

# The State of the Central Firearms Registry in South Africa

## Challenges and Opportunities



June 2023

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# Contents

<i>Acronyms and abbreviations</i>	4
Introduction	5
The SAPS Central Firearms Registry	7
Previous CFR restructuring processes	7
Current CFR restructuring efforts	10
Corruption and the CFR	10
International and regional agreements on firearms recordkeeping	13
Alternative licensing systems: A comparative analysis	15
Contextualisation of comparative studies	16
A snapshot of the selected jurisdictions	17
Lessons learned from the case studies	20
Conclusion and recommendations	21
Privatisation	22
Devolution	22
Independent authority	23
Immediate next steps	23
Appendix: Comparative case studies	26
Americas	26
Asia	32
Europe	35
<i>Endnotes</i>	37
<i>References</i>	43

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## Acronyms and abbreviations

<b>Caricom</b>	Caribbean Community
<b>CFC</b>	Canadian Firearms Centre
<b>CFIS</b>	Canadian Firearms Information System
<b>CFP</b>	Canadian Firearms Program
<b>CFR</b>	Central Firearms Registry
<b>CSPS</b>	Civilian Secretariat for Police Service
<b>DFO</b>	Designated Firearms Officer
<b>EFRS</b>	Enhanced Firearms Registry System
<b>EU</b>	European Union
<b>FCA</b>	Firearms Control Act
<b>FCS</b>	Firearms Control System
<b>FDA</b>	Forensic Data Analysts
<b>Fedpol</b>	Federal Office of the Police
<b>FLA</b>	Firearm Licensing Authority
<b>FPS</b>	Firearm Permit System
<b>IT</b>	Information Technology
<b>KPI</b>	Key Performance Indicator
<b>LABBS</b>	Laboratorio Balístico Y Biometrico (Ballistic and Biometric Laboratory)
<b>MP</b>	Member of Parliament
<b>PCOP</b>	Parliamentary Portfolio Committee on Police
<b>PSIRA</b>	Private Security Industry Regulatory Authority
<b>RCMP</b>	Royal Canadian Mounted Police
<b>SADC</b>	Southern African Development Community
<b>SAGA</b>	South African Gunowners Association
<b>SAPS</b>	South African Police Service
<b>SITA</b>	State Information and Technology Agency
<b>UN</b>	United Nations

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## Introduction

South Africa's most recent crime statistics reveal an increase in murder, attempted murder and aggravated robbery.<sup>1</sup> Of the more than 6 200 murders between January and March of 2023, a firearm was used in 2 629 instances.<sup>2</sup> Given that knives accounted for 919 murders, while stones, bricks or rocks were used in 110 murders, this reveals that guns remain the leading murder weapon.<sup>3</sup> To improve public safety, to protect human rights, such as the right to freedom and security of the person, and to improve the rule of law, gun violence in South Africa needs to be urgently addressed. One of the mechanisms that is meant to combat the illicit flow of guns (and consequently high levels of gun violence) is effective recordkeeping. Recordkeeping is prescribed in international firearms agreements and firearms control best practice guidelines as an important measure to restrict the diversion of legal firearms into the illegal sector. Recordkeeping involves the collection and maintenance of information to 'facilitate the identification of any weapon, its legal status and the location of its storage, at a given stage of its life'.<sup>4</sup> Records are generally kept across the life cycle of a firearm: from the point of manufacture, at import, at commercial sale, at possession, in case of loss or theft, and finally, at destruction.

In addition to helping reduce diversion, functioning firearms recordkeeping systems (where the firearm is adequately marked and the details of the firearm and licensed owner are captured in an accessible database/registry) have other benefits. These include, firstly, having the potential to reduce the criminal use of licensed firearms by incentivising more responsible use by licence holders who know they can be traced.<sup>5</sup> For instance, in cases of negligence (such as the preventable loss of a licensed firearm), the licence holder can be held to account for such negligence.<sup>6</sup> Secondly, firearms recordkeeping can assist law enforcement agency investigations into firearms diversion and crime by allowing personnel to identify and address firearms control shortcomings when previously licensed firearms are recovered from criminals or criminal groups. In this way the timely reporting of lost and stolen firearms can assist law enforcement officials to detect and seize lost, stolen, trafficked and smuggled weapons and close loopholes.<sup>7</sup> Official recordkeeping of licensed firearms possession and holdings by government entities is also an important measure for supporting inter-state cooperation to combat cross-border firearms proliferation.<sup>8</sup>

South Africa has a Central Firearms Registry (CFR) housed within the national police (South African Police Service, or SAPS), which is responsible for a range of firearms control issues including firearms licensing, recordkeeping, as well as the monitoring

and enforcement of many aspects of South Africa's firearms control processes. However, for more than 10 years, the CFR has been mired in controversy (including corruption scandals) and has been subjected to accusations of acute underperformance by the Parliamentary Portfolio Committee on Police (PCOP), various firearms interest groups and media organisations. This situation has negative implications for the effectiveness of firearms control in South Africa, which in turn can undermine government's efforts to combat firearms crime and prevent firearms violence. Furthermore, these firearms control problems have emerged amidst a protracted policing crisis in South Africa, in terms of both police effectiveness and police legitimacy.<sup>9</sup>

Given the importance of combating gun violence and the resultant need for effective recordkeeping, this paper:

- Assesses the various challenges and shortcomings within the South African CFR, including processing backlogs, database dysfunctionalities, and corruption and bribery within the system;
- Reviews relevant international and regional agreements, best practices and other instruments applicable to the development of an effective CFR;
- Draws from comparative case studies to discuss the relevance of alternative approaches to managing the CFR systems, including by public-private partnerships, independent authorities and devolution of responsibilities; and
- Provides recommendations on how the CFR systems could be improved.

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## The SAPS Central Firearms Registry

The CFR was established by the Arms and Ammunition Act (No. 75 of 1969) and is currently governed by the Firearms Control Act (FCA) (No. 60 of 2000), as amended. The CFR is located within the Firearms, Liquor and Second-Hand Goods Control component of the SAPS, which is part of the larger SAPS Visible Policing Division. The CFR has been responsible for administering and facilitating decision-making in relation to civilian firearms licensing (both individuals and businesses), as well as overseeing and advising on the control of state-owned firearms.

In terms of the FCA, the CFR is required to maintain databases of licensed civilian firearm owners; firearms/ammunition held by manufacturers; dealers; gunsmiths; and firearms held by official government institutions. The relevant databases are required by the Act to include the following information: competency certificates, licences, authorisations and permits, and the renewals, cancellations and refusals thereof, as well as declarations of unfitness to possess a firearm. In addition, the databases are supposed to include data on transfers, imports, exports, loss, theft, recovery and destruction of firearms. Under the FCA, firearms dealers and manufacturers are required to submit regular reports of firearms and ammunition sales. While the SAPS has self-imposed a 90 working day timeline to process firearm-related applications, the FCA does not specify turnaround times. However, the SAPS subscribes to the Batho Pele public service principles, which in essence entail the provision of service that is of an acceptable standard to both the state and society.

### Previous CFR restructuring processes

The CFR was significantly restructured and increased in size in the late 1990s due to dysfunctions at the time and high levels of gun violence,<sup>10</sup> and in order for the CFR to more effectively take on the additional roles and duties that had been assigned to it by the FCA.<sup>11</sup> Prior to this restructuring, the CFR had 245 employees with 105 vacant posts. Furthermore, it was reported that an investigation into the reliability of the CFR's database indicated that it was less than 30% accurate in terms of licence holders' personal data.<sup>12</sup> In addition, the findings of this investigation emphasised that the CFR's electronic systems were antiquated and difficult to use, and many CFR personnel were inadequately trained to input and access data.<sup>13</sup>

In the early 2000s, the CFR's management made considerable progress in reforming the Registry, especially the introduction of more thorough vetting of firearm licence

applicants and rejecting higher numbers of applications deemed not 'fit and proper'. A number of the new measures required by the FCA and the SAPS's Firearms Strategy were also implemented, such as the introduction of Designated Firearms Officers at police station level, and the establishment of Firearms Registration Centres. However, the more rigorous civilian licensing process was highly labour-intensive, particularly the background checks. Furthermore, holders of firearm licences issued under the previous legislation, the Arms and Ammunition Act, were required to renew these licences under the FCA, with the number of renewal applications running into the millions.<sup>14</sup> These dynamics placed considerable administrative strain on the staff of the CFR, and as a result processing often took an inordinate amount of time to finalise. This was compounded by the lack of a fully functional electronic Enhanced Firearms Registry System (EFRS) that was meant to cover the full gamut of firearms control introduced by the FCA, such as regular firearms licence renewals.<sup>15</sup> From 2000 to 2010 the above-mentioned administrative delays and stricter vetting of licence applicants resulted in a significant increase in rejected firearm-related applications by the CFR, particularly for handgun licences, compared to the pre-2000 period.<sup>16</sup>

The high level of firearms licence rejections between 2000 and 2010 led to various threats of legal action by firearms interest groups, with some being lodged. This litigation, combined with concerns voiced publicly by firearms enthusiasts, resulted in the Minister of Police instructing the Civilian Secretariat for Police Service (CSPS) to establish a task team in 2010 to scrutinise the working methods of the CFR. The CSPS was also asked to review the legislative provisions that related to the firearms licensing process, and to make recommendations to remedy these alleged shortcomings. The task team was mainly comprised of officials from the CSPS and pro-firearms interest groups.<sup>17</sup>

Published summaries of the task team's report asserted that there were considerable inefficiencies, irregularities and poor communication with regards to the manner in which the CFR administered licensing processes.<sup>18</sup> The abridged version of the task team report also made unspecified allegations of bribery and corruption against some CFR personnel. A key recommendation of the task team report was for the CFR senior management team to be redeployed, which was endorsed by the Minister of Police at the time. The Minister subsequently instructed the SAPS to deploy an 'Intervention Team' to take charge of the CFR and implement a 'turnaround strategy' to put in place an effective IT licensing system to tackle the licence applications and renewals backlog by July 2011.<sup>19</sup>

SAPS figures reveal that the CFR successfully addressed the backlog target, processing over one million applications in nine months. According to the SAPS 2010/11 Annual Report, the 'remarkable increase' in the number of firearms licences, renewals and competency certifications that were processed during the financial year was due to 'the implementation of a nine-month turnaround strategy that was intended to address outstanding applications, championed by the Minister of Police and the National Commissioner'.<sup>20</sup> Although hailed as a success, the risk is that fast-tracking compromised South Africa's firearms control management system.

Moreover, following management changes within the CFR brought about as a result of the task team's report, existing administrative challenges and dysfunctions within the CFR appeared to intensify.<sup>21</sup> In addition, the licensing body became embroiled in a series of corruption scandals in which CFR officials flouted control measures (see the section on corruption below).<sup>22</sup> In 2015 the SAPS National

Commissioner announced that a further reform strategy for the CFR had been put in place to 'clean the mess in that unit'. She further indicated that 'new standards' to 'streamline' the issuing of firearm-related applications would be established, and that the CFR would strive to finalise applications within 90 working days.<sup>23</sup> According to the SAPS, the turnaround strategy sought to 'address service delivery challenges impacting negatively on work performance and effective administration of the Firearms Control legislation'. This included the acquisition of additional equipment, such as scanners; the creation of a National CFR Enquiry Desk and Call Centre; the introduction of an enquiry monitoring system; and flexi-time arrangements for CFR staff given the shortcomings of the EFRS.<sup>24</sup>

In September 2017 the PCOP held a consultative meeting on the state of the CFR. At the meeting the Committee Chairperson noted that relationships between firearms interest groups and the SAPS 'had been broken down' and that reconciliatory processes were required. For example, the Hunters Forum bemoaned the fact that CFR officials had disengaged from a consultative forum with members that had been established to deal with licensing matters, and there had been an erosion of trust between the Forum and the SAPS.<sup>25</sup>

Despite these strained relations, there were indications from firearms interest groups, such as the South African Gunowners Association (SAGA) and the Arms and Ammunition Collectors Association, that there had been some improvements within the CFR, but SAGA highlighted the need for more progress regarding efficiency and effectiveness, in particular the need for a simpler licence registration system, as well as a user-friendly and functional electronic/online licence application process.<sup>26</sup>

The establishment of an independent firearms control compliance authority, separate from the SAPS and consisting of stakeholders other than the SAPS (such as other government departments, civil society and industry players), to reduce fraud and corruption risks was mooted at the September 2017 Police Portfolio Committee meeting.<sup>27</sup> At the end of the meeting the SAPS committed to re-engaging relevant stakeholders on this proposal, and the Portfolio Committee Chair requested that the Committee be provided with regular updates in this regard.<sup>28</sup>

Despite these commitments, relations between the SAPS and firearms interest groups did not appear to improve significantly, and interactions became even more strained, with legal challenges initiated by individuals and groups against the Minister of Police as the SAPS sought to compel expired licence holders to surrender their firearms to the police. Between 2011/12 and 2021/22 the CFR won five, lost 64 and settled 120 legal cases.<sup>29</sup> Furthermore, there were no dedicated meetings on the CFR hosted by the PCOP in 2018 and 2019.

In addition, between 2017 and 2021 there seems to have been little progress in addressing problems with the CFR's electronic licensing system, which the National SAPS Commissioner reported as having limited utility and being based on outdated technology that is 'slow and sometimes not available', and which still required substantial paper-based processes to be followed. The development of the system has been mired in controversy, including allegations of corruption, with the SAPS claiming to have spent more than R103 million on its development and maintenance between 2000 and 2021,<sup>30</sup> although the Auditor-General indicated in 2014 that R343 million had been spent on the CFR's electronic systems up until that year.<sup>31</sup> Despite these severe challenges, the CFR processed on average 148 000 firearm-related applications each year over the four-year period from 2017/18 to 2020/21.<sup>32</sup>

The functioning of the CFR has also been negatively affected by a legal dispute between Forensic Data Analysts (FDA) (owned by former police official Keith Keating) and the State Information and Technology Agency (SITA) with respect to the source codes used in a number of the SAPS electronic management systems, including its Firearm Permit System (FPS), which logs and tracks firearms in stock and issued to police officers. The FPS was temporarily disabled by FDA in 2018 as a result of legal wrangling.<sup>33</sup> Furthermore, it was reported in the media that this state of affairs led to an unspecified number of SAPS firearms not being adequately marked, increasing their risk of loss or theft as they cannot be tracked.<sup>34</sup>

## Current CFR restructuring efforts

In 2021 the SAPS compiled a new four-pillar CFR 'Action Plan' to enhance capacity and capability; enhance governance; address issues related to file storage and office space; and to deal with 'system development and enhancement'.<sup>35</sup> However, reform efforts were hindered by COVID-19-associated personnel shortages and the highly delayed relocation of the CFR and its staff from the sub-standard (and unsafe) Veritas Building to new premises (Telkom Towers Annex Building) in Pretoria, as the repairs to this building had not been completed by the Department of Public Works by 2018 as planned. An oversight visit by Members of Parliament (MPs) from the PCOP to the Veritas Building revealed that CFR staff were working amidst massive piles of firearms application documentation.<sup>36</sup> An oversight visit to the Telkom Towers by MPs from the Portfolio Committee on Public Works on 30 September 2022 revealed that the building repairs had still not been completed and hence the CFR could not move to this building until December 2022.<sup>37</sup> As of June 2023 the CFR has still not moved to Telkom Towers and renovations will only start in September 2023.<sup>38</sup>

The long overdue development of a new electronic Firearms Control System (FCS) has also been hindered by bureaucratic and legal processes. That is, at the request of the SAPS, SITA published a request for bids for the 'design, migration and software development services for firearms control solutions for the South African Police Service' in 2021. However, the bid request was challenged in the Gauteng High Court by the South African Arms and Ammunition Dealers Association arguing that the SAPS had not adequately consulted with their members as required by a 2019 court ruling 'to establish and consider the needs, requirements, and requests...in respect of the [FCS] to be implemented'. The Court dismissed the Dealers Association's application, but did stipulate that the necessary consultations take place between the SAPS and relevant stakeholders with respect to the bid specifications.<sup>39</sup> The SITA Board subsequently requested SITA to review the bid documentation. In 2022 the PCOP was informed that the SITA Board would review the revised bid documentation that year.<sup>40</sup> In a May 2023 oversight visit to the CFR, members of the Police Committee were informed by a SITA representative that 'the digitation-contract for the CFR is comprehensive and expensive and, as such, all processes must be followed meticulously', and that the contract had been awarded to a company called Providence Software Solutions, though no further detail on specified requirements and costs was provided.<sup>41</sup>

## Corruption and the CFR

Since 2010, there has been corruption connected to the manner in which some SAPS personnel have administered South Africa's firearms licensing system. Corruption has also tainted the management of firearms under the control of the police. These acts

of corruption have resulted in the distribution of thousands of firearms to criminals, as well as the fraudulent issuing of firearm licences to unfit persons (discussed below). This has been a major area of concern for the public and government alike, as firearms have been one of the most common and are now the leading weapon used in murders, attempted murders and robberies in South Africa. Furthermore, the SAPS's electronic FCS that was developed by Waymark Infotech (which includes the management and recordkeeping of registered firearms and licensed firearms holders) has been mired in controversy due to allegations of contractual irregularities, massive cost overruns and technical dysfunctions, with the Auditor-General declaring in 2013 that the Waymark Infotech contract amounted to 'wasteful and fruitless expenditure'. The Waymark Infotech contract was subsequently cancelled,<sup>42</sup> though the Directorate for Priority Crime Investigation has sat on the case for years.<sup>43</sup>

For more than a decade the SAPS CFR environment has been at a heightened risk for police corruption, especially regarding the approval of firearm licences. The risk factors include: institutional dysfunctionality; political pressure on CFR staff to process applications within 90 working days (although there is no legal requirement for this), and clear the substantial licensing backlog; a lack of adequate oversight and management of those processing licence applications; opportunities for corruption given the multifaceted firearms application process; as well as inadequate anti-corruption measures. Hence, it is unsurprising that a number of corruption scandals were exposed over the past 10 years, some of which are summarised below.

In 2012, in response to various allegations of corruption within the CFR, the head of the CFR, Brigadier Mathapelo Mangwani, at the time publicly stated that reports of corruption within the CFR were being investigated and claimed that 'I want to turn things around. The corrupter and the corrupted should face the consequences'.<sup>44</sup> Ironically, in 2013, Mangwani was implicated in accepting bribes from the management of Dave Sheer Guns, a large firearms dealer in Johannesburg, to facilitate the fast-tracking of licence applications from this gun dealership.<sup>45</sup> It was alleged that Mikey Schultz, the self-confessed killer of Brett Kebble, a high-profile mining magnate, had acquired firearm licences through this scheme.<sup>46</sup> This was a corruption scandal of serious proportions as, in addition to Mangwani, 20 other SAPS employees were implicated, including CFR staff and Designated Firearms Officers (DFOs) at police stations. They were subsequently suspended, with Mangwani being found guilty of corrupt practices and dismissed by the SAPS the following year.<sup>47</sup>

In 2014, investigators discovered that CFR officials had been fraudulently issuing numerous firearm licences to Ralf Stanfield, a leader of the 28s gang, and some 20 of his associates, including his wife, sister and other relatives, in the Western Cape in exchange for the payment of bribes.<sup>48</sup> The SAPS officials allegedly involved in these corrupt activities were also implicated in helping destroy fraudulent documentation relating to firearm licence applications for firearms used in the commission of crime in some communities in the province experiencing the most violence. Four previous attempts by Stanfield to secure firearm licences between 2000 and 2006 had been refused by the CFR and the local police station, but between 2013 and 2014 his various applications were approved. The trial involving Stanfield, his associates and the CFR was ongoing at the time of writing.

In 2017 there were a series of incidents of violence, including murders and attempted murders, within the nightclub security (bouncer) sector in the Western Cape and Gauteng due to a new grouping attempting to usurp control of the industry from an

existing syndicate. At the time of writing, key figures from the new group were standing trial in the Cape Town Magistrate's Court for extortion. This group had used private security companies, particularly The Security Group, that were registered with the Private Security Industry Regulatory Authority (PSIRA) to fraudulently acquire firearms licences.<sup>49</sup> The SAPS made 10 arrests in this regard,<sup>50</sup> with the case being heard before the courts at the time of writing. It is unclear if there has been any SAPS corruption involved in the issuing of firearms licences, but clearly the necessary due diligence with regards to background checks had not been undertaken by SAPS. As of 15 March 2022, the SAPS reported that there were two cases of corruption involving officials within the CFR.<sup>51</sup>

Over the past 20 years there have also been a number of cases where DFOs at police station level have allegedly taken bribes to facilitate the processing of licence applications for those who are unfit as determined by the FCA. For example, at Lentegeur police station two DFOs were arrested in 2018 for accepting a bribe to arrange a firearms licence for a person who had been declared unfit.<sup>52</sup> A year earlier Chinese nationals were implicated in paying bribes to police officials in KwaZulu-Natal to secure temporary firearms licences.<sup>53</sup>

The case of former policeman Chris Prinsloo, who sold more than 2 000 firearms that the SAPS was meant to destroy to criminals over a number of years,<sup>54</sup> is one of the highest-profile cases showing failures in the CFR to record information across the life cycle of a firearm. According to Prinsloo, firearms were 'removed from the police computer' before being sold on to criminals.<sup>55</sup> The absence of accurate records therefore made it difficult to track the movement and ownership of the firearms, which facilitated their diversion into unauthorised possession. 'Prinsloo Guns' have been forensically linked to at least 2 784 crimes committed between 2007 and 2016 in the Western Cape alone. This includes 1 066 murders (of which 187 were children) and 1 403 attempted murders.<sup>56</sup>

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## International and regional agreements on firearms recordkeeping

South Africa is a signatory to various legally and politically binding international and regional firearm-related instruments which require that the state put systems in place to mark and trace legal firearms stocks to prevent diversion. Key protocols are summarised below.

The legally binding **United Nations (UN) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2001)**, supplementing the UN Convention against Transnational Organized Crime (2000), requires that states maintain records of information relating to firearms (and, if feasible, their parts and components and ammunition) to enable them to be traced for a period of 10 or more years. The Technical Guide for the implementation of the UN Protocol recommends that governments, where possible, establish an electronic firearms recordkeeping database, and that the information ‘must be recorded in a manner that is straightforward and quick both to enter and retrieve’.<sup>57</sup>

The politically binding **UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001)** encourages governments to maintain ‘comprehensive and accurate records’ of firearms holdings under their jurisdiction, and that such information ‘should be organised and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities’.<sup>58</sup> The importance of recordkeeping is underscored by another politically binding initiative, the **International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (2005)**, which contains various provisions for states to keep records of all weapons on national territory indefinitely or for as long as possible.

South Africa is a member of the Southern African Development Community (SADC) and is a party to the legally binding **Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region (2001)**. This Protocol compels SADC governments to, amongst other requirements, include in their national laws ‘the regulation and centralised registration of all civilian owned firearms’, and mechanisms that will facilitate ‘the monitoring and auditing of licences held in a person’s possession’.<sup>59</sup> An agreement amending the SADC Protocol adopted by SADC member states in 2020 (which has yet

to be signed by all states to come into force) strengthens states' recordkeeping requirements. Article 15: Record-Keeping requires that states maintain records of all firearms, including firearms already within their territory and in transit; that records be 'accurate and comprehensive' to 'enable national authorities to trace illicit small arms and light weapons in a timely and reliable manner'; and that records be kept indefinitely, to the extent possible. Article 17 identifies recordkeeping as a necessary procedure for stockpile management.

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## Alternative licensing systems: A comparative analysis

Considering the historical and systemic problems undermining the functioning of the CFR, this research project sought to explore the feasibility of outsourcing the management of South Africa's firearms recordkeeping system, including privatising it. This entailed identifying and researching countries or territories with different registry and management structures to explore opportunities for South Africa. Unfortunately, there is limited literature available on how other governments register firearms. Some governments have established firearms registries, while others do not have registries at all. For those with registries, some are digitised, while others are manual, or the records are maintained on a simple spreadsheet (in instances where there are very low numbers of registered firearms). Firearms registries are generally overseen by the police but, as detailed below, some are managed by independent agencies, in public-private partnerships, within other government departments or at a sub-national level.

Global experts on small arms and light weapons control were consulted to help identify countries with firearm-related registry systems managed by a party other than the police or military. Two responses were noteworthy:

1. The experts were extremely cautious regarding the practicality of outsourcing firearms registry management. A specific concern included the danger that outsourcing would result in an agency primarily focusing on revenue by selling and renewing gun licences rather than focusing on public safety. This focus on profits would in turn heighten the risk of fraud and corruption. Another concern was that having the registry outside of the police's immediate control could impede investigations, as officers would have to submit a request to another agency for gun registry information, which could delay investigations into the origins of firearms that are seized or surrendered. Delays in tracing seized and surrendered firearms highlight a further risk of an outsourced firearms registry system: leakage of firearms that are necessarily in storage – and at greater risk – while requests are processed.
2. Very few countries have outsourced firearms registration systems. Just six countries were identified as having (or 'possibly having') outsourced systems, namely:
  - Americas: Canada, Dominican Republic, Jamaica
  - Asia: Japan, Thailand
  - Europe: Switzerland.

Desktop research was undertaken on each of these countries. Limitations included that recent and/or comparative information was not always available online. In addition, it was difficult to untangle a country's problems with its firearms registration system from broader firearms control dysfunction.

## Contextualisation of comparative studies

To help contextualise the case studies, the table below provides an overview of the six countries along various 'functionality' indices. While further information on these countries is provided in the appendix, the table shows that Canada, Japan and Switzerland are generally viewed as peaceful and democratic, with low levels of perceived corruption, inequality and organised crime. In contrast, the Dominican Republic, Jamaica and Thailand generally score poorly, in some cases exceptionally so, on most (if not all) of these indices. As shown, South Africa's context is closer to that of the Dominican Republic, Jamaica and Thailand, which has implications for interventions to develop a functional CFR, as this cannot be separated from the context within which it is located.

Comparison between South Africa and the six countries identified as having firearms registry systems outside of the police/military							Firearms death rate per 100 000 as of 2016 <sup>60</sup>
		High risk	Medium risk	Low risk			
		Corruption Perception Index (2022) <sup>61</sup>	Democracy Index (2021) <sup>62</sup>	Inequality Index (2022) <sup>63</sup>	Organised Crime Index (2021) <sup>64</sup>	Peace Index (2022) <sup>65</sup>	
Americas	Canada	74	12	99	Low criminality - high resilience	12	2.1
	Dominican Republic	32	60	49	Low criminality - low resilience	81	10.6
	Jamaica	44	42	54	High criminality - low resilience	81	18.1
Asia	Japan	73	17	119	Low criminality - high resilience	10	0.2
	Thailand	36	72		High criminality - low resilience	103	5.2
Europe	Switzerland	82	9	162	Low criminality - high resilience	11	2.8
Africa	South Africa	43	44	1	High criminality - high resilience	118	6.9

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## A snapshot of the selected jurisdictions

While detailed information on the above-mentioned countries is provided in the appendix, following is a snapshot of the selected jurisdictions.

**Canada:** The Canadian Firearms Centre (CFC) was originally established within the Department of Justice (which was separate from the Royal Canadian Mounted Police, or RCMP) in 1996 to direct the implementation of the Firearms Act (1995). To improve public safety, the CFC sought to centralise firearms and ammunition licensing across Canada by creating a universal registry. Nine years later, the CFC became an independent agency under the Department of the Solicitor General. However, in 2006, largely due to the costs associated with maintaining an independent firearms registry (which had been flagged by the Auditor-General), robust lobbying from pro-firearms advocacy groups, and a change in government (from liberal to conservative), the mandate for overseeing the CFC was reassigned to the RCMP, which amalgamated the CFC into the Canadian Firearms Program (CFP) in 2008. The CFP, which was significantly downgraded in scope, currently falls under the authority of the Commissioner of Firearms, who is also the Commissioner of the RCMP.

**Dominican Republic:** The National Directorate for the Control of Firearms located within the Interior and Police Ministry is responsible for firearms and oversees the country's firearms registry, which includes both biometric and ballistic information on all licence holders and firearms. The Laboratorio Balístico Y Biométrico (LABBS) was managed in a public-private partnership, though global contacts report a dispute between the company managing LABBS and the government over the technology used in ballistic testing. Licensed firearms account for just 25% of the estimated 952 000 civilian-held firearms in the Dominican Republic, as firearms (including military-style rifles) are smuggled into the country, particularly from the United States and Haiti. Luis Abinader's appointment as president in 2020 coincided with a crackdown on rampant government corruption, tightening of firearms controls and surfacing of various problems in the management of firearms: in March 2021 the Firearms Directorate reopened after being closed for three months to deal with 'a mafia' involving staff who 'committed serious irregularities when issuing firearms permits',<sup>66</sup> while in 2022, the Directorate's deputy minister described the firearms database as being 'unreliable'.<sup>67</sup>

**Jamaica:** Firearms are regulated by the Firearm Licensing Authority (FLA) which is located within the Ministry of National Security. The FLA was established in 2006 as a

separate organisation due to corruption associated with the police's handling of licence applications, and to make the licensing of firearms more efficient and transparent. Although not provided for under Jamaica's recently repealed firearms law, the FLA reports maintaining 'a list of all persons possessing private firearms, inclusive of serial number'.<sup>68</sup> The FLA also undertakes audits of private firearms owners, as well as security companies, dealers, gun clubs and ranges. Following allegations of corruption dating to 2011, an inquiry into corruption and abuses of power at the FLA was instituted in 2016. In 2017 the entire FLA board was replaced and tasked with undertaking a range of reforms. Three years later the Integrity Commission's report into the FLA was published.<sup>69</sup> While it made no finding on the FLA's firearms database, it found evidence of irregular and corrupt activities, and made a number of recommendations to prevent controls being 'bypassed' to grant firearms licences to 'unfit' people. In 2022 Jamaica adopted a new Firearms Act, which makes provision for the FLA to 'capture' information on firearms and owners, while the Institute of Forensic Science and Legal Medicine is tasked with marking and ballistically testing firearms and establishing a National Firearms Register which is expected to 'serve as a central database for all firearms and ammunition information in Jamaica, and...strengthen record management'.<sup>70</sup> In this regard, Jamaica recently received 'technical assistance' amounting to over US\$400 000 (ZAR7.5 million) from the Inter-American Development Bank to mark and ballistically test licensed firearms and improve the FLA's database and network.

**Japan:** Japan has highly restrictive firearms legislation that prohibits the ownership of handguns and rifles, and as such has extremely low firearms ownership rates. Professional hunters may apply for licences from the police for shotguns and airguns, but rigorous vetting and control measures are applied in relation to such licensing, including background checks and competency testing. In this regard, the local (prefecture/municipal) police are responsible for the processing of firearms applications and the National Police Agency (which falls under the Prefectural Public Safety Commission) is charged with administration of the registration process. Japanese law mandates that an official register must maintain records of the acquisition, possession and transfer of each privately held firearm. 'Records of firearms owned by civilians are kept both at the prefecture and national levels' (registers at the prefecture level, and data at the national level).<sup>71</sup>

**Thailand:** Thailand has one of the highest rates of civilian gun ownership and gun homicide rates in Southeast Asia and recently experienced two mass shootings, including one at a nursery school. While the country has a strict gun law, it has loopholes and is poorly enforced. The Ministry of Interior is responsible for implementing Thailand's Firearms Act, which is administered through the Ministry's Department of Provincial Administration. This makes firearms regulation and registration the responsibility of provincial and local offices that appoint officials, including district chiefs, as registrars. Registrars have significant discretion in granting firearms permits, and can bypass restrictions in the Act, a system exacerbated by a history of patronage. The Department of Provincial Administration has a gun database called e-DOPA License. However, a range of problems have been identified, including that it only holds information on new gun registrations, with prior gun ownership remaining undocumented; and is not updated and is thus not accurate. Following the 2022 nursery school mass shooting, the Thai government has proposed a number of interventions to tighten gun control in the country. A draft amendment approved by Cabinet proposes registering all firearms and ammunition with a

government agency. It is unclear when the new legislation will be introduced as Thailand held a national election in May 2023, meaning that 'plans and projects' approved by Cabinet 'might not surface for months'.

**Switzerland:** When compared to countries like the United States, Switzerland exhibits lower levels of gun violence. However, when compared to other European countries, Switzerland has higher incidents of gun violence.<sup>72</sup> Each of Switzerland's 26 cantons regulates firearms through their own registry, which means there are multiple firearms registries in Switzerland. However, each cantonal firearms registry is linked electronically, and both the military and police can access records concerning firearms possession. Switzerland has a high percentage of firearms ownership, with approximately 24% of civilians owning firearms; though an estimated 66% of privately owned firearms are not registered with Swiss authorities as firearms bought before 2008 do not need to be registered.

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## Lessons learned from the case studies

Determining the effectiveness of comparative firearms registry systems is complex as each country has its own unique political context and firearms control regime changes. For example, while Canada has required that handguns be registered since 1934 and long guns since 1998, in 2012 the Canadian government passed legislation that brought an end to the requirement for long guns to be registered. This effectively dismantled what was known as the long-gun registry while maintaining the registration requirements for restricted and prohibited firearms (such as handguns).<sup>73</sup> This complicates the assessment of the effectiveness of the Canadian Firearms Registry, as the system has changed (in terms of scope) over the years.

The case studies further underscore the complexity of firearms control efforts. States are forced to grapple with the challenges of balancing public safety, cost considerations, political dynamics and stakeholder interests in designing and maintaining an effective firearms registry system. This emphasises the point that firearms registration does not occur within a vacuum and that there is a need to address broader systemic issues relating to police efficiency, corruption and effective governance.

The case studies collectively emphasise the importance of developing a reliable and accurate database system to enable effective recordkeeping, to ensure accountability and transparency and to enable police efficiency. The lessons gleaned from the case studies have been translated into recommendations, detailed next.

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## Conclusion and recommendations

The six case studies offer options for outsourcing South Africa's firearms registry, including to a national government department outside of the police (Canada [prior to its registry being taken over by the RCMP] and Thailand), a sub-national government department (Japan, Thailand and Switzerland), a public-private partnership (Dominican Republic), or an independent authority (Jamaica).

However, no single option shows itself to be obvious for South Africa and all raise concerns that need to be considered.

Two of the countries with functioning registries have very different contexts to South Africa as both score well on functionality indices and have far fewer firearms to register than South Africa: Japan has extremely low gun ownership levels and while Switzerland's gun numbers are significantly higher, its registry does not include some 1.3 million firearms purchased prior to 2008, as these do not need to be officially registered.

While Canada's registry is now under police control, it was originally managed by a Firearms Centre within the Department of Justice before becoming an independent agency under the Solicitor General. However, for various reasons, including cost, the Centre was reassigned to the RCMP and the registry significantly downgraded. The scale of firearms possession in South Africa and the geographic size of the country (relative to most other countries with firearms registries) mean that an effectual firearms registry will be a similarly costly endeavour. Nonetheless, such an expense is arguably justified in South Africa given the excessively high social and economic costs associated with firearms violence.

The firearms registries in the Dominican Republic, Jamaica and Thailand are managed very differently and offer South Africa the opportunity to learn from their experience of having a registry run by a public-private partnership, an independent authority or a decentralised state department, respectively. Although it was sometimes difficult to untangle problems with a country's firearms registry from other firearms management problems, it does seem that none of the registries in these countries functions effectively, as discussed below.

## Privatisation

Given the persistent problems encountered by the CFR in relation to fulfilling its mandate, the privatisation of the CFR to promote efficiency has been suggested. While the Dominican Republic was identified by different global experts as an example of a commercial agency successfully running a registry, recent reports indicate that this public-private partnership has broken down due to a dispute over claims that technology used to ballistically fingerprint the registered weapon test fires was not properly supported. In a similar vein to South Africa's experience with FDA, this highlights the importance of clear contracts which specify the equipment, technology and databases to be installed and used and which identify these as government property.

There do not appear to be any other relevant examples of privatised firearms registries in other countries, making it unclear if such an approach is viable. Moreover, concerns have been raised about vested firearms interests in South Africa increasing the risk of corruption should the CFR be fully or partly privatised.

## Devolution

With the hollowing out of government institutions, particularly those involved in state security, the crisis of policing in South Africa as well as growing organised crime networks, another suggestion has been to transfer firearms management processes to non-security government departments at a national and/or sub-national level. Thus, for example, the issuing of firearms licences could be devolved to provincial or local government, firearms-related business issues could be administered by the Department of Trade and Industry, while the country's firearms registry could be managed by the Department of Home Affairs, which already keeps different registers.

The reasoning for this includes that firearms and associated violence are a community safety rather than a policing issue and so firearms management should not sit with the police. In addition, devolving functions reduces the possibility of organised crime as more stakeholders are involved in processes, thereby spreading the risk.

Japan, Switzerland and Thailand have devolved firearms management and recordkeeping to sub-national government departments, with very different results. While some functioning provincial and local governments in South Africa could take on this responsibility, the risk is that the higher number of under-capacitated and corruption-prone provinces and districts will result in South Africa becoming like Thailand. In this regard more research is needed to look at how other countries have devolved firearms management processes to non-security national government departments, for instance, the United Kingdom's Home Office manages that country's firearms registration and licensing system.

It is also worth noting that any discussion on devolving firearms management in South Africa will be met with significant opposition from the SAPS. As mentioned, international practice indicates that governments prefer to develop and administer firearms control measures through state security structures, particularly the police, as firearms are typically regarded as a security issue that has implications for criminal offending. Furthermore, the housing of a firearms registry within police structures can facilitate more streamlined investigations into firearms-related crime and at no major additional cost.

## Independent authority

A further suggestion is that an independent body with an autonomous board that reports to the police be appointed to manage South Africa's firearms registry. While Jamaica's FLA is responsible for a range of firearms management functions in addition to recordkeeping, and has been beset with problems, it is a useful case study for South Africa to learn from. It also functions similarly to the PSIRA in South Africa, which oversees adherence of private security companies to South African regulations. The PSIRA has been somewhat successful in ensuring adherence to the regulations by such companies but has lacked the necessary resources to exercise comprehensive regulation of this sector. With a clear mandate, key performance indicators (KPIs) and an oversight structure, and with sufficient funding to appoint and train staff and secure equipment, the advantage of this option is that it removes recordkeeping (and potentially other functions) from the police, while still reporting to the SAPS. In this regard, following the 2019 mosque attacks, New Zealand strengthened its gun law and established a new NZ\$208m (ZAR2,39bn) Firearms Business Unit within the police to oversee the police firearms register, with an Australian software company winning a NZ\$13m (ZAR1,5bn), five-year contract to establish the register.<sup>74</sup>

## Immediate next steps

Although the case studies offer options to address the challenges and dysfunctions that have beset the CFR for decades, further research, engagement and planning is required to determine their feasibility. In the interim, there are some immediate steps that must be taken.

## Combat corruption

Foremost is dealing with the number of cases and allegations concerning corruption within the CFR that remain unresolved. It is imperative that these issues are prioritised and more effective anti-corruption measures are implemented (such as the SAPS's Ethics and Anti-Corruption Strategy), which is outlined in the SAPS 2020–25 Strategic Plan.

Other difficulties appear to be associated with factors beyond the control of CFR management. These include the provision of inadequate electronic systems, which is the responsibility of senior management of the SAPS and SITA; the failure of the Department of Public Works to provide the CFR with suitable and safe office space; and personnel shortages within the CFR.

## Electronic system

While a recent report from the SAPS describes South Africa's existing EFRS as 'the database of ALL legal firearms owners as well as ALL legally owned firearms in the Republic of South Africa',<sup>75</sup> this claim needs to be queried as past contracts appear to have been awarded to service providers with insufficient technical experience and/or were awarded in problematic circumstances, which has resulted in various knock-on and costly effects.

While SITA awarded a three-year contract to Providence Software Solutions in April 2023 to develop its 'new Firearm Control System' that 'will provide for the electronic capturing and digitalization of firearm applications',<sup>76</sup> the extensive delay in

developing an effective FCS is clearly hampering crime prevention efforts in South Africa.

Inadequate transparency is a further concern, with no or limited information provided on the contract with Providence Software Solutions, the status of the dispute with FDA over the FPS and the criminal case against Waymark. Ideally, an advisory group of IT and firearms control experts (both inside and outside government) that reports quarterly to Parliament should be established to evaluate the work of service providers and reduce the possibility of mistakes of the past being repeated.

## Office space

The delay around the provision of suitable office space for the CFR has been dragging since 2013 when maintenance concerns were first raised about the Veritas Building (where the CFR is located). In the most recent update, the SAPS reported that the repairs and renovations of Telkom Towers would begin in July 2023 and be completed by October 2024, though Telkom Towers' Annex building would be available for occupation from October 2023.<sup>77</sup> In the meantime, much of the firearms-related paperwork that had blocked the office has been archived and stored offsite.<sup>78</sup>

## Oversight

There are other reports of improvements at the CFR. During an oversight visit by PCOP members in May 2023, the SAPS gave an update on the 2021 CFR Action Plan that had been developed and approved by the National Commissioner to 'address challenges negating the finalisation of firearm licence related applications'.<sup>79</sup> Budgeted at R60 million over two financial years, implementation thereof was being monitored via monthly and quarterly progress reports to the PCOP.<sup>80</sup>

These signs of improvement are encouraging, but only partly deal with serious and systemic problems in the CFR's management of firearms in South Africa, which persist as various CFR turnaround strategies were squandered by the police. The latest crime statistics again show an increase in murder, attempted murder and aggravated robbery,<sup>81</sup> as well as an increase in the use of firearms in these crimes.

It is clear that what is being done to control firearms in South Africa is not working and that South Africa needs to explore new ways to manage firearms held by citizens, private security companies and state departments (many of which are outside oversight mechanisms). This is a legal imperative under the various global instruments South Africa is a signatory of, a constitutional obligation and a moral duty. In this regard, there are global initiatives to support South Africa; for instance, both the Dominican Republic and Jamaica are being supported by the UN. What is also clear is that the effective management of firearms in South Africa cannot be left to the police; this calls for the establishment of a robust oversight mechanism of the entire CFR to monitor progress and encourage greater effectiveness and accountability.

## Summary conclusions and recommendations

The six case studies offer options for outsourcing South Africa's firearms registry, though none shows itself to be obvious and all raise concerns:

- While Japan and Switzerland have functioning registries, both score well on functionality indices and have far fewer firearms to register than South Africa.
- As in Canada, the scale of firearms possession in South Africa and the geographic size of the country mean that an effectual firearms registry will be expensive, though such an outlay is arguably justified given the high costs associated with firearms violence.
- Seemingly similar to South Africa's experience with FDA, a public-private partnership in the Dominican Republic has not worked, with the company managing that country's registry in dispute with the government over technology used. Moreover, concerns have been raised about vested firearms interests in South Africa increasing the risk of corruption should the CFR be privatised.
- Transferring firearms management functions to non-security government departments at a national and/or sub-national level would both recognise that firearms are a community safety rather than a policing issue, and spread the risk of corruption. While Japan and Switzerland have effectively devolved functions, the risk is that the high number of under-capacitated and corruption-prone provinces and districts will result in South Africa becoming like Thailand, where devolution has entrenched patronage and corruption.
- Although beset with problems, Jamaica's FLA functions similarly to the PSIRA in South Africa, which, despite resource constraints, has been somewhat successful in regulating private security companies. With a clear mandate, KPIs, oversight structure and sufficient funding, the advantage of this option is that it removes recordkeeping (and potentially other functions) from the police, while still reporting to the SAPS.

With no obvious solution for South Africa, further research, engagement and planning is required to explore options. In the interim, some immediate steps must be taken:

1. It is imperative that dealing with corruption at the CFR is prioritised, which includes prosecuting criminals and implementing more effective anti-corruption measures.
2. While SITA awarded a three-year contract in April 2023 to develop a 'new Firearm Control system', inadequate transparency is a significant concern. Ideally, an advisory group of IT and firearms control experts that reports quarterly to Parliament should be established to evaluate the work of service providers and reduce the possibility of mistakes of the past being repeated.
3. As firearms-related crime continues to rise, it is clear that current strategies to control firearms in South Africa are not working and that new ways to manage firearms needs to be explored. In this regard, there are global initiatives to support South Africa; for instance, both the Dominican Republic and Jamaica are being supported by the UN.
4. What is also clear is that the effective management of firearms in South Africa cannot be left to the police; this calls for the establishment of a robust oversight mechanism of the entire CFR to monitor progress and encourage greater effectiveness and accountability.

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## Appendix: Comparative case studies

### Americas

#### Canada

##### *Context*

Canadian society has high levels of democracy and peace, low levels of perceived corruption<sup>82</sup> and organised crime, and medium to low levels of inequality when compared to other jurisdictions.

##### *Gun violence*

In 2021, there were 8 047 victims of violent crime where a firearm was used, accounting for 2.6% of all victims of violent crime.<sup>83</sup> Firearms are the most commonly used murder weapon in Canada: in 2021, there were 297 gun-related homicides, at 0.78 per 100 000 population – this is the highest rate since 1992.<sup>84</sup> The reported rate of all gun-related deaths in Canada stands at 2.72 per 100 000 population.<sup>85</sup> In the decade between 2010 and 2020, suicide emerged as the predominant cause of firearms fatalities in Canada, surpassing the number of deaths resulting from homicide by over twofold.<sup>86</sup>

##### *Gun ownership*

A survey undertaken by Angus Reid Institute in 2019 showed that 14% of respondents, representing almost four million Canadian adults, confirmed that they owned at least one gun (with or without a licence).<sup>87</sup> The Institute emphasised that gun ownership statistics are, however, historically difficult to pinpoint in Canada. The RCMP, the Canadian Shooting Sports Association and the Canadian Unlicensed Firearms Owners Association all provide differing estimates. While the 2021 Firearms Commissioners Report stated that 2 245 842 gun licences had been authorised by December 2021,<sup>88</sup> according to the Gun Blog, this number had risen to 2 264 755 by 31 December 2022.<sup>89</sup>

##### *Gun control*

**Firearms law:** Canadian gun control has undergone significant changes over the previous decades. The mass shooting that took place on 6 December 1989, in which 28 people were shot and 14 women killed, was one of the deadliest shootings in

Canadian history. This incident marked a pivotal moment in Canada's stance on gun control, leading to significant legislative changes, most notably the introduction of the 1995 Firearms Act (Bill C-68). This prescribes the rules pertaining to gun ownership, conveyance, transfer and safekeeping, while also establishing a national firearms registry.<sup>90</sup>

**Administering authority:** In response to the Firearms Act, the CFC was established within the Department of Justice (which was separate from the RCMP) in 1996 to direct the implementation of the Act. In seeking to improve public safety, the CFC sought to centralise firearms and ammunition licensing across Canada by creating a universal registry. Nine years later, the CFC became an independent agency under the Department of the Solicitor General. In 2006, a combination of factors, including the financial burden<sup>91</sup> of maintaining an independent firearms registry, strong advocacy from pro-firearms groups and a change in government from liberal to conservative,<sup>92</sup> led to the mandate for overseeing the CFC being reassigned to the RCMP, which amalgamated the CFC into the CFP in 2008.<sup>93</sup> The CFP falls under the authority of the Commissioner of Firearms, who is also the Commissioner of the RCMP.

**Registry system:** Canada's universal firearms registry, officially known as the Canadian Firearms Information System (CFIS), was established in 1995 as part of the federal government's efforts to implement the Firearms Act. The CFIS encompasses up-to-date data on individuals and businesses possessing firearms licences. These licence holders undergo continuous eligibility screening, and in the event that a licence holder becomes the subject of a Canadian Police Information Centre incident report anywhere in Canada, a Firearms Interest Police report is automatically generated and forwarded to the CFP for further examination.

Determining the effectiveness of the Canadian Firearms Registry is complex as extensive changes have occurred over the years. For example, while handguns required registration since 1934 and long guns since 1998, in 2012 the Canadian government passed legislation that brought an end to the requirement for long guns to be registered. This effectively dismantled what was known as the long-gun registry while maintaining the registration requirements for restricted and prohibited firearms (such as handguns).<sup>94</sup> This complicates the assessment of the effectiveness of the Canadian Firearms Registry, as the system has changed (in terms of scope) over the years.

**Subsequent changes:** Additional changes were introduced in 2019 when '*An Act to amend certain Acts and Regulations in relation to firearms*' (Bill C-71) was introduced and received Royal Assent on 21 June.<sup>95</sup> In addition to expanding background checks, the new law aims to help the police trace guns used in crimes by requiring businesses to keep point-of-sale records for non-restricted firearms, including standard hunting rifles and shotguns.<sup>96</sup> Following the 2020 mass shooting in Nova Scotia which resulted in the death of 22 people, Prime Minister Justin Trudeau announced further measures to regulate firearms, including that 1 500 models of 'assault-style' weapons, largely semi-automatic guns, would be classified as prohibited effective immediately, with a two-year amnesty period to allow current owners to dispose of them.<sup>97</sup> While not all aspects of Bill C-71 have come into force, the expanded background checks (**covering the entire lifespan of the applicant**) to determine eligibility for firearms licences have been enacted. The government has also introduced recordkeeping regulations (*Regulations Amending Certain Regulations Made Under the Firearms Act: SOR/2022-91*) which require firearms businesses to retain sales and inventory records related to

non-restricted firearms. Businesses selling firearms are required to keep records, for a minimum of 20 years, which may be viewed by the police with judicial authorisation. These Regulations came into force in May of 2022.<sup>98</sup>

In terms of measuring the effectiveness of the Canadian Firearms Registry, gun control in Canada has been highly politicised, leading to different interest groups offering polarised arguments. For example, the Coalition for Gun Control has claimed that the Registry has supported the investigation and prosecution of firearms offences by providing affidavits to support the prosecution of firearms-related crime.<sup>99</sup> However, the CFP has also faced criticism for excessive costs, errors in the system and gaps in the regulatory framework.<sup>100</sup> Canada therefore offers an example of the manner in which a multitude of complex factors (including the political climate) influence the success, and perceived success, of a firearms registry.

## The Dominican Republic

### *Context*

At a macro level, the Dominican Republic is characterised by low levels of democracy, moderate levels of inequality, organised crime and peace, and high levels of perceived corruption.

### *Gun violence*

In 2021 there were 1 172 homicides in the Dominican Republic, of which 58% (680) were firearm-related; the country's overall homicide rate in 2021 was 10.3 per 100 000 (the global average is 6.1)<sup>101</sup> and the gun death rate in 2016 was 10.6.<sup>102</sup>

### *Gun ownership*

The Dominican Republic has relatively high levels of gun ownership. In a comparison of private gun ownership in 206 countries, it ranked at number 66, with 12 per 100 people owning firearms (both licit and illicit).<sup>103</sup> The majority of private firearms are illegal: of the 952 000 privately owned guns in circulation in 2022, only one-quarter (238 000) were legally registered,<sup>104</sup> this despite the fact that anyone caught carrying an unregistered firearm risks between three and ten years in prison as well as fines of between US\$60 and US\$150 (ZAR1 000 to R2 500).<sup>105</sup> In February 2023 a decree was issued by the government authorising firearms imports for a period of six months. According to the Interior and Police Minister, Jesús Vásquez Martínez, 'The ban on the importation of firearms that remained in force for 17 years led to the proliferation of weapons of different calibres illegally in the country, coming mainly from the United States and Haiti'.<sup>106</sup>

### *Gun control*

**Firearms law:** Law No. 631-16 for the Control and Regulation of Weapons, Ammunition and Related Materials<sup>107</sup> was passed into law in 2016 after being 'stalled' for 10 years due to 'interests' which prevented its approval.<sup>108</sup>

**Administering authority:** The Directorate for the Control and Regulation of Firearms and Ammunition, which is located within the Ministry of the Interior and Police.

The process of acquiring and renewing a firearm is both onerous and expensive.<sup>109</sup> To apply for a licence, applicants must be at least 30 years of age and up to date with their tax payments, show proof of legal residency, have no criminal records, pass a

training course, pass medical and psychological evaluations, pass alcohol and drug tests, take out civil liability insurance for the use of lethal weapons, and provide a notarised sworn statement that attests 'objective' reasons for needing a gun, where the gun will be stored as well as a written understanding of the regulatory framework. If eligible, the person can then apply for a firearm licence, which must be renewed annually.

**Firearms registry:** The Dominican Republic's firearms registry is managed in partnership with a private agency. LABBS (Ballistic and Biometric Laboratory) was launched in 2013 as part of the national weapons system (Sistema Nacional de Armas/SISNA).<sup>110</sup> An undated LABBS post reports that the investment to set the system up was 'around US\$22 million'.<sup>111</sup>

The registry, which is available to the police, the Attorney-General's office and state security agencies,<sup>112</sup> contains the following data on licensed owners, businesses and firearms:<sup>113</sup>

- **Owner:** Biometric data on the owner is recorded, including their photograph, fingerprints and digital signature.
- **Firearm:** Make, calibre and serial number is recorded. Each firearm is also ballistically sampled using three bullets, provided by the owner. In addition to storing the results of ballistic tests on a database, the cartridge cases used in the test are stored as evidence should a physical match between a crime scene case and a comparison case be required. Ballistic sampling is done annually as part of the licence renewal process in recognition that owners can change the barrel of a gun or alter its imprints.

A new two-year public-private contract between the government and LABBS was signed in 2018.<sup>114</sup> However, global contacts report a dispute between the company managing LABBS and the government over the technology used to ballistically test firearms, with allegations that the company prioritised 'business' by providing a cheaper alternative without reducing billing rates.

Recent media reports point to further problems. A 2021 report notes that the Control and Regulation of Firearms and Ammunition Directorate reopened on 15 March 2021 after being closed for three months: 'Its 52 employees were replaced after the new authorities at the Ministry of Interior & Police said they had detected a mafia that committed serious irregularities when issuing firearms permits. Many of these employees had been on their posts for 6 to 16 years'.<sup>115</sup> In 2022 the Directorate's deputy described the firearms database as 'unreliable'.<sup>116</sup>

These problems have surfaced since Luis Abinader replaced Danilo Medina as president in 2020. Abinader's appointment coincided with a crackdown on rampant government corruption<sup>117</sup> and tightening of firearms controls:

- In October 2020, the Dominican Republic and 15 Caricom (Caribbean Community) States formally adopted the Roadmap for Implementing the Caribbean Priority Actions on the Illicit Proliferation of Firearms and Ammunition across the Caribbean in a Sustainable Manner by 2030 (Caribbean Firearms Roadmap).<sup>118</sup> The vision for the Roadmap is a safer Caribbean, achieved by addressing the illicit proliferation of firearms and ammunition.
- 2021 media reports note a focus of Abinader's government on building community safety through a My Safe Country strategy.<sup>119</sup> Integral to the strategy is a four-

phase 'National Plan of Disarmament' which aims to ensure that all firearm owners are licensed, that information on the 'Firearms Directorate system' is 'correctly renewed' and to recover and destroy illegal and unwanted firearms.<sup>120</sup> As part of this Plan, the government announced that a cash and coupon incentivised gun buy-back would start on 6 April 2021 to 'buy back illegal weapons in civilian hands, to reduce deaths and violence'.<sup>121</sup> In August 2021, the media reported that 3 765 illegal or 'irregular' weapons had been recovered that year, while 803 illegal firearms were destroyed at a public event attended by representatives from the Organisation of American States (OAS) and the United Nations (UN).<sup>122</sup>

## Jamaica

### *Context*

Jamaica is characterised by high levels of inequality and organised crime and moderate levels of perceived corruption, democracy and peace.

### *Gun violence*

Homicides in Jamaica increased 12% over three years, from 1 339 murders in 2019<sup>123</sup> to 1 498 in 2022.<sup>124</sup> At 39.8, Jamaica's firearms homicide rate is one of the highest in the Caribbean and Latin America.<sup>125</sup> Seventy percent of homicides in Jamaica are allegedly gang-related,<sup>126</sup> 85% are gun-related, and most gun-related crimes are committed with illegal firearms.<sup>127</sup>

### *Gun ownership*

In 2017 there were 246 000 privately owned firearms in Jamaica – an estimated ownership rate of nine firearms (licit and illicit) per 100 people.<sup>128</sup>

### *Gun control*

**Gun law:** The Firearms (Prohibition, Restriction and Regulation) Act of 2022 replaced the repealed 1967 Firearms Act (as amended) on 1 November 2022.<sup>129</sup> The new law was motivated by Jamaica's high levels of gun-related violence, most of which is committed with illegally held firearms. According to the Minister of National security, 'for the last 25 years, Jamaica recorded on average 1,270 murders annually, the vast majority being committed with illegal firearms, which is the weapon of choice for murders and other acts of crime and armed violence in Jamaica...The proliferation of illegal firearms continues to hinder national growth and advancement, and has become the biggest threat to citizens' peace and security'.<sup>130</sup> The 2022 Act includes extremely harsh penalties for illegal firearms trafficking and dealing (life imprisonment with the possibility of parole after 20 years) and possession (life imprisonment), while possession of a firearm or ammunition with intent to injure or cause serious damage carries imprisonment for between 15 and 25 years.<sup>131</sup> A two-week amnesty was held between 5 and 19 November 2022 under which illegal firearms and ammunition (including those for which licences had expired) could be surrendered.<sup>132</sup> However, media reports indicate that just 101 guns (22 illegal) and 3 000 rounds of ammunition were surrendered.<sup>133</sup>

In October 2020, Jamaica, along with 14 other Caricom States and the Dominican Republic, formally adopted the Caribbean Firearms Roadmap.<sup>134</sup> This serves as a base document for Jamaica in the elaboration of its National Action Plan, and includes four main goals: (1) reinforce regulatory frameworks governing firearms and ammunition;

(2) reduce the illicit flow of firearms and ammunition into, within and beyond the region; (3) bolster law enforcement capacity to combat illicit firearms and ammunition trafficking and their illicit possession and misuse; and (4) systematically decrease the risk of diversion of firearms and ammunition from government- and non-government-owned arsenals.<sup>135</sup> Each goal identifies targets, actions, performance indicators and timelines, which run from 2020 to 2030, to coincide with the culmination of the 2030 Agenda for Sustainable Development.<sup>136</sup>

**Administering authority:** Firearms are regulated by the Ministry of National Security and the FLA. Established in 2005 by an Act of Parliament ‘in the wake of allegations of corruption in the previous licensing regime’,<sup>137</sup> the FLA is a statutory organisation within the Ministry of National Security, but is not part of the police.<sup>138</sup> The FLA’s mandate includes monitoring and regulating firearms licences, standardising training certification in the use and care of firearms, and conducting audits of gun clubs, private security companies, shooting facilities, licensed firearms holders and their firearms.<sup>139</sup>

**Firearms registry:** The 2005 Act made no provision for the FLA to keep a firearms register or database, though it reports maintaining ‘a list of all persons possessing private firearms, inclusive of serial numbers’.<sup>140</sup> However, under the 2022 Act provision is made for the FLA to ‘capture’ information on firearms and owners, while the Institute of Forensic Science and Legal Medicine is tasked with marking and ballistically testing firearms and establishing a National Firearms Register to store information on firearms, ammunition and owners. In this regard, the Jamaican government recently received ‘technical assistance’ amounting to over US\$400 000 (ZAR7.5 million) from the Inter-American Development Bank to mark and ballistically test licensed firearms and improve the FLA’s database and network.<sup>141</sup>

Allegations of corruption have dogged the FLA since 2016, with notable prominence given to these claims by the 2011 shooting of a Kingston College student by a businessman, who fired a shot into a taxi that had collided with his BMW SUV. While the businessman was acquitted of murder, investigators found that his firearm licence was irregularly issued. The resultant scrutiny revealed ‘ballooning...irregular practices, allegations of bribes and strongarming to get FLA employees to break the law’.<sup>142</sup>

On 3 November 2016 an inquiry by Jamaica’s Integrity Commission into corruption at the FLA began. While the inquiry’s original focus was to explore allegations concerning irregularities in issuing firearms licences, this expanded in 2017 to include allegations concerning acts of abuse of power and corruption committed by the CEO of the FLA.<sup>143</sup> As the scope of the investigation grew, the FLA board resigned on 2 August 2017<sup>144</sup> and on 18 September 2017 a new board was appointed, tasked with carrying out various reforms, including ‘fast-tracking’ applications, completing the ballistic registration of all firearms and destroying unused firearms.<sup>145</sup>

The Integrity Commission’s 245-page report into the FLA was published in January 2020. It found evidence of irregular and corrupt activities and made a number of recommendations, for instance that the appeals process be strengthened, which resulted in the establishment of an Appeals Review Panel to independently review appeals.<sup>146</sup> While no finding was made regarding the integrity of the FLA’s firearms database, the National Firearms Register provided for in the 2022 Act is expected to ‘serve as a central database for all firearms and ammunition information in Jamaica, and will strengthen record management’.<sup>147</sup>

## Asia

### Japan

#### *Context*

Japan is characterised by high levels of democracy and peace, and low levels of perceived corruption, inequality and organised crime.

#### *Gun violence*

In 2019, only three deaths due to guns were reported, making the rate of death 0.02 per 100 000 people. In 2021, ten incidents involving the discharge of firearms were reported in Japan. Although figures fluctuated from year to year, this continued a general downward trend after the decade-high number of 40 shooting incidents reported in 2013.<sup>148</sup> One person was shot and killed in 2021.<sup>149</sup>

#### *Gun ownership*

As per data from the Small Arms Survey, a global organisation that monitors international arms transfers, firearms ownership in Japan stood at a rate of 0.6 individuals per 100 people, in contrast to 6.2 in the United Kingdom and 88.8 in the United States.<sup>150</sup> The rate of licensed firearms owners per 100 people in Japan in 2019 was 0.16.<sup>151</sup> The 2022 rate of civilian firearms possession per 100 people was 0.256.<sup>152</sup>

#### *Gun control*

**Firearms law:** Japan's firearms legislation is characterised by highly restrictive measures that prohibit the ownership of handguns and rifles, resulting in remarkably low firearms ownership rates (as indicated). The cornerstone of contemporary firearms regulation in Japan is the Firearm and Sword Possession Control Law of 1958, which explicitly prohibits individuals from possessing firearms or swords. In 1995 an amendment to this law was introduced, criminalising the discharge of firearms in public spaces such as parks or stores, while also offering reduced sentences for those who voluntarily surrendered their illegal firearms to the government.<sup>153</sup> Professional hunters in Japan may be eligible for licences from the police for shotguns and air guns, but these are subject to stringent vetting processes.<sup>154</sup>

**Administrative authority:** The body responsible for administering the firearms registry is the National Police Agency, specifically its organised crime division. The department is responsible for registration, licensing and regulation of firearms and swords in Japan as well as overseeing the training and qualifications of individuals who are allowed to possess firearms. The local (prefecture/municipal) police are responsible for the processing of firearms applications and the National Police Agency (which falls under the Prefectural Public Safety Commission) is charged with administration of the registration process.<sup>155</sup> The acquisition of gun licences in Japan has become progressively more challenging due to stringent requirements imposed by law enforcement authorities. Applicants are required to undergo a comprehensive test and an all-day lecture, which is held once a month. The lecture typically requires applicants to take leave from work. Additionally, the police carry out an annual gun inspection, while licences must be renewed every three years.<sup>156</sup>

**Firearms registry:** Japanese law mandates that an official register must maintain records of the acquisition, possession and transfer of each privately held firearm.

Records of firearms owned by civilians are kept both at the prefecture and national levels (registers at the prefecture level, and data at the national level).<sup>157</sup>

Authors have argued that the effectiveness of Japan's firearms registry system is evidenced in the country's low gun violence rate, which is one of the lowest rates in the world. While the gun control system is strict and serves as one factor contributing to the low rates of violence, there are a number of other factors that have contributed to Japan's low levels of violent crime. These include historical and cultural influences as well as the existence of a strict police state, with the police having excessive powers and exerting significant control.<sup>158</sup>

## Thailand

### *Context*

Thailand has low levels of peace and democracy, and high levels of perceived corruption, inequality and organised crime.

### *Gun violence*

At three firearm-related deaths per 100 000, Thailand is described as having one of the highest gun homicide rates in Southeast Asia.<sup>159</sup> Thailand has also experienced two recent mass shootings: in 2020 a soldier killed 29 people in a shopping mall, while 37 people, 23 of them small children, were killed when a former police officer opened fire and stabbed children at a nursery school before returning home to kill his girlfriend and her three-year-old son in Nong Bua Lam Phu on 6 October 2022.<sup>160</sup>

### *Gun ownership*

Thailand has one of the highest rates of civilian gun ownership 'by far' in Southeast Asia (10.4 per 100 people),<sup>161</sup> and is ranked 13th in a comparison of private gun ownership in 206 countries.<sup>162</sup> In 2021 Thailand reported having 7.2 million privately owned guns in circulation, of which 6 million were legally registered.<sup>163</sup>

While anyone caught carrying an unregistered firearm risks up to 10 years in prison as well as fines of up to 20 000 Thai bhat (ZAR10 000), many people still do, owing in large part to the thriving black market that makes buying and selling illicit guns online relatively easy.<sup>164</sup>

Thailand also has a 'welfare gun programme' that enables public officials to buy subsidised guns (tax free and at discounts of as much as half the market price). This both contributes to the black market (for instance, a government officer suspected of involvement in a gun-trafficking gang allegedly sold state-subsidised firearms and ammunition) and represents 'a huge loophole' for gun violence in the country. For example, the perpetrator of the 2020 mass shooting owned five legally registered guns, all of which were acquired through the welfare gun programme.<sup>165</sup>

### *Gun control*

**Firearms law:** On paper, the Firearms, Ammunition, Explosives, Fireworks and the Equivalent of Firearms Act of 1947 is strict, but it has various loopholes and is poorly enforced. Michael Picard, an independent firearms policy expert, doubts that strengthening the law (which is being touted following the 2022 day-care centre mass shooting) will have an impact: 'The dynamics of getting a firearms licence is more that, basically, if you're willing to pay a bribe you can jump the queue and you can maybe

be rushed through certain checks that would otherwise take a long time or would maybe be done more diligently...So, I don't think this addresses the root cause of firearms proliferation in Thailand, which is essentially institutional corruption'.<sup>166</sup>

**Administering authority:** The Ministry of Interior is responsible for the Act and has designated the Department of Provincial Administration to administer it. In the Bangkok metropolitan area, firearms regulation and registration is the responsibility of the Director of the Department of Provincial Administration's Service Centre, but in the 76 provinces and 878 districts beyond the metro, gun registration is overseen by district chiefs who function as registrars in the area.<sup>167</sup> Registrars have significant discretion in granting firearms permits, and can bypass restrictions in the Act, which is exacerbated by a 'history of the patronage system in Thai society'.<sup>168</sup>

**Firearms registry:** The Department of Provincial Administration has a gun database called e-DOPA License. However, a range of problems have been identified with the system, including that it:<sup>169</sup>

- Does not record information on firearms, only on firearms owners, thereby limiting its ability to track firearms used in crimes;
- Only holds information on new gun registrations, with prior gun ownership remaining undocumented; and
- Is not updated and is thus not accurate; this is because firearms permits last for life in Thailand, which means that gun ownership transfers, trading or distribution are often not recorded, despite the law requiring registrar notification.

Following the 2022 nursery school mass shooting, the Thai government has proposed a number of interventions to tighten gun control in the country. A draft amendment of the 1947 Firearms Act, which was approved by Cabinet, proposes:<sup>170</sup>

- Registering all firearms and ammunition with a government agency: People who possess firearms and ammunition must register them within 180 days, or they will be legally prosecuted;
- Prohibiting all military-grade weapons or ammunition: People who possess military-grade weapons or ammunition must hand them over at the nearest military unit within 180 days. The military will not provide compensation and these items will immediately become state property;
- Introducing a gun permit renewal system: Gun permits to be reviewed every three to five years;<sup>171</sup> and
- Holding a gun amnesty: Owners of unregistered firearms and ammunition would have 180 days to either have these officially recorded or hand them in to authorities without penalty.

It is unclear when the new legislation will be introduced as Thailand held a national election in May 2023, meaning that a 'host of plans and projects' approved by Cabinet 'might not surface for months'.<sup>172</sup>

## Europe

### Switzerland

#### *Context*

Switzerland is renowned for its positive ratings on corruption, democracy and inequality indices, making it known for its transparency, political stability and low levels of corruption.

#### *Gun violence*

When compared to countries like the United States, Switzerland exhibits lower levels of gun violence. However, when compared to other European countries, Switzerland has higher incidents of gun violence.<sup>173</sup> Nevertheless, there has been a decrease in levels of gun violence over the years, with some attributing this trend to the implementation of stricter gun laws.<sup>174</sup> For instance, the total number of gun-related homicides in Switzerland decreased from 51 cases in 2009 to 24 cases in 2020.<sup>175</sup> According to recent data, as of 2023, the reported rate of gun deaths in Switzerland stands at 2.72 per 100 000 population.<sup>176</sup> While homicides committed with firearms may have reduced, recent research has emphasised that Switzerland experiences a significantly high percentage of firearm-related suicides. Research conducted by the University of Groningen found that '33.6% of male suicides in Switzerland are conducted with firearms (as compared with 9.7% in the rest of Europe)'.<sup>177</sup> The report went on to underscore that this high number of impulsive suicides is likely due to the easy access to firearms, particularly for men who serve in the military.<sup>178</sup>

#### *Gun ownership*

Switzerland has a high rate of firearms ownership. As of 2022, the country had approximately 2 million privately owned guns in a nation of 8.3 million people.<sup>179</sup> An estimated 66% of privately owned firearms are not registered with Swiss authorities.<sup>180</sup> The high number of unregistered firearms is likely due to a change in gun laws in 2008 when Switzerland joined the Schengen Zone, and as a result, needed to establish a national firearms registry.<sup>181</sup> While Switzerland has established a firearms registry, firearms purchased before 2008 do not need to be officially registered.<sup>182</sup>

#### *Gun control*

**Firearms law:** Switzerland's key firearms legislation, known as the Weapons Act, was adopted in 1997 and came into effect in 1998. The Act grants the right to apply for a weapon acquisition permit, subject to specific requirements and regulations. The Weapons Act also includes specific restrictions such as the prohibition of fully automatic guns, dangerous weapons like stun guns and firearms accessories like silencers. It provides a broad regulatory framework, while further details are defined in the Weapons Regulation, which addresses specific aspects in a more comprehensive manner.<sup>183</sup>

**Administrative authority:** The authority responsible for administering the Weapons Act and the Firearms Registry is the Federal Office of the Police, commonly referred to as Fedpol. Fedpol is a federal agency under the Swiss Federal Department of Justice and Police and is responsible for overseeing various aspects of internal security, including firearms regulation.

**Registry:** Under the Weapons Act, Swiss firearms owners are required to register their firearms with the Firearms Registry, which includes details such as the type, make, model and serial number of the firearm. Each of Switzerland's 26 cantons regulates firearms through its own registry, which means there are multiple firearms registries in Switzerland. Each cantonal firearms registry is linked electronically, and both the military and the police can access records concerning firearms possession.<sup>184</sup> It is also worth noting that although Switzerland is not a member of the European Union (EU), 35 countries, including Swiss neighbours, are part of the REGISYNC project.<sup>185</sup> Funded by the EU, this aims to reduce the diversion of legal firearms in EU member and neighbouring states through the promotion of common minimum standards and effective practices, including through national firearms registers and information exchange.

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## ABOUT APCOF

The African Policing Civilian Oversight Forum (APCOF) is a not-for-profit trust working on issues of police accountability and governance in Africa. APCOF promotes the values which the establishment of civilian oversight seeks to achieve, namely: to assist in restoring public confidence; developing a culture of human rights, promoting integrity and transparency within the police; and good working relationships between the police and the community. While APCOF is active in the field of policing, its work is located in the broader paradigm of promoting democratic governance and the rule of law.

## ABOUT GUN FREE SOUTH AFRICA

Gun Free South Africa is a national NGO working to create a safer, more secure South Africa by reducing gun violence. With more than two decades of experience in public policy advocacy, public education and awareness raising, and community mobilisation we are one of the only organisations in South Africa tackling gun violence.

