

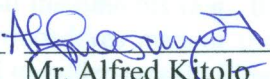
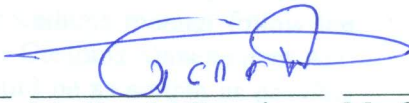
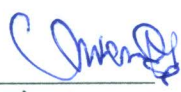




MINUTES
OF
THE SECOND REGIONAL TECHNICAL COMMITTEE MEETING
FOR
PREPARATION OF A REGIONAL ONE-STOP BORDER POST
PROCEDURES MANUAL
UNDER
THE PROJECT FOR CAPACITY DEVELOPMENT FOR INTERNATIONAL
TRADE FACILITATION IN THE EASTERN AFRICAN REGION

3 December
2015
Jinja, Uganda

 Eng. Abdillah M. Mataka Ministry of East African Cooperation	 Eng. Bayihishako Pierre Ministry of Transport, Public Works and Equipment Republic of Burundi	 Mr. Alfred Kitolo Ministry of East African Affairs, Commerce and Tourism	 Mr. Dusabe Francis Directorate General of Immigration and Emigration Republic of Rwanda	 Mr. Cypriano Okello Ministry of Works and Transport
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I. Background and Objective

1. Responding to requests from the Governments of the Partner States of the East African Community (EAC), in December 2013 the Japan International Cooperation Agency (JICA) exchanged signatures on records of discussions (with each participating country) for the Project on Capacity Development for International Trade Facilitation in the Eastern African Region (JICA Trade Facilitation Project), covering Phase 3 components of the preceding Project on Capacity Building for the Customs Administrations of the Eastern African Region (Phases 1 and 2), including a technical cooperation project component for operationalization of One-Stop Border Posts (OSBPs) in the region. The first phase of this technical cooperation component for OSBP operationalization was conducted from April 2014 to March 2015, while the second phase commenced in June 2015 and is scheduled to continue to August 2017. The current second phase includes an activity to support preparation of a regional OSBP procedures manual for the Partner States of the EAC.

2. The objective of the activity is to develop and reach formal agreement on harmonized EAC standard OSBP guidelines and procedures for use by the border control authorities of the EAC Partner States to provide for consistent practice throughout the EAC. A total of five regional technical committee (RTC) meetings will be held to facilitate discussions/negotiations among the five EAC Partner States to prepare and refine the EAC OSBP procedures manual. The first RTC meeting was held in Arusha from 26 to 28 August 2015, while this second RTC meeting was held from 2 to 3 December 2015 in Jinja, Uganda, and was followed by a site visit to the Malaba OSBP on 4 December 2015.

3. **Annex 1** presents the meeting program, while **Annex 2** provides a list of meeting participants.

II. Opening

4. Mr. Cypriano Okello, Senior Planner Transport, Ministry of Works and Transport, Republic of Uganda, opened the meeting. He observed that the meeting is timely since Uganda is operationalizing a number of OSBPs.

5. Mr. Kenneth Bagamuhunda, Director, Customs Directorate, EAC Secretariat, welcomed the participants. He observed that it is a critical moment for the operationalization of OSBPs. The Partner States have made great strides in putting in place the legal instruments for OSBPs, which should be in place by the end of June 2016. He observed that in designing the procedures manual it is important to be cognizant of other related regional activities, including the Single Customs Territory, other related interconnectivity programs including single window projects (which will be regionalized through a strategic framework), interconnectivity in immigration, and physical interconnectivity measures. He urged that the procedures manual follow the terminology used in major EAC legal instruments (e.g., the Customs Management Act, the OSBP Act). He stated that the procedures manual should be as simple as possible since users of the facilities will need to understand it. Finally, he observed that the RTC

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is one of the most active EAC committees, reflecting the enthusiasm and commitment of the Partner States.

6. Eng. Abdillah Mataka, Ministry of East African Cooperation, The United Republic of Tanzania, expressed his sincere thanks to the host country, the Government of Uganda, and to JICA and the Government of Japan, for their support. He noted that the meeting is the second of five scheduled RTC meetings. He stated that the purpose of the meeting is for the JICA OSBP Team to present progress on the development of the manual and for delegates to provide direction so that the best possible manual can be prepared. He wished the meeting fruitful deliberations.

7. The bureau was then constituted with Eng. Mataka, The United Republic of Tanzania, as chair, and Mr. Amutenda Salvatore, The Republic of Uganda, as rapporteur. The agenda/program was adopted, and the participants introduced themselves

III. Background and Introduction to the Draft Manual

8. Mr. Bruce Winston, Team Leader, JICA OSBP Team, presented the background paper to the meeting, which included the findings and suggestions of the 1st RTC Meeting. He also set out key points related to the draft manual text, to be discussed in detail during the meeting. The meeting discussed the following points regarding the background paper:

- (i) It was proposed that national consultations be held for the OSBP procedures.
- (ii) There was a suggestion that the procedures document be translated into Kiswahili for the benefit of the general public. It was observed that other EAC legal documents may also warrant translation, both regarding OSBPs and other issues (e.g., rules of origin, which are referred to on a day-to-day basis).
- (iii) It was observed that an ombudsman's office cannot be created by the manual, but the functions of the proposed ombudsman's office could be performed by the Joint Border Operations Committee.

IV. Presentation and Discussion of the Draft Manual

9. Dr. Kristiaan Bernauw, Legal Specialist, JICA OSBP Team, presented an overview of the draft manual. The meeting agreed as follows:

- (i) Since the manual will be an administrative document, it was agreed that Article 14.3 of the draft EAC OSBP Regulations should be reviewed accordingly.
- (ii) The manual should focus on the procedures including details on how operations are to be undertaken. The manual cannot be a standalone document (as had been considered during the 1st RTC meeting).

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(iii) The procedures manual should better reflect existing bilateral OSBP procedures manuals (for substance) and existing examples of EAC procedures manuals (for format).

10. Based on the points in paragraph 9, the JICA OSBP Team drafted a revised manual text. The meeting then considered the revised text up through Section 5.5.2 (see **Annex 3** for the latest version of the text, which reflects suggestions of the meeting).

V. Recommendations of the Meeting

11. The meeting agreed that:

(i) the JICA OSBP Team will provide the Partner States with elaborated draft text of the Procedures Manual, reflecting the comments and suggestions of the 2nd RTC meeting, by **1 February 2016**;

(ii) the 3rd RTC meeting will be held during **the week of 22-26 February 2016**, in Kenya, and include 3-4 days of discussions/negotiations; and

(iii) after the manual is further refined, JICA may consider facilitating national consultations to enable wider stakeholder participation.

VI. Closing Remarks

12. Eng. Abdillah M. Mataka, Assistant Director (Economic Infrastructure), Ministry of East African Cooperation, Tanzania, thanked the participants for their strong commitment and the progress made.

13. Mr. Hosea Nyangweso, Principal Civil Engineer, Infrastructure Directorate, EAC Secretariat, thanked the host country and all delegates for their active participation in the meeting. He also thanked JICA for its assistance in the process. At the 3rd RTC meeting it will be useful to consider next steps after completion of the manual (e.g., sensitization of border officials, automation of border processes).

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MINUTES
OF
THE THIRD REGIONAL TECHNICAL COMMITTEE MEETING
FOR
PREPARATION OF A REGIONAL ONE-STOP BORDER POST
PROCEDURES MANUAL
UNDER
THE PROJECT FOR CAPACITY DEVELOPMENT FOR INTERNATIONAL TRADE
FACILITATION IN THE EASTERN AFRICAN REGION

1-4 March 2016
Mombasa, Kenya

Mr. Boniface Salema
Tanzania Revenue
Authority
United Republic of
Tanzania

Eng. Bayihishako Pierre
Ministry of Transport, Public
Works and Equipment
Republic of Burundi

Mr. Alfred Kitolo
Ministry of Labour and
East African Affairs
Republic of Kenya

Mr. Dusabe Francis
Directorate General of
Immigration and Emigration
Republic of Rwanda

Mr. Armstrong
Turyakira
Uganda Revenue
Authority
Republic of Uganda

I. Background and Objective

1. Responding to requests from the Governments of the Partner States of the East African Community (EAC), in December 2013 the Japan International Cooperation Agency (JICA) exchanged signatures on records of discussions (with each participating country) for the Project on Capacity Development for International Trade Facilitation in the Eastern African Region (JICA Trade Facilitation Project), covering Phase 3 components of the preceding Project on Capacity Building for the Customs Administrations of the Eastern African Region (Phases 1 and 2), including a technical cooperation project component for operationalization of One-Stop Border Posts (OSBPs) in the region. The first phase of this technical cooperation component for OSBP operationalization was conducted from April 2014 to March 2015, while the second phase commenced in June 2015 and is scheduled to continue to August 2017. The current second phase includes an activity to support preparation of a regional OSBP procedures manual for the Partner States of the EAC.

2. The objective of the activity is to develop and reach formal agreement on harmonized EAC standard OSBP guidelines and procedures for use by the border control authorities of the EAC Partner States to provide for consistent practice throughout the EAC. A total of five regional technical committee (RTC) meetings will be held to facilitate discussions/negotiations among the five EAC Partner States to prepare and refine the EAC OSBP procedures manual. The first RTC meeting was held in Arusha from 26 to 28 August 2015, the second RTC meeting was held from 2 to 3 December 2015 in Jinja, Uganda (followed by a site visit to the Malaba OSBP on 4 December 2015), and this third RTC meeting (the meeting) was held in Mombasa, Kenya, from 1 to 4 March 2016.

3. Annex 1 presents the meeting program, while Annex 2 provides a list of meeting participants.

II. Opening

4. Mr. Alfred Kitolo, Director, Ministry of Labour and East African Affairs, Kenya, expressed gratitude to JICA for its sponsorship as well as to the technical officials that have expended great efforts to assure that the final result will be a fully refined document. He observed that the EAC may be a pioneer for other regions that may consider using the documents for their borders. He noted that the structure has been prepared, but the documents must use the correct language and be reader-friendly for use by many as possible. He noted that the EAC OSBP Act has been assented to, and the EAC OSBP Regulations were approved by the Transport Communications and Meteorology (TCM) Sectoral Council by videoconference. This document is being prepared at the opportune time to support the Regulations once adopted by the Council of Ministers.

5. Mr. Arnold Nkoma, Border Management Specialist, Customs Directorate, EAC Secretariat, on behalf of the EAC Secretary General, welcomed the participants. He noted that so far 10 OSBPs have been constructed in the region, three of which are operational using bilateral instruments, with the latest launched at Holli/Taveta on 27 February 2016. The EAC OSBP Act has been assented to by all Partner States and is being gazetted. The EAC OSBP Regulations were presented to the Council of Ministers on 29 February 2016. The EAC OSBP Manual should be ready earlier than was originally envisaged. The Manual should be simple, clear, and instructive, focusing on the "how" aspect. He suggested that some material in footnotes can be fit into the main text.

6. Ms. Anne Olubendi, Senior Programme Officer, JICA Kenya Office, observed that the EAC OSBP Act has now been assented to by all Partner States, which is a major milestone and an indication of the firm commitment by the Partner States to harmonize the OSBP guidelines and procedures for use by border control authorities in the region. She observed that the meeting will be critical as we move toward the final draft of the regional OSBP manual. She noted that the consultative process continues to enrich the document. As we move forward, it will be important to consider next steps (e.g., sensitization of border officials, automation of border processes). Finally, she informed the meeting that the Sixth Tokyo International Conference on African Development (TICAD VI) will be held in Nairobi on 27-28 August 2016, and may serve as a showcase for OSBP projects.

7. The bureau was then constituted with Mr. Beatus Kalumuna, Legal Officer, Ministry of Foreign Affairs, East African, Regional and International Cooperation, United Republic of Tanzania (hereafter Tanzania), as chair, and Mr. George Lwevoola, Acting Principal Infrastructure Officer, Ministry of East African Community Affairs, The Republic of Uganda, as rapporteur. The program was adopted, and the participants introduced themselves.

III. Background and Introduction to the Draft Manual

8. Mr. Bruce Winston, Team Leader, JICA OSBP Team, presented the background to the meeting, which included the findings and suggestions of the 1st and 2nd RTC meetings, in Arusha and Jinja, respectively.

IV. Presentation and Discussion of the Draft Manual

9. Dr. Kristiaan Bernauw, Legal Specialist, JICA OSBP Team, presented the text of the draft manual. The meeting then made a number of comments as set out in **Annex 3**.

10. To the extent feasible within time constraints, the draft manual text was revised by and during the meeting based on the comments made, as shown in **Annex 4** (with tracked changes). A further revised version will be prepared before the next meeting, along with a comment action/response matrix.

11. The EAC Secretariat clarified that once the manual has been developed it will be submitted to the legal experts to ensure that it fully conforms with existing legislation. After that, it will be submitted to the EAC Multi-Sectoral Council for approval.

V. Recommendations of the Meeting

12. The meeting agreed that:

- (i) the JICA OSBP Team will provide the Partner States with further elaborated draft text of the Procedures Manual, along with a detailed comment action/response matrix, three weeks before the 4th RTC meeting;
- (ii) the dates and venue of the 4th RTC meeting will be announced in due course; and
- (iii) since the manual will be an administrative document, it was agreed that the EAC Secretariat should present Section 14.3 of the draft EAC OSBP Regulations to the EAC Sectoral Council on Legal and Judicial Affairs for its review.

VI. Closing Remarks

13. Mr. Makoto Uchiyama, Chief Advisor, JICA Trade Facilitation Project Team, observed that the manual has now taken good shape. He expressed his hope that the manual will be finalized during the next two RTC meetings and be adopted for OSBP operations at various borders this year. He urged the delegates to start thinking about how to play a key role in applying and enhancing awareness of the OSBP procedures among the relevant officers and users for effective coordinated border management, once the manual is approved.

14. Representing the Secretary General of the EAC Secretariat, Mr. Arnold Nkoma, Border Management Specialist, Customs Directorate, EAC Secretariat, noted that the manual is beginning to take shape. That said, the 4th RTC meeting will need to focus on the major outstanding issues.

15. Mr. Beatus Kalumuna, Legal Officer, Ministry of Foreign Affairs, East African, Regional and International Cooperation, Tanzania, thanked the participants for their strong commitment and the progress made.





MINUTES
OF
THE FOURTH REGIONAL TECHNICAL COMMITTEE MEETING
FOR
PREPARATION OF A REGIONAL ONE-STOP BORDER POST
PROCEDURES MANUAL
UNDER
THE PROJECT FOR CAPACITY DEVELOPMENT FOR INTERNATIONAL TRADE
FACILITATION IN THE EASTERN AFRICAN REGION

23-25 May 2016
Arusha, Tanzania

Eng. Abdillah Mataka
Ministry of Foreign Affairs
and East African
Cooperation
United Republic of
Tanzania

Eng. Bayihishako Pierre
Ministry of Transport, Public
Works and Equipment
Republic of Burundi

Mr. Alfred Kitolo
Ministry of Labour and
East African Affairs
Republic of Kenya

Mr. Dusabe Francis
Directorate General of
Immigration and Emigration
Republic of Rwanda

Mr. Armstrong
Turyakira
Uganda Revenue
Authority
Republic of Uganda

I. Background and Objective

1. Responding to requests from the Governments of the Partner States of the East African Community (EAC), in December 2013 the Japan International Cooperation Agency (JICA) exchanged signatures on records of discussions (with each participating country) for the Project on Capacity Development for International Trade Facilitation in the Eastern African Region (JICA Trade Facilitation Project), covering Phase 3 components of the preceding Project on Capacity Building for the Customs Administrations of the Eastern African Region (Phases 1 and 2), including a technical cooperation project component for operationalization of One-Stop Border Posts (OSBPs) in the region. The first phase of this technical cooperation component for OSBP operationalization was conducted from April 2014 to March 2015, while the second phase commenced in June 2015 and is scheduled to continue to August 2017. The current second phase includes an activity to support preparation of a regional OSBP procedures manual for the Partner States of the EAC.

2. The objective of the activity is to develop and reach formal agreement on harmonized EAC standard OSBP guidelines and procedures for use by the border control authorities of the EAC Partner States to provide for consistent practice throughout the EAC. A total of five regional technical committee (RTC) meetings are to be held to facilitate discussions/negotiations among the Partner States to prepare and refine the EAC OSBP procedures manual. The 1st RTC meeting was held in Arusha, Tanzania, from 26 to 28 August 2015 (including a site visit to the Holili/Taveta OSBP), the 2nd RTC meeting was held from 2 to 3 December 2015 in Jinja, Uganda (followed by a site visit to the Malaba OSBP on 4 December 2015), the 3rd RTC meeting was held in Mombasa, Kenya, from 1 to 4 March 2016, and the 4th RTC meeting (hereinafter the meeting) was held in Arusha from 23 to 25 May 2016.

3. **Annex 1** presents the meeting program, while **Annex 2** provides a list of meeting participants.

II. Opening

4. Eng. Hosea Nyangweso, Principal Engineer, Infrastructure, on behalf of the Director of Customs, EAC Secretariat, welcomed the participants. He noted that this series of RTC meetings is designed to enable as many inputs as possible into the manual. He stated that the EAC OSBP Act 2013 (hereinafter the Act) was assented to by the Heads of State in November 2015 and published in the East African Community Gazette in April 2016; the next step will be for the EAC Council of Ministers to pronounce the date of commencement, which may occur in a few weeks. The EAC OSBP Regulations 2016 (hereinafter the Regulations) was prepared following a similar process, with the Council of Ministers having approved the Regulations in February 2016, after which it was forwarded to the Sectoral Council on Legal and Judicial Affairs. A subcommittee of this Sectoral Council drafted the Regulations in April 2016 in Nairobi, and these are now awaiting adoption by the Sectoral Council. He reminded the delegates that the manual is to support these higher-level legal documents. He noted that with more OSBPs becoming operational, there is a need to conduct more sensitization of border officials and users. He stated that since this is the penultimate meeting of the process to prepare the manual, the meeting will play an important role in refining the document; the 5th and final RTC meeting ideally should be more for final editing.

5. Eng. Abdillah Mataka, Assistant Director, Economic Infrastructure, Ministry of Foreign Affairs and East African Cooperation, The United Republic of Tanzania (hereinafter Tanzania), stated that the 3rd RTC meeting improved the draft of the manual but there are still some areas that require further discussion. He urged the delegates to use this opportunity on

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behalf of the Community to interact with the JICA OSBP Team and between/among each other to improve the draft, ideally to ensure that at the end of the meeting there will be an improved draft ready for adoption.

6. Ms. Anne Olubendi, Senior Programme Officer, JICA Kenya Office, underscored the need for the manual to be clear, instructive, and simplified to the extent possible so that it is user-friendly. She stated the manual is taking shape now. She observed that it is in the interest of all to have the border control agencies in all Partner States use these guidelines and procedures to provide for consistent practice in the entire region. She noted that now that the Republic of South Sudan is on board, going forward a conversation on how to incorporate them in these initiatives will be necessary. Finally, she noted that the Tokyo International Conference on African Development (TICAD) VI will take place in Nairobi, Kenya, on 27-28 August 2016, and may serve as a showcase for OSBP projects.

7. The bureau was then constituted with Eng. Mataka, Ministry of Foreign Affairs and East African Cooperation, Tanzania, as chair, and Mr. George Lwevoola, Acting Principal Infrastructure Officer, Ministry of East African Community Affairs, The Republic of Uganda, as rapporteur. The program was adopted, and the participants introduced themselves.

III. Background and Introduction to the Draft Manual

8. Mr. Bruce Winston, Team Leader, JICA OSBP Team, presented the background to the meeting, which included findings and suggestions of the 1st, 2nd, and 3rd RTC meetings, held in Arusha, Jinja, and Mombasa, respectively.

IV. Presentation and Discussion of the Draft Manual

9. Dr. Kristiaan Bernauw, Legal Specialist, JICA OSBP Team, presented the text of the draft manual. The text was revised by the meeting based on comments by the delegates, as shown in **Annex 3** (presenting the draft text with tracked changes). A more finalized version will be prepared before the 5th and final RTC meeting.

10. Significant changes in the draft manual made during the meeting included the following:

- (i) reinsertion of relevant definitions from the Act and Regulations in the new 1.1.1;
- (ii) enhancement of the manual with specific definitions of further terms not mentioned in the Act or Regulations, in the new 1.1.2;
- (iii) definition of priority clearance in the new 1.1.2;
- (iv) elaboration of a system of gate passes, in 4.1.2(iv), 5.2.1(viii), and 5.4.1(viii);
- (v) in 4.2.1, combination of two methods into one provision for achieving the one stop result;
- (vi) restructuring of 4.2 and moving part (on the sequencing of controls) to 4.3;
- (vii) in 4.3.3, illustrating (with examples) exceptional circumstances justifying reversal of the exit-entry control sequence;
- (viii) moving of the previous 4.6 on handover to the new 6.5.3(iii);
- (ix) moving of the previous 5 on key elements of border control to an annex;
- (x) changing of the chronological order of the performance of the respective border controls so that security screening may take place at any point during the clearance process, in the new 5.1.1(i), 5.1.2(iv), and 5.4.1(iv);
- (xi) specification of partner border control agencies in the new 5.1.1;
- (xii) rephrasing of the regime for border community residents in the new 5.1.3(i);

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- (xiii) addition of more detail on intensive and detailed control in the new 5.4.4;
- (xiv) moving of the previous 7 on extraterritoriality to an annex;
- (xv) amendment of various provisions of the new 7.2 on facility management; and
- (xv) restructuring of the section on communication (the new 9).

11. Significant changes to be made in the draft manual before the 5th RTC meeting will include:

- (i) provision of more explanation on the key elements of border controls relevant for the previous 5, now an Annex;
- (ii) preparation of process flow charts for people, means of transport, and goods;
- (iii) elaboration of procedures for warehousing and the destruction of goods;
- (iv) coverage of applicable provisions on extraterritoriality in the parts on OSBP principles and/or detailed OSBP procedures;
- (v) removal of the footnotes from the document; and
- (vi) a general “cleanup” of the document.

V. Toward Finalization of the Manual

12. Eng. Hosea Nyangweso, Principal Engineer, Infrastructure, EAC Secretariat, and Mr. Arnold Nkoma, Border Management Specialist, EAC Secretariat, proposed a way forward toward achieving a finalized version of the Manual. They stated that the document must be flowing, simple, and easy to understand. In addition, they suggested that the Manual should generally not include references to the Act or Regulations. Also, they stressed the importance of including detailed process flow charts in the manual. Finally, they proposed and the meeting agreed on a timetable for the finalization process, as presented in Section VI immediately following.

VI. Recommendations of the Meeting

13. The meeting agreed on the following timetable for the finalization process:

- (i) completion of the nearly finalized draft of the manual by the JICA OSBP Team, and submission of the draft to the EAC Secretariat, by **10 June 2016**;
- (ii) internal review of the draft by the EAC Secretariat and sharing of the draft with the Partner States, by **20 June 2016**;
- (iii) review and comment on the draft by the respective Partner States, by **4 July 2016**;
- (iv) a videoconference, or resources permitting, a meeting of a small technical working group including 1-2 representatives from each Partner State, and representatives of the EAC Secretariat and the JICA OSBP Team, in **July 2016**; and
- (v) the 5th RTC meeting to be held over a **three-day period during the week of 1-5 August 2016**, at a venue to be determined by the EAC Secretariat in consultation with the Partner States and JICA OSBP Team.

VII. Closing Remarks

14. Mr. Bruce Winston, JICA OSBP Team, applauded the progress made by the meeting, and the clear road map established for finalization of the manual. He expressed optimism that

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the 5th RTC meeting would be able to agree on the finalized draft for submission to the legal experts of the EAC to ensure that it fully conforms with existing Community legislation, after which it will be submitted to the EAC Multi-Sectoral Council for consideration and approval.

15. Eng. Hosea Nyangweso, Principal Engineer, Infrastructure, on behalf of the Director, Customs, EAC Secretariat, noted that several of the delegates have participated in the process from the beginning, even dating back to the preparation of the Act. He also thanked the participant from the World Customs Organization, which has helped ensure that the work is undertaken to international standards. He observed that EAC documents have been generally accepted because of the inclusive process and the patience of the participants. In addition, he thanked JICA and the OSBP Team for their role in developing the manual. He also discussed the next phase of the process, which includes dissemination of all of the documents that have been prepared, e.g., through training, the preparation of videos. Finally, he urged consideration of extending EAC-JICA cooperation after mid-2016 to further advance the process.

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MINUTES
OF
THE FIFTH REGIONAL TECHNICAL COMMITTEE MEETING
FOR
PREPARATION OF A REGIONAL ONE-STOP BORDER POST
PROCEDURES MANUAL
UNDER
THE PROJECT FOR CAPACITY DEVELOPMENT FOR INTERNATIONAL TRADE
FACILITATION IN THE EASTERN AFRICAN REGION

3-5 August 2016
Mombasa, Kenya

Eng. Abdillah Mataka
Ministry of Foreign Affairs
and East African
Cooperation
United Republic of
Tanzania

Eng. Pierre Bayishako
Ministry of Transport,
Public Works and
Equipment
Republic of Burundi

Mr. Alfred Kitolo
Ministry of East African
Community, Labour and
Social Protection
Republic of Kenya

Mr. Theophile Ngabonziza
Rwanda Revenue Authority
Republic of Rwanda

Mr. Armstrong Turyakira
Uganda Revenue
Authority
Republic of Uganda

I. Background and Objective

1. Responding to requests from the Governments of the Partner States of the East African Community (EAC), in December 2013 the Japan International Cooperation Agency (JICA) exchanged signatures on records of discussions (with each participating Partner State) for the Project on Capacity Development for International Trade Facilitation in the Eastern African Region (JICA Trade Facilitation Project), covering Phase 3 components of the preceding Project on Capacity Building for the Customs Administrations of the Eastern African Region (Phases 1 and 2), including a technical cooperation project component for operationalization of One-Stop Border Posts (OSBPs) in the region. The first phase of this technical cooperation component for OSBP operationalization was conducted from April 2014 to March 2015, while the second phase commenced in June 2015 and is scheduled to continue to August 2017. The current second phase includes an activity to support preparation of a regional OSBP procedures manual for the Partner States of the EAC.

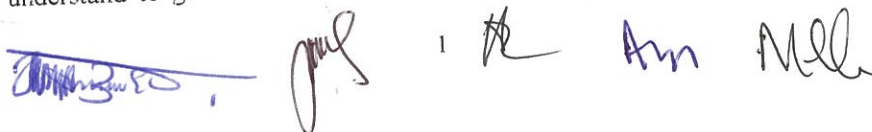
2. The objective of the activity is to develop and reach formal agreement on harmonized EAC standard OSBP guidelines and procedures for use by the border control authorities of the EAC Partner States to provide for consistent practice throughout the EAC. A total of five regional technical committee (RTC) meetings were held to facilitate discussions/negotiations among the Partner States to prepare and refine the EAC OSBP procedures manual. The 1st RTC meeting was held in Arusha, Tanzania, from 26 to 28 August 2015; the 2nd RTC meeting was held in Jinja, Uganda, from 2 to 3 December 2015; the 3rd RTC meeting was held in Mombasa, Kenya, from 1 to 4 March 2016; the 4th RTC meeting was held in Arusha, from 23 to 25 May 2016; and this 5th RTC meeting (the meeting) was held from 3 to 5 August 2016.

3. **Annex 1** presents the meeting program, while **Annex 2** provides a list of meeting participants.

II. Opening

4. Eng. Hosea Nyangweso, Principal Civil Engineer, Directorate of Infrastructure, on behalf of the Director, Customs, EAC Secretariat, welcomed the participants. He noted the work done by a technical working group that met from 1 to 3 August 2016, which reduced the workload for the plenary session. He thanked JICA for its support for trade facilitation, dating back to 2007, as well as its support for the construction of the Namanga and Rusumo OSBPs. He informed the meeting that the EAC Council of Ministers is expected to meet in August 2016 and will pronounce 1 October 2016 as the date for entry into force of the EAC OSBP Act. He further informed the meeting that the EAC OSBP Regulations will be reviewed by the Sectoral Council on Legal and Judicial Affairs and will be presented to the EAC Council of Ministers for adoption. The timeline for finalization of the Procedures Manual fits in well with this timetable. The Manual will be considered by the High Level Standing Committee for the East Africa Trade and Transport Facilitation Project (EATTFP) and will then be presented to the EAC Sectoral Council on Transport, Communications, and Meteorology, which is responsible for that project. Also, the Manual will be presented to the Council of Ministers for formal adoption. Finally, he informed the meeting that two OSBPs (Taveta/Holili and Rusumo) have been officially opened and an additional six will be opened officially soon.

5. Ms. Anne Olubendi, Senior Programme Officer, on behalf of Ms. Keiko Sano, Chief Representative, JICA Kenya Office, noted that the Manual is near the final stage, and having been subjected to a rigorous consultative process, meets the expectations of all Partner States. She noted that key among these expectations is that the manual is now flowing, simple, and easy to understand to guide users in operation. She further noted that the participants have



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contributed to the process of developing the Manual and there is ownership and commitment among all Partner States on its content and eventual use. At the conclusion of this 5th RTC meeting, a finalized draft will be ready for submission to the EAC Secretariat to facilitate the next steps. Also, she noted that once the manual is finally adopted, there will be an urgent need to raise the requisite awareness among Partner States on its use and distribution. Finally, she mentioned the upcoming TICAD VI Conference in Nairobi, which will include a side event on *Boosting Inter- and Intra-African Trade for Regional Economic Integration*, to be held on 26 August 2016.

6. Eng. Abdillah Mataka, Assistant Director, Economic Infrastructure, Ministry of Foreign Affairs and East African Cooperation, the United Republic of Tanzania (hereinafter Tanzania), thanked the Republic of Kenya for hosting the meeting, JICA for its support, and the EAC Secretariat for its technical guidance. He informed the meeting of the work of the technical working group to fine tune the draft manual prepared by the JICA OSBP Team following recommendations of the 4th RTC meeting. He observed that the current meeting will fine tune the draft manual so that it is ready for submission to EAC policy organs. He wished all fruitful deliberations to develop the regional OSBP procedures manual.

7. The bureau was then constituted with Eng. Mataka, Ministry of Foreign Affairs and East African Cooperation, Tanzania, as chair, and Mr. George Lwevoola, Acting Principal Infrastructure Officer, Ministry of East African Community Affairs, The Republic of Uganda, as rapporteur. The program was adopted, and participants introduced themselves.

III. Finalization of the Draft Manual

8. Mr. Bruce Winston, Team Leader, JICA OSBP Team, summarized the results of the technical working group meeting, after which the meeting discussed the latest draft chapter by chapter and section by section.

9. Significant changes in the Manual made by the meeting include the following:

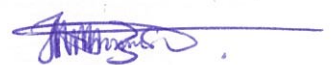
- (i) deleting the word "Operating" in the title (to align the title to the reference in the OSBP Regulations), which is now The East African Community One Stop Border Posts Procedures Manual;
- (ii) changing the word Preface to Foreword, adding more detail, and providing space for the signature of the EAC Secretary General;
- (iii) adding an Acknowledgements section;
- (iv) moving Definitions to immediately after Acronyms, editing of some definitions (extraterritoriality, free pratique, hot pursuit, quarantine), and addition of new definitions (disinsection, isolation);
- (v) substantial restructuring and rewriting of the Introduction (Chapter 1), covering background, objective of the manual, scope, and configuration of OSBP facilities;
- (vi) adding *chapeaux* (introductory words) at the beginning of chapters;
- (vii) moving the previous Chapter 2 on Configuration of OSBP Facilities to a new subsection 1.4 of the Introduction;
- (viii) substantial restructuring and rewriting of the newly titled Chapter 3 on Principles of OSBPs to make the principles clearer, including subsections on the principles (3.1) and implementation of the principles (3.2);
- (ix) retitling and revising of the new Chapter 4 on Border Clearance Procedures, including presentation of revised flow charts, showing the process from left to right;

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- (x) retitling and revising the new Chapter 5 on Application of Extraterritorial Jurisdiction, and deletion of Annex C on Extraterritoriality, which is already covered in the EAC OSBP Act and Regulations;
- (xi) retitling and revising the new Chapter 6 on the Activity of Facilitation Agents and Service Providers in the Control Zone (e.g., to exclude coverage of goods providers);
- (xii) retitling and revising the new Chapter 7 on OSBP Management (e.g., inserting health in the tasks of the safety and security management, adding a new section on traffic management);
- (xiii) retitling and revising the new Chapter 8 on Cooperation between Adjoining Partner States and among Agencies (e.g., in 8.1, replacing “cooperation” with “harmonization”, replacing “privacy” with “confidentiality”, and deleting the conditions for communication of data on individuals);
- (xiv) revising the new Chapter 9 on Communication; and
- (xv) deleting the previous Annex A on Key Elements of Border Control(s) Relevant for OSBPs and the previous Annex B on Warehousing (Storage) and Destruction of Goods (along with the previous Annex C on Extraterritoriality).

IV. Adoption of the Final Draft of the Manual by the Meeting

10. The meeting adopted the final draft of the Manual as attached in **Annex 3**.

V. Adoption of the Manual by the EAC Policy Organs

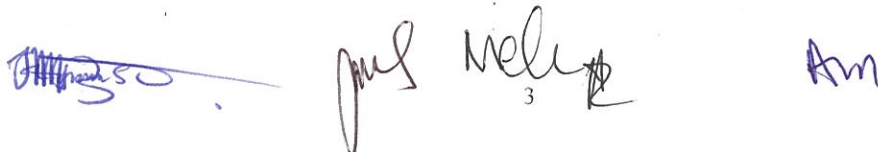
11. The EAC Secretariat informed the meeting that the next step is to submit the final draft of the Manual to the High Level Standing Committee under the EATTFP for consideration, after which it will forward it to the Sectoral Council on TCM for approval. The next meeting of the EATTFP High Level Standing Committee will be scheduled taking into account the EAC calendar of activities, and is likely to be in October 2016.

VI. Any Other Business

12. Considering the quality of the RTC process and the ongoing operationalization of OSBPs, the meeting proposed to the EAC Secretariat that a business continuity plan (BCP) be developed to provide for continuation of OSBP operations in the event of a disaster. The EAC Secretariat informed the meeting that the EAC is developing a capacity building program including the development of training materials and monitoring and evaluation tools at the regional level, and the BCP will complement these activities.

VII. Closing Remarks

13. Mr. Arnold Nkoma, Border Management Expert, Customs Directorate, EAC Secretariat, on behalf of the Director, Customs, EAC Secretariat, congratulated the participants on completing the task of drafting the Manual. He noted that completion of this task was timely considering that the implementation of the EAC OSBP Act is scheduled to commence on 1 October 2016. He thanked all delegations for their commitment throughout the five RTC meetings, and for their excellent interventions throughout the process. He specifically thanked all delegates for their technical participation, JICA for its support, and the World Customs Organization (WCO), TradeMark East Africa (TMEA), and the Northern Corridor Transit and Transport Coordination Authority (NCTCA) for sharing their experience. Finally, he recognized the strong leadership of Eng. Mataka, the chair of the RTC meetings.

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14. Mr. Alfred Kitolo, Director, Ministry of East African Community, Labour and Social Protection, Republic of Kenya, thanked all participants for their efforts to develop the final draft of the Procedures Manual. Along with the EAC OSBP Act and the EAC Regulations, the Manual completes the set of documents required to operationalize OSBPs. The efforts made will lead to a smooth flow of persons, vehicles, and goods across borders. He also recognized the consulting firm PADECO, which compiled and revised the document; the EAC Secretariat, which mobilized resources; JICA, which provided support; and the Partner States' Experts, who ensured that the content of the Manual will effectively guide OSBP operations on the ground. He also thanked other stakeholders, including WCO, TMEA, and NCTTCA, for their valuable participation. He announced that the Partner States now own the Manual. As proposed for the OSBP Sourcebook, consideration may be given to revising the Manual in 3-5 years to capture requirements arising during implementation; he suggested that the EAC Secretariat and JICA may consider reviewing the Manual after a period of about three years. He recommended that the officers posted at OSBPs be provided with copies of the OSBP Act, the OSBP Regulations, and the OSBP Manual, to support operations. Finally, he pronounced this meeting report the *Mombasa Declaration for the EAC OSBP Procedures Manual*.

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J. Kitolo



**SUPPLEMENTARY MINUTES
OF
THE TECHNICAL WORKING GROUP MEETING AND
REGIONAL TECHNICAL COMMITTEE MEETING
FOR
PREPARATION OF A REGIONAL ONE-STOP BORDER POST
PROCEDURES MANUAL
UNDER
THE PROJECT FOR CAPACITY DEVELOPMENT FOR INTERNATIONAL TRADE
FACILITATION IN THE EASTERN AFRICAN REGION**

11-14 July 2017
Kampala, Uganda

I. Background and Objective

1. Responding to requests from the Governments of the Partner States of the East African Community (EAC), in December 2013 the Japan International Cooperation Agency (JICA) exchanged signatures on records of discussions (with each participating country) for the Project on Capacity Development for International Trade Facilitation in the Eastern African Region (JICA Trade Facilitation Project), covering Phase 3 components of the preceding Project on Capacity Building for the Customs Administrations of the Eastern African Region (Phases 1 and 2), including a technical cooperation project component for operationalization of One-Stop Border Posts (OSBPs) in the region. The first phase of this technical cooperation component for OSBP operationalization was conducted from April 2014 to March 2015, while the second phase commenced in June 2015 and is expected to continue to December 2017. The current second phase includes an activity to support preparation of a regional OSBP procedures manual for the Partner States of the EAC.

2. The objective of the activity is to develop and reach formal agreement on harmonized EAC standard OSBP guidelines and procedures for use by the border control authorities of the EAC Partner States to provide for consistent practice throughout the EAC. A total of five regional technical committee (RTC) meetings were held with JICA support to facilitate discussions/negotiations among the Partner States to prepare and refine the EAC OSBP procedures manual. The 1st RTC meeting was held in Arusha, Tanzania, from 26 to 28 August 2015; the 2nd RTC meeting was held in Jinja, Uganda, from 2 to 3 December 2015; the 3rd RTC meeting was held in Mombasa, Kenya, from 1 to 4 March 2016; the 4th RTC meeting was held in Arusha, from 23 to 25 May 2016; and the 5th RTC meeting was held from 3 to 5 August 2016, and was preceded by a technical working group (TWG) meeting on 1 and 2 August 2016.

3. Further work was carried out on the manual, with some revisions suggested in an October 2016 meeting of the East Africa Trade and Transport Facilitation Project, held in Dar es Salaam. In December 2016, at the 19th Meeting of the EAC Sectoral Council on Legal and Judicial Affairs in Kampala from the 5th to the 10th of December 2016, a meeting of the Legislative Draftspersons resulted in a significant streamlining of the draft EAC OSBP Regulations, which had been prepared in March 2015, from 58 pages to 8 pages (including the cover and table of contents). That was a significant development, not only for the Regulations, but also for the Procedures Manual, is below the Regulations in the hierarchy of instruments, with the OSBP Act at the apex. The 35th Meeting of the EAC Council of Ministers considered and endorsed the streamlined version of the Regulations on 4 April 2017. The Council also took note of the need to revise the OSBP Procedures Manual to align it with the OSBP Regulations, as per EAC/CM 35/ Decision 70. Since JICA had played a key role in facilitating the process, through support of the five RTC meetings held between August 2015 and August 2016, it was agreed that JICA would support an Extraordinary RTC Meeting in July 2017 to facilitate finalization of the project. Also, considering the success of the approach followed at Mombasa in August 2016, it was agreed that this Extraordinary RTC Meeting (13-14 July 2017) would be preceded by a Technical Working Group Meeting (11-12 July 2017) to consider technical details.

4. **Annex 1** presents the meeting program, while **Annex 2** provides a list of meeting participants, including representatives from all six EAC Partner States, officials and staff of the EAC Secretariat, the World Customs Organization, TradeMark East Africa, JICA, and PADECO.

5. **These meeting minutes are supplementary to the official meeting report prepared by the EAC Secretariat and provided separately.**

II. Technical Working Group Meeting (11-12 July 2017)

A. Opening

6. Opening remarks were made (i) Mr. Stephen Analo, Customs Training Expert, Directorate of Customs, East African Community (EAC) Secretariat, on behalf of the Secretary General, EAC; and (ii) Mr. Eric Kakoole Principal Policy Analyst, Ministry of Agriculture, the Republic of Uganda. They noted that the the meeting is to align the Procedures Manual with the Regulations to enable users to apply the Regulations correctly.

7. The bureau for the Technical Working Group (TWG) was then constituted with Mr. Kakoole, Uganda, as chair, and Mr. Emmanuel Kamugisha, Agricultural Infrastructure Officer, Ministry of Trade, Industry and East African Community Affairs (MINEACOM), Republic of Rwanda, as rapporteur. The program was adopted, and the participants introduced themselves.

8. Mr. Bruce Winston, Team Leader, JICA OSBP Team, presented the background and path to finalization of the Procedures Manual, which is set out in paragraph 3 above.

B. Technical Discussion and Deliberations

9. Dr. Kristiaan Bernauw, Legal Specialist, JICA OSBP Team, presented an overview of the approach taken in preparing a revised draft of the Procedures Manual based on the final OSBP Regulations, 2017, by adopting text from the previous validated draft version of the Regulations, prepared in March 2015. He noted that the Procedures Manual has no regulatory power, but is rather explanatory and instructive in recommending best practices; language with a normative tendency (i.e., “shall”) was reviewed.

10. The TWG meeting considered the draft text of the Procedures Manual:

(i) The content of the revised draft text of the Manual was compared with the text of the Regulations (2017) and it was confirmed that the revised text covers the various Parts and nine regulations in the Regulations (2017). **Annex 3** presents a table presenting this analysis, updated as of 14 July 2017.

(ii) The overall structure (format) of the Manual was reviewed and various changes recommended (e.g., a new chapter on coordination of border agencies was added, the chapter on jurisdiction was to after the chapters on the conduct of officers in the control zone and activities of facilitation agents and other service providers).

(iii) The revised draft text – including parts taken from the previous version of the Regulations (that were omitted for legal rather than technical reasons) – was reviewed in depth by the TWG meeting and revisions were discussed and agreed, including the following:

- (a) Acknowledgements and Definition of Partner State: insertion of the Republic of South Sudan;
- (b) Definition of Terms: title changed;
- (c) Chapter 1, Introduction: Under Scope (1.3), reference to the Act and the Regulations moved to the Legal and Policy Framework, and mention that a higher level of facilitation is possible;

- (d) Chapter 1, Introduction: Regarding Legal and Policy Framework (1.4): title changed, insertion of a reference to the Act and Regulations, insertion of a reference to the EAC Treaty, and insertion of a reference to the Trade Facilitation Agreement of the World Trade Organization;
- (e) Chapter 2, Coordination of Border Control Agencies: insertion of a new chapter, and inclusion of text on lead agencies from the previous version of the Regulations;
- (f) Chapter 3, Principles: moving of the subsection on implementation to Chapter 5 on Border Clearance Procedures
- (g) Chapter 4: insertion of streamlined text on signage from the previous version of the Regulations;
- (h) Chapter 5, Border Clearance Procedures: changing of the order of the sections on the subject matter of border control; insertion of text from the previous section on Implementation of OSBP Principles at the end of this chapter, in new sections on alternative control modalities and special situations; and insertion of introductory language on single window;
- (i) Chapter 7, Activity of Facilitation Agents and Other Service Providers in the Control Zone: insertion of text from the previous version of the Regulations;
- (j) Chapter 8, Jurisdiction: changing of title from Extraterritorial Jurisdiction, and insertion of wording from the previous version of the Regulations; and
- (k) Chapter 9, OSBP Management: in section 9.2, changing of title to OSBP Facility Management, renaming of subsection 9.2.1 from Overview to Components of OSBP Facility Management, insertion of wording from the previous version of the Regulations subsection 9.2.1, addition of a new subsection 9.2.2 containing the second part of the former overview section as distribution of responsibilities, insertion of language from the previous version of the Regulations in subsection 9.2.3, addition of a new subsection 9.2.4 on Duty of Care with insertion of language from the previous version of the Regulations, insertion of language from the previous version of the Regulations in section 9.3 on Maintenance of Peace, Law and Order, Health, Safety and Security, and Traffic Management in the Control Zone, insertion of language from the previous version of the Regulations in section 9.4 on Traffic Regulations; and
- (l) Chapter 11, Communication: insertion of language from the previous version of the Regulations.

C. Recommendations

11. The TWG Meeting agreed that the text of the Procedures Manual revised based on the recommended new overall structure of the Manual, and including various technical and editorial suggestions of the TWG Meeting, be presented to the RTC Meeting to follow.

12. The TWG Meeting recommended that the ICT requirements called for by Section 22 of the EAC OSBP Act be developed by the Partner States. A useful reference is Schedule 3 of the previous version of the draft OSBP Regulations (2015), Third Schedule, Regulation 15, Border Operations ICT Guidelines.

III. Regional Technical Committee Meeting (13-14 July 2017)

A. Opening

13. Mr. Stephen Analo, Customs Training Expert, Directorate of Customs, East African Community (EAC) Secretariat, on behalf of the Secretary General, EAC, welcomed the participants to the meetings (i.e., the Technical Working Group Meetings and the Regional Technical Working Group Meetings). The EAC Legal and Judicial Committee revised the Regulations considering that some items were covered elsewhere (e.g., in the EAC OSBP Act) and therefore did not need to be included in the Regulations. He noted that the meeting is to align the Procedures Manual with the Regulations to enable users to apply the Regulations correctly. In addition, he thanked JICA for supporting this program as well as other activities both at the regional and the country levels. Also, he expressed appreciation to the Republic of Uganda for hosting the meetings this week. He further reviewed the benefits of OSBPs in reducing unnecessary bureaucracy. Finally, he stated that the goal is to prepare a clean document to submit for final approval according to the processes and procedures of the EAC system.

14. Mr. Yutaka Fukase, Senior Representative, JICA Uganda Office, welcomed the participants. He set out the progress in developing the OSBP Procedures Manual, as set out in paragraph 3. He encouraged the meeting to review the Manual and align it with the OSBP Regulations adopted in April 2017. He urged the delegates to have an open mind because the process of developing procedures should be continuous, to ensure that OSBPs operate with procedures that are not only effective, but relevant to prevailing circumstances. In addition, he urged the delegates to consider simplification of procedures to increase the effectiveness of OSBPs. Finally, he stated that JICA is committed to continue to work with the EAC Partner States to ensure that the EAC region flourishes.

15. Mr. Sylvester Kiwanuka, Regional Manager, South Western Region, Uganda Revenue Authority, Customs, expressed appreciation of the work of the technical team and JICA. He noted that the OSBP Act has already been gazetted and the development of OSBP infrastructure is at an advanced stage, with some OSBPs now operational. It is expected that the RTC Meeting will develop a product that has value today, tomorrow and in the days, months, and years to come. He urged that the document not “water down” the efforts to date, but progress them further. While the infrastructure is in place, it is necessary to eliminate non-tariff barriers at the border. In this respect, the Procedures Manual will be a living document that will be enhanced over time.

16. The bureau was then constituted with Mr. Kiwanuka, Uganda, as chair, and Mr. Emmanuel Kamugisha, Agricultural Infrastructure Officer, Ministry of Trade, Industry and East African Community Affairs (MINEACOM), Republic of Rwanda, as rapporteur. The program was adopted with changes, and the participants introduced themselves.

C. Technical Discussion

17. The RTC Meeting examined the text of the draft Manual, chapter by chapter, section by section, and made the following changes:

- (i) Definition of Terms: changed definition of jurisdiction;
- (ii) Chapter 3, Principles: insertion of introductory language;
- (iii) Chapter 5, Border Clearance Procedures: insertion of introductory language;
- (iv) Chapter 6, Conduct of Officers in the Control Zone: insertion of introductory language and insertion of text on the Code of Conduct for officers from the previous version of

- the Regulations;
- (v) Chapter 8, Jurisdiction: further elaboration of the modality of handover in the subsection on Jurisdiction, and insertion of wording from the previous version of the Regulations in the subsection on Extraterritorial Jurisdiction; and
 - (vi) Chapter 9, OSBP Management: changed title of section 9.1 to Component Parts of OSBP Management, transfer of text of Models of OSBP Management to a new section 9.2 on Management Modes and renumbering of following sections accordingly, retitling of new subsection 9.3.1 from Overview to Components of Facility Management and insertion of wording from the previous version of the Regulations, addition of a new subsection 9.3.2 containing the second part of the former overview section on distribution of responsibilities, insertion of language from the previous version of the Regulations into a new subsection 9.3.3, and addition of a new subsection 9.3.4 on Due Diligence in the Use of Assets with insertion of language from the previous version of the Regulations.

D. Findings and Recommendations

18. The RTG Meeting agreed on a refined draft text of the Procedures Manual for further consideration by the relevant EAC policy organs (**Annex 4a and 4b**, presenting a clean version and version with tracked changes vis-à-vis the version approved by the 5TH RTC Meeting held at Mombasa on 3-5 August 2016).

19. The RTC Meeting concurred with the recommendation of the TWG Meeting that the ICT requirements called for by Article 22 of the EAC OSBP Act be adopted by the Partner States. The RTC Meeting took note of Schedule 3 of the previous draft version of the OSBP Regulations (2015), Third Schedule, Regulation 15, Border Operations ICT Guidelines. The RTC Meeting recommended that the draft OSP ICT Guidelines be referred back to the EAC ICT and Legal Experts for further review and recommendations on the way forward.

20. Specifically, the RTC Meeting recommended that the Regional Oversight Committee of the East African Trade and Transport Facilitation Project (EATTFP) recommend to the Sectoral Council on Trade, Industry, Finance and Investment (SCTIFI) to:

- (i) consider and adopt the aligned draft of the EAC One Stop Border Posts Procedures Manual (**Annex 4a**);
- (ii) direct the EAC Secretariat to convene a meeting of ICT, OSBP, and Legal Experts to further review the OSBP ICT Guidelines;
- (iii) direct the EAC Secretariat to convene a meeting of experts to review and develop instruments on (a) institutional arrangements, (b) treatment of asylum seekers, (c) disaster management, (d) emergency contingency plans, and (e) business continuity plans, to support the operationalization of OSBPs;
- (iv) direct the EAC Secretariat to submit to Partner States the OSBP Act, signed instrument of commencement of the Act, and approved OSBP Regulations 2017; and
- (v) direct the Secretariat to mobilize resources for printing and distributing the OSBP Act, Regulations, and the Manual to stakeholders.

E. Closing Remarks

21. Mr. Hosea Nyangweso, Principal Civil Engineer, Directorate of Infrastructure, East African Community (EAC) Secretariat, observed that the process is now nearing completion. He noted that the Secretariat relies on the expertise of the Partner States, which has been generously provided. He thanked JICA and PADECO for their continued support for the

process, with support for an Extraordinary RTC Meeting. He stated that the revised draft of the Procedures Manual meets the threshold requirement required by the Council to support implementation of the OSBP Act. He expressed his hope that the Regional Oversight Committee will be held soon and other meetings will follow. He stressed the importance of regional training so that the full spectrum of border management officials are sensitized. Finally, he noted that a Phase 2 of OSBP projects is expected to move forward with items not include din Phase 1.

22. Mr. Musiige Sam, Principal Commercial Officer, Ministry of East African Affairs, Uganda, thanked the participants for their active participation in the meeting. He also thanked the EAC Secretariat and JICA for their strong support.



**7TH MEETING OF THE REGIONAL TECHNICAL COMMITTEE
ON ONE STOP BORDER POSTS TO ALIGN THE DRAFT EAC OSBPs
PROCEDURE MANUAL TO THE EAC OSBP REGULATIONS, 2017**

11TH – 14TH JULY, 2017, KAMPALA, UGANDA

Report of the Meeting

**EAC SECRETARIAT
Arusha, Tanzania
July, 2017**

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1.0 INTRODUCTION

1.1 Background

The Meeting of the Regional Technical Committee to align the draft EAC OSBPs Procedures Manual to the EAC OSBP Regulations, 2017 was convened in accordance with EAC Calendar of activities for the period of July – December, 2017 and in accordance with the directive of 35th Council of Ministers meeting held in April 2017. The meeting was attended by delegates from all the Partner States, Officials from the EAC Secretariat, JICA, PADECO, FEAFFA, WCO and TradeMark East Africa (TMEA). The list of Participants is attached herewith as *Annex I*.

1.2 Adoption of the meeting Programme

The meeting programme was adopted with amendments and is attached as *Annex II*.

1.3 Constitution of the Bureau

As per the Rules of Procedure for EAC meetings, the meeting was chaired by Mr. Sylvester Kiwanuka, Regional Manager South Western, Uganda Revenue Authority, Republic of Uganda and the Rapporteur was Mr. Emmanuel Kamugisha, Infrastructure Officer, Ministry of Trade Industry and EAC Affairs, Republic of Rwanda.


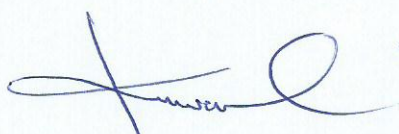
1.4 Opening Remarks

1.4.1 EAC Secretariat


Mr. Stephen Analo, Customs Training Expert, on behalf of the Secretary General, welcomed delegates to Kampala, Uganda and specifically to the meeting to align the EAC OSBPs Procedures Manual to the EAC OSBP Regulations, 2017.

He thanked JICA for being a valuable development partner for supporting a number of programmes and projects in the EAC region, including development of the EAC OSBP Infrastructures, EAC OSBP Act, 2016, and the draft EAC OSBP Procedures Manual. He also thanked the government and peoples of Uganda for hosting the meeting and the warm reception and hospitality accorded to delegates from the time they arrived in Uganda.

He reminded the meeting that implementation of OSBPs will facilitate trade through reduction of time and fast clearance of persons and goods.



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He brought to the attention of the meeting that the the 34th meeting of the Council of Ministers held in September, 2016 declared 1st October, 2016 as a date of coming into force of the EAC One Stop Border Posts Act, 2016; and the EAC OSBP Regulations were approved by the Council and the meeting was supposed to align the previous developed EAC OSBP Manual to the Regulations as per directive of 35th Council of the Ministers held in April, 2017.

1.4.2 The Chairperson

The Chairperson welcomed delegates to Kampala, Uganda and to the meeting of the Regional Technical Committee on One Stop Border Posts. He thanked the JICA for the support in development of EAC OSBPs infrastructures. He also thanked the EAC Secretariat for convening the meeting. He emphasised that trade facilitation is key and in this regard, we must embrace the concept and practice of OSBP. He said that trade facilitation requires proper understanding of the law, regulations and the procedures manual. He expressed his expectation that the region will embrace the concept of continuous improvement so as to keep the OSBPs relevant and beneficial to the region. He finally wished delegates fruitful deliberations.

1.4.3 JICA Senior Representative

Mr. Yutaka Fukase, Senior Representative, JICA Uganda Office, welcomed the participants to the meeting. He set out the progress in developing the OSBP Procedures Manual. He noted that the meeting is to review the Procedures Manual and align it with the OSBP Regulations adopted in April, 2017. He encouraged the delegates to have an open mind since reviewing and aligning of procedures is a continuous process that will ensure that OSBPs operate with procedures that are not only effective, but relevant to prevailing circumstances. He further urged the delegates to consider simplification of procedures to increase the effectiveness of OSBPs. He submitted that JICA is committed to continue working with the EAC Partner States to ensure that the EAC region flourishes.

2.0 ALIGNMENT OF DRAFT EAC OSBPs PROCEDURES MANUAL TO EAC OSBPs REGULATIONS, 2017

The Experts considered and aligned the draft EAC OSBPs Procedure Manual to EAC OSBPs Regulations, 2017. The experts deliberated on the process of aligning the draft procedures manual as follows:

- i) Took stock of the background to the development of the EAC OSBP Act, Regulations and draft Procedure Manual;
- ii) Considered a presentation on the draft text and aligned to the Regulations 2017;

- iii) Cross checked the draft procedure Manual against the EAC OSBPs Regulations, 2017;
- iv) Developed the structure of the aligned draft OSBP Manual; and
- v) Consultants incorporated the inputs of the experts and produced a refined draft text in the adopted structure.

The aligned draft EAC OSBPs Procedure Manual is hereto attached as **Annex III** and the final draft will be sent to Partner States by 21st July 2017.

3.0 OSBP INFORMATION COMMUNICATION TECHNOLOGY GUIDELINES

During the meeting it was recalled that the Draft OSBP manual was submitted alongside draft OSBP ICT guidelines as provided for in the sections 21 and 22 of the EAC OSBP Act, 2016. However, the adopted OSBP Regulations did not cover the ICT regulation. The meeting recommended that the developed OSBP ICT guidelines be referred back to the ICT, OSBP and legal experts for further review and recommendations on the way forward.

4.0 OBSERVATIONS

The meeting observed that there are institutional and functional areas are important for operationalization of the OSBPs and are not fully covered in the regulations 2017 and the draft procedure manual. These include the following;

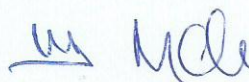

- a) Institutional arrangement
- b) Treatment of asylum seeker
- c) Disaster management;
- d) Emergency contingency plans; and
- e) Business continuity plans.

The experts proposed that the relevant instruments be developed to support the operationalisation of the OSBPs.

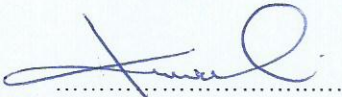
Recommendations:

The Regional Technical Committee on One Stop Border Posts (OSBPs) recommends to Regional Oversight Committee of the East African Trade and Transport Facilitation Project (EATTFP) to recommend to SCTIFI to:

- a) Consider the aligned draft of the EAC One Stop Border Posts Procedures Manual attached as Annex III;
- b) direct the Secretariat to convene a meeting of ICT, OSBP and legal experts to further review the OSBP ICT Guidelines; and
- c) direct the Secretariat to convene a meeting of experts to develop and review instruments in 4.0 above to support the operations of OSBPs.



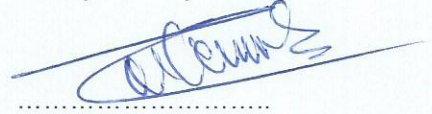
Signed at Kampala by the Leaders of Delegation this 14th Day of July, 2017.



Sylvester Kiwanuka
Regional Manager South Western
Uganda Revenue Authority



Francis Dusabe
Legal Advisor,
Directorate General of
Immigration and Emigration

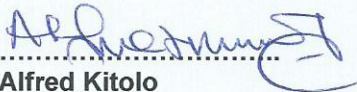


Nkurunziza Salvator
Central Commissioner in
charge of Borders, Migration
Department
Ministry of Public Security

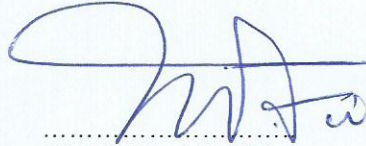
Republic of Uganda

Republic of Rwanda

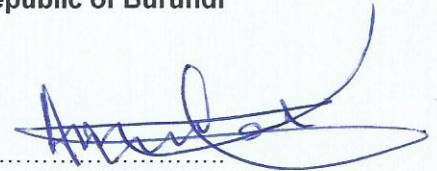
Republic of Burundi



Alfred Kitolo
Director, East African Community
Integration
Ministry of East African
Community,
Labour and Social Protection



Dili Richard R. Mikaya
Director General for
Administration
And Finance,
S. Sudan EAC



Eng. Abdillah M. Mataka
Assistant Director (Economic
Infrastructure),
Ministry of Foreign Affairs, &
East African Cooperation

Republic of Kenya

Republic of South Sudan

**The United Republic of
Tanzania**



EAST AFRICAN COMMUNITY

**REPORT OF THE EAST AFRICAN TRADE AND TRANSPORT FACILITATION
MEETING ALIGNED ONE STOP BORDER POST MANUAL**

2nd to 3rd November 2017

IMPERIAL ROYALE HOTEL

KAMPALA

UGANDA

**EAC SECRETARIAT,
ARUSHA, TANZANIA
NOVEMBER 2017**

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1.0 INTRODUCTION

The East African Trade and Transport Facilitation Project (EATTFP) High Level Meeting on One Stop Border Post (OSBP) Manual was held in accordance with the EAC calendar of activities for July –December 2017. The purpose of the meeting was to validate and endorse the OSBP Manual aligned to OSBP Regulations as adopted by the 35th Council of Ministers during its meeting held in April 2017. The EATTFP meeting was attended by officials from all Partner States, Federation of East African Fright Forwarders Association (FEAFFA) and Japan International Cooperation Agency (JICA). The list of delegates is attached hereto as **Annex I**.

1.1 Constitution of the Bureau

As provided for under the EAC Rules of Procedure, Mr. Joseph Etomet, Republic of Uganda, chaired the meeting, while Mr. Jean Bagabo, Republic of Rwanda, was the rapporteur.

1.2 Adoption of the Agenda

The agenda for the meeting was to validate OSBP Manual aligned to the adopted EAC OSBP Regulations.

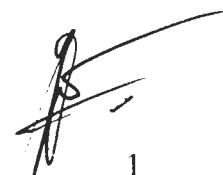
2.0 OFFICIAL OPENING

2.1 REMARKS BY HOST COUNTRY

On behalf the Republic of Uganda, Mr. Joseph Etomet, welcomed the delegates to Uganda and to Kampala in particular. He informed the meeting that the Republic of Uganda was honored to host this important meeting. He underscored the importance of the process of validating the draft OSBP Manual to facilitate the implementation of the OSBPs in EAC. He urged the delegates to dedicate themselves to the assignment before them. He wished them fruitful deliberations.

2.2 REMARKS BY EAC

On behalf of the Secretary General, East African Community, the Capacity Building Expert, Mr. Stephen Analo welcomed the delegates to the meeting and recognized JICA for the continuous support in the development of the OSBP Manual. He informed the meeting that the OSBP Act has been assented to, the OSBP Regulations have been adopted by the Council and the OSBP Manual has been realigned to the OSBP Regulations. He stressed that the purpose of EATTFP High Level Meeting was to validate the OSBP Manual for submission to Sectrol Council on Trade, Industry, Finance and Investments (SCTIFI) for adoption. He wished the delegates fruitful deliberations.


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2.3 REMARKS BY JICA REPRESENTATIVE

On behalf of JICA, Representative of JICA, Uganda Office, Mr. Saito Shinichi, welcomed delegates to the meeting of the EATTFP and appreciated the Republic of Uganda for hosting the meeting. He informed the meeting that under the Project on Capacity Development for International Trade Facilitation in the Eastern African Region, JICA has been supporting development programmes including the OSBP, formulation of OSBP source book, upgrading major economic infrastructure like ports, roads and bridges.

He informed the delegates that he was aware the output of the high-level meeting would soon be submitted to the SCTIFI for adoption and expressed his confidence that the delegates would validate and endorse the OSBP Manual as expected. He reiterated JICA's commitment to EAC regional integration efforts and continued working relationship.

3.0 VALIDATION OF THE OSBP MANUAL

In accordance with the SCTIFI directive for the OSBP Manual to be aligned to the adopted OSBP Regulations, the meeting undertook a detailed examination of the OSBP manual and refined the document by making improvement on various aspects of the draft text of the OSBP Manual. The items that were identified by the delegates and incorporated by the consultants are hereby attached as **Annex II**. The refined draft OSBP Manual is hereby attached as **Annex III**.

Recommendation:

The EATTFP recommends to SCTIFI to consider and approve the Re-aligned OSBP Manual for application in the operations in the OSBPs.

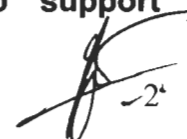
2.4 OBSERVATIONS

In the course of deliberating and refining the OSBP Manual the meeting observed that there are important additional institutional and functional areas for operationalization of the OSBPs that are not fully covered in the OSBP Regulations 2017 and the aligned OSBP Manual: These include:

- a) Institutional arrangement;
- b) Treatment of asylum seekers;
- c) Disaster management;
- d) Emergency contingency plans, and;
- e) Business continuity plan.

Recommendation:

The EATTFP recommends to SCTIFI to take note of the above and direct Secretariat to develop instruments as per 3.2 above to support operationalization of OSBPs.



ANY OTHER BUSINESS

There being no any other business, the meeting ended at 1700hrs.

Signed by the respective Heads of Delegation, this 3rd day of November 2017:

Mr. Armstrong Turyakira
REPUBLIC OF UGANDA


.....

Mr. Francis Dusabe
REPUBLIC OF RWANDA


.....

Mr. Nkurunziza Salvator
REPUBLIC OF BURUNDI


.....

Mr. Alfred Kitolo,
REPUBLIC OF KENYA


.....

Lt. General Dominic Malong Agar
REPUBLIC OF SOUTH SUDAN


.....

Mr. Qamdiyay Patrick Akonaay
UNITED REPUBLIC OF TANZANIA


.....