One-Stop Border Post Sourcebook

2nd Edition, May 2016

Preface

While the African continent has experienced rapid growth in trade over recent decades, intra-African trade has lagged due to low levels of trade facilitation and industrialization. Many studies have identified impediments to trade growth and competiveness in Africa and found that while movement along major highways is relatively fast, time is lost at the ports, at borders, and at checkpoints established along corridors.

Infrastructure development is central to facilitating intra-regional trade and the movement of people, goods and services and hence to promoting regional integration as articulated in the AU Agenda 2063. In 2012, the AU adopted the Programme for Infrastruture Development in Africa (PIDA) and its associated Priority Action Plan (PAP) prioritizing continental programs to address the infrastructure deficit that severely hampers Africa's competitiveness in the global market. One Stop Border Posts (OSBPs) are central to implementation of transport projects in PIDA-PAP and enhanced interconnectivity of markets as well as regional integration on the continent.

The OSBP concept refers to the legal and institutional framework, facilities, and associated procedures that enable goods, people, and vehicles to stop in a single facility in which they undergo necessary controls following applicable regional and national laws to exit one state and enter the adjoining state. Currently, more than 80 OSBPs have been planned and/or implemented in various parts of Africa as a means of reducing the time and costs of delays at border crossings along major corridors. However, as of 2016, not all OSBPs that have been constructed are fully functional.

While the 1st edition of the OSBP Sourcebook[1] – published in September 2011 – proved to be a unique and useful tool for implementers of OSBPs, there was a need to update this reference so that implementers can learn from current knowledge, experience, and good practices rather from knowledge from a few years ago. The 2nd edition of the OSBP Sourcebook aims to meet this need.

The successful completion of the 2nd edition of the OSBP Sourcebook is a significant milestone and should be applauded. However, I would like to stress that this is only the beginning and our work does not end here. In fact, all the work that has gone into this Sourcebook will be in vain without its full utilization and adaptation for OSBP development in our various regions. We must acknowledge that that there is a long journey ahead of us for full operationalization of OSBPs on the continent. Hence we need to work together to accelerate this important movement on the continent, making full use of this invaluable guide on the journey. As the agency responsible for promoting PIDA implementation, the NEPAD Agency remains committed to facilitating this process at the continental level and supporting RECs, member states and other key stakeholders to fully utilize the Sourcebook and to determine the way forward for OSBP development in each region.

Dr. Ibrahim Assane Mayaki
Chief Executive Officer
NEPAD Planning and Coordinating Agency

[1] In keeping with more common usage in 2016, the term "sourcebook" is presented as one word in this 2nd edition.

Acknowledgements

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Bruce Winston and Sydney Chibbabbuka were the lead authors, with the support of Kristiaan Bernauw (Legal and Institutional Framework), Koichiro Tamura (Transport Planning and Economic Analysis), Sue Kendal (Immigration), Akie Tanaka (OSBP Researcher), and Paul Kimberley (Customs ICT), all from PADECO.

In the process of formulating this sourcebook, a preparatory workshop with stakeholders was held in Nairobi, Kenya, on 24 February 2015; a 1st technical workshop was held in Abidjan, Côte d'Ivoire, on 31 August-2 September 2015; a 2nd technical workshop was held in Johannesburg, South Africa, on 26–28 October 2015; and a learning and validation workshop was held in Addis Ababa, Ethiopia, on 7–8 March 2016. The 2nd edition of the OSBP Sourcebook reflects the valuable comments made by the stakeholders at these workshops.

In addition, this 2nd edition of the Sourcebook benefitted from the expertise, advice, and active engagement of many highly skilled and experienced professionals from the Member/Partner States and their institutions, including the following that made invaluable comments and suggestions during the course of work:

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Abbreviations[2]

ABC	automated border control
ACBC	African Capacity Building Centre
AfDB	African Development Bank
AEO	authorized economic operator
ASEAN	Association of Southeast Asian Nations
ASYCUDA	Automated System for Customs Data
ASYPM	ASYCUDA System for Performance Measurement
ATA	Admission Temporaire/Temporary Admission
AU	African Union
AUC	African Union Commission
BLT	build, lease, and transfer
BMA	Border Management Agency (proposed in South Africa)
BMIS	border management information system
BOO	build, own, and operate
BOOT	build, own, operate, and transfer
BOSC	Bilateral OSBP Steering Committee
BPA	business process analysis
Capex	capital expenditures
CBM	coordinated border management
CBTA	Cross-Border Transport Agreement / Cross Border Traders Association
CCD	charge-coupled device
CCTV	closed-circuit television
CCZ	common control zone
CEEAC	Communauté Économique des États de l'Afrique Centrale (also see ECCAS)
CET	common external tariff
CGE	computable general equilibrium
CMR	Convention relative au Contrat de Transport International de Marchandises par Route
COMESA	Common Market for Eastern and Southern Africa
COMPETE	Competiveness and Trade Expansion Program
Comtrade	Commodity Trade Statistics Database
CSCD	COMESA Simplified Customs Document

[2] Following best practice, only proper nouns have been capitalized.

CTO	corridor transport observatory
DBFOM	design, build, finance, operate, and maintain
DBOM	design, build, operate, and maintain
DBSA	Development Bank of Southern Africa
EAC	East African Community
ECCAS	Economic Community of Central African States (also see CEEAC)
ECOWAS	Economic Community of West African States
ECTS	electronic cargo tracking system
EIRR	economic internal rate of return
EPC	engineering procurement contract
FGN	Federal Government of Nigeria
FIATA	International Association of Freight Forwarders' Associations / Fédération Internationale des Associations de Transitaires et Assimilés
FTA	free trade area
FTP	Frequent Travelers' Program
GMS	Greater Mekong Subregion
GPS	global positioning system
HBM	humanitarian border management
HLSC	High Level Steering Committee
IBM	integrated border management
ICAO	International Civil Aviation Organization
ICC	International Chamber of Commerce
ICT	information and communications technology
IGAD	Intergovernmental Authority on Development
Interpol	International Criminal Police Organization
IOM	International Organization for Migration
JBP	joint border post
JICA	Japan International Cooperation Agency
JSC	joint sectoral council / joint steering committee
JTC	joint technical committee
KPI	key performance indicator
LPI	Logistics Performance Index
MIDAS	Migration Information and Data Analysis System
MoU	memorandum of understanding
NCTTCA	Northern Corridor Transit and Transport Coordination Authority
NEPAD	New Partnership for Africa's Development

NOSC	National OSBP Steering Committee
NTB	non-tariff barrier
OBR	L'Office Burundais des Recettes (Burundi Revenue Authority)
OD	origins and destinations
OECD	Organization for Economic Co-operation and Development
OGA	other government agency
OGD	other government department
O&M	operations and maintenance
Opex	operating expenditures
OSBP	one-stop border post
PAL	Port Autonome du Lomé (Lomé Port Authority)
PAP	Priority Action Plan (of the Programme for Infrastructure Development in Africa)
PGA	partner government agency
PIDA	Programme for Infrastructure Development in Africa
PISCES	Personal Identification Secure Comparison and Evaluation System
PMAESA	Port Management Association of Eastern and Southern Africa
PPP	public-private partnership
QuARTA	Quantitative Analysis of Road Transport Agreements
RADDEx	Revenue Administration Digital Data Exchange
RCTG	regional customs transit guarantee
REC	regional economic community
REG	regional
RKC	Revised Kyoto Convention
ROO	rehabilitate-own-operate
ROOT	rehabilitate-own-operate-transfer
RTMS/CCS	Real Time Monitoring System / Cargo Control System
SADC	Southern African Development Community
SCOO	COMESA Simplified Certificate of Origin
SCT	Single Customs Territory
SPV	special purpose vehicle
SSATP	[Sub-Saharan] Africa Transport Policy Program
STR	Simplified Trade Regime
TA	technical assistance
TAH	Trans-African Highway
TANCIS	Tanzania Customs Integrated System

TCD	time/cost-distance
TEU	twenty-foot equivalent unit
TFA	Trade Facilitation Agreement
TFI	trade facilitation indicator
TFTA	Tripartite Free Trade Area
TID	trade information desk
TIR	Transit International Routier [international road transport]
TMEA	TradeMark East Africa
TMS	time measurement survey
TMSA	TradeMark Southern Africa
TRA	Tanzania Revenue Authority
TRAINS	Trade Analysis Information System
TTFA	Trade and Transport Facilitation Assessment
TWG	technical working group
UEMOA	Union Economique et Monétaire Ouest-africaine (West African Economic and Monetary Union)
UN/CEFACT	United Nations Centre for Trade Facilitation and Electronic Business
UNCTAD	United Nations Conference on Trade and Development
UNECA	United Nations Economic Commission for Africa
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNHCR	United Nations High Commissioner for Refugees
UNTOC	United Nations Convention against Transnational Organized Crime
USAID	United States Agency for International Development
VAT	valued added tax
VPN	virtual public network
VSAT	very small aperture terminal
WCO	World Customs Organization
WEF	World Economic Forum
WTO	World Trade Organization

Executive Summary

Part I: The One-Stop Border Post Concept

1. The OSBP Concept

1.1 Introduction

One of the modern approaches for improving border operations is the establishment of one-stop border posts (OSBPs). In the 2000s the OSBP concept began to be applied across Africa. In 2004, the East African Community (EAC) together with the Northern Corridor Transit and Transport Coordination Authority developed the East African Transport and Trade Facilitation Project, which among other activities, called for the development of OSBPs in the region. The Chirundu OSBP – serving Zambia and Zimbabwe – is considered the first fully functional OSBP in Africa. Following the launch of the Chirundu OSBP, with the support of development partners, the concept and development of OSBPs has expanded rapidly with the support of development partners as one of the major tools to tackle impediments to the growth of trade in Africa. More than 80 OSBPs/joint border posts (JBPs) on the continent are now at the planning or implementation stage.

1.2 Definition

As a trade facilitation tool applied at borders, the OSBP concept promotes a coordinated and integrated approach to facilitating trade, the movement of people, and improving security. The concept eliminates the need for travelers and goods to stop twice to undertake border crossing formalities. The OSBP concept calls for the application of joint controls to minimize routine activities and duplications. Through a "whole of government" approach, the OSBP concept reduces the journey time for transporters and travelers, and shortens the clearance time at border crossing points. Figure 1 presents a graphical representation of the OSBP concept, while Figure 2 schematically shows the OSBP concept as one of the many tools of trade facilitation, regional integration, and economic development.

Figure 1: The OSBP Concept

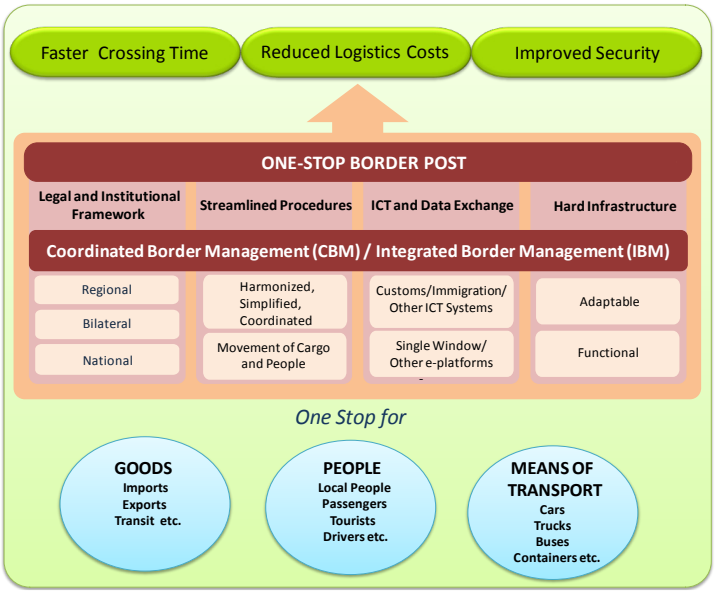
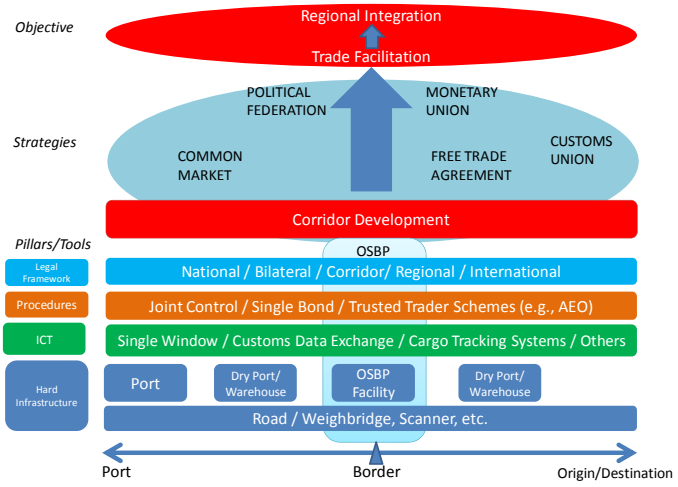


Figure 2: The OSBP Concept as One of the Many Tools of Trade Facilitation, Regional Integration, and Economic Development



1.3 OSBP Models

The following figures show the traditional two-stop border post (Figure 3), along with the juxtaposed OSBP model (Figure 4), the straddling OSBP model (Figure 5), and the single country OSBP model (Figure 6). In the juxtaposed model, shared border facilities are operated in the country of entry in each direction. Under the straddling model, a single facility is constructed across the border line. In the single country model, i.e., an OSBP wholly located in one of the two adjoining states, a single shared border facility is constructed in one of the countries to house officers from both countries to carry out border controls.

Figure 3: Schematic Diagram of a Traditional Two-Stop Border Post

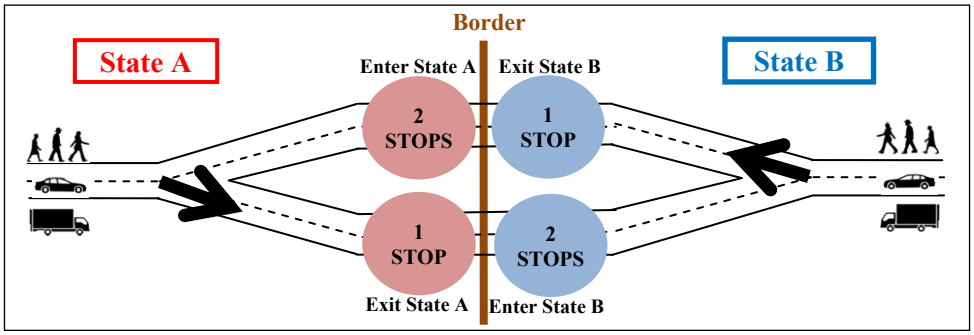


Figure 4: Schematic Diagram of a Juxtaposed OSBP

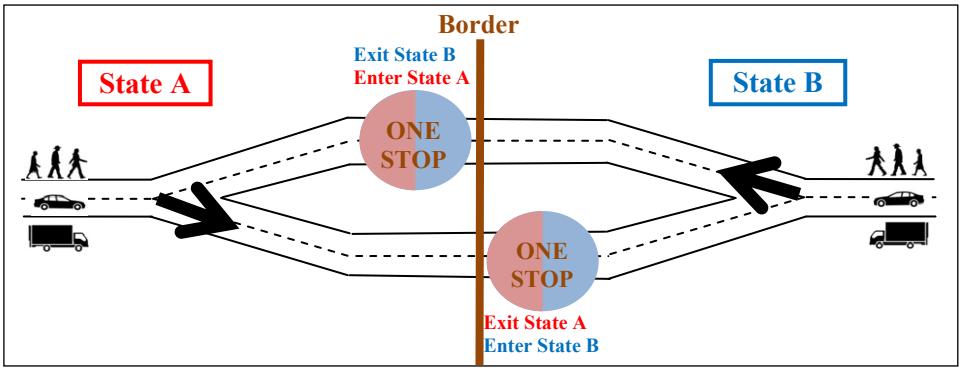


Figure 5: Schematic Diagram of a Straddling OSBP

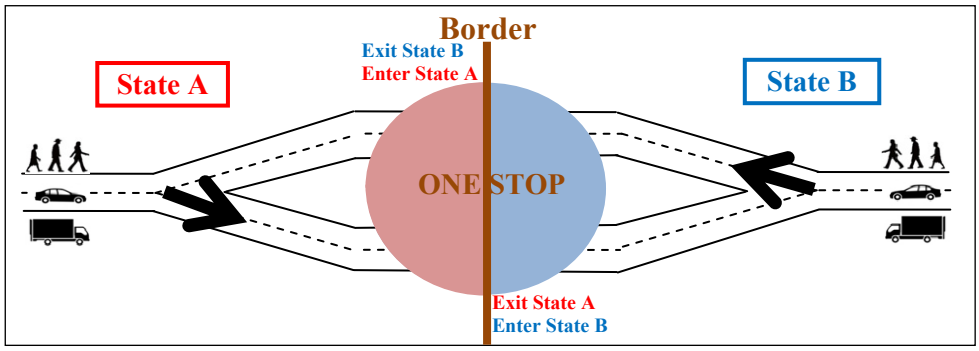
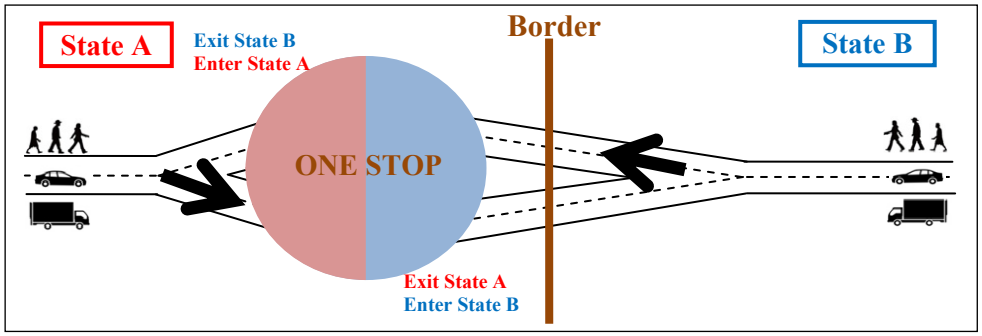


Figure 6: Schematic Diagram of a Single Country OSBP



1.4 The Four Pillars of OSBPs

The OSBP concept consists of four pillars:

(i) **Legal and Institutional Framework**: Under international law, it is generally agreed that the application of national laws is limited to the territory of a state. As a consequence, OSBPs rely on the principle of extraterritorial application of laws, which allows a state to extend the application of specific national laws outside its own territory. Implementation of OSBPs, therefore, demands that a detailed analysis of the legislative, regulatory and institutional framework governing the operations of border agencies is undertaken. At a typical border post, there are several government agencies that are responsible for border controls. For efficient and effective OSBP operations, these agencies need to operate in a coordinated manner to minimize duplications and redundancies.

(ii) **Simplification and Harmonization of Procedures**: Implementing an OSBP without simplifying and harmonizing border crossing procedures renders an OSBP ineffective. Whereas users would be required to stop once in order to undertake exit and entry formalities at a border, subjecting such users to routine and redundant formalities would have little impact on reducing the time spent at the border. The process of reviewing and aligning procedures should be continuous in order to ensure that OSBPs operate with border crossing procedures that are not only effective but also facilitative and relevant to the prevailing circumstances. Joint operations and the need to observe jurisdiction in an OSBP environment require specific considerations when crafting OSBP procedures.

(iii) **ICT and Data Exchange**: ICT is a critical component of collaborative single window systems, simplification of documentation, border management, and modernization of customs, immigration, and related services. The increase in the number of travelers

along with increases in volumes of vehicular traffic and cargo at borders requires a strategic balance between controls and facilitation. ICT allows for the efficient use of limited resources to manage borders by facilitating intra/interconnectivity of agencies for implementing responsive risk management systems and for understanding mobility and trade patterns.

(iv) **Hard Infrastructure**: This includes OSBP facilities such as offices for border officials, operational equipment, warehouses, and parking. While all border posts require physical facilities for border operations, the level of facilities required depends on the type and size of operations at a border post. In principle, facilities for OSBP operations should be appropriately functional and not unnecessarily elaborate ("gold-plated") or inadequate.

1.5 OSBPs and Regional Integration

Table 1 summarizes the role of OSBPs in promoting regional integration by stage of integration.

Table 1: The Role of OSBPs in Promoting Regional Integration

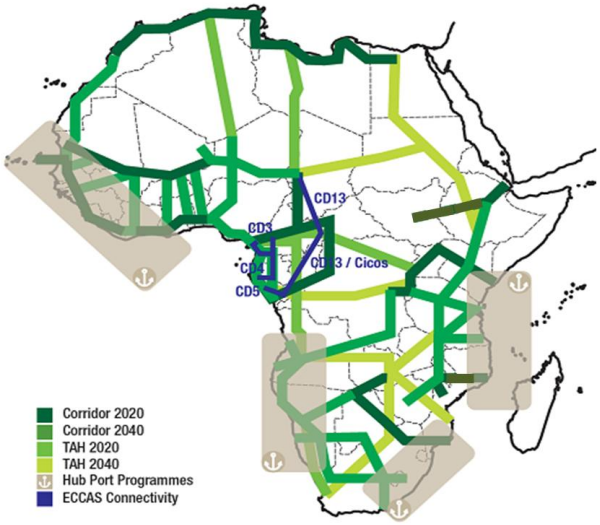
Stage of Integration	Characteristics of Border Controls	Role of OSBPs
Before Regional Integration	Full border controls	• Facilitate the collection of duties and taxes for each country, where applicable
Free Trade Area	Elimination or reduction of border controls at internal border crossing points for goods produced within signatory states with submission of the certificate of origin	• Facilitate the collection of duties and taxes for goods produced outside of signatory states, where applicable • Confirm that goods produced in the signatory states match the certificate of origin
Customs Union	Elimination or reduction of border controls at internal border crossing points for goods produced outside of the signatory states	• Facilitate collection of common duties and taxes for goods produced outside of signatory states • Confirmation that goods crossing match the export/import documents and duties are paid when they enter signatory states
Common Market	Elimination or reduction of border controls at internal border crossing points of signatory states for people including labor, services, and capital	• Facilitate the free movement of people including labor, services, and capital

2. The Rationale and Benefits of OSBPs

2.1 Corridor and Value Chain Approach to Establishing OSBPs

One important factor for evaluating the performance and determining the attractiveness of a transport corridor is the efficiency of border crossing points along a corridor. Transit-related controls along a corridor occur at three main control points: seaports or airports, land border crossing points between countries, and at inland clearance facilities. In this regard, land border crossing points serve as nodes that link different points along a corridor and are vital for international trade. By facilitating international trade and cross-border movement of people, border crossing points contribute to the growth of national, regional, and international economies. The situation is particularly acute for landlocked countries in Africa, a continent where border delays and transport costs are among the highest in the world. In addition, depending on the level of interdependence, the social and economic welfare of people living in border communities is also affected by border operations. Figure 7 presents a map of major transport corridors in Africa.

Figure 7: Map of Major Transport Corridors (Trans-African Highways) in Africa



2.2 Selecting and Prioritizing OSBP Projects along Corridors

Linking border crossing points into global value chains can either be through forward linkages (where the country provides inputs into exports of other countries) or through backward linkages (where the country imports intermediate products to be used in its exports). In choosing border crossing points to convert to OSBPs, consideration should be given to corridors that have the potential for contributing to the economic transformation of the areas they serve. These border crossings may either be greenfield projects or existing ("brownfield") ones that require upgrades to be efficient. Further, consideration should be given to border crossings along corridors that serve areas with significant industrial, commercial, and other economic activities and/or potential. Consideration should also be given to corridors that have high potential for traffic growth. Along a corridor, border crossings may be similarly prioritized, but considering that a multi-country corridor may operate as an integrated system, it may be necessary to develop all border crossings along a corridor, concurrently or otherwise sequentially. In addition, traffic diversion effects among complex corridors, such as the North-South Corridor in Southern Africa (which traverses eight countries), may need to be taken into account.

2.3 The Rationale for and Purpose of Establishing OSBPs

The major reason for establishing OSBPs along transport corridors is to expedite the movement of goods and people, and to reduce transport costs across national boundaries. At an OSBP, travelers and vehicles stop once for undertake border crossing formalities to exit one country and enter the other. All border formalities and the processing of documentation for goods and travel are carried out in a single clearance hall for exiting one country and entering the adjacent country. If cargo inspection is required, it is done once through a joint inspection involving all the necessary agencies of both countries at the same time.

For passenger cars and buses, the introduction of OSBP procedures almost immediately cuts border processing time in half. For example, at a traditional two-stop border, buses stop at one side of the border and the passengers go into the border facility for processing. Luggage and cargo are offloaded and inspected as needed. This may take 1–2 hours, after which the bus is driven to the other side of the border and the same processing is repeated for another 1–2 hours. In contrast, in an OSBP passengers enter one facility for exit and entry formalities. Cargo is

offloaded once and is inspected jointly. In an OSBP, the clearance of passengers and their luggage is typically done in less than an hour.

Border controls for cargo in a traditional two-stop border post can take as long as 3–5 days for various reasons. Trucks used for commercial cargo have daily fixed costs of USD 200–500 (Southern Africa estimate). Therefore, delays of three to five days represent USD 600–2,500 in unnecessary transport costs. These added costs directly affect the cost and competitiveness of African commodities in international markets as well as the cost of imports to consumers and inputs to manufacturers. A second cost derived from border delays and poor facilitation along the route is high inventory costs. For goods worth from USD 2,000–5,000 per ton, the cost of increased inventory is USD 0.75–2.50 per day per ton. Manufacturers and retailers report ordering an additional month ahead to account for the lack of predictability of delivery. For a 28-ton truckload, this implies USD 630–2,100 in unnecessary logistics cost.

OSBPs provide various benefits for different categories of users as outlined in Table 2.

Table 2: Benefits of OSBPs by Type of User

No.	User Group	Benefits
1	National governments	• Improved collection of trade taxes associated with efficiency gains • Efficient borders that facilitate international trade, investment, and economic growth • Promotion of economic competiveness • Improved border security • Better utilization of government resources by border agencies • Promotion of better international relations between countries
2	Border control agencies	• Better resource utilization through improved cross-border cooperation and sharing of intelligence, operational data, and resources using CBM and IBM concepts • Improved employee motivation, which translates to increased productivity through the use of simplified and harmonized procedures as well as from working with better facilities. e.g., buildings, equipment, furniture • Better environment for increased use of ICT and faster processing • Faster processing of documents and travelers • Provision of an opportunity for harmonizing procedures, which improves predictability and certainty among users • Provision of a platform for introducing other border management reforms • Improved traffic flow • Improved border infrastructure, especially where modifications are to be undertaken • Increased transparency, which enhances security and helps reduce corruption
3	Road transport operators, shippers, and customs agents	• Reduction in delays at borders and in operating costs • Greater asset utilization in respect of truck turnaround times • Predictability of border and transit procedures • Faster processing of documents and travelers
4	Manufacturers and traders	• Savings in the cost of inputs • Increased reliability of shipments enabling reduced inventories • Reduced capital tied up in logistics through just-in-time delivery
5	Consumers	• Reduced cost of consumer products • Increased availability of goods
6	Travelers and tourists	• Reduced time spent at borders • Predictable, simplified, and harmonized procedures • Transparent border procedures

Abbreviations: CBM = coordinated border management, IBM = integrated border management, ICT = information and communications technology

3. Recommended Processes and Practices for Establishing OSBPs

Considering that OSBP projects are multi-sectoral, the process of establishing OSBPs requires thorough planning and wide-ranging consultations. To the extent possible, these activities should involve all the major stakeholders. Although the size and scope of OSBP projects varies depending on whether the project involves constructing new border facilities or modifying existing ones, the phases for establishing OSBPs are similar. From the outset, developing a clear national or regional policy position regarding OSBP operations is particularly useful for providing a common, broad understanding and approach to the establishment and management of OSBP operations.

The process for establishing OSBPs, including the project identification phase, the project preparation phase, the project implementation phase, and post-implementation, is summarized in Table 3.

Table 3: Process for Establishing OSBPs

Step	Phase
1	Project Identification Phase
2	Project Preparation Phase
3	Project Implementation Phase • Establishment of project management structures • Signing of agreements to establish OSBP(s) • Development of the legal and policy framework for OSBPs • Conducting of baseline studies • Development of OSBP operational procedures • Design of OSBP facilities • Construction of OSBP facilities • Provision of furniture and installation of ICT systems • Training and sensitization of border agency officers and selected categories of users • Piloting/launch of OSBP operations
4	Post Implementation Phase • Endline studies • Post-implementation evaluations

Notes: (i) New construction of facilities is not a necessary step to establish an OSBP. (ii) Development of the legal and policy framework for OSBPs step is necessary in circumstances where there is no such existing framework.

4. OSBPs as Public Sector Projects

4.1 Attributes of OSBP Projects

Attributes of OSBP projects include the following:

(i) Political Support: OSBP project managers and technocrats need to explain the objectives and benefits of OSBPs to the local communities that politicians represent at both the local and national levels. Unlike purely private sector projects, managers of OSBP projects need to be prepared to adapt to changes that may come with different governments that may affect the delivery of projects.

(ii) Multiple Stakeholders: As public sector projects, OSBPs have multiple stakeholders including governments, users, private sector operators, and local and international communities, which may have different expectations and governance styles.

(iii) High Visibility and Public Scrutiny: An OSBP project affects many people and accordingly there is considerable interest from stakeholders in knowing how the project is implemented.

4.2 Disbursements and Funding Cycles

Public sector projects such as OSBPs are usually funded through annual budget cycles or disbursement tranches as may be arranged if funded by external sources. While such funding arrangements may not affect the delivery times for projects that can be completed within a year or shorter period, they may affect the completion of OSBP projects, which typically span several years

4.3 OSBPs and Socio-Economic Considerations for Selected Users

OSBPs affect communities in various ways. While the easily visible and quantifiable effects of an OSBP tend to be on the operations of corporate entities and travelers involved in international trade and often located away from border crossings, it is important to ensure that OSBP operations benefit all users. In this regard, it is good practice to consider the needs of selected categories of users of border crossings, including local communities, small-scale traders, and women.

4.4 Emergency Situations

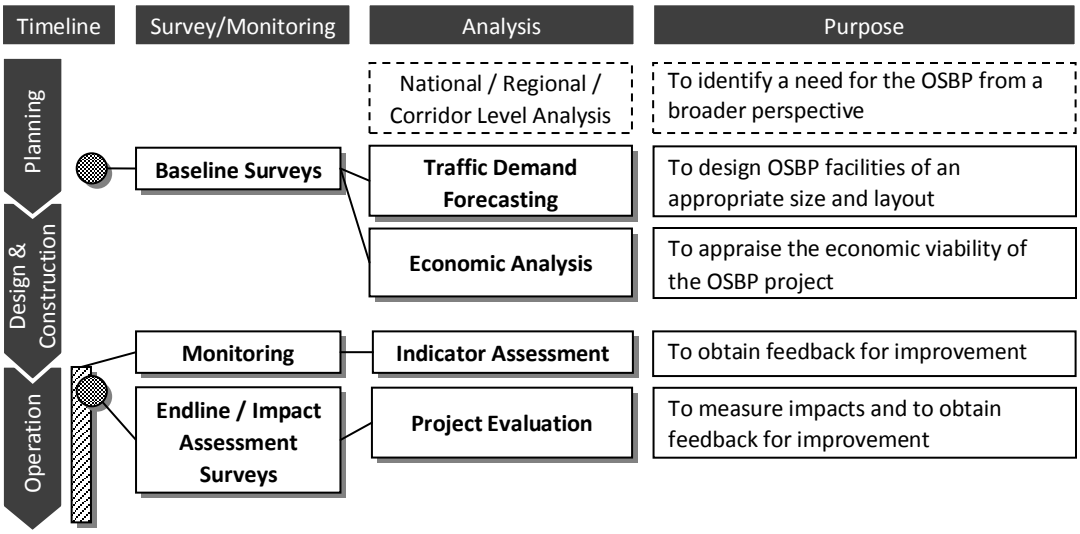
Certain unforeseen events may disrupt operations at OSBPs, including natural disasters, politically related instability, or outbreaks of disease. Depending on the magnitude of these events, there might be a compelling need to temporarily close the border and cease OSBP operations. One caveat is that from an immigration perspective it is generally not recommended to close borders during times of humanitarian crisis. A bilateral, border-level committee of the state parties of the affected OSBP should immediately convene a meeting to address the situation. Should the events continue or the situation deteriorates, the matter should be brought to the national bilateral authorities for an executive decision on the operations of the OSBP.

Part II: Critical Issues in the Implementation of OSBPs

5. Baseline Surveys, Impact Assessment, and the Monitoring of OSBPs

There are various methodologies for surveys, monitoring, and studies required for the planning and operation of OSBPs: (i) baseline surveys, (ii) traffic demand forecasting, (iii) economic analysis, (iv) monitoring, and (v) impact assessment. Figure 8 presents the timeline and purpose of carrying out each survey or study. In the planning phase, baseline surveys should be implemented to collect data for traffic demand forecasting and economic analysis. These studies are essential to design OSBP facilities of an appropriate size and layout and to assess the economic viability of OSBP projects before proceeding with their implementation. Without careful assessment at this stage, investments in OSBPs might result in little or no benefits at the border crossing. After completion and operationalization of an OSBP, it is recommended to conduct endline/impact assessment surveys for project evaluation. A comparison of endline data with baseline data will make it possible to determine the benefits from implementing the project. Presenting such evidence is important for accountability. Monitoring can be undertaken periodically or continuously to record performance indicators on the operation of the OSBP. This exercise provides feedback for improving operations to realize better performance.

Figure 8: Surveys, Impact Assessment, and Monitoring for OSBP Projects

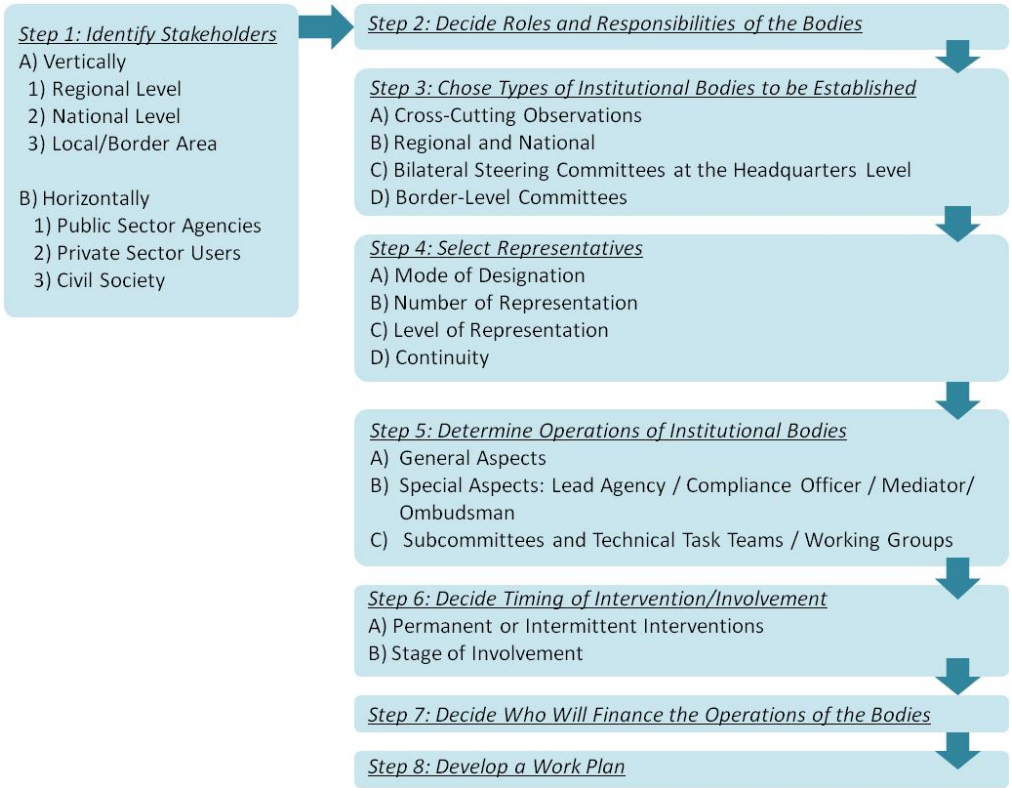


6. Institutional Framework for OSBPs

6.1 Process of Implementing Institutional Frameworks for OSBPs

Figure 9 provides a schematic road map for the establishment of various levels of institutions required to support the operationalization of an OSBP.

Figure 9: Schematic Road Map for Establishing Institutions for Operationalizing an OSBP



6.2 Overview of Regional Legal Frameworks Underlying OSBP Institutional Frameworks

ECOWAS, the EAC, and UEMOA are relatively more advanced in terms of OSBP-specific legal and institutional frameworks, the legal effect of REC legislation regarding OSBPs (especially the EAC and ECOWAS are relatively advanced in this respect), and the role of RECs in the implementation of OSBPs. That said, the other RECs have also moved forward with the implementation of OSBPs (i.e., COMESA, which has model OSBP legislation and guidelines, and which spearheaded implementation of the pioneering Chirundu OSBP on behalf of the COMESA-EAC-SADC Tripartite initiative; CEEAC/ECCAS, which is constructing its first JBP/OSBP in the Republic of Cameroon and the Republic of Congo, with the cooperation of the Brazzaville-Yaoundé Corridor Management Committee; IGAD, which prepared a Report on Legal Framework and Modalities for the Establishment of One Stop Border Posts in [the] IGAD Region; and SADC, the Secretariat of which has coordinated feasibility and design studies and resource mobilization for OSBPs).

6.3 Identification of Stakeholders

As a critical component of cross-border trade and transport facilitation, OSBPs require interagency, interdepartmental, and intergovernmental cooperation. The listing of potential stakeholders in OSBPs may be viewed from vertical and horizontal perspectives.

6.4 Types of Institutional Bodies to be Established

The various institutional bodies to be established should have joint membership. Horizontally, the public and private sectors must work together as stakeholders in the border crossing process. It is also necessary to establish a body at the respective vertical levels, regionally at the REC level, nationally at the level of the adjoining countries, bilaterally between adjoining country pairs, and locally at the border post itself.

In order to avoid duplication, it is important to utilize established structures (coordinating bodies) where available rather than create new bodies. Existing bodies may be active or involved in larger or related fields (e.g., trade and transport facilitation). In those cases the possibility of designating them in the OSBP context should be assessed based on their appropriateness for this purpose.

While institutional strengthening is an important factor for the successful implementation of OSBPs, involving too many institutions should be avoided because it increases administrative burden and cost and risk to the private sector.

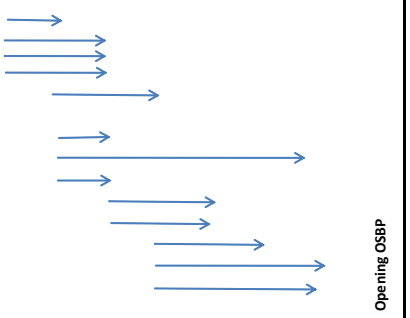
In addition, continuity in the institutional policy after changes in governments should be pursued in the legal/regulatory basis for the institutional framework. The preference should be for clear express and formal legislation (“hard law”) rather than informal “soft” law that can be overlooked and put aside more easily without any justification.

6.5 Other Issues

Other issues relate to composition and representation, the operations of institutional bodies, the timing of intervention/involvement, financing of the operations of the institutional bodies, and work plans. Figure 10 presents an example work plan from an EAC case study.

Figure 10: Example Work Plan

Task #	Activities Clustered by type	National entities, Process	Start Period
Initial Activities			
1-1	Finalize Work Plan	Steering Committee	Q1
1-2	Conduct base line survey	Consultant	Q1
1-2	Monitor ICT connectivity design/installation	Steering Committee (on-going)	Q1
1-3	Review regional initiatives for programs to integrate	Consultant	Q1
1-4	Initiate national OSBP law, if necessary	EAC and UEMOA have regional laws*	Q2
Preparation Activities			
2-1	Decision to limit agencies at border	Steering Committee (SC)	Q2
2-2	Simplification/harmonization of procedures	Integrate and apply initiatives underway	Q2
2-3	Finalize border post designs by function and tender	all agencies, Consultant	Q2
2-4	Negotiate and sign bilateral agreement	all concerned parties	Q3
2-5	Immigration IT systems fully implemented	Immig Departments, IOM	Q3
2-6	Establish preclearance, prepayment, AEO, etc	Revenue authorities, apply initiatives underway	Q4
2-7	Integrated border management, as appropriate	all agencies, apply initiatives underway	Q4
2-8	Roll out border information system, if available	all agencies, apply initiatives underway	Q4
Final Preparation and Transition			
3-1	Cross border harmonization of procedures	all agencies	Q4
3-2	Planning staffing and transition	all agencies	Q5
3-3	Complete ICT systems training	all concerned parties	Q6
3-4	OSBP operations training - public sector	all agencies	Q6-7
3-5	OSBP operations training - private sector	clearing agents and transporters	Q7
3-6	OSBP Public awareness programs	general public	Q5-7
3-7	Finalize/install signage roads & terminals	Ministry Works & Transport	Q7
3-8	Set up management institutions	all agencies	Q7
Monitoring Operations			
4-1	Monitoring and continuous improvement measures	all agencies	Following the Opening



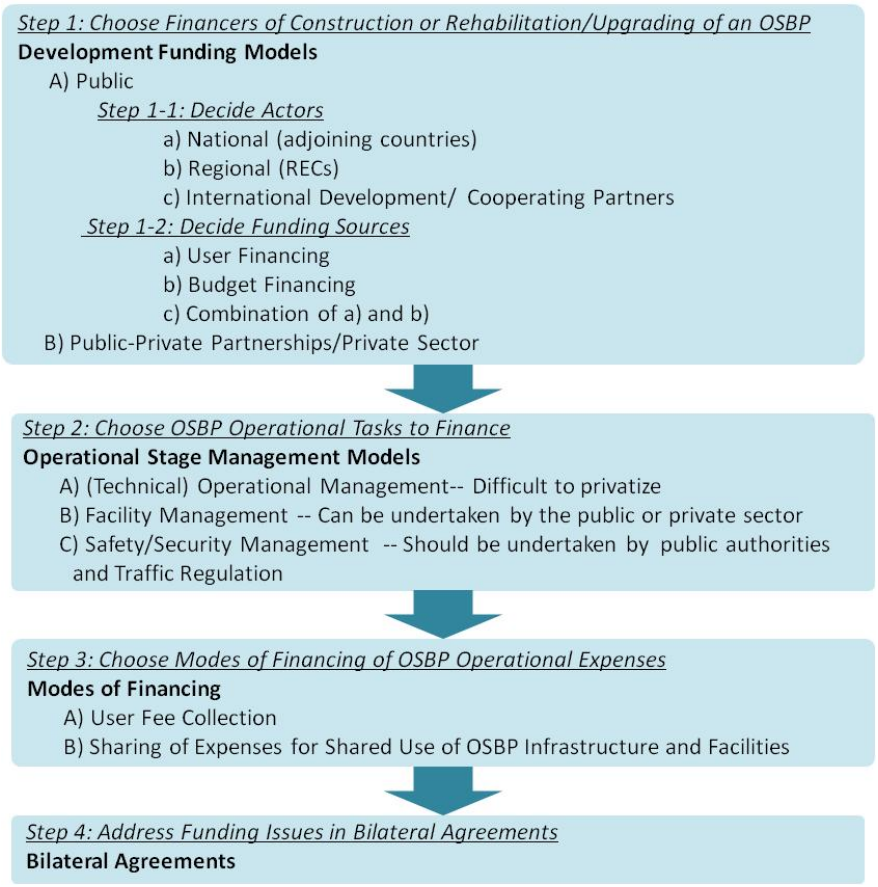
* assumes that EAC OSBP Act will be enacted by the time of border post opening.

7. OSBP Funding and Management Bodies

7.1 Development Funding Models (Construction/Rehabilitation)

The possible sources, approaches, and modalities to finance the construction or rehabilitation/upgrading of an OSBP were considered, and the pros and cons of the options assessed. Funding sources and modalities can be public, private, or public-private. In some funding approaches the initial financing in the development stage cannot be dissociated from the management or operational stage, e.g., when the operational income is earmarked for repayment of the investment expense in the case of a public-private partnership model. Figure 11 sets out the process of choosing different funding and management models for introducing and operationalizing OSBPs.

Figure 11: Process of Choosing Different Funding and Management Models for Introducing and Operationalizing OSBPs



7.2 Funding Sources

7.2.1 User Financing

User charges may be applied to fund capital investments including construction. This funding source will be linked to the management or operational stage, since the income from operation is to help pay back the costs of the capital investment (e.g., from loan or budget). Some are of the view that user fees should not be charged for border crossing (at least not for development funding expenses), which should be considered a "public good", leading to an increase in trade and overall economic activity. In that sense, income from trade- and transport-related levies (e.g., fuel taxes, vehicle registration fees) may help cover the expenditures required for constructing an OSBP. If user charges are levied, an issue is whether the revenue should be earmarked; the advantages and drawbacks of this approach are discussed below.

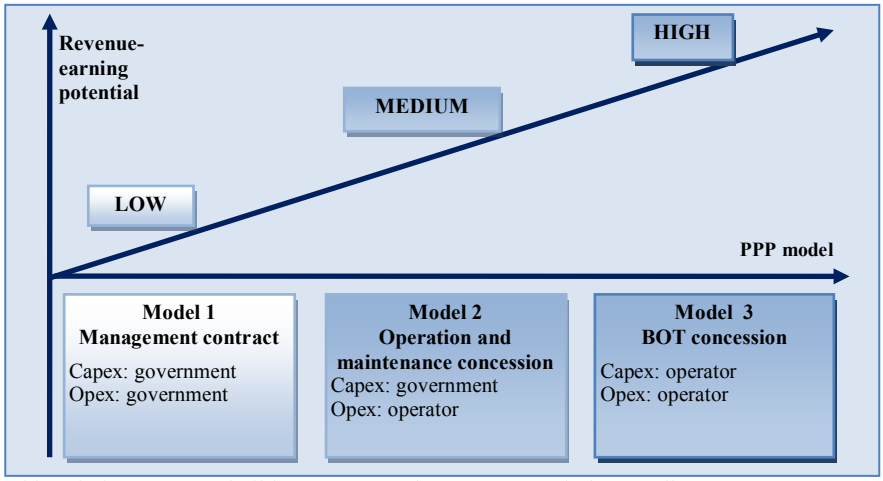
7.2.2 Budget Financing

The construction of an OSBP may be financed through a country's general budget (i.e., tax revenues) and indeed this often the best option. For example, budget financing (i.e., public funding) may be indicated in the case of prospective OSBPs that are not financially viable (i.e., revenues from operation will not cover the costs of operation), but which may be economically viable (i.e., by considering the benefits to society and the economy in relation to capital and operating costs, over the project's useful life).

7.2.3 Public-Private Partnerships / Private Sector Involvement

Given the resource constraints facing the public sector in Africa, alternative funding sources may need to be explored. There is considerable scope for the private sector to play an important role in the financing of cross-border infrastructure including OSBPs. The private sector can bring additional financial and technical resources for this purpose. It can undertake commercially viable investments in cross-border infrastructure when risk profiles are acceptable. A number of possible variants of private funding of OSBPs through public-private partnerships (PPPs) can be identified (e.g., design, build, operate, and maintain). Figure 12 presents the relationship between a project's financial viability and PPP models that may be considered. In assessing relevant PPP options, it is important to consider decision-making variables influencing the PPP structuring, including governmental objective, legal/regulatory constraints, market appetite (a project involving two national jurisdictions may be perceived as challenging or even daunting by potential bidders), complexity, and revenue-earning potential. As an example (regional) legal instrument governing OSBPs through PPPs, one may refer to UEMOA Regulation No. 15.

Figure 12: PPP Models and Revenue-Earning Potential



Abbreviations: BOT = build-operate-transfer, capex = capital expenditures, opex = operating expenditures, PPP = public-private partnership

7.3 Operational Stage Management Models

Three main categories of tasks in the operation of an OSBP can be distinguished:

(i) (technical) operational management, which relates to the implementation of the one-stop system and should be distinguished from the facility management of the site, premises, and compound where the OSBP procedures are applied;
(ii) facility management, which includes includes the provision of utilities as well as cleaning, maintenance, and repair of the OSBP infrastructure, facilities, and equipment; and
(iii) safety/security management and traffic regulation. Different actors are called on to perform the respective tasks.

The pros and cons of assigning different public bodies with responsibility for the facility management of OSBPs are presented in Table 4.

Table 4: Pros and Cons of Charging Assigning Different Public Bodies with Responsibility for the Facility Management of OSBPs

Public Body	Pros	Cons
Lead agency at the border	It is familiar with the specific requirements, it is hands-on, and it can quickly react	It may be too "bureaucratic", it has no expertise in facility management, and it should focus on its operational tasks
Host country ministry of works	It has general expertise in facility management	It has no specific expertise in border post requirements and due to distance from the border it may require a long lead time to react
Parastatal specially created for the purpose of facility management	Solely focused on providing logistics for border agencies, has strong political support for the role	It may be too "bureaucratic" and the work may be insufficient for permanent activity of the parastatal

The functions of maintaining safety and security (law and order) and assuring traffic regulation in the common control zone of an OSBP are national sovereign prerogatives of the host country (i.e., under the police authority). Therefore, they are in principle not suitable for (i) transfer/delegation to the officers of the adjoining country, or (ii) privatization via outsourcing to a private security company. These functions should be performed by the naturally competent public authorities.

7.4 Modes of Financing

7.4.1 User Fees

The collection of earmarked user fees for the financing of the OSBP operational expenses (maintenance, repair, utilities) offers the advantage of dedicated revenues. Thus, the OSBP may become self-sustainable. However, this mode of financing assumes that there will be sufficient traffic to generate the required revenue, which may not necessarily be the case.

A consideration is the users' willingness to pay for the services, which may relate to the perceived added value of the OSBP (e.g., time savings). This is especially relevant when the user has a choice between alternative service points (border crossing posts), with and without the fee(s).

It has been suggested that while user fees are may be acceptable for operational expenses, they should be kept as low as possible by limiting operating expenditures, regulating and monitoring tariffs in concessions, and if necessary providing subsidies when users have no alternatives.

7.4.2 Treasury

Another approach is to finance the operation of the OSBP from the general national budget. In this case the financing of the OSBP operational expenses is not guaranteed when other national budget priorities prevail. On the other hand, public financing may subsidize the operations of a financially non-profitable and therefore not self-sustainable (but perhaps economically viable OSBP).

7.5 Bilateral Arrangements

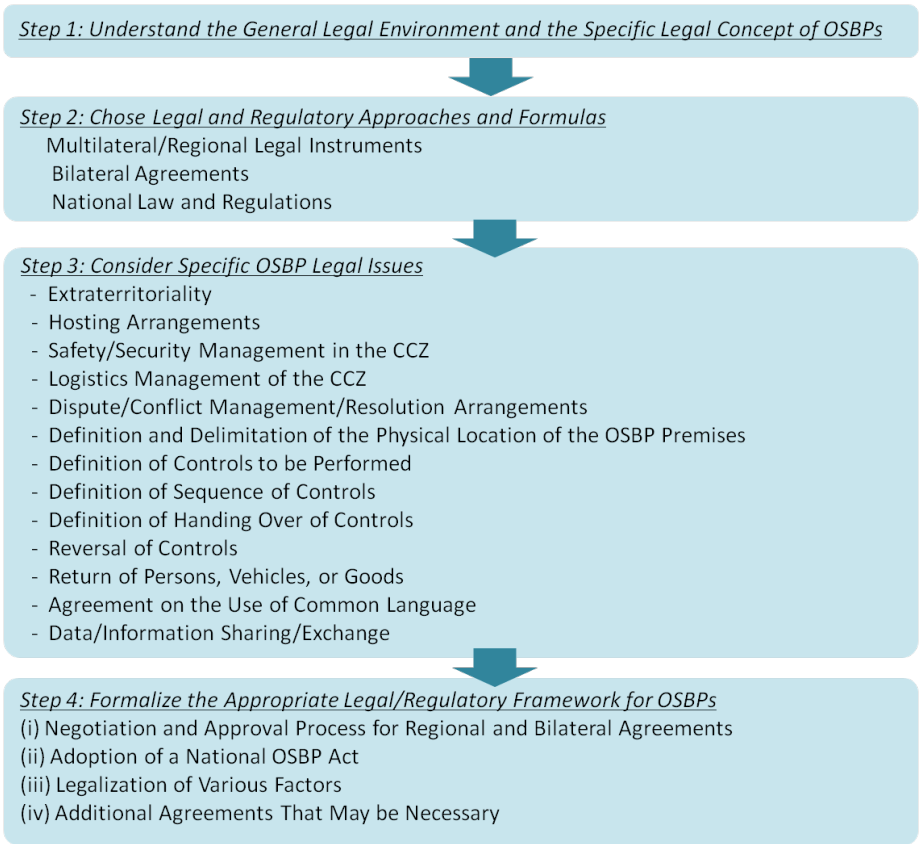
Some issues related to OSBP operation are unique for country pairs. Therefore, they cannot be harmonized on the multilateral level, but must be addressed in bilateral arrangements. These issues relate to user fee collection and the sharing of expenses for shared use of OSBP infrastructure and facilities.

8. Legal and Regulatory Framework for OSBPs

8.1 Process of Implementing Legal and Regulatory Frameworks for OSBPs

Figure 13 provides a road map for the establishment of legal and regulatory frameworks for the introduction and operationalization of OSBPs.

Figure 13: Process of Implementing Institutional Framework for Operationalizing and OSBP



8.2 The General Legal Environment and the Specific Legal Concept of OSBPs

OSBPs need to rely on a well-functioning legal system, nationally and regionally. It is not possible to put into place the entire national and regional legal and regulatory frameworks for the purpose of operationalizing OSBPs – only specific issues can be addressed. Thus, there are some set or given parameters for the legal/regulatory framework of an OSBP that probably cannot be changed for the purpose of establishing the OSBP. These parameters may vary from country to country and from region to region.

The OSBP concept envisaged for any border post requires additional legal authority beyond that which is provided by current legislation for two reasons. First, it will entail the performance of border controls by various officers (the core activity) of one state in terms of its national laws extraterritorially in another state. Second, a legal mandate is required for hosting arrangements of that state's border control officers who will operate in terms of their own national laws within the territory of the other state.

8.3 Legislative/Regulatory Approaches/Formulas

8.3.1 Multilateral/Regional Legal Instruments

Ideally, the operationalization of an OSBP should be pursued in accordance with multilateral/ regional instruments promoting the single-stop border clearance procedure. At least an overarching regional legislative basis is recommended for common OSBP subject matter, i.e., subject matter that is the same and does not differ according to the country pairs or border crossings involved. Harmonization is an important facilitation factor. In addition, a regional approach can take into account the interests of third countries located along a transport corridor. Built on the regional legislation, national and local laws and regulations can be issued or adopted.

Concrete cases of such a regional approach include: (i) UEMOA Regulation No. 15/2009/CM/ UEMOA Portant Regime Juridique des Postes de Contrôle Juxtaposes aux Frontieres des Etats Membres de L'Union Economique et Monetaire Ouest Africaine; (ii) ECOWAS Supplementary Act/SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of the Economic Community of West African States, June, 2013; and (iii) the EAC One Stop Border Posts Act 2013 and EAC One Stop Border Posts Regulations 2013. The other RECs in Africa do not (yet) have such well-developed legal and regulatory frameworks.

Where the option is offered by the constitutional regime of a REC, secondary regional legislation, either directly applicable to the member states or not, is recommended because it harmonizes the OSBP legal framework to a large extent.

8.3.2 Bilateral Agreements

The approach of an MOU and National Act is recommended where two adjoining countries are involved and the focus is on establishing an OSBP at a particular border crossing. It entails the negotiation and conclusion between the two countries of a bilateral agreement in which the parameters of establishing such an OSBP are spelled out. It also requires that such arrangement be entrenched in the domestic laws of each country by way of an appropriate Act of Parliament with an overriding effect over all border control legislation so as to give legal effect to the provisions of the MOU and the principles of extraterritoriality and hosting arrangements.

Even when a regional legal regime is in place, for the unique characteristics and specific issues of particular border crossing points, the adjoining country pairs may need to conclude bilateral agreements.

8.3.3 National Law and Regulations

Depending on the regional (i.e., REC) constitutional regime and on national constitutional law, after the adoption of regional legal instrument(s), the implementation (or integration or reception) into the national body of law of the respective signatory/member countries may be required. In addition to the issue of direct applicability, an issue that depends on the national legal system of the country concerned is whether after signature of a treaty by the country's representative the expressed consent needs to be confirmed (ratification), generally by an act of the country's parliament. These requirements are relevant since they affect the speed of the practical applicability of the regional law.

8.4 Formalization of the Appropriate Legal/Regulatory Framework for OSBPs

8.4.1 Negotiation and Approval Process for Regional and Bilateral Agreements

A broad outline of a process that may be used during the negotiation and approval of regional and bilateral agreements for the implementation of OSBPs, including stakeholder consultation(s), development of a succession of working drafts, and plenary workshops, is set out in the main text (Box 8-8). There are a number of critical success factors (e.g., open involvement of all key stakeholders in the public and private sectors and acceptance by both of the criticality of their partnership).

8.4.2 Adoption of a National OSBP Act

A national OSBP Act provides for an enabling and empowering framework for the implementation of OSBP(s) within a regional or bilateral arrangement between/among countries. Each country will need to formalize an Act to ensure that the legislative framework for the OSBP is in place. An indicative recommended framework for such enactment is provided in the main text (Box 8-10).

8.5 Specific (Core) OSBP Legal Issues

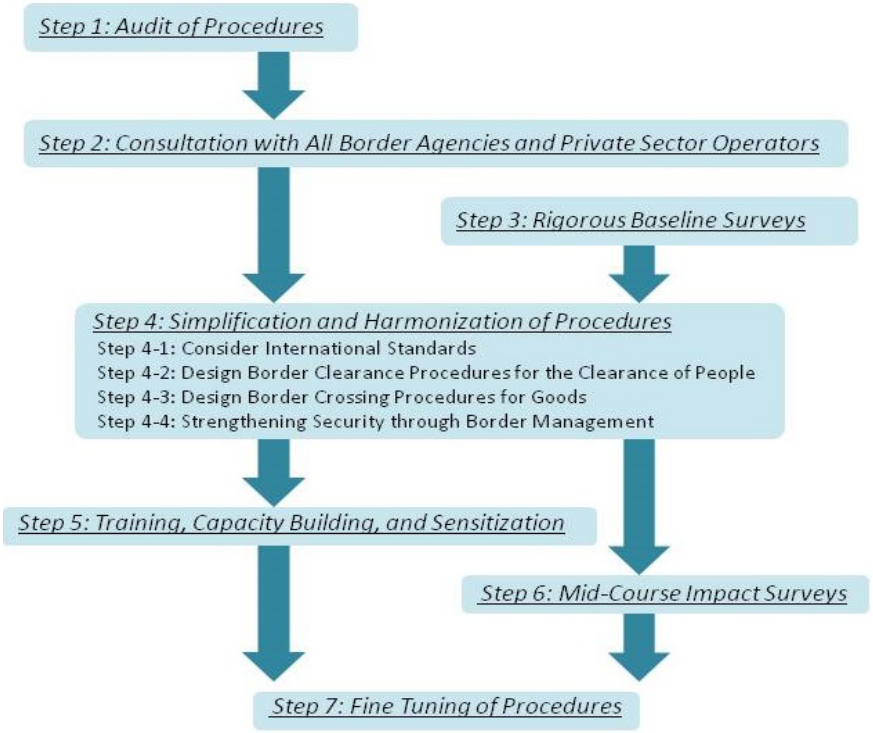
Core OSBP legal issues include: (i) extraterritoriality; (ii) hosting arrangements; (iii) safety/security management in the common control zone; (iv) facility management of the common control zone; (v) dispute/conflict management/resolution arrangements; (vi) definition and delimitation of the OSBP premises; (vii) the definition of controls to be performed; (viii) definition of sequence of controls; (ix) the definition of handing over of controls; (x) the reversal of controls; (xi) the return of persons, vehicles, and goods, (xii) agreement on the use of a common language, and (xiii) data/information sharing/exchange.

9. Border Procedures for OSBPs – Simplification and Harmonization

9.1 Simplifying and Harmonizing Border Procedures for OSBPs

Key steps in the overall process of simplifying and harmonizing procedures for OSBPs (as depicted schematically in Figure 14) include the (i) audit of procedures; (ii) consultations with all Border agencies and private sector operators; (iii) simplification and harmonization of procedures; (iv) training, capacity building, and sensitization; (v) rigorous baseline, mid-course impact, and endline time measurement surveys; and (vi) fine tuning of procedures.

Figure 14: Key Steps in the Overall Process of Simplifying and Harmonizing Procedures in OSBPs



9.2 Designing Border Clearance Procedures for the Clearance of People in an OSBP

9.2.1 Clearance of Pedestrians and Passengers using Public Transport

Separation of channels in the OSBP should be considered, e.g., nationals of member countries of the relevant regional economic communities (RECs) should be given a separate channel where possible to facilitate their travel. Where locally issued travel permits (e.g., jetons, border passes) have been agreed by both countries, the holder should also have an expedited route. Furthermore, online visa and/or manual visa applicants should be processed in separate lines for facilitation purposes.

The traffic flow through the OSBP for each category of passenger should be clearly signposted. Passengers using public transport should disembark from the vehicle at the beginning of the pedestrian route and follow the routing for pedestrians. There should be separate arrangements for the processing of the drivers.

9.2.2 Clearance of Passengers using Private Transport

Passengers using private transport should follow a separate routing through the OSBP. They can remain in their vehicles and be cleared by officers using booths designed for that purpose and/or mobile verification equipment. Where the physical layout and size of an OSBP does not allow for separate control points, passengers in private transport should park their vehicles and follow the routing for pedestrians. A checkpoint to ensure that all formalities have been cleared for those vehicles before they can proceed to the destination country will be required.

9.2.3 Clearance of Drivers and Crew of Freight Vehicles

The same principles apply for drivers and crew of freight vehicles as for all other traffic with respect to immigration clearance. The immigration control should be the last control point when leaving the country and the first in the country of destination. A frequent traveler program will allow a further streamlining of the processes. The IOM has designed a system of biometric enrollment and identity verification that safely facilitates the movements of drivers and crew of freight vehicles, speeding up clearance by minimizing administrative intervention.

9.2.4 Port Health Controls

Health officials provide an important service at the border – they help protect the local and national communities by identifying and raising awareness of disease and infections. With an increase in migration globally comes the exponential increase and reemergence of international disease threats and other health risks.

9.2.5 Considerations for Border Communities

Many countries operate a system of locally issued travel permits (border passes) or jetons, usually issued by local authorities, and which have limited validity and restrictions on travel. OSBP immigration managers need to reach agreements on (i) the acceptability of the local travel permit as a travel document; (ii) if agreed as deemed acceptable, formulation of a system for permit issuance that is robust and not open to abuse, including the use of biometrics; and (iii) facilitation of local community residents through the OSBP.

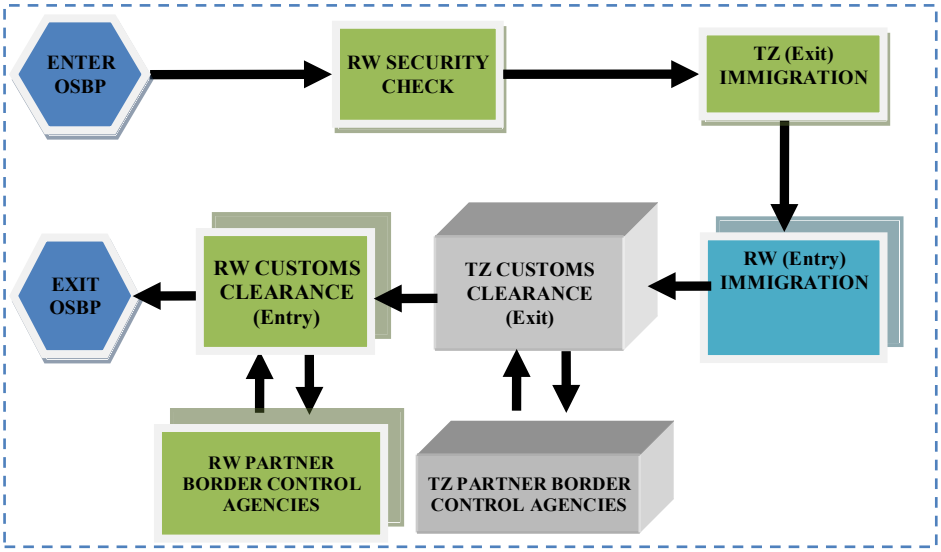
9.3 Designing Border Crossing Procedures for Goods in an OSBP

9.3.1 Clearance of Goods

Customs and other border agencies have to balance their controls among various competing requirements, including trade, the economy, fiscal and budget issues, crime interdiction, environmental concerns, and transport. At OSBPs, the clearance of goods is guided by specific operating principles that require the sequencing of controls according to one of options, state-to-state control or agency-to-agency controls.

In the conduct of their controls, the adjoining countries should specify in their OSBP agreement the sequence and form the controls will take at their OSBP(s). Where practical, the adjoining countries should conduct their controls by way of simultaneous processing of documents and joint inspections and verifications, by all national agencies of the country or countries with an interest in undertaking their controls. Figure 15 presents a diagram from the Rusumo OSBP Operational Procedures manual as an example of agency-to-agency controls.

Figure 15: The Process Flow on the Rwandan Side of the Rusumo OSBP



Abbreviations: RW = Rwanda, TZ = Tanzania

9.3.2 Specific Issues

Specific issue relate to the clearance of hazardous goods, the clearance of perishable goods, the clearance of abnormal or wide loads, and the clearance of empty returning freight vehicles.

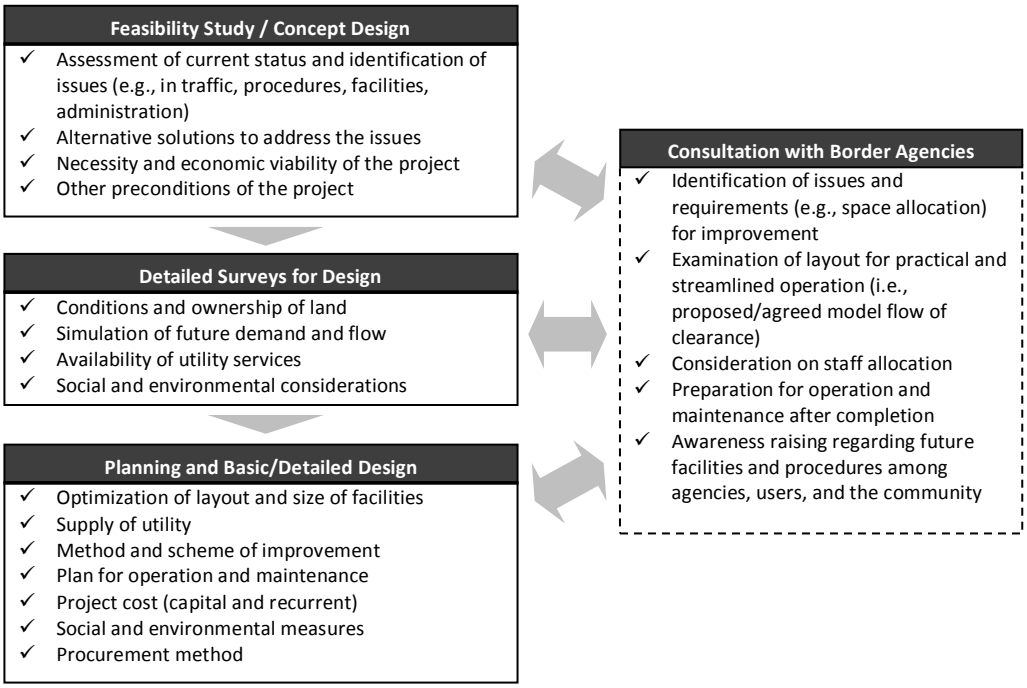
9.4 Strengthening Security through Border Management in an OSBP

Measures to expedite the clearance of goods and movement of people should not compromise border and national security. Issues relate to (i) intelligence gathering and information sharing, (ii) cross-border crimes, (iii) risk and threat management, (iv) the protection of vulnerable groups (more details are provided on the protection of vulnerable groups, (v) joint investigations and operations, (vi) the search of freight and passenger vehicles for clandestine persons, and (vii) cargo security issues.

10. Physical Facilities and Traffic Flows in OSBPs

The process of designing OSBP facilities requires careful examination based on current and simulated data and consultations with stakeholders (i.e., resident border agents and users of the facilities), considering that border procedures at OSBPs cannot be streamlined if the design simply expands the layout of conventional border facilities in one country or consolidates that in two countries. In addition, examinations in the pre-construction stage are essential to determine the most appropriate capacity of the OSBP, as well as the method and scheme of construction. It may be that this assessment will find that a "no new construction" option, perhaps including the renovation of existing facilities and/or implementation of nonphysical measures, will be the most preferred solution. Figure 16 outlines the process and key considerations in determining facility design.

Figure 16: Outline of Design Process and Key Considerations

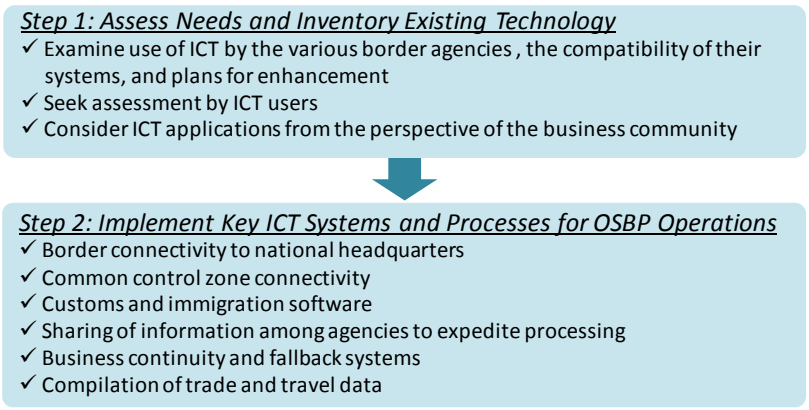


11. ICT and OSBPs

11.1 The Process of Implementing ICT in Operationalizing OSBPs

Figure 17 presents a schematic diagram of the process of implementing ICT in operationalizing OSBPs.

Figure 17: Process of Implementing ICT in Operationalizing OSBPs



11.2 The Importance of ICT in Operationalizing OSBPs

ICT is a critical component of OSBPs. For an OSBP operation to be successful, agencies must be able to communicate with each other in the common control zone (CCZ). In a juxtaposed OSBP – the most common form – most agencies will be split between two facilities and therefore it is essential that they can access computer systems at their home base and also perform entries, assessments, and agency database searches from anywhere in the CCZ.

Interconnectivity – as a prelude to interoperability and increasingly complete functional integration – should be considered a necessary precondition to OSBP ICT functionality, as failure to do so may stall the progress and coordination of activities anticipated in the CCZ. There is a great deal of duplicated and overlapping data entry among the various agencies operating at borders. OSBPs should have a border management information system, so that basic information entered can be shared among all agencies. It should facilitate and manage the flow of electronic information and conventional documentation and interventions involved in the clearance process. It should enable them to happen in parallel, where possible, and track fulfillment of clearance requirements. The Real Time Monitoring System / Cargo Control System (RTMS), piloted in the EAC with JICA support, is one such a software package.

11.3 Needs Assessment and Inventory of Existing Technology

The process of implementing ICT for an OSBP should begin with a needs assessment and inventory of existing technology in terms of equipment, skills, and software as way of mapping its future business processes and a comprehensive blueprint for achieving these aims. This stage is critical since it should review technical requirements in relation to existing systems and their scalability. It should also examine the extent of ICT use by the various agencies at the border, the compatibility of their systems, and their plans for enhancement. Assessment by users is critical because they know in the course of their work where automated systems would have the greatest impact on their productivity. Border officers may suggest ideas that are not possible, but they may also suggest new directions that otherwise would be overlooked**.** Also, it is important to consider ICT applications from the perspective of the business community.

11.4 Inventory of Key ICT Systems and Processes for OSBP Operations

Key ICT systems and processes for OSBP operations include (i) border connectivity to national headquarters, (ii) cargo control zone connectivity, (iii) customs and immigration software, (iv) the sharing of information among agencies to expedite processing, (v) business continuity and fallback systems, and (vi) the compilation of trade and travel data. In designing and developing ICT systems for OSBPs, it will be useful for national policymakers to consider issues related to ownership, maintenance, compatibility, and sharing of use.

Part III: OSBP Case Studies

12. OSBP Case Studies

The following case studies of planned or operational OSBPs were prepared:

(i) Chirundu, a juxtaposed OSBP serving Zambia and Zimbabwe;
(ii) Cinkansé, serving Burkina Faso and Togo, although wholly located within Burkina Faso;
(iii) Mfum, an OSBP planned to serve Cameroon and Nigeria, although wholly located within Nigeria;
(iv) an overview of OSBPs within the EAC;
(v) Namanga and Rusumo, the former to serve Kenya and Tanzania, and the latter to serve Rwanda and Tanzania;
(vi) Gasenyi I/Nemba, a straddling OSBP serving Burundi and Rwanda; and
(vii) Lebombo/Ressano Garcia, planned to serve South Africa and Mozambique.

The case studies focus on the issues/lesson(s) to be presented, with background information provided (only) to the extent that it is relevant. The case studies were necessarily limited to

available materials (which have been cited within the case studies) and inputs from cooperating partners. Certain issues/lessons recur throughout several case studies (e.g., the need for well-structured institutions, laws, and procedures; the importance of training), while others are unique (e.g., the viability and efficacy of the straddling OSBP model, the possibility of improving border operating performance even without an OSBP). The case studies provided source material for (the earlier chapters of) the Sourcebook.

The following box presents an overview of the case studies, focusing on the issues raised and the lessons learned.

Box: Issues/Lessons Learned from the Case Studies

Chirundu – A Pioneering Example of a Publically Managed OSBP (Zambia and Zimbabwe)

Need for high-level political commitment
Importance of well-structured committees and subcommittees
Importance of a well-crafted OSBP legal framework
Need to refine procedures over time
Importance of training
Need for a change management process
Challenges in implementing an OSBP when facilities were designed for traditional two-stop operations
Incompatibility of / lack of symmetry between the two countries' hard and soft infrastructure
Importance of ICT
Benefits of looking at OSBPs from a corridor or regional perspective
Need for assured disbursement(s)
Need for appropriate signage and lanes for passport control
Role of international development/cooperating partners
Importance of extended (harmonized) operating hours

Cinkansé – A Single-Country OSBP (JBP) with Private Sector Involvement (Burkina Faso and Togo)

Top-down vs. bottom-up approaches to OSBP development
Overemphasis on physical facilities rather than "software"
Need for streamlining of lengthy processes
Adverse impacts of the concession on trade facilitation
Importance of developing and agreeing on agency procedures
Need for all aspects of a JBP to proceed in an integrated way

Mfum – A Single Country OSBP (JBP) between Two RECs (Nigeria and Cameroon)

Development of the legal framework for an JBP/OSBP involving two RECs
Use of a bilateral agreement without enacting a specific JBP/OSBP Act
Development of an ambitious road map to enact the requisite legal instrument
Recommendation to form a joint steering committee
Usefulness of incorporating diagrams of the architectural designs for the JBP in the procedures manual
Need to provide for electronic processing in the procedures manual
Various issues related to private sector participation in OSBPs

The EAC: OSBPs in a Customs Union

Importance of advancing regional integration
Need to develop a comprehensive OSBP legal framework
Lessons related to the design and management of OSBP facilities
Lessons related to the development of OSBPs in a single customs territory
Multi-level approach to the management of OSBP projects
Importance of the development of OSBP procedures
Need for well-structured institutional arrangements and the coordination of OSBP operations

Namanga and Rusumo – Well-Crafted Legal, Regulatory, and Institutional Frameworks, and OSBP Manuals (Kenya, Rwanda, and Tanzania)

Well-crafted legal/regulatory frameworks, institutions, and OSBP operational procedures manuals
Benefits of extensive training and sensitization activities
Rigorous baseline, impact, and endline time measurement surveys
Preparation of informative materials on the OSBPs

Gasenyi I/Nemba: A Straddling OSBP (Burundi and Rwanda)

Viability and efficacy of the straddling OSBP model

Lebombo/Ressano Garcia – A Long-Planned OSBP with a Complex Mix of Traffic (South Africa and Mozambique)

Possibility of improving border operating performance even without an OSBP
Difficulties in formalizing OSBP legal arrangements
Benefits of separating different kinds of traffic

Note: Lessons highlighted in a particular case study may also be applicable to other case studies, but may not have been highlighted in the other case studies for a number of reasons (e.g., availability of information).

Part I

The One-Stop Border Post Concept

Chapter 1
The OSBP Concept

1.1 Introduction

Africa has the most landlocked countries in the world and given the critical role that border posts play in international trade, travel, and security, it is imperative that stakeholders continually review and modernize border crossing procedures. Intra-African trade accounts for about 10% of the continent's total trade, which is far below the levels of intraregional trade in Latin America (22%) and [East] Asia (50%).[1] Africa's poor performance in this regard is attributable to a variety of systemic challenges that include inefficient border crossings. According to the World Economic Forum's (WEF) Global Competitiveness Report for 2014–2015, only four African countries[2] are ranked in the top half of the 144 countries measured globally. One of the 12 pillars of competiveness that the WEF examines relates to the state of the environment for the exchange of goods and services. Considering that market access and barriers to trade and travel belong to this pillar, the efficiency of border operations impacts on the level of competitiveness of economies.[3]

One of the modern approaches for improving border operations is the establishment of one-stop border posts (OSBPs). To this end, the World Trade Organization (WTO) in Article 8 of the Trade Facilitation Agreement (TFA) places an obligation on member states to ensure that their authorities and agencies responsible for border controls and procedures for the import, export, and transit of goods cooperate with one another and coordinate their activities to facilitate trade; the WTO specifically states that such cooperation and coordination should include the establishment of OSBPs. Similarly, the World Customs Organization (WCO) recommends that, "where the Customs intend to establish a new Customs office or to convert an existing one at a common border crossing, they shall, wherever possible, co-operate with the neighboring Customs to establish a juxtaposed Customs office to facilitate joint controls."[4]

In Europe, the OSBP concept first appeared in the 1920s when France and Belgium co-located border facilities in a farmhouse straddling their border and offered the possibility to administrative and judicial authorities of both countries to interview suspects without having to apply for extradition. Single-stop inspection facilities were later developed between various country pairs in Europe before the establishment of the European Union (which led to the elimination of most border controls in Europe), and the concept has also been applied in other parts of the world (e.g., the Greater Mekong Subregion [GMS] of Southeast Asia, under the Cross-Border Transport Agreement of 1998).

In the 2000s the OSBP concept began to be applied across Africa. In 2004, the East African Community (EAC) together with the Northern Corridor Transit and Transport Coordination

[1] Habiba Ben Barka, Senior Planning Economist, "Border Posts, Checkpoints, and Intra-African Trade: Challenges and Solutions", AfDB Chief Economist Complex, January 2012.
[2] Mauritius, Morocco, South Africa, and Rwanda were the only African countries ranked in the top 72 countries on the Global Competiveness Index.
[3] World Economic Forum, *Global Competiveness Report, 2014–2015*, 2015, downloadable from www.weforum.org/ reports/ global-competitiveness-report-2014–2015.
[4] World Customs Organization, Revised Kyoto Convention, General Annex, 3.5, downloadable at http://www. wcoomd.org/ en/topics/facilitation/instrument-and-tools/conventions/pf_revised_kyoto_conv/~/media/A7D0E487847 940AD94DD10E3FDD39D60.ashx.

Authority (NCTTCA) developed the East African Transport and Trade Facilitation Project (EATTFP), which among other activities, called for the development of OSBPs in the region. The Chirundu OSBP – serving Zambia and Zimbabwe and profiled in Section 13.2 – is considered the first fully functional OSBP in Africa. The project to establish an OSBP at Chirundu was initiated by a Common Market for Eastern and Southern Africa (COMESA) Council of Ministers decision of May 2005 in Kigali, Rwanda, to seek to resolve barriers to the movement of goods across borders in the region. In West Africa, the OSBP at Cinkansé – serving Togo and Burkina Faso and profiled in Section 13.3 – was the first to be developed in that region.

Following the launch of the Chirundu OSBP, with the support of development partners, the concept and development of OSBPs has expanded rapidly with the support of development partners as one of the major tools to tackle impediments to the growth of trade in Africa. The Programme for Infrastructure Development in Africa (PIDA)[5] included the development of OSBPs and the ICA transport sector platform, championed by JICA and the European Investment Bank, has strengthened its support for OSBPs in recent years. A 2014 assessment undertaken by ICA/JICA identified 77 OSBPs at various stages of implementation on the African continent.[6] Appendices A and B present information on more than 80 OSBPs on the continent at the planning or implementation stage.

At least arguably, the relevance of OSBPs is inversely correlated with the degree of regional integration. However, as mentioned in the EAC case study in Chapter 13, the establishment of OSBPs in the EAC was aligned to the fundamental objectives of the EAC Customs Union by ensuring that the designs of border facilities and procedures are consistent with the EAC integration agenda. To the extent that it may be subsequently discovered that new OSBP facilities exceed the requirements for border operations under the Single Customs Territory (SCT) framework, consultations and fresh thinking will be required on options to optimize the use of such facilities.[7]

1.2 Definition

As a trade facilitation tool applied at borders, the OSBP concept promotes a coordinated and integrated approach to facilitating trade, the movement of people, and improving security. The concept eliminates the need for travelers and goods to stop twice to undertake border crossing formalities. The OSBP concept calls for the application of joint controls to minimize routine activities and duplications. Through a "whole of government" approach, the OSBP concept reduces the journey time for transporters and travelers, and shortens the clearance time at border crossing points. While OSBPs can be implemented in a manual environment, the use of modern ICT equipment and application of electronic platforms significantly expedites border and transit operations. In addition to the soft components, the construction of appropriate border facilities and the availability of appropriate operational tools create a suitable environment for efficient and effective border operations.

Narrowly defined, an OSBP is a border crossing point where travelers, goods, and means of transport stop once to undertake exit formalities from one country and entry formalities into the

[5] African Development Bank, African Development Fund, and African Union, *Africa's Time for Action, Program for Infrastructure Development in Africa (PIDA), Interconnecting, Integrating and Transforming a Continent*, 1 April 2012.
[6] Infrastructure Consortium for Africa and Japan International Cooperation Agency, *Terms of Reference for the Revision of One Stop Border Post Sourcebook*, 2014. A few more OSBPs/JBPs have been identified since then.
[7] Technically, it is beneficial to have OSBPs even within a full-fledged customs union, but the facilities should be sufficiently "lean" to allow effective goods facilitation since a number of interventions will be made at points of entry into the customs union or departure.

other.[8] In West Africa, this concept is generally referred to as a joint border post (JBP). According to the Global Facilitation Partnership for Transportation and Trade, a JBP is defined as a "border post shared by border officers from two adjacent countries to conduct jointly some of the cross-border and security clearance procedures."[9]

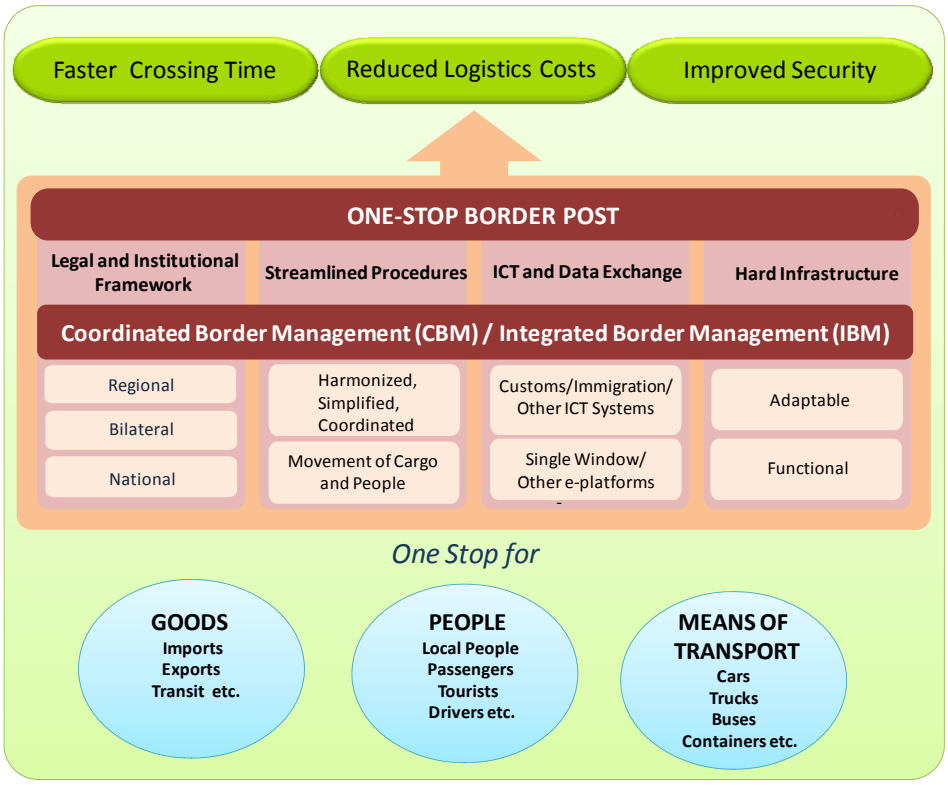
From a broader point of view (as it has evolved over time), at an OSBP, border controls for exiting one country and for entering the other are conducted in a shared space through the principle of extraterritorial application of laws and hosting arrangements, institutionalizing inter-agency coordination at local, regional and international levels, exchanging data through the use of ICT, simplifying and harmonizing procedures, and modifying or building new facilities for purposes of enhancing trade facilitation, thereby improving the collection of trade taxes, and maintaining security by mitigating the risk of terrorism, preventing human trafficking, and preventing the transmission of communicable diseases. OSBPs may also enhance the benefits from improved connecting (road) infrastructure.[10] Other trade facilitation tools – such as single window systems, risk management, trusted trader schemes, e-payment, and modern traffic management systems – are all key components of efficient OSBP operations. These aspects are covered in the relevant chapters of the Sourcebook.

Figure 1-1 presents a graphical representation of the OSBP concept. In order to meet the trade and transport facilitation objective (i.e., reducing the time and costs of border crossing, in a secure environment, by requiring only one stop), OSBPs are implemented through four pillars: (i) the legal and institutional framework, (ii) streamlined procedures, (iii) ICT and data exchange systems, and (iv) hard infrastructure. The successful implementation of OSBPs also requires the adoption of complementary but key border management tools such as coordinated and/or integrated border management, and risk management.

Figure 1-2 schematically shows the OSBP concept as one of the many tools of trade facilitation, regional integration, and economic development. As a tool for facilitating travel and trade, OSBPs contribute to regional integration and the economic development of communities. Considering that border crossing points are integral nodes of transport corridors, similar operational efficiencies should be introduced at entry points such as seaports or airports and at discharging points at inland control points and vice versa for outward-bound cargo and travelers. A total corridor approach that incorporates other trade facilitation initiatives is critical for realizing the transformational economic benefits of trade facilitation and regional integration. Adopting a corridor and international value chain approach in the selection and development of OSBPs is, therefore, critical for accelerating regional integration and economic growth. Depending on the level of regional integration, the approach for the implementation of OSBPs should be designed and aligned to the stage and strategy of integration at regional and continental levels.

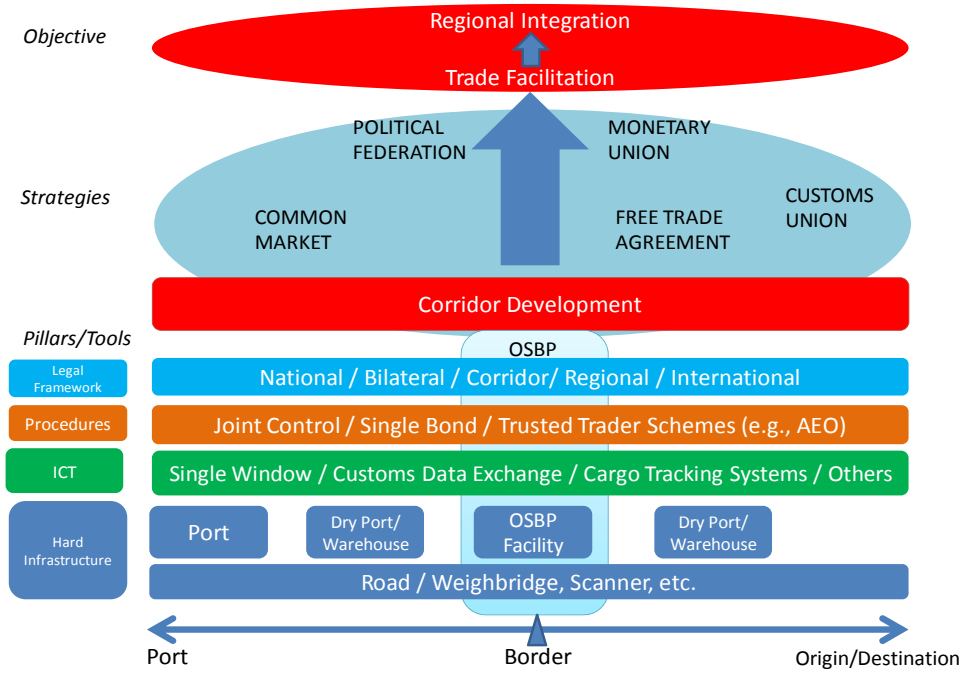
[8] For reference, the International Organization for Migration (IOM) defines OSBPs as, "a single, shared physical infrastructure in which the neighbouring countries' customs and border services operate side by side." International Organization for Migration, *IOM and Integrated Border Management*, 2015, p. 1.
[9] http://www.gfptt.org/node/92.
[10] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26-28 October 2015, Annex 3, p. 6.

Figure 1-1: The OSBP Concept



Source: This Sourcebook

Figure 1-2: The OSBP Concept as One of the Many Tools of Trade Facilitation, Regional Integration, and Economic Development



Note: A customs territory is a geographic space in which a customs law applies. Since the establishment of a customs union involves the merger of two or more customs territories, the combined geographical space of the constituent customs territories becomes a single customs territory.
Source: This Sourcebook

1.3 OSBP Models

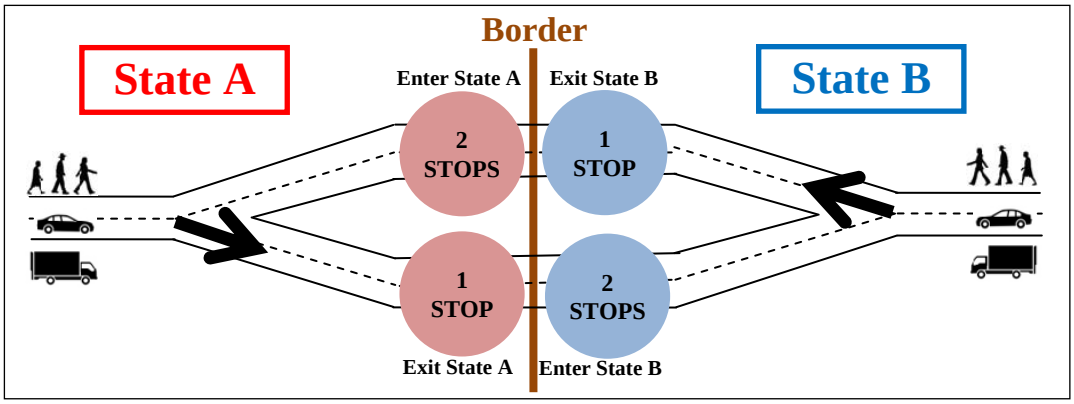
1.3.1 Overview

This section first introduces the traditional two-stop border post model and then presents three OSBP models: the juxtaposed, straddling, and single country (wholly located). While there have been differences among regional groupings (e.g., with the single country model favored in West Africa and the juxtaposed model elsewhere), in theory the alternative models can be applied in each of the different regions.[11]

1.3.2 Introduction: The Traditional Two-Stop Border Post

At a traditional border post, exit procedures are carried out on one side of the border for persons, vehicles, and goods leaving a country. Entry procedures are carried out on the other side for persons, vehicles, and goods arriving in a country. Border crossing activities generally involve immigration, customs, and other border control functions depending on the size and characteristics of the border and the national laws that govern border controls. For the user, crossing through a traditional two-stop border post involves performing a variety of paperwork, procedures, and payments and then proceeding a few hundred meters and repeating the process on the other side. Thus, in a traditional border operation two sets of activities are performed separately on each side of the border; procedures are required to exit from one country and to enter the other. For comparison with the OSBP models described in the subsequent subsections, Figure 1-3 presents a schematic diagram of a traditional two-stop border post.

Figure 1-3: Schematic Diagram of a Traditional Two-Stop Border Post



Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 2

1.3.3 The Juxtaposed OSBP Model

In the juxtaposed model, shared border facilities are operated in the country of entry in each direction. This model is generally used where there are already facilities and/or where a river or other natural barrier forms the boundary, e.g., as is the case at the Malaba border crossing between Kenya and Uganda, at Chirundu between Zambia and Zimbabwe, and at Rusumo between Rwanda and Tanzania (case studies of the Chirundu and Rusumo OSBPs are presented in Sections 13.2 and 13.6, respectively). National law in both countries must enable officers to carry out their laws in a common control zone (CCZ) in the adjoining state (extraterritorial jurisdiction) and provide for the hosting of foreign officials. In the case of juxtaposed border

[11] Source in previous footnote.

posts, there are two separate facilities, but one stop is required in each direction to undertake border crossing formalities. Juxtaposed facilities also encourage cross-border cooperation. This is the most common OSBP model in use, because it does not require either country to give up having a border facility. In situations where the (juxtaposed) border facilities for the country pair establishing an OSBP are relatively far apart, enforcing full compliance in the "no-man's land" between the facilities may be a challenge for the border agencies (see Box 1-1) Where there are existing facilities, establishing an OSBP calls for modifications to the buildings. However, irrespective of whether the process of establishing a juxtaposed OSBP involves construction of new border facilities or modification of existing structures, the ideal approach is to first plan for the infrastructure required to establish an OSBP before proceeding to build or modify. Juxtaposed OSBPs may be more suited where the level of regional integration is still at a nascent stage such as a free trade area or below. Figure 1-4 presents a schematic diagram of a juxtaposed OSBP.

Box 1-1: Challenges When Border Facilities Are Separated by Long Distances

For various reasons including historical factors and topography, some border facilities between adjoining countries are separated by considerable distances. Such configurations present specific challenges to border management as outlined below:

(i) Enforcing compliance between the two facilities is problematic particularly where such spaces are inhabited as is the case between the Kobero and Kabanga border posts between Burundi and Tanzania. Border agencies may have to resort to providing escorts to travelers and transporters to ensure that they fulfill both exit and entry border formalities since the proclivity to avoid paying import taxes and met other compliance requirements is high.

(ii) Modern border management requires connectivity of ICT systems between two border facilities for easier and reliable exchange of data. Where border facilities are separated by considerable distances, establishing ICT connectivity is costly.

(iii) If border agencies decide to provide escorts, this measure requires sufficient officers to serve as escorts and patrol the land between the two facilities. These escorts may require the use of vehicles, consequently increasing operations costs.

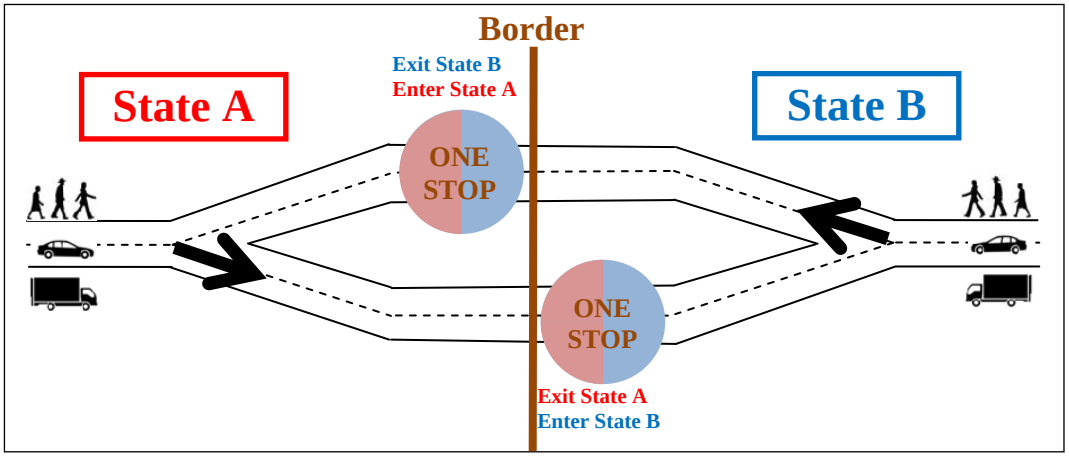
(iv) Constructing and maintaining security barriers along the roads/walkways linking the two facilities is costly and may interfere with the freedom and social fabric of border communities that live between the two facilities.

(v) Distant border facilities may also present a security risk in situations where resources are inadequate to monitor activities between the two facilities.

Prior to the construction of OSBP facilities at Kobero and Kabanga border posts between Burundi and Tanzania, the border facilities were separated by a distance of about 6-7 km. The space between the two facilities was inhabited and had rice and other crop fields in the low-lying flood plains. Following the construction of new border facilities in 2014 by TradeMark East Africa, the distance between the facilities has been reduced to less than a km.

Source: This Sourcebook

Figure 1-4: Schematic Diagram of a Juxtaposed OSBP

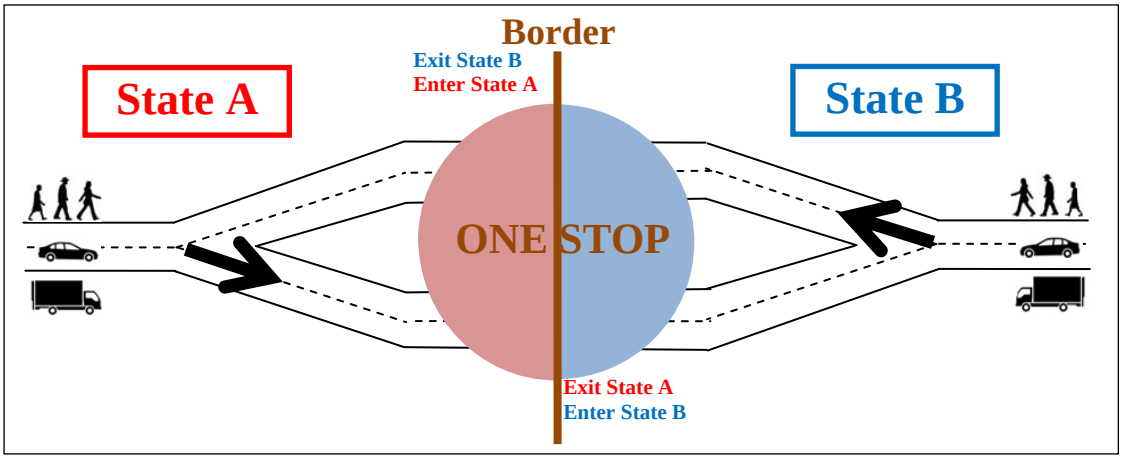


Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 4

1.3.4 Straddling OSBP Model

In the straddling model,[12] a single facility is constructed across the border line. This model can be used when a new facility is built where the land is relatively flat. An advantage associated with this model is that it provides greater scope for promoting interagency cooperation due to the close proximity of operational facilities and the increased likelihood for sharing information and operational equipment. One of the challenges associated with the straddling model is that there might be imbalances in maintenance levels of the facility depending on the facility management arrangements agreed by the parties. Joint inspections and other joint activities in the straddling model still require a legal framework authorizing officers to execute controls in the CCZ within theadjoining state. A straddling facility has been built at Gasenyi I/Nemba on the Burundi/Rwanda border as part of a road project linking the two countries; a case study of this OSBP, presented in Section 13.7, demonstrates the viability and efficacy of the straddling OSBP model where geography permits. Figure 1-5 presents a schematic diagram of a straddling OSBP.

Figure 1-5: Schematic Diagram of a Straddling OSBP



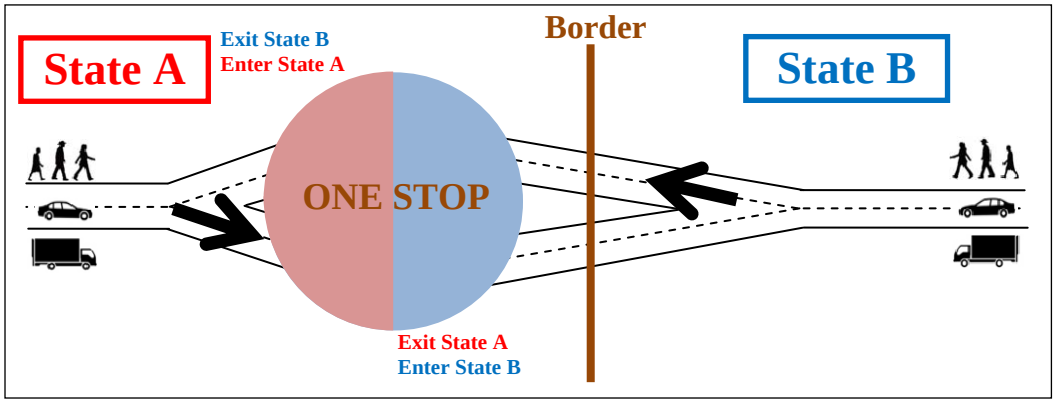
Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 3

[12] Since the word “straddle” or “straddled” cannot be used as an adjective, it is not used here.

1.3.5 Single Country (Wholly Located) OSBP Model

In the (common) single country model, i.e., an OSBP wholly located in one of the two adjoining states, a single shared border facility is constructed in one of the countries to house officers from both countries to carry out border controls. It has been observed that single country OSBPs are not a special case; they are similar to seaports, or road or railway bridges, or any infrastructure wholly located in one country.[13] The major benefit of this model is the economies of scale it provides in terms of the infrastructure utilization (since it is unnecessary to construct facilities on both sides of the border), but it requires sufficient trust and cooperation between the countries to build and operate the OSBP in only one of the countries. Under this model, one country will need the authority to carry out controls in the host country and the host country will need a legal framework that allows foreign officers to work on their soil. The Cinkansé joint border post[14] (JBP/OSBP) serving Togo and Burkina Faso border uses a single facility on Burkinabé land that has been transferred to Union Economique et Monétaire Ouest-africaine (UEMOA, West African Economic and Monetary Union); a case study of this JBP/OSBP is presented in Section 13.3. A single JBP/OSBP facility has also been developed at Ruhwa (alternatively spelled Rhuwa) in Burundi on the border with Rwanda as part of a road corridor supported by African Development Bank (AfDB). Other examples of single country facilities include Noépé, a JBP/OSBP to serve Ghana and Togo but wholly located in Togolese territory; Mfum, a JBP/OSBP to serve Nigeria and Cameroon but wholly located within Nigerian territory; and the Lebombo/Ressano Garcia OSBP facility, planned to serve South Africa and Mozambique (the last-named two of these case studies are presented in Sections 13.4 and 13.8, respectively). It is often geography, the status of bilateral relations between the country pairs establishing an OSBP, or operating conditions that influence the choice of this OSBP model. One of the challenges of this model is that despite provisions in the statutes governing OSBPs granting equal status to the parties, the host country tends to dominate in relations with the adjoining state, particularly in instances of political instability. Figure 1-6 presents a schematic diagram of a single-country OSBP.

Figure 1-6: Schematic Diagram of a Single Country OSBP



Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 3

[13] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 3, p. 6.

[14] A "joint border post" (the term used in West Africa) is the equivalent of a "one-stop border post", the term used in other parts of Africa that are also progressing the concept.

1.4 The Four Pillars of OSBPs

1.4.1 Overview

The OSBP concept consists of four pillars: (i) the legal and institutional framework, (ii) simplification and harmonization of procedures, (iii) ICT and data exchange, and (iv) hard infrastructure. Each is described below.

1.4.2 Legal and Institutional Framework

It is necessary to develop an appropriate legal and institutional framework to support OSBP operations. Under international law, it is generally agreed that the application of national laws is limited to the territory of a state. As a consequence, OSBPs rely on the principle of extraterritorial application of laws, which allows a state to extend the application of specific national laws outside its own territory. Implementation of OSBPs, therefore, demands that a detailed analysis of the legislative, regulatory and institutional framework governing the operations of border agencies is undertaken. At a typical border post, there are several government agencies that are responsible for border controls. For efficient and effective OSBP operations, these agencies need to operate in a coordinated manner to minimize duplications and redundancies. In addition, the requirement to apply national border controls on foreign territory and the application of joint controls requires a deliberate institutional arrangement that is supportive of OSBP operations. One of the key approaches for promoting the coordination of border agencies is through the implementation of the coordinated/integrated border management (CBM/IBM) concept.[15]

As part of the institutional framework, one of the main requirements for the establishment of OSBPs is the coordination of border agencies. The number of government agencies operating at the border has increased in many cases, with most posts having an average of about 10 agencies on each side, typically proceeding with their operations in an uncoordinated fashion. It is also common practice to find agencies on one side of the border and observing different hours of operation from agencies on the other side of the border. In many countries, the lack of a clear policy on the lead agency and its role adds to the various factors contributing to border inefficiencies. Although the responsibility to protect national interests at a border is vested in various border agencies that include immigration, police, state security, customs and the agencies responsible for sanitary, phytosanitary, and technical standards, experience has shown that the results of individual border agencies generally improve when their level of cooperation is enhanced. Consequently, the concepts of integrated border management (IBM) and coordinated border management (CBM) are now integral components of OSBP systems. The three levels of cooperation that form the key pillars of IBM and CBM are intra-agency, inter-agency, and international cooperation.

Chapters 6 to 8 cover the legal, institutional, and management aspects of OSBPs.

1.4.3 Simplification and Harmonization of Procedures

Border crossing procedures under the OSBP framework differ from operations at traditional two-stop border posts although the role of each agency generally remains. Simplification and harmonization of operational procedures and joint controls are cornerstones of OSBP operations. Chapter 9 covers operational procedures for the clearance of cargo and travelers.

[15] More detailed discussion of these concepts – which have a common theme – is found in subsection 9.2.2(2).

Implementing an OSBP without simplifying and harmonizing border crossing procedures renders an OSBP ineffective. Whereas users would be required to stop once in order to undertake exit and entry formalities at a border, subjecting such users to routine and redundant formalities would have little impact on reducing the time spent at the border. The process of reviewing and aligning procedures should be continuous in order to ensure that OSBPs operate with border crossing procedures that are not only effective but also facilitative and relevant to the prevailing circumstances. Joint operations and the need to observe jurisdiction in an OSBP environment require specific considerations when crafting OSBP procedures.

After developing OSBP procedures, it is important to ensure that border officials are given ample training in order for them to internalize the new procedures. Training should be conducted prior to the commencement of OSBP operations. It is advisable that where possible, the training of officials from the adjoining countries should be conducted jointly with officials from all the border agencies. This approach helps in building cooperation among agencies and between countries. In addition to training, an OSBP project should also hold sensitization and awareness activities for the local community and private sector service providers (e.g., clearing and forwarding agents).[16]

1.4.4 ICT and Data Exchange

ICT is a critical component of collaborative single window systems, simplification of documentation, border management, and modernization of customs, immigration, and related services. The increase in the number of travelers along with increases in volumes of vehicular traffic and cargo at borders requires a strategic balance between controls and facilitation. ICT allows for the efficient use of limited resources to manage borders by facilitating intra/interconnectivity of agencies while promoting the exchange of data, which is vital for implementing responsive risk management systems and for understanding mobility and trade patterns.

1.4.5 Hard Infrastructure

Hard infrastructure for OSBPs includes OSBP facilities such as offices for border officials, operational equipment, warehouses, and parking.[17] While all border posts require physical facilities for border operations, the level of facilities required depends on the type and size of operations at a border post. In principle, facilities for OSBP operations should be appropriately functional and not unnecessarily elaborate ("gold-plated") or inadequate. Chapter 5 of this Sourcebook covers the design of border facilities and the level of equipment required for OSBP operations.

1.5 OSBPs and Regional Integration

Regional integration may be defined as a process in which neighboring states work together through common institutions and rules. One aim of regional integration is to promote trade and economic development. In comparison to most other regions of the world, intra-regional mobility and trade flows in Africa have remained low. The reasons for these low intra-regional flows on the continent include poor transport and border infrastructure, and cumbersome border crossing procedures that are applied by multiple agencies that typically operate in an uncoordinated manner. Responding to these challenges, the establishment of OSBPs is intended

[16] Sections 13.4 and 13.6 present examples of OSBP training and sensitization programs planned or conducted at the Mfum (Nigeria/Cameroon) and Namanga/Rusumo OSBPs, respectively.
[17] From a broad point of view, other infrastructure such as trade centers may also be included.

to contribute to economic development by facilitating regional integration through the improvement of mobility and trade flows.

Regional integration in Africa is at different stages in different regions. Examples of regional integration efforts include free trade areas (FTAs), customs unions, common markets, economic and monetary unions, and political unions. These different stages of regional integration have implications for the approach to establishing OSBPs. In an FTA – where member countries agree to eliminate tariffs and other import restrictions on goods produced by participating states – each member country keeps its own tariffs on imports from countries that are not members. Thus, member countries in an FTA still maintain full border controls for the purpose of collecting duties and taxes from third countries, where applicable. Principally, FTAs are designed to reduce trade barriers between and among participating countries and thereby protect local markets and industries. Thus, FTAs benefit consumers through increased access to less expensive and/or higher quality goods from other participating countries as a result of reduced or abolished tariffs. While producers may struggle with increased competition, they may also benefit from a significantly broader market of potential customers. FTAs also cover other fields such as government procurement, competition policies, and intellectual property rights. In an FTA, border crossings demarcate customs territories and serve as points where one country's jurisdiction over goods and persons ends and another country's authority begins. In an FTA environment, the objective of an OSBP is to contribute to lowering trade barriers in order to assist industries in accessing new markets and reaching out to potential customers in the expanded markets. On the other hand, OSBP operations may also be designed to protect local industries by providing an environment where customs and other government agencies responsible for the control of the movement of goods correctly assess and collect the applicable duties and taxes efficiently on goods from non-members. An example of an OSBP in a free trade area (that of the Southern African Development Community, SADC) is Chirundu serving Zambia and Zimbabwe (see the case study in Section 13.2).

For a customs union and other higher stages of regional integration, member states may establish a common customs territory, which has the following elements: (i) a defined geographical jurisdiction with a common external tariff (CET); (ii) a single customs territory (SCT); (iii) a revenue sharing mechanism; (iv) a common legal framework; (v) a regional institutional arrangement; and (vi) free circulation of goods, through common trade policies and harmonized or approximated domestic tax regimes applicable on cross-border trade.[18]

As one customs territory, border controls at internal border crossing points are eliminated or reduced to promote free circulation of goods. Therefore, OSBPs that are established at internal borders in a customs union should provide an environment where there are minimal border controls that would otherwise be interpreted as frustrating efforts towards achieving the free circulation of goods.

In a common market, OSBPs should also facilitate the free movement of people and services if they are to remain relevant to regional integration. Section 13.5 presents a case study on establishing OSBPs in the EAC, which presents examples of factors that should be considered when establishing OSBPs in a customs union. The inclusion of free movement as a feature of an integration strategy is dependent on the stage and level of integration, i.e., FTA, customs union, common market, economic and monetary union, and political federation. Free movement of persons is contained in common market protocols and higher levels of integration.

Facilitating the free movement of people should not be misconstrued to mean that security requirements at border posts are compromised. The design of border crossing procedures and

[18] See definitions at www.customs.eac.int.

the appropriate courses of action to be undertaken in specific situations should be informed by the need to strike a balance between facilitating the free movement of people and ensuring security requirements.

Table 1-1 summarizes the role of OSBPs in promoting regional integration by stage of integration.

Table 1-1: The Role of OSBPs in Promoting Regional Integration

Stage of Integration	Characteristics of Border Controls	Role of OSBPs
Before Regional Integration	Full border controls	• Facilitate the collection of duties and taxes for each country, where applicable
Free Trade Area	Elimination or reduction of border controls at internal border crossing points for goods produced within signatory states with submission of the certificate of origin	• Facilitate the collection of duties and taxes for goods produced outside of signatory states, where applicable • Confirm that goods produced in the signatory states match the certificate of origin
Customs Union	Elimination or reduction of border controls at internal border crossing points for goods produced outside of the signatory states	• Facilitate collection of common duties and taxes for goods produced outside of signatory states • Confirmation that goods crossing match the export/import documents and duties are paid when they enter signatory states
Common Market	Elimination or reduction of border controls at internal border crossing points of signatory states for people including labor, services, and capital	• Facilitate the free movement of people including labor, services, and capital

Source: This Sourcebook

Chapter 2
Rationale and Benefits of OSBPs

2.1 The Role of OSBPs in Economic Development through Trade Corridors and Value Chains

One important factor for evaluating the performance and determining the attractiveness of a transport corridor is the efficiency of border crossing points along a corridor. The World Bank has defined trade and transport corridors as "a coordinated bundle of transport and logistics infrastructure and services that facilitates trade and transport flows between major centers of economic activity". Further, it is observed that "[a] formal trade and transport corridor is typically coordinated by a national or regional body, constituted by the public or private sectors or a combination of the two."[1]

Transit-related controls along a corridor occur at three main control points: seaports or airports, land border crossing points between countries, and at inland clearance facilities.[2] In this regard, land border crossing points serve as nodes that link different points along a corridor and are vital for international trade. By facilitating international trade and cross-border movement of people, border crossing points contribute to the growth of national, regional, and international economies. In addition, depending on the level of interdependence, the social and economic welfare of people living in border communities is also affected by border operations.

Under the corridor framework, development experts, regional economic groupings, and national governments recognize that in order to maintain economic competitiveness in international trade, border crossings must facilitate trade and enable safe and efficient cross-border movement of people. To this end, the establishment of OSBPs at land border crossing points should contribute to the development of corridors by facilitating the movement of goods. In this regard, the economic corridor approach looks at regional transport routes not only as a means for transporting goods and services or as a gateway for landlocked countries, but also as a tool for stimulating social and economic development in the areas along corridors. However, in order to leverage the efficiencies associated with OSBPs, it is necessary that operational procedures at entry points (i.e., seaports and airports) as well as at inland discharging points be designed and aligned to complement the streamlined and harmonized procedures at land border crossings, especially where there are OSBP controls.

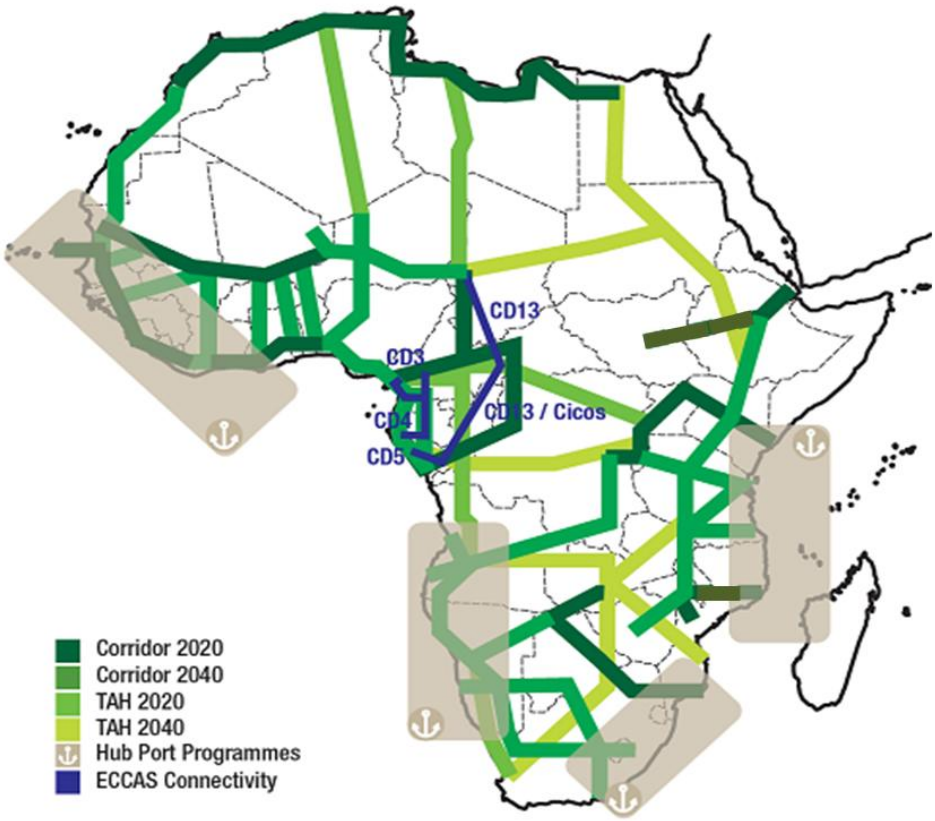
With the increased interdependence of world economies, the globalization of production is changing international trade. These changes have significant implications for government policies particularly regarding transport and border management. In the absence of appropriate policies for border operations, national industries tend to struggle to compete in an international trading system that is influenced by global value chains. The International Development Research Centre has defined value chains as "the full range of activities which are required to bring a product or service from conception, through the different phases of production (involving a combination of physical transformation and the input of various producer services),

[1] Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014.
[2] Although border agencies such as Customs conduct mobile operations along transit routes, such operations are managed from specific control points.

delivery to final consumers, and final disposal after use."[3] Goods and services are increasingly produced from several places rather than in single countries. In order to produce these goods and services, constituent parts, funds, knowledge, and people cross borders several times before a finished product goes on the market.

Under the international value chain framework, OSBPs facilitate international trade by lowering costs through efficient border operations. Traditionally, border agencies were solely focused on regulating border activities but with recent developments in international trade, the management of corridors and borders is also increasingly focusing on how to promote the competiveness and growth of border area, national, regional, and international economies. The situation is particularly acute for landlocked countries in Africa, a continent where border delays and transport costs are among the highest in the world. Therefore, the establishment of OSBPs should contribute to the realization of efficient corridors and international value chains, which are critical for accelerating regional integration and economic growth. For reference, Figure 2-1 presents a map of major transport corridors in Africa.

Figure 2-1: Map of Major Transport Corridors in Africa



Abbreviations: ECCAS = Economic Community of Central African States, TAH; Trans-African Highway
Source: Programme for Infrastructure Development in Africa, *Integrating, Interconnecting and Transforming a Continent*, p. 13 [downloaded from http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/PIDA%20note%20English%20for%20web%200208.pdf]

[3] Raphael Kaplinsky and Mike Morris, A Handbook for Value Chain Research, prepared for the International Development Research Centre, 2001, p. 4-6 [downloadable from http://asiandrivers.open.ac.uk/documents/Value_chain_Handbook_RKMM_Nov_2001.pdf].

2.2 Selecting and Prioritizing OSBP Projects along Corridors

Linking border crossing points into global value chains can either be through forward linkages (where the country provides inputs into exports of other countries) or through backward linkages (where the country imports intermediate products to be used in its exports). In choosing border crossing points to convert to OSBPs, consideration should be given to corridors that have the potential for contributing to the economic transformation of the areas they serve. For purposes of leveraging hard infrastructure improvements along these corridors, it is also critical to address existing non-tariff barriers (e.g., cumbersome border crossing procedures that contribute to the high costs of doing business, technical barriers). These border crossings may either be greenfield projects or existing ("brownfield") ones that require upgrades to be efficient.[4] Although OSBPs are primarily appropriate for road land border crossing points, choosing border crossing points that have high potential for linking with multimodal means of transport is recommended. Further, consideration should be given to border crossings along corridors that serve areas with significant industrial, commercial, and other economic activities and/or potential. Consideration should also be given to corridors that have high potential for traffic growth. With the threat of international terrorism, borders that lie along corridors with the least security concerns also tend to be attractive to transporters, travelers, and traders. Since developing corridor and border infrastructure generally involves significant investment, the priority for the establishment of OSBPs should be given to corridors with the most traffic and highest returns on investment, subject to other considerations.[5] Along a corridor, border crossings may be similarly prioritized,[6] but considering that a multi-country corridor may operate as an integrated system, it may be necessary to develop all border crossings along a corridor, concurrently or otherwise sequentially. In addition, traffic diversion effects among complex corridors, such as the North-South Corridor in Southern Africa (which traverses eight countries), may need to be taken into account.

2.3 The Rationale for and Purpose of Establishing OSBPs

Box 2-1 shows that OSBPs are included in continental and regional agendas in Africa, through the Programme for Infrastructure Development in Africa.

Box 2-1: OSBPs as Part of the Continental and Regional Agendas in Africa

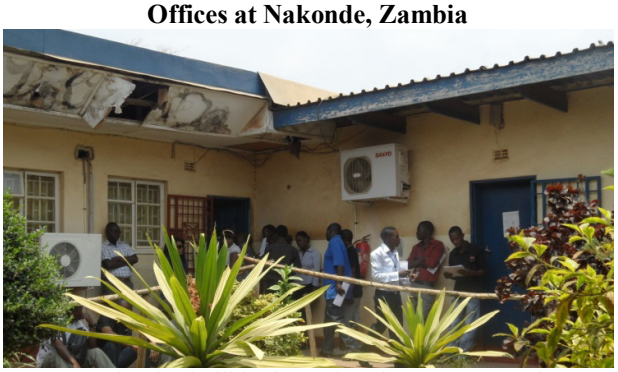
The African Union Commission (AUC), in partnership with the United Nations Economic Commission for Africa (UNECA), African Development Bank (AfDB), and the New Partnership for Africa's Development (NEPAD) Planning and Coordinating Agency, developed a Programme for Infrastructure Development in Africa (PIDA, endorsed by the AU Heads of State and Governments in 2012), to address the infrastructure deficit on the continent. A 2014 assessment disaggregated the 51 programs included in the PIDA to 273 sub-programs or projects, including 75 OSBP projects. The programs and projects under PIDA were strategically selected to foster regional integration by contributing to the formation of large competitive markets with lower costs across production sectors. Specific to OSBPs and the need for a corridor approach, one of the key objectives of the PIDA transport and infrastructure projects is to enable the free movement of goods and passengers through the provision of efficient, safe, secure, reliable, and seamless trade and transport services at affordable rates to support environmentally and economically sustainable regional development.

Source: NEPAD Regional Integration and Trade Department, African Development Bank

[4] A greenfield project is one that in which there is no need to work within constraints imposed by existing buildings or infrastructure, while a brownfield project is one in which there are such constraints.
[5] E.g., it is pointless to develop an OSBP near a transshipment point or dry port, with traffic facilitated to move through the OSBP only to have to stop a few km later, as is the case at Kraké/Seme (Benin/Nigeria).
[6] E.g., there may be limited benefits of developing an OSBP where current and forecast traffic is low, say, less than 50 trucks per day.

The major reason for establishing OSBPs along transport corridors is to expedite the movement of goods and people, and to reduce transport costs across national boundaries. The number of government agencies at border posts in Africa has been increasing over the last couple of decades [7] with each agency acting independently in line with its mandate. At a conventional two-stop border crossing point, users are subjected to similar border crossing formalities twice, one time each for exit and entry purposes with little or no scope for joint controls or the sharing of operational data. These uncoordinated and repeated controls contribute to multiple checks that result into border delays. In some cases, the operating hours for border agencies also vary within one country and across the border, resulting in frustration for travelers and transporters.

Clearing and Forwarding Agents Queuing to Present Documents to Customs at the Previous Customs Offices at Nakonde, Zambia



Note: New border facilities have since been constructed.
Source: Photograph taken by an OSBP Sourcebook team member, 2013

At most border crossing points, where there are several uncoordinated agencies, border crossing procedures tend to be unpredictable and cumbersome. For countries that have modernized border operations by implementing ICT systems, usually the automated procedures are similar to the process flows under the previous paper environment with little effort having been made to simplify procedures in order to leverage the gains made by introducing electronic platforms. Further, some border agencies still insist on working with full sets of hard copies of documents in addition to the electronic versions.

Another challenge associated with most conventional border posts in Africa relates to the management of traffic. The absence of systems for separating traffic into types, e.g., by type of vehicle, cargo, or direction of travel, contributes to congestion at border posts. In some cases, poor surfaces and inadequate directional and information signage add to the confusion at border posts.

Given the situation prevailing at conventional border posts in Africa, the rationale for implementing OSBPs is to address the inefficiencies that result in delays and high transport costs. At an OSBP, travelers and vehicles stop once for undertake border crossing formalities to exit one country and enter the other. All border formalities and the processing of documentation for goods and travel are carried out in a single clearance hall for exiting one country and entering the adjacent country. If cargo inspection is required, it is done once through a joint inspection involving all the necessary agencies of both countries at the same time.

[7] Consider the following recent examples:
(i) In September 2014, the number of government control agencies at the Namanga border crossing between Kenya and Tanzania was 14 for Kenya and 12 for Tanzania, with additional agencies also interested in border operations.
(ii) In 2013 Malawi sought technical assistance from COMESA and Trademark Southern Africa (TMSA) to implement a comprehensive program on trade facilitation reforms as part of a series of initiatives to drive economic development through trade. The reform program included streamlining border operations partly in response to the increasing number of government control agencies at its borders.
(iii) The Government of South Africa is in the process of consolidating border operations into a single Border Management Agency (BMA) in an effort to improve coordination of border operations.

For passenger cars and buses, the introduction of OSBP procedures almost immediately cuts border processing time in half. For example, at a traditional two-stop border, buses stop at one side of the border and the passengers go into the border facility for processing. Luggage and cargo are offloaded and inspected as needed. This may take 1–2 hours, after which the bus is driven to the other side of the border and the same processing is repeated for another 1–2 hours. In contrast, in an OSBP passengers enter one facility for exit and entry formalities. Cargo is offloaded once and is inspected jointly. In an OSBP, the clearance of passengers and their luggage is typically done in less than an hour.[8]

Since border procedures for the clearance of cargo are generally more complicated and lengthy, reductions in time and costs from establishing OSBPs also depend on the level of coordination of border agencies, automation of operations, amount and condition of handling equipment, as well as the type of operation, i.e., transit, import, or export.[9] Concentrating all operations in one facility enables greater coordination of operations and sharing of information between and among border agencies. The close proximity of agencies in an OSBP also enhances transparency between and among border agencies and with the public.

Border controls for cargo in a traditional two-stop border post can take as long as 3–5 days for various reasons. Trucks used for commercial cargo have daily fixed costs of USD 200–500 (Southern Africa estimate).[10] Therefore, delays of three to five days represent USD 600–2,500 in unnecessary transport costs. These added costs directly affect the cost and competitiveness of African commodities in international markets as well as the cost of imports to consumers and inputs to manufacturers. A second cost derived from border delays and poor facilitation along the route is high inventory costs. For goods worth from USD 2,000–5,000 per ton, the cost of increased inventory is USD 0.75–2.50 per day per ton.[11] Manufacturers and retailers report ordering an additional month ahead to account for the lack of predictability of delivery. For a 28-ton truckload, this implies USD 630–2,100 in unnecessary logistics cost. When supply routes are not reliable, buyers choose other sources of goods. Falsification of documents may be prevalent where there are two-stop border posts because intelligence and operational data are not shared. This is demonstrated by disparities between the exports and imports of the two adjoining countries. The declaring of differing values for goods is usually motivated by a desire to avoid or reduce duties payable. Failure to collect all revenues due affects African countries which typically rely on customs duties as a major source of revenue.[12] Therefore, there is a strong relationship between the time and reliability lost along corridors, including border crossing time, and growth in trade with its potential impact on economic growth, revenue collection, and employment generation.[13]

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[8] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 4.

[9] Details of the impacts of the Chirundu OSBP (the first fully functional OSBP in Africa) on border crossing times are presented in subsection 13.2.2(6).

[10] See, e.g., Mark Pearson, *Trade Facilitation in the COMESA-EAC-SADC Tripartite Free Trade Area*, September 2011, paragraph 3, p. 1.

[11] See, e.g., John Arnold, *Best Practices in Management of International Trade Corridors*, World Bank Transport Papers TP-13, December 2006, pp. 29-30.

[12] See Luc De Wulf, "Strategy for Customs Modernization", in *Customs Modernization Handbook* (ed., Luc De Wulf and Jose B. Sokol), World Bank, 2005, p. 5 [finding revenues from import duties for a sample of African countries accounted for just under 30% of total tax revenue on average, while the share averaged 22% for countries in the Middle East, 13% for Latin American countries, and 15% for Asian countries]. See also World Customs Organization, *Survey to Determine the Percentage of National Revenue Represented by Customs Duties*, May 2013, downloadable from http://www.wcoomd.org/en/topics/nomenclature/resources/~/media/WCO/Public/Global/PDF/Topics/Nomenclature/Overview/Surveys/Duties%20Revenue/Duty%20Survey%20Dec2011_E.ashx.

[13] Specific reference may be made to the case of the Malaba OSBP between Kenya and Uganda. Crossing times that were routinely over 48 hours decreased to less than six hours; average border-crossing time, a measure that covers a wide range of situations, decreased from 24 hours to 4 hours. Based on estimates of the value of time for trucking enterprises (releasing capacity for increased activity and revenue) and for traders (through reduced inventory costs),

OSBPs may provide various benefits for different categories of users as outlined in Table 2-1.

Table 2-1: Potential Benefits of OSBPs by Type of User

No.	User Group	Potential Benefits
1	National governments	• Improved collection of trade taxes associated with efficiency gains • Efficient borders that facilitate international trade, investment, and economic growth • Promotion of economic competiveness • Improved border security • Better utilization of government resources by border agencies • Promotion of better international relations between countries
2	Border control agencies	• Better resource utilization through improved cross-border cooperation and sharing of intelligence, operational data, and resources using CBM and IBM concepts • Improved employee motivation, which translates to increased productivity through the use of simplified and harmonized procedures as well as from working with better facilities. e.g., buildings, equipment, furniture • Better environment for increased use of ICT and faster processing • Faster processing of documents and travelers • Provision of an opportunity for harmonizing procedures, which improves predictability and certainty among users • Provision of a platform for introducing other border management reforms • Improved traffic flow • Improved border infrastructure, especially where modifications are to be undertaken • Increased transparency, which enhances security and helps reduce corruption
3	Road transport operators, shippers, and customs agents	• Reduction in delays at borders and in operating costs • Greater asset utilization in respect of truck turnaround times • Predictability of border and transit procedures • Faster processing of documents and travelers
4	Manufacturers and traders	• Savings in the cost of inputs • Increased reliability of shipments enabling reduced inventories • Reduced capital tied up in logistics through just-in-time delivery
5	Consumers	• Reduced cost of consumer products • Increased availability of goods
6	Travelers and tourists	• Reduced time spent at borders • Predictable, simplified, and harmonized procedures • Transparent border procedures

Abbreviations: CBM = coordinated border management, IBM = integrated border management, ICT = information and communications technology
Source: This Sourcebook

the savings generated by the improvement of the situation represented up to USD 70 million per year. Mike Fitzmaurice and Olivier Hartmann, Border *Crossing Monitoring along the Northern Corridor*, World Bank, April 2013, p. xiv.

Chapter 3
Recommended Processes/Practices and Lessons Learned for Establishing OSBPs

3.1 Overview

Considering that OSBP projects are multi-sectoral, the process of establishing OSBPs requires thorough planning and wide-ranging consultations. To the extent possible, these activities should involve all the major stakeholders; these include consultations between border agencies and traders as called for by Article 2.2 of the Trade Facilitation Agreement of the WTO.[1] Although the size and scope of OSBP projects varies depending on whether the project involves constructing new border facilities or modifying existing ones, the phases for establishing OSBPs are similar. From the outset, developing a clear national or regional policy position regarding OSBP operations is particularly useful for providing a common, broad understanding and approach to the establishment and management of OSBP operations.

The following sections outline the process for establishing OSBPs, including the project identification phase, the project preparation phase, the project implementation phase, and post-implementation.[2] Table 3-1 summarizes this process.

Table 3-1: Process for Establishing OSBPs

Step	Phase
1	Project Identification Phase
2	Project Preparation Phase
3	Project Implementation Phase • Establishment of project management structures • Signing of agreements to establish OSBP(s) • Development of the legal and policy framework for OSBPs • Conducting of baseline studies • Development of OSBP operational procedures • Design of OSBP facilities • Construction of OSBP facilities • Provision of furniture and installation of ICT systems • Training and sensitization of border agency officers and selected categories of users • Piloting/launch of OSBP operations
4	Post Implementation Phase • Impact/endline studies • Post-implementation evaluations

Notes: (i) New construction of facilities is not a necessary step to establish an OSBP. (ii) Development of the legal and policy framework for OSBPs step is necessary in circumstances where there is no such existing framework.
Source: This Sourcebook

[1] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 3, p. 3.
[2] Communications with stakeholders are important during all phases. Source in previous footnote.

3.2 Project Identification Phase

OSBPs begin as an idea or concept, which is materialized through operationalization, sometimes including new construction, although not necessarily depending on the level and state of existing facilities. The rationale for developing an OSBP may include the need to address delays in border clearance, the high cost of crossing, or informal payments, for example. Like most multi-sectoral development projects, activities to establish an OSBP begin with one person (a "champion") or a group of people that are interested in enhancing trade, transport, border management, or related matters. In this regard, early identification of border crossings for conversion to OSBPs enables interested countries to engage their adjoining state(s) for consultations and preparatory activities on a timely basis. During the project identification stage, it is important that it be clarified whether the OSBP facilities will be developed through a greenfield or brownfield approach.[3]

Making the case for an OSBP to decision makers requires describing the goals and operations of OSBPs clearly by demonstrating the economic, social, technological, political, and environmental benefits associated with OSBPs. While it is generally assumed that the stakeholders in OSBP projects will be the agencies involved in customs and trade, presentations must also address the needs of decision makers in other sectors.[4]

As later stated in subsection 8.5.2, preparation of a basic MOU at the outset, i.e., a bilateral MOU on basic commitment, without details, before funding of OSBP, is a critical success factor.[5]

3.3 Project Preparation Phase

During the project preparation phase, project sponsors and stakeholders should assess and evaluate the possible requirements and likely impacts of establishing an OSBP. The preparation phase usually includes initial consultations and often results in overly optimistic estimates rather than accurate calculations of costs and benefits. For an OSBP project to proceed, sufficient information must be gathered through a feasibility study that assesses the overall scope of the OSBP project together with expected time schedules, costs, benefits, and challenges. In some cases, the feasibility study also assesses the OSBP project against the strategic objectives of the sponsoring organization(s). In addition, feasibility studies should highlight regulatory or administrative approvals that the OSBP project might require from government authorities. In general, feasibility studies for establishing OSBPs address technical, implementation, economic, financial, social, and environmental concerns. Other factors that should be assessed include the physical feasibility of the project and the potential risks involved.

For example with regard to customs and trade, a structured trade and transport facilitation audit can identify barriers and constraints to trade. Such an audit can provide information for making

[3] As noted in a footnote in the previous chapter, a greenfield project is one in which there is no need to work within constraints imposed by existing buildings or infrastructure, while a brownfield project is one in which there are such constraints.

[4] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 8.

[5] ECOWAS requires its member states to make an initial commitment and identify the JBP site; ECCAS states follow a similar approach; and the EAC began with a basic MOU for the establishment of an OSBP between Rwanda and Tanzania. As mentioned in subsection 13.4.2 on the Mfum JBP/OSBP case study, an MoU for implementation of the program was signed on 29 March 2007 between Cameroon and Nigeria, as part of the confidence-building measures following settlement of a border dispute in 2002, among other things, to establish a JBP at Mfum/Ekok to be wholly located in Nigeria. Another MoU for this program was signed on 12 June 2008 between the ECOWAS Commission and ECCAS.

a brief analysis of trade barriers and the potential benefits of introducing an OSBP in the context of improved corridor performance. To take another example, with regard to the immigration, which is also an important function at the border and a key agency in influencing the success of an OSBP, an assessment should be made of the impact of an OSBP on incidences of human trafficking or illegal border crossing ("border jumping") to address possible security and protection concerns of an OSBP. In addition, other government ministries, departments, or agencies may be interested in knowing the impact on opportunities for cross-border investments and tourism, for example.

More specifically, making an effective case for an OSBP requires having statistical data on trade and the movement of people across the border, the time taken for different activities, and the expected impact on transport and travel times and costs. The contribution of an OSBP to the maintenance of public health and security is also important.

3.4 Project Implementation Phase

3.4.1 Project Management Structures

(1) Overview

The project implementation phase is the longest and most complex component in the OSBP project implementation cycle. Once the project has been approved, the implementation phase should commence with the establishment of project management structures to guide and supervise the OSBP project. These structures should include senior government and political officials, technical officers, private sector operators, local communities, and interest groups.

The process of implementing OSBPs requires the commitment of the two governments establishing the OSBP. Each government should immediately identify the lead ministry or agency, the role of which should be clarified. The governments of the adjoining states also need to establish a bilateral steering committee comprised of permanent secretaries or equivalents responsible for the agencies involved with or directly affected by OSBP operations. In addition, the governments should establish technical task teams or subcommittees of the bilateral steering committee to plan and implement OSBP operations. Where possible, it is recommended that each agency assign an appropriate officer to the task teams and expect regular reporting back to the agency to inform ongoing decision making within the agencies as implementation proceeds. The task teams should include officers from the border post(s) and policymaking-level officers from headquarters.

Governments establishing OSBPs should develop institutional structures as soon as the design and implementation process commences in order to ensure that there is coordination and continuity of actions and that each step is completed according to agreed timelines.[6] As much as possible, OSBP projects should use existing bodies to implement OSBP operations.

(2) Lead Ministry

The lead agency for each government should coordinate the overall implementation process on behalf of its government, including development of the legal framework and should assist in coordinating other government ministries involved at the border.[7] Some countries have chosen the beneficiary of trade facilitation objectives and selected the ministry responsible for trade

[6] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 23.
[7] Reference may be made to the EAC OSBP case study in Section 13.5.

(e.g., the Ministry of Industry and Commerce in Zimbabwe). Other countries have chosen a key agency represented at the border with management responsibility for the border post, generally the revenue authority or customs department, but sometimes the immigration department (e.g., the Directorate General of Immigration and Emigration on Rwanda). The choice of a lead agency is largely a sovereign preserve of each government that is in an OSBP arrangement. However, from a technical perspective, the customs or immigration departments are best placed to take the lead due to their traditional roles at border posts, while the ministries or departments responsible for trade, transport, or finance may be considered at the government level. Regardless which agency or ministry/department is appointed as the lead, the focus of the lead organization should be on coordinating the various border agencies. Also, the role of the lead ministry/agency at the border should be articulated clearly to minimize conflicts during operationalization of the OSBP. When the appointment of the lead agency is not clearly addressed, there is bound to be jostling for leadership to claim the glory that comes with implementation of OSBPs.[8,9] Subsection 6.6.2(1) further addresses issues related to the lead agency.[10]

(3) Policy and Oversight Bodies

A bilateral steering committee composed of permanent secretaries or their equivalents (or their representatives not lower than director level) responsible for governmental agencies at the border and representatives of the associations of border post users should be established at the outset to provide overall guidance for establishing OSBPs. This committee should be co-chaired by the principal officers of the ministries or agencies tasked with coordinating activities for the establishment of OSBPs in each country. This approach provides the basis for the appointment of a joint commission to manage OSBPs once operational. Generally, a steering committee comprised of ministers or their equivalent should be the overall policy body responsible for building and maintaining senior level governmental support for OSBP projects. A steering committee should oversee the decision-making process regarding the following implementation issues:

(i) determining and procuring infrastructure and equipment requirements for the operation of the OSBP;
(ii) adoption of the legal framework;
(iii) determining the number and nature of border agencies to operate in the common control zone;
(iv) developing the sequence of the clearance process;
(v) simplifying and harmonizing border clearance procedures;
(vi) carrying out OSBP training programs for both the public and private sectors;
(vii) developing an appropriate ICT network;
(viii) developing an appropriate border management system;
(ix) monitoring progress before and after implementation;
(x) ensuring that policy decisions are made on time and communicated to officers on the ground; and
(xi) addressing any other requirements necessary for the smooth operation of OSBPs.

Under the EAC [East African Community] OSBP Act 2013, adopted by the EAC Assembly pursuant to Article 49,1 and Article 62 of the EAC Treaty (although this Act is still waiting the

[8] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 23.
[9] Subsection 6.5.2(1) further addresses this issue.
[10] Among other things, it states that: "The choice/selection of lead agency may depend on the stage and associated tasks – in the planning and construction stages, the public works agency may lead, while a border agency may lead in the operational stage."

last of the required presidential assents), an OSBP board is responsible for the establishment of OSBPs within the Community to ensure uniformity of approach, to monitor implementation, and to resolve issues that arise. Joint Commissions are to be established by each pair of Partner States to oversee the process of OSBP implementation and operation. In West Africa, the regional economic communities (RECs) working with Member States are playing a lead role in the development of the physical design of facilities, the development of OSBP operational procedures, the preparation of a common legal framework, and the development of ICT applications.[11,12]

Section 6.4 presents more details on the types of institutional bodies to be established.

(4) Subcommittees/Technical Task Teams/Working Groups

To facilitate implementation, subcommittees / technical task teams / working groups should be established to develop border operating procedures and report to the steering committee or other appropriate policy organ. It is important to have the same core team members participate in OSBP forums for continuity and in order to work efficiently towards operationalization of OSBPs. Team members should draw on the expertise of their entire agencies and endeavor to obtain expert input from other specialized authorities. It is recommended that representatives of the private sector be incorporated into the task teams to ensure that operational issues affecting both public and private sector operators are fully incorporated in the procedures. These technical teams should work nationally, but should also be involved in a bilateral framework so that the adjoining states establishing OSBPs develop integrated procedures, legal frameworks, and facilities.[13] Section 6.6.3 presents more details on Subcommittees and Technical Task Teams/ Working Groups.

3.4.2 Agreements to Establish OSBP(s)

As soon as the organizational structures are in place,[14] where there is no existing legal framework for establishing OSBPs, the countries that have decided to establish an OSBP should enter into a formal agreement. These agreements may take the form of bilateral agreements, memoranda of understanding, or any other agreement with similar effect.

The legal task team should spearhead negotiation of a bilateral or equivalent agreement regarding the operational practices and management of the OSBP, including facilitating enactment of the enabling OSBP legislation through the national or regional parliaments. Because enacting legislation can be time consuming, the process should be started early in the implementation process. Preferably, the legal task team should be led by someone from the ministries responsible for legal matters to provide expert legal counsel as and when necessary. This task team must include representatives of border agencies and private sector operators.[15]

Section 8.3 presents various legal/regulatory approaches/formulas, including different kinds of agreements.

[11] Also see Section 6.3.
[12] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 23–24.
[13] See source in previous footnote, p. 24.
[14] Even before this stage, preparation of a bilateral on basic commitment, without details, is helpful.
[15] These two components may be merged where the legal framework is passed at the REC level. For example in the EAC, these two instruments were combined into a single document (i.e., the EAC OSBP Act).

3.4.3 Baseline Studies

To inform the design of OSBP facilities and operating procedures, an OSBP project should conduct a baseline study. Such studies are important to establish the prevailing operational environment and business trends, including border facilities, volumes and types of traffic, number of travelers, border crossing procedures, state of equipment, cargo types, clearance times, institutional arrangements, utilities, and operational challenges, among other parameters. Baseline information also enables evaluation of the impact of the implementation of OSBPs at a later stage. Chapter 5 presents details on baseline studies.

3.4.4 OSBP Operating Procedures

It is necessary to streamline, harmonize, and automate operating procedures wherever possible to reduce time and cost while enhancing the necessary controls and data security. The task team responsible for developing procedures should conduct "walk-throughs" and compare the procedures of each border agency based on what the team identifies and agrees to be the best way to coordinate and streamline overall procedures. In addition, it is beneficial to have a trial run in a closed environment before piloting an OSBP.[16] The team should identify areas where joint controls and inspections can be undertaken and incorporate these into the procedures, including how these will be conducted. The findings of the baseline study and the overall objectives for establishing an OSBP should inform the design of operating procedures. The process of developing procedures should cover the operations of all border agencies and should be a joint exercise involving the two adjoining states.

Some of the main approaches that could be considered to develop OSBP operating procedures include:

(i) establishing a technical working group (TWG) comprised of representatives of government agencies and private sector operators to develop OSBP procedures in totality;
(ii) engaging a consultant to develop OSBP operational procedures in totality; or
(iii) engaging a consultant to prepare the initial outline and draft content of procedures for approval by an appropriate body.

Whatever approach is adopted, the procedures should be aligned to the policy, legal, and operational provisions governing OSBPs. Developing procedures takes at least 6-9 months due to the complexities associated with working with multiple agencies from two countries. Also, based on the experience of OSBP projects on the continent, it can take time before OSBP procedures are approved since the pair of adjoining states must agree on all procedures.

Details on OSBP operating procedures are presented in Chapter 9.

3.4.5 Design and Construction of OSBP Facilities

As noted, at the most basic level, it is important that it be clarified whether the OSBP facilities will be developed through a greenfield or brownfield approach.[17] The design of OSBP facilities should follow the development of OSBP operational procedures and involve the end users in order to ensure that the facilities meet policy and operational requirements. Designing OSBP facilities in the absence of operational procedures and without the involvement of end users

[16] .Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26-28 October 2015, Annex 3, p. 3.
[17] See source in previous footnote.

results in border structures that are not aligned to process flows and may be inappropriate for the levels of border operations. It is strongly recommended that the construction of border facilities be completed within the project schedule to minimize cost overruns. If construction is taking place at an already active border, temporary facilities should be provided to facilitate continued operations during the construction period. Works on important utilities such as water, electricity, and ICT should be finalized within the construction period in order to avoid delays in commencing OSBP operations. Adequate informational and directional signs should also be provided immediately after completion of construction works prior to the launch of OSBP operations.

Chapter 10 presents details on physical facilities and traffic flow in OSBPs.

3.4.6 Provision of Furniture and Installation of ICT Systems

The installation of ICT systems and the provision of office furniture also require attention. The ICT systems on the two sides of the border should be connected immediately in order to facilitate the transmission and exchange of information operational information. The task team responsible for ICT should review prevailing levels of interconnectivity, use of ICT, and the compatibility of systems. In addition, the team should review opportunities for further applications to reduce redundancies and improve performance. Based on agreed changes in procedures, the team should recommend the design/acquisition of additional systems, installation and training on new systems, and ways and means to maintain and finance these computerized systems. Consider, for example, that the absence of connectivity of ICT systems between Zambia and Zimbabwe at Chirundu in 2009 affected the efficiency of the border at the start of OSBP operations.[18] Chapter 11 addresses ICT and OSBPs.

3.4.7 Training and Sensitization

Before commencement of OSBP operations, border officials and selected private sector operators such as customs agents should receive sufficient training on the OSBP concept, in view of the complexity of the training curriculum. The training activities should be held close to the start of OSBP operations. Training activities for border officials should be conducted jointly at the national and international levels in order to foster cooperation between and among border agencies. Sensitization and awareness creation activities for border community residents and other stakeholders should also be undertaken alongside the training of border officials, as at Namanga and Rusumo, as shown in subsection 13.6.3(4). Such sensitization should involve the use of electronic public media, local meetings, brochures, print media, and posters.[19]

3.4.8 Piloting and Launch of OSBP Operations

In order to evaluate the effectiveness of the OSBP procedures and to provide an opportunity for border officials, service providers, and users to familiarize themselves with OSBP operations, it is recommended to have a trial period prior to the official launch of an OSBP. A trial period provides a window for improving systems and procedures to meet OSBP requirements. The trial should first be conducted in a closed environment. The piloting period can last between 3-6 months. By the time of the official launch of OSBP operations, all the management and operational requirements should be in place. A launch serves as an official announcement to stakeholders that OSBP operations have commenced. Since users and stakeholders expect to experience more efficient border operations after the launch of OSBP operations, there is a need to address most operational challenges during the pilot stage.

[18] See subsection 13.2.5.
[19] See subsection 13.6.3(6) for an example of these activities at Namanga and Rusumo.

3.5 Post-Implementation Phase

The establishment of an OSBP is in itself not a panacea for the operational challenges at border crossings. Continuous monitoring, evaluation, and simplification of procedures are vital for successful OSBP operations. With increased traffic and increased expectations from stakeholders, continuous improvement is necessary.[20] Endline studies and other post-implementation evaluations will provide lessons and pointers regarding operational areas that require further improvement; the Namanga and Rusumo OSBP case study presents examples, in Box 5-3 in subsection 5.3.2(2), and in subsection 13.6.3(5). Project sponsors or managers of OSBPs should collect data on performance of the border posts after implementation of OSBP operations in order to measure impacts. Undertaking a thorough cost-benefit analysis of the impacts of an OSBP will be useful in quantifying its impact. Chapter 5 addresses impact assessment and monitoring OSBP operations.

It is recommended that task teams remain active for two years after the opening of an OSBP to provide advice to resolve issues emerging during this initial ("teething") period. The teams may meet twice a year and when specific issues require attention.[21]

[20] The Japanese practice of kaizen (改善), which refers to continuous improvement of all functions, is relevant.
[21] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 24–25. See also Box 6-6.

Chapter 4
OSBPs as Public Sector Projects

4.1 Introduction

The establishment of OSBPs is gaining increasing attention and consideration across Africa as a policy option in countries where border operations are still inefficient. OSBPs have been planned or operationalized at more than 80 border crossings across Africa.[1,2] The genesis and inspiration for these OSBP projects vary considerably:

(i) Some OSBP projects began with the main objective of facilitating the movement of people, while others have focused on facilitating the movement of goods.

(ii) Some OSBP projects were formulated at the national level while others originated from regional or corridor programs.

(iii) Some OSBP projects have been part of programs of international development partners while others have been spearheaded by national governments. Other OSBP projects have a combination of these elements.

(iv) Within these broad categories, some OSBP projects involve reconfiguration of existing facilities, while others are greenfield developments.

(v) Some start as part of road transport infrastructure improvement programs, while others are conceived as part of broader trade facilitation initiatives.

(vi) Depending on the priorities of national governments and funding agencies as well as the type and extent of operational challenges experienced at specific border crossing points, some OSBP projects begin with the aim of facilitating the movement of people as the main objective, while others focus on facilitating the movement of goods.[3]

(vii) Some OSBP projects have been formulated at the national level, while others have been conceived as part of regional or corridor programs.

The process of identifying OSBP projects, the funding mechanism, and the motivation for establishing OSBPs all influence the project management methods that should be used. An appropriate combination of project planning, implementation, and monitoring practices and activities has a positive impact on project completion times, budgets, the quality of border facilities, and the effectiveness of new border crossing procedures. Irrespective of whether the construction works for border facilities and soft preparatory activities for establishing OSBPs

[1] Infrastructure Consortium for Africa and Japan International Cooperation Agency, *Terms of Reference for the Revision of One Stop Border Post Sourcebook*, 2014. A matrix listing planned and operational OSBPs in Africa by various key characteristics is under development and will be discussed during the 2nd technical workshop to be held in Johannesburg from 26 to 28 October 2015; after it is further developed, it may be attached as an annex to the Sourcebook.

[2] Infrastructure Consortium for Africa and Japan International Cooperation Agency, *Terms of Reference for the Revision of One Stop Border Post Sourcebook*, 2014. A matrix listing planned and operational OSBPs in Africa by various key characteristics is under development and will be discussed during the 2nd technical workshop to be held in Johannesburg from 26 to 28 October 2015; after it is further developed, it may be attached as an annex to the Sourcebook.

[3] Ideally, all well-conceived OSBP projects should aim at facilitating the movement of both people and goods without compromising security requirements while providing a conducive environment for undertaking effective and efficient border controls for all border agencies through a "whole of government" approach.

are undertaken by the public sector, the private sector, or jointly, OSBPs are public sector projects because they involve public agencies applying national laws, regulations, rules, and processes for the benefit of the public. Therefore, OSBPs have specific attributes that should be considered when designing project management and implementation structures.

4.2 Attributes of OSBP Projects

4.2.1 Political Support

Establishing OSBPs requires strong, continuous political will and support at all levels. This is because politicians identify themselves with the public and as such have profound influence on the acceptability and perceptions of the project. OSBP project managers and technocrats need to explain the objectives and benefits of OSBPs to the local communities that politicians represent at both the local and national levels. In this regard, it is also important for project sponsors and managers to understand the political ideologies of the governments in which OSBPs are being established in order to align the projects with political priorities. However, in doing so, it is also advisable to bear in mind that political players and ideologies may change frequently. Therefore, unlike purely private sector projects, managers of OSBP projects need to be prepared to adapt to changes that may come with different governments that may affect the delivery of projects.

4.2.2 Multiple Stakeholders

As public sector projects, OSBPs have multiple stakeholders including governments, users, private sector operators, and local and international communities, which may have different expectations and governance styles. Therefore, this attribute of public sector projects requires project managers to employ negotiation, conflict resolution, communication, and leadership skills throughout the project period in order to meet and satisfy the expectations of the different stakeholders.

4.2.3 High Visibility and Public Scrutiny

An OSBP project affects many people and accordingly there is considerable interest from stakeholders in knowing how the project is implemented. Managers of public sector projects such as OSBPs have a duty to openly disclose project information to the public and stakeholders. The media, public opinion, and oversight bodies raise the visibility of OSBP projects, which puts these projects under considerable scrutiny. This characteristic of public projects puts project sponsors and managers under considerable pressure to be transparent and keep the different interest groups informed. It is also worth noting that public sector projects that go wrong tend to receive more publicity than successful ones.

4.2.4 Disbursements and Funding Cycles

Public sector projects such as OSBPs are usually funded through annual budget cycles or disbursement tranches as may be arranged if funded by external sources. While such funding arrangements may not affect the delivery times for projects that can be completed within a year or shorter period, they may affect the completion of OSBP projects, which typically span several years. Increasing costs of construction materials, changing political priorities, and fluctuating resource envelopes of the funding agencies may affect project timelines and implementation of OSBP operations. The risks associated with such funding arrangements for OSBPs as public sector projects require careful short- and long-term planning to address these challenges as they arise. Overly bureaucratic practices may adversely affect project timelines. It

is particularly important that countries establishing OSBPs coordinate and synchronize disbursements for the development of OSBP facilities and all other preparatory activities.[4]

4.2.5 Project Delivery Mechanisms

Since the delivery of many components of OSBP projects involves the use of private contractors, consultants, and specialists, OSBP project implementation units need to have contract management skills in order to effectively undertake complex and demanding activities such as contract preparation, procurement, and monitoring. As public projects, contracts for OSBP works are usually pegged to fixed rates and prices, a feature that requires diligence in describing the scope of work at the start of the project and managing the costs throughout the project period.

4.2.6 Frequent Changes in Project Personnel

Border agencies tend to frequently transfer their officers. These transfers may be necessitated by unavoidable competing demands or may be dictated by nature of government operations. Therefore, project implementation units for OSBP projects should be prepared and flexible enough to work with new officials every so often.

4.3 OSBPs and Socio-Economic Considerations for Selected Users

4.3.1 Overview

OSBPs affect communities in various ways. While the easily visible and quantifiable effects of an OSBP tend to be on the operations of corporate entities and travelers involved in international trade and often located away from border crossings, it is important to ensure that OSBP operations benefit all users. In this regard, it is good practice to consider the needs of selected categories of users of border crossings, including border communities (subsection 4.3.2), small-scale traders (subsection 4.3.3), and women (subsection 4.3.4). The general philosophy that should guide the establishment of OSBPs is that border community residents, project affected households, and users should not be made worse off due to the introduction of OSBP operations.

4.3.2 Simplification of Border Procedures for Local Communities

A considerable number of border crossings in Africa are located in closely knit communities with long-established cultures and relations that transcend border lines (and indeed may have preceded the establishment of the border). Such communities on the two sides of the border are often interdependent for their social and economic activities. In some cases, cross-border traffic by border community residents is quite heavy, e.g., 30,000 persons per day between Gisenyi (Rwanda) and Goma (Democratic Republic of Congo).[5] In some border communities, public facilities/services such as schools, markets, and health centers may be located on one side of the border only. In other cases, geographical features in border areas or the nature of land use may compel residents to use public services on the other side of the border. In other cases, social facilities on the other side of the border may offer more options than the home side. Whatever

[4] Consider, for example, one challenge encountered in implementing the Chirundu OSBP project has been the erratic disbursement or even non-disbursement of funds pledged for the project – see subsection 13.2.3(10).

[5] Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7–8 March 2016, Annex 3, p. 3.

the particular local circumstances, the introduction of an OSBP at any border crossing should take into account the requirements of border communities. Care should be taken to ensure that the design and application of border crossing procedures under the OSBP framework do not unnecessarily disrupt livelihoods by hindering the cross-border movement of local residents. Border communities should be considered as integral to the operations of OSBPs since they are the first movers in regional integration. Thus, the process of developing procedures for OSBP operations should also include consultations with border communities through their representatives at the community level.[6] A radius of a specified distance from the border for the purpose of defining border community residents may be specified, although it should be recognized that different countries and different country pairs have different rules.[7] One of the mechanisms for simplifying the cross-border movement of local residents is through the use of non-intrusive technologies such as border cards, identity cards, and/or biometric recognition systems. For example, the EAC is piloting the use of national identity cards to promote the free movement of citizens in its Partner States.

4.3.3 Simplification of Local Procedures for Small-Scale Traders[8]

A significant part of intra-African trade is conducted by small-scale traders. Reliable statistics are not available, but several studies have verified the already existing anecdotal evidence that there is a considerable amount of small-scale cross-border trade.[9]

Small-scale traders are often female and live in surrounding border communities; therefore, some of the issues affecting them are also covered in subsection 4.3.2 on considerations for border communities and subsection 4.2.4 on gender considerations for OSBPs.

Box 4-1 sets out specific issues and measures regarding small-scale traders and OSBPs, while Box 4-2 presents a charter or cross-border traders developed by the World Bank.

Box 4-1: Small-Scale Traders and OSBPs

(i) It is difficult to quantify the potential benefits for this diverse group from the introduction of OSBPs, since much will depend on whether the design of the facilities, infrastructure improvements, fee structure, and simplification of document requirements takes into consideration the needs of small-scale traders.

(ii) Small-scale traders may benefit from faster procedures and more transparency on document requirements and official fees when border reforms are prepared and fully implemented as part of the process for establishing an OSBP. Transparency reduces demands for unofficial payments.

(iii) Small-scale traders often run informal businesses that have not been officially registered with authorities and might therefore avoid formalized border-crossing procedures once the OSBP is established. The establishment of an OSBP may lead to diversion of trade flows to nearby

[6] Through the African Union Border Programme (AUBP), African leaders have expressed their commitment to maximizing the junction and bridge aspects of borders by ensuring that they are managed in a way that contributes to the achievement of two key objectives of the African Union, i.e., the structural prevention of conflicts and the deepening of the ongoing integration processes. http://www.peaceau.org/en/page/27-au-border-programme-aubp#sthash.bnlrB4fw.dpuf.

[7] Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7–8 March 2016, Annex 3, p. 1.

[8] Considerable inputs for this subsection were provided by Barbara Rippel, Trade Governance Expert, USAID/West Africa Trade and Investment Hub, by email of 9 October 2015.

[9] One speaker at the preparatory workshop for the revision of the OSBP Sourcebook, held in Nairobi on 22 February 2015, stated that about 70% of trade between African countries is informal, small-scale trade.

less formal border-crossings, if those are within reach.

(iv) Local producers and small traders might be able to reach and engage in larger regional markets and thereby expand their economic opportunities. Lower costs and faster processing times could allow small-scale traders to cross the border more frequently during the day, and reach more-distant markets on either side of the border.

(v) The introduction of transparent procedures at the border could provide good-practice examples and encourage reductions in harassment and roadblocks in the border region. Small traders are particularly vulnerable to harassment because they may lack proper documentation and knowledge of the official procedures.

Measures to consider to facilitate trade and the movement of small-scale traders through OSBPs are set out below:

(i) As part of the adjustment of infrastructure to establish an OSBP, special lanes might be provided for pedestrians and traders with only a small amount of goods, reduce congestion, and help introduce more efficient customs controls by focusing on large-scale and high-risk traders.

(ii) The Cross-Border Traders Charter (see Box 4-2) should be implemented. It promotes the basic rights and obligations for traders and officials at the border. Implementation of the charter can help integrate informal traders into OSBP procedures;

(iii) The legal agreements to establish an OSBP should define rules regarding the publication and transparency of document requirements and payments and clear measures of enforcement of such obligations.

(iv) Simplified procedures for small-scale traders should be considered, such as the Simplified Trading Regime implemented by COMESA, which provides exemptions for personal use and small-scale trading when crossing the border.

(v) Easy access to information at or close to OSBPs should be provided, such as Trade Information Desks (in the COMESA region) and Border Information Centres (in the ECOWAS region). These do not require additional investment as part of the OSBP, but merely consideration of how to facilitate the work of such information locations.

(vi) Considering that small-scale traders are predominately female, and customs and other border agency officers are predominantly male, during the implementation of an OSBP consideration might be given to promoting the design of open and safe control areas to protect female traders against harassment.

(vii) The fee structure for OSBP services needs to be appropriate so that trading of small volumes, especially of food staples, is not discouraged.

(viii) As part of the OSBP development, an integrated infrastructure concept should also consider the transport needs of smaller traders. Measures may include feeder roads to connect nearby communities, integrating public transport options, and accelerated border crossings. The plan to establish an OSBP might help to stimulate further investment if it is integrated in a comprehensive border region or corridor development strategy.

Source: Barbara Rippel, Trade Governance Expert, USAID/West Africa Trade and Investment Hub (email of 9 October 2015)

Box 4-2: Charter for Cross-Border Traders

Basic Rights and Obligations for Traders and Officials at the Border

- All individuals shall be able to cross the border without verbal or physical abuse or harassment, including but not limited to sexual and gender-based violence.
- Traders shall be processed at the border in an efficient and timely manner without discrimination. A receipt must be provided to the trader for any payment made and the payment properly recorded.
- Only officials of the approved agencies are present at the border and all border officials wear uniforms or identification badges that allow the identification of their respective agency.
- Physical checks of traders must be recorded with the reason and outcome provided. Female traders have the right to receive a physical check by female officials in a private but regulated and accountable environment.
- All duties, fees and taxes and the basis for their calculation are publicly available at the border. Any change to duties, fees and taxes must be publicly announced at the border, with reasonable time for traders to prepare, before their application. No unpublished fees or charges should be demanded at the border.
- Documentary requirements should be clearly stated and publicly available at the border. Any change in documents required must be publicly announced at the border with reasonable time for traders to prepare before implementation. Simplified procedures should be applied to small traders.
- Traders should be aware of their rights and obligations when crossing the border. Traders must present required documentation and pay appropriate duties at the border and to obtain a receipt for any payments made to an official. Traders shall not attempt to bribe any official to avoid payment of duties or obtain preferential treatment in any way, including avoiding queues.

With the support of the international community, governments commit to:

- That by [agreed time] these basic rights and obligations governing cross-border movement of goods and people are clearly stated in the local language and visibly apparent at all border crossings.
- By [agreed time] at every border post there is at least one agent that has received gender awareness training. All senior officials at the border have received gender awareness training by [agreed time]. Ensure that 50% of officials at any border post have received gender awareness training by [agreed time].
- At all border posts traders have recourse to an independent and confidential mechanism to register violation of any of these basic rights. Female traders must be able to register the violation of any basic rights with a female staff.
- Apply strict disciplinary measures against officials found to have violated the rights of a trader.
- Support organizations of informal cross-border traders in disseminating information on these rights and obligations and in delivering advice and information to enhance the capacities of the traders.
- Continue to improve the quality of infrastructure at all border crossings to provide an open and safe environment for traders, with attention to the specific needs of women traders, and appropriate facilities for officials to undertake their work.
- Improve the quality of data collected at all border posts on small traders, including the number passing through the border each day and the nature of the goods carried.

Source: Paul Brenton, Nora Dihel, Mombert Hoppe, and Carmine Soprano, *Improving Behaviour at Borders to Promote Trade Formulation: The Charter for Cross-Border Traders,* World Bank Policy Note No. 41, July 2014 [downloadable at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/07/30/000333037_20140730143706/Rendered/PDF/894730BRI0Char0Box0385291B00PUBLIC0.pdf]

4.3.4 Gender Considerations in OSBP Operations

The United Nations defines gender as the "social attributes and opportunities associated with being male and female".[10] The UN further advises that the concept is not synonymous with women as it refers to both women and men and the relations between them. Gender, therefore, is not biologically determined but constructed by social settings. In Africa, women play a significant role in small-scale, cross-border trade in comparison to men. For example, a study on small-scale trade in the Great Lakes Region of Africa found that 74% of the trade at the border crossings that were surveyed was performed by women.[11] The situation is similar in most parts of Africa as women endeavor to contribute to household incomes. Beyond cross-border trade, women are also actively involved in the production of the primary products that are commonly traded across borders through subsistence farming and basic, small-scale manufacturing activities.

Perhaps due to the remote locations and harsh conditions at most border posts in Africa, border agencies tend to have more male than female staff, and yet the majority of small-scale traders are women. Unfortunately, most of the women involved in small-scale cross-border trade are relatively unaware of the formal procedural requirements for import and export activities. Accordingly, the design of OSBP facilities and the introduction of OSBP operations should include a clear strategy to improve the experience of women at border crossings.

Women Selling Cassava and Maize Flour to Travelers and Local Residents at Nakonde Border Post, Zambia (across from Tunduma, Tanzania)

Source: Photograph taken by an OSBP Sourcebook team member, 2013

Cross-Border Traders at Kasumbalesa between Zambia and Democratic Republic of Congo

Source: Photograph taken by an OSBP Sourcebook team member, 2013

Key points regarding gender to consider when establishing OSBPs include the following:

(i) Formal large scale trading is still dominated by men.
(ii) Truckers and transporters, independent or as part of a bigger operation, are also mostly male.
(iii) Women often form the majority of the small-scale traders at the borders.
(iv) Faster and quicker transport along corridors often addresses the needs of the larger enterprises.
(v) The introduction of OSBPs might adversely affect the performance of markets located near the border, due to traffic crossing the border faster, which may result in reduced incomes for local traders.

[10] See more at http://www.unece.org/ru/genderwelcome-new/about-us.html.
[11] Kristof Titeca and Célestin Kimanuka, *International Alert, Walking in the Dark - Informal Cross-Border Trade in the Great Lakes Region,* September 2012, downloadable at http://www.international-alert.org/sites/default/files/publications/201209WalkingDarkCrossBorder.pdf.

(vi) Considering that women tend to be more vulnerable to harassment at the border, it is recommended that facility designs provide for open locations that may help reduce such incidents.
(vii) OSBPs should include appropriate facilities addressing the needs of women regarding hygiene and related issues.
(viii) The number of female officers working at borders should be increased, which among other factors might help to create a harassment-free environment.[12]

Also, as part of planned capacity building interventions related to the introduction and functioning of OSBPs, targeting both traders and border officials, dedicated sessions should be considered on gender-sensitive customer care, gender-specific risks, and prevention/mitigation strategies for gender-based cases of harassment/violence at the border.[13]

4.3.5 Considerations for Private Sector Operators

Private sector service providers at border posts – such as by customs clearing agents, insurance brokers, and banks – typically provide services to help traders meet the requirements of border crossing formalities. Other services provided by the private sector at border posts include restaurants and business centers that offer document processing services.

One question that arises when establishing an OSBP is the extent to which these private sector operators should be provided office accommodation or facilities within the OSBP premises. In answering this question, sponsors of OSBP projects and stakeholders should separate direct services that are part of border crossing formalities from other services that are necessary but are not integral to border procedures. For example, should full bank services be provided at an OSBP? A possible compromise solution would be to leave full bank services outside the OSBP premises where members of the community enter without going through border controls, and only establish a bank branch with limited services targeting at travelers inside the OSBP.

A Shelter in the OSBP (JBP) Premises at Cinkansé Used by Customs Clearance Agents

Source: Photograph taken by an OSBP Sourcebook team member, 2013

For example, customs clearing agents and freight forwarders are responsible for assembling the essential information that opens doors at the OSBP allowing for the prompt clearance of cargo. As a critical intermediary between/among the disparate clients of the clearing agents and freight forwarders (e.g., importers, exporters, shippers, carriers, government, regulators), the clearing agent is ultimately responsible for ensuring that the document trail and payments associated with any shipment are accurate, timely, and satisfactory to regulatory authorities.

Considering the critical role of clearing agents in cross-border trade, some OSBP designs have included offices for clearing agents available for rent payable to the property managers of the

[12] World Bank, *Women and Trade in Africa: Realizing the Potential* (ed., Paul Brenton, Elisa Gamberoni, and Catherine Sear), The World Bank, 2013 [downloadable at https://openknowledge.worldbank.org/bitstream/handle/10986/16629/825200WP0 Women00Box379865B00PUBLIC0.pdf?sequence=1]
[13] Carmine Soprano, Trade and Competiveness Global Practice, World Bank, email of 28 January 2016.

OSBP facilities. In other designs, clearing agents have been allocated space to construct their own facilities close to the OSBP. Another approach is to allocate non-chargeable pool offices for the common use of clearing and forwarding agents, as is the case at the Rusumo OSBP serving Rwanda and Tanzania.

4.4 Emergency Situations

Certain unforeseen events may disrupt operations at OSBPs, including politically related instability, outbreaks of disease, humanitarian crises, or natural disasters. Depending on the magnitude of these events, there might be a compelling need to temporarily close the border and cease OSBP operations. A bilateral, border-level committee of the state parties of the affected OSBP should immediately convene a meeting to address the situation. Should the events continue or the situation deteriorates, the matter should be brought to the national bilateral authorities for an executive decision on the operations of the OSBP. Such a decision might require temporary measures possibly including the stopping of OSBP operations if warranted. Laws and regulations governing OSBP operations or administrative provisions may provide guidelines on how to proceed in such situations.

Any institution or organ that is responsible for resolving such matters at OSBPs should address the situation expeditiously. In the process of resolving such matters, any institution to which the matter is referred should recognize the rights of all stakeholders with an interest in the matter to express their views before any decisions on the matter are made. During emergency situations that threaten the lives of officers working at the border, as a matter of priority officers from the adjoining state should be allowed safe passage back to their national territory.[14]

One caveat to the above is that from an immigration perspective it is generally not recommended to close borders during times of humanitarian crisis. The International Organization for Migration (IOM) has developed a Humanitarian Border Management framework (HBM) that sets out an operational framework for states on appropriate border management responses during times of humanitarian crisis arising from both natural and human-made disasters. HBM activities aim to improve preparedness and responses to protect those who cross borders in emergencies, as well as to ensure that the security of the border is maintained.[15]

[14] Reference may be made to the EAC OSBP Regulations 2015, Sections 43 and 44 on Temporary Measures.
[15] International Organization for Management, *IOM and Humanitarian Border Management*, downloadable from http://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/IBM-Factsheet-HBM.pdf?v=1392752313000/_/jcr:system/jcr:versionStorage/22/4e/da/224eda58-1253-475c-b3f5-903aacb50b13/1.2/jcr:frozenNode.

Part II

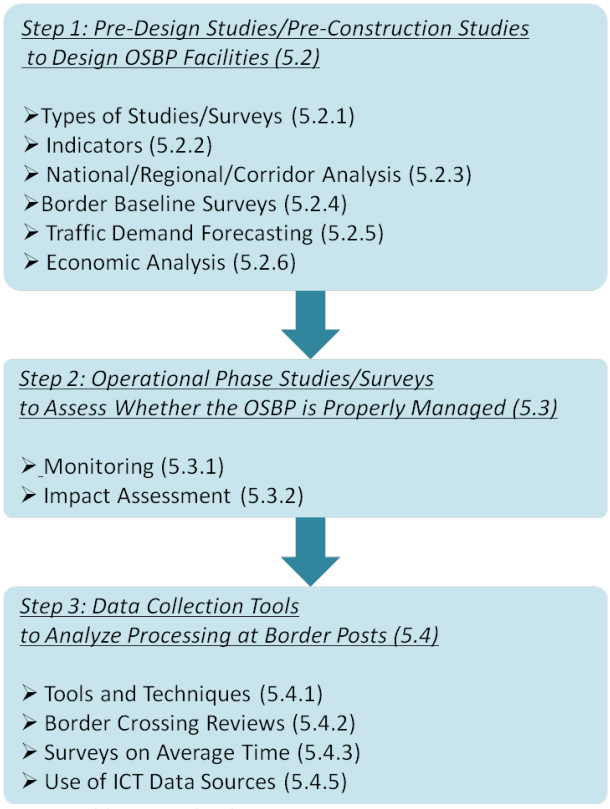
Critical Issues in the Implementation of OSBPs

Chapter 5
Baseline Surveys, Impact Assessment, and Monitoring for OSBPs

5.1 Introduction: Process of Baseline Surveys and Periodic Monitoring

Figure 5-1 presents the process of carrying out surveys, monitoring, and studies required for the planning and operation of OSBPs, with with cross-references to sections and subsections of this chapter.

Figure 5-1: Process of Conducting Surveys, Monitoring, and Studies for the Planning and Operation of OSBPs



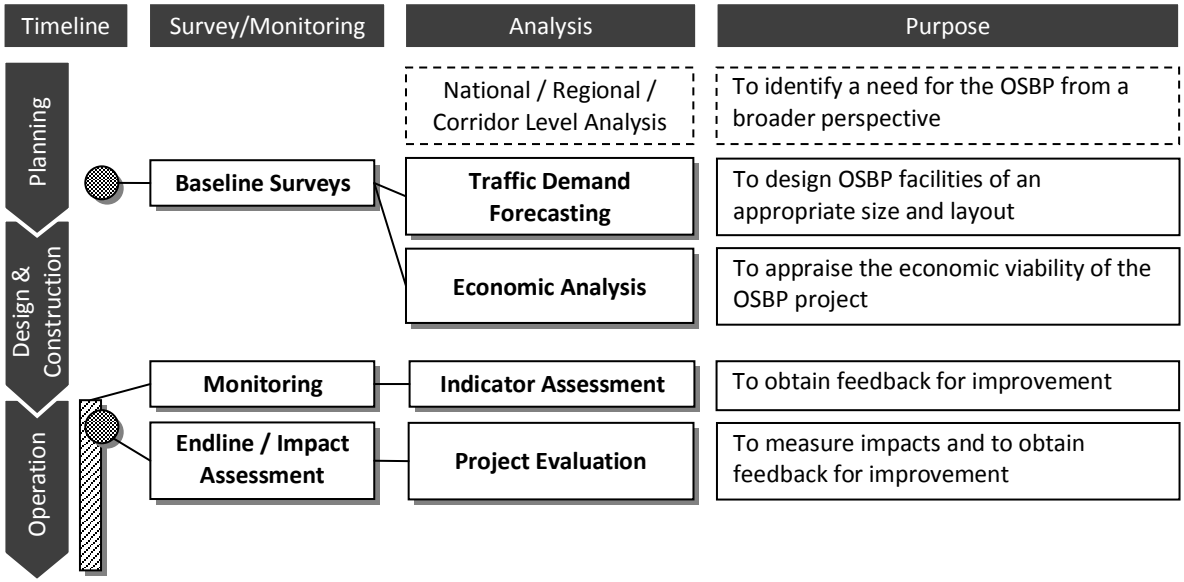
Source: This Sourcebook

Figure 5-2 presents the timeline and purpose of carrying out each survey or study. In the planning phase, baseline surveys should be implemented to collect data for traffic demand forecasting and economic analysis. These studies are essential to design OSBP facilities of an appropriate size and layout and to assess the economic viability[1] of OSBP projects before proceeding with their implementation. Without careful assessment at this stage, investments in

[1] Although this chapter focuses on the economic benefits of OSBP projects, an OSBP may be established for non-economic reasons (e.g., the planned Unity Bridge OSBP between Mozambique and Tanzania).

OSBPs might result in little or no benefits at the border crossing. After completion and operationalization of an OSBP, it is recommended to conduct endline/impact assessment surveys for project evaluation. A comparison of endline data with baseline data will make it possible to determine the benefits from implementing the project. Presenting such evidence is important for accountability. Monitoring can be undertaken periodically or continuously to record performance indicators on the operation of the OSBP. This exercise provides feedback for improving operations to realize better performance.

Figure 5-2: Surveys, Impact Assessment, and Monitoring for OSBP Projects



Source: This Sourcebook

The following sections and subsections present the details of each survey and analysis method.

5.2 Pre-Design (Planning) Studies

5.2.1 Types of Studies/Surveys

Pre-construction studies based on data analysis are essential not only to design OSBP facilities of an appropriate size and layout, but also to assess the economic viability of an OSBP project before proceeding with construction and operationalization. Without careful assessment at this stage, investment in the project might result in little benefit. In this regard, traffic demand forecasting and economic analysis are fundamental studies to be carried out in the pre-construction stage.

Before conducting surveys, the objectives, scope, and type of data to be collected should be clearly specified. The appropriate survey method will depend on the objective, which can be classified by geographic scope:

(i) national/regional level;
(ii) corridor level; or
(iii) border post level.

In most cases of OSBP project planning, the border post level survey will provide concrete and fundamental information, while broader-level surveys are also important for strategic planning prior to the appraisal of specific OSBP projects. The types of data to be collected will also be considered in this section by their respective scope.

5.2.2 Indicators[2]

(1) Overview

Key performance indicators (KPIs) are a tool for structured monitoring of OSBP operations. Before proceeding with facility development or operations, the implementers of an OSBP should prepare a monitoring plan to determine which indicators should to be tracked and how. A fair number of indicators should be selected from the viewpoint of technical measurability, the cost of data collection, relevance to the project purpose, specificity, and the consistency of measurement. Major categories of KPIs include indicators of traffic, time, facilitation/ procedures, and administration, each of which is discussed in the following subsections.

(2) Indicators of Traffic

According to classical theory, the volume of trade is a function of the economic size of the trading partners and inversely related to the disutility of transport and other trade costs between them. Therefore, improvements in corridor performance should be reflected in trade volumes along that border, and trade and transport volumes at a border crossing can be regarded as a reference indicator. Traffic data can be obtained from clearance data, which is routinely recorded.

Traffic of international trade, local movements, and passenger movements should be monitored. Depending on the focus of the monitoring, disaggregation of the data is possible and desirable by type of cargo (e.g., containerized goods, general cargo, liquid bulk, and dry bulk), by direction, and by country (tons, TEUs), as well as by mode of transport, if there are options.

(3) Indicators of Time

Indicators of time – one of the most important categories of indicators – show average, median, maximum, and minimum times at a border post. They can be aggregated or broken down between different procedural steps. It is simple to collect this data with a time measurement survey, but it requires a good sampling and measurement methodology. Typically, these surveys include measures of waiting times before reaching the border station and the time spent there after release. For example, a set of specific indicators of time might include the following:

(i) the time of truck transport from arrival at the OSBP to departure from[3] the OSBP (minutes, by pre-declared or not pre-declared);
(ii) extra time for inspections of cargo with risk (minutes); and
(iii) the time required for border crossing, for passenger vehicles/buses/motorcycles/others (minutes).

[2] This section draws on: (i) Organization for Security and Co-operation in Europe and United Nations Economic Commission for Europe, *Handbook of Best Practices at Border Crossings – A Trade and Transport Facilitation Perspective*, 2012, pp. 240–241; and (ii) Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, pp. 126–133.
[3] E.g., measurement may start at a point before 1,000 m from the entrance gate of OSBP and end at the point after 1,000 m from the exit gate of the OSBP in order to capture time spent outside of the OSBP.

Time indicators can include the reliability of transport, which is often more important to traders than the actual time. As much as possible, the measures of time should provide detail on the distribution around the mean.

(4) Indicators of Facilitation and Procedures

Indicators of facilitation and procedures monitor the status of execution of measures for trade and transport and streamlined procedures at a border post. These indicators may include the number of procedures or documents required and the inspection rate of high-risk cargo or passengers. If installed, ICT systems can record some indicators of this category in daily operations; otherwise, interviews or surveys on average time are required.

(5) Indicators of Administration

As a foundation to deliver services with good performance, the status of administration or management of an OSBP is also worth monitoring. Indicators of administration can include the number of border officials, revenue collected per border official, trade volume per border official, total administration cost/revenue collected, declarations per border official, the number of meetings of the joint working committee, and administrative and maintenance expenditures. Border agencies should keep at least some of this data.

5.2.3 National/Regional/Corridor Analysis

(1) National/Regional Surveys

At the national or regional level, the main objectives of surveys are to compare the trade competitiveness of logistics performance with that of other countries and to identify major constraints or opportunities for improvement from a broad perspective. This assessment provides the rationale for trade facilitation projects, including OSBPs. Information on the trade facilitation environment in a country or region can usually be obtained from published data sources including:

(i) the UN Commodity Trade Statistics Database (Comtrade) database exports and imports by detailed commodity and partner country[4];
(ii) the Trade Analysis Information System (TRAINS) of the United Nations Conference on Trade and Development (UNCTAD) for data on imports, tariffs, para-tariffs, and nontariff measures at the national level[5];
(iii) the Logistics Performance Index (LPI) of the World Bank with various categories of sub-indices to measure the logistics performance of countries[6,7]; and
(iv) the Trade Facilitation Indicators (TFIs) of the Organization for Co-operation and Development, for data on the degree of implementing trade facilitation measures.

Also, other international indices,[8] national statistics, and trade demand forecast data can be used for assessments at this level.

[4] See http://comtrade.un.org/.
[5] http://www.unctad.info/en/Trade-Analysis-Branch/Key-Areas/TRAINSWITS/.
[6] http://lpi.worldbank.org/.
[7] LPI is based on perceptions identified in interviews.
[8] The Doing Business database (http://www.doingbusiness.org/) of the World Bank includes indicators of the cost of doing business including the cost of Trading Across Borders at the national level, although it is based on the distance between the economic center of a country and the closest maritime gateway.

(2) Corridor Surveys (including border post surveys)

The objectives of corridor-level assessments are to benchmark performance against regional and international corridors and to identify the main bottlenecks and their impact on cost, time, and reliability. In particular, it is important to examine conditions at borders and border crossing performance along the entire corridor to determine the necessity of OSBP development. The main parameters in assessing corridor infrastructure include:

(i) the length and condition of core infrastructure (i.e., ports, roads, railways, inland waterways);
(ii) the geographical alignment of core corridor transport infrastructure between economic centers in corridor countries;
(iii) technical parameters (i.e., national or international harmonization and interoperability);
(iv) delineation of the corridor hinterland, including branches (i.e., length, formalization, inclusion in the corridor, priority ranking);
(v) modal complementarities and competition;
(vi) funding availability (e.g., commitment, national budget, joint funds, grants);
(vii) border infrastructure;
(viii) node and link capacity; and
(ix) road safety performance (e.g., road safety audits, assessments of parking places).[9]

To assess the logistics services provided by corridors, there are several established tools as summarized in Table 5-1 below. Among these listed tools, an appropriate one can be selected, depending on the focus of and available inputs for the survey. A survey can be undertaken at the corridor level when one has not been previously undertaken. Among other things, it should help determine whether an OSBP project can improve the logistics performance of the corridor.

Table 5-1: Tools for Corridor-Level Assessments

Tool	Characteristics
Trade and Transport Facilitation Assessment[a]	A TTFA is a tool to evaluate the competitiveness of trade and the quality of logistics services used for trade. It has two components: the first focuses on public policy that affects trade and logistics, while the second examines the performance of the supply chains used by importers and exporters. The information collected on performance is mainly quantitative, concerning the time, cost, and reliability of the services provided along the corridor, including information on delays and the discretionary use of storage.
Corridor Transport Observatories[b]	A CTO is an analytical tool that assesses corridor performance in its multiple dimensions. It is developed for regular monitoring of corridor performance. It is a "dashboard" for corridor management institutions in which red flags can trigger additional investigations and remedial actions. The diagnosis tools can investigate details of a specific challenge at the preparation phase of an intervention along a corridor.
Business Process Analysis[c]	The main quantitative indicators of BPA include (i) time, (ii) cost, (iii) the number of stakeholders involved, and (iv) the number of documents and the number of copies of each document needed to complete the various activities in the import/export/transit process for selected strategic products. All of these indicators are disaggregated into detailed processes in the "buy-ship-pay" stages. The time by process is expressed in a time-procedure chart, which enables easy identification of bottlenecks in the entire trade process.

[9] Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, p. 39.

Tool	Characteristics
Time/Cost-Distance Method[d]	The TCD method visualizes the time and cost required for movement of goods along a transport corridor. The strength of the TCD method is its visual presentation of the results, which helps identify bottlenecks easily. The TCD method requires data that is often collected through hired truck drivers or brief telephone interviews with freight forwarders or transport operators engaged in such transit activities.

Abbreviations: BPA = Business Process Analysis, CTO = Corridor Transport Observatories, TCD = Time/Cost-Distance, TTFA = Trade and Transport Facilitation Assessment, UNESCAP = United Nations Economic and Social Commission for Asia and the Pacific

Notes: [a] World Bank, *Trade and Transport Facilitation Assessment, A Practical Toolkit for Country Implementation*, June 2010. [b] Olivier Hartmann, *Corridor Transport Observatory Guidelines*, November 2013. [c] UNESCAP released the first edition of the *Business Process Analysis Guide to Simplify Trade Procedure* in 2009, and the methodological framework of BPA+ was elaborated in *Towards a National Integrated and Sustainable Trade and Transport Facilitation Monitoring Mechanism: BPA+* in 2014. [d] See, e.g.: (i) UNESCAP, *Instructions on Data Collection for Route Analysis with UNESCAP Time/Cost-Distance Methodology*, 2007, downloadable at http://www.unescap.org/sites/default/files/EN_0507_Instructions-TCD-Model-detailed-v2.0.pdf; (ii) Fedor Kormilitsyn, *Evaluation of a Corridor Performance Using the UNESCAP Time/Cost-Distance Methodology*, Paper for the ADB Inception Workshop on Trade and Transport Facilitation Performance Monitoring System, Bangkok, 26–27 November 2013; (iii) J. M. R. Elizalde, *The Time Cost Distance Model*, paper for the United Nations Economic Commission for Europe Roundtable on Best Practices at Border Crossings, Geneva, 14 June 2012; and (iv) Asian Development Bank, *Trade Facilitation Progress in Asia: Performance Benchmarking and Policy Implications, Final Report*, prepared under TA-8694 REG: Support for Trade Facilitation – TF1 Trade Facilitation Component 1 (48249-001, undertaken by PADECO Co., Ltd.), 2015, Chapter 2

Source: This Sourcebook

5.2.4 Border Baseline Surveys

Surveys at a border post provide data that can be used for the optimal design of the OSBP facility, facility services, traffic flow plans, pedestrian flow plans, procedures that provide expedited handling, and ICT connectivity within the common control zone. The surveys should also obtain recommendations from border control officers and users for ways to expedite the process and traffic flow in the new facility while providing an opportunity for observation and risk assessment of traffic, passengers, and pedestrians. OSBP planning can proceed when the survey has been completed. The survey results should be distributed to all parties that are involved in the planning of the OSBP. The baseline survey will clearly suggest performance indicators before implementation of the OSBP that can be used for benchmark measurements after implementation.

Typical data to be collected at the project preparation stage at this level include the following:

(i) **The type and volume of traffic along the route, and peak periods:** This information is important to know the distribution of passenger or freight traffic, as well as pedestrian movements for planning purposes. Total volumes, the type of traffic, and relative percentages of container, tanker, refrigerated, break bulk, and bulk volumes should be collected. Growth projections can be used to estimate future growth for each type of traffic.

(ii) **Types of commodities and special clearance requirements:** Knowing the specific commodities along a route allows one to investigate the growth potential of key sectors. The presence of special clearing requirements is a critical factor among between and among competing corridors. Facilities may need to be constructed to meet the clearing needs of the countries. For example, the fast track and clearance booth at the Chirundu OSBP was proposed for fuel tankers, trucks carrying hazardous substances, empty trucks, and goods vehicles that cannot be scanned.

(iii) **Current time for each step in the processing:** The survey should include a sufficiently long period for tracking trucks through the facility to determine the time taken for various procedures as well as wait time to identify the location(s) of the biggest bottlenecks. This tracking can be supplemented by the times indicated in the Automated System for Customs Data (ASYCUDA) for several steps in the process. A review of gate passes if they are used and/or departure and entry stamps in movement databases will also provide some data on the time required to complete processing on both sides of the border as well as the total time through the border. This information will be used for planning procedures, motivating "buy-in" for the project and monitoring performance after the OSBP is opened. Clearance time for passengers should also be surveyed.

(iv) **The agencies active at the border, their interventions, and how they coincide or precede other agency interventions:** The agencies of each country at the border should be identified, including the types of interventions performed, the time and location at which these interventions are carried out, and how they fit into the sequence of events at the border. This information can be used to "map" the procedures at the border and determine what can be done simultaneously, what needs to be modified or eliminated, as well as where each border agency should be operating from to achieve coherence in OSBP operations.

(v) **Joint processing methods that are being undertaken or could be undertaken in the context of an OSBP:** Any joint processing that is currently being undertaken, involving inter-agency cooperation within one country or cross-border cooperation, should be captured, including the method used. This information can then be used for further development of joint processing procedures. It will also provide lessons learned to shape the further development of joint processing procedures.

(vi) **Current staffing by all agencies and changes in operational hours as well as in staff numbers for the OSBP, including their implications (e.g., additional offices, equipment, housing):** Information on current operating hours in relation to traffic volumes handled and on current staffing levels is necessary to plan for the transition from a traditional two-stop border post to an OSBP. Additional staffing information to obtain includes the staff/supervisor ratio, productivity, and the number of shifts. This aspect of the survey will indicate whether additions or modifications to existing buildings will suffice or whether a new facility is needed. It will support the planning of office space, training facilities, equipment, housing, and utilities. It will also allow for advance planning for adjustments in staff positions and numbers for the OSBP as well as planning for the extension of border operating hours.

(vii) **Social and economic settings in the vicinity of the border post:** Social and economic activities in communities near the border post should be surveyed in order to avoid negative impact from an OSBP project. For example, where there are individual hawkers informally crossing the border, it may be necessary to consider measures such as allocating places for their business, preferably outside of the common control zone.

(viii) **Geographic and engineering conditions around the site:** Detailed data on geographic and engineering conditions of the project site is essential for the physical design of facilities (see Chapter 10). In addition to geographic dimensions, the availability of utility (e.g., water, power) infrastructure should be assessed to determine whether it can supply adequate services to the OSBP. The lack of utilities should be addressed before commencing operation of the OSBP, since a completed facility cannot be operated without sufficient utility services.

For reference, Box 5-1 describes the design and implementation of surveys along the Abidjan-Lagos Corridor and the Malanville border crossing between Benin and Niger.

Box 5-1: The Design and Implementation of Surveys along the Abidjan-Lagos Corridor and the Malanville Border Crossing between Benin and Niger

Along the Abidjan-Lagos Corridor and at the Malanville border crossing between Benin and Niger, the following data was surveyed to assess conditions at each border in the pre-design stage:

(i) the flow of procedures for export, import, and transit traffic (expressed in flow diagrams);
(ii) the process of border crossing formalities;
(iii) the clearance system;
(iv) a list of agencies present at the border;
(v) infrastructure issues; and
(vi) border crossing time.

Source: Summary of surveys provided by Abidjan-Lagos Corridor Organization in September 2015

5.2.5 Traffic Demand Forecasting

(1) Purpose of Analysis

Future traffic passing through the border is the basis to determine the appropriate capacity of the border facility. Preparation of a design without forecasting traffic demand might result in overinvestment or under capacity. Traffic demand forecasting can also be used to design the allocation of traffic lanes and undertake economic analysis. For this purpose, traffic demand should be forecast by type of cargo.

(2) Process of Analysis

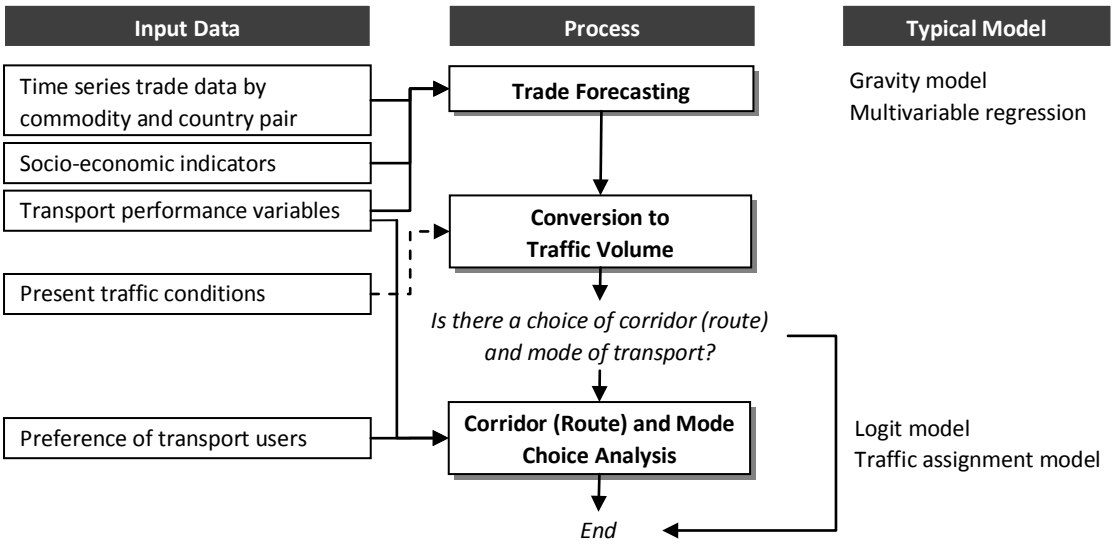
OSBPs process different types of traffic flows: international transit, bilateral (interstate) movements, and local movements including passenger flows. Since the composition of traffic types differs by border point, a suitable analysis model should be selected and combined. Optional models should be added when there are multiple transport modes crossing the border or an alternative border crossing route nearby. Figures 5-3 and 5-4 illustrate the flow of traffic demand forecasting for planning the OSBP projects.[10]

For border posts that are envisaged to be used for the transport of transit and trade goods, the analysis should start from the forecasting of future trade volume. One useful technique for this analysis is gravity modeling, which can assess the change in the volume of freight that might result from general economic and population growth of countries, and transport time and cost savings resulting from corridor improvements. After this analysis, output data should be converted to units representing traffic volume (e.g., the number of vehicles) by referring to data on present traffic conditions. Although gravity modeling is usually based on trade value data in monetary terms, traffic volume is the fundamental basis for designing physical facilities. When there is a possibility that trade flows between certain country pairs can move on different corridors or modes of transport, the percentage of traffic that will travel on the subject corridor

[10] An example of technical guidelines for traffic demand forecasting is presented in Transportation Research Board, *Travel Demand Forecasting: Parameters and Techniques*, National Cooperative Highway Research Program Report 716, 2012.

or mode should be examined. Logit (logistic regression) type choice modeling is a suitable technique for such analysis.[11,12]

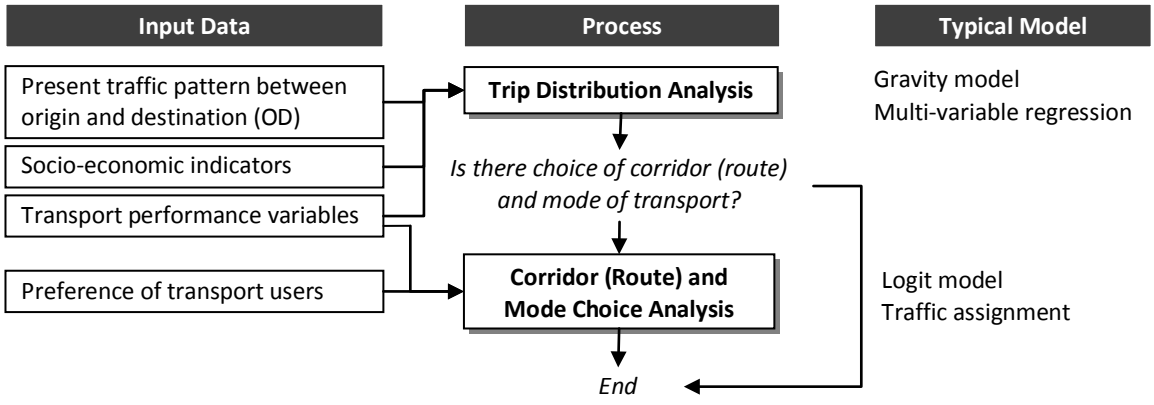
Figure 5-3: Model Flow of Traffic Demand Forecasting of Transit and Trade Flows



Source: This Sourcebook

This approach is not applicable to local traffic in the vicinity of border or passenger traffic, although such flows may be dominant at some border posts. The trip distribution of these flows should be analyzed based on the current traffic pattern between transport origins and destinations (OD). When there are alternative corridors or modes of transport, the share of the corridor or mode should be analyzed by models such as the logit model explained above.

Figure 5-4: Model Flow of Traffic Demand Forecasting of Local Movement



Source: This Sourcebook

[11] For more detail on modeling techniques and their application, see (i) Nathan Associates and Corridor Development Consultants, *Definition and Investment Strategy for a Core Strategic Transport Network for Eastern and Southern Africa*, World Bank, 2011; (ii) Nathan Associates, *Corridor Diagnostic Study of the Northern and Central Corridors of East Africa, Action Plan*, East African Community, 2011; and (iii) PADECO Co., Ltd., Nippon Koei Co. Ltd., and International Development Center of Japan, *Comprehensive Transport and Trade System Development Master Plan in the United Republic of Tanzania: Bulding an Integrated Freight Transport System*, Japan International Cooperation Agency, 2014.

[12] These models can be difficult and time consuming to apply and rely on large trade and transport cost databases. A simple alternative analytical approach may be to extrapolate trade trends at the subject border crossing by calculating elasticities of trade growth versus the economic growth of countries.

(3) Data Collection

The availability and quality of data determines the analysis models that can be applied and the reliability of the results. Key data collection methods are summarized as follows:

(i) **Time series trade data by commodity and country pair:** Well-organized data on international trade is available in global databases such as UN Comtrade. Customs ICT systems, which have been installed in most countries (see subsection 11.4.7), can provide more detailed trade data by border post.

(ii) **Socio-economic indicators:** Data on population and economic size at the national and/or municipal levels is a basic input for a demand forecasting model. International databases or national statistics are the main sources of this information. Growth factors estimated by authorized institutions will be the foundation of scenarios of alternative futures for the analysis.

(iii) **Transport performance variables:** Variables on transport performance may include variability in shipment time, the generalized cost of transit, and dummy variables.[13] These variables are built into model equations to increase the reliability of estimation. Sources of these variables include existing research, perception data collected through interviews, and surveys on average time.

(iv) **Present traffic conditions:** Data on traffic conditions include traffic volume by commodity, type of load, vehicle type, and time of observation, collected in surveys or monitoring at the border post. If available, traffic survey data over the course of a year on the nearest road section is important to calibrate monthly or daily fluctuations in traffic.

(v) **Preference of transport users:** When logit type choice modeling is undertaken, it is necessary to collect data on the stated and revealed preferences of transport users on their choice of route or mode of transport. This perception data can be collected through a questionnaire survey of transport users.

(vi) **Present traffic pattern between origins and destinations (OD):** Traffic volume by pairs of trip origins and destinations is important base data to analyze local traffic flow. This data can be collected through a traffic count survey and an OD interview survey.

5.2.6 Economic Analysis[14]

(1) Overview

Economic analysis provides indicators of economic viability, which is a basis for determining whether to proceed with a new project. This process is quite important in terms of accountability. Among the various methodologies to assess impacts expected from an OSBP project, a suitable one should be selected in relation to the objective, (geographic) scope, and availability of data and resources for analysis (see Table 5-2). The benefits (or losses in some cases) of an OSBP project may accrue to different parties including transporters, shippers/consignees, travelers,

[13] A dummy variable is one that takes the value 0 or 1 to indicate the absence or presence of some categorical effect that may be expected to shift the outcome.
[14] Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, pp. 353-361.

local communities, border agencies, and national governments.[15] Each methodology measures benefits at different levels.

Table 5-2: Link between Impact Evaluation Approach and Objective

Objective/Impact to Be Measured (Reception of Benefit)	Scope	Order of Ease of Measurement	Evaluation Method
Reductions in average times and costs of transport (benefit of user/transporter)	Corridor or border post	1	Transport cost-benefit analysis
Reductions in variability of time and cost of transport (benefit of user/transporter)	National/regional or corridor	2	Supply chain analysis
Increases in trade (benefit of national economy)	National/regional or corridor	3	Trade impact analysis
Improvements in other aspects of national economies (benefit of national economy)	National/regional	4	Macroeconomic modeling

Source: This Sourcebook (based on Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, p. 352)

(2) Transport Cost-Benefit Analysis

Cost-benefit analysis based on transport performance is applicable to projects to improve infrastructure and operations at the border (including corridor sections connecting with the border).

Cost-benefit analysis involves estimating the cost and time savings[16] of implementing a proposed project (the with-project case) rather than not implementing it (the without-project case).[17] Cost savings typically include savings associated with operating and maintaining vehicles as well as reductions in the cost of deterioration and loss of goods in transit. Time savings, which are converted into equivalent cost savings, can include savings related to vehicle operations (e.g., reductions in vehicle transit time) and the inventory costs of goods in transit and kept in storage to cover the risk of delays in transit and uncertainty of delivery times. Unit values of cost and time components need to be assigned by referring to existing data on vehicle operation, cargo values, and the like for each vehicle type. These values are multiplied by traffic volume in the with and without cases respectively, and the difference between the two cases can be regarded as savings or the gross benefit engendered by the project. A typical formula for benefit quantification follows:

$$(Cost\ Saving\ Value) = VOC_o - VOC_w$$
$$VOC_i = \Sigma(Q_j * L * \alpha_j) \times 365$$

$$(Time\ Saving\ Value) = TTC_o - TTC_w$$
$$TTC_i = \Sigma(Q_j * T * \beta_j) \times 365$$

Where i : o (without case) or w (with case)
j : Vehicle type
VOC : Vehicle operation cost (currency/year)

[15] More detailed benefit items are summarized in table 2-1 of this Sourcebook.
[16] Cost savings usually accrue to transport service operators, and may not be calculated just by using the service price charged to shippers/consignees. Such prices depend on the structure of the trucking industry and market in the country. Transport cost-benefit analysis assumes that cost savings are passed on in terms of lower prices, but that is not always the case in the region. See Supee Teravaninthorn and Gaël Raball, *Transport Costs and Prices in Africa*, World Bank, 2009.
[17] For a concise but comprehensive summary of the use of cost-benefit analysis in transport sector projects, see World Bank, *Transport Research Notes 5-26*, 2005.

Q : Traffic volume at the section (vehicles/day)
L : Length of the section (km)
α : Unit value of VOC (currency/vehicle-km)
TTC : Travel time cost (currency/year)
T : Travel time at the section (minutes)
β : Unit value of TTC (currency/vehicle-minute)

These cost and time savings (in monetary terms) are compared with the capital investment and maintenance costs needed to achieve them. This comparison is usually made by comparing the stream of all cost and time savings and investment costs and either discounting the net annual costs to a net present value (NPV) with a social discount rate or calculating an internal rate of return (IRR)[18] for the stream of annual net costs.

Box 5-2 presents the estimation of opportunity cost savings along the Northern Corridor in East Africa to show an as an example of an approach to quantifying the impact of smooth border crossings.[19] In addition, Box 5-3 presents an example of analysis of cost savings in the context of comparing alternatives to improve the efficiency of border crossing at Beitbridge between South Africa and Zimbabwe.

Box 5-2: Estimation of Opportunity Cost Savings along the Northern Corridor

The Malaba border crossing (between Kenya and Uganda) was a pilot project of the East Africa OSBP program, and several projects have contributed to its transformation into a full OSBP. The Malaba, Busia (also between Kenya and Uganda), and Gatuna /Katuna (between Uganda and Rwanda) border crossings constitute the main and busiest border posts along the Northern Corridor, which links the port of Mombasa and the landlocked countries and regions of East Africa.

Border crossing times decreased from about 24 hours at the end of 2011 to less than 4 hours in 2012 on average, for both directions. Predictability also improved, with a standard deviation in the range of 10-15% of the average, compared to 50%–70% in 2011. In practical terms, such a reduction corresponds for most trucks to a gain of two full days in the outbound direction. Before the change in procedures, 60% of the containers and half of the break-bulk trucks were crossing in 48 hours or more. After the change, all trucks but one passed the border in less than 6 hours.

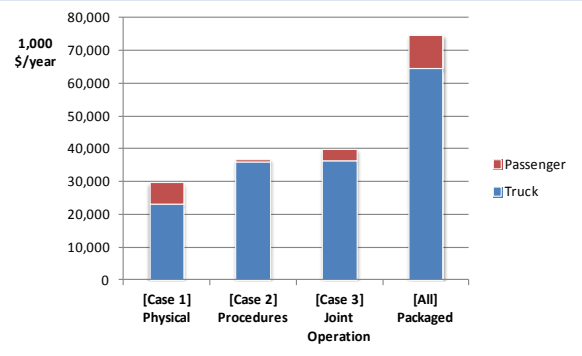
Cost savings gained from these improvements were estimated in two ways below:

- According to a study on total logistics costs along the Northern Corridor, the monetary costs of delays were USD 247.40 per 24 hours for a truck, and USD 137.00 for goods, for a total of USD 384.40 for a loaded truck. On the basis of 600 trucks per day, over 360 days per year, and an average savings of 20 hours, the total annual savings can be estimated as USD 69.192 million (USD 44.532 million for the trucking enterprises, and USD 24.660 million for the traders).
- Another approach used to estimate the savings was to convert the total number of hours saved by the trucking enterprises into additional roundtrips per year that could be accomplished. Based on a conservative (i.e., low) estimate of two roundtrips per month for the average operator, this results in additional revenue for 12,000 trips, each with an income of USD 3,500, totaling USD 42 million, which can be seen as "unfrozen" capacity that will no longer remain idle but will generate additional revenue for trucking enterprises.

Source: Mike Fitzmaurice and Olivier Hartmann, *Border Crossing Monitoring along the Northern Corridor*, SSATP Working Paper No. 96, 2013, p.8

[18] IRR based on savings in cost and time to society is referred as the economic internal rate of return (EIRR).
[19] Other examples of the quantification of cost savings are introduced in Section 2.3 and subsection 13.2.2 (6) of this Sourcebook.

Box 5-3: Comparison of Opportunity Cost Savings Impacts among Alternative Interventions



The technique of quantifying time savings was applied in the JICA-funded Logistics Diagnostic Survey of the North-South Corridor Section between Durban and Harare in order to analyze different types of measures to improve the efficiency of border crossing at Beitbridge between South Africa and Zimbabwe along corridor. Comparison cases included:

Case 1: Physical Improvements;
Case 2: Streamlining of Procedures / Utilization of ICT;
Case 3: Joint Operation; and
All: Package of Cases 1–3 together.

The results, as shown in the figure in this box, indicate that the impact of soft measures (i.e., Cases 2 and 3) would be higher than that of physical measures (i.e., Case 1) and the largest impact would be achieved when both soft and hard measures are appropriately packaged together.

Source: Presentation on the Logistics Diagnostic Survey of the North-South Corridor Section between Durban and Harare, Japan International Cooperation Agency, 24 February 2016

(3) Supply Chain Assessment

Some corridor analyses make use of value or supply chain assessments. Supply chain analyses provide an opportunity to add some other logistics and production costs to the transport costs that are measured in the ordinary cost-benefit analysis. The approach including total costs associated with logistics can be applied on a wider scale rather than to individual components of a corridor project.

Supply or value chain analyses typically analyze a sample of the chains that would benefit from implementation of a corridor project, although they do not provide measures of the benefits that can be easily compared with estimates of the investment costs. In addition to direct transport cost, the analyses include, for example, the cost of unreliability and other logistics costs for assessment of the impact of regulatory facilitation or investment measures.[20]

(4) Analysis of Trade Impacts

Trade generation and diversion impacts are usually estimated through the use of a gravity model. This modeling approach can be applied to a package of proposed corridor improvements where the expected trade impact is large enough to be estimated. However, individual components of a corridor package are regarded as variables that have only a marginal effect on the level of trade in the model. In addition, a trade gravity model does not by itself provide sufficient information for an economic evaluation since it does not include the costs of investments along the corridor.

Although there are variations, one general form of gravity model structure is as follows:

[20] For more detail on the methodology and its application, see (i) Jean-François Arvis, Gaël Raballand, and Jean-François Marteau, *The Cost of Being Landlocked: Logistics Costs and Supply Chain Reliability*, World Bank, 2010, and (ii) World Bank, *Project Appraisal Document for the East Africa Trade and Transport Facilitation Project*, 2004.

$$T_{ij} = k\,(X_{ij})\,\frac{E_i^{\alpha i}\,M_j^{\alpha j}}{D_{ij}^{\gamma}}$$

Where T_{ij} : Trade volumes between areas i and j
E_i : Economic scale of the exporting area
M_j : Economic scale of the importing area
D_{ij} : A measure of the disutility or impedance of shipping between areas i and j
X_{ij} : A vector of other trade-cost-related variables
α, γ : Parameters

In general, trade flows respond to changes in the disutility of shipping (i.e., cost, time, and reliability) along corridors. The disutility variable may be related mainly to cost (or price to the shipper), but it also includes transit time and the predictability of transit time (a measure of reliability).[21] By using the estimated model, the possible change in trade volume when the disutility level is reduced can be assessed.

Another technique to analyze change in trade volume attributed to border crossing time (or cost) is discrete choice modeling.[22] This technique is suitable in a setting where there is an alternative route (or routes) for trade. Model estimation for this analysis is usually based on a preference survey on route selection.

(5) Macroeconomic Modeling

Macroeconomic models are suited to the evaluation of improvements along a corridor as a whole. The type of model sometimes used for this purpose is a computable general equilibrium (CGE) model. This type of model is widely used to analyze the aggregate welfare and distribution impacts of policies the effects of which may be transmitted through multiple markets or contain menus of taxes, subsidies, quotas, and transfer instruments. CGE models can be useful to evaluate packages of corridor improvements that include several policy changes that are not easily included in conventional cost-benefit analysis or trade gravity models. However, because the use of CGE models depends on national economic and social statistics, they are difficult to apply to trade corridors and program components that involve more than one country.

In traditional cost-benefit analysis, user benefits are measured in the transport market itself. A key question is whether production should be included in the models (what is produced where and with what inputs). Spatial production models can yield useful insights into the linkages between transport and the local economy that would be helpful for policy decision making.[23] However, these types of models are "data hungry" and require detailed spatial input-output matrices, which are not available in most developing countries. These models are better suited to networks than to individual projects.

[21] The impact of a reduction of transport costs on transport prices depends on the structure of the trucking industry in the country. Such in-depth analysis can be performed in the supply chain assessment.
[22] See, e.g., Ryuichi Oikawa, Shinya Hanaoka, Kazuo Iwai, and Yukinari Tanaka, "Corridor Choice of Transit Cargo Transport in Landlocked Countries of West Africa", *Infrastructure Planning Review*, No. 47, May 2013. Discrete choice (or qualitative) choice models describe, explain, and predict choices between two or more discrete alternatives, such as choosing between modes of transport.
[23] See, e.g.: (i) Ejaz Ghani, Arti Grover Goswami, and William R. Kerr, *Highway to Success in India: The Impact of the Golden Quadrilateral Project for the Location and Performance of Manufacturing*, Policy Research Working Paper WPS 6320, World Bank, 2013; (ii) Susan Stone and Anna Strutt, *Transport Infrastructure and Trade Facilitation in the Greater Mekong Subregion*, ADBI [Asian Development Bank Institute] Working Paper Series No. 130, 2009; and (iii) Takafumi Iwata, Hironori Kato, and Ryuichi Shibasaki, *Impact of International Transportation Infrastructure Development on a Landlocked Country: Case Study in the Greater Mekong Subregion*, Proceedings of T-LOG 2010.

(6) Qualitative Assessment

Qualitative assessment is a tool that can supplement the quantitative analysis methods discussed above. Regarding the economic impact of projects, *Transport Research Note 19* (World Bank, 2005) recommends using a qualitative approach to explore two features. The first is the linkages between transport and the regional economy, with a focus on specific linkages affected by the project (possibly through supply chain analysis). The second is the competitive advantage of the regions connected by a corridor in traded sectors (e.g., from natural resources and their role in agriculture or manufacturing). An assessment could then be made of the effect on employment and output. In addition, a qualitative approach may be applied to assess impacts on local communities including changes in economic activities and patterns of movement and access.

(7) Operational Analysis

Operational analysis can also supplement the impact assessment of a project, although the results of this analysis cannot be compared directly with the investment cost of the project. This type of analysis measures improvement in operational performance with indicators such as processing time at the border and the number of processes required.

5.3 Operational Phase Studies/Surveys

5.3.1 Monitoring

Performance monitoring of OSBP operations is important to assess whether the OSBP is properly managed and provides a desirable quality of services. Monitoring data delivers feedback to improve operations by demonstrating areas and the extent of deficiencies in performance. If feasible, it will be useful to track the same indicators for other border posts and compare them as benchmark indicators, which can reveal performance more clearly and motivate efforts for improvement. Monitoring such indicators continuously, either daily or periodically, is also important in terms of accountability.

Monitoring should be carried out following a predetermined plan indicating who, when, what, and how to measure performance data. Daily or routine monitoring is conducted in normal operations at an OSBP by recording data manually or automatically with a systematic tool. On the other hand, periodic monitoring can be adopted when there is no automatic system to collect data routinely or there is a need of specific data or detailed background that is not routinely recorded.

Monitoring could be initiated by border agencies, central governments, funding organizations, or other external parties and implemented either directly or by outsourced experts. Self-monitoring is an expedited and less-costly approach, which can be utilized for checking and improving upon service performance. On the other hand, monitoring by a third party may be more relevant when the main purpose is related to accountability.

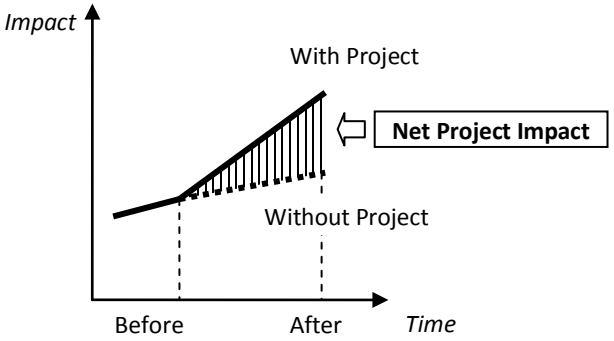
Data to be monitored include key performance indicators detailed in subsection 5.2.2, and indicators of traffic, time, facilitation/procedures, and administration. A fair number of indicators should be selected from the viewpoint of technical measurability, the cost of data collection, relevance to the project purpose, specificity, and the consistency of measurement.

5.3.2 Impact Assessment

(1) Overview

Post evaluation of an OSBP project is a necessary process to ensure accountability for the investment. The post evaluation should be undertaken a certain period of time (e.g., half a year, one year, or several years) after full operationalization of the OSBP to capture impacts of the project. The impacts to be analyzed should be marginal (i.e., incremental) effects that occur only because the subject project was implemented. In other words, evaluators should distinguish project impacts from other changes that arise regardless of the project. Evaluation results often look complicated when these are mixed with other changes including natural economic growth, enactment of a trade agreement, implementation of trade facilitation measures at the national/regional level, improvement of other aspects of the trade facilitation environment along the same corridor, or other factors that promote or disturb traffic. In this regard, a simple comparison between the situation before and after the project may provide misleading evaluation results, since it cannot extract net impacts of the project. In order to distill the impact of the project, a comparison of the situation between the with- and without-project cases is a critical aspect of evaluation (see Figure 5-5).

Figure 5-5: Concept of Post Evaluation



Source: This Sourcebook

Depending on the scope of the evaluation, the border component in a project package can be combined with other interventions or policy measures along the same corridor.

(2) Data Collection

Endline data after project implementation is necessary for post evaluation in addition to the baseline data, and this data should be consistent in terms of indicators, units, and measurement quality, to ensure comparability. Monitoring data can be utilized if it satisfies the requirement. Otherwise, endline or impact assessment surveys should be planned and implemented to collect the necessary data. As much as possible, the settings of the surveys should be the same as or similar to those in the baseline survey in order to eliminate "noise" (e.g., seasonal fluctuations of traffic).

Although without-project conditions also need to be assessed for evaluation, the collection of this data may not be as straightforward as the with-project conditions at the site of the project. In addition to data at the project site, it is recommended to collect information on the national/regional economy, other factors and interventions that may affect performance of the subject OSBP, and performance at other border posts that may provide benchmark data especially of the without case.

Box 5-4 summarizes the endline and impact assessment surveys of the Namanga and Rusumo OSBPs.

Box 5-4: Endline and Impact Assessment Surveys for the Namanga and Rusumo OSBPs

Rigorous baseline time measurement surveys were conducted at Namanga and Rusumo in February 2014 and August 2014, respectively. Endline surveys are planned in mid-2017, while mid-course impact surveys will be conducted in between the baseline and endline surveys.

The Namanga and Rusumo time measurement surveys were unique in comparison with other time release surveys conducted in Africa because they focused on a detailed analysis of goods movement by transaction type, i.e., import, export, and transit cargoes processed by Customs and/or other government agencies/departments (OGDs) through the whole series of border processes from arrival at one country's border to release from the other country's border. Most such studies measure only the border crossing time of traffic passing through each side of the border respectively.

When performing impact studies, comparing the effects of OBSP traffic and clearance times in the period after implementation with the situation before implementation presents a challenge. The methodology must be consistent between before and after measurements, or adjustments must be made to assure that equivalent measures are compared with each other. For that reason, the Rusumo time measurement survey listed a number of limitations of the survey. The challenges will be greater in conducting "after" studies not only to assure consistent methodological assumptions, but also to account for external/exogenous (confounding) factors. In addition, such impact studies could be productively undertaken earlier during implementation (not just at the endline) to feedback lessons to improve OSBP operations.

Source: Subsection 13.6.3(5)

(3) Analysis

In general, the method to be applied in a post evaluation should be same as that used in preconstruction economic analysis (see subsection 5.2.6). Evaluators can assess whether the expected impacts are achieved by comparing the same impact indicators between pre- and post-evaluations.

Post-evaluation involves analysis to extract the contribution of the project from the observed changes. When cost-benefit analysis is applied, evaluators should hypothetically assume the without-project case, which cannot be observed directly at the project site, since the project was implemented. The without-project condition involving the traditional two-stop arrangement may be assumed by referring to efficiency per declaration at the baseline stage or to the performance of other border posts. When there is sufficient time series panel data over multiple border posts, multivariate regression such (e.g., by gravity modeling) may separate out the impact of the project and its significance.

(4) Feedback

The results of the analysis should be summarized in an evaluation report with description on the project background and project performance, survey findings, and recommendations. The report should be shared with concerned parties to document project impacts and improve OSBP performance.

5.4 Data Collection Tools

5.4.1 Tools and Techniques: Overview[24]

Three different types of diagnoses can be undertaken to analyze processing at border posts:

(i) a review of the border facilities and processes, mainly involving preexisting information and interviews with critical stakeholders;
(ii) a survey of average time involving field questionnaires over some duration of time; and
(iii) use of ICT data sources.

The decision on survey type should be based on the need for the analysis, and on the respective strengths and limitations of each type. These survey types are not mutually exclusive but could be combined.

5.4.2 Border Crossing Reviews

Border crossing reviews aim to establish the characteristics of the border, in terms of facilities (in the control zones, but also the rest/parking areas for trucks), border management agencies represented, a description of the processes (e.g., parallel or sequential, transit or border clearance), operational conditions (e.g., office hours), and traffic and trade volumes.

During the review, interviews with border management officials, clearing and forwarding agents, and truckers will enable the identification of a set of challenges that will guide the definition of the more detailed surveys.

5.4.3 Surveys on Average Time

(1) Overview

Surveys on average time should be undertaken when it is necessary to conduct a fine-grained analysis of the border crossing time components. One of the methods used for the review of clearance procedures is to measure the average time taken between the arrival of the goods and their release. This facilitates Customs to identify both the problem areas and potential corrective actions to increase their efficiency. The use of automation and other sophisticated selectivity methods can allow Customs to improve compliance and at the same time improve facilitation for the majority of low risk goods.

In this regard, the Trade Facilitation Agreement (TFA) of the World Trade Organization (WTO) encourages members to measure and publish their average release times. The Time Release Study (TRS) methodology of the World Customs Organization (WCO) is referred to explicitly in the TFA. The TRS is a unique tool and method for measuring the actual performance of customs activities as they directly relate to trade facilitation at the border.

The strength of this type of survey is its ability to collect detailed information on the duration of individual stages of border crossing.

Such surveys follow the following steps:

[24] This subsection draws on Olivier Hartmann, *Corridor Transport Observatory Guidelines*, SSATP Working Paper No. 98, World Bank, November 2013, pp. 81–87, downloadable at https://www.ssatp.org/sites/ssatp/files/publications/SSATPWP98-Guidelines-Corridor-Observatory.pdf.

(i) defining the scope;
(ii) deciding the methodology and size;
(iii) designing/testing survey tools;
(iv) mobilizing the survey team ;
(v) implementation; and
(vi) compiling data and reporting.

Box 5-5 presents the time release survey methodology of the World Customs Organization (WCO) as an example.

Box 5-5: WCO's Time Release Survey Methodology

A TRS is considered to be a useful tool for identifying bottlenecks in border-related procedures and for improving their efficiency and effectiveness. It has increasingly become a measure by which the international trading community assesses the effectiveness of border procedures, including customs procedures. It also assists in the addressing of the concerns of trade circles regarding long delays in customs clearance.

The WCO Time Release Study provides guidance on the best way to apply this method of internal review. The methodology to be adopted for execution of the study can following one of the following approaches:

- Macro-Economic Approach: To measure the arithmetic mean and/or median time between the arrival of the goods and their release into the economy;
- Strategic Planning Approach: To estimate with some precision, based on a standardized system, the time required for each intervening event between arrival and release of the goods, e.g., unloading, storage, presentation of the declaration, inspection, release, removal of goods, and intervention by other agencies or services;
- Management Approach: To inform the administration's officials in a precise manner, with proper statistical methods, of the time required for customs release of goods;
- Coordinated Border Management Approach: To identify the constraints affecting customs release, such as the granting of authorizations or permits, the application of other laws, and inspections by other services, and to consider possible corrective actions, if necessary, in cooperation with other parties, and select solutions;
- Modernization Approach: To compare the results obtained in the TRS by means of the standardized system, with previous studies, especially when introducing changes in customs or border procedures under modernization, reform, or trade facilitation programs;
- Customs-to-Business Partnership Approach: To undertake a TRS with the business community to find bottlenecks in border procedures in order to examine reasons for delays caused by customs, other border agencies and/or the private sector, and where necessary to formulate an action plan for improvement; and Customs-to-Customs Partnership Approach: To collaborate on a TRS with neighboring countries and with other countries with/or in a customs/economic union, so as to identify bottlenecks in a common border crossing or in a supply chain from export to import, and implement necessary solutions.

Source: World Customs Organization, *Guide To Measure The Time Required For The Release Of Goods Version 2*, 2011

(2) Defining the Scope

The first step in designing the baseline survey is to define its scope. The objective, geographic scope, and type of data to be collected should be clarified at the outset. The survey should be defined with a well-defined focus.

(3) Deciding the Methodology and Size

An appropriate methodology should be selected in consideration of the defined scope of the survey. Existing data should be fully used in order to avoid repeating a survey similar to one that has already been undertaken. When a survey applying an average time approach is undertaken, the sample size and duration of the survey should be properly determined in order to obtain reliable data in a cost-effective way. At the same time, considerations should be given as to how to calibrate or standardize data biased (e.g., regarding seasonal variations in traffic).

(4) Designing/Testing Survey Tools

Tools for data collection such as the survey questionnaire must be carefully designed before implementing the survey in order to capture the necessary data without error. The tools designed should be tested to determine whether they work as intended, and modified if necessary.

(5) Mobilizing the Survey Team

A team should be formed or procured with surveyors who have basic knowledge and experience in the required field(s). Training, preferably on site, should be provided with the designed survey tool in order to ensure the quality of survey before implementation. The operational plan of the survey team should be examined to ensure smooth implementation.

(6) Implementation

The survey must be implemented following the operational plan; surveyors and survey tools should be correctly allocated, shifted, and managed.

(7) Compiling Data and Reporting

The results of the survey should be reported with the compiled data in a form that can be used for analysis after eliminating errors. The analysis is expected to be used for identification of opportunities for trade facilitation improvements and development of a concrete action plan.

5.4.4 Use of ICT Data Sources

Routine monitoring combined with surveys on average time provides the opportunity to calibrate the data, in order to determine the performance of the panel[25] of trucks compared to a wider sample, and the evolution of performance over time.

The generalization of fleet management solutions based on GPS for trucking companies provides an additional opportunity to measure border crossing times (i.e., use of "big data" from the private sector): it is possible to define geographic areas at the borders and measure directly from GPS data the duration of the stay of a large population of trucks in the different areas. Those areas include the waiting area before entering the control zone, and the control zone.

An advantage of this technique is the low cost of data collection. In addition, the data is perfect for a time series for a panel of trucks and replicable at several borders. On the other hand, there will be a selection bias of the sample and a lack of contextual information on the crossing conditions.

[25] In statistics and econometrics, panel data refers to multi-dimensional data frequently involving measurements over time.

Box 5-6 provides an example of data collection by GPS through a private initiative.

Box 5-6: Cross-Border Waiting Times Collected by GPS on Trucks

Globaltrack, established in 2001, provides fleet management solutions in Africa and collects tracking data from GPS units installed on member companies' trucks. Cross-border waiting time is measured by the data at major border posts mainly in Southern Africa (see http://www.globaltrack.com/category/update/). The waiting time is measured as the time that a truck spent passing a defined area. Globaltrack provides aggregated average waiting time data to its registered members.

Source: Interview with Globaltrack, 19 Janaury 2016

ICT systems to support processing at border posts can also provide recorded data on daily operations. Although available data items depend on system specifications, these systems can serve as useful tools to collect monitoring data at a low cost. The Automated System for Customs Data (ASYCUDA) – described in subsection 11.4.4(1) – is an example of such a system.

In addition, the Real Time Monitoring System / Cargo Control System (RTMS/CCS) is an OSBP management software program piloted in the East Africa and designed to provide an interface with the respective customs clearance systems of the revenue authorities with other government agencies and departments operating at the borders. Therefore, the RTMS is expected not only to facilitate efficient clearance but also to be an effective monitoring and coordination tool for the border agencies. Tracking the monitoring data on a routine basis will provide indicators to measure performance of border process hence identify room of improvement. Subsection 11.4.5(3) provides more information on the RTMS/CCS, which was developed with JICA support.

Box 5-7 shows another example of use of automated interface to collect monitoring information obtained from direct feedbacks by users.

Box 5-7: Pilot of HappyOrNot Devices for Routine Monitoring

As part of routine monitoring, with the aim of collecting periodic information on customer satisfaction with OSBP services, it may be useful to install devices that can gather and process such data on a regular basis. For example, as part of the activities supported by the World Bank in its the piloting of the Charter for Cross-Border Trade in Goods and Services at selected border crossings in Sub-Saharan Africa, a number of "HappyOrNot" machines have been installed. Through a simple set of "smiley"-type buttons, the devices allow for real-time collection of feedback in relation to a basic question, thus offering travelers and traders a unique opportunity to assess customer service and border agency performance. Data collected is processed through a server (linked to the devices via the telephone network), and is subsequently emailed to a list of designated focal points in the form of daily, weekly, and monthly reports. Focal points are also provided with access to an online dashboard, which conveniently summarizes the feedback collected and allows for comparisons over time.

Whilst the presence of the machines is expected to provide an incentive for officials to collectively improve their behavior at the border (as a result of peer-to-peer pressure), data collected provides a useful benchmark for station managers and headquarters-based senior officials to assess the overall performance of a team, an agency, and even of the OSBP as whole. At the same time, development partners can use such statistics to monitor the satisfaction of beneficiaries with the projects they funded.

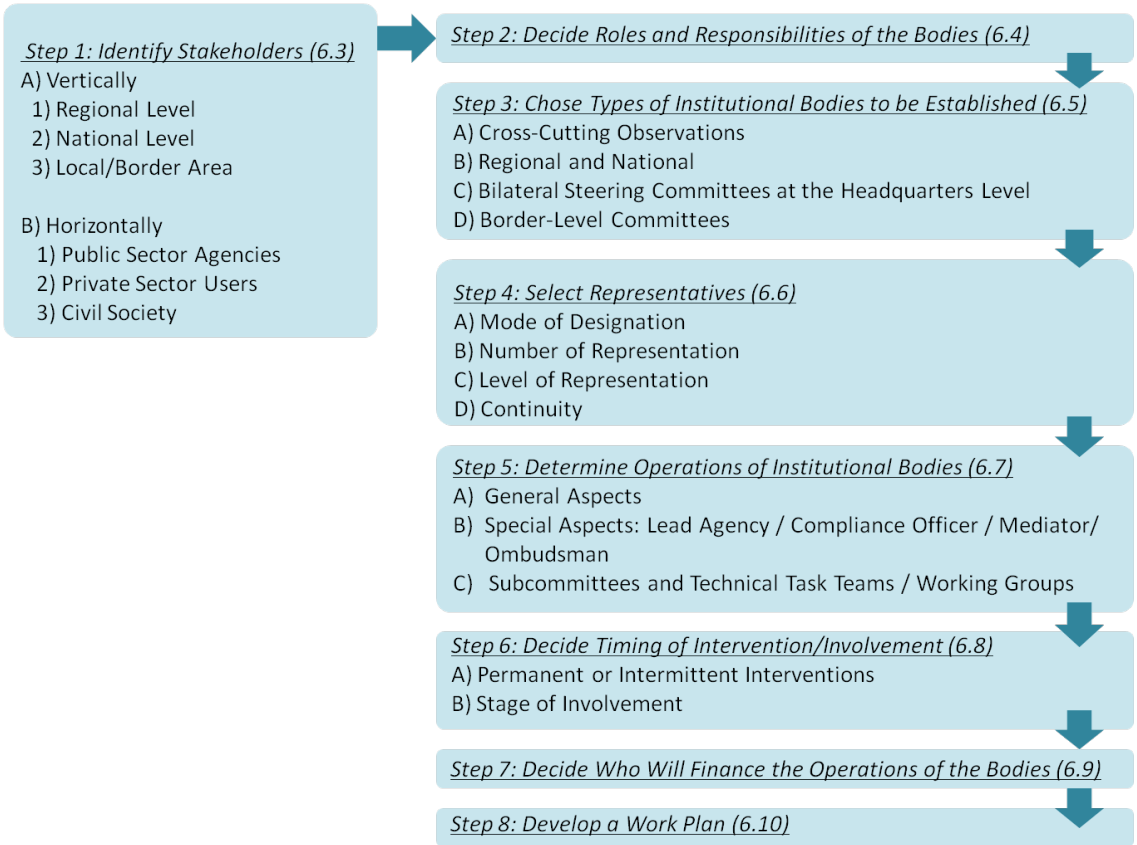
Source: Carmine Soprano, Trade and Competiveness Global Practice, World Bank, email of 28 January 2016

Chapter 6
Institutional Frameworks for OSBPs

6.1 Process of Implementing Institutional Frameworks for OSBPs

This chapter provides a road map for the establishment of various levels of institutions required to support the operationalization of an OSBP. Figure 6-1 summarizes the flow in broad terms. Before the discussion of the specific steps in the following sections, as essential background Section 6.2 addresses regional legal frameworks underlying regional OSBP institutional frameworks.

Figure 6-1: Process of Implementing Institutional Frameworks for Operationalizing an OSBP



Note: As a practical matter, the financing of the institutional bodies (Step 7) may need to be decided at the same time as determining the operations of the bodies (Step 4) because they will face difficulty without sufficient budget.
Source: This Sourcebook

6.2 Overview of Regional Legal Frameworks Underlying Regional OSBP Institutional Frameworks

Based on a more detailed comparative matrix of RECs institutions and laws presented in Appendix C (prepared with inputs from the participating RECs), Table 6-1 presents an overview of regional legal frameworks underlying OSBP institutional frameworks. ECOWAS, the EAC, and UEMOA are relatively more advanced in terms of OSBP-specific legal instruments (Table 8-1 compares and contrasts three pioneering OSBP legal instruments, in West Africa and East Africa), the OSBP institutional framework, the legal effect of REC legislation (especially the EAC and ECOWAS are relatively advanced in this respect), and the role of RECs in the implementation of OSBPs. That said, the other RECs have also moved forward with the implementation of OSBPs (i.e., COMESA, which has model OSBP legislation and guidelines, and which spearheaded implementation of the pioneering Chirundu OSBP on behalf of the COMESA-EAC-SADC Tripartite initiative; CEEAC/ECCAS, which is constructing its first JBP/OSBP in the Republic of Cameroon and the Republic of Congo, with the cooperation of the Brazzaville-Yaoundé Corridor Management Committee; IGAD, which prepared a Report on Legal Framework and Modalities for the Establishment of One Stop Border Posts in [the] IGAD Region; and SADC, the Secretariat of which has coordinated feasibility and design studies and resource mobilization for OSBPs).

Table 6-1: Comparative Matrix of Laws and Institutions of Regional Economic Communities

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
COMESA	Each country in the REC with an OSBP has enacted an OSBP Act in line with Model Legislation and Guidelines.	OSBP Acts and Bilateral Agreements specify the institutional framework for a specific OSBP. These provide for Joint Border Management Committees and other subcommittees for each OSBP from the ministerial to technical levels. At the COMESA level, OSBPs fall under the Ministers of Infrastructure Sub-sectoral Committee.	While the COMESA Treaty does not address boarder management issues, decisions of the COMESA Council are binding and should be "domesticated" by Member States.	COMESA coordinates activities relating to establishment of OSBPs through identification of border posts, feasibility and design studies, resource mobilization for infrastructure development, and capacity building. Implementation of the pioneering Chirundu OSBP was spearheaded by the COMESA Secretariat on behalf of the COMESA-EAC-SADC Tripartite initiative.
CEEAC/ ECCAS	There are no regional OSBP-specific legal instruments; signing of an MOU may take 3-4 years.	Some countries have corridor management committees, including Cameroon, Chad, and Central African Republic, for the Douala-N'Djamena and Douala-Bangui Corridors.		Construction of the first JBP/OSBP in CEEAC/ECCAS is underway in the Republic of Congo and the Republic of Chad, with the cooperation of the Brazzaville-Yaoundé Corridor Management Committee.
EAC	EAC One Stop Border Posts Act, 2013 and EAC OSBP Regulations 2015	EAC has established sectoral committees (Article 20 and following of the Treaty for Establishment of the East African Community, 1999), such as the Sectoral Committee on Transport. Article 50 of the EAC OSBP Act 2013 charges the EAC Council with coordination so as to ensure uniformity in application of the OSBP concept, ensure full compliance with the Act, and initiate improvements in the application of the concept. Specifically, Article 50 of the Act covers coordination and monitoring of one stop border posts; Article 39 of the EAC OSBP Regulations 2015 establishes certain institutional bodies (a Joint Sectoral Council, Multi-sectoral High Level Steering Committee); and Article 40 of the Regulations creates Bilateral OSBP Steering Committees composed of the National OSBP Steering	The EAC Treaty (indirectly) reaches the result of direct applicability, based on its Article 8, 4 and 5, which compels the member countries to adapt their national legal system to such an effect.	The EAC has been spearheading implementation of 15 OSBPs in the EAC.

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
		Committees or equivalent structures of the adjoining Partner States to oversee the implementation and operations of all one stop border posts between such adjoining Partner States.		
ECOWAS	ECOWAS Supplementary Act/SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of the Economic Community of West African States, June, 2013 Regional Decision through Adoption of Joint Border Post Functionality Study in 2008, through Resolution No.2 Relating to the Implementation of the Joint Border Posts Program of ECOWAS and UEMOA Member States	ECOWAS Supplementary Act/SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts establishes a three-level institutional structure: (i) the ECOWAS Commission; (ii) Cross-Border Joint JBP Committees to oversee the implementation and operation of the JBPs; and (iii) JBP Management Authorities). Specific relevant chapters and articles include: Chapter IX on Institutional Arrangements (Article 49 on Community Oversight Institution and Responsibilities, Article 50 on the Establishment and Composition of Joint Committees, Article 51 on the Responsibilities of the Joint Committees, Article 52 on Meetings and Procedures of the Joint Committees) Chapter X on Joint Border Posts Management (Article 53 on Appointment of Management Authorities and Article 54 on Responsibilities of a Management Authority)	In the revised ECOWAS Lagos Treaty (1975), there was a change as from 2007 to the effect of rendering Supplementary Acts to complete the Treaty binding on member states. From that date, ECOWAS Council and Commission Regulations have general application and all their provisions are enforceable and directly applicable in member states (ECOWAS Treaty, Article 9,3 and 4, pursuant to the Supplementary Protocol a/sp.1/06/06 amending the Revised Lagos ECOWAS Treaty, 1975).	The ECOWAS Commission coordinates and manages development / construction/ equipment / operationalization of JBPs) Relevant articles of the ECOWAS Supplementary Act/SA.1/07/13 include: (i) Article 4.1: Status of Land – transferred to ECOWAS by State of location; and (ii) Article 53, which provides that ECOWAS in consultation with States appoints a management authority (which can be one of the States), a Management Committee, private sector contractor, joint private and public sector or some other body by way of a specific legal instrument.
IGAD	A Report on Legal Framework and Modalities for the Establishment of One Stop Border Posts in [the] IGAD Region was completed and validated by the member states in 2012.	Not yet prepared.	Not yet prepared.	IGAD has mobilized some funds from the Swedish Embassy in Addis Ababa to assist in the implementation of activities recommended in the validated OSBP study report at the Gallabat Metema border post between Sudan and Ethiopia. In addition, IGAD has approached AfDB for support for feasibility studies for building OSBPs between South Sudan and Ethiopia as well as between Djibouti and Ethiopia.

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
SADC	None	The SADC Sector Committees of Ministers responsible for Transport and the Committees of Ministers responsible for Trade oversee the development of OSBPs supported by Committees of Sector Officials and working groups which are established as when required. The Committee of Ministers of Trade is supported by a Committee of Heads of Customs Administration. These bodies approve regional policies; identify priority borders for upgrading to OSBPs; and give general strategic directions on OSBP development. Specific OSBP projects are overseen by bilateral Joint Ministerial Committees and Joint Committees of Senior Officials and Experts. OSBP priorities were identified and approved in the Regional Infrastructure Development Master Plan approved by the Summit of Heads of States in 2012. Implementation is managed by Joint Bilateral Structures of officials and Ministers. The Secretariat acts as a facilitator and coordinator in collaboration with bilateral countries.	Protocol provisions only become binding when member states "domesticate" the provisions usually based on regional model laws and guidelines. As of now, SADC has neither developed guidelines nor model laws on OSBPs.	The SADC Secretariat has coordinated feasibility and design studies and resource mobilization. Construction and operations is normally a responsibility of the member states. Implementation of the pioneering Chirundu OSBP was spearheaded by the COMESA Secretariat on behalf of the COMESA-EAC-SADC Tripartite initiative
UEMOA	UEMOA Regulation No. 15/2009/CM/ UEMOA Portant Regime Juridique des Postes de Contrôle Juxtaposes aux Frontieres des Etats Membres de L'Union Economique et Monetaire Ouest Africaine [setting out a consolidated legal framework for implementation of JBPs border posts between	Article 58 of UEMOA Regulation No. 15 created a JBP consultative committee comprising representatives of all stakeholders at the JBP shall be established. It shall have advisory responsibilities over decisions on development of the JBP and its efficiencies. Its structure and procedures shall be contained in an implementation regulation. In the case of the Cinkansé JBP, UEMOA created a Consultative Committee comprised of a broad group of stakeholders from the two	The hierarchy of UEMOA legal instruments is: (i) treaties, (ii) regulations, (iii) decisions, (iv) directives, and (v) recommendations.	Relevant provisions of UEMOA Regulation No. 15 include: (i) Article 5: Delineation – stipulates location of JBP as determined by UEMOA Commission and the two adjoining states; (ii) Article 6: Status of Land – transferred to UEMOA by state of location; (iii) Article 20: Concession – management and operations of JBPs shall be assigned to a private company by way of a concession agreement through a tender process by UEMOA; (iv) Article 27: Contribution of Control Services for the

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
	UEMOA states] Decision 08/2001 adopting financing model for construction of JBPs between UEMOA States. Decision 03/2004 modifying Article 3 of Decision 08/2001 above	countries. It has responsibility to review issues arising in the overall operation of the border and its relationship with national policies and with the local communities. A JBP monitoring committee has also been established at the UEMOA Commission to provide oversight and guidance to JBPs throughout the Community.		Performance of the JBP – adjoining States shall facilitate quicker and affordable border controls through procedures developed by UEMOA; (v) Article 45: Activities Ancillary to Transport and Transit And Commercial Activities – such activities may be authorized and the parameters shall be stipulated in the agreement between UEMOA and the concessionaire; (vi) Article 52: Safety of JBP Operations – the rules governing public security and safety within the JBP shall be contained in an implementation regulation, which shall be drafted by the JBP Authority for approval by UEMOA Commission; and (vii) Article 59: Implementation Measures – the UEMOA Commission shall be authorized to enact implementation regulations necessary for enforcement of Regulation 15.

Abbreviations: COMESA = Common Market for Eastern and Southern Africa, EAC = East African Community, ECCAS/CEEAC = Economic Community of Central African States / Communauté Économique des États de l'Afrique Centrale , ECOWAS = Economic Community of West African States , IGAD = Intergovernmental Authority on Development, JBP = joint border post, MOU = memorandum of understanding, OSBP = one-stop border post, SADC = Southern African Development Community, UEMOA = Union Economique et Monétaire Ouest-africaine (West African Economic and Monetary Union)

Source: This Sourcebook based on inputs from (i) RECs; (ii) Dr. Tomomi Tokuori, JICA Expert; and (iii) the Sourcebook Team.

6.3 Identification of Stakeholders

6.3.1 Overview

As a critical component of cross-border trade and transport facilitation, OSBPs require interagency, interdepartmental, and intergovernmental cooperation. The listing of potential stakeholders in OSBPs may be viewed from vertical and horizontal perspectives, as discussed below.

6.3.2 Vertically

Vertically, stakeholders in OSBPs can be identified at three levels:

(i) **Regional Level**: The relevant departments of regional economic communities (RECs) are responsible for matters related to cross-border trade and transport facilitation. If one has not yet been established, a REC transport facilitation sectoral committee should be created to ensure the implementation of transport facilitation measures. The functions of the sectoral committee may include: (a) the design of a comprehensive transport facilitation implementation plan, (b) the monitoring of the implementation of such a plan, (c) the gathering of relevant feedback and information from the member countries of the REC or on its own initiative, and (d) provision of recommendations to the REC policy/legislative/regulatory body for (amendment) action.[1] The third column of Table 6-1 presented the regional OSBP institutional framework of the respective RECs, with the most developed that of (a) the EAC, which has a Joint Sectoral Council on OSBPs and a Multi-sectoral High Level Steering Committee (EAC OSBP Regulations 2015, Article 50); (b) ECOWAS, for which the ECOWAS Commission serves as the apex of the regional framework (ECOWAS Supplementary Act/SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts, Article 49); and (c) UEMOA, which has established a JBP monitoring committee at the UEMOA Commission to provide oversight and guidance to JBPs throughout the Community.

(ii) **National Level**: At the respective national levels of the adjoining countries, the stakeholders include ministries/departments involved in border management and the national traders' and transport operators' professional organizations (e.g., national chambers of commerce, road hauliers associations).

(iii) **Local/Border Area**: Categories of local stakeholders at the border include border agency officers, users, facilitation agents, and local/border area residents.

6.3.3 Horizontally

Horizontally, stakeholders can be identified among the public authorities (i.e., the relevant ministries, departments, and agencies), the private sector users (e.g., transport operators, traders, transport auxiliaries), and the civil society (e.g., residents in the border area, non-government organizations):

(i) **Public Sector Agencies**: The public sector may include ministries, departments, and agencies concerned with trade, commerce, and the economy; transport and finance, revenue, and customs; health; agriculture; foreign affairs; and the police, the interior,

[1] See, e.g., the Treaty Establishing the East African Community, Chapter 7, Articles 20–22.

and home affairs. A single border agency may simplify the representation of the public sector in the institutional body.[2]

(ii) **Private Sector Users**: Involvement of the private sector is indispensable and therefore private sector participation should be formalized in the institutional bodies. Such participation should not depend on a discretionary invitation from the public sector. The private sector should participate in the consultation and decision process of these bodies on an equal footing. Consequently, it is suggested that the private sector have permanent membership (i.e., not just participating on an invitation basis) and full membership (i.e., not just having an advisory voice). The private sector may include professionals such as transport operators, traders, and facilitation agents (e.g., customs clearance and forwarding agents). These entities should be represented by their professional associations at least at the national and regional level. For example, the Chamber of Commerce (i.e., a national chapter of the International Chamber of Commerce, the ICC) may act as an overarching organization for the respective private subsector stakeholders at the national level; at the regional level, the ICC and the International Association of Freight Forwarders' Associations (Fédération Internationale des Associations de Transitaires et Assimilés, FIATA) could play this role). In light of the important role played by (women) small-scale, cross-border traders, particular attention should be devoted to ensuring that relevant national and local associations (e.g., cross-border traders associations, CBTAs), including those for women only, are successfully included at all stages of OSBP-related consultations, and that planned interventions are endorsed by national and local CBTA leaders.[3]

(iii) **Civil Society:** Civil society is seen as a social sphere separate from both the state and the market. The increasingly accepted understanding of the term civil society organizations is the non-state, not-for-profit, voluntary organizations formed by people in that social sphere. This term is used to describe a wide range of organizations, networks, associations, groups, and movements that are independent from government and that sometimes come together to advance their common interests through collective action.[4] A question arises whether civil society should be regarded as a valid stakeholder, separate from the municipality (which is assumed to represent the interests of the local population). Also, as presented in Box 6-1, there is a debate regarding the goal and functions of border posts vis-à-vis civil society.

An OSBP may affect those residing in the vicinity of the border post (e.g., from increased traffic, speedier traffic, new forms of criminality, air emissions and noise pollution). In turn, border communities may have an effect on the proper functioning of the OSBP considering that OSBPs require a supportive rather than hostile community.

Among others, civil society can play useful role in three major areas: (i) it can help disseminate information related to OSBP consultations, rules and regulations, costs and benefits, and the like; (ii) it can help monitor data related to border-crossing time,

[2] One example is the Department of Homeland Security in the United States. Along these lines there is a recent proposal in South Africa to establish a single Border Management Agency (Bill 39058, gazetted on 6 August 2015). Proponents consider that a single agency for border law enforcement will provide for more cost-effective services, enhanced security, and better management of the border environment; in addition to pointing to the daunting nature of the task for a single agency to manage the diverse requirements of border control at the country's 72 designated ports of entry, opponents argue that the proposal would contravene the Constitution of South Africa, which provides for a single entity to perform policing and defense functions. "Controversial BMA Bill Introduced into Parliament", *ftwOnline*, 1 October 2015.

[3] Added as suggested by Mr. Carmine Soprano, World Bank, Trade and Competiveness Global Practice, email of 28 January 2016.

[4] See http://www.who.int/trade/glossary/story006/en/ on the World Health Organization website.

customers' satisfaction with OSBP services, cases of abuse/harassment reported by traders (especially female and small-scale ones); and (iii) it can contribute to holding the public sector accountable (e.g., through awareness-raising campaigns, investigations, events) for improvements.[5]

In order to create the best possible circumstances for a successful OSBP, local ownership and "buy-in" with all stakeholders must be generated and exhaustive local consultations should be performed. Consultative activity during the pre-project and project implementation stages provides a sound basis for the subsequent post-project consultative activity that will increase ownership in the project.

Box 6-1: The Goal and Functions of Border Posts vis-à-vis Civil Society

On the one hand, some argue that border posts should focus on efficient and rapid border crossing. The conception of a border post as a pole of economic development with a job creation function may lead to counterproductive results when border post activity starts to hamper and hinder smooth border crossing. Local consumer-oriented (vendor) trade may hinder longer-distance, higher-scale cross-border trade. According to this argument, the border post itself should for that reason in principle be minimal and only serve crossing traffic. Such a lean border crossing point should not be saturated and overcrowded with other activities (e.g., the creation of markets)[a] as a pole of economic development. The latter it is argued should be organized elsewhere to avoid hindering the efficient border crossing operations. On the other hand, it is argued that the markets are not usually at the border itself. The transformation of transport corridors into economic corridors largely depends on how corridor trade is elevated to a certain level of development in the areas surrounding the corridors. This includes investing in border towns and key nodal towns and cities along the corridors. This approach has been proved and tested and it may be considered best practice in terms of development.

Note: [a] African Development Bank, *Multinational (The Gambia and Senegal) Trans-Gambia Corridor (Phase I) – Construction of the Trans-Gambia Bridge and Cross Border Improvement, African Development Fund, ADF/BD/WP/2011/137, Appraisal Report*, 25 November 2011, Appraisal Report, pp. 7, 11–12.
Source: PADECO Co., Ltd, *Lessons Learnt from African Development Bank Cross-Border Trade-Related Infrastructure Projects: The Way Forward, Final Report*, September 2012, Box 8, p. 35

6.4 Roles and Responsibilities

The roles and responsibilities of the bodies established at the levels considered in this chapter may be categorized as follows:

(i) Supervision (control of the functioning), which includes (field) monitoring, e.g., performance evaluation, benchmarking, and surveys, through anonymous ("mystery") user reports, and feedback from users on flaws/possible improvements via a complaints/suggestion channel for users, field staff, and civil society, in order to identify problems to be relayed to the higher authority (policy level) and to be corrected by fine-tuning on the local level[6];

(ii) Policy, which entails the setting of strategic and performance goals (e.g., on the lead time for a border clearance) and legislative/regulatory action to that end;

(iii) Decision making, i.e., acting as a regulator on the basis of an express assigned mandate and issuing implementation measures at the executive level;

[5] See previous footnote.
[6] E.g., a physical box for hard copy and/or an ICT-based system such as an interactive website.

(iv) Coordination and liaison function, vertically with higher and lower levels, horizontally with other agencies and sector, and bilaterally with counterparts;

(v) Consultation and mediation, i.e., resolving conflicts and disputes between/among stakeholders;

(vi) Advisory role, i.e., to provide feedback to decision makers at higher levels;

(vii) Information and sensitization, i.e., dissemination to and awareness creation for the general public, e.g., local civil society, persuading local public opinion of the benefits of the OSBP (it has been suggested that for transparency and accessibility of the legal/regulatory framework, there be a requirement for a pocket-size booklet or electronic equivalent for the use by stakeholders, posters at the border, and publication on the internet)[7];

(viii) Overcoming of inertia and vested interests, e.g., reluctance and resistance to support operationalization of OSBP, perhaps because some stakeholders may be change averse[8];

(ix) Training, i.e., express integration of OSBPs in (a) the training programs of public sector and private sector personnel, (b) the job/function descriptions of public and private sector personnel positions; (c) the objectives and policy program at all levels of public and private institutions and organizations (e.g., in the same manner as environmental protection in the past); (d) as a standard agenda item in executive meetings at the respective levels, and (e) awareness seminars for senior executives (public and private).

6.5 Types of Institutional Bodies to be Established

6.5.1 Cross-Cutting Observations

The various institutional bodies to be established should have joint membership, i.e., membership from different institutions. Horizontally, the public and private sectors must work together as stakeholders in the border crossing process. It is also necessary to establish a body at the respective vertical levels, regionally at the REC level, nationally at the level of the adjoining countries, bilaterally between adjoining country pairs, and locally at the border post itself.[9]

In order to avoid duplication, it is important to utilize established structures (coordinating bodies) where available rather than create new bodies. Existing bodies may be active or involved in larger or related fields (e.g., trade and transport facilitation). In those cases the possibility of designating them in the OSBP context should be assessed based on their appropriateness for this purpose.

While institutional strengthening is an important factor for the successful implementation of OSBPs, involving too many institutions should be avoided because it increases administrative

[7] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 4, p. 3.

[8] The status quo may generate business and income for the specialized sector of transport intermediaries and auxiliaries (e.g., customs brokers, as discussed in Article 10, 6 of the Trade Facilitation Agreement of the World Trade Organization); although this business activity is legitimate, with respect to superfluous red tape it may not add value. Also, an OSBP may eliminate opportunities, occasions, and pretexts for officials and civil servants to claim informal/unofficial fees and penalties to supplement their salaries; personnel incentives for achievements, individually (per officer) or collectively (per border post), may counter this phenomenon.

[9] At the continental and global levels, there is no specific action required from the countries concerned except for active participation and support of the related international activities.

burden and cost and risk to the private sector. Scheduling meetings of different institutions at different times may address this concern, as discussed in subsection 6.6.2.

In addition, continuity in the institutional policy after changes in governments should be pursued in the legal/regulatory basis for the institutional framework. The preference should be for clear express and formal legislation ("hard law") rather than informal "soft" law (e.g., guidelines, codes of ethics, manuals) that can be overlooked and put aside more easily without any justification; the distinction is addressed in Box 8-3.

6.5.2 Regional and National

If a body has not yet been established, the relevant REC(s) should establish a body on trade and transport facilitation in view of the importance of the subject matter. Similarly, countries should establish trade/transport facilitation committees if they have not done so yet.[10]

In the context of the [EAC-Common Market for Eastern and Southern Africa-Southern African Development Community] Tripartite Free Trade Area (TFTA), a useful mechanism for the online reporting, monitoring, and elimination of non-tariff barriers (NTBs) has been established, along with national focal points and monitoring committees.

Section III, Article 23(2) of WTO's Trade Facilitation Agreement requires signatories to establish or maintain a National Committee on Trade Facilitation.

6.5.3 Bilateral Steering Committees at the Headquarters Level

Some issues related to OSBPs between adjoining countries pairs may exceed the competence (i.e., authority) of the local border agencies and need to be addressed at the headquarters level. Also, the regional level may not be suitable for addressing bilateral issues, which may be specific to country pairs. For reference, Box 6-2 presents provisions of the EAC Regulations 2015 on bilateral institutions to coordinate OSBPs.

Box 6-2: The EAC Approach to Bilateral Institutions to Coordinate OSBPs

40. Bilateral Institutions to Coordinate OSBPs

In the exercise of its mandate in terms of the Act, Council further authorises the HLSC [High Level Steering Committee] appointed in terms of regulation 39 above to establish bilateral institutions between adjoining Partner States within the following parameters:

40.1 A Bilateral OSBP Steering Committee (BOSC) composed of the National OSBP Steering Committees (NOSC) or equivalent structures of the adjoining Partner States to oversee the implementation and operations of all one stop border posts between such adjoining Partner States.

40.2 The BOSCs shall determine the administrative measures necessary for the implementation of one stop border posts by adjoining Partner States and resolve any difficulties that may arise from such implementation including the power to constitute bilateral operational and administrative committees and sub-committees comprising Officers of the adjoining Partner States directly involved in undertaking border controls at each one stop border post.

40.3 Operatives of the facilitation agents at each one stop border post shall also be co-opted into

[10] See, e.g.: (i) United Nations Economic Commission for Europe and the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFCT), *National Trade Facilitation Bodies*, Recommendation No. 4, 2015; and (ii) International Trade Centre, *National Trade Facilitation Committees: Moving Toward Implementation*, 2015.

such operational and administrative sub-committees to ensure valuable contribution and feedback from the relevant private sector stakeholders.

40.4 Each BOSC shall monitor the implementation and performance of one stop border posts under its jurisdiction and routinely report on progress and other relevant matters to the HLSC through appropriate national structures.

40.5 The BOSCs shall meet as often as they may require and alternate the locality of the meetings between the territories of the adjoining Partner States, unless agreed otherwise.

40.6 The meetings of the BOSCs shall be chaired by an Officer representing the adjoining Partner State in whose territory the meeting is held, unless agreed otherwise.

40.7 The BOSCs shall regulate their own rules of procedure at such meetings.

40.8 The BOSCs shall adopt their decisions by consensus. In the event of failure to reach consensus, the BOSCs shall first refer the matter to existing bilateral mechanisms before referring the matter for resolution by the HLSC.

40.9 Each adjoining Partner State shall take all necessary administrative, financial and other measures to ensure the effective implementation of one stop border posts by the BOSCs established with its adjoining Partner States, including without limitation, the provision of adequate resources for the performance of their functions.

Source: EAC OSBP Regulations 2015

6.5.4 Border-Level Committees

Local institutions should be national and bilateral – in the latter case they are comprised of representatives of both adjoining countries. For reference, Box 6-3 sets out provisions of the Rusumo One Stop Border Post Operational Procedures Manual (December 2014, prepared with JICA support) related to the joint border coordination committee to be established.[11] Box 6-4 presents World Bank experience with cross-border committees in sub-Saharan Africa.

Box 6-3: Example of the Joint (Bilateral) Border Coordination Committee Established at Rusumo

F. RUSUMO OSBP ORGANIZATION AND OPERATIONAL COMMITTEE

1. Organization of the Committee

1.1 The Joint Commission referred to in Article 10 of the Bilateral Agreement shall oversee and supervise the OSBP to assure effective implementation.

1.2 There shall be established a joint border coordination committee that shall be responsible for day-to-day operations of the OSBP and shall report to the Joint Commission.

1.3 Each control zone shall be managed by a competent authority of the host state assisted by a competent authority of the adjoining state.

1.4 The competent authority of the adjoining state shall inform the competent authority of the host state in writing of the names and designations of officers that will be working within the control zone of the host state within 24 hours prior to their deployment. In the event of any change, the competent authority of the adjoining state shall promptly communicate such change to the competent authority of the host state.

[11] At the national level, the United States Agency for International Development supported the establishment of "joint" border committees at the national level to improve coordination between government agencies and the private sector at 16 border posts in East Africa. See, e.g., USAID-COMPETE [Competiveness and Trade Expansion Program], East Africa Hub, *Joint Border Committees – A Look at the Malaba Border, Kenya*, April 2013.

2. Meetings

2.1 The competent authorities of the respective borders shall initially organize a monthly joint meeting of the border coordination committee to improve the management of the border. Over time, these meetings may be held less frequently (e.g., quarterly).

2.2 These meetings shall be chaired and co-chaired by the competent authorities of the respective states on a rotational basis, with the host country serving as chair.

2.3 Representatives of private companies or services registered in Rwanda or Tanzania involved in border crossing operations or responsible for providing specific services in the OSBP may be invited to participate in the meetings of the border coordination committee.

2.4 The border coordination committee shall prepare and submit minutes of meetings to the Joint Commission and to the head offices of the partner border control agencies represented at the OSBP, including proposals requiring guidance for further action.

2.5 The competent authority of the host state, in collaboration with the competent authority of the adjoining state, shall organize a weekly meeting with facilitating agents operating in the control zone.

3. Composition and Responsibilities of the Border Coordination Committee

3.1 The border coordination committee shall be composed of a representative of each border control agency operating in the shared control zones.

3.2 The border coordination committee has the following responsibilities, among others:

(i) Applying the legal framework governing the OSBP, as shown in Part A, Section 1, of this manual;
(ii) Analyzing and solving problems that could hinder the smooth operation of the OSBP;
(iii) Ensuring effective coordination and complementarity in offering quality services;
(iv) Ensuring good management and maintenance of the OSBP property; and
(v) Informing and coordinating with the head offices of the partner border control agencies represented at the OSBP, including communicating proposals requiring guidance for further action

Source: Republic of Rwanda and United Republic of Tanzania, *Rusumo One Stop Border Post Operational Procedures Manua*l, December 2014, Part F

Box 6-4: World Bank Experience with Joint Border Committees in Sub-Saharan Africa

Among other functions, OSBP Joint Border Committees (JBCs) can play a pivotal role in coordinating stakeholders at border-level on the occasion of OSBP capacity building exercises such as training sessions and, seminars, as well as in disseminating key information within each of the agencies they represent. For example, experience from the piloting of the World Bank's Charter for Cross-Border Trade in Goods and Services demonstrates that such committees can indeed be particularly helpful in this regard.

In addition, OSBP JBCs can also provide a forum where cases of abuse/harassment reported by travelers and traders, particularly female and small-scale ones, can be addressed – for that purpose, it is important to ensure that representatives of (women) cross-border traders' associations are included among JBC members, and that the committees work in close collaboration with other border-level mechanisms introduced for collecting reports. At number of COMESA borders, for instance, trade information desks (TIDs) have been introduced – while their primary functions include providing information to traders and assisting them during clearance procedures, they also liaise with committees of officials, and can be potentially used for gathering reports on abuses suffered by traders at the border. Therefore, when designing the composition of OSBP JBCs, it is important to ensure that representatives of these and similar desks are included.

Finally, OSBP JBCs can also act as primary forums to discuss feedback on border agencies' performance, gathered from travelers and traders through dedicated mechanisms (see Section 5.4). Since committees would usually be composed of station managers for the various border agencies, they would probably be best placed to take immediate disciplinary measures against abusive officials/teams, and to put in place interventions aimed at improving their subordinates' performance when necessary.

Source: Carmine Soprano, Trade and Competiveness Global Practice, World Bank, email of 28 January 2016

6.6 Composition and Representation

6.6.1 Overview

This section describes the selection of representatives participating in the institutional bodies and the manner in which they are to be designated.

6.6.2 Selection of Representatives – Mode of Designation

Every identified stakeholder should be entitled to freely designate its representative, as follows:

(i) For the public sector: A civil servant can be delegated by each concerned agency.

(ii) For the private sector: Ideally the concerned professional organizations or associations in the private sector (e.g., trade associations, road transporters' association, facilitation agents' associations) should be represented in the OSBP bodies, since these organizations can represent their members' interests.

(iii) For civil society: Representatives may include the formal political/administrative authorities (e.g., provincial/county governors, municipal mayors), citizens' associations, and other non-government organizations.

6.6.3 Number of Representatives for Each Stakeholder

For the purpose of efficiency, one representative per identified stakeholder should be the norm. However, experts or advisors assisting the representatives should be permitted to attend meetings.

6.6.4 Level of Representation

For reasons of momentum and impact, the highest practicable level of participation is recommended.

A number of specific recommendations follow:

(i) At the local/border level, the border station manager / border post commander and the highest ranking officer of each agency should be designated to participate in the institutional body.

(ii) Involvement of the prime minister's office or the president's cabinet is recommended to assure coordination between/among the respective ministries or departments, to act as a catalyst, and offer the required momentum and leverage for the successful completion and implementation of the OSBP. Its involvement is also important to liaise with the regional level and/or send national delegations to the regional bodies.

(iii) At the national ministry department level, the involvement of the minister is recommended to assure "buy-in" at the highest level.

(iv) At the bilateral (steering committee) level, at least a permanent secretary should represent the departments.

6.6.5 Continuity

Continuity (sometimes referred to as "consistency") of staff working for OSBP institutions (i.e., the key persons charged with the implementation task) is recommended to avoid inefficiency. Therefore, the rotation of persons representing each agency or stakeholder should be limited since every replacement requires a period of orientation; however, this issue may be addressed by involving the replacement alongside with the preceding incumbent during a familiarization period.

While continuity issues arise in all organizations and may cause a problem for any project, they may be of particular relevance to developing countries, where specialized human resources may be scarcer. Particularly, measures should be taken to assure continuity in the implementation of multi-year projects. Key staff members may disappear during implementation for a number of unexpected reasons (e.g., retirement, resignation, discharge, death) or because of the typical rotation period of border post officers. They take with them their memory and unwritten background information on the project required for efficient implementation. Such key persons cannot be immediately replaced by equally knowledgeable persons. A long "learning curve" is normally required for new staff members. For continuity, project documentation should be organized so that a newcomer can easily take command. Also, in order to assure a seamless transition, key functions in the organizational structure should be exercised in close cooperation with a deputy or deputies in a shadow capacity or by involving the substitute alongside the incumbent during a familiarization period, so that they are able to readily take over at any time.

6.7 Operations of Institutional Bodies

6.7.1 General Aspects

The language, decision making, recording of minutes, and the reporting of the organizations should be adopted in the form of bylaws or agreed terms of reference (TORs). There is a recognition of the need for a legal basis both for establishment of the institution and for its rules of procedure, according to the situation, via REC decision or via bilateral agreement (MOU).[12] As an example, the TORs for the joint border coordination committees established for the Namanga and Rusumo OSBPs cover status, main functions, tasks/work program, membership, functioning, meetings, subcommittees, working language, secretariat, financing and other support, and reporting.

6.7.2 Special Aspects

(1) Lead Agency

For the public sector, a lead agency should be appointed to ensure effective coordination. This lead ministry/department/agency should bear the costs of the functioning of the institutional body that are not specific to the representative delegations of the stakeholders (see Section 6.7).

[12] Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26-28 October 2015, Annex 4, p. 2.

The choice/selection of lead agency may depend on the stage and associated tasks – in the planning and construction stages, the public works agency may lead, while a border agency may lead in the operational stage. During that stage, the choice/selection of the lead agency may be based on the importance of its position in the border clearance process.[13]

Whatever agency is selected to lead, it must be totally unbiased.

For reference, Box 6-5 presents text from the EAC OSBP Regulations 2015, which sets out the good-practice approach of the EAC toward lead agencies.

Box 6-5: The Approach of the East African Community Toward Lead Agencies

Part II: Administration

4. Appointment of Lead Agency

4.1 Each adjoining Partner State shall, for purposes of administering these Regulations, designate one of its border control agencies operating at each of its one stop border posts as the lead agency.

4.2 For purposes of harmonisation within the Community of the border control agency to be appointed as lead agency by each adjoining Partner State, the adjoining Partner States shall consult each other with the objective of appointing similar agencies as their lead agencies in terms of regulation 4.1 above. Where such similar appointment is considered by an adjoining Partner State to be justifiably inappropriate given any special considerations, such adjoining Partner State shall proceed to appoint such lead agency as it may deem appropriate.

4.3 The officer in charge of the lead agency at each one stop border post shall assume direct responsibility and accountability for the discharge by the lead agency of its responsibilities in terms of this regulation.

5. Responsibilities of the Lead Agency

5.1 The lead agency designated by each adjoining Partner State in terms of regulation 4 above shall assume and be accountable to its national hierarchy for the following responsibilities:

5.1.1 coordination of all the national border control agencies operating at the one stop border post;

5.1.2 be the focal point for all operational and administrative liaison with the other adjoining Partner State;

5.1.3 in conjunction with the other adjoining Partner State's lead agency, coordination of all joint operations of the two Partner States at the one stop border post including, but not limited to, single window operations, joint inspections and verifications, ICT connectivity and data exchange systems, collection and analysis of data relating to border efficiency and targets, joint operational training initiatives, and any other related operations;

5.1.4 in conjunction with the other adjoining Partner State's lead agency, coordination of all joint administrative issues of the two Partner States at the one stop border post including but not limited to arrangement and chairing of all joint coordination meetings, administration and maintenance of all joint use and public use facilities and

[13] As noted in subsection 3.4.1(2), some countries have chosen the beneficiary of trade facilitation objectives and selected the ministry responsible for trade. Other countries have chosen a key agency represented at the border with management responsibility for the border post, generally the Revenue Authority or Customs Department. The lead ministry/agency at the border and its role needs to be clearly articulated to minimize conflict during operationalization of the OSBP. If this issue is not clearly addressed, there is bound to be jostling of leadership to claim the glory that comes with implementation of OSBPs, a concept which is still relatively new in Africa. Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 23.

equipment, organisation of joint social and cultural activities, and any other issues as may be agreed between the adjoining Partner States;

5.1.5 be the focal point for all publics that utilise the services of the one stop border post for purposes of ensuring the benefits intended for such publics from the one stop border post are being delivered, register and resolve any complaints from such publics, and any other related benefits;

5.1.6 ensuring the facilities and equipment allocated to its national agencies in the joint border post are properly maintained and kept in good condition for use by those charged with the responsibilities to do so;

5.1.7 coordinate, in consultation with the adjoining Partner State's lead agency, all official visits by any national institutions and stakeholders to the one stop border post; and

5.1.8 any other responsibilities as may be specified in these Regulations and bilateral agreements between the adjoining Partner States.

5.2 Notwithstanding the designation of a lead agency and its responsibilities as herein outlined, each border control agency shall remain responsible and accountable to its agency hierarchy in terms of its enabling national laws for the proper discharge of its responsibilities and conduct of its border control functions.

5.3 In carrying out its responsibilities in terms of this regulation, the designated lead agency shall be guided by the desire to ensure that the objectives of the Act and these Regulations are achieved. The designation shall in no way be construed as mandating the lead agency with any powers of operational control over the other agencies operating at the one stop border post beyond a coordinative role.

5.4 Nothing in this regulation shall create any other obligations on the lead agency at the one stop border post beyond the responsibilities herein outlined.

Source: EAC OSBP Regulations 2015

(2) Compliance Officer

The appointment of a neutral, well-informed person to serve as a compliance officer is recommended to help achieve the results expected from operationalization of the OSBP.[14] His/her task would be to supervise the application/implementation of the principles and rules of OSBPs, through consultation, provision of advice to the executive officer, coordination, monitoring, and reporting on and enforcing the facilitation rules.

(3) Mediator/Ombudsman

Appointment of a mediator/ombudsman to resolve complaints may be considered. He/she would fulfill two functions:

(i) The first function of the mediator/ombudsman would be mediation of conflicts that arise between the users and the public authorities regarding the implementation of the OSBP. The mediator/ombudsman is to protect users against arbitrary or unfair treatment by the public sector and create an incentive for the public sector to correctly apply the OSBP principles and rules.

(ii) Another function of the mediator/ombudsman would be to report periodically (e.g., in an annual report) to higher levels on recurrent problems and structural deficiencies. Such reports can provide valuable feedback on the functioning of the OSBP.

[14] In modern public sector management the need for a compliance officer function is generally recognized.

UEMOA Regulation No. 15, Chapter 11, Article 58, is notable in establishing a Complaints Bureau at each JBP.[15]

6.7.3 Subcommittees and Technical Task Teams/Working Groups

The institutional bodies at their respective levels may establish subcommittees or technical task teams, e.g., on, procedures, legal aspects, physical facilities, ICT, and training/public awareness.

More details on the activities of the various types of subcommittees (technical task teams) are presented in Box 6-6. The use of subcommittees (technical task teams) in the case of the Chirundu OSBP is described in Box 6-7.

Box 6-6: Activities of the Various Types of Subcommittees (Technical Task Teams)

Subcommittees/technical task teams for OSBPs usually include the following:

(i) *Procedures Task Team:* Streamlining and harmonizing operational procedures and using automation wherever possible to reduce the time and cost while enhancing the necessary controls and data security. Conduct "walk-throughs" and compare procedures of each border agency based on what the team identifies and agrees as the best way to coordinate and streamline overall procedures. Identify areas where joint controls and inspections can be done and incorporate these into the procedures, including how these will be conducted.

(ii) *Legal Task Team:* Negotiating a Bilateral Agreement concerning the operational practices and management of the OSBP followed by facilitating enactment of the enabling OSBP legislation through the respective national parliaments. Because passage of legislation can be time consuming, it should be started early in the implementation process. This team should be led by someone from the Ministries responsible for legislation who will give expert legal guidance as and when necessary. It must also include border agencies and private sector operators. These two components may be merged where the legal framework is passed at the REC level. The EAC combined these two instruments were combined into a single document (the EAC OSBP Act).

(iii) *Physical Facilities Task Team*: Design new purpose-built facilities or make necessary changes in the existing physical facilities to accommodate an efficient OSBP operation taking input from the technical team responsible for procedures formulation and carrying out any necessary procurement of furniture and equipment. Reach agreement on sharing of facilities like offices, including maintenance of these facilities on comparable basis. Oversee the development of an integrated plan for the OSBP. Taking into cognizance the growth of border towns and cities, it would also be prudent to include town planning services in this Task team.

(iv) *ICT Task Team*: Review current interconnectivity, use of ICT and the compatibility of systems. Review opportunities for further applications to reduce redundancies and improve performance. Based on the agreed procedural changes, design/acquire additional systems, install them and train on new systems as well as make necessary recommendations of maintaining and financing these computerized systems.

(v) *Training and Public Awareness Team:* Training of agency officials and the private sector on the changes in border operations, Carry out a public information outreach campaign about OSBPs through the media, newspapers, radio, and television programs. Conduct relevant training for associations of users when the procedures are agreed.

[15] A recommendation for an ombudsman for OSBPs/JBPs was first made in PADECO Co., Ltd., *West Africa Regional Road Transport and Transit Facilitation Program - Joint Border Posts (PHRD P0 79749), Final Report*, prepared for Economic Community of West African States (ECOWAS), Executive Secretariat of Union Economique et Monétaire Ouest Africaine (UEMOA), and International Development Association – World Bank, June 2007, p. B-28.

The teams should remain active for two years after the opening of the OSBP to provide advice on resolving any problems that emerge in the first two years of operation. They should meet twice a year and be given specific tasks as and when the need arises.

Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 24–25

Box 6-7: Use of Subcommittees (Technical Task Teams) in the Chirundu OSBP

During the development of the Chirundu OSBP, results-oriented subcommittees were established including (i) a procedures subcommittee to develop OSBP procedures to coordinate the activities of border agencies, (ii) a legal subcommittee to develop the OSBP legal framework, (iii) a facilities subcommittee to ensure that facilities at the border are adequate and properly shared between the two countries, and (iv) an ICT subcommittee to develop IT solutions. An alternative structure based on functions (e.g., customs, immigration, standards) was considered, but it was considered more effective to establish subcommittees to produce specific deliverables. In addition, it was considered important to first reach a consensus on the OSBP concept and functions at the national level before issues were addressed at the bilateral level. Also, site visits during stakeholders' meetings were found to be useful in giving participants the opportunity to better understand the challenges at the border.

Source: Subsection 13.2.3(2) of This Sourcebook (drawing on TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated)

6.8 Timing of Intervention/Involvement

6.8.1 Overview

Institutional bodies should be created early in the process of OSBP development. Bodies that will be permanently active and others that will only function intermittently may be distinguished.

6.8.2 Permanent or Intermittent Interventions

At the local/border level, the representatives may convene a meeting immediately whenever a problem arises. Decision-making processes should be ongoing at that level.

In addition to ad hoc meetings on an as-needed basis, regularly scheduled periodic meetings should be held for various purposes, e.g., to exchange information, report on the existing situation, discuss the functioning of the OSBP.

The frequency of these meetings may decrease with the level of the body, e.g., a weekly briefing/update may be appropriate at the executive level at the border, while quarterly, biannually, or annual meetings may be appropriate for bodies at the policymaking and oversight level, including bilateral steering committees and national committees.

6.8.3 Stage of Involvement

It is recommended to establish the consultative/steering committee from the preparation stage in the project cycle during the feasibility study and project appraisal, as well as during funding and financing procedures and arrangements. Thus, for example (as mentioned above), the private sector and civil society (e.g., non-government organizations) should be involved in the planning and design of an OSBP, as well as subcommittees, from the start of the process.[16]

[16] Tripartite Task Force, the Infrastructure Sub-Committee of the Tripartite Task Force and TradeMark Southern Africa, *Trade Facilitation in the COMESA-EAC-SADC, Tripartite Free Trade Area*, March 2012, p. 10.

Early involvement of the stakeholders in the OSBP project including participation in the institutional bodies will help generate buy-in and goodwill.

The participation of the stakeholders should cover various stages in the life of an OSBP, from project preparation to post implementation, and include planning (project identification and project preparation), implementation (e.g., design and construction/upgrading), operations, and post implementation (e.g., evaluations).

6.9 Financing of the Operations of the Institutional Bodies

Generally, to the extent feasible, all stakeholders should bear the cost of their own representative delegations (e.g., for travel, per diem) and substantive inputs (e.g., possible expert research and reporting). Any common costs (e.g., meeting room expenses) should be borne by the lead ministry/department/agency. In the case of bilateral steering committees and border committees, such expenses may be shared between the adjoining countries as provided for in the border post facility management agreement or (more simply) through the rotation of meeting venues. As a practical matter, the financing of the institutional bodies (Step 7 may need to be decided at the same time as determining the functioning of the bodies (Step 4), because they will face difficulty without sufficient budget.

6.10 Work Plans

The work plan for a concrete OSBP may depend on variables such as:

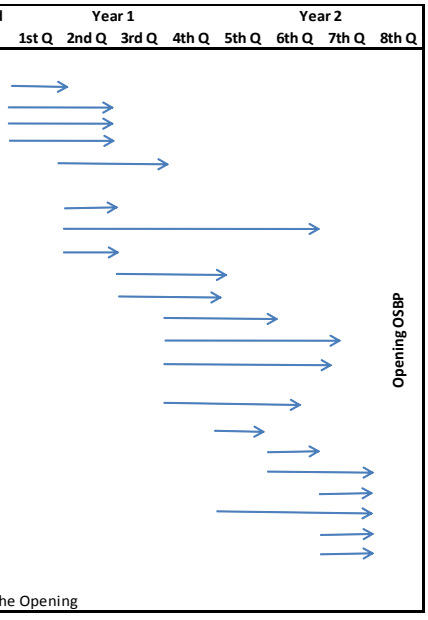
(i) the legislative/regulatory context, which differs by region and countries;
(ii) the availability or not of an existing institutional framework;
(iii) the type of border post configuration and the status and management format of the common control zone;
(iv) the type of joint control/inspection modality (e.g., simultaneous, joint, delegation of authority, single window, single border agency approach); and
(v) the stage of border post infrastructure and equipment installation (e.g., greenfield project, upgrading project, operational border crossing).

Figure 6-2 presents an example (generic) work plan for establishing an OSBP. It suggests times at which activities should commence to reach completion by the time of completion of the construction of the physical facilities. Figure 6-3 presents a sample work plan developed for the Mamuno (Botswana) / Trans Kalahari (Namibia) OSBP along the Trans Kalahari Corridor in Southern Africa. Figures 6-4 and 6-5 present the implementation timelines for the ongoing operationalization of the Namanga (Kenya/Tanzania) and Rusumo (Rwanda/Tanzania) OSBPs, respectively.[17]

[17] The work plans shown here were selected to show not only construction of OSBPs but also operationalization through development and implementation of procedures.

Figure 6-2: Example Work Plan

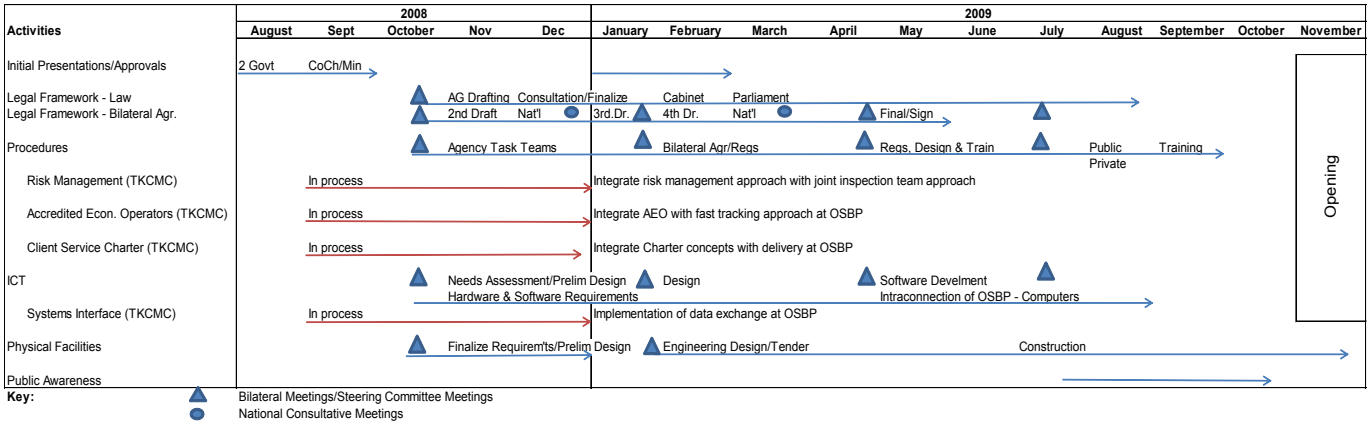
Task #	Activities Clustered by type	National entities, Process	Start Period
Initial Activities			
1-1	Finalize Work Plan	Steering Committee	Q1
1-2	Conduct base line survey	Consultant	Q1
1-2	Monitor ICT connectivity design/installation	Steering Committee (on-going)	Q1
1-3	Review regional initiatives for programs to integrate	Consultant	Q1
1-4	Initiate national OSBP law, if necessary	EAC and UEMOA have regional laws*	Q2
Preparation Activities			
2-1	Decision to limit agencies at border	Steering Committee (SC)	Q2
2-2	Simplification/harmonization of procedures	Integrate and apply initiatives underway	Q2
2-3	Finalize border post designs by function and tender	all agencies, Consultant	Q2
2-4	Negotiate and sign bilateral agreement	all concerned parties	Q3
2-5	Immigration IT systems fully implemented	Immig Departments, IOM	Q3
2-6	Establish preclearance, prepayment, AEO, etc	Revenue authorities, apply initiatives underway	Q4
2-7	Integrated border management, as appropriate	all agencies, apply initiatives underway	Q4
2-8	Roll out border information system, if available	all agencies, apply initiatives underway	Q4
Final Preparation and Transition			
3-1	Cross border harmonization of procedures	all agencies	Q4
3-2	Planning staffing and transition	all agencies	Q5
3-3	Complete ICT systems training	all concerned parties	Q6
3-4	OSBP operations training - public sector	all agencies	Q6-7
3-5	OSBP operations training - private sector	clearing agents and transporters	Q7
3-6	OSBP Public awareness programs	general public	Q5-7
3-7	Finalize/install signage roads & terminals	Ministry Works & Transport	Q7
3-8	Set up management institutions	all agencies	Q7
Monitoring Operations			
4-1	Monitoring and continuous improvement measures	all agencies	Following the Opening



* assumes that EAC OSBP Act will be enacted by the time of border post opening.

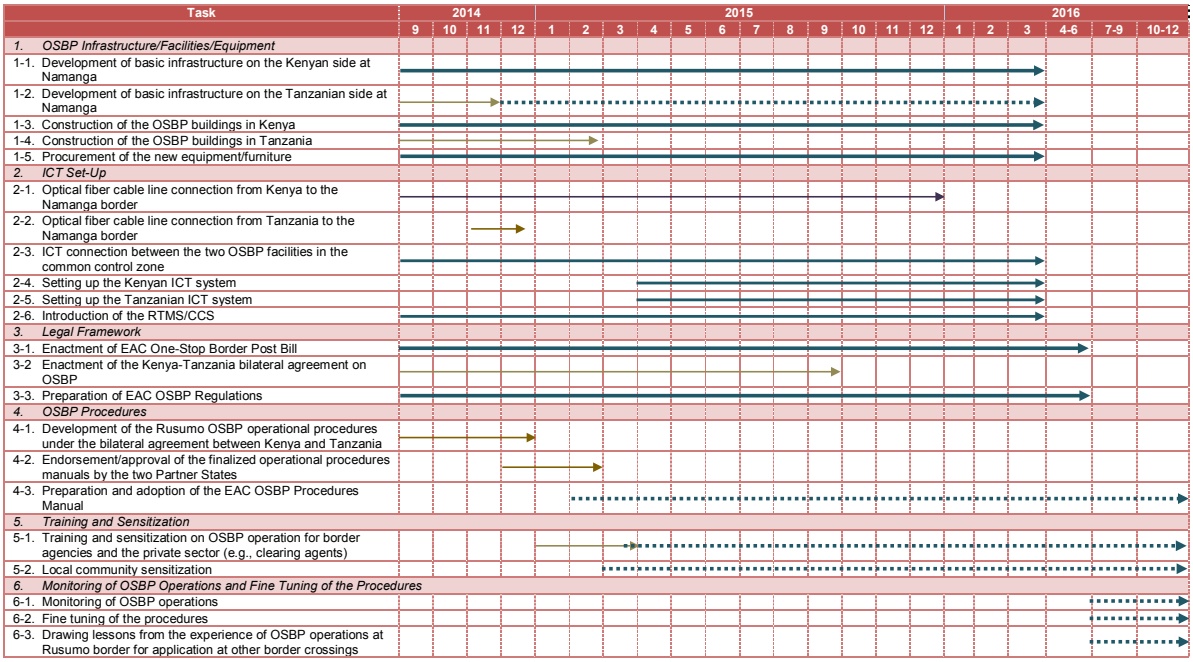
Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 27

Figure 6-3: Work Plan for the Mamuno (Botswana) / Trans Kalahari (Namibia) OSBP



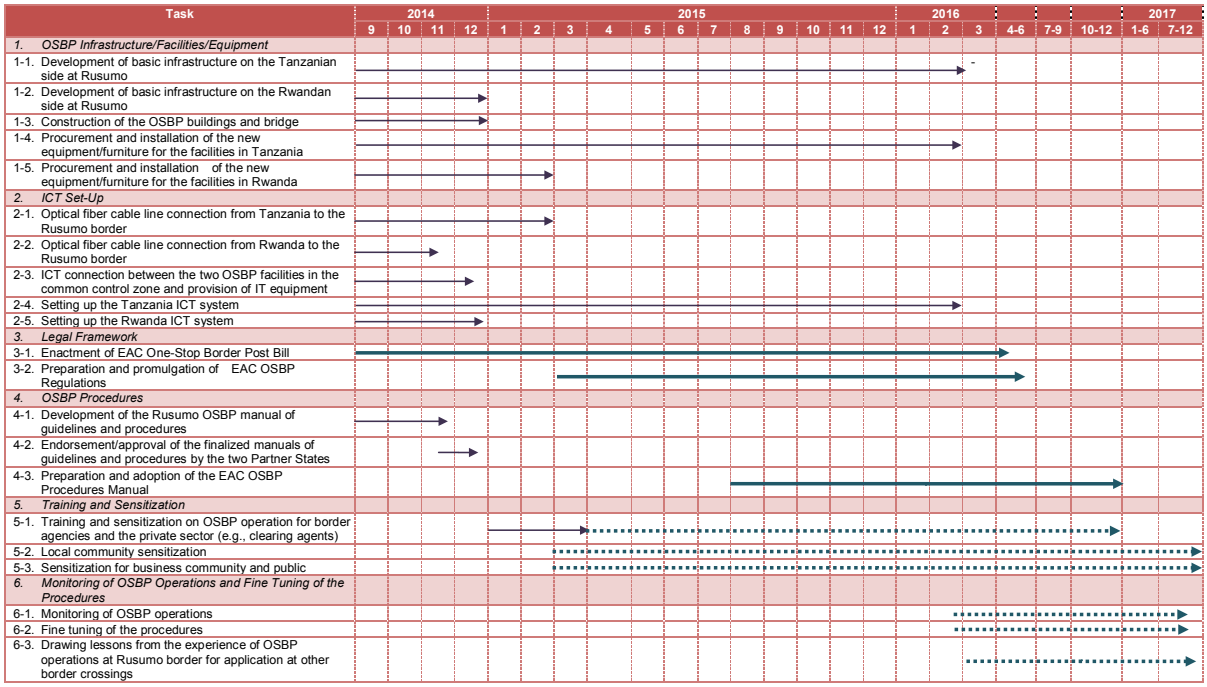
Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 27

Figure 6-4: Implementation Timeline for the Namanga (Kenya/Tanzania) OSBP



Source: Component for OSBP Operationalization, JICA Project on Capacity Development for International Trade Facilitation in the Eastern African Region, 2015

Figure 6-5: Implementation Timeline for the Rusumo (Rwanda/Tanzania) OSBP



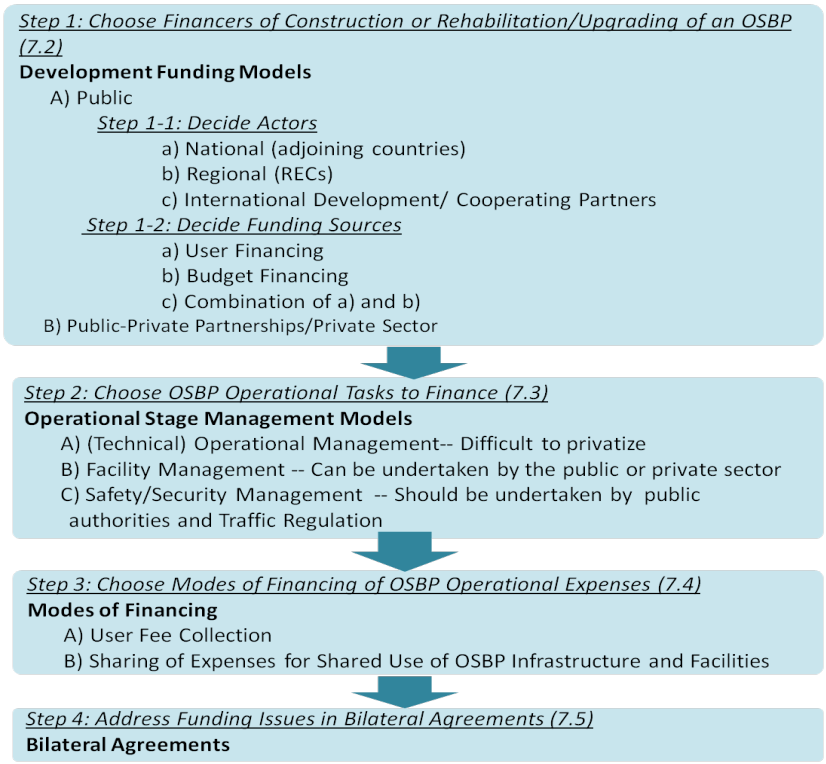
Source: Component for OSBP Operationalization, JICA Project on Capacity Development for International Trade Facilitation in the Eastern African Region, 2015

Chapter 7
OSBP Funding and Management Models

7.1 Process of Choosing Different Funding and Management Models for Introducing and Operationalizing OSBPs

This chapter presents factors to assess various OSBP funding and management models to select the most suitable option based on the prevailing circumstances. Two stages are distinguished: (i) the funding phase to finance the introduction of the OSBP and (ii) the operational phase to manage the functioning of the OSBP. Drawing on the experience of airport and seaport management by the private sector, choices concerning private sector participation in an OSBP project can be made based on financial metrics (e.g., net present value, financial, rate of return), which may be calculated based on capital expenditures, operating expenditures, border crossing fees and levies, and additional revenues (e.g., parking fees, property development, visitor/business services).[1] Figure 7-1 schematically illustrates the process of choosing different funding and management models for introducing and operationalizing OSBPs, with references to various sections of this chapter.

Figure 7-1: Process of Choosing Different Funding and Management Models for Introducing and Operationalizing OSBPs



Source: This Sourcebook

[1] An example of such an analysis is summarized in subsection 13.4.3(2) with respect to the Mfum Joint Border Post serving Nigeria and Cameroon and wholly located on Nigerian territory [drawing on PADECO Co., Ltd., *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu–Bamenda Corridor, Business Plan for the Mfum Joint Border Post, version 1*, prepared for ECOWAS and the African Development Bank, June 2013].

7.2 Development Funding Models (Construction/ Rehabilitation)

7.2.1 Overview

The possible sources, approaches, and modalities to finance the construction or rehabilitation/ upgrading of an OSBP are discussed in this section, and the pros and cons of the options are assessed.

Funding sources and modalities can be public, private, or public-private. In some funding approaches the initial financing in the development stage cannot be dissociated from the management or operational stage, e.g., when the operational income is earmarked for repayment of the investment expense in the case of a public-private partnership model.

7.2.2 Public

(1) Financer(s)

The financer may depend on the physical infrastructure configuration of an OSBP. As explained in Section 1.3, OSBPs may be developed according to a juxtaposed model (i.e., with split facilities each on the national territory of the respective adjoining countries), a single country model (i.e., common facility entirely in the territory of one of the adjoining countries), or a model in which the facilities straddle the border.

Financing may be national, regional (from a regional economic community or REC), and/or from international development/cooperating partner(s):

(i) **National (adjoining countries):** A sovereign state will normally only finance infrastructure located in its national territory.

(ii) **Regional (RECs):** In case of an OSBP facility located entirely in the territory of one of the adjoining countries, a supranational (i.e., regional) entity such as a REC may also act as a direct investor by acquiring the (private) property of the border post compound and funding the investment expense of the infrastructure, e.g., as the Union Economique et Monétaire Ouest-africaine (UEMOA, West African Economic and Monetary Union) did in the case and the Cinkansé border post – see Section 13.3).

(iii) **International Development/Cooperating Partners:** Grants from donors and/or loans from international development financial institutions, multilateral and/or bilateral, may offer funding. Box 7-1 presents the generally positive support received from multiple international development partners in the case of the Chirundu OSBP. However, as considered in Box 7-2, multi-donor involvement may present challenges.

(iv) **Hybrid or Combination Approaches**: The sources listed in (i) to (iii) in the preceding paragraphs may be combined. For example, a grant and/or loan may finance part of the project, which may be matched by a national contribution from the beneficiary country. However, combinations of different funding types (e.g., a loan and grant) may present complications, e.g., regarding the setting of tolls for the use of jointly operated infrastructure. Consider, for example, the case of the Trans-Gambia Road Bridge and Cross-Border Improvement Project, which involves a loan for Senegal and a grant for Gambia, both from the African Development Bank. On the other hand, a grant

(generally available when the beneficiary has least developed country status) as opposed to a loan may create an incentive for a government to move forward in cases in which there is no local or national demand/priority, but perhaps benefit to the region as a whole. The consequences of mixed financing should be well assessed in advance.

Box 7-1: Role of International Development/Cooperating Partners in the Chirundu OSBP

Chirundu proved to be an example of positive support from international development/cooperating partners in the development of OSBPs, with the partners offering expertise and financing some of the investments in physical facilities. Coordination of the activities of the three international development partners supporting the operationalization of the Chirundu OSBP proved generally successful. However, while having a project manager funded outside of existing agency structures was helpful, it tended to remove responsibility from the agencies that would ultimately need to be in charge. One suitable task for the international development partners is carrying out an evaluation to assess the effectiveness of the OSBP and formulate OSBP performance indicators, which may be communicated to the general public as part of an OSBP client charter.

Source: Subsection 13.2.3(12) of this Sourcebook (drawing on Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 110)

Box 7-2: Challenges of Coordinating the Inputs of Multiple International Development/Cooperating Partners

Multi-donor involvement in an OSBP project may create special challenges. While different development partners pursue the same ultimate goals, complications and delays can be caused by different standards, e.g., in environmental protection, in governance, and in procurement rules. In the Trans-Gambia Road Bridge and Cross-Border Improvement Project, involving Gambia and Senegal and including the development of an OSBP, the multiplicity of development partners involved without a formal consultative structure resulted in multi-layered decision-making. In such cases, parallel financing of clearly carved out parts of a project instead of co-financing can avoid problems, although it is not a panacea.

The coordination between/among different donors is in principle the task of the beneficiary country or countries, which hold(s) all the necessary information, but the task often proves challenging or even daunting. The senior partner in the financing, usually the funding agency bearing the largest part of the funding, may then to play a proactive role in this respect.

Source: PADECO Co., Ltd., *Lessons Learnt from African Development Bank Cross-Border Trade-Related Infrastructure Projects: The Way Forw*ard, prepared for the African Development Bank, September 2012

The involvement of a strong funding promoter, familiar with the countries and the sector, can help generate funding. In order to close the financing gap, as lead financier, an international development partner can play this role of facilitator of resource mobilization, but also specialized organizations and consultative bodies may have an important role to play in this respect. A REC may fulfill the catalyst function and offer the required leverage for the successful completion and implementation of a project.[2]

[2] See, e.g., African Development Bank, *Multinational (Zambia-Botswana) Kazungula Bridge Project (SADC North – South Transport Corridor Improvement, Memorandum to the Board of Directors*, adf/bd/wp/2011/131, 17 November 2011, containing the project appraisal report, October 2011, p. v.

(2) Funding Sources

(a) User Financing

User charges may be applied to fund capital investments including construction. This funding source will be linked to the management or operational stage, since the income from operation is to help pay back the costs of the capital investment (e.g., from loan or budget).

Some are of the view that user fees should not be charged for border crossing (at least not for development funding expenses), which should be considered a "public good",[3] leading to an increase in trade and overall economic activity. In that sense, income from trade- and transport-related levies (e.g., fuel taxes, vehicle registration fees) may help cover the expenditures required for constructing an OSBP. If user charges are levied, an issue is whether the revenue should be earmarked; the advantages and drawbacks of this approach are discussed below.

(b) Budget Financing

The construction of an OSBP may be financed through a country's general budget (i.e., tax revenues) and indeed this is often the best option. For example, budget financing (i.e., public funding) may be indicated in the case of prospective OSBPs that are not financially viable (i.e., revenues from operation will not cover the costs of operation), but which may be economically viable (i.e., by considering the benefits to society and the economy in relation to capital and operating costs, over the project's useful life).

(c) Combinations

User financing and budget financing may be combined with only part of the investment cost recovered through user charges and part through tax revenues. If budgetary financing is insufficient to cover the investment cost of an OSBP, a loan may bridge the expenditure-revenue gap, with repayment through user fees.

7.2.3 Public-Private Partnerships / Private Sector Involvement

Given the resource constraints facing the public sector in Africa, alternative funding sources may need to be explored. There is considerable scope for the private sector to play an important role in the financing of cross-border infrastructure including OSBPs. The private sector can bring additional financial and technical resources for this purpose. It can undertake commercially viable investments in cross-border infrastructure when risk profiles are acceptable.

With respect to financial viability, user charges must consider "willingness to pay", which will be determined by the level of the benefit that users receive from project. Benefits from an OSBP project may include time savings and vehicle operating savings. Also, user charges should be set at a level sufficiently high for recovery of project costs during the period of operation. This lesson may be drawn from the case study of the Cinkansé Joint Border Post (JBP/OSBP), summarized in Box 7-3.

[3] Strictly speaking, a public good is a good that one can consume without reducing its availability to another individual and from which no one is excluded (i.e., it is non-rivalrous and non-excludable). More accurately, a border crossing may be referred to as a publically provided good.

Box 7-3: Issue of High User Charges Levied at the Cinkansé JBP (OSBP)

While it is important to involve the private sector in JBP design, the concessioning of the border post infrastructure at Cinkansé has had negative trade facilitation impacts. While private investment entails a need to recover investment from the funded facilities at a profit, trade facilitation aims at reducing the costs associated with crossing borders. An optimum balance could be achieved if the charge levied for utilization of the private sector facilities is lower than the benefits to users from efficiencies and time reduction resulting from the use of the facilities. However, at Cinkansé the administrative charges for use of the JBP range from XOF [FCFA] 25,000-50,000 (USD 40-80 equivalent) although this was reduced from the original charges.

Source: Subsection 13.3.(4) (drawing from JICA and TradeMark Southern Africa, *Tripartite (COMESA, EAC and SADC) Regional OSBP Workshop*, 26–27 October 2011, pp. 14–15)

In cases where the repayment of the capital investment in the OSBP is to be realized through revenues from its operation, the private sector funding model is linked to the management stage of the OSBP on the basis of a concession contract.

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The private sector entity (a single company or a consortium) may earn a return on its capital investment from: (i) rent paid by the public authority combined with a service fee if the entity is also charged with the operational management of the facility; and (ii) an authorization to charge user fees to cover both the repayment of the capital investment and the cost of the operational management of the facility. The concession contract should be transparent and provide a clear and express stipulation regarding the maximum permissible user fee, which is a critical measure to protect users. Also, the OSBP facilitation effect should exceed the cost to users.[4]

Reliance on the private sector is potentially beneficial not only for investment in infrastructure, but also for maintenance of the infrastructure and facilities. As will be discussed below, in the case of an OSBP, because of the specialization of the tasks (e.g., customs, immigration, and quarantine inspections) and the sovereignty aspects involved, the private sector entity will not be charged with the technical operation of the OSBP, but with management of the facility (e.g., maintenance).

A public capital subsidy in the form of a one-time grant is a possible approach to make an OSBP project more attractive to private investors. In some other cases, the government may support a project by providing revenue subsidies, including tax incentives

A number of possible variants of private funding of OSBPs through public-private partnerships (PPPs) can be identified, as listed in Box 7-4. Figure 7-2 presents the relationship between a project's financial viability and PPP models that may be considered. In assessing relevant PPP options, it is important to consider decision-making variables influencing the PPP structuring, including governmental objective, legal/regulatory constraints, market appetite (a project involving two national jurisdictions may be perceived as challenging or even daunting by potential bidders), complexity, and revenue-earning potential; Figure 7-3 presents these variables schematically, while the analysis in the Mfum Joint Border Post case study in Section 13.4 provides more details. As an example (regional) legal instrument governing OSBPs through PPPs, one may refer to UEMOA Regulation No. 15.

[4] Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7–8 March 2016, Annex 3, p. 4.

Box 7-4: Possible Variants of Private Funding of OSBPs through PPPs

(i) EPC + O&M contract: the public sector (government and/or REC) under a separate engineering procurement contract (EPC) contract for the design and build phase, and then tender out a separate O&M contract

(ii) DBOM (Design, Build, Operate, and Maintain): one private sector company assumes responsibility for all of these activities

(iii) DBFOM (Design, Build, Finance, Operate, and Maintain): comprises (ii) above, but in addition the private sector company finances capital expenditures

(iv) BOOT (Build, Own, Operate, and Transfer): a private sector company finances and builds the facility, operates the facility under a concession contract, and then transfers the facility to the public authority at the end of the concession period

(v) BOO (Build, Own, and Operate): a private sector company finances, builds, and retains ownership of the facility in perpetuity

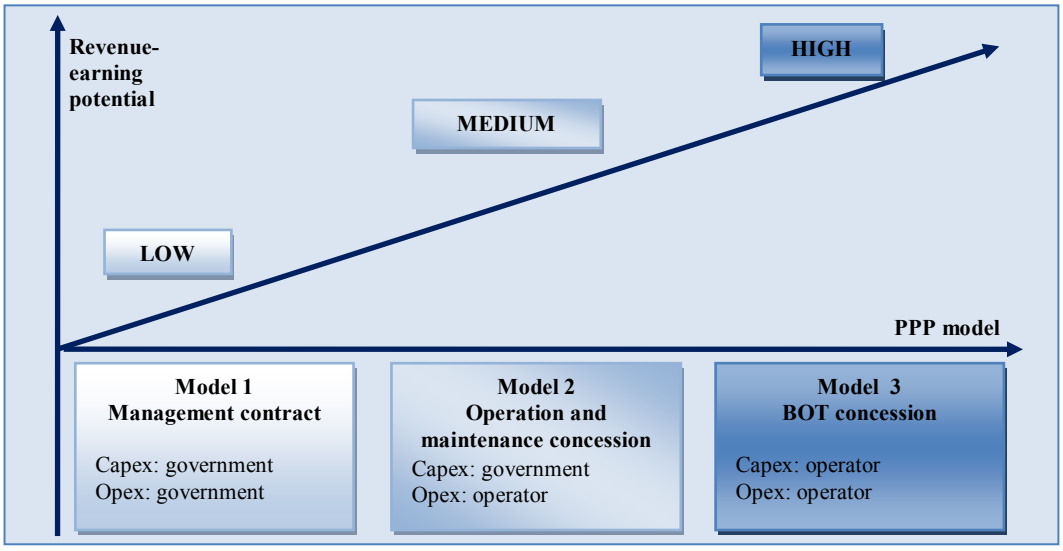
(vi) BLT (Build, Lease, and Transfer): a private sector company finances, builds, and leases the facility to the public authority and then transfers the facility to the public authority at the end of the lease period

(vii) ROOT (Rehabilitate-Own-Operate-Transfer): is a variant of BOOT referring to rehabilitation or transformation of an existing facility

(viii) ROO (Rehabilitate-Own-Operate): similarly a variant of BOO

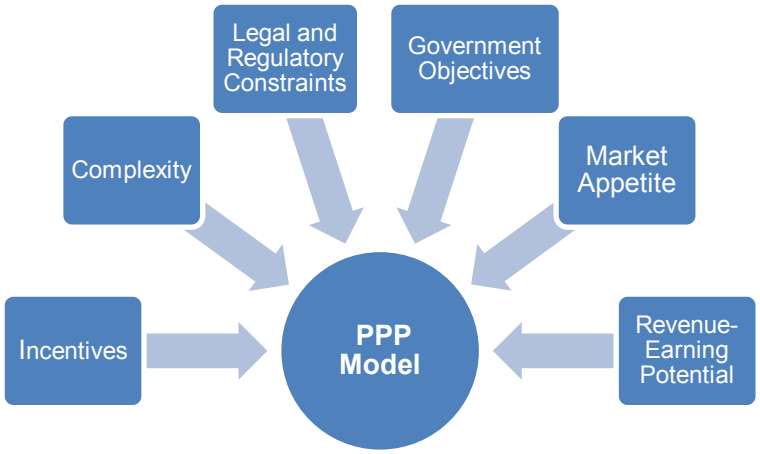
Note: Variants (i) to (iii) are considered in the case study of the Mfum (Nigeria/Cameroon) Joint Border Post, presented in Section 13.4.
Source: This Sourcebook

Figure 7-2: PPP Models and Revenue-Earning Potential



Abbreviations: BOT = build-operate-transfer, capex = capital expenditures, opex = operating expenditures, PPP = public-private partnership
Source: Section 13.4 [drawing on PADECO Co., Ltd., *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu-Bamenda Corridor, Business Plan for the Mfum Joint Border Post, version 1*, prepared for ECOWAS and the African Development Bank, June 2013), p. 16]

Figure 7-3: Decision-Making Variables for PPP Structuring



Source: PADECO Co., Ltd., Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu-Bamenda Corridor, Business Plan for the Mfum Joint Border Post, version 1, prepared for ECOWAS and the African Development Bank, June 2013, p. 18

The participation of the private sector in the funding and management of infrastructure requires an appropriate environment, which may include investment incentives, including tax incentives; duty exemptions; and permission to repatriate the proceeds of investments, including profits, dividends, principal, and interest payments to private investors.[5]

Public-private cooperation for the development of OSBPs may also take the form of special purpose vehicles (SPVs) with mixed equity, providing the framework for hybrid public-private co-funding and co-management of the OSBP.

7.3 Operational Stage Management Models

7.3.1 Overview

Three main categories of tasks in the operation of an OSBP can be distinguished as (i) (technical) operational management, (ii) facility management, and (iii) safety/security management and traffic regulation. Different actors are called on to perform the respective tasks.

7.3.2 (Technical) Operational Management

The technical operational management of the OSBP relates to the implementation of the one-stop system and should be distinguished from facility management of the site, premises, and compound where the OSBP procedures are applied.

Border operational management relates to the core activity of border crossing clearance, i.e., the inspection and control by border control agencies in their respective fields of responsibility. It would be difficult, if not impossible, to privatize those public functions.

Traditionally, the following border crossing clearance functions are carried out, although there will not necessarily be total symmetry between adjoining country pairs[6]:

[5] It is recommended that countries improve their investment climate by providing attractive incentives to attract private sector participation. The financial and judicial environment should be improved as part of a general enabling environment.

[6] E.g., at Chirundu, as indicated in subsections 6.4.6, 8.4.7, and 13.2.3(8), Zambia has more agencies at the border than does Zimbabwe (e.g., 12 vs. 7 involved in border clearance). On the other hand, while it is desirable to

(i) Health (human, phytosanitary, and veterinary);
(ii) Security (police);
(iii) Immigration;
(iv) Customs (Revenue); and
(v) Others (e.g., transport, trade, standards).[7]

The full benefits of an OSBP are achieved only if there is a genuine single-stop operation and not a mere sequential "almost" or "quasi" single-stop operation. In order to maximize the efficiency gains from operationalizing an OSBP, a single-window system must be applied, i.e., the respective border clearance agencies must perform their inspection, control, and clearance operations together and simultaneously. The goal of this system can be achieved and even exceeded under a single border agency, in which the respective border clearance functions are integrated/merged into a single body.[8]

7.3.3 Facility Management

(1) Overview

Facility management of the site where border crossing clearance activities take place includes the provision of utilities as well as cleaning, maintenance, and repair of the OSBP infrastructure, facilities, and equipment. This facility management task may be undertaken by a public body or it may be outsourced to the private sector; also a special purpose vehicle may be created.

(2) Public Body

The pros and cons of assigning different public bodies with responsibility for the facility management of OSBPs are presented in Table 7-1.

Table 7-1: Pros and Cons of Assigning Different Public Bodies with Responsibility for the Facility Management of OSBPs

Public Body	Pros	Cons
Lead agency at the border	It is familiar with the specific requirements, it is hands-on, and it can quickly react	It may be too "bureaucratic", it has no expertise in facility management, and it should focus on its operational tasks
Host country ministry of works	It has general expertise in facility management	It has no specific expertise in border post requirements and due to distance from the border it may require a long lead time to react
Parastatal specially created for the purpose of facility management	Solely focused on providing logistics for border agencies, has strong political support for the role	It may be too "bureaucratic" and the work may be insufficient for permanent activity of the parastatal

Note: In the case of an OSBP located entirely in the territory of one of the adjoining countries and owned and by a REC, the REC may also take care of the facility management; however, RECs are policy and legislative bodies – they do not have the tradition or expertise in facility management of border posts.
Source: This Sourcebook

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harmonize different aspects, the number of agencies at the border should arguably be determined by national requirements.

[7] Private sector facilitation agents are also found at the border.

[8] As noted in Section 6.2.3, one example is the Department of Homeland Security in the United States. Along these lines there is a recent proposal in South Africa to establish a single Border Management Agency (Bill 39058, gazetted on 6 August 2015). Proponents consider that a single agency for border law enforcement will provide for more cost-effective services, enhanced security, and better management of the border environment; in addition to pointing to the daunting nature of the task for a single agency to manage the diverse requirements of border control at the country's 72 designated ports of entry, opponents argue that the proposal would contravene the Constitution of South Africa, which provides for a single entity to perform policing and defense functions. "Controversial BMA Bill Introduced into Parliament", *ftwOnline*, 1 October 2015.

(3) Outsourcing to a Private Firm

As opposed to the technical clearance operations, the facility management of an OSBP may be outsourced to a private contractor on the basis of a facility services contract or on the basis of a concession contract. The cost of this approach should be weighed against the expertise and efficiency of the private sector in this field. Facility management is usually not a core area of expertise for border clearance agencies. Box 7-5 presents indicative responsibilities of a concessionaire for facility management of an OSBP. Innovative revenue sources such as advertising may be explored.

(4) Other Public-Private Partnerships

A special purpose vehicle (a semi-public body) may also be considered for facility management of an OSBP. It may offer a functional solution for cases where the expense of facility management of the OSBP is to be shared by adjoining country pairs. However, if it is supranational, its legal structure may be complicated.

7.3.4 Safety/Security Management and Traffic Regulation

The functions of maintaining safety and security (law and order) and assuring traffic regulation in the common control zone of an OSBP are national sovereign prerogatives of the host country (i.e., under the police authority). Therefore, they are in principle not suitable for (i) transfer/ delegation to the officers of the adjoining country, or (ii) privatization via outsourcing to a private security company. These functions should be performed by the naturally competent public authorities.

Box 7-5: Indicative Responsibilities of a Concessionaire for Facility Management of an OSBP

- Formulation and execution of a plan to smoothly transfer existing border arrangements and operations to the JBP
- Ensuring that all materials, equipment, machinery, and the like installed and/or used at the JBP (e.g., for the construction or repair of the JBP) are of sound quality, and that all workmanship is in accordance with applicable good industry practice
- Maintenance of the facility, including power supply (and electrical power standbys), and lighting
- Cleaning, heating, lighting, and air conditioning of public areas
- Regular inspections of facilities, the grounds, and equipment, and formulation of recommendations for upgrading
- Coordination of the opening and closing of portions of the JBP
- Maintenance of housing (if appropriate) and transport to the facility
- Allocation of passes for concession staff and enforcement of authorized users
- Operation and maintenance of emergency services
- Ensuring that access roads are maintained and kept clear of obstruction
- Ensuring that alarm systems are properly installed and maintained and suitable contingency arrangements are in place at the JBP to deal with the following events:
  - removal of broke down vehicles from the access roads
  - threats to the JBP facility
  - accidents in and around the vicinity of the JBP
  - outbreak of fires at the JBP
  - natural calamities and disasters
  - staff strikes or disturbances at the JBP

  - unlawful interference with activities of the JBP
- Implementation of quality control methods and cross-country awareness
- Collection of statistical data for performance assessments
- Arrangement of environmental audits
- Advice on further possible concessions within the scope of the subject JBP in order to create benefits from improved operations and/or increased revenues

Sources: (i) PADECO Co., Ltd., *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu–Bamenda Corridor, Business Plan for the Mfum Joint Border Post, version 1*, prepared for ECOWAS and the African Development Bank, June 2013, p. 20; and (ii) PADECO Co., Ltd., *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu–Bamenda Corridor, Revised Terms of Reference,* prepared for ECOWAS and the African Development Bank, September 2011, pp. 14–15

7.4 Modes of Financing

7.4.1 User Fees

The collection of earmarked user fees for the financing of the OSBP operational expenses (maintenance, repair, utilities) offers the advantage of dedicated revenues. Thus, the OSBP may become self-sustainable. However, this mode of financing assumes that there will be sufficient traffic to generate the required revenue, which may not necessarily be the case.

A consideration is the users' willingness to pay for the services, which may relate to the perceived added value of the OSBP (e.g., time savings). This is especially relevant when the user has a choice between alternative service points (border crossing posts), with and without the fee(s).[9]

It has been suggested that while user fees are may be acceptable for operational expenses, they should be kept as low as possible by limiting operating expenditures, regulating and monitoring tariffs in concessions, and if necessary providing subsidies when users have no alternatives.

An analogy of border crossing fees with airport fees is sometimes made, but the cases are different. The air traveler pays the airport fee for services that provide value (e.g., shelter, heating, cooling, lighting, seating, security, internal airport transportation, (dis)embarkation assistance, luggage handling), while border crossing clearance is for purposes related to the public interest but not necessarily for the direct interest of the traveler.

7.4.2 Treasury

Another approach is to finance the operation of the OSBP from the general national budget. In this case the financing of the OSBP operational expenses is not guaranteed when other national budget priorities prevail. Indeed, a challenge identified in the Chirundu case study presented in subsection 13.2.3(10) was the erratic disbursement or even non-disbursement of funds pledged for the project. On a number of occasions, agreed timelines were missed due to delayed financial inflows for planned activities such as the establishment of a common ICT platform.

On the other hand, public financing may subsidize the functioning of a financially non-profitable and therefore not self-sustainable (but perhaps economically viable OSBP). In such a

[9] In some cases, such as the Cinkansé JBP/OSBP, border fees have not been determined based on the perceived added value of the JBP/OSBP.

case, funds may be collected from non-earmarked specific OSBP user charges or from transport- and trade-related taxes such as road and fuel levies.

7.5 Bilateral Arrangements

7.5.1 Overview

Some issues related to OSBP operation are unique for country pairs. Therefore, they cannot be harmonized on the multilateral level, but must be addressed in bilateral arrangements.

7.5.2 User Fee Collection

Depending on the OSBP infrastructure configuration (i.e., juxtaposed, straddling, or single country) and the clearance modality (i.e., sequential, joint/simultaneous, unidirectional, by delegation), the collection procedure of user charges may differ. The competence (authority) and task of collection and the parameters and modality of distribution (e.g., a pooling or a reciprocal arrangement) between the adjoining country pairs must therefore be clearly stipulated in a bilateral instrument.

7.5.3 Sharing of Expenses for Shared Use of OSBP Infrastructure and Facilities

The quantification criteria and the compensation modality (e.g., set-off) of expenses related to the shared use of OSBP infrastructure and facilities (including control-related technical equipment, e.g., scanners, weighbridges, health testing devices, quarantine facilities) should be agreed by the adjoining countries in a bilateral instrument. Consider, for example, that the bilateral agreement for Chirundu OSBP provides for the sharing of utilities on a reciprocal basis. The EAC OSBP Act 2013 also provides for this arrangement. For the case of a single-country OSBP, Box 7-6 presents an extract from the procedures manual for the Ruhwa OSBP (serving Burundi and Rwanda) on the management of the OSBP property.

Box 7-6: Extract from the Procedures Manual for the Ruhwa OSBP on the Management of the OSBP Property

Chapter III: Ruhwa OSBP Property Management

Section 3: Operations and Maintenance Cost

3.1 Budget

The budget of the OSBP comes from consolidated budgets of both countries.

The operational committee prepares the estimated annual budget of the OSBP that they submit to the Joint Commission for assessment and approval. The latter submits it then to competent authorities of each country.

The currency used for the budget estimates is the American dollar.

Funds allocated will be deposited on a shared account in a bank agreed on by both countries.

3.2 Funds Use

Funds of the shared account will be used for following purposes:

1. Maintenance and repair of the shared property;

2. Payment of water and electricity bills of the administrative building, the warehouse, the weighbridge, the drinking water supply network and public lighting of the OSBP;
3. Buying fuel and maintenance of the generator;
4. Gardens maintenance;
5. Payment of the cleaning service of administrative buildings and the public area of the control zone;
6. Payment of insurance fees of the shared property; and
7. Any other expenditure authorized by the "Joint Commission".

Expenditure and funds disbursement are authorized by the Joint Commission.

3.3 Non Covered Expenses in Budget

The following expenses are excluded in Budget of the OSBP:

1. The costs of internet network exploitation; and
2. The costs of water and electricity consumption in staff quarters.

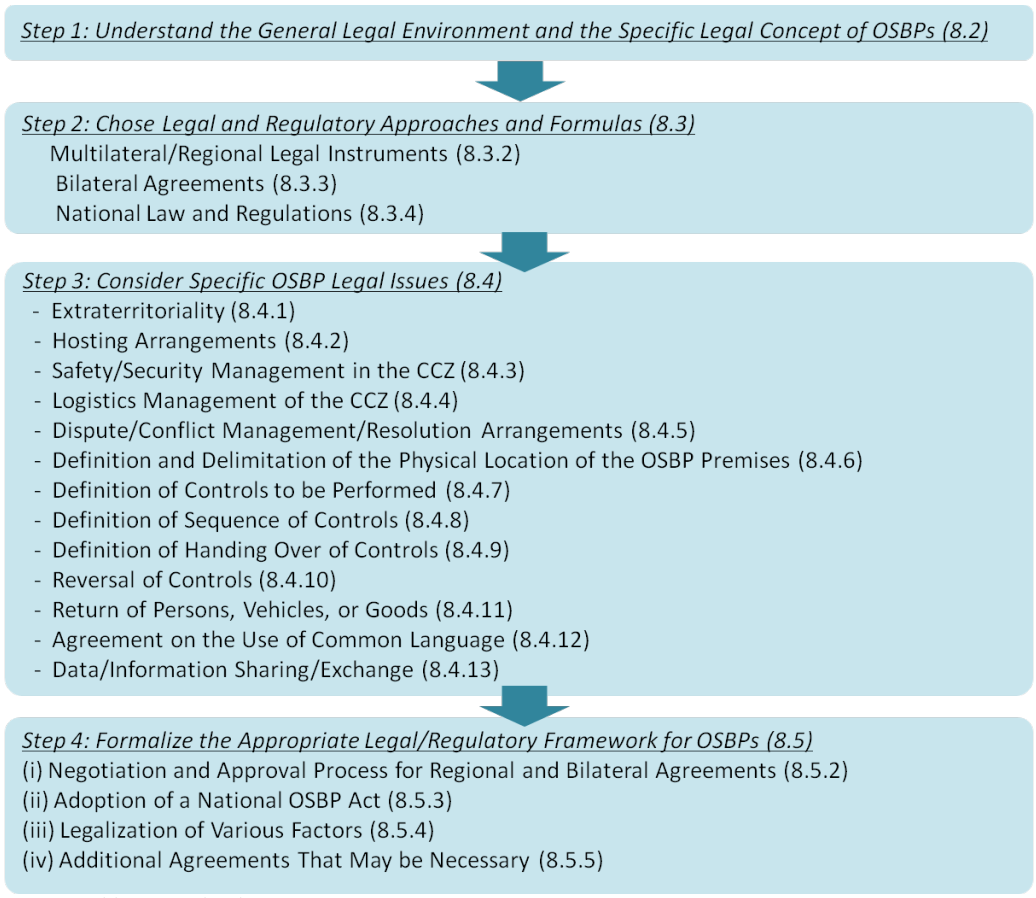
Source: Republic of Burundi and Republic of Rwanda, *Operational Procedure Manual for Ruhwa One Stop Border Post*, December 2014 [signed by Burundi on 15 December 2014 and by Rwanda on 18 December 2014]

Chapter 8
Legal and Regulatory Frameworks for OSBPs[1]

8.1 Process of Implementing Legal and Regulatory Frameworks for OSBPs

This chapter provides a road map for the establishment of legal and regulatory frameworks for the introduction and operationalization of OSBPs. Figure 8-1 summarizes the flow in broad terms.

Figure 8-1: Process of Implementing Institutional Frameworks for Operationalizing and OSBP



Source: This Sourcebook

[1] The OSBP legal/regulatory framework discussed in this chapter relates to the road transport mode. The chapter does not address the border crossing clearance regime for other modes of transport (e.g., railway, inland waterway), which may present substantially different characteristics.

8.2 The General Legal Environment and the Specific Legal Concept of OSBPs

8.2.1 The General Legal Environment

OSBPs need to rely on a well-functioning legal system, nationally and regionally. There must be law and order, a judiciary system, and access to justice,[2] concession and public procurement legislation (governing bidding and tendering), foreign exchange legislation, corporate law, competition law, criminal law, conflicts of laws, cross-border legal assistance, extradition, and treaties on the recognition and enforcement of court sentences and judgments, information exchange, and ICT compatibility. It is therefore not possible to put into place the entire national and regional legal and regulatory frameworks for the purpose of operationalizing OSBPs – only specific issues can be addressed.

Thus, there are some set or given parameters for the legal/regulatory framework of an OSBP that probably cannot be changed for the purpose of establishing the OSBP. These parameters may vary from country to country and from region to region and include the following:

(i) **The National Constitutional System:** The national constitutional system of the concerned countries may be monist or dualist. In a **monist** state, international law does not need to be "translated" or incorporated into national law but rather is simply incorporated and is effective automatically in national or domestic laws (at least to the extent the provisions of international law are sufficiently self-explanatory). The act of ratifying an international agreement incorporates that agreement into national/domestic law. In contrast, in **dualist** states, international law is not directly applicable domestically. Without "translation" or incorporation into national/domestic law, the terms of an international agreement are not part of the national/domestic law.[3] Generally in Africa, constitutions of former French colonies adhere to monism, while constitutions of former British colonies adhere to dualism.[4]

(ii) **The Regional Constitutional System:** The constitution (i.e., the primary law contained in the treaty that establishes the REC) of the region concerned determines the ease and speed of integration of regional secondary laws/regulations (i.e., laws/regulations produced by the REC) into the national bodies of law of the REC member countries (i.e., whether there is direct applicability of secondary regional laws and regulations or whether national legislative intervention is required). Direct applicability implies time savings through the avoidance of lengthy national legislative processes. With respect to the REC constitutional regimes, the EAC Treaty (1999) for example (indirectly) reaches the result of direct applicability, based on its Article 8, 4 and 5, which compels the member countries to adapt their national legal system to such an effect. In the revised ECOWAS Lagos Treaty (1975), there was a change as from 2007 to the effect of rendering Supplementary Acts to complete the Treaty binding on member states. From that date, ECOWAS Council and Commission Regulations have general application and all their provisions are enforceable and directly applicable in member states (ECOWAS Treaty, Articles 9,3 and 4, pursuant to the Supplementary Protocol a/sp.1/06/06 amending the Revised Lagos ECOWAS Treaty, 1975).

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[2] See, e.g., Article 4 of the Trade Facilitation Agreement of the WTO, on the right of appeal/review.
[3] See, e.g., David Sloss, "Domestic Application of Treaties", *Santa Clara Law Digital Commons*, 29 April 2014.
[4] Onyekachi Wisdom Ceazar Duru, *International Law Versus Municipal Law: A Case Study of Six African Countries; Three of Which are Monist and Three of Which Are Dualist*, September 2011, pp. 12, 19 [downloadable from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2142977].

8.2.2 The Specific Legal Concept of OSBPs

Border controls involve the performance of various functions by officers from different government organizations undertaken in terms of specific authority granted in a state's national laws. It is necessary that those functions of various officers and the powers they exercise be authorized in law as they potentially entail limitation or infringement of the rights of persons (natural or legal).[5] These functions are the expression of the sovereign power and therefore cannot be privatized.

The OSBP concept envisaged for any border post requires additional legal authority beyond that which is provided by current legislation for two reasons. First, it will entail the performance of border controls by various officers (the core activity) of one state in terms of its national laws extraterritorially in another state. Second, a legal mandate is required for hosting arrangements of that state's border control officers who will operate in terms of their own national laws within the territory of the other state.[6]

In addition, the legal framework should provide for the administration and management of safety and security functions including the general maintenance of law and order (as distinct from the core activity of border controls) at the OSBP to be established. However, these functions are also related to the exercise of sovereignty and therefore in principle must be performed by public authorities.

Facility management of the OSBP (e.g., repairs, maintenance, and the supply of utilities such as power and water) may be outsourced to the private sector, but requires an arrangement regarding the sharing of expenses between the adjoining countries, as discussed in subsection 7.5.3.

8.3 Legislative/Regulatory Approaches/Formulas

8.3.1 Overview

This section discusses the different ways to create a legal/regulatory framework for an OSBP. A mix of legislative/regulatory instruments may be required to set out the substantive provisions for the operationalization of an OSBP. The establishment of an OSBP may require legislative/regulatory intervention at the regional, national, and local levels. A balance between uniformity and specificity is required.

The following discussion considers the relative efficiency of the various approaches/formulas.

8.3.2 Multilateral/Regional Legal Instruments

Ideally, the operationalization of an OSBP should be pursued in accordance with multilateral/regional instruments promoting the single-stop border clearance procedure – accession to these instruments is recommended.

On the multilateral level, the WTO TFA includes provisions on border agency cooperation in particular through the establishment of "one stop border post control" (Article 8.2 (e)) and "single window" (Article 10.4).

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[5] In law, a natural person is a real human being, as opposed to a legal person, which may be a private organization (i.e., a business entity or nongovernmental organization) or a public (i.e., a government) organization.

[6] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 29.

At least an overarching regional legislative basis is recommended for common OSBP subject matter, i.e., subject matter that is the same and does not differ according to the country pairs or border crossings involved. Harmonization is an important facilitation factor. In addition, a regional approach can take into account the interests of third countries located along a transport corridor. Built on the regional legislation, national and local laws and regulations can be issued or adopted.

Concrete cases of such a regional approach include: (i) UEMOA Regulation No. 15/2009/CM/ UEMOA Portant Regime Juridique des Postes de Contrôle Juxtaposes aux Frontieres des Etats Membres de L'Union Economique et Monetaire Ouest Africaine; (ii) ECOWAS Supplementary Act/SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of the Economic Community of West African States, June, 2013; and (iii) the EAC One Stop Border Posts Act 2013 and EAC One Stop Border Posts Regulations 2013.[7] Table 8-1 compares and contrasts these pioneering regional OSBP legal and regulatory instruments. The other RECs in Africa do not (yet) have such well-developed legal and regulatory frameworks (see Appendix C).

Where the option is offered by the constitutional regime of a REC, secondary regional legislation, either directly applicable to the member states or not, is recommended because it harmonizes the OSBP legal framework to a large extent. Box 8-1 considers the relative merits of (i) a REC Act and Regulations (i.e., the EAC approach) and (ii) a REC Protocol and National Act/Regulations (e.g., an approach that would be appropriate for SADC and COMESA).

In the pan-African context, consultation between or among RECs is recommended so as to also allow for inter-regional OSBP frameworks. Regarding the case of an OSBP or JBP between members of different RECs, consider (i) the African Union (AU) objective of a Common African Market, (ii) the requirement of a model inter-REC legal instrument to address such a situation, and (iii) reference to examples (Cameroon/Nigeria between ECOWAS and ECCAS, covered in Section 13.4, and Tanzania/Zambia under the Tripartite Agreement).[8] The interregional legal instrument would contain provisions that are universal and common for all possible types of border crossings, however also providing to a certain extent standard frameworks for a number of variables based on (i) the type of configuration of the border post (i.e., juxtaposed, straddling, single country) and (ii) the modality of clearance control (joint/simultaneous, sequential, by delegation).

[7] These may be supported by additional legal instruments, e.g., (i) Regional Decision through Adoption of Joint Border Post Functionality Study in 2008, through Resolution No. 2 Relating to the Implementation of the Joint Border Posts Program of ECOWAS and UEMOA Member States; and (ii) Decision 08/2001 adopting financing model for construction of JBPs between UEMOA States. Decision 03/2004 modifying Article 3 of Decision 08/2001.

[8] (i) Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 4, pp. 3–4; and (ii) Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7–8 March 2016, Annex 3, p. 4.

Table 8-1: Comparison of Pioneering Regional OSBP Legal Instruments

Issue	Règlement No. 15/2009/CM/UEMOA Portant Régime Juridique des Postes de Contrôle Juxtaposés aux Frontières des États Membres de l'UEMOA	Supplementary Act /SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS	EAC One Stop Border Posts Act 2013 and EAC One Stop Border Posts Regulations 2015
Secondary regional legislation	Based on the primary law of the UEMOA Treaty (Article 42)	No, by way of primary law (Supplementary Act to the ECOWAS Treaty, Article 58)	Based on the primary law of EAC Treaty: Act by the Assembly (Article 49,1 + 62) and Regulations by the Council (Article 14, 3 (d) Treaty and Article 55 Act
Direct applicability in member states' legal order	Article 6 of the UEMOA Treaty	No: Article 89 of the ECOWAS Treaty	Through Article 8, 2 (b) + 8(4) + 14(5) EAC Treaty
Reliance on other integration/ facilitation instruments	- UEMOA Customs Code (Regulation No. 09/2001/CM/UEMOA) - UEMOA Vehicle Dimensions, Weight and Axle Load Harmonization (Regulation 14/2005/CM/UEMOA) - Décision No. 15/2005/CM/UEMOA du 16 Décembre 2005 portant modalités pratiques d'application du plan régional de contrôle sur les axes routiers inter-Etats de l'UEMOA	- Protocol A/P. 1/5/79 of 29th May 1979 as amended relating to Free Movement of Persons, Residence and Establishment - Convention A/P4/5/82 on inter-State Road Transit of Goods - Convention A/P5/5/82 of May 29 1982 for Mutual Administrative Assistance on Customs Matters - Protocol A/SP1/5/90 of May 30th, 1990 Establishing within the Community, a Guarantee Mechanism for Inter-State Road Transit of Goods Operations - Convention A/P. 1/7/92 of 29 July 1992 Relating to Mutual Assistance in Criminal Matters - Convention A/P. 1/8/94 of 06 August 1994 on Extradition - ECOWAS Decision A/DEC. 13/01/03 of January 31st, 2003 Relating to the Implementation of the Regional Road Transit Facilitation Program - Supplementary Act SP. 17/02/12 Relating to the Harmonization of Standards and Procedures for the Control of Dimensions, Weight and Axle Load of Goods Vehicles within Member States of ECOWAS	- EAC Community Customs Management Act, 31/12/2004 - Protocol on the Establishment of the EAC Customs Union, 2 March 2004 - EAC Customs Union (Rules of Origin) Rules, 2015 - Protocol on the Establishment of EAC Common Market, 20 November 2009 - The EAC Common Market (Free Movement of Persons) Regulations, Annex I, November 2009

Issue	Règlement No. 15/2009/CM/UEMOA Portant Régime Juridique des Postes de Contrôle Juxtaposés aux Frontières des États Membres de l'UEMOA	Supplementary Act /SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS	EAC One Stop Border Posts Act 2013 and EAC One Stop Border Posts Regulations 2015
Implemented/supplemented by: - bilateral agreements		Article 3 Act (also multilateral agreements) + Article 17 Act	Articles 4 + 18(2) + 30 Act and Article 6.2 + 7.3 + 8 + 9.5 + 10.2 + 11.2 + 42.4 Regulations
- executive regulation	Article 27 + 52 + 59 Regulation		Articles 16 + 55 Act
- national law			Article 11 Act
- manual/guidelines ("soft law")	Manuel de procédures (Article 27 Regulation)	Manual (Article 23,3 Act)	Manual (Article 16 Act and Article 13 + 14 + 42.3 Regulations)
- private sector contracts	Article 20 Regulation		No
- undefined		Articles 5(2) + 6 + 23 + 53(2) +54 Act	
Distinctive border post management functions acknowledged		Article 54 Act	
- logistics	Articles 4 + 20 Regulation	Article 35 Act	Article 36 Act and Articles 29-30 + 41 Regulations
- traffic control + safety	Articles 4 + 19 + 47 + 53 Regulation	Article 7 Act	Articles 9 + 15 Act and Articles 9 + 16 Regulations
- border control	Article 4 Regulation	Article 10 Act	Article 11 Act and Articles 10-13 Regulations
Outsourcing to private sector of:			Not foreseen
- facility management	Article 20 Regulation	Article 53 Act	
- control functions (weighing, scanning)	Articles 28 + 29 Regulation		
Financing of border post facility also via user fees	Article 11 Regulation	Not foreseen	Not foreseen
Joint use of control equipment	Article 29 Regulation	Article 12 Act	Article 14.2.2. d) Regulations

Issue	Règlement No. 15/2009/CM/UEMOA Portant Régime Juridique des Postes de Contrôle Juxtaposés aux Frontières des États Membres de l'UEMOA	Supplementary Act /SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS	EAC One Stop Border Posts Act 2013 and EAC One Stop Border Posts Regulations 2015
REC is border post owner + manager	Article 6 Regulation	Article 4 Act	Not foreseen
Border post configuration **- entirely in one country (single country)** **- straddled** **- juxtaposed** **- other arrangement**	Article 6 Regulation	Any of the configurations (Article 5 Act)	Any of the configurations (Article 5(2) Act and Article 6 Regulations)
Concepts acknowledged - **Control zone** - **Exclusive area**	 Article 14 Regulation Article 15 Regulation	 Article 7 Act Article 7 Act	 Article 5 Act Article 8 Act
Control modality: - Joint - "Quasi-simultaneous" (sequential entry after exit) - Reliance on inspection of adjoining country	 Article 23 Regulation 	 Article 12 Act Article 11 Act Article 17 Act	 Article 12 Act and Article 10.3 Regulations Article 6 + 12 + 13 Act and Article 10 Regulations Article 13(2) Act
Single window		Articles 15 + 17 Act (integration of border controls)	Article 16 Act and Article 13 Regulations
Return to exit country of refused/ withdrawn person/vehicle/good	Article 25 Regulation	Article 14 Act	Article 15 Act
Extraterritoriality - Legal fiction + jurisdiction	Article 31 Regulation Articles 32 + 40 + 44 Regulation	Article 18 Act Articles 10.3 + 22 Act	Article 11 Act Articles 11 + 18 + 23 Act and Article 20 Regulations

Issue	Règlement No. 15/2009/CM/UEMOA Portant Régime Juridique des Postes de Contrôle Juxtaposés aux Frontières des États Membres de l'UEMOA	Supplementary Act /SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS	EAC One Stop Border Posts Act 2013 and EAC One Stop Border Posts Regulations 2015
- Right of adjoining state **officials to operate in foreign OSBP country**	Article 37 Regulation	Articles 10.1 + 26 Act	Article 11 Act and Article 21 Regulations
- Right of communication with home country	Article 36 Regulation	Article 37 Act	Article 38 Act
- Right of arresting persons, seizing goods	Articles 33-34 Regulation	Articles 10.2 + 18 Act	Article 19 (3) Act
- Tax exemption for control equipment and monies	Article 35 Regulation	Articles 16 + 36 Act	Article 17 Act
- Adjoining state **officers** *** criminal immunity in host country**	Article 40 + 42 Regulation	Article 33 Act	Article 34 Act and Article 27 Regulations
* wearing of uniform	Article 38 Regulation	Article 28 Act	Article 29 Act) and Article 23 Regulations
* bearing of arms	Article 38 Regulation	Article 29 Act	No (Article 30 Act)
Institutional arrangements			
- REC level		Article 49 Act	Article 50 Act and Article 39 Regulations
- bilateral level		Article 50 Act	Article 40 Regulations
- national level			Article 40 Regulations
- local level	Article 21 + 58 Regulation		Article 41.4 Regulations
Lead agency function			Articles 4 + 41 Regulations
Contact person function		Article 30 Act	Article 31 Act
Complaints office function	Article 56 Regulation		Article 5.1.5 Regulations

Issue	Règlement No. 15/2009/CM/UEMOA Portant Régime Juridique des Postes de Contrôle Juxtaposés aux Frontières des États Membres de l'UEMOA	Supplementary Act /SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS	EAC One Stop Border Posts Act 2013 and EAC One Stop Border Posts Regulations 2015
Cooperation:			
- Assistance to adjoining state **officers:**	Articles 26 + 39 Regulation	Articles 25 + 31 Act	Articles 8 (2) + 16 + 32 Act
- Exchange/sharing of information	Article 29 Regulations	Article 12 Act	Article 31 Act and Article 28 Regulations
Status and position of facilitation agents	Article 45 Regulation	Articles 40-48 Act	Articles 41-49 Act and Articles 32-38 Regulations

Note: The issue is covered in the applicable legal text where the words "no" or "not foreseen" do not appear in the table.
Abbreviations: EAC = East African Community, ECOWAS = Economic Community of West African States, UEMOA = Union Economique et Monétaire Ouest-africaine (West African Economic and Monetary Union)
Sourcebook: Analysis of the respective legal instruments by this Sourcebook

Box 8-1: The Relative Merits of Two Specific Regional Approaches

(1) A REC Act and Regulations

This approach is most suited for RECs that have a regional legislative assembly that has a mandate to legislate for the REC and such legislation is binding on all countries within that grouping and, once ratified, has overriding effect on all domestic legislation to which its provisions apply. For example, this approach was by the EAC.

This framework entails the enactment of a REC Act on OSBPs defining the broad principles to be followed by the REC member states in implementing OSBPs at common border crossings. It should specifically establish the principles of extraterritorial jurisdiction of national laws and hosting arrangements and mandate appropriate REC structures to prepare Regulations covering the detailed operational and administrative parameters and procedures for such OSBPs. Variations to the framework to suit special REC circumstances could include a combination of the Act and Protocol or Act and individual bilateral agreements for each border post.

This framework provides a more expeditious and integrated approach to not only harnessing consensus between/among REC member states, but also easily gives legal effect to the provisions of the Act in the REC member states' jurisdictions. It is most suited to environments where there are existing policy decisions and supportive legislative instruments at the REC level mandating the establishment and implementation of OSBPs within the REC as was the case in East Africa. In addiiton, it is most likely to deal with implementation parameters and related issues with greater uniformity due to its prescriptive and binding nature notwithstanding that it could at the same time also be rigid and difficult to inform and refine through practical experiences during implementation.

(2) A REC Protocol and National Acts/ Regulations

This is an approach most suited for RECs that are structured in such a way that they do not have a regional legislative assembly that has a mandate to legislate for the REC and rely on multilateral arrangements such as protocols, treaties, MOUs, and the like, with binding effect on all the REC member states within that grouping once it is ratified. Such protocols ordinarily have no automatic overriding effect on all domestic legislation of a member state and have to be "domesticated" in order to have any legal effect. For example, this is the approach that would be appropriate for use in SADC and COMESA.

This framework envisages a REC Protocol defining the operational and administrative parameters and procedures for the OSBPs in the region together with individual enabling Acts passed in each of the REC member states establishing the principles of extraterritorial jurisdiction of national laws and hosting arrangements in all national border controls related legislation. It is a framework that also lends itself to variations with respect to the nature of the regional arrangements the REC member states want to commit to as outlined above.

While the framework ensures uniformity of approach at OSBPs in the region through the Protocol, it would be fragmented and cumbersome to procure requisite enabling laws in all the REC member states, especially within the same timeframe because of differences in the legislative and regulatory processes of the various member states.

Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 33–35

8.3.3 Bilateral Agreements

The approach of an MOU and National Act is recommended where two adjoining countries are involved and the focus is on establishing an OSBP at a particular border crossing. It entails the negotiation and conclusion between the two countries of a bilateral agreement in which the parameters of establishing such an OSBP are spelled out (Box 8-2 presents a model bilateral

agreement). It also requires that such arrangement be entrenched in the domestic laws of each country by way of an appropriate Act of Parliament with an overriding effect over all border control legislation so as to give legal effect to the provisions of the MOU and the principles of extraterritoriality and hosting arrangements.

It is not necessary that the bilateral arrangement be called an MOU. Some countries may prefer to call such agreements a Memorandum of Agreement (MOA) or any such other name as may be deemed appropriate. What is critical is that such a legal instrument should outline what are considered the key issues to be addressed (e.g., extraterritoriality and hosting arrangements; see subsections 8.4.1 and 8.4.2 for a discussion of these issues).[9]

Even when a regional legal regime is in place, for the unique characteristics and specific issues of particular border crossing points, the adjoining country pairs may need to conclude bilateral agreements. While it is theoretically possible, it is unrealistic to expect that these particularities can be addressed (or imposed) by regional legislation. In case disagreements between country pairs block the establishment of an OSBP, regional intervention can help overcome this hindrance. However, the creation of an OSBP without the full cooperation of the country pairs would prove difficult.

Box 8-2: Structure of an Example OSBP Bilateral Agreement

Preface

Article 1: Preliminary Issues
1.1 Citation and Commencement
1.2 Interpretation
1.3 Objectives of the Bilateral Agreement

Article 2: Administration
2.1 Appointment of Lead Agencies
2.2 Responsibilities of Lead Agencies
2.3 Powers of Lead Agencies
2.4 Accountability

Article 3: Control Zones
3.1 Configuration of OSBPs
3.2 Demarcation of OSBPs
3.3 Synchronized OSBP Opening and Closing Time
3.4 Traffic Control within OSBPs

Article 4: Conduct of Border Officials
4.1 Sequence of Controls
4.2 Exercise of Jurisdiction
4.3 Higher Levels of Trade Facilitation
4.4 Single Window Controls

Article 5: Application of Border Control Laws
5.1 Consistent Operating Procedures
5.2 ICT

Article 6: Application of Criminal Laws
6.1 Joint Security Operations
6.2 Hot Pursuit Operations

Article 7: Conduct of Officers
7.1 Access to Control Zones
7.2 Identity Badge Design
7.3 Wearing of Uniforms
7.4 Carrying of Arms in Control Zones

Article 8: Facilities
8.1 Provision of Facilities
8.2 Costs of Maintenance
8.3 Joint Use Equipment

Article 9: Conduct of Facilitation Agents
9.1 Access to Control Zones
9.2 Identification and Uniforms

Article 10: Institutional Arrangements
10.1 Bilateral OSBP Steering Committee
10.2 OSBP Management

Article 11: General Provisions
11.1 Temporary Measures
11.2 Force Majuere
11.3 Dispute Resolution
11.4 Amendments
11.5 Entry into Force
11.6 Limits of Liability
11.7 Confidentiality
11.8 Notices and addresses
11.9 Applicable Law

Annexure 1: Schedule of OSBPs between the Parties
Annexure 2: Schedule of Coordinates of each OSBP
Annexure 3: Border Security Operations Manual
Annexure 4: Items for Special Declaration on Entry into Control Zone
Annexure 5: Design of Official OSBP Identity Badge

Source: EAC Secretariat, *Model One Stop Border Posts Bilateral Agreement between Adjoining Partner States*, 2015

[9] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 33.

8.3.4 National Law and Regulations

Depending on the regional (i.e., REC) constitutional regime and on national constitutional law, after the adoption of regional legal instrument(s), the implementation (or integration or reception) into the national body of law of the respective signatory/member countries may be required. In addition to the issue of direct applicability, an issue that depends on the national legal system of the country concerned is whether after signature of a treaty by the country's representative the expressed consent needs to be confirmed (ratification), generally by an act of the country's parliament. These requirements are relevant since they affect the speed of the practical applicability of the regional law.

Border control laws and regulations in many or most countries are not suited for the control and regulation of the activities of an OSBP. Instead of amending these laws and regulations one by one, an all-encompassing, overriding legal instrument designed to give the current laws and regulations extraterritorial jurisdiction may be considered. Amending each and every border control act and regulation is likely to be too laborious and time-consuming considering that border-related acts are numerous (there may be more than 20 in some jurisdictions). It would take a long time to individually enact the changes through the legislature.[10] Box 8-3 sets out an approach for analyzing national border control laws and regulations.

Regarding legislative format, since border crossing matters are related to criminal and fiscal subject matters and other fields of public policy affecting the fundamental rights and freedoms of citizens, statutory law should regulate it by expressing principles. Regulations normally can only address detailed implementation measures, but not the main principles. However, this distinction between principles and details is flexible and there are no general criteria to distinguish them. In any case, if the executive authority receives a mandate from the legislator, it can also legislate, but subject to observance of the *ultra vires* prohibition, i.e., a lower-level norm cannot have any effect beyond the confines of its mandate by the higher norm, especially it cannot depart from an existing higher level norm without an express mandate. Regarding the sustainability of laws and regulations, Box 8-4 presents the distinction between "hard" and "soft" law.

Box 8-3: Approach for Analyzing National Border Legislation

The establishment of an OSBP in any country should be preceded by a comprehensive analysis of the border control legislation of that country, based on the following steps:

(1) Identification of Existing Border Control Laws and Regulations

The first step is to compile and analyze the country's border control laws and regulations. Typically, border controls are undertaken by various governmental departments and agencies that ordinarily fall into the following categories: (i) Immigration; (ii) Customs and Revenue Authorities through their customs departments; (iii) security agencies; (iv) Health; (v) Agriculture, Animal and Plant Inspection; (vi) Roads and Transport; and (vii) and Others (e.g., Standards, Environment).

(2) Assessment of Laws for Provisions Establishing or Limiting the Application of the Underlying OSBP Legal Principles

Usually existing border control laws cannot be used to implement the OSBP border concept without enacting new legal instruments. Analysis of border control legislation in most countries where OSBPs have been planned or are already intended established indicates that while there are provisions in some of the applicable acts providing for extraterritorial jurisdiction on some limited and specific aspects of border controls, the acts are generally intended as a matter of legal principle to have territorial

[10] Source in previous footnote.

application. Similarly, there are no or only limited provisions allowing for the hosting of officers of another state in the territory of a state for the performance of official functions in terms of the national laws of that other State. Therefore, the border control laws and regulations in most countries is inadequate for the control and regulation of activities of an OSBP. The legislation would need to be overhauled, act by act, or through an all-encompassing instrument designed to provide extraterritorial jurisdiction, which is critical to the OSBP concept.

If the existing legislation is found to be deficient, it is necessary to analyze whether such deficiencies can be addressed through a subsidiary legislative instrument, and the nature and form of such an instrument. In other words, the issue for determination is whether, in the absence of provisions relating to extraterritorial application and hosting arrangements in the current legislation, such provisions may be incorporated into the legislation through an all-encompassing instrument of subsidiary legislation. In so doing, it is instructive to perhaps first examine the meaning of subsidiary legislation and principles relating to its valid and effective enactment (e.g., whether it follows prescribed procedures laid down in the enabling act, is consistent with general law, and passes a reasonableness test). A detailed assessment undertaken in the 1st edition of the OSBP Sourcebook found that it is legally difficult and inappropriate to address deficiencies in the existing border control legislation with respect to OSBP operations through subsidiary legal instruments in most jurisdictions.

Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 30-32

Box 8-4: The Sustainability of Laws and Regulations – Hard and Soft Law

Generally, the sustainability of laws/regulations is inversely proportional to the difficulty of its adoption. While "soft law" (e.g., guidelines, codes of ethics, manuals) can be introduced quickly and simply, "hard law" (e.g., acts and regulations) present more legal certainty, and it offers more guarantees for continuity in policy, e.g., after a change of government or regime. Informal soft law can be overlooked and put aside without any justification more easily than clear express and formal legislation (hard law). The same is true on the regional level in the choice between on the one hand agreements in simplified form (e.g., MoUs) or agreements through an exchange of letters, and on the other hand full-fledged treaties that require ratification (through a parliamentary approval procedure). While the binding force of these different types of instruments is the same according to Article 2(a) of the Vienna Convention on the Law of Treaties (23 May 1969), their sustainability may vary.

Source: This Sourcebook

8.4 Specific (Core) OSBP Legal Issues

8.4.1 Extraterritoriality

(1) Overview

It is an established legal principle of public international law that national laws of a state generally only apply within the territory of that state: "The exercise of jurisdiction is limited, save by special international agreement, to the territory of each State, so that the State can only exercise it over persons or things within or coming within the territory".[11]

In what amounts to a paradigm shift, the principle of extraterritoriality or extraterritorial jurisdiction allows a state to extend the application of specific national laws to a place located outside its own territory. Extraterritoriality is thus an exception to the above-stated legal principle and to that extent would need to clearly define which national laws apply extraterritorially and the specific location where such laws would apply.[12]

[11] J.E.S. Fawcett, *The Law of Nations,* 1968, p. 54.
[12] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 29.

As mentioned, the acts of border agency officers are linked to national sovereignty, so they cannot be performed on foreign territory without an express legal framework to accommodate such a situation. Extraterritoriality addresses the issues for the sending state, i.e., the extension of the jurisdiction of the home country beyond the boundaries of its national territory.

The following aspects of extraterritoriality issues need to be addressed for an officer to operate in a common control zone (CCZ) located in the host country.

(2) Fiction[13] of Discharge of Duties in the Home Country

Within the CCZ in the adjoining country, an officer has the same powers as he or she would have working within his own country under the border control laws, subject to any exceptions as may be defined in the enabling legal instruments. The powers of an officer working in the neighboring or host state are only restricted by the action of handing over control. Once control has been handed over (as described below), an officer can no longer exercise that power, except with the express permission of the officer of the state to whom control has been handed.

(3) Immunities of Officers for Duty-Related Acts

The immunities of foreign officers in the host state are to be defined. Generally, the host state will guarantee that they will not prosecute foreign officers for acts performed in the CCZ while they are exercising their official functions. However, such immunities would not extend to general law and other offences that officers of the adjoining state may commit in the host state.

(4) Criminal Offences in the CCZ

Jurisdiction is to be defined in respect of offences committed in the CCZ. A distinction is usually made between offences committed in terms of border control legislation and those committed in terms of general "law and order" legislation. In the former case, each state has jurisdiction with respect to offences under its border laws that are detected while its officers are undertaking their controls. Once a state's officers have completed their controls, they no longer have jurisdiction, except with the agreement of the officers of the other state. Regarding general law and order offences, the accepted approach is that the country in which territory the offence has been committed has jurisdiction. Procedures on how to treat goods that are the subject of an offence in the host country detected by guest officers performing exit formalities in terms of warehousing and traffic flows in the case the consignment is supposed to be warehoused in the country of export should be made clear in order to avoid confusion.[14]

(5) Repatriation of Proceeds from the CCZ

Express regulations may be required to exempt monies collected in the host country CCZ from currency exchange and export restrictions and levies in order to allow their (net) repatriation to the home country.

(6) Staff Exchange between the Adjoining Countries

Staff exchanges between the adjoining countries can allow the officers to become better acquainted with the border crossing clearance system of the other country. In the long run, they

[13] A legal fiction is a fact assumed or created that is then used in order to apply a legal rule that was not necessarily designed to be used in that way.
[14] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 35–36.

can support the delegation of authority as a modality to achieve a one-stop border crossing clearance process. However, law enforcement officers cannot be substituted with foreign nationals without an express legal provision to that effect.

(7) Temporary Shift of Clearance Activity in the Case of an Emergency

Provision may also be made for a temporary shift of clearance activity to the territory of adjoining country in case of an emergency (e.g. strike, political breakdown, disaster).

8.4.2 Hosting Arrangements

(1) Overview

Similarly, as with the principle of territorial application of national laws discussed above, officials of a state are limited, in the exercise of their functions and application of their national laws, within the territory of that state. The exercise of official functions and application of the national laws in the territory of another state needs to be agreed between the two states and authorized by the other state in terms of its own national laws.[15]

The hosting arrangement addresses the issues for the recipient state – the permission to apply the foreign law and for foreign officials to exercise their functions on its national territory.

Specifically, the hosting agreement relates to the following aspects.

(2) Free Passage

The hosting agreement should specify measures to facilitate the work of foreign officers in the host state. This includes the right to freely enter and exit the host state (possibly subject to the requirement of agreed identification) and the right to freely move any items required for official functions within the control zone without such being regarded as imports or exports including any movement of revenue collected in the host nation. It should also include the right to repatriate monies collected in the control zone.[16]

(3) Exclusive Use Areas

Each state will have granted officers from the neighboring state access to a working area set aside for their exclusive use. In order to protect each state's interests, the host state agencies may not enter an exclusive use area, except at the express invitation of an officer from the neighboring state. The only exception to this principle is where a law and order offence has been committed in an exclusive use area and the police officers of the host state may enter that area without permission, provided they would otherwise have the power to enter premises under their own law. Such powers may only be exercised for the purposes of making arrests (if applicable) or otherwise obtaining evidence. However, as a courtesy, it is strongly recommended that these powers be exercised in consultation with officers from the neighboring state and preferably at their invitation.

(4) Immunities for Duty-Related Offences

Officers from a neighboring state enjoy immunity from prosecution by the host state for any

[15] Source in previous footnote, p. 36.
[16] Source in previous footnote, p. 29.

action related to the performance of their border control functions. Such offences are dealt with by the officers of the state that will have jurisdiction in terms of its laws. However, such officer's immunity does not extend to law and order offences. If an officer from a neighboring state commits a law and order offence in the host state, he or she is subject to the criminal jurisdiction of that host state.[17]

(5) Carriage of Arms and Wearing of Uniforms in the CCZ

Because they are expressions of the exercise of public authority and sovereign power, the wearing of uniforms and the carriage of arms (service weapons) by law enforcement officers is not permitted outside the national territory of their home country, unless there is express authorization from the host country. The granting of such authorization by the host country on a case-by-case basis is too cumbersome for daily operations. Therefore, a standing/permanent authorization to that effect should be considered.[18,19]

(6) Exemption from Customs Duties for Equipment and Utilities in the CCZ

The importation of equipment and utilities for use or consumption in the host country CCZ is normally subject to import duties. An exemption from such import duties should also be expressly stipulated.

(7) Status of Facilitation Agents in the CCZ

The status in various respects (e.g., exemption from visa requirements, exemption from import duties on their equipment and utilities, tax-free repatriation of the proceeds of their professional business activity on the host country border post premises) of facilitation agents in the host country CCZ may be addressed in the hosting arrangement.[20]

8.4.3 Safety/Security Management in the CCZ

General law enforcement powers are within the competence (authority) of the host country police. While border agencies exercise their functions in terms of specific powers granted in their respective laws (e.g., the Customs and Excise Act, Immigration Act), by contrast police officers have general powers to enforce the principles of any law. For example, if a police officer assists a border control officer with his or her functions, the police officer's powers are restricted in the same way as the powers of the border control officer. In other words, the police officer may not exercise any power if a border control officer is not also entitled to exercise that power. On the other hand, a police officer's general law enforcement powers (e.g., under the Criminal Code) is restricted to each state's national territory. This implies that each police force has exclusive general law enforcement jurisdiction within its national territory, which means that police officers cannot exercise general law enforcement powers extraterritorially, and if a general law offence is committed in the control zone of another state, that state's police officers will have exclusive jurisdiction.[21]

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[17] Source in previous footnote, p. 42.
[18] Reference may be made to the EAC OSBP Regulations 2015, Articles 23 (Wearing of Uniforms) and 24 (Carrying of Arms in the Control Zone). Section 24 is summarized in Box 9-5.
[19] Authorization of private armed security for the transportation of valuables may be considered on a case-by-case basis.
[20] Reference may be made to the EAC OSBP Regulations 2015, Part IX (Conduct of Facilitation Agents).
[21] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 42.

8.4.4 Facility Management of the CCZ

The adjoining countries will need to make agreements/arrangements for maintenance, repair, and provision of utilities in the CCZ, either provided by the host country or outsourced to a private contractor. The host state may commit to assist in obtaining utility services such as water, power, and communication links. Agreement may be necessary with regard to cost-sharing (pooling) arrangements, or states may alternatively agree to provide services to each other for free, based on reciprocity, for ease of managing OSBP operations.

8.4.5 Dispute/Conflict Management/Resolution Arrangements

The legal/regulatory instruments should contain an alternative dispute/conflict resolution mechanism (e.g., amicable settlement, consultation) on two levels:

(i) on the political level, i.e., state to state between the sovereign countries (e.g., on border demarcation issues); and
(ii) on the operational level, i.e., between the individual user and the public authorities (the agencies performing the border crossing clearance inspections and controls) via a mediator, a complaints bureau, an ombudsman, or the like.

8.4.6 Definition and Delimitation of the Physical Location of the OSBP Premises

The physical location of the OSBP premises will need to be defined. This delimitation should include the definition of the CCZs within which officers from both states will perform controls and in which they may circulate freely. It should also define the areas set aside for the exclusive use of each state's officers.

8.4.7 Definition of Controls to be Performed

To define the core border crossing clearance activities, the competent agencies must be identified. In most countries in Africa, border controls are undertaken by governmental departments and agencies that fall into the following primary categories: (i) Immigration; (ii) Customs and Revenue Authorities through their customs departments; (iii) Security Agencies; (iv) Health Authorities; (v) Agriculture, Animal, and Plant Inspection; (vi) Roads and Transport; and (vii) Others (e.g., Environment, Standards Bureaus).

There will not necessarily be (absolute) symmetry in the respective agencies between the adjoining country pairs.[22] Also, the agencies may be merged if a single agency control system is applied.

8.4.8 Definition of Sequence of Controls

The legal instrument must define at which point officers of one state may no longer exercise their powers so that the officers of the host state can undertake their controls. This is necessary to avoid confusion about which state has jurisdiction at any point in time. It should be made clear that once exit formalities are completed jurisdiction passes to the country of entry. How this is done should be documented for clarity purposes.[23]

[22] For example, at Chirundu, Zambia has more agencies at the border than does Zimbabwe (e.g., 12 vs. 7 involved in border clearance). On the other hand, while it is desirable to harmonize different aspects, the number of agencies at the border should arguably be determined by national requirements.
[23] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 35. Ideally, an OSBP would entail simultaneous

8.4.9 Definition of Handing Over of Controls

The handing over of controls is important because once controls have been handed over, the person, vehicle, and/or goods being controlled move from the jurisdiction of one state's laws to the jurisdiction of the other state's laws. This implies that the officers ceding control acknowledge that they have no further claim to conduct controls in respect of that person, vehicle, and/or goods.

Joint control does not inhibit handing over of controls This means that officers from both states may attend a joint inspection, but that at any point in time, only one state's officers will be conducting controls, while the other state's officers will attend as observers, until the moment when control is handed to them as described above. In practice, the act of observation will have the effect of joint controls, as it will remove the need for the officers of the entry state to repeat the inspection. Where head office approval to conduct joint controls is necessary, this approval should be obtained on a timely basis for implementation among all border agencies to maximize the benefits of OSBP operations.[24]

8.4.10 Reversal of Controls

In certain justified cases, it may occur that the sequence of controls is reversed. If this happens, the officers of the state of entry may proceed with their controls prior to the officers of the state of exit undertaking theirs but may not exercise powers of detention, seizure, or arrest, before the officers of the state of exit have completed their controls. If officers of the state of entry wish to exercise such powers, they must first escort the person, vehicle, or cargo to the officers of the state of exit to allow them to complete their controls, before proceeding to detain, seize goods, or arrest an offender. If officers of the state of exit wish to proceed to search, seize goods, or arrest an offender, they should use the right to exercise their controls first.

8.4.11 Return of Persons, Vehicles, or Goods

The state of exit must accept the return of a person, vehicle, or goods that has been denied entry into the state of entry, notwithstanding that such state would have completed its exit formalities and handed over jurisdiction to the state of entry.[25]

8.4.12 Agreement on the Use of a Common Language

If the adjoining countries do not share a common official language, it is recommended that they agree on the use of a common language to facilitate communication and administration.

8.4.13 Data/Information Sharing/Exchange

(1) International Legal Framework

Box 8-5 presents the international legal framework regarding data and information sharing exchange between customs administrations.

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performance of the border crossing clearance controls/inspections, through delegated authority among border agencies of the adjoining countries, performance of duties on behalf of their foreign counterparts, and performance of unidirectional entry control.

[24] Source in previous footnote, pp. 40–41. Departments such as Interpol require express authority from the Commissioner General of Police.

[25] Source in previous footnote, p. 41.

Box 8-5: Legal Framework on Data/Information Sharing/Exchange between Customs Administrations

The sharing/exchange of information between country pairs (or REC member states) can greatly enhance and support the objectives of the OSBP. In June 1967, the Customs Cooperation Council (CCC), known since 1994 as the World Customs Organization (WCO), adopted a model bilateral convention on mutual administrative assistance for countries to implement as part of a national customs policy. The agreements based on this model allow for the exchange of information, intelligence, and documents that will ultimately assist countries in the prevention and investigation of customs offenses

Article 12 of WTO's Trade Facilitation Agreement prescribes the sharing and exchange of information for the purpose of customs cooperation. Specifically, it sets out the terms and requirements for member states to share information in order to ensure effective customs control, while respecting the confidentiality of the information exchanged. It allows member states flexibility in terms of establishing the legal basis for information exchange. Member states may enter into or maintain bilateral or regional agreements to share or exchange customs information and data, including advance information.

The Revised Kyoto Convention (RKC) provides, in the General Annex (Standard 6.7), that the customs administrations shall seek to cooperate with other customs administrations and seek to conclude mutual administrative assistance agreements to enhance customs control.

The WCO SAFE Framework of Standards requires member states to establish and enhance customs-to-customs network arrangements to promote seamless movement of goods through secure international trade supply chains.

The WCO Model Bilateral Agreement and the Model Memorandum of Understanding on Mutual Administrative Assistance in Customs Matters are used extensively by WCO Members as a basis for concluding bilateral agreements.

Source: This Sourcebook

(2) Fields of Information Exchange

The following information may be exchanged regarding persons, goods, and vehicles:

(i) Persons: For the purpose of immigration clearance, criminal records and intelligence on subversive elements;

(ii) Goods: For the purpose of pre-clearance and simplified clearance procedures, the nature and origin of the goods, as well as criminal and intelligence information on stolen goods, smuggled goods, cultural heritage, protected animal or plant species, and counterfeited goods; and

(iii) Vehicles: The characteristics of the vehicle (size, weight, axle load) to check conformity with technical standards, for temporary admission, for checking insurance cover, and for checking criminal information with respect to stolen vehicles.

The data exchange between the adjoining countries may be realized via access to each other's database(s) on a read-only basis or otherwise. Only public officers or civil servants legally bound by confidentiality restrictions may be involved in the exchange.

(3) Limits on Information Exchange

Cooperation between/among the border agencies consisting of the exchange of information (e.g., cargo to be cleared, or passengers to be checked) may conflict with the national policies toward

data protection, which stem from national security and privacy protection concerns. Countries generally create data localization policies directed at specific types of data, such as government data (e.g., national security data or data related to public institutions) or personal data. Box 8-6 provides information on these concerns related to national security and privacy.

Box 8-6: Limits on Information Exchange: National Security and Privacy

National Security

National security considerations may limit the exchange of information. It may sometimes be a compelling reason for the non-release of data or restrictions on the exchange of data, according to (i) Article 12.7 the Trade Facilitation Agreement (TFA) of the WTO (2013) and (ii) WCO's Customs Guidelines on Integrated Supply Chain Management (June 2004). Information is considered to be a national asset. Information sharing is a sensitive matter because it has a bearing on national intelligence and therefore on national sovereignty preservation. Most national data must be held in confidence only for a limited period and can thereafter be disclosed over the long run. However in the context of cross-border operations, in order to be useful, the exchange of information is required in the short run.

Privacy

Article 12.5 of the WTO TFA provides that the cross-border disclosure of personal information is subject to the following conditions: (i) the disclosure is protected if there is a substantially similar law or binding scheme of privacy law in the recipient country, (ii) the disclosure is protected if it is prescribed by an international agreement related to information sharing, and (iii) the disclosure is subject to the individual's express and informed consent.[a] Some countries have enacted laws (e.g., privacy protection acts or personal information protection acts) to prevent in principle personal information (e.g., health summaries) on their citizens from leaving their borders. They may allow the export of the data subject to prior informed consent from the "data subjects" (i.e., the individuals associated with particular datasets). The "data subjects" must be informed of the identity of the recipient of their data, his/her purpose for that information, the period during which the information will be retained, and the specific personal information to be provided.

Note: [a] See also Organization for Economic Co-operation and Development, *Guidelines on the Protection of Privacy and Transborder Flows of Personal Data*, 2013
Source: This Sourcebook

(4) Format of an MOU on Information/Data Sharing/Exchange between Border Control Agencies

Box 8-7 presents a draft/indicative MOU on cross-border data exchange between border control agencies.

Box 8-7: Draft/Indicative Memorandum of Understanding on Interstate Data Sharing/Exchange between Border Control Agencies

Purpose

This information exchange memorandum of understanding (MOU) is entered into by and among the adjoining states for the purpose of facilitating and accelerating the border crossing clearance process.

Coordinating Administrations and Agencies Concerned

The data exchange shall be coordinated by the Ministry of … for Country A and the Ministry of ... for Country B.

The respective Ministries shall respectively collect from their agencies, verify accuracy, sort, and transmit the data to their adjoining country counterpart and disseminate and distribute to their agencies the information received from their adjoining country counterpart.

Business Rules

The information defined below shall be exchanged as follows:

(i) The medium:

(a) through a joint data base on a read-only basis by the receiver; or
(b) through a direct communication line.

(ii) The time:

(a) spontaneous and routine feeding of the joint database;
(b) periodic updating of the data;
(c) intermediate update with important acute changes; and
(d) reply to express specific requests.

Technical Data Communication Line

The conveyance of data between the administrations of the signatory countries shall be realized via the following data communication link: …, protocol ….

Language

The information shall be provided in the … language(s).

Data Subject Matter

On persons: identity data, visa, World Health Organization (WHO) yellow card status, criminal record, other intelligence data

On transport operators: license, authorized economic operator (AEO) status

On vehicles: registration, roadworthiness, insurance, characteristics (size, weight), vehicles reported stolen, ….

On goods: nature (transit, livestock, dangerous, perishable, protected species, cultural heritage), quantity, quality, value, stolen, smuggled, counterfeited, ….

Informed Consent by Data Subject

For the following types of information, the data exchange requires the informed consent of the data subjects: health condition, ...

Frequency of Updating Data

Period of Data Retention:

Matching of Information

Any conflict or contradiction in information between the signatory countries shall be solved via arbitration between the officials in charge of the respective Ministries.

Unresolved conflicts shall be marked as such.

Security and Confidentiality

Each party is responsible for ensuring adherence to national data protection laws as well as any such laws or regulations applicable on a regional or supranational level.

The signatory countries commit to safeguarding the information resulting from the exchange as follows:

(i) Each signatory country shall establish appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of data and to protect against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained;

(ii) Access to the data exchanged and to any data created by the exchange shall be restricted only to those authorized officials who require them to perform their official duties in connection with the uses of the information authorized in this agreement;

(iii) The data exchanged and any data created by the exchange will be stored in an area that is physically safe from access by unauthorized persons during duty hours as well as non-duty hours or when not in use;

(iv) The data exchanged shall not be used for any other purpose.

(v) The data exchanged and any data created by the exchange will be processed under the immediate supervision and control of authorized personnel in a manner that will protect the confidentiality of the records, and in such a manner that unauthorized persons cannot retrieve any such data by means of computer, remote terminal, or other means;

(vi) All personnel who will have access to the data exchanged and to any data created by the exchange will be advised of the confidential nature of the information; and

(vii) The signatory countries shall ensure that all persons dealing with, or having access to, the information referred to above are bound by professional secrecy.

Liability Waver

For inadvertent breach of secrecy/confidentiality and for any error in the information exchanged.

Conflict Resolution

Temporary Suspension

In case of force majeure and/or national emergency.

Review

Amendment of the MOU

Term and Termination

This memorandum of understanding is effective as from the date of its signing. It remains force for a indefinite period of time. It may be terminated by a written notice of termination. In the case of a unilateral termination, such termination shall be effective 90 days after the date of the termination notice, or at a later date specified in the notice.

Source: This Sourcebook

8.5 Formalization of the Appropriate Legal/Regulatory Framework for OSBPs

8.5.1 Overview

This section considers the formalization of OSBP legal and regulatory frameworks, including (i) the negotiation and approval process for regional and bilateral agreements (subsection 8.5.2),

(ii) the adoption of a national OSBP Act (subsection 8.5.3), (iii) the legalization of various schedules, and (iv) additional agreements that may be necessary.

8.5.2 Negotiation and Approval Process for Regional and Bilateral Agreements

A broad outline of a process that may be used during the negotiation and approval of regional and bilateral agreements for the implementation of OSBPs, including stakeholder consultation(s), development of a succession of working drafts, and plenary workshops, is set out in Box 8-8.

Box 8-8: Indicative Outline of Process for Negotiation and Approval of Regional and Bilateral Agreements

- There should be at least two initial workshops to be conducted in each country with various border control agencies and relevant private sector stakeholders. These should be attended by both technocrats and policy making senior officials.
- The first entails an explanation of the OSBP concepts, presentation of a generic draft agreement, and a call for the various participants' inputs to the draft.
- The second workshop is for the presentation of the draft incorporating the inputs from various agencies and private sector stakeholders, and refinement and development of country-specific positions on the issues contained in the draft.
- Thereafter the first plenary session would be held where the respective countries are present. An initial draft is presented consolidating the common positions of the respective countries on the issues and also highlighting areas of divergence and focusing on reaching a consensus in these areas. The technical committee responsible for procedures formulation should play a critical role in identifying possible areas of challenges in reference to national laws.
- At the second plenary workshop a draft with the consolidated views is presented and refined to fully reflect agreed country positions. Involvement of legal experts from the Ministry of Justice is important at this stage.
- Thereafter another workshop is held with the Steering Committee consisting of the Permanent Secretaries (or equivalents) and senior officials from the respective countries whereby the Permanent Secretaries are called upon to review, comment, and agree on the draft.
- The relevant Permanent Secretaries on the Steering Committee would then take the draft to their various Ministries for briefing and formal buy-in.
- Depending on the specific internal processes of the respective countries, the final draft agreement from this process is then sent by the sponsoring Ministry in each respective country to their Attorney General's Office (or equivalent) for formal legal inputs and endorsement.
- The draft agreement incorporating the Attorney General's inputs is then sent to the Cabinet Committee on Legislation or equivalent.
- The Cabinet Committee on Legislation presents its comments to Cabinet with the draft agreement being presented by the sponsoring Ministry.
- The Cabinet then approves the draft agreement.
- The Sponsoring Ministry is then granted the authority to sign the agreement on behalf of each state.
- A signing ceremony is set up where the respective Ministers sign the sgreement.
- In some countries, the agreement becomes binding after signature with no need for ratification by any other body. In other countries, after the agreement has been signed there is a need for ratification by Parliament or some other body before it becomes binding.

Note: This process is likely to vary by region and country and is not necessarily specific to OSBPs.
Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 36–37

Box 8-9 drawn from the case study of the Mfum (Nigeria/Cameroon) OSBP/JBP (see Section 13.4) presents an example of an ambitious, although achievable timeframe of about 1.75 years for the process outlined above.[26]

Box 8-9: Road Map for Preparation and Adoption of the Framework for the Mfum JBP

Drafting of the Legal Framework – March 2014-May 2015

Preparation of Draft Final Bilateral Agreement

Validation Process

Draft Final Bilateral Agreement to Stakeholders – **10 December 2014**

These should include JTC members and both public and private sector stakeholders of both countries expected to attend the Validation workshop including the RECs.

Bilateral Validation Workshop – **February 2015**

The Draft Final Bilateral Agreement to be presented for adoption by the two countries. Any inputs made to be captured in the Final Bilateral Agreement to be submitted together with the Project Final Report.

Adoption and Enactment Process (Next Steps)

Validated Final Bilateral Agreement to Legal Experts – **April 2015**

Legal drafting experts of Ministry of International Relations, Cameroon and Federal Ministry of Justice, Nigeria to jointly refine the legal drafting issues in consultation with regional and national technical experts to ensure the agreed principles are not lost in the legal jargon or drafting convenience)

Presentation to JTC Meeting for Adoption – **June/July 2015**

Presentation to responsible Ministers for signature – **June/July 2015** (*Back-to-back meetings at which Final Agreement is adopted by the JTC and presented to the Ministers of the two countries for signature)*

Ratification and Enactment in Each Country – **August-November 2015**

(Each country to take the Agreement through its "domestication" process using a fast-track procedure.)

Publication and Entry into Force – **December 2015**

Abbreviations: JTC = joint technical committee, REC = regional economic community
Source: Section 13.4 (drawing on Corridor Development Consultants (Pty) Ltd, ECOWAS, ECCAS, Federal Republic of Nigeria, Republic of Cameroon, and AfDB, *Nigerian-Cameroon Multinational Highway and Trade Facilitation Programme, Study on Development of the Joint Border Post Legal Framework, Final Report*, May 2015, Section 5.5, p. 28)

[26] The Mfum JBP also presents an example of a JBP/OSBP between member states of different RECs, i.e., ECOWAS and ECCAS/CEEAC. In this case, Nigeria and Cameroon decided that only a bilateral agreement would be pursued. It will be enacted into the laws of both countries without enacting a specific JBP Act.

Critical success factors for the adoption of a regional or bilateral legal/regulatory framework for an OSBP include the following:

(i) preparation of a basic MOU at the outset, i.e., a bilateral MOU on basic commitment, without details, before funding of OSBP (the details may come in a later instrument);

(ii) open involvement of all key stakeholders in the public and private sectors and acceptance by both of the criticality of their partnership;

(iii) ensuring that where practical, the same participants are chosen to see the entire process through or at least that those who attend at any stage are fully briefed of the decisions made in previous sessions for purposes of continuity ("consistency");

(iv) maintenance of momentum by ensuring that short deadlines are given and workshops are not scheduled too far apart;

(v) recognition that funding and suitable venues for the workshops is of paramount importance;

(vi) continuous briefs and consultations with all levels of the parent ministries and private sector associations for continuous buy-in to the outcomes of the process;

(vii) involvement of the legal officers from the Attorney General's Office (also called the State Law Office in some countries) from the outset of the process so that they can provide expert guidance and oversight of the process;

(viii) recognition that involvement of a consultant as an independent third party with the requisite experience to drive the process may add considerable value to the outcomes[27]; and

(ix) considering the close interaction and linkage between the legal and technical aspects of the process, recognition that technocrats and policymakers should both participate in the development of the legal framework.[28]

8.5.3 Adoption of a National OSBP Act

A national OSBP Act provides for an enabling and empowering framework for the implementation of OSBP(s) within a regional or bilateral arrangement between/among countries. Each country will need to formalize an Act to ensure that the legislative framework for the OSBP is in place. Box 8-10 presents an indicative recommended framework for such enactment.

Box 8-10: Indicative Recommended Framework for Adoption of a National OSBP Act

An indicative, recommended framework follows:

- The Draft OSBP Bill should be tabled and concepts therein fully explained, discussed and refined during the workshops convened for the negotiation and approval of the Draft Bilateral Agreement.
- Once the Draft Bill has been finalised and adopted by the officials during the negotiation process, it can be subject to a separate process from that for the Draft Bilateral as the two processes are mutually inclusive and can run parallel to each other.
- The sponsoring Ministry sends to the Cabinet Committee on Legislation a document outlining the principles and policy framework of the intended legislation together with the Draft OSBP Bill. (Please note there could be variations in the internal processes of each country to the one here in

[27] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 38.
[28] Source in previous footnote, p. 38 [for ii–iv and vi–viii].

outlined).

- The Committee would then present its comments to Cabinet with the sponsoring Ministry leading the submission.
- After the Cabinet approval the Attorney General's (AG's) Office refines the Draft Bill in close consultation with the sponsoring Ministry and all stakeholders.
- The Draft Bill is then re-sent to the Cabinet Committee on Legislations for further comments.
- The Bill is then presented for approval to Cabinet by the sponsoring Ministry after incorporation applicable comments from the Cabinet Committee on Legislation.
- On approval by Cabinet, the Bill is sent to the AG's Office for gazetting. Plans for gazetting should take cognisance of parliament sitting periods in order to avoid any further delays.
- Thereafter it follows the various parliamentary processes that include the first reading, second reading, committee stages, third reading, etc., for its enactment.
- Upon parliamentary approval, it passes on to the President for his assent and commences operation as an Act of Parliament on the stated date of commencement.

The entire process generally should take a period of 2–6 months. However, the adoption of the legal framework for the Chirundu (Zambia/Zimbabwe) OSBP took about two years (2007–09; see Section 13.2), the adoption of the regional legal framework for the East African Community has taken about five years (2010–15; see Section 13.5), and that for the planned Lebombo/Ressano Garcia (South Africa/Mozambique) OSBP) has been in preparation over a period of several years but has not yet been finalized (see Section 13.8).[a] The process will be different in different regions, in different countries, and in different national legal systems (e.g., common law or civil law systems).

Note: [a] Observers in South Africa have referred to the complexity of the international legal frameworks required to allow the sovereign laws of each state to be implemented in the territory of the adjoining state; these legal instruments fall within the ambit of Section 231(2) of the Constitution of South Africa and therefore require formal ratification by the South African Parliament and incorporation into the domestic laws of South Africa before taking effect.
Sources: (i) Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 38–39; and (ii) This Sourcebook (Sections 13.2, 13.5, and 13.8)

8.5.4 Legalization of Various Schedules

For implementation after the formal adoption of the legislative/regulatory instrument(s), operational and administrative schedules (e.g., a schedule demarcating and designating the control zone),[29] circular letters, procedures manuals, and the like may need to be issued and disseminated to instruct border officers on the application of the new laws and regulations.[30]

8.5.5 Additional Agreements That May be Necessary

A number of supplementary and complementary agreements, protocols, treaties, and other legal instruments as may have been envisaged in the founding instruments may be necessary to operationalize an OSBP: (i) ICT connectivity protocols between the states, (ii) information sharing protocols/agreements between states, (iii) information sharing arrangements between agencies and the private sector, (iv) delegated responsibilities between/among agencies, (v) sharing of comparable infrastructure facilities and maintenance, (vi) an agreement regarding utilities, (vii) a list of goods to be fast tracked, and (viii) ancillary instruments (e.g., commercial cargo gate passes).

[29] Such a schedule to the founding legal instrument outlines the extent of the CCZ by spelling out the exact survey coordinates, maps, and any relevant diagrams. All parties involved will need to ensure that these demarcations are done for the purpose of purpose and to avoid doubt.
[30] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 42–43.

Chapter 9
Border Procedures for OSBPs – Simplification and Harmonization

9.1 Importance and Process of Simplifying and Harmonizing Border Procedures for OSBPs

9.1.1 Importance

The **importance of simplifying and harmonizing border procedures for OSBP operations** is apparent from the following observations from the 1st edition of the OSBP Sourcebook:

(i) Outdated and overly bureaucratic border clearance processes imposed by customs and other border control agencies are now seen as posing greater barriers to trade than tariffs. Cumbersome systems and procedures increase transaction costs and lengthen delays for the clearance of imports, exports, and transit goods. Such costs and delays make a country less competitive—whether by imposing deadweight inefficiencies that effectively tax imports, or by adding costs that increase the price of exports. Moreover, inefficient border procedures deter foreign investment and create opportunities for fraud and corruption.

(ii) The core objective of any border modernization program including OSBPs is to introduce streamlined procedures that take advantage of the various tools available to achieve a good balance between the required controls and the facilitation of trade and the movement of people. It is often easier to start with the construction of infrastructure than with developing procedures and systems. There have been many examples of this approach in Africa. However, designing buildings, negotiating a legal framework, and reviewing ICT systems without a consensus on new procedures will not result in effective OSBPs. Establishing OSBPs requires streamlining border crossing procedures for goods and people.

(iii) Extending the application of border procedures applied under the traditional two-stop framework to an OSBP framework without simplifying and harmonizing [1] them undermines efforts to reduce transport time and costs. Simplifying and harmonizing border crossing procedures for OSBP operations also requires aligning OSBP operational procedures to prescribed international standards such as those recommended by the Revised Kyoto Convention (RKC) of the World Customs Organization (WCO) and the Trade Facilitation Agreement (TFA) of the World Trade Organization (WTO). The process of simplifying border procedures should also result into the elimination of outdated and cumbersome procedures.[2]

[1] The two sides of each OSBP should harmonize their border procedures for effective operations.
[2] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 44-46. Paragraph (i) cited Gerard McLinden, "Introduction and Summary", in *Border Management Modernization* (edited by Gerard McLinden, Enrique Fanta, David Widdowson, and Tom Doyle), World Bank, 2011, p. 1.

9.1.2 Key Steps

Key steps in the overall process of simplifying and harmonizing procedures in OSBPs (as depicted schematically in Figure 9-1) in order to strike a balance between facilitation and control include the following:

(i) **Audit of Procedures**: An initial step is to audit and "map" all border procedures to determine their purpose and whether they are still needed. Often even when processes are automated, paper trails are still maintained, although the paper forms may go into a storeroom and not be used. Such redundant activities must be evaluated and eliminated whenever possible. One of the recommended methods for auditing and mapping border procedures is the Time Release Study methodology developed by the WCO.[3]

(ii) **Consultations with All Border Agencies and Private Sector Operators**: For OSBPs, the process of simplifying and harmonizing procedures should involve wide-ranging consultations with all border agencies as well as with private sector operators of both countries. Such consultations should be coordinated by the lead agencies, usually customs, immigration, or the police, due to their level of involvement in border operations. In addition, consultations with border community residents should be held. To the extent possible, these consultations and the eventual process of developing new procedures should be conducted through sessions that held jointly for officials and private sector representatives from the adjoining countries. In the case of the Mfum (Nigeria/Cameroon) Joint Border Post – profiled in Section 13.4 – the formation of a joint steering committee for implementation was recommended to guide this process and ensure that the legal and procedures work would be finished before the completion of construction. It is recommended to involve stakeholders, especially border agencies, early on in the development of operational manuals considering the importance of procedures in determining office space requirements in OSBP (JBP) facilities to ensure functionality at the operational stage.

(iii) **Simplification and Harmonization of Procedures**: Based on activities (i) and (ii) above, a key step in the process is to simplify and harmonize procedures for operationalization of the OSBP. In the case of the Mfum, the consultants incorporated diagrams of the current architectural designs for the JBP in the validation presentations and manual to clarify the movement of vehicles through the JBP and the sequencing of border controls by the two countries and the different agencies at the border. As a result, the border agency officers could visualize their operations at the Mfum JBP. Key issues included: (a) incorporating health inspection early in the clearance process, (b) ensuring that the concerns of all border agencies were adequately taken into account, (c) adding inspections for agricultural commodities and addressing livestock examination requirements, and (d) facilitating transport movement.[4] The procedures were prepared for manual processing, while seeking to incorporate electronic clearance anticipating the situation when both countries at Mfum (and adjoining Ekok) introduce connectivity

[3] The Time Release Study Guidelines are available at http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/pf_tools_time_release.aspx. Also see Box 5-1.

[4] Harmonization and mutual recognition efforts in the area of standards (e.g., international agreements, pre-inspection arrangements/certificates) are also worth noting. Reference may be made to WTO's Technical Barriers to Trade Agreement, which aims to ensure that technical regulations, standards, and conformity assessment procedures are non-discriminatory and do not create unnecessary obstacles to trade. This agreement also recognizes WTO members' right to implement measures to achieve legitimate policy objectives, such as the protection of human health and safety, or protection of the environment.

and electronic processing, especially for transit traffic.[5] For border posts that have ICT-based border management systems, it is important to ensure the compatibility of such systems in order to simplify and harmonize border procedures. Examples for achieving compatibility include the use of electronic single window or other data exchange systems such as RADDEx.[6] The exchange of data is often limited to specific data fields as agreed by participating parties.

(iv) **Training, Capacity Building, and Sensitization**: In various OSBPs – such as Namanga (Kenya/Tanzania) and Rusumo (Rwanda/Tanzania), profiled in Section 13.6 – it was recognized that there needs to be a program of training, capacity building, and sensitization of stakeholders (at all levels), including border agencies, clearing agents, transport enterprises, traders, companies engaged in exporting and importing, and border communities, to create a favorable environment for the commencement of OSBP operations, with the focus on the simplification and harmonization of OSBP procedures.[7] Training on the OSBP concept should be included in the training curriculum of border agencies and other trade facilitation programs offered by various organizations.[8] The Namanga and Rusumo OSBPs have also involved the development of informative brochures and videos, prepared in local languages as well as English. In addition to standard operating procedure manuals for OSBPs, it is recommended to develop simplified manuals for quick reference by border agency staff working in busy environments. Considering that border officers are frequently transferred, it training on the OSBP concept should be included in the training curricula of border agencies and other trade facilitation program offered by various organizations in order to develop a large pool of knowledgeable officers to ensure the smooth continuity of OSBP operations. In order to align OSBP policy requirements with operations, training on the OSBP concept should also be extended to executive staff in charge of border agencies. The OSBP Sourcebook may be used as reference material during and after this training.

(v) **Rigorous Baseline, Mid-Course Impact, and Endline Time Measurement Surveys***:* As at Namanga and Rusumo, baseline, mid-course, and endline impact surveys can inform the process of simplifying and harmonizing procedures. The Namanga and Rusumo time measurement surveys were unique in comparison with other time release surveys conducted in Africa because they focused on a detailed analysis of goods movement by transaction type, i.e., import, export, and transit cargoes processed by Customs and/or other government agencies (OGAs)/other government departments (OGDs) through the whole series of border processes from arrival at one country's border to release from the other country's border. Most such studies measure only the border crossing time of traffic passing through each side of the border respectively.[9]

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[5] Corridor Development Consultants (Pty) Ltd, ECOWAS, ECCAS, Federal Republic of Nigeria, Republic of Cameroon, and AfDB, *Nigerian-Cameroon Multinational Highway and Trade Facilitation Programme, Study on Development of the Joint Border Post Legal Framework, Final Report*, May 2015.

[6] The Revenue Authorities Digital Data Exchange (RADDEx) is a software application and data exchange system that allows near real-time transmission of customs documentation to authorized public and private sector users that are working at key transit border posts and cities across the five countries of the East African Community.

[7] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 4, p. 4. The International Organization for Migration (IOM), through its Africa Capacity Building Centre, provides training and capacity building in various relevant areas in the field of immigration (e.g., OSBP model, objectives, and standard operating procedures; border management information systems; joint operations using mobile devices; study visits to operational OSBPs for lessons learned).

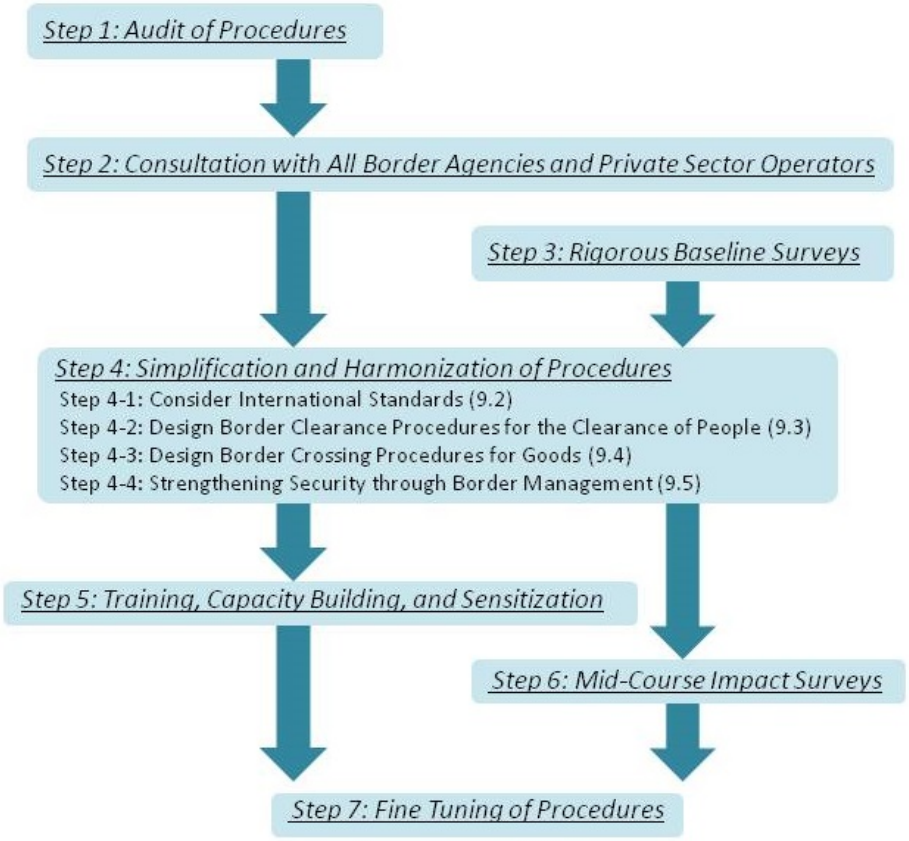
[8] Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7–8 March 2016, Annex 3, p. 5

[9] In this regard, the TFA encourages members to measure and publish their average release times. The WCO Time Release Study (TRS) methodology is referred to explicitly in the TFA. The TRS is a unique tool and method for measuring the actual performance of customs activities as they directly relate to trade facilitation at the border.

(vi) **Fine Tuning of Procedures**: Based on (v), and as envisaged from the outset in the Namanga and Rusumo cases (i.e., in the records of discussion between JICA and the participating governments), it is necessary to "fine tune" the procedures based on actual implementation experience. Mid-course corrections should be made as required.

This chapter focuses on (iii) above.

Figure 9-1: Key Steps in the Overall Process of Simplifying and Harmonizing Procedures in OSBPs



9.2 International Standards for Simplification and Harmonization of Border Procedures

9.2.1 Standards Related to Movement of People

(1) International, Regional, and National Legal Frameworks

A number of international, regional, and national legal frameworks govern the clearance of people in an OSBP. Box 9-1 lists relevant legal instruments at the various levels.

Box 9-1: Legal Instruments Governing the Cross-Border Movement of People

International

- International Covenant on Civil and Political Rights (1966)
- Universal Declaration of Human Rights (1948)
- Convention on the Rights of the Child (1989)
- Convention Relating to the Status of Refugees (1951) and Protocol (1967)
- Organization of African Unity Convention (1969)
- Hague Convention on the Civil Aspects of International Child Abduction (1980)
- International Health Regulations of the World Health Organization (2005)
- United Nations Convention against Transnational Organized Crime (2000)
- Trafficking in Persons (Prohibition) Law Enforcement (2015)
- ICAO Document 9303 on Machine Readable Travel Documents (2015)

Regional

- EAC Laws and Regulations
- ECCAS Laws and Regulations
- ECOWAS Laws and Regulations
- IGAD Laws and Regulations
- SADC Laws and Regulations
- UEMOA Laws and Regulations

National

- Immigration Acts
- Nationality Acts
- Protocols relating to detention, asylum and trafficking

Abbreviations: EAC = East African Community, ECCAS = Economic Community of Central African States, ECOWAS = Economic Community of West African States, SADC = Southern African Development Community, UEMOA = Union Economique et Monétaire Ouest-africaine (West African Economic and Monetary Union)
Source: This Sourcebook

(2) Pre-clearance and Fast Track

While various forms of pre-clearance and fast track services are available at many traditional two-stop border posts, these services are limited in that they apply to one country only. An OSBP offers pre-clearance and fast track services by which travelers have both their departure and arrival facilitated. These services can be utilized by individuals or groups, and provide the OSBP an opportunity to raise revenue.

The joint border committee, subcommittee, or working group to be created (see Section 6.6.3) should set the parameters and criteria within which the fast track service will operate. For example, with respect to the movement of people, fast track service may be provided to organized tour groups, accredited bus (coach) companies, and specific nationalities; this can be achieved by using special booths and/or mobile devices. Consideration should be given to how leave to enter will be granted. For example, school groups could be given a bulk leave to enter endorsed on the list of children traveling. This approach will require advance notification of the travelers' details in order for checks to be made against national databases and warning lists and details of the reasons for travel. The joint working group may impose other requirements such as addresses of relatives. Pre-clearance will also benefit from staff trained in screening/profiling.

Once all the required checks are made, the traveler should be given written authority and on arrival at the OSBP be directed to a clearly signed route within the OSBP for fast track travelers.

Border officers need only check that the travelers are the authorized holders of the written authority.

Box 9-2 summarizes frequent travelers' programs.

Box 9-2: Frequent Travelers' Programs

FTPs aims to fast track OSBP frequent users, such as truck and bus drivers, border businessman, and border communities. FTPs use the deployed Border Management Information System and databases (local/central) to operate search on national watch lists and/or other international applications, such as the Interpol MIND/FIND database covering individuals and notices, forensic data, travel and official documents, stolen property, firearms and dangerous materials, and organized crime networks) to increase security and effectively fight illegal activities.

Abbreviations: FTP = Frequent Travelers' Program, Interpol = International Criminal Police Organization
Source: International Organization for Migration

(3) Biometrics

The collection of biometric data can be time consuming in an OSBP since the traveler has to provide their biometrics twice. In addition, there are a number of companies providing different software, which makes it difficult to synchronize information management and data collection activity within an OSBP.

The countries in an OSBP have a unique opportunity when setting up their operations to consider using the same software provider, which will enable them to link agreed aspects of the system to provide a holistic view of traveler patterns and activity, and assist in identifying cross-border criminality. Such cooperation will enable reports on the OSBP operation to be meaningful across both countries rather than being specific to one country. However, this approach requires that the systems be interoperable and connected with the neighboring country's system. That said, different software, from different countries can be connected and share data if it is so decided accordingly.

The Migration Information and Data Analysis System (MIDAS)[10], the border management system of the International Organization for Migration (IOM), is already in use across Africa and provides comprehensive and quick data collection and analysis; Box 11-3 presents an overview of MIDAS. It is able to integrate different e-platforms (e.g., e-registration, e-resident permit and e-passport applications to verify identity against headquarters databases and online visa applications).

Additional biometric options that may be used within an OSBP include the automated border control (ABC) gate (i.e., e-gates) system[11] used extensively in Europe and facial recognition. African countries that have started to deploy ABC systems have included Rwanda at its land border with the DRC and at Kigali Airport, and Angola at Luanda Airport.

Using the same software will enable countries implementing an OSBP to explore the possibility of requiring travelers to provide their biometrics only once, with the results transmitted to both countries. However, for each country there will be security considerations to be built into the

[10] https://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/09-IBM-Fact-Sheet-MIDAS-2015.pdf.
[11] http://abc4eu.com/.

software. Also, countries may consider focusing on upgrading systems and technology rather than on achieving uniformity all the time.[12]

(4) Granting/Refusal of Leave to Enter

Both countries operating within an OSBP examine travelers in the normal manner in accordance with their respective immigration laws and policies. Where travelers do not qualify for leave to enter, they should be refused entry and returned to the officers of the country of departure. The country of departure cannot refuse to accept travelers who have been refused entry to the intended country of entry. If the traveler does not qualify for readmission, for example if they have overstayed their visa or worked illegally, the country of departure should deal with the traveler as if they had been detected in the country.

Both countries should use the forms and paperwork compliant with national policy and procedures. However, to distinguish between the OSBP controls and the controls of traditional two-stop border posts, the wording and endorsements should be amended to reflect the OSBP position. For example, a Tanzanian reentry pass issued at Negomano (Unity Bridge) in Mozambique could state "issued at the juxtaposed border post in Negomano".[13]

Countries implementing an OSBP may also wish to reflect the unique position of the OSBP by changing the stamps used by immigration officers to endorse passports. For example, at the OSBPs in Calais and Coquelles in France, the United Kingdom Border Force uses stamps that show the endorsement as Calais or Channel Tunnel. In addition, the adoption of standard procedures regarding refusal of entry can be adopted as a way of sharing information among countries.[14]

Joint training should be delivered to promote understanding of the adjoining state's immigration rules and regulations. Familiarity with the other country's rules can accelerate up the process in a case. For example, if the embarkation officer identifies that the traveler does not have the necessary visa for onward travel or is otherwise unacceptable to the destination country, he/she can advise the traveler not to proceed.

Joint training can also be delivered in specific skill areas such as forgery detection and interview techniques.

(5) Reception Facilities and Assistance at the OSBP

Border checkpoints are one of the primary locations where individuals in need of protection may declare their circumstances (e.g., claim international protection; identify themselves; request assistance as being a victim of trafficking, as discussed in Section 9.5.6); thus the processing of new arrivals must take place in an atmosphere that permits and facilitates the identification of vulnerable individuals and of people with special needs.

All persons needing or seeking protection should be afforded information on organizations or groups that provide specific legal assistance to migrants and on organizations that may be able

[12] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 4, p. 4.
[13] Sue Kendal, *One Stop Border Post Standard Operating Procedures, Unity Bridge*, prepared for the International Organization for Migration, 2014, Section 4.7, p. 17.
[14] E.g., the EU uses a stamped cross in every refusal of entry as a way of informing other EU countries about a previous refusal of entry. This does not necessarily mean that the traveler will automatically be refused when applying for a new entry in the Schengen area (i.e., internal EU borders), but rather that the other member state should pay special attention to the situation.

to help or inform them about the available reception conditions, including health care. This includes information on how to contact the United Nations High Commissioner for Refugees (UNHCR, the UN Refugee Agency) and national actors working for the protection and assistance of asylum seekers and refugees.

There will also be circumstances at the border in which further information will be required to ascertain whether or not the individual fulfils conditions of entry. Where the conditions of entry are not met and where entry is refused, steps will be taken to prepare return or to carry out the removal process. Facilities may also be required to undertake secondary examination, which subject to national legislation, may require the person to be held at the border pending completion of enquiries.

Reception facilities at the border are required for individuals in need of protection so that they may be processed, have an opportunity to identify their personal circumstances, and for the authorities to identify the relevant course of action, including referral to the relevant agency. This is covered in subsection 10.3.2(3).

A decision to hold a person seeking entry to a country at the border will be subject to the requirements and policies of that country and subject to international standards. The place and conditions of individuals being held should be appropriate; and the length of time should not exceed a duration that is reasonably required for the purpose pursued. Certain material reception conditions will also be required including food, water, provisions for accommodation, and basic medical care.

Both countries will need to establish a joint committee to negotiate and cooperate regarding the management of such facilities and the provision of assistance at the border points. A joint management team should be established to ensure compliance with national legislation and international standards, and joint standard operating procedures agreed, compiled, and issued.

Strict procedures and guidelines should be clearly set out for provision of reception and assistance to individuals within the CCZ.[15]

(6) Asylum

Both countries involved in the OSBP should be signatories to the same international and regional legislation and conventions regarding asylum, i.e., the Convention Relating to the Status of Refugees (1951) and its Protocol (1967), and the Organization of African Unity Convention (1969).

In straddling and juxtaposed OSBPs, where a person, having traveled through the host country without claiming asylum, makes an asylum claim after he or she has completed the exit controls and during the border entry controls of the neighboring country, it will fall to the host country/country of departure to examine the application in accordance with its policy and procedures. The person should be returned to the officers of the host country to commence the examination. This procedure will also apply where an application for asylum is made after completion of the entry controls but before that person has left the CCZ – the host country will still need to accept responsibility for examining the application.

[15] This section benefitted from substantial inputs from Elizabeth Warn, Senior Regional Thematic Specialist, Immigration and Border Management for Southern and Eastern Africa, Regional Office for Southern Africa, International Organization for Migration.

To emphasize, an asylum claim made in the CCZ is the responsibility of the host country. In the case of a single country OSBP, there will need to be a memorandum of understanding or other legal instrument in place to ensure that asylum claims remain the responsibility of the country the applicant has traveled through. The legal instrument would also have to address any current legislation that gives asylum seekers rights of appeal once an application is made on sovereign territory.

If the capacity exists, fingerprints of the asylum applicant should be taken by both countries, and records should be kept by both countries of returned asylum seekers.

It is recommended that countries proceed with biometric enrolment of asylum seekers to have updated information on their national database to share with counterparts. The building of a regional database on asylum seekers might be foreseen in the medium to long term.

(7) Appeals Procedures

In a traditional two-stop border post, travelers seeking entry to a country apply once they arrive on the territory of the country. An OSBP enables examination of travelers before arrival on sovereign soil, which has an impact on appeal policies.

The examination of the appeal structure and processes in place for both countries should be made to decide what still applies, and what needs to be amended for each category of appeal. While there may have previously been an in-country right of appeal for a decision, it must be decided whether there should be such a right at the OSBP since the traveler is outside the country. For example, where students have the right of appeal before removal against the decision to refuse leave to enter, it may be deemed that given the extraterritorial application of policy, the right of appeal should be exercised from abroad.

(8) Information and Communications Technology

As detailed in Chapter 11, ICT systems used by OSBP countries will vary and the installation, or upgrading, of these systems should be considered when setting up an OSBP to ensure compatibility between agencies and countries, subject to security requirements. There should be equality of provision across the border agencies.

In the juxtaposed and single country OSBP models, consideration will need to be given to the transmission of potential sensitive national security information to offices on foreign territory. In Calais, France, for example, the UK Border Agency was required by the country's national security services to put in place additional security levels and tests to ensure the integrity of the ICT system.

Subsection 11.4.4(2) further addresses immigration ICT systems.

(9) Monitoring and Evaluation

As was explained in Section 5.3, in order to assess the performance of the OSBP, and to identify areas of weakness, a robust evaluation system needs to be in place prior to the commencement of OSBP operations. With respect to immigration, a baseline assessment should be taken of the key measurables including, but not limited to (i) passenger levels, (ii) nationality mix, (iii) reasons for entry, (iv) refusal figures, and (v) time taken to cross the border. Thereafter the size of the OSBP will determine the frequency with which the figures need further analysis. In a larger OSBP this should be done at least weekly.

9.2.2 Standards Related to the Movement of Goods

(1) International, Regional, and National Legal Frameworks

International trade is governed by international, regional, and national legal instruments, including the ones presented in Box 9-3.

Box 9-3: International, Regional, and National Legal Instruments Governing International Trade

- International Convention on the Simplification and Harmonization of Customs (the Revised Kyoto Convention, RKC) of the WCO
- other WCO instruments, tools, and documents, including (i) the International Convention on the Harmonized Commodity Description and Coding System (the so-called HS Convention), which established a uniform of commodity classification that serves as the basis of customs tariffs; (ii) the SAFE Framework of Standards to Secure and Facilitate Global Trade, which establishes standards that provide supply chain security and facilitation at a global level to promote certainty and predictability (including the concept of authorized economic operators); (iii) the ATA Convention and the Convention on Temporary Admission (Istanbul Convention), which govern the temporary admission of goods; (iv) the Coordinated Border Management Compendium, which supports the development and implementation of CBM; (v) the Risk Management Compendium, which supports systematic application of risk management; and (vi) the Single Window Compendium, which addresses aspects of single windows
- Trade Facilitation Agreement of the WTO
- other WTO agreements, including (i) the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement, 1995), which requires that WTO members' policies relating to food safety as well as animal and plant health (imported pests and diseases) be based on science; (ii) the Agreement on Technical Barriers to Trade (1994), which ensures that technical negotiations and standards, as well as testing and certification procedures, do not create unnecessary obstacles to trade; and (iii) the Agreement on Customs Valuation (1994), formally known as the Agreement on Implementation of Article VII of GATT, which prescribes methods of customs valuation that WTO members are to follow (mainly the "transaction value" approach)
- a number of international conventions of the United Nations and other international organizations including (i) the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention; Geneva, 1975); (ii) the TIR Convention (Geneva, 1975), the Customs Convention on the Temporary Importation of Commercial Road Vehicles (Geneva, 1956); (iii) the Customs Convention on Containers (Geneva, 1972); and (iv) the International Convention on the Harmonization of Frontier Control of Goods (Geneva, 1982)
- Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014-2024 (2014)
- 35 trade facilitation recommendations of the United Nations Centre for Trade Facilitation and Electronic Business
- multilateral, plurilateral, and bilateral trade agreements
- regional and national laws

Abbreviations: ATA = Admission Temporaire/Temporary Admission, CBM = coordinated border management, GATT = General Agreement on Tariffs and Trade, RKC = Revised Kyoto Convention, TIR = Transit International Routier International Road Transport] UN/CEFACT = United Nations Centre for Trade Facilitation and Electronic Business, WCO = World Customs Organization, WTO = World Trade Organization

Sources: (i) Jean Grosdidier de Matons, *A Review of International Legal Instruments, Facilitation of Transport and Trade in Africa*, SSATP [Africa Transport Policy Program], 2014; and (ii) Asian Development Bank, *Trade Facilitation Progress in Asia: Performance Benchmarking and Policy Implications, Final Report*, prepared under TA-8694 REG: Support for Trade Facilitation – TF1 Trade Facilitation Component 1 (48249-001, undertaken by PADECO Co., Ltd.), 2015, pp. 2-12 to 2-22

Regarding the process of simplifying and harmonizing border procedures, the Revised Kyoto Convention (RKC), which entered into force on 3 February 2006, provides international standards and recommended practices for modern customs procedures and techniques.[16] The RKC supports trade facilitation and effective controls through the use of simple efficient customs procedures. It is mandatory for all contracting parties of the WCO to accept its obligatory rules. The key principles of the RKC are as follows:

(i) transparency and predictability of customs actions;
(ii) standardization and simplification of the goods declaration and supporting documents;
(iii) simplified procedures for authorized persons;
(iv) maximum use of information technology;
(v) minimum necessary customs control to ensure compliance with regulations;
(vi) use of risk management and audit based controls;
(vii) coordinated interventions with other border agencies; and
(viii) partnership with the trade.

The RKC comprises a main body, a general annex, and specific annexes. The general annex consists of 10 chapters providing core principles and standards and transitional standards covering the clearance of goods, payment of duties and taxes, customs and trade cooperation, and risk management and information technology applications. In addition, there are 10 specific annexes including 25 chapters covering various aspects of customs procedures and providing implementation guidelines containing standards and recommended practices.

Including but going beyond customs, the WTO TFA, on which negotiations were completed in December 2013, contains provisions for expediting the movement, release and clearance of goods, including goods in transit. The structure of the TFA includes Section I, which includes 12 articles with about 40 "technical measures"; Section II, which includes special provisions for developing and least-developed country members, and Section III, which includes final provisions and institutional arrangements. The Agreement also provides guidelines for effective cooperation between customs and other appropriate authorities on trade facilitation and customs compliance issues. The WTO TFA will enter into force once two-thirds of WTO members ratify it; the WCO Mercator Programme supports governments worldwide in implementing the WTO TFA expeditiously and in a harmonized manner by using core WCO instruments and tools.[17]

(2) Coordinated Border Management

CBM may be defined as "a coordinated approach by border control agencies, both domestic and international, in the context of seeking greater efficiencies over managing trade and travel flows, while maintaining a balance with compliance requirements."[18] The term is often interchangeably used with others such as integrated border management (IBM),[19] collaborative border management, and comprehensive border management.[20] While there might be subtle

[16] As of 22 June 2015, 29 African countries had acceded to the RKC.
[17] See, e.g., http://www.wcoomd.org/en/topics/wco-implementing-the-wto-atf/~/media/WCO/Public/Global/PDF/Topics/WTO%20ATF/Mercator%20Programme/CouncilWCO%20Mercator%20Programme.ashx.
[18] World Customs Organization, *Coordinated Border Management: An Inclusive Approach for Connecting Stakeholders*, p. 3, 2015.
[19] IBM may be defined as: "National and international coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and integrated border management systems, in order to reach the objective of open, but well controlled and secure borders" [definition provided by the International Organization for Migration on 11 November 2015, drawing on EU sources].
[20] *The International Organization for Migration and Integrated Border Management* [downloadable from https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/ibm/05-IOM-IBM-FACT-SHEET-Integrated-Border-Management.pdf] has observed that coordinated border management and integrated border management are "parallel" concepts.

differences, the common theme in all of these concepts is the emphasis on a coordinated method of discharging regulatory functions among government agencies responsible for border controls. In particular, IBM – which often is closely associated with CBM – implies introducing structural changes to the working and institutional arrangement of border agencies by merging them into one organization. In that sense, with the exception of a few countries in Africa such as South Africa, most countries on the continent are applying CBM as opposed to IBM considering the relative autonomy that CBM guarantees to the participating agencies.

Under the OSBP framework, coordination should occur at three levels: (i) intra-agency, (ii) inter-agency,[21] and (iii) international (i.e., across the border). Coordination also occurs in two dimensions, i.e., with respect to the (i) flow of information, and (ii) movement of people and goods. Joint controls to expedite the movement of traffic by minimizing duplications and promoting transparency may be one component of CBM.

Table 3-2 enumerated key principles for implementing CBM.

(3) Formality and Documentation Requirements

To simplify border procedures, formality and documentation requirements should be reviewed regularly with a view to minimizing the complexity of import, export, and transit operations. The TFA requires such regular reviews. Members should also ensure that such formalities and documentation requirements are as fast and efficient as possible. Chapter 3 of the General Annex to the Revised Kyoto Convention sets out a series of standards on the clearance of goods and other customs formalities.

(4) Electronic Single Window Systems

Another international standard or good/best practice – described in more detail in Section 11.4.5(1) – is electronic single window systems, which enable cross-border traders to submit documents at a single location and/or through a single entity. The most widely accepted definition of a single window is "a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfill all import, export, and transit-related regulatory requirements".[22] Figure 9-2 presents a schematic of an electronic single window system.

Electronic single window systems may be considered to be an electronic form of CBM. United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) Recommendation No. 33 refers to a single window as "a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfill all import, export, and transit-related regulatory requirements. If information is electronic, then individual data elements should only be submitted once".[23]

To support capacity building efforts, the WCO has developed a *Compendium on How to Build a Single Window Environment*. The Compendium provides information and guidance at all stages of development of a single window environment. The WCO Data Model is a supporting tool – it is a set of carefully combined data requirements that are mutually supportive and are updated on

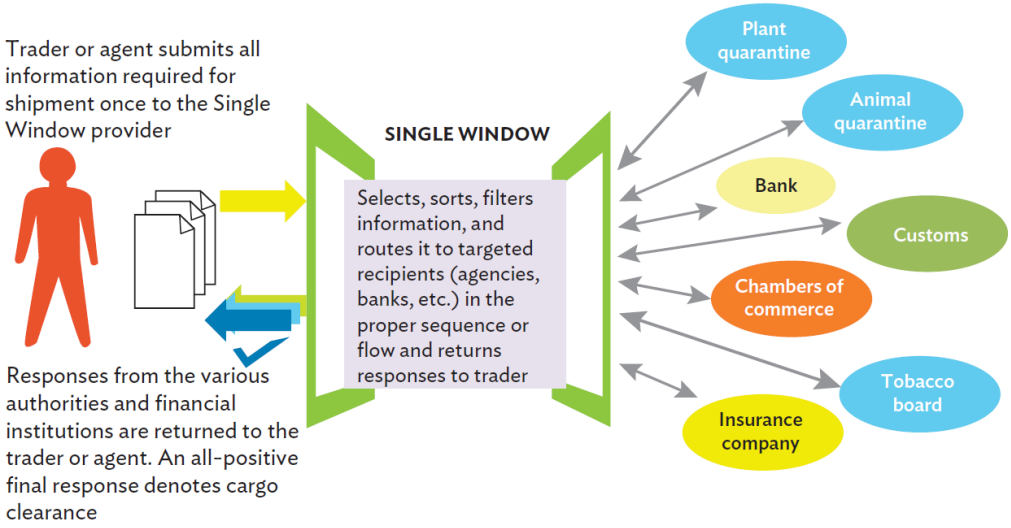
[21] In some cases one agency may through a service level agreement delegate another agency to perform tasks (e.g., checking, release) for it, especially when the agency lacks staff at the subject border crossing (e.g., in the case of a small border crossing).
[22] United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFCT), *Recommendations and Guidelines for Establishing a Single Window to Enhance the Efficient Exchange of Information between trade and Government*, Recommendation No. 33, 2005, p. 3.
[23] See previous footnote.

a regular basis to meet the procedural and legal needs of cross-border regulatory agencies such as Customs, controlling export, import, and transit transactions.[24]

With current advancements in technology, customs administrations are now adopting the use of mobile devices such as smart phones, tablets, bar code readers, and global positioning systems using Wi-Fi technology to feed information into single windows and other operational platforms.

Figure 11-2 in the chapter on ICT for OSBPs presents a map of single window projects in Africa. While there is no universal framework that governs single windows, measures may be taken at the national, bilateral, and/or regional levels. A single window system enables (i) a single submission of data and information; (ii) a single and synchronous processing of data and information; and (iii) single decision-making for goods release and clearance.

Figure 9-2: Schematic of an Electronic Single Window System



Sources: (i) Organization for Security and Co-operation in Europe and United Nations Economic Commission for Europe, *Handbook of Best Practices at Border Crossings – A Trade and Transport Facilitation Perspective*, 2012, Diagram 7.2, p. 182 [downloadable from http://www.osce.org/eea/ 88238?download=true]; and (ii) Asian Development Bank and ADB Institute, *Connecting South Asia and Southeast Asia*, 2015, p. 194

(5) Risk Management

Effective risk management is essential for modern border controls since it provides the means to achieve an appropriate balance between trade facilitation and regulatory control.[25] The aim of risk management is to develop appropriate techniques for the systematic identification of risks and implementation of measures required to limit exposure to risk. Risk management is also useful for implementing international and national strategies, in accordance with the relevant legislation, for the collection of data and information, analyzing and assessing risks, prescribing action, and monitoring outcomes in order to facilitate, improve, and streamline control procedures.

[24] Reference may also be made to the UN Layout Key to align documents to international standards, the UN Trade Data Elements Directory, and the UN Core Component Technical Specifications to define data using standard semantic Codes for Trade Data; data models to develop applications needed for data interoperability across platforms and to design electronic documents such as the UN Core Component Library and the WCO Data Model; and standards to obtain the structure of electronic documents and messages such as UN XML NDR, EDIFACT MIGs, WCO EDIFACT, and MIG/XML Schemas.

[25] David Widdowson, "Managing Risk in the Customs Context", in Luc De Wulf and Jose Sokol (ed.), *Customs Modernization Handbook*, 2005, pp. 98–99.

Article 7.4 of the TFA obliges members, to the extent possible, to adopt or maintain a risk management system for customs control. The RKC sets out the principles of customs risk management and the RKC Guidelines cover the technical aspects of risk management and customs control. The WCO *Risk Management Compendium* introduces detailed and technical information on risk management, based on the practices and experiences of WCO members.[26]

Risk is the possibility of something happening that will have a negative impact on organizational objectives. It is measured in terms of the probability that the action or event may happen and the consequences if it does happen. For the customs administration, the risk may be that dutiable value may be understated or that commodities have been misclassified to avoid duty. For other border agencies, the risk may be the admission of a new plant disease or harmful drugs, for example. Risk management systems identify, assess, and quantify risks for the purpose of developing control measures.

Implementing a risk management system requires:

(i) establishing a risk management committee comprising all OSBP agencies;
(ii) determining the resources and environment in which the controls will be carried out.
(iii) identifying risks;
(iv) establishing the likelihood and severity of consequences for each to prioritize risk;
(v) determining measures to control significant risks, e.g., physical inspection, scanning, documentary checks, post clearance audit;
(vi) developing an information and intelligence sharing protocol;
(vii) sharing information with other agencies; and
(viii) monitoring how well measures identify and address risks.

Once this process has been followed, risk profiles for all border control agencies can be entered into a risk management software program such as a border management system. Selectivity parameters are entered for each agency so that the software can evaluate risk concerns for all border agencies and recommend the channel for each consignment as follows:

(i) red for thorough documentary check and physical inspection;
(ii) yellow for documentary check;
(iii) blue for post clearance audit; and
(iv) green for release after face vetting only.

There are various ways of establishing an organizational risk management framework. Generally, general, the framework consists of five key elements: (i) mandate and commitment, (ii) organizational risk governance arrangements (for designing the framework), (iii) the implementation and practice of risk management, (iv) monitoring and review, and (v) continuous development.

It is a good practice that not only the customs administration uses risk management, but that a system for integrated application of risk management be used that identifies and selects the most important risk for all border control agencies. In an OSBP environment, border agencies from the two countries work in close proximity to each other. This approach promotes more intelligence sharing on risks as well as greater use of joint inspections. It encourages coordinating the exit and entry procedures in the OSBP and for sharing intelligence related to documentary checks. Nevertheless, to be effective the risk profiles and selectivity criteria must

[26] World Customs Organization, *WCO Risk Management Compendium* [Volume 1; Volume 2 is proprietary] downloadable at http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/~/media/B5B0004592874167857 AF88FC5783063.ashx.

be continuously updated to reflect the risks perceived at the borders. Since risk management systems are generally maintained at headquarters, it is necessary that a reporting mechanism be set up at the border with regular updates to headquarters for the system to adequately address the changing risks to achieve agency objectives.

The benefits of risk management include: (i) providing a better balance between border controls and trade facilitation, (ii) enhancing the focus on high-risk movements, (iii) improving compliance with laws and regulations, and (iv) reducing release times and transaction costs.

Risk management principles should be applied to improve inspection detection ratios and to enable border control agencies more effectively target suspect or high-risk shipments while speeding the release of shipments, which pose little risk in terms of revenue loss or hazards.

(6) Pre-Arrival and Fast Track

Pre-arrival processing is a system where importers and exporters, through their clearing agents, submit trade documents to border agencies prior to the arrival of goods at a point of clearance. Pre-arrival processing provides sufficient time for border agencies to examine documents thoroughly and to allocate appropriate resources in anticipation of the arrival of the goods. A customs administration requires traders to put their pre-cleared goods under its physical control in order to ensure collection of the import duties and taxes, prevention of the contraband smuggling, and execution of all trade-related laws and regulations. Many customs administrations prefer traders and clearing agents to lodge a declaration prior to arrival under a pre-arrival lodgment scheme, but they cannot release goods before the physical arrival at the border post is confirmed. Customs administrations release goods before their arrival for authorized economic operator (AEO)[27] clients only as an administrative disposition. Other clients are only informed of the status of their cargo while the cargo is still in transit. With the exception of AEO clients, customs cannot give the traders and clearing agents a 100% guarantee, but rather they retain the authority to change the status upon their physical arrival; otherwise traders or transporters could easily smuggle contraband, evade import duties and taxes, and avoid the requirements of trade-related laws and regulations. In general, more sensitization and training is required for customs officers on how to handle goods for traders that qualify for preferential treatment under such schemes.

A pre-arrival processing system involves the following steps:

(i) Traders or clearing agents lodge their declarations for their cargo prior to arrival under the pre-arrival lodgment systems.
(ii) The customs administration gives this cargo an immediate release status after completion of all the necessary official procedures.
(iii) The customs administration physically confirms their arrival at the entrance gate and simultaneously releases them at the exit gate.

In case of the East African Community, under its Single Customs Territory framework, customs administrations release cargo prior to arrival at the border. However, the cargo moves under a seal up to the border.

(7) Authorized Economic Operator Programs

AEO programs offer an opportunity for customs administrations to share their security

[27] The following subsection (7) addresses AEO programs.

responsibilities with the private sector, while at the same time rewarding them with a number of facilitation benefits.[28] In the context of OSBPs, the concept is to fast track compliant companies. This system is being used in various parts of Africa to reward compliant customers with faster border clearances, in return often for a post clearance audit by the customs administration and periodic random checks. More than 60 countries have implemented AEO programs worldwide,[29] and some early efforts have taken place in Africa to move forward with such initiatives.[30]

The development of AEO programs is a response to the need to improve trade facilitation while improving compliance and establishing a closer partnership with the business community. The concept is that the client will usually receive an accreditation status that is recognized by all participating government agencies responsible for border controls. The aim would be to provide business with an internationally recognized quality mark, which indicates that their customs procedures are efficient and compliant. This implies that upon arrival at a border post, the client will be expedited to continue without being subjected to the normal rigorous processes, even at OSBPs.[31]

(8) Detention of Goods

Customs administrations, as governmental agencies, strive to ensure the safety and security of their citizens, as well as to preserve the legitimate global trading system. Article 5.2 of the WTO TFA requires members to inform the carrier or importer promptly when goods declared for importation are detained for inspection. Chapter 1 of Specific Annex H to the RKC sets standards on the seizure or detention of goods. It includes several recommended practices regarding detention, customs control, risk management, and cooperation with other customs administrations. Chapter 6 of the General Annex to the RKC also sets standards on customs control.

(9) Appeals Procedures – Customs and Other Border Control Agencies

National laws governing customs and other border control operations at OSBPs provide for the right to appeal. In general, an appeal should be lodged in writing and should state the grounds on which it is made. There are time limits within which an appeal can be lodged and within a reasonable time customs agencies are required to provide a ruling communicated in writing to

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[28] Requirements for AEOs (and customs administrations) set out in the WCO SAFE Framework (Annex 4) include the following: (i) demonstrated compliance with customs requirements, (ii) satisfactory system for management of commercial records, (iii) financial viability; (iv) consultation, cooperation, and communication; (v) education, training, and awareness; (vi) information exchange, access, and confidentiality; (vii) cargo security; (viii) conveyance security; (ix) premises security; (x) personnel security; (xi) trading partner security; (xii) crisis management and incident recovery; and (xiii) measurement, analysis, and improvement.

[29] See (i) World Customs Organization, *Compendium of Authorized Economic Operator Programmes*, 2015; and (ii) *A Global Perspective of the Authorized Economic Operator (AEO) Program*, downloadable from https://tax.thomsonreuters.com/blog/onesource/a-global-and-indian-perspective-of-the-authorized-economic-operator-aeo-program/.

[30] See (i) *EAC Framework Guides Time Path*, 7 April 2015, downloadable from https://www.trademarkea.com/news/eac-framework-guides-tmea-path/ [on AEO implementation in Kenya and Rwanda with the EAC Single Customs Territory implementation, and separately in Uganda]; (ii) *Uganda Revenue Authority Certify 10 Authorized Economic Operators*, 17 July 2014, downloadable from https://www.trademarkea.com/press-releases/uganda-revenue-authority-certify-10-authorized-economic-operators-aeo-in-uganda/; (iii) Trade Facilitation Facility, *Authorized Economic Operators Mechanism for West Africa,* 2011; and (iv) World Customs Organization, EAC-AECO Pilot Project – Nairobi, Kenya, 2013 [downloadable from http://www.wcoomd.org/en/media/newsroom/2013/september/eac-aeo-pilot-project-nairobi-kenya. aspx].

[31] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 49.

the appellant. In cases where an appeal is dismissed, the customs authority must give reasons for the decision with room for further appeal.

Article 4 of the WTO TFA requires members to provide any person to whom customs issues an administrative decision with the right to administrative appeal or review, and/or judicial appeal or review. The administrative and judicial review should be carried out in a non-discriminatory manner. Chapter 10 of the General Annex to the RKC addresses appeals in customs matters. The standards provide for a transparent and multi-stage appeal process, with the aim of preventing the perception of victimization by those affected by customs decisions.

(10) Monitoring and Evaluation

Continuous monitoring and evaluation of border operations is important for modernizing border crossing procedures. At OSBPs, monitoring involves the systematic and routine collection of information on border operations in order to (i) provide lessons to improve processes and procedures in the future, (ii) introduce internal and external accountability of the resources used and the results obtained by border agencies, and (iii) assessing the performance and effectiveness of OSBP procedures.

Monitoring of OSBP operations allows results, processes, and experiences to be documented and used as a basis to inform decisions. The data and information collected through monitoring can be used for evaluation. Evaluations of border operations are useful in drawing conclusions on the relevance, effectiveness, efficiency, impact, and sustainability of OSBP operations.

In this regard, the TFA encourages members to measure and publish their average release times. It refers explicitly to the WCO time release study methodology, which is a unique tool and method for measuring the actual performance of customs activities as they directly relate to trade facilitation at the border.

Section 5.4 presents more detailed information on monitoring and evaluation.

(11) Transparency and Government-Business Partnerships

Promoting transparency through government-business partnerships for border operations will facilitate a stronger partnership between government and the business community at the national, regional, and international levels. Such partnerships should promote of regular and results-oriented dialogue and action on everyday challenges. Such initiatives should be in line with good or best practices. The overall purpose of government-to-business partnerships is to provide a structured forum for dialogues with key stakeholders in the trading chain that contributes to trade facilitation, improvements in border operations, and higher rates of compliance by the trading community.

The WTO TFA requests members to promptly publish information regarding customs procedures, such as import, export, and transit procedures, applied rates of duties and taxes, and fees and charges, in a non-discriminatory and easily accessible manner. The TFA also asks members to provide traders and other interested parties with opportunities and an appropriate time period to comment on the introduction or amendment of laws and regulations. Members are also required to make new or amended laws and regulations available before their entry into force.[32]

[32] Reference may be made to Articles 1 and 2 of the WTO TFA on Publication and Availability of Information (Article 1) and [Information before Entry into Force and] Consultation (Article 2).

9.3 Designing Border Clearance Procedures for People in an OSBP

9.3.1 Clearance of Pedestrians and Passengers Using Public Transport

Travelers should complete the requirements of the country they are leaving before seeking leave to enter in the next country.

Separation of channels in the OSBP should be considered, e.g., nationals of member countries of the relevant regional economic communities (RECs) should be given a separate channel where possible to facilitate their travel. Where locally issued travel permits (e.g., jetons, border passes) have been agreed by both countries, the holder should also have an expedited route. Furthermore, online visa and/or manual visa applicants should be processed in separate lines for facilitation purposes.

The traffic flow through the OSBP for each category of passenger should be clearly signposted. Passengers using public transport should disembark from the vehicle at the beginning of the pedestrian route and follow the routing for pedestrians. There should be separate arrangements for the processing of the drivers. This does not apply to groups and coaches using the fast track system who have obtained pre-clearance.

Box 9-4 provides more suggestions regarding the segmentation of travelers.

Box 9-4: Segmentation of Travelers

The segmentation of travelers will depend on the size and layout of the OSBP infrastructure and the nationality mix crossing the border. Categories/parameters for segmenting travelers may include: (i) local (including locally issued jetons or border passes, where applicable), (ii) regional/national, (iii) pre-clearance and fast track (which can be merged with the local category where there is limited space), (iv) and others (non-visa nationals and visa nationals). Channels for (i) and (iii) need not be fixed and can be opened in line with demand.

Source: This Sourcebook

9.3.2 Clearance of Passengers Using Private Transport

Passengers using private transport should follow a separate routing through the OSBP. They can remain in their vehicles and be cleared by officers using booths designed for that purpose and/or mobile verification equipment. Where the physical layout and size of an OSBP does not allow for separate control points, passengers in private transport should park their vehicles and follow the routing for pedestrians. A checkpoint to ensure that all formalities have been cleared for those vehicles before they can proceed to the destination country will be required.

9.3.3 Clearance of Drivers and Crew of Freight Vehicles

The same principles apply for drivers and crew of freight vehicles as for all other traffic with respect to immigration clearance. The immigration control should be the last control point when leaving the country and the first in the country of destination. A frequent traveler program will allow a further streamlining of the processes. The IOM has designed a system of biometric enrollment and identity verification that safely facilitates the movements of drivers and crew of freight vehicles, speeding up clearance by minimizing administrative intervention.

9.3.4 Port Health Controls

Health officials provide an important service at the border – they help communities to maintain a good health status and healthy lifestyle by identifying and raising awareness of disease, psychosocial trauma, distress, and other social determinants of health. With an increase in migration globally comes the exponential increase and reemergence of international disease threats and other health risks. A competent medical inspector can advise on procedures regarding detection, prevention, and control of diseases. Where required, this includes case finding activities such as outreach screening, surveillance, sensitization, referrals, and contact tracing. He/she can provide medical advice and referral along with counseling for vulnerable cases such as victims of trafficking, people living with HIV, cases of gender-based violence, people with disabilities, the elderly, and minors.

Travelers seeking entry that mention health or medical treatment as a reason for their visit, or that appear not to be in good mental or physical health, should be referred to the medical inspector. When setting up an OSBP, serious consideration should be given to implementing a strategy of port health aligned with the International Health Regulations of the World Health Organization (2005) including the associated guide for public health emergency contingency planning at designated points of entry.[33] Each OSBP should have a district health team drawn from the local communities and that has been trained in their roles and responsibilities. The team should be active continuously providing support to the communities and travelers. A continuous learning process should be activated in order to maintain a high quality of services. The team should identify existing community initiatives conducted by relevant stakeholders and promote a strategic partnership for community engagement. Costs can be minimized by establishing a joint team from both countries.

9.3.5 Considerations for Border Communities

Local communities bordering the OSBP are key stakeholders in its operations and make a significant contribution to its success or otherwise. It is essential that OSBP management engage with local leaders at the earliest opportunity. They should be encouraged to be part of the communications strategy to educate and inform travelers on the OSBP processes.

Many countries operate a system of locally issued travel permits (border passes) or jetons, usually issued by local authorities, and which have limited validity and restrictions on travel. However, the lack of security, nationality, and identity checks leaves the system open to abuse. In addition, there may be issues where a permit is recognized by one country adjoining the OSBP but not the other.

OSBP immigration managers need to reach agreements on (i) the acceptability of the local travel permit as a travel document; (ii) if agreed as deemed acceptable, formulation of a system for permit issuance that is robust and not open to abuse, including the use of biometrics; and (iii) facilitation of local community residents through the OSBP.

[33] World Health Organization, *International Health Regulations (2005): A Guide for Public Health Emergency Contingency Planning at Designated Points of Entry*, 2012.

9.4 Designing Border Clearance Procedures for Goods in an OSBP

9.4.1 Clearance of Goods

The clearance of goods at border crossing points is a major source of revenue for many countries in Africa. In this regard, customs and other border agencies have to balance their controls among various competing requirements, including trade, the economy, fiscal and budget issues, crime interdiction, environmental concerns, and transport. At OSBPs, the clearance of goods is guided by specific operating principles that require the sequencing of controls according to one of the following two options:

(i) **State-to-State Controls:** This is a form of controls whereby all the controls of the country of exit are be completed before any controls of the country of entry can be commenced. In this sequence, jurisdiction in all respects is defined in terms of the country undertaking controls.

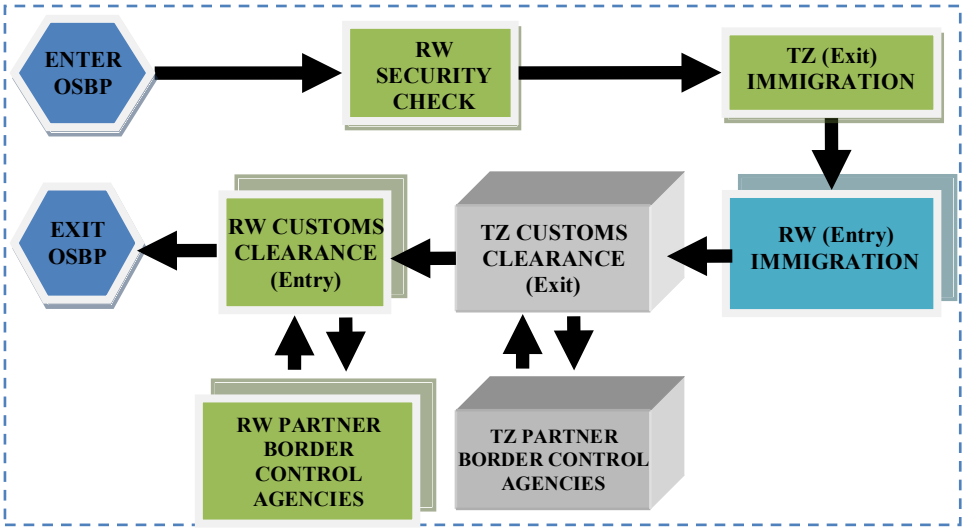
(ii) **Agency-to-Agency Controls.** This is a form of controls whereby once controls of a specific agency of the country of exit are completed, that agency can hand over control to its counterpart agency of the county of entry to commence its controls even if other agencies of the country exit have not completed their controls. For example, the immigration authority of the country of exit may complete its controls and handover control to the immigration authority of the country of entry notwithstanding that customs and other border agencies may not have completed their controls on the goods that may be accompanying the person. In this regard, the person and goods would be subject to dual jurisdiction.

In the conduct of their controls, the adjoining countries should specify in their OSBP agreement the sequence and form the controls will take at their OSBP(s). Where practical, the adjoining countries should conduct their controls by way of simultaneous processing of documents and joint inspections and verifications, by all national agencies of the country or countries with an interest in undertaking their controls. The lead agencies of the two countries should be responsible for the coordination of these joint controls. However, notwithstanding such joint controls, jurisdiction of the two countries remains sequential in that the country of exit should exercise its jurisdiction before the country of entry. To avoid doubt, despite having conducted its controls jointly with the country of exit, the country of entry should not take any measures on the person or goods before the country of exit has completed its measures and handed over jurisdiction in the appropriate manner. The adjoining countries should specify in their OSBP agreement the manner and form in which the handover of jurisdiction is indicated between the two countries.[34]

Figure 9-3 presents a diagram from the Rusumo OSBP Operational Procedures manual as an example of agency-to-agency controls. As an example of measures to facilitate small-scale trade, Box 9-5 summarizes the COMESA Small-Scale Trade Regime (the charter for small-scale traders was presented in Box 4-2 in subsection 4.3.3, which covers the simplification of border procedures for small-scale traders).

[34] See, e.g., (i) EAC Secretariat, *The East African Community One Stop Border Post Regulations*, 2015; and (ii) Corridor Development Consultants (Pty) Ltd, ECOWAS, ECCAS, Federal Republic of Nigeria, Republic of Cameroon, and AfDB, *Nigerian-Cameroon Multinational Highway and Trade Facilitation Programme, Study on Development of the Joint Border Post Legal Framework, Final Report*, May 2015.

Figure 9-3: The Process Flow on the Rwandan Side of the Rusumo OSBP



Abbreviations: RW = Rwanda, TZ = Tanzania
Source: *Rusumo One Stop Border Post Operational Manual*, December 2014, p. 11

Box 9-5: COMESA Simplified Trade Regime

In the light of the critical role played by small-scale traders in cross-border trade transactions, special measures/regimes should be considered for their clearance at OSBPs. One example of such arrangements is COMESA's Simplified Trade Regime (STR), which is a preferential trade regime that has been recently introduced at a number of borders of COMESA countries, with the aim of simplifying documentary requirements applicable to small-scale cross-border traders. In order to be eligible for such arrangement, goods carried by small-scale traders must: (i) originate in a COMESA country; (ii) be included in the Common List of Products agreed for the relevant border – lists are border-specific, and are negotiated by neighboring countries with COMESA facilitation; and (iii) fall within the STR threshold (usually between USD 1,000–2,000) – this is also border-specific and must be agreed upon by the neighbouring countries.

If the above conditions are met, traders are allowed to clear their goods by filling a COMESA Simplified Customs Document (CSCD), with no need to see a clearing agent. In this case, they are also required to certify the origin of the goods by filling a COMESA Simplified Certificate of Origin (SCOO), which can be obtained at the border and need to be signed by a customs official.

As part of the STR roll out, COMESA also supported the establishment of trade information desks (TIDs) at all borders where the regime was introduced. The desks, usually managed by national Cross-Border Traders Associations (CBTAs), provide traders with information related to the STR, and assist them with filling out relevant forms introduced under the regime.

While the intent and the vision behind the STR are commendable, it must be noted that the regime may not effectively address some of the critical challenges faced by small-scale traders at the border. Indeed, while the possibility of bypassing a clearing agent represents a source of major savings for traders (in terms of both time and financial resources), clearing procedures remain lengthy and documentary requirements cumbersome (e.g., health, phytosanitary). More importantly, import duty levels applicable to low-value consignments remain disproportionately high on average (as well as VAT, excise and other local taxes), which continues to represent a major driver for informality in small-scale cross-border trade transactions – this, in turn, causes major revenue losses, inhibits officials' ability to collect reliable statistics, and creates opportunities for corruption, harassment and other abuses along informal roads.

In view of this scenario, one potential solution is the introduction of dedicated lanes for small-scale traders, where STR-like provisions are enforced, the establishment of trade information desks,

implementation of tight security measures (e.g., regular patrolling, cameras), and performance of only spot checks. These measures would provide considerable incentive for small-scale traders to use the formal border, thus allowing for increased revenue collection and better statistics, while at the same time lightening the duty burden currently imposed on trade transactions that are, in most cases, conducted at subsistence level.

Source: Carmine Soprano, Trade and Competiveness Global Practice, World Bank, email of 28 January 2016

9.4.2 Clearance of Hazardous Goods

Trucks Burning at Kasumbalesa on the DRC-Zambia Border (December 2014)

Source: Media accounts

The transport, handling, and clearance of hazardous goods require careful planning by all parties involved so as not to endanger people and property. Examples of dangerous goods include explosives, radioactive materials, and fuels. To facilitate the clearance of such goods, the construction of OSBP facilities should include parking spaces for vehicles carrying goods considered dangerous. While border authorities should not unnecessarily delay the clearance of dangerous goods, OSBP facilities should have appropriate equipment and facilities to respond to emergencies such as fires. Where there are no such facilities, arrangements should be made with specialized agencies such as firefighting departments for quick responses. Traders and border authorities at OSBPs are encouraged to apply for pre-clearance and destination verifications to accelerate the clearance of dangerous goods. Prior to the arrival of the consignment at the OSBP, customs officers and officers of other relevant border agencies should have all documentation for the cargo and vehicle ready. If inspections are required, arrangements should be made with inland offices to facilitate such verifications on behalf of the offices at the border. For health and safety considerations, all border agencies responsible for the clearance of dangerous goods should acquire appropriate gear and equipment for their staff.

9.4.3 Clearance of Perishable and Other Time-Sensitive Goods

Perishable goods may be defined as "organic substances or living organisms that are vulnerable to easy deterioration beyond marketability or to death under the combined effect of duration and conditions of transport such as temperature (heat or cold), humidity or draught, or movement"[35]; these include live animals[36] as well as plants and agricultural products.[37] For perishable goods,

[35] Greater Mekong Subregion Cross-Border Transport Agreement, Annex 3 on Carriage of Perishable Goods, Article 2, in Asian Development Bank, *Greater Mekong Subregion Cross-Border Transport Agreement: Instruments and Drafting History*, 2011, pp. 48–49.

[36] While countries have different requirements for the importation of live animals, most countries require import and export permits as well as sanitary certificates. Mindful of the need not to stress the animals at border crossing points, border authorities should provide expeditious clearance services without compromising controls. In order to fulfill these requirements, border agencies from the exporting countries are encouraged to conduct inspections or verifications at the loading premises and authorities from the importing country are urged to conduct import verifications at the premises of the person or organization importing where there might be appropriate handling facilities. These formalities may also be conducted outside the normal working hours and away from the OSBP office where the clearance documents were lodged. Pre-clearance of live animals is recommended in order to minimize unwarranted delays at borders.

[37] Due to their nature, plant and agricultural products need to be conveyed rapidly from the point of origin to their final destination and thus require the completion of border crossing formalities with a minimum of delay. As a general principle, export consignments of perishable agricultural goods should not be examined in a routine manner

time is critical to ensure that products reach their destinations while they still offer maximum appeal to potential clients. Similarly, time-sensitive goods such as tickets for events and newspapers need to reach markets in good time. The value of such goods depreciates significantly if not used within a specific period, sometimes to the point of becoming worthless. The introduction of OSBP operations at border crossing points provides an opportunity to expedite the clearance of perishable and time-sensitive goods. In order to achieve these tight delivery timelines, traders and border authorities are encouraged to use pre-arrival processing times, fast-track lanes, and destination verifications. In circumstances where import laws have been violated and appropriate legal action needs to be taken, border authorities should ensure that such action is applied in a manner that does not unnecessarily delay the goods. As a trade facilitation measure, border agencies at OSBPs may consider providing round-the-clock border crossing services for traders dealing in perishables and fresh agricultural products, as well as other time-sensitive goods.

Reference may be made to Article 7.9 of the WTO Trade Facilitation Agreement, which calls for member states to provide for the release of perishable goods in the shortest time possible provided that all the regulatory requirements are met, in order to avoid loss or deterioration of the perishable goods. Also, reference may be made to the Rusumo and Kenya-Tanzania OSBP Operational Manuals, which provide for priority treatment of certain time-sensitive goods, e.g., samples for laboratory tests and research, human remains.[38]

9.4.4 Clearance of Abnormal or Wide Loads

Abnormal and/or wide loads may be described as cargo that exceeds the allowable weight or dimensions to be transported on public roads. Transporting such cargo requires special permits from relevant authorities. The parking spaces and driveways at OSBP facilities may not be adequate for such cargo. However, in order to facilitate clearance and movement of abnormal loads, border authorities should consider allowing such cargo to bypass the OSBP facility where the gates to the facility may not be sufficiently wide. During the clearance process, abnormal or wide vehicle loads may be allowed to park outside the OSBP premises under the supervision of customs, road, and transport authorities. In order to expedite clearance at the border, customs and handling agencies should consider pre-clearing such cargo and provide for detailed verification for customs purposes at destination points.

9.4.5 Clearance of Empty Returning Freight Vehicles

Due to imbalances in trade patterns between countries, it is common to find a considerable number of freight vehicles at border crossing points making return trips without loads. At OSBPs, returning freight vehicles without loads should be cleared expeditiously so that they do not unnecessarily contribute to traffic congestion as is typical at border crossings in Africa. At OSBPs where there is no designated parking space for empty freight vehicles, border crossing procedures should be crafted in a manner that allows for the clearance of such vehicles in the lanes or at the gates of the OSBPs. Immigration for clearance of the drivers and crew, customs for purposes of confirming proof of delivery, and police for checking the roadworthiness of the vehicle or any other compliance requirements may operate from booths located at the gates.

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and should be examined only in cases of specific intelligence. Where necessary, border authorities must examine them without delay in order to avoid losses and deterioration of the quality of the goods. In addition, for purposes of promoting the export of agriculture and plant products, border authorities at OSBPs and all other border crossing points must be sensitized to accord priority clearance to the handling and clearance of perishable agro products. In this regard traders and border authorities are encouraged to use pre-clearance and destination inspections to expedite clearance of plant and agricultural products.

[38] (i) *OSBP Operational Procedures Manual for Kenya and Tanzania*, February 2015, Annex 2; and (ii) *Rusumo One Stop Border Post Operational Manual*, December 2014, Annex 4.

However, should there be need for detailed checks by any border agency, such vehicles may be directed to park at designated places in the OSBP common control zone to avoid a build-up of traffic.

9.5 Strengthening Security through Border Management in OSBPs

9.5.1 Overview

Measures to expedite the clearance of goods and movement of people should not compromise border and national security.

Recent increases in cross-border crime such as trafficking, illegal entry, and international terrorism are a major concern for all states. The border is a country's first line of defense against those who would seek to engage in illegal or criminal activity. The border post is the first opportunity for a country to examine arriving travelers, and the exit controls present the last opportunity to gather information on the in-country activity of travelers. Both controls give the border agencies a unique opportunity to gather intelligence and information.

Intelligence-led controls based on information obtained at borders and equitably shared between states not only identify cross-border crimes and assist in the disruption and prosecution of such criminality, but also enable the focusing of resources on the threat, thus assisting in the faster processing of the genuine traveler and freeing up resources. Countries that do not have a structured immigration intelligence section may wish to consider using the establishment of an OSBP to start that process.

Last but not least, cargo security issues must also be addressed, including operational practices and technical methods.

9.5.2 Intelligence Gathering and Information Sharing

Intelligence gathering and information sharing should take place inter- and intra-agency within a country and also between the adjoining countries of the OSBP. An analysis of current legislation will be required in order to ensure that the legal gateways and MOUs are in place to allow the sharing of intelligence. Agreement should be reached over the format of how that intelligence should be shared to ensure all proper protections for sources are in place and that international laws on human rights are not breached.

On an informal level, there may be an exchange of information between law enforcement and/or regulatory agencies and their foreign counterparts without the use of a formal mutual legal assistance request. The nature of an OSBP fosters close working relationships between agencies and between countries. This should lead to an increase in informal information sharing, since officers on duty will naturally talk about the types of travelers, forgeries, and casework that they see, thus raising awareness of each agency's risk profiles and work.

On a formal level, immigration intelligence at the border can be divided into two main roles, information gathering and intelligence-led controls:

(i) **Information Gathering**: Immigration officers and other border officials are in a unique position to gather information on the movement of people through their border post. The collection and processing of information will lead to the production of intelligence

reports that inform operational focus. Information that seems innocuous when looked at in isolation can be a key part of an operation to displace and prosecute cross border crime.

Article 27 of the United Nations against Transnational Organized Crime (UNTOC, 2010) encourages state parties to cooperate closely with one another, e.g., by enhancing, and where necessary, establishing channels of communication between their competent authorities, agencies and services in order to (a) facilitate the secure and rapid exchange of information, (b) strengthen cooperation in conducting inquiries, (c) provide items for analytical and investigative purposes, and (d) exchange information on offenders' modus operandi.

Generally, international cooperation should be enhanced through the development of more effective systems of information sharing at the regional and international levels on patterns and trends in the commission of trafficking offences and on trends in the development of organized criminal groups.

(ii) **Intelligence-led Border Controls**: An intelligence-led border control identifies areas that need operational intervention and enables the focusing of resources on the hot spots of cross-border crime. It enables the genuine traveler to benefit from "light touch" controls. Uundertakings and arrangements such as joint border surveillance should be promoted to complement OSBP operations, as for example has been the case in the East African Community with JICA support.[39]

9.5.3 Carrying of Firearms in Common Control Zones

Section 24 of the EAC OSBP Regulations 2015 provides an example of good practice regarding the carrying of arms in common control zones, as set out Box 9-6.

Box 9-6: An Example of Good Practice for the Carrying of Arms in a Common Control Zone

Law enforcement agencies of a host state with responsibility for maintaining peace, security, and law and order in the control zone of an OSBP may carry such arms as are mandated in their national laws for purposes of discharging their obligations. The type of arms to be carried should reflect the perceived security threat within and around the OSBP and the sensitivities of the traveling public to the carriage of such arms.

The officers of the adjoining state may not carry any arms in the control zone in the host state regardless of whether such carriage of arms is mandated by their national laws except by special arrangements with the host State. Such special arrangements may include the carriage of arms by such officers through the common control zone to the adjoining state's exclusive use areas where it has full control and security responsibilities. Similarly, the type of arms to be carried in such exclusive use areas shall be with due regard to the security threat to such areas and the sensitivities of the travelling public which may have access thereto.

The use of arms within the control zone should be restricted to self-defensive action and action in defense of other persons, be they border control officers or the travelling public or any other member of the public. Each State should ensure that it has put in place clear standing orders in terms of its national laws to be observed by its officers in this regard.

[39] Phase 3 of the JICA Trade Facilitation Project in East Africa has been supporting joint border surveillance (JBS) at Busia (Kenya/Uganda), Gatuna/Katuna (Uganda/Rwanda), Kobero/Kabanga (Burundi/Tanzania), Malaba (Kenya/Uganda), Mutukula (Tanzania/Uganda), Namanga (Kenya/Tanzania, and Rusumo (Rwanda/Tanzania) in order to encourage legitimate trade and intelligence information sharing in relation to OSBP.

Officers who are authorized to carry arms into the control zone should be personally responsible and should take all measures to ensure the safety of the arms and prevent access to such arms by any other persons not authorized to use them. When not in use, the arms should be safely and securely locked away in an appropriate armory provided by each State for such purpose.

Source: EAC OSBP Regulations 2015, Section 24

9.5.4 Cross-Border Crimes

The United Nations Convention against Transnational Organized Crime (UNTOC, 2010) is the definitive international convention governing cooperation between and among states in all aspects of information sharing and mutual assistance related to transactional organized crime, i.e., organized crime coordinated across national borders, involving groups or networks of individuals working in more than one country to plan and execute illegal business ventures. It provides clear guidelines on what should be done and what is not acceptable.

The UNTOC contains detailed provisions on both formal and informal cooperation in criminal matters, as follows:

(i) extradition (Article 16);
(ii) transfer of sentenced persons (Article 17);
(iii) mutual legal assistance (Article 18);
(iv) joint investigations (Article 19);
(v) cooperation in using special investigative techniques (Article 20);
(vi) transfer of criminal proceedings (Article 21);
(vii) international cooperation for purposes of confiscation (Articles 13–14); and
(viii) law enforcement cooperation (Article 27).

In general terms, signatory States can use the UNTOC as a legal basis for international cooperation. The articles listed above contain detailed guidelines on the extent of cooperation and what processes should be in place to ensure legal compliance in the countries involved. The UNTIC should be used as a reference.

9.5.5 Risk and Threat Management

Immigration risk management is normally applied to a sovereign country, and that should remain so at an OSBP. However, the opportunity to share information and intelligence with international counterparts can enhances and informs that assessment.

Threat assessment seeks to examine aspects of activity that may pose threats to immigration control at both strategic and tactical levels. At the strategic level, it is generally used to identify threats to the overall control nationwide or across multiple regions and districts, while at the tactical level it is used inform intervention. At both levels, it serves the purpose of identifying what is a threat and conversely but just as importantly from a resource deployment point of view, what is not. It guides in setting priorities and is a vital tool for intelligence.

Some examples of how threat assessment is targeted are presented below:

(i) By Nationality

If, for example, there is a perception that nationals of Country X may be becoming a problem, the for a threat assessment may be undertaken. The analyst may look at:

- The level of traffic of Country X nationals through border crossing points – through statistical analysis to show month by month increases;
- Problems commonly connected with Country X nationals at border crossing points, e.g., lack of visa, no money;
- Modes of entry and routes into the country;
- Levels of illegal entry;
- Levels of passport and document abuse;
- Levels of offending – number convicted, possibly month-on-month;
- Number currently in prison;
- Type of offences; and
- Background on crime patterns and networks in Country X and elsewhere, especially evidence of organized crime group activity.

All of this information, when combined, may give an overall picture of what is happening, the extent of the threat, and whether anything (and/or what) needs to be done.

(ii) By Mode of Transport

Relevant questions include the following:

- At land borders, what vehicles tend to be used in connection with crime – trucks, buses, private cars?
- What type of crime is prevalent?
- What time of day are criminals active, i.e., perhaps when there is a shift change in border security agency staff?
- Where do vehicles involved in crime tend to be registered?
- Where are people/contraband concealed?
- Are any particular routes problematic?

The answers to these questions at a strategic level will dictate what tactical threat assessments need to be undertaken.

9.5.6 Human Trafficking and Smuggling and Protection of Vulnerable Groups[40]

An OSBP that has good inter-agency and international cooperation and information sharing is uniquely positioned to disrupt and prosecute the crimes of trafficking in persons and migrant smuggling. A joint team with appropriate and detailed training should be established. Victims of trafficking are entitled to special assistance and support measures and may require interview; the IOM has produced a range of training products on trafficking and smuggling.

Trafficking in persons and smuggling of migrants are two distinct phenomena. It is believed that the volume of those smuggled is far greater than the number of people trafficked. However, people who think they are being smuggled may run the risk of actually being trafficked, and there are also reported increases of abuses against smuggled migrants moving along migratory routes, and even if they are not being trafficked they may face abuse and exploitation.

The crimes of trafficking in persons and migrant smuggling are defined in international law within the United Nations Convention on Transnational Organized Crime and its protocols on

[40] This section benefitted from substantial inputs from Elizabeth Warn, Senior Regional Thematic Specialist, Immigration and Border Management for Southern and Eastern Africa, Regional Office for Southern Africa, International Organization for Migration.

trafficking in persons and migrant smuggling. Trafficking in persons is defined as "the recruitment, transportation, transfer, harbouring or receipt of persons … by means of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, … for the purpose of exploitation." Smuggling of migrants is defined as procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident

Trafficking in persons is a rapidly expanding global phenomenon that affects countries and communities throughout the world. There have been reports of such "irregular migration" at Chirundu, for example.[41] Trafficking of persons is a crime against the person, a violation of human rights; coercion and exploitation gives rise to duties by the State to treat the individual as a victim of crime and human rights violation. It is an abhorrent crime in that it often deprives innocent people of control of their lives, consigns them to working in conditions of slavery, and reduces human life to the status of a commodity that can be bought and sold.

Smuggling is a crime against the state, and represents a violation of immigration laws and public order. The biggest threat posed by smuggling does not come from the smuggled migrant, or the large numbers of such migrants, but rather from the strengthening of transnational organized crime syndicates, including the funding of terrorist activities, and their increased ability to circumvent governance systems.

Table 9-1 and Figure 9-4 set out differences between trafficking in persons and migrant smuggling.

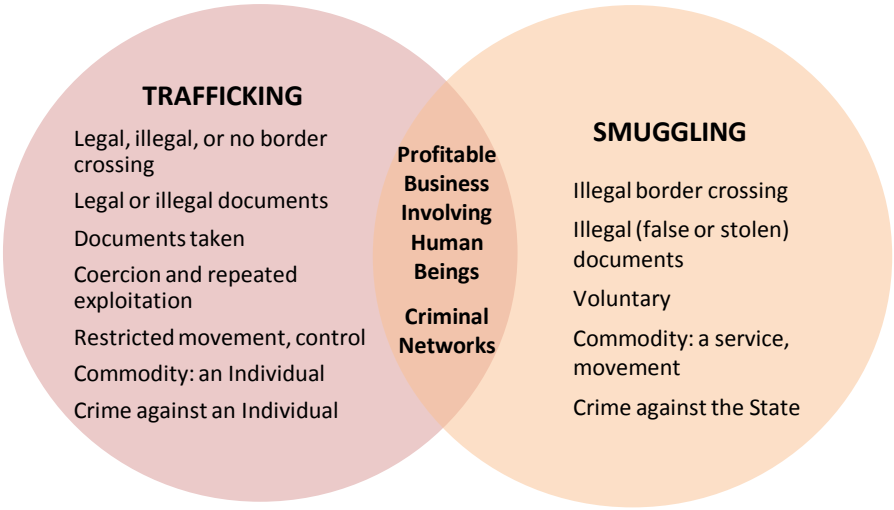
Table 9-1: Differences between Trafficking in Persons and Migrant Smuggling

Differences	Trafficking in Persons	Migrant Smuggling
Territory	Trafficking in persons can be committed within a country's borders (domestic). If a trafficking case involves the crossing of international borders, the trafficked victim may travel between countries without undergoing proper immigration procedures (smuggled).	People smuggling occurs across international borders, without undergoing proper immigration procedures or adhering to the immigration laws of the respective countries.
How money is made (territory)?	Exploitation of victim in destination country.	Helping people cross borders illegally and the procurement of illegal residence
Consent (agreement)	Potential victim agrees to travel on basis of false information.	Client agrees to travel with full information about journey, destination, and costs.
Relationships Trafficker-Victim Smuggler-Client	Trafficker-Victim Relationship continues in country of destination.	Smuggler-Client Relationship ends once the border is crossed in country of destination.

Source: International Organization for Migration

[41] (i) "Zim Border Posts Targets for Human Trafficking", *NewsDay*, 10 May 2014, downloadable from https://www.newsday.co.zw/2014/05/10/zim-border-posts-conduits-human-trafficking/; and (ii) Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7–8 March 2016, Annex 3, p. 3.

Figure 9-4: Trafficking and Smuggling: Similarities and Differences



Source: International Organization for Migration

Box 9-7 sets out possible indicators of trafficking at border posts, including OSBPs. To identify cases of trafficking in persons, police officers, investigators, and immigration officials should ask themselves: Was the person recruited by fraudulent means? Was the person then transported to a distant location? And finally, is there any evidence to suggest that the person was exploited in another region or the country of destination?[42]

Box 9-7: Possible Indicators of Trafficking at Border Posts

- Adults with children that are not their own may claim to be related and/or taking the child to a parent or relative
- Children who look uncomfortable or ill at ease with an accompanying adult – they may not be able to state their relationship to the adult or say where they are going
- Adults observed to frequently cross borders with different children or other adults
- Groups of travelers who do not appear to fit in with each other, i.e., disparity in the way that they are dressed, different nationalities, or different ethnic groupings
- Groups in which one person appears to be the group leader – he/she may hold the passports for a group and/or do all the talking
- Groups in which one person seems to be in control of the others – the others may not be able to say where they are going or what they are doing
- A lack of baggage – trafficking victims and smuggled persons tend to travel light or with no baggage at all

Source: This Sourcebook

Special treatment and measures may be required at the border for vulnerable groups of individuals, such as unaccompanied children, individuals with health vulnerabilities (who may have special medical or psychological needs), those who are mentally disabled, and for individuals subject to abuse or exploitation (including victims of trafficking). Specialized training is required for interviewing vulnerable groups, which IOM can provide.

[42] Reference may be made to IOM's "Essentials of Migration Practice", a Training Manual for Immigration Officers.

9.5.7 Joint Investigations and Operations

(a) Enforcement Operations

Officers freed up by the streamlining of OSBP processes can be redeployed in joint teams to perform joint intelligence led enforcement functions. Examples may include are random checks on bus routes known to pick up illegal entrants from unofficial crossings and patrolling vulnerable crossing points.

(b) Intelligence Investigations

Where an intelligence structure exists, the intelligence tasking and coordinating group can identify key targets and areas that require joint operations. In the absence of such a group, the OSBP steering group can take the lead.

Joint operations will need strict instructions to ensure that all involved are aware of (i) the aims and scope of the operation; (ii) the legal framework (normally within the CCZ, but in the case of a straddling OSBP, additional legal authority may be required); (iii) the chain of command for the operation, which may involve officials from one agency or country reporting to officers of another; (iv) the methodology to be used, which can range from physical searching to recording specific information, and (v) the duration. Once the operation is completed and the results analyzed, a report should be submitted to the commissioning group.

Box 9-8 presents a relevant case study from the United Kingdom Border Agency.

Box 9-8: Case Study of a Joint Investigation into the Smuggling of Foreign Nationals into the United Kingdom from Belgium via the OSBP Ports of Calais, Dunkirk, and the Channel Tunnel

This investigation tackled an Eastern European trafficker who was believed to have facilitated 5,000 illegal migrants into Britain from Northern France. OSBP border officials and other enforcement agencies in the UK, Belgium, and France were all directly involved and worked in collaboration.

The method of entry into the UK involved freight vehicles either with or without the knowledge of the vehicle driver. The vehicles, which were UK- and European-registered, were used to transport the migrants from an established refugee camp, to predetermined destinations within France and Belgium.

A series of warrants were executed across Europe and the UK as part of the operation. A total of 20 people were arrested in the UK by officers from the UK Border Agency in one of the largest ever operations targeting suspected people smuggling gangs in Britain. Around 200 officers carried out simultaneous raids on 35 addresses across the UK and there were more than 40 raids across France and Belgium.

Source: This Sourcebook

9.5.8 Search of Freight and Passenger Vehicles for Clandestine Persons

Migrants are moving across Africa on an unprecedented scale, and the use of freight and private vehicles for the transportation of trafficked and smuggled persons, often with tragic results, is well documented. A robust searching regime with detection capability is paramount in securing the border against clandestine illegal entry. However, any searching or screening intervention should be balanced against the need to ensure traffic fluidity through the OSBP. All travelers that enter the CCZ may have their vehicles and baggage searched. There are different

techniques and technologies available for the different types of transport – hard-sided and soft-sided heavy goods vehicles, tankers, car trunks/boots, and truck panniers – these include (i) visual techniques, (ii) carbon dioxide probes, (iii) heartbeat detectors, (iv) passive millimeter wave scanners,[43] and (v) body detection dogs. Carbon dioxide probes and portable heartbeat detectors need a clearly defined area in order for officers to conduct those searches and a positive result will require the vehicle to be unloaded and searched; the that search area/shed will also need to be located within the CCZ. If body detection dogs are used, the CCZ will need to cover their kennels and the exercise area.

9.5.9 Cargo Security Issues[44]

Measures to strengthen security at OSBPs may focus on cargo as well as people. Operational practices to improve cargo security may include the following:

(i) development of an industry-wide, computer-assisted cargo profiling system that can be integrated into carriers' and freight forwarders' reservation and operating methods;
(ii) development of a known-shipper database;
(iii) allocation of personnel for cargo inspections;
(iv) use of an identification card system to verify individuals authorized to enter cargo-handling facilities;
(v) undertaking of background checks on all individuals that convey and handle cargo and have access to cargo areas and documentation;
(vi) collection and dissemination of information concerning cargo security, including threat-related information, to carriers, forwarders, and government agencies;
(vii) employment of a sufficient number of qualified security officers at cargo facilities to provide physical security;
(viii) the use of security officers at cargo facilities is determined by the individual facilities in accordance with their security plans; and
(ix) use of physical barriers such as walls and fences to guard against unauthorized access to cargo areas.

Technical methods for improving cargo security include: (i) technology screening for objects and threats (e.g., technologies capable of detecting explosives and weapons of mass destruction, including radioactive, chemical, and biological agents); (ii) seals and other intrusion detection technology that can be used to determine whether a container or conveyance has been tampered with by visual inspection, or by emitting an alarm or notifying a central control station); (iii) access control and authentication, to identify and authenticate individuals or vehicles allowed into a restricted area, or to authenticate a driver or individual loading goods; (iv) tracking systems technology such as global positioning systems and bar codes that can be placed on cargo and used to identify freight being shipped or to track the shipment; (v) and closed-circuit television (CCTV).[45]

Box 9-9 presents key aspects of the WCO [Cargo] Security Programme.

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[43] A millimeter wave scanner is a whole-body imaging device used for detecting objects concealed underneath a person's clothing using a form of electromagnetic radiation. Passive systems create images using only ambient radiation and radiation emitted from the human body or objects.

[44] Reference may also be made to (i) World Customs Organization, *SAFE Framework of Standards to Secure and Facilitate Global Trade*, June 2015; and (ii) World Customs Organization, *WCO Risk Management Compendium* [Volume 1; Volume 2 is proprietary] downloadable at http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/~/ media/B5B0004592874167857AF88FC5783063.ashx.

[45] Organization for Security and Co-operation in Europe and United Nations Economic Commission for Europe, *Handbook of Best Practices at Border Crossings – A Trade and Transport Facilitation Perspective*, 2012, Tables 3-4 and 3-5 , pp. 62–63. See also World Customs Organization (WCO), *WCO SAFE Framework of Standards, 2006.*

Box 9-9: The WCO Security Programme

Terrorism, proliferation of weapons and materials of mass destruction, trafficking of small arms and explosives, and illicit diversion of dual-use goods pose a serious threat not only to security and the safety of people, but also to economic development, political stability, and the social cohesion of countries across the globe.

Customs administrations play a critical role at international border crossings in "whole-of-government" efforts to mitigate these threats. Customs administrations manage the cross-border flows of goods, people, and means of transport to ensure that they comply with law. They detect and prevent trafficking of dangerous, restricted, and prohibited goods.

The WCO Security Programme concentrates on strengthening the capacity of customs administrations to address security-related issues at the national level and aims at facilitating the global customs community's ability to deal with these threats at the international level.

WCO Security Programme activities are aimed at reaching border security outcomes in the following strategic areas:

- policy setting and foresight;
- provision of guidance and good practices on customs controls in relation to security;
- coordination of security-related customs law enforcement programs and operations;
- international cooperation;
- technology; and
- technical assistance and capacity building.

At the operational level, the Programme has three commodity-based Sub-Programmes/Projects. These include a a specific initiative in the field of explosive precursor chemicals, Programme Global Shield; the Strategic Trade Control Enforcement Project, and a small arms and light weapons initiative.

Source:http://www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/security-programme.aspx

Chapter 10
Physical Facilities and Traffic Flow in OSBPs

10.1 Process for Determining Designs and Specifications

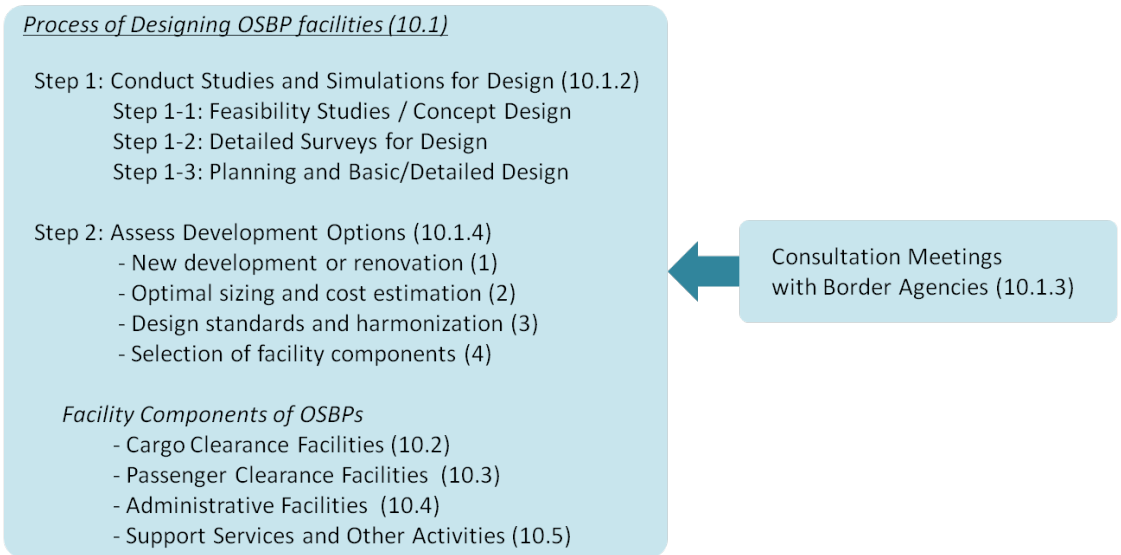
10.1.1 Introduction: Process and Key Considerations

This chapter presents the process of designing OSBPs including approach, development options, and specific considerations for core and optional facility components by functional category (i.e., facilities for cargo clearance, passenger clearance, administration, and support services).

The process of designing OSBP facilities requires careful examination based on current and simulated data and consultations with stakeholders (i.e., resident border agents and users of the facilities), considering that border procedures at OSBPs cannot be streamlined if the design simply expands the layout of conventional border facilities in one country or consolidates that in two countries. In addition, examinations in the pre-construction stage[1] are essential to determine the most appropriate capacity of the OSBP, as well as the method and scheme of construction. It may be that this assessment will find that a "no new construction" option, perhaps including the renovation of existing facilities and/or implementation of nonphysical measures, will be the most preferred solution.

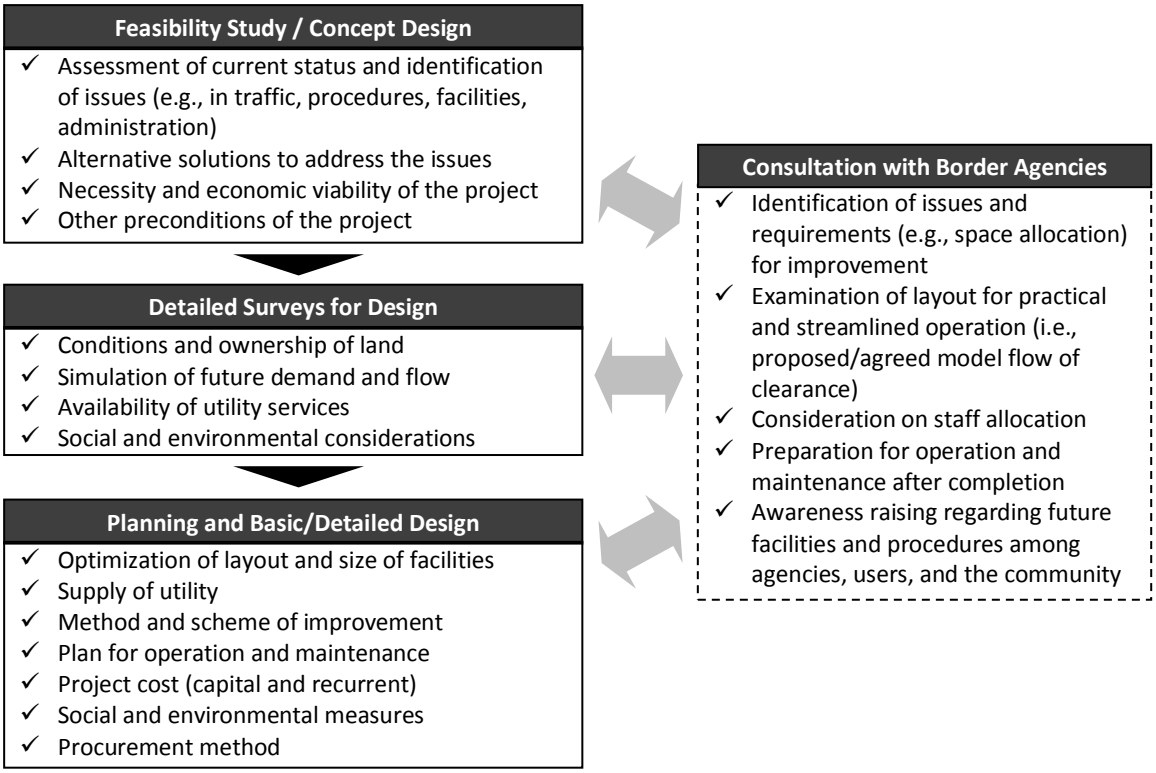
Figure 10-1 outlines the overall process for OSBP facility design with cross-references to sections and subsections of this chapter, while Figure 10-2 presents a more detailed outline of the design process, including key considerations.

Figure 10-1: Overall Process of OSBP Facility Design



[1] Subsection 13.2.3(7) – in the case study for the Chirundu OSBP – notes that there were challenges in implementation since the facilities were not designed for OSBP use from the outset and therefore modifications of the physical infrastructure were required.

Figure 10-2: The Design Process and Key Considerations



Source: This Sourcebook

10.1.2 Studies and Simulations for Design

There are two purposes of studies before the project: (i) to judge the necessity and feasibility of the project, and (ii) to examine detailed conditions for physical design. Most studies for the first purpose were detailed in the Chapter 5 covering baseline surveys. Studies for the latter purpose include site condition surveys, detailed traffic analyses, assessments of utilities, and social and environmental assessments, when necessary.

During the design stage, computer simulation tools should be used to design and validate facility layouts to accommodate traffic (e.g., based on peak-period flows). Examples of methods to be applied may include (i) geometric design testing, with the use of tools such as AutoTurn[2] to verify the layouts before they are built; and (ii) traffic demand modeling,[3] to test the capacity of the OSBP to handle the traffic and test it, before they are built, so to meet demand.[4]

10.1.3 Consultation Meetings with Border Agencies

It is valuable to form a consultation group with border agencies of the two adjoining countries and hold meeting(s) to advise on the preparation of design. Because so many different agencies are typically involved in border management, it is necessary to list all stakeholders in each country and then choose a lead agency in each adjoining state in forming the consultation group. Since an OSBP will change the operational flow between and among the various agencies at the

[2] http://transoftsolutions.com/autoturn.
[3] See subsection 5.2.2.
[4] Email from Stefan Atchia (Transport Policy Specialist, Transport, Urban Development and ICT Department, African Development Bank), 28 August 2015.

border, preparing a design without understanding the flows and linkages of the reengineered processes may result in an unpractical or inconvenient layout after completion. In this connection, border agencies should learn procedures that have been agreed by the adjoining states and will be applied in the operation of the OSBP, through consultation at the design stage. Items to be considered during meetings with border agencies may include: (i) issues and requirements for improving current conditions; (ii) the validity of the designed layout for practical and streamlined operations; (iii) future staff allocation in the facility[5,6]; (iv) settings for operation and maintenance after completion; and (v) measures for awareness raising on future facilities and procedures among agencies, users, and the community. Continuity of service of committee members is important since turnover may affect buy-in to the agreed designs. An arbitration process may be necessary to resolve issues related to space allocation within the common control zone (CCZ).

10.1.4 Development Options

(1) New Development or Renovation

The decision whether to modify the existing building(s) or to construct new ones will depend on the condition of the current building(s), their functionality and suitability for OSBP operations, and projected traffic growth. Each building is different, but many can be successfully modified for OSBP operations. Physical facilities should be designed in an efficient and effective manner for the flow of traffic, and should be optimally used to facilitate trade and the movement of people. Consider, for example, the case of the Chirundu OSBP, in which the governments of Zambia and Zimbabwe, upon realizing that the existing structures were not suitable for implementing an OSBP concept, modified and renovated the existing structures (completed 2-3 years before commencement of OSBP operations). On the other hand at Malaba, between Uganda and Kenya, preexisting facilities were initially used. All of the OSBPs (joint border posts, JBPs) in West Africa have been are new facilities designed as OSBPs.[7] Box 10-1 presents the example of the *Joint Border Posts Functionality Study* conducted by ECOWAS before proceeding with the design of its JBPs/OSBPs.

Box 10-1: Joint Border Posts Functionality Study in West Africa

Before proceeding with the design of its OSBPs/JBPs, ECOWAS conducted a *Joint Border Posts Functionality Study*, with support of the European Union. The study (i) considered current border services practices to identify changes required for the introduction of a simultaneous inspection system at the border posts; (ii) prepared a model of activity flows and layout plans in view of short- and long-term solutions; (iii) entered into a dialogue with the authorities of each country pair to reach an agreement on site workflows; (iv) harmonized the outcomes of the first three tasks in order to produce standardized conditions that can serve various conditions (e.g., topographic); (v) drafted an architectural brief for the design and preparation of plans for each site; (vi) examined a design of the Paga (Ghana-Burkina Faso) border crossing to make required proposals for reorganization; and (vii) prepared terms of reference for tender documents for consultants for the architectural and technical study of the construction of JBPs in the ECOWAS region. The report concluded that the physical

[5] In principle, critical agencies need to be at border (or represented at the border), but not all agencies need to be there, depending on the size and functionality of the subject border posts. Allocations should be discussed from this viewpoint.

[6] On the other hand, there may be a case for additional agencies requesting space in an OSBP after development. Potential stakeholders should be invited to participate in the consultation process, while an extendable/scalable layout plan could accommodate future increases in the number of border agencies (e.g., by converting uses and adjusting the layout of space).

[7] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 64-65.

facility infrastructure configuration of a JBP and the clearance procedure applied are interdependent and interact because the configuration may constrain the procedure in existing facilities and that the procedure should be taken into account in building the infrastructure and facilities.

Source: Consortium GOPA-NEA, *The Joint Border Posts Functionality Study, Final Report*, 9th EDF Transport Facilitation Project in West Africa, Account No. 9ACP ROC 014, 26 August 2008

(2) Optimal Sizing and Cost Estimation

Over- or under-design of an OSBP facility should be avoided as much as possible by referring to survey data and simulations of future traffic and circulation behavior in the CCZ.[8] The designed scale of a facility is directly linked to the project costs including both capital investment and expenditures for operation and maintenance; over-design results in over-investment or spending on recurrent costs, while under-design will not sufficiently facilitate traffic and may result in the need for additional funding for modifications later. Simulation data can used to determine optimal size facility size and the required investment. Flexibility in design may be considered to accommodate future increases in traffic.[9]

(3) Design Standards and Harmonization

Design must follow standards in the region and countries served by the OSBP, and it must refer to agreed procedures for the OSBP in order to enable operational flows elaborated in the procedures. Harmonization of physical designs could provide a user-friendly approach by eliminating confusion regarding flows in the CCZ, but facility requirements are not necessarily symmetrical since the required capacity may differ by traffic direction.[10] When different financers/designers are involved on opposite two sides of an OSBP, close coordination between the both sides is likely to be necessary to maintain a certain level of consistency in design. The languages of signs in OSBPs should be the same on the two sides for easier understanding by a majority of users.

Social/environmental standards and regulations must also be referred to carefully in order to address with issues such as relocation of and compensation for local residents and businesses. These are likely to affect cost estimation (of the government portion) and the project work schedule. It is also recommended to apply a universal design that considers use by the disabled (e.g., with low-pitched slopes and handrails).

(4) Selection of Facility Components

OSBPs include a number of facility components, which can be categorized by function: (i) cargo clearance facilities, (ii) passenger clearance facilities, (iii) administrative facilities, and (iv) supporting services. Table 10-1 summarizes the major facility components in these categories and agencies that are typically involved. Core facility components are those required for every OSBP (and which should be developed in the initial development phase), while others are optional facilities depending on the size or characteristics of the OSBP (may be considered for development in subsequent phases). Facility components should be selected by examining

[8] One complication is that traffic may shift from one route to another, with implications for the sizing of facilities.
[9] See, e.g., Michel Zarnowiecki, "Borders, Their Design, and Their Operation", in *Border Management Modernization* (edited by Gerard McLinden, Enrique Fanta, David Widdowson, and Tom Doyle), World Bank, 2011, Chapter 4, p. 52 ["Flexibility is best with modularity design. While the station space and basic infrastructure (power, drainage, stabilized platform for buildings) should exist from the beginning, construction can be gradual."]
[10] E.g., at Rusumo, most traffic is from west to east (i.e., from Tanzania to Rwanda, and points beyond), resulting in different facility requirements (e.g., for warehousing) on the two sides.

such OSBP characteristics as well as requirements to realize procedures agreed by the adjoining countries. The following sections detail each component.

Table 10-1: Facility Components of OSBPs

Function	Core	Facility Component	Involved Agencies
Cargo Clearance	✓	Vehicle lanes	Facility owner / Road agency
	✓	Parking and fencing	Facility owner / Road agency
		Weighbridges	Road agency
		Scanners	Customs
	✓	Inspection yards and warehouses	Customs / Standards / Quarantine
		Animal holding pen	Agriculture
	✓	Processing counters	Each agency
Passenger Clearance	✓	Facilities for health and sanitation	Health
	✓	Facilities for security and protection	Security / Police
	✓	Passport control	Immigration
	✓	Washrooms and rest space	Facility owner
Administrative Facilities	✓	Administrative office(s)	Each agency
	✓	Common workplace	Facility owner
		Server (ICT) room	Facility owner / Agency with need
Support Services		Staff housing	Agency with need / facility owner
		Space for the private sector	Private sector (tenant under facility owner)
	✓	Utilities	Facility owner

Note: (i) The agencies involved may vary by country or region. Other components can be added, when appropriate. (ii) There are also overall or cross-cutting requirements (e.g., the OSBP's communication of identity, lighting).
Source: This Sourcebook

10.2 Cargo Clearance Facilities

10.2.1 Vehicle Lanes

(1) Separation of Traffic Flow

If OSBPs are to be efficient, the traffic flow and physical facilities must be planned to provide for time savings for traffic moving through the facility. Generally, passenger and freight traffic should be separated and separate parking areas provided (Box 10-2 – drawn from the case study of the Lebombo-Ressano Garcia border crossing between South Africa and Mozambique – presents the benefits of separating different types of traffic. Travelers can generally be cleared much faster and should be expedited through the facility in dedicated parts of the building and traffic patterns. Where heavy volumes of passenger traffic are handled, the design should provide for clearing vehicles in lanes. (Box 10-3 presents "modular approach" of designing facilities based on traffic characteristics, applied by ECOWAS.) For borders that mainly handle freight, two or more commercial routes are needed (in addition to the passenger/pedestrian route), one is a green channel that accommodates goods that can be cleared quickly (e.g., pre-cleared goods and goods transported by authorized economic operators), and another is a red channel for goods that will require full physical inspection or where documents are incomplete or payment of duties is delayed. The general assumption in border design is that all vehicles park while procedures are carried out by the drivers and clearing agents. Often there is a great deal of moving back and forth through the facilities. Parking and repositioning of vehicles in the CCZ should be minimized and movement through the facility to carry out procedures should be made as efficient as possible. Because vehicles, cargo, and persons can be refused entry, return lanes should be planned within the facility. As the procedures are considered, the plans should

be conveyed to those preparing the architectural and engineering design. Traffic flows should be designed so as to address the following critical success factors: (i) maneuverability, (ii) ease of access to the OSBP; (iii) adequate parking dependent on the volumes of traffic and efficiencies expected from the OSBP; (iv) effective road signs and road markings in common languages for the majority of users; (v) dedicated lanes for traffic in and out of the CCZ for dangerous/awkward cargoes (e.g., fuel, weapons, and hazardous substances; and (vi) planning of traffic flows in such a way that over the long term identified traffic can be cleared from the lanes.[11]

Trucks, Passenger Vehicles, Private Vehicles, and Pedestrians all Using the Same Facilities at the Nakonde Border Post, Zambia

Note: Categorization of traffic and travelers is critical for efficient and effective border controls
Source: Photograph taken by an OSBP Sourcebook team member, 2013

Controls at Seme-Kraké Border Crossing between Benin and Nigeria

Note: Controls are compromised partly due to the lack of dedicated traffic lanes and parking lots.
Source: Photograph taken by an OSBP Sourcebook team member, 2013

Box 10-2: The Benefits of Separating Different Types of Traffic: The Case of Lebombo-Ressano Garcia

The Lebombo/Ressano Garcia border crossing serving South Africa and Mozambique demonstrates the benefits of separating different kinds of traffic. Because of difficult terrain in the vicinity of the border (with a river gorge to the north and steep mountains to the south), cargo processing has been moved away from the border post, to Km 7 in South Africa and Km 4 in Mozambique. After clearance, cargo is transported along a bypass road that avoids the main border post, which reduces congestion. Pedestrians and cars/buses/taxis are processed in separate facilities at the border. The separation of different categories of traffic each with different risks has allowed for the specialization of processes and resources at each point, which has led to improvements in the speed of processing as well as the security of the border post.

Source: Subsection 13.8.3(3) [citing Briefing by Commissioner of the South African Revenue Service Mr. Oupa Magashula on behalf of the Border Control Operational Coordinating Committee to the Standing Committee on Finance of the Bilateral Legal Framework in Support of a One Stop Border Post Bilateral Legal Framework, 13 June 2012]

Box 10-3: Modular Approach to Design in the ECOWAS JBP Programme

A four-step modular approach to design is applied by ECOWAS in the development of the JBPs. It takes account of conditions on the ground, traffic crossing the border, and especially the extent of application of the regulatory instruments:

Module No. 1 consists of a control booth for foot travelers (traffic less than 1000 per day), an access road for passenger vehicles (traffic less than 200 vpd and a road with parking for five secured goods vehicles only).

[11] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 65.

Module No. 2 envisages a second foot passenger control booth (daily traffic between 1,001 and 5,000), a second passenger vehicle access road (traffic between 201 and 500 vpd), and an access road and parking for 30 non-secured heavy trucks and trucks for domestic consumption (less than 200 heavy trucks per day).

Module No. 3 envisages a third control booth for foot travelers (traffic greater than 5,001 per day), a third access road for passenger vehicles (between 501 and 1,000 vpd), and a second rank of 30 parking bays for heavy trucks with access for non-secured heavy transit trucks and domestic consumption (traffic greater than 200 vpd).

Module No. 4 is similar to Module 3 but with a further 30 parking bays and access for heavy transit trucks and trucks with goods for domestic consumption.

Sources: (i) ECOWAS (Ashoke Maliki), *ECOWAS JBP Programme*, Preparatory Meeting for Revising the Joint Border Post Sourcebook, Nairobi, 24 February 2015, slides 4–5; and (ii) Consortium GOPA-NEA, *The Joint Border Posts Functionality Study, Final Report*, 9th EDF Transport Facilitation Project in West Africa, Account No. 9ACP ROC 014, 26 August 2008, pp. 3–4

(2) Types of Cargo

The types of cargo have to be taken into account in the facilities and traffic flow design of an OSBP, since each type has different handling requirements:

(i) **Containerized**: The amount of containerized traffic varies considerably. Flows depend in part on the deposits required by the shipping lines. The use of containers has the advantage of making handling easier and they can easily be sealed. Nevertheless, the transporter is hauling about 2–4 tons of container,[12] which restricts and reduces the cargo load and the delivery site may not have handling equipment to offload and de-stuff/stuff the container. If an inspection bay is designed, the height commonly used container trucks should be assessed in order to design bays that can accommodate this size. Also, the availability and necessity of a forklift should be examined.

(ii) **Break bulk**: Break bulk is commonly used because more can be loaded on the truck than if it is containerized. Handling can often be done manually although this can damage the goods.

(iii) **Refrigerated cargo**: Refrigerated cargo should receive priority treatment at the border because it is perishable. Since the vehicles are about twice the value of a flatbed vehicle, delays are more costly in terms of fixed costs for the owner.

(iv) **Petroleum tankers / hazardous goods**: Hazardous goods are generally routed through the border post quickly because of the hazard they pose to persons and freight. Ideally, there should be a designated lane or area for these trucks to avoid possible accidents. Also, border posts should have firefighting equipment, but many do not.

(v) **Abnormal loads**: Abnormal loads require escorts and special road permits to travel on the roads. As a result, they can take a long time to exit while they wait for their permits. [13,14]

[12] The tare weight of a standard 20-foot dry container tare averages 2.3 tons, while the tare weight of a standard 40-foot dry container averages about 3.8 tons.
[13] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 65–66.
[14] See subsections 9.4.2, 9.4.3, and 9.4.4 on border procedures for the clearance of hazardous goods, perishable goods, and abnormal loads, respectively.

(3) Processing Requirements

The types of processing affect traffic flow through the facility, parking requirements, and facility design. Identifying the predominant types of cargo and projections for growth or decline must be taken into consideration in the design of the OSBP facilities. Use of scanning and inspection is also a major consideration in planning for traffic lanes and parking within the facilities. Unless properly sited, they can cause considerable congestion in the CCZ or force an awkward traffic flow. Figure 10-2 illustrates an example of channeling of traffic lanes. Also, it is worth considering the use of ICT tools to facilitate/assist border crossing processes. Box 10-4 presents an example of the GoSwift service to manage gate queues with online booking.

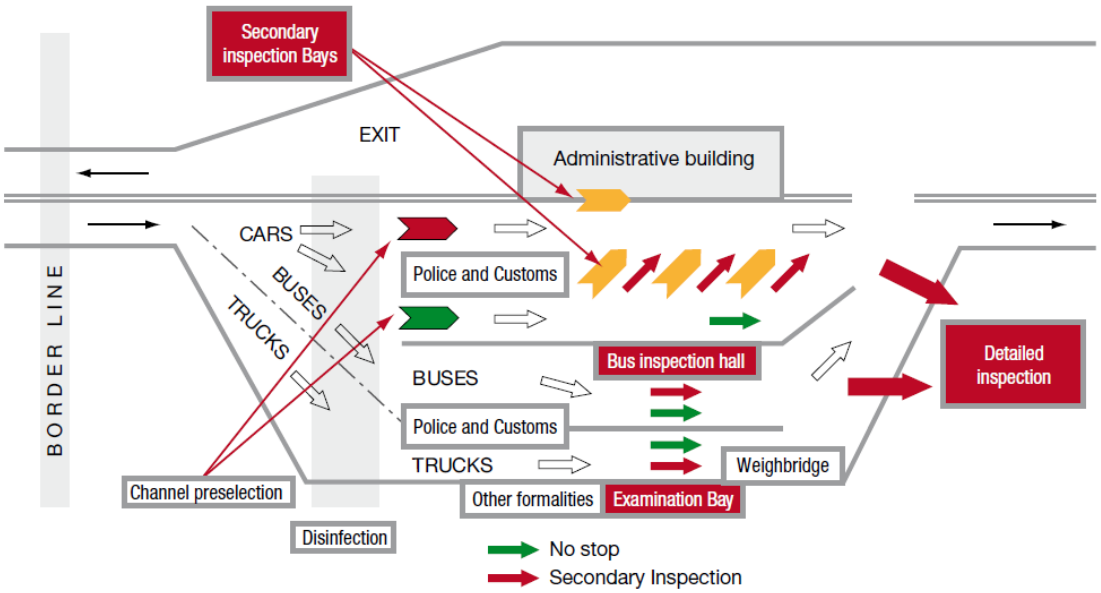
Box 10-4: GoSwift Queue Management System

The GoSwift service has been implemented internationally (in Estonia, Finland, Lithuania, and the Russian Federation) since 2011 to facilitate the queuing of vehicles at border crossings. GoSwift removes physical queues and replaces them with virtual online queues. Features of this service include the following:

- booking of border crossing times;
- no need to wait at the border;
- planning of time when drivers want to cross the border;
- booking of a place in the queue, arrival arrive just in time, and go; and
- provision of better services and conditions for drivers.

Source: GoSwift brochure, 2015

Figure 10-3: Example of Channeling of Traffic Lanes



Note: The layout depends on design attributes of each OSBP, e.g., model (i.e., juxtaposed, straddling, or single country), space availability, direction of lanes, composition of traffic.
Source: World Bank, Guidelines for Land Road Border Stations, 2011, p. 12

10.2.2 Parking, Fencing, and Security Cameras

Parking lots can serve as a buffer while trucks wait to be cleared, thereby solving traffic problems. Some border posts assess incremental parking fees or demurrage charges (i.e., liquidated damages for delays) to discourage trucks from remaining after they have been cleared.

Many border posts depend on trucks parking on the roadside approaching the border. It provides a natural queuing lane, but also trucks break the pavement on the sides of the road thereby increasing road maintenance costs. The optimal capacity of parking lots must be analyzed based on data, and at the same time, the area should be effectively separated by type of vehicle/cargo for avoiding a mixture of different types and maximizing the efficiency of the area. In addition, there should be a proper/designated area for bus inspections when there are many small traders/passengers with small trading items on the bus. Also, there the design should provide shelter from rain. Further, OSBPs to be operated for long hours require adequate lighting in the parking area.

Generally, border posts are fenced and include a gate and an office/booth at the entrance to provide security for operations and freight. Once someone has entered the border facility, it is not possible to leave or take goods out without completing all controls. Fencing is also installed to prevent the exchange of goods between vehicles moving in the two directions.[15] In an OSBP, the exterior fence generally delineates the area in which the officers have the authority to act extraterritorially. Closed circuit television (CCTV) or charged-couple device (CCD) cameras could be installed if there is a need for efficient security observation.

Traffic Signage in the Parking Area of the Rusumo OSBP, Rwanda

Note: The sign guides the separation of traffic to heavy vehicle parking and verification storage. Icons facilitate driver understanding.
Source: Photograph taken by an OSBP Sourcebook team member, 2015

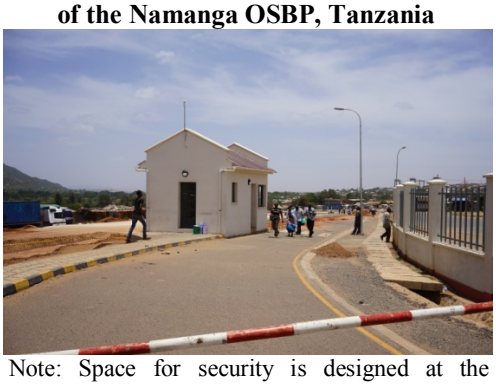
CCTV Camera in the Inspection Yard of the Namanga OSBP, Tanzania

Note: CCTV cameras monitor inspection in the yard.
Source: Photograph taken by an OSBP Sourcebook team member, 2015

Bus Parking Bay of the Namanga OSBP, Tanzania

Note: Parking bays for passenger buses are designed close to the entrance of the main building.
Source: Photograph taken by an OSBP Sourcebook team member, 2015

Entrance Bar and Booth for Security of the Namanga OSBP, Tanzania



Note: Space for security is designed at the entrance of the CCZ to control entry into the area constantly.
Source: Photograph taken by an OSBP Sourcebook team member, 2015

[15] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 66.

10.2.3 Weighbridges

A weighbridge should be placed when needed, e.g., when there is no weighbridge nearby or axle load regulations are not harmonized between the adjoining two countries.[16] Since weigh scale data is required not only by road agencies but also by customs administrations for their own procedures, the interconnectivity of weighbridge data will be useful in expediting the verification process. Weigh-in-motion devices can also shorten weighing times, and the use of these devices is increasing.[17]

10.2.4 Scanners

Scanning and inspection facilities should be planned based on current and forecast traffic. Scanning is a useful tool for risk management,[18] but should be used strategically. Along some corridors, scanners are planned for use in the acquittal process to verify that what entered a country also left. vehicles for the length of the corridor. In other words, scanners may not always be necessary for every single border post, especially minor ones, although installation of this tool at major border posts is desirable for the efficient screening of goods. Inspections are basically used for companies with a record of noncompliance or for commodities that are associated with fraudulent shipments. However, due to public safety issues, some types of commodities may be automatically or intermittently inspected at borders, and the facilities need to accommodate this requirement.[19]

Scanners for cargo include portal scanners, gantry scanners, fixed scanners, and mobile scanner. Criteria for scanner performance include penetration, contrast sensitivity, and resolution.[20] The positioning of scanners should be well-considered to fit in with the prescribed process flow and not hinder traffic.

10.2.5 Inspection Yards and Warehouses

All-weather inspection bays/yards and warehouses should be designed based on characteristics of the transport and the risk management strategy. Over-designing the inspection and storage area may result in more inspections than is desirable and occupy area that could be used for some other purpose.

The distance between the inspection yards and the administration building may affect the frequency of inspection. If it is inconvenient for officers to access the inspection yards, there may be a tendency for less joint verification and fewer and/or shorter examinations.

It is recommended to put a strong room in the warehouse. Also, there should be some office space for cargo examination officer and for document storage.

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[16] The mutual recognition of weighbridge certificates can make the provision of weighbridges at the border unnecessary.
[17] Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7–8 March 2016, Annex 3, p. 2.
[18] WCO SAFE Framework of Standards No. 3 (June 2015 edition) states that: "Non-intrusive inspection equipment and radiation detection equipment should be available and used for conducting inspections, where available and in accordance with risk assessment. This equipment is necessary to inspect high-risk containers or cargo quickly, without disrupting the flow of legitimate traded."
[19] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 6.
[20] Organization for Security and Co-operation in Europe and United Nations Economic Commission for Europe, *Handbook of Best Practices at Border Crossings – A Trade and Transport Facilitation Perspective*, 2012, pp. 187–90.

An incineration facility could be designed and jointly used.

10.2.6 Animal Holding Pens

Some OSBP designs provide for animals, but considering the risk of potential disease it may be better to have a designated place outside of the CCZ. Also, it is better to have a shared facility, considering the frequency of use vis-à-vis the cost of maintenance and the need for sufficient space. An alternative is not to have such facility or clearance but to have regular checks by veterinary services on animals in the vicinity of the OSBP with agreement on procedures when a suspicious case of infection is detected.

10.2.7 Processing Counters

Processing counters should be placed following the order of the defined process, and the flow should be guided to users with signage, panels, and markings. The flow should be in one direction – returning and a mixture of flows should be avoided in design, if there is no necessity.

It is recommended to consider including more than a single counter for reception to facilitate receiving and releasing cargo for clearance rather than a design where all offices are compartmentalized, especially when such an arrangement is supported by agreed procedures. If a single counter setting is difficult, there should be counter for designated offices for the customers. The design should take into account the movement of the clearance agents, and it should not allow the movement of private agents beyond the counter/inside the officers' desk space for security and facilitation purposes. Also, the back offices of these government agencies should be close to each other to facilitate communication.

It is also recommended to allocate special processing counters for commercial truck drivers separate from those for travelers in order to avoid congestion especially at busy border posts.

10.3 Passenger Clearance Facilities

10.3.1 Facilities for Health and Sanitation

Health screening counters/desks should be placed at the entrance of the clearance hall. Thermographic (i.e., infrared or thermal imaging) cameras or handheld devices can help detect travelers suspected of having infectious diseases. A quarantine room is needed to isolate such travelers and take temporary measures. If such space cannot be allocated, an arrangement is necessary to transfer to the travelers to the nearest medical facility.

10.3.2 Facilities for Security and Protection

(1) Body and Baggage Scanners

Body and baggage scanners to detect suspicious objects should be placed at the entrance of the clearance hall.

(2) Holding Space

Space for temporary holding of suspicious travelers should be located in an exclusive area separated from the clearance hall, so that the security forces can take control. If such space cannot be allocated, it is necessary to provide for an arrangement to transfer the suspects to the

nearest security or police station. Since detention is more of a sovereign issue and it is difficult to develop a uniform policy on detention under the OSBP framework, requirements for detention facilities vary by country. Related agencies should discuss and clarify minimum requirements in design consultation.

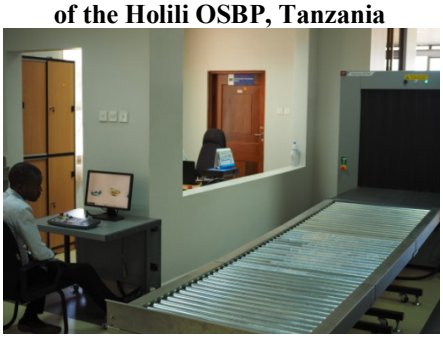
(3) Space for Persons in Need of Protection

Reception facilities at the border are required for individuals in need of protection so that they may be processed, have an opportunity to identify their personal circumstances, and for the authorities to identify the relevant course of action, including referral to the relevant agency. Separate facilities will be required in a juxtaposed OSBP. In the case of a straddling or one-country facility, consideration should be given to having a joint accommodation, thus reducing operating and staffing costs. Facilities in either model should be designed in such a way that provides separate facilities for men and women; special measures may also be required for children.[21]

10.3.3 Passport Control

Counter space needs to be arranged so that travelers can proceed from one to the next seamlessly. Counter space on which travelers can fill out forms should also be provided. Counters separate the clearance hall from officers' workplace. The processing or clearance hall should be structured so that individuals entering a country do not mix with those who are leaving. A juxtaposed border post meets this requirement since each facility serves only travelers and freight traveling in one direction.[22]

Baggage Scanners at the Entrance of the Holili OSBP, Tanzania



Note: Security screening should be conducted at the entrance of the building.
Source: Photograph taken by an OSBP Sourcebook team member, 2015

Counters with User Friendly Signage at the Holili OSBP, Tanzania

Note: Signage with country flags helps users locate themselves in the building.
Source: Photograph taken by an Sourcebook team member, 2015

10.3.4 Washrooms and Rest Space

Public facilities, such as washing and toilet facilities for travelers and long distance drivers also need to be included in the plans for the control zone. Waiting space under a roof is also necessary for travelers. Access to food vendors within the OSBP, particularly for officers operating in the adjacent state, is useful.[23]

[21] This subsection benefitted from substantial inputs from Elizabeth Warn, Senior Regional Thematic Specialist, Immigration and Border Management for Southern and Eastern Africa, Regional Office for Southern Africa, International Organization for Migration.
[22] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 67.
[23] Source in previous footnote, p. 68.

10.4 Administrative Facilities

10.4.1 Administrative Offices

Often clearance halls are located in the center of the main OSBP building(s) and each country can have offices on one side. In other cases, the customs administration is on one side and immigration is on the other side, in which case officers of the two countries have offices in the same hall. Arrangements should be made so that each country has identified exclusive use areas as well as space for officers not assigned an office to store personal belongings. The officers (especially security and immigration officers) should be able to see the hall and the outside of the building well that they may observe the movement of people.

As the time to commence OSBP operations approaches, a transition plan is important. For new facilities, offices should have been planned according to planned use. In modified buildings, the space may still need to be allocated. Functionality should be taken into account as well as staff seniority. The number of agencies and staff members to be accommodated should be identified in the planning and design stage. Also, exclusive workplace and common workplace space should be distinguished in consideration of the necessity and means of access control to specific areas. Plans for allocation of furniture, computers, printers, and office supplies should be made in advance. Installations of new networks and new computer systems should also be prepared and training conducted in advance of the move as much as possible. There should be proper provision of a conduit for ICT networks in the workplace. The design should be scalable to accommodate expansion of the facility (e.g., to accommodate additional agencies that may request space in the OSBP after development).[24]

10.4.2 Common Workplace

Considering that a common workplace is essential for OSBP operations, OSBP facilities should be configured to accommodate the needs of the two countries' border control agencies within the same facility. These requirements include the following: document room, room for computer systems, strong room, search room, holding room, warehouse, and cold room. In some cases, the facilities can be shared, such as a common kitchen, eating area, and training rooms.[25,26] If feasible, it is important to allocate a multi-purpose meeting room, which can be used for national and bilateral border office meetings as well as training for officers and private sector facilitation agents. Often, the lack of such space and a lack of budget to rent nearby meeting space hinders facilitation meetings among concerned agencies. At the Rusumo OSBP, a meeting room on the Rwandan side has been used for regular meetings of the joint (bilateral) border coordination committee composed of related border agencies of Rwanda and Tanzania.

10.4.3 Server (ICT) Room

A room or space for a network server and other ICT facilities should be allocated with controlled access, as it requires higher security attention to protect the server from unauthorized access. This room should be connected with a backup generator and equipped with an air conditioner to avoid shutdowns, which affect the smooth operation of the OSBP. To maintain

[24] Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7–8 March 2016, Annex 3, p. 2.
[25] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 67.
[26] A restaurant for officers can be include in the design, but if there are some restaurants nearby, it is better not to provide a new one since it will have a negative impact on private business and border posts in remote areas tend to have water problems that hinder operations in the work area.

the integrity, sensitivity, and security of data and systems, there should be two server (ICT) rooms, one for each country.

10.5 Support Services and Other Activities

10.5.1 Staff Housing

While the baseline survey – as described in subsection 5.2.4 – should provide data on current staff, the implementation team will need to estimate the number of staff required for OSBP operations. Plans need to be made well in advance to assess the necessity of additional staff housing and roadways to serve them.[27] A night duty room will be required if the border is to shift to round-the clock operations. Border officials often point out that appropriate staffing is delayed due to the unavailability of suitable housing. As implementation plans proceed, it is important to review housing needs again as staffing needs become more apparent. Another solution to the housing supply issue may be to mobilize property investment by the private sector in the surrounding area.

Staff rationalization needs to be done to determine optimum staffing levels for the OSBP and for round-the-clock operations to avoid overestimating requirements. Existing staff planning tools may need to be modified to be appropriate for OSBP requirements.[28]

10.5.2 Space for the Private Sector

There are some OSBPs that accommodate the working area of private sector facilitation agents. However, since most agents can now lodge documents online and in advance, these facilities may not be needed or should be created outside CCZ for security reasons.

Also, some border posts provide restaurants, duty-free shops, and other facilities for the general public. However, these facilities tend to add to the congestion in the CCZ. Where border posts are being built by a private-sector concessionaire, these and other facilities become a part of construction/operating cost recovery. Generally, it is recommended that these facilities be located outside the CCZ.

In the design stage, it should be considered where the private sectors would be able to do their business after completion of an OSBP. At some border posts, some local traders who have been operating just within the Customs/Immigration areas fear of not being permitted walking in the area of CCZ and losing income opportunity. It could be considered in the development plan to set a local market outside the CCZ but near the border, which creates small and more legitimate trade, when the demand of the market in one side of subject countries is sufficient for their business.[29] Regarding banking facilities, some assert that it is necessary for them to be part of the CCZ to facilitate revenue payments and collection while also providing a secure service, while another view suggests that banks should be located the CCZ to serve both the community and the border users. At Cinkansé, border post banking facilities are located adjacent to the fence where there are two entrances, one for use by the community and the other for border-related usage. To be commercially viable at many relatively remote border posts, banks may need both business generated by the border post and by the local community. The Cinkansé solution may be viable one. A truck stop before or after the facility that provides bathing and

[27] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 68.
[28] Source in previous footnote, p. 67.
[29] At the Taveta/Holili (Kenya/Tanzania) OSBP, a new market for local traders has been constructed on the Kenyan side outside the CCZ but near the border.

food facilities would serve drivers that are cleared at the end of the day but prefer to continue their trip the next morning. The objective of an OSBP is to expedite persons, goods, and vehicles and extensive facilities tend to encourage delays necessitating more parking and facilities (see Box 6-2 on the goal and functions of border posts vis-à-vis civil society).[30]

10.5.3 Utilities

Utility lines need to be extended to an OSBP and sufficient and stable supplies must be ready before commencement of OSBP operations. Such utility services for OSBPs include power,[31] water, and communications.

Challenges are typically presented by the location of border posts in remote (and often dry) areas. Designs that are energy and water efficient should be prepared, including the installation of solar panels, rainwater storage tanks, and water/energy saving equipment, etc. These measures not only save resources but also reduce maintenance cost. In case electricity and water cannot be provided on one side of the OSBP, an arrangement to obtain water and electricity from the adjoining country may be considered,[32] if it can be done without affecting service availability for the local community. Otherwise, careful survey and investment to source water and electricity should be made and included in the construction project.

Supporting infrastructure for ICT includes border connectivity to national headquarters and CCZ connectivity. There should be two redundant fiber optic pathways and fiber cables between two sides of an OSBP facility (in the juxtaposed model) to extend the various networks and allow staff from both sides to use their networks.

Additional considerations include utility sharing arrangements (see subsection 7.5.3). Generally, in the case of juxtaposed OSBPs,[33] since usage is roughly equivalent, host countries may meet all utility costs in their building. The system needs to include storage tanks to provide water during maintenance problems and backup generators. Telephone and internet connections may be the exception, since they are easy to meter and use may vary quite widely. Consider, for example, that the bilateral agreement for Chirundu JBP/OSBP originally provided for the sharing of utilities on a reciprocal basis. The EAC OSBP Act 2013 also provides for this arrangement. The Cinkansé JBP/OSBP in West Africa was completed on a build-operate-transfer basis and the concessionaire covers all utility costs from the per vehicle user fee.[34]

[30] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 67.
[31] Consideration may be given to installing solar systems for power backup at remote border crossing points.
[32] For example, at the Rusumo OSBP between Tanzania and Rwanda, the Rwanda Energy Group will provide electricity to the Tanzanian side.
[33] For the case of a single-country OSBP, Box 7-6 presents an extract from the procedures manual for the Ruhwa OSBP (serving Burundi and Rwanda) on the management of the OSBP property.
[34] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 67-68. Also see the case study in Section 13.3.

New Public Market for Local Traders near Taveta, Kenya

Note: This new market has been developed for use of local traders outside the CCZ.
Source: Photograph taken by a team member of the JICA Trade Facilitation Project in East Africa, 2015

Solar Street Light at the Malaba Border Crossing, Kenya

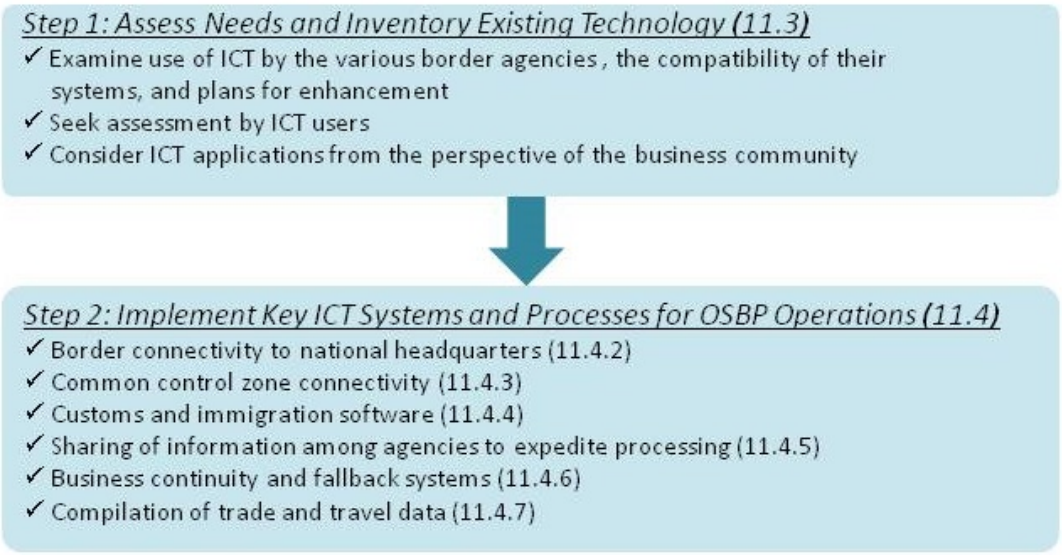
Note: Solar street light can save energy consumed at the border.
Source: Photograph taken by an OSBP Sourcebook team member, 2015

Chapter 11
ICT and OSBPs

11.1 The Process of Implementing ICT in Operationalizing OSBPs

Figure 11-1 presents a schematic diagram of the process of implementing ICT in operationalizing OSBPs. The following sections discuss the specific implementation steps.

Figure 11-1: Process of Implementing ICT in Operationalizing OSBPs



11.2 Importance of ICT in Operationalizing OSBPs

Information and communications technology (ICT) is a critical component of OSBPs as indicated for example by the experience with the Chirundu OSBP serving Zambia and Zimbabwe (see Box 11-1). For an OSBP operation to be successful, agencies must be able to communicate with each other in the common control zone (CCZ). In a juxtaposed OSBP – the most common form (see subsection 1.3.3) – most agencies will be split between two facilities and therefore it is essential that they can access computer systems at their home base and also perform entries, assessments, and agency database searches from anywhere in the CCZ. Interconnectivity – as a prelude to interoperability and increasingly complete functional integration – should be considered a necessary precondition to OSBP ICT functionality, as failure to do so may stall the progress and coordination of activities anticipated in the CCZ. There is a great deal of duplicated and overlapping data entry among the various agencies operating at borders. OSBPs should have a border management information system, so that basic information entered can be shared among all agencies.[1] It should facilitate and manage the

[1] At the same time, the network architecture should be based on the principle of maintaining the integrity, sensitivity, and security of data and systems. Accordingly, there should ideally be a physical and logical separation of networks (e.g., there should be one server room for each country, there should be separate networks for immigration

flow of electronic information and conventional documentation and interventions involved in the clearance process. It should enable them to happen in parallel, where possible, and track fulfillment of clearance requirements. The Real Time Monitoring System / Cargo Control System (RTMS), piloted in the East African Community (EAC) with JICA support, is one such a software package.[2]

Box 11-1: The Importance of ICT as Demonstrated by the Chirundu OSBP

A problem with operations at the Chirundu OSBP[a] has been the lack of ICT connectivity between the two sides, which has resulted in clearance procedures being duplicated as Zimbabwe Revenue Authority officers on the Zambian side of the border have been unable to connect to the computerized ASYCUDA customs administration system on the Zimbabwean side. Procedures have been completed manually on the Zambian side and then input into the computer system on the Zimbabwean side. Zambian border agents based on the Zimbabwean side have faced a similar problem in not being able to access the electronic systems used in Zambia. The lack of connectivity between the two sides has also prevented the designated fast track lane from becoming fully functional. While as of 2015 both sides were connected to the internet via fiber cables and satellites, the connection is limited and not all agencies have computers connected to the internet. Constraints to achieving ICT interconnectivity (now 6+ years after opening of the OBSP) may include limited financing, a lack of political will, and/or a lack of compelling reasons for the agencies to move forward.

Note: [a] Similar issues have been observed at other OSBPs, such as at Isebani/Sirari and Horo Horo/Lunga Lunga between Kenya and Tanzania.
Abbreviation: ASYCUDA = Automated System for Customs Data
Source: Section 13.3.9 (drawing on Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 107–08)

In fact, ICT may have standalone value, even without an OSBP. However, the establishment of OSBPs may be a "push factor" in promoting the use of ICT in border operations. In any case, countries that establish OSBPs should consider the requirements of operations in totality, including ICT.[3] Also, training on ICT and OSBPs should be included in the training curriculum of border agencies and other trade facilitation programs offered by various organizations.[4]

Realizing benefits from ICT must be part of an overall rethinking of procedures. The increasing trade volumes arriving at the borders to be handled by about the same number of staff requires a balance between controls and trade facilitation. Greater use of systematized risk management tools and intelligence to address the issue is a policy choice, and ICT is an essential part of implementing that policy choice. It allows greater interconnectedness of agencies at the national level and cooperation at international levels to coordinate their controls. It allows border agencies to split their staff in a juxtaposed OSBP, while still entering their data into the same network. The gradual substitution of standards-compliant electronic data for traditional paper forms combined with reengineered processes also allows effective sharing of information with the adjoining states operating controls at the border and effective coordination of exit and entry processing.[5]

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departments, there should be separate networks for customs departments, there should be a general network to serve other agencies' data)..

[2] See Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 72–73.

[3] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 4, p. 8.

[4] Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7–8 March 2016, Annex 3, p. 5

[5] See source in previous footnote, p. 72.

An issue related to automation of border procedures is staff concerns about downsizing and layoffs. In one case, in Mauritius, such concerns were allayed by involving staff representatives in the transformation process. A series of workshops were organized for customs personnel and stakeholders. Staff representatives were invited to provide their inputs and thereby began to own the reform and modernization process.[6]

11.3 Needs Assessment and Inventory of Existing Technology

The process of implementing ICT for an OSBP should begin with a needs assessment and inventory of existing technology in terms of equipment, skills, and software as way of mapping its future business processes and a comprehensive blueprint for achieving these aims. This stage is critical since it should review technical requirements in relation to existing systems and their scalability. It should also examine the extent of ICT use by the various agencies at the border, the compatibility of their systems, and their plans for enhancement. Assessment by users is critical because they know in the course of their work where automated systems would have the greatest impact on their productivity. Border officers may suggest ideas that are not possible, but they may also suggest new directions that otherwise would be overlooked. Table 11-1 suggests some of the issues that might be reviewed in an initial analysis.[7,8]

Table 11-1: Sample ICT Needs Assessment for an OSBP

Needs	Items to be Assessed
ICT concerns	• Technical obsolescence (dependence on outdated tools, insufficient resources) • Information security (audit trail, accounting procedures, access, backup) • Data accuracy • Timelines • Capacity Building • Communications networking infrastructure (remote access, distribution and synchronization of data) • Sufficient hardware • The role of the internet
International and regional trends	• Common tax reference model • Common technology solutions to tax administration functions • Aiming at legacy information systems • Cross-functional or enterprise system (client pressure for better services, desire for uniform functionality, economies of scale, managing support contracts easier) • Impact on regionalization (cross-border trade, synchronization of core business, single taxpayer information number) • Use of fiscal cash registers • Use of mobile telephony to enhance service • Impact of e-laws
Critical success factors for ICT setup in the OSBP concept	• High-level government support • Development of an ICT master plan • Business process reengineering within agencies (acceptance of the single administrative document for trade) • Interagency coordination • Use of industry standards for electronic messaging to ease adoption (e.g.,

[6] Mauritius Revenue Authority, *Reforms beyond Customs for Trade Facilitation: A Case of Mauritius*, prepared by Doorgaprasad Rajcooar, September 2001, pp. 15–16.
[7] See source in previous footnote, pp. 75–76.
[8] ICT for executives is the subject of World Customs Organization, *IT Guide for Executives, Strategic Leadership in Information Technology*, 2015.

Needs	Items to be Assessed
	UNEDIFACT, ebXML) • Support for trade documentation software developers (developing programs to access regional ICT portal) through testing and certification of programs for quality assurance • Uploading of common data elements based on international standards (port codes, country codes, including tariff codes to trading community) • Support for the banking sector to participate in the electronic transfer of funds and advancement of cashless transactions • Close collaboration and consultation with all parties involved, including the private sector – seminars and regular dialogues with trading community • Full-time power supplies • Full-time network • Adequate bandwidth

Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 76 [drawing on a matrix prepared by the Uganda Revenue Authority]

It is important to consider ICT applications from the perspective of the business community. Too often new ICT systems have been developed without adequate involvement of the clearing and forwarding agents, traders, transporters, and the general public – this input is valuable in terms of issues the business community will have in using the proposed system and ways to make it more efficiently serve OSBP requirements. However, clearing agents and other members of the business community need enough time to prepare their systems to respond and to inform and train their staff in use of the new systems so that the implementation is smooth.

11.4 Key ICT Systems and Processes for OSBP Operations

11.4.1 Overview

Key ICT systems and processes for OSBP operations include (i) border connectivity to national headquarters, (ii) common control zone connectivity, (iii) customs and immigration software, (iv) the sharing of information among agencies to expedite processing, and (v) the compilation of trade and travel data. Each is considered in the following subsections. In designing and developing ICT systems for OSBPs, it will be useful for national policymakers to consider issues related to ownership, maintenance, compatibility, and sharing of use [9]; see, e.g., subsection 7.5.3 on the sharing of expenses for shared use of OSBP infrastructure and facilities.

11.4.2 Border Connectivity to National Headquarters

While the head offices of border agencies rely on information obtained from each of the country's borders, in many instances the ICT connections are weak and data is transferred manually. The lack of connections or slow systems, which reduces productivity, is a major problem in many border environments. A first task of OSBP implementation should be addressing power availability and backup, and the connection of the border clearance facilities to the national telecom grid. For example, immigration agencies require immediate information on persons crossing a border to relay it to other borders and track effectively the entry and exit of persons according to times permitted. This task requires good ICT connections between headquarters and border posts. Border officers for ministries of agriculture can check the authenticity of permits if they have good connections to databases in headquarters. Many of the time-consuming aspects of work at the border could be addressed if connectivity were available

[9] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 4, p. 8.

or strengthened. Viable options that may be considered to increase connectivity between the head offices and border posts include fiber optic wire, wireless, broadband, and very small aperture terminal (VSAT) technologies.[10] Now that major submarine cables are operable connecting Africa to global links, many private companies have been investing in laying fiber optic cable to connect major cities on the continent; it is also possible to connect many of the regional borders that are located along major corridors. Where borders are more remote, PPP opportunities may be offered to the private sector to provide connections.

There is an urgent need to develop an ICT system that will establish an interface with national systems for providing pre-arrival information. In this case, subject to risk management criteria, the freight may be pre-cleared or prioritized for clearance, leading to much faster clearance and release. In some countries there is now consideration of self-clearance subject to stringent conditions. For example, the Revenue Administration Digital Data Exchange (RADDEx) system, implemented in East Africa, transmitted customs declaration data, in near real time, from point of initial port of lodging, through all affected transit points, to final destination. This automatic electronic transmission directly resulted in decreased transit delays through provision of advance notification, facilitation of pre-lodging, elimination of duplicate data entry, and risk analysis.[11]

11.4.3 Common Control Zone Connectivity

One of the basic elements supporting the effectiveness of the border services in the CCZ of an OSBP is the availability of a modern ICT network, especially in a juxtaposed OSBP where exit controls are carried out in separate facilities and the lack of connectivity may cause officers to revert to manual procedures and then enter data later into the agency computer software, with consequent adverse impact on productivity. For example, as mentioned, the Chirundu OSBP experienced challenges with respect to ICT connectivity, with officers operating from the adjoining state not being able to access their servers, resulting in manual acquittals followed by electronic processing, i.e., a duplication of efforts. The provision of server (ICT) rooms in an OSBP – discussed in subsection 10.3 – are an important element of OSBP design.

The exact needs of the various services must be identified and specified, as in some cases, a basic ICT system might suffice, whereas in others, more advanced systems might be required. There is no "one-size-fits-all" solution.

The ICT system employed for CCZ connectivity should:

(i) ensure communication within a unified system of information communication (development of clusters: central, regional, and local ones), e.g., through an intranet;
(ii) have a central database generating alerts;
(iii) have an efficient and timely system for collecting, processing, and distributing information on all border activities;
(iv) have an automated information exchange among all border units;
(v) ensure cryptographic security;
(vi) ensure integration of the electronic systems of border protection by means of informative measures and methods; and

[10] The implementation of a virtual public network (VPN) is recommended to share sensitive data.
[11] See, e.g., United States Agency for International Development, *Revenue Authorities Digital Data Exchange (RADDEx) in the Making – Background, Strategy and Implementation*, October 2013. At present, RADDEx (now in version 2.0) is overridden by the Single Customs Territory arrangement, in which the manifest is sent to the customs system directly. RADDEx 2.0 serves to back up the data.

(vii) enable authorized users real-time access to specific data sources.[12]

In particular, there is a need for separate ICT switches for the customs and immigration authorities of the two countries, for reasons of data confidentially.[13] Also, language differences should be taken into account when developing systems for interconnectivity and the exchange of information.[14]

11.4.4 Software

(1) Customs Software

The Automated System for Customs Data (ASYCUDA), developed by the United Nations Conference on Trade and Development (UNCTAD), is the most commonly used electronic customs system in Africa. The most recent versions include ASYCUDA++ (1992 to present) and ASUCDUA World (1999 to present). ASYCUDA is provided at no cost (i.e., the countries do not pay for the software development costs), although the countries are requires to pay for the system implementation, which is provided by an UNCTAD technical assistance project.[15] Box 11-2 presents its usage on the continent. At present, 41 of the 54 (76%) countries in Africa have adopted some form of ASCUYDA (i.e., ++ or World). Other countries in Africa are connected to individual, customized applications with varied ICT platforms such as Simba in Kenya and the Tanzania Customs Integrated System (TANCIS) in Tanzania. Despite the common usage of ASYCUDA, not many countries have interconnected their system with that of neighboring states directly or through a medium server to exchange and share transactional and trade information.[16,17] Box 11-3 describes a pilot ASYCUDA World interconnection project in West Africa supported by the World Bank to facilitate transit.

Box 11-2: Countries in Africa That Have Adopted ASYCUDA (++ or World)

Benin++	Botswana++	Burkina Faso (W)	Burundi (W)	Cameroon (W)
Cape Verde++	Central African Republic++	Chad ++	Comoros ++	Congo (W)
Côte d'Ivoire (W)	Democratic Republic of the Congo (W)	Djibouti (W)	Eritrea ++	Ethiopia ++
Gabon ++	Gambia ++	Guinea (W)	Guinea-Bissau ++	Lesotho (W)
Liberia (W)	Libya (W)	Madagascar ++	Malawi ++	Mali (W)
Mauritania ++	Namibia (W)	Niger ++	Nigeria ++	Rwanda (W)
Sao Tome and Principe (W)	Seychelles (W)	Sierra Leone++	Sudan (W)	Swaziland ++
Tanzania++	Togo ++	Tunisia (W)	Uganda (W)	Zambia (W)
Zimbabwe (W)				

Abbreviations : ASYCUDA = Automated System for Customs Data, W = World
Source: http://www.asycuda.org/countrydb.asp?regfilter=2

[12] See Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 79.
[13] Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7-8 March 2016, Annex 3, p. 4, paragraph 18.
[14] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26-28 October 2015, Annex 4, p. 8.
[15] Organization for Security and Co-operation in Europe and United Nations Economic Commission for Europe, *Handbook of Best Practices at Border Crossings – A Trade and Transport Facilitation Perspective*, 2012, p. 179.
[16] See source in previous footnote, p. 78.
[17] While ASYCUDA has proven to be a proven and reliable first step in customs ICT, a technical limitation of the system is that governments are authorized to amend its software. The most advanced ICT users of trade systems, including Australia, the European Union, Japan, Korea, New Zealand, Singapore, Sweden, the United Kingdom, and the United States, have developed their own systems.

Box 11-3: Pilot ASYCUDA World Interconnection Project in West Africa to Facilitate Transit

In West Africa, transit regimes are characterized by a succession of national transit schemes which requires logistics operators to initiate a new process at each entry border. Four countries – Burkina Faso, Côte d'Ivoire, Mali, and Senegal – designed a scheme to interconnect their customs administrations to replace the succession of national transit regimes with a single one, covering the entirety of the trip and thus avoiding duplication of procedures at the land border. This scheme was adopted in 2015 by ECOWAS as the blueprint for its regional transit scheme.

A pilot will be developed in 2016 along the Abidjan-Ouagadougou Corridor, with support of the World Bank, to interconnect the two customs IT systems, rendering unnecessary a domestic transit declaration at the entry border. In 2015, an agreement between the chambers of commerce of Côte d'Ivoire and Burkina Faso introduced a single TRIE guarantee covering the two countries, eliminating the need to subscribe to a new guarantee for the final domestic leg of the transit. The pilot will build on the ASYCUDA World functionalities to transmit the transit declaration information, contained in the T1 transit transport document, from the entry point at the port of Abidjan to the destination office in Ouagadougou as well as the customs office along the corridor. The procedures at the border between the two countries will be suppressed, and customs offices will only need to validate the passage in the IT system. The same transit declaration will be valid up to the destination, where the goods will be cleared for home consumption.

Once the procedures have been tested and established, the system will be upgraded to incorporate all the data elements identified in the blueprint, and the IT infrastructure strengthened to support the volume of the transactions.

Note: TRIE refers to the Convention sur le Transit Routier Inter-Etats [ECOWAS Convention A/P.4/5/82 Relating to Inter-States Road Transit of Goods]
Source: World Bank (email from Olivier Hartmann, 5 January 2016)

Finally, special mention may be made of the ASYCUDA SYstem for Performance Measurement (AYPM), which is composed of a "statistical data warehouse" and of 29 performance indicators, based on the Cameroon and Togo experiences, as vetted by the WCO and piloted in Liberia.[18]

(2) Immigration Software

The Border Management Information Systems (BMISs) used by immigration authorities in Africa are varied. Some have been developed by national governments using in-house ICT development capacity or by outsourcing external providers. These are country-based systems that suffer some limitations in interconnecting with separate systems of neighboring countries. However, this limitation can be overcome, as for example it has when the Rwanda Directorate General of Immigration and Emigration with the support of the International Organization of Migration (IOM) developed an interfacing platform to allow the exchange of data between the Rwandan national system and neighboring country systems. Alternatively, some countries have adopted ICT systems that have been made available through the support of donor governments or international organizations. These include the Migration Information and Data Analysis System (MIDAS), which is described in Box 11-4, and the Personal Identification Secure Comparison and Evaluation System (PISCES) provided by the United States Terrorist Interdiction Program).[19] To make BMISs more efficient, the following e-platforms, linked with

[18] World Customs Organization, *ASYPM: ASYCUDA SYstem for Performance Measurement*, 2014, downloadable from http://unctad.org/en/PublicationsLibrary/webdtlasycuda2014d2_en.pdf.
[19] See Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 77.

a central database, should also be integrated: (i) e-registration of Resident Permits – to verify legal/illegal status of a non-national; (ii) e-registration for passports – to check for passports duplication; (iii) and e-registration of people living along the border.[20] Among other benefits, border management systems are indispensable in fighting transnational crime (see subsection 9.5.4 on cross-border crimes and subsection 9.5.6 on human trafficking and smuggling).[21] The quick exchange of information and risk analysis using electronic systems facilitates timely enforcement including follow-up activities to address crime and security concerns.

A potentially important recent development is ongoing negotiations between UNCTAD and IOM to connect ASYCUDA and the IOM BMIS (MIDAS).[22]

Box 11-4: The Migration Information and Data Analysis System

MIDAS is a border management software program that allows countries to collect, process, and record information to identify travelers, and collect data collection, and perform analyses. It supports evaluation of cross-border traffic, helps determine optimum deployment of immigration human resources at border posts, and supports a better understanding of migrant flows. Experience shows that the system can significantly enhance day-to-day border management. Its user-friendly and intuitive interface makes identity checks easier and faster, including through the use of biometrics.

Source: https://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/09-IBM-Fact-Sheet-MIDAS-2015.pdf

11.4.5 Sharing of Information among Agencies to Expedite Processing

(1) Overview

ICT offers many possibilities to facilitate the exchange of information between and among agencies at the border, both within a country and between countries. A number of good/best practices for the sharing of such information are introduced in this subsection.

(2) Electronic Single Window Systems

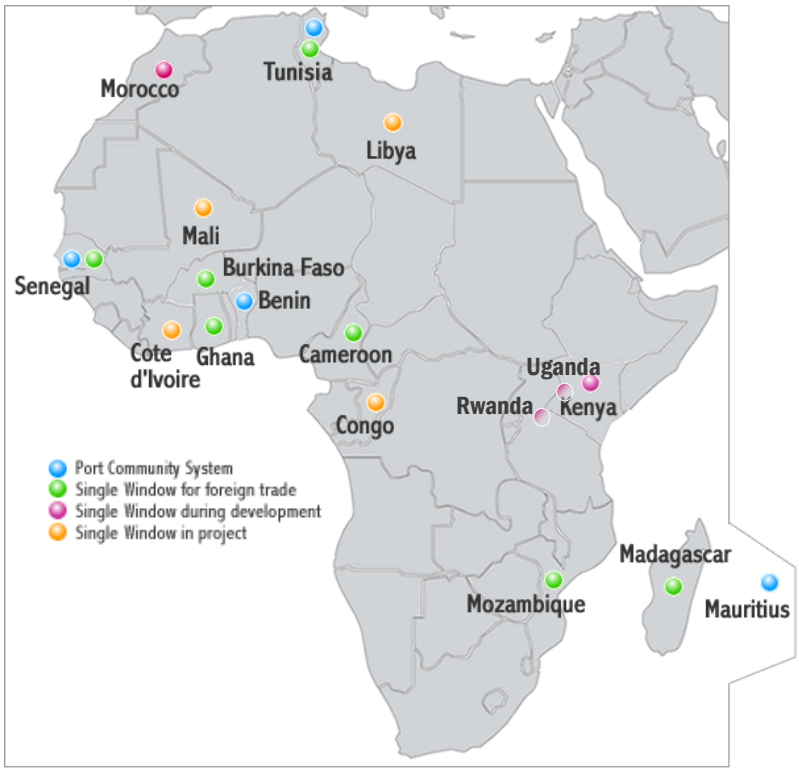
Another good/best practice is electronic single window systems, which enable cross-border traders to submit documents at a one single location and/or through a single entity. The most widely accepted definition of a single window is "a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfill all import, export, and transit-related regulatory requirements".[23] While single window implementation may not be a "core" practice, it contributes to efficiency.[24]

[20] Material prepared by the International Office for Migration for the 1st technical workshop for the revision of the OSBP Sourcebook, held at Abidjan from 31 August to 2 September 2015. IOM can provide these e-platforms, although funds are provided for customization.
[21] Learning and Sensitization Workshop for the 2nd Edition of the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 7-8 March 2016, Annex 3, p. 3.
[22] https://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/09-IBM-Fact-Sheet-MIDAS-2015.pdf.
[23] United Nations Centre for Trade Facilitation and Electronic Business, *Recommendations and Guidelines for Establishing a Single Window to Enhance the Efficient Exchange of Information between trade and Government*, Recommendation No. 33, 2005, p. 3. Also refer to Article 10.4 (Single Window) of the WTO Trade Facilitation Agreement. Reference may also be made to the WCO Data Model, which not only includes datasets for different customs procedures but also information needed by other border agencies for release and clearance at the border; the WCO Data Model supports the implementation of single windows since it allows the reporting of information to all government agencies through the way it organizes regulatory information. See http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/pf_tools_datamodel. aspx.
[24] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26-28 October 2015, Annex 4, p. 8.

Figure 11-2 presents a map of single window projects in Africa. While there is no universal framework that governs single windows, measures may be taken at the national, bilateral, and/or regional levels. A national single window is a system that enables: (i) a single submission of data and information; (ii) a single and synchronous processing of data and information; and (iii) single decision-making for goods release and clearance. Figure 11-3 presents a schematic of the UEMOA regional single window national single windows will exchange data among them via a regional platform.

Issues with respect to single windows include prerequisite strategic orientations (e.g., institutional and organizational, legal and statutory, technological [25]) and practical implementation steps (e.g., mobilization of stakeholders, commitment of public authorities, mobilization and proper use of financial resources, establishment of the project team, business process analysis and reengineering, development of specifications, project implementation and deployment).[26]

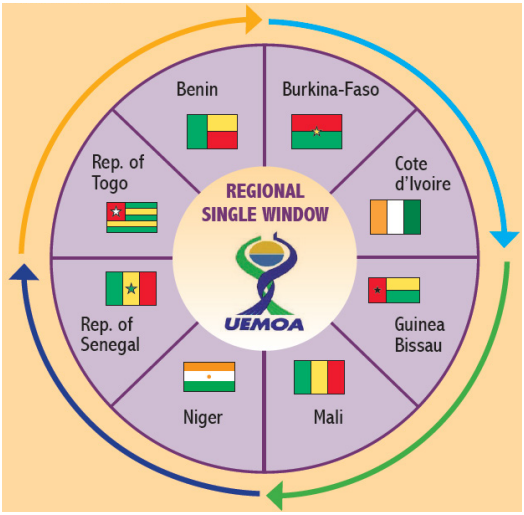
Figure 11-2: Map of Single Window Projects in Africa



Source: http://www.swguide.org/single_window/index.php, supplemented by information from the Nairobi-based JICA Trade Facilitation Project Team

[25] Implementation of single windows requires interoperability, i.e., the capacity to exchange data or iformation between two hetergeneous applications.
[26] African Alliance for e-Commerce, *Guidelines for Single Window Implementation in Africa*, April 2013.

Figure 11-3: Schematic of the UEMOA Regional Single Window



Source: African Alliance for e-Commerce, *Guidelines for Single Window Implementation in Africa*, April 2013, p. 13

(3) OSBP Management Software Piloted in the EAC

JICA has been supporting the development of OSBP border management software, the Real Time Monitoring System / Cargo Control System (RTMS/CCS), to facilitate smooth and efficient cargo clearance processes by border agencies, and the Taveta/Holili OSBP between Kenya and Tanzania has been designated as a pilot site.[27] During the clearance process at the border, the RTMS/CCS enables other government agencies and departments to view the customs declaration entry before the arrival of the goods at the border and provides a schedule for joint verification. It provides both documentary and physical verification results on the concerned declarations of cargo and gives a unique release order in the RTMS/CCS before Customs gives its overall release order out of the Customs.[28] Figure 11-4 provides a schematic representation of the functionality of the RTMS/CCS.

The RTMS/CCS is designed to provide an interface with the respective customs clearance systems of the revenue authorities with other government agencies and departments operating at the borders. Therefore, it is expected to facilitate efficient clearance and to be an effective monitoring and coordination tool for the border agencies, and hence facilitate trade by reducing clearance time and cost of doing business. It has been suggested that while it is necessary to have connections between the systems of the two countries, a management system for the two countries may technically not be necessary.[29] The following specific benefits are expected from the full implementation of the RTMS/CCS: (i) facilitation of the flow of cargo across borders, (ii) improved predictability and the reliability of shipments, (iii) reduced transaction costs and time at the border, and (iv) control and monitoring of movement of vehicles, and (v) facilitated joint coordination and improved exchange of information between and among border agencies.[30]

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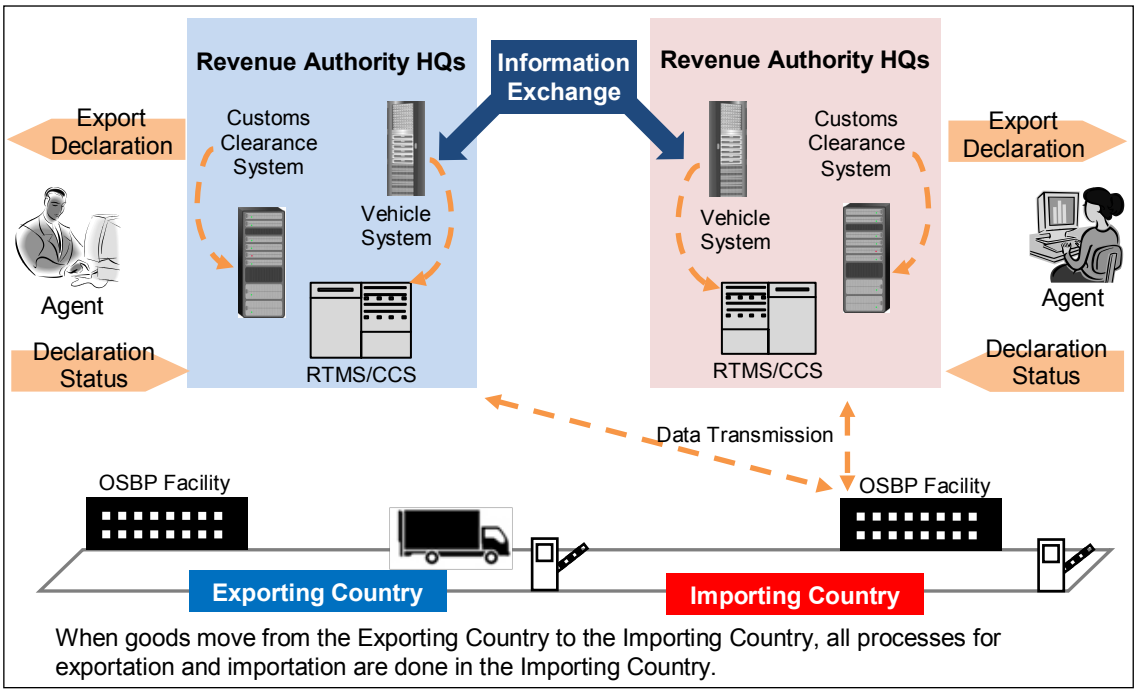
[27] Initially, the Namanga OSBP was designated as the pilot site for the RTMS/CCS, and some functionalites were tested and rolled-out at Namanga in 2013. However, due to a delay in completion of the construction of the OSBP at Namanga (mainly on the Kenyan side) and the poor ICT network in the existing setting, the live test and the rollout of the RTMS/CCS was moved to the Taveta/Holili OSBP, based on a Java platform., By 2017 the RTMS/CCS is to be rolled out at Namanga, as well as at Busia and Malaba, between Kenya and Tanzania.

[28] JICA, *Fact Sheet on RTMS/CCS*, 2015.

[29] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 4, p. 8.

[30] Subsection 13.6.3(6) [drawing on JICA, *Fact Sheet on RTMS/CCS*, 2015].

Figure 11-4: Schematic Representation of the Functionality of the RTMS/CCS



Source: Subsection 13.6.3(6) [drawing on JICA, *Fact Sheet on RTMS/CCS*, 2015]

(4) Electronic Cargo Tracking Systems

An electronic cargo tracking system (ECTS) is a multi-tiered system developed to electronically monitor goods in transit, as they move along the supply chain from source to destination. It offers a real time cargo tracking solution. The goal is the development of a harmonized simplified process, which facilitates the movement of cargo internationally, assists in the enforcement of tax laws, and maximizes revenue collection.

An ECTS can be implemented using radio frequency identification (RFID) and global position system (GPS) technology. All trucks/vehicles, tankers and containers carrying goods in transit and exports, under agencies' control, are fitted with a tracking device and electronic seal that sends the seal status, truck location, and any violation information to recipient agents on real time basis.[31]

Key features of an ECTS are set out below:

(i) Once the seal is "armed", the cargo is monitored from start to destination.
(ii) The transit cargo is expected to move along the gazetted and geo-fenced route.
(iii) Any violation including moving outside the geo-fence / tamper will be detected on real time (immediate) from the control room.
(iv) Alerts can also be received via email or SMS message.
(v) The rapid response team deployed at strategic points and equipped with radio communication system intervenes in case of violation.
(vi) Future enhancements may include automatic bond cancellation.

[31] RFID is the wireless use of electromagnetic fields to transfer data, for the purposes of automatically identifying and tracking tags attached to objects. GPS is a space-based navigation system that provides location and time information in all weather conditions, anywhere on or near the Earth where there is an unobstructed line of sight to four or more GPS satellites.

Ethiopia, Ghana, and all EAC countries have implemented ECTS projects. The EAC case is noteworthy for its regional effort beyond national borders, which maximizes system benefits, despite some difficulties.

Box 11-5 lists the benefits of an ECTS.

Specific issues related to ECTS implementation include activation, the sharing of the high cost of installation and maintenance, the need for various suppliers, and battery running time. It is important to look closely at the management model to keep costs low for users.

Box 11-5: Benefits of Electronic Cargo Tracking Systems

Benefits to Customs and Other Governmental Agencies
- Maximized revenue collection
- Anti-dumping/diversion of transit, export, excisable export goods
- Rapid movement of goods along the corridors and supply chain
- Elimination of non-tariff barriers to trade and traffic
- Reduction of corruption cases and promotion of integrity

Increased Security of Monitored Goods
- Rapid movement of goods and conveyances along the corridors
- Improved competitiveness of ports
- Higher voluntary levels of compliance
- Lower compliance cost

Use of Information to Identify Compliant Stakeholders in the Industry
- Platform for exchange of information with other governmental agencies
- Development of improved risk assessment systems
- Data sources and a data exchange tool for regional cargo tracking

Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 19

11.4.6 Business Continuity and Fallback Systems

It is necessary to provide for business continuity and fallback systems to assure continuous operation of the OSBP. The more border operations depend on ICT, the more critical back-up systems become. For example, there is a need for established practices for dealing with power outages or loss of connectivity. Since borders cannot shut down, officers need to rely on more manual systems until the situation is resolved.[32]

11.4.7 Compilation of Travel and Trade Data

ICT at OSBPs may also be used to measure the impact of OSBPs on border and transit operations by collecting operational data to facilitate performance measurements of OSBPs. This may include (i) statistics on the number of travelers; (ii) statistics on imports, exports, and transit goods, including the time required for clearance by each agency; and (iii) statistics on traffic types and volumes. Subsection 5.4.4 offered suggestions on types of data that might be collected and how it might be used to evaluate OSBPs.

[32] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 83.

Chapter 12
Other Transport and Trade Facilitation Tools

For reference, Table 12-1 presents a matrix of other transport and trade facilitation tools, including (i) a listing of the tools; (ii) issue(s) and approaches; and (iii) references, sources of good practices/toolkits, and contact persons. It draws upon readily available sources (especially the *Trade and Transport Corridor Management Toolkit*, by Charles Kunaka and Robin Carruthers, and published by the World Bank in 2014) and may be updated from time to time.

Table 12-1: Other Transport/Trade Facilitation Tools

Transport/Trade Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
Bilateral Road Transport Agreements	• In the absence of full liberalization of road transport services, bilateral arrangements between countries are a frequently used tool to govern and regulate international road transport services • Recommendations of a 2013 World Bank study were to (i) start negotiation of bilateral agreements only when all stakeholders have agreed on the broad objectives and limitations of the agreements; (ii) include core elements in any bilateral road transport agreement; (iii) emphasize qualitative over quantitative and multilateral over bilateral regulation; (iv) harmonize and simplify technical requirements; (v) set harmonized and transparent rules for cross-cutting issues; (vi) support effective institutional and implementation arrangements; and (vii) conform with international obligations • Ideally, such agreements should provide for (i) few if any limitations in scope (e.g., distance or time limitations, prohibited operations); (ii) exemption of types of traffic from permit or quota requirements if operations are not open-ended); (iii) allowance of cabotage; (iv) few if any limitations on transit; (v) allowance of "triangular" (i.e., third country) traffic; (vi) a lack of prescribed routes and border crossing points; (vii) tax exemptions (e.g., for ownership taxes, registration taxes, taxes for vehicle operation, special taxes on transport services, taxes on fuel in built-in tanks); (viii) facilitation measures (e.g., mutual recognition of driving licenses; right of carriers to establish offices and/or appoint	Charles Kunaka, Virginia Tanase, Pierre Latrille, and Peter Krausz, *Quantitative Analysis of Road Transport Agreements (QuARTA)*, World Bank, 2013 Charles Kunaka, Senior Trade Specialist in the World Bank Group Trade and Competitiveness Global Practice

Transport/Trade Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
	representatives and/or agencies in the territory of the other; obligation of nondiscriminatory treatment; preferential facilitation measures for drivers, vehicles, and goods); and (ix) transparency (e.g., exchange of information as an obligation, dispute settlement mechanism)	
Vehicle Dimensions and Standards	• Differences in national technical standards for vehicle loads, weights, and dimensions impede the smooth movement of trucks along corridors • Overloading is most common in markets lacking predictability and stability (with fewer runs but higher profitability) and where the enforcement of regulations is weak • Vehicle weighing can help protect the road infrastructure as well as safeguard competition and road safety • However, successive/abusive overweighing impedes the flow of traffic • The SSATP has compiled good practices for vehicle overload control in East and Southern Africa (e.g., a system at the Botswana/South Africa border where the weighbridge is linked to the customs authorities' databases) • In the context of a 2011 JICA-sponsored study, the EAC reached agreement on a wide range of related issues (e.g., overload fines/fees/charges, axle load limits, gross combination mass limit, use of the SADC bridge formula, interlinks, self regulation, types of weighing devices, management of weighbridges, location of weighbridges, mass tolerance)	Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, pp. 212-13 Japan International Cooperation Agency and PADECO Co., Ltd, *Study for the Harmonization of Vehicle Overload Control in the East African Community, Final Report*, September 2011 Michael Ian Pinard, *Guidelines on Vehicle Overload Control in Eastern and Southern Africa*, Sub-Saharan Africa Transport Policy Program, Working Paper No. 90, March 2010 Corridor Development Consultants (Pty) Ltd, ECOWAS, ECCAS, Federal Republic of Nigeria, Republic of Cameroon, and AfDB, *Nigerian-Cameroon Multinational Highway and Trade Facilitation Programme, Study on Rationalization and Harmonization of Axle Load Limits*, April 2015 Michael Ian Pinard, InfraAfrica (Pty) Ltd, Gaborone, Botswana Paul Nordengen, Council for Scientific and Industrial Research, Pretoria, South Africa
Harmonized Cargo Insurance	• The liability of the carrier in the event of damage to or loss of the cargo should clearly defined • The Convention on the Contract for the International Carriage of Goods by Road (CMR, 1956) facilitates international road transport by providing a common	Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, pp. 209-12 Dr. Kristiaan C. Bernauw,

Transport/Trade Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
	transport contract, including a common consignment note and harmonized liability limits • The CMR establishes the conditions governing the contract for the international carriage of goods by road between the carrier and the forwarder as well as the conditions of liability of the carrier in case of total or partial loss of goods • While the CMR is a private law convention with has no direct implications for governments, for transport operators to benefit from it governments must ratify the convention and incorporate its provisions in their national law	Professor, University of Ghent, Belgium
Road Checkpoints	• Trucks traveling along corridors may be subjected to various checks and controls that affect their utilization and costs • In some cases informal checkpoints set up by official and quasi-official agencies are the source of delays and costs • In 2013 USAID/UEMOA estimated that informal trade barriers add about USD 20 per ton to road freight costs between Ghana and Burkina Faso • The time lost is often more important than the cost impact • Operators of informal checkpoints include the traffic police and customs and immigration authorities • The number of such checkpoints may be reduced by conducting regular surveys and disseminating the data (as in West Africa), or by establishing hotlines that drivers can call to report abuse (as in Southern (Africa)	Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, pp. 214-15 Borderless and UEMOA, *Road Governance Reports*, various years Habiba Ben Barka, Senior Planning Economist, "Border Posts, Checkpoints, and Intra-African Trade: Challenges and Solutions", AfDB Chief Economist Complex, January 2012, pp. 6-8
Corridor Management Authorities	• A number of parties involved in a corridor (e.g., government agencies responsible for infrastructure and the regulation of services, private sector operators) must be coordinated to develop the corridor and ensure that it works efficiently • The aim is to have "various parties to co-produce plans and policies and to implement interventions that complement efforts to improve overall corridor performance" • The main activities of corridor management bodies include planning, financing, legislation/regulation, operation, monitoring, and promotion	Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, Module 3 John Arnold, *Best Practices in Management of International Trade Corridors*, Transport Paper TP-13, World Bank, December 2006 Yao Adzigbey, Charles Kunaka, and Tesfamchael Nahusenay Mituku, *Institutional Arrangements for*

Transport/Trade Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
	• Methods of financing corridor management bodies include self-financing (by stakeholders), usage levies, by corridor champions, and/or by development partners • Possible interventions for improving corridor management relate to the mandate of the corridor management body, objectives and priorities, funding, data collection and performance monitoring, and technical capacity	*Transport Corridor Management in Sub-Saharan Africa*, SSATP Working Paper No. 86, World Bank, 2007 Callixte Ntamutumba, *Study for the Establishment of a Permanent Regional Corridor Development working Group in [the] PMAESA Region*, funded by UNECA, 2010 Websites of various corridor organizations, e.g. Abidjan-Lagos Corridor Organization (http://www.corridor-sida.org/?lang=en, http://www.corridor-sida.org/?page=sommaire&lang=fr), Central Corridor Transit Transport Facilitation Agency (http://centralcorridor-ttfa.org/), Maputo Corridor (http://www.mcli.co.za/mcli-web/mdc/mdc.html), Northern Corridor Transit Transport Coordination Authority (http://www.ttcanc.org/), and Walvis Bay Corridor Group (http://www.wbcg.com.na/)
Customs Bond Guarantees	• Many countries require customs bonds to cover the potential loss of duty revenue if the goods carried are diverted and consumed in a transit country • Within a nationally executed bond system, transporters transiting one country en route to another need to take out a customs bond at least equal to the duty that would be payable on their cargo; when they prove that the cargo has left the customs territory, the bond is released • However, the processing of releasing takes time (sometimes as long as 60 days), and the issuance of the bond comes at a cost, estimated at about 4% of the cost of an import or export commodity • For example, an estimated USD 500 million equivalent in business capital in the COMESA region is used to bond goods, which ties up working capital of mainly small firms already short of cash • The problem is compounded by delays in bond cancellation, due to manual rather than electronic processing	Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, Module 6 *The COMESA/RCTG Carnet*, World Trade Organization Trade Facilitation Workshop Supporting Implementation of the Trade Facilitation Agreement in the Post-Bali Context, 10 June 2014 United Nations Conference on Trade and Development, *Bonded Customs Transit*, UNCTAD Trust Fund for Trade Facilitation Negotiations Technical Note 17, January 2011

Transport/Trade Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
	• Benefits of a regional customs bond guarantee scheme may include: (i) faster clearance of vehicles; (ii) a resulting increase in tons/kilometers with a positive impact on freight rates; (iii) release of a large sum of money for clearing and forwarding agents, which is tied up as a guarantee and/or collateral in commercial banks and insurance companies; (iv) providing customs authorities with reliable security and an improved system for collection of duties and taxes; (v) providing a simple and economical administrative system for carriers/transporters; and (vi) providing a simple and economical mechanism for sureties (financial institutions) to issue and manage customs bond and creating an opportunity to extend their cooperation	
Third-Party Motor Liability Insurance	• Schemes such as the Brown Card in West Africa, the Orange Card in North Africa, the Pink Card in Central Africa, and the Yellow Card in certain COMESA countries, allow for pre-purchase of motor insurance in local currency at the origin with the insurance honored by all participating countries • Such schemes cover third-party property liabilities and medical expenses of the driver and passengers, and facilitate cross-border transport since transporters and motorists do not need to buy separate insurance coverage for each country they traverse. • However, problems with the implementation of such schemes have included: (i) varying insurance coverage between/among countries, (ii) problems with counterfeit cards, (iii) a lack of insurance companies at some borders to issue the cards, and (iv) varying cost of the card by country, although to some extent this may reflect the different coverage • Recommended policy measures include: (i) computerization of operations, with the national bureaus linking their databases to monitor the use of the card along transport corridors, and (ii)vharmonization of coverage between/among countries so that insurance coverage is uniform	Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, pp. 209-12 Serap Gönülal, *Motor Third-Party Liability Insurance,* World Bank, Financial and Private Sector Department, Primer Series on Insurance, Issue 16, September 2010 *Motor Third-Party Liability Insurance in Developing Countries: Raising Awareness and Improving Safety* (ed. Serap Gönülal), World Bank, 2009 PADECO Co., Ltd. and Japan International Cooperation Agency, *Study of Cross-Border Transport Infrastructure – Phase 3*, March 2009, pp. 4-16 to 4-17 Ms. Serap Gönülal, Financial and Private Sector Department, World Bank

Abbreviations: CMR = Convention relative au Contrat de Transport International de Marchandises par Route , COMESA = Common Market of Eastern and Southern Africa, JICA = Japan International Cooperation Agency, UEMOA = Union Economique et Monétaire Ouest-africaine (West African Economic and Monetary Union),

QuARTA = Quantitative Analysis of Road Transport Agreements, RCTG = regional customs transit guarantee, PMAESA = Port Management Association of Eastern and Southern Africa, SADC = Southern African Development Community, SSATP = [Sub-Saharan] Africa Transport Policy Program, UNCTAD = United Nations Conference on Trade and Development, UNECA = United Nations Economic Commission for Africa, USAID = United States Agency for International Development

Sources: Sources are listed in the third column of the table. Particularly helpful for the purpose for this table is Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014

Part III

OSBP Case Studies

Chapter 13
OSBP Case Studies

13.1 Introduction

This part and chapter present case studies of various planned or operational OSBPs:

(i) Chirundu, a juxtaposed OSBP serving Zambia and Zimbabwe;
(ii) Cinkansé, serving Burkina Faso and Togo, although wholly located within Burkina Faso;
(iii) Mfum, an OSBP planned to serve Cameroon and Nigeria, although wholly located within Nigeria;
(iv) an overview of OSBPs within the East African Community (EAC);
(v) Namanga and Rusumo, the former to serve Kenya and Tanzania, and the latter to serve Rwanda and Tanzania;
(vi) Gasenyi I/Nemba, a straddling OSBP serving Burundi and Rwanda; and
(vii) Lebombo/Ressano Garcia, planned to serve South Africa and Mozambique.

Following a suggestion made at the 1st technical workshop for the project, held in Abidjan from 31 August to 2 September 2015, the case studies focus on the issues/lesson(s) to be presented, with background information provided (only) to the extent that it is relevant. The case studies were necessarily limited to available materials (which have been cited within the case studies) and inputs from cooperating partners.[1] Certain issues/lessons recur throughout several case studies (e.g., the need for well-structured institutions, laws, and procedures; the importance of training), while others are unique (e.g., the viability and efficacy of the straddling OSBP model, the possibility of improving border operating performance even without an OSBP). The case studies provided source material for (the earlier chapters of) the Sourcebook.

Box 13-1 presents an overview of the case studies, focusing on the issues raised and the lessons learned. Figure 13-1 presents a map showing the locations of the case study OSBPs in Africa.

Box 13-1: Issues/Lessons Learned from the Case Studies

Chirundu – A Pioneering Example of a Publically Managed OSBP (Zambia and Zimbabwe)

Need for high-level political commitment
Importance of well-structured committees and subcommittees
Importance of a well-crafted OSBP legal framework
Need to refine procedures over time
Importance of training
Need for a change management process
Challenges in implementing an OSBP when facilities were designed for traditional two-stop operations
Incompatibility of / lack of symmetry between the two countries' hard and soft infrastructure
Importance of ICT
Benefits of looking at OSBPs from a corridor or regional perspective
Need for assured disbursement(s)
Need for appropriate signage and lanes at passport control
Role of international development/cooperating partners
Importance of extended (harmonized) operating hours

[1] No resources were available to visit the case study sites.

Cinkansé – A Single-Country OSBP (JBP) with Private Sector Involvement (Burkina Faso and Togo)

Top-down vs. bottom-up approaches to OSBP development
Overemphasis on physical facilities rather than "software"
Need for streamlining of lengthy processes
Adverse impacts of the concession on trade facilitation
Importance of developing and agreeing on agency procedures
Need for all aspects of a JBP to proceed in an integrated way

Mfum – A Single Country OSBP (JBP) between Two RECs (Nigeria and Cameroon)

Development of the legal framework for an JBP/OSBP involving two RECs
Use of a bilateral agreement without enacting a specific JBP/OSBP Act
Development of an ambitious road map to enact the requisite legal instrument
Recommendation to form a joint steering committee
Usefulness of incorporating diagrams of the architectural designs for the JBP in the procedures manual
Need to provide for electronic processing in the procedures manual
Various issues related to private sector participation in OSBPs

The EAC: OSBPs in a Customs Union

Importance of advancing regional integration
Need to develop a comprehensive OSBP legal framework
Lessons related to the design and management of OSBP facilities
Lessons related to the development of OSBPs in a single customs territory
Multi-level approach to the management of OSBP projects
Importance of the development of OSBP procedures
Need for well-structured institutional arrangements and the coordination of OSBP operations

Namanga and Rusumo – Well-Crafted Legal, Regulatory, and Institutional Frameworks, and OSBP Manuals (Kenya, Rwanda, and Tanzania)

Well-crafted legal/regulatory frameworks, institutions, and OSBP operational procedures manuals
Benefits of extensive training and sensitization activities
Rigorous baseline, impact, and endline time measurement surveys
Preparation of informative materials on the OSBPs

Gasenyi I/Nemba: A Straddling OSBP (Burundi and Rwanda)

Viability and efficacy of the straddling OSBP model

Lebombo/Ressano Garcia – A Long-Planned OSBP with a Complex Mix of Traffic (South Africa and Mozambique)

Possibility of improving border operating performance even without an OSBP
Difficulties in formalizing OSBP legal arrangements
Benefits of separating different kinds of traffic

Note: Lessons highlighted in a particular case study may also be applicable to other case studies, but may not have been highlighted in the other case studies for a number of reasons (e.g., availability of information).

Source: This Part/Chapter

Figure 13-1: Locations of the Case Study OSBPs

Note: This map does not show all the OSBPs involved in the case study of the East African Community.

1. **Chirundu** (Zambia/Zimbabwe)
2. **Cinkansé (**Burkina Faso/Togo)
3. **Mfum** (Cameroon/Nigeria)
4. **Namanga** (Kenya/Tanzania)
5. **Rusumo** (Rwanda/Tanzania)
6. **Gasenyi I/Nemba** (Burundi/Rwanda)
7. **Lebombo/Ressano Garcia** (South Africa/Mozambique)

Source: This Sourcebook

13.2 Chirundu – A Pioneering Example of a Publically Managed OSBP (Zambia and Zimbabwe)[2]

13.2.1 Issues Raised by the Case Study

The Chirundu OSBP is considered the first OSBP in Africa.[3] Issues raised by this pioneering

[2] This case study draws upon: (i) Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 100–110; (ii) *Chirundu OSBP Case Study, Presentation to the Preparatory Meeting for Revising the OSBP Source Book*, 24 February 2015 (presented by Bernard Dzawanda, Senior Transport Economist, COMESA Secretariat); (iii) Habiba Ben Barka, Senior Planning Economist, "Border Posts, Checkpoints, and Intra-African Trade: Challenges and Solutions", AfDB Chief Economist Complex, January 2012, pp. 10–12; (iv) (Zimbabwe) Ministry of Industry and Commerce, *Chirundu One Stop Border Post: A Regional Trade Facilitation Program*, an Aid for Trade Case Study: Zimbabwe, presented to OECD [Organization for Economic Cooperation and Development] and the World Trade Organization, January 2011; (v) Sean Woolfrey (Trade Law Centre), *Challenges at Chirundu One-Stop Border Post*, September 2013; (vi) Nellie Dhaerah, *The Impact on Customs of the Development, Implementation and Administration of Regional Integration Initiatives: The Case for Zimbabwe Revenue Authority*, undated; (vii) TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010; (viii) Mark Pearson, *Trade Facilitation in the COMESA-EAC-SADC Tripartite Free Trade Area*, September 2011; (ix) Marko Kwaramba, *Evaluation of Chirundu One Stop Border Post – Opportunities and Challenges*, Trade and Development Studies Centre, July 2010; (x) Barney Curtis, *The Chirundu Border Post: Detailed Monitoring of Transit Times*, SSATP [Sub-Saharan Africa Transport Policy Program] Discussion Paper No. 10, Regional Integration and Transport – RIT Series, September 2009; (xi) Republic of Zambia, *The One Stop Border Post Concept – A Case of Chirundu Border Post between Zambia and Zimbabwe*, a Trade Facilitation Study on Customs Cooperation presented at a World Trade Organization symposium in Geneva, November 2011; (xii) Japan International Cooperation Agency, PADECO CO., Ltd., and Mitsubishi UFJ Research and Consulting Co., Ltd., *Preparatory Survey for Southern Africa Regional Transport Program, Final Report*, March 2010, pp. F-1 to F-4; and (xiii) comments on an earlier draft of the case study emailed by Ms. Elizabeth Warn, International Organization for Migration (IOM), 2 February 2016 [drawing on the results of a December 2015 rapid assessment undertaken at Chirundu by IOM]..

[3] Trial operation of an OSBP (both road and rail) commenced at Malaba by Kenya and Uganda a few years before opening of the Chirundu OSBP in 2009. See, e.g., Silas Kanamugire, *Northern Corridor Case Study, Malaba OSBP*, East and Central Africa Global Competiveness Hub and United States Agency for International Development, March 2007.

OSBP include (i) the need for high-level political commitment, (ii) the importance of well-structured committees, (iii) the importance of a well-crafted OSBP legal framework, (iv) the need to refine procedures over time, (v) the importance of training, (vi) the need for a change management process, (vii) challenges in implementing an OSBP when facilities were designed for traditional two-stop operations, (viii) the incompatibility of / lack of symmetry between hard and soft infrastructure between the two countries, (ix) the importance of ICT, (x) the need for assured disbursement(s), (xi) the need for appropriate signage, (xii) the role of international development/cooperating partners, and (xiii) the importance of extended (harmonized) operating hours.

13.2.2 Background and Current Status of the OSBP

(1) Overview

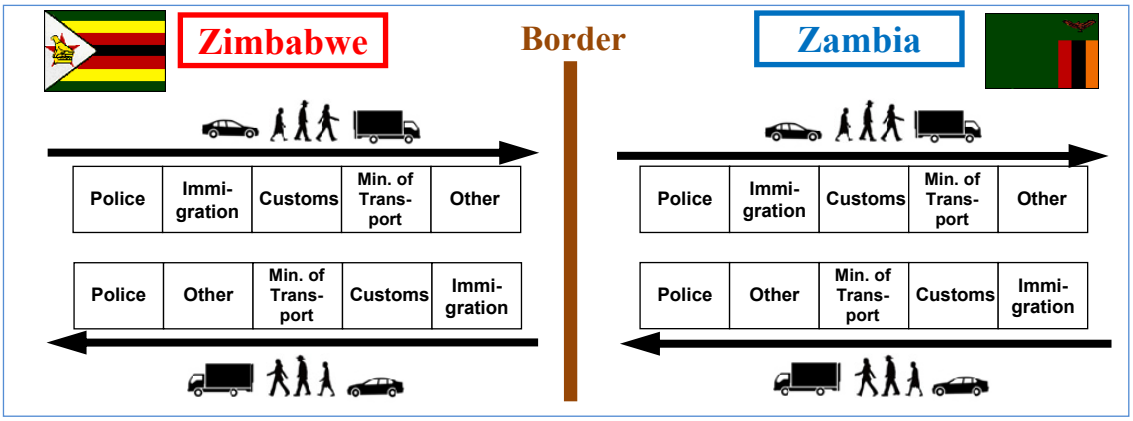
The Chirundu OSBP, located between Zambia and Zimbabwe at the Zambezi River along the North-South Corridor in Southern Africa,[4] opened on 5 December 2009. A new bridge funded by JICA was opened at Chirundu in 2002, which replaced the original one-lane Otto Beit suspension bridge that was built on the site in 1939. After the completion of the new bridge, both Zambia and Zimbabwe started work to improve their respective border facilities, with Zimbabwe building a completely new integrated border post and Zambia constructing new clearance and accommodation facilities. Pursuant to a decision of the Council of Minister of the Common Market for Eastern and Southern Africa (COMESA) in 2005, implementation of the OSBP was spearheaded by the COMESA Secretariat on behalf of the COMESA-EAC-Southern African Development Community (SADC) Tripartite initiative.[5] Traffic at the time of the commencement of OSBP operations in 2009 was about 300–400 trucks per day (with 50–60% of the traffic related to the mining sector), making Chirundu one of the busiest border crossings in Southern Africa.

Figure 13-2 presents the border crossing procedures at Chirundu before the launching of the OSBP, while Figure 13-3 presents the procedures after operationalization. Northbound traffic is now only checked and cleared on the Zambian side, while southbound traffic is cleared on the Zimbabwean side.

[4] The North-South Corridor links the Dar es Salaam Corridor to the southern ports of South Africa through the Copperbelt. The corridor traverses eight countries, i.e., Botswana, Democratic Republic of Congo, Malawi, Mozambique, South Africa, Tanzania, Zambia, and Zimbabwe.

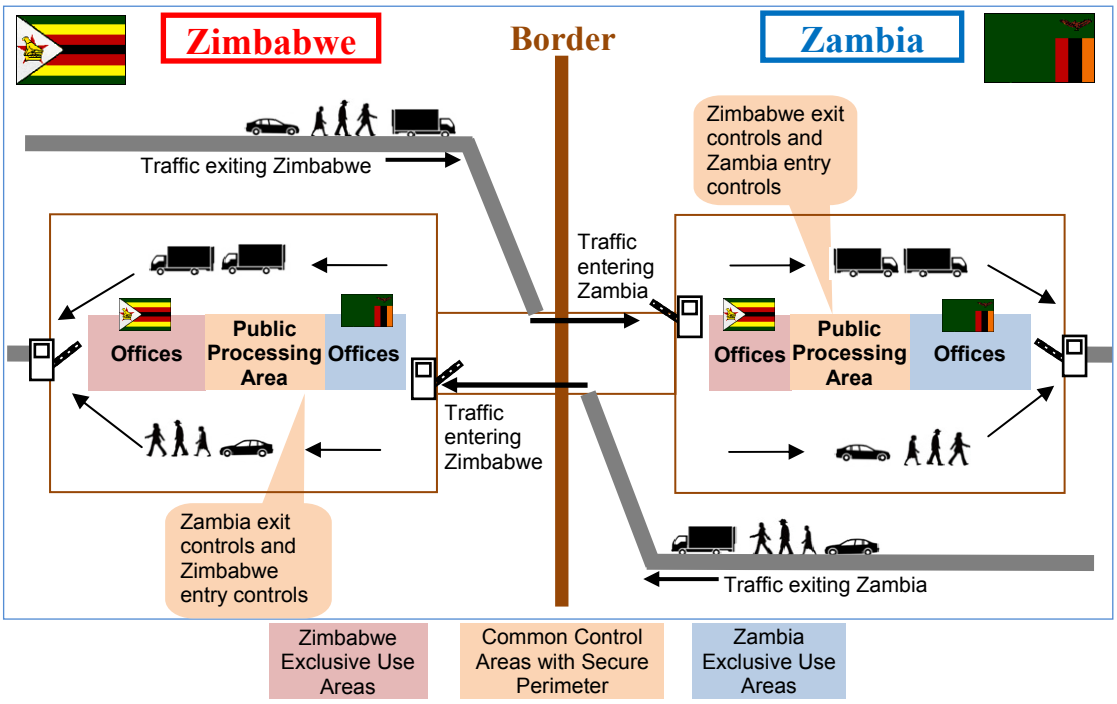
[5] (Zimbabwe) Ministry of Industry and Commerce, *Chirundu One Stop Border Post: A Regional Trade Facilitation Program*, an Aid for Trade Case Study: Zimbabwe, presented to OECD and World Trade Organization, January 2011, p. 4.

Figure 13-2: Border Crossing Procedures at Chirundu Prior to OSBP Operationalization



Source: Habiba Ben Barka, Senior Planning Economist, "Border Posts, Checkpoints, and Intra-African Trade: Challenges and Solutions", AfDB Chief Economist Complex, January 2012, p. 11.

Figure 13-3: Border Crossing Procedures at Chirundu After OSBP Operationalization



Source: Habiba Ben Barka, Senior Planning Economist, "Border Posts, Checkpoints, and Intra-African Trade: Challenges and Solutions", AfDB Chief Economist Complex, January 2012, p. 11

(2) Legal Framework

The legal framework of the Chirundu OSBP was established before operationalization, with OSBP laws enacted in the respective countries, i.e., the Zimbabwe One Stop Border Posts Control Act, No. 21 of 2007, and the Zambia One Stop Border Control Act No. 8 of 2009.[6]

[6] Zimbabwe could enact OSBP legislation more quickly than Zambia because Chirundu is mainly of significance to Zimbabwe for transit traffic, so its risk of lost revenues is not that great. However, since Chirundu is Zambia's largest land port in terms of revenue collection, they took a more cautious approach; therefore, some time was required to

These two enabling acts authorized border control officers to carry out their national controls in a common control zone (CCZ). Zimbabwean officers are allowed to carry out controls on the Zambian side of the CCZ and vice versa. It also provides for hosting arrangements for foreign officials from the adjoining state operating in the host state. The OSBP Act supersedes other acts, which are listed in a schedule, only regarding these two issues in the OSBP; thus, the individual laws of each border control agency do not need to be changed.

Also, on 27 August 2007 in Harare, the two countries signed a Bilateral Agreement between the Government of the Republic of Zambia and Government of the Republic of Zimbabwe concerning the Establishment and Implementation of a One Stop Border Post at Chirundu. Key principles established in the bilateral agreement for the operation of the Chirundu OSBP were as follows:

(i) For southbound traffic, all procedures for persons, vehicles, and goods exiting Zambia and entering Zimbabwe are to be carried out in the Zimbabwe OSBP facility. For northbound traffic, all procedures for the persons, vehicles, and goods exiting Zimbabwe and entering Zambia are to take place in the Zambian OSBP facility.

(ii) Entry procedures are not to commence until all exit procedures are completed and jurisdiction has formally passed from the exit state to the entry state except in cases where goods are pre-cleared. This approach avoids any conflict over which party has national jurisdiction during the clearance process. Jurisdiction is based on the officer performing the controls, not on the basis of the national territory in which the controls are performed.

(iii) Officers carry out their own border control laws even when acting in the adjoining country, but only within the CCZ established by the bilateral agreement.

(iv) Wherever possible, inspections and other procedures are carried out jointly to increase effectiveness and save time.

(v) Cross-border risk assessment of persons and goods should be employed to the extent possible.

(vi) If at any point in the processing, persons are denied exit or entry or an arrest is made or goods are confiscated, the persons or goods must be returned.

(vii) National police will address any law and order offenses that occur on national territory. Any regulatory infringements that occur in the performance of border control duties will be referred to the management of the agency to which the officer reports.

(viii) Officers from the adjoining state operating from the host state and vice versa should be provided office space, with responsibilities for cleaning, lighting, and water charges clearly stated.

(ix) Joint border management committees were formed and are co-chaired by the heads of the revenue authorities at Chirundu to address challenges arising from the implementation.[7]

While national laws and a bilateral agreement have been formulated for the Chirundu OSBP, further elaboration of national regulatory frameworks has been recommended.[8]

"unlock" concerns regarding revenue as well as control and security issues. Japan International Cooperation Agency, PADECO Co., Ltd., and Mitsubishi UFJ Research and Consulting Co., Ltd., *Preparatory Survey for Southern Africa Regional Transport Program, Final Report*, March 2010, p. F-2.

[7] See, e.g., (i) (Zimbabwe) Ministry of Industry and Commerce, *Chirundu One Stop Border Post: A Regional Trade Facilitation Program*, an Aid for Trade Case Study: Zimbabwe, presented to OECD and World Trade Organization, January 2011; (ii) TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated; and (iii) Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 102–03.

(3) Procedures

Figure 13-4 shows the directional flows for northbound and southbound traffic at Chirundu, respectively. Details regarding the OSBP procedures at Chirundu follow:

(i) The common control zone has three gates – a south gate for entry to and exit from Zimbabwe and two north gates for entry to and exit from Zambia. The OSBP facility[9] in Zimbabwe is used for all southbound border controls. The facilities (passenger and freight) in Zambia are used for all northbound border controls.

(ii) All southbound traffic takes the bypass route through the northbound facility, crosses the new bridge, and parks on the eastern side of the southbound facility. Border controls are carried out in the public (clearance) hall of the facility, exit first and entry second. Coaches park in the inspection bays or adjacent parking area, where inspections are conducted as necessary. Heavy goods vehicles are inspected in the inspection bays, when an inspection is considered necessary. Trucks carrying goods that are pre-cleared, transit, hazardous, and/or part of an authorized economic operator (AEO) program are handled by a special fast track unit. After completion of border controls, heavy goods vehicles proceed for weighing and departure at the south gate.

(iii) Northbound passenger cars and coaches travel past the south gate and cross the old bridge. Travelers follow exit procedures for Zimbabwe and entry procedures for Zambia in the public (clearance) hall. Inspections are carried out in the parking area. Gate passes are signed by the relevant border officers of both countries as processes are completed. Travelers exit through the passenger north gate.

(iv) Northbound commercial drivers enter through the south gate. Completed gate passes are presented by the customs agent or driver. Trucks carrying goods that are precleared, transit, hazardous, and/or under the Zambian Customs accredited clients program proceed to the fast track lane or parking area.[10] In the meantime, the customs agents process the documents with both Customs agencies. A special fast track unit has been set up in the freight facility to provide rapid exit and entry processing and release for fast track cargo. The vehicle then enters Zambia through the commercial north gate.

(v) Northbound commercial drivers whose cargo is not qualified for the fast track proceed to the northbound freight facilty for scanning, processing, and physical inspection, if considered necessary. All processing takes place in the facility, scanner, and inspection areas. Once all controls are satisfied, the driver exits through the commercial north gate into Zambia.[11]

Training in the new procedures was provided in 2009, before and immediately after operationalization of the OSBP in December of that year.

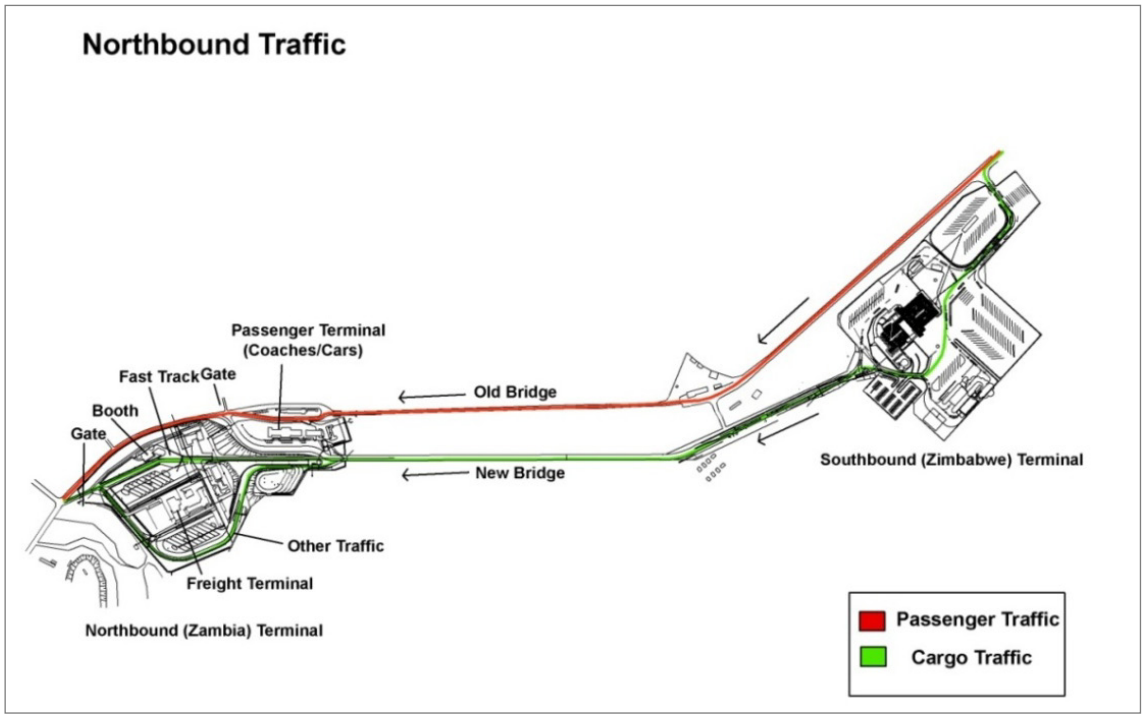
(4) OSBP Facilities

The OSBP facilities at Chirundu were built before the OSBP concept was developed and the procedures were formulated. As a result, masonry counters in the Zambian passenger facility

[8] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 3, p. 4.
[9] The word "terminal" was used in the 1st edition of the OSBP Sourcebook but is perhaps misleading since the traffic does not terminate but rather continues onward after clearance.
[10] Zambia established a Central Processing Centre in February 2012, with all customs declarations processed in Lusaka.
[11] See, e.g., (i) TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated; and (ii) Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 103–07.

were removed and temporary counters installed so that they could be adjusted while the procedures were being finalized. The counter area in the Zimbabwean facility was reassigned with some partitioning adjusted. The parking area in Zambia proved insufficient for the new procedures, requiring either shorter holding times or expansion. In addition, preexisting problems continued – for example, Zimbabwe has had difficulty in keeping the air conditioning working.[12] Both the Zambian and Zimbabwe sides have a scanner (a redundancy that should be avoided in an OSBP), and the Zimbabwe side also has a weighbridge. A rapid assessment was undertaken by the International Organization for Migration (IOM) in December 2015[13] on both the Zimbabwean and Zambian side of the border, and a number of challenges were identified in terms of availability and use of facilities including (i) limited security particular within the CCZ; (ii) limited passenger health facilities and a lack of a doctor on site; and (iii) limited facilities for the screening and reception of migrants. Support has been provided on the Zambian side for the provision of screening facilities for potential victims of trafficking and other vulnerable migrants.

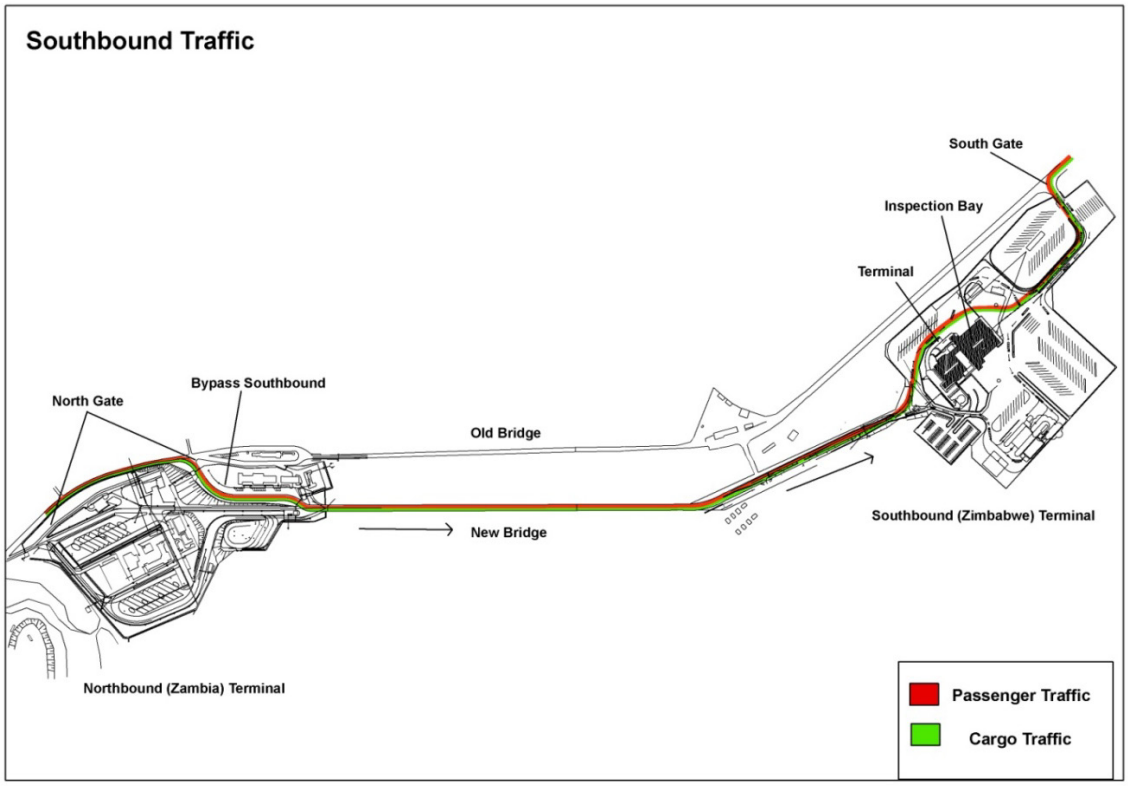
Figure 13-4: Directional Flows for Traffic at Chirundu



[12] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 108.

[13] The rapid border assessment was undertaken by IOM's African Capacity Building Centre (ACBC) and the Zimbabwean authorities in early December 2015 at the request of the Zimbabwean Ministry of Home Affairs, based on IOM's rapid border assessment methodology. A separate rapid assessment was undertaken by the ACBC on 12 December 2015 with the consent and participation of the Zambian Immigration Authorities.

Figure 13-4: Directional Flows for Traffic at Chirundu (continued)



Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 105–06

(5) Interconnectivity and ICT

There was a plan to provide connectivity in all facilities, so that officers operating on the other side of the control zone could access their own ASYCUDA[14] servers as though they were operating in their own facility. However, microwave and then later fiber optic solutions initially failed and most exit procedures were conducted manually and input later into the system, adding to the workload. While as of 2015 both sides were connected to internet via fiber cables and satellites, the connection is limited and not all agencies have computers connected to internet. Constraints to achieving ICT interconnectivity (now 6+ years after opening of the OBSP) may include limited financing, a lack of political will, and/or a lack of compelling reasons for the agencies to move forward.

There was also a plan to design and implement a border information management system so that basic information on persons, vehicles, and cargo could be entered once and shared among border agencies. While a firm was engaged for this purpose, they failed to successfully design and implement such a system.[15] As confirmed by the December 2015 IOM rapid assessment, there is no appropriate ICT package to address interoperability between the two national systems. There are also frequent power cuts and no generator and/or solar panels available, and internet (fiber) is subject to frequent cuts.

[14] ASYCUDA = Automated System for Customs Data. See subsection 11.4.4(1).
[15] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 107–08. Multiple inspections and space constraints contributed to the long delays before implementation.

(6) Impacts of the Chirundu OSBP

The following results regarding the impacts of the operationalization of the Chirundu OSBP have been reported:

(i) Estimates of the average border crossing time for commercial vehicles before the operationalization of the Chirundu OSBP range from 2–9 days, with trucks sometimes requiring up to three weeks for clearance.[16] However, after operationalization, clearance times at Chirundu were reduced to hours, with most vehicles cleared within a day. The value of such time savings has been estimated in the range of USD 200–500 per day, based on the typical charge for a stationary truck.[17]

(ii) Almost immediately after the commencement of operations, clearance times for passenger cars and buses were cut in half. Stopping times for clearance for immigration and other agencies and joint customs inspections in the yard were reduced from 1–2 hours to 20 minutes for cars and from 2 hours to 1 hour for buses.[18]

(iii) The increased efficiency of border operating systems at Chirundu, coupled with increased traffic flows through the border post, have led to increases in government revenues. Consider, for example, that between 2009 and 2012, monthly revenues collected by Zambia increased from USD 10.0 million to USD 20.3 million a month.[19]

(iv) Anecdotal evidence suggests a reduction in HIV/AIDS infections at Chirundu as truck drivers are required to spend less time at the border.[20]

13.2.3 Issues/Lessons Learned

(1) Need for High-Level Political Commitment

One lesson of the Chirundu OSBP is that strong political drivers at the highest levels are necessary and there must be a formal agreement to implement the OSBP. Such an agreement must be accompanied by a legal framework providing extraterritorial authority to implement the OSBP.[21]

(2) Importance of Well-Structured Committees and Subcommittees

The Chirundu OSBP benefitted from a steering committee that included permanent secretaries from the parent ministries of government agencies at the border and representatives of the private sector from both countries. Results-oriented subcommittees were established including (i) a procedures subcommittee to develop OSBP procedures to coordinate the activities of border agencies, (ii) a legal subcommittee to develop the OSBP legal framework, (iii) a facilities subcommittee to ensure that facilities at the border are adequate and properly shared between the two countries, and (iv) an ICT subcommittee to develop IT solutions. An alternative structure based on functions (e.g., customs, immigration, standards) was considered, but it was

[16] Marko Kwaramda, Evaluation *of Chirundu One Stop Border Post – Opportunities and Challenges*, Trade & Development Studies Centre, July 2010; Sean Woolfrey (Trade Law Centre), *Challenges at Chirundu One-Stop Border Post*, September 2013.
[17] See, e.g., Mark Pearson, *Trade Facilitation in the COMESA-EAC-SADC Tripartite Free Trade Area*, September 2011, paragraph 3, p. 1.
[18] (Zimbabwe) Ministry of Industry and Commerce, *Chirundu One Stop Border Post: A Regional Trade Facilitation Program*, an Aid for Trade Case Study: Zimbabwe, presented to OECD and World Trade Organization, January 2011, p. 8.
[19] Sean Woolfrey (Trade Law Centre), *Challenges at Chirundu One-Stop Border Post*, September 2013.
[20] Source in previous footnote, p. 9.
[21] Source in previous footnote, p. 10.

considered more effective to establish subcommittees to produce specific deliverables. In addition, it was considered important to first reach a consensus on the OSBP concept and functions at the national level before issues were addressed at the bilateral level. Also, site visits during stakeholders' meetings were found to be useful in giving participants the opportunity to better understand the challenges at the border.[22] However, as confirmed during site visits by IOM in December 2015, the committees and subcommittees are no longer operational. The IOM rapid assessment found that the only regularly functioning cross-border coordination mechanisms that are functioning are at the district level. It is recommended that previous committees be reactivated as soon as possible, with new terms of reference and operational guidance.

(3) Importance of a Well-Crafted OSBP Legal Framework

The Chirundu OSBP showed the importance of a well-crafted legal framework that authorizes border officers to work within the CCZ of the adjoining state and allows hosting of foreign officers to enforce their national laws. Officers need to know that their authority to act anywhere in the CCZ will stand up in court if challenged. In addition, a bilateral (or multilateral) agreement is needed to lay down agreed operational principles for the OSBP.[23]

(4) Need to Refine Procedures Over Time

Another lesson of the Chirundu OSBP is that it is necessary to fine tune procedures after launch. In the case of Chirundu, the operations manual was reevaluated and improved after opening, leading to clear(er) procedures. Such self-correction should lead to a proactive monitoring process. It was learned that it is important in the implementation process to involve both the border supervisors who know the day-to-day details of border operations and the policy specialists at headquarters so that they are both involved in the decision-making process for the OSBP. The procedures at Chirundu have been refined even after operationalization of the OSBP in response to emerging challenges. Nevertheless, as found by the IOM rapid assessment in December 2015, due to high staff turnover at Chirundu, further efforts are required to ensure that procedures are known by and can be implemented by frontline officers; also, the operations manual requires further revisions.

(5) Importance of Training

Starting training several months before launching of the OSBP allowed engagement of wider group in the implementation process and built a positive attitude toward the transition. That said, training on operations should be closer to the actual launch. However, while it was considered that trial runs could be undertaken prior to opening, it was determined that since operationalizing an OSBP requires major changes in the location of functions, trial runs were not feasible.[24] The December 2015 rapid assessment by IOM suggested the need for joint training involving officials from both sides of the border within an integrated border management approach, and raised the possibility of a joint training facility.

[22] See, e.g., TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated.
[23] See source in previous footnote.
[24] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p, 110.

(6) Need for a Change Management Process

Another lesson of the Chirundu OSBP is that OSBPs should be accompanied by a change management program involving all key stakeholders from the outset. Significant challenges were overcome at Chirundu, e.g., agreement by the two countries to use a single scanner and weighbridge, migration to new systems.[25] The establishment of a single online platform to share information between and among all agencies on each side of the border within an integrated border management approach was strongly recommended by the December 2015 rapid assessment by IOM.

(7) Challenges in Implementing an OSBP When Facilities Were Designed for Traditional Two-Stop Operations

At Chirundu there were challenges in implementing an OSBP since the facilities were not designed for OSBP use from the outset and therefore modifications to physical infrastructure were required. OSBP project subcommittees (including one for facilities) were established, but not until after the design work was completed.[26]

(8) Incompatibility of / Lack of Symmetry between the Two Countries' Hard and Soft Infrastructure

Hard and soft infrastructure between Zambia and Zimbabwe has not been compatible. For example, Zambia has more agencies at the border than does Zimbabwe (e.g., 12 vs. 7 involved in border clearance).[27] In addition, on the Zimbabwean side border operations are conducted in one facility, while there are separate passenger and commercial cargo clearance facilities on the Zambian side. Scanning and air conditioning facilities are different on the two sides.[28] A related issue is that the OSBP was launched before the Zimbabwe side was ready and all concerned agencies were made aware of the new operation, which created some confusion.

(9) Importance of ICT

A problem with operations at Chirundu has been the lack of ICT connectivity between the two sides, which has resulted in clearance procedures being duplicated as Zimbabwe Revenue Authority officers on the Zambian side of the border have been unable to connect to the computerized ASYCUDA customs administration system on the Zimbabwean side. Procedures have been completed manually on the Zambian side and then input into the computer system on the Zimbabwean side. Zambian border agents based on the Zimbabwean side have faced a similar problem in not being able to access the electronic systems used in Zambia. The lack of connectivity between the two sides has also prevented the designated fast track lane from

[25] See, e.g., (i) TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated; (ii) (Zimbabwe) Ministry of Industry and Commerce, *Chirundu One Stop Border Post: A Regional Trade Facilitation Program*, an Aid for Trade Case Study: Zimbabwe, presented to OECD and World Trade Organization, January 2011, p. 10; and (iii) Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p, 109.
[26] See, e.g., (i) (Zimbabwe) Ministry of Industry and Commerce, *Chirundu One Stop Border Post: A Regional Trade Facilitation Program*, an Aid for Trade Case Study: Zimbabwe, presented to OECD and World Trade Organization, January 2011, pp. 7, 9; and (ii) TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated.
[27] On the other hand, while it is desirable to harmonize different aspects, the number of agencies at the border should arguably be determined by national requirements.
[28] (Zimbabwe) Ministry of Industry and Commerce, *Chirundu One Stop Border Post: A Regional Trade Facilitation Program*, an Aid for Trade Case Study: Zimbabwe, presented to OECD and World Trade Organization, January 2011, p. 7. However, structures on the two side of an OSBP do not necessarily have to mirror each other; what matters is that the structures meet the requirements, e.g., as determined by current and future traffic.

becoming fully functional,[29,30] and this finding was confirmed by the December 2015 rapid assessment undertaken by IOM.

(10) Benefits of Looking at OSBPs from a Corridor or Regional Perspective

As noted, the Chirundu OSBP is located along the North-South Corridor, which is the main "business corridor" in the SADC and COMESA regions; the benefits from the Chirundu OSBP could have been greater if development had been synchronized with OSBP developments at Beitbridge between Zimbabwe and South Africa and Kasumbalesa between Zambia and the Democratic Republic of Congo. There are benefits from addressing all nodes along a corridor concurrently, not separately; it has been suggested that this lesson should guide countries in the timing of OSBP development along regional corridors.[31]

(11) Need for Assured Disbursement(s)

Another challenge encountered in implementing the Chirundu OSBP project has been erratic disbursement or even non-disbursement of funds pledged for the project. On a number of occasions, agreed timelines were missed due to delayed financial inflows for planned activities such as the establishment of a common ICT platform. Budget needs to be available in a timely and "non-bureaucratic" manner to avoid delays.[32]

(12) Need for Appropriate Signage and Lanes at Passport Control

The lack of appropriate signage on the approach to the OSBP and inside the customs control zone was a problem in the initial stages of implementation and this was found to be a continuing problem during the IOM rapid assessment in December 2015. Adequate external and internal directional and informational signs are necessary before commencement of OSBP operations. There were a number of complaints that "both passengers and commercial freight vehicles simply [had] no idea where to go."[33] From an immigration perspective, no differentiated lanes at passport control are available that would accelerate the movement of travelers or identify individuals requiring special assistance.

(13) Role of International Development/Cooperating Partners

Chirundu proved to be an example of positive support from international development/ cooperating partners in the development of OSBPs, with the partners offering expertise and financing some of the investments in physical facilities. Coordination of the activities of the three international development partners supporting the operationalization of the Chirundu OSBP proved generally successful. However, while having a project manager funded outside of existing agency structures was helpful, it tended to remove responsibility from the agencies that would ultimately need to be in charge. One suitable task for the international development partners is carrying out an evaluation to assess the effectiveness of the OSBP and formulate

[29] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 107–08.
[30] It may be considered that the problem of a lack of connectivity at OSBPs stems from the lack of a design and legal framework to make that connectivity happen (because it is technically possible) and the way the contracts are handled,
[31] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 3, p. 5.
[32] See, e.g., TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated.
[33] See, e.g., (i) TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated; and (ii) (Zimbabwe) Ministry of Industry and Commerce, *Chirundu One Stop Border Post: A Regional Trade Facilitation Program*, an Aid for Trade Case Study: Zimbabwe, presented to OECD and World Trade Organization, January 2011, p. 11.

OSBP performance indicators, which may be communicated to the general public as part of an OSBP client charter.[34]

(14) Importance of Extended (Harmonized) Operating Hours

There is a need to extend the operating hours at Chirundu to reduce congestion. As reported by the December 2015 IOM rapid assessment, border operations are now conducted only between 6 am and 8 pm. Additional border officers are required, which in turn requires additional staff housing.[35]

13.3 Cinkansé – A Single-Country OSBP (JBP) with Private Sector Involvement (Burkina Faso and Togo)[36]

13.3.1 Issues Raised by the Case Study

The case study of the Cinkansé[37] JBP is an example showing difficulties in developing a single-country JBP, especially problems with private sector participation in the process. It presents issues related to (i) top-down vs. bottom-up approaches to OSBP development, (ii) an overemphasis on physical facilities rather than "software", (iii) the need for streamlining of lengthy processes, (iv) adverse impacts of the concession on trade facilitation, (v) the importance of developing and agreeing on agency procedures, and (vi) the need for all aspects of a JBP to proceed in an integrated way. Because Cinkansé was the first JBP in West Africa, a number of issues needed to be addressed at the same time and immediately. An additional issue involved the impact of the JBP on the local community.[38] All that said, the JBP may be considered to be on the way to achieving some degree of success.

13.3.2 Background of the JBP and Current Status

Cinkansé is the border crossing along the Lomé-Ouagadougou corridor, which is one of 11 corridors in the priority road network of the Union Economique et Monétaire Ouest-africaine (UEMOA, West African Economic and Monetary Union), as set out in Decision No. 39/2009/CM/UEMOA, 17 December 2009. The corridor is part of the West African Growth Ring, which was formulated with JICA support and for which the UEMOA Commission and JICA are developing a master plan for the development of logistics networks.[39] The corridor

[34] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 110.
[35] See, e.g., TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated.
[36] This case study draws upon: (i) Corridor Development Consultants (Pty) Ltd, *Project for the Completion of Cinkansé Joint Border Post, Draft Baseline Survey Report, Lomé-Ouagadougou Corridor*, prepared for JICA Burkina Faso Office, July 2014; (ii) Corridor Development Consultants (Pty) Ltd, *Cinkansé Joint Border Post Operating Procedures Manual, Lomé-Ouagadougou Corridor*, prepared for JICA Burkina Faso Office, December 2014; (iii) JICA Study Team, *Study Report on Customs Procedures and Operations of the Abidjan-Ouagadougou Corridor*, June 2015; (iv) USAID and West Africa Trade Hub, *Transport and Logistics Costs on the Lomé-Ouagadougou Corridor*, West Africa Trade Hub Technical Report No. 47, January 2012; and (v) Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 111–20; and (vi) PADECO Co., Ltd., Togo-Burkina Faso Road Corridor, *Trade Facilitation Analysis*, prepared for the African Development Bank, April 2012.
[37] Alternatively referred to as Cinkassé in USAID and West Africa Trade Hub, *Transport and Logistics Costs on the Lomé-Ouagadougou Corridor*, West Africa Trade Hub Technical Report No. 47, January 2012.
[38] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 3, p. 5.
[39] This study was included in the Yokohama Action Plan of the Fifth Tokyo International Conference on African Development (TICAD V) held in Yokohama in June 2013.

extends 954 km, between Lomé (Togo) with Ouagadougou (Burkina Faso), and 677 km in Togo territory and 277 km in Burkinabé territory. In addition to the two countries, the corridor serves Mali, Niger, and to a much lesser extent Benin and Ghana.[40] An average of about 280 trucks per day cross the border between Togo and Burkina Faso (August 2014). Box 13-2 presented at the end of the case study summarizes the many nonphysical barriers to transport along the corridor.

The Cinkansé JBP was the first to be developed in West Africa. UEMOA opted for the single country model with a view toward integration, with the target of developing a common market.[41] It is situated on the Burkina Faso side of the river border between the two countries on a 7 ha site (with 10 ha reserved for future expansion). It was developed under a build-operate-transfer (BOT) concession from UEMOA. While UEMOA prepared the technical design and began construction of the facility, the construction costs were more than anticipated and the facility stood empty for a while. Scanning Systems International (SSI) LLC, an Ivoirian company, approached UEMOA with a proposal for a BOT arrangement to complete and operate the JBP. A 20-year BOT arrangement for the JBP was signed with SSI in September 2009. The concessionaire is responsible for (i) the construction of buildings, parking areas, and warehouses; (ii) the provision of scanners and a satellite telephone system; (iii) installation of an electronic document management system; and (iv) development of a cargo tracking system. Their agreement with the concessionaire also gives the concessionaire the legal right to develop a JBP at Hérémakono on the Burkina Faso/Mali border.

UEMOA has issued several legal instruments regarding JBP infrastructure, financing, the legal framework for operating JBPs, and Regulation No. 15[42] which seeks to consolidate in a single regulation the key principles for operating a JBP. Regulation 15 covers such areas as activities authorized in the control zone, domain over the zone, financing for construction, organization of the zone, equipping the border post, use and management of the zone, extraterritorial jurisdiction of border control officers in a JBP, security in the control zone, committees to operationalize the OSBP, and creation of a complaints bureau. A regulation was also passed that relates to operating JBPs with a concessionaire, such as at Cinkansé, which had not been foreseen in the original regulations. A further regulation was announced on 29 June 2010 that sets the tariffs the concessionaire can charge and the modalities of payment.

A July 2014 baseline report on the Cinkansé JBP supported by JICA found that:

(i) although office space is available in the JBP premises, not all the border agencies are operating from the site, particularly from Togo;

(ii) although traffic is required to pass through the JBP facility, a proper traffic circulation system that clearly segregates traffic between freight and passenger vehicles has not been installed;

(iii) levels of interagency coordination are comparatively low and many procedures are still manual although an electronic system to facilitate the interface of agencies and exchange of information is now available;

(iv) most stakeholders reported that they had little or no information on the requirements of the JBP concept; and

[40] In 2010 the distribution of vehicles by country of registration in the Blitta-Sokodé (Togo) section of the corridor was 31% from Burkina Faso, 29% from Mali, 28% from Togo, and 11% from Niger. *Atakpamé-Blitta-Sokodé-Kara Engineering Design Studies Review, Economic Report*, 2010. Also, a number of vehicles registered in Togo regularly haul goods to Burkina Faso, Mali, and Niger.

[41] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 3, p. 5.

[42] UEMOA Regulation No. 15/2009/CM/UEMOA Portant Regime Juridique des Postes de Contrôle Juxtaposes aux Frontieres des Etats Membres de L'Union Economique et Monetaire Ouest Africaine.

(v) the border crossing time for trucks into Burkina Faso was about four days and into Togo under 24 hours.[43]

It was reported as of October 2015 that there was a functioning GPS tracking system between Lomé and Cinkansé, while between Cinkansé and Ouagadougou such a system was still at the testing stage.[44]

13.3.3 Issues/Lessons Learned

(1) Top-Down vs. Bottom-up Approaches

UEMOA and ECOWAS have used regional legal instruments to lead a process of development of JBPs in the context of broader transit and transport facilitation programs. They have issued many legal instruments to provide the goals, operating principles, and organization of JBPs. Despite the instruments issued, the development of JBPs is moving slowly. While an act or regulation of a REC may take precedence over national law, many of the legal instruments have not been ratified are not necessarily implemented and/or enforced. While the communities became commissions with the goal of having more authority, the ability to drive an implementation process of member states is still difficult.[45] Nevertheless, in West Africa, especially in UEMOA, there is more of a tendency to act regionally than (say) in Southern Africa where many initiatives are more "bottom up" and case by case. In the case of the Cinkansé JBP, a lack of involvement (and responsibility) of key stakeholders/officers at both the national and border levels, and the lack of the institutional arrangements to realize operationalization of the JBP, may have been a factor.

(2) An Overemphasis on Physical Facilities Rather Than Processes

As is too often the case, development of the JBP at Cinkansé focused on physical facilities rather than processes, i.e., on "hardware" rather than "software". As elsewhere, the Cinkansé JBP project concentrated on facilities and not the need for integrated procedures that incorporate ICT applications or a formal legal structure. The issue of who manages all the aspects of implementation so that the JBP is ready to be implemented effectively by the time the construction work is competed is critical. Equally important is the issue of who manages the JBP after it becomes operational. There is no agency taking on this function. Each operates independently. At Cinkansé, the concessionaire provides facility management and maintenance, but does not address the issue of coordination of border control agencies.[46]

(3) Need for Streamlining of Lengthy Processes

A number of the administrative processes were lengthy, and although arguably necessary, could be streamlined. UEMOA (as well as ECOWAS) leases land from member states for JBPs so that it is legally considered to become community land. In the case of Cinkansé, the processes for site selection and the transfer of ownership were lengthy, including the time required to finalize agreements, determine compensation, and address resettlement issues. Also, acceptance of the

[43] Corridor Development Consultants (Pty) Ltd, *Project for the Completion of Cinkansé Joint Border Post, Draft Baseline Survey Report, Lomé-Ouagadougou Corridor*, prepared for JICA Burkina Faso Office, July 2014; (ii) Consultants (Pty) Ltd, *Cinkansé Joint Border Post Operating Procedures Manual, Lomé-Ouagadougou Corridor*, prepared for JICA Burkina Faso Office, December 2014, p. iii.
[44] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 3, p. 6.
[45] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 111.
[46] Source in previous footnote, pp. 119–120.

JBP concept by multiple border agencies and the private sector took time and cooperation. During design and construction, it took considerable time to obtain the involvement of all border actors. Access and possession of the site by the contractor sometimes required litigation, which delayed the contractor's work plan and increased the cost. The processing of works certificates was also complicated. Procurement delays affected funding deadlines.

(4) Adverse Impacts of the Concession on Trade Facilitation

While it is important to involve the private sector in JBP design, the concessioning of the border post infrastructure at Cinkansé has had negative trade facilitation impacts. While private investment entails a need to recover investment from the funded facilities at a profit, trade facilitation aims at reducing the costs associated with crossing borders. An optimum balance could be achieved if the charge levied for use of the private sector facilities is lower than the benefits to users from efficiencies and time savings resulting from the use of the facilities.[47] However, at Cinkansé the agreed administrative charges for use of the JBP range from XOF [FCFA] 25,000-50,000 (USD 40-80 equivalent) although this was reduced from the original charges.

(5) Importance of Developing and Agreeing on Agency Procedures

It is essential that the agency procedures are developed and agreed. Trucks are being routed through Cinkansé and asked to pay a tariff, yet previous border points are still functioning. Rather than reduce the number of stops, the JBP has added a stop for most freight trucks. While the concessionaire made a considerable investment in the facility, neither the benefit nor the revenue has been realized. Although the JBP was equipped and staffed for full operation, most border agencies delayed moving to the JBP, while waiting for the requisite mandate, procedures, and training and sensitization (communication) for full implementation. While the concessionaire invested in the ICT infrastructure for an efficient e-border, the development of systems for coordinating the agency operations at the border was delayed.[48] Finally, in December 2014 an operational procedures manual was prepared for the Cinkansé OSBP, with JICA support.[49]

(6) Need for All Aspects of a JBP to Proceed in an Integrated Way

It is critical that all aspects of JBP implementation proceed in an integrated way, but this has not been the case at Cinkansé. To have a completed border post with all the administrative staffing and equipment in place, but without the procedures to enable border control operations, wastes physical assets, personnel, and the good will of stakeholders. Not proceeding with all aspects in an integrated way is a particular problem for concessionaires since financial models assume use of the facility shortly after the investment. If this does not happen, the profitability of the JBP suffers, as do overall implementation prospects.[50]

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[47] JICA and TradeMark Southern Africa, *Tripartite (COMESA, EAC and SADC) Regional OSBP Workshop*, 26–27 October 2011, pp. 14–15. The underlying problem may have been overestimating the facility requirements, which affected the financial viability of the concession.

[48] Regarding ICT, a larger problem is that network bandwidth (provided by the national authority) at Cinkansé is only 512k, which cannot support modern software operations.

[49] Corridor Development Consultants (Pty) Ltd, *Cinkansé Joint Border Post Operating Procedures Manual, Lomé-Ouagadougou Corridor*, prepared for JICA Burkina Faso Office, December 2014.

[50] Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 119.

Box 13-2: Non-Physical Barriers to Transport along the Lome-Ouagadougou Corridor

- a total of 19 steps for cargo clearing and trucking procedures at Lomé port, including formal costs of USD 605 per twenty-foot equivalent unit (TEU), informal costs of USD 72 per TEU, "standard time" of 1,415 minutes (2.9 days), and delay time of 1,535 hours (3.2 days)
- a levy (the so-called PEA tax) on transit cargo (both exports and imports) assessed by Togo (XOF 208 or USD 0.42 equivalent per ton, including tax and stamp fee), in contravention of the New York Convention on Transit Trade for Landlocked Countries, as well as the ECOWAS Inter-State Road Transit Convention and ECOWAS Resolution C/RES.1/12/88
- as has historically been applied in West Africa, strict implementation of a cargo sharing and truck allocation system, whereby transporters from the landlocked country (Burkina Faso in this case) have the right to carry two thirds and transporters from the coastal country (Togo in this case) have the right to carry one third of transit cargo, resulting in average total formal and informal costs of XOF 55,330 (USD 112)
- limited containerization – although about two-thirds of transit cargo at Lomé arrives in containers, 70% of this amount is unloaded and shipped northward as break-bulk cargo, to avoid payment of container deposits to the shipping company and to obtain better rates from truckers (who can overload their vehicles)
- some checkpoints along the corridor, including 8[a] in Togo (677 km) and 9 in Burkina Faso (276 km) and in the direction from Lomé to Ouagadougou bribes of about USD 20 equivalent per trip paid at checkpoints in Togo and USD 13 equivalent in Burkina Faso, with total delays of approaching three hours at the checkpoints in the two countries
- inefficient transit arrangements (e.g., a requirement for customs bonds for duty-free cargo; the historical requirement of customs escorts)
- continued overloading of trucks (by about 15-20 tons above regulatory standards) including those involved in international transport operations, although Togo has recently reduced the proportion of overloaded trucks from 62% to 27% by implementing the relevant ECOWAS and UEMOA regulations with the establishment of weighbridges to monitor axle load limits, particularly at the Port Autonome du Lomé (PAL, Lomé Port Authority) and the Terminal du Sahel, and Burkina Faso has made similar progress, reducing the proportion of overloaded trucks from 75-80% in 2010 to about 25% in 2011, through the operation of five weighbridges by l'Office National de la Sécurité Routière
- problems implementing the ECOWAS Brown Card third-party motor insurance system, including delays in the settlement of claims between various national bureaus, disputes between and among insurers regarding liability and the amount of injury and damage claims, delay or non-payment of annual contribution by national bureaus, and differences in applicable national laws and compensation regimes
- inefficient (multi-stop) processing at the border crossing points, the (nominal) implementation of a JBP notwithstanding
- for imports to Burkina Faso, a resulting total average time of 12 hours at the border, including 8 hours for customs processing, and 4 hours including waiting time before the commencement of processing, time for official inspections, and time to launch the customs escort convoy some inconsistencies between the customs operating hours between Cinkansé and Bittou
- the lack of connectivity between the customs systems of the two countries, due to a lack of provision for electronic data interchange between the two countries (as well as frequent failures of the internet at the border)
- a requirement by Burkina Faso that imported goods have a cargo insurance certificate issued by a Burkinabé insurance company, even if the cargo arrives with a through bill of lading and is therefore already insured
- for imports to Burkina Faso, final destination clearance procedures at Gare Routière Internationale de (Ouagarinter) involving 18 steps, formal costs of USD 873, informal costs of USD 143, standard working time of 545 minutes, and delay time of 610 minutes
- the lack of multinational corridor management, as found elsewhere in Africa (e.g., the Northern and

Central Corridors in East Africa, the Walvis Bay and Maputo Corridors in Southern Africa)

Note: [a] This number had been reduced to 8 as of October 2015.
Sources: (i) PADECO Co., Ltd., Togo-Burkina Faso Road Corridor, Trade Facilitation Analysis, prepared for the African Development Bank, April 2012; and (ii) USAID and West Africa Trade Hub, *Transport and Logistics Costs on the Lomé-Ouagadougou Corridor*, West Africa Trade Hub Technical Report No. 47, January 2012

13.4 Mfum – A Single-Country OSBP (JBP) between Two RECs (Nigeria and Cameroon)[51]

13.4.1 Issues Raised by the Case Study

The Mfum JBP[52] presents an example of an OSBP introduced to support a peace consolidation process between two countries, and an example of an OSBP between member states of different RECs.

It presents a number of issues related to the OSBP legal framework, including the development of a legal framework for an OSBP involving two RECs, the use of a bilateral agreement that could be enacted into the laws of both countries without enacting a specific JBP Act, the development of an ambitious road map to enact the requisite legal instrument, a recommendation to form a Joint Steering Committee ensure that the legal and procedures work will be completed before construction is completed, the usefulness of incorporating diagrams of the architectural designs for the JBP in the procedures manual, the need for a program of sensitization of stakeholders, and the need to provide for electronic processing in the procedures manual.

The case study also explores issues related to private sector participation in OSBPs, by examining the project's financial metrics and the possible attractiveness of the business case presented, a review of decision-making variables influencing the project's public-private partnership (PPP) structuring, relevant PPP modalities, and the sensitivity of decisions regarding private sector participation.

13.4.2 Background of the One-Stop (Joint) Border Post

The Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), and the Governments of Nigeria and Cameroon, with the support of the African Development Bank (AfDB) are implementing a Transport Facilitation Programme for the Mamfe-Ekok/Mfum-Abakaliki-Enugu Corridor, which is 443 km long. This program includes the Cameroonian Bamenda-Mamfe-Ekok road sections on RN 6 (203 km), the Nigerian road sections (240 km), the bridge over the Munaya River in Cameroon (100 m), the

[51] This case study draws on: (i) PADECO Co., Ltd., *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu-Bamenda Corridor, Revised Terms of Reference,* prepared for ECOWAS and the African Development Bank, September 2011; (ii) Corridor Development Consultants (Pty) Ltd, ECOWAS, ECCAS, Federal Republic of Nigeria, Republic of Cameroon, and AfDB, *Nigerian-Cameroon Multinational Highway and Trade Facilitation Programme, Study on Development of the Joint Border Post Legal Framework, Final Report*, May 2015; (iii) ECOWAS and the African Development Bank, *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu-Bamenda Corridor, Business Plan for the Mfum Joint Border Post, version 1*, June 2013 (prepared by PADECO Co., Ltd.); and (iv) World Bank (Mombert Hoppe, task team leader), *Estimating Trade Flows, Describing Trade Relationships, and Identifying Barriers to Cross-Border Trade between Cameroon and Nigeria, Final Report*, prepared under the Trade Facilitation Facility, 2013 This case study reflects also comments received from the Infrastructure Department, ECOWAS Commission.

[52] A "joint border post" is the equivalent of a "one-stop border post", the term used in other parts of Africa that are also progressing the concept.

border bridge over the Cross River (230 m), and a JBP at Mfum[53] on the Nigerian side of the border. The implementation of this program will strengthen cooperation between Cameroon and Nigeria, which are engines of the regional economies, and support efforts by the international community to strengthen exchanges between the countries. The program is expected to help increase trade and strengthen cooperation between countries of ECCAS and those of ECOWAS in general, and between Cameroon and Nigeria, in particular. More specifically, the program seeks to improve the efficiency of the logistic chain of transport along the Bamenda-Enugu corridor, as well as the living environment of populations of the program area.[54] A Memorandum of Understanding (MoU) for implementation of the program was signed on 29 March 2007 between the Republic of Cameroon and the Federal Republic of Nigeria, as part of the confidence-building measures following settlement of a border dispute in 2002, among other things, to establish a JBP at Mfum/Ekok to be wholly located in Nigeria. Another MoU for this program was signed on 12 June 2008 between the ECOWAS Commission and ECCAS.

Major obstacles to the free flow of goods and people and efficient transport logistics along the corridor include: (i) the overloading of heavy goods vehicles resulting from different axle load regimes in the two countries/regional economic communities (RECs) making enforcement impossible; and (ii) the multiplicity of agencies and the corresponding multiple checks made on travelers and goods at the border. The second of these obstacles is to be specifically addressed by the JBP.[55]

A major development in addressing this issue was the completion of the West Africa Regional Road Transport and Transit Facilitation Programme – Joint Border Posts (June 2007) by ECOWAS/PADECO, which among other things assisted ECOWAS and UEMOA (Union Économique et Monétaire Ouest-Africaine, the West African Monetary Union) and Member States in developing a regional institutional and operational framework for joint border posts (JBPs). It prepared a draft regional framework convention containing the legislative/regulatory basis, i.e., the main principles for the setting up of JBPs between country pairs in the region. Also, as a concrete implementation measure between country pairs for a particular border crossing, a draft bilateral agreement and implementation letter was prepared.[56]

The key reference for assessing cross-border trade between Nigeria and Cameroon is World Bank (Mombert Hoppe, task team leader), *Estimating Trade Flows, Describing Trade Relationships, and Identifying Barriers to Cross-Border Trade between Cameroon and Nigeria, Final Report*, prepared under the Trade Facilitation Facility, 2013. Box 13-3 presents major findings of this research.

[53] Specifically, the JBP will be located in the Etung Local Government Area of Cross River State, Nigeria, on a 10 ha site adjacent to the Nigeria-Cameroon Highway and the Cross River, at about 500 m from the Border Bridge. The site was identified during a joint Nigeria-Cameroon mission in July 2007 and is largely unoccupied. The Cross River State Government handed the land over to the Federal Government of Nigeria (FGN), which in turn ceded it to ECOWAS. FGN has submitted to ECOWAS the required legal documents to allow for the construction of the JBP.

[54] The direct beneficiaries of the program will be transport service users, as well as the 11 million inhabitants (3 million in Cameroon and 8 million in Nigeria) in the program area, representing 7% of the total population of the two countries.

[55] Nevertheless, there have been some achievements in addressing this issue, e.g., PADECO Co., Ltd., *West Africa Regional Road Transport and Transit Facilitation Programme - Joint Border Posts*, June 2007, prepared for ECOWAS and the World Bank [including preparation of a regional framework convention and a bilateral agreement].

[56] See, e.g., PADECO CO., Ltd., *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu-Bamenda Corridor, Revised Terms of Reference,* prepared for ECOWAS and the African Development Bank, September 2011.

Box 13-3: Cross-Border Trade between Nigeria and Cameroon

- While official nonoil trade flows between Cameroon and Nigeria are small, there is large potential for both countries to expand bilateral trade, and informal trade flows already take advantage of existing opportunities without being officially recorded. The large Nigerian market with 158+ million consumers offers large opportunities for producers in Cameroon, especially considering that the Nigerian economy is continue expanding rapidly. There is also significant scope for Nigeria to expand exports of a number of locally produced manufacturing goods (p. i).
- Actual bilateral trade between the two countries is more than USD 230 million equivalent, significantly greater than the officially recorded nonoil trade flows of USD 10–40 million equivalent. Nigerian-made exports are estimated at USD 176 million, consisting largely of cosmetics, plastics, footwear, and other general merchandise; Cameroon-made exports are estimated at USD 62 million, mainly consisting of paddy rice, soap, and agricultural products such as *eru* or *okazi*.[a] Including large flows of re-exports that flow between the two countries and account for the largest share of bilateral goods flows, the World Bank report estimated bilateral trade flows of about USD 1 billion equivalent. While a large share of trade enters at official border crossings, its value and volume are significantly underreported. Most of the trade flows are not technically illegal, but are informal since they are not fully recorded (the World Bank estimated that they are underreported by as much as a factor of 50) (p. i).
- Most trade between Cameroon and Nigeria takes place along 10 major corridors, both inland and on the coast (p. ii). The subject Enugu-Bamenda Corridor is one of these corridors.
- Trade procedures are non-transparent with multiple formal and informal payments. Actual trade relationships and barriers differ depending on the location (geographical characteristics of the border area), weather (seasonal variation), time of day, specific border crossing, scale of operation, type of product, and personalities involved. They are ultimately determined on a case-by-case basis through negotiations. Long delays and high statutory duties encourage traders to avoid official channels or choose between border posts based on where they encounter least costs/control, effectively putting border posts in competition for traffic with each other to collect revenues (p. ii).
- In addition to the lack of transparency, there are a number of regulatory requirements and procedures that are mostly not fully applied but nevertheless generate delays and costs without achieving any policy objective. There are a large number of agencies at the borders and a multitude of control points along the major corridors, generating delays and often necessitating informal payments (p. iii).

Notes: [a] Forested areas include a diversity of biological resources, notably *Gnetum africanum* and *bucholzianum,* jointly referred to as *eru* in Cameroon and *okazi* in Nigeria, a leafy vegetable used for cooking.
Source: World Bank (Mombert Hoppe, task team leader), *Estimating Trade Flows, Describing Trade Relationships, and Identifying Barriers to Cross-Border Trade between Cameroon and Nigeria, Final Report*, prepared under the Trade Facilitation Facility, 2013

13.4.3 Recent Developments and Current Status

(1) Legal and Institutional Aspects

From March 2014 to May 2015, ECOWAS carried out a Study on the Joint Border Post Legal Framework for the Nigerian-Cameroon Multinational Highway and Transport Facilitation Programme. Key features of the study included:

(i) Although ECOWAS has adopted a Supplementary Act for use by member states in establishing and operationalizing JBPs, ECCAS has not yet established a similar legal instrument regulating the establishment of JBPs at borders posts between member states. Further, there is no agreement between the two RECs regulating the establishment of

JBPs between their member states. Under these circumstances Nigeria and Cameroon sought to establish a JBP at their common border at Ekok/Mfum. (p. 7)

(ii) Under these circumstances, a draft bilateral agreement, model JBP act, and operational procedures manual were crafted and subjected to national pre-validation processes in the capital cities and at the two border posts. The meetings afforded an opportunity to clarify JBP principles and operations and to analyze issues that required further consideration. Additional inputs and refinements were then made in the drafts, which were circulated for further comments. The resulting drafts from the national processes were then subjected to a bilateral validation process in which key stakeholders from the two countries and representatives of the three RECs participated. (p. 5)

(iii) With respect to the legal instruments, Nigeria and Cameroon decided that only a bilateral agreement would be pursued. It will be enacted into the laws of both countries without enacting a specific JBP Act. The bilateral agreement will fulfill the objectives for establishment of the JBP, the process of transferring land to ECOWAS for the JBP enabling the two countries to operate as equal and sovereign partners in the JBP, legal status and allocation of powers in the JBP common control zone, the application of border controls and criminal law in the common control zone, the conduct of border controls at the JBP, the maintenance of security law and order in the facility, agreement regarding the conduct of border control officers and private sector facilitation agents (e.g., clearing agents, transporters) in the JBP, allocation of JBP facilities and maintenance, JBP management, and dispute resolution measures. The bilateral agreement was validated subject to making the changes that were called for by a bilateral validation meeting. (pp. 5–6)

(iv) A roadmap to enact the bilateral agreement by the end of 2015 was prepared, although it was recognized that finalizing legal text can take time and easily become sidetracked. It was noted that it will be necessary to maintain pressure so that finalization process proceeds through legislative adoption. Box 13-4 sets out the ambitious, but achievable two-phase roadmap for this process, from December 2014 to December 2015. It is important to keep in mind that the key timelines in this roadmap must be aligned to scheduled meetings of the JTC and Parliamentary sessions that are fixed. The above roadmap is admittedly tight but achievable as indications during consultations and the national workshops were that there is adequate political will in both countries to see the project through. (pp. 6, 28)

(v) A roadmap for finalizing the operational procedures manual set out a process of adoption by border control agencies. The formation of a joint steering committee for implementation was recommended to guide this process and ensure that the legal and procedures work is completed before construction is completed. In addition, it was recognized there needs to be a program of sensitization of stakeholders, including border agencies, clearing agents, transport enterprises, traders, companies engaged in exporting and importing, and the general public, to create a favorable environment for the commencement of operations. The consultants recommended the training of border agencies and private sector operatives by November 2015 and this recommendation was endorsed by the validation meeting. (p. 6)

(vi) It was recommended to involve stakeholders, especially border agencies, early on in the development of the operational manual considering the importance of the manual in determining office space requirements in the JBP facility to ensure functionality at the operational stage.

(vii) The consultants incorporated diagrams of the current architectural designs for the JBP in the validation presentations and manual to clarify the movement of vehicles through the JBP and the sequencing of border controls by the two countries and the different

agencies at the border. As a result, the border agency officers could visualize their operations at the Mfum JBP. Key issues included: (a) incorporating health inspection early in the clearance process; (b) ensuring that the concerns of other border agencies were adequately taken into account; (c) adding inspections for agricultural commodities and addressing livestock examination requirements; (d) facilitating transport movement; (e) placing scanners and the weighbridge so as to reduce movement of trucks, and (f) appropriately siting parking, staff, and offices. Currently, most trucks do not cross this border, meaning that goods are transshipped into customs warehouses. The procedures were prepared for manual processing, while seeking to incorporate electronic clearance anticipating the situation when both countries at Ekok/Mfum introduce connectivity and electronic processing, especially for transit traffic. (p. 6)[57]

Box 13-4: Road Map for Preparation and Adoption of the Legal Framework for the Mfum JBP

Drafting of the Legal Framework – March 2014-May 2015

Preparation of Draft Final Bilateral Agreement

Validation Process (Completed)

Draft Final Bilateral Agreement to Stakeholders – **10 December 2014**

These should include JTC members and both public and private sector stakeholders of both countries expected to attend the Validation workshop including the RECs.
Bilateral Validation Workshop – **February 2015**

The Draft Final Bilateral Agreement to be presented for adoption by the two countries. Any inputs made to be captured in the Final Bilateral Agreement to be submitted together with the Project Final Report.

Adoption and Enactment Process (Next Steps)

Validated Final Bilateral Agreement to Legal Experts – **April 2015**

Legal drafting experts of Ministry of International Relations, Cameroon and Federal Ministry of Justice, Nigeria to jointly refine the legal drafting issues in consultation with regional and national technical experts to ensure the agreed principles are not lost in the legal jargon or drafting convenience)

Presentation to JTC Meeting for Adoption – **June/July 2015**

Presentation to responsible Ministers for signature – **June/July 2015** (*Back-to-back meetings at which Final Agreement is adopted by the JTC and presented to the Ministers of the two countries for signature)*

Ratification and Enactment in Each Country – **August-November 2015**

(Each country to take the Agreement through its "domestication" process using a fast-track procedure.)

Publication and Entry into Force – **December 2015**

[57] Corridor Development Consultants (Pty) Ltd, ECOWAS, ECCAS, Federal Republic of Nigeria, Republic of Cameroon, and AfDB, *Nigerian–Cameroon Multinational Highway and Trade Facilitation Programme, Study on Development of the Joint Border Post Legal Framework, Final Report*, May 2015.

Abbreviations: JTC = joint technical committee, REC = regional economic community
Source: Corridor Development Consultants (Pty) Ltd, ECOWAS, ECCAS, Federal Republic of Nigeria, Republic of Cameroon, and AfDB, *Nigerian-Cameroon Multinational Highway and Trade Facilitation Programme, Study on Development of the Joint Border Post Legal Framework, Final Report*, May 2015, Section 5.5, p. 28

(2) Consideration of Public-Private and/or Private Sector Involvement

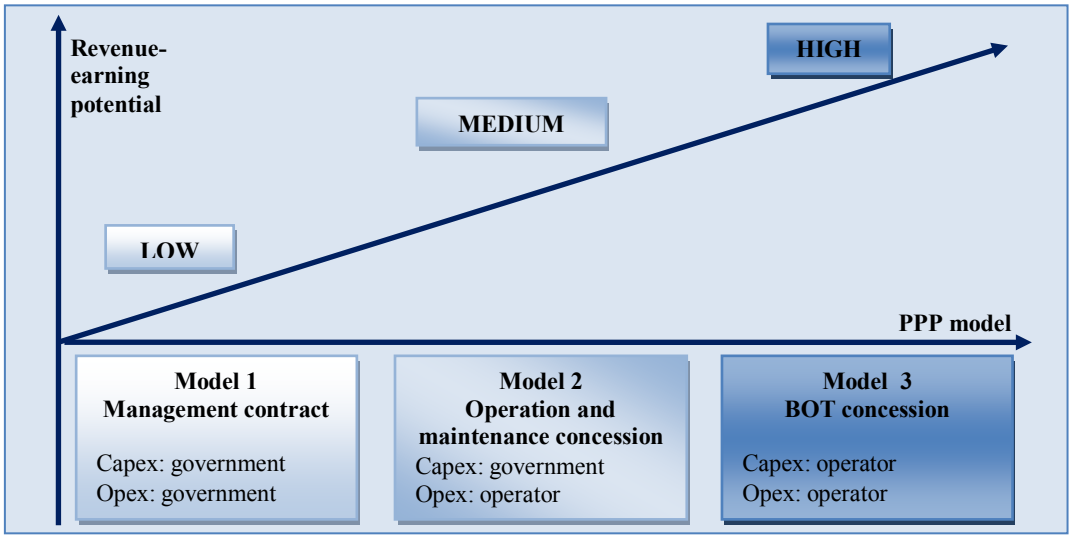
A concession or concession to operate and manage the JBP to be developed at Mfum has been considered. Version 1 of an **indicative** business plan was prepared to present the business case for a concessionaire to proceed with operation and management of the JBP.[58]

On a **very preliminary** basis, the project's financial metrics were found to point to an attractive business case and all public private partnership (PPP) options could be considered, ranging from full build-operate-transfer (BOT) to a management contract. The project was assessed from the perspective of ECOWAS/ECCAS and/or the government(s) and prior to entering into actual financing–or PPP–modalities. This assessment allowed an objective appraisal of the project as a whole without actual contractual risk allocations between/among ECOWAS/ECCAS/the governments and a private operator. Based on various key assumptions (e.g., capital expenditures broadly assumed to be equal to one-third of the tendered construction costs for JBPs at Sèmê Kraké-Plage (Benin-Nigeria), Noépé (Ghana-Togo), and Malanville (Benin-Niger)[59]; incremental traffic generated by the project of 13,444 trucks and 672 non-trucks; operating cost ratio at 85% of revenues; a border crossing fee of USD 100 for trucks and USD 5 for passenger vehicles[60]; additional border crossing revenues at 25% of border crossing fees; annual traffic growth of 5%; proportion of non-truck traffic at 50%; hurdle rate of the private operator at 25%), the project financial internal rate of return (before financing) was estimated to be 34%.

Figure 13-5 presents the relationship between a project's financial viability and PPP models that may be considered.

[58] ECOWAS and the African Development Bank, *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu-Bamenda Corridor, Business Plan for the Mfum Joint Border Post, version 1*, June 2013 (prepared by PADECO Co., Ltd.).
[59] EUR 14,746,277 for Sèmê-Kraké Plage, EUR 8,837,086 for Noépé, and EUR 11,583,097 for Malanville.
[60] While the fee may be considered high by users, it is only a small percentage of the total border crossing fees (both formal and informal) collected by border authorities between Cameroon and Nigeria per 20 metric ton truck as estimated in World Bank (totaling USD 4,652 in Cameroon and USD 1,155 in Nigeria). Mombert Hoppe (task team leader), *Estimating Trade Flows, Describing Trade Relationships, and Identifying Barriers to Cross-Border Trade between Cameroon and Nigeria, Final Report*, prepared under the Trade Facilitation Facility, 2013, Annex C, p. 76 [costs included in this estimate were customs fees with receipts, customs fees without receipts, and road control costs, and other costs, but not transport costs and loading and storage fees].

Figure 13-5: PPP Models and Revenue-Earning Potential



Abbreviations: BOT = build-operate-transfer, capex = capital expenditures, opex = operating expenditures, PPP = public-private partnership

Source: PADECO Co., Ltd., *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu-Bamenda Corridor, Business Plan for the Mfum Joint Border Post, version 1*, prepared for ECOWAS and the African Development Bank, p. 16

In assessing relevant PPP options, it was deemed important to consider the decision-making variables influencing the project's PPP structuring:

(i) **ECOWAS/ECCAS/Governmental Objective**: The ECOWAS/ECCAS/governmental objective is to build and implement the project while optimizing the efficiency of the border crossing. The design and construction of the structure will have a significant bearing on its operating efficiency. Moreover, the equipment and technologies used will be complex and require a deep understanding of state-of-the-art equipment.

(ii) **Legal and Regulatory Constraints**: A JBP requires special attention as two legal frameworks influence decision making on PPP options and determine legal impediments, if any. An in-depth legal review of the existing legal frameworks is required and was undertaken in November 2014–May 2015.

(iii) **Market Appetite**: Conclusive readiness to take up the role of contract signatory can only be assessed in a procurement process but the project's financial metrics point to a robust and attractive market proposition. However, the project involves two national jurisdictions (although it is located in one national territory) and therefore involves two national legal frameworks. This could be perceived by potential bidders as challenging; indeed, they may find it daunting to participate in a PPP bidding process unless significant legal guarantees are provided.

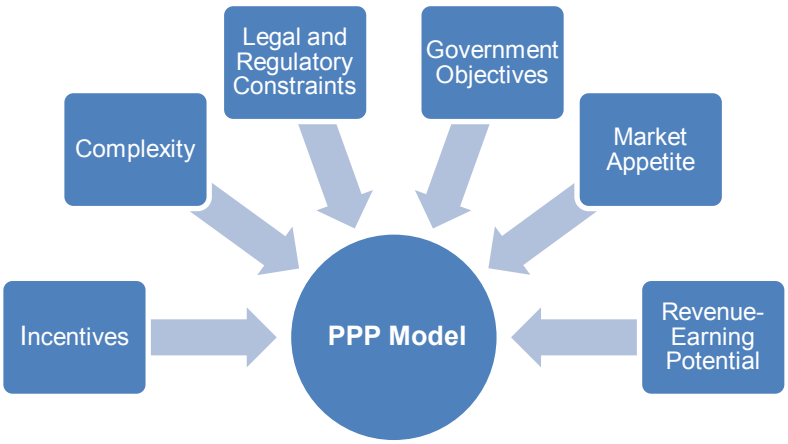
(iv) **Complexity**: The complexity of constructing and operating a JBP is proportional to its targeted level of sophistication. Sophisticated structures have a high level of complexity in upstream and downstream project components. If the project is envisaged as a JBP that will be operated at a high level of efficiency, this will influence the entire project lifecycle and the role of a private operator, if any. The higher the level of sophistication, the greater is the necessity to bring on board an operator in the design and build phases. A simple structure can be built by the government and then handed over to an operator in an O&M contract but this sequencing is not recommended for a complex structure.

(v) **Revenue-Earning Potential**: Resulting from the legal and regulatory constraints, the project's revenue-earning potential seems significant given the high traffic volumes (based on World Bank forecasts) and border crossing fees (based on fees amounting to a small percentage of total border crossing fees). The payment and demand risks seem limited especially if the project's fees are benchmarked and do not differ too much from those at other border crossings. Forecast traffic volumes seem to be robust and growing strongly on par with the region's rapid economic expansion. In addition, the PPP modality selected will determine to which party revenues will accrue. For example, certain components of total revenues may accrue to the private operator depending on the PPP structuring and risk allocation.

(vi) **Incentive Structure**: Maximizing the incentive structure in a PPP contract is of overarching importance and closely linked and influenced by the above variables. A proper design and operation using state-of-the-art equipment is of crucial importance to the site's handling capacity, which determines user satisfaction levels. In turn, this determines user willingness to pay proposed border crossing fees even if these are somewhat higher than those at other border crossings. In logistics, time is of essence and it is expected that customers may be willing to pay a premium in border fees resulting in time savings.

Figure 13-6 summarizes decision-making variables for PPP structuring.

Figure 13-6: Decision-Making Variables for PPP Structuring



Source: PADECO Co., Ltd., Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu-Bamenda Corridor, Business Plan for the Mfum Joint Border Post, version 1, prepared for ECOWAS and the African Development Bank, p. 18

Following this analysis, three relevant PPP modalities were assessed:

(i) The first relevant PPP modality was an **EPC + O&M contract,** with Design, Build, and Finance executed by ECOWAS/ECCAS/the government(s) under a separate Engineering Procurement Construction (EPC) contract for the Design and Build phase, and then tendering out a separate O&M contract. Ideally, the EPC and O&M contractors would be separate companies as usually the construction contractor has little experience or interest in operation and vice versa.

(ii) The second relevant modality was a **Design, Build, Operate, and Maintain (DBOM) contract** in which one contractor assumes responsibility for all these activities. Of crucial importance is that both project implementation and operation are done by the same operator, which will then receive payment for the Design and Build phase

according to agreed milestones (i.e., construction milestone payments). Effectively this may also be seen as a separate EPC contract in addition to an O&M contract. Financing capex would be done entirely by ECOWAS/ECCAS/the government(s) tapping into AfDB resources.

(iii) The third relevant modality was a **Design, Build, Finance, Operate, and Maintain (DBFOM) contract**, which comprises (ii), but in addition the operator finances capex. As explained above, the preliminary, indicative financial metrics of the project suggest that the project revenues will offset capex and opex levels and allow robust returns to the operator.

Table 13-1 analyzes the three PPP contract options by the five key contract responsibilities (financing, design and build, own, operate, demand and payment risks); the recommended Design, Build, Finance, Operate, and Maintain PPP model (option 3, which was considered to not require ECOWAS/ ECCAS/governmental subsidy, is marked in green). The main arguments underpinning this suggestion recommendation were as follows:

(i) If the project is financially feasible, the selected bidder can assume responsibility for both investment and operation. A project influenced by two jurisdictions may suggest that the decision-making process of both governments could be lengthy. Given the need to ring-fence (both financially and legally) the project, it may be speedier if the project company assumes responsibility for upstream design, building, and financing, as well as downstream operation.

(ii) It is not a self-contained project but rather one affected by many stakeholders and various feeder roads and corridors. International experience suggests that in such a case active involvement of the government is required for timely project implementation. This could be realized by allowing the governments to take an equity position in the special purpose vehicle.

It is understood the decision requires sensitive political discussion that would need further in-depth exploration.

Table 13-1: Three Relevant PPP Contract Options

Contract Type	Financing Capex	Design Build	Own	Operate	Demand Risk	Payment Risk
EPC + O&M contract	Public	Public	Public	Private	To be assessed	To be assessed
DBOM contract	Public	Private	Public	Private	To be assessed	To be assessed
DBFOM contract	Private	Private	Private	Private	Private	Private

Abbreviations: capex = capital expenditures; DBFOM = design, build, finance, operate, and maintain; DBOM = design, build, operate, and maintain; EPC = engineering procurement construction; O&M = operating and maintenance

Source: PADECO Co., Ltd., *Technical Assistance to the ECOWAS Commission for the Implementation of Transport and Transit Facilitation along the Enugu-Bamenda Corridor, Business Plan for the Mfum Joint Border Post, version 1*, prepared for ECOWAS and the African Development Bank, p. 19

13.4.4 Lessons Learned

The Mfum JBP is notable in that it plays an important role in the peace consolidation process between the two countries. An MOU for the implementation of the program was signed on 29 March 2007 between the countries as part of the confidence-building measures following settlement of a border dispute in 2002.

Key lessons learned from the legal framework part of the case study of the Mfum JBP follow:

(i) It is possible to craft the requisite legal framework between countries in different RECs, even when one country does not have such a legal framework and there is no legal framework between the RECs.

(ii) In this case, it was found that a bilateral agreement, which could be enacted into the laws of both countries without enacting a specific JBP Act, could fulfill the objectives for establishment of the JBP, the process of transferring land to ECOWAS for the JBP enabling the two countries to operate as equal and sovereign partners in the JBP, and resolution of other key legal issues.

(iii) An ambitious one-year road map to enact the requisite legal instrument was deemed achievable.

(iv) It was recommended to form a joint steering committee for implementation to ensure that the legal and procedures work will be completed before construction is completed. In addition, it was recognized there needs to be a program of sensitization of stakeholders was recommended to create a favorable environment for the commencement of operations.

(v) It was recommended to involve stakeholders especially the border agencies early on in the development of the operational manual considering the importance of the manual in determining office space requirements in the JBF facility to ensure functionality at the operational stage.

(vi) It was found useful to incorporate diagrams of the current architectural designs for the JBP in the validation presentations and manual to clarify the movement of vehicles through the JBP and the sequencing of border controls by the two countries and the different agencies at the border.

(vii) While the procedures were prepared for manual processing, it sought to incorporate electronic clearance for the situation when both countries at Ekok/Mfum introduce connectivity and electronic processing, especially for transit traffic.

Key lessons learned from the private sector participation part of the case study of the Mfum JBP include the following:

(i) At least under the particular circumstances at Mfum, on a **very preliminary** basis the project's financial metrics were found to point to an attractive business case, at least under the particular set of assumptions used.

(ii) It is important to consider the decision-making variables influencing the project's PPP structuring, e.g., REC/governmental objective, legal/regulatory constraints, "market appetite", complexity, revenue-earning potential, incentive structure.

(iii) Relevant PPP modalities may include: (a) an EPC + O&M contract, with Design, Build, and Finance executed by ECOWAS/ECCAS/the government(s) under a separate EPC (Engineering Procurement Construction) contract for the Design and Build phase, and then tendering out a separate O&M contract; (b) a Design, Build, Operate, and Maintain (DBOM) contract in which one contractor assumes responsibility for all these activities; and (c) a Design, Build, Finance, Operate, and Maintain (DBFOM) contract, which comprises (b), but in addition the operator finances capital expenditures.

(iv) **The decision requires sensitive political discussion and requires in-depth exploration.**

13.5 The East African Community: OSBPs in a Customs Union[61]

13.5.1 Issues Raised by the Case Study

This case study on the establishment of OSBPs in the East African Community (EAC) highlights possible approaches to developing regional instruments and institutions to support implementation of OSBP projects. The case study also presents experience in involving multiple development agencies in supporting a regional OSBP program. Considering that the EAC has commenced implementation of a customs union, the case study also demonstrates the role of OSBPs in facilitating trade while promoting regional integration.

Specific issues raised by the case study and/or lessons learned include: (i) importance of advancing regional integration, (ii) the need to develop a comprehensive OSBP legal framework, (iii) lessons related to the design and management of OSBP facilities, (iv) lessons related to the development of OSBPs in a single customs territory, (v) a multi-level approach to the management of OSBP projects, (vi) the importance of the development of OSBP procedures, and (vii) the need for well-structured institutional arrangements and the coordination of OSBP operations.

13.5.2 Background

The EAC OSBP program is part of the East African Trade and Transport Facilitation Project (EATTFP), which was conceptualized in 2006 as part of the EAC infrastructure development program. Under the EATTFP framework, the EAC Secretariat along with the EAC Partner States and development partners identified a number of border posts across the five-country region for conversion to OSBPs.

(1) Development of a Regional Legal Framework

With the aim of achieving a common approach to establishing of OSBPs in the region, the EAC Secretariat prepared a policy paper on OSBPs in 2010. One major aim of the policy paper was informing discussions among stakeholders on the necessity and appropriateness of an EAC OSBP Act. To this end, the OSBP policy paper provided a basis for the approval by the EAC Council of activities for the formalization of the EAC OSBP Act, including enactment by the EAC Legislative Assembly and assents from the Heads of State of the EAC Partner States.

With support from JICA, in 2010 the EAC carried out a study of the legal requirements for the introducing OSBPs in the region. The study reviewed the existing legal instruments and policies to determine the optimal legal framework for implementing OSBPs in the EAC. In addition, the study analyzed laws and regulations governing the operations of border control agencies with a view to determining the requirements for border operations under the OSBP framework. The study also involved the preparation of a legal framework for the EAC that could be applied at all internal OSBPs in the region (i.e., border crossings between pairs of EAC Partner States).[62]

By September 2015, the EAC OSBP Bill had been assented to by four of the five EAC Heads of States. In order to facilitate implementation of the EAC OSBP Act upon full assent, the EAC has embarked on the process of developing the EAC OSBP Regulations even before the full

[61] The principal contribution for this case study was made by Mr. Arnold Nkoma, Border Management Expert, Customs Directorate, EAC Secretariat.
[62] Corridor Development Consultants (Pty) Ltd., *Study on the Legal Requirement for Introducing One Stop Border Posts (OSBPs) in East Africa and the Rusumo Border Post, Final Report*, March 2010.

assent to the OSBP Bill.[63] Using the same rationale, the development of EAC OSBP regional procedures commenced in August 2015 (with JICA assistance), while awaiting the enactment of the OSBP Act.

(2) Construction of OSBP Facilities

While the process of developing the appropriate regional legal instruments was underway, EAC Partner States proceeded with activities to establish OSBPs at various border crossing points using bilateral agreements. Pairs of Partner States that agreed to establish OSBPs at their common borders signed bilateral agreements to facilitate these activities. With support from JICA, the African Development Bank, the World Bank, and Trademark East Africa (TMEA), these country pairs commenced construction of OSBP facilities. By October 2015, considerable progress had been achieved in the construction of OSBP facilities, with most now completed or nearing completion.

(3) Development of OSBP Procedures

Partner States that completed construction of OSBP facilities prior to the conclusion of the development of regional legal instruments proceeded to develop OSBP procedures under the auspices of their respective bilateral agreements in order to facilitate the immediate commencement of OSBP operations. These OSBPs included Gasenyi I/Nemba (see the case study of this straddling OSBP in Section 13.7) and Ruhwa (alternatively spelled Rhuwa) serving Burundi and Rwanda, and Taveta/Holili between Kenya and Tanzania. Other Partner States began and completed the preparation of OSBP operating procedures while the construction of facilities was still under way. Examples of OSBP projects where this approach was followed include Namanga between Kenya and Tanzania and Rusumo between Rwanda and Tanzania. To promote uniform practices at the OSBPs along their common border, Kenya and Tanzania further agreed to harmonize the OSBP procedures manuals that had been developed separately for different OSBPs along their common border (see the case study presented in Section 13.6). And as noted, pursuant to the EAC OSBP Bill and draft EAC OSBP Regulations, the EAC has commenced the process of developing a regional OSBP Procedures Manual. It is expected that the regional procedures manual, to be prepared under principal regional legal instruments for OSBP operations, will consolidate and harmonize the provisions contained in the various OSBP procedures manuals in the region.

(4) Lessons Related to the Implementation of OSBPs in a Single Customs Territory

The EAC is a customs union, i.e., an amalgamation of two or more customs territories established for purpose of promoting trade and regional integration. A full-fledged customs union has the following elements:

(i) a defined geographical jurisdiction with a common external tariff (CET);
(ii) a single customs territory (SCT);
(iii) a revenue sharing mechanism;
(iv) a common legal framework;
(v) a regional institutional arrangement; and
(vi) free circulation of goods, through common trade policies and harmonized or approximated domestic tax regimes applicable on cross-border trade.

[63] EAC Secretariat, *The East African Community One Stop Border Post Regulations 2015*, 2015.

Given the significant financial investments made to develop OSBP infrastructure across the region at a time when the EAC Customs Union was implementing its SCT, which inherently promotes the free circulation of goods through among other activities, reduced controls at borders, it was imperative to ensure that the implementation of OSBPs in the EAC was carefully aligned with the objectives of the Customs Union. Accordingly, the EAC developed specific procedures for the clearance of goods under the SCT framework and started piloting the concept. Looking back, the SCT and OSBP procedures would have been best crafted in such a manner as to complement the objectives of each of these seemingly contradictory concepts bearing in mind that the implementation of the SCT largely concerned the clearance and movement of goods, while the movement of people would remain as before. Through the EATTFP and related initiatives, the EAC has sought to develop efficient corridors by reducing transport delays, border controls, and transit costs along the main corridors from points of entry/exit through to the points of discharge or loading. For this reason, it was important to ensure that the establishment of OSBPs would not contribute to an increase in border controls within the Customs Union, but rather as a means to facilitate trade, transport, and security.

13.5.3 Lessons from the Establishment of OSBPs in the EAC

The EAC OSBP program presents a number of lessons regarding the role of OSBPs in advancing regional integration agendas, developing region-wide legal frameworks, and accelerating the construction of OSBP facilities, among others.

(1) Importance of Advancing Regional Integration

The EAC was founded on the three pillars of economic, social and political integration. Although the integration spectrum comprises implementation of a number of programs under each pillar, some of which are cross-cutting and/or simultaneous, the integration path was designed to be sequential and progressive with major milestones commencing with the establishment of a customs union, followed by a common market, a monetary union, and ultimately a political federation. The integration process for the EAC was envisaged in the Treaty for the Establishment of the East African Community and the Protocols thereof. In addition, the specific integration programs and activities for the EAC are underpinned by specific policies and strategies.

The implementation of the EAC Customs Union foresaw the attainment of free circulation of goods and people with reduced border controls commencing in 2005. All OSBP projects in the region were introduced afterwards. It is for this reason that it was imperative from the outset to ensure that the establishment of OSBPs in the EAC was aligned to the fundamental objectives of the Customs Union by ensuring that the designs of border facilities and procedures are consistent with the EAC integration agenda. To the extent that it may be subsequently discovered that new OSBP facilities exceed the requirements for border operations under the SCT framework, consultations and fresh thinking will be required on options to optimize the use of such facilities.[64]

(2) Need to Develop a Comprehensive OSBP Legal Framework

The EAC was established by a Treaty, which entered into force on 7 July 2000. The main objective of the Treaty was to develop policies and programs aimed at widening and deepening cooperation between and among Partner States in various enumerated fields for their mutual

[64] Technically, it is beneficial to have OSBPs even within a full-fledged customs union, but the facilities should be sufficiently "lean" to allow effective goods facilitation since a number of interventions will be made at points of entry into the customs union or departure.

benefit. The provisions of Article 8 of the Treaty give the force of law to Community Acts and establish that they take precedence over national legal instruments to the extent that national legal instruments of the EAC Partner States are contrary to EAC Acts.

In addition to the Treaty, the EAC legal framework provides for the conclusion by Partner States of Protocols through negotiation and the enactment of specific laws by the EAC Legislative Assembly. The Protocols, once agreed to and signed by the Partner States, become annexures to the Treaty with the same force of law as the Treaty itself. Similarly, laws passed by the EAC Legislative Assembly have precedence and an overriding effect on national legislation without the need for domestication of such laws.

Recognizing the milestones that had been achieved by the EAC regarding its integration agenda, a study on developing an appropriate legal framework for OSBP operations in the region found that ongoing initiatives on the path to greater EAC integration would have a direct impact on the whole concept of OSBPs and the ensuing legal framework for implementing it.[65] The phased approach of the EAC regional integration program starting with the full implementation of a customs union in 2005, followed by the introduction of a common market in 2010, the establishment of a monetary union in 2012, and ultimately the achievement of a political federation of the Partner States was intended to incrementally free the movement of persons, goods, services, capital, and labor within the region and subsequently lead to the elimination of existing intraregional borders rendering current border controls completely redundant. The effect of these developments on the task of establishing an appropriate legal framework for implementing OSBPs within the EAC was to require that the legal framework to be adopted be structured so that it can easily and appropriately respond to the envisaged changes in the regional environment.

To achieve harmonized OSBP operations, the study recommended the development and enactment of an EAC Act on OSBPs, which would define the broad principles to be followed by Partner States in implementing OSBPs. The OSBP Act would establish the principles of extraterritorial jurisdiction of national laws and hosting arrangements and mandate the EAC Council to issue regulations covering the detailed operational and administrative parameters and procedures for OSBPs. Such a framework would provide an integrated approach for the region and would easily have legal effect in the Partner States' jurisdictions.

In conclusion, the EAC OSBP Act was designed to provide a common legal framework within which the EAC Partner States can proceed with the establishment and implementation of OSBPs. It is an Act that is anchored in the EAC Treaty, the Protocol on the Establishment of the EAC Customs Union, the Protocol on the Establishment of the EAC Common Market, and the EAC Customs Management Act. While the process of developing regional legal instruments was underway, pairs of Partner States that agreed to establish OSBPs at their common borders signed bilateral agreements to facilitate preparations and operationlization of OSBPs. These bilateral agreements will be superseded by the EAC OSBP Act. While new OSBP bilateral agreements between Partner States will be required, these will only contain aspects that are unique to each border crossing.[66]

[65] Corridor Development Consultants (Pty) Ltd., *Study on the Legal Requirement for Introducing One Stop Border Posts (OSBPs) in East Africa and the Rusumo Border Post, Final Report*, March 2010.

[66] An additional issue is the need to provide a legal framework for OSBPs between an EAC Partner State and a non-EAC Partner State. A provision addressing this issue was in the original version of the EAC OSBP Bill but was removed by the East African Legislative Assembly, and the Bill/Act cannot be amended until the bill is formally enacted; as of October 2015, one EAC Partner State (Tanzania) had already enacted national legislation regarding OSBPs with countries in other RECs. Reference may also be made to Section 13.4 on the Mfum JBP, which presents the example an OSBP/JBP between two RECs (i.e., ECOWAS and ECCAS).

(3) Various Lessons Related to the Design and Management of OSBP Facilities

Although the EAC embarked on the establishment of OSBPs by developing a regional policy, the policy did not provide guidance on the structure of OSBP facilities. The design and size of facilities was thus left to the Partner States and development funding agencies and was largely determined by the available resource envelopes.[67] In addition, the EAC Partner States and funding agencies applied their different procurement rules for the design and construction works, which contributed to some structural differences in the current facilities and the pace of construction.[68]

The costs of design and construction of OSBPs in the region has been in the range of USD 3–12 million each. The provision of indicative costs for constructing OSBPs of different sizes in the region would be beneficial.

Required project components not included in these financial support agreements between funding agencies and the Partner States (e.g., water supply, power, and ICT equipment) have also affected completion dates and the subsequent operationalization of OSBPs. This challenge has also extended to the provision of soft infrastructure requirements such as office furniture and ICT systems. It is therefore critical that these cost lines are identified and addressed early on during the project formulation phase.

Regarding the management of OSBP facilities, the draft EAC OSBP Regulations provide suggestions for consideration by the Partner States, as shown in Box 13-5.

Box 13-5: Suggestions for the Management of OSBP Facilities in the Draft OSBP Regulations

Juxtaposed Facilities

In the case of juxtaposed facilities, each country will be responsible for maintaining ICT equipment, telephones excluding usage bills, utilities, and other equipment and systems on its territory as may be necessary from time to time. General cleaning and upkeep of the facility will also be the responsibility of the host country. In this case, it is assumed that each Partner State will carry out its responsibility to a standard it expects from the adjoining Partner State.

Each Partner State will be required to appoint a facility manager to maintain the physical facility in its territory. The facility manager may be the lead agency or the ministry of public works or housing or other agency responsible for upkeep and maintenance of public property.

Wholly Located / Single-Country Facilities

In wholly located / single-country facilities, the adjoining Partner States will determine an annual operating budget for the OSBP, which will be divided equally between the two Partner States. A contingency fund will be established to handle any contingencies that may arise.

Facility management will be provided by the two Partner States on a rotating basis or by a property management company contracted by the two Partner States.

Straddling Facilities

In straddling facilities, the method described for wholly located / single-country facilities may be applied. The management of facilities will be provided by the two Partner States on a rotating basis or

[67] It has been suggested that OSBP designs in a customs union should be standard and if not, at least it should be facilitative. On the other hand, it is usually said that "no one size fits all".

[68] It has been suggested that the ideal situation would have been to have projects designed and supervised at the regional level and financial resources mobilized in one OSBP construction basket.

by a property management company contracted by the two Partner States.

Conclusion

In conclusion, whatever approach is adopted, the responsibilities of each party must be clearly assigned and sufficient funds allocated for the operation and maintenance of the facility.

Source: EAC Secretariat, *The East African Community One Stop Border Post Regulations 2015*, 2015, pp. 38–39

(4) Multi-Level Approach to the Management of OSBP Projects

OSBP projects in the EAC are implemented at the national level with support from development partners while the EAC Secretariat plays a coordination role. Due to this arrangement, the management of OSBP projects in the region is conducted at essentially two levels – at the national level and by the funding agency.[69]

(5) Importance of the Development of OSBP Procedures

As mentioned, with JICA support, the EAC is currently developing a harmonized regional procedure manual for OSBP operations. While drawing on several individual manuals currently in use in the EAC, the regional manual will be anchored on the EAC OSBP Act and Regulations. The manual will also incorporate other related trade facilitation and modern border management practices.

The operating procedures in the current manuals are premised on the bilateral agreements governing each OSBP. This approach was aimed at facilitating operationalization of OSBPs while awaiting finalization of regional instruments.

The EAC OSBP Procedures Manual will provide operating procedures for all three types of OSBP models available in the EAC, i.e., juxtaposed, straddling, and single-country models. As stated, the OSBP procedures will also be designed to complement the objectives of the SCT framework considering that the EAC has a full-fledged Customs Union. The objective for developing a regional procedures manual is to provide harmonized step-by-step guidelines to border officials on the execution of controls at an OSBP. The manual, to be finalized in 2016, will be for use by all the agencies at OSBPs in the EAC.

(6) Need for Well-Structured Institutional Arrangements and the Coordination of OSBP Operations

The draft EAC OSBP Regulations propose the establishment of joint border operations committees (JBOCs) composed of the two OSBP operating committees from each pair of Partner States and that the lead agency[70] of each adjoining Partner State alternate as chair of the JBOC. The JBOCs are expected to responsible for coordinating border operations. The JBOCs are to report to a bilateral OSBP steering committee (BOSC) for policy and technical guidance. The BOSCs will mainly be comprised of representatives of border agencies at the national level.

[69] Development partners as funding organizations are particularly involved the management of OSBP projects during the formulation and construction phases. In the EAC case, several development partners (e.g., JICA, the World Bank, TradeMark East Africa) have worked together in a coordinated manner.

[70] The role of the lead agency should be clearly stated (i.e., coordination of OSBP activities). The lead agency should be chosen based on country priorities; usually it will be Customs or Immigration (e.g., at Rusumo between Rwanda and Tanzania, the lead agency in Rwanda is Immigration while in Tanzania the lead agency is Customs. The lead agency is the facilitator of OSBP activities to ensure that OSBP objectives are realized and sustained. The lead agency needs to have the necessary resources to manage the facility either directly through its estate department or indirectly using a contractor. A budget provision at the national level should be made available.

At the regional level, the BOSCs will report to a multi-sectoral High Level Steering Committee on OSBPs comprised of government officials at the level of permanent secretaries or their equivalent. A Joint Sectoral Council on OSBPs and the Council of Ministers will provide policy guidance on OSBPs at the regional level.

13.6 Namanga and Rusumo – Well-Crafted Legal, Regulatory, and Institutional Frameworks, and OSBP Manuals (Kenya, Rwanda, and Tanzania)[71]

13.6.1 Issues Raised by the Case Study

Namanga and Rusumo present examples of OSBPs with well-crafted legal/regulatory frameworks, institutions, and OSBP operational procedures manuals (both at the border and at the East African Community levels). Issues raised by the case study relate to these aspects as well as the benefits of extensive training and sensitization activities; rigorous baseline, impact, and endline time release surveys; OSBP border management software; and the preparation of informative materials on the OSBPs.

13.6.2 Background of the OSBPs and Current Status

(1) Namanga

Namanga is a major border crossing between Kenya and Tanzania located along a corridor connecting Nairobi, the capital of Kenya, and Arusha, the central city of northern Tanzania. Japan provided a concessionary yen loan for the Arusha-Namanga-Athi River Road Development Project (104.3 km of road between Arusha and Namanga on the Tanzania side), which is part of the international main road (240 km) linking Arusha in Tanzania with Athi River in Kenya, and to develop OSBP infrastructure. The African Development Bank provided loans for road construction on the Kenyan side (135.7 km) and part of the Tanzanian side, as well as for the development of OSBP facilities on the Kenyan side. While the OSBP facilities on the Tanzanian side were completed in December 2014, they were still only about 90% completed on the Kenyan side as of November 2015.[72]

Details of the latest status of OSBP development and operationalization at Namanga include the following:

(i) installation of ICT equipment, the provision of furniture, and the setting up of the Kenyana and Tanzania ICT systems, is to be completed by 30 April 2016;
(ii) **subject to provision of water, power, ICT equipment, and furniture on both sides, the OSBP is to be operational by 30 June 2016**[73];

[71] This case study draws upon: (i) *OSBP Operational Procedures Manual for Kenya and Tanzania*, February 2015; (ii) *Rusumo One Stop Border Post Operational Manual*, December 2014; (iii) JICA and PADECO Co., Ltd., *Component for OSBP Operationalization of the Project on Capacity Development for International Trade Facilitation in the Eastern African Region, Work Completion Report for the 1st Phase*, March 2015; (iv) JICA and PADECO Co., Ltd., *Component for OSBP Operationalization of the Project on Capacity Development for International Trade Facilitation in the Eastern African Region, Namanga OSBP Implementation Action Plan*, August 2014; (v) PADECO Co., Ltd., *Concept Note, Videos for Training and Promotional Purposes for Namanga and Rusumo*, August 2015; and (vi) Namanga and Rusumo OSBP brochures, March 2015.
[72] There were significant delays in the detailed design and construction of the Namanga OSBP on the Kenyan side. Issues included the relocation of local residents, an increase in the number of agencies at the border during this time, and an insufficient design for ICT installation.
[73] The Rwanda Energy Group will provide electricity to the Tanzanian side.

(iii) the Real Time Monitoring System / Cargo Control System (RTMS/CCS) OSBP border management software is to be set up in 2016;
(iv) the OSBP operational procedures manual between Kenya and Tanzania (and the one for Rusumo, between Tanzania and Rwanda) is to be used to prepare an EAC regional model, to be completed in mid-2016;
(v) training and sensitization is to be provided as needed; and
(vi) monitoring of OSBP operations and fine tuning of procedures is to continue until August 2017.

(2) Rusumo

Rusumo is the largest border crossing between Rwanda and Tanzania. It is located about 157 km southeast of Kigali, the capital of Rwanda, and 1,320 km northwest of Dar es Salaam, the largest commercial center in Tanzania. JICA supported the construction of an 80 m long, 13.5 m wide international bridge at Rusumo, along with associated OSBP facilities, which were completed in December 2014.[74]

Details of the latest status of OSBP development and operationzalization at Rusumo include the following:

(i) **the OSBP become operational on 1 March 2016 and was officially launched on 6 April 2016**;
(ii) the OSBP operational procedures manual for Rusumo (and the one for Kenya and Tanzania) to be used to prepare an EAC regional model, to be completed by mid-2016;
(iii) training and sensitization is to be provided as needed; and
(iv) monitoring of OSBP operations and fine tuning of procedures is to continue until August 2017.

13.6.3 Issues/Lessons Learned

(1) Importance of Well-Structured Legal/Regulatory Frameworks

One key element of OSBP development and operationaliation is a well-structured legal and regulatory framework.

The legal frameworks for the Rusumo and Namanga OSBPs were originally established by (i) the Bilateral Agreement between the Government of the Republic of Rwanda and Government of the United Republic of Tanzania for the Establishment and Implementation of a One-Stop Border Post at Rusumo (hereafter the Bilateral Agreement), 26 March 2010, supported by JICA; and (ii) the Bilateral Agreement between the Government of the Republic of Kenya and Government of the United Republic of Tanzania Concerning the Establishment and Implementation of One Stop Border Posts, 1 September 2014 which was modeled after the Namanga bilateral agreement.

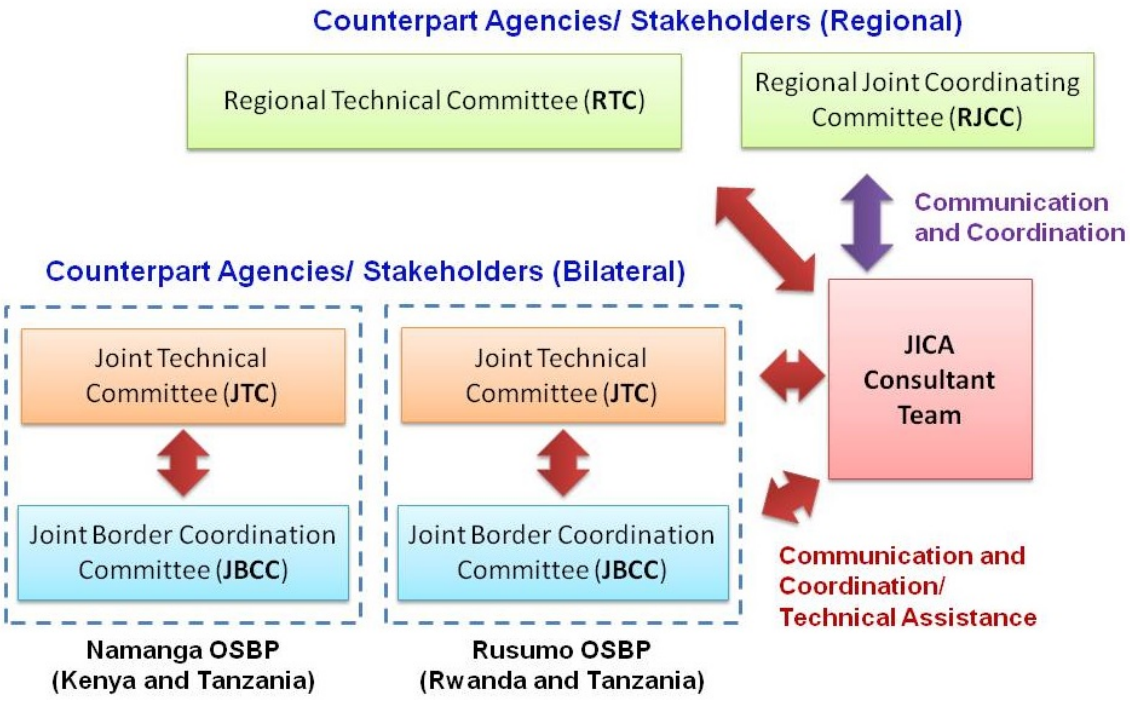
Also, JICA has assisted the development of the EAC One Stop Border Post Bill [Act], which was passed by the East African Legislative Assembly in April 2013 and awaits the final presidential assent, which was expected in late 2015. Pursuant to the Act, JICA further assisted the development of OSBP Regulations 2015, which are to be approved by the EAC Policy Organs in 2016.

[74] The project to construct the Rusumo international bridge and OSBP facilities was relatively well managed (with a single contractor, financed by JICA, working on both sides). The project reflected changes requested by stakeholders and was completed only one month behind schedule.

(2) Importance of Well-Structured Committees

While a large number of organizations are involved in these OSBP projects (20 or more on each side), a well-structured discussion and coordination mechanism has been established among the concerned agencies for each project. Specifically, respective joint technical committees (JTCs) have been established for the Namanga and Rusumo border crossing points as mechanisms for technical discussions regarding border procedures including OSBPs based on existing structures (e.g., the steering committee for the Taveta/Holili OSBP between Kenya and Tanzania). JTC members report the results of the discussions of each JTC meeting to their higher authorities, i.e., the respective agencies responsible for decision-making at the policy level. In addition, when documents require endorsement by the officials responsible for policy-level decisions (e.g., revenue authority commissioners general and the permanent secretaries of respective ministries), the relevant JTC members explain the documents to these policy-level decision makers and arrange for the required policy-level endorsement(s). Officials of the concerned agency/agencies responsible for policy-level decision making for these OSBPs are de facto members of the joint steering committee(s) (JSC[s]). Also, the activities and progress of a JICA-supported OSBP operationalization project component are presented together with other trade facilitation activities at biannual meetings of the regional joint coordinating committee (RJCC) of the Project on Capacity Development for International Trade Facilitation in the Eastern African Region. At the same time, for discussion and collaboration of border officials of the various concerned agencies of the neighboring countries, border-level meetings at both Namanga and Rusumo have been held.[75] Figure 13-7 graphically presents this structure.

Figure 13-7: Discussion, Coordination, and Decision-Making Structure Related to the Namanga and Rusumo OSBPs



Source: Prepared based on records of discussions for the JICA-supported Namanga and Rusumo OSBP operationalization projects

[75] Detailed terms of reference have been agreed for the joint border coordination committees at both Namanga and Rusumo. These cover status, main functions, tasks/work program, membership, functioning, meetings, subcommittees, working language, secretariat, financing and other support, and reporting.

(3) Need for Well-Crafted Procedures for Operationalization of the OSBPs

(a) Namanga and Rusumo OSBPs

Based on a review of existing OSBP operational manuals (most notably, an operational manual for the Taveta/Holili OSBP between Kenya and Tanzania, supported by TMEA in 2013)[76] and with the support of the JICA OSBP Expert Team, the two country pairs (Kenya/Tanzania and Tanzania/Rwanda) prepared well-crafted procedures for the operationalization of the Namanga and Rusumo OSBPs over the course of three JTC meetings for each border crossing supported by the JICA OSBP project component from July to December 2014. The development of OSBP procedures for the Rusumo and Namanga OSBPs benefitted from including border representatives in the JTCs since they had deep knowledge of the operations and issues that need to be reflected into the operational manual. Also, the holding of border meetings to inform border officials on progress and receive comments on the manual was helpful.

The Rusumo OSBP operational manual was duly signed by the Director General of Immigration and Emigration of Rwanda on 24 December 2014 and by the Commissioner General of the Tanzania Revenue Authority (TRA) on 30 December 2014, while the Kenya/Tanzania OSBP operational manual was duly signed by the Commissioner General of TRA on 2 February 2015 and by the Commissioner General of the Kenya Revenue Authority on 24 February 2015. While the Kenya-Tanzania OSBP operational manual was originally formulated only for the Namanga OSBP, the 2nd JTC meeting for Kenya and Tanzania on 26 September 2015 agreed to apply the manual to other border crossings between the two countries; therefore, the manual should be attached as a schedule (annex) of the bilateral agreement, thereby greatly extending the benefits of the OSBP operational manual prepared under the technical cooperation component. As an example, Box 13-6 presents the broad structure of the Rusumo OSBP Operational Manual (December 2014).

As envisaged from the outset (i.e., in the records of discussion between JICA and the participating governments), it will be necessary to "fine tune" the procedures based on actual implementation experience. Mid-course corrections may be made as required. Also, to the extent necessary, additional details may be provided on OSBP processes, e.g., with more detailed flowcharts.

[76] (i) Guidelines for Taveta/Holili One Stop Border Post, 2013; (ii) One Stop Border Post Procedures for Chirundu [Zambia/Zimbabwe] Border Post, November 2010; (iii) Operational Procedures for the Gasenyi I/Nemba [Burundi/Rwanda] One Stop Border Post Procedures, November 2011; (iv) Operational Procedures for the Implementation of Kobero/Kabanga [Burundi/Tanzania] One Stop Border Post, November 2012; (v) One Stop Border Post Operational Procedures for Rwanda and Uganda (2014, validated draft); (vi) Operational Procedure Manual for Ruhwa [alternatively spelled Rhuwa; Rwanda/Burundi] One Stop Border Post (2014); (vii) Final [ECOWAS, Economic Community of West African States] Draft Operating Procedures Manual (19 December 2011); and (viii) Sue [Susan] Kendal, [Immigration] One Stop Border Post Operating Procedures, Unity Bridge, prepared for the International Organization for Migration (2014, draft).

Box 13-6: Structure of the Rusumo OSBP Operational Procedures Manual

I. Introduction
II. Guidelines
III. Detailed Description of Border Operational Procedures
IV. Management and Security of the OSBP Infrastructure
V. Border Officers
VI. OSBP Organization and Operational Committee
VII. Final Provisions
Annexes

Source: Republic of Rwanda and United Republic of Tanzania, *Rusumo OSBP Operational Manual*, December 2014

(b) East African Community

The 3rd JTC meetings for Rusumo and Namanga in November and December 2014 called for JICA to consider supporting the harmonization of manuals of guidelines and procedures for OSBPs in the EAC (for border crossings involving the five Partner States) in the second phase the current JICA OSBP technical cooperation project component (April 2015 to August 2017); also, a number of speakers at the 3rd Regional Joint Coordinating Committee (RJCC) meeting in November 2014 in Bujumbura called for harmonizing OSBP procedures in the EAC. [77] Following these developments, the participants in the 4th RJCC meeting held in May 2014 in Kampala agreed to develop a regional OSBP procedures manual for adjoining states in the EAC.

Specifically, the aim is to prepare a manual for use by the border control authorities of the EAC Partner States, develop and reach formal agreement on harmonized EAC standard OSBP guidelines and procedures drawing on the experience of OSBP implementation at the Rusumo and Namanga OSBPs to provide for consistent practice throughout the EAC (to provide for "common branding" of OSBPs in the region). [78] A series of five regional technical committee meetings will be held for this purpose, from August 2015 to July 2016.

More details on the development of EAC regional OSBP procedures were provided in subsection 13.5.2(3) in the preceding case study.

(4) Benefits of Extensive Training and Sensitization Activities

After the manuals of guidelines and procedures for OSBP operations were finalized, training materials were prepared in December 2014/January 2015 and training based on the agreed manuals of guidelines and procedures was conducted. Training modules covered (i) the OSBP concept, (ii) border crossing procedures, (iii) modern practices in border operations, (iv) OSBP administrative matters, (v) joint controls, and (vi) change management for one-stop border post projects. Within the 1st phase of the activities of the JICA OSBP Expert Team completed in March 2015, three days of training were provided three times (in January, February, and March 2015) for concerned border agencies and private sector representatives by the trainer (regional consultant) on the OSBP Expert Team and partially by trainers-of-trainers.

At Namanga, the training and sensitization on the OSBP concept and operations for agencies and stakeholders based on the manual of guidelines and procedures trained/sensitized 103 public

[77] E.g., (i) Mr. Tadatsugu Matsudaira, Director for International Affairs, Customs and Tariff Bureau, Ministry of Finance, Japan; (ii) Ms. Beatrice Memo, Commissioner for Customs Services, Kenya Revenue Authority; and (iii) Mr. Edmond Bizabigomba, Deputy Commissioner General, L'Office Burundais des Recettes (OBR), Burundi.
[78] Interview with Mr. Israel Sekirasa, One Stop Border Posts Manager, TradeMark East Africa, Tanzania Office, 28 April 2014.

sector officials, 113 private sector representatives, and 31 community representatives. At Rusumo, the OSBP training and sensitization trained/sensitized 90 public sector officials, 42 private sector representatives officials, and 51 community representatives. Generally, the initial basis for operation of the respective OSBPs was provided during the sessions. Where time permitted, case studies based on real-world problems at OSBPs elsewhere introduced. The sessions proved lively and interactive, when conducted in English and especially when conducted in the respective national languages (Kiswahili and Kinyarwanda) with the leadership and/or assistance of the trainers-of-trainers from the central level (1-2 from each country).[79] The training skills developed by the trainers-of-trainers should provide sustainability of training at the various border crossings of the participating countries in the next phase of the OSBP project component and beyond.[80]

However, balancing the levels of understanding of OSBP concepts and procedures between countries, particularly between Rwandan and Tanzanian government officers and the private sector at Rusumo, has proven to be a challenge.[81] For example, participation in the training sessions at Rusumo has been greater on the Rwandan side than on the Tanzanian side (56% of the public sector trainees and 78% of the private sector trainees were from Rwanda). To some extent, these imbalances may reflect delays in the completion of construction of OSBP facilities on the Tanzanian side at Rusumo[82]; a lesson is the need to sometimes be creative in finding or establishing venues when training at the border (the January 2015 training session at Rusumo, on the Rwandan side, was held using chairs from a restaurant originally built at the time of the bridge and OSBP construction project).

(5) Rigorous Baseline, Impact, and Endline Time Measurement Surveys

Rigorous baseline time measurement surveys were conducted at Namanga and Rusumo in February 2014 and August 2014, respectively. Endline surveys are planned in mid-2017, while mid-course impact surveys will be conducted in between the baseline and endline surveys.

The Namanga and Rusumo time measurement surveys were unique in comparison with other time release surveys conducted in Africa because they focused on a detailed analysis of goods movement by transaction type, i.e., import, export, and transit cargoes processed by Customs and/or other/partner government agencies (OGAs/PGAs)/other government departments (OGDs) through the whole series of border processes from arrival at one country's border to release from the other country's border. Most such studies measure only the border crossing time of traffic passing through each side of the border respectively.

The Namanga TMS found that the mean (average) release time from arrival at the border (including the waiting time before the Customs entry gate) on the Kenyan side to exit from the border on the Tanzanian side was 22 hours and 47 minutes, while the median time was much less, 11 hours and 46 minutes.[83] The Rusumo TMS found that westbound cargo (i.e., traffic

[79] Trainers-of-trainers could perhaps have also been identified at the border level.
[80] These trainers-of-trainers were deployed in 2015 to provide training for the Taveta/Holili OSBP between Kenya and Holili.
[81] Mr. Janvier Munyampara, Immigration Officer, DGIE, Rwanda, analogized OSBP implementation to the traditional balancing the scales of justice since officers and private sector actors on both sides need to brought up to the same level.
[82] Also, there are fewer agents on that Tanzanian side since most declarations are for transit shipments to Rwanda.
[83] Through an analysis of the time taken in each step of the process as well as follow-up interviews on causes of delays, the Namanga TMS identified insufficient parking and inspection areas for trucks and a weighbridge on Tanzanian side as the most significant bottlenecks. In addition, the Namanga TMS highlighted other issues such as the poor quality of ICT infrastructure and the scattered facilities of the each border agency, inefficient management of coordination of border control agencies, and the limited capacity of customs clearing agents. The time for arrival at the border to police/customs gate accounted for 57% of the total time between arrival and release of goods.

toward Rwanda, the main direction of the traffic) took 1 hour and 16 minutes on the Tanzanian side and 2 hours and 30 minutes on the Rwandan side, as measured by the median; the median of the total dwell time was measured as 4 hours and 32 minutes, while the mean total dwell time was 5 hours and 10 minutes for both sides including the time required for crossing the border.[84]

When performing impact studies, comparing the effects of OBSP traffic and clearance times in the period after implementation with the situation before implementation presents a challenge. The methodology must be consistent between before and after measurements, or adjustments must be made to assure that equivalent measures are compared with each other. For that reason, the Rusumo TMS listed a number of limitations of the survey.[85] The challenges will be greater in conducting "after" studies not only to assure consistent methodological assumptions, but also to account for external/exogenous (confounding) factors. In addition, such impact studies could be productively undertaken earlier during implementation (not just at the endline) to feedback lessons to improve OSBP operations.[86]

(6) Preparation of Informative Materials on the OSBPs

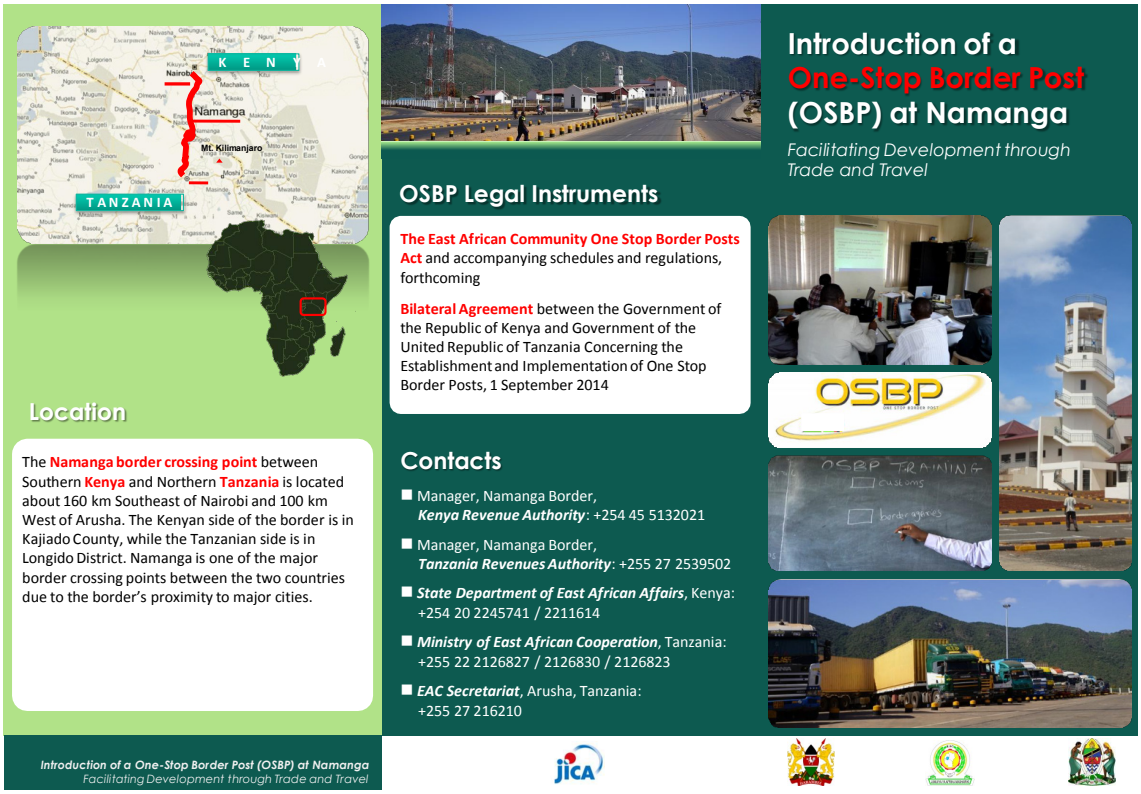
Another notable aspect of the implementation of the Namanga and Rusumo OSBPs has been the development of informative brochures and videos, prepared in local languages as well as English. Figure 13-8 presents the English-language version of the brochure prepared for the Namanga OSBP. Also, videos are being prepared for training purposes to help border officials understand and apply the OSBP concepts and procedures properly. Box 13-7 presents details on the videos.

[84] This mean and median was calculated based on the universe of trucks that finished border procedures within one day (i.e., which accounted for 87% of all trucks). The remaining 13% of trucks, which required more than one day, had a median total dwell time of 24 hours 33 minutes and a mean total dwell time of 32 hours 57 minutes. If both groups of trucks are added together, the grand total median time would be 5 hours and 1 minute, while the mean time would be 8 hours and 42 minutes.

[85] E.g., the survey was unable to measure the time at other processing centers such as the Customs Service Centre in Dar es Salaam and the inland Customs Processing Centre in Kigali at Gikondo; the survey did not measure queuing time outside of the gate; the survey did not measure cross-border trade volumes.

[86] E.g., interview with Mr. Anaclet Kalibata, Director General, Directorate General of Immigration and Emigration, Rwanda, 19 February 2015.

Figure 13-8: English-language Version of the Brochure for the Namanga OSBP



Source: Namanga OSBP brochure, March 2015

Box 13-7: Training Videos for the Namanga and Rusumo OSBPs

Introduction to the OSBP Concept for Border Officers (for training / self-study purposes)	
Target	Border officers at Namanga and Rusumo (and possibly elsewhere)
Contents:	Background, rationale, and benefits of OSBPs (including legislation, different types of OSBPs, interviews with EAC officers, the situation of OSBPs across the continent), and OSBP procedures (passengers and cargo, step by step), setting out the standards required for officers, the importance of joint verification, and the roles and responsibilities of each border agency as well as the joint border and national committees.
Duration:	About 15 minutes
Languages:	English with a function of selecting subtitles in local languages (i.e., Kiswahili and Kinyarwanda).

Source: PADECO Co. Ltd., *Concept Note, Videos for Training and Promotional Purposes for Namanga and Rusumo*, September 2015

13.7 Gasenyi I/Nemba – A Straddling[87] OSBP (Burundi and Rwanda)[88]

13.7.1 Issues Raised by the Case Study

The Gasenyi I/Nemba OSBP, straddling Burundian and Rwandan territory, is the first and only straddling OSBP in Africa. It was developed as part of an AfDB road project linking the two countries.[89] The case study demonstrates the viability and efficacy of the straddling OSBP model where geography permits.

13.7.2 Background and Current Status of the OSBP

The revenue authorities of Burundi and Rwanda signed a memorandum of understanding (3 December 2011) and then a bilateral agreement (13 February 2012) on the establishment and implementation of an OSBP at Gasenyi I/Nemba straddling the border between the two countries.[90] These agreements called for (i) maximum possible integration of border control documentation, procedures, and systems; (ii) joint technical training of border control officers so as to achieve common levels of understanding of the OSBP concept; (iii) use of ICT for easier and speedier sharing of border control data that is useful in border operations; and (iv) involvement of the private sector as partners in the implementation process through training and provision of requisite access to private sector border control facilitation agents.[91] Acts of the respective parliaments give border control officers the authority to carry out their national controls throughout a common control zone (CCZ). Rwandan officers are allowed to carry out

[87] Since the word "straddle" or "straddled" cannot be used as an adjective, it is not used here.
[88] This case study draws upon: (i) *Operational Procedures for the Gasenyi I/Nemba One Stop Border Post (OSBP)*, November 2011; (ii) Kieran Holmes, Commissioner General, Office Burundais des Recettes (Burundi Revenue Authority), "Burundi and Rwanda Sign Pact to Facilitate Cross Border Trade", 7 December 2011; (iii) Notes from site visit to Gasenyi I-Nemba, JICA OSBP Expert Team, Project for Capacity Development for International Trade Facilitation in the Eastern African Region, 5 May 2014; and (iv) United States Agency for International Development, *Enabling Agricultural Trade Project, Rwanda Cross-Border Agricultural Trade Analysis*, February 2013.
[89] It was followed in July 2013 by the opening of an OSBP at Ruhwa along a cross-border road linking the two countries. The African Development Bank also supported this initiative.
[90] Law No. 16/2013 of 25 March 2013 (published in Official Gazette No. 18 of 6 May 2013) authorized ratification of the bilateral agreement by Rwanda.
[91] Kieran Holmes, Commissioner General, Office Burundais des Recettes (Burundi Revenue Authority), "Burundi and Rwanda Sign Pact to Facilitate Cross Border Trade", 7 December 2011.

controls on the Burundian side of the CCZ and vice versa. The acts also allow hosting arrangements for these foreign officers.[92]

OSBP operations at Gasenyi I/Nemba commenced in August 2015. Some observations follow:

(i) About 30-40 trucks per day cross the border (2014), which is relatively low volume of commercial freight vehicles.
(ii) Passenger traffic is about 1,000 per day, but may total about 7,000 over a two-day weekend.
(iii) Space for immigration, customs, and other government agencies is provided in one administration building straddling the border (see the photo below),[93] although because of low traffic volumes officers are not always at the station.
(iv) Official hours of operation are from 4 am to 10 pm, i.e., 16 hours per day.[94]
(v) Average border crossing times have been reduced to 40 minutes.[95]
(vi) While formal trade has been facilitated by streamlining processes and reducing costs, barriers to informal trade remain.[96]

Immigration Officers of Burundi and Rwanda Working Side-by-Side in One Room

Source: Notes from site visit to Gasenyi I/Nemba, JICA OSBP Expert Team, Project for Capacity Development for International Trade Facilitation in the Eastern African Region, 5 May 2014.

Key aspects of the OSBP procedures for Gasenyi I/Nemba include the following:

(i) All procedures for persons, vehicles, and goods to exit Burundi and enter Rwanda are carried out in the Rwandan entry point, and for the persons, vehicles, and goods to exit Rwanda and enter Burundi take place in the Burundian entry point.
(ii) Entry procedures are not to be carried out until all exit procedures are completed and jurisdiction has formally passed from the exit state to the entry state except in cases

[92] *Operational Procedures for the Gasenyi I/Nemba One Stop Border Post (OSBP)*, November 2011, pp. 1–2.
[93] "A common building is located in the center of the Common Control Zone and is shared equally by the services of both Parties." *Operational Procedures for the Gasenyi I/Nemba One Stop Border Post (OSBP)*, November 2011, p. 3.
[94] Notes from site visit to Gasenyi I/Nemba, JICA OSBP Expert Team, Project for Capacity Development for International Trade Facilitation in the Eastern African Region, 5 May 2014.
[95] Nathan Gashayija, "Importance of One Stop Border Post Facilities in EAC Integration", *The New Times*, 12 January 2015.
[96] United States Agency for International Development, *Enabling Agricultural Trade Project, Rwanda Cross-Border Agricultural Trade Analysis*, February 2013, p. 12 ["The number of informal traders entering Rwanda to source goods can be as high as 300 per day. These traders reported that they face constraints from Rwandan authorities who will refuse entry if the number of traders appears excessive, or if local authorities have determined that too much of a given commodity is leaving the country. Under these circumstances, traders may risk apprehension and confiscation by trying to cross back into Burundi via the adjacent forest of Geko."].

where goods are pre-cleared. This is to avoid any conflict over national jurisdiction within the OSBP. Jurisdiction is based on the officer performing the controls not on the basis of the national territory in which the controls are performed.

(iii) Officers carry out their own border control laws even when acting in the adjoining country, but only within the CCZ established by the bilateral agreement between Burundi and Rwanda.

(iv) Wherever possible, inspections and other procedures shall be carried out jointly to increase effectiveness and save time.

(v) Cross-border risk assessments of persons and goods should be employed to the extent possible. If at any point in the processing, persons are denied exit or entry or an arrest is made or goods are denied entry or exit, these persons or goods are to be returned.

(vi) National Police of the respective parties will address any law to which they have jurisdiction on in the control zone and other offenses that occur on national territory. Any regulatory infringements that may occur in the performance of border control duties will be referred to the agency management having jurisdiction.[97]

13.7.3 Issues/Lessons Learned

The main lesson from the Gasenyi I/Nemba OSBP is that a straddling OSBP in which a single facility is constructed across the border can be effective, geography permitting. This model can be used when a new facility is being built where the land is relatively flat and there is no natural barrier between the two countries (e.g., a river). The advantage of a straddling facility is that it offers direct access to the respective national hinterlands.[98]

13.8 Lebombo/Ressano Garcia – A Long-Planned OSBP with a Complex Mix of Traffic (South Africa and Mozambique)[99]

13.8.1 Issues Raised by the Case Study

The Lebombo (South Africa)/Ressano Garcia (Mozambique) border crossing is located along the 630 km long Maputo Corridor, which connects Gauteng (Johannesburg-Pretoria), Limpopo, and Mpumalanga provinces of South Africa with Maputo, a port and the capital of Mozambique, located only 90 km from the border. Unlike certain other case studies, it has been observed that this case study involves two coastal countries, which may not be a typical case.[100] It features a

[97] *Operational Procedures for the Gasenyi I/Nemba One Stop Border Post (OSBP)*, November 2011, p. 2.

[98] A straddling OSBP may offer an advantage relative to a single country in the case of an emergency in one country (as in Burundi in 2015), which prevented operation between the single country Ruhwa OSBP between the two countries, but has hardly affected the straddling Gasenyi I OSBP/Nemba between the same two countries.

[99] This case study draws upon: (i) Standing Committee on Finance (South Africa), *Ratification of Bilateral Legal Framework in Support of One-Stop Border Posts between South Africa and Mozambique*, 6 November 2013; (ii) Briefing by Commissioner of the South African Revenue Service Mr. Oupa Magashula on behalf of the Border Control Operational Coordinating Committee to the Standing Committee on Finance of the Bilateral Legal Framework in Support of a One Stop Border Post Bilateral Legal Framework, 13 June 2012; (iii) Japan International Cooperation Agency, PADECO CO., Ltd., and Mitsubishi UFJ Research and Consulting Co., Ltd., *Preparatory Survey for Southern Africa Regional Transport Program, Final Report*, March 2010, pp. F-10 to F-13, and F-29; (iv) AECOM International Development, *Technical Report: Ressano Garcia Border Operations Assessment Report, submitted to USAID/Southern Afric*a, USAID Contract No. 674-C-00-10-00075-00, September 2012; (v) Sandra Sequeira, Olivier Hartmann, and Charles Kunaka, *Reviving Trade Routes: Evidence from the Maputo Corridor*, SSATP, November 2014; (vi) Barbara Mommen, "The Maputo Corridor: Regional Integration That Works", *Great Insights Magazine*, Volume 1, Issue 10, December 2012; and (vii) Luc De Wulf and Michel Zarnowiecki, *One Stop Border Post at Lebombo/Ressano Garcia*, funded by the Department for International Development, 9 July 2007.

[100] Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 3, p. 7 [referring to the case as an "outlier"].

complex mix of traffic (e.g., road and rail, passengers and goods). An OSBP has been envisaged for development at this border crossing since the 1990s, but has not yet been implemented. Issues raised by the case study include the (i) possibility of improving border operating performance even without an OSBP, (ii) the difficulties in formalizing OSBP legal arrangements, and (iii) the benefits of separating different kinds of traffic.

13.8.2 Background and Current Status of the OSBP

The Lebombo/Ressano Garcia border crossing is one the busiest in Southern Africa, with 250–600 trucks and 3,000–4,000 light vehicles per day.[101] This border is also a busy crossing for passengers, with traffic estimated at about 12,000 persons per day, but with peaks over 120,000 persons per day (around Christmas and Easter); the movement of passengers was facilitated by the implementation in 2006 of visa-free travel by nationals of the two countries.[102]

As far back as 1997, the Ministers of Transport of South Africa and Mozambique agreed that an OSBP should be developed at Lebombo/Ressano Garcia, and a Protocol was signed in 1998. However, there was a delay in implementation as it was difficult to reach consensus on the concept/design systems of the OSBP, within each country and between the two countries. Then in 2006 the respective heads of state of South Africa and Mozambique expressed their firm political will to open an OSBP in the near future. A 9-page, 22-article Agreement between the Government of South Africa and the Government of the Republic of Mozambique on a Combined Border Post on the South Africa/Mozambique Border was signed on 18 September 2007. However, this bilateral agreement was not self-executing, but rather limited to setting out the broad principles for an OSBP. Various working groups (infrastructure, legal, management and finance, operational procedures, ICT, safety and security, human resources) were established on both sides and bilaterally to work toward OSBP implementation at Lebombo/Ressano Garcia.[103] Three annexes[104] to provide the detailed legal basis to implement the bilateral agreement were signed by South Africa in October 2012 and by Mozambique June 2013. While (at least) the signed bilateral agreement has been ratified and gazetted by Mozambique, ratification of the agreement and its annexes by South Africa has been delayed.

Based on this legal framework, key elements of the OSBP concept envisaged[105] for Lebombo/Ressano Garcia include the following:

(i) separate facilities provided for processing freight and commercial traffic;
(ii) passenger traffic processed at a new facility straddling the border;

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[101] See Japan International Cooperation Agency, PADECO Co., Ltd., and Mitsubishi UFJ Research and Consulting Co., Ltd., *Preparatory Survey for Southern Africa Regional Transport Program, Final Report*, March 2010, p. F-10 (and scaling up for traffic growth).

[102] In 2016 the International Organization for Migration will support an assessment of borders of Mozambique, including Ressano Garcia.

[103] However, there was a lack of formalized outcomes and deliverables from the working groups relating to operations/ management issues. Japan International Cooperation Agency, PADECO Co., Ltd., and Mitsubishi UFJ Research and Consulting Co., Ltd., *Preparatory Survey for Southern Africa Regional Transport Program, Final Report*, March 2010, p. 12.

[104] Annex 1 concerns the designation and delimitation of the combined border control posts, control zones, and areas designated for exclusive use for the implementation of one-stop border posts; Annex II concerns the joint control and management of border crossing activities in respect of persons, goods, and means of transport for implementation of one-stop border posts; and Annex III concerns establishing, owning, managing, and maintaining infrastructure, facilities, assets, and amenities for the implementation of one-stop border posts. Standing Committee on Finance (South Africa), *Ratification of Bilateral Legal Framework in Support of One-Stop Border Posts between South Africa and Mozambique*, 6 November 2013.

[105] Interestingly, the two countries have practiced one-stop inspection during peak (passenger) traffic periods, i.e., during the festive seasons.

(iii) dedicated freight traffic processing facilities, at a site in South Africa 7 km from the border crossing (so-called Km 7), and at a site in Mozambique 4 km from the border crossing (so-called Km 4);
(iv) dedicated, secure bypass roads avoiding the main border post; and
(v) a new rail facility on South African territory to process rail traffic.[106]

While some of these components have progressed (with strong support of the business sector in South Africa, which sees this corridor as offering as the shortest route to a port for the Gauteng region), operationalization of the OSBP has been stalled because of "legal complexity" and "infrastructure constraints".[107] Specific factors have included (i) deterioration of the economic climate in 2009, (ii) disagreements about the location of facilities, (iii) the declining interest of the South African Revenue Service to invest in what is perceived by many as a low-revenue export corridor for the country (leading to a lack of convergence of political will(s) in the two countries)[108]; and (iv) a lack of intermodal transport nodes along the corridor to enable the seamless transfer of cargo across the most efficient modes of transport.[109]

13.8.3 Issues/Lessons Learned

(1) Possibility of Improving Border Operating Performance Even Without an OSBP

The Lebombo/Ressano Garcia case shows that border operational performance may be improved even without full-scale implementation of an OSBP. A 2010 assessment found delay time of 6–7 hours,[110] while a 2012 assessment found clearance times of only 1–2 hours.[111] Improvements have resulted from (i) the high level of coordination and cooperation among border stakeholders, including the private sector[112]; (ii) development of new facilities for clearing agents to be physically located at the border; (iii) the clear segregation of traffic between commercial imports, small traders, and transit cargo; (iv) sufficiently high staffing levels of border officers; (v) clear signage; (vi) the end of visa requirements for nationals of South Africa and Mozambique in 2006; and (vii) and the extension of border operation hours in 2009 to 16 hours per day, from 6 am to 12 midnight (with trade documents for exports accepted until 8 pm and for imports until 10 pm).[113,114,115]

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[106] However, international best practice would be to process rail passengers on the train, e.g., as was done in Europe decades ago and as is done by Tanzania and Zambia on the TAZARA line.
[107] Lewis Simelane Mbabane, "Red Tape Retards Maputo Corridor", *Business Report*, 8 August 2014.
[108] One may ask about the motivation for South Africa to facilitate traffic to a foreign port.
[109] Sandra Sequeira, Olivier Hartmann, and Charles Kunaka, *Reviving Trade Routes: Evidence from the Maputo Corridor*, SSATP, November 2014, pp. 39–40.
[110] PADECO CO., Ltd., and Mitsubishi UFJ Research and Consulting Co., Ltd., *Preparatory Survey for Southern Africa Regional Transport Program, Final Report*, March 2010, p. F-29.
[111] AECOM International Development, *Technical Report: Ressano Garcia Border Operations Assessment Report, submitted to USAID/Southern Afric*a, USAID Contract No. 674-C-00-10-00075-00, September 2012, pp. 4, 16–17 ["Commercial goods clearance at Ressano Garcia is highly efficient and therefore very few challenges were found to directly affect the border clearance time."]
[112] However, there remains a continuous struggle to have the private sector included in the planning process and to be continuously involved in the stakeholder engagement process. Japan International Cooperation Agency, PADECO CO., Ltd., and Mitsubishi UFJ Research and Consulting Co., Ltd., *Preparatory Survey for Southern Africa Regional Transport Program, Final Report*, March 2010, p. 12.
[113] That said, there have been calls for round-the-clock operations.
[114] (i) AECOM International Development, *Technical Report: Ressano Garcia Border Operations Assessment Report, submitted to USAID/Southern Afric*a, USAID Contract No. 674-C-00-10-00075-00, September 2012, pp. 14–15; and (ii) Sandra Sequeira, Olivier Hartmann, and Charles Kunaka, *Reviving Trade Routes: Evidence from the Maputo Corridor*, SSATP, November 2014, p. 38.
[115] Also worth noting is a recent proposal in South Africa to establish a single Border Management Agency (Bill 39058, gazetted on 6 August 2015). Proponents consider that a single agency for border law enforcement will provide for more cost-effective services, enhanced security, and better management of the border environment; in addition to

(2) Difficulties in Formalizing OSBP Legal Arrangements

The Lebombo/Ressano Garcia case also shows the difficulties of implementing legal arrangements for operationalizing OSBPs. Observers on the South African side have referred to the complexity of the international legal frameworks required to allow the sovereign laws of each state to be implemented in the territory of the adjoining state; these legal instruments fall within the ambit of Section 231(2) of the Constitution of South Africa and therefore require formal ratification by the South African Parliament and incorporation into the domestic laws of South Africa before taking effect. There is the further complexity of amending national laws that govern a variety of processes at the border. Consider, for example, that each of the nine South African agencies at the border have their own mandate and legislative and regulatory framework.[116]

(3) Benefits of Separating of Different Kinds of Traffic

The Lebombo/Ressano Garcia border crossing demonstrates the benefits of separating different kinds of traffic. Because of difficult terrain in the vicinity of the border (with a river gorge to the north and steep mountains to the south), cargo processing has been moved away from the border post, to Km 7 in South Africa and Km 4 in Mozambique. After clearance, cargo is transported along a bypass road that avoids the main border post, which reduces congestion. Pedestrians and cars/buses/taxis are processed in separate facilities at the border. The separation of different categories of traffic each with different risks has allowed for the specialization of processes and resources at each point, which has led to improvements in the speed of processing as well as the security of the border post.[117]

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pointing to the daunting nature of the task for a single agency to manage the diverse requirements of border control at the country's 72 designated ports of entry, opponents argue that the proposal would contravene the Constitution of South Africa, which provides for a single entity to perform policing and defense functions. "Controversial BMA Bill Introduced into Parliament", *ftwOnline*, 1 October 2015.

[116] Briefing by Commissioner of the South African Revenue Service Mr. Oupa Magashula on behalf of the Border Control Operational Coordinating Committee to the Standing Committee on Finance of the Bilateral Legal Framework in Support of a One Stop Border Post Bilateral Legal Framework, 13 June 2012 ["… the process flow at the border typically involves a series of inter-dependent agency processes and a number of hand-offs from one department to another."] While the legal environment for establishing an OSBP at Lebombo/Ressano Garcia may present difficulties, at least arguably they are not more difficult than between other country pairs in Africa that have made progress in implementing OSBPs. Although detailed operating rules and regulations were drafted, they were not implemented because of the lack of convergence of the political will(s) of the adjoining countries.

[117] See source in previous footnote.

Appendix A: Matrix of Key OSBP Characteristics (as of 25 January 2016)

Key OSBP Characteristics – Eastern Africa (as of 25 January 2016) (1/5)

Border Crossing	1. Namanga/Namanga	2. Rusumo/Rusumo	3. Malaba/Malaba	4. Taveta/Holili	5. Lunga Lunga / Horo Horo
Corridor	North-Central Interlink	Central	Northern	North-Central Interlink	
Country A	Kenya	Tanzania	Kenya	Kenya	Kenya
Country B	Tanzania	Rwanda	Uganda	Tanzania	Tanzania
OSBP Type (juxtaposed, straddling, wholly located in one country)	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed
Geographic Features (e.g., size of the border crossing area, river)	No natural boundary; hilly terrain	Border line in the Kagera River	Border line in the Malaba River	Relatively flat terrain without a border river	Located in southeastern Kenya/ northeastern Tanzania
Traffic/Trade Volumes	Intraregional trade and trade originating from/destined to overseas	Very high maritime volume	High volume of trade originating from/destined to overseas	15 trucks per day; intraregional trade and trade originating from/destined to overseas trade	Intraregional trade
Time Required for Border Crossing (before and after OSBP implementation)	A May 2014 baseline time measurement survey supported by JICA found that the mean (average) release time from arrival at border of Kenyan side to exit from border of Tanzanian side is 22 hours and 47 minutes, but the median time was much less, 11 hours and 46 minutes. The proportion of border waiting time on Kenyan side was 21.7% and Tanzanian side is 35.6%. Total time consumed by Customs procedures was 11.5% and 31% on the Kenyan and Tanzanian sides, respectively. An endline survey will be undertaken in 2017.	A January 2015 baseline time measurement survey supported by JICA found that that westbound cargo took 1 hour and 16 minutes on the Tanzanian side and 2 hours and 30 minutes on the Rwandan side, as measured by the median. The median of the total dwell time was measured as 4 hours and 32 minutes, while the mean total dwell time was 5 hours and 10 minutes for both sides including the time required for crossing the border. Passengers were processed quickly on both sides, in about 2 minutes on average (i.e., the mean) including queuing time. An endline survey will be undertaken in 2017.	Crossing times that were routinely over 48 hours decreased to less than six hours; average border-crossing time, a measure that covers a wide range of situations, decreased from 24 hours to 4 hours. Based on estimates of the value of time for trucking enterprises (releasing capacity for increased activity and revenue) and for traders (through reduced inventory costs), the savings generated by the improvement of the situation represented up to USD 70 million per year. (Mike Fitzmaurice and Olivier Hartmann, *Border Crossing Monitoring along the Northern Corridor*, World Bank, April 2013, p. xiv).		
History (e.g., year established or planned; past, present, and planned future project components)	Construction on the Tanzanian side was completed in December 2014. Construction on the Kenyan side had progressed 88% as of August 2015; there was a delay in varying the contract and paying compensation to relocated residents. Certain activities financed by AfDB and supervised by the EAC Secretariat (e.g., ICT interconnection, furniture procurement) are ongoing. The bilateral OSBP agreement was signed in September 2014.	A JICA project preparation survey was completed in 2010. The facility on the Rwandan side was completed and handed over (to DGIE) in December 2015; handover of the facility on the Tanzanian side (to TRA) in October 2015. Water and power as well as furniture has not yet been supplied to the Tanzanian facility, but is expected by October/ November 2015. 50 km of connecting road has been completed on the Kenyan side.	The construction of the Malaba OSBP will be completed in 2016.	Construction completed on 30 September 2015	Construction completed in August 2015; the design of the linking roads has also been completed
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive the last presidential assent in November 2015; draft EAC OSBP Regulations prepared with approval expected later in 2015; bilateral agreement reached in September 2014; OSBP procedures signed in February 2015	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared in 2015 with approval expected later in the year; bilateral agreement reached on 26 March 2010; OSBP procedures signed in December 2014	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared in 2015 with approval expected later in the year; bilateral agreement under negotiation	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared in 2015 with approval expected later in the year; bilateral agreement reached on 26 March 2010; OSBP procedures signed in December 2014/ February 2015 (based on an earlier draft negotiated for this border crossing)	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared with approval expected later in 2015; bilateral agreement reached on 26 March 2010; OSBP procedures signed in December 2014/ February 2015
Management/Operation Type (e.g., public sector, PPP)	Public sector; Part D of the OSBP Operational Procedures Manual for Kenya and Tanzania (February 2015), negotiated originally for Namanga and later extended to all OSBPs between the countries, covers Management and Security (e.g., host state to manage OSBP infrastructure; each competent authority to maintain its ICT facilities for security reasons)	Public sector; Part D of the OSBP Operational Manual for Rusumo (November 2015) covers Management and Security (e.g., host state to manage OSBP infrastructure)	Public sector	Public sector	Public sector
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)	KRA and TRA serve as lead agencies; 19 agencies listed for Kenya and 14 for Tanzania in the February 2015 procedures manual; joint (bilateral) border coordination committee established in August 2015, with support from the JICA OSBP team	DGIE and TRA to serve as lead agencies; 7 agencies listed for Rwanda and 13 for December in the February 2015 procedures manual; joint (bilateral) border coordination committee established in August 2015, with support from the JICA OSBP team	KRA and URA serve as lead agencies	KRA and TRA serve as lead agencies	KRA and TRA serve as lead agencies
Physical Facilities	Main buildings, verification shed, warehouses, and incinerator	Main buildings, verification shed, and warehouses	Main buildings, verification shed, and warehouses	Main buildings, verification sheds, and warehouses	Main buildings, verification shed, and warehouses
ICT (e.g., interconnectivity)	Revenue authorities to be interconnected	Revenue authorities to be interconnected	Revenue authorities to be interconnected	Revenue authorities interconnected	Revenue Authorities to be interconnected.
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)	Customs Union, CBM, single window(s), and STR	Customs Union, CBM, single window(s), and STR	Customs Union, CBM, single window(s), and STR	Customs Union, CBM, single window(s), STR	Customs Union, CBM, single window(s), STR
Costs (capital and operating)	USD 18.4 m (construction cost)	USD 37.2 m (construction cost, including the cost of constructing a bridge in difficult terrain)	USD 11.88 m (construction cost, excluding the cost of constructing the bridge)	USD 9.1 m (construction cost)	USD 9.0 m (construction cost)
Implementation Challenges	Lack of administrative framework, furniture and computers, and construction delays on the Kenyan side.	Lack of support facilities (water, electricity and furniture) on the Tanzanian side)	Lack of administrative framework and construction delays	Lack of administrative framework and construction delays	Lack of administrative framework and construction delays
(Main) Funding Sources (detail in the OSBP coordination matrix)	AfDB and JICA	JICA	WB and TMEA	WB and TMEA	WB and JICA

Key OSBP Characteristics – Eastern Africa (as of 25 January 2016) (2/5)

Border Crossing	6. Isibania/Sirari	7. Busia/Busia	8. Mututkula/Mutukula	9. Nemba/Gasenyi I	10. Gatuna/Katuna
Corridor		Northern	Central	Northern	Northern
Country A	Kenya	Kenya	Uganda	Rwanda	Uganda
Country B	Tanzania	Uganda	Tanzania	Burundi	Rwanda
OSBP Type (juxtaposed, straddling, wholly located in one country)	Juxtaposed	Juxtaposed	Juxtaposed	Straddling	Juxtaposed
Geographic Features (e.g., size of the border crossing area, river)		Border area small and congested	Large area	Small border area	
Traffic/Trade Volumes	Intraregional trade	Intraregional trade and trade originating from/destined to overseas trade	High volume of trade originating from/destined to overseas	Intraregional trade	High volume of trade originating from/destined to overseas
Time Required for Border Crossing (before and after OSBP implementation)					
History (e.g., year established or planned; past, present, and planned future project components)	Construction completed in June 2015 although connectivity and training challenges remain	Construction expected to be completed by 30 November 2015	Completion of construction on the Tanzanian side was expected in early 2014 and on the Ugandan side in December 2015	OSBP operations commenced in 2012	Construction commenced at Gatuna (Uganda) in August 2015 and is to be completed by June 2015; construction at Katuna (Rwanda) was 30% complete by 30 September 2015.
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared with approval expected later in 2015; bilateral agreement reached on 26 March 2010; OSBP procedures signed in December 2014/February 2015	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared with approval expected later in 2015; bilateral agreement under negotiation	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared with approval expected later in 2015	OSBP MOU and procedures agreed in November 2012; the need to migrate from bilateral arrangements to regional arrangements remains	An OSBP MOU was signed by Rwanda and Uganda in 2012
Management/Operation Type (e.g., public sector, PPP)	Public sector	Public sector	Public sector	Public sector	Public sector
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)	KRA and TRA serve as lead agencies	KRA and URA serve as lead agencies	TRA and URA serve as lead agencies	DGIE and OBR serve as lead agencies	DGIE and URA serve as lead agencies
Physical Facilities	Main buildings, verification shed, and warehouses	Main buildings, verification sheds, and warehouses	Main buildings, verification shed, and warehouses	Main buildings, verification shed, and warehouses	Not yet completed
ICT (e.g., interconnectivity)	Revenue authorities to be interconnected	Revenue authorities to be interconnected	Revenue authorities to be interconnected	Revenue authorities to be interconnected	Revenue authorities to be interconnected
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)	Customs Union, CBM, STR	Customs Union, CBM, single window(s), STR	Customs Union, CBM, single window(s), STR	Customs Union, CBM, single window(s), STR	Customs Union, CBM, single window(s), STR
Costs (capital and operating)	USD 8.2 m (construction cost)	USD 12.04 m (construction cost)	USD 14.51 m (construction cost)	Not yet established	USD 3.85 m (Katuna side only; construction cost)
Implementation Challenges	Lack of administrative framework and construction delays	Lack of administrative framework and construction delays	Lack of administrative framework and construction delays	Lack of administrative framework and construction delays	Lack of administrative framework and construction delays
(Main) Funding Sources (detail in the OSBP coordination matrix)	WB	TMEA and JICA	TMEA	AfDB	WB

Key OSBP Characteristics – Eastern Africa (as of 25 January 2016) (3/5)

Border Crossing	11. Kobero/Kabanga	12. Akanyaru/Kanyaru	13. Kagitumba/Mirama Hills	14. Ruhwa/Ruhwa (alternatively spelled Rhuwa)	15. Bibia/Elegu-Nimule
Corridor	Central				Northern
Country A	Burundi	Rwanda	Rwanda	Rwanda	Uganda
Country B	Tanzania	Burundi	Uganda	Burundi	South Sudan
OSBP Type (juxtaposed, straddling, wholly located in one country)	Juxtaposed	Juxtaposed	Juxtaposed	Wholly located in one country (Burundi, due to hilly terrain on the Rwandan side)	Juxtaposed
Geographic Features (e.g., size of the border crossing area, river)	Border river and several km between border posts	Border line in river	Hilly terrain	Border line in the Ruhwa River; hilly terrain on the Rwandan side	
Traffic/Trade Volumes	High volume of trade originating from/destined to overseas	Intraregional trade	Trade originating from/destined to overseas	Intraregional trade	High volume of trade originating from/destined to overseas
Time Required for Border Crossing (before and after OSBP implementation)					
History (e.g., year established or planned; past, present, and planned future project components)	Construction on the Tanzanian side has been completed; construction on the Burundi side is in the early stages	The project has not yet commenced.	Launched in July 2015	AfDB appraised the OSBP project appraised as part the Multinational Nyamitanga-Ruhwa-Rusizi-Ntendezi-Mwityazo Road Project in February 2012; OSBP operations launched in July 2013.	Construction commenced at Elegu in mid-2015
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared with approval expected later in 2015	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in Noember 2015; draft EAC OSBP Regulations prepared with approval expected later in 2015	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared with approval expected later in 2015	The EAC OSBP Act was passed by the EALA in November 2012 and was expected to receive last presidential assent in November 2015; draft EAC OSBP Regulations prepared with approval expected later in 2015. The Ruhwa OSBP operational procedures manual was signed on 18 December 2014.	
Management/Operation Type (e.g., public sector, PPP)	Public sector	Public sector	Public sector	Public sector; Chapter III of the OSBP operational procedures manual dated 18 December 2014 covers cost sharing between public entities for this OSBP located wholly on the territory of Burundi.	Public sector
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)	OBR and TRA serve as lead agencies	DGIE and Burundi's Immigration Authority serve as lead agencies	DGIE and URA serve as lead agencies	DGIE and Burundi's Immigration Authority serve as lead agencies	
Physical Facilities	Main buildings, verification shed, and warehouses	Main operational buildings	Main buildings, verification shed, and warehouses	Main buildings, verification shed, and warehouses	Not yet completed
ICT (e.g., interconnectivity)	Revenue authorities to be interconnected	Revenue authorities to be interconnected	Revenue authorities to be interconnected	Revenue authorities to be interconnected	To be decided later
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)	Customs Union, CBM, single window(s), STR	Customs Union, CBM, STR	Customs Union, CBM, single window(s), STR	Customs Union, CBM, single window(s), STR	CBM and STR
Costs (capital and operating)	Not yet established	Not yet funded	Not yet established	Not yet established	USD 6 m (Elegu side only, construction cost)
Implementation Challenges	Lack of administrative framework and construction delays	Lack of administrative framework and construction delays	Lack of administrative framework and construction delays	Security issues	Lack of administrative framework and construction delays
(Main) Funding Sources (detail in the OSBP coordination matrix)	TMEA	AfDB	WB, AfDB, and TMEA	AfDB	TMEA

Key OSBP Characteristics – Eastern Africa (as of 25 January 2016) (4/5)

Border Crossing	16. Gisenyi/Goma	17. Mpondwe	18. Rusizi/Bakavu	19. Nadapal	20. Moyale
Corridor		Northern	Central	Northern	Northern
Country A	Rwanda	Uganda	Burundi	South Sudan	Ethiopia
Country B	DRC	DRC	DRC	Kenya	Kenya
OSBP Type (juxtaposed, straddling, wholly located in one country)	Juxtaposed	Juxtaposed		No regional legal framework/procedures yet; Report on Legal Framework and Modalities for the Establishment of One Stop Border Posts in [the] IGAD Region prepared	No regional legal framework/procedures yet; Report on Legal Framework and Modalities for the Establishment of One Stop Border Posts in [the] IGAD Region prepared
Geographic Features (e.g., size of the border crossing area, river)					
Traffic/Trade Volumes	Intraregional trade; Rwanda's business border crossing	Intraregional trade	Intraregional trade		More traffic on the Ethiopian side than on the Kenyan side (where there is mainly trade in live animals and essential commodities)
Time Required for Border Crossing (before and after OSBP implementation)					
History (e.g., year established or planned; past, present, and planned future project components)	In 2011 the World Bank provided assistance for Facilitating Cross-Border Trade between the DRC and Neighbours in the Great Lakes Region of Africa: Improving Conditions for Poor Traders.	The construction of the OSBP facilities was completed in July 2013.	TMEA was analyzing whether or not an OSBP should be implemented at this border crossing.	The construction is to commence in early 2016.	Linking Moyale Road being improved.
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)	DRC lacks enabling legislation for OSBPs.		Bilateral agreement		
Management/Operation Type (e.g., public sector, PPP)	Public sector	Public sector	Not yet decided		
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)	Not yet decided	Not yet decided	Not yet decided		
Physical Facilities	Not yet decided	Not yet decided	Not yet decided		
ICT (e.g., interconnectivity)	Not yet decided	Not yet decided	Not yet decided	The countries have started work on a fiber cable system with KES 54 billion funded by the World Bank	
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)	CBM and STR	CBM and STR	CBM and STR	USD 500 m Lamu Port Southern Sudan-Ethiopia Transport Project	
Costs (capital and operating)	Not yet established	Not yet established	Not established	Part of the USD 500 m project above	KES 840 m
Implementation Challenges	Lack of legal and administrative framework and inappropriate physical structures	Lack of legal and administrative framework and inappropriate physical structures.	No major funding commitment yet		
(Main) Funding Sources (detail in the OSBP coordination matrix)	TMEA	**TMEA**			AfDB

Key OSBP Characteristics – Eastern Africa (as of 25 January 2016) (5/5)

Border Crossing	21. South Sudan/ Sudan	22. Rubavu/Goma	23. Galafi	24. Gallabat/Metema	25. Nimule
Corridor	Northern	Northern	Djibouti	Djibouti	South Sudan
Country A	South Sudan	DRC	Djibouti	Ethiopia	Uganda
Country B	Sudan	Rwanda	Ethiopia	Sudan	South Sudan
OSBP Type (juxtaposed, straddling, wholly located in one country)					Juxtaposed
Geographic Features (e.g., size of the border crossing area, river)					There is a river and the two sides are connected by a bridge
Traffic/Trade Volumes					An estimated 80%+ of the imports to South Sudan enter via Nimule.
Time Required for Border Crossing (before and after OSBP implementation)					
History (e.g., year established or planned; past, present, and planned future project components)		Construction was to commence in October 2015	Djibouti Corridor Authority to be established	Djibouti Corridor Authority to be established	The design for South Sudan side has been completed. A draft bilateral agreement between South Sudan and Uganda has yet to be signed. Construction was to commence in by February 2015, but the current internal conflict and the socio-economic and political situation in South Sudan has caused delays. Construction is to be partly funded by the TMEA regional budget, with the remaining portion to be covered by other development partners.
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)			No regional legal framework/procedures yet; Report on Legal Framework and Modalities for the Establishment of One Stop Border Posts in [the] IGAD Region prepared	No regional legal framework/procedures yet; Report on Legal Framework and Modalities for the Establishment of One Stop Border Posts in [the] IGAD Region prepared	Draft bilateral agreement
Management/Operation Type (e.g., public sector, PPP)					Public sector management, although the bilateral agreement encourages private sector involvement
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)		DGIE for Rwanda			Customs is the lead agency; other border agencies include Immigration, Police, Security, Health, and the Bureau of Standards
Physical Facilities					The new design is reasonably comprehensive and includes most of the facilities needed
ICT (e.g., interconnectivity)					Immigration and Customs have standalone systems; the bilateral agreement promotes a single window operation
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)					
Costs (capital and operating)		USD 9 m (construction cost)			USD 9 million for the South Sudan side
Implementation Challenges		Reportedly, governance issues delayed the start of construction	Lack of regional legal framework/procedures, different customs procedures, travel restrictions (visa requirements in same REC)	Lack of regional legal framework/procedures, different customs p rocedures, travel restrictions (visa requirements in same REC)	Lack of regional legal framework/procedures, different customs procedures, and travel restrictions (visa requirements in the same REC); currently, the political situation and the economy is in free fall and donors are not interested in funding development projects
(Main) Funding Sources (detail in the OSBP coordination matrix)					TMEA with additional funds from other donors (e.g., IOM).

Key OSBP Characteristics – Southern Africa (as of 25 January 2016) (1/5)

Border Crossing	1. Chirundu	2. Kazungula	3. Pandamatenga	4. Mamuno/Trans Kalahari
Corridor	North-South	North-South		Mamuno/Trans Kalahari
Country A	Zambia	Zambia	Zambia	Namibia
Country B	Zimbabwe	Botswana	Botswana	Botswana
OSBP Type (juxtaposed, straddling, wholly located in one country)	Juxtaposed	Juxtaposed		Juxtaposed, using existing buildings, with the Namibian facility to handle all commercial traffic (in both directions) and the Botswana facility (which is more user friendly for passengers) to handle private cars, buses, and pedestrians (in both directions)
Geographic Features (e.g., size of the border crossing area, river)	Border line is in the Zambezi River	Located on the Zambezi River about 65 km upstream of Victoria Falls; three international boundaries converge at Kazungula, with the boundary between Zambia and Namibia and that between Zambia and Zimbabwe demarcated by the center of the Zambezi River, while the boundary line between Botswana and Namibia is demarcated by the center line of the Chobe River, which flows into the Zambezi River upstream of an existing ferry line	Located within Matesi Safari area	
Costs (capital and operating)				"First-order" cost estimates in the feasibility study totaled NAD 31.7 m, equivalent to about USD 4 m
Traffic/Trade Volumes	Traffic at the time of the commencement of OSBP operations in 2009 was about 300-400 trucks per day (with 50-60% of the traffic related to the mining sector), making Chirundu one of the busiest border crossings in Southern Africa	115 trucks, 79 private cars, and 9 buses per day (2008, during initial OSBP planning); an approximate doubling of the truck traffic is forecast by 2015		Traffic is relatively light at the Mamuno/Trans Kalahari border crossing with about 100 trucks per day
History (e.g., year established or planned; past, present, and planned future project components)	Officially opened on 5 December 2009; it is the first functioning OSBP in Sub-Saharan Africa.	The Governments of Botswana and Zambia signed an MOU on the development of a Kazungula Bridge, to include new border crossing infrastructure; the MOU expressly stated the desire of the two countries to operate an OSBP at Kazungula; construction is now proceeding with JICA and AfDB co-financing		Implementation of an OSBP at Mamuno/Trans Kalahari/Mamuno was agreed to in Article 2.2 of an MOU among Botswana, Namibia, and South Africa on the Development and Management of the Trans Kalahari Corridor signed in 2003; further, Trans Kalahari/ Mamuno was one of the eight border crossing pairs identified for OSBP implementation under a SACU initiative; a feasibility study was conducted in August 2008 sponsored by the USAID Southern Africa Global Competitiveness Hub and commissioned by the Trans Kalahari Corridor Management Committee; JICA support for the Project for the Establishment of the One Stop Border Post between Botswana and Namibia at Mamuno/Trans Kalahari Border Post provided from 2010 to 2013
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)	Bilateral agreement (27 August 2007), Zimbabwe OSBP Act No. 21 of 2007, and Zambia OSBP Control Act No. 7 of 2009	Both Botswana and Zambia have national OSBP laws but have not yet formalized an agreement for the establishment of an OSBP		An OSBP law was passed in Botswana and Namibia was to discuss such a law in the session of its congress starting in May 2014; a consensus was reached on the content of the bilateral agreement and signing is expected in the next stage
Management/Operation Type (e.g., public sector, PPP)	Public	Public		
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)	Zambia Revenue Authority and Zimbabwe Revenue Authority are the lead agencies; Zambia has more agencies at the border than does Zimbabwe (e.g., 12 vs. 7 involved in border clearance)	At least 10 public agencies are located on the Zambian side of the border and close to 10 on the Botswana side; the Botswana Unified Revenue Service and Zambia Revenue Authority are the lead agencies		Lead agencies in the respective Ministries of Finance, where Namibia Customs/BURS reside
Physical Facilities	On the Zimbabwean side border operations are conducted in one facility, while there are separate passenger and commercial cargo clearance facilities on the Zambian side; there are separate lanes for passengers and freight, and for northbound and southbound traffic	With AfDB assistance, work has proceeded on the construction of a fixed road and rail bridge to replace the existing ferry, and construction of OSBP facilities		
ICT (e.g., interconnectivity)	Lack of direct interface of customs ICT systems and problem of system reliability on the Zambian side; both Zambia and Zimbabwe Customs are now using the web-based ASYCUDA World system with e-payment platforms; Zambia Immigration implemented an e-visa system in 2015			
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)	COMESA Simplified Trade Regime; both countries are members of the SADC FTA	Both countries are members of the SADC FTA; Zambia Customs has migrated to ASYCUDA World and has implemented a centralized processing system		Ongoing transport facilitation efforts along the corridor, at various stages of implementation, include: (i) movement toward implementation of an integrated bond guarantee arrangement; (ii) application of risk management techniques for selective inspection of goods; (iii) accreditation/registration of corridor users; (iv) development and implementation of a service charter between Customs and stakeholders; (v) the use of a single administrative document; (vi) standardization of weighbridge equipment along the corridor; (vii) harmonization of road traffic laws along the corridor; (viii) harmonization of driver training/testing/licensing; (ix) strengthening security of freight along the corridor to comply with international requirements; and (x) establishment of a data and information collection and dissemination system for corridor performance monitoring
Time Required for Border Crossing (before and after OSBP implementation)	Estimates of the average border crossing time for commercial vehicles before the operationalization of the Chirundu OSBP range from 2-9 days, with trucks sometimes requiring up to three weeks for clearance. However, after operationalization, clearance times at Chirundu were reduced to hours, with most vehicles cleared within a day; Stopping times for clearance for immigration and other agencies and joint customs inspections in the yard were reduced from 1-2 hours to 20 minutes for cars and from 2 hours to 1 hour for buses	Average border crossing delays at Kazungula are reported to be about 1.0–2.5 days with some delays as long as five days, which was reported as the previous average waiting time at this border crossing; Some transporters that have traditionally used this crossing have reportedly switched to Wenela/Katima Mulilo (Sesheke) (Zambia/Namibia, Trans Caprivi Corridor), particularly the refrigerated trucks transiting to DRC with frozen fish, poultry, and other food products		
Implementation Challenges	Multiple border agencies, construction of facilities independent of the OSBP concept, stakeholder "buy-in" and "mindset", lack of direct interface of customs systems, system reliability on the Zambian side	The Government of Zambia has reissued a call for tenders for construction of OSBP facilities due to the high costs that were quoted in the initial bids; differences in the application of procurement rules between the beneficiary governments and the funding organizations contributed to delays on the commencement of construction works for the bridge		
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]	JICA, DFID, and IOM	AfDB and IOM		JICA

Key OSBP Characteristics – Southern Africa (as of 25 January 2016) (2/5)

Border Crossing	5. Tunduma/Nakonde	6. Mwami/Mchinji	7. Mandimba/Chiponde	8. Wenela/Katima Mulilo (Sesheke)
Corridor	Dar es Salaam/North-South	Nacala	Nacala	Trans Caprivi Corridor
Country A	Zambia	Zambia	Mozambique	Namibia
Country B	Tanzania	Malawi	Malawi	Zambia
OSBP Type (juxtaposed, straddling, wholly located in one country)	Juxtaposed	Juxtaposed		
Geographic Features (e.g., size of the border crossing area, river)	Nakonde/Tunduma is a road and rail border crossing, with the border rail station at Tunduma about 1 km from the Tunduma road border and the rail border at Nakonde about 1.5 km from the Nakonde road border	Only 200 m between border gates		
Traffic/Trade Volumes	400 northbound and 470 southbound (2015)	Traffic is relatively light at the Mwami/Mchinji border crossing, with less than 100 trucks per day, even during the peak season (June to November); Zambia's principal exports through Mwami/Mchinji are tobacco and cotton (and maize when it is not banned by sanitary-phytosanitary authorities); Zambia's principal imports through this border crossing are timber, rice, and cement clinker	Cross-border traffic is very light at Mandimba (Milange)/ Chiponde (Muloza), with the 2009–10 JICA Cuamba–Mandimba–Lichinga road feasibility study finding an average of less 6–7 trucks crossing the border per day in 2008, plus an average of 13 passenger vehicles per day and 430 persons per day	Traffic of less than 50 trucks per day
Time Required for Border Crossing (before and after OSBP implementation)	72-120 hours before (OSBP operations have not yet commenced)		The average border crossing time has been reported to be only 30 minutes	Time spent at the border is currently estimated at about 1–3 days
History (e.g., year established or planned; past, present, and planned future project components)	Planned over a period of several years, but not yet in operation; 80% of facilities complete at Nakonde (February 2015)	The Agreed Minutes for a Meeting on the Development of Beira and Nacala Corridors, Beira, 16 December 2008, stated in paragraph 12 that the parties would facilitate development of OSBPs at various locations, including Chipata (i.e., Mwami/ Mchinji), applying the Chirundu model; operation expected to start in December 2017	The Agreed Minutes for a Meeting on the Development of Beira and Nacala Corridors, Beira, 16 December 2008, stated in paragraph 12 that the parties would facilitate development of OSBPs at various locations, including Mandimba/Chiponde, applying the Chirundu model; a 2009-10 road feasibility study concluded that while there is no urgency for an OSBP at Mandimba/Chiponde in view of the low cross-border traffic volumes, two-phased development of juxtaposed OBSP facilities at Mandimba/Chiponde was justifiable, with the first phase in 2014 and the second phase in 2024	A JICA-funded OSBP feasibility study was published in March 2007; it recommended a model involving juxtaposed facilities based on existing and planned facilities on both sides of the border; in 2009, a new border facility was completed at Wenela; OSBP negotiations were reported as ongoing as of April 2015
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)	Zambia and Tanzania bilateral agreement signed on 7 June 2010; Zambia OSBP Control Act No. 7 of 2009 passed; Tanzania is developing its national legal framework for OSBP operations			
Management/Operation Type (e.g., public sector, PPP)	Public	Public		Public
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)	There are about 10 public agencies are located on each side of the border; the lead agencies are the respective revenue authorities	There are at least 10 public agencies are located on the Zambian side of the border and 8 on the Malawi side		
Physical Facilities	The previous facilities at Tunduma opened in 2005 but were insufficient to support adequate one-stop (or two-stop) border post operations; Zambia has completed construction of new border facilities; a private firm has constructed a parking facility 9 km from the border			
ICT (e.g., interconnectivity)	Lack of ICT interconnectity (e.g., no pre-arrival alerts); both Tanzania and Zambia have upgraded their customs management system to web-based systems; IOM provided technical support for immigration systems			In 2006, the Namibia and Zambia border posts were automated with installation of ASYCUDA++
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)	Tanzania and Zambia are members of the SADC TFA			
Costs (capital and operating)		Part of a UA 9.987 m project		The March 2007 feasibility study estimated costs for reconfiguration of existing facilities for OSBP operation were about at about USD 270,000 on the Namibian side and about USD 450,000 on the Zambian side
Implementation Challenges	Lack of cross-border ICT connection; inadequate staffing levels; requirement for staff training		Funding issues still to be resolved on the Mozambique side	
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]	TMEA, TMSA,[b] AfDB, and IOM	AfDB/JICA/IOM	JICA	IOM

Key OSBP Characteristics – Southern Africa (as of 25 January 2016) (3/5)

Border Crossing	9. Oshikango/Santa Clara	10. Lebombo/Ressano Garcia	11. Machipanda/Forbes	12. Nyampanda/Cuchimano
Corridor	Trans Cunene	Maputo	Beira/Nacala	Beira/Nacala
Country A	Namibia	South Africa	Mozambique	Zimbabwe
Country B	Angola	Mozambique	Zimbabwe	Mozambique
OSBP Type (juxtaposed, straddling, wholly located in one country)		Combined model: single country facility for freight cargo located at KM 4 in Mozambique, two-stop for passenger vehicles and passengers, and a straddling facility for pedestrians		
Geographic Features (e.g., size of the border crossing area, river)	There is a 30 m "no-man's land" between the two countries	The Lebombo/Ressano Garcia border crossing is located along the 630 km long Maputo Corridor, which connects Gauteng, Limpopo, and Mpumalanga provinces of South Africa with Maputo, a port and the capital of Mozambique, located only 90 km from the border; the border crossing area is characterized by difficult terrain, with a river gorge to the north and steep mountains to the south		
Traffic/Trade Volumes	Traffic of less than 100 trucks per day	The Lebombo/Ressano Garcia border crossing is one the busiest in Southern Africa, with 250-600 trucks and 3,000-4,000 light vehicles per day; this border is also a busy crossing for passengers, with traffic estimated at about 12,000 persons per day, but with peaks over 120,000 persons per day (around Christmas and Easter); the movement of passengers was facilitated by the implementation in 2006 of visa-free travel by nationals of the two countries	A total of about 70 trucks per day cross the border in both directions	
Time Required for Border Crossing (before and after OSBP implementation)	Waiting times at the border are anecdotally reported to be average about 3–5 days, but in some cases take 10 days or longer; data from one freight forwarder indicate that for traffic from Namibia to Angola standing time at the border comprises 53% of total transit time and adds about 30% to the cost of the transport operation	The Lebombo/Ressano Garcia case shows that border operational performance may be improved even without full-scale implementation of an OSBP. A 2010 assessment found delay time of 6-7 hours, while a 2012 assessment found clearance times of only 1-2 hours		
History (e.g., year established or planned; past, present, and planned future project components)	Nambia and Angola initiated discussions regarding an OSBP at this border crossing in 2014	An OSBP has been envisaged for development at this border crossing since the 1990s, but has not yet been implemented. OSBP should be developed at Lebombo/Ressano Garcia, and a Protocol was signed in 1998. However, there was a delay in implementation as it was difficult to reach consensus on the concept/design systems of the OSBP, within each country and between the two countries. Then in 2006 the respective heads of state of South Africa and Mozambique expressed their firm political will to open an OSBP in the near future. A 9-page, 22-article Agreement between the Government of South Africa and the Government of the Republic of Mozambique on a Combined Border Post on the South Africa/Mozambique Border was signed on 18 September 2007. However, this bilateral agreement was not self-executing, but rather limited to setting out the broad principles for an OSBP. Various working groups (infrastructure, legal, management and finance, operational procedures, ICT, safety and security, human resources) were established on both sides and bilaterally to work toward OSBP implementation at Lebombo/Ressano Garcia. Three annexes to provide the detailed legal basis to implement the bilateral agreement were signed by South Africa in October 2012 and by Mozambique June 2013.	Zimbabwe and Mozambique signed a letter of intent to establish a OSBP in 2005, and signed the Beira Corridor Development Agreement between Zimbabwe and Mozambique in December 2007. The Agreed Minutes for a Meeting on the Development of Beira and Nacala Corridors, Beira, 16 December 2008, stated in paragraph 12 that the parties would facilitate development of OSBPs at various locations, including Forbes/ Machipanda, applying the Chirundu model; Zimbabwe has not implemented their plans for both Forbes and Nyampanda.	TradeMark Southern Africa carried out a situational analysis at Nyamapanda/Cuchamano to determine issues that would need to be addressed (May–July 2011); Zimbabwe has not implemented their plans for both Nyampanda and Forbes.
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)	A JICA-assisted (pre)feasibility study drafted a model OSBP bilateral agreement and law for Oshikango/Santa Clara similar to although not identical to that for Wenela/Katima Mulilo	See above	Bilateral agreement	
Management/Operation Type (e.g., public sector, PPP)		Concession		
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)		The Mozambique Revenue Authority is the lead agency for Mozambique and the Border Management Agency is the lead agency for South Africa		
Physical Facilities		Newly built facilities at Km 4 through a concession agreement		
ICT (e.g., interconnectivity)		The Revenue Authorities have upgraded to web-based customs management systems but there is no interface of systems yet between Mozambique and South Africa; in South Africa, the customs authority uses handheld bar code readers at the gates for the release of goods		
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)		Mozambique is using the MCNet single window system, while South Africa has implemented a centralized customs processing system		
Costs (capital and operating)				
Implementation Challenges	A number of operational constraints are reported at the Oshikango/Santa Clara border crossing, some stemming from cultural differences between the two countries. These include language differences (English in Namibia and Portuguese in Angola), differences in legal systems, a serious corruption problem in Angola, and incompatible ICT systems used by the respective customs authorities (i.e., ASYCUDA ++ in Namibia and TIMS, developed by Crown Agents, in Angola)	While some of project components have progressed, operationalization of the OSBP has been stalled because of "legal complexity" and "infrastructure constraints". Specific factors have included (i) deterioration of the economic climate in 2009, (ii) disagreements about the location of facilities, (iii) the declining interest of the South African Revenue Service to invest in what is perceived by many as a low-revenue export corridor for the country; and (iv) a lack of intermodal transport nodes along the corridor to enable the seamless transfer of cargo across the most efficient modes of transport.		
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]		Concession for Km 4 in Mozambique, while the rest of the border facilities have been funded by the governments; IOM providing training and ICT support		

Key OSBP Characteristics – Southern Africa (as of 25 January 2016) (4/5)

Border Crossing	13. Zobue/Mwanza	14. Colomue/Dedza	15. Martin's Drift	16. Beitbridge/ Messina	17. Kasumbalesa
Corridor	Tete/Beira	Beira/Nacala	North-South	North-South	North-South
Country A	Mozambique	Mozambique	South Africa	South Africa	Zambia
Country B	Malawi	Malawi	Botswana	Zimbabwe	DRC
OSBP Type (juxtaposed, straddling, wholly located in one country)					
Geographic Features (e.g., size of the border crossing area, river)	Zobue/Mwanza has a 3–6 km "no-man's land" (estimates vary) in hilly terrain, with informal houses located in the no-man's land. The boundary line is about 500 m from the Mozambique border gate.	The distance between the Calomue and Deza border posts is only about 150–300 m; the "no-man's land" is very small, in contrast to the situation at the Zobue/Mwanza border crossing		Bridge over the Limpopo River (Beitbridge)	Land border crossing with a market between the two sides
Traffic/Trade Volumes	Traffic at Zobue/Mwanza is moderate, with 100-150 trucks entering and exiting per day	Traffic at the Calomue/Dedza border crossing is moderate, with 100-200 trucks (and about 300 lighter vehicles) per day. Traffic has increased over the last few years with improvement of the road in Tete province in Mozambique. Most of the border crossing traffic is to/from Durban port, and to/from Beira port, with some small portion to/from Zimbabwe. Most goods transported through the border crossing are agricultural products, reflecting the economy of the central region of Malawi.		Beitbridge is one of the heaviest trafficked (according to some sources, the most heavily trafficked) border crossing in the Southern Africa region, which is far beyond the current capacity of existing infrastructure/ facilities	Traffic at Kasumbalesa includes about 400+ trucks per day; most trucks entering or exiting the DRC's Katanga province are transiting Zambia. Transshipment at the border is the norm.
Time Required for Border Crossing (before and after OSBP implementation)		Clearance times are of the order of 2–8 hours		Delays at Beitbridge are typically 1-2 days but can be up to 3 days due to limitations in border processing capacity	1.0-2.5 days
History (e.g., year established or planned; past, present, and planned future project components)	The two-story Revenue Authority administrative building at Mwanza dates back to 2001; it was completed with EU assistance first provided in 1997				There is no formal agreement yet between the DRC and Zambia for the establishment of an OSBP at Kasumbalesa
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)				An MOU has been prepared but it has not yet been not signed	
Management/Operation Type (e.g., public sector, PPP)					Public management model for Zambia and concession for the DRC
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)	About 10 public agencies are located at Mwanza				The Zambia Revenue Agency is the lead agency for Zambia
Physical Facilities				Infrastructure issues at Beitbridge related to the bridge itself (i.e., limited capacity), as well as with the border facilities (e.g., shortage of parking bays)	Facilities include two weighbridges, a scanner, two large warehouses, inspection bays, and parking areas
ICT (e.g., interconnectivity)					Lack of ICT interconnectity between the DRC and Zambia; Zambia Customs has upgraded to a web-based customs management system with a centralized processing arrangement
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)					
Costs (capital and operating)					USD 25 m
Implementation Challenges	Mwanza/Zobue may be a candidate for a OSBP in the medium to longer term. However, considering the 3–6 km no-man's land separating the two current border posts, a OSBP would be difficult to implement unless one country's control authorities operate on the territory of the other, of if a new (perhaps) straddling facility were constructed in the no-man's land, although there may be resettlement impacts with this latter option. While Malawi may be more interested than Mozambique in implementing a OSBP at Mwanza/Zobue (and at Dedza/Calomue, Mozambique may be more interested than Malawi in implementing one at Mandimba/ Chiponde, suggesting scope for a "win-win" deal between the two countries.	While Malawi may be more interested than Mozambique in implementing a OSBP at Mwanza/ Zobue (and at Dedza/Calomue, Mozambique may be more interested than Malawi in implementing one at Mandimba/Chiponde, suggesting scope for a "win-win" deal between the two countries			Lack of ICT interconnectity; governance issues on the DRC side; there is no formal OSBP agreement yet between the two countries, and there are legal complexities stemming from cancellation of the concession in Zambia
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]					Zambia Border Crossing Company through a concession agreement with the Government of Zambia; the concessionaire entered into a similar agreement with the Government of the DRC; IOM providing ICT support

Key OSBP Characteristics – Southern Africa (as of 25 January 2016) (5/5)

Border Crossing	18. Kasumulu/ Songwe	19. Unity Bridge (Mtambaswala/Namoto)	20. Plumtree/Ramokgwebane	21. Pioneer's Gate/Skilpadeshek	22. Oshoek/Ngwenya	23. Lavumisa	24. Victoria Falls
Corridor	Dar es Salaam/ North-South Corridor	Mtwara		Mamuno / Trans Kalahari			
Country A	Malawi	Tanzania	Zimbabwe	South Africa	South Africa	South Africa	Zimbabwe
Country B	Tanzania	Mozambique	Botswana	Botswana	Swaziland	Swaziland	Zambia
OSBP Type (juxtaposed, straddling, wholly located in one country)	Juxtaposed	Juxtaposed					
Geographic Features (e.g., size of the border crossing area, river)		Border line in Ruvuma River					
Traffic/Trade Volumes			2,000 vehicles and 8,000 people per day				
Time Required for Border Crossing (before and after OSBP implementation)			2 days				
History (e.g., year established or planned; past, present, and planned future project components)	The project was to start by September 2015.	In 2014, IOM supported preparation of standard operating procedures for an immigration OSBP. The OSBP will commence operations as a single agency operating model, involving the Immigration Services.	Already constructed and handed over in November 2013				Implemented 24-29 August 2015 for a UN World Tourism Organization conference, but a permanent arrangement was envisaged
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)	An MOU was signed by Malawi and Tanzania signed in March 2014	IOM has drafted a Memorandum of Understanding between the Government of the United Republic of Tanzania and the Government of the Republic of Mozambique concerning the implementation of Border Controls at both sides of the Unity Bridge at Mtambaswala, Tanzania and Negomano, Mozambique.					Bilateral agreement signed in August 2013
Management/Operation Type (e.g., public sector, PPP)							
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)							
Physical Facilities							
ICT (e.g., interconnectivity)							
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)							
Costs (capital and operating)		.					
Implementation Challenges							
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]	JICA, TMEA, WB	IOM and EU					

Key OSBP Characteristics – West Africa (as of 25 January 2016) (1/4)

Border Crossing	1. Cinkansé	2. Kantchari/Makalondi	3. Moussala	4. Paga/Dakola	5. Laléraba	6. Kidira/Diboli
Corridor	Lomé-Ouagadougou-Bamako	Lomé-Ouagadougou-Niamey	Dakar-Bamako-Niamey	Tema-Ouagadougou-Bamako	Abidjan-Ouagadougou	Dakar-Bamako-Niamey
Country A	Burkina Faso	Burkina Fao	Senegal	Ghana	Côte d'Ivoire	Senegal
Country B	Togo	Niger	Mali	Burkina Faso	Burkina Faso	Mali
OSBP Type (juxtaposed, straddling, wholly located in one country)	Wholly located in one country					
Geographic Features (e.g., size of the border crossing area, river)	The JBP is situated on the Burkina Faso side of the river border between the two countries on a 7 ha site (with 10 ha reserved for future expansion)					
Traffic/Trade Volumes						
Time Required for Border Crossing (before and after OSBP implementation)	A 2014 baseline report supported by JICA found that the border crossing time for trucks into Burkina Faso was about four days and into Togo under 24 hours.					
History (e.g., year established or planned; past, present, and planned future project components)	Construction completed; the concessionaire, SSI, supplied equipment		AfDB/UEMOA funded construction, which has been seriously delayed	The Borderless Alliance supported by USAID organized a joint technical bilateral meeting in June 2014; plans are under development to build a JBP on the territory of Ghana	The Government of the Côte d'Ivoire committed to constructing sewage facilities and power stations at the border if the OSBP facilities were constructed to the Côte d'Ivoire side. The construction plan was under review.	Negotiations underway
Legal Basis (e.g., bilateral agreement and national/ regional OSBP laws /regulations)	Various UEMOA legal instruments (e.g., Decision No. 8/2001/CM/UEMOA, No. 15/2008/CM/UEMOA); Regulation 15 covers such areas as activities authorized in the control zone, domain over the zone, financing for construction, organization of the zone, equipping the border post, use and management of the zone, extraterritorial jurisdiction of border control officers in a JBP, security in the control zone, and creation of a complaint bureau. A regulation was also passed that relates to operating JBPs with a concessionaire, such as at Cinkansé, which had not been foreseen in the original regulations. A further regulation was announced on 29 June 2010 that sets the tariffs the concessionaire can charge and the modalities of payment.					
Management/Operation Type (e.g., public sector, PPP)	The concessionaire (SSI) is responsible for (i) the construction of buildings, parking areas, and warehouses; (ii) the provision of scanners and a satellite telephone system; (iii) installation of an electronic document management system; and (iv) development of a cargo tracking system. Their agreement with the concessionaire also gives the concessionaire the legal right to develop a JBP at Hérémakono on the Burkina Faso/Mali border					
Agencies (lead agency and number of agencies – on each side of the border, joint/ bilateral committees)	Levels of interagency coordination are comparatively low and many procedures are still manual although an electronic system to facilitate the interface of agencies and exchange of information is now available		UEMOA/AfDB	ECOWASE/UEMOA/ EU/ECOWAS/Borderless Alliance/USAID		
Physical Facilities	A 2014 baseline report supported by JICA found that although office space is available in the JBP premises, not all the border agencies are operating from the site, particularly from Togo; and although traffic is required to pass through the JBP facility, a proper traffic circulation system that clearly separates traffic between freight and passenger vehicles has not been installed.					
ICT (e.g., interconnectivity)	The customs authorities of Togo and Burkina Faso agreed on an ICT connection and the exchange of customs information to facilitate bonded transport (2013).					
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)						
Costs (capital and operating)						
Implementation Challenges	The Cinkansé JBP is an example showing difficulties in developing a single-country JBP, especially problems with private sector participation in the process. It presents issues related to (i) top-down vs. bottom-up approaches to OSBP development, (ii) an overemphasis on physical facilities rather than "software", (iii) the need for streamlining of lengthy processes, (iv) adverse impacts of the concession on trade facilitation (the agreed administrative charges for use of the JBP are USD 4 for vehicles with less nine passengers, USD 20 for empty trucks, and USD 100 for loaded trucks), (v) the importance of developing and agreeing on agency procedures, and (vi) the need for all aspects of a JBP to proceed in an integrated way.					
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]	UEMOA/JICA					

Key OSBP Characteristics – West Africa (as of 25 January 2016) (2/4)

Border Crossing	7. Koloko/Hérémakono	8. Noe/Elubo	9. Pogo/Zegou	10. Danane	11. Tabou	12. Nigouni
Corridor	Dakar-Bamako-Niamey	Abidjan-Lagos	Abidjan-Ouagadougou-Bamako Multimodal			
Country A	Burkina Faso	Ghana	Côte d'Ivoire	Côte d'Ivoire	Côte d'Ivoire	Côte d'Ivoire
Country B	Mali	Côte d'Ivoire	Mali	Guinea	Liberia	Mali
OSBP Type (juxtaposed, straddling, wholly located in one country)		Juxtaposed				
Geographic Features (e.g., size of the border crossing area, river)		Tano River				
Traffic/Trade Volumes						
Time Required for Border Crossing (before and after OSBP implementation)		Noé: 23 hours, Elubo: 30 hours (2015)				
History (e.g., year established or planned; past, present, and planned future project components)		Construction to probably start in 2016				
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)						
Management/Operation Type (e.g., public sector, PPP)						
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)		Côte d'Ivoire : Douane (Customs), Police, Forces Republicaines de Côte d'Ivoire, Eaux & Forêts, Vétérinaire , Service Phytosanitaire, Office Ivoirien des Chargeurs, Chambre de Commerce, ALCO Ghana: Customs, Immigration, Port Health, Bureau of National Investigation, Ministry of Trade & Industry, Ministry. of Agriculture, Food & Drug Authority, Ghana Standard Authority, Chamber of Commerce, Shippers Council, Bureau Veritas Inspection Valuation Assessment and Control, GCNet, Army, Ghana Institute of Freight Forwarding, State Insurance Company, two banks, ALCO				
Physical Facilities						
ICT (e.g., interconnectivity)						
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)						
Costs (capital and operating)						
Implementation Challenges						
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]						

Key OSBP Characteristics – West Africa (as of 25 January 2016) (3/4)

Border Crossing	13. Akanu/Noépé	14. Kraké/Sémé	15. Hillacondji/Sanveekondji	16. Gaya/Malanville	17. Trans-Gambia	18. Kouremale
Corridor	Abidjan-Lagos	Abidjan-Lagos	Abidjan-Lagos	Cotonou- Niamey	Gambia	Guinea
Country A	Ghana	Benin	Togo	Niger	Senegal	Mali
Country B	Togo	Nigeria	Benin	Benin		
OSBP Type (juxtaposed, straddling, wholly located in one country)	Wholly located in Togo (Noépé)	Wholly located in Benin (Krake)	Straddling	Wholly located in Benin (Malanville)		
Geographic Features (e.g., size of the border crossing area, river)						
Traffic/Trade Volumes						
Time Required for Border Crossing (before and after OSBP implementation)	Aflao: 19 hours, Kodjoviakope: 16 hours (2015)	Krake: 31 hours, Seme: 38 hours (2015)	Sanvee Condji: 6 hous, Hillacondji: 28 hours (2015)	Gaya: 56 hours, Malanville: 1 hour (2014)		
History (e.g., year established or planned; past, present, and planned future project components)	Completed and inaugurated in November 2014, but yet to start OSBP operations	Completion of works planned for the end of 2015	Works were expected to start in September 2015	Completed and provisional acceptance in April 2014, but yet to start OSBP operations	AfDB planned construction between 2012 and 2017	Construction ongoing on both sides of the border
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)		MOU entre le Bénin et le Nigéria pour améliorer le passage de la frontière Kraké-Sèmè was to be signed in May 2015 in Abuja		Various UEMOA legal instruments (e.g., Decision No. 8/2001/CM/UEMOA, No. 15/2008/CM/UEMOA)		Harmonization of legal framework and boirder procedures is proceeding
Management/ Operation Type (e.g., public sector, PPP)						
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)	Ghana: Customs, Immigration, Bureau of National Investigation, National Security, Ghana Standard Board, Bureau Veritas Inspection Valuation Assessment and Control Food & Drug Authority, GCNet, Port Health, State Insurance Company, Plant Quarantine, Ministry of Trade ad Industry, bank ALCO Togo: Douane, Services Généraux, Immigration, Service Anti Drogue, Environnement, Santé, Ministry of Agriucture., Impôts, COTECNA (Testing, Inspection and Certification Services), Banque Syndicat de Conducteurs Routiers , ALCO	Benin: Douane, Police, Direction de l'Alimentation et de la Nutrition Appliquee, Conditionnement, Phytosanitaire, Vétérinaire, Santé Publique, Gendarmerie, Parc Atlas,, ALCO Nigeria: Customs, Immigration, State Security Services, Port Health Authority, Standard Organization of Nigeria, Quarantine Service, Police Force, National Drug Law Enforcement Agency, National Agency for Food & Drug Administration & Control, Association of Nigerian Customs Licensed Agents, Bank ALCO	Togo: Douane, Police, Immigration, Santé, Phytosanitaire, Eaux & Forêts, Service Anti Drogue ALCO Benin: Police, Douane, Eaux & Forêts, Phytosaniatires, Vétérinaires, Conditionnement, Conseil National des Chargeurs du Bénin, Société d'Exploitation du Guichet Unique du Bénin, Banque, Parc	Niger: Douane, Police, Phytosanitaire, COTECNA (Testing, Inspection and Certification Services), Conseil Nigérien des Utilisateurs de Transport Benin: Douane, Immigration		
Physical Facilities						
ICT (e.g., interconnectivity)						
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)						
Costs (capital and operating)					7.88 m UA	
Implementation Challenges						
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]				WB	AfDB	

Key OSBP Characteristics – West Africa (as of 25 January 2016) (4/4)

Border Crossing	19. Mpack	20. Labézanga	21. Kantchari/Makalondi	22. Pétel Kolé	23. Boundou/Fourdou	24. Mfum[c]
Corridor						Mombasa-Lagos (Enugu-Bamenda)
Country A	Senegal	Mali	Burkina Faso	Niger	Senegal	Nigeria
Country B	Guinea Bissau	Niger	Niger	Mali	Guinea	Cameroon
OSBP Type (juxtaposed, straddling, wholly located in one country)					Juxtaposed	Wholly located in one country
Geographic Features (e.g., size of the border crossing area, river)		River port				
Traffic/Trade Volumes						
Time Required for Border Crossing (before and after OSBP implementation)						
History (e.g., year established or planned; past, present, and planned future project components)						An MOU) for the implementation of the program was signed on 29 March 2007 between the Republic of Cameroon and the Federal Republic of Nigeria, as part of the confidence-building measures following settlement of a border dispute in 2002, among other things, to establish a JBP at Mfum/Ekok to be wholly located in Nigeria. Another MoU for this program was signed on 12 June 2008 between the ECOWAS Commission and ECCAS. Construction of the JBP on the Nigerian side was expected to commence in November 2015 for 18 months; the engineering design was completed in 2015
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)		MOU signed in June 2012				Although ECOWAS has adopted a Supplementary Act for use by member states in establishing and operationalizing JBPs, ECCAS has not yet established a similar legal instrument regulating the establishment of JBPs at borders posts between member states. Further, there is no agreement between the two RECs regulating the establishment of JBPs between their member states. Under these circumstances, a draft bilateral agreement, model JBP act, and operational procedures manual were crafted and subjected to national pre-validation processes in the capital cities and at the two border posts. Nigeria and Cameroon decided that only a bilateral agreement would be pursued.
Management/Operation Type (e.g., public sector, PPP)						A business plan for possible private sector operation was prepared, but public sector operation is envisaged
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)						ECOWAS/ECCAS/AfDB
Physical Facilities						Administration block, customs brigade, truck inspection area, warehouse, entry gate control post, toilets and shower for truck drivers, weighbridge, scanner control rooms, maintenance and generator house , fire station, commercial services building, health services, pedestrian control zone, veterinary store and animal park, pedestrian toilet block, pedestrian shelter
ICT (e.g., interconnectivity)						
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)						
Costs (capital and operating)						
Implementation Challenges						
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]	UEMOA				UEMOA/AfDB	AfDB

Key OSBP Characteristics – Central Africa (as of 25 January 2016)

Border Crossing	1. Brazzaville/Kinsasha	2. Kousséré	3. Koutéré	4. Garoua Boulai	5. Campo	6. Doussala
Corridor	Pointe Noire- Brazzaville- Kinshasa- Bangui- N'Djamena	Douala- Bangui- Douala- N'Djamena	Douala- Bangui- Douala- N'Djamena	Pointe Noire- Brazzaville-Kinshasa- Bangui- N'Djamena	Douala- Bangui- Douala- N'Djamena	Doussala- Nyanga- Kibangou- Dolisie- Libreville- Brazzaville
Country A	DRC	Cameroon	Cameroon	Central Africa	Equatorial Guinea	Republic of Congo
Country B	Republic of Congo	Chad	Chad	Cameroon	Cameroon	Gabon
OSBP Type (juxtaposed, straddling, wholly located in one country)						
Geographic Features (e.g., size of the border crossing area, river)	The border is on a river					
Traffic/Trade Volumes						
Time Required for Border Crossing (before and after OSBP implementation)						
History (e.g., year established or planned; past, present, and planned future project components)	ECCAS was supervising the feasibility study and detailed design as of June 2014		Detailing and structuring stage, funding gap 100%	Prefeasibility stage, funding gap 100%	This border was reopened in January 2014.	
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)						
Management/Operation Type (e.g., public sector, PPP)						
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)		ECCAS	ECCAS			
Physical Facilities						
ICT (e.g., interconnectivity)			ASYCUDA to be extended, and Chad has two mobile scanners to be installed in the OSBP			
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)			Railway construction started in 2012			
Costs (capital and operating)		USD 110 m	USD 10 m	USD 10 m		
Implementation Challenges						
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]						AfDB

Key OSBP Characteristics – North Africa (as of 25 January 2016)

Border Crossing	1. Dakla/ Nouadhibou	2. Oujda Tlemcen	3. Ghardimaou	4. Ras Adjir	5. Musaid-Soloum
Corridor	Trans-African Highway 1	Trans-African Highway 1	Trans-African Highway 1	Trans-African Highway 1	Trans-African Highway 1
Country A	Mauritania	Morocco	Tunisia	Tunisia	Libya
Country B	Morocco	Algeria	Algeria	Libya	Egypt
OSBP Type (juxtaposed, straddling, wholly located in one country)					
Geographic Features (e.g., size of the border crossing area, river)					
Traffic/Trade Volumes					
Time Required for Border Crossing (before and after OSBP implementation)					
History (e.g., year established or planned; past, present, and planned future project components)				This border was closed in August 2014.	The border was closed after August 15 2015 and may reopen soon.
Legal Basis (e.g., bilateral agreement and national/regional OSBP laws/regulations)					
Management/Operation Type (e.g., public sector, PPP)					
Agencies (lead agency and number of agencies – on each side of the border, joint/bilateral committees)					
Physical Facilities					
ICT (e.g., interconnectivity)					
Other Trade Facilitation Tools (e.g., FTA, SCT, regional bond, single window, IBM/CBM)					
Costs (capital and operating)	Part of UAD 75m	Part of USD 75m	Part of USD 75m	Part of USD 75m	Part of USD 75m
Implementation Challenges					
(Main) Funding Sources (detail in the OSBP coordination matrix)[a]	AfDB	AfDB	AfDB	AfDB	AfDB

Notes: [a] In addition, the respective governments are among the main funding sources. [b] TMSA is no longer active. [c] The Mfum JBP/OSBP is between regions, i.e., West Africa and Central Africa, but it has been included under West Africa.

Abbreviations: AfDB = African Development Bank, ALCO = Abidjan-Lagos Corridor Organization, ASYCUDA = Automated System for Customs Data, BURS = Botswana Unified Revenue Service, CBM = coordinated border management, D/D = detailed design, DBSA = Development Bank of Southern Africa; DfID = Department for International Development, DGIE = Directorate General of Immigration and Emigration (Rwanda), DRC = Democratic Republic of Congo, EAC = East African Community, EALA = East African Legislative Assembly, ECCAS = Economic Community of Central African States, ECOWAS = Economic Community of West African States, EU = European Union, FTA = free trade area, HGBF = Howard G. Buffett Foundation, ICT = information and communications technology, JBC = joint border committee, JBP = joint border post, KRA = Kenya Revenue Authority, IOM = International Organization for Migration, IPPF = Infrastructure Project Preparation Facility, JICA = Japan International Cooperation Agency, MCNet = Mozambique Community Network, MOU = memorandum of understanding, NEPAD = New Partnership for Africa's Development, OBR = Burundi Revenue Authority, OSBP = one-stop border post, PAP = Priority Action Plan, PIDA = Programme for Infrastructure Development for Africa, PPP = public-private partnership, REC = regional economic community, SACU = Southern African Customs Union, SADC = Southern African Development Community, SCT = single customs territory, SSATP = [Sub-Saharan] Africa Transport Policy Program, SSI = Scanning Systems International, TR = simplified trade regime, TAH = Trans-African Highway, TMEA = TradeMark East Africa, TRA = Tanzania Revenue Authority, TTCA-NC = Transit Transport Corridor Authority, Northern Corridor; UEMOA = West African Economic and Monetary Union, URA = Uganda Revenue Authority, USAID = United States Agency for International Development, WB = World Bank

Appendix B: OSBP Coordination Matrix (as of 25 January 2016)

OSBP Coordination Matrix – Eastern Africa (as of 25 January 2016) (1/2)

	Border Crossing	1. Namanga/ Namanga	2. Rusumo/ Rusumo	3. Malaba/ Malaba	4. Taveta/ Holili	5. Lunga Lunga/ Horo Horo	6. Isibania/ Sirari	7. Busia/ Busia	8. Mututkula/ Mutukula	9. Nemba/ Gasenyi I	10. Gatuna/ Katuna	11. Kobero/ Kabanga	12. Akanyaru/ Kanyaru
	Corridor	North-Central Interlink	Central	Northern	North-Central Interlink			Northern	Central	Northern	Northern	Central	
	Country A	Kenya	Tanzania	Kenya	Kenya	Kenya	Kenya	Kenya	Uganda	Rwanda	Uganda	Burundi	Rwanda
	Country B	Tanzania	Rwanda	Uganda	Tanzania	Tanzania	Tanzania	Uganda	Tanzania	Burundi	Rwanda	Tanzania	Burundi
	PIDA Priority Project	PIDA PAP	PIDA PAP	PIDA PAP				PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	
	RECs Priority Project	REC Priority	EAC	EAC	EAC	EAC	EAC	EAC	EAC	EAC	EAC		EAC
Training/Public Awareness (Sensitization)	**Training/Public Awareness (Sensitization) at the Border, National, and Regional Level**	JICA	JICA	TMEA	TMEA/JICA			TMEA	/IOM			TMEA/JICA	
	Sourcebook (Comprehensive Resource for OSBP Implementation)	JICA/AfDB											
Legal and Regulatory Framework(s)	**Support for Development of Regional and Bilateral Legal and Regulatory Frameworks for OSBP, IBM, JBCs, and Other Measures**	JICA/TMEA/ USAID	JICA/TMEA/ USAID	JICA/TMEA/ USAID	JICA/TMEA/ USAID	JICA/TMEA/ USAID	JICA/TMEA/ USAID	JICA/TMEA/ USAID	JICA/TMEA/ USAID/IOM	JICA/TMEA/ USAID	JICA/TMEA /USAID/IOM	JICA/TMEA/ USAID	JICA/TMEA/ USAID
Hard Infrastructure	**Infrastructure: Feasibility Study, Detailed Design, Construction of OSBP Facilities**	JICA/ AfDB	JICA	WB/TMEA	TMEA	WB	WB	TMEA	JICA/WB/ AfDB/TMEA	AfDB	JICA/WB/ AfDB/TMEA/ IOM	TMEA	WB/ AfDB/TMEA
	Funding of Construction of Hard Infrastructure (connecting roads and bridges) (loan or grant)	JICA(Tanzania)/ AfDB (Kenya)/ EAC and AFDB (for soft part)	JICA	WB/TMEA	WB/TMEA	WB	WB	TMEA	TMEA	AfDB	WB	TMEA	AfDB/IOM
Operationaliza-tion	**Establishment and Operationalization of JBCs / Senior Enforcement Officers / JBCs for Customs and OGAs**	JICA / USAID	JICA/ USAID	JICA/ USAID	WB/TMEA	EAC	EAC	TMEA/ JICA	TMEA/IOM		WB	USAID	
Exchange of Information (ICT)	**Integrated Border Management (Bilateral and Inter-Ministerial Exchange of Information) (e.g., RADDEx RTMS/ CCS, Single Window)**	JICA/ USAID	JICA/ USAID	JICA/ USAID	JICA	JICA	JICA	JICA/ USAID	TMEA/JICA	JICA	JICA	JICA	
Monitoring and Evaluation	**Time Release Studies / Time and Traffic Surveys / Benchmarking**	JICA	JICA	TMEA/WB	TMEA			TMEA	TMEA			TMEA	
	Corridor Observatories	TMEA											
Progress		Construction on the Tanzanian side was completed in December 2014. Construction on the Kenyan side had progressed 88% as of August 2015; there was a delay in varying the contract and paying compensation to relocated residents. Certain activities financed by AfDB and supervised by the EAC Secretariat (e.g., ICT interconnection, furniture procurement) are ongoing. The bilateral OSBP agreement was signed in September 2014.	The facility on the Rwandan side handed over (to DGIE) in December 2014; handover of the facility on the Tanzanian side (to TRA) was expected in October 2015. Water and power as well as furniture has not yet been supplied to the Tanzanian facility, but is expected by October/ November 2015.	The construction of the Malaba OSBP will be completed in 2016.	Construction completed on 30 September 2015.	Construction completed in August 2015. The design of the linking roads has also been completed. The bilateral agreement was signed on 1 September 2014.	Construction completed in June 2015 although connectivity and training challenges remain. The bilateral agreement was signed on 1 September 2014. The two sides are already open.	Construction expected to be completed by 30 November 2015.	Construction on the Tanzanian side completed. Completion of construction on the Ugandan side is planned for December 2015.	Construction was completed in 2011. The bilateral agreement has been signed. OSBP operations have been implemented based on agreed operational procedures. OSBP operations commenced in 2012. The need to migrate from bilateral arrangements to regional arrangements remains.	Construction commenced at Gatuna (Uganda) in August 2015 and is to be completed by June 2015. Construction at Katuna (Rwanda) was 30% complete by 30 September 2015.	Construction on the Tanzanian side has been completed. Construction on the Burundi side is in the early stages.	The project has not yet commenced.

OSBP Coordination Matrix – Eastern Africa (as of 25 January 2016) (2/2)

	Border Crossing	13. Kagitumba/ Mirama Hills	14. Ruhwa/ Ruhwa	15. Bibia/ Elegu-Nimule	16. Gisenyi/ Goma	17. Mpondwe	18. Rusizi/ Bakavu	19. Nadapal	20. Moyale	21. South Sudan	22. Rubavu/ Goma	23. Galafi	24. Gallaba/ Metema	25. Nimule
	Corridor			Northern		Northern	Central	Northern	Northern	Northern	Northern	Djibouti	Djibouti	
	Country A	Rwanda	Rwanda	Uganda	Rwanda	Uganda	Burundi	South Sudan	Ethiopia	South Sudan	DRC	Djibouti	Ethiopia	Uganda
	Country B	Uganda	Burundi	South Sudan	DRC	DRC	DRC	Kenya	Kenya	Sudan	Rwanda	Ethiopia	Sudan	South Sudan
	PIDA Priority Project			PIDA PAP		PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP		
	RECs Priority Project													
Training/Public Awareness (Sensitization)	**Training/Public Awareness (Sensitization) at the Border, National, and Regional Level**	TMEA		IOM				IOM	UNDP					
	Sourcebook (Comprehensive Resource for OSBP Implementation)	JICA/AfDB												
Legal and Regulatory Framework(s)	**Support for Development of Regional and Bilateral Legal and Regulatory Frameworks for OSBP, IBM, JBCs, and Other Measures**	JICA/TMEA/ USAID	JICA/TMEA/ USAID	TMEA/IOM		TMEA/ USAID	JICA/TMEA/ USAID	IOM		IOM				IOM
Hard Infrastructure	**Infrastructure: Feasibility Study, Detailed Design, Construction of OSBP Facilities**	WB/ AfDB/TMEA	WB/AfDB/ TMEA	WB/ AfDB/TMEA/ IOM	WB/AfDB/ TMEA	JICA/WB/ AfDB/TMEA	JICA/WB/ AfDB/TMEA	IOM	AfDB		HGBF	AfDB		TMEA
	Construction of Hard Infrastructure (connecting roads and bridges) (loan or grant)	TMEA	AfDB	TMEA	TMEA	TMEA			AfDB					
Operationaliza-tion	**Establishment and Operationalization of JCCs / Senior Enforcement Officers / JBCs for Customs and OGAs**	TMEA		USAID / IOM	IOM							Djibouti Corridor Authority	Djibouti Corridor Authority	
Exchange of Information (ICT)	**Integrated Border Management (Bilateral and Inter-Ministerial Exchange of Information) (e,g., RADDEx RTMS/ CCS, Single Window)**	JICA		IOM										TMEA
Monitoring and Evaluation	**Time Release Studies / Time and Traffic Surveys / Benchmarking**	TMEA		IOM										
	Corridor Observatories								TMEA					
Progress		Construction completed in mid-2015. Launched in July 2015	The construction of the OSBP facilities was completed in July 2013. This OSBP is wholly located in Burundi.\ Approval of the EAC OSBP Act and Regulations were still in process. OSBP operations were launched in July 2013.	Construction on the South Sudan and Ugandan sides was to commence in June 2014. Construction commenced at Elegu in mid-2015	The World Bank (2011) has provided assistance for Facilitating Cross-Border Trade between the DRC and Neighbours in the Great Lakes Region of Africa: Improving Conditions for Poor Trader.	TTCA-NC was supporting negotiation of a bilateral agreement.	TMEA was studying whether or not an OSBP should be implemented at this border crossing.	The World Bank and the respective governments were considering the construction of an OSBP and a 960 km road. It is now expected that construction will start in early 2016. An MOU to implement a fiber optic cable was signed in January 2015.	Construction on both sides was ongoing with AfDB support. To be completed by September 2016.		Construction was to commence in October 2015.	Djibouti Corridor Authority to be established.	Djibouti Corridor Authority to be established.	TMEA project from 2012 to 2016.

OSBP Coordination Matrix – Southern Africa (as of 25 January 2016) (1/2)

	Border Crossing	1. Chirundu	2. Kazungula	3. Pandamatenga	4. Mamuno/ Trans Kalahari	5. Tunduma/ Nakonde	6. Mwami/ Mchinji	7. Mandimba/ Chiponde	8. Wenela/ Katima Mulilo	9. Oshikango/ Santa Clara	10. Lebombo/ Ressano Garcia	11. Machipanda/ Forbes	12. Nyampanda/ Cuchimano
	Corridor	North-South	North-South		Mamuno/ Trans Kalahari	Dar es Salaam/ North-South	Nacala	Nacala	Trans Caprivi	Trans Cunene	Maputo	Beirar/ Nacala	Beira/ Nacala
	Country A	Zambia	Zambia	Zimbabwe	Namibia	Zambia	Zambia	Mozambique	Namibia	Namibia	South Africa	Mozambique	Zimbabwe
	Country B	Zimbabwe	Botswana	Botswana	Botswana	Tanzania	Malawi	Malawi	Zambia	Angola	Mozambique	Zimbabwe	Mozambique
	PIDA Priority Project	PIDA PAP	PIDA PAP		PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP
	RECs Priority Project	COMESA★	COMESA★ SADC	COMESA/ SADC	SADC★	SADC★	SADC★	SADC★	SADC★	SADC★	SADC★	SADC★	SADC★
Training/Public Awareness (Sensitization)	**Training/Public Awareness (Sensitization) at the Border, National, and Regional Level**	TMSA/JICA/IOM	IOM		JICA	TMSA/AfDB/ IOM	IOM		IOM		MCLI/IOM	IOM	IOM
	Sourcebook (Comprehensive Resource for OSBP Implementation)	JICA/AfDB											
Legal and Regulatory Framework(s)	**Support for Development of Regional and Bilateral Legal and Regulatory Frameworks for OSBP, IBM, JBCs, and Other Measures**	JICA/TMSA/IOM				TMSA (bilateral agreement) and JICA (national law for Zambia)	IOM				IOM	IOM	IOM
Hard Infrastructure	**Infrastructure: Feasibility Study, Detailed Design, Construction of OSBP Facilities**	JICA	JICA/ AfDB			TMEA/IOM	AfDB				Concession		
	Construction of Hard Infrastructure (connecting roads and bridges) (loan or grant)	JICA	JICA (B)/ AfDB (Z) / IOM			TMEA	AfDB/IOM	AfDB			Concession		
Operationaliza-tion	**Establishment and Operationalization of JCCs / Senior Enforcement Officers / JBCs for Customs and OGAs**	JICA/TMSA				AfDB							
Exchange of Information (ICT)	**Integrated Border Management (Bilateral and Inter-Ministerial Exchange of Information) (e.g., RADDEx RTMS/ CCS, Single Window)**	IOM	IOM			IOM	IOM		IOM		Electronic single window system in Mozambique (MCNet)/IOM		
Monitoring and Evaluation	**Time Release Studies / Time and Traffic Surveys / Benchmarking**	TMSA/IOM	AfDB			TMEA							
	Corridor Observatories	TMSA				WB/TMSA/ USAID							
Progress		This was the first OSBP facility constructed in Africa; operation commenced in December 2009. Border crossing time has been substantially reduced according to an SSATP report. Various trade facilitation projects were ongoing.	Construction of this OSBP is included as a part of the Kazungula Bridge Construction project funded by JICA/AfDB. Botswana was to start construction in the fourth quarter of 2015, with completion in 2018. Zambia was to start construction in the first quarter of 2016, with completion in 2018.		Construction of OSBP facilities were planned to be the minimum required for OSBP operations. JICA customs experts were dispatched. An OSBP law was passed in Botswana and Namibia was to discuss such a law in the session of its congress starting in May 2014. A consensus was reached on the content of the bilateral agreement and signing is expected in the next stage.	Construction on the Tanzanian side was to start in June 2014. The Zambian side was 90% completed as of 2014. Tanzania is developing a national law for OSBP operations at its border with non-EAC countries	NEPAD-IPPF engaged a consultant to study the border crossing, prepare a D/D, and support the setting up of the bilateral legal framework. Under procurement/ construction to commence in mid-2016 Operations are to start in December 2017.	NEPAD-IPPF engaged a consultant to study the border crossing, prepare a D/D, and support the setting up of the bilateral legal framework. Funding issues were still to be resolved on the Mozambique side	Setting up a joint border coordination committee is required. In 2009, a new border facility was completed at Wenela, OSBP negotiations had been ongoing for a past few months as of April 2015.	Nambia and Angola initiated discussions on this OSBP in 2014	Some progress achieved (e.g., traffic separation), but a full OSBP has not yet been implemented. .	A bilateral agreement has been reached. Zimbabwe has not implemented their plans for Forbes or Nyampanda.	TradeMark Southern Africa funded a situational analysis at Nyamapanda–Cuchamano to determine issues that would need to be addressed (May-July 2011) Zimbabwe has not implemented their plans for Forbes or Nyampanda.

OSBP Coordination Matrix – Southern Africa (as of 25 January 2016) (2/2)

	Border Crossing	13. Zobue/ Mwanza	14. Colomue/ Dedza	15. Martin's Drift	16. Beitbridge/ Messina	17. Kasumbalesa	18. Kasumulu/ Songwe	19. Unity Bridge (Mtambaswala/ Namoto)	20. Plumtree/ Ramokgwebane	21. Pioneer's Gate/ Skilpadeshek	22. Oshoek/ Ngwenya	23. Lavumisa	24. Victoria Falls
	Corridor	Tete/ Nacala	Beira/ Nacala	North-South	North-South	North-South	Dar es Salaam/ North-South	Mtwara	North-South	Mamuno / Trans Karahari			North-South
	Country A	Mozambique	Mozambique	South Africa	South Africa	Zambia	Malawi	Tanzania	Zimbabwe	South Africa	South Africa	South Africa	Zimbabwe
	Country B	Malawi	Malawi	Botswana	Zimbabwe	DRC	Tanzania	Mozambique	Botswana	Botswana	Swaziland	Swaziland	Zambia
	PIDA Priority Project	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP		PIDA PAP	PIDA PAP		PIDA PAP			
	RECs Priority Project				SADC★	SADC★	SADC★	SADC★			SADC★	SADC★	
Training/Public Awareness (Sensitization)	**Training/Public Awareness (Sensitization) at the Border, National, and Regional Level**						JICA	IOM					IOM
	Sourcebook (Comprehensive Resource for OSBP Implementation)	JICA/AfDB											
Legal and Regulatory Framework(s)	**Support for Development of Regional and Bilateral Legal and Regulatory Frameworks for OSBP, IBM, JBCs, and Other Measures**						JICA	IOM					
Hard Infrastructure	**Infrastructure: Feasibility Study, Detailed Design, Construction of OSBP Facilities**						TMEA	IOM					
	Construction of Hard infrastructure (connecting roads and bridges) (loan or grant)					EU, France	WB						
Operationaliza-tion	**Establishment and Operationalization of JCC/ Senior Enforcement Officers / JBC for Customs and OGAs**							IOM					
Exchange of Information (ICT)	**Integrated Border Management (Bilateral and Inter-Ministerial Exchange of Information) (e.g., RADDEx RTMS/ CCS, Single Window)**							IOM					IOM
Monitoring and Evaluation	**Time Release Studies / Time and Traffic Surveys / Benchmarking**												
	Corridor Observatories												
Progress		F/S by NEPAD/ IPPF			The respective governments had commenced border facilitation projects. Facilities were planned to be constructed by the private sector.	There is no formal agreement yet between the DRC and Zambia to establish an OSBP at Kasumbalesa. A concession and upgrade of border facilities was doe under the traditional two-stop system.	The MOU was signed in March 2014. The project was to start by September 2015, with AfDB financing.		Already constructed and infrastructure handed over in November 2013.			The Government of Swaziland is willing to set up an OSBP.	The bilateral agreement was signed in August 2013.

OSBP Coordination Matrix – West Africa (as of 25 January 2016) (1/2)

	Border Crossing	1. Cinkansé	2. Kantchari/ Makalondi	3. Moussala	4. Paga/ Dakola	5. Laléraba	6. Kidira/ Diboli	7. Koloko/ Hérémakono	8. Noé/ Elubo	9. Pogo/ Zegoua	10. Danane	11. Tabou	12. Nigouni
	Corridor	Lomé-Ouagadougou-Bamako	Lomé-Ouagadougou-Niamey	Dakar-Bamako-Niamey	Tema-Ouagadougou-Bamako	Abidjan-Ouagadougou	Dakar- Bamako-Niamey	Dakar- Bamako-Niamey	Abidjan- Lagos	Abidjan-Ouagadougou-Bamako Multimodal			
	Country A	Burkina Faso	Burkina Faso	Senegal	Ghana	Côte d'Ivoire	Senegal	Burkina Faso	Ghana	Cote d'Ivoire	Cote d'Ivoire	Cote d'Ivoire	Cote d'Ivoire
	Country B	Togo	Niger	Mali	Burkina Faso	Burkina Faso	Mali	Mali	Côte d'Ivoire	Mali	Guinea	Liberia	Mali
	PIDA Priority Project	-	PIDA PAP				PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP			
	RECs Priority Project	UEMOA★	UEMOA★		UEMOA★ ECOWAS★		UEMOA★	UEMOA					
Training/Public Awareness (Sensitization)	**Training/Public Awareness (Sensitization) at the Border, National, and Regional Level**	UEMOA/ Borderless Alliance	UEMOA		Borderless Alliance		Borderless Alliance		ALCO Borderless Alliance				
	Sourcebook (Comprehensive Resource for OSBP Implementation)	JICA/AfDB (even after construction still useful for operation)											
Legal and Regulatory Framework(s)	**Support for Development of Regional and Bilateral Legal and Regulatory Frameworks for OSBP, IBM, JBCs, and Other Measures**	UEMOA (Regulation No. 15)	UEMOA	UEMOA	ECOWAS/ UEMOA	UEMOA		UEMOA	ECOWAS/ UEMOA				
Hard Infrastructure	**Infrastructure: Feasibility Study, Detailed Design, Construction of OSBP Facilities**	UEMOA/ SSI		UEMOA/ AfDB	EU, ECOWAS (funds under consideration)	UEMOA		UEMOA/ SSI	EU				
	Construction of Hard infrastructure (connecting roads and bridges) (loan or grant)	UEMOA/ SSI		UEMOA/ AfDB				UEMOA/ SSI		UEMOA			
Operationali-zation	**Establishment and Operationalization of JCC/ Senior Enforcement Officers / JBC for Customs and OGAs**	JICA (support for setting up committees)						UEMOA/ SSI					
Exchange of Information (ICT)	**Integrated Border Management (Bilateral and Inter-Ministerial Exchange of Information) (e,g., RADDEx RTMS/ CCS, Single Window)**												
Monitoring and Evaluation	**Time Release Studies / Time and Traffic Surveys / Benchmarking**	JICA							ALCO Borderless Alliance/JICA				
	Corridor Observatories	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID				
Progress		Construction has been completed. The concessionaire, SSI, supplied equipment. The customs authorities of Togo and Burkina Faso agreed on an ICT connection and the exchange of customs information to facilitate bonded transport (2013).	Completed	AfDB/UEMOA funded construction, which progressed slowly. UEMOA and the contractor were discussing moving the construction work forward.	The identity of the lead REC(s) was still under discussion. Borderless Alliance with USAID support organized a joint technical bilateral meeting in June 2014. Plans are under development to build a JBP on the territory of Ghana,	The Government of the Côte d'Ivoire committed to constructing sewage facilities and power stations at the border if the OSBP plans were to proceed. The construction plan was under review.		UEMOA was planning to support both hard and soft infrastructure.	Juxtaposed facilities were under consideration. Construction to probably start in 2016.	Construction to start in early 2017.			

OSBP Coordination Matrix – West Africa (as of 25 January 2016) (2/2)

	Border Crossing	13. Akana/ Noépé	14. Kraké/ Sémé	15. Hillacondji/ Sanveekondji	16. Gaya/ Malanville	17. Trans-Gambia Bridge	18. Kouremale	19. Mpack	20. Labézanga	21. Kantchar/ Makalondi	22. Pétel Kolé	23. Boundou/ Fourdou	24. Mfum [a]
	Corridor	Abidjan-Lagos	Abidjan-Lagos	Abidjan-Lagos	Cotonou- Niamey	Trans-Gambia	Bamako-Kankan Corridor						Mombasa-Lagos
	Country A	Ghana	Benin	Togo	Niger	Gambia	Guinea	Senegal	Mali	Burkina Faso	Niger	Senegal	Nigeria
	Country B	Togo	Nigeria	Benin	Benin	Senegal	Mali	Guinea Bissau	Niger	Niger	Benin	Guinea	Cameroon
	PIDA Priority Project	PIDA PAP	PIDA PAP	PIDA PAP									
	RECs Priority Project	ECOWAS★	ECOWAS★	ECOWAS				UEMOA★					
Training/ Public Awareness (Sensitization)	**Training/Public Awareness (Sensitization) at the Border, National, and Regional Level**	ALCO	ALCO/ Borderless Alliance	ALCO	Borderless Alliance	AfDB							ECOWAS/ ECCAS
	Sourcebook (Comprehensive Resources for OSBP Implementation)	JICA/AfDB											
Legal and Regulatory Framework(s)	**Support for Development of Regional and Bilateral Legal and Regulatory Frameworks for OSBP, IBM, JBCs, and Other Measures**	ECOWAS	ECOWAS	UEMOA	UEMOA			UEMOA	UEMOA	UEMOA	UEMOA	UEMOA	Nigeria/ Cameroon
Hard Infrastructure	**Infrastructure: Feasibility Study, Detailed Design, Construction of OSBP Facilities**	EU	EU	EU/ AfDB	EU		UEMOA	UEMOA			UEMOA	UEMOA/ AfDB	AfDB
	Construction of Hard Infrastructure (connecting roads and bridges) (loan or grant)	EU	EU	AfDB	EU	AfDB				UEMOA	UEMOA	UEMOA/ AfDB	AfDB/ Concerned Countries
Operationali-zation	**Establishment and Operationalization of JBCs / Senior Enforcement Officers / JBC for Customs and OGAs**	EU	EU		EU/ SSATP								ECOWAS/ ECCAS
Exchange of Information (ICT)	**Integrated Border Management (Bilateral and Inter-Ministerial Exchange of Information) (e.g., RADDEx RTMS/ CCS, Single Window)**												
Monitoring and Evaluation	**Time Release Studies / Time and Traffic Surveys / Benchmarking**	ALCO	ALCO Borderless Alliance/JICA	ALCO JICA	ALCO			JICA		JICA			
	Corridor Observatories		UEMOA/ECOWAS/ EU/USAID	UEMOA/ECOWAS/ EU/USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID	UEMOA/ ECOWAS/EU/ USAID		
Progress		Construction completed. The infrastructure was inaugurated in November 2014, but is still not operational. The EU was considering financing equipment and soft infrastructure for operation as a joint border post in 2015.	Construction ongoing Operation expected to commence in September 2015 Capacity building and preparation of a customs manual with a budget of EUR 12 million. There have been some issues between the contractor and ECOWAS. Construction restarted in October 2014; construction to be completed by end 2015	A technical study had been finished with financing from the EU and AfDB. Funding for construction not yet secured. Financing for the equipment after construction and soft infrastructure had not yet been arranged. Construction was to start in September 2015.	Construction has been completed and the joint border post has been officially opened. Provisional acceptance of the infrastructure in April 2014; the EU was to supply equipment and provide coordination support for initiation of the OSBP.	AfDB planned construction between 2012-2017.	Construction ongoing on both sides of the border; harmonization of legal framework and boirder procedures is proceeding			The border line is unclear and was under discussion. After reaching agreement on the border line, the OSBP facilities were to be developed.	Completed	50% of the planned construction had been completed and the plan was to complete the entire construction by the end of 2015. AfDB was considering support for soft infrastructure as construction moves forward.	Construction of the joint border post on the Nigerian side expected to commence in November 2015 for 18 months. The formation of a bilateral agreement is to be led by ECOWAS.

OSBP Coordination Matrix – Central Africa (as of 25 January 2016)

	Border Crossing	1. Brazzaville/Kinshasa	2. Kousséré	3. Koutéré	4. Garoua Boulai	5. Campo	6. Doussala
	Corridor	Pointe Noire- Brazzaville-Kinshasa- Bangui- N'Djamena	Douala- Bangui- Douala-N'Djamena	Douala- Bangui- Douala-N'Djamena	Pointe Noire- Brazzaville-Kinshasa-Bangui- N'Djamena	Douala- Bangui- Douala-N'Djamena	Doussala- Nyanga- Kibangou-Dolisie- Libreville- Brazzaville
	Country A	DRC	Cameroon	Cameroon	Central Africa	Guinea Equatorial	Republic of Congo
	Country B	Republic of Congo	Chad	Chad	Cameroon	Cameroon	Gabon
	PIDA Priority Project	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP
	RECs Priority Project	ECOWAS/ECCAS					ECCAS
Training/Public Awareness (Sensitization)	Training/Public Awareness (Sensitization) at the Border, National, and Regional Level						
	Sourcebook (Comprehensive Resources for OSBP Implementation)	JICA/AfDB					
Legal and Regulatory Framework(s)	Development of Regional and Bilateral Legal and Regulatory Frameworks for OSBP, IBM, JBCs, and Other Measures						
Hard Infrastructure	Infrastructure: Feasibility Study, Detailed Design, Construction of OSBP Facilities	DGGT	CEMAC	CEMAC			AfDB/ECCAS
	Construction of Hard Infrastructure (connecting roads and bridges) (loan or grant)	DGGT					
Operationalization	Establishment and Operationalization of JBCs / Senior Enforcement Officers / JBC for Customs and OGAs						
Exchange of Information (ICT)	Integrated Border Management (Bilateral and Inter-Ministerial Exchange of Information) (e.g., RADDEx RTMS/ CCS, Single Window)	IOM (DRC)					IOM (DRC)
Monitoring and Evaluation	Time Release Studies / Time and Traffic Surveys / Benchmarking						
	Corridor Observatories						
Progress		ECCAS was supervising the feasibility study and detailed design as of June 2014.				This border was reopened in January 2014.	

OSBP Coordination Matrix – North Africa (as of 25 January 2016)

	Border Crossing	1. Dakla Nouadhibou	2. Oujda Tlemcen	3. Ghardimaou	4. Ras Adjir	5. Musaid-Soloum
	Corridor	TAH1	TAH1	TAH1	TAH1	TAH1
	Country A	Mauritania	Morocco	Tunisia	Tunisia	Libya
	Country B	Morocco	Algeria	Algeria	Libya	Egypt
	PIDA Priority Project	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP	PIDA PAP
	RECs Priority Project					
Training/Public Awareness (Sensitization)	Training/Public Awareness (Sensitization) at the Border, National, and Regional Level					
	Sourcebook (Comprehensive Resources for OSBP Implementation)	JICA/AfDB				
Legal and Regulatory Frameworks	Development of Regional and Bilateral Legal and Regulatory Frameworks for OSBP, IBM, JBCs, and Other Measures					
Hard Infrastructure	Infrastructure: Feasibility Study, Detailed Design, Construction of OSBP Facilities					
	Construction of Hard Infrastructure (connecting roads and bridges) (loan or grant)					
Operationaliza-tion	Establishment and Operationalization of JBCs / Senior Enforcement Officers / JBC for Customs and OGAs					
Exchange of Information (ICT)	Integrated Border Management (Bilateral and Inter-Ministerial Exchange of Information) (e,g., RADDEx RTMS/ CCS, Single Window)					
Monitoring and Evaluation	Time Release Studies / Time and Traffic Surveys / Benchmarking					
	Corridor Observatories					
Progress					This border was closed in August 2014.	The border was closed after August 15 2015 and may reopen soon.

Notes: (i) In addition, the respective governments are among the main funding sources. (ii) TMSA is no longer active. (iii) The Mfum JBP/OSBP is between regions, i.e., West Africa and Central Africa, but it has been included under West Africa.

Abbreviations: AfDB = African Development Bank, ALCO = Abidjan-Lagos Corridor Organization, CEMAC= Central African Economic and Monetary Community, D/D = detailed design, DfID = Department for International Development , DGGT= Délégation Générale des Grand Travaux , DRC = Democratic Republic of Congo, EAC = East African Community, ECCAS = Economic Community of Central African States, ECOWAS = Economic Community of West African States, EU = European Union, HGBF= Howard G. Buffet Foundation,, ICT = information and communications technology, IGAD = Intergovernmental Authority on Development, „JBC = joint border committee, IOM = International Organization for Migration, IPPF = Infrastructure Project Preparation Facility, JICA = Japan International Cooperation Agency, MCNet (Mozambique Community Network), MCLI = Maputo Corridor Logistics Initiative, MOU = memorandum of understanding, NEPAD = New Partnership for Africa's Development, OSBP = one-stop border post, PAP = Priority Action Plan, PIDA = Programme for Infrastructure Development for Africa, RADDEx = Revenue Authorities Digital Data Exchange, REC = regional economic community, RTMS/CCS = Real Time Monitoring System/Cargo Control System); SADC = Southern African Development Community, SSATP = [Sub-Saharan] Africa Transport Policy Program, SSI = Scanning Systems International, TAH = Trans-African Highway, TMEA = TradeMark East Africa, TTCA-NC = Transit Transport Corridor Authority, Northern Corridor; UEMOA = West African Economic and Monetary Union, UNDP = United Nations Development Program, USAID = United States Agency for International Development, WB = World Bank

Appendix C: Comparative Matrix of Laws and Institutions of Regional Economic Communities

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
COMESA	Each country in the REC with an OSBP has enacted an OSBP Act in line with Model Legislation and Guidelines.	OSBP Acts and Bilateral Agreements specify the institutional framework for a specific OSBP. These provide for Joint Border Management Committees and other subcommittees for each OSBP from the ministerial to technical levels. At the COMESA level, OSBPs fall under the Ministers of Infrastructure Sub-sectoral Committee.	While the COMESA Treaty does not address boarder management issues, decisions of the COMESA Council are binding and should be "domesticated" by Member States.	COMESA coordinates activities relating to establishment of OSBPs through identification of border posts, feasibility and design studies, resource mobilization for infrastructure development, and capacity building. Implementation of the pioneering Chirundu OSBP was spearheaded by the COMESA Secretariat on behalf of the COMESA-EAC-SADC Tripartite initiative.
CEMAC/ ECCAS	There are no regional OSBP-specific legal instruments; signing of an MOU may take 3-4 years.	Some countries have corridor management committees, including Cameroon, Chad, and Central African Republic, for the Douala-N'Djamena and Douala-Bangui Corridors.		Construction of the first JBP/OSBP in ECCAS/CEMAC is underway in the Republic of Congo and the Republic of Chad, with the cooperation of the Brazzaville-Yaoundé Corridor Management Committee.
EAC	EAC One Stop Border Posts Act, 2013 and EAC OSBP Regulations 2015	EAC has established sectoral committees (Article 20 and following of the Treaty for Establishment of the East African Community, 1999), such as the Sectoral Committee on Transport. Article 50 of the EAC OSBP Act 2013 charges the EAC Council with coordination so as to ensure uniformity in application of the OSBP concept, ensure full compliance with the Act, and initiate improvements in the application of the concept. Specifically, Article 50 of the Act states as follows: 50. Coordination and monitoring of one stop border posts	The EAC Treaty (indirectly) reaches the result of direct applicability, based on its Article 8, 4 and 5, which compels the member countries to adapt their national legal system to such an effect.	The EAC has been spearheading implementation of 15 OSBPs in the EAC.

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
		For the purposes of this Act, the Council shall- (a) coordinate the establishment of one stop border posts within the Community to ensure uniformity of approach in the one stop border post concept between adjoining Partner States; (b) monitor the establishment of one stop border posts at the various borders (c) set specific programs for the establishment and implementation of one stop border controls at existing and future border posts within the Community; (d) initiate policies for the improvement of the efficiencies of Community one stop border posts and any related trade facilitation matters; and (e) perform such other functions as may be prescribed under this Act. Article 39 of the EAC OSBP Regulations 2015 established the following institutional bodies and organs: (i) a Joint Sectoral Council, and (ii) a Multi-sectoral High Level Steering Committee; Article 40 of the Regulations creates Bilateral OSBP Steering Committees composed of the National OSBP Steering Committees or equivalent structures of the adjoining Partner States to oversee the implementation and operations of all one stop border posts between such adjoining Partner States.		

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
ECOWAS	ECOWAS Supplementary Act/SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of the Economic Community of West African States, June, 2013 Regional Decision through Adoption of Joint Border Post Functionality Study in 2008, through Resolution No.2 Relating to the Implementation of the Joint Border Posts Program of ECOWAS and UEMOA Member States	ECOWAS Supplementary Act/SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts establishes a three-level institutional structure: - the ECOWAS Commission; - Cross-Border Joint JBP Committees to oversee the implementation and operation of the JBPs; and - JBP Management Authorities – undertake daily general administration, maintenance of facilities including cleaning, signage, etc Specific relevant chapters and articles include the following: **<u>CHAPTER IX</u>: INSTITUTIONAL ARRANGEMENTS** **<u>Article 49</u>: Community oversight institution and responsibilities** 1) The Commission shall coordinate and monitor the establishment and implementation of joint border posts within the Community. 2) Without prejudice to the generality of sub-article 1, the Commission shall: a) coordinate the establishment of joint border posts within the Community to ensure uniformity of approach in the joint border post concept between adjoining Member States; b) monitor the implementation of joint border posts at the various borders within the Community to ensure full compliance with the provisions of this Act; c) set specific programs for the establishment and implementation of joint border controls at	In the revised ECOWAS Lagos Treaty (1975), there was a change as from 2007 to the effect of rendering Supplementary Acts to complete the Treaty binding on member states. From that date, ECOWAS Council and Commission Regulations have general application and all their provisions are enforceable and directly applicable in member states (ECOWAS Treaty, Article 9,3 and 4, pursuant to the Supplementary Protocol a/sp.1/06/06 amending the Revised Lagos ECOWAS Treaty, 1975).	The ECOWAS Commission coordinates and manages development / construction/ equipment / operationalization of JBPs) Relevant articles of the ECOWAS Supplementary Act/SA.1/07/13 include the following: Article 4.1: Status of Land – transferred to ECOWAS by State of location. Article 53: ECOWAS in consultation with States appoints a management authority (which can be one of the States), a Management Committee, private sector contractor, joint private and public sector or some other body by way of a specific legal instrument.

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
		existing and future border posts within the Community; d) initiate policies for the improvement of the efficiencies of Community joint border posts and any related trade facilitation matters; e) set and monitor performance standards for which bilateral joint border post institutions shall be held responsible and accountable; f) resolve any issues referred to the Commission by the Joint Committees to be established in terms of Article 50 of this Act; g) account and be responsible to the Council through the appropriate institutions of the Community for all issues relating to the provisions of this Act; h) in the exercise of its functions in terms of this Act, be subject to the general direction of the Council and perform such other functions as may be prescribed by the Council. i) in the exercise of its functions in terms of this Act, the Commission may engage the services of any such persons from within or outside the Community as it deems appropriate on any matter under its responsibility. **<u>Article 50</u>: Establishment and composition of the Joint Committees** 1) A Joint Committee comprising equal numbers from each adjoining Member State of representatives of the competent authorities and representatives of forwarding agents of the adjoining Member States shall be established to oversee the implementation and operations of joint border posts between any adjoining Member States. 2) The adjoining Member States shall mutually agree as to the level of representation and shall determine the		

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
		number of members of the Joint Committee. Each adjoining Member State shall be responsible for the nomination of its representatives who shall constitute the Joint Committee in accordance with its existing procedures for such nominations. 3) Notwithstanding the provisions of this Article, adjoining Member States may agree in consultation with the Commission, to utilize any existing appropriate national trade facilitation structures to carry out the responsibilities of the Joint Committee. **<u>Article 51</u>: Responsibilities of the Joint Committees** 1) The Joint Committees shall determine the administrative measures necessary for the implementation of joint border posts by adjoining Member States. They shall resolve any difficulties that may arise from such implementation including the power to constitute bilateral administrative and operations sub-committees comprising Officers of the adjoining Member States directly involved in undertaking border controls at the joint border posts. 2) Operatives of the forwarding agents at the joint border posts shall be co-opted into such administrative and operations sub-committees to ensure valuable contribution and feedback from the relevant private sector stakeholders. 3) Each Joint Committee shall monitor the implementation and performance of joint border posts under its jurisdiction and routinely report on progress and other relevant matters to the Commission through appropriate national and Community structures. **<u>Article 52</u>: Meetings and Procedures of the Joint Committees**		

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
		1) The Joint Committees shall meet as often as required and alternate the locality of the meetings between the territories of the adjoining Member States, unless agreed otherwise. 2) The meetings of the Joint Committees shall be chaired by an Officer representing the adjoining Member State in whose territory the meeting is held, unless agreed otherwise. 3) The Joint Committees shall regulate their own rules of procedure at such meetings. 4) The Joint Committees shall adopt their decisions by consensus. In the event of failure to reach consensus, the Joint Committees shall first refer the matter for mutual resolution to existing bilateral conflict resolution mechanisms before referring the matter for resolution by the Commission. 5) Each Member State shall take all necessary administrative, financial and other measures to ensure the effective implementation of joint border posts by the Joint Committees, including without limitation, the provision of adequate resources for the performance of their functions. **CHAPTER X: JOINT BORDER POSTS MANAGEMENT ARRANGEMENTS** **Article 53: Appointment of Management Authorities** 1) The Community, in consultation with the adjoining Member States, shall appoint a Management Authority for each joint border post. Such Management Authority may be one of the adjoining Member States, or Management Committee composed of competent authorities of the adjoining		

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
		Member States, or a private sector management contractor or a joint public and private sector management authority or some other body contracted by the Community in consultation with the adjoining Member States. 2) The appointment of a Management Authority shall be in terms of a specific legal instrument which shall be in conformity with the provisions of this Act. **<u>Article 54</u>: Responsibilities of a Management Authority** 1) Without limiting the generality of this Article, the responsibilities and powers of a Management Authority may include general administration of the joint border post, maintenance of the facilities, provision and control of security services, provision and maintenance of operational and administrative equipment and any other responsibilities the Community may deem appropriate. 2) The scope, nature, powers, methods of carrying out such responsibilities and related costs shall be fully defined in the specific legal instrument appointing such Management Authority in terms of Article 53 of this Act.		
IGAD	A Report on Legal Framework and Modalities for the Establishment of One Stop Border Posts in [the] IGAD Region was completed and validated by the member states in 2012.	Not yet prepared.	Not yet prepared.	IGAD has mobilized some funds from the Swedish Embassy in Addis Ababa to assist in the implementation of activities recommended in the validated OSBP study report at the Gallabat Metema border post between Sudan and Ethiopia. In addition, IGAD has approached AfDB for support for feasibility

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
				studies for building OSBPs between South Sudan and Ethiopia as well as between Djibouti and Ethiopia.
SADC	None	The SADC Protocol on Transport, Communications and Meteorology, Article 3.3 .3.(e) and (g) promotes "the improvement and integration of frontier facilities including the provision of common user facilities". The SADC Sector Committees of Ministers responsible for Transport and the Committees of Ministers responsible for Trade oversee the development of OSBPs supported by Committees of Sector Officials and working groups which are established as when required. The Committee of Ministers of Trade is supported by a Committee of Heads of Customs Administration. These bodies approve regional policies; identify priority borders for upgrading to OSBPs; and give general strategic directions on OSBP development. Specific OSBP projects are overseen by bilateral Joint Ministerial Committees and Joint Committees of Senior Officials and Experts. OSBP priorities were identified and approved in the Regional Infrastructure Development Master Plan approved by the Summit of Heads of States in 2012. Implementation is managed by Joint Bilateral Structures of officials and Ministers. The Secretariat acts as a facilitator and coordinator in collaboration with bilateral countries.	Protocol provisions only become binding when member states "domesticate" the provisions usually based on regional model laws and guidelines. As of now, SADC has neither developed guidelines nor model laws on OSBPs.	The SADC Secretariat has coordinated feasibility and design studies and resource mobilization. Construction and operations is normally a responsibility of the member states. Implementation of the pioneering Chirundu OSBP was spearheaded by the COMESA Secretariat on behalf of the COMESA-EAC-SADC Tripartite initiative
UEMOA	UEMOA Regulation No. 15/2009/CM/ UEMOA Portant Regime Juridique des Postes de Contrôle Juxtaposes aux Frontieres des Etats Membres de L'Union Economique et Monetaire Ouest Africaine [setting out a consolidated legal	Article 58 of UEMOA Regulation No. 15 created a JBP consultative committee comprising representatives of all stakeholders at the JBP shall be established. It shall have advisory responsibilities over decisions on development of the JBP and its efficiencies. Its structure and procedures shall be contained in an implementation regulation.	The hierarchy of UEMOA legal instruments is: (i) treaties, (ii) regulations, (iii) decisions, (iv) directives, and (v) recommendations.	Relevant provisions of UEMOA Regulation No. 15 include: Chapter II: JBP STATUS Article 5: Delineation – stipulates location of JBP as determined by UEMOA Commission and the two

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
	framework for implementation of JBPs border posts between UEMOA states] Decision 08/2001 adopting financing model for construction of JBPs between UEMOA States. Decision 03/2004 modifying Article 3 of Decision 08/2001 above	In the case of the Cinkansé JBP, UEMOA created a Consultative Committee comprised of a broad group of stakeholders from the two countries. It has responsibility to review issues arising in the overall operation of the border and its relationship with national policies and with the local communities. A JBP monitoring committee has also been established at the UEMOA Commission to provide oversight and guidance to JBPs throughout the Community.		adjoining states. Article 6: Status of Land – transferred to UEMOA by State of location. CHAPTER VI: JBP MANAGEMENT AND OPERATION Article 20: Concession – management and Operations of JBPs shall be assigned to a private company by way of a concession agreement through a tender process by UEMOA. CHAPTER VII: BORDER CEONTROL Article 27: Contribution Control Services for the Performance of the JBP – adjoining States shall facilitate quicker and affordable border controls through procedures developed by UEMOA. CHAPTER VIII: ACTIVITIES ANCILLARY TO TRANSPORT AND TRANSIT AND COMMERCIAL ACTIVITIES Article 45: Activities Ancillary to Transport and Transit And Commercial Activities – such activities may be authorized and the parameters shall be stipulated in the agreement between UEMOA and

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
				the concessionaire. CHAPTER X: JBP SECURITY PROVISIONS Article 52: Safety of JBP Operations – the rules governing public security and safety within the JBP shall be contained in an implementation regulation. These shall be drafted by the JBP Authority for approval by UEMOA Commission. CHAPTER XIII: FINAL PROVISIONS Article 59: Implementation Measures – the UEMOA Commission shall be authorized to enact implementation regulations necessary for enforcement of Regulation 15.

Abbreviations: COMESA = Common Market for Eastern and Southern Africa, EAC = East African Community, ECCAS/CEMAC = Economic Community of Central African States / Communauté Économique des États de l'Afrique Centrale , ECOWAS = Economic Community of West African States , IGAD = Intergovernmental Authority on Development , JBP = joint border post, MOU = memorandum of understanding, OSBP = one-stop border post, SADC = Southern African Development Community, UEMOA = Union Economique et Monétaire Ouest-africaine (West African Economic and Monetary Union)

Sources: This Sourcebook based on inputs from (i) RECs; (ii) Dr. Tomomi Tokuori, JICA Expert; and (iii) the Sourcebook Team.

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