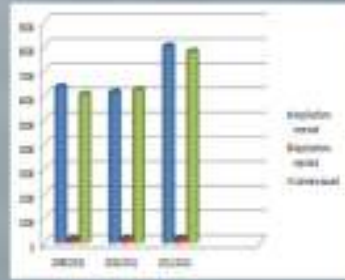




REPUBLIC OF NAMIBIA



PERFORMANCE AUDIT REPORT OF THE AUDITOR-GENERAL ON THE
MINISTRY OF SAFETY AND SECURITY –
DEPARTMENT OF POLICE
ISSUANCE AND CONTROL OF
FIREARM LICENSES

FOR THE FINANCIAL YEARS 2009/2010 – 2011/2012

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REPUBLIC OF NAMIBIA



TO THE HONOURABLE SPEAKER OF THE NATIONAL ASSEMBLY

I have the honour to submit herewith my performance audit report of the Issuance and Control of Firearm Licenses – Ministry of Safety and Security, Department of Police for the financial years 2010 – 2012 in terms of Article 127(2) of the Namibian Constitution. The report is transmitted to the Honourable Minister of Finance in terms of Section 27(1) of the State Finance Act, 1991, (Act 31 of 1991) to be laid upon the Table of the National Assembly in terms of Section 27(4) of the Act.

WINDHOEK, December 2014

**JUNIAS ETUNA KANDJEKE
AUDITOR-GENERAL**

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ABBREVIATIONS

ABBREVIATION

CID

NAMPOL

EXPLANATION

Criminal Investigation Directorate

Namibian Police

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EXECUTIVE SUMMARY

I am authorised to carry out performance audits in terms of Section 26 (1)(b)(iv) of the State Finance Act, (Act 31 of 1991) which reads as follows: The Auditor-General “*may investigate whether any moneys in question have been expended in an efficient, effective and economic manner.*” Performance auditing may be defined as examining whether government ministries are “*doing the right thing*” and utilising the resources “*in the right and least expensive way*”.

This study aimed at investigating the causes for the increase of gun related crimes in Namibia during the period 2009 to 2012. It also investigates ways how guns are increasingly misused, factors such as availability of guns, common categories of firearm crimes, age as well as what influences firearm crime.

The major findings were:

Applicant requirements

Firearm related deaths such as the wave of passion killings have put the spotlight on gun violence in Namibia, calling for a need to tighten Namibian firearm laws.

According to the interviews conducted, all 66 interviewees indicated that there is a need to tighten the Namibian firearm law. Highlighting that it is easy to obtain a firearm license and that the nation is too armed. Statistics indicated that a total number of 148 000 licenses were issued to civilians since 1998. According to a survey carried out during 2007 (by the Firearm Policy Organisation), the estimated total number of firearms (both licit and illicit) held by civilians in Namibia is 260 000. The estimated rate of private firearm ownership (both licit and illicit) in Namibia is 13 firearms per 100 people.

Among other issues highlighted were:

Age limit to acquire a firearm

According to the Arms and Ammunition Act, (Act 7 of 1996) Section 3(1) states that the minimum age to apply for a firearm is 18 years and older, however the Implementation Assessment of the National Action Plan on small arms and light weapons of 2013, indicated that the age of applicants rather be from 25 years upwards. A total number of 66 people were interviewed of which 41 (63%) interviewees are in agreement that the age limits to apply for a firearm should be changed from 18 years to a higher age group. This is to ensure that individuals acquiring a firearm are more mature and responsible.

Number of firearms/licenses per individual

According to the interviews conducted, 36 out of a total of 66 interviewees (54 percent) indicated that there is a need to reduce the number of firearm licenses per person.

The Implementation Assessment of the National Action Plan of 2013 on small arms and light weapons for the Karas region, states that firearms of deceased persons must not be inherited, but must be forfeited to the State and compensation may be considered. The fact that people can inherit a firearm contributes to the fact that others can own more than the prescribed number of weapons.

Training

According to the Implementation Assessment of the National Action Plan on small arms and light weapons of 2013 for the Karas region as well as 66 interviewees indicated that practical training on how to handle a fire arm should be a requirement to obtain a firearm license. These interviewees further stated that training should be conducted at the owners cost.

The Operational Manual states that applicants must be trained in the use and handling of firearms before a firearm is issued. This requirement is not enforceable, because currently it is not a prerequisite whereby individuals must adhere to. It is rather left to the individual to either use their own discretion to obtain training from private firearm dealers or firearm shops after they acquire the firearm.

Handling of firearm negligently

Respondents during interviews were asked whether misuse of firearms exist in Namibia or not, a total of 65 out of 66 interviewees indicated that misuse of guns do exist, where 1 out of 66 did not understand the question.

The audit revealed that firearms in the hands of citizens were not handled as per the stipulations of the Arm and Ammunition Act. Some of the common misuse of firearms includes random shooting in the air, threatening e.g. pointing of a firearm.

Personal clearance/background check on applicants

The Ministry does not have a policy that requires other methods to determine the fitness and capability of the applicant.

Documents and interviews analysed states that the Police officers only check applicants' finger prints and the physical observation of appearance by asking questions on the application form for the firearm license as well as physical inspection of the safe. The Ministry does not do any other personal clearance on the applicants, for example conducting interviews with applicants' partners, relatives, friends and community members as well as inputs from church leaders and traditional leaders.

Observing through physical appearance can be deceiving and firearms could end up in wrong hands of those committing crimes or issued to applicant who are unfit and incapable of possessing a firearm.

Inspection on individual firearm license holders

Interviews indicated that there is no control and monitoring of private firearms by the Police, however they only monitor during operations and road blocks where unlicensed, stolen firearms which were used to commit crimes are found and confiscated.

Inspection on firearm dealers and security companies

According to the interviews conducted, inspection on gun dealers is being carried out in the four regions visited, however in the Kunene and Khomas regions, inspections are not being carried out.

A report on the inspection of firearms of security companies dated November 2011, stated that, firearm registers of some security companies are not up to date, while others don't keep firearm registers at all. The report also revealed that seven security companies in Rundu are operating with firearms but they are not certified as such.

Unlicensed/illegal firearms

The Act of 1996 prohibited a person to possess any arm unless he or she holds a license. The audit found that there are unlicensed firearms in the public. Unlicensed firearms remained because some owners fear and fail to report stolen/lost firearms due to the reasons of negligence, through house breaking, car breaking and robberies, smuggling in the country. There is also a spill over from the firearms used during the country's liberation struggle, whilst some were bought on the black market. One of the Namibian Police's strategies when it comes to trafficking in firearms is to reduce and eradicate the illegal pool and criminal use of firearms.

Reported stolen/lost firearms

There were reported cases of theft of firearms because some of the owners for these firearms failed to adhere to the regulations on the safe keeping of firearms as required by the Act of 1996. The audit found that there were some recovered firearms which have scratched serial numbers. The audit revealed that criminals are scratching serial numbers to hide the identity of firearms. As a result, the Police could not determine the owners of these firearms and are also unable to link crimes to a particular firearm. This may increase the number of firearm related crimes.

Imports/Exports of firearms

According to the crime management strategy dated 2011 – 2014 regarding trafficking in firearms, the aim is to reduce and eradicate the illegal pool and criminal use of firearms.

The audit revealed that there is poor control of import and export of firearms into the country due to the manual system which is in place. This may lead to some firearms remaining in the country, as a result it could contribute to the illegal firearms in the country and be used to commit crimes.

Conclusions

The study discovered that there is a need to amend the current Act of 1996, to address the pertinent issues and concerns regarding firearms.

- The audit further concluded that individuals can own more than the required four firearms due to inheritance.
- The audit concluded that the members of the public (firearm owners) lack information on when and how to use firearms.
- The study concluded that there is misuse of firearms in Namibia which increases the gun related deaths in the country.
- The study concluded that the Ministry does not do enough on personal clearance and background checks on applicants before being issued with a firearm license.
- The public will remain armed with unlicensed or illegal firearms.
- The audit concluded that inspection on gun dealers and security companies is not being carried out in all the regions visited.
- It was concluded in this study that firearm owners are not handling their firearms as required by the Arms and Ammunitions Act, 1996 (Act 7 of 1996).
- There are unlicensed/illegal firearms in the country due to theft of firearms, smuggling of the firearms into the country, firearms people owned as a result of the war during the country's liberation struggle, inheritance and some people failed to report stolen/lost firearms.
- The amnesty programme by NAMPOL to reduce the number of firearms in the country was unsuccessful.
- There is poor safe keeping of the firearms by some individuals that lead to the theft of firearms in the country.
- Criminals are scratching serial numbers on firearms which makes it difficult for the police to trace the owners of such firearms.

- There is poor control of imports/exports of firearms in the country which is mostly attributed by the manual control system in place.

Recommendations

- The Ministry of Safety and Security should review the current criteria for the issuing of firearms and come up with an age limit higher than 18 years for a person to qualify to own a firearm.
- The Ministry should develop a policy to reduce the number of firearms per individual depending on the nature of the purpose of the application.
- Firearm licenses should be renewable to ensure whether the firearm owner is still fit and capable to own the firearm.
- The Ministry should develop a policy to deal with the inheritance of firearms in order to limit individuals not to own more than the required number of firearms.
- The Ministry should introduce practical training to individuals before application is considered in order to ensure that the applicant know how to use and handle the firearm.
- Psychosomatic test should be done to the applicant and the Police should verify the fitness of the applicant with relatives and or spouses at home and acquaintances.
- Regular inspection on gun dealers and security companies should be carried out in all regions and an inspection report should be compiled as required by the Act.
- NAMPOL should continue to encourage people to voluntarily surrender unlicensed firearms in order to reduce the number of illegal firearms in the country.
- The Ministry together with the Ministry of Justice should make sure that any person who was found in possession of firearms with scratched serial numbers must be punished in order to discourage these criminal activities.
- The Ministry of Safety and Security should ensure proper control over imports/exports in the country by introducing an electronic system that will help to monitor the process.

CHAPTER 1

1.1 Introduction

The audit focused on the issue and control of firearm licenses in the country by the Criminal Investigation Directorate (CID) of Namibian Police (NAMPOL). The purpose of the main study report is to address the findings, conclusions and recommendations regarding the firearms licenses.

1.2 Description of the audit area

Namibia has been exposed to guns for more than hundred years and has been subjected to the wars that were waged by colonial military forces of Germany and South Africa. The Namibian licensing law operates under the permissive licensing process where the licensing law allows all, but the prohibited categories of persons to acquire firearms, since most people are able to meet licensing requirements. This has made it possible for the majority of Namibians to have access to guns. After independence the Namibian Government came up with the Arms and Ammunitions Act, 1996 (Act 7 of 1996) which came in operation on 1 April 1998 to provide for control over the possession of arms and ammunition; to regulate the dealing in, importation, exportation and manufacture of arms and ammunition; and to provide for incidental matters.

The Department of the Namibian Police previously was under the Ministry of Home Affairs since the country's independence in March 1990 until March 2005 when it was transferred to the new Ministry, that time, the Ministry of Safety and Security. Therefore the Arms and Ammunitions Act, 1996 (Act 7 of 1996) that deals with all the aspects of firearms in the country still refers to the word "*Minister*" as the Minister of Home Affairs. The Ministry is currently in the process of reviewing the Arms and Ammunitions Act, 1996 (Act 7 of 1996).

The Criminal Investigation Directorate (CID) under the main division Combating of Crimes, is aiming at ensuring community safety and crime reduction. The operations of the CID focuses on crime prevention, detection and investigation in order to ensure peace and stability for all citizens through conducting general investigation of crimes at Police Stations, roadblocks, foot patrols and other operations.

According to the comments received by the Ministry foot patrols are duties of the uniform members of the Force.

1.3 Project motivation

The audit was motivated by the public outcry on the high rate of gun related deaths in Namibia. The Auditor-General commissioned the audit since firearm crimes has become a common occurrence in many parts of the world, Namibia included.

1.4 The Vision, Mission statement and Values of the Department of Police

1.4.1 Vision

"To protect and serve all people in Namibia".

1.4.2 Mission Statement

"To render the necessary quality service, as laid down in the Police Act, with due consideration for the fundamental human rights and freedoms, without compromising in upholding the tenets of law and order, safety and security of all persons."

1.4.3 Values

“The Namibian Police Force upholds and maintains, with a firm commitment, by following the objectives listed below:

- To deliver quality services;
- To uphold the principles of the rule of law, national commitment and unwavering patriotism;
- To respect the supreme law of the Republic of Namibia; and
- To be accountable to the nation and the community we are serving.”

1.5 Organisational structure

The Ministry of Safety and Security is headed by the Honourable Minister and his Deputy Minister, below him is the Permanent Secretary. The Namibian Police is a Department within the Ministry of Safety and Security and is headed by the Inspector General. There are 13 Directorates within the Namibian Police which are headed by different Commissioners. The Central Firearm Registry Unit is headed by the Chief Inspector and falls under the Criminal Investigation Directorate.

1.6 Financing

The estimated expenditure for the Main Division Combating of Crimes for the years under review were:

Table 1: Budget versus Actual expenditure

Financial years	Estimated expenditure	Actual expenditure	Variiances	Percentage
	N\$	N\$	N\$	%
2009/2010	805 185 000	829 567 362	(24 382 362)	3.03
2010/2011	1 043 463 000	1 043 776 561	(313 561)	0.03
2011/2012	1 353 015 410	1 378 415 239	(25 399 829)	1.88

Source: Budget book

1.7 Staffing

The staff establishment below is for the period 2009-2012 for the main division Combating of Crimes. The staff establishment includes both operational and administrative staff.

Table 2: Staffing

Financial year	Provision	Filled	Vacant	% filled
2009/10	6 385	4 471	1 914	70
2010/11	8 415	4 471	3 944	53
2011/12	11 415	6 185	5 230	54

Source: Budget book

The above table indicates that there are positions that are not yet filled and the audit could not establish the reasons for vacant positions. The Budget indicates that fewer positions were funded than the actual provision, therefore, the vacant positions on the establishment.

CHAPTER 2

2. AUDIT DESIGN

2.1 Audit scope

2.1.1 Audit objective

The audit objective of this study is to assess the control mechanisms in place by the Namibian Police regarding private firearms.

2.1.2 Audit object

The audit object is the Directorate of Criminal Investigation Directorate (CID) of the Namibian Police, and the audit focused on issuance and control of the private firearms.

2.1.3 Time limitation

The audit covered three (3) financial years; 2009/2010, 2010/2011 and 2011/2012.

2.1.4 Geographical limits

The audit coverage is the whole country whereby the findings obtained from the four regions selected is representative of the whole country.

2.2 Audit methodology

Documentary reviews, interviews and physical observations were used to carry out the audit.

2.2.1 Interviews

Fourteen community members as well as 46 staff members of the Namibian Police Central Firearm Registry, regional offices and police stations were interviewed to gather information for this study, comprising of the following:

4 x Regional Commanders;
13 x Detective officers (at regional and Station level);
13 x Station commanders;
16 x Officers (at police station and Central Firearm Registry sub-Division); and
14x Community members.

2.2.2 Documents analysis

The following documents were analysed to gather information:

- Arms and Ammunition Act, 1996 (Act No. 7 of 1996);
- Organisational structure of the Namibian Police;
- Police Operational Manual (Chapter 21);
- Regulations made under the Arms and Ammunition Act, 1996 (Act No. 7 of 1996);
- Police Stations' annual reports;
- POL 7 Books;

- Reports of the Regional Focal Point on Small Arms and Light Weapons;
- Inspection reports on gun dealers; and
- Police annual action plan.

2.2.3 Physical observations

The team carried out physical observations on nine (9) strong rooms at the Police stations visited where confiscated firearms were kept.

2.2.4 Sampling

The auditors selected four (4) out of the thirteen (13) political regions. The auditors use their judgement based on the following points:

- Regions with high crime rate (Khomas, Oshana)
- Regions with low crime rate (Kunene, Karas)

The audit team visited four (4) out of 13 regions. The visits constituted the following:

- Khomas (Hosea Kutako International Airport Aviation, Katutura, Windhoek and Okahandja police stations);
- Oshana (Oshakati, Ondangwa and Ongwediva police stations);
- Kunene (Opuwo and Kamandjab police stations), and
- //Karas regions (Keetmanshoop, Luderitz, Karasburg and Ariamsvlei police stations).

CHAPTER 3

3. PROCESS DESCRIPTION

3.1. Applicant requirements

Requirements according to the Arms and Ammunition Act of 1996 as well as the Operational Manual, Chapter 13, Section G, Police Report Subsections 2 and 3:

- An applicant must have a strong room or a safe, device, apparatus for the safekeeping of the fire-arm;
- The applicant must be fit to possess an arm; and
- The applicant must not have previous convictions.

The Act of 1996 Section 3(1) states that:

- An applicant must be older than 13 years old; and
- On application, the applicant needs to pay N\$ 50 revenue stamp for an application form.

According to the Act of 1996, Section 3(7), no person, other than a person referred to in paragraph (1) or (m) of Section 42(1), shall in terms of sub-section (1) be issued with a license or licenses entitling such person to possess more than four arms, or such greater number as the Minister upon application and on good cause shown may approve.

3.2 Training provided to individuals before issued with licenses

According to the Operational Manual, Chapter 13, Section G 3.1, it is important that a Station Commander, who recommends an application, is satisfied that the applicant meets the following requirements:

- He/she must be physically fit and competent to use and handle a firearm; and
- Must be trained in the use and handling of a firearm and the firearm applied for.

3.3 Handling of firearms negligently

Section 38(1) (e), (l), (o) of the Act of 1996 states that any person who shall be guilty of an offence and penalties are those who:

- Fails to comply with or performs any act contrary to the terms, conditions, restrictions or directions subject to which any license, permit or authority has been issued or granted to him or her under the Act.
- Discharges an arm and thereby negligently kills, injures, endangers the life or limb of another person or damages property of any other person, or who handles an arm in a negligent manner, whether that arm discharges or not.
- Handles an arm while he or she is under the influence of liquor or a drug which has a narcotic effect, or supplies an arm to a person whom he or she knows or should reasonably suspect to be under the influence of liquor or a drug which has a narcotic effect.
- Other than in the exercise of any duty granted to or imposed upon him or her under or by virtue of the provisions of any law, or under circumstances where such action is justified under the common law, discharges an arm in or on any public place or on any public road, or any other place or road to which the public or a part thereof has access.

According to the Operational Manual General, Chapter 13, part O.1. 3 a person who handles an arm in a reckless manner, the Station Commander or Unit Commander concerned shall forthwith report the matter via the Regional Commander to the Magistrate of the district in which such person is declared unfit to possess an arm.

3.4 Permission to use a firearm

According to Section 8(1) of the Arms and Ammunition Act 1996, “a person who is not under the age of 18 years, disqualified or unfit, may with prior consent of the license holder, possess an arm for a period not exceeding 21 days”. After 21 days a permit must be issued by the Station Commander in such area and must not exceed 12 months.

3.5 Personal clearance/background check on applicants

The Operational Manual E 3(a) states that it is important that the finger prints (taken on a POL 151) are attached to the application, before it is submitted to the head office as well as the Arms and Ammunition Act of 1996, Section 40 also states that any person, who for the first time makes an application shall have his or her fingerprints taken as prescribed. The applicant’s fingerprints are taken to check for previous convictions.

3.6 Inspection on individual firearm license holders

Operations such as road blocks and routine patrols are being carried out to curb crimes in the country. During these operations inspection on individual firearm license is conducted, whereby unlicensed firearms are confiscated.

According to the responses received by the Ministry in relation to the inspection of individual firearms holders, any person found in possession of unlicensed firearms, not only the firearms have to be confiscated but the culprit will also be arrested, charged and taken to court.

3.7 Inspection on firearm dealers

According to the Act of 1996 (Act 7 of 1996), Chapter 3, Section 21, any licensed dealer shall at all reasonable times at the request of any member of the Police produce for inspection by such member, any register kept or document retained by such dealer in terms of Section 20 and any arms and ammunition he or she may have in stock.

The Operational Manual, Chapter 13 Section L.7 specifies that, the Station Commander or appointed member must inspect licensed dealers during July and December of each year. The following must be inspected, and a return must reach Head Office before the 7th of the following month:

- Arms Stock Book;
- Ammunition Stock Book;
- Stock on hand must be compared with the arms and Ammunition Stock Book;
- Import and export permits must be compared with arm and ammunition Stock Book;
- If the license is displayed and valid;
- Cancellation of license (Pol. 571);
- Monthly returns (Reg.10); and
- Alarm system.

All irregularities must be investigated and must be reported to the Firearm Registration Sub-Division.

Section 20(1) of the Act of 1996 states that, every licensed dealer shall keep at the premises mentioned in his or her dealer's license, such registers containing such particulars relating to such arms and ammunition acquired or disposed of by him or her in the course of his or her business or relating to any license or permit to be produced to him or her in terms of this Act, as may be prescribed.

In addition, Section 21 of the Act of 1996 states that, any licensed dealer shall at all reasonable times at the request of any member of the Police produce for inspection by such member, any register kept or document retained by such dealer in terms of Section 20 and any arms and ammunition he or she may have in stock.

3.8 Public awareness

The Ministry has an ongoing campaign program, "*Talk don't shoot*" across the country.

3.9 Unlicensed/firearms

According to the Act of 1996 (Act 7 of 1996), Section 2, "*no person shall have any arm in his or her possession unless he or she holds a license to possess such arm*".

Section 7 of the Act prohibits a registration of firearms which have no manufacturers' serial numbers or any number that can be identified, stamped or engraved on the metal of the arm.

The Operational Manual Section E.5 further stated that any person in possession of an arm that is not registered must hand it over to the police and be issued with a receipt (POL 594). A case docket must be opened except in the following circumstances:

- If there is a certificate of an executor of the estate; and
- If the license of such arm cannot be found.

Section E.2.9.2 of the Operational Manual states that when a person inherited an arm he/she must apply for a license within three (3) months. If there is no application made for such firearm then it should be handed over to the nearest police station for safe keeping.

3.10 Lost, stolen and destructed firearms

Section N.1.2. of the Operational Manual and Section 35 of the Act of 1996 states that when an arm, in the possession of any person, is stolen, lost or destroyed, the person must within forty-eight (48) hours or 7 days after having become aware of the loss, theft or destruction, report it at the nearest police station and must furnish particulars of such arm.

In all cases where a firearm is stolen, a case docket must be opened.

For any firearms found, the particulars of the firearm must be entered into the POL 7 register at the police station. The particulars of a firearm must be forwarded to the Central Registry to determine the owner. If the owner of such firearm cannot be traced and /or in case it was not reported stolen/lost, the firearm must be retained for at least three (3) months before disposal by the police.

3.11 Imports/Exports of firearms

According to Section 23 of the Act of 1996 (Act 7 of 1996) read together with the Operational Manual, any person who wishes to import/export firearms must apply for the import/export permit (POL 574). A person must be a lawful owner or has required documentation of the firearm.

Section M.2(a)(6) of the Operational Manual states that an application for an import/export permit must be made in duplicate on form POL 573.

1. The original POL 573 must be attached to the second copy of the POL 574.
2. The second copy of the POL 573 must be pasted at the back of the last copy in the POL 574.

Section M.1 of the Operational Manual further states that it must be explained to the holder of an import permit POL 574, that he/she must at all times be in a possession of such permit, and it must be handed over to the Station Commander when he/she departs from Namibia.

1. The original POL 574 must be cancelled on departure of the person from Namibia.
2. The POL 574 must then be send to Firearm Registration Sub-division in Windhoek.

Section M.3(a) further states that an import/export permit must be issued in triplicate; the original POL 573 must be issued to the applicant, a second copy must be sent to the Firearm Registration Sub-Division while the third (3) copy must remain in the book.

Section M.3(a)(10)11) states that the original Pol 574 must be checked and taken back from a permit holder when leaving the country. Section M.3(q)(11) of the Operational Manual states that if a firearm imported by such permit holder is not returned, the reason must be stated on the reverse side of the original permit.

CHAPTER 4

4. FINDINGS OF THE AUDIT

4.1 General findings

Firearm related deaths such as the wave of passion killings have put the spotlight on firearm violence in Namibia, calling for a need to tighten the Namibian firearm laws by the public and the law enforcement agents.

4.2 Crimes committed

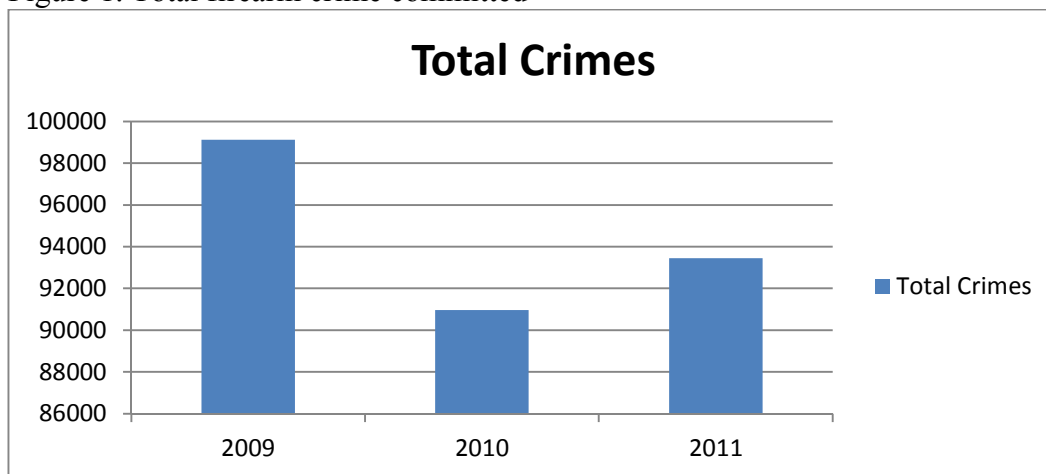
The totals of all crimes (gun related and others) that were registered at all police stations country wide are depicted in the table and graph below.

Table 3. Number of all crimes registered

Year	2009	2010	Difference	2011	Difference
Number of crimes	99 128	90 962	(8 166)	93 447	2 485

Source: *Crime statistics 2011*, page 2

Figure 1. Total firearm crime committed



The table and graph above show a decrease in crime between 2009-2010 financial year with 8 166, however the number of crimes registered increased with 2 485 during the year 2011. The auditors could not establish the reason for the decrease in crime rate for the year 2010.

The Operational Manual index is confusing as the Table of Contents does not correspond with the information provided in the body of the manual. See Appendix A for better clarification where the highlighted areas were found not to correspond.

4.3 Applicant requirement

4.3.1 Number of firearms/licenses issued per individual

The Act of 1996 Section 3(7) states that no person is entitled to be issued with a license entitling such person to possess more than four arms, or such greater number as the Minister may approve.

The auditors conducted interviews to determine the perception and opinion of officials within the directorate to determine if the current law of allowing an individual to obtain up to a maximum of four firearms were reasonable.

Analysis of the interviews indicated that all 66 sampled interviewees indicated that there is a need to tighten the Namibian firearm law as they reasoned that it is too easy to obtain a firearm license and that the nation is too armed.

Interviews conducted on 36 out of a total of 66 (54 percent) indicated that there is a need to reduce the number of firearm licenses per person, suggesting that a maximum of only (2) two licenses should be permitted. However, preference should be given to individuals such as farmers, business owners and security companies or depending on the nature of business of the applicant.

According to the Act of 1996, Section 42(1)(m), the person who acquire arms and ammunition by way of inheritance, subject to such terms, conditions, restrictions, directions or exemptions as may be specified may possess more than four firearms with the approval from the Minister. Auditors observed that the Act is silent on how many firearms may be inherited, as this may lead to individuals owning more than four firearms.

Comments by the Ministry

The Implementation Assessment of the National Action Plan of 2013 for the Karas region which proposed that firearms of deceased should not be inherited but rather a compensation done, could not be implemented because it was baseless and contrary to the Act.

The Implementation Assessment of the National Action Plan of 2013 on small arms and light weapons for the Karas region, proposed that firearms of deceased persons should not be inherited but should be forfeited to the State and compensation may be considered. At the time of the audit, this proposal was not implemented.

According to documents analysed within the Karas region for the years under audit, the most common reasons provided when applying for firearms are self-defence and protection of livestock/property as can be seen in table 4 below:

Table 4

Most common reason to acquire firearm	Keetmanshoop	Lüderitz	Karasburg
Hunting	✓	✓	
Self defence	✓	✓	✓
Sport			
Protection of livestock/property	✓	✓	✓
Bona fide hunters			
Collectors			
Heirloom/inheritance	✓		
Gift by parents	✓		

According to the document review on licenses granted a total number of 156 718 licenses were issued to civilians during the period 01 April 1998 to 31 March 2014.

Furthermore, other research conducted by the Firearm Policy Organisation (2007 survey), the estimated total number of firearms (both licit and illicit) held by civilians in Namibia is 260 000. It furthermore states that the estimated rate of private firearm ownership (both licit and illicit) in Namibia is 13 firearms per 100 people.

The table below indicates a small number of rejected applications of 476 compared to the total number of 20 494 of applications received which demonstrates how easy it is to obtain a firearm. According to the crime statistics booklet for the year 2011, the police issued 21 916 firearm licenses to civilians during the three financial years under review.

The analysis of the auditors also indicates that the department’s approval to obtain firearms is 25% during the 2011/2012 financial year compared to 3% during the 2010/2011 financial year. See table 5 below.

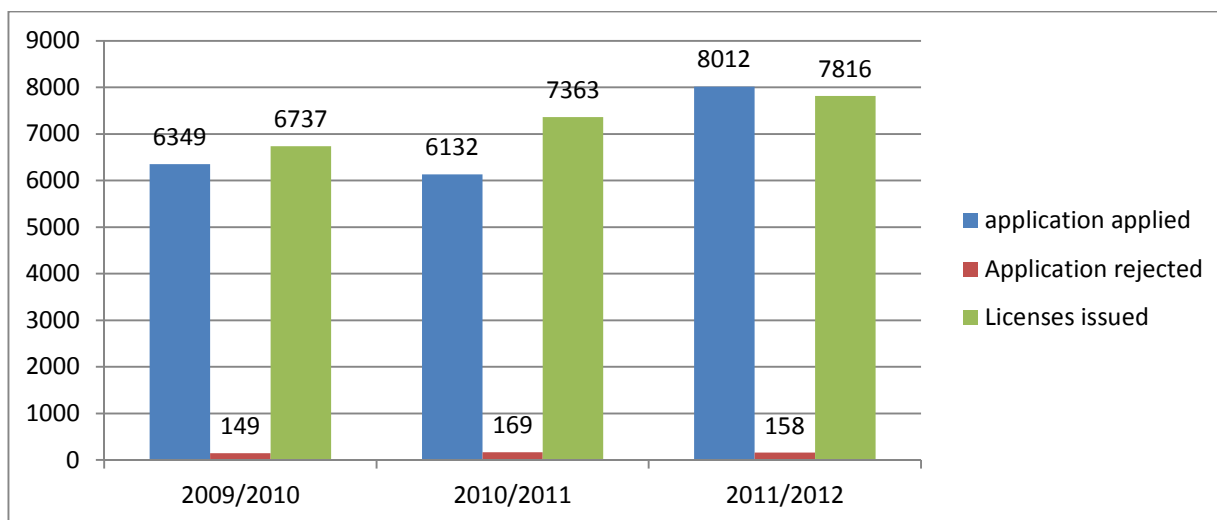
Table 5: Number of firearm licenses applications for the whole country

Financial year	Application applied for	Applications rejected	Licenses issued	Percentage granted licenses	Percentage increased in application
2009/2010	6 349	149	6 737	95%	-
2010/2011	6 132	169	7 363	101%	3%
2011/2012	8 013	158	7 816	97%	25%
Total	20 494	476	21 916	98%	

Source: Annual report of the Sub-division of Central Firearm Registry

During 2010/2011 there was a spill over of license applications from the previous year (2009/2010) which were only issued during the 2010/2011 financial year.

Figure 2. Number of firearm licenses applications for the whole country



The figure above shows the trend of firearm license applications received, rejected and firearm licenses issued during the period of 2009-2012 years. A total of 20 494 were received but 21 916 were issued and 476 rejected. Table 3 demonstrates that more licenses were issued than applications applied for due to the spill overs from previous financial years.

4.4 Age limit to acquire a firearm

Although the Act of 1996 states that an applicant must be older than 18 years old, the auditors noted that forty one (41) of sixty six (66) (62%) interviewees are in agreement that the age limit should be changed from 18 years to an age higher due to maturity and responsibility level.

4.5 Training

According to the Operational Manual Section G 3(1), it is the duty of the Station Commander, to be satisfied that the applicant is physically fit and competent to use and handle a firearm, be trained in the use and handling of firearm applied for.

The auditors however noted that the requirement is more relevant for police officers as there is a measure to test the level for fitness and competency that should be adhered to in order to be issued with a firearm, however this measurement is not enforceable to the general public as it is not a prerequisite whereby the individuals or public must adhere to. The auditor further observed that application forms do not have any section where an applicant must indicate his/her competence or incompetence to handle a firearm. The police officers indicated that they advised the applicants to either use their own discretion to obtain training from private gun dealers or gun shops after they acquired the firearm.

Interviewees indicated that, practical training on how to handle a firearm should be a requirement to obtain a firearm license at the owners cost. However, it was not happening in all the regions visited since the Arms and Ammunition Act did not make provision for practical training to be offered to firearm license applicants.

The lenient gun law in Namibia could result in the whole nation being armed more than the police force, because the requirements are too easy to comply with.

It was also observed that all the firearms licenses that were issued were based on the assessment, including fingerprints by the police officials who assess the fitness of the applicant through behavioural observations and by asking specific questions to the applicants.

The auditors also through interviews asked officials and relevant stakeholders whether firearm owners know how to handle/use their firearms as required. The response was that:

- 20/66 (30%) indicated that they were not sure, because it is difficult for the officials to determine the applicants' fitness by merely completing an application form;
- 29/66 (43%) indicated that the applicants are not fit to handle/use a firearm; and
- 17/66 (26%) indicated that applicants are fit to handle firearms.

This may lead to Police Officers issuing firearm licenses to individuals that do not know how and when to use a firearm.

4.6 Handling of firearms negligently

According to the Act of 1996, Section 38(e), any person who fails to comply with or performs any act contrary to the terms, conditions, restrictions or directions subject to which any license, permit or authority has been issued or granted to him or her under the Act, shall be guilty of an offence.

Police officers were asked whether misuse of guns exists in Namibia or not, and a total of 65/66 (98%) indicated that misuse of guns do exist. The reasons cited for the high response rate on the misuse of firearms were:

- Unemployment, fantasy (getting rich quickly through robbery);
- Jealousy (passion killing);
- Domestic violence; and
- Alcohol and drugs abuse.

Furthermore some of the common misuse of guns includes random shooting in the air, threatening (pointing of firearm).

The Regional Focal Point report and POL 7 indicates that firearms involved in crimes are mostly licensed or legally owned but were used by people who are not the rightful owners and obtained the firearms through robbery or theft.

Table 6 below illustrates the crimes recorded by the police in each category in which guns were misused in the regions visited for the financial years under review, however, the number of firearms involved in murder related crime are less compared to other categories such as attempted murder, pointing of firearms and robbery with a firearm. From the interviews conducted 59/66 (89%) interviewees indicated that the offenders are mostly men in the age group of 25-35 years of age.

Table 6: Comparison of different crimes committed with a firearm

Category	2009	2010	2011	Total
Attempted murder with a firearm	262	210	221	693
Pointing with a firearm	509	455	453	1 417
Robbery with a firearm	545	372	276	1 193
Murder with a firearm	82	44	35	161

Table 7: Comparison of crime committed of a similar nature.

Category	2009	2010	2011	Total
Murder with a firearm	82	44	35	161
Murder with another weapon	204	211	178	593
Murder by other means	93	80	79	252

Source: Crime statistics booklet, 2011

Figure 3: Comparison of crimes committed of a similar nature but with another weapon.

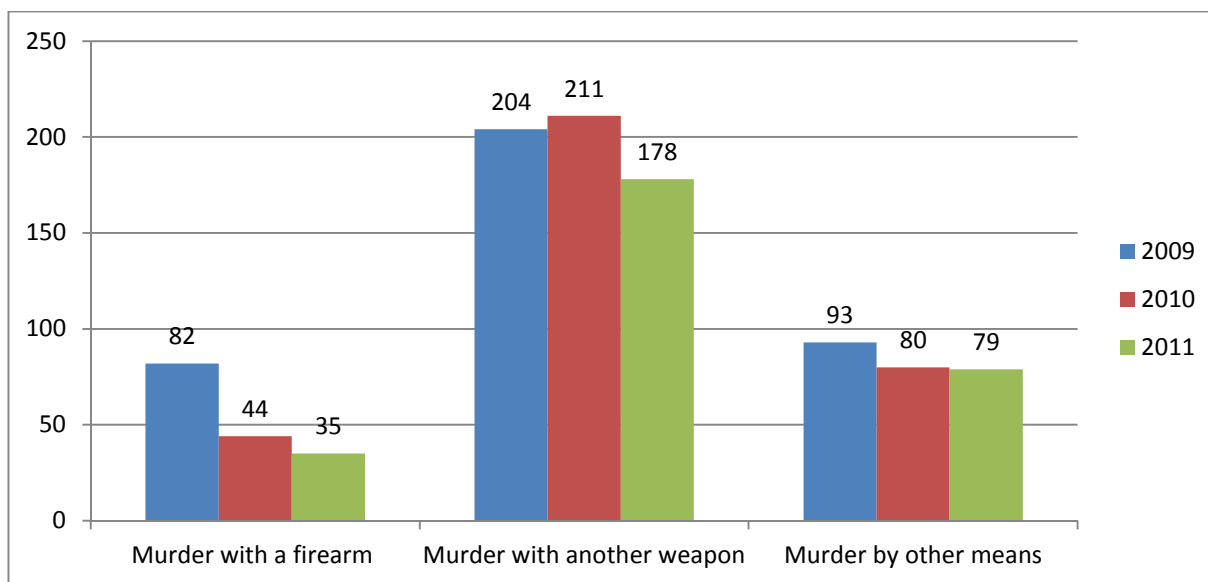
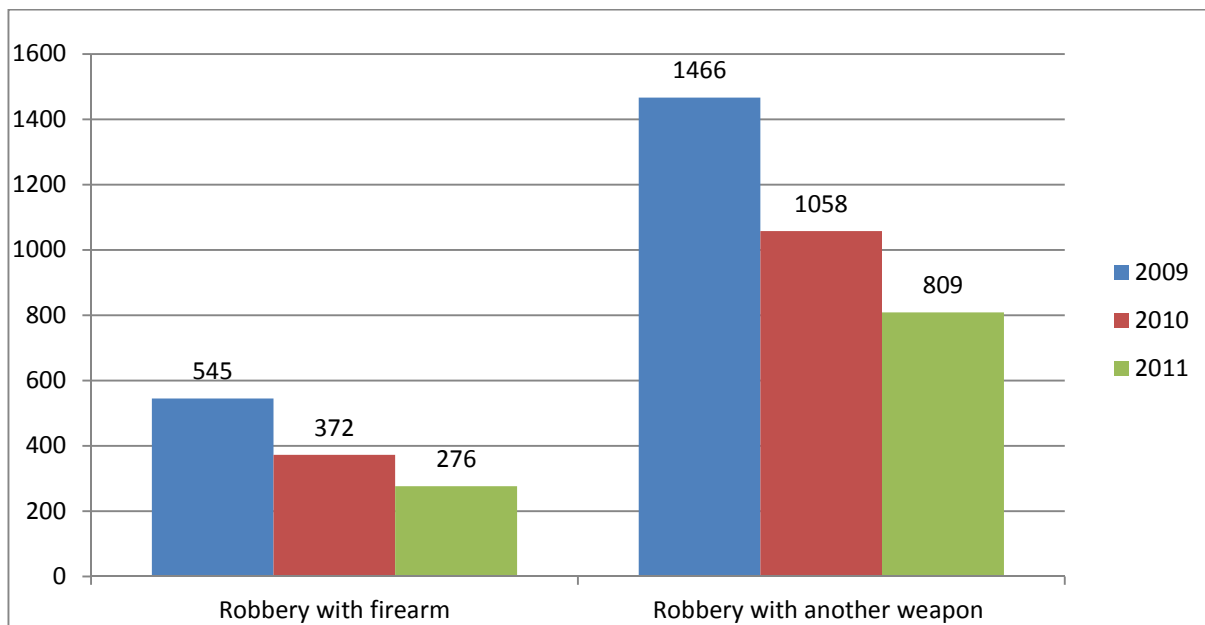


Table 8: Comparison of a firearm robbery crime committed with another weapon.

Category	2009	2010	2011	Total
Robbery with a firearm	545	372	276	1 193
Robbery with another weapon	1 466	1 058	809	3 333

Figure 4: Comparison of crimes committed of a similar nature but with another weapon



Although the number of similar crimes committed with a firearm is less than compared to similar crimes committed with another weapon or means there is still a concern from both the public and the police force as to the manner firearms are used to commit a crime such as murder.

4.7 Personal clearance/background check on applicants

According to the Act, applicants' fingerprints are taken to check for previous convictions before a recommendation for the approval of the application of a firearm license is being made.

From the interviews conducted 53/66 (80%) officials stated that a personal background check on the applicant is being done to ensure that the applicants do not have criminal records. However, there is a challenge as issues of domestic violence which should be a consideration against an applicant who is applying to acquire for a firearm is not recorded on the offenders criminal record, it therefore leaves room for the applicants that have committed crimes of domestic violence to be issued with a license.

Therefore, interviews confirmed that the Police officers only check:

- applicants' finger prints and;
- observation of a physical appearance by asking questions on the application form for firearm license; and
- the physical inspection of the safe within premises.

The Ministry does not have a policy that requires other methods to determine the fitness and capability of the applicant. The auditors noted through interviews that two of the regions visited by the auditors conducted other types of personal clearance methods on applicants which included interviews with applicants' partners, relatives, friends and community members and inputs from church leaders and traditional leaders. This practice further strengthens their method of physical observation which they carry out to obtain a personal opinion or view about the applicant's fitness and capability to handle a firearm.

4.8 Inspection on individual firearm license holders

The Act of 1996 does not make provision for the Police to carry out inspection on individual firearm owners after acquiring the firearms licenses. However, annual action plans indicate operations such as combating of illegal possession of firearms and ammunition, mobile roadblocks and routine patrols being carried out to curb crimes including firearm crimes in the country. During these operations inspection on individual firearm licenses is being done, whereby unlicensed firearms are confiscated.

Interviews conducted, indicated that there is no control and monitoring of private firearms by the Police except in the Kunene region. The officials are required by Section E(1)(n) of the Operational manual to inspect the dwelling or house of applicants for the existences of a safe, device, apparatus for the safe-keeping of a firearm but interviewees stated that no inspections are conducted.

Table 9 below indicates the number of confiscated firearms for the regions visited for the years under review.

Table 9: Firearms confiscated

Region	No. of firearms confiscated
Khomas	265
Oshana	186
Kunene	65
Karas	72

Source: Regional Crime statistics

The table above indicates that there are still illegal or unlicensed firearms in the public, with the Khomas region reflecting the most and Kunene region with low confiscated firearms. The audit was unable to get the statistics per financial year.

4.9 Inspection on firearm dealers and security companies

Section 20 of the Act of 1996 requires that licensed dealers should keep registers, documents and returns at their operation premises.

The auditors reviewed an annual report stating that between 17 November 2011 – 29 January 2012 eighty four (84) security companies were earmarked to be inspected with a total number of 2 552 registered firearms in twelve regions excluding Khomas. The report further states that only fifty six (56) security companies could be traced or located for inspection of their firearms but the operation could not account for 536 of their firearms. The remaining 28 security companies with a total registered arms of 294 could not be located as they no longer were in operation.

According to documents and interviews conducted, inspection on a gun dealer is being carried out focusing on the safe keeping of guns, whereby they will determine the legality and the discrepancy on ammunitions and firearms, export and import permit. However, in the Kunene and Khomas regions, inspections are not being carried out.

According to the report on firearm inspection of security companies dated November 2011, it was reported that the firearm registers of 10 security companies are not up to date, while 90% do not keep firearms registers at all. It was further revealed that seven security companies in Rundu are suspected operating with firearms but without certificates. Firearms that are not thoroughly controlled might end up in wrong hands and used in criminal activities. If inspections on gun dealers and security companies are not been carried out, there will be a lack of control and monitoring which will give room for the use of illegal firearms.

Inspection report for the period 2010-2012 of gun dealers for the Oshana region indicated that there are inspections conducted with detailed information regarding the findings and the corrective measures that must be taken by the gun dealer. The auditors were not provided with all inspection reports of all visited regions.

4.10 Public awareness

The Ministry has an ongoing campaign program, “*Talk don’t shoot*” across the country and the audit observed through documents and interviews analysis that awareness campaigns are being conducted. There are also programs/campaigns on the radio and at times public meetings on request from headmen to try to reduce licit and illicit firearms and to change the public attitude toward anger and to assure the public of the Police duties and readiness to provide the protection.

It was further explained that when the officials (Police) conducts other campaigns, a topic on crimes such as domestic violence, are also being included in the campaign. There are also community groups such as Woman and Man Network, Police Public Relation Committee and also Line Force Against Crime that are working in conjunction with the police to assist them in minimising crimes by reporting any suspicious behaviour within the community. As a result of these, educational campaigns community members who had unlicensed firearms, voluntarily handed them to the Police such as in the Oshana region.

Positive responses were received from the public as a result of the educational campaign that the Police have conducted. However, the larger communities still remain uneducated.

4.11 Unlicensed firearms

Section 2 of the Act of 1996 (Act 7 of 1996) stipulates that “*no person shall have any arm in his or her possession unless he or she holds a license to possess such arm.*”

According to observations of the strong rooms and Regional Focal Point reports analysed, there exist unlicensed firearms in the public. Interviews indicate that owners fear and fail to report stolen or lost firearms, therefore, due to their own negligence, firearms remain in the hands of citizens who are not having licenses to own such firearms. These stolen or lost firearms results in firearms remain in the hands of citizens who do not have licenses.

Interviews revealed that unlicensed firearms are obtained through a spill over from the firearms used during the country’s liberation struggle and some were bought on the black market.

Regional Focal Point reports analysed and observations of strong rooms indicated that there were many firearms confiscated and kept at police stations visited especially in Kunene and Oshana regions because people do not have licenses. The number of confiscated firearms is indicated in table 9.

The Namibian Police, some years back (before the implementation of Arms and Ammunition Act in 1998), had encouraged (amnesty programme) individuals who are in possession of these firearms to voluntarily surrender them to the nearest police station without fear and prosecution. The aim of this programme was to reduce the number of illegal firearm in the country.

According to the comments received from the Ministry, “members of the public were not only encouraged through an amnesty programme before 1998, but also from April 1998 till September 2000 when the re-registration of firearms in terms of Section 3(2) was implemented.”

The figure below depicts the unlicensed firearms kept at Police Stations



Figure 5: An illustration of illegal firearms kept at Police Stations

4.12 Reported stolen firearms

According to the operational manual which is derived from the Arms and Ammunition Act, any lost, destroyed and stolen arm must be reported to the nearest police station on POL 582 form, within 48 hours after a person has become aware of the incidence.

According to the Operational Manual, for any found arms, the particulars of such a firearm must be entered into the POL 7 register at the police station. The particulars of a firearm must be forwarded to the Central Registry to determine the owner to provide feedback.

According to the Oshana Regional Focal Point reports (1 September 2009 – 28 February 2010 and 1 March – 30 June 2010), five (5) out of 28 recovered firearms have scratched serial numbers while serial numbers on the three (3) out of 28 firearms were invisible. The numbers became invisible due to unintentional factors such as carrying a small firearm on the body without putting it in a holster as well as the firearm becomes older. The audit further revealed that criminals are scratching serial numbers to hide the identity of firearms. As a result, the police could not determine the owners of these firearms and also unable to link crimes related to the particular firearm. This may increase the number of firearm related crimes.

Table 10 below illustrate cases of theft of firearms that were reported at the police stations. This is because some of the owners for these firearms failed to report stolen firearms.

The table below illustrates cases of theft of firearms that were reported at the police station for the financial years under audit. The auditors could not establish whether the stolen firearms were reported within the forty eight hours. The statistics on the reported and recovered firearms for the years under review indicate that a total of 537 firearms for all the years under review were reported stolen whereas the police only recovered 95 firearms. Auditors compared the stolen versus recovered firearms and could only verify 13 of the 95 firearms from the statistics which were provided by the auditee. The auditors could not establish whether the stolen firearms were reported within forty eight hours. The table below depicts the figures as per the respective financial years.

Table10: Reported number cases of firearms

Calender year	Theft of firearm	Recovered firearm	
		Police records	Auditors own verification
2009/10	215	56	5
2010/11	183	34	6
2011/12	139	5	2
Total	537	95	13

Source: Statistics on stolen and recovered firearms 2009-2012

According to the above table, there is a slight decrease in the number of reported cases from the year 2009 to 2010.

4.13 Imports/Exports of firearms

According to the Act of 1996 (Act 7 of 1996) as well as the Operational Manual, any person who wishes to import/export firearm must apply for the import/export permit (POL 574). A person must be a lawful owner or has required documents of such firearm.

In case of an import, the original permit must be checked and taken back from a permit holder when leaving the country. If an arm imported by such permit holder is not returned, the reason must be stated on the reverse side of the original permit.

Import

The audit revealed that firearms brought in the country for hunting purposes were not controlled well because people left the country through different points of exist other than entry points. For instance a person entered Namibia through Hosea Kutako International Airport then left the country through Ariamsvlei border post. A person may leave an original Import/Export permit at Ariamsvlei border post and at the end there will be no communication between the two points of entry/exit on whether the firearms imported were exported out of the country.

Documents and interviews analysed indicated that, at points of entry (Hosea Kutako International Airport and Ariamsvlei border post), there were import permits issued (three cases) for hunting purposes but were not returned after the expiry dates. As a result some of the permits were not returned back as required and police officers were not sure whether the firearms left or remain in the country because of the manual system in place that makes it difficult to control the process.

Exports

It was further revealed that there is poor control of imports and exports of firearms into the country mostly on the side of export to Angola. People are buying firearms in Namibia with the purpose to export them to Angola, but the police are not aware whether all the firearms were exported or remain in the country. This is because of the manual system that is in place.

This may lead to some firearms remaining in the country, as a result it could contribute to the illegal firearms in the country that could be used to commit crimes.

CHAPTER 5

CONCLUSION

The study discovered that there is a need to amend the current Arms and Ammunition Law Act of 1996, highlighting that it is easy to obtain a firearm license and that the Nation is too armed. Though the Ministry is acting within the required standard, the auditors conclude that the firearms law pertaining obtaining firearms should be tightened to restrict easy access and in turn increase the legal circulation of firearms within the country.

1. The audit concluded that individuals can own more than the required four firearms due to inheritance.
2. The audit concluded that the members of the public (firearm owners) lack information on when and how to use firearms.
3. The study concluded that there is misuse of firearms in Namibia which will increase the gun related deaths in the country.
4. The study concluded that the Ministry does not do enough personal clearance and background checks on applicants before being issued with a firearm license.
5. The public will remain armed with unlicensed or illegally firearms.
6. The audit concluded that inspection on gun dealers and security companies is being carried in some regions but not in all regions.
7. It was concluded in this study that firearms owners are not handling their firearms as required by the Namibian Arms and Ammunitions Act.
8. There are unlicensed/illegal firearms in the country due to the theft of firearms and smuggling of firearms into the country, as a result of war during the country's liberation struggle, inheritance and some people failed to report stolen/lost firearms.
9. There is poor safe keeping of the firearms by some individuals that lead to the theft of firearms in the country.
10. Criminals are scratching serial numbers on firearms which makes it difficult for the police to trace the owners of such firearms.
11. There is poor control of imports/exports of firearms in the country that is mostly attributed by the control of a manual system in place.

CHAPTER 6

RECOMMENDATIONS

1. The Ministry of Safety and Security should consider an age limit higher than the current age of 18 years for an individual to qualify to own a firearm.
2. The Ministry should develop a policy to reduce the number of firearms per individual depending on the nature and the purpose of the application.
3. The Ministry should develop a policy to determine the competency and fitness level of firearms owners prior to the issuance of licenses. Furthermore the Ministry should introduce practical training to individuals before application is considered in order to ensure that the applicant know how to use and handle the firearm.
4. The Ministry should strengthen their procedures and processes regarding the management of firearms and develop measures to ensure that the firearm owners are adhering to the regulations stipulated within the Act on the safe keeping of firearms, reporting stolen firearms as well as consider a renewal system of the firearm licenses for individuals.
5. The Ministry should develop a policy to deal with the inheritance of firearms in order to limit individuals not to own more than the required number of firearms as prescribed in the Act.
6. The Ministry should develop policies to strengthen the process of personal clearance and background checks on applicants.
7. Regular inspection on firearm dealers and security companies should be carried out in all regions and an inspection report should be compiled as required by the Act.
8. The Ministry of Safety and Security should ensure proper control over imports/exports in the country by introducing an electronic system that will monitor the process.

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