

SaferAfrica and Saferworld

**Lesotho Internal Security  
(Arms and Ammunitions) Act 1966  
Article 2**

“firearm” except where otherwise expressly provided, means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon whether it is such a lethal weapon as aforesaid or not, any component part of any such lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon [and includes an air gun, air rifle or air pistol;]

# The Law of the Gun

**An audit of firearms control legislation in the SADC region****LESOTHO****Peter Cross, Rick de Caris,  
Etienne Hennop and Angus Urquhart****June 2003**

**LESOTHO**

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# The Law of the Gun:

**An audit of firearms control legislation in the SADC region**

**Peter Cross, Rick de Caris, Etienne Hennop  
and Angus Urquhart**

**SAFERAFRICA AND SAFERWORLD**

**JUNE 2003**



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# Contents

<b>Foreword</b>	<b>5</b>
<b>Overview of firearms situation</b>	<b>8</b>
<b>Overview of legislation</b>	<b>8</b>
<b>General information</b>	<b>9</b>
<b>Definitions in Lesotho's firearms control legislation</b>	<b>10</b>
<b>Breakdown of Lesotho's firearms control legislation</b>	<b>13</b>
Controls on civilian possession and use	13
Record keeping and tracing	19
Import, export and transit	22
Brokering	25
Manufacture	25
Trade	29
Seizure, disposal and enforcement	33
Arms embargoes	35
State-owned firearms	36

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# Foreword

**THIS COUNTRY STUDY** forms one chapter of a comprehensive study on firearms legislation in Southern Africa, conducted by Saferworld and SaferAfrica which aims to assess the strengths and weaknesses of the firearms control legislation in Southern African Development Community (SADC) member states.

The full study contains an introductory chapter providing an overview of the firearms legislation in 12 of the SADC member states and the regional perspective. Each of the following 12 chapters covers one SADC member state. The chapter provides an in-depth analysis of each state's firearms legislation against the commitments contained in the four key international and regional small arms agreements for the SADC member states:

- 'Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against 'Transnational Organised Crime' ('UN Firearms Protocol');
- 'United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light weapons in All Its Aspects' ('UN Programme of Action');
- 'Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons' ('Bamako Declaration'); and
- 'SADC Protocol on The Control of Firearms, Ammunition and Other Related Materials' ('SADC Firearms Protocol').

The study is intended as a reference document to assist law-makers and others involved in reviewing national legislation. For every country, the existing national firearms laws are unpacked and their provisions detailed, by issue, alongside the requirements of the international and regional small arms agreements. This analysis is presented in an individual table for each country, in which it is possible to adjudge the level of conformity with the requirements of the international and regional agreements.

## Sources

The information contained in this report was collected through field research. During the research visits to each country the research team consulted a wide range of government departments, including:

- The Ministry of the Interior/Home Affairs
  - The Ministry of Justice
  - The Ministry of Defence
  - The Attorney General's Office
  - The Police
  - The Army / Defence Forces
  - Customs and Immigration
  - Wildlife and Parks
- Local civil society actors were also consulted.

## Using this document

The country-study reports contain four sections:

- **Overview of the firearms situation and legislation** in the country. The information in this overview was collected during research trips to the country.
- **General Information** about the country is contained in a table following the overview of the firearms situation in the country. This includes information relating to the international and regional agreements that the country has signed up to, information on the current firearms control legislation and information on the number of firearms in the country.
- **Definitions** are contained in a table which presents the definitions contained in the country's national legislation, presenting them alongside the definitions contained in the SADC Firearms Protocol and the UN Firearms Protocol.
- **Legislation Breakdown** is contained in a table which forms the main body of the country study. The breakdown of the legislation is done against 9 analytic categories. The following broad categories were identified in order to facilitate a uniform approach to the analysis of very different pieces of legislation:
  - Controls on civilian possession and use
  - Record keeping and tracing
  - Import, export and transit
  - Brokering
  - Manufacture
  - Trade
  - Seizure, disposal, and enforcement
  - Arms embargoes
  - State-owned firearms

This breakdown of the national legislation is presented alongside the commitments contained in the four key regional and international agreements. A comment on conformity, to these agreements has been included. Throughout this report, where we talk of 'conformity', 'commitments', 'requirements' or similar terms, we do so with regard to the importance of fully implementing the provisions of these agreements and the need to ratify them and hasten their entry into force. By noting the 'conformity' or otherwise of existing national legislation we are not indicating a legal commitment to the SADC Firearms Protocol and UN Firearms Protocol, before these are ratified and have entered into force. Full conformity with the provisions of these regional and international small arms agreements is, nonetheless, important in laying the foundations for the effective control of firearms across the SADC region. The presentation of the analysis is intended to

facilitate cross-referencing between the national legislation and the international and regional commitments as well as cross referencing between the various pieces of legislation in the SADC region.

The tables contain the articles specifically relevant to the analytical category and the requirements of the international and regional agreements, however, both in terms of accessibility and due to constraints of space certain articles and/or subsections have been omitted. We have tried, where possible, to limit this to articles containing procedural guidelines. Also, where articles cross-reference other articles within the act, these cross-referenced articles have often not been immediately reproduced, again because of constraints of space. In most cases, however, these cross-referenced articles appear under different sections of the table.

This country study should be used in conjunction with the narrative section of the study which contains a comprehensive overview of the aims and objectives of the study as well as the methodology used. The narrative section includes a table containing the key international and regional agreements broken down against the analytical categories outlined above. The narrative report and the 12 country studies are available online at Saferworld's website: [www.saferworld.org.uk](http://www.saferworld.org.uk), while hard copies are available on request.



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# Lesotho

## Overview of firearms situation

**THE NUMBER OF REGISTERED FIREARMS IN LESOTHO** is unknown as the records are kept manually and these have not been audited recently. The Royal Lesotho Mounted Police recognise that they have a serious firearm-related crime problem. Firearms in Lesotho originate from a number of sources. Most of the illegal firearms in Lesotho are believed to have originated from the 1998/1999 military mutiny in the country. A significant number of firearms are brought into Lesotho from South Africa; citizens of Lesotho obtain firearms in South Africa, either legally or illegally, and bring these back into Lesotho. Firearms are used in some illegal drug and stolen vehicle transactions as payment.

Lesotho is a land-locked country and has unfortunately not managed to maintain a particularly high level of control over its domestic firearms problem. However, the Lesotho Police have a special operations unit that was established during May 2002 and this is responsible for the tracing and recovery of illegal firearms in the country.

There is a strong spill-over effect between crime and crime prevention in South Africa and in Lesotho. Any South African action on crime and crime prevention has a direct impact on Lesotho. This suggests that the wide availability of illicit firearms in South Africa will translate into the wide availability of illicit firearms in Lesotho. Moreover, the trend whereby people acquire firearms for self-defence in South Africa has quickly spilt over into Lesotho. Recently there was a Lesotho High Court ruling stating that licences obtained in South Africa by Lesotho citizens are valid in Lesotho. This ruling is currently being challenged by the Lesotho Police.

Legally-owned firearms are documented at the central firearms registry (CFR), however, there is a pressing need for a review of this system and the introduction of an electronic database. For instance, an annual review process is stipulated in the legislation, yet there are only two members of staff detailed to ensure the database is kept up to date. It is not possible for only two people to handle all of the renewal applications and this is the most likely reason for the lack of renewals. The absence of an electronic database means that verifying renewals is not possible.

## Overview of legislation

The bulk of controls on firearms are currently contained within the 'Internal Security (Arms and Ammunition) Act of 1966'. Minor amendments were made to this Act in 1999 with the enactment of the 'Internal Security (Arms and Ammunition) Amendment Act of 1999'. While the Arms and Ammunition Act of 1966 remains in place the Amendment Act of 1999 made minor changes to certain clauses, mostly relating to the sentences and penalties imposed for particular offences. Despite these amendments the necessary process of regular review and modernisation has not occurred. This has resulted in an ineffective and outdated piece of legislation. Furthermore, as the Act dates back to 1966, it does not take account of recent regional and international developments regarding firearms control.

There is no real restriction on the possession of firearms by civilians. Civilians are not allowed to possess rifles, other than shotguns. Private security companies may only use 7.65mm shotguns and 38 special revolvers in the execution of their duties. Due to the increased involvement of 9mm pistols in crime in Lesotho, the military and police are no longer issued with 9mm pistols and private citizens are encouraged not to purchase 9mm pistols. The dealers are, however, challenging this as they have 9mm pistols in stock which they want to sell. Legal firearm owners do hire out or give their firearms to others, for example herd boys, and if such a firearm is then involved in crime the owners are often not held responsible in the courts.

It was apparent that the day-to-day operation of the firearm control system has evolved independently of the legislation and as such in certain areas the controls *de facto* are at variance with those *de jure*. For instance, the licensing procedure followed by the Central Firearms Registrar stipulates that a firearm certificate is valid for a period of one year from date of issue, however, in practice no renewal takes place.

The Lesotho Law Reform Commission, under the guidance of Mr. Peter Sakoane, has investigated the Arms and Ammunition Act and firearm control in Lesotho. It is apparent from Mr Sakoane's investigation and the research conducted for this study, that new legislation needs to be drafted. This process of review must be primarily informed by the international and regional agreements to which Lesotho is party. This would entail the creation of a new firearms act, and more than likely, the amendment of a number of other pieces of relevant legislation.

## General information Lesotho

<b>International agreements</b>	SADC Firearms Protocol	Signed
	UN Firearms Protocol	
	UN Programme of Action	Party to
	Bamako Declaration	Party to
<b>Primary legislation</b>	Internal Security (Arms and Ammunition) Act, Act 4 1999	
<b>Last amendment / revisions</b>	June 1999	
<b>Regulations</b>	Yes	
<b>Year of implementation</b>	1966	
<b>Other legislation containing firearms controls</b>	None	
<b>Central Firearms Registry</b>	Yes, manually. Managed by the Lesotho Royal Mounted Police.	
	Access to data only at Central Firearm Registry	
<b>Number of registered civilian firearms</b>	Unknown	
<b>Review</b>	1999	

# Definitions in Lesotho's firearms control legislation

## Definitions

Analytical category	SADC Firearms Protocol	UN Firearms Protocol	National legislation
Firearms	<p><b>Article 1</b>  <b>"firearm"</b> means:  <b>(a)</b> any portable lethal weapon that expels, or is designed to expel, a shot, bullet or projectile by the action of burning propellant, excluding antique firearms or their replicas that are not subject to authorisation in the respective State Parties;  <b>(b)</b> any device which may be readily converted into a weapon referred to in paragraph a);  <b>(c)</b> any small arm as defined in this Article; or  <b>(d)</b> any light weapon as defined in this Article</p>	<p><b>Article 3</b>  <b>(a) "Firearm"</b> shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</p>	<p><b>Article 2</b>  <b>Internal Security (Arms and Ammunitions) Act 1966</b>  <b>"firearm"</b> except where otherwise expressly provided, means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon whether it is such a lethal weapon as aforesaid or not, any component part of any such lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon [and includes an air gun, air pistol or air rifle other than any other rifle;]  <b>"rifle"</b> means any barrelled weapons which is made and designed or redesigned to be fired from the shoulder and uses the energy of an explosive in a fixed metal cartridge and fires a single projectile or more through a rifled bore at a single pull of the trigger</p>
Ammunition	<p><b>Article 1</b>  <b>"ammunition"</b> means the complete cartridge including the cartridge case, unfired primer, propellant, bullets and projectiles that are used in a</p>	<p><b>Article 3</b>  <b>(c) "Ammunition"</b> shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or</p>	<p><b>Article 2</b>  <b>Internal Security (Arms and Ammunitions) Act 1966</b>  <b>"ammunition"</b> except where otherwise expressly provided,</p>

## Definitions

Analytical category	SADC Firearms Protocol	UN Firearms Protocol	National legislation
	firearm, provided those components are themselves subject to authorisation in the respective State Parties;	projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;	means ammunition for any firearm as hereinafter defined and includes grenades, bombs and other like missiles, whether capable of use with such a firearm or not, and prohibited ammunition;
<b>Light weapons / arms of war</b>	<p><b>Article 1</b>  <b>"light weapons"</b> include the following portable weapons designed for use by several persons serving as a crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder fired rockets, anti-aircraft weapons and launchers, and air defence weapons.</p>		<p><b>Article 2</b>  <b>Internal Security (Arms and Ammunitions) Act 1966</b>  <b>"prohibited weapon"</b> means any firearm or weapon referred to in paragraph (a) or paragraph (b) of subsection (1) of section 19;</p> <p><b>Part II--General Provisions As To Firearms And Ammunition</b>  <b>Art. 19 (1)</b> Subject to the provisions of subsection (3) it shall not be lawful for any person other than a person in the service of the Crown and duly authorised in that behalf, to manufacture, sell, transfer, purchase, acquire, or have in his possession  <b>(a)</b> any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or  <b>(b)</b> any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; or  <b>(c)</b> any ammunition containing, or designed or adapted to contain, any such noxious thing.</p>
<b>Small arms</b>	<p><b>Art. 1</b>  <b>"small arms"</b> include light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles and semi-automatic rifles;</p>		
<b>Other related materials / parts and components</b>	<p><b>Art. 1</b>  <b>"other related materials"</b> means any components, parts or replacement parts of a firearm that are essential to the operation of the firearm;</p>	<p><b>Art. 3</b>  <b>(b) "Parts and components"</b> shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech</p>	

## Definitions

Analytical category	SADC Firearms Protocol	UN Firearms Protocol	National legislation
		block, and any device designed or adapted to diminish the sound caused by firing a firearm;	

# Breakdown of Lesotho's firearms control legislation

## Controls on civilian possession and use

### Licensing

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Description of licensing process – how firearms licence is obtained	<p><b>SADC Firearms Protocol Art. 5 (3) (a) (j)</b> Requires the prohibition of unrestricted possession of small arms by civilians. Requires the monitoring and auditing of licences held in a person's possession.</p> <p><b>Bamako Declaration Art. 3 A (iii)</b> Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p> <p><b>UN Programme of Action II Art. 3</b> Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b></p> <p><b>Art. 3</b> Purchase and Possession of certain Firearms and Ammunition (1) Subject to the provisions of this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm certificate in force at the time. (2) If any person- (a) purchases, acquires or has in his possession any firearm or ammunition without holding a firearm certificate in force at the time, or otherwise than is authorised by such a certificate, or in the case of ammunition, in quantities in excess of those so authorised; or (b) fails to comply with any condition subject to which a firearm certificate is held by him; he shall, subject to the provisions of this Act, for each offence be liable on conviction to the penalty prescribed in section 43. (3) Notwithstanding subsection (1), no person shall purchase a rifle or have in his custody or control and any person who has such rifle in his custody or control shall surrender it to the nearest Police Station within a period of 6 months from the commencement of this Act.</p> <p><b>Art. 4 (1)</b> An application for the grant of a certificate under this section shall be made in the prescribed form to the Commissioner of Police and shall state such particulars as may be required by the said form. (2) The certificate shall be granted by the Commissioner of Police if he is satisfied that the applicant has a good reason for purchasing, acquiring, or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public</p>	<p>The national legislation does not conform to the SADC Firearms Protocol. While a comprehensive national licensing procedure exists, this does not provide for the monitoring and auditing of licences / certificates held in a person's possession.</p>

## Controls on civilian possession and use

### Licensing

Analytical category	International & regional agreements	Current national legislative controls	Conformity
		<p>safety or to public order:            Provided that a certificate shall not be granted to a person whom the Commissioner of Police has reason to believe to be prohibited by this Act from possessing a firearm or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm.</p> <p><b>(3)</b> A certificate granted under this section shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearms to which it relates, and, as respects ammunition, the quantities authorised to be purchased and to be held at any one time thereunder.</p> <p><b>(4)</b> A firearm certificate shall, unless previously revoked or cancelled, continue in force for one year from the date when it was granted or last renewed, but shall be renewable for a further period of one year by the senior officer of police for the area in which the holder resides, and so from time to time, and the foregoing provisions of this section shall apply to a senior officer of police and to the renewal of a certificate as they apply to the Commissioner of Police and to the grant of a certificate.</p> <p><b>(5)</b> The Commissioner of Police may at any time by notice in writing vary the conditions subject to which a firearm certificate is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.</p> <p><b>(6)</b> A firearm certificate may also, on the application of the holder thereof, be varied from time to time by the Commissioner of Police.</p> <p><b>(7)</b> A firearm certificate may be revoked by the Commissioner of Police if -</p> <p><b>(a)</b> the Commissioner is satisfied that the holder is prohibited by this Act from possessing a firearm [to which this Act applies,] or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm;</p> <p><b>(b)</b> the holder fails to comply with a notice under subsection (5) of this section requiring him to deliver up the certificate;</p> <p><b>(c)</b> the Commissioner is satisfied that the holder negligently failed to keep his firearm securely and in safe custody or to take all reasonable precautions to ensure that the firearm or his ammunition is not lost or stolen; or</p> <p><b>(d)</b> the holder has for a period of 5 years from the date on which the certificate expired, failed to renew the firearm certificate.</p> <p>(Sections 8 and 9 deleted)</p> <p><b>(10)</b> If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a certificate under this section or the variation or renewal of a firearm certificate, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43</p>	

## Controls on civilian possession and use

### Restrictions and conditions

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Personal suitability to possess arms			
Age restrictions		<p><b>Internal Security (Arms and Ammunition) Act 1966</b></p> <p><b>Art. 21</b> Restriction on purchase and possession for firearms by young persons</p> <p>(1) No person under the age of twenty-one years shall purchase or hire any firearm or ammunition, and no person shall sell or let on hire any firearm or ammunition to any to any other person whom he knows or has reasonable ground for believing to be under the age of twenty-one years.</p> <p>(2) No person under the age of twenty-one years shall accept as a gift, or borrow any firearm or ammunition [to which Part 1 applies] and no person shall give or lend any such firearm or ammunition to any person whom he knows or has reasonable ground for believing to be under the age of twenty-one years.</p> <p>(3) If any person contravenes any provision of this section, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.</p>	
Competency test	<p><b>SADC Firearms Protocol Art. 5 (3) (i)</b> Requires competency testing</p>		<p>The national legislation does not conform to the SADC Firearms Protocol. No national provision is made for competency testing.</p>
Quantity of weapons	<p><b>SADC Firearms Protocol Art. 5 (3) (j)</b> Requires restrictions on quantities of weapons held</p>		<p>The national legislation does not conform to the SADC Firearms Protocol. There appears to be no limit on the number of firearms a person may possess or own.</p>
Licence required for each arm			
Quantity of ammunition			
Type of weapon	<p><b>SADC Firearms Protocol Art. 5 (3) (b)</b> Requires the total prohibition of civilian possession and use of light weapons.</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b></p> <p><b>Art. 19 (1)</b> Subject to the provisions of subsection (3) it shall not be lawful for any person other than a person in the service of the Crown and duly authorised in that behalf, to manufacture, sell, transfer, purchase, acquire, or have in his possession prohibited weapons and ammunition</p>	<p>This national provision conforms to the SADC Firearms Protocol, but only insofar as the definition of 'prohibited weapon' includes light weapons.</p>



## Controls on civilian possession and use

### Restrictions and conditions

Analytical category	International & regional agreements	Current national legislative controls	Conformity
		<p>(a) any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or</p> <p>(b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; or</p> <p>(c) any ammunition containing, or designed or adapted to contain, any such noxious thing.</p>	
Duration of licence and renewal procedure		<p><b>Internal Security (Arms and Ammunitions) Act 1966</b></p> <p><b>Art. 4 (4)</b> A firearm certificate shall, unless previously revoked or cancelled, continue in force for one year from the date when it was granted or last renewed, but shall be renewable for a further period of one year by the senior officer of police for the area in which the holder resides, and so from time to time, and the foregoing provisions of this section shall apply to a senior officer of police and to the renewal of a certificate as they apply to the Commissioner of Police and to the grant of a certificate.</p>	
Withholding information or misrepresentation	<p><b>SADC Firearms Protocol Art. 5 (3) (l)</b></p> <p>Requires provisions that prohibit the misrepresentation or withholding of any information given with a view to obtain a licence or permit.</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b></p> <p><b>Art. 4 (10)</b> If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a certificate under this section or the variation or renewal of a firearm certificate, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43</p>	The national provision conforms to the SADC Firearms Protocol insofar as it relates to the types of license/certificates covered.
Exemptions			

## Controls on civilian possession and use

### Possession and use

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Restrictions on application/ use of firearm – when, where, how? (potential cases include: resisting arrest, injure / endanger person or property, handle firearm under influence of drugs/alcohol, negligent	<p><b>SADC Firearms Protocol Art. 5 (3) (e)</b></p> <p>Requires measures ensuring that proper controls are exercised over the possession and use of firearms, ammunition and other related materials.</p> <p><b>Bamako Declaration Art. 3 A (iii)</b></p> <p>Recommends establishing as a criminal offence the illegal possession and use of small arms and light weapons.</p> <p><b>UN Programme of Action II Art.</b></p>		The national legislation does not conform to the international and regional agreements.

## Controls on civilian possession and use

### Possession and use

Analytical category	International & regional agreements	Current national legislative controls	Conformity
discharge, point gun without good cause, restrictions on carriage of firearm (when, where (public place)), how (holster, concealed etc))	<b>3</b> Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.		
Storage and safekeeping	<b>SADC Firearms Protocol Art. 5 (3) (i)</b> Requires effective controls over firearms, including storage.	<b>Internal Security (Arms and Ammunitions) Act 1966</b> <b>Art. 4 (7)</b> A firearm certificate may be revoked by the Commissioner of Police if - <b>(c)</b> the Commissioner is satisfied that the holder negligently failed to keep his firearm securely and in safe custody or to take all reasonable precautions to ensure that the firearm or his ammunition is not lost or stolen; <b>Inspection and Safe Custody and loss of firearm</b> <b>Art. 38 (3)</b> A person having in his possession or under his control any firearm or ammunition shall keep the same at all times securely and in safe custody and shall take all reasonable precautions to ensure that such firearm or ammunition is not lost or stolen and is not available to any person who is not entitled to have it. A person who fails to do so shall be guilty of an offence and liable on conviction to the penalties prescribed in section 43.	The national legislation conforms to the requirements of the SADC Firearms Protocol.
Restrictions on / conditions of relinquishing firearms: to whom (authorised person, dealer, licence holder, relations etc)	<b>SADC Firearms Protocol Art. 5 (3) (i)</b> Requires restrictions on the owner's rights to relinquish control, use and possession of firearms, ammunitions and other related materials.	<b>Internal Security (Arms and Ammunitions) Act 1966</b> <b>Art. 14 (1)</b> No person shall sell or transfer to any other person in [Lesotho] other than a registered firearms dealer, any firearms or ammunition, unless that other person produces a firearm certificate authorising him to purchase or acquire it or shows that he is by virtue of this Act entitled to purchase or acquire it without holding such a certificate: Provided that this subsection shall not prevent <b>(a)</b> a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate; or <b>(b)</b> the delivery of a firearm or ammunition by a carrier or warehouseman, or a servant of a carrier or warehouseman, in the ordinary course of his business or employment as such. <b>(2)</b> Every person who sells, lets on hire, gives or lends a firearm or ammunition to any other person in [Lesotho.] other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or acquire the firearm or ammunition without holding a rearm certificate, comply with any instructions contained in the certificate produced, and in the case of a firearm shall, within forty-eight hours from the transaction, send by registered post, notice of the transaction to the Commissioner of Police.	National legislation conforms to the SADC Firearms Protocol

## Controls on civilian possession and use

### Possession and use

Analytical category	International & regional agreements	Current national legislative controls	Conformity
		(3) No person shall undertake the repair, test or proof of a firearm or ammunition for any other person in [Lesotho] other than a registered firearms dealer as such, unless that other person produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition, or shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate.	
leasing / lending		<p><b>Internal Security (Arms and Ammunition) Act 1966</b></p> <p><b>Art. 21</b> Restriction on purchase and possession for firearms by young persons</p> <p>(1) No person under the age of twenty-one years shall purchase or hire any firearm or ammunition, and no person shall sell or let on hire any firearm or ammunition to any to any other person whom he knows or has reasonable ground for believing to be under the age of twenty-one years.</p> <p>(2) No person under the age of twenty-one years shall accept as a gift, or borrow any firearm or ammunition [to which Part 1 applies] and no person shall give or lend any such firearm or ammunition to any person whom he knows or has reasonable ground for believing to be under the age of twenty-one years.</p> <p>(3) If any person contravenes any provision of this section, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.</p>	
pawning / pledging	<p><b>SADC Firearms Protocol Art. 5 (3) (k)</b></p> <p>Requires controls over pawning and pledging of firearms, ammunition and other related materials.</p>		The national legislation does not conform to the SADC Firearms Protocol. There is no provision prohibiting the pawning or pledging of firearms.
inheritance / death			
others			
Notifying authorities of altered circumstances (death, loss, theft, change of address, weapon to gunsmith, disposal, destruction etc)			
Others carry licence while in			

## Controls on civilian possession and use

### Possession and use

Analytical category	International & regional agreements	Current national legislative controls	Conformity
possession, civilian maintenance, repair, loading			

## Controls on civilian possession and use

### Offences / penalties

Analytical category	International & regional agreements	Current national legislative controls	Conformity
		<p><b>Internal Security (Arms and Ammunitions) Act 1966</b>  <b>Art. 3 (4)</b> A person who contravenes subsection (3) commits an offence and is liable on conviction –</p> <p><b>(a)</b> in the case of a first offence to a fine of not less than M5,000.00 or to imprisonment for not less than 2 years; and</p> <p><b>(b)</b> in the case of second or subsequent offence to imprisonment for a term of not less than 2 years.</p>	

## Record keeping and tracing

### Marking

Analytical category	International & regional agreements	Current national legislative controls	Conformity
When? (import / export / transit / manufacture etc)	<p><b>SADC Firearms Protocol Art. 5 (3) (g), 9 (1) and (2)</b>            Requires provisions for the standardised marking and identification of firearms at the time of manufacture, import or export.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b>            Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>UN Firearms Protocol Art. 6 (2)</b>            Requires the marking of firearms prior to their disposal.</p> <p><b>UN Programme of Action Art. 7</b>            Recommends manufacturers apply an appropriate and reliable marking to each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufac-</p>		<p>The national legislation does not conform to the international and regional agreements.</p> <p>There are no national provisions regulating the marking of firearms in any manner and the detail issues such as whether the marking should be engraved or stamped are not dealt with.</p>

## Record keeping and tracing

### Marking

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<p>turer and serial number so that the authorities concerned can identify and trace each weapon.</p> <p><b>Art. 8</b> Recommends states adopt and enforce all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.</p> <p><b>Art. 16</b> Recommends that confiscated, seized and collected small arms and light weapons are destroyed, provided that such weapons have been duly marked and registered.</p>		
How? stamping / engraving?			
where on weapon?			
with what? (unique alpha-numeric symbol / identifying country and manufacturer)	<p><b>SADC Firearms Protocol Art. 9 (1) and (2)</b></p> <p><b>UN Firearms Protocol Art. 8</b></p> <p><b>UN Programme of Action Section II Art. 7</b></p> <p>The agreements require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.</p>		The national legislation does not conform to the regional and international agreements.

## Record keeping and tracing

### Record keeping

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Description of record keeping specifications (what? where? how? by whom? for how long? when must authorities be provided with information?)	<p><b>SADC Firearms Protocol Art. 5 (3) (d)</b></p> <p>Requires state parties to incorporate into their national laws as a matter of priority the regulation and centralised registration of all civilian owned firearms in their territories.</p> <p><b>SADC Firearms Protocol Art. 8 (d)</b></p> <p>State owned firearms – requires state parties to establish systems to verify the validity and authenticity of documents issued by licensing authorities in the</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b></p> <p><b>Art. 15</b> Register of Transactions in firearms <b>(1)</b> Every person who by way of trade or business manufactures, sells or transfers firearms or ammunition to which this Part applies shall provide and keep a register of transactions, and shall enter or cause to be entered therein the particulars set forth in the Second Schedule.</p> <p><b>(2)</b> Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such person as aforesaid shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient</p>	The national legislation does not conform to the international and regional agreements, does not require the centralised registration of all civilian owned firearms. The national legislation does not require maintaining records for not less than 10 years.

## Record keeping and tracing

### Record keeping

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<p>Region.</p> <p><b>UN Firearms Protocol Art. 7 and 9</b> Requires the maintenance of records of markings and other information for not less than 10 years of firearms, ammunition and components that are necessary to trace illicitly manufactured or trafficked arms. Recommends records be kept of all de-activated firearms.</p> <p><b>UN Programme of Action Section II Art. 9</b> Recommends ensuring comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. Records should be maintained and organised to facilitate accurate and prompt information retrieval.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p>	<p>for identification, and shall immediately enter the said particulars in the register.</p>	

## Record keeping and tracing

### Offences / penalties

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (1) (a-c) (2) (a + b)</b> Requires the criminalisation of illicit manufacturing of and trafficking in firearms, their parts and components, and of falsifying or illicitly obliterating, removing or altering markings.</p>		<p>National legislation does not conform to the UN Firearms Protocol.</p>

## Import, export and transit

### Licensing

Analytical category	International & regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process (licensing / registration of persons and transactions? Competency? Duration of licences? Offence withhold information? Distinction between civilian and commercial transfers? Specifications of licence – information to be included on licence? Required documentation – end-user certificates etc?)</p>	<p><b>SADC Firearms Protocol Art. 5 (1)</b> Requires state parties to enact the necessary legislation to establish as criminal offences the illicit trafficking in firearms and ammunition.</p> <p><b>UN Firearms Protocol Art. 5 (1) (b) Art. 10 (1), (2) and (3)</b> Requires state parties to adopt legislative and other measures making the illicit trafficking in firearms illegal.</p> <p>Requires provisions catering for the international transit of firearms.</p> <p>Requires provisions for verifying the issuance of import licenses and authority for transit.</p> <p>Requires provisions outlining the specific detailed information to be included on export and import licences. These should include a minimum of:</p> <ul style="list-style-type: none"> <li>• Place and date of issuance</li> <li>• Date of expiration</li> <li>• Country of export</li> <li>• Country of import</li> <li>• Final recipient</li> <li>• Description and quantity of goods</li> <li>• Country of transit, where appropriate.</li> </ul> <p><b>UN Programme of Action Section II Art. 2, Art. 11 and Art. 12</b> Requires provisions catering for international transit of firearms. Mention should be made of the requirement for end-user certificates.</p> <p><b>Bamako Declaration Art. 3 A (iii) (vii)</b> Recommends establishing as a criminal offence the illegal trafficking of small arms and light weapons.</p> <p>Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b> <b>Art. 20</b> Power to prohibit removal of firearms and ammunition <b>(1)</b> The Minister may by order prohibit the removal of any firearms or ammunition- (a) from one place to another in [Lesotho]; or <b>(b)</b> for export from [Lesotho]; unless the removal is authorised by the Commissioner of Police and unless such other conditions as may be specified in the order are complied with. <b>(2)</b> Any such order may apply <b>(a)</b> either generally to all such removals, or to removals from and to any particular localities specified in the order; and <b>(b)</b> either to all firearms and ammunition or to firearms and ammunition of such classes and descriptions as may be so specified; and <b>(c)</b> either to all modes of conveyance or to such modes of conveyance as may be so specified: Provided that no such order shall prohibit the holder of a firearm certificate from carrying with him any firearms or ammunition authorised by the certificate to be so carried.</p>	<p>The national provisions relating to the export of firearms are not adequately developed and are simply reliant on a ministerial permit. There are no controls such as requiring an end user certificate once the firearm has been exported. There are no provisions regulating the import or transit of firearms; section 6(3) of the Internal Security Act simply states that a “carrier” is allowed, in the course of his business, to have firearms or ammunition in his possession.</p>

## Import, export and transit

### Marking

Analytical category	International & regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<p><b>SADC Firearms Protocol Art. 5 (3) (g)</b> Requires provisions for the standardised marking and identification of firearms at the time of import or export.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>SADC Firearms Protocol Art. 9 (1) and (2)</b> <b>UN Firearms Protocol Art. 8</b> <b>UN Programme of Action Section II Art. 7 and Art. 8</b> The agreements require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of import or manufacture. Such information must permit identification of country of manufacture and manufacturer. Require provision prohibiting the manufacture, stockpiling, transfer or possession of unmarked weapons.</p>		The national legislation does not conform to the international and regional agreements.

## Import, export and transit

### Restrictions

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Where, how and what? (conditions of carriage)	<p><b>UN Firearms Protocol Art. 11</b> Requires measures to detect, prevent and eliminate the theft, loss or diversion of, as well as manufacturing of and trafficking in, firearms, their parts and components and ammunition. Includes measures to enhance security and measures to increase the effectiveness of import, export and transit controls.</p>		The national legislation does not conform to the UN Firearms Protocol



## Import, export and transit

### Record keeping

Analytical category	International & regional agreements	Current national legislative controls	Conformity
What? submission to authorities?	<b>UN Programme of Action Art. 9</b> Recommends that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.		The national legislation does not conform to the international and regional agreements.

## Import, export and transit

### Special conditions

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Temporary import, export? dignitaries, diplomats, tourists?			

## Import, export and transit

### Re-export provisions

Analytical category	International & regional agreements	Current national legislative controls	Conformity

## Import, export and transit

### Offences / penalties

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<b>UN Firearms Protocol Art. 5 (1) (b + c) (2) (a - b)</b> Requires provisions relating to the illicit manufacturing and trafficking in or interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or council the commission of such offences.		The national legislation does not conform to the UN Firearms Protocol.

## Brokering

### Description of brokering controls

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<p><b>SADC Firearms Protocol Art. 5 (3) (m)</b>  <b>Bamako Declaration Art. 3 A (vii) B (iv)</b>  <b>UN Firearms Protocol Art. 15 UN Programme of Action Section II Art. 14</b>            Requires adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering, including shipping and transit agents. This should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b) and Art. 14</b>            Requires provisions relating to the illicit trafficking in firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or council the commission of such offences.            Requires adequate legislation regulating the activities of those who engage in small arms and light weapons brokering.</p>		<p>The national legislation does not conform to the international and regional agreements. There are no national provisions regulating brokering.</p>

## Brokering

### Offences / penalties

Analytical category	International & regional agreements	Current national legislative controls	Conformity

## Manufacture

### Licensing

Analytical category	International & regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process (Competency? Duration of licences? Offence withhold</p>	<p><b>SADC Firearms Protocol Art. 5 (1) and (3) (e)</b>            Requires states to enact legislation to establish as criminal offences the illicit manufacturing of firearms, ammunition and other related</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b>  <b>Art. 9 (1)</b> Subject to the provisions of this section, no person shall, by way of trade or business manufacture, sell, transfer, repair, test or prove; or <b>(b)</b> expose for sale or transfer, or have in his possession for sale, transfer, repair, test or proof;</p>	<p>The national legislation conforms to the regional and international agreements. Manufacturers and dealers are treated</p>

## Manufacture

### Licensing

Analytical category	International & regional agreements	Current national legislative controls	Conformity
information? Specifications of licence – information to be included on licence? distinction between firearm and ammunition manufacturing? limits on quantities produced?)	materials. Requires measures ensuring that proper controls are exercised over the manufacturing of firearms, ammunition and other related materials. <b>Bamako Declaration Art. 3 A (iii)</b> Recommends establishing as a criminal offence the illicit manufacturing of small arms and light weapons. <b>UN Firearms Protocol Art. 5 (1) + (2)</b> Requires state parties to adopt legislation and other measures making the illicit manufacturing of firearms and ammunition a criminal offence. <b>UN Programme of Action II Art. 3</b> Recommends establishing as a criminal offence the illegal manufacture of small arms and light weapons.	any firearm or ammunition [to which this Part applies,] unless he is registered as a firearms dealer: Provided that it shall be lawful for an auctioneer to sell by auction, expose for sale by auction and have in his possession for sale by auction any such firearm or ammunition without being registered as aforesaid, if he has obtained from the senior officer of police for the area in which the auction is held a permit for that purpose in the prescribed form and complies with the terms of the permit. <b>(2)</b> If any person contravenes the provisions of this section, or makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a permit under his section, he shall be guilty of an offence and liable on conviction to a fine not less than M1,000.00 or to imprisonment for a term not less than two years, or both <b>Art. 12 Certificate of registration</b> <b>(1)</b> The Commissioner of Police shall grant or cause to grant to any person who is registered under section 10 [as a firearms dealer] a certificate of registration. <b>(2)</b> On or before the first day of March in each year, every person for the time being registered as a firearms dealer shall- <b>(a)</b> surrender to the Commissioner of Police his certificate of registration; and <b>(b)</b> apply in the prescribed form for a new certificate of registration; and <b>(c)</b> pay a fee of two rands; and thereupon that officer shall, subject to the provisions of sub-section (3) of the last foregoing section, grant him a new certificate of registration.	in the same manner and are issued with one license.

## Manufacture

### Marking

Analytical category	International & regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<b>SADC Firearms Protocol Art. 5 (3) (g)</b> Requires provisions for the standardised marking and identification of firearms at the time of manufacture. <b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms. <b>SADC Firearms Protocol Art. 9 (1) and (2)</b> <b>UN Firearms Protocol Art. 6 (2) and 8</b> <b>UN Programme of Action Section II Art. 7</b> The agreements require specific provisions for a unique number		The national legislation does not conform to the international and regional agreements.

## Manufacture

### Marking

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.		

## Manufacture

### Record keeping

Analytical category	International & regional agreements	Current national legislative controls	Conformity
What? submission to authorities?	<p><b>SADC Firearms Protocol Art. 5 (3) (e) and 9 (1)</b> State parties are required to enact measures to ensure the proper controls are exercised over firearms manufacturing. State Parties undertake to establish agreed systems to keep proper records of firearm markings.</p> <p><b>UN Programme of Action Section II Art. 9</b> Requires ensuring that accurate records are kept for as long as possible on the manufacture of small arms and light weapons. Records should be maintained and organised to ensure accurate and prompt retrieval of information.</p> <p><b>UN Firearms Protocol Art. 7</b> Requires the maintenance of records for not less than 10 years of information in relation to firearms.</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b> <b>Art. 10</b> Registration of firearms Dealer <b>(1)</b> For the purpose of this Act, the Commissioner of Police shall keep in the prescribed form a register of firearms dealers, and subject as hereinafter provided, shall enter therein the name of any person who, having or proposing to have a place of business in his area, applies to be registered as a firearms dealer and furnishes him with the prescribed particulars: Provided that the Commissioner of Police may refuse to register an applicant if he is satisfied that the applicant can not be permitted to carry on business as a firearms dealer without danger to the public safety or to the public order.</p> <p><b>Art. 15</b> Register of transactions in firearms <b>(1)</b> Every person who by way of trade or business manufactures, sells or transfers firearms or ammunition to which this Part applies shall provide and keep a register of transactions, and shall enter or cause to be entered therein the particulars set forth in the Second Schedule <b>(2)</b> Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such person as aforesaid shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.</p>	The national legislation does not conform to the international and regional agreements. There are basic provisions for record keeping for manufacturers, however the absence of standardised agreed systems for record keeping and the absence of a requirement to maintain record for at least 10 years are not met.

## Manufacture

### Premises

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Registration of premises? conditions of storage? restrictions on	<p><b>UN Firearms Protocol Art. 11</b> Requires state parties to take appropriate measures to ensure the security of firearms, their parts and components and</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b> <b>Art. 13</b> Registration of place of business of firearms dealer. <b>(1)</b> The prescribed particulars which a person</p>	The national legislation does not conform to the UN Firearms Protocol. This national

## Manufacture

### Premises

Analytical category	International & regional agreements	Current national legislative controls	Conformity
type / location?	ammunition to prevent theft, loss and diversion at the time of manufacture.	applying to be registered as a firearms dealer under section 10 is required to furnish shall include particulars of every place of business at which he proposes to carry on business as a firearms dealer, and the Commissioner of Police shall, subject as hereinafter provided, enter in the register every such place of business.	provisions does not require that security particulars be included.

## Manufacture

### Restrictions on sale / transfer

Analytical category	International & regional agreements	Current national legislative controls	Conformity
To whom? what? conditions to be met? (documentation and reporting?)	<b>Bamako Declaration Art. 3 A. (vii)</b> Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents		The national legislation does not conform to the regional and international agreements.

## Manufacture

### Quality control / standards

Analytical category	International & regional agreements	Current national legislative controls	Conformity

## Manufacture

### Gunsmiths

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Conditions / controls relating to repair and modification (cross reference to deactivation controls)			

## Manufacture

### Offences / penalties

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<p><b>SADC Firearms Protocol Art. 5 (1)</b> Requires state parties to enact legislation and take other measures to establish as a criminal offence under national law the illicit manufacturing of firearms, ammunition and other related materials.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b> Stipulates including provisions relating to the illicit manufacturing and trafficking in or interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or council the commission of such offences.</p> <p><b>Bamako Declaration Art. 3 A (iii)</b> Requires state parties to adopt legislative and other measures to establish as a criminal offence under national law, the illicit manufacturing of small arms and light weapons.</p>		<p>The national legislation does not conform to the regional and international agreements.</p>

## Trade

### Licensing

Analytical category	International & regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process (Competency? Duration of licences? Offence withhold information? Specifications of licence – information to be included on licence? limits on quantities traded?)</p>	<p><b>SADC Firearms Protocol Art. 5 (3) (f)</b> Requires state parties to enact legislation promoting legal uniformity and minimum standards in the transfer of firearms.</p> <p><b>Bamako Declaration Art. 3 A (vii)</b> Recommends that Member States should take appropriate measures to control arms transfers by traders.</p> <p><b>UN Programme of Action II Art. 3</b> Recommends establishing as a criminal offence the illegal trade in small arms and light weapons.</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b></p> <p><b>Art. 9 (1)</b> Subject to the provisions of this section, no person shall, by way of trade or business manufacture, sell, transfer, repair, test or prove; or (b) expose for sale or transfer, or have in his possession for sale, transfer, repair, test or proof; any firearm or ammunition [to which this Part applies,] unless he is registered as a firearms dealer: Provided that it shall be lawful for an auctioneer to sell by auction, expose for sale by auction and have in his possession for sale by auction any such firearm or ammunition without being registered as aforesaid, if he has obtained from the senior officer of police for the area in which the auction is held a permit for that purpose in the prescribed form and complies with the terms of the permit.</p> <p><b>(2)</b> If any person contravenes the provisions of this section, or makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a permit under his section, he shall be guilty of an offence and liable on conviction to a fine not less than M1,000.00 or to imprisonment for a term not less than two years, or both.</p> <p><b>Art. 12</b> Certificate of registration <b>(1)</b> The Commis-</p>	<p>The national legislation conforms to the regional and international agreements. Manufacturers and dealers are treated in the same manner and are issued with one license.</p>

## Trade

### Licensing

Analytical category	International & regional agreements	Current national legislative controls	Conformity
		<p>sioner of Police shall grant or cause to grant to any person who is registered under section 10 a certificate of registration.</p> <p>(2) On or before the first day of March in each year, every person for the time being registered as a firearms dealer shall-</p> <p>(a) surrender to the Commissioner of Police his certificate of registration; and</p> <p>(b) apply in the prescribed form for a new certificate of registration; and</p> <p>(c) pay a fee of two rands;</p> <p>and thereupon that officer shall, subject to the provisions of sub-section (3) of the last foregoing section, grant him a new certificate of registration.</p>	

## Trade

### Marking

Analytical category	International & regional agreements	Current national legislative controls	Conformity
What conditions pertain?			

## Trade

### Record keeping

Analytical category	International & regional agreements	Current national legislative controls	Conformity
What? submission to authorities?	<p><b>Bamako Declaration Art. 3 (vii)</b> Recommends that member states should take appropriate measures to control arms transfers by traders.</p> <p><b>UN Firearms Protocol Art. 7</b> Requires the maintenance of records for not less than 10 years of information in relation to firearms.</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b></p> <p><b>Art. 10</b> Registration of firearms Dealer (1) For the purpose of this Act, the Commissioner of Police shall keep in the prescribed form a register of firearms dealers, and subject as hereinafter provided, shall enter therein the name of any person who, having or proposing to have a place of business in his area, applies to be registered as a firearms dealer and furnishes him with the prescribed particulars: Provided that the Commissioner of Police may refuse to register an applicant if he is satisfied that the applicant can not be permitted to carry on business as a firearms dealer without danger to the public safety or to the public order.</p> <p><b>Art. 15</b> Register of transactions in firearms (1) Every person who by way of trade or business manufactures, sells or transfers firearms or ammunition to which this Part applies shall provide and keep a register of transactions, and shall enter or cause to be entered therein the particulars set forth in the Second Schedule (2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer,</p>	<p>The national legislation does not conform to the international and regional agreements. There are basic provisions for record keeping for manufacturers, however the absence of standardised agreed systems for record keeping and the absence of a requirement to maintain record for at least 10 years are not met.</p>

## Trade

**Record keeping**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
		every such person as aforesaid shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.	

## Trade

**Premises**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Registration of premises? conditions of storage? restrictions on type / location?		<b>Internal Security (Arms and Ammunitions) Act 1966</b> <b>Art. 13</b> Registration of place of business of firearms dealer. <b>(1)</b> The prescribed particulars which a person applying to be registered as a firearms dealer under section 10 is required to furnish shall include particulars of every place of business at which he proposes to carry on business as a firearms dealer, and the Commissioner of Police shall, subject as hereinafter provided, enter in the register every such place of business.	

## Trade

**Restrictions on sale / transfer**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
To whom? what? conditions to be met? (documentation and reporting?)	<b>Bamako Declaration Art. 3 A. (vii)</b> Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents	<b>Internal Security (Arms and Ammunition) Act 1966</b> <b>Art. 21</b> Restriction on purchase and possession for firearms by young persons <b>(1)</b> No person under the age of twenty-one years shall purchase or hire any firearm or ammunition, and no person shall sell or let on hire any firearm or ammunition to any to any other person whom he knows or has reasonable ground for believing to be under the age of twenty-one years. <b>(3)</b> If any person contravenes any provision of this section, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.	



## Trade

**Quality control / standards**

Analytical category	International & regional agreements	Current national legislative controls	Conformity

## Trade

**Pawning / pledging restrictions**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<p><b>SADC Firearms Protocol Art. 5 (3) (k)</b> Stipulates the prohibition of pawning and pledging</p>		The national legislation does not conform to the SADC Firearms Protocol.

## Trade

**Transfer and possession restrictions**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Restrictions / special conditions for business purposes?			

## Trade

**Offences / penalties**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (1) (b) and 5 (2) (a) and (b)</b> Requires state parties to adopt legislative and other measures to establish as a criminal offence the illicit trafficking in firearms. Requires provisions relating to the illicit manufacturing and trafficking in or interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or council the commission of such offences.</p>		The national legislation does not conform to the UN Firearms Protocol.

## Seizure, disposal and enforcement

### **Seizure, confiscation, forfeiture**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Description of controls / provisions	<p><b>SADC Firearms Protocol Art. 5 (3) (h)</b> Requires provisions on seizure, confiscation and forfeiture to the State of all firearms, ammunition and other related materials manufactured or conveyed in transit without or in contravention of licences, permits, or written authority.</p> <p><b>UN Firearms Protocol Art. 6 (1)</b> Requires state parties to adopt measures to enable the confiscation of firearms that have been illicitly manufactured or trafficked.</p>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b></p> <p><b>Art. 36</b> Power to demand and search for firearms and ammunition</p> <p><b>(1)</b> A member of the police force may require any person whom he has reasonable cause to suspect of having a firearm, with or without ammunition, with him in a public place, or to be committing or about to commit an offence under sections 27, 29, 30 and 31 of this Act elsewhere than in a public place, to hand over the firearm and any ammunition for examination by that member and any person having a firearm or ammunition with him who fails to hand over the firearm or ammunition when required to do so under this subsection shall be liable on conviction to the penalty prescribed in section 43.</p> <p><b>(3)</b> If a member of the police force has reasonable cause to suspect that there is a firearm in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence under section 27, 29, 30 and 31 of this Act elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it to stop it.</p> <p><b>(5)</b> For the purpose of exercising the powers conferred by the foregoing provisions of this section a member of the police force may enter any place.</p> <p><b>(6)</b> A member of the police force may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under section 39 of this Act.</p> <p><b>Art. 37</b> Power to search for and dispose of firearms and ammunition</p> <p><b>1)</b> If a judicial officer is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed, he may grant a search warrant authorising any member of the police force named therein -</p> <p><b>(a)</b> to enter at any time any premises or place named in the warrant if necessary by force, and to search the premises or place and every person found therein; and</p> <p><b>(b)</b> to seize and detain any firearm or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed; and</p> <p><b>(c)</b> if the premises are those of a registered firearms dealer, to examine any books relating to the business.</p> <p><b>(3)</b> A subordinate court of the first class may, on the application of a senior officer of police, order any firearm or ammunition seized and detained by a member of the police force under this Act to be destroyed or otherwise disposed of.</p> <p><b>Art. 39 (1)</b> Where any person-</p> <p><b>(a)</b> is convicted of an offence under this Act or is convicted of any crime for which he is sentenced to imprisonment; or</p> <p><b>(b)</b> has been ordered to be subject to police supervision or to enter into a recognizance to keep</p>	<p>The national legislation conforms with the SADC and UN Protocols. These national provisions appear to provide adequately for the seizure, confiscation, forfeiture, disposal, destruction, and inspection of firearms.</p>

## Seizure, disposal and enforcement

### *Seizure, confiscation, forfeiture*

Analytical category	International & regional agreements	Current national legislative controls	Conformity
		the peace or to be of good behaviour a condition of which is that the offender shall not possess, use or carry a firearm, the court before whom he is convicted or by whom the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court may think fit, and may cancel any firearm certificate held by the person convicted.	

## Seizure, disposal and enforcement

### *Disposal and destruction*

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Description of controls / provisions	<p><b>SADC Firearms Protocol Art. 11 (1)</b>  <b>UN Programme of Action Section II Art. 16</b>  <b>UN Firearms Protocol Art. 6 (2)</b>            Specify the need for provisions to ensure the destruction of confiscated, seized or collected firearms where no other form of disposition or use has been officially sanctioned.            If firearms are destroyed or disposed of, the methods of disposal of those firearms and ammo have to be recorded.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b>            Recommends that Member States should develop and implement programmes for the identification and destruction of surplus, obsolete and seized stocks.</p>		The national legislation does not conform to the relevant international and regional agreements.

## Seizure, disposal and enforcement

### *Deactivation*

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Description of controls / provisions	<p><b>UN Firearms Protocol Art. 9</b>            Specifies the need for provisions relating to deactivated firearms and for making it an offence to reactivate previously deactivated firearms or provisions for issuing of a certificate of deactivation or the stamping of marks to that effect.</p>		The national legislation does not conform to the UN Firearms Protocol. No provision is made for the deactivation of firearms

## Seizure, disposal and enforcement

### *Inspection / enforcement*

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Description of controls / provisions	<b>SADC Firearms Protocol Art. 5 (3) (j)</b> Requires the monitoring and auditing of licences held in a person's possession.	<b>Internal Security (Arms and Ammunitions) Act 1966</b> <b>Art. 4 (5)</b> The Commissioner of Police may at any time by notice in writing vary the conditions subject to which a firearm certificate is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.	The national legislation conforms to the SADC Firearms Protocol.

## Seizure, disposal and enforcement

### *Offences / penalties*

Analytical category	International & regional agreements	Current national legislative controls	Conformity

## Arms embargoes

### *Overview*

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Relevant provisions	<b>SADC Firearms Protocol Art. 5 (2)</b> Requires specific provision to sanction the violation of UN Security Council arms embargoes. <b>Bamako Declaration Art. 3 A (vi)</b> <b>UN Programme of Action Section II Art. 15</b> Requires measures against any activity that violates UN Security Council arms embargoes.		The national legislation does not conform to the international and regional agreements. There are no national provisions that make the contravention of a UN arms embargo an offence.

## Arms embargoes

### *Offences / penalties*

Analytical category	International & regional agreements	Current national legislative controls	Conformity

## State-owned firearms

### Overview

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<p><b>UN Programme of Action Section II Art. 17</b> Requires controls relating to the management and security of state stocks including:</p> <ul style="list-style-type: none"> <li>• Appropriate locations for stockpiles</li> <li>• Physical security measures</li> <li>• Control of access to stocks</li> <li>• Inventory management and accounting control</li> <li>• Staff training</li> <li>• Security accounting and control of firearms relating to operation units</li> <li>• Controls on theft and loss.</li> </ul>	<p><b>Internal Security (Arms and Ammunitions) Act 1966</b> <b>Art. 7</b> Application of foregoing provisions to Crown servants Notwithstanding any rule of law whereunder the provisions of this Act do not bind the Crown, so much of the foregoing provisions of this Act as relates to the purchase and acquisition, but not so much thereof as relates to the possession of firearms and ammunition shall apply to persons in the service of the Crown in their capacity as such, subject however to the following modifications:- <b>(a)</b> a person in the service of the Crown duly authorised in writing in that behalf may purchase or acquire such firearms and ammunition for the public service without holding a firearm certificate; <b>(b)</b> a person in the naval, military or air service of the Crown shall, if he satisfies the Commissioner of Police on an application under section 4 that he is required to purchase or acquire such a firearm or ammunition for his own use in his capacity as such, be entitled without payment of any fee to the grant of a firearm certificate authorising the purchase or acquisition.</p>	<p>The national legislation does not conform to the UN Programme of action. The possession of firearms by persons in the service of the state is exempted from the provisions of this Act.</p> <p>With some exceptions the provisions of this Act do apply to the acquisition of a firearm.</p>

## State-owned firearms

### Possession and use by state employees

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Licensing requirements? special conditions? controls?			

## State-owned firearms

### Record keeping

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	<p><b>UN Programme of Action Section II Art. 10</b> Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons. <b>SADC Firearms Protocol Art. 8 (a)</b> Provides for the state to establish and maintain complete national inventories of firearms, ammuni-</p>		<p>The national legislation does not conform to the regional and international agreements.</p>

## State-owned firearms

### **Record keeping**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
	tion and other related materials held by security forces and other state bodies.		

## State-owned firearms

### **Storage**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Stockpile management	<p><b>SADC Firearms Protocol Art. 8 (b)</b> Stipulates the enhancement of capacity to manage and maintain secure storage of state-owned firearms.</p> <p><b>UN Programme of Action Section II Art. 17 and 18</b> Stipulates the need for provisions relating to the management, security and review of state-held stocks. These standards and procedures, inter alia, relate to: appropriate locations for stockpiles, physical security measures, control of access to stocks, inventory management and accounting control.</p>		The national legislation does not conform to the regional and international agreements.

## State-owned firearms

### **Import, export, transfer, transit**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Controls over import, export, transfer, transit (of state-owned firearms)	<p><b>UN Firearms Protocol Art. 8 (c)</b> Requires provision for the unique marking of firearms when transferred from government stocks to permanent civilian use.</p>		The national legislation does not conform to the UN Firearms Protocol.

## State-owned firearms

### **Disposal / destruction**

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Surpluses, including redundant, obsolete, seized and collected firearms in state possession	<p><b>SADC Firearms Protocol Art. 10 (1)</b>  <b>Bamako Declaration Art. 3 A (iv)</b>  <b>UN Programme of Action Section II Art. 16 and 18</b></p> <p>Provide that all confiscated, seized or collected SALW are destroyed subject to any legal constraints.</p> <p>Stipulates the need for provisions to regularly review state held stocks, to identify surpluses and have procedures in place for the responsible disposal, preferably through destruction of such surpluses.</p>		The national legislation does not conform to the UN Firearms Protocol.

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**SaferAfrica is a not-for-profit organisation that assists governments and civil society to implement agreed policy on peace and security. Its headquarters are in Pretoria, South Africa.**

**Saferworld is an independent foreign affairs think tank, based in London, UK, working to identify, develop and publicise more effective approaches to tackling and preventing armed conflicts.**

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