

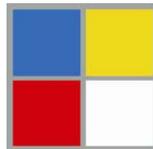


Inter-Agency Forum
on Coordinated Border Management



Background Paper

*...to facilitate the discussion on
coordinated border management*



**World Customs Organization
Inter-Agency Forum
on Coordinated Border Management**

**29 to 30 June 2009
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World Customs Organization

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Section 1: Introduction

1. The term Coordinated Border Management (CBM) refers to a coordinated approach by border control agencies, both domestic and international, in the context of seeking greater efficiencies over managing trade and travel flows, while maintaining a balance with compliance requirements. While many organizations and documents refer to this as “Integrated Border Management”, the World Customs Organization (WCO) prefers “Coordinated Border Management” as it gives prominence to the principle of coordination of policies, programs and delivery outcomes whilst avoiding any perception of favouring a single solution. This paper does not propose the adoption of any model for a coordinated border management system as it is the responsibility of the government concerned to determine what system is most appropriate for its nation. The model itself is not the integral issue but rather the greater understanding of the risk environment involved and the recognition of the unique contributions each agency brings to managing the border and developing an approach that delivers higher levels of synergies between them.
2. CBM can bring about many advantages and benefits at both the government and individual border agency level. At the government level, designing and implementing a CBM system can result in a more effective delivery of service at the border as contradictions and redundancies between different agencies policies, missions and mandates will be reduced. It will strengthen government’s ability to address strategic issues across the border agency sector as a holistic approach to border management will be taken. Such a holistic approach will benefit all border agency roles and responsibilities. From a resource perspective, CBM can bring about savings through economies of scale occurring from common use of ICT systems and their development, cross-training and pooling of resources. The wider sharing of information and intelligence will benefit all border agencies and enable them to conduct more efficient risk management. Better and more efficient risk management in turn will enable individual agencies to more efficiently deliver their facilitation and intervention programmes.
3. An efficiently managed border will benefit the government’s clients – traders and travellers. Government’s efficiency at the border will result in fewer interventions concerning goods and people as these interventions will be targeted against high risk shipments and passengers while taking into consideration all border sector agencies’ risk mitigation criteria. Fewer interventions equal less time spent at the border which equates into cheaper transport costs and less waiting time. Fewer but targeted examinations will also reduce the need for infrastructure improvements such as large examination areas, parking lots, and examination bays.
4. The introduction of any CBM approach not only requires strong political will in its favour, but the full involvement of the private sector. It is the private sector who will use the CBM system and ultimately be the judge of its success. It will also be the supplier of many of the services (i.e. construction of infrastructure) needed for implementation of CBM.
5. The aim of this paper is to facilitate the discussions in the Forum. As the concept of CBM may not be that familiar to government agencies and different stakeholder groups, the document is intended to outline, on a very general level, some basic aspects of CBM. Thus, the content of the paper does not concentrate on detailed techni-

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cal information on how to apply the concept nationally. However, Annex 1 of the paper list references on CBM and provides those interested with useful information sources.

Section 2: Modern challenges to border management

6. The border is the place where countries exercise their right to control the movement of goods, people and craft entering or exiting their territorial jurisdiction. It is also the place where compliance with national legislation in such areas as security and safety, commercial policy, food safety, agriculture quarantine, customs procedures, environment and migration processing takes place. Traditionally there have been various services and agencies involved in implementing border controls and a myriad of inspections take place at the border. However, the changes in the operating environment following the growth in international trade and travel have set new kind of challenges for governments to organize the management of state borders.
7. It can be argued that there are at least three different major changes that have affected the way borders need to be managed in the 21st century. Firstly, the concept of border has undergone a qualitative change. The physical border is still there, but the concept of virtual border has emerged and become ever more important. Risks to the border can, and increasingly do, lie anywhere, not just within territorial limits or within a traditional jurisdiction of a single country. The protection of the border suggests that these risks should be met where they may be found, and preferably way before goods or passengers even enter the borders of a country. This requires that border control functions are seen taking place within a zone that justifies particular functions and powers inside a country and as a process that sees those functions and powers extend both well forward over the horizon and well backward into the country.¹ Secondly, the growth in travel and trade flows together with the change in production patterns and trading methods have meant a change in the way border agencies approach their tasks. With the current trade and travel flows transaction based controls are not as efficient as they once were and in many cases not even possible anymore (for example when it comes to goods), and there has been an increasing need for border agencies to adopt a risk management based approach which would concentrate on high-risk goods and passengers. However, since many government agencies have border related responsibilities or functions, there is an increasing risk that border management organizations perform their functions in an uncoordinated manner². The lack of communication and coordination between border agencies might prevent different agencies from being able to link the vital information necessary to make informed decisions about potential threats that in turn leads to inefficient delivery of government services. Any coordinated risk management system must recognize that different border agencies address the risks in different ways and that coordination is the key. Although risk is generally referred to in terms of intentional risk, there also exists what may be considered “innocent or unintentional” risk (for example a traveller who has inadvertently exposed himself to a biosecurity concern and then entered a country ignorant of that fact). Such risks must also be managed. Thirdly, there has been increasing concerns worldwide about utilization and consumption of resources which have had an effect on border agencies and the manner in which their functions are executed. In this era of

¹ New Zealand Government, *Border Sector Strategy 2008 – 2013 – A framework for Collaboration for Border Sector Agencies*, Border Sector Governance Group, 2008, p. 10.

² Accenture, *Transforming global border management. Facilitating trade, travel and security to achieve high performance*, 2006, p. 11.

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static or declining resources and increasing border security concerns governments are being increasingly required to review existing models for managing the border. Increased facilitation and security concerns in relation to goods and passenger flows at the same time with resource constraints demand a more efficient and improved method of managing international borders. It has become clear that Border Control Authorities at the frontier can no longer afford the luxury of working independently from each other. There is an ever increasing expectation from trade and citizens to deal with Government as a single entity rather than dealing with a plethora of individual departments/institutions.

8. The changing nature in the border environment requires a structured method for rationalizing the means by which regulations are given effect and for synchronizing strategies between border agencies. Indeed, if interventions and inspections are not properly managed, the result is slow clearance times, delays to travellers, inflated investment in services and infrastructure, and increased costs to the trade and ultimately to the end consumer.

Section 3: Coordinated Border Management (CBM) – what is it?

3.1 Concept

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

Box 1 – Definition

The Global Facilitation Partnership (GFP) for Transportation and Trade has defined the concept to be *“the organization and supervision of border agency activities to meet the common challenge of facilitating the movement of legitimate people and goods while maintaining secure borders and meeting national legal requirements.”*

The EC Guidelines for Integrated Border Management in the Western Balkans use the definition of *“National and international coordination and cooperation among the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and integrated border management systems, in order to reach the objective of open, but well controlled and secure borders.”*

10. Coordinated border management approach can in general be argued to consist of two different dimensions. The first is a domestic border management system which involves domestic coordination within and between agencies of one country or customs union, whereas the second is the international border management system involving collaboration between neighboring countries and trading partners. Both at the domestic

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and international levels the cooperation happens on local, regional and central level. The underpinning foundation of CBM is communication.

Figure 1 - Coordinated border management



3.2 Domestic cooperation

3.2.1 Intra-service cooperation

11. The key aspects of the domestic border management system are coordination and co-operation at intra-service and inter-service levels.
12. Intra-service cooperation refers to cooperation between units within a government and includes two different aspects. The vertical aspect of intra-service cooperation refers to the coordination and cooperation between the different administrative levels from the state body to the units working at the borders, whereas the horizontal aspect relates to the cooperation between various units at the different levels of the agency³.

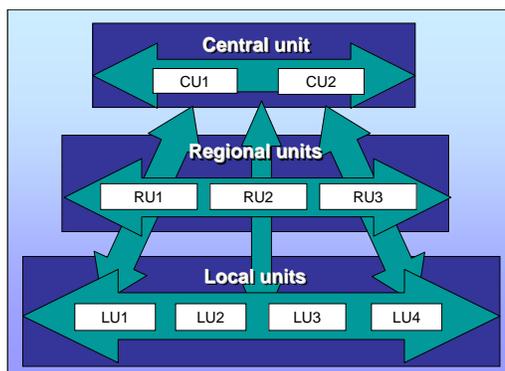
Box 2 – Intra-service cooperation

Efficient internal cooperation and management of processes, information and resources within a ministry or agency responsible for specific tasks at local, regional and central levels, as well as between different units of the same levels.

³ Commission of the European Communities, *Guidelines for integrated border management in the Western Balkans*, 2007, p. 19.

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Figure 2 - Intra-service cooperation (Source: EC (2007), Guidelines for Integrated Border Management in the Western Balkans, p. 20)



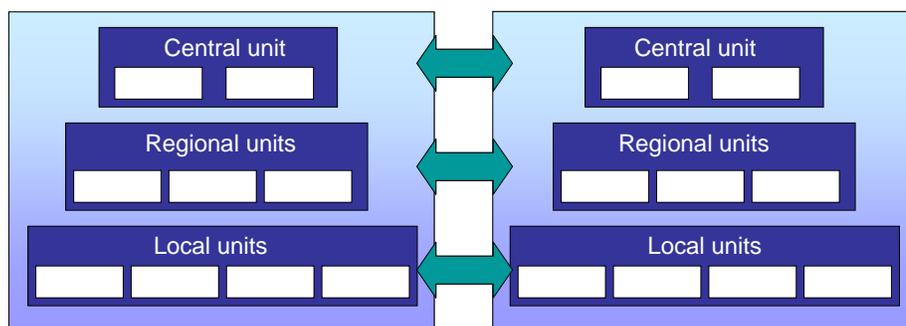
3.2.2 Inter-agency cooperation

13. Inter-agency cooperation also takes place at the local, regional and central levels. It is based on the horizontal cooperation and coordination between different border agencies.

Box 3 – Inter-agency cooperation

Cooperation at local, regional and central levels between ministries or state bodies with different tasks related to border management.

Figure 3 - Inter-agency cooperation (Source: EC (2007), Guidelines for Integrated Border Management in the Western Balkans, p. 20)



14. At the national level inter-agency cooperation and coordination can include many different components. Arrangements such as the Single Window⁴ or integrated procedures and risk management systems (including the use of joint ICT systems) would represent more sophisticated way of cooperation between the different border agencies. Examples of less integrated forms of cooperation, such as coordination of inspec-

⁴ WCO defines the Single Window as The WCO defines a whole-of-government cross-border single window as: "A cross border, 'intelligent', facility that allows parties involved in trade and transport to lodge standardized information, mainly electronic, with a single entry point to fulfill all import, export and transit related regulatory requirements". See also UNECE Recommendation 33.

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tions and control procedures, would also have beneficial impact and constitute first steps towards more advanced cooperation.

15. The implementation of inter-agency arrangements can be done achieved in many different ways. The cooperation between border agencies often occurs on a voluntary and ad hoc basis as suddenly occurring challenges are tackled by ad hoc joint actions such as the planning of traffic flows in peak times or employing more resources in areas appearing to be bottlenecks etc. Different border authorities often use MOUs as the basis of their cooperation between themselves. However, more advanced arrangements between agencies usually require sufficient legal basis to act and may require legal amendments to various national laws.
16. The prerequisite for efficient inter-agency cooperation is political will – without this, there may not be sufficient direction to carry out those review tasks within agencies that must be undertaken. As a starting point, all border agencies should review their mission requirements and their policies, procedures, processes and information needs. Agencies should compare their specific requirements with those of other's to ensure missions are compatible and not in competition, areas for future collaboration should be identified and most importantly areas of overlap or redundancy or those that contain little value-added in terms of border procedures should be eliminated.

3.3 International cooperation

17. Cross-border agency cooperation is the other key pillar of CBM. It relies on a robust legal framework between two or more countries. Cooperation can be launched through a policy declaration, a MOU, or a bilateral/multilateral agreement. The actual cooperation and coordination between the different border agencies happen on three different levels:
 - local co-operation between officials on both sides of the border,
 - bilateral co-operation between neighboring states, and
 - multinational co-operation.
18. The optimal form of cross-border cooperation at the *local level* relates to the concept of “One Stop Border Post”. This concept refers to a border post operated by two neighboring countries. The mentioned arrangement requires close cooperation in the daily management of the border posts, the harmonization of requested documentation, the development of an enabling legal framework covering mutual recognition of controls and the exchange of data, joint maintenance of the infrastructure, joint use of expensive non-intrusive inspection equipment, and the operation by border agency officials on an extra-territorial basis when needed.⁵ Less integrated forms of cooperation such as alignment of day-to-day operations, agreements on opening hours, informal information exchange and recognizing of controls would also have beneficial impact and would operate as the first steps towards more integrated cooperation.

⁵ UNCTAD, *Border Agency Coordination/Cooperation, UNCTAD Trust Fund for Trade Facilitation Negotiations, Technical Note No. 14, 2008, p. 3.*

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Box 4 – One-stop border post – Nordic experience⁶

Border cooperation between Norway, Sweden and Finland is based on the simple idea of division of labour: the national border authorities of each country are allowed to provide services and exercise legal powers not only on behalf of their home state, but that of their neighbouring states as well. It is based on the principle that checks and formalities should be carried out at a *single spot*, and thus, that the customs authorities of one of the Contracting Parties may control the implementation of customs provisions, import and export provisions and any other provisions concerning trade *on behalf of* the customs authorities of the other Contracting Party involved. The infrastructure and allocation of customs offices at certain places along the long Norwegian-Swedish and Norwegian-Finnish borders reflect the fact that, by virtue of the existence of these agreements, it is unnecessary to establish customs offices on both sides of the border, and to deploy customs officers both places.

The Scandinavian experience has shown that border cooperation between neighbouring countries saves time, money and human resources, both for the border authorities and for the economic operators. A calculation was made in 1995 of what the consequences would have resource-wise been for Norway, if it would have had to replace the existing cooperative arrangements with Finland and Sweden maintaining the same level of service after Finland and Sweden acceded to the EU:

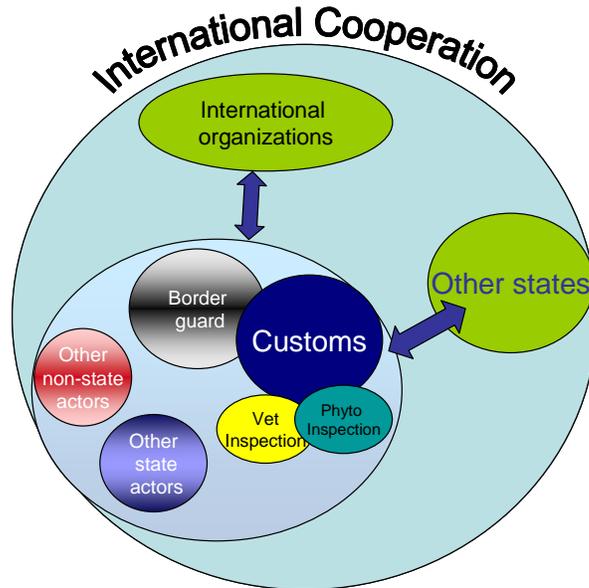
- 10 new customs offices would have had to be opened on the Norwegian side of the border.
- 100 new customs officers would have had to be employed.
- NOK 100 million (16 million USD, approximately) in additional costs for the customs authorities for new buildings, salaries etc (50% of these cost would be a one time investment and 50% would be an annual cost).
- NOK 250 million (39 million USD, approximately) additional costs for the economic operators, mainly due to longer waiting time and double stops at the border (annual costs).

19. Bilateral cross-border co-operation includes meetings between neighboring countries at the regional and central levels to discuss matters such as coordination of border patrols on both sides of the border, setting up of joint patrols, creation of contact offices to aid communication and exchange of information and the possible creation of back –to–back controls.
20. Multinational cooperation on border management issues deals with such issues information exchange between countries and organization of regular training services. The organization of events such as common seminars between the different trans-border authorities also enhances confidence building and facilitates the creation of an informal contact network between countries. Multilateral cooperation would also include the cooperation with relevant international organizations in creating, adopting and implementing different international standards and best practices harmonizing and adding effectiveness in coordinated border management.

⁶ For more information see WTO, *Border Agency Cooperation. Negotiation Group on Trade Facilitation TN/TF/W/48*, 2005, p. 1–3.

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Figure 4 - International cooperation (Source: EC Guidelines for Integrated Border Management in the Western Balkans, p. 20)



Box 5 – International cooperation

Includes three different aspects:

- 1) cooperation at the local level between officials on both sides of the borders,
- 2) cooperation between neighboring states (cooperative management of common border crossings, organization of joint patrols etc.), and
- 3) cooperation at the multinational level aimed at enabling a more efficient approach to common fields of work.

3.4 Governance structures and organizational models for cooperation

21. There are many different options for the governance framework for domestic border agency cooperation. There is no “one size fits all” model for CBM and there are many different models developed across the world. The choice of operational and institutional arrangements may depend on such things as political direction and the outcomes expected driving the coordination programme. Countries will engage in a coordinated approach for many different reasons. Some might aim at better security, whereas others aim might be in better facilitation or service. Whatever model is implemented, it should achieve the joint goal of ensuring security and trade facilitation.
22. There is a wide variety of different structures and examples of coordinated approach. In some countries CBM approach has lead to structural changes through the creation of a border agency or regrouping all agencies present at the border. On the other hand, other countries have maintained separate border agencies intensifying the cooperation and coordination between agencies. The basis for coordination and cooperation be-

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tween the existing border agencies is intensified through different legal arrangements, Memorandums of Understandings (MoU) or other consultation mechanisms.

Box 6 – Different models of border agency cooperation

Although a single Customs area, the 27 member States (MS) of the European Union all have independent and unique national administrative models. In terms of coordinated border management, this means that some MS have chosen to “coordinate” horizontally by establishing national border agencies; some have separate authorities that coordinate their activities on the basis of formal agreements; still others rely on completely informal coordination arrangements. However, in order to truly act as a single administration, these national developments are monitored and guided at EU level to ensure harmonized approaches and interfaces.

The establishment of the Canadian Border Service Agency (CBSA) brought together all the major players involved in managing the movement of goods and people into Canada. The CBSA combined several key functions previously spread among three organizations: the Customs programme from the Canada Customs and Revenue Agency; the Intelligence, Interdiction and Enforcement programme from Citizenship and Immigration Canada; and the Import Inspection at Ports of Entry programme from the Canadian Food Inspection Agency. At the same time, the CBSA became part of the Public Safety Canada portfolio that was created in 2003 to ensure coordination across all federal departments and agencies responsible for national security, emergency management, law enforcement, corrections, crime prevention and border services.

Almost two years ago, rather than creating a single border agency, New Zealand adopted a model of border sector cooperation and collaboration to better address the challenges of modern border management. A border sector collaboration strategy that describes the cooperation and a work programme that reflects the border sector’s priority areas of work has been developed. There are three main agencies which have “border control authority” powers – New Zealand Customs Service, the Ministry of Agriculture and Forestry and the Immigration Service in the Department of Labour. In addition to these main border control authorities, there are three other agencies in New Zealand’s border sector, none of which are border control authorities, but all of which have particular interests in the operation of border processes. These are the Ministry of Transport, the Department of Internal Affairs and the New Zealand Food Safety Authority. Fifteen other agencies have also an interest in using the border management system to mitigate domestic risk (e.g. drugs), to support domestic policy (e.g. data matching for benefit fraud) and to provide services such as the provision of information to Statistics NZ.

23. Every different model has its pros and cons, and it would be very hard to define a best practice. On the other hand, there is no need for this. The governance framework or operational model will not be the crucial factor in exploiting the benefits of CBM. The more decisive question relates to the political will and leadership in adopting coordinated and cooperative arrangements as part of the government’s strategy in managing state borders.

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Section 4: What are the benefits of CBM for governments and individual border agencies?

24. CBM can bring about many advantages and benefits both at the government and individual border agency level. At government level designing and implementing a CBM system will result in eliminating contradictions and redundancies between different policies and as a result delivery of policies will be more effective. It will also enable governments to more efficiently address strategic issues across the border agency sector, which may not be captured by individual agencies, bringing a system perspective to border management – also included in this system perspective is the involvement of the private sector in achieving solutions such as infrastructure changes etc. In the field of law enforcement, a holistic approach to combating organized crime and other similar threats would also be facilitated. From resource perspective, CBM can bring about savings through economies of scale occurring from common ICT systems development, training and pooling of resources.
25. CBM also involves an understanding of individual agencies' concerns and approaches to the management of risk through greater intelligence by all concerned. The sharing of information and intelligence as early as possible in the trade or travel transaction would benefit all border agencies and enable them to conduct better and more efficient risk management. A better and more efficient risk-management in turn would enable individual agencies to more efficiently resolve their tasks. From resource perspective, the resources that would be saved through collaboration could be allocated to agency core areas and be used more efficiently to target emerging risk areas and thus help absorb the impact of growth in trade and travellers.
26. The foreseeable challenges in relation to CBM include legislation and different levels of agency capacity. Different agencies might have different organizational cultures which may affect the coordination and cooperation at different levels. Multiple lines of accountability and multiple performance measurement systems might result in greater complexity. Transitional costs (in terms of finances, human resources, etc.) of introducing joint approaches might also be quite high at the beginning, and the availability of funds would be a question which would need to be addressed. However, the benefits of a CBM approach would in the long run outweigh the costs. The experiences from engaging in more coordinated arrangements have shown positive results in leading to more efficient border management with fewer costs.

Section 5: Who should be involved?

27. The national states have full sovereignty to determine the framework of rules, regulations and policies within their territory. Thus, border control systems usually reflect different national needs and concerns. In order to fully exploit the potential benefits from the CBM, all government agencies whose policies include border management functions and interventions need to be considered equally and involved in the development of cooperative solutions/policies/ services delivered at the border.
28. Customs, police, immigration, and veterinary and phytosanitary inspection services are usually the main agencies operating at the border. However, in addition to the main border agencies there are also many other governmental bodies who play a role or

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have a stake in the border process. The list of government stakeholders incorporates state bodies in the fields of:

Agriculture	Health
BioSecurity	Interior
Economy	Investment and infrastructure
Energy	Justice
Environment	Port authorities
Finance/Treasury	Statistics
Foreign Affairs	Transport

29. In addition to government stakeholders, the various private sector partners have an important role and need to be included in any cooperation efforts in realizing the benefits of CBM. Airport, port and operators of designated Customs controlled areas together with security services have a key role to play in ensuring security, safety and the smooth flow of goods and persons at points of entry to their country. Freight forwarders, carriers, and other relevant actors, such as industry and business associations, should also be included as part of the cooperation. From the perspective of broader border management, stakeholders such as civil society in general and NGOs should also be included as part of the cooperation as they are key contributors to and users of border agency services and have a significant influence on the efficiency and effectiveness of any border management system.

Box 7 – Additional partners involved with CBM

In August 2004, the Organization of American States held a symposium on border management. Here are some of the conclusions reached by delegates to the symposium:

- It is necessary to involve the private sector in the development and implementation of border management and cooperation; it is vital to the security and prosperity of the country. The government and the private sector are key partners and both need each other, from assessing security risks and developing appropriate technology to providing advance information on goods and passengers and securely facilitating their movement;
- Border management and security cannot be carried out in isolation of the population. Therefore it is essential to have the communities buy in to cooperation, and to establish lines of communication and consultation with them.

Section 6: Conclusion

30. The emerging challenges of modern border management necessitate a new approach to border activities. This Inter-Agency Forum on Coordinated Border Management convened by the Secretary General of the WCO gives Customs administrations and other interested parties a chance to listen to the panellists discuss the issues, engage in an open discussion and explore the way international borders should be managed. More importantly it encourages the inter-agency dialogue between various border agencies and other stakeholders with regard to different aspects of coordinated border management.

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31. As articulated in the WCO's Customs in the 21st Century strategic policy, the Organization is committed to and will continue its work in the field of CBM in close cooperation with other international organizations and its stakeholders in facilitating the efforts of national governments and authorities seeking a more coordinated approach to border management. The benefits from CBM are obvious, but challenges remain both at the national and international level. It should be seen as a long-term process where development and progress builds on the previous steps. Many of the first steps towards a more coordinated border management system would not necessarily be difficult or costly to implement, and they might include substantial payoffs. The development of CBM should include as broad a base as possible to solicit the views and support of border agencies, policy departments, the public and the private sector.
32. In all instances the success of CBM comes down to political will and leadership. It needs to be included as part of wider government strategy and approach for the border sector. Anecdotal experience to date has also shown that there is a need to designate a strong lead for the projects at the national level. With sufficient political will and leadership, and the solid commitment of all the affected border agencies, the coordinated approach has a solid basis for success.

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Annex 1 – useful reference material on CBM

WCO instruments relevant to coordinated border management (CBM)

- The General Annex of the WCO Revised Kyoto Convention on the simplification and harmonization of Customs procedures addresses essential elements required to implement a CBM system.
- The WCO International Convention on the Harmonized Commodity Description and Coding System provides international standardization in the field of tariff classification.
- The WCO Integrated Supply Chain Management Guidelines contain standards relating to the advance provision of information on goods.
- The Advance Passenger Information (API) Guidelines provide standards for the advance submission of information on travellers.
- The WCO SAFE Framework of Standards to Secure and Facilitate Global Trade is based on two pillars, namely, Customs-to-Customs networking arrangements and a Customs-to-Business partnership. There is now a third “Customs-to-Government” pillar in development that foresees CBM among all national entities with border control responsibilities.
- The WCO International Convention on Mutual Administrative Assistance for the Prevention, Investigation, and Repression of Customs Offences (Nairobi Convention), and the International Convention on Mutual Administrative Assistance in Customs Matters (Johannesburg Convention) provide the legal basis for international cooperation between Customs administrations. The WCO has also developed a Model Bilateral Agreement on Mutual Administrative Assistance in Customs Matters, which serves a similar purpose.
- The WCO has also been active in the global development of the electronic trade Single Window concept. Version 3.0 of the WCO Data Model, due for final release later in 2009, caters for the lodgment of data to meet the regulatory requirements of multiple agencies with border responsibilities. The design of the Data Model will permit the submission of this data one time only to facilitate risk assessment and release.
- The WCO Time Release Study (TRS) is a tool for measuring the average time taken between the arrival of goods and their ultimate release. Time taken for the processes and processing at each intervening step is also measured. The objective is to identify bottlenecks in release procedures and to provide solutions to issues that cause delays in the overall clearance times at the border.

Other sources of information

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