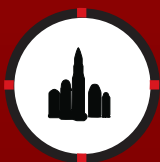




**STANDARD OPERATING
PROCEDURES FOR THE
IMPLEMENTATION OF THE SADC
PROTOCOL ON THE CONTROL
OF FIREARMS, AMMUNITION AND
OTHER RELATED MATERIALS**





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INTRODUCTION

Pursuant to Resolution 5 of the 10th Southern African Regional Police Chiefs Cooperation Organization (SARPPCO) Annual General Meeting on the implementation of controls on firearms, ammunition and other related materials, the 31st PCC meeting held in Maseru, Lesotho in July 2006, tasked the SARPPCO Secretariat, in conjunction with member countries, to come up with guidelines on best practices to control firearms, ammunition and related materials in the region.

The standard operating procedures outlined in this manual are to serve as a guideline for implementing regional standards with regards to the Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials.

BACKGROUND

The SARPPCO National Central Firearms Registrars workshop held from the 5-7th of March 2007 in Pretoria, South Africa recommended that a Sub-Technical Committee be formed to specifically develop a draft document on the harmonisation of legislation and standard operating procedures (SOP's) for the implementation of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials.

The Sub-Technical Committee consisted of the following members: Mauritius, South Africa, Tanzania, Zimbabwe, the SARPPCO Secretariat, the Institute for Security Studies and co-opted former SARPPCO Task Team members from Botswana and Namibia.

The Sub-Technical Committee, with the exception of the representative from Tanzania, subsequently met from the 15-17 May 2007 in Pretoria, South Africa and compiled a draft standard operating procedures manual that was presented to and approved by the National Central Firearms Registrars Forum on 17-19 July 2007 in Durban, South Africa.

INTENTION

The intention of this document is to serve as a guideline to policy makers; legislative officers and firearms control practitioners when considering changes in national legislation. This document is the outcome of the amalgamation of the knowledge and experience of all the Central Firearms Registrars in the Southern African region. It is intended to serve as a regional information source to inform changes in national legislation.

The recommendations in this document are the minimum requirements for Firearms Control legislation as identified and agreed upon by all the Central Firearms Registrars in the Southern African region.

STATUS

This document had been approved by the 13th SARPPCO AGM held from 2 to 6 August 2008 in Windhoek, Namibia (SARPPCO AGM/08/RES/14)

SADC MEMBERSHIP

The following countries are members of SADC: Angola; Botswana; Democratic Republic of Congo; Lesotho; Madagascar; Malawi; Mauritius; Mozambique; Namibia; Seychelles; South Africa; Kingdom of Swaziland; Tanzania; Zambia; Zimbabwe.

THE DRAFTERS

The drafters of this document are police officials from a number of SADC member states tasked with firearms registration.

ACKNOWLEDGEMENTS

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CHAPTER 1 DEFINITIONS

In this Standing Operating Procedure Manual, unless the context indicates otherwise:

“ammunition”

Means the complete cartridge including the cartridge case, unfired primer, propellant, bullets, and projectiles that are used in a firearm, provided those components are themselves subject to authorisation in the respective State Parties

“brokering”

Means

- a) acting for a commission, advantage or cause, whether pecuniary or otherwise, or
- b) to facilitate the transfer, documentation or payment in respect of any transaction relating to the buying or selling of firearms, ammunition or other related materials

and thereby acting as intermediary between any manufacturer or supplier of, or dealer in, firearms, ammunition and other related materials, and buyer or recipient thereof

“confiscation”

Means to take with legal authority

“dealer”

Means any person who is authorised to trade in firearms and/or ammunition or other related materials and their components

“export”

Means to take ammunition and/or licensed or registered firearms out of one country to another country, or cause them to be taken out of a country to another country through any harbour, airport, or other place on board any vessel or aircraft, or by any other means of conveyance

“firearm”

Means

- a) any portable lethal weapon that expels, or is designed to expel, a shot, bullet or projectile by the action of burning propellant, excluding antique firearms or their replicas that are not subject to authorisation in respective State Parties
- b) any device, which may be readily converted into a weapon, referred to in paragraph (a)
- c) any small arm, as defined in Article 1 of the Southern African Development Community Protocol on the control of firearms, ammunition and other related materials
- d) any light weapon, as defined in Article 1 of the Southern African Development Community Protocol on the control of firearms, ammunition and other related materials

“fit and proper”

Means a person is stable and responsible. That is, s/he is not violent, nor involved in domestic violence or abuse or dependent on alcohol or narcotics





“gunsmith”

Means a person who is duly registered and licenced to repair and modify firearms

“illicit trafficking”

Means the import, export, acquisition, sale, delivery, movement or transfer of firearms, ammunition and other related materials from, to, or across the territory of a State Party without the authority of State Parties concerned

“import”

Means to bring firearms and/or ammunition, or cause them to be brought, from outside the country into the country, and includes the bringing thereof into the country at any harbour, airport, or other place on board any vessel or aircraft, or other means of conveyance, irrespective of whether or not the firearms and/or ammunition are off-loaded from such a vessel, aircraft or other means of conveyance for conveyance through the country to anyplace outside the country or for any other purpose, or are intended to be so off-loaded

“legal manufacturing”

Means the manufacturing or assembly of firearms, ammunition and other related materials, with a license or permit from a competent authority of the State Party where the manufacture or assembly takes place

“light weapons”

Includes the following portable weapons designed for use by several persons serving as a crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder fired rockets, anti-aircraft weapons and launchers, and air defence weapons

“other related materials”

Means any components, parts, or replacement parts of a firearm that are essential to the operation of a firearm

“possession”

Means the act or state of owning, holding or having control over something

“SADC”

Means the Southern African Development Community

“SADC Protocol”

Means the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials

“security service provider”

Means a person who renders a security service to another for a remuneration, reward, fee or benefit

“small arms”

Include - light machine guns, sub-machines guns, including machine pistols, fully automatic rifles, assault rifles, and semi-automatic rifles

“State Party”

Means a member of SADC that is party to this Protocol



“Transit”

Means the conveyance of firearms, ammunition and other related materials that have been legally imported and exported through the country, to another country

“unloaded”

Means that any propellant, projectile or cartridge which can be discharged from a firearm is not contained in the breech-block or firing chamber of the firearm, nor in the cartridge, magazine or cylinder attached to, or inserted into the firearm





CHAPTER 2 MANUFACTURING OF FIREARMS AND AMMUNITION

1. INTRODUCTION

In terms of Article 5(3)(e) of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, proper controls must be exercised over the manufacturing of firearms, ammunition and other related materials.

2. RESPONSIBILITIES

To apply for a manufacturers license the following prescribed procedures must be followed and the following prescribed documents must be completed:

2.1 Applicant

The applicant must complete the designated application form and provide the relevant firearms officer with all the relevant supporting documentation, such as:

- Identification documents or passport of the responsible person applying for the license
- Proof of a valid applicable competency certificate obtained by the applicant
- Proof of a valid applicable trade test certificate obtained by the applicant
- A passport size photograph of the applicant
- Fingerprints of the applicant
- A certificate of incorporation, including a list of directors/members if the applicant is a juristic person
- A motivation letter stating the reasons why the applicant require to manufacturing the firearms and ammunition
- A list of specific firearms and/or ammunition to be manufactured and marked by the applicant
- Proof of ownership of the premises where the firearms and/or ammunition is to be manufactured
- Building plans of the layout of the premises
- A description of the premises and the location/area thereof
- A description of the safety and security measures on the premises, including:
 - The type of fire alarm systems installed
 - Type of fire control system installed
 - A disaster management plan that specifies the containment capabilities and emergency procedures in case of an explosion and fire on the premises
 - Proof of compliance with the minimum safety and security standards as prescribed by national law concerning explosives and firearms
- Compliance with the business bi-laws as contained in national or local law
- Documentation stating that the local government approves of the proposed manufacturing of firearms and ammunition in its area
- Proof of alarm systems and burglar proofing



- If ammunition is to be kept or stored on the premises:
 - A certificate from the Chief of Explosives must accompany the application
 - A certificate of compliance with safe storage and disaster management laws is required
- The applicant must provide documentary proof of independent proof testing of firearms and/or ammunition

2.2 Firearms Officer

- Verify the completeness of the application
- Record the application on the registration system (Electronic or manual system)
- The application form must be assigned a unique reference number
- Issue an acknowledgment of receipt to the applicant which must be Dated, stamped and signed
- Perform a premises inspection at the proposed location
- Make recommendations on the application, whether the application may be considered
- The relevant firearms officer must do a final quality control check on the completeness of the application:
 - If the application is not complete the application must be sent back to the office where the initial application was made
 - If the application is complete the applicant's fingerprints must be sent for criminal testing
- The relevant firearms officer must attach the criminal report to the application upon receipt thereof

2.3 Considerations Authority

- Decide on the approval or refusal of application
- Capture outcome of application
- If the application is not approved, the designated authority must produce an official 'Letter of refusal', which is signed and dated with an official stamp. The letter must be sent to the applicant.
- If the application is approved, the designated authority must issue the license to manufacture firearms and/or ammunition to the applicant. The document (licence) must be signed and dated with an official stamp, and must be sent to the applicant.

3. CONTROL MEASURES

- The relevant firearms officer must conduct regular inspections at each licensed manufacturer
- The Registrar must create and maintain appropriate registers for firearms and ammunition manufacturers
- The Registrar must create and maintain a record of all firearms and ammunition sold by firearms and ammunition manufacturers
- The manufacturer must maintain appropriate registers for all firearms and ammunition manufactured by licensed manufacturers



- The licensed manufacturer must send daily reports to the Registrar. The report must reflect the particulars and the number of firearms, ammunition and other related materials that were manufactured/produced in the previous twenty-four (24) hours
- The manufacturer must send a summary report of details of procurement to the Registrar at the end of each month
- Official proof testing of firearms, ammunition and other related materials must be conducted prior to selling
- The Registrar must maintain a list of manufacturers' codes for marking purposes
- The Registrar must ensure that the manufacturer or importer apply unique markings on firearms, ammunition and other related materials
- The manufacturer must acquire an export permit to export firearms, ammunition and other related materials
- Firearm and/or ammunition manufacturers are not allowed to sell firearms and/or ammunition to private individuals.
- Manufacturer may only sell firearms and/or ammunition and other related materials to a licensed firearms dealer or directly to government institutions
- A firearms and/or ammunition dealer must provide the manufacturer with proof that the dealership is registered and licensed before the transfer of firearms, ammunition and other related materials may transpire





CHAPTER 3 MARKING OF FIREARMS AND AMMUNITION

1. INTRODUCTION

In terms of Article 5(3)(g) of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, provisions ensuring the standardized marking and identification of firearms at the time of manufacture, import or export must be incorporated in the National law of participant countries.

2. MARKING OF FIREARMS

For the purpose of identification and tracing of firearms in the SADC region firearms must be marked with a unique marking upon import or manufacture or where an imported firearm duplicates the markings of a firearm that already exist on the firearm identification system. These unique markings must adhere to the following minimum requirements:

2.1 Unique markings on firearms

- The firearm identification number (marking) must be applied by means of stamping to a depth of at least 0.2 mm on either the:
 - Barrel and frame, or
 - Barrel and receiver
- The marking system to be utilized must include at least four elements:
 - Country of manufacture
 - Year of manufacture
 - Serial number
 - Manufacturing company/institution.
- An example would thus be - ZA0312310
 - Where:
 - ZA - refers to the internationally recognised country code of the country of manufacture (in this case South Africa)
 - 03 - refers to the year of manufacture (in this case 2003)
 - 123 - refers to the serial number (which is limited to six digits)
 - 10 - refers to a nationally designated code representing the manufacturing company or institution
- The Registrar must keep a record of the unique markings as reported by the firearms manufacturers through daily reporting

2.2 Re-marking/markings of a firearm

The re-marking/markings of firearms must be strictly controlled and managed to prevent corruption. The option should only be considered in exceptional circumstances and the following process should be followed:

- The relevant firearms officer must verify the duplication of a serial number by physically inspecting the existing firearm/s with the same serial number/s
- The Registrar may then issue a new firearm identification number if there is no cause to suspect that the number was tampered with or that the number was placed on the firearm illegally



- If the firearm is to be re-marked/marked, the relevant firearms officer must certify that a new unique firearm identification number was applied to the firearm.
- The certificate issued by the relevant firearms officer must contain the following information:
 - The method that was used to apply the number
 - Stipulate which authorised/competent entity applied the new unique number on the firearm
 - Certify that the number was properly applied and in accordance with the minimum requirements
- If the firearm was not marked previously the relevant firearms officer must:
 - Send the firearm for ballistic testing
 - Send the firearm for etching to establish if the firearm's original markings might have been tampered with and may be retrieved
 - Obtain a new unique firearm identification number from the Registrar
 - If the firearm marking cannot be retrieved through etching or other means, a new unique firearm identification number must be issued for record purposes before the firearm is destroyed
 - Certify that a new unique firearm identification number was placed on the firearm
- The certificate issued by the relevant firearms officer must contain the following information:
 - The method that was used to apply the number
 - Stipulate which authorised/competent entity applied the new unique number on the firearm
 - Certify that the number was properly applied and in accordance with the minimum requirements
- If the firearm number was tampered with the relevant firearms officer must:
 - Send the firearm for ballistic testing
 - Send the firearm for etching
 - Issue a firearm identification number as obtained from the Registrar
 - If the firearm marking cannot be retrieved through etching or other means, a new unique firearm identification number must be issued for record purposes before the firearm is destroyed
 - The firearm must be destroyed if it cannot be marked and ownership cannot be established
 - If the number can be retrieved, the owner of the firearm must be identified and the necessary action taken
- When a firearm has been altered or will be altered by replacing any component or part essential to the operation of that firearm:
 - An application for alteration must be submitted to the Registrar
 - The Registrar must approve the application and the alteration
 - The applicant must follow the normal application procedure/process
 - The applicant must present a copy of the firearm license to the Registrar
 - The applicant must provide a letter of motivation stipulating the need for the change/alteration to the Registrar and proof by an expert confirming the need for the alteration

- If the Registrar approves the alteration, the applicant must take the firearm to a licensed/registered gunsmith to affect the alteration
- When the alteration is completed, the Registrar will re-issue a firearm license that reflects the new information regarding the firearm part/s, which were altered, and the old/previous license must be surrendered to the Registrar
- The redundant old part of the firearm must be in all circumstances surrendered to the police for destruction (The old parts must always be destroyed)

2.3 Circumstances where firearms should be re-marked/marked

- If the same number was allocated to more than one firearm
- If there is no indication that the firearm was marked previously
- If the number was tampered with or unlawfully changed
- If alteration of the firearm took place where the:
 - Barrel was replaced
 - Frame was replaced
 - Receiver was replaced

3. MARKING OF AMMUNITION (MINIMUM STANDARDS)

Ammunition must be marked for record keeping and control purposes.

The method that was used to apply the number

3.1 Markings on Ammunition

- The head of each cartridge must be marked with an individual head stamp Each round must be marked according to the following minimum standards:
 - Head stamps - individual (ZA, 07, PMP and 308)
 - Country of manufacture - ZA (in this case South Africa)
 - Year of manufacture - 07 (in this case 2007)
 - Caliber of ammunition - 308
 - Manufacturer - PMP (in this case Pretoria Metal Pressings, South Africa)
- Depth of the stamp must be at least 0.2 mm
- The Registrar must approve any optional additional markings on cartridges and unique markings for military use
- The optional additional markings may only be applied after approval was obtained from the Registrar





CHAPTER 4 IMPORTATION OF FIREARMS AND AMMUNITION

1. INTRODUCTION

In terms of Article 5(3)(c) of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, procedures for the import of firearm shipments must be co-ordinated by State Parties.

2. RESPONSIBILITIES

The movement of firearms, ammunition and other related material must be strictly controlled, therefore it is imperative to standardise the import procedures in the SADC region.

2.1 Applicant

- The applicant must complete the prescribed application form
- The information on the application must include:
 - The details of the supplier/importer
 - Quantity of firearms to be importedFirearm details of the firearm/s that stand to be imported including:
 - Type
 - Caliber
 - Serial number and
 - Make
- Ammunition details:
 - Type
 - Caliber
 - Quantity
 - Make
- An individual/private importer, who is not a dealer, must:
 - Produce a relevant competency certificate from a registered authority
 - Provide fingerprints to police

2.2 Firearms Officer

- The relevant firearms officer must verify the completeness of the form
- The relevant firearms officer must verify the applicant's 'stock on hand', if applicable, to establish if the applicant has reason to import the proposed firearms and/or ammunition.
- The relevant firearms officer must:
 - Verify the correctness and validity of supporting documentation
 - Verify the validity of the registration/certificate/license
 - Physically check the firearm when received by applicant to verify that the particulars of the firearm were correctly recorded



2.3 Other Role Players

- The following categories of people are involved during the importation of firearms and ammunition:
 - Customs officials
 - Department of Foreign Affairs
 - Local firearms officers
 - Firearms registry

3. REQUIREMENTS

3.1 Permanent Import license/permit/authorisation

- For a permanent import license to be issued the applicant must provide the relevant firearms officer with:
 - A copy of the applicant's identification document or passport
 - A relevant competency certificate issued by a competent authority
 - A comprehensive motivation letter stating the reasons for importation
 - A copy of dealer's license (if appropriate)
 - Proof of legal exportation from country of origin
 - Legal license from country of origin
 - Legal export permit from country of origin
 - Proof of customs clearance certificate that all duties have been paid
- Period of validity for the import license/permit/authorisation must not exceed six (6) months (The importation must take place before the expiry of the import authorisation.)
- The Base-line documentation to be completed and basic process to be followed in each country:
 - The applicant must complete the prescribed application form for a permanent import license/permit/authorisation
 - The relevant firearms officer must verify if the application is complete and record the details of the application in the applicable register
 - The application must be provided with a unique reference number
 - The relevant firearms officer must acknowledge receipt of the application and provide the applicant with such a receipt
 - The designated authority at the Registrar must consider the application
- If the application is approved the Registrar must:
 - Print an import license/permit/authorisation,
 - Sign and date stamp the license/permit/authorisation, and
 - Send the import license/permit/authorisation to the relevant firearms official

3.2 Temporary Import license/Permit/Authorisation

- For a temporary import license to be issued the applicant must provide the relevant firearms officer with:



- A letter of invitation confirming that the applicant was invited to participate in:
 - A sporting event that requires firearms and ammunition
 - An organised display of firearms and ammunition
 - Hunting activity
- Foreign officials who require authorisation to possess firearms and ammunition for official purposes must provide an official letter confirming that the applicant is a member of a contingent on an official visit to the country where the application is made. (Security personnel at foreign embassy must follow this procedure.)
- A copy of the temporary export permit from country of origin pertaining to the firearm in question
- Proof of legal exportation from country of origin
- Legal license from country of origin
- Legal export permit from country of origin
- A copy of the customs clearance certificate
- The maximum period of validity of the temporary import permit must not exceed six (6) months
- Possession and use of the firearm and ammunition must comply with national law of the country the firearm is temporarily imported to role players





CHAPTER 5 EXPORT OF FIREARMS AND AMMUNITION

1. INTRODUCTION

In terms of Article 5(3)(c) of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, procedures for the export of firearm shipments must be co-ordinated by State Parties.

2. RESPONSIBILITIES

The movement of firearms, ammunition and other related material must be strictly controlled, therefore it is imperative to standardise the export procedures in the SADC region.

2.1 Applicant

- When a lawfully licenced and registered firearm and/or ammunition is to be exported from a SADC the country in which it is currently registered, the exporting entity must follow the following prescribed procedures:
 - The designated application form must be completed by the applicant
 - The application form must include the following information:
 - Particulars of the Supplier/Exporter
 - Particulars of firearm to be exported
 - Type
 - Make
 - Caliber
 - Serial number
 - Quantity of firearms
 - Ammunition details:
 - Type
 - Caliber
 - Make
 - Quantity of ammunition
- An individual applying for an export license/permit/authorisation must produce proof of lawful possession for the firearm and/or ammunition in question

2.2 Firearms Officer

- The application for a permanent/temporary export license/ permit/ authorisation must be verified by the relevant firearms officer for completeness and correctness
- The relevant firearms officer must verify and check:
 - The firearms and ammunition to be exported
 - The supporting documentation
 - The police must verify the fingerprints of the applicant
- The relevant firearms officer must:
 - Record the details of the verified application in the applicable register
 - Provide the application with a unique reference number



- The designated authority must consider the application
- If the application is approved the Registrar must:
 - Print an export permit
 - Sign and date stamp the export license/permit/authorisation
 - Send the export license/permit/authorisation to the relevant firearms official

2.3 Other Role Players

- The following categories of people are involved during the exportation of firearms and ammunition
 - Customs officials
 - Department of Foreign Affairs
 - Local firearms officers
 - Firearms registry

3. REQUIREMENTS

3.1 Permanent Export license/permit/authorisation

- The following documentation must accompany the application for the export permit:
 - A copy of the applicant's identification document or passport
 - A valid firearm license/permit/authorisation for the firearm/s to be exported
 - The exporter must have a valid applicable competency certificate
 - A valid import permit/authorisation from the country the firearm and/or ammunition is exported to
 - A copy of the supplier/exporter applicant's fingerprints
 - A copy of the End-user certificate
- The firearm must be cleared for export by means of ballistic testing
- Base-line documentation and Process to be followed by the exporting country:
 - A comprehensive application for a permanent export permit must be completed and authority granted
 - The Registrar from the exporting country must inform the Registrar of the receiving (importing) country of the export

3.2 Temporary export license/permit/authorisation

- The following documentation must accompany the application for a temporary export permit:
 - A copy of the applicant's identification document or passport
 - Documentary proof of ownership of the firearm and/or ammunition
 - A valid firearm license/permit/authorisation for the firearm/s to be exported
 - Particulars of the firearm/s (type, make, caliber, serial number)

- A letter of invitation confirming that the applicant was invited to participate in:
 - A sporting event that requires firearms and ammunition
 - An organised display of firearms and ammunition
 - Hunting activity
- Possession of a temporary import permit or authorisation from the receiving country
- Foreign officials who require authorisation to possess firearms and ammunition for official purposes must provide an official letter to the importing country confirming that the applicant is a member of a contingent on an official visit. (Security Personnel at foreign embassies must follow this procedure.)
- The maximum period of validity of the temporary export license/ permit/ authorisation must not exceed three (3) months





CHAPTER 6 FIREARMS AND AMMUNITION IN TRANSIT

1. INTRODUCTION

In terms of Article 5(3)(c) of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, procedures for the transit of firearm shipments must be co-ordinated by State Parties.

2. RESPONSIBILITIES

The movement of firearms, ammunition and other related material must be strictly controlled, therefore it is imperative to standardise the transit procedures in the SADC region.

2.1 Applicant

- A copy of the applicant's identification document or passport
- Clearance from receiving country (where firearm is going) in the form of a copy of the import license/permit/authorisation
- Proof of lawful ownership of the firearm(s) and ammunition
- Particulars of firearm intended for transit:
 - - Type
 - - Make
 - - Caliber
 - - Serial number
- Ammunition details:
 - - Type
 - - Caliber
 - - Quantity
 - - Make
- A description of the mode of transportation (flight number, boat information, vehicle number, drivers particulars, and route to be taken)
- Particulars of firearm(s) and/or ammunition to be transferred
- Quantities for firearm(s) and/or ammunition to be transferred
- Transit Transfer dates
- Verification of export permit from country of origin
- Escort/Safe storage facilities during the period of transit

2.2 Firearms Officer

- The application must be verified by the relevant firearms officer for completeness and correctness
- The relevant firearms officer must verify and check:
 - - The firearms and ammunition intended for transfer to be transported
 - - The supporting documentation
 - - The police must verify the fingerprints of the applicant
- The relevant firearms officer must:
 - - Record the details of the verified application in the applicable register
 - - Provide the application with a unique reference number



- The designated authority must consider the application
- If the application is approved the Registrar must print a transit permit
- Sign and date stamp the transit permit
- Send the transit permit to the relevant firearms official

2.3 Other Role Players

- The following categories of people are involved during the transit of firearms and ammunition:
 - Firearms Registrars
 - Customs officials
 - Relevant parties for escorting firearms and ammunition (such as Police, Ministry of Interior or Defence)

3. REQUIREMENTS

Transit Permit

- Safe storage facilities must be in compliance with the minimum requirements of the national law of the transit country
- The firearms and ammunition must be under direct supervision of licensee transporter/authorised person
- Use of the firearm(s) and/or ammunition in transit is prohibited in the transit country
- Firearms must be unloaded and ammunition sealed during the transit
- A transit license/ permit/ authorisation must only be valid for thirty (30) days





CHAPTER 7 RECORD KEEPING

1. INTRODUCTION

In terms of Article 6(b) of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, State Parties must undertake to establish and improve national data-basis, Communication Systems and acquire equipment for monitoring and controlling firearm movements across borders.

2. RESPONSIBILITIES

2.1 Manufacturers

- The following details of Manufacturers that has applied to the Registrar for a Manufacturers license/permit/authorisation must be recorded:
 - Trading name of Manufacturer
 - Issued registration number
 - Physical address
 - Contact details of responsible person
 - Inspection reports/returns
- Details of manufactured firearms it:
 - Make
 - Model
 - Type
 - Caliber
 - Action of firearm
 - Serial number
 - Unique markings
 - Date of manufacture
- Additional recordkeeping requirements for manufacturers:
 - Manufacturers must be registered with the Central Firearms Registrar
 - Inspection report of Manufacturer's business premises in light of safety
 - Proof of safe and secure storage facility and/or vault
 - The Registrar must be informed of the purpose and motivation for manufacturing firearm(s)
 - Business license number
 - Conditions for manufacturing as prescribed by the Registrar
 - Report of manufacturing by the Manufacturers to the Registrar in weekly returns
 - Report of transfer from the manufacturer to the Registrar in weekly returns
 - The Registrar must keep records of manufacturers that ceased to function for a minimum of ten (10) years



2.2 Dealers

- The following details of Dealers that has applied to the Registrar for a Dealers license/permit/authorisation must be recorded:
 - Trading name of Dealer
 - Issued registration number
 - Physical address
 - Contact details of responsible person
 - Inspection reports/returns
- Additional recordkeeping requirements for dealers:
 - Dealers must be registered with the Central Firearms Registrar
 - Inspection report of dealer's business premises
 - Proof of safe and secure storage facility and/or vault
 - The Registrar must be informed of the purpose and motivation for requiring firearm(s)
 - Business license number
 - Conditions for dealing as prescribed by the Registrar
 - Report of purchases made by the dealer to the Registrar in weekly returns
 - Report of sales from the dealer to the Registrar in weekly returns
 - The Registrar must keep records of dealers that ceased to function for a minimum of ten (10) years

2.3 Gunsmiths

- The following details of Gunsmiths that has applied to the Registrar for a Gunsmith license/permit/authorisation must be recorded:
 - Trading name of Gunsmith
 - Issued registration number
 - Physical address
 - Contact details of responsible person
 - Inspection reports/returns
- Additional recordkeeping requirements for gunsmiths:
 - Gunsmiths must be registered with the Central Firearms Registrar
 - Inspection report of gunsmith's business premises
 - Details of firearms the Gunsmith is licensed to work on
 - Ammunition required for testing purposes
 - Business license number
 - Conditions for dealing and conducting business as a gunsmith as prescribed by the Registrar
 - Proof of safe and secure storage facility and/or vault
 - Report of repairs from the gunsmith to the Registrar in weekly returns
 - The Registrar must keep records of gunsmiths that ceased to function for a minimum of ten (10) years



2.4 Brokers

- The following details of Brokers that has applied to the Registrar for a Brokers license/permit/authorisation must be recorded:
 - Trading name of Broker
 - Issued registration number
 - Physical address
 - Contact details of responsible person
 - Inspection reports/returns

2.5 Individuals

- The following details of Individuals who has applied to the Registrar for a Firearm license/permit/authorisation must be recorded:
 - Name and surname as per identification documents
 - Identification number and/or passport number
 - Date of birth
 - Contact numbers of the applicant
 - Contact numbers of spouse, if applicable
 - Contact numbers of friends and family
 - Contact number of employer, if applicable
 - Postal address of the applicant
 - Previous physical address, if applicable
 - Previous employer, contact details and physical address
 - Recent photograph (Less than five (5) years old)
 - Record of inspection, which was conducted at the physical address where the firearm(s) will be stored
 - Proof of secure/safe storage facility
 - Particulars of nearest police station
 - Fingerprints of the applicant
 - Competency certificate (records must show if the applicant has previously applied for a competency certificate and whether or not they attained it)
 - Information regarding approvals and refusals of other firearm license applications
 - Information regarding previous cancellation of firearm licenses
 - Proof of acquisition of firearm(s)
 - Unfit declarations

2.6 Institutions (Security Service Providers)

- The following details of Institutions (Security Service Providers) that has applied to the Registrar for a license/permit/authorisation must be recorded:
 - Trading name of Institution (Security Service Providers)
 - Issued registration number
 - Physical address
 - Contact details of responsible person
 - Inspection reports/returns
 - Information regarding the purpose and motivation for requiring firearm(s)
 - Particulars of firearms and ammunition that will be used must be reported to the Registrar
 - Proof of registration with the applicable authority

- Security service providers must be licensed to possess firearms and ammunition
- Record of permits issued to security officers to possess firearms and ammunition
- Record of applicable competency certificates issued to security officers
- Annual inspection reports carried out by the Registrar
- Additional recordkeeping requirements for Institutions (Security Service Providers):
 - Proof of safe and secure storage facility and/or vault
 - Proof of employment of security officers/guards as required by national law

2.7 Firearms

- The following details of Firearms must be recorded:
 - Origin and history of a firearm
 - Firearm particulars:
 - Type
 - Caliber
 - Serial number
 - Manufacturer (make)
 - Unique markings
 - Action of firearm
 - The unique registration number as issued by the Registrar

2.8 General Requirements

- The following general recordkeeping requirements must be implemented:
 - Lost, stolen and found firearms must be reported within twenty-four (24) hours to the nearest police office
 - Records of the lost, stolen and found firearms must be maintained at the Registry
 - Destroyed firearms must be marked as ' destroyed' on the registry's records
- Records must reflect the number of applications the applicant has made:
 - The history of the application process
 - Re-registration of firearms
 - Failed application attempts and reasons for denial of applications

3. RECOMMENDATION

There is a need to establish and maintain an electronic database in all the SARPCCO member countries





CHAPTER 8

CIVILIAN FIREARM LICENSING, COMPETENCY CERTIFICATES AND FIREARM POSSESSION; REGULATION AND CENTRALISED REGISTRATION OF FIREARMS

1. INTRODUCTION

In terms of Article 5(3)(i) of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, State Parties must undertake to ensure the effective control of firearms including storage and use thereof, competency testing of prospective firearm owners and restrictions on owner's rights to relinquish control, use, and possession of firearms, ammunition and other related materials.

2. RESPONSIBILITIES

The Registrars are responsible for regulating and centralising the registration of all civilian owned firearms in their territories, therefore every firearm possessed by a civilian must be licensed and a centralised registration system must be maintained by the Registrars.

2.1 Types of firearms that are restricted from civilian use, ownership and possession

- Civilians are not allowed to own, use or possess fully automatic firearms and/or parts thereof
- Civilians are restricted from owning, using or possessing firearms with a calibre exceeding 12,7 mm unless exceptional circumstances (eg; hunting) are proven to the Registrar
- The restriction on civilians possessing certain calibres of firearms has to be evaluated with due consideration of the fact that certain 'hunting calibres' are up to 17 mm such as the 700 NE.
- Civilians are prohibited from owning, using or possessing any light weapons, and/or parts thereof

2.2 Requirements for civilian licensing, use and possession of firearms

Civilian applicants must comply with the following requirements before applying for a firearm license and must continue to adhere to the requirements as long as that person is a registered firearms owner:

- The minimum legal age for civilian licensing and possession of a firearm(s) is 18 years of age unless exceptional circumstances are proven to the Registrar
- The applicant must pass a competency test and be issued with an applicable competency certificate in order to apply for a firearms license
- An applicant must prove that he or she has a safe and secure place to store firearms and ammunition as prescribed by the national law of the country in which that person applies for a firearm license



2.3 Competency

- The requirements that must be satisfied by an applicant applying for a competency certificate are:
 - The applicant must be at least 18 years of age on the day the application is submitted to the Registrar unless exceptional circumstances are proven
 - The applicant must be a citizen, or hold a permanent residence permit, of the country where he/she is applying for the competency certificate
 - The applicant must be of stable mental condition
 - The applicant must be a fit and proper person to possess a firearm
 - The applicant must not be dependent on any substance that has an intoxicating or destabilising effect
 - The applicant must successfully complete the prescribed applicable firearm training
 - A competency certificate must not be granted to an applicant if the applicant was convicted, whether in or outside of the region:
 - Of an offence involving violence and sentenced to a period of imprisonment, without the option of a fine
 - Of an offence in terms of law relevant to explosives and sentenced to a period of imprisonment without the option of a fine
 - Of any offence under or in terms of Firearms law whereby the applicant was sentenced to a period of imprisonment without the option of a fine, prior to this application
 - Of fraud in relation to or the supplying of false information for the purposes of obtaining an authorisation/licence/authority to possess a firearm
 - Of an offence involving sabotage, terrorism, public violence, treason or arson
 - For dealing in drugs
- The competency test must consist of:
 - The applicant must obtain a competency certificate for each class of firearm the applicant applies for; this would apply to handguns and rifles
 - Theoretical and practical testing in the safe handling and use of the specific class of firearm must be conducted
 - A prescribed test, verbally or in writing, on the knowledge of the applicable national firearms law
 - Tests must be conducted by approved government or private entities and conducted at locations approved by the Registrar
 - Practical firearm tests must be conducted taken at approved government accredited shooting ranges
 - The approved government or private entity must issue a training certificate that must be attached to the application for the competency certificate
 - Applicants may undergo re-training until they successfully obtain a competency certificate



2.4 Other Restrictions

- Restriction on the number of firearms an individual may possess;
 - No person may hold more than four (4) firearm licenses unless there are proven exceptional circumstances
 - Exceptions with regard to the maximum number of firearms may apply to:
 - Hunters
 - Collectors
 - Sports persons, subject to specific provisions as contained in national firearms law
 - Legal entities, such as security providers
 - An individual may possess only one (1) firearm for self-protection.
 - The applicant must prove that the firearm is needed for self-protection before a license may be granted

- Prohibitions on the length of license validity:
 - Each country may determine the firearm license renewal period suitable for their circumstances, but the period must not exceed five (5) years
 - A firearm license should be held as valid for no more than five (5) years
 - The firearm license must be renewed on or before the date it expires or within the period as determined by national law
 - A competency certificate should not be valid for more than five (5) years
 - The competency certificate should be renewed on or before the date it expires or within the period as determined by national law

- Control of firearm possession in public (General use and transport):
 - Handguns
 - Handguns must be concealed on the licensee's person in a holster or properly designed carrier (Where the firearm is licensed for self-protection)
 - Rifles
 - Rifles must be kept secured/concealed in an appropriate holder (vehicle locker) in public
 - Rifles must be carried concealed in an appropriate holder or carrier case in public

- Other control measures:
 - The licensee must carry the applicable firearm license/permit/authorisation on his/her person while the firearm is under his/her direct control or on his/her person
 - Ammunition must be kept separately from the firearm except where the firearm is licensed for self-protection
 - National firearms law regulates the number of rounds of ammunition license holders are allowed to possess
 - Special provisions/conditions may be determined by individual states for the lending of licensed firearms to additional authorised persons, subject to strict governmental control



2.5 Control over the use of firearms

- Firearms may only be used where it is safe to do so and for lawful purposes
- Licensees may only use their firearms within the ambit of national law
- National law may make provision for the compulsory reporting of use/discharge and destruction of ammunition by license holders in residential areas within 24 hours
- Provision for the justifiable use of a firearm must be made within national law

2.6 Transfer of ownership by means of legal transactions or change of ownership:

- Firearms
 - The person selling the firearm must have a valid firearm license for the firearm before considering the transfer
 - The person acquiring the firearm must possess a valid competency certificate
 - The person acquiring the firearm must apply to the Registrar for a licence/permit/authorisation to possess the firearm
 - The old license must be surrendered to the Registrar
 - An 'agreement of sale' – contract, letter, form, official documentation stating that the parties involved acknowledge and consent to the transfer of the firearm may be required by each individual state if necessary
- Inheritance
 - A person who inherits a firearm must follow the same application procedure as for obtaining of a firearm license by a civilian
 - If the inherited firearm will cause the applicant licensee to exceed the number of firearms allowed for possession by a civilian, the applicant licensee must legally dispose of one of the excess firearms
 - Firearms from a deceased estate are the responsibility/under the control of the executor or the police and must remain under the control of the executor or the police until such time as the license application was successfully concluded or the firearms are surrendered for destruction to the State
 - The firearm must be stored in a safe place as prescribed by national law during the application period
- Monitoring of licenses
 - The relevant authorities must, to ensure that the license holder is still complying with the requirements in accordance with national firearms law, carry out regular checks of firearms and firearm licenses held in a licensee's possession
 - Compliance inspections are the responsibility of the designated responsible authority

2.7 Restrictions on possession:

- To use or possess a firearm, a person must have a firearm license/permit/authorisation
- There must be proven facilities/storage space for the safe keeping of the firearm
- Pawning/pledging of firearms is not allowed in the region





CHAPTER 9 SEARCH, SEIZURE, CONFISCATION AND FORFEITURE

1. INTRODUCTION

In terms of Article 5(3)(h) of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, State Parties must undertake to provide for the seizure, confiscation, and forfeiture to the State of all firearms, ammunition and other related materials.

2. RESPONSIBILITIES

Member states shall provide, in their national law, for the search, seizure, confiscation and forfeiture to the State of firearms, ammunition and other related materials



CHAPTER 10

VOLUNTARY SURRENDERING OF FIREARMS, AMMUNITION AND OTHER RELATED MATERIALS

1. INTRODUCTION

In terms of Article 12 of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, State Parties shall introduce programmes to encourage lawful firearms holders to voluntarily surrender their firearms and illegal firearm holders to surrender their firearms for destruction.

2. RESPONSIBILITIES

2.1 Amnesty

- The purpose of an amnesty is to provide civilians with the opportunity to voluntarily surrender illegal firearms, ammunition and other related materials to the State for destruction
- The State may consider granting immunity from prosecution for the period of the amnesty
- The recommended duration of an amnesty is three (3) months or ninety (90) days
- Firearms must be sent for ballistic testing, to determine if the firearms had been used in crime, before being destroyed.
- Informing the public of an amnesty should take place through the media and any other communication medium available to individual countries
- As many State departments as appropriate should be involved in the amnesty process
- It is recommended that an initial firearm destruction event take place as soon as possible after the declaration of an amnesty. The destruction must be covered by the media, in an attempt to promote public trust in the firearm collection and destruction process

2.2 Voluntary surrendering

- Voluntary surrendering of legally owned firearms and ammunition should be encouraged at all times
- License holders, who feel that they do not have need of their firearms and ammunition any longer, may surrender it with the valid license(s) at any police station for destruction.



CHAPTER 11 DESTRUCTION OF FIREARMS, FIREARM PARTS AND COMPONENTS

1. INTRODUCTION

In terms of Article 11 of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, State Parties must undertake to adopt co-ordinated national policies for disposal of confiscated or unlicensed firearms

2. RESPONSIBILITIES

2.1 Minimum standards for the destruction of firearms

- The Registrar must establish and maintain an effective system for destruction of firearms, ammunition and other related materials
- The Registrar must create an official record of firearms, ammunition and other related materials that are destroyed
- The Registrar must be informed of all destroyed firearms, ammunition and other related materials, and must be provided with an inventory of the destruction where the destruction is conducted by another authorised authority
- The Registrar must verify that the firearms, ammunition and other related materials that are presented for destruction corresponds to the official record
- Photographic evidence of the destruction process should be obtained to record the destruction process what took place during and after the event
- The relevant authority must be present throughout the destruction process
- The relevant authority must issue a certificate certifying that
 - the firearms, ammunition and other related materials were destroyed and also state the manner in which it were destroyed, the date and time as well as the place where the destruction took place
 - the firearms, ammunition and other related materials were permanently and irrevocably destroyed
- A certified process of melting or other methods of permanent destruction must be used and the relevant authority must take full responsibility for the destruction process
- Firearms, ammunition and other related materials that were forfeited to the state must be destroyed within a period of twelve (12) months
- The Registrar must maintain records of destroyed firearms and components for at least ten (10) years
- When a firearm that is designated for destruction is found to be registered in another SADC country, that firearm should be repatriated to the country it was registered.



CHAPTER 12

OTHER TOPICS CONCERNING FIREARM CONTROL

1. INTRODUCTION

In terms of Article 8 and 13 of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, State Parties must undertake to establish and maintain complete national inventories of firearms, ammunition and other related materials held by security forces and other state bodies and to develop national and regional public education and awareness programmes to enhance public involvement and responsible ownership of firearms, ammunition and other related materials.

2. RESPONSIBILITIES

2.1 Control mechanism over State owned firearms

- State agencies and departments that are required to utilize firearms, such as the Military and Police, must have individual or combined accounting procedures to maintain proper control over small arms and light weapons in their possession
- All state owned firearms must be marked in a uniform manner for easy identification
- The Firearms Registrar of each country should have access to information relating to all state owned firearms in the country, whether directly, by means of a centralised linked database or indirectly, through designated intermediaries in the other firearm-using state departments

2.2 Public Awareness

- Each country may determine its own strategies to raise public awareness.
- The following are some of the methods that have been used by countries:
 - Printed documentation can be distributed to the public by engaging other departments such as Education to make the material available to learners and parents.
 - Visual awareness campaigns can be conducted using posters and placing them on advertising boards along access roads in banks as well as other places where crowds and groups of people gather.
 - Caps, T-shirts and other pieces of clothing have been printed with captivating slogans and were distributed to target communities and government officials to show their support of firearms control.
 - Playing cards with information has been used to inform people.
 - Pens, stickers, rulers, pencils, erasers, pen stands, cups and business cards with captivating slogans have been used to great effect to raise public awareness.
 - In many cases the police can contact politicians' speech writers to include arms control issues in their speeches

- The media can also be contacted to print, talk about and cover notices of events designed to raise awareness.

ENDNOTES

i Definitions used in this Standard Operating Procedures Manual were adopted from legislation in the SADC region. Many of the definitions were adapted to suit the needs of the Central Firearms Registrars and is based in their needs and experience in the field of firearms control.

Some of the original definitions can be found in:

- Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region.
- Firearms Control Act. 2000. (Act No 60, 2000). South Africa.
- National Conventional Arms Control Act, 2002. (No. 41 of 2002). South Africa.
- Firearms Control Act. 2000. (Act No 60, 2000). South Africa. Firearms Control Regulations (2004). South Africa.
- Private Security Industry Regulation Act, 2001 (No. 56 of 2001). South Africa.

ii Example of a captured record:

Details of manufactured firearms:

- | | |
|-----------------------|---|
| - Make | Berretta |
| - Model | AL391 Urika 2 |
| - Type | Shotgun |
| - Caliber | 12 bore |
| - Action of firearm | Semi-automatic |
| - Serial number | 1111 |
| - Unique markings | X-Tra Grain finish
Owner name engraved on barrel |
| - Date of manufacture | 2000 |





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