

## One Stop Border Posts<sup>1</sup>

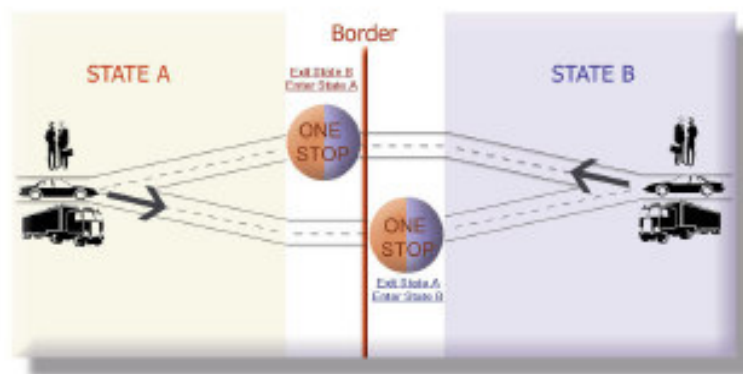
A One Stop Border Post (OSBP) is where persons, vehicles and goods make a single stop to exit one country and enter another. Generally, its implementation includes simplification of documents and procedures and greater use of ICT.

The one stop border post concept was first experimented with during World War I in France. Implementation began in earnest in the late 1940s in Europe and the US. Three main forms have been used.

### Models:

**Juxtaposed facilities** – Where existing border posts are in good condition or where the border is a river, mountain or other natural obstacle, juxtaposed facilities are the best model. Vehicles bypass the facility in the exit country and go directly to the entry country to carry out both exit and entry procedures.

#### Juxtaposed Facilities

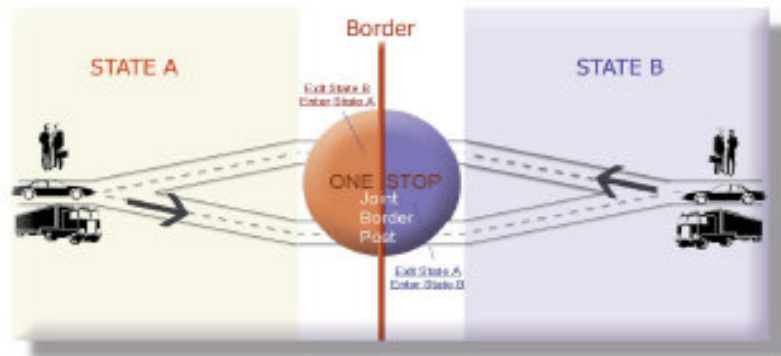


**Straddle facility** – Where the geography permits, a facility can be built that straddles the border thereby allowing a single facility where border officials operate on their own territory. Since joint inspections is often a feature of one stop border posts, a law enabling officers to operate on the territory of the adjoining state may still be required.

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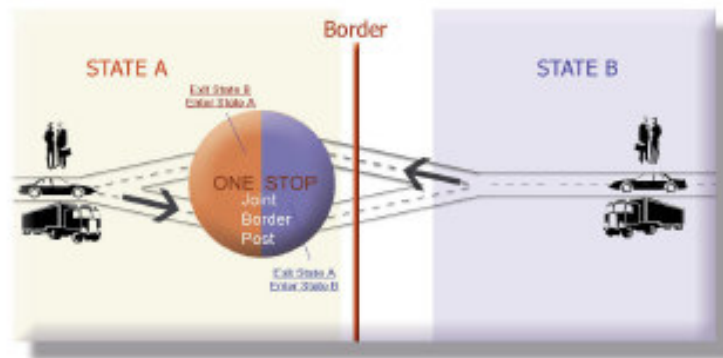
<sup>1</sup> The graphics in this section were developed under a contract between the Japan International Cooperation Agency (JICA) and Corridor Development Consultants (a Namibian company) for an OSBP Feasibility Study for Namibia-Zambia and Namibia-Angola and implementation of the legal framework and training for an OSBP on the Zambia-Zimbabwe border.

### Straddling Facility



**Common One Country Facility** – Where cooperation and trust between countries is strong, a single building can be constructed in one of the border countries to house officers from both countries for carrying out border controls.

### Single Facility in One Country

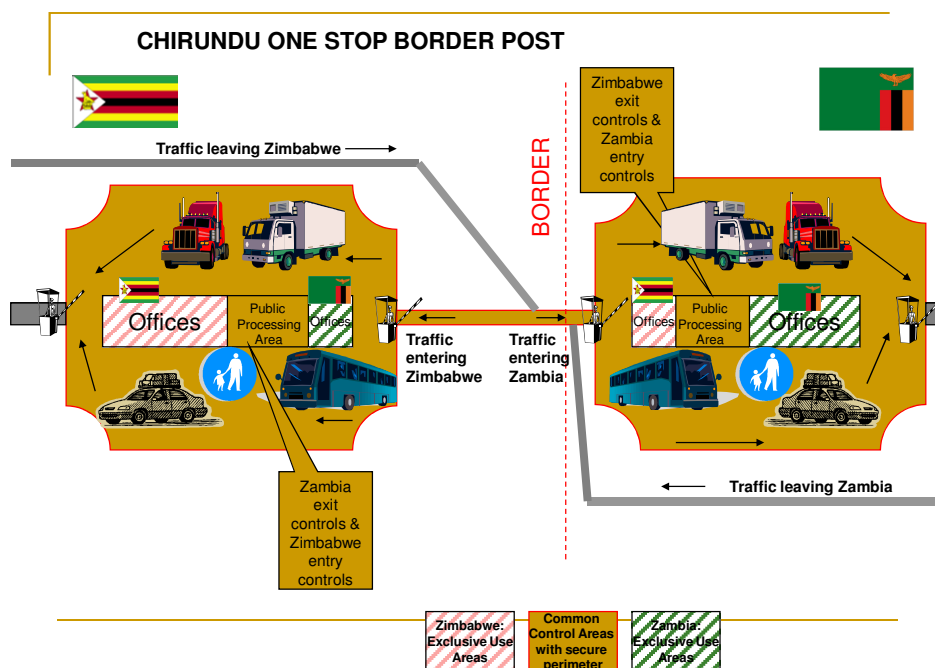


### Basic OSBP Operating Principles:

- The country of entry hosts officers carrying out exit procedures so that the entire exit and entry process occurs in one common control zone.<sup>2</sup>
- Entry procedures cannot begin until all exit procedures are completed and jurisdiction has formally passed from the exit state to the entry state. This is to avoid any conflict over jurisdiction within the OSBP.
- Officers carry out their own border control laws even when acting in the adjoining country, but only within the common control zone established by a bilateral agreement between the border countries.

<sup>2</sup> Exit and entry procedures can also be carried out in the exit country, but since the entry procedures are more extensive and involve collection of revenue, location of the one stop border in a secure control zone in the country of entry is generally preferred.

- A law establishing extraterritoriality authorizes officers to carry out exit procedures in the adjoining country.
- Wherever possible, inspections and other procedures are carried out jointly to increase effectiveness and save time.
- Working in close proximity encourages cross-border risk assessment of persons and goods.
- Simplification of documents and procedures as well as harmonization of regulations occur more readily in an OSBP and increase its benefits.
- Sequencing of procedures and minimizing distance between them reduce the time spent by officers and border users.
- The figure below illustrates the operational setup in an OSBP using the facility being developed on the Zambia – Zimbabwe border as an example.



### Legal Framework:

It is necessary to develop a legal framework that empowers border officials to operate in the adjoining state and to host foreign officials on their territory. It will also need to address a variety of operational issues. The legal framework being implemented in Southern Africa is described below.

1. A law passed by the national legislature which does 4 things:

- a. Allows border officials to execute their national controls within a common control zone in the adjoining state
- b. Allows countries to host foreign border control officials to execute their controls within a common control area in their state
- c. Supersedes the laws and regulations governing the location of border control execution for each border agency at those borders where an OSBP is established.
- d. Gives a bilateral agreement signed and ratified by participating governments the force of law.

*Analysis:* Once passed by the legislature, this law can be used for any OSBP designated by the state. It eliminates the need to change every law governing a border control agency and insures that actions taken by border control officers will be upheld in a court of law. An example generic draft (Southern Africa) is attached. It would need to be finalized by national legislative draftsmen so it conforms to national format. The OSBP implementation coordinator should have a spreadsheet of the approval steps for legislation in each participating country, so the process can be monitored and the project lawyer can provide clarification as needed.

2. Bilateral or Multilateral agreement

- a. Defines the common control zone (CCZ)
- b. Identifies the controls to be exercised there
- c. Defines the sequencing of controls
- d. Defines the powers of officers in the host state
- e. Defines the immunities of foreign officers
- f. Establishes the handling of offenses in the CCZ
- g. Determines management and maintenance of facilities in the CCZ
- h. Defines the role of the private sector in the CCZ, etc.

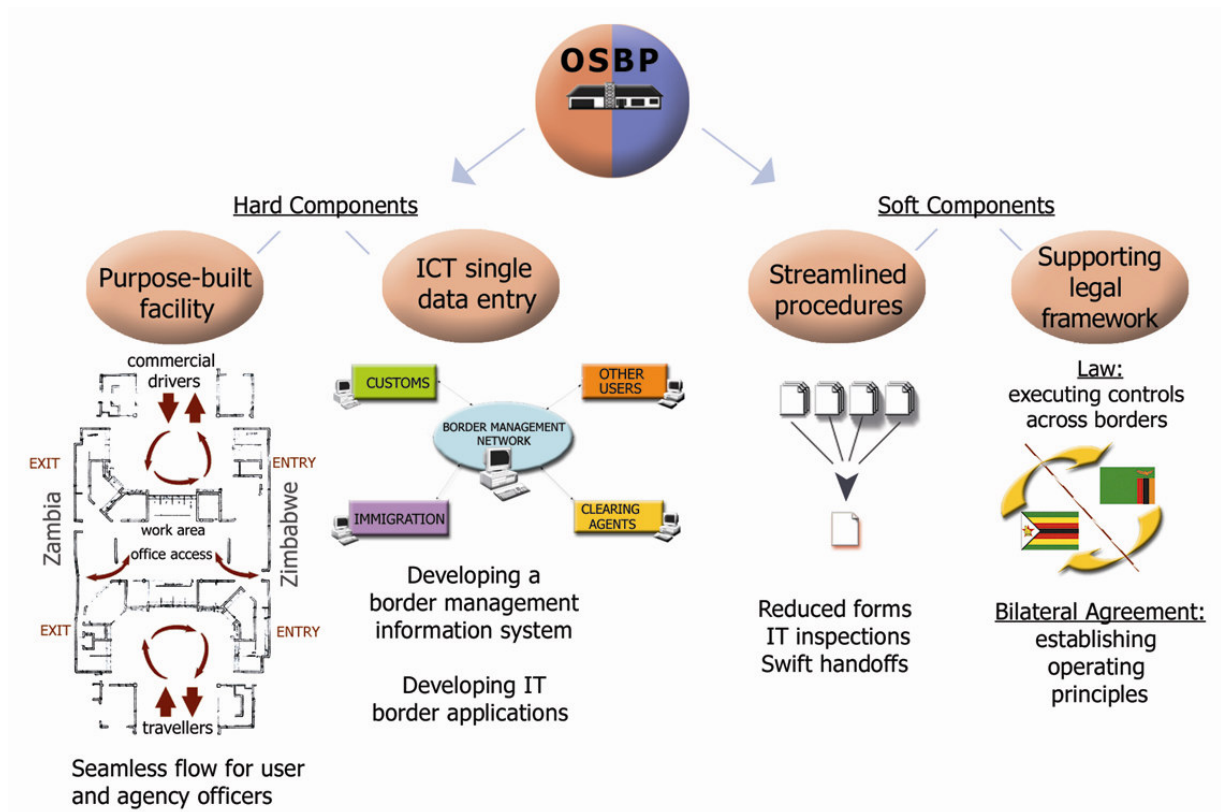
*Analysis:* This document addresses all the operating and jurisdictional issues in the CCZ. It is negotiated among the Ministries involved in the OSBP and the private sector representatives. It can be signed by lead Ministers and then ratified according to national procedures. It may take 6-8 drafts before the concerns of all affected agencies, both public and private, are fully taken

into account in the draft. It should have a provision for amendment and adding schedules, so that it is a flexible document that can respond to issues that arise in the implementation of the OSBP.

The first step in the legal task is to analyze the current laws to determine if this is the best way to enable extraterritorial jurisdiction and foreign hosting. This means doing a review of the laws governing each border agency. It is also necessary to review the legal instruments available to determine the best way of giving OSBP agreements the force of law. There may be other issues such as the electronic sharing of information which also require an agreement or law.

### **Project Design**

When planning to implement an OSBP, four critical components need to be considered. The four aspects are all inter-related and their development should proceed simultaneously with periodic meetings to insure an integrated development of the OSBP. Two are primarily hard components: the physical facilities and traffic patterns and the ICT component which involves computers and inter-connective networks as well as software development. Two are soft components: harmonization of regulations and simplification of documents and procedures as well as the legal framework just discussed. If the maximum benefit is to be achieved, all these aspects must be considered and budgeted for.



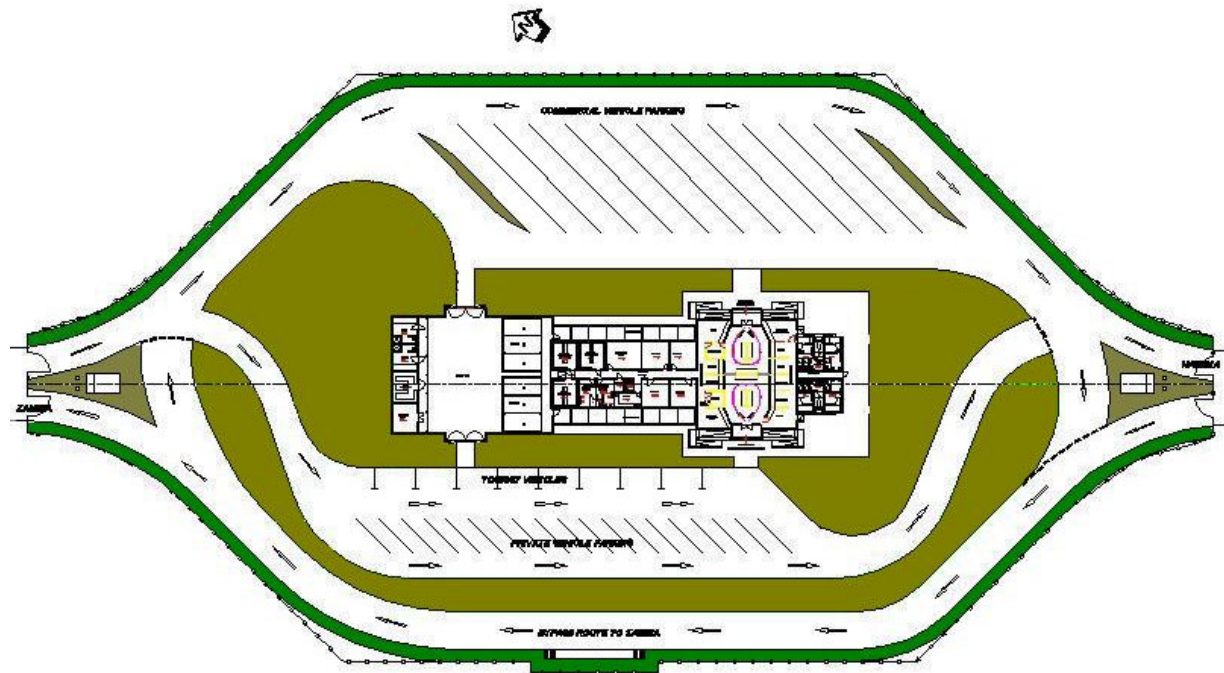
## Physical Facilities

The facilities will depend on

- geographic features (a river or mountain border) may require juxtaposed facilities
- existing buildings in good condition may make redesign and juxtaposed facilities the best option
- traffic volumes and projections will determine the processing requirements and affect facility and traffic flow design
- types of passenger and cargo use will also influence the design

The following OSBP conceptual design is an example of redesigning a traditional border post. The traditional border post would have horizontal counters on each side and one side would serve exiting traffic and the other side entering traffic. The redesign includes rotating the counters to have a circular flow from exiting procedures to entering procedures in the same public hall. The traffic flow is modified to create a bypass lane for exiting traffic to proceed directly to the border and the CCZ. It is suggested that commercial vehicles, which take longer to process, proceed to one side, while passenger vehicles proceed to the other. The entire

facility and connecting road to the other facility is fenced so that once entered the required procedures must be followed. This border does not have heavy traffic and it is therefore assumed that passengers, drivers and freight forwarders will enter the hall to carry out the necessary procedures. A busier border might clear passenger cars in their lanes and have special lanes for pre-cleared trucks. This would avoid congestion at the border as currently exists at many heavily used border posts.



### Procedures:

Ideally, the introduction of an OSBP includes a review of document requirements and simplification of procedures. Often outmoded, inefficient systems remain solely because their impact on trade and transport is not reviewed. It is recommended that the OSBP implementation process begin with a review at the national level of ways to simplify procedures and eliminate unnecessary documents. This should be followed by cross-border meetings to identify cooperative measures to reduce time spent in compliance at the border or in advance. Many agricultural and health controls are international and each border post is attempting to comply with the same measures. They create an excellent opportunity for sharing permits and, when necessary, doing joint inspections. Joint inspections should also be undertaken for customs where unloading and reloading twice at a single border does little to strengthen the control, while causing lost time and potentially damaged goods and unbalanced loads. Joint inspection can follow the basic rule that the exit authorities have jurisdiction first and the entry authorities second. This settles any disputes about who has the authority to confiscate illegal

goods. Task groups from border agencies should review forms, such as immigration that require basically the same information, so that they can be harmonized and information is collected once and exchanged. Once this is done, the next step is to make the entry electronic. Much of the cargo at borders can be pre-cleared in transit countries so that transit trucks can be fast tracked through the facilities. Some customs agencies have introduced tracking devices so that trucks that deviate from the main route can be identified and investigated. Others have a system of accrediting firms which have a clean record of compliance for reduced or zero transit bonds and fast tracking. The above review is then used to design the OSBP procedures. It also forms the basis for the fourth aspect, use of ICT applications.

### **ICT Applications:**

The World Customs Organization and the International Organization for Migration are designing various tools for facilitating cross-border movement. Various off-the shelf software is available. Also the exercise described above will harmonize forms that can then be entered once and shared with agencies along the route. Software can readily allow only authorized users access to particular kinds of information. Risk analysis for various agencies can be widely used to reduce the number of inspections required. They enable control agencies to better control contraband and dangerous goods, while reducing the number of manual inspections. Many countries are introducing scanners. They should be used in conjunction with risk management rather than as a means of inspecting an increased number of vehicles.

### **Implementation:**

Implementation requires using a project management model to insure the integration of tasks. It also requires assigning tasks to specific individuals within agencies with milestones to insure the various tasks stay on target. Internal agency review of recommendations should occur through the process, so that decisions are taken incrementally and buy-in from border agencies is gained during the implementation process.