Note No. ML/UN/CSALW

The Permanent Mission of South Africa to the United Nations presents its compliments to the Under Secretary-General for Disarmament Affairs, and has the honour to submit the South African national report on the United Nations Programme of Action on Illicit Trade in Small Arms and Light Weapons. The report covers 2002 calendar year.

The Permanent Mission of South Africa to the United Nations avails itself of this opportunity to renew to the Office of the Under-Secretary for Disarmament the assurances of its highest consideration.

New York
2 June 2003
SOUTH AFRICA'S REPORT ON DEVELOPMENTS SINCE THE UN CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

Introduction

Since the United Nations took up the issue of the illicit proliferation of small arms and light weapons in all its aspects in July 2001 during the “United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects”, as well as during August when the Security Council initiated an open debate on the issue under the Presidency of Colombia, a number of developments have taken place that are, from a South African perspective important in preventing, combating and eradicating this illicit trade.

As far as international developments are concerned, South Africa was particularly honoured to co-host the “African Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships” in Pretoria, South Africa during March 2002. At the regional level, the Southern African Development Community (SADC) adopted the Protocol on the Control of Firearms, Ammunition and Other Related Materials when it was signed at the SADC Summit of Heads of State and Government, held in Blantyre, Malawi from 12-14 August 2002. At the national level, it has remained a key objective of South Africa’s National Defence Force and Police Service to continue with their destruction of all surplus, redundant and confiscated small arms and light weapons, in order to ensure that these weapons did not enter the illicit trade.

As far as South Africa’s multilateral priorities in the field of small arms is concerned, one of South Africa’s foremost issues to be undertaken will be the SADC Firearms Protocol, its ratification and entry into force. The Protocol will enter into force once two-thirds of the SADC Membership have ratified it and deposited their instruments of ratification. More importantly, however, will be to encourage concrete measures and practical steps amongst SADC Members to implement of the provisions of the Firearms Protocol at both the national and the regional levels. This far-reaching instrument, which goes beyond that of a politically binding declaration, will provide the region with a legal basis upon which to deal with both the legal and the illicit trade in firearms.

Certain developments are of note and this report gives an overview of some of those.

NATIONAL

National contact point

In terms of Part II, paragraph 5 of the UN Programme of Action, South Africa’s national point of contact that acts as liaison between States on matters relating to the implementation of the Programme of Action, remains the Directorate: Disarmament and Non-Proliferation in the Department of Foreign Affairs.
Legislation

Firearms Control Act

South Africa’s “Firearms Control Act” was assented to on 4 April 2000. The purpose of the Act, as stated in its preambular section, is to:

(a) enhance the constitutional rights to life and bodily integrity;
(b) prevent the proliferation of illegally possessed firearms and by providing for the removal of those firearms from society and by improving control over legally possessed firearms, to prevent crime involving the use of firearms;
(c) enable the State to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;
(d) establish a comprehensive and effective system of firearms control and management; and
(e) ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms.

The implementation of this legislation is progressing well. The necessary support mechanisms, training and capacity building are in the process of being established. This legislation will give effect to the list of provisions of Article 5, “Legislative Measures”, of the SADC Firearms Protocol.

A copy of the Firearms Control Act, Act no. 60 of 4 April 2000 can be obtained from the website of the South African Police Service at www.saps.org.

National Conventional Arms Control Bill

In terms of South Africa’s Interim Arms Control Policy that was established in 1995, a National Conventional Arms Control Committee (NCACC) was established as a sub-committee of the Cabinet to oversee all arms control matters. The Committee continues to meet on a regular basis (approximately once a month) to consider all conventional arms transfers and related conventional arms control matters.

In order to give the NCACC statutory powers, a draft Bill, the National Conventional Arms Control Bill was drafted and subsequently adopted by the South African Cabinet in May 2002. It is currently being considered by the Parliamentary Portfolio Committee on Defence and the expectation is that it will be tabled in Parliament during the second half of 2002. The Bill contains the requirements that must be adhered to in order to export firearms and also contains a list of guidelines and criteria that are to be taken into account when considering marketing, contracting and export permits. Furthermore, it will regulate the issues relating to brokering. At the time of compiling this report, the Bill was not yet in the public domain.
Destruction of Seized, Redundant, Obsolete and Confiscated Small Arms

In line with the South African Government position that all surplus, redundant, obsolete and confiscated small arms of a calibre below 12.7 mm should be destroyed in order to prevent these from ending up in the illicit small arms trade, the South African National Defence Force has completed the destruction of 271 867 of these weapons through the fragmentiser process. The fragmentiser process is a mechanical process that crushes large quantities of firearms and cuts them into small scrap metal pieces. The South African Police Service (SAPS) destroyed 22 787 firearms, including pistols, revolvers, rifles, shotguns, sub-machine and machine guns on 18 July 2002, also by the fragmentiser process. These firearms included 9 073 confiscated firearms and 13 714 redundant State-owned firearms. Since 1999, the SAPS has destroyed a total of 22 000 confiscated firearms and 45 000 redundant or obsolete official firearms. A further 7 769 seized firearms have also been destroyed in the last year.

Management of State Owned Firearms

Steps have been taken to improve the management of State-owned firearms. This includes a comprehensive audit of all State-owned firearms, the standardisation of calibre’s used and the improvement of safekeeping facilities. Some R3.2 million (approximately USD 320 000) was approved in July 2001 for the upgrading and / or installation of new safes for the South African Police Service alone.

Marking of Firearms

The South African Police Service has held discussions with all the firearms manufacturers in South Africa with a view to standardising the marking of firearms. This process is set to commence in January 2003.

REGIONAL

Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region

With the signing of the “Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development (SADC) Region” by the SADC Summit of Heads of State in Blantyre, Malawi August 2001, a comprehensive instrument was adopted aimed at dealing with both the legal and the illicit transfers of firearms in the region. South Africa actively participated in the SADC Committee on Small Arms and Light Weapons during the preceding year in order to obtain agreement on this Protocol. The Protocol includes the need for SADC Members to enact national legal measures to ensure, amongst others, proper controls over the manufacturing, possession and use of firearms and ammunition, provisions promoting legal uniformity and minimum standards as to the manufacture, control, possession, import, export and transfer of firearms and ammunition; ensuring the standardised marking of firearms at the time of manufacture, export or import; provisions relating to brokering; controls and limitation on legal civilian
possession of firearms; mutual legal assistance and information exchange, and; the destruction of surplus, redundant or obsolete State-owned firearms, ammunition and other related materials.

Operation Rachel

Operation Rachel continues as both the police services of South Africa and Mozambique co-operate to destroy caches of illicit small arms and light weapons in Mozambique. During 2002, in the period leading up to May 2002, 2246 small arms and light weapons and 1200000 rounds of ammunition were destroyed. To date, 18 operations have been conducted and some 21600 firearms, 1610 anti-personnel mines and 1.1 million rounds of ammunition has been destroyed.

Destruction of Seized, Redundant, Obsolete and Confiscated Small Arms

The South African Defence Force also assisted the Kingdom of Lesotho with the destruction of its surplus small arms stock. Approximately 3800 surplus and obsolete small arms and light weapons were transported to and destroyed in South Africa.

INTERNATIONAL

Conferences

As part of the follow-up conferences that have been held since the UN Conference in July 2001 aimed at assessing the implementation priorities in various parts of the world, South Africa regarded it as a particular honour to act as an African co-host, along with Kenya, Mali and Nigeria, the “African Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships” in Pretoria from 18 to 21 March 2002. The Conference was co-hosted by the Governments of Austria, Canada, The Netherlands, Norway, Switzerland and the United Kingdom, who amongst themselves also financed this Conference.

The general conference objective was to review the commitments made in the UN Programme of Action and to examine how countries from the Organisation for Economic Co-operation and Development (OECD) and African countries could support the national, sub-regional and international undertakings in the implementation of the Programme of Action. This was the first major African conference to be held on the issue of small arms in Africa since the UN Conference. Delegates from forty-one African countries, twenty-nine countries from the OECD, as well as a number of regional secretariats, experts and NGOs participated in the Conference.

A key aspect of the Conference was that it did not take place entirely in plenary, but that participants were given the opportunity to split into regional working groups in order to discuss their priorities for implementation of the UN Programme of Action. The Conference recognised that the prioritisation of the implementation measures differ within Africa, as stated in the Programme of Action, “bearing in mind the different
situations, capacities and priorities of States and regions”. In this context, the regional working groups focused on the development of guidelines for co-operation and implementation initiatives in the following broad areas:

- collection, destruction and public awareness;
- stockpile management;
- monitoring, including production, supply and transfer when applicable;
- improving administrative regulations and legislation and enhancing the potential for harmonisation;
- enhancing information exchange and co-operation to control the illicit trade in small arms.

The primary focus in all of these areas were to identify capacity-building, training and technical assistance needs, as well as resource implications.

Another important element of the Conference was that it provided the countries from the OECD with an opportunity to gain firsthand insight into the possible role that they can play in the implementation of the UN Programme of Action in Africa at the national, regional and global levels.

The active participation of civil society in the Conference again underlined the constructive partnerships that continue to be forged amongst governments and non-governmental organisations and the important role that the latter can play in the implementation of the UN Programme of Action.

It is South Africa’s hope that from this, constructive partnerships can be forged amongst African countries themselves and amongst African countries and partners from OECD and other countries in the implementation of the UN Programme of Action.

The Conference Report can be accessed at www.saferafrica.org.

Tracing of Illegal Firearms

South Africa also participates in the United Nations Group of Governmental Experts to examine the feasibility of elaborating an international instrument on tracing, which held its first session in Geneva from 1-5 July 2002.