

# DOES TIME MATTER FOR FRONT LINE OFFICER (FLO) IN CARGO ASSESSMENT TO DETERMINE THE PRESENCE OF NUCLEAR AND OTHER RADIOACTIVE MATERIAL OUT OF REGULATORY CONTROL? TRADE FACILITATION VS NUCLEAR SECURITY

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**Abstract:** Bureaucratic delays, excessive border procedure and inspection pose a burden for moving goods across borders for traders. Trade facilitation, which requires simplification, modernization and harmonization of export and import processes, has therefore emerged as an important issue for the world trading system. Trade facilitation plays an important role in promoting import, export, foreign direct investment and e-commerce, to ensure the economic growth of a country. Front line officer (FLO) such as Customs plays an important role in facilitating cross-border trade, whilst maintaining appropriate level of control and security. Various international legal instruments provide the framework on trade facilitation and security, such as The World Trade Organization (WTO) Trade Facilitation Agreement. Other inter-governmental organization such as The World Customs Organization (WCO) provide framework of standards such as the SAFE Framework of Standard in combating illicit trafficking including of nuclear or radioactive materials. To detect cargo that may or may not related to nuclear and other radioactive material out of regulatory control (MORC) is becoming challenging due to complexity of trade, and the assessment of commodity related to these materials. The detection system and measures is essential in filtering and detecting high-risk goods such as illicit trafficking of nuclear and radioactive material at the international borders. However, dedicated resources specifically deployed in monitoring the centralised alarm system (CAS) may no longer be feasible in this context of trade facilitation. Furthermore, the assessment of alarms, secondary inspections and response from technical experts added to the pressure for timely border clearance. This paper highlights the Time Release Study (TRS) conducted by the Royal Malaysian Customs Department at Port of Klang, 12th busiest port in the world which handles more than 11million containers (TEUs) per year. This study measure the time of cargo release at the border, which include the element of assessment and physical inspection of cargo related to nuclear and other radioactive materials. The results show that assessment and secondary inspections added to the time for border clearance. This paper calls for reform for nuclear security detection operation at border, to emphasise on the element of clearance time by focusing on high-risk cargo by using risk management approach as recommended by the WTO and WCO. Policy maker and international partners that support the implementation of nuclear security such as US-NSDD, European Commission, IAEA and other relevant international partners also need to consider the approach by the deployment of combination of Radiation Portal Monitor (RPM) and X-Ray instrument to optimise the FLO resources not only for nuclear security detection, but also for contraband commodities. Concept of centralise and dedicated CAS need to be reconsidered by merging the system and measure with existing Non-Intrusive Inspection (NII) control centre to optimise the decision making to expedite and facilitate legitimate good for border clearance. Finally, this study also demonstrates that TRS is a useful performance tool to measure time between the interface from detection, assessment and response from relevant authorities for the improvement of process flow and standard operating procedure (SOP).

**Key Words:** trade facilitation, nuclear security, assessment of alarms, time-release study, risk management.

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