



July 2019

Key Information

Sector Size (2017)ⁱ

- 8,916 Registered PSCs
- 522,542 Registered PSC personnel

Can PSC personnel carry firearms?

Yes, with legal authorization

* Private Security Industry Regulation Act, 2001, Art. 35

Montreux Document Participant: Yes

International Code of Conduct Association (ICoCA)

- ICoCA Member State: No
- ICoCA Company Members: 0
- ICoCA CSO Members: 1

Voluntary Principles on Security and Human Rights

- Voluntary Principles State Member: No

Members of the Private Security Governance Observatory:

- Centre for Human Rights

Summaryⁱⁱ

South Africa was one of the first countries to adopt legislation on foreign military assistance and is viewed as a model for other countries regarding private military and security companies (PMSCs). Executive Outcomes, a South African PMSC, was the first to operate on the international market. Due to disapproval toward Executive Outcomes' activities in conflicts in Angola and Sierra Leone, the Government of South Africa adopted the Regulation of Foreign Military Assistance Act in 1998. In subsequent years, South African PMSCs became increasingly small, specialized and involved in mainly non-combat activities.

In 2017, there were over 500,000 active registered private security officers, outnumbering the South African Police by over four-fold. The security industry represents one of the fastest growing commercial branches in South Africa and is one of the largest private security industries in the world. Some claims as to the cause of the sector's size include the lack of trust by civilians in the public police services and the lower levels of poverty compared to other African countries, allowing more households and businesses to afford private security services, and rising crime rates partly caused by the proliferation of small arms.

Legal Framework

PMSCs operating abroad and private security companies (PSCs) operating in South Africa are governed by two separate regulatory frameworks. PSCs are regulated by the Private Security Industry Regulation Act of 2001 while PMSCs operating abroad are regulated by the Regulation of Foreign Military Assistance Act of 1998.

The National Conventional Arms Control Committee (NCACC) plays an important role in private security governance in South Africa, particularly within the framework of the Regulation of Foreign Military Assistance Act. It mainly deals with applications for arms sales, but it also makes recommendations to the Minister of Defense on providing foreign military assistance, since PMSCs operating in conflict zones often export arms.

PSCs in South Africa are regulated by and must be registered with the Private Security Industry Regulatory Authority. The main legal instruments on these issues are the Private Security Industry Regulation Act, as amended in 2013 by the Private Security Industry Regulation Amendment Bill and the Code of Conduct prescribed under the Private Security Industry Regulation Act of 2001, which is legally binding on all

security service providers. The recent Amendment Bill (2013) to the Private Security Industry Regulation Act aims to maintain quality standards and eradicate criminality within the industry, including ties to criminal networks.

- [Regulation of Foreign Military Assistance Act of 1998](#)
- [Private Security Industry Regulation Act, 2001](#)
- [Private Security Industry Regulation Amendment Act, 2013](#)
- [Code of Conduct, 2003](#)

Challenges

Some of the main challenges facing the private security industry in South Africa today include:

Implementation of Regulatory Legislation

A UN Working Group report stated that they had received reports that as a result of the Regulation of Foreign Military Assistance Act, many PMSCs relocated or went underground to escape regulation. Despite there being many PMSCs operating without the proper authorization, a lack of prosecutions for their illegal activities has reinforced the illegal behaviour.

Limited PSIRA Capacity

The Private Security Regulation Act established a monitoring mechanism for investigating PSCs, but the authority, PSIRA, is sorely understaffed. This has limited its capacity to effectively regulate the industry and prevent criminal activity.

ⁱ Private Security Industry Regulatory Authority. (2018). Annual report 2017/18. Retrieved from https://www.psira.co.za/psira/dmdocuments/PSIRA_AR2018_final.pdf

ⁱⁱ United Nations, General Assembly, Human Rights Council, "Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination: Mission to South Africa, A/HRC/18/32/Add.3" (2011).