

Part IV

# **RURAL INSECURITIES**



# **The impact of stock theft on human security**

## **Strategies for combating stock theft in Lesotho**

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### **INTRODUCTION**

It is time that the objectives of security policy go beyond achieving an absence of war to encompassing the pursuit of good governance, peace and security of people, crime prevention, protection of fundamental freedoms, sustainable economic development, social justice, and protection of human rights and the environment. The use of military force is a legitimate means of defence against external aggression, but it is not an acceptable instrument for conducting foreign policy and settling disputes. It recognises that states can mitigate the security dilemma and promote regional stability by adopting a defensive military doctrine. Threats to security are not limited to military challenges to state sovereignty and territorial integrity; they include abuse of human rights, economic deprivation, social injustice, and destruction of the environment.

The Southern African Development Community's (SADC) conceptual framework on peace and security recognises a new approach to human security that emphasises the security of people and non-military dimensions of security. In essence, human security means safety for people from both violent and non-violent threats. It is a condition of state characterised by freedom from pervasive threats to people's rights, their safety or even their lives.<sup>2</sup> It is about the protection of the individual by taking preventative measures to reduce vulnerability and insecurity, to minimise risk, and to take remedial action where prevention fails. This model recognises that security of states does not necessarily have the same meaning as security of people. Its philosophy is based on the principle that security is conceived as a holistic phenomenon, which is not restricted to military matters, but broadened to incorporate the security

of the individual with respect to the satisfaction of the basic needs of life. It encompasses the creation of the social, political, economic, military, environmental and cultural conditions necessary for the survival, livelihood, and dignity of the individual, including the protection of fundamental freedoms, respect for human rights, good governance, and access to education and healthcare. It is about ensuring that each individual has opportunities and choices to fulfil his or her potential. Its objects are not confined to states, but extend to different levels of society that include people, geographic region and global community.

The Lesotho stock theft project is a response to the call by SADC heads of state on civil society, academics and research institutions, and non-governmental organisations (NGOs) to engage in combating matters that threaten peace and human security in their countries. A workshop organised by the Lesotho Institute of Public Administration and Management (LIPAM), and supported by the Institute for Security Studies (ISS), was held in Maseru on 2 and 3 June 2004. At the workshop – which was attended by Civil Society Organisations (CSOs), NGOs, academics and research institutions – participants defined HIV/AIDS and stock theft as the greatest threats to human security in Lesotho. The workshop provided consensus that the major threat to human security, peace and democracy in Lesotho comes from high levels of crime, which impact negatively on the country's already fragile economy.<sup>3</sup> The problem of stock theft was considered to be one of the major threats to human security, peace and democracy in Lesotho. This chapter is an abbreviated version of a monograph published by the ISS.

## **METHODOLOGY**

The study is intended to analyse the strategies used to combat stock theft in Lesotho. Interviews were held with various stakeholders, that is, chiefs, police, army, Ministry of Agriculture officials, prosecutors, magistrates, and members of parliament. The interviews were focused on obtaining background information on the state of stock theft in Lesotho. This information was collected with a view to, among other things, identifying villages with a high incidence of stock theft (information from the chiefs); obtaining the relevant statistics on stock theft and recoveries<sup>4</sup> (from the police); and identifying border patrol areas that are serviced by the army in conjunction with the police and their counterparts in South Africa. Information on the registration and identification of stock, including grazing permits and marketing channels (from the

Ministry of Agriculture), was also important. Prosecutors and magistrates provided statistics on court cases lodged, processed and pending, and the police identified hot spots for stock theft and gave their general impressions on the issue of stock theft. This information was augmented through literature review and formed the basis for questionnaire design and development.

Themes for discussion revolved around roles and competencies in combating stock theft; the successes and challenges of countering stock theft; and recommendations for future improvements. The above process occurs within the context of existing strategies to combat stock theft.

SAMPLING TECHNIQUES

Because the study was qualitative and quantitative, purposive and biased sampling techniques were used to select areas that best reflect characteristics of stock theft in Lesotho. Subjective information and

Table 1 Sampling of districts

Level of stock theft incidence	District	Village cluster	Remarks
High	Thaba-Tseka	Sehonghong Matsoku	Highlands Highlands
	Maseru (pre-test district)	Qeme Thaba Bosiu	Lowlands (border) Foothills
	Berea	Mosalemane Menyameng	Foothills Foothills
Medium	Leribe	Mphosong Maputsoe	Foothills Border/lowlands
	Butha-Buthe	Monontsa Tsimé	Border/highlands Foothills
	Qacha’s Neck	Ramatseliso Matebeng	Border/highlands Highlands
Low	Mohale’s Hoek	Ketane Mpharane	Highlands Foothills
	Mafeteng	Van Rooyens Matelile	Border/lowlands Lowlands

experts were used to identify the research samples. The experts in this particular study are the Stock Policing (STOCKPOL) Unit of the Lesotho Mountain Police Service (LMPS).

Sampling was done in a manner that is representative of the country and covered three ecological zones, namely highlands, foothills and lowlands in the seven districts involved in the study, including areas around the border.

Relevant information on stock theft was obtained to identify hot spots in these districts. Statistical information on the incidence and recovery of stock was obtained from STOCKPOL and analysed. The districts were ranked according to the extent of stock theft. Sampling of districts was done by selecting two high-, three medium- and two low-incidence districts. This took into account the districts that have a high incidence of across-border stock theft. (The data from Maseru was omitted from the analysis, because the district was a pre-test area. Consequently information from only seven districts was used in writing the report.)

A cluster sampling strategy was used to select villages. Cluster sampling refers to subdividing the population into subgroups called clusters, then selecting a sample of clusters and randomly selecting members of the cluster. The villages were clustered according to groups of villages falling under gazetted chiefs in offices where bewys are issued.

A sample of two clusters per district was selected. A total of 315 respondents were interviewed in the seven districts, comprising a sample of 210 stockowners (including shepherds and stock theft associations, STAs), 42 chiefs (including 14 headmen), 42 police officers, 14 prosecutors, and 7 magistrates. Data was collected from directly and indirectly affected categories of respondents as follows:

- at least 15 stockowners in a cluster of villages;
- at least two chiefs with offices where bewys are issued (these were in areas serving the above stockowners);
- one headman under these chiefs;
- one station commander and one patrol officer at the police station serving the selected village clusters; and
- two prosecutors and one magistrate at the local court serving the selected village clusters.

Fifteen closed police dockets were also analysed for each of the sampled districts, using a structured docket analysis form.

Data was captured using EPI-Info and analysed using SPSS (Statistical Package for Social Sciences). Subsequently the relevant stakeholders were invited to a workshop to validate the findings, build consensus, and develop a way forward.

#### SOURCES OF DATA AND DATA-COLLECTION STRATEGIES

Pitsos were held for stockowners, shepherds, members of community policing and STAs, and closed and open-ended questionnaires were administered. Police posts, army bases, local courts, gazetted chiefs and bewys writers were selected for the administration of questionnaires. Data was collected from highlands, foothills and lowlands, as well as villages around the South African border. Separate questionnaires were developed for each category of interviewee. Most questions were open-ended to allow the respondents to air their views or give additional information. Names of respondents were not included in the questionnaire to enable them to freely express their views.

The questionnaires were designed to assess the impact of existing strategies in alleviating stock theft. These strategies involved the following:

- community policing (working with the police to exchange information);
- STAs (to exchange information with the police on stock theft);
- border patrols that included both the police and the army;
- the Stock Theft Act No 4 of 2000, which contains measures for combating stock theft. These measures include marking and registration, sale and transportation, and increased powers of search and seizure by police. Penalties for stock theft offenders are harsher.

The questionnaires were designed to assess the following:

- the extent to which stock theft has affected the livelihoods of the rural communities;
- the strengths of the existing strategies in combating stock theft;
- the reason why current strategies have not been successful;
- the causes of the lack of confidence in the police and the courts displayed by communities;
- recommendations to be made that will regain the confidence of communities in the police, courts and government; and

- strategies that will curb the problem of stock theft.

#### PROFILE OF INTERVIEWEES

##### **Stockowners**

To analyse the factors that determine the extent or impact of the problem of stock theft, stockowners were used as the first point of contact because they are the primary victims of stock theft and the people most likely to suffer insecurity as a result. Stockowners were interviewed to gather information about their perceptions of the following:

- whether stock theft has become more widespread and/or violent in the last three years;
- whether the marketing channels and uses of livestock make it easier to trade in stolen stock;
- the progress Lesotho has made in developing and implementing sound systems for combating stock theft, focusing on the community infrastructure, technical issues in the policing services and the criminal justice system, and institutional arrangements in the police, the community and the courts;
- examining the importance of the rearing of livestock to communities in Lesotho;
- the uses of livestock, how these are affected by stock theft, and how these effects impact on community cooperation, activities and initiatives;
- whether violence has escalated within communities because of stock theft and how this has impacted on community relations and the economic structures within these communities;
- the consequences of escalating stock theft on the processes of social protection and good governance, with particular emphasis on corruption and conflict;
- whether there is any harmony and linking of policy strategies so that human and financial resources are used efficiently and effectively; and
- management and leadership principles that should be emphasised in order to lead to a better partnership among stakeholders.

All these have an impact on the formulation and implementation of strategies to combat stock theft, and understanding these views, opinions and perceptions forms the context for a review of the strategies. For instance, if stock theft has become more violent, then we need to ascertain how this affects strategies such as community policing.



## **Chiefs**

Chiefs form an important part of the governance system. Their responsibility is to maintain peace, law and order in collaboration with the police. With regard to live stock rearing they are authorised to write bewys as official documents for the transfer of ownership of animals from one person to another. They have the power to arrest and hand over to the police any person who disturbs the peace or breaks the law of the land. When members of the public have apprehended lawbreakers, they hand them to the chief, who in turn passes them on to the police.

Chiefs live in the communities with the people they rule. This makes them the people closest to the communities. Thus, for issues of crime in general and stock theft in particular, they become the first authorities that people report to or seek assistance from. They are strategically placed to be effective in assisting their communities, but can be destructive if they are corrupt. They are also important stakeholders in stock rearing.

For these reasons the study devoted time to chiefs as important stakeholders. Because of their intermediary role between the community and the police, chiefs are summoned as state witnesses in most cases of stock theft and other crimes. Thus they interact regularly with the police and are well placed to give an opinion on the police.

Chiefs were interviewed to determine the following:

- the chiefs' perception of their role in combating stock theft;
- the level of crime in their areas. As the first people to whom communities report crime in villages, the chiefs are the first to know what is happening in their communities;
- strategies that communities employ against crime. As the authority that has to know and approve all legal activities in the village, the chief would know what initiatives have been taken by the community to combat crime; and
- the problems and challenges that they face as intermediaries between the police and the communities they rule. Chiefs liaise with the police in that they refer victims of stock theft to the police for assistance.

When the police go to any village or area, their first contact is with the chief, so the questionnaires tried to determine the levels of communication and cooperation between the communities and the police.

### **The Lesotho Mounted Police Service (LMPS)**

The police force is central in eliminating stock theft and protecting the citizens from criminals. In dealing with this problem the police have established a stock theft unit and implemented strategies to combat the problem. It was crucial to interview them to find out:

- how the police are managing the problem of stock theft, what structures and operations they have implemented to support the strategies, and the constraints they face in implementing the strategies, in order to have an overview of the magnitude of the problem;
- the reasons for the difficulties in reducing the level of crime and stock theft;
- the working relationship between the Criminal Justice System and the police, and the problems in working together in the process of justice;
- how the police work with the communities they protect and how the relationship between the police and the communities – in particular the chiefs – impacts on the social protection of this communities, with the emphasis on stock theft; and
- whether the allegations of corruption in the LMPS can be substantiated.

### **Prosecutors and magistrates (the Criminal Justice System)**

Magistrates, prosecutors and the police have to work together to ensure the efficient and effective administration of the judicial system. Because magistrates work closely with the prosecutors, who in turn work closely with the police, they can easily determine whether prosecutors and police are competent in dealing with stock theft cases – particularly with regard to the preparation of the case, the quality of the evidence, their knowledge of the relevant legislation, and their experience.

The magistrates are the neutral third parties appointed by the state on the recommendation of the Judicial Service Commission to decide on matters in case of a conflict. They arrive at decisions according to the principles of fairness and impartiality, while upholding constitutional and fundamental human rights. They are there to enforce the law and ensure that it is applied strictly. Their primary duty is to enforce decisions they have reached. They also decide on the questions of law and protect the judicial services.

Interviews were held to determine the following:

- the problems that hinder the efficient and effective administration of justice, particularly pertaining to stock theft;

- whether the communities' lack of confidence in the courts is justified;
- whether allegations of corruption within Lesotho's justice system can be substantiated; and
- the reasons for the slow movement of justice in Lesotho's courts, particularly in case handling, the emphasis being on periods of remand of cases.

One of the objectives of the study was to determine the efficiency of the Criminal Justice System in dealing with stock theft. In the process dockets would be researched and analysed to determine whether they are serving their purpose.

Dockets contain the following information/statements: the type of crime committed; the time and place of the crime; background information on victims and perpetrators; and previous convictions of the perpetrators. This information is used as evidence in magistrate's courts.

#### **SOCIO-ECONOMIC OVERVIEW OF LESOTHO**

To conceptualise the importance of the study on stock theft and its impact on human security, one has to take cognisance of the social and economic structures of Lesotho.

Lesotho is a predominantly mountainous country, with an average altitude of more than 1,600 metres above sea level. It covers about 30,350 square kilometres and has limited natural resources. One quarter of the land is lowland and the remainder foothills and highlands. Although it remains one of the least developed countries, it has achieved a real annual average gross domestic product (GDP) growth rate of 4.2% between 1980 and 2002 and the national economy has now reached M7.5 billion (approximately US\$1 billion).<sup>5</sup> Lesotho has a population of 2.2 million growing at an average of 2.4% per annum, and the literate but largely unskilled labour force represents the main national resource.<sup>6</sup> It is entirely landlocked within the territory of the Republic of South Africa (RSA) and its economic development centres on its membership and participation in activities of the Southern African Customs Union (SACU), the Common Monetary Area (CMA) and the Southern African Development Community (SADC).

#### **DISTRIBUTION OF LIVESTOCK**

In developing programmes to assist the poor, cognisance must be taken that the proportion of households that own livestock is declining

(between 1993 and 1999 cattle ownership fell from 48% to 39% while ownership of sheep and goats fell from 32% to 26%).<sup>7</sup> The average number owned is low (1.43 for cattle and 3.96 for small stock) with very limited variation across income quintiles. However, a small percentage of rich households own large herds. These wealthier members of the community are able to benefit more from the communal resource than those who do not own any livestock. In the early 1990s an attempt was made to introduce locally managed grazing fees, which would have resulted in livestock owners effectively paying their communities for the use of range land, but this failed owing to lack of popular support and the absence of proper implementation structures. The issue of unequal access to natural resources remains, and it is necessary to work towards consensus with the various stakeholders about the way forward.

#### CONSUMPTION PATTERNS OF STOCK

It is estimated that household slaughtering accounts for 2%, 5% and 4% for cattle, sheep and goats respectively, which explains the varying decline in the levels of cattle, sheep and goats.<sup>8</sup> Current slaughter trends are likely to vary, but do indicate higher percentages owing to increasing deaths from the HIV/AIDS pandemic. This is substantiated by the traditional practice of slaughtering animals in the event of deaths or for funeral ceremonies. With the proliferating increase in statistics of death related to the HIV and AIDS pandemic, we are observing a sharp decrease in the accumulation of stock as a result of increasing slaughter rates. Furthermore, cattle are used for lobola (payment for a bride), payment of school fees, and festive celebrations. Stockowners sell their stock to meet these obligations. For an ordinary Mosotho, stock is his or her finance bank.

Livestock production contributes to the economic development in Lesotho in many ways. Animals are:

- a source of barter for other commodities;
- a source of food;
- a source of household fuel, particularly in rural areas;
- a source of draught power and transport; and
- a readily marketable asset for meeting household financial needs.

The formal marketing channels, which were supported extensively, are in the process of being privatised. Livestock owners sell directly to traders,

Table 2 Livestock census, 2000/01<sup>9</sup>

District	Cattle	Sheep	Goats	Pigs	Horses	Donkeys	TOTAL
Butha-Buthe	39,065	59,945	41,645	5,140	4,325	11,510	161,630
Leribe	129,875	108,450	119,500	21,625	16,625	30,750	426,825
Berea	86,625	60,250	37,875	29,250	5,625	26,250	245,875
Maseru	128,125	153,700	88,875	35,000	16,875	28,250	450,825
Mafeteng	79,894	138,564	55,938	14,750	6,313	22,688	318,147
Mohale's Hoek	55,750	86,645	150,750	14,125	10,125	17,375	334,770
Quthing	43,500	99,375	96,125	8,250	6,750	7,625	261,625
Qacha's Neck	22,675	52,200	14,800	2,800	3,975	4,500	100,950
Mokhotlong	43,875	165,125	72,250	0	8,875	11,000	301,125
Thaba-Tseka	80,500	192,375	152,500	4,125	17,250	2,000	448,750
TOTAL	709,884	1,116,629	830,258	135,065	96,738	161,948	3,050,522

butchers and individual buyers. Currently 15 auction sites are organised by Livestock Produce and Marketing Services (LPMS). These auctions are experiencing less and less support from buyers and sellers in favour of informal channels.<sup>10</sup> Most stockowners are not commercial operators. Animals on the hoof are regarded as live wealth which owners are loath to part with. Stockowners do not plan their sales and sell only when there is an urgent need for cash, such as for paying school fees. Recently, informal channels seem to attract stock thieves, as owners are willing to part urgently with stock and readily accept the buyer's price.

#### SOCIO-ECONOMIC ASPECTS

Livestock production is one of the economically viable and sustainable sectors in the agricultural industry. This is primarily because of the favourable topography and climate, which renders Lesotho free of major epizootic diseases. According to livestock census figures published in 2001 there were 3,050,522 animals in Lesotho in 2000/01.

In cases of theft, the livestock owner loses all the economic values of livestock and is left destitute. This affects the entire household, the community and the country. In Lesotho syndicates from both sides of the

border often steal animals at gunpoint, thus the risk of keeping livestock has become unacceptably high. In addition, it is becoming increasingly attractive to exchange stolen livestock for guns, vehicles and drugs.<sup>11</sup> This form of barter system has detrimental effects on the socioeconomic development of the nation. There is increasing suspicion and mistrust among stockowners. Also, violence has escalated within villages because community members do not know who the thieves are, who harbours them, and who their informants are.<sup>12</sup> Bribery and corruption impede justice and the recovery of stolen animals.

#### MAGNITUDE OF THE PROBLEM OF STOCK THEFT

Stock theft has become a national crisis in Lesotho. The Bureau of Statistics<sup>13</sup> estimated that there were 580,000 cattle, 1,132,000 sheep, 749,000 goats, 98,000 horses and 163,000 donkeys in Lesotho in 1998/99. Cattle numbers have remained stable, while sheep have declined significantly in the same period. The primary reason for the decline of livestock has been quoted as stock theft. This has also adversely affected wool yields from 2.9 kg to 2.4 kg per sheep as stockowners disinvest in the livestock sector.<sup>14</sup>

According to the National Livestock Development Study Phase 1 report of March 1999, stock theft has reached epidemic proportions throughout Lesotho. However, there has been a decline in stock theft since 2001. Table 2 represents the incidence of stock theft and recoveries between 2000 and 2004. The average recovery of livestock is 38%.

According to the study conducted by Kynoch et al<sup>15</sup> the fundamental cause of stock theft is poverty. The distribution of income is biased against most of the rural population. This situation has been aggravated by the reduction in agricultural productivity and high unemployment. The rate of unemployment has been increased by the retrenchment of Basotho mineworkers in South Africa. While the Lesotho government hoped

Table 3 Summary of livestock stolen and recovered, 2000–2004<sup>16</sup>

	Number of animals stolen	Number of animals recovered	% Recovery
2000/01	33,950	11,150	33
2001/02	30,105	11,074	36
2002/03	26,678	13,369	50
2003/04	18,442	7,847	43
TOTAL	109,268	41,862	38

that the Lesotho Highlands Water Project (LHWP) would offset the retrenchment of mineworkers, Phase II of the project – which employed a lot of manual labour from the ranks of the retrenched mineworkers – has been scrapped. In essence this means that agriculture remains the primary means of livelihood for rural communities in Lesotho.

For these reasons, among others, escalating stock theft presents a challenge to the consolidation of the fragile democracy in the kingdom. Stock theft impoverishes people and causes conflicts within and between villages, which in turn threatens stability and efforts to achieve the long-term National Vision 2020.<sup>17</sup>

#### STOCK THEFT NATIONALLY AND REGIONALLY

The incidence of stock theft is serious in Lesotho and the rest of the SADC sub-region. In 1999, the Council of Ministers agreed that all member states should embark on sound livestock identification, trace-back and information systems. Subsequently Lesotho conducted a feasibility study on the National Livestock Registration, Marking and Information systems in 1999. Lesotho is at a disadvantage compared to South Africa, Botswana, Namibia and Zimbabwe, which have already developed and implemented sound systems for combating stock theft.

Lesotho is currently implementing a livestock registration, marking and information system with a view to curbing and managing stock theft within and across its borders. The Ministry of Agriculture is currently procuring equipment and supplies as a follow-up to the Stock Theft Act of 2000. The provisions of the Act are being implemented as the registration comes into effect. It is hoped that there will be a significant reduction in theft, increased recoveries, arrests, and sentencing of offenders.

#### ECONOMIC AND SOCIAL IMPACTS OF STOCK THEFT

Communities perceive stock theft as a significant cause of poverty which is also limiting the growth of herds. Although the reduction of herds allows some recovery of range lands in certain places, this is of little consolation to those households who have lost their livelihoods overnight. Some members of communities demonstrate how they have been cast into poverty and hunger through stock theft. Descriptions of the thefts suggest high levels of organisation implying that the thieves are fully resourced with sound financial and asset backing (in some cases trucks were involved in moving the animals). Moreover, there is

a strong perception that some police, chiefs, officials and businessmen are involved in these criminal networks. In border areas, there are clear indications of the international dimensions to stock theft that will need to be addressed if any progress is to be made.<sup>18</sup>

Donkeys and horses are no longer readily lent for transportation to those who do not have animals. Furthermore, some farmers who do not have animals are unable to plough their fields. Women generally prefer to sell stock to secure scarce resources and meet their basic needs rather than keep the animals for thieves and invite possible injuries or death. Spouses engage in serious conflicts over the sale and retention of stock.

Cow dung is used for fuel in the rural areas and stock theft has resulted in households resorting to wood for fire. It is not uncommon for women to spend up to six hours a day collecting firewood, in addition to other duties. Deforestation has caused major soil erosion problems.

Studies indicate that the economic status of about 90% of households in rural areas has been negatively affected by stock theft. There are reports of the entire wealth and livelihood of a household being wiped out in one stock theft operation. This has resulted in loss of income from the sale of milk, animals, wool, mohair and hides.

Grazing patterns have been affected by stock theft. Animals have been removed from grazing areas around the borders to the hinterland, where high stock densities have resulted in the poor condition of animals and severe land degradation.

#### IMPACT ON CROSS-BORDER, INTER- AND INTRA-VILLAGE RELATIONS

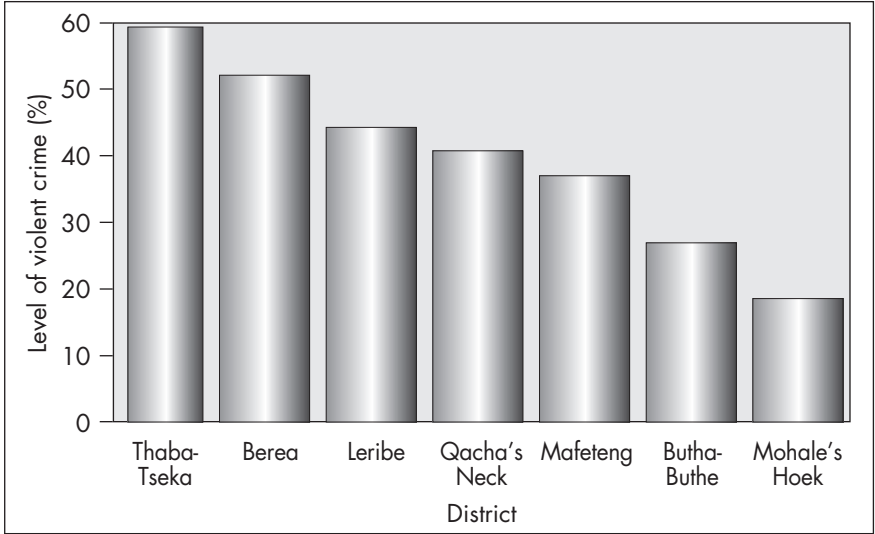
Cross-border stock theft has resulted in high levels of violence, causing injuries and death. The Kroon Report<sup>19</sup> equates the situation to a regional disaster. Shepherds experience high levels of victimisation, particularly in cattle posts. Thieves often cannot distinguish stockowners from non-stockowners and terrorise the whole village. They steal animals, rape women, loot homes, and kill villagers indiscriminately. This has resulted in a number of villages being abandoned.<sup>20</sup>

There is also suspicion and mistrust among villagers. One village suspects that the other village helps thieves to steal animals. People are no longer free to visit other villages. Any unknown person is regarded with suspicion.<sup>21</sup>

Stock theft has affected relations within villages on a number of different levels. The level of mistrust among villagers has reportedly



Figure 1 Level of violent crime per district



increased. This mistrust is not targeted at any neighbour in particular, but manifests itself in underlying tensions among villagers.<sup>22</sup> People are afraid to quarrel with neighbours because of the suspicion that if quarrels break out, animals may be lost. Neighbours are discouraged from having unfamiliar visitors, as they are viewed with suspicion.

CURRENT TRENDS IN STOCK THEFT

Stock theft has become more organised and violent. Studies conducted by Kynoch et al indicate that stock theft syndicates transport animals from one village to another and eventually to local butcheries and market outlets in South Africa.<sup>23</sup> Stolen animals can be transported easily within Lesotho's rugged terrain and readily exchanged for cash, dagga and guns. This renders stock theft a lucrative venture.

Stockowners reported that they were vulnerable and could not protect themselves against thieves armed with guns. This vulnerability is conducive to vigilantism and is the primary reason for increased violent conflict in villages. For instance, when asked what the government could do to make their villages safer, respondents gave answers that ranged from "Allow us to kill thieves" and "Give us authority to kill perpetrators" to "We should be given guns". These are all signs of the desperation of people whose lives are threatened every day.

Cattle are stolen more frequently than other animals, possibly because more people own cattle. Sheep are stolen in larger numbers because they are owned in larger numbers than any other stock.<sup>24</sup> The study shows that between January and December 2002 and January 2003 to January 2005 there was a decrease of 3.6% in cattle stolen, from 33.1% to 29.5%. There was also a decrease in the theft of donkeys in these two periods from 10.1% to 5.1%. The decline in stolen cattle may be because cattle are harder to sell, and would-be buyers do not have between R1,200.00 (US\$200.00) and R5,000.00 (US\$834.00) in ready cash, which is the going price of cattle (as shown by the data). Sheep are a much better deal for stock thieves as they are found in larger numbers, and are easier to sell informally since they are cheaper and cost R250.00 to R400.00. This means more people can afford them.

Most animals are stolen from village kraals and from cattle posts, where only shepherds guard them.

Most stock thieves are armed; therefore, in most cases attempts by stockowners to trace and recover animals on their own have been futile and risky.

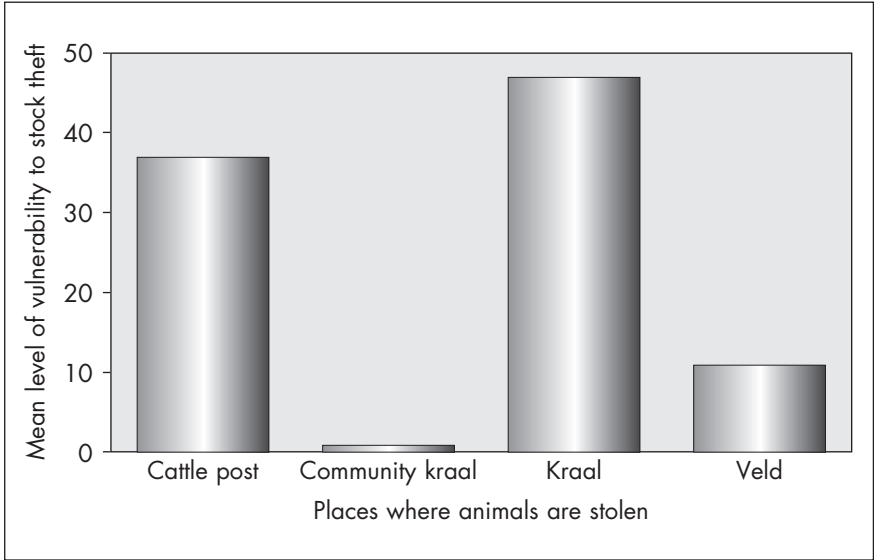
#### CORRUPTION

Members of the community are of the view that the police and the army orchestrate stock theft operations and that they are involved in registering, transporting and marketing stolen animals. Some farmers across the border hire thieves and buy stolen animals. Unemployed youth and retrenched miners are often used for this purpose. Some chiefs contribute to the problem in various ways, from turning a blind eye to stolen animals in their villages to protecting and harbouring thieves and providing false documentation for stolen stock.

#### SLOW PROSECUTION

Closely related to the issue of corruption is the tedious and slow prosecution process. The police are experiencing serious problems and cannot respond promptly to crimes. They take too long to investigate thoroughly and consequently there is a delay in handing dockets over for prosecution. There are huge backlogs and suspects either have to remain in custody for a long time before they start serving their actual prison term or are acquitted. This worsens the problem of prison overcrowding. Many suspects lose their means of livelihood and are more likely to

Figure 2 Area levels of vulnerability to stock theft



turn to crime as an alternative. Thus families are negatively affected psychologically, economically and socially.

INEFFICIENCY OF THE COURTS IN ATTENDING TO STOCK THEFT CASES

Stock theft cases require great expertise. This pool of expertise can be harnessed from High Court judges, but the fundamental problem with the distribution of judicial services in Lesotho is that the High Court is centralised and that there are not enough judges to attend to cases timeously. On the other hand, the lower courts are subject to hierarchy, are understaffed, lack expertise, or are under-resourced, with inadequate rooms for operations. More often than not, the courts lack facilities for the safe storage of exhibits and valuable evidence is lost or misplaced. There is no modern case record management mechanism in place and cases often drag on for years. Often witnesses, victims, perpetrators and their relatives have to attend courts for lengthy periods of time. People want speedy delivery of justice: if they have to wait too long for this to happen, they lose confidence in the judicial system. Quite often they take the law into their own hands which has at times led to feuds, killings and destruction of property, leaving countless families destitute.

## CURRENT INTERVENTIONS ON STOCK THEFT

A number of strategies and systems have been developed in Lesotho to combat stock theft, but with very little success. These strategies and systems were developed and spearheaded by the police authorities, and were called “Local partnership: A practical guide to crime prevention”. These guides incorporated the approaches for dealing with crime in the communities.

The interventions are set against the background that it is not the sole responsibility of the police to tackle crime since crime affects everyone, at individual and community level. “Current interventions on stock theft” identifies the need for the public to help authorities to combat crime, and indeed, a working partnership can reduce fear of crime and improve community safety, thereby producing excellent results.

These initiatives date back as far as 1993 with the establishment of crime prevention committees. The general interventions document describes what works in crime prevention and how to make it work by operating in partnership. This was followed by approaches to crime prevention in general and is designed to orient those who are to promote a partnership approach to crime prevention in the community.

Current partnership approaches and interventions include:

- review of the legislation and introduction of the Stock Theft Act 2000, as amended;
- community-police cooperation through establishment of crime prevention committees; and
- patrols by the army or the police and joint patrols.

The rigorous role set for communities in the intervention strategies discussed below demonstrates that the role of the state has been widened to include all of society, not only the policy makers. A secure environment is not created by the state through security officers, but duty is also vested in the members of the community to assist authorities. The structure of the current intervening units is such that they have a tripartite nature involving the state (policies), community members and the state authorities (the courts of law, army officials or police officers).

In the context of stock theft and related crimes, partnerships are forged and a crime profile drawn up to devise an operational plan for addressing the areas of greatest need. The validity of the programme lies in that it details the way in which actions are implemented and evaluated

for success and failure. This recognises that the partnership approach is a consulting agency that reviews policies and practices and evaluates the situation in the described areas. The steps are:

- considering the operational plan;
- prioritising the problem of stock theft;
- developing options for dealing with the matter;
- appraising options to choose the most suitable;
- preparing an operational plan based on the selected option; and
- having the task force implement the plan.

At the end of each year since its implementation, an evaluation committee has reviewed the programme and pinpointed strengths and challenges, if any, as well as the need for work plan adjustments. This initiative recognises that stock theft is not limited to theft of property. Its philosophy is that theft is not restricted to crimes involving moveable property, but includes crimes that threaten the security of individuals, including threats to their social and economic well-being, their health and safety, and their fundamental freedoms and self-determination. Government and security officials should therefore pay great attention to the implementation of these interventions. The implementation of interventions in stock theft will demonstrate a clear commitment by government to address the administration of justice in order to promote the peace and security of individuals in communities.

#### COMMUNITY POLICING

Some members of the community hold regular meetings to develop strategies for combating crime. They patrol their villages at night. The idea of community policing stems from the concept of social crime prevention. It is a strategy that focuses on combating and preventing crime through the Criminal Justice System as well as community agencies. Community policing is a response to a social need for the protection of lives while reducing the incidence of crime. Ascription and membership are built by community chiefs who nominate teams of trustees to join these programmes. Professionalism is guaranteed through training provided by police officers. Activities in community policing aim at reducing, deterring or preventing the occurrence of specific crimes. It seems that communities are taking responsibility for their own protection and are becoming involved in neighbourhood watches and anti-crime

associations and committees. A total of 61.6% of respondents said that an organisation or group (other than the police) provided protection against crime in their communities. Of this number, 54.5% said the organisation was a volunteer group, and of these, 36.9% admitted that they paid a fee for their services.

The Lesotho Mounted Police Services (LMPS) are influencing this line of thinking by prioritising crime prevention through targeted visible policing, enhancing cooperation with external roleplayers such as local authorities and crime prevention committees, and building partnerships that will address the root causes of stock theft.

The government has a major stake in this endeavour and is focusing on:

- researching and developing accessible sources of information;
- developing policies and programmes for social crime prevention;
- coordinating the delivery of social crime prevention programmes;
- developing programmes based on research that try to deal with the economic causes of stock theft as a crime; and
- monitoring the effectiveness of social crime prevention programmes.

Local government structures implement government policies that are already in place. This initiative will help to set joint crime prevention priorities and agreeing on strategies to ensure their implementation. The local government structures will help to identify flashpoints, crime patterns and community anti-crime priorities and communicate these to the police and the local authorities who would participate in problem-solving activities. The mobilisation of resources and organisation of community campaigns are important to make sure that approaches to stock theft prevention are understood. Conventionally, the most effective way of dealing with crime is through the Criminal Justice System, which focuses on punishing and rehabilitating the offender. Using many different ways ultimately requires the involvement of the community and multiple stakeholders in order to think and work creatively. In community policing the role of the police officer is that of a peace officer rather than a law enforcement officer on crime patrol. In community policing the police not only enforce the law, but also prevent crime, promote public order, resolve conflict, enhance police community relations and render general assistance to the public. This improves communication and helps to combat this crime in partnership with those who are greatly affected.

## STOCK THEFT ASSOCIATIONS / CRIME PREVENTION COMMITTEES

The primary tasks of these associations are to search for stolen animals and to investigate issues related to stock theft and hand over thieves to the police. They also hold regular meetings to discuss strategies for reducing stock theft and patrol the villages at night to guard against theft. Membership fees are paid to defray expenses incurred in their operations. This study shows that collaboration of stock theft associations from neighbouring villages increases the recovery of stolen animals. However, these associations are sometimes rendered ineffective by thieves who join them. In some instances, stock theft associations cease to operate because of clashes with police and murder of members by armed thieves.

The police authorities initiate this project to encourage communities to establish community kraals closer to grazing posts. This is intended for group members of the community so that they can be given firearms, where necessary, or an army officer or police official can be deployed at each grazing post or community kraal for protection. The process of implementing these approaches to crime prevention is under way. Cognisance must be taken that the primary role of these committees is to report to the authorities where they suspect offences are imminent. As per Section 26 of the Criminal Procedure and Evidence Act of 1981, like all other citizens, members of these committees are empowered to arrest and apprehend suspects, with immediate follow-up action to be taken by the police authorities.

## POLICE PATROLS

Police patrols are based on the Police Act, which prescribes the primary role of the police authorities as protecting the property and lives of all citizens. Stock theft is property theft and citizens must be protected. The Stock Theft Unit of the LMPS is responsible for managing and reducing stock theft. However, patrols are not carried out regularly, possibly because of a lack of human and material resources, and it is safe to say that these initiatives are not so successful, owing to the lack of adequate resources.

Of the police respondents, 43% indicated that their most critical constraints with regard to combating stock theft are a shortage of resources: clothing, storage units, patrol rations, helicopters, bullet-proof vests, sleeping bags and vehicles. For example, 73% said their police stations do not have secure exhibit storage, whereas 26% said that they did. Moreover, 70% said that they do not have 4x4 vehicles, whereas 30% confirmed that they had. There are plenty of horses (85% indicated that they have horses) and they are used mostly in mountainous areas.

The police often reach the crime scene long after the thieves have gone. Stock theft from cattle posts are reported to the villages and subsequently to the police. Distances and poor communication prohibit timely response. The credibility of the Lesotho police is weakened by their inability to deal effectively with South African raiders. The police are sometimes out-gunned by thieves from South Africa. Patrols attempt to reduce crime related to stock theft, including robbery, murder and rape. They are visible at all points of the beat area, especially in giving directions to passers-by. Primarily they demonstrate the importance the authorities have attached to community policing and forge good relations with the community.

Police patrols work in consultation with community policing in the beat areas. This usually necessitates arrest and apprehension of suspects and offenders.

The intervention of police patrols has a substantial impact on the trends of stock theft and related crimes, negative and positive.

- At one end of the spectrum, transport shortages hit these initiatives negatively. This is witnessed on rainy days or when patrols need to be carried out in remote areas inaccessible by road. But the services need to go on as offenders usually take advantage of the situation.
- Lack of communication aids such as portable radios means that helpful information is received late or patrols are late in reaching the scene of the crime. The patrols therefore seem to be unprofessional.
- Lack of arms and ammunition has a serious impact on patrols, especially where serious crimes have been committed. Police personnel are unable to apply self-defence and safety precautions.

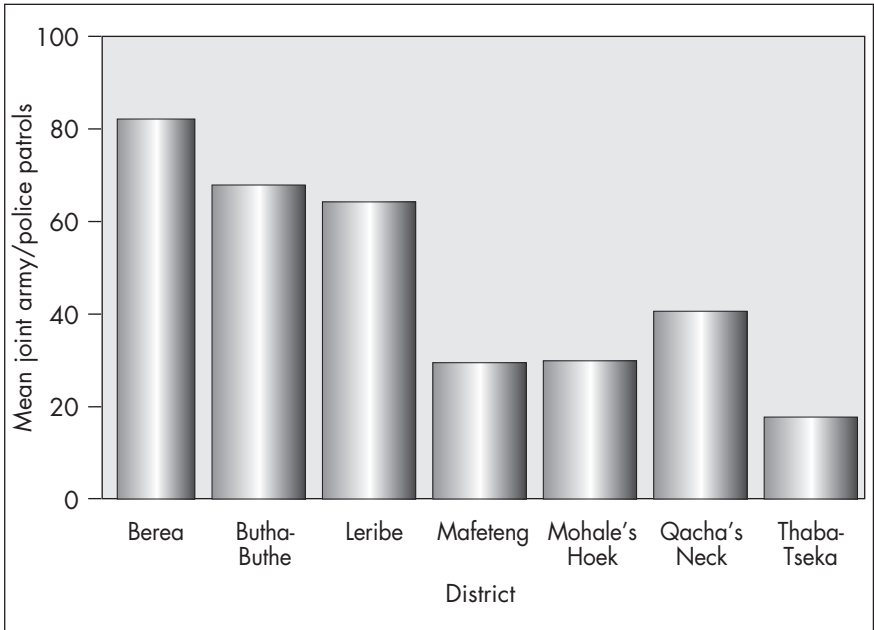
Despite these difficulties, patrols in beat areas are usually carried out for 24 hours with armed men in uniform deployed at each strategic area. Each point is given a portable radio to facilitate communication. All things being equal, the beat crews are supposed to be checked regularly by a sergeant on patrol, but in some cases this is impossible owing to the above constraints.

#### JOINT POLICE/ARMY PATROLS

The purpose and importance of police patrols also applies to army patrols. Army patrols are responsible for controlling illegal cross-border



Figure 3 Levels of joint army/police patrols by district



movements. In most cases they play a key role in protecting communities from cross-border attacks. Villagers have applauded their presence because they are a deterrent to raiders. Of the respondents who had had army patrols in their areas, 79% indicated that joint patrols had reduced crime. The following reasons were given:

- Reports of crimes go down while the patrol is taking place (73.4%).
- People stop moving around at night during these patrols (10.9%).
- People know that the army/police are serious about cracking down on crime (7.8%).
- Stolen stock is recovered (2%).

The distinguishing factor in the two patrols above is that the army has always had a attitude that brings fear to the perpetrators; hence army patrols sometimes appear to be more successful than the police. It should be noted that when they did not achieve their objective, it was primarily because of leakage of information when members of the community with inside information alert the offenders that patrols will be undertaken.

## COURTS

Courts are responsible for the administration of justice; however, their role may sometimes be challenged by the lack of human and material resources. In most districts there are only two prosecutors and one magistrate. When one considers the incidence of stock theft, it becomes clear that three administrators of justice will find it difficult to handle the resultant workload. Thus understaffing is a major concern.

Certain other factors influence the performance of the courts, including the judicial structure and the line of responsibility of the courts.

Current legislation designates subordinate courts / magistrate's courts as the courts of first instance in the handling of stock theft matters. However, owing to the way in which investigating authorities handle the cases, stock theft cases are often dismissed on the grounds of insufficient evidence. Investigating authorities often use methods of investigation that are not acceptable, and as a result the evidence is usually discarded in the formal courts of law as circumstantial. Traditional courts, on the other hand, accept circumstantial evidence, so stock theft cases may ultimately be heard in these courts. Thus traditional courts have become the preferred forum for dealing with stock theft matters, although they do not have statutory authority to hear these cases.

## STOCK THEFT ACT NO 4 OF 2000

The purpose of the Act is to combat the theft of stock. It provides for compulsory national registration and marking of stock to curb theft. It encourages farmers to invest in livestock, improve the quality of their herds, and implement national livestock tracking numbers for better range-land management and animal health planning programmes.

The definitions in the Act subsume the wrongful taking, retention, and disposition of the property of another with the intention of depriving the owner of it permanently. If this is accompanied by violence or use of force, it becomes robbery. The practical interpretation of these definitions seems to be that receiving stock in the knowledge that it has been stolen constitutes theft; similarly accepting the meat of animals that the recipient knows to have been stolen constitutes wrongful conduct.

The above interpretation clearly constitutes ordinary theft. But punishments in Section 8 read in conjunction with Section 13 are disproportionate to the jurisdiction to try matters placed in the magistrate's courts. According to Section 16 of the Laws of Lerotoli, the actions that are related to stock theft are treated as common theft.

Nowadays disposition, retention and permanent deprivation connotes intention to steal, and this applies to the related offence of stock theft, though certain elements may vary slightly. For these variations, the Stock Theft Act of 2000 places the jurisdiction to hear such matters in the magistrate's courts, but these are far from the remote areas where this crime seems to be high, and only traditional authorities exist there. A lot of petty decision work has to be administrated by magistrates, although traditional courts could handle these matters. The Criminal Justice System has therefore become overloaded with stock theft cases from the hinterland.

Stock theft is defined as violations of Section 8 and Section 13, which include

- making a false statement in a bewys;<sup>25</sup>
- disposal without a bewys or with a bewys that does not state the particulars of stock;
- inciting, hiring, abetting, directing, tampering with, altering, forging and making additions to a bewys;
- falsely declaring stock or produce;
- conveying without a bewys;
- conveying, delivering or accepting stock at night; and
- threatening or using violence to take stock.

Current trends in the implementation of this law show that borrowing without the intention of retaining permanently does not constitute theft (*Makalakaqa vs Ramatseku JC 54*).

It is difficult to establish the truth of the matter, however. In addition, when stock stray and attempts to restore them to the rightful owner are unsuccessful, this constitutes a strict liability case. From this perspective apparent stock theft can be defended if it can be proved, for example, that one was the agent of someone else. The court may impose a fine or imprisonment or both.

The Act itself prescribes a scale of fines and periods of imprisonment for offences under Section 13. If the prosecution cannot dispute that stock was lost and kept without the intention of restoring the animals to their rightful owner, this constitutes misappropriation, which is an offence; but if it is reported, it may be restored to the rightful owner without imprisonment or fine. The Act was intended to punish stock theft and related crimes stringently, but seems to be sabotaged by procedural inconsistencies and inapplicability in practice. The penalties prescribed

in Section 13 cannot be operational as this theft occurs among ordinary people. It is also strange that we administer this legislation together with the traditional laws of punishment, thus confusing the law enforcers.

However, the stock theft legislation under which the accused is normally charged prescribes minimum penalties that exceed the magistrate's penal jurisdiction. In many cases, magistrates decide to invoke the provisions of Section 293 (1) of the Criminal Law and Evidence Act No 7 of 1981, which commit such case to the High Court for sentencing. The penalties prescribed in the Stock Theft Act indicate that magistrate's courts do not have the necessary penal jurisdiction and consequently do not have sufficient power to try stock theft cases. Stock theft matters are therefore reviewed in the High Court. In protection of humanity, magistrate courts give proportionate sentences that compensate for the lack of legal training and invest the courts with the necessary institutional legitimacy. The sentences spelled by the Stock Theft Act are outrageous to the ordinary Mosotho and are likely to evoke public scorn and anger and bring the administration of justice into disrepute. It appears that the increased penal jurisdiction of central and local courts is not tenable. But stock theft cases must be heard and determined. As stated, the penalties prescribed under Section 13 are grossly disproportionate, with no regard for the ability to pay the fines. A period of 25 years is excessive, even for a crime of violence. Penalties laid down by Section 13 therefore conflict with the provisions of Section 8 (1) of the constitution. The Act thus is at variance with other legal instruments in stipulating what is appropriate for enforcing the law. Human rights must be considered but the enjoyment of these rights should not prejudice other rights and freedoms. Section 13 is likely to nullify most of the trials in stock theft and proceedings will be set aside.

## **CONCLUSION**

The following observations are critical in summarising the stock theft situation in Lesotho.

### DYNAMICS OF STOCK THEFT

- *Stock theft is on the increase, and so is related violence:* Violence related to stock theft is perpetrated not only by thieves, but by community members against suspected thieves. Violence is bound to increase as more community members call for arms in order to defend themselves. Therefore there is a need for the state machinery and civil society to

work together in order to address the security system and the poor administration of the Criminal Justice System.

- *Unemployment is the leading cause of stock theft:* Stock theft is committed by unemployed young men, not because they are poor and have nothing to eat, but because they do not have much to do. Their pride as the traditional providers for their families is being eroded as they are not able to obtain jobs and the number of animals that was traditionally used as a measure of their status is on the decline. Consequently they try to regain their status through stock theft.
- *The marketing channels of stock make it easier to trade in stolen stock:* Most of the stock in Lesotho is sold to individuals for use in funerals, wedding celebrations, and other communal celebrations. It is customary to buy animals to be butchered informally. With the increase in demand engendered by funerals, more stock for butchering is bought without the necessary documentation and stolen stock is cheaper. Documentation is only required when the animals are to be kept.
- *Most stolen stock is herded into inhospitable terrain to make it more difficult to track:* Stock in Lesotho is primarily herded, and the inhospitable terrain makes it impossible for police to track animals, even with off-road vehicles.
- *Religious beliefs have an impact on the responses of communities to crime:* Most stockowners seem to depend on prayer when it comes to crime.

#### SOCIO-ECONOMIC IMPACT OF STOCK THEFT

- *Loss of mobility as animals are used for transport:* Over 70% of the respondents rely on animals for transport, either for pulling carts or for riding. Community members are unable to travel any distance when their main form of transport is taken away from them. Lack of road infrastructure means animals remain the most important form of transport for the Basotho. Animals are also the cheapest form of transport for disadvantaged communities.
- *Loss of earnings:* Sheep and goats are stolen in larger numbers. These animals provide earnings not only when they are sold, but also from sales of wool and mohair. Cattle are stolen most frequently, and this

entails a huge loss of earnings for stockowners. Cattle sell for between M1,200 and M5,000. Even when the cattle are used by the family, money can be earned from the sale of the leather.

- *Loss of lives:* The escalating violence related to stock theft is causing more deaths; usually of young men, who are not only the primary providers for their families, but also the protectors.
- *Decreasing levels of education:* More and more children are leaving school early because parents are unable to pay for their schooling.

#### STOCK THEFT INTERVENTIONS

- *The roles of the different stakeholders are not clear with regard to stock theft issues:* The roles of the police and the chiefs are not adequately defined. The procedures to be taken by the stockowner to get assistance to search for his/her stolen stock from both the chief and police are too bureaucratic.
- *The mandate of the various stakeholders in dealing with stock theft issues is not clear:* Because the roles are not defined, the mandates of the stakeholders are not clear either. For instance, the STAs think that their mandate is to search for stolen stock, catch the perpetrators, and hand them over to the police. The police think their mandate is to take statements, fill in dockets and act as witnesses in court. Prosecutors think that going to court with a docket that has been completed by the poice is the extent of their mandate. The stakeholders have carved niches for themselves and do not try to address the problem in its entirety.
- *The lack of resources hinders implementation of the strategies:* STAs and police patrols do not have the money to conduct extended operational searches for stolen animals. They lack essential equipment such as flashlights, bulletproof vests, dry rations and shortwave radios.
- *STAs are rendered ineffective by violence:* STAs are ceasing to exist as members fail to patrol at night because they are afraid of stock thieves. Also, the inability of members to defend themselves against armed stock thieves means that even when they patrol, they can do nothing to prevent thieves from taking stock.

- *Lack of means of communicating with police makes it impossible to report stock theft in time for the police to respond:* For communities that are far from police stations, it is impossible to report crime in time for an effective response from the police. Reporting crime is at an all-time low as villagers feel it is futile.
- *Community policing is failing because of a lack of organisation:* Because of the lack of formalised structures and remuneration, communities cannot agree on responsibilities.

#### THE LESOTHO MOUNTED POLICE SERVICE (LMPS)

- *The lack of resources hinders performance:* The police need off-road vehicles to deal effectively with stock theft. They also need a helicopter for regions that are impenetrable, except on foot. The lack of weapons, bulletproof vests, dry rations, tents and cold weather clothing makes their job difficult. The only resources they have in abundance are horses, but these are inadequate long-distance search operations.
- *The police are committed to the social protection of the communities they serve:* The reason that the police are not doing stellar work is not because they are lazy or lack commitment, but because they are not motivated. The relationship between the police and the communities they serve is very good, showing that they make an effort to be involved in the communities they serve.
- *The police crime prevention policy has not been implemented:* There is no problem identification, or prioritising of areas that need urgent attention or operational planning. This means the already limited resources are not used efficiently. For example, district headquarter stations have off-road cars, while the stations where they are needed, in rural areas, do not.
- *Police records are a major weakness in the police procedural system:* Police dockets do not contain the information that prosecutors need for convictions. The procedures and processes followed in opening and maintaining records are inadequate. For instance, dockets are not assigned to particular officers - everyone in the department may deal with cases as and when he or she pleases. Even if officers are assigned

cases, any officer in the station can open, change or add to the case docket if the officer in charge of that case is not available.

- *Police are vulnerable to corruption:* That the police do not have the requisite tools for their work makes them vulnerable to corruption. In most cases when they go on patrol or on a mission, no sleeping arrangements are made for them, nor are they provided with food. Once they are hungry and desperate it becomes easy to accept bribes from thieves. If basic resources are provided, the police should be able to improve delivery and their vulnerability to corruption reduced tremendously.

#### THE CRIMINAL JUSTICE SYSTEM OF LESOTHO

- *The practical application of the law as it stands is not clear:* The Stock Theft Act places jurisdiction to try cases in the magistrate's courts. However, the question of proper jurisdiction is regularly disputed, because the penalties in the Act are either minimal or are outside the jurisdiction of the magistrate's courts. The contradiction created by Sections 8 and 13 of the Stock Theft Act needs to be clarified because it poses great difficulties in the implementation of the interventions on stock theft.
- *Case law has developed judicial precedence that gives magistrate's courts jurisdiction to try stock theft cases (Fatane and Others v Rex cc 03/2004):* There has been a significant shift from the severe punishments prescribed in the statutes to more humane and enlightening sentencing policies. For instance, one cannot comprehend why a person who fails to mark livestock timeously could be sent to prison for 25 years or pay a fine of M25,000, as the Stock Theft Act provides. Even a person suspected of this is required to pay bail of M20,000. The objective of the Stock Theft Act is made ineffective by this anomaly.
- *Conflict of laws:* The problem that confronts the prosecuting authorities and the magistrate is to decide on the law that will allow strict liability as the proportionate punishment conferred in the Act. The Criminal Procedure and Evidence Act No 7 of 1981 gives magistrate's courts the power to impose penalties in stock theft cases. This conflicts with the Subordinate Court's Order of 1988, which indicates that magistrate's courts cannot try cases with penalties exceeding M20,000. This leaves



the High Court as the court of jurisdiction to try stock theft cases. The conflict of these statutes creates another problem of constitutional and fundamental human rights as per the provisions of Section 12(2) of the constitution. For instance, the Stock Theft Act gives powers to the authorities to apprehend suspects without a warrant when no reasonable cause is shown. This is contradictory to the provision in the constitution, which demands a warrant of apprehension when an arrest is made. There is a need to harmonise the laws and to improve the working partnership between the community, the police, the army, the prosecutors and the magistrates.

## NOTES

- 1 John Dzimba is the Director, Academics and Matsolo Matookane a consultant at the Lesotho Institute for Public Administration (LIPAM).
- 2 Human Development Report of the UN Development Programme, 1994.
- 3 J Dzimba and M Matookane, Workshop report on engaging civil society organisations in matters of peace and security in Lesotho, Maseru, 2004, p 6.
- 4 See appended tables 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.
- 5 Kingdom of Lesotho: Poverty Reduction Strategy Paper, 2004/2005 – 2006/2007, Government of Lesotho.
- 6 Government of Lesotho, *Pathway out of poverty: An action plan for Lesotho*, Ministry of Finance and Economic Planning, 1996 (with support from the World Bank, USAID and the EU).
- 7 National Livestock Registration, Marking and Information Project – feasibility study, Government of Lesotho, Department of Livestock Services, November 1999, p 10.
- 8 National Livestock Development Study, Government of Lesotho, Department of Livestock Services, March 1999, p 2.
- 9 National Livestock Development Study, Government of Lesotho, Department of Livestock Services, March 2002, p 4.
- 10 Ibid.
- 11 Cross-border raiding and community conflict in the Lesotho–South African border zone, *Migration Policy Series* 21, p 11.
- 12 Gary Kynoch and Theresa Ulicki et al, *The socio-economic impact of stock theft in southern Lesotho*, Morija, Maseru, June 1999, p 8.
- 13 Bureau of Statistics, Estimated livestock numbers and distribution, 1998/99.
- 14 National Livestock Registration, Marking and Information Project, op cit, p 5.
- 15 Kynoch et al, op cit, p 8.
- 16 Obtained from the Stock Theft Unit headquarters in Maseru, November 2004.
- 17 By the year 2020, Lesotho shall be a stable democracy, a united and prosperous nation at peace with itself and its neighbours. It shall have a healthy and well-developed human resource base. Its economy will be strong, its environment well managed and its technology well established.

- 18 Kynoch et al, op cit.
- 19 Report of the Commission to Inquire into the Tsolo Violence and Related Matters (Kroon Report), October 1995, Section 111, p 5.
- 20 Kynoch et al, op cit, pp 20–21.
- 21 Ibid, p 23.
- 22 Ibid, p 24.
- 23 Ibid, p 39.
- 24 See appended tables 3, 4, 6 and 12.
- 25 Bewys are documents issued by chiefs to transfer animals from one individual to another.

**APPENDIX 1: SUPPLEMENTARY LESOTHO STOCK THEFT STATISTICS**

Table 4 Summary of livestock theft and recovery, 2000–2004

	Number of animals stolen	Number of animals recovered	% Recovery
2000/01	33,950	11,150	33
2001/02	30,105	11,074	36
2002/03	26,678	13,369	50
2003/04	18,442	7,847	43
TOTAL	109,268	41,862	38

Table 5 Trend of stock theft by year and district

District	2000/01	2001/02	2002/03	2003/04	Total	Rank
BB	2,239	2,169	1,458	1,005	6,871	7
LR	2,179	1,562	3,577	1,739	9,057	5
BR	3,117	3,382	4,318	2,215	13,032	4
MSU	4,785	6,469	6,329	3,877	21,460	2
MFT	1,342	1,033	1,222	1,087	4,684	8
MH	476	287	811	390	1,964	10
QT	546	565	516	727	2,354	9
QNEK	3,332	1,639	1,586	1,850	8,407	6
MKG	7,231	4,949	2,280	2,889	17,349	3
TT	8,703	8,050	4,581	2,663	23,997	1
TOTAL	33,950	30,105	26,678	18,442	109,175	

Table 6 Number of animals stolen during 2000/01

District	Cattle	Horses	Donkeys	Sheep	Goats	Pigs	Mules	Total
BB	611	107	75	944	499	3	0	2,239
LR	1,023	88	69	607	390	2	0	2,179
BR	1,240	108	136	1,089	544	0	0	3,117
MSU	1,812	246	175	1,508	1,036	8	0	4,785
MFT	332	37	27	775	171	0	0	1,342
MH	139	16	2	141	177	1	0	476
QT	202	102	47	172	222	2	1	546
QNEK	704	340	90	1,475	722	0	1	3,332
MKG	1,196	641	217	4,509	665	0	3	7,231
TT	1,533	567	237	5,125	1,241	0	0	8,703
TOTAL	8,792	2,252	1,075	16,345	5,667	16	5	33,950

Table 7 Number of animals recovered in 2000/01

District	Cattle	Horses	Donkeys	Sheep	Goats	Pigs	Mules	Total	% Recovery
BB	102	28	7	162	28	1	0	328	15
LR	534	23	45	805	596	1	1	2,005	92
BR	513	51	22	143	65	0	0	794	25
MSU	788	97	43	437	211	2	0	1,578	33
MFT	33	5	5	85	12	2	0	142	11
MH	100	10	2	63	80	0	0	255	54
QT	287	49	31	89	96	0	0	552	101
QNEK	560	177	44	1,246	66	0	1	2,094	63
MKG	509	155	85	223	124	0	2	1,098	15
TT	446	222	87	1,083	466	0	0	2,304	26
TOTAL	3,872	817	371	4,336	1,744	6	4	11,150	
% Recovery	44	36	35	27	41	25	80		33

Table 8 Number of animals stolen during 2001/02

District	Cattle	Horses	Donkeys	Sheep	Goats	Pigs	Mules	Total
BB	560	56	107	903	543	0	0	2,169
LR	680	70	44	546	219	3	0	1,562
BR	1,597	143	129	1,155	356	2	0	3,382
MSU	2,594	335	237	2,186	1,108	9	0	6,469
MFT	214	25	17	644	129	4	0	1,033
MH	65	12	1	163	46	0	0	287
QT	181	53	52	153	125	1	0	565
QNEK	557	243	49	466	324	0	0	1,639
MKG	840	598	120	3,138	250	0	3	4,949
TT	1,561	608	226	4,893	761	0	1	8,050
TOTAL	8,849	2,143	982	14,247	3,861	19	4	30,105

Table 9 Number of animals recovered during 2001/02

District	Cattle	Horses	Donkeys	Sheep	Goats	Pigs	Mules	Total	% Recovery
BB	176	12	21	110	110	1	0	430	20
LR	222	34	16	173	117	1	0	563	36
BR	342	42	12	189	38	1	0	624	18
MSU	1,062	131	99	923	349	2	0	2,566	40
MFT	9	2	0	83	21	0	0	115	11
MH	55	11	3	125	14	0	0	208	72
QT	364	73	83	56	158	0	0	734	130
QNEK	377	102	27	162	214	0	0	882	54
MKG	889	282	71	1,423	131	0	4	2,800	57
TT	565	101	86	1,170	230	0	0	2,152	27
TOTAL	4,061	790	418	4,414	1,382	5	4	11,074	
% Recovery	45	36	43	31	36	25	100		36

Table 10 Number of animals stolen during 2002/03

District	Cattle	Horses	Donkeys	Sheep	Goats	Pigs	Mules	Total
BB	464	77	94	600	220	1	2	1,458
LR	1,509	129	112	1,238	585	3	1	3,577
BR	2,155	85	127	1,339	608	4	0	4,318
MSU	2,790	220	226	2,856	231	6	0	6,329
MFT	218	17	19	785	182	1	0	1,222
MH	198	47	27	339	200	0	0	811
QT	198	49	50	144	74	1	0	516
QNEK	448	216	43	596	282	1	0	1,586
MKG	528	298	72	1,231	151	0	0	2,280
TT	1,319	407	113	2,150	591	0	1	4,581
TOTAL	9,827	1,545	883	11,278	3,124	17	4	26,678

Table 11 Number of animals recovered in 2002/03

District	Cattle	Horses	Donkeys	Sheep	Goats	Pigs	Mules	Total	% Recovery
BB	278	40	23	235	4	1	0	581	40
LR	849	79	59	338	543	2	0	1,840	51
BR	600	38	30	392	62	0	0	1,132	26
MSU	914	78	70	2,207	612	1	0	3,880	61
MFT	30	11	8	231	82	1	0	363	30
MH	83	62	6	166	86	0	0	403	50
QT	340	48	55	113	112	0	0	668	132
QNEK	491	112	41	24	151	2	1	822	52
MKG	653	141	72	985	344	0	4	2,095	92
TT	490	183	85	484	218	0	0	1,370	30
TOTAL	4,728	792	449	5,175	2,214	7	5	13,369	
% Recovery	48	51	51	46	71	41	125		50

Table 12 Number of animals stolen in 2003/04

District	Cattle	Horses	Donkeys	Sheep	Goats	Pigs	Mules	Total
BB	402	24	50	322	204	1	2	1,005
LR	686	43	69	564	361	15	1	1,739
BR	1,138	78	86	624	285	3	1	2,215
MSU	1,325	180	126	1,623	617	6	0	3,877
MFT	149	28	19	811	80	0	0	1,087
MH	77	13	5	224	71	0	0	390
QT	206	83	90	225	123	0	0	727
QNEK	340	219	79	831	372	0	9	1,850
MKG	616	304	90	1,655	224	0	0	2,889
TT	690	169	121	1,373	309	1	0	2,663
TOTAL	5,629	1,141	735	8,252	2,646	26	13	18,442

Table 13 Number of animals recovered in 2003/04

District	Cattle	Horses	Donkeys	Sheep	Goats	Pigs	Mules	Total	% Recovery
BB	219	21	19	181	52	0	1	493	49
LR	433	19	25	140	153	0	2	772	44
BR	492	42	44	102	99	2	0	781	35
MSU	446	49	13	416	218	4	0	1,149	30
MFT	38	26	7	145	56	0	0	172	16
MH	73	9	2	60	27	0	0	169	43
QT	239	83	60	144	178	0	0	704	97
QNEK	502	229	71	333	249	0	0	1,384	76
MKG	371	91	71	760	177	0	0	1,470	51
TT	169	37	20	325	99	3	0	653	25
TOTAL	2,982	606	332	2,606	1,308	9	4	7,847	
% Recovery	53	53	45	31	49	35	31		42