

# Giving substance to political will

## The role of the SAPS in destroying firearms

BEN COETZEE & NOEL STOTT

bcoetzee@issafrica.org  
nstott@issafrica.org

*The South African government has consistently stated that peace and security in the Southern African region and on the African continent must remain a top priority. This progressive attitude toward regional security is evident in South Africa's approach to the control of small arms and light weapons at a national, regional and international level. This article examines the firearm destruction policies and processes of the South African Police Service (SAPS). It analyses the positive effects and the negative outcomes of the decision to decentralise firearm destruction to provincial level.*

The importance of disposing of surplus small arms, light weapons and explosives is nowhere better illustrated than by the tragedy of the explosions at the Mozambican Armed Forces (FADM) ammunition storage facility in Laulane, a suburb of Mozambique's capital city, Maputo, on 22 March 2007.

This blast, which killed more than 100 people and injured many more, took place at Mozambique's largest storage facility, containing thousands of tonnes of armaments and explosives. This was not the only such event in Africa. In January 2002, an ammunition dump in the centre of Nigeria's largest city, Lagos, exploded, killing hundreds, if not thousands of civilians. The depot was located at the Ikeja military base, situated in a busy residential area. Many buildings, including the market and a nearby church, were destroyed and a hospital and local school were damaged.

In February 2005 BBC News reported that an ammunition arsenal exploded in Juba, Sudan,

killing 24 people and injuring more than 50 civilians. This incident was attributed to the extreme heat in the region. Other deadly explosions in recent years have occurred in Conakry, Guinea, and Yaoundé, Cameroon. In March 2001 the BBC World Service described an explosion at an army base ammunitions dump in Conakry that killed 10 people. In February 2001, an explosion following a fire in a military armoury in the centre of Yaoundé disrupted citizens' lives and caused panic throughout the city (BBC News February 2001). These tragic events demonstrate the need for increased and more effective management of weapons arsenals.

The effective management of arms and ammunition stockpiles is a crucial component of the UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in all its Aspects (UN PoA). Compliance with international standards and norms may include measures such as the destruction of surplus and

redundant arms and ammunition stockpiles belonging to the state, as well as the recovery and confiscation of weaponry illicitly held by civilians.

According to Adrian Wilkinson (2007:129) of the South Eastern and Eastern Europe Clearinghouse for SALW Control (SEESAC), an initiative of the United Nations Development Programme (UNDP) and the Stability Pact, at least 153 ammunition depot explosions occurred globally between 1995 and 2007, killing more than 2 500 people and injuring over 4 000.

## SOUTH AFRICA AND SMALL ARMS

South Africa has endorsed the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (Bamako Declaration) of December 2000. South Africa has also prioritised a number of international and sub-regional agreements, declarations and treaties, including the Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

South Africa (2007) has made its position clear: the country supports the effective implementation of the UN Program of Action. During the United Nations First Committee Thematic Debate on Conventional Weapons/Small Arms in New York, South Africa stated that 'one of the most important undertakings in the UN PoA are the elements contained in its section II, namely, "implementation, international co-operation and assistance" (...) without serious efforts to assist those amongst us that are still experiencing capacity, financial and other concrete needs in key areas such as effective stockpile management and national arms control systems; theft, corruption and diversion will continue to fuel the illicit trade in these firearms and their ammunition'.

The need to combat the proliferation of small arms is also central to the Peace and Security agenda of the New Partnership for Africa's Development (NEPAD). Endorsed by all African leaders at the Organisation of African Unity (now the African Union) summit on 11 July 2001, NEPAD recognises that combating the illicit proliferation of small arms and light weapons is one of the important conditions needed to place African countries, both individually and collectively, on a path of sustainable growth and development. This is in line with the Bamako Declaration, which notes that in order to promote peace, security, stability and sustainable development on the African continent, it is vital to address the problem of the illicit proliferation, circulation and trafficking in SALW in a comprehensive, integrated, sustainable and efficient manner.

At national level, the South African government has taken a number of important measures to meet its international and regional obligations. It has, among other steps:

- Developed a Firearm Strategy to eradicate the proliferation of firearms, which exacerbates crime and violence in South Africa
- Developed new legislation on domestic firearms control
- Enacted new laws controlling the export and brokering of firearms
- Established a national point of contact for small arms
- Undertaken a comprehensive audit of all state owned firearms
- Reached an agreement with firearm manufacturers in South Africa with a view to standardising the marking of firearms and to thus make tracing easier.

In line with the United Nations report (1997:9) on small arms which recommends that states should consider the possibility of destroying surplus weapons, South Africa's National Conventional Arms Control Committee (NCACC) took the decision to dispose of all state-held redundant, obsolete, unserviceable and confiscated semi-automatic and automatic weapons of a calibre less

than and including 12.7 millimetres by destruction (Ramano 2000).

The SAPS was the first South African government department to develop a policy of destruction for redundant, obsolete, seized or any other firearms that could not be classified as standard. Today, the SAPS have an ongoing policy and programme to destroy obsolete and redundant arms as well as illegal or confiscated firearms. This practice, while not necessarily unique, is, in terms of its scale and duration, one of the most comprehensive undertaken on the African continent, if not internationally.

This article analyses the pros and cons of the SAPS' August 2003 decision to move away from a centralised destruction procedure to one that is decentralised to South Africa's nine provinces.

## **SAPS FIREARMS DESTRUCTION POLICY IN THE DOMESTIC CONTEXT**

In terms of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996), the aim of the Department of Safety and Security, under which the SAPS resorts, is to prevent, combat and investigate crime; to maintain public order; to protect and secure the inhabitants of South Africa and their property; and to uphold and enforce the law. Within this, the SAPS have identified four priority areas: combating organised crime; addressing serious and violent crime; reducing crimes against women and children; and improving service delivery (Selebi 2002). According to the SAPS, organised crime, serious and violent crime, violence against women and children and the inability to deliver socio-economic services to the public are exacerbated by the availability of firearms in the country – both in respect of licensed possession by civilians and the available illegal pool of small arms in the country and more broadly in Southern Africa.

Social crime prevention is a key element of South Africa's approach to crime prevention, and combating the proliferation of firearms and

preventing their use in violent crime through a comprehensive firearm control management system is an important aspect of the SAPS' day-to-day operations (South Africa 2005).

## **THE SAPS FIREARM STRATEGY**

Historically and currently South Africa has a heavily armed civilian population. In 1994, there were 3,5m licensed firearms in the hands of 2,4m individuals, with approximately 1 500 new applications each day (Kirsten 2005:1). Applications peaked around South Africa's first democratic elections in 1994 with more than 200 000 new licenses being issued in that year alone. In 2008 it is believed that the number of firearms in civilian possession has decreased to around 2,8m.

South Africa has high levels of firearm-related crime. A 2003 report by the Medical Research Council of South Africa (MRC) maintains that 'firearms remained the single largest cause of [violent] death' in the country. The MRC study showed that, 'of firearm fatalities, 87 per cent were violence-related and 12 per cent were suicide'. Charles Nqakula, Minister for Safety and Security (2008), has stated that firearms are often used in the commission of aggravated robbery and in many organised crime cases in which people are killed.

In his budget vote address, Nqakula (2006), revealed that 'over the last three years [South Africans] lost 50 864 firearms. Between 1995 and mid-2003, almost 200 000 guns were reported lost or stolen in South Africa. This revelation is exacerbated by the findings of docket research by IDASA (2003) indicating that both legal and illegal firearms are used in crime. It is obvious that the great majority of [the lost] weapons have become part of the illegal guns that are in circulation at this time' (Nqakula 2006).

As a result, one of the South African government's stated priorities on small arms is to tighten up controls on legally owned firearms in order to reduce the high levels of gun crime and related

insecurity in the country. According to Nqakula (2006) 'the Firearms Control Act, 2000 (Act 60 of 2000), and the Firearms Control Amendment Act, 2003 (Act 43 of 2003), are intended to assist the South African Police Service in preventing the proliferation of illegal firearms and removing them from society, as well as to control legally owned firearms'.

The Annual Report of the National Commissioner of the SAPS, 1 April 2003 to 31 March 2004, revealed that during the two previous financial years, the SAPS implemented a firearm strategy aimed at the eradication of firearms for use in crime and violence in South Africa. The firearm strategy consists of five pillars:

- The development and maintenance of appropriate firearm-related regulators
- The development and maintenance of effective control processes and procedures for firearms
- The reduction and eradication of the illegal pool and criminal use of firearms
- The prevention of crime and violence through awareness raising and social crime prevention partnerships
- The implementation of regional firearm interventions.

Each of the strategy's pillars has different but connected responses. To adhere to the requirements of the strategy a new Firearms Control Act (No. 60 of 2000) was enacted. The SAPS continued to support the Mozambican police service in the identification and destruction of arms caches (Operation Rachel). South Africa enacted new legislation on the arms trade, including the National Conventional Arms Control Act (No. 41 of 2002) and decided to destroy surplus state-owned weapons in the possession of the SANDF and the SAPS as well as other state departments.

Since the development of the SAPS firearm strategy in 2003 the reduction of firearm-related crime has remained a high priority for the police.

## SAPS POLICY OF DESTRUCTION OF FIREARMS

The SAPS has reinforced its policy of firearm destruction with action. In the period January 2000 to December 2007 it destroyed 530 977 firearms and components as reported by the SAPS Central Firearms Registry. In the context of crime, this policy is rooted in the results and recommendations of the Goldstone Commission of Inquiry (1993). The Goldstone Commission was, among others, established to hear evidence on ways of curbing illegal imports of automatic firearms into South Africa and their use in political violence that had engulfed the country as it moved towards its first non-racial and democratic election in 1994. But South Africa's policy is also grounded in its commitments to international norms and agreements, which call for the disposal of confiscated or unlicensed firearms.

At a Southern African level, the SADC Firearms Protocol commits member states to the adoption of co-ordinated national policies for the disposal of confiscated or unlicensed firearms that come into the possession of state authorities. The UN PoA recommends that states ensure that 'all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions...' It also recommends that states regularly review the stocks of small arms and light weapons held by armed forces, police and other authorised bodies, and ensure that stocks declared to be surplus to requirements are clearly identified and disposed of, preferably through destruction.

According to the National Commissioner of Police, Jackie Selebi (2002):

it is the South African Government's policy on the non-proliferation and control of small arms and light weapons that the disposal of such stocks to be done by means of destruction.

Besides defining 'disposal' as 'destruction', the SAPS have also made it clear that their policy is as focused on the destruction of obsolete and redundant arms as it is on illegal or confiscated firearms. As part of its standardisation policy, the

SAPS has removed from its stores firearms that are redundant (e.g. surplus to requirements) or obsolete (no longer in service). The SAPS has followed through on this policy to the extent that fully functional firearms are destroyed rather than sold.

Firearms that are destroyed fall into four categories:

- Redundant
- Obsolete
- Seized/forfeited
- Non-standard for use by the SAPS.

Since the end of 2001, the destruction of firearms has become a regular function of the Logistics Division, now known as Supply Chain Management, of the SAPS. The reasoning behind the SAPS approach to redundant, obsolete and confiscated firearms is based on the commitment to prevent these firearms from entering (or re-entering) the illegal market in either South Africa or other countries.

One of the SAPS' long-term objectives is to reduce firearm-related crime by confiscating illegal firearms and ensuring that they do not get back into circulation. The destruction of firearms must be seen as a long-term investment towards crime eradication and a safer society. The emphasis placed by the SAPS on the destruction of firearms symbolises the serious intent of police officials when dealing with crime and criminals.

## **EARLY DESTRUCTION INITIATIVES (1997-2002)**

The Department of Foreign Affairs (1997) noted that in October 1997, the police destroyed 20 tons of firearms by melting them down. The commercial value of the destroyed firearms was estimated at R2m (US\$200 000).

According to Lamb (2000:8), by early 1999, the SAPS had already destroyed 40 tons of surplus small arms, 9 tons of surplus ammunition, over 10 tons of confiscated arms and 11 tons of confiscated ammunition.

In a statement made by South Africa in 2000 it was said that between 1999 and 2000 more than 45 000 redundant state-owned firearms were destroyed together with 9 tons of obsolete and outdated ammunition. In addition, nearly 22 000 confiscated firearms and 11 tons of confiscated ammunition were destroyed.

In January 2001 the SAPS destroyed 102 tons of firearms, parts of firearms and firearm spares, with an estimated value of nearly R26,5m. The firearms destroyed ranged from pistols, revolvers, rifles and shotguns to homemade firearms, totalling 27 816 firearms. The firearms destroyed in this batch included 4 524 confiscated and homemade firearms as well as 23 292 redundant police firearms. Seven projectile launchers and 20 335 parts of firearms and spares were also destroyed.

By the end of 2001 the SAPS had destroyed 30 023 firearms with a total value of R16.8m (US\$1.6m).

In 2002 the SAPS continued its destruction of redundant, obsolete and confiscated firearms and by September 2002 three destruction sessions had been completed, destroying a total of 33 474 firearms and equipment.

## **DESTRUCTION PROCESS**

The SAPS initially destroyed the firearms and equipment by melting them down but this was abandoned for the more cost-efficient method of 'shredding' or 'fragmentising'. The company selected for the destruction is a commercial scrap yard that shreds old cars, equipment and any metal on a payment-per ton basis. It is also the same company used by the South African National Defence Force for the destruction of their surplus and obsolete weapons.

The Logistics Division under the supervision of the Divisional Commissioner was tasked to conduct and oversee the destruction process for the SAPS. The Logistics Division had to arrange for the secure collection and transportation of the

firearms from police stations and collection points to a centralised location. The final step takes place at the destruction site where SAPS personnel break the seals and the weapons are fed into the destruction process. SAPS personnel ensure that all firearms and components are completely destroyed, and monitor the process throughout.

The practical arrangements for the destruction of the firearms consisted of planning a suitable time for the arrival of the firearms at the destruction site to ensure that the firearms were destroyed immediately on arrival. The SAPS was responsible for securing the boundaries of the company's premises and the constant supervision of the destruction process. At this stage the SAPS was paid for the scrap metal delivered to the scrap yard, based on tonnage at the end of the destruction process. The contractor was not paid for destroying the firearms.

Transparency was identified as an important component of the destruction process. While future dates of destruction projects were not announced for security reasons, the SAPS invited the media, non-governmental organisations and other members of the public to a pre-destruction press conference and to the destruction site to witness and report on the event.

## **DECENTRALISATION OF DESTRUCTION**

Since August 2003 the destruction of firearms has been decentralised to the provinces. According to the SAPS and in terms of the provisions of the Firearms Control Act, 2000 (Act No 60 of 2000) the state (SAPS) must destroy all firearms or ammunition forfeited to the state within six months of the date of the forfeiture. To comply with the requirement, alternative methods for destroying firearms had to be identified, including decentralising the destruction process to the nine provinces.

It should be noted that provinces are not allowed to destroy state-owned firearms or ammunition; this remains a national competency. Provinces are

allowed to destroy the following categories of firearms:

1. Unclaimed licensed firearms (Owner known)
2. Voluntarily surrendered licensed firearms
3. Unlicensed firearms (Owner unknown)
4. Firearms forfeited to the state
5. Homemade firearms.

## **DESTRUCTION PROCEDURE**

In line with South Africa's national policy, the National Commissioner has issued a detailed instruction to all provincial commissioners on the process and methodology to be followed when destroying firearms on a provincial level.

Each provincial commissioner is authorised to decide on an appropriate service provider to destroy the firearms accumulated in his or her area, according to the availability of commercial infrastructure in the province. To reduce the amount of bureaucratic red tape and additional financial oversight of the process it was decided that there would be no exchange of money for the service the commercial industry delivers as part of the destruction chain. This policy decision means that the destruction of firearms does not have to adhere to the normal government tender process and no formal contract exists between the SAPS and the service provider. The SAPS does not pay the service provider for destroying the firearms; the only financial burden the destruction process places on the SAPS is the cost of transportation and security of the firearms during the destruction process.

The commercial entity destroying the firearms becomes the legal owner of the scrap metal after it has been destroyed to the police's satisfaction. The resulting scrap has monetary value for the scrap metal recycler, which offsets the cost of destroying the firearms.

The SAPS at national level expects provinces to destroy firearms in their possession on a quarterly basis. This requirement was put in place to limit the number of firearms accumulated in police storage facilities. However, according to the

Firearms Control Act (Act No 60 of 2000) the destruction of forfeited firearms must take place within six months of the forfeiture order being issued.

SAPS policy specifies two options for destroying firearms. These methods are fragmentation, or melting of the firearms and components. The choice of method is left to the provincial commissioners and is largely dependent on the available commercial infrastructure of each province. However, SAPS supply chain management division continues to offer advice on the destruction process and in provinces where the commercial infrastructure is not available, the destruction is still handled by national supply chain management (Director Motaung 2005).

## ADVANTAGES OF DECENTRALISATION

The SAPS acknowledges the importance of transparency in the process of firearm destruction. It has put in place verifiable and transparent destruction procedures to enhance public participation and oversight so as to ensure all firearms identified for destruction are destroyed. The destruction process is based on principles of proper record keeping and multi-layered independent control measures, to ensure that firearms destined for destruction do not reappear on the illegal market. The same principles that formed the basis of central firearms destruction are employed in decentralised destruction operations. One of the advantages of decentralised firearms destruction is the reduction in transportation risk. The firearms destined for destruction do not have to be transported over vast distances exposing them to the risk of diversion. Decentralisation also reduces the financial burden on the SAPS by lessening the cost associated with transport and security arrangements.

The incidental benefit attributed to the decentralisation of destruction to provincial level is that members of the public living in the province where the firearm was voluntarily

surrendered for destruction or where the firearm was confiscated from a criminal can witness the destruction of the firearm first hand, as they are able to attend destruction events. This means that more public awareness is raised from smaller communities that are not always reached by centralised civil society organisations.

In addition, provincial commissioners are encouraged to take ownership of the process and they can take a 'hands on' approach during the firearm destruction. This has resulted in better control over firearms and firearm destruction in their provinces.

Decentralisation in brief:

- It is cheaper to destroy firearms in the provinces where they are found
- Decentralisation of firearm destruction empowers provincial commissioners by giving them the responsibility of arranging and overseeing the provincial firearm destruction process
- The delay between confiscation and destruction is significantly reduced
- The risk of firearms being lost or stolen from SAPS secure storage facilities or during transportation to Pretoria is greatly reduced
- Each province can now focus the provincial media's attention on the firearm destruction that took place in the province
- Provincial firearm destruction can focus the public's attention on the commitment of the SAPS to make the community safe, and builds trust in the police
- More firearms are destroyed in each province than previously when firearms had to be sent to Pretoria
- Decentralised firearm destruction has greater public exposure at a provincial level and may therefore have greater impact when it is conducted in an area where the firearms were collected.

While the advantages clearly outweigh any disadvantages, decentralisation is not yet possible in all nine provinces. In some of the smaller

provinces there are no commercial service providers capable of destroying firearms. In these instances, the provincial police still send the firearms destined for destruction to the logistics division of SAPS in Pretoria for processing.

## CONCLUSION

Decentralised destruction of firearms and firearm components have more merit than the centralised destruction model. The success of the decentralised model can be seen from the drastic increase in numbers of firearms and components being destroyed in provinces since the beginning of 2003. Another positive outcome of the decentralised model is the reduction of the security threat associated with the transportation of firearms to a central point.

The decentralisation of firearm destruction has been a step forward in the process of making South Africa and the Southern African region safer and free from firearm-related crime.

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