Technical Report:

Workshop on Implementation of TKC Risk Management Program

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LIST OF ACRONYMS

Risk means the potential for non-compliance with Customs laws and regulations

Risk Management means the systematic application of management procedures and practices which provide Customs Authorities with the necessary information to address movements or consignments which present a risk

Risk planning is the process of developing and documenting an organized, comprehensive, and interactive strategy and methods for identifying and tracking risk areas/issues, developing risk handling plans, performing continuous risk assessments to determine how risks have changed, and assigning adequate resources.

Risk assessment is the problem definition stage. It is the process of identifying and analyzing program areas and critical technical process risks to increase the probability/likelihood of meeting cost, schedule, and performance objectives. At ports of Entry/Exit it is the application of various techniques to assess the probability that goods and or persons being processed through such ports have not been lawfully entered or declared.

Risk analysis is the process of examining each identified risk area or process to refine the description of the risk, isolating the cause, and determining the effects. It includes risk rating and prioritization in which risk events are defined in terms of their probability of occurrence, severity of consequence/impact, and relationship to other risk areas or processes. The objective of risk analysis is to gather enough information about the risk issues to judge the probability of occurrence and cost, schedule and technical consequences if the risk occurs. A common product of a risk analysis is a watch list. A watch list is structured to show the trigger event or item, the related area of impact, and later, as they are developed, the risk handling actions taken to reduce the potential for or impact from that event. The watch list is periodically re-evaluated and items are added, modified or deleted as appropriate. Should the trigger events occur for items on the watch list, there would be immediate cause for risk assessment to be updated and risk handling methods to be selected.

Risk handling is the process that identifies, evaluates, selects, and implements options in order to set risk at acceptable levels given program constraints and objectives. This includes the specifics on what should be done, when it should be accomplished, who is responsible, and associated cost and schedule. Options include:

- Assumption
- Avoidance
- Control (mitigation / prevention)
- Transfer

Risk monitoring is the process that systematically tracks and evaluates the performance of risk-handling actions against established metrics throughout the process and develops further risk-handling options, as appropriate. It feeds information back into the other risk management activities of planning, assessment, and handling.

Risk documentation is recording, maintaining, and reporting assessments, handling analysis and plans, and monitoring results. It includes all plans and reports for the decision authorities.
EXECUTIVE SUMMARY

The Trans Kalahari Corridor (TKC) Management Committee made a decision to develop and implement a common Risk Management System along the TKC with a view to reducing transportation costs and transit times as envisaged in Article 1.3 of the TKC Memorandum of Understanding and the SADC Protocol on Trade.

Instead of starting from the scratch in the development of a TKC Risk Management System, it was decided to use the SARS Risk Management Model as a basis for the TKC Risk Management Policy. The Workshop started with a presentation of experiences and lessons from SARS to Risk Management. SARS took the journey she initiated to develop and implement their system. This highlighted key considerations among them the SARS Customs Strategy in developing these trade facilitation tools and the lessons learnt.

The Workshop incorporated some aspects of the SARS approach into the Draft TKC Risk Management Policy Framework and the finalized Policy Document highlighted the following –

- Scope
- Strategic Objectives
- Strategic Risks
- TKC Risk Management Approach
- Operating Environment

The Workshop agreed on Implementation Action Plan (Annex 1), with the launch of the TKC Risk Management Program penciled for November 2011

1. INTRODUCTION

Many risks can affect Customs and Border Agencies operations, prevent the achievement of government goals and objectives, and cause losses to both the economy and the ability to protect the public. In the broadest sense, risk management supports the effectiveness, efficiency, economy and continuity of government operations, as well as the maintenance of services to and the protection of the public.

The Trans Kalahari Corridor (TKC) Management Committee made a decision to develop and implement a common Risk Management System along the TKC with a view to reducing transportation costs and transit times as envisaged in Article 1.3 of the TKC Memorandum of Understanding and the SADC Protocol on Trade.

An Assessment of Readiness of TKC Customs Authorities to Implement Risk Management was carried out and the findings were as follows –

- SARS has a well-developed Risk Management System with a dedicated Risk Management Department, utilizing a selectivity module known as the Integrated Customs Risk Analysis System (ICRAS) which provides risk analysis and profiling capabilities for imports and exports from a transactional and behavioral context
- Botswana Unified Revenue Service (BURS) and Namibia Customs and Excise (NCE) do not have a dedicated risk management unit nor do they apply risk analysis techniques to available statistical data or proactively gather additional data in order to identify, define, assess and evaluate risks and to develop the types and intensity of controls most suited to address specific risks.
Instead of starting from the scratch in the development of a TKC Risk Management System, it was decided to use the SARS Risk Management Model as a basis for the TKC Risk Management Policy.

2. OBJECTIVES

To develop and pilot a harmonized common TKC Risk Management System which will reduce transaction costs and transit times at international frontiers.

3. HIGHLIGHTS

The Workshop started with a presentation of experiences and lessons from SARS to Risk Management. SARS took the journey she initiated to develop and implement their system. This highlighted key considerations among them the SARS Customs Strategy in developing these trade facilitation tools and the lessons learnt. The presentation outlined among others Customs Strategic context, Strategic shift & compliance; Overview of Customs Risk Management system; Declaration Processing Requirements (DPR) & Inspection processing schematic and their impact on TKC.

4. ISSUES AND RECOMMENDATIONS

After the presentation by SARS, the TKC Risk Management Policy Framework which was drafted last year was then reviewed. Some amendments were made, which accommodated the latest SARS current practice.

This policy framework is derived from best practices in Risk Management developed and applied internationally and aligned to regional initiatives.

The TKC risk management policy framework endeavors to harmonize risk management practices within the region and provides a framework to increase cohesion and consistency in managing risks and to co-ordinate current risk management initiatives across TKC borders and government agencies.

Ranga Munyaradzi, Senior Customs Advisor, then presented draft TKC Implementation Action Plan, based on the new Policy Framework, and said the stage is now reached for implementation of the TKC Pilot Risk Management Project. The Workshop made a number of amendments, and the final Implementation Action Plan in Annex 1 will be presented to the next meeting of the TKC Customs Working Group in April 2011 before submission to the Heads of Customs for final approval later in the year. It is envisaged that the pilot project will commence in November 2011 once all other listed actionable items are completed.

The Senior Customs Advisor told the Workshop that the Trade Hub will facilitate training on Risk Management as per Action Plan, while SARS re-confirmed that they will provide trainers as previously agreed.
Agreed TKC Risk Management Policy Framework

1. **Scope**
   This policy framework treats risk management as a logical step-by-step process which protects, and consequently minimizes risk to, the safety and security of its domain, government property, interests, and employees. The mandate includes protecting the government against loss of revenues, loss of integrity, loss of compliance, loss of competitiveness, and risks related to undesirable persons or goods entering the region.

2. **Strategic Objectives**
   The strategic objectives of a TKC risk management policy framework identify the three strategic goals that support TKC mission as:

   a) **Facilitate legitimate trade**: Border Agencies facilitates legitimate trade and movement of goods and persons through the application of modern techniques and technology to reduce delays at the border. This is done by using risk management, cooperating with other Government administrations, either regionally or bilaterally, on facilitation initiatives, working with other state agencies to advance the seamless movement of goods and persons through ports of entry and reduce red tape;

   b) **Protect the economy and society**: Border agencies protect the Regional economy and society from unfair trade practices and dangerous as well as unsafe goods. This is done by applying tariffs, taxes and trade remedies; preventing dangerous and unsafe goods from entering the Region; preventing smuggling; detecting commercial fraud; administering preferential trade schemes such as AGOA and trade agreements such as the SADC Trade Protocol; enforcing Intellectual Property Rights (IPR) regimes at the border..

3. **Strategic Risks**
   The following strategic risks have been identified:

   i. **Economic Protection**
      - Fraud and serious non-compliance relating to high duty goods and trade promotion schemes, remedies and measures;
      - Infringements take place to Intellectual Property rights.
      - Non-compliance with regulations in Government key economic sectors;
      - Abuse of preferential trade agreements / rules of origin;
      - Dumped and subsidized goods enter the country on terms determined to be damaging to local industry;

   ii. **Trade Facilitation**
      - The costs to business of complying with border requirements are excessive and restrict international competitiveness of the Regional supply chain;
      - Excessive manual processes hamper security and facilitation;
      - Unnecessary (non-tariff trade) barriers are put in place restricting international trade and tourism;
4. **TKC Risk Management Approach**
A risk management framework is a formalized process for managing risk on an explicit basis. The framework consists of a risk assessment, response and accountability for the risk and mitigation activities around it.

The following are key components of an Intelligence driven risk management capability:
- Risk Management Policy Framework;
- Strategic intelligence and analysis capability;
- Knowledge, data, information repository;
- Analytical tools, systems and methodology to collect, analyse and interpret complex trade, contraband and security related issues;
- Compliance measurement;
- Audit and investigation capability.

5. **Operating Environment**
Risk management is concerned with the outcome of future events, whose exact outcome is unknown, and with how to deal with these uncertainties, i.e., a range of possible outcomes. In general, outcomes are categorized as favorable or unfavorable, and risk management is the art and science of planning, assessing, and handling future events to ensure favorable outcomes. The alternative to risk management is crisis management, a resource-intensive process that is normally constrained by a restricted set of available options.

Effective risk management requires involvement of an entire team and also requires help from outside experts knowledgeable in critical risk areas (e.g., threat, technology, design, manufacturing, logistics, schedule, and cost). In addition, the risk management process should cover hardware, software, the human element, and integration issues. Outside experts may include representatives from the user, laboratories, contract management, test, logistics, and sustainment communities, and industry. Users should be part of the assessment process so that an acceptable balance among cost, schedule, performance, and risk can be reached.

This policy identifies five risk management phases:
- Risk planning,
- Risks assessment (risk identification and risks analysis),
- Developing risk handling options,
- Risk monitoring; and
- Risk documentation.

The policy requires that Border agencies has an obligation to be fully aware of state-of-the-art practices in risk management. This includes being aware of the practices in both public and private environments

**TKC Initiative: Risk Management Policy Objective**
The objective of the risk management policy is to ensure that Border agencies effectively identifies, assesses, addresses, and reports risks which may have an impact on:
• achieving and delivering the Border agencies’ mandate, priorities, objectives, and goals in the most cost effective manner possible;
• safeguarding government assets and revenue as well as protecting the public; and
• Developing a skilled, knowledgeable, professional, and ethical workforce.

Results

Applying this policy will assure stakeholders that risks are proactively and adequately managed within their respective areas of responsibility. It will also help reduce the undesired consequences resulting from internal and external pressures. Applying this policy framework will improve Administrations’ accountability by demonstrating effective risk management and prudent risk-taking. The risk management policy framework includes the following indicators of success:
• fewer negative impacts on Border agencies through applying the risk management process and carrying out the action plans designed to minimize the risk;
• improved choice of Border agencies’ priorities resulting from better risk information; and
• Improved resource allocation as a result of earlier identification and management of risks.

Accountability

The TKC Border agencies’ authorities are accountable for:
• applying and documenting, as presented in the application section, a risk management process that will support the organization’s needs;
• communicating the risk management policy to managers, peers, and employees;
• monitoring identified risks, identifying new risks, and determining if action plans are achieving the desired results; and
• Developing skills, expertise, processes, tools, and methods relating to risk assessment; and managing resources to minimize the risks.

The Operational Managers are responsible for maintaining the risk management policy, monitoring its application, and providing reports to senior management on a yearly basis.

The advantages of using a risk assessment system are:

• Resources can be concentrated to deal with identified risks;
• Volume of traffic requires selectivity to be applied;
• Information can be assembled – more information = more chance of effective controls;
• Makes individual’s work easier / more directed;
• Improved results can produce increased motivation.

Once a risk assessment is complete, it should be incorporated into a risk profile. A risk profile covers:
• Physical risks
I. Geographic risks of goods being removed from the Customs area;
II. Maps / photographs of the Customs area (border, port, airport)
III. Times of activity i.e. shift changeovers, hours of activities of the port / airport;
IV. Local security arrangements etc.

And

• Traffic risks
  I. Types of goods;
  II. Duty and tax rates;
  III. Previous examination results including details of irregularities;
  IV. Routes / source countries;
  V. Transits;
  VI. Local control systems;
  VII. Records of known traders (suspect).

6. Processes

The risk management process is a five-phase process which supports the successful development and delivery of its programs. Risk management is a logical and a systematic method of planning, assessing (identifying and analyzing), developing handling strategies (and implementing solutions to address risks), monitoring and documenting risks associated with any program, project, or activity. It enables Border agencies to minimize exposure and potential loss, as well as to maximize opportunity. It will also maximize the collection of revenues and provide enhanced protection to the public.

Benefits
The risk management process and its results will benefit Border agencies and their partners by:
• facilitating the increasing flow of traffic, goods and persons;
• limitations of influx of illegal and undesirable persons
• enhancing collection of revenue through selective enforcement;
• increasing the seizures of contraband such as drugs, weapons and stolen vehicles;
• creating a record of risk;
• demonstrating to the government that Border Agencies are managed properly;
• giving the relevant decision-makers data on which they can make informed decisions
• providing a mechanism for ensuring accountability;
• creating an audit trail; and
• Supporting the monitoring process.

While the concept is simple, additional tools are needed to reduce the number of variables (including the sheer number of possible threats, areas of impact, and recommended options) to a manageable size.

Risk assessment
Identify risks
This phase identifies what, why, when, and how internal and external events may arise which have an impact on the organization, program, project, or activity. The start of the risk identification process will be establishing the context of the program. This phase establishes the scope of strategic assessments by defining the organizational context.
Criteria to assess risk are developed based on the organization’s mandate, objectives, contracts, agreements, and expectations. Consideration should be given to stakeholders (including police agencies, other government departments and trade and tourism associations) and other groups in this or any of the subsequent steps of the risk management process, to ensure that all aspects concerning the risks are covered.

In conjunction with the stakeholders the risks to be managed will be identified. Using the knowledge of the managers involved a preliminary determination of the potential damage or negative impact on the Border Agencies’ and the government’s policies and social and economic objectives will be made for all cross-border issues. This step will also include the identification of control systems strengths and vulnerabilities and should tentatively identify the highest risk commodities.

**Analyze risks**

During this phase, the existing controls are identified and the risks are analyzed in terms of their likelihood of occurrence and the magnitude of their potential negative consequences to Border Agencies. The analysis may involve judgments and assumptions based on incomplete information. To avoid subjective biases, the best available information and the most appropriate techniques should be used during the analysis. Data will be collected from all available sources. Some of these may include:

- Seizure records
- Crime statistics
- Passenger movement reports
- Migration and statistical data
- Audit reports
- Import patterns
- Client demographics
- Contraband availability
- International information
- Intelligence

Intelligence officers will be tasked to gather information from clients and stakeholders. This may be done through interviews or through the development of informants and sources within the organizations being surveyed.

The information and intelligence collected will be subjected to a systematic analysis that makes judgments on the likelihood, the frequency and the consequences of the risk. The risk assessment should look at the current state of affairs and project this into the future in order that managers can determine the need for corrective action.

A weighting factor could be incorporated into the assessment. The definition of the various degrees of risk is:

<table>
<thead>
<tr>
<th>Risk Level</th>
<th>Description</th>
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<tbody>
<tr>
<td>High</td>
<td>Will cause serious damage</td>
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<tr>
<td>Medium</td>
<td>Likely to cause some damage which will have an impact on socio-economic objectives</td>
</tr>
<tr>
<td>Low</td>
<td>Unlikely to cause much damage or damage will not significantly impact on policy or objectives</td>
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In general, low levels or risk can be accepted. That is, no action need be taken to correct the problem. Medium levels of risk should be treated if there are sufficient resources to do
so. If there are not sufficient resources the risk should be closely monitored. High levels of risk must be treated.

**Risk handling**
A risk handling strategy must be developed for all identified high risk. This phase involves the following activities:
1. Identifying all possible options to avoid risk or accept a tolerable amount of risk by ensuring proper protection of resources, reducing the likelihood of the occurrence, reducing the consequences, or transferring the risk (e.g., insurance). It is important in this step to ensure that the risk is yours to control.
In some cases, the risk may properly belong to another organization such as the police, immigration or agriculture.
Risk may be controlled by education programs for traders or carriers, a review of and changes to our internal legislation or regulations, transfer of resources to provide a higher level of enforcement, adoption of new technology, etc.

2. Evaluating options on the basis of reducing risk and creating opportunities, by factoring in the criteria developed earlier. More than one option can be used to address the risk and the costs of each of the options should be considered.

3. Preparing and implementing action plans that identify responsibilities, schedules, expected outcomes, budgets, performance measures, and the review process. The action plans must be practical and realistic.

**Risk Monitoring**
The fourth step in the risk management cycle is to establish performance indicators that will allow Customs to determine if the solution or treatment for the risk is effective. An electronic collection database will be established and maintained in the risk management section to facilitate the collection and review of these performance indicators.

Performance indicators may include:
• Results from random audits and examinations. Random sampling will be an integral part of the risk management program.
• Audit verification and Investigation results.
• Volumes of traffic, both commercial and travellers. Note should be taken of major shifts in traffic patterns.
• Domestic contraband availability.
• Revenue collections.
• Success of targeting. Is it better or worse than the random examinations?

The last step is to periodically review the process to ensure that action plans are still relevant and are working as intended. New action may include putting a hold on or even terminating a project or initiative. If the action plan has been effective it is possible that the risk has shifted from one area to another. Also, because the environment continues to evolve, new risks should be assessed and priorities determined together with the existing risk assessment summary. Action plans should be adjusted to address new priority risks, as needed.
The risk management system must be flexible and ready to adapt to an ever-changing environment. This is essential as government policies and social and economic objectives are subject to change. The level of risk is always changing and we must be prepared to adapt.
**Risk documentation**

A primary criterion for successful management is formally documenting the on-going risk management process.

- It provides the basis for program assessments and updates as the program progresses.
- Formal documentation tends to ensure more comprehensive risk assessments than if it is not documented.
- It provides a basis for monitoring risk handling actions and verifying the results.
- It provides program background material for new personnel.
- It is a management tool for the execution of the program.
- It provides the rationale for program decisions.

**TKC Risk Management Plan**

The following key priorities are specifically identified to support Risk Mitigation that can be used as a guide by Border Agencies

Operating Model Area  Risk Management Function
Strategic intent  Improve risk management through better use of intelligence, information and data, to inform better Border Agencies strategic, operational & tactical decisions
Action Steps  Delivery timeline  Responsibility
Introduce case management for incidents tracking and risk feedback mechanism

Establish a national targeting Centre with specialist competencies
Develop targeting system to support NTC in evaluating admissibility risks for interception by "control" teams at ports of entry.
Implement the risk management strategy
Develop and implement an operational response plan for undervaluation risks.

Develop holistic Customs risk management strategy including risk segments, compliance and resource model
ANNEXES

Annex 2 – List of Participants: Risk Management
# Annex 1 – Action Plan for Implementation of TKC Risk Management (REVISED 15 February 2011)

<table>
<thead>
<tr>
<th>Issue</th>
<th>Legal</th>
<th>IT</th>
<th>Risk</th>
<th>Adm framework</th>
<th>Task Team Actions Required</th>
<th>Time line</th>
</tr>
</thead>
</table>
| 1. **Appropriate Legal Framework**  
- Mutual recognition criteria  
- Common AEO / trusted Trader qualifying criteria  
- Consistent approach to benefits. | X | | X | | Confirmed by all Administrations  
SARS to provide relevant documentation & drafts  
Unpack implied risk impact (to mitigate risk) | | Completed |
| | | X | | | Completed |
| | | | | | To be discussed at AEO Trusted Trader meeting - 16/02/2011 |
| 2. **Consistent approach to Risk Management**  
- Consistent approach to validation and verification controls  
- Common data elements for risk analysis purpose  
- Common platform for information sharing | X | X | X | | Identify and agree data elements and exchange for risk mitigation. Use SAD 500 data fields as basis  
Determine risk rating methodology. Dependency on capacity within each country  
Risk strategy and policy as well as SOP’s needs to be drafted and aligned  
Draft MAA (MoU) to enable legal basis for information exchange | | April 2011 (Microsoft pilot)  
15/05/2011  
01/06/2011  
30 April 2011 |
Develop mechanism and protocol to exchange risk information and or intelligence – working relationship between Risk Management Divisions: SARS to initiate discussion document

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<tr>
<td>3. <strong>Mandatory advance electronic submission</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Secretariat request IT task Team to inform and advise detail</td>
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<tr>
<td>4. <strong>Points of contact</strong></td>
<td>X</td>
<td>Establish individual country point of contact (single point of entry) – See envisaged Protocol</td>
<td>15/02/2011</td>
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<td>Paulus Andreas – Namibia</td>
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<td>Ms. Kelekwang Maikano – Botswana</td>
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<td>Mr. Saleem Rajah – SARS (Patrick Moeng)</td>
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<tr>
<td>6. <strong>Risk Management training</strong></td>
<td>X</td>
<td>X</td>
<td>Draft and submit training needs requirements P Andreas (N) KM Maikano (B) Identify trainees – Botswana &amp; Namibia to submit names of trainees to Secretariat Risk Management (if possible classroom training and On the job training) Auditing: Regulatory &amp; licensing inspection</td>
<td>Completed</td>
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<td>Post clearance audit/inspection</td>
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<td>Assurance audit</td>
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<td>Compliance audit</td>
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<td>Transactional audit/inspection</td>
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<td>Practical training on Trader Account Management</td>
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<td>Supply chain management</td>
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<td>Investigations</td>
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<td>Attachment to SARS PT/AEO operational team when they are doing audits</td>
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<td>Relationship between RM and enforcement</td>
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Annex 2 – List of Participants: Risk Management

ATTENDANCE REGISTER
TKCMC CUSTOMS & TRANSIT FACILITATION WORKING GROUP TASK TEAM MEETING ON RISK MANAGEMENT
PRETORIA, SOUTH AFRICA

14 – 15 FEBRUARY 2011

<table>
<thead>
<tr>
<th>NAME</th>
<th>ORGANISATION</th>
<th>POSITION</th>
<th>TELEPHONE</th>
<th>E-MAIL</th>
<th>PUBLIC OR PRIVATE SECTOR</th>
<th>GENDER</th>
</tr>
</thead>
<tbody>
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<td>M</td>
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<td>Moses N. Mwetako</td>
<td>Namibia Customs</td>
<td>Senior Customs Officer</td>
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<td>Namibia Immigration</td>
<td>Control Immigration Officer</td>
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<tr>
<td>8</td>
<td>Sandile Ntsoyi</td>
<td>SARS</td>
<td>Operational Specialist: Inter Customs</td>
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