IOM
UN MIGRATION

STANDARD OPERATING PROCEDURES

ON CROSS-BORDER COOPERATION IN THE EAST AND HORN OF AFRICA REGION

Cover Page: Trucks line up awaiting clearance in at the Kenya-Uganda One-Stop Border borde point in Busia. Photo: Kennedy Njagi, IOM 2020

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LIST OF ACRONYMS

API – Advanced Passenger Information

BCP – Border Crossing Points

BMC – Border Management Committee

BMIS – Border Management Information Systems

BMM – Better Migration Management

BMZ – German Federal Ministry for Economic Cooperation and Development

DoMV – Determinants of Migrant Vulnerability

EHoA – East and Horn of Africa Region

GCM – Global Compact for Safe, Orderly and Regular Migration

GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit

HBM – Humanitarian Border Management

HBMM – Health, Border and Mobility Management

IAWG – Inter Agency Working Group

IOM – International Organization for Migration

MoU – Memorandum of Understanding

MPFA – Migration Policy Framework for Africa

NCM – National Coordination Mechanism on Migration

NIS – National Intelligence Service

NGO – Non-Governmental Organization

OSBP – One Stop Border Post

ORCON – Originator Controls the Release of the Information

PCR – Polymerase Chain Reaction

PNR – Passenger Name Records

PoE – Point of Entry

REC – Regional Economic Community

RDH – Regional Data Hub

SDGs – Sustainable Development Goals

SoM – Smuggling of Migrants

SoPs – Standard Operating Procedures

TiP – Trafficking in Persons

ToR – Terms of Reference

UNODC – United Nations Office on Drugs and Crime

VoT – Victim of Trafficking

FOREWORD

Migration dynamics across the East and Horn of Africa (EHoA) region continue to increase in complexity with respective States serving as countries of origin, transit, and destination across the migration spectrum. According to the IOM East And Horn of Africa — Midyear Regional Snapshot (January-June 2022), 42% of mixed migration flows in the region were across the Horn of Africa route - referring to movements within Horn of Africa countries, 48% were across the Eastern route, from the Horn of Africa to the Arab Peninsula. 8% of mixed migration flows were from the Southern route which runs from the Horn of Africa through Eastern Africa to Southern Africa and 2% of movements were tracked from the Northern route from East and Horn of Africa to Europe through Northern Africa.

The EHoA region continues to experience challenges linked to effective border management with threats of transnational organized crime existing across the region's largely porous borders. With effective border management recognized as a balance between security and facilitation, a significant need exists to support the strengthening of Border Crossing Points (BCPs) in the region through improved cross-border cooperation that allows inter-agency and neighbouring border security agencies and border communities to collaborate with one another in a holistic way, improved intelligence gathering, and developing information and communication networks for border agencies.

In the same light, the facilitation of cross-border movements, while upholding and protecting migrant rights, is paramount to preventing and responding to Trafficking in Persons and Smuggling of Migrants which continues to rise across the EHoA region. This is based on perpetrators exposing victims to unprecedented levels of exploitation and abuse, as well as the use of advanced methods of recruitment and coercion of victims. The need for protection interventions targeting migrants is amplified by the use of dangerous migratory routes through land and sea, exposing migrants to various psychological, physical, social, and economic threats throughout their journey.

This context is also aggravated by the effects of the Covid-19 pandemic which has expounded the need to undertake a rights-based and coordinated approach to migration management. The progressing effects of the pandemic will continue to be a challenge to migration and migrants who continue to encounter economic hardship during and post-pandemic leaving little or no option but to seek economic opportunities elsewhere. Economic reasons are cited as a major push and pull factor for migration.

It is in this light that the Better Migration Management (BMM) programme was established to enable member states and border management institutions to facilitate safe, orderly, and regular migration and effectively address and reduce instances of trafficking in human beings and smuggling of migrants within and from the Horn of Africa region by applying a human rights-based approach.

One of the main objectives of the programme is to improve the effectiveness of institutions implementing migration policies and legislation. The project aims to increase the quality of national and cross-border cooperation between law enforcement, judicial, and other state, and non-state actors in order to address trafficking and smuggling effectively.

The Standard Operating Procedures (SOPs) on Cross-Border Cooperation was developed by IOM, in conjunction with the support of the BMM programme. The work was also developed with the support of a number of representatives from various migration actors in BMM-implementing countries across the East and Horn of Africa participating as part of their country delegations. It has also benefited from a constructive Regional Consultative Workshop held on 2-4 November 2021 at the African Capacity Building Center (ACBC) in Moshi, Tanzania.

The Standard Operating Procedures (SOPs) on Cross-Border Cooperation seek to inform and assist migration actors in the EHoA region by providing them with a toolkit to enable effective cross-border collaboration in accordance with best practices and lessons learnt that have been documented over time. The primary purpose of the SOPs is to describe the steps that migration actors could follow in support of countries in the region regarding cross-border cooperation by various border management institutions in the East and Horn of Africa.

The methods, policies and procedures for effective cooperation develop and change over time. To ensure that these SOPs keep pace with such changes, users of the SOPs are encouraged to share the lessons learned during the application of the procedures for possible incorporation into future revisions of the document.

Finally, while the SOPs reflect good practice, the document provides for contextualization and adaptive responses based on the national migration context and professional judgement of government counterparts including frontline border officials.

I hope readers find the Standard Operating Procedures on Cross-Border Cooperation in the East and Horn of Africa Region a valuable tool in the capacity building of frontline border officials and as a reference tool for enhancing operations at various Points of Entry across the region.

Mohammed Abdiker
Regional Director East & Horn of Africa

Migrant Returnee at the IOM Transit Centre in Addis Ababa, Ethiopia Photo:Safa Msehli @IOM2021

INTRODUCTION

The Better Migration Management (BMM) programme is a regional, multi-year, multi-partner programme which seeks to improve the management of safe, orderly, and regular migration through providing support to national authorities to address Trafficking in Persons (TiP) and Smuggling of Migrants (SoM) within and from the EHoA region. In particular, the programme aims to strengthen national and regional migration governance in accordance with global and regional frameworks through enhancing national and cross-border operations as well as inter-agency cooperation on the management of trafficking and smuggling cases between investigations, prosecution, courts and other state and non-state actors in accordance with international standards. The BMM programme also aims to improve the prevention of TiP and SoM and protection of vulnerable migrants at a local, national, and regional level, ensuring appropriate assistance and support for victims of trafficking, taking into account age and sex-related vulnerability.

The BMM programme is co-funded by the European Union Trust Fund for Africa and the German Federal Ministry for Economic Cooperation and Development (BMZ) and coordinated by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The programme is implemented in Khartoum Process countries including Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. The International Organization for Migration (IOM) is one of the main implementing partners alongside the United Nations Office on Drugs and Crime (UNODC), CIVIPOL and the British Council.

The first phase of the BMM Programme was implemented successfully and concluded in September 2019 with the second phase of the programme commencing in October 2019 being implemented over a 33-month period through to June 2022. The second phase of the BMM programme builds on the benefit of partners having undertaken a comprehensive review of the implementation model of activities from the first phase, as well as the benefit of strong working relationships with key stakeholders to identify good practices and lessons learned to aid the implementation and roll-out of proposed activities in the second phase. The 'Standard Operating Procedures on Cross-Border Cooperation' is one such activity, with the initial document drafted in the first phase of the programme and its review under the second phase of the BMM programme.

The Standard Operating Procedures on Cross-Border Cooperation aim to consolidate and present evidenced-based data and information on effective structures and operations based on good practices and lessons learnt on crossborder cooperation, implemented by various border management institutions in the East and Horn of Africa (EHoA) region. The SOPs aim to serve as a reference tool for cross-border cooperation among countries in the EHoA region, more so in actions related to Integrated Border Management functions and related operations.

The current version of the SOPs presented in this document is a revision of the initial document drafted in 2018 through a process spearheaded by IOM under the first phase of the BMM programme. Drafting of the SOPs was driven by an increasing need for enhanced coordination of border management operations at both national and regional level. The 'Standard Operating Procedures on Intergovernmental Cooperation' were drafted alongside 'Good Practices for Inter-Agency Cooperation on Border Management' with both documents concluded and validated by key border management stakeholders in the EHoA region.

The integrated approach in coordination border management functions, however commendable, requires various structures for effective operationalization, commencing at an in-country level and developing to a cross-border level. Notably, governments in the EHoA region have developed country-specific SOPs on Integrated Border Management functions, such as entry and exit procedures, use of Border Management Information System (BMIS), capacity building training for relevant officials among others, based on national laws and administrative directives. These country-specific SOPs have been used widely in the current migration context to address transnational organized crime and support Health, Border and Mobility Management (HBMM) operations in the region such as measures to contain the spread of the Covid-19 virus, both in-country and across borders. However, few countries have developed SOPs on cross-border cooperation based on bi-lateral agreements with an even greater number for the same at a regional level.

The 'Standard Operating Procedures on Cross-Border Cooperation' consolidate gains from cross-border coordination derived from existing bilateral agreements, in addition to good practices and lessons learnt from government institutions across the EHoA region. The SOPs provide systematic processes which can be contextualized for further bi-lateral engagements among countries in the EHoA region, more so related to Integrated Border Management or thematic areas in the larger migration management context. The SOPs can also be used as a reference tool to develop in-country SOPs among border management institutions involved in Integrated Border Management Committees or similar structures, with the SOPs contextualized to incorporate national laws and institutional mandates.

With the dynamic nature of migration and changes to government legislation, structures and priorities the 'Standard Operating Procedures on Cross-Border Cooperation' require periodic update or revision based on the existing migration context at the time or changes that may have occurred from the period of the last revision. This provision will ensure that the SOPs are up-to-date and offer an effective tool to implement advanced and appropriate cross-border Integrated Border Management interventions in the EHoA region.

Mr. Ali Abdi.
Senior Regional Programme Manager

OBJECTIVES

Specific objectives of the 'Standard Operating Procedures on Cross-Border Cooperation' include:

- Develop a reference tool for government institutions undertaking cross-border cooperation, more so on Integrated Border Management functions, based on good practices and lessons learnt from existing cross-border cooperation initiatives.

- Enhance existing cross– border cooperation initiatives through introduction of structures and operational procedures, more so if the cross-border initiative had not yet been formalized through legal frameworks or administrative directives.

- Provide a reference tool on systematic processes to promote cross-border cooperation which can be contextualized for use in various thematic areas including Migrant Protection and Assistance, Migration Health, Migration Data Management among others.

- Provide a reference tool to support the development of in-country SOPs among border management institutions involved in Integrated Border Management, through application in Integrated Border Management Committees (IBMCs) or similar structures at national or Point of Entry (PoE) level, with the SOPs contextualized to national laws and institutional structures.

BACKGROUND

In 2018, IOM through the first-phase of the BMM programme and in wide consultation with stakeholders commissioned the process to draft 'Standard Operating Procedures on Cross-Border Cooperation' and 'Good Practices for Inter-Agency Cooperation on Border Management'. This process involved key government officials from the seven BMM implementing countries including; Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda.   This was driven by an increasing need for enhanced coordination of border management operations at both national and regional level. Both documents were concluded and validated through two Regional Consultative Workshops held in Nairobi, Kenya from 24 -26 October 2018 and April 16-17 2019 respectively.

The development of the 'Standard Operating Procedures on Cross-Border Cooperation' involved the participation of various national and regional agencies which include:

- National border management institutions from BMM implementing countries:
  - » Department of Immigration Services
  - » National Security and/ or Border Control
  - » Customs or Revenue Authorities
  - » Port Health or related agency.
- United Nations agencies with operations in the field of Integrated Border Management.
- Regional Economic Communities including the East African Community (EAC) and the Intergovernmental Authority on Development (IGAD).

Input from the various agencies was consolidated and incorporated to develop the 'Standard Operating Procedures on Cross-Border Cooperation' and 'Good Practices for Inter-Agency Cooperation on Border Management'.

Notably, there have been significant changes in the migration management context from 2018 to date. These include enhanced inter-agency coordination structures at both PoE and national level as well as technological advancement through enhanced use of Border Management Information Systems (BMIS) among others. The global Covid-19 pandemic has also significantly affected IBM operations with critical changes to entry and exit procedures in addition to greater emphasis on Humanitarian Border Management (HBM) and Health, Border and Mobility Management (HBMM).

The revised SOPs therefore provide updated information based on the current migration context, relevant to the operations of border management institutions in the EHoA region.

RATIONALE

Migration dynamics across the East and Horn of Africa (EHoA) region are increasing in complexity thus requiring partners and stakeholders to develop innovative and effective means to respond to the existing challenges in the field of migration management. These adaptive measures require interventions aimed at identifying opportunities and providing sustainable solutions through a coordinated approach targeting border management institutions across countries in the EHoA region.

Cross-border cooperation plays a vital role in border management, as the operations of Border Crossing Points (BCPs) -either traditional or One Stop Border Posts (OSBPs) rely heavily on the cross-border cooperation of participating countries. These include the use of Border Management Information Systems, communication and information and exchange platforms, the use of shared physical border infrastructure and cross-border capacity building training among others.

Cross–border cooperation also provides for exchange of good practices and lessons learnt among countries, promoting enhanced coordination and effective operations of both in-country and cross-border IBM activities. Notably, the structures, policies and procedures for cross-border cooperation change over time and are impacted by a variety of political, economic, institutional and environmental factors. Standard Operating Procedures, however, provide for both a reference tool and repository for technical and programmatic operational elements, which in this context apply to cross-border cooperation in the IBM field across the EHoA region.

These SOPs presented in this document have been classified into five key components comprising:

1. Coordination Structures
2. Communication Platforms
3. Data Management and Exchange
4. Use of Shared Infrastructure
5. Legal and Policy Frameworks

STANDARD OPERATING PROCEDURES

COORDINATION STRUCTURES

Coordination of migration functions is critical to the effective implementation of border management operations at both in-country and cross-border level. Notably, most countries in the EHoA region have established in-country coordination structures on migration management, with most countries having established Integrated Border Management Committees (IBMCs) or related structures at a national and/ or PoE level. However, cross-border coordination structures on IBM are still developing in the region, more so those formalized by bi-lateral or unilateral agreements.

The response to mixed migration flows, use of advanced technology through Border Management Information Systems as well as exchange of data and information on effective Migration Data Management necessitate the need for cross-border cooperation in the EHoA region. This has been exacerbated by the global Covid-19 pandemic, whereby cross-border cooperation is essential to control the spread of the virus across borders with various HBMM measures included to IBM operations. These measures include changes to entry and exit procedures to incorporate additional health screening, verification of Polymerase Chain Reaction (PCR) test results, isolation and health referrals when required, as well as capacity building training of frontline border officials among other measures undertaken at PoEs.

Coordination of border management institutions at both in-country and cross-border level also provide for the incorporation of cross-thematic approaches to Integrated Border Management including; Migration Governance, Migration Health, Migrant Protection and Assistance (MPA) as well as Labour Mobility and Human Development (LHD) among other thematic areas in the migration management context. This is in a bid to enhance migration management operations through facilitation of movement across borders, while preventing and addressing transnational organized crime as well as other challenges to effective border management.

Effective cross-border cooperation requires the coordination of various border management institutions at an in-country level which is then escalated to a cross-border level promoting relevant initiatives. These institutions include:

- Customs or Revenue Authorities
- Department of Immigration Services
- Food, Plant and Animal Inspection Units
- Foreign Affairs and Regional Cooperation Units
- Human Rights Institutions
- Labour and Social Protection Units
- National Security and/ or Border Control
- Port Health or related agency
- NCM or related institutions among others.

Key Standard Operating Procedures on the development and operations of cross-border coordination structures include:

ESTABLISHMENT OF CROSS-BORDER INTER
-AGENCY WORKING GROUPS (IAWG'S) ON
INTEGRATED BORDER MANAGEMENT (IBM)

A.   FORMALIZATION

i. Building on the operations of in-country Integrated Border Management Committees (IBMCs), the establishment of Cross-Border or Joint Integrated Border Management Committees (JIBMC) provides a platform to enhance cross-border cooperation initiatives. This is achieved through involvement of relevant border management institutions represented at the PoE or national level.

ii. It is highly recommended for the JIBMC to be formalized through a bi-lateral agreement or Memorandum of Understanding among the two participating States. In the event of a One stop Border Post (OSBP), the two states may formalize the JIBMC within the precincts of the East African Community One Stop Border Posts Act, 2016 or similar regional frameworks which promote cross-border cooperation initiatives.

iii. A Terms of Reference for the JIBMC is to be drafted as per the existing security, migration, health and environmental context, with consideration to institutional mandate and sovereignty of state while implementing cross-border cooperation initiatives.

iv. Standard Operating Procedures for the establishment of Integrated Border Management Committees and Joint Integrated Border Management Committees can be developed to harmonize processes for the creation of coordination structures at PoE level.

B.   MEMBERSHIP

v. Membership of the Joint Integrated Border Management Committee will be based on the border management institutions operating at the respective PoE with each institution nominating one or more members of staff to the JIBMC based on existing need or administrative directives.

vi. A Chair/ Co-Chairs, Vice Chair(s) and Secretary(ies) of the JIBMC are to be selected on an institution level. To promote cohesion and impartiality, one institution per participating country can be selected for each of the positions. This will provide for two Co-Chairs, Vice Chairs and Secretaries, one representing each cross-border country based on selection by members of the JIBMC.

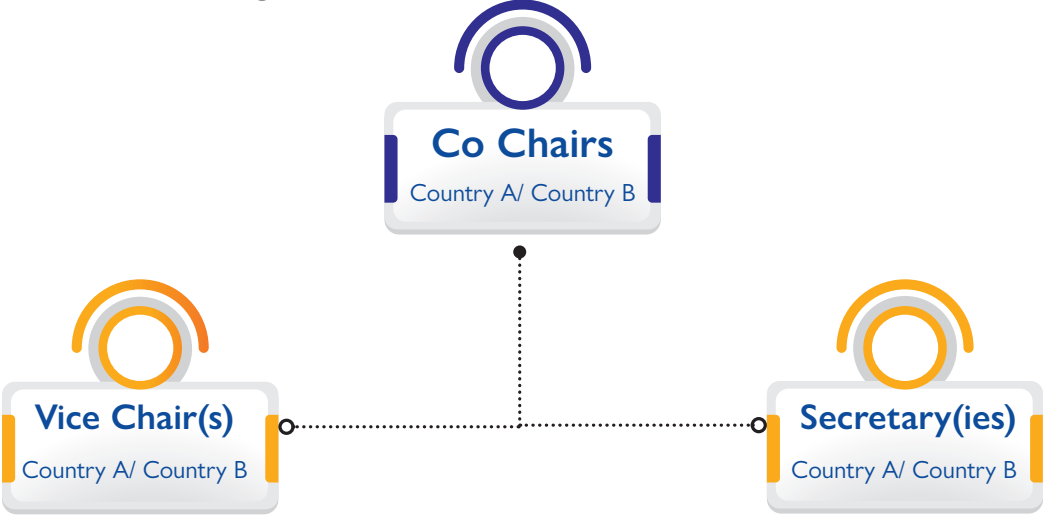This is illustrated in figure 1.1 below

Co Chairs
Country A/ Country B

Vice Chair(s)
Country A/ Country B

Secretary(ies)
Country A/ Country B

Fig 1.1 Organogram of official JIBMC executive committee members

vii. The term of the Chair/ Co-Chairs, Vice Chair(s) and Secretary(ies) is to be selected by members of the JIBMC and can be rotational or permanent based on the decision of the JIBMC or administrative directives from respective institutions.

viii. A Terms of Reference (ToR) inclusive of roles and responsibilities for respective officials of the JIBMC is to be drafted and signed by members representing respective institutions at PoE or headquarter level based on administrative directives.

ix. Each border management institution at the PoE will be requested to officially nominate a member of staff to represent the institution at the JIBMC. This is to promote consistency in attendance. In the event of transfer, retirement or any other event leading to a change of staff members at the PoE, the institution is to nominate another member of staff to serve as a qualified representative to the JIBMC.

x. To promote community engagement, leaders from border or cross-border communities may be co-opted to the IBMC or JIBMC. However, the nature of information shared with community members should be limited, as intelligence and security information should not be shared with community members to prevent a breach of security operations.

C.   MEETINGS

xi. The Frequency of JIBMC meetings is to be selected by members and can be based on existing needs and operational environment. However, a frequency of monthly meetings on a designated day of the week e.g. the first Thursday of every month is considered good practice. Moreover, the interval of meetings can be increased or reduced based on the existing context or need.

xii. Minutes of JIBMC meetings are to be recorded and shared with members of the committee as per an agreed time period e.g. three days after the official meeting. Individual institutions can then share the minutes of the JIBMC meeting with their national headquarters as per respective communication channels.

xiii. Meetings of the JIBMC are to be carried out in a mutual language. In the event that both countries do not share an official language, interpretation services are to be sought. Translation of meeting minutes can also be undertaken to ease follow-up as well as enhance reporting when submitting the official documents to national headquarters.

xiv. Standard protocols for meetings are to be developed with a prerequisite agenda and relevant documentation or information shared to members before meetings. Minutes are to be signed by members at the next scheduled meeting and documented accordingly.

COMMUNICATION PLATFORMS

Effective cross-border cooperation depends heavily on existing communication structures and platforms. The need for communication across border management institutions is crucial in addressing the challenges and providing key mitigating measures associated with the implementation of effective Integrated Border Management operations in the region. Effective communication facilitates the free flow of information and the standardization of procedures that support the safe, orderly and regular migration and mobility of people across borders.

Effective cross-border communication provides for accurate creation, consolidation, contextualization and dissemination of information among relevant border management institutions. This in-turn negates and limits occurrences of misrepresentation, misinformation and misinterpretation among other forms of miscommunication which could occur among border management institutions while undertaking cross - border IBM operations. Most IBMCs at national or PoE level have developed relevant communication channels among members which can be considered as good practice for use in cross-border cooperation initiatives including the operations of JIBMCs.

Notably, there are PoEs in the EHoA region which are located in remote areas and experience challenges in connectivity to communication platforms such as the internet or telecommunication. Establishment of cross-border communication platforms in these areas would need to be adapted to the existing context, to ensure that communication with cross-border counterparts as well as their national headquarters is undertaken effectively with limited interruptions in connectivity.

Key Standard Operating Procedures on the development and operations of communication platforms include:

A.   SECURITY

i. Security of communication shared in cross-border cooperation initiatives is of utmost significance. Participating countries are expected to promote security of communication shared in cross-border initiatives as per measures indicated in bilateral agreements or regional frameworks.

ii. To facilitate security of communication shared, the use of agreed upon classification is considered a good practice and provides guidelines to both countries for the dissemination of proprietary or sensitive information. These designations should be strictly adhered to by all parties.   Designations which can be used to safeguard cross-border communication include:

    a. 'Confidential' – Communication is confidential when unauthorized disclosure could harm the essential interests of an individual, organization or government. This designation protects parties involved from breach of statutory restrictions on disclosure of information and promotes respect for the confidential nature of information provided by third parties.

    b. 'Official Use Only' – Communication protected under this designation, would require the receiving institution(s) or government agency to take any actions and safeguards necessary to prevent public or non-official entities or individuals from accessing the communication shared.

    c. 'Sensitive But Unclassified' – Communication in this designation would contain information that is of a sensitive nature that should only be released to those individuals with a verifiable 'need to know'.

    d. 'Originator Controls the Release of the Information' (ORCON) – Communication classified as 'ORCON', can only be released by the originating institution. Information protected under this designation may not be forwarded or shared with any entity unless expressed written consent of the government institution or agency has been given.

    e. 'Restricted' – Communication is restricted when its unauthorized disclosure would be disadvantageous to the institution(s) or government(s) involved. Communication can be restricted for a given period of time then declassified or reclassified to 'Confidential'.

iii. The physical security of documents, memoranda, reports and other forms of official communication should be retained in a manner that ensures they are not disclosed to unauthorized individuals. Security and access levels to classified documents or communication can be recorded in an official register.

iv. Restricted channels for rapid communication can be developed and limited to border management agencies to enhance security of information shared while promoting rapid response.

v. Protection of whistle blowers and those who provide sensitive information related to Integrated Border Management operations is highly encouraged, such as informers of security threats at PoEs and occurrence of transnational organized crime.

B.   FREQUENCY

vi. Cross-border communication among relevant border management institutions can be based on ad hoc or regular intervals of time. Regular communication involves scheduled intervals such as daily, weekly, monthly, and quarterly periods of time while communication on an ad hoc interval is largely based on existing need and context. A hybrid system of both scheduled communication such as bi-weekly or monthly intervals, in addition to ad hoc communication when necessary is considered good practice.

C.   NATURE

vi. Written communication is considered a preferred means of communication in the context of cross–border cooperation. This is based on its official nature suitable for dissemination to government institutions. Moreover, written communication limits the occurrence of miscommunication through omission of vital information or transmission of erroneous information among border management institutions. This is essential due to the significant number of recipients who will receive communication, either at PoE or headquarter level and the repercussions of miscommunication to operations of government institutions and bi-lateral relations.

vii. Use of standardized templates for written communication among cross-border institutions is considered good practice. Standardized templates for incidence reports, meeting minutes and periodic reports among other forms of written communication promote ease of cross-border communication through enhanced clarity and coherence of information shared among border management institutions.

viii. The use of oral communication in cross-border operation is preferred for real-time communication such as reporting of security incidences or during coordination meetings such as JIBMCs. It is recommended that findings, deliberations and decisions made from oral communication in cross-border operations be closely followed by written communication confirming the same. This will ensure ease of follow-up and reporting as well as create a repository of correspondence at both PoE and national level.

ix. Officers are encouraged to follow existing protocols in cross-border communication as an indicator of the nature of communication or the communication channels used.

D.   TECHNOLOGY

x. The advancement of technology has led to the development of various communication platforms which can be utilized to enhance cross-border cooperation initiatives. Some platforms can be utilized for both online and offline modes of communication which greatly benefit PoEs with limited internet or telecommunication connectivity.

xi. The preferred mode of communication for cross-border cooperation initiatives is to be selected through consensus by members representing both countries and can be changed through similar consensus confirmed through official communication e.g. minutes from JIBMC meetings.

xii. Official means of communication through private domains such as .gov are recommended based on enhanced security of these channels. Use of official communication through social media platforms and commercial domains is discouraged based on the security concerns and probability of security breaches through the same.

xiii. Interoperability of communication equipment and systems should be considered before selection and/or change of the selected communication platform. This ensures that effective communication among cross-border institutions is achieved regardless of geographical or technological challenges.

DATA MANAGEMENT AND EXCHANGE

Migration in the EHoA region is triggered by a complex mix of protracted crises, emerging internal conflicts, socio-economic drivers, emerging health crises and more traditional seasonal and livelihood factors. The majority of these movements are recorded through official Border Crossing Points and require multi-layered data management tools to investigate and report the same.

Effective Migration Data Management supports States and government agencies to develop migration policies and conduct operations through improved migration data collection and management. Well-designed data management systems can collect, analyze and report data which can be used to advise cross-border cooperation interventions. Cross-border coordination in Migration Data Management promotes the efficient use of resources to facilitate intra/interconnectivity of border management institutions and implement responsive risk management systems.

Interventions to promote cross-border data exchange through safe and secure channels will increase localized access to information, research, and other forms of data that in-turn will improve border management operations at PoE, national and cross-border level.

Key Standard Operating Procedures on data management and exchange include:

A.   LEGAL RESTRICTIONS

i. Before setting up cross-border data migration management systems, participating countries should consider legal restrictions in the collection, analysis and dissemination of migration data to cross-border migration management institutions. This is in consideration of sovereignty of state alongside the existence of national data management laws restricting access, dissemination or transfer of migration data among States.

ii. Migration actors are encouraged to promote dissemination of existing data protection laws and data sharing protocols to frontline border management officers among other migration management actors.

B.   INTEROPERABILITY

iii. States are encouraged to use global migration management tools including Advanced Passenger Information (API) and Passenger Name Records (PNR) to enhance security and ease interoperability of data shared across borders including air, land and sea ports.

iv. It is necessary to investigate the forms of data extraction and storage systems existing in participating countries. Information exchange requires the transfer and translation of data from one type and storage format to another. Therefore, the compatibility of systems and the translatability of the data types will determine the overall interoperability of the various data management mechanisms of each State. This eventually leads to harmonization of procedures which enhance IBM operations at PoEs and significantly promote cross-border cooperation.

C.   SECURITY

v. Procedures for cross-border data exchange should be agreed upon, and clearly defined by participating countries. It is recommended for a Memorandum of Understanding to be drafted to document the policies, procedures, and constraints on collection, analysis and dissemination of cross-border migration data and/ or country-specific data to cross-border migration management institutions.

vi. Government agencies and migration actors are to promote the use of migration data to address transnational organized crime including Trafficking in Persons, Smuggling of Migrants, smuggling of contraband and violent extremism among others.

vii. It is highly recommended for migration data to be linked to global security systems such as AFRIPOL and INTERPOL as well as in-country National Intelligence Service (NIS). This enhances security of State and subsequent operations at PoEs.

viii. Capacity building of border management officers on migration data management is encouraged through periodic training on data protection and management. This will also contribute greatly to enhancing quality of data collected and shared at cross-border level.

ix. Configuration of data from institutional databases is required with consideration of legal restrictions and interoperability of systems as provided in sub-section A and B above. Other key security considerations include:

- Establishment of audit/tracking features for databases, ensuring the same is operational before roll-out in cross-border cooperation initiatives.

- In the event of a centralized system used by cross–border institutions, it is highly recommended for the system to:

- Be automated and support real-time storage and access for border and migration management personnel.

- Support username and password access which honor security clearance levels for data protection.

- Support the collection, cleaning and presentation of data for the performance of statistical analysis.

- Include security measures that underwrite the system's integrity via the use of firewalls and data encryption.

- Link to other security equipment, such as sensors and cameras, if possible.

USE OF SHARED INFRASTRUCTURE

In some occasions, the use of shared infrastructure among border management institutions may lead to enhanced cross-border cooperation. This is in the case of One Stop Border Posts (OSBPs) which refer to shared structures and locations between two adjoining countries, or in its proximity, where border management institutions carry out their functions in a combined and coordinated manner. OSBPs eliminate the need for travelers and goods to stop twice to undertake border crossing formalities, thereby promoting the use of shared infrastructure among cross-border management institutions.

There are various forms of OSBPs which provide for enhanced cross-border cooperation:

- The juxtaposed model – whereby shared border facilities are operated in the country of entry in each direction. This implies that exit formalities must be conducted before undertaking entry formalities.
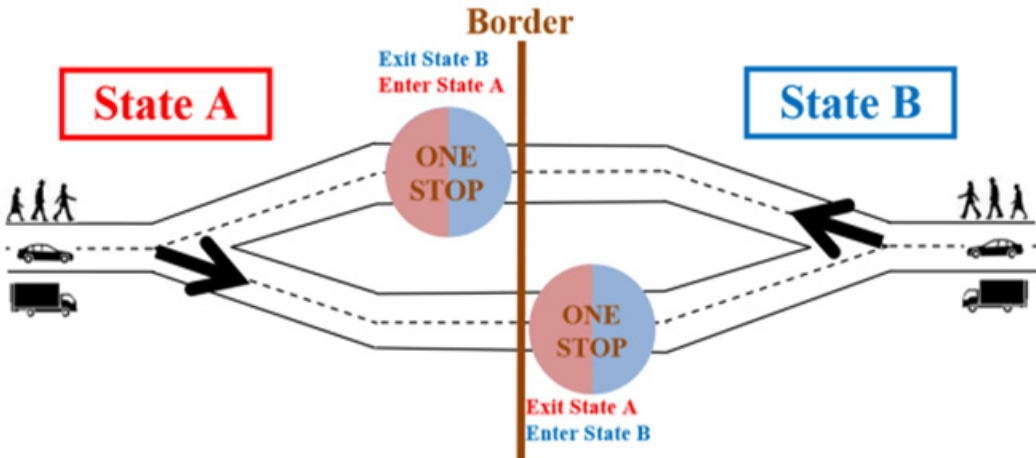

Fig 1.2. Illustration of juxtaposed OSBP model. Source: 2nd Edition OSBP Sourcebook, AUDA – NEPAD

- The straddling model – whereby a single facility is constructed across the border line. Similarly, passengers and cargo stop once but commence with exit formalities before undertaking entry formalities.
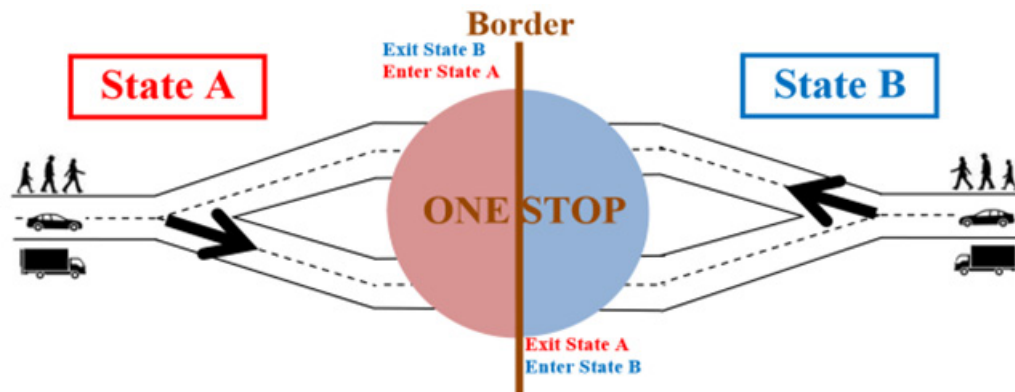

Fig 1.3. Illustration of straddling OSBP model. Source: 2nd Edition OSBP Sourcebook, AUDA – NEPAD

- The single country model – whereby an OSBP is wholly located in one of the two adjoining states and a single shared border facility is constructed in one of the countries to house officers from both countries to carry out respective border operations.
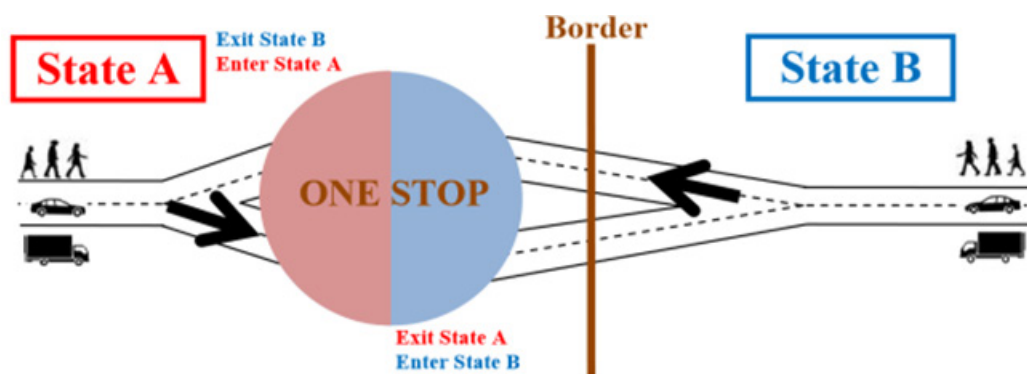

Fig 1.4. Illustration of single country OSBP model. Source: 2nd Edition OSBP Sourcebook, AUDA – NEPAD

A.   USE OF OSBP INFRASTRUCTURE

i. A Memorandum of Understanding (MoU) or administrative arrangements is required on the use of shared OSBP facilities such as offices for border officials, operational equipment, warehouses, and parking.

ii. Training of personnel posted at OSBPs is highly encouraged to facilitate ease in clearance, entry and exit procedures, based on specific OSBP models, legal frameworks, institutional mandates and key operations.

iii. Modalities for payment of shared amenities among cross–border institutions should be developed and implemented. These include electricity, water supply, internet connection among other amenities. In the juxtaposed OSBP model, States may alternatively agree to provide services to each other for free, based on reciprocity, for ease of managing OSBP operations.

iv. Standardization of working hours among border management institutions should be considered, more so if cross-border countries operate in different time zones. In this scenario, it is highly recommended for cross-border States to initiate 24-hour operations at the PoE.

v. The use of renewable energy is encouraged to support operations at OSBPs, more so if located in remote areas which are yet to be connected to the national electricity grid, or in areas with high power fluctuations which affect the use of Border Management Information Systems among other operations. Back-up power and internet supply should also be considered in the construction of OSBPs.

vi. Infrastructure at OSBPs and other PoEs may be upgraded to meet existing migration management needs, such as construction or identification of isolation rooms and spaces for suspected cases of epidemiological and infectious disease, as a means to support existing health and safety measures implemented at PoEs in the region.

vii. Establishment of referral mechanisms among border management institutions and local institutions in close proximity to OSBPs is highly encouraged, such as health referrals to local hospitals through Port Health services.

B.   EXTRA-TERRITORIAL APPLICATION

viii. As a means to enhance cross-border cooperation, relevant border management institutions may conduct cross-border patrols citing extra-territorial application provided in the East African Community One Stop Border Post Act, 2016 Section 11, 3 'For the purpose of enabling officers of each Partner State to carry out border controls at a one stop border post in the territory of one or more adjoining Partner States under this Act, the border control laws of each Partner State shall mutually have extra-territorial application'.

ix. For border management officials working in OSBP facilities in adjoining countries, extra-territorial application provide that they have the same powers and mandate as they would have working within their own country under the border control laws, subject to any exceptions as may be defined in the enabling legal instruments.

x. The use of extra-territorial application can be used as a basis to operationalize joint activities such as joint cross-border patrols involving inter-agency or direct counterparts from both States as per legal framework and cross-border coordination efforts. Bilateral agreements can be developed among countries excluded in the jurisdiction of the EAC One Stop Border Post Act, 2016 to ensure that extra-territorial jurisdiction is applied to countries promoting cross-border cooperation in the region.

C.   SINGLE WINDOW SYSTEM

xi. To enhance cross-border cooperation, participating States may utilize the single window systems. This system refers to a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single-entry point to fulfil all import, export and transit related regulatory requirements.

xii. Single window systems may be utilized alongside other trade facilitation tools such as e-payment risk management, trusted trader schemes and modern traffic management systems as a means to enhance OSBP operations and overall cross-border cooperation initiatives.

LEGAL AND POLICY FRAMEWORKS

The operations of border management institutions are linked to sovereignty of state and cannot be performed on a foreign territory or cross-border basis without an express legal framework to authorize the same. Reference to relevant legal and policy frameworks provides significant support to cross-border operations of border management institutions.

The legal and policy framework on cross-border cooperation initiatives in the EHoA region comprises of various instruments addressing several aspects of cross-border cooperation from an international, regional and national perspective. These include:

A.   INTERNATIONAL

International frameworks which support or govern cross-border cooperation include:

- The Sustainable Development Goals (SDGs) target 10.7 -'Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.'
- The Global Compact for Safe, Orderly and Regular Migration (GCM) objective 23 – 'Strengthen international cooperation and global partnerships for safe, orderly and regular migration.'
- Convention Relating to the Status of Refugees (1951) and Protocol (1967).

B.   REGIONAL

Regional frameworks which support or govern cross-border cooperation include:

- The Migration Policy Framework for Africa (MPFA) and Plan of Action (2018-2030).
- The African Union Agenda 2063.
- The Abuja Treaty Establishing the African Economic Community, 1991.
- The African Common Position on Migration and Development, 2006.
- The African Union Convention on Cross-Border Cooperation (Niamey Convention), 2014
- The COMESA Protocol on the Free Movement of Persons, Labour, Services, the Right of Establishment and Residence, 2001.
- The East African Community Common Market Protocol, 2010.
- The East African Community One Stop Border Posts Act, 2016.
- The African Union Protocol on Free Movement of Persons, Right of Residence and Right of Establishment, 1994.
- The IGAD Protocol on Free Movement of Persons, 2021.

C.   NATIONAL

National frameworks which support or govern cross-border cooperation include:

- Djibouti: Corporate Immigration Laws and Regulations, 2021.
- Djibouti: Fight Against Trafficking in Persons and Illicit Smuggling of Migrants (Law 133 of 2016).
- Ethiopia: Immigration Proclamation 354/ 2002.
- Ethiopia: Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants (Proclamation 909/ 2015).
- Kenya: Citizenship and Immigration Act of 2011.
- Kenya: Counter-Trafficking in Persons Act (No. 8 of 2010).
- Somalia: Penal Code. (Articles 408 (1), 455, 457, 407, 464).
- Somaliland: Immigration Law, 1995.
- South Sudan: Passports and Immigration Act, 2011.
- Ethiopia: Prevention and Suppression of Trafficking in Persons and Smuggling of Persons, Proclamation 1178/2020
- Ethiopia: Immigration Regulation 114/ 2004.
- Ethiopia: Migration Data Sharing Policy.
- Somalia: Somalia Immigration Law, 1966.
- South Sudan: Penal Code (282).
- Sudan: Passports and Immigration Act, 2003.
- Sudan: Combatting of Human Trafficking Act, 2014.
- Uganda: Citizenship and Immigration Control Act, 1999.
- Uganda: Prevention of Trafficking in Persons Act (Act 7 of 2009).

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Traders along a road in Mukono, Uganda. Photo: Antoine Plüss