

BILL

To provide for the conclusion of agreements with an adjoining state on the implementation of one-stop border processing arrangements; to authorize the carrying out of border controls outside the territory of the Republic; to authorize officers of an adjoining state to carry out border controls within the territory of the Republic in terms of the laws of the adjoining state; to provide for matters connected therewith.

Definitions

1. In this Act, unless the context indicates otherwise-

“adjoining state” means the Republic of Angola, the Republic of Botswana, the Republic of South Africa and the Republic of Zambia

Explanatory Note:

The above definition would apply to a law adopted by Namibia. In the case of Zambia, the reference to South Africa must be deleted and references to the Republic of Botswana, the Democratic Republic of Congo, the Republic of Malawi, the Republic of Mozambique, the United Republic of Tanzania and the Republic of Zimbabwe must be inserted.

“border controls” means immigration, customs, health, veterinary and phytosanitary, road traffic and transport controls provided for in border control legislation;

“border control legislation” means the laws listed in the Schedule.

Agreements with adjoining states

2. (1) Subject to of the Constitution (*insert reference to applicable article in the Constitution governing the power of the President to conclude international agreements*), the National Executive may conclude an agreement with an adjoining state allowing -

(a) border controls to be undertaken at a place located within the territory of the adjoining state; and

(b) officers of the adjoining state to undertake border controls in accordance with the national legislation of the adjoining state within the territory of the Republic.

(2) An agreement concluded in accordance with this law shall form part of the law of Namibia / Zambia (*delete whichever is not applicable*) upon a date agreed between the parties and publication thereof in the *Gazette*, whichever occurs later.

Application of border control laws

3. (1) The laws listed in the Schedule shall for the purposes of enabling officers of the Republic to carry out border controls within an adjoining state extend to the place in such state as defined in the agreement contemplated in Sec 2(1)(a).

(2) The President may, by proclamation in the *Gazette*, add or remove a law from the Schedule.

Application of criminal law

4. (1) Any act or omission which-

(a) takes place outside the Republic at a place defined in an agreement contemplated in section 2(1)(a); and

(b) would, if it had taken place in the Republic, constituted an offence under any law listed in the Schedule,

shall be treated for the purposes of that law as if it had taken place in the Republic.

(2) For the purposes of determining jurisdiction, an offence contemplated in subsection (1) shall be deemed to have been committed within the area of jurisdiction of the court closest to the place where the act or omission took place.

Regulations

5. A Minister charged with the administration of a law listed in the Schedule may make regulations to the extent permitted in such law with regard to the performance of border controls at a place contemplated in Sec 2(1)(a).

Short title and entry into force

6. This Act shall be called the One-Stop Border Control Act and comes into effect on a date to be determined by the President by proclamation in the *Gazette*.

Schedule¹

NAMIBIA

Agricultural Pests Ordinance No. 11 of 1927
Agricultural Pests Act No. 3 of 1973
Agricultural Produce Export Ordinance No. 13 of 1928
Animal Diseases and Parasites Act No.13 of 1956
Canned Fruit Export Marketing Act No.100 of 1967
Control of the Importation and Exportation of Dairy Products and Dairy Products Substitutes Act No.5 of 1986
Fertilizers, Farm Feeds Agricultural remedies and Stock Remedies Act No. 36 of 1947
Karakul Pelt Export Duty Proclamation No. 34 of 1939
Karakul Pelts and Wool Act No.14 of 1982
Karakul Sheep Farming Industry Protection proclamation No.31 of 1930
Meat Industry Act No.12 of 1981
Tobacco Growers Protection Ordinance No.2 of 1933

Customs and Excise Act No.20 of 1998

Immigration Control Act No.7 of 1993

International Health Regulation Act No.28 of 1974

Import and Export Control Act No.30 of 1994

ZAMBIA

Chapter 123. Immigration and Deportation Act

Chapter 227. Cotton Act
Chapter 228. Coffee Act
Chapter 230. Dairies and Dairy Produce Act
Chapter 231. Noxious Weeds Act
Chapter 232. Agricultural Products Levy Act
Chapter 233. Plant Pests and Diseases Act
Chapter 234. Dairy Produce Marketing and Levy Act
Chapter 236. Plant Variety and Seeds Act
Chapter 237. Tobacco Act
Chapter 238. Tobacco Levy Act

Chapter 295. Public Health Act

Chapter 246. Export of Pigs Act
Chapter 248. Cattle Cleansing Act
Chapter 249. Tsetse Control Act
Chapter 250. Cattle Slaughter (Control) Act
Chapter 251. Pig Industry Act
Chapter 252. Stock Diseases Act
Chapter 322. Customs and Excise Act

¹ This list is indicative and is subject to verification by ministries charged with the administration of the listed laws.