Botswana

ARTICLE 12: CUSTOMS COOPERATION

Botswana Unified Revenue Service (BURS) embraces cooperation between Customs administrations as it can be effective in dealing with continuous and massive flow of goods and passengers. Thus, it has developed various kind of cooperation networks with foreign Customs administrations supported by the legal framework that provide the basis for cooperation. The Customs Act of 2018 gives the Commissioner General powers to establish co-operation through mutual administrative assistance agreements, Memorandum of Understanding (MoU) in order to share or exchange data and information for Customs controls. This has enabled BURS to enter into a number of MoUs at bilateral level with various neighboring countries’ Customs administrations such as Zambia Revenue Authority (ZRA), South African Revenue Service (SARS), Zimbabwe Revenue Authority (ZIMRA), Namibia Revenue Authority (NAMRA). Memorandum of Understanding/Agreement (MoU/MoA) is essential for prescribing the scopes of possible cooperation and rules concerning exchange of (confidential) information. It is important to understand how to deal with information received from Customs abroad for continuous and effective cooperation, as recipient Customs should handle it respecting relevant rules of jurisdiction where Customs giving information is located.

Automated Data Exchange (with ZRA and SARS)

BURS and ZRA signed MOU in 2019 that has assisted both Customs administrations to exchange information and data on automated basis through the use of Unique Consignment Number (UCR) for purposes of declaration processing, risk profiling and targeting, and a wide Customs use. Currently the two Customs administrations has interfaced their Customs processing systems for purpose of exchanging declaration data in advance on the basis of push and pull approach. The declaration data is captured once during export declaration processing and is pre-populated into the importing country’s declaration processing system for purposes of processing import declaration. The two Member states have adopted the WCO’s Data Model for UCR as an internal best practice. The success rate is currently at more 80% matching rate on the exchanged data. In addition, BURS has signed another MoU in 2018 with SARS for the purpose of implementing automated data exchange platform only on certain agreed data elements from the export declarations.

The cooperation is extended on various compliance issues such as sharing cargo scanning facilities at some border posts where one member has a scanner and the other does not have. For example, Botswana at Ramokgwebana border post scanning of cargo is performed on the Zimbabwean side and the results are shared with Botswana Customs office for determining verification and physical examination procedures. Furthermore, the same level of cooperation is experienced at Mamuno border post between Botswana and Namibia where again cargo scanning is performed on side by NAMRA for utilization of information result with BURS.

Botswana is also a member of Southern African Customs Union (SACU) which is a trade partnership with a common customs territory, which provide customs cooperation among the contracting parties through the Annex E. SACU is made up of five member states being Botswana,
South Africa, Namibia, Lesotho and Eswatini and it is provided for in Annex E to assist each other on sharing of information for the purposes of sharing or exchanging customs information and data.

Provisions from the Customs Act of 2018

PART II — Powers and Duties of Commissioner General

5. The Commissioner General shall —

(a) administer and enforce this Act;
(b) establish and maintain administrative, financial, technological, electronic and communicative systems and procedures necessary for the implementation and enforcement of this Act;
(c) coordinate and consult with other Government agencies to establish the most effective methods of working together and sharing information in order to simplify and facilitate the requirements of national legislation;
(d) conclude Memoranda of Understanding with other Government agencies, trade entities or other institutions to enhance the enforcement of customs and other relevant legislation;
(e) co-operate with other customs administrations and seek to conclude mutual administrative assistance agreements to enhance customs controls and simplify customs requirements; and
(f) determine the conditions and category of customs officers who shall have the power to carry out an arrest for the purpose of implementation and enforcement of this Act.

(2) Notwithstanding subsection (1), the Commissioner General may, in accordance with an international convention or agreement in respect of customs cooperation to which Botswana is a party, disclose or exchange, or authorise a customs officer to disclose or exchange information relating to a person or business acquired by the customs officer in the performance of his or her duties under this Act.

(3) Any person, including a third party, to whom such information is disclosed or exchanged shall use the information only for the purpose for which it was disclosed or exchanged.
A – Advance information

59. (1) A person in charge of a means of transport for commercial use that is due to arrive in Botswana from a place outside Botswana shall provide —

(a) an advance notice of the scheduled arrival in Botswana at a customs controlled area of the means of transport, passengers and crew on board and the place of arrival; and

(b) an advance manifest if the means of transport is carrying goods.

(2) An owner or operator of a means of transport for commercial use or an agent of the owner or operator may provide the information referred to in subsection (1) on behalf of the person in charge of the means of transport for commercial use.