

Friday, 1<sup>st</sup> October 2010

- 23.0 Recap Day 2 deliberations
- 24.0 Present, Discuss and Review Draft 4<sup>th</sup> JTC Meeting Minutes
- 25.0 **Health Break**
- 26.0 Discuss, Review and finalise JICA and the two Governments Draft Minutes of Discussions for the Project
- 27.0 Signing of the 4<sup>th</sup> JTC Meeting Minutes
- 28.0 **Lunch Break**
- 29.0 End of the 4<sup>th</sup> JTC Meeting

Deliberations

Wednesday, 29<sup>th</sup> September 2010

| Item       | Minute   | Action/Note                             |
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| <b>1.0</b> | <b>General</b>   |   |
| 1.1        | The Head of the Tanzania delegation made the opening remarks. He welcomed the respective delegations from the Republic of Rwanda and the EAC Secretariat and underscored the importance of this project in regional integration. He also emphasised the JTC mandate of dealing with coordination, and implementation of the project.   |   |
| 1.2        | The Meeting proceeded with the introduction of the delegates from Tanzania, Rwanda and the EAC Secretariat.  |   |
| 1.3        | The meeting noted that the Bilateral Agreement for the establishment of the OSBP at Rusumo, which was signed in Arusha, Tanzania on 26 <sup>th</sup> March 2010 has not yet been ratified by the two countries to make it legally operative. The members were urged to make a close follow up to ensure that the Agreement is ratified as soon as possible in order not to hinder the implementation of the project.   |   |
| 1.4        | It was also noted that the Draft Final TOR for JTC is yet to be signed by the PSs of both countries, Tanzania and Rwanda. In this regard, it was recommended that a close follow up is made by JTC members on both sides. The Tanzanian delegation reported that Tanzania has no objection to signing the TOR provided Rwanda signs it since the TOR was drafted under the leadership of the Rwandan MININFRA's PS.<br><br>The Rwandan delegation agreed to the proposal and promised to work on the matter and communicate to the Tanzanian MoID's PS.  | Rwanda JTC                              |
| <b>2.0</b> | <b>Matters arising from the third JTC Meeting</b>  |   |
| 2.1        | <b>Training for OSBP operations</b><br>JTC noted that the two governments have not yet approached JICA for technical assistance for the training of the OSBP Operatives. To make progress on this issue lead institutions in each country should prepare a training needs assessment and make a proposal under guidance of JICA. For Tanzania, TRA is the lead institution and for Rwanda the Director General of Immigration and Emigration.  | TRA,<br>Tanzania and<br>DGIE,<br>Rwanda |
| 2.2        | <b>Environment and Social Impact Assessment Process</b><br>During the 3 <sup>rd</sup> JTC meeting in Kigali it was recommended that each country has to constitute a small joint unit to prepare TORs and a methodology for engaging an EIA consultant. Following this, the two Teams that were assigned made presentations on the work so far done.<br><br>It was noted that some key procedures are similar for the two countries while few others need to be harmonised. For progress to be made on this matter, it was agreed that the two Teams should meet in Kigali between the 13 <sup>th</sup> and 15 <sup>th</sup> of October 2010 to undertake a deeper analysis with a view to harmonising the document. Their report should be shared between the two countries before being submitted to the next JTC meeting. | JTC Team<br>Leaders                     |

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|   | <p>The Team will comprise:</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p><b>Tanzania</b><br/>Eng. P.A. L. Mfugale<br/>Eng. J. Kalupale<br/>Eng. S. Mgeta<br/>Eng. M. Sangeu</p> </td> <td style="vertical-align: top;"> <p><b>Rwanda</b><br/>Dr Frederick ADDO-ABEDI<br/>Eng. Kayisire Pasteur<br/>Eng. M. Honoré<br/>Eng. Eric Ntagengerwa</p> </td> </tr> </table>   | <p><b>Tanzania</b><br/>Eng. P.A. L. Mfugale<br/>Eng. J. Kalupale<br/>Eng. S. Mgeta<br/>Eng. M. Sangeu</p> | <p><b>Rwanda</b><br/>Dr Frederick ADDO-ABEDI<br/>Eng. Kayisire Pasteur<br/>Eng. M. Honoré<br/>Eng. Eric Ntagengerwa</p> |  |
| <p><b>Tanzania</b><br/>Eng. P.A. L. Mfugale<br/>Eng. J. Kalupale<br/>Eng. S. Mgeta<br/>Eng. M. Sangeu</p> | <p><b>Rwanda</b><br/>Dr Frederick ADDO-ABEDI<br/>Eng. Kayisire Pasteur<br/>Eng. M. Honoré<br/>Eng. Eric Ntagengerwa</p>   |   |   |  |
| 3.0   | <p><b>A.O.B.</b></p> <p>It was noted that, as there are divergences in EIA guidelines between the two countries, so are the procurement laws and guidelines. It was further noted that if issues regarding procurement are not dealt with and harmonised in time they may hamper on the timely implementation of the project. The meeting agreed to form a Team of procurement experts to meet in Kigali at the same time as the Environmental experts are meeting to study the Procurement Laws and Regulations of the two countries and propose a harmonised method.</p> <p>The meeting was informed that the EAC Secretariat could carry out the procurement on behalf of the Partner States upon request. It was therefore proposed that the team of procurement experts may also consider the use of the EAC Secretariat as an alternative if it could expedite the procurement process.</p> | GOT and GOR   |   |  |

The 1<sup>st</sup> day meeting was adjourned at 16:00 hrs.

Thursday, 30<sup>th</sup> September 2010

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| 4.0 | <p><b>General</b></p> <ul style="list-style-type: none"> <li>Official opening of the 4<sup>th</sup> JTC Meeting was done by Dr. Julius T. Rotich, Deputy Secretary General for Finance and Administration on behalf of the Secretary General of the EAC. In his remarks he extended a warm welcome to the delegations from Tanzania, Rwanda and JICA. He reiterated that the Rusumo bridge and OSBP Project provide a very meaningful input to EAC integration. He further stressed that the project was timely as the current EAC agenda puts emphasis on regional infrastructure development to speed up integration. He commended the efforts being made by the governments of Rwanda and Tanzania in this endeavour.</li> </ul> <p>The Guest of Honour thanked the Government of Japan for its assistance in this project and its continued cooperation with Africa and the East African Community in particular.</p> <ul style="list-style-type: none"> <li>The meeting continued with brief remarks from Mr. Masahiko SUZUKI, the Head of the JICA delegation. In his remarks he underscored the importance of Japan's cooperation with the two countries and the EAC as a whole. He called on the members to be focused on the objectives of the meeting, which is to finalise the basic design so that the implementation schedule for the project is adhered to.</li> <li>The JTC Chairperson then made a recap of the first day's deliberations. He indicated that the first day meeting had discussed in depth, the presentations on the draft ToR for undertaking the EIA for the project that were made by experts from both Rwanda and Tanzania. He informed the meeting that after the presentations a Team had been formed and given two weeks to work on a proposal that would be shared with JICA. However, issues that needed confirmation from JICA were left for discussions to be held during the progress of the current meeting.</li> </ul> |  |
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|     | <ul style="list-style-type: none"> <li>The JICA Team also noted that in accordance with the financing rules, approval of the EIA study is necessary before the Exchange of Notes for the construction phase could be signed between the Government of Japan and the Governments of the two countries in August 2011. The Team, therefore, emphasised the need to fast track the approval process to enable the EIA certification to be obtained before the 30<sup>th</sup> of July 2011 in order not to hinder the implementation of the project.</li> <li>Following this, the JICA Team made presentations on the Final Draft Basic Design for the Bridge and OSBP facilities, which was discussed extensively.</li> </ul>   | JTC                 |
| 5.0 | <p><b>Apportioning of the Grant</b></p> <p>During the 3<sup>rd</sup> JTC meeting the equal apportioning of the Grant to the recipient countries was proposed. The JICA Team confirmed that the Government of Japan has no objection to the proposal</p>   | JICA                |
| 6.0 | <p><b>Road design</b></p> <p>a) <b>Geometrical design</b><br/>In the 3<sup>rd</sup> JTC Meeting, a 7 m wide carriageway with 1.25 m wide shoulders was proposed for the Common Control Zone in both countries. It was noted that the JICA Study Team has complied with the proposal.</p> <p>b) <b>Pavement design</b><br/>In the 3<sup>rd</sup> JTC meeting it was agreed that the pavement including the shoulders within the Common Control Zone will be in rigid concrete. It was noted that the JICA Study Team has complied with the proposal.</p> <p>c) <b>Approach Road</b><br/>The presentation by the Study Team showed that the approach road will have a 150mm thick concrete layer over a 150mm thick mechanically stabilised base layer over an improved subgrade with a minimum CBR of 15%. Embankment areas will have additional layers. Since typical cross-sections were missing in the Draft Report, the JICA Team agreed to insert the same in the Final Report.</p>   | JICA Study Team     |
| 7.0 | <p><b>Bridge design</b></p> <p>During the 3<sup>rd</sup> JTC Meeting, members reiterated the previous recommendation of an open deck bridge without any height restriction in line with the current EAC policy that seeks to avoid and remove all Non-Tariff Barriers within all major transport corridors.</p> <p>The JICA Study Team made a presentation complying with the recommendation. In the presentation, it was noted that the three bridge design options suggested in the 3<sup>rd</sup> JTC meeting (Concrete Box Girder, Inverted Arch Steel Truss and Steel Box Girder.) were considered and the Study Team recommended the Steel Simple Composite Box Girder. The JTC accepted the option based on the analysis presented. However, the JTC requested for an elaboration of the comparative costs.</p>  | JICA Study Team     |
| 8.0 | <p><b>OSBP Facilities</b></p> <p>The JTC members noted that the OSBP facilities are not mirroring each other as reflected in the Bilateral Agreement as the difference between the facilities provided on the Rwandan and Tanzanian sides is significant. The Study Team reported that this was due to the differences in terrain and assessed needs over the next five years.</p> <p>In principle, the design presented was accepted by the JTC because it takes account of most of the services required. However, it was noted that there were still some functional requirements such as offices for Other Government Agencies (food and drug control, agricultural and pesticides control, bureau of standards, livestock control, health department and the like) and need for well ventilated physical verification rooms. These appear not to have been adequately catered for in the design. The JTC therefore requested the JICA Study Team to review the design with a view to incorporating these needs and also to re-proportion some of the spaces.</p> | JTC/JICA Study Team |

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|     | The JICA Team reported that the design was based on the existing data available at the site and presentations in various JTC meetings. At this point in time major decisions have been reached by the Government of Japan and it may not be feasible to consider major changes at this stage. However, it was agreed that some minor changes will be considered in the detailed design after consultation with the two countries  |                     |
|     | <b>Provision for additional space in the Control Zone</b><br>The JTC Members noted that the Rwandan side has an area of approximately 2.6 Ha which shows the location of future facilities to be provided. On the Tanzanian side the project covers an area of approximately 1.4 Ha, which is not adequate for the facilities required for the OSBP control zone. A provision for future expansion covering an area of about one Ha has been made by the JICA Study Team as requested in the 3 <sup>rd</sup> JTC meeting. The JICA Team indicated that this could not be part of the current project but agreed to include the plans for the future expansion area in the Basic Design Report. However, JICA declined to consider fencing the future expansion area as part of the current project. | JTC/JICA Study Team |
| 9.0 | <b>The site layout plan</b><br>The JTC members raised a concern that since there are other projects being developed at the same site, such as the hydro power project and the Isaka – Kigali Railway Project, there is a need for the design layout plan to show the locations of these projects to avoid conflict in the future. JICA requested the assistance of the two governments in obtaining the necessary plans for the other projects to enable them provide the required plan.  | JICA Study Team/GoR |

The 2<sup>nd</sup> day meeting was adjourned at 18:00 hrs.

Friday, 1<sup>st</sup> October 2010


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| 10.0 | <b>Finalisation of discussions on the Draft Basic Design</b><br>Discussions on the Draft Basic Design were continued and the following were agreed:<br><ul style="list-style-type: none"><li>• <b>Environmental Impact Assessment (EIA)</b><br/>The EIA will cover the whole control zone (including the future expansion area on the Tanzanian side). The EIA report to JICA will address the requirements of the current project.</li><li>• <b>Access Road Pavement on Rwandan side</b><br/>The base course should be DBM (Dense Bituminous Maccadam) instead of PM (Penetration Maccadam).</li></ul> | JTC/JICA        |
| 11.0 | <b>A.O.B.</b><br>The JICA Team agreed to provide all available survey data related to the project in order to enable the two governments demarcate the project zone<br><br>The JICA Team informed the meeting that the project construction is expected to commence in January 2012 instead of the original plan to commence in November 2011.  | JICA Study Team |



Eng. P. A. L MFUGALE  
Team Leader – JTC Tanzania



Eng. Dr Frederiek ADDO-ABEDI  
Team Leader – JTC Rwanda

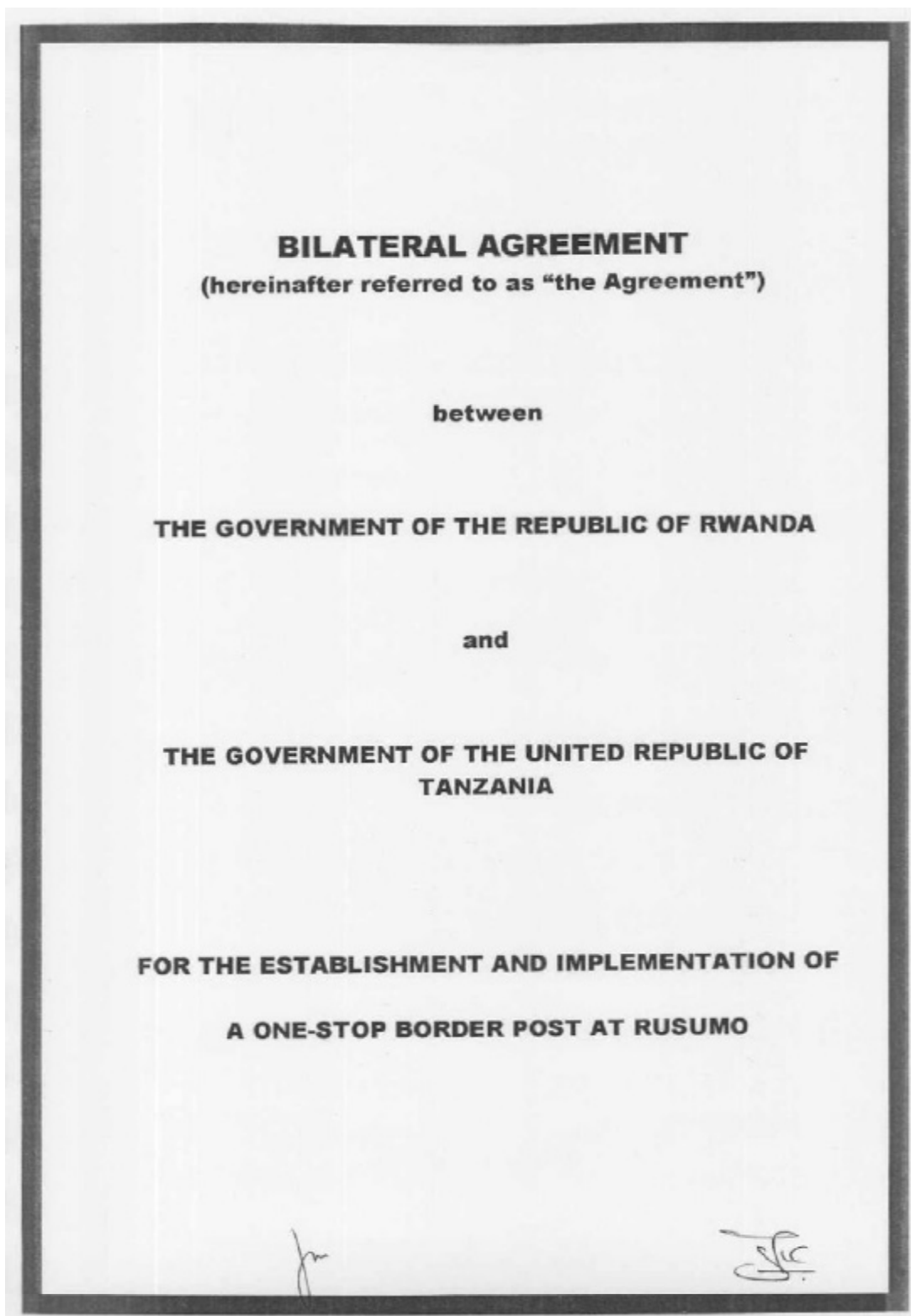


Eng. Gratian RUTASERWA  
EAC Secretariat

Date 1<sup>st</sup> October 2010

**5. Other Relevant Data**

**BILATERAL AGREEMENT**



**PREAMBLE**

**WHEREAS** the Government of The Republic of Rwanda and the Government of The United Republic of Tanzania (singularly hereinafter referred to as "the Party" and jointly as "the Parties") are Partner States within the East African Community (hereinafter referred to as "the EAC") as established by The Treaty for the Establishment of the East African Community (1999) (hereinafter referred to as "the Treaty");

**HAVING REGARD** to the relevant objectives set forth in—

- a) the EAC Treaty;
- b) the Protocol on the Establishment of the EAC Customs Union;
- c) the Protocol on the Establishment of the EAC Common Market;
- d) the EAC Customs Management Act, 2004;

**IN PURSUANCE** of the principles of enhanced trade facilitation within the EAC through the establishment of One Stop Border Posts (OSBPs) between Partner States;

**GIVING EFFECT** to the directive of the EAC Sectoral Council on Transport, Communications and Meteorology at its 6th meeting held in February 2009 at Arusha, Tanzania, mandating the establishment of OSBPs in the EAC region, which directive was adopted by the Council of Ministers of the EAC at its 18<sup>th</sup> Meeting (*Ref. EAC/CM 18/Decision 18*);

**CONVINCED** of the need to—

- a) enable expeditious and more effective border controls;
- b) reduce the number of stops in cross border trade and other transactions by combining border control activities of the Parties at a single location in each direction;
- c) extend the application of national laws relating to border controls of each Party in the other State thereby enabling border control Officers of each Party to legally perform statutory functions outside their national territory and within the territory of the other State;
- d) allow for the hosting of border control Officers in each other's territory with authority to execute border control functions using their own national laws;

- e) share each other's existing border control infrastructure and facilities thereby enabling border control Officers of each Party to perform statutory border control functions outside their national territory;
- f) simplify border control documents and procedures to allow for expeditious processing of border controls;
- g) maximize the use of Information and Communication Technology in order to enhance the easier and speedier sharing of border control data between the Parties border controls Officers;
- h) harmonize border control regulations and procedures of the Parties for standardized application and easier predictability;
- i) carry out joint technical training of border control Officers of the Parties so as to achieve common levels of conceptual understanding of the OSBP operations;
- j) involve the private sectors of each Party as partners in the implementation process and through public awareness programs, training of border control facilitation agents and provision of requisite access to all private sector border control facilitation agents;
- k) achieve maximum possible integration of border control documentation, procedures and systems for the mutual success of the objectives underpinning this Agreement;

**COGNISANT** of current related initiatives and the need to address other Non Tariff Barriers (NTBs) within and between the Parties in conjunction with the establishment of the One Stop Border Post (OSBP) in order not to negate the potential benefits of the OSBP;

**DETERMINED** to establish and implement an OSBP at Rusumo in the shortest possible timeframe;

**TAKING INTO ACCOUNT** the need to synchronize the completion of the construction of the bridge and the physical border control infrastructure and facilities in the territories of both Parties with the operationalisation of the requisite and enabling legal procedures and training frameworks;

**MINDFUL** of the principles of international law governing relations between States and the Parties' other individual obligations and commitments under other international, regional, multilateral and bilateral agreements; and

**RESOLUTE** to act in concert for the establishment of an OSBP at Rusumo.

**NOW THEREFORE**, the Parties have agreed as follows:

**ARTICLE 1**  
**Definitions**

1. In this Agreement—

"adjoining State" means—

- (a) for The Republic of Rwanda: The United Republic of Tanzania;
- (b) for The United Republic of Tanzania: The Republic of Rwanda;

"border controls" means any border related control measures, checks and authorizations, without limitation, provided for in the national laws and regulations of the Parties;

"Commission" means the Joint Commission established under Article 10;

"competent authorities" means any ministry or government department of the Parties assigned responsibilities for border controls by the national laws and regulations of the Parties;

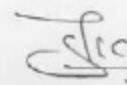
"control zone" means the part of the territory of the host State within which Officers of the Parties are empowered to effect border controls and includes the exclusive use area;

"exclusive use area" means that area of the control zone dedicated for the exclusive use of one of the Parties;

"facilitation agents" means any person providing assistance to the completion of border controls by passengers or freight as provided for in the national laws and regulations of the Parties;

"host State" means the State in whose territory the border controls of the adjoining State are effected;

"law enforcement agency" means any agency or person empowered by the national and border control legislation of each Party to enforce the provisions thereof;





"Officer" means a person responsible for conducting border controls in terms of the national laws and regulations of the Parties;

"one-stop border post" means a border post established under an agreement for such purpose at which all traffic utilizing the border post stops only once in each direction of travel and both exit and entry procedures are undertaken from within the same control zone;

"Treaty" means The Treaty for the Establishment of the East African Community.

#### **ARTICLE 2**

##### **Establishment and Objectives of a One Stop Border Post (OSBP)**

- 2.1 The Parties agree to establish and implement an OSBP at their common border at Rusumo on such terms and conditions as are herein outlined.
- 2.2 The main objective of the OSBP shall be to enhance trade facilitation; through the efficient movement of goods, persons and services between and within the Parties, the EAC and adjoining regions.

#### **ARTICLE 3**

##### **Control Zones**

- 3.1 In order to simplify and expedite border controls, the Parties agree to implement one-stop border processing arrangements by establishing and designating juxtaposed control zones at their respective border posts located at Rusumo. The control zones shall be so arranged that, for each direction of travel, border controls shall be carried out in the State of entry.
- 3.2 For the avoidance of doubt and subject to Article 11 of this Agreement, no border control shall be carried out in the State of exit except by express agreement of the Parties where such is necessitated by geographical or other considerations.
- 3.3 The control zones shall comprise the demarcated and secured physical areas described in **the First Schedule** which shall form an integral part of this Agreement and shall be annexed hereto. The contents of the Schedule shall be mutually agreed upon and shall be confirmed through an exchange of diplomatic notes.

- 3.4 The competent authorities of the Parties shall ensure that their exclusive use areas are clearly identified through the display of official signs.
- 3.5 The competent authorities of the Parties shall, by mutual agreement, provisionally bring into effect alterations to the delimitation of the control zones which shall prove necessary. Any arrangement so agreed to shall come into effect immediately.
- 3.6 The Parties may amend the delimitation of the control zones contemplated in Sub-Article 3.3. Such amendments shall be confirmed through an exchange of diplomatic notes and shall come into effect on a date to be mutually agreed upon by the Parties. Any such amendments shall form an integral part of this Agreement and shall be annexed hereto as an addendum to **the First Schedule**.
- 3.7 The competent authorities of the Parties shall, by mutual agreement, adopt synchronized business hours for their respective operations in the control zone.
- 3.8 The Officers of the adjoining State shall be empowered to control access and egress and keep order within their exclusive use area within the host State. They shall, if the need arises, request assistance from the authorities of the host State for this purpose.
- 3.9 The Officers or members of a law enforcement agency of the host State shall not have access to or take any action in the exclusive use area of the adjoining State, except at the request or with the permission of the Officers of the adjoining State.
- 3.10 The competent authorities of the Parties shall adopt and enforce efficient passenger and vehicle traffic control routes, procedures and traffic rules within and through the control zones.

#### **ARTICLE 4 Border Controls**

- 4.1 The Parties agree that Officers of the adjoining State shall carry out border controls under their own laws within the control zone in the host State.
- 4.2 The exit formalities of the State of exit shall be carried out before the entry formalities of the State of entry. Such formalities shall, to the extent possible,

be carried out jointly and shall be sequenced as may be agreed to by the Parties depending on practical considerations.

- 4.3 The Officers of the State of entry shall not carry out border controls before the Officers of the State of exit have completed their border controls, regardless of the approach adopted in terms of Sub-Article 4.2. Such handover of jurisdiction shall be by way of a final official stamp to that effect or electronic release received by the State of entry. For the purposes of this Article, any form of relinquishment of such border controls, shall be considered a form of border controls.
- 4.4 The Officers of the State of exit shall, similarly, no longer carry out their border controls when the Officers of the State of entry have begun their own border controls except with the consent of the Officers of the State of entry duly authorized to take such decisions, which consent shall not be unreasonably withheld.
- 4.5 Notwithstanding Sub-Articles 4.2, 4.3 and 4.4, the Parties agree that their respective Officers shall jointly conduct physical inspections and verifications, undertake searches, take samples of cargoes and inspect means of transport, or where such is not reasonably practical, in immediate succession. Alternatively, either Party may rely on the inspection results of the other Party, which results shall not be unreasonably withheld.
- 4.6 Where in exceptional circumstances, in the course of border controls, the sequence provided for in Sub-Article 4.2 is modified, the Officers of the State of entry shall not proceed to conduct detentions, arrests or seizures until the border controls of the State of exit are completed. In such a case, the Officers of the State of entry shall escort the persons, vehicles, animals, merchandise or other goods for which the border controls of the State of exit are not yet completed, to the Officers of that State who may proceed to take such measures as they deem necessary.
- 4.7 Where the State of entry refuses to admit any persons, vehicles, animals merchandise, or other goods, or if such persons decide not to pass through the border controls of the State of entry, or send or take back any vehicles, merchandise, animals or other goods under their control, the authorities of the State of exit shall accept back such persons, vehicles, animals, merchandise, or other goods. However, the authorities of the State of exit shall take any measures to deal with them in accordance with their national laws and in a manner that does not impose obligations on the State of entry.

- 4.8 In carrying out its controls, each Party shall, to the extent practicable, ensure that it utilizes the single window concept which obliges the simultaneous and coordinated documentation processing and effecting of controls by all agencies with a mandate and interest to do so.
- 4.9 The Officers of the adjoining State shall freely transfer sums of money levied on behalf of their Government in the control zone to the adjoining State, as well as merchandise and other goods lawfully seized.
- 4.10 Nothing in this Article shall prevent the Parties from agreeing to higher levels of trade facilitation at their common border through, *inter alia*, the integration of their border control structures within or between themselves including reliance on Officers of one Party carrying out controls for and on behalf of the other Party in terms of that other Party's national laws. The powers to be exercised by such Officers in such circumstances shall be agreed upon between the Parties in supplementary arrangements to this Agreement and shall be annexed hereto as **the Second Schedule**.

**ARTICLE 5**  
**Application of Border Control Laws**

- 5.1 The laws relating to border controls of the adjoining State shall apply in the control zone in the host State and shall be effected by the Officers of the adjoining State in the same way as in their own territory.
- 5.2 Breach of the laws relating to border controls of the adjoining State which are detected in the control zone of the host State are subject to the laws of the adjoining State as if the breach had occurred in the adjoining State's own territory.
- 5.3 Officers of the adjoining State may, in terms of the border control laws of that State, detain, question, search or arrest any person in the control zone of the host State who is exiting the adjoining State. They may, in the course of conducting their border controls, escort such person to the adjoining State.
- 5.4 Officers of the adjoining State shall not, in the control zone of the host State, arrest or detain a person exiting the host State or escort such person to the territory of the adjoining State. Officers of the adjoining State may, nevertheless, require such person's attendance at the office of the adjoining State in order that a statement may be taken or otherwise at the office of the host State. In the former case, an Officer of the host State shall be notified and shall be present while a statement is taken and may participate in the

questioning and may remain present as long as the person in question so requests.

- 5.5 Nothing in Sub-Article 5.4 shall prevent an Officer of the adjoining State from passing on information to the adjoining State relating to any person or goods exiting the host State which information can only be acted upon once the adjoining State assumes jurisdiction over such person or goods within its territory.
- 5.6 The Parties shall agree to operational procedures consistent with the principles contained in this Agreement to facilitate the application of their border controls. Without limitation to the generality of this Sub-Article, such procedures shall, *inter alia*, include harmonization of documents, mandatory pre-clearance of specified local importation and transit goods, entrenchment of existing arrangements for locals living around the common border. Such procedures, which shall form an integral part of this Agreement, shall be confirmed through an exchange of diplomatic notes and shall be annexed hereto as **the Third Schedule**.
- 5.7 The Parties shall further agree to comprehensive mandatory Information and Communications Technology (ICT) requirements at their common border to enable seamless, reliable and effective data exchange of high integrity and appropriate format within and between the various agencies of the Parties operating at the common border. Such ICT platform shall include a robust and transparent cargo clearing and tracking systems within the territories of the Parties.

**ARTICLE 6**  
**Criminal Jurisdiction**

- 6.1 Subject to Sub-Article 3.9 of this Agreement, the law enforcement agencies of the host State shall be responsible for maintaining peace, security, law and order, and dealing with non border controls related criminal offences in the control zone. With respect to border controls related criminal offences, the law enforcement agencies of the parties shall have jurisdiction to assist border controls agencies in effecting their controls in terms of the provisions of their national laws. Nothing in this Article shall prevent law enforcement agencies of the Parties from carrying out independent border control activities in the control zone as mandated by their national laws.
- 6.2 Nothing in this Agreement shall be interpreted as restricting the jurisdiction of the host State to maintain law and order and to prosecute under its laws such offences committed within its territory.

