

## CHAPTER 2

# POLICING PORTS AND FIREARMS CONTROL

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### **Tightening border controls**

After the first democratic elections in South Africa in April 1994, the country opened up internationally and was exposed to global trends—economic, political and social. It was also affected by transnational crime to a far greater extent than previously.<sup>20</sup> This had an impact not only on the policing of the borders but also on the activities of organised crime, which ranged from the smuggling of drugs, illegal immigrants, firearms and other goods into the country to the illegal export of stolen cars and endangered species.

The interim Constitution (Act No. 200 of 1993) placed the responsibility for “...such functions relating to border control and the import and export of goods as may be assigned to the Service by law”<sup>21</sup> on the National Commissioner of the South African Police Service (SAPS).

The SAPS has a wide set of functions, including crime prevention, investigation of any offences, the provision of security and the maintenance of law and order. In terms of the 1993 Constitutional stipulation, policing borders is the prime responsibility of the police, in co-operation with the other governments departments involved (Customs and Excise and the Department of Home Affairs—DHA). Customs and Excise has a single border control responsibility, namely “...to provide for the levy of customs & excise duties”,<sup>22</sup> whereas the DHA’s duties are “...to provide for the control of the admission of persons to South Africa”.<sup>23</sup>

By early 1995 the situation at the borders had become a matter of extreme concern to the management of the newly amalgamated SAPS. Accordingly, and as part of the restructuring and transformation process then under way in the police service, a Technical Sub-Committee on Border Control was created to make recommendations for the establishment of a national Border Police component, which came into being at the end of 1995. The Border Police were to have four sub-sections: three would control land border posts, sea harbours and airports, and the last would set up internal tracing units

(ITUs). The personnel of the Border Police were to be recruited from other SAPS structures and given specialised training.

Since 1994, much of the effort of the SAPS (in particular the Border Police) and other government agencies has been directed at dealing with the increase in all criminal activities, particularly those related to organised crime. Many of these efforts have centred on tightening up controls at all ports of entry and co-ordinating inter-departmental efforts. Cross-border initiatives such as the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) have made an important contribution to reducing crime. The Organised Crime Investigation Units (OCIUs) of the SAPS have also fostered co-operation with neighbouring countries. Three-monthly tri-lateral workshops are held between South Africa, Swaziland and Mozambique, while co-operation between South Africa and Lesotho has also been established. The Border Police are permanently represented on five bi- or trilateral forums with neighbouring countries, and have entered into close co-operation with Interpol and border control training agencies abroad. The Border Police are also permanently represented on the Legislation Committee for Border Control (LCBC).

A number of new co-operative ventures have been undertaken domestically following the launching of the National Crime Prevention Strategy (NCPS) in May 1996.<sup>24</sup> In July 1996, in an effort to address the lack of co-ordination between the parties involved, the Border Affairs Co-ordinating Committee (BACC) was initiated by the Border Police. The aims of the BACC were both to encourage the different departments engaged in border control to talk to each other at a management level, and to achieve consensus on policy approaches. Monthly meetings were held, but at times co-operation foundered on inter-departmental rivalry, and lack of clarity both on specific roles and the distribution of accountability among the different departments.

In addition, a number of specific partnerships with other departments and with the private sector were formed to assist efforts to combat organised crime. Among these was the Customs Law Enforcement Task Group (CLETG), which was responsible for the co-ordination and exchange of information concerning border control and movement of goods, with particular reference to the avoidance of customs dues and the smuggling of goods. Another was the Business Against Crime (BAC) Border Control Project, which aimed to improve the regulation of the illegal movement of persons and goods in and out of the country through better and more co-ordinated control of ports of entry. The Money Laundering Forum was created to encourage consultation between, and exchange of information with, the banking fraternity, insurance industry and government agencies.

## ***Reviewing existing controls***

An assessment by a US team of existing controls was undertaken in December 1996 to identify weaknesses in the policing of South African borders.<sup>25</sup> The team's report noted that the border control command structure (covering all functions, not just policing) appeared to be disjointed. They also recorded that one of the major challenges facing control at land borders was the "...volumes pertaining to the movement of both cargo and persons, illegal crosses, the smuggling of firearms, vehicles and drugs ...contraband...'round tripping' seems to be the order of the day".<sup>26</sup>

Furthermore, the US assessment team found that security arrangements at the major airports were flawed in that they were mainly controlled by non-governmental organisations such as the Airports Company which were not subject to standard security criteria. Moreover, it was found that at the smaller airports there were virtually no border control systems.<sup>27</sup> At each port of entry visited by the US assessment team, it was generally noted that there was "an unacceptable level of security".<sup>28</sup> At the sea ports there was a notable absence of security personnel. With the exception of the police, the other agencies responsible for border control were not physically located inside the harbour areas. A general lack of security left the ports vulnerable to the smuggling of people and various goods. In addition (as at the airports), officials responsible for border control at the harbours had to rely on premises and facilities provided by private companies or parastatals such as Portnet.<sup>29</sup> The assessment report concluded that overall the situation at South Africa's land, sea and air borders was unacceptable, and that "a general lack of security leaves the ports vulnerable to the smuggling of people, goods, weapons and drugs".<sup>30</sup>

The report's observations, recommendations and conclusions served as the basis for a document motivating a collective approach that was tabled at the NCPS Ministers' Forum and sent to the director-generals of the three departments involved on 20 March 1997.<sup>31</sup> This document was finally approved by the NCPS ministers on 22 April 1997 and ratified by the South African Cabinet on 30 April 1997. The collective approach was, however, seen as an interim arrangement only. It was to be the first step in the reorganisation of border control functions in South Africa. At the time, the Cabinet also accepted that further investigation of border control processes would be needed before informed decisions could be made on an optimal structure that would provide more effective border control. Such a study would have to examine two options: a focused single border control agency, or border control as a co-operative venture, with functionally independent units answerable to a number of government departments.

On 5 May 1997, an inaugural meeting which approved the establishment of a National Interdepartmental Structure (NIDS) for Border Control between the SAPS (the Border Police), DHA (Immigration), and SARS (Customs and Excise), was held. This collective approach was seen as the only workable strategy for ensuring effective border control. During May 1997 pilot 'blitz' operations were launched on a collective basis at ports of entry, among them Operation Sentinel at Durban Harbour and Operation Jacuzzi at the JIA.<sup>32</sup>

## Implementing new procedures

In October 1997 the NIDS Secretariat<sup>33</sup> was formally established to implement a more organised and co-ordinated national structure.<sup>34</sup>

NIDS began its co-ordinating functions by carrying out a comprehensive analysis of the border control environment. From this assessment it became clear that a number of problems needed to be addressed by the SAPS, the DHA and SARS before a more effective border control service could be created. One of the main problems was the absence of uniform standards and regulatory procedures. Instead, border control was being exercised within an ad hoc or reactive environment, with decisions made as the need arose. Realising that a complete reformulation of border control activities was needed, NIDS launched a number of specific initiatives. One of the first was the formation of Mobile Detection Units (MDUs). These incorporated the previous Internal Tracing Unit functions with wider internal search and follow-up actions. The MDUs were to comprise Border Police members as well as immigration and customs and excise officers. Their operational objectives were to improve the overall effectiveness of internal border control operations and to offer a more flexible and mobile service.<sup>35</sup>

All operational activities of the MDUs relate to border control enforcement. Their main focus is the detection of cross-border crime and the carrying out of investigative tasks that do not hamper the mobility of the unit.<sup>36</sup> The first MDU (consisting of Customs and Excise and Border Police officers) became operational in early January 1998 at Lanseria airport.<sup>37</sup> Subsequently a number of MDUs were established at both national and regional levels. A 24-hour Central Control Centre (CCC) was created to assist with management and to co-ordinate the managerial and operational aspects of MDU activities with representatives of the SAPS, SARS and DHA. In addition, technical experts from other government departments (such as the South African National Defence Force—SANDF—and Department of Trade and Industry—DTI) were included as required.<sup>38</sup>

Other security and border control initiatives introduced by NIDS have involved the purchase of additional equipment, the use of new technology, and the reorganisation of operations at ports of entry. (For example, logical flow processes and improved information collection and sharing models are now being used.) Another significant innovation was the reduction in the number of points designated as international ports of entry. NIDS announced that any port of entry wanting to retain its international status would have to implement security measures that conformed to international standards and best practice (as represented by the ICAO, IATA and FAA requirements). In this way, NIDS compelled airport and harbour authorities at international ports of entry to raise their levels of security. By reducing the number of designated airports to ten, NIDS hoped to prevent a repetition of earlier failures in border control measures arising from manpower and equipment shortages, and the relative lack of controls at minor airports that had previously enjoyed international port-of-entry status.

The reclassification was also extended to land and sea ports of entry. Nineteen were designated as land ports of entry for commercial purposes, and 33 for tourist and local crossings. Seven seaports were re-classified: five were designated as fully fledged international seaports, while two were given reduced functions.<sup>39</sup>

A further aspect of the improved security controls at the designated international ports of entry was the use of joint anti-crime (or anti-smuggling) operations. The first of these was the multi-departmental Operation Jacuzzi, which specifically targeted smuggling operations at selected airports. This operation's successes during 1998<sup>40</sup> have continued, particularly in the seizure of drugs being smuggled through the JIA.

These joint operations also created a new model for the sharing of intelligence between all the agencies involved. They have had a significant impact on the amount of contraband leaving the targeted airports. However, it is believed that in some cases the operators and flights involved in illegal trade have merely moved their operations to other airports, therefore MDUs are being deployed at these airports as well.

### ***Impact of the collective approach***

Between 1997 and the end of 2000,<sup>41</sup> the period during which the collective approach was implemented by NIDS, substantial improvements were made to border control, particularly at international ports of entry such as the JIA

and Durban Harbour. These two were chosen to test all the new systems of control. Important lessons were also learnt from the pilot programmes.

Among the management successes arising from the NIDS collective and incremental approach to border control are the following:<sup>42</sup>

- An assessment, which included a review and evaluation of capacity, infrastructure, work processes and systems, was made of weaknesses in border control.
- A management system was implemented which dramatically improved communication and co-operation between the various departments involved.
- A uniform processing system was established for ports of entry or exit.
- All ports of entry were re-classified.
- Uniform design principles and infrastructural requirements were introduced for all ports of entry.
- At ports of entry, basic technological support was upgraded and new equipment purchased. Electrical power supplies, communication links and single electronic platforms (integrated computer databases) were installed.
- Specific enforcement equipment (for instance the x-ray scanner at Durban harbour) was provided and set up.
- The SAPS Vehicle Circulation System and the Department of Transport's National Traffic Information System (NATIS) were linked and made available to border control officials at all land ports of entry linked to departmental mainframe computers (approximately 90 per cent). The UNICODE system for vehicle identification using hand-held scanners is now available at 15 ports of entry. While the SAPS Vehicle Circulation System (VCS) is well utilised—at some border posts up to 100 per cent of all vehicle crossings are tested by this method—the UNICODE method is not, mainly owing to lack of training and manpower shortages.
- An awareness of the need for a focused and integrated approach towards countrywide border control has been created. Specific joint operations

(blitzes) have been carried out, and in turn have exposed collective weaknesses in operational procedures. Also, a management report system has been introduced to enable management at ports of entry to focus on priority risks.

- Infrastructural improvements were implemented at land ports of entry, where a gap-filler programme to provide basic flow control infrastructure and accommodation for personnel has been carried out in two phases in co-operation with the Department of Public Works. Also, at sea and airports, Portnet, ACSA and other airport owners have agreed to develop the necessary infrastructure for flow control, security and accommodation.

These border control initiatives have led not only to new approaches to border control at ports of entry but also to the reorganisation of systems and greater co-operation between the different role players and government departments. However, some of these measures are still in the process of being refined or have only recently been implemented.

## **Border police and firearms controls at ports of entry<sup>43</sup>**

In the 1999–2000 financial year substantial sums were provided to the Border Police for the purchase of equipment to support border control functions. The equipment included vehicles, x-ray scanners, fibre optic cameras (for videoing the inside of cargo loads) and CCTV cameras.

Some of the initiatives adopted by the Border Police have built on the co-operative foundations provided by the NIDS collective approach. In accordance with an October 2001 Cabinet instruction,<sup>44</sup> and to consolidate the collective process already established, a new Border Control Operational Coordinating Committee (BCOCC) was formed. At present the BCOCC is chaired by a member of the Border Police. Besides the lead departments of the SAPS, SARS, Home Affairs (Immigration) and Defence (Border Operations), other departments also have accreditation to the Committee.<sup>45</sup>

The Border Police have a separate monthly meeting with Customs and Excise on matters falling outside the Committee's ambit. Their relationship has been strengthened by certain agreements between them. At the beginning of 2002 the General Manager of Customs made co-operation between Customs and Border Police mandatory to the extent allowed by the recently changed Customs Act.<sup>46</sup> This agreement has been enforced at line manager level, in

contrast to the provisions of Section 4 of the Customs & Excise Act No. 91 of 1964, which specifically prohibited customs officers from sharing customs-related information. The co-operation between Border Police and Customs and Excise at ports of entry has improved dramatically, as has information exchange, although room for improvement remains in certain areas.

Considerable progress has made in the area of information management by the Border Police. Information officers have been appointed at most Border Police units stationed at ports of entry. The tasks of information officers involve the preliminary analysis of information (a process replicated at provincial and national level). Information collection focuses on five types of crime prioritised at ports of entry: those relating to vehicles, drugs, firearms, false documents, and dealing in abalone. A Border Police officer is required to fill in a Modus Operandi Report (MOR) for each seizure and arrest related to one of these types of crime. The MOR contains information on the type and description of goods seized; the details of the person or persons involved; and the *modus operandi* used. This report forms the basis of the first level of analysis. The information is then handed over to the SAPS Crime Intelligence section for a second and more comprehensive analysis. At provincial and national levels crime intelligence forums, in which detectives and crime intelligence officers participate, have been established. Their aim is to ensure the implementation of a unified SAPS action plan to deal with the five prioritised types of crime. The information collection system is continually being adjusted and refined.

The movement of firearms across borders presents a number of practical problems for the police. (The term 'movement of firearms' covers both illegal trafficking and legal exporting and importing.) These problems are attributable to a variety of factors:

- There is a shortage of border control personnel.
- Border Police personnel have low levels of expertise.
- Many Border Police officials have not received the training required to operate some of the control machines.<sup>47</sup>
- The firearm detection equipment is seldom used, for various reasons. One is that no budgetary allowance has been made for the equipment to be incorporated into the normal flow control process. Also, the optic fibre camera cannot be used in all cases because it is time-consuming. While it is possible for the Border Police to check the registration number of

every vehicle passing through a port of entry, it is impossible to search every vehicle or piece of passenger luggage using the optic fibre camera. Accordingly searches are information- or suspicion-driven. If at any one port of entry ten optic fibre camera searches are undertaken per day, this represents a good rate in terms of existing capacity. However, optic fibre camera searches are not as slow as physical searches, which involve offloading, unpacking and searching all goods and luggage.

- A major impediment to the effective use of Border Police equipment has been a lack of information on imports and exports of commercial firearms. Even less information is provided on military arms.
- Implementation of the new Firearms Control Act<sup>48</sup> and the provisions of the *Border Police: Procedure Manual* have been delayed because Act has yet to be promulgated. However, some of the measures for controlling the movement of firearms have already been tested in pilot exercises, and promise the expansion and improvement of the current measures (which are prescribed by the existing Arms and Ammunition Act).
- The new Firearms Control Act contains regulations that cannot be implemented by the Border Police without further training that is procedure specific. The new *Border Police: Procedure Manual*, which was accepted by SAPS management in May 2002, contains a section on firearms control that may go some way towards filling the gap.

## **Drawbacks and potential problems**

Added to the limited availability of information on weapons imported and exported is the problem of insufficient information sharing. This is compounded by the fact that certain information databases (not only within the SAPS but also in other government departments) are not integrated. The resulting fragmentation of information sources exacerbates the difficulty of collating information at one central operational point. Yet comprehensive crime intelligence is required to plan joint inter-departmental operations and take steps to prevent trafficking in arms.

Information that is available in various databases managed by the SAPS is currently restricted to commercial firearms. Little information is accessible on the export of military weapons to agencies outside government, although these exports have to be checked by the National Conventional Arms Control

Committee and approved by Cabinet. The only information provided on military exports relates to taxes and dues paid on export consignments. No details of the type and number of weapons or the size of consignments are given as this information is confidential (in accordance with the Customs & Excise Act No. 91 of 1964 and the relevant tax laws).

Currently, information collection and the crime intelligence system are hampered by a procedure that is still manual and paper-driven, although the Border Police (and the SAPS) are developing an electronic collection process. There is also the challenge of establishing a more effective profiling system at all ports of entry (and of converting the manual paper document system to an electronic one) to manage profiles using the existing Border Police infrastructure. Another aim is to extend the existing profiling system to other regions of the world by integrating it with the systems used by other policing agencies.<sup>49</sup>

## **Import and export controls on firearms and ammunition**

Previously the cross-border movement of firearms and the import and export of arms and ammunition were governed by the Arms and Ammunition Act No. 75 of 1969.<sup>50</sup> Although the new Firearms Control Act (FCA) No. 60 of 2000 is to be implemented from mid-2003, the requirements of the Arms and Ammunition Act are still applicable for enforcement in the interim. The Arms and Ammunition Act stipulates that the importation and exportation of arms and ammunition cannot occur without the requisite permits. These can be issued on application by any police officer if the firearm in question has a “manufacturer’s serial number or any other number by which it may be identified, stamped or engraved on the metal of the arm”.<sup>51</sup> The import or export of arms and ammunition also requires customs and excise documentation, clearance certificates, manifests and waybills at the point of entry or exit. If the purpose of importing “an arm by any person having such an arm in his possession on entering the Republic” is its possession and use (as distinct from its sale), the importation permit is endorsed and subsequently taken as a licence to possess that firearm.<sup>52</sup>

The FCA is more direct in its provisions restricting the manufacture and export of firearms and ammunition: “no person may manufacture any firearm or ammunition without a manufacturer’s licence”. Furthermore, a manufacturer is allowed to sell firearms only to a registered dealer or to the state. In addition, firearms and ammunition may be imported or exported only if an import or

export permit has been issued in terms of the Act.<sup>53</sup> The issuing of such permits is to be controlled at the SAPS Central Firearm Register (CFR). An in-transit permit is required for anyone carrying a firearm and/or ammunition through South Africa, a specific improvement on the provisions of the Arms and Ammunition Act.<sup>54</sup> Both old and new acts stipulate that no permit (export, import or in-transit) will be issued for any firearm or ammunition that lacks the required identification marks.<sup>55</sup>

Another measure introduced in the FCA to ensure additional security in importing and exporting firearms is the requirement for the CFR to establish and maintain a central importers' and exporters' database,<sup>56</sup> which will be linked electronically from points of exit and entry to the CFR central database. This will ensure far better monitoring of the movement in and out of the country of all consignments of firearms and ammunition, and will enable the authorities to check on the quantity and frequency of such imports and exports.

In-transit permits are also to be entered into the central database. For example, a foreign big game hunter coming into the country at the JIA will not be able to exit from Lanseria Airport without presenting such a permit. In the past, there was no way of 'red flagging' such passengers on the Movement Control System (MCS) or of checking whether the firearms in question had left the country. There have been cases in which game hunters have presented their hunting rifles to tour guides or trackers before leaving the country, with the result that these firearms remained in South Africa illegally.

## **Controls on the movement of firearms**

As already noted, in terms of the FCA the SAPS is responsible for controlling the movement of firearms countrywide. More specifically, the Border Police are responsible for the control and monitoring of the import, export and transit movement of all firearms. In the past there was a tendency to allow private security companies employed at the airports to monitor the movement of firearms,<sup>57</sup> largely because of manpower shortages in the Border Police. Much of the paperwork was processed by the consignee or forwarding agent. Also, the Border Police air and sea units at the various international ports of entry were not yet operational.

However, according to the provisions of the FCA and the new *Border Police: Procedure Manual*, the Border Police are required to take over the control

and supervision of the movement of firearms through all ports of entry. The sections below cover the responsibilities of the Border Police relative to the passage of firearms.

### ***Temporary imports***

With regard to private individual temporary imports (such as a firearm for hunting or for personal use), the Border Police must establish whether the person travelling through a port of entry is in possession of a firearm, and grant that person the opportunity to declare it. This is typically done by observing the shape of luggage (for example, a rifle carry-bag) or by x-raying baggage. However, because baggage x-ray operators are primarily looking for dangerous substances or explosives, a firearm observed inside cargo baggage will not automatically be reported to the police. Hand luggage is also x-rayed. The presence of a firearm is an automatic 'red flag', and is reported immediately. The passenger to whom the hand luggage belongs is stopped and subjected to a body search. The reason for this differential treatment is that technically, the greatest danger to security lies in weapons in hand luggage. This is not the case with cargo luggage, because a firearm in the hold cannot be accessed by a passenger. The primary danger in the cargo hold is explosives. This situation presents a security loophole in that a passenger need not voluntarily declare a firearm in cargo baggage. Moreover, the x-raying of both hand luggage and cargo baggage generally takes place only when international passengers are exiting, although after 11 September some ports of entry instituted 'reverse screening', in which the incoming baggage of both international and domestic passengers is x-rayed or screened.

If a person declares a firearm as a temporary import, an application form (SAP 311) must be completed at the port of entry. When this form is completed, the Border Police make a number of checks. They

- request the firearm licence that serves as proof of ownership;
- test the serial number of the firearm on the Firearm Circulation System;
- determine whether the firearm may be imported; and
- compare the serial number of the firearm with the serial number on the licence and the SAP 311 form.<sup>58</sup>

If these requirements are not met, the firearm must be handed to the Border Police for safekeeping and will be released to the owner only on his or her departure from the country. If the owner refuses to hand over the firearm, that person will be directed to Immigration for possible cancellation of his or her entry visa or temporary residence permit, and be refused entry into the country.<sup>59</sup>

When all the requirements are met, the Border Police approve the application and fill in a SAP 312 (temporary permit). Two further checks are required. First, the period for which the SAP 312 is issued should not exceed that covered by the visa or temporary residence permit. Second, the particulars of the firearm and owner are entered and circulated on the MCS and the original copy of the SAP 312 is handed back to the permit holder. These two steps ensure that when the person exits the country at any port of entry he or she will still be in possession of the firearm. To that end, certain checks are made on that person's departure. These include physically comparing the particulars of the firearm with the information provided in the SAP 312 and on the MCS, and collecting the original copy of the SAP 312 from the departing owner, to be forwarded to the CFR for record keeping.<sup>60</sup> If a person is found to have imported a firearm into the country and attempts to leave without it, he or she will be refused exit until a complete investigation into the matter has been completed and the firearm has been found.<sup>61</sup>

### ***Permanent imports***

In terms of importing a firearm permanently, a person must have the following documentation:

- a completed SAP 312 issued by the CFR;
- an import permit issued by the DTI; and
- proof of payment to the SARS of the relevant tax and customs duties.<sup>62</sup>

The firearm will be put through the same inspection procedure regarding serial number and ownership as for a temporary permit. If a person arrives at a port of entry wanting to import a firearm but without the requisite documentation, the firearm will be confiscated and put into safekeeping. It will be released only when all the correct documentation is obtained and all tax duties required are paid.<sup>63</sup>

In order to ensure better control over firearms and ammunition in safekeeping at ports of entry, the Border Police have now instituted the SAPS 312 (a), the so-called 'Register for Firearms Handed in for Safekeeping',<sup>64</sup> which is a serial number-controlled register.<sup>65</sup>

In essence what the FCA and the new Procedure Manual have introduced are more control checks and a stricter accounting of the movement of firearms and ammunition in, through and out of ports of entry.

### ***Securing and safekeeping of firearms***

Airlines are generally held responsible for the transportation of firearms and ammunition. Often airline companies use private security companies to ensure their safe transportation. This includes accepting them, clearing them into safekeeping and transporting them to the 'diplock'.<sup>66</sup> However, since the beginning of 2002 the Border Police deployed at the JIA have assumed all the securing and safekeeping functions pertaining to the air transport of firearms. All firearms must be permit controlled and handed in at the Border Police counter instead of the airline check-in counters or one of the security points. No airline may allow passengers to board an aircraft while in possession of a firearm or ammunition; and no airline may accept any firearm and/or ammunition from a passenger. Such a passenger must be referred to the Border Police counter, where all firearms are collected, inspected and the relevant import or export permits issued. When the Border Police have approved the permit, the relevant security personnel are requested to collect the firearms and deliver them safely to the aircraft for loading and locking in the diplock.

Incoming firearms are collected by designated special security personnel, who transport them from the aeroplane to the terminal building and hand them over to Border Police personnel. The passenger can collect the firearm and/or ammunition and the relevant import permits from the Border Police counter on production of the appropriate licence, permit, own identity document, and the register for safekeeping (SAP312(a)). All handing in and out of firearms and ammunition is recorded and cross-referenced in the occurrence book.<sup>67</sup>

## **Control over consignments of firearms and conventional armaments and explosives**

The SAPS' mandate for the control of commercial firearms, ammunition and explosive materials is set out clearly in the FCA and the Explosives Act, No 26 of 1956. However, its ultimate responsibility is derived from the general crime prevention provisions in the Constitution and the South African Police Service Act, supported by the administrative co-operation and procedures of the SAPS (Border Police) and the SANDF.

In order to assist the inspection of consignments of firearms or conventional armaments, the Border Police require specific documentation,<sup>68</sup> which must be received 24 hours (for imports) and 48 hours (for exports) in advance of the inspection. This documentation must provide all the particulars of the items being imported (or exported):

- date of arrival/delivery (or of actual export);
- agent(s) involved;
- description of items;
- quantity;
- serial numbers;
- method of packaging;
- method of transportation (sea, air, road or rail)
- seal number (if containerised);
- container and vessel (if applicable);
- contact person or member responsible for packaging;
- final destination and importer (or exporter); and
- any special notices or remarks concerning the consignment.<sup>69</sup>

### ***Importation***

On receipt of import documentation, the Border Police register the consignment at the specific port of entry. A member of the Border Police contacts the importer to verify the nature of the import, date of arrival, destination and other information, so that the vessel or vehicle and container can be physically

located and identified. Before the consignment can be inspected, it must be taken to a secure area. (If the inspection takes place on the premises of the importer, the items must be kept in a safe.) Where possible, two members of the Border Police unit should be present during any inspection, as must the importer or agent and a customs official. Also, depending on the contents (for example if they are explosives or flammable substances) an Explosives Inspector and the Fire Department must also be present. During the inspection the consignment is verified against the appropriate documentation, and the seals checked to ensure they have not been tampered with. The consignment is then opened and every serial number on firearms or identification number on ammunition or explosives is physically checked and compared with those supplied on the shipping manifest and import documents.

After the inspection, if the officials concerned are satisfied that the consignment is in order, it is resealed with the SAPS police-issued seal. The seal number will be written on the required documentation (SAP 53). The import permit and the importer's documents will also be endorsed and signed by the Border Police member performing the examination, to verify that an inspection has been undertaken and completed. Customs seals are added after inspection unless the contents are simultaneously being customs cleared. If the goods are in transit they will be resealed as a matter of course after the inspection, and the container will be reopened only when it reaches the importer's premises. The CFR is then notified in writing that the inspection has occurred. The notification must include the names of the persons who performed the inspection; the date the inspection was carried out; the new seal number—if applicable—and any special remarks.

## ***Exportation***

For the export of firearms and conventional armaments, a similar procedure is followed. The same kinds of information and documents are required as for imports. Again the Border Police member who has inspected the consignment marks it with the required police seal in the presence of the exporter (and the other officials mentioned above, as applicable). The seal number is endorsed on the export documentation, which is also signed to verify that an inspection has been made. If the consignment has been inspected and sealed at the premises of the exporter, the Border Police must also ensure that the whole consignment arrives safely at the port for loading and exportation. At the point of loading the seals are inspected again, to check that they are still intact. The CFR is notified in writing, as described in the previous section.

Overlying these control measures for firearms are the general security and screening procedures used by the different role players at airports and harbours. This overlay is important for the overall security process, since it concerns not only goods handling but also the screening of baggage, movement of foodstuffs onto aeroplanes, the monitoring of maintenance and cleaning staff, the securing of restricted areas, restriction of access to certain areas and so on. Because these overlying systems can provide opportunities for the circumvention of the safety processes for the export and import of firearms, these systems will be assessed in the case studies that follow.