

**EXECUTIVE SUMMARY**  
**BRIEFING TO THE MINISTER ON THE RSA/ LESOTHO CROSS BORDER**  
**OPERATIONAL CHALLENGE**

This memorandum addressed to the Minister of Transport, Ms Dipuo Peters, MP, is to apprise the Minister on the progress made by the National Ministerial Task Team (NMTT) on the RSA/ Lesotho cross-border challenge.

The NMTT last met with the Minister on 06 July 2015, wherein the Minister endorsed the Program of Action of the NMTT, with the timeframes. The Program of Action is still being implemented with a number of processes having been initiated.

The NMTT has received a diary alert to appear for a briefing before the Portfolio Committee on Transport (PCOT) on 11 August 2015. The briefing presentation to the PCOT is attached hereto as Annexure B.



**transport**

Department:  
Transport  
REPUBLIC OF SOUTH AFRICA

## **MEMORANDUM**

**TO: MS DIPUO PETERS, MP  
MINISTER OF TRANSPORT**

**FROM: MR PULE G SELEPE  
DIRECTOR-GENERAL: TRANSPORT**

**SUBJECT: BRIEFING TO THE MINISTER ON THE RSA/ LESOTHO  
CROSS BORDER OPERATIONAL CHALLENGE**

### **1. PURPOSE**

The purpose of this submission is to:

- 1.1 Update the Minister on the work of the National Ministerial Task Team (NMTT) on the RSA/Lesotho cross border challenge; and
- 1.2 Share with the Minister the presentation that will be used to brief the Portfolio Committee on Transport at the session that is scheduled for 11 August 2015 in Parliament.

### **2. BACKGROUND**

- 2.1. On 6 July 2015, the NMTT had a meeting with the Minister of Transport to report back and present the joint Program of Action as developed by the C-BRTA and the Free State Department of Police, Roads and Transport. The Minister appreciated the report and supported the Program of Action. The importance of working in unison between the C-BRTA and the Free State Department of Police, Roads and Transport was emphasized, as these are organs of the same government.
- 2.2 The C-BRTA has been invited to appear for a briefing before the Portfolio Committee on Transport (PCOT) to update the Committee on progress made in resolving the cross-border challenges between RSA and Lesotho on 11 August 2015. In the spirit of collaboration, C-BRTA has extended the invitation to the Free State team, thus ensuring

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that a collective view of the National Ministerial Task Team is represented.

### **3. DISCUSSION**

Progress on the implementation of the Program of Action is that:

- 3.1 A process of declaring special emergency measures and draft Regulations has been initiated.
- 3.2 No temporary cross-border permits issued post 18 June 2015 outside the identified 26 vehicles.
- 3.3 A meeting was arranged on 26 June 2015 for the MEC for Police, Roads and Transport and the NMTT to consult with RSA operators.
- 3.4 Free State operators welcomed the presentation and the recommendations.
- 3.5 Cross-border operators requested a copy of the presentation to apply their mind and discuss with SANTACO.
- 3.6 They promised to revert to the NMTT within 21 days (17 July 2015) – No response has been received as yet.
- 3.7 The CEO of the C-BRTA, HOD of the Department of Police, Roads and Transport are yet to hold joint law enforcement initiatives with stakeholders and officers.
- 3.8 On 8 July 2015, the Honorable Minister of Transport issued a directive to the Regulatory Committee to discontinue issuance of cross border permits as per the recommendations of the NMTT. The Regulatory Committee considered the directive on 22 July 2015.
- 3.9 In July 2015, the RSA/Lesotho Cross-Border Route Committee filed an urgent motion in the high court against the Minister of Transport and C-BRTA for suspending the issuance of 14 day permits. The matter was heard on 15 July 2015 but was dismissed on a technicality. Indications from C-BRTA legal department are that the Route Committee is still pursuing this matter.
- 3.10 A meeting of the C-BRTA and the DDG: Road Transport was held on 29 July to reflect on the preparations for the NMTT's briefing to the PCOT and considered the Announcements, Tablings and Committee Reports (ATC) of 11 June 2015 (attached hereto as Annexure A), which is the Report of the PCOT on its oversight visit to Ficksburg and Maseru borders on 26 November 2014.

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3.11 The meeting considered the recommendations of the ATC Report, page 2295 and updates the Minister as follows on the Recommendations on the Report:

- 1.6.1 The Department is conducting a legislative review to synchronise the Cross-Border Road Transport Act with the National Land Transport Act. This process has been activated;
- 1.6.2 On the review of Bilateral Agreements and monitoring of the implementation of the SADC Protocol, the Departmental DDGs for Road Transport and Integrated Transport Planning will engage internally and set these processes in motion;
- 1.6.3 The recommendation is that the branch responsible for Road Transport in the Department should ensure that agreements entered into between Lesotho and South Africa are adhered to. In this regard, the Road Transport branch will lead the process of ensuring adherence to the SACU MOU which was meant to facilitate and maintain effective road transportation arrangements, and in particular equitable share in road transportation between the contracting SACU countries;
- 1.6.4 The Department, through the DDG: Road Transport Branch will keep the Committee abreast of Lesotho/Free State cross-border developments on a regular basis;
- 1.6.5 On the Free State Legislature acting on the findings of the court judgments related to Lesotho/RSA cross-border challenges; this recommendation is to be responded to by the Free State Legislature.

The attached presentation (annexure B), which was prepared by the C-BRTA and the Free State Department of Police, Roads and Transport will be used for briefing the PCOT, including the latest developments as articulated above.

## **4. CONSULTATION**

4.1 The following stakeholders are to be consulted:

- Operators (inter- and intra-provincial / cross-border / Lesotho operators);
- Department of International Relations and Cooperation;
- Border Management Agency Project Management Office;

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- NatJoints and ProvJoints;
- JCPS Cluster (SAPS & State Security Agency);
- Regulatory authorities (national and provincial);
- Local Transport Planning Authorities (municipal and provincial authorities);
- The NMTT needs to present the new approach to the EXCO of Free State Provincial Government; and
- The Ministry of Transport: Lesotho (by the Minister).

### **5. FINANCIAL IMPLICATIONS**

5.1. None

### **6. COMMUNICATION IMPLICATIONS**

- 6.1. The DDG: Road Transport as the leader of the NMTT will lead all the developments of the Team in this regard.
- 6.2. Regular feedback to PCOT as well as Free State EXCO need to be sustained.

### **7. RECOMMENDATIONS**

The above is submitted with the recommendations that the Minister please:

- 7.1 Note the progress report of the NMTT; and
- 7.2 Request the Minister to note the presentation (Annexure B) that will be used to brief the Portfolio Committee on Transport at the session that is scheduled for 11 August 2015 in Parliament.


  
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**MR O HLABISA**  
**DEPUTY DIRECTOR-GENERAL: ROAD TRANSPORT**  
**DATE:** 31/7/2015

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## 7. RECOMMENDATIONS

The above recommendations that the Minister please:

- 7.1 Note the progress report of the NMTT; and
- 7.2 Request the Minister to note the presentation (Annexure B) that will be used to brief the Portfolio Committee on Transport at the session that is scheduled for 11 August 2015 in Parliament.

 <b>Mr Pule G Selepe</b> <b>Director-General</b> <b>Date:</b> 7/8/15	<b>RECOMMENDED / NOT RECOMMENDED / COMMENTS</b> <hr/> <hr/> <hr/>
<b>Ms Sindisiwe Chikunga, MP</b> <b>Deputy Minister</b> <b>Date:</b>	<b>NOTED / COMMENTS</b> <hr/> <hr/> <hr/>
<b>Ms Dipuo Peters, MP</b> <b>Minister</b> <b>Date:</b>	<b>APPROVED / NOT APPROVED / COMMENTS</b> <hr/> <hr/> <hr/>

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**Annexure A: Announcements, Tablings and Committee Reports (ATC) of  
11 June 2015**

**BRIEFING TO THE MINISTER ON THE RSA/ LESOTHO CROSS BORDER  
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**Annexure B: Presentation to the Portfolio Committee on Transport on  
11 August 2015**