Coordinated border management:
from theory to practice

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Abstract

In a globalised world where interconnectedness and integration are key dynamics influencing economic growth and social development, policymakers increasingly realise the need for accelerated transborder regulatory reform to remove unnecessary barriers and burdens on trade. The World Customs Organization (WCO) in its Customs in the 21st century document has captured these critical concepts for reform within the theme of Coordinated Border Management (CBM). For Customs, CBM is about describing how improved regulatory efficiency and effectiveness can be realised through greater coordination between border agencies during policy development and operational activities, both domestically and internationally.

This paper considers the meaning of the CBM concept for the customs community in particular and border agencies in general. It provides an overview of the evolution of the concept, which serves as a theoretical underpinning for further policy development. As the CBM concept is broad and offers numerous interpretations, operational arrangements, such as joint mobile teams, hot pursuit, joint risk management, and targeting centres are not addressed, nor does the paper analyse information exchange systems, in particular the Single Window that forms an intrinsic part of CBM. Instead, the paper focuses on institutional and some practical border arrangements developed in several countries as part of a CBM implementation strategy, and concludes by suggesting areas for further research.

1. Introduction

The border environment is complex and comprises a variety of actors with conflicting interests. As O'Dowd states, borders are 'places of economic and political opportunity for nations and states as well as for a host of other interest groups and agencies, legal and illegal' (O'Dowd 2002, p. 24). Throughout human history borders have played a major role in the state by being a silent tribute to its sovereignty. However, in the last 30 years, we have witnessed two major opposing processes. Because of the dissolution of the Soviet Union and Yugoslavia and, as a result, the emergence of new countries on the world map, new borders have been created or 'externalised'. At the same time, the most successful integration project in human history, the European Union (EU) leading to the 'internalisation' of the borders, resulted in the creation of the Single Market, Schengen area and common external border. These processes of transformation have had a significant impact on the border environment of the countries concerned. For some countries, borders lost their primary function as barriers, and acquired a new 'bridging' function (O'Dowd 2002). For other countries, embarking on the road to independence, the borders retained their role as primary sovereignty indicators.

Apart from the political transformation, the border environment is exposed to other kinds of external influence, such as major security shocks. For example, in response to 9/11, the meaning of borders changed for all countries exporting to the United States of America (USA). The US policy response to the attacks was the implementation of the Container Security Initiative (CSI) and the Customs-Trade Partnership against Terrorism (C-TPAT), both of which consider the starting point for borders in the country of export. In other words, as the borders were 'pushed out' (Bowman 2006, pp. 2-3) and thus didn't coincide with the geographical borders, they obtained a new meaning from trade and security perspectives.

In addition to security shocks, natural disasters are occurring more frequently and on a much larger scale, and there are economic crises – all of which are affecting the supply chains and labour markets. At the same time, the processes of globalisation and trade liberalisation have led to changes in consumer expectations, where consumers can now choose among similar products produced by different companies. As a result, the growing competition among companies that need to produce and deliver their products faster and reduce production and transportation costs, has led to changes in the supply chains and growing pressure on border agencies to carry out their roles more effectively and efficiently, while the volumes of goods moving around the world continue to grow.[1]

The benefits of globalisation, such as faster cross-border movement and technological progress, also contribute to the operations of terrorists and other criminal groups. As opposed to terrorist activities, clandestine activities are not aimed at undermining or destroying the state authority. Having a profit-driven nature, illegal activities might contribute to the weakening of a state, threaten consumer health and safety, reduce income to the state budget normally obtained through duties and taxes, and have an indirect impact on security in the region due to the way those activities are conducted or goods are being traded (Mitsilegas, Monar & Rees 2003, p. 51).

The major regulators of this complex environment are border agencies that have specific mandates and roles, such as revenue assurance, migration, phytosanitary, radiological, transport, ecological and food safety controls. Many of these agencies are also subject to various pressures, such as financial and staffing limitations, problems of intra-agency and inter-agency cooperation and information exchange, non-transparent legislation, increasing procedural requirements, revenue pressure, and rising demands from the private sector (Doyle 2011, p. 12).

How to deal with these challenges? As the governments adjust old policies and design new ones to better tackle these challenges, within the customs community there is recognition that increasing cross-border flows, limited resources, growing expectations for improved facilitation and control by governments, the trade community and travellers necessitate enhanced coordination between the agencies. Moreover, the role of Customs as the gatekeeper of the state and the embodiment of its sovereignty at the borders becomes more prominent.

This paper considers the meaning of the Coordinated Border Management (CBM) concept for the customs community in particular and border agencies in general. It provides an overview of the evolution of the concept, which serves as a theoretical underpinning for further policy development. As the CBM concept is broad and offers numerous interpretations, this paper does not address the operational arrangements, such as joint mobile teams, hot pursuit, joint risk management or targeting centres, nor does it analyse the information exchange systems, in particular the Single Window that forms an intrinsic part of CBM. Instead, the paper focuses on the institutional (intra-service and inter-service) and some operational (international) arrangements on the border developed in different countries as a part of CBM implementation strategy, and concludes by suggesting areas for further research.

2. Evolution of the CBM concept

From the mid-1990s, there has been a growing demand to coordinate the work of different agencies at the border in order to facilitate trade. Various institutions started developing a concept that is currently known as Coordinated Border Management (CBM). By definition, CBM is of interest to non-customs border agencies, policymakers, and international organisations. While the World Customs Organization (WCO) uses the term 'Coordinated Border Management', other organisations have devised their own terminology, including but not limited to *Integrated Border Management* (EU), *Collaborative Border Management* (the World Bank's more recent choice of terminology), and *Comprehensive Border Management* (OSCE [Organisation for Security and Cooperation in Europe]). Although these terms have subtle differences in definition, the intent is largely the same: there is the need for border agencies to coordinate their actions in order to improve effectiveness and efficiency of border procedures. In practice, this term has become a cornerstone for a set of donor-driven structural border reforms in numerous countries.

CBM concept from the WCO perspective

The concepts of CBM have their antecedents in key WCO instruments, especially the *International Convention on the Simplification and Harmonization of Customs Procedures (as amended)* (the revised Kyoto Convention), and the *SAFE Framework of Standards to Secure and Facilitate Global Trade* (the SAFE Framework). The revised Kyoto Convention entered into force in 1974 and was revised in 1999. One of the major principles of this Convention was to simplify as well as standardise customs procedures. In particular, Chapters 3, 6 and 7 touch upon CBM mechanisms, such as the concepts of 'juxtaposed office' and 'joint controls', and the enhancement of international cooperation with other customs administrations. The standards relating to Single Window (Standards 7.3 and 7.4), which supports CBM through the exchange of information between the related ministries and agencies, are also stipulated in the Convention (see Appendix 1). Techniques such as risk management (Standard 6.3) would benefit from the implementation of CBM as it would assist in areas such as sharing information, intelligence, and examination results. These actions will considerably enhance intelligence-driven risk management and promote coordination among the agencies.[2] Thus a CBM approach, when used in conjunction with the standards and guidelines contained in the revised Kyoto Convention, provides a strong foundation upon which streamlining the border processes associated with both facilitation and control take place.

The SAFE Framework, introduced in 2007, has become a major international instrument, setting standards for Customs-to-Customs network arrangements and Customs-to-Business partnerships. Acknowledging the importance of balancing security and facilitation, in particular in the post 9/11 environment, this document contains a set of practical measures on Single Window and border management (see Appendix 1). Currently, 164 countries have signed a letter of intent committing to implement the SAFE Framework (WCO 2011).

In addition to Pillar 1 (Customs-to-Customs cooperation) and Pillar 2 (Customs-to-Business cooperation), there have been discussions to add a Pillar 3 to the SAFE Framework, which would cover Customs-to-other border agencies cooperation. This idea is reflected in Standard 1, implementing specification 1.3.9 of the SAFE Framework, developed as a placeholder for the future standards or best practices. It addresses the need for the governmental agencies involved in international trade to cooperate (see Appendix 1).

The CBM concept has continued developing in other WCO documents. In particular, in the 2008 *Customs in the 21st Century* strategy document, CBM is described as:

> Better coordinated border management 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. Governments also need to

explore more effective solutions to border management. The establishment of better coordinated border management for the cross-border movement of goods requires:

(i)   The recognition of Customs or the agency responsible for the Customs function as the lead front-line administration at national borders for controlling the movement of goods. According to the UN Trade Facilitation Network, Customs administrations are usually best suited to develop integrated procedures for processing goods at points of entry; and

(ii)   The introduction of the electronic Single Window concept that allows a trader to provide all necessary information and documentation once to the designated agency that, in turn, distributes the information to all relevant agencies (WCO 2008, p. 7).

Taking into consideration that the term 'Integrated Border Management', mentioned in the SAFE Framework, has a strong institutional connotation, the term 'Coordinated Border Management' has been introduced in view of its encompassing nature. A 2009 *Background Paper – WCO Inter-Agency Forum on Coordinated Border Management*, introduces the evolved thinking of the WCO about CBM and outlines its major principles:

Coordinated Border Management (CBM) represents an approach to manage borders involving public service agencies working across portfolio boundaries in a coordinated manner to achieve a shared goal thus providing a cohesive government response to the challenges of border management. CBM can be referred to as meaning a logical way to manage border operations to ensure efficient and effective processes and procedures used by all regulatory agencies who are involved in border security and regulatory requirements that apply to travellers, goods and conveyances crossing international borders. The objective of a coordinated border management system is to facilitate trade and the clearance of travellers at the same time ensuring secure borders (WCO 2009, p. 5).

Therefore, the CBM is viewed more as a guiding principle for the border agencies rather than a practical one-size-fits-all model.

CBM concept developed by other stakeholders

As previously mentioned, numerous institutions embarked on developing their own concept of coordination of border activities. In December 2001, the Laeken European Council introduced a new topic, called 'integrated border management' (IBM). The topic became very popular, as it began being referred to in various Council and Commission documents, in particular, in the Hague Programme on strengthening freedom, security and justice in the EU (Council of the European Union 2004), endorsing the 'establishment of the European Agency for the Management of Operational Cooperation at the External Borders' (Council of the European Union 2004, p. 15), known as FRONTEX. A clear definition of IBM can be found in the European Commission (EC) Guidelines for Integrated Border Management for the Western Balkans:

… national and international coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management in order to reach the objective of open, but well controlled and secure borders (EC 2004, p. 18).

The Commission further developed the concept by making a distinction between three levels of cooperation: intra-service cooperation (inside one agency), inter-agency cooperation (coordination among the agencies in one country) and international cooperation (including cooperation with neighbouring and other countries) (EC 2004, pp. 19-23).[3]

In its 2010 *Border Management Modernization* book, the World Bank uses the term 'Collaborative Border Management'. One of the authors uses this term to avoid the 'threatening connotations of the organisational integration' (Doyle 2011, p. 14) arising from the term 'IBM'. One of the reasons why

organisational integration is treated cautiously is because it requires a 'significant organisational change' and may create problems 'as various entities struggle to retain their identities and protect their mandates and resources' (Doyle 2011, p. 12).

Another stakeholder active in developing the CBM concept is the OSCE. In December 2005, the OSCE Ministerial Council adopted the OSCE Border Security and Management Concept which has become a stepping stone for the CBM. In particular, the OSCE prefers using the term 'Comprehensive Border Management' which entails a whole-of-government approach to the border issue. The key idea in this concept is concentrated on the need for cooperation among the agencies in a highly complex and interconnected environment.

Apart from analysing the factors influencing the border environment, the OSCE follows the notion of three possible levels of cooperation: coordination, collaboration and integration. In a similar vein, in the *Discussion Document for Managers and Front-Line Staff on Better Joining Horizontal and Vertical*, the authors distinguish between co-existence, communication, cooperation, coordination and collaboration, where collaboration entails a 'more intensive process, sometimes involving a formal partnership' while cooperation involves 'more formalised meetings and exchanges of information so that the organisations involved can achieve their respective goals more effectively'. In general, Figure 1 provides guidelines on different ways of working together: from informal, including almost no sharing of information and resources, to formal, where staff members work in one team (Institute of Policy Studies 2008, p. 14).

Figure 1: Continuum of inter-governmental integration
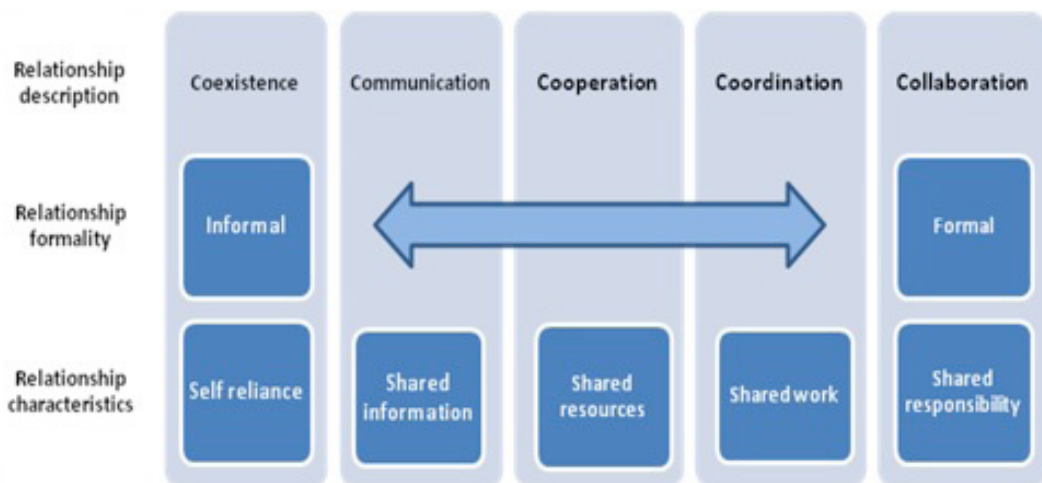
Source: Institute of Policy Studies 2008, p. 14.

According to this continuum of inter-governmental integration, there are different degrees of relationships between the governmental agencies. If this matrix was applied to the border management concept, the definitions provided by different organisations would follow it. In general, despite some differences on tactics and implementation of CBM, its conceptual meaning is accepted by all major stakeholders.

3. Fit for Purpose? Institutional arrangements of customs administrations

There are multiple border functions or responsibilities including but not limited to customs, immigration, agriculture, quality control, quarantine, and police. These functions vary from country to country in terms

of emphasis or even existence, depending on such variables as national priorities, geography, resources, management style, and so on. In some cases, there can be as many as 16 agencies, as in the Democratic Republic of Congo (Zoellick 2011). The result is that goods and passengers must pass through multiple controls and comply with numerous regulations. This can lead to inefficiency, bottlenecks at the border, and frustration of traders and passengers. Moreover, it can detract border agencies from achieving their objectives, including Customs (for example, revenue collection, trade facilitation, anti-smuggling, trade facilitation, and collecting trade statistics) and other border agencies (for example, preventing crime, illegal immigration, influx of pests, and promoting safety and standards). At the same time, complying with the controls criteria imposed by all agencies slows border procedures and increases delays at those borders. Therefore, some proponents of CBM see its main objective as reducing the number of agencies at the border.

One CBM method relates to the use of the institutional arrangements to coordinate the activities of various border agencies or even to merge them under one roof, thus reducing the number of agencies at the border. Therefore, this section provides an analysis of different types of institutional arrangements observed in WCO Member countries (see Table 1), with a particular focus on some cases of either delegating non-customs functions to the customs authority or merging border agencies institutionally.

Table 1: Institutional arrangements
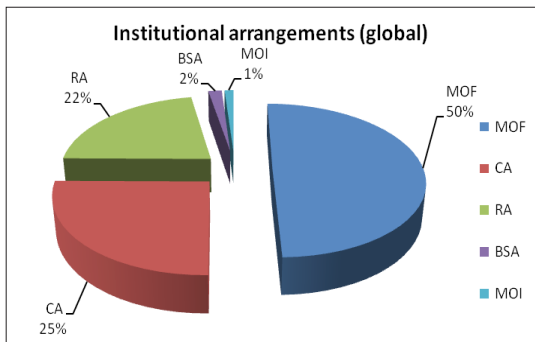
Institutional arrangements	Quantity	Percentage
MOF	88	50%
CA	45	25%
RA	39	22%
BSA	3	2%
MOI	2	1%
TOTAL	177	

Key: Ministries of Finance (MOF); Customs administrations (CA); Revenue authorities (RA); Border Security Agencies (BSA); Ministries of Interior (MOI)

In placing the institutional arrangements by type, it was found that approximately 50% of 177 WCO Members are within the Ministries of Finance (MOF) in the form of an Administration, (General) Directorate or Department. Approximately 25% are independent customs administrations which do not form part of any Ministry. For the purpose of this paper, 'Independent customs administrations' means that the agencies are not organisationally within the Ministry, but that they may report to a higher authority in the government which does not exclude the Ministry (see Box 1).

Box 1. Examples of independent customs administrations: Russia and China

The Federal Customs Service of the Russian Federation is an independent federal authority of the executive branch, governed by the Government of the Russian Federation (2006).

China Customs is an independent authority reporting directly to the State Council, which is the highest executive organ of State power. It does not form part of the State Council and is at a lower level of organisation under the State Council. Its head is a Ministerial-level officer, appointed by the Premier (website of the Central People's Government of the People's Republic of China).

While not a merger of border agencies, a number of customs and tax administrations are integrated into revenue authorities[4] and constitute 22% of WCO Members. These three types of agencies, those within MOF, independent customs and revenue authorities, sometimes have a partial or no delegation of border functions from other agencies and thus, for example, the control over people crossing the border is still performed by border guards, police or an immigration authority.

Several agencies chose the approach of the institutional integration of border functions under a single roof, thus creating a Border Security Agency (BSA) with a particular focus on security (especially anti-terrorism) and border protection. These agencies, such as the US Customs and Border Protection (US CBP), the Canada Border Services Agency (CBSA), and the Australian Customs and Border Protection Service (CBPS), represent 2% of membership (see Box 2).

Box 2. Single border agency – USA and Australia

In the US, before 2001, border functions were divided among various federal departments, however the 9/11 events called for consolidation of most of them under one roof. As a result, the 2002 Homeland Security Act envisaged the creation of the Department of Homeland Security (DHS) which would take over the majority of the border functions. As a result of this merger, the functions have been divided in the following way: the Bureau of Customs and Border Protection (CBP) acts as a 'front line responder' dealing with immigration, customs and agricultural compliance and thus having an enforcement function within DHS, the Bureau of Immigration and Customs Enforcement (ICE) performs an investigative function, the Transportation Security Administration (TSA) deals with security of the transportation system and the US Coast Guard ensures security in the US territorial waters. While CBP, ICE and TSA form part of the Directorate of Border Security, the US Coast Guard is a standalone division within the DHS structure (Haddal 2009, p. 1).

In December 2008, the Australian Prime Minister's National Security Statement brought changes for Customs and border agencies. Customs changed its name to Australian Customs and Border Protection Service (CBPS) and was given the leading role in border protection. Functions involving customs, immigration and quarantine such as primary line checks at international airports and seaports, and coordinating the response to the resurgent coastwatch threats, such as maritime people smuggling and illegal fishing, are largely managed by customs officers on a daily basis. However, if more expertise is required, the competent authorities take the lead role (for example, in case of doubt regarding the authenticity of a passport, the Department of Immigration would take over). CBPS manages the security of Australia's borders. It works closely with other government and international agencies, in particular the Australian Federal Police, the Australian Quarantine and Inspection Service, the Department of Immigration and Citizenship and the Department of Defence, to detect and deter unlawful movement of goods and people across the border (Australian Customs and Border Protection Service 2011).

In general, border security agencies remain a small minority of customs administrations. In particular, there is one country that shifted from the integrated model to a more complex arrangement (see Box 3).

Bahrain and Oman customs authorities that are under the Ministry of Interior (MOI) represent 1% of WCO Members.

Looking at the regional representation, the number of customs administrations that are within the MOF structure are predominantly in West and Central Africa (83% of WCA members), East and Southern Africa (68% of ESA members), Middle East and North Africa (MENA) (59% of membership), and Asia-Pacific (55% of AP members). In the Americas and Europe, their share reaches 42% and 41% respectively. It is the only cluster which is present in all six WCO regions.

The majority of the independent customs administrations are located in Europe (43%), followed by 29% in MENA, the Americas and Asia-Pacific (26% and 25% respectively). Revenue authorities are rather widespread in East and Southern Africa (32%), the Americas (26%) and Asia-Pacific (19%). The border security agencies are in the Americas (6%) and Asia-Pacific (3%).

Box 3. The United Kingdom case

Her Majesty's (HM) Revenue & Customs (United Kingdom) (UKRC) was formed in 2005 by a merger of Inland Revenue and HM Customs and Excise Departments, while the investigative and intelligence work of HM Customs and Excise in relation to serious drug trafficking and recovering related criminal assets was passed on to the Serious Organised Crime Agency (SOCA). In 2007, the Government announced the creation of the United Kingdom Border Agency (UKBA), bringing together staff responsible for customs border activity, immigration control and overseas visa work. UKBA was established in shadow form in April 2008 with the express purpose of securing the UK borders and controlling migration for the benefit of the country. UKBA gained full Executive Agency status on 1 April 2009, taking on the majority of customs work at the border. The work UKBA does in this regard contributes to HMRC Strategic Objectives. In a number of areas, HMRC retains policy responsibility for border activity, and in this respect, the UKBA is acting as delivery agent for HMRC. A joint HMRC-UKBA Partnership Committee oversees performance and wider relationships between the two organisations.

The region where only two types are present, MOF and revenue authorities, is East and Southern Africa. In the other regions three or more types are observed, though still one type out of the three holds the leadership.

While most customs administrations remain organisationally separate from other border agencies, there are interesting examples where countries establish a virtual integration of border agencies.

Box 4. New Zealand border strategy

In New Zealand, the Border Sector Governance Group was established in order to oversee the implementation of CBM. The Group comprises the chief executives from the New Zealand Customs Service, Department of Labour, Department of Internal Affairs, Ministry of Transport, Ministry of Agriculture and Forestry and Food Safety Authority. The Border Sector Strategy for 2008-2013 serving as a 'framework for collaboration of border sector agencies' (New Zealand Government 2008), identifies the following common areas for all border agencies: trade single window, streamlined passenger facilitation with improved risk management, robust identity assurance for all of government regarding entry and exit of persons at the border, and better targeting capability using information across all border agencies. Having identified common objectives and deliverables, New Zealand undertook a whole of government approach to border management where agencies remain separate, however work together to achieve common goals.[5]

In general, any reorganisational process needs political will and clear leadership, as well as change in the institutional culture. The organisational change is very difficult to implement as institutional memory is one of the major impediments to this process.

4. CBM: the international dimension

Distinctive features of the one-stop border post (OSBP) and its legal framework

Apart from the institutional reorganisation or integration at a national level, a number of administrations implement cross-border arrangements with neighbouring countries in order to smooth and facilitate border procedures. The idea of the joint control arrangements and OSBPs is not new. For example, the first OSBPs in Western Europe appeared approximately 60 years ago (Zarnowiecki 2011, p. 65). The reasoning behind establishing different kinds of OSBPs revolves around increasing the effectiveness of the border crossings by reducing the number of stops and participating agencies. OSBPs have to be based on the principles of cooperation and trust. As a result, information exchange and joint actions become indispensable features of OSBPs, thus implementing the principles of CBM. As the control agencies cooperate more vigorously, the opportunity arises to develop a more effective risk management system that will eventually have a positive impact on revenue collection as well.

Nevertheless, there is no particular definition of the OSBP. Kieck developed the following distinctive features for OSBPs:

- 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, import and export formalities are handled as a seamless transaction between the two countries
- inspection and searches of cargoes or vehicles are generally conducted in the presence of officers from both states [countries] (Kieck 2010, pp. 6-7).

This list is not exhaustive, and one of the imperative features of OSBPs, which is not mentioned above, is the principle of extraterritoriality, or the extension of the application of the national laws outside the country's own territory with the consent of the country where these laws are to be applied. In the OSBP context, this principle has two dimensions:

1. empower control agencies to conduct controls in correspondence with their national legislation outside their national territory
2. allow control officers of the adjoining State to conduct border controls under their national law within the territory of the host State (Kenya Private Sector Alliance 2010).

Therefore, an appropriate legal framework to guarantee this principle and enable the functioning of the OSBP is necessary (Harmon 2008; see Box 5).

On the contrary, in 2009 Corridor Development Consultants (CDC) in cooperation with the East African Community (EAC) Secretariat conducted an analysis of the legal instruments of the EAC Partner States in relation to OSBP. It was found that the national legislation in all five EAC Partner States does not provide a sufficient ground for the application of the principle (Kenya Private Sector Alliance, 2010).

Box 5. The legal basis for the delegation of functions: the case of Sweden and Norway

In 1959, Sweden and Norway concluded an agreement on border cooperation, ratified by both Kingdoms. This Agreement is a cornerstone for the coordinated border management between two countries. Norway signed a similar agreement on border cooperation with Finland. In 1995, when Sweden and Finland became EU Members, these two agreements were replaced by an 'Agreement on Customs Cooperation Between the Kingdom of Norway and the European Communities' (OJ L 105/17, 23.04.1997), However, the substance of the bilateral agreements was preserved. In particular, Art. 3 states that:

> Norwegian customs authorities shall be authorised to perform, for and on behalf of the Finnish or Swedish customs authorities, all customs checks and formalities for goods under the Community customs rules applicable to import, export, transit and the placing under any customs procedure of goods between the Community and Norway.

Based on this agreement, every country issued a set of domestic legislation in order to implement such an agreement. For example, the Regulation issued in 2002 and the Instruction of the Swedish Customs on how to implement the Regulation complete its legal basis, describing the duties of the Swedish customs officer when acting on behalf of the Norwegian Customs on the Swedish territory or on the Norwegian territory in areas such as clearance, enforcement, seizures, legal powers for arresting people, etc. (Förordning (2002:1054) om gränstullsamarbete med Norge). Thus, Sweden created a solid legal framework for the Agreement to operate.

OSBP arrangements

There are a number of OSBP physical arrangements that are common in practice. In this section, the arrangements between Switzerland, France and Germany are discussed as case studies. The most common arrangement is related to so-called 'juxtaposed facilities'. This model is used where the border posts are in good condition or where there is a natural border, such as a mountain, a river, and so on. The main idea is that the exit country facilities are bypassed in order to carry out all necessary exit and entrance procedures in the entry country.

Another model can be described as a 'common one country facility'. It implies the physical location of the shared office on the territory of one of the countries thus allowing officers from both countries to carry out border controls together. This model is practical only in cases where trust and cooperation between the countries are strong.

Assuming that there is political support and willingness to cooperate from both governments, as well as readiness to contribute to each other's operations, an OSBP model can be chosen based on geographical and other criteria. To achieve this model, however, requires a significant investment entailing much work on the national level and with the adjoining country. Moreover, it needs a longstanding commitment to the project, as the change will impact on all layers of governance, starting at the national level and ending with day-to-day work at the border.[6]

Box 6. Juxtaposed office in the country of import: Swiss-French border

Being a landlocked country, Switzerland has established juxtaposed offices or the like at its land borders for over four decades. Switzerland concluded bilateral intergovernmental conventions and bilateral agreements with the administrations of the neighbouring countries to comply with the principle of extraterritoriality in order for the officers of a country to work to their full capacity at the juxtaposed office on the territory of the other state.

For instance, the bilateral convention of 1960 between Switzerland and France (Convention 1960, RS 0.631.252.934.95) provides a legal basis to establish a juxtaposed office. Article 1 of the Convention states that the FCA officers shall be authorised to perform their duties on the French territory, and the French customs officers shall be authorised to perform their duties on the Swiss territory, reciprocally. In accordance with Article 1 of the Convention, the juxtaposed office in the Geneva area was established by an exchange of diplomatic notes in 1996 (Echange de lettres 1996, RS 0.631.252.934.952.3). Commercial and transit goods, but not passenger traffic, are processed at the juxtaposed office in the country of entry, where the Swiss Customs office and the French Customs office are located side by side.

For example, drivers of commercial trucks from France submit export declarations and related documents to the French Customs office of the juxtaposed office on the territory of Switzerland. After finishing the export customs procedures, they walk to the Swiss Customs office in the same building for import customs procedures. Where any inspection, such as X-ray inspection, is needed, only one inspection is undertaken, normally by the importing Customs.

Box 7. One country office: German-Swiss border
The Basel land border is located on one of the busiest north-south automobile routes from Germany to Switzerland and Italy. Thus, the major traffic consists of commercial trucks. Because of the geographical conditions and other considerations, Germany and Switzerland have agreed that all forms of border control would take place on the German territory. In accordance with the bilateral Convention of 1961 (RS 0.631.252.913.690) and the Agreement between Germany and Switzerland (RS0.631.252.913.692.3), the one country office facility was established in 1980.
Both customs administrations share all the facilities. For example, drivers of commercial trucks coming from the German side visit the juxtaposed facility to complete export procedures with the German Customs office, and then import procedures with the Swiss Customs office. Having fulfilled all necessary requirements, such as payment of duties and receipt of documentation, they move on to the exit lane to receive a final stamp allowing them to leave the territory. In the case of goods in transit to Switzerland, the exit transit procedures at the German Customs office and entry transit procedures at the Swiss Customs office are made at the facility for goods in transit.
Passenger vehicle traffic moves through the common facility where it can be checked by the German police or Swiss Border Guard Corps (BGC) in cases of suspicion. It should be noted that with Schengen entering into force, BGC does not perform systematic checks on persons, but they are able to stop a vehicle based on the suspicion of smuggling or contraband in accordance with the Swiss Customs Act.

Enforcement cooperation: Customs and Police Cooperation Centres (CCPD)

Another example of coordination of operational activities and exchange of information is the establishment of so-called Customs and Policy Cooperation Centres (CCPD). One of the major principles of the Schengen Agreement, originally signed on 14 June 1985, is the free movement of persons enforced by the abolition of internal controls between the signatory countries. In its turn, the Convention Implementing the Schengen Agreement (OJ L 239, pp. 19-62), defines the conditions for the implementation of this principle. In particular, the Convention stipulates the suppression of the fixed controls on the common borders of the Schengen countries and moves the focus of controls to the external borders (that is, between Schengen and non-Schengen countries).

In order not to jeopardise security within the Schengen zone after the gradual removal of the border controls, it was decided to reinforce the police and judicial cooperation for Schengen Members. In particular, Art. 39 of the Convention imposes the obligation of prevention and search of punishable deeds on Member states. Art. 39§4 of the Convention allows conclusion of bilateral administrative agreements between the border regions, while Art. 39§5 allows for the possibility of concluding bilateral agreements between the countries sharing a common border.

Therefore, this legal provision provides the opportunity for Schengen Members to develop bilateral agreements to improve cross-border cooperation. This provision served as a ground for the development of the CCPD model by the Committee on Coordination of the European Policy in the Area of Internal Security in 1996. The CCPD covers four important areas: public security, the fight against illicit trafficking, the fight against illicit immigration, and trans-border violations. The CCPD mission is:

- to gather and exchange information
- to cooperate in order to treat foreigners in irregular situations
- to execute readmission of the asylum seekers with a non-suit status, as well as asylum seekers whose procedure is in course, and who are located on the territory of one of the Member states.

Another role of CCPDs is to coordinate joint measures for the surveillance of the border area. Based on this model, since 1997 a number of bilateral agreements to set up CCPDs have been signed. CCPDs are located on the German-French border (Offenburg[7] and Kehl), French-Belgian border (Tournai), French-Italian border (Vintimile),[8] Swiss-Italian border (Chiasso), and the Bulgarian-Serbian border (Kalotina).[9]

Box 8. CCPD on the French-Swiss border

The CCPD-Geneva operates in accordance with the Paris Agreement that entered into force on 1 July 2009. In general, the CCPD functions as a 'back office' for the border crossing point. However, in the case of the Swiss side of the CCPD-Geneva, it also has a responsibility to treat enquiries of all 26 Swiss cantons, thus its area of responsibility is not limited to the border only. It is a reactive service, whose activities are mostly limited to the information collection, update, analysis and dissemination. However, given the coordinative role of the CCPD for 'hot pursuit', the CCPD employs mixed patrol teams, operating on both sides of the border. For instance, in 2009 the CCPD-Geneva organised over 300 border patrols. It can also organise trans-border escort (the same team escorts the goods/passengers through two countries).

The staff of the CCPD-Geneva includes officers from French Customs, Swiss Customs and Border Guards, French Police and Swiss Cantonal Police, French Gendarmerie and Swiss Federal Police. There are more police officers than customs officers working at CCPD. The Swiss and French sides provide funding for the CCPD on an equal basis. Thus, an important feature of the CCPD is that both sides are represented by Coordinators. Because of such 'double-headed' structure, the decisions have to be taken on the consensual basis. However, it should be noted that the Coordinators are mostly involved in administrative matters, such as budget, resource allocation, joint use of equipment, and so on, and do not influence the operational side of business.

The CCPD operates 24/7 all year round thus enabling the participating agencies to process information in real time. In 2009, the CCPD-Geneva treated 18,151 enquiries and executed 198 readmissions. Out of all enquiries, 32% are related to judiciary police, 32% to road infrastructure, 23% to public order and only 2% to customs issues (information provided by CCPD-Geneva). In terms of readmission, it is noteworthy to mention that the number of asylum procedures dropped after Schengen was implemented because of the Dublin II Regulation that entered into force in Switzerland on 12 December 2008.

In terms of information exchange, the procedure is that one side asks another for information within a defined time frame. In particular cases, the information exchange should go through the capitals (for example, on money laundering) and cannot be processed directly at CCPDs. It is important to note that French Customs does not have direct access to the database of Swiss Customs and vice versa. The information is rendered upon demand in a special format.

5. Conclusions

Coordinated border management, if properly implemented, can provide substantial benefits to both border agencies and the private sector. By streamlining and harmonising procedures, border agencies can substantially optimise the use of their resources and manage the border effectively and efficiently, despite increasing flows of goods and people. This paper has detailed the institutional arrangements with an emphasis on the new organisational solutions, and some operational arrangements, in particular OSBP and CCPD. While emphasising the necessity to cooperate, the paper does not endorse a particular solution as every solution needs to be tailored to the specific needs of the country. Having discussed the theoretical underpinnings of the CBM concept and given some practical examples of its implementation, the paper leaves open for further research the discussion on other means, such as single window, common risk management and targeting centres, and other successful examples of CBM implementation.

Appendix 1

Coordinated Border Management: related Revised Kyoto Convention standards and SAFE Framework of Standards specifications

Revised Kyoto Convention (1999)

Standard	Legal Text
Standard 3.3.	Where Customs offices are located at a common border crossing, the Customs administrations concerned shall correlate the business hours and the competence of those offices.
Transitional Standard 3.4.	At common border crossings, the Customs administrations concerned shall, whenever possible, operate joint controls.
Transitional Standard 3.5.	Where the Customs intend to establish a new Customs office or to convert an existing one at a common border crossing, they shall, wherever possible, co-operate with the neighbouring Customs to establish a juxtaposed Customs office to facilitate joint controls.
Transitional Standard 3.35	If the goods must be inspected by other competent authorities and the Customs also schedules an examination, the Customs shall ensure that the inspections are co-ordinated and, if possible, carried out at the same time.
Standard 6.3.	In the application of Customs control, the Customs shall use risk management.
Standard 6.7.	The Customs shall seek to co-operate with other Customs administrations and seek to conclude mutual administrative assistance agreements to enhance Customs control.
Standard 7.3.	The introduction of information technology shall be carried out in consultation with all relevant parties directly affected, to the greatest extent possible.
Standard 7.4.	New or revised national legislation shall provide for: electronic commerce methods as an alternative to paper-based documentary requirements; electronic as well as paper-based authentication methods; the right of the Customs to retain information for their own use and, as appropriate, to exchange such information with other Customs administrations and all other legally approved parties by means of electronic commerce techniques.

SAFE Framework of Standards (2005)

	Specification		Content
Pillar 1, Standard 1, Integrated Supply Chain Management	1.1. Scope		The implementation of the integrated Customs control procedures requires appropriate legal authority that will allow Customs administrations to request the advance electronic submission to Customs of data from the exporter (see 1.3.1) and by the carrier (see 1.3.2) for security risk-assessment purposes. In addition, the integrated Customs control procedures involve cross-border co-operation between Customs administrations on risk assessment and Customs controls, to enhance the overall security and the release process, that require a legal basis. Both of these requirements are supported by WCO-developed instruments: Guidelines for the Development of National Laws for the Collection and Transmission of Customs Information; the Model Bilateral Agreement; and the International Convention on Mutual Administrative Assistance in Customs Matters (Johannesburg Convention). As part of this co-operation, Customs administrations should agree on mutual recognition of control/inspection results and authorised economic operator programs.
	1.3.8.	Single Window	Governments should develop co-operative arrangements between Customs and other Government agencies involved in international trade in order to facilitate the seamless transfer of international trade data (Single Window concept) and to exchange risk intelligence at both national and international levels.
	1.3.9.	Integrated Border Management	Similarly, governments should develop co-operative arrangements among their government agencies that are involved in international trade. Governments should also work with the border agencies of neighbouring foreign governments in order to maximise the harmonisation of border control functions. The implementation of such co-operative arrangements could address border issues such as national and international cooperation and co-ordination and the adoption of international standards. Integrated border management should lead to the facilitation of trade through a secure supply chain.

References

Accord du 3 février 1999 entre la Suisse et l'Italie relatif à la création d'un bureau à contrôles nationaux juxtaposés au poste frontière de Chiasso-Brogeda merci/Ponte Chiasso (Trafic de transit nord-sud), RS 0.631.252.945.460.7, www.admin.ch/ch/f/rs/i6/0.631.252.945.460.7.fr.pdf.

Accord du 15 septembre 1999 entre la Suisse et l'Italie relatif à la création d'un bureau à contrôles nationaux juxtaposés au poste frontière de Chiasso-Brogeda merci/Ponte Chiasso (Trafic de transit sud-nord), RS 0.631.252.945.460.8, www.admin.ch/ch/f/rs/i6/0.631.252.945.460.8.fr.pdf.

Australian Customs and Border Protection Service 2011, *Who we are*, www.customs.gov.au/site/page4222.asp.

Bowman, GW 2006, 'Thinking outside the border: homeland security and the forward deployment of the US border', *Houston Law Review*, vol. 44, no. 2, pp. 189-251.

Center for the Study of Democracy 2011, *Better management of EU borders through cooperation*, Sofia.

Central People's Government of the People's Republic of China, http://english.gov.cn/2008-03/16/content_921792.htm.

Council of Europe 2003, *Cross border cooperation in the combatting of organised crime, best practice survey no.5*, PC-S-CO (2003) 2 E, Strasbourg.

Council of the European Union 2004, *The Hague programme: strengthening freedom, security and justice in the European Union*, JAI 559, 16054/04.

Department for International Development (DFID) 2008, *Modern and efficient border controls: theory of one stop border posts (OSBP). Lessons learnt on the Chirundu OSBP project*, http://siteresources.worldbank.org/EXTAFRSUBSAHTRA/Resources/DFID-ChirunduLessons.pdf.

Doyle, T 2011, 'The future of border management', in G McLinden, E Fanta, D Widdowson & T Doyle (eds), *Border management modernization*, IBRD/World Bank, Washington, DC.

European Commission 2004, *Guidelines for integrated border management for Western Balkans*, Brussels.

Förordning 2002, 1054, om gränstullsamarbete med Norge, Gränstullsamarbete med Norge [5201], www.tullverket.se/download/18.4ab1598c11632f3ba9280007360/31f06_03.pdf.

Government of the Russian Federation 2006, *Decree No. 459, On the Federal Customs Service*, www.customs.ru/ru/gtk/.

Haddal, CC 2010, *Border security: key agencies and their missions,* CRS Report to Congress, RS21899, Congressional Research Service, www.fas.org/sgp/crs/homesec/RS21899.pdf.

Harmon, L 2008, 'One stop border posts: concept, need, benefits and institutions', www.satradehub.org/assets/images/Regional%20Forum/Lynn%20Harmon%20on%20One%20Stop%20Border%20Posts.pdf.

Hobbing, P 2005, 'Integrated border management at the EU Level', CEPS Working Document No. 227.

Institute of Policy Studies 2008, *Better connected services for Kiwis: a discussion document for managers and front-line staff on better joining up the horizontal and vertical*, Institute of Policy Studies, Wellington, NZ.

Kenya Private Sector Alliance 2010, 'OSBP, Legal framework for the East African Community', www.kepsa.or.ke/pdfs/EAC_Regional_legal_framework_Jan2010.pdf.

Kieck, E 2010, 'Coordinated border management: unlocking trade opportunities through one-stop border posts', *World Customs Journal*, vol. 4, no. 1, pp. 3-13.

New Zealand Government 2008, *Border sector strategy 2008-2013: a framework for collaboration for border sector agencies*, Border Sector Governance Group, New Zealand Government, Wellington, NZ.

O'Dowd, L 2002, 'The changing significance of European borders', in J Anderson, L O'Dowd & T Wilson (eds), *New borders for a changing Europe: cross-border cooperation and governance*, Frank Cass, London.

Official Journal of the European Communities 1997, 'Agreement on customs cooperation between the Kingdom of Norway and the European Communities', No. L 105/17, 23 April.

Official Journal of the European Communities 2000, 'The Schengen Acquis, Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders', OJ L 239, 22 September, pp. 19-62.

Mitsilegas, V, Monar, J & Rees, W 2003, *The European Union and International Security, Guardian of the People?*, Palgrave Macmillan, London.

World Bank 2005, *Customs modernization handbook*, World Bank, Washington, DC.

World Customs Organization (WCO) 1999, *International Convention on the Simplification and Harmonization of Customs Procedures (as amended)* (Revised Kyoto Convention), General Annex, WCO, Brussels.

World Customs Organization (WCO) 2005, *WCO SAFE Framework of standards to secure and facilitate global trade*, WCO, Brussels.

World Customs Organization (WCO) 2008, *Customs in the 21st Century: enhancing growth and development through trade facilitation and border security*, WCO, Brussels.

World Customs Organization (WCO) 2009, *Background paper to facilitate the discussion on coordinated border management*, WCO Inter-Agency Forum on Coordinated Border Management, WCO, Brussels.

World Customs Organization (WCO) 2010, *List of countries who have expressed their intention to implement the WCO Framework of Standards*, www.wcoomd.org/files/1.%20Public%20files/ PDFandDocuments/Enforcement/FOS_bil_03.pdf.

World Customs Organization (WCO) 2011, *WCO Customs risk management compendium*, vol. 1, Brussels, www.wcoomd.org/home_pfoverviewboxes_tools_and_instruments_rmc.htm.

World Trade Organization (WTO) 2011, 'Trade growth to ease in 2011, but despite 2010 record surge, crisis hangover persists', PRESS 628, 7 April, www.wto.org/english/news_e/pres11_e/pr628_e.htm.

Yasui, T 2009, 'Cooperation between Customs and tax administrations: lessons learned from revenue authorities', Research Paper No. 5, WCO, Brussels.

Zarnowiecki, M 2011, 'Borders, their design and their operation', in G McLinden E Fanta, D Widdowson & T Doyle (eds), *Border management modernization*, IBRD/World Bank, Washington, DC, pp. 37-78.

Zoellick, RB 2011, Remarks at the Third Global Review of Aid for Trade, WTO, Geneva, http://web. worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:22963662~pagePK:34370~piPK:344 24~theSitePK:4607,00.html.

Endnotes

2   More on the WCO approach to risk management can be found in WCO 2011, *WCO Customs risk management compendium*, vol. 1, Brussels.

3   For a comprehensive review on the development of IBM, see Hobbing 2005.

4   For more information on Revenue Authorities, see the outcomes of the WCO Revenue Management conference at www.wcoomd.org/event_eventcalendar2009_introductionen_outcomesenrmc.htm, and Yasui 2009, 'Cooperation between Customs and tax administrations: lessons learned from revenue authorities', Research Paper No. 5, WCO, Brussels.

5   See New Zealand Government 2008, *Border Sector Strategy 2008-2013, A Framework for Collaboration for Border Sector Agencies*.

6   For the pros and cons of one-stop border posts (OSBP) and other joint arrangements, see Zarnowiecki 2011, pp. 37-78.

7   For more information on the functioning of Offenburg CCPD and other forms of intra-service cooperation in Europe, see Council of Europe 2003.

8   For an analysis of functioning of the Customs and Policy Cooperation Centre (CCPD) in the European Union (EU) and on its borders, see Center for the Study of Democracy 2011 pp. 231-9.

9   This CCPD was opened in 2010.

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