

# SECTION 2



The Advocates for the Supremacy of the Constitution

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## **PETITION TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SOUTH AFRICA**

### **Submitted by:**

The Advocates for the Supremacy of the Constitution (**SECTION 2**) – A duly registered human rights and advocacy organisation under the laws of the Kingdom of Lesotho.

**Date:** 26 January 2026

### **Addressed to:**

The Honourable Speaker of the National Assembly

Parliament of the Republic of South Africa

Cape Town

**SUBJECT: Dismantling Apartheid's Last Border Barrier: A Petition for Urgent Bilateral Negotiations to Restore Free and Humane Movement Between South Africa and Lesotho**

**1. INTRODUCTION AND PURPOSE OF THE PETITION**

The Advocates for the Supremacy of the Constitution, herein after referred to as SECTION2, respectfully submits this petition in terms of section 56(d) of the Constitution of the Republic of South Africa, which empowers the National Assembly to receive petitions from any person or institution.

We petition Parliament to urgently intervene in the continued enforcement of the passport requirement for ordinary movement between South Africa and the Kingdom of Lesotho, a policy introduced in 1963 under apartheid rule, which continues to cause widespread human suffering, economic harm, and social dislocation for both Basotho and South African communities.

This petition seeks:

- Parliamentary oversight and leadership;
- Immediate humanitarian relief measures; and
- A clear political process toward a fair, modern, and humane cross-border movement regime between the two countries.

**2. WHO WE ARE**

SECTION2 is a democratic, independent, non-partisan, mass-based social movement that campaigns for the respect of the rule of law and the advancement of the constitutional rights of all people, especially the marginalised ones.

We submit this petition not as adversaries of the Republic of South Africa, but as partners in the shared project of democracy, justice, and regional integration.

**3. HISTORICAL AND SOCIAL CONTEXT**

South Africa and Lesotho are bound by history, geography, culture, and blood. Lesotho is entirely surrounded by South Africa. Basotho and South Africans share language, families, labour systems, and communities that existed long before colonial borders were imposed.

In 1963, the apartheid government of South Africa unilaterally imposed passport requirements on Basotho seeking to enter South Africa. This policy was not negotiated with Lesotho, nor was it based on mutual security concerns. It was designed to control Black movement, monitor labour and political activity, and weaken anti-apartheid organising across borders.

While apartheid formally ended in 1994, this specific border policy remains largely intact. As a result, an apartheid-era control mechanism continues to regulate the daily lives of ordinary people in a democratic era.

#### **4. THE CURRENT HUMANITARIAN CRISIS**

For most Basotho, a passport is not used for international travel. It is required mostly to cross into South Africa, Lesotho's sole neighbour, for family visits, funerals, and basic survival.

Yet access to passports in Lesotho has become deeply dysfunctional. Persistent backlogs, system failures, and slow production have left thousands without valid travel documents for months at a time.

The consequences are severe:

- Families are separated during illness, childbirth, and death; Workers lose jobs because they cannot cross the border in time; People resort to dangerous illegal crossings, especially through the Mohokare River (Caledon)
- Deaths by drowning occur with disturbing regularity;
- Arrests, detentions, deportations, and the criminalisation of poverty increase.

#### **5. CONSTITUTIONAL AND LEGAL CONCERNs**

The continued enforcement of this system raises serious constitutional questions.

South Africa's Constitution commits the state to human dignity (section 10), freedom of movement (section 21), healing the divisions of the past (Preamble), co-operative governance (section 41), and respect for international law and regional commitments.

A border system that originates from apartheid, causes predictable loss of life, separates families, and criminalises survival is difficult to reconcile with these constitutional values.

#### **6. REQUESTS TO THE NATIONAL ASSEMBLY**

SECTION2 respectfully requests that the National Assembly:

##### **Adopt a resolution directing the Executive**

To initiate urgent, high-level bilateral negotiations with the Government of the Kingdom of Lesotho aimed at abolishing the 1963 passport requirement for ordinary cross-border movement and replacing it with a simpler and humane system, such as entry based on national identity documents.

## **7. WHY THIS MATTERS**

Reforming this system would save lives, restore dignity, keep families together, strengthen border economies, reduce irregular migration and exploitation, and honour South Africa's constitutional promise.

This petition does not call for disorderly borders. It calls for just, humane, and historically honest governance.

## **8. CONCLUSION**

The passport requirement imposed in 1963 is a living remnant of apartheid control. Its continued enforcement undermines constitutional values and causes daily human suffering.

We respectfully urge the National Assembly to table this petition, refer it to the appropriate committees, and provide principled leadership toward reform.

SECTION2 stands ready to provide documentation, testimonies, and cooperation in support of this process.

**Respectfully submitted,**

K.Boloetse

Kananelo Boloetse (Mr.)

On behalf of SECTION 2 – Advocates for the Supremacy of the Constitution

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