

To whom it may concern,

This is my first submission of inputs pertaining the draft amendments to the Firearms Control Act of 2000 – dealing specifically with the Socio-Economic Impact Assessment (SEIAS template, 2015), the foundation upon which the proposed amendments are based.

Due to the voluminous nature of the amendments, a second submission dispensing with them alone will follow in due course.

### [A fatally flawed and outdated foundational document](#)

A significant issue is that the SEIAS template dates from 2015, meaning that even the latest information contained within it is at least six years old. Our national situation has drastically changed since 2015, with a great many far-reaching and highly significant changes occurring in merely the past 30 months. Therefore basing 2021 amendment proposals on severely outdated data, some of which is over a decade old, is unacceptable and frankly bad policy writing.

This fatal shortcoming alone should have resulted in the proposed amendments never being published to start with. Yet, for reasons that escape me, the relevant people didn't see this ruinous flaw as serious enough to go back to the drawing board.

That said, I will now go through the SEIAS template section by section and address some of the most grievous errors and unacceptable shortcomings, with the disclaimer that many more are contained within and I unfortunately do not possess the time to deal in detail with the whole terribly written, poorly compiled, and fatally flawed document upon which the proposed amendments are based.

### [Significant and credibility-destroying errors and untruths on the second page](#)

In Section 1.1 the document states “these are the crimes most likely committed with a firearm.” Yet the author(s) provide no evidence or even a reference to this claim. It is therefore essentially an unsubstantiated opinion at best, and a deliberately dishonest foray in fallacious reasoning at worst – a overly-prevalent and unacceptable problem that plagues the entire document.

Recent figures ([from the 2019/20 crime statistics published by SAPS](#)) prove that out of 126 493 contact crimes, only 20 927 (16,54%) were committed by use of a firearm. This directly and meaningfully contradicts the claim published in the SEIAS document that these crimes are “most likely committed with a firearm”. Hence from the very start the integrity and useability of the SEIAS template is seriously compromised.

The author(s) then continue with “an additional 1,362 illegal firearms and rounds of ammunition were recovered in the same reporting period. This could possibly indicate the greater availability of firearms.”

This is again a baseless statement and supposition at best. The tenuous link between the number of firearms recovered and the number in circulation is not even estimated or compared. The recovery would more likely be linked to the increase in the number of robberies with aggravating circumstances. It stands to reason if there are more robberies, there are more opportunities for recovery.

Equally one must question the term “illegal firearms” – It is well documented that a number of legally owned firearms have been confiscated and deemed “illegal” as a consequence of the licencing and re-licencing fiasco leaving many firearm owners with expired licences.

The document continues; “In 2012, research by the Medical Research Council (MRC) of South Africa claims that 57% of women killed in South Africa are murdered by their husbands or boyfriends and that licenced firearms are used in 75% of cases where a firearm is used.”

This research needs to be made available – there is no reference, link, or footnote identifying which research this is. It is therefore impossible to ascertain what research methodology was used, how statistical inference was applied, and if the sample sizes were sufficient or if the published outcomes are even remotely valid. Significantly, the research in question was published 9 years ago, inferring the dataset in contains must be at least a decade old.

Again, this is far too out of date to be used as a foundation for writing current policy.

Additionally, it states that “licenced firearms are used in 75% of cases where a firearm is used.” Yet the same statement does not indicate in how many instances firearms were used. If, for example, out of 100 instances only 6 were committed with firearms, then only 4,5% are (by inference) committed with licenced firearms. Which we be statistically insignificant.

Equally there is no differentiation here between whether these were legal or illegal firearms. This is simply using unsubstantiated statistics to try and enforce a position. It is misleading at best.

We have now merely addressed major errors and unscientific disingenuous reasoning found on page two of the entire document. This alone should have led to any reasonable and credible person deeming it unusable and relegating it to the document shredder. Unfortunately this hasn't occurred, so we are forced to continue further analysis.

### [Blatantly incorrect data and research that is far too old](#)

In Section 1.2 the author(s) state “research claims that 75% of women who are shot, are killed by a licenced firearm”.

This is a broad statement and again no note is made of where this research emanates from, and what its reliability is. One must also note that a number of female deaths where a firearm is the cause are that of police officers who have killed their spouses / girlfriends with

their service pistols<sup>1234</sup>. One would need to debate whether there is a differentiation between State Service Pistols and “licenced firearms” to be rational in presentation of statistics. Yet this is not done.

It must also be noted that according to the [2021 IPID report, the South African Police Services are responsible for 424 deaths for the 2019/20 period and 440 for the preceding period](#). It would be reasonable to assume that the majority of these would be considered “firearm related deaths” and consequently these should not be included and compared to civilian firearm related incidents.

The author(s) then continue by stating “in an international study in 2015 South Africa was found to have the second highest rate of firearm related deaths in the world.”

Apart from the fact that this study is now more than six years old, and is therefore (again) outdated and thus insufficient for use in constructing policy, this must be contextualised.

One has to view the study and see with which countries South Africa is compared, which we cannot do because the study is (again) not identified, referenced, or linked. This unacceptable omission aside, we must note that South Africa is after all still a developing economy that cannot be meaningfully compared with developed economies. Such cross-country comparisons are irrational and serve little purpose.

As previously noted, some 420 of those deaths are at the hands of the SAPS in the execution of their duties. That number alone is indicative of the levels of violence in South Africa and the impunity with which criminals act. More recent data from 2017 (courtesy of [Our World in Data](#)) indicates somewhat differently.

A cursory glance at the figures make it obvious that we place significantly below Venezuela, Colombia, Brazil, Mexico, the Dominican Republic, Jamaica, Ecuador, Paraguay, Guyana, the United States, Ivory Coast, Burkina Faso, the Philippines, and others. Nowhere near “second highest” as claimed.

Therefore the report used is not only outdated, but paints a blatantly incorrect picture of reality.

I must therefore stress, yet *again*, that the integrity and useability of this document as the foundation for amendments to the FCA is fatally compromised. It should not have been used at all.

We continue with the analysis.

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<sup>1</sup> <https://www.iol.co.za/news/south-africa/free-state/free-bail-for-policewoman-who-allegedly-tried-to-shoot-cheating-husband-3ad0dc74-f610-4cbc-a7e4-836ce87d99ce>

<sup>2</sup> <https://www.algoafm.co.za/domestic/constable-in-court-for-allegedly-killing-his-wife>

<sup>3</sup> <https://www.bloemfonteincourant.co.za/traffic-officer-dies-after-killing-wife/>

<sup>4</sup> <https://boksburgadvertiser.co.za/361820/police-open-inquest-and-murder-case-after-police-officer-killed-wife/>

The author(s) continue with “increased availability and abuse of firearms (legal and illegal) contribute significantly to the high levels of violent crime in our society”.

Firstly, this statement confuses correlation with causality – an elementary error that is unacceptable in published research. Secondly, this claim is neither quantified nor referenced, which further renders it invalid.

It is unquestionable that a proliferation of “illegal” (should be “unlicensed”) firearms in any society indicates that a certain number of those may be in criminal hands. Yet it is common knowledge that many poor South Africans who cannot afford to comply with the FCA, and who are desperate to protect themselves and their families from violent criminals due to the chronic failure of the SAPS to uphold its constitutional mandate and enhance safety and security in rural and urban poor areas, turn to unlicensed firearms as a last resort.

It is also spurious to make the assertion that legal firearms have the same effect as unlicensed “illegal” ones. This is a baseless statement and has not been quantified. In fact there are many studies that show the opposite to be true. [Regularly we find news reports where civilians have used their firearms in defence of life](#), and have survived potentially lethal encounters.

This document would rather draw attention to “another firearm related death” as a statistic than to emphasise that the outcome was self-defence related and justifiable. The much-lauded figures of “firearm related deaths” include those killed in the commission of criminal acts by the SAPS, as well as those killed in the commission of crimes by legal firearm owners defending themselves. This is the tragic reality of the shoddy statistics presented in this document.

The author(s) continue by stating “there is no compliance or competency assessment of firearm owners who must renew competency certificates and the firearm owners who hold licences under the Arms and Ammunition Act 75 of 1969 (“the 1969 Act”).”

There is equally no competency or reassessment of drivers who must renew their drivers licences. When one considers that the [SAPS currently has some 4500 police officers in the Western Cape alone that failed their annual competency shoot](#) – one must ask whether they would rather be the proverbial pot or the kettle? Since this document refers to 2015 studies, one may as well also cite [the 2015 statistic that indicates 40 000 SAPS members nationally are not competent to carry state issued firearms](#).

This statement alone, shows a complete misunderstanding of licencing and the process required to achieve competency.

The author(s) then state “the FCA does not sufficiently limit the number of firearms.”

This is as it should be. The FCA does not need to limit the number of firearms in any manner whatsoever. There is no correlation between the number of firearms owned by an individual and the number of illegal firearms in South Africa. As the SAPS is the largest firearm owner in the country aside from the SADF, one would expect that they would be

prudent in their management and accounting of their arsenal – to the same standard as civilian owners at least – yet they are not. The fact that the [SAPS lose on average 8 times more firearms per capita than civilians](#) do is a shocking indicator of the state’s shortcomings as custodians of their own firearms.

The SAPS has been targeted on a number of occasions by criminals seeking firearms. Stations have been attacked and members of the SAPS overwhelmed in these instances. Individual officers have been robbed of their weapons, sold their weapons and lost their weapons – yet we see no accountability for this. We see no responsibility whatsoever.

The required solution here remains to licence the person and register the firearm. That is the extent of number limitation that the FCA should be concerned with.

The document continues; “Shortcomings in the FCA do not allow the regular assessment of the competence of holders of current licences.”

There are many shortcomings in the FCA. This is not one of them. See the above comments regarding drivers licences. In point of fact, PDP licence holders are not re-examined (I speak under correction) yet have the responsibility of ferrying passengers on deadly public roads.

The author(s) then continue, “the problem arises from an order by the High Court in SA Hunters and Another v Minister of Safety and Security (Case No. 33656/09) where it found that firearms licences issued under the 1969 Act remain lawful and in effect. If a licence issued under the 1969 Act need not be renewed under the FCA, the holder cannot be assessed for compliance with the FCA or competency. • The FCA does not address the transition of firearms licences from the repealed 1969 Act to the FCA sufficiently. The problem will persist as long as the transitional provisions of the FCA remain unchanged.”

The fact that the SAPS sees an order of the High Court of South Africa as “a problem” is exactly what is at the heart of this issue.

The SAPS wishes to act in an autonomous and despotic manner with regards to any firearm related matters, from licencing through to use for self-defence. Yet the SAPS has proven time and again that it struggles to maintain control over its own arsenal, and considers officers who fire a mere 75 rounds a year at static targets in full daylight conditions with no fire-and-movement to be “competent”.

This is the same organisation that has caused firearms to be ***sold*** into the hands of criminals from its collection of firearms handed in for destruction by members of the public. This is the same SAPS whose members have executed their spouses with their service pistols. The same [SAPS that have over 4000 members with criminal records in service](#) and most likely with access to the state arsenal – and yet they wish to exercise autocratic control?

The document then proceeds for another several pages rehashing and expanding inference on the abovementioned points: inaccuracies, untruths, lies and all.

## Conclusion

The Socio-Economic Impact Assessment System report from 2015 is an atrocious document.

It is horrendously outdated to the extent of being entirely unsuitable for writing policy in 2021. The document contains shocking errors, omissions, blatant dishonesty and outright falsehood. It fails at providing critical referencing, fails at quantifying statistics vital to its central (and even its peripheral) arguments, and indulges in fallacious reasoning in order to support baseless opinions.

The sheer number of unsupported and false claims made within it are staggering. This is not how policy writing is mapped. It is an insult to the intelligence of every person unfortunate enough to read it.

This is unacceptable.

If a first year economics student wrote this abominable manifesto as an essay or research project, they would fail the module. It doesn't even attempt to comply with the basic requirements of a foundational research summary or project.

Therefore I insist that this document is discarded from any further process, that the proposed amendments (which I will address in a later submission) are rejected, and that an entirely new process with real stakeholder engagement take the place of any future misadventures along these undemocratic and unscientific lines.

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