



INSTITUTE FOR PUBLIC POLICY RESEARCH

BRIEFING PAPER



No Room for Complacency:
Small Arms Control & Crime in Namibia

Guns & Namibia

200,010 guns are legally owned by civilians

9 legal guns per 100 people

59,883 gun licences issued in last 9 years

14% of murders committed with a gun

24% of armed robberies involve guns

Introduction

The Global Study on Homicide 2013, published by the United Nations Office on Drugs and Crime (UNODC), states that:

“Not all homicides involve [weapons], but [they] do play a significant role in homicide. With their high level of lethality, firearms are the most widely used weapons, accounting for 4 out of every 10 homicides at the global level.”¹

Gun violence is also closely linked with criminal activities. Organised crime and gang-related murders, for instance, account for 30 percent of all homicides in North, Central and South America. Concurrently, firearms are used to commit 66 percent of all homicides in the region. However, levels of crime-related deaths do differ significantly across the earth’s regions as do overall firearm-related murders. Comparative statistics published in the UNODC report show that in 2012, 41 percent of all homicides worldwide were committed with firearms compared to 28 percent in Africa.² The report further notes that seeking to analyse and understand homicide³ and its causes is critical for nations and the international community since the protection lives is one of the primary obligations that states have towards their citizens.⁴

In Namibia incidents of crime are a particularly sensitive topic. While Namibia is a peaceful and stable nation, incidents and levels of crime are a major public concern. The media regularly covers crime incidents and related court cases and the authorities often emphasise the importance of establishing and maintaining public order and security to ensure the country’s development. In recent years government has repeatedly voiced concern regarding the perceived high level of gun violence in the country and has implied that the arguably high level of legal firearm ownership is linked to an increase in firearm-related crimes.

This study will seek to assess the perceived proliferation of small arms in Namibia as well as detail the state’s control measures for civilian-owned firearms. Specifically, the research will focus on four aspects: civilian firearm licence applications and procedures, demand for firearms, firearm-related crimes, and identified or perceived issues around firearm proliferation, control and associated criminal activities. The study will attempt to assess if firearm-related crime is a serious threat to Namibia’s security as well as if and how gun crimes relate to civilian firearm ownership. Experiences, concerns and policy

¹ United Nations Office on Drugs and Crime, “Global Study on Homicide 2013”, 2014, 15.

² Ibid., 15-6.

³ For the purposes of this paper, homicide is the killing of one person by another. Murder is a form of criminal homicide, where the perpetrator intended to kill the other person. Manslaughter, often called culpable homicide in Namibia, is another type of criminal homicide

⁴ Ibid., 10.

responses by the police regarding gun ownership and gun-related crimes are detailed and discussed. In addition this report will also briefly look at Namibia's legal framework and policies on firearms and make reference to international experience.

Finally, it needs to be highlighted that the global discourse around civilian firearm ownership is a sensitive and often contentious subject. This research does not seek to make broad arguments for or against civilian gun ownership. Neither does this paper claim to cover all the issues and information on the topic in Namibia. Instead at its core, this study seeks to collate, present and analyse crucial statistical data in order for officials, decision makers and the public at large to gain a better understanding of firearm control, access, use and misuse in Namibia.

Firearm Terminology

What seems to be evident from the literature is that there is no standardised international definition pertaining to the legal status of firearms. For example an 'illegal gun' could be either a type of firearm whose possession by a civilian is prohibited (like an assault rifle such as an AK-47) or it could mean a gun that was legally registered to a civilian owner but has been passed on to a non-licensed owner for criminal purposes. In Namibia indications are that authorities classify any firearm that is not licensed and in the possession of the legal owner as illegal. However, for analytical purposes this is not satisfactory given the varied of origins and types of illegal firearms. Hence for the purpose of this study the following terminology will be adopted:

Legal firearm: A gun that is properly registered and licensed to its private legal owner. By default such a firearm cannot be of a type whose possession by civilians is explicitly prohibited by Namibia's law.

Illegal firearm: A firearm that was previously registered and licenced to a civilian owner but through loss, theft or negligence is now in the possession of a non-licensed owner. They are often utilised in firearm-related crimes.

Unregistered firearm: A gun that has never been officially registered by the authorities or for which no register is available anymore. According to the country's law, possession of such a firearm is an offence. However these guns are not necessarily utilised in criminal activities.

Prohibited firearm: A firearm of a range of types whose ownership by civilians is strictly illegal under the law. Such guns include assault rifles and machine-guns. Primarily such firearms are utilised by the military and security forces.

Background

The Namibian Police (NamPol) and government officials have in recent years repeatedly voiced their concern that Namibian civilians are in possession of an excessive number of firearms. It is argued that such levels pose a significant national security risk. Last year Safety and Security Minister Charles Namoloh was quoted by a newspaper as saying:

“The large number of armed civilians is a serious concern, which usually results in the abuse of firearms... We are aware of the harmful effects of the uncontrolled spread of both licit and illicit firearms to the well-being of the Namibian people, their socio-economic development and right to live in peace.”⁵

Specifically, authorities have emphasised that guns beget an increase in violent crime such as murders and armed robberies as well as contributing to an overall high crime rate in Namibia.⁶ The Office of the Auditor General carried out an audit on police issuance and control of firearms covering the financial years from 2009/10 to 2011/12 as a direct response to the “public outcry on the high rate of gun-related deaths in Namibia”. The report presented statistical data on murders and robberies carried out with firearms.⁷ Concern about the high rate of gun ownership by civilians has also been raised by civil society organisations with regards to the high incidence of Gender-Based Violence (GBV) in the country.⁸ Unfortunately, no gender-disaggregated data was available at the time this research was being undertaken. Anecdotal and media report evidence indicates there is an urgent need to look into the types of weapons used in GBV incidents and the legal status and source of guns when they are used in such crimes.

Despite public assertions linking extensive firearm ownership to increasing crime levels, little conclusive evidence has been provided. The Namibian government, including the police, have over the course of the past years provided few statistics on gun violence or criminal activities in general. When figures are cited by public officials they are predominantly not disaggregated by a time-scale such as years and types of firearm-related crime. For example in 2008 the Ministry of Safety and Security cited the figure of a recorded 32,691 cases involving guns from 1998 – 2006. However, this amount by itself does not represent a discernible trend and hence does not provide useful information on the severity and extent of firearm crimes.⁹

The one exception to this lack of overall statistical evidence regarding gun crimes is wildlife poaching. Since 2012 incidents of elephant poaching have risen dramatically in Namibia as well as the poaching of rhinos which increased from 2014 onwards.¹⁰ A 2017 report by government’s Financial Intelligence Centre (FIC) states:

“The major finding is that wildlife crimes, particularly rhino and elephant poaching, are escalating at alarming levels, with extinction being a reality in future. The study further found that a number of vulnerabilities in wildlife crime combating frameworks across the various stakeholders in Namibia are exploited by syndicates committing these crimes.”¹¹

⁵ Nampa, “Govt concerned about armed civilians”, *The Namibian*, April 21, 2016. <http://www.namibian.com.na/149965/archive-read/Govt-concerned-about-armed-civilians>

⁶ Isaacs, Denver, “Plans to change gun laws”, *The Namibian*, March 20, 2008. <http://www.namibian.com.na/index.php?id=46693&page=archive-read>

⁷ The Government of Namibia, “Performance Audit Report of the Auditor-General on the Ministry of Safety and Security – Department of Police Issuance and Control of Firearm Licences for the Financial Years 2009/10 – 2011/12”, December 2014. 5, 17-8

⁸ Immanuel, Shinovene, “It’s confirmed we are a nation of guns”, *The Namibian*, April 30, 2015. <https://www.namibian.com.na/index.php?id=136472&page=archive-read> and Coomer, Rachel, Opinion: “The victim does not live to tell the tale”, *The Namibian*, June 4, 2013

⁹ Isaacs, Denver, “Plans to change gun laws”, *The Namibian*, March 20, 2008.

¹⁰ The Government of Namibia, “Trends and Typology Report 1, 2017: Rhino and Elephant Poaching, Illegal Trade in Related Wildlife Products and Associated Money Laundering in Namibia”, Financial Intelligence Centre. January 2017. 18.

¹¹ *Ibid.*, 10.

According to a recent newspaper article, Minister of Environment and Tourism Pohamba Shifeta stated that 95 rhinos were poached in 2015 and 60 in 2016 respectively.¹²

Firearms undoubtedly play a role in wildlife poaching. Nevertheless, detailed information on availability, type and origin of guns used in such incidents are not available.

Why would such detailed information regarding firearm and crime patterns matter? Since Accessing and analysing detailed data on crime and guns could have significant policy implications on how such crimes could be better dealt with. For example, if it is found that poachers utilise unregistered firearms that are smuggled into Namibia from neighbouring countries it would require a different policing strategy towards poaching than if those firearms are sourced locally. Guns smuggled into the country would require stricter border controls, more border patrols and closer cooperation with neighbouring nations' security forces. Conversely, placing restrictions on Namibian citizens' legal gun ownership would not address the country's poaching problem.

The latest comprehensive crime dataset that could be located for this research – the 'Crime Statistics Booklet' is on the website of NamPol. This document offers detailed figures on a wide range of crimes and disaggregates these by financial year, types of crimes and regions. Thus the booklet provides invaluable data on a wide range of crimes and crime levels. Unfortunately, the publication only covers a five-year period with the latest being the 2012/13 financial year. Therefore, while it is useful the data is outdated. Furthermore, the booklet provides no analysis of the presented statistics.¹³

Overall background research conducted as part of this study found only limited academic information, government documents and statistical data on firearm ownership and crime in Namibia. Indeed, this study seeks to update and deepen the research undertaken by Martin Boer, under the auspices of the IPPR, in his seminal small arms country study from 2004.¹⁴ Thus, this research relies much on Boer's firearm analysis as well as on further information mostly from government reports and crucially from statistical data and experience provided by NamPol.

International Background to Civilian Arms Control

Most countries – if not all-recognise that there is a need to enact laws and regulations pertaining to the control and administration of firearms in order to: "promote the safe use of firearms and prevent misuse and threats to public safety."¹⁵ However, there is a vast divergence of legislation regulating civilian gun ownership across the world. Its formulation depends on a great range of factors including the respective state's political and social make-up, public attitudes and perceptions towards gun ownership and crime, private and national interests and so forth.¹⁶ A review of 28 countries' firearm

¹² Nakale, Albertina, "US pledges N\$23 million towards anti-poaching efforts", *New Era*, July 28, 2017. <https://www.newera.com.na/2017/07/28/u-s-pledges-n23-million-towards-anti-poaching-efforts/>

¹³ The Government of Namibia, "Crime Statistics Booklet Financial Years 2008/9 – 2012/13", NamPol, Crime Statistics Sub-Division. n. d. 1-2. http://www.nampol.gov.na/documents/139923/140403/Crime_Statistic_2012_13_fin_year_3.pdf/f62f30e9-66a8-4577-aea8-439ca0b7315f

¹⁴ See: Boer, Martin, "Country Study: Namibia", in *Hide and Seek: Taking Account of Small Arms in Southern Africa*. Gould, Chandre, & Lamb, Guy (eds.), Institute for Security Studies, Centre for Conflict Resolutions & Gun Free SA. 2004

¹⁵ Parker, Sarah, "Chapter 9 Balancing Act: Regulation of Civilian Firearm Possession", in *Small Arms Survey 2011*, Small Arms Survey. 2011. 8.

¹⁶ *Ibid.*, 5.

regulations by the research project 'Small Arms Survey' notes that the international focus on controlling civilian-owned firearms reached its height in the mid-90s with the Economic and Social Council (ECOSOC) of the United Nations (UN) initiating various activities around the regulation of firearm use by civilians. Among others, ECOSOC encouraged UN member states to consider the inclusion of certain gun regulations in their respective national legislation on firearms. Thus a 1997 ECOSOC resolution recommended five general regulations:

1. Firearm safety and storage requirements
2. Penalties and/or sanctions for firearm-related offences
3. Amnesty or similar programmes to encourage citizens to surrender unregistered or illegal guns
4. Firearm owners' licensing system
5. Firearm registration system¹⁷

However, by the end of the 1990s the discussion on establishing international standards for civilian firearm regulations in the global sphere had stalled and interest in the subject had waned.

"International attention shifted away from civilian possession towards illicit trafficking and international tracing of small arms, as well as the management of state-held stockpiles and surplus disposal."¹⁸

National Legislation

This section will briefly discuss Namibia's current legislation regulating civilian firearm ownership, access and use. The focus will primarily be on regulations pertaining to gun ownership by individual rather than dealers and manufacturers. The current law will not be discussed in depth as this would go beyond the scope of this study. However, specific firearm concerns and crime issues related to the legislation will be addressed throughout this research paper.

According to previous small arms research by the IPPR, firearm legislation for the country has been in existence since 1938. The law that is currently governing civilian gun ownership and use is the Arms and Ammunition Act, Number 7 of 1996. The Act regulates the licencing of firearms to citizens, gun dealers, exporters as well as manufacturers. In addition the Act provides for the regulation of ammunition and explosives.¹⁹

While there are no accepted international standards for civilian gun regulations, it has been observed that many countries adopt similar elements in their respective firearm legislation.

Parker for example states that most of the nations reviewed in her study had in place a mandatory licence or record-keeping system for civilian owners, firearms or both.²⁰ A 2013 comparison study of firearm legislation covering 18 predominantly developed states and the European Union (EU), notes that: "All countries surveyed regulate the type and quantity of firearms and ammunition that can be acquired or possessed."²¹

¹⁷ Ibid., 3.

¹⁸ Ibid., 4.

¹⁹ Boer, Martin, "Country Study: Namibia", in *Hide and Seek: Taking Account of Small Arms in Southern Africa*. Gould, Chandre, & Lamb, Guy (eds.), Institute for Security Studies, Centre for Conflict Resolutions & Gun Free SA. 2004. 116.

²⁰ Parker, 36.

²¹ The Law Library of Congress, "Firearms-Control Legislation and Policy", February 2013. 13.

In its national Arms and Ammunition Act, Namibia codifies many regulations that are broadly similar to firearm-related legislation across the world. Indeed, the Act makes provisions for all the regulations recommended by the ECOSOC resolution. According to Parker, a fundamental distinction in national firearm control laws concerns the principle of ownership. Civilian ownership of firearms is either held to be a right or a privilege.²² From Parker's country review and a comparison study by the United States of America (USA) Law Library of Congress only three out of a combined total of 34 nations' laws decree that citizens have a right to own guns. These are the USA, Mexico and Yemen.²³ For civilians in these countries, attaining legal gun ownership is fairly easy. It should be noted, however, that this 'right' to bear arms does not preclude these states from enacting firearm regulations.

In Namibia there is no constitutionally-enshrined right to firearm ownership by citizens. Furthermore, the Arms and Ammunition Act does not obligate the Inspector-General to approve gun licence applications even if the applicant meets all requirements for legal gun ownership. The approval of civilian firearm licences is therefore at the discretion of the authorities. Consequently, the ownership of a firearm is legally held to be a privilege and not a right.

The 1996 Act specifically pertains to the regulation of civilian firearm ownership and use. The list below summarises the law's key provisions with regards to private gun owners or firearm applicants. The list does not include specific provisions made for firearm dealers and manufacturers.

- Mandatory firearm licence requirement for all gun owners
- Requirements stipulating licence application process and issuing of such licences
- Stipulations regarding licence duration
- Criteria and process for declaring persons unfit to possess arms and the refusal or withdrawal of a firearm licence
- Right to appeal licence refusal or withdrawal and process
- Process of disposal or sale of surrendered, recovered or confiscated firearms and ammunition by the state
- Requirements and restrictions related to firearm and ammunition types, firearm amounts and markings, storage, handling, transportation and use
- Notification requirement for licensed firearm owners with regards to loss or theft of firearms
- Provisions with regards to the export and import, including temporary of firearms and ammunition
- Prohibition of private ownership of specific weapon, ammunition and explosive types
- Types of offences and penalties with regards to contravening provisions stipulated in the Act
- Exemptions of specific provisions with regards to security officers, state officials, collectors, hunters, sportsmen, business undertakings, executors of estates and persons with specific authority from the Minister
- Provision made for exemption from offences and penalties on owners of illegal or unregistered firearms surrendered to the authorities under a specific programme

Based on the list above it can be argued that the Arms and Ammunition Act is a fairly comprehensive legislative framework.

²² Parker, 1.

²³ The Law Library of Congress, 2, and Parker, 21 & 7.

Given the plethora of different firearm laws for civilians across the globe, a comparative country analysis of legislation is challenging. Nevertheless, there are indications that many countries adopt at least some similar regulations. The comparative civilian firearm legislation study by Parker observes that most reviewed states adopt four general regulations: prohibiting or restricting ownership of specific weapons unsuitable for civilians, mandatory licensing system for gun owners to limit access and use, registration system for each individual firearm and requiring from civilians a “genuine reason” for gun ownership.²⁴ Namibia’s firearms law makes explicit provisions for the first two commonly observed regulations. While the third regulation is not specifically mentioned in Namibia’s law, the Act under Section 41 allows for a register to be compiled with regards to the particulars as laid out in the Act or determined by the Minister in matters pertaining to the Act.²⁵ Thus the registration of individual firearm details forms part of the licence application procedure. Regarding the fourth general regulation - the Arms and Ammunition Act does not specify that civilians have a genuine reason to be eligible for a firearm ownership licence. However, this is de facto required as the regulations in terms of the firearm licence application form require prospective owners to state reasons for wanting to own a firearm. The onus of clearly proving that an applicant is entitled to the ownership of a firearm is thus placed upon the prospective owner as opposed to requiring the authorities to thoroughly justify the approval or refusal of a gun ownership application.

The Auditor General’s report on firearms identifies a number of shortcomings with regards to firearms control measures in Namibia and recommends that the current Arms and Ammunition Act should be amended.²⁶ However, a close examination of the report’s findings and recommendations indicates that many identified gun control issues are due to the application of the law rather than with the Act itself.²⁷ NamPol officers spoken to during the course of this research echoed the report’s recommendation that the 1996 Act should be revised to better address firearm issues. It was also noted that a new bill to this effect is being drafted.²⁸ A newspaper article from August 2016 reported that the draft amendments of Namibia’s civilian firearm law had been completed and the bill was now with industry stakeholders for input.²⁹

Firearm licence application procedure

The firearm licence application form, which can be obtained from local police stations, seeks information on the applicants’ motivations to own a gun.³⁰ In addition the form requires details regarding the physical address of the applicant and the exact details of the particular gun for which a licence is sought. In essence, the applicants must have already decided on the type of gun they would like to own. This includes the individual guns’ serial number – which is often provided by the dealer from which the gun will be bought if the licence application is approved.

Licence applications are conducted with the assistance of the local police station where the application is made. The officers at the respective police station are also responsible for conducting an inspection of the safe or secure storeroom (in which the owner will store his/

²⁴ Parker, 1.

²⁵ The Government of Namibia, “Gazette: No. 7 Arms and Ammunition Act 1996”, No. 1338, June 26, 1996. 26.

²⁶ “Performance Audit Report of the Auditor-General on the Ministry of Safety and Security – Department of Police Issuance and Control of Firearm Licences for the Financial Years 2009/10 – 2011/12”, 3.

²⁷ Ibid., 2-4.

²⁸ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017 and Interview with Deputy Commissioner Shaama, M. N. NamPol. August 15, 2017.

²⁹ New Era, “Son of a Gun: Namibians fight to keep their firearms”, August 22, 2016. <https://weekend.newera.com.na/2016/08/22/son-of-a-gun-namibians-fight-to-keep-their-firearms/>

³⁰ Boer, 116.

her weapon). This is done to ensure that the prospective owner has a safe storage space as required by the Act. The inspection is not conducted if the applicant supplies an appropriate purchase receipt of a gun safe. It is of note that both the station commander as well as the relevant regional police commissioner has to review and recommend or oppose all applications before they are sent to the national level for final review and approval or rejection.³¹

Fingerprints of the prospective applicant are also taken and submitted along with the licence application. These are utilised to check if the applicant has a criminal record.³² Any prior criminal conviction on the part of the applicant results in an automatic rejection of the licence application.³³ The police state that all firearm licence applications are reviewed carefully. Nevertheless, the division responsible for firearm licensing has a high workload due to the many applications. The police aim to process an application within three months, but this is not always feasible. More recently, the speedy digital capturing of fingerprints has much improved the application process.³⁴

Civilian Firearm Stockpile

In gun surveys the accumulated firearm figure is referred to as a 'stockpile'. Depending on what legal divisions (state, private, legal, illegal and so forth) of guns are included or excluded from a stockpile count and what information on such weapons is publicly available, specific firearm stockpile amounts can be determined. For example data on mandatory gun owners' licences for civilians and their associated firearms in Namibia provide fairly accurate figures on the stockpile of guns legally in the possession of civilians. Information on gun stockpile amounts held by state institutions like the military and the police are classified. Thus the stockpile size of firearms owned by the Namibian government is unknown.³⁵ For obvious reasons, establishing stockpile figures for guns that are unregistered or prohibited is extremely difficult. Over the decades researchers looking at the small arms issue have employed different methods to estimate firearm amounts on a global scale. At the beginning estimation techniques were fairly basic and thus their accuracy could be greatly questioned. More recent estimates utilise more sophisticated methods and make use of country-level statistics and research when available.³⁶ Nevertheless, while firearm stockpile estimates have improved over recent years there remains an element of uncertainty.

The size of both the legal and illegal, prohibited, and unregistered firearm stockpiles matter. While in the past international concern around firearms control was focused on military and state stockpiles, it was observed in the mid-2000s that:

“...experts became aware that civilian-owned firearms play a major role in illicit trade and regional violence [and therefore] previously overlooked civilian holdings began to attract greater political attention.”³⁷

The proliferation of firearms owned legally by civilians is undoubtedly a global concern. Commenting on the difference between state- and civilian-owned firearm stockpiles, Karp observes that firearm own-

³¹ Interview with Inspector Nyambe, Martin. NamPol. September 5, 2017.

³² Boer, 117.

³³ Interview with Inspector Nyambe, Martin. NamPol. September 5, 2017.

³⁴ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

³⁵ Boer, 116.

³⁶ Karp, Aaron, “Chapter 2, Completing the Count: Civilian Firearms”, in *Small Arms Survey 2007*. 2007. 41.

³⁷ Karp, Aaron, “Chapter 2, Completing the Count: Civilian Firearms”, in *Small Arms Survey 2007*. 2007. 42.

ership has risen significantly worldwide to such an extent that around 75 percent of known small arms are in the hands of civilians. At the same time legal access to more sophisticated firearms by civilians such as semi-automatic handguns and rifles has in turn significantly transformed the civilian stockpile in that it has become far more lethal.³⁸ One further international aspect of state vs. civilian firearms is that military and security force guns tend to be strictly registered, stored and controlled. Therefore, "... state arsenals are much more amenable to policy."³⁹ In other words the likely chance of misuse of state firearms is much smaller than in the private sphere. Furthermore, changes in gun-related policy can be applied more easily and faster to the state-held stockpile. Inevitably, this situation does not necessarily apply to all nation states.

The current number of firearms legally owned by Namibian civilians, according to the NamPol database, is 200,010. In his firearms survey of Namibia, Boer states that at the start of 2004 the police database recorded 97,262 firearm licences.⁴⁰ Therefore it can be observed that the number of licenced firearms in private hands has doubled over the past 13 years. However, the increase in the firearm stockpile cannot be seen in isolation and needs to be put into perspective. Put differently and utilising demographic figures provided in Boer's analysis there were around 5.04 guns per 100 people in the country in 2004.⁴¹ There are currently around 9 legally owned firearms per 100 people based on population estimates for 2016.⁴²

It should be noted that there are alternative estimates regarding the total number of firearms circulating in Namibia and not held by state authorities. Such guns would include both illegal firearms – weapons that were lost or stolen from their licenced owners, prohibited guns as well as unregistered firearms, which were never nationally registered in the first place. The 2004 IPPR small arms survey notes that at the time of the study NamPol estimated that around one-fifth of all illegal and unregistered guns were once properly licenced and since lost or stolen. The remainder – it was suspected, originated from other countries specifically Angola.⁴³ The more recent Auditor General's firearms audit does not provide any disaggregated figures for illegal, unregistered and prohibited guns. It states that part of the overall illegal stockpile of firearms in the country is drawn from armaments originating from Namibia's liberation war.⁴⁴ The audit also quotes an estimated total figure for all legal, illegal, unregistered and prohibited guns held in Namibia which is put at 260,000 and 13 guns per 100 citizens.⁴⁵

This estimate originates from a Small Arms Survey report from 2007⁴⁶ and is also quoted on the internet resource website gunpolicy.org which is hosted by the University of Sydney. The site is not updated anymore and does not provide any current research.⁴⁷ The Small Arms Survey report estimation formula is based on a country's population number and Gross Domestic Product (GDP) for which comprehensive registered gun figures are available. These are then correlated with countries of similar population size and wealth but without accurate firearm registers. The report notes that this meth-

³⁸ Ibid., 39, 60 - 1.

³⁹ Ibid., 40.

⁴⁰ Ibid., 118

⁴¹ Ibid., 115.

⁴² Using 2,324,388 for Namibia's 2016 population figure as stated in the Namibia Statistics Agency's Namibia Labour Force Survey 2016 Report.

⁴³ Boer, 119.

⁴⁴ "Performance Audit Report of the Auditor-General on the Ministry of Safety and Security – Department of Police Issuance and Control of Firearm Licences for the Financial Years 2009/10 – 2011/12", 3.

⁴⁵ Ibid., 14.

⁴⁶ Karp, Aaron, "Chapter 2, Completing the Count: Civilian Firearms", in Small Arms Survey 2007. 2007. Annex 4, n. p.

⁴⁷ See <https://www.gunpolicy.org/about>

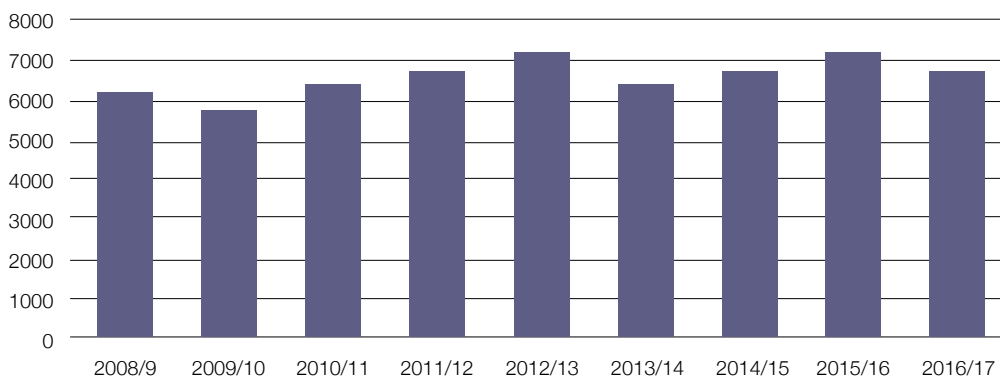
od only “permits crude predictions” and does not take into account other factors such as local gun culture.⁴⁸ While this estimate does put a figure to Namibia’s total theoretical civilian firearms stockpile it should be treated with caution.

Firearm Demand

For most nation states large amounts of legally held firearms circulating within the country’s civilian population and markets is of concern. Another factor regarding gun proliferation is by default the demand for gun ownership within a country. Thus a high demand for firearms by civilians within a respective country can quickly increase the overall private gun stockpile. Theoretically, such a great demand would also indirectly contribute to a rise in illegal firearms as more legal guns would be susceptible to theft and loss, even if the average yearly rate of firearm theft and loss would stay constant.

A reliable indicator for assessing firearm demand can be drawn from the amount of firearms that are legally licensed. For this research NamPol kindly provided numbers of firearm licences issued per financial year over the course of nine years. The number of licences issued for the period from 2008/9 to 2016/17 ranges from 5,851 to 7,281 (See Graph 1: Firearm Licences Issued per Financial Year). A total of 59,883 gun licences were authorised over the nine years with an average of around 6,653 licences issued per year. The data for the nine years does not show a particular trend with regards to firearm demand apart from the observation that the number of licences issued per year remains fairly constant. Year to year increases or decreases of gun licences issued differ mostly by a couple of 100 licences only apart from 2013/14 which saw 893 less gun licences being authorised compared to the previous financial year.

Graph 1: Firearms Licences Issued per Financial Year



The yearly firearm licence figures correlated with the overall increase in firearm ownership per 100 citizens observed between 2004 and 2017 and taking into account population growth.

Particulars Regarding Firearm Demand

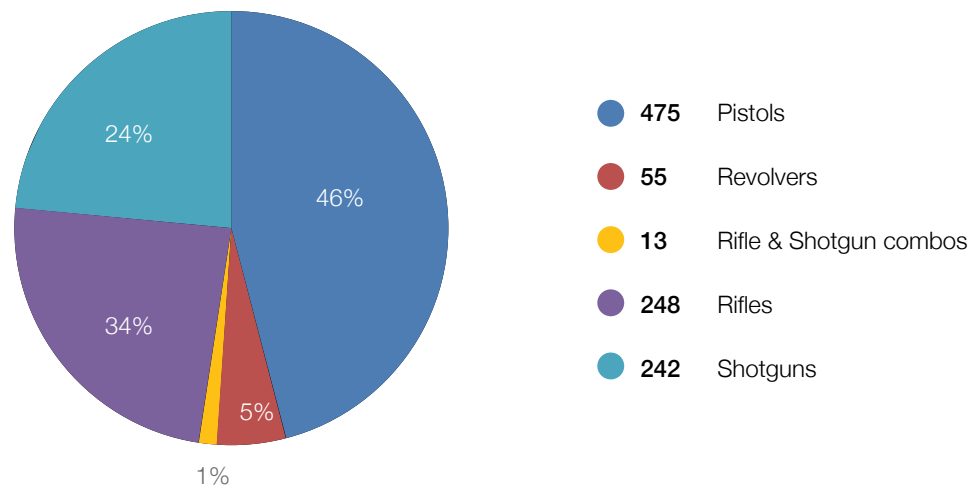
Details from firearm licence applications can provide more detailed information on gun demand aspects by prospective owners. With the consent of NamPol, an IPPR research team reviewed a sample of licence applications in early September to obtain more insight on firearm demand. The sample

⁴⁸ Karp, 57.

included 1,033 licence applications made between 2008 and 2017. Applications from security companies were not included in the sample. Among others, the research team recorded information on the type of gun that applicants wanted to possess and the reason given for wanting to own a firearm.

With regards to the types of guns that applicants apply for the licence application form provides choices for five types: pistol, revolver, rifle and shotgun combination, rifle, and shotgun. The amount of applications for each type of gun among the sample is presented in Graph 2. Pistols with 46 percent make up by far the majority of firearm licence applications, followed by rifles and shotguns that each make up just under one-quarter of all applications. Revolver and rifle and shotgun combination make up only a very small fraction of gun licence applications with 5 and 1 percent respectively. It is clear from the sample that in Namibia there is a great demand for handguns – specifically pistols – when compared to all other types of firearms. This trend was already evident in Boer’s 2004 firearm analysis.⁴⁹

Graph 2: Type of gun (out of 1033 applications)

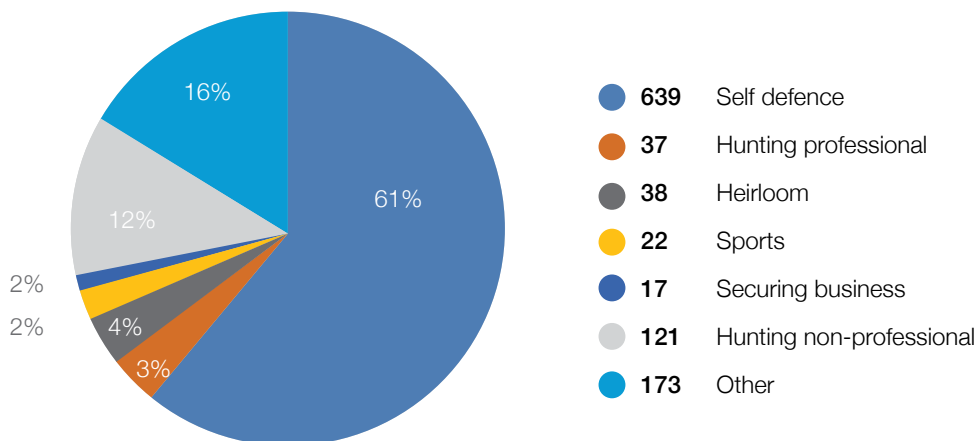


The application form also requires gun applicants to state one main reason for wanting to acquire a legal firearm. There are seven different purposes listed: self-defence, hunting professional, heirloom, sports, securing business, collector and replacement of an out of service firearm. The sample contained no applications mentioning the last two reasons therefore these were not included in Graph 3. However, the research team added the options of hunting non-professional and other. The former is indicated by simply striking through the ‘professional’ from hunting professional and the latter primarily indicated the need by the applicant to ‘protect his/her livestock or agriculture fields’. This was done by the research team to account for these specific purposes for which the form did not make any provision but were not uncommon purposes stated. A similar method was also utilised in the IPPR small arms study of 2004. Furthermore, applicants can add additional purposes. However, the sample included only 14 such additional reasons (not included in Graph 3).

Graph 3 visually presents the information with regards to the purpose stated by applicant for wanting to own a firearm. ‘Self-defence’ was by far most cited reason - accounting for 61 percent of responses. The second and third most prominent reasons mentioned in the application sample trail far behind self-defence; ‘Other’ and ‘Hunting non-professional’ only make up 16 and 12 percent of all responses respectively.

⁴⁹ Boer, 124.

Graph 3: Reasons for wanting to own a gun



In his small arms study from 2004 Boer observes that:

“There is a common perception both inside and outside Namibia that it is a country of hunters and farmers. Many Namibians live in rural areas, and many of them use rifles and shotguns to shoot game and protect livestock from predators and thieves.”⁵⁰

Yet the licence application sample analysis strongly suggests that a far bigger motivation for acquiring a firearm is self-protection. Even when adding applicants’ responses for ‘Hunting non-professional’ and ‘Professional hunting’ together the overall hunting motivation for gun ownership makes up just 15 percent of all reasons cited. While using a much larger sample size, the 2004 licence application analysis yields a similar result with self-defence clearly dominating the purposes for which gun ownership is sought.⁵¹

International trends in firearm ownership by civilians reflect the licence application assessment both in this study and in Boer’s analysis. Karp observes that since the end of the Second World War firearm ownership has shifted from a mostly rural phenomenon centred on rifles and shotguns for hunting or self-defence to a situation where gun ownership is increasingly concentrated in urban settings and handguns are much preferred as compared to other firearms.⁵² The urban/rural divide was not accessed in this research. However Boer’s sample analysis showed that two thirds of applications stem from urban as opposed to rural areas in Namibia.⁵³ According to Karp, changing gun ownership patterns globally have also gone hand-in-hand with a marked decline in hunting. In an ever-more urbanised world, residents have little economic need, opportunity or desire to hunt and large guns like rifles are unsuitable for an urban setting. For example, in the United States of America and Italy numbers of registered hunters have declined significantly and consistently for decades.⁵⁴

In Namibia, with its many farms and sizable rural communities, hunting might still feature in the demand for gun ownership. Nevertheless, the majority of motivations for firearm ownership are driven by other reasons as is clearly evident from the firearm licence application analysis.

⁵⁰ Ibid., 122.

⁵¹ Ibid., 123.

⁵² Karp, 63.

⁵³ Boer, 123.

⁵⁴ Karp, 63.

Firearms & Crime

As mentioned in the introduction, NamPol officials have repeatedly voiced their concern that increasing amounts of firearm licences are linked to an increase in firearm-related crime. During the research for this paper police officers noted that the police have found that most gun-related crimes are committed with firearms acquired from the legal civilian gun stockpile either through loss, theft or negligence by the owner.⁵⁵ Police documentation from police stations and regional police reports on firearms sampled during the Auditor General's audit support this finding.⁵⁶

Karp notes that globally the link between high levels of civilian gun ownership and violence continues to be "one of the most controversial" themes in firearm control policy.⁵⁷ This observation is confirmed by the more recent UNODC report on homicides, which states that, among others, a shortage of comprehensive data on firearm stockpiles makes it difficult to answer if high firearm ownership levels automatically result in high crime levels. Data from some European countries suggests that there is a link between firearm availability and murder rates, whereby a high level of household gun ownership is also associated with a higher level of firearm homicides.⁵⁸ Conversely, there are also states with a large civilian firearm stockpile but low levels of gun-related murders such as New Zealand and Canada.⁵⁹ New Zealand for example boasts 22.6 guns per 100 citizens yet only saw between 0.1 and 0.3 per 100,000 people murdered by firearms from 2000 to 2009.⁶⁰

In Namibia, very few studies could be found that looked at gun-related crime as part of overall crime statistics. In his firearm survey, Boer briefly covers firearm homicides compared to the total number of homicides committed from 1995 – 2002. This data shows that only a small percentage of murders are committed with guns. Thus on average 3.4 percent of murders were committed with a firearm over the course of the eight years reviewed.⁶¹

The Auditor General's report includes a range of different firearm-related crimes that are listed in NamPol's case registers such as robbery with a firearm and murder with a firearm. However, the audit only presents statistics for three years – 2009 to 2011. Furthermore, this data is only examined briefly. In terms of critical analysis of crime statistics and gun-related crimes the report essentially provides no clear findings.⁶²

For this study, crime statistics are drawn from the previously mentioned NamPol's Crime Statistics Booklet as well as more recent data kindly provided by the police. Data from these two sources is combined to provide information covering nearly a whole decade, providing for better longer-term trend analysis. The analysis will focus on homicides, attempted murder, armed robbery, pointing of a firearm at a person, and theft of firearm. This data when recorded by NamPol includes information

⁵⁵ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁵⁶ "Performance Audit Report of the Auditor-General on the Ministry of Safety and Security – Department of Police Issuance and Control of Firearm Licences for the Financial Years 2009/10 – 2011/12", 11 & 7.

⁵⁷ Karp, 40.

⁵⁸ UNODC, 68-9.

⁵⁹ The Law Library of Congress, 59-6, 164 & 7.

⁶⁰ Ibid., 164-6.

⁶¹ Boer, 124.

⁶² "Performance Audit Report of the Auditor-General on the Ministry of Safety and Security – Department of Police Issuance and Control of Firearm Licences for the Financial Years 2009/10 – 2011/12", 17-8.

on firearms use if applicable. Other types of crime could also involve guns but this is not necessarily recorded as a firearm-related crime and cannot be disaggregated from the available data. The issue of wildlife poaching will also be discussed.

Homicide

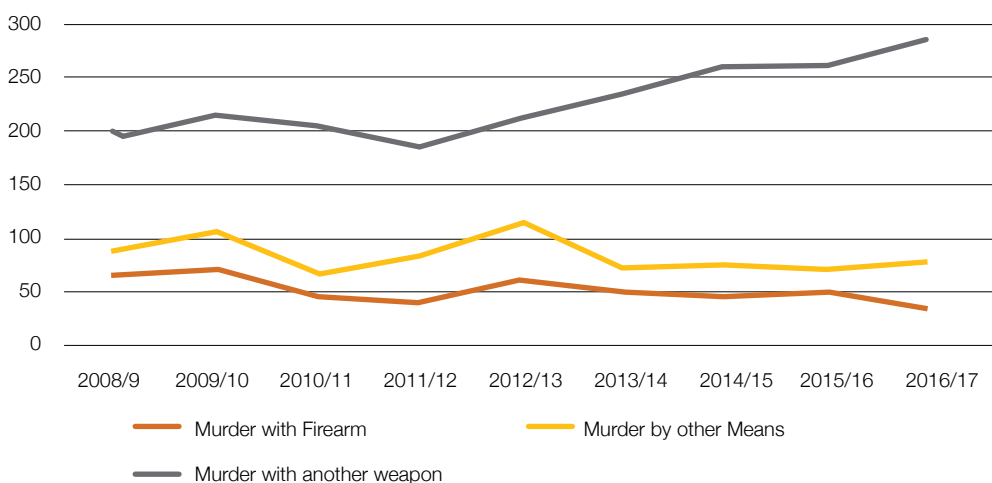
The UNODC states that:

“With averages of over 25 victims per 100,000 population, Southern Africa and Central America are the sub-regions with the highest homicide rates on record.”⁶³

Southern Africa suffers from one of the highest murder rates in the world. In the financial year of 2016/17 Namibia’s homicide rate stood at 17.04 victims per 100,000 people.⁶⁴ This figure is considerably lower than the UNODC’s regional average for Southern Africa. However, it is still nearly three times more than the global estimated average of 6.2 percent per 100,000 people in 2012.⁶⁵

In Namibia the total amounts of murders for all case types has fluctuated between 308 and 396 over the last nine financial years. Graph 4 shows the overall trend of homicides in the country as well as representing trends of specific murder cases which make up all murders. These are: murder with another weapon (often a knife), murder with a firearm, and murder by other means. Some 3,272 homicides cases in total were recorded for the nine years under review, with an average of 364 murders being committed per year. The first four years show significant changes in the yearly total murder rate. From 2012/13 onwards the murder rate stabilises somewhat and the last three financial years from 2014/15 to 2016/17 show a marked constant in the murder rate of around 380 homicides being committed per year with a slight upward trend. The two years of 2010/11 and 2011/12 stand out for showing a significant but short-lived downward trend with the murder rate dropping to just over 300 homicides per year. When compared to the overall average yearly murder rate these two years saw a decrease of 13.7 and 15 percent respectively.

Graph 4: Murder Cases



⁶³ UNODC, 22.

⁶⁴ Calculation based on Namibia’s Population estimate in: “Key Highlights of the Namibia Labour Force Survey 2016 Report, NSA.

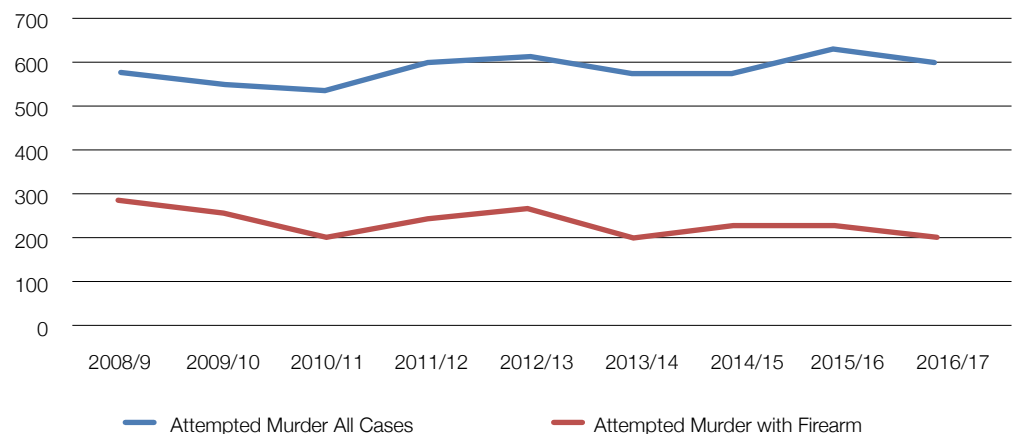
⁶⁵ UNODC., 21.

The graph clearly demonstrates that murders carried out with a firearm make up only a very small proportion of the overall murder rate. Furthermore the trend line for firearm murders remains fairly constant ranging between 35 and 69 gun homicides per year. By comparison murders committed with another weapon have steadily increased over recent years. Thus in 2008/9 around 55.4 percent of murders were attributed to murder with another weapon but in 2016/17 this case category makes up 71.5 percent of all murders. Clearly, use of a weapon other than a firearm has become dominant in Namibia’s homicide cases over the recent years. In comparison murder cases committed with a firearm and by other means have shrunk when compared to all homicide cases, particularly so since 2013/14.

Attempted Murder

When comparing cases of all attempted murder with attempted murder by firearm it can be observed that over the nine years span there is an overall decrease in the latter crime when compared to the total of attempted homicides (See Graph 5). Thus, in 2008/9 the proportion of attempted murders with a gun made up almost 50 percent of all recorded attempted murder cases. By 2016/17 this figure has decreased to 34 percent. The attempted murder with firearm trend line does not decrease consistently but demonstrates up and down fluctuations. The overall trend, however, indicates a decrease in murders attempted with a firearm. The overall attempted murder rate has remained fairly constant over the period under discussion.

Graph 5: Attempted Murder

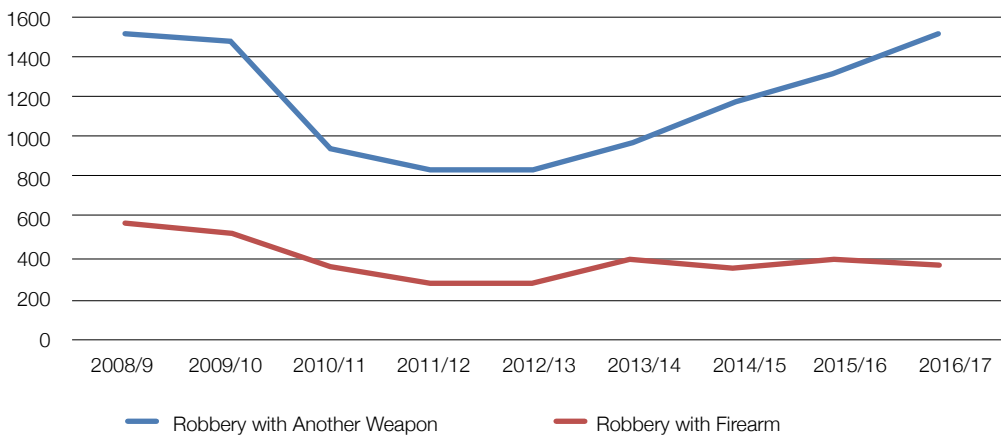


Armed Robbery

The statistics for armed robbery are perhaps the most striking with regards to gun-related crimes in Namibia. Graph 6 captures all recorded cases of armed robbery as well as robbery with a firearm from 2008/9 to 2016/17. What can be immediately ascertained is the rapid drop of armed robbery cases from 2009/10 with 1,445 cases, to 2010/11 with only 937 total cases – a drop of just over 35 percent. Total armed robbery cases then drop slightly further in 2011/12 and thereafter begin to rise again steadily until the latest completed financial year 2016/17 which displays a similar total recorded case number as from the start of the graph in 2008/9. To a lesser extent the cases reported for armed

robbery reflect the overall trend of all armed robberies; seeing a less pronounced drop in recorded instances of gun-related robbery from 2009/10 onwards. However, from 2013/14 onwards armed robbery with a firearm deviates significantly from the trend displayed by robbery with another weapon in that it remains constant with between 346 and 377 cases recorded per year for the last four years.

Graph 6: Armed Robbery

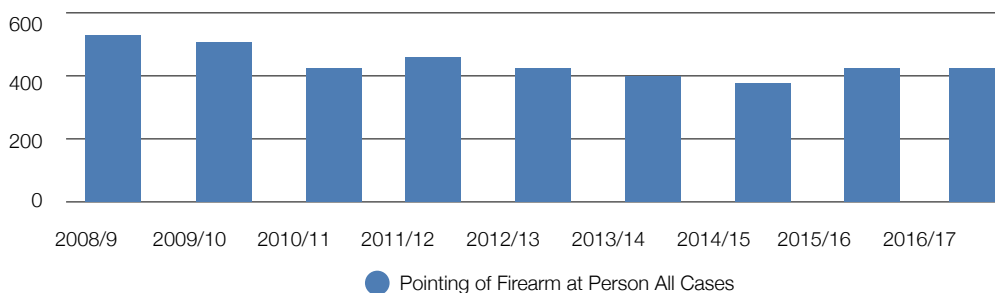


Two significant points can be drawn from graph 6 regarding armed robbery in Namibia. Firstly, the country has unfortunately seen a steady increase in armed robberies, the number of recorded cases having nearly doubled since 2011/12. It should be noted that such a high rate of armed robbery is not a new phenomenon as clearly demonstrated by the two first years analysed. Secondly, the proportion of gun-related robberies to all armed robberies has markedly decreased specifically since 2013/14 from around 38 to slightly less than 24 percent in 2016/17. Hence, it can be argued that firearms play a decreasing role in armed robbery cases.

Pointing a Firearm at a Person

Graph 7 shows all recorded cases of pointing of a firearm at a person over the past nine financial years in Namibia. The graph displays a gradual downward trend of this type of crime inasmuch that instances of such cases have decreased by around a fifth during the course of the years reviewed.

Graph 7: Pointing of Firearm at Person All Cases

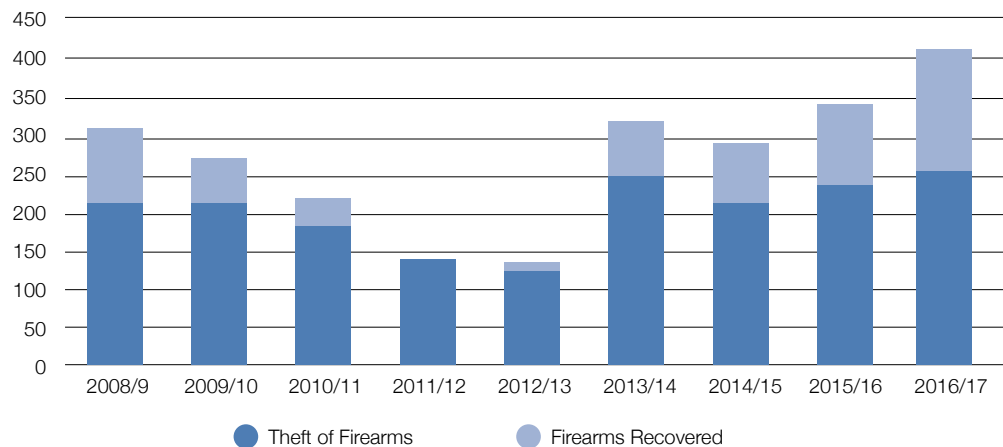


Firearm Theft

Theft of legally licenced firearms is of considerable concern for NamPol since it has been found that many gun-related crimes are carried out with such formerly licenced but now illegal guns.⁶⁶ Moreover, the Auditor General’s report stated that some cases of firearm theft were due to negligence by the owner for among others not keeping the gun in a secure storage space as required by the Arms and Ammunition Act.⁶⁷ The police have provided recorded total numbers of stolen and recovered firearms from 2008/9 – 2016/17. This data is captured in graph 8. It should be noted that the recovered guns are not necessarily the firearms that were stolen in the first place. Tracing the origin and owner of a recovered firearm are not a given since criminals sometimes render the serial number with which a gun is marked unreadable. Serial numbers can also degrade due to extensive handling of the firearm.⁶⁸

Nevertheless, the figures represented in graph 8 give an indication of the extent of this crime as well as providing a rough estimate on the growth of the illegal stockpile of firearms in the country and likely accessibility to criminals. The graph shows that both the number of stolen guns and those recovered by the authorities have been on a downward trend for the first five years covered. Worryingly the percentage of recovered guns fell much steeper than the number of firearms stolen. Thus for example while the recovered number of guns – as a proportion of all stolen guns stood at 51.5 percent in 2008/9 this had plunged to 3.5 and 7.2 percent in 2011/12 and 2012/12 respectively.

Graph 8: Theft & Recovery of Firearms (total number of firearms)



From 2013/14 the number of stolen guns notably increases again and in fact exceeds the highest number of guns stolen until then (in 2008/9). Correspondingly the number of recovered firearms rises as well from 2013/14 onwards with the proportion of recovered guns making up an ever-increasing share of the guns stolen. Thus for example in 2015/16 the proportion of recovered to stolen firearms is 45.3 and in 2016/17 – 63 percent. During the nine-year period under discussion a total of 1,811 legal guns were stolen and in return 620 firearms were recovered by the police. It can therefore be argued that the pool of illegal guns in the country – for which no total figure is available - grew by 1,191 guns. This figure it must be noted is only a rough estimate based simply on comparing stolen with recovered firearms. Additional sources of guns could have added to the illegal stockpile such as firearms whose

⁶⁶ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁶⁷ "Performance Audit Report of the Auditor-General on the Ministry of Safety and Security – Department of Police Issuance and Control of Firearm Licences for the Financial Years 2009/10 – 2011/12", 3.

⁶⁸ *Ibid.*, 21.

theft was not reported to the police by the licenced owner.⁶⁹ The stockpile of illegal guns could also likely have been diminished by breakages and firearms smuggled out of the country.

Wildlife Poaching

The Namibian government releases only limited and sporadic statistical information on crimes involving wildlife, specifically poaching of endangered animals. The recent FIC report on elephant and rhino poaching in Namibia states that there is a “lack of comprehensive, reliable and current statistics.”⁷⁰ What is clearly evident however is that poaching incidents of endangered and valuable animals have spiralled upwards over recent years. Total figures of poached rhinos per year rapidly increased in 2014 and 2015 compared to the preceding years.⁷¹ The illegal hunting and killing of elephants for ivory was also not considered a serious issue until 2012 when large numbers of elephant carcasses were discovered.⁷² For this study, no comprehensive and detailed data set could be located regarding poaching statistics. Numbers are cited in various media reports but these are often ambiguous, isolated and conflicting and therefore not utilised in this study.

Firearms undoubtedly play an important role in poaching activities especially regarding large animals such as rhino and elephant. Again, little information could be ascertained regarding the guns that are used by poachers in Namibia. With regards to Africa people and groups undertaking illegal poaching activities utilise a wide range of arms including traditional weapons such as spears. A research report by Small Arms Survey on rhino and elephant poaching on the continent notes that poachers do prefer dedicated hunting rifles to shoot large game but also utilise automatic weapons such as the notorious AK 47. The type of gun used may depend on various factors including finance for the operations, availability of firearms and ammunition in the region and external contact and support.⁷³ For example research suggests that hunters in Central African countries mostly make use of automatic guns possible because hunting rifles and their associated ammunition are expensive in the region. In comparison rhino poachers in Mozambique seem to prefer hunting rifles that are supplied through illegal channels.⁷⁴

According to NamPol, poachers active in Namibia seem to utilise hunting rifles as opposed to automatic guns. The police reason that rifles and their commercially available ammunition are more easily sourced and often originate from the era of the apartheid regime’s rule of Namibia. By comparison, automatic firearms are primarily intended for security and military purpose thus unsuited to big-game hunting, similarly ammunition is likely difficult to obtain and can be quickly exhausted. Among others, poachers have been found to use bolt-action .303 rifles that were handed out in large quantities to specific rural communities in Namibia for self-protection during the liberation war by the apartheid government. No record exists of these un-registered guns and their actual number still in circulation is therefore impossible to calculate.⁷⁵ The distribution of these “thousands” of .303 rifles has also been mentioned by other sources.⁷⁶

⁶⁹ Ibid., 3.

⁷⁰ “Trends and Typology Report 1, 2017: Rhino and Elephant Poaching, Illegal Trade in Related Wildlife Products and Associated Money Laundering in Namibia”, 8.

⁷¹ Ibid., 8.

⁷² Ibid., 18-9.

⁷³ Carlson, Christopher, Wright, Joanna and Dönges, Hannah, “Chapter 1, In the Line of Fire: Elephant and Rhino Poaching in Africa,” in Small Arms Survey 2015. 2015. 17-8.

⁷⁴ Ibid., 20.

⁷⁵ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁷⁶ Bass, Rick, “The Black Rhinos of Namibia: Searching for Survivors in the African Desert”, 2012. 43.

NamPol Experiences, Concerns and Responses

Apart from an overall concern by the authorities of civilian firearms proliferation in the country the police have listed a number of other issues regarding civilian gun ownership. These issues as well as NamPol's experience and specific policy responses are discussed below.

- High demand for handguns
- Theft or loss of firearms due to negligence
- Poor arms stock control at security companies

High Demand for Handguns

The police have observed that there is a high demand for the ownership of handguns, especially pistols.⁷⁷ This assertion is validated by the firearm licence application reviews both from this study and Boer's earlier 2004 analysis.⁷⁸ It was observed by the police that handguns, due to their small size and easy portability, were often carried by owners in an urban setting purportedly for self-defence. In NamPol's experiences many taxi drivers carry handguns. While it was acknowledged that self-defence was a valid reason for ownership, the police argued that this perceived trend of handgun-carrying taxi drivers and drivers in general had led to a number of unfortunate shooting incidents that had little to do with self-defence but rather emotionally-charged confrontations between people.⁷⁹

Incidents of fatal shootings in shebeens (informal bars) and on public roads have been reported in the media over the years. While such shootings are difficult to quantify many involve handguns and appear to be the result of road-rage or quarrels between people and did not involve self-defence.⁸⁰

Consequently, NamPol has recently begun to scrutinise firearm licence applications for handguns much more thoroughly. If it is felt that the motivations stated to own a firearm were insufficient or not logical the application is rejected.⁸¹ Provision of no or only limited supporting documents can also influence the application approval negatively.⁸² The police emphasised that they did not reject handgun applications outright.⁸³ The police are therefore using the considerable discretionary powers granted to them by the Arms and Ammunition Act to actively limit access to handguns by civilians.

Theft or Loss of Firearms

Of considerable concern for NamPol is the theft and loss of legally-owned guns as it has been found that many of these weapons are utilised for gun-related crimes. It was also felt that some owners such as security companies exerted poor controls over the guns in their possession making them more sus-

⁷⁷ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁷⁸ Boer, 124.

⁷⁹ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁸⁰ See: Kahiurika, Ndanki, "Road rage leads to murder", The Namibian, August 10, 2015.

<https://www.namibian.com.na/index.php?id=140472&page=archive-read>
Beukes, Jemima, "Shebeen patrons kill bar owner", Namibian Sun, September 21, 2015. <https://www.namibiansun.com/news/shebeen-patrons-kill-bar-owners>
Menges, Werner, "Shebeen shooting suspect wants bail", The Namibian, March 5, 2007. <https://www.namibian.com.na/index.php?id=35642&page=archive-read>

⁸¹ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁸² Interview with Inspector Nyambe, Martin. NamPol. September 5, 2017.

⁸³ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

ceptible to loss and theft.⁸⁴ The Auditor General's report states that 65 out of 66 interviewees, comprising mostly police officers and some community members, were of the opinion that firearms misuse existed in the country.⁸⁵ The audit further stated that cases of gun theft had been recorded by police due to the legal owner failing to store the firearm safely as required by the Act, for example in a safe or strong room. In addition it was noted that some security companies had on inspection no updated firearm registers or lacked certification for the use of the guns for the business.⁸⁶

The force has also recorded numerous incidents whereby firearms, especially handguns are stolen out of vehicles. This, it was argued, is unacceptable since the Act requires the owner of the gun to be in full control of his/her firearm at all times unless stored appropriately. Cars are for obvious reasons not deemed secure storage spaces thus owners were acting negligently when leaving guns in their vehicles. Staff at the Firearms Control Division have also noticed with concern that cases of gun theft that occurred due to negligence often did not lead to the prosecution of the owner. In response therefore NamPol has issued a directive to all regional police commanders at the end of 2016 that cases of gun theft should be strictly investigated and firearm theft from vehicles should result in the owner's prosecution for negligence by default.⁸⁷

Closely related to firearm theft in Namibia is the theft of ammunition.⁸⁸ While little information could be obtained with regards to stolen ammunition, it can be safely presumed that firearm ammunition is often stolen together with firearms since they are often stored in the same place for practical reasons. The concerns over ammunition theft are twofold: firstly ammunition is crucial for the operation of a firearm – without it a firearm becomes redundant. Since the legal buying of ammunition must be accompanied by an appropriate gun licence, it is very difficult to obtain cartridges for unlicensed, illegal or prohibited firearms. Ammunition which is stolen can supply this illegal stockpile of guns which in turn can be used in criminal activities. Secondly there is no limit placed on the amount of cartridges that legal firearm owners can buy for their guns. The police are thus concerned that in the cases of ammunition theft, thieves could potentially acquire large amounts of ammunition in a few or just one successful theft.⁸⁹

The issue of ammunition quantities held by private owners is pertinent since NamPol, through its informants, has reasons to believe that ammunition on the black market in Namibia is in short supply and in high demand by criminals. It was furthermore observed by the police that suspected criminals who were found in possession of guns often only had limited or no ammunition for the weapons.⁹⁰ This information could not be verified but the perceived limited supply of ammunition in criminal circles could to a degree explain the relatively low proportion of firearm-related crimes such as robbery with a firearm. It also could explain the use of rifles for poaching in Namibia as opposed to automatic guns. In July last year the police arrested two suspected poachers in the Omusati region who were in the possession of both a .303 rifle and a R4 automatic rifle (South African produced military assault rifle) but only 34 rounds of ammunition in total for both guns.⁹¹ NamPol is eager to limit the quantities of

⁸⁴ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁸⁵ "Performance Audit Report of the Auditor-General on the Ministry of Safety and Security – Department of Police Issuance and Control of Firearm Licences for the Financial Years 2009/10 – 2011/12", 16-7.

⁸⁶ Ibid., 2-3.

⁸⁷ Interview with Inspector Nyambe, Martin. NamPol. September 5, 2017.

⁸⁸ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ New Era, "67 elephant tusks, 14 rhino horns seized", July 27, 2016. <https://www.newera.com.na/2016/07/27/67-elephant-tusks-14-rhino-horns-seized/>

ammunition that a gun owner can legally buy and possess through legislative means.⁹² According to Parker, there are countries that limit the amount of gun cartridges an owner can buy and hold including Estonia, Israel and South Africa.⁹³

Poor Arms Stock control at Security Companies

Police officials were particularly critical of security companies in the country and their stockpile of guns. It was noted that upon inspection many security companies throughout the country often had instances of missing or stolen firearms from their holdings. Furthermore, it was stated that these instances of loss and theft were not reported in a timely manner as required by the Act. In addition, the police often encountered difficulties in tracing security companies as many businesses did not inform authorities when they changed their physical addresses or when they closed down. Consequently, regular firearms inspections were hampered and the police encountered difficulties in ensuring that gun stockpiles from defunct businesses were properly accounted and disposed of.⁹⁴ The Auditor General's report corroborates this information. An annual NamPol inspection report of firearms held by security companies in 12 Regions states that of the 84 security companies slated for inspection only 56 could be located. Of the 2,258 registered guns held by the inspected companies 536 could not be accounted for, or just over 23 percent of the total stock. The inspection report stems from the start of 2012.⁹⁵

Based on their often negative experiences with security companies in terms of gun control it was felt by the police that security companies posed a significant risk. Their demonstrated poor handling and control of firearms increased the dangers of loss and theft of the businesses' guns. In turn, such guns could increase the illegal stockpile of firearms in the country and enable more gun-related crimes.⁹⁶

Analysis and Findings

A close appraisal of firearm applications, civilian firearm register, gun-related crime statistics and experiences by NamPol presents a variety of aspects and concerns around firearm control and use in Namibia. To some extent specific information and experiences seem contradictory. Thus, for example, information regarding theft and loss of firearms, in particular from security companies, points to a serious security risk for the public at large. However, this potential risk is not reflected in the homicide, attempted murder and armed robbery statistics in which gun-related crimes present only a small fraction of all cases recorded. There are three main findings that can be drawn from the analysis; these are listed and will be briefly discussed below:

1. Overall there has been only a small rise in the number of firearms legally owned by civilians with a tendency towards handguns to be used for self-defence.
2. The increase in firearm licences does not appear to have a direct bearing on gun-related crime.
3. Theft from and loss of firearms by legally-licensed owners, often due to negligence, is a growing concern.

⁹² Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁹³ Parker, 21-2.

⁹⁴ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁹⁵ "Performance Audit Report of the Auditor-General on the Ministry of Safety and Security – Department of Police Issuance and Control of Firearm Licences for the Financial Years 2009/10 – 2011/12", 19.

⁹⁶ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

The number of legal civilian guns has grown considerably from 2008/9 to 2016/17. Handgun ownership dominates firearm applications and that a majority of prospective owners cite self-defence as the primary purpose for wanting to acquire a gun.

The increase in the number of firearm licences has not had any discernible impact on gun-related crime figures. While the overall amount of firearm licences has increased markedly over the nine financial years under discussion, instances of firearm-related cases overall make up only a small ratio of the crimes analysed. The considerable drop in robbery cases with a firearm as part of the overall figure of armed robbery instances is particularly notable.

Cases of firearm theft remain fairly low in Namibia. Nevertheless, the recovery rate of guns has at times over the nine years under discussion been very low. Having subtracted all recovered guns, the total number of stolen guns is 1,191 for the nine years in total. This equates to an average of around 132 firearms per year that are added to the illegal firearm stockpile. Additional information suggests that negligence by civilian owners often plays a role in the theft or loss of firearms.

Proposed New Firearm & Ammunition Legislation

- New provisions on brokering of arms
- New provisions to restrict the amount of ammunition per calibre that can be held by civilian owners to 100 cartridges – special exemptions can be granted to sport shooters and professional hunters
- Current gun licences ownership for life will be replaced by five-year valid licences that would have to be renewed by the owner
- Gun competency tests will be made mandatory for gun owners
- Provision for all legally licenced guns to have to undergo ballistic tests in order for them to be easier traceable

Discussion and Conclusion

This study has sought to present statistical information on ownership and firearm crime and correlate these statistics with other relevant information. This research does not claim to be exhaustive but aims to take the discussions and arguments around gun ownership and crime to a less emotive and more analytical level. It is also evident that more research on the topic in Namibia is needed.

The current NamPol policing strategy with regards to civilian gun control is centred on preventative measures as well as specific issue-based actions informed by day-to-day field experiences. Barring other non-policing variables, it can be argued that NamPol's strategy has been quite successful in curbing overall levels of gun-related crimes and countering black-market access to firearms and ammunition over the 9 years under discussion. Overall, the police deserve credit for this achievement. At the same stage there are areas of concern including the steadily growing stockpile of civilian owned firearms and a high demand for handguns. Furthermore, resource constrains and lack of progress on amending the current Firearms and Ammunition Act of 1996 is limiting the ability of the authorities to introduce more sophisticated gun-control measures. Finally, the theme of gun-crime and violence in Namibia is severely under-researched. This deficiency needs to be addressed particularly so if Namibia

seeks to design and implement targeted measures to drive down specific gun-related crimes such as poaching.

As mentioned in the introduction, NamPol officials have repeatedly voiced their concern that increasing amounts of firearm licences is linked to an increase in firearm-related crime. During the research for this paper police officers noted that the police have found that most gun-related crimes are committed with firearms acquired from the legal civilian gun stockpile through loss, theft or negligence by the owner.⁹⁷ Police documentation from police stations and regional police reports on firearms sampled during the Auditor General's audit support this finding.⁹⁸

The statistics and crime figures presented in this study indicate that gun-related crimes have played a relatively minor but not insignificant role in regards to homicide, attempted murder and armed robbery over the nine years analysed. Therefore it can be stated that gun-related crimes do not as yet present a significant security risk to Namibia. However, this does not mean there should be any room for complacency. The envisaged reforms of firearms-related legislation should tighten the procedures for making guns and ammunition available as well as place time limits on the duration of licences. Overall, more oversight by qualified police officers of the system for handing licences is to be welcomed. The police's perception that firearm-related crime is increasing is, however, not without merit. Some 14.05 percent of homicides were committed with a gun from 2008/9 to 2016/17. This is a considerably higher average than the in the eight-year time period (1995-2002) reviewed by Boer when an average of 3.4 percent of murders were committed with a gun. Therefore it can be argued that there is a long-term trend of murders being increasingly carried out with firearms even though the murder rate has been relatively constant in recent years.

In the same instance it needs to be observed that firearm-related crimes still pose a challenge due to ongoing issues of concern such as negligent handling of guns by owners as well as difficulties encountered by the police when inspecting firearm registers at security companies. With regards to firearms it can be argued that the police are pursuing a policy of prevention that seeks overall to exert more and better control over civilian firearm owners and their stockpile of guns. It is also evident that specific responses, like the stricter review of handgun applications, are directly related to officers' experiences in the field.

It is also evident that gun-related crimes should not be necessarily looked at in isolation from other crimes. The significant and worrisome increase in armed robberies, regardless of the importance or not of guns in this type of crime, is a case in point. It is also noticeable that while the overall murder and attempted murder statistics remain fairly constant throughout the time period discussed, there is also no significant downward trend. In this regard it is also worth mentioning that information drawn from appeals written upon the rejection of firearm licence applications claim that applicants have been victims of crime and thus want to own a gun for self-defence. The prime, motivating factor for these applicants is fear of becoming a victim again and the inability of the police to prevent this. It should be added that the sample of written appeals reviewed is small. Nevertheless, it also suggests that the police should actively aim to improve on the overall level and quality of policing across the country. If citizens feel more secure it is possible that the demand for firearm ownership will also diminish.

⁹⁷ Interview with Deputy Commissioner Nangombe, Ignatius. NamPol. August 31, 2017.

⁹⁸ "Performance Audit Report of the Auditor-General on the Ministry of Safety and Security – Department of Police Issuance and Control of Firearm Licences for the Financial Years 2009/10 – 2011/12", 11 & 7.

Recommendations⁹⁹

- The Ministry of Safety and Security together with the police (and with the possible assistance of the Namibia Statistics Agency) should ensure that a wide range of reliable crime statistics are gathered and made available to the public. Statistics should be presented in such a way that they can be disaggregated according to type, gender, age, and geographical distribution as well as other aspects.
- Legal restrictions on the amount of ammunition to be held by civilian gun owners should be introduced.
- Time-bound arms licences should be introduced e.g. for five years after which a renewal application is required.
- An audit of existing gun licences is also necessary to establish whether records are up to date and to trace what has happened to firearms which might have been lost or stolen.
- Gun competency tests should be mandatory for gun owners.
- Security companies that are proven to have poor control of their weapons stocks should have their licences taken away or suspended until they can prove they have proper control systems in place.
- When reporting on armed crime, journalists should question whether a gun used was legal, how it came into the possession of the perpetrator, and whether the incident could have been prevented by better small arms control.
- A new law on arms control should consider making the following checks mandatory: history of mental illness, history of violence and any prior convictions relating to drug and alcohol abuse. These checks should be explicit in the law rather than simply administrative procedures.

⁹⁹ Several of these recommendations take into account points made in an article by Bernhard Tjatjara in a recent Namibia Law Journal. See: "Guns Don't Kill People, People Kill People: Observation in Respect of the Arms & Ammunition Act 7 of 1996" in Namibia Law Journal, Volume 8 Issue 1, 2016.

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