



**BOTSWANA COUNTRY REPORT TO THE THIRD
BIENNIAL MEETING OF STATES TO CONSIDER THE
IMPLEMENTATION OF THE UNITED NATIONS
PROGRAMME OF ACTION TO PREVENT, COMBAT AND
ERADICATE ILLICIT TRADE IN SMALL ARMS AND LIGHT
WEAPONS IN ALL ITS ASPECTS**

DATE: 14-18TH JULY 2008

VENUE: NEW YORK



1.0 INTRODUCTION

1.1 Botswana strongly supports international efforts to prevent trafficking in small arms and light weapons and is committed to discharging its obligations under all the international instruments.

1.2 Botswana has taken many steps to address the issue of illicit trade in small arms and light weapons at national, regional and international levels:

National Level

2.0 **National Coordinating Agency**

2.1 In order to make effective progress on the implementation of the Programme of Action, the PoA calls on member states to designate a minimum of institutional infrastructure responsible for policy guidance, research and monitoring the efforts to prevent, combat and eradicate trade in SALW.

2.2 It is against this background that a fully functional National Focal Point was formed and inaugurated in 2002. In terms of the composition, the committee includes, at a minimum, representatives of the following government ministries / departments and non governmental organisations:

2.2.1 Ministry of Justice, Defence and Security

2.2.2 Ministry of Local Government

- 2.2.3 Ministry of Foreign Affairs and International Cooperation
- 2.2.4 Ministry of Education
- 2.2.5 Ministry of Environment, Wildlife and Tourism
- 2.2.6 Ministry of Energy and Water Affairs
- 2.2.7 Ministry of Labour and Home Affairs
- 2.2.8 Ministry of Finance and Development Planning
- 2.2.9 Ministry of State President
- 2.2.10 Botswana Council of Non Governmental Organisations
- 2.2.11 Ministry of Youth and Culture
- 2.2.12 Botswana Confederation of Commerce, Industry and Manpower.

2.3 The committee meets on a quarterly basis and as and when it is necessary, under the chairmanship of the Deputy Commissioner of Police responsible for operations. The designation is in consonance with the Arms and Ammunition Act of 1981, Cap 24.01 which designates the Commissioner as the administrator of the said Act.

2.4 The National Focal Point is charged with a wide range of functions including inter alia:

- Coordination and integration of national efforts required to prevent, combat and eradicate the illicit manufacturing and trade in small arms and light weapons (SALW).

- Implementation of the Southern African Development Community (SADC) Protocol on the Control of Illicit Firearms, Ammunitions and Other Related Materials, and all Regional and International Protocols pertaining to Small Arms and Light Weapons that Botswana has signed and ratified.
- Liaison between states on matters relating to the implementation of the Programme of Action
- Facilitating the exchange and dissemination of information pertaining to SALW.

3.0 National Point of Contact

3.1 The National Contact Point is located under the Ministry of Justice, Defence and Security.

Contact:

Commissioner of Police
Private Bag 0012
Gaborone
Botswana
Te: 09267-3951161
Fax: 09267-3973723
Email: kkapinga@gov.bw

3.2 The Botswana Police Service besides providing secretariat services, also acts as liaison point between states on matters relating to the implementation of the Programme of

Action, SADC Protocol on Firearms and other regional and international instruments aimed at controlling the proliferation of SALW.

4.0 Legislation, Regulations, Administrative Procedures

4.1 An important element in moving forward against illicit trade in small arms is the existence of adequate national legislation, regulations and administrative procedures. The Current National Legislation governing small arms and light weapons in the country is the Arms and Ammunition Act of 1981, Cap 24:01. The Act provides for, among others the following:

- Importation and Exportation of Arms and Ammunition;
- Registration of Arms and Ammunition;
- Restriction as to possession of Arms and Ammunition;
- Manufacture, Repair and Conversion of Arms and Ammunition and
- General Offences

4.2 No apparent provision is made regarding, inter alia, marking, brokering, arms embargoes and control of state owned firearms.

4.3 Botswana is in the process of reviewing the legislation on the control of SALW which will include the analysis, and

where necessary, a review of other pieces of legislation containing elements relating to the control of SALW.

4.4 A comprehensive audit of national legislation is to be conducted in order to identify all relevant pieces of legislation. Such pieces of legislation will include:

- Explosives Act, Chapter 24:02
- Wildlife Conservation and National Parks, Chapter 38:01
- Finance and Audit Act, Chapter 54:01
- Motor Vehicle Act, Chapter 09:04
- Penal Code , Chapter 08:01

4.5 The primary focus of firearms control in Botswana is on the lawful possession and use of firearms by individuals. A maximum of 400 firearms (200 shotguns and 200 hunting rifles) are allowed to enter the market on a yearly basis as per the quota set by the Arms Quota Board. The board is responsible for assessing applications filed by individuals aspiring to possess firearms.

4.6 No person is allowed to possess a firearm unless he or she is over the age of 18 years, has filed an application and has been issued with an acquisition permit by the administrator of the Arms and Ammunition Act.

4.7 In addition to the above pre-requisites, the envisaged amendment Act will require a person aspiring to possess a

firearm to meet the following standards before being issued with a permit:

- To be in possession of a certificate of competence. The applicant will be required to undergo training relating to responsible handling and safety. Additional criteria to be considered when issuing a certificate of competence will include: - physical competence, temperament, and provision of secure storage facility.

5.0 Surplus Weapons / Weapon destruction

5.1 One of the key objectives addressed in our National Action Plan on Firearms is the collection and destruction of surplus, seized, redundant, obsolete and surrendered SALW. In 2006, the Botswana National Focal Point coordinated a public destruction of about 1159 illicit firearms held in government stores together with those confiscated and voluntarily surrendered.

5.2 The programme is a very positive sign of the committee's willingness and ability to coordinate actions on small arms.

6.0 Export / Import Control

6.1 All arms and ammunition imported into the country are either for the purpose of resale (by Arms Dealers) or for the

personal use by the importer and shall be registered in such manner as may be prescribed.

6.2 Botswana views end user certificates as an essential component of any arms transfer (import control) in order to prevent the diversion of the imported weapons to unintended end-users and end-uses. The following conditions form part of the regulations as prescribed on the end user certificate for weapons imported into the country by the government of Botswana:

- That arms and ammunitions will not be re-exported or sold for export or passed to third party.
- That arms will not be used for purposes associated with chemical, biological or nuclear weapons nor missiles capable of delivering such weapons, nor will they be sold if known or suspected that it is intended or likely to be used for such purposes.

6.3 There is no provision governing arms in transit or specifying the need for end user documentation to accompany shipment through Botswana

7.0 Manufacturing /Arms brokering

- 7.1 Botswana does not have the capacity to manufacture small arms and light weapons for export. However, a manufacturer's licence is required to manufacture firearms.
- 7.2 Botswana does not have a specific law relating to arms brokering in response to the UNPoA. The revised policy will address all issues relating to arms brokering.

8.0 Record Keeping

- 8.1 The Central Arms registry maintains records of all firearms in private ownership. The records are kept manually. Efforts to source funds to computerise the registry are on going.
- 8.2 Currently, there are no time limits for keeping and destroying records with the central arms registry. Records are kept indefinitely.
- 8.3 The new policy calls on records to be kept for a minimum of 10 years in hard copy and 25 years in electronic format.
- 8.4 Transaction Records of all sales and transfers are submitted to the Central Arms Registry every three months.
- 8.5 Dealers going out of business are to dispose all the available stock and thereafter submit records to CAR for permanent retention.

9.0 Marking

- 9.1 Botswana strongly believes that marking can assist member states in tracing the origin of illicit firearms.
- 9.2 In addition to the manufacturers' making most arms within the jurisdiction of Botswana are marked in such manner that allows tracing to a particular unit within a Government department.
- 9.3 The choice of method for marking arms within a particular unit is a departmental prerogative.
- 9.4 Weapons imported into the country are unambiguously marked and bear the following information
 - 9.4.1 manufacturer' name
 - 9.4.2 country of manufacture
 - 9.4.3 date of manufacture
 - 9.4.4 model number
 - 9.4.5 weapon calibre and
 - 9.4.6 unique serial number
- 9.5 Unmarked weapons found within the country's territory are surrendered to the state without claim and destroyed accordingly.

10.0 Regional Cooperation

- 10.1 Botswana fully and actively participates at all levels in the implementation of programmes aimed at combating and eradicating illicit trade in SALW.

- 10.2 At Regional level, Botswana has signed, ratified and is implementing the Southern African Development Community (SADC) Protocol on the control of Illicit Firearms, Ammunition and Other Related Materials which comprehensively covers a range of issues addressed under the PoA.

- 10.3 In addition to implementing protocols aimed at controlling the proliferation of SALW, Botswana continues to actively participate in a number of regional committees whose mandate ranges from combating drug trafficking, transnational organised crime, terrorism, regional cooperation, collaboration and information sharing.

11.0 International Cooperation

- 11.1 No assistance has been provided with regard to the implementation of the National Firearms Strategy, which was developed inline with the UN Programme of Action.

- 11.2 Botswana participated in a number of regional and international fora where issues of SALW were discussed.
 - 11.2.1 Workshop on the International Tracing Instrument to Enable States Identify and Trace in a

Timely and Reliable Manner Illicit SALW- 10^t -11th
December 2007- Nairobi, Kenya.

11.2.2 Informal meeting of Transfer Control Principles
for SALW-27th -31st August 07, Geneva Switzerland.

11.2.3 Review Conference on the Implementation of
the UN Programme of Action, 26th June 2006 -7th July
2006-New York, USA.

11.2.4 Regional Consultative Seminar to integrate
development into the UNPoA – Progress in the Great
Lakes Region and the Horn of Africa, 27-28th April
2006 –Dar es Salaam, Tanzania

11.2.5 Continental Conference of African Government
Experts on the illicit trade in SALW -14-15 December
2005, Windhoek, Namibia.

12.0 Challenges

12.1 Small arms are essential components of global trafficking of illicit goods ranging from diamonds, drugs and cattle rustling, to mention a few. Owing to that, there are fundamental challenges facing the country's efforts to effectively and efficiently accelerate the implementation of the National Strategy on Small Arms and these include:

- Lack of technical and financial assistance to implement effective arms control.
- Manual record keeping of firearms in civilian and government possession. Assistance is needed to acquire both the hardware and software to improve the country's stockpile management.
- Smuggling of dismantled firearms, components and ammunition which is closely linked to the trafficking of illicit goods and commission of robberies, home invasions, poaching and murder. This is exacerbated by the fact that the penalties in the Arms and Ammunition Act are lenient.
- Lack of capacity for broader operatives to enhance surveillance and detection of SALW trafficking at border posts.
- Regional legislation disparities (need for harmonisation on certain basic principles).