copy).
- Reports from 2007-2008 to 2018-2019. (Online). Available at www.saps.gov.za/about/stratframework/annualreports_arch.php (accessed 27 February 2020).

¹³ Wits School of Governance Public Safety Programme. 2015. Analysis of the Firearms Control Act on Crime (1999 to 2014). Report commissioned by the Civilian Secretariat for Police Service. Johannesburg: University of the Witwatersrand.

¹⁴ South African Police Service Annual Reports:

The Africa we want: *Silencing the Guns*¹⁵

Understanding the nature and extent of gun violence, weapon stock numbers and the licit and illicit trade in small arms and light weapons in Africa helps inform intervention to silence the guns across the continent, regionally and locally. While the AU Roadmap identifies over 50 practical steps to address the drivers of conflict in Africa, two interventions focusing specifically on reducing the availability of small arms and light weapons will make an immediate impact on saving lives, even when conflict occurs, these are:

1. Reduce weapon accessibility through effective storage, and regular collection and destruction programmes.
2. Limit the number of new weapons entering the market by effectively controlling legal stocks across the lifecycle of weapons and ammunition, from point of manufacture through to sale, possession, storage, use, and destruction.

Both of these interventions are supported by international and regional instruments containing a range of commitments that, if implemented, would reduce the availability of weapons in Africa, these include:

Global instruments:

1. The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA, 2001).¹⁶
2. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol, 2005)¹⁷
3. The Arms Trade Treaty (ATT, 2014).¹⁸

Regional instruments:

1. Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC Protocol, 2001).¹⁹
2. The Economic Community of West African States Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials (ECOWAS Convention, 2006).²⁰

Reports from 2001-2002 to 2006-2007. (Hard copy).

Reports from 2007-2008 to 2018-2019. (Online). Available at

www.saps.gov.za/about/stratframework/annualreports_arch.php (accessed 27 February 2020).

¹⁵ See Dube, Joseph. 2019. The Africa we want: Silencing the guns. (Online). Available at www.iansa.org/briefing-papers (accessed 25 February 2020) for a detailed list of practical steps to help silence the guns.

¹⁶ 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) is available at www.un.org/disarmament/convarms/salw/programme-of-action/ (27 February 2020).

¹⁷ The United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol) is available at www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html (accessed 28 February 2020).

¹⁸ The United Nations Arms Trade Treaty (ATT) is available at www.un.org/disarmament/convarms/att/ (accessed 28 February 2020).

¹⁹ Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC Protocol) is available at [www.sadc.int/documents-publications/show/Protocol%20on%20the%20Control%20of%20Firearms,%20Ammunition%20and%20Other%20Materials%20\(2001\)](http://www.sadc.int/documents-publications/show/Protocol%20on%20the%20Control%20of%20Firearms,%20Ammunition%20and%20Other%20Materials%20(2001)) (accessed 28 February 2020).

²⁰ The Economic Community of West African States Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials is available at www.sipri.org/node/2934 (accessed 27 February 2020).

The purpose of these instruments is for each state to put in place measures to operationalise provisions nationally.

South Africa

Having ratified various international and regional protocols, South Africa has a legal obligation to put in place effective firearms control management measures. As a major contributor to gun violence levels, poor management of weapon stocks and the legal and illicit small arms trade in Africa, South Africa has an ethical obligation to take the lead in efforts to silence the guns nationally. Table 4 below summarises actions that South Africa has undertaken to collect and destroy existing stocks and effectively manage stockpiles, as well as action that can improve these interventions.

Intervention	Actions already being undertaken	Action to improve
Collect and destroy existing stocks	- South Africa's fourth national firearms amnesty is underway, ends on 31 May 2020	- SAPS to update the public weekly on progress as there have been no updates since 14 January 2020 ²¹ - External and independent monitors to oversee process
	- Police search and seizure and intelligence operations to recover guns	- Quarterly detailed reports on firearms recovered
	- Legal provisions that allow firearms to be removed from people declared "unfit"	- Enforcement e.g. the latest Independent Police Investigative Directorate report shows that police members found guilty of serious crimes, including murder, are still not being declared unfit to own a firearm ²²
	- SAPS reported destroying 53,000+ firearms in 2019, ²³ after no national destructions in 2017 and 2018 ²⁴	- More regular destructions to ensure that unwanted, recovered and confiscated weapons do not stockpile over time - External and independent oversight to ensure that guns listed for destruction are destroyed
Effective stockpile management to prevent leakage	- SA's Firearms Control Act (2000) which limits who can own what weapon for which purpose - SA is a signatory to four international instruments aimed at promoting effective stockpile management: 1. ATT	- Set down 2009 High Court interdict so gun owners licensed under the apartheid era Arms and Ammunition Act (1969) have to comply with the Firearms Control Act ²⁵ - Set down the 2018 High court interdict which has prevented the police from enforcing

²¹ South African Government News Agency. 2020. Over 2 000 firearms surrendered to SAPS. SAnews.gov.za, 14 January. (Online). Available at www.sanews.gov.za/south-africa/over-2-000-firearms-surrendered-saps (accessed 4 March 2020).

²² Independent Police Investigative Directorate. 2020. IPID presentation on Q1-Q3 performance and financial information for 2019/2020 to the Portfolio Committee on Police, 26 February.

²³ South African Government News Agency. 2019. SAPS destroys more than 23 000 firearms. SAnews.gov.za, 6 November. (Online). Available at www.sanews.gov.za/south-africa/saps-destroys-more-23-000-firearms (accessed 4 March 2020).

²⁴ Prior to the destructions in 2019, the last national firearm destruction was on 27 October 2016. Source: South African Police Service Office of the National Police Commissioner. 2019. Media Invitation: South African Police Service to destruct over 30 000 firearms, 15 April. (Online). Available at www.saps.gov.za/newsroom/msspeechdetailm.php?nid=20127 (accessed 4 March 2020).

²⁵ Prinsloo, Bill (Judge). 2009. Interim Order of the North Gauteng High Court, Case 33656/09 in the matter between SA Hunters A.O. (Applicant), and Minister of Safety and Security (Respondent), 26 June.

	<ol style="list-style-type: none"> 2. Firearms Protocol 3. SADC Protocol 4. UN PoA 	<p>licence renewal provisions in the Firearms Control Act²⁶</p> <ul style="list-style-type: none"> - Finalise a single electronic firearms registry system so the state can identify any weapon at a given stage of its life - Amend the Firearms Control Act 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 crimes²⁷
--	---	---

Conclusion

Between 2000 and 2010 South Africa’s gun-related death rate dropped and lives were saved as the impact of various gun control interventions, coinciding with the enactment and phased implementation of the Firearms Control Act (2000), were undertaken.²⁸

Since 2010 these gains have steadily reversed:²⁹ In 2018-19 gunshots overtook stab-wounds as the leading cause of murder in South Africa.³⁰ The latest Burden of Disease Report from the Western Cape graphically highlights the marked increase in gun violence in that province: While deaths from sharp objects, blunt force, strangulation and combination assault remained relatively stable from 2010 to 2016, gun-related deaths doubled from 17 to 35 per 100,000 in this time.³¹

By contextualising the nature and extent of South Africa’s gun violence levels, weapon stocks and legal and illicit small arms and light weapons trade within the African context, we can begin to trace the ways in which what happens in our country directly impedes Africa’s *Silencing the Guns* agenda.

For South Africa to lead the AU’s efforts to silence the guns in Africa with integrity, we have to domesticate *Silencing the Guns* and act to silence the guns in our communities, on our streets and in our homes.

²⁶ Prinsloo, Bill (Judge). 2018. Interim Order of the North Gauteng High Court, Case 46684/18 in the matter between Gun Owners of South Africa (Applicant), the National Commissioner of Police (First Respondent), and Minister of Police (Second Respondent), 27 July.

²⁷ Taylor, Claire. 2019. Gun Control and Violence: South Africa’s Story. Johannesburg: GFSA. (Online). Available at www.gfsa.org.za/component/jdownloads/send/13-research/114-gun-control-and-violence-south-africa-s-story (accessed 28 February 2020).

²⁸ Ibid.

²⁹ Ibid.

³⁰ SAPS (South African Police Service) national annual crime statistics. (Online). Available at www.saps.gov.za/services/crimestats.php (accessed 28 February 2020).

³¹ Western Cape Provincial Government. Western Cape Burden of Disease: Rapid Review Update 2019. (Online). Available at www.westerncape.gov.za/assets/departments/health/burden_of_disease_report_2020.pdf (accessed 28 February 2020).