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South Africa, SADC and border management: Some aspects to consider

Background

The Southern African Development Community ([SADC](#)) hosts several fora that deal with aspects of border management, but not in a holistic and coordinated manner. This results in the absence of effective border management and the member states are negatively affected by the consequences of long and porous borders. Cross border crime, illegal migration and transport of goods are just some of the consequences of the absence of effective border management. At the African Union level a dedicated border management programme ([AUBP](#)) operates to address, consolidate and facilitate issues on the continent's borders. The AUBP envisages a united Africa by promoting peaceful, open and prosperous borders. However, while the AU is seemingly focused on effective border management, implementation has been slow. The continent is furthermore faced with a conundrum: the ambition of opening up borders to allow for trade to move freely across national borders and allow for rapid economic development alongside risks and insecurities originating from illegal and uncontrolled cross-border activities, which calls for tighter border management and control. At first glance there seems to be a discrepancy between the economic and security related priorities. South Africa houses the second largest economy which is also the most industrialized and diversified one on the continent. South Africa is a good example of contradictory priorities in border management, since the industrial sector calls for easier access to the large untapped African markets on the continent, whilst the country is also the destination for millions of economic migrants seeking a better life for themselves, and tons of illegal and counterfeit goods from neighbouring countries.

During a recent workshop held in Stellenbosch¹ discussions focused on learning from others and seeking out best practices. Delegates from Angola, Botswana, Ethiopia, Ghana, Kenya, Namibia, Nigeria, Senegal, Somalia, South Africa, The Gambia and Uganda as well as the East Africa Standby Force, UNODC, FRONTEX, NGO-representatives, academics from Stellenbosch University's SIGLA research institute and practitioners from the USA participated. One outcome from the discussions relates to ideas on border management that the AU could find useful to revisit in their overall

¹ Second International Workshop on Combatting Transnational Crime in Africa, "Border Management through Collaborative Efforts in Policy Making, Enforcement and Capacity Building", Stellenbosch, 24-26 July 2019.

programme. In addition to two days of discussions, a morning workshop on 26 July 2019 drew the following inputs on South Africa and SADC in particular.

Regional border management - some critical roles to consider

Even though Joint Technical Committees exist between neighbouring countries in individual sectors, no comprehensive and formal SADC border management body exists. The Organ for Politics, Defence and Security (Organ) of SADC is the only structure where some coordination is taking place, which means that for instance Home Affairs and SARS revenue services are not represented. For regional border management to be effective there is an urgent need for increased coordination and cooperation beyond the narrow focus of the security cluster. All of the other SADC organs need to get involved in the broader discussion of Border Management, which is more than merely physical security. One challenge is that the SADC member states need to develop a joint strategy for border management, that amongst other things provides a future vision for regional border management that ensures that a move from being reactionary to being preventive and even pre-emptive. Currently, countries are working on directives, but there is no higher level SADC plan. Part of developing this regional strategy includes questions about if the “border” is about security, then what do you want to protect? What are the main threats, and how do we decide on a hard versus soft border, i.e. where should the hard border be located around the national borders, or around the outer borders of the region, as is the case in the European Union (EU). If left unanswered, it will be very difficult to agree upon a regional Border Management setup. One of the problems is that SADC is institutionally extremely weak and is unlikely to be able to lead such an initiative.

Several SADC member states are fragile states, plagued by instability, insecurity and limited state capacity. This raises the question to what extent a bilateral approach would be more efficient. When formulating the strategy the SADC members need to clarify what is the end state? Once the end state is conceptualised, they can design ways and means to achieve it. It is important for South Africa to understand that if there is a regional border security strategy/plan in place whether the country needs a national one. The latter approach ensures the concentration of effort and adequate allocation of resources in enforcing the strategy. Regionally and continentally South Africa is well-placed to lead this effort, making sure that there is an integration of border management strategies.

From the workshop it emerged that effective border management calls for a multi-disciplinary cross-agency approach, where stakeholders, academics, practitioners and politicians, should have an in depth discussion on the matter. All role players need to understand both the security and strategic environment reinforced by the political will to engage in these types of discussions. Alongside political will, trust between the regional states must include a willingness to share information, including intelligence, and to coordinate efforts. Trust is one of the key problems, and basically rests on three pillars which are: meeting expectations (competence), ethics (range of issues to be considered) and political will. This trust focus is closely related to another key issue - funding. Adequate allocation of resources and procurement of correct technologies and equipment to facilitate border management is of crucial importance for effective border management.

South Africa

At the national level and in the South African case in particular, tactical and operational borderline fora do exist. The government announced that it expects its long delayed [Border Management Authority Bill](#) to be passed by parliament shortly. The bill intends to create a strong coordinating entity coordinating all efforts related to border management, including custom revenue collection, which is currently the responsibility of the tax authority, SARS. Critics of the bill has pointed out that it risk undermining the custom revenue collection capacity of SARS, and create an independent and additional auxiliary police service. At the seminar it was pointed out by a number of practitioners, that they did not see a need for an additional bureaucratic layer, since the coordination was taking place already.

At a strategic level all departments, directly or indirectly involved in border management, should draw up agreements and engage in discussions. However, it is a challenge for South Africa to field the needed hybrid force structure to tackle the problem i.e. forces with multidimensional capabilities beyond traditional border policing. Several participants noted that South Africa needs to identify and understand the broader opportunities that are available internationally, join partnerships and call for help. As one of the participants argued - the main problem is that South Africa needs to swallow its pride and ask for help.

However, before South Africa gets to the stage of asking and identifying suitable partners and donors, the country ought to get its foundational and definitional issues in place. What is the national vision for border management and what is the end state? Does South Africa want to be inclusive or exclusive in its border management approach? A related matter is that of proper resource management; not the lack of resources. Corruption has undermined the capacity and needs to be dealt with effectively before new uses for resources are identified. Sometimes the mere change of legislation can help by removing incentives for crime. One example could be tobacco, where the large tax difference between South Africa and its tobacco-producing neighbours creates a high incentive for smuggling of tobacco into South Africa, corruption at the border crossings, and for money laundering. A regional harmonisation of taxes on tobacco would reduce, in theory at least, the incentive for cross border smuggling of tobacco. The approach for South Africa to a large extent depends on where it sees the future of its hard border to be located, i.e. at the national South African border or at the regional and over time the continental level? If the region and the continent are serious about soft borders and free-trade ambitions, there is a need for a harmonisation of tariffs and taxation of goods entering the free-trade zone.

Impact of technology

It has often been mentioned that security institutions responsible for border management has been reluctant in accepting new technology. Conversely, technological solutions should and can be a force multiplier. However, it needs to be a cost-effective tool, to secure sustainability. Whilst there is a need for partnerships and cooperation for implementing effective border management in Southern Africa, South Africa has a history of building tailored and adequate technological solutions to assist in surveillance and border management. One example is the interface that exists between the South African Council for Scientific and Industrial Research (CSIR) and the defence industry, which has developed relatively successful counters to wildlife poaching for the Kruger National Park. These experiences and solutions could be used and transferred both to the national border management space, but also to the rest of the SADC region. One of the advantages of using local technological solutions is that they are often tailored to function in the African context, something which international partner solutions often do not portray. However, it is not just about procuring equipment and technology for border control and management but to incorporate adequately trained personnel and organisational structures. New technologies in old structures are often disastrous. Policies must be linked to available capabilities, i.e. what is desired and what is possible. The current challenges from porous and uncontrolled borders faced by most of the SADC member states, call for exchange of knowledge between states for increased mutual cooperation and coordination at the regional level on both technology development and in procurement. To achieve the latter objectives, a shared vision between member states for future border management is needed.

Training and education for Border Management

However, to be able to make technology an effective force multiplier in border control and border management requires interdepartmental collaboration. In South Africa, tactical and operational collaboration takes place, but not at a sufficient level of intensity or density. In SADC no single regional training institution exists that focuses on border management. However, even though it would be easy to point to the need for the development of this type of institution, the region must first develop an

implementable and realistic strategy, for where it wants to go in terms of border management, before building regional institutions.

SADC also needs to look at border management in other regions both inside and especially outside Africa, to see how the use of training and education is designed and undertaken elsewhere. FRONTEX in Europe holds key practices on cooperative multinational training approaches and is already partnering with a number of African countries on strengthening border management. However, SADC also needs to align its initiatives with existing AU programmes to promote learning. One outcome could well be shorter learning cycles and timelines culminating in better outcomes of educated border officials. However, SADC also needs to take into account that it is not a single entity in its own right given the presence and role of other trade and customs unions in SADC which have a direct impact on how SADC and South Africa sets up and executes border management.

Concluding remarks

SADC needs a joint vision for regional border management, and should develop a corresponding border management strategy. The region as a whole is currently negatively influenced by largely uncontrolled and porous borders, which allows for illegal flows of people and goods between member states. This constitutes both an economic challenge and a security risk for SADC member states. The lack of efficient border management also facilitates organised criminal networks to operate across borders. One example often used is the movement of stolen cars from South Africa into the neighbouring countries. The region needs to decide where its hard borders should be located. The ambitions of free trade call for a regional soft border approach which will ease the movement of people and goods between the SADC member states and beyond as part of the AU's free-trade ambitions. The AU's ambitions resemble what is currently practiced by the EU, where the hard border surrounds the regional bloc. However, due to the fragility and lack of territorial control in several of the SADC member states, a soft border solution will also make it easier for economic immigrants and criminal networks to move and operate across the region, primarily to and from South Africa, which is already suffering from high numbers of illegal migrants from the rest of the continent. South Africa needs to find a solution for this challenge – whether technological or in best management practices, if cooperation on border management is ever to be effective.

Recommended Reading

Corrigan, T. *Africa with open borders: Possibility or pipe dream*. Africaportal. 7 December 2017. Available: <https://www.africaportal.org/features/africa-open-borders-possibility-or-pipe-dream/> (Accessed 7 August 2019).

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Recognition: This SIGLA Brief (No 13/2019) reflects a compilation of inputs from international delegates participating in the Second International Workshop on Mitigating Transnational Crime in Africa. The workshop took place under Chatham House Rules.