

The Meaning of Loss

FIREARMS DIVERSION IN SOUTH AFRICA

This chapter reviews recent trends in firearm diversion from civilians, private security firms, and the public security sector—including police and national defence forces—in South Africa in the years following the reform of national gun laws. It seeks to determine the effect of the new legislation on firearm diversion trends from these groups and to understand to what extent civilians and security forces are complying with their new obligations under the law.

It finds that civilian-sourced firearms represent the overwhelming number of lost or stolen guns in South Africa. At the same time, although controls over state-held firearms have improved since 1994, leakage remains a problem requiring additional administrative action. A hindrance to fully evaluating the effects of the Firearm Control Act of 2000 is the government’s decision to withhold firearm crime and mortality data from the public during the period 2000–06.

Gun law reform

In recognition of the growing incidence of firearm violence in post-apartheid South Africa, the government launched a process to reform national gun laws, which dated from 1969. Following a series of public consultations and the release of public health data documenting the impact of firearms—especially handguns—in violence and crime, the parliament passed the Firearm Control Act of 2000.

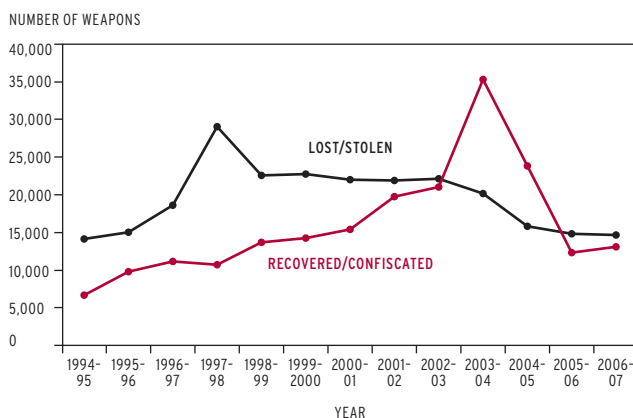
The new legislation created a comprehensive set of obligations for gun ownership in order to limit criminal access to firearms and thereby to reduce armed crime. Crucially, the new regulations entail more stringent eligibility and competency requirements not only for civilians, but also for police, the national defence forces, and private security companies and other weapons holders. New requirements stipulate that successful applicants be citizens or permanent residents, 21 years of age or older, and officially considered ‘fit and proper’. Although the law was not fully implemented until 2004, the Central Firearms Registry (CFR), an entity within the South African Police Service (SAPS) charged with overseeing the implementation of firearms law, began applying stricter criteria for civilian firearm licence applications from 2000.

Diversion from civilians and private security firms

Between 2000 and 2007, an average of 18,731 civilian firearms were reported lost or stolen per year, representing a 5.8 per cent decrease compared to the period 1994–99. For the period following the implementation of the FCA (2004–07), the average was 15,054, or a decline of 24 per cent (see Figure 6.1). Increased penalties for failure to report loss and the new licensing and competency criteria, as well as pressure on firearms commerce in South Africa since 2000, probably had an influence in this decline.

In 2003 the CFR reported that some 1,643 security companies possessed 58,981 firearms. The security officers who are most vulnerable to attack and theft are those who perform assets-in-transit work—primarily the transport of cash. Based on cash-in-transit heist data presented in this chapter, an average of 1,168 firearms were estimated stolen each year from 2001 to 2007. An unknown additional number of firearms go missing when security firms close their doors or reorganize each year without reregistering their firearms.

Figure 6.1 **Civilian firearms reported lost/stolen and recovered/confiscated, 1994-2007**





A robber lies dead after allegedly being shot by a private security guard during a cash delivery robbery in a shopping centre in Johannesburg, September 2006. © AP Photo

Diversion from state institutions

From 2001 to 2007, the SAPS reported 9,687 firearms lost through theft, robbery, or loss. The bulk of these losses occurred in 2005–06 (2,297) and 2006–07 (3,856). One possible explanation for the increased loss is inadequate implementation of firearm control processes and measures within the SAPS. The SAPS auditor general has indicated that while security systems are improving, certain required steps—such as periodic weapons inspections—have not taken place as mandated. The municipal Durban Metro Police Service (DMPS) has also been cited by a SAPS Independent Complaints Directorate (ICD) for serious discrepancies in its firearm registration reports. The ICD concluded that the DMPS had not fulfilled its obligations under the FCA.

While the South African National Defence Force (SANDF) suggested publicly in 2003 that fewer than 2,000 of its firearms had been lost and not recovered since 1994, in 2006 the auditor general reported a range of areas where the SANDF was not fulfilling its FCA firearm safety and storage obligations. Among the violations were the ‘lack of monitoring compliance with policies and procedures relating to stock and equipment’ and the failure to appropriately keep firearms registry records. Of particular concern were SANDF’s policies covering weapons used in foreign operations. This latter concern has played out in the disbanding of the SANDF commando units, starting in 2006. SANDF itself has indicated that many of the automatic rifles issued to commandos will eventually be reported missing. A 2007 memo from the SANDF’s head of legal services, in which he catalogued a long list of firearms management problems facing the agency, was a further indication that it still had some way to go to bring its policies and procedures in line with the new laws. ■