ARMING GENOCIDE IN DARFUR AND SOUTH AFRICA: THE SMALL ARMS AND LIGHT WEAPONS QUESTION

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Abstract
Small arms afflict countries in conflict and those in peace. From the theatres of wars in Somalia and Democratic Republic of Congo to the cities of Johannesburg, Nairobi, the great Lakes Region and Horn of Africa and the Niger Delta, they kill and maim people of all religion, social classes and ethnicities. The ongoing Darfur crisis in the Sudan is also another case of diffusing small arms and light weapons. In Africa, where over 100 million small arms exist, their effects are devastating. In a vicious cycle, they are both a cause and effect of violence. They do not only kill the innocent, they also maim, prolong conflicts, choke development and deepen poverty. This article discusses on the small arms and light weapons questions as it relates to the crisis in Darfur and South Africa by looking at the actors, background and issues of the conflicts, weapons types and their sources before and during the conflict and the use and Impact of small arms and light weapons in the selected countries and concludes that their presence has led to greater insecurity in Sub-Saharan Africa as weapons availability aggravates and sustains armed conflict with deleterious consequences which is reflective of the problems associated with the law that has failed to match the continued influx and usages of these weapons.

Introduction
The central thrust of this article is to discuss the small arms and light weapons questions as it relates to the crisis in Darfur and South Africa and to conclude with recommendations. Small arms and light weapons are in a real sense weapons of “Mass destruction”.1 Small arms are weapons designed for personal use, while light weapons are designed for use by several persons serving as a crew. Examples of small arms include revolvers and self-loading pistols, rifles, sub machines guns, assault rifles and light machine guns. Light weapons include heavy machine guns, some types of grenade launchers, portable anti-aircraft and anti-tank guns and portable launchers of anti-aircraft missile systems.2 They are widely durable, highly portable, easily

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1Although small arms are light, they cause massive and widespread death and injury, easy to use, conceal and maintain. They are the primary tools of violence in almost every conflict where the innocent suffer most.

concealed, and possess legitimate military, police and civilian users. Small arms and light
weapons are used by both government forces (military and police) and non-state actors. Since the end of the Cold War the world has come to a shocking realization that most of the injuries and deaths recorded in internecine conflicts are caused by small arms and light weapons but not by weapons of mass destruction. John Keegan a respected historian observed that:

Nuclear weapons have since 9th of August 1945 killed no one. The 50,000,000 (fifty million) who have died in war since that date have for the most part, been killed by cheap, mass produced weapons and small caliber ammunitions, costing a little more than the transistor radios and dry cell batteries which have flooded the world in the same period. No one knows precisely how many small arms and light weapons are in circulation, but experts estimate that military style firearms may number about 500 million.6

Death toll ranging from the use of small arms and light weapons outnumbered that of all other weapons systems. These weapons have irrevocably shaped the landscape of modern conflict and daily life. The excessive and uncontrolled accumulation of small arms and light weapons have led to the emergence of groups of armed individuals, operating across and beyond state borders, rebel movements, private militias, terrorists, drug traffickers, arms dealers, etc.

Small arms and light weapons have particularly been devastating in Africa where machine guns, rifles, grenades, pistols and other small arms have killed and displaced many civilians across the continent especially in Sub-Saharan Africa. In Central and Eastern Africa, many lives have been lost through conflict and its related effects. The irregular warfare that has been common there in recent decades is well served by these kinds of weapons which are easily available and sometimes cost less than food items. In Southern Africa, civil and interstate conflicts drive demand for small arms and create a pool of weapons that can be used to commit violent crime as well as fuel conflict.7 These weapons have been used in deadly conflicts in Sudan, Uganda, Sierra Leone, Rwanda, Angola, the Democratic Republic of the Congo, Somalia and other African countries. They are frequently recycled from country to country and their ownership is transferred amongst fighters, security forces and war profiteers.8

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3Ibid. Similarly major conventional weapons, small arms and light weapons cross the dividing line separating military and police forces from civilian population. There has been a dramatic increase in the number and size of private militias and security firms that are equipped with military type weapons.

4These includes guerrillas, ethnic militias war lords, brigands and so engaged in low intensity conflicts.


6Ibid at P. 5.

7An estimated 8 million small arms that are circulating throughout Western Africa play a central role in fostering instability.

The easy availability, low cost and manageability of these weapons have made them weapons of choice in most conflict in sub-Saharan Africa and indeed the world today and have helped raised levels of armed violence even in areas of peace. These weapons are the leading contributors to the escalation of a culture of violence and to the militarization of the civil society. They are regarded as the most destabilizing conventional weapons.

Factors Responsible for the Proliferation and Use of Small Arms and Light Weapons

There are some reasons which explain why small arms and light weapons are in such a high demand within Sub-Saharan Africa. They can pass for structural problems which exist due to lack of organizational skills, the necessary infrastructures and funds. This shows the complexity of the small arms and light weapons problem and the need for concerted international efforts to overcome it. These additional factors include:

Porous Borders

Africa is the second largest continent in the world and the second most populated as well. The size of some of the countries in Sub-Saharan Africa creates the chronic problem of border security. Nigeria for instance has 770 kilometers of shared land border with the Republic of Benin, around 1,500 kilometers with the Republic of Niger, 1,700 kilometers with Cameroon, 90 kilometers with Chad and 850 kilometers of maritime border in the Atlantic Ocean. It would be hard therefore to find any state in the world capable of effectively controlling such extensive borders. Armed traffickers have therefore exploited these porous borders to smuggle into Nigeria for instance, such different and dangerous products as drugs and arms. Generally, border control in Sub-Saharan Africa is poor or inadequate, in particular because of the lack of technical infrastructure and human resources. The boundaries are very tortuous. For example, some borders follow a river back as in Senegal to Mauritania or the bottom of a valley in a Senegal to Mali. The nature of the terrain has a considerable influence on the effectiveness of border controls. Open plains and Plateau, for instance, are more accessible than marshy areas or jungles. Similarly, desert and forest regions are extremely difficult to monitor, as are steep

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10 Ibid.
11 During the first week of August 1999, Nigerian Customs intercepted six nationals of a West African Country in a canoe in Lagos with 75,000 rounds of ammunition and bags containing rifles. Recent hands by the customs service included 10,000 magazines in Ikeja on the 31st of December, 2001 as well as almost equally large hauls in Seme Border Station in February 2002 and at Jabido/Budo in Kwara State in March 2002. The Nigerian Police also intercepted traffickers in Alabata, near Abeokuta, seizing 26,500 cartridges hidden in 106 boxes. The part of Warri in the Niger Delta is also regarded as a center for arms smuggling and illegal trading. The trafficker operate from ships lying it anchor on the high seas, using faster small boast for transfers. These figures represent only a tiny sample of the total number of arms and ammunition which enter Nigeria and circulate illegally.
13 Ibid.
14 See for instance Guinea, Lower Casamanca, Liberia, Cote Divoire, etc.
slopes. The Senegal – Ghana border, for example is easier than on the border between Senegal and Guinea (Conakry), in the foothills of the Futa Jallon Massif.

The extreme sparseness of the road network in the sub-region can be managed from a glance at an administrative map of West Africa States or a highway map. Surfaced roads are rare and seldom give access to borders. International roads are few and far between and are in a particular deplorable state. Border region are thus hard to reach and links between states are unreliable. Deficiencies of this type are conducive to all kinds of shady deals.

Interestingly, all the three largest Sub-Saharan countries namely, Sudan, the Democratic Republic of Congo and Chad have been experiencing an armed conflict for long. Therefore, the sizes of their borders and their porous nature makes it easy for weapons of varying degrees to be smuggled thus inflaming and protracting violence.

Ineffective Internal Security

For a long time, peace was critically considered as the absence of war or armed conflict and international or internal security as synonymous with the absence of a military threat. Hence peace meant first and foremost that weapons were silent. If there was no armed confrontation, then peace was considered to prevail. Security is therefore the absence of danger and the feeling of a civilian peace of mind. In Sub-Saharan Africa, citizens because of the “self defence reflex” feel a strong need to acquire arms in order to protect themselves, and their properties from armed violence. This mostly occurs in areas where there is lack of confidence in security forces, under staffing or sometimes arising from the inability of security agencies to carry out their duties effectively.

Most conflicts in Sub-Saharan Africa result from mismanagement by those at the helm of African states and the exclusion of the population from participation in the nation building process. This provides easy justification for the discontented people to take up arms at will. In fact, the exclusion of a great majority of the population from active participation in nation building process, and the epidemic poverty that beset Sub-Saharan African offer an ideal breeding
ground for taking up arms and arm race. In sub-Saharan Africa, there are tendencies where police fail to respond to distress calls at scenes of crime either due to lack of personnel or out of fear because of the sophistication of armed group weapons or for logistic reasons. Civilians are therefore left with no choice but to arm themselves which eventually lead to unlawful possession of arms on the basis of self defence reflex.  

**Corruption**

The vicious circle of low salaries and corruption in sub-Saharan Africa creates an ideal breeding ground for the proliferation of Small Arms and Light Weapons amongst the civilian population. Custom officers are often bribed by weapons dealers while ex-soldiers, police security forces are known to have sold government weapons to criminals. Greed or wanton desire to make more money to augment low income is some logical explanations for this unwholesome attitude leading to corrupt practices.

**Customs and Traditions**

Customs been a mirror of accepted usage affects the weapons in circulation. In many cultures across the African continent, weapons are used for traditional rites and ceremonies. Others form part of various costumes. While the Fulani’s in Northern Nigeria and certain traditional communities carry swords, sticks and arrows, the communities of traditional hunters who live in the west and east of Nigeria carry cutlasses and shotguns. Some communities use dynamites and other modern explosives on these occasions. In the North and West provinces of Cameroon for instance, there is a traditional rite of gun-firing at events such as at the traditional burial of local dignitaries. There are mostly locally made so called Dane guns, operating with gun powder. Projectiles like metal pellets can be inserted into their muzzle making them very lethal.

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23 Yakubu J. G, “Cooperation among armed forces and security forces in combating the proliferation of small arms” op cit, P. 58.
24 Ibid at P. 57.
26 See Okonkwo Vs Okagbue (1994) 9 NWLR (PT 368) P. 301 at 345 where custom was defined as a particular way of behavior which because it has long been established among members of a social group or tribe can develop and acquire the force of law or right. A custom was equally defined in section 2(1) of the Evidence Act as a rule which in a particular District has from long usage obtained the force of law. See Taiwo Vs Dosumu (1965) 1 ANLR 399 At 402; Nsirim Vs Nsirim (1995) 9 NWLR (Pt 418) 144 At 164; Ibrahim Vs Barde (1996) 9 NWLR (Pt 474) 513 At 565; Omonude Vs Ibru & Ors (1979) 6 UILR Pt 1, 94 At 124.
27 Anyissi S. (et al), Combating the proliferation of small arms and light weapons in West Africa, Handbook for the training of armed forces and security forces, op cit, P. 68.
28 For the sake of prestige, they have now turned to the use of a wide range of more modern equipment like shotguns, revolvers, semi-automatic pistols and even high caliber rifles. There may be guns laws limiting such open use, but they are hardly respected and can easily be circumvented. This culture attached to weapons is particularly rife in rural communities, where conservation cultural practices and traditional rituals still enjoy plenty of respect.
Experience shows that, it will be extremely difficult for the armed forces and security forces to combat this sort of proliferation effectively.  

**Arming Genocide in Darfur and South Africa: The Small Arms and Light Weapons Question**

Because this article seeks to address the ever burning issue of armed conflicts in Sub-Saharan Africa, and for the purposes of arriving at a clear conclusion, selected countries in Sub-Saharan Africa were made where conflicts are ongoing and where they have ended. These selected countries include, Contemporary Darfur crisis in Sudan and South Africa.

The Darfur Crisis

The individual case of the complex, protracted intra state wars in Sudan clearly exemplifies the terrible hazards of the global small arms market. In Sudan, the genocidal campaigns of the Sudanese government against native Muslims living in the newly discovered oil field lands of Darfur has been actively pursued through government – assisted militias, primarily the Janjaweed.

The Darfur crisis officially hit the headlines of the international scene in February 2003 and according to reports, not less than 200,000 people have been killed while about two and a half million people were forced to flee from their homes. In 2008, death toll including people killed directly in fighting and deaths from diseases or malnutrition was put at 300,000 as a result of the conflict. The United States government has officially described this ongoing conflict as genocide, re-echoing what some scholars term as the first genocide of the 21st century, while the United Nations officials and human rights organizations have described it as ethnic cleansing. The Darfur crisis has developed into what is widely considered to be the world’s greatest humanitarian crisis.

While Sudan’s population is impoverished and has been victimized by its two decades of civil war, and although Sudan is one of the 38 heavily indebted poor countries eligible for favorable borrowing terms, Sudan’s also sitting on major oil resources – a resource that could possibly deliver economic stability and domestic freedom to the people of Sudan, but instead, oil production is back rolling, the governments pursuit of genocide against its own people through the purchase of small arms and other weapons, a political economic decision founded in abuse of

33 Third World Quarterly Vol. 28 No. 1 2007, P.97.
34 Unlike the case of Rwanda a community largely dependent on agriculture with hardly any natural resources and where fighting was primarily along the lines of ethnic power struggle, natural resources and environmental degradation play a major role in the conflict thus aggravating humanitarian concern.
one part of its population for the benefit of a relative few. The main foreign direct investors on Sudan are companies from China, Malaysia and India.  

The Main Actors
There are internal and external actors in the Darfur crisis. The internal actors on the one hand include the Sudanese government and its proxy forces, the so called Janjaweed militias. The Janjaweed is an Arabic colloquialism in the region for “a man or devil on a horse”. They are to Khartoum, what the interahamne were to the genocidal Hutu government. The two main rebel groups in Sudan are the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) which themselves are divided into several splitter groups under different leaders.

On the external side, because certain powers are interested in national resources, the conflict is sustained by their actions. The main countries involved are China and Russia. In the African context, actors like Chad and Eritrea are interested in tribal unity while Egypt and countries of the Arab League wish to maintain Arab Unity. Russia and China are amongst others the major weapon suppliers of Khartoum.

The Background of the Conflict
The conflict between African tribal groups particularly the FUR, Zanghawa and the Massaleit and the government had been summering behind the scenes for a very long time. Storm clouds had been gathering over Darfur for the past twenty years before it formally busted in an explosion of violence. Because all Darfurians are Muslims, the conflict has no religious infiltrations. Despite the fact that Darfur was assimilated to a Sudanese public economic and cultural entity in January 1917, the British Colonial masters of Sudan completely ignored it. They ruled by proxy through traditional chiefs and did their possible best to remain uninvolved by tolerating the idiosyncrasies of the latter as long as they did not commit gross crimes and as long as they perceived peace. After independence, the situation did not improve much. The plight of Darfur was further aggravated by natural disasters in the form of drought. As the rains failed to fall in the North and desertification extended, massive groups of Arabs-Nomads as well as semi-automatic weapons flocked into the area. A new political ideology spread in Darfur namely Arab supremacy. Tensions arose between the nomads and the traditional Darfurians farmers who sometimes tried to ward them off by building fences or even burning the grass. Some scholars argued that the acts of violence which ensued as a result of the practice were rather due to different perception in reality. For the farmers, the grass was bad weeds while the nomads saw it as the last resort for their herds on their grazing land of the south.

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38Ibid at P. 49.

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The Major drought of 1990 made things worse for Darfur but Khartoum did not care much. In 1991, the SPLA from Southern Sudan came to the rescue of rebel South Darfurian but were beaten by Sudanese army. In 1990, a Kalashnikov could be purchased at a market place in Darfur as far as 40USD. A popular jingle of the time run thus; “The Kalash brings cash, without a Kalash, you are a trash”. 39

From the above, the ingredients were solely coming together. Though Sudan had become at least theoretically a Federal Republic in 1991, Khartoum kept on juggling with governorship candidates and state borders at will. In 1991, the Federal Minister of Interior decided to completely renew the structure of the administrative districts in all nine federal states apart from Khartoum, while Khartoum appointed governors, they were expected to be financially autonomous. Between 1996 and 1998, a guerilla movement developed in Darfur which carried out sporadic attacks against the government, but were quelled down by the military in 1999 living behind 2,000 people death, resettling 100,000 and forcing many to escape to Chad.40

In 2001, the Furs, Zaghawas and the Masalits, all black tribes of Southern Darfur, began organizing what became the Sudanese Liberation Army. In October, 2002, the Janjaweed militias, who enjoyed impunity in addition to receiving arms and support from Khartoum, landed a massive attack on Southern Darfur against Fur civilians.41 The stage was set for fighting which is still ongoing today.

**Weapons, types and their sources, before and during the conflicts**

The Janjaweed of Sudan were able to carry out their progression of mass terror, murder and intentional starvation by virtue of their wealth of small arms and light weapons provision in the form of Kalashnikov (a.k.a AK-47) assault rifles, rocket-propelled grenades and jeep-mounted machines guns despite the United Nations adoption in 2001 of Article 16 of the United Nation International Law Commissions Article on Responsibility of State for internationally wrongful Acts. This agreement is binding as all states forbid any assistance of another state in the commission of any international wrongful act. The Janjaweed’s atrocities clearly surpass international definition of “international wrongful act” and the Sudanese government claim to be uninvolved and opposed to the arbitrary and indiscriminate killing, disappearances, systematic rape and torture flies in the face of heavily documented evidence of the government supply of and government troop’s participation in the atrocities.42

In 1994, the European Union joined in an arms embargo against all non-governmental entities in Sudan in order to promote lasting peace and reconciliation within Sudan, but the World’s weapons industry has continued to sell arms to the Sudanese government without restriction.43 The world’s communities of weapons exporters have continued to feed small arms into Sudan fuelling the Darfur genocide. In March 2004, the United Nations Security Council

39Ibid.
43Ibid.
voted 13 to 2 votes to decide that Sudan disarm its paramilitary militias, but issued its demand without teeth.\textsuperscript{44}

Furthermore, small arms shipments to other East African Countries from the USA, and Germany, amongst others is center to bolster Sudan’s stockpile of weapons. It is estimated that 85\% of the personal assault weapons in Africa originate from the five countries of the UN Security Council; the USA, The UK, Russia, China and France.\textsuperscript{45} Principal exporters of small arms to Sudan appear to be Iran, China, France, Saudi Arabia, Switzerland and the UK.\textsuperscript{46}

Sudan shares very long and porous border with countries ridden by long-standing armed conflicts like Chad, Eritrea, Congo DRC, Uganda, Ethiopia and the Central African Republic. This makes it excellent breeding grounds and a pivotal part for the illicit arms trade. In the 80’s, Sudan was a leading beneficiary of US military and economic aid in Africa but after it fell out of US favor in early 90’s, it turned to China, Egypt, Turkey, Saudi Arabia, the United Arab Emirate and other EU countries for weapons. The table below shows official SALW supplies to the Sudanese government from the EU.

\begin{table}
\centering
\begin{tabular}{|l|c|p{12cm}|}
\hline
\textbf{Country} & \textbf{Value in USD} & \textbf{Weapons Type} \\
\hline
Italy & 286,000:00 & Supporting/hunting shotguns, sporting/hunting rifles, pistols/accessories revolvers/pistols, shotguns barrels \\
Greece & 72,000:00 & Sporting/hunting shotguns, shotguns cartridges, small arms ammunition \\
Germany & 50,000:00 & AIF gun pellets/lead shot/parts of shotguns cartridges, parts/accessories of shotguns/rifles, shotguns cartridges, small arms ammunition, sporting/hunting shotguns, sporting/hunting rifles, pistols/revolvers. \\
Cyprus & 35,856 & Sporting/hunting shotguns and shotguns cartridges \\
Czech Rep & 16,125 & Pistols/Revolvers \\
Austria & 26,000:00 & Sporting/hunting shotguns, part/accessories, small arms ammunition \\
\hline
\end{tabular}
\end{table}

By 2006, Khartoum’s acquisition of SALW had run from three million USD in 2003, to 55 million USD. Weapons of Chinese origin have been discovered in former Sudanese government weapons catches in 1997, two years before Sudan started exporting oil. The table below illustrates this fact.

\textsuperscript{46}\textit{Amnesty International; “Sudan Arms Trade fuelling Human Rights Abuses in Darfur” available at http://news.amnesty.org/index/ENGAFR541422004 last visited on 10/12/2011.}
Table 2: Chinese weapons discovered in Sudanese government cache in 1997

<table>
<thead>
<tr>
<th>WEAPON TYPES</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.7mm type rifles W-85 machine guns; 12.7mm type W-77 machine guns</td>
</tr>
<tr>
<td>Anti-personnel and anti-tank mines</td>
</tr>
<tr>
<td>122mm howitzers</td>
</tr>
<tr>
<td>37mm type 55-1 automatic anti-aircraft guns</td>
</tr>
<tr>
<td>62mm ammunition for type 56 (AK-47) AKM assault rifles.</td>
</tr>
<tr>
<td>7.62mm ammunition for type 53 light machine guns</td>
</tr>
<tr>
<td>12.7mm type 54 machine guns ammunition</td>
</tr>
<tr>
<td>37mm HE-T high explosives shells for type 55 antiaircraft guns</td>
</tr>
<tr>
<td>60mm HE mortar shells</td>
</tr>
<tr>
<td>82mm HEAT projectile type 65</td>
</tr>
<tr>
<td>85mm rounds for type 56 field guns</td>
</tr>
<tr>
<td>107mm HE rocket type 63</td>
</tr>
<tr>
<td>122mm D-30 HE projected</td>
</tr>
</tbody>
</table>

Source: (SIB 2007)

According to UN sources, the Janjaweed’s on other part received regular weapons and communication supplies from senior civilian authorities at the local level in addition to weapons supplied by air from Khartoum47

The Use and Impact of Small Arms and Light Weapons in the Crisis of Darfur

The availability of small arms and light weapons among the civilians population might not be the sole cause of insecurity in Sudan, but it has certainly acerbated the violence. The conflict in Darfur has been fought largely on the basis of small arms and light weapons that have proliferated the region. The inability or unwillingness of the Swiss, paragon’s organizations, to regulate their own export of weapons demonstrates the degree to which the weapons market in Darfur is out of control. While Sudan’s population is improvised and has been victimized by its two decades of civil war, and although Sudan is one of the 38 “Heavily indebted poor countries eligible for favorable borrowing terms, Sudan is also sitting on major oil reserves – a resource that could possibly deliver economic stability and domestic freedom to the people of Sudan, but instead oil production is back rolling the government’s pursuit of genocide against its own people through the purchase of small arms, a political economic decision founded on abuse of one part of its population for the benefit of a relative few. The use of small arms and light weapons in Sudan have led to proxy wars been fought.48 The Geneva based small arms survey estimated that in 2007, between 1.9 and 3.2 million firearms were in circulation in Southern Sudan, two thirds of which were in civilian hands.49

Local dealers admit that too many guns are now in possession of civilians especially pastoralists. Militia groups have been armed who routinely sport their time looting cattle in pastoralist communities rather than fighting the opposite side. Civilians reacted by acquiring firearms and organizing militia-like formations to defend and protect them properly and according to researchers, this has led to illicit growth of small arms in Sudan, while stockpile in neighboring countries and sale of small arms by demobilized SPLA soldiers continue to bolster community-based arsenals.

The use and impact of the use of SALW in Darfur is not only limited to acts directly linked with armed conflict but also in serious gender related issues and human right abuses like rape. Rape has become the new weapon of intimidation and punishment of the local Darfuri population and the Janjaweed militia men have routinely perpetrated it. Between October 2004 and the first half of February 2005, Medicines Sans Frontieres (MSF), reportedly treated close to 500 rape victims in Darfur. According to MSF, 81% of the rape victims treated said their rapist were militia members or soldiers who used their weapons to carry out the assault.

The South African Conflicts

The Republic of South Africa after the abhorrent apartheid regime and their polices of racial segregation, is regarded as the epitome of democracy in Africa and an example for many other countries to emulate. Not only in South Africa, Africa’s best democracy today, it is an economic success story on the continent and beyond. It enjoys a stable economy and houses the 17th largest stock exchange market worldwide. Though not presently experiencing armed conflict, armed banditry through the use of small arms and light weapons are rife be it at home, workplace and in traffic regardless of the time of the day. A report in crime stated that 84% of all criminal activities in Johannesburg which has been dubbed as one of the most insecure place in the world were carried out with a weapon.

In May 2008, more than 50 foreigners from other African countries were killed in South Africa by angry South Africans in an unprecedented spread of Xenophobia since the collapse of apartheid in the early 1990s. Xenophobia still became a wild fire in Alexandria South Africa in

50 Lewis M, Skirting the law: Sudan’s Post CPA Arms flow, Geneva: Small Arms Survey, Graduate Institute of international studies (2009), Pp, 54 -56.
54 The More recent history of South African Xenophobia can be traced to the transition from apartheid to a democratic government in 1994; the freedom felt within South Africa came with the ideology that the country must be protected from “outsiders”. In light of South African History, it is reasonable that the country needed to put its citizens first in time for transformation and change. However the closed door migration policies sluggish development and increase in poverty and irregularity have provided a breeding ground for Xenophobia.
May 2008 and rapidly spread nationwide. In the following days and months, over 70 migrants were killed and tens and thousands were expelled from their homes and communities by South Africans. Foreign – owned businesses were destroyed. While foreign-national businesses constitute almost 25% of the Gross Domestic Product (GDP) in South Africa, the South African government has made a move to assist in compensation or further assistance for businesses that were destroyed during the attacks.\(^{55}\)

### The Background of Insecurity in South Africa

Small Arms Survey considers South Africa with 30 firearms homicides per 100,000, the hardest hit by gun violence.\(^{56}\) The prevalence of small arms in the country and their use in violent crime is so endemic that though it is generally described as a peaceful country, it is exhibiting 'war like' symptoms.\(^{57}\) Gun culture has become a way of life in South Africa. An estimate of 25 people are short dead every day in a country where according to some estimates, there are about 3.7 million legally owned guns and about the same number of illicit small firearms in private hands.\(^{58}\) The majority of privately owned guns are acquired for security reasons since many people do not feel safe. Oxfam\(^{59}\) states that almost a third of all South African families have been affected by gun violence. This definitely paints a very gloomy picture of the sense of insecurity prevalent in the South African Society.

### Weapons, types, and their sources before and during crisis in South Africa

The commonest small arms and light weapons used in South Africa include: pistols, (Tokarev TT-33, Walther P38, Baretta 92, Moninco, C2 (range), Walther (range), Colt, Revolvers (Rossi, Taurus, Smith and Western, Arminius) riffles, sub-machine guns and machines guns (AK-47, R4, FN FAL 7.62, R5, Heckler and Koch) Shotguns (12 gauge Baikal, 12 gauge Stevens, 12 gauge Pietro Beretta) and homemade firearms and replica firearms enhanced to work as lethal firearms.\(^{60}\)

The large amount of small arms and light weapons in South Africa comes from various sources. Suffice to state however that South Africa has also a vibrant weapons industry (ARMSCOR) which deals with a variety of small arms and light weapons and other conventional weapons which includes but not limited to ammunition, bombs, howitzers, mortars, armored vehicles and electronic equipment. Unlike Nigeria’s only licensed weapons producers, DICON, ...
ARMSCOR operates professionally for the local and international markets. In the fight against pressure groups for democracy and civil rights in the 1980’s, the apartheid regime openly provided arms to civilians and counter-insurgents groups. These arms which were distributed back then have not been completely recollected and today cannot be accounted for. The conclusion is that some of them have now found their way back into the black market and are used in the perpetration of crimes.

Post-apartheid South Africa has over the last 10 years been one of the greatest importers of conventional weapons including Small Arms and Light weapons in sub-Saharan Africa. This notwithstanding, there seems to be general consensus of the fact that theft or loss of firearms from state – controlled arsenals, from defence or part service members, from civilian and of course smuggling, are the major source of illicit weapons in South Africa. In the 90’s large quantity of guns were smuggled into South Africa from war thrown zones in Mozambique, Congo DRC and Angola. Some of these weapons constitute part of the weapons the apartheid regime had supplied to help thwart freedom and democratic movements in neighboring Southern African countries between 1976 and 1986.

Today, with the ever growing and almost instable demand for small arms and light weapons on the South African black market, they are now returning. The greater part of illicit weapons in circulation comes from internal sources. 66 firearms were reported stolen at least an average everyday between 1995 and 2003. Many have however argued that the above does not represent the actual figure. According to the South African police service, 3,856 firearms were lost, stolen or robbed from personnel on the 12 month leading up to the end of March 2007. The 2005/2006 report stated that 2,297 firearms went missing through the same manner. These weapons are unaccounted for and probably on the hands of criminals and the availability and alarming rise in the theft of firearms and firearms reported lost, exacerbated the incidence of violent crime.

South African police officers have equally been accused of selling some weapons frequently used in violent crimes such as R-5 assault rifles and hand guns to the highest bidders especially to fuel violence and opposition against the new ANC government by providing small arms caches to anti-ANC warlords on the Kwazulu/Natal province. Keegan state that an estimated 116 tons of firearms were supplied to the Inkatha Freedom Party (IFP), prior to the demise of the apartheid system in 1994. By 2004, only 6 tons had been received. With more than 100 tons being unaccounted for, it can therefore only be assumed that they constitute part of the illicit weapons used in crime. Though the overwhelming majority of firearms used in South

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61 Ibid at P. 16.  
63 Ibid at P. 2.1  
66 Bulletin of the American Academy of Arts and Sciences Vol. 48, No. 8 of May 1995 P. 14  
Africa are professionally manufactured, there is growing concern over homemade firearms and toy or replica weapons which have been clandestinely converted into lethal weapons.

The Use and Impact of Small Arms and Light Weapons in South Africa

Small arms and light weapons play a pivotal role in fermenting violence and insecurity in South Africa and in turn have a dramatic consequence on every stratum of the South African society accounting the most frequent cause of non-natural deaths among the general population in South Africa leading to non-natural deaths of 15 to 21 year old males.\(^6\) Thence, in the 80’s and 90’s young South African men especially poor neighborhoods were brought up to embrace a militaristic version of manhood. For them, carrying a gun was considered a symbol of power, status and male affluence.\(^6\)

The high mortality rate among young men as a result of the use of firearms ultimately affect the economic output of South Africans and put a major strain on the social balance of the country because South Africa is largely a patriarchal society where men earn more than women and are often the breadwinners of their families. Whether a gun is held in the private sphere legally or not, it exposes the inhabitants of the home to greater danger than where there are no guns. Their presence therefore play a vital role in increasing partner or acquaintance violence especially in domestic violence cause resulting in death of one of the spouses especially women. A report by IANSA states that every six hours, a woman is shot dead by her current or her former husband.\(^7\) This meant that four women are killed every day in South Africa just because people are allowed to keep guns in their homes. Partner and acquaintance violence accounts for more than 50% of all South African murders.\(^8\) Ironically, the gun which was acquired to bring about security turns out to be a death trap for those it is supposed to protect.

Guns also play a central role in South African gang culture. Thence apart from the high death incidence following acts of crime perpetrated against both armed/unarmed civilians and member of the armed corps, small arms and light weapons, certainly have exposed criminal, widely used in domestic and gender related crime, helped facilitate violence crime and this have contributed to greater insecurity in South Africa.

Conclusion

By virtue of small arms and light weapons easy availability, low cost and manageability, they have become the weapon of choice in most conflicts in Sub-Saharan Africa and indeed the world today and have consequently helped raised the level of armed violence even in areas of peace. These weapons are the leading contributors to the escalation of a culture of violence and to the militarization of the civil society. The negative impact of weapons in the escalation of violence, and crimes are indeed vivid as can be seen in the ongoing carnage in Darfur and the insecurity in South Africa to mention but few. This has led to greater insecurity in Sub-Saharan Africa as weapons availability aggravates and sustains armed conflict with deleterious consequences which

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\(^{6}\) IRIN in-depth, “Guns out of control: the continuing threat of small arms”, op cit, P. 20.


is reflective of the problems associated with the law that has failed to match the continued influx and usages of these weapons.

It is thus recommended as follows:

1. Through the parliament, parliamentarians of Sub-Saharan African states should prevent the approval and or distribution of funds to national defence programmes which tend to facilitate the purchase or development of ammunition programmes that threaten the peace and security.

2. There should be the domestication of global and regional instruments to which states in Sub-Saharan Africa are parties to and for regional institutions to prioritize their objectives given scarce resources. If clear priorities are not set, these commitments run the risk of remaining empty promises.

3. There is the persistent and urgent need for disarmament, demobilization, rehabilitation and reintegration programmes, which would address the twin problems of poverty and small arms proliferation simultaneously. Instruments regulating the proliferation of small arms and light weapons should become legally binding instruments.

4. There must be positive developments projects on the ground and increase awareness raising activities to convince the leaders that a legally binding document will generate peace and promote development.

5. Complementing the above is the need to engage the civil society in combating the proliferation of small arms and light weapons and this can be done through awareness raising policy aimed at: ensuring respect for the principle of accountability in the security sector against the culture of impunity where it exists, contribute to the manifestation of international political will and momentum so as to effectively support efforts to combat small arms, denouncing and combating the political, social and economic conditions that tend to generate greater demand for firearms, working for a reduction in demand for firearms through measures to consolidate democracy, good governance, respect for human rights, and the rule of law as well as economic growth, reducing the secrecy associated with decision making on weapons, organic discussions on small arms and combat public ignorance about security matters in general, ensuring that extensive publicity is given to the message against small arms, educate the media on the challenges of such weapons and the dynamic force that cause and sustain armed conflicts, securing the adoption of legislation in favor of disarmament and regulation of the circulation of firearms and bring the discussion of arms and security issues to the people, strengthening the ability of citizens to participate in political decision making relating to small arms and light weapons through: educating communities on the virtue of participatory democracy and democratic leadership, running awareness building programmes so as to replace the culture of violence by a culture of peace, educating communities about arms flows as the dynamic force that encourage armed conflict; and as helping the mass media to pass the message to the large public, organizing seminars and training workshops on peaceful conflict resolution and peace building for communities involved in armed conflicts, organizing training seminars for custom, police and investigation officials on natural and international rules governing the circulation of small arms. Non-governmental organizations can supervise public destructions of collected stock of weapons at the local level, under the control of all the stakeholders in order to reassure communities that weapon taken out of circulation will not fall once again into the hands of criminals.