1. **BACKGROUND**

Lesotho is an independent Kingdom in Southern Africa. It is a mountainous country covering an area of 30,355 square kilometers, wholly surrounded by the Republic of South Africa. She lies between the Southern latitudes 28° and 30°. Maseru, the capital of Lesotho, is located near the western border with South Africa.

About a quarter of the total land area, averaging 1,500 metres above sea level, covers the lowlands in the western part of the country and constitutes the main agricultural zone. The rest of the country is traversed by the Maloti Mountains, which form part of the Drakensburg range. The Maloti Mountains reach heights of more than 3,000 metres above sea level and are a reservoir of Lesotho’s “White Gold” (water), the only other major resource besides human resources, which Lesotho has in abundance. Based on the geographical and topographical features as well as vegetation and agricultural activities, Lesotho is divided into four major regions or zones namely: the lowlands, the foothills, the mountains and the Orange River valley.

The importance of mentioning this kind of background is to illustrate the terrain of Lesotho and its relevance to problems surrounding the illicit trade in small arms and light weapons.

2. **THE PROBLEMS OF SMALL ARMS IN LESOTHO**

Problems pertaining to the proliferation of illegal small arms and light weapons faced by Lesotho are major and rather unique in the sense that they are not due to a long-term armed conflict situation, but to decades of a volatile and mostly violent political history.

Lesotho is faced by the following four major challenges/problems:

a) **Armed robberies and sporadic armed attacks on civilians**

Armed robberies are common and there are some sporadic armed attacks on the unsuspecting civilian population. Weapons used to
commit such crimes are mainly military-style small arms and light weapons trafficked from neighbouring states, primarily from Mozambique, through South Africa into Lesotho. Weapons stolen from or lost by licensed owners or state security forces are also used by criminals to commit the crimes.

b) **Consequences of mutiny within the army and the looting of government armouries**

The 1994 mutiny in the Lesotho Defence Force created a conducive environment for illegal circulation of small arms and light weapons among the civilian population. The situation was made worse by the 1998 political unrest and further mutiny within the army, which, among others, resulted in the looting of government armouries. Many weapons are in the wrong hands as a result of those incidents. Hence, military style weapons are used to commit serious as well as petty crimes.

c) **Politically-motivated murders/assassinations/shootings**

This trend of killings has a long history in Lesotho. It is about murders/assassinations/shootings of high profile citizens. The victims include Government ministers, parliamentarians, senior security personnel and senior businesspersons. Criminals usually carry out the murders/assassinations/shootings by means of illegally acquired weaponry.

d) **Cattle rustling**

This is the most disturbing phenomenon in Lesotho today. There is widespread theft of livestock amongst villages and districts. The practice has grown significantly, as now rustling is being carried out through the use of illegal guns by organized criminal groups across the common borders of Lesotho and South Africa. There have even been some reported instances of deaths on both sides of the borders, of the nationals of Lesotho and/or South Africa. The Lesotho groups obtain arms in South Africa either by paying cash for them or through bartering with cannabis/dagga. This has created a situation in which
small arms normally used on battlefields are being used by rustlers. The situation presents a serious challenge to the Lesotho law enforcement agencies.

3. **RESPONSE BY THE GOVERNMENT**

The post 1993 democratically elected government of Lesotho is motivated by a desire to show through its actions as well as its policies that it has shed the bad practices of the previous authoritarian regimes. It strives to play a positive and responsible role in global disarmament and arms control efforts. In addition to supporting the full implementation of the Programme of Action (UNPoA) adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in 2001, and also of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, Lesotho supports all sub-regional, continental and international initiatives, aimed at combating the illicit spread of small arms and light weapons. Furthermore, Lesotho Government’s commitment to the effective control of the small arms and light weapons is coupled with an unrelenting support of all efforts aimed at the total ban and destruction of weapons of mass destruction and anti-personnel landmines.

The Government of Lesotho does recognize that uncontrolled spread of small arms and light weapons affects the ability of states to govern. It is also aware that the problem of illegal proliferation of small arms and light weapons needs coordinated national and international response in order to achieve results. Hence, the increasing levels of firearms-related crime in particular, have become untenable for the security forces.

After decades of authoritarian rule and lack of respect for the rule of law, the Government is engaged in a reconciliation as well as peacebuilding process. It has embarked on a long-term plan to demilitarize the police and professionalise the armed forces. This
process though a difficult one, is beginning to show positive results. Moreover, the Government continues to put a significant amount of its resources behind this process with the aim to ridding the country of illegal arms and weapons.

There is even in place, a deliberate policy to reduce the number of firearms in lawful hands. The Government has introduced stricter measures pertaining to the licensing of such firearms. This applies to individual applicants, official institutions and private agencies like security companies, dealers etc. Regarding illegal weapons, joint operations by the police and the armed forces are carried out to disarm the civilian population.

The Lesotho Government is a very conscious of the need to reconcile its national efforts with its international obligations. Hence, in order to comply with the requirements of the 2001 UNPoA, the Government established a National Focal Point (NFP) in 2002. This body is comprised of both government ministries and civil society organizations as follows:

- Ministry of Foreign Affairs
- Ministry of Home affairs and Public Safety
- Ministry of Defence and Internal Security
- Ministry of Trade and Industry, Cooperative & Marketing
- Ministry of Justice, Human Rights and Rehabilitation
- Lesotho Mounted Police Service
- National Security Service
- Lesotho Defence Force
- Attorney General’s Chambers
- Lesotho Revenue Authority
- Directorate on Corruption and Economic Offences
- Lesotho Correctional Services
- Civil Society Organisations

The functions of the NFP, include the following:

- Prevention, combating and eradication of the spread of Small Arms and Light Weapons (SALW);
• Review of the national policy on firearms; laws relating to arms control so that they are in conformity with regional and international instruments;

• Coordination of the implementation of sub-regional, regional and international instruments that Lesotho is a Party to, namely, the 2001 SADC Protocol on the Control of Firearms, Ammunition and other Related Materials; the 2002 SADC NON-AGGRESSION PACT; the OAU Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons 2000; and the 2001 United Nations Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition;

• Coordination of all activities related to SALW at the national level;

• Coordinating and interacting with civil society;

• Development, implementation, resourcing and monitoring national action plans; and

• Raising public awareness on small arms and light weapons.

The immediate challenge facing the NFP is to ensure that the Government fulfills its obligations under the UNPoA and other sub-regional and regional instruments to which Lesotho is a party. There is a lot of activity on the ground towards implementation with regard to collection, destruction of illegal firearms. Regulations controls are also taking shape as the report will show under relevant headings that follow.

The office of the Commissioner of Police has been designated as the National Focal Contact Person. Presently the Commissioner is:
4. **LEGISLATION, REGULATIONS, ADMINISTRATIVE PROCEDURES**

The Government of Lesotho has, through the Police Services, designed, as an administrative measure, an Operations Plan which provides an in-depth account and assessment of a policy and programme for the destruction of surplus, redundant, obsolete and confiscated firearms.

By agreeing to a Plan of Action to destroy confiscated arms and reduce the number of arms held by official institutions, the Government of Lesotho shows its commitment to respect its regional and international obligations with respect to small arms control and light weapons. This is an important achievement for a country that is facing large developmental challenges.

a) **Legislation, Regulations**

There are currently four pieces of legislation which exercise control over use of firearms and ammunition in Lesotho.
i) Internal Security (Arms and Ammunition) Amendment Bill 2006

Presently, control measures on firearms and ammunition are contained in the Internal Security (Arms and Ammunition) Act 1966, as amended by the Internal Security (Arms and Ammunition) (Amendment) of 1999.

There are currently further amendments on the amended version of the Internal Security Act. The Amendment Bill 2006 has taken into consideration the latest trends and provisions of international instruments that Lesotho is party to.

The Bill, inter alia, prohibits civilian possession and use of light weapons. Control measures are also introduced and they include restrictions on possession of more than one firearm of the same caliber; amount of ammunition to be held at any one time; prohibition of pawning and pledging of firearms, ammunition, and control measures are provided for, on manufacturing of firearms and ammunition.

The Bill also enhances record keeping, marking and tracing systems of firearms.

Furthermore, the Bill has provisions that cater for a deficiency, in the Act regarding the importation and exportation of firearms and those in transit. It provides among other things that firearms would have to be accompanied by relevant documentation. Holders of firearm certificates will be compelled to apply for an importation permit before importing firearms and ammunition into Lesotho.

The Act does not regulate activities of brokers. The Bill has catered for that to enhance control of firearms and ammunition moving within and outside the country. The Bill further provides for the destruction of confiscated or seized weapons while it prohibits reactivation of deactivated firearms.
It is actually makes it an offence to reactivate such firearms.

Supplementary provisions cover areas such as inheritance of firearms and regulation of firearms and ammunition imported and owned by foreigners. Some form of compensation is provided for based on surrendering a firearm.

The Bill further addresses civilian possession, use, manufacture, trade, export, and transit of small arms and military style weapons. It also prescribes competency testing before one acquires a license.

ii) Private Security Officers Act 2002

This Act is meant to regulate Private Security Companies. It provides for the establishment of the Private Security officers’ Board, which regulates and exercise control over Private Security officers and Private Security Guards and other Incidental matters.

One of the major functions of the Board is to prescribe, with the approval of the Minister responsible, types and number of firearms to be used in the private security industry; types of armouries and storage of firearms; and the type of uniform and other equipment to be used.

These are prescribed in the Private Security Officers Regulations of 2003, which provides that a security company offering security services may use a combination of the following firearms:

- short guns
- pistols (7.65mm)
- special revolvers (.38)
The number of firearms to be held is determined by the number and composition of the private security guards.

Further, it is a pre-condition that before a company is awarded a private security service license, it should have approved storage facilities such as a strong room or arm chest.

iii) Stock Theft (Amendment) Act 2003

The amendments effected are targeting penalties to be awarded offenders under this Act. As it has already been mentioned, stock theft is becoming a serious issue and deterring penalties had to be put in place.

A person who has committed theft of stock, produce or both, using violence, or threatening another with or without a firearm or any other offensive weapon, in the case of first conviction, such a person will be faced with a fine of not less than M25,000.00 (more than $5000); or imprisonment term not less than 25 years. In the case of a second or subsequent conviction, a fine not less than M50,000.00 or imprisonment term of not less than 50 years or both.

These severe penalties only show the seriousness of the problem and the vow by Government to eradicate this practice.

iv) Prohibition of use of fireworks without permit

There have been incidents where criminals would take advantage of joyous events like Christmas, New Year celebrations to select their targets and shoot at random at unsuspecting civilians.

The Government is deeply concerned by this kind of abuse and the process of regulating the use of fireworks or firecrackers is underway. The intention is to issue permits to persons who wish to sell or use such devices on special occasions only and
only certain types of these objects will be allowed in the country.

These will be regulated under the intended Explosives Act whose framework already exists.

b) **Administrative measures**

In 2000, the Parliament of Lesotho approved a moratorium declared by Government calling on all civilians who were in possession of licensed and or unlicensed firearms and ammunition, to hand these over and not be prosecuted in return. This was done for six months period and there was a significant positive response from the public.

After the period ended, a number of firearms were collected and destroyed. Police have since carried out several raids in search of firearms still in possession of civilians.

The office of the Commissioner of Police, as the administrator of the Internal Security (Arms and Ammunition) Act, has established a Firearms Committee. This Committee screens all applications for firearms certificates and makes recommendations to the Commissioner for approval or otherwise.

In the absence of proper licensing regulations which could be used for control of licensing, administrative measures are in place to control the issue.

Presently, in order for the Committee to recommend issuance of a license evidence of the following is required:

- a recommendation letter from either a principal chief or employer
- property to be protected
- police clearance certificate
- vetting report
• safe place to keep firearms
• age of applicant (not below 18 - not older than 65)

In general, no applicant shall be allowed to possess more than one (1) firearm of the same caliber.

5. **STOCK PILE MANAGEMENT, COLLECTION AND DISPOSAL**

Lesotho has in place a deliberate policy to manage her stockpile and regular destruction of small arms is standardized manner, despite the costs involved.

The vision of the Lesotho Mounted Police Service is to create a safe and secure environment for all citizens. In order to achieve this goal, the Service has undertaken to eliminate the number of illegal firearms and reduce the number of civilian-owned-legal firearms. The evident destruction of illegal firearms and stricter measures of licensing fit within this policy framework.

The Internal Security (Amendment) Bill 2006 does provide for a requirement for construction of safe and secure storage facilities for all government stockpiles and confiscated weapons. This issue became more urgent after the 1998 political disturbances where government armouries were looted.

The Private Security firms are also required to construct storage facilities and are only allowed a certain regulated number of arms to use and keep in the provision of their services.

Regular inventories are undertaken by security forces to check on the serviceability of such weapons.

Collected unserviceable, non-standard, excess and redundant arms are destroyed.
6. **EXPORT CONTROLS, BROKERING, MARKING and TRACING**

Lesotho does not manufacture nor export firearms, but she is not immune from the problems associated with lack of legislative provisions on export control, brokering, marking and tracing.

As already mentioned, The Internal Security (Arms and Ammunition) Amendment Bill 2006 has introduced control over import and export of firearms and ammunition by requiring that such consignments, even those on transit, should have accompanying documentation such as a movement permit stating full particulars of the firearms or ammunition.

The Bill further requires that firearms be marked with a unique number at the time of import or manufacture.

7. **DISARMAMENT, DEMOBILIZATION AND REINTEGRATION (DDR)**

The destruction of small arms and light weapons lies at the core of the Peace and Security agenda of the NEPAD (New Partnership for Africa’s Development) that promotes long-term conditions necessary for Africa’s development and security. The Lesotho Government has a policy in place which involves collection, confiscation and destruction of illegal weapons.

In November, 2001 three thousand eight hundred and forty three (3,843) weapons were inventoried at the Lesotho Defence Force Headquarters and with the addition of other components gave a destruction total of four thousand two hundred and forty (4,240) weapons. This operation was very successful and clearly demonstrated Lesotho’s commitment to abide by the instruments on small arms and light weapons.

An operation code-named “KATSE” was conducted in November, 2002. The purpose of the operation was to trace the origin of the firearms seized by the police by subjecting them to a process called etching. The team comprising members of South African Police
Service (SAPS) and members of Lesotho Mounted Police Service (LMPS) handled two hundred and two (202) firearms. The results were as follows:

a) Firearms identified as possibly licensed in the RSA – (One Hundred and five (105)

b) Firearms identified as possibly stolen in the RSA – Fifty five (55)

c) Firearms identified as possibly not reported stolen in the RSA – Fifty One (51)

d) Firearms belonging to South African State Departments – Twenty Two (22)

A follow up destruction operation named “WINTER HARVEST” was conducted in September 2004 where a total of one hundred and thirty four (134) firearms confiscated by police were destroyed in Bloemfontein, South Africa. Again, the South African government through SAPS assisted Lesotho government.

During operation “MOHALE”, Five Hundred (500) firearms were etched before they could be destroyed. The purpose of etching was verification and identification of the firearms in order to reconcile the records held by their registries.

Operation “TSOENENG” was held on the 9\textsuperscript{th} June, 2006. A total of Two thousand four hundred and fifty five (2455) firearms were destroyed at this operation. This was the first time destruction was carried out in Lesotho. Following recommendations from an environmental impact assessment (EIA), the method of destruction was an open-pit detonation.

The site for destruction was inspected and the explosives were not bioaccumulate.
8. **AWARENESS**

Lesotho Mounted Police Service holds regular public gatherings and rallies to sensitize the public about crime generally. The NFP and the Civil society are planning to undertake awareness campaigns and education programmes among the public on issues of firearms control, ownership and administration. This is vital since the success of a national strategy depends on implementation on the ground and requires community participation. Civil society is better placed to engage communities at grass roots on this issue.

9. **REGIONAL AND GLOBAL LEVEL MEASURES**

The Government of Lesotho is fully aware of the fact that a country cannot operate as an island in the fight against the proliferation of illegal small arms and light weapons. It recognizes the need for collective reaction and cooperation in relation to customs and border control, the exchange of information and in the creation of firearms registers with the aim of containing, and reducing both brokerage and trafficking.

Lesotho is, therefore, a State Party to a number of bilateral and multilateral agreements aimed at enhancing international cooperation in the fight against illicit trade in small arms and light weapons, organized crime and terrorism.

At the sub-regional level, Lesotho, South Africa and Botswana have a Defence Agreement which sets up a framework for cooperation on related issues of disarmament. The three countries carried out an operation code named “Operation BOLEAS” - which was aimed at quelling the political uprisings of 1998 in Lesotho.

There have been successful subsequent operations jointly carried out by the security forces in the auspices of SADC and positive results have been realized.
Almost all the relevant instruments on small arms have a requirement for State Parties to establish Inter-Sectoral agencies/authorities involving Police, Military, Customs, Immigration, Foreign and civil society. This agency is meant to improve policy coordination, information sharing and analysis at the national level regarding firearms and other related materials. Lesotho has complied, there is a National Focal Point in place since 2005.

It further subscribes to the 2005 African Common Position adopted in Namibia as an important contribution to the full implementation of the UNPoA and both the global and continental levels. It represents the determination of the Member states of the African Union to implement the UNPoA. To further demonstrate its unwavering position on these issues of small arms, the African Common Position taken in Namibia has been formally endorsed as an official position by the continental body by the AU Executive Council sitting in Khartoum in January 2006.

10. CONCLUSION

Countries with small economies like Lesotho, need resources to better the lives of their peoples. However, development cannot be sustained in an environment made insecure by either conflict or high levels of armed crime. In these situations of insecurity and uncertainty, livelihoods are destroyed and opportunities to escape poverty are lost.

The world can no longer afford to separate the issue of proliferation of Small Arms and hindrances to development. The process of destruction of these confiscated arms is expensive and needs capacity at appropriate levels.

The Police Service in Lesotho is very small in terms of ratio to the population. It is increasingly becoming very difficult to have physical presence of police in every foothill or mountain village in Lesotho. The terrain is rugged and there are no conventional roads at some places. Communication is very difficult even in these days of cellular networks, as receivers are not installed in these remote areas.
Since the bulk of the illicit trade and proliferation of small arms occurs in these remote areas, Lesotho pleads for assistance/technical assistance, which will capacitate police stations in the rural areas or inaccessible areas of Lesotho. The police need to have communication equipment, transport suited for the rugged terrain (presently they rely on horses), a helicopter could assist to access even those areas where walking is not possible. It also becomes a security nightmare for the police to either walk with or load a truck, which will be driven at 20km/h because of the roads, with loads of confiscated firearms to a central point. Cattle rustlers do not use conventional routes with their loot.

There is also an urgent need to assist government to construct more police stations in the remote areas to enable whistle blowers to quickly and with ease, alert law enforcement of illicit trade of firearms.

Lesotho also needs technical assistance in capacity building for law enforcement personnel. This will bring about effective policing along borders and points of entry as well as to be able to secure stockpiles.

The Kingdom of Lesotho has the necessary political will demonstrated by the number of singular and joint operations to eradicate the illicit trade in small arms. It is making this plea to the developed and countries of good will to provide the necessary technical assistance to enhance her efforts to fully implement her international obligation around issues of disarmament. That taken care of, she can allocate all her resources on issues of development for her people.