



# Enhancing Integrated Cross-Border Law Enforcement and Related Initiatives

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# Presentation Outline

- 1. Introduction**
- 2. Law Enforcement Institutional Arrangement**
- 3. Problem Statement**
- 4. Cost of Law Enforcement Inefficiencies**
- 5. Harmonisation of Road Transport Law Enforcement**
- 6. Harmonisation of Road Traffic Law Enforcement**
- 7. Optimal Utilisation of Resources and Collaboration**
- 8. Risk-Based Law Enforcement**
- 9. Single Domestic Law Enforcement Code**

# Introduction

Definition of cross-border road transport - the transport of passengers and their personal effects or freight for reward or in the course of an industry, trade or business, to or from the Republic, crossing or intending to cross its borders into the territory of another state or in transit across the Republic or the territory of another state with a vehicle on a public road.

Cross-border road transport is governed by the following legislative instruments:

- SADC Protocol on Transport, Communications and Meteorology;
- Cross-Border Road Transport Act;
- National Land Transport Act;
- Bilateral road transport agreements (Malawi, Mozambique, Zambia and Zimbabwe); and
- SACU MoU on Road Transport (Botswana, Lesotho, Namibia, South Africa and Swaziland).

**The Protocol, Agreements and MoU direct RSA and Member States to facilitate the unimpeded flow of goods and passengers between and across their respective territories.**

# Introduction

The Protocol, Agreements and MoU provide for mutual recognition of vehicle standards and driver licensing standard.

The Protocol calls for efficient road transport law enforcement to support the effective implementation of road transport policies.

It enjoins Member States to enhance the overall quality of road traffic in the region with the emphasis on promoting acceptable levels of safety, security, order, discipline and mobility on the roads and protecting the environment and road infrastructure.

The Protocol advocates for a harmonized road transport policy providing for equal treatment, non-discrimination, reciprocity and fair competition, harmonized operating conditions and promoting the establishment of an integrated transport system.

**The requirement is that road transport and traffic law enforcement should be conducted in a manner that does not cause impediments to cross-border road transport operations.**

# Law Enforcement Institutional Arrangement

The law enforcement institutional arrangement in South Africa is characterised by a number of independent authorities and practices

- Municipal Traffic;
- Metro Police;
- Provincial Road Traffic;
- National Traffic Police;
- C-BRTA Inspectorate; and
- South African Police Service.



# Problem Statement

Law enforcement is characterised by:

- Inadequate law enforcement officers;
- Lack of understanding of applicable legislation and legislative instruments;
- Fragmentation of law enforcement;
- Numerous and uncoordinated roadside inspections;
- Duplication of functions;
- Interference on each others' mandates;
- Inadequate law enforcement resources and infrastructure;
- Misconception that law enforcement officers must stop and inspect every vehicle on the road. This is not practical given the total complement of officers from all authorities; and
- Incorrectly setting targets for fines/notices as a revenue stream.

# Cost of Law Enforcement Inefficiencies

Law enforcement inefficiencies result in:

○ Competition amongst officers from different authorities

○ Delays on commercial vehicles (e.g. 27 stops between Durban and Beitbridge, Musina)

○ Increasing the cost of doing business

○ Hampering economic activity and growth

○ Compromising the objectives of road safety

○ Inefficient road traffic and transport law enforcement

○ Corruption

# Enhancing Integrated Cross-Border Law Enforcement and Related Initiatives



# Harmonisation of Road Transport Law Enforcement

Objective: To facilitate the unimpeded flow of goods and passengers between and across their respective territories by promoting the development of a strong and competitive commercial road transport industry which provides effective transport services to consumers.

To achieve efficient road transport law enforcement to support the effective implementation of road transport policies, Member States should harmonise:

- Definitions, classifications and descriptions of road transport offences;
- Penalties, including the imposition of penalties in host countries;
- Administrative actions in respect of carriers committing offences;
- Training of law enforcement officers; and
- Implementation and maintenance of a comprehensive road transport offence register. To this end, the Tripartite of COMESA, EAC and SADC is developing the Transport Registers and Information Platform Systems (**TRIPS**).



# Harmonisation of Road Traffic Law Enforcement



Objective: To enhance the overall quality of road traffic in the region with the emphasis on promoting acceptable levels of safety, security, order, discipline and mobility on the roads and protecting the environment and road infrastructure.

To this end, Member States should:

- Co-operate to develop and implement a co-ordinated regional road traffic quality management plan;
- Develop common road traffic quality indicators with a view to exchanging statistics on such indicators regularly, but at least once per annum;
- Establish a regional co-ordinating body comprising representatives of all executive law enforcement authorities responsible for roads, traffic management and traffic control with a view to developing, implementing, operating and managing a harmonized road traffic quality management plan; and
- Develop compatible national road traffic information systems in support of the administration and enforcement of their national and the regional road traffic and road traffic quality systems.



# Harmonisation of Road Traffic Law Enforcement

Member States should co-operate in developing and implementing a regional road traffic control and law enforcement plan which shall provide for:

- Development of a system of common powers for enforcers of road traffic legislation;
- Development of a common schedule of road traffic-related offences and penalties as well as documentation used by law enforcers;
- Development of a common syllabus and minimum standards for the training and certification of road traffic enforcers, the designation of joint training centres to provide joint training and the reciprocal recognition of qualifications;
- Establishment of a regional academy for advanced traffic control training at tertiary level;
- Development, in respect of critical road traffic offences, of co-ordinated traffic control or law enforcement programmes (such as overloading control; speed management; control of alcohol and drug impaired drivers; safety aspects of vehicles; vehicle, driver and operator documentation); and
- Development of harmonized standards in respect of law enforcement equipment such as weighbridges, speed measuring devices and alcohol meters.

# Optimal Utilisation of Law Enforcement Resources



Establish joint training facilities in the region

Undertaking joint domestic law enforcement exercises

Undertaking joint law enforcement exercises

Sharing of domestic law enforcement equipment

Joint planning by all domestic authorities, and exchange of data and intelligence

Dedicated roadside inspections points to conduct regular joint law enforcement operations (e.g. weighbridges)

# Optimal Utilisation of Resources and Collaboration



Durban '16



Exchange programmes for law enforcement officers in the region to encourage uniformity

Share and adopt law enforcement best practises to enable predictability on the side of operators and encourage compliance

Continuous education of law enforcement officers on the SADC Protocol, Agreements, and relevant legislation governing cross-border operations

Empower law enforcement on trade issues

Sharing of law enforcement infrastructure (e.g. impounding facilities)





# Risk-Based Law Enforcement



- Law enforcement authorities should consider introducing an intelligent risk-based regulatory tool for certifying and licensing compliant commercial operators founded on the basis of safety management systems as championed in the United Nations Decade of Action for Road Safety.
- This is mechanism for introducing a series of defined, system-wide practices and processes for implementing an effective risks-based regulatory tool for regulating commercial operators in South Africa and in the region.
- It will provide a basis for implementation of effective safety and quality regulation in road transport underpinned by introduction of market access criteria, auditing, operator registration, registration of responsible persons, operator profiling and certification for authorisation of all commercial operations on public roads.
- The tool will work through prioritizing the treatment of compliant operators. It seeks to separate good from bad operators based on pre-determined risk profiles.
- It creates a common risk-based regulatory tool for recognition and incentivizing good behaviour for road transport operators by regulatory and law enforcement authorities.
- It's a tool to implement ISO39001:2012 Standard on Road Traffic Safety Management System which recommends adoption of International Standards which will enable organizations to achieve road traffic safety results at levels that exceed what can be achieved through compliance with laws and regulatory standards.

# Single Domestic Law Enforcement Code



A long term solution is a single road transport and traffic law enforcement code

All road transport and traffic law enforcement to be consolidated under one authority

This will result in multi-skilled law enforcement officers who can enforce a wide range of legislative requirements

Consolidation will ensure one branding

Chain of command will be easier

# THANK YOU

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