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SACU

SOUTHERN AFRICAN CUSTOMS UNION



SACU SECRETARIAT INFORMATION BROCHURE



BOTSWANA



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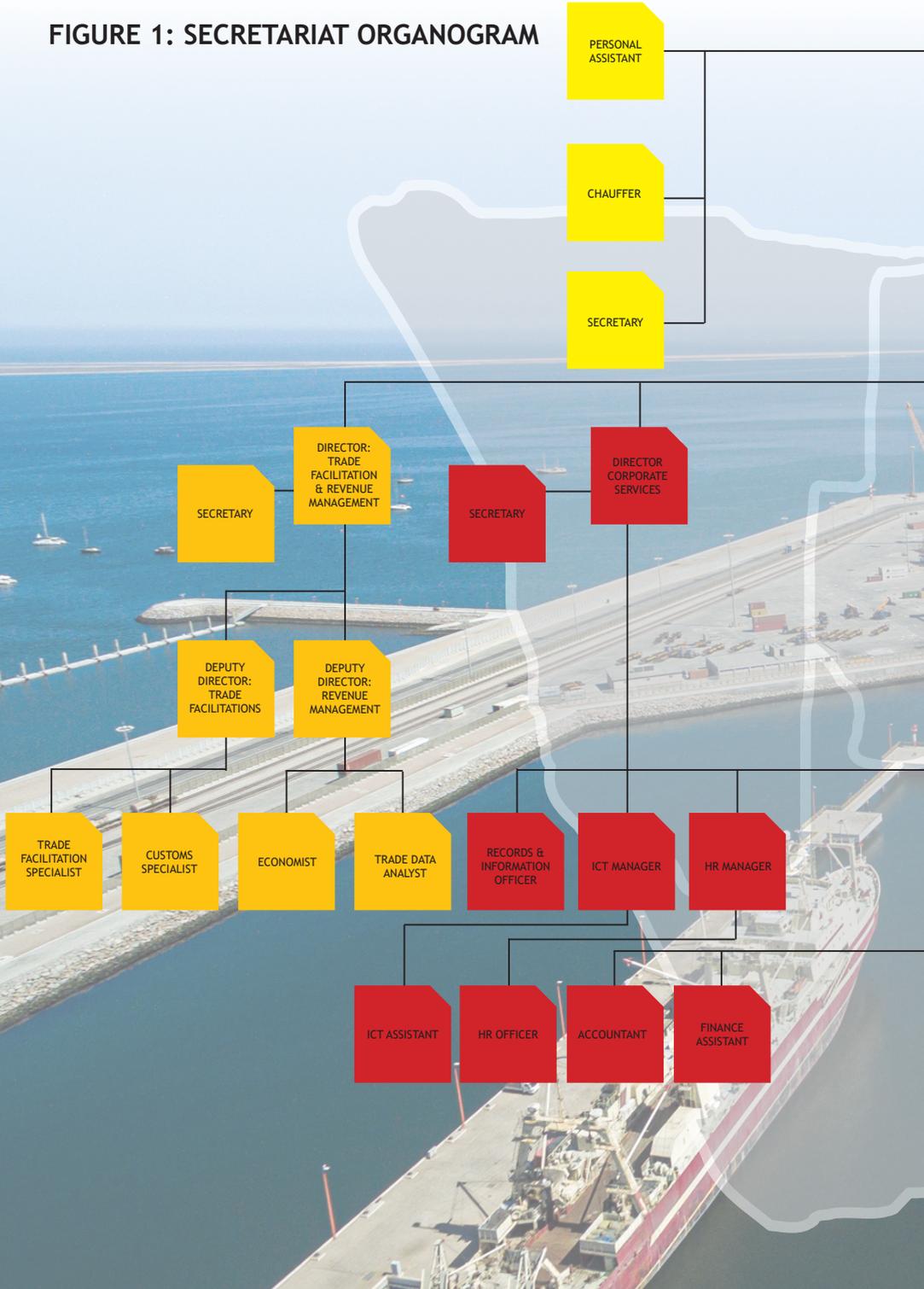


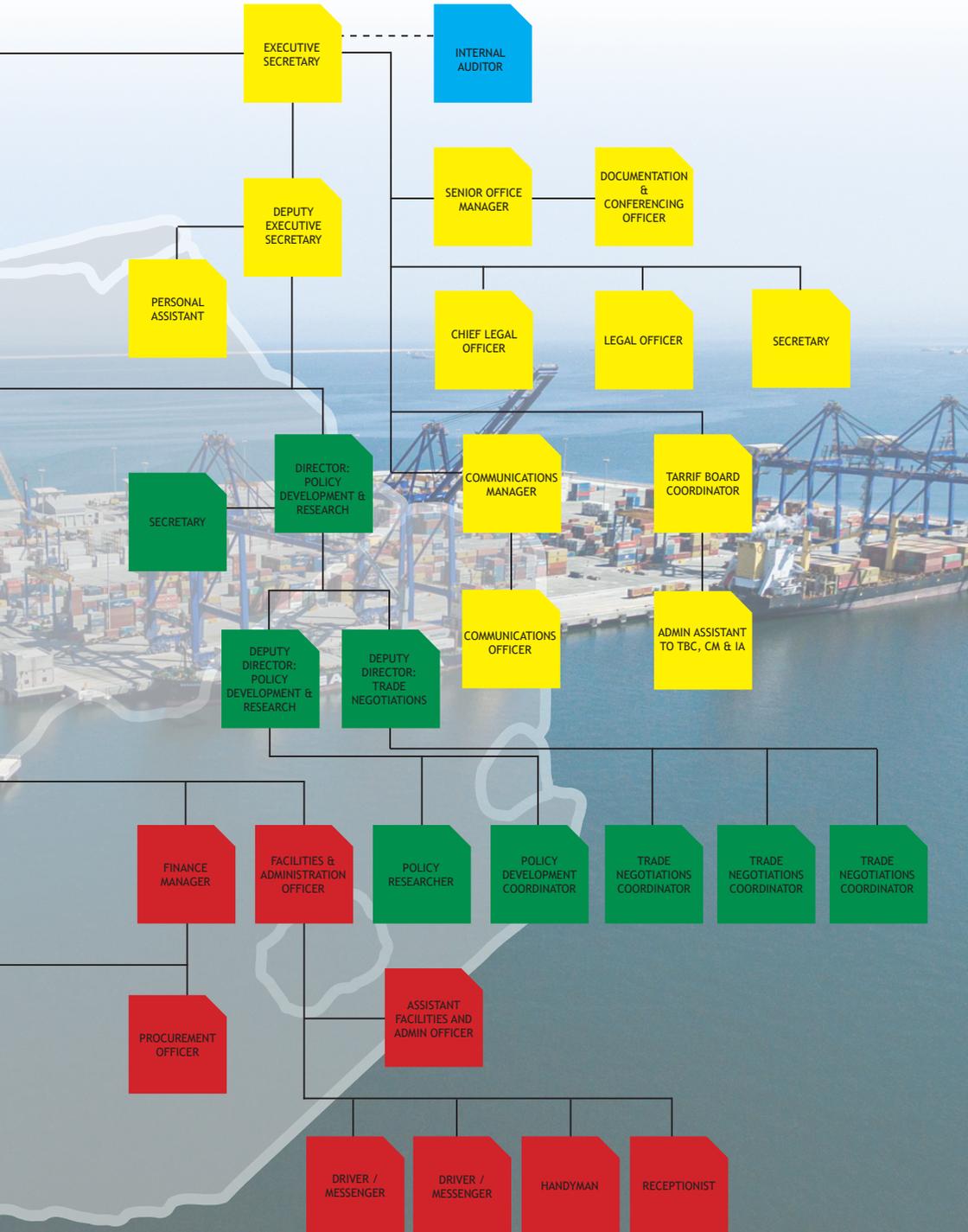
NAMIBIA



SOUTH AFRICA

FIGURE 1: SECRETARIAT ORGANOGRAM





1. SACU SECRETARIAT

The SACU Secretariat is based in Windhoek, Namibia, and is headed by an Executive Secretary. The current Executive Secretary is Ms. Paulina Mbala Elago, who assumed her duties in April 2014.

The Secretariat is responsible for the day-to-day administration of SACU. It further coordinates and monitors the implementation of all decisions of the Summit, Council and the Commission. The Secretariat exists to facilitate the achievement of the SACU objectives as outlined in the SACU Agreement, 2002. With neutrality and dedicated focus, the Secretariat provides support for all SACU activities, thereby influencing the SACU agenda. The Organisation offers expertise, consistency and continuity in an effort to promote regional integration for the benefit of all Member States. The Secretariat makes an innovative contribution through determination, professionalism and collaboration with other professionals of different entities in the industry.

The Secretariat also arranges meetings, disseminates information and keeps minutes of meetings of the institutions of SACU. In addition, the Secretariat assists in the harmonisation of national policies and strategies of the Member States that are related to SACU.

The Secretariat is also responsible for keeping a record of all transactions into and out of the Common Revenue Pool and coordinating and assisting in the negotiation of trade agreements with third parties. The Secretariat is the depository of all records of SACU. The Secretariat facilitates the implementation of the SACU Agreement, 2002; and manages and creates visibility for the SACU Brand.

i. SACU Secretariat's Vision:

To be a regional leader exemplifying the ideal practice of providing quality service to a Customs Union.

ii. SACU Secretariat's Values:

(a) Visionary Leadership

To recognise the need to set a vision in respective areas of work that stretches the organisational focus beyond the immediate situation and out to a shared future.

(b) Trustworthiness

To value honesty with an expectation to always treat each other with respect and mutual trust.

(c) Performance-driven

To value the willingness of people to be responsible and accountable for:

- (i) The quality of work produced;
- (ii) The importance of achieving positive results;
- (iii) The ability to meet or surpass expectations and manage resources; and
- (iv) Entrusted effective and efficient cost management.

(d) Integrity

- (i) To believe in exercising integrity in all business dealings;
- (ii) To treat all stakeholders with respect and fairness always;
- (iii) To practice and display the highest ethical standards by honouring commitments; and
- (iv) To be accountable and responsible for actions taken.

(e) People Centred

To be committed to an environment characterised by continuous learning and team orientation.

2. SACU SECRETARIAT DIRECTORATES

Currently the Secretariat has four Directorates, namely;

- (a) Executive Secretary's Office;
- (b) Corporate Services;
- (c) Policy Development and Research; and
- (d) Trade Facilitation and Revenue Management.

a. EXECUTIVE SECRETARY'S OFFICE

The role of the Executive Secretary's Office is to facilitate and ensure the implementation of all decisions of the SACU Summit, Council and Commission. The Executive Secretary's Office provides strategic direction to the Secretariat and facilitates communication initiatives to position and promote SACU brand and enhance its image. The Office is responsible for strategic engagement with

the SACU Heads of State or Government. The Office is the representing body for SACU in the region and international in different international platforms. The Office provide strategic advice and guidance to all SACU Head of States and Government for the best interest of SACU. The Office is the driver and implementor of the SACU Agreement, 2002.

i. Internal Audit

The Internal Audit function was established by the Council and its responsibilities are defined by the Finance and Audit Committee which is a sub-committee of the Commission as part of their oversight function. The mission of the Internal Audit function is to provide independent, objective assurance and consulting services designed to add value and improve the Secretariat and all SACU institutions operations.

It helps the Secretariat and other SACU institutions to accomplish their objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. The responsibilities of the Internal Audit function include:

- (a) development of a flexible annual audit plan using appropriate risk-based methodology, including any risks or control concerns identified by management, and submit a plan to the Finance and Audit Committee for review and approval;
- (b) implementation of the annual audit plan, as approved, including any special tasks or projects requested by management and the Finance and Audit Committee;
- (c) maintenance of a professional audit unit with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of the Audit Charter;
- (d) establishment of a quality assurance programme by which the Internal Auditor assures the operations of internal auditing activities. Perform consulting services to assist management in meeting objectives, such as facilitation, process design, training, and advisory services;
- (e) evaluation and assessment of significant merging or consolidation of functions; and new or changing services, processes, operations, and control processes coincident with their development, implementation, and/or expansion;
- (f) issuance of periodic reports to the Finance and Audit Committee and management summarising results of audit activities;

- (g) keeping the Finance and Audit Committee informed of emerging trends and new development in the internal auditing profession;
- (h) providing a list of significant measurement goals and results to the Finance and Audit Committee;
- (i) assisting in the investigation of significant suspected fraudulent activities within the Secretariat and other SACU institutions and notify management and the Finance and Audit Committee of the results; and
- (j) consideration of the scope of work of external auditors and regulators, as appropriate, for the purpose of providing optimal audit coverage to the Secretariat and other SACU institutions at a reasonable over-all cost.

ii. Legal

The responsibilities of the Legal Unit is to provide legal services to the Secretariat, the SACU Institutions and the Member States. The functions of the Legal Unit include:

- (a) providing legal advice on the interpretation and implementation of the SACU Agreement, 2002, and its Annexes, to ensure that the provisions thereof are upheld;
- (b) preparing draft Annexes to the SACU Agreement, drafting amendments to the SACU Agreement, various legal instruments as well as the Rules of Procedure for consideration by the relevant institutions of SACU;
- (c) providing legal advice and support to the SACU Member States on trade negotiations with trading partners, and on the drafting and implementation of Trade Agreements;
- (d) undertaking research and analysis on legal topics and delivering opinions and technical papers for discussion by the relevant institutions of SACU;
- (e) providing legal advice on the negotiation, drafting and interpretation of Contracts, Service Level Agreements and other subsidiary legal instruments, to ensure that the interests of the SACU are protected;
- (f) administering the implementation of the Headquarters Agreement between the Government of the Republic of Namibia and SACU on the hosting of the SACU Headquarters in Namibia;

- (g) administering and managing the depositary procedures of the Agreements and Annexes concluded by the SACU Member States and/or with third parties, and deposited with the Executive Secretary of SACU; and
- (h) coordinating and servicing SACU's dispute resolution mechanism to ensure that SACU's legal responsibilities, obligations and mandates are effectively protected and upheld.

iii. Communications

The responsibilities of the Communications Unit is to ensure efficient and effective internal and external communication to various stakeholder segments using relevant communications channels. The Communications Unit is responsible for implementing a framework that ensures a standardised and effective communication plan. The framework which focuses on raising awareness and publicity of the SACU Work Programme in the Member States. The Unit is further tasked with promoting the visibility of the SACU brand to ultimately position SACU as a leading economic driver in the region. The following are the responsibilities of the Communications Unit:

- (a) to promote the image and integrity of SACU as an international organisation;
- (b) to enhance teamwork and provide communications services support to other directorates with the Secretariat;
- (c) to promote and drive the delivery of strategic objectives of the Organisation;
- (d) to establish, direct and coordinate SACU Stakeholders Engagement internally and externally;
- (e) to promote and ensure adherence and compliance to communications policies and procedures of the Secretariat;
- (f) to identify and direct information dissemination as well as production of publications;
- (g) to develop and implement the Communications related policies in line with the SACU Agreement, 2002.
- (h) to create platform for SACU to create a legacy of sustainability in the community that we operate in; and
- (i) to develop and implement the Communications and Publicity Strategy to raise publicity awareness and brand visibility of SACU.

b. CORPORATE SERVICES DIRECTORATE

In support of the Secretariat's role, the Corporate Services Directorate is responsible for the provision of effective, efficient and cost-effective services to SACU Institutions, with the key focus being the support of the operational activities of the Secretariat. The Directorate comprises the following Units, Finance, Human Resources, Information Communication and Technology, Facilitations and Administration Procurement, and Records Management and Information.

i. Financial Management

The Finance Unit is responsible for Financial Management and focuses on fulfilling its primary role as a strategic partner and advisor on financial management and financial reporting issues of the Secretariat. Specifically, the Finance Unit is responsible for the following:

- (a) production of financial plans such as budget plans, cash flow forecasts and financial reports;
- (b) treasury management, including investments of funds;
- (c) providing financial information to all relevant stakeholders to enhance decision making within the Secretariat;
- (d) compliance with all applicable policies and procedures, accounting standards and regulatory requirements; and
- (e) financial risk management and corporate governance;

ii. Procurement

The procurement function in the Organisation is to ensure that high standards of procurement practices are followed to enable the Organisation to effectively address its operational needs. This function is performed in line with the policies and procedures, which ensure fairness and transparency in the procurement of goods and services within the Secretariat. In addition, the disposal of fixed assets is also managed through an open and unbiased process.

iii. Human Resources Management

The Human Resources Unit forms a key part of the Organisation as it focuses on human capital which is an enabling factor for the achievement of the Organisation's mandate. The Secretariat has an organisational structure which

is aimed at strengthening its capacity for the SACU work programme to advance. The Human Resources is responsible of ensuring that the staffing levels are sufficient to enable the Secretariat to provide technical advice and high quality reports to the Commission and Council; and to enable effective implementation of all the SACU policies, strategies and the SACU Work Programme. To have a consistent skills capacity within the Secretariat, the following responsibilities should be achieved:

- (a) recruitment of highly experienced and qualified employees;
- (b) retention and motivation of staff through competitive, welfare based;
- (c) Coordinate policies, strategies and performance management;
- (d) Staff development through training; and
- (e) effective management of employee relations.

iv. Information and Communication Technology (ICT)

The ICT Unit strives to equip the Secretariat with technology solutions and services, within a secure and reliable environment, that supports the provision of an efficient and cost-effective service to SACU stakeholders.

The planned projects for IT Strategy Development, Business Continuity and Disaster Recovery Planning will further strengthen the Secretariat's capacity to deliver on its mandate.

v. Records and Information Management

The Records and Information Management Unit was established in response to Article 10 of the SACU Agreement, 2002, which declares the Secretariat as the repository of all SACU records. In this role, the Unit manages and preserves the records of the Secretariat and other SACU Institutions such as the Council, Commission, Tariff Board, Technical Liaison Committees and Tribunal. The focus is on ensuring that the records of all Institutions are usable and available for decision making, research and institutional memory.

vi. Facilities and Administration

The Facilities and Administration Unit is responsible for the general administration within the Secretariat. This includes the management of security, fleet, health and safety as well as the Secretariat's assets by ensuring that the assets are

well maintained and safeguarded against all risks. The Unit provides assurance that assets are properly managed and controlled. It ensures that maintenance programme, replacement and disposal of assets are all undertaken in accordance with the Secretariat's Policies, Procedures and Guidelines.

c. POLICY DEVELOPMENT AND RESEARCH DIRECTORATE

The Policy Development, Research and Trade Negotiations Programme facilitates and coordinates matters related to the development of harmonised policies, and the integration of Member States into the global economy through various trade agreements.

The Policy Development and Research Unit draws its main functions from Part Eight of the SACU Agreement, 2002 which deals with issues of industrial policies and strategies (Article 38), agricultural policies (Article 39), competition policies, laws and regulations (Article 40), and policies and instruments to address unfair trade practices (Article 41).

The Policy Development and Research Unit is responsible for assisting SACU member states with the achievement of the SACU Agreement objectives (enhanced economic development, diversification, industrialisation, competitiveness, trade, investment and global economy integration) by providing a professional service to SACU institutions, technical committees, internal and external parties. Technical support provided is with regard to the coordination of research activities in the SACU work programme relating to cooperation, harmonization and development of common economic and trade policies and strategies and other activities that support enhanced integration of SACU Member States in the regional and global economy.

Specifically, the Policy Development and Research Unit is responsible for the following:

- (a) Coordinate the Secretariat research programme on economic and policy matters as far as they relate to SACU through designing, facilitating, undertaking and coordinating substantive research on policies that support the regional and global integration policy research programmer of SACU trade;
- (b) Closely follow regional and global integration initiatives with a view to identify and implement research projects and programmes that would support Secretariat and SACU decision-making on economic and trade policy matters in so far as they relate to the integration of SACU into the regional and global economy;

- (c) Monitor all facets of regional and international integration developments that have an impact on economic and trade policies in so far as it relates to SACU;
- (d) Facilitate and co-ordinate the review and assessment of research reports and policy proposals for the effective communication and sharing of research findings of the research projects within SACU Institutions and SACU Member States;
- (e) Collaborate with regional and global research partners and networks for the effective implementation of the regional and global integration policy research programme;
- (f) Liaise with respective SACU institutions, research institutions, donors and other relevant stakeholders with regard to the scheduling, facilitation and implementation of research projects; and
- (g) Build networks with research and other partner organisations with a view to source and facilitate the provision of technical assistance and capacity building initiatives and programmes for SACU in the areas of economic and trade policy research.

i. Trade Relations with Third Parties

Member States may maintain preferential trade and other related arrangements existing at the time of entry into force of the SACU Agreement, 2002, in July 2004. Member State shall not amend existing arrangements without the consent of other Member States.

In accordance with Article 31, the SACU Member States continue to pursue a unified approach to trade negotiations with third parties. The Trade Negotiations' Unit supports Member States through coordination of common SACU positions in the negotiations and technical assistance during the negotiation of trade agreements with third parties.

To date the concluded trade negotiations with third parties that have upheld Article 31 of the SACU Agreement, 2002, are:

- (i) the Preferential Trade Agreement (PTA) with the Southern Common Market (MERCOSUR) consisting of Argentina, Brazil, Venezuela, Uruguay and Paraguay which came into force on 1st April 2016;
- (ii) the Free Trade Area (FTA) with the European Free Trade Association (EFTA) consisting of Norway, Switzerland, Iceland and Liechtenstein which came into force on 1st May 2008;

- (iii) the Trade, Investment, and Development Cooperative Agreement (TIDCA) with the United States of America signed and implemented in July 2008;
- (iv) the Economic Partnership Agreement (EPA) between the European Union (EU) and the Southern African Development Community EPA Group which came into force on 10th October 2016; and
- (v) the Economic Partnership Agreement (EPA) between SACU Member States and Mozambique, and the UK which was signed in October 2019 and entered into force in January 2021.

d. TRADE FACILITATION AND REVENUE MANAGEMENT DIRECTORATE

i. Trade Facilitation

The SACU Agreement, 2002, makes provision for SACU Member States to cooperate in facilitating free and seamless movement of goods in the Common Customs Area. Article 18 on free movement of domestic products highlights that goods grown, produced or manufactured in the Common Customs Area, shall be free of customs duties and quantitative restrictions, except as provided elsewhere in the SACU Agreement.

In addition, Articles 22, 23, 24, and 25 of the SACU Agreement respectively make provision for Member States to strengthen Customs Cooperation in order to facilitate free and seamless movement of goods. Article 22 on legislation relating to customs and excise duties states that Member States shall apply similar legislation regarding customs and excise duties.

Article 23 on Customs Cooperation highlights that Member States shall take appropriate measures, to facilitate the simplification and harmonisation of trade documentation and procedures. This also include arrangements to strengthen Customs Cooperation to ensure that the provisions of the SACU Agreement are applied effectively and harmoniously. Article 24 on freedom of transit provides for facilitation of the movement of goods in transit within the Common Customs Area.

Article 25 on import and export prohibition and restrictions recognises the right of each Member State to prohibit or restrict importation or exportation for economic, social, cultural or other reasons that may be agreed by the Council of Ministers.

The SACU Member States are implementing the Trade Facilitation Programme as a key initiative to affect the provisions of the SACU Agreement as highlighted above. The key initiatives pursued under the SACU Trade Facilitation Programme are:

- (a) the Customs Modernisation Programme;
- (b) Cooperation on Harmonized Commodity Description and Coding System generally referred to as Harmonised System (HS); and
- (c) technical support to negotiations and implementation of trade agreements signed with third parties.

ii. Customs Modernisation Programme

The Trade Facilitation Programme is anchored on the Customs Modernisation Programme that focuses on Customs Legislative Reforms; Customs Risk Management and Enforcement; Trade Partnerships; and Customs IT Connectivity.

The objective of the Customs Modernisation Programme is to enhance internal Customs operational and administrative efficiencies to facilitate seamless movement of goods and create a conducive business environment for trade to thrive unhindered. The ultimate desired impact is to contribute directly to the competitiveness of firms including those producing and manufacturing for exports or sourcing inputs to final products from third countries.

As part of the implementation of the Customs Modernisation Programme, the SACU Member States have thus far achieved tangible outputs including conclusion of the SACU Customs Policy that sets parameters on the priority areas of focus for the SACU Customs Modernisation Programme. Some of the successes include:

- (a) development and implementation of the Single Administrative Document (SAD) Manual and Form to control the import and export of goods arriving into and departing from the SACU region;
- (b) development and implementation of the Annex E on Mutual Administrative Assistance to facilitate exchange of information on request by one Member State to the other;
- (c) development and implementation of the SACU Handbook for Customs Modernisation Programme which contains a compilation of SACU regional Tools and Frameworks required to strengthen cooperation and collaboration as well as to facilitate implementation of Customs reforms;

- (d) development and implementation of the regional tools and frameworks including:
 - (i) IT Connectivity Frameworks;
 - (ii) Preferred Trader Programme Frameworks;
 - (iii) Customs Legislative Frameworks; and
 - (iv) Risk Management and Compliance Strategies and Implementation Plans.
- (e) The full implementation of the regional Frameworks will result in enhanced efficiencies facilitation and movement of goods within the Common Customs Area.

iii. Cooperation on the Harmonised System

The SACU Member States are implementing the internationally harmonised nomenclature for products traded within the Common Customs Area. The nomenclature is developed by the World Customs Organization (WCO) and all SACU Members take part in the development and implementation of the nomenclature in their individual capacity as Members of the WCO.

The Harmonised System promotes the harmonisation of customs and trade procedures as well as the non-documentary trade data interchange. The Harmonised System Nomenclature is updated in sequence of five years and therefore SACU Member States migrated their national nomenclature for Customs duties after every five years in line with the international standards. At a regional level, SACU Member States are cooperating to ensure harmonised migration and application of the HS on the national Customs Management Systems.

iv. Technical support to negotiations and implementation of trade agreements signed with third parties

The SACU Trade Facilitation Programme also focuses on providing technical support to the negotiations and implementation of the trade agreements signed with third parties. The specific technical support rendered relates to provisions and rules contained in the trade agreements on trade facilitation, Customs cooperation, rules of origin, and transit.

v. Revenue Management

In the establishment of a Customs Union, a key decision must be made on the establishment of a mechanism for the collection and distribution of revenue from trade taxes. Part Six of the SACU Agreement, 2002, establishes a Common

Revenue Pool consisting of all customs, excise and additional duties collected in the Common Customs Area. Article 34 of the Agreement provides a Revenue Sharing Formula (RSF) for the determination of the respective revenue shares of each Member State.

Annex A to the SACU Agreement, 2002, provide details on the RSF that is used to calculate the Member State's revenue shares. The Annex outlines the data sets that are applied in the calculation of the shares. In practice, duties are collected by all Member States and transferred to the Common Revenue Pool on a quarterly basis. Each year, the revenue shares are approved by the Council of Ministers and payouts to Member States are made on a quarterly basis.

Important initiatives in implementing the Revenue Management initiative as contained in the SACU Agreement, 2002, are:

- (a) Trade Data Integrity
- (b) Establishment of a Trade Statistical Database
- (c) Management of the Common Revenue Pool; and
- (d) Revenue Sharing Formula; and

vi. Trade Data Integrity

The integrity of the key data, such a county's GDP and population size are important in the determination of Member States' customs share of the Common Revenue Pool.

In 2006 the auditing of intra-SACU trade data was undertaken. The audit focused on the processes and systems for the collection, compilation and submission of data to the SACU Secretariat for purposes of determining revenue shares. In particular, the audit considered definition issues, accounting (valuation) principles as well as the processes for collection, capture and collation of trade data.

vii. Trade Statistical Database

To facilitate the collection of data from Member States, the Secretariat has developed a template for the preparation of Economic Background Papers. This template specifies both qualitative and quantitative information analyzing economic performance in each Member State. During the year, Economic Background Papers are received from all Member States. In addition, a template for the submission of intra-SACU trade data has been developed for use by the Member States.

viii. Management of the Common Revenue Pool

The SACU Agreement, 2002, established a Common Revenue Pool (CRP) into which all customs, excise and additional duties collected in the Common Custom Area are paid. These duties are re-distributed to all the five (5) SACU Member States using a Revenue Sharing Formula and paid on a quarterly basis. The CRP is managed by the Republic of South Africa as an interim arrangement and this in line with Article 33 (1) of the SACU Agreement, 2002, which stipulates that “A Member State or SACU Institution may be appointed by the Council to manage the Common Revenue Pool”. The Member States are currently discussing the modalities for a permanent arrangement for the management of the CRP as part of the SACU Work Programme for the Ministerial Task Teams.

ix. Revenue Sharing Formula

The implementation of the new Revenue Sharing Formula as contained in the SACU Agreement, 2002, began in 2006. The Revenue Sharing Formula is currently under the discussion to consider revision by the Member States. The new formula has the following components:

- (a) The Customs component: Each Member State share of the customs component shall be calculated from the Cost Insurance Freight (CIF) value at border posts of goods imported from all other Member States into the area of each as a percentage of the total CIF value of intra -SACU imports.
- (b) The Excise Component: Each Member State’s share of the excise component shall be calculated from the value of its GDP in a specific calendar year as a percentage of total SACU GDP in such a year.
- (c) The Development Component: The development component shall initially be set at 15 percent of the excise component but shall be reviewed from time to time and will be adjusted if agreed to by all Member States.







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