



REPORT ON BORDER OPERATIONS, STRENGTHENING AND FORMATION OF JOINT/CROSS-JOINT BORDER COMMITTEES AT MALABA AND ELEGU/NIMULE

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September, 2017

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REPORT ON BORDER OPERATIONS, STRENGTHENING AND FORMATION OF JOINT/CROSS-JOINT BORDER COMMITTEES AT MALABA AND ELEGU/NIMULE

Background

1. The Northern Corridor Transit and Transport Coordination Authority (NCTTCA) was established largely to facilitate trade and transport within the Northern Corridor Region furthermore, to transform the Northern Corridor into a development Corridor. This transformation is highly dependent on an efficient trade and transport system, coordination between the public and private stakeholders along the Northern Corridor with a view to reduce time and costs of transportation and clearance of goods.
2. Joint Border Committees (JBC's) formalize the multisector collaboration between the public and private sector stakeholders involved in the handling and clearance of goods at the border stations for the purpose of addressing operational challenges which may arise at the border stations.
3. JBC's exist at some border stations however, their performance needed to be evaluated and measures taken to strengthen them whereas at some borders there are no JBC's and they need to be formed. Furthermore, there is need for formation of Cross Joint Border Committees where the public and private sector stakeholders operating in the adjoining States come together to discuss issues affecting their operations.
4. The NCTTCA Council of Ministers approved common guidelines for formation and operation of JBC's along the Northern Corridor which spell out the Terms of Reference for JBC operations and directed the Secretariat to support the member States in strengthening/formation of JBC's and Cross JBC's where they do not exist. The guidelines were to support formalization and strengthening operations of the JBC's.
5. A team from the NCTTCA Secretariat in collaboration with key stakeholders who included Kenya Ports Authority and Kenya Maritime Authority during the month of September 2017 visited stakeholders and facilities at Malaba and Elegu/Nimule and held workshops at each of these border stations for an on sight evaluation of the functioning of the border stations/OSBP's as well as the border committees.

Objective

6. The ultimate objective was geared towards institutionalization of JBC's in order to :
 - i. Strengthen the collaboration between the private and public sector stakeholders operating at the border stations in the interest of reducing the time and cost of doing business through addressing the operational challenges that affect the movement of goods and people across the border while working within their respective mandates.
 - ii. Provide a more formal setting for an efficient border management which is supported by ties between operational and policy levels.
 - iii. Strengthen stakeholders operating at the border by providing them with an official recognition and working tools in order to address operational issues without referring to the Central Authority except for matters related to policy.
 - iv. Have a mechanism to keep the Central Authorities continuously informed on operational issues identified on ground so that they can be taken into account when formulating policies.

- v. Provide a platform where stakeholders operating at the border can express their views on matters related to simplification and harmonization of formalities and procedures related to the movement of goods and people across the borders without violating the relevant international standards.
- vi. Provide an organized framework for conducting needs assessment in training and capacity building in view of an efficient border management.
- vii. Come up with a mechanism for monitoring performance through an agreed set of performance indicators and agreed mechanism for exchange of raw data for generating the indicators.

Visit of Cargo Handling Facilities and Stakeholders at the Malaba OSBP

- 7. The team from the NCTTCA Secretariat led by the Director Customs and Trade Facilitation had a guided tour of the facilities and stakeholders operating at the Malaba OSBP to assess the use and functioning of the OSBP following the near completion of the OSBP infrastructure.

Highlights of Observations, Issues Raised and Recommendations

Network connectivity and Fiber Optic Internet Breakdown:

- 8. This is caused by destruction of the optic fibre cable linking the two sides of the border. Due to the incomplete road section connecting to the new bridge on the Uganda side it was decided to temporarily bypass the optic cable under the old bridge a route which exposes it to easy destruction. It was reported that the cable on one occasion was vandalized by unknown people and on another incidence cut during road repairs on the Uganda side of the border linking to the old bridge.



- 9. It was further observed that despite implementing OSBP operations at Malaba where agencies are expected to share facilities, some of the agencies lack internet connectivity especially standard agencies in Uganda.

Recommendation:

10. **The IT staff of Malaba Kenya and Uganda should come up with the write up requested by TMEA to facilitate funding of repair of the fibre optic cable which was damaged.**
11. **The Member States should come up with a mechanism to expeditiously finance maintenance of critical infrastructure used in the handling and clearance of goods, vehicles and people at the border.**
12. **The Authorities in charge of roads in Uganda are requested to consider prioritizing the construction of the road section linking the new bridge to Malaba Uganda. When completed it will make it easier to securely lay the fibre optic cable as planned.**

Documentation of persons crossing the border:

13. It was reported that asylum seekers mainly from Burundi and DRC are often intercepted trying to illegally cross the border on Boda-Boda's. Police and Immigration Authorities also reported facing challenges of handling people who present themselves across the border without any form of identifications. Furthermore, some parents arrive at the border station with children who do not have travel documents or any identification document and would like to cross the border with them. On the other hand some truck drivers especially from DRC evade clearance through immigration to evade payment of visa fees.
14. Economic Operators who ply the Corridor raised concerns that they are issued with temporary travels documents valid for a period of one month at the border at a fee, despite a better alternative of an Inter-State Pass which is free and valid for a period of six month. This constrains them from seeking extension of stay in another Partner State if faced with challenges and are unable to achieve their purpose of travel within one month.

Recommendations:

15. **Person crossing the border should be required to move with their Identification to ease, the work of immigration and security agencies.**
16. **Economic Operators along the Northern Corridor who have National Identity Cards and seeking temporary travel documents should be issued with the EAC Inter-State Pass if appropriate for their travel. Furthermore, Partner States urged to use the Inter-State Passes to ease and facilitate clearance of persons across the borders.**
17. **Citizens of the Northern Corridor Member States that ply along the Northern Corridor and are required to pay visa fees by Uganda are encouraged to apply online for multiple entry visas which are cost effective. Once an online application has been approved and payment made online, the person can be given his or her multiple entry visa at the border station. *A Uganda multiple entry visa valid for a year costs US \$100.***

OSBP Construction and Utilities

18. It was observed that the construction of the Malaba OSBP is nearly completed and is currently in use though not officially commissioned for operations. In regard to the OSBP facilities some of the specific observations included:
19. The capacity of the baggage hall for clearance of passenger baggage at the OSBP Malaba-Kenya is already overstretched.



Baggage Hall at the Malaba-Kenya OSBP; its capacity is already overstretched. There is need to put in place a facility that enables pre-clearance of such goods.

20. Some facilities at the OSBP are not yet set up and some have not been installed properly such as the leaking air conditioners at the OSBP Malaba – Kenya.
21. A facility for holding animals pending clearance at Malaba border was not included in the construction of the OSBP Malaba – Uganda. Furthermore, the location of the office of the vet inspector is not strategic for performance of his job at the OSBP.
22. Officers at the OSBP Malaba-Uganda entry gate receiving trucks arriving in Uganda from Kenya hold their operations in the open and their work is adversely affected by bad weather. Their work comes to a standstill when it is raining.
23. The construction of the new Malaba Bridge was completed, construction of access roads to the bridge from the OSBP Malaba-Kenya was also completed. However, construction of access roads on the Uganda side of the bridge is still pending.



Left: The New Malaba Bridge; Construction of roads leading to the bridge on Kenya side was completed, Roads on Uganda side pending construction. **Right:** Pedestrians at the Kenya side have to cross over to the old bridge which has no pedestrian walkway because the access road on the Uganda side of the bridge is not yet completed. Benefits of the new bridge are not being realized, furthermore, it is contributing to the congestion at the border and high border crossing time.



Left: The New Malaba Bridge Access roads are yet to be constructed on the Uganda side of the bridge before its usage can commence. The bridge has four lanes for vehicles and walkways for the pedestrians. **Right:** Trucks crossing the old bridge at Malaba OSBP, The old bridge has no walkways for pedestrians and has only two lanes for vehicles, even then, one vehicle is allowed to cross the bridge at a time.

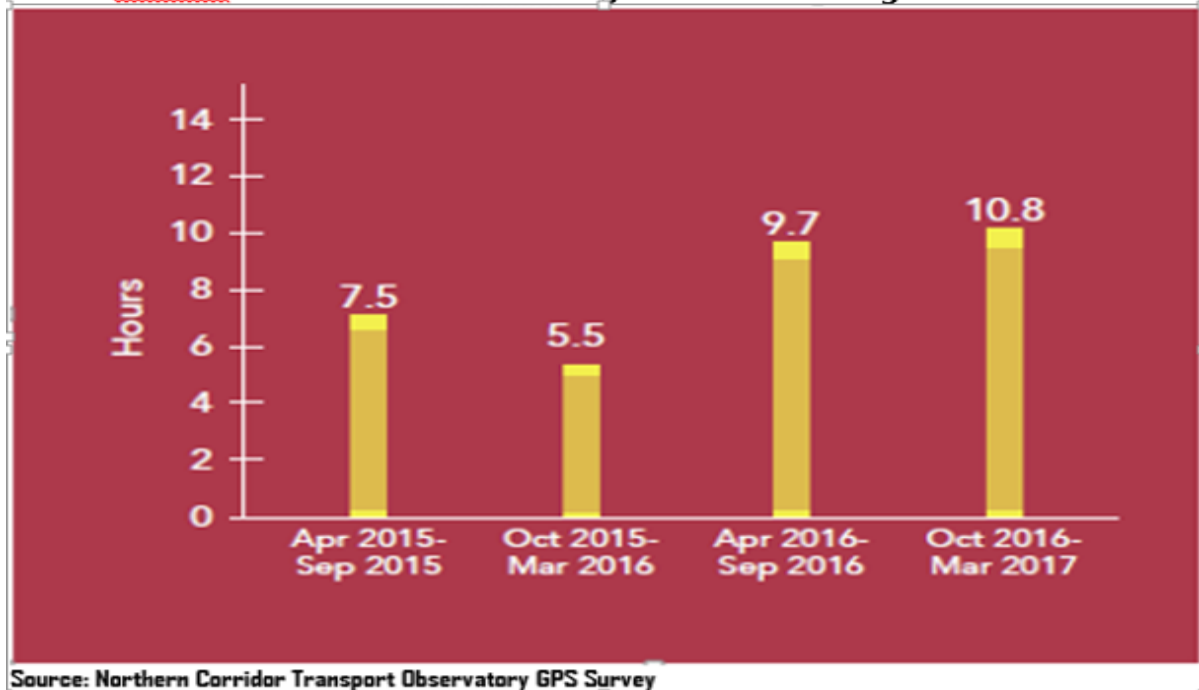
24. It was observed that long queues build up for trucks crossing to Uganda from Kenya as a result of having one lane for receipt of incoming trucks at the OSBP Malaba-Uganda. Furthermore, trucks that have been pre-cleared queue with trucks that require fresh declaration and clearances at the border stations.
25. The Malaba Border Crossing Time is one of the Key Performance indicators monitored and tracked by the Northern Corridor Transport Observatory. Of late the Malaba Border Crossing Time has been on the increase which may be partly explained by the observation in the paragraph above.



Trucks queue at the Malaba border crossing point

26. GPS surveys carried out by the NCTTCA Secretariat indicate a bad trend for the border crossing time at Malaba. The border crossing time is measured from the time the truck arrives at the Kenya Customs Area (1.5km to the border crossing point) up to the time of exit from the Uganda Customs area (1 km from the Border Crossing point).

Malaba Border Station – Average Border Crossing Time in Hours



Recommendation:

27. **KeNHA/ Ministry of Works - Uganda should require the contractor fix the default facilities before the contractor is issued with certificate of completion.**
28. **The Customs Authorities should put in place a facility for pre-declaration/pre-clearance of passenger baggage and sensitize travelers especially those that use public means (Buses) to pre-declare their goods before arrival at the border.**
29. **Consider construction of vet office and animal holding area near the entrance to the Malaba-Uganda yard.**
30. **Construct a shelter at the Malaba-Uganda OSBP where the officers receive and verify trucks upon arrival from Kenya to enable them continue with their work even when it is raining.**
31. **Construct multiple lanes for receipt of trucks at the OSBP with at least an express lane for use by trucks that have been pre-cleared before arrival at the border station.**
32. **The Member States are urged to officially launch the OSBP's that have been completed.**

Working conditions of staff at the Malaba OSBP

33. Most standard agencies are under-staffed and over stretched to work 24/7. However, it was reported that the staff are on call 24/7 to offer services to those who may need their clearance.
34. It was observed that construction of OSBP did not provide for staff quarters which makes it difficult for staff to respond to calls to provide service at night.
35. Security concerns working at the border; Staff is required to work 24/7 and often live in the same neighborhood as their clients on whom compliance enforcement action is taken making it risky for them.

Congestion of trucks along the road at Malaba Border.

36. It was observed that there is congestion of trucks both on the Kenya and Uganda side of the border; In the case of the Kenyan side, drivers park their trucks along the road as they approach the border from Webuye causing congestion and inconveniencing other road users and regulators. The reasons given include;
- lack of parking facilities on the Kenyan side of the border,
 - drivers taking time off for personal reasons,
 - avoiding payment of parking fees in Uganda and
 - Waiting for the documentation of their cargo to be completed before proceeding to cross the border.
 - There is only one lane in Uganda for receiving of trucks from Kenya.
37. In the case of the Uganda side, it is the weighbridge at Malaba. Shortly after exiting the Malaba Customs yard there is a static weighbridge at iryori which causes a long queue often stretching for more than three kilometers especially in the evenings.



Above: Queue of trucks proceeding towards the Malaba weighbridge station. **Below:** Trucks diverting to the Malaba Weighbridge. Static weighbridges contribute to the long transit times along the Transport Corridors. UNRA plans to implement High Speed Weigh In Motion weighbridges along the Northern Corridor to minimise weighbridge crossing time.



Average Transit Time in Uganda in Hours



Source: URA Electronic Cargo Tracking System data

Recommendation:

38. **Engage Private Sector/County Government of Buisa to develop road side stations at Malaba Kenya to decongest the roads and offer safe parking for truckers.**
39. **Urge the Government of Uganda to expedite implementation of a High Speed Weigh In Motion Weighbridge at least 8 km from the Malaba border station.**

General Observations

40. Other observations made during the tour of the OSBP facilities include:

- **Medical examination and patient wards**



Medical examination room and patients ward at Malaba OSBP; travelers whose preliminary diagnosis indicates that they are suffering from a contagious disease are quarantined in this facility. The facility also offers international vaccinations to travelers that lack them at a cost of Kshs 2,500 irrespective of nationality.

- **Ease of Payment Of Regulatory Fees:**



Ease of payment of regulatory fees; Pay Bill Number for payment of forestry regulatory fees at Malaba-Kenya OSBP. Irrespective of tonnage each truck load of timber in transit is required to pay forestry movement permit fees of Kshs 2,000=

- **Display of Regulatory Fees at the Malaba OSBP**

41. Display of fees required to be paid to the regulatory agencies creates certainty and confidence in the general public that the money being demanded from them is right amount and legally collected by the agencies.

PTA MEMBER COUNTRIES (4 - 6) AXLES

NO	TOWNS	DISTANCE (KM)	DOLLARS (\$)
1	MALABA - ELDORET	200	20
2	MALABA - NAKURU	400	40
3	MALABA - NAIROBI	500	50
4	MALABA - ATHI RIVER	550	60
5	MALABA - MOMBASA	1000	100
6	MALABA - NAMANGA	700	70
7	MALABA - ISEBANIA	500	50
8	MALABA - KISUMU	200	20
9	MALABA - WEBUYE	30	12
10	MALABA - LUNGALUNGA	1110	112
11	MALABA - MOYALE	1094	110
12	MALABA - MALINDI	1116	120

PTA MEMBER COUNTRIES UP TO 3 AXLES

NO	TOWNS	KMS	DOLLARS (\$)
1	MALABA - ELDORET	200	12
2	MALABA - NAKURU	400	24
3	MALABA - NAIROBI	500	30
4	MALABA - MOMBASA	100	60
5	MALABA - NAMANGA	700	42 (CARNET)
6	MALABA - MOYALE	1094	66
7	MALABA - LOITOKOK	800	54 (CARNET)

**TRAFFIC ACT RULE 7A (3)
TRAFFIC MOTOR VEHICLES FEES
PRIVATE CARS**

ENGINE CLINIC CAPACITY (CC)	ONE MONTH \$	THREE MONTHS \$
UPTO 2000 CC	20	50
ABOVE 2000 CC	40	100

COMMERCIAL MOTOR VEHICLE FEES

TYPE OF VEHICLE	UP TO ONE MONTH \$	THREE MONTHS \$
SALOON, S/W, P/UP	20	50
PASSANGER VEHICLES UP TO 25 SEATING CAPACITY ONLY	20	50

NOTE

- ◇ TOLL CHARGES APPLY TO ALL FOREIGN MOTOR VEHICLES WHOSE TARE WEIGHT EXCEEDS 2,999KGS OR VEHICLES LICENSED TO CARRY 26 PASSENGERS AND ABOVE IN CASE OF BUSES.
- ◇ WHERE TRUCK HAS BOTH KENYAN AND FOREIGN REGISTRATION, TOLL CHARGES ARE PAYABLE.
- ◇ IF A TRUCK HAS BOTH FOREIGN AND TANZANIAN REGISTRATION, TOLL CHARGES SHALL BE CONSIDERED AS TANZANIAN.

Above and Below: Road User Fees displayed by KRA-Malaba. The road user fees are rounded off upwards to the nearest ten dollars.

CATEGORY OF VEHICLE	RATE OF TOLL TO BE CHARGED FOR A SINGLE JOURNEY	
	TRANSIT TRAFFIC TO AND FROM*	
	Tanzania US\$/100 km	Other P.T.A./COMESA Countries US\$/100 km
Rigid chassis with up to 3 axles without a trailer	8.00	6.00
Heavy goods vehicles with more than 3 axles and all articulated vehicles	16.00	10.00
All buses	8.00	5.00

* Vehicles bearing Kenyan registration are for the time being exempted.
2. All articulated vehicles consisting of a combination of either Kenyan head with foreign registered trailer or Kenyan trailer with foreign registered head shall be deemed to be wholly foreign registered and the respective toll rates shall apply.

Despite the tripartite: EAC/COMESA/SADC, the road user charges varies across the COMESA, NCTTCA and EAC Member States.

- **Use of Renewable Energy Sources at the Border Stations**

42. Use of renewable energy sources is a recommended move towards efforts of protecting our environment from degradation especially as an alternative of using fossil fuels to generate power.



Solar power at Malaba OSBP: Promoting Green Environment by use of renewable energy

- **Customs Document Processing Centers**



Document Processing Center at Malaba-Kenya OSBP: Staff at the document processing centers at the border stations should be empowered to retire transit bonds once the goods exit their territories.

- Network Connectivity and Exchange of Information



Network Control circuits at Malaba-Kenya OSBP; there is a switch for each of the sister Revenue Authorities involved in the clearance of cargo under the SCT. This arrangement supports exchange of information among the Customs Authorities in clearance goods transiting through the Member States.

Recommendations:

43. **Agencies at the border should display the fees they charge at their offices/notice boards.**
44. **Agencies should consider putting in place a facility for payment of fees they collect using mobile money facility/pay bill numbers. This will ease payment of the fees by the public to the agencies on 24/7 especially when the banks are closed.**
45. **Agencies are urged to adopt the use of renewable energy sources for generating power such as solar and wind energy.**
46. **The key border stations need a resident IT personal to address network challenges faced at the border stations which impede flow and quick clearance of traffic. Furthermore there is need to have a terminal where the Clearing Agents can make their declaration at times of network downtimes.**

Joint Border Committees at Malaba – Kenya/Uganda Border Station

47. Malaba – Kenya and Malaba - Uganda each has a Joint Border Committee. The JBC's at Malaba are chaired by Customs Authorities and expected to meet monthly. Both JBCs are expected meet every three months. Observed that the meetings are not regularly held.
48. Kenya has an institutional framework for formation of JBC's but Uganda does not have one. The challenges faced by the JBC's include communication gap between the JBC's and policy

makers/higher authorities regarding addressing some of the challenges that require their intervention. There is also a constraint of lack of budget for holding the meetings.

49. The guidelines for formation of JBC's were presented by the NCTTCA Secretariat and espoused as one of the ways of strengthening operations of the JBC's at Malaba.
50. **It was agreed that;**
 - **Each side of the border will hold a JBC meeting on a monthly basis. Furthermore, the two JBC's will hold Cross Joint Border Committee meetings on a quarterly basis.**
 - **The meetings will be held at the facilities at the respective OSBP and in case of Cross JBC meeting, the host country will chair the meeting.**
 - **The reports/minutes of the meeting to be shared with higher authorities and shared with the NCTTCA Secretariat.**
 - **Agencies that operate at the border but not highlighted in the guideline can be included in the JBC.**
 - **The Revenue Authorities collaborate with NCTTCA Secretariat to come up with Key Performance indicators to be reported periodically and also a mechanism for exchange of data needed to generate the performance indicators.**

ELEGU - NIMULE BORDER STATION

Highlights of Observations and Issues Raised During the Elegu-Nimule Border Stakeholders Tour

Visit of Cargo Handling Facilities and Stakeholders at the Elegu/Nimule Border Station

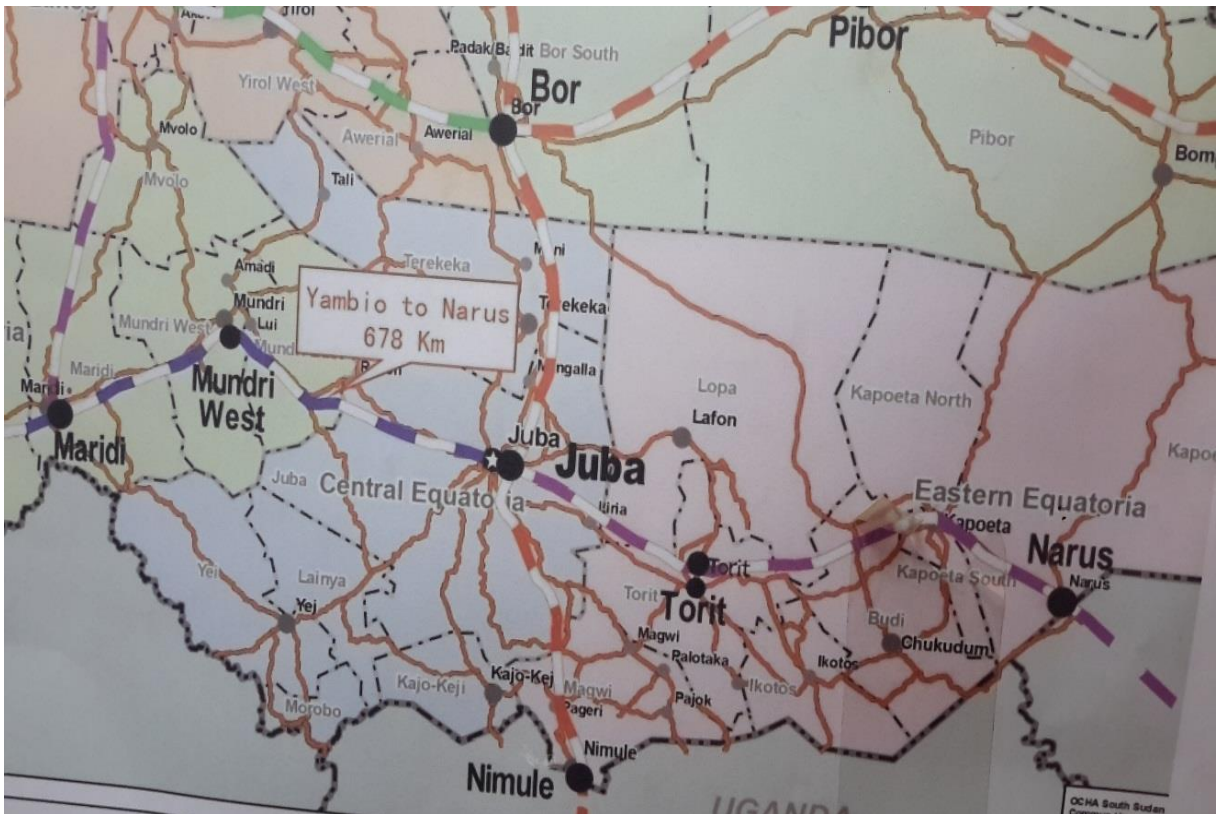
51. The team from the NCTTCA Secretariat had a guided tour of the facilities for stakeholders operating at Elegu and Nimule Uganda – South Sudan border station to assess the working environment at the border station.

Elegu URA Customs

52. There are two privately owned parking yards at Elegu; one of which located near the customs office is under customs control while the other is not.
53. Most of the URA Customs operations are sighting of goods to confirm intactness of seals and trucks before being cleared for exit to Nimule. However, in case the goods are to be verified before clearance, the verification bay lacks a shelter as such verification cannot take place in adverse weather conditions without risking causing damage to the goods being verified.



Elegu BLD parking yard located just opposite the current Customs Office. The yard is privately owned but subject to customs control. The owners charge Ushs 10,000 per day for loaded trucks and Ushs 5,000 per day for empty trucks. The yard has a capacity of over 200 trucks but its surface requires paving. The yard also offers bathing and toilet facilities for drivers at no extra cost.



Above: Section of the map of South Sudan showing the proposed transport network Railway/Road for South Sudan highlighting the key Northern Corridor entry/exit points

Nimule South Sudan Customs

54. Nimule has two customs yards managed by South Sudan Customs Service one for fuel tankers and the other for containerized/conventional cargo. Both yards have the capacity to hold over 300 trucks, however, they are not paved and the verification facilities for goods are inadequate.



Nimule Customs has two parking yards; one for fuel tankers and the other above for general cargo. The yards have a capacity of over 300 trucks but require paving. Above part of the wall fencing to the yard was washed away by the floods which swept through Elegu/Nimule on 22nd august 2017.



Nimule South Sudan Customs Verification Shed. The shed has a capacity to handle verification of 8 trucks at ago. Nimule is the key entry point for cargo to South Sudan

55. Nimule customs has a capacity to verify up to eight trucks at ago in their covered verification bay. The 2nd verification bay in the yard that has a capacity for verification of at least 15 trucks at ago is not covered. Furthermore, the verification platforms are low, they need to be raised to ease offloading and loading of trucks.
56. Both Elegu and Nimule have no loading and offloading equipment. The goods are manually offloaded and loaded using human labour. In case of heavy loads Nimule Customs allows verification of goods at owner's premises at the cost of the owner of goods who has to pay for the physical escort; escort is done by customs staff.

57. The parking yards at Elegu and Nimule are at risk of adverse weather conditions; such as floods. The recent floods on 22/08/2017 swept through the yards to the extent of carrying containers that were in the yard to a distance of over 100m from the BLD yard at Elegu. The experience of floods at Elegu is a catastrophe in the waiting especially if the floods are to occur at night.
58. The roads branching off from the recently constructed Elegu – Nimule road are being eaten away and will lead to premature damage of the new main road. Furthermore, loaded trucks park along the sides of the road posing a potential risk to premature damage to the road at Elegu.



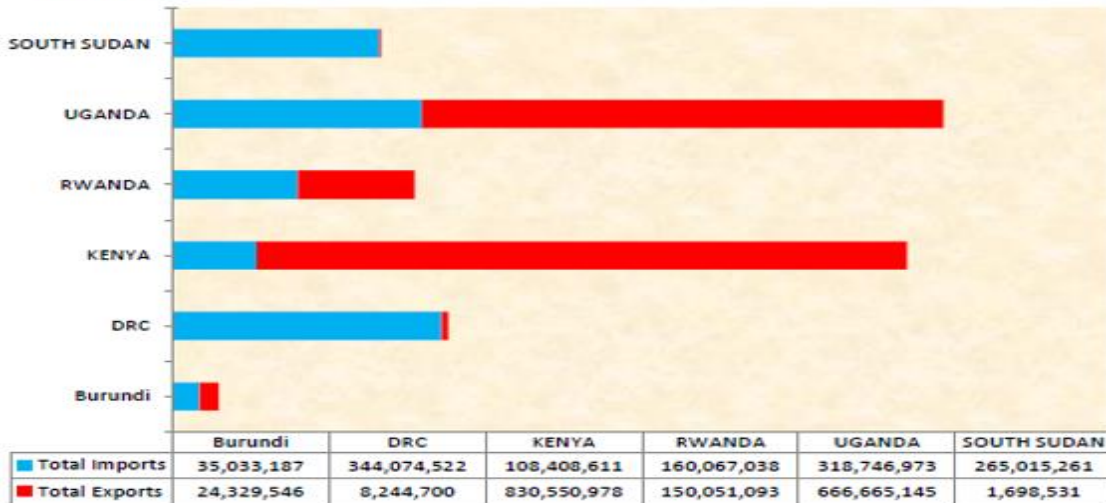
The Elegu- Nimule road being eaten away especially at places where feeder roads join it. Furthermore heavy trucks park along the road while awaiting clearance by customs to the detriment of the newly constructed road this is despite availability of ample parking space in the parking yards available at the border station.

59. The construction of the OSBP infrastructure at Elegu is nearing completion; however, it came to a halt about six month ago in March 2017. The recent floods washed away the roads leading to the OSBP. The construction of the OSBP is being financed by TMEA.
60. There is a big volume of intra regionally traded cargo cleared through the Elegu/Nimule border station. Furthermore, a sizeable volume of goods; produce from the neighboring districts is exported from Uganda through Elegu. In view of this there are efforts to put up an export processing zone to add value to the goods before being exported to South Sudan.
61. Among the indicators monitored/tracked by the Northern Corridor Transport Observatory is trade among the Northern Corridor Member States. The indicators show an increasing volume and percentage of intra-regional trade as compared to the total volume of trade.



Artistic impression of the Elegu Border Export Processing Zone which is being proposed for construction. The facility will promote value addition on goods before being exported. It will also avail market for the local communities in the neighboring districts to sell their goods. This facility will further boost intra-regional trade and cross border trade between Uganda and South Sudan. However, construction of the facility needs to take in consideration measures to contain the risk of floods at Elegu.

Trade (US\$) among the Northern Corridor Member States (April to Sept 2016)



Source: Northern Corridor Transport Observatory

Recommendations:

62. **Construct shelters for the verification bays to facilitate verification of goods even when it is raining. The verification platforms should be raised to the level of the height of the floor of the trucks to ease offloading and protect the individuals that offload and load trucks from damaging their backbones. This will also ease use of equipment such as forklifts when availed.**
63. **Planned projects by Government and other stakeholders which involve construction of building should critically cater to contain the risk of floods at Elegu before undertaking construction.**
64. **To pre-empt catastrophe arising from floods at Elegu from happening, the Government of Uganda is urged to undertake an environmental study with an aim of taking measures to tame floods at Elegu. During the study the indigenous community and the stakeholders at Elegu and Nimule should be consulted.**
65. **The sections where feeder roads at Elegu join the Elegu-Nimule main road need to be upgraded to protect the road from being eaten away at these sections. Furthermore, culverts large enough be used to contain flow of large volumes of water at Elegu.**
66. **The trucks awaiting clearance should park in the parking facilities available at the border station.**
67. **Engage TMEA to complete the construction of the Elegu OSBP and the roads connecting the OSBP to the main road.**

Automation of documentation and clearance of goods, vehicles and people:

68. In regard to automation several challenges were enumerated which cause delays in clearance of goods as a result of internet/network breakdown, notwithstanding the manual processes currently used in clearance of goods by South Sudan Customs.
69. There are network breakdown times which affects clearance of goods by URA Customs. Whereas for local exports and perishables, manual processes are used to clear the goods when there is a network downtime, transit cargo cleared under customs bond has to wait until the system is rectified before clearance for exit to South Sudan. Currently on average per day Elegu Customs clears 120 trucks to South Sudan of which 75 trucks are transit cargo. This number is expected to increase as business picks up.
70. URA has a Regional IT Officer who sits in Arua. In case of a network problem he is contacted to rectify the problem. It takes on average a day before the problem is fixed especially if it requires the officer to come on site to fix the problem.
71. Sighting of trucks in transit before clearance involves photographing the trucks and sending their photographs to TMU Kampala to grant permission to exit the truck to South Sudan as well as validate the transaction to cancel the bond. When there is internet failure clearance for exit to South Sudan comes to a standstill.
72. South Sudan Customs has not yet automated its clearance processes at Nimule. Automation of Nimule was being supported by TradeMark East Africa. TMEA bought some equipment for ASYCUDA but the project came to a halt before staff was fully trained in ASYCUDA and before the use of ASYCUDA for clearance of goods was launched.
73. It was observed that construction of the OSBP infrastructure at Elegu-Uganda is nearing completion and noted that non automation will hinder efficient operations of the OSBP and

implementation of the Single Customs Territory SCT by South Sudan. Furthermore, non-automation also causes challenges in information exchange not only across the border but across the region. It also makes it hard to implement pre-clearance of goods before arrival at the border.

74. Loss of preceding documents after clearance by Customs Uganda for exit to South Sudan was reported.

Customs Fraud:

75. Miss declaration of goods by the traders/agents was reported furthermore, reported cases of motor vehicle units declared in Mombasa as transit destined to South Sudan which are received back in Kenya some in less than 3 days after exiting Kenya through Uganda to South Sudan.
76. Reported smuggling through the porous border especially of prohibited goods and taxable goods; some vehicles offload goods in Elegu and after which they are smuggled by tuktuk, boda-bodas and on foot to South Sudan. On the other hand small scale traders reported facing a lot of challenges which include multiple levies on their goods in South Sudan.

Recommendation:

77. **Automation of South Sudan Customs be expedited and roll out use of the R-ECTS on cargo to South Sudan. Automation will also enhance timely exchange of information to support early detection and prevention of smuggling through the gazetted routes.**
78. **The border community at Elegu and Nimule should be sensitized to declare their goods to customs and advised to use gazette routes when importing/exporting goods.**

Documentation of persons crossing the border:

79. Police, security agencies and immigration are facing challenges of handling people who present themselves across the border without any form of identifications or clearance from the country of exit, it was reported that;
- A good number of people (border community) ply across the border without any form of identification. However, it was reported that Uganda and South Sudan immigration department each operates a check point about 2km from the border crossing point beyond which no one arriving from the adjoining State (South Sudan/Uganda respectively) without formal clearance by immigration is allowed to cross.
 - Some people present themselves to immigration for clearance for entry in South Sudan/Uganda without any documentation to show that they have been cleared to exit the adjoining State, furthermore, some even lack any form of identification and when referred back to the adjoining State where they are said to be coming from the State rejects to receive them.
 - Some parents arrive at the border with children who do not have travel documents or any form of identification and want to cross to the neighboring country with them.
 - Reported cases of intercepting truck drivers trying to smuggle people across the border using their trucks.
80. It was observed that whereas South Sudan and Uganda immigration are automated, there is no automated exchange of information of persons being cleared for exit/entry on either sides of the border.

Recommendations:

81. **Persons crossing the border should be required to move with their Identity Cards or any other form of recognized identification to ease, the work of immigration and security agencies even if not going far from the border.**
82. **Member States of the Northern Corridor are requested to issue temporary travel documents to their citizens which are valid for at least three months to give room to the Authorities of the adjoining State to grant extension of stay when requested by the traveler especially the economic operators along the Northern Corridor.**
83. **The clearing agents should caution the drivers of the trucks they are clearing against carrying people in their trucks who have not cleared through immigration.**
84. **Persons plying across the border into the adjoining States are advised to apply for multiple entry visas which are cost effective. Multiple entry visas for Uganda can be applied for online and cost US \$100 valid for a period of up to 1 year. The multiple entry visa for South Sudan issued at the border is only granted to residents of Nimule and it is valid for a period of 3 months at a cost US \$125. South Sudan Multiple entry visas valid for six month are granted at the immigration head office in Juba.**

Joint Border Committees at Elegu – Nimule Border Station

85. Elegu has a Joint Border Management Committee which meets regularly and chaired by the BISO. The Committee comprises of government agencies. On the other hand Nimule also has and holds Border Management Meetings with membership drawn from Government agencies.
86. It was observed that the current focus of the Border Management Committees at either side of the border is security. The private sector is also not part of these Committees. It was reported that the meetings at Elegu are held monthly whereas the meetings at Nimule are held when the need arises.
87. **Following the presentation of the guidelines on formation and operation of JBC's by NCTTCA Secretariat and the discussion that ensued it was agreed that:**
 - i. **The current committees should continue and be strengthened as per the guidelines. The Committees should include the private sector and have working groups to address issues which are particularly for exclusive concern of the agencies mandated.**
 - ii. **The two Joint Border Committees formed at either side of the border will form the Cross Joint Border Committee and will meet on a quarterly basis. The venue for the meeting is to alternate between the two sides of the border.**
 - iii. **The country hosting the Cross Joint Border Committee will chair the meeting.**
 - iv. **The JBC meetings should not last more than 2 hours.**
 - v. **The Terms of Reference will be as per the guidelines approved by the Council of Ministers of the Northern Corridor Transit and Transport Coordination Authority (NCTTCA).**
 - vi. **The NCTTCA Secretariat to engage further with the lead agencies and customs to come up with the performance indicators and mechanism for exchanging data.**
 - vii. **The Customs Authorities and stakeholders involved in the handling and clearance of cargo to provide raw data for generating performance indicators.**

- viii. **The lead agency at each side of the border will act as the focal point for the NCTTCA in the interim.**

Summary of the presentations made during the workshops

88. The workshops held at the two border stations Malaba and Elegu/Nimule also offered an opportunity to sensitize the stakeholders about the Northern Corridor and the currently trade facilitation initiatives being undertaken by Stakeholders. Below are the highlights of the presentations made during the workshop.



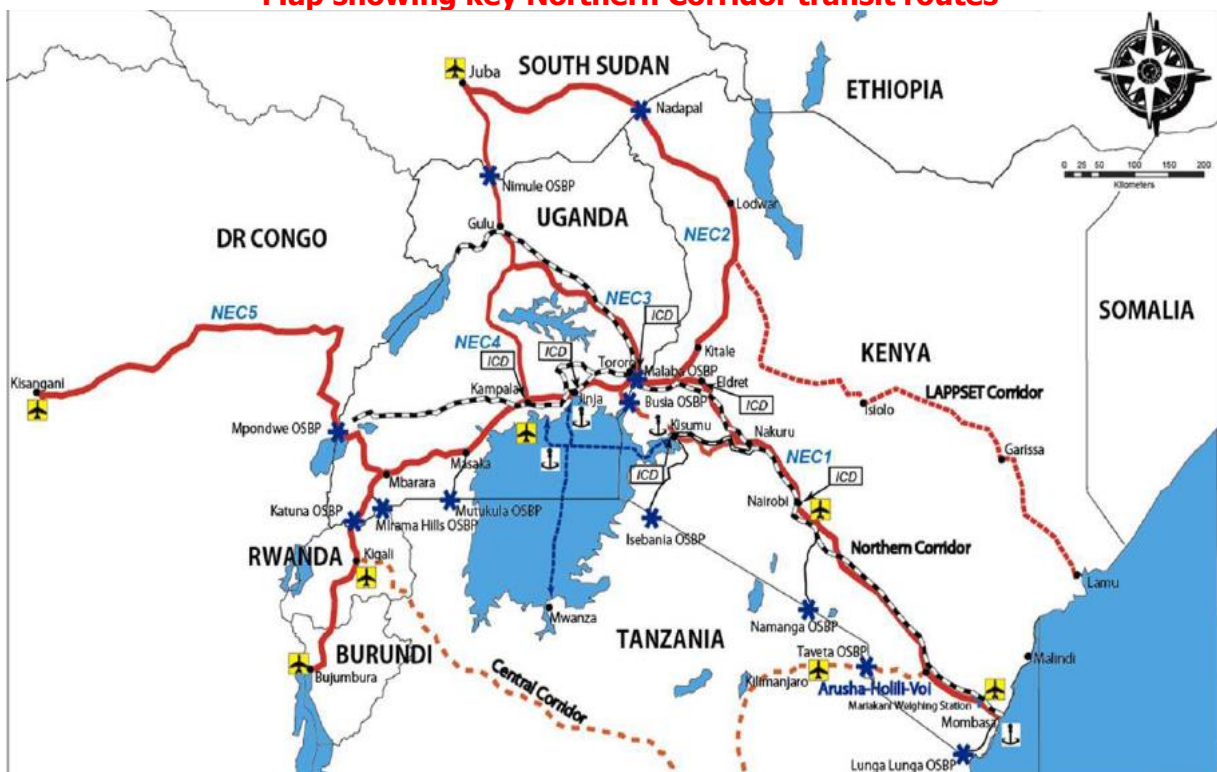
Elegu/Nimule Cross Joint Border stakeholder's workshop on strengthening the JBC's along the Northern Corridor. The workshop was attended by both public and private sector stakeholders involved in the handling and clearance of goods, vehicles and people across the Elegu/Nimule border station.

➤ NCTTCA Structure, Objectives and Mandate

89. The Northern Corridor is a multimodal transport corridor comprising of roads, rail, pipeline and inland waterways linking the great lakes countries to the sea port of Mombasa-Kenya.
90. The Northern Corridor Transit and Transport Coordination Authority (NCTTCA) was formed in 1985 under an agreement; the Northern Corridor Transit and Transport Agreement (NCTTA). Currently NCTTCA comprises of six Member States; Burundi, DRC, Kenya, Rwanda, South Sudan and Uganda.
91. The Northern Corridor Transport infrastructure includes; Port of Mombasa, Inland Ports, Border Stations, Weighbridges, Container Freight Stations/ICD/Transit Parking Yards, Roads, Railways, Pipelines and Inland Water Ways designated by Member States for the Northern Corridor.
92. The NCTTCA Stakeholders include the public and private sector stakeholders involved in the handling and clearance of goods along the Northern Corridor as well as the policy makers.
93. **NCTTCA Institutional Framework** comprises of:

- **The Council of Ministers;** Ministers responsible for transport in the Member States. The Council of Ministers is responsible for the overall policy direction of the Authority and meets once a year.
- **The Executive Committee/Board;** Permanent Secretaries or their equivalent responsible for transport matters in the member States. Executive Committee is responsible for formulating strategies for transport and trade facilitation, infrastructure development and harmonization of national and regional policies. The Executive Committee meets twice a year.
- **The Permanent Secretariat;** Comprises of staff from the six Member States and is headed by the Executive Secretary. The Secretariat is responsible for coordinating implementation of the Agreement (NCTTA) and any other decisions and resolutions made by the Authority and Executive Committee.
- **The Technical Committees;** there are four technical committees namely; Customs and Trade Facilitation, Transport Policy and Planning, Infrastructure Development and Management; and Private Sector Investment and Promotion. The Technical Committees offer technical advice to the Executive committee and comprise of technical experts from the Member States in charge of the respective disciplines. The Technical Committees meet at least once a year.
- **The Public Private Partnership Committee;** Formerly Stakeholders Consultative Forum Chaired by Commissioner General KRA; Comprises of top-level representatives from public and private sector institutions of the Member States. The Forum is held once a year to review operational matters and to agree on practical solutions which they then implement.

Map showing key Northern Corridor transit routes



Note: There are routes recently designated by the Member States are not included in this Map

94. **Objectives of NCTCA** is to;

- Facilitate trade, movement of persons, vehicles and goods in domestic, regional and international transport.
- Stimulate economic and social development in the territories of the contracting parties.
- Transform the Corridor into a Development Corridor which in addition to offering safe, fast and competitive transport and transit services that secure regional trade, will stimulate investment, and encourage sustainable development and poverty reduction.
- Implement strategies for accelerating economic and social growth along the Corridor while ensuring environmental sustainability.

95. **The NCTTCA has the mandate** to take measures to:

- Expedite the movement of freight and persons along the Corridor
- Minimize incidence of customs fraud.
- Simplify and harmonize regulations and documentation procedures relating to movement of goods in transit.
- Improve transport infrastructure and services.
- Adopt ICT to improve exchange of information and to monitor movement of cargo along the Corridor.
- Provide information to inform decision making by policy makers, regulators and users of the Corridor.

➤ **Guidelines for formation of JBC's and Performance Monitoring**

96. A representative from the NCTTCA Secretariat presented guidelines for the formation/strengthening of JBC's along the Northern Corridor. The presentation highlighted membership to the committee, Terms of reference for the Committee members, conducting of meetings of the JBC's, communication of minutes of the JBC's, financing/Budget for the JBC and working groups for JBCs.
97. It was generally observed that the border stations each was holding joint stakeholder meetings though at some border stations the private sector stakeholders were excluded from the meetings, the meetings were not being held regularly and there were challenges of communicating the recommendations to the relevant authorities to address the issues raised.
98. The secretariat also made a presentation on the transport observatory and sensitized stakeholders on how to access information on the observatory. The Northern Corridor Transport Observatory can be accessed via the links www.ttcanc.org or <http://top.ttcanc.org> or www.kandalakaskazini.or.ke.
99. The intention of the presentation was geared towards coming up with dashboards for the border stations through which the stations can be able to monitor and access their performance based on selected key performance indicators as is the case for Mombasa Port Community.

100. Following the presentation, **the stakeholders adopted the guidelines and it was further agreed that;**

- **The list of stakeholders for the JBC's should include those agencies which are active at the border which have not been listed.**
- **Joint Border Committees to be held monthly by each side of the border.**
- **Cross Joint Border Committees to be constituted by members of the JBC's from the adjoining states.**
- **Cross Joint Border Committees to be held on a quarterly basis.**
- **The hosting of the Cross JBC's to alternate and the country hosting to chair the meetings.**
- **The minutes of the Cross Joint Border Committees to be shared with higher authorities of the agencies being represented and also with the NCTTCA Secretariat.**
- **The NCTTCA Secretariat to engage with the customs authorities to come up with key performance indicators for monitoring and measuring performance of the border stations and these indicators to be reported periodically. Furthermore, the stakeholders to share raw data with the NCTTCA Secretariat to generate the performance indicators.**

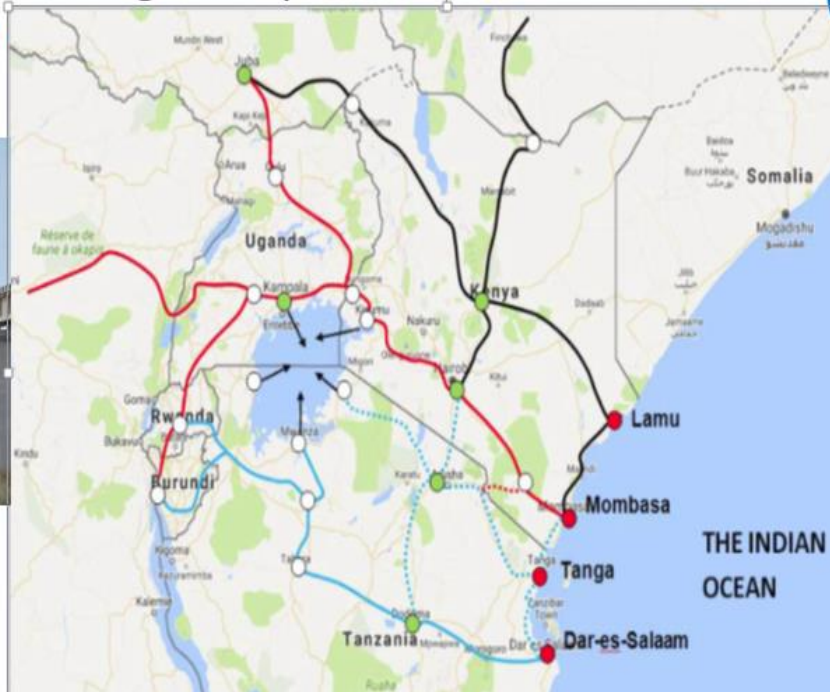
➤ **Presentation by Kenya Ports Authority (KPA)**

101. The presentation by KPA highlighted some of the ongoing initiative to boost trade facilitation at the port in particular and along the Northern corridor in general. These included;

- Phase II expansion of the Mombasa Port through construction of another berth (Berth 22) 250m in length and with a depth of 15m to accommodate larger vessels will also increase the capacity of the port by 500,000 TEU's.
- Phase III expansion will include construction of another berth (Berth 23) with a length of 300m and 15m depth plus an increase of cargo handling capacity of 500,000 TEU's per year.
- Expansion of the Nairobi ICD, linking the Nairobi ICD with SGR.
- The Authority also recently acquired three new ship to shower (STS) gantry cranes, 12 new rubber tyred gantry (RTG) cranes and two harbor mobile cranes.
- The Port has also put in place an MPESA facility for convenient payment of port charges using mobile phones.

The East African Standard Gauge Railway Master Plan

Below Section of the SGR between Mombasa and Nairobi



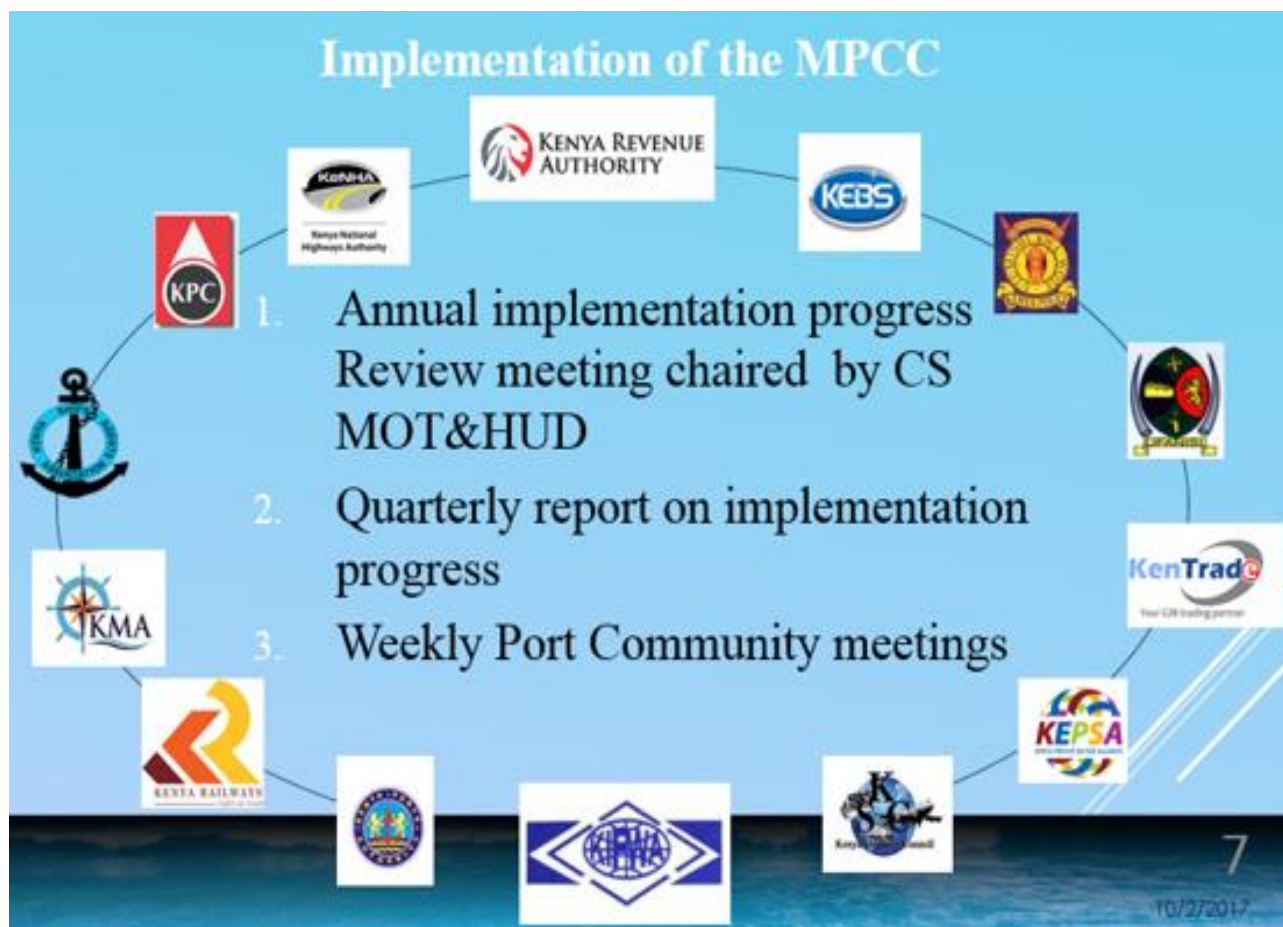
➤ Presentation by Kenya Maritime Authority (KMA)

102. The presentation highlighted the role played by KMA in facilitation of trade which includes:

- Formulation of commercial maritime policies and strategy proposals for consideration and adoption by the government;
- Implementation of policy initiatives in the maritime transport cluster in the ongoing revival of Kenya's Blue Economy;
- Coordination of a consultative forum on improvement of quality of services among maritime service providers;
- Creation of awareness on appropriate use of international commercial terms (INCOTERMS), investment opportunities in the maritime sector.

103. Kenya Maritime Authority also currently coordinates the implementation of the Mombasa port Community Charter (MPCC) where stakeholders committed themselves to deliver a given level of service to their clients and

104. Implementation of the Memorandum of Cooperation (MOC) whose main objectives are to fast-track lodgment and processing of cargo clearance documents through the various Systems to facilitate trade in Kenya and the EAC region and to promote co-operation on the issue of trade facilitation documentation and related data exchange on Export, Import, Transshipment and Transit processes among the stakeholders.



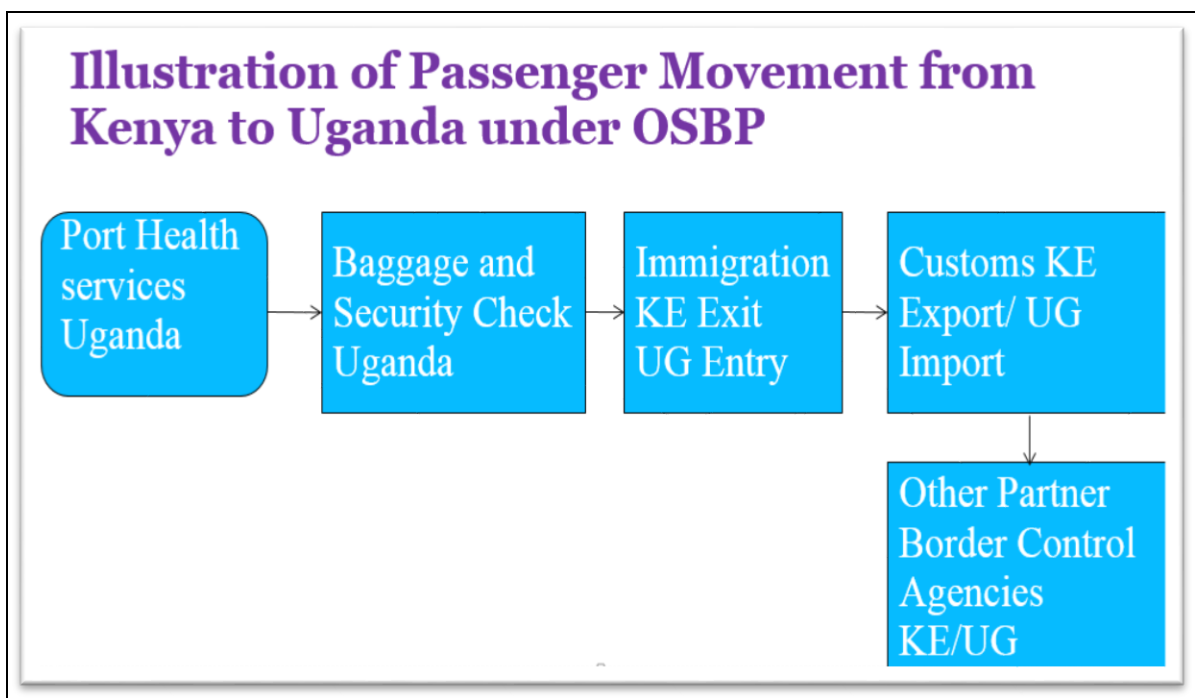
Key Stakeholders of the Mombasa Port Community Charter (MPCC) monitoring framework.

➤ **Presentation by Kenya Revenue Authority (KRA)**

105. The presentation by KRA focused on trade facilitation initiatives arising from the implementation of the Malaba OSBP. An integrated border system under the OSBP model aims to bring together all the border agencies for improved efficiencies through streamlined, coordinated and harmonised operations. The OSBP has facilitated one stop for cargo, means of transport and people.

106. Highlighted the benefits of the OSBP to include:

- All government agencies are under one roof enabling verification to be done once.
- Faster clearance of cargo. There is only one stop in the Country of Entry and verification/sighting is done jointly by Uganda/Kenya Revenue Authority Officers.
- Faster clearance of passengers (Passengers from Kenya only stop once and are cleared by both URA, KRA and Immigration from both Countries.



107. Other recent trade facilitation initiatives being implemented include:

- i- **Single Customs Territory (SCT)**; It's a destination model of clearance of goods, where assessment and collection of revenue is done at the first point of entry. Goods imported into the partner state are entered only once in the country of destination and released at the first port of entry to the destination Partner State.

Currently all goods destined to Uganda and Rwanda are cleared through SCT.

Benefits of SCT:

- Reduced turn-around time (18 → 4 days Mombasa-Kampala and 21 → 7 days Mombasa-Kigali)
 - Reduced risks associated with non-compliance on the transit of goods.
- ii- **Regional Electronic Cargo Tracking System (R-ECTS)**; currently being implemented by Kenya, Rwanda and Uganda. It eliminated the requirement for installation of an ECTS each time cargo crossed from one country to another which was costly to the transporters. Its full implementation will foster seamless transit of cargo across the borders in the Region.
 - iii- **COMESA Regional Customs Transit Guarantee (RCTG)**; currently being used in the clearance of goods in transit and those cleared for warehousing region under SCT framework. It eliminated the need for making fresh customs declarations and executing fresh bonds each time goods in transit crossed from one country to another. The COMESA RCTG is recognized and used by the EAC Partner States under the SCT.

Recommendation Implementation Matrix

	Recommendation	Responsibility Center	Remarks
1	The IT staff of Malaba Kenya and Uganda should come up with the write up requested by TMEA to facilitate funding of repair of the fibre optic cable which was damaged.	KRA&URA IT staff Malaba	<i>This is a follow up of the request by TMEA before funding.</i>
2	The Member States should come up with a mechanism to expeditiously finance maintenance of critical infrastructure used in the handling and clearance of goods, vehicles and people at the border.	OSBP Lead Agencies – Kenya/Uganda	
3	The Authorities in charge of roads in Uganda are requested to consider prioritizing the construction of the road section linking the new bridge to Malaba Uganda. When completed it will make it easier to securely lay the fibre optic cable as planned.	MoW-Uganda/UNRA	<i>The high border crossing time and congestion at Malaba to a great extent is attributed to network and road infrastructure bottlenecks.</i>
4	Persons crossing the border should be required to move with their Identity Cards or any other form of recognized identification to ease, the work of immigration and security agencies even if not going far from the border.	Immigration/Police at the border	<i>There is need to sensitize the public to obtain and move with their identification documents</i>
5	Economic Operators along the Northern Corridor who have National Identity Cards and seeking temporary travel documents should be issued with the EAC Inter-State Pass if appropriate for their travel. Furthermore, Partner States urged to use the Inter-State Passes to ease and facilitate clearance of persons across the borders.	Immigration Kenya/Uganda	
6	Citizens of the Northern Corridor Member States that ply along the Northern Corridor and are required to pay visa fees by Uganda are encouraged to apply online for multiple entry visas which are cost effective. Once an online application has been approved and payment made online, the person can be given his or her multiple entry visa at the border station. <i>A Uganda multiple entry visa valid for a year costs US \$100.</i>	UCIFA/KIFWA / UFFA	<i>The forwarding agents should sensitize their drivers.</i>
7	KeNHA/ Ministry of Works - Uganda should require the contractor fix the default facilities at the OSBP before the contractor is issued with certificate of completion.	KeNHA / MoW - Uganda	
8	The Customs Authorities should put in place a facility for pre-declaration/pre-clearance of passenger baggage and	KRA/URA	

	Recommendation	Responsibility Center	Remarks
	sensitize travelers especially those that use public means (Buses) to pre-declare their goods before arrival at the border.		
9	Consider construction of vet office and animal holding area near the entrance to the Malaba-Uganda yard.	MoW-Uganda	
10	Construct a shelter at the Malaba-Uganda OSBP where the officers receive and verify trucks upon arrival from Kenya to enable them continue with their work even when it is raining.	MoW-Uganda/URA	
11	Construct multiple lanes for receipt of trucks at the OSBP with at least an express lane for use by trucks that have been pre-cleared before arrival at the border station.	MoW-Uganda/UNRA	
12	The Member States are urged to officially launch the OSBP's that have been completed.	Govt. of Kenya/Uganda	
13	Engage Private Sector/County Government of Buisa to develop Road Side Stations (RSS) at Malaba Kenya to decongest the roads and offer safe parking for truckers.	County Govt. Busia - Kenya	<i>Information on proposed RSS available on NCTTCA website.</i>
14	Need to expedite implementation of a High Speed Weigh In Motion Weighbridge at least 8 km from the Malaba border station.	MoW-Uganda/UNRA	
15	Agencies at the border should display the fees they charge at their offices/notice boards and requirements/respective documents required to be cleared.	Border Agencies	
16	Agencies should consider putting in place a facility for payment of fees they collect using mobile money facility/pay bill numbers. This will ease payment of the fees by the public to the agencies on 24/7 especially when the banks are closed.	Border Agencies	
17	Agencies are urged to adopt the use of renewable energy sources for generating power such as solar and wind energy.	Border Agencies	
18	The key border stations need resident IT personnel to address network challenges faced at the border stations which impede flow and quick clearance of traffic. Furthermore there is need to have a terminal where the Clearing Agents can make their declaration at times of network downtimes.	KRA/URA/KENTRA DE	
19	Construct shelters for the verification bays to facilitate verification of goods even when it is raining. The verification platforms should be raised to the level of the height of the floor of the trucks to ease offloading and protect the	South Sudan Customs	

	Recommendation	Responsibility Center	Remarks
	individuals that offload and load trucks from damaging their backbones. This will also ease use of equipment such as forklifts when availed.	BLD Parking Yard Elegu	
20	Planned projects by Government and other stakeholders which involve construction of building should critically cater to contain the risk of floods at Elegu before undertaking construction.	MoW-Uganda	
21	To pre-empt catastrophe arising from floods at Elegu from happening, the Government of Uganda is urged to undertake an environmental study with an aim of taking measures to tame floods at Elegu. During the study the indigenous community and the stakeholders at Elegu and Nimule should be consulted.	MoW - Uganda	
22	The sections where feeder roads at Elegu join the Elegu-Nimule main road need to be upgraded to protect the road from being eaten away at these sections. Furthermore, culverts large enough be used to contain flow of large volumes of water at Elegu.	MoW-Uganda/UNRA	
23	The trucks awaiting clearance should park in the parking facilities available at the border station.	URA/Police Elegu	
24	Engage TMEA to complete the construction of the Elegu OSBP and the roads connecting the OSBP to the main road.	URA/MoW-Uganda/NCTTCA	
25	Automation of South Sudan Customs be expedited and roll out use of the R-ECTS on cargo to South Sudan. Automation will also enhance timely exchange of information to support early detection and prevention of smuggling through the gazetted routes.	South Sudan Customs/NCTTCA	
26	The border community at Elegu and Nimule should be sensitized to declare their goods to customs and advised to use gazetted routes when importing/exporting goods.	URA /South Sudan Customs/CBTA	<i>Customs and CBTA should promote use of the COMESA Simplified Trade Regime (STR)</i>
27	The clearing agents should caution the drivers of the trucks they are clearing against carrying people in their trucks who have not cleared through immigration.	UCIFA /UFFA / KIFWA	
28	Persons plying across the border into the adjoining states are advised to apply for multiple entry visas which are cost effective. Multiple entry visas for Uganda can be applied for online and cost US \$100 valid for a period of up to 1 year. The multiple entry visa for South Sudan issued at the border is only granted to residents of Nimule and it is valid for a	Travelers	<i>The forwarding agents should sensitize their clients</i>

	Recommendation	Responsibility Center	Remarks
	period of 3 months at a cost US \$125. South Sudan Multiple entry visas valid for six month are granted at the immigration head office in Juba.		
29	<p>Following the presentation of the guidelines on formation and operation of JBC's by NCTTCA Secretariat and the discussions that ensued it was agreed that:</p> <p>ix. The current committees should continue and be strengthened as per the guidelines. The Committees should include the private sector and have working groups to address issues which are particularly for exclusive concern of the agencies mandated.</p> <p>x. Joint Border Committees to be held monthly by each side of the border.</p> <p>xi. Cross Joint Border Committees to be constituted by members of the JBC's from the adjoining states.</p> <p>xii. Cross Joint Border Committees to be held on a quarterly basis.</p> <p>xiii. The hosting of the Cross JBC's to alternate and the country hosting to chair the meetings.</p> <p>xiv. The JBC meetings should not last more than 2 hours.</p> <p>xv. The Terms of Reference for the JBC's will be as per the guidelines approved by the Council of Ministers of the Northern Corridor Transit and Transport Coordination Authority (NCTTCA), <i>see annex attached</i>.</p> <p>xvi. The minutes of the Cross Joint Border Committees to be shared with higher authorities of the agencies being represented and also with the NCTTCA Secretariat.</p> <p>xvii. The NCTTCA Secretariat to further engage with the lead agencies and customs authorities to come up with key performance indicators for monitoring and measuring performance of the border stations and these indicators to be reported periodically. Furthermore, the stakeholders involved in the handling and clearance of cargo to share raw data with the NCTTCA Secretariat to generate the performance indicators and mechanism for exchanging data.</p> <p>xviii. The lead agency at each side of the border will act as the focal point for the NCTTCA in the interim.</p>	<p>Lead Agencies at the Borders</p> <ul style="list-style-type: none"> - Malaba Kenya - Malaba Uganda - Elegu - Nimule 	<p><i>The border Stations to form their JBC's and hold at least one Cross JBC Meeting by the end of the Year 2017.</i></p>

ATTENDANCE LISTS

Malaba – Kenya/Uganda Border Station

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INDICATIVE ROAD DISTANCES IN KILOMETERS BETWEEN THE NORTHERN CORRIDOR TRANSIT SECTIONS

	Bujumbura	Bukavu	Busia	Eldoret	Gasenyi	Goma	Gulu	Juba	Kampala	Kanyaru Haut	Katuna	Kaya	Kigali	Kisangani	Kisumu	Lasu	Mahagi	Malaba	Mariakani	Mbarara	Mombasa	Mpondwe	Nadapal	Nairobi	Nimule	Yambio	Yei
Bujumbura		165	990	1149	252	435	1134	1445	792	128	360	1373	279	864	1105	1496	1059	1028	1925	525	1961	700	1740	1480	1249	1761	1451
Bukavu	165		991	1150	349	184	1135	1446	793	157	361	1163	280	699	1170	1286	894	1029	1926	526	1962	701	1770	1481	1250	1551	1241
Busia	990	991		148	780	867	409	720	198	862	630	686	711	1495	119	809	585	33	905	465	941	640	768	460	524	1074	764
Eldoret	1149	1150	148		939	1026	503	963	357	1021	789	780	870	1654	158	903	519	121	776	624	812	799	620	331	618	1168	858
Gasenyi	252	349	780	939		225	924	1235	582	172	150	1163	69	1345	899	1286	1062	818	1715	315	1751	490	1559	1270	1039	1551	1241
Goma	435	184	867	1026	225		1011	1322	669	307	237	979	156	1114	986	1102	710	905	1802	402	1838	419	1617	1357	1126	1367	1057
Gulu	1134	1135	409	503	924	1011		311	342	1006	774	367	855	1162	528	490	266	382	1279	609	1315	784	606	834	115	755	445
Juba	1445	1446	720	963	1235	1322	311		653	1317	1085	234	1166	1399	839	201	577	693	1626	920	1662	1095	343	1145	196	466	156
Kampala	792	793	198	357	582	669	342	653		664	432	581	513	1297	317	704	480	236	1133	267	1169	442	948	688	457	969	659
Kanyaru Haut	128	157	862	1021	172	307	1006	1317	664		232	1245	151	1427	987	1368	1023	900	1797	397	1833	572	1612	1352	1121	1633	1323
Katuna	360	361	630	789	150	237	774	1085	432	232		1013	81	1195	749	1136	791	668	1565	165	1601	340	1380	1120	889	1401	1091
Kaya	1373	1163	686	780	1163	979	367	234	581	1245	1013		1094	1165	805	123	269	659	1556	848	1592	1023	577	1111	430	388	78
Kigali	279	280	711	870	69	156	855	1166	513	151	81	1094		1276	830	1217	872	749	1646	246	1682	421	1461	1201	970	1482	1172
Kisangani	864	699	1495	1654	1345	1114	1162	1399	1297	1427	1195	1165	1276		1608	1288	896	1533	2430	1030	2466	855	2245	1985	1277	1553	1243
Kisumu	1105	1170	119	158	899	986	528	839	317	987	749	805	830	1608		928	704	134	792	584	828	759	778	347	643	1193	883
Lasu	1496	1286	809	903	1286	1102	490	201	704	1368	1136	123	1217	1288	928		392	782	1679	971	1715	843	544	1234	397	355	45
Mahagi	1059	894	585	519	1062	710	266	577	480	1023	791	269	872	896	704	392		558	1455	747	1491	451	872	1010	381	657	347
Malaba	1028	1029	33	121	818	905	382	693	236	900	668	659	749	1533	134	782	558		897	503	933	678	741	452	497	1047	737
Mariakani	1925	1926	905	776	1715	1802	1279	1626	1133	1797	1565	1556	1646	2430	792	1679	1455	897		1400	36	1575	1396	445	1394	1944	1634
Mbarara	525	526	465	624	315	402	609	920	267	397	165	848	246	1030	584	971	747	503	1400		1436	175	1215	955	724	1236	926
Mombasa	1961	1962	941	812	1751	1838	1315	1662	1169	1833	1601	1592	1682	2466	828	1715	1491	933	36	1436		1611	1432	481	1430	1980	1670
Mpondwe	700	701	640	799	490	419	784	1095	442	572	340	1023	421	855	759	843	451	678	1575	175	1611		1390	1130	899	1108	798
Nadapal	1740	1770	768	620	1559	1617	606	343	948	1612	1380	577	1461	2245	778	544	872	741	1396	1215	1432	1390		951	491	809	499
Nairobi	1480	1481	460	331	1270	1357	834	1145	688	1352	1120	1111	1201	1985	347	1234	1010	452	445	955	481	1130	951		949	1499	1189
Nimule	1249	1250	524	618	1039	1126	115	196	457	1121	889	430	970	1277	643	397	381	497	1394	724	1430	899	491	949		662	352
Yambio	1761	1551	1074	1168	1551	1367	755	466	969	1633	1401	388	1482	1553	1193	355	657	1047	1944	1236	1980	1108	809	1499	662		310
Yei	1451	1241	764	858	1241	1057	445	156	659	1323	1091	78	1172	1243	883	45	347	737	1634	926	1670	798	499	1189	352	310	

Annex

**NORTHERN CORRIDOR TRANSIT AND TRANSPORT
COORDINATION AUTHORITY
(NCTTCA)**



**COMMON POLICY GUIDELINES FOR THE
INSTITUTIONALISATION AND FORMATION OF JOINT
BORDER COMMITTEES ALONG THE NORTHERN
CORRIDOR**

Northern Corridor Transit and Transport Coordination Authority
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E-Mail: tca@ttcanc.org
Website: www.ttcanc.org

GLOSSARY

1. CEO Chief Executive Officer
2. CFS Container Freight Station
3. COMESA Common Market of Eastern and Southern Africa
4. EAC East African Community
5. ICD Inland Container Depot
6. ICT Information Communication Technology
7. JBC Joint Border Committee
8. NCTTCA Northern Corridor Transit and Transport Coordination Authority
9. NTB Non-Tariff Barrier
10. OSBP One Stop Border Post
11. USAID-COMPETE United States Agency for International Development – Competitiveness and Trade Expansion Program

COMMON POLICY GUIDELINES FOR THE FORMATION OF JOINT BORDER COMMITTEES ALONG THE NORTHERN CORRIDOR

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COMMON POLICY GUIDELINES FOR THE FORMATION OF JOINT BORDER COMMITTEES ALONG THE NORTHERN CORRIDOR

I. Background:

1. The Northern Corridor Transit and Transport Coordination Authority (NCTTCA) was established to facilitate trade and transport in the region. One of the key objectives of the Northern Corridor Transit and Transport Agreement 2007 is to transform the Northern Corridor into a Development Corridor. This transformation is highly dependent on an efficient trade and transport facilitation system, which includes coordination between government agencies and private sector stakeholders at the border posts to reduce the high costs incurred in handling and transporting goods across borders due to operational challenges at borders.
2. In reference to the Northern Corridor Transit and Transport Agreement 2007, the Member States agreed to eliminate non-tariff barriers (NTB's). This view is also supported by Article 75(1)(c) of the Treaty Establishing the EAC and Article 49(1) of the Treaty Establishing COMESA. Some of the NTB's along the Northern Corridor are related to infrastructure, while others are related to border procedures whereby about 13% of delays in ferrying goods are related to border procedures, second after port procedures. A formal framework for coordination of the public and private sector stakeholders at borders has been lacking in the region. This situation hampers the prompt movement of goods as it is detrimental to the conciliation between the NTB elimination agenda and other legitimate objectives of the Government Agencies at the border posts such as:
 - i- Protection and prevention of threats to national security;
 - ii- Protection and prevention of loss of revenue through smuggling and improper filing of trade documents;
 - iii- Protection of the health and well-being of the community through preventing illegal entry of medicaments and foodstuffs that may not meet the required standards; and
 - iv. Protection of international trade in endangered species; flora and fauna which would be detrimental to the agricultural and conservation interests of a country.
3. Joint Border Committees enhance formal and regular multi-sector collaboration between the key Government Agencies and the Private Sector players involved in the handling and clearance of cargo for the purpose of addressing critical operational challenges at the border stations.

4. The NCTTCA Secretariat during its Stakeholders Surveys observed that at the border stations where the JBC's were backed by an institutionalized framework they were operating smoothly and operational challenges were easily addressed. In view of this, the Executive Committee during its 36th Meeting held in December 2012 tasked the Secretariat to advocate for the institutionalization of JBC's by all the member States in order to support their proper functioning and sustainability and further the Secretariat to assist the member States to set them up.
5. While establishment of Joint Border Committees has the potential to streamline relationships amongst the public and private sector agencies that operate at the border, this is not possible in the current circumstances where there are no clear formal structures and Terms of Reference to guide their activities and create linkages to higher levels of management for situations which require instituting changes in policies and regulations and for purposes of accountability
6. The NC-TTCA Secretariat has been collaborating with the Ministry of Trade of the Republic of Kenya and USAID-COMPETE in the institutionalization and formation of JBC's in Kenya. The proposed common policy guideline for the formation and institutionalization of JBC's along the Northern Corridor draws a number of lessons from the Kenya experience.

II. TERMS OF REFERENCE FOR THE INSTITUTIONALISATION, FORMATION AND FUNCTIONING OF JBC'S IN THE NORTHERN CORRIDOR

A. OBJECTIVE OF JOINT BORDER COMMITTEES

7. The objective of Joint Border Committees is to enhance collaboration among the public and private sector agencies at the border stations in the interest of the reduced cost of doing business by removing operational challenges to the movement of goods and persons at borders while achieving their legitimate mandate.

B. PURPOSE FOR THE INSTITUTIONALIZATION OF JBC'S

8. The purpose for the institutionalization of JBC's is to:
 - i- Provide a more official framework for the efficient management of the borders with a linkage between the operational and the policy levels.
 - ii- Empower border stakeholders with an official recognition and necessary means of work in a bid to solve all ground operational issues without referring themselves to the central Authorities unless on policy issues.
 - iii- Enhance the awareness of central authorities over the operational occurrences down at borders for them to act accordingly when formulating policies.

- iv- Offer an avenue for advisory by the border community on simplifying and harmonizing formalities, processes and procedures related to the flow of persons and trade into and out of the country through the border in line with relevant national, regional and international standards.
- v- Offer an organised framework for conducting training and capacity building needs assessment for the efficient and effective management of the border.
- vi- Empower JBCs with a mandate to develop targets and indicators for border management and trade facilitation performance (e.g. indicators based on Time, Cost, Simplification and Risk).

C. JBC MEMBERSHIP AND STRUCTURE

Membership

9. The membership of the JBC shall comprise representatives of the following organizations operating at national borders, or if they do not operate an office at the border, an authorized representative:
 - a) Customs Department
 - b) Immigration Department
 - c) Police
 - d) Standards Agencies (Quality, Safety and Health Inspectors such as Bureau of Standards, drugs, veterinary, human, animal and plant health)
 - e) National Security Intelligence Service
 - f) Transporters' Associations
 - g) Cross-Border Traders' Associations
 - h) Customs Clearing and Forwarding Associations
 - i) National Chamber of Commerce and Industry
 - j) Ministry of Trade – Commerce/Ministry of East African Community Affairs
 - k) Cargo Handlers (Transit Sheds, ICD's, CFS's, Bonded Warehouse and Transit Parking yard operators)
 - l) Local Authorities where the border is located.
 - m) Government agencies in charge of roads and or transport.

Roles and Responsibilities

10. Members of the JBC shall have the following roles and responsibilities:
 - a. Represent respective organizations in the JBC so as to enhance partnership and collaboration between the organizations;
 - b. Consult with other members and inform them of any developments in their respective organizations that may have an impact on matters that are germane to the work of the JBC or individual members;

- c. Make contribution to the work of the JBC through oral or written comments at JBC meetings or written communications through the Chairperson;
- d. Collaborate with other members by working in partnership, in face-to-face meetings and with relevant stakeholders to achieve the objectives for which the JBC was set up.

Private Sector Representation in JBC's

- 11. To qualify for participation in the JBC, a private sector organization must:
 - a- Be a member of a national or local organization with a primary interest in the cross-border movement of goods, services and/or people;
 - b- Not solely represent individual company interests.
 - c- Actively working at the border station where the JBC operates.

Participation of other Persons or Organizations in the JBC's

- 12. On his or her own volition or upon request/notification, the Chairperson may invite or allow attendance by representatives from relevant donor agencies or other national, regional or international organizations, agencies or experts to participate in JBC meetings or address specific issues relevant to achieving the objectives of the JBC. Such representatives do not have voting rights.

Designated Chairperson

- 13. The Head of the Lead Agency at the Border Post shall be the Chairperson of the JBC. The Lead Agency at borders of a member State shall be determined by the Government and communicated to the NCTTCA Secretariat. The duties and responsibilities of the Chairperson shall be to:
 - a- Preside at all meetings of the JBC;
 - b- Lead and manage the business of the JBC; and in doing so, seek to provide appropriate direction and focus to the JBC and its Working Groups and establish a governance culture that upholds the highest standards of integrity and probity;
 - c- Approve the Agenda for each JBC meeting taking into account the suggestions of other members for the inclusion of items on the agenda, and ensure that sufficient time is allowed for discussion of relevant issues;
 - d- Serve as a link between the JBC and the National Coordination Desk, notably by the transmission of reports, the accountability on use of JBC finance, communication between the Coordinating Ministry/Government Agency, among others; serve as a focal point for other JBCs and Partners.

- e- Ensure that decisions agreed by the JBC are effectively implemented and reporting made to the JBC coordinating Ministry or Government Agency;
- f- Monitor the performance of the JBC and coordinate the review of its performance annually.
- g- Keep accurate records of the JBC meetings and correspondences

Vice Chairperson

14. The Vice Chairperson will be elected from amongst the representatives of the Private Sector appointed to the JBC. The Vice Chairperson will take the lead in ensuring that decisions of the JBC balance the interests of the government and the private sector and will more specifically:
 - a- Assist the Chairperson in running the business of the JBC including chairing meetings of the JBC in the absence of the Chairperson;
 - b- Keep the Chairperson informed of developments in the private sector that have an impact on the matters to which the JBC has an interest;
 - c- Assist the Chairperson in ensuring that adequate time is provided for discussion of matters in the agenda, reaching consensus and bringing the discussion to a close;
 - d- Assist the Chairperson in identifying items to be included in the agenda for the JBC Meetings.

Secretary to the JBC

15. The lead agency shall provide secretarial services to the JBC. The secretary to the JBC shall be a staff of the lead agency.

Working Groups

16. The JBC may set up small Working Groups on an *ad hoc* basis to discuss in-depth technical issues and report back. These groups shall be disbanded once their purpose is achieved. To minimize chances of duplication of effort through unnecessary multiplication of meetings, the JBC shall first determine if any specific work cannot be incorporated into an existing Working Group before setting up any new Working Group.

Hierarchy of JBC's and reporting

17. The working groups report to the JBC through their designated chair; the JBC reports to the National Coordination Desk through its Chair, and the National Coordination Desk reports to the Coordinating Ministry/Government Agency.

National JBC Coordination Desk

18. The coordinating Ministry or Government Agency will appoint a Coordinator to run the JBC's Desk at National level. The Coordinator should be a professional having wide

experience in the area of trade facilitation. The functions of the JBC Coordination Desk will include:

- a- Compilation and dissemination of reports on JBC meetings to member Institutions at the national level;
 - b- Notify the responsibility centres with the mandate to address the issues raised in reports of the JBC meetings;
 - c- Following up on implementation of decisions made;
 - d- Support the Working Groups established for specific purposes;
 - e- Organise studies that may be recommended by the JBC's;
 - f- Provide information on facilitation to members;
 - g- Organise seminars and workshops; and
 - h- Generally promote activities of the JBC's.
 - i- Provide a link for collaboration and coordination of the JBC's with existing structures of the EAC Secretariat, EAC Business Council and regional bodies pursuing with similar objectives.
 - j- The JBC Coordinator shall keep an accurate record of reports from all meetings of the JBC's and correspondences.
19. If necessary, the functions of the National JBC Coordination Desk may be decentralised to the regional level by tasking the Coordinating Ministry or Agency to undertake the functions at regional level.

D. TERM OF OFFICE FOR THE COMMITTEE MEMBERS

Appointment to JBC

20. Appointment to the JBC shall be made by the Chief Executive Officer of the member institution for a term of two years and the appointment is specific to a border post. The term of office of a JBC member may be renewed or extended by the appointing authority.

Cessation of Membership

21. Membership in the Committee shall cease if a member;
- (a) Is transferred from the border post or
 - (b) Resigns, retires or otherwise ceases to be an employee of the appointing authority.

New Appointments to the JBC

22. New appointments to the JBC by the appointing authority following cessation of membership in accordance with *Paragraph 24* above shall be for the unexpired period

of service of the member whose membership has ceased, or if the appointing authority so desires, for a new two-year term.

Exceptions on Appointments

23. Notwithstanding the provisions of *Paragraph 24* above, the appointing authority may make an exception for a member who has been transferred from the border to continue representing the organization in the JBC for the purpose of ensuring a smooth transition, in case the member in question is required for contributions where he or she has special expertise or other reason provided that the appointing authority applies and the JBC approves the exception.

E. GOVERNANCE

Convening Meetings

24. Meetings of the JBC shall be convened by the Chairman, or in the absence of the Chairman, by the Vice Chairman shall convene the JBC meeting on behalf of the Chairman. The National JBC Coordinator shall be notified of the meeting. JBC scheduled meetings shall be held at least once a month.

Notice of Meetings

25. Members shall under usual circumstances be given seven (7) days notice for scheduled meetings, provided that this condition may be disregarded in case of emergency or other situation where an unscheduled meeting may be required.

Agenda

26. The notice of meeting must include an agenda stating the substance of the issues to be considered. The JBC may consider other issues not included on the agenda at the time of the meeting. The agenda may also include any resolutions passed outside of a committee meeting (e.g. through electronic discussions).

First Meeting

27. As soon as possible following appointment of members to the JBC at the border post, the JBC shall hold its first meeting during which the calendar for the JBC meetings during the year shall be considered and approved.

Quorum

28. The quorum for JBC meetings shall be a simple majority of the members specified in *Paragraph 12* above. However, this is subject to representation of both the private sector and public sector in the JBC meeting.

Venue for the JBC Meeting

29. To minimize the budgetary constraints, one of the institutions at the border shall host the meeting at its premises. The duration of the JBC meeting shall not exceed 2 hours.

Decisions

30. Decisions of the JBC shall be made by consensus. Where a decision is not reached by consensus, the matter will be escalated to the relevant concerned agency(s) for redress.

Confirmation of Minutes

31. The minutes of a JBC meeting shall be confirmed during the immediate next JBC meeting. The Chairperson and the Secretary shall endorse the minutes as confirmation that they reflect the true proceedings of the Meeting.

Terms of Reference for Working Groups

32. Working Groups created for a specific purpose shall be provided with Terms of Reference indicating details of the date of establishment; the duration; the mandate and reporting; membership and roles of members; purpose and scope of the Working Group; key deliverables; means of operation; and resources required.

F. JURISDICTION

33. The JBC shall offer support in the jurisdiction of all operational matters related to trade and transport facilitation at the border which include:
 - a- Matters pertaining to administration of the Customs Laws and Regulations, Laws and Regulations administered by the Government Agencies working at the border station and any other border-related community or national legislation;
 - b- Implementation of treaties, conventions and international agreements relating to regional and international trade and transport;
 - c- Simplification and harmonization of formalities, processes and procedures related to the flow of persons and goods into and out of the country through the border;
 - d- Monitoring, reporting on and removal of non-tariff barriers to regional trade;
 - e- In collaboration with relevant national, regional and international organizations, provision of relevant training and capacity building activities to members;

- f- Spearheading relevant reforms for the efficient and effective management of the border including review of business processes and optimal application of information and communication and other technologies; and
 - g- Contributing to review and use of existing border infrastructure and considering proposals for infrastructure development.
34. The JBC and its members shall address and aim at resolving all border operational issues within its jurisdiction. Any remaining issues shall be referred to the National JBC Coordinator. On receiving a referral, the National JBC Coordinator will promptly contact the head of the relevant agency or organization and provide details of the issue with a view to resolving the matter.
35. Even though the work of the JBC has an operational focus, the JBC shall make policy recommendations through the coordinating Ministry/Government Agency.

G. DELIVERABLES

36. The JBC shall resolve operational challenges at the Border as they arise.
37. The JBC shall make recommendations to other structures on matters that are not resolved at the operational level as provided in *Paragraph 35*
38. A member of the JBC shall provide a written response to any issue addressed to his or her organization as soon as possible, but at any case not more than fifteen (15) days after receiving the request. If more time is required the member should acknowledge receipt of the letter and give the approximate date in which to send the response.
39. The JBC shall make quarterly reports of the performance of the border against agreed Key Performance Indicators to the National JBC Coordinator.
40. The National JBC Coordinator shall make quarterly reports of the activities of the JBC's to the coordinating Ministry or Government Agency.

H. RESOURCES AND BUDGET

41. The coordinating Ministry/Government Agency will support the activities of the National JBC Coordination Desk in kind or financially through its regular budget or a specific budget line. In-kind contributions include but are not limited to provision of office space, office equipment, transport, and any other logistical means that contribute to the proper functioning of the National JBC Coordination Desk.
42. To minimize the budgetary constraints, the JBC meetings will be hosted at the premises of one of the agencies operating at the border station and the duration of the meeting will not exceed two hours. Otherwise, the JBC Chairman will draft a budget including costs for running meetings, training and capacity building activities and any other relevant issues for consideration and approval of the JBC based on an agreed Work Program. After approval by the JBC, the Chairman shall forward the budget to the

Coordinating Ministry/Government Agency through the National JBC Coordination Desk for consideration.

43. Development partners and the private sector may provide resources, technical assistance and capacity building support towards the activities of the JBC through the coordinating Ministry/Government Agency.
44. Expenses directly incurred by members for the purpose of the JBC shall be defrayed out of the JBC budget. Such expenses include costs of transport, subsistence and accommodation for JBC meetings where applicable.
45. The accounting regulations of the Agency which provides the funds to support the activities of the JBC shall govern the accountability for the JBC funds. Funds advanced to the JBC shall be accounted for by the chairman JBC. Funds advanced to the National JBC Coordination Desk shall be accounted for by the National JBC Coordinator. Both of them are responsible before the Coordination Ministry/Agency

I. COMMUNICATIONS

46. JBC communications will emphasize a whole-of-government and inclusive approach for effective and efficient management of the border environment.
47. The JBC will develop a Communications Strategy and Implementation Plan within six months of appointment of its members, for consideration and approval by the Coordinating Ministry/Government Agency.
48. Lines of communication will be established and jointly maintained by the agencies represented in the JBC for communications related to the business of the JBC. It will also secure e-mail address where stakeholders can report issues for information or resolution.
49. The JBC shall maintain a web site with information about joint border operations, the requirements of various border agencies, the fees and charges for services provided by relevant government agencies and border wait times. On a quarterly basis the JBC's will send to the NCTTCA Secretariat the pertinent updated information for uploading on the Secretariats website.
50. Twice a year (preferably in the month of September and March), the JBC shall meet to consider and approve the Annual Work Plan, budget and progress in implementation of the Plan respectively among other matters of importance to the business of the JBC. On his or her own volition or upon request, the JBC Chairman may invite representatives from other JBC's, relevant technical or financial Partners or other national, regional or international organizations, agencies or experts to participate in these meetings or address specific issues relevant to achieving the objectives of the JBC.

J. RELATIONSHIPS WITH OTHER GROUPS

51. The JBC reports to the Coordinating Ministry/ Agency through the National National JBC Coordinating Desk.
52. To enhance mutual learning, experience sharing and resolution of issues, the JBC will establish horizontal relationships with other JBC's in neighbouring countries.
53. The JBC's shall Cooperate and collaborate with the National Trade Facilitation Committee, pertinent Corridor Management institutions, existing structures of the EAC Secretariat and the EAC Business Council and any other regional partners through the National Coordination Desk.
54. The JBC shall keep itself abreast of developments and where possible participate in meetings with government or technical and financial partners regarding trade and transport facilitation in general, and more specifically on OSBP's, and electronic Single Window Systems.

K. GOVERNING LAWS AND DISPUTE RESOLUTION MECHANISM

55. The JBC shall be governed by the National Laws of the country where the border is located.
56. Where a dispute arises between or among the members of the JBC, the first recourse shall be to resolve the issues locally through consultations under the overall direction of the Chairman with the assistance of the National JBC Coordinator to find an amicable resolution to the dispute. In the event that an amicable solution is not achieved, the Chairman shall refer the matter to the Chief Executive Officer of the respective organization under whose jurisdiction the contested issue falls to resolve the issue. In case the issue remains unresolved it will be referred to the coordinating Ministry/ agency under whose jurisdiction is the unresolved issue. The National Trade Facilitation Committee will periodically be notified of issues that are unresolved by the Chairman JBC with an update of measures taken to resolve the issue.

L. AMENDMENTS

57. The present Terms of Reference for the JBC may be altered by consensus to better meet the purpose and objectives of the JBC should the need arise.

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