



LRG-OSBP workshop

A vision of the One Stop Border Post at
Lebombo – Ressano Garcia—
a “first” and “best practice”

Michel Zarnowiecki

PURPOSE OF THE DISCUSSION DOCUMENT

The purpose of the discussion document is:

- To direct and prompt discussions on the nature, scope and definition of the enabling legal environment for the one stop border;
- To direct discussions on the identification of high level immigration, customs and policing operating principles for the one stop border post;
- To direct discussions on the implications of applying the operational principles;
- To direct discussions on how the operational principles will cascade into annexes to the Bilateral Agreement on the One Stop Border Post, national legislation and Standard Operating Procedures (SOPs);
- To direct discussions on the realistic scope and depth for SOPs which can be achieved at this stage; and
- To direct discussions on finalizing a tight set of drafting instructions for the legal team preparing annexes to the Bilateral Agreement on the One Stop Border Post, national legislation and Standard Operating Procedures (SOPs).

2. BACKGROUND

- 2.1 The governments of South Africa and Mozambique have decided to establish at Lebombo – Ressano Garcia a comprehensive shared border facility (Lebombo – Ressano Garcia One Stop Border Post – LRG-OSBP). It will incorporate all the modern approaches to the operation of such facilities, and in many areas will introduce innovative solutions to expedite traffic. In particular, such features as passport scanning, OCR technology for capturing number plates, mutual recognition of verifications and findings, added to an integration of processes according to management by objective rather than by institutions, will significantly improve the conditions for crossing the border. The efficiency of the OSBP will be measured according to international standards, with a view to provide Governments and the business community with an assessment of savings generated by new, streamlined, operations.
- 2.2 The purpose of this note is to (i) describe procedures and traffic flows as they should take place in a modern environment, (ii) identify issues and propose solutions, and (iii) offer different options for discussion.
- 2.3 International instruments (EU accession blueprints for Customs, Kyoto Convention, Geneva Convention on harmonized border controls), as well as international best practice, recommend the following principles for the inspection of goods and vehicles:
- Checks must take place where they are the least obtrusive, and, as much as possible, close to the final destination of the goods;
 - Checks from other agencies must be coordinated with Customs, which is the sole agency responsible for the control of goods crossing the border, and take place at the same time;
 - There should be no interference from other bodies in the carrying out of activities for which Customs are responsible;
 - Checks should be, as far as is possible, carried out jointly by the agencies on both sides of the border;
 - Fast track systems should be introduced for (i) pre-identified vehicles, and (ii) regular commuters; and
 - The purpose of the border facility is to expedite traffic, not capture it (ideally, a border station should involve no stop for traffic that does not need to carry out any administrative formalities).
- 2.4 Many experiences have been carried out in Western Europe and Northern America. They have all indicated that simplified schemes are practical, and enable better detection of frauds and irregularities. They are based on:
- Self declaration by the drivers, who, by selecting the fast lane, indicate that they comply with all rules and regulations applicable to international travel (immigration, Customs allowances, etc.) (Franco-Swiss system);
 - Possible additional pre-screening of regular users who are issued with a special pass (US-Canada system);
 - Use by commercial vehicles of an international or regional transit system (for example TIR) which in theory should only be verified at the start and the end of the journey;
 - Joint processing, inspection, and payment at one terminal (Ohrid scheme between Albania and Macedonia in 1997), with subsequent re-allocation of duties;

- Collection of duties at a single point of payment (TTFSE initiative¹ and Moldovan single window – Frontiera² - system); and
- Use of an internationally or regionally accepted single weight certificate (SECI³ and TTFSE recommendation).

2.5 Co-location of all the border agencies, in one country, or even the two adjacent countries, can significantly improve efficiency.

2.6 Most of these principles have been factored in the concept of the LRG-OSBP and its operations.

3. CONCEPT AND DESIGN

3.1 General outline

The option retained is to broadly separate commercial from non-commercial traffic. Commercial traffic will be processed at the Km 4 location on Mozambican territory, whereas non-commercial activities will be managed at the current location, with a new joint infrastructure spanning the border line. (Rail traffic will be dealt with at a station to be built on the railroad.) The overall border station will be known as the Lebombo-Ressano Garcia One Stop Border Post (LRG-OSBP). The design and functioning will therefore have to accommodate a number of different principles, largely connected to sovereignty issues. In addition, as there are significant surges in traffic at certain periods, a spillover capacity must be planned to deal with exceptional traffic peaks.

The US approach to border crossing stations

The facility should be welcoming, but formal, compatible with regional and local styles, sensitive to existing historic structures, and respectful of local landscape and climate considerations.

A border facility should also provide clear circulation patterns, by offering simple, direct movement of traffic and staff, locating service counters so that staff members are visible to the public.

Also, it should provide workplace quality (through the avoidance of harsh lighting contrasts to encourage site surveillance, consideration to acoustical problems associated with loud exhausts and canopies, and mitigate exhaust fumes, particulate pollution and heat from vehicles idling).

The border station should promote security, control, and safety. This is done through the display of security while minimizing the "penal" image portrayed by chain link fencing and barbed wire, minimizing uncontrolled areas between the international border and the point of inspection, provide visual backup with inspection activities positioned so that other staff can observe officers who may encounter problems.

It should ensure continuity of operations, accommodate long-term development and growth, and anticipate time required to procure and install regionally uncommon materials and equipment.

Source: US Customs and border protection website

3.2 The notion of border

The border is the demarcation line between two national sovereignties. In international law, there is no such thing as a "no man's land"; therefore national prerogatives apply to the very limit of the State territory. At the LRG-OSBP, the following arrangement is recommended:

- At the non-commercial terminal, which spans across the geographical border, the border shall be the official international demarcation line, with the following exceptions (see diagrams in the process flow description):
 - The borderline may be adjusted to take into account the design of the facility (if territory is handed over in one direction, an equivalent surface is offered in the opposite direction, a procedure that should be avoided if at all possible as this may require delicate and time consuming political decisions)

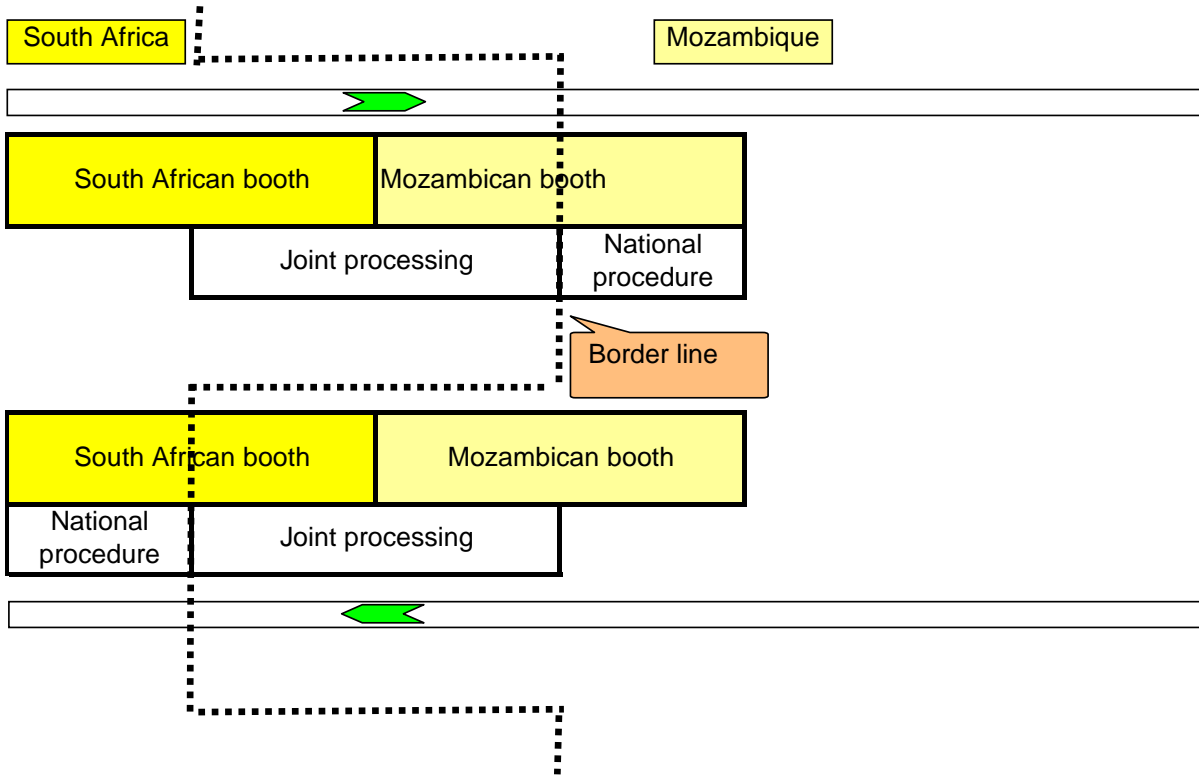
¹ The Trade and transport Facilitation in south East Europe (TTFSE) was a World Bank supported program of cross-border facilitation between nine Balkan countries.

² "Frontiera" consisted in consolidating all payments at one point in the border processing, with a multi-agency computer access.

³ Southeast European Cooperation Initiative.

- A Mozambican booth (essentially immigration) may be located on South African territory (and vice versa), and the borderline is within the booth, to enable joint processing, while domestic procedures apply after the border line has been crossed.

Diagram 1 – Staggered border line



Not to scale. Territory given to Mozambique is compensated by territory given to South Africa.

- Inside shared facilities, such as vehicle inspection and scanning buildings, the border line may be mobile (depending on which side carries out primarily the check). (See diagram 10 below.)
- The border line should be clearly marked (line on the ground, in the lane and on the floor in buildings), with signposting in both languages, and/or national flags.
- At the commercial and freight terminal (Km 4), the situation is more complex:

Entry from South Africa

- Coming from South Africa, vehicles cross the border when leaving the South African mainland. They are then on Mozambican territory.
- When entering the Km 4 facility, vehicles cross again into a territory on which South Africa can exercise sovereign power, as the Km 4 facility is granted the very special status of ‘extraterritoriality’ (see below).
- Vehicles park in a joint control area, but they are still under South African sovereignty.
- When the outgoing formalities are completed, the South African authorities hand over the vehicles to the Mozambican authorities. Although the vehicles have not moved, they are now under Mozambican sovereignty.
- As the vehicles move out of the joint parking zone at Km4, they enter Mozambican territory proper.

Entry from Mozambique

- Vehicles entering the facility remain under Mozambican sovereignty
- They are placed under South African sovereignty within the joint control area from the moment the Mozambican authorities hand over the vehicle to South African authorities
- When they exit Km 4, vehicles are then again on Mozambican territory until the international demarcation line.

(c) Institutional principles

The way in which border operations are managed depends very much on the background of the country. While traditionally Customs are responsible for controlling movements of goods across borders (and accessorially controlling also people and vehicles conveying them), other models have emerged in recent years:

- The border guard model
 - A distinction is made between approved border crossings and the actual border line extending between two approved crossing points;
 - The role of Customs is limited to the approved crossing, whereas the interval is the responsibility of another enforcement body (and sometimes the military); when goods are found at a non-approved point of entry, they are detained and taken to the nearest Customs house.

This model is typical of transition countries, where traditionally crossing the border was subject to an authorization. It also applies to countries where, for one reason or another, control over the border is considered a question of strategic and military importance. It does not work well in an environment where (i) border crossings are sometime unmanned, yet open to travelers with nothing to declare or to pre-approved commercial traffic, (ii) the absence of visa requirements for a majority of travelers does not justify comprehensive checks, and (iii) there are large movements of population across the border.

- The border gate model
 - All checks are performed at the border. Once cleared, the goods are in free practice.
 - Border agencies therefore only operate at the point of entry, with sometimes (limited) inland clearance.

This model applies best to islands, as it did not initially offer the ability to trace smuggled goods or illegal aliens after they have left the border area. It has evolved over time, and is now often complemented by inland enforcement. However, it does not promote a culture of inland operations for border agencies. In addition, it is not well adapted to modern supply chain requirements.

- The Western European model
 - The border is considered to be the place where the status of the goods is verified. The Customs border (which also applies to travelers) is therefore distinct from the geographical border, although the two may overlap in certain cases.
 - As emphasis is placed on free circulation and the need to avoid congestion at all cost, upfront controls are usually fairly relaxed, and complemented by (i) post release checks and audits, (ii) inland roadside checks to detect contraband and control transit, and (iii) anti-smuggling investigations.

This model offers great flexibility and trade facilitation, but requires very structured inland operations. Customs can be completely removed from enforcement activities (although this is not usually productive). In addition, it is more difficult to contain the entry of dangerous or contaminated products and livestock.

- The management model
 - In some countries (usually former communist countries), the entire border area is under the authority of the border police or border guards. They supervise the activities of all the other subordinated agencies, can override internal procedures, and are in charge of ensuring adequate ethical standards among the border zone officials.
 - While other agencies do not report officially to the border police, they have very limited margins of autonomy, and often cannot improve their operations.

This system is very reminiscent of police states, and does not work well. Customs find it difficult to apply selectivity methods because many checks and inspections are imposed by the police. The anti-corruption stance often backfires, and can lead to a very corrupt environment.

- The independent model
 - Each agency is totally independent, and operates autonomously. All agencies responsible for assessing the status of what crosses the border and applying relevant legislation to the border crossing process act individually and separately.
 - However, some level of inter-agency coordination is sometimes applied, usually as a local initiative.

- The delegated model
 - Depending either on local arrangements or a national policy, one agency acts on behalf of another.
 - Officials may be either delegated, or cross-designated (i.e., act as if they belonged to the other agency).
 - This arrangement usually operates at primary control level, and cases referred to secondary control are usually dealt with by specialists of the lead agency in that particular field.

(d) The enforcement models

Each of the models described above leads to a specific enforcement and compliance organization. These usually fall under the following categories:

- Every agency present or represented at the border is responsible for (i) documenting, (ii) investigating, and (iii) prosecuting violations to the legislation it is supposed to enforce. In this environment, there is limited coordination, but a rather effective chain of investigation, based on technical competence and easy access to the case file and background intelligence.
- All violations are reported early to one enforcement agency, sole responsible for further investigation and prosecution. This generates economies of scale, but often results in delays and inefficiencies, as investigators may not have a sufficient knowledge of agency-specific issues.
- A hybrid model exists in certain countries, where a single violation may be prosecuted under different laws, either by the detecting agency, or the agency enforcing the relevant law.
- In a vertically integrated system, agencies present at the border follow-up directly within the country on cases detected at the border.
- In a stratified template, each geographical layer hands over the case to the territorially competent law enforcement agency.

These examples show a cross section of how border issues are managed in different countries⁴. The overall evolution seems to be towards a management by objective approach, as opposed to the management by institution organizational layout which prevailed in the past. This is explained by (i) increasingly limited resources, (ii) trade and travel obligations, and (iii) better integration for the sake of increased efficiency. As arrangements can be made at national level, but also locally, to improve inter-agency cooperation and further integration, the LRG OSBP concept is an opportunity to explore future areas of cooperation.

4. LEGAL ISSUES

4.1 Sovereignty and extraterritoriality

The multinational environment of the OSBP raises some issues, because (i) officials of one country may have to exercise sovereign powers on territory that is geographically not on their territory and (ii) different, sometimes inconsistent or conflicting, laws apply to the same geographical area. While this is often not a difficulty with Customs clearance procedures, as these tend to be aligned to international standards, problems can arise when dealing with (i) legally enforceable acts, (ii) criminal enforcement, and (iii) the mandate of specific administrations.

The ideal solution at a shared border facility is to establish a border line at the last point of control in the country of exit, immediately followed by the first point of control in the country of entry. Typically, this would be the immigration checkpoint, as it is important to establish with certainty on which territory a person is located if an incident occurs. As described under paragraph b above, this solution, which is the easiest to implement, applies to the passenger facility at LRG-OSBP, with some exceptions.

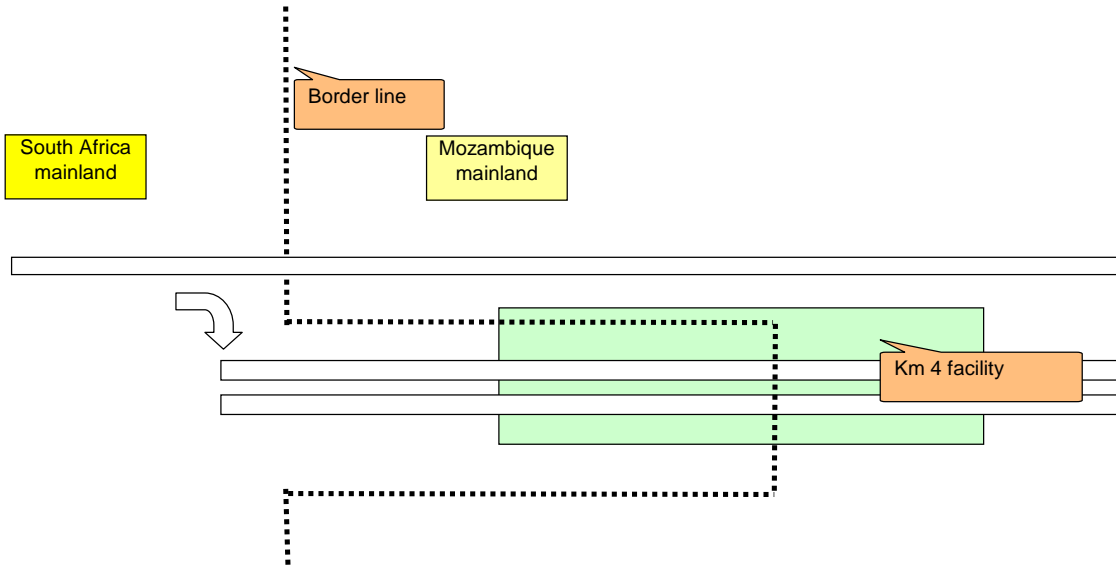
Special provisions will therefore need to be agreed upon to define the principles of extraterritoriality that will permits officials of the country, that does not have geographic sovereignty over the facilities, to exercise its sovereign powers with respect to the exercise of their functions.

At the Km 4 facility, which is well inside Mozambican territory, the definition of the border line and delineation of limits of sovereignty could be based on a number of options:

⁴ There can be, of course, many different combinations between these models.

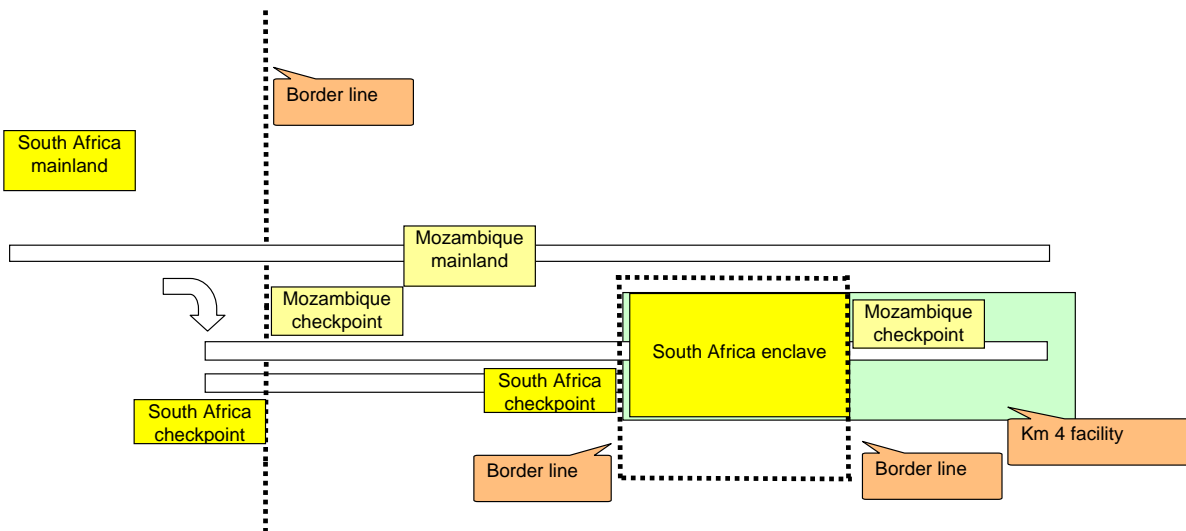
- Option 1. The border line is modified, the new access road is entirely on South African territory, and the border cuts across the Km 4 facility. This is the easiest solution conceptually, but requires an international agreement to define the new border. This option is used between France and Switzerland, to provide access to Swiss nationals to the Swiss section of Mulhouse airport, which is entirely on French territory. In this case, the road is secured, maintenance is provided by the Swiss authorities, and the road is part of Swiss territory. This Option is also used to reach the Spanish Livia enclave on French territory from Spain. Under this option, the access road to Km 4 would be entirely under South African sovereignty, so would be the South African section of Km 4. (Diagram 2.)

Diagram 2 – Modified border



- Option 2. The border line is not modified, but there is a nominal checkpoint leaving South African territory, vehicles enter Mozambican territory, and then proceed through a checkpoint at Km 4 to enter the South African enclave of the facility. This offers an alternative to modifying the border, and only necessitates providing the enclave with an extra-territorial status. This solution is used in Central Asia to join the numerous enclaves to the countries' mainland, but it implies the installation of double checkpoints, which can disrupt traffic, and are expensive to maintain. (Diagram 3.)

Diagram 3 – The enclave model



- Option 3. The road also received extraterritoriality status and specific arrangements need to be made on what legislation is implemented (traffic, etc).
- Option 4. Vehicles enter Mozambican territory, but do not undergo any border control check until they reach the Km 4 facility. In this case Mozambican sovereignty applies on the road, and South African sovereignty is limited to the South African part of the facility. This is the solution the most widely employed in Europe. **It is also the recommended solution for LRG-OSBP, as it is the easiest to implement.**

Road needs to be secured under any of these proposals

Principles

- Vehicles leave South African territory along the new secured road. A road sign in both languages (posted at the territorial border with MOZ?) informs drivers that they are entering Mozambican territory and subject to the Mozambican Highway Code.
- Although there are no routine checks, Mozambican authorities (Customs and Police) may patrol the road, and can act in case of driving or other offences (for example, a driver trying to throw goods over the fence). The offence is prosecutable under Mozambican law. In such a case, the driver is taken immediately to the Mozambican part of the Km 4 facility, although South African exit formalities will still have to be formally accomplished.
- No Customs or immigration violation can be investigated, documented, or notified by the Mozambican authorities along the road, except very obvious smuggling (i.e., demonstrated detention of contraband), and only if there is an urgent need to intercept the vehicle and driver on the spot.
- If there is an accident, the driver is considered on Mozambican territory, and Mozambican legislation applies.
- Officials from South Africa are allowed along the road for the purpose of reaching their work station. It is agreed between the two countries that they (i) are allowed free passage at all time, (ii) will not be checked by the Mozambican authorities, (iii) may carry their officially issued weapons, (iv) and cannot be prosecuted for any act related, even loosely, to their official duties. Violations only involving South African officials with no effect on Mozambique or its people are not prosecutable under Mozambican law, but lead to an official report filed by the Mozambican authorities with their South African counterparts.
- All South African officials allowed to operate in the new facility and thus travel the road under these provisions must be approved by the Mozambican authorities. However, denial of approval can only be based on illicit activities on the Mozambican territory (for example, a South African national having incurred debt in Mozambique).
- In case of emergency, South African officials traveling along the road may take all necessary action to prevent or stop an accident or an offence. They are authorized to use emergency and priority lights and sirens, but are expected to be able to justify the necessity for this. They may also in an emergency use their weapons, but only for self defense or to protect other people's lives. In all cases, they should immediately inform the Mozambican authorities and file a report through the South African hierarchical channels explaining their acts.
- The South African authorities are responsible for damage caused by their personnel, and payment of corresponding compensation or repairs.

The Km 4 facility – South African section

Entry into the facility at the control booth means that drivers are again on South African territory (should we not define this term earlier meaning that the territory is granted extraterritoriality status with gives official the powers to act as if they were on SA territory?), for the sole purpose of entering Mozambique.

- As long as they remain within the South African part of the facility, officials are only subject to South African laws. Any violation is prosecutable under South African laws and procedures, and the South African police have the same powers as on the mainland.
- Drivers and travelers are also subject to South African legislation. The South African police are responsible for maintaining law and order.
- All offenders are taken back to the mainland.⁵ Statements written within the facility are administratively considered as dated, signed, and closed at Lebombo border station, of which the Km 4 South African section is a designated annex.
- Seized and confiscated goods and vehicles are immediately taken back to the mainland.
- Mozambican officials may participate in South African procedures, but only as observers. They are not expected to carry weapons while within the South African section.
- South African officials may however request the active assistance of the Mozambican authorities in case of emergency.

The Km 4 facility – Joint control area

This is where sovereignty of both countries overlaps geographically, although there is a clear functional separation.

- The joint control area (JCA) is essentially used as a parking lot and examination bay for truck shipments. Therefore, many of the incidents encountered at border stations due to individual travelers are less likely to happen.
- For matters relating to the business of crossing the border, the laws, rules, and procedures of the country of the official conducting the process are applicable for the duration of the control, even though officials from the other

⁵ If the offenders are of Mozambican nationality, this provision must be clearly agreed between the two countries.

country may attend the process, either as observers or actively. Any detection is therefore prosecutable under the laws of the country of the detecting officer.

- Criminal acts related to the business of crossing the borders (e.g., assault on an officer, or attempted bribery) are prosecuted under the laws of the country of the official conducting the control, although officials of the other country may assist their counterparts.
- Any other offences or violations are prosecutable under the laws of the host country; it implies that Mozambican police are responsible for general law and order in the joint control area, although they may be assisted by South African officials if necessary. The law and order requirement should not interfere with the carrying out of clearance and other procedures.
- When officials from one country have completed their checks, they hand over the vehicle and consignment to the other country. This handover automatically implies the switch to legislation, regulations, and procedures of the other country.

The Km 4 facility – Shared use of scanners and other equipment

This specialized facility is also a zone of overlap of sovereignty.

- Irrespective of who operates the scanners, weighbridges, or other equipment, the findings of a verification or check are considered as made by the official who requested them. For example, if a South African official requests the weighing of a truck, and the weighing is made by a Mozambican subcontractor, the South African official may note the results as his official findings.
- The officials of one country may communicate their findings their counterparts, who accept them as official evidence. A special arrangement to that effect needs to be put in place. This is in particular the case for weight certificates, but may also apply to scans.

The Km 4 facility – Mozambican section

- The Mozambican authorities exercise full sovereignty over this section.
- South African officials may participate in Mozambican procedures as observers. They are not expected to carry weapons.
- The Mozambican officials may request the assistance of their South African counterparts.

The issue of conflicting mandates and legislation

There may be cases where legislation does not correspond between countries. For example, an activity may be licit in one country, and not in the other, or standards may have differing levels of stringency.

- It is the legislation of the country where the procedure is currently taking place that is applicable.
- Efforts should be made to align legislation and standards.
- When a document or certificate is shared between the two countries, it should clearly indicate which standards it adheres to, and preferably indicate findings according to both standards.
- A computerized conversion from one standard to another may be accepted as legal evidence.



The tables below show an example of activities that may be conducted at the LRG-OSBP and how they may overlap.

Table 4 – Non-commercial terminal




		From South Africa to Mozambique															
		Activity															
Administratio n	Agency	Entry gate	Car booth	Secondar y	Coach	Service area	Detailed examination	Service counter	Car booth	Secondar y	Payment	Exit gate					
South African	Police	X					X										
	Customs	X		X	X	X	X							X	X	X	
	VAT refund																
	Phyto-Sanitary																
	Other																
	Immigration			X	X	X								X			
Mozambican	Immigration		O				X						X				
	Customs		O				X	X					X				X
	Phyto-Sanitary												X				
	Other												X				
	Police		O					X									X
		From Mozambique to								South Africa							
Mozambican	Police	X	O					X		X							
	Customs	X	O	X	X	X		X		X	(O)	X					X
	Immigration			X	X	X							X				
	Phyto-Sanitary												X				
	VAT refund												X				
	Other												X				
South African	Immigration		O				X						X	X	X		
	Customs	X	O				X	X	O	X			X	X	X		X
	Phyto-Sanitary												X				
	Police	X	O					X	O	X							X
	Other												X				

- South African Authorities
- Mozambican Authorities
- Shared facility or equipment
- X Agency exercises an active role – bold denotes lead competence
- O Agency present as an observer only – no powers of enforcement

Table 5 – Km 4 Cargo clearance facility

		Mozambique		South Africa				Mozambique							
		From South Africa to Mozambique 													
		Activities or location													
Administration	Agency	Access road from SA	Entry gate	Special control area	Customs House SA	Joint control area	Service area	Scanner and other equipment	Customs House MZ	Special control area	Warehouse MZ	Payment office		Exit gate	
South African	Police	O		X		X		O							
	Customs	O		X	X	X	O	X					(X)		
	VAT refund				X										
	Phyto-Sanitary				(X)										
	Other				(X)										
	Immigration		X	X	X										
Mozambican	Immigration		X											X	
	Customs	X	O	O		O	X		X	X	X	X	X	X	
	Phyto-Sanitary								X						
	Other								X						
	Police	X	X			O	X	X		O		X		X	
		Mozambique					SA	Mozambique	South Africa	MZ	SA	MZ			
		From Mozambique to South Africa 													
		Activities or location													
		Entry gate	Warehouse MZ	Special control area	Customs House MZ	Joint control area	Service area	Scanner and other equipment	Customs House SA	Special control area	Payment office	Exit gate	Access road to SA		
Mozambican	Police	X		X		X	X	O				O	X		
	Customs	X	X	X	X	X	O	X		O	X	O			
	Immigration	X													
	Phyto-Sanitary				X										
	VAT refund				X										
	Other				X										
South African	Immigration	O							X	X		X			
	Customs	O		O		O	X	X	X	X	(X)	X	O		
	Phyto-Sanitary							(X)							
	Police					X		O				X	O		
	Other								(X)	(X)					

Service area includes brokers, catering, shops, and banks.

-  South African Authorities
-  Mozambican Authorities
-  Shared facility or equipment

- X Agency exercises an active role – bold denotes lead competence
- O Agency present as an observer only – no powers of enforcement

Staff issues

In some countries, staff of the adjacent country traveling to the border facility located in the host country take their shift in their country of origin, and then travel to the host country. Travel is thus considered as part of time on duty. While this may not be significant in the case of LRG, if staff joining a shift must change into their duty uniform when arriving at their duty station, there may be a delay which has to be taken into account, and possibly considered as time on duty.

When an entire shift reports for duty, it may be more economic to transport the staff by coach to the duty station. This has the additional benefit of preventing individuals from committing traffic – or other – violations on the territory of the adjacent country.

There are cases when staff assigned to another country receive daily expenses to meet the higher cost of living in the other country. Another justification for specific bonuses is the reward for representing the other country's administration abroad – which implies impeccable standards and high levels of professionalism and efficiency.

4.2 Validity of implicit declaration by lane selection

In many countries, travelers and vehicles are requested to select their lane of processing, depending on what they carry and their compliance with the laws of the country. Customs codes often include a provision for oral or implicit declarations (i.e., tacit declaration made by selecting a channel). Even if this provision does not exist in a Customs law, judges usually consider that if a traveler/driver is informed in advance, his channel selection corresponds to a declaration.

The other option is to require travelers/drivers to fill a simplified declaration form. In that case, it is preferable to fill a single form for all formalities that may need to be accomplished, rather than a form per administration. However, if there are only few travelers with significant formalities to accomplish, it is preferable to use the lane selection process.

4.3 Data exchange and storage

Streamlined operations imply the use of computer systems, and their interface. The options for LRG-OSBP are:

- Use of the South African and Mozambican systems (CAPE and TIMS) with minimal interface;
- Development of a new Mozambican system, with maximum interface capacity with CAPE;
- Development of an interface module between the two systems presently in place; this requires determining which data need to be shared and transferred and how the transfer will take place technically;
- Development of a local data base for the LRG-OSBP;
- Development of a joint system for the LRG-OSBP, with extensive interface capacity with both the South African and Mozambican systems.

In addition, the system should be able to integrate data from other agencies than Customs: Immigration, police, agriculture, and sanitary data can be used under the Customs system for (i) simplicity of data capture, (ii) instant processing, (iii) reliability, and (iv) accounting. As some agencies may feel that their data is confidential, an access protocol should be prepared.

The duration of storage of routine data is usually subject to data protection legislation. Care should be taken to ensure consistency between the South African and Mozambican legislation in this matter.

5. TRAFFIC FLOW

5.1 Definitions

Red lane: Formalities of any kind, including: (i) Goods in excess of passenger allowances; (ii) Sums that need to be declared; (iii) VAT refund formalities; (iv) Agricultural or phyto-sanitary formalities; (iv) Visa requirement; (v) Commercial operations; (vi) Other.

Green lane: None of the above.

Special Green lane: Could include: (i) Border zone residents; (ii) Migrant workers; (iii) Regular commuters; (iv) Possibly other categories. All should have a pass and a green sticker affixed to the windscreen.

Primary check: The basic verification applicable to bona fide travelers, consisting in verification of (i) identity, (ii) validity of travel documents and authorizations, (iii) and compliance with the laws of the country, in particular relating to Customs. Most of these checks can be carried out implicitly, through the tacit declaration made by a traveler selecting a green or red channel.

Secondary check: Applies whenever an official is not satisfied by the implicit or explicit declaration of a traveler, has a suspicion of fraud or criminal activity, carries out a spot compliance check, or detects a fraud, crime, or anomaly and takes appropriate action.

Handover: Takes place when the authorities of the country of exit have completed their outward checks, and implicitly state that they no longer wish to exercise their sovereignty over travelers, drivers, conveyances, and goods. Usually takes place at the border line as it is delineated in the OSBP.

Border line: Line beyond which the adjacent country's sovereignty is established. In the OSBP, the border line is the geographic border, with some adjustments. Some parts of the facility have a mobile border line, depending on the nationality of the officials carrying out a check.

Note: The facility should operate day and night.

5.2 Private cars and motorcycles

Principle

All vehicles with no more than nine passengers may be considered as private cars. Vehicles with more than nine passengers are treated as coaches.

Vehicles approaching the facility are directed to specialized traffic lanes, depending on the kind of traffic segmentation adopted jointly by the two countries. This typically is: (i) Vehicles with formalities to accomplish (red lane); (ii) Vehicles with nothing to declare (green lane); and (iii) Commuter traffic (i.e., local residents with no formalities to accomplish – special green lane).

- Special Green lane vehicles do not stop, except for random compliance checks.
- Green lane vehicles only stop at a single passport capture booth, and can be subjected to random compliance checks.
- Red lane vehicles must park and carry out the required formalities.

Formalities are carried out sequentially by South African then Mozambican authorities. Mozambican officials can be on the South African side for targeting purposes. Data is either consolidated into a single data base for all agencies of both countries, or country-specific data bases contain data from the other country.

The sequence of controls is:

1. South African police at the point of entry into the OSBP
2. South African Customs (and VAT refund)
3. South African immigration
- 4. The vehicle is handed over to Mozambique, and the point where the handover takes place is the border**
5. Mozambican immigration
6. Mozambican Customs

Ideally, for through traffic, all the control agencies are located in the same booth, and share the same IT system. Vehicles can be re-directed to secondary examination on South African territory, or on Mozambican territory.

Targeting booths are manned jointly by officials of immigration and Customs; they have received cross-training, and can, if necessary, stand-in for each other. The Mozambican targeting booth is adjacent to the South African, and the two booths have a communication window. In a more sophisticated scenario, all the officials are in the same targeting booth, with no separation. The border is in the middle of the Mozambican part of the targeting booth.

The operational rule is that, except under very special circumstances, a queue should not be allowed to build up. An escape lane is provided to enable cars to by pass the inspection bays in case of congestion. A buffer zone is also created to allow storing of cars when the escape lane cannot be used. These decisions are made jointly by the authorities of both countries.

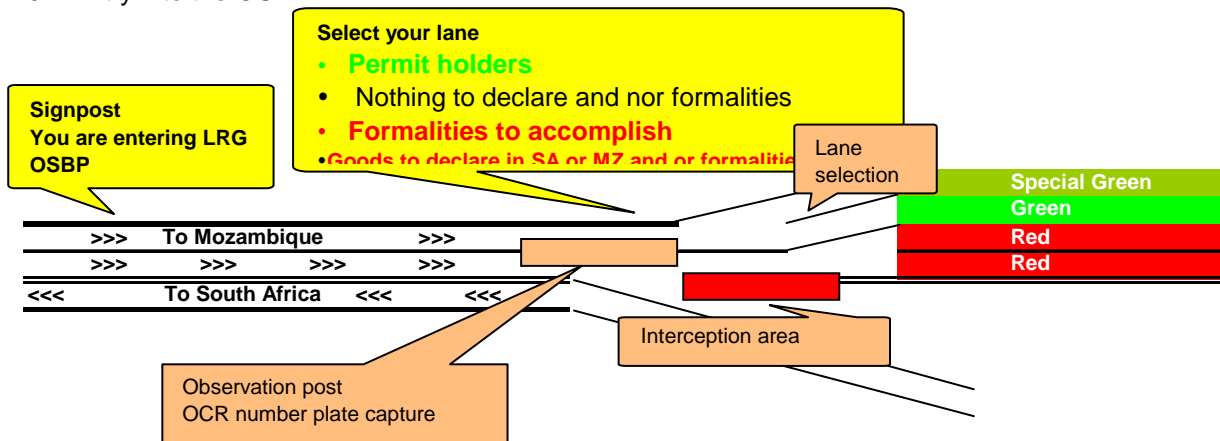
There should be an escape lane for vehicles not allowed into Mozambique, and such traffic should be re-injected into the incoming lanes.

Process flow (South Africa to Mozambique⁶)

- Vehicles and their drivers and passengers entering the OSBP must either (i) intend to proceed to Mozambique, or (ii) have business to conduct in the OSBP. All must have the required documentation, and be in compliance with the laws of both countries when entering the OSBP area. There is a signpost in both languages indicating the regulations.
- A number plate reading camera captures the registration number of the vehicles. The number plate is matched against a data base of wanted vehicles managed by South Africa. This data base is either shared with Mozambique, or contains data downloaded from Mozambique. It includes data from the police and Customs.
- Authorities (Customs and the police) from South Africa have an observation point at the entry into the zone. They may capture manually the number plate if the OCR appliance did not capture it properly. They are not expected to stop traffic unless the vehicle is suspicious or on an alert list. An observer from Mozambique is allowed to stay in the observation post, and is connected to his country's data systems. The time of entry is logged into the computer system. If a vehicle is spotted, it is directed to the interception area.

Only vehicles according to the South African database may be intercepted here. Those reported from Mozambique are allowed to proceed, and the Mozambican targeting booth (see step 5) is alerted, unless there is an agreement for Mozambican police to stop vehicles on South African territory.

Diagram 6 – Entry into the OSBP

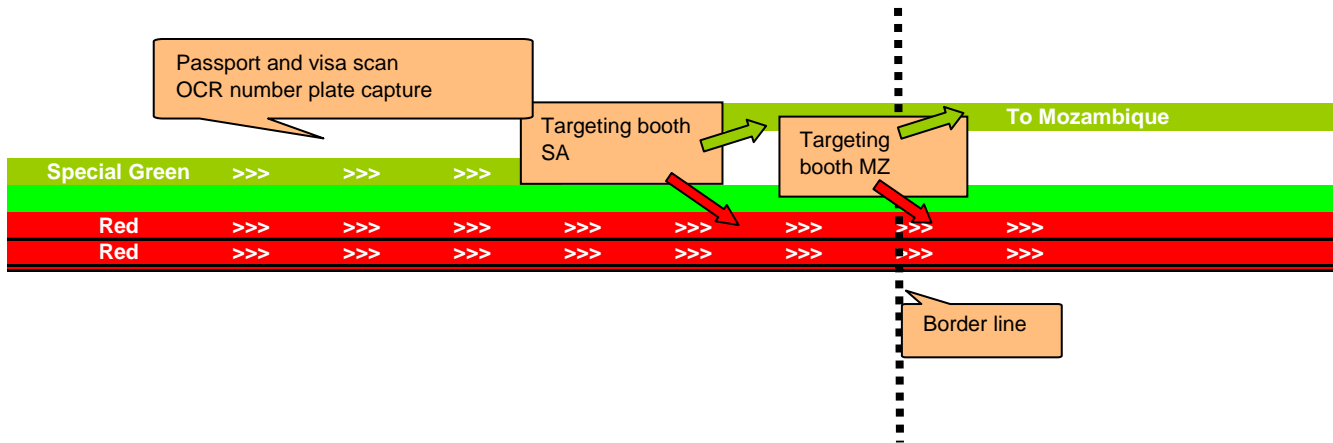


Not to scale. Number of lanes and spacing of booths is purely indicative.

- Vehicles select their lane of processing (special green, green, or red) according to signposting.
- **Special green lane.** An automatic scanning device for passports and/or special permits is accessible to the driver, without leaving the vehicle. The driver scans all the passports of his passengers, while an OCR camera reads the number plate. If required, the visa page of the passport is also scanned. The data is verified in the database (2 above).
 - If the computer system of both countries is satisfied that the travelers are in order, a green light turns on, and the vehicle is allowed to proceed.
 - If there is an anomaly, the targeting booth corresponding to the country where an anomaly is displayed is alerted, a red light turns on, and the vehicle is directed to the red lane crossing over the regular green lane.
 - If everything is in order, the vehicle proceeds and is free to leave the OSBP area. An OCR camera registers the vehicle and the time out is logged.
 - Drivers and passengers need not, in principle, leave their vehicle.
 - There can be a spot check at the targeting booth.
 - The South African authorities exercise all their prerogatives until the border line (which is marked on the ground, and indicated by a signpost and/or a flag). The border line is within the Mozambican targeting booth.

⁶ Exactly the same processes are applied in the opposite direction.

Diagram 7 – Green lane processing for special categories of commuters



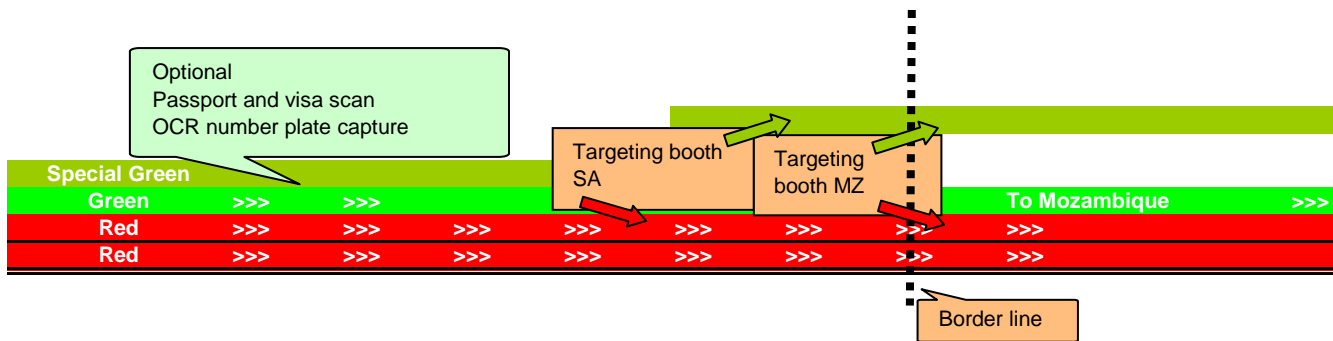
Not to scale. Number of lanes and spacing of booths is purely indicative.

- **Green lane.** Vehicles having selected the green lane make an implicit declaration they carry no dutiable goods and have no formalities to accomplish. Regarding immigration procedures, two options are available:
 - Either there is an automatic passport scanner, and the procedure is the same as for permit holders, or
 - The drivers present their and their passengers' passports to the official on duty at the first targeting booth.
 - Drivers and passengers need not, in principle, leave the vehicle.
- In both cases, if the passport and visas appear in order, the vehicle can proceed unimpeded into Mozambique.

There can be a streamlined immigration processing, with immigration officials from both countries in the same booth. (See under "Foot Passengers", processing flow.)

- There can be a spot check for compliance at the targeting booth.
- The South African authorities exercise all their prerogatives until the border line (which is marked on the ground, and indicated by a signpost and/or a flag). The border line is within the Mozambican targeting booth.

Diagram 8 – Green lane processing



Not to scale. Number of lanes and spacing of booths is purely indicative.

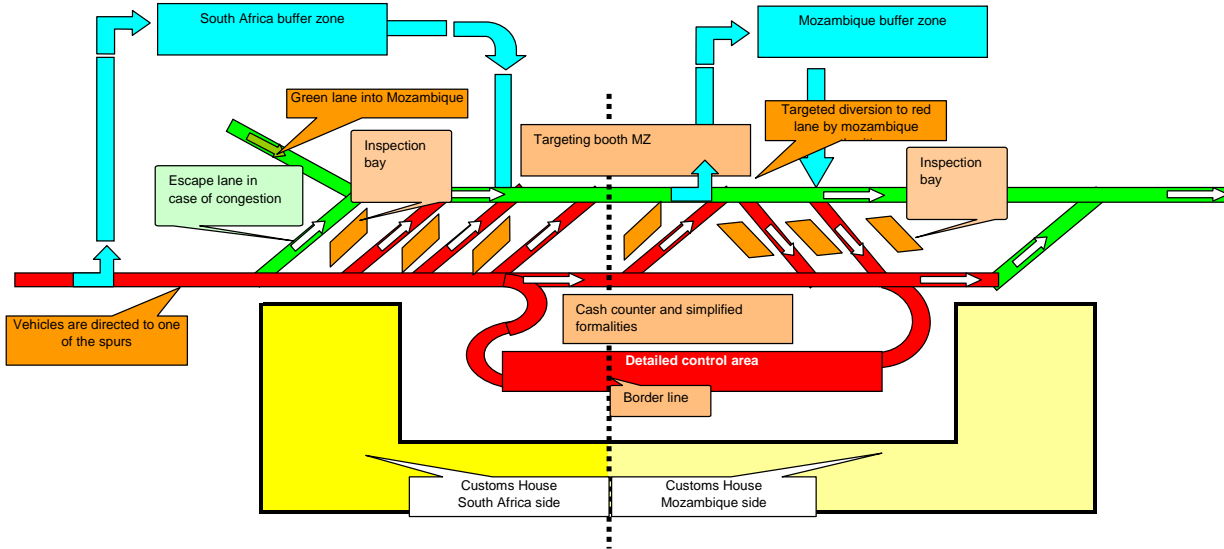
Note: On the above diagram, the vehicles are directed after the targeting booth to the "Special Green" lane. This is an option, and the other one is to keep the green lane traffic in the same lane after the booth. This depends on the volume of traffic, and has no incidence on the processing flow, but can be used to expedite traffic (with automatic traffic direction).

- **Red lane.** All vehicles whose passengers must carry out formalities in either South Africa (exit) or Mozambique (entry) should select the red lane (s). Vehicles targeted for secondary examination are also directed to the red lane. The initial control takes place in the lane. In principle, only the driver needs to leave the car.
 - In case of formalities required only in South Africa, as soon as they are accomplished, the vehicle crosses over into the green lane for entry into Mozambique. Mozambican authorities may redirect the vehicle into the red lane as soon as the borderline, marked on the ground, and materialized by a signpost and/or flag, is crossed.
 - Vehicles are directed into one of the spurs, where there is an inspection bench. Either the check takes place at the examination bench, or the driver or passengers are made to leave the vehicle and go to a specialized counter.

There can be a streamlined immigration processing, with immigration officials from both countries in the same booth. (See under “Foot Passengers”, processing flow.)

- Simplified formalities and payment take place at a cash counter without the need to enter the Customs House.
- If all the spurs are occupied by vehicles, the authorities may let vehicles use the escape lane to avoid upstream congestion. This decision is taken jointly by South African and Mozambican authorities. (A spillover buffer zone may be established to absorb excess traffic should one side decide not to allow vehicles through the escape lane.) Of course, this does not apply to vehicles having spontaneously entered the red lane to make a declaration.

Diagram 9 – Red lane processing

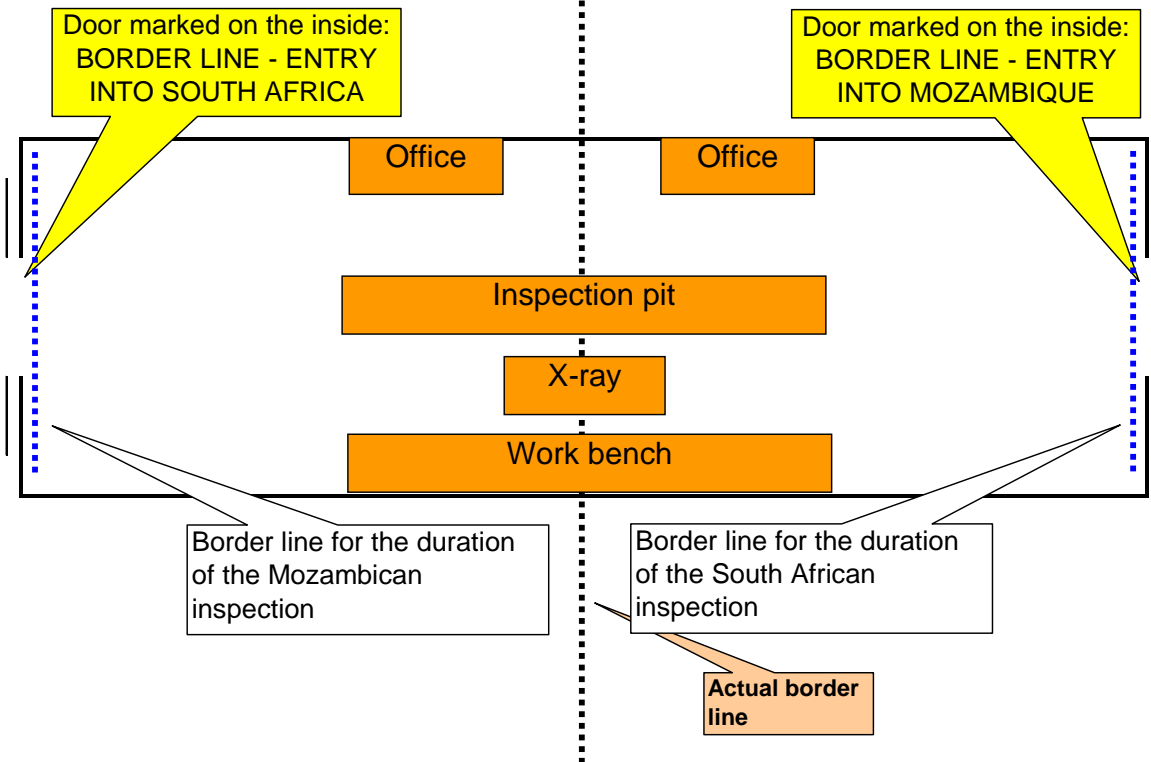


Not to scale. Number of lanes and spacing of booths and areas is purely indicative. At the end of South African processing, there should be a lane for traffic not allowed to leave the country. At the end Mozambican entry processing, there should be a return lane for traffic not admitted into the country and returned to South Africa.

- If a detection is made, the vehicle is taken to a detailed examination facility, with two entrances, one from the South African side, and one from the Mozambican side. A border line is marked on the ground. The vehicle remains on the appropriate side of the line.

Another scenario is to close the exit to the other country, and the entire area is deemed on the territory of the country which performs the check for the duration of the inspection.

Diagram 10 – Shared secondary inspection facility for cars with a functional border arrangement

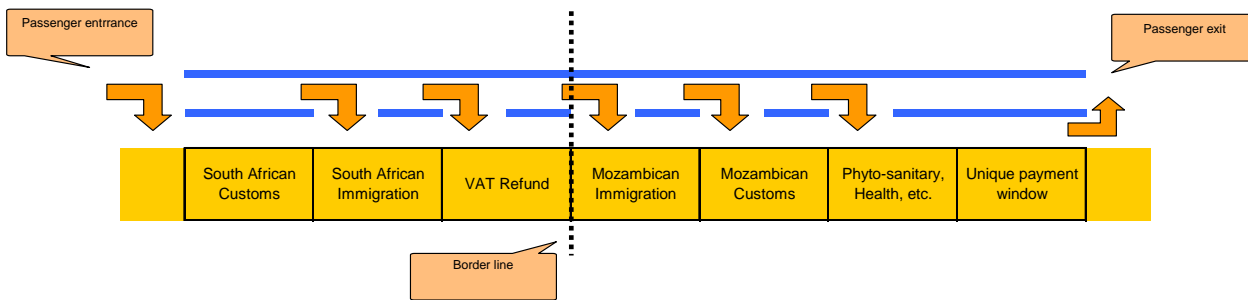


Not to scale. Number of lanes and spacing of booths and areas is purely indicative.

If an outgoing check is carried out by the South African authorities, the vehicle enters on the left side of the diagram, and the door to Mozambique is closed. If an incoming check is performed by the Mozambican authorities, the vehicle enters from the right side, and the door to South Africa is closed. The entire facility is therefore considered as being on the territory of the country performing the check. Officials from the other side may attend, but not take legal action regarding the check being performed.

- The Customs counter is connected to the computerized clearance system for passengers declaring commercial quantities. While it is not indispensable that a senior Customs official be present at all time for more complicated cases, it is necessary that an official from the freight Customs house should be available if needed.

Diagram 11 – Service counter layout



For purposes of joint processing, the South African and Mozambican immigration booths may be adjacent, and the VAT refund booth merged with Customs.

5.3 Coaches

Principle

Vehicles with more than nine passengers are treated as coaches. There are two options for processing coaches:

- They are processed at the car and passenger terminal; or
- They are processed at the Km 4 facility.

The second option is more logical, but local conditions may justify processing at the truck facility, if only in case of heavy traffic.

In both case the processing rules should be the same.

There is a special coach lane approaching the facility. All coaches are stopped at a single check point, and are boarded successively by South African and Mozambican officials (immigration and Customs). Passengers are not required to leave the coach. In cases of heightened control (about one in twenty at the most), coaches are made to enter a special control shed, where passengers come off the coach, their luggage is unloaded, and passengers go through an integrated chain of controls, the re-board the coach on the other side of the border.

Passengers should inform the driver or escort of the coach if they have formalities to accomplish, so the coach may join directly the access lane to the control facility or off-load the passenger who needs to accomplish certain formalities. Passengers may also be required to fill a form for the officials of both countries describing the formalities they need to accomplish (visa, Customs formalities, etc.)

Formalities are carried out sequentially by South African then Mozambican authorities. Mozambican officials can be on the South African side for targeting purposes. Data is either consolidated into a single data base for all agencies of both countries, or country-specific data bases contain data from the other country.

The sequence of controls is:

1. *South African police at the point of entry into the OSBP*
2. South African Customs (and VAT refund)
3. South African immigration
4. ***The vehicle is handed over to Mozambique, and the point where the handover takes place is the border***
5. Mozambican immigration
6. Mozambican Customs

All the control agencies are located in the same control shed, and share the same IT system.

Officials of immigration and Customs should have received cross-training, and can, if necessary, stand-in for each other.

The operational rule is that, except under very special circumstances, a queue should not be allowed to build up. An escape lane is provided to enable coaches to by pass the control facility in case of congestion. A spillover zone is also created to allow storing of coaches in case of heavy traffic. The decision to use this zone is made jointly by the authorities of both countries.

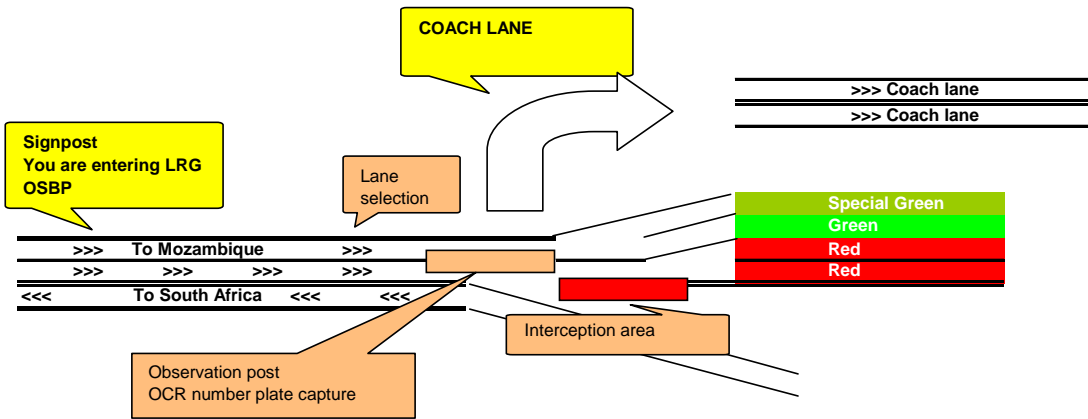
There should be an escape lane for traffic not allowed into Mozambique, or diverted to the Km 4 freight facility.

Process flow (South Africa to Mozambique⁷)

- Passengers boarding the coach must inform the driver or escort if they have any formalities to accomplish on either side of the border. This may be done through the use of a simplified declaration form. Those who do not fill the form are considered to have declared that they have no formalities to accomplish.
 - These passengers may be let off at the point of entry of the control zone to carry out their formalities and can re-board the coach subsequently; or
 - The coach driver selects the lane to the control facility (in particular, if there are many passengers who need to carry out formalities).
- Coaches approaching the facility take the coach dedicated lane. An OCR camera reads the number plate, and registers it in the local data base, where it is matched against pre-recorded data. There may be an observation post at the entry into the OSBP, and Mozambican officials may observe traffic.

⁷ Exactly the same processes are applied in the opposite direction.

Diagram 12 – Dedicated Coach lane



- The coach stops at the joint checkpoint. Targeting officers may direct the coach to the control shed, or decide to allow it in the regular lane. This decision should be made jointly by South African and Mozambican officials.

Diagram 13 – Processing of coaches and re-routing to control shed

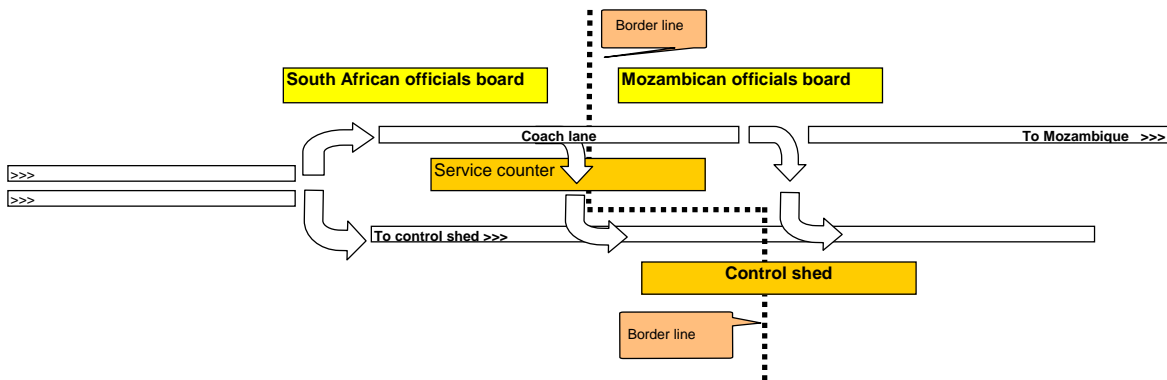
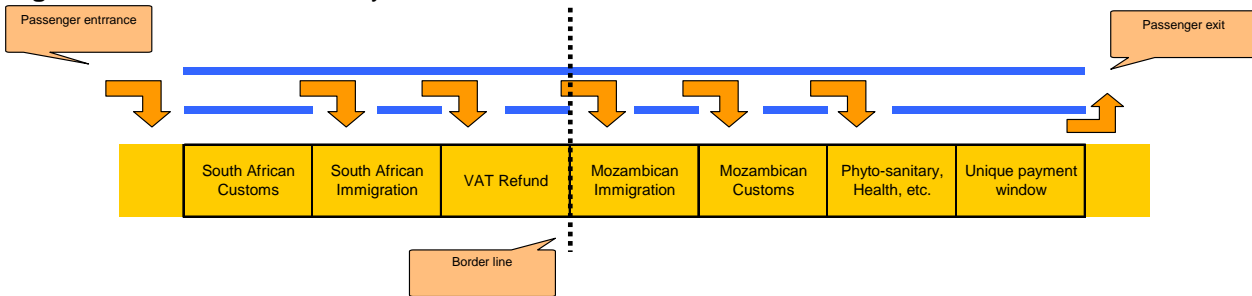


Diagram 14 - Service counter layout

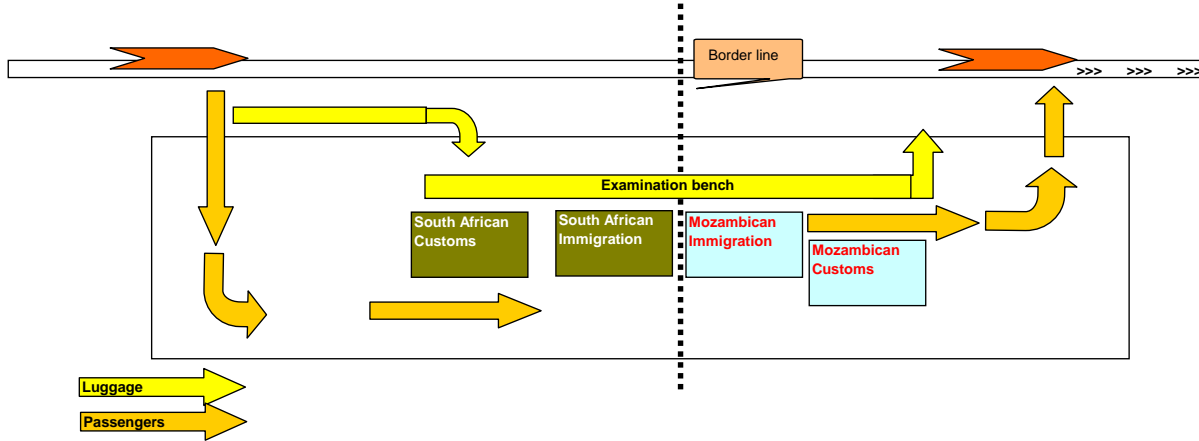


- Even if the Mozambican officials want to direct the coach to the control shed, South African officials have the possibility to carry out an on-board check on their side.
 - South African Customs board the coach, collect the declaration forms, and identify passengers who need to carry out formalities; they either process them on board in simpler cases, or ask them to proceed to a service counter next to the coach lane.
 - South African Customs may also identify passengers for a secondary check.
 - South African Customs may decide at this point to re-route the coach through the control shed.
 - South African immigration officials board the coach, and carry out an examination of passports and permits, and, if required, stamp them. They may decide at this point to re-route the coach through the control shed.

Note: These checks may be carried out jointly between the two administrations.

- o Passengers proceed through Mozambican immigration.
- o Passengers identify their luggage and clear them through Mozambican Customs.
- o Luggage is then reloaded on the coach.
- o During the passenger processing, Customs officials from both countries can search the coach, in particular using sniffer dogs.
- o Passengers board the coach, which is allowed to proceed into Mozambique.

Diagram 16 – Layout of control shed



South African and Mozambican Customs officers can work side by side, to expedite clearance. When a Mozambican Customs officer spots a suspicious luggage, he waits until it has been cleared by his South African counterpart, and picks it up after the passenger has cleared the immigration booths.

5.4 Foot passengers

Principle

Foot passengers normally arrive at the OSBP by private car or taxi which parks in a dedicated car park adjacent to the passenger terminal. Foot passengers enter the passenger terminal, clear the different exit and entry formalities, and board a car or taxi on the other side of the facility. The processing is very similar to coach passengers in the control shed, except that foot passengers do not all arrive at the same time, therefore the design of the facility does not need to provide for large numbers of persons in one place.

Formalities are carried out sequentially by South African then Mozambican authorities. Mozambican officials can be on the South African side for targeting purposes. Data is either consolidated into a single data base for all agencies of both countries, or country-specific data bases contain data from the other country.

The sequence of controls is:

1. South African police at the point of entry into the OSBP
2. South African Customs (and VAT refund)
3. South African immigration
4. **The passenger is handed over to Mozambique, and the point where the handover takes place is the border**
5. Mozambican immigration
6. Mozambican Customs

All the control agencies are located in the same terminal, and share the same IT system. Mozambican Customs officials can attend the passenger examination by South African Customs officers.

Officials of immigration and Customs should have received cross-training, and can, if necessary, stand-in for each other.

A spillover zone is also created to allow processing of travelers in case of heavy traffic. The decision to use this zone is made jointly by the authorities of both countries.

There should be an escape channel for travelers not allowed into Mozambique. These should be directed to the incoming channel.

Process flow (South Africa to Mozambique⁸)

Streamlined immigration processing

Passengers clear outgoing immigration and Mozambican ingoing immigration. Passports are presented to a South African immigration official who scans the passport, and checks it against the South African data base. The scanned data is automatically passed on to Mozambican immigration.

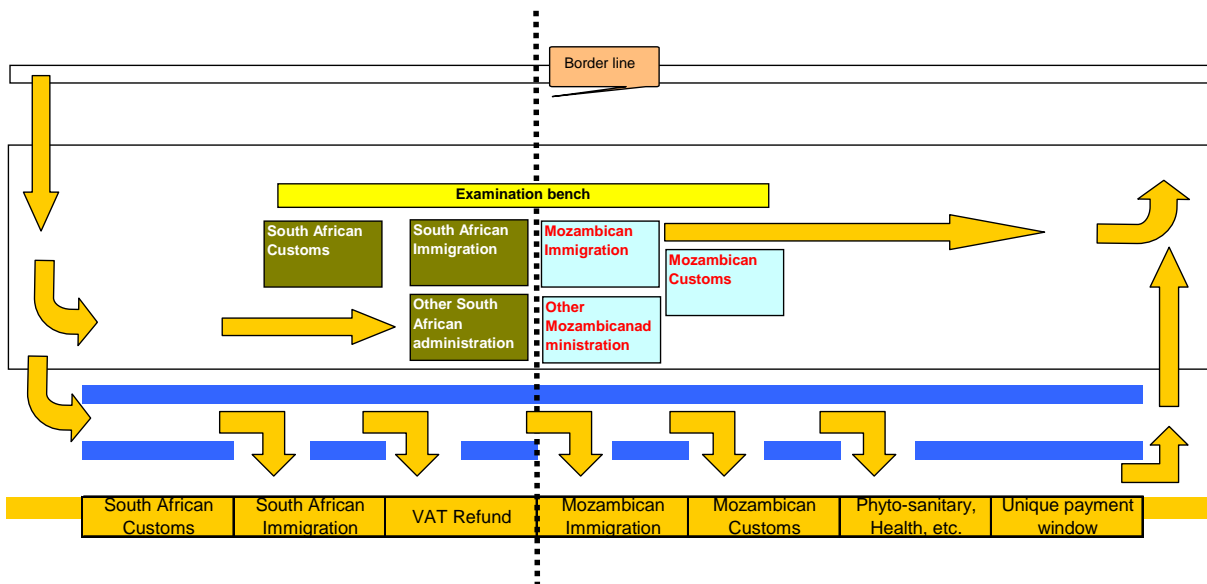
The immigration officer affixes a South African exit stamp, and hands over the passport to the Mozambican immigration officer, on whose computer terminal appears the passport data. This data is matched against the Mozambican data base, and the immigration officer stamps the passport.

There is a special window for the issuance of visas.

In practice, customs officers may be trained as first line immigration officials, dealing with the simpler cases, and referring the more complicated issues to a duty immigration officer.

- Passengers enter the terminal with their luggage, and place it on an examination bench. A South African Customs inspection takes place which may be attended by a Mozambican Customs officer. If the Mozambican official spots an anomaly, he waits until the passenger has crossed the border line, which is marked on the floor, to challenge the traveler.
- Passengers clear South African outgoing immigration and Mozambican ingoing immigration.
- Passengers clear Mozambican Customs.

Diagram 17 – Layout of passenger terminal and service counter



Duty free shops

Duty-free shops are sometimes found at land border crossings. Their existence can be discussed, as duty free sales should only take place outside the Customs territory, and there is no space at a land border meeting this definition (whereas at an airport, departing planes will leave the Customs territory, and not enter another country's territory for a period of time). However, the rationale for duty free sales is also that goods are exported, and as such may qualify for a tax refund.

At the same time, duty-free shops serve an economic interest, and provide a service to travelers. If they must be introduced, it should be under strict conditions of control and management:

⁸ Exactly the same processes are applied in the opposite direction.

- (i) The duty-free shop must only be accessible to travelers exiting the country. Care must be exercised to ensure that travelers do not go to the border only to buy duty free items and return immediately to their country of departure.
- Passports should be asked by the shop attendant, who must make sure there is an exit stamp;
 - There should be no sale for passengers who are leaving the country for less than 24 hours;
 - Sales should not exceed the allowance in the country of entry;
 - A sales slip should be given for each purchase;
 - Customs should carry out spot checks on travelers, especially those returning;
 - Entry and exit should be through turnstiles with exit on the other side of the border line.

(ii) The duty-free shop should be controlled for inventory regularly, with spot unannounced checks. Depending on the arrangement for establishing such a duty-free shop, control may be exercised by Customs of one or both countries. In that case, a protocol for control should be agreed between the two Customs administrations.

5.5 Trucks and freight

Principle

There are normally three streams for trucks crossing a border:

- A fast track for those under an international transit regime;
- A fast track for those in a bilateral transit scheme which are not cleared at the border;
- A normal track for trucks which are cleared at the border.

It is assumed that at the LRG OSBP all trucks will be cleared for inland consumption.

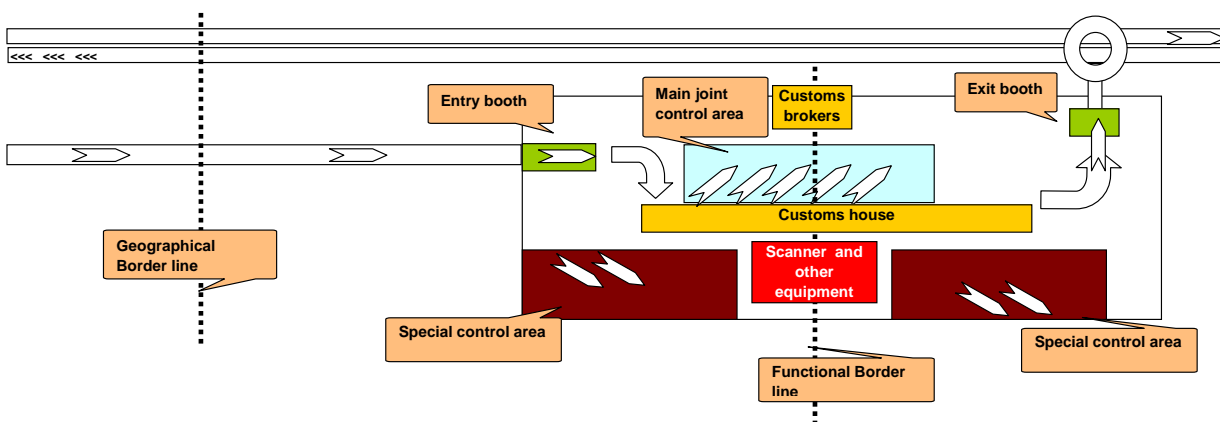
Trucks should be recorded at the point of entry, processed for exit, declared for entry, cleared, duty paid, and recorded at the point of exit. Drivers should concomitantly clear immigration and Customs for their personal belongings and contents of the cab.

Transit data should only be recorded once for cargo control purposes, and used throughout the clearance process. The same broker should prepare all declarations (export, import, and transit). All payments should be made at a single payment point. Examination facilities should be shared, and, if necessary, used jointly.

Process flow (South Africa to Mozambique⁹)

- All trucks and vehicles having commercial quantities of goods to declare and clear are directed, on the South African side of the border, to the dedicated road into the Km 4 facility. At the entrance of the facility, there could be some pre-selection lane, according to the kind of traffic (e.g., transit or outright clearance), and depending on the options adopted by the two countries.

Diagram 18 – Organization of clearance



- At the entry booth, drivers present transit or other documentation, as well as their passport. The number plate is scanned, matched against the data base, and the time is logged. The reference to the documentation presented is also entered in the system.

⁹ Exactly the same processes are applied in the opposite direction.

- An immigration officer (or the cross-designated Customs official) scans the passport of the driver.

There can be a streamlined immigration processing, with immigration officials from both countries in the same booth. (See under "Foot Passengers", processing flow.) Either the driver clears both immigration authorities, or is cleared by South African immigration, and pre-cleared by Mozambican immigration. In that case the passport will again be scanned at the exit booth against the recorded data and the passport stamped by Mozambican authorities.

- The driver makes contact with a broker to prepare the export and import declarations.
- The export declaration is lodged. The truck is parked in the main joint control area. As export formalities take place, the broker lodges the import declaration with Mozambique Customs. As soon as the export formalities are completed, Mozambican Customs take over.
- Duties (import, and as may be the case, export dues) are paid, and the truck moves to the exit booth, where the release note is checked against the system.
- If there are any additional formalities in either country, the truck is moved to a special control area, within the jurisdiction of each country.
- Trucks may be scanned or otherwise inspected at a joint inspection facility, operating in the same manner as for car control (see diagram 5).

6. CLEARANCE OF GOODS

Principle

The procedure is based on (i) a single broker handling transactions on both sides of the border, (ii) unique cargo control capture at the point of entry (with discharge on the other side of the border), (iii) seamless processing, with the truck handed over to Customs authorities on the other side of the border as soon as export processing is completed, and with the broker lodging in advance the import declaration, (iv) interface between the two clearance systems, (v) shared use of control facilities and equipment and mutual recognition of the other country's officials findings, and (vi) unique point of payment.

International best practice should be followed, notably regarding physical examinations and scanning. These inspections should be the exception, not the norm.

Clearance should be possible 24 hours a day.

6.1 Brokers

Brokers should be accredited both in South Africa and Mozambique. This may require some changes in the licensing laws and regulations, as well as the bonding requirements. A special arrangement should be established for the OSBP to review decisions affecting brokers' licenses, as a unilateral decision could in effect drive a broker out of business. It would be better if disciplinary investigations and procedures were carried out jointly between the two Customs administrations.

The accreditation implies training in Customs procedures of both countries. This should be accompanied by training, the cost of which should be agreed between the two countries. A joint examination/testing procedure should be established.

There are three options for guarantees to be provided by brokers:

- They lodge different guarantee with the two administrations;
- They lodge a single guarantee with one administration which is accepted by the other administration;
- The guarantor acts as an intermediary with both administrations.

Brokerage fees should be set by the local brokers' association, under control of both Customs administrations.

6.2 Cargo control procedures (entry)

- All trucks report to the entry booth, where a South African Customs official makes a record in the computer system of the particulars of the shipment, based on the transit/transport documents. At the same time, an OCR camera reads the number plate of the truck (front camera) and, if different, of the trailer (rear camera). A Mozambican Customs official may be present in the booth.
- The data is (i) matched against a data base for targeting and selectivity purposes, and (ii) stored for further declaration processing.
 - If a truck is targeted by South Africa at this point, it is sent to the special control area on the South African side.
 - If a truck is targeted by the Mozambican authorities, nothing happens at this stage, the truck will be pulled out of the flow when it is handed over to the Mozambican side after South African processing.
- The time of entry is recorded in the system.

- The basic data of the transport (vehicle, gross weight, shipper, and consignee) is passed on to the South African and Mozambican clearance systems, according to international coding standards (Edifact message).
- The truck is allocated a parking space, which is recorded in the system.
- If there was a previous transit regime applicable to the transport, the data is recorded for further discharge of the transit.

6.3 Export clearance

Note: In the case of an offence procedure, the clearance is suspended, a message is sent to Mozambican Customs, and the truck is held on the South African part of the facility (or may be returned to the South African mainland).

- The driver or his agent reports to a Customs broker with the transport documentation and shipper/consignee instructions.
- The truck is parked in the normal control zone.
- The broker lodges electronically the declaration; he keeps supporting documentation in case South African Customs ask for it.¹⁰
- The computer system clears the declaration if everything is in order.
 - If South African Customs wish to see the supporting documentation, a message is sent to the broker, and clearance is delayed.
 - If South African Customs wish to inspect the consignment, a message is sent to the broker; a second message is sent to Mozambican Customs.
 - If another agency wishes to inspect the consignment, a similar message is sent to Mozambican Customs.
 - If South African Customs wish to weigh or scan the truck, a message is sent to Mozambican Customs; the verification takes place in the special control zone or in the shared x-ray shed, and a Mozambican official may attend the verification. In case of weighing, a copy of the weight certificate is given to Mozambican Customs.
- A release message is sent to Mozambican Customs, together with the fees, duties and taxes that may have been assessed by South Africa for the shipment.
 - If a refund is owed immediately to the exporter, a message is sent to Mozambican Customs.
- The declaration is registered in the South African Customs system as cleared, and part of the information is forwarded to the Mozambican computerized clearance system.¹¹

6.4 Import clearance

Preparatory phase

- As the broker prepares the export declaration for South Africa he also prepares the Mozambican import declaration, and submits it to the Mozambican clearance system as a draft. He validates the declaration, which is stored in the Customs system, and a declaration number is issued. The selectivity module assigns a channel (red, yellow, or green), which is *not* notified at this stage to the importer/driver/broker.
- The truck remains in the same parking space.
 - If the truck was targeted at the entry booth by Mozambican Customs, it can be moved to the special control area, but no further action may be taken at this stage.
 - If South African Customs decide to inspect the truck, Mozambican Customs officials may attend the inspection with the import declaration, and carry out their own examination. An examination report is appended to the declaration, which may subsequently be used as evidence.

Clearance phase

- As soon as the release message is received from South African Customs, the truck is considered as handed over to Mozambican Customs, the declaration is assessed, and the selectivity channel is notified to the importer/driver/broker.
- Customs may or not inspect the consignment and/or the truck.
 - If an inspection was carried out by South African Customs and a Mozambican officer was present, his examination report is appended to the import declaration.

¹⁰ Under this scheme, brokers are expected to keep all documentation until the end of the statutes of limitation.

¹¹ Not all the export declaration data may be sent to Mozambique, due to rules of confidentiality regarding commercial transactions.

- South African Customs may also notify, under a streamlined Mutual Assistance Agreement, their examination report to Mozambican Customs (however, it is unlikely that such a report would have legal value other than testimonial in case of prosecution under Mozambican legislation).
 - If the truck was initially targeted or appears under the red channel, Mozambican Customs may direct it to the special control area.
- If other agencies wish to inspect the truck, they should either enter a profile in the Customs data base, or send an electronic message as soon as they receive a computer version of the import declaration. Inspections should take place at the same time as the customs examination.
 - During the course of the inspection, or independently, Customs officials may carry out a cab check.
 - If everything is in order, Customs issue a payment slip if necessary.
 - The driver/importer/broker report to the payment desk and make a consolidated payment for both South African and Mozambican dues.
 - The payment desk issues a release note, which is notified to the exit booth, and the driver may leave.

6.5 Cargo control procedure (exit)

- The truck proceeds to the exit booth, where the truck and trailer number plates are read, matched against the database, the driver presents his passport which is scanned, and the gate opens. The time of exit is recorded.

7. INTEGRATION OF PROCESSES

7.1 IT

A decision should be made rapidly regarding the computer software which South Africa and Mozambique intend to use to replace/supplement their current systems. This will determine the level of integration between the two Customs administrations. In addition, it is essential to conclude data sharing agreements between the different national administrations, and prepare the necessary safeguards.

Also a decision regarding the use of the scanner, its fee structure and data sharing arrangements will need to be made. It is suggested that (i) scanning should be done solely on risk basis, with clearly agreed upon rates of scanning, (ii) costs are absorbed by the two Customs authorities and (iii) data is shared amongst the authorities that sign up to the contract (Customs, police..)

7.2 Joint processing

Legislative changes may be necessary to accept findings of officials from the other country as legal evidence. There are three ways of achieving this:

- Exchanges are considered as part of an international Mutual Assistance Agreement concluded between the Customs administrations;
- There is an MoU for the LRG-OSBP accepting mutual recognition;
- The laws are amended in both countries.

7.3 Single payment

A single payment window offers many advantages, as long as it does not result in establishing an additional window and step in the clearance process. It therefore requires a high level of computerized integration, with the redistribution of the collections by country and administration. The banking laws as well as the Customs legislation of both countries may need to be revisited to enable this.

8. MANAGEMENT

Draft terms of reference for a management structure of the LRG-OSBP were prepared recently. They would prepare the introduction of a charter of operations.

The following principles would need to be factored:

8.1 Performance measurement

This implies:

- Baseline estimation of time to clear the border (all agencies together)
- Analysis of processes, and efforts at integration.

Typically, Customs are usually considered as the longest administration to clear. However, with selective controls, the average waiting time is often relatively short. On the other hand, immigration procedures take less time than customs clearance, but are applied to all travelers. Therefore, queuing time at the immigration booths are often longer on average than at Customs checkpoints.

At the workshop the available methodologies for undertaking these measurements as well as results obtained in other countries will be presented.

8.2 Management structure

The charter should also define all the aspects of running, managing, and controlling the quality of work at the OSBP. The involvement of the private sector is highly recommended.

8.3 Client service

Service standards should be established with a local users' committee.

It is thus important that private sector representatives be closely involved in the design of the infrastructure and deliberations regarding the operational details of the LRG-OSBP. Not only does the private sector have hands-on experience with these issues, but in several other countries has provided material support to the operation and its installations.

9. CONCLUSION

This note presents an ambitious vision for the future LRS-OSBP. It requires good cooperation and integration of the border control agencies on each side of the border in addition to full coordination/integration of the activities of the border agencies of Mozambique and South Africa. While the operational features of the OSBP will draw on practices of other border agencies that operate joint and integrated border posts, it would innovate by implementing modern technology such as scanner equipment, optical vehicle license readers, passport scanners, single payment point, that generate data shared between the various agencies. It is important that this vision is endorsed by participants at the workshop and recommended to higher officials for endorsement. Hence a good communication strategy needs to support the preparation process. The strategy should address internal stakeholders – staff of the various border control agencies – as well as external stakeholders – various Ministries and agencies as well as the private sector operators.

The note lays forth a number of options for the operation of the OSBP as it deals with passengers and commercial vehicles and draws attention to the need to streamline operations for peak time traffic that traditionally has presented huge challenges. A choice needs to be made after giving due consideration of the implications of each option presented. The Note also notes some key legislative issues that will need to be addressed. An important one relates to the extraterritoriality of the Km 4 station and the access road. The note makes it clear that the definition of extraterritoriality implies that agencies that operate at Km 4 will operate with the same mandate and powers as in their own territory. Details will need to be articulated in Annexes to the bilateral Agreement that was recently signed. This articulation should be based on each agency's review of its present legislation and operational procedures and regulations to identify to what extent these are consistent with operating on an "extraterritorial basis" and in a cooperative manner with the other national agencies and with those of the other country. Based on the findings of this review each agency will need to identify (i) what changes in legislation and operational procedures are required and (ii) how to draft proposed changes and get them approved by the powers that be.

It is clear that the expected result of the smooth operation at the OSBP will enhance the external competitiveness of both. The Treasury will benefit as the effective and efficient functioning of the OSBP will lead to better enforcement of the border crossing legislation and of the Customs controls and clearance process. The private sector will also greatly benefit in terms of shorter time to cross the border, thus reducing their operating costs. Maputo Harbor and the Maputo Corridor will become more competitive and attract greater volumes of traffic, thereby lessening the congestion at the Durban harbor and lowering the level of required investments there. It is the opinion of the authors that the private sector should be closely associated with the design and operational features of the OSBP. Such close association will benefit the project, in term of the pragmatic approach that the private sector representatives tend to adopt when faced with new design and procedures, thus benefiting the project in its design stage. Also the private sector has already indicated its willingness to provide material support for the operation of the OSBP.

Putting in place an OSBP should be a win-win operation, one that will benefit from close monitoring. This note therefore emphasizes the need to measure a baseline indicator for the time it takes to cross the border, which can then be used to measure progress or the absence thereof.

The steps ahead to realize the OSBP within the promised time span are many and some will require creativity and dedicated attention to detail. It will be important that the newly established Governance structures for the OSBP – *Management Authority* and *Technical Implementation Committee* – exercise close supervision, show dedication and flexibility and ensures that the necessary resources are mobilized.