# Coordinated border management: unlocking trade opportunities through one stop border posts

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## Abstract

With the progress made in liberalising international trade through the reduction in tariff barriers, the focus is shifting increasingly to the removal of non-tariff barriers and the facilitation of legitimate trade. At the same time, border management is becoming more complex and this is compounded by the multiplicity of state agencies involved in that management. The World Customs Organization (WCO), the World Bank and other agencies have championed coordinated border management with the aim of reducing the costs of moving goods across borders. From an international coordinated border management perspective, one stop border posts have been introduced or are being considered as a mechanism to improve the movement of goods across shared borders. These arrangements have both economic and enforcement benefits. However, they need to be rooted in a sound policy and underpinned by an enabling legal framework and implementation strategy that have the support of all stakeholders.

## International trade liberalisation

At the fifth World Trade Organization (WTO) Ministerial Conference in 2003, the following statement was released:

> Trade between nations is a vital driver of economic well-being and wealth creation. Customs administrations are a major component in the efficiency of international trade because they process every single consignment to ensure compliance with national regulatory requirements and international multilateral trading rules. While Customs administrations have to discharge this mission of revenue collection, protection of society and safeguarding security of the trade supply chain, they also have to strive for increased trade facilitation to promote investment and reduce poverty (WCO Council 2003).

Globalisation and international trade liberalisation initiatives have resulted in the rapid growth of the value and volume of goods moving across borders. The conclusion of various rounds of multilateral trade negotiations and the implementation of preferential trade arrangements such as customs unions and free trade areas have resulted in the reduction of tariff barriers. The gains of these initiatives have been immense. However, goods not only face duties and taxes when they move across borders. They are also subject to other regulatory controls. These controls are usually undertaken by national customs administrations on a transactional basis. As part of their mandates to control the cross-border movement of goods, national customs administrations also prevent and detect the smuggling of goods and combat commercial fraud where traders attempt to evade or minimise the payment of duties and taxes. Other agencies with either a presence at the frontier or with a responsibility for executing controls over the movement of goods include those with a responsibility for agriculture, food safety, health, immigration, policing and standards.[1] These controls are executed either by the agencies themselves or by other agencies on their behalf, such as Customs.

Compliance with regulatory requirements imposes costs on trading across borders, especially if this results in delays as a result of cumbersome procedures and requirements, corruption and weak administrative capacity. As a result, the attention of policy-makers has in recent years expanded from reducing tariff barriers to reducing non-tariff barriers. The aim of trade facilitation is to stimulate trade through a reduction of costs resulting from compliance costs, procedural delays, a lack of predictability and so on.

However, trade facilitation reforms are complex and it has been pointed out that 'trade facilitation and secure trade commitments impose significant adjustment burdens on regulatory authorities as a consequence of legislative and regulatory harmonization, systems and process re-engineering requirements as well as capacity building and administrative re-organization' (Feaver & Wilson 2007, p. 54). The latter two issues need to be emphasised. Current administrative or procedural impediments to international trade will not be removed by merely developing norms governing the simplification and harmonisation of customs procedures and documentation. Their removal is inextricably linked to the capacities of customs administrations to implement such norms. Developing new rules and procedures with the knowledge that most customs administrations are not in a position to implement these will result in yet again ignoring the real constraints.

Various instruments have been developed aimed at promoting the facilitation of legitimate trade across borders. These include provisions of the WTO Agreement and treaties of the WCO. In this regard, specific reference should be made to the revised Kyoto Convention that '… provides both the legal framework and a range of agreed standards to improve customs operations with a view toward standardizing and harmonizing customs policies and procedures worldwide' (World Bank 2005, p. xi). The main objective of the Convention is to facilitate legitimate trade by simplifying and harmonising customs procedures and practices. The WCO's SAFE Framework of Standards also aims, amongst others, to facilitate legitimate trade and introduced the concepts of 'Customs-to-Customs' and 'Customs-to-Business' partnerships.[2] As a result of these and other instruments, many customs administrations have introduced reforms such as the implementation of risk management to focus attention on high risk traders and goods, automation to enable traders and intermediaries to submit documentation electronically, sometimes in combination with single window systems, accreditation arrangements for trusted traders and other facilitation arrangements. Combined with initiatives to develop more professional, skilled and agile workforces, these developments have impacted positively on trade facilitation.

The traditional approach to trade facilitation focused on the performance of customs administrations. It is however now recognised that a comprehensive supply chain approach is required to address 'coordination failures' by border agencies (World Bank 2007, p. 1).

# Coordinated border management

## Defining borders

The notion of the 'border' is central to the concept of statehood and state sovereignty. The border demarcates the zone in which a state exercises jurisdiction and this includes the development, application and enforcement of policies and laws. It defines states in legal and geographical terms (Ladley & Simmonds 2007, pp. 6-11).

The border also connects countries with each other and the effectiveness and smooth operation of these connections are central to the economic and social development of countries. At the same time, the protection of the border is essential for the protection of the state and its people and economy. In the context of a developmental state, the border also has special significance. The border and flows of people and goods across that border connect the state to economic opportunities through trade, tourism and foreign investment. At the same time, these flows also present risks. It has been recognised that the real difference with respect to success or failure in economic development is made by, amongst others, the creation of appropriate policy and legal frameworks that are enforced by a competent and effective state institutional infrastructure.[3] Central to the developmental agenda is the understanding that states are part of and dependent on the global society. In short, economic and social wellbeing depends to a great extent on the effectiveness and smooth operation of international links and border control is pivotal to achieving this.[4]

Towards the end of the 20th century, globalisation increased the complexity of managing borders not only through increased trade and travel and complex rules but through the emergence of new threats. In addition to terrorism, it is now being recognised that 'global criminal activities are transforming the international system' (Naim 2005, p. 5) and that 'borders create profit opportunities for smuggling networks and weaken nation-states by limiting their ability to curb the onslaughts of the global networks that hurt their economies, corrupt their politics, and undermine their institutions' (Naim 2005, p. 8). This is of concern to all states and especially to developing countries that require strong and effective state agencies to build their economies and deliver much-needed services to their communities.

The new operational environment requires a coordinated border management approach, providing optimal allocation of resources to one combined set of facilitation and control activities, and consolidating information from all sources to optimise risk management capabilities. Essentially, this entails simplifying and harmonising procedures, securing the supply chain and deploying modern technology and techniques. Some recent best practices in respect of border management include:

**Simplification and harmonisation of all procedures.** Very often, border procedures are outdated as they are complicated and based on the use of paper documents. Countries have started to review existing policies and procedures on the basis of international conventions (such as the WCO's Revised Kyoto Convention) and international best practice to ensure that procedures are simplified and incorporate modern techniques including the extensive use of risk management and information technology. Broad consideration of internationally accepted standards and best practice foresees:

- alignment with international and regional clearance and admissibility information requirements, including the WCO's Data Model[5]
- a 'single window' interface for advance information reporting for comprehensive government risk management and regulatory purposes
- use of advance information for goods, people and conveyances
- transnational tracking of people and goods through systems interconnectivity
- use of non-intrusive inspection of goods and travellers moving through ports of entry and exit.

**Supply chain management.** The 'supply chain' is the continuous linking of activities that take place for the systematic movement of goods from place of origin to the place of final destination. To facilitate international trade, the supply chain must first be secured. Securing the supply chain raises issues around the physical movement of goods between places and operators within the supply chain. Unless the consignment's onward movement can be satisfactorily monitored throughout its export or import transportation leg, no amount of advance information will provide any guarantee about its integrity.

**Use of modern techniques and technology.** Essentially, this entails adopting a risk-based approach and supporting technology, deploying enabling technology and tools and facilitating people and goods movements through appropriate accreditation.

**Facilitation of legitimate trade and people movement.** This is underpinned by a risk-based approach based on a comprehensive understanding of client activities and risk profiles. Internationally, accreditation schemes are available for both legitimate people and goods movement. Accreditation can be offered subject to meeting additional criteria that enable reduced risk rating in return for a package of benefits including simplified clearance and periodic accounting.

**Emergence of new border management institutional arrangements.** Internationally, a number of countries have or are in the process of reviewing their border management institutional arrangements to support their new operational imperatives. Recent examples include the establishment of the Bureau for Customs and Border Protection in the United States, the Canada Border Services Agency and the Border Agency in the United Kingdom (UK).

### Defining coordinated border management

Coordinated border management is the organisation and supervision of border agency control activities to meet the common challenge of facilitating the movement of legitimate people and goods while maintaining secure borders and meeting national legal requirements (World Bank Group 2005).

According to the World Bank Group, coordinated border management requires a clear delineation of responsibilities for goods and people. The UK Government's 2007 border review, 'Security in a Global Hub' (Cabinet Office, UK 2007), groups border activities into Border Control – processing people and goods moving across the border, and Protective Security – protecting the people using and working at borders, border infrastructure and means of transport. In the case of border control, the processing of people is usually the responsibility of the immigration agency and takes place within immigration policies and laws. The processing of goods is usually the responsibility of the customs agency and takes place on the basis of policies and laws on international trade, revenue, and those applicable to the international trade in goods. Protective security is usually provided by the police and transport security agencies. In addition to these activities and role players, other bodies have an interest including the armed forces, health authorities, the trade ministry, and transportation authorities.

Increasingly, the attention is shifting to international 'coordination' of border activities, not only national coordination. These activities include the establishment of one stop border posts between neighbouring countries and 'virtual integration' where border agencies of countries engage in the advance electronic transmission of data or, to prevent duplication, undertake inspections on behalf of each other through mutual recognition arrangements.

## One stop border posts

### Overview

One stop and joint control arrangements have been applied in western Europe since the early 1960s. More recently, the Common Market of the Southern Cone (Mercosur) countries concluded the Recife Agreement on integrated controls for application at their shared borders. As part of this Agreement, consensus was reached on 16 border points where integrated controls should be applied. In the Southern African Customs Union (SACU), the establishment of one stop border posts was identified as one of the priority issues of trade facilitation. In the East African Community (EAC), progress has been made in establishing a one stop border post between Kenya and Uganda at Malabar. In Southern Africa, a one stop arrangement was recently introduced at the Chirundu border post between Zambia and Zimbabwe, and Mozambique and South Africa have signed a one stop border post agreement and are working towards implementation. The Andean Community aims to have single controls in place at all common border posts in terms of the Community Policy for Border Integration and Development and has implemented a pilot project for the single control of goods at the Pedro de Alvarado and La Hachadura border posts between Guatemala and El Salvador.

There is no single definition of what constitutes a one stop border post. International examples highlight the following principal features:

- offices of both states are relocated in close proximity, necessitating only 'one stop' for border crossings

- a control zone (or zones) is demarcated within which officers from both states conduct controls in terms of their respective laws
- the control zone comprises offices, inspection areas and related facilities and is usually located within the national territory of only one state
- immigration and import and export formalities are handled as a seamless transaction between the two countries
- inspections and searches of cargoes or vehicles are generally conducted in the presence of officers from both states.

The implementation of the one stop concept has proved challenging for several reasons. These controls are incorrectly perceived to reduce the efficacy of enforcement. A second reason is the concern that arises in respect of legal issues when Customs and other border officers work together in the territory of only one country or in a facility that straddles a border.

## Rationale

The rationale for the establishment of one stop border posts is clear in terms of both enforcement and economic benefits. At the core of the one stop concept is the ability of border authorities from two countries to perform joint controls. This results in improved enforcement efficiencies through cooperation, the sharing of intelligence and better resource utilisation. In working side-by-side, cooperation is enhanced and communication is easier. The concept also provides for the sharing of ideas, information and experiences. By way of example, the one stop concept can be used to combat fraud by enabling the clearance of goods on the basis of a single customs declaration thereby preventing the substitution of one set of documents with another. The concept also enables the sharing of infrastructure and law enforcement assets, for example, by jointly using one scanner to examine containers. Cooperation with counterpart administrations, when implemented properly, does not weaken control rather it reinforces control. Over time, joint controls enable customs administrations to better utilise personnel and resources. As trust is built between customs administrations, it may be possible to reduce personnel and rely to a greater extent on the counterpart administration.

With respect to economic benefits, the one stop concept significantly reduces waiting times and costs by moving away from the current two stops that are required to cross the border and comply with the regulatory requirements of the two neighbouring countries. It reduces waiting times for commercial vehicles, thereby saving costs.[6] Long delays in processing commercial vehicles at border posts significantly increase the cost of consumer goods. High transport costs needlessly increase the price of imported goods and put exports at a competitive disadvantage in world markets.

The WCO is also emphasising the one stop concept as a facilitation measure, for example through the Revised Kyoto Convention. Chapter 3 of the General Annex to the Convention binds the parties to implement the following standards:

> **3.4 Transitional Standard**
>
> At common border crossings, the Customs administrations concerned shall, whenever possible, operate joint controls.
>
> **3.5 Transitional Standard**
>
> Where the Customs intend toestablish a new Customs office or to convert an existing office to a common border crossing, they shall, wherever possible, co-operate with the neighbouring Customs to establish a juxtaposed Customs office to facilitate joint controls (WCO 1999).

The WCO's guidelines on the interpretation of the General Annex further define the concept as follows:

- The Customs controls of the exporting administration are conducted at the same time as the Customs formalities of the importing administration (or near simultaneously) by officers from both Customs administrations; and
- The Customs controls are conducted within a common area where Customs offices of both administrations are established, whether in separate buildings or in a single facility (WCO 1999).

The *International Convention on the Harmonization of Frontier Controls of Goods, 1982*, contains more specific operational guidelines regarding facilitation measures that countries may introduce at common borders. Article 7 of the Convention contains its main provisions regarding cooperation at border posts between adjacent countries. It provides:

> Whenever a common inland frontier is crossed, the Contracting Parties concerned shall take appropriate measures, whenever possible, to facilitate the passage of the goods, and they shall, in particular:
>
> (a) endeavour to arrange for the joint control of goods and documents, through the provision of shared facilities;
>
> (b) endeavour to ensure that the following correspond:
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> opening hours of frontier posts,
>
> the control services operating there,
>
> the categories of goods, the modes of transport and the international Customs transit procedures accepted or in use there (UNECE 1982, p. 4).

The issue has also been tabled for consideration at the WTO Negotiating Group on Trade Facilitation and it has been proposed that provision should be made for the 'development and sharing of common facilities' and the 'establishment of one stop border post control' (WTO 2010, TN/TF/W/165, Rev. 1, p. 20).

## 'Whole of government' approach

The multiplicity of state agencies with a responsibility for or interest in border matters demands that the establishment of one stop border posts should proceed with the active involvement of all role players. The starting point is for the agencies to converge on all the main underpinnings of the one stop border post concept such as the aims, legal issues, preferred model and mode of operation, process, people and systems issues. Some of these may need to be fine tuned or revisited as negotiations and more detailed work proceed. Very often these policy and strategy deliberations are managed by inter-agency border coordination structures. Given the sensitivity and complexity of the issues at hand, it is necessary to secure political support by providing regular updates to relevant ministers and requesting political guidance.

This approach should then be extended bilaterally to the two participating states. It is advisable that sufficient energy be invested upfront to develop a common understanding of the key issues to avoid later misunderstanding.

International experience demonstrates that the full benefits of the one stop concept require all border control functions to be relocated to a one stop facility. However, this approach need not be the starting point. There is no reason why two customs administrations could not agree to implement joint customs controls while other functions such as immigration continue in the two stop manner. At border posts processing large volumes of commercial traffic, even such limited cooperation may already translate into significant time saving and efficiency gains. A two track approach can, therefore, be followed whereby

Customs-to-Customs joint controls are implemented in the short term, pending the relocation of the remaining border functions in the longer term. This model also enables the participating states and agencies to test a model and learn lessons that could be applied when the one stop concept is extended to other functions. An interesting variation of the one stop arrangement is applied at border posts between Norway and Sweden where officers of one state are authorised to apply the controls on behalf of the other state in addition to their own controls. This requires a high degree of harmonisation and, especially, trust between the participants.

In addition to developing a common bilateral and national vision and strategy, there is a need to closely involve non-government stakeholders from the start. These include traders and their intermediaries such as clearing agents, regular border post users (travellers and transportation service providers), and communities in the proximity of the border post. This is not only essential to secure buy in but also enables stakeholders to contribute to and influence design as well as to prepare for implementation.

## Legal basis

Public international law provides for the principles of sovereignty and territoriality. In terms of these principles, national states have the power to develop and apply laws for their respective territories.[7] The flipside of the coin is that these laws are not made for and cannot automatically be applied in other jurisdictions. The implementation of the one stop concept requires that a state agency should be able to apply that state's laws in the territory of another state. In other words, provision should be made for extra-territorial jurisdiction.

Once the traditional two stop border post concept is abandoned, functions such as customs controls are automatically placed closer together. In practice, customs officers from two bordering states relocate their working areas so that import and export procedures can take place in conveniently adjoining locations, such as adjacent offices or rooms. If a vehicle or goods are to be inspected, such inspections occur at one inspection facility in the presence of customs officers from both sides to avoid the need for a vehicle or load to be stopped and off-loaded a second time. Usually, adjacent customs offices are located in the national territory of only one state. This implies that foreign customs officers are given jurisdiction to implement their own laws within the national territory of another state, potentially touching on the sensitive issue of sovereignty. International experience has demonstrated that issues of sovereignty and jurisdiction are easily solved through a process of bilateral negotiation and national enactment.

The starting point is the bilateral agreement concluded between two governments that is usually submitted for ratification to national parliaments.[8] In a note prepared for the EAC, there is an indication of the issues to be provided for in agreements, including the principle of extra-territorial jurisdiction, identification of the area where the one stop arrangement will be applied, the scope of the arrangement (that is, all or only some border controls), the sequence in which control will be applied (that is, the completion of controls in the country of export/departure before those in the country of importation/destination), the powers of officers, jurisdiction in case of offences, and immunities of foreign officers.[9]

One stop agreements carefully define the application of extra-territorial jurisdiction. This is done by spelling out the official controls that may be undertaken outside the territory of the state in terms of whose laws such controls are carried out. In addition, the agreements will also limit the execution of these controls to designated control zones. Another key principle is that formalities of the exit country will be carried out before those of the country of entry. Once the exit controls have been completed, it is deemed that a border crossing has taken place. Provision should also be made for the transfer of revenue collected from a control zone in one country to another country as well as for transfer of detained and seized goods.

## Operational and implementation considerations

A major preoccupation in the establishment of one stop border posts relates to infrastructure and traffic flow arrangements. These are critical issues in supporting the smooth operation of the border post but should be amplified by an integration of processes undertaken at the border post. In a paper prepared by Michel Zarnowiecki in support of the Lebombo – Ressano Garcia joint border crossing,[10] the following design and processing considerations and proposals are outlined:

- For passenger and driver processing, clearly demarcating the border line at the border station by, for example, a line on the ground and adequate sign-posting so that the border station effectively straddles the border. This would avoid many extra-territorial issues. The ideal solution is to establish the border line at the last point of control in the country of exit. This arrangement may not always be possible at a more comprehensive border station and the international agreement may need to define a new border or to extend the jurisdiction of a state (albeit for specific purposes and confined to a well defined area) into the territory of the neighbouring state, for example, by providing an enclave and access routes with extra-territorial status.
- Introduction of fast track arrangements such as 'fast lanes' where pre-identified drivers make a self-declaration by selecting the fast lane and pre-screening of regular users such as the arrangement that has been introduced between Canada and the United States of America (USA) or between European countries.
- Joint passenger processing notably through unique data capture such as passport readers and OCR technology for capturing number plates, and payment at one terminal including issues relating to data exchange and storage.
- Joint inspection for cargo processing is a goal but often the countries of exit and entry have diverging interests in the performance of controls. However, sharing of scanners and other inspection equipment is a feasible option. In addition, consideration should be given to creating a legal basis for sharing and using findings as official evidence.
- Staffing issues such as ensuring that officers working in joint control areas comply with high standards and display the highest level of professionalism and efficiency. A consideration in this regard is to incentivise officers by paying those that work in joint control areas with a bonus for representing the administration in another country or a special zone.
- Management of the one stop facility including all aspects of running, managing and maintaining such a facility, as well as involvement of the private sector.
- Establishment of a joint stakeholders or users committee that represents the public and private sectors of both countries. Specific mention is made of using such a committee to develop and monitor compliance with agreed service standards.

The benefits for border agencies and traders in establishing one stop border posts can be further enhanced by combining such arrangements with other international coordinated border management arrangements. These include the exchange of data and intelligence and the mutual recognition of Authorised Economic Operators (AEOs). In support of these arrangements, the cooperating countries should consider the connectivity of their respective systems or even use the same system, the development of a common risk management approach towards their shared border that includes joint risk analysis and profiling, the introduction of a common single administrative document, the exchange of transactional data including the option of undertaking import clearance on the basis of export data for all or selected traders, and the establishment of common standards and facilitation benefits for mutually recognised AEOs.

New high level agreed processes and other arrangements should also be articulated in very detailed standard operating procedures for all functions at the one stop border post. This would enable the parties to work out the details of the functioning of the border post, identify issues that require more detailed consideration and avoid any misunderstanding on roles and responsibilities and sequencing of activities and sub-activities. It has to be borne in mind that the establishment of a one stop border post significantly impacts on officers working at and away from border posts. Detailed standard operating procedures facilitate the training of officers to apply the new operating model and enable officers to undertake their duties with confidence. This should be supplemented with real and meaningful change management programs. Additional considerations include joint training of officers of neighbouring countries to ensure a common understanding and to build institutional trust.

In a number of one stop border post initiatives, the parties have agreed to use time release studies prior to and after implementation of the one stop initiative to measure savings in time and costs and to identify further improvements that may be required.

Finally, consideration should be given to some practical implementation issues. Very often these issues are neglected with the result that well intentioned initiatives experience delays or, even worse, founder. Project management best practice dictates that implementation strategies should be underpinned by clear actions and timeframes, and the allocation of responsibilities and resources. As mentioned, it is necessary to achieve both political and administrative buy in of the strategic framework and to provide institutional focus and support. From an accountability perspective, some of the measures that should be put in place include regular reporting to political heads and senior officials on progress made and challenges faced. Allocation of the necessary resources must be made to execute the task at hand. Another consideration is the support of international cooperating partners. A number of donor agencies have committed support with the establishment of one stop border posts, usually as part of a package of broader regional and bilateral trade facilitation measures. This could be supplemented with advisory support provided by the WCO Secretariat. Under its Columbus Programme, the WCO Capacity Building Directorate has entered into arrangements with the EAC and SACU to provide strategic and technical support with the design and implementation of new initiatives. In addition and in view of the interest in establishing one stop border posts, the WCO should, as part of its coordinated border management activities, undertake research and develop model agreements and legislation, guidelines and best practice on the establishment of such posts. This will contribute to the development of 'know how', encourage implementation by removing uncertainties. Time and costs will be saved by not having to re-invent the wheel and by avoiding implementation pitfalls.

## Conclusions

The establishment of one stop border posts provides states with the opportunity to reduce the costs of doing business and improve enforcement at shared borders. Moving successfully from conceptualisation to implementation requires that these initiatives be properly planned and the emphasis placed on the involvement and buy in of stakeholders. It also needs to be recognised that the shift from two stops to one stop arrangements has a significant impact on officers of both states. Investments in change management and retraining are essential to ensure that the participating states reap the envisaged benefits. Finally, developments in the WCO and elsewhere on issues such as the mutual recognition of AEOs and other Customs-to-Customs arrangements provide states with the opportunity in moving beyond the traditional one stop arrangement.

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# Endnotes

1 Interesting developments regarding 'integrated border management' include the establishment of the US Bureau for Customs and Border Protection and the Canada Border Services Agency.

2 The *SAFE Framework of standards to secure and facilitate global trade* was adopted by the WCO Council in June 2005.

3 See Fukuyama 2004.

4 See Cabinet Office, United Kingdom 2007.

5 Version 3 of the WCO Data Model was officially launched in 2010. This version was, amongst others things, aimed at supporting single window systems and the exchange of data between administrations.

6 Regional Trade Facilitation Programme n.d., 'Overview of one stop border posts', www.rtfp.org/overview_border.php.

7 Kenya Private Sector Alliance 2010, para. 2.4 to 2.6.

8 It should be noted that regionally-focused treaties could also be entered into where, for example, a customs union decides to develop a treaty that provides for the establishment of one stop border posts.

9 Kenya Private Sector Alliance 2010, para. 6.2.

10 Zarnowiecki 2007.


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