

THE COMPLEXITY OF ONE-STOP BORDER CROSSING FOR SADC MEMBER STATES AND THE DELAYS ENCOUNTERED

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BACKGROUND

Transport, be it land air and road is a pre-requisite for the promotion of economic growth. It has also an imperative contribution to the improvement of the quality of life and social interaction of citizens both locally, regionally and internationally. Road transport in particular, is of paramount importance especially in our region which is primarily land-locked. This mode of transport is directly linked to our production lines due to its flexible turn-around time. Compared to other mode of transport, the road transport offers the industry the advantage that raw material and finished products can be delivered and collected at the client's place of business operation. Management control is also favourable in that the commodities transported can easily exchange hands between two parties ie the sender and the receiver, a concept which is of outmost importance in our SADC economic developing region which services approximately 195 000 million population.

1. THE CURRENT STATUS OF SADC BORDER POSTS

The way in which our borders have been structured is a result of our past history. State sovereignty as well as the maintenance of control by various SADC member states is an axis around which the decision for one-stop border post revolves. The issue is further complicated by the fact that a number of agencies as opposed to one are operational at our border posts viz Customs, Police, Immigration, Transport and Health and their counterparts in the host country with which they share a corridor. All these stakeholders have their priorities, most probably different to one another. The details of this subject can be further analysed using three variables viz, legal, logistics and infrastructural considerations.

1.1 LEGAL CONSIDERATION

Generally speaking, the core principles of most of the SADC customs, immigration and police are similar, especially those of Zambia, Zimbabwe and South Africa. Any attempt to integrate the border post's legal position should take into consideration diverse pieces of legislation eg arms control and ammunition, import and export, immigration and aliens control act etc. These acts have got different principals with different priorities and objectives. Some of our border posts have a "no-mans land" patch before you arrive at the host country, for example, South Africa - Zimbabwe, SA -Lesotho, SA - Swaziland etc. The question of the application of international law becomes a subject for clarification. How do you deal with a transporter or passenger who is seen to have committed a criminal offence in country "A" which is not the case in country "B". How do you deal with either the arrestation or handing-over as is the practice in some Germany and Eastern Europe arrangements.

1.2 LOGISTICAL CONSIDERATION

This aspect refers to the processing of both passengers and freight documentation. Again, the various processes are complicated by the various departments at the border post. There is a series of electronic and information technology used to assist in this process. Limited bar-coding is exercised in most of the documentation that is used. Most of the departments, including our counter parts in the region have a staffing inadequacy. In the case of the availability of staff, no proper training has been administered. Some of the more advanced border crossings are equipped with cameras, which is not the case in most

of the SADC member states. Most of the border posts do not have harmonized starting-finish times.

1.3 INFRASTRUCTURAL CONSIDERATIONS

The actual building structures between the member states border posts are meters apart from each other. The customs areas are not clearly demarcated and properly controlled. This would limit the amount of people that are just roaming the border crossings. Especially for parking of freight transporters, no proper parking bays are made available considering the amount of cargo that is crossing most of our borders, ample storage or inspection facilities should have been a priority. The design of the infrastructure is, that clients will be compelled to move from one office to another eg customs, immigration etc.

2. CAUSES OF DELAYS AT BORDER POSTS

The degree of border delays differs between those operators that are heading to the north including Mozambique and the current SACU countries. During 1997, a study conducted by CSIR disclosed that the delay through Beitbridge is an average of 23.51 hours whilst the SACU country indicates an average of 4 hours. Annexure "A". It is beyond any doubt that this problem has a direct influence on the cost of transport into the region.

The Southern African Development Community (SADC) Protocol on Transport, Communications and Meteorology encourages member states to have liberalised market access policies in respect of cross-border transport. Such policies will result in more traffic which (if not managed efficiently) will lead to border post bottlenecks.

According to a Zimbabwean study undertaken by Marx, Hecht and Weis (1997) the following factors were indicated by respondents as impacting on border post delays. It should be noted that of the total 59 responding organisations in Southern Africa, to the survey, 6 were from Botswana, 5 Malawi, 12 South Africa, 13 Zambia, 23 Zimbabwe and 2 not categorised. Of these 67% were pure transport operators. Some of the reasons stated below may or may not apply in the case of South African border posts.

- **Management and administrative factors**

The majority of respondents (82%) regarded border post management and administration as a prime cause of border post delays and thereby an obstacle to their business operations. Furthermore, 95% of the respondents saw their business operations highly impeded because of the perceived poor border post management (Marx et al). The lapse in management could have been as a result of the non-coordination or cooperation of all the stakeholders involved in border post processes/operations.

- **Variation of documentation and cargo classification**

Cross-border movements involving different sovereign states has necessitated the development of various forms of documentation to facilitate movement, e.g. the cross-border permit. It has been noted by the respondents to the Marx et al survey that the many different types of documentation required in different SADC member states had made crossing land borders more time consuming than necessary (Marx et al).

The lack of a uniform documentation system within the SADC region has undoubtedly contributed to delays at borders. At every border post, a transport carrier needs different sets of documentation for each side of the border post; exit documents for leaving one country and entry documents for entering the next

country. Mistakes and human error in the completion and submission of the correct and valid document can happen, especially where documentation requirements change suddenly without an associated public information/awareness campaign. There is a necessity for a uniform system which will be applicable for all SADC states.

- **Information and communication factors**

A number of respondents in the Marx et al survey regarded the lack of information technology infrastructure, eg a computer system, at border posts as being an obstacle for their regional business operations. It became evident that respondents who held such a view were likely to use computers themselves and could therefore appreciate that efficient computer systems can significantly accelerate clearance time at border posts. According to the Interim Assessment on Transport Sector Report only South Africa and Swaziland in 1998 had a computerised database of cross-border road transport information.

Another possible impediment in border post efficiency (according to the Information Technology Task Team report of 1997) was that due to the various Government agencies operating at border posts, each agency had captured their information for their own needs, possibly in different formats, thus reducing the potential of sharing the information and by so doing improving border post operating efficiency.

- **Competency of customs officials**

Consideration of the individual competency of border post officials needs to be given cognisance, especially in an environment with a multiplicity of documentation. In the Marx et al study, this factor had been indicated as a matter of concern but was of secondary importance when compared to the number officials on duty.

According to the MSA study, the top five customer needs ranked according to importance were: reliability and transit time, tracking, staff helpfulness, loss and damage and rates. It becomes apparent that in the case of cross border movements, only reliability and transit time have some link with cross-border permits. It confirms the importance placed by cross-border users on transit time, which can be influenced by the factors discussed above.

3. PROPOSALS FOR TRANSFORMING THE EXISTING SADC BORDERS INTO ONE-STOP-BORDER CROSSING

Border post efficiency is directly dependent on the optimization of common control areas which facilitates execution of shared operations by border officials in both countries. The challenge in this practice is that there has to be a high degree of trust between the contracting parties. In order not to disadvantage emerging economies, the concept of reciprocity must be observed and respected. Contracting countries will have to prioritize areas that should enjoy first preference in addressing the issue.

3.1 INFRASTRUCTURE

Member states should endeavour to provide one-stop border posts. The operator or passengers will only stop once as opposed to double as is the case now. An arrangement can be such that one state performs work on behalf of the other member both housed in a common area. The respective member states shall remain owners of their respective piece of land. Security procedures will have to be harmonized. Both countries will have to recognize the competency of each member state in execution of their functions, even enforcement of law on behalf of each member state.

QUICK FIXES SOLUTIONS

- communication plan by member states sharing a corridor
- redistribution of resources
- establishment of management forums on ground level
- joint training and uniform standards, dress codes etc.

MEDIUM & LONG TERM SOLUTIONS

- appointment of a task team to investigate matters such as gaps and needs analysis for technological aids, structural needs, legislation, training, communication.

3.2 ISSUES THAT CAN BE DONE WITH MINOR NATIONAL LEGISLATIVE REFORM

PRE-CLEARING OF GOODS

To date 60% South African cargo is pre-cleared however, the custom officials at all border posts have the right to inspect any vehicle under suspicion. High value goods ie cigarettes etc have to be re-opened again despite having being pre-cleared. It is not wise to travel with a problem for a distance of ±1000 km and only realize that it is indeed a problem when you reach the border post. Operators are free to get in touch with the Local Custom officials at the departure towns, eg Durban, Cape Town etc.

RE-PACKING OF GOODS

Operators must be mindful of how to pack their cargo in order to create ease of inspection by the custom officials. This will facilitate quick movement in that the entire truck may not have to be off-loaded and loaded again.

USE OF CREDIBLE FORWARDING AGENTS

Established freight forwarders have constant contact with the authorities. They also have enough capital and administrative systems to process the goods. In contrast with smaller unorganized freight forwarders, they may in time wait for the clients to pay them. This is one of the contributing causes of delays.

The power to arrest is complex in that the host country may not be able to arrest on behalf of a member state. The right of a citizen not to be arrested by a competent official when in a country where such an offence is not regarded as such.

LOGISTICS

Business hours of the participating member states shall have to be harmonized eg public holidays. Electronic sharing of information by both member states is essential. Stakeholders such as freight-forwarding organisations will have to be involved. The intention would be to harmonize documentation and procedures supporting transit facilitation. The parties should further investigate the possibility of a border facility management agency similar to what is the practice at shopping malls. Their responsibility will be to consolidate the management of a border post, eg, provision of water status of the border infrastructure from a single control point. It may be necessary for member states sharing a border post to engage in joint training sessions eg customs, police, immigration etc

HUMAN RESOURCES MANAGEMENT

Due to the past history of congestions at various border posts especially Beitbridge and Lebombo, employers take it for granted that the situation is still the same. Drivers because of the nature of their job that of claiming overtime they take more than necessary delays. Management should consider the introduction of incentives. The situation at these border posts has improved due to the introduction of Joint Route Management grouping which has resulted in the systems been improved.

DESIGNATION OF CUSTOMS AREA

Only those passengers that are crossing or intending to cross should be allowed to be in the custom area. Entry to this area must be strictly controlled. The problem in this case with Beitbridge is the presence of a Duty Free Shop where the public takes advantage of. Operators must be allowed a specific period to be within the border area. Should both the operators and the public exceed this period, heavy penalty should be imposed accordingly.

4. INSTITUTIONAL DEVELOPMENT FROM OTHER COUNTRIES

There is currently three examples of integrated border post, viz Mercosour region in Brazil. This covers Argentina, Uruguay and Paraguay. The second one is the European Union – Eastern Europe countries eg Germany – Czech Republic and finally the US-Canada corridor.

MERCOSOUR REGION: BRAZIL

The Mercosour is the most relevant to SADC since they are attempting to integrate economies from developed and poor member states. They entered into common custom union during 1995. The process is facilitated through an Agreement on Integrated Border controls concluded by the Mercosour Council of Common Market in 1991. This has been implemented through the conclusion of bilateral agreements. They have amended national legislation to accommodate these international agreements. Some of their border post infrastructure is located in either countries. The involvement of private sector is limited to infrastructure. Ministries such as custom, police, transport etc have concurrent jurisdiction in the integrated control areas. Procedures have been harmonized through documentation. This action has brought about improved efficiencies, border delays have been decreased greatly.

EU – EASTERN EUROPE

The management of these border posts is based on multi-lateral agreements. Some border posts are situated in both countries. The border posts are situated in both countries. The border between Germany-Czech Republic is situated in two different countries but uses same structure. Private sector funding was not necessary and therefore not used. Regarding the arrest, no citizen can be arrested in a country where such an offence is not an offence, in this case, the other partner may request the host country to carry-out the task. The official will agree only if same is an offence in their country. They carry out functions in the same building but the language remains a problem. Freight forwarders should be licensed to utilize facilities around the border area. The management of cross-border details has improved drastically since the establishment of these plans.

US-CANADA

The border post operates through a MOU and bilateral implementing agreements. A single structure is manned by officials from both states. However the power of arrest is not freely exercised as well as the carrying of guns. But because of working together, officials do not enforce this ruling. Officials from the US-CANADA jointly operate a vehicle inspection and weighing station situated in Alberta Canada. This facility was brought about as a result of an agreement between the two states. The Canadians own and financed the facility but the Americans have in reality paid half of the cost through a lease agreement. American officials can carry-out all functions except the power to arrest. They can only wait until the culprit lands on the American soil or the transporter can be issued with an order to appear, failing which a permit may be cancelled. Operations are jointly and training is done across the member states.

5. SADC: BECOMING A FREE TRADE AREA

The SADC trade protocol is of enormous significance for the consolidation of a integrated economy in Southern Africa. By registering the SADC as a new trade grouping under the WTO, the countries of Southern Africa are securing some legal space within which to consolidate their region. This position will assist them in order to compete for EU's free trade demands. Being able to present SADC as a "going concern" can be used to put pressure on EU to confirm its support for Southern African cooperation and development. Worldwide trade liberalization critics and anti-globalization critics have warned that emerging new economy is leaving developing countries at the mercy of larger trading nations. National boundaries have become irrelevant. **Trade liberalization is no longer a policy option, it is the condition for participation in the new economy.**

It is beyond any doubt that the SADC as a region is not an exception to these developments. In order to fully participate in this new era, free movements through our border post will play an important role.

CONCLUSION

Border post integration is through maximisation of common control areas with combined executions. The integration requires a high degree of trust between the participants. In addition, pressure on Free Trade Areas and regional integration accelerate border post integration. Enabling instruments such as agreements and Memorandum of Understanding, implementation agreements and amendment of domestic legislation are essential tools. Although border ports may be situated in different countries, agreements are able to close this gap. With regard to private sector involvement, the focus has been on infra-structure as opposed to management of the process. This is mostly practiced in poor countries eg Brazil. The harmonisation of operating hours by participating member states is central to the success of the initiative. Training should be done cross-sectoral to encourage same standards.

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CURRICULUM VITAE

1. ACADEMIC

- 1.1 BA. Majors: Political Science, Sociology, International Relations
University of Pretoria
- 1.2 BA (Hons). Majors: Industrial Sociology and Political Science
University of Pretoria
- 1.3 Post Graduate Diploma: Business Management: University of Wales
- 1.4 Advanced Certificate: Road Transport: Rand Afrikaans University
- 1.5 Diploma: Business Management: Damelin Management School
- 1.6 Diploma: Personnel & Training Management: Damelin Management School

2. WORK EXPERIENCE

2.1 North West Transport Investment

Ten years experience within the passengers transport industry. North West Transport Investments.

Positions: Operations Superintendent, Local Road Transportation Officer, Group Training & Development etc.

2.2 National Productivity Institute

Senior Productivity Analyst and Project Manager

2.3 Eskom

Group Organisational Development Advisor

2.3.1 Rotek Group

General Manager: Rosherville Vehicle Station

2.4 SA Cross-Border Road Transport Agency

3. DIRECTORSHIPS

Executive Director: Rosherville Vehicle Services

Non Executive: Corporate SMME Forum, a Section 21 Company