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JICA

One-Stop Border Post SOURCEBOOK

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Preface

Trade – a key driver of growth and development – is invaluable in bringing people out of poverty and into prosperity. However, in Africa trade has not yet achieved this aspiration of achieving sustainable economic growth and development. According to the World Trade Organization (WTO), while African trade in goods and services has gradually increased from 2005 to 2019, the continent's global share has remained at about only 3% of global imports and exports. This is partly because 18 of the 54 countries of Africa have a GDP of less than US$10 billion each and 16 of them are landlocked, and therefore they face the challenges associated with small and fragmented markets. The African Continental Free Trade Area (AfCFTA) – which became operational in January 2021 – is well-positioned to support the creation of more integrated markets across the continent. By removing trade barriers and allowing the free movement of goods, services, and people across Africa, the AfCFTA will help increase combined consumer and business spending on the continent.

Another important attribute of African trade is its high external orientation and hence the limited volume of intra-African trade. Recent data from the African Union and the International Monetary Fund (IMF) show that intra-African exports are only about 13%, compared to levels of intraregional trade of about 60% in Europe, 40% in North America, and 30% in the Association of Southeast Asian Nations (ASEAN). Since most African countries trade with countries outside the continent, their economies have failed to fully harness complementarities and take full advantage of the economies of scale that greater market integration can provide.

Against this backdrop, one-stop border posts (OSBPs) are central to enhancing interconnectivity and to deepening regional market integration through the processing of border clearance at one location. In line with the Programme for Infrastructure Development in Africa (PIDA), several projects to implement OSBPs have been undertaken and more are planned, to connect cross-border infrastructure and significantly increase the volume of trade from operationalisation of the AfCFTA. As Africa moves towards continent-wide integration with free movement of goods, people, and investments through the AfCFTA, OSBPs will play a critical role as a first step in laying the foundation for a Continental Customs Union.

In addition to challenges related to increased trade volumes, new challenges arising from the COVID-19 pandemic have adversely affected cross-border movement. The pandemic has necessitated the establishment of health protocols, including infection prevention measures such as testing, quarantine, and vaccination. At the same time, the pandemic presents an opportunity to reshape the state of the world for years to come for the better through policy making and technical mechanisms to control the spread of new variants and communicable diseases across borders.

Accordingly, there have been calls to revise the OSBP Sourcebook – a key resource that elaborates the OSBP concept and provides guidelines on OSBP operations – to address the changing context brought about by the launching of the AfCFTA and by the COVID-19 pandemic.

The successful publication of the 3rd edition of the OSBP Sourcebook, which follows the last major revision in 2016, is a significant milestone and should be commended. However, our work does not end here. In fact, it will be important to obtain more buy-in and reach as many stakeholders as possible towards its full utilization and adaptation for OSBP development "on the ground".

The 3rd edition of the OSBP Sourcebook has been prepared in alignment with Agenda 2063 as Africa moves towards a single customs union through the AfCFTA. Hence, we need to work together to accelerate this important journey, making maximum use of this invaluable guide as a step towards continental development. As AUDA-NEPAD continues to spearhead the implementation of the PIDA, and to support the AfCFTA, we value the continued support of our partners and stakeholders to facilitate this process towards an integrated, prosperous, and peaceful Africa.

Nardos Bekele-Thomas
Chief Executive Officer
African Union Development Agency-NEPAD, (AUDA-NEPAD)

Foreword

Since the launch of the first one-stop border post (OSBP) in Africa in 2009, there has been tremendous progress in OSBP development. As Africa strives toward its regional integration, OSBPs have gained more importance in their function of facilitating and promoting international and intra-African trade.

Together with Regional Economic Communities (RECs), respective Member States, and development partners, the Japan International Cooperation Agency (JICA) has been actively pursuing the promotion of OSBPs in Africa. To date, JICA has contributed to 14 OSBPs by implementing both hard and soft projects. Considering the importance of knowledge/experience sharing and building capacity to spread this initiative in Africa, JICA supported publication of the 1st edition of the OSBP Sourcebook in 2011 and the 2nd edition in 2016. Accordingly, the Sourcebook, an operational guide to the OSBP concept, has been widely used by various stakeholders and implementers of OSBPs across the continent.

Over five years have passed since the launch of the 2nd edition, and the need to revise the Sourcebook arose due to two major events affecting trade facilitation in Africa, namely the launch of the AfCFTA and the COVID-19 pandemic. In order to facilitate trade and provide efficient border management during pandemics, there is a growing need, both at the policy and operational levels, to adapt the development, operation, and functioning of OSBPs to these enormous changes.

The process of revising the OSBP Sourcebook was led by AUDA-NEPAD with great contributions from various stakeholders including RECs, Member/Partner States, and international partners.

I believe, with the contributions of various stakeholders, the 3rd edition of the OSBP Sourcebook will provide a more relevant guide and useful resource that OSBP implementers can use as a reference from which they can draw practical lessons in the current unprecedented situation. I hope the Sourcebook will be widely utilized and contribute to advancing trade facilitation as well as laying the foundation for regional integration in Africa.

Trade facilitation is key in maximizing the benefits of the AfCFTA and facilitating economic recovery from COVID-19. JICA will continue to be committed to supporting African initiatives toward regional integration, respecting Africa's ownership.

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In recognition of the need to update this valuable reference document, the 3rd Edition of the One-Stop Border Post (OSBP) Sourcebook was jointly prepared by the African Union Development Agency – New Partnership for Africa's Development (AUDA-NEPAD) and the Japan International Cooperation Agency (JICA), as a lead development partner of AUDA-NEPAD.

As lead authors of the report, Bruce P. Winston and Yoko Konishi, oversaw the research, analysis, interviews, consultations, and writing with the assistance of PADECO team members comprising of Antony Munguti (Customs/ICT Specialist), Dr. Haruka Sakamoto (Infectious Disease Countermeasures Specialist), Dr. Kristiaan Bernauw (Legal and Institutional Framework Specialist), Naohiko Seki (OSBP Survey/Coordination Specialist), and Satoko Hara (Facilitator) This paper was also conceptualized and composed by Jumpei Sunahara, Infrastructure Advisor at AUDA-NEPAD, and Maona Yui, Programme Coordinator at JICA. The project was directed by Dr. Towela Nyirenda-Jere, Head of the Economic Integration Division at AUDA-NEPAD, and Hiroyuki Yakushi, Senior Director of Planning and TICAD Process Division at JICA, under the supervision of Nardos Bekele-Thomas, Chief Executive Officer of AUDA-NEPAD, with the assistance of Amine Idriss Adoum, Director of Programme Delivery and Coordination Directorate at AUDA- NEPAD.

In the course of developing the 3rd edition of this OSBP Sourcebook, two virtual stakeholder consultation meetings were held on 27-28 January and 22 March 2022, followed by a virtual validation workshop on 9 May 2022.

Numerous highly skilled and experienced professionals from the Member States, stakeholders, and Partners, in particular from the regional economic communities, international development partners, and other relevant organizations provided vital comments, technical advice, guidance, and suggestions during the course of this project.The following individuals should receive special appreciation for their significant contributions to the project:

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Abbreviations

ABC	automated border control
ACBC	African Capacity Building Centre
ACDC	Africa Centres for Disease Control and Prevention
AfCFTA	African Continental Free Trade Area
AfDB	African Development Bank
Afreximbank	African Export-Import Bank
AEO	authorized economic operator
AG	attorney general
ALCO	Abidjan-Lagos Corridor Organization
AMS	ASEAN Member States
AMU	Arab Maghreb Union (see also UMA)
ASEAN	Association of Southeast Asian Nations
ASYCUDA	Automated System for Customs Data
ASYPM	ASYCUDA System for Performance Measurement
ASW	ASEAN Single Window
ATA	Admission Temporaire / Temporary Admission
AU	African Union
AUBGS	African Union Border Governance Strategy
AUC	African Union Commission
AUBP	African Union Border Progamme
AUDA	African Union Development Agency
B2G	business-to-government
BCP	business continuity plan
BLT	build, lease, and transfer
BMA	Border Management Agency (proposed in South Africa)
BMIS	border management information system
BOMCA	Border Management Programme in Central Asia
BOO	build, own, and operate
BOOT	build, own, operate, and transfer
BOSC	bilateral OSBP steering committee
BP	border post
BPA	business process analysis
BSM	Border Security and Management
Capex	capital expenditures

CBM	coordinated border management
CBTA	Cross-Border Transport Agreement / Cross Border Traders Association
CCC	Customs Cooperation Council
CCD	charge-coupled device
CCTTFA	Central Corridor Transit Transport Facilitation Agency
CCTV	closed-circuit television
CCZ	common control zone
CDC	Centres for Disease Control and Prevention
CEEAC	Communauté Économique des États de l'Afrique Centrale (see also ECCAS)
CEMAC	Communauté Économique et Monétaire de l'Afrique Centrale (Economic and Monetary Authority of Central Africa)
CEN-SAD	Community of Sahel-Saharan States [*Communauté des Etats Sahélo-Sahariens* or *Comunidade dos Estados Sahelo-Saarianos*]
CEPGL	Economic Community of the Great Lakes Countries (*La Communauté Economique des Pays des Grands Lacs*)
CET	common external tariff
CGE	computable general equilibrium
CMR	Convention relative au Contrat de Transport International de Marchandises par Route [Convention on the Contract for the International Carriage of Goods by Road]
COJ	Court of Justice
COMESA	Common Market for Eastern and Southern Africa
COMPETE	Competitiveness and Trade Expansion Program
Comtrade	Commodity Trade Statistics Database
COOP	continuity of operations plan
COVID-19	Coronavirus disease 2019
CP	contingency plan
CSCD	COMESA Simplified Customs Document
CSR	corporate social responsibility
CTMS	Corridor Trip Monitoring System
CTO	corridor transport observatory
DAC	Development Assistance Committee
DBFOM	design, build, finance, operate, and maintain
DBO	design, build, and operate
DBOM	design, build, operate, and maintain
DBOT	design, build, operate, and transfer

DBSA	Development Bank of Southern Africa
DP	Dialogue Partner
DRC	Democratic Republic of Congo
DRP	disaster recovery plan
DS	dispute settlement
DSU	Dispute Settlement Understanding
EABC	East African Business Council
EAC	East African Community
EALA	East African Legislative Assembly
EAMU	East African Monetary Union
EATTFP	East African Transport and Trade Facilitation Project
ECCAS	Economic Community of Central African States (also see CEEAC)
eCoO	Centralized Electronic Certificate of Origin
ECOWAS	Economic Community of West African States
ECTS	electronic cargo tracking system
EDF	European Development Fund
EDI	electronic data interchange
EIRR	economic internal rate of return
EPC	engineering procurement contract
e-Phyto	electronic phytosanitary
ERCA	Ethiopia Revenues and Customs Authority
eSW	electronic single window
eSWS	electronic single window systems
EU	European Union
EYE	Eliminate Yellow Fever Epidemics
FAQ	frequently asked question
FCDO	Foreign, Commonwealth and Development Office (United Kingdom)
FIATA	International Association of Freight Forwarders' Associations / *Fédération Internationale des Associations de Transitaires et Assimilés*
FGN	Federal Government of Nigeria
FMP	Free Movement of Persons
FTA	free trade area
FTF	foreign terrorist fighter
FTP	Frequent Travelers' Program
G2B	government to business
G2C	government to citizens/consumers

G2G	government-to-government
GCMS	Ghana Customs Management System
GFPTT	Global Facilitation Partnership for Transport and Trade
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (a German development agency)
GMS	Greater Mekong Subregion
GPS	global positioning system
HBM	humanitarian border management
HCV	high-capacity vehicle
HLSC	High Level Steering Committee
HS	Harmonized System
IBM	integrated border management
IAEA	International Atomic Energy Agency
ICA	Infrastructure Consortium for Africa
ICAO	International Civil Aviation Organization
ICB	informal, cross-border
ICC	International Chamber of Commerce
ICT	information and communications technology
IED	improvised explosive device
IGAD	Intergovernmental Authority on Development
IOC	Indian Ocean Commission
IRR	internal rate of return
ISDS	Integrated Safeguards Datasheet
IT	Information technology
Interpol	International Criminal Police Organization
IOM	International Organization for Migration
IT	information technology
ITC	International Trade Centre
JBC	joint border committee
JBOC	joint border operations committee
JBS	joint border surveillance
JBP	joint border post
JICA	Japan International Cooperation Agency
JSC	joint sectoral council / joint steering committee
JTC	joint technical committee
KBA	Kazungula Bridge Authority

KPI	key performance indicator
LLDC	landlocked developing country
LPI	Logistics Performance Index
MeV	megaelectron volt
MIDAS	Migration Information and Data Analysis System
MOA	memorandum of agreement
MoU	memorandum of understanding
MRU	Mano River Union
MSME	micro, small, and medium enterprises
N2N	nation-to-nation
NA	not applicable / not available
NAAT	nucleic acid amplification test
NACCS	Nippon Automated Cargo and Port Consolidated System
NCTTA	Northern Corridor Transit and Transport Agreement
NCTTCA	Northern Corridor Transit and Transport Coordination Authority
NEPAD	New Partnership for Africa's Development
NICIS	Nigeria Integrated Customs Information System
NII	non-intrusive inspection
NOCC	national OSBP coordination committee
NOSC	national OSBP steering committee
NPV	net present value
NSC	North-South Corridor
NSW	National Single Window
NTB	non-tariff barrier
NTD	neglected tropical disease
NTFB	national trade facilitation body
NTFC	national trade facilitation committee
NTIS	National Transport Information System
OAU	Organization of African Unity
OBR	L'Office Burundais des Recettes (Burundi Revenue Authority)
OCR	optical character recognition
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
PACCI	Pan African Chamber of Commerce and Industry
PACIR	Trade and Regional Integration Support Program
PAL	Port Autonome du Lomé (Lomé Port Authority)
PAMOSET	Transport Sector Modernization and Trade Facilitation Project on the Abidjan-Ouagadougou Corridor
PAP	Priority Action Plan
PCR	polymerase chain reaction
PFCTCAL	Trade and Transport Facilitation Project on the Abidjan-Lagos Corridor
PGA	partner government agency
PGS	Programme Global Shield
PID	Project Information Document
PIDA	Programme for Infrastructure Development in Africa
PISCES	Personal Identification Secure Comparison and Evaluation System
PIT	project implementation team
PLC	public limited company
PMAESA	Port Management Association of Eastern and Southern Africa
PPE	personal protective equipment
PPP	public-private partnership
QR	quick response
QuARTA	Quantitative Analysis of Road Transport Agreements
RCTG	Regional Customs Transit Guarantee (COMESA)
RDT	rapid diagnostic test
REC	regional economic community
RECTS	regional electronic cargo tracking system
RECDTS	regional electronic cargo and driver tracking system
RITD	Regional Integration and Trade Division
RJCC	regional joint coordinating committee
RKC	Revised Kyoto Convention
ROCC	regional OSBP coordination committee
ROO	rehabilitate-own-operate
ROOT	rehabilitate-own-operate-transfer
RSS	road side station
RTA	regional trade agreement
SA	Société Anonyme

SACU	Southern African Customs Union
SADC	Southern African Development Community
SARS	South African Revenue Services
SBC	SADC Business Council
SC	Smart Corridor
SCO	simplified certificate of origin
SCOO	COMESA Simplified Certificate of Origin
SCT	Single Customs Territory (EAC)
SCTIFI	Sectoral Council on Trade, Industry, Finance and Investment (of the EAC)
SDG	sustainable development goal
SGR	Standard Gauge Railway
Sida	Swedish International Development Cooperation Agency
SIGMAT	Regional Customs Network for Transit Trade (of ECOWAS)
SMART	Safety, Mobility, Automated, Real-time Traffic Management
SME	small and medium-sized enterprise
SPV	special purpose vehicle
SRA	Swaziland Revenue Authority
SSATP	[Sub-Saharan] Africa Transport Policy Program
STCE	Strategic Trade Control Enforcement
STR	Simplified Trade Regime
SWS	single window system
SYDONIA	Système Douanier Automatisé
TA	technical assistance
TAH	Trans-African Highway
TANCIS	Tanzania Customs Integrated System
TAZARA	Tanzania-Zambia Railway Authority
TCD	time/cost-distance method
TEU	twenty-foot equivalent unit
TFA	Trade Facilitation Agreement
TFAF	Trade Facilitation Agreement Facility
TFI	trade facilitation indicator
TFTA	Tripartite Free Trade Area
TID	trade information desk
TIDO	trade information desk officer
TIR	*Transit International Routier* [international road transport]

TKC	Trans Kalahari Corridor
TKCMC	Trans Kalahari Corridor Management Committee
TKCS	Trans Kalahari Corridor Secretariat
TLC	Transport Logistics Consultants
TLS	Traffic Light System
TMEA	TradeMark East Africa
TMS	time measurement survey
TMSA	TradeMark Southern Africa
TOR	terms of reference
ToT	training of trainers
TRA	Tanzania Revenue Authority
TRAINS	Trade Analysis Information System
tralac	Trade Law Centre
TRIE	Interstate Road Transit (*Transit Routier Inter-États*) mechanism
TRS	time release study
TRIPS	Transport Registers and Information Platform and System
TSI	trade support institution
TTC	travel time cost
TTCMS	Trade and Transport Corridor Monitoring System
TTFA	Trade and Transport Facilitation Assessment
TTTFP	Tripartite Transport and Transit Facilitation Programme
TWG	technical working group
UEMOA	*Union Economique et Monétaire Ouest-Africaine* (see also WAEMU)
UMA	*Union du Maghreb Arabe* (see also AMU)
UNAIDS	United Nations Programme on HIV/AIDS
UN/CEFACT	United Nations Centre for Trade Facilitation and Electronic Business
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development
UNECA	United Nations Economic Commission for Africa
UNECE	United Nations Economic Commission for Europe
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNHCR	United Nations High Commissioner for Refugees
UNNExT	United Nations Network of Experts for Paperless Trade and Transport
UNOCT	United Nations Office of Counter-Terrorism
UNODC	United Nations Office on Drugs and Crime

UNSCR	United Nations Security Council Resolution
UNTOC	United Nations Convention against Transnational Organized Crime
UPS	uninterruptible power supply
USAID	United States Agency for International Development
VAT	valued added tax
VLMIS	Vehicle Load Management Information System
VOC	vehicle operating cost
vpd	vehicles per day
VSAT	very small aperture terminal
WAEMU	West African Economic and Monetary Union (see also UEMOA)
WAN	wide area network
WCO	World Customs Organization
WEF	World Economic Forum
WHO	World Health Organization
WMD	weapon of mass destruction
WTO	World Trade Organization

Note: Following best practice, the first letters have been capitalized only in proper nouns.

Executive Summary

1. Background and Objectives

One-stop border posts (OSBPs) are a unique modern approach for improving efficiency at land border crossings by combining the stops required for processing exit and entry formalities of the adjoining states at one location. OSBPs have been gradually introduced over the last decade or so in Africa where there are many landlocked countries, and one of the major challenges for trade facilitation has been delays and high logistics costs due to the inefficiencies at land border crossings.

The OSBP concept has drawn wide attention from many African states and international development partners as an innovative solution to increase efficiency and facilitate trade in line with the spirit of the Trade Facilitation Agreement (TFA) of the World Trade Organization (WTO), and there has been a high-level global commitment to developing and operating OSBPs in East, West, and Southern Africa. The first (functional) OSBP was opened at Chirundu between Zambia and Zimbabwe in December 2009 and thereafter a number of OSBPs have been planned on the continent.

To provide a practical reference by sharing experiences and lessons learned from developing OSBPs for the decision-makers and the implementers of OSBP projects, the 1st edition of the OSBP Sourcebook was prepared in 2011 in collaboration with the regional economic communities (RECs) of Africa, international development partners active in OSBP projects, and border agencies that were active in the implementation of OSBP projects. Since there was a need to update this reference to compile later knowledge, wider experiences, and good practices, a 2nd edition of the OSBP Sourcebook was prepared and published in May 2016.

Since the publication of the 2nd edition of the OSBP Sourcebook, there have been **two major developments** that affect border operations and OSBPs – the African Continental Free Trade Area (AfCFTA) and the COVID-19 pandemic:

(i) Signed by 54 countries in Africa, the **AfCFTA** agreement aims to create a pan-African single market for goods and services to facilitate the free movement of persons and investments and to lay the foundation for a Continental Customs Union. Many benefits such as increased trade and employment are envisaged from implementation of the AfCFTA.

(ii) The other major event – which was rather unexpected – was the **COVID-19 pandemic** emerging in the early 2020s, which has highlighted the importance of border control and supply chain continuity and developing common protocols to facilitate harmonized approaches to deal with such situations. It has become necessary to rethink and review border processes and procedures, and regional and national authorities need to provide guidance on how to strike a balance between controlling the spread of disease and facilitating emergency and essential trade. While there may be a "new normal", all governments and regional/continental authorities need to adapt and formulate innovative approaches to ensure efficient cross-border trade for economic recovery and development.

The purpose of the 3rd edition of the Sourcebook is to review and incorporate these changing environments and their impacts on border operations, as well as to reflect the role of OSBPs and more up-to-date and rich experiences and examples of various OSBP projects implemented across the continent to provide a useful reference for implementing OSBPs. The readers targeted by the

Sourcebook are mainly practitioners – government officials at the decision-making level and border officers who process day-to-day border operations, as well as users such as private operators including importers and exporters, clearing and forwarding agents, transporters, small traders and local communities that cross borders to transport goods, travel, and move regionally. The Sourcebook may also be relevant and useful for regional and corridor management organizations that monitor corridor movements and advise on efficient trade environments, and development partners that are involved in and/or are considering support for similar trade and transport projects.

The Sourcebook should be considered a working tool, providing suggestions on the development and operationalization of OSBPs, but should not be seen as providing detailed technical specifications on all aspects of OSBPs in individual African Union (AU) Member States. Although various case studies on OSBPs are presented, the intention is not to assess each OSBP as a success or failure, but rather to share experiences and compile lessons learned for readers who are involved in OSBP projects. The Sourcebook should be used along with other relevant sources when developing and operationalizing OSBPs. While good and best practices are provided for guidance, the processes and technologies presented must be integrated and adapted to the needs of each Member State, each country pair, and each border crossing. And while the Sourcebook has been prepared to be as comprehensive as practicable, some aspects of OSBPs have necessarily received less detailed coverage than others.

Since many OSBPs have been established and planned together with other border management and trade facilitation initiatives, the aim of the Sourcebook is not to examine the details of each project, but rather to collect and provide examples and lessons learned in view of future implementation of similar projects.

Since the Sourcebook is to be practical reference, wide distribution of the Sourcebook is encouraged, and as with previous editions of Sourcebook, the 3rd edition can be also used and adapted for the development of OSBP action plans and OSBP procedures, as well as for training and sensitization on the ground.

Finally, the Sourcebook was produced at a point in time based upon the best information available. Inevitably, changes will occur that will affect the guidance provided. Therefore, it may be considered a "live document" providing a robust platform for improving OSBPs, but which may require review from time to time to respond to emerging trends and priorities.

2. Structure of the Sourcebook

The 3rd edition of the Sourcebook includes 14 chapters and 2 appendices.

Chapter 1 describes the **OSBP concept**. It first presents the background and history of OSBPs, and the critical role that border crossings play in international trade, travel, and security in Africa, as well as the need to modernize border crossing procedures to address challenges in border operations and increase business competitiveness in the global economy. It then introduces key international conventions such as the Revised Kyoto Convention of the World Customs Organization (WCO) and the TFA of the WTO, which encourage joint control and coordination including the establishment of OSBPs. Referring to the history of Europe and Africa, the chapter notes that OSBPs were included in the Programme for Infrastructure Development in Africa (PIDA) and have expanded rapidly with the support of development partners. It describes the definition and objectives of OSBPs, or joint border posts (JBPs) as they are known in West Africa, as a trade facilitation tool contributing to regional integration and economic development. The chapter further details the four pillars necessary for implementation of OSBPs: (i) the legal and

institutional framework, (ii) review and alignment of procedures, (iii) improved border connectivity (ICT and data exchange systems) for effective OSBP operations, and (iv) hard infrastructure (physical facilities and traffic flows), including three models of OSBP development (juxtaposed, straddling, and single country or wholly located). Lastly, it considers OSBPs and regional integration, particularly in view of the implementation of the AfCFTA, the objectives of which include the establishment of an African single market and the foundation for a Continental Customs Union. Chapter 1 discusses the role of OSBPs and how they can contribute to regional and continental integration and the key considerations in implementing OSBP projects in this respect.

Chapter 2 considers the **rationale for and benefits of OSBPs**. The chapter reviews (i) the role of OSBPs in economic development through trade corridors and value chains, (ii) selection and prioritization of OSBP projects along corridors, and (iii) the rationale for and purpose of establishing OSBPs. It also presents various benefits for different user groups: national governments, border control agencies, transporters, forwarding and customs agents, manufacturers and traders, consumers, travelers, and border communities.

Chapter 3 addresses **recommended processes and practices for establishing OSBPs**. It first and foremost notes the importance of involving all major stakeholders from the planning stage and organizing wide-ranging consultations between border agencies and traders. This chapter outlines the process for establishing OSBPs, from the project identification phase to the project preparation phase, the implementation/construction phase, and the operational phase. The chapter presents steps for each phase, while highlighting the importance of having a legal framework or formal agreement at the preparation stage, establishing project management structures at the implementation stage, agreeing on harmonized and streamlined operating procedures to inform the design of operational flows, and providing sufficient training and sensitization on the OSBP concept and procedures before commencement of OSBP operations.

Chapter 4 discusses **OSBPs as public-sector projects**. It notes that OSBP projects are innovative and involve a variety of stakeholders from both adjoining countries; the scope of OSBP projects tends to be broad and complex. Specifically, the chapter covers (i) key considerations of OSBPs as public-sector projects (i.e., political will and support, multiple stakeholders, high visibility and public scrutiny, disbursements and funding cycles, project delivery mechanisms, frequent changes of personnel); (ii) OSBPs and socio-economic considerations, including the simplification of border procedures for border communities and small borders, gender considerations in OSBP operations, and considerations for private-sector operators; (iii) environmental safeguards; and (iv) disaster and emergency risk reduction and management planning. It also introduces various undertakings in this respect such as the Simplified Trade Regime (STR) and Trade Information Desks (in the COMESA region) and Border Information Centres (in the ECOWAS region), the EAC OSBP Training Curriculum incorporating gender mainstreaming and environmental and social safeguards, and the EAC OSBP Procedures Manual providing criteria for the preparation of disaster preparedness and response plans.

Chapter 5 examines **baseline surveys, impact assessment, and monitoring for OSBPs**. It introduces the process of carrying out surveys, monitoring, and studies required for the planning and operation of OSBPs. These studies are essential for designing appropriate OSBP facilities as well as for assessing the economic viability and impacts of OSBP projects. The chapter then presents types of studies such as traffic demand forecasting and economic analysis, which are critical during the pre-construction stage. It also introduces key performance indicators (KPIs) as a tool for structured monitoring of OSBP operations; various indicators are presented, referring to examples of the Traffic Light System developed by AUDA-NEPAD and the EAC OSBP performance measurement tool. Several data sources for national/regional analysis are presented and main parameters and tools for corridor-level assessments are suggested. The chapter then

introduces processes and typical data to be collected at the project preparation stage for border baseline surveys and traffic demand forecasting. Various economic analysis tools and models are presented and readers are advised to consider them depending on the objectives/impacts to be measured. In the operational phase, periodic performance monitoring is important to assess OSBP operations, while impact assessment is carried out to assess the impacts intended by the project. The chapter shows how such monitoring can be conducted, followed by a review of data collection tools, including border crossing reviews and studies on average time, and the use of ICT data sources.

Chapter 6 considers **institutional frameworks** for OSBPs – it provides a road map for the establishment of various levels of institutions required to support the operationalization of an OSBP. The chapter examines (i) global, continental, and regional legal frameworks underlying regional, national, and local OSBP institutional frameworks; (ii) stakeholders; (iii) the types of institutional bodies to be established such as bilateral steering committees and joint border committees; (iv) the roles and responsibilities of the bodies established at the respective levels of governance; (v) composition and representation; (vi) the operations of institutional bodies; (vii) timing of intervention/involvement; (viii) decision-making modes; (ix) meeting venue; (x) the financing of operations of institutional bodies; and (xi) work plans.

Chapter 7 reviews **OSBP funding and management models.** It first considers the process of choosing among different funding and management models for introducing and operationalizing OSBPs. It then discusses operational stage management models, including models for technical operational management, facility management, and safety/security management and traffic regulation. Because of the nature of tasks and the sovereignty aspects involved, private sector entities are not charged with the technical operation of OSBPs, but with facility management since their involvement offers potential benefits for the maintenance of infrastructure and facilities. The chapter also considers modes of financing (e.g., user fees, the treasury). Finally, it considers bilateral arrangements, e.g., the sharing of expenses for shared use of OSBP infrastructure and facilities.

Chapter 8 addresses **legal and regulatory frameworks for OSBPs**. It begins with a discussion of the general legal environment and the specific legal concept of OSBPs. It then considers various regulatory approaches and formulas, including multilateral and plurilateral (regional) legal instruments, bilateral agreements, and national laws and regulations. It then elaborates specific (core) OSBP legal issues such as extraterritoriality, hosting arrangements, dispute / conflict management / resolution arrangements, the sequence of controls, the handing over of controls, the reversal of controls, and data/information sharing/exchange. Finally, it considers formalization of the appropriate legal/regulatory framework for OSBPs.

Chapter 9 examines **border procedures and protocols for OSBPs**. First it highlights the importance and process of simplifying and harmonizing existing procedures and protocols before designing facilities and the need to align them with international standards to facilitate the movement of persons and goods at borders. It then provides key steps in the process and the legal instruments and standards, and key measures such as coordinated border management, risk management, pre-arrival processing, and fast-track services followed by sections on designing OSBP border clearance procedures for people and goods respectively. These procedures are ideally crafted by involving the concerned parties and could be revisited and supplemented responding to the emergency needs such as those presented by the COVID-19 pandemic. The chapter also notes the importance of considerations for small traders and border communities by developing respective simplified regimes and processes. Next, the chapter considers clearance of dangerous/hazardous goods and perishable goods, and the enhancement of security at OSBPs. Finally, the chapter reviews OSBP procedures manuals and associated training introducing good practices.

Chapter 10 reviews **health procedures and protocols at OSBPs**. It notes that many of the policy decisions to be made will depend largely on the unique situations of each corridor, border crossing, and country, rather than on universal choices, and that the final decisions are within the scope of national sovereignty. It reviews the overall situation of COVID-19 and other infectious diseases, the need for infectious disease control at borders, and procedures and facilities for testing and quarantine. It also provides details of COVID-19 response situations and challenges at EAC borders as "on-the-ground" examples. The chapter then considers the facilitation of trade and transport during pandemics, with a review of the importance of such facilitation. It introduces continental and regional guidelines for trade and transport facilitation during the COVID-19 pandemic, and good practices for facilitating trade and transport during pandemics, particularly practices using digital solutions.

Chapter 11 discusses **physical facilities and traffic flow in OSBP**. It first reviews the process for determining design and specifications, which requires good understanding of the OSBP concept and procedures as well as onsite trade and traffic patterns. It then provides detailed processes and key considerations at the planning and design stage, including discussion on stakeholders and optimal sizing, followed by key components of and requirements for cargo clearance facilities and passenger clearance facilities. While smooth traffic movement through an OSBP facility is important, the flows should accommodate security and health screening requirements before other clearance processes. Lastly, the chapter notes the importance of firefighting planning and coordination, along with the provision of firefighting facilities and equipment.

Chapter 12 examines **ICT and OSBPs**. It starts with the process of implementing ICT in operationalizing OSBPs, and the role and importance of ICT in OSBPs. It observes that realization of the benefits from ICT at an OSBP must be part of an overall rethinking or reimagining of procedures. The chapter then presents the areas of consideration in an OSBP ICT needs assessment, and key considerations in applying ICT for OSBPs along trade/transit corridors, such as interconnectivity of customs IT systems and corridor transit bonds and tracking systems. The chapter then introduces key ICT systems and processes for OSBP operations, including (i) connectivity in the common control zone, (ii) major customs and immigration clearance systems, (iii) coordinated border management using ICT (e.g., customs data exchange, single windows, single guarantee bond systems, cross-border transport information systems, and regional cargo tracking systems), and (iv) smart corridor approaches. It notes that ICT can also be used for compilation of trade and travel statistics. Finally, the chapter reviews emerging trends in the application of ICT in OSBPs citing good examples from Southern Africa, as well as business continuity and fallback systems.

Chapter 13 reviews **other trade and transport facilitation tools** that may be useful for making border crossing at OSBPs smother and more efficient. It includes a matrix with (i) a listing of the tools; (ii) issue(s) and approaches; and (iii) references, sources of good practices/toolkits, and contact persons.

Chapter 14 presents eight unique **OSBP case studies** (Chirundu, Cinkansé, Mfum, the EAC, Namanga and Rusumo, Gasenyi I/Nemba, Kazungula, and Lebombo/Ressano Garcia) from different regions of Africa to share rich on-the-ground experiences and lessons learned from implementing OSBP projects. 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).

Appendix A presents a **matrix of characteristics** (e.g., location, legal basis, type, operation status, development funding support) of the almost 120 OSBPs that have been planned or implemented.

Appendix B presents a **comparative matrix of laws and institutions of regional economic communities.**

3. Summary of Key Recommendations

Based on discussions among the technical experts and key stakeholders on updating the OSBP Sourcebook, the following points summarize key takeaways and lessons for advancing OSBPs:

(i) Through the AfCFTA, Africa is moving toward a continental customs union, a common market, free movement of goods, and eventually the removal of borders. On the other hand, since the transition to a full customs union will require strong political will and commitment, agreement on policies, harmonization, mutual recognition, and advanced data exchange systems, a long-term transitional approach is needed. OSBPs can play a role to transition currently congested border crossings to trade facilitation and joint control points as a first step toward realization of the AfCFTA.

(ii) There is a need to look at OSBP concepts in multiple contexts – simply developing OSBP facilities will not achieve the efficiency objective – complementary trade facilitation measures (e.g., risk management, data exchange) are necessary. A total corridor approach that incorporates other trade facilitation initiatives is critical for realizing the transformational economic benefits of trade facilitation and regional integration. It is also crucial to consider soft infrastructure such as interconnectivity, the use of digital processing, and the streamlining of procedures, then assess the additional infrastructure required for efficiency and border security, and thereafter determine/design the size of border infrastructure at OSBPs.

(iii) Considering the huge impacts brought by pandemics such as COVID-19 on border operations and the movement of goods and people, it is important to incorporate health contingencies for operationalizing OSBPs. There is also a need to revisit or supplement OSBP procedures to respond to health and security risks while facilitating essential trade (e.g., developing regional and continental guidelines). Regional economic communities (RECs) can lead such efforts especially when a harmonized approach is needed to facilitate trade in the region. It will be beneficial to develop public health, business continuity, and disaster and emergency risk reduction and management plans in response to various natural and manmade disasters.

(iv) In view of current trends with increased use of electronic or digital platforms, applying ICT at OSBPs along trade/transit corridors (e.g., interconnectivity of customs systems, corridor transit bonds, and tracking systems) will be a key factor for achieving effective and efficient OSBPs.

(v) It is important to incorporate and conduct performance measurement and monitoring of OSBPs after implementation. Also, there is a need to pay more attention to the needs of specific communities and consideration of corporate social responsibility (CSR).

(vi) Finally, it is essential to continue engaging countries implementing OSBPs and reach stakeholders and develop outreach and training programs that speak to different groups affected by OSBPs.

Chapter 1
The OSBP Concept

1.1 Introduction

Africa has the most landlocked ("landlinked") 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 13% of the continent's total trade, which is far below the levels of intraregional trade in Europe (60%), North America (40%), and the Association of Southeast Asian Nations (30%).[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 2019, only three African countries are ranked in the top half of the 144 countries measured globally.[2] One of the 12 pillars of competitiveness 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 are components of this pillar, the efficiency of border operations affects 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 International Convention on the Simplification and Harmonization of Customs Procedures (1999), commonly referred to as the Revised Kyoto Convention (RKC),[4] developed by the World Customs Organization (WCO), stipulates joint control and harmonization of working hours at adjacent border posts, and the establishment of juxtaposed customs offices to facilitate joint control.[5] In addition, 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 TFA specifically states that such cooperation and coordination should include the establishment of OSBPs, as shown in Box 1-1.

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[1] African Union, BIAT – Boosting Intra-African Trade [available at https://au.int/en/ti/biat/about]. "Even if allowance is made for Africa's unrecorded informal cross-border trade, the total level of intra-African trade is not likely to be more than 20%, which is still lower than that of other major regions of the world." Also see Lisandro Abrego, Mario de Zamaróczy, Tunc Gursoy, Salifou Issoufou, Garth P. Nicholls, Hector Perez-Saiz, and Jose-Nicolas Rosas, *The African Continental Free Trade Agreement: Potential Economic Impacts and Challenges*, IMF [International Monetary Fund] Staff Discussion Note SDN/20/04, May 2020, p. 10.

[2] World Economic Forum, *The Global Competitiveness Report 2019*, 2019, p. xiii [available https://www3.weforum.org/docs/WEF_TheGlobalCompetitivenessReport2019.pdf]. Mauritius, South Africa, and Morocco were the only African countries ranked in the top 70 countries on the Global Competitiveness Index.

[3] World Economic Forum, *Global Competitiveness Report, 2014–2015*, 2015, available at www.weforum.org/ reports/global-competitiveness-report-2014–2015.

[4] Available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/conventions/kyoto-convention/revised-kyoto-convention/body_gen-annex-and-specific-annexes.pdf?la=en.

[5] RKC General Annex (GA) 3.3: "Where Customs offices are located at a common border crossing, the Customs administrations concerned shall correlate the business hours and the competence of those offices"; GA3.5: "At common border crossings, the Customs administrations concerned shall, whenever possible, operate joint controls"; and "GA3.5 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 neighbouring Customs to establish a juxtaposed Customs office to facilitate joint controls".

Box 1-1: WTO TFA Article 8 on Border Agency Cooperation

1. Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.
2. Each Member shall, to the extent possible and practicable, cooperate on mutually agreed terms with other Members with whom they share a common border with a view to coordinating procedures at border crossings to facilitate cross-border trade. Such cooperation and coordination may include:
   (a) alignment of working days and hours;
   (b) alignment of procedures and formalities;
   (c) development and sharing of common facilities;
   (d) joint controls;
   (e) **establishment of one stop border post control**." [emphasis added]

Source: World Trade Organization, Trade Facilitation Agreement, 22 February 2017 (date of entry into force)

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),[6] 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 Authority (NCTTCA) and the World Bank 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 14.2 – 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 joint border post (JBP) or OSBP at Cinkansé – serving Togo and Burkina Faso and profiled in Section 14.3 – 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)[7] included the development of OSBPs and the Infrastructure Consortium for Africa (ICA) transport sector platform, championed by JICA and the European Investment Bank, has strengthened its support for OSBPs in recent

[6] It was noted at the 2nd Consultation Meeting that a customs union was commenced in Europe in 1992, but before that there were OSBPs to facilitate the movement of goods; also, the predecessor to the Transports Internationaux Routiers (TIR, international road transport) Convention was implemented before that date. In other words, OSBPs and other trade facilitation measures were implemented before regional integration. *Second Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 22 March 2022, p. 3.

[7] 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.

years. Appendices A and B present information on more than 110 OSBPs on the continent at the planning or implementation stage.

At least arguably, OSBPs play a role in facilitating joint control and trade at border crossings at any stage of regional integration. For example, as mentioned in the EAC case study in Chapter 14, the establishment of OSBPs in the EAC was aligned to the fundamental objectives of the regional Customs Union by ensuring that the designs of border facilities and procedures are consistent with the regional integration agenda. To the extent that it may be subsequently discovered that new OSBP facilities exceed the requirements for border operations under the EAC's Single Customs Territory (SCT)[8] framework, consultations and fresh thinking will be required on options to optimize the use of such facilities.[9]

Global health crises – most notably the COVID-19 pandemic emerging in the early 2020s – have highlighted the importance of border control and supply chain continuity and developing common protocols to facilitate harmonized approaches to deal with such situations. It has become necessary to rethink existing border restrictions and regulations, and regional and national authorities need to provide guidance on how to strike a balance between controlling the spread of disease and facilitating emergency and essential trade. While there may be a "new normal", all governments and regional/continental authorities need to adapt and formulate innovative approaches to ensure efficient cross-border trade for economic recovery and development.

1.2 Definition and Four Pillars of the OSBP Concept

1.2.1 Definition

Narrowly defined, an OSBP is a border crossing where travelers, goods, and means of transport stop only once to undertake exit formalities from one country and entry formalities into the other.[10] 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."[11]

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 increasing trade, improving regional economies and the collection of taxes and duties, and maintaining public order and security by mitigating the risk of terrorism, preventing human trafficking, and preventing transmission of communicable diseases.

[8] The SCT aims to remove restrictive regulations and/or minimize internal border controls on goods moving between the Partner States of the East African Community (EAC) with ultimate realization of free circulation of goods. The elements supporting the SCT are that: (i) goods are cleared at the first point of entry; (ii) one customs declaration is made at the destination country; (iii) taxes are paid at the point of destination when goods are still at the first point of entry; (iv) goods are moved under a single regional bond from the port to destination; (v) goods are monitored by an electronic cargo tracking system; (vi) customs systems are interconnected; and (vii) internal controls/checks are minimized.

[9] 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 several interventions will be made at points of entry into the customs union or departure.

[10] For reference, the International Organization for Migration (IOM) has defined 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.

[11] http://www.gfptt.org/node/92.

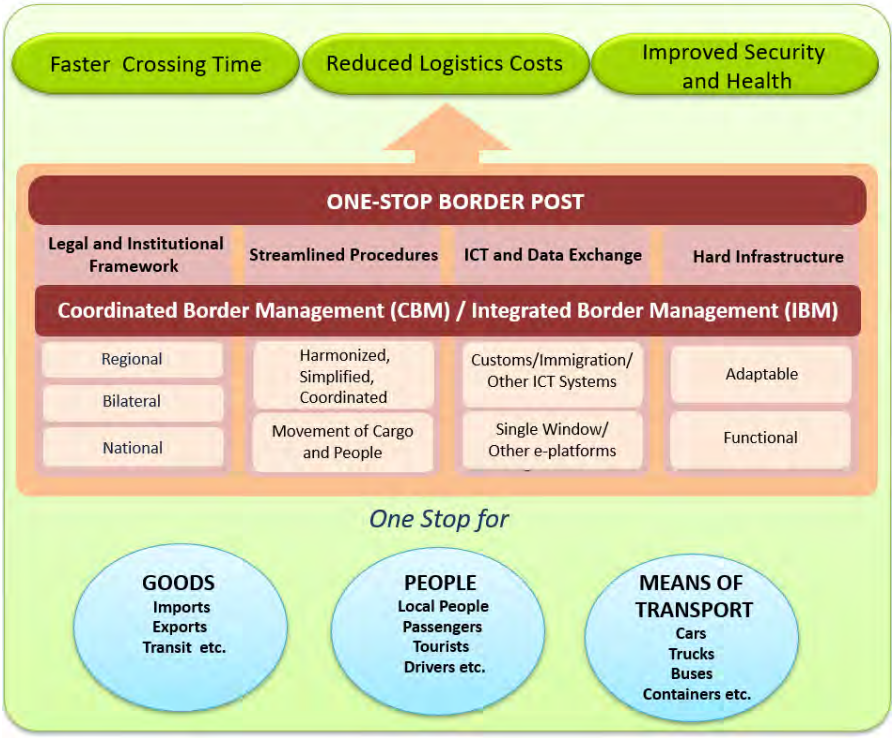
OSBPs may also enhance the benefits from improved connecting (road) infrastructure. Other trade facilitation tools – such as single window systems, risk management, trusted trader schemes, e-payment, and modern traffic management systems – are all key components of efficient OSBP operations. These aspects are covered in the relevant chapters of this Sourcebook.

More importantly, the OSBP concept promotes a coordinated and integrated approach to facilitating trade, the movement of people, and improving security as a trade facilitation tool applied at borders. The concept eliminates the need for travelers and goods to stop two or more times 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 reduces the clearance time at border crossings. 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.

1.2.2 The Four Pillars of OSBPs

Figure 1-1 presents a graphical representation of the OSBP concept. 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 1-1: The OSBP Concept



Source: This Sourcebook

Each pillar is described in the following text.

(1) Legal and Institutional Framework

At a typical border crossing, 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. It is therefore 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. Consequently, 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.

To remove the barriers to trade and to improve the efficiency of border clearance, OSBPs require interagency, interdepartmental, and intergovernmental cooperation. In many cases, there are 10 or more government agencies operating at the border, typically proceeding with their operations in an uncoordinated fashion. It is also common practice to find agencies on one side of the border and working different hours from agencies on the other side. Although the responsibility to protect national interests at a border is vested in various border agencies that include immigration, police, state security, customs and there are different mandates for 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 coordinated border management (CBM) and/or integrated border management (IBM) are now integral components of OSBP systems.[12] The three levels of cooperation that form the key pillars of CBM/IBM are intra-agency, inter-agency, and international cooperation. Chapters 6 to 8 cover the legal, institutional, and management aspects of OSBPs.

(2) Review and Alignment of Procedures (Simplification and Harmonization)

Whereas users would be required to stop once 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. Implementing an OSBP without simplifying and harmonizing border crossing procedures renders an OSBP ineffective. The process of reviewing and aligning

[12] The first edition of WCO's WCO SAFE Framework of Standards in 2005 referred to IBM but it later adopted CBM. IBM may be used more for security-related coordination. Under CBM, different agencies work together at one location, while IBM may imply more streamlined border agency cooperation (e.g., the merging of immigration and customs in a border control agency). Recent examples of organizations referring to IBM – in security-related contexts – include (i) IGAD [Intergovernmental Authority on Development] Security Sector Program, *National Capacity Building Workshop on Integrated Border Management Conducted*, sponsored by United Nations Office of Counter Terrorism (UNOCT), Border Security and Management (BSM) Unit, 15 October 2021 [available at https://www.igadssp.org/index.php/news-events/202-national-capacity-building-workshop-on-integrated-border-management-conducted]; and (ii) International Criminal Police Organization (Interpol), Integrated Border Management Task Force [available at https://www.interpol.int/en/How-we-work/Border-management/Integrated-Border-Management-Task-Force]. In addition, documents of the African Union and International Organization for Migration (IOM) from 2020 refer to integrated border management and integrated border governance, respectively. (i) International Organization for Migration [UN Migration] and Common Market for Eastern and Southern Africa, *Making the Case to Integrate Human Mobility into Cross-border Trade and Trade Facilitation, Cross-border Trade and Border Management in Select Countries and Borders in the COMESA Region: A Case Study*, 2020 [available at https://publications.iom.int/fr/system/files/pdf/making-the-case-to-integrate-human-mobility.pdf]; and (ii) African Union, *African Union Strategy for a Better Integrated Border Governance*, June 2020 [available at https://reliefweb.int/sites/reliefweb.int/files/resources/2020-english-au-border-governance-strategy-final.pdf]. Other sources have used the terms collaborative, combined, or comprehensive border management.

procedures not only to ensure OSBP effective but also facilitative and relevant to the prevailing circumstances is integral part of the OSBP establishment. 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 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).[13]

It is also important to assess and review the procedures after the start of OSBP operations to confirm if the new procedures bring about the expected facilitation of the processes and identify any areas for further improvements to ensure more efficient operations. In addition, it may be necessary to revisit the procedures during health emergencies (e.g., as caused by the COVID-19 pandemic) when border crossing movements need to be restricted to control disease transmission at or through the border, while also facilitating the import/export of essential goods. One way to address such situations is to through administrative guideline or guidance – at the national, regional, and/or continental levels – to supplement existing legal frameworks and operating procedures. A good-practice example of harmonization through this approach is the Tripartite (COMESA, EAC, and SADC) guidelines on trade and transport facilitation for the movement of persons, goods and services across the tripartite region during COVID-19 pandemic in July 2020.[14] Similarly, the EAC Secretariat undertook a mission to assess the implementation of cargo clearance processes by border agencies in June 2020 to address challenges affecting the clearance and movement of goods across the region during the pandemic[15] and in late 2021 it was revisiting amendments to EAC OSBP Procedures Manual to reflect new realities.

Ideally, the concerned parties will develop public health, business continuity, and disaster and emergency risk reduction and management plans, to respond to various natural and manmade disasters including fire, landslides, pandemics, war, and drought.[16] The emergency response procedures can include measures for states to identify, disarm, and separate combatants from refugee population and intern them at a safe location away from the border.[17] There may be many exceptional protocols warranted in an emergency situation, and developing a separate procedure for operations in emergency situations to supplement standard operating procedures may be considered.

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[13] 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.

[14] Tripartite of COMESA, EAC, and SADC, *Trade and Transport Facilitation for the Movement of Persons, Goods and Services across the Tripartite Region during the COVID-19 Pandemic*, TP/EO-TC/01/2020/3, 29 July 2020.

[15] East African Community Secretariat, *Report of Mission to Assess Clearance Processes of Cargo at Borders in 7th to 30th June 2020*, June 2020.

[16] The African Union (AU) Convention on Cross-Border Cooperation (known as the Niamey Convention), adopted by the AU Assembly in 2014, promotes peaceful coexistence of borderland communities, boosts cross-border security governance, and provides a support mechanism to the implementation of AfCFTA by enhancing cross-border relations. It has not entered into force yet, however. The principle of *non-refoulement* also applies wherever a state exercises its authority under the 1951 Convention relating to the Status of Refugees). The 1951 Convention and its 1967 Protocol remain the core international instruments for ensuring the protection of people who are forcibly displaced across international borders. They are complemented by regional refugee instruments, notably the 1969 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which contain broader refugee definitions that protect persons who are compelled to leave their country because of violent or disruptive situations.

[17] Inter-Parliamentary Union and the United Nations High Commissioner for Refugees, *A Guide to International Refugee Protection and Building State Asylum Systems, Handbook for Parliamentarians*, No. 27, 2017.

Chapter 9 addresses procedures to facilitate the movement of goods and people, while Chapter 10 covers health procedures and protocols.

(3) Improved Border Connectivity (ICT and Data Exchange) for Effective OSBP Operations

For OSBP operations to be successful, agencies must be able to communicate with each other efficiently, especially when the agencies' staff are located in juxtaposed OSBPs (see subsection 1.3.3) since it is essential that they can access and use their operation systems from each side. Interconnectivity is therefore a necessary precondition for an OSBP to be functional since most agencies now use their operating systems and sometimes are not allowed to use manual processes. ICT is a key driver for automation of manual processes, by reducing the submission of paper documents while storing and sharing such data in a more transparent manner. Some countries have introduced single window systems, the processes of which are applied at the border. In addition, interconnecting customs systems of adjacent countries and implementing a common transit bond substantially reduces processes and the time and cost for trucks to cross the border. Also, the introduction of risk management systems addresses staff shortages and provides for more targeted inspections and contributes to trade facilitation. Chapter 12 covers ICT for OSBPs.

(4) Hard Infrastructure (Physical Facilities and Traffic Flows)

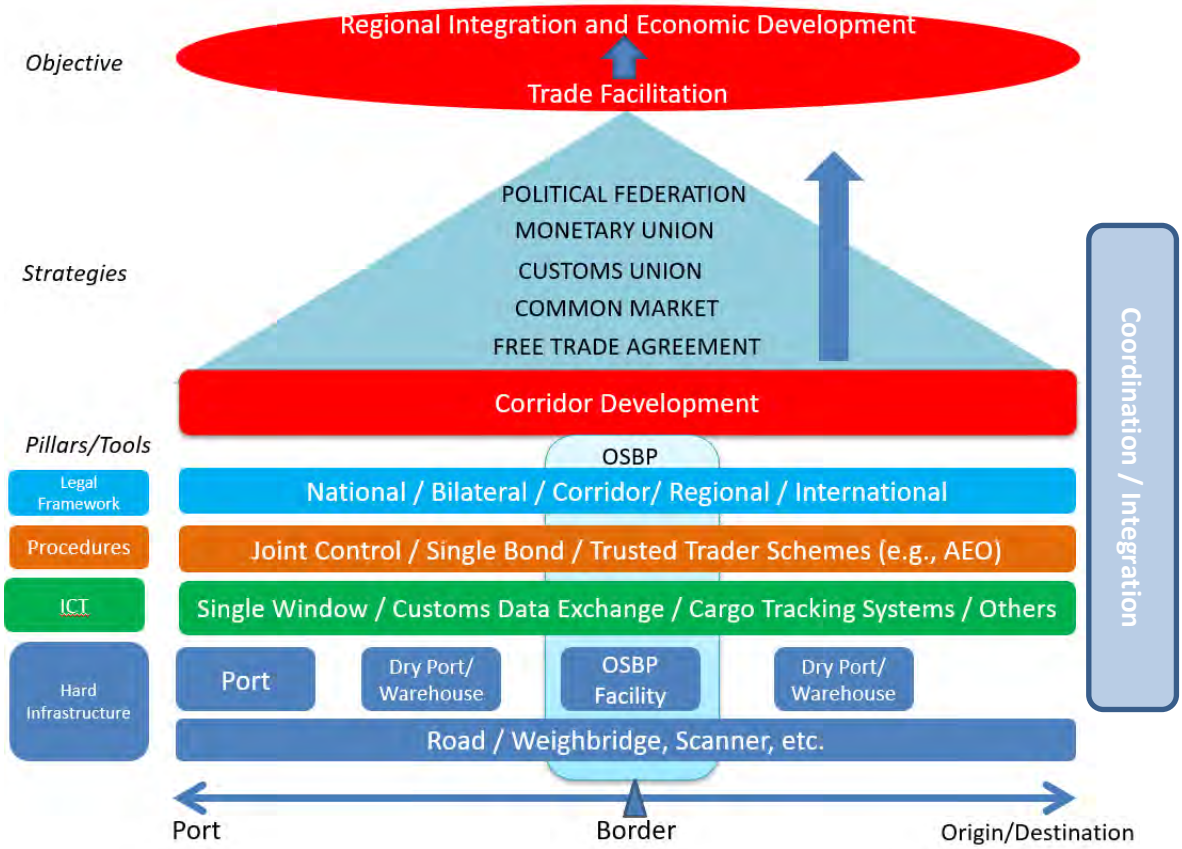
Hard infrastructure for OSBPs includes OSBP facilities such as OSBP administration buildings (offices for each border control agency), parking, warehouses, inspection bays, passenger clearance halls, banking hall, laboratory, scanner(s), and sometimes staff house and other operational equipment.[18] While all border posts require physical facilities for border operations, the level of facilities required depends on the type and size of operations at the border post. In principle, facilities for OSBP operations should be appropriately functional and should be determined after considering streamlined procedures and the application of ICT, and not unnecessarily elaborate ("gold-plated") or inadequate. Chapter 11 covers physical facilities and traffic flows including the design of border facilities and the level of equipment required for OSBP operations.

1.2.3 OSBPs as a Trade Facilitation Tool

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 crossings 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.

[18] From a broad point of view, other infrastructure such as trade centers may also be included.

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: 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. Table 1-1 presents the advantages and disadvantages of the various OSBP models.[19]

[19] There are different ways of classifying OSBPs. Consider, for example, that in December 2018 a JICA project in East Africa in identifying new OSBPs to facilitate under a technical cooperation project, classified current and planned OSBPs based on OSBP construction stage (no construction, under construction, or completed) and operational stage (no action, under preparation, operational with soft challenges, efficient operations). Japan International Cooperation Agency and PADECO Co., Ltd., *Component for Effective OSBP Operation of the Project on Capacity Development for International Trade Facilitation and Border Control in East Africa, Recommendations for Selection of New OSBPs to Facilitate (Activity 2)*, December 2018, p. 3.

Table 1-1: The Advantages and Disadvantages of the Various OSBP Models

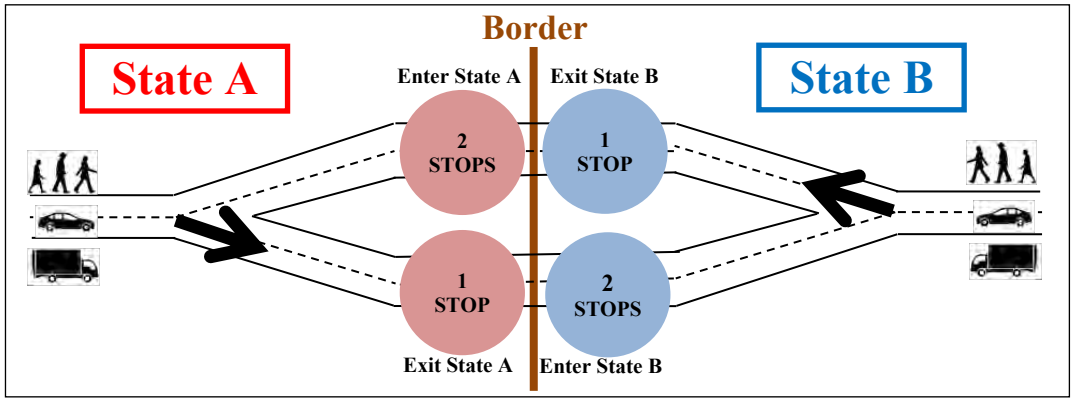
Model	Traditional Two-Stop	Juxtaposed OSBP Model	Straddling OSBP Model	Single Country (Wholly Located) OSBP Model
Cost (construction and maintenance)	N.A.	Double	Cost savings (single)	Cost savings (single)
Process	Many steps at two locations	On the country of entry only at one location	On the border at one location	In the country of the facility only
Inspection(s)	Tends to be separate	Joint control(s)	Joint control(s)	Joint control(s)
Political contingencies	Less affected	Less affected	Affected	Affected
Health contingencies	Less affected	Less affected	Affected	Very affected (may need to stop operations)
Integration agenda	Does not fit well	One facility may be sufficient	May fit in a compact location	May fit in a compact location

Abbreviation: NA = not applicable
Source: This Sourcebook

1.3.2 Before OSBPs: The Traditional Two-Stop Border Post

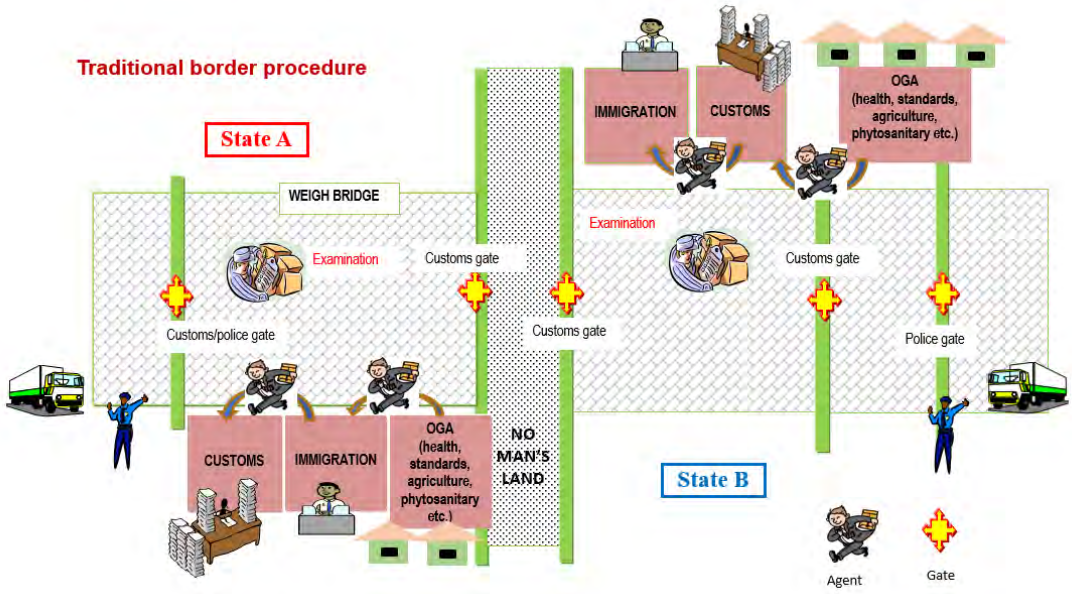
At a traditional border post, exit procedures are carried out on one side of the border for persons, vehicles, and goods when leaving a country. Entry procedures are carried out on the other side for persons, vehicles, and goods when arriving in a country. Border crossing activities generally involve immigration, customs, and other border control functions depending on the size and characteristics of the border and the national laws that govern border controls. In most cases, crossing through a traditional two-stop border post requires a user (e.g., a passenger, a driver) to go through each relevant office to present the respective required documents and make payments, and then proceed to the other side to perform similar entry processes after crossing the border line (sometimes a few hundred meters or farther apart). Moreover, in a traditional setting, often these border control offices were built separately, sometimes located far each 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, while Figure 1-4 shows a typical flow for a user processed at a traditional border post setting.

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

Figure 1-4: Typical Steps in a Traditional Two-Stop Border Post



Abbreviation: OGA = other government agency
Source: This Sourcebook

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 14.2 and 14.6, 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 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 1-2) 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 1-5 presents a schematic diagram of a juxtaposed OSBP.

Box 1-2: 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.

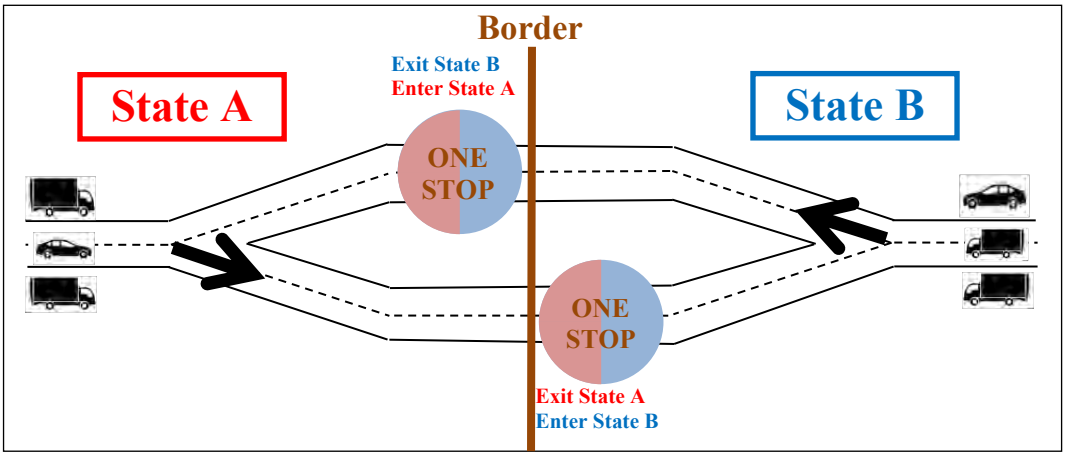
(iv) Constructing and maintaining security barriers along the roads/walkways linking the two facilities is costly and may interfere with the freedom and social fabric of border communities that live between the two facilities.

(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 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. The construction of new border facilities in 2014 by TradeMark East Africa reduced the distance between the facilities reduced to less than a km.

Source: This Sourcebook

Figure 1-5: 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

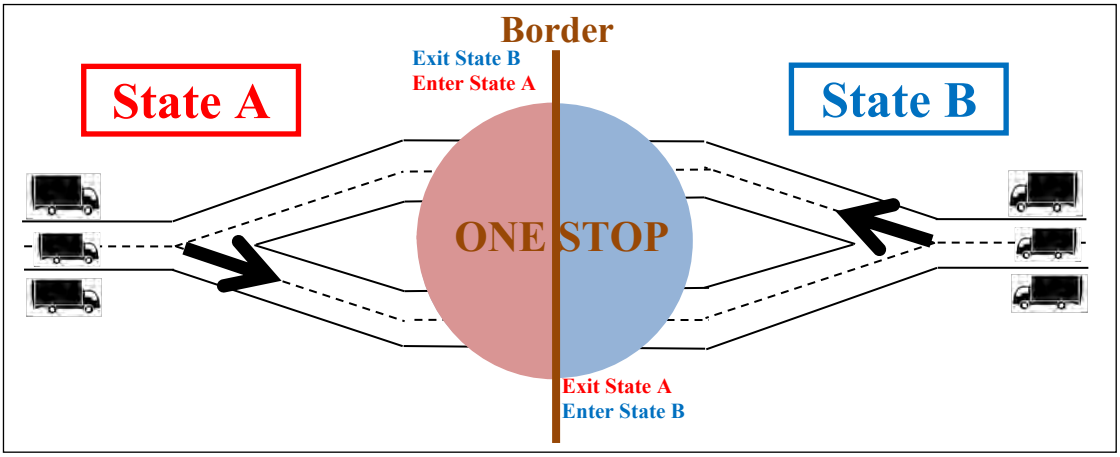
1.3.4 Straddling OSBP Model

In the straddling model,[20] 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

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

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. However, 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 the adjoining state. Figure 1-6 presents a schematic diagram of a straddling OSBP.

Figure 1-6: Schematic Diagram of a Straddling OSBP



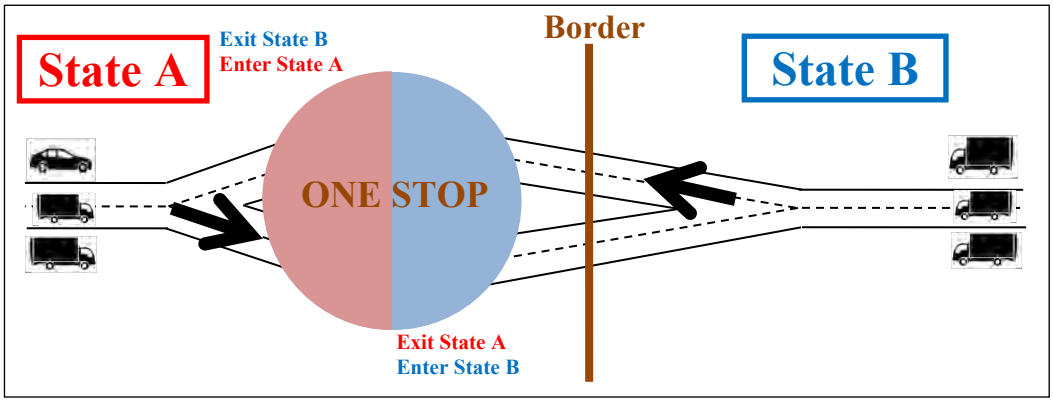
Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 3

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 14.7, demonstrates the viability and efficacy of the straddling OSBP model where geography permits.

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. 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. Figure 1-7 presents a schematic diagram of a single-country OSBP.

Figure 1-7: 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

The Cinkansé joint border post (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 14.3. 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 serving Ghana and Togo but wholly located in Togolese territory; Mfum, a JBP/OSBP serving 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 14.4 and 14.9, 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.

1.4 OSBPs and Regional Integration

The African continent has envisaged regional integration since the early years of the Organization of African Unity (OAU).[21] The vision for establishing an African Economic Community (AEC) took shape as a systematic political program embodied in the 1980 Lagos Plan of Action (officially the Lagos Plan of Action for the Economic Development of Africa, 1980-2000) and was given legal expression in the Treaty Establishing the African Economic Community (the Abuja Treaty, 3 June 1991, which entered into force on 12 May 1994). The Treaty aimed to realize African financial and monetary integration after establishment of an African common market – in other words, the vision was for the continent to move from a common market to a monetary union. As it has developed, several regional economic communities (RECs) have moved individually towards financial and monetary union, while others have not.

Trade is the foundational area for integration and a regional or continental customs union can be formed by removing tariffs and non-tariff barriers between members together with the adoption of common external tariffs. The Abuja Treaty envisioned the establishment of an AEC through

[21] The OAU was established on 25 May 1963 as the first post-independence continental institution manifesting a pan-African vision. The African Union (AU), which is the successor of the OAU, is a continental body consisting of the 55 Member States on the African Continent and was officially launched in July 2002. It has focused on increasing cooperation and integration of African states to drive growth and economic development. See https://au.int/en/overview.

six stages over a period of 34 years after the Treaty's entry into force of the Treaty, i.e., by 2028, assuming that the RECs would all conduct economic integration programs to become customs unions within 23 years, i.e., by 2017, but this did not happen since not all RECs have advanced to customs unions.[22] This vision has evolved to reflect new approaches such as Agenda 2063,[23] with a pathway including new steps such as the Agreement Establishing the African Continental Free Trade Area (AfCFTA).[24] The main objective of the AfCFTA is to create a pan-African single market for goods and services to facilitate the free movement of persons and investments and to lay the foundation for a Continental Customs Union, as called for in Article 3 of the AfCFTA Agreement. Before that time, the initiative calls for trade facilitation via the removal of non-tariff barriers (Article 4), specifically in the field of border crossing. Officially recognized RECs[25] – established under separate treaties – will serve as "building blocks" to achieve Africa-wide integration (Preamble and Article 5 of the Agreement Establishing the African Continental Free Trade Area). Annex 4 of the Agreement Establishing the AfCFTA in Border Agency Cooperation states that such cooperation may include the establishment of one-stop border post control.

Estimates of the annual impact of the AfCFTA on regional trade range from USD 5.7 billion to USD 8.7 billion in two scenarios considered by Vivid Economics (a strategic economics consultancy), to USD 16 billion in an assessment by the International Monetary Fund, to USD 10.1-92.0 billion in four scenarios considered by the African Development Bank.[26] In February 2022 the United Nations Economic Commission for Africa assessed *Implications of the African Continental Free Trade Area for Demand for Transport, Infrastructure and Services*, and estimated that the AfCFTA would increase intra-Africa freight demand by 28% by 2030, with increases in road freight transport demand (in terms of numbers of trucks) by 39% within West Africa, 19.8% from West to Southern Africa, and 9.9% from Southern Africa to West Africa.[27] With the implementation of the AfCFTA, it is expected that exports will be diversified, growth will be accelerated, the continent will be competitively integrated into the global economy, foreign direct investment will increase, employment opportunities and incomes will also increase, and economic inclusion will be broadened.

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[22] United Nations Economic Commission for Africa, African Union, African Development Bank and United Nations Conference on Trade and Development, *Next Steps for the African Continental Free Trade, Area Assessing Regional Integration in Africa*, Aria IX, 2019, p. 55.

[23] Agenda 2063 is the continent's strategic framework aiming to deliver inclusive and sustainable development over a 50-year development trajectory from 2013 to 2063, through five ten-year implementation plans.

[24] The AfCFTA Agreement was signed on 21 March 2018 and entered into force on 30 May 2019 after the deposit of the required number of instruments of accession. Its operational phase was launched on 7 July 2019, and trading under the Agreement commenced on 1 January 2021. As noted, the AfCFTA was not foreseen in the original stages set by the Abuja Treaty.

[25] The Arab Maghreb Union (UMA), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (GAD), and the Southern African Development Community (SADC) are the RECs officially recognized by the African Union.

[26] (i) Vivid Economics, *What Africa Stands to Gain from the AfCFTA: Country Level Impacts*, Working Paper, July 2019, pp. 3, 6-7 [one scenario was a global estimate of joining a regional trade agreement before general equilibrium impacts, and another was an African-specific estimate of joining an RTA, before general equilibrium impacts]; and (ii) International Monetary Fund, *African Continental Free Trade Area: A Game Changer for the Continent*, 2019, https://www.imf.org/~/media/Files/Publications/REO/AFR/2019/April/English/ch3.ashx?la=e [considering both tariff and nontariff measures, and general equilibrium impacts]; and (iii) African Development Bank, *African Development Outlook 2019*, Table 3.7, p. 119.

[27] (i) United Nations Economic Commission for Africa, *Implications of the African Continental Free Trade Area for Demand for Transport Infrastructure and Services, Summary Report*, Fifth African Business Forum, 2022, available at https://archive.uneca.org/sites/default/files/uploaded-documents/abf/abf2022/eng-summary_of_ecas_report_on_implications_of_afcfta_on_transport_services_.pdf; and (ii) United Nations Economic Commission for Africa, *Africa's Transport Sector to Strongly Benefit from African Continental Free Trade Area (AfCFTA)*, 9 February 2022, available at https://www.uneca.org/?q=stories/africa%E2%80%99s-transport-sector-to-strongly-benefit-from-african-continental-free-trade-area-. The road transport estimates were cited only for the traffic origins/destinations shown.

While the major aim of regional integration within the RECs is to promote trade and economic development, 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. In addition, Africa has the highest average import duties in the world, along with substantial non-tariff barriers. African countries and the RECs are not yet well integrated especially in terms of production and infrastructure, which support trade and overall macroeconomic performance.[28] Responding to these challenges, the establishment of OSBPs is intended 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. A report by the United Nations Economic Commission for Africa (UNECA), the AU, AfDB, and the United Nations Commission for Trade and Development (UNCTAD) presents a possible scenario for the continent to establish a continental customs union and a unified single African market under the AfCFTA (see Table 1-2). The roadmap corresponds to the six stages proposed in the Abuja Treaty but reflects actual implementation as customs unions in some RECs. Step 1 is the current situation, integration at the regional level. In Step 2, full liberalization is achieved by reaching the level of the most liberal preferential trade schemes in Africa. In Step 3, the AfCFTA consolidates a unified free trade area in Africa. In Step 4, a common external tariff for the continent is achieved and forms an African continental customs union (while residual tariffs remain). In Step 5, freedom of capital, labor, and services is achieved, an African common market is created, and with further harmonization of economic policies, an African single market is created in Step 6.

Table 1-2: A Six-Step Roadmap from the AfCFTA to the African Single Market

1	2	3	4	5	6
AfCFTA with REC FTAs as islets of deeper integration	Fully liberalized AfCFTA	Merger of all African FTAs	African continental customs union	African common market	African single market
Achieved by the AfCFTA in its current form	Liberalization under the AfCFTA is deepened until all trade is liberalized	REC FTAs are subsumed as the AfCFTA reaches 100% liberalization. Competing tariff concessions and rules of origin are phased out. REC customs unions are maintained	REC customs unions are subsumed with a continental common external tariff	Freedom of capital, labour and services are achieved, building on the AfCFTA	Deep economic harmonization

Source: United Nations Economic Commission for Africa, African Union, African Development Bank and United Nations Conference on Trade and Development, *Next Steps for the African Continental Free Trade, Area Assessing Regional Integration in Africa*, Aria IX, 2019, p. 55

These different stages of regional integration have implications for the approach to establishing OSBPs. In an FTA – where member countries agree to reduce or remove barriers to trade in the form of tariffs and other trade restrictions on goods produced by member 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 to check all cargo to collect duties and taxes from third countries, where applicable. Principally, FTAs are designed to reduce trade barriers

[28] African Union, African Development Bank Group, and United Nations Economic Commission for Africa, *Africa Regional Integration Index Report 2019*, 2019 [available at https://www.integrate-africa.org/fileadmin/uploads/afdb/Documents/ARII-Report2019-FIN-R40-11jun20.pdf].

between and among member states and thereby promote trade among them. industries. Thus, FTAs benefit consumers through increased access to less expensive and/or higher quality goods from other member states as a result of reduced or removed 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. Customs and other government agencies may validate quotas and other trade restrictions to protect local industries and encourage the free trade of goods and services among FTA member countries, confirm that all cargo conforms with national laws and trade terms (some cargo may be duty-free), and collect any applicable duties and taxes. In this environment, the role of an OSBP is to facilitate smoother clearance processes. 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 14.2).

For a customs union and other higher stages of regional integration, member states may establish a common customs territory, which has a defined geographical jurisdiction with a common external tariff (CET). Moreover, a full customs union would have the following elements: (i) a single customs territory; (ii) a revenue sharing mechanism; (iii) a common legal framework; (iv) a regional institutional arrangement; and (v) free circulation of goods, through common trade policies and harmonized or approximated domestic tax regimes applicable on cross-border trade.[29]

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, capital, and services if they are to remain relevant to regional integration. Section 14.5 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 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.

In summary, the role of OSBPs is to facilitate smooth clearance processes at border crossings and promote joint control/inspection, regardless of the stage of regional integration. Customs transit procedures for goods in transit likewise should be facilitated regardless of the stage of regional integration, while the required procedures/processes are minimized as regional integration deepens. Table 1-3 summarizes the role of OSBPs in promoting regional integration by stage of integration.

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

Table 1-3: The Role of OSBPs in Promoting Regional Integration within RECs and Other Regional Economic Cooperation Bodies

Stage of Integration	Characteristics	Characteristics of Border Controls	Role of OSBPs
Before Regional Integration	Different tariff and trade policy in each country	• Confirmation of goods in conformity with the agreed terms. • Collection of duties and taxes for each country, where applicable	• Facilitation of smooth clearance processes at the border and promotion of joint control/inspection. • Facilitation of customs transit procedures for goods in transit.
Free Trade Area	A region in which a group of countries has signed a free trade agreement and maintains few or no barriers to trade in the form of tariffs or quotas between each other. SADC may be considered an example.	• Elimination or reduction of tariff and non-tariff barriers at internal border crossings for goods produced within signatory states with submission of certificate(s) of origin while still checking on agreed quotas as well as health and security protocols. • Facilitation of the collection of duties and taxes for goods produced outside of signatory states, where applicable	• Facilitation of smooth clearance processes at the border and promotion of joint control/inspection. • Facilitation of customs transit procedures for goods in transit.
Customs Union	A type of a trading bloc that is composed of a free trade area with a common external tariff. CEMAC, EAC, ECOWAS, SACU, UEMOA have achieved customs union status, while ECCAS, COMESA, and SADC are moving towards a customs union structure.	• In addition to the border control characteristics listed for a free trade area, elimination or reduction of border controls at internal border crossings for goods produced outside of the signatory states when goods are confirmed at the point of entry and sealed. Health and security protocols remain but are facilitated. • Validation of goods for import at the first point of entry and collection of duties and taxes for goods imported from outside the territory.	• Facilitation of smooth clearance processes at the border and promotion of joint control/inspection. • Facilitation of the customs transit procedures for goods in transit.
Common Market	Integration with a common external tariff and may allow for labor mobility and common economic policies among the participating countries. A common market has the same features as a customs union, but in addition	• Elimination or reduction of border controls and restrictions, requirements at internal border crossings between signatory states for people (including labor), services, and capital (e.g., work permits for labor).	• In addition to the above, facilitation of the free movement of goods, people (including labor), services, and capital.

Stage of Integration	Characteristics	Characteristics of Border Controls	Role of OSBPs
	factors of production (labor, capital, and technology) are mobile among members. Restrictions on immigration and cross-border investment are removed. The EAC is considered to have achieved a common market.	• Health and security protocols remain but are minimal and/or a mutual recognition system is in place.	

Note: While duties and taxes are mostly collected online (or through a bank) before goods arrive with self-assessment by importers, a border point can be designated as a clearance point (and counted as collection at the border). Reassessment/validation may be done by officers at the border to confirm the declared goods and collect additional duties where applicable.
Abbreviations: CEMAC = Communauté Économique et Monétaire de l'Afrique Centrale (Economic and Monetary Authority of Central Africa), COMESA = Common Market for Eastern and Southern Africa, EAC = East African Community, OSBP = one-stop border post, REC = regional economic community, SACU = Southern African Customs Union, SADC = Southern African Development Community, and UEMOA = Union Economique et Monétaire Ouest-Africaine (West African Economic and Monetary Union)
Sources: (i) 10978.pdf (while UEMOA also introduced a common external tariff in 2014, it is a more of monetary union); (ii) African Union, African Development Bank Group, and United Nations Economic Commission for Africa, *Africa Regional Integration Index Report 2019*, 2019 [available at https://www.integrate-africa.org/fileadmin/uploads/afdb/Documents/ARII-Report2019-FIN-R40-11jun20.pdf]; (ii) Antoine Bouët, David Laborde, and Fousseini Traoré, On the Optimality of Common External Tariffs in Africa: Evidence from the EAC Customs Union, Conference Paper presented during the 24th Annual Conference on Global Economic Analysis (Virtual Conference), 2021, available at https://www.gtap.agecon.purdue.edu/resources/download/10978.pdf (while UEMOA also introduced a common external tariff in 2014, it is a more of monetary union); (iii) Global Negotiator, Dictionary of International Trade, available at https://www.globalnegotiator.com/interna1tional-trade/dictionary/common-market/; and (iv) This Sourcebook

While African continental and regional bodies have been pursuing sound policy and institutional frameworks to promote regional trade, connectivity, and exchange (see Box 1-3), progress to date has not been sufficient in operational terms. If the continental customs union and single (common) market are established, the role of OSBPs would be rather minimal since the best facilitation is no stop at a border crossing. While there is still a need to check security and health aspects, if well-functioning systems (e.g., for the exchange of health information and immigration data) and mutual sharing schemes are in place, those checks will be unnecessary. However, such advanced data sharing may be difficult to achieve, and considering the increased protection of personal privacy information, border control agencies may still need to be present at the border. Since this transition to a full customs union will require strong political will and commitment, agreement on policies, harmonization, mutual recognition, and advanced data exchange systems, it is expected that this change will not happen soon and therefore a long-term transitional approach is needed. OSBPs can play a role to transition currently congested border crossings to trade facilitation and joint control points as a first step toward realization of the AfCFTA. From this perspective, the size of OSBPs should be determined based on needs, with the concerned governments increasingly digitalizing clearance procedures, streamlining the roles of border control agencies, promoting increased use of mutual recognition mechanisms so that the number of agencies at the border can be reduced, and increasing the use of pre-arrival processing and pre-clearance, with no need for border inspections (or only minimal checks). The RECs and other regional economic cooperation bodies can spearhead OSBP projects and to help achieve the regional and continental integration agenda, starting at the regional level.

Box 1-3: African Continental and Regional Strategies

Key roles of continental and regional institutions in Africa have included developing continental and regional frameworks, policies, and master plans; establishing legal and regulatory conditions for the development of regional infrastructure; and involving all actors in regional infrastructure projects through public consultations and other appropriate means. The Programme for Infrastructure Development in Africa (PIDA) is a strategic framework for infrastructure development, guiding the African Union's infrastructure development agenda, policies, and investment priorities. It provides a framework for engagement with Africa's development partners on the provision of regional and continental infrastructure, and facilitates the physical, economic, and social integration of the continent in support of the AfCFTA. PIDA brings together continental infrastructure initiatives and regional master plans into one coherent infrastructure investment program with an implementation strategy and portfolio of projects for prioritized implementation, through the PIDA Priority Action Plan (PAP). The PIDA-PAP covers the four key infrastructure sectors of transport, energy, ICT, and transboundary water resources. To enhance access to markets, inter/intra-African trade, and the capacity to implement the AfCFTA, the African Union Development Agency-New Partnership for Africa's Development (AUDA-NEPAD) has taken a lead in developing the OSBP Sourcebook, in association with JICA, organizing continental seminars, and supporting RECs, member states, and other key stakeholders in OSBP development.

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."[30]

Transit-related controls along a corridor occur at three main control points: seaports or airports, land border crossings between countries, and at inland clearance facilities.[31] In this regard, land border crossings 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 crossings contribute to the growth of national, regional, and international economies. There are 16 landlocked ("landlinked") countries in Africa,[32] and they heavily rely on road transport for logistics[33]; linking these landlocked countries to seaports in a seamless manner is critical for developing trade and industry in these countries. 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 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 crossings 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, to leverage the efficiencies

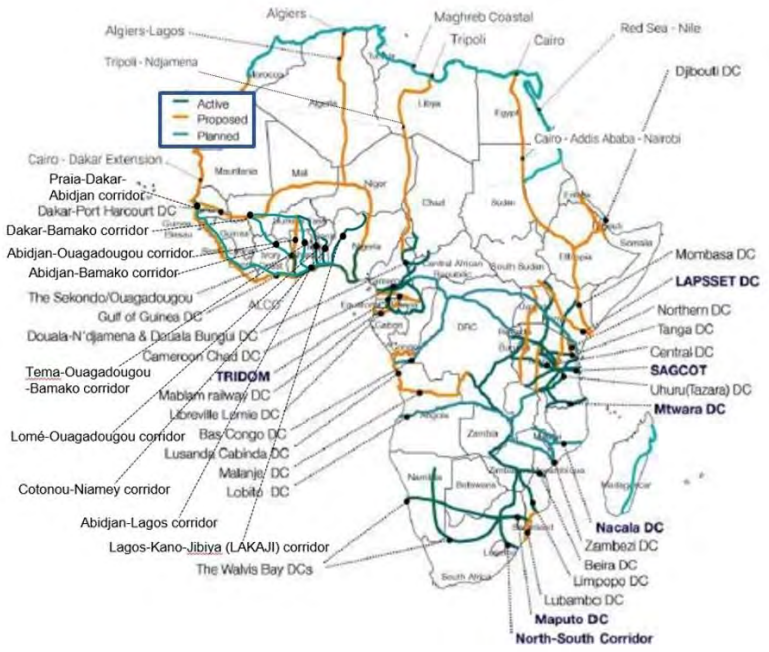
[30] Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014.
[31] Although border agencies such as customs conduct mobile operations along transit routes, such operations are managed from specific control points.
[32] Botswana, Burkina Faso, Burundi, Central African Republic, Chad, Ethiopia, Lesotho, Malawi, Mali, Niger, Rwanda, South Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.
[33] Railway transport may provide a low-cost mode for moving goods and people, and the availability of multiple transport modes, including railways, provides more competitive and resilient supply chain networks, and increases options for business users. However, historically railways have been underutilized in Africa mainly due to high capital costs and maintenance issues, except to some extent in South Africa and a few countries in North Africa. That said, notably, in 2006 a rail-based OSBP was initiated at Malaba, with funding by the United States Agency for International Development (USAID) – both customs offices performed joint controls for transit, which reduced the transit process by rail from 45 hours to 7 hours. U.S. International Trade Commission, *Trade Facilitation in the East African Community: Recent Developments and Potential Benefits*, Investigation No, 332-530, Publication No. 4335, July 2012, p. 2-17. Railway transport is well-suited for one-stop border control, because traffic is typically cleared during a scheduled border stop, which includes technical operations (e.g., a change of locomotives, maintenance), and these usually take longer than border controls. While the concession service through Malaba ceased operations in 2017 due to poor performance, rehabilitation of the meter-gauge line is ongoing. In addition, there are planned and existing Standard Gauge Railway (SGR) lines in East Africa, such as the recently constructed one to/from Mombasa. Also, there is an ongoing World Bank funded intermodal corridor project to improve rail infrastructure and logistics platforms along the Dakar (Senegal)-Koulikoro-Mopti-Gao-Niamey (Niger) corridor.

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), delivery to final consumers, and final disposal after use."[34] Goods and services are increasingly produced from several places rather than in single countries. 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 competitiveness 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



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

Disclaimer: This map is only for illustrative purposes and does not imply any opinion on the legal status of any country or territory, the border line of any country or territory or its demarcation, or the geographic names.
Abbreviations: DC = Development Corridor, TRIDOM = abbreviation with the initial letters of Minkébé, Odzala, and Dja
Sources: (i) African Union Development Agency / New Partnership for Africa's Development and Japan International Cooperation Agency, *Integrated Corridor Approach for Infrastructure Development, Knowledge Sharing Seminar*, 19 May 2020, slide 3; and (ii) Sourcebook Team

2.2 Selection and Prioritization of 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.[35] 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.[36] Along a corridor, border crossings may be similarly prioritized,[37] 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 considered.

2.3 The Rationale for and Purpose of Establishing OSBPs

At the global level, the Trade Facilitation Agreement (TFA) of the World Trade Organization (WTO) obligates member states to ensure cooperation with one another in coordinating their activities to facilitate trade. The WTO TFA specifically states that such cooperation and coordination should include the establishment of OSBPs.

OSBPs are also included in continental and regional agendas in Africa, through the Programme for Infrastructure Development in Africa (PIDA), as shown in Box 2-1.

[35] 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.
[36] 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).
[37] 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.

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

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[38] 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.

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

[38] For example, the number of government control agencies at the Namanga border crossing between Kenya and Tanzania has totaled a dozen or more in both Kenya and Tanzania, with additional agencies also interested in border operations. On the other hand, as stated in the Lebombo/Ressano Garcia case study in subsection 14.9.3, in 2020, the Government of South Africa consolidated border operations into a single Border Management Authority (BMA) to improve coordination of border operations, although there are questions about the effectiveness of this measure.

adjacent country. If cargo inspection is required, it is done once through joint inspection involving all the necessary agencies of both countries at the same time.[39]

For passenger cars and buses, the introduction of OSBP procedures almost immediately reduces 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.

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.[40] Concentrating all operations in one facility enables greater coordination of operations and sharing of information between and among border agencies. The 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 120-400 or more.[41] Therefore, delays of three to five days represent USD 360-2,000 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. Close to 25% of total logistics costs are hidden costs due to transit time and unreliability for high-value products. 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.[42]

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[39] A second-best – and probably more common – practice is joint inspection by the country of exit and then another joint inspection by the county of entry.

[40] Details of the impacts of the Chirundu OSBP (the first fully functional OSBP in Africa) on border crossing times are presented in subsection 14.2.2(7).

[41] (i) Andreas Eberhard-Ruiz and Linda Calabrese [Overseas Development Institute, University of Sussex], *Trade Facilitation, Transport Costs and the Price of Trucking Services in East Africa*, August 2017, p. 16, available at https://cdn.odi.org/media/documents/12281.pdf [USD 120 per day in East Africa in 2016]; (ii) Thando S. Vilakazi, "The Causes of High Intra-Regional Road Freight Rates for Food and Commodities in Southern Africa", *Development Southern Africa*, prepared for United Nations University World Institute for Development Economics Research, April 2018, p. 398, available at https://doi.org/10.1080/0376835X.2018.1456905 ["at least" USD 400 per day in Southern Africa in 2015]. The 2nd edition of the OSBP Sourcebook cited a source with similar results. Mark Pearson, *Trade Facilitation in the COMESA-EAC-SADC Tripartite Free Trade Area*, September 2011, paragraph 3, p. 1 [USD 200-400 per day in Southern Africa].

[42] 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, available at

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.

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 taxes and duties associated with efficiency gains • Efficient borders that facilitate international trade, investment, and economic growth • Efficient and smooth processing of transit • Promotion of economic competitiveness • 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 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 and efficient and smooth processing of transit • 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

http://www.wcoomd.org/en/topics/nomenclature/resources/~/media/WCO/Public/Global/PDF/Topics/Nomenclature/Overview/Surveys/Duties%20Revenue/Duty%20Survey%20Dec2011_E.ashx. The importance of trade revenues for many African countries was mentioned during the 1st Consultation Meeting. *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 4.

No.	User Group	Potential Benefits
7	Border community residents	• Simplified and clear processes and procedures for small traders • Improved security • Improved transport conditions and infrastructure at the border

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

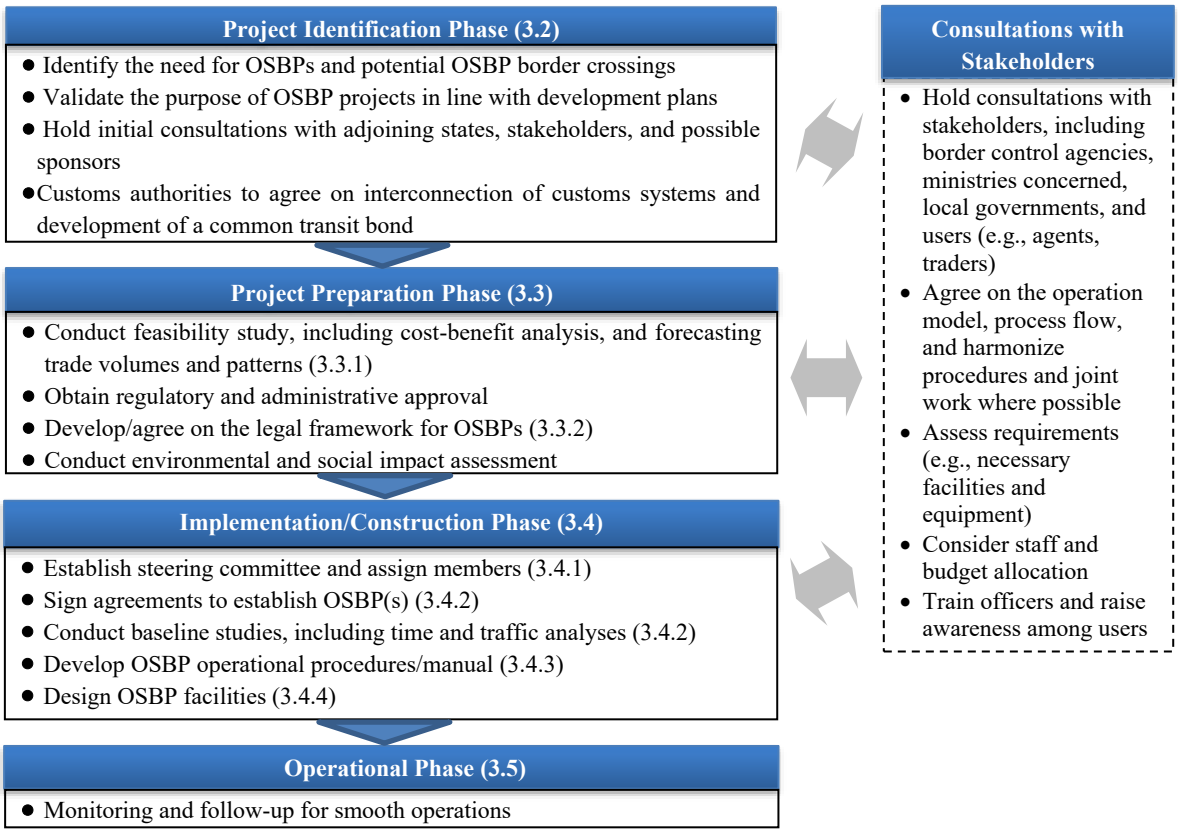
Chapter 3
Recommended Processes/Practices for Establishing OSBPs

3.1 Overview

The OSBP concept is a game changer that transforms the way business is organized and operated at border crossings. To the extent possible, the process of establishing OSBPs should involve all major stakeholders from the planning stage and organize wide-ranging consultations between border agencies and traders as called for by Article 2.2 of the Trade Facilitation Agreement of the WTO. 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 OSBPs.

This chapter outlines the process for establishing OSBPs, including the project identification phase, the project preparation phase, the implementation/construction phase, and the operational phase. Figure 3-1 summarizes this process.

Figure 3-1: Process for Establishing OSBPs



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 existing framework.
Source: This Sourcebook

3.2 Project Identification Phase

The idea to establish an OSBP may be identified nationally and/or regionally to enhance trade, transport, border management, and/or regional development and integration. Border crossings along major corridors or key transport network links that connect inland countries with countries with major seaports are often identified as candidate border crossing(s) for OSBPs from this perspective. Among such identified potential OSBP sites, border crossings with major traffic and transport flows are usually prioritized for OSBP development in view of the limited resources of African countries. Once possible border crossing(s) is/are identified, interested states engage their adjoining state(s) for more consultations and preparatory activities. During the project identification stage, it is important that it be clarified which OSBP model will be considered and whether the OSBP facilities will be developed through a greenfield or brownfield approach.[43]

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, and ensuring that they are in line with national and regional development strategies and plans. While it is generally assumed that the stakeholders in OSBP projects will be the agencies involved in customs, trade, and transport, presentations must also address the needs of decision makers in other sectors.

As stated in subsection 8.5.3, preparation of a basic memorandum of understanding (MOU) at the outset, i.e., a bilateral MOU on basic commitment, without details, before funding of OSBP, is a critical success factor.[44]

In addition, it has been suggested that interconnection of customs IT systems and the development of a common transit bond between adjacent countries (or a single regional bond from the point of entry to destination point) are key enablers of success for an efficient OSBP and border crossing considering that one of the biggest causes of congestion and delays at many borders in Africa is the processes required to make respective transit declaration(s) and payment(s) for transit bonds for the transit country(ies) and the destination country. The Single Customs Territory (SCT) initiative by the EAC has encouraged Partner States to interconnect customs information technology (IT) system and has operationalized the COMESA Regional Customs Transit Guarantee Scheme (RCTG Carnet)[45] to support this mechanism, which has worked well in connection with OSBP initiatives. This experience indicates that customs authorities of adjacent countries (and ideally corridor/regional-level authorities) need to agree and devise ways to realize customs interconnections and a common transit bond with the enabling legal framework including a basic MOU at the outset of the OSBP project identification stage.[46]

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[43] 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.

[44] 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 14.4.2 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.

[45] This scheme is a customs transit regime developed to facilitate the movement of goods under customs seals in the COMESA region. It provides the required customs security and guarantee to the transit countries. A key benefit is reductions in the bond/guarantee and collateral costs charged by sureties and agents.

[46] *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, pp. 3, 12.

3.3 Project Preparation Phase

3.3.1 Feasibility Study

During the project preparation phase, project sponsors (government ministries and/or development partners) and stakeholders should assess and evaluate the possible requirements and likely positive and negative 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.[47] To the extent possible, forecasts of trade patterns and volumes should be prepared, taking into account the surrounding policy environment and economic prospects, and possible clearance flows at the OSBP should be well considered (see subsections 5.2.5 on traffic demand forecasting and 5.2.6 on economic analysis). In some cases, the feasibility study will assess 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. It is especially necessary to conduct an environmental and social impact assessment in the case of a brownfield project. Other factors that should be assessed include the physical feasibility of the project and the potential risks involved.

Since OSBPs involve various government border agencies, sectoral analyses may also be undertaken. For example, regarding customs and trade, a structured trade and transport facilitation audit can identify barriers and constraints to trade. Such an audit can provide information for 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, regarding 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. In addition, other government ministries, departments, or agencies may be interested in knowing the impact on opportunities for cross-border investment 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.

3.3.2 Agreements to Establish OSBP(s)

In cases where there is no existing legal framework for establishing an OSBP, the countries that have decided to establish an OSBP should enter into a formal agreement. These agreements may take the form of bilateral agreements, MOUs, or any other agreement with similar effect. Consider, for example, that a condition required by JICA to finance the implementation of the Rusumo OSBP (and bridge) was the conclusion of a bilateral agreement.

The legal task team should spearhead negotiation of a bilateral or equivalent agreement regarding the operational practices and management of the OSBP, including facilitation of the enactment of OSBP-enabling legislation through national or regional parliaments. Because enacting legislation

[47] It was difficult to design OSBPs when the concept was first adopted in Africa, but now that there are many examples, previous designs and guidelines can be referred to for this purpose.

can be time consuming, the process should be started early in the implementation process. Preferably, the legal task team should be led by staff/officers 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.[48]

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

3.4 Implementation/Construction Phase

3.4.1 Project Management Structures

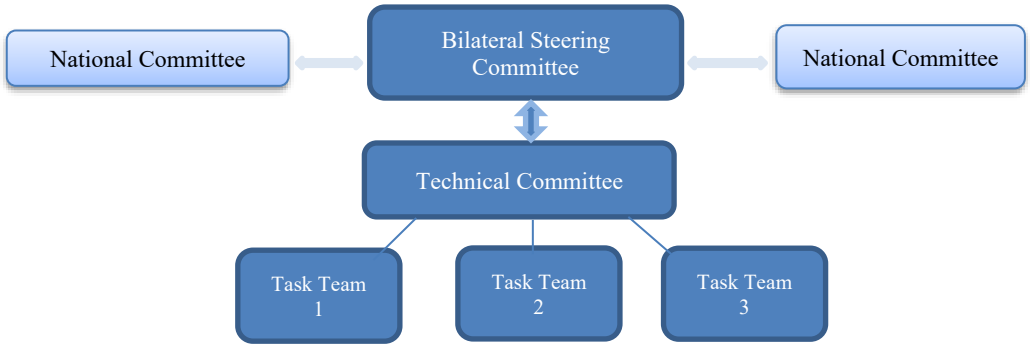
(1) Overview

Once the project has been approved, the implementation phase should commence with the establishment of project management structures such as a steering committee to guide and supervise the construction and operationalization of the project. These structures should include the ministries concerned, relevant government agencies (including border control and transport authorities), regional bodies (e.g., regional economic communities or RECs), private sector operators, local governments, and interest groups.

The process of establishing OSBPs requires the commitment of the two governments. Each government should assign representatives to the project management body and should immediately identify the lead ministry or agency, the role of which should be clarified. There are cases where a different government agency takes the lead role in different phases (such as the transport authority taking the lead during the construction period, after which it may handover its role to an operational authority such as customs once the facilities are complete and ready for operation). While each government needs to establish a national steering body for the project, the governments of the adjoining states also need to establish a joint (bilateral) steering committee represented by permanent secretaries or equivalent officials responsible for the agencies involved with or directly affected by the OSBP project. In addition, the governments should establish technical committees or task teams under the bilateral steering committee to discuss more technical matters related to the planning and implementation of the OSBP project. Experience shows that such projects are implemented more smoothly when there is a clear project framework showing the roles and responsibilities of each stakeholder and the project schedule. Where possible, it is recommended that each agency assign an appropriate officer to the technical committees or task teams and require regular reporting back to the agency to inform ongoing decision making within the agency as implementation proceeds. The technical committees or task teams should include officers from the border post(s) and policymaking-level officers from headquarters. Figure 3-2 presents this example or recommended structure for establishing an OSBP.

[48] These two components may be merged in cases in which the legal framework is enacted at the REC level. For example, in the EAC these two instruments were combined into a single document (i.e., the EAC OSBP Act).

Figure 3-2: Example or Recommended Structure for Establishing an OSBP



Source: This Sourcebook

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

(2) Lead Ministry/Agency

The lead ministry or 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/agencies involved at the border. Some countries have chosen the beneficiary of trade facilitation and selected the ministry responsible for trade (e.g., the Ministry of Foreign Affairs and International Trade 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 in Rwanda). The choice of a lead ministry or agency is largely the sovereign preserve of each government involved in the OSBP. 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 of 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.[49] Subsection 6.7.2(1) further addresses issues related to the lead agency.[50]

[49] Subsection 6.7.2(1) further addresses this issue.
[50] 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."

(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:

Joint (Bilateral) Technical Committee Meeting for Operationalization of the Rusumo OSBP

Source: Photograph taken by an OSBP Sourcebook team member in November 2014

(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) monitoring progress before and after implementation;
(ix) ensuring that policy decisions are made on time and communicated to officers on the ground; and
(x) addressing any other requirements necessary for the smooth launching and operation of OSBPs.

Under the EAC [East African Community] OSBP Act 2016, adopted by the EAC Assembly pursuant to Article 49,1 and Article 62 of the EAC Treaty, 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 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.[51]

Section 6.5 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 that the same core team members participate in OSBP

[51] See also Section 6.3.

forums for continuity and 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 they should also be involved in a bilateral framework so that the adjoining states establishing OSBPs develop integrated procedures, legal frameworks, and facilities. Section 6.6.3 presents more details on Subcommittees and Technical Task Teams / Working Groups.

3.4.2 Baseline Surveys

To inform the design of OSBP facilities and operating procedures, an OSBP project should conduct a baseline study/survey. 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/surveys.

3.4.3 OSBP Operating Procedures

It is necessary to streamline, harmonize, and automate operating procedures wherever possible to reduce time and cost while enhancing 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 line with the goals of the OSBP. In addition, it is beneficial to have a trial run in a closed environment before piloting an OSBP. 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/survey 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 in developing 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. Ideally, the procedures should be agreed before designing the OSBP facilities and the layout.

Details on OSBP operating procedures are presented in Chapter 9.

3.4.4 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. The design of OSBP facilities should follow the development of OSBP operational procedures and involve the end users 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 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 a border that is already active, temporary facilities should be provided to facilitate continued operations during the construction period. Works on important utilities (e.g., water, electricity, and ICT) should be finalized within the construction period 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 11 presents details on physical facilities and traffic flow in OSBPs.

3.4.5 Provision of Furniture and Installation of the ICT Network and Systems

The installation of the ICT network and systems and the provision of office furniture also require attention. Since each agency usually has its own operating system and applications for its operations, officers at the border need to access their own systems at OSBPs, including in the office ("exclusive use area") provided in the adjoining state. For this reason, interconnectivity between the two sides of the border should be designed and available to facilitate data transmission and exchange. In addition, there are some operating systems integrated/shared with partner agencies (e.g., regarding the temporary import/export of vehicles). In such cases, real-time data sharing and saving is important and the data should be synchronized with the data kept in the database of the ICT systems hosted in the servers in agency headquarters. Therefore, an ICT task team composed of experts on ICT networks and systems of the relevant agencies should check the existing ICT environment and advise on interconnectivity requirements and details of the necessary equipment to be installed at the OSBP. 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;[52] there have been similar issues in opening OSBPs at Isebania/Sirari and Horohoro/Lungalunga between Kenya and Tanzania in 2020-2021. ICT equipment can be procured all together or by each agency separately, depending on available budget and support.[53] In any case, there is a need to realistically estimate requirements considering staffing of the OSBP.

Chapter 12 addresses ICT and OSBPs.

[52] See subsection 14.2.5.
[53] When the budget for procuring equipment is insufficient, moving existing equipment to the site should be considered.

3.4.6 Training and Sensitization

Before commencement of OSBP operations, border officers 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 of border officers should be conducted jointly at the national and international levels to foster cooperation between and among border agencies. AUDA-NEPAD has been supporting RECs in cascading training capacity on the continent through regional training-of-trainers (ToT) seminars,[54] and the EAC had developed a regional OSBP training curriculum. 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, described in subsection 14.6.3(4). Such sensitization may involve the use of electronic public media, local meetings, brochures, print media, and posters.[55]

Training on the OSBP Concept and Procedures at the Malaba OSBP, Uganda

Source: Photograph taken by JICA OSBP project member in February 2020

3.4.7 Piloting and Launching of OSBP Operations

To evaluate the effectiveness of the OSBP procedures and to provide an opportunity for border officers, 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.

3.5 Operational Phase

The establishment of an OSBP is in itself not a panacea for 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,

[54] See, e.g., (i) African Union Development Authority-New Partnership for Africa's Development, *Training of Trainers Seminar on OSBP Design and Operations*, 29 July 2021 (available at https://www.au-pida.org/news/training-of-trainers-seminar-on-osbp-design-and-operations/); and (ii) African Union Development Authority-New Partnership for Africa's Development, *Africa Has it All! One Stop Border Post (OSBP) as an Instrument to Trade Facilitation* [Training of Trainers and Data Collection Seminar for RECs], 31 July 2019 (available at https://www.au-pida.org/news/africa-has-it-all-one-stop-border-post-osbp-as-an-instrument-to-trade-facilitation/).

[55] See subsection 14.6.3(6) for an example of these activities at Namanga and Rusumo.

continuous improvement is necessary.[56] Joint border committees (JBCs)[57] composed of representatives of the relevant border agencies operating at border, and representatives of the private sector including facilitation agents should be held regularly to discuss and address OSBP operational issues and monitor impacts. JBCs can continue to review and update their OSBP action plan to ensure smooth operation and agree on follow-up actions to be undertaken by relevant stakeholders. JBCs should report meeting highlights to their higher decision-making body or headquarters when issues require special attention, such as budgetary and security issues. Joint technical committees (JTCs)[58] can be organized to discuss and monitor operational issues from time to time. Endline surveys and other post-implementation evaluations may be conducted to provide lessons and pointers regarding operational areas that require further improvement; the Namanga and Rusumo OSBP case study presents examples, as shown in Box 5-3 in subsection 5.3.2(2), and in subsection 14.6.3(5). Project sponsors or managers of OSBPs should collect data on the performance of the border posts after implementation of OSBP operations 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 the monitoring of OSBP operations.

[56] The Japanese practice of kaizen (改善), which refers to continuous improvement of all functions, is relevant.
[57] Joint border committees should be established from the planning stage. The role of the JBC may change to focus on operational matters after the launch of OSBP operations. Alternative names for the JBC are possible, such as joint border operations committee. Meetings should be held regularly (at least quarterly or when a need arises).
[58] Alternative names for JTCs are possible, such as joint technical commission.

Chapter 4
OSBPs as Public Sector Projects

4.1 Introduction

OSBP projects are innovative and involve a variety of stakeholders from both adjoining countries; the scope of these projects tends to be broad and complex. For example, there is a need to set up a regional steering committee, country project steering committees, and project implementation teams (PITs) in each implementing agency. At the same time, joint implementation teams need be established to carry out tasks that require joint planning and execution by the two adjoining countries. The project design relies heavily on coordination mechanisms. World Bank experience with regional corridor projects has indicated that critical success factors are strong political will, stakeholder engagement, and efficient monitoring tools.[59]

The establishment of OSBPs has gained 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 110 border crossings across Africa, as inventoried in Appendix A. The genesis and inspiration for these OSBP projects vary considerably:

(i) Some OSBP projects began with the main objective of promoting economic development by 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.[60]

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 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

[59] World Bank, *Implementation Completion and Results Report for an East Africa Trade and Transport Facilitation Project*, 27 September 2016, p. 24 [https://documents1.worldbank.org/curated/en/209691486740413363/pdf/AFRICA-East-Africa-Trade-and-Transport-Facilitation-Project-P079734-ICR-2017-02072017.pdf].
[60] 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.

the benefit of the public. Therefore, OSBPs have specific attributes that should be considered when designing project management and implementation structures.

4.2 Key Considerations for OSBPs as Public-Sector Projects

4.2.1 Political Will and Support

Establishing OSBPs requires strong, continuous political will as well as support and ownership 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 agenda of the governments in which OSBPs are being established 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.[61]

4.2.2 Multiple Stakeholders

As public-sector projects, OSBPs have multiple stakeholders including national border control agencies (e.g., immigration, customs, port health, standards, agriculture, police), users (truck and bus drivers, passengers, tourists, community residents), private sector operators (e.g., freight forwarders, customs agents, warehouse 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 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 and what the project will ultimately achieve. Officers in charge 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.

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[61] Af the 1st Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, 27-28 January 2022, it was observed that political will is necessary for the implementation of supplemental or complementary tools, especially in West Africa. Specifically, the meeting cited experience at Togo/Burkina Faso (Cinkansé), Benin/Niger (Malanville), and Benin/Nigeria (Seme-Krake), where there have been substantial delays in border crossing (modern physical infrastructure notwithstanding), indicating the importance of soft infrastructure. There is a need for complementary interventions, procedures, and initiatives, e.g., the interconnection of customs systems, transit bonds, e-platforms, pre-lodgements, preclearance, risk management, the use of trusted trader schemes, and data exchange. OSBP facilities alone will not achieve the efficiency objective. *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, pp. 6-7, 12. Further, it is necessary to change the mindset, stressing the need for connectivity, ICT, the sharing of information, and the monitoring of document flows as well as physical flows across borders. *Second Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 22 March 2022, p. 6.

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.[62]

It is often a challenge to finance a **regional (cross-border) project** for a sovereign state/lender in a seamless manner as it involves using resources on the territory of another state. Since establishing OSBPs requires both physical and institutional measures it would be ideal to have one project (procurement) encompassing the preparatory work, physical (construction) and institutional improvement (institutional reform, capacity building), but it often results in independent preparatory works and then implementation, on a different timeline, on each side of the border. There have been a number of instances in the implementation of OSBP projects in which a component was delayed, or dropped from the original project entirely (e.g., the bridge at Malaba).[63] OSBP project require careful and good study and arrangements such as co-financing on different state territories (e.g., as at the Namanga OSBP) or implementation by RECs (e.g., the coordination of stakeholders' meetings by the EAC Secretariat, the implementation of JBP/OSBP projects by ECOWAS and UEMOA in West Africa) to achieve the smooth implementation and delivery of improved cross-border infrastructure, as potentially regional public goods.

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 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.

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[62] Consider, for example, one challenge encountered in implementing the Chirundu OSBP project was the erratic disbursement or even non-disbursement of funds pledged for the project – see subsection 14.2.3(9).

[63] World Bank, *Implementation Completion and Results Report for an East Africa Trade and Transport Facilitation Project*, 27 September 2016, p. 8 [https://documents1.worldbank.org/curated/en/209691486740413363/pdf/AFRICA-East-Africa-Trade-and-Transport-Facilitation-Project-P079734-ICR-2017-02072017.pdf].

4.3 OSBPs and Socio-Economic Considerations

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 different 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). A general rule 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 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, DRC). 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 the local circumstances, the introduction of an OSBP at any border crossing should consider 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.[64] Something akin to the concept of "corporate social responsibility" (CSR)[65] should be adopted, so that OSBPs are not seen as "white elephants" by border communities, which often face constraints with electricity and water supply.[66] Investing in border market infrastructure would promote trade and productive activities in cross-border areas and at the same time alleviate fears among border communities that a large-scale project such as an OSBP would undermine local development.[67] A radius of a specified distance from the border (of not more than 25 km) for the purpose of defining border community residents may be stipulated, although it should be

[64] 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 [available at http://www.peaceau.org/en/page/27-au-border-programme-aubp#sthash.bnlrB4fw.dpuf].

[65] Strictly speaking, corporate social responsibility is a form of international private business self-regulation that aims to contribute to societal goals of a philanthropic, activist, or charitable nature by engaging in or supporting ethically oriented practices.

[66] *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 6.

[67] *A Practical Guide to Legal and Financial Levers - Border Cities and Climate Change*, Sahel and West Africa Club Secretariat and OECD, July 2020.

recognized that different countries and different country pairs have different rules.[68] One of the mechanisms for simplifying the cross-border movement of local residents is through the use of simplified and non-intrusive technologies such as border cards, identity cards, and/or biometric recognition systems. For example, the EAC has implemented a system of national identity cards to promote the free movement of citizens in its Partner States.

It is important to consider how to engage local communities and governments regarding the introduction of an OSBP. As an example of good practice, Box 4-1 presents an example of border community sensitization at the Malaba OSBP, between Kenya and Uganda.

Box 4-1: Border Community Sensitization at the Malaba OSBP

A border community sensitization session was held at the Malaba OSBP between Kenya and Uganda on 21 February 2020. The program consisted of a (i) first session, composed of a brief from Customs on simplified clearance regimes, smuggling, and a women's trade facilitation framework, a brief from Security on border security, and a brief from Immigration; and (ii) a second session presenting (d) an overview of the OSBP concept, including processes and procedures, and the OSBP environment and customer care, and a question-and-answer session. The sensitization session was generally successful in providing the attendees with a better understanding of the concept and functions of the OSBP and related issues such as simplified customs regimes and women's trade facilitation. The presentations and interactive discussions during the sensitization enabled the attendees to better understand their roles and responsibilities in the OSBP. About 250 border community residents attended the sensitization.

Source: Japan International Cooperation Agency and PADECO Co., Ltd., *Component for Effective OSBP Operation of the Project on Capacity Development for Trade Facilitation and Border Control in East Africa, Malaba OSBP, 1st Border Community Sensitization Session for Uganda and Kenya, Sensitization Report*, 21 February 2020

4.3.3 Simplification of Border Procedures for Small-Scale Traders

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.[69]

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.

In 2009, the Common Market of Eastern and Southern Africa (COMESA) member countries agreed to adopt the Simplified Trade Regime (STR) with a list of the commonly traded goods to

[68] At the 1st Consultation Meeting held on 27-28 January 2022, it was indicated that at a recent meeting in East Africa a radius of 10 km was mentioned in this regard. A November 2017 joint border committee at Namanga (Kenya/ Tanzania) suggested increasing the radius defining border communities from 15 km to 25 km. *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 6. Japan International Cooperation Agency and PADECO, *Component for OSBP Operationalization of the Project on Capacity Development for International Trade Facilitation in the Eastern African Region, Work Completion Report for Phase 2*, December 2017 [available at https://openjicareport.jica.go.jp/pdf/12301644_01.pdf], p. 30]. A 16-km radius has been applied at Taveta/Holili (Kenya/Tanzania) and a 25-km radius was applied at Rusumo (Tanzania/Rwanda). East African Legislative Assembly, *Official Report of the Proceedings of the East African Legislative Assembly (EALA), 13th Sitting, Fourth Meeting*, First Session, Fourth Assembly, 18 April 2018, pp. 23-32 [https://www.eala.org/uploads/13th_Sitting_-_Fourth_Assembly__First_Session__Fourth_Meeting.pdf].

[69] Informal cross-border trade may account for as much as 80% of the value of formal trade in some countries. Njenga Hakeenah, "Africa's Informal Cross Border Trade and AfCFTA", *The Exchange*, 5 January 2021 [available at https://theexchange.africa/economic-growth/africas-informal-cross-border-trade-and-afcfta/].

be exempt from import duties when traded in either adjacent country. Since 2009 the Democratic Republic of Congo (DRC) has signed MoUs with Rwanda, Uganda, South Sudan, and Zambia to promote small-scale trade with its neighboring countries. Commonly traded items under the STR include maize, dried fish, cassava flour, vegetables, beans, soya, bananas, cosmetics, and building materials.[70] While the STR scheme is favorably considered by most small-scale traders, a recent study shows inadequate operationalization of the STR, e.g., commodity lists and the value threshold (USD 2,000) are not always respected, policy decisions are ad hoc, and there is a lack of official communications for such changes. Some small traders still need to queue to pay other taxes (e.g., value-added tax, income withholding tax) together with importers/agents working on declarations of the big trading items even on busy market days.[71] Some borders have a separate counter for such small traders, and this practice is encouraged.

To facilitate small traders in cross-border trade in the region, the EAC also developed a simplified certificate of origin (SCO), for goods originating in the region and goods of a commercial nature not exceeding a value of USD 2,000 for each consignment (based on the COMESA STR). There is a common list of products approved by Partner States and the list is available at EAC border posts. The SCO is issued at the borders by customs officials for eligible export goods and the approved goods are treated as duty-free imports by the destination Partner State.[72]

COMESA has set up a series of trade information desks at 10 border crossings in the DRC, Rwanda, and Uganda, with support from the Great Lakes Facilitation Project funded by the World Bank. Trade information desk officers (TIDOs) provide information to cross-border traders, assist them in filling out necessary documents, and assist with transport arrangements and customs clearance. Also, TIDOs collect information on the type of commodities that are traded by small-scale operators, the time taken to cross the border, and incidents of unfair and/or illegal treatment.[73]

A notable example is the Uganda Trade Information Portal (displayed after this paragraph), a trade facilitation platform implemented by the Ministry of Trade Industry and Cooperatives and the National Trade Facilitation Committee, and which provides user-friendly contact points (e.g., cross-border trade associations, trade information desks) and describes steps for applications for the SCO simplified certificate of origin and its requirements.

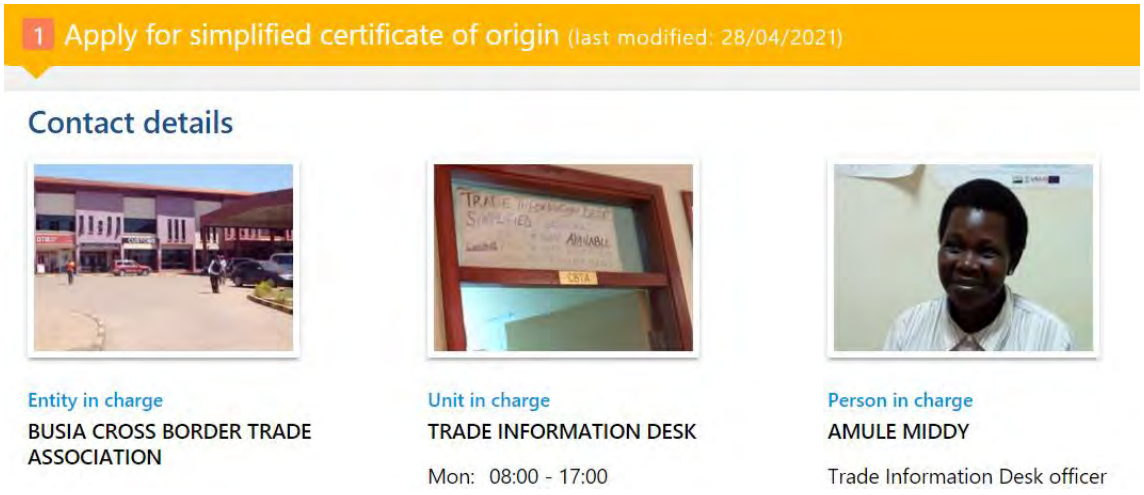
[70] Daniel Sabitii, "Rwanda-DRC To Sign Duty Free Trade Deal," *KT Press*, 19 October 2016 [available at https://www.ktpress.rw/2016/10/rwanda-drc-to-sign-duty-free-trading-deal/].

[71] Mary Amumpaire**,** *Current Status of Implementation of the Simplified Trade Regime (STR): Issues And Some Proposals for Improvement*, Great Lakes Trade Facilitation Project, 26 March 2019 [available at https://gltfp.comesa.int/2019/03/26/current-status-of-implementation-of-the-simplified-trade-regime-str-issues-and-some-proposals-for-improvement/].

[72] (i) *EAC Simplified Certificate of Origin, User Guide,* April 2014; and (ii) *Manual on the Application of the East African Community Customs Union (Rules of Origin) Rules*, September 2015.

[73] World Bank Group, *Monitoring Small-Scale Cross-Border Trade in Africa: Issues, Approaches & Lessons*, September 2020, p. 21 [https://documents1.worldbank.org/curated/en/301441606885368757/pdf/Monitoring-Small-Scale-Cross-Border-Trade-in-Africa-Issues-Approaches-and-Lessons.pdf].

Uganda Trade Information Portal



Source: https://ugandatrades.go.ug/procedure/52/step/189

Box 4-2 sets out specific issues and measures regarding small-scale traders and OSBPs, while Box 4-3 presents a charter or cross-border traders developed by the World Bank.

Box 4-2: 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 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 improve safety for movements inside OSBP compounds.

(ii) The Cross-Border Traders Charter (see Box 4-3) 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 should 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, October 2015

Box 4-3: 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 [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".[74] 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. Therefore, gender 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. About 70% of informal cross-border traders are women in the Southern Africa region.[75] For example, a study on small-scale trade in the Great Lakes Region of Africa found that 74% of the (presumably informal) trade at the border crossings that was surveyed was performed by women.[76] The situation is similar in most parts of Africa as women endeavor to contribute to household incomes.

[74] See more at https://www.un.org/womenwatch/osagi/conceptsandefinitions.htm. UN Women is the UN entity dedicated to gender equality and the empowerment of women.
[75] UN Women, *Unleashing the Potential of Women Informal Cross Border Traders to Transform Intra-African Trade*, 2010.
[76] Kristof Titeca and Célestin Kimanuka, *International Alert, Walking in the Dark – Informal Cross-Border Trade in the Great Lakes Region,* September 2012, https://www.international-alert.org/wp-content/uploads/2021/09/Great-Lakes-Cross-Border-Trade-EN-2012.pdf.

Moreover, travel restrictions related to the COVID-19 pandemic have disproportionately affected women traders, due to an emphasis on facilitating larger commercial traffic flows.[77] At the same time, the AfCFTA offers the opportunity to address issues related to small-scale, cross-border traders through its trade facilitation related protocols, [78] including specific gender-related provisions and initiatives.[79] 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. While informal traders, mostly women, support their family and provide food security, often without any support from the state for short-term credit, storage, and travel assistance, they suffer from invisibility, stigmatization, violence, and harassment (including sexual harassment), undue taxation, poor working conditions, inadequate communications, transport, and funding constraints (with little or no access to credit since banks are inaccessible to operators that lack collateral or licenses) and a lack of recognition of their economic contribution. Also, there are structural barriers for women to enter more formal trade due to women and girls' limited access to education and skills, discrimination, or cultural norms against women regarding the control of economic and financial resources, productive assets, and access to financial services, as well as limited access to new technologies for production, training, information, and marketing.[80] Even when stakeholders' meetings for public sector projects are organized, these women are not aware of what is happening since as they tend to work individually and male representatives attend these meetings even though new developments and changes in procedures would affect female livelihoods, and this may exacerbate their marginalization in society.

Perhaps due to the remote locations and harsh conditions at most border crossings in Africa, border agencies tend to have more male than female staff, and yet most 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. Therefore, reducing constraints and challenges facing women in informal cross-border trade in the region, especially at border crossings, will contribute not only to facilitating trade but

Female Traders near the Chirundu OSBP

Source: Photograph taken by member of the team for the JICA Project for Capacity Development on Smooth Operation of OSBPs on the North-South Transport Corridor, 2021

[77] Simonetta Zarrilli, *What Future for Women Small-Scale and Informal Cross-Border Traders When Borders Close*, United Nations Conference on Trade and Development, 8 May 2020 [available at https://unctad.org/news/what-future-women-small-scale-and-informal-cross-border-traders-when-borders-close].

[78] (i) Kimberley Nyajeka, "How Can the AfCFTA Assist Small Scale Traders", *trlacBlog*, 28 July 2021 [available at https://www.tralac.org/blog/article/15301-how-can-the-afcfta-assist-small-scale-traders.html]; and (ii) Chazha Ludo Macheng, "Women without Borders: What the AfCFTA Can Do for Botswana's Informal Cross Border Traders", *Africa Portal*, 13 January 2021 [available at https://www.africaportal.org/features/women-without-borders-what-the-afcfta-can-do-for-botswanas-informal-cross-border-traders/].

[79] Agreement Establishing the African Continental Free Trade Agreement, 21 March 2018: (i) Main Text, Preamble and Article 3(a); (ii) Protocol on Trade in Goods, Preamble: (iii) Protocol on Trade in Services, Articles 3(b) and 2(d); and (iv) Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment, Article 4(1). Collin Zhuawu and Hilary Enos-Edu, "The African Free Trade Area: An Opportunity for Boosting Women in Trade", *Trade Hot Topics*, Issue 177, 202, Table 1, p. 6 [available at https://www.thecommonwealth-ilibrary.org/index.php/comsec/catalog/download/347/347/3002?inline=1].

[80] (i) USAID Southern Africa Trade Hub, *Women Cross-Border Traders in Southern* Africa*: Contributions, Constraints, and Opportunities in Malawi and Botswana*, prepared by Dr. Rae Lesser Blumberg, Joyce Malaba, and Lis Meyers, March 2016 [available at https://banyanglobal.com/wp-content/uploads/2017/05/ICBT-Gender-Assessment-Report_Final_4-30-2016_DEC.pdf]; and (ii) Women Watch, *Gender Equality and Trade Policy*, 2010 [available at https://www.un.org/womenwatch/feature/trade/Effects-of-Trade-on-Gender-Equality-in-Labour-Markets-and-Small-scale-Enterprises.html].

also promoting gender equality and reducing the marginalization of women.[81] Accordingly, the design of OSBP facilities and the introduction of OSBP operations should include a clear strategy and/or measures to improve the experience of women at border crossings.

The EAC OSBP Training Curriculum, prepared with the support of Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ, a German development agency) incorporated gender mainstreaming as one of its training modules. It defines gender mainstreaming as a tool to achieve gender equality by integrating the gender equality perspective at all stages and levels of policies, programs. and projects. This involves ensuring that these perspectives are central to all activities, e.g., policy development, advocacy, legislation, resource allocation, implementation and monitoring of projects and programs. It further lays out five basic principles: (i) gender-sensitive language; (ii) gender-specific data collection and analysis; (iii) equal access to and use of services; (iv) equal involvement of women and men in decision making; and (v) integrating equal treatment into steering processes.

Considering that the larger, formal trade, involving truck drivers and transporters, are part of bigger operations that are still dominated by men and most small-scale traders at borders are women, 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. Therefore, OSBP projects should consider subprojects or measures to address the needs of women and small-scale/local traders, such as establishing a local market near the border and simplified procedure for small-scale trade (as mentioned in in Box 9-5 in subsection 9.4.1). In addition, OSBP designs should include appropriate facilities to protect the privacy and address the needs of women.[82] It is also recommended to have more female staff in border control agencies (especially for security checks) [83] and involve female users in border committees, stakeholders' meetings, and sensitization activities. Also, surveys should be conducted to identify needs of and impacts on both men and women.

In addition, 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.

4.3.5 Considerations for Private-Sector Operators

Private-sector service providers at border posts – such as by customs clearing agents, insurance brokers, banks, and foreign exchange bureaus – typically provide services to help traders meet

[81] USAID Southern Africa Trade Hub, *Women Cross-Border Traders in Southern* Africa*: Contributions, Constraints, and Opportunities in Malawi and Botswana*, prepared by Dr. Rae Lesser Blumberg, Joyce Malaba, and Lis Meyers, March 2016 [available at https://banyanglobal.com/wp-content/uploads/2017/05/ICBT-Gender-Assessment-Report_Final_4-30-2016_DEC.pdf].

[82] For example, the entrance should be separate from the male restroom (washroom or toilet) section, cater for menstrual requirements, and include a baby-nursing/changing station.

[83] This is to create a more harassment-free environment. World Bank, *Women and Trade in Africa: Realizing the Potential* (ed. by Paul Brenton, Elisa Gamberoni, and Catherine Sear), 2013 [available at https://openknowledge.worldbank.org/bitstream/handle/10986/16629/825200WP0Women00Box379865B00PUBLIC0.pdf?sequence=1&isAllowed=y]. See also Asmita Parshotam and Samuel Balongo, *Women Traders in East Africa: The Case Study of the Busia One Stop Border Post*, South African Institute of International Affairs, Occasional Paper 305, March 2020, p. 2 ["Up to 70% of informal cross-border (ICB) traders in Africa are women"; "], citing S. Koroma, N.You, V. Ogalo, and B. Owino, and J. Nimarkoh, "Formalization of Informal Trade in Africa: Trends, Experiences, and Socio-economic Impact", *CUTS International Policy Brief*, 2017. Recent World Bank research has examined effective systems and practical strategies for more accurate monitoring of small-scale, cross-border trade. World Bank Group, *Monitoring Small-Scale Cross-Border Trade in Africa: Issues, Approaches & Lessons*, September 2020, p. 21 [available at https://documents1.worldbank.org/curated/en/301441606885368757/pdf/Monitoring-Small-Scale-Cross-Border-Trade-in-Africa-Issues-Approaches-and-Lessons.pdf].

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 counter with limited services serving travelers inside the OSBP.[84]

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 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.

Going forward, in view of the trend for increased use of electronic or digital platforms, there may be reduced requirements for physical office space because most customs administrations have been modernizing to provide remote access to customs systems, as are other services such as banks and other border agencies that can provide access through single-window systems.[85] That said, there needs to be a case-by-case assessment. Consider, for example, the case of Kazungula (Botswana/Zambia), where in 2021 clearance agents on the Botswanan side needed to travel to and from Kasane, about 15 km from the border, to amend their clearance documents because of the lack of sufficient space for them in the OSBP.[86]

4.4 Environmental Safeguards

It has been increasingly recognized that development could negatively affect the environment, and sound environmental management is critical for sustainable development and poverty reduction. Sustainable development has become a main international agenda item since the United Nations Conference on Environment and Development in Rio de Janeiro (1992), and most governments and development agencies have developed their environment policy

[84] It has been suggested that: "Allowing commercial activities at border stations may encourage: (i) bribing of officials by commercial operators so they keep traffic as long as possible; (ii) uncontrolled movement of individuals across the border line; (iii) difficulties in marshalling people working at the station, who themselves use – and sometimes abuse – the commercial facilities, (iv) leakages in duty-free shops; (v) fiscal difficulties (VAT collection and refunds); (vi) arrival of criminal gangs; and (vii) prostitution. Another point is that, when there are too many catering facilities, border officials also tend to use them, to the detriment of doing their work, and the size of the entire station can become unmanageable." Michel Zarnowiecki (World Bank), *Guidelines for Land Road Border Stations*, 2005, p. 4 [available at https://www.ssatp.org/sites/ssatp/files/publication/BorderStations_Guidelines.pdf].
[85] *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 6.
[86] See previous footnote.

frameworks towards sustainable development goals (SDGs). Many African countries are facing environmental issues such as desertification, deforestation, and climate changes and are already experiencing impacts such as higher temperatures, drought, changing rainfall patterns, and increased climate variability.

The New Partnership for Africa's Development (NEPAD), launched by African Heads of State in 2001, is providing a framework for sustainable development to be shared by all Africans, emphasizing the role of partnerships among African countries themselves and between them and the international community. It has proposed a shared and common vision to eradicate poverty through sustained economic growth and sustainable development. The Plan of Implementation of the World Summit on Sustainable Development, held in Johannesburg in 2002 (the Johannesburg Summit), contains 47 recommendations aimed at ensuring the promotion of sustainable development in Africa within the framework of NEPAD.[87]

Agenda 2063 – Africa's blueprint and the continent's strategic framework that aims to deliver on its goal for inclusive and sustainable development – sets out "*Environmentally sustainable and climate resilient economies and communities*" as one of goals under its Aspiration *1) A Prosperous Africa, based on Inclusive Growth and Sustainable Development*.[88]

Therefore, it has become increasingly important to address environmental and social aspects in the implementation of all projects. For development partners, environmental and social safeguards policies and related grievance mechanisms have become a crucial part of project implementation and financing conditions. For example, the African Development Bank Safeguards and Sustainability document recognizes that investment in road infrastructure may facilitate the movement of people and goods contributing to economic development and enhancing the quality of life, but road construction, rehabilitation, and maintenance has often caused widespread adverse impacts on natural and human environments, including disruption or contamination of drainage systems, soil destabilization, habitat destruction, and loss of fauna and flora and opening up of frontier areas containing pristine landscapes. Projects may also adversely affect the human environment, e.g., through displacement and resettlement of affected families and businesses.[89]

A key outcome of the Training of Trainers Seminar on OSBP Operations and Design, co-hosted by AUDA-NEPAD, the EAC, and JICA in July 2021, was that the design of OSBPs with trade facilitation and infectious disease countermeasures in mind remains a challenge – this requires building green OSBPs that take account of climate change and ensure access to sustainable utilities.[90]

The EAC OSBP Training Curriculum outlines principles of environmental and social safeguards in implementing OSBP programs and projects, including the need to:

(i) Strengthen the social and environmental outcomes of programs and projects;
(ii) Avoid adverse impacts on people and the environment;
(iii) Minimize, mitigate, and manage adverse impacts where avoidance is not possible;
(iv) Strengthen implementing partner capacities for managing social and environmental risks; and

[87] The New Partnership for Africa's Development (NEPAD), *Action Plan for the Environment Initiative*, October 2013.
[88] https://au.int/en/agenda2063/goals.
[89] African Development Bank, *Safeguards and Sustainability Series*, Volume 2, Issue 1, December 2015, p. 5.
[90] Training of Trainers Seminar on OSBP Operations and Design, co-hosted by the African Union Development Authority-New Partnership for Africa's Development, the East African Community, and the Japan International Cooperation Agency, 28-29 July 2021 [https://www.au-pida.org/news/training-of-trainers-seminar-on-osbp-design-and-operations/].

(v) Ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people.

In addition, it is encouraged to adopt ecofriendly measures to protect the environment by integrating the principles of cleaner production into project designs and implementation such as use of recycled materials and green energy. Since there is often limited electricity and water in remote border areas, an OSBP project should assess resource availability in its locality and prepare environmentally friendly designs for electricity and water so as not to take away all the available electricity and water from the community.

Introduction or strengthening of early warning systems can help improve the risk management process for natural disaster events. Concerned states and RECs can develop knowledge platforms on such matters, identify the most vulnerable groups and areas, and conduct training and public awareness campaigns to strengthen the capacities of institutions and populations.[91] For environmental awareness raising, it is important to raise awareness of climate risks among populations and stakeholders in the use of land at risk and the need for some changes and adaptability, but these should build on the value systems of local communities.[92]

In most African countries, there are established legal and institutional frameworks to address challenges in environment protection amidst development. It is therefore important to recognize and coordinate with these regional and national environmental bodies to seek their advice, and inspect and monitor development programs and projects to ensure their compliance with the governing laws.

4.5 Disaster and Emergency Risk Reduction and Management Planning

Certain unforeseen events may disrupt operations at OSBPs, including political unrest,[93,94] 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. In fact, many borders in Africa closed or limited movements during the COVID-19 pandemic starting in 2020. However, WHO has expressed reservations about border crossing bans to protect public health.[95] Peer-reviewed medical research has found that border closures in Africa

[91] Sahel and West Africa Club Secretariat and Organization for Economic Cooperation and Development, *Border Cities and Climate Change – A Practical Guide to Legal and Financial Levers*, July 2020 Revised Edition, p. 110 [available at https://www.oecd.org/swac/topics/climate-change/border-cities-practical-guide.pdf].

[92] Source in previous footnote, p. 131.

[93] (i) While coup d'état incidents do not necessarily affect the functioning of OSBPs, business continuity may not be possible if security conditions do not allow for cross-border operations. (ii) Regarding the effects of political contingencies, one may distinguish between cases in which the OSBPs are put into place and managed under a regional integration framework such as the UEMOA treaty and cases in which OSBPs are managed in the framework of cooperation between/among 2-3 countries, and the impacts on OSBP processes under these respective circumstances may differ. The recent (2022) coup d'état in Burkina Faso had no effect on border crossing operations as opposed to a 2011-2013 uprising in Togo, which affected border crossing. *Second Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 22 March 2022, p. 8.

[94] During the preparation of the Sourcebook, it was noted that there were several recent coup d'état incidents in Africa in recent years, with for example the January 2022 coup d'état in Burkina Faso affecting border operations at Cinkansé on the border with Togo. In fact, from mid-2000 to February 2022, there were seven coups or coup attempts in African nations; in Burkina Faso, Chad, Guinea, Mali, and Sudan, military leaders successful seized power, while in Niger and in Guinea-Bissau they failed. Ellen Ioanes, "How to Understand the Recent Coups in Africa", *Vox*, 5 February 2022 [available at https://www.vox.com/2022/2/5/22919160/coup-guinea-bissau-africa-burkina-faso-sudan-why]. Also during the recent period, there was also a notable coup attempt in the United States.

[95] See, e.g., (i) World Health Organization, *Updated WHO Recommendations for International Traffic in Relation to [the] COVID-19 Outbreak*, 29 February 2020 ["Travel measures that significantly interfere with international traffic

have had minimal effect on the incidence of COVID-19. Rather, implementation of other measures (e.g., enhanced testing capacity, improved surveillance) may be more effective.[96]

A bilateral, border-level committee of the state parties of the affected OSBP should immediately convene a meeting to address such situations. Should the events continue or the situation deteriorate, 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.

To prepare for such emergency situations, it is advisable for each adjoining country in an OSBP and/or both countries jointly (the latter approach is preferred) to draft disaster and emergency risk reduction and management plan(s). Consider, for example, that there have been some fire incidents at OSBPs and conducting fire drills regularly can train the officers in responding to such situations and evacuate people efficiently. Box 4-4 presents the case of joint disaster risk reduction and management planning for the Malaba OSBP.

Box 4-4: Joint Disaster Risk Reduction and Management Planning for the Malaba OSBP

A joint disaster risk reduction and management planning meeting was held in December 2019 for the Malaba OSBP, with JICA support. This meeting first analyzed the content of hazards and risk analysis at Malaba, including a discussion of the content of hazards and an analysis of the priority of risks at the OSBP, with consideration of underlying vulnerabilities and potential disaster impacts. It then formulated an outline plan for joint disaster risk reduction and management for the OSBP. The outline plan – which indicated risk/task areas, responsible agencies, process (measures), timing, resources required, and status – covered both natural and manmade hazards. Fire was identified as a major hazard, with 120 fuel products trucks per day crossing at Malaba, and explosives destined for mining activities in eastern Democratic Republic of Congo also crossing at the border.

Source: *Minutes of Joint Disaster Risk Reduction and Management Meeting for the Malaba OSBP under the Project on Capacity Development for Trade Facilitation and Border Control in East Africa*, 3-4 December 2019, p. 2

may only be justified at the beginning of an outbreak, as they may allow countries to gain time, even if only a few days, to rapidly implement effective preparedness measures. Such restrictions must be based on a careful risk assessment, be proportionate to the public health risk, be short in duration, and be reconsidered regularly as the situation evolves."]; and (ii) Antoine Bouët and David Laborde [International Food Policy Research Institute, Markets, Trade and Institutions Division], *COVID-19 Border Policies Create Problems for African Trade and Economic Pain for Communities*, 12 May 2020 ["Such closures increase the likelihood that people will cross borders through places not covered by customs authorities and evade health checks. WHO is also concerned that governments might avoid publicly acknowledging an outbreak in order to avoid having their citizens targeted by other countries' trade and travel restrictions."]

[96] Theophilus I. Emeto, Faith O. Alele, and Olayinka S. Ilesanmi, "Evaluation of the Effect of Border Closure on COVID-19 Incidence Rates across Nine African Countries: An Interrupted Time Series Study", *Transactions of The Royal Society of Tropical Medicine and Hygiene*, Volume 115, Issue 10, October 2021, pp. 1174-83 [available at https://academic.oup.com/trstmh/article/115/10/1174/6159778].

Contingency planning for pandemics should foresee:

(i) categorization of the level of threat to finetune the response in terms of corresponding ease or intensity of measures, ranging from normalcy to complete closure of the border, over restricted border crossing operations;
(ii) drafting of a selective priority list for border crossing of critical persons and vehicles and essential goods;
(iii) rescheduling of the control sequence to subject users first to health screening upon entry in the OSBP control zone;
(iv) adapted control zone circulation and queue management;
(v) transition to virtual (online) mode(s) of operation;
(vi) information campaign(s) via posting and publishing of instructions;
(vii) creation of a contingency fund to cover exceptional expenditures;
(viii) medevac, isolation, and quarantine facilities;
(ix) testing and detection equipment;
(x) precautionary measures such as social distancing, the wearing of personal protective equipment (PPE), and sanitation actions; and
(xi) a reserve stock of personal protective equipment.

One caveat to the above is that from an immigration perspective it is generally not recommended to close borders during times of humanitarian crisis.[97] The International Organization for Migration (IOM) has developed a Humanitarian Border Management (HBM) framework 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.[98] Box 4-5 discusses issues concerning the implementation of "humanitarian corridors" in West Africa.

Together with a disaster preparedness and response plan, it is recommended to consider formulating a business continuity plan depending on the size and nature of incidents to mitigate impacts on business operations at border. The EAC OSBP Procedures Manual provides that the following criteria may be considered in the preparation of these plans: (i) risk assessment of the perceived nature of the threat (e.g., security, safety, health); (ii) roles and responsibilities of different border agencies during emergencies; and (iii) coordination and information sharing mechanism(s).[99]

[97] See, e.g., Amnesty International, *East Africa: People Seeking Safety Are Trapped at Borders Due to COVID-19 Measures*, June 2020, https://www.amnesty.org/en/latest/news/2020/06/east-africa-people-seeking-safety-are-trapped-at-borders-due-to-covid-19-measures/ ["Blanket border closures contravene international refugee law by denying people in need of international protection an effective opportunity to seek asylum. They also violate the principle of non-refoulement, which prohibits states from turning away people at a border and returning them to a country where they would be at risk of persecution or danger."]

[98] International Organization for Management, *IOM and Humanitarian Border Management*, available at 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.

[99] East African Community, *The East African Community One Stop Border Post Procedures Manual*, 2018, subsection 9.4.5. Emergency preparedness plans may provide for regular simulation drills. Simulation exercises may be (i) tabletop (i.e., theoretical, involving simulated scenarios in an informal setting); (ii) partial (i.e., involving selected response organizations and interfaces, with the rest simulated); or (iii) full (i.e., involving full participation by all on-site and off-site response organizations). Previous source, subsection 9.4.6.

Box 4-5: Issues Concerning the Implementation of Humanitarian Corridors in West Africa

Some countries in West Africa (i.e., Benin, Côte d'Ivoire, and Senegal) implemented "humanitarian corridors", by limiting to essential crossings any arrivals or departures over land, based on Article 4 of the ECOWAS's Dakar Protocol of 1979 and Article 91 of the amended UEMOA Treaty, which authorize states to limit the freedom of movement and residence for reasons of public order, public security, or public health. However, it has been argued that these measures have affected the legal regime governing the free movement of persons throughout the ECOWAS area. With respect to refugees and asylum seekers, the restrictions are problematic both in relation to the principle of non-*refoulement* and the right to return to one's own country.

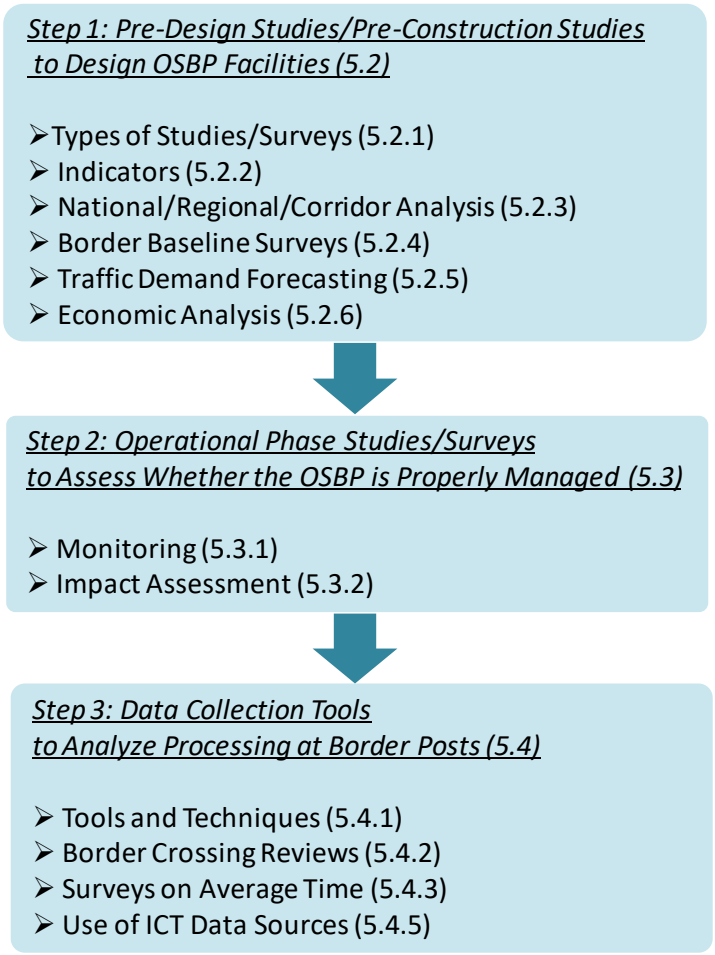
Note: The French term *refoulement* is used as a synonym for pushback. Pushbacks are prohibited by international law if the refugees or asylum seekers run the risk of persecution (Article 33 of the 1951 Convention relating to the status of refugees).
Source: Abdoulaye Hamadou, *Free Movement of Persons in West Africa Under the Strain of COVID-19*, Cambridge University Press, 9 November 2020 [https://www.cambridge.org/core/journals/american-journal-of-international-law/article/free-movement-of-persons-in-west-africa-under-the-strain-of-covid19/68CCC39D41DBA80EA6E15F1AE0DE86AA]

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 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

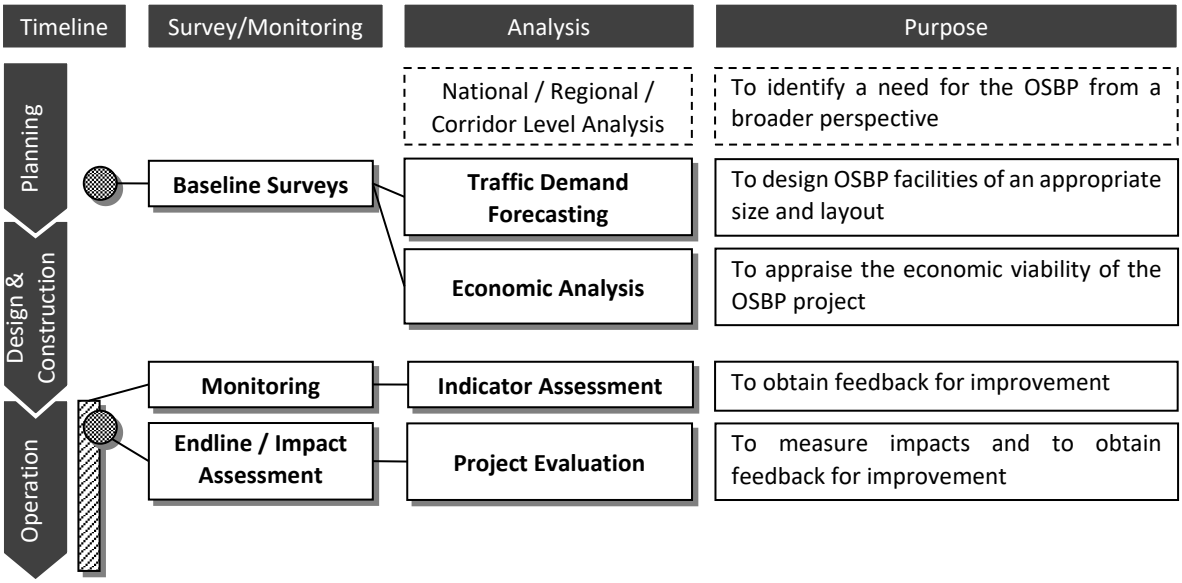


Source: This Sourcebook

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[100] 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 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

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:

[100] Although this chapter focuses on the economic benefits of OSBP projects, an OSBP may be established for mainly non-economic reasons (e.g., the planned Unity Bridge OSBP between Mozambique and Tanzania). See (i) African Development Bank, *Mozambique – Mueda-Negomano Road Project - Phase I*, 18 December 2021 [available at https://projectsportal.afdb.org/dataportal/VProject/show/P-MZ-D00-007]; and (ii) African Development Fund, *Mozambique – Mueda-Negomano Road Project, Appraisal Report*, November 2016, pp. (iii) and 3.

(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[101]

(1) Overview

Key performance indicators (KPIs) are a tool for structured monitoring of OSBP operations.[102] Before proceeding with facility development or operations, the implementers of an OSBP should prepare a monitoring plan to determine which indicators should 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. [103] Major categories of KPIs include indicators of traffic, time, facilitation/procedures, and administration, each of which is discussed in the following subsections. In addition, recent notable indicators developed recently in Africa – by AUDA-NEPAD and the EAC Secretariat – are featured in Boxes 5-1 and 5-2, respectively, at the end of this subsection.

(2) Indicators of Trade and 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. Trade data (in weights and/or values) and traffic data are routinely recorded by customs and immigration authorities.

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.

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[101] 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. 126-33.

[102] "What is measured gets managed", is a famous quotation attributed to Peter Drucker, but probably originating with William Thomson (Lord Kelvin), the Scots-Irish physicist and engineer, in a 1883 lecture. Hélène Russell, "Measurement of KM [Knowledge Management]", *Legal Information Management*, Cambridge University Press, footnote 1, 29 June 2017.

[103] "The performance indicators for border management should be sufficient to provide a meaningful picture of efficiency and effectiveness against the stated objectives but **not be so many or so complex as to become costly and unmanageable**. If there are too many KPIs the border administration will spend more time gathering information than analyzing it." [emphasis added]. Stephen Holloway, "Measuring the Effectiveness of Border Management, Designing KPIs for Outcomes", *World Customs Journal*, Vol. 4, No. 2, September 2010, p. 51 [http://worldcustoms journal.org/Archives/Volume%204%2C%20Number%202%20(Sep%202010)/04%20Holloway.pdf].

(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. They can be aggregated or broken down between different procedural steps, e.g., by border agency. It is simple to collect this data with a time measurement survey (TMS), but it requires a good sampling and measurement methodology. Typically, a TMS measures the border crossing time of cargo and people from arrival in the queue until exit from the border to assess the effectiveness of OSBP/border operations as well as to identify bottlenecks in border processes and procedures. These surveys include measures of waiting times before reaching the border and the time spent there after release. Time from the arrival at the border to submission of documents, processing time by each relevant border agency, and time spent after customs release to exit from the border by types of transaction can also be measured. For example, a TMS measures the time of that a truck arrives at the OSBP.[104,105] JICA-supported time surveys at the Namanga and Rusumo OSBPs applied the TMS methodology to measure such times focusing on efficient border crossing time, in combination with other surveys such as user satisfaction surveys, border community surveys, and infrastructure surveys (Box 5-6 later in the chapter).

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 (arithmetic) mean and/or be expressed in terms of the median.[106]

(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 the border (e.g., joint control/inspection). 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.

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[104] 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 to capture time spent outside of the OSBP.

[105] It is important to consider the queuing effect. Even if it takes only five minutes per vehicle for customs inspections and five minutes for immigration inspections, the total effect is (5 + 5 + transfer time) multiplied by the number of vehicles. Michel Zarnowiecki (World Bank), *Guidelines for Land Road Border Stations*, 2005, p. 24 [available at https://www.ssatp.org/sites/ssatp/files/publication/BorderStations_Guidelines.pdf]. Or, to take another example, one minute for ten travelers adds to 1+2+3+4+5+6+7+8+9+10 = 55 minutes, or an average waiting time of five minutes and 30 seconds. Michel Zarnowiecki (World Bank), PowerPoint presentation to the United Nations Economic Commission for Europe, 18 June 2009, slide 90 [available at https://unece.org/fileadmin/DAM/trans/events/docs/WP30_Jun09_Zarnowiecki.pdf].

[106] I.e., the value separating the higher half from the lower half of a data sample or population.

Box 5-1: The Traffic Light System Developed by AUDA-NEPAD

Since 2017, with the aim of fully implementing the MoveAfrica initiative, AUDA-NEPAD has spearheaded the establishment of the Traffic Light System to assess the performance of cross-border logistics in Africa. Specifically, it has been used to rank and track the level and quality of service of Africa's transport corridors, starting with land border crossings, which are critical for the distribution of passengers and freight to other destinations within the region. The aim is to identify and address bottlenecks in intra-African trade and work with RECs and member states towards corrective action(s). For OSBPs/JBPs to be effective there is a need to ensure that processes are mutually recognized and harmonized and that the necessary structures are in place.

To that effect the TLS has been created to rank, track, and measure the performance of border crossings focusing on underlying factors within the following parameters:

(i) infrastructure for border operations;
(ii) border procedures for the clearance of goods and travelers;
(iii) the level of automation of border operations;
(iv) average clearance time;
(v) the cost of border delays; and
(vi) traffic volumes (vehicles and travelers).

These parameters are measured through a designed set of categories, indicators, and sub-indicators. The categories are:

(i) Health and Safety;
(ii) Customs and Border Operations;
(iii) Transport and Safety;
(iv) Infrastructure;
(v) Informal Cross-Border Trade Processes.

The TLS is being rolled out to the following corridors and border crossings:

(i) SADC – Beitbridge (South Africa/Zimbabwe), Chirundu (Zambia/Zimbabwe), Kasumbalesa (DRC/Zambia), Kazungula (Botswana/Zambia), Livingstone (Zambia/Zimbabwe), Mwami (Malawi/Zambia), Nakonde (Tanzania/Zambia), and Wenela / Katima Mulilo (Namibia/Zambia);
(ii) ECOWAS – Elubo (Ghana/Côte d'Ivoire), Mfum (Cameroon/Nigeria), Noepe-Akanu (Ghana/Togo), Seme-Krake (Benin/Nigeria), Paga (Burkina Faso/Ghana); and
(iii) Benchmark – EAC: Rusumo, (Rwanda/Tanzania), Kagitumba / Mirama Hills (Rwanda/Uganda), and Busia (Kenya/Uganda).

The initiative seeks to address underlying issues by assessing various performance measures, and working with the RECs and member states in identifying corrective actions. In line with AUDA-NEPAD mandates, capacity building has commenced in which MoveAfrica is working with the RECs by mobilizing resources to provide training and equip border posts for electronic data exchange.

Abbreviations: AUDA-NEPAD = African Union Development Authority and New Partnership for Africa's Development, EAC = East African Community, ECOWAS = Economic Community of African States, JBP = joint border post, OSBP = one-stop border post, REC = regional economic community, SADC = Southern African Development Community, TLS = Traffic Light System
Source: African Union Development Authority-New Partnership for Africa's Development

Box 5-2: Key Performance Indicators and Sub-Indicators Identified by the EAC Secretariat

(i) **Time:** Time taken to complete border procedures for each category cleared such as cargo, small-scale traders, and passengers.

(a) **Key Performance Indicator:** *Average border crossing time*
(b) **Sub-Indicators** include average waiting time, processing time, time after customs release, time to clear vehicles, and the clearance time of persons.

(ii) **Costs**: Refers to costs other than taxes, customs duties, and fees incurred as a result of border clearance procedure delays.

(a) **Key Performance Indicator:** *Average cost at the OSBP*
(b) **Sub-Indicators** include the cost of accommodation, parking fees, demurrage fees for trucks, and loading and offloading charges.

(iii) **Volumes/Throughput**: Refers to measurement of the volume of cargo, vehicles, and persons cleared through the OSBP.

(a) **Key Performance Indicator:** *OSBP volumes/throughput*
(b) **Sub-Indicators** include tonnage cleared under different customs regimes (i.e. transfers, exports, imports, transits, small-scale cross-border trade, number of trucks, buses, private vehicles, and persons

(iv) **Infrastructure:** Availability and adequacy of hard and soft infrastructure, administrative arrangements, safety and security.

(a) **Key Performance Indicator:** *Availability and adequacy of facilities/infrastructure*
(b) **Sub-Indicators for hard infrastructure** include exclusive use areas, service counters and bays for cargo and passengers, signage, washrooms, facilities for physically challenged persons, sanitary disposal facilities, walkway canopies and bus sheds, access roads, parking facilities and control gates, quarantine facilities, first-aid and emergencies facilities, warehouses, cold rooms, animal pens, incinerators, and drainage
(c) **Sub-Indicators for soft infrastructure** include power, water, standby generator or other sources of electricity, customs and other regulatory agencies interconnectivity at the border, and immigration cross-border connectivity
(d) **Sub-Indicators for maintenance of facilities** include waste management, and budget for the maintenance for the border infrastructure and equipment
(e) **Sub-Indicators for security and safety** include firefighting equipment, lighting, offices of security agencies, perimeter fencing, scanners, security cameras

(v) **Interagency Cooperation**

(a) **Key Performance Indicator:** *Progress towards the implementation of Coordinated Border Management*
(b) **Sub-Indicators include** the existence of a lead agency, an effective joint border coordination (JBC) committee, synchronization of working hours, joint control arrangements, conduct of officers and facilitation agents in the control zone, and process flow

(vi) **User Satisfaction**

(a) **Key Performance Indicator:** *Quality, reliability, and extent of user satisfaction*
(b) **Sub-Indicators include** availability and accessibility of the facilities, service delivery, ease of crossing the border, convenience of process flow, signage and direction, attitude

	of officers, information availability, access roads and parking areas, security and safety of hours of operations

Notes: (i) Power and water has been included under soft infrastructure as per the source document. (ii) The JICA Trade Facilitation and Border Control Project in East Africa implemented a similar set of indicators (i.e., aligned with the EAC indicators) in 2018-2021 at Malaba, Namanga, and Rusumo.
Source: East African Community Secretariat, *One Stop Border Post Measurement Tool: Effective Monitoring of OSBP Operations*, September 2019

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[107];
(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[108];
(iii) the Logistics Performance Index (LPI) of the World Bank with various categories of sub-indices to measure the logistics performance of countries[109,110]; 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,[111] national statistics, and trade demand forecast data can be used for assessments at this level.

(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);

[107] See http://comtrade.un.org/.
[108] http://www.unctad.info/en/Trade-Analysis-Branch/Key-Areas/TRAINSWITS/.
[109] http://lpi.worldbank.org/.
[110] LPI is based on perceptions identified in interviews.
[111] 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.

(iv) delineation of the corridor hinterland, including branches (i.e., length, formalization, inclusion in the corridor, priority ranking);
(v) modal complementarities and competition;
(vi) non-tariff barriers (NTBs) along the corridor;
(vii) funding availability (e.g., commitment, national budget, joint funds, grants);
(viii) border infrastructure;
(ix) node and link capacity;
(x) road safety performance (e.g., road safety audits, assessments of parking places).[112]

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.
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*

[112] (i) Japan International Cooperation Agency and Deloitte Tohmatsu Financial Advisory LLC, *Data Collection Survey on Impact Measurement of Corridors – Northern Corridor, Nacala, Corridor and West Africa Growth Ring, Final Report*, April 2019 [available at https://openjicareport.jica.go.jp/pdf/12325809.pdf]; (ii) AUDA-NEPAD-JICA, *Integrated Corridor Approach of Infrastructure Development, Knowledge Sharing Seminar*, 19 May 2020; and (iii) Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, p. 39.

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 trade and 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 trade and traffic (e.g., import/export, transit), 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 process(es) and location(s) with 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 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 5-3 describes the design and implementation of surveys along the Abidjan-Lagos Corridor and the Malanville border crossing between Benin and Niger.

Box 5-3: 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

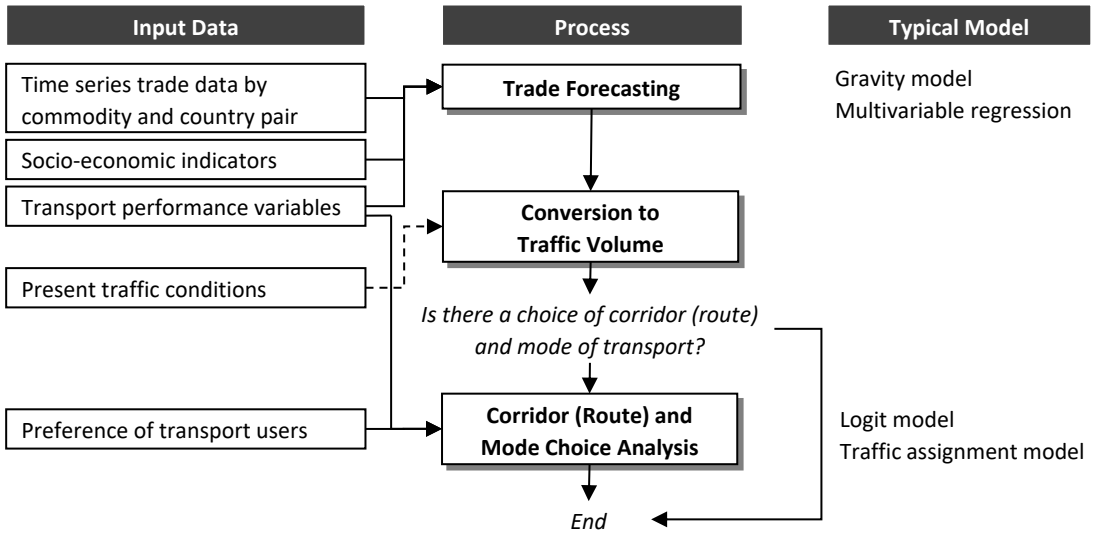
OSBPs process different types of traffic flows: international transit, bilateral (interstate) movements, and local movements including passenger flows. Since the composition of traffic types differs by border point, a suitable analysis model should be selected and combined. Optional models should be 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.[113]

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 or mode

[113] 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.

should be examined. Logit (logistic regression) type choice modeling is a suitable technique for such analysis.[114,115]

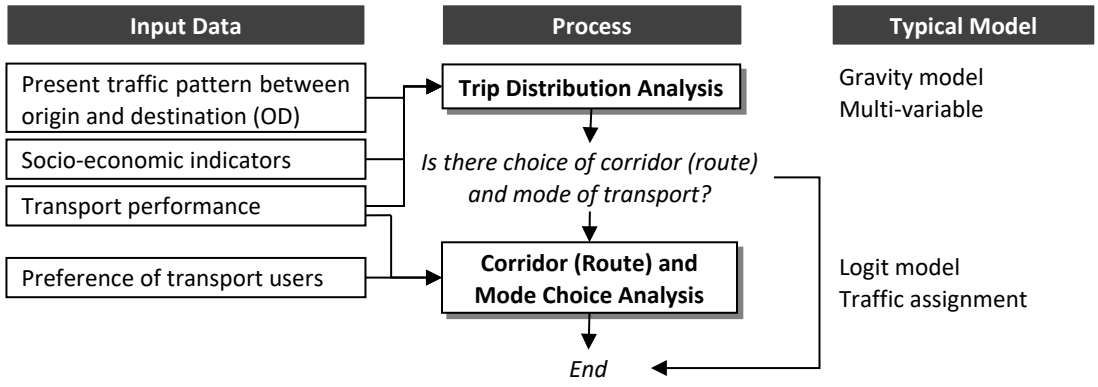
Figure 5-3: Model Flow of Traffic Demand Forecasting of Transit and Trade Flows



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

[114] Logistic regression is a tool for analyzing data where there is a categorical response variable with two levels. 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: Building an Integrated Freight Transport System*, Japan International Cooperation Agency, 2014.

[115] 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.[116] 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[117]

(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, local

[116] 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.
[117] Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, pp. 353-361.

communities, border agencies, and national governments.[118] 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[119] of implementing a proposed project (the with-project case) rather than not implementing it (the without-project case).[120] 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 operating cost (currency/year)

[118] More detailed benefit items are summarized in Table 2-1 of this Sourcebook.
[119] 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 Raballand, *Transport Costs and Prices in Africa*, World Bank, 2009.
[120] 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 of the section (vehicles/day)[121]
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)[122] for the stream of annual net costs.

Box 5-4 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.[123] In addition, Box 5-5 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 5-4: 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.

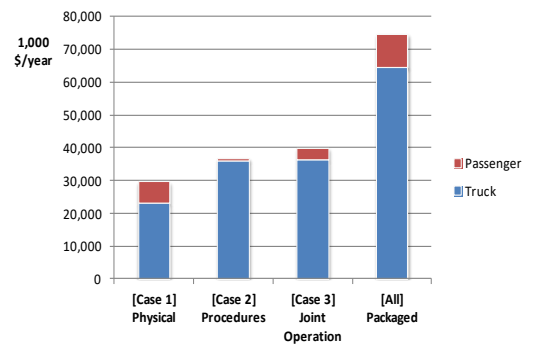
Cost savings gained from these improvements were estimated in two ways below:

- 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.

[121] The without case does not refer to current status. It is the case at the same point in the future as the with case but without any interventions. Thus, estimated traffic volume – with growth – should be used.
[122] IRR based on savings in cost and time to society is referred as the economic internal rate of return (EIRR).
[123] Other examples of the quantification of cost savings are introduced in Section 2.3 and subsection 14.2.2 (6) of this Sourcebook.

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

Box 5-5: 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 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.[124]

(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.

[124] 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.

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

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

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).[125] 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.[126] 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.[127] However, these types of models are "data hungry" and require detailed spatial input-output

[125] 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.
[126] 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.
[127] 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.

matrices, which are not available in most developing countries. These models are better suited to networks than to individual projects.

(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. For example, user satisfaction surveys are sometimes conducted, through interviews, questionnaires, and/or focus group discussions. The sample of users (by gender, age, profession, and nationality) should be carefully selected to provide a balanced picture of community satisfaction including views of the project.

(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.

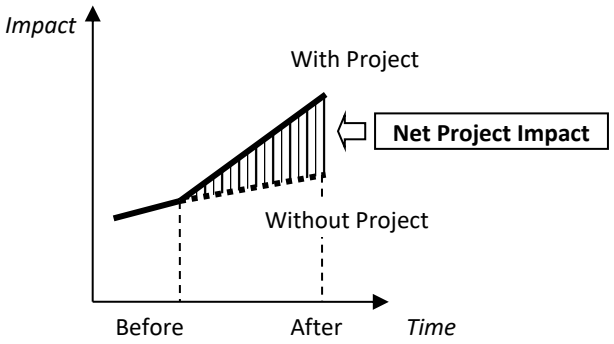
Data to be monitored include key performance indicators detailed in subsection 5.2.2, and indicators of trade, traffic, time, facilitation/procedures, and administration. A fair number of indicators should be selected from the viewpoint of technical measurability, the cost of data collection, relevance 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. 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 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 5-6 summarizes the time measurement surveys undertaken at the Namanga and Rusumo OSBPs.

Box 5-6: Baseline, Endline, and Impact Assessment Surveys for the Namanga and Rusumo OSBPs

With JICA support, rigorous baseline and endline/impact time measurement surveys were conducted at Namanga (baseline in February 2014 and endline/impact in February 2019 and November 2021) and at Rusumo (baseline in August 2014 and February 2017).

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 (i.e., partner) government agencies / departments (OGAs/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 several limitations of the survey. The challenges are greater in conducting "after" studies not only to ensure 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.

Similar or analogous time measurement surveys, including midterm or mid-course surveys, are planned in 2022 at Chirundu and Kazungula in Southern Africa, also with JICA support.

Source: Subsection 14.6.3(5) [Namanga and Rusumo], 14.2.2(7) [Chirundu], and 14.8.3(3) [Kazungula]

(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[128]

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 mean or median[129] 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 enables border control agencies 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 border control agencies to improve compliance and at the same time improve facilitation for most low-risk goods.

[128] 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.
[129] The median is usually used to calculate results since it is considered more representative of the central trend of the data collected than the mean, which is greatly influenced by extreme values (outliers).

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:

(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 5-7 presents the time release study (TRS) methodology of the WCO as an example.

Box 5-7: WCO's Time Release Study Methodology

A TRS is 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 TRS provides guidance on the best way to apply this method of internal review. The methodology to be adopted for execution of the study can be 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 agencies, 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 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.

A TRS measures the process and clearance of customs entries from lodgment to the release of cargo in order to measure clearance process performance and help identify associated bottlenecks. It can examine whole customs entry processes even before the cargo arrives at the border, and therefore it can easily identify the proportion of time spent for each customs clearance process as well as bottlenecks in efficient processing throughout customs clearance. With technological developments, TRS data is increasingly collected electronically mainly using customs system data, but manual collection techniques using paper survey forms are also used. One caution for electronic surveys is that timestamps shown by customs systems are not the times of actual movement of trucks in the OSBP, but the time of processing procedures in the system, and therefore it is important to seek cooperation for real-time processing in the system and to deploy enumerators at the border and monitor the physical movement of trucks.

It is also advised to deploy staff who are familiar with the customs and border clearance processes. In case customs staff is deployed for the task, the authority should provide sufficient time for them to carry out survey tasks while maintaining the objectivity of survey results.

Note: The WCO TRS online software is available to all WCO Members free of charge.
Source: World Customs Organization, *Guide to Measure the Time Required for the Release of Goods Version 3*, 2018

(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 considering the defined scope of the survey. Existing data should be fully used 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 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 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 to ensure the quality of survey before implementation. It is recommended to mobilize local residents (e.g., university students) who have a basic understanding of data collection with command of the local language(s). It is also recommended to have a team on both sides of the OSBP with a field supervisor on each side. Consideration should be given to shifting the surveyors in accordance with the operating hours of the OSBP. 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. It is good to conduct a test run before the actual survey.

(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, to determine the performance of the panel[130] 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.

Box 5-8 provides an example of data collection by GPS through a private initiative, while Box 5-9 describes an example of cross-border time surveys using mobile applications.

Box 5-8: 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 January 2016

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

Box 5-9: Cross-Border Time Surveys Using Mobile Applications

Transport Logistics Consultants (TLC) – which has conducted various time surveys in East and Southern Africa – has developed a data collection Android application to capture cross-border cargo movements. Vehicles are matched at different points throughout the process using vehicle registration numbers: (i) queue to enter the border crossing gate, (ii) entry into the border crossing, (iii) submission to the first customs authority (of the country of exit), (iv) release from first customs authority, (v) arrival of all the documents the clearing agent, (vi) submission to the second customs authority (of the country of entry), (vii) release from the second customs Authority, (viii) release from the border crossing, and (ix) exit from the border crossing. Times for each process are matched and calculated individually. Surveyors carry a mobile phone and select the tab to input. The application has also been used for community interviews and user satisfaction surveys. Use of the application reduces human error and captures more data.

Source: This Sourcebook

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 12.4.4(3) – is an example of such a system. Some countries have further upgraded ASYCUDA to include clearance module(s) for other government agencies (i.e., partner agencies of customs).

Box 5-10 shows another example of use of automated interface to collect monitoring information obtained from direct feedbacks by users.

Box 5-10: 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 (due 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.

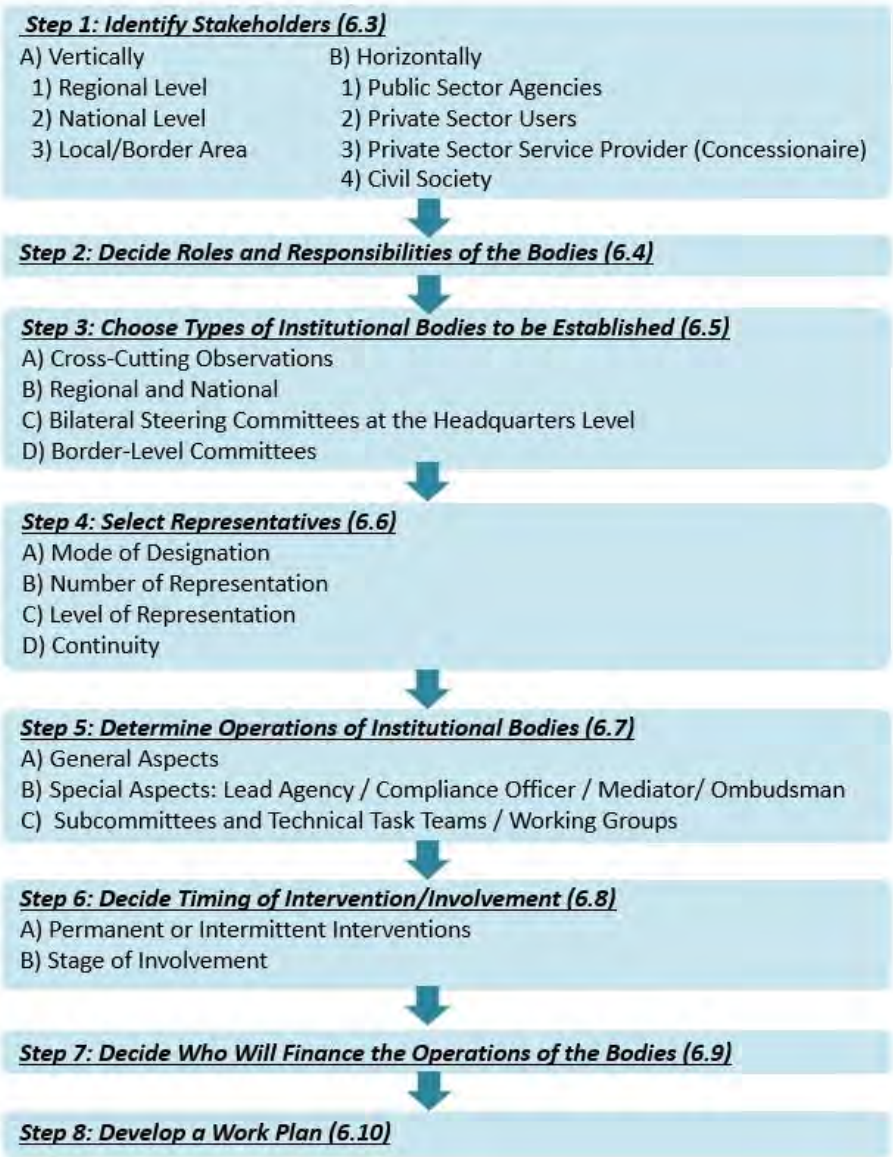
Source: Carmine Soprano, Trade and Competitiveness Global Practice, World Bank, email of 28 January 2016

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 global, continental, and regional legal frameworks underlying regional, national, and local 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 Global, Continental, and Regional Legal Frameworks Underlying Regional, National, and Local OSBP Institutional Frameworks

6.2.1 Introduction

(1) Nature of the Underlying Frameworks

At the outset, it is useful to make several observations concerning the nature of the underlying institutional framework.

(i) Ideally, the legal framework should contain an express and direct duty or commitment to create an institutional body or bodies specifically related to OSBPs. However, institutional bodies that are relevant for OSBPs may also be created in the broader context of (for example) border management, trade and transport facilitation, the elimination of non-tariff barriers, and the free movement of persons and goods.

(ii) Institutional bodies are not necessarily newly created. Existing bodies may be charged with tasks that relate to OSBPs. Institutional bodies may be the result of the integration of existing institutions.

(iii) OSBP stakeholder authorities (e.g., legislators, regulators, policymakers, implementing and enforcing agencies) may be invited or ex officio[131] participate directly or be involved indirectly in supranational institutional bodies.

(iv) The trigger for the establishment of OSBP-related institutional bodies may also lie in less concrete recommendations or resolutions to achieve the objectives without indication of the specific means to reach that goal. On the supranational level, consensus among sovereign states is not always expressed in hard (concrete) binding commitments, but rather in less committal, soft declarations of intent. But when faithfully executed, they provide the basis for the body's coming into being.

(v) At the supranational level, a joint committee may be created, including representative delegations of the member countries (e.g., the WTO Committee on Trade Facilitation). The intergovernmental organization may also create a dedicated standing agency for that purpose, staffed by supranational civil servants (officials). In that case, institutional strengthening may be a discretionary initiative of an agency of an intergovernmental organization or a group of organizations, because it fits or is implied by its/their general mission.

(vi) The term "joint" is used here in the sense of involving the respective national partners and not in the sense of involving the private sector besides the public sector. In addition to joint institutional bodies, purely national institutional bodies may be established (e.g., the national Trade Facilitation Committees as prescribed by the WTO TFA).

(vii) The institutional bodies exert their respective powers and competence (i.e., authority) at their respective levels of designated governance in the hierarchy.

[131] As a result of one's status or position.

(viii) Finally, the establishment of institutional bodies may also be the result of a public-private understanding(s) or even of the initiatives of officially recognized private organization(s).

This explains why the nature of the framework serving as the basis of OSBP-related institutional bodies may vary, and for this reason a complete overview of the basis for OSBP-related institutional bodies is provided, at the global, continental, regional, bilateral national, and local levels, as summarized in Box 6-1. Figure 6-2 schematically presents this overall structure, while Figure 6-3 presents a schematic of the bilateral structure between adjoining country pairs.

Box 6-1: Hierarchical Institutional Structure

1. Multilateral and Plurilateral Level

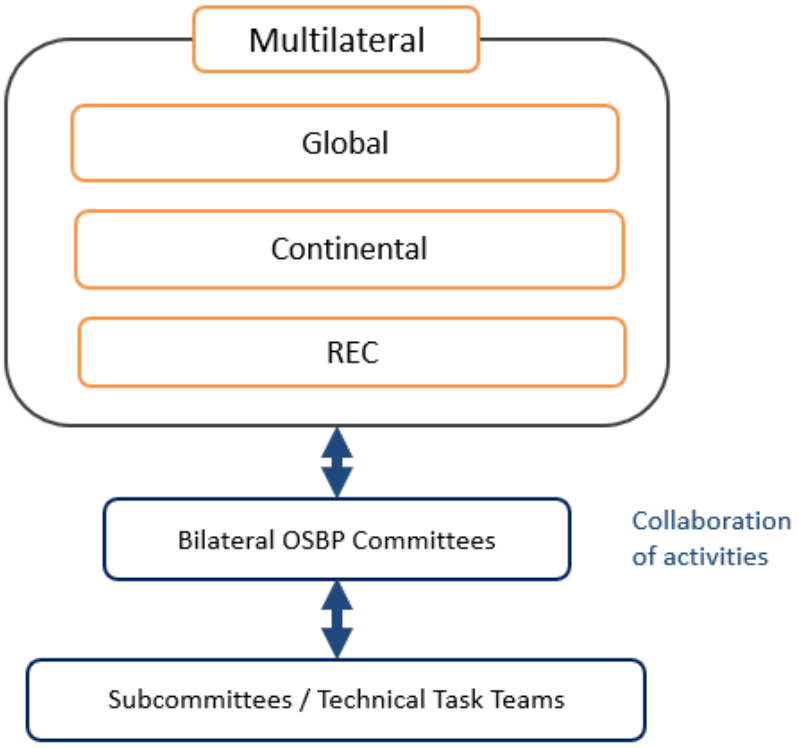
1.1 Global (worldwide)
1.2 Continental (African)
1.3 Regional (RECs)

2. Bilateral (between adjoining country pairs)

2.1 National Central Administrations => Joint Border Steering Committee for policy matters and Joint Technical Committee for technical matters
2.2 Local Border Control Agencies => Joint Border Coordination Committee for day-to-day operational management
  2.2.1 Subcommittees on specific issues
  2.2.2 Technical task teams on specific issues

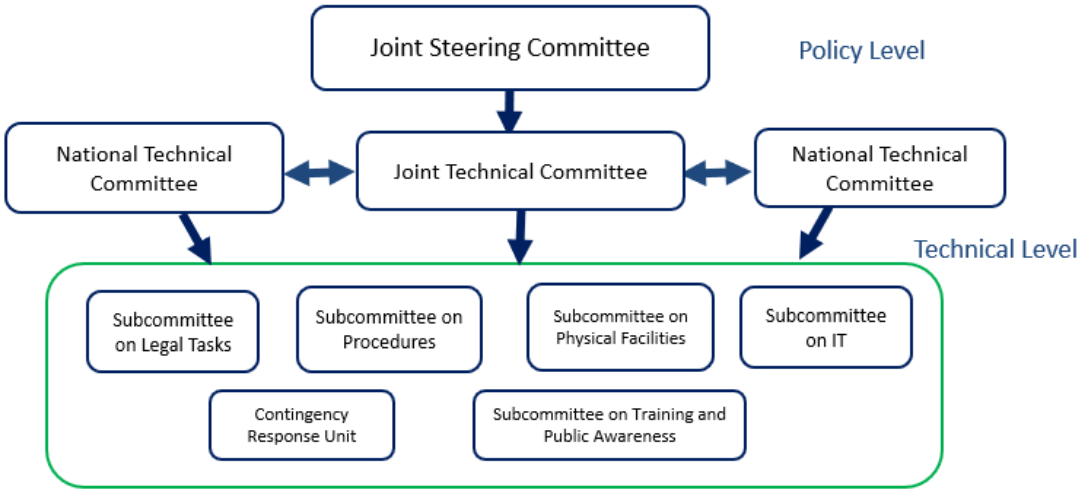
Source: This Sourcebook

Figure 6-2: Schematic of the Overall Structure



Source: This Sourcebook

Figure 6-3: Schematic of the Bilateral Structure



Source: This Sourcebook

(2) Relevance of the Overarching Framework

Generally, African states are signatories of the international conventions on OSBP-related matters (e.g., border management, trade and transport facilitation, elimination of non-tariff barriers, free movement of persons and goods). Consequently, the regional institutional framework is to be aligned with the international framework. Even apart from such formal membership, the international framework may offer well-tested best practices. The same consideration applies to African continental conventions.

6.2.2 Global Level

(1) World Trade Organization

On the global level, Article 23.1 of the Trade Facilitation Agreement (TFA) of the World Trade Organization (WTO), which entered into force on 22 February 2017, created a Committee on Trade Facilitation. Article 23.2 of the TFA requires that each member state establish a national committee on trade facilitation (NCTF).

The TFA requires member states to establish or maintain a coordination mechanism that will support the implementation of the trade facilitation provisions included in the agreement. NCTFs – established as a coordination mechanism – are mandated to streamline trade procedures and implement trade facilitation measures nationally. Successful and efficient NCTFs help countries streamline their international trade. The committees are collaboration platforms involving a wide range of public and private actors and stakeholders seeking to establish a transparent and consistent trade environment, advocating for simple and standardized border procedures and regulations.[132]

[132] It has been suggested that NCTFs (i) provide clear evidence of how its country complies with each of the articles of the TFA; (ii) review the committee's mandate to determine its priorities and translate those priorities into an effective work plan that defines the scope of work to be undertaken, allocates appropriate resources and sets deadlines for completion of the work; and (iii) consider formalizing the basis of the committee. David Widdowson, Geoff Short, Bryce Blegen and Mikhail Kashubsky, "National Committees on Trade Facilitation", *World Customs Journal*, Vol. 12, No. 1, pp. 27-48.

In addition, a WTO Trade Facilitation Agreement Facility (TFAF) – a trust fund executed by the World Bank – was established. The TFTA offers support to developing and least-developed countries to make the reforms enshrined in the Trade Facilitation Agreement. It complements existing efforts by regional and multilateral agencies, bilateral development partners, and other stakeholders to provide trade facilitation-related technical assistance and capacity-building support, and acts as a focal point for implementation efforts.[133]

The *UN Trade Facilitation Implementation Guide*[134] provides developing countries with a step-by-step approach to evaluating policy, organizational, and funding options to create a detailed roadmap to set up national trade facilitation committees, which are obligatory for countries implementing the TFA.

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(2) United Nations Conference on Trade and Development

The United Nations Conference on Trade and Development (UNCTAD) actively participates in and supports the establishment of national trade facilitation bodies (NTFBs) in developing countries. It assists developing countries in identifying their particular trade and transport facilitation needs and priorities, and it supports them in programming the implementation of specific trade and transport facilitation measures.[135] In addition, it manages the Automated System for Customs Data (ASYCUDA),[136] a computerized customs management system (discussed in subsection 12.4.3).

(3) World Customs Organization

In its *Coordinated Border Management (CBM) Compendium*, the WCO provides recommendations on terms of reference for CBM bodies to be established. In 2014, the WCO launched the Mercator Programme, a strategic initiative to support trade facilitation and implementation of the WTO TFA worldwide by using the WCO instruments and tools. It is specifically designed to assist WCO Members in implementing trade facilitation measures expeditiously and in a harmonized manner. Among other areas, its tailormade assistance supports the establishment and maintenance of national committees on trade facilitation (NCTFs). Regarding transit – the most frequent type of operation conducted at many OSBPs – WCO has published the *WCO Transit Handbook* (2014), *WCO Transit Guidelines* (2017), the *Compendium of Best Practices in the Area of Transit* (2020).

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[133] The functions of the TFAF include (i) supporting least developed and other developing countries in assessing their specific needs and identify possible development partners to help them meet those needs; (ii) ensuring the best possible conditions for the flow of information between development partners and aid recipients through the creation of an information sharing platform for demand and supply of trade facilitation-related technical assistance; (iii) disseminating best practice in implementation of trade facilitation measures; (iv) providing support to find sources of implementation assistance, including formally requesting the Director General to act as a facilitator in securing funds for specific project implementation; (v) providing grants for the preparation of projects in circumstances where a member state has identified a potential development partner but has been unable to develop a project for that development partner's consideration, and is unable to find funding from other sources to support the preparation of a project proposal; and (vi) providing project implementation grants related to the implementation of TFA provisions in circumstances in which attempts to attract funding from other sources have failed. These grants are be limited to "soft infrastructure" projects, such as modernization of customs laws through consulting services, in-country workshops, or training of officials.

[134] This is a joint guide by the International Trade Centre (ITC), the United Nations Conference on Trade and Development (UNCTAD), and the United Nations Economic Commission for Europe (UNECE), including the United Nations Centre for Trade Facilitation and Electronic Business, published on 25 November 2015.

[135] UNCTAD organizes workshops and seminars at the regional and national levels, publishes relevant information and training material, and provides technical assistance through numerous projects. It has launched a new e-learning platform for national trade facilitation committees (NTFCs). Over the years, it has assisted more than 55 countries in drafting national trade facilitation plans, forming and training NTFCs, and creating roadmaps to guide the implementation of the TFA.

[136] Automated SYstem for CUstoms DAta (ASYCUDA) / SYstème DOuaNIer Automatisé (SYDONIA).

(4) International Organization for Migration

The International Organization for Migration's (IOM) Immigration and Border Management Division supports countries in strengthening the operational capability of their border management systems and enhancing border management cooperation between various stakeholders.

The concept of coordinated and integrated border management (CBM and IBM) constitutes an essential element of IOM's programming. It encompasses national and international coordination and cooperation between and among all relevant authorities and agencies involved in border management, as well as trade facilitation to establish effective, efficient, and coordinated border management. Integrated border management seeks to enhance three levels of coordination: intra-service, inter-agency, and international cooperation. Coordinated/integrated border management is discussed in subsection 9.2.2(2).

Other notable aspects of IOM's activities are highlighted below:

(i) IOM's African Capacity Building Center for Migration and Border Management (ACBC), based in Moshi, Tanzania, provides Africa-wide technical assistance in matters pertaining to migration and border management.

(ii) IOM supports the African Continental Free Trade Area (AfCFTA) and various protocols of the regional economic communities (RECs) on the free movement of persons.[137]

(iii) 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 borders is maintained.

(5) International Trade Centre

The International Trade Centre (ITC) is a joint agency of the WTO and the UN. Its mission is to increase the competitiveness of the private sector, especially small and medium-sized enterprises (SMEs), which suffer disproportionately from inefficiencies in customs procedures and other border administration measures. It aims at building export capacity, reducing trade-transaction costs, and deepening regional integration through trade facilitation measures (e.g., moving goods across borders faster and at lower cost by reducing export bottlenecks).

(6) United Nations Economic Commission for Europe

Despite its title, the geographic scope of activities of the United Nations Economic Commission for Europe (UNECE) is global. UNECE undertakes work in trade facilitation through its UN Centre for Trade Facilitation and Electronic Business (UN/CEFACT). UN/CEFACT has a global mandate for developing UN Trade Facilitation Recommendations and Standards. It is open to participation from all UN member states. It is a subsidiary, intergovernmental body of the UNECE Committee of Trade and is managed by a bureau comprising a chair and several vice chairs.

[137] International Organization for Migration, *IOM Continental Strategy for Africa*, Geneva, 2020, pp. 14, 18 [it "will reinforce the capacities of African Member States and RECs by fostering collaboration within United Nations Country Teams (UNCTs) on migration governance and regular, safe and facilitated mobility, to accelerate the implementation of the FMP [Free Movement of Persons] Protocol and the AfCFTA"].

Individual UN/CEFACT members are experts from intergovernmental organizations, individual countries' authorities and the business community.

(7) UNNExT

In cooperation with UNESCAP, UNECE created the United Nations Network of Experts for Paperless Trade and Transport (UNNExT) and published *Electronic Single Window Legal Issues: A Capacity-Building Guide*.

(8) Global Facilitation Partnership for Transport and Trade

The Global Facilitation Partnership for Transport and Trade (GFPTT, formed by UNECE, UNCTAD, and the ITC) aims to bring together all interested parties, public and private, national and international, that want to help achieve significant improvements in transport and trade facilitation in World Bank member countries. The Partners have together agreed to design and undertake specific programs to meet these objectives, making use of their specific advantages in the subject matter in a coordinated fashion.

This network was established as a common platform for UN agencies involved in trade facilitation activities. It was launched in response to a request from the High Level Committee on Programs of the United Nations Chief Executives Board to identify trade facilitation issues to be addressed in a coordinated manner within the United Nations system. Recognizing that UN agencies have different approaches to trade facilitation, this platform concentrates information on each agency's approach. It provides a "doorway" for users to investigate further the work carried out by one or another UN agency.

(9) International Chamber of Commerce

The ICC Commission on Customs and Trade Facilitation focuses on obstacles to trade related to customs policies and procedures, and works on issues such as customs reform, modernization, and transparent, simplified, and harmonized customs policies and procedures. The Commission has a close working relationship with the WCO and serves as the voice of the wider business community in various intergovernmental forums.

6.2.3 Continental Level

(1) African Union

On the African continental level, the African Union (AU)[138] is instrumental in several initiatives for efficient border management. It has developed a border program and strategy for enhanced border management, which seeks to promote the coordinated or integrated management of borders through increased collaboration and coordination between states in various areas, as follows:

(i) Declaration of the African Union Border Programme by the African Ministers in Charge of Border Issues, Addis Ababa, Ethiopia, 7 June 2007 and March 2011, and in Niamey, Niger, 17 May 2012;
(ii) African Union Executive Council Decisions related to border issues, including EXCL/370/XI and EXCL/Dec461(XIV); and

[138] Established by the Constitutive Act, Lome, Togo, 11 July 2000.

(iii) African Union Convention on Cross-Border Cooperation (Niamey Convention), adopted in Malabo, Equatorial Guinea, 27 June 2014[139].

In addition to other objectives, the Niamey Convention pursues efficient and effective integrated border management (Article 2,5), i.e., national (intrastate, interagency) and international (interstate) coordination and cooperation between and among all relevant border authorities and agencies. It also promotes institutional strengthening in the field of integrated border management (Article 3,6), by (i) encouraging the member states to create a national border consultative committee (Article 8,4), (ii) encouraging RECs to create regional border consultative committees (Article 9,2), (iii) charging the African Union Commission with the implementation task(s) of the convention (Article 10,1a), (iv) tasking the African Union Commission to establish a continental border consultative committee (Article 10,1d); and (v) creating a Border Programme Fund to support border cooperation and collaboration programs. Thus it provides a support mechanism for the implementation of the AfCFTA, for example.[140]

(2) African Economic Community

The African Economic Community (AEC) [141] is an organization of AU states establishing grounds for mutual economic development among the majority of African states. Its stated goals include the elimination of non-tariff barriers between and among African States (Articles 4,2d, 6,2, 29, 31 and 61,2f).

(3) African Union Development Agency – New Partnership for Africa's Development

The African Union Development Agency – New Partnership for Africa's Development (AUDA-NEPAD) was established on 1 January 2021 as a technical agency of the African Union, with its own legal identity, defined by its own statute, to deliver on the continent's development priorities, which include OSBPs. In 2021-2022, in association with JICA, AUDA-NEPAD prepared this 3rd edition of the OSBP Sourcebook, updating the 2nd edition published in May 2016. In addition, with the aim of fully implementing the MoveAfrica initiative, AUDA-NEPAD has spearheaded the establishment of the Traffic Light System to assess the performance of cross-border logistics in Africa; Box 5-1 in Chapter 5 presented details.

(4) African Continental Free Trade Area

The African Continental Free Trade Area (AfCFTA) – which entered into force on 30 May 2019 with trading under the agreement commencing on 1 January 2021 – pursues a (pan-African) single market for goods and services to facilitate the free movement of persons and investments and to lay the foundation for a Continental Customs Union (Article 3 of the Agreement Establishing the AfCFTA)

Article 9 of the Agreement Establishing the AfCFTA provides that the AfCFTA consists of the AU Assembly (at the top of the hierarchy), a Council of Ministers, a Committee of Senior Trade Officials, and a Secretariat (which has been established in Accra, Ghana). Eight regional economic communities (RECs), established under separate treaties, are officially recognized by the Agreement Establishing the AfCFTA as "building blocks".

[139] Presently not yet in force for lack of the required number of ratifications.
[140] The Niamey Convention has not yet entered into force.
[141] Treaty Establishing the African Economic Community, Abuja, Nigeria, 3 June 1991.

Box 6-2 sets outs selected key provisions of the AfCFTA instruments regarding institutional arrangements related to OSBPs and trade facilitation.

Box 6-2: Selected Key Provisions of the Agreement Establishing the AfCFTA Regarding Institutional Arrangements Related to OSBPs and Trade Facilitation

- Article 2(a)(ii) of its Annex 3 on Customs Cooperation and mutual administrative assistance prescribes the establishment of appropriate institutional arrangements at the continental, regional, and national level.
- Article 13 of its Annex 3 prescribes the establishment of a Sub-Committee on Trade Facilitation, Customs Cooperation and Transit by the Committee on Trade in Goods, in accordance with Article 31 of the Protocol on Trade in Goods.
- Article 25.2 (e) of its Annex 4 on Trade Facilitation prescribes the establishment of OSBPs.
- Article 27 of its Annex 4 prescribes the establishment of a Sub-Committee on Trade Facilitation, Customs Cooperation and Transit in accordance with Article 31 of the Protocol on Trade in Goods.
- Article 29 of its Annex 4 prescribes the establishment by each State Party of a National Committee on Trade Facilitation.
- Article 4 of its Annex 5 on Non-Tariff Barriers prescribes the establishment of a Sub-Committee on Non-Tariff Barriers in accordance with Article 31 of the Protocol on Trade in Goods.
- Article 6 of its Annex 5 on Non-Tariff Barriers prescribes the Establishment by the Secretariat of a unit for the Coordination of NTBs' Elimination, National Monitoring Committees and National Focal Points
- Article 2.2.1 of Appendix 2 of Annex 5 on Non-Tariff Barriers prescribes the appointment by the Secretariat of a facilitator to resolve complaints.
- Article 12 of its Annex 8 on Transit prescribes the establishment by the Committee on Trade in Goods of a Sub-Committee on Trade Facilitation, Customs Cooperation and Transit in accordance with Article 31 of the Protocol on Trade in Goods.

Source: Various AfCFTA instruments (as cited)

(5) United Nations Economic Commission for Africa

The United Nations Economic Commission for Africa (UNECA) Regional Integration and Trade Division (RITD) pursues trade facilitation. Recent publications on "trade facilitation from an African perspective" include, e.g., United Nations Economic Commission for Africa, *Facilitating Cross-Border Trade through a Coordinated African Response to COVID-19*, 2020.

(6) WHO Regional Office for Africa

The regional office for Africa of the World Health Organization (WHO) is established in Brazzaville, Congo.

(7) Africa Centres for Disease Control and Prevention

The Africa Centres for Disease Control and Prevention (CDC) (with its headquarters in Addis Ababa, Ethiopia, and regional offices in Cairo, Egypt for northern Africa, Lusaka, Zambia for Southern Africa, Nairobi, Kenya for Eastern Africa, and Abjua, Nigeria for West Africa) is the AU's public health agency. It strengthens the capacity and capability of Africa's public health

institutions as well as partnerships to detect and respond quickly and effectively to disease threats and outbreaks, based on data-driven interventions and programs.

(8) Pan African Chamber of Commerce and Industry

The Pan African Chamber of Commerce and Industry (PACCI) is an independent, non-profit organization established in 2009 to serve Africa's business by promoting public policies that will foster continental economic integration, competitiveness, and sustainable growth. PACCI offers its constituents a wide range of services including advocacy for the creation of the African Economic Community, capacity building, and business networking. With more than 50 national chambers of commerce as members, PACCI is the largest business association in Africa, and the continent's most influential.

6.2.4 Regional Level

(1) Regional Economic Communities

Based on a more detailed comparative matrix of institutions and laws of the RECs and other regional cooperation bodies in Appendix B (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 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 constructed 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).

(2) Tripartite Agreement

Also worth noting, the "Tripartite Agreement" of 2015 concluded between the member states of COMESA, the EAC, and SADC, sought to address the issues related to the states' overlapping memberships in these three RECs. [142] The facilitation process it pursues (Article 14 and Annex VI) entails "variable geometry" (Articles 1 and 6) so that the signatories are not bound by mandatory precepts. A key project of the Tripartite Free Trade Agreement is the North-South Corridor (NSC); its trade facilitation ambition is more comprehensive and exceeds the geographic scope of the RECs and member countries involved. In Article 14.3(i) the signatory countries undertake to set up OSBPs. The Tripartite Agreement created an array of institutions (Article 29) and standing bodies.[143]

[142] Agreement Establishing a Tripartite Free Trade Area among the Common Market for Eastern and Southern Africa, the East African Community and the Southern African Development Community, 10 June 2015.
[143] (i) The Tripartite Task Force of the Secretariats of the three RECs, which coordinates the implementation of the Tripartite work program and provides secretariat services to the Tripartite arrangement; (ii) Tripartite Committee of Senior Officials, which is responsible for overseeing and guiding technical work; and (iii) the Tripartite Committee of Experts, which carries out the technical work and reports to the Tripartite Committee of Senior Officials.

In addition, there are corridor organizations and civil society institutions (intergovernmental and nongovernmental) across the continent, generally created by legal instruments, with examples described in Box 6-3.

Box 6-3: Examples of Corridor Organizations and Civil Society Institutions in Africa and Associated Legal Instruments

Intergovernmental

Northern Corridor Transport and Coordination Agreement/Authority

The Northern Corridor Transit and Transport Agreement (NCTTA) was signed in 1985 and revised in 2007 for regional cooperation with a view of facilitating interstate and transit trade, between the Member States of Burundi, Democratic Republic of Congo, Kenya, Rwanda, and Uganda. South Sudan acceded to the Agreement in 2012.

The Northern Corridor is a multimodal trade route linking the landlocked countries of the Great Lakes Region with the Kenyan maritime seaport of Mombasa. The NCTTA is a comprehensive agreement with 11 protocols on strategic areas for regional cooperation including routes and facilities; customs controls and operations; documentation and procedures; transport of goods by road; and handling of dangerous goods and measures of facilitation for transit agencies, traders, and employees.

The Member States have established and mandated the Northern Corridor Transit and Transport Coordination Authority (NCTTCA) to oversee and coordinate the implementation of the agreement, to monitor its performance and to transform the northern trade route into an economic development corridor and making the corridor a seamless, efficient, smart corridor. The Agreement mandates the NCTTCA to promote cooperative transport policies and foster an efficient and cost-effective transit transport system along the corridor.

Central Corridor Transit Transport Facilitation Agreement/Agency

The Central Corridor Transit Transport Facilitation Agreement was signed by the governments of Burundi, Democratic Republic of Congo, Rwanda, Tanzania, and Uganda on 2 September 2006. The Agreement created the Central Corridor Transit Transport Facilitation Agency (CCTTFA), an intergovernmental corridor management institution that aims to accelerate the development of the Central Corridor. The agency has a mandate to coordinate the Member States' efforts in implementing the corridor agreement. Under this agreement, the mandate of CCTTFA includes "encouraging the implementation of improved customs transit procedures and the implementation of joint customs controls and juxtaposed customs offices at land borders and seaports."

Abidjan-Lagos Corridor Organization

The Abidjan-Lagos Corridor Organization (ALCO) was established in 2002 by a joint declaration of the Heads of State of the five ECOWAS member states with the support of the World Bank and the Joint United Nations Programme on HIV/AIDS (UNAIDS). It supports policies for health and free movement in states along the corridor (Benin, Côte d'Ivoire, Ghana, Nigeria, and Togo).

Trans Kalahari Corridor

By the Memorandum of Understanding (MOU) on the Development and Management of the Trans Kalahari Corridor signed on the 3rd of November 2003 the Governments of Botswana, Namibia and South Africa established a tripartite trans-boundary Corridor Management Institution, the Trans Kalahari Corridor (TKC), to pursue or contribute to regional integration programs of SADC, SACU, and NEPAD. The Trans Kalahari Corridor (TKC) is a road network with about 1,900 km in the territories of Botswana, Namibia, and South Africa with links to other corridors in the subregion, creating a strategic network and thus resulting in a coast-to-coast corridor across the entire South

African Subcontinent. Its initiatives have included the establishment of an OSBP between the Trans Kalahari and Mamuno Border Posts.

The MOU places the responsibility for its operationalization on the Trans Kalahari Corridor Management Committee (TKCMC) as the executive body. The TKCMC has public and private sector stakeholders – it is a public-private partnership (PPP) that serves as the "transmission belt" for the regulation and oversight of the development and implementation of seamless cross-border trade/transport/passenger facilitation measures that enhance the growth of corridor business. The TKCMC also acts as a regional corridor facilitation committee under the SADC Protocol on Transport, Communication and Meteorology. Key actors of the TKCMC PPP arrangement include transport ministries/departments, transport agencies, customs administrations, immigration authorities, police services, port authorities, road transport associations, freight forwarders and clearing agents. Operationally, technical working groups and the Trans Kalahari Corridor Secretariat (TKCS) support the TKCMC. The Secretariat oversees day-to-day administration and operations of the agreement under the TKCMC leadership. The Secretariat was established on 1 March 2007 with headquarters is in Windhoek, Namibia. The corridor serves as a model of a fully functional corridor management institution.

Nongovernmental

Borderless Alliance

Established in September 2011, the Borderless Alliance represents a private sector-led coalition to increase trade in West Africa and foster change by exposing trade inefficiencies throughout the region. From an initial group of six, the Borderless Alliance has more than 90 dues-paying members from the private sector across West Africa. Its membership base draws from a broad range of organizations involved in the various parts of the supply chain, including port authorities, freight forwarders, logistics operators, manufacturers, traders and farmers.

The Alliance provides a vehicle for the private sector to voice its concerns and collaborate with decision makers on finding solutions to common problems, as well as to encourage decision makers to take corrective action(s). This advocacy work allows the Borderless Alliance to improve trade facilitation by resolving bottlenecks, increasing trade flows, and reducing trade costs across West Africa. The Borderless Alliance monitors corridors in eight countries: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali, Niger, Senegal, and Togo.

East African Business Council

The East African Business Council (EABC) is a regional apex body of private sector associations and corporations in East Africa with the purpose of driving the East African Community (EAC) integration process through trade and investment. To achieve this goal, the EABC works with the public sector, EAC institutions, academia, and the business community to unlock economic potentials through increased physical access to markets, an enhanced trade environment. and improved business competitiveness. As an example of EABC's activities, officers of the EABC visited the Namanga OSBP in March 2021 to address issues affecting movement of goods and persons across the border.

SADC Business Council

The SADC (SBC) Business Council is an umbrella body for the private sector comprising top national bodies of the private sector in each of the 16 SADC Member State. In December 2021, SBC recommended urgently establishing a Corridor Management Institution to address barriers at border posts that are impeding trade flows along the North-South Corridor in Southern Africa

Source: This Sourcebook (drawing from websites of the organizations)

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, 2016 and EAC OSBP Regulations 2017	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 2016 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. Part II, Section 3 of EAC OSBP Regulations 2017 requires that each Partner State designate one of its competent authorities as the lead agency, to be responsible for administrative matters at the OSBP. Section 2.2 of the EAC	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 introduction of 15 OSBPs in the region; it has developed and adopted EAC OSBP Regulations and Procedures Manuals, as well as training curriculum, and it has undertaken regionwide OSBP training at operational OSBPs. Also, to ensure sustainable resources for construction, management, and maintenance, as well as coverage of utility costs for optimal OSBP operations, the EAC developed and adopted an OSBP Sustainability Strategy.

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
		OSBP Procedures Manual 2018 further defines the tasks of the lead agencies and calls for the establishment of joint border committees for border coordination. The EAC OSBP Sustainability Strategy 2021 called for operationalization of joint border coordination committees, and establishment of national and regional OSBP coordination committees.		
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 Customs Code, August 2017 (Article 81 on One Stop Border Posts)	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	Not yet prepared.	Not yet prepared.	The IGAD Regional Infrastructure Master Plan, March 2020, included about a dozen OSBP projects in its Annexes.

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
	completed and validated by the member states in 2012.			
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 Régime Juridique des Postes de Contrôle Juxtaposes aux Frontières des Etats Membres de L'Union Economique et Monétaire Ouest Africaine [setting out a consolidated	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: (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

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
	legal 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.		agreement through a tender process by UEMOA; (iv) Article 27: Contribution of Control Services for the 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 Senior Advisor; 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.[144] 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 Sectoral Council on Trade, Industry, Finance and Investment (SCTIFI), which has responsibility for OSBPs; (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 transporters' 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). In addition, at the border level the mediator/ombudsman and the border post facility manager should be represented *ex officio* (i.e., by virtue of their position) in the institutional body.

(i) **Public Sector Agencies**: The public sector may include ministries, departments, and agencies concerned with trade, commerce, and the economy; transport and finance,

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

revenue, and customs; health; agriculture; foreign affairs; and the police, the interior, and home affairs. A single border agency may simplify the representation of the public sector in the institutional body, as discussed at the end of subsection 6.5.1. In principle the terms of reference for the institutional body should strive for an equal number of members from the adjoining countries. The possible incongruence (asymmetry) of the public sector agencies between the adjoining countries should however be considered; there may be a lack of corresponding agencies on the other side of the border in some cases, due to differences in the respective government organizational structures. In case there is no corresponding agency in the other adjoining country, the lead agency (see below) of the adjoining state or the agency designated by the lead agency of the other adjoining country state can act as a corresponding agency for the purpose of day-to-day interstate agency-to-agency communication.

(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 stakeholders include the following professionals: (i) transport operators, (ii) traders, and (iii) 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.[145]

(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.[146] 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 6-4, there is a debate regarding the goal and functions of border posts vis-à-vis civil society.

(iv) 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 affect the proper functioning of the OSBP considering that OSBPs require a supportive rather than hostile community.

[145] Added as suggested by Mr. Carmine Soprano, World Bank, Trade and Competitiveness Global Practice, email of 28 January 2016.
[146] See http://www.who.int/trade/glossary/story006/en/ on the World Health Organization website.

(v) 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, 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.

(vi) 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.

(vii) **Others:** The mediator, the manager of the complaints office, should sit in the institutional body, as this function is an important source of information on recurrent complaints that disclose structural deficiencies to be remedied. The border post facility manager (to the extent that this function is dissociated from other border agencies' functions) also should be represented in the institutional body since the logistic management of the border post premises has an important impact on the efficient functioning of the border post.

Box 6-4: The Goal and Functions of Border Posts vis-à-vis Civil Society

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 local economic activity inside the border post compound 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 compound itself should for that reason in principle be minimal and only serve crossing traffic. Such a lean border crossing should not be saturated and overcrowded with other activities (e.g., the creation of markets) as a pole of economic development.

From the general public, only the presence of persons, vehicles, and goods that are in the process of crossing the border should be allowed in the border post compound. Consequently persons, vehicles and goods that are lingering, loitering, or wandering around in the border post compound (e.g., vendors, beggars, artists, musicians, playing children, animals) should not be permitted to enter or stay in the compound. Such "sideway" economic activity should be organized elsewhere, although possibly in the vicinity of the border post, to avoid hindering efficient border crossing operations.

Markets may be set up at the border, but not inside the border post premises. 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.

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 their respective levels of governance 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, to identify problems to be relayed to the higher authority (policy level) and to be corrected by fine-tuning on the local level[147];

(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 based on an express assigned mandate and issuing implementation measures at the executive level;

(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 dissemination and sensitization, i.e., 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);

(viii) Overcoming of inertia and vested interests, e.g., reluctance and resistance to support operationalization of OSBP, perhaps because some stakeholders may be averse to change[148];

(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 I 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

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

[148] 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 WTO TFA); 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.

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.[149]

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. 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 governance 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 8-4 in Chapter 8.

Finally, a single-agency control system may be applied. One example is the Department of Homeland Security in the United States, while another example is South Africa is the Border Management Authority in South Africa.[150] In such cases, all border crossing clearance related functions are merged into a single institution. Such an integrated approach may present merits where also the single window system for border crossing clearance is applied.

However, there is one caveat regarding a single-agency control system. As opposed to airports and seaports where the national authorities intervene independent from other countries, in OSBPs (land borders), they interact with the neighbor country. The merger of all land border crossing clearance agencies into one body would only offer advantages if both adjacent countries implement such a system.

Also for several reasons (e.g., national organizational structure and task division, scarcity of financial and human resources, specialization, efficiency) partially integrated clearance models of delegated authority may apply, whereby one agency performs controls on behalf of another agency, e.g. the food and drug authority on behalf of the ministry of agriculture; the customs administration checking protected species and wildlife conservation, cultural heritage, counterfeiting; and the police enforcing immigration laws.[151]

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[149] 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.

[150] Creation of a single agency for border law enforcement is to provide for more cost-effective services, enhanced security, and better management of the border environment. However, there is a question "whether the BMA means better border management whether it is merely another government agency". David van Wyk, *South African Border Management Authority – Better Border Management or Just Another Agency*, tralac [Trade Law Centre] Working Paper No. S20WP/2020, December 2020.
[available at https://www.tralac.org/documents/publications/working-papers/2020/4237-s20wp122020-van-wyk-the-south-african-border-management-authority-21122020/file.html]. The single-agency model in South Africa was criticized because customs is not included in the model as adopted, it is an armed service with insignia and the paraphernalia associated with the military or police, and it is unclear to what extent international best practices will be applied.

[151] E.g., it has been suggested that: "As Customs are always present at the border, it makes better sense if they can also act on behalf of other administrations. However, there are limitations to this: (i) Customs officers are not specialists in the skills of many other regulators, so their contribution will be necessarily limited; (ii) It is less motivating to work on behalf of another institution than one's own organization; (iii) There is a liability issue – Customs officers may not want to be seen responsible for the spread of an outbreak of foot-and-mouth disease; and (iv) In many countries, agencies collect a fee for the services they render at the border, so they are not willing to relinquish job and rent

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.[152]

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, as stated in subsection 6.2.1(1).

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 example, a high-level steering committee may be appointed to establish bilateral institutions between adjoining countries composed of the national OSBP steering committees or equivalent structures of the adjoining countries to oversee the implementation and operations of all OSBPs between the adjoining countries. A bilateral OSBP steering committee may determine the administrative measures necessary for the implementation of OSBPs posts by the adjoining countries and resolve any difficulties that may arise from such implementation including the power to constitute bilateral operational and administrative committees and subcommittees comprising officers of the adjoining countries involved. The bilateral steering committee should monitor the implementation and performance of OSBPs under their jurisdiction and routinely report on progress and other relevant matters to the high-level steering committee through appropriate national structures. The bilateral steering committee should meet as often as required and alternate the locality of the meetings between the territories of the adjoining countries, unless agreed otherwise. The bilateral steering committees should adopt their decisions by consensus. Each adjoining country should take all necessary administrative, financial, and other measures to ensure the effective implementation of OSBPs by the bilateral steering committee, including the provision of adequate resources for the performance of their functions.

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opportunities." However, it has also been suggested that: "All these objections can be overcome, at least to some extent 1. Customs officers can be trained in basic skills (for example, they may be trained in road and transport regulations, and may collect transport fees on behalf of the roads administration), or carry out checks on behalf of other administrations as part of the clearance process (for example, making sure that the appropriate certificate is attached to the documentation presented by the driver). In addition, if Customs weigh a truck for control purposes, the weight can also be checked against maximum loading permission. If phytosanitary checks consist in sending samples to a laboratory, Customs officials can be trained in the sampling protocol. 2. Delegation does not mean taking the entire responsibility. In case of doubt, there should be a secondary control option (for example, a regional standby regulator for that particular administration, who could be called in). 3. Under a single window environment, Customs would anyway collect fees on behalf of other administrations or agencies. 4. Delegated authority should be regularly audited by the parent agency." Michel Zarnowiecki (World Bank), *Guidelines for Land Road Border Stations*, 2005, pp. 4-5 [available at https://www.ssatp.org/sites/ssatp/files/publication/BorderStations_Guidelines.pdf].

[152] 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.

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 6-5 sets out provisions of the Rusumo One Stop Border Post Operational Procedures Manual (December 2014, prepared with JICA support), a historical example related to the joint border coordination committee that was established. [153] In addition, Box 6-6 presents World Bank experience with cross-border committees in sub-Saharan Africa.

Box 6-5: 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.

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.

[153] 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 [Competitiveness and Trade Expansion Program], East Africa Hub, *Joint Border Committees – A Look at the Malaba Border, Kenya*, April 2013.

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 6-6: 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 Competitiveness 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 OSBP bodies, since these organizations can represent their members' interests. The designation of their representatives should be a prerogative of the private sector associations. If – because of disagreement within the private sector organization(s) – the private sector representatives are appointed by the public authority, such appointments should at least be selected from a list of candidates nominated by the private sector organization(s).

(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

The institutional membership of entities (e.g., public sector agencies, private sector associations) should be distinguished from the representatives (physical persons representing the member during meetings).

For 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 few 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 ensure 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 ensure "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

(1) Standing Body

For continuity, the institutional bodies will have to be standing (permanent). They may create

temporary ad hoc subcommittees or working groups to address particular issues.

(2) Stability in Representation

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, this issue may be of particular relevance in developing countries, where specialized human resources may be scarcer. Particularly, measures should be taken to ensure continuity in the implementation of multiyear projects. Key staff members may disappear during implementation for several unexpected reasons (e.g., retirement, resignation, discharge, death) or because of the typical appointment 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, to ensure 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

(1) Legal Status

The institutional bodies should not have legal personality since such status is not required to fulfill their function. Legal personality would unnecessarily burden the administration of the bodies (e.g., with accountancy requirements). Especially the supranational nature of these bodies could cause complications if they are endowed with a legal personality.

(2) Terms of Reference and Bylaws

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 need for a legal basis both for establishment of the institutions and for their rules of procedure, according to the situation, via REC decision or via bilateral agreement (MOU). As an example, the TORs for the joint border coordination committees established for the Namanga (Kenya/Tanzania) and Rusumo (Rwanda/Tanzania) OSBPs – prepared with JICA support in 2015 – cover status, main functions, tasks/work program, membership, functioning, meetings, subcommittees, working language, secretariat, financing and other support, and reporting. Similar TORs were in the process of adoption by the joint border committees at Chirundu (Zambia/Zimbabwe) and Kazungula (Botswana and Zambia) in 2021-2022, again with JICA support.

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.

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.[154]

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

In principle, the lead agencies should be responsible for (i) coordinating all the national border control agencies operating in an OSBP; (ii) serving as the focal point for all operational and administrative liaison with the other adjoining country; (iii) in conjunction with the adjoining country's lead agency, coordinating all joint operations of the two adjoining countries at the OSBP, including 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; (iv) in conjunction with the adjoining country's lead agency, coordination of all joint administrative issues of the two adjoining countries including arrangement and chairing of all joint coordination meetings, and administration and maintenance of all joint-use and public-use facilities and equipment; (v) serving as the focal point for all publics that utilize the services of the OSBP for purposes of ensuring the benefits intended from the OSBP are being delivered, and register and resolve any complaints; (vi) ensuring that the facilities and equipment allocated to its national agencies in the OSBP are properly maintained and kept in good condition for use by those charged with the responsibility to do so; and (vii) coordinating, in consultation with the adjoining country's lead agency, all official visits by any national institutions and stakeholders to the OSBP.

(2) Bureau and Secretariat

A bureau provided with a secretariat of the joint border institutional body can productively be installed. This bureau and secretariat should normally be set up by the lead agencies of the adjoining countries. It is a natural "translation" of the shared function of the lead agencies, which are jointly in charge of the institutional body.

This bureau would take care of the operational management (e.g., setting of meeting dates, drafting of meeting agenda) and administration (e.g., drafting, recording, distributing, archiving of meeting minutes) of the institutional body.

The bureau would materialize the liaison function of the lead agencies on a day-to-day basis between the respective agencies and stakeholders, both intrastate and interstate (bilaterally). This function cannot be overemphasized since surveys have revealed deficiencies in interstate

[154] 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.

cooperation at the daily operational level at the border, e.g., with respect to arrangements for sharing of equipment (e.g., scanners) and sharing of information between/among agencies. For that purpose it was recommended that: "*The lead agencies of the adjoining Partner States may designate a liaison officer for the purpose of communication and exchange of information between the border control agencies of the adjoining Partner States.*" [155]

The bureau would also take care of the institutional body's public relations. It would convey any relevant decisions by reporting to its higher-level institution(s) and by disseminating decisions to the users and the general public.

(3) 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. [156] 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.

(4) Mediator / Ombuds Officer / Complaints Desk /Facilitator

The appointment of a mediator or ombuds officer or complaints officer or facilitator (or under any similar name) to resolve complaints may be considered. He/she would fulfill two functions:

(i) The first function of the mediator / ombuds officer would be mediation of conflicts that arise between the users and the public authorities regarding the implementation of the OSBP. The mediator / ombuds officer 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. This function should be dissociated from other border agency functions to ensure neutrality/objectivity, to guarantee an unbiased appraisal of the complaints received.

(ii) Another function of the mediator / ombuds 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.

UEMOA Regulation No. 15, Chapter 11, Article 58, is notable in establishing a Complaints Bureau at each JBP. [157]

The creation of this function may be formulated as follows in the organic instrument:

"Mediator / Ombuds Officer

The lead agencies of the adjoining Partner States may jointly install in the control zone a mediator/ombuds desk function to receive complaints from users about violation of rights, abuse

[155] Japan International Cooperation Agency and PADECO Co., Ltd., Assessment of the Application of the EAC OSBP Procedures Manual Based on Project Activities at Rusumo, Namanga, and Malaba, with Recommendations for the Manual and Training Material, October 2020, p. 7.
[156] The need for a compliance officer function is generally recognized in modern public sector management.
[157] A recommendation for an ombuds officer 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.

of powers, and unfair decisions and maladministration by border control agencies, and to resolve conflicts arisen between the users and the public authorities regarding the implementation of the border crossing procedure and formalities.

The Mediator/Ombuds function is to be independent and impartial. Its service is to be free of charge.

The Mediator/Ombuds desk is to be staffed with an officer of each of the adjoining Partner States. The Mediators / Ombuds Officers are to be knowledgeable about all aspects of the border crossing procedure and formalities and proficient in all users' languages.

The Mediator/Ombuds desk is to be operational during the OSBP operating hours.

The Mediators / Ombuds Officers are to report periodically to the joint border coordination committee about recurrent complaints."[158]

(5) Information Desk

Besides the lack of regional or continental harmonization of border crossing regimes that confronts the user with a confusing variety of procedures, another factor that may delay crossing time caused by the users, is the users' lack of knowledge and understanding of the border crossing regime. Missing documents, a lack of data, misunderstandings, confusion, and the like may result in a loss of time and increased effort and thus affect the smooth course of the border-crossing operation. Surveys have revealed deficiencies in the dissemination of information to and communication with the general public and users in this respect.[159]

For that reason, in addition to the application of other information tools (e.g., websites, brochures, banners), the installation of an information desk at the border is recommended. Such a function should not overly burden the organizational chart since it could be assumed in parallel by an officer fulfilling normal functions.

The following provision on communication with users and the general public has been recommended:

"Information Desk

The joint border operations or coordination committee may set up an information desk in the control zone to respond to users' inquiries on border crossing procedures and formalities. The information desk is to be staffed with an information officer of each of the adjoining Partner States. The information officers are to be knowledgeable about all aspects of the border crossing procedure and formalities and proficient in all users' languages. The information officers are to be members of one of the border control agencies, appointed by the lead agency. [The function of information officer may be fulfilled by a member of the border control agencies on a rotational basis]. [The function of information officers may be combined with another task in one of the border control agencies, provided the information officer is available on call]. The information desk is to be operational during the OSBP operating hours."[160]

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[158] Japan International Cooperation Agency and PADECO Co., Ltd., *Assessment of the Application of the EAC OSBP Procedures Manual Based on Project Activities at Rusumo, Namanga, and Malaba, with Recommendations for the Manual and Training Material*, October 2020, pp. 7-8.
[159] Source in previous footnote, p. 6.
[160] See previous footnote.

In addition to a website with a frequently asked questions (FAQs) section, an interactive help desk could be installed, where the users can obtain clarification of concrete queries that arise on border crossing clearance:

"Help Desk: The lead agencies may install a help desk accessible by various means of distance communication (e.g., telephone, email) to resolve issues faced by users."[161]

(6) Facility Manager

The facility manager, charged with the logistic management of the border post premises, should also be member of the institutional body, as the material environment (e.g., infrastructure, equipment, utilities, purveyance/provisioning) also determine the good functioning of the border post.

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 6-7. The use of subcommittees (technical task teams) in the case of the Chirundu OSBP is described in Box 6-8.

Box 6-7: 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.

(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 cognizance of the growth of border towns and cities, it would also be prudent to include town planning services in this Task team.

[161] See previous footnote. See also WCO Secretariat Note, *What Customs Can Do to Mitigate the Effects of the COVID-19 Pandemic*, 3rd edition, 20 May 2020, p. 2 [available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/natural-disaster/covid_19/covid_19-categorization-of-member-input.pdf?la=en].

(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) *Contingency Response Unit:* To cope with emergency situations of different nature, related to safety (e.g., natural catastrophes, disasters, fire, explosions), security (terrorist attacks), political instability (coups d'état), public health (pandemics), and the like. This fits into the framework of contingency planning. It is not a temporary task force, but rather a standing permanent team, which however would be dormant/inactive during periods of normalcy. This means that its members would all be identified and charged in advance with specific tasks in case an emergency arises, so that the unit can be made immediately operational. In periods of normality, the members of the unit fulfill their other ordinary/normal functions. The contingency response team is activated/mobilized when an emergency arises. If it were to be temporary, it would have to be created (composed) when the emergency arises and therefore its establishment would be too late to be effective. One reservation must be made: in the case of political conflict between the adjoining countries, the bilateral contingency response unit, consisting of civil servants belonging to opposing parties, probably could not intervene.

(vi) *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; and conduct relevant training for associations of users when the procedures are agreed.

Some 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.

Note: Further aspects of the contingency response unit include the following: (i) the need for periodic training exercises and simulation drills to assure preparedness of the task force; (ii) creation of a pool of qualified reserve personnel that may be mobilized on short notice in crisis periods to reinforce the staffing of Port Health Officials and upscale the health service workforce; (iii) designation of an information manager and appointment of liaison officers; (iv) advance arrangements with external health service providers for sampling, transportation and treatment; and (v) involvement of representatives of the civil society of the border communities.
Source: (i) This edition of the Sourcebook; 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. 24-25

Box 6-8: 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 14.2.3(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.[162]

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 Decision-Making Modes

As an expression of the spirit of good faith, good will, understanding, mutual confidence, and constructive cooperation within the institutional body, no quorum should be set.[163] Decisions should be taken by consensus. However, decisions that affect the field of competence (authority) of a particular agency should not be taken in the absence of the agency at a meeting. If no consensus can be reached on a certain matter, the issue should be referred to a higher-level body for resolution and direction.

[162] 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.
[163] A quorum is the minimum number of participants needed to hold meetings or make decisions.

6.10 Meeting Venue

For the sake of unbiased serenity, the venue of an institutional body's meeting should alternate between the neighbor states on a rotational basis, except at the border level where it may be more convenient to hold the meetings in the infrastructure of a border post that is wholly located in one of the two neighbor countries. The meetings should be chaired by the representative of the lead agency of the host state. The meeting should preferably be held "physically", "in-person", "real-life", or "face-to-face". Only if required for compelling reasons (e.g., as during a pandemic) should they be organized "virtually", "online", or "remotely". Also, hybrid meetings may be organized to allow participants to attend meetings from a distance.

6.11 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) on a reciprocal basis through the rotation of meeting venues, alternating between the adjoining countries. 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.

6.12 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

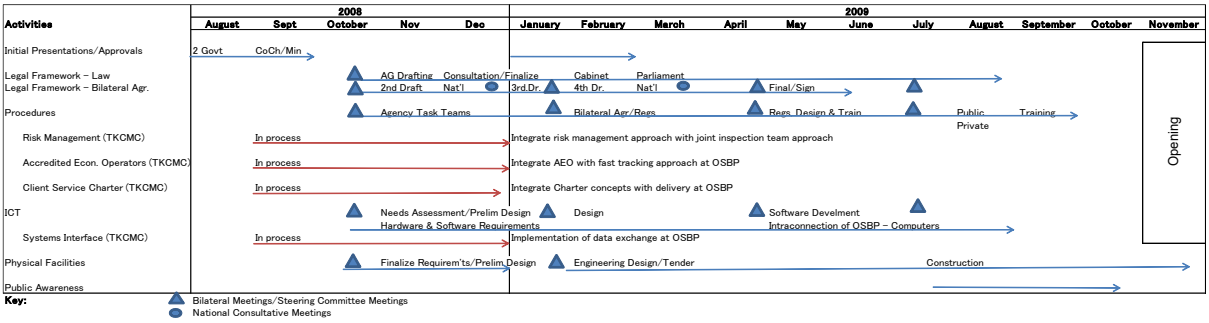
(v) the stage of border post infrastructure and equipment installation (e.g., greenfield project, upgrading project, operational border crossing).

Figures 6-4 to 6-6 present historical examples of (generic) work plans for establishing OSBPs to show the process of implementation. They suggest times at which activities should commence to reach completion by the time of completion of the construction of the physical facilities. Figure 6-4 presents a sample work plan developed for the Mamuno (Botswana) / Trans Kalahari (Namibia) OSBP along the Trans Kalahari Corridor in Southern Africa. Figures 6-5 and 6-6 present the historical implementation timelines for the operationalization of the Namanga (Kenya/Tanzania) and Rusumo (Rwanda/Tanzania) OSBPs, respectively.[164] In fact, experience has shown that several years could be necessary for the full process of implementation or

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

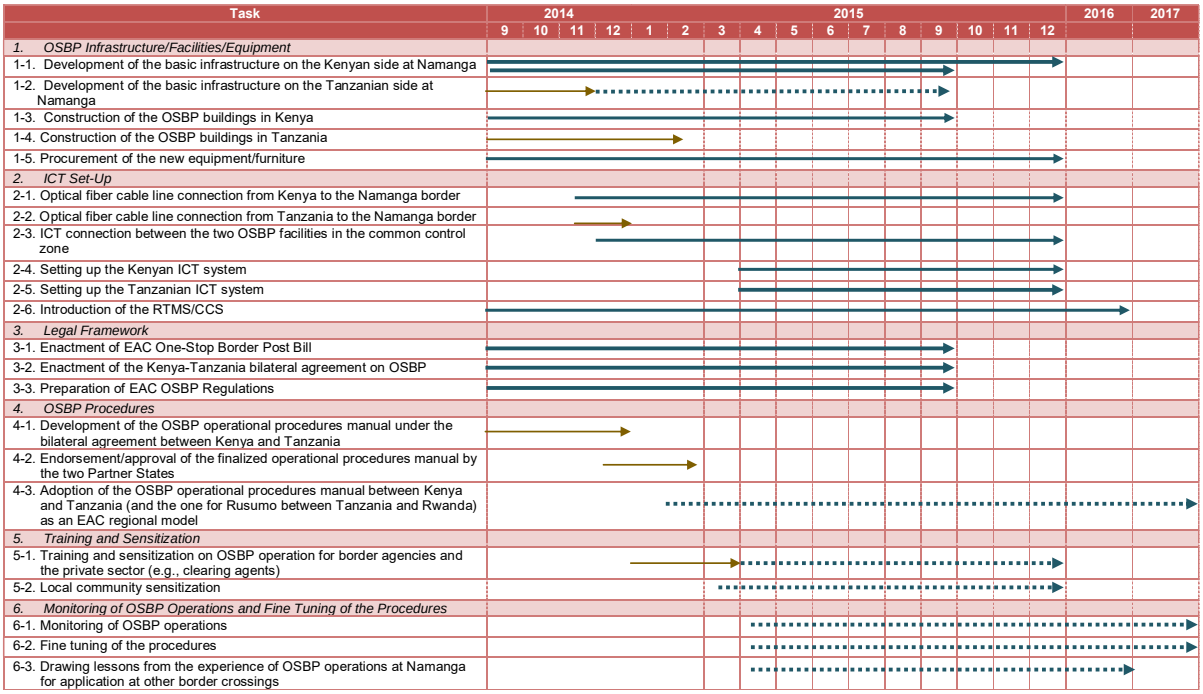
functionalization of an OSBP, from the initial states (including, for example, formulation of the legal framework) to the start of operations.

Figure 6-4: Work Plan for the Mamuno (Botswana) / Trans Kalahari (Namibia) OSBP



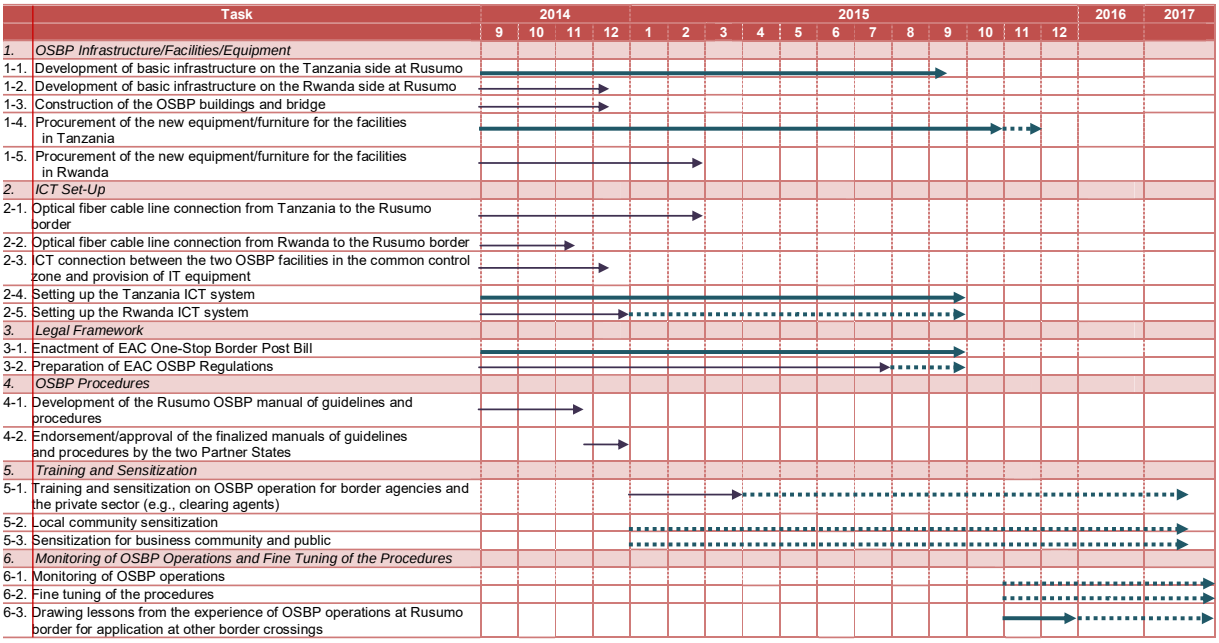
Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 27

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



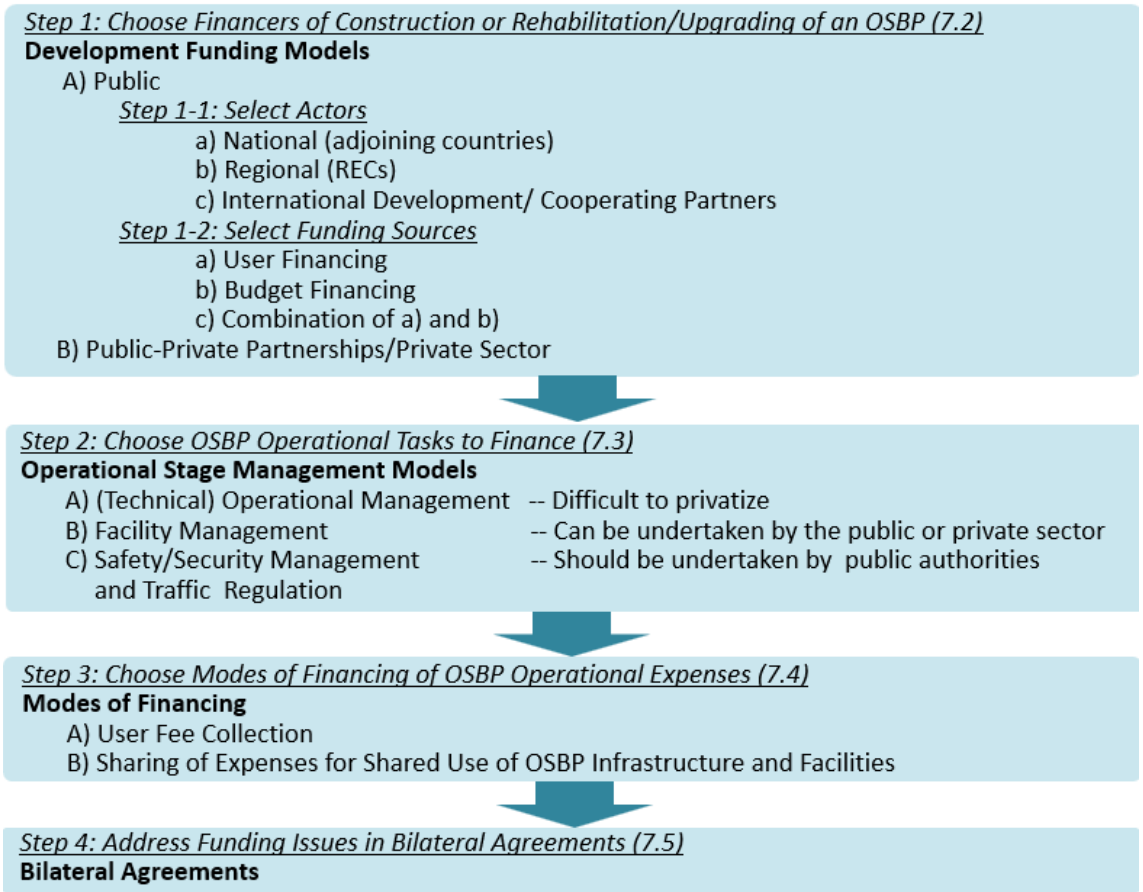
Source: Component for OSBP Operationalization, JICA Project on Capacity Development for International Trade Facilitation in the Eastern African Region, 2015

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 an OSBP, from design, to construction, to operationalization; 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). Figure 7-1 schematically illustrates the process of choosing among 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

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 as presented in Table 7-1.

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.

Table 7-1: Pros and Cons of Possible Sources, Approaches, and Modalities to Finance the Construction or Rehabilitation/Upgrading of OSBPs

Source, Approaches, and Modalities	Pros	Cons
Public Financer		
National financer		Will not finance infrastructure outside the national territory (e.g., a wholly located / single-country OSBP configuration)
Regional financer	Can also finance OSBP infrastructure wholly located in a single country	
International financer	Offers expertise	
Hybrid/mixed financer		Presents coordination challenges
Multiple co-financers	A lead financer may facilitate resource mobilization by leveraging or serving as a catalyst to close financing gaps	Presents coordination challenges; may cause delay due to differential standards
Type of Source		
Grant	Creates incentive(s) for a country to engage in regional corridor facilitation projects even absent national economic interest	
Loan	Allows for closing financing gaps	
User charges		User charges increase the cost of transport and trade; their applicability depends on a positive cost-benefit balance for user; they require sufficient traffic volumes; if not earmarked, they risk "disappearing" in the general treasury and not used for the OSBP
Budget	Allows realization of financially nonviable but economically beneficial "public goods"	The availability of the funding is not guaranteed when other national budget priorities prevail; subsidies may perpetuate nonprofitable operation
Combinations	Allows for closing financing gaps	
Public/Private Partnership	Efficient provision of financial and technical resources	Privatization/outsourcing is not possible for sovereignty-related, core public functions

Source: This Sourcebook

(1) Financer(s)

The type of 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. Even when national governments receive funding from development partners for construction of OSBP facilities, the cost for land acquisition including the cost to compensate residents for resettlement are generally covered by national governments.

(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 cost for infrastructure. For example, ECOWAS with support funds from the European Union's 9th and 10th European Development Fund (EDF) programme, constructed or supported joint border posts (JBPs) at Seme-Krake (Benin/Nigeria), Hillacondji/Sanveecondji (Benin-Togo), and Akanu-Noepé (Ghana/Togo), as did the Union Economique et Monétaire Ouest-africaine (UEMOA, West African Economic and Monetary Union) in the case of the Cinkansé border post – see Section 14.3).

(iii) **International Development/Cooperating Partners:** Grants from development partners 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, the involvement of multiple international development/cooperating partners 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) generally require more coordination – including agreement on the scope of work, harmonization of designs, and timeline and contractual management – which 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 (e.g., as is the case with the Rusumo OSBP, built with JICA grant support[165]). The consequences of mixed financing should be well assessed in advance.

[165] Usually such an endeavor is awarded a loan.

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 can weaken the ownership of 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 14.2.3(12) of this Sourcebook

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

The involvement of multiple international development/cooperating partners in an OSBP project requires more coordination and special attention. While different development partners pursue the same ultimate goals, complications and delays can be caused by differential 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 development partners 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. One good practice may be to develop and share whole-project action plans with the indication of responsible parties including all stakeholders and financing partners. The senior partner in the financing, usually the funding agency bearing the largest part of the funding, may 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. To close the financing gap, as lead financer, 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.[166]

Box 7-3 presents the case of TradeMark East Africa (TMEA), a good example of a trust fund with multiple development partners.

[166] 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.

Box 7-3: TradeMark East Africa – A Good Example of a Trust Fund with Multiple Development Partners

TradeMark (Trade and Markets) East Africa is an aid-for-trade organization that was established in 2010, with the aim of stimulating economic growth in East Africa through increased trade. TMEA operates on a non-profit basis and is funded by the development agencies of Belgium, Canada, Denmark, European Union, Finland, Ireland, Netherlands, Norway, United Kingdom, and the United States.

TMEA works closely with regional intergovernmental organizations, including the African Union (AU), East Africa Community (EAC), Intergovernmental Authority on Development (IGAD), the Common Market for East and Southern Africa (COMESA), the Southern Africa Development Community (SADC), national governments, the private sector, and civil society organizations.

With an annual expenditure of about USD 80 million, TMEA is now a leading aid-for-trade facility in the world.

The first phase of TMEA (2010-2018) delivered good results that contributed to substantial gains in East Africa's trade and regional integration in terms of reduced cargo transit times, improved border efficiency, and reduced barriers to trade. TMEA is now in its second phase (2018-2024), focusing on reducing barriers to trade and improving business competitiveness, to deliver large-scale impacts in job creation, poverty reduction, and enhanced economic welfare.

To mitigate the impacts of COVID-19 on trade, TMEA has created a USD 23 million Safe Trade Emergency Facility to support Eastern African governments in undertaking critical measures along the transport and trade routes that will ensure that trade continues safely while protecting livelihoods. TMEA has its headquarters in Nairobi, Kenya, and has offices in the EAC (Arusha, Tanzania), Burundi (Bujumbura), the Democratic Republic of Congo (Bukavu), Ethiopia (Addis Ababa), the Horn of Africa (Hargeisa), Malawi (Lilongwe), Rwanda (Kigali), South Sudan (Juba), Tanzania (Dar es Salaam), and Uganda (Kampala).

On 17 September 2021, TMEA signed a memorandum of understanding with the AfCFTA Secretariat to collaborate on measures to increase intra-African trade.

Source: https://www.trademarkea.com/who-we-are/

(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). For example, this model is typical when OSBP facilities are built as a Build, Operate, and Transfer (BOT) project.

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",[167] 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.

[167] 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 publicly provided good.

(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 planned 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). The public service obligation justifies the public expenditure – border crossing management is a service of general interest.

(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.

7.2.2 Public-Private Partnerships / Private Sector Involvement

Given the resource constraints facing the public sector, 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", to be determined by the level of the benefit that users receive from project.[168] Benefits from an OSBP project may include time savings (including improved turnaround time) and vehicle operating cost savings. Also, user charges should be set at a level sufficiently high for recovery of project costs during the period of operation. Box 7-4 further considers these issues.

Box 7-4: User Charges at OSBPs in the Case of Private Sector Involvement

A concessionaire operating border post infrastructure at an OSBP needs a return on its investment and needs to cover its operating costs, and therefore may collect charges from users crossing the border. This may seem contrary to the primary objective of reducing the cost of doing business for logistics users, and thus there is a need to explain the reasons and objectives for these fees, e.g., to provide appropriate facilities and facilitate faster clearance at the OSBP, which will improve turnaround time for private sector users. In addition, there should be other measures, such as reducing multiple processing by a large number of agencies at the border, and removing unofficial inspections and road checks to reduce the burden for transporters. However, in some cases the administrative charges for use of an OSBP have been criticized for being high in relation to perceived and perhaps actual benefits. For example, this was the case initially at Cinkansé between Togo and Burkina Faso before UEMOA issued regulation 007/2013/COM/UEMOA to reduce the fees.

Note: Relatively high user charges (USD 100) are also levied at the Kazungula OSBP, linking Botswana and Zambia over the Zambezi River, but the charge is more for use of the 923-meter bridge, which replaced a ferry (pontoon) service.
Source: This Sourcebook

[168] A price elasticity of demand curve shows a consumer's willingness to pay for a good or service at different price points.

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. 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 (management 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.

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

Several possible variants of private funding of OSBPs through public-private partnerships (PPPs, also known as 3P or P3)[169] can be identified, as listed in Box 7-5. 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 14.4 provides more details. As an example (regional) legal instrument governing OSBPs through PPPs, one may refer to UEMOA Regulation No. 15.

Box 7-5: 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 operations and maintenance (O&M) contract

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

[169] There is some debate about the efficacy of PPPs for developing OSBPs. During the 2nd Consultation Workshop, some skepticism was expressed about the use of PPPs for this purpose, while on the other hand Beitbridge between South Africa and Zimbabwe was pointed to as a possibly successful case. In addition, it was suggested that the PPP approach is well suited for the development of ICT systems. *Second Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 22 March 2022, p. 9. See also Tasneem Bulbulia, "Zimborders Consortium Secures Financing for Beitbridge Expansion", *Engineering News*, 27 November 2020 [available at https://www.engineeringnews.co.za/article/zimborders-consortium-secures-financing-for-beitbridge-expansion-2020-11-27].

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

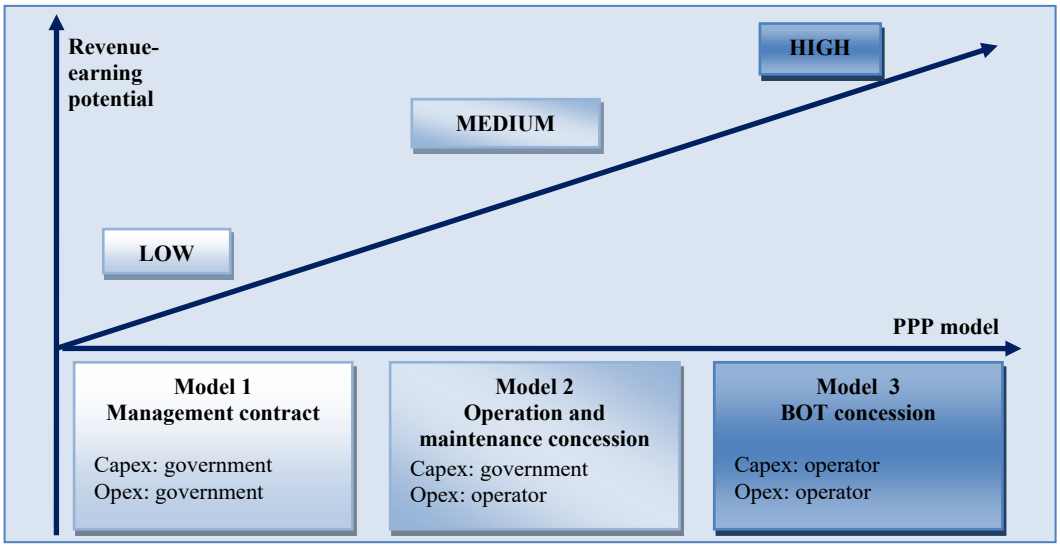
(vi) BLT (Build, Lease, and Transfer): a private sector company finances, builds, and leases the facility to the public authority and then transfers the facility to the public authority at the end of the lease period

(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

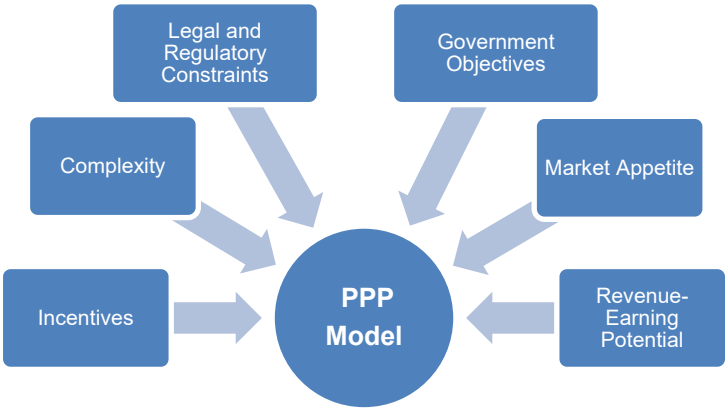
Note: Variants (i) to (iii) are considered in the case study of the Mfum (Nigeria/Cameroon) Joint Border Post, presented in Section 14.4.
Source: This Sourcebook

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 14.4 [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.[170]

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 or congruence between adjoining country pairs[171]:

(i) Health (human, phytosanitary, and veterinary);
(ii) Security (police);
(iii) Immigration;
(iv) Customs (Revenue); and
(v) Others (e.g., transport, trade, standards).[172]

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. To maximize the efficiency gains from operationalizing an OSBP, joint controls and ideally a single-window system should 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.[173]

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[170] 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.

[171] E.g., at Chirundu, as indicated in (sub)section 14.2.2(6), Zambia has more agencies at the border than does Zimbabwe. 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.

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

[173] As noted in Section 6.5.1, examples include the Department of Homeland Security in the United States and the Border Management Authority in South Africa. See, e.g., David van Wyk, *South African Border Management Authority – Better Border Management or Just Another Agency*, tralac [Trade Law Centre] Working Paper No. S20W

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 7-2. The public body should have legal personality since it will need to conclude contracts (e.g., for the procurement of goods and services).

Table 7-2: 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; it should not make any difference whether a public authority responsible for OSBP maintenance is a state or an intergovernmental organization. As a public authority, a REC has a choice between fulfilling this task itself with its own personnel and means or outsourcing it to the private sector via a public procurement procedure (tender and bid). However, RECs are policy and legislative bodies – they do not have the experience or expertise in facility management of border posts. Therefore, RECs in West Africa usually choose options with private-sector involvement.
Source: This Sourcebook

(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 based on a facility services contract or a concession contract, awarded according to the rules of public procurement (i.e., tender and bid). 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 7-6 at the end of this section presents indicative responsibilities of a concessionaire for facility management of an OSBP. The rent paid for office accommodation by the clearing agents, banks, and other private sector businesses housed in the OSBP compound may generate income. Innovative revenue sources such as advertising may be explored. Other commercial activities (e.g., tax-free shops) within the OSBP compound are not recommended. An OSBP should be lean and focus on its function of border crossing clearance.

P/2020, December 2020 [available at https://www.tralac.org/documents/publications/working-papers/2020/4237-s20 wp122020-van-wyk-the-south-african-border-management-authority-21122020/file.html].

All activity that is not related to this core function should not be permitted the OSBP. To the extent that an OSBP is to become a pole of economic development, such activity could take place in the vicinity, but outside the OSBP facility.

(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 7-6: 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, cooling, ventilation, and lighting of public areas
- Regular inspections of the 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 broken-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, *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.

(1) Charges

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 crossings), with and without the fee(s) or differential fee levels.[174]

It has been suggested that while user fees 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. User charges should be cost-based and non-discriminatory but may be differential based on certain cost-based parameters. For example, an additional fee may reflect the increased public expenditure caused by exceptional situations, e.g., a pandemic.[175] User charges should be publicized and the authority should inform relevant users before its application.[176]

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 (enforcement of tax and immigration laws) but not necessarily for the direct interest of the traveler.

(2) Collection

OSBP user charge collection would be the task of the lead agency of the adjoining partner state of entry. The collection of dues is the natural activity of the customs department, which normally fulfills the function of lead agency. In case the management of the border post facility is outsourced to a private facility manager and depending on the formula of the concession contract, the latter may be endowed with the right to collect the user charges. Assuming that the volume of border crossing traffic is comparable in both directions, the allocation of the collection right to

[174] In some cases, such as initially at the Cinkansé JBP/OSBP, border fees have not been determined based on the perceived added value of the JBP/OSBP. In the Cinkansé case, UEMOA issued UEMOA 007/2013/COM/UEMOA to reduce the fees.

[175] Crisis response creates additional costs, some of which may be recovered through user charges, e.g., the costs of medical testing, medical evacuation, repatriation, quarantine, medical treatment, and decontamination of vehicles.

[176] See Japan International Cooperation Agency and PADECO Co., Ltd., *Assessment of the Application of the EAC OSBP Procedures Manual Based on Project Activities at Rusumo, Namanga, and Malaba, with Recommendations for* the Manual and Training Material, October 2020, p. 11.

the agency of the entry state offers a simple and fair distribution of that income between the adjoining states.

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 14.2.3(10) was the erratic disbursement or even non-disbursement of funds pledged for the project. On several occasions, agreed timelines were missed due to delayed financial inflows for planned activities such as the establishment of a common ICT platform. For reference, the EAC One-Stop Border Post Sustainability Strategy includes a strategic intervention on public financing, stating that "Partner States should have a dedicated budget for OSBPs and a specific government ministry be responsible for budgeting and disbursement of funds to the OSBP leading agency of the particular Partner State".[177] For the sake of sustainability, to the extent that it renders the OSBP self-supporting, the direct collection of (earmarked) user charges by the OSBP facility manager is preferable.

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) – this would constitute a public service obligation in the general interest. In such a 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., reciprocal setoff, except where the border post is entirely located in the territory of one of the neighbor countries) 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. Article 36(2) of the EAC OSBP Act 2016 also provides for this arrangement. For the case of a single-

[177] EAC Secretariat, *EAC One-Stop Border Post Sustainability Strategy 2021/2022-2025/2026*, November 2021, Section 4-1, p. 18.

country OSBP, Box 7-7 presents an extract from the procedures manual for the Ruhwa OSBP (serving Burundi and Rwanda) on the management of the OSBP property.

Box 7-7: 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:

Maintenance and repair of the shared property;
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;
Buying fuel and maintenance of the generator;
Gardens maintenance;
Payment of the cleaning service of administrative buildings and the public area of the control zone;
Payment of insurance fees of the shared property; and
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.

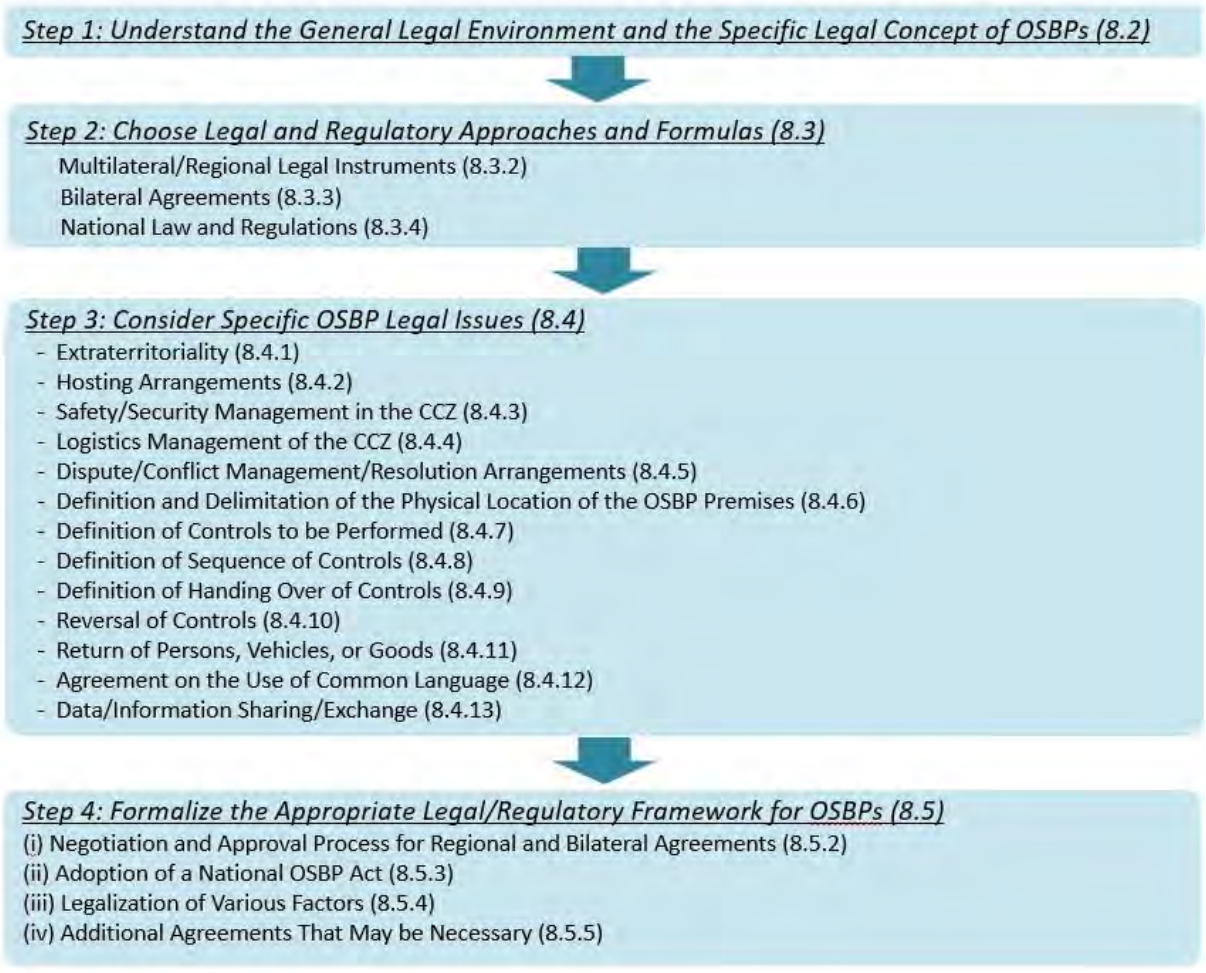
Source: Republic of Burundi and Republic of Rwanda, *Operational Procedure Manual for Ruhwa One Stop Border Post*, December 2014 [signed by Burundi on 15 December 2014 and by Rwanda on 18 December 2014]

Chapter 8
Legal and Regulatory Frameworks for OSBPs[178]

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 Legal Frameworks for Operationalizing and OSBP



Source: This Sourcebook

[178] 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,[179] concession and public procurement legislation (governing bidding and tendering), foreign exchange legislation, corporate law, competition law, criminal law, conflicts of laws regime, 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.

8.2.2 The Relationship between National and Supranational Law

The relationship between national law and supranational law differs in terms of:

(i) *Supremacy/precedence/prevalence of supranational law over national law*: This issue concerns the question which of both shall prevail in case they are in conflict or are incompatible. The adoption of supranational law implies the surrender of national sovereignty in favor of supranational legislation. Once introduced in the national body of law, the precedence question would need to be assessed based on the principle that the later and more specific rule of law prevails over the older and more general rule of law.

(ii) *Direct applicability of the supranational law in the national body of law*: This issue relates to the question whether after the adoption of the supranational law (e.g., signing of the treaty) for the purpose of incorporation or transposition into national law, national legislative intervention is still required via the ordinary national legislative process (e.g., an act of Parliament). The national constitutional system of the country concerned may be monist or dualist. Generally, dualist (as opposed to the monist) national constitutional systems require national (domestic) implementation/domestication of supranational rules. In a **monist** state, international law does not need to be "domesticated" ("translated" or incorporated into national law) but rather is simply incorporated and is effective automatically in national or domestic laws. 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.[180] Generally in Africa, constitutions of former French colonies adhere to monism, while constitutions of former British colonies adhere to dualism.[181]

[179] See, e.g., Article 4 of the Trade Facilitation Agreement of the WTO, on the right of appeal/review.
[180] See, e.g., David Sloss, "Domestic Application of Treaties", *Santa Clara Law Digital Commons*, 29 April 2014.
[181] 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 [available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2142977].

(iii) *Direct effect of supranational law*: This issue relates to the question of whether the norm or precept of international law creates actionable rights and duties for legal subjects, i.e., citizens.[182] The direct effect of a rule in a supranational instrument is to be assessed on the wording of the instrument text: whether the provisions are sufficiently self-explanatory, precise, clear, and unconditional.

Those effects of supranational law in the national legal order are relevant because on the one hand they may imply the surrender of sovereignty by the national state to a certain extent and on the other hand they determine the ease and speed of incorporation/integration of supranational law in the domestic legal order. Direct applicability implies time savings through the avoidance of lengthy national legislative processes.

Such effects depend on the signatory's constitutional system for primary international law (treaty law) and on the regional constitutional system for secondary community law (supranational law, i.e., laws/regulations generated by the organs/bodies/institutions [e.g., parliament, council, commission] that were created by the treaty that constituted the intergovernmental organization [REC]). The REC constitution (i.e., the primary law contained in the treaty that establishes the REC) of the region concerned may determine the direct applicability, the direct effect, and the prevalence of secondary REC community law. However, not all intergovernmental organizations (RECs) are endowed with the power to adopt secondary legislation. In that case legislation must be adopted via supplementary primary (treaty) law between/among the member states of the organization.

In this respect a country's membership in RECs may have some implications regarding OSBPs. 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.

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).

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 adopted 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 member state 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

[182] See, e.g., https://imanidevelopment.com/wp-content/uploads/2020/08/The-AfCFTA-and-Compliance-lessons-and-innovations-from-an-analysis-of-African-RTAs2.pdf.

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 addition, 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. In this way regional harmonization of the OSBP regime in the national legal orders is effected.

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

8.2.3 The Case for a Pan-African Approach

Even if not mandatory, there are benefits from aligning OSBP regimes, since harmonization is a key objective of trade facilitation. Except for possible differences in geographical characteristics, an OSBP regime should not differ for a country according to the locations and adjoining countries of its border crossings. Differential regimes complicate legislation, regulations, and human resources development, and result in incompatibility, increase transaction costs from redundancy and duplication of procedures and documents, and cause confusion, errors, and mistakes by officials/officers and users. Again, when a border crossing is situated along a transit route such as the North-South Corridor in Southern Africa, the border crossing regimes should be standardized to the extent possible.

In the pan-African context, consultation between or among RECs is recommended to allow for interregional 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 14.4, and Tanzania/Zambia under the Tripartite Agreement). The interregional legal instrument would contain provisions that are universal and common for all possible types of border crossings, but also providing to a certain extent standard frameworks for several 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).

Such an approach is in line with the visionary policy of African leaders on the Continent's development priorities as expressed in several initiatives, including those of the AfCFTA and AUDA-NEPAD.

Such continental legislation would overrule any existing regional legislation to the extent that it is incompatible.[183]

8.2.4 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).[184] 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.

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.

[183] Vienna Convention on the Law of Treaties ["the treaty on treaties"], 23 May 1969, Article 30,3 [providing that later agreements on the same subject matter between the same parties overrule earlier agreements]. While the Convention has not been ratified by many African countries, the International Court of Justice has several times held that the rules laid down in that Convention can be considered as a codification of existing customary law.

[184] 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.

8.3.2 Multilateral and Plurilateral (Regional) Legal Instruments

(1) Introduction

Ideally, the operationalization of an OSBP should be pursued in accordance with supranational (multilateral or plurilateral) instruments promoting the single-stop border clearance procedure. Accession to these instruments is recommended.

Although they are binding, supranational instruments do not necessarily impose concrete obligations on the signatory countries to set up OSBPs. These instruments tend to express policy declarations of intent, setting objectives to achieve in the (generally not specified distant) future. Thus, these agreements may not contain specifications for harmonization of OSBP terms of reference and procedures.

International organizations may also issue "quasi" law or "soft" law[185] in the form of resolutions, recommendations, guidelines, guides, standards, codes of conduct or codes of practice and the like, with non-legal binding force. These are also important trade facilitation instruments since they provide practical material and information on processes, techniques, and working methodologies affecting trade facilitation and border management. They propose specific practices and provide guidance on technical matters that allow countries to attain high degrees of harmonization and uniformity.

All these instruments are developed in a transparent process that is open to all countries and interested parties. They may be issued by public (governmental) and trade facilitation organizations, or they may be adopted by private (non-governmental) organizations, such as trade associations, by way of self-regulation.

(2) Global Level

(a) World Trade Organization

On the multilateral level, the Trade Facilitation Agreement (TFA) of the World Trade Organization (WTO) was inserted into Annex 1A of the WTO Agreement and entered into force on 22 February 2017. It includes provisions on border agency cooperation in particular through the establishment of "one stop border post control" in Article 8.2(e) and "single window" in Article 10.4.[186]

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[185] Mary Kay Gugerty, *Models of NGO Self-Regulation: Theory and Evidence from Africa*, Daniel J. Evans School of Public Affairs, University of Washington, Working Paper #2007-04, September 2007.

[186] "1. Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.
2. Each Member shall, to the extent possible and practicable, cooperate on mutually agreed terms with other Members with whom they share a common border with a view to coordinating procedures at border crossings to facilitate cross-border trade. Such cooperation and coordination may include:
(a) alignment of working days and hours;
(b) alignment of procedures and formalities;
(c) development and sharing of common facilities;
(d) joint controls;
(e) **establishment of one stop border post control.**" [emphasis added]

(b) World Customs Organization

The Revised Kyoto Convention (RKC) on the Simplification and Harmonization of Customs Procedures (1999) of the World Customs Organization (WCO) prescribes the operation of joint customs controls and the establishment of juxtaposed customs offices at common border crossings in Standards 3.4 and 3.5. The WCO has also issued relevant Recommendations, Standards and Guidelines, e.g.: the WCO Authorized Economic Operator Implementation Guidance, the WCO Single Window Compendium, and the WCO Coordinated Border Management Compendium. In addition, the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (Nairobi, 1977) creates a basis for interstate cooperation in customs matters.

(c) World Health Organization

The International Health Regulations 2005 provide for joint intervention of adjoining countries on ground border crossings (Article 21).

(d) United Nations Commission on International Trade Law

The United Nations Commission on International Trade Law (UNCITRAL) has produced model legislation on electronic communication and electronic signature, thus promoting paperless trade (both commercial and non-commercial transactions). The adoption of the UNICTRAL texts is recommended to ensure seamless interactions, also between commercial operators and public bodies, such as customs authorities, e.g., to operationalize single window systems.

(e) United Nations Economic Commission for Europe

As noted in Chapter 6, despite its title, the geographic scope of activities of the United Nations Economic Commission for Europe (UNECE) is global.

UNECE developed the International Convention on the Harmonization of Frontier Controls of Goods (Geneva, 21 October 1982). In accordance with Article 6 of Annex 8 of this instrument, the adjacent countries should coordinate the physical layout of the border crossing in terms of the number of lanes, transit lanes, parking lots, and other relevant facilities. This requires the two countries to enter into negotiations on a (bilateral) agreement or treaty that will provide, among other things, a legal basis for the budgetary commitments of the two countries to establish and maintain joint facilities and division of costs, definition of the border line, and a legal basis for the officers from each country to exercise law enforcement measures (e.g. penalties, seizures, arrests) on the other country's territory within the limits of the joint customs office, including cases of hot pursuit.

(f) International Chamber of Commerce

Many of the rules, standards, and guidelines developed by the International Chamber of Commerce (ICC) have a trade facilitation impact. Relevant work includes the ICC Incoterms, the ICC Customs Guidelines, the ICC Guidelines for Cross-Border Traders in Goods, and the ICC Uniform Customs and Practices for Documentary Credits.

(3) Continental Level

(a) The African Union Development Agency (AUDA) – New Partnership for Africa's Development (NEPAD)

The African Union (AU) Assembly of July 2018 approved the establishment of the African Union Development Agency (AUDA-NEPAD) as a technical agency of the African Union, with its own legal identity, defined by its own statute, to deliver on the continent's development priorities, which include OSBPs. The African Union border governance strategy (November 2017) pursues cooperative border management.

(b) African Continental Free Trade Area

The main objective of the African Continental Free Trade Area (AfCFTA) is to create a (pan-African) single market for goods and services to facilitate the free movement of persons and investments and to lay the foundation for a Continental Customs Union (Article 3). Once this final goal is reached, border crossing control will be unnecessary. Before that time, the initiative calls for trade facilitation via the removal of non-tariff barriers (Article 4), specifically in the field of border crossing.

The AfCFTA appears to follow all WTO rules and regulations. The WTO considers the AfCFTA as a regional trade agreement (RTA), so that it can escape from the Most Favored Nation treatment precept, that automatically extends to all other WTO members any trade liberalization between individual WTO members.

Annexes 3 (Customs Co-operation and Mutual Administrative Assistance), 4 (Trade Facilitation), and 8 (Transit) relate to customs and border management.

Box 6-1 in Chapter 6 set outs selected key provisions of the AfCFTA instruments regarding institutional arrangements related to OSBPs and trade facilitation.

(c) Niamey Convention

Among other objectives, the African Union Convention on Cross-Border Cooperation (Niamey Convention), adopted in Malabo, Equatorial Guinea, on 27 June 2014,[187] pursues efficient and effective integrated border management (Article 2,5), i.e., national (intrastate, interagency) and international (interstate) coordination and cooperation among all relevant border authorities and agencies.

(4) Regional Level

As noted in subsection 8.2.3 on a pan-African approach, harmonization is an important (trade and transport) facilitation factor for users, but it is also beneficial for public authorities. Uniformity simplifies trade and transport operations and reduces training requirements for the public and private sectors

Harmonization of OSBP laws, regulations, and procedures may be reasonably undertaken since the main OSBP principles are common and do not differ according to the country pairs or specific features of the subject border crossing points (e.g., geographic configuration). Thus, an overarching regional legislative basis is recommended for OSBPs.

[187] Not yet in force due to a lack of the required number of ratifications.

Plurilateral or regional harmonization cannot easily be achieved via bilateral agreements. In the latter case, the development and application of a model bilateral OSBP agreement is recommended to achieve regional harmonization indirectly.

In accordance with the harmonization precept, it is not advised for a country to adopt different OSBP legal/regulatory regimes for different border crossings. Rather a country's OSBP legal/regulatory regime should be uniform for all its border crossings.

However, for OSBPs an important part of the legal/regulatory regime cannot be issued unilaterally by the adjacent countries, but must be uniform for the countries. If a country with multiple border crossings with different neighbor countries pursues a uniform OSBP regime, automatically or necessarily this attempt amounts to regional harmonization.[188]

There are eight RECs recognized by the AU, each established under a separate regional treaty: (i) the Arab Maghreb Union (AMU), (ii) the Common Market for Eastern and Southern Africa (COMESA), (iii) the Community of Sahel-Saharan States (CEN-SAD), (iv) the East African Community (EAC), (v) the Economic Community of Central African States (ECCAS), (vi) the Economic Community of West African States (ECOWAS), (vii) the Intergovernmental Authority on Development (IGAD), and (viii) the Southern African Development Community (SADC).

There are additional regional economic cooperation bodies not officially recognized by the African Union as RECs: (i) the Economic and Monetary Community of Central Africa (CEMAC), (ii) the Union Economique et Monétaire Ouest Africaine / West African Economic and Monetary Union (UEMOA/WAEMU), (iii) the Economic Community of the Great Lakes Countries (La Communauté Economique des Pays des Grands Lacs, CEPGL), (iv) the Indian Ocean Commission (IOC), (v) the Mano River Union (MRU), and (vi) the Southern African Customs Union (SACU).

Concrete cases of a regional approach include: (i) UEMOA Regulation No. 15/2009/CM/ UEMOA Portant Regime Juridique des Postes de Contrôle Juxtaposées aux Frontières des Etats Membres de L'Union Economique et Monétaire 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 2016[189] and the EAC One Stop Border Posts Regulations 2017.[190]

Table 8-1 compares these pioneering regional OSBP legal and regulatory instruments. The other RECs and regional organizations in Africa do not (yet) have such well-developed legal and regulatory frameworks (see Appendix B).

[188] E.g., the Tanzanian One Stop Border Post Act 2015 applies the regime of the EAC OSBP Act for OSBPs established pursuant to the Act but its own national regime for borders with non-EAC neighboring countries (i.e., Democratic Republic of Congo, Malawi, Mozambique, and Zambia).

[189] The EAC OSBP Act 2016 is currently under revision, e.g., to reflect new challenges arising from the COVID-19 pandemic. In addition, there are plans to provide for bilateral, national, and regional committees, a proposal that has already been adopted by the EAC's Sectoral Council on Trade, Industry, Finance, and Investment (SCTIFI) and was incorporated in the EAC OSBP Sustainability Strategy.

[190] 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.

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 Acts 2016 and EAC One Stop Border Posts Regulations 2017
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 31 January 2003 Relating to the Implementation of the Regional Road Transit Facilitation Program	- EACCustoms 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 - 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 Acts 2016 and EAC One Stop Border Posts Regulations 2017
		- 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	
Implemented/supplemented by:			
- bilateral agreements		Article 3 Act (also multilateral agreements) + Article 17 Act	Articles 4 + 18(2) + 30 Act and Articles 4 + 6(7) 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)
- 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
- traffic control + safety	Articles 4 + 19 + 47 + 53 Regulation	Article 7 Act	Articles 9 + 15 Act and Article 7 Regulations
- border control	Article 4 Regulation	Article 10 Act	Article 11 Act and Article 6 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	Not foreseen
REC is border post owner + manager	Article 6 Regulation	Article 4 Act	Not foreseen

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 Acts 2016 and EAC One Stop Border Posts Regulations 2017
Border post configuration			
- entirely in one country (single country)	Article 6 Regulation	Any of the configurations (Article 5 Act)	Any of the configurations (Article 5(2) Act
- straddled			
- juxtaposed			
- other arrangement			
Concepts acknowledged			
- Control zone	Article 14 Regulation	Article 7 Act	Article 5 Act + Article 2 + 4 + 5 Regulations
- Exclusive area	Article 15 Regulation	Article 7 Act	Article 8 Act + Article 2 Regulations
Control modality:			
- Joint		Article 12 Act	Article 12 Act and Article 6 Regulations
- "Quasi-simultaneous" (sequential entry after exit)	Article 23 Regulation	Article 11 Act	Articles 6 + 12 + 13 Act and Article 6 Regulations
- Reliance on inspection of adjoining country		Article 17 Act	Article 13(2) Act
Single window		Articles 15 + 17 Act (integration of border controls)	Article 16 Act
Return to exit country of refused/ withdrawn person/vehicle/good	Article 25 Regulation	Article 14 Act	Article 15 Act
Extraterritoriality	Article 31 Regulation	Article 18 Act	Article 11 Act
- Legal fiction + jurisdiction	Articles 32 + 40 + 44 Regulation	Articles 10.3 + 22 Act	Articles 11 + 18 + 23 Act
- Right of adjoining state officials to operate in foreign OSBP country	Article 37 Regulation	Articles 10.1 + 26 Act	Article 11 Act
- 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

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 Acts 2016 and EAC One Stop Border Posts Regulations 2017
- 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
* wearing of uniform	Article 38 Regulation	Article 28 Act	Article 29 Act and Article 8 Regulations
* bearing of arms	Article 38 Regulation	Article 29 Act	Article 30 Act
Institutional arrangements			
- REC level		Article 49 Act	Article 50 Act
- bilateral level		Article 50 Act	Articles 4 + 6(7) Regulations
- national level			
- local level	Article 21 + 58 Regulation		
Lead agency function			
Contact person function		Article 30 Act	Article 31 Act
Complaints office function	Article 56 Regulation		
Cooperation:			
- Assistance to adjoining state officers:	Articles 26 + 39 Regulation	Articles 25 + 31 Act	Articles 8 (2) + 16 + 32 Act and Articles 7(5)+(6) Regulations
- Exchange/sharing of information	Article 29 Regulations	Article 12 Act	Article 31 Act
Status and position of facilitation agents	Article 45 Regulation	Articles 40-48 Act	Articles 41-49 Act and Article 9 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

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 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).

Even when a regional legal regime is in place, for the unique characteristics and specific issues of particular border crossings, 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

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 Majeure
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

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	Annexure 1: Schedule of OSBPs between the Parties Annexure 2: Schedule of Coordinates of each OSBP Annexure 3: Border Security Operating Procedures 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

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 (a) 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 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. 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 describes 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 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 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 are inadequate for the control and regulation of activities of an OSBP. The legislation would need to be overhauled, 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 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.

Note: Subsidiary legislation – also known as delegated legislation or subordinate legislation – is a legislative instrument that can include regulations**,** rules**,** orders**,** statutory instruments**,** by-laws, and the like. A parliament or national legislature does not make subsidiary legislation; instead, it delegates that power to another authority. In delegating the power to enact subsidiary legislation, a parliament or national legislature imposes precise restrictions on the exercise of this power. Subsidiary legislation must exist in relation to an enabling act, i.e., the principal act. It provides for subsidiary legislation to be enacted and specifies which body has been delegated the power to do so under the act.
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. 30-32; and (ii) this 3rd edition of the Sourcebook

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) presents more legal certainty, and 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[191]

(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".[192]

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.

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[193] of Discharge of Duties in the Home Country

Within the CCZ in the adjoining country, an officer is to be vested with the same powers as he or she would have working within his/her 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 to be 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 over.

(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 in the performance of 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.

Supranational instruments on OSBPs generally reserve the right of the signatory countries to temporarily suspend OSBP procedures and close the border in emergency situations. However,

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[191] At the 1st Consultation Meeting, it was asked whether extraterritoriality and hosting arrangements can be applied to ECOWAS and UEMOA OSBPs (JBPs), considering that land is transferred to ECOWAS or UEMOA once two countries agree to establish an OSBP (JBPs). It was explained that since private law acquisition of land by a governmental organization does not automatically imply a sovereignty transfer, such arrangements are still necessary. *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 9.

[192] James Edmund Sanford Fawcett, *The Law of Nations,* 1968, p. 54.

[193] A legal fiction is an imaginary fact that is acknowledged as reality for legal purposes.

protective measures for expatriate (i.e., foreign) officers should be foreseen in the case of an emergency resulting from a political conflict between the neighboring states. "Safe conduct"[194] should be expressly stipulated for expatriate officers (i.e., civil servants fulfilling their functions on foreign territory), to guarantee them free passage and unhindered repatriation to their home country, thus avoiding their imprisonment or being taken hostage.

(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 and 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 to avoid confusion.

(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 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 can support the delegation of authority (see subsection 7 below).

(7) Delegation of Authority

Delegation of authority offers an efficient modality to achieve a one-stop border crossing clearance process. In this modality the officials charged with the border crossing clearance act in their home country territory on behalf of the foreign authority of the adjacent country to perform the latter country's border crossing clearance. This modality avoids the extraterritorial discharge of duties by officers and hosting arrangements.

However, law enforcement officers cannot be substituted with foreign nationals without an express legal basis to that effect. It requires a solid legal framework. In addition to a supranational agreement embedding this principle, every signatory country needs to issue a set of domestic laws to implement such an agreement and to complete the legal basis, describing the delegated duties in areas such as clearance, enforcement, seizures, and legal powers for making arrests.[195]

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[194] Safe conduct is a procedure by which a person is permitted to enter or leave a jurisdiction in which he or she would normally be subject to arrest, detention, or other deprivation. Historically, the general concept of safe conduct developed into the system of diplomatic immunity.

[195] E.g., Norway concluded coordinated border management agreements with Sweden and Finland (1959) authorizing Norwegian customs authorities to perform, for and on behalf of the Finnish or Swedish customs authorities, all customs checks and formalities for goods under customs rules applicable to import, export, transit, and other customs procedures.

(8) 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 the 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.

The hosting arrangement addresses the issues for the recipient (host) 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.

(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. 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 action related to the performance of their border control functions. Such offences are dealt with by the offices of the home 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.

(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.

(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.

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, Public Health Act), 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.

8.4.4 Facility Management of the CCZ

The adjoining countries will need to make agreements or 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 regarding 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), which may operate on two levels, the state-to-state level and the operational level, as follows.

(1) State-to-State Level

In public international law, the dispute resolution mechanism in the bilateral agreements between neighbor countries should take into account the broader framework at a higher level that – depending on the subject matter – may govern their relationship. Indeed, some supranational instruments provide for a dispute resolution mechanism, according to which the exclusive jurisdiction of the member states may be bound.

Those dispute settlement fora are in principle not accessible for private citizens. For example, a dispute may relate to border demarcation issues or trade liberalization. However, in some cases a judicial institution may also be directly or indirectly accessible for private legal subjects.

The peaceful dispute settlement may be subdivided in two models: (i) the political model (e.g., negotiation, mediation, conciliation), derived from Article 33 of the United Nations Charter and (ii) adjudicative means (e.g., arbitration, International Court of Justice), based on legal grounds.[196] The former model is preferable since it generates the so-called "peace dividend" – after the resolution of the dispute, even if one country had to give in and compromise to some extent, relations between the countries remain more cordial and amicable.

In this respect the fora listed in Box 8-5 may be considered.

Box 8-5: Fora for Dispute Settlement at the State-to-State Level

(i) Global Level

(a) The International Court of Justice (The Hague): In accordance with Article 36, Section 2, of the Statute of the Court, countries may have recognized as compulsory the jurisdiction of the International Court of Justice. However, the signatory countries may have formulated a declaration to the effect of reserving the right to have recourse to another means of peaceful settlement.

(b) WTO: Article III of the Agreement Establishing the WTO provides that it shall administer the Understanding on Rules and Procedures Governing the Settlement of Disputes (Dispute Settlement Understanding) in Annex 2 to this Agreement.

(c) World Customs Organization: The Revised Kyoto Convention (International Convention on the Simplification and Harmonization of Customs Procedures), Article 14, provides for the settlement of disputes on the application or interpretation of the convention through negotiation or alternatively through recommendation of the Management Committee, which the signatory parties may accept in advance as binding.

[196] In international law and international relations, there is a fine distinction between the terms "mediation" and "good offices". The latter term refers to the initiative of a third party (diplomatic by a third country or humanitarian by a neutral institution) to bring conflicting parties together without participating in the negotiations, whereas mediation implies facilitation of the negotiation process and active participation in the negotiations with a view toward drafting the terms of the settlement.

(d) International Organization for Migration: Article 26 of the Constitution of IOM provides that any dispute concerning the interpretation or application of the IOM's Constitution that is not settled by negotiation or by a two-thirds majority vote of the [IOM] Council, is to be referred to the International Court of Justice in conformity with the Statute of the Court, unless the member states concerned agree on another mode of settlement within a reasonable period of time.

(ii) Continental Level

(a) The Court of Justice of the African Union: The Constitutive Act of the African Union has created the Court of Justice of the African Union (Article 18; also see Article 2.2. of the Protocol on the Court of Justice of the African Union). According to Article 26 of the Constitutive Act of the African Union, the Court of Justice is responsible for matters of interpretation arising from the application or implementation of the Act.

(b) Agreement Establishing the AfCFTA: Article 20 of the AfCFTA Agreement refers to its Protocol on Rules and Procedures on the Settlement of Disputes. This Protocol on Dispute Settlement (DS Protocol), which was adopted and signed in Kigali, Rwanda, on 21 March 2018, when the AfCFTA was established. The AfCFTA became operational on 1 January 2021, and the AfCFTA DS Protocol was inaugurated on 26 April 2021.

(iii) Regional Level

Various ad hoc dispute settlement mechanisms have been adopted for the interpretation and application of the agreements creating the RECs, as indicated in the following examples:

(a) East African Community (EAC): The EAC has established two mechanisms for resolving trade disputes. The first relates to the settlement of disputes on common market issues, and the second to the settlement of disputes relating to customs union issues. The East African Court of Justice has jurisdiction over the interpretation and application of the EAC Treaty. In the first instance it hears and determines, but its judgements are subject to a right of appeal to the Appellate Division. Articles 23 and 27 EAC Treaty regulate this role of the Court of Justice of the EAC.

(b) Common Market for Eastern and Southern Africa (COMESA): Article 31.1 of the COMESA Constitution established the COMESA Court of Justice (COJ), which considers and determines every reference made to it pursuant to the Treaty in accordance with the Rules of Court, and delivers in public session a reasoned judgment which, subject to the provisions of the said Rules as to review, are final and conclusive and not open to appeal.

(c) Southern African Development Community (SADC): Article 9 of the SADC Treaty created a Tribunal to ensure adherence to and the proper interpretation of the provisions of the Treaty and subsidiary instruments and to adjudicate upon such disputes as may be referred to it. A Protocol prescribes the Tribunal's composition, powers, functions, procedures, and other related matters.

(d) Economic Community of West African States (ECOWAS): The revised ECOWAS treaty establishes a Court of Justice (Article 15) and an arbitration tribunal (Article 16) the latter of which has not been activated yet. Its Article 76 prescribes the submission of a dispute on interpretation or application of the provisions of the treaty to amicable settlement through direct agreement and failing this referral to the Court of the Community.

(e) Union Economique et Monétaire Ouest Africaine (UEMOA): Article 38 of the amended UEMOA treaty creates a Court of Justice of the Union that is regulated by section 1 of Additional Protocol No. 1.

(f) The Tripartite Free Trade Agreement (TFTA): Article 30 of the TFTA between the member states of COMESA, SADC, and the EAC creates a dispute settlement body to administer the rules and procedure, as well as the dispute settlement provisions under the agreement. Any dispute arising from the interpretation or application of this agreement is in accordance with the provisions of this article and its Annex X on Dispute Settlement Mechanism. No dispute can be referred to the Dispute Settlement Body before it has been the object of consultations and negotiations, with a view to resolving the dispute.

Notes: [a] https://www.iom.int/about-iom/constitution-and-basic-texts-governing-bodies/constitution;
[b] https://www.comesa.int/wp-content/uploads/2019/02/comesa-treaty-revised-20092012_with-zaire_final.pdf
Source: This Sourcebook

(2) Operational Level

Disputes at the Government to Citizens/Consumers (G2C) and Government to Business (G2B) level between the individual user and the public authorities (the agencies performing the border crossing clearance inspections and controls) may be resolved either judicially or through an alternative channel.

Article 4 of the WTO Trade Facilitation Agreement expressly requires that the signatory countries grant the user the right of (i) an administrative appeal to or review by an administrative authority higher than or independent of the border agency that issued the decision; and/or (ii) a judicial appeal or review of the decision. This precept also contains further details on the appeal and/or review (e.g., equal treatment, motivation of the decision, delay).

An alternative dispute resolution mechanism may be offered in the form of a mediator, complaints bureau, ombuds officer, or similar officer or institution (see subsection 6.7.2 (4)). This channel offers the additional advantage that the officer or institution may report periodically on recurrent complaints that may disclose structural, chronic problems in border crossing clearance procedures.

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.[197] Also, the agencies may be merged if a single agency control system is applied (see subsection 6.5.1).

[197] 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.

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.[198]

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.[199]

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 have 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.

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.

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[198] 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 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.

[199] Source in previous footnote, pp. 40-41. Departments such as Interpol require express authority from the Commissioner General of Police.

8.4.13 Data/Information Sharing/Exchange

(1) International Legal Framework

Box 8-6 presents the international legal framework regarding data and information sharing exchange between customs administrations.

Box 8-6: 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 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 immigration clearance, criminal records and intelligence on subversive elements;

(ii) Goods: For 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.

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 8-8 provides information on these concerns related to national security and privacy.

Box 8-7: 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 continuously.

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)[b] 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.

Notes: [a] See also Organization for Economic Co-operation and Development, *Guidelines on the Protection of Privacy and Transborder Flows of Personal Data*, 2013; [b] This aspect is of heightened relevance in a pandemic era.
Source: This Sourcebook

(4) Format of an MOU on Information/Data Sharing/Exchange between Border Control Agencies

Box 8-8 presents a draft/indicative MOU[200] on cross-border data exchange between border control agencies.[201]

Box 8-8: 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).

[200] As alluded to in Box 8-4, an "MOU" between nation states may be considered to have binding legal effect, since the Vienna Convention on the Law of Treaties (23 May 1969), the "treaty on treaties", in Article 2(a) considers a written international agreement as a treaty "whatever its designation". As mentioned in a previous footnote, while the Convention has not been ratified by many African countries, the International Court of Justice has several times held that the rules laid down in that Convention can be considered as a codification of existing customary law.

[201] At the 1st Consultation Meeting, it was noted that the countries in West Africa have been signing MOUs between them, but ECOWAS had been formulating a regional MOU so that newcomers can just sign it. *Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 9.

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) The data should only be kept as long as required for the purpose of the border clearance and be deleted appropriately thereafter.
(vii) 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

(viii) 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

The mode of dispute resolution: amicable negotiation and mediation, and if a settlement is not reached, resort to formal arbitration.

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 in force for an 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 as later specified in the notice.

Source: This Sourcebook

8.4.14 Emergency Responses

Emergency situations may result from natural catastrophes (e.g., earthquakes, volcanic eruptions, floods, storms, forest fires), man-made disasters (e.g., collisions, explosions, fire), political instability (e.g., conflicts, terrorist attacks, uprisings.), and circumstances jeopardizing public health (e.g., pandemics). The contingency response is to seek the best possible balance between public safety, security, and health on the one hand, and business continuity on the other hand. The required measures relate to emergency preparedness planning and to institutional arrangements. The type of emergency (e.g., a pandemic) may warrant specific measures.

The legal framework for OSBPs requires contingency response measures to cope with the various possible emergency situations that might arise. The issue is addressed in Section 4.5 and subsections 10.5.2 and 10.5.3, and has been the subject of recommendations made early into the COVID-19 pandemic crisis.[202] In particular, subsection 10.5.2 covers Continental and Regional Guidelines for Trade and Transport Facilitation during the COVID-19 Pandemic, with guidelines enumerated in Box 10-2. Considering the changeable nature of the threats, and the time needed to establish a regional or continental legal framework, a guidelines approach may be appropriate. The Continental Guidelines state that they are adopted as "minimum uniform regulations, procedures and standards in order to reduce the spread of COVID-19, minimize disruptions in the

[202] See, e.g., Japan International Cooperation Agency and PADECO Co., Ltd., *Component for Effective OSBP Operation of the Project on Capacity Development for Trade Facilitation and Border Control in East Africa,* Assessment of the Application of the EAC OSBP Procedures Manual Based on Project Activities at Rusumo, Namanga, and Malaba, October 2020.

supply chain, and facilitate the movement of goods and services across the continent during the COVID-19 pandemic period."[203]

Considering its detailed nature, contingency planning may be provided for in delegated/subordinate legislation or administrative provisions elaborating OSBP procedures on the basis of a mandate from the enabling legislative act.

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 8-9.

Box 8-9: 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 workshop 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 country delegations 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.

[203] United Nations Economic Commission for Africa and the African Union, *Continental Guidelines on Trade and Transport Facilitation for the Movement of Persons, Goods and Services across Africa during the COVID-19 Pandemic*, 10 February 2021, Annex, p. 5.
[available at https://repository.uneca.org/bitstream/handle/10855/46122/b11995476.pdf?sequence=1&isAllowed=y]

- 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 agreement.
- 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 8-10 drawn from the case study of the Mfum (Nigeria/Cameroon) OSBP/JBP (see Section 14.4) presents an indicative, historical example of what turned out to be an overly ambitious two-phase, 21-month roadmap for the process outlined above.[204]

Box 8-10: Indicative, Historical Example of the 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**

[204] 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.

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 14.4 (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)

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; 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.

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 8-11 presents an indicative recommended framework for such enactment.

Box 8-11: Indicative Recommended Framework for Adoption of a National OSBP Act

An indicative, recommended framework follows:

- The Draft OSBP Bill should be put forward 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 finalized 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 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 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 14.2), the adoption of the regional legal framework for the East African Community has taken about five years (2010-15; see Section 14.5), 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 14.8).[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 14.2, 14.5, and 14.8)

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),[205] circular letters, standard operating procedures, 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.

A distinction must be made based on whether these instruments merely reflect, reiterate, illustrate, or explain preexisting binding rules or go beyond and formulate additional precepts. In the latter case they require an appropriate mandate from a higher legislative or regulatory authority and must be adopted following the applicable procedure.

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, (v) a list of goods to be fast tracked, and (vii) ancillary instruments (e.g., commercial cargo gate passes).

[205] Such a schedule appended 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 intended purpose and to avoid doubt.

Chapter 9
Border Procedures and Protocols for OSBPs[206]

9.1 Importance and Process of Simplifying and Harmonizing Border Procedures and Protocols for OSBPs

9.1.1 Importance

The **importance of simplifying and harmonizing border procedures for OSBP operations** is apparent from the following observations:

(i) Outdated and overly bureaucratic border clearance processes imposed by customs and other border control agencies are 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 (import, export, and transit) and the movement of people. It is often easier to start with the construction of infrastructure than with developing procedures and systems, and there have been many examples of this approach in Africa. However, designing buildings, negotiating a legal framework and interconnectivity, 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 as the first step.

(iii) Extending the application of border procedures applied under the traditional two-stop framework to an OSBP framework without simplifying and harmonizing[207] 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.[208] In addition, the African Union (AU) has formulated several policy measures to strengthen border management systems and ensure peace and stability. The African Union Border Programme (AUPB) has several pillars that address the development of African countries' capabilities towards border governance, conflict prevention and resolution, border security, and transnational threats,

[206] Procedures are step-by-step instructions and outline who will do what, what steps to take, and which forms and documents to use. Protocols define a set of operational procedures to ensure that there is a well-defined way of doing a particular task or range of tasks. *Developing Multi-Agency Policies, Procedures, Protocols, or Working Practices* [available at from https://www.proceduresonline.com/swcpp/files/difference_between_pol_strat_proc_prot.pdf; describing the use of terminology in a health organization], October 2021.
[207] The two sides of each OSBP should harmonize their border procedures for effective operations.
[208] Paragraph (i) cited by 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.

while the African Union Border Governance Strategy (AUBGS) focuses on cooperation and coordination, capacity building, and community involvement.

9.1.2 Key Steps

Key steps in reviewing, simplifying, and harmonizing procedures for OSBPs (as depicted schematically in Figure 9-1 at the end of this subsection) 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 or could be streamlined. 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 (TRS) methodology developed by the WCO.[209]

(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 the two adjoining countries. Such consultations should be coordinated by the lead agencies, usually customs, immigration, or the ministry or ministries designated to coordinate such review processes. Setting up a joint steering committee (JSC) to review the procedures usually drives this process more effectively by involving all stakeholders. In addition, with the involvement of local governments, consultations with border community residents should be undertaken. To the extent possible, these consultations and the eventual process of developing new procedures should be conducted through sessions held jointly for officials and private sector representatives from the adjoining countries. In the case of the Mfum (Nigeria/Cameroon) Joint Border Post (JBP) – profiled in Section 14.4 – the formation of a JSC 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 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) Review, Simplification, and Harmonization of Procedures: Based on activities (i) and (ii) above, a key step in the process is to review, simplify, and harmonize procedures for operationalization of the OSBP. In addition to standard operating procedure manuals for OSBPs, it is recommended to develop simplified manuals for quick reference by border agency officers working in busy environments. 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

[209] The Time Release Study Guidelines are available at http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/pf_tools_time_release.aspx. See also Box 5-7.

requirements, and (d) facilitating transport movement.[210] 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 and electronic processing, especially for transit traffic.[211] Some countries have implemented single windows with clearance modules for the relevant border control agencies; in such cases, there is a need to ensure automation of the required fields, and ideally required fields should be regionally harmonized so that they can be considered for integration in the future. There is a need to identify and deploy the necessary equipment/devices (e.g., scanners, personal protective equipment, border surveillance equipment, testing kits), which augments staffing resources and provides for efficient management.

(iv) Health and COVID-19 Procedures and Protocols: Health and security are the important first steps of border control. While it is important to facilitate trade and the movement of people, protecting people and society from health and security risks is also a responsibility of the border control agencies. Operating procedures should take emergency health situations such as the Ebola outbreak and COVID-19 pandemic into account, and if possible, the concerned parties should formulate an emergency response plan and a business continuity plan for OSBPs as part of disaster risk reduction strategy. It is also important for border control agencies to be familiar with those emergency plans and protocols; conducting a simulation exercise and developing a local liaison network will ensure them to respond such situation smoothly. More details on health procedures and protocols are provided in Chapter 10.

(v) Training, Capacity Building, and Sensitization (on the OSBP concept and agreed procedures): In various OSBPs it has been 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.[212] Considering that border officers are frequently transferred, training on the OSBP concept should be included in the training curricula of border agencies and other trade facilitation programs offered by various organizations to develop a large pool of knowledgeable officers to ensure the smooth continuity of OSBP operations. The EAC has prepared a multi-module training curriculum on OSBP procedures that can be adapted for this purpose. 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. Community awareness and cooperation is also important in OSBP projects. Community awareness campaigns (e.g., using local radio stations in remote areas) have proven effective. In addition, it has proven useful to engage

[210] 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.

[211] 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.

[212] 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 models, objectives, and standard operating procedures; border management information systems; joint operations using mobile devices; study visits to operational OSBPs for lessons learned).

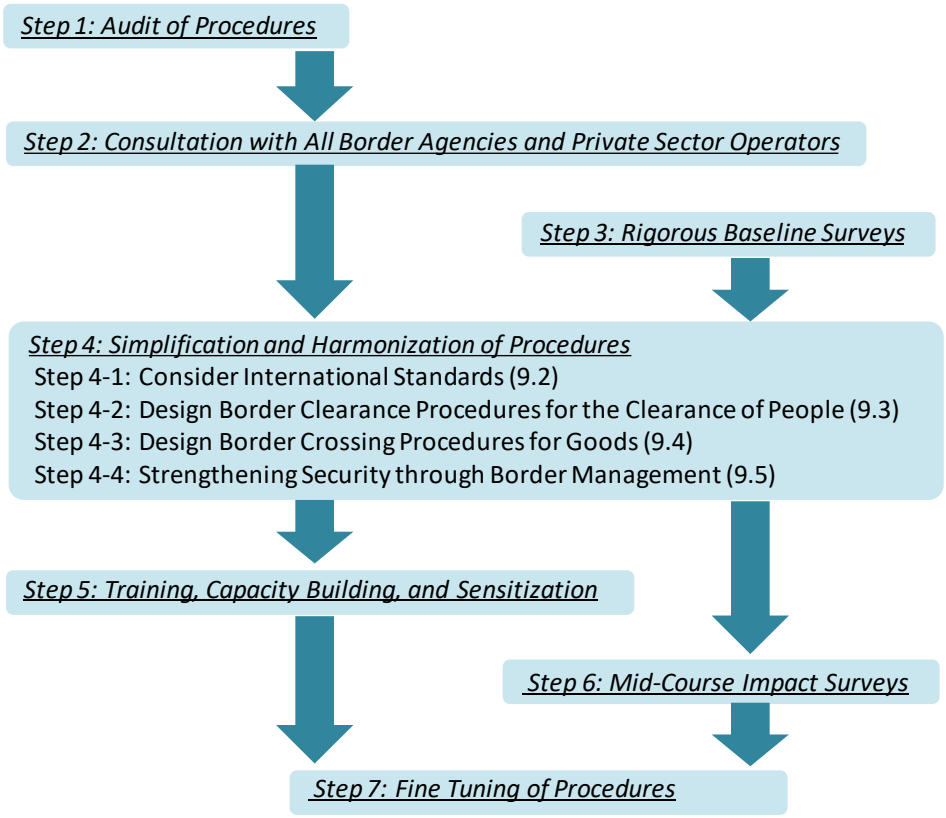
community leaders (e.g., elders, village chiefs) in the process. Use of local language(s) is important for sensitization (e.g., through brochures and information desks).

(vi) Rigorous Baseline and Endline/Impact Time Measurement Surveys: As at Namanga, and Rusumo, baseline and endline/impact surveys can inform the process of simplifying and harmonizing procedures. In such surveys it is important to consider not only transport movements, but also the types of transactions, types of goods, and processes by government agencies other than the customs authority. Most such studies measure only the border crossing time of traffic passing through each side of the border respectively.[213]

(vii) Fine Tuning of Procedures: Based on (vi), 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" procedures based on actual implementation experience. Mid-course corrections should be made as required. For example, the recent COVID-19-related pandemic necessitated a change in the sequence and intensity of controls, and RECs and countries formulated administrative guidelines accordingly.

This chapter focuses on (iii) above. Health and COVID-19 procedures and protocols (iv above) are covered in the following chapter, Chapter 10.

Figure 9-1: Key Steps in the Overall Process of Simplifying and Harmonizing Procedures and Protocols in OSBPs



Note: Step 4-2 includes health screening procedures, which are covered in Chapter 10.
Source: This Sourcebook

[213] 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.

9.2 International Standards to Facilitate the Movement of Persons and Goods at Borders

9.2.1 Standards Related to Movement of People

(1) International, Regional, and National Legal Frameworks

Several 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

- Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol, 2018)
- AU Convention on Cross-Border Cooperation (Niamey Convention)
- 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 Ats
- Quarantine Acts
- Protocols relating to detention, asylum, and trafficking

Note: The AU Convention on Cross-Border Cooperation (Niamey Convention) has not yet entered into force.
Abbreviations: AU = African Union, 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 (individuals or groups) have both their departure and arrival facilitated.[214]

The joint border committee, subcommittee, or working group to be created (see subsection 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 requires advance notification of the travelers' details so that checks can 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 (BMIS) 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

In addition to frequent travelers, a simplified clearance process should be applied for border community residents and citizens living in FTAs. For example, Kenya, Rwanda, and Uganda issue interstate passes for citizens and residents with the presentation of a national ID. Also, a high level of facilitation and care should be provided to persons with disabilities, and adequate and appropriate facilities should be designed and provided.

(3) Biometrics

Many African states have introduced biometrics registration at immigration counters – in fact, biometrics solutions and facial recognition systems are applied more in Africa than many other regions, with technological leaps. While the use of the biometrics has been put on hold to some extent due to the COVID-19 pandemic, biometrics and standardized identification methods

[214] An early example of pre-clearance (or preauthorized border crossing) was in Europe in the 18th century, in the mountains between Spain and France, where farmers who registered their cattle with the customs administrations in both countries obtained free grazing rights. This regime continued until the EU single market made it irrelevant. 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. 76, note 5.

remain the best solutions. Many governments and international organizations are also sharing data for security purpose, but the processing of biometric data must be prescribed by law and limited to legitimate purposes.

The Migration Information and Data Analysis System (MIDAS),[215] the border management system developed by the International Organization for Migration (IOM), is already in use across Africa and provides comprehensive and quick data collection and analysis. It can 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 automated border control (ABC) gate (i.e., e-gate) systems[216] 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.

(4) Granting/Refusal of Leave to Enter

It is important that the adjoining countries in an OSBP develop a legal framework or agreement to set out protocols on how national laws apply in the control zone. Usually, the 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".[217]

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.[218] The countries must discuss and establish clear procedures for emergency health cases including the treatment of the persons denied entry due to the health reasons (such as test-positive cases during a pandemic).

Joint training should be delivered to promote uniform understanding of the OSBP procedures and increase 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

[215] https://www.iom.int/sites/g/files/tmzbdl486/files/documents/midas-brochure18-v7-en_digitall.pdf.
[216] http://abc4eu.com/.
[217] Sue Kendal, *One Stop Border Post Standard Operating Procedures, Unity Bridge*, prepared for the International Organization for Migration, 2014, Section 4.7, p. 17.
[218] 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.

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 crossings 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 subsection 9.5.8); 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 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 the individual fulfills 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 11.3.2(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 border crossings. 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 common control zone (CCZ).[219]

[219] This section benefitted from substantial inputs from Elizabeth Warn, formerly Senior Regional Thematic Specialist, Immigration and Border Management for Southern and Eastern Africa, Regional Office for Southern Africa, International Organization for Migration.

(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.

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 (MOU) 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 enrollment 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.

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 (CBM) 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 member 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
- Agreement Establishing the African Continental Free Trade Area (adopted on 21 March 2018, and entered into force on 30 May 2019)
- African Union Convention on Cross-Border Cooperation (Niamey Convention) 2014
- 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 RKC, which entered into force on 3 February 2006, provides international standards and recommended practices for modern customs procedures and techniques.[220] 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 entered into force on 22 February 2017, and 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.[221]

The African Continental Free Trade Area (AfCFTA) is a free trade area, founded in 2018 and entering into force in May 2019. The operational phase was launched in July 2019 and trading under the AfCFTA Agreement officially commenced on 1 January 2021 (although negotiations on tariff schedules and rules of origin had not yet been finalized, and commercially meaningful trading had not yet commenced). As of 3 May 2022, a total 43 countries had deposited their instruments of ratification and are State Parties.[222] It is the largest free trade area in the world in terms of the number of participating countries, which have a total population of 1.2 billion.

General objectives of the Agreement are to:

(i) create a single market, deepening the economic integration of the continent;
(ii) establish a liberalized market through multiple rounds of negotiations;
(iii) aid the movement of capital and people, facilitating investment by building on the initiatives and developments in the State Parties and the RECs;

[220] As of 21 May 2021, a total of 34 African countries had acceded to the RKC.
[221] 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.
[222] A total of 44 countries had complied with domestic requirements for ratification of the Agreement.

(iv) move towards the establishment of a future continental customs union;
(v) achieve sustainable and inclusive socioeconomic development, gender equality, and structural transformations within member states;
(vi) enhance competitiveness of member states within Africa and in the global market;
(vii) encourage industrial development through diversification and regional value chain development, agricultural development, and food security; and
(viii) resolve challenges of multiple and overlapping memberships.

The AfCFTA is being implemented in a phased manner. Phase I covers arrangements on goods trade, services trade, and dispute settlement. Member States agreed on the liberalization of 90% of tariff lines over five years and another 7% considered sensitive items will generally be liberalized over 10 years (13 years for least developed countries) with a five-year transition, while 3% of tariff lines are excluded from liberalization to protect domestic industries. The trade in goods agenda also covers standards (sanitary and phytosanitary standards, and technical barriers to trade), customs and border management, trade facilitation, and transit arrangements. The Annexes that cover these issues have been concluded. The Phase II negotiations – which aim to reach agreement on investment, competition policy, and intellectual property rights – had not been substantially started as of December 2021. The outcomes of the negotiations of Phase II and III issues will constitute Protocols on Intellectual Property Rights, Investment, Competition Policy, and E-Commerce and will form part of the single undertaking, subject to entry into force (Article 8 of the AfCFTA Agreement).

(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."[223] The term is often interchangeably used with others such as integrated border management (IBM), [224] collaborative border management, and comprehensive border management.[225] While there might be subtle 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, except for 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, [226] 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

[223] World Customs Organization, *Coordinated Border Management: An Inclusive Approach for Connecting Stakeholders*, p. 3, 2015.
[224] 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].
[225] *The International Organization for Migration and Integrated Border Management* [available at 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.
[226] 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).

goods. Joint controls to expedite the movement of traffic by minimizing duplications and promoting transparency may be one component of CBM.

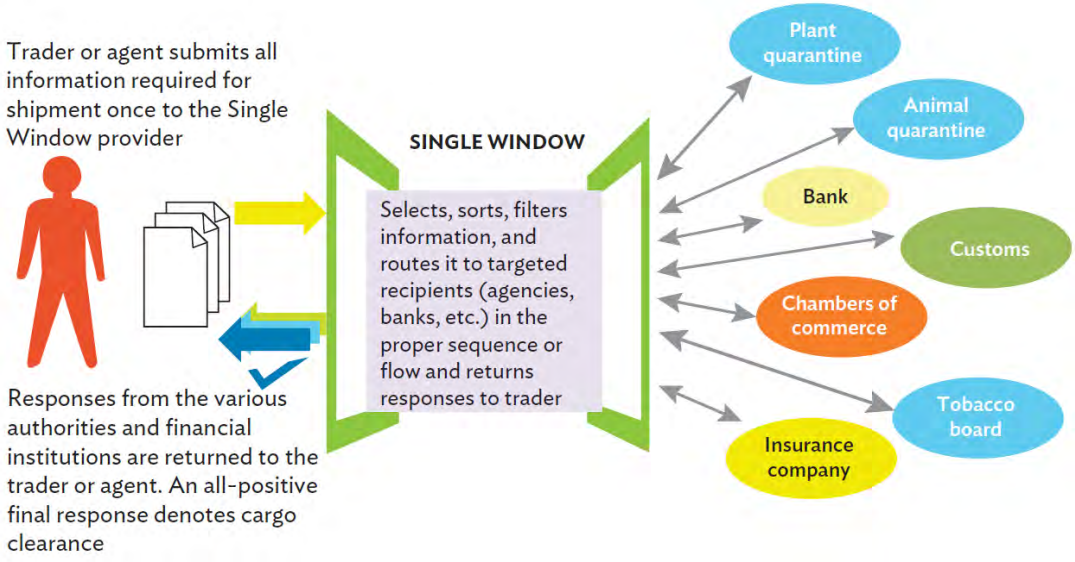
(3) Formality and Documentation Requirements

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 RKC also 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 subsection 12.4.4(3) – is electronic single window systems (eSWS), which enable cross-border traders to submit documents at a single location and/or through a single entity. Electronic single window systems may be considered an electronic form of CBM. Figure 9-2 presents a schematic of an eSWS.

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 [available at 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.[227] 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 to facilitate, improve, and streamline control procedures.

Article 7.4 of the WTO 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.[228]

Risk is a 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. In the broadest sense, the risk to be managed by any government agency is the risk of non-compliance with the respective laws for which it has administrative responsibility. For the customs administration, adverse risk could cause loss of revenue, inhibit facilitation of trade, negatively affect service delivery, and permit unprofessional conduct of employees. For other border agencies, the risk may be the admission of a new plant disease or harmful drugs, for example.

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 to 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.

While customs administrations have been introducing and progressing in applying risk management in their operations, in an OSBP effective risk management and trade facilitation is possible when different administrations at the border coordinate their activities to direct and control risk. It means more information and intelligence sharing on risks as well as greater use of joint inspections. Some OSBPs hold a national and/or joint security (committee) meeting regularly attended by concerned agencies and this is a good risk management practice. Communication and coordination by different border control agencies at the border as well as vertical reporting and communication with their own headquarters enhances effective interventions and addresses the changing risks to achieve agency objectives.

Effective use of ICT and automation also helps administrations in processing and screening large amounts of information and numbers of declarations effectively, efficiently, and on a timely basis against predetermined, intelligence-based risk criteria and thereby enables authorities to take quick actions on both high and low risks. Similarly, non-intrusive inspection technologies, such

[227] David Widdowson, "Managing Risk in the Customs Context", in Luc De Wulf and Jose Sokol (ed.), *Customs Modernization Handbook*, 2005, pp. 98-99.
[228] World Customs Organization, *WCO Risk Management Compendium* [Volume 1; Volume 2 is proprietary], http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/~/media/ B5B0004592874167857 A F88FC5783063.ashx.

as scanners, can contribute to more effective and efficient inspections and expedite clearance when used on the basis of risk assessment.[229] All the above measures are consistent with the RKC standards and guidelines.

Regional and international cooperation for intelligence sharing and enhancement of risk management frameworks are also effective ways to effectively address risks posed by consignments. For example, in the European Union, customs at the first point of EU entry has the legal obligation to conduct security and safety risk analysis on all cargo regardless of the EU country of destination. To assess the risks and respond appropriately, a set of criteria for security and safety purposes were developed and the criteria are included in the member states' risk analysis systems and are used to control consignments crossing the EU border 365 days a year.[230] Figure 9-3 shows the EU's strategy to improve customs risk management.

Figure 9-3: The EU's Strategy to Improve Customs Risk Management

Source: https://ec.europa.eu/taxation_customs/eus-priorities-and-strategy-customs-risk-management_en

(6) Pre-Arrival Processing and Fast Track

Pre-arrival processing is a system where importers or clearing agents submit import data and documents (electronically) to the relevant authorities prior to the arrival of goods. Authorities then process and prepare for the release decision based on risk assessment prior to the goods arriving at the port of entry, thus enabling the release of goods immediately upon arrival. For example, in Kenya, all importers are eligible for the program, and importers and/or clearing agents should lodge declarations with customs and make payments at least 48 hours (2 days) before expected arrival of the vessel to enjoy the benefits of pre-arrival processing.

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 may release goods before their arrival for authorized economic operator (AEO) clients as an administrative disposition.

In case of the EAC, under its Single Customs Territory (SCT) framework, customs administrations release cargo prior to arrival at the border. However, the cargo moves under a seal up to the border.

[229] *WCO Risk Management Compendium*, Volume 1, p. 3.
[230] https://ec.europa.eu/taxation_customs/measures-customs-risk-management-framework_en.

(7) Authorized Operator / Authorized Economic Operator Programs

Article 7.7 of the TFA provides trade facilitation measures for authorized operators. Authorized operators refer to traders that meet certain criteria and therefore benefit from additional trade facilitation measures from the authorities. Such criteria include an appropriate record of compliance with customs and other related laws and regulations, a system of managing records for necessary internal controls, financial solvency, and supply chain security. The article then requires WTO members to provide specific additional trade facilitation measures on at least three of the following:

(i) low documentary and data requirements, as appropriate;
(ii) low rate of physical inspections and examinations, as appropriate;
(iii) rapid release time, as appropriate;
(iv) deferred payment of duties, taxes, fees, and charges;
(v) use of comprehensive guarantees or reduced guarantees;
(vi) a single customs declaration for all imports or exports in a given period; and
(vii) clearance of goods at the premises of the authorized operator or another place authorized by Customs.

Similarly, Pillar 2 of the WCO SAFE Framework of Standards sets out global standards for launching and maintaining an authorized economic operator (AEO) program, which offers an opportunity for customs administrations to share their security responsibilities with the private sector, while at the same time rewarding them with several facilitation benefits.[231] 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.

There were 97 operational AEO programs and 20 AEO programs under development as of 2020,[232] and some early efforts have taken place in Africa to move forward with such initiatives.[233] In 2008, EAC Partner States started developing a regional AEO program with support from the EAC Secretariat, the Government of Sweden, and the WCO, with each Partner State working on the deployment of its own national schemes. The companies participating in the pilot experienced savings of USD 100-400 per consignment and the program has been growing as the number of AEOs across the region increases.[234] There are also a number of trusted (or

[231] 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.

[232] WCO, *Compendium of Authorized Economic Operator Programmes,* 2020 Edition. Available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/aeo-compendium.pdf?db=web.

[233] See (i) *EAC Framework Guides Time Path*, 7 April 2015, available at 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, available at https://www.trademarkea.com/press-releases/uganda-revenue-authority-certify-10-authorized-economic-operators-aeo-in-uganda/; (ii) Trade Facilitation Facility, *Authorized Economic Operators Mechanism for West Africa,* 2011; and (ii) World Customs Organization, EAC-AECO Pilot Project – Nairobi, Kenya, 2013 [available at http://www.wcoomd.org/en/media/newsroom/2013/september/eac-aeo-pilot-project-nairobi-kenya.aspx].

[234] Richard Chopra and Martin Ojok, "EAC Regional AEO Programme: A Model for Regional Integration and Trade Facilitation", *WCO News 83*, June 2017 [available at https://mag.wcoomd.org/magazine/wco-news-83/eac-regional-aeo-programme-a-model-for-regional-integration-and-trade-facilitation/].

compliant) trader programs, usually implemented nationally before the full introduction of an AEO program.[235]

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. This implies that upon arrival at a border crossing, the client will be expedited to continue without being subjected to the normal rigorous processes, even at OSBPs. However, as the risks and required compliance by other government agencies are different and they often do not have an advanced accreditation compliant trader system as does customs, the AEO consignments are sometimes subject to scrutiny at border even if released by customs. Therefore, there is a discussion to take the AEO instrument to a level of a single-government AEO status, but this means that the operational subprocesses of the AEO must also reflect the criteria, requirements, and risks of the other agencies.[236] Another issue for faster clearance for AEO cargo is that there may be a lack of fast-track lanes approaching or in OSBPs due to limited available land area or a lack of design for such lanes, and trucks with AEO consignments often still need to queue to enter into and/or pass through OSBPs.

(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 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.

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[235] The main difference between the SAFE AEO Program and a compliance program is that security requirements such as those prescribed in Annex IV to the SAFE 2018 are not specifically included in a compliance program. Also, unlike the SAFE AEO Program, a compliance program may not have common specified criteria and standards, which makes mutual recognition of such programs challenging. World Customs Organization, *Compendium of Authorized Economic Operator Programmes,* 2020, p. 3.

[236] Several countries, including Australia and Brazil, are designing, developing, and implementing these models. Platforms for integrated AEOs have been developed including non-customs agencies in a single AEO program, often starting with the agencies most involved at the border (e.g., agriculture, food, health, and immigration). Lars Karlsson, "Back to the Future of Customs: A New AEO Paradigm Will Transform the Global Supply Chain for the Better", *World Customs Journal*, Volume 11, Number 1, 2017, pp. 23-34.

(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 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) assess 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 (TRS) 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.

Subsection 5.3.1 presents more detailed information on monitoring and evaluation.

(11) Government-Business Partnerships

Promoting government-business partnerships for border operations will facilitate stronger partnerships between government and the business community at the national, regional, and international levels. Such partnerships should promote regular and results-oriented dialogue and action on everyday challenges. The overall purpose of government-to-business partnerships is to provide a structured forum for dialogues with key stakeholders in the supply chain to contribute 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.[237]

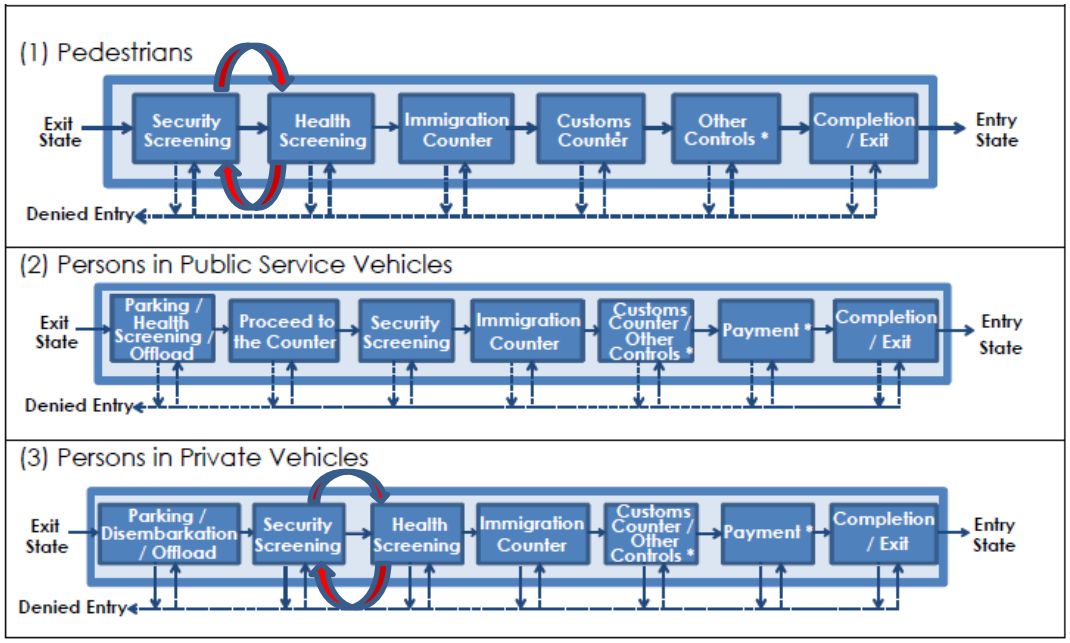
9.3 Designing OSBP Border Clearance Procedures for People

As mentioned in the key steps presented in subsection 9.1.2, the concerned parties should review and set out the procedures for OSBP operations. It is important to involve and review the protocols and procedures by relevant border control agency of the two countries paying due regard to the facilitation of movement and security control. The EAC has developed a regional OSBP procedures manual and agreed on standard procedures for the clearance of persons, as shown in Figure 9-4. Before the immigration exit and entry process in an OSBP, persons must go through security and health screening. In case of a pandemic emergency, a change in the sequence of checks (performing health checks first) is possible while such procedure is ideally documented as a special operating procedure in case of a health emergency (Chapter 10 provides details of health

[237] 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).

screening and testing procedures in the COVID-19 pandemic.) **In any case, security should be considered paramount and be omnipresent, with the capacity to carry out screening at any stage during the procedures.**[238]

Figure 9-4: Summary Process Flow Chart for Persons: An EAC Example



Sources: (i) East African Community, *The East African Community One Stop Border Posts Procedures Manual*, prepared with support of the Japan International Cooperation Agency), 2018; and (ii) East African Community, African Union Development Agency – New Partnership for Africa's Development, and Japan International Cooperation Agency, *Architectural Design and Construction of OSBPs*, Training of Trainers Seminar on One Stop Border Post[s], 29 July 2021, slide 14 [adding arrows in emergency health situations].

Since two adjoining countries operate within an OSBP, the immigration counters should be located close to each other and in sequence of exit and entry. The immigration departments of the two countries will examine travelers in the normal manner in accordance with their respective immigration laws and policies.

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 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.

[238] If a bus arrives at the border and there is intelligence that a terrorist or a criminal is on board, requiring health personnel to board the bus would expose them to danger. *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, pp. 11-12.

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 depends 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 will be required to ensure that all formalities have been cleared for those vehicles before they can proceed to the destination country.

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. 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 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 (IHR) of the World Health Organization (2005) including the associated guide for public health emergency contingency planning at designated points of entry.[239] Each OSBP should have a district health team drawn from the local communities and that has been trained in its roles and responsibilities. The team should be active continuously supporting the communities and travelers. A continuous learning process should be activated 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.

More details on health controls and measures in OSBPs – including controls and measures related to COVID-19 – are presented in Chapter 10.

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 local governments and community 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.

As mentioned in subsection 9.2.1(2) on Pre-Clearance and Fast Track, border community residents may be eligible for simplified clearance processes such as border passes and interstate passes, using national ID cards and/or pre-registered travel cards. While locally issued travel permits may not be so reliable in terms of security, system abuse, and lack of international recognition, adjoining state governments may consider a counter for local residents and border pass holders where there are many small traders and people commuting to the other side of border. OSBP immigration managers should 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.

In addition, there should be clear signage (in the local language or languages) and a good communication strategy with materials to inform border community residents of the purpose and benefits of the OSBP. Any changes in tradable goods, tariffs, and other restrictions should be clearly communicated to the border community. Establishment of a trade information desk and collaboration with cross-border traders' associations may also help communicate and guide border community residents on the new procedures and protocols.

Border Community Sensitization at Malaba (Kenya-Uganda, Ugandan Side)

Source: Photograph taken by an OSBP Sourcebook team member, February 2020

[239] 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 crossings is a major source of revenue for many countries in Africa. In this regard, customs and other border agencies need 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 to 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 of 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 bilateral OSBP agreement and/or procedures manual the sequence and form the controls will take at their OSBP(s). Where practical,[240] 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.[241]

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[240] There are reasons that joint controls may not be practical or effective. One is that import and export checks are different, with most data usually verified for imports not relevant for most exports. Second, joint examinations may increase the rate of physical examination for no purpose. Different risk profiles would normally be applied by each country. Third, joint controls can take more time, with two sides inspecting together possibly delaying each other since they may have different objectives. Fourth, the management of violations can be problematic, because the transporter may claim that the control was not carried out in the proper sequence. 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, pp. 67-68.

[241] 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.

As an example of measures to facilitate small-scale trade, Box 9-5 summarizes the COMESA Simplified Trade Regime or STR (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).

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 neighboring countries.

If the above conditions are met, traders are allowed to clear their goods by filling in 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 in a COMESA Simplified Certificate of Origin (SCOO), which can be obtained at the border and needs to be signed by a customs official.

As part of the STR rollout, COMESA also supported the establishment of trade information desks 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. (See subsection 4.3.3.)

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, while at the same time lightening the duty burden currently imposed on trade transactions that are, in most cases, conducted at a subsistence level.

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

9.4.2 Clearance of Dangerous and Hazardous Goods

The transport, handling, and clearance of hazardous goods requires careful planning by all parties involved so as not to endanger people and property. Dangerous goods can be solids, liquids, or gases. They may be pure chemicals, mixtures of substances, manufactured products, or individual articles. They are classified according to the type of potential hazard, e.g., flammable, poisonous, explosive, radioactive.

Trucks Burning at Kasumbalesa on the DRC-Zambia Border (December 2014)

Source: Media accounts

Trucks Burning at the Rusumo OSBP on the Tanzania-Rwanda Border (August 2018)

Source: Media accounts

The transport of dangerous goods is regulated to prevent, as far as possible, accidents to persons or property and damage to the environment, the means of transport employed, or to other goods. The UN has established a universal system for the classification, packaging, marking, and labeling of dangerous goods to facilitate their safe transport. National and international regulations governing the transport of dangerous goods are all based on the UN classification system.[242] These regulations are generally structured by mode of transport. Dangerous goods are named with specific UN numbers that must be used on the declaration form and in the packing and labeling. Figure 9-5 presents examples of hazard labels to be used on packages.

Figure 9-5: Examples of Hazard Labels to be Used on Packages

Source: Alibech Mireles Diaz, Transport Division, United Nations Economic Commission for Europe, *Transport of Dangerous Goods by Road*, 2014, slide 20 [https://unece.org/fileadmin/DAM/trans/doc/2014/wp1/ECE-TRANS-PRESENTATION-2014-1e.pdf]

To facilitate the clearance of such goods, the design of OSBP facilities should include dedicated parking spaces for vehicles carrying dangerous and hazardous goods. 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. For health and safety considerations, all border agencies responsible for the clearance of dangerous goods should acquire appropriate gear and equipment for their staff. Procedures should be established to deal with the cleanup and safe disposal of spillages, and an emergency response plan to deal with accidents should be in place. Where there are no such facilities and procedures, 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 although packages should be

[242] https://www.dsv.com/en/insights/expert-opinions/dangerous-goods.

inspected regularly to ensure their integrity. Prior to the arrival of a 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.

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"[243]; these include live animals[244] as well as plants and agricultural products.[245] For perishable goods, 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 crossings provides an opportunity to expedite the clearance of perishable and time-sensitive goods. To achieve these tight delivery timelines, traders and border authorities are encouraged to use pre-arrival processing programs, fast-track lanes, and destination verifications where available. If there is an offense noted in the course of importation, border authorities should ensure that such enforcement actions are undertaken in a manner that does not unnecessarily delay the delivery of goods. As a trade facilitation measure, border agencies in 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 (TFA), 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, to avoid loss or deterioration of the perishable goods. Also, reference may be made to the EAC OSBP Procedures Manual, which provides for priority treatment of certain time-sensitive goods, e.g., human remains.[246]

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[243] 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.

[244] 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 crossings, authorities should provide expeditious clearance services without compromising controls. 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 to minimize unwarranted delays at borders.

[245] Due to their nature, plant and agricultural products need to be conveyed rapidly from the point of origin to their 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 and should be examined only in cases of specific intelligence. Where necessary, border authorities must examine them without delay 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 crossings must be sensitized to accord priority clearance to the handling and clearance of perishable agricultural 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.

[246] East African Community, *The East African Community One Stop Border Posts Procedures Manual*, prepared with support of the Japan International Cooperation Agency), 2018, subsection 5.3.4 on Fast Track Clearance.

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 in OSBP facilities may not be adequate for such cargo. However, 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. 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 crossings 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. 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 (CCZ) to avoid a build-up of traffic.

9.5 Enhancing Border Security at 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. Both exit/entry controls give the border agencies a unique opportunity to gather intelligence and information.

9.5.2 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 UNTOC should be used as a reference.[247]

9.5.3 Intelligence Gathering and Information Sharing

Article 27 of the United Nations Convention 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 (i) facilitate the secure and rapid exchange of information, (ii) strengthen cooperation in conducting inquiries, (iii) provide items for analytical and investigative purposes, and (iv) exchange information on offenders' modus operandi.

Intelligence gathering and information sharing should take place inter- and intra-agency within a country and between the adjoining countries of the OSBP. Information and intelligence sharing and coordinated enforcement activities can lead to effective detection of smuggling, trafficking, and other crimes, and organizationally resources can be saved by conducting joint enforcement activities. An analysis of current legislation is required 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. Some borders/OSBPs organize regular national (and bilateral) security meetings, and this practice should be encouraged, together with joint border committee meetings to address OSBP operational issues.

On a formal level, immigration intelligence at the border can be divided into different main roles, i.e., information gathering, information sharing, and intelligence-led controls:

(i) **Information Gathering**: Border control officers are in a unique position to gather information on the movement of people and goods 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.

[247] Also worth noting is United Nations Security Council Resolution (UNSCR) 2396 adopted in 2017, which urges Member States to strengthen their efforts to stem the threat posed by foreign terrorist fighters (FTFs) through measures on border control, criminal justice, information sharing, and counter-extremism.

(ii) **Information Sharing**: 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 and smuggling offences and on trends in the development of organized criminal groups.

(iii) **Intelligence-led Border Controls**: Intelligence-led border controls identify areas that need operational intervention and enables the focusing of resources on the hot spots of cross-border crime. This practice enables the genuine traveler to benefit from "light touch" controls. Undertakings and arrangements such as joint border surveillance should be promoted to complement OSBP operations, as for example has been done by the revenue authorities in the EAC with JICA support.[248]

9.5.4 Joint Enforcement Operations

Officers in an OSBP are encouraged to be part of the joint teams to perform joint intelligence-led enforcement functions. Examples may include random checks on bus routes known to be used by illegal entrants from unofficial crossings and patrolling vulnerable crossing points. Where an intelligence structure exists, the intelligence tasking and coordinating group can identify key targets and areas that require joint operations.

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.

There are several initiatives, one being Programme Global Shield (PGS), which is spearheaded by the WCO, in partnership with Interpol (the International Criminal Police Organization) and the United Nations Office on Drug and Crime (UNODC). This program aims at monitoring the licit (legal) movement of 13 of the most common chemical precursors (e.g., ammonium nitrate, acetone, urea) and other materials that could be used to manufacture improvised explosive devices (IEDs) to counter their illicit trafficking and diversion. It promotes cooperation among customs and police administrations as well as licensing authorities in combating the illicit diversion of precursor chemicals, engages with private industry to establish best practices, trains customs officers in detecting and handling precursor chemicals, and initiates investigations and other enforcement activities. Several operations have been organized in Africa and officers at some OSBPs have participated. The program has promoted and strengthened cooperation and the exchange of information among customs, law enforcement agencies, and intelligence agencies including the police at the national level as well regional bodies and international organizations.

9.5.5 Strategic Trade Control

United Nations Security Council Resolution (UNSCR) 1540 adopted in 2004 called upon all states to refrain from providing any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer, or use nuclear, chemical, or biological weapons and their means of delivery, for terrorist purposes. The resolution requires all states to adopt and

[248] The JICA Trade Facilitation and Border Control Project in East Africa (2017-2022) supported 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) to encourage coordinated enforcement and intelligence information sharing in relation to the OSBPs.

enforce appropriate laws to this effect as well as other effective measures to prevent the proliferation of these weapons and their means of delivery, including export, transshipment, and border controls, and law enforcement to block illicit trafficking in related materials.[249] Strategic goods include weapons of mass destruction (WMD),[250] conventional weapons, and related items involved in the development, production, or use of such weapons and their delivery systems. Each state is to establish national legislation and regulations (including control lists), determine the scope of goods considered strategic for each country, define a licensing regime and associated offences, and establish penalties for violations.

The WCO Policy Commission in 2015 issued the Punta Cana Resolution, which affirmed the security role of customs administrations through prevention and detection of smuggling of restricted, prohibited, and strategic goods. The resolution highlighted several recommended actions for customs administrations, including close cooperation between customs and law enforcement authorities. Training for frontline officers is critical for enabling verification and commodity identification of strategic goods for further examination.

9.5.6 Carrying of Firearms in Common Control Zones

Section 30 of the EAC OSBP Act 2016 provides an example of good practice regarding the carrying of arms in CCZ, as set out Box 9-6.

Box 9-6: An Example of Good Practice for the Carrying of Arms in a Common Control Zone

(1) An officer of the adjoining Partner State shall not carry firearms except by special arrangements with the host Partner State.

(2) In cases where a show or use of arms is required, an officer of the adjoining Partner State may enlist the assistance of the law enforcement agents of the host Partner State and such assistance shall not be unreasonably denied.

Source: EAC OSBP Act 2016, Section 30

9.5.7 Threat 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 undertaken are presented in the following text.

(1) By Nationality

If, for example, there is a perception that nationals of Country X may be becoming a problem, a threat assessment may be undertaken. The analyst may look at:

[249] World Customs Organization, *Strategic Trade Control Enforcement (STCE) Implementation Guide*, 2019, p. 4.
[250] Strategic trade control is one of many tools to prevent the proliferation of WMD, e.g., through safeguards of the International Atomic Energy Agency (IAEA) or sanctions.

- The level of traffic of Country X nationals through border crossings – through statistical analysis to show month by month increases;
- Problems commonly connected with Country X nationals at border crossings, 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 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.

(2) 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(s) 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.

9.5.8 Human Trafficking and Smuggling and Protection of Vulnerable Groups[251]

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; IOM has produced a range of training products on trafficking and smuggling.

Trafficking in persons and smuggling of migrants are two distinct phenomena.[252] 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

[251] This section benefitted from inputs from Elizabeth Warn, formerly Senior Regional Thematic Specialist, Immigration and Border Management for Southern and Eastern Africa, Regional Office for Southern Africa, International Organization for Migration.

[252] 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, 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".

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.

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.[253] 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 of migrants 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.

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.

9.5.9 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 borders against clandestine illegal entry. However, any searching or screening intervention should be balanced against the need to ensure smooth traffic flows 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,[254] and (v) body detection dogs. Carbon dioxide probes and portable heartbeat detectors need a clearly defined area for officers to conduct such searches and a positive result will require the vehicle to be unloaded and searched; the 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 exercise area.

9.5.10 Other Cargo Security Issues[255]

As measures to strengthen security in an OSBP, operational practices to improve cargo security may include the following:

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[253] "Zim Border Posts Targets for Human Trafficking", *NewsDay*, 10 May 2014, available at https://www.newsday.co.zw/2014/05/10/zim-border-posts-conduits-human-trafficking/.

[254] 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.

[255] 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] available at http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/~/ media/B5B0004592874167857AF88FC5783063.ashx.

(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 an alarm or notification to 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).[256]

9.6 OSBP Procedures Manuals and Associated Training

As indicated in the case studies in Chapter 14, several OSBP Procedures Manuals have been prepared in recent years, setting out border procedures for both persons and goods, based on overarching regional and/or national legal requirements, and good or best international practices, to varying degrees. Examples include (i) the Chirundu [Zambia/Zimbabwe] OSBP Operations Manual, March 2011; (ii) Operational Procedures for the Implementation of Kobero/Kabanga [Burundi/Tanzania] One Stop Border Post, 2012; (iii) Operational Procedure Manual for Ruhwa [alternatively spelled Rhuwa; Rwanda/Burundi] One Stop Border Post, (2014); (iv) Guidelines for Taveta/Holili (Kenya/Tanzania) One Stop Border Post, 2013 (v) bilateral OSBP operations procedures manuals, between Kenya and Tanzania, and between Tanzania and Rwanda, 2014; (vi) the Cinkansé Joint Border Post Operating Procedures Manual, 2014; (vii) One Stop Border Post Operating Procedures, Unity Bridge (Mozambique/Tanzania), 2014; (viii) the EAC OSBP Procedures Manual (Burundi, Kenya, Rwanda. South Sudan, Tanzania, and Uganda), 2018; and (ix) the Kazungula OSBP: Operations Manual, prepared in 2019.

A particularly notable example is the EAC OSBP Procedures Manual, which was described in Section 14.5 of the chapter on OSBP case studies. Development of the EAC OSBP Procedures Manual commenced in mid-2016 and the Manual was finalized and published in 2018, with JICA support. It provides harmonized step-by-step guidelines for border officials on the execution of controls at an OSBP. The manual is used by all agencies operating in OSBPs in the EAC. In

[256] 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, 2021.*

addition, some Partner States apply almost the same procedures at their OSBPs with non-EAC countries (e.g., between Ethiopia and Kenya at Moyale).

To ensure effective application of the EAC OSBP Procedures Manual, extensive training and sensitization programs have been implemented. The EAC, GIZ, JICA, and other development partners have conducted training in the EAC OSBP Procedures Manual at various border crossings for public-sector officials/officers, private-sector stakeholders, and border community residents in the region. For example, in 2021-2022, the EAC Secretariat was actively engaged in training trainers in OSBP procedures in its six Partner States. Also, between 2018 and 2022, a JICA Trade Facilitation and Border Control Project in East Africa, mainly using training modules developed by the EAC Secretariat with support from GIZ, trained a total of 928 in the EAC OSBP procedures; further, the project developed self-study question-and answer materials and simulations/case studies to provide a potentially cost-effective approach for training in the procedures and complement the training materials.[257]

From 2020 to 2022, joint border committees (JBCs) at Malaba, Namanga, and Rusumo, with support from a JICA OSBP Team, assessed the application of the EAC OSBP Procedures at these respective OSBPs. Generally, they found that some chapters, articles, and provisions were "fully implemented" while others were "partially implemented". Table 9-1 summarizes the extent of implementation of the EAC OSBP Procedures Manual at these border crossings, by chapter and section, including definitions of the terms "fully implemented" and "partially implemented". The reasons cited for partial as opposed to full implementation often related to infrastructure, facility, and/or equipment deficiencies (i.e., need to complete construction of an access road, install/repair scanners, install/repair CCTV systems).

Table 9-1: Summary of the Extent of Implementation of the EAC OSBP Procedures Manual at Namanga, Rusumo, and Malaba, by Chapter and Section

Chapter in the EAC OSBP Procedures Manual	Namanga	Rusumo	Malaba
2: Coordination of Border Agencies	Full	Partial	Full
3: Principles of OSBPs	Full	Partial	Full
4. OSBP Facilities	Full	Partial	Partial
5: Border Clearance Procedures: Persons	Partial	Full	Partial
5: Border Clearance Procedures: Means of Transport	Partial	Partial	Full
5: Border Clearance Procedures: Goods	Full	Full	Full
6. Conduct of Officers in the Control Zone	Full	Partial	Full
7. Activity of Facilitation Agents and Other Service Providers in the Control Zone	Partial	Partial	Full
8. Jurisdiction	Full	Full	Full
9. OSBP Management	Partial	Partial	Full
10. Cooperation between the Adjoining Partner States and among Agencies	Partial	Full	Full
11. Communication	Partial	Full	Full

Notes: (i) Chapter 1 was an Introduction. (ii) "Full implementation" was defined as entirely or in all or nearly all material (i.e., relevant and significant) aspects. (iii) "Partial implementation" was defined as not including some material (i.e., significant or important) aspects. (iv) The extent of implementation of Border Clearance Procedures: Means of Transport at Namanga was partial for Tanzania but full for Kenya (although the scanner was overloaded); the overall assessment for this subchapter therefore remained "partial". (v) There were no material changes in these broad assessments in October 2021 relative to February/March 2020.

[257] Japan International Cooperation Agency and PADECO Co., Ltd., *Component for Effective OSBP Operation of the Project on Capacity Development for Trade Facilitation and Border Control in East Africa, Supplementary Training Materials for East Africa (Self-Study Question-and Answer Materials and Simulations / Case Studies)*, February 2022.

Source: Japan International Cooperation Agency and PADECO Co., Ltd., *Component for Effective OSBP Operation of the Project on Capacity Development for Trade Facilitation and Border Control in East Africa, Work Completion Report*, March 2022 (based on Annex 4 of January 2022 Namanga Joint Border Committee meeting minutes, Annex 4 of October 2021 Rusumo Joint Border Committee meeting minutes, and Annex 4 of February 2020 Malaba Joint Border Committee meeting minutes).

Finally, AUDA-NEPAD has implemented train-the-trainers' seminars for various regions of Africa, including not only East Africa but also Southern Africa and West and Central Africa.[258] The OSBP Sourcebook has been a valuable resource for training and sensitization in regions that have not developed their own OSBP curriculum.[259]

Knowledge Sharing Workshop on How to Make OSBPs Operational as an Instrument of Trade Facilitation in the West and Central African Regions

Source: African Union Development Authority-New Partnership for Africa's Development, Knowledge Sharing Workshop on How to Make OSBPs Operational as an Instrument of Trade Facilitation in the West and Central Africa Regions, co-sponsored by AUDA-NEPAD, ECCAS, ECOWAS, UEMOA and JICA, Accra, Ghana, December 2018

[258] Reference may be made to the (i) *Training of Trainers Seminar on OSBP Operations and Design*, co-hosted by the African Union Development Authority-New Partnership for Africa's Development, the East African Community, and the Japan International Cooperation Agency, 28-29 July 2021 [https://www.au-pida.org/news/training-of-trainers-seminar-on-osbp-design-and-operations/]; and (ii) *Training of Trainers and Data Collection Seminar for RECs*, sponsored by the African Union Development Authority-New Partnership for Africa's Development and the African Development Bank, 29-31 July 2019 [https://www.au-pida.org/news/africa-has-it-all-one-stop-border-post-osbp-as-an-instrument-to-trade-facilitation/]. The 2019 seminar recommended that: "OSBP procedure[s] manual developed by EAC … be shared amongst the RECs as a model in the process of rolling out the OSBP"; (iii) and African Union Development Authority-New Partnership for Africa's Development, *Knowledge Sharing Workshop on How to Make OSBPs Operational as an Instrument of Trade Facilitation in the West and Central Africa Regions*, December 2018.

[259] For example, the project plan for the COMESA European Development Fund (EDF) 11 OSBP project plan for Chirundu, Zimbabwe, for 2020-2022, included an activity to carry out OSBP Procedures and Sourcebook application training.

Chapter 10
Health Procedures and Protocols for OSBPs

10.1 Introduction

The main purpose of this chapter is to provide officials of port health and other border control agencies as well as and stakeholders at OSBPs with detailed information on the significance and necessity of cross-border management and specific quarantine methods, and as a result, to prevent the entry of infectious diseases as much as possible at the point of entry. It should be noted that new findings, especially regarding COVID-19 (Coronavirus disease 2019), are emerging every day and these may change significantly in the future. Therefore, the operational methods presented in this chapter should be reviewed periodically based on the latest available scientific evidence and global discussions.

Specifically, this chapter presents policy options for infectious disease control, with a particular focus on testing, quarantine, and vaccination. In addition, it includes a section on the facilitation of trade and transport during pandemics, including continental and regional guidelines for this purpose, and good practices for facilitating trade and transport during pandemics. However, **many of the policy decisions to be made will depend largely on the unique situations of each corridor, border crossing, and country, rather than on universal choices, and the final decisions are within the scope of national sovereignty**.

10.2 Overall Situation of COVID-19 and Other Infectious Diseases

COVID-19 – first identified in 2019 – had caused 516.9 million cases of infection and 6.26 million deaths worldwide as of 12 May 2022.[260] Although rapid progress has been made in vaccine development and deployment, and some effective therapeutics [261] have been introduced, vaccination rates still vary greatly among countries. In addition, new variants have emerged, and the pandemic is still far from contained. Looking at the African continent as a whole, although the infection situation of COVID-19 varies greatly from country to country, as of the end of December 2021, the number of infected people was 6.7 million, and the number of deaths was 153,960, causing enormous damage.[262] In addition to the direct deaths caused by COVID-19 (and other infectious diseases), its negative impacts on socio-economic activities have exacerbated disparities and poverty, posing difficulties in various parts of society.

Even before COVID-19, Africa had seen epidemics of various infectious diseases, including the world's largest infectious diseases, i.e., HIV/AIDS, tuberculosis, and malaria. It is estimated that there are 34 million people infected with HIV worldwide, 69% of whom live in Sub-Saharan Africa.[263] Africa as a whole is estimated to have 23.8 million HIV-infected people, and it has been estimated that 91% of HIV-positive children live in Africa.[264] Africa also has a disproportionately high share of malaria, with 95% of malaria cases and 96% of malaria deaths occurring on the continent.[5] In addition to these three major infectious diseases, various other infectious diseases

[260] WHO [World Health Organization] Coronavirus Dashboard, https://covid19.who.int/, 12 May 2022.
[261] Therapeutics refers to the use of drugs and the method of their administration in the treatment of disease.
[262] Website of the Health Organization (WHO), Regional Office for Africa [https://www.afro.who.int/health-topics/coronavirus-covid-19].
[263] UNAIDS [Joint United Nations Programme on HIV and AIDS], *World AIDS Day 2012*, 2012 [available at https://www.unaids.org/sites/default/files/media_asset/JC2434_WorldAIDSday_results_en_1.pdf].
[264] https://www.who.int/news-room/fact-sheets/detail/malaria.

such as typhoid fever, cholera, Shigella, yellow fever, tetanus, and neglected tropical diseases (NTDs)[265] are also prevalent. An Ebola epidemic occurred in West Africa in 2013 and in the Democratic Republic of Congo in 2019. These epidemics not only killed 11,323 and 2,299 people,[266] respectively, but also had an enormous socio-economic impact, with (for example) economic losses estimated at USD 2.8 billion in three Western African countries (Liberia, Guinea, and Sierra Leone).[267]

Once a major epidemic of an infectious disease breaks out in a region, it not only results in the loss of precious lives, but also has a huge impact on communities and society. Therefore, it is important to stop epidemics in the early stages, and in this sense, border control of infectious diseases plays an important role.

10.3 Need for Infectious Disease Control at Borders

The primary purpose of quarantine is to prevent the entry of pathogens into the country as much as possible and to secure adequate time before they enter the country. In other words, in the case of an outbreak of an infectious disease such as COVID-19, it is practically impossible to completely prevent the pathogen from entering the country. Rather, by delaying the entry of pathogens into the country, it is possible to (i) secure time for the establishment of the necessary testing and healthcare systems and (ii) facilitate the smooth entry of people who are necessary to enter the country for socio-economic activities.

A variety of infectious diseases may be subject to quarantine, and the following points should be comprehensively taken into consideration when deciding which measures to implement:

(i) the characteristics of the pathogen, such as its pathogenicity (i.e., the potential ability to produce disease, and infectivity (i.e., the ability of a pathogen to establish an infection;

(ii) the epidemiological trends of the infectious disease;

(iii) the characteristics of the region where the infectious disease is prevalent;

(iv) consideration for the human rights of the patients and the public[268];

(v) the effectiveness and feasibility of the measures; and

(vi) the impact of the measures themselves on the socio-economic activities of the region.

Furthermore, just detecting those who already have a symptom or those who are test-positive is not enough. Positive cases should be promptly isolated and provided medical care. Various measures should also be taken for close contacts and people entering the country from endemic areas. These may include checking the health status of other returnees and entrants for a certain

[265] E.g., onchocerciasis ("river blindness"), trachoma, schistosomiasis.
[266] (i) World Health Organization, *Ebola Virus Disease, Situation Report*, 2020 [available at https://www.afro.who.int/health-topics/ebola-virus-disease]; and (ii) World Health Organization, *Ebola: North Kivu/Ituri, Democratic Republic of Congo, August 2018-June 2020, 2020* [available at www.who.int/emergencies/situations/Ebola-2019-drc-].
[267] World Bank, *2014-2015 West Africa Ebola Crisis: Impact Update*, April 2015 [available at https://openknowledge.worldbank.org/bitstream/handle/10986/21965/95804.pdf?sequence=4&isAllowed=y].
[268] E.g., Article 32 of the International Health Regulations (IHR, 2005) provides that "[i]n implementing health measures under these Regulations, States Parties shall treat travellers with respect for their dignity, human rights and fundamental freedoms" [available at https://www.who.int/publications/i/item/9789241580410]. However, human rights aspects are not necessarily limited to the provisions of the IHR, which was finalized almost two decades ago.

period of time, e.g., by thermal screening and scanning. Further, it is also necessary to inform the public about what to do if someone develops the disease after entering the country. Since these measures need to be taken in an extremely short period of time, it is desirable that the establishment and consolidation of quarantine sites, the way quarantine should be carried out, and the procedures to be followed at immigration, customs, and port health are prepared in advance.

Box 10-1 presents COVID-19 response situations and challenges at EAC borders, indicating "on-the-ground" details.

Box 10-1: COVID-19 Response Situations and Challenges at EAC Borders

With the spread of COVID-19, the EAC and JICA decided to conduct a data collection survey to assess the needs and challenges at border posts in East Africa. A baseline survey was conducted from April to June 2021, with responses from 44 border offices at 26 border crossings. This study well presented the situation and issues "on the ground" in responding to COVID-19, with the following major findings:

Major issues observed included the following:

(i) While most border crossings remained open for truck drivers with some restrictions, inadequate testing capacity at the beginning of the pandemic and redundant testing requirements caused congestion and tension between and among Partner States (except in Rwanda where pre-screening and testing via rapid antigen procedures were well-organized). A lack of harmonized border screening protocols and capacities among Partner States continues to be a challenge.

(ii) The lack of harmonized policy and a system for certifying and sharing COVID-19 test results was a major concern, but the introduction of the RECDTS (discussed further in Box 10-2) contributed to regional standardization of COVID-19 measures.

(iii) Although all border crossings reported having specific coordination mechanisms to deal with COVID-19, a lack of inter-ministerial coordination was observed (although there were good practices such as cost sharing for port health services by various ministries in Tanzania and coordination by a border management committee in Kenya). About half of the border offices reported having a contingency plan, but most of them were national plans and not border-specific guidelines (except in the case of Kenya)

(iv) More than 70% of the border offices reported having received training on IPC but about 60% of those trained less than half of their staff. There was a tendency to conduct training only at major border crossings, while smaller border offices received less support.

(v) A total of 52% of the border crossings surveyed had piped water supply, while 27% relied on other sources such as boreholes and tube wells, surface water, and some had no water source. Even if there was piped water, water supply was unreliable. Some border crossings rely on rainwater and often face shortages during the dry season. Handwashing stations were available at almost all border crossings but some of them were not functioning and need repair.

(vi) A total of 63% of the border crossings reported shortages of PPE. While all border posts have masks, border staff and users do not always wear them. Several border crossings reported a need for an incinerator for waste management.

(vii) Handling of suspected positive patients was also an issue due to a lack of knowledge, isolation rooms not up to standard, inadequate testing equipment, unharmonized testing fees, and challenges in referral systems. Many port health staff work on short-term contracts and almost 43% of the border crossings had no medical or clinical officers. Another issue was how to send specimens and transport suspected patients since most borders rely on public transport, or otherwise use hospital ambulances.

(viii) There was a lack of knowledge and awareness related to the COVID-19 response among border staff and communities due to a lack of IEC materials and a lack of border community outreach by border offices. Some communities were not aware of proper prevention methods or believed in ineffective treatments.

(ix) In addition, border officials and officers who work on the frontline were observed to be under immense stress generally from the pressure of dealing with the pandemic amid constantly changing situations and requirements. Therefore, it was advised to provide psychosocial support and opportunities to discuss not only biological aspects of the disease but also means of coping with stress.

Abbreviations: COVID-19 = Coronavirus 2019, EAC = East African Community, IEC = information, education, and communication, IPC = infection prevention control, PCR = polymerase chain reaction, PPE = personal protective equipment, RECDTS = Regional Electronic Cargo and Driver Tracking System
Sources: (i) Japan International Cooperation Agency and TA Networking Co., Ltd., *Regional Data Collection Survey and Piloting of Proposed Activities Aimed for the Prevention of Infectious Disease at Border Posts (BPs) in the EAC, Progress Report I*, prepared for the East African Community, November 2021; and (ii) Japan International Cooperation Agency and TA Networking Co., Ltd., *Regional Data Collection Survey and Piloting of Proposed Activities Aimed for the Prevention of Infectious Disease at Border Posts (BPs) in the EAC, Progress Report II*, prepared for the East African Community, January 2022

10.4 Procedures and Facilities for Testing

10.4.1 Testing

(1) Overall Considerations

Testing is part of a strategy to reduce the risk of infectious diseases entering a country. Currently, for many infectious diseases, only people with some symptoms or close contacts are eligible for testing, and it is not recommended to screen all patients, regardless of symptoms. On the other hand, COVID-19 is currently being tested in many countries for screening purposes in all cases.

The main considerations for testing are as follows:

(i) Securing testing sites and personnel;

(ii) Reviewing the sensitivity/specificity of the tests considered for use;

(iii) Considering how to inform test results, including negative certificates, and how to manage and share data with stakeholders;

(iv) Managing for both positive test results and false-positive results, including the implementation of retesting for false-positive results;

(v) Following up of scientific evidence; and

(vi) Reviewing test protocols based on (iv) and issues that emerge from actual operations.

(2) Test Kits to be Used

For COVID-19, both nucleic acid amplification tests (NAATs), including polymerase chain reaction (PCR) tests, and rapid diagnostic tests (RDTs) such as antigen tests, are possible candidates.[269] However, the type of test to be used should be determined in consideration of World Health Organization (WHO) guidelines and protocols, which are set for each disease. Antibody tests are not recommended for quarantine purposes. More detailed considerations follow:

[269] World Health Organization, *COVID-19 Diagnostic Testing in the Context of International Travel, Scientific Brief*, 16 December 2020 [available at https://www.who.int/publications/i/item/WHO-2019-nCoV-Sci_Brief-international_travel_testing-2020.1].

(i) Especially in the case of new infectious diseases such as COVID-19, various testing methods, including the PCR test, have been approved by WHO for emergency use. Since the status of emergency use permits and the scientific evidence for various tests changes daily, it is necessary to periodically review the most appropriate testing methods.

(ii) It is necessary to adopt an appropriate balance between the use of tests for diagnostic purposes for symptomatic individuals and its use as a screening test for close contacts and asymptomatic individuals when the availability of test kits is limited in some countries.

Training on PCR Systems for Laboratory Technologists from Nimule Hospital, South Sudan

Note: Training conducted in Elegu, Uganda.
Source: Japan International Cooperation Agency and TA Networking Co., Ltd., *Regional Data Collection Survey and Piloting of Proposed Activities Aimed for the Prevention of Infectious Disease at Border Posts (BPs) in the EAC, Progress Report II*, prepared for the East African Community, January 2022, p. 37

(3) Pre-Screening

Pre-testing can reduce the probability of a traveler contracting a disease while traveling and spreading it to others. Currently, COVID-19 requires pre-testing in many countries, but which infectious diseases should be subject to pre-testing depends largely on the route of transmission, infectivity, and virulence of the infectious disease, which must be verified on a case-by-case basis.

General pre-screening methods for COVID-19 have been recommended by the International Civil Aviation Organization (ICAO) and WHO.[270] In general, testing 48 hours before departure is recommended because (i) the incubation period is 2-12 days (95% of cases), with a median of 5-6 days; (ii) viral load is the highest 48 hours before the onset of symptoms; and (iii) the sensitivity of being positive is the highest at 1-3 days (24-72 hours) before the onset of symptoms. However, in practice, operations vary significantly from country to country (and carrier to carrier), with some countries setting the time limit at 72 hours or 96 hours, and some carriers (airlines) require two tests before boarding.

However, it should be noted that the same criteria do not apply to other infectious diseases because the incubation period and the period of the highest viral load vary depending on the infectious disease.

(4) Steps at the Time and Point of Entry

The following steps should be undertaken regarding the time and point of entry:

(i) Inspection sites should be established. Ideally, quarantine should be conducted at all ports, airports, and land borders, but it is not realistic to prepare personnel and supplies that can respond at all of these locations. In light of the epidemic situation in neighboring countries and other countries, and based on the resources that can be allocated to quarantine within the country itself, consideration should be given to consolidating quarantine sites.

[270] (i) International Civil Aviation Organization, *Manual on Testing and Cross-border Risk Management Measures, 1st edition*, 2020 [available at https://www.icao.int/safety/CAPSCA/PublishingImages/Pages/ICAO-Manuals/Manual%20on%20Testing%20and%20Cross-border%20Risk%20Management%20Measures.pdf]; and (ii) World Health Organization, *Recommendations for National SARS-CoV-2 Testing Strategies and Diagnostic Capacities, Interim Guidance*, 25 June 2021 [file:///C:/Users/BWinston/AppData/Local/Temp/WHO-2019-nCoV-lab-testing-2021.1-eng.pdf].

Depending on the infection situation and the availability of domestic resources, it may be helpful to shut down all international traffic, even for a short period.[271]

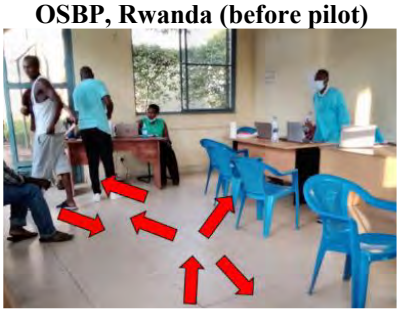
(ii) When entering the country in groups by means of transport, travelers with medical conditions should be identified inside the vehicle before arriving at the border, and they will need to be informed that medical interviews and examinations will be conducted at the point-of-entry inspection.

(iii) Port health officers will take the body temperature[272] of all passengers entering the country and assess their health status using a health status questionnaire. The content of the health condition questionnaire may vary depending on the expected disease, but generally questions ask about fever, cough, shortness of breath, and chills. In the case of gastrointestinal diseases, symptoms such as diarrhea may be included, and COVID-19-specific symptoms such as loss of sense of smell or taste may be included.

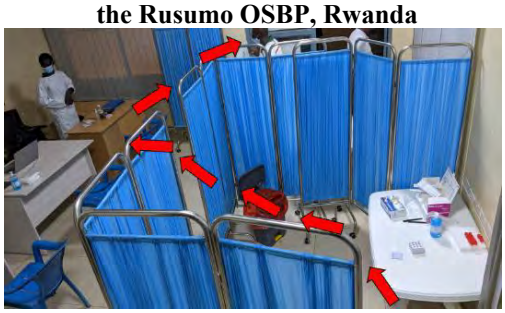
(iv) As a result of the assessment of the health status, those with symptoms and their close contacts will be examined and tested by a physician. The examination should be conducted in an appropriate place and by appropriately trained personnel. Although there is currently no internationally uniform standard for test results certificate (so-called negative certificates), it is necessary to use a format that is both convenient and accurate. If there is any doubt about the test results, it is desirable that they be verified (retested).

The following photographs show a pilot activity conducted on the Rwandan side of the Rusumo OSBP for the prevention of infectious disease by arranging the processing flow and controlling the number of people for screening and testing inside a screening room to reduce the risk of infection among travelers, drivers, and port health staff.

Screening Room at the Rusumo OSBP, Rwanda (before pilot)



Newly Arranged Screening Area and Flow at the Rusumo OSBP, Rwanda



Source: Japan International Cooperation Agency and TA Networking Co., Ltd., *Regional Data Collection Survey and Piloting of Proposed Activities Aimed for the Prevention of Infectious Disease at Border Posts (BPs) in the EAC, Progress Report II*, prepared for the East African Community, January 2022, p. 29

[271] That said, as stated in Section 4.5, "WHO has expressed reservations about border crossing bans to protect public health" [citing World Health Organization, *Updated WHO Recommendations for International Traffic in Relation to [the] COVID-19 Outbreak*, 29 February 2020]. Also, as stated in the section, "peer-reviewed medical research has found that border closures in Africa have had minimal effect on the incidence of COVID-19. Rather, implementation of other measures (e.g., enhanced testing capacity, improved surveillance) may be more effective." [citing Theophilus I. Emeto, Faith O. Alele, and Olayinka S. Ilesanmi, "Evaluation of the Effect of Border Closure on COVID-19 Incidence Rates across Nine African Countries: An Interrupted Time Series Study", *Transactions of The Royal Society of Tropical Medicine and Hygiene*, Volume 115, Issue 10, October 2021, pp. 1174-83, available at https://academic.oup.com/trstmh/article/115/10/1174/6159778].

[272] Screening for fever may not be sensitive enough to detect most COVID-19 cases in border settings, e.g., because thermal scanners and handheld thermometers measure skin temperature, which can be higher or lower than core body temperature. Travelers identified as having a fever through the use of thermal scanners could be tested with lateral flow tests that give rapid results. Japan International Cooperation Agency and TA Networking Co., Ltd., *Regional Data Collection Survey and Piloting of Proposed Activities Aimed for the Prevention of Infectious Disease at Border Posts (BPs) in the EAC, Progress Report I*, prepared for the East African Community, November 2021, p. 57.

10.4.2 Quarantine and Isolation

In addition to testing, many countries have established a quarantine/isolation period for people entering the country to prevent the importation of new infectious diseases. Since the details of the isolation method are to be handled by the medical institution, the description here focuses on the quarantine method.

(i) The main target of quarantine is close contact. The definition of close contact varies depending on the transmissibility, incubation period, and generation time of the virus. In addition, as seen with COVID-19, the target of the quarantine and the duration of quarantine may change even for the same virus depending on the epidemic situation in the country of origin (i.e., those who are coming from highly endemic regions are required to quarantine for a longer period, while those who are not coming from highly endemic regions will have relatively short quarantine periods) – these determinations should made based on the latest scientific knowledge available, while at the same time taking care to keep restrictions on personal freedom as minimal as possible.

(ii) In general, close contacts should be quarantined in a designated area for the designated period, and if necessary the person(s) may be kept under health status monitoring. Health status monitoring refers to a situation in which a person is allowed to return to his or her home and go about daily life, but the person's health status is periodically monitored by local medical personnel through telephone calls and/or mobile applications.

(iii) Since quarantine restricts an individual's activities for several days, human rights should be taken into consideration. The scope of persons subject to quarantine as well as the length of quarantine should be minimized based on the latest scientific knowledge at the time of the decision (generally, travelers on the same itinerary, i.e., those who traveled on the same means of transport, are often subject to quarantine).

(iv) In the case of COVID-19, many countries have uniformly quarantined people when entering the country due to the high infectivity and pathogenicity of the disease. The period of quarantine varies from country to country and depends on the prevalence of the infection at the place of origin of the person to be quarantined, but most countries have a minimum quarantine period of three days and a maximum of two weeks.

(v) The place(s) of quarantine should be set up according to the symptom(s) and risks of the severely ill. For severe cases or high-risk cases, healthcare facilities are preferable, while for mild or asymptomatic cases, an isolation facility would be fine. In the latter case, travelers could be isolated in a comfortable facility such as a designated hotel (without hygiene problems) where they could spend as much time as necessary with less physical and mental burden.

(vi) From the viewpoint of minimizing contact between the persons who are quarantined, it is desirable that the room be equipped with a toilet, bathing facilities, and the like, to provide for the minimum of personal daily needs (in principle, one room should be provided for one person or one family). In selecting a quarantine place, it is desirable to consider the convenience of the entry place (i.e., convenient access to transportation), and the means of transport from the place of entry to the quarantine place should be decided in advance.

(vii) Even if a person is not subject to quarantine, consideration should be given to subjecting him/her to health monitoring as necessary. Health monitoring may include (a) refraining from going outside for a certain period of time, (b) reporting daily health status through

a phone call and/or mobile application, and (c) reporting any health problems or abnormalities to local health authorities if they are newly emerging.

Isolation Facility at the Kodjoviakopé (Lomé) Border Crossing (Togo/Ghana)

Inside Isolation Facility at the Kodjoviakopé (Lomé) Border Crossing (Togo/Ghana)

Source: Photographs taken by JICA Advisor during the the JICA/IOM Data Collection Survey visit in Togo, December 2021

10.4.3 Facilities

If there are diseases subject to quarantine, it is first necessary to determine whether they can be handled in normal port health and immigration operations, or whether they require additional (large) investment of resources, as in the case of COVID-19. Ideally, quarantine should be carried out at all borders (i.e., land borders such as OSBPs, as well as ports and airports), but it is not realistic to prepare personnel and supplies for all of these locations, especially in cases such as COVID-19, where any person entering the country may be subject to testing and quarantine. Based on the epidemic situation in neighboring countries and other countries, and based on the resources that can be allocated to quarantine in the home country, consideration should be given to consolidating quarantine sites.

In addition, even if quarantine sites are consolidated, it will be difficult to use normal flow lines in cases such as COVID-19, where all persons may be subject to testing and quarantine, and it will be necessary to create different flow lines for managing COVID-19.

In the event of a global epidemic, the point of entry is one of the riskiest places for the spread of infection. Therefore, it is necessary to take the utmost care to prevent the further spread of infection at the quarantine point. Specifically, the following measures should be implemented at quarantine sites:

(i) Enhanced cleaning and disinfection, contactless boarding/baggage processing, use of physical barriers, and sanitization within the facility;

(ii) Physical (“social”) distancing within the facility and in the means of transport, use of face coverage or masks, and separation between passengers on board when feasible;

(iii) Adjustment of food and beverage services to reduce contact, and control of access to washrooms to minimize contact, and

(iv) Limitation of exposure of border officials and crew members to infection.

It is also essential to ensure the safety of those involved in quarantine operations. Personnel involved in testing and quarantine operations should be provided with masks and other personal protective equipment (PPE), as appropriate. If there is a suspicion that a staff member has been

infected, the staff member should be examined promptly at the quarantine station, and if necessary, the staff member should be quarantined or transported to an appropriate medical institution.

10.4.4 Vaccination

(1) Vaccination for COVID-19

Table 10-1 lists vaccines for COVID-19 that were available as of December 2021.

Table 10-1: Available Vaccines for COVID-19, December 2021

Novavax (NVX-CoV2373)	Serum Institute of India (COVAVAX)
Moderna (mRNA-1273)	Pfizer/BioNTech (BNT162b2)
Janssen (Johnson & Johnson) (Ad26.COV2.S)	Oxford/AstraZeneca (AZD1222)
Serum Institute of India (Covishield)	Bharat Biotech (Covaxin)
Sinopharm (BBIBP-COrV)	Sinovac (CoronaVac)

Source: *World Health Organization COVID-19 Vaccine Tracker*, 21 December 2021 [available at https://covid19.trackvaccines.org/agency/who/]

Globally, the total of COVID-19 vaccination doses was 11.66 billion as of mid-April 2022, but the proportion of doses administered varies widely. For most COVID-19 vaccines at least two doses are recommended, but in the African region as a whole, 15.8% had received two doses as of mid-April 2022.[273]

Many countries are now requiring proof of COVID-19 vaccination (at least two doses of vaccine), called a vaccine passport. However, some countries are now recommending three doses of vaccination due to the need to respond to new variants and based on the duration of antibody titers.[274] Mandatory vaccination is a measure to mitigate the risk of importation of the virus into a country. In such a case, two (or three) doses of vaccination may be required, and consideration may be given to a relatively flexible testing and quarantine policy depending on individual vaccination status. However, that there is still no agreement on the final interval at which a vaccination will be required. While many countries require a minimum of two doses at this time, this may change in the future.

(2) Vaccination for Other Infectious Diseases

In general, it would be useful to remind people entering the country about the importance of receiving the following vaccinations in advance. This will not only prevent unnecessary outbreaks of infectious diseases in the country, but also avoid placing additional burden on the health care delivery system if a person develops one of these diseases while in the country. Table 10-2 presents the vaccinations recommended by WHO for international travelers.

[273] WHO [World Health Organization] Coronavirus Dashboard, https://covid19.who.int/, 12 May 2022.
[274] An antibody titer is a measurement of how much antibody an organism has produced that recognizes a particular epitope (i.e., an antigenic determinant).

Table 10-2: Vaccinations Recommended for International Travelers

Category	Rationale	Types of Vaccine
1. Vaccine recommended for certain destinations	These vaccines are recommended to provide protection against diseases endemic to the country of origin or of destination. They are intended to protect travelers and to prevent disease spread within and between countries.	• Cholera • Hepatitis A and/or E • Meningococcal • Polio (adult booster dose) • Typhoid fever • Yellow fever • Rabies • Tick-borne encephalitis
2. Vaccines demanded by certain countries	Some countries require proof of vaccination for travelers. wishing to enter or exit the country.	• Polio vaccine • Yellow fever vaccine • Meningococcal vaccine

Source: World Health Organization, International Travel and Health, *Vaccine-Preventable Diseases and Vaccines, Chapter 6, 2019* [available at https://cdn.who.int/media/docs/default-source/documents/emergencies/travel-advice/ith-travel-chapter-6-vaccines_cc218697-75d2-4032-b5b7-92e0fa171474.pdf?sfvrsn=285473b4_4&download=true]

Special attention in Africa should be paid to yellow fever. Currently, as shown in Figure 10-1, the following countries in Africa require yellow fever vaccination: Angola, Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Republic of Congo, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, South Sudan, Sudan, Togo, and Uganda.[275] When entering any of these countries or entering a third country via any of these countries, people will be asked to present a yellow fever vaccination certificate, which preferably should be done in advance.[276]

Figure 10-1: African Countries Requiring Yellow Fever Vaccination

Source: World Health Organization, Yellow Fever, December 2021 [available at https://www.who.int/health-topics/yellow-fever#tab=tab_1]

[275] World Health Organization, United Nation's Children Fund, and GAVI Vaccine Alliance, *A Global Strategy to Eli minate Yellow Fever Epidemics (EYE)* 2017-2026, 2018 [available at https://www.who.int/publications/i/item/9789241513661].

[276] Yellow fever vaccinations are administered at some borders (especially airports), although it is usually considered to require 10 days after the vaccination for effective immunity.

10.5 Facilitation of Trade and Transport during Pandemics

10.5.1 Importance of Facilitating Trade and Transport during Pandemics

The COVID-19 pandemic (an ongoing but not necessarily the last pandemic) – while above all a public health crisis – has brought about unprecedented economic challenges and impacts on cross-border trade globally and in Africa. To contain spread of the virus, many countries have introduced various restrictions even with limited planning and coordination especially at the earlier times of crisis. While containment measures (e.g., closure of land and maritime borders, mandatory quarantine for entrants into the country) reduced infections and deaths, they have had a negative impact on cross-border trade and economic activity.

Following the lockdowns, travel bans, and border closure and restricted movement enforced in March 2020, intra-African trade and African exports to the rest of the world sharply decreased in April 2020.[277] In response, WHO warned that restrictions on the movement of people and goods may interrupt needed aid and technical support, may disrupt businesses, and may have negative social and economic effects on the affected countries, and therefore it advised that restrictions must be based on a careful risk assessment, be proportionate to the public health risk, be short in duration, and be reconsidered regularly as the situation evolves.[278] The World Customs Organization (WCO) and the International Road Transport Union then jointly encouraged customs administrations to take several actions, e.g., ensure coordinated cross-border interventions in cooperation with other border agencies and implement international standards, as appropriate; designate priority (green) lanes for commercial vehicles to reduce border waiting times and introduce other measures to ensure supply chain continuity; avoid closing borders to the international transport of goods, particularly for relief goods and personnel and essential goods[279]; and avoid unnecessary checking of commercial vehicles at borders.[280] *WCO Guidelines on Disaster Management and Supply Chain Continuity: Responding to the COVID-19 Pandemic and Preparing to Tackle Future Disruptive Events* (June 2021) – prepared with support of the Ministry of Foreign Affairs, Japan – sets out what customs administrations need and can do in the preparedness, response phase, and recovery phases.[281] Also, the use of advanced technologies

[277] United Nations Economic Commission for Africa, *Facilitating Cross-Border Trade through a Coordinated African Response to COVID-19*, July 2020 [available at https://repository.uneca.org/handle/10855/43791].

[278] World Health Organization, *Updated WHO Recommendations for International Traffic in Relation to COVID-19 Outbreak*, 29 February 2020 [available at https://www.who.int/news-room/articles-detail/updated-who-recommendations-for-international-traffic-in-relation-to-covid-19-outbreak].

[279] Particularly, COVID-19 vaccines require special end-to-end supply cold chain requirements, from manufacture to transport to warehouses and healthcare facilities. To sustain production, minimize waste, and for vaccines to reach target populations, an efficient and resilient vaccine supply chain assisted by temperature monitoring technologies is necessary. Mathumalar Loganathan Fahrni, Intan An-Nisaa' Ismail, Dalia Mohammed Refi, Norliana Che Yaakob, Kamaliah Md Saman, Nur Farhani Mansor, Noorasmah Noordin, and Zaheer-Ud-Din Babar, "Management of COVID-19 Vaccines Cold Chain Logistics: A Scoping Review", *Journal of Pharmaceutical Policy and Practice*, Volume 15, Article 16, 2 March 2022 [available at https://doi.org/10.1186/s40545-022-00411-5].

[280] World Customs Organization and International Road Transport Union, *Responding to the Impacts of COVID-19 on Cross-Border Transport, Joint Statement*, 12 May 2020 [available at www.wcoomd.org/en/media/newsroom/2020/may/joint-wco-iru-statement-on-responding-to-the-impacts-of-covid-19-on-cross-border-transport.aspx].

[281] Available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/natural-disaster/guidelines-disaster-management_en.PDF?la=en. Reference is made to OSBPs: "If disruptive events occur, the OSBP can be of great help in expediting the movement of essential, relief and other goods as well, thus ensuring supply chain continuity. It can also help in protecting staff, by limiting physical contact in particular, exchanging information on controls, allowing the shared use of non-intrusive inspection equipment, and coordinating working hours and the physical presence of customs and other border agency staff from both countries." World Customs Organization, *WCO Guidelines on Disaster Management and Supply Chain Continuity: Responding to the COVID-19 Pandemic and Preparing to Tackle Future Disruptive Events,* June 2021, subsection 7.2.4, pp. 44-45. In addition, the WCO, in cooperation with WHO, issued *Harmonized System (HS) Classification Reference for Covid-19 Medical Supplies*., June 2020 [available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/

such as data analytics, non-intrusive inspection equipment, artificial intelligence, and facial recognition technology, are encouraged since this helps avoid physical contact in processing, which prevents the spread of the disease and protects border agency staff, and ensures the continuity and safety of operations.

After COVID-19 cases were detected in Africa in early 2020, many African governments introduced measures to contain the spread of the disease by closing borders and restricting movements of both goods and persons. For example, ECOWAS member states instituted travel restrictions in response to the pandemic, with many closing their borders entirely, causing significant disruptions to cross-border trade in the region, particularly along major routes such as the Cotonou–Niamey, Lomé–Ouagadougou, and Abidjan–Lagos corridors. Many countries in West Africa suspended all cross-border trade on foot but allowed large freight trucks to cross the border at night. Many countries have also mandated strict health checks without adding necessary personnel, which has increased the time taken to deliver goods.[282] However, since it is necessary to import and transfer medical supplies, foodstuffs, and other essential goods and services, national governments and the regional economic communities (RECs) have considered ways and means to balance movement restrictions and maintenance of supply chains.

Box 10-2 discusses challenges faced by truck drivers during the COVID-19 pandemic and governmental responses, drawing on the case of the East African Community (EAC).[283]

Box 10-2: Challenges Faced by Truck Drivers during the COVID-19 Pandemic and Governmental Responses – The Case of the East African Community

In 2020, the EAC Secretariat issued Resolution EAC/JMHE/Decision/002, which affirmed the need "to minimize cross-border movements of people while facilitating free movement of goods and services in the EAC region". Also in 2020, the EAC developed a *COVID-19 Response Plan* to support and help coordinate the regional response to the pandemic. Among other thing, it emphasized the need to mitigate the negative economic impacts on businesses, especially micro, small, and medium enterprises (MSMEs), by promoting and utilizing locally made products as much as possible.

This Response Plan recognized the significance of the role played by officers at border crossings in containing the spread of the virus and left the responsibility of border management largely to the Partner States, each of which responded differently. In particular, truck drivers faced various challenges during the pandemic. Although they were identified as essential service workers who would be allowed to cross borders after testing negative for COVID-19, they often faced delays and harassment by security forces at borders and were stigmatized from being classified as virus carriers both by government agencies and local communities. Another challenge was a lack of trust in testing results performed in other countries, which further exacerbated delays in border clearance processes and increased the costs of goods due to delays. These issues led to long queues since the truck drivers had to undergo an additional test and wait for the result, hand over their cargo at the border, or change drivers at the border. As a result, for example, in mid-2020 the time required to transport goods from Mombasa to Kampala increased from 7 to 12 days. Similarly, the cost of transport from

nomenclature/covid_19/hs-classification-reference_edition-3_en.pdf?la=en]. This HS classification list has been and will be updated as needed.

[282] United Nations Economic Commission for Africa, *Facilitating Cross-Border Trade through a Coordinated African Response to COVID-19*, July 2020 [available at https://repository.uneca.org/handle/10855/43791], p. 15.

[283] In 2020 about 90 customs administrations reported to the WCO on their measures to facilitate the cross-border movement of relief and essential supplies, support the economy and sustain supply chain continuity, protect staff, and protect society. World Customs Organization, *WCO Secretariat Note: What Customs Can Do to Mitigate the Effects of the COVID-19 Pandemic: Highlights of WCO Members' Practices*, 29 May 2022 [available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/natural-disaster/covid_19/covid_19-categorization-of-member-input_may-29-2020_edition-4_en.pdf?la=en].

Mombasa to Kampala increased from USD 2,100 to USD 2,500 in mid-2020. Due to border closures and restricted movements, cargo flows along the Northern Corridor decreased by 30%.

In May 2020 the EAC Heads of State issued a communique that included a decision to adopt a harmonized system for certification and sharing of COVID-19 test results among Partner States, and directed immediate work on a regional mechanism for COVID-19 testing, certification, and monitoring of truck drivers. Guidance developed by international organizations recommended testing at different stages of the journey (i.e., pre-departure, at points of entry, and within the different countries transited). In response, the EAC developed a digital surveillance and tracking system for drivers and crew on COVID-19 status – this regional electronic cargo and driver tracking system (RECDTS), which was built upon the existing regional electronic cargo tracking system (RECTS), was designed to share health information of truck drivers among Partner States. The system requires truck drivers to upload an application on their mobile telephones, which allows users to share information across borders in a transparent manner. This has helped to significantly fast track the clearance of trucks and reduce border crossing queues.

Sources: (i) EAC Secretariat, *East African Community COVID-19 Response Plan*, April 2020 [available at https://www.eac.int/press-releases/147-health/1721-eac-unveils-covid-19-response-plan]; (ii) Calvince Omondi Barack and Gerishon Barack Munga, "Covid-19 and Border Restriction Policies: The Dilemma of Trans-Border Truck Drivers in East Africa", *Journal of Governance and Accountability Studies*, ISSN 2774-6739, Vol 1, No 1, 2021, pp. 55-67) [https://goodwoodpub.com/index.php/jgas/article/view/466/153]; (iv) Simon Mkina, Godfrey Kimono, and David Mono Danga, "On the Road with East African Truck Drivers", *Mail and Guardian*, 1 June 2020 [available at https://mg.co.za/africa/2020-06-01-on-the-road-with-east-african-truck-drivers/]; (v) *Federation of East African Freight Forwarders Associations* and Shippers Council of East Africa, "Impact of COVID-19 on Transport and Logistics Sector in East Africa", African Economic Research Consortium Working Paper – COVID 19_015, September 2021, p. 6 [available at https://aercafrica.org/wp-content/uploads/2021/10/AERC-Working-Paper-COVID-19_015.pdf]; and (vi) International Organization for Migration, COVID-19 Testing for Truck Drivers Helps Open Trade in IOM-TMEA Partnership [available at https://www.iom.int/news/covid-19-testing-truck-drivers-helps-open-trade-iom-tmea-partnership]

10.5.2 Continental and Regional Guidelines for Trade and Transport Facilitation during the COVID-19 Pandemic

Several continental and regional guidelines for trade and transport facilitation during the COVID-19 pandemic were adopted in 2020-2021, as shown in Box 10-3.[284]

SADC was the first to adopt guidelines, on 6 April 2020, calling for measures to harmonize and facilitate the movement of critical goods and services across the region during the COVID-19 pandemic; these guidelines were updated on 23 June 2020. The EAC guidelines were signed and published by the EAC Regional Coordination Committee on COVID-19 Response on 24 April 2020, although they have not been officially adopted by the Partner States. On 14 May 2020, the ministers responsible for commerce, trade, and industry in the COMESA region agreed on a set of guidelines to facilitate coordination and uniform application of measures across borders, while ensuring public safety and safe trade; the COMESA guidelines were formulated considering the COVID-19 guidelines developed by the EAC and SADC to ensure consistency. The ECOWAS Ministerial Coordinating Committee published guidelines on 17 June 2020.[285]

[284] While standardized regional or continental COVID-19 prevention measures are ideal, it has been observed that implementing them is difficult because the situation regarding COVID-19 varies by country and some countries change their rules or regulations suddenly depending on emerging events. Since there may be no definitive answers for now, there may be a need to eventually consider better solutions for border facilitation during pandemics. *Validation Workshop for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 9 May 2022, p. 5.

[285] The ECOWAS guidelines were scheduled to be presented to the ECOWAS Summit for adoption at the Heads of State level.

All these regional guidelines emphasize the importance of facilitating trade in a "safe" environment, including screening, testing, and appropriate sanitary, quarantine, and physical ("social") distancing procedures and facilities. Most guidelines encourage the use of digital means to support the transition to safe trade.

The UNECA and AU continental guidelines – (vii) in the list in Box 10-3 – were first drafted on 27 November 2020 at a meeting of directors general of customs administrations organized by the AU, and were revised on 10 February 2021 based on feedback from development partners and stakeholders including the AU, the Africa Centres for Disease Control and Prevention (ACDC), WHO, WTO, and UNCTAD. At least to some extent, they subsume the good and best practices developed at the regional level, e.g., as listed in (i) to (vi) in the list in Box 10-3. Box 10-4 presents a summary of these continental guidelines on trade and transport facilitation during the COVID-19 pandemic.[286]

Box 10-3: Continental and Regional Guidelines for Trade and Transport Facilitation during the COVID-19 Pandemic (in chronological order)

(i) East African Community, EAC Administrative Guidelines to Facilitate Movement of Goods and Services during the COVID-19 Pandemic, April 2020

(ii) (a) Southern African Development Community, SADC Guidelines on Harmonization and Facilitation of Cross-Border Transport Operations across the Region during the COVID-19 Pandemic, SADC/C-EM/1/2020/4, 6 April 2020, and (b) Southern African Development Community, SADC Guidelines on Harmonization and Facilitation of Cross-Border Transport Operations across the Region during the COVID-19 Pandemic, Revision No. 1, SADC/CM-EM/3/2020/2A, 23 June 2021

(iii) Common Market for Eastern and Southern Africa, Guidelines for the Movement of Goods and Services across [the] COMESA Region during the COVID-19 Pandemic, adopted by the 8th Extra-Ordinary Council of Ministers' Meeting, 14 May 2021

(iv) Economic Community for West African States, ECOWAS Guidelines for the Harmonization and Facilitation of Cross-Border Trade and Transport in the ECOWAS Region on the COVID-19 Pandemic and Related Post-Recovery Actions, 17 June 2020

(v) Southern African Development Community, Regional Standard Operating Procedures for Management and Monitoring of Cross Border Road Transport at Designated Points of Entry and Covid-19 Checkpoints, SADC/CM-EM/3/2020/2B, 23 June 2020

(vi) Tripartite of COMESA, EAC, and SADC, Trade and Transport Facilitation for the Movement of Persons, Goods and Services across the Tripartite Region during the COVID-19 Pandemic, TP/EO-TC/01/2020/3, 29 July 2020

(vii) United Nations Economic Commission for Africa [UNECA] and the African Union [AU], Continental Guidelines on Trade and Transport Facilitation for the Movement of Persons, Goods and Services across Africa during the COVID-19 Pandemic, 10 February 2021.

Source: Compilation of continental and regional guidelines by this Sourcebook [there is also a review in International Organization for Migration and Japan International Cooperation Agency, *Data Collection Survey on Enhancing Border Facilitation and Strengthening Border Public Health Capacity in West Africa Responding to Infectious Disease/COVID-19, Inception Report*, November 2021]

[286] Subsection 8.4.14 noted that considering the changeable nature of the threats, and the time needed to establish a regional or continental legal framework, a guidelines approach may be appropriate. The Continental Guidelines state that they are adopted as "minimum uniform regulations, procedures and standards in order to reduce the spread of COVID-19, minimize disruptions in the supply chain, and facilitate the movement of goods and services across the continent during the COVID-19 pandemic period." United Nations Economic Commission for Africa and the African Union, *Continental Guidelines on Trade and Transport Facilitation for the Movement of Persons, Goods and Services across Africa during the COVID-19 Pandemic*, 10 February 2021, Annex, p. 5 [available at https://repository.uneca.org/bitstream/handle/10855/46122/b11995476.pdf?sequence=1&isAllowed=y].

Box 10-4: Continental Guidelines on Trade and Transport Facilitation for the Movement of Persons, Goods, and Services across Africa during the COVID-19 Pandemic

On 10 February 2021, the United Nations Economic Commission for Africa and the African Union prepared guidelines and standard operating procedures for the management and monitoring of cross-border road transport at designated points of entry and COVID-19 checkpoints.

The main objectives of the guidelines are to:

(i) mitigate the effects of the COVID-19 pandemic and other such threats from a public health perspective, by containing the spread of such threats until a treatment or a vaccine is made widely available;

(ii) mitigate the effects of the COVID-19 pandemic from an economic perspective, through the safe facilitation of cross-border trade in goods and services amid the public health crisis, while not exacerbating the spread of the disease;

(iii) facilitate the movement of essential goods, such as food products, energy products, and medical supplies, and facilitate essential travel (including for the provision of essential goods), to guarantee the attainment of basic human rights amid any economic or public health crisis; and

(iv) ensure a harmonized continental approach to facilitating trade during the COVID-19 pandemic and advance coordination and implementation of common guidelines.

There were also several secondary (but important) objectives (e.g., building on currently existing REC guidelines and expanding their scope to offer a harmonized approach to trade facilitation on the continent, while adopting "best practices" from within and outside the continent to optimize trade flow across borders, while limiting the transmission of COVID-19; encouraging local production and the creation of regional value chains; promoting the efficient utilization of existing trans-African highways, by taking steps to adopt the SMART [Safety, Mobility, Automated, Real-time Traffic Management] corridor concept and to operationalize the Africa Trade Corridor, to facilitate the movement of essential goods and services across the continent and support economic recovery).

The guidelines cover essential goods and services, trade and transport facilitation, land borders (e.g., cross-border road freight transport operations, gazetted transit routes, facilitation of small-scale cross-border trade, cross-border road passenger transport, public health considerations at land borders), and the adoption of measures to facilitate trade and movement and to reduce physical contact (e.g., facilitation of trade through the simplification of payments and the adoption of digital technology).

An annex to the document presents continental standard operating procedures for the management and monitoring of cross-border transport at designated points of entry and COVID-19 checkpoints.

The procedures cover the requirements that drivers and crew members must meet at each stage or phase of a cross-border trip:

- ✧ before exiting the Member State of departure;
- ✧ **upon entering the Member State(s) of transit or destination;**
- ✧ **upon arriving at the Member State of destination;**
- ✧ as part of the management of drivers, crew members, and passengers while in the Member State of destination;
- ✧ **upon departing the Member State of destination**; and
- ✧ at checkpoints.

Source: Extracted from United Nations Economic Commission for Africa and the African Union, *Continental Guidelines on Trade and Transport Facilitation for the Movement of Persons, Goods and Services across Africa during the COVID-19 Pandemic*, 10 February 2021 [available at https://repository.uneca.org/bitstream/handle/10855/46122/b11995476.pdf?sequence=1&isAllowed=y]

Detailed measures are provided for entering the Member State(s) of transit or destination, arriving in the Member State of destination, and departing the Member State of destination (shown in bold in Box 10-4). For example, Box 10-5 presents the measures upon arriving in the country of destination.

Box 10-5: COVID-19 Measures on Entering Country of Transit or Destination (Example)

- Health officials will complete the COVID-19 control forms and clear drivers and crew members after symptom-and-temperature screening of all persons aboard a vehicle, using a thermal gun or thermal scanners.
- All persons aboard a vehicle should be cleared and given duplicates of the control forms to carry with them until trip completion.
- Health officials will provide drivers a trip/log sheet that indicates the designated stop points/truck stops, which drivers will complete as they travel along the route/corridor and present at the point of exit or at a quarantine facility.
- Member States will provide drivers a map or a list of truck stops, roadside stations and other designated stops along corridors/routes that includes their GPS coordinates.
- Health officials will provide drivers and crew members materials to educate them on the prevention and control of COVID-19, including toll-free numbers to call for more information on COVID-19 and related support services.
- Drivers and crew members should present the duplicates of the completed COVID-19 control forms to immigration, customs, and security officers before leaving the point of entry and at any checkpoint within the country of transit or destination.
- Member States may opt to perform random testing of drivers and crew members presenting negative test certificates for quality assurance purposes.
- Any vehicle in which the driver or a crew member tests positive for COVID-19 or is assessed as having COVID-19 symptoms must be disinfected by health officials at the cost of the transport operator.
- All drivers and crew members will observe infection prevention and control measures and wear face masks while in transit, as appropriate.
- Trucks must stop only at designated stops, as stated on the list / map of truck stops provided by the authorities upon entering the country.

Source: Extracted from United Nations Economic Commission for Africa and the African Union, *Continental Guidelines on Trade and Transport Facilitation for the Movement of Persons, Goods and Services across Africa during the COVID-19 Pandemic*, 10 February 2021, Annex I, Part IV, b, pp. 28-29 [available at https://repository.uneca.org/bitstream/handle/10855/46122/b11995476.pdf?sequence=1&isAllowed=y]

10.5.3 Good Practices for Facilitating Trade and Transport during Pandemics

While COVID-19 may become the "new normal" for some time, governments in Africa still need to adapt and innovate to facilitate cross-border trade and transport, and unlock new business opportunities. In the transition to the "new normal" with COVID-19, effective and efficient border management will play a more crucial role in crafting new, innovative business environments and resilient African value and supply chains. Cooperation and coordination will be necessary for

countries to adopt harmonized approaches to pandemic border control and facilitate trade (i.e., to reduce delays and challenges), while not undermining the public safety. The RECs will play an important role in sharing information and coordinating pandemic responses of their member states, with a view to facilitating the free and timely flow of cross-border trade.[287]

On the positive side, research by UNECA has indicated that intra-African exports have been more resilient compared to Africa's exports to the rest of the world.[288] This finding highlights the importance of further developing competitive and diversified intra-African value and supply chains in accordance with the spirit of the African Continental Free Trade Area (AfCFTA). Some good practices in cross-border trade were noted in the SADC region. For example, Botswana and Zambia cooperated to clear traffic that had built up at Kazungula by joint clearance and collaboration between border agencies and the use of the then temporarily constructed bridge; the Democratic Republic of Congo and Zambia collaborated in clearing traffic that had built up at Kasumbalesa, by simulating OSBP operational modalities, by allowing officers to operate jointly from one another's territory, and opening an additional road connection between the two countries.[289]

The Democratic Republic of Congo, Rwanda, and Uganda – with support from the Great Lakes Trade Facilitation Project – have engaged stakeholders to formulate innovative means of trading across the borders of the three countries, where many small traders transport foodstuffs. Cross-border traders' associations, on behalf of the small traders, order consignments in bulk, and - similar goods from either side of the borders are packaged and moved across the border using joint means of transport. This practice has reduced the risk of COVID-19 transmission, allowing for safe trade.[290] As cross-border traders are usually dependent on such small-scale trade and have been negatively affected by sudden border closures and are unable to purchase supplies for their businesses, this kind of measure should be further explored to implement "win-win" solutions for both traders and consumers.[291]

Use of ICT is also encouraged since it reduces physical contact and thereby minimizes the risk of the spread of diseases. Some notable initiatives are outlined as follows:

(i) The **World Bank** has recommended the use of digital technologies and the implementation of processes such as pre-registration and pre-arrival clearance of consignments to enable a trader to register and enter goods for clearance on a mobile application in advance of arriving at the border, which can reduce clearance times, reduce human-to-human contact, and allow for the collection of data on goods being imported and exported.[292]

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[287] United Nations Economic Commission for Africa, *Facilitating Cross-Border Trade through a Coordinated African Response to COVID-19*, July 2020, p. 8 [available at https://repository.uneca.org/handle/10855/43791].
[288] Source in previous footnote, p. 3.
[289] Source in previous footnote, p. 20, Box 6 [citing Southern African Development Community, *SADC Regional Response to COVID-19 Pandemic, Bulletin No. 6*, 2020].
[290] Common Market for Eastern and Southern Africa, *Small Cross Border Traders Adopt New Business Tactics to Manage Pandemic Restrictions*, 25 May 2020 [available at www.comesa.int/covid-19-small-cross-border-traders-adopt-new-business-tactics/].
[291] This "trading in clusters" or group trade modality is now considered a long-term mechanism to facilitate small-scale trade and enable the evolution of associations into viable enterprises that may add value to traded goods. Nyembezi Mvunga and Charles Kunaka, *Eight Emerging Effects of the COVID-19 Pandemic on Small-Scale Cross-Border Trade in the Great Lakes Region*, World Bank Group, 17 February 2021, p. 5, footnote 5 [available at https://openknowledge.worldbank.org/bitstream/handle/10986/35159/Eight-Emerging-Effects-of-the-COVID-19-Pandemic-on-Small-Scale-Cross-Border-Trade-in-the-Great-Lakes-Region.pdf?sequence=5&isAllowed=y].
[292] Source in previous footnote, p. 8.

(ii) The **Trusted-Travel Initiative of the AU/ACDC** provides (i) information on the latest travel restrictions and entry requirements applicable to the entire stretch of a passenger's trip, (ii) a database of authorized laboratories and vaccination compliance information, (iii) the ACDC "mutual recognition protocol" for COVID-19 testing and test results, and vaccination certificates (including yellow fever and a future COVID-19 vaccine); and (iv) simplified health-related immigration processing for travelers and port officials. The information is supplied by AU Member States and validated by the ACDC.[293]

(iii) **COMESA** has launched an online platform to exchange information on the availability of essential products and member states are required to publish electronically any newly introduced trade and customs-related measures in response to the pandemic.

(iv) The **EAC** has launched the Regional Electronic Cargo and Driver Tracking System (RECDTS), which is designed as a mobile phone application and enables the issuance of EAC COVID-19 digital certificates, which are mutually recognized by EAC Partner States, thus eliminating the need for multiple testing as well as reducing congestion at East African border crossings.

In addition, regional customs transit guarantee (RCTG) schemes (e.g., as implemented by COMESA) can productively be adopted and rolled out in more countries to reduce the burden and time for traders to post national bonds at each border. The African Export-Import Bank (Afreximbank) is working with the AU to develop a Pan-African Payments and Settlements System for trade transactions in local currencies within the AfCFTA. The Afreximbank is also developing an African Collaborative Transit Guarantee Scheme, which will provide a single transit guarantee that will facilitate the movement of goods across the continent.[294]

Over the intermediate to long turn, solutions may include (i) a move from traditional paper passports and travel documents to digital-based ones, e.g., digital passports, which would allow integrating sensitive and medical records (including vaccination history), which for reasons of privacy and personal data protection reasons would need to be highly secured; (ii) the use of artificial intelligence in border management, which helps avoid physical contacts in situations when physical distancing is necessary to prevent infections; (iii) increased use of contactless equipment (e.g., fingerprint scanners, facial recognition cameras) and robotic voice commands to enhance the health security of both border officers and travelers; and (iv) advanced use of automated border controls (e.g., e-gates), to read medical data in a secured manner, and equipped with body temperature measuring devices, which could provide an early warning system to enable the timely implementation of necessary precautions in a timely manner.[295,296]

[293] https://africacdc.org/trusted-travel/.

[294] (i) United Nations Economic Commission for Africa, *Facilitating Cross-Border Trade through a Coordinated African Response to COVID-19*, July 2020, p. 26 [available at https://repository.uneca.org/handle/10855/43791]; and (ii) Ndubuisi Michael Obineme, **"**Afreximbank Partners with AU to Develop Pan-African Payment System under AfCFTA", *The Energy Republic* [available at https://theenergyrepublic.com/afreximbank-partners-au-to-develop-pan-african-payment-system-under-afcfta/].

[295] Borut Eržen (Head of Border Management and Security Programme), Monika Weber (Project Manager), and Sandra Sacchetti, International Centre for Migration Policy Development (Vienna, Austria), *How COVID-19 is Changing Border Control*, 16 April 2020 [available from https://www.icmpd.org/news/how-covid-19-is-changing-border-control].

[296] In early 2022, the EAC was developing its EACPass, which can upload negative COVID-19 test results and records of COVID-19 vaccinations into a mobile application, allowing for digital certificates to be presented throughout the region. https://eacpass.eac.int/about.html#howitworks.

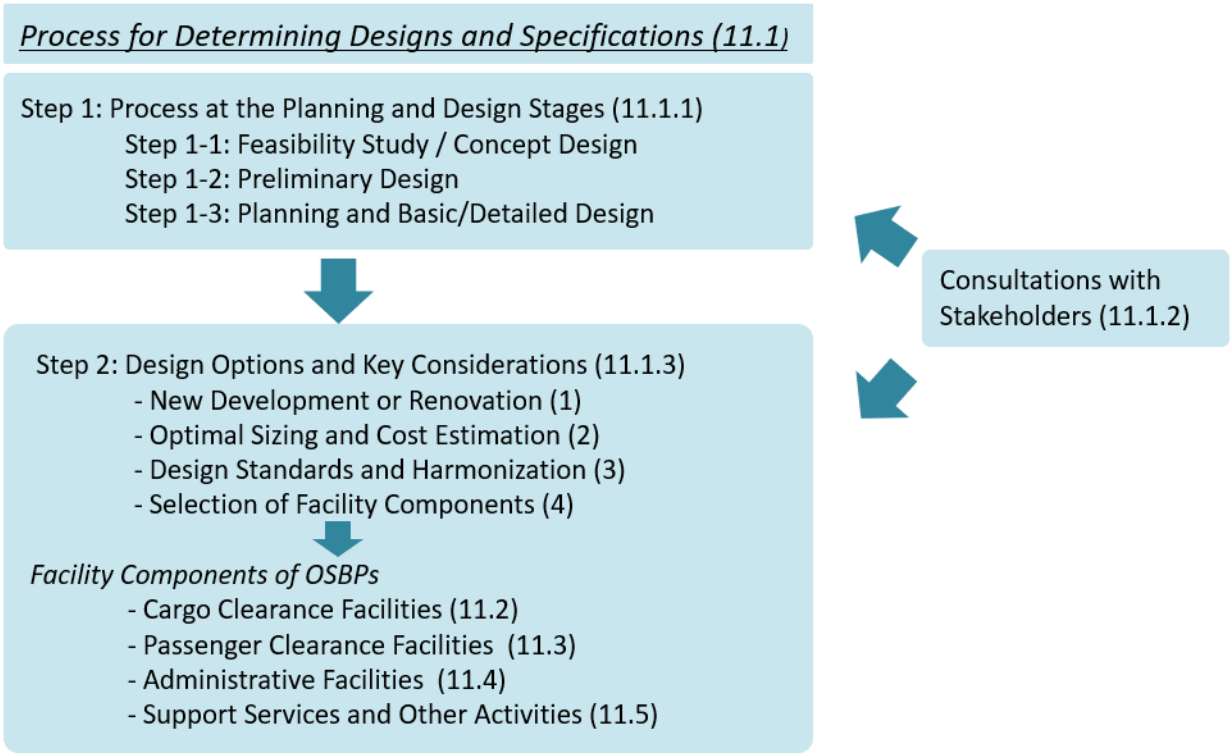
Chapter 11
Physical Facilities and Traffic Flow in OSBPs

11.1 Process for Determining Designs and Specifications

Hard (i.e., physical) infrastructure is one of four pillars to make OSBPs work – facilities need to be designed in a way so that traffic flows through the OSBP are smooth and functional. Designing an OSBP is a large task since OSBPs are usually not only international projects with many stakeholders, but also because OSBPs require the optimum design to realize the new business concept and flows. Good understanding of the OSBP concept and procedures as well as trade and traffic patterns at the site is required to design OSBPs. Since each building or space houses different border agencies from the two sides, the requirement becomes more complex. Designing OSBPs is even more difficult if there are existing offices and the site is designed for current border operations, the border is in difficult terrain, and/or resources available for the project are limited. This chapter therefore 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).

Figure 11-1 outlines the overall process to design OSBP facilities with cross-references to sections and subsections of this chapter.

Figure 11-1: Overall Process of OSBP Facility Design

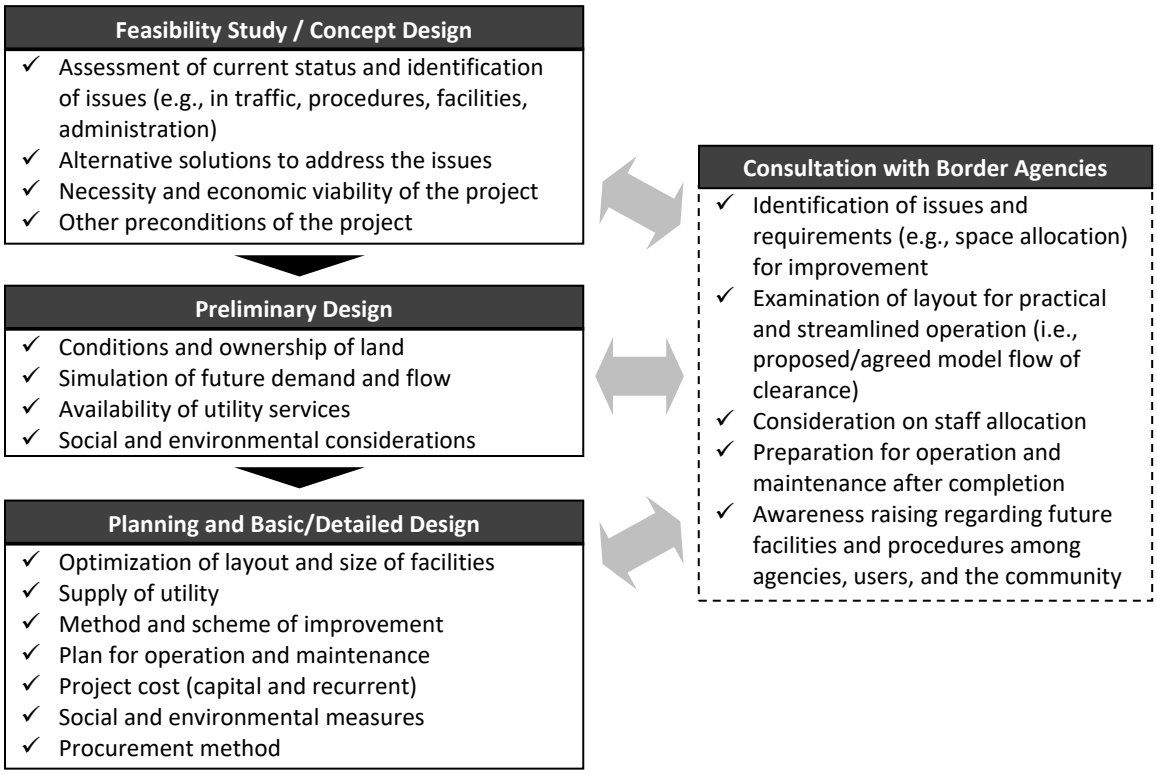


Source: This Sourcebook

11.1.1 Process at the Planning and Design Stages

Various studies are required for designing projects of the scale of OSBPs: (i) a feasibility study / concept design at the planning stage, to determine the need and viability of the project; (ii) a preliminary design study, in which the scope of work and required budgets are determined; and (iii) a detailed design study, which reviews building concepts and master plans, and prepares a bill of quantities and specifications for procurement(s). There are two purposes of studies before the project: (i) to assess 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,[297] detailed traffic analyses, assessments of utilities, and social and environmental assessments, when necessary. Figure 11-2 presents a more detailed outline of the design process, including key considerations.

Figure 11-2: The Design Process and Key Considerations



Source: This Sourcebook

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[298] to

[297] Including cadastral and topographical surveys, geotechnical and hydrological investigations, assessments of existing border post facilities, construction industry studies, analyses of land type and land tenure, and a review of the culture and traditions of border communities. East African Community, *Architectural Design and Construction of OSBPs*, Training of Trainers Seminar on One Stop Border Post[s], 29 July 2021, slides 3 and 4.

[298] http://transoftsolutions.com/autoturn. The software may be used to simulate turning movements and swept paths, to check speeds and turning characteristics, sight lines, and lateral, ground, and overhead clearances.

verify the layouts before they are built; and (ii) traffic demand modeling,[299] to test the capacity of the OSBP to handle the traffic and test it, before they are built, so to meet demand.[300]

11.1.2 Consultations with Stakeholders

OSBP projects involve a wide range of stakeholders, and their interests differ, i.e., border officers may prioritize improvement of their offices and business flows, border residents may fear the loss of business opportunities and/or relocation to provide space for facility expansion. Therefore, it is important to analyze the stakeholders involved/affected and consult them from an early stage. 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 the design including the OSBP concept and business process changes, and also learn the requirements for more efficient operations. Because many different agencies are typically involved in border management, it is helpful to list all stakeholders in each country and then choose a lead agency in each adjoining state in forming the consultation group. Alternatively, consultations may be facilitated by the regional economic community (REC), as has been done in the case of OSBPs (joint border posts, JBPs) in West Africa, and the Namanga OSBP in East Africa.

Since an OSBP will change the operational flow between and among the various agencies at the 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) requirements and considerations for expected OSBP operations; (ii) the validity of the designed layout for practical and streamlined operations; (iii) future staff allocation in the facility[301,302]; (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. It may also be useful for members of the consultation group to visit other OSBPs/JBPs in similar settings to obtain a better understanding of OSBP flows and requirements. 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).

11.1.3 Design Options and Key Considerations

(1) New Development or Renovation

The first step is to determine the best OSBP model for the two countries and the focus border. The model may be affected by topography, the legal and regulatory framework, transition management, and necessary infrastructure layout. 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

[299] See subsection 5.2.5.
[300] Email from Stefan Atchia (Transport Policy Specialist, Transport, Urban Development and ICT Department, African Development Bank), 28 August 2015.
[301] 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.
[302] 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).

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 the OSBPs (JBPs) in West Africa are new facilities designed as OSBPs. Box 11-1 presents the example of the *Joint Border Posts Functionality Study* conducted by ECOWAS before proceeding with the design of its JBPs/OSBPs.

Box 11-1: 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 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 considered 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.[303] There is a need to be cautious, so as not to equate or associate OSBPs with a certain level of border infrastructure; the emphasis should be more on the concept and the process flow than on the size of border infrastructure at OSBPs.[304] 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.[305]

During the design phase, the national building agency (the Tanzania Building Agency has been cited as an example) should be asked to provide typical designs of office spaces; for example, a

[303] One complication is that traffic may shift from one route to another, with implications for the sizing of facilities.
[304] *Second Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 22 March 2022, p. 4.
[305] 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."]

customs officer in charge may require an office of 25 m^2 because of the nature of the work.[306] Office space and facility requirements may then be aggregated to come up with an optimal size of the OSBP to avoid an unnecessarily large OSBP or an OSBP that is too small.[307] Size and cost are directly related – the bigger the size, the higher the cost. Optimal size depends on traffic flow. Some borders are currently served by gravel roads, but substantial traffic may divert to the border after the roads are tarmacked.[308]

Specifically, in designing OSBPs, it is necessary to consider the transition from "business as usual", to border management reflecting complementary interventions, procedures, and initiatives, e.g., e-platforms, pre-lodgments, pre-clearance, risk management, the use of trusted trader schemes, and data exchange. During the stakeholder meetings for preparation of this edition of the OSBP Sourcebook, it was suggested that in particular the interconnection of customs ICT systems and common transit bonds should be considered preconditions (rather than parallel initiatives) for designing or establishing OSBPs, and furthermore resulting reductions in dwell times at the border will reduce construction costs.[309]

Over the longer term, an issue relates to impacts of the African Continental Free Trade Area (AfCFTA) on the sizing of OSBPs. As noted in Section 1.4, the main objective of the AfCFTA is to create a pan-African single market for goods and services to facilitate the free movement of persons and investments and to lay the foundation for a Continental Customs Union. Once this final goal is reached, border crossing control will be minimized or eliminated. It has been suggested that a lot of the functions that have taken place at borders will disappear or are bound to disappear, and it is important to reflect this in design (and positioning of the role) of OSBPs[310]; OSBPs facilities may be "transitional",[311] with an exit strategy or plan required. That said, significant time will be required before a Continental Customs Union can be achieved, probably well beyond the useful economic life of new infrastructure and facilities.[312] In any case, operationalization of the AfCFTA is expected to result in increased industrialization and trade

[306] It has been suggested that many countries limit office space to around 7-10 m^2 per officer (on average). Source in previous footnote, p. 56. See also Michel Zarnowiecki (World Bank), *Guidelines for Land Road Border Stations*, 2005, p. 9 [available at https://www.ssatp.org/sites/ssatp/files/publication/BorderStations_Guidelines.pdf].

[307] "Designers tend to plan for the highest possible traffic volume (which may never occur), the largest desired staff (which never occurs), and extensive control of all traffic by every agency. The situation is the same whether the designers are from a public works administration or from field administrations. Public works engineers and architects usually want to outdo earlier buildings for prestige, but they also have limited discretion in arbitrating between user agencies. Officials from border agencies may be more realistic concerning their real needs, but they tend to be comprehensive, showing that they have envisaged every remote possibility—wanting at all costs to avoid being blamed for an undersized border station. Government officials may want pharaonic designs to which they hope their names will be attached. And foreign donors are happy to fund a magnificent station, even if it is a white elephant." Source in previous footnote, p. 53.

[308] *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 11.

[309] Source in previous footnote, p. 12.

[310] Email from Mr. Olivier Hartmann, Senior Trade Facilitation Specialist, World Bank, of 26 January 2022.

[311] *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 6.

[312] See, e.g., (i) *Second Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 22 March 2022, p. 4 ["it will be a long time before reg ional integration and a borderless Africa is achieved"]; (ii) Gerhard Erasmus, "Should the RECs Disappear in Order to Have the AfCFTA", tralac Trade Brief No. S21TB04/2021, October 2021, available at https://www.tralac.org/documents/publications/trade-briefs/tb2021/4413-s21tb042021-erasmus-should-the-recs-disappear-in-order-to-have-the-afcfta-01112021/file.htmlp. 8 ["How and when could a Continental Customs Union be envisaged? High-level decisions will have to adopted to prepare and anchor such a bold initiative. Individual Governments will have to support these plans; it will be a member-driven process. Their decisions will have to include plans for abolishing the existing RECs, CUs and common markets, and for amending and re-designing the AfCFTA Agreement and Protocols. It is difficult to foresee this to happen any time soon, if at all."]; and (iii) Evita Schmieg, *The African Continental Free Trade Area: Perspectives for Africa, Policy Choices for Europe*, 3 May 2020, available at https://www.swp-berlin.org/10.18449/2020C10/ ["The AfCFTA can only be understood as a very long-term project."]

volumes. As mentioned in Section 1.4., estimates of the annual impact of the AfCFTA on regional trade range from USD 5.7 billion to USD 8.7 billion in two scenarios considered by Vivid Economics (a strategic economics consultancy), to USD 16 billion in an assessment by the International Monetary Fund, to USD 10.1-92.0 billion in four scenarios considered by the African Development Bank.[313] Also as mentioned in Section 1.4, in February 2022 the United Nations Economic Commission for Africa assessed *Implications of the African Continental Free Trade Area for Demand for Transport, Infrastructure and Services*, and estimated that the AfCFTA would increase intra-Africa freight demand by 28% by 2030, with increases in road freight transport demand (in terms of numbers of trucks) by 39% within West Africa (39%), 19.8% West to Southern Africa, and 9.9% from Southern Africa to West Africa.[314]

(3) Design Standards and Harmonization

Design must follow regional and national standards, and it must refer to agreed procedures for the OSBP to enable the operational flows elaborated in the procedures. Since in most cases each country procures the design and engineering services for the part of the OSBP in its country, and a different project engineering consulting service provider may be engaged, harmonization of physical designs and layouts is important for the ease of users by eliminating confusion regarding flows in the CCZ. When different financers/designers are involved on opposite sides of the border, close coordination between the two sides is likely to be necessary to maintain a certain level of consistency in design. However, facility requirements are not necessarily symmetrical since the required capacity may differ by trade pattern and traffic direction.[315] There should be standardized signage (using both official and local languages on the two sides) in building interiors and exteriors, as well as in the OSBP and CCZ compounds for easier understanding by users. Signs may indicate traveler allowances, provisions, and legal requirements; specialized lanes (e.g., green and red channels, local traffic, vehicles with transit carnets, special transit schemes); and any specific procedure (e.g., for border zone permit holders).[316]

Social/environmental standards and regulations must also be referred to carefully to address 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). To reduce costs and energy use, it is valuable to explore the possible

[313] (i) Vivid Economics, *What Africa Stands to Gain from the AfCFTA: Country Level Impacts*, Working Paper, July 2019, pp. 3, 6-7 [one scenario was a global estimate of joining a regional trade agreement before general equilibrium impacts, and another was an African-specific estimate of joining an RTA, before general equilibrium impacts]; and (ii) International Monetary Fund, *African Continental Free Trade Area: A Game Changer for the Continent*, 2019, https://www.imf.org/~/media/Files/Publications/REO/AFR/2019/April/English/ch3.ashx?la=e [considering both tariff and nontariff measures, and general equilibrium impacts]; and (iii) African Development Bank, *African Development Outlook 2019*, Table 3.7, p. 119.

[314] (i) United Nations Economic Commission for Africa, *Implications of the African Continental Free Trade Area for Demand for Transport Infrastructure and Services, Summary Report*, Fifth African Business Forum, 2022, available at https://archive.uneca.org/sites/default/files/uploaded-documents/abf/abf2022/eng-summary_of_ecas_report_on_implications_of_afcfta_on_transport_services_.pdf; and (ii) United Nations Economic Commission for Africa, *Africa's Transport Sector to Strongly Benefit from African Continental Free Trade Area (AfCFTA)*, 9 February 2022, available at https://www.uneca.org/?q=stories/africa%E2%80%99s-transport-sector-to-strongly-benefit-from-african-continental-free-trade-area-. The road transport estimates were cited only for the traffic origins/destinations shown.

[315] 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.

[316] Michel Zarnowiecki (World Bank), *Guidelines for Land Road Border Stations*, 2005, p. 5 [available at https://www.ssatp.org/sites/ssatp/files/publication/BorderStations_Guidelines.pdf].

use of renewable energy sources (e.g., solar power for lighting), and consider building designs with natural ventilation to reduce the use of or need for air conditioners.[317]

(4) Selection of Facility Components

OSBPs include several facility components, which can be categorized by function: (i) cargo clearance facilities, (ii) passenger clearance facilities, (iii) administrative facilities, and (iv) supporting services. Table 11-1 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 such OSBP characteristics as well as requirements to realize procedures agreed by the adjoining countries. The following sections detail each component.

Table 11-1: Facility Components of OSBPs

Function	Core	Facility Components	Agencies Involved
Cargo Clearance	✓	Access road, gates, and vehicle lanes	Facility owner / Road agency
	✓	Parking and fencing	Facility owner / Road agency
		Weighbridges	Road agency
		Scanners	Customs
		Laboratories	SPS / Standards
	✓	Inspection yards, sheds, and warehouses	Customs / Standards / Quarantine
		Cold room	Various
		Animal holding pen	Agriculture
	✓	Processing counters	Each agency
Passenger Clearance	✓	Facilities for health and sanitation	Health
	✓	Facilities for security and protection	Security / Police
		Scanners (body scanner, baggage scanner)	Facility owner / Customs / Security
	✓	Passport control	Immigration
	✓	Washrooms and rest space	Facility owner
Administrative Facilities	✓	Administrative office(s)	Each agency
	✓	Common workplace	Facility owner
	✓	Office furniture	Facility owner / Each agency
		Exclusive area for adjoining state	Facility owner
		Multipurpose meeting room	Facility owner
		Security control room	Facility owner
		Server (ICT) room	Facility owner / Agencies with need

[317] See, e.g., (i) Dima Stouhi, "Back to Basics: Natural Ventilation and Its Use in Different Contexts", *ArchDaily*, 23 June 2021 [available at https://www.archdaily.com/963706/back-to-basics-natural-ventilation-and-its-use-in-different-contexts] and (ii) Giovana Martino, "Natural Ventilation Solutions in Interior Design", *ArchDaily*, 28 June 2021 [available at https://www.archdaily.com/963768/natural-ventilation-solutions-in-interior-design].

Function	Core	Facility Components	Agencies Involved
Support Services		Staff housing and transport	Agency with need / facility owner
		Firefighting equipment	Facility owner
		Armory	Security / Police / Other authorized agencies
		Space for the private sector (e.g., bank, foreign exchange, clearance agents' offices)	Private sector (tenant under facility owner)
	✓	Utilities (e.g., water, electricity, ICT network, generator, incinerator)	Facility owner

Abbreviations: ICT = information and communication technology, SPS = sanitary and phytosanitary
Notes: (i) The agencies involved may vary by country or region. Other components can be added, when appropriate. (ii) "Core" refers to minimum required physical facilities and equipment. (iii) There are also overall or cross-cutting requirements (e.g., the OSBP's communication of identity, lighting).
Source: This Sourcebook

11.2 Cargo Clearance Facilities

11.2.1 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. Travelers can generally be cleared much faster and should be expedited through the facility in dedicated parts of the building and traffic patterns. Where large volumes of passenger traffic are handled, the design should provide for clearing vehicles in lanes. (Box 11-2 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), i.e., a green channel that accommodates goods that can be cleared quickly (e.g., pre-cleared goods and goods transported by authorized economic operators [AEOs]), and a yellow/red channel for goods that will require documentary checks and/or physical inspection. The general assumption in border design is that all vehicles park in the CCZ while clearance procedures are carried out by the drivers and clearing agents. Since 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 provided 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[318]; (iv) effective road signs and road markings in common languages for the majority of users; (v) dedicated lanes and space for trucks with dangerous/hazardous goods (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. Due to controls and limited available space, there may be intersection points where trucks crisscross. The best traffic routing for OSBPs should be examined to avoid congestion and accidents.

[318] Limited buffer parking may be provided before the buildings, to avoid congestion along the main traffic lanes. Michel Zarnowiecki (World Bank), *Guidelines for Land Road Border Stations*, 2005, p. 5 [available at https://www.ssatp.org/sites/ssatp/files/publication/BorderStations_Guidelines.pdf].

Trucks, Passenger Vehicles, Private Vehicles, and Pedestrians all Using the Same Facilities at the Old Nakonde Border Post, Zambia	Historical View of Controls at the Seme-Kraké Border Crossing between Benin and Nigeria
	
Note: Categorization of traffic and travelers is critical for efficient and effective border controls Source: Photograph taken by an OSBP Sourcebook team member, 2013	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 11-2: Modular Approach to Design in the ECOWAS JBP Programme

A 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 1,000 per day), an access road for passenger vehicles (traffic less than 200 vpd and a road with parking for five secured goods vehicles only).

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.

Abbreviation: vpd = vehicles per day
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 [European Development Fund] Transport Facilitation Project in West Africa, Account No. 9ACP ROC 014, 26 August 2008, pp. 3-4

(2) 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 11-3 illustrates an example of channeling of traffic lanes. Also, ICT tools can facilitate/assist border crossing processes. Box 11-3 presents an example of the GoSwift service

to manage gate queues with online booking.[319] The captioned photographs provide some recent examples of traffic flow from the Chirundu OSBP, from both the Zambian and Zimbabwean sides.[320]

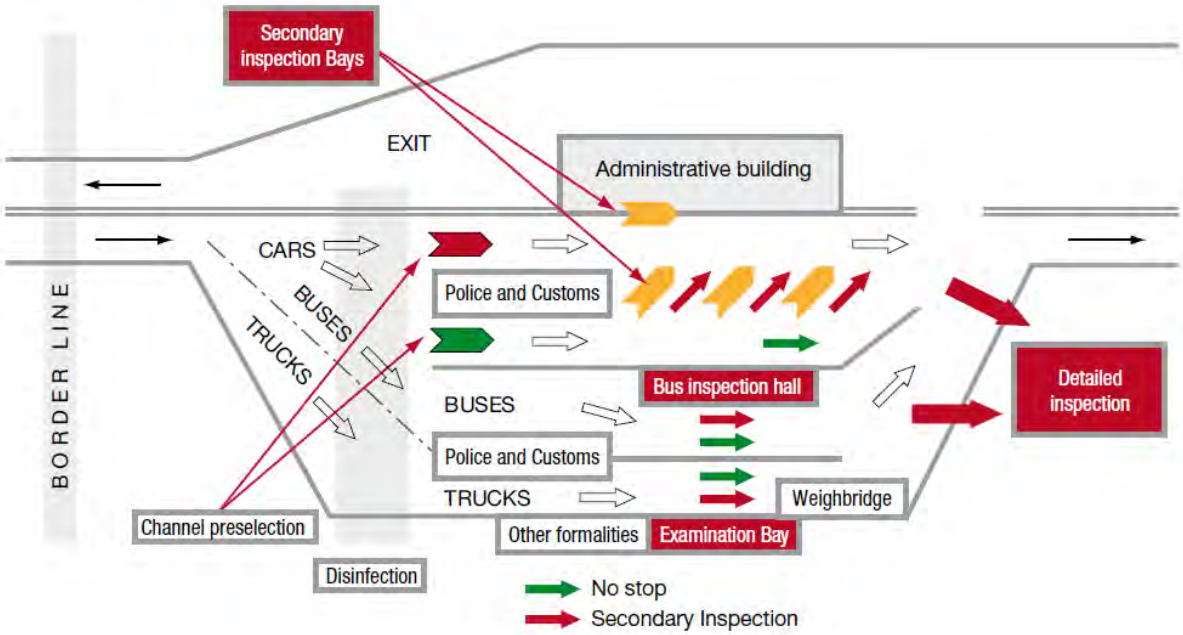
Box 11-3: GoSwift Queue Management System

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: https://www.goswift.eu/about-us/

Figure 11-3: Example of Channeling of Traffic Lanes

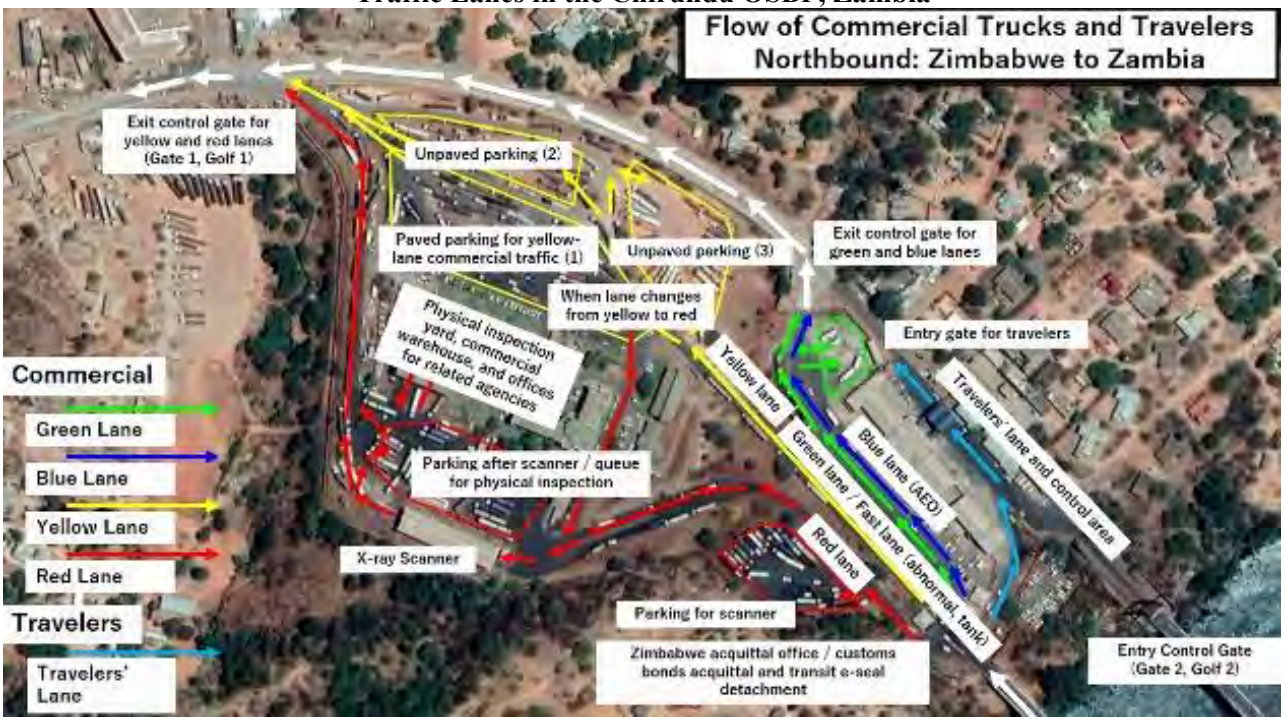


Note: The layout depends on design attributes of each OSBP, e.g., model (i.e., juxtaposed, straddling, or single country), space availability, direction of lanes, composition of traffic.
Source: Michel Zarnowiecki (World Bank), *Guidelines for Land Road Border Stations*, 2005, p. 12 [available at https://www.ssatp.org/sites/ssatp/files/publication/BorderStations_Guidelines.pdf].

[319] In principle, queues should not be allowed to build up except perhaps for infrequent cases when the border authorities want to create a psychological effect that strict controls are being enforced, to deter violators. Michel Zarnowiecki (World Bank), *Guidelines for Land Road Border Stations*, 2005, p. 13 [available at https://www.ssatp.org/sites/ssatp/files/publication/BorderStations_Guidelines.pdf].

[320] Parking and traffic management issues in the vicinity of West African OSBPs (e.g., Seme-Krake, Noépé, Malanville) have been observed. Specifically, there have been challenges with trucks maneuvering within OSBPs in line with the procedures; while OSBP parking was initially planned for trucks, in some cases it has been used by small vehicles, while trucks use private parking about 14 km from the border. *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 12.

Traffic Lanes in the Chirundu OSBP, Zambia



Note: This photograph shows clear lane demarcations based on risk criteria.
Source: JICA OSBP Team, Project for Capacity Development for Smooth Operation of OSBPs on the North-South Transport Corridor, 2021

Crisscross Sections in the Chirundu OSBP, Zimbabwe

Note: The OSBP flow has been changed to accommodate COVID-19 screening. There are some sections with conflicting (crisscrossed or intersecting) truck movements in and out.
Source: JICA OSBP Team, Project for Capacity Development for Smooth Operation of OSBPs on the North-South Transport Corridor, 2021

(3) Access Roads

Since users are to proceed straight into the country of entry upon arriving at the border, there needs to be an access road linking the exit and entry countries. If a vehicle needs to transit from left-hand to right-hand driving zones and vice versa, there should be clear changeover lanes, as for example at Rusumo, between Rwanda and Tanzania. Clear demarcation and signage for access roads and local roads are necessary.

(4) Types of Cargo

The facilities and traffic flow design of an OSBP needs to consider the types of cargo, since each type has different handling requirements:

(i) **Containerized**: Since containers are commonly used to carry general goods and commodities in maritime vessels, goods coming from ports and transit items are often packed in containers. The volume 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,[321] 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 of commonly used container trucks should be assessed to design bays that can accommodate this size. Also, the availability and necessity of a forklift should be examined.

(ii) **Break bulk**: Break bulk cargo, or general cargo, is more traditional and commonly used in Africa often to carry single or bundled pieces, or goods that cannot fit into a container (e.g., clinker, cereals, vegetables, vehicles). Handling can often be done manually although this can damage the goods.

(iii) **Refrigerated cargo**: Refrigerated cargo include cargo under temperature control such as fresh produce and frozen cargo in refrigerated containers. It 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. At some borders, a cold-storage warehouse could be designed but it may not be sustainable to maintain it due to the high electricity requirement to keep low temperature and some goods need different temperature control, which may not fit into a standardized cold-storage facility.

(iv) **Petroleum tankers / hazardous goods**: Hazardous goods are generally routed through the border quickly after the security check because of the hazards they pose to persons and freight. Ideally, there should be a designated lane or area for these trucks to avoid possible accidents.

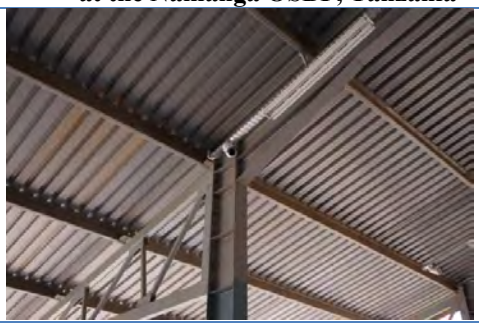
(v) **Abnormal loads**: Abnormal loads require escorts and special road permits to travel on roads. As a result, they can take a long time to exit while they wait for their permits.[322]

[321] 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.
[322] 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.

11.2.2 Parking, Fencing, and Security Cameras

The optimal capacity of parking lots must be analyzed based on data (e.g., using queuing theory). To maximize capacity, the parking area should be separated by type of vehicle/cargo. Parking areas 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. It is advised not to have trucks parking on the roadside approaching the border since it is not safe and may damage the road if trucks break down. In addition, there should be a proper/designated area for bus inspections when there are many small traders / bus passengers with small trading items. Also, the design should provide a canopy or shelter to provide cover from rain. To increase clearance capacity, some OSBPs extend their operating hours. Adequate lighting is necessary for security and inspection purposes if OSBPs are operated during night hours; the use of solar power for such lighting may minimize the use of electricity.

Ideally, border posts should be fenced with entry/exit gates to demarcate the CCZ from the community area. At the gate, there could be an office/booth with officers for security and customs enforcement to confirm entry to / exit from the CCZ. At some borders, the use of smart gates using optical character recognition (OCR) cameras to read vehicle registration plate numbers are being explored. Fencing also provides security and prevents smuggling activities. Once someone has entered the border facility, it is not possible to leave or take goods out without completing all controls. 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. For example, CCTV cameras have been installed at the Kazungula OSBP (between Botswana and Zambia), and the facility operator monitors the movement from a control center.

Traffic Sign in Parking Area at the Rusumo OSBP, Rwanda	**CCTV Camera in the Inspection Yard at the Namanga OSBP, Tanzania**
	
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	Note: CCTV cameras monitor inspection in the yard. Source: Photograph taken by an OSBP Sourcebook team member, 2015

Bus Parking Bay at the Namanga OSBP, Tanzania	Entrance Gate and Booth for Security at the Namanga OSBP, Tanzania
	
Note: Parking bays for passenger buses have been provided close to the entrance to the main building. Source: Photograph taken by an OSBP Sourcebook team member, 2015	Note: Space for security has been provided at the entrance to the CCZ for continuous control of entry into the area. Source: Photograph taken by an OSBP Sourcebook team member, 2015

11.2.3 Weighbridges

A weighbridge should be placed where needed, e.g., when there is no weighbridge nearby or axle load regulations are not harmonized between the two adjoining countries.[323] Since weigh scale data is required not only by road agencies but also by customs administrations to validate the declared weight for their own procedures, interconnectivity of weighbridge data is useful in expediting the verification process. Weigh-in-motion devices can also shorten weighing times, and the use of these devices is increasing.

11.2.4 Scanners

Cargo inspection rates are higher in African countries mainly due to the concerns over revenue leakage and fraud. Non-intrusive inspection (NII) technology (e.g., scanners) can provide quick images on the cargo loaded in a container or means of transport without the need to open and unload it. Therefore, it is a useful tool to reduce unnecessary physical inspections in combination with coordinated interventions and risk assessment, and thus facilitate trade.[324] The Agreement Establishing the AfCFTA mandates border control agencies to meet the expectations of business for faster clearance of goods even with increased volumes of traffic. At the same time, there is a need to have proper border control measures to ensure that safety and security in the global supply chain is not compromised by terrorist attacks. Scanning technology can help meet these objectives by increasing the efficiency of inspections.

Since the installation of scanners at the border requires significant capital outlay and physical space, the need for such equipment, the types of scanners to be installed, and the physical layout for efficient OSBP traffic flows and channelization should be well examined at the project planning stage, based on the current and forecast traffic, and intelligence analysis. Depending on the volume of traffic and movement of trucks, it may be advisable to install an open-type cargo scanner (e.g., a mobile scanner). The impact of deploying of NII equipment can be high in the short term; consider, for example, that cargo scanners installed at the Busia and Malaba OSBPs between Kenya and Uganda have enabled the customs authorities to effectively and efficiently inspect over 1,400 consignments per day, enabling them to intercept trucks carrying fake dollar

[323] The mutual recognition of weighbridge certificates can make the provision of weighbridges at the border unnecessary.

[324] Standard 3 of Pillar I of the WCO SAFE Framework of Standards recognizes the usefulness of NII technology for trade facilitation and recommends its use when it is available and in accordance with risk assessment. United Nations, *Trade Facilitation Guide*, 2012, available at https://tfig.unece.org/contents/NII-technology.htm.

notes, trafficked persons, and other hidden items). Since some traders may divert their goods to other border crossings that lack such equipment, installing a scanner may not necessarily solve these issues and there needs to be a good intelligence strategy to deter such illegitimate trade. In addition, since the average life expectancy of scanning equipment is about 10 years and maintenance costs can be significant over the lifetime, sufficient budget needs to be provided for recurrent operational and maintenance costs.

Scanners at the Busia OSBP, Uganda (the one on the left was relocated to Malaba)	Scanner at the Namanga OSBP, Kenya
	
Source: Photograph taken by an OSBP Sourcebook team member, 2017	Source: Photograph taken by an OSBP Sourcebook team member, 2019

Scanners for cargo include portal scanners, gantry scanners, fixed scanners, and mobile scanners.[325] Table 11-2 shows types and characteristics of these NII systems. Criteria for scanner performance include penetration, contrast sensitivity, and resolution.[326] The positioning of scanners should be well-considered to fit in with the prescribed process flow, not hinder traffic, and fit in the available space.

It should be stressed that inspections need to be conducted based on risk analysis; otherwise, unnecessary delay and cost may result.[327]

Table 11-2: Types of Scanning Systems and Their Characteristics

Types of Scanners	Characteristics
Fixed (stationary)	Fixed units are the most expensive and the most powerful. Due to the high energy of the systems and possible scattering of X-rays, the entire system must be housed in a purpose-built building to provide adequate shielding. In addition, there must be sufficient space for vehicles waiting to enter the facility to park and to maneuver.
Relocatable Scanning Units	Relocatable scanners typically operate at levels of about 6 MeV and require a lighter construction and shielding structure than fixed units. All relocatable transmission X-ray and Gamma ray scanning systems require a clear area surrounding them for health and safety reasons during operation.

[325] In addition to scanners, portable Raman spectrometers analyze chemicals within seconds, thereby facilitating trade and providing an easy solution for border control. They can detect and identify chemical products, including explosives, toxic industrial substances, and precursor chemicals, and thereby assist authorities in countering illicit trafficking and the diversion of chemicals used to manufacture improvised explosive devices (IEDs).

[326] 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.

[327] It has been suggested that the benefits of scanners may be exaggerated: (i) statistics from before and after the introduction of scanners show that revenue reassessment is rare; (ii) scanners may merely encourage smugglers to be more innovative or bribe corrupt officials/officers; and (iii) worldwide detection rates through scanners are low, less than 1%. 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. 71.

Types of Scanners	Characteristics
Mobile Scanners	Mobile scanners typically operate at energy levels of 3-6 MeV. They are particularly useful for land borders such as OSBPs since they can be moved to different locations on short notice, which makes it more difficult for smugglers to avoid scanning controls by shifting border entry points. Mobile systems are subject to greater downtime and require more frequent maintenance. Mobile scanners do not require a network of access roads to be constructed but they still require an "exclusion zone", the size of which is dependent upon the energy level and amount of shielding of the unit.
Drive-Through Systems	Drive-through systems operate with X-ray energy levels typically between 3 and 6 but 7.5 MeV is also available, and they can operate in the open air. Drive-through systems deliver a much higher throughput, by increasing scanning speeds and allowing truck or terminal vehicle drivers to remain in the cab of the truck while authorities scan the container. These systems incorporate several safety precautions to ensure that the driver is not exposed to direct or unacceptable levels of radiation. However, a disadvantage of drive-through systems is that the driver`s cab is not normally scanned.

Abbreviation: MeV = megaelectron volt
Source: World Customs Organization, *Guidelines for the Procurement and Deployment of Scanning/NII Equipment*, September 2020

11.2.5 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 officers and for document storage. Lighting should be provided to enable inspections in case of extended operating hours.

An incineration facility could be designed and jointly used.[328]

11.2.6 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.

[328] It has been suggested that an incinerator may be necessary at borders because illegal materials and medical waste needs to be destroyed. *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 12.

11.2.7 Processing Counters

Processing counters for clearance 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 – return and conflicting flows should be avoided in the design if there is no necessity.

It is recommended to have a single counter for receiving clearance documents from agents and to have the documents reviewed by relevant agencies and joint inspections arranged in a coordinated manner. If a single counter setting is difficult, there should be counter for designated offices for the customers. The design should consider 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. Banking/payment counters can be located near the processing counter.

It is also recommended to allocate special processing counters for commercial truck drivers separate from those for travelers to avoid congestion especially at busy border posts.

11.3 Passenger Clearance Facilities

11.3.1 Facilities for Health and Sanitation

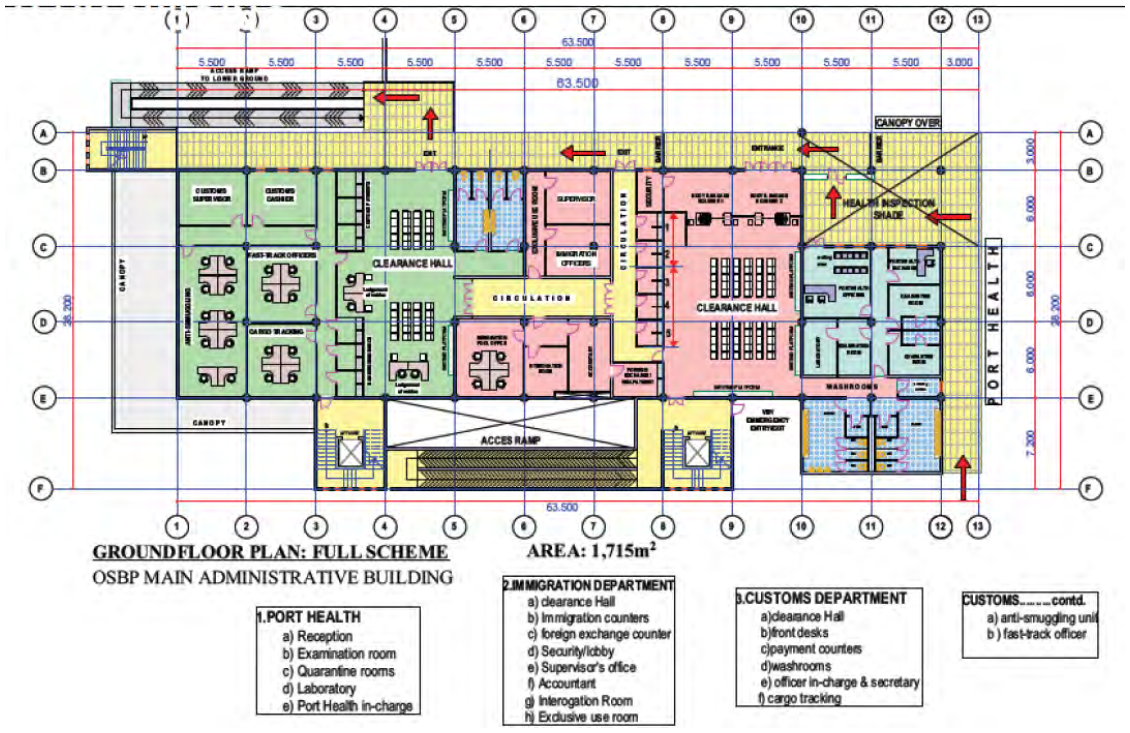
Health screening counters/desks should be placed at the entrance of the clearance hall. Thermographic (i.e., infrared or thermal imaging) cameras or handheld devices can help detect travelers suspected of having infectious diseases. A quarantine room is needed to isolate such travelers and take temporary measures. If such space cannot be allocated, an arrangement is necessary to transfer to the travelers to the nearest medical facility. More details on facilities and procedural measures to prevent the spread of COVID-19 and other infectious diseases were provided in Chapter 10.

COVID-19 has affected the OSBP clearance process in that there are now clearly demarcated areas for parking for staff and passenger vehicles, as well as clearly demarcated areas for private cars and bus lanes. In addition, health screening has become the first step of the OSBP clearance process for all passengers and drivers – at the entry point, they are required to present COVID-19 PCR negative test certificates, have their body temperatures checked, and sanitize their hands. Figure 11-4 presents the impact of COVID-19 on the flow process relating to private cars and public transport, while Figure 11-5 shows the impact of COVID-19 on OSBP layout, with the process now starting with health screening.

Figure 11-4: Impact of COVID-19 on the Flows of Private Cars and Public Transport

Source: East African Community, African Union Development Agency – New Partnership for Africa's Development, and Japan International Cooperation Agency, *Architectural Design and Construction of OSBPs*, Training of Trainers Seminar on One Stop Border Post[s], 29 July 2021, slide 17

Figure 11-5: Impact of COVID-19 on OSBP Layout



Source: East African Community, African Union Development Agency – New Partnership for Africa's Development, and Japan International Cooperation Agency, *Architectural Design and Construction of OSBPs*, Training of Trainers Seminar on One Stop Border Post[s], 29 July 2021, slide 18

11.3.2 Facilities for Security and Protection

(1) Body and Baggage Scanners

It is recommended to install body and baggage scanners to detect suspicious objects and to avoid unnecessary physical contact. These scanners 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 consultations.

(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.[329]

11.3.3 Passport Control

Passport processing counters should be arranged in such a way that travelers can be seamlessly processed from exit to entry. Counter space on which travelers can fill out forms should 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.

Baggage Scanners at the Entrance of the Holili OSBP, Tanzania	**Counters with User-Friendly Signs at 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	Note: Signs with country flags help users locate themselves in the building. Source: Photograph taken by a Sourcebook team member, 2015

[329] This subsection benefitted from substantial inputs from Elizabeth Warn, formerly Senior Regional Thematic Specialist, Immigration and Border Management for Southern and Eastern Africa, Regional Office for Southern Africa, International Organization for Migration.

11.3.4 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 CCZ. 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.

11.4 Administrative Facilities

11.4.1 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 considered as well as staff seniority. The number of agencies and staff members to be accommodated should be identified in the planning and design stage. In addition, 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 health inspection during a pandemic).

11.4.2 Common Workplaces

Considering that common workplaces are 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 a document room, a room for computer systems, a strong room, a search room, a holding room, a warehouse, and a cold room. In some cases, the facilities can be shared, such as a common kitchen, laboratory, and training rooms.[330] 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 was used for regular meetings of the joint (bilateral) border coordination committee composed of related border agencies of Rwanda and Tanzania before completion of the room on the Tanzanian side.

[330] A restaurant for officers can be included 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.

11.4.3 Server (ICT) Room

A room or space for a network server and other ICT facilities should be allocated with controlled access, since 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 smooth OSBP operations. To maintain the integrity, sensitivity, and security of data and systems, there should be two server (ICT) rooms, one for each country.

11.5 Support Services and Other Activities

11.5.1 Staff Housing

Plans need to be made well in advance to assess the number of officers or staff members required for OSBP operations as well as the necessity of additional staff housing and transport. 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.

11.5.2 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 the CCZ for security reasons.

Also, some border posts provide restaurants, duty-free shops,[331] and other facilities for the public. However, these facilities tend to add to 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.

[331] Duty-free shops are essentially bonded warehouses located outside the fiscal territory of a country, and supply goods on which domestic taxes were not collected. Travelers may buy goods in these shops, but they (i) must comply with the allowance applicable in the other country, and (ii) pay a duty on the excess. Buyers from the country of exit are not allowed to return to their country without paying the duty. They should be located after the last control point when leaving a country. Michel Zarnowiecki (World Bank), *Guidelines for Land Road Border Stations*, 2005, pp. 23-24 [available at https://www.ssatp.org/sites/ssatp/files/publication/BorderStations_Guidelines.pdf].

In the design stage, it should be considered where private-sector actors will be able to conduct their business after completion of the OSBP. At some border crossings, some local traders who have been operating just within the Customs/Immigration areas fear not being permitted to walk in the CCZ and losing income opportunities. It could be considered in the development plan to locate a local market outside the CCZ but near the border, to serve small and more legitimate trade, when the market demand on one side of the border is sufficient to sustain businesses.[332] 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, but another view is that banks should be located in the CCZ to serve both the community and 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 use. 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 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 discourage exit from the OSBP.,[333]

New Public Market for Local Traders near Taveta, Kenya

Note: This market was 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

11.5.3 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,[334] 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. 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

Solar Street Light at the Malaba Border Crossing, Kenya

Note: Solar streetlights can save energy consumed at the border.
Source: Photograph taken by a team member of the JICA Trade Facilitation Project in East Africa, 2015

[332] At the Taveta/Holili (Kenya/Tanzania) OSBP, a new market for local traders was constructed on the Kenyan side outside the CCZ but near the border.
[333] Pursuant to the Northern Corridor Infrastructure Master Plan, the East African Council of Ministers endorsed the development of the Road Side Stations (RSS), which are expected to eliminate driver fatigue and improve security and health for drivers, crews, long-distance travelers, and cargo. The concept was inspired by *michi no eki* (道の駅), government-designated rest areas found along roads and highways in Japan.
[334] Consideration may be given to installing solar systems for power backup at remote border crossings.

the adjoining country may be considered,[335] if it can be done without affecting service availability for the local communities. 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. More details on ICT for OSBPs are provided in Chapter 12.

Additional considerations include utility sharing arrangements (see subsection 7.5.3). Generally, in the case of juxtaposed OSBPs,[336] 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 the Chirundu OSBP originally provided for the sharing of utilities on a reciprocal basis. The EAC OSBP Act 2016 also provides such an arrangement. The Cinkansé OSBP (JBP) in West Africa was completed on a build-operate-transfer basis and the concessionaire covers all utility costs from a per vehicle user fee.

11.5.4 Firefighting Facilities and Equipment

While there may be a regulatory framework and standards for the safety for public buildings, it is important to formulate a firefighting plan and procure firefighting facilities and equipment (e.g., fire substations[337]; fire engines [trucks], hydrants, and extinguishers, including water and foam, the latter to extinguish petroleum fires) as part of OSBP disaster preparedness. Many tankers and trucks with hazardous materials transit through and park in OSBPs,[338] and there have been a few reported cases of large fires inside OSBPs (e.g., at Kasumbalesa, Democratic Republic of Congo, opposite Zambia; and at Rusumo, Tanzania, opposite Rwanda). Due to the scarcity of water, it may be difficult to have sufficient capacity to control major fires. It is advisable to have a disaster and emergency risk reduction and management plan (see Section 4.5) and conduct joint simulation exercises to respond to possible fires, including evacuation plans and drills. It is

Firefighting Equipment Installed at the Namanga OSBP, Tanzania

Source: Photograph taken by a team member of the JICA Trade Facilitation and Border Control Project in East Africa, 2019

[335] For example, at the Rusumo OSBP between Tanzania and Rwanda, the Rwanda Energy Group provides electricity to the Tanzanian side.
[336] For the case of a single-country OSBP, Box 7-7 presented an extract from the procedures manual for the Ruhwa OSBP (serving Burundi and Rwanda) on the management of the OSBP property.
[337] The EAC has been in the process of designing an OSBP between Burundi and Tanzania, with one issue the need to go beyond the provision of firefighting equipment, to the establishment of a fire substation as a component of the OSBP. *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 11.
[338] Consider, for example, that 120 fuel products trucks per day cross at Malaba, and explosives destined for mining activities in eastern Democratic Republic of Congo also cross the border. *Minutes of Joint Disaster Risk Reduction and Management Meeting for the Malaba OSBP under the Project on Capacity Development for Trade Facilitation and Border Control in East Africa*, 3-4 December 2019, p. 2. Because of a lack of petroleum pipelines, there is substantial traffic of flammable products by road in the region. *First Consultation Meeting for Preparation of the Third Edition of the One-Stop Border Post Sourcebook, Summary of Discussions and Outcome Statement*, 27-28 January 2022, p. 11.

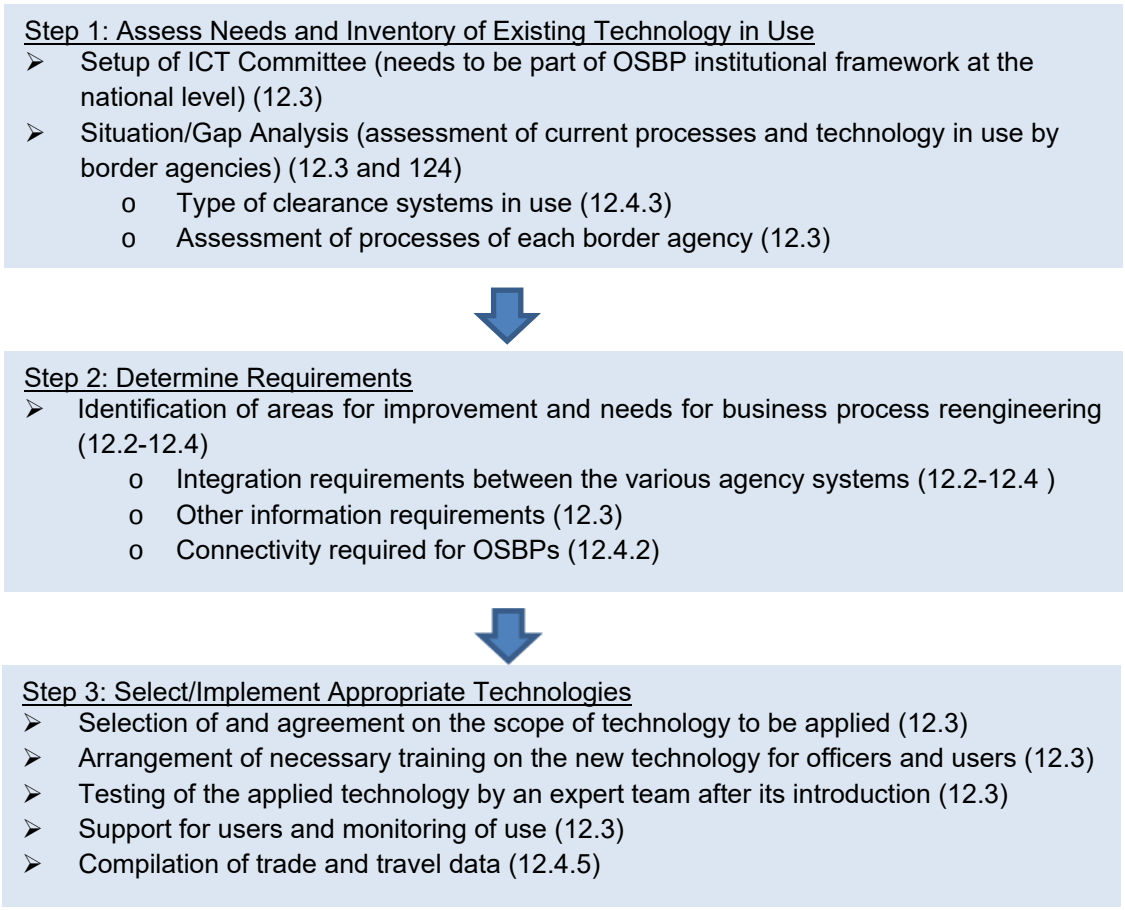
also recommended to establish coordination mechanisms with local governments to address such situations.

Chapter 12
ICT and OSBPs

12.1 The Process of Implementing ICT in Operationalizing OSBPs

Figure 12-1 presents a schematic diagram of the process of implementing information and communications technology (ICT) in operationalizing OSBPs. The subsequent sections discuss the specific implementation steps.

Figure 12-1: Process of Implementing ICT in Operationalizing OSBPs



Source: This Sourcebook

The OSBP concept has led to innovative approaches for simplification of clearance procedures, sharing of information between and among border agencies (on both sides of the border), paperless processing of declarations, and more effective shared risk-management approaches. Trade facilitation improvements along corridors have led to increased use of ICT. Changes in the OSBP operational and legal framework have resulted in a need to modify the business requirements of border agencies, which has implications on the use of technology.

For instance, the transition to paperless clearance processes in OSBPs requires integration and standardization in data elements of the ICT systems of the concerned border agencies operating

in an OSBP. In addition, challenges brought about by pandemics such as COVID-19 dictate that OSBP operations entail reduced handling of paper and cash and contactless transactions.[339] As a result, electronic payments, barcodes, quick response (QR) codes to retrieve information, and optical character recognition (OCR) to read license plates are gaining prominence at borders and OSBPs in Africa.

The process of implementing ICT in OSBPs has to consider the business requirements of border agencies, which are dynamic. Therefore, the use of technology in OSBPs needs to be scalable, with an open, standardized architecture that easily lends itself to interoperability.

12.2 Role and Importance of ICT in OSBPs

ICT is a vital part of the operationalization of OSBPs as a trade and transport facilitation tool. In OSBP operations, most agencies use ICT systems and need to perform their duties at offices in both their own country and the adjoining state in the common control zone (CCZ.[340]

Many African countries have started introducing effective trade and transport systems and adopting approaches to facilitating cross-border trade with a regional outlook, usually adopting a corridor approach, as described in subsection 12.2.1. ICT and data exchange is one of the four pillars that supports the OSBP concept (as described in subsection 1.2.2) since it plays a critical role in enabling efficient information exchange and coordinated (integrated) border management among the various stakeholders.

To facilitate trade, ICT initiatives undertaken range from digitalization[341] of procedures and related documentation, electronic information exchange among border agencies, risk management of cargo flows, guarantee management, and transit data exchange through use of electronic seals and vehicle tracking systems.

Information sharing and integration of processes enabled by ICT also facilitates coordinated border management, another pillar of OSBPs, again as described in subsection 12.2.2.

Box 12-1 presents an example of process integration for border clearance involving port health, immigration, and customs authorities.

[339] See, e.g., James Canham and Alexander de Voet, "The Invisible and Secure Border of the Future", *WCO News 92*, June 2020 [available at https://mag.wcoomd.org/magazine/wco-news-92-june-2020/the-invisible-and-secure-border-of-the-future/]

[340] Article 17 of Annex 4(1) of the Agreement Establishing the African Continental Free Trade Agreement states that: "Each State Party shall, to the extent practicable, use the most modern information and communications technology to expedite procedures for the release of goods, including those in transit." Article 17(2) states that: "In the fulfilment of the obligations referred to in paragraph 1 of this Article, each State Party shall endeavour to: (a) make available by electronic means any declaration or other form that is required for the import, export or transit of goods; (b) allow documentation for import, export, or transit to be submitted electronically; (c) establish an electronic system for data exchange relating to trade information which is accessible and continuously promote data exchange by the importers, exporters and persons engaged in transit of goods; and(d) collaborate with other State Parties for the implementation of mutually compatible electronic systems that enable the intergovernmental exchange of trade data amongst the State Parties."

[341] "Whereas digitization is the process of making existing data and processes digital, digitalization embraces the ability of digital technology to capture and assess data to make better business decisions and enable new business models." https://www.asite.com/blogs/digitization-digitalization-and-digital-transformation-whats-the-difference.

Box 12-1: Example of Process Integration for Border Clearance Involving Port Health, Immigration, and Customs

Integration of processes refers to the linking of work steps that are dependent on each other within an organization or among organizations. ICT helps achieve process integration through interfacing of work steps and thereby enabling the required information sharing. Consider the following examples:

(i) Port health processes require that a truck driver be checked for symptoms and submit PCR test results for validation before entry.

(ii) Immigration processes require that a truck driver submit a temporary permit or a valid passport that is stamped before entry.

(iii) Customs processes require submission of a declaration with all relevant supporting documents, as well payment of taxes, before release.

These processes are interdependent since a truck cannot exit the border unless port health and immigration clear the driver even if customs clears the goods.

Process integration in this scenario implies that:

(i) Before the immigration authority clears the driver for entry, there is a need to confirm that the driver has a port health clearance.

(ii) Before the customs processes are complete, there is a need to ensure that the driver has clearance from port health and immigration.

This process integration requirement can be achieved manually by (i) immigration not allowing entry unless it has evidence that port health has cleared the driver and (ii) customs not releasing cargo unless it has evidence of port health and immigration clearance.

Through ICT, port health, immigration, and customs systems can be interfaced to share the required information. The challenge is that the clearance processes of some agencies such as port health may be manual or partly automated.

Source: This Sourcebook

The need for improved cooperation and integration of processes among the different stakeholders operating within an OSBP translates into ICT requirements for shared information resources, shared services, and joint/collaborative processing of people, cargo, and vehicles. Therefore, in OSBPs, ICT systems need to be designed to respond to these data and process integration requirements.

Seamless information sharing remains a challenge at OSBPs for technical and legal reasons. For example, many government agencies still require paper documents for verification purposes, and different standards (i.e., data elements and datasets) limit the sharing of clearance information with other agencies. In addition, various border control agencies that operate in OSBPs still use their own standalone ICT systems for clearance processes.

To facilitate trade and provide for smoother clearance, it would be ideal if the systems of concerned border control agencies/departments were integrated to achieve seamless clearance and movement of persons, goods, and vehicles through OSBPs through information sharing.

ICT provides favorable solutions for border operations with or without an OSBP. For example, interconnecting customs systems of adjacent countries and implementing a common transit bond substantially reduces processes and the time for trucks to cross the border. OSBPs highlight the

importance and benefits of coordinated border management, and they promote the use of ICT in border operations (and funding/budgetary resources to invest in ICT may be more available with implementation of an OSBP project). In any case, countries that establish OSBPs should consider the requirements of operations in totality, including ICT. Also, training on the use of ICT in an OSBP should be included in the training curriculum of border agencies and other trade facilitation programs offered by various organizations.

Realizing benefits from ICT must be part of an overall rethinking or reimagining of procedures. While cooperation and coordination by the agencies of adjoining countries is important in simplifying and harmonizing border procedures, handling the increasing volumes of cargo arriving at and passing through borders with about the same number of staff members due to the limited resources available to border agencies requires a balance between controls and trade facilitation. ICT enables more transactions and contributes to reduced manual work and processes (e.g., machine scanning allows for faster inspections with a limited number of staff members). Applying risk management approaches and tools can also address this issue and governments are increasingly introducing more risk-based assessments and inspections, and ICT is an essential part of implementing that policy choice. Considering that different regulatory agencies operating in an OSBP have a different set of risk parameters, there is a great value in having an integrated process of risk selectivity. i.e., the identification and targeting of high-level risk consignments, and the sharing of information for such risk assessments.

Moving from traditional manual and paper-based business processes with an isolated standalone system in each organization to more systematic information sharing and an integrated business approach (through a "whole-of-government" approach) can lead to more effective border operations. Change management and the effective application of ICT play a critical role in support this process change.

12.3 OSBP ICT Needs Assessment

The use/application of ICT in an OSBP should be considered in light of the legal and operational framework of the adjoining states and their border agencies. In other words, the combined (clearly justified) business requirements of the concerned border agencies should drive the technology to be put in place. Although technology in an OSBP should strive to address everyday business needs, the approach should change from individual border agency needs to the broader collective needs of border agencies and private-sector stakeholders such as clearing agents operating in the OSBP.

To undertake the OSBP ICT needs assessment, OSBP institutional frameworks should include an ICT committee with membership including staff and officers working on ICT, modernization, and business improvement.[342] The committee should continuously assess the changing clearance processes and business requirements of the various border agencies and private sector in line with existing operational and legal frameworks to determine requirements and appropriate technologies that need to be put in place.

Table 12-1 lists areas to be considered in the various stages as outlined in Figure 12-1.

[342] The terms of reference of an ICT committee should include development of a work plan, development of policies for equipment use, data access and information sharing, oversight of implementation of OSBP ICT initiatives, and continuous assessment and formulation of recommendations on areas of improvement based on user needs/changing business requirements

Table 12-1: OSBP ICT Needs Assessment

Stage	Areas of Consideration
Situational/Gap Analysis	• Existing policy and legal framework and implication on OSBP processes and procedures • Inventory of border agencies and private-sector organizations, including the technologies (hardware, software, networks) in use for border clearance • Unmet clearance business process needs – challenges experienced in operating at the border/OSBP, and areas of improvement
Determination of Requirements	• Technology imperatives to address challenges and areas of improvement • Business process reengineering (processes and procedures) within border agencies to address challenges and areas of improvement • Business, information/data, and technology architecture to address the challenges and areas of improvement • Functional and technical requirements of the technologies • Additional infrastructure requirements to support the introduction of new technologies • Determination of appropriate support mechanisms for the technologies • Business continuity and disaster recovery planning
Selecting/Implementing Appropriate Technologies	• Development of a capacity building and rollout plan • Capacity building of users in OSBPs • Piloting of technology and documenting lessons learned • Tweaking of technology based on lessons learned • Rollout technology, user support and monitoring of usage • Activation of business continuity and disaster recovery plan

Source: This Sourcebook

It is imperative to involve the private sector while considering the introduction of new technologies in an OSBP. Input from clearing and forwarding agents, traders and transporters, and the border community, especially in undertaking situational analysis and determining requirements, is critical to ensure that technologies consider the needs of these groups.

Capacity building to make use and ensure continuous availability of the technologies is another critical success factor.

12.4 Key Considerations in Applying ICT for OSBPs

12.4.1 Overview

There are 16 landlocked ("landlinked") developing countries (LLDCs) in Africa.[343] As noted in Chapter 1, the level of intra-African trade accounts for about 13% of the continent's total trade, which is far below the levels of intraregional trade in Europe (60%), North America (40%), and the Association of Southeast Asian Nations (30%).[344] This low ratio in Africa is a result of high logistics and transaction costs, duties, and non-tariff barriers to trade, and a lack of harmonization

[343] Botswana, Burkina Faso, Burundi, Central African Republic, Chad, Eswatini, Ethiopia, Lesotho, Malawi, Mali, Niger, Rwanda, South Sudan, Uganda, Zambia, and Zimbabwe.

[344] African Union, BIAT – Boosting Intra-African Trade [available at https://au.int/en/ti/biat/about]. "Even if allowance is made for Africa's unrecorded informal cross-border trade, the total level of intra-African trade is not likely to be more than 20%, which is still lower than that of other major regions of the world. "Also see Lisandro Abrego, Mario de Zamaróczy, Tunc Gursoy, Salifou Issoufou, Garth P. Nicholls, Hector Perez-Saiz, and Jose-Nicolas Rosas, *The African Continental Free Trade Agreement: Potential Economic Impacts and Challenges*, Staff Discussion Note SDN/20/04, May 2020, p. 10.

in policies and approaches. Transport corridors enable the movement of goods to and from landlocked countries mainly through seaports. The transit process is therefore critical to ensuring that goods are imported/exported along trade/transit corridors efficiently at a minimum cost.[345] OSBPs (or JBPs) have been developed or are planned along corridors to reduce logistics costs. Studies suggest that where OSBPs have been set up along the trade/transit corridors, the volume of trade has increased.[346] In addition, the establishment of OSBPs has become a "push factor" in promoting the use of ICT in OSBP operations.

The following two technological interventions should be considered before setting up OSBPs along trade/transit corridors to ensure that the OSBPs contribute to efficient border crossing and the effective movement of transit cargo as trade volumes increase. While such technologies are available and have been proven along several transit/trade corridors in Africa, their effective implementation requires political will and cooperation among member states along a trade/transit corridor.

12.4.2 Interconnectivity of Customs IT Clearance Systems along Trade/Transit Corridors

A good example of modernization of trade procedures at OSBPs using ICT is interfaced systems that facilitate trade by reducing the processes required and the time spent at the border. Using ICT also facilitates information and intelligence sharing among border agencies, thereby improving security at the border.

The volumes of cargo crossing borders have been increasing and are expected to continue to increase with implementation of the AfCFTA.[347] Typically there are several agencies from each adjoining country at the border, each with respective missions. To achieve a good balance between controls and trade facilitation necessitates the adoption of ICT to reduce manual processes and enable the effective application of risk-based approaches. ICT enables increased process integration among agencies within one country and between and adjoining countries, and thereby helps achieve coordinated clearance and controls. The substitution of traditional paper forms for universally accepted compliant electronic data formats combined with process integration allows for sharing of information with the adjoining state for effective controls, because this sharing of information enables customs and other government agencies to conduct risk analysis before the arrival of trucks at border posts, and coordination of exit/transit and

[345] Landlocked countries face higher transport costs since their ability to trade depends in part on the infrastructure of neighboring transit countries. See, e.g., Nuno Limão and Anthony J. Venables, *Infrastructure, Geographical Disadva ntage, Transport Costs, and Trade*, World Bank, 2001 [available at https://openknowledge.worldbank.org/handle/10986/17438].

[346] See, e.g., Julius Kugonza, Ronald Nsubuga, and Alex Rubanga, *The Impact of OSBPs in Advancing Secure Intra-A frican Trade*, 2019, available at https://aec.afdb.org/sites/default/files/2019/10/07/the_impact_of_osbps_in_advancing_secure_intra-african_trade.pdf [at the Busia and Malaba OSBPs between Kenya and Uganda, nonintrusive inspection would "improve" intraregional by 48.2%, harmonization of border procedures would "improve" intraregional trade by 20.8%, information sharing and joint verification would "improve" intraregional trade by 27.9% and modernization activities such as interfaced systems and single-window implementation would "improve" intraregional trade by 7.7%]. Rigorous statistical studies are required to assess the impact of OSBPs on trade volumes under *ceteris paribas* ("all other things being equal") conditions.

[347] As noted in Section 1.4, in February 2022 the United Nations Economic Commission for Africa assessed *Implications of the African Continental Free Trade Area for Demand for Transport, Infrastructure and Services*, and estimated that the AfCFTA would increase intra-Africa freight demand by 28% by 2030, with increases in road freight transport demand (in terms of numbers of trucks) by 39% within West Africa, 19.8% from West to Southern Africa, and 9.9% from Southern Africa to West Africa. United Nations Economic Commission for Africa, *Africa's Transport Sector to Strongly Benefit from African Continental Free Trade Area (AfCFTA)*, 9 February 2022 [available at https://www.uneca.org/?q=stories/africa%E2%80%99s-transport-sector-to-strongly-benefit-from-african-continental-free-trade-area- [road transport estimates cited only for the traffic origins/destinations shown].

entry/import processes at OSBPs.[348] Also, from the point of view of the transporter or facilitation agent (i.e., the customs declarant), the interconnection of clearance/customs IT systems eliminates the need for submission of transit declarations at borders en route in case of transit from the seaport of Country A, border posts between Country A and B, and finally the inland customs office in Country B, which reduces border crossing time and thereby benefits the transporter or facilitation agent (i.e., the customs declarant).

Several RECs have implemented customs systems connectivity projects to address transit procedures along transit/trade corridors and thereby reduce the time required for the clearance process.[349] OSBPs and these other initiatives complement each other to effectively reduce border crossing times. Box 12-2 in subsection 12.5.4(2) provides examples of regional customs data exchange initiatives in Africa.

12.4.3 Implementation of Corridor Transit Bonds / Tracking Systems

The movement of cargo along trade/transit corridors requires customs controls at OSBPs as goods move to the importing country or transit port for export. Customs formalities require that the relevant declarations for the goods need to be presented to the destination customs authority within a fixed time limit, which is generally stated in their customs regulations. The movement of goods also poses revenue risks due to possible dumping in transit countries. To manage this risk, transit countries require security (i.e., a bond), which is costly for transporters and facilitation agents, especially considering that movement to/from landlocked countries usually involves movement across several countries. A common transit bond along a corridor addresses the issue of transporters / facilitation agents having to tie up large sums of cash and undergo many processes to change transit bonds as they move cargo along the trade/transit corridor. The COMESA Regional Cargo Transit Guarantee (RCTG) – highlighted in subsection 12.5.4(4) – is one such good-practice initiative that enables the movement of goods along a trade/transit corridor using a single bond, thereby reducing costs and transit time.

When transit goods move along a transit/transport corridor, there is an administrative requirement for effective monitoring and control. Software applications and new technologies have been recently developed to assist in electronic monitoring of the process and movement of transit cargo. Electronic seals provide for the identification, detection, and tracking of trucks transiting through a country. Such electronic monitoring systems typically cover one country to monitor and report pertinent transit information and any anomalies along the transit route in that country. When cargo moves along a trade corridor that has set up such a system, the electronic seals have to be "disarmed" and "armed" with other seals by the customs authority in the next transit country, which is a cumbersome process and poses administrative challenges. To address this inefficiency, regional electronic tracking systems that enable sealing and arming at the port of entry along a trade/transit corridor, and tracking along the corridor through interconnected customs territories to the point of destination, have been implemented.

12.5 Key ICT Systems and Processes for OSBP Operations

12.5.1 Overview

Key components and processes of ICT for OSBP operations include (i) connectivity between the border offices in an OSBP and their agency headquarters, (ii) connectivity within the common

[348] It is possible to adopt a risk-based approach in a manual environment (e.g., by checking paper declarations), but ICT enables more effective implementation of risk-based approaches.
[349] E.g., the EAC Single Customs Territory (SCT) initiative, the ECOWAS customs transit information system (SIGMAT), and other initiatives by SADC.

control zone for users of the OSBP, (iii) standalone or shared clearance systems used by border agencies operating in an OSBP, (iv) coordinated border management systems to enable information sharing and monitoring of OSBP-specific operations based on agreed parameters, and (v) compilation and monitoring of trade and travel statistics based on agreed parameters. Each is described in the following subsections. In designing and developing ICT systems for OSBPs, national policymakers should consider issues related to ownership, maintenance, compatibility, and sharing of use; see, e.g., subsection 7.5.3 on the sharing of expenses for shared use of OSBP infrastructure and facilities.

12.5.2 Connectivity – Wide Area Network / Local Area Network in the Common Control Zone

Since border control agencies operating in OSBPs are national authorities, they have structures in their respective headquarters (usually in the capital city) and in some cases there are regional offices. Most of these governmental agencies as well as private-sector users such as transporters and clearing agencies operating in an OSBP use/access the clearance/information systems, which are hosted centrally at their headquarters either in-country or internationally. Therefore, internet connectivity at land borders is paramount for seamless services and operations. Land borders in African countries are generally in less-developed and less-populated areas and state-owned telecommunication companies often face challenges rolling out their services to such locations because the investment decisions of privately-run telecommunications companies are driven by market demands, and in most cases, land borders do not provide a critical mass of customers to justify large investments. However, some land borders, especially in landlocked (or land-linked) countries, lie on the path of fiber optic ducts that enable connectivity to the country business and political capitals from the various high-speed internet undersea cables in Africa, thus benefitting from good connectivity.

Internet connectivity and a wide area network (WAN) is vital to enabling smooth operations and real-time access and updating of data in OSBPs. The connectivity needs to be redundant to ensure fewer interruptions to the activities of government agencies and private-sector operations. Before the advent of fiber-optic and microwave technologies, satellite connectivity through very small aperture terminal (VSAT) technology was commonly used as it was most viable connectivity option at remote areas. However, this technology has inherent latency challenges[350] and is prone to interruptions in severe weather conditions, rendering centralized database-driven clearance applications unusable. With technological advancements, cheaper and more reliable options such as fiber optics[351] as well as microwave and wireless broadband are increasingly available at land borders.

CCZ connectivity (local area network) consists of fiber optic cables within and between the control zones at OSBPs. Fiber-optic cables enable connectivity between the offices of various government agencies in the host country and adjoining country facilities such as office buildings, verification bays, and entry and exit gates in OSBPs. In the construction of modern OSBP facilities, many projects overlooked during the design stage the laying of underground ducts to run fiber optic cables between the facilities of the adjoining states, which is the most reliable connectivity solution. Wireless connectivity is also crucial to ensure seamless operations and access to data for government agencies while conducting controls in the parking yard and verification bays.

[350] Latency measures the time it takes for data to reach its destination across the network. The average latency for VSAT networks is about 600 milliseconds while database-driven clearance applications normally require below 100 milliseconds.
[351] Fiber-optics options have higher capacity to transmit the data since thy have more bandwidth throughput.

The design and sizing of the WAN installed must consider the systems to be operated by the government agencies and private-sector users operating within the OSBP. Configuration of the CCZ network must consider the users' requirements and network policy of the various government agencies. Challenges in operations arise, for instance, when lead agencies (typically the customs administration) while designing and configuring the CCZ network do not consider the needs of the other users within the OSBP. To avoid such a situation, the ICT requirements of other (partner) government agencies/departments need to be considered when configuring and maintaining the CCZ network, which is a shared-use facility in an OSBP.

Security is a critical concern that needs to be considered while setting up WAN and CCZ connectivity (LAN). The OSBP ICT committee needs to evaluate and develop an ICT use policy that includes the use of a shared WAN and CCZ network. The provisioning and adequate equipping of a data center[352] to host all network equipment – discussed in subsection 11.4.3 – are essential elements of OSBP design.

12.5.3 Clearance Systems

Government agencies operating in OSBPs tend to have disparate clearance systems, and some governmental agencies/departments have manual processes.

At the forefront of automation are Customs and Immigration. The customs administrations in various African countries use various systems. Most commonly used is the Automated SYstem for CUstoms DAta (ASYCUDA) / SYstème DOuaNIer Automatisé (SYDONIA) ++ or World (web version), developed by the United Nations Conference on Trade and Development (UNCTAD). These systems are centrally hosted at customs headquarters and accessed in OSBPs via the internet or a WAN. Due to the need for data analysis of the large volumes of data contained within customs systems, technological advancements such as analytics and data warehousing[353] enable better trend analysis and the creation of dynamic risk management profiles. Notable in this regard is the ASYCUDA Performance Measurement (ASYPM) module, composed of a "statistical data warehouse" and 29 performance indicators, based on the experience of Cameroon and Togo, developed in collaboration with UNCTAD and the WCO, vetted by the WCO, and piloted in Liberia.[354] The 2nd version of the ASYPM module was released in 2020.

Immigration systems used by authorities in Africa are also varied. Several African countries including Rwanda have developed their own centrally hosted systems to enable capturing of data at entry and exit. The most common immigration systems used by African countries are the Migration Information and Data Analysis System (MIDAS) with support from the International Organization of Migration (IOM) and the Personal Identification Secure Comparison and Evaluation System (PISCES) provided by the United States Terrorist Interdiction Program.

While MIDAS is centrally hosted, enabling capturing and sharing of entry and exit data in OSBPs, PISCES implementation is standalone. With PISCES, data has to be manually synchronized at the various OSBPs and other borders within a country to link entry and exit information for persons who choose to use a different entry and exit port. Implementation of PISCES was done before the setup of OSBPs, at a time when most immigration offices at most land borders had intermittent or non-existent connectivity to their headquarters. Specific PISCES installations

[352] A data center is a physical facility that organizations use to house their critical applications and data. At a minimum, data centers should have access control equipment, fire suppression, and temperature control and monitoring tools.
[353] Data warehousing is the secure electronic storage of information by an organization, to provide historical data that can be retrieved for analysis. https://www.investopedia.com/terms/d/data-warehousing.asp.
[354] World Customs Organization, *ASYPM: ASYCUDA SYstem for Performance Measurement*, 2014, available at http://unctad.org/en/PublicationsLibrary/webdtlasycuda2014d2_en.pdf.

should be upgraded to a centrally hosted application model to use the improved WAN connectivity at OSBPs.

Countries in Africa have begun adopting an e-Immigration approach that enables authorized and vetted persons to request certain services electronically without having to personally appear before the local immigration authorities, such as applications for entry visas, resident permits, passports, and even exit permission.

Other governmental agencies/departments such as the Bureau of Standards, Port Health, and Plant Health, have systems for issuance of permits or alternatively they use manual procedures. Initiatives to automate permit issuances in these agencies are being undertaken through support from various development partners such as TradeMark East Africa (TMEA).

12.5.4 Coordinated Border Management Through the Use of ICT

(1) Introduction

As described in Section 2.1, African countries have been adopting a corridor approach to trade facilitation spearheaded by the various regional economic communities (RECs). Government agencies are required to automate their processes for better service delivery. The next frontier is sharing information where data is captured once at the source (entry port) within a corridor (e.g., a seaport, airport, or land border) and is shared seamlessly with border agencies involved in the clearance process.

(2) Customs Data Exchange

Customs agencies in Africa are leading with various initiatives to integrate customs systems for sharing declaration data. Box 12-2 describes such initiatives within selected regions and RECs.

Box 12-2: Regional Customs Data Exchange Initiatives in Africa

In **East Africa**, the EAC adopted a Single Customs Territory (SCT) in 2016 to reduce the cost of doing business and enhance intra-EAC trade by integrating customs clearance processes and reducing internal border controls with free circulation of goods as the ultimate target. The SCT processes (for import) are as follows; (i) Upon receiving the manifests from shippers prior to vessel arrival, revenue authorities at the first points of entry (countries with seaports) transmit manifest data to the destination Partner States' customs system. (ii) Importers/agents make declarations in the respective customs systems and pay duties/taxes. Warehoused cargo is secured by a regional customs transit guarantee (RCTG). (iii) Upon processing and release of cargo entries by the destination Partner State's customs system, data are transmitted back to the respective revenue/port authorities at the first points of entry. (iv) Exit notes/transfer notes and transit documents (T1) are generated by respective destination revenue authorities, then after the seal, a movement sheet (a C2 document) is generated by revenue authorities of the first point of entry and goods are released from the port. (v) At the borders, the exit and entry of goods from the first point of entry is confirmed and the arrival notification is transmitted to the revenue authority of entry. To enable SCT operation, customs systems in the region have been upgraded and interfaced to allow sharing of the relevant data.

In **West Africa**, transit regimes entail a succession of national transit schemes based on the TRIE, which requires logistics operators to initiate a new process at each entry border. To reduce border crossing time, 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 and has served as a blueprint for a regional transit scheme.

A Regional Customs Network for Transit Trade (SIGMAT) project was ongoing during the first quarter of 2022. Under this project, the ECOWAS Member States, with the support of WCO and various development partners including the World Bank, developed a regional transit module to exchange transit information between customs clearance systems for road freight. The system allows customs offices in the country of departure of the transit consignment to send data about the consignment in real time to the customs offices en route and the customs office of the destination. The solution was implemented in 2019 along three main corridors (Abidjan-Ouagadougou, Lomé-Ouagadougou, and Cotonou-Niamey), reducing border clearance times from days or weeks to hours, with consequent reductions in transport costs. SIGMAT is available for the customs administrations of all ECOWAS Member States that are using ASYCUDA World and can be adapted by other member states using other customs systems such as GCMS in Ghana and NICIS in Nigeria. The plan is to roll out the system in the ECOWAS customs administrations in West Africa, and interconnect with Central African countries such as Cameroon, the Central African Republic, Chad, the Republic of the Congo (Congo-Brazzaville), the Democratic Republic of Congo, Equatorial Guinea, and Gabon. A framework has been developed to extend SIGMAT to rail transit, which is being tested between Burkina Faso and Côte d'Ivoire. ECOWAS is currently developing a legal framework for SIGMAT, which will also contain provisions for regional guarantees.

Other initiatives for interconnectivity of customs systems in West Africa have included the Trade and Regional Integration Support Program (PACIR), which aimed to establish a computer interface between the computer systems of the customs administrations of Burkina Faso, Côte d'Ivoire, and Mali. Also, among other objectives, the Trade and Transport Facilitation Project on the Abidjan-Lagos Corridor (PFCTCAL) financed by World Bank is to enable connectivity between the customs systems of Ghana and Côte d'Ivoire, and the Transport Sector Modernization and Trade Facilitation Project on the Abidjan-Ouagadougou Corridor (PAMOSET) also includes interconnectivity of the customs systems between the two states.

In **Southern Africa,** building on the achievements and lessons learned in implementing customs clearance system interconnectivity to facilitate real-time customs information exchange between the South African Revenue Service and the Eswatini Revenue Authority in the context of the WCO-SACU Connect project funded by Sweden, the WCO, and SADC in 2018 created a project to establish ICT connectivity and facilitate data exchange based on the WCO's Globally Networked Customs concept and Data Model. The project is focusing its efforts on developing the SADC Regional IT Connectivity Blueprint and Framework as well as on rolling out the framework thus created across key SADC corridors, including the North-South Corridor.

Also in Southern Africa, the Zambia Revenue Authority has been working on a customs data exchange project that will enable auto population of customs declarations from the country of export to the country of import thereby limiting data that is keyed in or captured manually by clearing agents or brokers for submission to customs, thus eliminating or minimizing the prospects for data manipulation. Phase II of the project involves customs administration in Botswana, Malawi, Tanzania, and Zimbabwe. ZRA is also considering interconnecting its customs system with other those of other customs administrations in the SADC region such including those of Mozambique, Namibia, and South Africa. This project is being undertaken with support from AUDA-NEPAD, GIZ, WCO/Sida, and the Trade Facilitation and Customs Modernization Programme for Sustainable Development in Sub-Sahara Africa (TFCMP) through the SADC framework.

Abbreviations: ASYCUDA = Automated System for Customs Data, AUDA-NEPA = African Union Development Authority – New Partnership for Africa's Development, EAC = East African Community, ECOWAS = Economic Community of West African States, GCMS = Ghana Customs Management System, GIZ = Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (a German development agency), IT = information technology, NICIS = Nigeria Integrated Customs Information System, SADC = Southern African Development Community, SACU = Southern African Customs Union, SCT = Single Customs Territory, Sida = Swedish International Development Cooperation Agency, SIGMAT = Regional Customs Network for Transit Trade, TRIE = Interstate Road Transit mechanism [*Transit Routier Inter-États*], WCO = World Customs Organization, ZRA = Zambia Revenue Authority

Sources: (i) Uganda Revenue Authority, *The EAC – Single Customs Territory (SCT) Business Process Manual*, July 2019, (ii) Economic Community of West African States, *The ALISA Project Has Been Renamed SIGMAT*, 23 March 2019; (iii) World Customs Organization, *WCO and SADC Region Agree on a Capacity-Building Roadmap for ICT Connectivity*, 9 November 2018; (iv) Christel Annequin, Transport, Trade, and Logistics Expert, World Bank, *SIGMAT – Implementation Status – May 2022*, paper prepared for the OSBP Sourcebook project, 16 May 2022; and (v) Zambia Revenue Authority, *Customs to Customs Electronic Data Exchange Projects*, paper prepared for the OSBP Sourcebook project, 13 May 2022; and (v) This Sourcebook

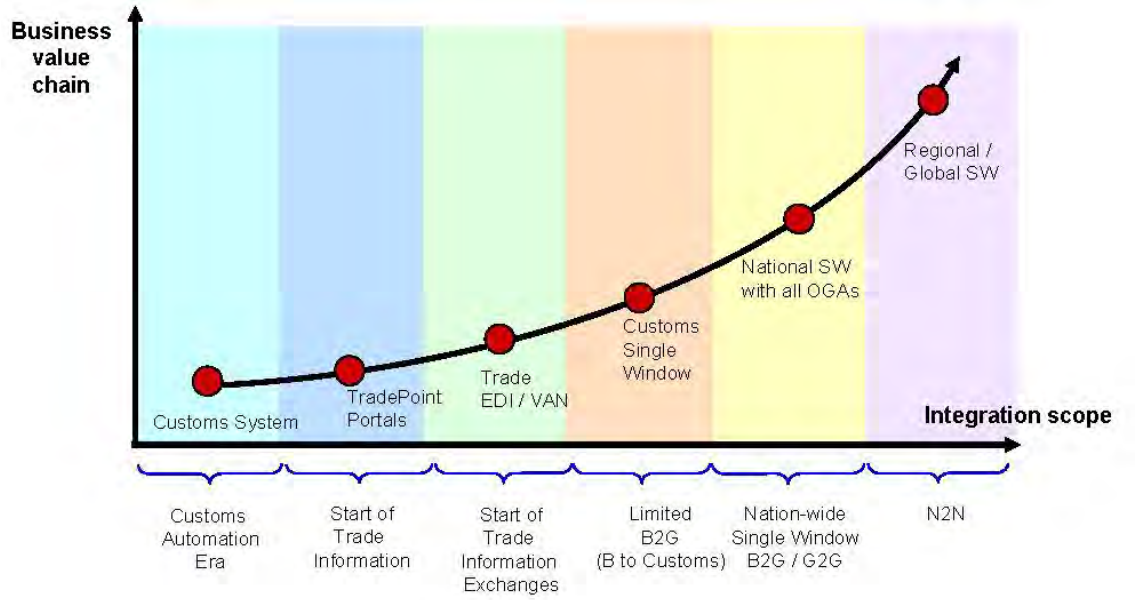
(3) Electronic Single Window Systems

The increased need for information exchange among border clearance agencies has been the driving force behind the emergence of single window systems (SWS). Through SWS, both government entities and private-sector organizations access and process trade-related information and communicate each other.

The concept of electronic single window systems (eSWS) has evolved, beginning with the need to simplify trade procedures in the 1950s to the development of various forms of automated systems. These automated systems were initially done for customs administrations and progressively for other government agencies as standalone systems, then eventually integrated/interfaced with each other and other systems along the supply chain.

Figure 12-2 outlines the stages of single window development culminating in regional/global e-single window (eSW) initiatives.

Figure 12-2: Stages of Single Window Development



Abbreviations: B2G = business-to-government, EDI = electronic data interchange, G2G = government-to-government, N2N = nation-to-nation, OGA = other government agency, SW = single window
Source: Jonathan Koh Tat Tsen, *Ten Years of Single Window Implementation: Lessons Learned for the Future,* 2011, p. 8, Figure 3

Implementation of eSWS systems enables traders to submit standardized documents required for the clearance process at a single location and generally to a single entity. Another good/best practice is electronic single window systems, which enable cross-border traders to submit documents at a single site and/or through a single entity. Single-window implementation in Africa is gradually becoming a "core" practice as it contributes substantially to efficiency.

African countries have used several models to implement eSWS. One model (Model I) extends the customs management system to include windows for other government agencies/departments to review and process declaration data with their intervention based on HS Codes. ASYCUDA World functionality has been extended in such a manner in several countries. Another model (Model II) involves the creation of an independent organization to develop and operate a single-window environment separate from but integrated into the customs management system. The third model (Model III) is creating an organization to develop and manage a single platform for use by all stakeholders involved in the clearance process. Customs in the model does not operate its clearance system and is a stakeholder like other agencies. This model is the most appropriate but requires political will to actualize. Box 12-3 outlines two of these models.

Box 12-3: Examples of Single-Window Operating Models

SEGUCE- RDC (Model II – Separate Platform operated as a company integrated with the Customs Management System)

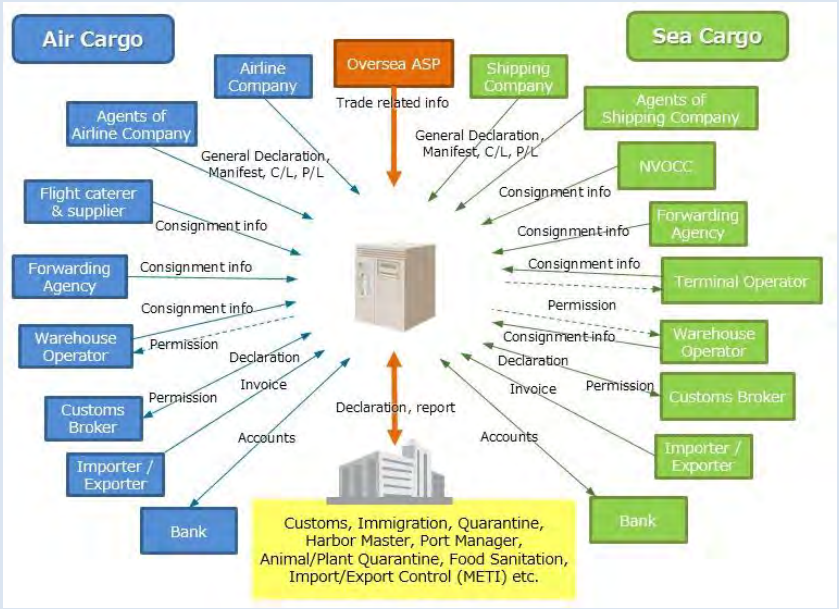
Under the Ministry of Foreign Trade and the Ministry of Finance, Democratic Republic of Congo (DRC), reform of the Integral Single Window for Foreign Trade (GUICE) is operated by SEGUCE RDC SA, a private operator within the framework of a public-private partnership starting in 2016. The eSWS is a neutral, transparent, and secure electronic platform for use by the trading community and is dedicated to trade facilitation. It centralizes and distributes in real time all the information necessary for the activity of those involved in all the regulatory, customs, and logistics components of import, export, and transit operations with the DRC territory.

The same platform has been implemented in Togo. In addition, both the DRC and Togo projects involve integration with the SYDONIA World Customs Management System.

NACCS Japan (Model III – Single Platform operated by an independent organization involving all stakeholders in the clearance process)

The Nippon Automated Cargo and Port Consolidated System (NAACS) is a new-generation SWS, which provides a comprehensive international trade logistics information platform, encompassing all trade-related authorities and private-sector stakeholders. It processes online procedures lodged with customs and other relevant administrative authorities and related private-sector services for arriving/departing ships and aircraft and import/export cargo. About 99% of Japan's import and export procedures are processed using NACCS. The Nippon Air Cargo Clearance System Operations Organization was established in October 1977 as an authorized organization to administer NACCS and was transformed into an independent administrative agency in October 2013. The platform consolidates logistics requirements involving importer-exporters, freight forwarders, freight storage companies, companies that perform the administrative procedures on behalf of these relevant parties, banks, insurance companies, and administrative authorities. NACCS is the only platform in Japan that links the parties (in the private and public sectors) involved in clearance processes and procedures online to jointly enable centralized management, sharing, and reuse of information.

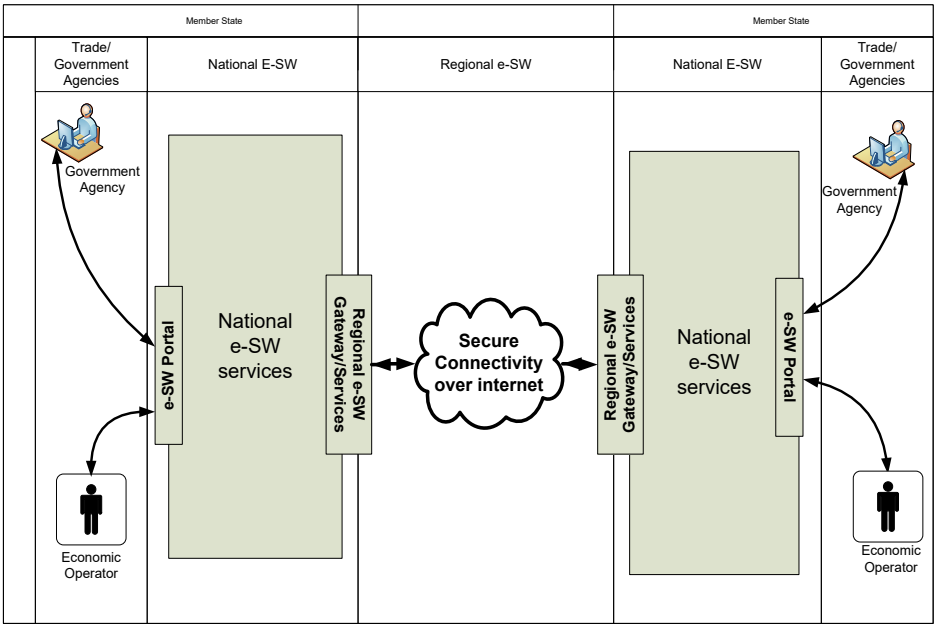
The following diagram outlines the coverage of NACCS.



Sources: (i) SEGUCE website [https://segucerdc.com], (ii) NACCS website [https://www.naccs.jp/e/]; and (iii) Japan Customs website [https://www.customs.go.jp/moji/english/facilitation/mission3.html]

Regional eSWS is a natural progression once countries have implemented their national eSWS. A regional eSWS is an environment in which member states' national eSWS operate and are integrated to facilitate regional and international trade. The regional eSWS is not an entity but a data exchange facility and a framework for adopting and implementing international standards that enable seamless information sharing to facilitate legitimate trade and increase supply chain security within a region. The EAC has developed a regional eSWS strategy to act as a framework that guides its Partner States in setting up such a platform along trade corridors in the future. Figure 12-3 outlines a regional eSWS architecture. Box 12-4 describes the ASEAN Regional eSWS, which can be a benchmark for RECs in Africa.

Figure 12-3: Regional eSWS Architecture



Source: This Sourcebook

Box 12-4: The ASEAN eSWS – A Model for Africa

The ASEAN Single Window (ASW) connects and integrates the National Single Windows (NSWs) of ASEAN Member States (AMS) to exchange electronic trade-related documents. The system enables a single submission of data, single synchronous information processing, and single decision-making for customs release and clearance among the AMS and participating countries. The ASW is the environment that provides the secure information technology architecture and legal framework that allows trade, transport, and commercial data to be exchanged electronically among government agencies and private- sector organizations. The ASW aims to expedite the cargo clearance process, reduce the cost and time of doing business, and enhance trade efficiency and competitiveness. The AMS are now expanding the ASW for the electronic exchange of other trade-related documents, including the ASEAN Customs Declaration Document and the Electronic Phytosanitary (e-Phyto) Certificate.

To expand the scope of the ASW, the ASEAN Single Window Steering Committee has developed a roadmap for the exchange of e-documents with ASEAN Dialogue Partners (DPs) to identify the mandatory steps, including (i) feasibility study, (ii) legal framework establishment, and (iii) system implementation to enable the exchange of e-documents across the region. Currently, discussions are underway with Japan and the Republic of Korea on the possibility of exchanging the electronic Certificate of Origin, while other DPs express their interests to be engaged in the system integration.

Sources: (i) *ASEAN Single Window: Trade Facilitation for the ASEAN Economic Community* (https://asw.asean.org); and (ii) Japan International Cooperation Agency, IC Net Limited, and PADECO Co., Ltd., *Information Collection Survey on ASEAN Single Window, Final Report*, March 2020

(4) Single Guarantee Bond Systems

Transit within corridors requires the execution of bonds for goods under a customs seal. The objective of customs bond guarantees is to ensure that respective governments can recover duties and taxes from the guarantors should the goods in transit be illegally disposed of for home consumption in the country of transit. Implementation of regional guarantee bonds enables swift movement of transit cargo through an OSBP. COMESA has implemented a regional customs transit guarantee (RCTG) scheme, popularly known as the RCTG/CARNET. The electronic platform provides a secure regional system to address the challenges confronting transport operators, freight forwarders, and clearing agents. The platform offers customs administrations a secure verifiable control mechanism that protects the revenue of each country through which goods are carried. This COMESA RCTG Carnet is the second of its kind in the world after the Transports Internationaux Routiers (TIR, international road transport) carnet and the only one well-established in the region and on the African continent.[355] The scheme is operational in the EAC in conjunction with the introduction of SCT; it is integrated with each national customs IT system.

(5) Cross-Border Transport Information Systems

The Tripartite Transport and Transit Facilitation Programme (TTTFP), involving COMESA, the EAC, and SADC under the Tripartite framework, and funded by the European Union, is championing the implementation of an integrated Transport Registers and Information Platform System (TRIPS). This system will permit harmonization, coordination, and joint control of cross-border road transport in the region and share information on drivers, vehicles, and operators (including offences and violations, collectively referred to as transgressions) involved in cross-border road transport operations and services. It will support the validation of road transport

[355] That said, Algeria, Egypt, and Tunisia have acceded to the TIR Convention. See https://unece.org/countries [countries in which a TIR transit operation could be established as of 24 August 2020].

operator, vehicle and driver information at OSBPs along trade corridors within the 25 Tripartite Member/Partner States of COMESA, the EAC, and SADC.

In addition, the Tripartite approved the introduction of a regional electronic Corridor Trip Monitoring System (CTMS), which will allow cross-border road transport operators, drivers, regulators, and law enforcement agencies to record and monitor driver wellness data such as COVID-19 test results as an immediate response to the COVID-19 pandemic.

The TTTFP identified the need for the CTMS to enable monitoring of compliance with agreed harmonized requirements relating to various diseases including COVID-19, yellow fever, and Ebola Virus Disease, in the immediate term. The long-term objectives of the CTMS are to reduce transport and transit times for persons and goods throughout the region to support accelerated development and growth.

To achieve this aim, the CTMS has been designed to facilitate:

(i) integration with TRIPS to enhance the performance of the CTMS by sharing transport operator, vehicle, and driver details to expedite data capture;

(ii) integration with Customs Management Systems, including the ASYCUDA family of systems as well as the bespoke systems used by a number of customs authorities in the Tripartite;

(iii) integration with Immigration Systems, enabling the provision of advance driver, crew, and passenger information to immigration at borders and other ports of entry;

(iv) integration with Cargo Tracking Systems a such as the regional electronic cargo and driver tracking system (RECDTS) of the EAC and several customs authorities (e.g., those of Mozambique and Zimbabwe);

(v) integration with other systems, e.g., Transit Guarantee and Certificate of Origin systems;

(vi) corridor performance management – providing a public tool towards SMART (**S**afety, **M**obility, **A**utomated, **R**eal-time **T**raffic Management) corridors available to all corridor management institutions.

The system was launched by Zambia at the Chirundu OSBP on 26 November 2021,[356] and was piloted on sections of the Trans-Kalahari, North-South and Walvis-Bay-Ndola-Lubumbashi corridors with sections of the Dar es Salaam, Nacala and Beira Corridors to be included during the 2nd quarter of 2022.

(6) Regional Cargo Tracking Systems and Other IBM/CBM initiatives

Various ICT solutions to enhance integrated or coordinated border management (IBM/CBM) have been implemented at OSBPs. Many customs authorities in Africa have introduced electronic cargo tracking systems (ECTS). However, there is a challenge with national tracking systems since they require multiple changes of electronic seals at each border by disarming a seal at the exit point of each country and arming another electronic seal at the entry point of each country for onward transit travel.

[356] "COMESA Pilots Tripartite Corridor Transport Monitoring System", *Chronicle*, 8 October 2020 [available at https://www.chronicle.co.zw/comesa-pilots-tripartite-transport-corridor-monitoring-system/].

Therefore, regional electronic cargo tracking systems (RECTS) have been gradually introduced to enable seamless movement of cargo along the corridors. Sealing and arming are done at the point of entry, and cargo movement is monitored along a designated GPS-fenced route along the trade corridors including the OSBPs (borders) up to their final destination, where the seals are disarmed and removed.[357] EAC implemented such a RECTS along the Northern Corridor. During the COVID-19 pandemic, this system was further enhanced as a Regional Electronic Cargo and Driver Tracking System (RECDTS) to include driver information on the PCR test results. The RECDTS is designed as a mobile phone application and enables the issuance of the EAC COVID-19 digital certificates, which are mutually recognized by EAC Partner States, thus eliminating the need for multiple testing as well as reducing congestion at East African border crossings.[358]

RECTS E-Seal Placed on the Back of a Container

Source: Photograph taken by an OSBP Sourcebook team member, 2018

RECTS Central Monitoring Center at Kenya Revenue Authority (KRA) Headquarters

Source: KRA Presentation, 2018

It is beneficial to integrate customs and immigration systems at OSBPs for seamless information sharing and clearance procedures. A potentially important recent development is the effort by UNCTAD and IOM to connect ASYCUDA and the IOM MIDAS.[359]

12.5.5 Smart Corridors – ICT Initiatives for Integrating Trade and Transport Corridors

For the objectives of AfCFTA to be realized to unleash the full economic potential of Africa, among other things Africa's transport corridors should be converted into SMART[360] Corridors (SCs) that facilitate transport and trade to increase intraregional and interregional trade at reduced costs, stimulate economic development, and create jobs for its young population. The SC approach – which provides real-time monitoring systems for both physical and documentation flows using ICT and Intelligent Transport Systems (ITS) can provide information and statistics that show the causes and points of delays to allow for policy, regulatory, and other interventions to eliminate the delays. SCs also entail the implementation of other trade facilitation tools such as the OSBPs, coordinated border management (CBM), electronic cargo tracking systems (ECTS), and the Corridor Performance Monitoring System (CPMS).

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[357] There are field operation teams called as the Rapid Respond Unit that respond in real time to the central monitoring center alerts, thereby enforce compliance and interdict transit violations in a timely manner. These units are placed at along the Northern Corridor and work 24/7.

[358] https://www.eac.int/press-releases/147-health/1851-eac-rolls-out-regional-electronic-cargo-and-driver-tracking-system.

[359] United Nations on Conference on Trade and Development, *Review of the Technical Cooperation Activities of UNCTAD and their Financing*, 3 September 2020, Annex 1, p. 113 [MOU signed between IOM and UNCTAD in 2019 for development of and interface for information exchange between ASYCUDA and MIDAS].

[360] As indicated in subsection 12.5.4(5), SMART stands for stands for "**S**afety, **M**obility, **A**utomated, **R**eal-time **T**raffic Management".

The SC approach requires the establishment of a Coordinated Border Management Information System (CBIS) that monitors both the documentation flow and physical flow of cargo at all border posts, including OSBPs, and can provide information on why cargo/vehicles are still at the border at a given time.

Several of these SC elements affect the operations of OSBPs, which (as do all borders) urgently require quality, well-maintained infrastructure, including good power supply and good internet facilities with reliable backup, as well as adequate parking for necessary stops (although systems and processes must be in place to keep trucks moving and not parking to reduce trade and transport costs). Further, the infrastructure along corridors must be of good quality and well maintained.

The CTMS – introduced in subsection 12.5.4(5) – is one such system to facilitate the implementation of SMART Corridors by reengineering border operations and procedures with the digitalization of border protocols with the exchange of documents in an electronic format between the Operator, Traveler, and the Border Agencies.

The CTMS was developed by the Tripartite with EU support as a regional public good and therefore is available to all African States, regional corridors, and RECs to be used as the platform for integrating border post systems including OSBP systems to establish the CBIS.

12.5.6 Compilation and Monitoring of Trade and Travel Statistics

There is a need for OSBPs to have a portal that enables the compilation and generation of trade and travel statistics based on operational data. Such portals would use data analytics tools to mine and display data based on monitoring parameters. As OSBP operations mature in Africa, RECs such as the EAC and ECOWAS have developed monitoring tools to track agreed standard parameters (i.e., key performance indicators such as clearance time, cargo volumes, costs and trends) of OSBP operations. The automation of such tools is the next logical step. The EAC and ECOWAS plan to automate the OSBP monitoring tools in the form of a web portal that stakeholders can access and that will generate trade and travel statistics based on the agreed parameters.

12.6 Emerging Trends in the Application of ICT in OSBPs[361]

OSBP operations in some African countries have evolved and continuously improved over time. Traffic flows have increased due to increased efficiency on the clearance processes and general economic growth. The number of border agencies is also growing, each with its unique mandate and controls. Lead agencies at OSBPs charged with coordination of processes and procedures within the host partner state, over and above undertaking their mandate require, can use technology to enhance coordinated border management practices. The use of technologies for traffic management and border management have proven applications at OSBPs. Box 12-5 outlines the application of such systems at two OSBPs in Southern Africa. These examples demonstrate that the application of technology can improve border management and operations at OSBPs. However, for such technologies to be continuously maintained and new applications of technology implemented, the funding model of OSBPs may need to change from one relying on central government budgets to pay per use models (discussed in Chapter 7), especially from truck and public passenger traffic, and this model will be only applicable at borders only with economies of scale.

[361] This section focuses on good or best practices that are being implemented. In the much longer term, there is possible future application of new technologies for trade facilitation (e.g., the use of blockchain technologies for clearance processes and secure cross-border settlement of trade and transport-related costs), but they are not considered here.

Box 12-5: State-of-the-Art ICT Applied at Two Southern African OSBPs

(1) Kasumbalesa OSBP – Democratic Republic of Congo / Zambia

Through a PPP using a DBOT model, a private operator has set up modern infrastructure to improve operations at the Kasumbalesa Border Post, between Zambia and the DRC. The diagram below outlines the breadth of the technology applied to enhance border management processes at this land border.

The technology introduced includes a fully automated control room with monitoring screens with CCTV cameras to monitor traffic in and out of the CCZ. There is a public address system for communicating with staff within the CCZ. A boom smart entry and exit gate with optical character recognition for license plate recognition technology, automated axle-counting technology, and a state-of-the-art traffic management system is integrated with the ASYCUDA/SYDONIA World customs systems of both countries and there are advanced point-of-sale cash machines for collection of various fees.

ICT use at the border has enabled faster clearance, better management of border processes, and increased revenue collection.

(2) Kazungula OSBP – Botswana/Zambia

The Kazungula Bridge Authority, a bilateral authority between Botswana and Zambia to operate and manage the Kazungula Bridge and OSBP, seeks to revolutionize the model of operating and maintaining OSBPs. Fees collected by the KBA from users of the Kazungula Bridge are earmarked to equip and maintain OSBP facilities as well as the bridge.

Similar technology as at Kasumbalesa has been set up at Kazungula for improved border management, including CCTV to monitor traffic in and out of the CCZ and a public address system for communicating with staff within the CCZ.

Abbreviations: CCTV = closed-circuit television; CZ = common control zone; DBOT = design, build, operate, and transfer; DRC = Democratic Republic of Congo, ICT = information and communication technology; KBA = Kazungula Bridge Authority; OSBP = one-stop border post, POS = point of sale; PPP = public-private partnership
Source: Zambian (I.P.) Border Crossing Company website (https://www.zipbcc.com)

12.7 Business Continuity and Fallback Systems

As OSBPs increase their reliance on ICT in their operations, the resulting technology infrastructure and systems become mission-critical, and therefore they require a high degree of availability with seamless failsafe mechanisms. Border agencies are increasingly shunting fallback to manual processes in case their clearance systems are not accessible. Since OSBP operations cannot shut down and technologies sometimes fail, there is a need to develop business continuity and disaster recovery plans (BCPs and DRPs), e.g., in the case of power outages or network shutdowns. Such plans should include the setup of redundant WAN and CCZ connectivity, installation of redundant power backup such as generators (and automatic power switches) to supplied grid power, supply of uninterruptible power supply (UPS) for office computers, and the setup of disaster recovery sites for exclusive use and shared systems.

There is a need for the operations and ICT committees at OSBPs to consider designing BCP and DRP protocols that take into consideration the realities on the ground (i.e., the needs and shortcomings of the subject OSBP). The BCP and DRP will include a realistic assessment of the possible threats, risks, and weak spots in operations and the ICT systems that support operations. This will enable compilation of continuity of operations plans (COOPs) and contingency plans (CPs). The staff at the OSBP also need to be trained and guided on how to implement the protocols should the need arise. In addition, local champions of the COOP and CP need to be appointed to continuously train and sensitize staff.

Chapter 13
Other Trade and Transport Facilitation Tools

This chapter shows other transport and trade facilitation tools that may be useful for making border crossing at OSBPs smother and more efficient. Table 13-1 presents a matrix of such 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, as it has for this edition of the OSBP Sourcebook.

Table 13-1: Other Trade/Transport Facilitation Tools

Trade/Transport Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
Bilateral (and Multilateral) 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.,	Charles Kunaka, Virginia Tanase, Pierre Latrille, and Peter Krausz, *Quantitative Analysis of Road Transport Agreements (QuARTA)*, World Bank, 2013 Desiderio Consultants Ltd., *Bilateral vs. Multilateral Transport Permits*, October 2019 (available at https://desideriooconsultants.wordpress.com/2019/10/18/bilateral-vs-multilateral-cross-border-road-transport-permits/) Charles Kunaka, Lead Specialist on Connectivity, based at the World Bank Group offices in Singapore

Trade/Transport Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
	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 representatives and/or agencies in the territory of the other; obligation of non-discriminatory treatment; preferential facilitation measures for drivers, vehicles, and goods); and (ix) transparency (e.g., exchange of information as an obligation, dispute settlement mechanism). • Multilateral permit systems may offer advantages relative to bilateral permit systems because they harmonize national regulations governing road transport, reduce distortions of competition between transport companies, and may upgrade the technical standards of vehicles for the transport of goods engaged in cross-border operations	
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	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*

Trade/Transport Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
	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) • Using larger trucks or high-capacity vehicles can be practical to meet growing demand and reduce carbon emissions; HCVs can be managed better with the introduction of performance-based standards for heavy vehicle design, having more axles, and using ICT for regulatory compliance	*Highway and Trade Facilitation Programme, Study on Rationalization and Harmonization of Axle Load Limits*, April 2015 International Transport Forum, "High Capacity Transport Towards Efficient, Safe and Sustainable Road Freight", *International Transport Forum Policy Papers*, No. 69, OECD Publishing, 2019 Michael Ian Pinard, InfraAfrica (Pty) Ltd, Gaborone, Botswana Paul Nordengen, Heavy Vehicle Transport Technology Africa, Pretoria, South Africa
Harmonized Cargo Insurance	• The liability of the carrier in the event of damage to or loss of the cargo should be 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 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	Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, pp. 209-12 Dr. Kristiaan C. Bernauw, Professor, University of Ghent, Belgium, and Principal Legal Specialist, PADECO, Co., Ltd., Japan

Trade/Transport Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
	implications for governments, for transport operators to benefit from it governments must ratify the convention and incorporate its provisions in their national law	
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 • 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) • While tariffs are being reduced or eliminated in Africa with the implementation of FTAs and the AfCFTA, the elimination of NTBs such as road checkpoints remains a challenge for the Continent. Some RECs have developed NTB monitoring mechanisms.	Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, pp. 214-15 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 Borderless Alliance, Accra, Ghana [https://borderlesswa.com/] Desiderio Consultants Ltd., *Non-Tariff Barriers (NTBs) Monitoring Systems in Africa*, 2 March 2020 [available at https://www.ddcustomslaw.com/index.php?option=com_content&view=article&id=400%3Anon-tariff-barriers-ntbs-monitoring-systems-in-africa&catid=1%3Aultime&Itemid=50&lang=en]
Corridor Management Authorities	• Several 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,	Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014, Module 3 African Corridor Management Alliance, *A Comprehensive Strategy Document to Support the Architecture for the African Corridor Management Alliance*, March 2017 John Arnold, *Best Practices in Management of International Trade Corridors*, Transport Paper TP-13, World Bank, December 2006

Trade/Transport Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
	legislation/regulation, operation, monitoring, and promotion • 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	Yao Adzigbey, Charles Kunaka, and Tesfamchael Nahusenay Mituku, *Institutional Arrangements for 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 (https://www.corridor-wa.org/, https://www.corridor-wa.org/fr), Central Corridor Transit Transport Facilitation Agency (https://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	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 Felix Thompson, "Afreximbank Readies Continent-Wide Transit Guarantee Scheme", in *Global Trade Review*, 7 April 2021 Afreximbank, *Afreximbank Partners with COMESA to Implement its US$1 Billion Continental Transit Guarantee Scheme*, 10 March 2021

Trade/Transport Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
	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 • Benefits of a regional customs bond guarantee scheme may include: (i) faster clearance of vehicles at the border since there is no need to change bonds in each country; (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 • The African Collaborative Transit Guarantee Scheme of the African-Export Import Bank (Afreximbank, a Pan-African multilateral financial institution with the mandate of financing and promoting intra-and extra-African trade) has been designed to facilitate the smooth transit of goods across Africa through a continent-wide, single-technology-enabled transit guarantee scheme; under the program, Afreximbank is to become a regional and continent-wide guarantor, providing transit bonds covering all borders that goods are required to cross	

Trade/Transport Facilitation Tools	Issue(s) and Approaches	References, Sources of Good Practices/Toolkits, and Contact Persons
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) harmonization 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 COMESA, *Operations Manual of the Yellow Card Scheme and Reinsurance Pool*, undated (available at http://ycmis.comesa.int/uploads/Operations%20Manual.pdf) 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: AfCFTA = African Continental Free Trade Area, CMR = Convention relative au Contrat de Transport International de Marchandises par Route [Convention on the Contract for the International Carriage of Goods by Road], COMESA = Common Market of Eastern and Southern Africa, FTA = free trade area, HCV = high-capacity vehicle, JICA = Japan International Cooperation Agency, NTB = nontariff barrier, 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, OECD = Organization for Economic Co-operation and Development, PMAESA = Port Management Association of Eastern and Southern Africa, REC = regional economic community, 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: Listed in the third column of the table

Chapter 14
OSBP Case Studies

14.1 Introduction

This chapter presents case studies of various planned or operational OSBPs:

(i) Chirundu, a pioneering juxtaposed OSBP serving Zambia and Zimbabwe;
(ii) Cinkansé, serving Burkina Faso and Togo, which is wholly located within Burkina Faso;
(iii) Mfum, an OSBP serving Cameroon and Nigeria, and wholly located within Nigeria;
(iv) an overview of OSBPs within the East African Community (EAC) and the role played by the REC;
(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;
(vii) Kazungula, an infrastructure-led OSBP; and
(viii) 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.

Box 14-1 presents an overview of the case studies, focusing on the issues raised and the lessons learned.[362] Figure 14-1 presents a map showing the locations of the case study OSBPs in Africa.

Box 14-1: Lessons Learned from the Case Studies

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

Need for high-level political commitment
Importance of a well-crafted OSBP legal framework
Importance of well-structured committees and subcommittees
Need to refine procedures over time
Importance of training
Challenges in implementing an OSBP when facilities were designed for traditional two-stop operations

[362] The term "lessons learned" is used in this chapter. It is defined by the Development Assistance Committee (DAC) of the Organization of Economic Cooperation and Development (OECD) as follows: "Generalizations based on evaluation experiences with projects, programs, or policies that abstract from the specific circumstances to broader situations. Frequently, lessons highlight strengths or weaknesses in preparation, design, and implementation that affect performance, outcome, and impact." Organization for Economic Cooperation and Development, *Glossary of Key Terms in Evaluation and Results Based Management*, 2010 [https://www.oecd.org/development/peer-reviews/2754804.pdf]. There is some debate whether the word "learnings" is an appropriate substitute for "lessons". See, e.g., (i) https://grammarist.com/usage/learnings/ ["Learnings is a pluralization of an erroneous form of learning as a singular noun"]; and (ii) Warwick McFayden, "It Is Time to Take Our Learnings Seriously", *Daily Review*, 7 May 2018 [https://dailyreview.com.au/time-take-learnings-seriously/]. Rather than a comprehensive assessment of each case study OSBP, the Sourcebook seeks to glean or compile lessons that may provide useful guidance or suggestions for implementers at other OSBPs across the continent.

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

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

REC-led vs. bilateral approaches to OSBP development
Need for review of and agreement on border procedures and design before construction of facilities
Need for information sharing and sensitization on the new concept and procedures
Need to set acceptable user charges and reduce multiprocessing inspection and checkpoints

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 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

Kazungula – An Infrastructure-Led OSBP (Botswana and Zambia)

Vital importance of infrastructure
Benefits of a well-crafted legal framework
Importance of time release/measurement surveys

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., relevance to the lessons learned, availability of information).

Source: This Chapter

Figure 14-1: 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. **Kazungula** (Botswana/Zambia)
8. **Lebombo/Ressano Garcia** (South Africa/Mozambique)

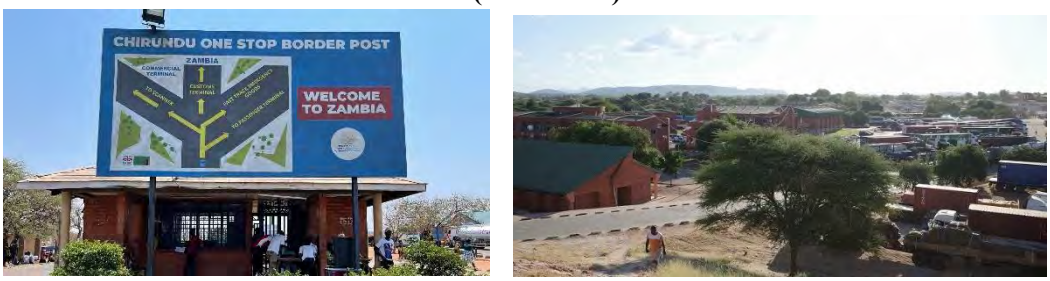
Source: This Sourcebook

14.2 A Pioneering Example of a Publicly Managed OSBP (Zambia and Zimbabwe)[363]

14.2.1 Overview of Lessons from the Case Study

The Chirundu OSBP is considered the first OSBP in Africa.[364] Issues raised by this pioneering 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) challenges in implementing an OSBP when facilities were designed for traditional two-stop operations, (vii) the importance of ICT, (viii) the need for assured disbursement(s), (ix) the need for appropriate signage, (x) the role of international development/cooperating partners, and (xi) the importance of extended (harmonized) operating hours.

Chirundu OSBP: Entrance (to Zambia) and View from a Distance



Source: Photograph taken by member of the JICA OSBP Team on the Project for Capacity Development on Smooth Operation of OSBPs on the North-South Transport Corridor, 2021

[363] This case study draws upon: (i) *One Stop Border Post Sourcebook*, 2nd edition, May 2016, pp. 13-3 to 13-10; (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) Transport Logistics Consultants, *Review of Performance of Chirundu One Stop Border Post*, prepared for the Common Market of Southern and East Africa (Director, Infrastructure and Logistics Division), funded by the European Union for funding under the Tripartite Transport Transit Facilitation Programme, March 2021; (iv) 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; (v) (Zimbabwe) Ministry of Industry and Commerce [the predecessor of the current Ministry of Foreign Affairs and International Trade], *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; (vi) Sean Woolfrey (Trade Law Centre), *Challenges at Chirundu One-Stop Border Post*, September 2013; (vii) Nellie Dhaerah, *The Impact on Customs of the Development, Implementation and Administration of Regional Integration Initiatives: The Case for Zimbabwe Revenue Authority*, undated; (viii) TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010; (ix) Mark Pearson, *Trade Facilitation in the COMESA-EAC-SADC Tripartite Free Trade Area*, September 2011; (x) Marko Kwaramba, *Evaluation of Chirundu One Stop Border Post – Opportunities and Challenges*, Trade and Development Studies Centre, July 2010; (xi) 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; (xii) 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; and (xiii) 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. **Because this case study (which provides valuable lessons) is largely historical in nature, several of the references are from several years ago.**

[364] 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 Competitiveness Hub and United States Agency for International Development, March 2007.

14.2.2 Background and Current Status of the OSBP

(1) Overview

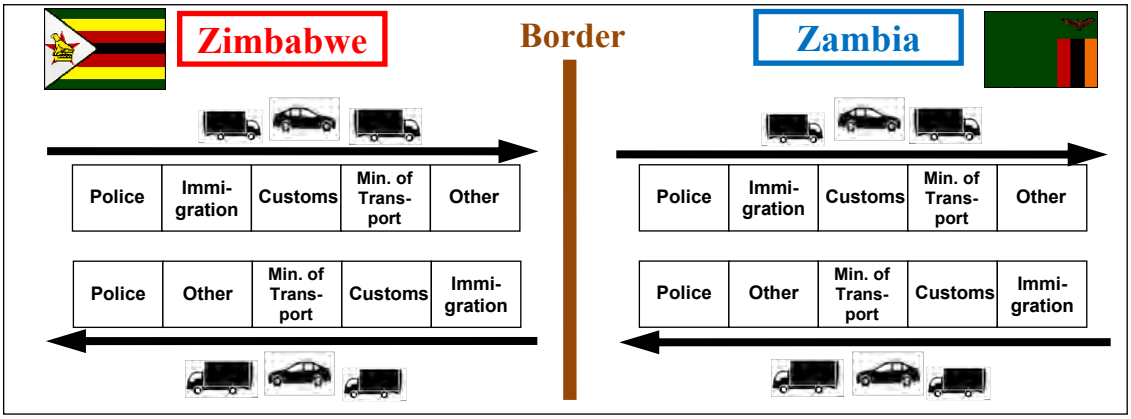
The Chirundu OSBP – located between Zambia and Zimbabwe on the Zambezi River along the North-South Corridor in Southern Africa[365] and launched on 5 December 2009 – is considered the first functioning OSBP in Africa. Pursuant to a decision of the Council of Minister of the Common Market for Eastern 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. It was a pilot trade facilitation project under a North-South Corridor Pilot Aid for Trade Programme, with the aim of reducing travel times travel along the corridor.[366] The project was implemented through the Regional Trade Facilitation Programme (RTFP) with financial support from the United Kingdom Department for International Development (DFID, the predecessor of the Foreign, Commonwealth and Development Office, FCDO), JICA, and the World Bank.

Chirundu has been the busiest Zambian border and a preferred border crossing for Eastern and Southern African countries, resulting in congestion – it used to take 5 days for trucks and 2 hours for passenger buses to be cleared.[367] The lengthy crossing times were caused from the long procedures involved in passing through two sets of identical controls on each side of the border. Both governments were therefore keenly interested in improving border efficiency at Chirundu. Before this OSBP project, the old one-lane Otto Beit suspension bridge at Chirundu was replaced by a new two-lane 400 m bridge (funded by JICA), which opened in 2002, and both the Governments of 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 staff accommodation facilities. Therefore, it should be noted that some facilities were designed and built before the implementation of the OSBP project. 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 14-2 presents a schematic of the border crossing procedures at Chirundu before the launching of the OSBP, while Figure 14-3 presents a schematic of 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.

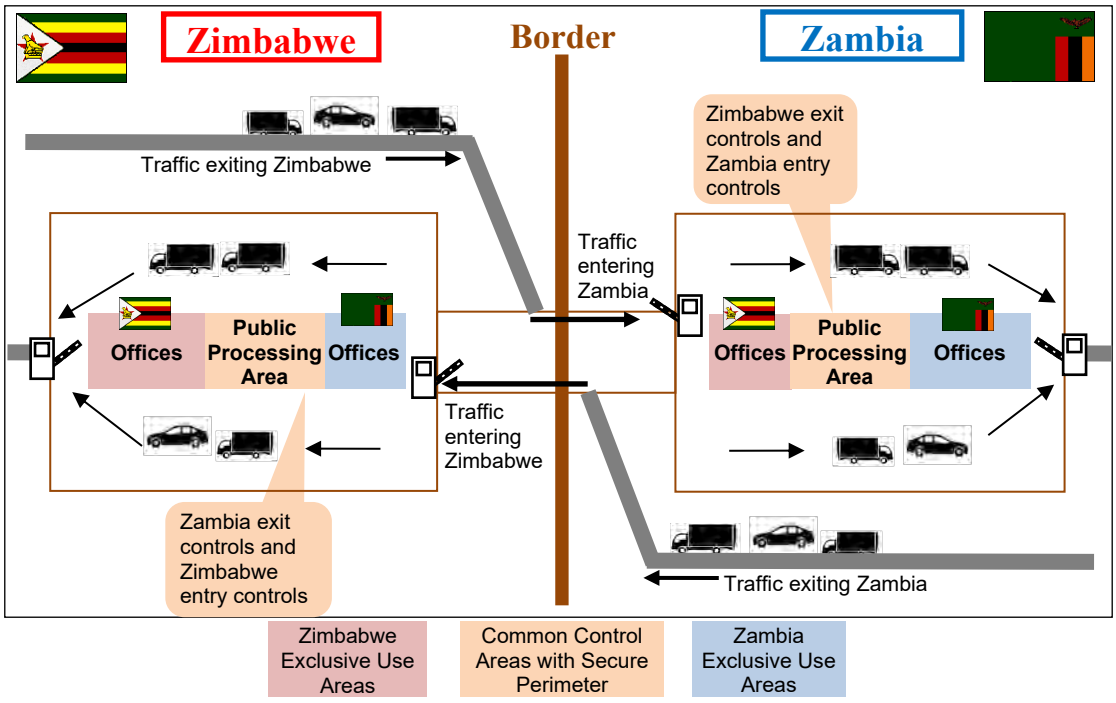
[365] The North-South Corridor links the Dar es Salaam Corridor to the southern ports of South Africa through the Copperbelt. The corridor traverses eight countries, i.e., Botswana, Democratic Republic of Congo, Malawi, Mozambique, South Africa, Tanzania, Zambia, and Zimbabwe.
[366] (Zimbabwe) Ministry of Industry and Commerce [the predecessor of the current Ministry of Foreign Affairs and International Trade], *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.
[367] A 2008 baseline survey cited in the reference paper in the previous footnote.

Figure 14-2: Border Crossing Procedures at Chirundu before OSBP Operationalization (Schematic)



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 14-3: Border Crossing Procedures at Chirundu after OSBP Operationalization (Schematic)



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 and Institutional Framework

To operationalize the OSBP, both governments signed a bilateral agreement for the establishment of an OSBP at Chirundu, which was followed by enabling laws 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.[368,369] These two enabling acts authorized border control officers to carry out their national controls in a common control zone (CCZ). In other words, Zimbabwean officers were allowed to carry out controls on the Zambian side of the CCZ and vice versa. The acts also provided for hosting arrangements for foreign officials from the adjoining state operating in the host state.[370]

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) All exit procedures must be completed before entry procedures commence 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 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) A steering committee comprised of permanent secretaries responsible for various border operations and representatives from the relevant private sector apex bodies was formed and met quarterly. National committees facilitated stakeholder dialogue and consensus building in country on OSBP. Four subcommittees in charge of legal framework, procedures, facilities and ICT were set up under the steering committee and worked with consultants and conducted wider consultations with stakeholders.

(x) Joint border management committees were formed and co-chaired by the heads of the revenue authorities at Chirundu to address challenges arising from the implementation.[371]

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[368] Zimbabwe was able to 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 address 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.

[369] The Zambian Act has since been updated, with the Border Management and Trade Facilitation Act, 2018, which repealed the 2009 act. Further elaboration of the national regulatory frameworks is ongoing, with the support of the COMESA European Development Fund (EDF) 11 program, which includes assistance for improved and harmonized legal framework and procedures (e.g., for Zambia, development of implementing regulations for the Border Management and Trade Facilitation Act, 2018, in 2020-2021; and for Zimbabwe, development of regulations for implementation of the Zimbabwe One Stop Border Posts Control Act, No. 21 of 2007, in 2021).

[370] The OSBP Acts superseded other acts, only regarding these two issues in the OSBP; thus, the individual laws of each border control agency did not need to be changed.

[371] 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,

(3) Procedures

Figure 14-4 broadly shows the planned directional flows for northbound and southbound traffic at Chirundu, respectively. Details regarding the OSBP procedures at Chirundu, as envisaged, 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 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,[372] exit first and entry second. Coaches (buses) 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. In the meantime, the customs agents process the documents with both customs agencies. A special fast track unit was 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.[373]

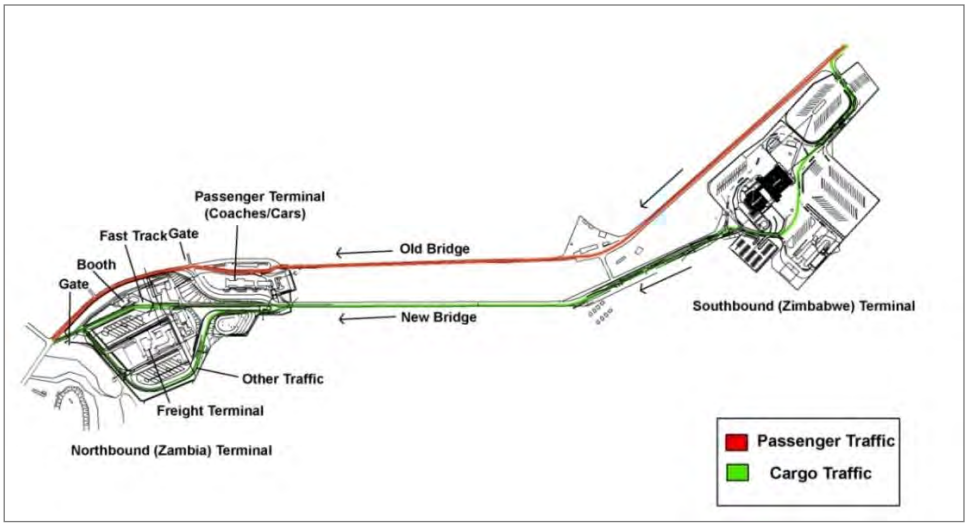
January 2011; and (ii) TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated.

[372] For commercial traffic, Zambian exit control is now processed outside of the public (clearance) hall. The facility is located on the eastern side (originally it was located on the western side at the entrance of the facility, but it was relocated due to hilly terrain).

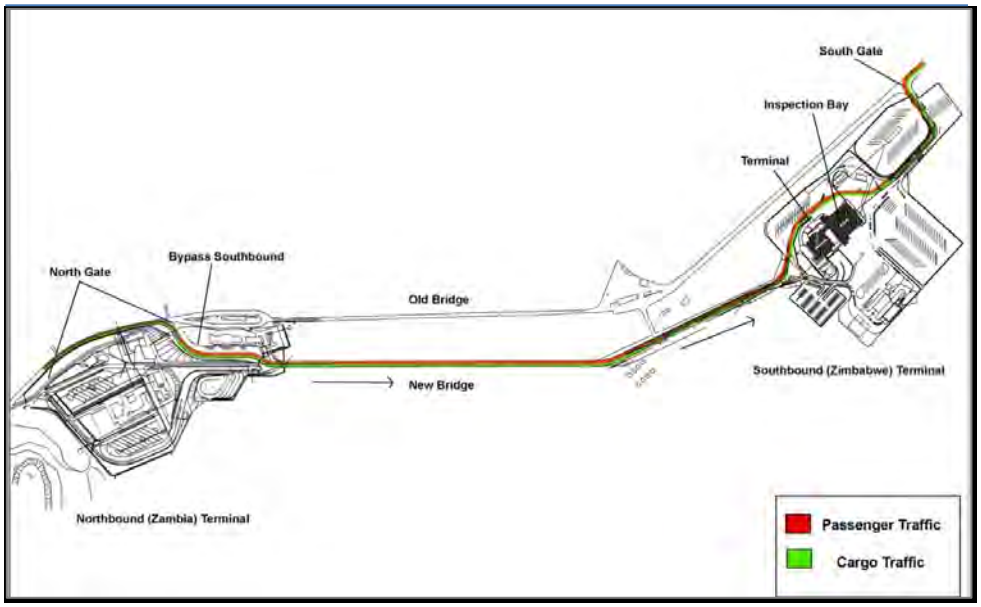
[373] Changes as of October 2021 included the following: (i) there were four gates, three on the Zambian side and one on the Zimbabwean side; (ii) southbound traffic was where the northbound commercial traffic is (there is no divider to physically separate the two opposite traffic flow; (iii) for commercial traffic, exit controls of Zambia were processed outside of the public (clearance) hall; (iv) the Zambia facility was located at the eastern side; (v) Port Health inspection was conducted on the Zimbabwean side as a first step; (vi) northbound passenger cars and coaches traveled past the south gate and cross the new bridge; and (vii) for commercial traffic, Zimbabwean exit control was conducted at the entrance of the Zambian border facility just after crossing the new bridge.

Figure 14-4: Planned Directional Flows for Traffic at Chirundu

Northbound Traffic



Southbound Traffic



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

However, in practice (at least in recent years), the Chirundu OSBP has not been operating as envisaged. While the issues and lessons learned from this OSBP will be described in subsection 14.2.3, it should be noted that the COMESA EDF 11 program was conducting a best-practice review and developing standard operating procedures in 2021-2022 and JICA also started to provide complementary support through a project for capacity development for smooth operation of OSBPs along the North-South Corridor (2020-2025), including Chirundu, for which it has been revising operational guidelines and manuals for OSBP operations, as necessary. To ensure efficient OSBP operations at Chirundu, even before developing new standard operating

procedures, it may be necessary "to reimagine" what Chirundu should be and start from there, rather than simply retrofitting the border.

Training in the new procedures was provided in 2009, before and immediately after operationalization of the OSBP in December of that year. Further training – which is required at least on a periodic basis – has not been provided as required. However, the ongoing JICA capacity building project (2020-2025) provides for training in OSBP procedures at Chirundu (among other border crossings), including workshops, on-the-job training, training of trainers, and third-country training to learn from preceding OSBP cases in the East African Community.

(4) Adjustment of Facilities to Support OSBP Operations

The facilities at Chirundu were built before the OSBP concept was developed and the OSBP procedures were formulated. To adapt to the OSBP concept, existing masonry counters in the Zambian passenger facility were removed and temporary counters installed. The counter area in the Zimbabwean facility was reassigned with some partitioning adjusted. The parking area in Zambia proved insufficient for implementing the OSBP procedures, requiring either shorter holding times or expansion. In addition, preexisting problems continued – for example, the inspection yard is not sufficient, and Zimbabwe has had difficulty in keeping the air conditioning working. Both the Zambian and Zimbabwe sides have a scanner, while only the Zimbabwe side has a weighbridge. Some challenges have been identified in terms of availability and use of facilities to address the security, health, and reception of migrants.

(5) Interconnectivity and ICT

There was a plan to provide connectivity in all facilities, so that revenue authority officers operating on the other side of the control zone could access their own ASYCUDA[374] (customs clearance) system. However, microwave and then later fiber optic network solutions initially failed and exit procedures were mostly conducted manually and input later into the system, adding to the workload and inefficiency. While as of 2021 both sides were connected to the internet via fiber cables and satellites, the connection was limited and not all agencies had computers connected to internet. However, a memorandum of understanding (MOU) on data exchange was signed by the respective revenue authorities, and consultations on the development and implementation modalities for a Customs-to-Customs electronic data exchange system was concluded in early 2022. Constraints to achieving ICT interconnectivity (now more than a decade after opening of the OBSP) have been limited financing, a lack of political will, and/or a lack of compelling reasons for the agencies to move forward. In addition, the originally designed procedures assumed use of ICT more than has been possible, and many border agencies other than customs and standards processed clearances manually.

To remedy this situation, the COMESA EDF 11 program committed to improving interconnectivity at Chirundu in 2021-2022. Improvements in Zambia were to include (i) enhanced automation and connectivity of processes of border agencies at the national and regional level, including development of a new customs management system and implementation of an advance passenger information system; and (ii) improved performance measurement of the border post by implementing a trade and transport corridor monitoring system (TTCMS). Planned improvements in Zimbabwe include (i) automated border processes with coordinated border management and enabling of an electronic single window; (ii) improved performance measurement of the border post, including piloting, rollout, and institutionalization of the TTCMS

[374] ASYCUDA = Automated System for Customs Data. See subsection 12.5.3.

to improve monitoring of border operations, as well as improved border performance management, with regular time release studies; and (iii) provision of cross-border, interagency connectivity.

(6) Extension and Harmonization of OSBP Operating Hours

Operating hours have been coordinated and harmonized under the leadership of the bilateral steering committee and locally through the lead agencies (customs). To meet increasing traffic volumes after opening of the OSBP, in 2015 both countries agreed to extend and operate the border crossing from 6 a.m. to 10 p.m.

(7) 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.[375] After operationalization of the OSBP, 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 120-400 or more per day.[376] The streamlined and harmonized procedures in the OSBP, together with the infrastructure improvements (i.e., the buildings and new bridge) substantially reduced clearance and crossing times at Chirundu.

(ii) Almost immediately after the commencement of OSBP 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.[377]

(iii) The increased efficiency of border operating systems at Chirundu, coupled with increased traffic flows through the border post, 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.[378]

(iv) Anecdotal evidence suggests a reduction in HIV/AIDS infections at Chirundu to the extent that truck drivers are required to spend less time at the border.[379]

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[375] 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.

[376] (i) Andreas Eberhard-Ruiz and Linda Calabrese [Overseas Development Institute, University of Sussex], *Trade Facilitation, Transport Costs and the Price of Trucking Services in East Africa*, August 2017, p. 16, available at https://cdn.odi.org/media/documents/12281.pdf [USD 120 per day in East Africa in 2016]; (ii) Thando S. Vilakazi, "The Causes of High Intra-Regional Road Freight Rates for Food and Commodities in Southern Africa", *Development Southern Africa*, prepared for United Nations University World Institute for Development Economics Research, April 2018, p. 398, available at https://doi.org/10.1080/0376835X.2018.1456905 ["at least" USD 400 per day in Southern Africa in 2015]. The 2nd edition of the OSBP Sourcebook cited a source with similar results. Mark Pearson, *Trade Facilitation in the COMESA-EAC-SADC Tripartite Free Trade Area*, September 2011, paragraph 3, p. 1 [USD 200-400 per day in Southern Africa].

[377] (Zimbabwe) Ministry of Industry and Commerce [the predecessor of the current Ministry of Foreign Affairs and International Trade], *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.

[378] Sean Woolfrey (Trade Law Centre), *Challenges at Chirundu One-Stop Border Post*, September 2013.

[379] Source in previous footnote, p. 9.

However, in recent years, it appears that border crossing times have increased at Chirundu. Table 14-1 summarizes two time survey reports, both conducted before the onset of COVID-19, which has had major impacts on border operations. In addition, the ongoing (2020-2025) JICA project for capacity development for smooth operation of OSBPs along the North-South Corridor is supporting baseline, midterm, and endline time release surveys at Chirundu in 2022, 2023, and 2024, respectively.

Table 14-1: Comparison of Time Release Studies at Chirundu in 2019 and 2020

Item	2019 Study	2020 Study	
Development Partner	WCO/USAID	COMESA	
Site	Chirundu, Zambia (not on the Zimbabwe side)	Chirundu, Zambia Northbound	Chirundu, Zimbabwe Southbound
Duration of the Survey	12-18 December 2019 survey (7 days)	15-19 January 2020 survey (5 days, 3 weekdays and 2 weekend days)	15-19 January 2020 (5 days, 3 weekdays and 2 weekend days)
Type of Survey	Sampling survey	Snapshot survey	Snapshot survey
Subject Regimes	Import Transit	Imports Transit Empty Return	Import Transit Empty
Trucks Arriving for Import	1,895	Fast-track lane: 194 Imports: 59% Transit: 41% Other Cargo Lane: 513 Imports: 69% Transit: 28% Empty Returns: 3%	Fast-track lane Containerized: 102 Other Cargo Vehicles: 689 Import: 6% Transit: 30% Empty: 64%
Trucks Arriving for Transit	625		
Total Number of Trucks Cleared	1,540		
Scope of Border Clearance	Between in and out of the CCZ	Between in and out of the CCZ	Between in and out of the CCZ
Average Dwell Time of Trucks	6 days, 4h 4m	Fast Truck Lane: 16h 03m Other Cargo Lane: 2 days 8h 51m (56h 51m)	No Fast Truck Lane: N/A All Cargo Lane: 2 days 8h 39m (54h 39m)
Average Dwell Time for Imports	7 days 1h 36m	N/A	N/A
Average Dwell Time for Transit	4 days 1h 23m	N/A	N/A

Abbreviations: CCZ = common control zone, COMESA = Common Market of Southern and Eastern Africa, h = hours, m = minutes, N/A = not available, TRS = time release survey, USAID = United States Agency for International Development, WCO = World Customs Organization

Note: The 2019 TRS calculated "averages", while the 2020 TRS calculated both means and medians. Therefore, means were used from the 2020 TRS for comparison purposes.

Source: Japan International Cooperation Agency and PADECO Co., Ltd., *The Project for Capacity Development for Smooth Operation of OSBPs on the North-South Transport Corridor, Progress Report 1, May 2021*, Table 2-2, pp. 2-20 to 2-21 [compiling results from (i) World Customs Organization and Zambia Revenue Authority, *Time Release Study for Imports & Transit Cargo Chirundu OSBP Zambia – December 2019*, 2019; and (ii) Transport Logistics Consultants, *Review of Performance of Chirundu One Stop Border Post*, prepared for the Common Market of Southern and East Africa (Director, Infrastructure and Logistics Division), funded by the European Union for funding under the Tripartite Transport Transit Facilitation Programme, March 2021]

14.2.3 Lessons Learned

(1) Need for High-Level Political Commitment

One positive lesson from the Chirundu OSBP project is that strong political commitment at the highest levels and engaging stakeholders at the national and regional levels resulted in a necessary formal agreement to implement the OSBP. As in the case of Chirundu, such an agreement must be accompanied by a legal framework providing extraterritorial authority to implement the OSBP.[380] However, related to the discussion in subsection (7), the internet connection at Chirundu has been limited and not all agencies have had computers connected to internet. While an MOU on data exchange has been signed by the respective revenue authorities, the actual interface has not yet been installed. There is a need for political will for ICT connectivity and the allocation of sufficient budget for sustainable operations even after initial support from development partners.

(2) 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 in 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, the Chirundu OSBP showed the importance of a bilateral (or multilateral) agreement to lay down agreed operational principles for the OSBP.[381] The legal and regulatory framework is now being upgraded, with the support of the EDF 11 program, as discussed in the preceding subsection on the legal framework.

(3) Importance of Well-Structured Committees and Subcommittees

The Chirundu OSBP benefitted from a steering committee and subcommittees: (i) a procedures subcommittee to develop OSBP procedures, (ii) a legal subcommittee to develop the OSBP legal framework, (iii) a facilities subcommittee to ensure the quality of facilities at the border, and (iv) an ICT subcommittee to develop information technology [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.[382]

However, the committees and subcommittees eventually ceased functioning. A rapid assessment by the International Organization for Migration (IOM) in December 2015 found that the only regularly functioning cross-border coordination mechanisms were at the district level. More recently in 2021, a joint steering committee and joint border operations (coordination) committee for the Chirundu OSBP were reactivated, with support of the ongoing (2020-2025) JICA project for capacity development for smooth operation of OSBPs along the North-South Corridor. In the last quarter of 2021, an action plan to improve OSBP operations was approved at the border level, including the refinement of OSBP procedures, training and sensitization, time measurement surveys, and monitoring of OSBP operations.

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[380] Transport Logistics Consultants, *Review of Performance of Chirundu One Stop Border Post*, prepared for the Common Market of Southern and East Africa (Director, Infrastructure and Logistics Division), funded by the European Union for funding under the Tripartite Transport Transit Facilitation Programme, March 2021, p. 1.
[381] Sean Woolfrey (Trade Law Centre), *Challenges at Chirundu One-Stop Border Post*, September 2013, p. 22.
[382] See, e.g., TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated.

(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 were 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.[383]

(5) Importance of Training

Starting training activities several months before launching of the OSBP allowed for engagement of a 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 and therefore were not conducted. The December 2015 rapid assessment by IOM suggested the need for joint training involving officials from both sides of the border within an integrated (or coordinated) border management approach. By 2020, significant development partner support was mobilized for joint training in the OSBP procedures, under the ongoing (2020-2025) JICA capacity building project for OSBPs along the North-South Corridor, including Chirundu.

(6) Challenges in Implementing an OSBP When Facilities Were Designed for Traditional Two-Stop Operations

At Chirundu there were challenges in implementing the 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. These committees are better formed before the design work to avoid repeated modifications to the design and infrastructure work.[384]

(7) Importance of ICT Connectivity

A challenge 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 ASYCUDA customs clearance 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 ASYCUDA systems used in Zambia. The lack of connectivity between the two

[383] The operations manual (standard operating procedures) is now being upgraded, with support from the JICA capacity building project for OSBPs along the North-South Corridor, as set out in the preceding subsection on procedures.
[384] 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.

sides also prevented the designated fast track lane from becoming fully functional.[385] However, as noted in a previous subsection, the COMESA EDF 11 program has been providing support to improve ICT interconnectivity at Chirundu in 2021-2022.

(8) 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. To some extent, this is now being done, with JICA support for the project for capacity development for smooth operation of OSBPs along the North-South Corridor (2020-2025). 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.

(9) Need for Timely Disbursement(s)

Another challenge encountered in implementing the Chirundu OSBP project was erratic disbursement or even non-disbursement of funds pledged for the project. On several 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.[386]

(10) 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 has been found to be a continuing problem. Adequate external and internal directional and informational signs are necessary before commencement of OSBP operations. There were several complaints that "both passengers and commercial freight vehicles simply [had] no idea where to go."[387] 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. The COMESA EDF 11 program has been addressing signage challenges, at least to some extent, with the provision of information screens on the Zambian side (2020-2021).

(11) 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 proved successful. However, while having a project manager funded outside of existing agency structures was helpful, it tended to remove responsibility from the agencies that

[385] 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,
[386] See, e.g., TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated.
[387] See, e.g., (i) Source in previous footnote; and (ii) (Zimbabwe) Ministry of Industry and Commerce [the predecessor of the current Ministry of Foreign Affairs and International Trade], *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.

would ultimately need to be in charge. One suitable task for the international development partners is carrying out a joint evaluation to assess the effectiveness of the OSBP and formulate OSBP performance indicators and a sustainability plan, which may be communicated to the public as part of an OSBP client charter.

(12) Importance of Extended (Harmonized) Operating Hours

There is a need to extend the operating hours at Chirundu to reduce congestion. It was reported at an October 2021 joint border operations committee meeting that while Customs, Immigration, and Port Health work 24/7, other agencies at the border still only operate 16 hours a day, which hinders processing efficiency and the ability of clients to derive the full benefits of the OSBP. More border officers are required, which in turn requires additional staff housing.[388]

14.3 Cinkansé – A Single-Country OSBP (JBP) with Private Sector Involvement (Burkina Faso and Togo)[389]

14.3.1 Overview of Lessons from the Case Study

The case study of the Cinkansé[390] JBP is an example showing the first single-country JBP in West Africa, which was developed with a public-private partnership (PPP) arrangement. It presents issues related to (i) REC-led vs. bilateral approaches to OSBP development, (ii) the need for review of and agreement on border procedures and design before construction of facilities, (iii) the need for information sharing and sensitization on the new concept and procedures, and (iv) the need to set acceptable user charges and reduce multiprocessing inspection and checkpoints. Because Cinkansé was the first JBP in West Africa, several issues needed to be addressed at the same time and immediately. An additional issue involved the impact of the JBP on the local community. All that said, the JBP may be considered to be on the way to achieving some degree of success – with the support of RECs, stakeholders, and development partners.[391] Data provided by Scanning Systems SA[392] (the concessionaire for the Cinkansé JBP) indicated a reduction in

[388] See, e.g., TradeMark Southern Africa, *Chirundu One Stop Border Post: Progress Report and Lessons Learned*, November 2010, unpaginated.

[389] Among other sources, this case study draws upon: (i) World Bank, *Lome-Ouagadougou-Niamey Economic Corridor (P168386), Combined Project Information Documents/Integrated Safeguards Datasheet (PID/ISDS)*, 19 April 2021; (ii) Interview with Mr. Justin Bayili, Executive Secretary, Borderless Alliance, 24 February 2022; (iii) ADA Consultants Inc., *Projet Multinational Togo/Burkina Faso Réhabilitation de Routes et Facilitation du Transport sur le Corridor CU9 Lomé–Cinkansé–Ouagadougou (PR6-UEMOA) Rapport Final d'évaluation de l'impact Socio-économique du PR6*, prepared for UEMOA and the African Development Bank, March 2018; (iv) 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; (v) Corridor Development Consultants (Pty) Ltd, *Cinkansé Joint Border Post Operating Procedures Manual, Lomé-Ouagadougou Corridor*, prepared for JICA Burkina Faso Office, December 2014; (vi) JICA Study Team, *Study Report on Customs Procedures and Operations of the Abidjan-Ouagadougou Corridor*, June 2015; (vii) 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 (viii) PADECO Co., Ltd., Togo-Burkina Faso Road Corridor, *Trade Facilitation Analysis*, prepared for the African Development Bank, April 2012.

[390] 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.

[391] See, e.g., World Bank, *Lome-Ouagadougou-Niamey Economic Corridor (P168386), Combined Project Information Documents/Integrated Safeguards Datasheet (PID/ISDS)*, 19 April 2021 ["An effective reform of border posts and the OSBP of Cinkanséncements, to be pursued during the project life based on the results of an ongoing border re-engineering study, acceptable to stakeholders, is essential to improving the economic and development performance of the corridor"; pp. 9-10].

[392] Société Anonyme (S.A.) is a French term for a public limited company (PLC) and has many equivalents all over the world. An S.A. is the equivalent of a corporation in the United States, a public limited company in the United Kingdom.

border crossing time from two days before the project in 2011, to three hours and 45 minutes in January 2018.[393]

14.3.2 Background of the JBP and Current Status

Cinkansé is the border crossing located along the Lomé (Togo)-Ouagadougou (Burkina Faso) corridor, which extends 954 km with 677 km in Togolese territory and 277 km in Burkinabé territory. The Lomé-Ouagadougou corridor carries transit cargo to Mali and Niger (and to lesser extent Benin and Ghana) plus other intraregional transit traffic.[394] The corridor forms part of the priority road networks identified by 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 and a part of the West African Growth Ring Master Plan, which was formulated with JICA support. The average number of vehicles crossing the border per day was 600 in 2012 and 900 in 2018. The corridor road networks have been rehabilitated since 2012 with funding from the African Development Bank (AfDB).

Map Showing the Lomé-Ouagadougou Corridor

Source: [Former] JICA Advisor to UEMOA, Presentation of the Project on Simplification on Transit Procedures on Togo-Burkina Faso Corridor based on the Interconnections of Customs IT Systems, WCO Regional Workshop on Transit, Kampala, Uganda, February 2015

The Cinkansé JBP was the first to be developed in West Africa. UEMOA opted for the single country model with a view toward integration and development of a common market. 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). The JBP 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 SA, an Ivoirian company, approached UEMOA with a proposal for a BOT arrangement to complete and operate the JBP and a 20-year BOT arrangement for the JBP was signed with Scanning Systems in September 2009. The concessionaire has been 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.

UEMOA has issued several legal instruments regarding JBP infrastructure, financing, the legal framework for operating JBPs, and Regulation No. 15,[395] which seeks to consolidate in a single regulation the key principles for operating JBPs. 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 promulgated that relates to

[393] ADA Consultants Inc., *Projet Multinational Togo/Burkina Faso Réhabilitation de Routes et Facilitation du Transport sur le Corridor CU9 Lomé–Cinkansé–Ouagadougou (PR6-UEMOA) Rapport Final d'évaluation de l'impact Socio-économique du PR6*, prepared for UEMOA and the African Development Bank, March 2018, p. 28, Table 6.
[394] 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, some vehicles registered in Togo regularly haul goods to Burkina Faso, Mali, and Niger.
[395] 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.

operating JBPs with a concessionaire, such as at Cinkansé, which had not been foreseen in the original regulations. A further regulation – promulgated on 29 June 2010 – sets the tariffs the concessionaire can charge and the modalities of payment.

Scanning Systems completed the construction and installation of equipment, and the Cinkansé JBP opened in November 2011 as the first JBP in West Africa. However, the JBP did not function well for a while, e.g., the concessionaire was to receive user fees from each truck passing but users refused to pay the fees. Due to the long process for customs registration and verification formalities as well as frequent power and internet outages, the users did not find value for money to pay an extra fee.

Overview of the Cinkansé JBP

Source: Photograph by Scanning Systems, March 2022

A bilateral customs and chamber of commerce agreement was signed in 2013 to enable use of a single customs guarantee along the Lomé-Ouagadougou Corridor. There is also a bilateral customs agreement between Burkina Faso and Togo that committed the two countries to implementing an electronic transit system. However, a July 2014 baseline report on the Cinkansé JBP supported by JICA reported the border crossing time as four days for trucks from Togo to Burkina Faso due to the slow clearance processes at Cinkansé. Specifically, the report found that:

(i) Other (i.e., non-Customs) border agencies (e.g., SPS, Veterinary, Environmental) operated from small buildings outside the main facility and Togolese agencies carried out their controls in Togo even though office space was available on the JBP premises. This arrangement affected the speed of handling documents, and information sharing was inadequate. This situation was compounded by the lack of pre-clearance schemes and electronic exchange of data among agencies.
(ii) The decision to commence execution of full customs transit formalities at Cinkansé was done in the absence of common procedures and sensitization among border officials.
(iii) Proper traffic management to clearly separate freight and passenger traffic was given little consideration, with consequent adverse effect on traffic flow.
(iv) Short operating hours (from 7:00 a.m. to 12:30 p.m. and from 3:00 p.m. to 5:30 p.m.) and the requirement to pay overtime fees for all transactions handled after 11:00 a.m. and on weekends also affected the flow of traffic.
(v) Most stakeholders at the border reported that they were unaware of the JBP concept and procedures.[396]

In addition, simplified procedures were not yet agreed and the customs IT systems of the two countries had not yet been interconnected. Further, there have been an excessive number of checkpoints and controls along international and interstate roads in West Africa, and the collection of duties and taxes by different government agencies as well as municipalities adds to the time and cost of transporting goods.[397]

[396] 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. 23.
[397] Sana Consulting, *Accelerating Trade in West Africa (ATWA) – Stage 1 Part 1, Introduction and Context, Final Report*, November 2015.

UEMOA and ECOWAS have issued various regulations adhering to international standards (to remove physical barriers to trade) and ECOWAS has been promoting modernization of customs clearance procedures including an interstate transit system. Under the EU-funded Trade and Regional Integration Support Program (PACIR), a project to interconnect the IT systems of the customs administrations was initiated in 2013, and the customs administrations of Burkina Faso and Togo made efforts to interconnect their IT systems and implement a common single transit bond.[398,399,400] Under a project supported by UEMOA and UNCTAD (with JICA financing beginning in November 2016), exchange modules were installed and a transit module between Lomé and Ouagadougou started operations in May 2018.[401] As of early 2022, the IT systems of the two customs administration were interconnected although internet outages required manual input from time to time.[402]

As mentioned, a March 2018 study prepared for UEMOA and AfDB showed reductions in border crossing time from 2 days in 2011 to 3 hours and 45 minutes in January 2018, and transit traffic flows at the border have substantially improved. The processing time of transit documents by Burkinabé and Togolese customs authorities also was reduced from 10 hours in 2011 to 2 hours and 26 minutes in 2018. In addition, the average journey time for heavy goods vehicles along the corridor was reduced from 6 days in 2011 to 2.42 days in 2018. Further, the volume of transit traffic vehicles at Cinkansé increased to 900 per day in 2018.[403]

While electronic cargo tracking systems between Lomé and Cinkansé, and between Cinkansé and Ouagadougou, are now operational, the tracking systems are managed by the respective countries, and therefore the electronic seals need to be changed at the border. Sometimes trucks need to wait for these seals to be brought back to the border since there are not enough seals. Introduction of a regional tracking system would solve the problem and shorten the transit process at border.[404]

14.3.3 Lessons Learned

(1) REC-led vs. Bilateral 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 these instruments, the development of JBPs was moving slowly. While an act or regulation of a REC may take precedence over national law, the legal instruments may not necessarily be implemented and/or enforced. Although the RECs became commissions with the

[398] *Summary Report of Interconnection Project for the Computer Systems of the Customs Administrations of Burkina Faso - Cote d'Ivoire - Mali - Senegal and Togo*, March 2017.
[399] This initiative is now pursued under the ECOWAS Customs Interconnection Project known as the Regional Customs Network for Transit Trade Project (SIGMAT) with the support of UNCTAD, the World Bank, the EU, and Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ, a German development agency). The project aims for the digital transmission of data on transit goods to the different customs administrations, prior to dispatch, thereby providing customs officers at transit and destination points with information on the transit goods well before the arrival of the goods.
[400] Presentation by Mr. Motohiro Fujimitsu, (formerly) JICA Advisor to UEMOA, on Project on Simplification on transit procedures on Togo-Burkina Faso Corridor based on the Interconnections of Customs IT systems, WCO Regional Workshop on Transit, Kampala, 16-19 February 2015.
[401] Transit solutions supporting trade facilitation include the ASYCUDAWorld Transit Module. Jean-Marc Benoit, UNCTAD Presentation at Multiyear Expert Meeting on Transport, Trade Logistics and Trade Facilitation, Seventh Session, Trade Facilitation and Transit in Support of the 2030 Agenda for Sustainable Development, May 2019.
[402] Email from Ms. Kimiyo Yamaura, JICA Infrastructure Advisor to UEMOA, 30 March 2022.
[403] ADA Consultants Inc., *Projet Multinational Togo/Burkina Faso Réhabilitation de Routes et Facilitation du Transport sur le Corridor CU9 Lomé–Cinkansé–Ouagadougou (PR6-UEMOA) Rapport Final d'évaluation de l'impact Socio-économique du PR6*, prepared for UEMOA and the African Development Bank, March 2018, pp. 27-31.
[404] Interview with Mr. Justin Bayili, Executive Secretary, Borderless Alliance, 24 February 2022.

goal of increasing their authority, their ability to drive the implementation processes of member states still faces challenges, e.g., acceptance of the JBP concept by multiple border agencies, and the time taken by the private sector, requiring considerable cooperation. In the case of Cinkansé, the processes for site selection and the transfer of ownership to RECs have been lengthy, including the time required to finalize agreements, determine compensation, and address resettlement issues. During design and construction, it has taken considerable time to obtain the involvement of all border stakeholders. Access and possession of the site by contractor(s) has sometimes required litigation, with consequent delays in construction schedules and cost increases. The processing of works certificates has also been complicated. Procurement delays have affected funding deadlines. Nevertheless, in West Africa, especially in the UEMOA region, there has been more of a tendency to act regionally than (say) in Southern Africa, where many initiatives are bilateral.

(2) Need for Review and Agreement on Efficient Procedures and Design before Construction of Facilities

As is too often the case, development of the JBP at Cinkansé focused on construction of facilities and from the early stages overlooked other important aspects to operationalize the JBP effectively. Since the project concentrated on the construction of infrastructure and facilities and did not fully assess how to streamline border processes based on the JBP concept and the current operational flow(s) of various agencies, there were many gaps and no clear impacts immediately after construction. For example, there is a need to identify the overall border procedures and issues faced by users, set up an institutional mechanism by border control agencies to agree on more coordinated and streamlined procedures for JBP operationalization, conduct training and sensitization in JBP concepts, and consider and apply ICT for effective information sharing and simplification of overall border crossing processes. While facility management and maintenance can be provided by concessionaires, there is also a need for coordination and information sharing among border control agencies to address the issues hindering effective coordination and border operations – establishment of a joint border coordination mechanism is important for effective JBP operations. Also, interconnectivity of customs systems and implementation of common transit bonds for efficient transit processes could have been included as part of the project to provide for smoother transit processes at the border, and JBP design and procedures might have better reflected these aspects.

(3) Need for Information Sharing and Sensitization on the New Concept and Procedures

While the JBP concept is new and ambitious and requires change management and business process reengineering by having all the services ideally at one location operating in a coordinated manner, adequate training and sensitization on the JBP concept was lacking, and as a result the project did not achieve the expected impacts at the beginning. Also, other (i.e., non-customs) government control agencies were not provided space in the main buildings and were not informed of the commencement of transit procedures at Cinkansé. Users did not understand the objectives and benefits of the JBP, while they were assessed new user charges, which led to their resistance to pay the fees. When introducing a new initiative such as a JBP, it is important to involve all concerned stakeholders from the beginning of the project and sensitize them in the JBP concept, as well as to reach common understandings on the expected border processes to achieve the project objectives.

(4) Need to Set Acceptable User Charges and Reduce Multiprocessing Inspection and Checkpoints

The initial administrative user fees set for crossing at the Cinkansé JBP ranged from XOF [FCFA] 25,000-50,000 (USD 40-80 equivalent) per containerized truck. However, many drivers resisted paying the charges complaining that there was little or no value for money from the JBP. UEMOA then issued regulation 007/2013/COM/UEMOA to reduce the fees to XOF (FCFA) 10,000 (about USD 17) for an empty truck and 25,000 (about USD 42) for a containerized truck, and Scanning Systems is now collecting these fees. New fees may be resisted by users unless there is sufficient explanation of the intended purposes and benefits to the users. Also, there have been some other fees collected by various government agencies for "inspection" at the border and at many checkpoints along the corridor, which have burdened users. Although it is important to check cargo security and mitigate fraud, illicit collection of sums of money (without issuing receipts) has also been common at borders and checkpoints along the corridor and these non-tariff barriers should be addressed to reduce unnecessary costs for transporters. While UEMOA and ECOWAS have issued regulations to reduce the number of checkpoints, an evaluation report prepared by AfDB found that the amount of illicit fees collected per trip had increased from XOF 15,831 in 2011 to XOF 19,209 in 2018 and the number of checkpoints had also increased from 17 in 2011 to 28 in 2018.[405] There have been other non-physical barriers to transport along the Lomé-Ouagadougou corridor, as detailed in Box 14-2 – some of these barriers have been addressed but others still need attention.

Box 14-2: Non-Physical Barriers to Transport along the Lomé-Ouagadougou Corridor (historical analysis)

- illicit collection of sums of money (without issuing receipts) at borders and checkpoints along the corridor (while it is important to check cargo security and mitigate fraud, commercial truck drivers are often the victims of such illicit collection)
- 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)
- inefficient transit arrangements (e.g., a requirement for customs bonds for duty-free cargo; the historical requirement of customs escorts)

[405] ADA Consultants Inc., *Projet Multinational Togo/Burkina Faso Réhabilitation de Routes et Facilitation du Transport sur le Corridor CU9 Lomé–Cinkansé–Ouagadougou (PR6-UEMOA) Rapport Final d'évaluation de l'impact Socio-économique du PR6*, prepared for UEMOA and the African Development Bank, March 2018, pp. 29-30.

- continued overloading of trucks (by about 15-20 tons above regulatory standards) including those involved in international transport operations, although Togo later 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 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: Some of these barriers have been addressed but others still need attention.
Sources: (i) PADECO Co., Ltd., Togo-Burkina Faso Road Corridor, Trade Facilitation Analysis, prepared for the African Development Bank, April 2012; (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; and (iii) This Sourcebook

14.4 Mfum – A Single-Country OSBP (JBP) between Two RECs (Nigeria and Cameroon)[406]

14.4.1 Overview of Lessons from the Case Study

The Mfum JBP[407] 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.

The case study – first drafted in 2015-2016 – is instructive in many respects and has therefore been retained from the 2nd edition. However, it proved overly optimistic. Operationalization of the JBP/OSBP had not yet occurred in late 2021 but it was on the horizon.[408]

It presents a number of points to consider for 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. In addition, the usefulness of incorporating diagrams of the architectural designs for the JBP and possible electronic clearance processing in the procedures manual, and the need for a program of sensitization of stakeholders are presented.

The case study also explores options 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.

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[406] 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; and (v) Programme for Infrastructure Development in Africa, *ECOWAS in Collaboration with AUDA-NEPAD Trains Border Officials Toward the Operationalization of Ekok/Mfum Joint Border Post between the Republic of Cameroon and the Federal Republic of Nigeria*, 13 September 2021. **Because this case study (which provides valuable lessons) is to some extent historical in nature, several of the references are from several years ago.**

[407] 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.

[408] Programme for Infrastructure Development in Africa, *ECOWAS in Collaboration with AUDA-NEPAD Trains Border Officials Toward the Operationalization of Ekok/Mfum Joint Border Post between the Republic of Cameroon and the Federal Republic of Nigeria*, 13 September 2021 [available at https://www.au-pida.org/news/ecowas-in-collaboration-with-auda-nepad-trains-border-officials-towards-the-operationalization-of-ekok-mfum-joint-border-post-between-the-republic-of-cameroon-and-federal-republic-of-nigeria/].

14.4.2 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 AfDB, have implemented 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 border bridge over the Cross River (230 m), and a JBP at Mfum [409] on the Nigerian side of the border. The implementation of this program was to 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.[410] An 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 and 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.[411]

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 and Member States in developing a regional institutional and operational framework for 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.[412]

A 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*,

[409] Specifically, the JBP is 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 submitted to ECOWAS the required legal documents to allow for the construction of the JBP.

[410] 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.

[411] 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].

[412] 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.

prepared under the Trade Facilitation Facility, 2013. Box 14-3 presents major findings of this research.

Box 14-3: 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 were estimated at USD 176 million, consisting largely of cosmetics, plastics, footwear, and other general merchandise; Cameroon-made exports were 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 along 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 several regulatory requirements and procedures that are mostly not fully applied but nevertheless generate delays and costs without achieving any policy objective. There are many 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

14.4.3 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 had adopted a Supplementary Act for use by member states in establishing and operationalizing JBPs, ECCAS had not yet established a similar legal instrument regulating the establishment of JBPs at borders posts between member states.

Further, there was 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 a 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 would be enacted into the laws of both countries without enacting a specific JBP Act. The bilateral agreement would 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. It was noted that it would be necessary to maintain pressure so that the finalization process proceeds through legislative adoption. Box 14-4 presents an indicative, historical example of what turned out to be an overly ambitious two-phase roadmap for this process. Nevertheless, it may be considered a useful example of a well-structured roadmap. (pp. 6, 28)

(v) A roadmap for finalizing the 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 that there needed 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 in the development of the operations 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. Most trucks were not crossing this border, meaning that goods were 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)[413]

Box 14-4: Initial Road Map for Preparation and Adoption of the Legal Framework for the Mfum JBP (presented as an indicative, historical example)

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.)

[413] 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.

Publication and Entry into Force – **December 2015**

Note: This box presents an indicative, historical example of what turned out to be an overly ambitious two-phase roadmap for this process. Nevertheless, it may be considered a useful example of a well-structured roadmap.
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

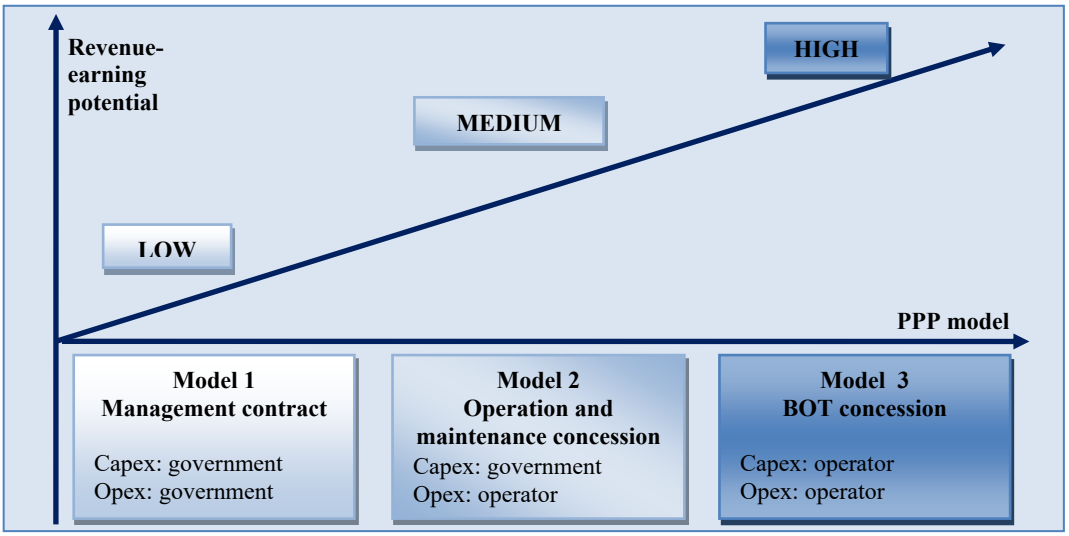
A concession or concession to operate and manage the JBP to be developed at Mfum was considered. Version 1 of an **indicative** business plan was prepared to present the business case for a concessionaire to proceed with operation and management of the JBP.[414]

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) [415] ; 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[416]; additional border crossing revenues at 25% of border crossing fees; annual traffic growth of 5%; proportion of non-truck traffic at 50%; and a hurdle rate[417] of the private operator at 25%), the project financial internal rate of return (before financing) was estimated to be 34%.

Figure 14-5 presents the relationship between a project's financial viability and PPP models that may be considered.

[414] 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.).
[415] EUR 14,746,277 for Sèmê-Kraké Plage, EUR 8,837,086 for Noépé, and EUR 11,583,097 for Malanville.
[416] 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].
[417] A hurdle rate is the minimum rate of return on a project or investment required by a manager or investor.

Figure 14-5: 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 since 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 pointed 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 might find it daunting to participate in a PPP bidding process without the provision of significant legal guarantees.

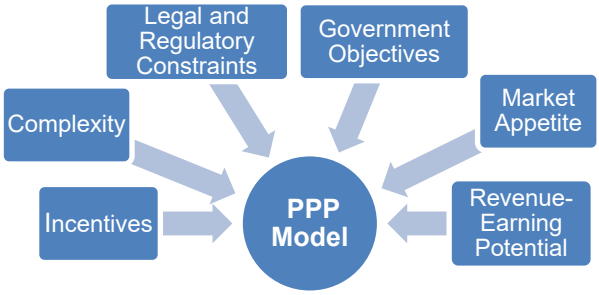
(iv) Complexity: The complexity of constructing and operating a JBP is proportional to its targeted level of sophistication. Sophisticated structures have a high level of complexity in upstream and downstream project components. If the project is envisaged as a JBP that will be operated at a high level 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 would 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 the essence and it is expected that customers may be willing to pay a premium in border fees resulting in time savings.

Figure 14-6 summarizes decision-making variables for PPP structuring.

Figure 14-6: 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*, 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 since 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 capital

expenditures (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 capital and operating expenditure (capex and opex) levels and allow robust returns to the operator.

Table 14-2 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.

Table 14-2: 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

14.4.4 Lessons Learned

The Mfum JBP is notable in that it plays an important role in the peace consolidation process between 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 crafted.

(iv) It was recommended to form a joint steering committee for implementation to ensure that the legal and procedures work would be completed before construction is completed. In addition, it was recognized there needed to be a program of sensitization of stakeholders to create a favorable environment for the commencement of operations.

(v) It was recommended to involve stakeholders especially the border agencies early in the development of the operations 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 that needs in-depth exploration.

14.5 The East African Community: OSBPs in a Customs Union[418]

14.5.1 Overview of Lessons from 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) the 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 (vi) the need for well-structured institutional arrangements and the coordination of OSBP operations.

14.5.2 Background

The EAC OSBP program was 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 then 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 to inform 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).[419]

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[418] The principal contribution for this case study was made by Mr. Arnold Nkoma, formerly Border Management Expert, Customs Directorate, EAC Secretariat, with updates by the OSBP Sourcebook Team [and staff of the EAC Secretariat, Customs Directorate].

[419] 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.

The EAC OSBP Act was assented to by all EAC Heads of States in 2016. To facilitate implementation of the EAC OSBP Act, the EAC promulgated OSBP Regulations in 2017. Also, the EAC formulated regional procedures, with final adoption of the procedures in 2018.[420]

(2) Construction of OSBP Facilities

While the process of developing the appropriate regional legal instruments was underway, the EAC Partner States proceeded with activities to establish OSBPs at various border crossings 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 the end of 2021, the construction of OSBP facilities had been substantially completed, with most completed or and the others 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 to facilitate the immediate commencement of OSBP operations. These OSBPs included Gasenyi I/Nemba (see the case study of this straddling OSBP in Section 14.7), 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 14.6).

And as noted, pursuant to the development of the EAC OSBP Act Regulations, to provide a consistent framework for OSBP operations and to harmonize the provisions contained in the various OSBP procedures manuals in the region, the EAC Secretariat and the Partner States called for development of a regional OSBP procedures manual. With support from a JICA OSBP Team, a series of regional technical committee meetings were held in 2015-2016, and the agreed procedures were formally approved and published in 2018. Based on these instruments, the EAC Secretariat further developed an OSBP training curriculum as well as key performance indicators for OSBPs.[421]

(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 to promote 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;

[420] Work on the regulations and procedures commenced even before the Heads of State assented to the Act.
[421] East African Community Secretariat, *One Stop Border Post Performance Measurement Tool: Effective Monitoring of OSBP Operations*, September 2019.

(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.

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 in 2013. 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 serve as a means to facilitate trade, transport, and security.

14.5.3 Lessons Learned

The EAC OSBP program presents several lessons regarding the role of OSBPs in advancing regional integration agendas, developing regionwide 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 several 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 with 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.[422]

[422] 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 some interventions will be made at points of entry into the customs union or departure.

(2) Need to Develop a Comprehensive OSBP Legal Framework

The EAC was established by the Treaty for Establishment of the East African Community, 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 benefit. The provisions of Article 8 (4 and 5) 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.[423] 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,[424] 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 could 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 operationalization of OSBPs. These bilateral

[423] 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.
[424] The Protocol on the Establishment of the East African Monetary Union (EAMU) was signed by the Heads of State in Kampala, Uganda, on 30 November 2013, setting up a 10-year roadmap for attaining a single currency regime in 2024. However, the EAC Council of Ministers determined that the deadline was not attainable, and the Partner States tasked the EAC Secretariat with constituting a team of regional experts to review the roadmap and formulate new timelines.

agreements were superseded by the EAC OSBP Act, although in some cases bilateral agreements may still be necessary or desirable to cover aspects that are unique to specific border crossings.[425]

(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.[426] 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.[427]

The costs of design and construction of OSBPs in the region has generally 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 have been beneficial.

Required project components (e.g., water supply, power, and ICT equipment) not included in these financial support agreements between funding agencies and the Partner States have also affected completion dates and the subsequent operationalization of OSBPs. In addition, this challenge has extended to the provision of soft infrastructure requirements such as office furniture and ICT systems. It is therefore critical that these cost lines be identified and addressed early on during the project formulation phase.

While time studies have found that OSBPs in the EAC region have led to reduced clearance times and have therefore facilitated trade, they face challenges in terms of sustainability (e.g., regarding infrastructure management and maintenance; coordination among the agencies operating at the borders; gaps in communication between/among the agencies operating at OSBPs and with the policymakers both at the national and regional level). Against this background, the EAC Secretariat together with regional experts from EAC Partner States and development partners formulated an OSBP Sustainability Strategy with five strategic objectives and associated strategic interventions, as shown in Box 14-5.

Box 14-5: Strategic Objectives and Strategic Interventions from the EAC OSBP Sustainability Study

Strategic Objective 1: Strengthening of the Institutional Framework

Strategic Intervention 1.1: Operationalize Joint Border Operation Committees
Strategic Intervention 1.2: Establish National and Regional OSBP Coordination Committees
Strategic Intervention 1.3: Develop rules of procedure and empower the JBOCs, NOCCs, and ROCC

Strategic Objective 2: Strengthening of Capacity Building

[425] An additional issue was the need to provide a legal framework for OSBPs between an EAC Partner State and a non-EAC Partner State. As of 2021, there were a few examples of such arrangements, such as at Moyale between Kenya and Ethiopia, Tunduma/Nakonde between Tanzania and Zambia, and at Mpondwe between the Democratic Republic of Congo and Uganda. Reference may also be made to Section 14.4 on the Mfum JBP, which presents an example an OSBP/JBP between two RECs (i.e., ECOWAS and ECCAS).
[426] It has been suggested that OSBP designs in a customs union should be standard and if not, at least they should be facilitative. On the other hand, it is usually said that "no one size fits all".
[427] It may be preferable to have projects designed and supervised at the regional level and financial resources mobilized in one OSBP construction "basket".

Strategic Intervention 2.1: Human resource management and development
Strategic Intervention 2.2: Provision of adequate Infrastructure
Strategic Intervention 2.3: Provision of adequate and appropriate tools and equipment
Strategic Intervention 2.4: Develop common OSBP management and leadership standards

Strategic Objective 3: OSBP Facility Management and Maintenance Standards

Strategic Intervention 3.1: Develop an OSBP facility management and maintenance framework

Strategic Objective 4: Resource Mobilization Framework

Strategic Intervention 4.1: Public financing
Strategic Intervention 4.2: User financing
Strategic Intervention 4.3: Development Partners financing
Strategic Intervention 4.4: Public-Private Partnerships

Strategic Objective 5: Adoption of Emerging Technologies

Strategic Intervention 5.1: Develop a mechanism for harmonization of processes and information sharing between stakeholders
Strategy Intervention 5.2: Acquire and implement smart border solutions

Abbreviations: JBOC = joint border operations committee, NOCC = national OSBP coordination committee, ROCC = regional OSBP coordination committee
Source: EAC Secretariat, *EAC One-Stop Border Post Sustainability Strategy 2021/2022-2025/2026*, November 2021

(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.[428]

(5) Importance of the Development of OSBP Procedures

As mentioned, the EAC (with JICA support) developed a harmonized regional procedures manual for OSBP operations. While drawing on several individual manuals used in the EAC, the regional manual is anchored on the EAC OSBP Act and Regulations. The manual also incorporated other related trade facilitation and modern border management practices. Box 14-6 presents the structure of the manual. Table 9-1 summarized the extent of implementation of the EAC OSBP Procedures Manual at Namanga, Rusumo, and Malaba, by chapter and section.

The EAC OSBP Procedures Manual provides 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 manual is 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 was to provide harmonized step-by-step guidelines for border officials/officers on the execution of controls at an OSBP. The manual – which was finalized and published in 2018 – is used by all agencies operating at OSBPs in the EAC. In addition, some

[428] 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, the African Development Bank) have worked together in a coordinated manner. At the outset there was a development partner forum, but later the EAC Secretariat took over the coordinator role and regularly compiles a list of OSBP projects.

Partner States apply almost the same procedures at their OSBPs with non-EAC countries (e.g., between Ethiopia and Kenya at Moyale).[429]

Box 14-6: Structure of the East African Community One-Stop Border Post Procedures Manual

1. Introduction
2. Coordination of Border Agencies
3. Principles of OSBPs
4. OSBP Facilities
5. Border Clearance Procedures
6. Conduct of Officers in the Control Zone
7. Activities of Facilitation Agents and Other Service Providers in the Control Zone
8. Jurisdiction
9. OSBP Management
10. Cooperation between the Adjoining Partner States and among Agencies
11. Communication

Source: East African Community, *The East African Community One Stop Border Posts Procedures Manual*, 2018 [prepared with support of a JICA trade facilitation technical cooperation project, 2014-2017]

(6) Need for Well-Structured Institutional Arrangements and the Coordination of OSBP Operations

The EAC OSBP Procedures Manual encourages the coordination of border agencies and proposes the establishment of joint border operations committees (JBOCs), or other similar border coordination structures by each pair of Partner States. The Manual also defines the appointment and the role of the lead agency[430] including chairing of the JBOC and other coordination of activities for smooth operation of OSBPs.

14.6 Namanga and Rusumo – Well-Crafted Legal, Regulatory, and Institutional Frameworks, and OSBP Manuals (Kenya, Rwanda, and Tanzania)[431]

14.6.1 Overview of Lessons from the Case Study

Namanga and Rusumo present examples of OSBPs with well-crafted legal/regulatory frameworks, institutions, and OSBP procedures manuals (both at the border and at the East African Community

[429] Also between the Democratic Republic of Congo (DRC) and Uganda at Mpondwe, although the Heads of State of the EAC approved the DRC for membership on 29 March 2022.

[430] 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. 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.

[431] This case study draws upon: (i) Japan International Cooperation Agency and PADECO Co., Ltd., *Component for Effective OSBP Operation of the Project on Capacity Development for Trade Facilitation and Border Control in East Africa, Work Completion Report*, March 2022; (ii) Japan International Cooperation Agency 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 Phase 2*, December 2017; (iii) Tomoyuki Sho, *United Republic of Tanzania/ Republic of Rwanda, FY2017 Ex-Post Evaluation of Japanese Grant Aid Project, The Project for Construction of Rusumo International Bridge and One Stop Border Post Facilities*, 2018; (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, Work Completion Report for the 1st Phase*, March 2015; (v) PADECO Co.,

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; and the preparation of informative materials on the OSBPs.[432]

14.6.2 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. JICA supported the detailed design of the OSBP and provided a concessionary yen loan to develop OSBP facilities as well as improve the highway on the Tanzanian side under the Arusha-Namanga-Athi River Road Development Project (104.3 km between Arusha and Namanga). AfDB provided loans for the development of OSBP facilities and improvement of the highway on the Kenyan side (135.7 km between Athi River and Namanga), as well as internet connectivity and office furniture equipment for the OSBP facilities on both sides. A Construction Project Implementation Committee and Consultation Group was established from the early stages and chaired by the EAC Secretariat. While there was a delay in starting and completing construction for both governments to secure sufficient budget for compensation for the relocation of residents and agree on the detailed design, construction of OSBP facilities was completed in 2015 on the Kenyan side and 2016 on the Tanzanian side, after resolving issues of water quality, internet connectivity, and procurement of office furniture.

The OSBP at Namanga was commissioned on 2 October 2017. Before operationalization, JICA provided support for "soft" aspects, including the execution of a baseline survey; the development of a bilateral procedures manual in 2014 (and later the development of an EAC OSBP Procedures Manual in 2015-2016); training of border officers and customs agents, and sensitization of border community residents, from 2014 to 2021; and monitoring of OSBP operations and fine tuning of procedures from 2014 to 2022. The following photographs show changes in infrastructure and facilities at Namanga before and after construction of the OSBP.

Ltd., *Concept Note, Videos for Training and Promotional Purposes for Namanga and Rusumo*, August 2015; and (vi) Namanga and Rusumo OSBP brochures, March 2015.

[432] Other issues or lessons suggested by the JICA experience with cooperation at Namanga and Rusumo include: (i) the synergies of combining hard and soft approaches (including investment in physical infrastructure); (ii) the synergies of combining OSBP operationalization with other forms of trade facilitation support (e.g., customs training); (iii) the synergies of a "whole-of-government" approach, with systematic information sharing and an integrated business approach, leading to more effective border operations; (iv) the benefits of long-term support, in this case spanning a period of about 15 years in East Africa; (v) the commitment(s) by Partner States, as evidenced for example by the implementation of the Single Customs Territory, customs modernization and automation, as well as OSBPs and joint controls; and (vi) communication and coordination with other development partners, including Trademark East Africa (TMEA) and GIZ, with frequent dialogue and information sharing.

Changes in Infrastructure and Facilities at Namanga (Kenya/Tanzania)

Source: Photographs taken by member of the team for the OSBP Sourcebook Project (3rd edition) and JICA Trade Facilitation and Border Control Project, between 2014 and 2021

(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.[433]

The Rusumo OSBP was operationalized on 1 March 2016 and was officially launched on 6 April 2016,[434] with JICA support for "soft" aspects (as was the case of Namanga), including the development of a bilateral procedures manual in 2014 and the development of the EAC OSBP Procedures Manual in 2015-2016, along with training of border officers and the private sector from 2014 to 2016, implementation of baseline and endline time surveys, and monitoring of OSBP operations and fine tuning of procedures from 2014 to 2022.

Joint Border Committee Meeting and Customs Counters at the Rusumo OSBP

Source: Photograph taken by member of the OSBP Sourcebook Team (2016) and image from Rusumo OSBP training video (2015)

[433] 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.

[434] There was some delay in operationalization of the Rusumo OSBP after construction due to delays in water supply and the purchase of furniture on the Tanzanian side. Tomoyuki Sho, *United Republic of Tanzania/ Republic of Rwanda, FY2017 Ex-Post Evaluation of Japanese Grant Aid Project, The Project for Construction of Rusumo International Bridge and One Stop Border Post Facilities*, 2018, p. 10.

14.6.3 Lessons Learned

(1) Importance of Well-Structured Legal/Regulatory Frameworks

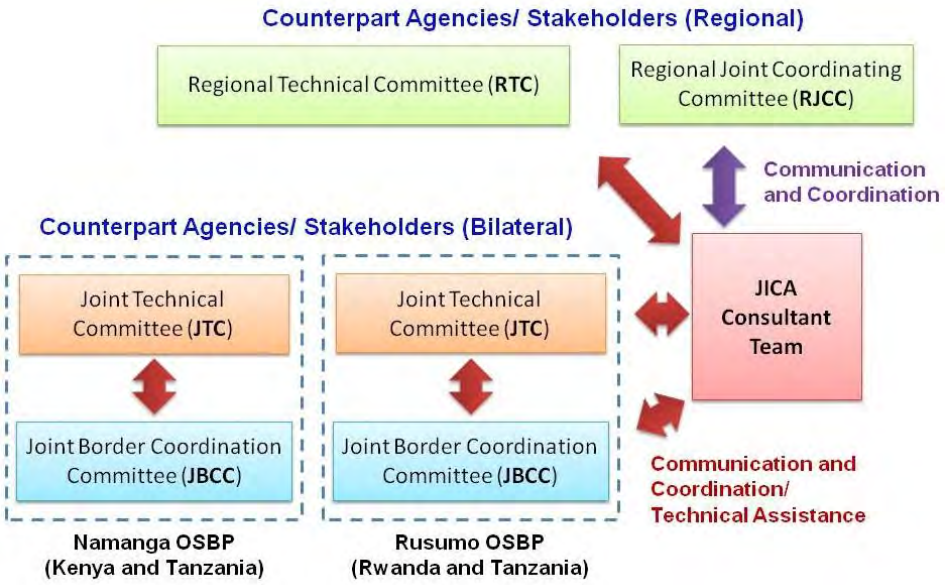
One key element of OSBP development and operationalization is a well-structured legal and regulatory framework. The legal frameworks for the Rusumo and Namanga OSBPs were originally established by (i) the Bilateral Agreement between the Government of the Republic of Rwanda and Government of the United Republic of Tanzania for the Establishment and Implementation of a One-Stop Border Post at Rusumo, 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. Subsequently, JICA supported the development of the EAC One Stop Border Posts Act, 2016, and the EAC One Stop Border Posts Regulations, 2017.

(2) Importance of Well-Structured Committees

While many organizations are involved in these OSBP projects (10 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) were established for the Namanga and Rusumo border crossings 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 JICA-supported OSBP operationalization project components were presented together with other trade facilitation activities at biannual meetings of a regional joint coordinating committees (RJCCs) to supervise implementation of JICA trade facilitation projects. 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 are held.[435] Figure 14-7 graphically presents this structure.

[435] Detailed terms of reference were 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.

Figure 14-7: 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

(3) Need for Well-Crafted Procedures for Operationalization of the OSBPs

(a) Namanga and Rusumo OSBPs (Bilateral OSBP Procedures)

Based on a review of existing OSBP operations manuals (most notably, an operations manual for the Taveta/Holili OSBP between Kenya and Tanzania, supported by TMEA in 2013)[436] and with the support of a 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 in an operations manual. Also, the holding of border meetings to inform border officials on progress and receive comments on the manual was helpful.

The Rusumo OSBP operations manual was 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 operations manual was 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-

[436] (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).

Tanzania OSBP operations 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.

(b) East African Community (Regional OSBP Procedures)

The 3rd JTC meetings for the Rusumo and Namanga OSBPs in November and December 2014 (respectively) called for JICA to consider supporting the harmonization of manuals of guidelines and procedures for OSBPs throughout the EAC. Also, several speakers at an RJCC meeting in November 2014 in Bujumbura, Burundi, called for harmonizing OSBP procedures in the EAC.[437] Following these developments, the participants in an RJCC meeting held in May 2014 in Kampala, Uganda, agreed to develop a regional OSBP procedures manual for adjoining states in the EAC.

Specifically, the aim was to prepare a manual for use by the border control authorities of the EAC Partner States, to 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). A series of six regional technical committee meetings were held for this purpose, from August 2015 to November 2016. More details on the development of EAC regional OSBP procedures were provided in subsection 14.5.2(3) in the preceding case study.

(4) Benefits of Extensive Training and Sensitization Activities

To ensure effective application of the EAC OSBP Procedures, extensive training and sensitization programs have been implemented. JICA – as well as other development partners – has conducted training in the EAC OSBP Procedures at various border crossings for public-sector officials/officers from various concerned agencies (reflecting the "whole-of-government" approach), private-sector stakeholders, and border community applying a training curriculum developed initially by the EAC.[438] JICA projects trained a total of 657 officers and stakeholders from 2015 to 2017, plus another 928 from 2018 to 2022 (both onsite and remotely through distance, i.e., "virtual" training), for a total of 1,585 between 2015 and 2022.[439] Scores on a test (quiz) administered to public sector officials at the conclusion of the training were consistently high, well above 70%, the score level considered minimally acceptable for understanding and use of the procedures. Sensitization activities were conducted in public spaces in collaboration with the local governments to address a larger number of participants. In addition, truck drivers and border community residents were informed about OSBP operations through radio programs (in local languages). Further, as presented in Box 14-7, a video was prepared for training purposes at the Rusumo OSBP to help border officials understand and apply the OSBP concepts and procedures properly. Also, the JICA Team developed self-study question-and answer materials

[437] 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.

[438] The EAC training modules cover the OSBP legal framework and procedures; border security and disaster risk management; coordinated border management; environmental and social safeguards; and OSBP "support programs", including change management, customer care, ethics and integrity, gender mainstreaming, and international relations. The JICA OSBP Team supplemented them with a module on the *EAC Administrative Guidelines to Facilitate Movement of Goods and Services during the COVID-19 Pandemic*, April 2020.

[439] There figures are for Gatuna/Katuna (Rwanda/Uganda) and Malaba (Kenya/Uganda), as well as Namanga and Rusumo.

and simulations/case studies for officers to provide a potentially cost-effective approach for training in the procedures and complement the training curriculum.[440]

Box 14-7: Training Video for the Rusumo OSBP

Introduction to the OSBP Concept for Border Officers (for training/self-study purposes)	
Target	Border officers at Rusumo
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, OSBP Videos for Training and Promotional Purposes*, September 2015

One issue has been 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.[441] For example, participation in the training sessions at Rusumo from 2014 to 2017 was 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 have reflected delays in the completion of construction of OSBP facilities on the Tanzanian side at Rusumo[442]; 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).

A specific, notable training exercise – at Namanga – was a cross-border field simulation exercise testing regional preparedness and resource capacities to a fictitious outbreak of Rift Valley Fever, including coordination and communication mechanisms at the local, national, and regional levels, implemented by GIZ and the World Health Organization, in cooperation with other development partners.[443] Another notable training exercise at Namanga was conducted in mid-2020 by AMREF Flying Doctors to prevent the spread of COVID-19.[444]

(5) Rigorous Baseline and Endline/Impact Time Measurement Surveys

Rigorous baseline time measurement surveys were conducted at Namanga and Rusumo in February 2014 and August 2014, while endline surveys were conducted in February 2019 and February 2017 at Namanga and Rusumo, respectively.[445]

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[440] Japan International Cooperation Agency and PADECO Co., Ltd., *Component for Effective OSBP Operation of the Project on Capacity Development for Trade Facilitation and Border Control in East Africa, Supplementary Training Materials for East Africa (Self-Study Question-and Answer Materials and Simulations / Case Studies)*, February 2022.

[441] Mr. Janvier Munyampara, Directorate General of Immigration and Emigration, 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.

[442] Also, there are fewer agents on that Tanzanian side since most declarations are for transit shipments to Rwanda.

[443] GIZ and the World Health Organization, *Lessons Learned from a Cross-Border Field Simulation between Kenya and Tanzania*, published by the East African Community Secretariat, 2019.

[444] See https://flydoc.org/amref-flying-doctors-to-conduct-the-emergency-intervention-trainings-targeting-one-stop-border-posts-staff-of-the-east-african-community-eac-to-prevent-the-spread-of-covid-19/.

[445] An additional impact or endline survey was conducted at Namanga in November 2021, mainly to measure the impacts of the COVID-19 pandemic. The endline/impact survey at Namanga in February 2019 was affected by a large

The Namanga and Rusumo time measurement surveys focused on a detailed analysis of goods movement by transaction type, i.e., import, export, and transit cargo 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.

At the endline/impact stage, these surveys compare the results with the earlier baseline results to gauge impacts of the OSBP operations. Table 14-3 summarizes the time measurement survey results at Rusumo, indicating substantial time reduction after implementation of the OSBP.

Table 14-3: Summary of Time Measurement Survey Results at Rusumo

Category	Baseline Survey (2014)	Endline Survey (2017)
Cargo	**Tanzania → Rwanda**	
	8 hours and 42 minutes (mean time) *Including over 24 hours dwell time of cargoes (outliers)	**73% reduction** 2 hours 20 minutes (mean time) (all trucks)
	5 hours and 10 minutes (mean time) *Excluding over 24 hours dwell time of cargoes (outliers)	**55% reduction** 2 hour 20 minutes (mean time)
Passengers	**Rwanda → Tanzania**	
	Both stations (on the Rwandan side and the Tanzanian side) About 1 hour 27 minutes (total dwell time in the border area)	**79% reduction** 18 minutes (mean time)
	Tanzania → Rwanda	
	Both stations (on the Tanzanian side and the Rwandan side) 1.5 hours (total dwell time in the border area)	**81% reduction** 17 minutes (mean time)

Source: Japan International Cooperation Agency 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 Phase 2*, December 2017, Table 2.9, p. 37

Also, the Rusumo endline/impact TMS conducted an economic analysis of the survey results, including a sensitivity analysis (e.g., with 10% and 20% increases or decreases in traffic). As described in the methodology set out on p. 5-11 of the 2nd edition of the *OSBP Sourcebook* (2016), the time spent for procedures at the border was converted into monetary values by multiplying unit values of time estimated from statistical conditions prevailing in the survey year; this estimation hypothesized a case for comparison in which the volume of traffic in the endline survey was processed with the average (i.e., mean) processing time measured in the baseline survey.[446]

When performing impact studies, comparing 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 several limitations of the survey.[447] The challenges are 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.

increase in trade/transport volumes from Tanzania to Kenya after the baseline survey in February 2014, and the November 2021 survey at Namanga was affected by the COVID-19 pandemic, which required health protocols that increased clearance times.

[446] Japan International Cooperation Agency 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 Phase 2*, December 2017, p. 38.

[447] 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.

(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. A compilation of frequently asked questions (FAQ) on OSBPs was also prepared both in English and local languages and posted on Revenue Authority websites. Figure 14-8 presents the English-language version of the brochure prepared for the Namanga OSBP. Also, videos were prepared for training purposes at the Rusumo OSBP to help border officials understand and apply the OSBP concepts and procedures properly. Box 14-7 presented details on the videos.

Figure 14-8: English-language Version of the Brochure for the Namanga OSBP

Source: Namanga OSBP brochure, March 2015

14.7 Gasenyi I/Nemba – A Straddling[448] OSBP (Burundi and Rwanda)[449]

14.7.1 Overview of Lessons from 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.[450] The case study demonstrates the viability and efficacy of the straddling OSBP model where geography permits.[451]

14.7.2 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.[452] 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.[453] 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 controls on the Burundian side of the CCZ and vice versa. The acts also allow hosting arrangements for these foreign officers.[454]

Immigration officers of Burundi and Rwanda Working Side-by-Side in One Room

Source: Photograph by member of team for the JICA Project for Capacity Development for International Trade Facilitation in the Eastern African Region, 2014

OSBP operations at Gasenyi I/Nemba commenced in August 2015. Some observations follow:

[448] Since the word "straddle" or "straddled" cannot be used as an adjective, it is not used here.
[449] 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 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.
[450] It was followed in July 2013 by the opening of an OSBP at Ruhwa along a cross-border road linking the two countries. AfDB also supported this initiative.
[451] While this border crossing has sometimes been affected by the state of bilateral relations between Burundi and Rwanda, and indeed it was closed at the time this case study was updated in December 2021 (see https://www.rba.co.rw/post/Rwanda-and-Burundi-Foreign-Ministers-meet-at-Nemba-Border-in-the-latest-attempt-to-normalise-relations), this does not affect the validity of the OSBP in showing the efficacy of the straddling OSBP model in proper circumstances.
[452] 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.
[453] Kieran Holmes, Commissioner General, Office Burundais des Recettes (Burundi Revenue Authority), "Burundi and Rwanda Sign Pact to Facilitate Cross Border Trade", 7 December 2011.
[454] *Operational Procedures for the Gasenyi I/Nemba One Stop Border Post (OSBP*), November 2011, pp. 1-2.

(i) About 30-40 trucks per day cross the border (2014), which is a 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 photograph above),[455] although because of low traffic volumes officers are not always at the station.
(iv) Official hours of operation are from 4 a.m. to 10 p.m., i.e., 16 hours per day.[456]
(v) Average border crossing times were reduced to 40 minutes.[457]
(vi) While formal trade has been facilitated by streamlining processes and reducing costs, barriers to informal trade remain.[458]

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 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 are to 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 on which they have jurisdiction 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.[459]

14.7.3 Lessons Learned

The main lesson from the Gasenyi I/Nemba OSBP is that a straddling OSBP in which a single facility is constructed across a 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

[455] "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.
[456] Notes from Site Visit to Gasenyi I/Nemba, JICA OSBP Team, Project for Capacity Development for International Trade Facilitation in the Eastern African Region, 5 May 2014.
[457] Nathan Gashayija, "Importance of One Stop Border Post Facilities in EAC Integration", *The New Times*, 12 January 2015.
[458] 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."].
[459] *Operational Procedures for the Gasenyi I/Nemba One Stop Border Post (OSBP*), November 2011, p. 2.

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.[460]

14.8 Kazungula – An Infrastructure-Led OSBP (Botswana and Zambia)[461]

14.8.1 Overview of Lessons from the Case Study

Kazungula presents a case study illustrating the overarching importance of infrastructure in some cases, with the construction of a USD 259 million, 923-meter extradosed, cable-stayed bridge[462] over the Zambezi River, along with associated border facilities and the opening of an OSBP. Based on the appraisal, funding for the project was provided by JICA (57.5%), the African Development Fund of the African Development Bank (31.5%), the Government of Zambia (5.2%), the Government of Botswana (4.0%), and the EU-Africa Infrastructure Trust Fund (1.8%). The case study also illustrates the benefits of a well-crafted legal framework and the importance of time release / measurement surveys. A similar example is the case of the 1,900 m Senegambia Bridge (Trans-Gambia Bridge), linking Gambia and Senegal, and northern and southern Gambia.

Newly Built OSBP – Designated Gate and Lanes at Kazungula

Source: Photographs taken by member of team for the JICA Project for Capacity Development on Smooth Operation of OSBPs on the North-South Transport Corridor, 2021

14.8.2 Background and Current Status of the OSBP

On 11 May 2021, the new Kazungula Bridge linking Botswana and Zambia over the Zambezi River was opened, after construction had commenced in 2014. The Kazungula Bridge Project consisted not only of construction of the bridge but also border facilities near the crossing. The main objective of the project was to replace the ferry (pontoon) service between the two countries,

[460] A straddling OSBP may offer an advantage relative to a single-country OSBP in the case of an emergency in one country (as in Burundi in 2015), which prevented operation of the single-country Ruhwa OSBP (located on the territory of Burundi), while it hardly affected the straddling Gasenyi I OSBP/Nemba involving the same two countries. However, both OSBPs ceased operations in 2020 due to the COVID-19 pandemic.

[461] This case study draws upon: (i) various legal instruments (e.g., Bilateral Agreement for the Establishment and Implementation of [a] One-Stop Border Post at Kazungula, 27 April 2021); (ii) Edina Moyo Mudzingwa, "The Benefits of Trade Facilitation Measures: The Kazungula Bridge Project", tralac blog, 7 September 2021 [available at https://www.tralac.org/blog/article/15350-the-benefits-of-trade-facilitation-measures-the-kazungula-bridge-project.html]; (iii) Tonderayi Mukeredzi, "Is Kazungula Bridge the Future of Southern Africa Trade", *African Business*, 16 June 2021 (available at https://african.business/2021/06/trade-investment/is-259m-kazungula-bridge-the-future-of-southern-african-trade/); (iv) "Kazungula: A Case Study in Multilateral Cooperation in Infrastructure" [available at https://capetocairo.africa/kazungula-bridge/]; and (v) PADECO Co., Ltd. and Japan International Cooperation Agency, *Activity 1-2 Report: Assessment of the Progress and Situation of OSBP Operationalization at the Project Borders – Kazungula*, July 2021.

[462] An extradosed bridge is a cable-stayed bridge with a more substantial bridge deck that, being stiffer and stronger, allows the cables to be omitted close to the tower and for the towers to be lower in proportion to the span.

which provided limited capacity. The bridge is jointly owned by the Governments of Botswana and Zambia and is funded by tolls. The border facilities and access roads in each country are owned by the two governments and managed by a newly established Kazungula Bridge Authority. The project is a milestone for SADC's regional integration and industrialization program and the African Continental Free Trade Area (AfCFTA). The bridge facilitates intra-African trade particularly in Southern Africa. It provides an alternative to the congested Beitbridge border crossing between South Africa and Zimbabwe.

14.8.3 Issues/Lessons Learned

(1) Vital Importance of Infrastructure

First and foremost, the Kazungula case study demonstrates the importance of large-scale infrastructure, in this case a major bridge supplemented by a full range of modern border facilities (e.g., passenger buildings, vehicle inspection buildings, freight inspection buildings, truck transit offices, health inspection buildings, and veterinary offices). The project is managed by the Kazungula Bridge Authority, established with a grant from the EU-Africa Infrastructure Trust Fund. On the first day of operation, 162 trucks crossed the bridge, compared to the average of 50 that crossed with the previous ferry operation. In addition, significant progress in border operations has been observed with the OSBP compared to the previous situation with two-stop border operation. Clearance of consignments averaged about four days previously (up to a maximum of 14 days), but now clearance averages about four hours (and is as low as two hours in some cases). The (pre-implementation) economic appraisal of the project estimated a rate of return of 23% and a benefit-cost ratio of 2.34, or assuming a cost increase of 20% and a reduction in benefits of 20%, a rate of return of 17.5% and a benefit-cost ratio of 1.56.[463]

(2) Benefits of a Well-Crafted Legal Framework

The Kazungula OSBP illustrates the benefits of a well-crafted legal framework, including:

(i) **global and regional frameworks** (i.e., including instruments of the World Trade Organization and World Customs Organization, as well as AUDA/NEPAD, the AfCFTA, and the Tripartite),[464]

(ii) **bilateral frameworks**, including the Zambia-Botswana Bilateral Agreement for the Establishment and Implementation of [a] One-Stop Border Post at Kazungula, 27 April 2021, the Agreement Establishing the Kazungula Bridge Authority, [465] and the Memorandum of Understanding between the Botswana Unified Revenue Service and the Zambia Revenue Authority on Mutual Administrative Assistance and Automatic Exchange of Information, 2 December 2020; and

(iii) **national frameworks**, including the Botswana One-Stop Border Posts Act, No. 10 of 2013, and Zambia's Border Management and Trade Facilitation Act, 2018.[466]

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[463] "Kazungula: A Case Study in Multilateral Cooperation in Infrastructure" [available at https://capetocairo.africa/kazungula-bridge/]. The assumed 2.5% annual growth in traffic and 5% annual growth in operating expenses were found to be covered by the forecast toll revenue.

[464] Agreement Establishing a Tripartite Free Trade Area among the Common Market for Eastern and Southern Africa, the East African Community and the Southern African Development Community, 10 June 2015.

[465] The Kazungula Bridge Authority is vested with the authority of maintaining and managing the OSBP facilities for common use at the border. Each hosting State in conjunction with the Kazungula Bridge Authority (KBA) is obliged to provide offices and operational space to the officers of the adjoining State.

[466] Article 36 of the Zambian Act repealed the concise One Stop Border Post Act, 2009.

The Bilateral Agreement creates an array of amending, implementing, and executive instruments:

(i) an Operating Procedures Manual (sub-articles 4.10, 4.11, and 4.17), and Information and Communication Technology (ICT) Manual (sub-article 4.12);
(ii) Regulations (sub-article 4.14 + Article 30), agreements by the parties on parameters for security-related joint border patrols (Article 7.4);
(iii) agreements by the parties on the number of officers allowed to fulfill tasks in the adjoining state (sub-article 8.2);
(iv) harmonized codes of conduct of officers (sub-article 8.10); and
(v) an outsourcing agreement to a facility manager (sub-articles 11.3.1 and 11.3.3).[467]

In addition, the Bilateral Agreement creates or requires the following institutional bodies:

(i) Joint Permanent Commission on Defence and Security (JPCDS) (sub-article 7.3);
(ii) Border Security Commissions (already in existence at the time of signing the Bilateral Agreement, but confirmed) (sub-articles 7.3 and 7.5);
(iii) a Joint OSBP Commission (JOC) (sub-article 11.1); and
(iv) a Joint Border Operations Committee (JBOC) (sub-article 11.2), which may create permanent or ad hoc subcommittees (sub-article 11.2.3).[468]

The Operating Procedures Manual will be refined and associated training provided with support of the JICA Project for Capacity Development for Smooth Operation of OSBPs on the North-South Transport Corridor (2020-2025).

(3) Importance of Time Release/Measurement Surveys

As part of JICA support for the Project for Capacity Development for Smooth Operation of OSBPs on the North-South Transport Corridor, rigorous time release/measurement surveys are being conducted to assess the effect of enhanced OSBP procedures and associated training, and to identify challenges and solutions. A baseline survey was scheduled for June 2022 (the earliest possible time), to be followed by a midterm survey in 2023 (in the "new normal" environment), and an endline survey in November 2024. To ensure ownership, the surveys are being conducted by the respective revenue authorities (i.e., "inhouse"), with support of the JICA OSBP Project Team. As done in the Rusumo endline survey (described in subsection 14.6.3), an economic analysis of the survey results, including a sensitivity analysis (e.g., with 10% and 20% increases or decreases in traffic), will be undertaken. Again, the time spent for procedures at the border will be converted into monetary values by multiplying unit values of time estimated from statistical conditions prevailing in the survey year; this estimation will hypothesize a case for comparison in which the volume of traffic in the endline survey is processed with the average (i.e., mean) processing time measured in the baseline survey.

[467] This array may create a risk of a lack of coordination of the secondary instruments, resulting in overlaps and gaps, and perhaps even conflicts and contradictions. It also may raise a question of the hierarchy between and among the secondary instruments and of the level of authority required to adopt some of the instruments.
[468] There is also an OSBP Facilities Management Authority (sub-article 11.3), an OSBP Information and Complaints Office (sub-article 11.4), and an OSBP Stakeholders Forum (sub-article 11.5).

14.9 Lebombo/Ressano Garcia – A Long-Planned OSBP with a Complex Mix of Traffic (South Africa and Mozambique)[469]

14.9.1 Overview of Lessons from 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. It features a 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.[470] 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.

14.9.2 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.[471] 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.[472]

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.

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[469] This case study draws upon: (i) Cross-Border Road Transport Agency, *Annual State of Cross-Border Operations Report*, March 2021 (completed during 2020/2021) and Cross-Border Road Transport Agency, *Annual State of Cross-Border Operations Report*, March 2020 (completed during 2019/2020); (ii) 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; (iii) 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; (iv) 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; (v) 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; (vi) Sandra Sequeira, Olivier Hartmann, and Charles Kunaka, *Reviving Trade Routes: Evidence from the Maputo Corridor*, SSATP, November 2014; (vii) Barbara Mommen, "The Maputo Corridor: Regional Integration That Works", *Great Insights Magazine*, Volume 1, Issue 10, December 2012; (viii) Luc De Wulf and Michel Zarnowiecki, *One Stop Border Post at Lebombo/Ressano Garcia*, funded by the Department for International Development, 9 July 2007; (ix) David van Wyk, *South African Border Management Authority – Better Border Management or Just Another Agency*, tralac [Trade Law Centre] Working Paper No. S20WP/2020, December 2020; and (x) Eugene Goddard, "Lebombo Border Post Operating Hours Extended", *Southern Africa's Freight News*, 7 April 2022 [available at https://www.freightnews.co.za/article/lebombo-border-post-operating-hours-extended].

[470] "OSBP facilities have been built at the Lebombo/Ressano Garcia border post. This border will be transformed into an OSBP once the legal frameworks have been signed by the governments of Mozambique and South Africa." Cross-Border Road Transport Agency, *Annual State of Cross-Border Operations Report*, March 2021 (completed during 2020/2021), pp. 19, 22, 24, 45, 76, 135.

[471] 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). However, year-on-year traffic volumes from South Africa to Mozambique decreased by 36% and traffic volumes from Mozambique to South Africa decreased by 2% in 2018. Cross-Border Road Transport Agency, *Annual State of Cross-Border Operations Report*, March 2020 (completed during 2019/2020), Table 9, p. 28.

[472] In 2016 the International Organization for Migration supported an assessment of borders of Mozambique, including Ressano Garcia.

However, there was a delay in implementation since it was difficult to reach consensus on the concept/design 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, procedures, ICT, safety and security, human resources) were established on both sides and bilaterally to work toward OSBP implementation at Lebombo/Ressano Garcia.[473] Three annexes[474] 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 was 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[475] for Lebombo/Ressano Garcia included the following:

(i) separate facilities provided for processing freight and commercial traffic;
(ii) passenger traffic processed at a new facility straddling the border;
(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.[476]

While some of these components have progressed (with strong support of the business sector in South Africa, which sees this corridor as offering the shortest route to a port for the Gauteng region), operationalization of the OSBP has been stalled because of "legal complexity" and "infrastructure constraints".[477] Specific factors have included (i) deterioration of the economic climate, (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)[478]; and (iv) a lack of intermodal transport nodes along the corridor to enable the seamless transfer of

[473] 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.
[474] 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.
[475] Interestingly, the two countries have practiced one-stop inspection during peak (passenger) traffic periods, i.e., during the festive seasons.
[476] 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 (Tanzania-Zambia Railway Authority) line.
[477] Lewis Simelane Mbabane, "Red Tape Retards Maputo Corridor", *Business Report*, 8 August 2014.
[478] One may ask about the motivation for South Africa to facilitate traffic to a foreign port.

cargo across the most efficient modes of transport.[479] It has also been mentioned that the topography of the border makes it difficult to develop or expand border post infrastructure.[480]

14.9.3 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,[481] while a 2012 assessment found clearance times of only 1-2 hours.[482] Improvements since then resulted from (i) the high level of coordination and cooperation among border stakeholders, including the private sector; (ii) development of 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; and (vi) the extension of border operating hours in 2009 to 16 hours per day, and to 24/7 in April 2022).[483,484,485]

(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 various South African agencies at the border have their own mandate and legislative and regulatory framework.[486] In

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[479] Sandra Sequeira, Olivier Hartmann, and Charles Kunaka, *Reviving Trade Routes: Evidence from the Maputo Corridor*, SSATP, November 2014, p. 39-40.

[480] Cross-Border Road Transport Agency, *Annual State of Cross-Border Operations Report*, March 2021 (completed during 2019/2020), p. 26.

[481] 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.

[482] 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."]

[483] (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.

[484] Also worth noting is a recent (2020) act in South Africa establishing a single Border Management Authority (BMA). Creation of a single agency for border law enforcement is to provide for more cost-effective services, enhanced security, and better management of the border environment. However, there is a question "whether the BMA means better border management or whether it is merely another government agency". David van Wyk, *South African Border Management Authority – Better Border Management or Just Another Agency*, tralac [Trade Law Centre] Working Paper No. S20WP/2020, December 2020 [https://www.tralac.org/documents/publications/working-papers/2020/4237-s20wp122020-van-wyk-the-south-african-border-management-authority-21122020/file.html].

[485] Eugene Goddard, "Lebombo Border Post Operating Hours Extended", *Southern Africa's Freight News*, 7 April 2022 [available at https://www.freightnews.co.za/article/lebombo-border-post-operating-hours-extended].

[486] 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

March 2020, it was reported that this border would only be operationalized as an OSBP when the concerned countries (Mozambique, South Africa, and Eswatini [formerly Swaziland]) sign and ratify the necessary legal framework(s).[487]

(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 was moved away from the border, 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 allowed for the specialization of processes and resources at each point, which led to improvements in the speed of processing as well as the security of the border post.[488]

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.

[487] Cross-Border Road Transport Agency, *Annual State of Cross-Border Operations Report*, March 2020 (completed during 2019/2020), p. 26.

[488] 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.

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – East Africa

No.	E1	E2	E3	E4	E5
Border Crossing	**Namanga**	**Lungalunga / Horo Horo**	**Taveta/Holili**	**Isebania/Sirari**	**Malaba**
Location (Countries)	Kenya/Tanzania	Kenya/Tanzania	Kenya/Tanzania	Kenya/Tanzania	Kenya/Uganda
Corridor	North-South / North-Central Interlink	East African Coastal Corridor	North-Central Interlink		Northern
REC(s)	EAC	EAC	EAC	EAC	EAC
Trade Pattern	Intraregional and transit	Intraregional and transit	Intraregional and transit	Intraregional	Intraregional and transit
Traffic	132 commercial vehicles/day into Kenya, 53 vehicles/day into Tanzania (first half of 2021)	100-150 trucks/day	200 trucks/day		934 commercial vehicles/day into Uganda, 1,037 vehicles/day into Kenya (averages, 2021)
Construction and Operation Status	Construction completed and operational since 2 October 2016	Construction completed and operational since 1 September 2021 (awaiting official launch)	Construction completed and operational since 13 February 2016	ICT and security systems in place, and ongoing major building rehabilitation scheduled for completion in June 2022	Construction completed on the Ugandan side. Joint customs examination started in 2005 and OSBP operations started in 2016 (some construction is still ongoing on the Kenyan side)
Lead Agencies	Kenya: Customs (KRA) Tanzania: Customs (TRA)	Kenya: Customs (KRA) Tanzania: Customs (TRA)	Kenya: Customs (KRA) Tanzania: Customs (TRA)	Kenya: Customs (KRA) Tanzania: Customs (TRA)	Kenya: Customs (KRA) Uganda: Customs (URA)
Legal Basis for the OSBP	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral Agreement (2014)	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral Agreement (2014)	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral Agreement (2014)	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral Agreement (2014)	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral Agreement (2006)
OSBP Type	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed
OSBP Operation Funding Model	Public sector funding	Public sector funding	Public sector funding	Public sector funding	Public sector funding
Development Partner Support	JICA and AfDB	World Bank	World Bank, TMEA (Canada, FCDO, USAID)	World Bank	World Bank, TMEA, JICA
Construction Cost	USD 18.4 m		USD 12.0 m		USD 11.88 m (excluding the cost of bridge construction)
PIDA PAP	✓				✓
Other Information	No natural boundary; built as part of the Arusha-Athi River Highway project; time surveys conducted in 2014, 2017, and 2021; SCT has been implemented for traffic towards Tanzania since 2021	Hilly terrain with river but access to fresh water is a major challenge	The first OSBP in the EAC; located along the new Voi-Arusha road that links the Northern Corridor with the Central Corridor; a small market was built for small traders; a time survey was conducted in 2011, 2016, and 2017		Border line in the Malaba River; joint border committee in place since 2014, but inactive at times; time surveys survey conducted in July 2016 and February 2022

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – East Africa

No.	E6	E7	E8	E9	E10
Border Crossing	**Busia**	**Gatuna/Katuna**	**Rusumo**	**Kagitumba / Mirama Hills**	**Mutukula**
Location (Countries)	Kenya/Uganda	Rwanda/Uganda	Rwanda/Tanzania	Rwanda/Uganda	Tanzania/Uganda
Corridor	Northern	Northern	Central	Northern	North-Central Interlink
REC(s)	EAC	EAC	EAC	EAC	EAC
Trade Pattern	Intraregional and transit		Transit and SCT	Transit and SCT	
Traffic	300 trucks/day 20 buses/day		300 trucks/day		400+ vehicles/say
Construction and Operation Status	Construction completed and operational since 24 February 2018	Construction completed in 2021; not yet operational	Construction completed, operations commenced in November 2015, and officially launched on 6 April 2016	Construction completed and operational since December 2015	Construction completed and operational since November 2017
Lead Agencies	Kenya: Customs (KRA) Uganda: Customs (URA)	Rwanda: Immigration (DGIE) Uganda: Customs (URA)	Rwanda: Immigration (DGIE) Tanzania: Customs (TRA)	Rwanda: Immigration (DGIE) Uganda: Customs (URA)	Tanzania: Customs (TRA) Uganda: Customs (URA)
Legal Basis for the OSBP	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral Agreement (2006)	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral MOU (2012)	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral Agreement (2010)	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral MOU (2012)	EAC OSBP Act (2016), EAC OSBP Regulations (2017)
OSBP Type	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed
OSBP Operation Funding Model	Public sector funding	Public sector funding	Public sector funding	Public sector funding	Public sector funding
Development Partner Support	World Bank, TMEA (Canada, FCDO)	World Bank, JICA	JICA	TMEA (Canada, FCDO)	TMEA (Canada, FCDO)
Construction Cost	USD 12.9 m		USD 37.2 m (including the cost of bridge construction in difficult terrain)	USD 11.3 m	USD 14.5 m
PIDA PAP	✓	✓	✓		✓
Other Information	Time surveys conducted in 2011, 2016, and 2017; traffic includes petroleum tankers and many small traders	The border was a major import/transit route but closed in March 2019 due to bilateral issues unrelated to the OSBP, but it reopened on 31 January 2022.	Hilly terrain and border line in the Kagera River; border pass system for community residents; time surveys conducted in August 2014 and February 2017	Border line in the Kagitumba River; time surveys conducted in 2011, 2016, and 2017	Time surveys conducted in 2011, 2016, and 2017

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – East Africa

No.	E11	E12	E13	E14	E15	E16
Border Crossing	**Kobero/Kabanga**	**Nemba/Gasenyi I**	**Elegu/Nimule**	**Cyanika/Kyanika**	**Ruhwa**	**Akanyaru/Kanyaru**
Location (Countries)	Burundi/Tanzania	Rwanda/Burundi	Uganda/South Sudan	Rwanda/Uganda	Burundi/Rwanda	Burundi/Rwanda
Corridor	Central Corridor		Northern	Northern	North-Central Interlink	North-Central Interlink
REC(s)	EAC	EAC	EAC	EAC	EAC	EAC
Trade Pattern	Transit and intraregional		Transit and intraregional			
Traffic	100 trucks per day		200 trucks per day			
Construction and Operation Status	Construction completed and operational since June 2014 (started operations in a temporary building on the Burundi side)	Construction completed and operational since 2012	Construction completed and operations were to begin in February 2020, but since the capacity and preparation status of the South Sudanese side was not in place, the OSBP was not operational as of February 2022	Operational since 2016	Construction completed and operational since 17 July 2013	
Lead Agencies	Burundi: OBR (Customs) Tanzania: Customs (TRA)	Rwanda: Immigration (DGIE) Burundi: OBR (Customs)	Uganda: Customs (URA) South Sudan: National Revenue Authority (NRA)	Rwanda: Immigration (DGIE) Uganda: Customs (URA)	Burundi: Customs (OBR) Rwanda: Immigration (DGIE)	Burundi: Customs (OBR) Rwanda: Immigration (DGIE)
Legal Basis for the OSBP	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral Agreement (2011)	EAC OSBP Act (2016), EAC OSBP Regulations (2017)	EAC OSBP Act (2016), EAC OSBP Regulations (2017)	EAC OSBP Act (2016), EAC OSBP Regulations (2017)	EAC OSBP Act (2016), EAC OSBP Regulations (2017), Bilateral MOU (2012)	EAC OSBP Act (2016), EAC OSBP Regulations (2017)
OSBP Type	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed
OSBP Operation Funding Model	Public sector funding	Public sector funding	Public sector funding	Public sector funding		Public sector funding
Development Partner Support	TMEA	World Bank	TMEA	AfDB (for feasibility study and detailed design on Uganda side)		Feasibility study undertaken (AfDB support)
Construction Cost			USD 13.8 m			
PIDA PAP	✓	✓	✓			
Other Information	Hilly terrain, several km between OSBP: time surveys conducted in 2012 and 2016		Juba-Nimule road considered unsafe; main gateway to South Sudan from Mombasa, with transport time of four days (average)		Border line in the Ruhwa River; hilly terrain on the Rwandan side	Border line in river; not designed as an OSBP

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – East Africa

No.	E17	E18	E19	E20	E21	E22
Border Crossing	**Mugina/Manyobu**	**Rubavu (Gisenyi) / Goma (La Corniche)**	**Moyale**	**Nadapal**	**Kasindi/Mpondwe**	**Bukavu/Rusizi II**
Location (Countries)	Tanzania/Burundi	Rwanda/DRC	Ethiopia/Kenya	Kenya/South Sudan	DRC/Uganda	DRC/Rwanda
Corridor			LAPPSET	LAPPSET	Northern	North-Central Interlink
REC(s)	EAC	EAC/ECCAS	EAC/IGAD	EAC/IGAD	ECCAS (lead)/EAC	EAC/ECCAS
Trade Pattern			Transit and intraregional			
Traffic				30 vehicles/day		
Construction and Operation Status	To be constructed by 2023 (18-month construction period)	Construction completed and operational since 1 December 2019	Construction completed in 2018 and operational since 8 June 2021; officially launched on 9 December 2020			
Lead Agencies	Tanzania: Customs (TRA) Burundi: Customs (OBR)	Rwanda: Immigration (DGIE) DRC: XXX	Ethiopia: Customs (ERCA) Kenya: Customs (KRA)	Kenya: Customs (KRA) South Sudan: National Revenue Authority (NRA)	DRC: XXX Uganda: Customs (URA)	Rwanda: Immigration (DGIE) DRC: XXX
Legal Basis for the OSBP	EAC OSBP Act (2016), EAC OSBP Regulations (2017)	EAC OSBP Act 2016, EAC OSBP Regulations (2017),	Bilateral Agreement	EAC OSBP Act (2016), EAC OSBP Regulations (2017)		
OSBP Type	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed	Wholly located in XXX
OSBP Operation Funding Model						
Development Partner Support	AfDB (as part of the Rumonge-Gitaz [45 km] and Kabingo-Kasuku-Manyovu [260 km] Road Upgrading Project)	The Howard G. Buffet Foundation	AfDB, EU, TMEA (FCDO)	World Bank	Feasibility study, but no development partner has committed funds	EU, IOM, TMEA
Construction Cost	USD 24 m (USD 12 m for each country)	USD 9 m	Part of USD 329 m road construction project	USD 10 m	USD 10.0 m	USD 20 m
PIDA PAP				✓	✓	✓
Other Information	24/7 operations have been recommended, up from operation eight hours a day	Cross-border traffic by border community residents is heavy, about 30,000 persons per day	The first OSBP in Ethiopia and the fifth in Kenya: time survey conducted in 2017	Implemented concurrently with the Juba-Torit-Kapoeta-Nadapal road upgrading project		

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – East Africa

No.	E23	E24	E25	E26	E27	E28
Border Crossing	**Cyanguru**	**Makalal**	**Galafi**	**Balho / Eli Dar**	**Galile/Dewele**	**Togochalle (Togowajalle)**
Location (Countries)	DRC/Rwanda	DRC/Rwanda	Djibouti/Ethiopia	Djibouti/Ethiopia	Djibouti/Ethiopia	Somalia/Ethiopia
Corridor			Djibouti	Djibouti	Djibouti	Cairo-Addis Ababa-Nairobi
REC(s)	EAC/ECCAS	EAC/ECCAS	IGAD	IGAD / COMESA	IGAD	IGAD
Trade Pattern						
Traffic						
Construction and Operation Status						
Lead Agencies	DRC: XXX Rwanda: Immigration (DGIE)	DRC: XXX Rwanda: Immigration (DGIE)	Djibouti: Djibouti Customs Authority Ethiopia: Customs (ERCA)	Djibouti: Djibouti Customs Authority Ethiopia: Customs (ERCA)	Djibouti: Djibouti Customs Authority Ethiopia: Customs (ERCA)	Somalia: XXX Ethiopia: Customs (ERCA)
Legal Basis for OSBP						
OSBP Type	Juxtaposed	Juxtaposed (proposed)				
OSBP Operation Funding Model		Fund committed				
Development Partner Support	EATTFP (World Bank)	AfDB	AfDB	EU Trade Facilitation Programme	AfDB	EU
Construction Cost			USD 10 m	USD 10 m		USD 10 m
PIDA PAP	✓				✓	
Other Information			EUR 2.5 m sub-delegation agreement signed between COMESA and Djibouti in July 2021 for coordinated border management	OSBP to supplement newly constructed 127-km road linking Tadjourah, Djibouti to the border with Ethiopia at Balho	The Dire Dawa-Dewele toll road has been completed	

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – East Africa

No.	E29	E30	E31	E32	E33	E34
Border Crossing	**Humera-Oum Hajer**	**Adigrat / Guna-Guna**	**Raad/Boma**	**Akobo**	**Kurmurk**	**Metema/Galabat**
Location (Countries)	Eritrea/Ethiopia	Eritrea/Ethiopia	South Sudan / Ethiopia	South Sudan / Ethiopia	South Sudan / Ethiopia	South Sudan / Ethiopia
Corridor					Port Sudan	
REC(s)	IGAD	IGAD	EAC/IGAD	EAC/IGAD	EAC/IGAD	EAC/IGAD
Trade Pattern						
Traffic						
Construction and Operation Status					Detailed project definition and prefeasibility study to be undertaken	
Lead Agencies	Eritria: XXX Ethiopia: Customs (ERCA)	Eritria: XXX Ethiopia: Customs (ERCA)	South Sudan: National Revenue Authority (NRA) Ethiopia: Customs (ERCA)	South Sudan: National Revenue Authority (NRA) Ethiopia: Customs (ERCA)	South Sudan: National Revenue Authority (NRA) Ethiopia: Customs (ERCA)	South Sudan: National Revenue Authority (NRA) Ethiopia: Customs (ERCA)
Legal Basis for OSBP						
OSBP Type						
OSBP Operation Funding Model						
Development Partner Support						
Construction Cost			USD 10 m		USD 3.5 m	USD 3.5 m
PIDA PAP						
Other Information			To be implemented in association with a new road from Kapoeta in South Sudan to the border with Ethiopia			Reopening of the border – which was closed in April 2021 – discussed by the countries in February 2022

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – East Africa

No.	E35	E36	E37	E38	E39	E40
Border Crossing	**Renk**	**Tessenei**	**Kapchorwa/Suam**	**Liboi**	**Rhamu**	**Mandera**
Location (Countries)	Sudan / South Sudan	Eritrea/Ethiopia	Kenya/Uganda	Kenya / Somalia	Kenya/Ethiopia	Kenya/Somalia/Ethiopia
Corridor	Port Sudan		Northern	Kismayo		LAPSSET / Isiolo-Mandera Regional Road Corridor
REC(s)	IGAD	IGAD	EAC/IGAD	IGAD	EAC/IGAD	EAC/IGAD
Trade Pattern						
Traffic						
Construction and Operation Status	Detailed project definition and prefeasibility study			Detailed project definition and prefeasibility study		
Lead Agencies	Sudan Revenue Authority South Sudan: National Revenue Authority (NRA)	Eretria: XXX Ethiopia: Customs (ERCA)	Kenya: Customs (KRA) Uganda: Customs (URA)	Kenya: XXX Somalia: XXX	Kenya: XXX Ethiopia: Customs (ERCA)	Kenya: XXX Ethiopia: Customs (ERCA)
Legal Basis for OSBP			EAC OSBP Act (2016), EAC OSBP Regulations (2017)			
OSBP Type			Juxtaposed			
OSBP Operation Funding Model			Public sector funding			
Development Partner Support	Concessional finance		AfDB	Concessional finance	TMEA	TMEA, World Bank (Horn of Africa Gateway Development Project)
Construction Cost	USD 10 m		USD 0.9 m	USD 20 m		USD 20 m
PIDA PAP						
Other Information			Integrated with upgrading of 4-km Kitale-Suam motorway at a cost of USD 39.6 m	Related to construction of 244-km Kismayo-Bilis Qooqani-Liboi highway, linking Somalia to Kenya through Liboi; the existing road consists of paths and an earth road in poor condition		

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – East Africa

No.	E41	E42	E43	E44	E45	E46
Border Crossing	**Mahagi/Goli**	**Gatumba/Kavimvira**	**Malakal**	**Zalambessa/Serha**	**Aligider**	**Ferfer**
Location (Countries)	DRC/Uganda	Burundi/DRC	South Sudan / Sudan	Ethiopia / Eritrea	Eritrea / Sudan	Somalia / Ethiopia
Corridor		Central Corridor		Massawa	Massawa	
REC(s)	EAC/IGAD	EAC/ECCAS	IGAD	IGAD	IGAD	IGAD
Trade Pattern						
Traffic						
Construction and Operation Status		Feasibility study completed; construction was scheduled to start in March 2022		Detailed project definition and prefeasibility study	Detailed project definition and prefeasibility study	
Lead Agencies	DRC: XXX Uganda: Customs (URA)	Burundi: Customs (OBR) DRC		Ethiopia: Customs (ERCA) Eritrean Customs Authority	Sudan Revenue Authority Eritrean Customs Authority	
Legal Basis for OSBP						
OSBP Type						
OSBP Operation Funding Model		World Bank				
Development Partner Support	TMEA (FCDO, Netherlands)					
Construction Cost		✓		USD 10 m	USD 25 m	USD 20 m
PIDA PAP			✓			
Other Information				At present, there is no customs infrastructure at this border crossing	Related to upgrading of the Kassala-Aligider-Berentu road linking Eritrea with Sudan	Related to project for upgrading and rehabilitation of the Ginir-Gode-Ferfer highway in Ethiopia and construction of Mogadishu-Jowhar-Beled Weyne-Ferfer highway in Somalia (Horn of Africa Initiative)

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – Southern Africa

No.	S1	S2	S3	S4
Border Crossing	**Chirundu**	**Kazungula**	**Pandamatenga**	**Mamuno / Trans Kalahari**
Location (Countries)	Zambia/Zimbabwe	Botswana/Zambia	Botswana/Zambia	Namibia/Botswana
Corridor	North-South	North-South		Trans Kalahari
REC(s)	COMESA/SADC	COMESA/SADC	SADC	SADC
Trade Pattern				
Traffic	420 vehicles per day (average)	285 vehicles per day (average)		
Construction and Operation Status	Construction completed and commissioned as an OSBP on 5 December 2009. Chirundu was originally designed to function as a two-stop border post but was adapted to the OSBP concept as a flagship project for the COMESA-EAC-SADC Tripartite region.	Construction completed and operational since 11 May 2021		Construction completed and operational?
Lead Agencies	Zambia: Customs (ZRA) Zimbabwe: Customs (ZIMRA)	Botswana: Customs (BURS) Zambia: Customs (ZRA)	Botswana: Customs (BURS) Zambia: Customs (ZRA)	Namibia: Customs (Namibia Revenue Agency) Botswana: Customs (BURS)
Legal Basis for the OSBP	Bilateral agreement (27 August 2007), Zimbabwe OSBP Act No. 21 of 2007, and Zambia OSBP Control Act No. 7 of 2009 (superseded by the Zambia Border Management and Trade Facilitation Act, No. 12 of 2018); operations manual effective since March 2011)	Botswana OSBP Act of 2013, and Zambia Border Management and Trade Facilitation Act, No. 12 of 2018; bilateral agreement signed in May 2021; a Kazungula OSBP operations manual was formulated	Botswana OSBP Act of 2013, Zambia Border Management and Trade Facilitation Act, No. 12 of 2018;	Botswana OSBP Act of 2013, Namibia OSBP Control Act 8 of 2017
OSBP Type	Juxtaposed; the respective OSBP facilities are connected by a bridge across the Zambezi River, which forms the boundary between Zambia and Zimbabwe	Juxtaposed		Juxtaposed, using existing buildings; the Namibian facility is to handle all commercial traffic (in both directions) and the Botswana facility is to handle private cars, buses, and pedestrians (in both directions)
OSBP Operation Funding Model	Public sector funding	Public sector funding		
Development Partner Support	JICA, AfDB, EU, FCDO, and IOM	AfDB, JICA, and IOM		JICA
Construction Cost		USD 259 m		
PIDA PAP	✓	✓		✓
Other Information	The first functioning (road-based) OSBP in Sub-Saharan Africa	Boundaries in the Zambezi River	Located within the Matesi Safari area	

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – Southern Africa

No.	S5	S6	S7	S8	S9
Border Crossing	**Tunduma/Nakonde**	**Mwami/Mchinji**	**Mandimba/Chiponde**	**Katima Mulilo**	**Oshikango / Santa Clara**
Location (Countries)	Tanzania/Zambia	Zambia/Malawi	Mozambique/Malawi	Nambia/Zambia	Namibia/Angola
Corridor	Dar es Salaam/North-South	Nacala	Nacala	Trans Caprivi	Trans Cunene
REC(s)	SADC/EAC	COMESA	SADC	SADC/COMESA	SADC
Trade Pattern					
Traffic	513 vehicles per day (average)	37 trucks per day (average)	Cross-border traffic is very light	50 trucks per day	100 trucks per day
Construction and Operation Status	Although Tunduma/Nakonde was commissioned as an OSBP on 5 October 2019, the cargo section is not yet operating as an OSBP due to inadequate and inappropriate facilities on the Zambian side. The Government of Zambia is now mobilizing resources to upgrade and align the border facilities on the Zambian side for full-fledged OSBP operations.	Construction ongoing (works package announced in July 2021)	Planning stage	Negotiations commenced on establishment of this OSBP (status as of March 2022)	Planning stage
Lead Agencies	Tanzania: Customs (TRA) Zambia: Customs (ZRA)	Zambia: Customs (ZRA) Malawi: Customs (Malawi Revenue Authority)		Namibia: XXX Zambia: Customs (ZRA)	
Legal Basis for the OSBP	Bilateral agreement signed on 7 June 2010; Zambia Border Management and Trade Facilitation Act, No. 12 of 2018; Tanzania One Stop Border Posts Act No. 17 of 2015	Zambia Border Management and Trade Facilitation Act, No. 12 of 2018; Bilateral Agreement to delegate		Namibia OSBP Control Act 8 of 2017, Zambia Border Management and Trade Facilitation Act, No. 12 of 2018;	Namibia OSBP Control Act No. 8 of 2017
OSBP Type	Juxtaposed	Juxtaposed			
OSBP Operation Funding Model	Public sector funding	Funds committed	Design completed?		
Development Partner Support	TMEA (FCDO), TMSA, AfDB, EU, and IOM	EU/COMESA/AfDB	AfDB	Feasibility study supported by JICA	Feasibility study supported by JICA
Construction Cost	USD 7.8 m (Tunduma)		USD 10.0 m		
PIDA PAP	✓	✓	✓	✓	✓
Other Information					Located within the Matesi Safari area

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – Southern Africa

No.	S10	S11	S12	S13	S14
Border Crossing	**Lebombo / Ressano Garcia**	**Machipanda/Forbes**	**Nyampanda/Cuchimano**	**Zobue/Mwanza**	**Colomue/Dedza**
Location (Countries)	South Africa/Mozambique	Mozambique/Zimbabwe	Zimbabwe/Mozambique	Mozambique/Malawi	Mozambique/Malawi
Corridor	Maputo	Beira/Nacala	Beira/Nacala	Tete/Beira	Beira/Nacala
REC(s)	SADC	SADC	SADC	SADC	SADC
Trade Pattern					
Traffic	250-600 trucks and 3,000-4,000 light vehicles per day; 12,000 persons per day, but with peaks over 120,000 persons per day	70 trucks per day		100-150 trucks per day	100-200 trucks per day
Construction and Operation Status	Construction to be completed by 2025	Planning stage	Planning stage	Feasibility study completed	Tendering stage
Lead Agencies	South Africa: BMA				
Legal Basis for the OSBP	OSBP framework adopted by the South African Cabinet in 2018; South Africa Border Management Authority Act No. 2 of 2020 enacted; South African draft OSBP Policy released for public comment in early 2021	Zimbabwe OSBP Act No. 21 of 2007; Zimbabwe and Mozambique signed a letter of intent to establish an OSBP in 2005, and signed the Beira Corridor Development Agreement in December 2007	Zimbabwe OSBP Act No. 21 of 2007; MOU to be signed		
OSBP Type		Juxtaposed			
OSBP Operation Funding Model		Public sector funding			
Development Partner Support		IOM, TMSA (situational analysis)	IOM	AfDB	
Construction Cost					
PIDA PAP	✓	✓	✓	✓	✓
Other Information	24/7 operations commenced in April 2022	There is a major railway station near the border		There is 3-6 km “no-man’s land” in hilly terrain	

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – Southern Africa

No.	S15	S16	S17	S18	S19
Border Crossing	**Martin's Drift**	**Beitbridge/Messina**	**Kasumbalesa**	**Kasumulu/Songwe**	**Unity Bridge (Mtambaswala/Namoto)**
Location (Countries)	South Africa / Botswana	South Africa / Zimbabwe	Zambia/DRC	Malawi/Tanzania	Tanzania/Mozambique
Corridor	North-South	North-South	North-South	Dar es Salaam/ North-South Corridor	Mtwara
REC(s)	SADC	SADC/COMESA	SADC/COMESA	SADC	SADC
Trade Pattern					
Traffic			400 trucks per day		
Construction and Operation Status	Planning stage		Construction completed and operational since xx	Construction completed and operational?	Construction completed and operational since XX
Lead Agencies	South Africa: BMA Botswana: Customs (BURS)	South Africa: BMA Zimbabwe: Customs (ZIMRA)	Zambia: Customs (ZRA)	Malawi: Customs (Malawi Revenue Authority) Tanzania: Customs (TRA)	Immigration
Legal Basis for the OSBP	South Africa Border Management Authority Act No. 2 of 2020, Botswana OSBP Act of 2013	OSBP framework adopted by the South African Cabinet in 2018; South Africa Border Management Authority Act No. 2 of 2020 and Zimbabwe OSBP Act No. 21 of 2007; South African draft OSBP Policy released for public comment in early 2021; bilateral MOU to be signed; in June 2021, Zimbabwe submitted to South Africa a draft OSBP procedures manual	Bilateral agreement signed on 7 June 2010; Zambia Border Management and Trade Facilitation Act, No. 12 of 2018; Tanzania OSBP Act No. 17 of 2015	MOU signed in March 2014; Tanzania OSBP Act No. 17 of 2015	MOU and SOPs for Immigration OSBP (supported by IOM); single agency operating model
OSBP Type		Juxtaposed	Juxtaposed	Juxtaposed	Juxtaposed
OSBP Operation Funding Model		PPP – DBOT	PPP – the border post collects border/terminal crossing fees		
Development Partner Support		TMSA, IOM, JICA	EU	World Bank	
Construction Cost		USD 27 m	USD 25 m		
PIDA PAP	✓	✓		✓	✓
Other Information		JSC, JTWG, and Joint Technical Subcommittees established; bridge over Limpopo River; pilot site for project for digitization of travelers' questionnaire (for COVID-19)	The EU piloted the COMESA Cross-Border Trade Initiative at Kasumabalesa		

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – Southern Africa

No.	S20	S21	S22	S23	S24
Border Crossing	**Plumtree/Ramokgwebana**	**Pioneer's Gate / Skilpadeshek**	**Oshoek/Ngwenya**	**Golela/Lavumisa**	**Marka**
Location (Countries)	Zimbabwe/Botswana	South Africa / Botswana	South Africa / Eswatini (formerly Swaziland)	South Africa / Eswatini (formerly Swaziland)	Malawi/Mozambique
Corridor		Mamuno / Trans Kalahari			
REC(s)	SADC	SADC/COMESA	SADC	SADC	SADC
Trade Pattern					
Traffic					
Construction and Operation Status	Planning stage	Planning stage	Planning stage; construction to be completed by 2025	Planning stage	Planning stage
Lead Agencies					
Legal Basis for the OSBP	Zimbabwe OSBP Act No. 21 of 2007 and Botswana OSBP Act of 2013; MOU to be signed	OSBP framework adopted by the South African Cabinet in 2018; South Africa Border Management Authority Act No. 2 of 2020 enacted; South African draft OSBP Policy released for public comment in early 2021; Botswana OSBP Act of 2013	OSBP framework adopted by the South African Cabinet in 2018; South Africa Border Management Authority Act No. 2 of 2020 enacted; South African draft OSBP Policy released for public comment in early 2021	OSBP framework adopted by the South African Cabinet in 2018; South Africa Border Management Authority Act No. 2 of 2020 enacted; South African draft OSBP Policy released for public comment in early 2021	
OSBP Type					
OSBP Operation Funding Model					
Development Partner Support					
Construction Cost					
PIDA PAP		✓			
Other Information			24/7 operations commenced in December 2021		Road and rail border crossing

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – Southern Africa

No.	S25	S26	S27	S28
Border Crossing	**Victoria Falls**	**Ficksburg**	**Maseru Bridge**	**Kopfontein**
Location (Countries)	Zimbabwe/Botswana	South Africa / Lesotho	South Africa / Lesotho	South Africa / Botswana
Corridor		Mamuno / Trans Kalahari		
REC(s)	SADC	SADC/COMESA	SADC	SADC
Trade Pattern				
Traffic				
Construction and Operation Status	Design ongoing	Planning stage; construction to be completed by 2025	Planning stage; construction to be completed by 2025	Planning stage; construction to be completed by 2025
Lead Agencies				
Legal Basis for the OSBP	Zimbabwe OSBP Act No. 21 of 2007, Botswana OSBP Act of 2013, MOU to be signed	OSBP framework adopted by the South African Cabinet in 2018; South Africa Border Management Authority Act No. 2 of 2020 enacted; South African draft OSBP Policy released for public comment in early 2021	OSBP framework adopted by the South African Cabinet in 2018; South Africa Border Management Authority Act No. 2 of 2020 enacted; South African draft OSBP Policy released for public comment in early 2021	OSBP framework adopted by the South African Cabinet in 2018; South Africa Border Management Authority Act No. 2 of 2020 enacted; South African draft OSBP Policy released for public comment in early 2021
OSBP Type				
OSBP Operation Funding Model			PPP (concession)	
Development Partner Support	EU (for the bilateral agreement)			
Construction Cost				
PIDA PAP				
Other Information	Bilateral agreement formulated under the EU Trade Related Facility (SADC), 2014-2021		24/7 operations	

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – West Africa

No.	W1	W2	W3	W4
Border Crossing	**Cinkansé**	**Kantchari / Makalondi, Mossipaga**	**Moussala**	**Paga/Dakola**
Location (Countries)	Burkina Faso / Togo	Burkina Faso / Niger	Senegal/Mali	Ghana / Burkina Faso
Corridor	Lomé-Ouagadougou-Bamako	Lomé-Ouagadougou-Niamey	Dakar-Bamako-Niamey	Tema-Ouagadougou-Bamako
REC(s)	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA
Trade Pattern	Transit to Burkina Faso	Transit Burkina Faso / Niger	Transit Senegal / Mali	Transit Burkina Faso / Ghana
Traffic	900 vehicles per day (as of 2018)			
Construction and Operation Status	Construction completed and operated under a concession since 2011	Studies to be undertaken, funded by UEMOA.	Construction work suspended, but in the process of resuming	Design completed; but construction has not yet started
Lead Agencies				
Legal Basis for the OSBP	Various UEMOA legal instruments (e.g., UEMOA Regulation No. 15/2009/CM relating to the Implementation of JBPs, Decision No. 8/2001/CM/UEMOA, No. 15/2008/CM/UEMOA). ECOWAS Decision A/DEC/13, /01/03 Relating to the Establishment of a Regional Road Transport and Transit Facilitation Programme in Support of Intra-Community Trade and Cross-Border Movements. Supplementary Act / SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS			
OSBP Type	Wholly located in Burkina Faso	Wholly located in Burkina Faso	Wholly located in Senegal	Wholly located in Ghana
OSBP Operation Funding Model	PPP – The concessionaire (SSI) is responsible for (i) the construction of buildings, parking areas, and warehouses; (ii) provision of scanners and a satellite telephone system; (iii) installation of an electronic document management system; and (iv) development of a cargo tracking system.		The UEMOA Commission decided to mobilize a concessionaire to complete the works and operationalize the OSBP.	UEMOA signed a PPP DBOT with Scanning Systems
Development Partner Support	UEMOA; study and interconnectivity supported by JICA	Construction to be funded by AfDB	AfDB/UEMOA/JICA	The Borderless Alliance with support from USAID organized a joint technical bilateral meeting
Construction Cost		To be identified in the studies	FCFA 6 billion (estimated)	
PIDA PAP				
Other Information	SIGMAT operational; bilateral transit bond not yet in place; survey conducted in 2011 (by JICA and AfDB) and 2018 (by AfDB)	The security situation in the region may delay the project; SIGMAT operational		Bilateral transit bonds operational

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – West Africa

No.	W5	W6	W7	W8	W9	W10
Border Crossing	**Laléraba**	**Kidira/Diboli**	**Koloko/Hérémakono**	**Noé/Elubo**	**Pogo/Zegou**	**Danane**
Location (Countries)	Côte d'Ivoire / Burkina Faso	Senegal/Mali	Burkina Faso / Mali	Ghana / Côte d'Ivoire	Côte d'Ivoire / Mali	Côte d'Ivoire / Guinea
Corridor	Abidjan-Ouagadougou	Dakar-Bamako-Niamey	Lomé-Ouaga-Bamako/ and Tema/Ouaga/Bamako	Abidjan-Lagos	Abidjan- Bamako	
REC(s)	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA
Trade Pattern	Transit Burkina Faso / Côte d'Ivoire		Transit Burkina Faso / Mali			
Traffic						
Construction and Operation Status	Work in progress, completion is expected by the end of January 2022, and operationalization planned in April 2022.	Planning stage	Planning stage	Construction ongoing	Work in progress, completion expected in September 2022, and commissioning in January 2023	Planning stage
Lead Agencies						
Legal Basis for the OSBP	Various UEMOA legal instruments (e.g., UEMOA Regulation No. 15/2009/CM relating to the implementation of JBPs, Decision No. 8/2001/CM/UEMOA, No. 15/2008/CM/UEMOA). ECOWAS Decision A/DEC/13, /01/03 Relating to the Establishment of a Regional Road Transport and Transit Facilitation Programme in Support of Intra-Community Trade and Cross-Border Movements. Supplementary Act / SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS.					
OSBP Type	Wholly located in Côte d'Ivoire			Juxtaposed	Fully located in Mali	
OSBP Operation Funding Model	UEMOA signed a PPP DBOT with Scanning Systems in 2016		UEMOA signed a PPP BOT with Scanning Systems in 2009		UEMOA signed a PPP DBOT with Scanning Systems	
Development Partner Support	Exchanges with state actors are planned for early 2022			EU/ECOWAS		
Construction Cost	About 8 billion CFA francs (including equipment and ICT)		Studies not yet completed		About 8 billion CFA francs (including equipment and ICT)	
PIDA PAP	✓	✓	✓	✓	✓	
Other Information	SIGMAT operational	The site has limited space	Border in the Tano River; bilateral transit bonds operational	Bilateral transit bonds operational	Bilateral transit bonds operational	

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – West Africa

No.	W11	W12	W13	W14	W15	W16
Border Crossing	**Tabou**	**Nigouni**	**Akanu/Noépé**	**Kraké/Sémé**	**Hillacondji/Sanveekondji**	**Gaya/Malanville**
Location (Countries)	Côte d'Ivoire / Liberia	Côte d'Ivoire / Mali	Ghana/Togo	Benin/Nigeria	Togo/Benin	Niger/Benin
Corridor		San Pedro / Bamako	Abidjan-Lagos	Abidjan-Lagos	Abidjan-Lagos	Cotonou- Niamey-Gao
REC(s)	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/ECCAS	ECOWAS/UEMOA
Trade Pattern						
Traffic						
Construction and Operation Status	Construction completed and operational?	Feasibility study (financed by AfDB)	Construction completed and operational since 26 October 2018	Construction completed and operational since 2 June 2020	Construction completed in October 2021. Equipment awaiting delivery	Construction completed and operational since 2014
Lead Agencies						
Legal Basis for the OSBP	Various UEMOA legal instruments (e.g., UEMOA Regulation No. 15/2009/CM relating to the implementation of JBPs, Decision No. 8/2001/CM/UEMOA, No. 15/2008/CM/UEMOA). ECOWAS Decision A/DEC/13, /01/03 Relating to the Establishment of a Regional Road Transport and Transit Facilitation Programme in Support of Intra-Community Trade and Cross-Border Movements. Supplementary Act / SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS.					
OSBP Type	Wholly located in Côte d'Ivoire	Wholly located in Côte d'Ivoire	Wholly located in Togo	Wholly located?	Juxtaposed	Wholly located in Benin
OSBP Operation Funding Model						
Development Partner Support	AfDB/EU/UEMOA	AfDB/EU/UEMOA	EU/ECOWAS	EU/ECOWAS	AfDB/UEMOA/EU	EU/UEMOA
Construction Cost	About 6 billion CFA francs (including equipment and ICT)	About 6 billion CFA francs (including equipment and ICT)	EUR 13.6 m	EUR 18.2 m	USD 31.0 m (both sides)	15 billion euros
PIDA PAP			✓	✓	✓	✓
Other Information		Bilateral transit bonds operational		Non-tariff barriers reported (50+ checkpoints operated by various state and nonstate actors between the border and Lagos)	Operations is expected to start in 2022	Pending for BOOT concession process

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – West Africa

No.	W17	W18	W19	W20	W21	W22
Border Crossing	**Trans-Gambia (Senegambia) Bridge**	**Kouremale**	**Mpack**	**Labézanga**	**Pétel Kolé**	**Boundou/Fourdou**
Location (Countries)	Senegal/Gambia	Mali/Guinea	Senegal / Guinea Bissau	Mali/Niger	Niger/Mali	Senegal/ Guinea
Corridor	Gambia	Guinea				
REC(s)	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA
Trade Pattern	Trade in minerals, fuels, and foodstuffs					
Traffic						
Construction and Operation Status	Opened in January 2019	Construction ongoing?	Planning stage	Planning stage	Construction completed	Construction completed, commissioning equipment
Lead Agencies						
Legal Basis for the OSBP	Various UEMOA legal instruments (e.g., UEMOA Regulation No. 15/2009/CM relating to the implementation of JBPs, Decision No. 8/2001/CM/UEMOA, No. 15/2008/CM/UEMOA). ECOWAS Decision A/DEC/13, /01/03 Relating to the Establishment of a Regional Road Transport and Transit Facilitation Programme in Support of Intra-Community Trade and Cross-Border Movements. Supplementary Act / SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS.					
OSBP Type						Juxtaposed
OSBP Operation Funding Model						
Development Partner Support	AfDB		UEMOA			UEMOA/AfDB
Construction Cost	USD 93 m ((USD 65 m from AfDB and USD 38m from the Government of Gambia)					
PIDA PAP						
Other Information	1.9 km bridge (the previous ferry crossing was unreliable) the bridge has promoted the southern Gambian province of Casamance			River port		

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – West Africa

No.	W23	W24	W25	W26
Border Crossing	**Mossipaga**	**Diboli/Kidira**	**Koualou**	**Mfum**
Location (Countries)	Burkina Faso / Niger	Mali/Senegal	Burkina Faso / Benin	Nigeria/Cameroon
Corridor		Dakar-Bamako-Niamey		Mombasa-Lagos (Enugu-Bamenda)
REC(s)	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/UEMOA	ECOWAS/ECCAS
Trade Pattern				
Traffic				
Construction and Operation Status	Design completed	Planning stage	Planning stage	Construction completed; awaiting the installation of IT and IT-related equipment
Lead Agencies				
Legal Basis for the OSBP	Various UEMOA legal instruments (e.g., UEMOA Regulation No. 15/2009/CM relating to the implementation of JBPs, Decision No. 8/2001/CM/UEMOA, No. 15/2008/CM/UEMOA). ECOWAS Decision A/DEC/13, /01/03 Relating to the Establishment of a Regional Road Transport and Transit Facilitation Programme in Support of Intra-Community Trade and Cross-Border Movements; and Supplementary Act / SA.1/07/13 Relating to the Establishment and Implementation of the Joint Border Posts Concept within Member States of ECOWAS.			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. Another MoU for this program was signed on 12 June 2008 between the ECOWAS Commission and ECCAS. Both governments decided to use a bilateral agreement that could be enacted into the laws of both countries without enacting a specific JBP Act and a bilateral agreement was drafted in 2015.
OSBP Type				Wholly located in Nigeria
OSBP Operation Funding Model				
Development Partner Support	AfDB			AfDB
Construction Cost				
PIDA PAP		✓		
Other Information	SIGMAT operational		SIGMAT operational	

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – Central Africa

No.	C1	C2	C3	C4	C5	C6
Border Crossing	**Brazzaville/Kinshasa**	**Kousséré**	**Koutéré**	**Garoua Boulai**	**Campo**	**Doussala**
Location (Countries)	DRC / Republic of Congo	Cameroon/Chad	Cameroon/Chad	Central African Republic / Cameroon	Equatorial Guinea / Cameroon	Republic of Congo / Gabon
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
REC(s)	ECCAS	ECCAS	ECCAS	ECCAS	ECCAS	ECCAS
Trade Pattern						
Traffic						
Construction and Operation Status	Design completed	Planning stage	Planning stage	Planning stage	Design completed	Planning stage
Lead Agencies						
Legal Basis for the OSBP						
OSBP Type						
OSBP Operation Funding Model						
Development Partner Support	AfDB					
Construction Cost		USD 110.0 m	USD 10.0 m	USD 10.0 m		
PIDA PAP	✓	✓	✓	✓	✓	
Other Information						

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – Central Africa

No.	C7	C8	C9	C10	C11	C12
Border Crossing	**Bongor**	**Chad/CAR**	**CAR/Congo**	**Libreville-Bata Road**	**Ntam**	**Ubangui River Bridge**
Location (Countries)	Cameroon/Chad	Chad / Central African Republic	Central African Republic / Republic of Congo	Equatorial Guinea / Gabon	Cameroon / Republic of Congo	Central African Republic / DRC
Corridor						
REC(s)	ECCAS	ECCAS	ECCAS	ECCAS	ECCAS	ECCAS
Trade Pattern						
Traffic						
Construction and Operation Status	Construction ongoing	Design completed	Design completed	Planning stage	Construction ongoing	Planning stage
Lead Agencies						
Legal Basis for the OSBP						
OSBP Type						
OSBP Operation Funding Model						
Development Partner Support						
Construction Cost						
PIDA PAP						
Other Information						

Appendix A: Matrix of OSBP Characteristics (as of 18 April 2022) – North Africa

No.	N1	N2	N3	N4	N5
Border Crossing	**Dakla / Nouadhibou**	**Oujda Tlemcen**	**Ghardimaou**	**Ras Adjir** (alternatively Ras Jdir or Ras Ejder)	**Musaid-Soloum**
Location (Countries)	Mauritania/Morocco	Morocco/Algeria	Tunisia/Algeria	Tunisia/Libya	Libya/Egypt
Corridor	Trans-African Highway 1 / Trans-Maghreb Highway	Trans-African Highway 1 / / Trans-Maghreb Highway	Trans-African Highway 1 / Trans-Maghreb Highway	Trans-African Highway 1 / / Trans-Maghreb Highway	Trans-African Highway 1 / / Trans-Maghreb Highway
REC(s)	UMA	UMA	UMA	UMA	UMA
Trade Pattern					
Traffic					
Construction and Operation Status	Planning stage	Planning stage	Planning stage	Planning stage	Planning stage
Lead Agencies					
Legal Basis for the OSBP					
OSBP Type					
OSBP Operation Funding Model					
Development Partner Support	AfDB	AfDB	AfDB	AfDB	AfDB
Construction Cost	Part of USD 75 m	Part of USD 75 m	Part of USD 75 m	Part of USD 75 m	Part of USD 75 m
PIDA PAP					
Other Information					

Notes: (i) In addition, the respective governments are among the main funding sources. (ii) 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, BOT = build,-operate- transfer, BMA = Border Management Authority (South Africa), BURS = Botswana Unified Revenue Service, CAR = Central African Republic, COMESA= Common Market of Eastern and Southern Africa, COVID-19 = Coronavirus disease 2019, DfID = Department for International Development, DGIE = Directorate General of Immigration and Emigration (Rwanda), 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, ICT = information and communications technology, IGAD = Intergovernmental Authority on Development, IOM = International Organization of Migration, JBP = joint border post, JSC = joint steering committee, JTWG = joint technical working group, KRA = Kenya Revenue Authority, IOM = International Organization for Migration, JICA = Japan International Cooperation Agency, LAPPSET = Lamu Port-South Sudan-Ethiopia-Transport, 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, SADC = Southern African Development Community, SCT = single customs territory, SIGMAT = Regional Customs Network for Transit Trade, SOP standard operating procedure, SSI = Scanning Systems International, TMEA = TradeMark East Africa, TMSA = TradeMark Southern Africa (no longer operational); TRA = Tanzania Revenue Authority, UEMOA = Union Economique et Monétaire Ouest-africaine (West African Economic and Monetary Union), UMA = Arab Maghreb Union, URA = Uganda Revenue Authority, USAID = United States Agency for International Development, ZRA = Zambia Revenue Authority, ZIMRA = Zimbabwe Revenue Authority

Appendix B: Comparative Matrix of Laws and Institutions of Regional Economic Communities (RECs)

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, 2016 and EAC OSBP Regulations 2017	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 2016 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 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.	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.	In 2004, the EAC, together with the NCTTCA, initiated the East African Transport and Trade Facilitation Project, which called for the development of OSBPs in the region. The EAC has been spearheading introduction of 15 OSBPs in the region; it has developed and adopted EAC OSBP Regulations and Procedures Manuals, as well as training curriculum, and it has undertaken regionwide OSBP training at operational OSBPs. Also, to ensure sustainable resources for construction, management, and maintenance, as well as coverage of utility costs for optimal OSBP operations, the EAC developed and adopted an OSBP Sustainability Strategy in November 2021.

Appendix B: Comparative Matrix of Laws and Institutions of Regional Economic Communities (RECs)

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
		Part II, Section 3 of EAC OSBP Regulations 2017 requires that each Partner State designate one of its competent authorities as the lead agency, to be responsible for administrative matters at the OSBP. Section 2.2 of the EAC OSBP Procedures Manual 2018 further defines the tasks of the lead agencies and calls for the establishment of joint border committees for border coordination. The EAC OSBP Sustainability Strategy 2021 called for operationalization of joint border coordination committees, and establishment of national and regional OSBP coordination committees.		
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 Customs Code, August 2017 (Art. 81 on One Stop Border Posts)	- 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 – undertake daily general administration, maintenance of facilities including cleaning, signage, etc Specific relevant chapters and articles include the following: **CHAPTER IX: INSTITUTIONAL ARRANGEMENTS** Article 49: 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 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;	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.

Appendix B: Comparative Matrix of Laws and Institutions of Regional Economic Communities (RECs)

REC	OSBP-Specific Legal Instruments	OSBP Institutional Framework	Legal Effect of REC Legislation	Role of REC in the Implementation of OSBPs
		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: Establishment and composition of the Joint Committees</u> 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 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: Responsibilities of the Joint Committees</u> 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		

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		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. Article 52: Meetings and Procedures of the Joint Committees 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 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.		

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		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. Article 54: 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.	The IGAD Regional Infrastructure Master Plan, March 2020, included about a dozen OSBP projects in its Annexes.
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	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.

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		and Ministers. The Secretariat acts as a facilitator and coordinator in collaboration with bilateral countries.		
UEMOA	UEMOA Regulation No. 15/2009/CM/ UEMOA Portant Régime Juridique des Postes de Contrôle Juxtaposes aux Frontières des Etats Membres de L'Union Economique et Monétaire Ouest Africaine [setting out a consolidated legal 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	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 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.	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 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 CONTROL Article 27: Contribution Control Services for the Performance of the JBP – adjoining States shall facilitate fast and affordable border controls through procedures developed by UEMOA. CHAPTER VIII: ACTIVITIES ANCILLARY TO TRANSPORT AND TRANSIT AND COMMERCIAL ACTIVITIES

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				Article 45: Activities ancillary to transport, transit and commercial activities – such activities may be authorized and the parameters shall be stipulated in the agreement between UEMOA and the concessionaire. CHAPTER X: JBP SECURITY PROVISIONS Article 52: Security of JBP Operations – the rules governing public safety and security within the JBP shall be contained in the regulation of implementation. These shall be drafted by the JBP Authority and approved by the 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, NCTTA = Northern Corridor Transit and Transport Coordination Authority, 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 Senior Advisor; and (iii) the Sourcebook Team

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