



One-Stop Border Post Sourcebook



2nd Edition, May 2016

Preface

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

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

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

While the 1st edition of the OSBP Sourcebook¹ – published in September 2011 – proved to be a unique and useful tool for implementers of OSBPs, there was a need to update this reference so that implementers can learn from current knowledge, experience, and good practices rather from knowledge from a few years ago. The 2nd edition of the OSBP Sourcebook aims to meet this need.

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

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

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Abbreviations²

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

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

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

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

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

Executive Summary

Part I: The One-Stop Border Post Concept

1. The OSBP Concept

1.1 Introduction

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

1.2 Definition

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

Figure 1: The OSBP Concept

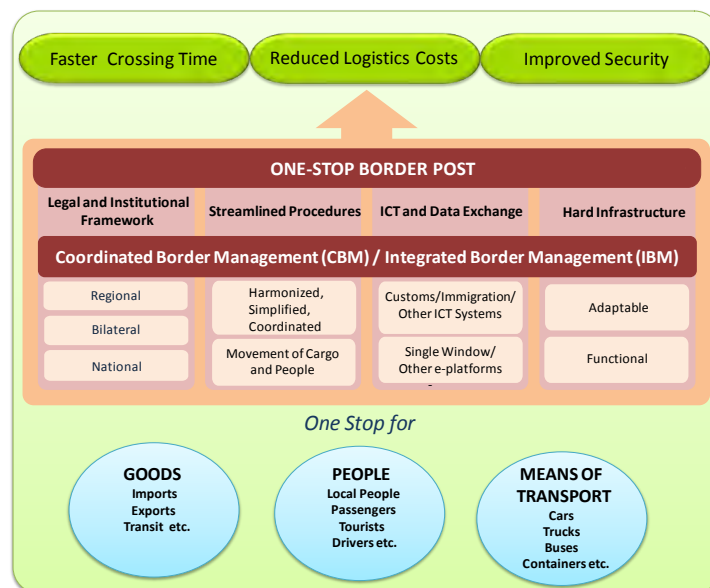
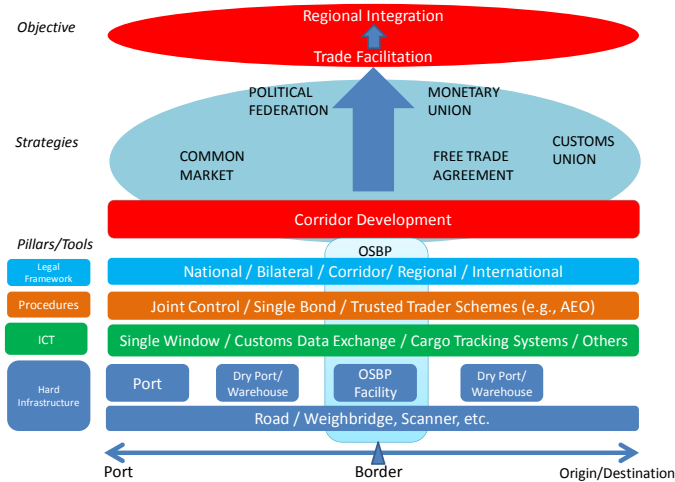


Figure 2: The OSBP Concept as One of the Many Tools of Trade Facilitation, Regional Integration, and Economic Development



1.3 OSBP Models

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

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

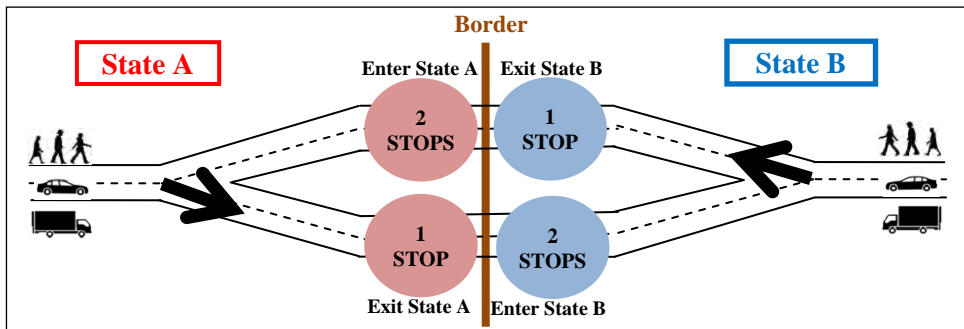


Figure 4: Schematic Diagram of a Juxtaposed OSBP

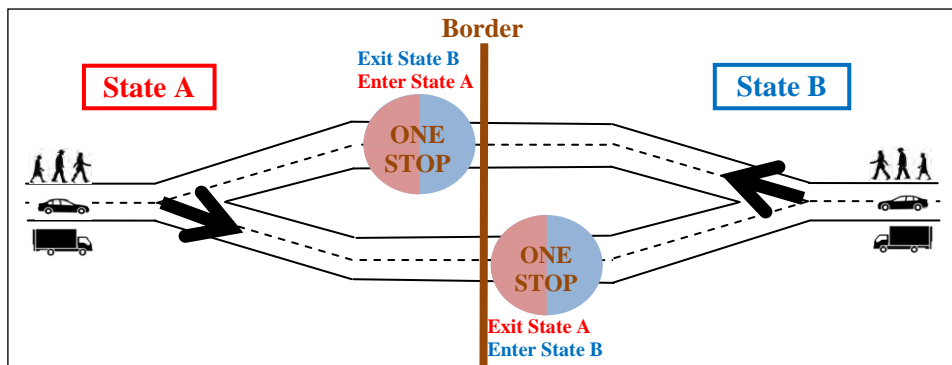


Figure 5: Schematic Diagram of a Straddling OSBP

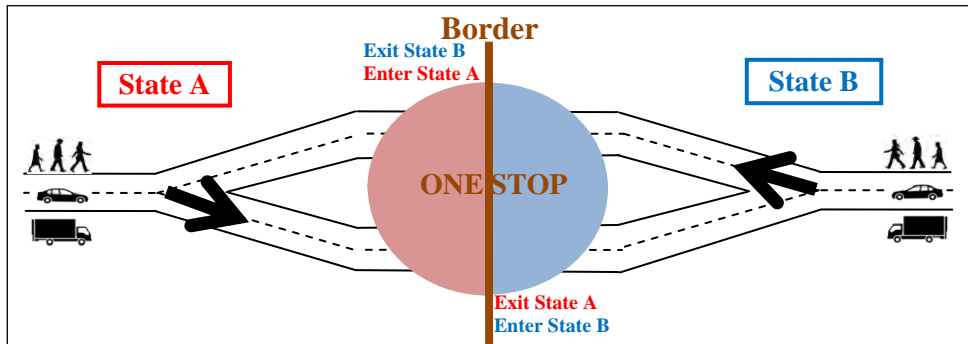
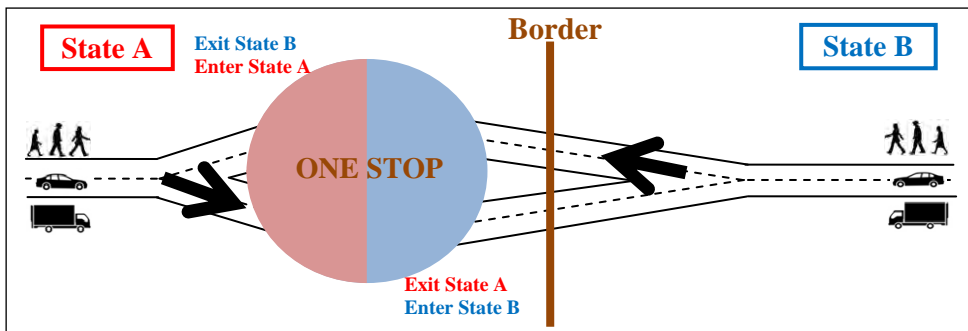


Figure 6: Schematic Diagram of a Single Country OSBP



1.4 The Four Pillars of OSBPs

The OSBP concept consists of four pillars:

- (i) **Legal and Institutional Framework:** Under international law, it is generally agreed that the application of national laws is limited to the territory of a state. As a consequence, OSBPs rely on the principle of extraterritorial application of laws, which allows a state to extend the application of specific national laws outside its own territory. Implementation of OSBPs, therefore, demands that a detailed analysis of the legislative, regulatory and institutional framework governing the operations of border agencies is undertaken. At a typical border post, there are several government agencies that are responsible for border controls. For efficient and effective OSBP operations, these agencies need to operate in a coordinated manner to minimize duplications and redundancies.
- (ii) **Simplification and Harmonization of Procedures:** Implementing an OSBP without simplifying and harmonizing border crossing procedures renders an OSBP ineffective. Whereas users would be required to stop once in order to undertake exit and entry formalities at a border, subjecting such users to routine and redundant formalities would have little impact on reducing the time spent at the border. The process of reviewing and aligning procedures should be continuous in order to ensure that OSBPs operate with border crossing procedures that are not only effective but also facilitative and relevant to the prevailing circumstances. Joint operations and the need to observe jurisdiction in an OSBP environment require specific considerations when crafting OSBP procedures.
- (iii) **ICT and Data Exchange:** ICT is a critical component of collaborative single window systems, simplification of documentation, border management, and modernization of customs, immigration, and related services. The increase in the number of travelers

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

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

1.5 OSBPs and Regional Integration

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

Table 1: The Role of OSBPs in Promoting Regional Integration

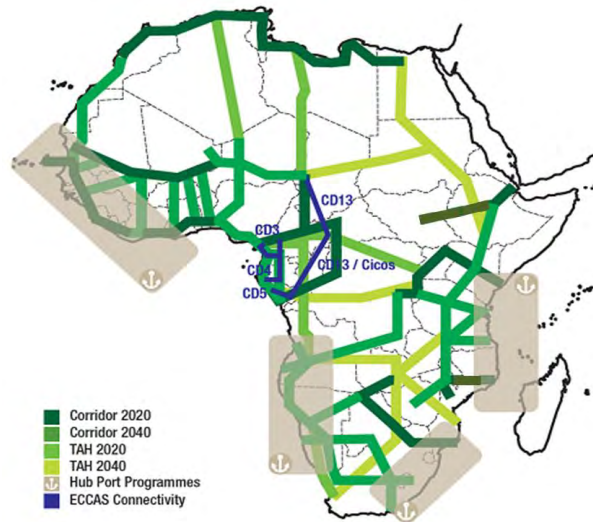
Stage of Integration	Characteristics of Border Controls	Role of OSBPs
Before Regional Integration	Full border controls	<ul style="list-style-type: none"> • Facilitate the collection of duties and taxes for each country, where applicable
Free Trade Area	Elimination or reduction of border controls at internal border crossing points for goods produced within signatory states with submission of the certificate of origin	<ul style="list-style-type: none"> • Facilitate the collection of duties and taxes for goods produced outside of signatory states, where applicable • Confirm that goods produced in the signatory states match the certificate of origin
Customs Union	Elimination or reduction of border controls at internal border crossing points for goods produced outside of the signatory states	<ul style="list-style-type: none"> • Facilitate collection of common duties and taxes for goods produced outside of signatory states • Confirmation that goods crossing match the export/import documents and duties are paid when they enter signatory states
Common Market	Elimination or reduction of border controls at internal border crossing points of signatory states for people including labor, services, and capital	<ul style="list-style-type: none"> • Facilitate the free movement of people including labor, services, and capital

2. The Rationale and Benefits of OSBPs

2.1 Corridor and Value Chain Approach to Establishing OSBPs

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

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



2.2 Selecting and Prioritizing OSBP Projects along Corridors

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

2.3 The Rationale for and Purpose of Establishing OSBPs

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

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

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

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

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

Table 2: Benefits of OSBPs by Type of User

No.	User Group	Benefits
1	National governments	<ul style="list-style-type: none"> • Improved collection of trade taxes associated with efficiency gains • Efficient borders that facilitate international trade, investment, and economic growth • 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	<ul style="list-style-type: none"> • Better resource utilization through improved cross-border cooperation and sharing of intelligence, operational data, and resources using CBM and IBM concepts • Improved employee motivation, which translates to increased productivity through the use of simplified and harmonized procedures as well as from working with better facilities. e.g., buildings, equipment, furniture • Better environment for increased use of ICT and faster processing • Faster processing of documents and travelers • Provision of an opportunity for harmonizing procedures, which improves predictability and certainty among users • Provision of a platform for introducing other border management reforms • Improved traffic flow • Improved border infrastructure, especially where modifications are to be undertaken • Increased transparency, which enhances security and helps reduce corruption
3	Road transport operators, shippers, and customs agents	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Reduced cost of consumer products • Increased availability of goods
6	Travelers and tourists	<ul style="list-style-type: none"> • Reduced time spent at borders • Predictable, simplified, and harmonized procedures • Transparent border procedures

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

3. Recommended Processes and Practices for Establishing OSBPs

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

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

Table 3: Process for Establishing OSBPs

Step	Phase
1	Project Identification Phase
2	Project Preparation Phase
3	Project Implementation Phase <ul style="list-style-type: none"> • Establishment of project management structures • Signing of agreements to establish OSBP(s) • Development of the legal and policy framework for OSBPs • Conducting of baseline studies • Development of OSBP operational procedures • Design of OSBP facilities • Construction of OSBP facilities • Provision of furniture and installation of ICT systems • Training and sensitization of border agency officers and selected categories of users • Piloting/launch of OSBP operations
4	Post Implementation Phase <ul style="list-style-type: none"> • Endline studies • Post-implementation evaluations

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

4. OSBPs as Public Sector Projects

4.1 Attributes of OSBP Projects

Attributes of OSBP projects include the following:

- (i) **Political Support:** OSBP project managers and technocrats need to explain the objectives and benefits of OSBPs to the local communities that politicians represent at both the local and national levels. Unlike purely private sector projects, managers of OSBP projects need to be prepared to adapt to changes that may come with different governments that may affect the delivery of projects.
- (ii) **Multiple Stakeholders:** As public sector projects, OSBPs have multiple stakeholders including governments, users, private sector operators, and local and international communities, which may have different expectations and governance styles.

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

4.2 Disbursements and Funding Cycles

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

4.3 OSBPs and Socio-Economic Considerations for Selected Users

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

4.4 Emergency Situations

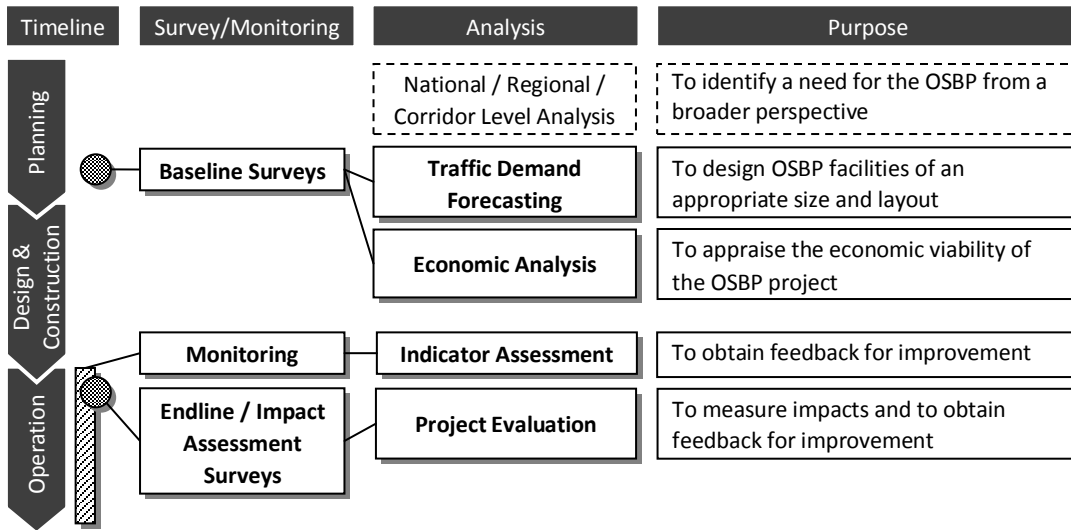
Certain unforeseen events may disrupt operations at OSBPs, including natural disasters, politically related instability, or outbreaks of disease. Depending on the magnitude of these events, there might be a compelling need to temporarily close the border and cease OSBP operations. One caveat is that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

Part II: Critical Issues in the Implementation of OSBPs

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

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

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

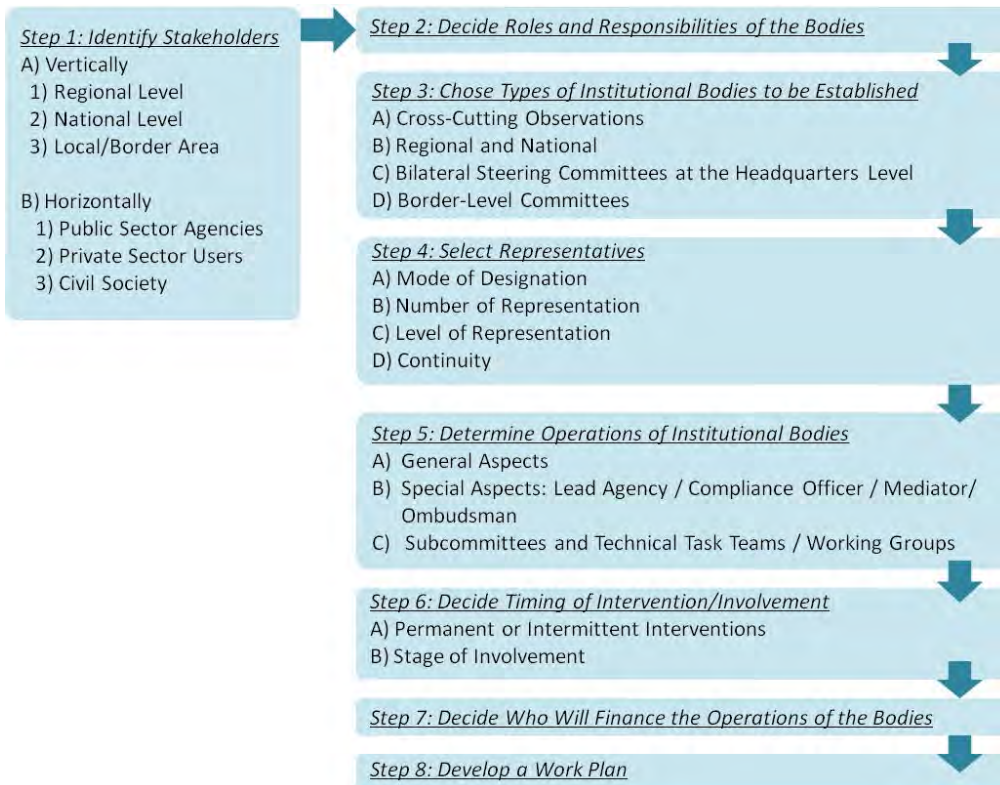


6. Institutional Framework for OSBPs

6.1 Process of Implementing Institutional Frameworks for OSBPs

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

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



6.2 Overview of Regional Legal Frameworks Underlying OSBP Institutional Frameworks

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

6.3 Identification of Stakeholders

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

6.4 Types of Institutional Bodies to be Established

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

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

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

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

6.5 Other Issues

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

Figure 10: Example Work Plan

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

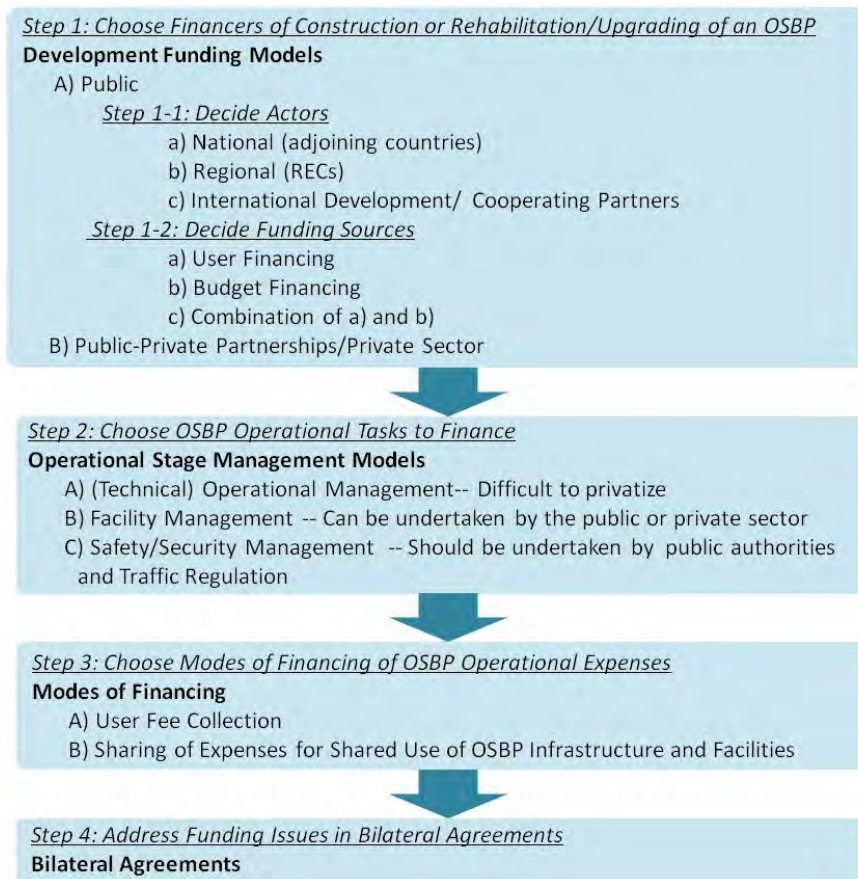
* assumes that EAC OSBP Act will be enacted by the time of border post opening.

7. OSBP Funding and Management Bodies

7.1 Development Funding Models (Construction/Rehabilitation)

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

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



7.2 Funding Sources

7.2.1 User Financing

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

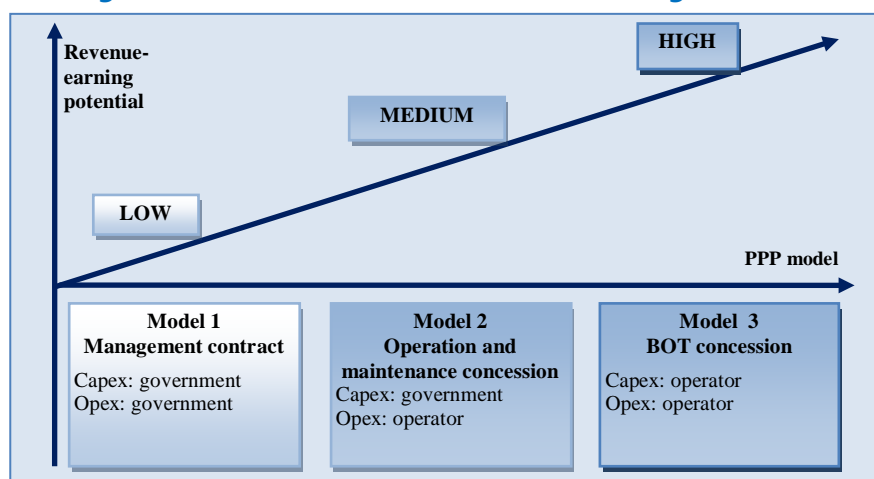
7.2.2 Budget Financing

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

7.2.3 Public-Private Partnerships / Private Sector Involvement

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

Figure 12: PPP Models and Revenue-Earning Potential



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

7.3 Operational Stage Management Models

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

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

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

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

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

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

7.4 Modes of Financing

7.4.1 User Fees

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

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

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

7.4.2 Treasury

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

7.5 Bilateral Arrangements

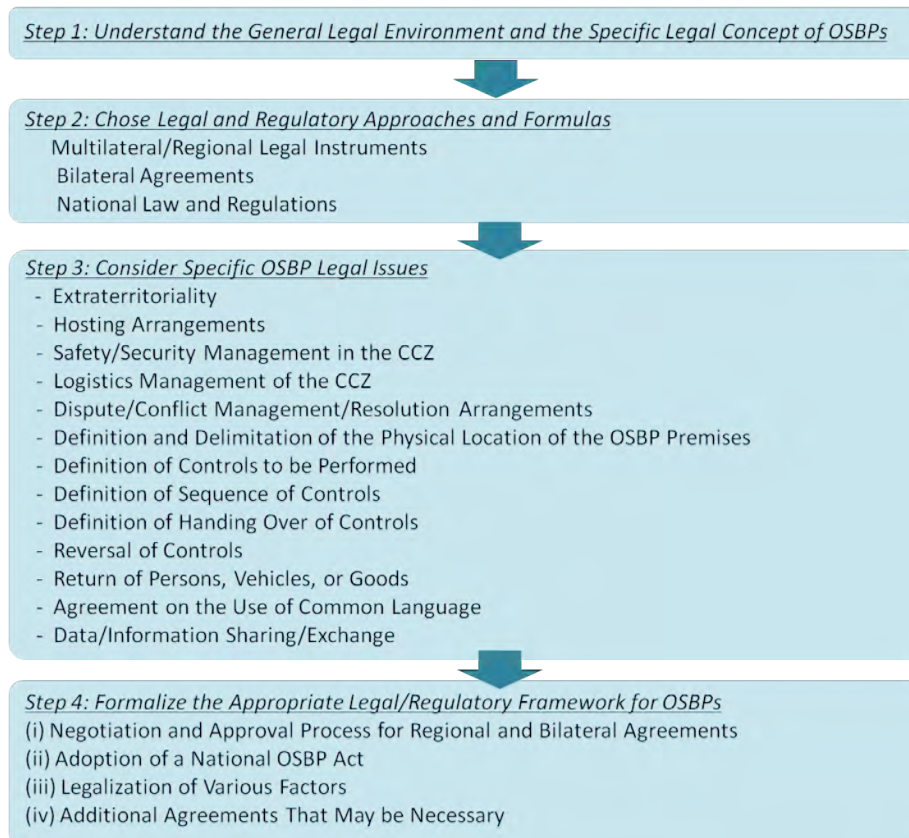
Some issues related to OSBP operation are unique for country pairs. Therefore, they cannot be harmonized on the multilateral level, but must be addressed in bilateral arrangements. These issues relate to user fee collection and the sharing of expenses for shared use of OSBP infrastructure and facilities.

8. Legal and Regulatory Framework for OSBPs

8.1 Process of Implementing Legal and Regulatory Frameworks for OSBPs

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

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



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

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

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

8.3 Legislative/Regulatory Approaches/Formulas

8.3.1 Multilateral/Regional Legal Instruments

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

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

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

8.3.2 Bilateral Agreements

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

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

8.3.3 National Law and Regulations

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

8.4 Formalization of the Appropriate Legal/Regulatory Framework for OSBPs

8.4.1 Negotiation and Approval Process for Regional and Bilateral Agreements

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

8.4.2 Adoption of a National OSBP Act

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

8.5 Specific (Core) OSBP Legal Issues

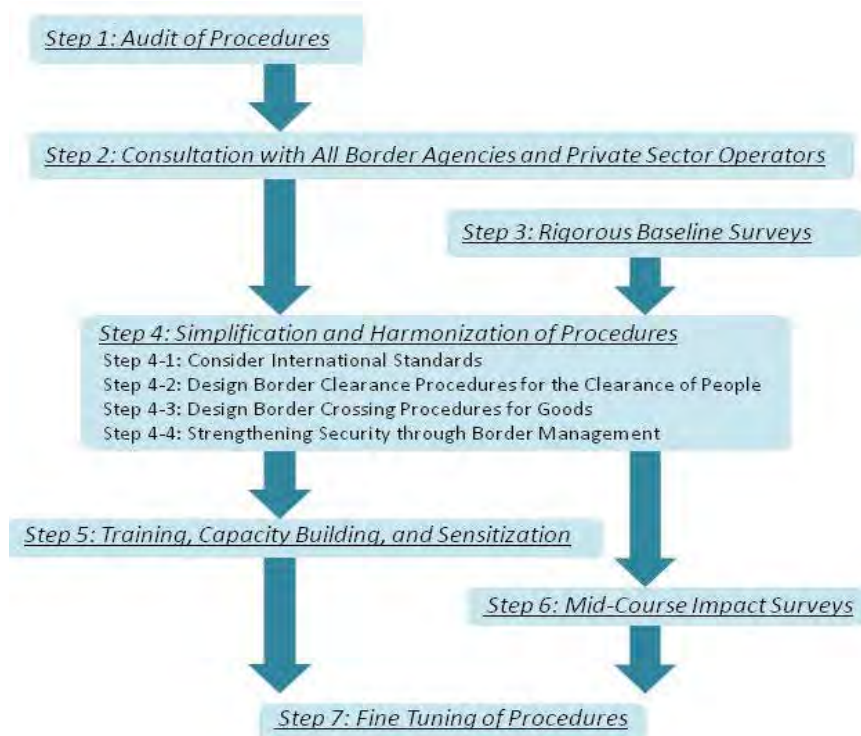
Core OSBP legal issues include: (i) extraterritoriality; (ii) hosting arrangements; (iii) safety/security management in the common control zone; (iv) facility management of the common control zone; (v) dispute/conflict management/resolution arrangements; (vi) definition and delimitation of the OSBP premises;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

9. Border Procedures for OSBPs – Simplification and Harmonization

9.1 Simplifying and Harmonizing Border Procedures for OSBPs

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

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



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

9.2.1 Clearance of Pedestrians and Passengers using Public Transport

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

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

9.2.2 Clearance of Passengers using Private Transport

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

9.2.3 Clearance of Drivers and Crew of Freight Vehicles

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

9.2.4 Port Health Controls

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

9.2.5 Considerations for Border Communities

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

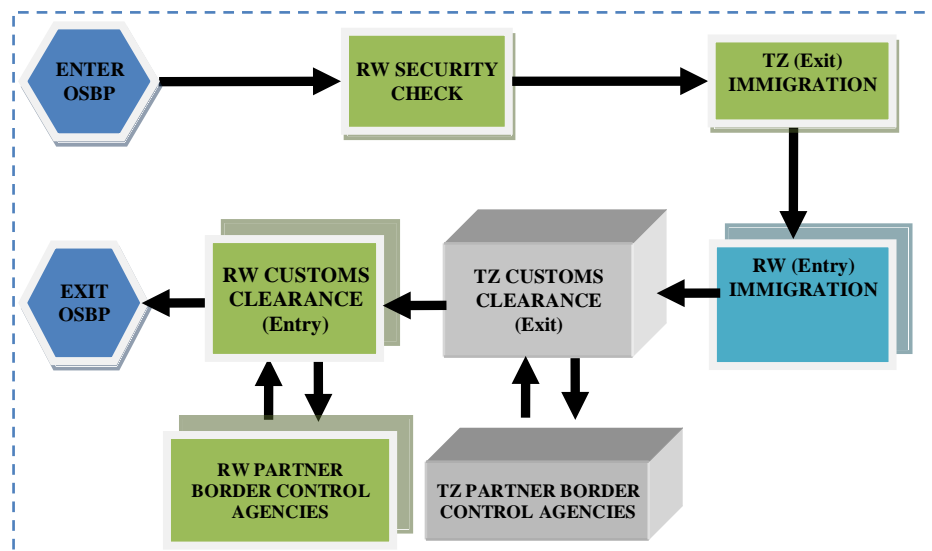
9.3 Designing Border Crossing Procedures for Goods in an OSBP

9.3.1 Clearance of Goods

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

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

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



Abbreviations: RW = Rwanda, TZ = Tanzania

9.3.2 Specific Issues

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

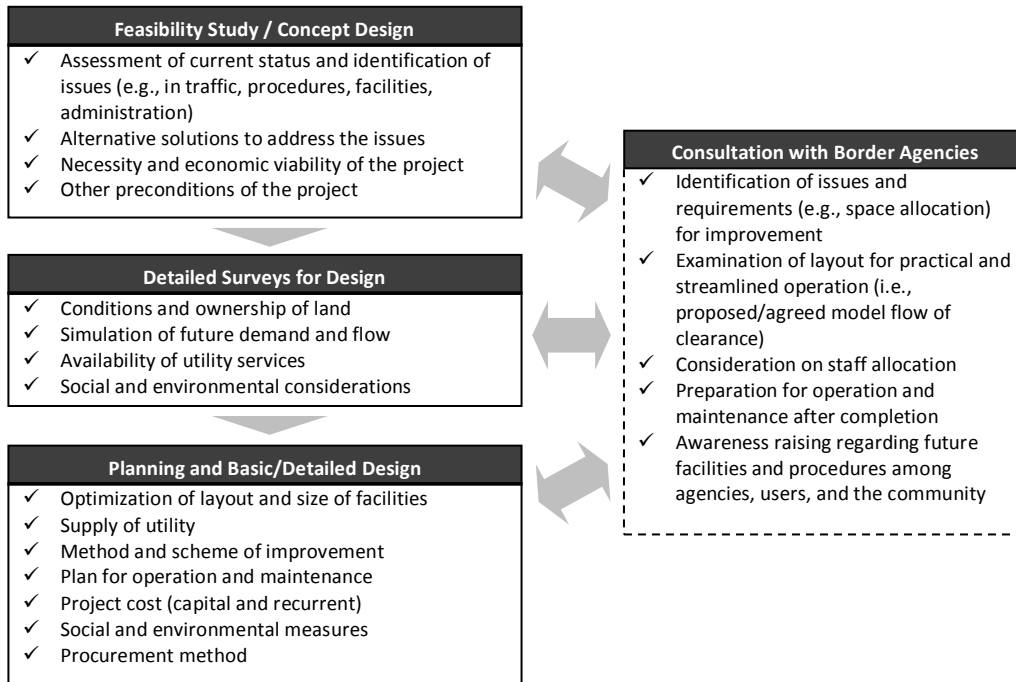
9.4 Strengthening Security through Border Management in an OSBP

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

10. Physical Facilities and Traffic Flows in OSBPs

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

Figure 16: Outline of Design Process and Key Considerations

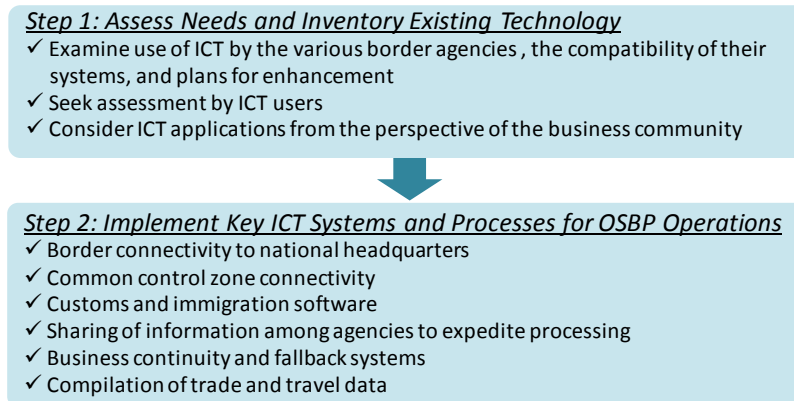


11. ICT and OSBPs

11.1 The Process of Implementing ICT in Operationalizing OSBPs

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

Figure 17: Process of Implementing ICT in Operationalizing OSBPs



11.2 The Importance of ICT in Operationalizing OSBPs

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

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

11.3 Needs Assessment and Inventory of Existing Technology

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

11.4 Inventory of Key ICT Systems and Processes for OSBP Operations

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

Part III: OSBP Case Studies

12. OSBP Case Studies

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

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

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

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

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

Box: Issues/Lessons Learned from the Case Studies

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

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

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

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

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

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

The EAC: OSBPs in a Customs Union

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

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

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

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

Viability and efficacy of the straddling OSBP model

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

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

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

Part I

The One-Stop Border Post Concept

Chapter 1

The OSBP Concept

1.1 Introduction

Africa has the most landlocked countries in the world and given the critical role that border posts play in international trade, travel, and security, it is imperative that stakeholders continually review and modernize border crossing procedures. Intra-African trade accounts for about 10% of the continent's total trade, which is far below the levels of intraregional trade in Latin America (22%) and [East] Asia (50%).¹ Africa's poor performance in this regard is attributable to a variety of systemic challenges that include inefficient border crossings. According to the World Economic Forum's (WEF) Global Competitiveness Report for 2014–2015, only four African countries² are ranked in the top half of the 144 countries measured globally. 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 belong to this pillar, the efficiency of border operations impacts on the level of competitiveness of economies.³

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

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

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

¹ Habiba Ben Barka, Senior Planning Economist, “Border Posts, Checkpoints, and Intra-African Trade: Challenges and Solutions”, AfDB Chief Economist Complex, January 2012.

² Mauritius, Morocco, South Africa, and Rwanda were the only African countries ranked in the top 72 countries on the Global Competitiveness Index.

³ World Economic Forum, *Global Competitiveness Report, 2014–2015*, 2015, downloadable from www.weforum.org/reports/global-competitiveness-report-2014-2015.

⁴ World Customs Organization, Revised Kyoto Convention, General Annex, 3.5, downloadable at http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/conventions/pf_revised_kyoto_conv/~/_media/A7D0E487847940AD94DD10E3FDD39D60.ashx.

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

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

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

1.2 Definition

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

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

⁵ African Development Bank, African Development Fund, and African Union, *Africa's Time for Action, Program for Infrastructure Development in Africa (PIDA), Interconnecting, Integrating and Transforming a Continent*, 1 April 2012.

⁶ Infrastructure Consortium for Africa and Japan International Cooperation Agency, *Terms of Reference for the Revision of One Stop Border Post Sourcebook*, 2014. A few more OSBPs/JBPs have been identified since then.

⁷ Technically, it is beneficial to have OSBPs even within a full-fledged customs union, but the facilities should be sufficiently “lean” to allow effective goods facilitation since a number of interventions will be made at points of entry into the customs union or departure.

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

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

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

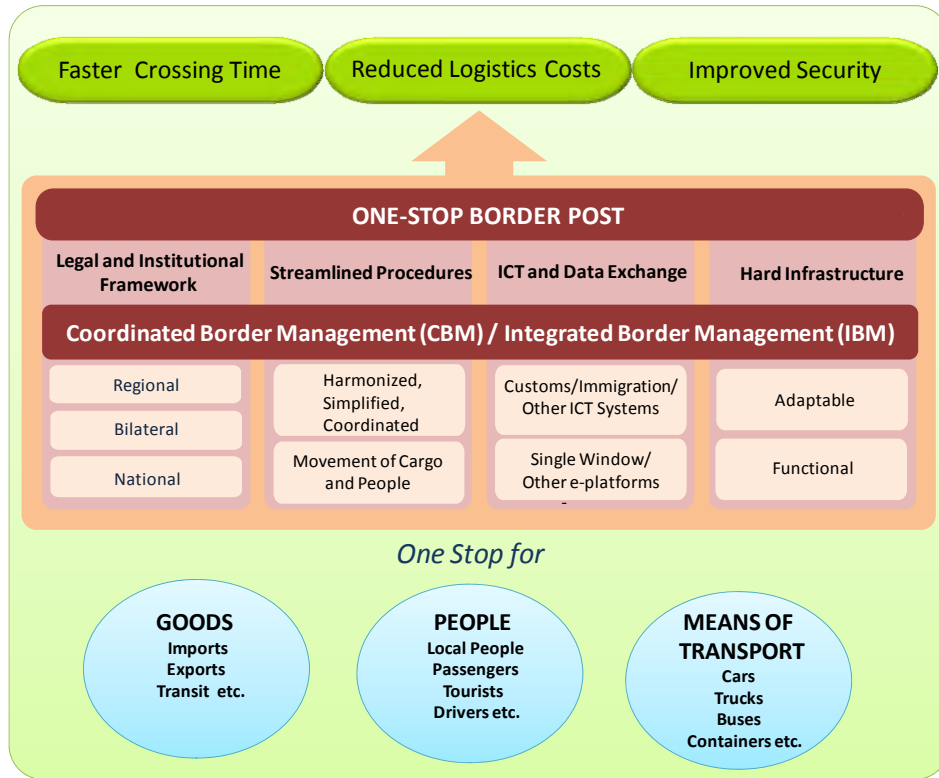
Figure 1-2 schematically shows the OSBP concept as one of the many tools of trade facilitation, regional integration, and economic development. As a tool for facilitating travel and trade, OSBPs contribute to regional integration and the economic development of communities. Considering that border crossing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

⁸ For reference, the International Organization for Migration (IOM) defines OSBPs as, “a single, shared physical infrastructure in which the neighbouring countries’ customs and border services operate side by side.” International Organization for Migration, *IOM and Integrated Border Management*, 2015, p. 1.

⁹ <http://www.gfptt.org/node/92>.

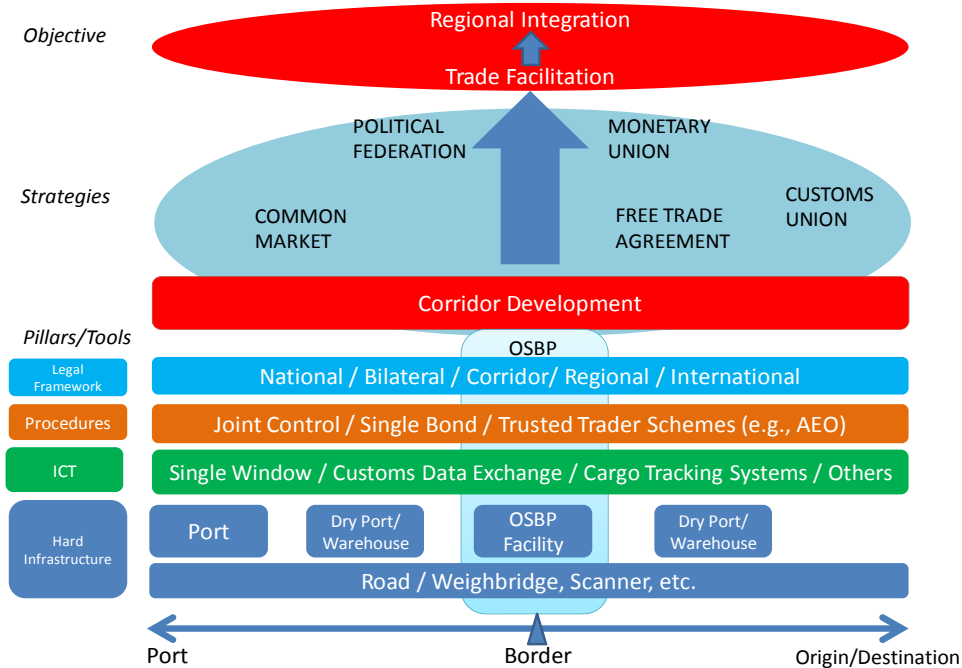
¹⁰ Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26-28 October 2015, Annex 3, p. 6.

Figure 1-1: The OSBP Concept



Source: This Sourcebook

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



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

Source: This Sourcebook

1.3 OSBP Models

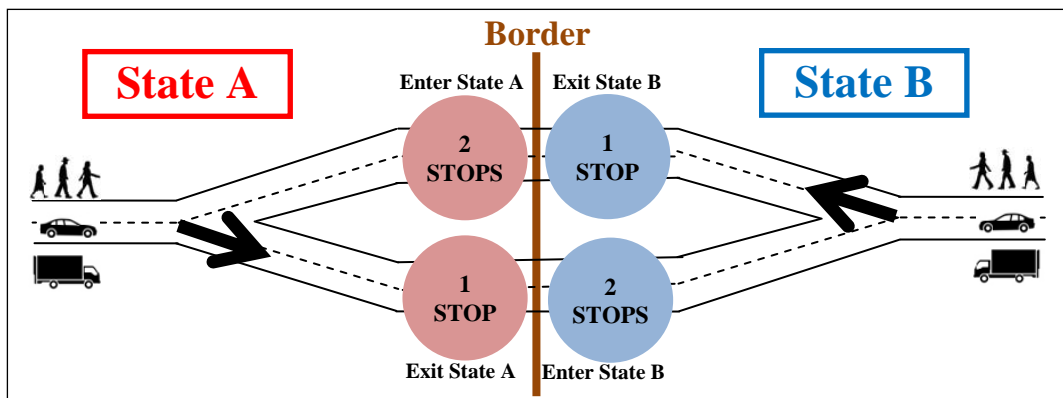
1.3.1 Overview

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

1.3.2 Introduction: The Traditional Two-Stop Border Post

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

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



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

1.3.3 The Juxtaposed OSBP Model

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

¹¹ Source in previous footnote.

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

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

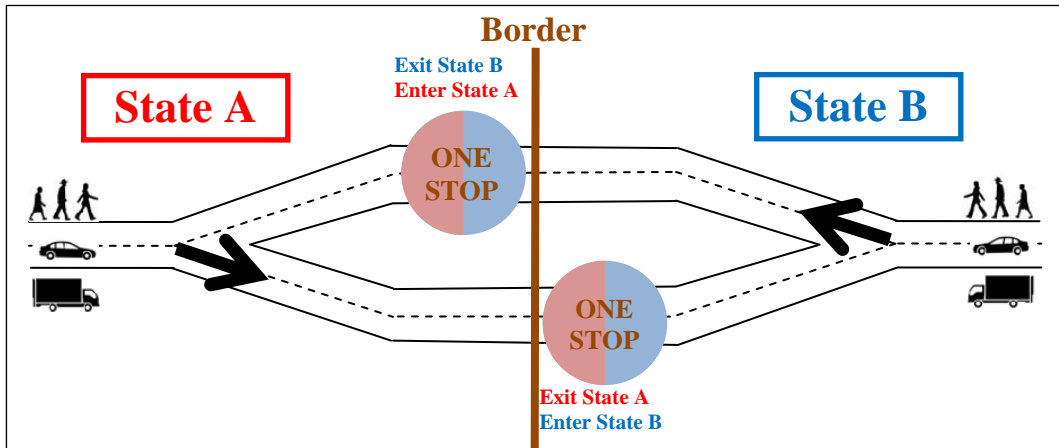
For various reasons including historical factors and topography, some border facilities between adjoining countries are separated by considerable distances. Such configurations present specific challenges to border management as outlined below:

- (i) Enforcing compliance between the two facilities is problematic particularly where such spaces are inhabited as is the case between the Kobero and Kabanga border posts between Burundi and Tanzania. Border agencies may have to resort to providing escorts to travelers and transporters to ensure that they fulfill both exit and entry border formalities since the proclivity to avoid paying import taxes and meet other compliance requirements is high.
- (ii) Modern border management requires connectivity of ICT systems between two border facilities for easier and reliable exchange of data. Where border facilities are separated by considerable distances, establishing ICT connectivity is costly.
- (iii) If border agencies decide to provide escorts, this measure requires sufficient officers to serve as escorts and patrol the land between the two facilities. These escorts may require the use of vehicles, consequently increasing operations costs.
- (iv) Constructing and maintaining security barriers along the roads/walkways linking the two facilities is costly and may interfere with the freedom and social fabric of border communities that live between the two facilities.
- (v) Distant border facilities may also present a security risk in situations where resources are inadequate to monitor activities between the two facilities.

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

Source: This Sourcebook

Figure 1-4: Schematic Diagram of a Juxtaposed OSBP

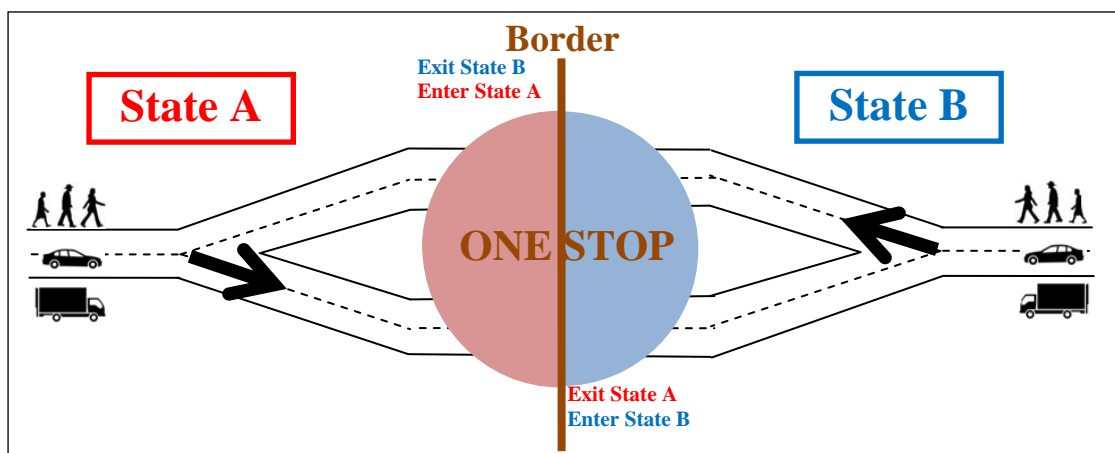


Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 4

1.3.4 Straddling OSBP Model

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

Figure 1-5: Schematic Diagram of a Straddling OSBP



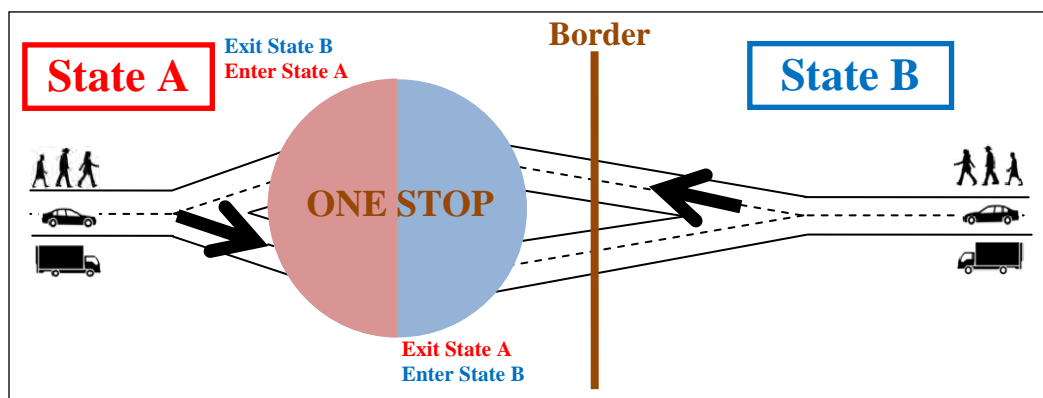
Source: Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 3

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

1.3.5 Single Country (Wholly Located) OSBP Model

In the (common) single country model, i.e., an OSBP wholly located in one of the two adjoining states, a single shared border facility is constructed in one of the countries to house officers from both countries to carry out border controls. It has been observed that single country OSBPs are not a special case; they are similar to seaports, or road or railway bridges, or any infrastructure wholly located in one country.¹³ The major benefit of this model is the economies of scale it provides in terms of the infrastructure utilization (since it is unnecessary to construct facilities on both sides of the border), but it requires sufficient trust and cooperation between the countries to build and operate the OSBP in only one of the countries. Under this model, one country will need the authority to carry out controls in the host country and the host country will need a legal framework that allows foreign officers to work on their soil. The Cinkansé joint border post¹⁴ (JBP/OSBP) serving Togo and Burkina Faso border uses a single facility on Burkinabé land that has been transferred to Union Economique et Monétaire Ouest-africaine (UEMOA, West African Economic and Monetary Union); a case study of this JBP/OSBP is presented in Section 13.3. A single JBP/OSBP facility has also been developed at Ruhwa (alternatively spelled Rhuwa) in Burundi on the border with Rwanda as part of a road corridor supported by African Development Bank (AfDB). Other examples of single country facilities include Noépé, a JBP/OSBP to serve Ghana and Togo but wholly located in Togolese territory; Mfum, a JBP/OSBP to serve Nigeria and Cameroon but wholly located within Nigerian territory; and the Lebombo/Ressano Garcia OSBP facility, planned to serve South Africa and Mozambique (the last-named two of these case studies are presented in Sections 13.4 and 13.8, respectively). It is often geography, the status of bilateral relations between the country pairs establishing an OSBP, or operating conditions that influence the choice of this OSBP model. One of the challenges of this model is that despite provisions in the statutes governing OSBPs granting equal status to the parties, the host country tends to dominate in relations with the adjoining state, particularly in instances of political instability. Figure 1-6 presents a schematic diagram of a single-country OSBP.

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



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

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

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

1.4 The Four Pillars of OSBPs

1.4.1 Overview

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

1.4.2 Legal and Institutional Framework

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

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

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

1.4.3 Simplification and Harmonization of Procedures

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

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

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

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

1.4.4 ICT and Data Exchange

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

1.4.5 Hard Infrastructure

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

1.5 OSBPs and Regional Integration

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

¹⁶ Sections 13.4 and 13.6 present examples of OSBP training and sensitization programs planned or conducted at the Mfum (Nigeria/Cameroon) and Namanga/Rusumo OSBPs, respectively.

¹⁷ From a broad point of view, other infrastructure such as trade centers may also be included.

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

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

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

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

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

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

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

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

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

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

Stage of Integration	Characteristics of Border Controls	Role of OSBPs
Before Regional Integration	Full border controls	<ul style="list-style-type: none"> • Facilitate the collection of duties and taxes for each country, where applicable
Free Trade Area	Elimination or reduction of border controls at internal border crossing points for goods produced within signatory states with submission of the certificate of origin	<ul style="list-style-type: none"> • Facilitate the collection of duties and taxes for goods produced outside of signatory states, where applicable • Confirm that goods produced in the signatory states match the certificate of origin
Customs Union	Elimination or reduction of border controls at internal border crossing points for goods produced outside of the signatory states	<ul style="list-style-type: none"> • Facilitate collection of common duties and taxes for goods produced outside of signatory states • Confirmation that goods crossing match the export/import documents and duties are paid when they enter signatory states
Common Market	Elimination or reduction of border controls at internal border crossing points of signatory states for people including labor, services, and capital	<ul style="list-style-type: none"> • Facilitate the free movement of people including labor, services, and capital

Source: This Sourcebook

Chapter 2

Rationale and Benefits of OSBPs

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

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

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

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

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

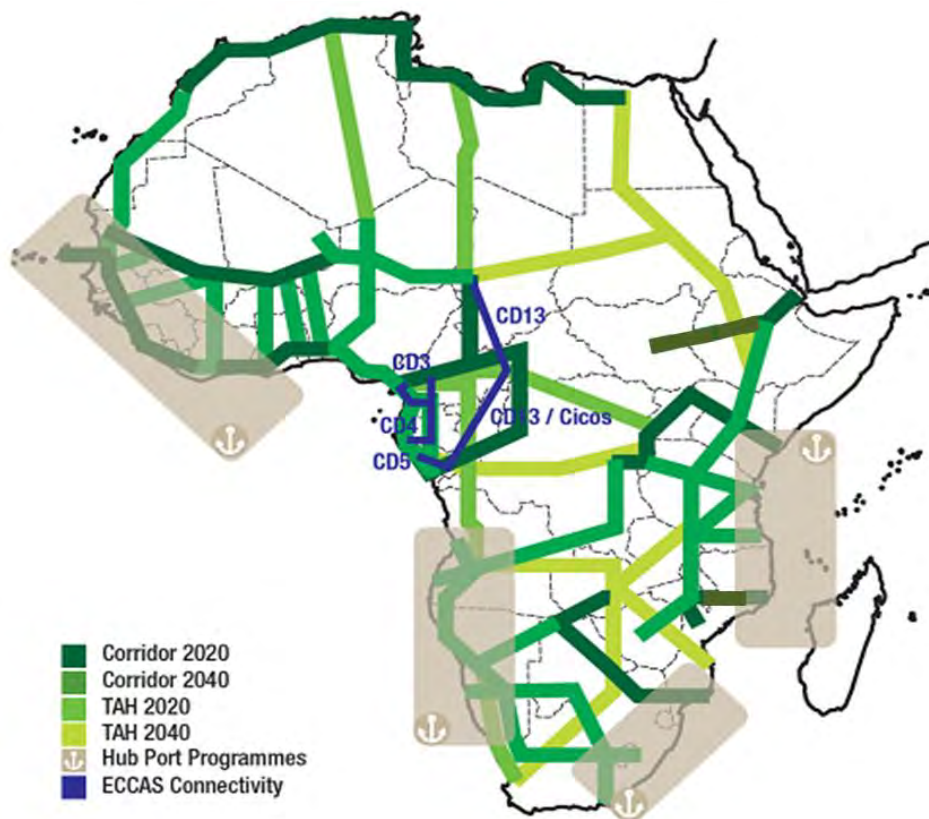
¹ Charles Kunaka and Robin Carruthers, *Trade and Transport Corridor Management Toolkit*, World Bank, 2014.

² Although border agencies such as Customs conduct mobile operations along transit routes, such operations are managed from specific control points.

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

Under the international value chain framework, OSBPs facilitate international trade by lowering costs through efficient border operations. Traditionally, border agencies were solely focused on regulating border activities but with recent developments in international trade, the management of corridors and borders is also increasingly focusing on how to promote the 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



Abbreviations: ECCAS = Economic Community of Central African States, TAH; Trans-African Highway

Source: Programme for Infrastructure Development in Africa, *Integrating, Interconnecting and Transforming a Continent*, p. 13 [downloaded from <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/PIDA%20note%20English%20for%20web%20200208.pdf>]

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

2.2 Selecting and Prioritizing OSBP Projects along Corridors

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

2.3 The Rationale for and Purpose of Establishing OSBPs

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

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

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

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

⁴ A greenfield project is one that in which there is no need to work within constraints imposed by existing buildings or infrastructure, while a brownfield project is one in which there are such constraints.

⁵ E.g., it is pointless to develop an OSBP near a transshipment point or dry port, with traffic facilitated to move through the OSBP only to have to stop a few km later, as is the case at Kraké/Seme (Benin/Nigeria).

⁶ E.g., there may be limited benefits of developing an OSBP where current and forecast traffic is low, say, less than 50 trucks per day.

The major reason for establishing OSBPs along transport corridors is to expedite the movement of goods and people, and to reduce transport costs across national boundaries. The number of government agencies at border posts in Africa has been increasing over the last couple of decades⁷ with each agency acting independently in line with its mandate. At a conventional two-stop border crossing point, users are subjected to similar border crossing formalities twice, one time each for exit and entry purposes with little or no scope for joint controls or the sharing of operational data. These uncoordinated and repeated controls contribute to multiple checks that result into border delays. In some cases, the operating hours for border agencies also vary within one country and across the border, resulting in frustration for travelers and transporters.

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



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

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

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

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

⁷ Consider the following recent examples:

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

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

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

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

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

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

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

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

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

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

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

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

No.	User Group	Potential Benefits
1	National governments	<ul style="list-style-type: none"> • Improved collection of trade taxes associated with efficiency gains • Efficient borders that facilitate international trade, investment, and economic growth • 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	<ul style="list-style-type: none"> • Better resource utilization through improved cross-border cooperation and sharing of intelligence, operational data, and resources using CBM and IBM concepts • Improved employee motivation, which translates to increased productivity through the use of simplified and harmonized procedures as well as from working with better facilities. e.g., buildings, equipment, furniture • Better environment for increased use of ICT and faster processing • Faster processing of documents and travelers • Provision of an opportunity for harmonizing procedures, which improves predictability and certainty among users • Provision of a platform for introducing other border management reforms • Improved traffic flow • Improved border infrastructure, especially where modifications are to be undertaken • Increased transparency, which enhances security and helps reduce corruption
3	Road transport operators, shippers, and customs agents	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Reduced cost of consumer products • Increased availability of goods
6	Travelers and tourists	<ul style="list-style-type: none"> • Reduced time spent at borders • Predictable, simplified, and harmonized procedures • Transparent border procedures

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

Source: This Sourcebook

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

Chapter 3

Recommended Processes/Practices and Lessons Learned for Establishing OSBPs

3.1 Overview

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

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

Table 3-1: Process for Establishing OSBPs

Step	Phase
1	Project Identification Phase
2	Project Preparation Phase
3	Project Implementation Phase <ul style="list-style-type: none"> • Establishment of project management structures • Signing of agreements to establish OSBP(s) • Development of the legal and policy framework for OSBPs • Conducting of baseline studies • Development of OSBP operational procedures • Design of OSBP facilities • Construction of OSBP facilities • Provision of furniture and installation of ICT systems • Training and sensitization of border agency officers and selected categories of users • Piloting/launch of OSBP operations
4	Post Implementation Phase <ul style="list-style-type: none"> • Impact/endline studies • Post-implementation evaluations

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

¹ Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26–28 October 2015, Annex 3, p. 3.

² Communications with stakeholders are important during all phases. Source in previous footnote.

3.2 Project Identification Phase

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

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

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

3.3 Project Preparation Phase

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

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

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

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

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

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

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

3.4 Project Implementation Phase

3.4.1 Project Management Structures

(1) Overview

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

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

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

(2) Lead Ministry

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

⁶ Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 23.

⁷ Reference may be made to the EAC OSBP case study in Section 13.5.

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

(3) Policy and Oversight Bodies

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

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

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

⁸ Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, p. 23.

⁹ Subsection 6.5.2(1) further addresses this issue.

¹⁰ Among other things, it states that: “The choice/selection of lead agency may depend on the stage and associated tasks – in the planning and construction stages, the public works agency may lead, while a border agency may lead in the operational stage.”

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

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

(4) Subcommittees/Technical Task Teams/Working Groups

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

3.4.2 Agreements to Establish OSBP(s)

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

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

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

¹¹ Also see Section 6.3.

¹² Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 23–24.

¹³ See source in previous footnote, p. 24.

¹⁴ Even before this stage, preparation of a bilateral on basic commitment, without details, is helpful.

¹⁵ These two components may be merged where the legal framework is passed at the REC level. For example in the EAC, these two instruments were combined into a single document (i.e., the EAC OSBP Act).

3.4.3 Baseline Studies

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

3.4.4 OSBP Operating Procedures

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

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

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

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

Details on OSBP operating procedures are presented in Chapter 9.

3.4.5 Design and Construction of OSBP Facilities

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

¹⁶ .Second Technical Workshop for Revising the OSBP Sourcebook, Summary of Proceedings and Outcome Statement, 26-28 October 2015, Annex 3, p. 3.

¹⁷ See source in previous footnote.

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

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

3.4.6 Provision of Furniture and Installation of ICT Systems

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

3.4.7 Training and Sensitization

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

3.4.8 Piloting and Launch of OSBP Operations

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

¹⁸ See subsection 13.2.5.

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

3.5 Post-Implementation Phase

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

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

²⁰ The Japanese practice of kaizen (改善), which refers to continuous improvement of all functions, is relevant.

²¹ Infrastructure Consortium for Africa, East African Community, and Japan International Cooperation Agency, *One Stop Border Post Source Book*, 1st edition, September 2011, pp. 24–25. See also Box 6-6.

Chapter 4

OSBPs as Public Sector Projects

4.1 Introduction

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

- (i) Some OSBP projects began with the main objective of facilitating the movement of people, while others have focused on facilitating the movement of goods.
- (ii) Some OSBP projects were formulated at the national level while others originated from regional or corridor programs.
- (iii) Some OSBP projects have been part of programs of international development partners while others have been spearheaded by national governments. Other OSBP projects have a combination of these elements.
- (iv) Within these broad categories, some OSBP projects involve reconfiguration of existing facilities, while others are greenfield developments.
- (v) Some start as part of road transport infrastructure improvement programs, while others are conceived as part of broader trade facilitation initiatives.
- (vi) Depending on the priorities of national governments and funding agencies as well as the type and extent of operational challenges experienced at specific border crossing points, some OSBP projects begin with the aim of facilitating the movement of people as the main objective, while others focus on facilitating the movement of goods.³
- (vii) Some OSBP projects have been formulated at the national level, while others have been conceived as part of regional or corridor programs.

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

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

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

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

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

4.2 Attributes of OSBP Projects

4.2.1 Political Support

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

4.2.2 Multiple Stakeholders

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

4.2.3 High Visibility and Public Scrutiny

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

4.2.4 Disbursements and Funding Cycles

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

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

4.2.5 Project Delivery Mechanisms

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

4.2.6 Frequent Changes in Project Personnel

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

4.3 OSBPs and Socio-Economic Considerations for Selected Users

4.3.1 Overview

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

4.3.2 Simplification of Border Procedures for Local Communities

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

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

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

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

4.3.3 Simplification of Local Procedures for Small-Scale Traders⁸

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

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

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

Box 4-1: Small-Scale Traders and OSBPs

- (i) It is difficult to quantify the potential benefits for this diverse group from the introduction of OSBPs, since much will depend on whether the design of the facilities, infrastructure improvements, fee structure, and simplification of document requirements takes into consideration the needs of small-scale traders.
- (ii) Small-scale traders may benefit from faster procedures and more transparency on document requirements and official fees when border reforms are prepared and fully implemented as part of the process for establishing an OSBP. Transparency reduces demands for unofficial payments.
- (iii) Small-scale traders often run informal businesses that have not been officially registered with authorities and might therefore avoid formalized border-crossing procedures once the OSBP is established. The establishment of an OSBP may lead to diversion of trade flows to nearby

⁶ Through the African Union Border Programme (AUBP), African leaders have expressed their commitment to maximizing the junction and bridge aspects of borders by ensuring that they are managed in a way that contributes to the achievement of two key objectives of the African Union, i.e., the structural prevention of conflicts and the deepening of the ongoing integration processes. <http://www.peaceau.org/en/page/27-au-border-programme-aubp#sthash.bn1rB4fw.dpuf>.

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

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

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

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

- (iv) Local producers and small traders might be able to reach and engage in larger regional markets and thereby expand their economic opportunities. Lower costs and faster processing times could allow small-scale traders to cross the border more frequently during the day, and reach more-distant markets on either side of the border.
- (v) The introduction of transparent procedures at the border could provide good-practice examples and encourage reductions in harassment and roadblocks in the border region. Small traders are particularly vulnerable to harassment because they may lack proper documentation and knowledge of the official procedures.

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

- (i) As part of the adjustment of infrastructure to establish an OSBP, special lanes might be provided for pedestrians and traders with only a small amount of goods, reduce congestion, and help introduce more efficient customs controls by focusing on large-scale and high-risk traders.
- (ii) The Cross-Border Traders Charter (see Box 4-2) should be implemented. It promotes the basic rights and obligations for traders and officials at the border. Implementation of the charter can help integrate informal traders into OSBP procedures;
- (iii) The legal agreements to establish an OSBP should define rules regarding the publication and transparency of document requirements and payments and clear measures of enforcement of such obligations.
- (iv) Simplified procedures for small-scale traders should be considered, such as the Simplified Trading Regime implemented by COMESA, which provides exemptions for personal use and small-scale trading when crossing the border.
- (v) Easy access to information at or close to OSBPs should be provided, such as Trade Information Desks (in the COMESA region) and Border Information Centres (in the ECOWAS region). These do not require additional investment as part of the OSBP, but merely consideration of how to facilitate the work of such information locations.
- (vi) Considering that small-scale traders are predominately female, and customs and other border agency officers are predominantly male, during the implementation of an OSBP consideration might be given to promoting the design of open and safe control areas to protect female traders against harassment.
- (vii) The fee structure for OSBP services needs to be appropriate so that trading of small volumes, especially of food staples, is not discouraged.
- (viii) As part of the OSBP development, an integrated infrastructure concept should also consider the transport needs of smaller traders. Measures may include feeder roads to connect nearby communities, integrating public transport options, and accelerated border crossings. The plan to establish an OSBP might help to stimulate further investment if it is integrated in a comprehensive border region or corridor development strategy.

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

Box 4-2: Charter for Cross-Border Traders

Basic Rights and Obligations for Traders and Officials at the Border

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

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

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

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

4.3.4 Gender Considerations in OSBP Operations

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

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

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



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

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



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

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

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

¹⁰ See more at <http://www.unece.org/ru/genderwelcome-new/about-us.html>.

¹¹ Kristof Titeca and Célestin Kimanuka, *International Alert, Walking in the Dark - Informal Cross-Border Trade in the Great Lakes Region*, September 2012, downloadable at <http://www.international-alert.org/sites/default/files/publications/201209WalkingDarkCrossBorder.pdf>.

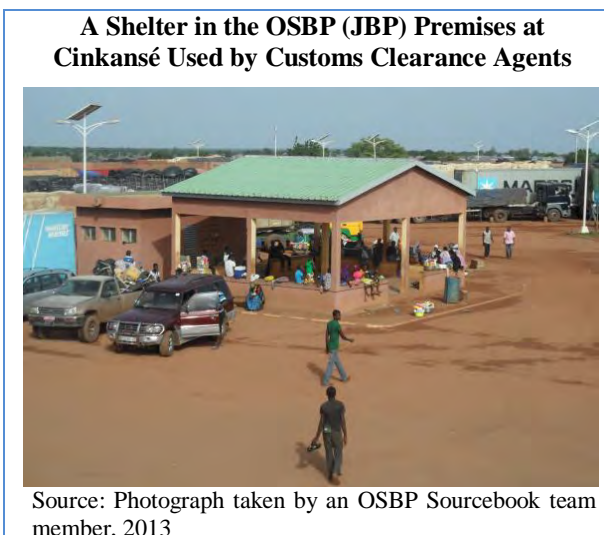
- (vi) Considering that women tend to be more vulnerable to harassment at the border, it is recommended that facility designs provide for open locations that may help reduce such incidents.
- (vii) OSBPs should include appropriate facilities addressing the needs of women regarding hygiene and related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

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

4.3.5 Considerations for Private Sector Operators

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

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



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

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

¹² World Bank, *Women and Trade in Africa: Realizing the Potential* (ed., Paul Brenton, Elisa Gamberoni, and Catherine Sear), The World Bank, 2013 [downloadable at <https://openknowledge.worldbank.org/bitstream/handle/10986/16629/825200WP0Women00Box379865B00PUBLIC0.pdf?sequence=1>]

¹³ Carmine Soprano, Trade and Competiveness Global Practice, World Bank, email of 28 January 2016.

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

4.4 Emergency Situations

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

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

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

¹⁴ Reference may be made to the EAC OSBP Regulations 2015, Sections 43 and 44 on Temporary Measures.

¹⁵ International Organization for Management, *IOM and Humanitarian Border Management*, downloadable from http://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/IBM-Factsheet-HBM.pdf?v=1392752313000/_jcr:system/jcr:versionStorage/22/4e/da/224eda58-1253-475c-b3f5-903aacb50b13/1.2/jcr:frozenNode.

