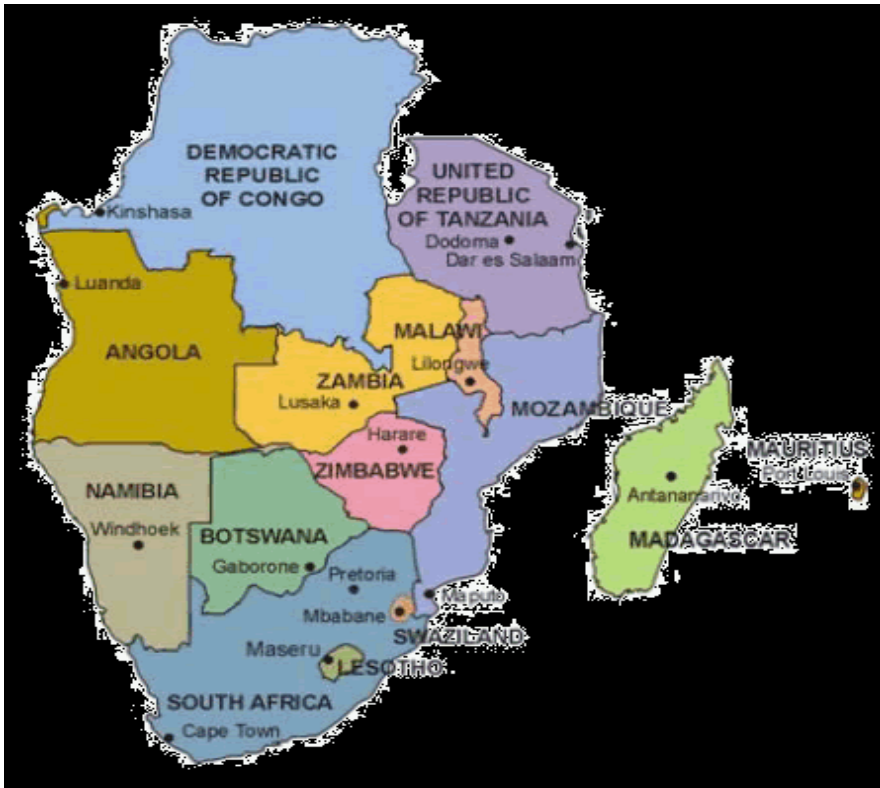




# DRAFT GUIDELINE ON THE COORDINATED BORDER MANAGEMENT

AUGUST 2011

SADC Member States<sup>1</sup>



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<sup>1</sup> Seychelles is a Member but does not appear on the map.

**Draft SADC Guidelines for Coordinated Border Management**  
A Practical Guide on Best Practices and Tools for Implementation

August 2011

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### List of abbreviations

AAD	accompanying administrative document
AFIS	Automatic Fingerprint Identification System
BCP	border crossing point
BIP	border inspection post
BSE	bovine spongiform encephalopathy (mad cow disease)
CAFAO	Customs and fiscal assistance office
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CAS	Customs Administration of Serbia
CAU	Central analysis unit
CCP	Common contact point
CCPD	Centre de cooperation policière et douanière (Customs and police cooperation centre)
CIS	criminal intelligence system
CEFTA	Central European Free Trade Agreement
CEN	Customs Enforcement Network of the World Customs Organisation
CCBMS	Common Coordinated Border Management System
CM	common manual
CSI	container security initiative
CVED	common veterinary entry document
Dis	Departmental Instructions
EC	European Commission
EEC	European Economic Community
EPPO	European and Mediterranean Plant Protection Organisation
EU	European Union
EUG	European Union Guidelines for CBM in EC External Borders
FAO	Food and Agriculture Organization of the United Nations
HRM	human resource management
CBM	coordinated border management
ICMPD	International Centre for Migration Policy Development
ICS	in-land control station
ILO	intelligence liaison officer
IT	information technology
LO	liaison officer
MIP	Multi-Annual Indicative Programme
MoU	memorandum of understanding
NCB	National Central Bureau (Interpol)
NGO	non-governmental organisation
OIE	World Organisation for Animal Health
SAA	stabilisation and association agreement
SAD	simplified accompanying document
SADC	Southern Africa Development Community
DSG	Draft SADC Guidelines for Coordinated Border Management
SAP	stabilisation and association process
SARS	severe acute respiratory syndrome

SU	search unit
TIR	Convention on the International Transport of Goods under Cover of TIR Carnets
ToR	terms of reference
TRACES	Trade Control and Export System
UN/CEFACT	United Nations Centre for Trade Facilitation and Electronic Business
WCO	World Customs Organisation
WHO	World Health Organization
WTO	World Trade Organization

## Glossary on Coordinated Border Management

**Action plan:** a work plan indicating which specific actions have to be taken by which actors in order to reach the goals as defined in the strategy.

**Border control:** an activity carried out at a border in response exclusively to an intention to cross that border, regardless of any other consideration. It covers: (a) checks carried out at authorised border crossing-points to ensure that persons, their vehicles and the objects in their possession may be authorised to enter the territory of the Member States or authorised to leave it; and (b) surveillance of borders outside authorised border crossing-points and fixed hours, in accordance with this regulation, to prevent persons from by passing border crossing-points in order to avoid checks and enter or leave the territory of Member States illegally.

**Border crossing point:** any crossing point at land, sea or air borders authorised by the competent authorities for crossing external borders.

**Border Post:** Used to refer to the whole controlled area for cross-border clearance; used inter-changeably with **border crossing point**.

**Bottom-up and top-down information flow:** describes the information flow within a given organisational unit starting at either the central or the operational level, as well as within hierarchical structures from operational to political level (bottom-up) or from political level to operational level (top-down).

**Carrier:** any natural or legal person whose job it is to provide passenger transport by land, sea or air.

**Controlling:** steering, decision-making, or evaluation of specific processes regarding organisational development, staffing or financing of that organisation.

**Cruise ship:** a ship that follows a given itinerary in accordance with a predetermined programme, whose passengers take part in a collective programme of tourist activities in the various ports and which normally neither takes passengers on nor allows passengers to disembark during the voyage.

**Database:** automated collection of data that can be analysed electronically.

**Delimitation/demarcation:** in order to be able to recognise the beginning/end of the area of application of national laws the state border must be: (a) clearly defined and agreed (delimitation); and (b) commonly marked (demarcation) by border stones and border-signs in order to make the general public properly aware of it.

**Early warning system:** in the context of CBM, this refers to a system to transmit and receive relevant information on expected or already ongoing movements of persons or goods to provide pre-arrival information and – where necessary – also facilitate timely preparation for interception. Also applicable for export and transit reasons. Early warning systems for other services pertain to information on animal, plant and public health risks.

**External borders:** the Member States' land and sea borders and their airports, sea ports and lake ports, provided they are not internal borders.



**Gaps and needs analysis:** analysis of the current situation and ongoing measures, with the aim of detecting areas where further action is considered necessary in order to reach given objectives and standards.

**CBM strategy:** a catalogue of the political and operational objectives a country wants to reach in order to establish a more comprehensive, effective and efficient system of border management.

**Routing slip:** numbered checklist for cargo vehicles at Customs offices at the border (common offices) with boxes to be ticked off for every control measure (border police, Customs, veterinary and phytosanitary services and possibly the authorities of the other country) and signed by the controlling officer, given to the driver at the entrance point and collected and controlled at the exit point, to ensure that the driver and the truck have undergone all the necessary controls.

**Mobile unit:** control composed – due to foreseen tasks – of representatives of one or more agencies involved in border management to carry out inland surveillance and/or surveillance between border crossing points.

**Operational objectives:** defined outcome to be achieved by a specific action or set of actions.

**Operational plan:** detailed plan for specific tasks of organisations and units.

**Process analysis:** evaluation of work flows and information flows within an organisational unit, an administration or between agencies.

**Register:** collection of data that are not processed automatically or that cannot be analysed electronically.

**Risk analysis:** evaluation of the probability of non-compliance with legal provisions; possible *ex ante* (before preparing an action) and *ex post* (after action) in all fields.

**Stand-alone databases:** databases not accessible on line.

**Surveillance at external borders:** all activities and operations carried out by official authorities in the Member States at external land, sea and air borders to prevent, pursuant to article 6 of the Schengen Convention, persons from circumventing the official border crossing points in order to evade checks and illegally enter the common area of freedom of movement.

**PART 1**  
**THE CBM CONCEPT: THE REGIONAL SETTING AND**  
**STEPS FOR IMPLEMENTATION**

# CHAPTER 1

## INTRODUCTION

**Coordinated Border Management (CBM)** has been defined as<sup>2</sup>:

*“national and international coordination and cooperation among all the relevant authorities and agencies involved in **the protection of the interests of the state at the border** to establish effective, efficient and coordinated border management, in order to reach the objective of open, but well controlled and secure borders”.*

### 1.1 Purpose of the Guidelines

1. These *“Draft SADC Guidelines for Coordinated Border Management”*, (Draft SADC Guideline – DSG) were prepared by the EU-funded Customs Modernization and Trade Facilitation project<sup>3</sup> as one of the deliverables which will contribute to the integration agenda of the region. As will be seen later in the document, **Coordinated Border Management (CBM)** is an important objective of regional integration. The transition from a **Free Trade Area** to a Customs Union and on to a **Common Market** requires effective controls of the **internal borders** and, eventually, of the **external borders** of the Common Market. A Common Market requires a common approach to security, movement of people, goods and means of transport, and to sanitary and phytosanitary measures.

2. At the time of writing these guidelines there are a number of regional projects<sup>4</sup> in progress and others being planned for facilitating cross-border movements of people, transport and investment. As will be seen in Chapter 2, implementation of CBM will greatly leverage the success of these projects. The implementation of CBM is therefore an important factor not only for the Regional integration agenda but also for the success of various donor-funded regional projects for cross-border facilitation. It is for this reason that the SADC Secretariat approved the preparation of these guidelines for use by Member States wishing to improve management of their borders and cross-border cooperation.

3. It should be noted from the definition that the main focus of CBM is **management** rather than operations or processes. Operations or processes at the border are managed by different agencies. The concern of CBM is that the management by the agencies – i.e. their policies and strategies – be coordinated. This will lead to integration of actions, activities and processes where appropriate. It should also be noted that CBM concerns all the agencies at the border equally as each has its own statutory mandate and national interests to protect. These guidelines are therefore for all agencies represented at the border.

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<sup>2</sup>Adopted from the EU CBM/CBM/CBM Guidelines with the adaptation in boldface

<sup>3</sup>The full name of the project is *“Support to SADC Member States on Customs Modernisation and Trade Facilitation Towards the SADC Customs Union (9 ACP SAD 009): Provision of technical assistance to the SADC Secretariat*

<sup>4</sup> EU, DIFID, JICA and USAID are funding programmes with components for transit transport facilitation and one stop border posts. The main objective of these programmes is Trade Facilitation, which is one of the objectives of CBM/CBM/CBM.

4. It was a requirement that the Draft SADC Guidelines be based on international best practices while at the same time taking into account special circumstances in Member states. To fulfil the first requirement, the DSG are largely based on the European Commission EuroAid “*Guidelines for Coordinated Border Management in EC External Cooperation*”, which themselves are based on best practices of the EU Member states and other countries, and have been used with great success in Eastern Europe<sup>5</sup>. Thanks to their success they have been used as a basis of similar guidelines for the Western Balkans<sup>6</sup>.

5. To comply with the second requirement, the Draft SADC Guidelines draw examples of the actual situation in SADC Member states from Zambia and Zimbabwe, which the consultant visited. The two countries have experience to share with other SADC countries since they are already involved in establishing a one-stop border post (OSBP) at Chirundu on the Zambia-Zimbabwe border. Furthermore Zambia has also experience in implementing CBM from a project funded by the Millennium Challenge Corporation about two years ago, while Zimbabwe has also experience gained from its cross-border cooperation with South Africa at Beitbridge, on the border with South Africa. It was not possible to involve more SADC Members states in the preparation of the draft due to resource constraints<sup>7</sup>.

## 1.2 Structure of the Guidelines

1. Following this Introduction and Executive Summary, Chapter 2 presents an overview of the EU CBM concept, which is based on three pillars, viz. Intra-Agency Cooperation, Inter-Agency Cooperation and International Cooperation. Under each pillar the Guidelines discuss the following six **key management areas (KMAs)** of border management where improvement would be essential for CBM to succeed:

- a. Legal and regulatory framework describes the necessary legal basis for cooperation and information exchange
- b. Institutional framework provides the recommended organisational setting for introducing CBM
- c. Procedures for cooperation
- d. Human resources and training deals with recruitment and educational/training issues in the framework of coordination and cooperation.
- e. Communication and information exchange provides guidance on how best to create standardised and efficient flows and exchanges of information.
- f. Infrastructure and equipment complements each chapter by recommending how equipment and facilities can support cooperation and coordination at all levels.

2. The chapter also makes a distinction between coordinated border management and integration of border service processes. The latter is a result and part of the former. It then discusses the concepts of **Single Window**, which enables various stakeholders in foreign trade to share data and integrate the declaration and other processes; it also discusses the concept of **One Stop Border Post**, which involves placing officials of two countries in each other’s

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<sup>5</sup>According to the EU Guidelines, they “are intended for EC staff in Delegations and Headquarters, and for partners and donor agencies working and supporting projects in the field of CoordinatedCoordinatedCoordinated Border Management. [They have] been prepared by EuropeAid with the support of the International Centre for Migration Policy Development”.

<sup>6</sup>“Guidelines for CoordinatedCoordinatedCoordinated Border Management in the Western Balkans – Update 2007”.

<sup>7</sup>The EU Guidelines were prepared by a team of 9 people who visited 5 countries outside the EU as well as EU Member states.

border offices so that outward and inward clearance is carried out at one place sequentially. Both concepts require coordinated management for their success but are not, by themselves, CBM.

3. The overview is followed by a discussion, in Chapter 3, of the current situation in the Member states. The chapter outlines the responsibilities of the main border agencies and points out that there is much cooperation among them and also cross-border cooperation as evidenced by such cooperation between the agencies of Zambia and Zimbabwe. However, none of the agencies on both sides of the border can claim exclusive responsibility for **border control**. Border control refers to **border pre-clearance checks** and **surveillance** of the border between two crossing points and at official crossing points outside working hours. Furthermore, there is no single agency, similar to an airport or seaport authority, which is responsible for the management of border posts. The objective of each of the agencies presently at the border is efficient and effective achievement of its own statutory mandate. It is therefore recommended that Member states establish ad hoc agencies for **border control** and **border management** or allocate these responsibilities to specific existing agencies if establishment of new *ad hoc* agencies is not feasible.

4. The Chapter also discusses the cooperation of Zambia and Zimbabwe in the implementation of the **One Stop Border Post, (OSBP)** at Chirundu as an example of bilateral cooperation, which is the 3<sup>rd</sup> pillar of the EU CBM concept.

5. **Chapter 4, Planning to Implement CBM**, describes the steps for implementing CBM, which should start with a study of the current situation, in the light of the key management areas contained in Part II, and the questionnaire in **Annex 4** hereto. The second step is the establishment of a coordinating structure: a **National CBM Coordinator**, a **National CBM Steering Committee (NISC)**, an **CBM Strategy Implementation Committee (ISIC)** and **CBM Advisory Working Groups**. The chapter describes how to develop a national CBM strategy and action plan, including monitoring, evaluation and review. It also includes forms and templates which can be of practical use in the CBM implementation process.

6. Part II of the document comprises Chapters 5 to 12 with Chapters 5-10 discussing the six KMAs respectively. Each KMA discusses the three pillars: intra-agency cooperation, inter-agency cooperation and international cooperation. This is a change from the way the EUG is presented helps to focus more sharply on where management interventions in the Region should be directed to enhance CBM, and makes the reading of the DSG easier.

7. Chapter 11-12 discusses two cross-cutting issues of concern, viz. **“Fighting Corruption”** and **“Information Management and Risk Analysis”**.

8. The KMA chapters in Part II are followed with practical examples in some chapters to illustrate how certain components of CBM are implemented by various countries. The DSG contain four annexes. **Annex 1** – Routing slip; **Annex 2** – Terms of Reference for an CBM Inter-Agency Working group; **Annex 3** – Key Legal Documents; and **Annex 4** – CBM Self-Assessment Questionnaire.

## CHAPTER 2

### OVERVIEW OF COORDINATED BORDER MANAGEMENT

#### 2.1. Introduction

1. State interests at the border include protection of national security, enforcement of immigration requirements, enforcement of import and export restrictions and prohibitions, collection of revenue, recording cross-border statistics, and enforcement of **sanitary and phytosanitary** measures and technical standards.

2. The responsibility for protecting these interests is vested in several state agencies. They include Police, State Security, the Customs, Immigration, those responsible for Sanitary (relating to human and animal products) and Phytosanitary (relating plant products) regulations, and the bureau for standards.

3. Generally, each border management agency carries out its own border management policies and strategies and each agency's border office minds its own processes. For example, the Customs can implement Risk Management and release low risk consignments on the basis of its own criteria without informing the sanitary and phytosanitary agencies, which could contribute indicators for risk. However, some amount of cooperation between border agencies and between adjoining countries is inevitable and indispensable. For example, border agencies of the same country must agree on border opening hours and the sequence of clearing vehicles and passengers, and even establish arrangements for sharing facilities and infrastructure. At the bilateral level, governments of adjoining countries must agree on the location of the **border crossing points (BCP)** (e.g. on where to build a bridge across a river forming the border between them) and on measures for controlling and facilitating cross-border movements of populations living along both sides of the border.

4. Initiatives to modernize cross-border services and to promote Trade Facilitation have resulted in increased cooperation among border agencies and even in the integration of processes like in the Single Window and OSBP arrangements, which will be discussed later. Over time and as the need arose, the areas of cooperation between domestic agencies and at bilateral level have increased.

5. Some countries, like those of the European Union and of the Western Balkans, have developed a holistic and coordinated approach to border management which is the most effective way of achieving all state border objectives. This approach, called Coordinated Border Management (CBM), focuses on coordination and cooperation between all actors involved in border management, and in improving a number of key management areas (KMAs) which are critical in border management. By improving communication, information exchange and mutual assistance of and between the different border agencies, the state border can be managed more successfully.

#### 2.2. The Holistic Approach to Coordinated Border Management

1. The key aspects of the EU CBM concept is improvement of the KMAs in the framework of intra-agency, inter-agency and bilateral/international cooperation. The three levels of cooperation are regarded as the three pillars of the concept.

### **Intra-Agency Cooperation**

2. **Intra-agency cooperation** is really about improving relations and support within the border agency. It refers to interaction between:

- a. The different administrative departments of a ministry or agency at headquarters;
- b. The ministry/agency and provincial or regional centres;
- c. The ministry/agency/regional centres and the units working at the borders/inland;
- d. The various border or inland offices.

3. Examples include the top-down flow of standing or operation instructions (Departmental Instructions (DIs) from the head office to the border post, and the cooperation between a border veterinary office and inland veterinary authorities in order to facilitate the secure transshipment and transit of veterinary consignments. Information of strategic value gathered at the borders needs to be forwarded to the head office and the results of its analysis should be fed back to the borders to improve operations – as happens with information for risk management which is used to build risk profiles.

*Intra-agency cooperation therefore describes the efficient internal cooperation and management of processes, information and resources within a ministry or agency responsible for specific tasks: (a) Between local, provincial and national levels (vertical cooperation); (b) Between different units of the same levels (horizontal cooperation).*

### **Inter-Agency Cooperation**

4. Inter-agency cooperation takes a horizontal approach based on cooperation and coordination between offices of the different agencies at the border (local level), as well as among the provincial and headquarters offices of the agencies. This involves day-to-day operational formal and informal contacts at the **border post** and extends to consultations on mid-term and long-term strategies between the head offices.

5. In order to achieve a comprehensive and effective border management system, all authorities involved in border issues need to cooperate at the local (operational), regional and national levels. The aim of coordination at the head office (strategic) level is to provide a coherent framework for operations to avoid policy inconsistencies. At the local level, more efficient work flows and regular information exchange should lead to shortened processing times, while at the same time increasing the effectiveness of all services in reaching their individual objectives.

### **International Cooperation**

6. International cooperation, the cooperation between agencies of different countries, exists at the local, regional and bilateral/international level. At the border post level there should be cooperation between officials on both sides of the border, like between Customs officials. This cooperation should focus on improving day-to-day operations. It can range from information exchange to solution of possible operational challenges in the interest of cross-border facilitation of legitimate cross-border movements. It should also include meetings between neighbouring countries at the provincial and national levels to discuss matters such as working hours for border posts, coordination of border patrols on both sides of the border, setting up joint patrols and operations, and creating common contact offices to improve communication and exchange of information. Through regional and multinational cooperation, information can be exchanged more easily and regular training seminars can be organised.

7. Closer international cooperation in the field of border management with neighbouring and other countries concerned is an effective tool to facilitate trade and address cross-border crime and irregular migration. This can be achieved, for example, by establishing appropriate working mechanisms and communication channels, local contact points, joint emergency plans or exercises and handling of incidents in a factual manner to avoid political disputes.

#### **Key Management Areas (KMAs)**

8. As mentioned in the introduction, for each pillar, i.e. intra-agency cooperation, inter-agency cooperation and international cooperation, there are detailed guidelines in six KMAs, namely:

- **Legal and regulatory framework**, which describes the necessary legal basis for cooperation and information exchange
- **Institutional framework**, which provides the organisational setting for introducing CBM
- **Procedures for cooperation**
- **Human resources and training**, which deals with recruitment and educational/training issues in the framework of coordination and cooperation
- **Communication and information exchange**, which provides guidance on how best to create standardised and efficient flows and exchanges of information
- **Infrastructure and equipment**, which explains how equipment and facilities can support cooperation and coordination at all levels

9. The following issues of concern are also addressed:

- Asylum and visa management in the context of CBM
- Information management and risk analysis
- Fighting corruption
- Developing a national CBM strategy and action plan

10. Although the three pillars of cooperation are given emphasis, the real substance of CBM is in the KMAs. The KMAs are actually key management areas that should be addressed in efforts to integrate border management. In any case, from the perspective of management, the matters coming under intra-agency cooperation should more properly be seen as **management of the agency** rather than cooperation within the agency. The DSG direct focus to the KMAs but for each KMA intra-agency, inter-agency and international/bilateral



cooperation is also discussed. This is a more logical approach and makes the CBM Guidelines more readable.

## **2.4. Benefits of CBM and the Guidelines**

1. CBM is therefore about better management of border agencies at national and lower level and improvement of their coordination and collaboration at intra-agency, inter-agency and international levels with the goal having open, but controlled and secure borders. As pointed out in the EUG, at the basis of the concept is the realisation that, irrespective of the national system and its level of development, the results of the individual border agencies generally improves when their level of cooperation is enhanced. Border management becomes smoother and more efficient, which for example can lead to shorter waiting periods at the border crossing points and, consequently, higher customer satisfaction. At the same time cooperation can contribute to increased detection rates of illicit trans-border activities.

2. Implementation of CBM along the Draft SADC Guidelines should benefit the countries of Southern Africa and the adjoining regions. It will among other benefits:

- Improve management of border agencies and clarify responsibilities and accountability of border agencies
- Remove inter-agency rivalry and duplication of resources
- Facilitate trade, transport, tourism and foreign Investment
- Provide for overall single ownership of the responsibility for border efficiency
- Contribute to the success of regional and national cross-border facilitation projects like those for implementing Single Window and OSBP
- Facilitate implementation of the regional integration agenda (Customs Union; Common Market - Free movement of goods, labour and capital; Security, etc)
- Facilitate implementation and accession to various international instruments concerning facilitation of cross-border formalities

3. In Chapter 1 it was mentioned that there is a difference between CBM and two other concepts which can be confused for CBM namely, the Single Window and the One Stop control which is more popularly known in the region as One Stop Border Post. These two concepts are now discussed in detail.

## **2.5. The Single Window Concept – Domestic Integration of Processes**

1. A Single Window is about domestic integration concerning mainly data collection and information processing. A Single Window is defined as a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export, and transit-related regulatory requirements. If information is electronic, then individual data elements should only be submitted once<sup>8</sup>. It is essentially a political / organizational / procedural concept – it is not a technology system!

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<sup>8</sup>Information for this section was obtained from a paper of the UNCTAD secretariat prepared by Tom Butterly, Trade Facilitation Section, Trade Logistics Branch, UNCTAD, and from the UN Rec No. 33 and the WCO guidelines on Single Window Data Harmonization.

### Single Window Features

- Allow traders to lodge standardized information and documents with a single entry point to fulfil all import, export, and transit-related regulatory requirements
- If information is electronic then it need only be submitted once
- Allow for the sharing of information amongst government agencies in respect of international trade transactions
- Provide coordinated controls and inspections of the various governmental authorities.
- Allow payment of duties and other charges
- Be a source of trade related government information

2. Ghana, Kenya, Mauritius and Senegal are probably the only African countries operating Single Windows. Other countries in the world include, Finland, Germany, Guatemala, Hong Kong SAR (China), Japan, Malaysia, Singapore, Sweden, and the United States.

3. The Single Window facility can be financed by the state, as in Finland, Sweden and the United States, or by the private sector as is the case in Guatemala and Germany. In the four African countries it is by public-private sector partnerships.

4. The implementation of the Single Window concept should be carried out step by step, starting with processes analysis (see the table and the text box below). The establishment and operation of the facility is the last step. There are various tools, aids and Trade Facilitation Recommendations of the UN agencies and other international organizations (some of which are shown in the last column of the table below) that should be followed and will help to accomplish the various steps. **UN/ECFACT** Recommendation 33 lists key factors in establishing a successful Single Window environment. All of these factors are critical for the development of a Single Window environment. A strong lead agency is critical to a successful outcome of the harmonisation process. It is the lead agency that will be responsible for drafting the planning and committing the resources necessary.

5. The **World Customs Organization (WCO)** has also developed Guidelines on Single Window Data Harmonisation designed to assist in harmonising and standardising government international trade information and data requirements in order to develop and implement a Single Window environment. The guidelines are based upon best practices and provide details on policy and organisation matters necessary to achieve the aimed harmonisation. They also provide tools that governments can employ to facilitate the harmonisation process and the details on domestic harmonisation.

**Step by Step Implementation Based on International Standards**

5 <sup>th</sup> and Last Step		<i>Single Window</i>	Rec 33+34
4 <sup>th</sup> Step		<i>Cross-border Data Exchange</i>	UNeDocs + WCO DM = CBRDM
3 <sup>rd</sup> Step		<i>National Data Harmonization</i>	UNTDDED, Core Component Library, UN LOCODE and code lists, UNeDocs, Rec 34

<b>2<sup>nd</sup> Step</b>	<b>Document Simplification and Standardization</b>	UN Layout Key, Master Document, UNTDED, TF Toolkit and Forms Repository
<b>1<sup>st</sup> Step</b>	<b>Process Analysis and Simplification</b>	Business/Political Process - Collaboration Between Trader and Government (UN/CEFACT Rec. 4, Rec. 18), UN/CEFACT International Supply Chain Reference model, Unified Modelling Methodology (UMM), Global Facilitation Partnership for Trade and Transport (GFP) Audit Methodology

#### Process Re-Engineering Before Computerization in Cambodia<sup>9</sup>

The Team and its consultants (**responsible for introducing ASYCUDA World**) ... examined all aspects of current systems and redesigned them with a view to automating all import/export processes. This has caused us to eliminate many of the legacy processes and documents, even to reduce the number of Ministries who can insist on permits, and pre qualification for permits and various certificates, including the Certificate of Origin. The basic principles we applied for reengineering processes included:

- Do not automate present processes, redesign first;
- Eliminate steps where possible, simplify where they cannot be eliminated and take as many processes off the critical path of the import/export approval process as possible;
- Eliminate paper, signatures, cash payments and all opportunities for personal interactions;
- Employ the principles of pre-clearance, post-event audit and rules based risk-management at every opportunity;
- Use international standards and internationally agreed protocols and processes wherever possible.
- Minimised data entry requirements.

<sup>9</sup>Cambodian Paper Submitted by Cambodia at the Executive Forum on Paperless Trade In International Supply Chains: Enhancing Efficiency and Security, Geneva, Switzerland 20 – 22 June 2005

## ICT Solutions for Single Window

6. Single Window is often associated with very sophisticated systems of Information and communication technology (ICT). This is partly because the existing ICT systems that are marketed as examples are very sophisticated because they are Community Systems which provide solutions for bringing a large number of international trade stakeholders together. The Single Window is essentially for an enabling economic operator to make one declaration which will serve the purposes of the various border agencies concerned. In its crudest form the Single Window can be implemented without ICT by placing all the agencies at one place which would be served by one document reception and vetting window. The use of ICT will enhance facilitation but how sophisticated the ICT solution should be should depend on need and affordability. Where a country cannot afford a sophisticated system it should nevertheless implement a Single Window with a simple system, even one which is automated. Subsequently it will acquire a simple ICT system which will be updated as need arises and resources allow.

7. Countries already using the Automated Systems for Customs Data (ASYCUDA) can adopt this step by step approach to implementing Single window. At the time of preparing these guidelines UNCTAD, which owns ASYCUDA, is preparing a Single Window portal and modules for the *ASYCUDA World* version to link Customs and other government agencies. *ASYCUDA World* which is the latest ASYCUDA version and is essentially ASYCUDA++ (the previous version) with an Internet-enabled front end. ASYCUDA++ and the version before it (*ASYCUDA 2.7*) are used by most Customs administrations in the region and more than 100 countries worldwide. Before procuring very costly Single Window ICT systems countries in the region should check availability of the ASYCUDA solutions, which will have a very large user community and will be maintained by UNCTAD.

## Single Window and CBM

8. Single Window is about integration of processes and exchange of information and data which agencies can use to exercise effective controls and to make management decisions. Implementation of a Single Window requires coordination at the levels of the border agencies and even at ministerial level. In fact, there must be a government authority or a private sector organization that will initiate the drive to establish a Single Window. This can be the ministry concerned with trade facilitation or investment promotion or, in the case of the private sector, the federation of chambers of commerce or the business forum. If there is a single agency responsible for border management, as proposed in Chapter 3 below, it would be the one to start the initiative or to oversee its implementation.

## 2.6. The One Stop Border Post Concept

1. **The One Stop Border Stop (OSBP)** involves fully the cooperation required by the CBM three pillars. It involves intensive bilateral cooperation between adjoining states at the state level down to the operational levels of the BCP concerned. The main feature of the concept is placing, by two adjoining countries, each other's border agency officials in their territory so that one side of the border jointly controls the traffic moving to one direction, e.g. northbound, and the other controls the traffic moving to the opposite direction, e.g.

southbound. The effect is that the traffic to either direction will stop only at one border post – hence OSBP.

2. Zambia and Zimbabwe have probably the most experience in the implementation of the concept since at the time of preparing these guidelines the Chirundu OSBP on the border between the two countries is the only OSBP operating in the SADC and COMESA regions. The preamble to the Bilateral Agreement between the governments of the two countries shows the areas of cooperation between the two countries and the benefits that are expected. According to the preamble, the intention of the parties to the agreement is to:

- a. enable expeditious and more effective border controls;
- b. reduce the number of stops in cross-border trade and other transactions by combining border controls activities of the Parties at a single location in each direction;
- c. extend the application of national laws relating to border controls of each Party in the other State thereby enabling border control officers of each Party to perform statutory functions outside their national territory;
- d. allow for the hosting of border control officers in each other's territory with authority to execute border control functions using their own national laws;
- e. share each other's existing border controls infrastructure and facilities thereby enabling border control officers of each Party to perform statutory border control functions outside their national territory;
- f. simplify border control documents and procedures to allow for expeditious processing of border controls;
- g. maximize the use of Information and Communication Technology in order to enhance faster sharing of border control data between the Parties border controls officers;
- h. harmonize border control regulations and procedures of the Parties for standardized application and easier predictability;
- i. carry out joint technical training of border control officers of the Parties so as to achieve common levels of conceptual understanding of the OSBP operations;
- j. involve the private sectors of each Party through public awareness programmes, training of border control facilitation agents and provision of requisite access to all private sector border control facilitation agents;

3. For this arrangement to be fully successful it requires government commitment at the highest level and strengthening of all the CBM KMAs but especially the legal framework. It is expected that other countries establishing OSBPs will benefit from the legal framework of for the Chirundu OSBP, which is described Chapter 3 below, or improve on it since, unlike the pioneering countries, they will be in a position to assess which provisions have worked well and which have not.

## **2.7. Regional Coordination and Technical Assistance**

1. In view of the significant role of CBM in all aspects of regional integration, it is recommended that its implementation be included in the work plan of the SADC Secretariat. The Secretariat should be given responsibility for:

- promoting its implementation by Member states

- assisting Member States with securing technical assistance to implement CBM
- coordinating training in CBM
- monitoring and issuing periodic reports on progress in the implementation of CBM in the region
- updating these guidelines regularly

2. Since CBM concerns all border agencies, its regional coordination should involve more than one directorate of the SADC Secretariat. It will require coordination also at the level of the Secretariat.

## CHAPTER 3

### BORDER MANAGEMENT AGENCIES IN THE SADC REGION

#### 3.1. Examples of Zambia and Zimbabwe<sup>10</sup>

1. The main border management agencies have their own offices or own personnel at **Border Crossing Points (BCPs)** or border posts that are responsible for carrying out the mandate of the agency. The government agencies represented at the Zambia/Zimbabwe border-post of Chirundu are representative of the agencies typically present at border-offices in the SADC region. The responsibilities of each agency is summarised below<sup>11</sup>.

##### **Immigration**

2. In both countries Immigration is a department of the Ministry of Home affairs or Interior, and it is responsible for controlling the entry and exit of persons and monitoring the stay of aliens in the country. The department also facilitates cross-border movements of border populations by a system of border passes, which was established by mutual agreement between them.

##### **The Customs**

3. The Customs has the largest presence at borders in the SADC countries. The Customs in Zambia and Zimbabwe are services of the **Zambia Revenue Authority (ZRA)** and the **Zimbabwe Revenue Authority (ZIMRA)** respectively. Like the Customs services of other countries, the services are responsible for controlling and monitoring imports and exports and collecting Customs duties and other taxes on imports and exports. The Zambian Customs is also responsible for scanning cargo containers as part of Customs verification.

##### **Bureau of Standards**

4. The other agency commonly represented at the border is the national Bureau of Standards which is responsible for ensuring that goods imported into the country meet the required quality and technical standards. Only the **Zambia Bureau of Standards (ZBS)** is represented at Chirundu.

##### **Environment, Sanitary and Phytosanitary Agencies**

5. Other common agencies at the border are Health, Veterinary and Agriculture, which are responsible for enforcing the laws for protecting human health, animal and plant species, and the environment. In Zambia the **Environmental Council of Zambia (ECZ)** is represented at Chirundu where it is responsible for protecting human health and the environment by monitoring and controlling the importation of prohibited, restricted, and experimental products.

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<sup>10</sup>The information for this section is based on a report on study on the Chirundu OSBP.

6. In Zimbabwe there is no standards regulatory body. The Standards Association of Zimbabwe is a private-sector organisation for developing and promoting national standards and ISO certification. It also protects individual manufactures from competing non-compliant products. It has an agreement with the government to provide advisory services.

7. Also at the border is the Zambian **Department of Health** which is responsible for monitoring and regulating the import and export of cosmetics, foodstuff and medical drugs. Finally there is the **Department of Agriculture** which is responsible for enforcing phytosanitary regulations.

8. On the Zimbabwe side officials of **Agriculture and Port Health** share the responsibility for the health, sanitary, phytosanitary and environmental functions.

#### **Police and International Police (Interpol)**

9. The Police service is often represented at the border. Its role is to maintain law and order and to assure state security. The Police may countercheck the activities of other border agencies to ensure that border formalities have been complied with. They can also act where there is suspicion of crime or in the interest of state security. They may also enforce compliance with traffic requirements within and around the border. At Chirundu, Interpol is also represented on the Zambia side with the mandate of checking ownership of private passenger motor-vehicles especially those with foreign numbers plates.

#### **Other Border Agencies**

10. On both sides of the border, there are also officials from the ministries of transport and roads that administer axle load controls, and collect toll fees and related charges. In Zambia, the road transport agency present at Chirundu is the **Road Transport and Safety Agency (RTSA)**. Its main functions are to collect tolls on foreign registered commercial vehicles and to issue temporary permits and temporary road licenses.

11. On the Zimbabwe side the **Vehicle Inspection Department (VID)** is responsible for collecting road toll, checking vehicles for road worthiness and managing weighbridge operations. There is a weighbridge which is used to check axle loads to prevent and punish overloading of vehicles. The nearest weighbridge on the Zambian side is at Kafue, about 100 km on the main road to Lusaka.

12. The **Drug Enforcement Commission (DEC)** in Zambia is yet another agency represented at the border. It was established in 1989 to combat drug abuse and illicit trafficking of narcotics. As well as its functions at the border, the commission conducts public campaigns to enlighten the public about the effects and dangers of narcotic drugs. In Zimbabwe, the responsibility for combating drug trafficking and abuse is vested in the Zimbabwe police. The table below lists the agencies represented at the Chirundu border.

### **3.2. Need for a Border Surveillance Agency**



1. In general, the agencies listed above are responsible for clearing persons, their vehicles and the objects in their possession into or out of the country. What is not clear is which agency, especially between Police, Immigration, and the Customs, is responsible for border patrols and guarding authorized crossing points outside opening hours to prevent unauthorized border crossing.

2. In Zambia and Zimbabwe, border surveillance is the responsibility of the police but the Customs and Immigration can also claim responsibility under their respective laws. In East Africa the Customs Preventive Service (CPS) was responsible for border surveillance, security of Customs areas, inspection of vehicles, clearance of passengers at the airport and border posts, and generally served as the police force of the Customs. With the establishment of Revenue Authorities and restructuring of Customs administrations the CPS was abolished.

2.. In the United States, *the United States Border Patrol* is an agency within U.S. Customs and Border Protection (CBP) which is primarily responsible for immigration and border law enforcement under the Immigration and Nationality Act. The duty of the agency is “to prevent terrorists and terrorist weapons from entering the United States and to deter, detect, and apprehend illegal aliens and individuals involved in the illegal drug trade who enter the United States other than through designated ports of entry.”<sup>12</sup>

3. The *UK Border Agency* is responsible for securing the UK border and controlling migration in the UK. It manages border control for the UK, enforcing immigration and Customs regulations. It also considers applications for permission to enter or stay in the UK, and for citizenship and asylum.

4. A number of European countries have Border Police or Border Guards. They are part of the national Police force, in some European countries, like Switzerland and Belgium, they also carry out Immigration functions.

5. SADC Member States should clarify which agency is responsible for border surveillance. Lack of clarity can lead to inter-agency rivalries, duplication of resources, illegal border crossing or lack of allocation of resources to border patrols.

6. The EUG recommend that the responsibility be entrusted to an ad hoc unit of the national Police Force. This is the case in Zambia, and also in Zimbabwe where the Police has a border unit. Although the unit will not be a parallel structure, the following should be borne in mind:

- a. There should be a special budget allocation for border management, including salaries, infrastructure, equipment (including maintenance), training and other activities.
- b. The head of the unit at national level must have decision-making powers on overall strategic and operational aspects of border control.
- c. Since the unit would be responsible for border security, its staff should be at each BCP but it must not necessarily employ the same number of staff at each BCP; depending on the size and category of the BCP the number of staff on duty should vary.
- d. The unit should in principle be centralised with a direct chain of command between responsible units at all levels (central, regional and local). However, offices at local

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<sup>12</sup>From Wikipedia, the Free Encyclopaedia

level must have enough autonomous powers to react quickly and effectively to unforeseen situations and should also be able to make small scale purchasing decisions (e.g. office material).

7. It would be the responsibility of the unit to:

- a. Carry out border surveillance and checks at the BCPs
- b. Control movement of vehicles and persons within the border post
- c. Prevent persons from circumventing border checks that are performed at authorised BCPs and refer cases to the relevant agency
- d. Take preventive or enforcement measures at the border to protect it against illegal activities
- e. Conduct investigations into facts observed in the course of checks or surveillance at the border and inform/refer to relevant agencies
- f. Maintain national security in compliance with national legislation

8. The control of traffic within the border post is important to facilitate border crossing. As some studies have established<sup>13</sup>, congestion at border posts is sometimes caused by unorganized parking by vehicle drivers. Sometimes a driver would park a vehicle inside the control zone and disappear instead of being available to move it when required. Control is also necessary outside the gates of the border post so that vehicles can queue and move forward in an orderly manner.

9. In the framework of its operations, the unit should also perform law enforcement tasks e.g. to prevent, identify, discover and investigate trans-border crime, either as part of its regular tasks or in cooperation with other relevant law enforcement authorities. It should be employed to prevent illegal fishing activities, illegal exploitation of natural resources and marine pollution. It should be ready to respond all the time to calls for assistance from the other border agencies.

10. The staff of the unit should be identifiable by its special uniform; they will receive special training, work closer with other border management agencies, and participate with other agencies in efforts to establish open but effectively controlled borders. Depending on national circumstances, the officials of the unit should be given a border allowance above their salaries to bring their emoluments to the level of those of other border agencies.

### **3.3. Need for a Border Management Agency**

#### **The Management Aspect of CBM**

1. At this point it would be useful to reiterate the management aspects of CBM. Coordinated border management is about integrating the management of the border. The objective of its

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<sup>13</sup>See for example the "Beira Corridor: *Cross-border Trade Facilitation Component – Situation Report*". by Infra Africa (Pty) Ltd, 2005".

management is to ensure that persons and goods moving across the border are subjected to the various laws relating to such persons and goods. This broad objective is made up of the individual objectives of each border agency. For example, the objective of the Customs is to ensure that all imports and exports are declared to the Customs. To achieve its own objective, each border agency manages by acquiring appropriate resources and formulating policies, strategies and activities for its area of competence. It is in this regard that each agency manages the border. CBM requires the management by border agencies to be coordinate or coordinated as this will result in more efficient achievement of their individual objectives and of the main objective of border management.

2. None of the agencies that were discussed at the beginning of this chapter has a statutory role or responsibility for coordination or integration. In this regard the land border situation is different from that obtaining at sea-ports and airports where there is usually an agency or corporation owning the port or airport. The corporation is not only responsible for maintaining port infrastructure, utilities, handling and other facilities, but also for maintaining maximum security and efficiency of the port. Airports and seaports are operated as business concerns and they are motivated by business and security concerns to achieve excellence in their management. Laxity can result in loss of business if for example, airlines avoid the airport or shipping companies avoid or reduce calls on the port or impose a surcharge on freight. If necessary, some of its services or ports and airports are outsourced in order to improve efficiency and make the port financially self-sustaining.

3. The drive for port and airport security and efficiency results in the facilitation of trade, transport, tourism and investment (TTTI), which are matters of national interest just as the protection of state security, revenue, and human, animal, and plant life. Although the border agencies are increasingly simplifying and modernizing their documentation and procedures in response to recent efforts to promote cross-border facilitation, their focus will always remain on their statutory mandate, which is not TTTI Facilitation. In fact it is their compliance-enforcement activities that pose serious threats to TTTI.

4. For this coordination to succeed fully there is need for an ad hoc agency to manage it. The establishment of a border authority as planned in Zimbabwe would be a bold step for managing the border. However, for the authority to succeed in terms of CBM, its responsibilities would have to extend beyond ownership and maintenance of border post infrastructure and equipment. It would need to have all the responsibilities mentioned below. The situation in Zambia and Zimbabwe gives rise to a consideration of which ministry is best suited to oversee the integration of border management. The Ministry responsible for external trade would be the most appropriate because in many countries it is responsible for trade facilitation, which is probably the issue of most concern next only to national security.

5. Whatever ministry has the responsibility it should establish a unit which is dedicated to border management integration. The unit would be in charge of implementing the Coordinated Border Management model, and its broad functions would include:

- Overseeing the implementation of the CBM concept
- Promoting continuous cooperation among border agencies and border offices
- Promoting bilateral relations with adjoining states

- Coordinating national, cross-border and regional facilitation measures and programmes
- Benchmarking, monitoring, evaluation and reporting on border-post performance
- Conducting hearings on proposals for introducing new cross-border formalities
- Maintaining liaison with economic operators and handling public complaints concerning border crossing
- Carrying out border management communication and outreach activities

The role of the unit is further discussed in Chapter 4 concerning implementation of CBM and Chapter 6 concerning CBM institutional framework.

### **PRACTICAL EXAMPLE**

#### **PRACTICAL EXAMPLE: Central management of all **blue border** activities**

The Federal Coast Guard of Germany (küstenwache des Bundes) coordinates the federal law enforcing activities at sea and is – among other duties - in charge of the protection of the national borders and Customs. Even though the Coast Guard has its own logo and uniform it is not an independent agency but only a coordination body whose members are the Federal Border Guard (Border Guard), Customs, the “Federal Waterways and Shipping Administration” and the Federal Institute of Agriculture (Food/Fisheries Protection). While in principle each agency is responsible for their respective duties, in practice Customs and Border Guard have authority to act on behalf of each other when required. If suspects are apprehended or illegal goods are found, they are handed over to the competent agency at the end of the shift, which then assumes the responsibility for the case. Instant support can be requested from the partner agencies at any time should the need arise. Two Coast Guard Centres coordinate all activities to ensure that the whole coast is covered and that ships are not checked several times by different agencies. The federal government pays for the acquisition of the ships, which are then assigned to the involved ministries. The boats are manned by the respective agencies with officers who own a navigation patent and are experienced seafarers. This system requires a high level of trust and well-established cooperation between the agencies involved, but it has the advantage of an optimised allocation of resources at minimal cost.

## **CHAPTER 4**

### **IMPLEMENTING COORDINATED BORDER MANAGEMENT**

#### **4.1. Study of the Current Situation**

1. Part I of these guidelines discussed the concept of CBM and presented only a sketch of the current situation in the SADC countries using Zambia and Zimbabwe as examples. As stated in the introduction to these guidelines, it is hoped that the guidelines will encourage and help officials of border agencies or the ministries concerned to review and improve the current situation of border management integration as a whole.

2. The first step in the process of implementing CBM is carrying out a study of the current situation. This is important because in every country there is bound to be some amount of integration. The study should analyse thoroughly the situation regarding all KMAs on the basis

of the guidelines and the questionnaire in Annex 4, and should include a thorough gap and needs assessment and an inventory of all on-going and planned, national and international activities in the area of border management. The findings of the analysis will serve as the basis for the CBM strategy and action plan.

3. The study of the current situation in an agency can be carried out by the agency itself or by a consultant. The current situation in the country as a whole could be carried out by the unit in the Ministry responsible for border coordination as recommended in chapter 3. If the ministry does not have a unit for border management coordination unit a consultant should be hired to carry out the study.

4. If an agency decides to have its current situation reviewed, the agency itself will be responsible for improving the identified areas. It should be noted that following a national review each agency might be required to improve identified areas if it is not feasible to undertake a total national CBM improvement programme. However, Member states are encouraged to look for resources for a national undertaking since integration of management of borders should involve all the agencies and other stakeholders, and will not be completed if only some KMAs are address in a few agencies. The rest of chapter assumes that CBM will be implemented nationally.

## **4.2. Responsibility for the Planning Process**

1. If there is already a unit in the ministry that is responsible for coordinating border management, the unit will be responsible for coordinating the planning process. If there is no such unit, the ministry should appoint a **National CBM Coordinator (NIC)**. No single border management agency can lead the process. It is assumed in this chapter that there is no border management coordinating agency, but reference to NIC includes the coordination unit.

### **Appointment of a National Coordinator**

2. The NIC should be provided with the necessary political, administrative and financial support to facilitate the CBM process, and to include other ministries, institutions and agencies as necessary. He/she should also be provided with office accommodation and **secretariat services**.

3. The NIC should identify the key stakeholders in the area of border management that will constitute the ad hoc core team for the development of the CBM strategy and action plan. Representatives of the identified stakeholders will make up two essential bodies for the planning process, namely:

- a. **National CBM Steering Committee (NISC)**: a high-level inter-agency committee at policy level for defining the overall goals
- b. **CBM Strategy Implementation Committee (ISIC)**: a committee of inter-agency working groups at operational/expert level for the translation of the overall goals into concrete activities. See Annex 2 for an example of the terms of reference for an inter-agency working group.

#### **The National CBM Steering Committee (NISC)**

4. The delegates to the NISC will include a few officials from the ministry and heads of the border management agencies or their deputies, and should be chaired by the Deputy Minister or Permanent Secretary for the ministry responsible for border management coordination. Its main task will be to ensure political commitment to the national CBM strategy and to oversee its implementation. Its other responsibilities will include:

- a. Identification of priorities in the area of CBM
- b. Securing sufficient budgetary means, from the national budget or through external funding, for the implementation of CBM
- c. Adoption of official documents related to CBM or initiation of legal procedures for their adoption
- d. Monitoring and guidance for the drafting and implementation of the CBM strategy and action plan and regular update of the strategy in line with national priorities.
- e. Coordination of the development and implementation of the national CBM strategy and action plan with neighbouring countries and other high level coordination bodies in the region
- f. Ensuring coordination and collaboration among all the border management agencies and liaison with persons involved in border traffic at the national, regional and local levels
- g. Supervising the work of the CBM Strategy Implementation Committee
- h. Cooperating with and providing guidance to all border management agencies and resolving issues of contention

#### **The CBM Strategy Implementation Committee (ISIC)**

5. The ISIC will be made up of experts representing the various border management agencies. It will be responsible for drafting CBM strategies and action plans for approval and adoption by the NISC, and for coordinating implementation. It will work with the secretariat to monitor and evaluate progress in implementing CBM and will submit progress reports to the NISC. It may establish sub-committees and advisory working groups or invite experts to work on specific questions or subjects. In respect of CBM the ISIC will carry out the following tasks:

- a. Drawing up a detailed work plan and timeline for the development of the strategy and action plan
- b. Conducting of a thorough gaps and needs assessment on the national border management situation, as a prerequisite to the development of the CBM work plan.
- c. Drafting of the national CBM strategy, as well as an action plan for the implementation of the strategy
- d. Implementation of the sections of the action plan related to inter-agency cooperation

- e. Periodically review and update the CBM strategy and action plan
  - f. Providing recommendations for improved cooperation and coordination between agencies
6. It is crucial that the members appointed to the committee are available for regular meetings.
7. An inter-agency working group (IAWG) composed of high-ranking officials from each agency, and supported by operational officials who have trained in border management from each agency should meet at regular intervals and report to the ISIC, which in turn reports to the NISC. The tasks of this working group are to resolve problems of cooperation, and identify areas where increased information exchange would be beneficial and where other joint interests exist.
8. Where a national CBM strategy and action plan exist, the inter-agency working group is also responsible for monitoring implementation and updating both documents at regular intervals. The relationship with any other interagency/inter-ministerial working groups should be clarified and procedures for resolving conflicts defined.

### **Participation of Non-State Bodies**

9. State bodies that are only peripherally involved in border issues, as well as non-state actors such as industry and business associations, can be involved in CBM discussions on specific questions.

### **4.3. The National CBM Strategy**

1. The national CBM strategy should provide the government with:
  - a. A comprehensive overview of the current border management situation
  - b. Information on on-going border-related initiatives and projects
  - c. Clear strategic and operational objectives for cooperation and coordination in the field of CBM
  
2. The strategy document itself should be concise and openly formulated, not going into details that may need frequent updates. It should focus on the goals to be achieved, while the concrete activities, the timeline and the resources necessary to reach them should be covered in the action plan.
  
3. Once prepared, the consolidated draft national CBM strategy and action plan should be submitted for adoption to the NISC, which will in turn forward them to the ministry concerned for government adoption. Once adopted, the documents should be distributed to all relevant stakeholders for reference.

### **Drafting the CBM strategy**

4. Before the drafting of the strategy document can start, the findings and recommendations of the analysis on the actual situation must be studied. The main strategic objectives should address the weakness identified by the situation analysis.
  
5. The objectives should be achievable but they should not be set too low as they will run the risk of being seen both locally and internationally as a token effort. It must have a glossary similar to the one at the beginning of these guidelines so that there can be a common understanding of terms by all its readers.
  
6. Joint working groups should be established to draft various chapters. Strategies that only respond to the needs of one of the border management agencies should not be included since they are outside the scope of CBM.
  
7. Once the draft of the strategy is completed, it should be circulated to all relevant stakeholders for comments and then be finalized by a meeting of stake holders that will take account of the comments received.



## **Outline of the CBM strategy**

8. It is recommended that a national CBM strategy includes the following chapters:

### ***Chapter 1: Introduction and Executive summary***

- a. Overall purpose of the CBM strategy
- b. Expression of commitment to implementation

### ***Chapter 2: Summary of geographical and political characteristics relevant for border management***

- a. Length of the border line, number of BCPs
- b. Border traffic flow (passengers, goods, etc.), in comparison to previous years
- c. Main challenges in the field of border management and existing needs (based on the gaps and needs assessment)

### ***Chapter 3: Institutional framework***

- a. Main agencies involved in border management and their organisational structures, main tasks
- b. Presence of border management agencies at BCPs

### ***Chapter 4: Coordinating structures***

- a. National CBM Steering Committee: composition and main tasks
- b. National Strategy Implementation Committee: composition and main tasks
- c. Bilateral, regional and international coordination mechanisms (where applicable)

### ***Chapter 5: Summary of the Current Situation and General Objectives***

This will be in the *light of the results of the gap analysis of the current situation.*

### ***Chapter 6: Planned Objectives and Activities for Enhancing Coordinated Border Management***

These objectives are what must be achieved to fill the gaps identified by the gap analysis - analysis of the current situation - in the KMAs. The objectives could be framed as following:

- a. An adequate legal and regulatory framework for cooperation and information exchange
- b. An appropriate institutional framework with adequate capacity to support CBM
- c. Complete and regularly updated formal procedures for cooperation
- d. Adequate and appropriate trained and deployed staff that is able to meet the challenges of border management and integration of processes.
- e. Acquisition of data standards and an efficient system for exchanging information among border management agencies.
- f. An adequate border infrastructure and modern equipment for border services.
- g. An efficient and effective asylum and visa management system

- h. A significant reduction in the reported incidences of corruption among the staff of border agencies
- i. A successful and regularly reviewed risk management system

#### **Chapter 7: Reviewing, Monitoring and Evaluation**

The task of regularly reviewing the strategy and monitoring and evaluating its implementation through the action plan should be described here.

#### **Annexes**

In order to keep the strategy document short and concise, all information that is not strictly necessary for the formulation of the strategic goals should be included in an annex, e.g. lists of relevant laws or organisational charts.

#### **4.4. National CBM Action Plan**

1. In the interest of continuity, the same persons who were involved in developing the strategy should work on the action plan. The national CBM action plan translates the objectives identified in the strategy into specific activities; it must adequately address operational concerns.
2. The document should be seen as a flexible working tool that can be modified to reflect changing requirements and new situations. Therefore a regular update is required.

#### **Developing a national CBM action plan**

3. The individual objectives of the CBM strategy need to be extracted to serve as the basis for the action plan. This document is ideally drafted in the form of two tables which can be adapted to national needs, but should at least include the following information.

4. **Table 1** should:

- a. Describe each of the objectives which were transferred from the CBM strategy, by including a brief explanation of its context: the current situation, requirements and, if applicable, good practices to be followed;
- b. List the necessary actions to fulfil the objective; and
- c. Provide a set of indicators which help to indicate when the objective has been completed. The indicators should be SMART, i.e.:
  - i. **Specific:** What is actually expected to change?
  - ii. **Measurable:** How will it be known if the goal has been reached?
  - iii. **Attainable:** Is it realistic and likely to be achieved?
  - iv. **Result-oriented:** Are the results set meaningful?
  - v. **Timed:** By when can the goals be expected to be achieved?

It is useful to number both the objectives and the actions as they will be referred to in discussions among working group members and experts.

5. **Table 2:** For each action identified in **Table 1**, a second table (**Table 2**) needs to be completed, detailing:

- a. Practical activities necessary for the implementation of the action.
- b. Expected results and indicators which are held in order to verify whether they were reached
- c. Stakeholders: responsible agencies and other actors that are involved.
- d. Time needed for completion of the action, as well as its place in the overall timeline of the action plan
- e. Financial and human resources

### Checklist

6. Below is a list of questions that the developers of the action plan should ask themselves in order to assess the coherence of the action plan before it is finalised:

- a. Do the objectives in the action plan match the objectives in the national CBM strategy?
- b. Are clear, transparent, realistic and time-related indicators available for all objectives?
- c. Do the actions match the objectives?
- d. Do the activities match the actions?
- e. Are all relevant activities mentioned?
- f. Are clear, measurable and verifiable indicators attributed to each action?
- g. Are responsibilities clearly defined?
- h. Have all relevant stakeholders mentioned been involved in developing the action plan?
- i. Is the timeline realistic and consistent throughout the action plan?

### Obtain financial and implementation commitment from key stakeholders

7. While it may not be possible to attribute detailed human and budgetary-resource needs to each activity, the decision-making body should nevertheless be provided with an estimate of the costs for the main stakeholders. This could be a rough calculation of the manpower and other resources needed. The cost estimate can be revised and detailed resource requirements established after an in-depth analysis as part of the implementation of the action plan.

8. The need for support from international organisations or experts should be indicated in order to allow for the initiation of discussions with donors and possible project partners at an early stage. It must be kept in mind, however, that no obligation can be created for agencies that have not been involved in the development of the action plan.

Examples of Indicators

Examples of Indicators	Proposed Action	Stakeholders
<ul style="list-style-type: none"> <li>• Draft provisions for legislation</li> <li>• A Bill in the official gazette</li> <li>• Enacted legislation</li> <li>• A certain percentage of people trained</li> <li>• Equipment procured</li> </ul>	List of the actions necessary to fulfil the objective. Details on each action listed here will be elaborated upon in table 2	Which agency or state actor or non-state actor should be included in the discussions on this subject?

<ul style="list-style-type: none"> <li>• Statistics showing increased detection or seizures</li> <li>• Reduction in processing times, etc</li> </ul>		
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**Proposed template for Table 1**

<p><b>INDICATORS:</b> Typical indicators for reaching an objective are e.g.: Drafted or adopted laws, implemented activities, a certain / percentage of people trained, equipment procured, statistics showing increased detection/apprehension rates, shorter processing times, etc. (More on the indicators further below)</p>		
Context	Proposed Action	Stakeholders
<p><b>CURRENT SITUATION:</b> What is the current situation in relation to the objective? (requirements, and good practices)</p> <p>Which requirements need to be met e.g. regarding national and international obligations and which related benchmarks, and good practices should be incorporated? (See Part II of these Guidelines)</p>	<p>List of the actions necessary to fulfil the objective. Details on each action listed here will be elaborated upon in table 2</p>	<p>Which state or non-state agencies, international organisations etc. should be included in the discussions on this objective? Again, details per action will be given in table 2.</p>

**Proposed template for Table 2: Action 1.1 (Copied from table 1)**

<b>ACTIVITIES:</b> Practical activities to be implemented for the completion of the action referred to in this table; important remarks/clarifications and issues to be kept in mind
<b>PRIORITY OF THE ACTION:</b> High/medium/low <b>EXPECTED RESULT OF THE ACTIVITY:</b> could for example be: a changed situation on the ground, the completion of analyses and reports, proposals submitted to the decision-making body for decision on further steps to be taken <b>INDICATORS:</b> to measure the results achieved <b>RESPONSIBLE AGENCY:</b> Agency/body responsible implementing the action  <b>ACTORS INVOLVED:</b> Agencies, other bodies or specific experts to be involved in the activity. It should be indicated if they are only associated in order to provide their expertise or also to be involved in the decision-making process. It is also possible to indicate if the support of international experts should be requested and attempts will be made to seek funding from international donors.
<b>COSTS FOR THE MAIN STAKEHOLDERS:</b> To be shown, even if estimates <b>DURATION:</b> E.g. 1 month, 1 year, continuous, etc. <b>PROPOSED TIMELINE:</b> Starting March 2011; continuous; on-going, etc. Or: After activity 1, after technical discussions, etc. Timelines need to be realistic as the agencies responsible should not be overburdened, and it should be logical and coherent not only regarding a certain objective, but throughout the whole action plan.  LINKS <b>Objective:</b> Action, activity and a short explanation for the link ((If the start or completion of this action is dependent on another objective or the completion of another action/activity, this should be indicated here in order to keep it in mind while drafting and later updating the timeline.)

#### 4.5. Implementing the Action Plan

1. The ISIC is responsible for implementing the action plan under the supervision of the NISC. Throughout implementation, it should be in contact with experts in all relevant fields, be it on legal issues, procedures, technical solutions or other matters. Experts could be called upon on an ad hoc basis to provide input on specific questions, or their support could be institutionalised in sub-working groups on specific topics. Each of these groups should have clear terms of reference and a work plan, and regularly report to the ISIC on its progress.

2. The **Terms of Reference of the working groups** must contain:

- a. The context and problem statement
- b. Expected outcome
- c. Participants and division of responsibilities
- d. Tasks
- e. Methods of work, coordination, reporting and communication
- f. Decision-making practices
- g. Monitoring procedures

#### 4.6. Monitoring, Evaluation and Review

1. In order to determine the success of the national CBM action-plan and adjust it to changing priorities and situations, all elements of the plan should be subject to monitoring, evaluation and review on a regular basis. Actions and activities may be

adapted on the basis of the results of this review, or objectives reformulated or added. Likewise, the CBM strategy should be reviewed at regular intervals.

### **Monitoring**

2. It is advisable to produce regular monitoring reports summarising the progress that has been made. The NISC should monitor how successful the action plan is in terms of the implementation of activities, delivery and achievement of results, expenditure and resources used, and possible risks. This is achieved through a continuous, systematic collection and analysis of information and data (meetings, activity reports, etc.) from the involved border management agencies. This helps to assess whether the goals set have been achieved or are likely to be achieved and thus supports effective decision-making.

3. At an operational level, the input (human and financial resources) and output (measurable changes) of each action should be accounted for. At the strategic level, the information on monitoring should be presented in a concise way and include suggestions for necessary adjustments.

### **Evaluation**

4. Evaluation entails an assessment of the efficiency, effectiveness, impact, relevance and sustainability of the action plan and strategy. When evaluating, the same information that was used for monitoring is relevant, but with a different focus and complemented with additional information. The purpose of evaluation is to obtain a more global view of the progress made in the implementation. This is achieved by comparing the results with the objectives of the action plan and strategy, not looking at the number of objectives that were implemented, **but at the quality of the results**. Evaluations should be carried out at periodic intervals, e.g. midway through and then after the completion of activities. It is recommended to include independent, external experts in this process.

5. The results of the evaluation should be used to include lessons learned in the ensuing implementation, to indicate possible revisions **and to take a changing policy environment into account**. Evaluation reports may serve as the basis for future decision-making.

### **Review**

6. Both the evaluation results and the monitoring data are needed for the review of the action plan and strategy. **The strategy document does not have to be reviewed as frequently as the action plan since national strategies are normally established to cover a longer term of up to five years**. However, if the situation in a country or the national policy on border management changes drastically, some of the objectives in the strategy (and consequently the action plan) may have to be reviewed. The strategy should be reviewed periodically, for example every three to four years, and amended accordingly to reflect national priorities and developments.

The action plan should be reviewed preferably annually, but at the latest every second year.

**7. If the evaluation shows that some activities have not led to the expected results**, there may be a need to review also the actions or the objectives. The first step for the implementing body is to **list any necessary additions or deletions from the CBM strategy and action plan**. This document should be agreed upon by the decision-making body, which can then ask the implementing body to elaborate a new version of the two documents.

#### **8. Guiding Questions for Monitoring**

- a. Have activities been implemented on time?
- b. Are the necessary human resources and financial and technical means available to carry out the activities?
- c. Have the required results been achieved? What results have been achieved?
- d. Which objectives have not been reached? Why? What additional actions/activities would be necessary for reaching the objective?
- e. Should the timeframe for the implementation of the activities be extended?

#### **9. Guiding Questions for Evaluation**

- a. Have the activities led to the anticipated results?
- b. Has the related objective been achieved? If not, has there been any progress towards achieving it?
- c. What factors influence the achievement of the results and objectives? Are the necessary human resources and financial and technical means available to carry out the activities?

#### **10. Guiding Questions for Review**

- a. Which objectives have been achieved? Which activities completed? Are follow-up activities necessary?
- b. Are the objectives and activities still relevant? Should any objectives or indicators be reformulated?
- c. Are there any new challenges?
- d. Were the set goals too ambitious? Why?

### **4.7. Summary of the Strategy and Action Plan Process**

1. The following summary complements Figure 4 further below, which offers a schematic overview of the process of developing and implementing national CBM strategies and action plans. The main steps in the process are listed on the left. Keywords next to each step recall details or activities related to these steps.

- a. Designate a national coordinator
- b. Identify and contact all key stakeholders

- c. Establish coordinating bodies (decision-making body and implementing body) with clear terms of reference
2. The following steps are necessary for developing a national CBM strategy:
    - a. Analyse the current situation (gap and needs analysis)
    - b. Identify overall aim of the CBM strategy on the basis of the situation analysis
    - c. Define the strategic objectives
    - d. Draft individual strategy chapters
    - e. Circulate the draft strategy paper for input from all stakeholders
    - f. Approve the final strategy document at the CBM decision making body.
    - g. Adopt the strategy at the political/governmental level
    - h. Review and amend regularly
  3. The following steps are necessary for developing a national CBM action plan:
    - a. Extract objectives and indicators from the CBM strategy
    - b. Identify concrete actions, activities and related indicators for each objective
    - c. Decide on responsibilities for implementing the activities
    - d. Draw up a timeline
    - e. Obtain commitment to the action plan and the resulting activities from key stakeholders and approval from the CBM decision-making body
    - f. Adopt CBM action plan at political/governmental level



4. The following steps are necessary for implementing a national CBM action plan:
- Draft terms of reference for the monitoring, evaluation and review of the action plan
  - Implement activities according to the action plan
  - Regularly collect and analyse data regarding the success in implementation and check if the timeline is being observed or needs to be reviewed
  - Evaluate the impact of the action plan according to the terms of reference
  - Review and update every 1 or 2 years.

**Chart: Overview of the process of developing and implementing the CBM strategy and action plan**

<b>1. ESTABLISH THE CURRENT SITUATION</b>	<ul style="list-style-type: none"> <li>■ Inventory of past and ongoing activities in the field of border management</li> <li>■ Existing national border management reports</li> <li>■ Project reports and monitoring tables, national assessment and studies</li> <li>■ Gaps and needs analysis</li> </ul>
<b>2. DEVELOP THE MAIN OBJECTIVES AND DRAFT A NATIONAL STRATEGY</b>	<ul style="list-style-type: none"> <li>■ Identify the areas to be addressed for the implementation of CBM</li> <li>■ Jointly develop CBM strategy</li> </ul>
<b>3. PREPARE AN ACTION PLAN</b>	<ul style="list-style-type: none"> <li>■ Identify indicators, actions and activities</li> <li>■ Identify and evaluate different options, including costs benefits and associated risks</li> <li>■ Define priorities and prepare a timeline</li> <li>■ Agree on responsibilities for implementation</li> </ul>
<b>4. OBTAIN FINANCIAL AND IMPLEMENTATION COMMITMENT</b>	<ul style="list-style-type: none"> <li>■ Adoption</li> <li>■ National funding</li> <li>■ International assistance</li> </ul>
<b>5. START IMPLEMENTATION</b>	<ul style="list-style-type: none"> <li>■ Carry out activities as defined in the action plan</li> <li>■ Establish sub-working groups as needed</li> </ul>
<b>6. MONITOR THE ACTION PLAN AND ASSESS ITS IMPACT</b>	<ul style="list-style-type: none"> <li>■ Find out if activities really lead to the expected results</li> <li>■ Find out if the results really contributed to achieving the objectives</li> </ul>
<b>7. PERIODICALLY REVIEW STRATEGY AND ACTION PLAN</b>	<ul style="list-style-type: none"> <li>■ Revise Strategy and Action Plan documents if necessary</li> </ul>

## PART II

### THE KEY MANAGEMENT AREAS

## CHAPTER 5

### LEGAL AND REGULATORY FRAMEWORK

#### 5.1. Responsibilities and Powers of the Agencies

##### In General

1. The purpose of the legal and regulatory framework is to ensure that each agency involved in border management is legally empowered to fulfil its mandate. It determines its authority, tasks and responsibilities on central, regional and local level, including internal communication and cooperation.
2. All border agencies need to operate within a legal framework, (including laws and regulations and administrative or standing instructions and formal agreements) that fits the operational needs of the agency and clearly defines:
  - a. Areas of responsibility and concrete tasks of the agency
  - b. Powers and authorities vested in the agency to implement its tasks
  - c. Offences and description of penalties and actions to be taken and the jurisdiction they fall under
  - d. Records (databases) of the agency and access to information (databases) of other agencies
  - e. Delegated responsibilities: tasks which are carried out by other agencies on their behalf (or vice versa)
3. Matters related more directly to procedures and organisation should also be governed by **departmental instructions (DIs)**:
  - a. Implementation of operational procedures, such as the links to other units/teams/sectors for routine tasks and the steps that need to be taken in case of unforeseen developments.
  - b. Gathering and exchange of information, including routine reporting. Regulations should clarify what data should be gathered, from whom and how; how the data should be stored; and what information can be disseminated, to whom and how.
  - c. Documentation, e.g. templates and forms an agency should use.
  - d. Regulations should also determine accepted standards and good practices of border management and trade facilitation, such as the One Stop Border Post and Single Window concepts, transparency and accountability.
4. It is essential that legislation is applied and enforced coherently and reviewed regularly to ensure that it remains relevant and effective. Such a legal review should aim at identifying overlaps with or gaps in relation to other national legislation. Care should be taken to ensure that legislation is compliant with standards and recommended practices **of international legal instruments (ILIs)** and that amendments are compliant with related principal legislation and ILIs.

### **Border Surveillance/Border Checks**

5. National legislation should stipulate clearly which agency is responsible for carrying out Border surveillance and border checks. In some countries the agency is also responsible for alien policing duties. If the responsibility is vested in more than one agency, legislation should so provide and regulations and DIs should give clear instructions on how to fulfil these two types of duties in a coherent and transparent way throughout the country.

6. The principal legislation of the border management agency should describe the authority and the scope and limits of the agency's powers at the local, regional and national level and regulations and DIs clearly specify the tasks to be fulfilled. Since border management duties may affect basic rights of individuals, the law should also provide guidance on how to fulfil the tasks while at the same time fully respecting human rights and dignity. DIs should fine-tune the division of responsibilities and intra-agency cooperation.

### **Customs Control**

7. As regards the control of goods, the IILs of the World **Customs Organisation (WCO)** should form the basis for Customs legislation and DIs. Legislation should support the development of a transparent Customs administration.

8. Regarding border and inland control the following points are particularly relevant:

- a. All Customs procedures should be based on legislation, regulations and written DIs.
- b. Customs legislation needs to provide Customs officials with adequate powers for questioning, examining and searching of persons, goods, means of transport, documents and commercial records
- c. Customs offences, penalties, and the jurisdiction of bodies administering offence procedures must be determined by law
- d. Customs legislation should be reviewed with the goal of having a modernised and simplified legislation which will reduce costs for doing businesses while also enhancing legal security for citizens. When revising Customs laws, specific attention should be paid to:
  - i. Simplifying and streamlining existing Customs procedures
  - ii. Defining the roles of inland and Customs border offices
  - iii. Defining the rights and responsibilities of traders and freight forwarders and improving the service to Economic Operators (EOs) through closer relations with them
  - iv. Providing provisions for implementing auditing of EOs, Risk Management and Post Clearance Audit,
  - v. Implementing provisions for quality control and internal audit

## Inspection of Plants and Plant Products

9. **The International Plant Protection Convention (IPPC)** of the Food and Agriculture Organization (FAO) of the United Nations regulate the movement of plants and plant products and their protection against harmful organisms. For the national administration this means that plant health legislation should be laid down in accordance with the IPPC. In addition, working procedures should be developed and subsequently reflected in detailed working instructions for inspectors, relating not only to import and export, but also to all other official duties of the national agency.

## Inspection of Live Animals, Animal Products and Foodstuff

10. Legislation and DIs on veterinary border-inspection should define all areas of responsibility including those of the ministry in question, the central competent authority, the border inspection veterinarians and the local veterinarians outside the BIPs, as well as clear procedures for the enforcement of import/transit requirements. Transparency and accountability should be granted by asking the opinion of relevant stakeholders (governmental and private sector) before new legislation is enacted. At least the following key areas should be covered by regulations:

- a. Import conditions for foodstuff, other products of animal origin and live animals
- b. Import conditions for commercially imported live animals and commercial and non-commercial movements of pet animals, as well as animal welfare questions
- c. Responsibilities of importers at border inspection posts and warehouses, as well as the responsibilities of warehouse keepers
- d. Responsibilities of the Customs service and possibly other authorities especially concerning the checks of transit consignments, consignments for Customs warehousing and ship suppliers, checks of pet animals and personal consignments, should be clearly defined

11. Regulations or DIs should provide for cooperation between the BIP and inland veterinarians, for example, regarding the veterinarians responsible for inland Customs warehouses in cases of temporary storage of consignments in transit or intended for ship supply. A similar form of cooperation should take place between border veterinarians and inland veterinarians responsible for quarantine stations, slaughterhouses, research institutes and other special destinations. **(See Practical Example 1 on the Traces System below)**

12. **The World Organisation for Animal Health (OIE)** develops normative documents relating to rules that Member States can use to protect themselves from the introduction of diseases and pathogens. OIE standards are recognised by the World Trade Organisation as international reference rules for live animals<sup>14</sup>.

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<sup>14</sup>The main relevant documents of the OIE are: The Terrestrial Animal Health Code and the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals and The Aquatic Animal Health Code and the Manual of Diagnostic Tests for Aquatic Animals

## **Overall Border and Inland Control Policy and Strategy**

13. Each border agency should develop and implement an overall border and inland control policy and strategy. The border control policy and strategy should determine and include the standards for risk analysis and selective, systematic, comprehensive and flexible controls; information flow, both top-down and bottom-up; the bodies responsible for planning (at the central, regional and local levels); co-operation with other border agencies; cross-border cooperation; relations with trade and the public; management; personnel (human resources, required competencies and codes of ethics); training; facilities, equipment and computerisation.

14. The starting point should be to identify those controls that can be moved inland from the borders without negatively affecting the risks they address and those which have to be carried out at border posts. The objective is to ensure that priority is given to security and that controls are carried out where they are most effective. All BCP/ICS staff must be familiar with the content of the border control policy and strategy, in particular with those parts of the policy that concern their particular BCP or ICS. The application of the policy should be monitored by management on a regular basis.

## **5.2. Inter-Agency Cooperation**

### **Cooperation among Agencies**

1. Border management agencies should be empowered by regulations and DIs to cooperate with each other and with other actors and should be obliged to provide assistance to each other in specific cases.
2. Ministries and their border agencies should agree on the scope of their cooperation (including the delegation of powers) with other ministries and their agencies through formal agreements or MoUs.
3. National data protection law should define the standards which are to be applied for information collection, exchange and storage.
4. Where overlaps and areas of unclear competence exist between agencies, the relevant legislation should be reviewed and amended to ensure that these areas are clarified.
5. Border agencies should conclude inter-agency agreements describing in detail the cooperation they wish to have between them. The provisions of the agreements should include, e.g.:
  - a. Information and data exchange obligations and mechanisms (e.g. focal points, common use of databases), including a reference to data protection. Officers should be clearly instructed to share relevant information with their counterparts.
  - b. Joint risk analysis and/or sharing of risk assessment reports or intelligence

- c. Day-to-day cooperation procedures at BCPs and inland, including joint operations and controls, e.g. detecting persons attempting to cross the border illegally;
  - d. Preventing or detecting Customs/Immigration crimes and offences;
  - e. Detecting smuggling of protected species, drugs and stolen vehicles, and illegal transportation of waste, harmful chemical substances, radioactive and nuclear material and other dangerous items across the border.
  - f. Joint training
  - g. Sharing of equipment/facilities and joint procurement
  - h. Early warning and contingency plans
6. Such agreements should include or be supplemented with DIs on how to implement them, and should be made available to all staff of the signatory agencies. Examples of inter-agency agreements are:
- a. Agreements between border police/Immigration and Customs with regard to common controls (“hand-in-hand controls”); mutual assistance; exchange of relevant information, data and documents; joint use of equipment; liaison officers
  - b. Agreements between border police/Immigration, Customs and railway authorities (ministry of transport/traffic) regarding controls of passengers and goods
  - c. Agreements between the sanitary and phytosanitary inspection services and Customs to coordinate procedures (e.g. concerning checks of personal consignments, pet animals, the transportation of rejected and re-imported consignments, transit consignments and consignments for ship supplies) detailing responsibilities, powers, information exchange and order of inspection.
  - d. Agreements of the border agencies with the border-post authority regulating the use of facilities
7. The adoption of a national CBM strategy and action plan also belongs to the legal and regulatory framework; for more details please see Chapter 4.

#### **Cooperation with other stakeholders**

8. Besides the main border management agencies there are additional governmental and private sector stakeholders whose activities and interests need to be taken into account, and who should also be involved in the CBM coordination/cooperation structures, on an ad hoc or on a regular basis. Cooperation and communication with both groups of stakeholders should be regulated by bilateral/multilateral agreements and DIs.

##### ***a. Cooperation with state actors***

9. While the agency responsible for border control such as Border Police is responsible for the checks at the BCPs and surveillance of the border line and immediate border

zone, the other<sup>16</sup> agencies are responsible for the inland control. This can lead to overlapping responsibilities concerning the fight against trans-border crime, where the agency and other agencies are both involved. Apart from a clear division of responsibilities for such cases and precise procedures for cooperation, information sharing and follow-up activities are necessary. Both authorities should agree to which data they should have joint access, such as data on persons to whom entry has been denied. Special attention must be paid to the issue of data protection, and to rights and obligations of those officers who have been authorised to access the data.

10. An agreement between Immigration and Labour could be considered in anticipation of joint controls and information exchange about foreigners staying or working in the country illegally and people who employ foreigners without permits or organise illegal stay.

11. MoUs should be signed with **port** and **airport authorities** or the **Ministry of Transport**, since information exchange and coordination regarding working hours and the use of infrastructure are needed.

#### ***b. Cooperation with non-state actors***

12. **Non-state actors** include airlines, ferry and cruise operators, air and sea cargo carriers, railway companies, postal companies or services, freight forwarders and importers in countries of origin and destination of goods.

13. In order to **facilitate trade**, relevant procedures should be as simplified as possible, whilst still maintaining adequate control. Updates in procedures should be routinely communicated to all EOs. Waiting times at borders affect business, so when an individual BCP has significantly longer waiting times due to inadequate infrastructure or lengthy procedures, transporters may be forced to look for alternative routes, which in turn may eventually lead to downgrading the BCP and loss of jobs.

14. Whereas the state border agencies need information on cross-border movements regarding persons and goods (e.g. time-tables, passenger lists, information on cargo), non-state actors require information on procedures and requirements for crossing the border, including opening hours, guidance on tariffs, rules and procedures for import, transit and export, documentation to be provided and fees to be paid. This information can be disseminated via public notices, internet publications, newsletters, leaflets or as a cross-border handbook. Urgent information should be displayed on public notice boards. To facilitate communication, appropriate structures (e.g. local networks, information points/desks in Customs offices) should be established where operators and other appropriate persons can obtain relevant information. In addition, benchmarks for services offered to trade and the public, but also for complaint procedures, should to be set.

15. **Carriers/operators** transporting passenger and goods by air, sea or land (rail or road) have access to data and information, including arrival times, cargo inventories, passenger and crew lists, which is of importance for the operational work of border agencies.

16. The carriers on the other hand need access to detailed information on relevant legislation procedures and fees or duties to be paid, visa requirements, the opening hours of the BCP and the working hours of the relevant border agencies. Whether this information is disseminated through brochures, posters or via a website is secondary, as long as the information is up-to-date and easily accessible for its target group.

17. In certain cases the Customs can expedite the movement of trusted carriers (**Authorized Economic Operators – AEOs**), which means that specific enterprises that have gained a bona fide status can receive preferential treatment on the condition that they forward all information about their operations in advance and have maintained a positive and correct working relationship for a certain period of time. This bona fide or low-risk status, however, will have to be supervised and evaluated regularly. Carriers can lose this status and be black listed in case of violations and might also be subject to carrier liability sanctions in accordance with the respective national legislation.

18. Railway companies may provide premises for officers from border agencies at train stations in neighbouring countries, since these companies profit from the time saved from in-train border checks (instead of stopping at the border).

***c. Cooperation with the public***

19. Easily understandable, accessible and up-to-date information on issues relevant for crossing the state border should be provided to the public, including standards, statistics on border crossings, relevant regulations and procedures as well as information on offences. This can take the form of public notice boards at BCPs or brochures, posters, and websites.

20. Where feasible, communication with the general public should be encouraged with the provision of toll-free (free call) telephone numbers and simplified internet contact methods. This also increases the chances of receiving intelligence from the public, which could be channelled to the internal risk analysis unit of agencies.

21. A joint web portal of several border management agencies could be considered to inform the public about BCPs opening hours, visa regulations, car insurance requirements, vaccination certificates for animals and other relevant information, explaining the tasks and responsibilities of all the agencies present.



## 5.3. International Cooperation

### General Considerations

1. In addition to the delimitation and demarcation of the state borders and the designation of official border crossing points, the legal framework should also regulate the international cooperation related to the control of borders. This includes joint activities at BCPs, along the border line and in the immediate border zone, information and data exchange and mutual assistance agreements (e.g. sharing intelligence in the fight against organised crime), as well as participating in international organisations and signing ILIs. Although agreements are useful tools, it is always best to include stipulations in national legislation.
2. When agreements are formulated in a general way, detailed implementing protocols are needed for the actual cooperation. A border control agreement can include provisions for:
  - a. Establishing common border crossing points on the territory of one of the countries
  - b. Carrying out controls in trains departing from the territory of the neighbouring country
  - c. Common operational procedures at the BCP
3. In addition, and depending on the level of cooperation between the countries involved, bilateral agreements could cover:
  - a. Designation of official contact points or liaison officers or establishment of contact offices
  - b. Establishment of joint contingency plans
  - c. Associated training/exercises
  - d. Joint patrols
  - e. Cross-border surveillance
  - f. Exchange of information
  - g. Harmonisation of day-to-day work practices at the BCP
  - h. A common routing slip covering the checks at both sides of the border
  - i. Re-admission procedures concerning persons and goods/consignments to which entry is denied
  - j. Controlled delivery
  - k. Hot pursuit and the creation of rapid intervention units composed of border police with the right to support the neighbouring country within its territory in case of exceptional or urgent situations.

4. An agreement on coordinated border processing should address the following:
- a. What, how and where the controlling authorities operate
  - b. The sequence of control (workflow)
  - c. Who has what kind of competence and obligation (uniform, firearms)
  - d. Definition of a particular area where each authority can perform its duties
  - e. Where and in what form intensive controls are carried out (jointly or independently), and what the content of these controls should be
  - f. What process should be implemented under which competence in the case of a detection of an illegal act
  - g. The order of entry, stay or return at the BCP (the area where the control is carried out determines which border control authority is responsible for the order of the BCP)
  - h. The facilitation of priority goods and persons
  - i. If possible, separate control lanes should be established, e.g. one for nationals and another one for foreigners subject to visa requirements or more intensive checks
  - j. Order of control at bus lanes
  - k. Financial obligations (towards other agencies)

#### **Border Checks and Customs Control**

5. An agreement between countries relating to border checks or Customs control should stipulate:
- a. The bodies responsible for its implementation
  - b. The designation of contact points
  - c. Areas of cooperation (e.g. day-to-day cooperation in preventing illegal border crossing, smuggling of merchandise, drugs, transportation of dangerous and poisonous substances across state borders)
  - d. Form of cooperation (e.g. joint patrols and checks, meetings and regular information exchange, activities within the territory of the neighbouring state)
  - e. Technical issues: entry into force and termination of the agreement, possibility for other state parties to join, and regulation of disputes

#### **Inspection of Plants and Plant Products**

6. Bilateral agreements between plant inspection services should focus on practical issues related to consignments crossing the border, e.g. the conditions for the reintroduction of rejected consignments. This includes the use of standardised forms, documentation to be provided and of procedures to be followed when import conditions are not met.

## **Inspection of Live Animals, Foodstuff and Other Products of Animal Origin**

7. Like the plant inspection service, the veterinary inspection service should conclude agreements with other states on rules for rejected and re-imported consignments in terms of the documentation and procedures required. Agreements should also establish the frequency of checks according to the status of the country of origin to be followed at the BIPs.

### **PRACTICAL EXAMPLES**

#### **PRACTICAL EXAMPLE 1: Common contact offices**

France has concluded six international agreements with Belgium, Germany, Italy, Luxembourg, Spain and Switzerland from which have emerged 10 Customs and police cooperation centres. Their role is to facilitate the exchange of operational information on cases of trans-border cooperation, including the identification of foreign registration plates, authenticity checks of administrative documents and judicial assistance, especially in the field of small and medium trans-border criminality. The advantage of such a centre is the full access it provides to bi-national files and databases (available 24 hours a day, 7 days a week).

#### **PRACTICAL EXAMPLE 2: Cooperation between the Customs, Immigration, Quarantine and Security agencies**

The countries that form part of the East ASEAN Growth Area – Brunei Darussalam, Indonesia, Malaysia and the Philippines – have drafted a Memorandum of Agreement for the simplification, streamlining and harmonisation of Customs, immigration, quarantine and security formalities, including rules, regulations and procedures. The agreement applies to all cross-border movement of goods and people through designated BCPs either by land, sea or air. Wherever it is feasible to do so, the aim is to carry out joint inspections and controls of people, goods and conveyances. And where the local environment does not allow for physically adjacent back-to-back border control posts, officials from one country are allowed to perform their duties on the territory of the other country. The parties to the agreement also agree to exchange information about cross-border movements of people and goods.

**1. Legal and Regulatory Framework  
Self-Assessment Questionnaire**

This self-assessment grid can be used by practitioners to identify gaps in the Legal and regulatory Framework - a first step in identifying suitable solutions.

Name of Agency	Exists		Appreciation					Comments, explanations and/or measures to be taken
	Yes	No	1	2	3	4	5	
1. The actions that the agency is empowered to do have been clearly described in a principal legislation								
2. Legislation is compliant with international instruments (as international conventions/ protocols) and best practices (practices of other countries)								
3. There is a clear division of tasks between your agency and the other border agencies.								
4. What constitutes an offence is clearly defined and corresponding penalties and jurisdiction have also been clearly stated in legislation								
5. Staff duties at all different levels of the agency are defined								
6. The Agency's manuals and other documentation is defined								
7. Access and ownership of databases relevant to the work of the agency have been clearly described								
8. How individual units/departments should cooperate and communicate has been clearly described, including monitoring thereof								

9. Tasks, competencies and areas of responsibility of all border agencies are clarified in law.								
10. There are no duplications, overlaps or loopholes between the above legislation.								
11. Legislation at all levels is reviewed and revised to ensure harmonisation and compliance.								
12. Your agency is empowered by law to co- operate with other actors.								
13. Details of how and when inter-agency cooperation will occur are defined in legislation.								
14. Your agency has formalised cooperation with other agencies through formal agreements or MoUs (Memorandums of Understanding).								
15. National data protection law defines the standards which are to be applied for information collection, exchange and storage								
16. Delimitation and demarcation of national borders is clarified.								
17. Readmission agreements exist with neighbouring and other relevant countries.								
18. The basis for cooperation and communication exists in relevant legislation.								
19. Legislation at all levels is reviewed and revised to ensure harmonisation and compliance.								

## CHAPTER 6

### INSTITUTIONAL FRAMEWORK

The purpose of an institutional framework is to ensure that the agency has the necessary organisational structures to allow an effective implementation of its tasks, as well as efficient intra-agency cooperation and communication.

#### 6.1. General Considerations

1. The agency should ensure that a clear chain of command exists. This means the creation of policy and strategy at the highest executive levels, which is then implemented by all operational levels in a standardised and accountable manner. All staff should understand their own and their unit's position within the agency as well as their specific roles and responsibilities.

2. The agency should have a rolling multi-annual planning programme, annual work programme and annual plan of activities and use of resources at the central and regional level, whereas the local level has an annual work programme and an annual or monthly plan of activities and use of resources.

#### Internal Control Unit and External Audit

3. **Internal control and reporting units** should be in place at the national level to monitor not only performance and the coherent implementation of operational instructions, but also the efficient use of resources. These units should also prevent and investigate cases of corruption. In countries with a high number of BCPs or countries with developing structures internal control units should also be placed at the regional level since the need to monitor performance and compliance is higher. The internal control units should monitor and assess performance, and also provide guidance, e.g. to newly recruited staff. **Regular performance evaluation** helps to detect irregularities of any form and provide feedback on the management system of the organisation.

4. An external management audit should also take place on a regular basis in order to independently evaluate the effectiveness of the agency's operations and provide an assessment of the agency's internal control mechanism. Procedures must be transparent for corrective action to be taken and in case of irregularities.

#### Risk Analysis Unit

5. All border management agencies should have a **Risk Management Unit** at the head office. The unit should be provided with all relevant information from the field. It should then ensure that an accurate analysis of the information, as well as suggestions for operational adjustments are made and forwarded to all relevant units at head office, in the regions and at border posts.

### **Mobile Units**

6. Mobile units should be deployed to different locations depending on fluctuating needs. They should be used to carry out border surveillance and to support BCP staff in times of high cross-border traffic, for example during peak times (start/end of school holidays or tourist season), or in case a BCP temporarily needs particular specialists to respond to a specific need. Mobile units should also conduct targeted checks of persons and/or goods inland and at the border along known smuggling routes.

7. Cooperation and coordination with other governmental mobile surveillance units should be sought, as well as with mobile units of neighbouring countries.

### **Border Surveillance/Border Checks**

8. The responsibilities of the agency/unit for border surveillance/border checks were discussed in Chapter 3.

### **Customs Control**

9. The Customs service must be present both at BCPs and within the country. Decentralisation increases the flexibility to react to changes in the flow of goods and other traffic. The structure of the organisation and allocation of resources should be determined primarily by operational demand; the roles, responsibilities and links between head office, regional and local levels of the administration and the regional offices must be clearly defined.

- a. A quality management system and evaluation of results can help to achieve permanently high standards.
- b. Decentralised decision-making calls for regular and independent internal audits to ensure efficient use of resources and an evaluation on how Customs officers at all levels in the organisation are carrying out their duties.
- c. BCPs and ICSs should be supplemented by mobile Customs units and laboratories. The human and financial resources as well as adequate training programmes, equipment and ICT for such mobile units need to be reflected in management and investment plans.

10. Although Customs officers remain present at BCPs, the EUG notes that there is a trend in Europe towards moving detailed cargo control further inland. Border checks should focus on the security aspects, while commercial and fiscal checks can be carried out elsewhere. The major advantage of inland cargo clearance is the shorter waiting time at the BCP, allowing for smoother traffic flows. In addition, appropriate facilities and infrastructure for Customs control do not have to remain at the border, where the terrain may be unsuitable or the geopolitical situation difficult. Inland clearance facilities inland depots or dry ports) can be shared by various BCPs, which lead to more effective use of resources.

11. In the SADC region some countries prefer to carry out clearance at the border so as to reduce opportunities of illicit diversion of goods while they are in internal transit.

12. Where, as a matter of policy, inland clearance will not be allowed, **it is recommended that off-border transit sheds (for storing goods pending their declaration and clearance) be located outside but in the proximity of the BCP<sup>15</sup>**. This would enable goods to leave the BCP without any formalities but almost immediately be placed in transit sheds without any opportunity for their illicit diversion into home use. Off-border transit sheds will help to decongest border posts without posing any risk to revenue or incurring the costs for internal-transit controls.

13. There should be coordination with both veterinary and phytosanitary inspection services as their inspections are to a large extent carried out at the border. Consignments from which samples for a laboratory test are taken should be held under Customs supervision and the goods stored in warehouses (either at the BIP or inland). In addition, both the destruction and the return of a consignment in the case of a positive result should be executed under Customs supervision.

#### **Inspection of Plants and Plant Products**

14. Phytosanitary and border inspections should involve both the head office, which should carry out strategic and operational risk assessment and profiling, and border offices, which should make use of the risk profiles and apply tactical risk management. Other systems have an additional regional level, but too many layers run the risk of inconsistent application of regulations and slow flow of information.

15. The phytosanitary border inspection service does not have to be present at each BCP. Phytosanitary inspection can be delegated to the Customs, particularly at BCPs which do not require a full time phytosanitary inspector.

#### **Inspection of Live Animals, Foodstuff and Other Products of Animal Origin**

16. The veterinary inspection may be organised in many ways, as long as it achieves the mandate of the agency in an efficient and effective way. The two-tier system described above is one model of an institutional framework.

17. The veterinary agency must first determine at how many and which BCPs the BIPs should be situated, as well as the number of staff to be deployed. This should be determined on the basis of the needs of the import flow and in coordination with the other border agencies, especially the Customs. Usually at least one seaport BIP, one road BIP and one airport BIP is needed, and where applicable also one rail BIP. Appropriate resources for checking and quarantining pet animals should be established at airports including facilities for food and water.

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<sup>15</sup> For example, goods entering the DRC at Kasumbalesa are placed in transit sheds 6km inside the DRC from where they are cleared.



## **6.2. Inter-Agency Cooperation**

1. As far as the institutional framework is concerned, the ministry responsible for border coordination should promote inter-agency cooperation by encouraging and assisting border agencies to form inter-agency working groups, exchange liaison officers, share intelligence and carry out joint risk assessments. More details are discussed in the section on international cooperation below.

### **Inter-Agency Working Group on CBM**

2. The role of working groups has been discussed in Chapter 4 above concerning implementation of CBM.

### **National Coordination Centre**

3. It is recommended to establish a national coordination centre in order to have a situational awareness of border management in a country. This centre would coordinate the activities of all national border agencies 24/7 and would be responsible for:

- a. Daily, weekly and ad hoc situational reports
- b. Immediate factual information on situations and early warning messages

4. All information would be exchanged electronically. Such a centre would facilitate and speed up contact and information exchange with other states and international agencies.

5. The coordination structure proposed in Chapter 3 would appear to be sufficient in the SADC region. The border agencies already have arrangements for operational coordination at national, bilateral and even multi-lateral level. Furthermore arrangements like the Single Window with appropriate ICT solutions will generate information which will be accessible to various stakeholders 24/7.

### **Joint Specialist Task Forces**

6. Specialist task forces should be organised upon need, e.g. on searching and document examination. Their setup depends on the location, but is usually ad hoc, and predominantly consists of staff from the agencies controlling persons and goods. These groups include officers who are responsible for conducting further, in-depth investigations of those passengers and goods which fail the cursory initial check. The concept of specialist task forces is well established globally within many border management agencies. This idea of sharing skills and expertise can be implemented more widely than by merely creating joint teams. Individual staff members who have particularly useful skills, such as languages or IT, can also be deployed to assist other agencies.

### **6.3. International Cooperation**

1. The institutional framework of a border management agency should allow for active bilateral and multilateral relations including information and data exchange, participation in international organisations, forums and regional platforms, exchange of liaison officers, the assignment of national contact points or participation in common contact offices, international operations, trainings and exchange programmes.

#### **Liaison Officers**

2. The deployment or exchange of liaison officers should be agreed with countries identified as specifically relevant (neighbours or countries of origin of significant flows of migrants or goods); this would contribute to improved information exchange and coordination both at the operational and the strategic level. One can distinguish two types of liaison officers: the “specialists” and the “generalists”. While the specialised liaison officers have a limited and well defined number of tasks (e.g. an immigration liaison officer), the generalist covers a whole range of topics, and can represent other border agencies as well.

#### **Common Contact Offices**

3. Common contact offices, where officers from different countries work closely together while also sharing the same premises, demand a high level of integration and serve to speed up the exchange of information for routine cooperation, as well as in the case of emergencies. Such offices, which include two or more, usually neighbouring countries, could be established at strategically relevant BCPs, or at an agreed upon location in one of the participating countries.

4. The main task of the contact office is information exchange on daily operations and responding to direct requests. This includes:

- a. Documents: Forgeries of travel documents, visas and stamps of border controls
- b. Personal data: owners of means of transport, residence and ownership of means of communication
- c. Means of transport: license plates, serial numbers, etc.
- d. Ascertaining the identity of a person
- e. Readmission of illegal migrants
- f. Special operations undertaken by border police patrols for prevention and control
- g. General sharing of intelligence, e.g. on forms and methods of smuggling, on human trafficking and other form of trans-border crime
- h. Information regarding cross-border hot pursuit

5. The contact offices are not limited to border policing tasks, and can also include Customs services, as well as prosecutors and other authorities. If it is not possible to deploy liaison officers or establish common contact offices, a network of contact points at the local, regional and national levels in neighbouring countries should be established. The tasks for such contact persons should be clearly defined.

### **Regional Working Groups**

6. National inter-agency working groups (see Chapters 3 and 4) can also play a role in multilateral communication through the creation of **regional working groups** to work towards a common regional approach on border security, trade facilitation, infrastructure development, data exchange, and the discussion of other issues of common concern. The set-up of such groups changes according to the topic. SADC has already regional working groups like those for implementing the Trade Protocol. ***It is recommended that a SADC Advisory Working Group on CBM with representatives of all border agencies be established.***

### **International organisations**

7. Representatives of all border management agencies should regularly take part in meetings of relevant regional or international organisations or forums, such as Interpol, the United Nations Office on Drugs and Crime (UNODC), UNHCR, the International Organization for Migration (IOM), the WCO, the OIE and the various regional plant protection organisations<sup>16</sup>. These and other organizations, such as Frontex<sup>17</sup>, also offer assistance and support to governments in their particular fields of expertise.

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<sup>16</sup>A regional plant protection organisation is an intergovernmental organisation providing coordination on a regional level for the activities and objectives of the IPPC as laid down in Article IX: Asia and Pacific Plant Protection Commission, Comunidad Andina, Comité de Sanidad Vegetal del Cono Sur, Caribbean Plant Protection Commission, European and Mediterranean Plant Protection Organization, Inter-African Phytosanitary Council, North American Plant Protection Organization, Organismo Internacional Regional de Sanidad Agropecuaria, Pacific Plant Protection Organization. RPPO membership and contact information are available at: <https://www.ippc.int/id/13310>.

<sup>17</sup>Frontex has the possibility to establish working arrangements in partnership with third countries and international organizations that share common goals in terms of border security with the EU.

**2. Institutional Framework  
Self-Assessment Questionnaire**

This self-assessment grid can be used by practitioners to identify gaps in the Institutional Framework - a first step in identifying suitable solutions.

Name of Agency	Exists		Appreciation 1. Weak; 2. In development; 3. Medium; 4. Developed; 5. Excellent					Comments, explanations and/or measures to be taken
	Yes	No	1	2	3	4	5	
1. The chain of command between the policy and operational levels has been formalised								
2. All staff members understand their own and their unit's role and responsibilities within the agency								
3. There exist monitoring mechanisms to ensure								
4. The agency has its own management strategy								
5. The agency routinely monitors the implementation of policy								
6. Decision-making powers are delegated within the agency								
7. There exists a centralised inter-agency working group which meets regularly.								
8. Your agency meets regularly with the other border agencies at both the central and local levels.								
9. Your agency coordinates with the other border agencies on upgrading or downgrading any BCPs								
10. Official border crossing points are adequately categorized with a neighbouring country (status of BCPs, prioritisation and related upgrading, as well as the coordination of opening hours)								

11. Common contact offices or focal points exist (for example at strategically relevant BCPs)								
12. Your agency has deployed (or is represented by) liaison officers to neighbouring/strategically important countries.								
13. The agency is represented on a regional inter-agency working group which meets regularly.								
14. The agency is a member/observer of relevant international organizations.								

## Chapter 7

### Procedures

#### 7.1. In General

1. Procedures define how the work of an agency is done, by identifying responsibilities and giving a step by step description of how to implement a specific task.
2. Procedures describe what should be done by whom, when and how and come in many different forms: orders, instructions, circulars or manuals that should be available for reference to all staff at all times. They are referred in Part I as Departmental Instructions (DIs). Procedures should cover all relevant tasks at all levels of a border management agency for all types of borders and comprise:
  - a. Control procedures, focusing on regular workflows, including guidance on what controls are to be conducted, their frequency, extent and methodology. The obligations of those crossing the border should also be stated (required documentation, fees etc.) as well as steps to be taken when a violation occurs. Control procedures need to be consistent throughout the organisation, but not necessarily identical at each BCP. Measures should be taken to ensure control procedures do not constitute a barrier to trade and social and cultural interchange.
  - b. Contingency procedures for incidents or unexpected developments; early warning
  - c. Documentation, including standard forms and templates, the collection of statistical data, etc.
  - d. Information flow, at and between the head office, regional and local levels. Here, it is important that not only information sharing from the bottom to the top is covered, but also from the top-down, and from the national level back to the local level.
3. Responsibilities should be clearly assigned: the person in charge should be identifiable at each step in the work-flow through the use of stamps or signatures, or in the case of electronic processing through user names and passwords.
4. The procedures for information exchange are important; a gap in this field can mean that necessary information is unavailable because it arrives incomplete, late or not at all. The consequences might be that responses to emergencies are delayed, that operational planning is based on an incomplete picture of the situation on the ground and that statistical data, which is necessary for risk analyses, is incomplete and therefore unreliable. (See practical example 1 at the end of this chapter).
5. The regional and local levels also need to be kept up to date about new developments, expected events, a new modus operandi of smugglers, traffickers,

irregular migrants, new types of document forgeries, etc. Information exchange procedures should therefore cover the following topics:

- a. Daily/weekly/monthly reports (from local/regional to head office and from head office to local/regional level): format, timelines, responsible person
  - b. Analytical reports (from head office to regional and local level)
  - c. Collection of statistical data
    - i. Local level: responsible person, which data, how to collect, reporting template, when to pass it on and to whom
    - ii. Head office: responsible persons, reporting template, when to pass it on and to whom
  - d. Early warning: responsible person, types of events
6. The head office units should develop procedures, defining which information should go where, in which form and how often. To be included are issues such as:
- a. Which information has to be gathered at the border
  - b. Which documents are needed at the border and by whom, which information is provided to which departments of the service
  - c. What happens to the documents (forwarded/copied/entered into a database)
  - d. What method of communication is to be used in which cases

#### **Border Surveillance/Border Checks for Immigration Purposes**

7. In general, procedures should be established for:
- a. Patrolling (border line, border zone, inland), scheduled and ad hoc, and according to the type of border and means of transport
  - b. Checks of persons
    - i. First-line (minimum) check including routine profiling and interrogation
    - ii. Second-line (thorough) check (carried out in a special location away from the location of the first line check)
  - c. Interrogation and physical search
  - d. Refusal of entry
  - e. Asylum-seekers
  - f. Use of infrastructure and equipment
  - g. Reporting, communication and information exchange at all levels
  - h. Documentation at all levels
  - i. Apprehension and handling of irregular migrants, investigations
  - j. Deployment of staff
  - k. Procedures for cases which pose a threat or would constitute a crime (responsibilities, workflow and exchange of information with e.g. the regular police force, traffic police or other police patrols on duty in the event of a hot pursuit)
  - l. Contingency procedures and procedures for cases requiring urgent action (including search and rescue)
  - m. Profiling: in addition to routine profiling undertaken by each border police,

there should be a procedure for randomly selecting candidates for intensive checks

8. It is the task of the shift leader to ensure common quality standards throughout the operations.

### **Customs Control**

9. Customs controls should facilitate legitimate trade and transit, but also take into account security concerns. Controls should be based upon intelligence-led risk analysis and selectivity techniques.

10. One way to reduce waiting time at BCPs is to concentrate on security aspects, while import and export (release) clearances take place at inland clearance depots.

11. For transit shipments, including goods entering at a BCP and destined for final clearance at an ICS, pre-lodgement/pre-clearance must be available and examinations should take place only if a risk of fraud has been identified.

12. Travellers must have the opportunity to declare and finally clear non-commercial goods at BCPs; Customs examinations are also mainly performed here if a risk of fraud has been identified, but should also be performed randomly at defined intervals.

### **Inspection of Plants and Plant Products**

13. Inspections should be undertaken by phytosanitary inspectors at BCPs, but also in some cases at the point of destination or at any other location where phytosanitary consignments can be identified, provided that their phytosanitary integrity is maintained and that appropriate procedures can be carried out.

14. Samples may be taken from consignments for the purpose of phytosanitary inspection, for subsequent laboratory testing or for reference purposes. The information flow between inspection services and laboratory should be fast, because the release of goods may depend on the test results and analysis by the laboratory.

15. It is important to define the whole sample-taking procedure in the form of written instructions, including the laboratory chosen to analyse the sample, and the type of analysis to be performed. Laboratory tests should be carried out in accordance with recognised standards. For this, tests have to follow official testing schemes or official international standards to detect harmful organisms.

### **Inspection of Live Animals, Foodstuff and Other Products of Animal Origin**

16. Manuals on veterinary border inspection procedures should contain the following instructions:

- a. Pre-notification of consignments and other duties of the importer or the representative of the importer



- b. Documents to accompany them
- c. Identification and selection of consignments which should be checked based on risk analysis
- d. Type and frequency of checks to be carried out by BIP vets both for products and live animals (identity, documentary and physical checks)
- e. Sample-taking procedures based on an annual monitoring plan and samples to be sent to the laboratory, including the communication and information flow between inspection services and laboratory
- f. Special procedures regarding consignments intended for transit, temporary storage, ship supply or canalisation both in entry and exit BIPs, storage and establishment of destination including the duties of the warehouse keeper and the competencies of BIP and inland veterinarians
- g. The division of responsibilities with inland veterinary authorities (canalisation, re-imported consignments taken back to the establishment of origin)
- h. Checks of personal consignments
  - i. Checks of commercial and non-commercial movements and animal welfare
  - j. Standardised documents for the approval or rejection of consignments
  - k. Rejected, re-imported and re-dispatched consignments, including relevant information flow
- l. Sanctions in case of infringements
- m. Fees to be charged

17. An annual inspection and sampling plan should be developed on the basis of statistics on import flows, experience gathered through practice and information on risks to public and animal health received from other services, other countries and international organisations.

### **Delegation of Authority**

18. An institution works most effectively when staff at the various levels is empowered to make decisions with a certain degree of autonomy. This allows senior management to focus on their core tasks and not predominantly on administrative issues, and also allows faster and more relevant decisions to be made at an operational level (without the need to continuously refer decisions up the chain of command). Although policy and oversight is retained by senior management, micro-management of all units and staff is not advisable since it causes delays in decision making.

## **7.2. Inter-Agency Cooperation**

1. The goal of inter-agency cooperation procedures is to have an overall workflow in which the activities of all relevant border management agencies are included, which ensures a smooth processing at the BCP and coordinated border surveillance activities.

2. To achieve the goal of streamlined and better-coordinated procedures, the existing workflows of each agency must be described and analysed at head office, regional and local level, wherever the area of competence of another stakeholder is

touched upon, especially with regard to responsibilities, sequencing and processing times at the BCP. Identified overlaps and delays should be jointly resolved and the relevant procedures amended accordingly. (See Practical Example 3 at the end of the chapter)

3. A routing slip which lists the controls of goods performed by the Customs and inspection services at the BCP, and is stamped and signed after each step of the procedure has been completed, provides transparency and ensures that all required checks are completed. An example of a routing slip can be found in Annex 1.

4. All officers and inspectors at a BCP, BIP or in a mobile control unit should know how to act if they find items relevant for other services. This applies especially to the cooperation between the Customs service and the border police, but also between Customs and the inspection services, regarding items that fall under the authority of veterinary or phytosanitary officials, especially when the latter are not present. Customs and border police should therefore have lists of consignments that can only enter the country following veterinary or phytosanitary inspection. Relevant consignments should be forwarded immediately for the inspectors to carry out documentary, identity and physical checks. Controls of vehicles should be defined and standardised, and enable determining where and by whom controls should be carried out, which service starts the procedure and which type of specialised equipment is needed.

#### **Common risk strategy**

5. A common risk strategy can be developed that identifies and addresses the strengths and weaknesses of the current border management system. As an outcome of a common risk strategy, specific activities can be implemented: e.g. identifying adequate inland control points on major transit routes or joint mobile units of Customs officers and border police.

6. Controls at BCPs should be coordinated, which means that all authorities concerned should work together to define priorities and establish common risk profiles. It is vital that all agencies share information, in particular related to smuggling and trafficking practices. Traders must declare their goods to Customs officers who carry out an initial risk analysis. This allows for centralisation of data collection and simplifies administrative procedures for the traders. Relevant information/intelligence is shared between the agencies at the national level or at the BCP.

7. For more details, please refer to Chapter 12 on Risk Analysis.

### **Joint controls**

8. Border management agencies should consider joint or coordinated controls to shorten processing times. The One-stop Control<sup>18</sup> or OSBP and Single Window<sup>19</sup> concept are examples of joint control at BCPs.

9. Joint checks of persons and goods should also be carried out by mobile units based on risk analysis. Mobile control at a single location should generally not last longer than two hours to be effective against smuggling and trafficking networks, since these are usually rapidly informed about the controls and move to alternative routes. In most cases mobile units should consist of border police and Customs service, but the phytosanitary and veterinary inspection services can join them when needed.

### **Joint operations**

10. Targeted, high-impact operations on specific groups of people, vehicles or cargoes can take place at the BCP, in the border zone or inland. A detailed operational plan should include leadership, responsibilities, objectives, timing, duration, risk profiles, available equipment and relevant contact numbers. Team members should be well briefed prior to the operation and the results should be evaluated systematically and used as a basis for risk analysis and future operations.

11. In addition to Customs and border police, other agencies could be invited to participate, e.g. the phytosanitary and veterinary inspection services, the police, the agencies responsible for market inspection, labour standards or illegal employment of foreigners. At the same time, other stakeholders, e.g. the police force, should be informed in case they need to be involved on short notice.

### **Contingency plans**

12. Contingency and emergency plans should be developed that clarify the division of responsibilities in case of imminent threats to national security or public health, or extreme situations such as natural disasters, pandemic diseases, mass influx of irregular migrants or refugees, terrorist activities or major accidents and fires in the border zone. These plans should be developed at national level, but need to be adjusted for the regional and local levels; each BCP should be informed about the distribution of responsibilities and tasks among the services present. Basic issues to be addressed include the availability of contact details of the various local actors to approach in specific situations.

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<sup>18</sup> The terms “one-stop control”, “one-stop-shop”, and “One Stop Border Post” are used interchangeably.

<sup>19</sup> The single window concept allows all data required by the different border agencies to be submitted (where possible electronically) to the same access point, with the aim of avoiding duplication and facilitating trade. This is as explained in Chapter

### **7.3. International Cooperation**

1. Harmonised procedures at the BCPs of neighbouring countries directly contribute to a smoother traffic flow and shortened waiting periods at the border, facilitate joint operations across several states and facilitate the gathering and analysis of standardised data.

#### **International Organisations**

2. Representatives of all border management agencies should regularly take part in meetings of relevant regional or international organisations or forums, such as Interpol, the United Nations Office on Drugs and Crime (UNODC), UNHCR, the International Organization for Migration (IOM), the WCO, the OIE and in the various other organizations.

3. Bilateral meeting can cover, among others, the establishment of joint emergency/contingency plans and exercises, the synchronisation of activities and BCP opening hours, joint patrolling of green/blue borders and one-stop control, depending on how close the relation with the neighbouring countries is. Once bilateral cooperation has been well established, officers could under specified circumstances be allowed to perform duties within the territory of the other state (e.g. based on agreements on carrying weapons, wearing the national uniforms, the use force).

#### **Joint controls**

4. Joint controls with the counterparts of the neighbouring country can range from general border controls, one-stop control, patrols, searches, forensic examination, to surveillance and special operations. It is important that any such joint approaches are governed by written agreements and guidance, which include:

- a. Powers, authorities and competences of each agency
- b. Workflow
- c. Duty area
- d. Where and how in-depth investigations/controls will be conducted
- e. The responsibility for passengers and goods which have failed controls and for evidence gathered

#### **One-Stop Control (See OSBP in Chapter 2)**

5. One-stop control, where all controls at a BCP are coordinated by the agencies of both countries and are partly carried out jointly, demands a high level of coordination. Where it is introduced, the directives, requirements and restrictions of national laws and international agreements must be followed and enforced strictly in order to guarantee adequate cooperation. It is necessary to define the rights and obligations as well as the tasks of assigned staff, and to agree on methods of communication. The actual implementation should be assessed every month at the local level, every half year at the regional level and annually at the national level.

6. One-stop control should be established upon agreement between the neighbouring countries on the side of the border where the facilities are more advanced or the improvement of the working conditions is less costly. The size of border control boxes and sanitary facilities should be adapted to respond to the increased requirements.

#### **Joint and coordinated patrolling**

7. In an advanced stage of bilateral cooperation, and only when neighbouring countries have taken confidence-building measures and the necessary legislation is in place should joint patrols at commonly agreed border sections be considered. The selection of the border sections for joint patrols should be based on a thorough risk analysis and carried out where the pressure is the highest.

8. Coordination of border patrols is yet another option that contributes to a more efficient use of resources. Under this scenario, neighbouring countries inform each other about their planned border patrol activities, to ensure that they do not duplicate efforts, but rather maximise the area covered. Ideally, the countries should divide the border into sub-sections and alternate border patrol (in a chequer-board pattern).

#### **Joint contingency plans**

9. Joint contingency plans and emergency communication mechanisms should be established to deal with cases which depart from normal operational activities such as: the transport of weapons, nuclear material, hazardous chemicals and hazardous waste; major security situations; environmental disasters; animal disease epidemics or serious risks related to food and feed hygiene. Practical exercises involving all relevant services are recommended and should be used to further improve procedures.

#### **Standardised documentation**

10. The standardisation and simplification of documentation includes the harmonisation of forms required of and provided to those crossing the border. This should focus on using the same or similar templates for ease of reference and including the same data fields to facilitate analysis. Mutually agreed lists of what official documentation is acceptable from those crossing the borders should be developed between neighbouring states. This is of particular importance to the inspection services.

#### **Coordination of BCP status**

11. Another facet of cooperation between the border management agencies of neighbouring countries entails coordinating the status of individual BCPs, prioritising and upgrading BCPs where appropriate, harmonising opening hours and agreeing on which border agencies should be present at the BCP. This helps to avoid

situations in which BCPs are upgraded or inspection services are represented on only one side of the border.

12. Not only should the facilities of the inspection services be built at the same BCPs on each side of the border, but their tasks and responsibilities should also be harmonised. For example, both sides should be authorised to inspect foodstuff or other products of animal origin requiring a certain storage temperature, or both should be authorised to inspect live animals. Common premises at the border are advisable.

### **PRACTICAL EXAMPLES**

#### **PRACTICAL EXAMPLE 1: Border guard manual for information exchange on irregular migration**

An operational manual for the collection and flow of information on illegal migration, trafficking in human beings, trans-border crime and an early warning system for all border guard and police units performing border policing tasks that describes the following:

- a. Main definitions in the area of border management
- b. Data to be collected (related to different types of illegal acts)
- c. Responsibilities and procedures for collecting and exchanging data and information at the local, regional and central levels
- d. Types of reports
- e. Information dissemination: top-down and bottom up intra-service, inter-agency and international exchange of information
- f. Information analysis
- g. Templates

#### **PRACTICAL EXAMPLE 2: Veterinary inspection procedures**

The EU legislation on veterinary border inspection contains among others detailed regulations concerning procedures for documentary, identity and physical checks, on approval and rejection procedures, sample-taking and examination, fees, and information systems to be used. There are also regulations covering special procedures such as transiting, ship supply and canalising. An important provision regulates that the Customs service shall not allow the entry or handling in free zones or free warehouses of consignments subject to veterinary checks without the agreement of the competent authority.

#### **PRACTICAL EXAMPLE 3: Common basic workflow in the EU**

A description of a common basic workflow, which shows the sequence of operations at BCPs and includes all agencies responsible for checks of persons and goods, is standard in all EU Member States. Systematic border checks are the third tier (measures at the external borders) of the four-tier access control model in the EU.

On entry and exit, the first service in contact with passengers and drivers is usually the border guard service responsible for the border checks. As a result of their observations and checks, a first set of measures is taken, which could range from clearance to refusal of entry, or even apprehension. All persons and goods crossing the border undergo a minimum check that can be carried out in the traffic queue. Based on risk analysis, officers may decide to carry out intensive checks of certain documents, the vehicle or other items related to the crossing of the border. These

“second line” controls are carried out in a separate lane, place or room in order not to hinder the border crossing of persons and vehicles in the “first line”.

In both cases, Customs and border guard cooperate as closely as possible in order to speed up procedures. The focus in this regard is increased efficiency and effectiveness of the work of both services, not economies of staffing. While each service is concentrating on its basic tasks, close information exchange with the other services involved is ensured, taking into consideration the possibility of joint controls. Especially if intensive checks are carried out, other services are given the opportunity to take part in order to avoid duplication and inconvenience for all involved.

After the veterinary border inspection has been carried out, the border veterinarian issues a document containing his decision on the consignment – in the EC a document known as the common veterinary entry document (CVED) by using TRACES. The original CVED document is then passed on to the Customs officer by the border veterinarian, the importer or the shipping agency as a proof that the veterinary clearance of the consignment has been completed. The Customs only allow Customs clearance of the consignment in accordance with the border veterinary decision stated in the document. Comparable procedures also apply for phytosanitary inspection.

### 3. Procedures Self-Assessment Questionnaire

This self-assessment grid can be used by practitioners to identify gaps in Procedures - a first step in identifying suitable solutions.

Name of Agency	Exists		Appreciation					Comments, explanations and/or measures to betaken
			1. Weak; 2. In development; 3. Medium; 4. Developed; 5. Excellent					
<b>3. Procedures</b>	Yes	No	1	2	3	4	5	
1. The agency has written standard operating procedures (SOPs) or similar internal instructions describing working procedures, work flow, etc.								
2. All staff members have access to manual(s) that describe and provide guidance on all procedures in their area of responsibility								
3. The written control procedures clearly describe the workflow at the BCP <sup>20</sup> , including the types, frequency and methodology of the control procedures								
4. There are clear instructions and objectives for risk analysis, including the procedure for sharing of RA results with other agencies								
5. All staff are aware of procedures for contingency/emergency situations and their role therein								
6. The agency has a code of conduct (ethics)								
7. All staff know their individual responsibilities, as well as the procedure for disciplinary action in case of irregularities.								
8. Disciplinary or corrective actions are taken by a unit specialised <i>in internal/ external</i> auditing								

<sup>20</sup> BCP = Border Cross Point



9. Persons/passengers/carriers crossing the border have easy access to information about their rights, obligations and procedures for crossing the border and the consequences of any breaches								
10. Your agency's workflow at the BCP has been synchronised with the other border control/inspection agencies.								
11. Existing workflows are documented and assessed.								
12. Procedures are in place for your agency to inform and be informed by other agencies of necessary information								
13. The agency can delegate authorities to other agencies and be delegated to act on behalf of others.								
14. Joint controls, such as the one-stop control and single-window concepts, or joint inland control, are practiced.								
15. Joint operations are conducted, for example, at the border, in the border zone or inland through mobile units								
16. Joint expert/specialist units exist.								
17. Joint contingency plans exist which clearly define individual agency tasks and responsibilities.								
18. Operational procedures are harmonised with other relevant border agencies (in neighbouring countries).								
19. There are joint controls, such as general border controls, patrols, searches, forensic examination, surveillance,								
20. Joint contingency plans exist.								
21. Documentation required of and provided to those crossing the border are standardised with other states/international organisations.								

## **CHAPTER 8**

### **HUMAN RESOURCES AND TRAINING**

The competence of staff at the border is essential to the quality of the service delivered. It is therefore crucial that specific training on border-related tasks takes place, and that competent staff is recruited according to objective criteria.

#### **8.1. In General**

##### ***Human resources***

1. The human resources strategy of a border management agency should contain the following elements:

- a. Detailed job descriptions for all staff based on the responsibilities or mandate of the agency
- b. Objective and transparent procedures (written) for merit-based recruitment, taking job-related skills and education, and transparent procedures for termination of employment.
- c. Well established rules for a system of rotation within the border management agency, regarding both duty station and tasks, either through volunteering or on obligatory assignment. This exposes the border officers to different tasks and duties and thus increases their experience and their areas of expertise. This is considered especially useful at the beginning of a career.
- d. Identification of the required numbers and categories of staff (management, operational, administrative, specialist, etc.)
- e. Deployment of the necessary numbers of staff, for the agency as a whole and for each individual location (in line with risk analysis)
- f. Adequate salaries
- g. Staff monitoring and evaluation mechanisms
- h. Code of conduct

2. Through performance reviews and the use of a unified national form, the performance of individual officers at the local, regional and national levels can be analysed and assessed in line with professional standards. A transparent and merit-based promotion system is recommended so as to provide a clear career path for motivated officials. The required educational level and physical suitability of new recruits should be tested and recruits must meet integrity and legal requirements (criminal/judicial records).

##### ***Training***

3. Border management tasks are highly specialised; this should be reflected in the training plans, in all the types and levels of training, be it basic or advanced theoretical and practical classroom training, or on-the-job training complemented by coaching and mentoring in the field. Training should be a continuous element for

staff throughout their careers (refresher, specialisation and new skills/information training) and be based on regularly updated curricula and manuals. The concept of CBM should be an integral part of training.

4. In addition to direct border management training, courses on management skills, languages and computer skills are recommended. Joint training of officers with different profiles should be considered to encourage cross-fertilisation of ideas.

## **8.2. Inter-Agency Cooperation**

1. Inter-agency training contributes to a better understanding of the tasks and responsibilities and needs of other border management agencies.

2. Border agencies should have a common CBM curricula and joint training courses. In particular, joint train-the-trainer courses should be conducted for their trainers and joint courses should be organized at BCPs.

3. Joint training activities should involve staff from all border management agencies. Not only do these activities have a confidence-building and information exchange function, but they also result in more efficient use of resources. Various forms of inter-agency training can be distinguished:

- a. Training on rules and procedures which deal with or involve cooperation with other actors
- b. Joint training with other agencies on issues of common concern<sup>21</sup>
- c. Training to familiarise staff with the tasks and activities of their counterparts and to raise general awareness about the importance and benefits of inter-agency cooperation
- d. Customer care training

4. These training activities should not only target new recruits, but form part of continuous, in-service training and include operational as well as management level of all agencies. A typical inter-agency training with the aim of introducing participants to the other agencies at the border would cover organisational structure, legal framework, basic tasks and competencies, and areas of joint interest.

5. In addition to the above mentioned joint training session for all agencies, the following inter-agency training activities are possible:

- a. Inviting staff from other agencies to attend training on a topic of relevance for more than one agency (e.g. on the tasks of liaison officers)
- b. Sharing of expertise and training materials between agencies, e.g. on-entry staff training for visa and consular staff on issues such as document examination and investigative interviewing; training by the inspection

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<sup>21</sup>For example, travel documents, visas and residence permits; asylum and migration legislation; code of conduct/ethics; foreign languages; use of equipment/IT tools; detection and handling of irregular migrants; detection of smuggling of and trafficking in human beings; detection and processing of forged documents; detection and processing of stolen vehicles, narcotics, weapons, explosives and dangerous substances.

services for Customs staff on anti-smuggling controls for products of animal origin etc.

6. In some cases, the training units themselves can benefit from common national training facilities. In addition to a reduction in costs for individual agencies and increased access to resources, this also facilitates the cross-fertilisation of ideas, provide situations in which staff from different agencies can come into contact, informally and formally, and reinforce the concept of a nationally cohesive approach to border management.

### **Deployment of staff**

7. The working hours of the border management agencies, including shift changes, should be harmonised at each BCP to make a common briefing of shift leaders possible. Shift changes, whether synchronised or not, should foresee at least 30 minutes overlap between two shifts to avoid disrupting any ongoing procedures and allow for a proper hand-over.

## **8.3. International Cooperation**

1. Training events and workshops with international participation, study visits and exchange programmes for officers are means to learn about practices in other countries and foster contacts with counterparts. This aim could also be achieved by inviting counterparts from neighbouring countries to training sessions of national border staff, either at national training centres or directly at the BCP concerned.

2. The organisation of specific training courses on CBM should be considered in a multilateral context, allowing officials from various border services in different countries to learn about the concept of CBM, as well as to share good practice and experiences.

3. Basic information on the equivalent authorities of the neighbouring countries, including general legislative background, institutional framework and operational procedures, as well as international cooperation, should form part of the curriculum for new officers and inspectors in order to increase mutual understanding. Wherever suitable regional fora exist, they can work towards regionalised training benchmarks: including regional training centres, common terms of reference and qualifications of trainers, as well as standardised training curricula and material.

### **Languages**

4. In order to facilitate communication with counterparts in other countries, relevant courses should be offered for priority languages (e.g. usually those of the neighbouring countries) for the staff that require them for their daily work. For example, the staff of border offices of French and Portuguese speaking countries should learn English and their English-speaking counterparts should learn French or Portuguese.

5. In general staff should be encouraged possibly also through the use of financial incentive schemes to learn foreign languages. At the operational level staff should ideally have sufficient knowledge of adjoining countries to conduct basic interviews, understand basic documentation and be able to explain relevant procedures to travellers. Management level should have access to staff with sufficient knowledge to comprehend relevant technical documentation.

#### 4. Human Resources and Training Self-Assessment Questionnaire

This self-assessment grid can be used by practitioners to identify gaps in Human Resources and Training - a first step in identifying suitable solutions.

Name of Agency	Exists		Appreciation					Comments, explanations and/or measures to be taken
			1. Weak; 2. In development; 3. Medium; 4. Developed; 5. Excellent					
<b>4. Human Resources and Training</b>	Yes	No	1	2	3	4	5	
1. The agency has a clear human resource policy (recruitment, training, deployment, performance evaluation, promotion policy, etc.)								
2. The human resource policy is regularly evaluated and updated								
3. The agency has a unit/department solely dedicated to human resource management								
4. There are detailed job descriptions available for and accessible to all staff								
5. The procedure for recruiting staff is objective and transparent and applied uniformly throughout the agency								
6. The agency has its own training strategy								
7. Staff are regularly trained and monitored on complying with the agency's code of conduct								
8. The agency has its own training academy/centre								
9. The agency has its own training curriculum								
10. The agency has its own trainers								
11. Trainers receive regular training (general and specialist courses)								

12. Trainers have sufficient resources and skills to carry out their training									
13. Staff training is both theoretical (classroom-based) and practical ('on-the-job')									
14. Refresher and specialist training courses are available to all staff on a regular basis									
15. Inter-departmental/unit training activities are held									
16. Foreign language training is provided									
17. Training Needs Analyses are regularly conducted									
18. Training on inter-agency cooperation takes place.									
19. Joint training with other agencies takes place.									
20. Staff is sometimes exchanged between different agencies in order to improve their understanding of the other									
21. Staff with certain skills (languages, IT etc) are available for use by other agencies.									
22. Trainers have a full and common understanding of coordinated border management and transfer standardised knowledge.									
23. Different agencies' trainers have common terms of reference and qualifications.									
24. Shared training facilities are used.									
25. Training curricula and material which are common to all agencies are used.									
26. CBM training for all levels of staff is conducted jointly with other agencies and other countries.									

27. Training on specific international cooperation subjects (such as language, CBM, IT and international standards/procedures) is provided to staff.								
28. Joint training with border agencies from other states occurs (including multiagency/multi-national participants and/ or trainers, and practical exercises).								
29. Training standards and curricula are harmonised regionally.								
30. The number of staff at BCPs is coordinated with the neighbouring country.								



## CHAPTER 9

### COMMUNICATION AND INFORMATION EXCHANGE

The goal of communication and information exchange is to regulate and standardise an efficient and rapid flow of information and effective documentation.

#### 9.1. Intra-Agency Cooperation

##### Communication

1. At the operational level, a border management agency needs to have relevant and up-to-date information for properly fulfilling their duties and responding to threats and emergencies in an appropriate way. At the national level unit, on the other hand, the agency needs statistics and data as well as information about the activities of other units, since these form the basis for budget, resources, instructions, planning and strategy formulation, and help monitor the work at the regional and local level.

2. The information flow within each border management agency therefore needs to be horizontal and vertical. **Horizontal** flow is the exchange of information between different individuals, departments or units at **the same organisational level**. This should take place at all organisational levels of an agency: at headquarters, regional centres and local units.

3. **Vertical** flow is the exchange of information between different individuals, departments or units at **different organisational levels**.

4. Effective communication is provided through several methods:

- a. Meetings: routine team meetings in the same organisational unit; inter-departmental meetings; individual staff/management meetings; ad hoc meetings.
- b. Circulars/briefing notes: written information to be distributed via IT systems, email, hard copies; notice boards, etc.
- c. Databases: hard copy or electronic reference sources, which can be checked by staff for operational information
- d. Reports: regular and ad hoc reports
- e. Joint activities (e.g. training): awareness of other units' tasks and activities improves the overall effectiveness of the agency (if staff understand the overall workflow of the agency, they can implement their component more effectively)
- f. Staff exchanges: placement of staff in a different unit temporarily to give them a clearer understanding of the tasks and activities of other units.

##### Information exchange

5. The system of information exchange should be described in DIs, which should also include standardised forms and templates for the reporting of statistical data

or information. Having a harmonized system of collection also facilitates data exchange and cooperation with other services.

6. Regardless of the method used, (tailor-made or a basic **IT system**, exchange of information via hard-copies or phone) **data protection** must always be assured.

7. Where electronic networks between central, regional and local levels can be established, the IT system should:

- a. Ensure automated information exchange and communication within the border management agency through a unified system, for example database, intranet and emails
- b. Provide for a system of collecting, processing and distributing data and information with real-time access for authorised users
- c. Allow for data flow management,
- d. Include a central alert system
- e. Include the possibility of creating statistical/analytical summaries
- f. Ensure security, e.g. through fire walls and cryptography
- g. Allow links to electronic border protection equipment where feasible
- h. Be able to interface with the IT systems of other relevant public authorities

## **9.2. Inter-Agency Cooperation**

1. Inter-agency information exchange should be laid down in writing to ensure that communication links are not broken when there is a change of staff.

2. Inter-agency communication is generally approached on three levels:

- a. Local: Shift managers/leaders in daily contact; BCP chiefs meeting regularly (e.g. on a weekly basis) and ad hoc (e.g. early warning or to deal with unforeseen cases)
- b. Regional: Heads of regional office conducting regular (e.g. monthly) meetings and ad hoc
- c. Head office: Representatives of all agencies meeting regularly, for example on a monthly basis, as well as ad hoc; representatives of the CBM inter-agency working group meeting on a regular basis (e.g. twice yearly)

3. A formal agreement between all participating agencies should clarify what information will be shared and with whom. It should then be decided how the information will be exchanged; meeting protocols and minutes (also for ad hoc meetings) should be taken, distributed and filed.

4. Methods for information sharing include:

- a. Briefings and meetings
- b. Nomination of contact persons or focal points within each agency
- c. Exchange of hard-copy reports and data
- d. Exchange of electronic reports and data

- e. Sharing of selected information from databases with authorised staff from other agencies, e.g. upon a written request or automatically for specific sets of data (e.g. in the field of statistics, when no personal data is concerned).
5. When developing new or upgrading existing IT systems the following should be taken into consideration:
- a. Compatibility with other systems in use and planned, (not only within the own ministry but also within those of relevant counterparts). Complete compatibility is not necessary: the possibility of creating interfaces with other existing databases is usually enough;
  - b. Security (data protection, access regulation);
  - c. Accountability (records of access, usernames etc.);
  - d. Adaptability (adding/amending components/ modules, users etc.).
6. The creation of joint systems, such as one overall operating system with sub-modules allocated to each border management agency would facilitate authorised information exchanges.

#### **Early warning**

7. An effective early warning system needs to be in place, be it through a system of contact points in individual agencies or through IT solutions.

### **9.3. International Cooperation**

1. It is essential to set up effective external communication mechanisms in order to create functional interfaces between border agencies in different countries. Emphasis should be put on neighbouring countries, countries of origin of significant flows of migrants, strategically relevant exporting and importing countries, industry representatives within these countries as well as relevant international organisations. Communication between border services can be enhanced at each level: between BCPs (local level), between regional headquarters, between ministry or agency (national level) and at multilateral/regional level.

2. The relevant institutional framework for information exchange, including liaison officers and common contact offices, has been described above. The present chapter covers tools for international communication which can be employed irrespective of the institutional framework, and the development of a contact network with counterparts in other states and agencies.

#### **Regular meetings**

3. Regular meetings between representatives of border agencies from different countries should be held at all levels. Meetings arranged at central or regional level should address strategic issues, common planning and the evaluation of the

respective border control systems. Such meetings may also serve as fora for information exchange on legislative, institutional and organisational developments.

4. At the same time, heads of border posts should be instructed to maintain regular contact and establish day-to-day working relations with their counterparts at an operational level. The exchange of data and intelligence needs to be based on relevant agreements.

5. One specific form of cooperation could be a systematic exchange of national reports (e.g. on a weekly or monthly basis) that are compiled and shared as one comprehensive report and allow a monitoring of the border situation in the whole region. Regional initiatives should be complemented by bilateral contacts. The exchange of statistical data with the authorities of neighbouring countries should also be institutionalised.

6. An additional recommendation relates to the analysis of BCP operations, which should be prepared annually. Neighbouring countries may find it valuable to discuss their key findings relating to shared BCPs, e.g. on a yearly basis. This is a good opportunity to assess operational cooperation and agree on organisational changes with the aim of increasing the harmonisation of border procedures, especially in terms of the traffic of goods.

#### **Participation in international initiatives**

7. Membership of relevant international networks should be pursued, especially as these fora also provide opportunities for formal and informal information exchange.

**5. Communication and Information Exchange  
Self-Assessment Questionnaire**

This self-assessment grid can be used by practitioners to identify gaps in Communication and Information Exchange - a first step in identifying suitable solutions.

Name of Agency	Exists		Appreciation					Comments, explanations and/or measures to be taken
	Yes	No	1	2	3	4	5	
1. The agency has operational instructions on information management, including the flow and exchange of								
2. The type of information that has to be gathered at the border and the methods for doing so have been clearly								
3. Standardised forms and templates are used throughout the agency								
4. The agency has an IT system								
5. Authorised users have real-time access to information on relevant border activities								
6. Information is exchanged through regular reports circulating upwards in the agency (vertical communication)								
7. Instructions and information are regularly passed down through all levels of the agency (vertical communication)								
8. Units at all levels in the agency have access to the right information when they need it								
9. Regular (weekly/monthly) meetings, agreed in advance, take place within the same unit (staff/management) at the local, middle management and senior management levels (horizontal communication)								

10. Regular (weekly/monthly) meetings, agreed in advance, take place between different units at all levels (horizontal communication)									
11. Regular (weekly/monthly) meetings, agreed in advance, take place between the different levels of the agency (vertical communication)									
12. Staff working in different units meet regularly for joint activities									
13. Staff are sometimes exchanged between different units in order to improve their understanding of the other unit's function									
14. Your agency has a contact person(s) for information exchange with the other border agencies.									
15. Your agency exchanges data with other border agencies on a regular basis									
16. Non-routine/ad hoc information is exchanged promptly with the relevant border agencies.									
17. Your agency shares one or more databases with other border agencies									
18. Your agency's IT system is compatible with the IT systems of other agencies.									
19. Your agency takes part in an early warning system with other border agencies (e.g. through contact points)									
20. Your agency shares risk analysis, risk indicators and intelligence with other agencies									
21. Regular meetings (agreed in advance), weekly/monthly, between representatives of border agencies from different countries are held at the central level.									

22. Bilateral, regular meetings (agreed in advance) between representatives of border agencies from neighbouring								
23. Your agency is involved in regional/international initiatives (conferences, meetings, seminars etc.)								
24. The agency exchanges information with other relevant border agencies (in other states) on a regular basis and upon request								
25. Information is used and analysed in cooperation with other relevant border agencies and other authorised bodies								

## **CHAPTER 10**

### **INFRASTRUCTURE AND EQUIPMENT**

#### **10.1. In General**

1. Infrastructure and equipment support operational staff and should be adequate for performing their respective duties.

2. The equipment used by the agencies at the border usually consists of basic and specialist items. It should be adequate and sufficient to process the flow of passengers and vehicles at each BCP and BIP. Equipment standards should be formalised by each agency in connection with an overall investment policy, which takes volume and nature of the traffic at each BCP into consideration. Not every BCP or ICS needs to be equally equipped, but minimum standards should be met; also the needs of BCPs and ICSs designated to process high-risk goods should be taken into account.

3. As budget restrictions are common, investment plans are needed to ensure that adequate infrastructure and equipment can be procured in a timely manner, making use of economies of scale. Such plans should cover BCPs, border surveillance units, BIPs, search equipment, infrastructure, communication tools, vehicles, roads, parking space, etc. The quantities of equipment to be procured should be decided upon at national level, but only after coordination with the local level to ensure that actual needs are met. A suitable allocation of equipment is equally crucial: for example, 4x4 wheel drive cars can be put to much better use patrolling the border line than sitting in the headquarters car park.

#### **Basic equipment**

4. Basic equipment includes items such as:
- a. Appropriate uniforms and boots, adjusted to working conditions
  - b. Vehicles
  - c. Entry and exit stamps
  - d. Basic forgery detection equipment (ultraviolet lights, magnifiers and reference material)
  - e. Basic search equipment (mirrors, lights, tools)
  - f. Basic surveillance equipment (cameras, night-vision)
  - g. Communication equipment (radio, mobile phone, fax, computer)
  - h. Weapons
  - i. Personal safety equipment (e.g. bullet proof vest)



### **Specialist equipment**

5. Because of the relative cost and the necessity for operators to be trained in their use, specialist equipment should be distributed according to need, such as BCPs with extensive traffic. It includes more advanced, and expensive, items such as:

- a. Mobile or stationary x-ray machines
- b. Document examination systems
- c. Forensic laboratories
- d. Canine units

6. Adequate maintenance facilities for equipment are also essential and a certain budget needs to be reserved for either outsourcing the repairs or training and employing maintenance staff. When discussing the possible acquisition of new equipment with donors, involved agencies should take usage and maintenance costs into account. It is, for example, less costly to maintain a car fleet with the same make and model of cars.

### **Infrastructure**

7. Infrastructure refers to physical structures such as roads, packing for trucks with hazardous goods and buildings. Infrastructure at BCPs should include facilities for storing hazardous goods, foodstuffs and products of animal origin, quarantine facilities, dispensary and resting room for the sick. **See Practical Example at the end of the chapter.**

## **10.2. Inter-Agency Cooperation**

1. Shared facilities and joint use and procurement of equipment reduce costs and enhance cooperation between agencies.

### **Selection of priority BCPs**

2. Regular assessments of existing facilities and equipment are recommended, as is needs identification. This includes the selection of **priority border crossing points** in coordination with all border management agencies, where resources should be focused.

3. Decisions on priority BCPs or the upgrading of BCPs should also be coordinated with other interested stakeholders such as ministries of transport and freight operators. It is also important to consult the neighbouring state(s) and take their BCP development plans into account.

4. In some countries the infrastructure of the BCP or BIP is not actually owned by, and therefore not under the direct control of, the border management agency who uses it. In such cases, the agencies concerned should conclude contracts that formalise the agency's responsibility as regards use, maintenance and coverage of costs.

### **Joint use of facilities and infrastructure**

5. The extent to which infrastructure and facilities can be shared depends upon a variety of factors. Below is a list of proposed infrastructure and facilities that could be used jointly.

- a. Traffic lane for passenger vehicles (personal, vehicles and buses) at entry into the country (from the BCP to control spots)
- b. Traffic lane for passenger vehicles (personal vehicles and buses) at exit from the country (from control points to BCP)
- c. Traffic lane for cargo vehicles at entrance into the country (from BCP to control points)
- d. Traffic lane for cargo vehicles at exit from country (from control points to BCP)
- e. Adequate space for the control of vehicles outside of traffic lanes (passenger vehicles)
- f. Parking spaces

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#### **External infrastructure:**

- a. Facilities where official dogs can be kept
- b. Fence of BCP

#### **Internal infrastructure:**

- a. Room for telecom equipment/cabling
- b. Central facility for coordination and video surveillance
- c. Recreational/staff premises (common room, lounge, shower)
- d. Facilities for storing hazardous goods, foodstuffs and products of animal origin
- e. Quarantine facilities
- f. Dispensary and resting room for the sick

#### **Technical infrastructure:**

- a. Air conditioning, heating etc.
- b. External telecommunication capacities and telephone lines
- c. Backup telecommunication line
- d. Copy machine
- e. Computers (servers, PCs, laptops, printers, networking equipment, telecom equipment, radio-communication equipment, faxes, etc.)

#### **Clearance posts**

- a. Warehouses for storage
- b. Joint inspection points/locations
- c. External/internal and technical infrastructure as listed above

### **Mobile units for inland control**

- a. Joint procurement of vehicles (mobile communication offices etc.)
- b. Radio communication system

### **Common Contact Offices**

#### *a. Internal infrastructure:*

- i. Room for telecom equipment/cabling
- ii. Central facility for coordination and video surveillance

#### *b. Technical infrastructure:*

- i. *Air conditioning*, heating etc.
- ii. External telecommunication capacities and telephone lines
- iii. Backup telecommunication line
- iv. Computers (servers, PCs, laptops, printers, networking equipment, telecom equipment, radio-communication equipment, faxes etc.)

6. Placing the offices of all agencies within one building can be beneficial, since it enhances informal communication. Where this is not possible it is advisable that agencies be accommodated in offices in close proximity to those agencies they work most often with.

### **Joint use of equipment**

14. In addition to sharing facilities, the possibility of sharing equipment should be explored. Consideration should be given to standardising types and brands with other agencies. Joint procurement of equipment (e.g. weapons, uniforms, cars and gasoline) can significantly reduce costs and should be undertaken whenever possible.

7. The establishment of an inter-ministerial joint procurement office could help to save costs by making use of economies of scale. Where this is not possible, one of the border agencies could, upon request and for particular goods of common interest, take on the responsibility of issuing the tendering procedure on behalf of all border agencies.

## **10.3. International Cooperation**

1. The grading of border posts should be coordinated not only with the border agencies at national level, but also with the neighbouring countries to ensure that a similar level of control is in place at both sides of each BCP. Priority BCPs should be identified jointly, and short-term, mid-term and long-term needs should be taken into account as regards the investments into infrastructure and equipment.

2. The joint use of facilities and equipment should also be considered. Potential financial savings should however be carefully weighed against operational effectiveness. Facilities can be wholly or partially shared depending on the situation. Options include sharing of search/inspection areas and shared use of specialised equipment. Mobile x-ray scanners, usually mounted on minivans or trucks,

can for example be easily shared among agencies on one or both sides of the border; the same goes for document examination devices, detectors of nuclear and hazardous material, number plate recognition devices and video surveillance systems. In some cases, even dogs for the detection of drugs, persons, explosives, etc. can be used on behalf of other agencies.

3. Shared equipment for search and inspection should be placed at designated areas outside of the second line control area, and, based on an agreement or MoU these locations (garage, hall, etc.) can be used by all agencies.

4. For BCPs, especially those on highways and other international transit routes, it can be useful to separate the road haulage according to direction and establish common infrastructure for export and import traffic of trucks, respectively.

### **Technical aspects**

5. Direct and fast internet access in all BCPs/ICsSs/BIPs is recommended, to provide access to international data available on the internet, for example, on the web pages of the OIE and the FAO in the case of veterinary inspection. Any IT system used should ensure compatibility with other systems and must provide adequate security of data.

6. Phone connections between the BCPs on both sides of a border make direct and informal information exchange possible and facilitate the solution of practical problems. Direct radio communication at the operational and regional level with neighbouring countries should be made possible (attention should be given to the compatibility of the systems).

### **PRACTICAL EXAMPLE**

#### **PRACTICAL EXAMPLE: BCP infrastructure**

This list summarises EU standards and good practice in terms of infrastructure at BCPs:

- a. The number of control lanes (entry and exit) adequate for the amount of traffic expected and the staff available
- b. Separate control lanes exist for foot passengers, buses, trucks as well as heavy vehicles and exceptional cargo (e.g. hazardous material)
- c. Secure interview rooms and detention space are available on site (to allow investigations to be conducted on site and secure offenders)
- d. Facilities for asylum seekers exist (only accessible for staff who are directly involved in the case)
- e. A communication network is in place: telephones, IT, internet, etc.
- f. Vehicle inspection facilities are available. These are separate and secure locations where suspect vehicles can be examined/searched closely; sheltered from rain and wind, and positioned on level and solid ground (to facilitate searches, for example for the use of motion detectors).
- g. Separate, secure facilities for seized goods are large enough to hold vehicles.
- h. An incinerator for phytosanitary and veterinary requirements exists on site
- i. Staff have facilities which are not shared with or accessible to the public
- j. Specific facilities for travellers exist, such as a parking area and public toilets (separate from staff), dispensary and rest room for the sick

- k. Bank and/or money exchange offices and insurance companies
- l. Facilities for cargo forwarding/carrier agencies
- m. Storage facilities for hazardous cargo
- n. Quarantine facilities

### 6. Infrastructure and Equipment Self-Assessment Questionnaire

This self-assessment grid can be used by practitioners to identify gaps in Infrastructure and Equipment - a first step in identifying suitable solutions.

Name of Agency	Exists		Appreciation					Comments, explanations and/or measures to betaken
			1. Weak; 2. In development; 3. Medium; 4. Developed; 5. Excellent					
	Yes	No	1	2	3	4	5	
1. All staff have uniforms and associated personal equipment								
2. All locations have the basic furniture and office supplies needed to function properly								
3. All locations have the basic equipment needed to carry out their tasks.								
4. The agency owns/has regular access to a sufficient number of specialist equipment needed to carry out its tasks								
5. There is a sufficient number of staff who know how to operate specialist equipment								
6. The agency owns the infrastructure (buildings, roads) of the BCPs								
7. In case the agency does not own the BCP infrastructure, the agency has a functioning agreement with the owner.								
8. The infrastructure at all BCPs includes an adequate number of building(s) for the agency to conduct its work in								
9. The infrastructure at all BCPs includes an adequate number of control lanes								
10. The infrastructure at all BCPs includes secure interview room(s) and detention space								

11. The infrastructure at all BCPs includes adequate facilities for asylum seekers									
12. The infrastructure at all BCPs includes adequate communication equipment (e.g. phones)									
13. The infrastructure at all BCPs includes secure facilities for seized goods									
14. The infrastructure at all BCPs includes separate and adequate facilities for staff (accommodation, leisure room)									
15. The agency has an investment plan for buying necessary equipment and/or developing necessary infrastructure									
16. Baseline equipment and infrastructure standards for the agency have been formalised in a regulation									
17. Priority BCP locations have been identified in cooperation with other agencies.									
18. Facilities and infrastructure are shared with other agencies.									
19. Equipment is shared with other agencies.									
20. Joint procurement of facilities and equipment is used.									
21. Priority BCP locations have been identified in cooperation with other states.									
22. Facilities and infrastructure are shared with other states (joint use)									
23. Equipment is shared with relevant border agencies of other states.									
24. Joint international procurement of facilities and equipment is used.									

## **CHAPTER 11**

### **ANTI-CORRUPTION MEASURES**

#### **11.1 In General**

1. This chapter lists actions which can be taken to fight corruption in the context of CBM, addressing the:

- Legal and regulatory framework
- Institutional framework
- Procedures
- Human resources and training
- Equipment

2. Corruption is a worldwide phenomenon which is not limited to specific regions or political systems. It exists in industrialised and developing nations alike and the fight against it is a challenge for all government agencies. The agencies active at the border are no exception: crossing the state border illegally, fraudulently obtaining a visa, trafficking in human beings, smuggling of persons, goods, weapons or drugs are all activities facilitated through corruption.

#### **Definitions and forms of corruption**

3. Corruption can take many forms. Bribery, fraud, extortion, embezzlement, abuse of discretion and favouritism are among the most common ones. While there is no universally accepted definition of corruption, the one most frequently used is shared by the World Bank and the UN, describing corruption as “the abuse of power for private gain”.<sup>22</sup>

4. Usually a distinction is made between petty or small scale corruption (unofficial charges and bribes) and political or grand corruption (use of position and influence, embezzlement). The most dramatic form is state capture, a systematic high-level corruption which is strong enough to undermine the functioning of the state.

#### **11.2. Fighting Corruption in the Context of CBM**

1. Due to the nature of their tasks and their frequent interaction with the public, border management agencies are particularly vulnerable to corruption. Still, a number of preventive actions can be taken within each agency – many of these at little or no cost and in most cases also without high-level political support.

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<sup>22</sup>Other organisations promote much more detailed definitions, which however carry a similar message: The Council of Europe for example defines corruption as “requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof.”



2. The starting point for fighting corruption is normally a thorough and objective analysis of the current situation, where the risk for corruption within a border management agency is assessed. This analysis:

- a. Identifies the areas and positions most targeted by attempted bribery
- b. Searches for loop holes in existing laws and procedures
- c. Analyses recent breaches of rules and laws by staff as well as court cases where corruption played a role
- d. Takes the public image of the border management agency into account

3. The results provide the basis for developing an anti-corruption strategy, either individually for each border management agency or as part of the national CBM strategy, and a concrete action plan, which specifies activities, responsibilities, timelines and costs. The subchapters below list a set of actions which can contribute to reducing corruption; however, it is important to note that this list of activities is by no means complete and it must always be adapted to specific national circumstances.

Still, there are general principles which are relevant for every administration:

- a. A clear anti-corruption policy: e.g. the distinction between a legitimate gift and a bribe needs to be clear to all staff and the consequences of a violation must be specified.
- b. All gifts should be declared
- c. The tasks for the individual positions must be clear and the performance of staff needs to be evaluated in more than one way, also through independent and unannounced controls.
- d. Salaries should be reviewed from time to time to keep them up with the cost of living.
- e. Transparent and merit-based process for hiring and firing staff.
- f. Quality introductory and regular in-service training on anti-corruption awareness, motivation and the consequences of corruption.
- g. Procedures should be transparent and proper documentation should make post performance analysis possible.
- h. Officers in charge should be rotated from BCP to BCP
- i. There should be rotation between shifts from time to time
- j. Four-eye principle for all sensitive decisions.
- k. The collection of duties, fees and fines in cash should be avoided to the extent possible.

### **Legal and regulatory framework**

4. The very basis for fighting corruption is its inclusion in the penal code as a crime.<sup>23</sup> The crime should be clearly defined a national context, there should be a comprehensive listing of which activities constitute corruption, and effective, proportionate and deterrent penalties for the crime. If an officer is found guilty of corruption, she/he should not only be dismissed from her/his from her job but also prosecuted and, if found guilty, completely banned from public service.

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<sup>23</sup>The penal code should be accompanied by a law on asset declaration and asset recovery, which regulates the confiscation of the gains of corruption and can even include a reversal of the burden of proof for the proceeds of crime.

5. Each border management agency should have a code of conduct specifying the standards of integrity expected of officers and providing guidelines on:

- a. What constitutes a conflict of interest (depending on the national and cultural context), the forms of conflict of interest, (incompatible functions and activities, restriction on auxiliary activities, acceptance of gifts, etc), how to avoid it, with whom to consult, whom to report to and what the consequences are
- b. What in practical terms constitutes corruption in the specific context of the agency, and how to react when a bribe, for instance, is offered
- c. Which cases raise doubts where a supervisor should be involved
- d. Legal and disciplinary consequences in case of violating the anti-corruption rules

6. The core parts of the code of conduct should be published, to make clients aware of the agency's anti-corruption policy. All partner agencies at the BCP and local level of the neighbouring countries should also be informed.

#### **Institutional framework**

7. There is an on-going discussion among practitioners over whether institutional centralisation or decentralisation offers better opportunities for fighting corruption, since there are advantages and disadvantages to both. What experts agree upon, however, is that each unit has to take care of internal anti-corruption issues first (for agencies forming part of law enforcement, an office for internal affairs should be responsible for corruption investigations).

8. Since the public is an important ally in the fight against corruption, a toll-free telephone line or website should be established to receive complaints and information about corrupt practices. Technical solutions exist, which allow placing an anonymous complaint online, and can also give access to a mailbox where a response from the contacted authority can be collected and follow-up messages exchanged - keeping the identity of the informant protected at all times.

#### **Procedures**

9. The procedures that determine the activities of the border management agencies need to be described in a manual available to all staff. These procedures should be as simple and transparent as possible, and include an adequate amount of checks (signing in and out at the beginning and end of a shift, logging on and off computers, incident reports, shift leader supervision, etc.) to ensure that the actual work of each officer can be verified *ex post*. A review and update of the procedures is recommended at regular intervals.

10. Since the collection of fines and fees offers many opportunities for corruption, procedures should be organised in such a way that the handling of cash at the BCP is avoided whenever possible. In some countries, Customs duties are not collected

directly, but need to be paid at a bank with a branch office at the BCP. When this is not possible, the four-eye principle should at least be introduced, which requires that all sensitive financial decisions are also checked or co-signed by a second person. A particularly delicate function is the procurement of goods and services. The majority of countries have therefore enforced strict procurement rules with several layers of controls, including public tendering, excluding all names in tender documents, selection of the winning tender through a panel, and personnel division of functions between those ordering goods and services and those controlling their quality.

11. The work of each border management agency should be audited at regular intervals, financially and operationally. In this context, the statistical data collected should be used not only to analyse overall development and regional trends, but also to identify differences in the performance of specific BCPs or individual shifts since these can be indicators of irregularities. Care should be taken to identify possible irregularities both during routine controls and unannounced checks.

12. There should be a possibility for mobile units to carry out unannounced operations, independently of local management, in areas where corruption is a common phenomenon.

13. A procedure for whistle-blowing for staff members, which describes whom to contact and how and also guarantees protection and anonymity for the whistle-blower, usually leads to an increase of reported cases. Also the reporting of misconduct within partner agencies should be possible.

14. It should also be noted that transparency towards the public about their rights and duties, prices and services, pays off: not only because it helps to reduce processing times, but also because a well-informed customer is less ready to pay a bribe. This can be achieved e.g. through leaflets, the website, folders, posters, stickers at the BCP and elsewhere which should be available in all relevant languages.

### **Human resources and training**

15. While high wages do not necessarily prevent corruption, it is uncontested that an inadequate income leads to an increase of corruption – especially if it does not cover actual living costs. Although increasing the salary level of a whole agency is a costly reform project which can take several years of preparation and needs political support, it is nevertheless essential since without adequate remuneration officers will take exploit every incentive and opportunity for corruption.

16. However, corruption prevention work should start long before the first salary is paid during the recruitment phase, which should be used to make thorough background checks on potential employees, including their performance in previous jobs and personal property. Some agencies also use psychological tests to assess the personality of those who apply for particularly sensitive positions, to get an indication of their sense of duty and their general susceptibility to corruption.

17. Once a person is hired on merit and chosen by a panel according to transparent criteria, their actual work should be based on terms of reference which provide a precise description of the tasks and responsibilities for their position. The criteria for ending an employment contract should be equally transparent and adhered to so as to ensure that employees are aware of the consequences of misconduct or abuse of office and to protect officers who are fulfilling their duty on the basis of arbitrary decisions from the hierarchy.

18. While anti-corruption training (with practical exercises) and raising of corruption awareness should be part of the general training of staff, some countries consider regular rotation of staff and a gender balance at the various duty stations useful to forestall the development of corrupt networks.

### **Equipment**

19. There are numerous technical solutions to enhance transparency in border management and render corruption more difficult, for example, computerised systems for the border police, which are linked to Interpol or national databases of search warrants, or specialised Customs systems which give an automatic alert when trucks from blacklisted companies arrive. While it is already standard in most countries that such databases are password protected and access is only granted according to need (not rank!), it is often overlooked that these systems can only enhance transparency if every person/truck at the border is actually entered in the system. In some countries, the introduction of the CCTV (closed-circuit television) at BCPs has improved the situation.

20. Relatively simple technical systems are available to randomly select persons who should undergo intensive checks, reducing the possibility for an officer on duty to give preferential treatment to people of his/her choice. Furthermore, booths for border checks could have shaded windows so that passengers cannot choose lines depending on the identity of the booth officer.

**Anti-Corruption Measures  
Self-Assessment Questionnaire**

This self-assessment grid can be used by practitioners to identify gaps in Anti-Corruption Measures - a first step in identifying suitable solutions.

Name of Agency		Exists		Appreciation					Comments, explanations and/or measures to be taken
				1. Weak; 2. In development; 3. Medium; 4. Developed; 5. Excellent					
7. Anti-Corruption Measures		Yes	No	1	2	3	4	5	
Legal and Regulatory Framework	1. Is corruption mentioned in the criminal law?								
	2. Is the regulatory framework in place?								
	3. Is your country an UNCAC signatory?								
	4. Has your country signed and ratified any other international anti-corruption instrument?								
Institutional framework	5. Is there political will to fight corruption?								
	6. Do national anti-corruption strategy and action plan exist?								
	7. Does an independent anti-corruption body with investigative powers exist in your country?								
	8. Is corruption acknowledged as negative for your agency?								
Procedures	9. Are officers of your agency required to handle money?								

	10. Is the need to prevent corruption reflected in your agency's procedures?								
	11. Is the 4-eye principle in place for financial procedures?								
	12. Is your agency audited on a regular basis?								
	13. Is every person with decision-making power controlled?								
	14. Are border checks carried out on a random basis or based on personal profiling?								
	15. Does a procedure exist on how to investigate corruption?								
	16. Are there transparent procurement procedures and are they followed?								
	17. Does your agency have a black list of companies which tried to bribe?								
Human Resources and training	18. Is the problem of corruption reflected in the training curricula of your agency?								
	19. Does your agency have a code of conduct?								
	20. Do clear terms of reference/job description for each position exist?								
	21. Is there a selection/recruitment panel								
	22. Are background checks carried out before somebody is employed?								

	23. Do applicants pay for being hired for a position?								
	24. Is the entrance level salary for your service proportionate with actual living								
	25. Are whistle-blowers from within your agency protected against retaliation?								
	26. Are sanctions in place for civil servants involved in corruption?								
	27. Are civil servants found corrupt banned from civil service for life?								
	28. Have any civil servants from your agency been brought to court and sentenced for alleged corruption?								
	29. Is there a regular turn-over transfer of staff, to avoid corrupt networks from developing?								
	30. Is it legal for staff members of your agency to receive presents or invitations from clients?								
	31. Is there a maximum amount for presents that staff members can accept from clients?								
	32. Is there more or less a gender balance among the staff of your agency?								
	33. Do staff members of your agency have to declare their assets and are these declarations verified? Does asset recovery exist?								

Communication and information exchange	34. Has your country moved up or down in recent years on the Corruption Perception Index of Transparency International?									
	35. Is the image of your agency predominantly positive or negative in the public mind?									
	36. Is the public well informed about the rights of your agents and the fees to be paid?									
	37. Do information brochures, signs, websites (in all national languages and English) exist, which inform the public about its rights and legal obligation not to bribe?									
	38. Does an ombudsperson for complaints against your service exist? Do people know about it?									
	39. Is it possible to lodge anonymous complaints against staff members of your agency?									
	40. Are your relations with the media on a positive footing?									



## CHAPTER 12

### INFORMATION MANAGEMENT AND RISK ANALYSIS

1. This chapter describes five inter-connected areas of information management and information sharing:

- a. Information gathering
- b. Statistical information exchange
- c. Early warning
- d. Risk analysis
- e. Data protection

2. Information management refers to the recording, collection, storage, processing and assessment of data and information related to border management. In the context of this chapter, information management mainly deals with strategic information processes and does not focus solely on the management of personal data.

3. Information gathering, statistical information exchange, early warning and risk analysis should not be considered as being separate. They should go hand in hand if they are to be functional instruments of border security. A carefully established information management system on data exchange and an operational early warning system, which includes all relevant stakeholders, provides a strong basis for a comprehensive risk analysis system

#### 12.1. Information Gathering

1. The primary goal of information gathering is to systematically collect data for monitoring the operations of border agencies, exchanging statistical data with other agencies and providing information for risk analysis and/or early warning.

2. All border management agencies should be able to collect and analyse data and information. Staff at the local and/or regional offices should be trained to gather relevant data and information, to analyse it locally and to pass it on to the head office for further processing. The head office should compile all relevant information, process it into a usable form and feed it back to the local level, as a tool for operational and tactical risk analysis/profiling and operational planning.

3. The concrete methodology for the collection and dissemination of data and information should be laid down in a detailed and practical operational manual for each agency. Such a manual can take many forms but always needs to be tailored to the specific needs of the administration it is for. Each level (local, regional and national) possesses a certain degree of responsibility for the collection of analytical data and information related to individual cases.

4. As a general practice used world-wide, most of the local offices work 24 hours a day, which allows for immediate recording of any unlawful activities exposed. To ensure a harmonised and continuous flow of information there should be a technical connection to the national level to be able to maintain the direct, fast and secured delivery of data.

## **12.2. Information Exchange at Inter-Agency and International Level**

1. The goal of exchanging data is to share relevant information with other agencies in order to contribute to a more effective and efficient border and cross-border operation.

2. A head office unit should be tasked to manage/coordinate/supervise information exchange with the other law enforcement and border management agencies on a “need to know” basis. A similar procedure for information exchange should be established with neighbouring countries and beyond. In case such an office already exists, information exchange and liaison tasks could be assigned to its mid-level or senior level officers.

3. At the local level, common contact offices should serve as an efficient information exchange mechanism for cross-border cooperation. They should usually also work on the “need to know” basis, which means that the border agencies define at national level (through appropriate legal instruments) what type of information can be exchanged upon request. At selected BCPs, tasks and responsibilities regarding international information exchange, such as ad hoc situation reports or information on matters of urgency (verbal communication), can form part of the job description for the shift or team leader, authorised by the BCP person in charge.

4. Information exchange works best when all agencies involved in the process use a common, standardised template. The data to be registered in this form should always be in line with both, internal and external needs. Processing timeframes should be arranged between the agencies exchanging information to ensure an unhindered and structured cooperation. The content and frequency of the exchange should also be arranged in detail to avoid loss of information.

## **12.3. Early Warning**

1. The aim of early warning is to allow for rapid response to extraordinary situations relevant for both sides of the border. Early warning procedures are designed to warn of an impending problem that may affect a country’s migration/Customs/border situation and therefore needs an immediate reaction from the partner agency/country.

2. Early warning information contains the first indications of an extraordinary situation faced in a country or by a border management agency. New developments in the area of illegal migration, for example, would require immediate counter-measures to be taken. These include changes in modus operandi, itineraries or modes of transport, new types of large-scale travel document forgery, significant increase in illegal immigration and infiltration of large groups by facilitator networks.

3. The implementation of an early warning system requires a complex and comprehensive approach with a decentralised system. The border agencies should establish a horizontal and vertical structure to rapidly inform other agencies. The local, regional and national levels should make sure that relevant information is disseminated in due time. Responsibilities should be described in standard operational procedures where, in addition, the tasks of the person/unit in charge of network maintenance are detailed.

4. At national level, there should be a harmonised approach based upon existing risk assessment/profiles and officers (at each level) should be aware of which information is relevant to counterparts in the other border management agencies at inter-agency and international level.

5. General training for officers involved in running the early warning system should be complemented by a specialised training component, focusing on filtering received information and on methodology.

#### **12.4. Risk Management**

1. The main purpose of risk management is to enable border management agencies to make informed decisions based on perceived opportunities and threats, treat risks to the extent possible, and to focus enforcement efforts on high risk areas thus making more effective use of resources and facilitating cross-border movements.

2. Risk management should be an on-going, cyclical process that involves all elements of information management: drawing conclusions as to causes, effects, circumstances and trends in, for example, illegal migration, as well as the efficiency and effect of counter-actions, tools and techniques. It must be based upon systematically gathered and centrally coordinated information.

3. An effective risk management programme should meet the following criteria:

- a. Policy and operational objectives must be clearly stated
- b. Hierarchy and accountability to management must be identified
- c. An information management system must be in place to ensure that performance can be measured and evaluated
- d. Risk analysis and assessment outputs must be disseminated to staff at local level in a way that provides solid grounds for effective and efficient border control

##### **Strategic and operational risk management**

4. Strategic management focuses on identifying and assessing problems, generating knowledge for decision makers or creating the necessary knowledge base for adjusting the agency's capability to meet future challenges and to answer specific questions.

5. The purpose of operational risk management at BCP level is to apply selective but effective controls, based on identification of the areas where the greatest risks are located. Based on risk profiles, the limited resources, (both in terms of staff and

facilities/equipment), can thus be concentrated in areas highest while at the same time minimising the disruption to cross-border flow.

6. The criterion for evaluating the effectiveness of a risk management system is the correlation of the number of checks/physical examinations based on risk assessment with the number of detected cases: the aim is to keep the difference between these figures as small as possible.

### **Process of risk management**

7. The description of the process of risk management below refers to intra-agency risk analysis, but also to joint analyses with other services at national or international level:

**Step 1:** Main threats should be identified first and associated key risks should be described. The description of these risks requires the identification of a list of factors (push and pull factors, trends and profiles etc.) that influence the border management systems and their effectiveness and can be used as a source of information for better allocation of resources. The operational level should also contribute to the overall assessment, both by providing the following information for the strategic analysis and/or by providing the following data to the system (if it exists):

- a. The level of control exerted by the authorities at different parts of the border sections and inland
- b. The total number of irregular migrations to and from the country
- c. Newly identified gaps and deficiencies in the border management system

**Step 2:** The probability and consequences of each factor needs to be assessed, to determine whether or not the identified deviation may become a potential risk for the systems.

**Step 3:** Ensure that data processing preconditions for the preparation of the risk assessment are in place:

- a. A system that gathers information, processes it and generates a relevant output
- b. The system must be able to process data of a very general nature, as well as very specific data gathered by the relevant authorities on individual cases
- c. The system must be able to deliver an output that meets the demands on operational and tactical (field) levels

**Step 4:** Key strategic information needed for the assessment is collected:

- a. Potential factors that have an effect on irregular migration
- b. Description of the routes and methodology of regular and illegal migration and modalities in modus operandi in trans-border crimes
- c. Trends and profiles of regular and irregular migrants
- d. Efficiency of the border management system
- e. Standards of the border management system

### ***Risk profiles***

8. A risk profile is a tool for officers, assisting them in the operation and management of their respective office, station or region. It is designed to replace a certain percentage of random and routine examinations of documents and goods with planned and targeted checks, which are based on a set of predefined criteria.

9. It should be tailored to regional or local circumstances and cover a number of aspects:

- a. Identify the risk areas at a given location
- b. Evaluate the level of risk: high (H), medium (M), or low (L)
- c. Test the effectiveness of preventive or countermeasures taken

10. There is no standardised format for risk profiles, as long as it is comprehensive and of relevance for the location in question. It can be shared in hard or electronic copy and can have a variety of sections. Different risk profiles will usually apply to imports, transit and exports.

11. A risk profile should always contain:

- a. A description of the risk area
- b. An assessment of the risk
- c. Counter-measures to be taken
- d. Date of the action taken
- e. The results and evaluation of the effectiveness of the action taken

12. The risk profile is a dynamic record, which ensures that all risks perceived and all intelligence collected (either locally or disseminated from the central analysis unit) are evaluated and processed and that certain actions in relation to them are implemented. It is the responsibility of the ranking officers to operate and manage the profile and it is recommended that they involve staff from their own stations when they need to define local risks and action plans.

13. To remain effective, the risk profile must be flexible so that new risks are identified and assessed, whereas previously identified risks that have been reviewed and found to be at a satisfactory level are recorded as low-risk. It is essential to keep the risk profile accurate, relevant and up-to-date. This includes cleaning the system of outdated information. The BCP/ICS manager must therefore review the risk profile at regular intervals, e.g. every three months. Officers at all levels should be asked to take part and to contribute to the review.

### **Joint risk analysis unit**

14. The border management agencies should consider a multi-dimensional approach to risk analysis by establishing an inter-agency unit for this task. The preconditions for such a unit are existing functional risk analysis systems for each involved agency, with experienced and qualified officers dealing with threat and risk assessment on a daily basis. Since not all actors have a similar weight in border management, the responsible unit should be one of the main (law enforcement) agencies, whose authority could be set forth in an MoU between the competent agencies, which covers the operation of all organisational units and personnel involved in border control risk analysis.

15. As a more comprehensive solution and reaction to border security threats, countries should consider joining their (human and technical) resources to develop bilateral or multilateral risk assessments as a general support to their operational activities on national, bilateral and multilateral level. The physical establishment of such units could be considered at common contact offices already in place. For multilateral cooperation a centre should be established in one of the participating states. Already existing multilateral cooperation agreements can be used for the implementation of joint risk analysis, if applicable.

### **12.5. Data Protection**

1. Individuals enjoy the fundamental right to have their personal data protected in accordance with national and international legislation and principles.

2. Issues of personal data protection arise at all levels of border management where a balance between the human right for privacy<sup>24</sup> and the use of personal data or databases to fight crime and related unlawful activities needs to be found. Natural persons have the right to legal protection of their personal data. Consequently the use, allocation, sharing and storage of personal data have to be regulated by national data protection laws.

#### **Legal aspects**

3. In addition to the national law on data protection, the laws regulating the tasks of the border management agencies should identify the following:

- a. Types of data that the agency may collect
- b. Processing and storage time of data
- c. Purpose for which data might be used
- d. Rules on how data may be forwarded to a third party (both internally and internationally) and who has a legal interest as a third party
- e. Access to data by other authorities (e.g. direct access, or the possibility to send a request for certain data in connection with its task stated by law)
- f. Specific rules concerning law enforcement issues on data processing, which differ from the general data protection regulations

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<sup>24</sup>SADC Charter of the Fundamental Social Rights 2003

4. Bilateral agreements containing the authorisation for the exchange information involving personal data should also always clarify the required level of protection of data and rules on the procedure in case of misuse of such data. As a matter of principle, data should only be exchanged with countries which guarantee the same level of data protection as foreseen in the national law.

#### **Operational Aspects of Data Protection**

5. Security measures should be introduced both at the premises where databases are kept as well as at the end-users' premises. Internal security rules must take into consideration at least the following aspects:

- a. There should be a national body responsible for data security which may comprise one or more authorities.
- b. The security policy for IT systems should be an integral part of the overall security policy of the relevant authorities and has to be documented in writing.
- c. Internal data protection officers should be appointed to those bodies that process personal data.
- d. It is vital to allocate resources for the establishment and maintenance of data security measures.
- e. Procedures and responsibilities should be determined to ensure that all security measures are followed and continuously updated and revised.
- f. The levels of security need to correspond to the importance and confidentiality of the data stored.
- g. A register of relevant IT equipment should be maintained and updated following serious incidents or system changes that have an impact on data security.
- h. Responsibilities of persons involved in data security should be defined, possibly in connection with the respective job specifications.
- i. Only persons with specific authorisation (of different level) may have access to data and to equipment used to process data, and their access needs to be recorded.
- j. Each database may only be accessed when this is required to carry out the tasks for which the user is responsible.
- k. Chains of command and procedures need to be defined, ensuring that security incidents or suspected security incidents are reported as quickly as possible. All personnel must take part in the necessary training programmes, which should include all current rules on data security.
- l. Any contravention of security rules should be disciplined to the extent necessary.

## Practical Examples

### PRACTICAL EXAMPLE 1: Early warning on illegal migration

An early warning system for transmitting information on illegal immigration and facilitator networks among EU Member States is operating under the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI). The following information should be transmitted immediately:

- a. First indications of illegal immigration and facilitator networks, particularly in the countries in which migration originates
- b. New developments in this area which require immediate counter-measures
- c. Sharing of statistics on irregular migration
- d. In periodical meetings findings and data are compared and newly discovered modus operandi is discussed.

### PRACTICAL EXAMPLE 2: Exchange of information on risk consignments

In the EU, the border veterinarians identify and select the consignments to be checked together with Customs based on risk analysis. In order to be able to cross-check that the consignments really have been checked, the BIP staff have direct access to all relevant information available in the electronic system of Customs and to commercial databases of port and airport operators. Customs and the Veterinary border inspection service send information concerning risk consignments and illegal imports to each other via the Community Risk Management system. When needed, the BIP staff also receives information on upcoming public or animal health risks or illegal imports of products of animal origin or live animals via the Anti-Fraud Information System (AFIS) and the WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE).



ANNEX 1.

EXAMPLE OF ROUTING SLIP – REVISE ACCORDINGLY

Name of BCP to be filled by Boarder Guard Service<sup>25</sup> ..... Unique Number .....

<b>A. To be filled by driver</b>			
Time when filling the form:			
Vehicle/trailer registration No:			
Name and family name of driver: (capital letters)			
Is vehicle carrying any load:			
	↑	↑	
	NO	YES	
If any load, are any dangerous goods included:			
	↑	↑	
	NO	YES	
<b>B. To be filled in by Immigration</b>			Start time
1. Person – checking of:			(1 + 2)
- travelling documents, driving licenses, ID and visa			(1 + 2)
2. Vehicles – checking of:			(1 + 2)
registration, insurance, vehicle safety standards, international transport authorization			(1 + 2)
illegal person (not in depth)			(1 + 2)
<b>C. To be filled in by Customs</b>			(1 + 2)
1. Person – Customs:			(1 + 2)
- checking the luggage			(1 + 2)
	↑	↑	↑
	NO	YES	Rdm
			(complete if yes)
2. Vehicle – Customs:			
-checking the technical conditions (for Customs purposes (sealing etc.))			
	↑	↑	
	NO	YES	
- search for concealed goods, incl. explosives, weapons, weapons of mass destruction and narcotics			
	↑	↑	↑
	NO	YES	Rdm
			(complete if yes)
1. Customs Preventive Service/			
- search for concealed explosives, weapons incl. weapons of mass destruction and narcotics			
	↑	↑	↑
	NO	YES	Rdm
			(complete if yes)
<b>D. Reserved for Veterinarian inspection</b>			
<b>E. Reserved for Phyto-sanitarian inspection</b>			
<b>F. Reserved for Market inspection</b>			

<sup>25</sup>For the purposes of the DSG, Border Guard Service is the service that is responsible for controlling vehicles into and out of the border post. This could be a private security company.

<b>G. To be filled in by Customs</b>			(1)	(1)	(1)
1. Load – Customs:					
- handling and check of documentation	↑	↑			
NO		YES			
- physical inspection, incl. search for explosives, weapons, weapons of mass destruction and narcotics	↑	↑			
	NO	YES			
- sampling	↑	↑			
NO		YES			
2. Load – Border Guard Service					
- search for illegal persons, explosives, weapons incl. weapons of mass destruction and narcotics (complete if yes)	↑	↑	(2)	(2)	(2)
	NO	YES			
The vehicle is not permitted to depart from BCP before this "Routing slip" is handed over to the Customs and departure has been approved by the Customs.			(Time & stamp)		

## ANNEX 2.

### Terms of Reference for an CBM Inter-Agency Working Group

These Terms of Reference (ToR) detail the composition and tasks of the high level CBM Interagency Working Group (IAWG), as well as the procedures ensuring the smooth functioning and effectiveness of its work.

#### Permanent Members

- Chair (upon agreement between all partners, possibly Ministry of the Interior)
- Ministry of Foreign Affairs - Visa-regimes
- Ministry of the Interior – Border Guard
- Ministry of Finance – Customs Directorate
- Ministry of Agriculture – Veterinary Inspection
- Ministry of Agriculture – Phytosanitary Inspection

#### Associated Ministries and State Institutions

- Ministry of Health

If one of the members of the IAWG cannot attend a meeting, he/she shall nominate a representative who will take decisions on his/her behalf.

#### Tasks:

- Coordinates the national task forces;
- Reviews and adopts the reports of the task forces, as well as the consolidated reports;
- Ensures commitment at higher level and continuous communication with the responsible decision-makers within the government;
- Ensures communication with and involvement of other relevant institutions upon need (e.g. Ministry of Tourism, Transportation, Development, Justice, Foreign Affairs, Finance, Labour, Regional Integration, Environment, and Chamber of Commerce).

Focal points in each of these institutions will be responsible for distributing information about the on-going activities of the project and channelling input and comments of their organisation to the work of the IAWG. The Focal Points will be asked to join the meetings of the IAWG.

Decisions of the High Level CBM Interagency Working Group are reached unanimously.

## Key Legal Documents

### SADC Instruments for Cooperation

1. Treaty of the Southern African Development Community 1992 (Entered into Force in 1993)
2. Charter of the Fundamental Social Rights 2003 (EIF Aug 2003)
3. Charter of the Regional Tourism Organization of Southern Africa (RTOSA) 1997 (EIF Sept 1997)
4. Declaration on Regional Cooperation in Competition and Consumer Polices 2009 (EIF Sept 2009)
5. Mutual Defence pact 2003 (EIF Aug 2008)
6. Protocol on Corruption 2001 (EIF July 2005)
7. Protocol on Culture, Information and Sport 2001 (EIF Jan 2006)
8. Protocol on Development of Tourism 1998 (EIF Nov 2002)
9. Protocol on Education and training 1997 (EIF July 2000)
10. Protocol on Energy 1996 (EIF April 1998)
11. Protocol on Extradition 2002 (EIF Sep 2006)
12. Protocol on Finance and Investment 2006 (EIF Apr 2010)
13. Protocol on Fisheries 2001 (EIF Aug 2003)
14. Protocol on Forestry 2002 (EIF July 2009)
15. Protocol on Health 1999 (EIF Aug 2004)
16. Protocol on Illicit Drugs 1996 (EIF March 1999)
17. Protocol on Legal Affairs 2000 (EIF Sept 2006)
18. . Protocol on Mining 1997 (EIF Feb 2000)
19. Protocol on Mutual Legal Assistance in Criminal Matters 2002 (EIF March 2007)
20. Protocol on Politics, Defence and Security Cooperation 2001 (EIF March 2004)
21. Revised Protocol on Shared Water Resources 2000 (EIF Sep 2003)
22. Protocol on Trade 1996 (EIF Jan 2000)
23. Protocol on Transport, Communication and Meteorology 1996 (EIF 1998)
24. Protocol on Tribunal and the Rules of Procedure 2000 (EIF Aug 2001)
25. Protocol on the Control of Firearms, Ammunition and Other Related Materials 2001 in SADC (EIF Nov 2004)

### Other Instruments for Specific Areas of CBM

#### Border Checks

1. Convention of 7 December 1944 on International Civil Aviation (ICAO Convention, Annex 2, 9)
2. Convention on Facilitation of International Maritime Traffic (FAL, 9 April 1965)
3. Convention against Trans-national Organised Crime (UN, Palermo Convention, 15 November 2000, including two protocols)

4. UN treaties against international terrorism can be found on the following portal:  
<http://www.un.org/News/dh/latest/intrea-terror.htm>

### **Customs Control**

1. Convention establishing a Customs Cooperation Council (WCO, 4 November 1952)
2. Revised International Convention on the Simplification and Harmonisation of Customs Procedures (WCO, revised Kyoto Convention 3 February 2006)
3. International Convention on the Harmonisation of Frontier Controls of Goods (UN, 21 October 1982)
4. International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (WCO, Nairobi Convention, 21 May 1980)
5. Convention on Nomenclature for the classification of goods in Customs tariffs and Protocol of Amendment thereto (WCO, 11 September 1959)
6. Convention on the Harmonized Commodity Description and Coding System (WCO, 1 January 1988)
7. International Convention on Mutual Administrative Assistance in Customs Matters (WCO, Johannesburg Convention, 27 June 2003, not yet in force)
8. SAFE Framework of Standards to Secure and Facilitate Global Trade (WCO, 23 June 2005)

### **Inspection of Plants and Plant Products**

1. The International Plant Protection Convention (IPPC) regulates the movement of plants and plant products and their protection against harmful organisms
2. Other international standards related to the inspection of plants and plant products can be found on the following portal: <http://www.ipfsaph.org/En/default.jsp>
3. Convention on International Trade in Endangered Species of Wild Fauna and Flora (UN, CITES Convention, 3 March 1973, amended 22 June 1979)
4. Phyto-Sanitary Convention for Africa (OAU, 13 September 1967)

### **Inspection of Live Animals and Foodstuff**

1. The OIE develops normative documents relating to rules that Member Countries can use to protect themselves from the introduction of diseases and pathogens, without setting up unjustified sanitary barriers. The main normative works produced by the OIE are:
2. The Terrestrial Animal Health Code and the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals The Aquatic Animal Health Code and the Manual of Diagnostic Tests for Aquatic Animals
3. Other international standards related to the inspection of live animals and foodstuff can be found on the following portal: <http://www.ipfsaph.org/En/default.jsp>

### **Human Health Check**

1. The second edition of the International Health Regulations (IHR) (WHO, 15 June 2007)
2. International Classification of Diseases (ICD) (WHO, May 1990)

#### **Asylum and Other Forms of International Protection**

1. Universal Declaration of Human Rights (UN, 10 December 1948)
2. African Charter on Human and Peoples' Rights (OAU, 21 October 1986)
3. Geneva Convention relating to the Status of Refugees, (UN, 28 July 1951, amended 31 January 1967)
4. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), (UN, 10 December 1984)
5. Guidelines and Measures for the Prohibition and the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (OAU, 2002)
6. Declaration on Territorial Asylum (UN, 14 December 1967)
7. African Charter on Human and Peoples Rights (AU, 26 June 1981)
8. African Union Convention Governing the Specific Aspects of Refugee Problems in Africa (AU, 10 September 1969)

#### **Migration**

1. International Convention on the Protection of the Rights of All Migrant Workers and Their Families (UN, 18 December 1990)
2. Convention concerning Migration for Employment (ILO, Revised 1949)
3. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, UN, 25 July 1951)
4. Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nation Convention Against Trans-national Organized Crime, 15 December 2000
5. Protocol to Prevent, Suppress, Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nation Convention Against Trans-national Organized Crime, 15 December 2000
6. Ethical and Safety Recommendations for Interviewing Trafficked Women (WHO, 2003)
7. Inter-American Convention on International Traffic in Minors (OAS, 18 March 1994)

#### **Visa and ID Documents**

ILO Convention on Seafarers' Identity Documents (No 185) 19 June 2003

#### **Anti-corruption**

1. United Nations Convention Against Corruption (2005)
2. The UN Declaration against Corruption and Bribery in International Commercial Transactions (1996)
3. The UN Convention against Trans-national Organized Crime(2003)
4. UN: International Code of Conduct for Public Officials (GA resolution 51/59, 12.12.1996)

5. WCO: The Arusha Declaration (July 1993)

