

THIRD BIENNIAL MEETING OF STATES TO CONSIDER THE IMPLEMENTATION OF THE UNITED NATIONS PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

NATIONAL REPORT OF THE REPUBLIC OF SOUTH AFRICA

BACKGROUND

The South African Government has committed itself to the full implementation of the provisions as contained in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNPoA).

South Africa's implementation of the undertakings as stipulated in the UNPoA has already had a marked impact on the illicit trade and circulation of small arms and light weapons in South Africa. This is complemented by South Africa's actions aimed at integrating the provisions of the Southern African Development Community (SADC) Regional Protocol on the Control of Firearms, Ammunition and Other Related Materials within its national Firearms Control legislation to contribute further to the implementation of a sound and reliable firearms control system in South Africa.

The content of this report caters for the status of the implementation of the provisions of the UNPoA with the emphasis on actions taken and implemented as from the submission of South Africa's previous report in 2005.

The following is an illustrative, but not entirely exhaustive set of implementation measures that have been undertaken over the past three years to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

NATIONAL LEVEL

Legal Instruments

South Africa adopted and implemented new legislation to comprehensively address the illicit trade in small arms and light weapons in all its aspects. The legislation is supported by comprehensive administrative processes and procedures to exercise effective control over the manufacturing of small arms and light weapons and over the import, export, transit or re-transfer of such small arms and light weapons. The legislation caters for the entire life cycle of the small arm or light weapon as from manufacture or import until export or destruction.

South Africa has continued with the implementation of its small arms and light weapons control legislation and the National Conventional Arms Control legislation of the Firearms Control Act and the National Conventional Arms Control Act, promulgated in 2001 and 2003 respectively. The wide range of provisions as contained in the UNPoA are reflected in these two Acts; the Firearms Control Act establishing South Africa's national system of firearms control (to view the Act, go to <http://www.info.gov.za/view/DownloadFileAction?id=68229>) and the National Conventional Arms Control Act establishing South Africa's the country's national system of arms transfer control, including brokering (to view the Act, go to http://www.info.gov.za/view/DynamicAction?pageid=545&sdate=%202002&orderby=act_no%20desc).

These domestic laws make ample provision for severe penalties for transgression of the illegal manufacture, possession, stockpile and trade of small arms and light weapons.

The transitional provisions of the Firearms Control legislation make provision for the entire renewal of all licences of manufacturers, dealers, gunsmiths as well as private individuals who legally owned firearms in South Africa. The said legislation further places strict conditions on the number of firearms a person or an institution, hence a Government department (official institution) or a private entity (non-official institution) may possess in South Africa.

All individuals and institutions have been called via a Government Gazette as from 1 January 2005 to renew their firearm licences, permits or authorisations to establish a reliable and comprehensive control system in South Africa. In order to renew a firearm licence, permit or authorisation, proof must be provided to the authorities of South Africa that the person who will possess such a licence, permit or authorisation is fit and proper to handle a firearm and is regarded as competent in all its aspects. In order to obtain a competency certificate, a prerequisite to apply for a licence, applicants must complete a written test on the Firearms Control Act, as well as a practical test at a registered shooting range. During the reporting period approximately 530 000 persons applied for competency certificates and 770 000 renewal applications have been received by the various competent authorities in South Africa.

The South African Government also established specific provisions in the domestic legislation to address the illegal possession of firearms and the illicit trade in firearms. While South Africa does not support gun buy-back programmes, in an effort to further combat the proliferation of small arms, it offered legal owners, as well as institutions, an opportunity to voluntarily surrender and forfeit such small arms and small arms ammunition to the South African Government, which in turn destroyed these small arms.

During the amnesty which was declared through the domestic legislation for the period 1 January 2005 to 30 June 2005, a total of 34 832 illegal firearms and 608 794 illegal rounds of ammunition had been surrendered to the South African Police Service.

As from the inception of the Firearms Control legislation a total of approximately 110 000 legal firearms and a total of approximately 1.6 million legal rounds of ammunition have been voluntarily handed to the South African Police Service for destruction.

The South African Government continues to intensify its law enforcement efforts with the focus of combating illegal firearms circulation and trafficking. As from July 2005 to date, law enforcement agencies in South Africa have confiscated approximately 25 000 illegal firearms and 1.4 million rounds of ammunition.

In line with South Africa's policy that all surplus, obsolete, surrendered and confiscated small arms and light weapons must be destroyed, these have been destroyed or are awaiting destruction. This policy has been followed as a key preventative measure to address the illicit trade in small arms and light weapons.

During the period July 2005 to date the South African authorities destroyed approximately 400 000 firearms. As from the adoption of the UNPoA in July 2001 the South African Government has destroyed approximately 595 000 firearms.

A unique marking system has been implemented in South Africa, which placed an obligation on all manufacturers to mark a firearm as part of the production process. The detail of all firearms and firearm owners in South Africa are recorded in a single Central Firearms Register database. The Central Firearms Register is utilised to ensure an effective and comprehensive single control system and to contribute to the prompt tracing of firearms, including the history of such a firearm, as well as its transfer(s). The detail of all firearms imported, exported and in-transit through South Africa are also maintained by the South African authorities via the Central Firearms Register database.

The South African authorities also adopted strict policy measures and standing procedures to ensure effective management of all small arms and light weapons in possession of law enforcement agencies and armed forces. These measures include but is not limited to standardisation of small arms and light weapons in use, minimum training standards, physical security measures, unique marking of firearms and inventory management.

The domestic laws provide for specific strict sanctions for the negligent loss or theft of a small arm or light weapon, which includes the declaration such an owner is unfit to possess a firearm.

The Department of Defence is currently also in the process of streamlining its own firearms control system in a manner consistent with the requirements of the Firearms Control Act.

REGIONAL LEVEL

South Africa is active in implementing the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials through the integration thereof in its domestic legislation and through active participation in SADC initiatives.

A national focal point has been established by South Africa to cater *inter alia* for the provision and sharing of information relevant to the confiscation and destruction of firearms, imports, exports and firearms in transit, the illicit trade in small arms and light weapons and the monitoring of the progress on the implementation of the SADC Protocol.

A Regional Firearms Registrars Forum has been established to spearhead the implementation of the provisions of the SADC Protocol. The Registrars Forum commenced with its mandate and already compiled a baseline document on the harmonisation of legislation in the region. A Standing Operational Procedure has been developed for the effective implementation of the SADC Protocol. The Standing Operational Procedure has already been approved and is currently being implemented in the Region.

The South African Government continues to actively assist and participate in the destruction of small arms and light weapons in the region.

During the period under review the South African Police Service assisted the Mozambique Police, Angolan authorities as well as Lesotho with the destruction of obsolete, redundant, confiscated and surplus small arms and light weapons. Much of this technical assistance in areas such as cross-border co-operation capacity building projects and destruction was made possible with the financial assistance of co-operating partners such as the United Kingdom.

GLOBAL LEVEL

South Africa is also party to the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components against Transnational Organised Crime.

South Africa remains active in various small arms fora, including the United Nations. It was South Africa's privilege to take the turn of lead co-ordinator (the other co-ordinators being Colombia and Japan) of the annual so-called omnibus resolution, "The illicit trade in small arms and light weapons in all its aspects" and to introduce res. 61/66 during 2006, which importantly, revived the BMS process.

South Africa also served on the UN “Group of Governmental Experts to Consider Further Steps to Enhance International Cooperation in Preventing, Combating and Eradicating the Illicit Brokering in Small Arms and Light Weapons”.