ENHANCING THE MOBILITY OF PEOPLE AND GOODS AT BORDERS

IMPLEMENTING ONE-STOP BORDER POSTS AND OTHER BORDER IMPROVEMENT MEASURES

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1.0 Introduction

Regional Economic Communities (RECs) in Africa are intensifying economic integration through the promotion of market integration, infrastructure and industrial development. However, in order to enhance market integration and industrial development, improving the performance of transport corridors has been identified as a key driver. And as such, it is expected that the efficiency and reliability of transport corridors will be achieved through, among other activities, by addressing infrastructure limitations, operational inefficiencies, better policies and procedures, corridor institutional development and the promotion of coordinated approaches to planning, programming and financing.

Below are some of the benefits of regional integration and trade facilitation:

a) Improved coordination and streamlining of roles and responsibilities among border agencies.

b) Better security of international transactions through strengthened control of high risk transactions.

c) Increased government revenues.

d) Improved trade and increased economic growth through enhanced competitiveness.

e) Predictable and faster movement of goods.

f) Reduction in the costs of doing business.

g) Reduced corruption due to more efficient, transparent and simplified systems.

Whereas most countries in Africa have expressed interest in adopting and implementing measures to facilitate trade and enhance the mobility of people, usually through bilateral, regional and multilateral agreements, the challenge faced by most of them is the lack of capacity to uniformly implement the agreed activities. Since countries are at different levels of development, priorities on which measures to implement and availability of technical capacity to guide the process tend to differ as well.

One of the popular initiatives for improving the performance of transport corridors in Africa is the establishment of One Stop Border Posts (OSBPs). A significant portion of delays on the corridors is attributable to the inefficiencies and complexities of procedures at border posts. Merging two stops into one and consolidating functions in a single public facility for exiting one country and entering another reduces travel time for both passenger and freight vehicles. In this manner, OSBPs facilitate the mobility of persons and cargo, thereby reducing the cost of transport for shippers and ultimately the cost of goods to consumers.
2.0 Current Status of Border Posts in Africa

Most of the border posts in Africa are characterised by old dilapidated structures that are often separate, put up by each agency and usually inappropriate for enforcing modern security controls and current trade facilitation requirements. In addition to inadequate lighting, most border posts do not have suitable facilities for easy processing of passengers and their baggage nor do they have appropriate storage facilities for detained cargo. The absence of standard signage to guide members of the public crossing the border does not help matters either.

Increasingly, the number of government agencies operating from borders has also gone up with most posts having an average of about ten agencies on each side often going about their business in an uncoordinated fashion. It is also common practice to find the agencies on one side of the border and across the border observing different hours of operation. In a lot of countries, the lack of a clear policy on a lead agency and later on the role of such an agency simply adds to the myriad of factors contributing to the inefficiencies associated with these borders. Limited application of ICT based solutions by most agencies coupled with low skills levels, particularly, among private sector staff is also typical of borders in Africa. In some cases, the porous nature of the borders lends itself to total disregard of border procedures by members of the public. Communities close to the borders are notorious for this trend.

3.0 Rationale for Establishing One-Stop Border Posts & Potential Benefits

3.1 Definition of a One-Stop Border Post

According to the OSBP Source Book (May, 2011) an OSBP is defined as a border post that combines two stops for national border control processing into one and consolidates border control functions in a single public hall for exiting one country and entering another. Simplified procedures and joint processing are considered as key elements of an efficient and effective OSBP.

3.2 Rationale & Benefits

Currently, there are several regional groups in Africa with different levels of integration. The creation of regional economic communities was viewed as a solution to the prevalence of small domestic markets, feeble productive structures and frequent conflict and political volatility on the continent. Despite the existence of these economic and political communities in Africa, the continent is yet to fully achieve the benefits of improved trade and mobility of people. One of the main challenges facing
Africa today is how to improve the processes of moving goods, services and people across national boundaries.

The logistics industry in Africa still largely performs poorly when compared to other parts of the world. As a result, markets have remained fragmented and small in size. Further, the difficulties associated with crossing borders in Africa also affect the development of regionally integrated industries and supply chains. Tariff and non-tariff barriers coupled with high transport costs also impede economic growth on the continent.

In order to mitigate the high costs to goods and services that are caused by border delays, countries in Africa are increasingly adopting joint border controls with harmonised and simplified procedures. Through the establishment of OSBPs, the mobility of people and movement of goods is accelerated by combining border clearance functions in a single locality that utilises economies of scale with basic yet effective border procedures that foster increased cooperation and coordination of controls. Further, through the exchange of operational data and implementation of sound risk management systems that promote exchange of operational data and sharing of intelligence information, the establishment of OSBPs helps in fostering peace, security and economic growth.

4.0 Process and Key Elements for Establishing OSBPs

4.1 Baseline Surveys and Border Performance Monitoring Activities

It is always advisable that prior to the commencement of activities to convert a two-stop border post into a one-stop border, a strong case for supporting the project should be established. This is important for justifying the level financial investment that may be required for infrastructural development and acquisition of attendant equipment. It is also critical for supporting the necessary legislative changes that may be required for extra-territorial application of national laws. The collection of baseline information on such aspects as traffic volumes and processing times for both cargo and travelers facilitates the measurement of costs against benefits. Baseline data provides the platform for gauging the impact of an OSBP and other trade facilitation and mobility enhancing measures necessary for political buy-in. Baseline data and trend analysis also informs the design and capacity requirements for OSBP facilities.
4.2 Legal Framework

Under international law, it is generally agreed that the application of national laws is limited to the territory of a State. In order to circumvent this principle, the OSBP concept relies on the notion of extraterritoriality which allows a State to extend the application of specific national laws to a place located outside its own territory. Therefore, extra-territorial application of laws is an exception to the above stated legal principle. Under the OSBP concept, it is vitally important to clearly describe which national laws apply extraterritorially and to specify the locations where such laws would be applicable.

Correspondingly, as with the said principle of territorial application of national laws, officials of a State are limited, in the execution of their duties and enforcement of their national laws, to within the territory of that State. The conduct of official duties and application of the national laws in the territory of another State has to be agreed upon between the two States and endorsed by such other State with regards to its own national laws. As a result, good practice demands that a detailed analysis of legislation governing the operations of border agencies should be undertaken in readiness for the establishment of an OSBP.

4.3 Infrastructure and Equipment

Changing a traditional two stop border post to an OSBP demands a certain level of infrastructural development to suit OSBP operations and traffic flow patterns. The design and layout of border facilities should facilitate seamless flow of traffic while encouraging inter-agency cooperation. Care should be taken to ensure that the design of OSBP facilities is aligned to the border process flows. In instances where the construction of border facilities is a green field project, the costs for infrastructure can be significant.

With the ever increasing number of volumes of cargo and travellers passing through borders, the use of technical solutions for quicker clearance and enhanced transparency is also on the increase. Such technology includes the use of scanners.

For customs authorities, the use of scanners speeds-up the clearance process while minimising the occurrence of corrupt activities. In the process, revenue collection is also enhanced. Due to faster clearance time, the turnaround time for transporters is improved. In the same breadth security
authorities use scanners for improved border protection against terrorist activities.

In order to complement the use of scanners, it is also a good practice to consider adopting modern truck weighting technology for weighbridges. In this regard, weighing-in-motion systems greatly contribute to cutting down on dwell time at borders and ports. The new electronic weigh-in-motion weighbridges have more accuracy, flexibility and adaptability with other computer based technologies used in border management.

In some countries, the use of closed circuit television (CCTV) at border crossing points has also heightened transparency and security in border operations. Combined with effective risk management systems, CCTV is an effective non-intrusive way of policing border posts.

The need for appropriate inspection bays, loading and off-loading equipment and suitable storage facilities should also enhance faster clearance of goods at the border crossing points. Consideration should be given to providing apt parking facilities for dangerous cargo, perishables and abnormal/wide loads.

4.4 Procedures and Processes

To the greatest extent possible, traffic flow patterns and clearance procedures should influence the design and layout of an OSBP. A border business re-engineering exercise should be undertaken with a view to simplifying inter and intra agency processes. In addition, the border processes for the two adjoining states should be aligned and harmonised to eliminate duplications and redundancies. The OSBP process maps should cover all agencies at the border in a manner that encourages forward movement of cargo and persons.

Furthermore, it is widely believed that contemporary border management is anchored on receiving, analysing, processing and sharing information. For this reason, appropriate ICT systems and connectivity are fundamental to enhancing efficiency and effectiveness, both at a domestic and international level and among the different agencies at the border. Preferably, the ICT requirements for OSBP should be considered from the beginning of the project and the adoption and implementation of systems should deliberately mirror and support the modified border procedures.
4.5 Project Implementation Institutional Arrangements

For purposes of ensuring that all the salient aspects for establishing an OSBP are taken care of, it is useful to create implementation structures at the commencement of the project. The structures should be comprised of task groups responsible for specific aspects or phases of the project. There is also need to establish a body to provide policy guidance, political support and lobby for financial support where required. Such a level is typically made up of senior government officials at the level of ministers or their equivalent.

5.0 Integrated Border Management

Though the responsibility to protect national interests at the border is vested in various border agencies that include immigration, police, state security, customs and the agencies responsible for sanitary, phyto-sanitary and technical standards, experience has shown that the results of individual border agencies generally improve when their level of cooperation is enhanced. To this effect, most OSBP projects are now incorporating the adoption of Integrated/Coordinated Border Management (I/CBM) principles and single window concepts.

In the 2008 Customs in the 21st century strategy document, CBM is described as coordinated border management that entails coordination and cooperation among all the relevant authorities and agencies involved in border security and regulatory requirements that apply to passengers, goods and conveyances that are moved across borders. In accordance to European Union guidelines on IBM, the three levels of cooperation that form the key pillars of IBM are intra agency cooperation, inter agency cooperation and international cooperation.

5.1 Intra Agency Cooperation

Intra agency cooperation refers to well-organized internal cooperation and management of processes, information and resources within a ministry or government department responsible for specific functions. Such levels of cooperation could be vertical in nature between local, regional and central levels as well as horizontal between different units of the same level.
5.2 Inter Agency Cooperation

As the name sounds, inter agency cooperation refers to horizontal coordination and cooperation between different agencies responsible for implementing related border management activities. These agencies could be at a local, regional or central level. In addition, the areas of cooperation range from day-to-day formal or information exchanges on operational matters to strategic short and long term plans on border management matters. This level of coordination is aimed at minimising policy discrepancies that could easily confuse members of the public. One of the major challenges to inter-agency cooperation at the borders is attributable to the different authority levels of officers working for different agencies. How can we ensure that officers give each other mutual recognition and professional regard in the spirit of coordination and cooperation? To what extent can an officer from one agency influence the work ethic of another independent agency outside the provisions of the IBM framework?

5.3 International Cooperation

International cooperation in the context of Integrated Border Management involves cooperation among border agencies of the adjoining states. Similar to the other levels of cooperation, international cooperation could be at the local level at the border, bilateral level between the two countries or at a multinational stage. Strong international cooperation on border management issues is a useful way for enhancing trade and for dealing with cross-border crime and irregular migration. The difficult with achieving this ideal level of international cooperation is particularly acute in instances where a country shares a border with a failed state. A lot of such great initiatives are relegated to the sidelines in pursuit of narrow or self serving interests. What options would the neighbours have in such circumstances?

In the quest for excellence in border management, it is important to bear in mind that continuous reform is an important element largely due to the changing and shifting nature of border challenges. Based on this notion, IBM should not be considered as end in itself but rather as a means for identifying challenges and building responsive solutions.
6.0 Borders and the Rights of Vulnerable Groups

According the United Nations Office of the Commissioner on Human Rights, about 214 million people live outside their country of origin (www.ohchr.org: 24 June 2013). A significant number of these people migrate in search of protection. It is this regard that, borders being points of entry and exit are inextricably involved in ensuring that states uphold the rights of vulnerable people while at the same time securing the borders of their states. In line with internal law, border officials have a responsibility to observe the internationally guaranteed rights of all persons, to protect those rights against abuses, and to fulfill the rights necessary for them to enjoy a life of dignity and security as they cross borders. Beyond the routine operational skills, how conversant are border officials in matters of human rights?

On the other hand, observing and applying the principles of good governance that are anchored on transparency, democracy, accountability, integrity and tolerance of diversity in the management of national affairs has a positive effect on the incidence of forced migration. Robust early warning systems and preventive diplomacy at local, regional and international levels are also critical practices that enhance sound border management.

While there is no single solution to human trafficking due to the complex nature of factors that usually work in combinations, border control measures cannot solely eliminate trafficking and smuggling of human beings. Similarly, a legal mechanism that depends entirely on one type of legislation would equally be insufficient. Therefore, an effective mechanism must use a fine balance of punitive measures with protection of human rights, effective border controls and address the genesis of irregular movements. In the realm of international cooperation, these measures must ordinarily be agreed and coordinated between origin, transit and destination countries.

7.0 Conclusion

As with most trade facilitation measures, establishing a one-stop border post is a multi-sectoral venture that should take into consideration all the stakeholders needs and inputs. However, identifying a lead agency early on in the project is a prudent way of managing implementation and post implementation management and operational issues. It should also be borne in mind that establishing a one-stop border post is not a panacea to border management challenges but an initiative that should be balanced with investments in areas such as modern equipment and appropriate ICT, continuous training and
capacity building, implementation of responsive risk management systems and supportive policy and legislative frameworks.

Further, for one reason or the other, not all border posts in Africa should be converted into One-Stop Border Posts. By simply streamlining procedures, organizing traffic circulation systems and re-enforcing already proven border management practices such as pre-clearance and the use of effective early warning systems in monitoring conflict goes a long way in enhancing trade and improving the mobility of people.

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