



**BOTSWANA COUNTRY REPORT TO THE FOURTH
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**

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VENUE: NEW YORK, USA



1.0 INTRODUCTION

- 1.1 Botswana like other countries is experiencing the problem of illicit proliferation of small arms and light weapons. The main contributory factor to the problem is the country's geographical position. Protracted liberation wars were fought in the region.

Botswana strongly supports and is committed to implementing International, Regional and Sub-Regional treaties aimed at controlling the proliferation of small arms and light weapons. This is in recognition of the dangers posed by illicit circulation of small arms in wrong hands.

- 1.2 Botswana's commitment to curb the problem of small arms is evidenced by her eagerness to participate in many of the fora tackling 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 The need for a body/ institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as called for under Article II (5) of the UNPoA cannot be over-emphasized.

2.2 It is against this background that in 2002 Botswana established an inter-agency body whose main responsibility is to monitor inter alia:

- aspects of illicit manufacture, control, trafficking, circulation, brokering and trade as well as tracing, collection and destruction of surplus and obsolete small arms and light weapons.

2.3 The committee meets 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 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 at national level.

- Liaison between states on matters relating to the implementation of the Programme of Action
- Facilitating the exchange, combating of cross border trafficking and dissemination of information pertaining to SALW.
- Ensure a sustainable implementation of the National Action Plan on SALW.
- Coordinate activities related to SALW with all stakeholders to ensure compatibility with the national objectives.

2.5 At District and Local levels we have established commissions with the same representation as that of the National Coordinating Agency. These bodies are there to oversee the implementation of the SALW national strategy.

2.6 The UNPoA is very explicit on the crucial role the civil society plays in achieving the ultimate objective of an illicit weapons free society. In this regard, the Botswana National Focal Point continues to view the Civil Society as valuable partners in the fight against illicit weapons. This is demonstrated by the enhanced membership of the civil society at both National, District and Local levels.

3.0 National Point of Contact

3.1 In accordance with Article II.5 of the Programme of Action, Botswana has designated a national point of contact to act as a liaison between states on matters relating to the implementation of the said protocol.

3.2 A decision was taken at regional level for the National Contact Point to be located under the Ministry of Justice, Defence and Security with the police as the host institution.

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3.2 The National Point of Contact liaises with other 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.

3.3 The following are some of the concrete activities that the contact point participated in / has undertaken:

- Seminar on Promoting Discussion on an Arms Trade Treaty, 10-11th December 2009, Addis Ababa, Ethiopia
- Regional meeting on the implementation of United Nations Programme of Action on Small Arms and Light Weapons, 8-9th July 2009, Kigali, Rwanda
- Botswana was part of the Regional Task Force assigned to capacitate member states in the region which have not created National SALW Strategies nor put together an interagency body responsible for controlling the proliferation of SALW.

4.0 Legislation, Regulations, Administrative Procedures

- 4.1 The bulk of controls on firearms are currently contained within the Arms and Ammunition Act of 1981, Cap 24:01. The Act is officially published in web link: <http://www.laws.gov.bw>. The Act has been subjected to regular review and the administrators are aware of the existing legal shortcomings.
- 4.2 The Act provides for effective control over the production of SALW within their jurisdiction and over the export, import, transit and retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in SALW, or their diversion to unauthorised recipients.

- 4.3 While most of the basic requirements are in place, the current legislation does not provide for marking, brokering, arms embargoes and control of state owned firearms.
- 4.4 Consequently, 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.
- 4.5 A National Policy on the Management of SALW has been drafted and has been circulated to various stakeholders for comments before it can be passed to the next stage.
- 4.6 Following approval by cabinet, a comprehensive audit of national legislation will 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 Theft, Chapter 09:04
 - Penal Code , Chapter 08:01
- 4.7 Despite the fact that the legislation in Botswana dates back to the early 1980's and requires amendments in order to fulfil all

the requirements contained in protocols aimed at controlling the proliferation of SALW the enforcement of the legislation and control of firearms in the country appears to be working well.

- 4.8 The primary focus of firearms control in Botswana is on the lawful possession and use of firearms by individuals. Applications for new firearms permits are dealt with through a quota system administered by the Arms Quota Board appointed by the Minister responsible. Every year the board determines the number of firearms that can be allowed to enter into the market.
- 4.9 The Board is responsible for regulating the importation and exportation of arms and ammunition. The Board is also mandated to assess applications filed by individuals aspiring to possess firearms.
- 4.10 After being successful in a lottery, the applicant is then screened for any previous convictions for violent crime, domestic violence convictions or hunting offences, or for contravening the Arms and Ammunition Act.
- 4.11 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 Stockpile management and Security

- 5.1 Records of stocks of SALW held by different government departments/ ministries are kept by the Central Arms Registry in exception of those belonging to the military.
- 5.2 Items held by all must have a manufacture's serial number. In addition to the manufacturers' marking, arms within the jurisdiction of Botswana are marked in such a manner that allows tracing to a particular unit within a Government department.
- 5.3 State owned SALW are kept in fully secure armouries and there are strict controls over how weapons leave the armoury. Administrative procedures are such that audit checks of the available stocks must be done regularly.
- 5.4 Disciplined forces do not routinely carry firearms. Firearms are used for specific purposes only.

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/ assurances 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 Specifically, End User Certificates (EUC), when requested, must include, as a minimum :

- The exporter's details
- The end user details
- The country of final destination

- A description of the good being imported (type, characteristics)
- The quantity and/ or value of exported goods
- An end-use and/ or non re-export clause.
- An indication of end use of the goods

6.4 The importing state/ company is expected to verify the authenticity of the EUC and verification of the ordered stock is done at entry point by the relevant authority.

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

7.0 Production

7.1 Botswana does not have the capacity to manufacture small arms and light weapons for export. However, a manufacturer's licence issued by the relevant authority is required to manufacture firearms.

7.2 The new Act will outline provisions governing production of arms in the country's territory. These include the need for manufacturers to engrave on all items internationally agreed markings, the company registered logo/name and the country code.

8.0 Brokering

- 8.1 Currently our legislation has no apparent /specific provisions governing brokering activities.
- 8.2 The mediation in or facilitation of such transfers must / should be controlled by a valid permit issued by an authorised entity, in this case the Central Arms Registry.
- 8.3 In addition to the above requirements, the envisaged amendment Act requires that a person aspiring to venture into brokering activities must satisfy the following standards.
- Must apply and be given permission to engage in such activities
 - Registered brokers must seek and obtain authority for each individual transaction, irrespective of the source and destination of SALW and/or ammunition and irrespective of whether the goods will touch the country's soil.
 - Failure to comply with the stipulated conditions will constitute an offence.

9.0 Record Keeping

- 9.1 Record keeping system, together with the marking system mentioned above contributes to the tracing of firearms.

- 9.2 The Central Arms Registry (CAR) maintains manual records of all firearms in private ownership together with those in possession of some government entities.
- 9.3 Records are kept on the following areas in accordance with the details outlined under destruction and stockpile management recommendations:
- 9.3.1 Licences
 - 9.3.2 Gunsmiths
 - 9.3.3 Brokers
 - 9.3.4 Dealers
 - 9.3.5 Manufacturers
 - 9.3.6 Theft and Loss
 - 9.3.7 Destruction
 - 9.3.8 Recoveries
 - 9.3.9 Surrenders/Forfeitures
 - 9.3.10 Deactivations
 - 9.3.11 Transfers
 - 9.3.12 State owned SALW
- 9.4 Currently, there are no time limits for keeping and destroying records with the Central Arms Registry. Records are kept indefinitely.
- 9.5 The new policy calls on records to be kept for a minimum of 10 years in hard copy and 25 years in electronic format.

9.6 Transaction Records of all sales and transfers are submitted to the Central Arms Registry every three months.

9.7 Dealers/ manufacturers going out of business are to dispose all the available stock and thereafter submit records to CAR for permanent retention.

10.0 . Marking and Tracing

10.1 Botswana strongly supports international efforts to prevent trafficking in SALW and has committed to ensuring that all arms in her jurisdiction are marked such that markings are used to identify the weapon as well as the government or companies that can assist in reconstructing its history.

10.2 In addition to the manufacturers' marking, most arms within the borders of Botswana are marked in such manner that allows tracing to a particular unit within a Government department.

10.3 All Weapons imported into the country are unambiguously marked and bear a minimum of the markings outlined in the International Tracing Instrument.

10.4 Unmarked weapons found within the country's territory are surrendered to the state without claim and destroyed accordingly.

10.5

11.0 .Collection and Disposal

11.1 Botswana strongly believes that the destruction of surplus, seized, collected and confiscated weapons and ammunition is key in reducing stock of weapons available for illicit circulation, thereby reducing the burden placed on managing large stocks and security systems.

11.2 The last destruction was done in 2006 where a total 1159 weapons were destroyed in a public ceremony in order to build public faith in disarmament and raise awareness about issues related to arms and violence. Public destruction also demonstrates that weapons collected / confiscated will never return to use nor fuel violence, whether they come from militia or citizen.

11.3 Since the last destruction, Botswana has managed to collect 1378 firearms and 19 867 ammunition from civilians and other armed government entities excluding the military.

11.4 Prior to destruction, weaponries and ammunition deemed redundant, obsolete and surpluses are kept by the Central Arms Registry which later makes arrangements for their destruction.

12.0 . Regional Cooperation

12.1 Botswana has always demonstrated her commitment to small arms issues through our unwavering participation in several

Regional and sub-regional initiatives on small arms and the United Nations Programme of Action (UNPoA) process.

- 12.2 Botswana fully and actively participates at all levels in the implementation of programmes aimed at combating and eradicating illicit trade in SALW.
- 12.3 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.
- 12.4 Botswana continues to actively participate in a number of regional and bilateral committees whose mandate ranges from combating drug trafficking, trans-national organised crime, terrorism, regional cooperation, collaboration and information sharing.
- 12.5 In addition Botswana continues to actively take part in regional initiatives aimed at controlling the spread of SALW at regional level. She took part in the drafting of the Standard Operating Procedures for the implementation of the SADC Protocol.

13.0 . Global level

13.1 Botswana signed and ratified the UN Convention on Transnational Organised Crime and the Protocols thereto, through resolution No86/2002 in December of the same year.

13.2 Botswana as one of the members of ICPO-Interpol plays an active role in exchanging information, especially information related to lost and stolen weapons discovered by the police. Interpol Priority areas include the following-

- Terrorism and Public Safety
- Drugs and Organized Crime
- Trafficking in Human Beings
- Financial and High-tech Crime
- Fugitives

13.3 The country's National Central Bureau Interpol uses the Interpol Global Police Communication System (I24/7) to submit notices, share crucial police data with other member states.

14.0 . International Cooperation

14.1 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.

15.0 Challenges

15.1 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).

16.0 Concluding Remarks

16.1 In conclusion, Botswana's plan for the coming two (2) years is to fast track the review of the Arms and Ammunition Act and also to computerise the Central Arms Registry.