Final

Review of Existing Schemes to Facilitate the Cross-Border Movement of Traders in the COMESA Region

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Prepared for the International Organisation for Migration

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EXECUTIVE SUMMARY

This report was commissioned to conduct a review of existing schemes in the COMESA region that facilitate the cross-border movement of traders (specifically those engaged in small-scale cross border trade) and present recommendations for their greater facilitation.

A literature review of international schemes and those from within the communities highlighted a selection of best practices and important considerations to be taken into account when making recommendations for the greater facilitation of people and goods. These include:

- The need for any regional framework to provide enough flexibility to take into account local realities and unique geographic issues.
- The creation of mobility schemes for goods can lead to abuse when there are taxes, excise duties, and levies that are applied differently in neighbouring states
- Applicants for documents at the border are vulnerable to being taken advantage of by customs officials.
- The Jeton is a flexible document, that can be used to facilitate a range of economic activities beyond small scale cross border trade, and can be designed for different purposes.
- The eJeton provides for greater security and data capture features than the paper Jeton, however, it has a potential issue with delays caused by system failures.
- The Laissez-passer is a document that can provide for greater mobility for small scale traders that cannot access a passport but does not live in the border community (and therefore do not qualify for a Jeton.
- There is already in existence a framework for the integrated mobility of both goods and traders, which incorporates freedom of establishment.

The mobility of people in the COMESA region operates under an existing framework. The overall scope of coordination for the region is set out in article 164 of the COMESA Treaty, with a more complete framework set out in two protocols, the Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements and the Protocol on the Free Movement of Persons, Labour, Service, Right of Establishment and Residence (which is not yet in force). COMESA member states have taken unilateral, bilateral, and regional actions to implement greater mobility schemes, however, the fact that the more liberal free movement protocol is not yet in force is a serious handicap for regional mobility. In order to improve the harmonisation of regional immigration law, the COMESA Model Immigration Law was designed for member states to use as a base for their immigration law, thereby harmonising immigration laws in the region.

Other regional African frameworks, outside of COMESA, offer benchmarks. Arguably the most important of these are the ID card travel schemes operating in the EAC and ECOWAS. Although these schemes are limited due to the difficulty and expense of obtaining the necessary national ID card, by allowing for travel on a biometric ID card alone, provides COMESA with an example of improved mobility for people that can be aspired to.

The primary mobility schemes for individuals that are considered in this report are the passport, the jeton, the eJeton, and the Laissez-passer. The passport is a document theoretically available to all, however it is expensive and difficult to obtain and therefore not often used by small scall cross border traders. The Jeton is a paper document that allows those that live in the border areas to travel across the border without a passport, however its paper format means it is not linked to electronic data capture systems and lacks any real security features. The eJeton is an electronically issued Jeton that largely corrects the identified deficiencies of the Jeton. The Laissez-passer is a document that can be issued to any citizen, and operates as a passport for other countries that recognise it. It does not have the same cost or application requirements as a passport and can therefore be issued at regional centres rather than only the capital, making it more accessible. This document provides an important alternative for traders who live outside of the border community (and therefore do not qualify for the Jeton) but still struggle to obtain a passport due to the cost or administrative requirements.

The two schemes for the mobility of goods that were analysed in the report where the de minimis scheme and the Simplified Trade Regime (STR). The de minimis scheme allows traders to carry goods up to a specified value across the border duty-free. Although not usually used as a trade facilitation scheme (in the majority of cases de minimis are personal allowance schemes), there is some precedent, with South Africa providing a de minimis scheme to small scale Mozambiquan traders carrying homemade crafts. The STR, on the other hand, is a means for small scale traders to access the benefits offered under Free Trade Agreements by simplifying the administrative requirements needed to qualify for them. The STR faces significant challenges, such as a lack of awareness and lack of transparency, however, where it has been implemented and used by traders it has proven popular for its ease of use and decreasing trader costs.

Various border visits were conducted during the project. These visits highlighted important "on the ground" issues, including:

- The Jeton is widely used and popular, however, traders often face long queues when applying for one and at some borders, they have to pay bribes to obtain a Jeton quickly.
- Different borders have different rules for their Jetons, such as their cost, validity, and the distance they allow for travel.
- The operation of Laissez-passers differs depending on the border.
- National passports are seldom used by small scale traders due to their costs and the hassle of applying for one (which can often only be done at the capital).
- There is a lack of transparency with regards to the STR at most borders, with STR common lists not displayed and little information publicly available to traders. As a result, many traders do not know about the STR or what goods are covered under it.

Based on the field visits and the research conducted, the following primary recommendations were made:

1. In the medium to long terms, countries should aim to replace the paper Jeton with the eJeton, due to the latter's capacity to link with an electronic data storage system and provide strong biometric security features.

2. The implementation of the eJeton needs to be accompanied by sufficient infrastructure to ensure its smooth operation, as well as education and awareness programs for traders and customs officials.

3. While the eJeton comes online, countries should retain the paper Jeton. In order to create a more uniform regional policy, COMESA should consider issuing guidelines on the design and operation of a Jeton scheme

4. The COMESA Model Immigration Law should be amended to include a Laissez-passer provision, and a guideline should be issued to assist implementation, modelled on the existing Rwandan Laissez-passer

5. The STR should be expanded throughout the COMESA region where possible and combined with policies for greater transparency and awareness programs to improve uptake where the scheme has already been implemented. Member states will have to consider potential abuse (such as avoidance of excise duties) when creating any mobility scheme for goods.

6. An integrated approach to facilitating small scale trade, which incorporates mobility of traders, mobility of goods and freedom of temporary establishment can be promoted using guidelines for the COMESA region.

The table below provides an overview of the individual mobility schemes discussed in the literature review and field work sections.

Table 1: Overview of Mobility Documents

	Passport	ID Travel	Laissez-passer	eJeton	Jeton
Who, in the context of CBT, does it primarily facilitate?	Available to all, used by Larger traders, capital to capital traders, businesspeople,	Anyone with access to an ID, country specific	Large and Small traders traveling within the designated region	Small border community traders crossing the local border	Small border community traders crossing the local border
Requirements	Fee (Zambia - 100USD, DRC - 300USD, Rwanda - 75000FRW), national ID, passport photo), sometimes birth certificate or other documents, application made at capital (or sometimes regional hub)	Fee (5000 FRW in Rwanda), photograph(s), application form, other identity documents (such as a birth certificate)	Fee (5000 FRW in Rwanda, 5 USD in DRC), proof of ID, passport photo	Proof of identity (national ID/Voters Card), proof of residence	Proof of identity (national ID/Voters Card), proof of residence
Validity	Several years	Several years	Depends on design (2 days in Rwanda or 20-30 minutes in DRC)	Depends on design.	Usually a single day
Processing time	Days (Rwanda), weeks (Zambia), Months (DRC)	Days (Rwanda), weeks (Zambia),	Three working days (Rwanda),	3-30 minutes, depends on the design	3-5 minutes
Coverage	Universal	Universal	Universal	Border community	Border community
Security	Allows for advanced security features	(Questions to capitals regarding the perceived	Can be similar to a passport (Rwanda) or have few	Depends on design. If linked with biometrics, eJeton	No security features

		security of IDs)	security features (DRC)	security features could be advanced	
Formalisation	Usually used by formal traders	Can provide pathway to formalization	Depending on design can be a pathway to formalization (Rwanda design) or not (DRC design)	Depending on design can be a pathway to formalization	No real pathway to formalization

Below is a table that summarizes the interaction between travel documents and the necessary mobility schemes that need to be kept in mind when considering any recommendations. Documents such as a passport or Laissez-passer do not guarantee mobility on their own, and need to be paired with another scheme, while other documents require special recognition from partner countries in order to function.

Table 2: Interactions Between Mobility Schemes and Mobility Documents

Where you have a:	Passport	ID	Laissez-passer	eJeton	Jeton
You Need	Visa or visa free agreement	Mutual agreement on ID travel	Mutual agreement recognizing the document, which can include removing the visa requirement for travel	Recognition of border pass as a valid alternative travel document (no additional visa free required)	Recognition of border pass as a valid alternative travel document (no additional visa free required)

1. INTRODUCTION

1.1 Cross-Border Trade in COMESA

In many of the border communities in COMESA, and more broadly in Africa, small scale cross border trade (SSCBT) provides business and employment opportunities and contributes to food security, allowing millions of people to have access to lower-cost goods and services unavailable domestically. (Mwanabiningo, 2015). Small scale trade is a survival mechanism and a means of employment for at least 45,000 traders in the Great Lakes Region (Titeca & Kumanuka, 2012). About three million metric tons of staple food commodities were traded informally in eastern Africa in 2013 (FEWSNET, 2014).

1.2 Migration and Trade Facilitation

With informal cross border traders (ICBT), the trader's movement and the trader's economic activities are inextricably linked to each other. Ultimately, full economic integration in Regional Economic Communities (RECs) such as the Common Market for Eastern and Southern Africa (COMESA) will allow for the free movement of goods, services, traders, and investment. However, realising this ambition is still some way off. Currently, various measures ease the movement of traders, and the goods they carry, across-borders. These include mechanisms that reduce the administrative burden for transporting goods across the border (as with the Simplified Trade Regimes) or ones that specifically allow for the visa-free and duty-free movement of traders and their goods (as with the "border market token" under the Jeton system in DR Congo and Rwanda).

1.3 Project Objective

The key objective of the consultancy is to review existing mobility schemes and trade facilitation mechanisms "to make expert recommendations, in the COMESA/ Tripartite context, with the aim of contributing to the enhanced design and effective implementation of trade-mobility facilitation instruments for small-scale cross-border traders in the COMESA region."

The requested services include:

1. A comprehensive review of existing mobility schemes and trade facilitation mechanisms, primarily within the COMESA and the broader Tripartite RECs and complemented with insights and findings from global examples.
2. Remote and in-person interviews to collect primary data and first-hand insights from key stakeholders.
3. Preparation of recommendations to complement the design and implementation of trade-mobility facilitation instruments for small-scale CBT across COMESA by the COMESA Secretariat, relevant departments and agencies, and the IOM.

1.4 Structure of this Report

Section 2 of this report will set out a literature review of international and regional experiences with mobility schemes and some of the lessons learned. Section 3 looks at the regulatory frameworks for the mobility of traders and discusses some of the most relevant mobility schemes in more depth. Section 4 similarly looks at the regulatory framework for the small-scale trade in goods, both within and beyond the COMESA region, and discusses two of the most relevant schemes in more depth. Section 5 contains a summary of relevant information gleaned from field work undertaken during this project, with reports from Goma-Gisenyi, Kasumbalesa, Chirundu, and Mwami/Mchinji included. The focus of section 5 is the mobility schemes in operation at these borders, however, additional research on access to markets and discussions with stakeholders is included. Section 6 then provides recommendations for mobility schemes in the COMESA region, based on the information and insights set out in sections 2 to 5.

2. LITERATURE REVIEW

This section investigates the literature around mobility schemes for people and goods both in Africa and internationally. By looking at the legal structure and evidence from the actual operation of various schemes around the world, lessons can be drawn out for use in any future schemes. Learning from the successes and failures of these schemes will allow the recommendations of this report to be more robust and insightful. Therefore, it is important to look closely at the biggest issues and most important outcomes of these schemes. Section 2.1 looks at two schemes operating on different continents (Europe and Asia), while Section 2.2 looks at the evidence from schemes currently in operation on the African continent.

2.1 International Experience and Lessons

2.1.1 EU

The EU operates under a framework of almost complete freedom of movement for citizens of member states, and most EU members have signed on to the common external visa policy known as the Schengen Agreement. These policies, however, represent a far greater level of integration that is feasible in the COMESA region, given that even the most ambitious proposals do not recommend getting rid of internal borders in the near future, nor would such a policy be feasible. As a result, these policies are beyond the scope of this report. However, the EU does operate a border pass scheme with its non-EU neighbours which can provide a more relevant example for the mobility of persons.

The EU border pass arrangements operate under a common framework set out by regulation that provides both the aims/objectives of the policy and the minimum requirements. However, the regulation does not set out a fully operational border pass policy in and of itself. The operational requirements and specific details of a particular border pass are set out in a bilateral treaty negotiated between an EU border state that wished to implement this policy and its neighbouring non-EU partner state. This bilateral treaty sets out the requirements for the border pass program that will operate at the specific border in question. While individual border pass programmes may not violate the general requirements set out by the EU regulation, there is considerable scope within the regulation for customization where it is deemed necessary. For example, states may set their fees (so long as it is no more than charged for a short- term multiple entry visa) or make the pass free and can vary the time that a pass is valid for (so long as it is not shorter than one year and not longer than 5 years). The form that the border pass takes can also vary, with some issued as a sperate card (the most common form) while others can take the form of a sticker in a valid passport.

Table 3: Summary of the EU border pass regulation

Legislative Source	General rules – Corrigendum to Regulation (EC) No 1931/2006 Border specific rules – Each EU state with an external border can make specific rules and regulations in bilateral agreements with their neighbors so long as the general EU rules are adhered to.
Area of validity	Valid in the “border area.” The border area should be defined as an area no more than 30km from the border but can in some circumstances reach up to 50km.
Length of validity	The length of each border crossing may not exceed 3 continuous months. The permit will be valid for a minimum of one year and a maximum of 5 years.

Fee	The fee for the permit may not be more than the fees charged for short term multiple entry visa's.
Who can apply	Border residents who have been lawfully resident in a "border area" for at least a year.
Documents required	Local border traffic permit (issued under the relevant bilateral agreement in question) with an identifying photograph attached and a valid traffic document if that bilateral agreement requires it.

Lessons from Poland's experience with the LBT

Poland has a local border traffic (LBT) agreement with Russia, negotiated under the EU's rules for LBT treaties. However, during negotiations between Russia and Poland, it became clear that the general rules set out for member states under the EU's regulations would not be appropriate for Poland. The Russian border area that borders Poland is the exclave of Kaliningrad, which is separated from the rest of Russia and bordered by only EU member states (Poland and Lithuania) and the Baltic Sea. Under the EU's original rules, Poland could only offer to include citizens living up to 30km from the Polish border in the LBT scheme, however, this would create a relatively arbitrary border halfway through the city of Kaliningrad, which was deemed a less than ideal outcome for both sides. In order to allow for an exception to be made for Poland to include a larger area of Kaliningrad under the LBT, Poland had to engage with the EU commission and negotiate a change to the EU treaty governing LBT agreements, a cumbersome and time-consuming process.

Poland's experience indicates that while regional framework agreements for mobility schemes are useful for influencing the implementation of these schemes and creating best practice, there needs to be some space for nations to change the rules to fit their own unique geographic and historical situations.

Local Border Traffic (LBT) experience with tax avoidance

As one of the EU's external border states, Latvia shares borders with non-EU member states Russia and Belarus. Since 2013 Latvia has had operational local border traffic (LBT) agreements with both of these countries, allowing Latvians who live in border areas to cross the borders relatively freely, while Russians and Belarusians living in the border areas have a corresponding entitlement to travel to Latvia visa free.

The LBT arrangements signed between Latvia and Belarus make frequent trips across the border cheaper and easier for residents that live in border areas. This, in turn, creates an issue for the government with regards to the trade of certain goods which have higher taxes on one side of the border than the other, such as cigarettes, alcohol, and automotive fuel. In order to combat this, legislative measures have been implemented with varying degrees of strictness and success. An example of this is the duty enacted via special legislation in Belarus which imposed a levy on exported motor fuel on persons that travelled abroad by a vehicle more than once per five days (soon changed to once in eight days). The measure was implemented in all Belarusian border areas (covering those travelling under all mobility schemes), however, those living close to the Latvian border were able to bypass the duty by travelling to Latvia via Russia (the duty did not affect those travelling between Belarus and Russia as the two nations are in a customs union).[1] In response to this loophole, Latvia enacted a Law on Excise Duties which changed the definition of "commercial activity" to include those travelling by motor vehicle across

[1] Andrei Yeliseyeu, "Latvian visa-free border zones with Russia and Belarus: what are they and why," (2013)

the border more often than once per seven days, requiring excise duties on goods transported in this manner. The new law only allowed for a duty-exempted quota of 40 cigarettes, one litre of strong alcoholic beverage, and 90 litres of motor fuel (roughly a standard fuel tank plus a 10-litre reserve can) once per week and provoked some protests in certain border area communities.

The EU's experience with Border Passes has highlighted that:

- Regional frameworks must be flexible enough to deal with the unique geographic realities that are present at the national level
- Border crossing regimes that allow for exemptions from tax can create space for the abuse of tax differentials that can occur between two countries on certain goods (such as petrol, alcohol, and cigarettes)

2.1.2 Cambodia-Thailand

Thailand and Cambodia share important economic ties, and the borders between the two are extremely active. There is a strong pattern of migrant labourer's moving from Cambodia to Thailand, with an estimated 650 000 Cambodians working in Thailand. Research indicates that the driving force behind this migration is the lack of opportunities in Cambodia and higher wages on offer in Thailand.[2] These workers then send remittances back home to their families in Cambodia, which are important to the welfare of these families and an important part of the local Cambodian economy, especially in rural villages. There is also an important small scale cross border trade component to the economic interaction between these nations, with small scale cross border traders in operation at border posts like Poipet. The Agreement between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Border Crossing Between the Two Countries sets out the parameters for the border pass program between Cambodia and Thailand and largely governs the cross-border relationship when it comes to migration.

Article 4 of the agreement sets out a list of reasons that a border pass may be issued for. This list includes visiting relatives, tourism, official duty, business, sports, daily or seasonal working, and attending seminars, meetings or conferences. Article 4(1)(g) provides space for the two states to add further reasons if they wish by mutual agreement. The list of valid purposes for obtaining a border pass does differentiate this agreement from those such as the DRC-Rwanda (included in the fieldwork section in section 5) which does not require a reason to obtain a pass, but the list is extremely broad and thus most people should not have a problem obtaining a pass.

Like most other border pass programs, only those "permanently residing in the border area may apply for a border pass" as set out under Article 4(2). Article 7 gives the border pass a two-year validity from the date of issue, with the potential for an extension of not more than two years according to each party's regulations. Article 7 also states the border pass will be valid for multiple entries and exits and allow for a standard period of 7 days per visit in the border area of the other party (with a longer period of up to 15 days allowed by approval from the relevant authorities). Seasonal workers shall be permitted to stay in the border area for periods of 30 days at a time. These provisions allow for far longer stays and multiple entry/exits, which contrasts with border passes observed in the COMESA region which usually expire after 24 hours. This provides for greater certainty for traders and workers who use the pass and open it up for easier use to those who work in the border area rather than simply trade across the border. This allows for deeper economic links across the border, for example by allowing businesses on the Thai side to hire Cambodian workers that live on the other side of the border. The fact that the pass is valid for two

[2] IOM, "Assessing Potential Changes in the Migration Patterns of Cambodian Migrants and Their Impacts on Thailand and Cambodia," (2019)

years means that these workers do not need to queue each time they cross, saving time and decreasing congestion. The special provisions for seasonal workers also allow them greater flexibility with regards to the type of work they can do and the distance from the border they can work, as they will not have to return home every 7 days but rather can stay across the border for up to 30 days at a time.

Issue of abuse of small traders under the scheme.

In recent years, several issues have been flagged regarding the use of border passes between Cambodia and Thailand. For years, small traders have complained about being charged "informal fees" by officials at the border, which ended up increasing the actual price of the border pass to several times the actual price under Thai law. In 2018, Thailand changed how the border pass was issued at the Poipet border checkpoint in an attempt to cut out informal payments demanded by officials at the border. Instead of applying at the border where such informal payments were rampant, applicants would instead have to submit their application at the provincial office for a fee of $5 and wait 5 days for their two-year border pass to be issued. Although sceptical of the change and inconvenienced by having to apply at the provincial office, local traders welcomed the reduction in informal payments that they faced.[3] By moving the application location away from the border (where oversight is more difficult) to the provincial office, it is hoped that small traders will not be forced to pay bribes to get their passes.

Thailand's experience with the Border Pass/Jeton shows that:

- Jeton programs can provide facilitation for a wide range of economic activities across different borders.
- Jeton programs can be designed for longer term economic activities, and for multiple entries and exits.
- The longer-term border pass allows for greater economic integration, allowing greater certainty for those crossing borders and broadening the range of economic activities they can engage in, making this form of best practice the goal that should be aspired to.
- The power of border officials to issue the Jeton can result in them abusing applicants, which undermines the smooth operation of the scheme.

[3] The Phnom Penh Post, "No protest after Thai border policy changed," (2018), available at https://www.phnompenhpost.com/national/no-protest-after-thai-border-policy-changed

2.2 Regional Experience and Lessons

2.2.1 Goma-Gisenyi (DRC/Rwanda)

In 2015 a study was conducted on Rwandan and Congolese small-scale cross-border traders operating at the Goma-Gisenyi/Rubavu and Bukavu/Rusizi borders between Rwanda and the DRC.[4] The report identified several features of small-scale trade at these borders. Only 31% of small-scale traders knew of the existence of the Trade Information Desk (TID) operation at the border, and of those that knew about it, only 15% had used one of their services (with a very low level of service satisfaction). Traders complained of a lack of infrastructure, haphazard levying of formal taxation, and complicated administration. There is no certainty regarding tax rates and tax-exempt goods as little information is provided at the border.

On the DRC side of the border, it was observed that small scale traders faced a challenge in obtaining a border pass for free, as is supposed to happen. Traders reported that officials at the border often demanded payments for Jetons and would work slowly to create long queues making it more likely that traders would offer money to expedite their applications. It was reported that 52% of traders surveyed on the DRC side of the Goma-Gisenyi border had paid for a Jeton at least once. Furthermore, traders on the DRC side reported harassment from the officials from the multiple government agencies operating at the borders (immigration, police, and sanitation services were most often cited). Traders report being charged several times by several different agencies, without being provided with any receipts. The lack of receipts also puts traders at risk of being forced to pay the same tariff a second time when they reach the market, as what happens to milk traders in Bukavu who are forced to pay sanitation services at both the border and market. Fraud is also considered a major issue, with “informal agents” posing as customs officials demanding payments from traders at the border with impunity. It was found that the conduct of immigration officials on the DRC side was likely to discourage women from continuing to trade across the border, with harassment and the extortion of payments for a Jeton commonplace.[5]

On the Rwandan side of the border, in particular, at the Petite Barrière border post where the delivery of the Jeton has been computerised, traders complain about the queues and delays that this system imposes on them. It was observed that regular system failures and too few machines created significant delays for traders wishing to obtain an electronic Jeton. In interviews and focus groups organised in Rubavu, traders reported that they regularly spend between 30 minutes to an hour (sometimes up to 30 minutes at the machine to issue a single card), and sometimes wait longer, when collecting the Jeton from these machines, whereas it would take just a few minutes if provided by immigration officers manually. The issue of delays is compounded by the fact that each eJeton card is single-use, and therefore cross border traders need to obtain a new one for each border crossing.

The eJeton card used at Goma-Gisenyi does provide benefits for border officials. The immigration data collected is linked to the department’s central data and national registration records. The system is secured in that traders holding the eJeton use their fingerprints for identification when crossing the gates at the border.

Goma Gisenyi’s experience with mobility schemes shows that:

- Despite being free by law, traders can be forced by border officials to pay for Jeton’s and are in a vulnerable position when it comes to demands for informal or unreceipted payments.

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[4] Dr. Nene Morisho Mwanabiningo, “Deriving Maximum Benefit From Small-Scale Cross-Border Trade Between DRC And Rwanda,” (2015)
[5] Ibid

- Computerised eJeton's can cause severe delays if there are infrastructure or system issues that delay or prevent their issuing.
- An eJeton can allow for the easier collection and storage of data on government systems, and the eJeton can be linked to traders fingerprints.

2.2.2 Kasumbalesa (DRC/Zambia)

Previous research conducted at the Kasumbalesa border has reported instances of de-bulking[6] activities.[7] It has been suggested that small individual transporters using specially reinforced bicycles are hired, sometimes even by large international traders, to carry goods across the border. If true, commercial traders are using the processes designed for small traders and transporters along the pedestrian corridor to transport their goods across the border. Goods crossing from Zambia into the DRC via the pedestrian corridor are not captured on the Zambian authority's system. This is because these goods are treated as cross-border goods and the value of each consignment is assumed to be less than 3,000 fee units (K900), the threshold below which it is not necessary to submit a declaration to Zambia Revenue Authority (ZRA). As a result, it is possible that a significant amount of trade flowing from Zambia to the DRC at Kasumbalesa is not formally exported through the Zambian authority's system. Trade statistics for small-scale trade were not generally compiled, except for a short interval between 2014 to 2017 when COMESA established Trade Information Desks, under the COMESA trading for peace program, to provide trade information, monitor and record trade flows and performance. Discussions on this issue are currently ongoing.

Figure 1: Examples of de-bulking include using bicycles to move large consignments of goods across the border in smaller consignments, and unpacking trucks at the border to repackage goods in smaller consignments.

Chemical products and other goods controlled by the Zambia Environmental Management Authority (ZEMA) or goods controlled by the Ministry of Fisheries and Livestock, that require export permits, do not usually obtain export permits if they are exported along the Pedestrian Corridor, as these do not go

[6] The practice of "de-bulking" involves large consignments being broken up into a number of smaller consignments which are then taken across the border separately. An example of this can be a large truck arriving at the border where the consignment is unloaded, broken up, and given to local transporters on bikes. These transporters take advantage of special routes/lanes and customs rules for smaller consignments, making it easier and/or cheaper to transport the goods as separate small consignments rather than one large consignment
[7] "Final Report of the Business Process Analysis Study of Small-Scale Cross-Border Trade at and Around Kasumnalesa Border Post" prepared for GIZ

through formal export channels because they are being exported by small-scale traders. Some other goods, such as sugar and alcohol, are not traded through the Pedestrian Corridor at all, but rather through informal (smuggling) routes.

The relationship between the border control agencies and small-scale traders/transporters is challenging for both sides, fraught with suspicion and a winner-loser disposition, and driven more by distrust than cooperation. This was patently manifest at Kasumbalesa, though efforts are being made by players at the border to improve cooperation. These efforts are being led by the two CBTAs whose members stand to benefit the most from an improved trading environment and more trusting atmosphere.

According to interviews small-scale cross border traders, several important products are exported from Zambia in large volumes, but do not feature in any official statistics in recent years. These goods include maize grain and mealie meal, which have been subjects of export bans. Export bans of maize and mealie meal were imposed in 2013-2014 and 2016-2017 and from October 2018 to March 2019. In March 2019, Government announced the lifting of the ban, but replaced it with what is called a Regulated Export Regime, RER. Under the RER, all exports of maize and mealie meal must be accompanied by an export certificate. Small-scale cross-border traders at Kasumbalesa indicated that none of them has been able to obtain the certificate as it appears to be a preserve of selected exporting companies and individuals.

Kasumbalesa's experience with mobility schemes shows that:

- De-bulking activities may be used to circumvent rules at the border and take advantage of derogations meant for small traders
- The relationship between traders and border officials is often poor, but CBTA's can play an important part in improving it
- It appears that government officials do not prevent small scale traders from trading in products that are subject to export bans

2.2.3 General trends in the COMESA Region

A previous Imani report on small scale cross-border trade in the COMESA region found issues that cut across many borders in the region.[8] The payment of bribes and unofficial payments is relatively common at many borders. For example, more than 75% of the Ugandan and Congolese traders at the Mpondwe border post report paying bribes.[9] The implementation of the COMESA STR to overcome these issues has had mixed results. Some of the challenges noted have been high processing fees, low awareness of the regime and its function, and corruption by officials. The lack of knowledge of border procedure, together with insufficient education and border management skills often means traders are exploited at the border. This, along with harassment from border officials, encourages the use of informal routes to cross-borders. Some borders, such as Mchinji, are very porous, with about 60% of the traders admitting to having used informal "panya" (smuggling) routes. Throughout the region, delays at border posts are often caused by inconsistent electricity supply (and lack of generators), internet outages, lack of staff, and deliberate delays by border officials (in order to solicit bribes from frustrated border crossers), which drive traders to these informal routes. The perceived fear of seemingly sanctioned harassment and extortion by border officials and local council officials in community markets encourages the use of informal routes to cross border traders, particularly for women. Although the women traders know that "panya" routes are unsafe, some would rather take that risk than deal with real or perceived extortionist

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[8] Imani Development, "11th EDF – Design of a Regional Programme for COMESA on Small-Scale Cross-border Trade: Drawing on the Lessons of the Past"

9 Caroline Shenaz Hossein & Jean-Baptiste Ntagom, Risky Business: Poor Women Food Traders in the Borderlands of Congo, Uganda, Rwanda and Burundi, 2010

border officials and/or border delays. These small-scale traders lack of knowledge about their rights, and a lack of reporting mechanisms for abuse, exacerbate these problems.

The report also found that, except for Rwanda and Uganda, data on cross-border trade and cross-border traders is very limited, and what is available is of variable quality. This severely limits the ability to guide support to ICBT and assess its impact appropriately, and leaves policy makers without the requisite information to base informed policymaking on. A lack of information on goods traded at these borders could explain why common lists for the STR program are considered out of date and irrelevant by many traders, as they do not contain many of the goods most often traded by small scale traders. Lack of knowledge regarding the STR was also a cross cutting finding at borders in the region.

The lack of market infrastructure near borders reduces the connection between traders and customers.[10] In addition, poor quality, or no, storage facilities at important border crossings often results in traders selling perishable stock at losses to prevent spoilage. Women cross-border traders who deal primarily in low value, perishable primary products are particularly susceptible to this occurrence. Their fear of slow border procedures and the resulting product degradation is one of the reasons why women cross border traders opt for the faster non-official routes.

As mentioned above, gender issues have been highlighted as a concern at COMESA borders. The exact gender breakdowns vary from border to border, however previous research has indicated that there are many borders in the region (such as Mwami and Moyale) where women traders make up the majority of small-scale traders.[11] Despite this, few borders were recorded as having adequate facilities to accommodate these traders. Previous research at Kasumbalesa indicated that women were often extorted for bribes and harassed, and when they reported this behaviour they were largely ignored. The experience of women traders at the border indicates the need for targeted measures to improve their experience at the border, such as improved sanitation facilities and adequate reporting mechanisms for extortion and harassment. The prevalence of women traders at many borders also indicates that general measures to improve and facilitate small scale cross border trade will provide tangible benefits to this group.

2.2.4 Rwanda Laissez-passer

The Laissez-passer serves as an alternative to a passport, performing much the same function in countries where it is accepted. The benefits of the Laissez-passer over a passport are that it is simpler to obtain, the processing time is much faster, and the fees are considerably less. This makes it a preferred option for many in the border areas who wish to cross into neighbouring countries to conduct business but lack the resources or time to secure a passport. Because it acts as a passport, some countries may still require a visa along with the Laissez-passer in order to allow entry (as is the case of a DRC Laissez-passer holder wishing to enter Zambia). Rwanda offers a Laissez-passer to its citizens who wish to travel to the DRC or any member of the EAC. The policy was implemented under the broad ambit of Article 164 of the COMESA treaty which encourages states to adopt measures to achieve progressively the free movement of people. Applications are made online, and it is considerably cheaper than the national passport (10000FRW vs 75000FRW). The document also takes only three working days to process, which is faster than a passport. Because it is simpler than the national passport, a Laissez-passer does not need to be issued only at the capital, with regional immigration offices being allowed to issue the document. This allows for more traders to be able to access the scheme. Although the Rwandan Laissez-passer is not the only one operational in the region (for example, it is possible for citizens of the DRC to obtain a Laissez-passer at the Goma and Kasumbalesa borders), the efforts taken to include it in national

10 AFDB, Informal CBT in Africa: Implications and Policy Recommendations, 2012
11 11th EDF – Design of a Regional Programme for COMESA on Small-Scale Cross Border Trade: Drawing on the Lessons of the Past (2017)

immigration law, formalise the document to make it similar to a passport, and allow for the process to be conducted largely online makes this particular version a good example of the potential of the Laisezz-passer.

2.2.5 COMESA Passenger and Cargo Manifest

In July 2012, COMESA initiated the Passenger and Cargo Manifest System (PCMS) in Zambia and Zimbabwe to enhance data capture on small-scale cross border trade and faster border clearance for such traders.

The Passenger and Cargo Manifest System involves an agreement between government and bus operators to use a form which should be filled by bus operators or agents of traders and/or government officials located at designated bus terminals. These forms contain details of all passengers using the particular bus, including the type and quantity of products being transported by the passenger/trader to the neighbouring country. Such information will then be transmitted in advance to the border station by the bus operators. In so doing, this system allowed advance capture of trade data which enabled initial risk assessment (checking potential fraud, contraband or smuggling) by border authorities as well as Trade Information Desk officers to capture it in the system awaiting final confirmation as the bus arrives.

The specific objectives of the Passenger and Cargo Manifest system are:

1. To allow for advance data capture by customs officials, and CBTA's trade information Desk officers stationed at the border capture data on small-scale trade from the port of departure (Bus Terminus).
2. Transmit the data from port of departure to the border before the bus arrives at the border.
3. To expedite clearance of traders and travellers at border stations.
4. To enable border agents to conduct advance risk assessment activities on the cargo coming through the buses from inland ports before arrival of the bus at the border.

The passenger and cargo manifest system was not designed to be implemented in isolation of existing systems of data capture such as the STR and other customs clearance procedures. It should rather be viewed as a complementary effort to help capture data and check smuggling. Interactions with stakeholders in this area have revealed that the passenger/cargo manifest has the following several weaknesses, including the fact that there was a lack of uniformity in filling out the necessary forms, a lack of awareness, high need for manpower due to heavy traffic and therefore high costs for multiple salaries, and that the usefulness of the program was limited since it only included those travelling by bus and therefore missed the large amount of traffic that used other methods of transport.

2.2.6 Zambia Cross-Border Permit and the COMESA Market

The Zambian Immigration and Deportation Act of 2010[12] provides the legislative basis for the Zambian cross-border permit. Section 30 allows for an immigration permit to be issued to a foreigner who is a citizen of a state in a regional grouping that Zambia is part of, or who resides is a country that shares a border with Zambia. The requirements set out in Section 30 state that an applicant must not be a prohibited immigrant (defined in a later part of the Act), must have a valid passport or travel document, and must be a member of an association of persons engaged in "cross border business." The cross-border permit is valid for an initial period of ninety days and may be reviewed for a further period, however said extension may not go beyond a total of 6 months from the date of first entry into Zambia. The permit allows for multiple entries and exits.

[12] Act 18 of 2010

The cross-border permit is different to the other mobility schemes identified in this report. It is not a pure travel document, like a Jeton, eJeton, or Laissez-passer. Instead, it acts similarly to a business or work visa, as it requires the applicant to hold a separate travel document (usually a passport) and provides the holder with a legal right to conduct business on Zambian territory. Beyond allowing the holder to generally conduct cross border business in Zambia, the permit also guarantees the holder permission to set up at the COMESA market in Lusaka. In this way, the permit provides an important access to market aspect that is often missing from facilitation schemes.

Figure 2: Cross Border Permit and CBTA membership card

Access to markets is a very real issue for small-scale cross-border traders. Restrictive laws and regulations put them in a very precarious position, not just with regards to local competitors who have an advantage in the face of fewer restrictions, but also with regards to their safety and a lack of protection from local authorities who can target them for not adhering to the strict rules. Temporary rights of establishment and access to markets on an equal footing with local traders is extremely beneficial for foreign traders. The Zambian cross-border permit provides a good avenue for such access, and by requiring membership is a CBTA like organisation it creates a situation where local authorities can partner with CBTA's to better formalise access to markets and coordinate on issues facing small-scale traders.

3. REGULATORY FRAMEWORK FOR THE MOBILITY OF TRADERS

“Mobility schemes” is a term that covers a broad array of programs and laws that allow for the easier movement of people and goods across international borders. These schemes can take many different forms, often depending on the groups which they are targeted at. Schemes can be aimed at small scale cross border traders trading in border areas, traders that travel beyond the border regions, individual businesspeople or service workers, or another group that crosses borders for some purpose.

This section looks at the legal frameworks currently in operation that aim to provide avenues to facilitate greater movement of people. Section 3.1 looks specifically at the framework in operation in the COMESA region, while Section 3.2 takes a brief look at some of the other frameworks that have been developed to assist mobility in the African context. Section 3.3 provides an in-depth discussion of some of the most important individual mobility schemes.

3.1 COMESA Framework

3.1.1 Protocol

Article 164 of the COMESA Treaty sets out the scope of cooperation for the COMESA member states with regards to the free movement of persons, labour, services, and the right of establishment and residence. It states that member states agree to adopt measures at an individual, bilateral, or regional level to achieve the free movement of persons, labour and services. Beyond this, the article agrees to retain the Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements until the Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence enters into force. Section 164 provides a regional framework, within which policies aimed at liberalising the free movement of people can be developed and implemented, and it is in this context that efforts to improve the mobility of traders are undertaken in the region. The COMESA treaty and the Free Movement protocol set not just the free movement of people as an objective, but a broader liberalisation of economic activities which includes movement of labour, services, and right of establishment. This underlines the importance of these three elements to the overall regional integration agenda, alongside the free movement of goods and people.

The Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements (1984)[13] was one of the earliest efforts by COMESA to establish a regional framework for liberalising mobility among its members. The treaty provides for the gradual relaxation of visa requirements, including provisions for visas to be granted on arrival, entry without a visa for a period not exceeding 90 days. The actual implementation of the policies in this protocol relies on either unilateral member state action (for example, countries waiving visas for all other COMESA members) or bilateral policies such as reciprocal visa waivers between member states. Article 164 of the COMESA treaty sets out the intention of the COMESA region to replace this treaty with a new, more expansive Protocol. However, few countries have ratified this replacing Protocol, and as a result, it is yet to enter into effect, meaning that the Protocol for Gradual Relaxation and Eventual Elimination of Visa Requirements is still COMESA’s operating protocol on the movement of people.

The COMESA Protocol on the Free Movement of Persons, Labour, Services, the Right of Establishment and Residence indicates the conviction of the Member States that ‘a genuine Common Market shall be

[13] Ratified by: Burundi, the Comoros, the Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Sudan, Swaziland, Seychelles, Uganda, Zambia and Zimbabwe

achieved only when the citizens of the Member States can move freely within the Common Market," and therefore shows that member States should 'adopt measures that shall gradually, and on a step by step basis, remove restrictions to the free movement of persons, labour, services, right of establishment and residence.'[14] The protocol essentially offers a three-step process for the liberalization of travel, whereby visa requirements are relaxed immediately after the protocol enters force under Article 3 (allowing for visa on arrival), then visa-free travel is introduced two years after entry into force under Article 4, before visa requirements (and all restrictions on the movement of people) are eliminated within 6 years of entry into force under Article 6. These three steps are undoubtedly important undertakings to be taken by Member States, and the fact that only Burundi, Kenya, Rwanda, and Zimbabwe have signed it (with Burundi being the only country to ratify it) indicates that Member States feel that they still need to take further steps before they are in a position to implement the protocol. This protocol was meant to replace the Protocol on Gradual Relaxation and Eventual Elimination of Visa Requirements, however, the slow pace of ratification means that it is not in force and is unlikely to enter effect soon with only four signatures and one ratification at time of writing.

The protocol intends to provide a framework and general direction under which the COMESA Model Law on Immigration (the Model Law) operates. The protocol is the basis for the Model Law which provides a pathway for Member States to move towards the greater liberalization of immigration laws by providing important intermediary steps that can be implemented before the more wide-reaching reforms of the protocol are attempted. Once fully implemented, the protocol will allow for a far more liberalised system than that of the Model Law, allowing for free movement of labour (Article 9), free movement of services (Article 10), a pathway to a right of establishment (Article 11), and a pathway to rights of residence for Common Market citizens (Article 12).

Under the ambit of Article 164, Mauritius, Rwanda, and Seychelles have waived visas to all COMESA citizens, while Zambia has issued circular waiving visas and visa fees for all COMESA nationals on official business. In order to meet national implementation challenges, the regional economic community set up the COMESA Model Law on Immigration to harmonize national laws and practices of member States, yet domestication of the law is still slow.

Table 4: Overview of COMESA VISA Schemes

Scheme	Providing countries
Waived visas to all COMESA citizens	Kenya, Mauritius, Rwanda and Seychelles
Waived visas and visa fees for all COMESA nationals on official business	Zambia
Ninety-day visa access and access to visa on arrival to at least half of the COMESA Member states on a bilateral basis (e.g. reciprocal treatment)	Kenya, Madagascar, Malawi, Mauritius, Rwanda, Eswatini, Seychelles, Uganda, Zambia, and Zimbabwe

[14] COMESA Protocol on the free Movement of Persons, Labour, Services, the Right of Establishment and Residence, opening paragraph

3.1.2 COMESA Model Law on Immigration

The intention for free movement of people within COMESA is well set out in the COMESA treaty and the two protocols described above. However, despite this clear commitment, it was observed that the actual implementation of free movement policies was hampered by a lack of harmonisation of immigration laws throughout the region. With this in mind, COMESA commissioned the COMESA Model Law on Immigration (the model law) with the intention of having a baseline immigration law model that member states could use as a yardstick or point of reference. The model law stands as both suggested best practice for immigration law, as well as a means for states in the region to harmonize their national laws by adopting the model law (or an immigration law that uses the model law as a basis). This harmonisation of national immigration laws could also assist states with getting to the position where they are better able to implement the COMESA protocol on the free movement of persons, which currently has few signatories and ratifications. At the 7th meeting of COMESA Chief Immigration Officers held in March 2011, the harmonisation of national laws with the model law was identified as one of three priority areas.[15]

The arrangements for the movement of people set out in COMESA's Model Law are set out in the table below, providing a summary of people and communities who are covered by the schemes, the rights the schemes offer, the location that an application needs to be made under the scheme, the institutional structures that manage the scheme, and the remedies available under the model law.

Table 5: Summary of Key COMESA Model Law on Immigration Provisions

Scheme	People and Communities Applicable	Rights Offered	Location Application	Institutional Structures	Remedies
Business Permit (Section 13)[16]	May be issued to a person intending to establish or invest in a business in the member state	Right of entry, right to work, can allow entry to members of immediate family if conditions met	The law provides for permits to be issued by the relevant Department dealing with immigration in each member state	The COMESA model law is largely designed to fit in to existing institutional structures in the region. Applications all permits are dealt with by the existing department for immigration in the member state in question. Decision making power mostly vests in the "Director-General (civil service head) of that department and the Minister	Under Section 6 of the Model Law an adjudication and review mechanism are set up to provide a remedy that covers all of the schemes covered here. This section states that a person who has a decision adversely affecting them may apply to the Director General[17] for review, then to the Minister, then to a
Work Permit (Section 17)	May be issued to potential employee's if the employer can meet the given requirements	Right to live and work	The law provides for permits to be issued by the relevant Department dealing with		

[15] The Africa-EU Partnership, "COMESA works towards free movement of persons," (2011) available at: https://africa-eu-partnership.org/en/stay-informed/news/comesa-works-towards-free-movement-persons

[16] The Section does not set out any criteria or framework for determining what type, value, and means of investment is required in order to qualify for the permit

[17] The head of the Immigration Department (defined in the definitions section of the model law)

Scheme	People and Communities Applicable	Rights Offered	Location Application	Institutional Structures	Remedies
			immigration in each member state	under who's portfolio immigration falls. Additional institutions that may be required for the proper implementation and functioning of the permits are not provided for in the model law	domestic court (in that order) if they are still adversely affected by the decision or the Director General/Minister did not make a decision [18]
Cross-border pass (Section 22[19])	Frontier workers (people who live in one member state and work in another) and those who reside in border communities	Right to work throughout the territory of the member state	The model law does not state whether an application for the permit must be made at the border post or at another location		
Transit Permit (Section 22)	Non-nationals traveling to a foreign country wishing to make use of the transit facilities at a port of entry	Right to transit across the member states territory	Not stated, and therefore unclear if this is intended to require an application at the border or elsewhere		

Table 6: Relevant Articles from COMESA Model Law on Immigration

Scheme	Legislation and Section	Relevant Article(s)
COMESA Model Law Business Permit	COMESA Model Law Section 13(1) – Section 13(4)	S13(1): "A business permit may be issued by the department to a non-national intending to establish, or invest in, a business in the (Member State) in which he or she may be employed, and to members of such non-nationals immediate family provided that (a) such non-national invests the prescribed financial or capital contribution in such business (b) the contribution referred to in paragraph (a) be part of the intended book value of such a business" (NOTE: (c) and (d) deal with administrative and investment provisions.

[18] A timeline by which these appeals may be made is provided in the act. The exact minister and court that must be approached is not specified in the model law by assumedly would depend on the national structures which have competence over the matter in each member state

[19] Section 22(1) states that frontier workers and members of border communities shall not require a residence permit. However, it does not elaborate what rights this statement gives to such peoples, such as rights to cross the border, right to work across the border, right to establish residence, and so on. The fact the Section 22(1) states that such peoples do not need a permit and then in Section 22(2) states "the Department may nevertheless issue the frontier worker with a special permit" creates both ambiguity about what rights such people actually have

Scheme	Legislation and Section	Relevant Article(s)
		S13(2): "The holder of a business permit may conduct work."
COMESA Model Law Work Permit	COMESA Model Law Section 17(1) – Section 17(4)	S17(1): "A general work permit may be issued by the Department to a non-national if the prospective employer (a) satisfies... he has been unable to employ a person in the member state with qualifications equivalent to those of the applicant (b) produces certification from the relevant authority that the terms and conditions under which he or she intends to employ such non-national… are not inferior to those prevailing in the market… (c) has committed to notify the department when such non-national is no longer employed or is employed in a different capacity or role and (d) has submitted a certification from the relevant authority of the job description and that the position exists and is intended to be filled by such non-national"
COMESA Model Law Cross-border pass	COMESA Model Law Section 22(1) – Section 22(3)	S22(1): "Frontier workers and members of border communities shall not require a residence permit" S22(2): "The Department may nevertheless issue the frontier worker with a special permit for a period of at least five years or for the duration of that person's employment where this is longer than three months and less than one year. It shall be extended for at least five years provided that the frontier worker furnishes proof that he or she is actually pursuing an economic activity" S22(3) "Special permits shall be valid throughout the territory of the issuing State"

3.1.3 Minimum standards for cross-border traders

Small scale cross-border trade flourishes in situations where the costs of formality are high, where processes are not transparent, where delays are rampant, and where traders consider themselves at risk of abuse at the border. Often costs at the border are regressive, with small traders paying higher rates to move the same commodity across the same border than formal traders. This is often because the costs of conforming to standards required to take advantage of formal agreements (such as FTA's) puts their benefits out of reach for small-scale traders that simply cannot afford to comply with the standards. Small scale traders are also less likely to know about these types of agreements or how to access them (due to their often-opaque requirements), and cannot spare the time and transport costs required to travel to national or regional capitals to obtain the relevant paperwork.

The Charter on the Minimum Standards for the Treatment of Small-Scale Cross-Border Traders in the COMESA Region sets out a basic set of rights and obligations for traders and officials and ultimately aims to improve the behaviour at borders and to promote the gradual formalisation of cross-border trade. Basic rights offered to traders under the regulations include freedom from harassment and abuse, efficient and non-discriminatory treatment at the border as well as receipts for all payments, transparency from border officials that are clearly identifiable, physical checks that are recorded with reasons and the right of women traders to have their checks conducted by women officials in a private environment, and the clear and public display of all information regarding duties, fees, and documentary requirements at the border. Beyond these rights, there is a call for governments to commit to improving border infrastructure, improve data collection, ensure disciplinary action for border officials that violate trader's rights and provide gender awareness trading to officials.

The charter is not meant to supplant domestic codes of conduct in operation at the various borders, but rather build on them and provide further protections. The initiative is designed to provide traders with a safe, predictable environment to operate in while improving border efficiency and data collection.

3.1.4 COMESA/EAC/SADC Tripartite Free Trade Area

The Tripartite Free Trade Agreement brings together three of Africa's major regional economic communities (SADC, COMESA, and the EAC). The TFTA is, however, considered by regional policymakers and some analysts to be a big deal and potentially a game-changer for the African trading system. The deal was a launching pad for the establishment of the even more ambitious Continental Free Trade Area that covers nearly all of Africa. In the process, the TFTA demonstrated the possibility of collective action among 26 very heterogeneous nations and shows the feasibility of harmonizing three very different preferential trade regimes into one unified scheme.[20] As of the 15th of January 2021, 9 countries had ratified the TFTA, 5 short of the required 15 needed for the agreement to enter into force.[21]

Although the TFTA is likely to be an important part of Africa's trade once it enters into force, it has a limited focus on the movement of people. Indeed, the current treaty omits any mention of free movement of people other than businesspeople (the free movement of businesspeople is recognized as an important area of co-operation in the treaty). However, the potential importance of the treaty for trade will lie in the potential tariff reductions it can offer for capital-to-capital traders and other traders trading goods sourced from countries within the TFTA but outside of the COMESA FTA. The inclusion of South Africa, which is an important source for goods for cross border traders, is an important factor. That being said, the TFTA is likely to create the same regulatory barriers that prevent small traders from being able to trade under most FTA's. A TFTA Simplified Trade Regime would allow small traders to access the benefits offered under the TFTA.

3.2 Frameworks from Other Regions

3.2.1 SADC/AU treaties

One of the key goals of the African Union is a fully integrated Africa, which includes dismantling the barriers which currently inhibit the movement of peoples across the borders of the continent. To this end, the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment was drafted (not yet in force, currently only ratified by Mali, Niger, Rwanda and Sao Tome & Principe) with the objective of providing for the "progressive implementation of free movement of persons, right of residence and right establishment in Africa."[22] The preamble of this Protocol explicitly highlights the 2006 Migration Policy Framework for Africa's encouragement for Regional Economic Communities (REC's) to implement measures to ensure the achievement of the free movement of peoples within their regions, while also acknowledging the important steps that the REC's have already taken in this regard. The Protocol envisages a three-phase plan for the progressive realisation of its objective. Phase one will see parties implement the right of entry and the abolition of visa requirements, phase two will call for the implementation of the right of residence,

[20] Soamiety Andriamananjara, "Understanding the Importance of the Trupartite Free Trade Area," (2015), available at https://www.brookings.edu/blog/africa-in-focus/2015/06/17/understanding-the-importance-of-the-tripartite-free-trade-area/

[21] Muzinge Chibombia, "Zambia Ratifies and Deposits Instruments of the Tripartite Free Trade Area (TFTA) Agreement," (2015), available at https://www.comesa.int/zambia-ratifies-and-deposits-instruments-of-the-tripartite-free-trade-area-tfta-agreement/

[22] Article 2 of the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment

and phase three will see parties implement a right of establishment.[23] Article 6 of the treaty provides the outline for the first phase and sets out how nationals of Member States "shall have the right to enter, stay, move freely and exit the territory of another Member State," while also stating that Member States shall allow for entry of such persons without the requirement of a visa.[24] Article 12 of the Protocol sets out the special treatment available for those living in border communities, calling for states to ensure that these peoples may move freely across-borders by creating bilateral or regional agreements to establish the measures needed. Importantly, Article 28 of the Protocol states that REC's shall be the focal points for promoting, following up and evaluating the implementation of the Protocol, and reporting on progress in their regions. Furthermore, Article 28 requires REC's to harmonise their Protocols, policies, and procedures on the free movement of persons with the Protocol, clearly highlighting the central role of REC's as the building blocks for the eventual achievement of continent-wide free movement of persons.

Article 5 of the SADC treaty states that in order to achieve the region's goals, "Member States shall develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the people of the Region generally, among member states.'[25] In order to fulfil this objective, the Member States drafted the SADC Protocol on the Facilitation of Movement of Persons (which is not yet in effect) with the overall objective to "develop policies aimed at the progressive elimination of obstacles to the movement of persons of the Region generally into and within the territories of State Parties.[26] The Protocol carried three specific stated objectives for citizens of member states, namely visa-free entry for up to 90 days, permanent and temporary residence, and establishment in the territory of a Member State.[27] In order to better facilitate these three objectives in the region, Article 7 of the Protocol stated that each Member State needed to ensure that all relevant national laws and regulations are in harmony with and promotive of the objectives of the protocol, calling on SADC to, from time to time, produce model laws in this area. Article 13 then sets out more specific areas where harmonisation needs to occur (such as the standardisation of immigration forms and establishment of separate SADC desks at major ports of entry between state parties). Article 13 sets out a clear call for the creation and harmonisation of laws around 90-day visa-free programs, bilateral border pass agreements designed to facilitate free movement of those living in the border territories (where the border includes two SADC Member States), and the abolition of visa requirements (save for necessary visas that shall be issued gratis at the port of entry).

Similar to COMESA and SADC, the EAC also considers the free movement of people between member states a key goal of its organisation. Article 104 of the Treaty for the Establishment of the East African Community states that the "Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community" and will conclude a Protocol on these issues.[28] The Protocol for the Establishment of the EAC Common Market came into effect in 2010 and contained provisions designed to achieve the goal of free movement of people set out in the EAC treaty. Article 5 of the Protocol states that the Member States agree to ease cross-border movement, remove restrictions on the movement of labour and the establishment and residence of EAC citizens in all member states. Furthermore, Article 7 guarantees the free movement of persons for all citizens of a Member State throughout the region.

[23] Ibid, Article 5
[24] Ibid Article 6(1) and 6(2)
[25] Treaty of the Southern African Development Community, Article 5(2)(d)
[26] Article 2 of the SADC Protocol
[27] Article 3 of the SADC Protocol
[28] Article 104(1) and 104(2) of the Treaty for the Establishment of the East African Community

3.2.2 EAC ID Card Travel

Three East African Community (EAC) partner states, Rwanda, Uganda and Kenya, have agreed to start using National Identity cards as travel documents when travelling among them from January 2014. As previously mentioned, Article 164 of the COMESA Treaty obliges member states to adopt measures for the free movement of people at an individual, bilateral, or regional level, and with most EAC members also being COMESA members, and East Africa representing an important region within COMESA. A meeting between heads of states and high-level officials from the three states took place in Kigali in July-August of 2013, where it was decided to prioritise the introduction of e-identity cards to facilitate the program (the cards had been introduced in Kenya and Rwanda, but not yet in Uganda) falling under the larger framework for the progressive realisation of free movement set out under Article 164. It also enables citizens of the three countries to spend up to six months in any of the three countries without requiring any other documentation.

The treaty establishing the EAC lists the free movement of persons as one of the operational principles of the community. The protocol on the establishment of the EAC customs union then expanded on this via the addition of the East African Community Common Market (Free Movement Of Persons) Regulations to the annex of the protocol. Regulation 5(2)(a) states that a citizen of a partner state shall present at the border a "valid standard travel document or, national identity card, where a Partner State has agreed to use machine-readable and electronic national identity card as a travel document." The Northern Corridor project, of which all three states are members, has similar goals for the free movement of people, and it was under the auspices of this agreement that the original negotiations for ID card travel took place. Kenya has incorporated EAC ID card travel into their immigration law. This was done via a declaration from the Cabinet Secretary for the interior, which declared the national ID cards issued under Kenyan law to be valid travel documents for the purposes of travel to Rwanda and Uganda.

Both the original scope for ID travel in the annex of the protocol and the subsequent negotiations between the three countries, stressed the need for ID cards to be machine-readable electronic cards. The security and monitoring potential of these cards are a major factor in the ability of these cards to be used as a replacement for a travel document. They allow individuals to be securely linked to their cards, limiting the potential for fraud and abuse. This provides implementing states with certainty and security, allowing them to move forward with the project.

3.2.3 ECOWAS Treaties and Initiatives

One of the stated objectives in the Economic Community of West African States (ECOWAS) Revised Treaty is the removal of obstacles to the free movement of people.[29] Article 55 of the treaty sets out the goal of the creation of an economic and monetary union that will include the total elimination of all obstacles to the free movement of people (as well as goods, capital and services and the right of entry, residence and establishment). In order to proactively pursue these objectives, in May 1979, ECOWAS Member States adopted their first protocol relating to the Free Movement of Persons, Residence and Establishment.[30] It stipulated the right of ECOWAS citizens to enter, reside and establish economic activities in the territory of other member states and offers a three-step roadmap of five years each to

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[29] Article 3 of the ECOWAS treaty

[30] The 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment together with the 1985 Supplementary Protocol A/SP.1/7/85; the 1986 Supplementary Protocol A/SP.1/7/86; the 1989 Supplementary Protocol A/SP 1/6/89 and the 1990 Supplementary Protocol A/SP 2/5/90 are known as the 'free movement protocols.' Note also that the West African Economic and Monetary Union (WAEMU, comprising the eight states that share the CFA franc currency) has its own rules, with border controls between WAEMU states even less strict (see also Idrissa 2019)

achieve freedom of movement of persons after fifteen years. The first phase dealt with the right of visa-free entry, phase two dealt with the right of residency, and phase three concerns the right of establishment in another Member State. The first phase has been fully implemented, with ECOWAS citizens legally allowed to enter each Member State and stay visa-free for up to 90 days.[31]

Actual free movement under the ambit of the free movement protocols has been restricted due to many of the same challenges discussed elsewhere in this report. Visa-free entry is only available to those who have a valid formal national ID card, which many citizens do not have access to, and this combined with corruption and abuse of migrants has led to the concept of free movement in ECOWAS being described as "largely limited to an ideal.[32] However, despite these issues, the innovative policies being implemented in the region represent a valuable resource to draw on, even if the implementation has been challenging. The introduction of the ECOWAS Nation Biometric Identity Card, which allows for travel on a secure document that contains strong security features, highlights the impressive steps the region has taken towards a high-tech, secure, common mobility scheme, and this could provide a good example of best practice for the COMESA region.[33]

3.3 Discussion on Individual Mobility Schemes

3.3.1 Use of Passport

Passports are the primary travel document of choice due to the entrenched formal system that underpins them and the security features they can be designed with. They provide certainty for holders and they alleviate fears of customs and immigration officials who can track entry/exit and link individuals to their travel documents with certainty (especially those with biometric features). Combining passports with mobility measures such as business visas, visas on arrival, and eventually, visa-free measures allow for greater facilitation of the movement of people. As such, COMESA's goal of eventual visa-free travel will undoubtedly facilitate greater trade and business linkages across the region.

However, the cost, time, and difficulty involved in applying for a passport mean that few small-scale cross-border traders are able to access the document. As a result, any improvements made in facilitating the movement of people with passports will be unlikely to influence these groups. It is therefore essential that other forms of mobility documents be central in plans to facilitate the movement of small-scale cross-border traders.

Advantages of a passport for CBT:

- Links to existing formal systems.
- Strong security features and allows for border officials to monitor border crossings and to capture data on these crossings into border management information systems.
- Internationally recognised and can be used at any border

Challenges with using a passport for CBT:

- Expensive and difficult to obtain – as issued by a central authority.
- Passport will fill up quickly with entry/exit stamps and, where relevant, visas.

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[31] Franzisca Zanker, Kwaku Arhin-Sam, Leonie Jegen, and Amanda Bisong, "Free Movement in West Africa: "Juxtapositions and Divergent Interests," (2020)
[32] Ibid, pg 5
[33] Chris Burt, "Nigeria moves to implement biometric ECOWAS card with $41M MoU," (2019), available at https://www.biometricupdate.com/201904/nigeria-moves-to-implement-biometric-ecowas-card-with-41m-mou

3.3.2 Use of a Jeton

The 'Jeton' is a widely used travel document among traders from border communities who often do not have access to national passports. Not only are these traders constrained by the often-high price of the passport (up to 300USD in the DRC), but they are also at a geographical disadvantage, as their location on the border usually means they are far away from the capital where passports must usually be applied for and collected. Both this project's field research and prior studies have found that passport usage among small scale cross-border traders at selected borders (including Goma-Gisenyi and Kasumbalesa) is low or basically non-existent for these reasons. The Jeton's low price (often issued free, but sometimes requiring relatively small official or unofficial payments) combined with its convenient location of issue at the border and fast processing time (averaging 3-5 minutes to process according to our fieldwork) render it an accessible and expedient alternative to the passport for small scale cross-border traders.

Jetons are relatively well established in the COMESA region, and the legal framework for the scheme has been incorporated into the official immigration law of countries such as Rwanda and Zambia. The Jeton is not exclusive to Africa, however, with Thailand and Cambodia running a program between themselves that operates under a bilateral memorandum of understanding, and the European Union creating an internal framework law that allows its member states the leeway to negotiate Jeton schemes with their non-EU neighbours, so long as the prescribed rules are adhered to. Given the variation of the countries that operate Jeton schemes, there is no single formula for a Jeton scheme, however, most share common features. The most important features are that they are low cost, easily accessible, allow travel within a defined distance of the border of the admitting country, and are only available to individuals that live within a defined area close to the border.

Paper-based Jetons, which are the standard at the borders surveyed, are easy and cost-effective systems to run and do not need large amounts of formal infrastructure. They are also flexible, allowing them to be modified according to the local realities faced on the ground. An example of this can be seen at the Goma-Gisenyi border, where Congolese applicants can use a voter's card rather than a national ID, due to the fact that national IDs are rare and difficult to obtain. Since Jetons are targeted at small scale cross-border traders, they facilitate the movement of a group that is traditionally locked out of traditional facilitation measures. It must be noted, however, that there was no uniformity observed between the different Jeton's studied in the COMESA region. The requirements for application, process of obtaining a Jeton, the distance allowed to travel, and the time that the document was valid for could all vary from border to border.

Interviews with border officials at Kasumbalesa also indicated that no record of Congolese traders using the Jeton is kept, as the Jetons are paper and must be returned by the trader to Congolese immigration upon their return. As a result, it is not possible to count how often a single trader crosses the border over a given period. The paper-based design of the Jeton essentially precludes it from being used with any electronic system to store data, and as such, it is unable to function with national systems that would track individuals for security or tax purposes. This means that officials have no way of knowing if immigration or customs laws are being adhered to. As jetons are paper-based, they can easily be exchanged or used by non-traders, posing a potential security risk if abused. Finally, field visits and other existing research has shown that paper Jeton systems can be abused by border officials, who can demand informal payments to issue them to traders when they should be issued free of charge.

Advantages of a jeton:

- It is inexpensive to institute and operate.
- It is a simple program both for border officials and those using it to cross the border.
- It fills a gap for communities that cannot access other documents that would allow them to cross the border.
- It can be issued in minutes at the border post.
- There is institutional experience in operating Jetons at borders throughout the COMESA region.

- The parameters of the Jeton scheme can be modified to suit the needs of the locality it operates in.

Disadvantages of a Jeton

- It cannot be reliably linked to any electronic system.
- It does not allow customs officials to link traders with their goods for tax and monitoring.
- It makes it difficult to capture reliable information at the border.
- It lacks security features that would allow immigration departments to monitor traffic at their borders.
- Can be abused by border officials.

3.3.3 eJeton Discussion

eJeton programs operate in a similar manner to standard Jetons but are backed by more complex infrastructure that provides the opportunity to create better data capture and security features. They would still be provided at the border, should be free or low cost, and available only to those living in border communities. The exact features of an eJeton would depend on the design of the system, and the hard and soft infrastructure implemented to underpin it.

An eJeton that is able to link identifying trader information to computer system would allow immigration officials to monitor the flow of people across their borders, allow customs officials to capture information on goods and link them to individual traders for tax and duties payable, and allow policymakers access to more accurate data to inform their decision making. A key advantage of the eJeton is that it can allow for additional security features, such as biometrics, providing states with a greater ability to monitor who is crossing their borders. Regardless of the exact design chosen, as long as the eJeton is linked to a computer system that monitors incomings and outgoings, it would be able to flag suspicious border activity, limit the possibility of document substitution and improve security. Such a system could be used by border officials to combat human trafficking and migrant smuggling, especially the trafficking of women from vulnerable communities, by alerting officials of particular border posts where more people are recorded entering than leaving and providing them with biometric data that could be used to track and identify potential victims of trafficking.

The eJeton could be linked with a traders Tax Identification Number (TIN), as an opt-in system, which could then expedite the payment/claiming of VAT and other taxes/duties payable at the border. It provides an avenue for the formalization of traders, with its potential to link not just to tax and duties, but also with goods mobility schemes (discussed in more depth in Section 6 below). The ability to link goods to traders and record that information makes the eJeton perfect for customs officers to ensure that traders remain within their de minimis. This could then allow for more generous de minimis arrangements. As both are designed to facilitate trade, the eJeton and STR complement each other by providing for the trader and their goods. The eJeton could be linked to the STR data, however, this is not necessary so long as both are captured independently for data capture purposes. However, the combination of these two could be a step towards formalization for traders, with the benefits of turning traders away from using informal routes and toward formalization.

Consultations with stakeholders at Kasumbalesa also indicated relatively strong support for an eJeton, both from traders and border officials. The current Jeton system was seen as outdated and time-consuming, and the prospect of replacing it with an eJeton was well received. An eJeton design that allows for a single application to receive a card, that is then re-usable for a period, would save traders and customs officials from filling out the same forms every day as is current practice, and one linked to a fingerprint would allow for faster processing times at the border once the trader has the eJeton card (ie. they would just have to present themselves and their card to the relevant border official, get their fingerprint taken, and be admitted, with no paperwork required after the card has been issued).

A recurring theme of research conducted at borders in the COMESA region is the vulnerability of women traders to harassment and extortion from border officials. An example of this is discussed below, where border officials at Goma intentionally create long queues for the Jeton in order to solicit payments from traders, the majority of which are women. An automated system would reduce the amount of interaction that women traders have with border officials, thereby reducing the potential for harassment. A system whereby traders applied at a machine, and then scanned themselves through a gate (potentially via a fingerprint) would also reduce the opportunities for border officials to solicit bribes.

The benefits of the eJeton are that it:

- Can be used by customs and immigration officials to monitor the movement of people and goods and flag potential abuse.
- Can be used by customs officials and traders to streamline the payment and reclamation of taxes/duties/VAT/etc.
- Can decrease unnecessary form filling and administration if re-usable cards are used.
- Can link traders with their goods.
- Can be implemented alongside security features such as biometrics.
- Can work in tandem with mobility schemes for goods.

The eJeton system is far more infrastructure intensive than the paper-based Jeton. As a result, the scheme comes with far greater requirements (and therefore costs) with regards to infrastructure and training. Furthermore, the reliance on the technology of the eJeton means it is at risk of failures due to inconsistent infrastructure (power cuts, system outages, slow connectivity, and so on). System failures can result in long delays at the border, meaning that it could be faster to get a Jeton than an eJeton, as is often the case with the eJeton at Goma-Gisenyi. Should an eJeton system be implemented, it is advised that a manual system be run in parallel as a backup, due to the potential for system failures. Should customs be forced to use the backup, certain goods mobility schemes linked to the eJeton (such as the de-minimis) would no longer be usable, as there would be no way to link the trader and goods on the customs system.

eJeton systems are more complicated than paper-based Jetons, and thus there will be a learning curve for traders and customs officials to adapt to. Designing a system that is easy to use for border communities and officials should be one of the key goals. Lack of awareness and understanding of mobility schemes can be a major factor in their overall effectiveness, and the importance of this issue is well illustrated by the fact that years after its launch at many COMESA borders, fieldwork indicates that many traders still don’t use the STR due to precisely this reason.

Any eJeton system must be implemented with the necessary physical infrastructure (electricity, internet, physical channels, number of machines) and soft infrastructure (computer systems that are adequate to manage the demands of the system with regards to storage and processing of data and address the security concerns of customs officials regarding false use of documents). Similarly, any eJeton system implemented must be partnered with training for both customs officials and cross-border traders to ensure that both groups understand how the system works, who it is designed for, and what benefits it can offer.

Finally, the eJeton system must have sufficient security features to address the concerns of immigration and customs regarding fraud and evasion of duties/taxes. This will likely include electronic systems that link traders and their goods, allowing officials to monitor both. The system must also be designed in such a way that it would allow only the owner of the card to cross the border with the card. This could be done via biometric data. A secure eJeton would allow border officials to improve tax and data collection at the border. If Member States wish to implement a system where information is shared across the border, then data protection agreements would be required, and this will be especially pertinent if a biometric system is used.

The disadvantages if the eJeton are that:

- It would require investment in infrastructure to implement correctly.

- System failures can create significant delays at the border.
- The more complicated system will require training for customs officials and traders before they can use it properly.

3.3.4 Laissez-passer vs ID card travel discussion

Not all small-scale cross-border traders live in border areas and therefore, some cannot access the Jeton. Traders who trade across multiple borders will not qualify for a Jeton for the border where they are not a resident of the border area. There are many traders who fall between not being able to access Jeton schemes and not being able to obtain a formal passport easily (especially given the cost of the latter). Few programs aim to facilitate the movement of people who fall into this gap, and neither the model law nor the COMESA protocol makes provision for or facilitate such a program.

Here, the experience of Rwanda with the Laissez-passer could play a guiding role for the development of a mobility scheme. Rwandan immigration was able to implement a Laissez-passer which was cheaper, easier to obtain, and processed faster that essentially replaced the passport for travel to countries where it was accepted. Article 19 of Rwandan law N°57/2018 of 13/08/2018 provides for Rwandans traveling to the EAC states or the DRC to be issued with a Laissez-passer. The law also allows for an order of the Minister to determine any other country where the Laissez Passer may be used, allowing for further extension of the program via international agreement without the need to pass a new law. It also defines a Laissez-passer as a travel document issued in lieu of a passport to a Rwandan travelling to countries in the region in accordance with existing agreements among such countries and Rwanda.

A major advantage is that the Laissez-passer can be issued from regional immigration offices, and therefore does not require travel to the capital. The scheme does not necessarily provide for visa-free travel (although this can be negotiated by the countries involved), as it is intended to replace the passport, not the visa. Therefore, its primary use will be to assist those that cannot afford a passport to take advantage of visa-free programs, rather than to operate as a visa itself. Laissez-passers only operate in countries where partnership agreements have been signed to recognize them.

Laissez-passer schemes already operate at several borders, and evidence shows that they are flexible, cheap, easy to acquire, and quick to process. Laissez-passer mobility schemes can furthermore be linked with the STR (discussed below) and other schemes that enhance the facilitation of movement across the border such as the COMESA passenger-cargo manifest, which would allow capital to capital traders to pre-clear their goods via the manifest and move them across the border duty-free under the STR (assuming their goods qualify), allowing for far greater ease of travel across the border for these individuals. It should be noted that while beneficial, the passenger-cargo manifest is limited to those who travel across the border on buses with pre-approved companies and will not cover those taking other means of transport.

The Laissez-passer provides synergy with the STR, which allows for expedited movement of goods, and the passenger-cargo manifest (which allows for pre-clearance of goods before the trader reaches the border). The Laissez-passer would not have the same ability to link data as an eJeton (unless a system was designed for this), however, this does not matter for the STR as there is no monthly limit.

The laissez-passer can:

- Provide a travel document for those that struggle to obtain a passport.
- Be provided for a lower cost than a passport.
- Can include security features such as biometrics.
- Provides many of the same benefits as the passport.
- Can be instituted alongside visa free programs in the same MOU.

An alternative travel measure for traders that fall between the passport and the Jeton is the ID card used as a travel document, an example of which is operating in between Rwanda, Kenya, and Uganda. The use of an ID card for travel would fall under the COMESA free movement of people protocol (when it enters force). Article 2 of the protocol states that Member States agree to gradually remove all restrictions to the free movement of persons, while Articles 4 and 5 allow for the implementation of first visa-free travel for 90 days and then elimination of all visa requirements. Such a free movement regime would facilitate the implementation of ID card travel, as it is not possible to obtain a visa with an ID card, and therefore ID card travel is only possible within the context of a free movement regime. Although the ID card scheme removes a significant bureaucratic step (applying for a passport) and the expenses that come with it, when used as a travel document, it is constrained in its use for these types of small traders for several reasons. The first is that the program only works with electronic machine-readable e-ID cards, which can provide the requisite security features that countries require to monitor immigration flows and prevent irregular movement. This increases the resources required to issue these cards, which could in turn increase the price charged, removing one of the major benefits. The expense of providing machine-readable ID cards to the entire population far outweighs the costs of providing Laissez-passers to the relatively small segment of the population that would apply for them. Furthermore, the ID card travel scheme can only operate where there is a high degree of trust between participants as to the security of the system that produces ID's, which is not guaranteed across all COMESA states.

ID cards have the following benefits:

- They remove the requirement of applying for an additional travel document.
- Can have all the security features that passports have (including biometrics).
- Allow for customs and immigration to track information on border crossing via electronic systems.

3.3.5 Cross cutting considerations – incorporating space for local realities in any framework

The COMESA region includes many different countries and geographies, meaning that factors in play at one border are not necessarily the same at another border. As a result, designing a strict "one size fits all framework" is unlikely to provide the desired results, as different conditions can render schemes inoperable. An example of the problems that a strict framework can cause can be seen above in the discussion of Poland's experience with the EU Local Traffic Permit. The geography of the Polish border with Russia is relatively unique, and as a result, the framework provided by the EU did not account for the local reality. Because this framework was strict, Poland had to enter protracted negotiations with EU structures to secure the policy space to implement a border pass like a program that would suit their needs. This example shows why any framework developed by COMESA needs to provide countries with enough room to take local conditions into account and adjust accordingly. As an example, making national ID a requirement for a COMESA Jeton/eJeton program would shut out small scale cross border traders in the DRC from being able to obtain them, as national ID's are difficult to obtain and voters cards are used instead. While uniformity provides certain benefits, enough room must be left in any framework to allow countries to adapt these programs where necessary. Our fieldwork, discussion of which will follow below, shows why such room is needed particularly in the context of COMESA, due to the variation in how similar schemes are designed and operated in different countries.

It must also be noted that visas represent a barrier to cross border trade in the COMESA region for many traders who rely on passports to travel. Visas are expensive, difficult to obtain (usually requiring traders to apply at consulates in big cities), are expensive, have limited validity, and often only allow travel for a limited period of time (usually 90 days). This is a major barrier, and a well-known one, which is why the COMESA protocol on free movement contains multiple articles aimed at first removing the need for a visa for COMESA citizens travelling to other member states (article 4) for less than 90 days, and then for removing all visa requirements completely (article 5).

3.3.6 Conditions of entry and stay for cross border traders.

Cross border traders are mobile populations, and much of the focus with regards to improving their ability to operate has been on removing barriers to their mobility across borders (both for their goods and the traders themselves). However, another important aspect to consider with this group is their requirements and conditions of stay. While immigration and trade-related legislation usually cover the movement of people and goods across borders in the region, they seldom reference conditions that the traders operate under, and have few references to human rights principles.

A recent IOM/COMESA report states that the movement of people, which is more complex than the movement of goods, requires a more comprehensive approach. Policies and laws on the mobility of people should take into account six elements that need to be addressed: facilitation, health, protection, capacitation, humanitarian response and security. The report goes on to state that a common principle for all the pillars is the need for states to respect obligations under international law and international humanitarian law, particularly refugee law and human rights law.

The first pillar of facilitation requires effective border management, decreasing the time and cost of crossing borders. This includes measures such as visa liberalisation, cross border cooperation, border residency agreements, and other issues dealt with in this report. Visa liberalisation is a major issue, which is why there are two COMESA protocols (one in force and one not) that aim to reduce and eventually remove the need for visas in the region. However, visa-free travel does not necessarily give the right to trade; some countries specify that an individual is not able to enter the country for economic purposes without a corresponding permit. In addition, individuals may still be required to comply with additional immigration formalities, such as proof of return, funding for the duration of stay and proof of address while in country. It also remains the prerogative of the Immigration Officer at the border to determine whether or not an individual can enter the territory. With or without a visa, Immigration Officials can also refuse entry on grounds including national security, law and order, public health, or morality. National police and border security forces also have the power to detain and deport people who do not meet formal immigration requirements. This puts small scale cross border traders in a precarious position, as they are conducting economic activity but often lack the resources to procure the necessary business visa or permit, without which they are at risk of falling afoul of local security forces who might detain them.

Pillar two centres around health practices, which can significantly disrupt the cross-border flow of people and goods if not effectively managed. The disastrous effects of pandemics such as Ebola, yellow fever, and COVID-19 show the need for these practices, however, implementation is still an issue. Most trade-related health measures focus on sanitary and phytosanitary (SPS) issues, aimed at protecting food safety and plant/animal health, rather than the health of travellers, transporters, and traders crossing borders. The COVID-19 pandemic has seen new measures focused on preventing the spread of a virus via human-to-human transmission at the border (by, for example, requiring masks and temperature checks for border crossing), and the mobile nature of traders has brought into sharp contrast the need for greater public health considerations in the mobility process. This is especially true given the busy market areas that travellers operate in, which increases their risk of catching communicable diseases such as cholera and tuberculosis. Evaluations conducted under the World Health Organisation's International Health Regulations (IHR) scored most COMESA member states at a sub-optimal level (1 or 2 out of 5), indicating that the region has a lack of readiness and capacity at border posts to adequately deal with public health disasters such as epidemics. The failure of points of entry to respond to public health threats can jeopardize the health of cross-border traders, local communities and national economies. Separately, an IOM study in 2013 showed that infectious diseases were not the only public health issue facing border crossing points, with shortages of safe water and unhygienic sanitary conditions a major concern throughout the region.

The protection of vulnerable groups falls under pillar three. Women, who make up a large percentage of small-scale cross border traders, are among the most vulnerable groups at border crossings and find themselves exposed to disproportionate levels of harassment, extortion, gender-based violence and physical assault. This is exacerbated by the fact that border staff are mostly men. The Eleventh EDF project envisions specific interventions to address the abuse, mistreatment, and marginalization that traders face. These are addressed through measures such as training, sensitization and information activities, strengthening reporting instruments, infrastructure development, and promotion of good practices at the borders from a gender perspective. The project also envisions building the capacity of CBTAs (and similar associations such as women in business associations) to sensitize and increase their female membership, strengthen monitoring concerning gender disaggregation of data and research/analysis and knowledge on the challenges and needs faced specifically by women traders.

The fourth pillar deals with empowering and capacitating cross border traders. Increasing their capacity and expertise is an important means of ensuring that traders are able to use the tools provided to ensure a safer, stable income for themselves and their dependents, while also allowing them to contribute to formal economic development in the regions where they operate. Pillar five focuses on facilitating cross border trade during times of migration crisis, stressing the need or appropriate border management responses at times of humanitarian crisis to ensure that border management practices can adapt to the needs of specific groups, including CBTs. The COVID-19 pandemic has brought this issue to the fore, with closed borders all but ending the flow of small-scale traders across many borders in the region. Government agencies operating at the border need to be capacitated to implement the rapid responses required during a time of crisis.

The sixth and final pillar concentrates on security at borders. However, this does not mean security in a narrow sense, with a focus on more restrictive controls. Rather, it emphasises the need for a security regime that allows for the safe and legal movement of people and goods under harmonised and liberalised mobility laws. States face challenges to ensure harmonized procedures, information mechanisms and cross-border cooperation and coordination that can facilitate CBT and human mobility, while ensuring human rights standards are upheld, and effectively addressing transnational crimes and security risks. Border security measures also require States to ensure the integrity and security of travel documentation used by traders, prevent such documents from being forged, counterfeited or fraudulently obtained, and ensure that the document belongs to the person presenting it. States must also examine document issuance processes, to address the issue of fraudulently obtained genuine travel documents as a means of combating transborder crime.

4. REGULATORY FRAMEWORKS FOR SMALL-SCALE TRADE IN GOODS

Facilitating the mobility of small-scale traders would not be complete without a way to facilitate the movement of the goods that they carry. There are several goods mobility schemes in operation across the continent, but many are focused on facilitating the movement of large consignments carried by large formal traders. This section will look at the goods mobility schemes targeted at small scale cross border traders, setting out the legal framework under which they operate. Section 4.1 will introduce and discuss the Simplified Trade Regime (STR). Section 4.2 will discuss the COMESA STR program, section 4.3 will discuss the similar EAC STR, and Section 4.4 will look at the concept of de minimis and how it can be used as a mobility scheme for goods.

4.1 Discussion on the STR

The STR operates on a bilateral basis between two neighbouring countries that share a common border. The scheme allows goods that meet the rules of origin and originate from either of the two countries to be traded on simplified terms. A COMESA decision of Council of 2019 extended this, allowing all goods meeting the rules of origin from a COMESA FTA member state to enjoy preferences under the STR, as long as they are on the importing country's common list. These terms are intended to facilitate small-scale trade by enhancing the use of agreed rules of origin, simplifying verification of origin, and simplifying procedures for customs clearance at the border. An STR requires traders to keep the value of goods traded per crossing under a defined limit. The COMESA STR operates based on bilaterally negotiated common product lists, whereby the two countries wishing to implement an STR at their border negotiate the list of products that will be covered by that STR. Goods on these lists can then be traded duty-free as long as they are accompanied with the correct documentation (the simplified certificate of origin is no longer required after a decision by Council of 2011, so only the simplified customs document is required). The implementation of the COMESA STR, alongside its supporting interventions, have helped to reduce border delays and long queues facing small cross-border traders.

The COMESA STR is not the only one in the region, as The EAC also runs a STR, with the primary differences being that there is one central common list rather than many bilaterally negotiated ones, and the original value limit was set at $2000. STR measures implemented by COMESA Member States have proved extremely popular with traders.[34]

Previous studies at the border have indicated that the costs traders face when exporting the same goods are inversely proportional to their size, with large formal exporters carrying the lowest costs and small-scale traders carrying the highest. The STR can help small-scale traders access the same benefits and preferences that large formal traders take advantage of, drastically lowering the costs of goods crossing the border.

By extending the provision of existing benefits to small scale cross-border traders, STR's allow for certainty for traders that is often lacking. Small scale traders at some borders have complained about customs officials changing duties and classifications from day to day, meaning that traders do not have certainty with regards to what they will pay on any given day. The STR changes this, providing a strong legal, formal option that will provide consistent results, thereby providing an incentive for traders to take formal routes rather than more risky informal ones.

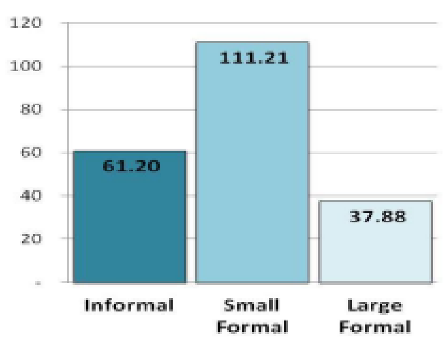
[34] Njiwa (2012), Informal Cross-border Trade: Challenges and Opportunities, A Case of COMESA and its STR Implementing Borders

The STR can operate independently if there are sufficient systems to capture data in place, as there are no cumulative minimums. Goods consignments simply need to be on the common list, comply with certification requirements, and comply with the per-consignment value threshold. This means that it can operate in parallel with several different schemes (such as the laissez-passer and paper Jeton).

An STR database linked to a mobility scheme, and more importantly to the individual tax numbers of the traders using it, could provide a valuable pathway to formalisation. The STR would allow small scale traders to obtain the tariff benefits of regional FTA's, while the link to a unique tax number would allow border officials to monitor traders and ensure that there is no abuse. The program would have to be offered alongside other fundamental changes to make it clear that small traders receive more benefits from using it than they do use informal routes (such as programs against harassment by border officials and programs to educate traders and officials about all of the processes and schemes active at the border). Once this is achieved, a system that links traders to their tax information by a tax number would allow traders to claim the VAT back at one side of the border and pay it at the other, while allowing border officials to reduce tax fraud and avoidance by ensuring that all of the taxes applicable at the various borders are collected correctly from traders. The STR also links well to other programs, such as the eJeton and passenger-cargo manifest, which allow for the facilitated movement of the traders themselves and the pre-capturing of relevant customs information.

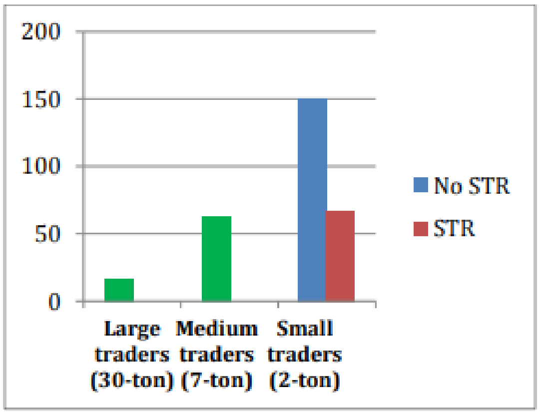
Under COMESA and EACs broader economic development and integration agenda, the STR is seen as a key to unlock the potential for small-scale trade to contribute to inclusive growth, promotion of gender equality and enhancement of regional mobility[35]. The STR was considered a priority for COMESA in part because of the considerable portion of trade between COMESA states that is carried out by small-scale traders. These traders, who are often women and from the poorer sections of the community, are often forced to pay the highest costs when crossing the border. As the figure below shows, there is an inverse relationship between traders' levels of formality and the costs that they face crossing the border, even when the same goods are being traded. The second figure shows the intention of the STR, to move small scale cross-border traders more in line with those faced by medium-sized traders, eliminating a large proportion of the significant gap between large formal and small traders.

Figure 4: Border Costs at Kasumbalesa (USD/ton maize)



Source: World Bank, 2013B

Figure 3: Total costs (USD/ton) of exporting rice from Malawi into Zambia per size of trader



Source: World Bank, 2013A

[35] Southern African Migration Programme (SAMP), Calibrating Informal Cross-Border Trade in Southern Africa, 2015

As these figures illustrate, medium-sized traders and small formal traders who fail to qualify for the STR will continue to pay higher costs than large traders. The STR does not only offer tariff preferences but also simplifies the customs process which makes it easier and cheaper to, for example, obtain a certificate of origin or to avoid having to use a clearing agent. In the Malawi/Zambia example above, the small traders trading two tons of rice would have a consignment value of $1000, while the "medium traders" carrying 7 tons of rice would have a consignment value of $3500. This illustrates the importance of the threshold value to the STR. Medium traders that fall between being able to access the STR, while also being unable to reach the scale required to offset the formal costs of certificates of origin and other processes, find themselves at a disadvantage. Increasing the threshold value would allow more of these traders to access the STR and bring their costs closer in line to what large formal traders pay. Raising the value threshold also provides a way to prevent small scale traders from being trapped under the threshold without room to grow for fear that they will no longer be able to access the scheme. An increase would allow them to switch to higher volumes, higher-value goods, or diversified consignments that combine high and low-value goods.

While the expansion of the COMESA STR is likely to be the short-term focus, it cannot be ignored that a significant part of small-scale cross border trade is conducted at the borders of COMESA members and non-COMESA members, which is not covered by the COMESA STR. There are also examples of traders carrying goods that originate from SADC or other regions. The Tripartite Free Trade Agreement and the African Continental Free Trade Area are being implemented to improve the facilitation of trade on the continent. This could once again create a situation where large formal traders are able to take advantages of trader preferences at COMESA to non-COMESA borders while small scale traders are left out. The STR has the potential to work with both of these free trade agreements, and the operational STR's in COMESA and EAC provide good examples to base a future scheme on. Implementing such a program with the TFTA and the AfCFTA would ensure that small traders are not locked out of the benefits that these mega-regional trading agreements can bring.

The advantages of the STR are:

- The STR already exists.
- It has support from traders,
- It seeks to achieve the important goal of allowing traders to access the benefits of FTA's.
- It lowers the costs for small traders when crossing the border.
- It can reduce the complexity of traders crossing the border with their goods.
- It encourages formalisation.
- Can be used with larger trade agreements such as the TFTA or the AfCFTA if negotiations allow.

There are challenges for the effective adoption and use of the STR. At the borders surveyed during the field visits with functioning STR programs, along with earlier research, traders often reported that they were not aware of the STR, were not sure about how to use it, and did not fully understand what benefits it provided. Furthermore, common lists are often out of date, and the negotiation of new lists can take significant time and as a result, some STR programmes are in limbo for years. The STR reduces the tariff revenue collected at the border, which can be an issue for certain countries or regions that are reliant on this revenue. For example, the fieldwork at Kasumbalesa found that customs on the DRC side were concerned that implementing the STR would cost them up to $250 000 per day, which is one of the reasons why implementing the COMESA FTA and the STR is opposed. This is because it was alleged that over 1,000 consignments worth more than US$1,000 crossed the border daily, with duties & other taxes averaging about 25% per consignment, and no STR or tariff preference in operation at the border crossing.

There is still a gap between how the STR currently operates and its potential, due to:

- Incomplete application at certain borders.
- Lack of education for traders regarding its use.

- Incorrect application of the program by customs officials.
- Abuse by customs officials who need to meet revenue targets.

4.2 COMESA STR

4.2.1 Aims of the COMESA STR

The COMESA STR was implemented in 2010 following a three-year pilot. The scheme was designed to help small scale traders gain access to benefits negotiated under free trade agreements such as the COMESA FTA. These traders were unable to comply with formal trade rules that FTA's usually require in order to be allowed to trade under them, and as such, small-scale traders were still paying tariffs and duties while large formal traders were moving duty-free across the same borders. One of the major barriers that prevented small sale traders from legally accessing the same opportunities available to formal traders was the requirement for Certificates of Origin, which was only issued at capitals and therefore out of reach of border community traders. The STR was designed to simplify the requirements for trading under trade agreements, to improve the experience at the border for small-scale cross-border traders by simplifying and speeding up trade and customs processes; transform and mainstream informal CBT into formal and legitimate CBT; and improve intra-regional trade data, through more accurately and efficiently capturing informal trade.[36]

In summary, the COMESA STR is premised on the need to reduce barriers to intra-COMESA trade experienced by small-scale traders. They are in the first instance founded on the simplification of customs and border procedures. They further help to improve intra-regional trade data, through more accurate and efficient capturing of small-scale trade which suffers from significant underreporting. It was also hoped that providing greater certainty for small scale traders, with regards to taxes and duties payable, could help reduce issues such as corruption and bribery at the border. The STR was seen as an important tool to help COMESA move forward on its goal of greater trade facilitation, with a focus on a segment of traders that often are not included in facilitation measures.

4.2.2 Legal Basis and Development of the COMESA STR

The COMESA STR was implemented as a Council Directive[37] which then became an administrative tool. As it is considered to be a method to trade within existing preferences, rather than a scheme creating new preferences, there was no need for formal WTO notification as the scheme was WTO compliant.

The original limit for qualifying consignments under the COMESA STR was $500, but this was subsequently raised to $2000. It is important to note that this is a limit per crossing, meaning that traders may cross multiple times a day with consignments up to $2000 in value. In order to qualify for the STR, a consignment must be under this threshold value and must also consist of goods that are eligible for the STR under the common list applied at the appropriate border. These common lists of qualifying goods are negotiated bilaterally between the two relevant countries that share the border where the STR is being implemented. The trader must also provide a simplified customs document. Trade information desks at various borders were equipped to assist traders with this program. The COMESA STR was initially designed to facilitate the movement of goods traded under the COMESA STR, subject to them being included on mutually negotiated common lists between the two countries involved. For those

[36] Muqayi (2015), The Relevance of the Simplified Trade in Addressing Trade Protectionism: Small Scale Cross-border Traders at Chirundu One Stop Border Post, Pakistan Journal of Social Sciences
[37] Official Gazette of the Common Market For Eastern And Southern Africa (COMESA), Volume 15 No. 4, Issued on 9th June 2009

COMESA members who are not part of the COMESA STR, eligibility for the STR is dependant solely on bilateral common lists negotiated with partner countries. A decision of the COMESA council in 2019 expanded access to goods that qualify under the STR, and as a result, all goods that originate from a COMESA FTA member state and are also on the common list of the relevant countries should enjoy preferences under the STR.

Since conception, the Simplified Certificate of Origin has been removed from the required documentation list to reduce compliance barriers in several COMESA Countries.[38] The Simplified Customs documents is now the only document required for the STR in COMESA. Not requiring a simplified certificate of origin has been shown to greatly simplify the trade and increase STR uptake.[39]

4.2.3 Implementation of the STR

In order to implement the STR, COMESA Member States must:

- Negotiate and agree on common lists of qualifying products.
- Apply these lists and other STR instruments through formal gazette publication.
- Ensure the availability of STR documentation and information at border crossings.
- Determine threshold values to be applied on consignments eligible for the STR.
- Determine the application of other taxation and processing fees on STR clearances.

4.2.4 Achievements of the COMESA STR

In a previous study, Njiwa found that three quarters of traders who used the STR praised it for providing quicker clearance times for their goods, while 70% said that it offered an attractive tax regime, and 60% thought that it better protected them from abuse.[40] A second study by Chirwa largely confirmed these results.[41] Overall, these results seem to show that the COMESA STR is extremely popular among the traders that use it, and that these small scale traders are seeing concrete results in the areas of processing times, tax/duty relief, and protection from abuse thanks to the COMESA STR program.

4.2.5 Gender and the COMESA STR

Much of the research conducted at borders in the COMESA region has indicated that women make up the majority of small-scale traders. For example, at Chirundu it was found that 73% of small-scale traders were women.[42] Therefore, any action taken to facilitate and benefit small scale traders is often going to have disproportionate benefits for women. As indicated above, one of the most important benefits that traders have reported back about STR is that it better protects them from abuse and extortion. Although the STR on its own is not sufficient to protect women traders, it is an important step. The formalisation offered by the STR helps reduce trader's reliance on informal routes, which can be extremely dangerous, especially for women. Previous research has also indicated that women tend to trade lower value items than men when conducting small-scale cross border trade, which would therefore mean that they would

[38] COMESA (2017), Cross-border Trade and the Simplified Trade Regime, Presentation Rubavu City
[39] COMESA (2014), Annual Report 2014
[40] Njiwa (2013), Tackling informal corss-border trade in Southern Africa, accessed online on 03/19/2017, available at: http://www.ictsd.org/bridges-news/bridges-africa/news/tackling-informal-cross-border-trade-in-southern-africa
[41] Chirwa (2013), The Impact of the Simplified Trade Regime (STR) on Trade Growth and Poverty Reduction in COMESA Region: The Case of STR Implementing Member States
[42] Muqayi (2015), The Relevance of the Simplified Trade in Addressing Trade Protectionism: Small Scale Cross Border Traders at Chirundu One Stop Border Post, Pakistan Journal of Social Sciences

be more likely to qualify for the STR under its threshold value.[43] The certainty provided by the scheme with regards to documentation and duties payable also decreases the extent to which border officials can use their knowledge disparity to take advantage of women traders.

4.2.6 Challenges facing the STR

The STR is not without its issues. Small scale traders have complained about the usefulness of the common lists, the processing fees that still charged by some countries, continued abuse by customs officials, and a lack of information.

The common lists negotiated by countries setting out eligibility for the STR are often considered to be out of date by traders at the border. This is due to the fact that many have not been reviewed since their creation (with Zambia, Malawi, and Zimbabwe being exceptions). However, it is also likely that policymakers negotiating the common lists did not have access to accurate data on what goods are traded by small scale cross border traders, given the fact that this data is rarely recorded.

While the STR provides the framework for a common program, it is not implemented completely uniformly across the region. Part of the variation is down to the charging of processing fees, with some countries abolishing these while others charge a flat rate of $10 for every transaction captured in the ASYCUDA system.[44] This means that traders in the region enjoy different benefits and given the small margin nature of cross border trade, these differences can have a significant effect on traders.

Administrative barriers are also significant, ranging from abuse of power to extortion, to a lack of checks and balances and accountability.[45] Part of the problem lies in the skewed incentives for customs officials when it comes to the STR. Performance targets at border clearance agencies are often based on total revenue collected. If agencies are at risk of not meeting targets, customs officers have been reported to introduce unofficial tariffs, and/or charging duties on products that are exempt.

One of the most consistently reported issues from fieldwork regarding the STR is traders reporting that they do not know about the processes and potential benefits of the STR. The issue of traders having low levels of formal education has also been flagged as important, given the potential challenges in interpreting tariff handbooks, and completing the formal documentation required for the STR. Traders that are unaware of the STR are unlikely to be assisted by customs officials, as they are not always adequately trained or briefed on the scheme and thus, do not always apply it correctly. However, where Trade Information Desk Officers are placed, these help traders with such information.

4.3 EAC STR

4.3.1 What is the EAC STR

Like COMESA, the EAC has launched an STR for selected commodities, allowing small scale traders to benefit from trade facilitation measures. Both programs are designed to allow certain goods originating in a member country duty free access into other member countries so long as the procedural requirements are met and the value of the consignment is below the set threshold. The two STR's are extremely similar in their design and operation.

[43] International Alert & UN Women, Walking in The Dark: Informal Cross-Border Trade in The Great Lakes Region, 2012; and TMEA, Pro-Gender Cross Border Trade Study 2014/2015

[44] Chirwa (2013), The Impact of the Simplified Trade Regime (STR) on Trade Growth and Poverty Reduction in COMESA Region: The Case of STR Implementing Member States

[45] Muqayi (2015), The Relevance of the Simplified Trade in Addressing Trade Protectionism: Small Scale Cross-border Traders at Chirundu One Stop Border Post, Pakistan Journal of Social Sciences

4.3.2 Differences between the COMESA STR and the EAC STR

The primary difference between the COMESA STR and the EAC STR is the manner in which the lists of qualifying goods are drawn up. As described above, the COMESA STR allows member states to negotiate bilaterally when implementing an STR program at a common border point. This means that traders in the region operate under differing lists providing different coverage for traded goods, and as a result, there is no uniformity. Exporters of the same good into the same country may find their products treated differently, depending on the bilateral negotiations between their country and the country the goods are being exported to. By contrast, the EAC has negotiated a single common list of products that are covered by the STR program and therefore will receive duty-free access in every country implementing the program. Goods eligible for clearance through the STR are set out in the EAC List of Originating Goods Commonly Traded by Small Scale Cross-Border Traders. In total, 370 products currently qualify, which include agricultural commodities like maize and beans, fish products, textiles, cosmetics, office supplies, and household goods. The other difference is that in further simplifying the STR, COMESA has dropped the requirement of the simplified certificate of origin while EAC has dropped the requirement of a simplified customs document. In other words, for COMESA, only the simplified customs document is required, whereas for EAC, only the simplified certificate of origin is required.

4.4 De Minimis

4.4.1 Explanation of De Minimis

“De minimis” is the valuation ceiling for goods below which no duty or tax is charged and clearance procedures, including data requirements, are minimal. De minimus schemes generally provide for a “duty free allowance”, allowing individuals to import goods up to a certain value, duty free, generally in accompanying luggage. Because the goods are not linked to any FTA (as the STRs usually are), the origin of the goods do not matter, and no certificates of origin are necessary. The allowance is not related to tariff preferences offered under an FTA, but rather an exception to standard tariff rules for small quantities of goods. A form of de minimis is in place at most borders across the region, although very few provide for use by small traders and the threshold values differ widely.

De Minimis schemes are generally not necessarily trade mobility schemes for goods in their intention. They are used to clear small amounts of goods carried by people across the border, often in quantities that amount to no more than personal use. By increasing the value limit for the scheme, de minimis can become a de facto trade mobility scheme for goods, as traders are able to move their consignments across under this limit. As a result, the most important factor for this to be a goods mobility scheme is the value limit and frequency limit. Borders that have a value limit set high enough for small scale cross border trader’s consignments to regularly fall under it will then allow traders to use De Minimis to move their goods across the border duty-free, even if there is an STR at that border. An example of such a situation can be seen in the Chirundu fieldwork discussed below. As De Minimis allows for duty-free trade (as an STR does) and has little formal requirements, it is even simpler than the STR, so when given an option of the two, traders will likely favour the former. Because the De Minimis is simpler to use than other schemes, when it is available for traders, it is likely to be used by them. Therefore, where a De Minimis with a high enough value limit exists for small traders to use, it is likely to be used as an alternative goods mobility scheme to the STR or standard customs procedures.

4.4.2 Mozambique-South Africa

Small scale cross border traders can carry up to R5000 per month worth of certain products for commercial use across the border into South Africa and be classified as informal traders. Anyone who falls under this R5000 threshold, who are also classified as an informal trader, do not need any documentation for their goods, with the exception of Agricultural goods. These require permits to be issued by the Department of Agriculture, Fisheries and Forestry officials at the border that simply list the number of bags being transported. There is no formal customs declaration, but an assessment is always undertaken. The ICBT goes to the customs counter and inputs into the Passenger Processing System (PPS). The PPS is used for the declaration of non-commercial goods. The travellers ID, electronic signature and passport details are captured and a verbal declaration of goods is made and captured on the system. For agricultural goods rules of origin do not apply and therefore they don't affect ICBTs. The PPS System is not linked to Rules of Origin (RoO) and does not allow for manufactured goods.

Traders of home-made articles of leather, wood, plastic or glass are able to take advantage of a separate scheme provided by South African customs at the border which allows them to bring up to 25kg of goods per month into South Africa without the payment of any duties and taxes, with this scheme operating separately from the standard R5000 threshold.

For any product other than the home made products mentioned above, traders pay a flat fee of 20% when entering South Africa. As there is no operating STR, traders are unable to benefit from the SADC FTA as SADC certificates of origin are too costly for them to acquire. Authorities and traders interviewed at the border both believed that the STR would be beneficial if applied at the border, with traders hoping for a reduction/elimination of the tariffs they face and border authorities believing that an STR could help make the monitoring of small scale cross-border trade more effective by improving their control. The monitoring and control issue is important, given the fact that the majority of small scale cross-border trade is not captured and smuggling is rampant

4.4.3 Discussion on De Minimis

The operation of de minimis schemes often has no record of trade/tax data, unless a system has been specifically designed to do so and is linked to an identifiable trader/tax number. Without such a system, goods are usually just evaluated to ensure that they are under the threshold value, and then waived through with little, if any, record taken. This makes it extremely difficult to track who is crossing the border and what goods they are carrying where the de minimis scheme is used. Furthermore, any de minimis system that does not link traders with their goods in a way that is easily monitorable will not be able to enforce daily/monthly/yearly value thresholds in order to prevent abuse from traders making multiple trips. There is potential to link de minimis with an eJeton card and/or customs system at the border which would be able to record the information of trader (or link to the information stored on a central network) in order to ensure that trader remained under his or her daily/monthly/yearly limit for the de minimis program. This would provide more structure to the scheme and allow border officials to better monitor the flow of goods. However, this would only work with computerised schemes, and a regular Jeton would not be able to do this, meaning that in cases where a paper Jeton was used in parallel with an eJeton, any de minimis scheme should only be available to travellers using the eJeton.

De Minimis programs can be implemented unilaterally by a country, and do not require negotiations with neighbors. Unilateral application would allow for faster implementation at the border as opposed to requiring negotiations for a common list. De Minimis schemes require less paperwork as they operate as an abrogation of existing customs law for consignments under a certain value (depending on the nature of the scheme). De minimis programs are flexible and can be implemented on a small section of goods to facilitate certain types of trade that is most common at a particular border, as done by South Africa at the Mozambique border.

The benefits of the de minimis program are that.

- It is simple to use for both customs officials and traders.
- It is easy for countries to implement and would not need negotiations.
- Encourages the trade of all goods from any region.
- Little/no additional paperwork required.

- Allows countries to tailor-make a system that works for their needs.

The potential for abuse of the de minimis scheme means that it needs to be linked with individual traders, to ensure that they do not exceed their monthly limit. Furthermore, de minimis programs with high thresholds can create the incentive for larger exporters to engage in de-bulking, whereby larger consignments are split up into several smaller consignments that fall under the value threshold and therefore can avoid all duties payable. By and large, these schemes are simple to implement because they do not differentiate between different goods. As a result, such a scheme could facilitate the trade of goods that originated from outside the region, while the lack of checks could result in a difficulty for customs officials to apply SPS standards or other similar controls on agricultural goods (which could hamper containment of outbreaks of disease among livestock). The addition of a separate process for those transporting agricultural goods (which would involve SPS checks) is possible, but would require resources and might make the scheme more difficult to use. As a result, at borders where these two issues are considered paramount, the de-minimis scheme might not be sufficient.

De Minimis programs can be abused by traders to take advantage of differences in taxes on certain goods on either side of the border or avoid tariffs on re-exports. Duty free allowances can create issues for certain products where neighbouring countries have significant tax differentials, thus creating a large incentive to travel with these goods under duty-free allowance rules in order to avoid these taxes, undercutting local prices. Examples of such goods are petrol, alcohol, and tobacco. The experience of the Latvia-Belarus LBT agreement showed that for these types of goods, different rules had to be implemented, with the Latvian government implementing a new law that allowed for a duty-exempted quota of 40 cigarettes, one litre of strong alcoholic beverage, and 90 litres of motor fuel (roughly a standard fuel tank plus a 10 litre reserve can) once per week to prevent traders from taking advantage of the differences in taxes on these goods on either side of the border.

The disadvantages of a de minimis program are that:

- It can be abused by traders carrying foreign goods.
- Traders can use it to take advantages of tax differentials.
- It is difficult to track data on goods traded.
- It can be used to get around necessary regulations (such as SPS).
- Incentivizes the use of de-bulking.

5. LESSONS FROM FIELDWORK

This section provides feedback and analysis from the border visits conducted under the scope of this project. Border visits were undertaken to Kasumbalesa, Goma-Gisenyi, Chirundu, Tunduma-Nakonde, and Mwami-Mchinji. Section 5.1 focuses on the immigration processes for traders when crossing a border, while Section 5.2 looks at the processes required for goods. Section 5.3 speaks about access to markets.

5.1 Mobility and Process Flows for Traders

Mobility schemes are used by traders at all of the borders visited to facilitate their crossing. A range of different schemes were used by traders, and similar schemes were used differently depending on the border involved. This section will assess the different mobility schemes used at the various borders, looking at their primary characteristics and what they can offer traders.

The primary mobility document used at the surveyed borders was the Jeton. An electronic version, the eJeton, was also available at Goma, but this was unique among the borders. Other mobility schemes observed included the Laissez-passer, the CEPGL special card, and the standard national passport, which can be used at all borders.

5.1.1 The Jeton

The Jeton was issued at all five of the borders surveyed during the field work stage. It is the most popular of the mobility schemes available to small scale cross border traders wherever it is available. A representative process map for a trader using a Jeton to cross a border is set out below, which roughly sets out the steps, time, and costs observed during the field work. Although the times taken for each step can vary dramatically from border to border, the table below works on averages observed during field visits to construct a representative process flow. The primary variation is often seen in the initial queueing at the border, which happens before the trader even gets to see a border official. This can vary, and while some borders with little traffic often have no wait times, busier borders such as Kasumbalesa can have queues of several hours at peak times on busier days.

Table 7: Process flow of traders crossing the border based on observations from field work

Step	Process	Cost	Time
1	Applicant submits national identity card and proof residence at Immigration Counter	Free	1 to 5 minutes during times with no queue, 30 minutes to an hour during peak times
2	Immigration verifies card details and proof of residence; if both are okay, hands applicant blank border pass form to complete	Free	1 minute
3	Applicant completes border pass form, submits completed form	Free	3 - 5 minutes
4	Immigration checks details on completed form; countersigns and stamps the Border Pass on reverse with Exit Stamp; then hands back identity card, proof of residence with Border pass to applicant	Free	1 - 2 minutes
5	Border Pass holder proceeds across the border and submits the border pass to the immigration desk, where they stamp it with an Entry Stamp	Free	1 - 3 minute
6	Border Pass holder enters the country they are traveling to	Free	-

At most of the borders there was no charge for a Jeton, with the exception of the K3 fee charged by Zambian immigration at Chirundu. Even though the Jeton is supposed to be free, some border officials on the DRC side at Goma ask for money before delivering a Jeton to small traders, especially to those crossing the border earlier in the morning. A study has shown that about 52% of traders from Goma, and 46% from Bukavu, have paid at least once to get a Jeton from the Congolese immigration office[46]. The fact that so many traders have paid for this free service indicates the vulnerable position they are in and the need for checks and balances (such as adequate reporting mechanisms) that should be instituted in tandem with mobility schemes. Research has also shown that delays at the border are sometimes created by officials in order to frustrate traders and induce them to pay a bribe to obtain a Jeton and be allowed to cross. Without oversight it will be difficult to tell what degree delays are caused by congestion versus intentional delays, or a combination of the two. The lack of recourse available to traders when border officials create delays and demand money from them indicates just why reporting mechanisms are so necessary.

The Jeton is an instrument designed for border communities, and this intention was adhered to at every border. The exact length that the Jeton allowed for travel into the country, and the distance from the border a trader could reside and still be eligible, varied depending on the border, with most regulations taking into account the distance of major population centres from the border. For example, at Kasumbalesa, a Jeton is available for anyone who resides within a 50km radius of the border, while at Mwami, the distance is only 10km. Customs officials do not always adhere to these rules, however, as it was observed that DRC officials at the Kasumbalesa border would grant Jetons not only to those from Kasumbalesa but from other provinces and towns as well. These include Lubumbashi, Likasi, Minga (Haut Katanga Province), Kolwezi (Lualaba Province), and as far as Kamina (Haut Lomami Province, about 600km from the Kasumbalesa border). DRC Immigration issues Jetons to these traders to cross into Zambia just like residents of Kasumbalesa. The variance in qualifying distance is, at least in part, a reaction to the distance of local markets from the border, however, the actual implementation of the policy is dependent on the customs officials issuing the Jeton and if there is no oversight, then a situation such as the one in Kasumbalesa could arise where officials do not bother to distinguish between traders from the border community and those from outside. Laxness of border officials was not confined to Kasumbalesa, and in Nakonde, it was found that small scale traders from the border community could bypass almost all formal structures at the border (including health, immigration, and customs processes). This is especially problematic during the COVID-19 pandemic, with traders simply bypassing the COVID-19 related processes at the border despite the obvious community health risks of doing so. The border community in this region has traditionally been allowed a large degree of freedom, and this has resulted in them traversing the border unfettered without any form of identification documentation and remaining in the respective countries indefinitely, provided they do not travel beyond 70km. In interviews, officials conceded that the processes that are meant to be followed are very different from what occurs in practice.

In order to prove their identity, applicants for a Jeton have to produce some form of identification. The standard national ID card was used by traders at all borders with the exception of traders from the DRC at the Goma-Gisenyi border. Here, traders used their voter's cards, as many people in the DRC do not have access to standard national ID. The Jeton once again shows its flexibility in being able to compensate for local realities, such as lack of a national ID among applicants. Some Jeton applications require the trader to produce an additional document to prove that they are from the border community. This can take the form of a letter from a local official, or, in the case of the Chirundu Border a letter from

[46] Nene Morisho, Deriving maximum benefit from small-scale cross-border trade between DRC and Rwanda, International Alert, 2015

the local CBTA (this letter costs K100).

Another common regulation among Jetons is that officially it is only available to traders that do not have a passport. This is likely due to the fact that it is meant to be a special document to facilitate the movement for those that do not have access to a passport. However, it was observed at Kasumbalesa that this is not enforced, due to the fact that there is no way for officials to tell if an applicant is in possession of a valid passport. Since the Jeton is not linked to an electronic system, this requirement is essentially unenforceable by border officials.

The format of a Jeton varies depending on the border. On the DRC Kasumbalesa it is a piece of paper with a stamp on it, while on the Zambia side it is a more formal looking document. By and large Jetons do not require a photograph to be attached, which further illustrates how few security features this system offers. In reality, there is little way for a border official to tell whether a Jeton is being used by the person it has been issued to, or if it has been given to someone else. Regardless of the format of the paper Jeton, they are relatively quick to issue once the traders gets to the front of the queue. The issue of congestion at the border is prevalent, especially at peak times at the busier borders when many traders are trying to cross at once. This can extend the time taken to obtain a Jeton from a few minutes to an hour or more. This factor highlights the potential of a reusable, automated system, which could create a faster flowing queue during peak times. A reusable, swipeable card and an automated gate would end the hassle of traders from having to apply for a Jeton every time they cross the border, reducing congestion at the border.

Most Jetons are only valid for 24 hours, meaning that traders must cross back across the border before the end of the day. This, however, creates an issue that was present across many of the observed border posts. Most borders are not open 24/7, and as a results queues at peak times tend to become substantial, causing delays for traders. Peak times tend to occur in the mornings, when traders first cross the border, and then an hour or two before the closure of the border when traders rush back across before they overstay their Jeton. Since this situation is known, traders often face the prospect of having to sell off their remaining goods at a discount (or even a loss) later in the day, because it is not viable to take them back across the border with them (this is especially true for spoilable goods such as foodstuffs). The one exception to the pattern of border passes being valid for 24 hours is the Jeton issued by Zambian immigration at Kasumbalesa, which is valid for 30 days and allows for multiple entries and exits. Although this cuts down on some form filling, it would appear from other interviews that immigration officials do not see the point of a Jeton being available for 30 days, and they seem to consider it a 24 hour only document. Given the lack of security features on a Jeton, it makes sense to limit it to a short period, as this should increase the chance that the Jeton is issued to the one using it, and prevents the possibility of a single Jeton, valid for 30 days, being used by multiple people after its issuing. There would likely be a high demand for re-usable Jetons among traders from outside the border area in regions where the residency requirements were strictly adhered to, and traders that only cross the border once or twice a week would be able to lend their Jeton (for a fee) to other traders who are not eligible for one.

The eJeton was only observed at one border, being issued on the Rwanda side of the Goma-Gisenyi border. Currently, Rwandans use the Jeton that is issued manually or issued by the machine. This depends upon the decision of the immigration officer and whether the machines are functioning. Very often these machines are not operational and Jeton is issued manually. It is important to mention that the experience of the e-Jeton at the Petite Barrière in Gisenyi is not an improvement for small traders. Despite being introduced to ease congestion at the border crossing, it has instead increased the delay for small cross-border traders using the Jeton. While the collection of a manually issued Jeton can take only a few minutes, the use of the machine has increased the waiting time by up to 1 hour.

Points to note on the Jeton

- The Jeton's simplicity and the fact that it is free (or, in the case of the Zambian Jeton, the negligible fee of K3 or 0.17USD) make the document popular among small-scale traders.
- The issuing of a Jeton is relatively quick, with most being issued in only a few minutes after the trader gets to the desk of the immigration official. Congestion at the border can, however, be an issue, especially where lots of traders try and cross at the same time at peak times.
- Most Jetons are only available to people living in the border community and are only valid for travel within a short distance from the border. However, the exact parameters of both vary from border to border, often depending on the distance of towns and markets from the border to ensure that an arbitrary distance requirement does not reduce the viability of the Jeton for traders (for example by placing the local market town out of the range of the Jeton).
- Most Jetons require a form of national ID card and a proof of residence in the border areas from applying traders. However, this rule is subject to local realities, and for example, in the DRC (where national IDs are not widespread) a voters card is used by traders instead.
- The implementation of the Jeton is subject to local conditions and enforcement by local officials. The experience at Nakonde shows that, regardless of the official rules and regulations that are in place, lack of enforcement of these rules will undermine any program and there needs to be a form of oversight.
- The Jeton lacks any real security features. Information is not stored on any immigration system, and there is no way to prevent a Jeton issued to one trader being transferred illegally to another.
- Jetons are usually valid for 24 hours, but due to border closing times often allow for travel into a neighbouring country for between 10 to 12 hours before they must return to their home country before the border closes. Part of the reason that Jetons are only available for 24 hours is likely due to their lack of security features.
- An eJeton is being issued by Rwandan officials at the Goma-Gisenyi border. However, the system is often down and as a result, it often takes far longer to obtain an eJeton than a standard paper Jeton.

5.2 The Laissez-passer

The Laissez-passer is a more formal document that has a higher cost than the Jeton. It takes the place of a passport, and is available to all traders, not only those from the border community. Since it operates more like a passport, a passport photo is usually required from applicants. In some cases, the Laissez-passer application can be submitted (and the document issued) at the border, as is the case of applications made to DRC immigration at Goma-Gisenyi. Alternatively, applications can be done at regional immigration offices away from the border, as is the case of the Rwandan Laissez-passer.

The cost of the Laissez-passer can vary, however the price seems to average out at around $5. Although a Laissez-passer holder often does not need an additional visa to enter a neighbouring country, it was observed that the traders from the DRC holding Laissez-passers at Kasumbalesa needed to apply for an additional visa when crossing into Zambia.

The validity of a Laissez-passer also varies. At Kasumbalesa, it was found that traders from the DRC with a Laissez-passer and a visa could enter Zambia multiple times within 30 calendar days from issue. In contrast, DRC traders holding a Laissez-passer at the Goma-Gisenyi border could only enter Rwanda for a maximum of three days (however they do not need to apply for an additional visa). The Laissez-passer is not nearly as well used as the Jeton, and as a result at some borders, such as Chirundu, there was no evidence of widespread use of the document. The Laissez-passer is available to everyone, not just residents of the border communities, which broadens its scope of use to include capital to capital traders. However, at borders where the residency requirement of the Jeton is not strictly adhered to (such as Kasumbalesa) it is likely that traders from outside the border community would rather obtain a Jeton as it is quick, cheap, and does not require an additional visa.

5.2.1 Other documents used at border points

National passports

National passports are difficult to obtain and expensive, and therefore were not widely used by small scale cross border traders at many of the borders. It was observed that the passport was mostly used by capital-to-capital traders who did not make use of special pathways for small scale traders that use the Jeton, but rather used the formal processes.

An example of the reasons that passports are not widely used by small scale traders could be seen at Kasumbalesa. Zambian small-scale cross-border traders very rarely enter the DR Congo at Kasumbalesa using a passport due to the visa requirement (which is issued from the embassy at Lusaka or the Consulate General in Ndola for a fee of $25 and is single entry and valid for 30 days). Instead, they generally trade from the Zambian side of the border and goods are transported into the DRC by Congolese small-scale transporters. On the DRC side, small-scale cross-border traders and transporters can also, but never, use the national passport to cross into Zambia because very few have them and find the procedure cumbersome, especially since the cost of a passport is supposed to be between $100 and $180, but often invariably individuals end up having to pay $300 or more.

CEPGL special card

The CEPGL Special Card is another option for traders at the Goma-Gisenyi border. This document costs about USD 12 (while the official price is USD 10) and is issued after 24 hours for a validity of one year. This document is not issued at the border but rather at the DGM[47] office. It allows people who do not have a passport to cross the border and circulate in the CEPGL area (DRC, Rwanda and Burundi) for 1 month without paying for the visa.

Cross-border permit

A cross-border permit is offered by Zambia to small scale cross border traders that wish to enter their territory to trade. During the field visits it was found that this document is provided for under Section 30 of the Zambian *Immigration and Deportation Act 2010*.

The cross-border permit is provided for under Section 30 of the Zambian *Immigration and Deportation Act 2010*. A cross-border permit can be issued to an applicant who meets the following conditions:

- must be a non-Zambian from Zambia's neighbouring country or from a country which belongs to a regional grouping to which Zambia is a party (e.g. COMESA, SADC);
- must be a member of an association of persons engaged in cross-border business (e.g. Cross-border Traders Association)
- must not be a prohibited immigrant and must have entered Zambia legally; and
- must have a valid national passport or travel document.

[47] Direction Générale des Migrations, DRC Immigration

A cross-border permit, when first issued, has a validity of ninety (90) days. It can be renewed for a further period, provided that the total period of validity does not exceed six (6) months. A cross-border permit costs K1,500 at first issue. An extension costs K 2,250. Although this was not the case at all the borders, at some (such as Tunduma-Nakonde) it was observed that traders had to pay K350 for a letter of introduction from the Trade Information Desk Officer (TIDO) if they wished to apply for a cross border permit.

5.3 Mobility and Process Flow for Goods

The movement of traders themselves across borders is only half of the story. The movement of the trader's goods is another vital component when it comes to actual facilitation of trade by small scale cross border traders. This section will look at the methods observed to facilitate the movement of goods for small scale cross border traders at the monitored borders. An example of a typical process flow for goods is set out in table 6 below.

Table 8 Process flow of goods crossing the border based on observations from field work

Step	Process	Cost	Time
1	Goods arrive at the border and get unpacked from carrier vehicle by transporters in advance in readiness for physical inspection by customs official. (It is at this time that some traders tend to hide some goods they do not wish to pay duty for). While some goods that remain packed on the carrier vehicle others are unpacked at the directive of a customs official.	border-crossing related transport costs are borne by the trader: varies from border to border	5min
2	Trader choses to, either: a) directly declare goods at Designated Customs window/office, if the goods are worth more than $2,000, or if their goods are not on the STR list of eligible commodities; • Failure to pay means goods are withheld at the border and stored at trader's cost for a period of time (usually 2 weeks) then forfeited to the State. Or b) Go through COMESA supported CBTA TID, where form is filled in for the STR, if	Customs duty and other border taxes applied in line with Tariff Book STR Form is now approximately $1	10-20min 10-20min

Step	Process	Cost	Time
	goods qualify under the initiative and are valued at less than $2,000, implying customs duty exemption.		
3	(Pursuant to 2(b) above) Goods are then formally cleared with Customs and is recorded at both COMESA supported CBTA TID and Customs ASYCUDA system as aggregates under HS Code 9902. This is a recent development.	Free	-
4	Certain goods may be subject to random/routine physical inspections, especially agricultural raw materials and primary commodities; this is at the discretion of the border authorities (e.g., upon suspicion of sanitary and phytosanitary (SPS) problems, public health problems, contraband, national security prohibitions, etc.). • Livestock/live animals (eligible on the STR list) may require additional permits from authorities, which will be verified upon inspection; • Sensitive goods for food security (mainly maize, which is a staple food) may require import/export permits. • Confiscated goods are irretrievable and not compensated.	Free	10-20min where applicable
5	Good enters the country they are being exported to		-

5.3.1 The simplified trade regime (STR)

The primary small-scale trade scheme at borders such as Chirundu, Mwami-Mchinji is the COMESA Simplified Trade Regime (STR), which enables small-scale cross-border and city-to-city traders with specified products on the STR eligibility list and with a maximum threshold value of US$2,000 or kwacha equivalent, to benefit from duty-free tariff preferences available under COMESA at the border. During the field visit the consultant was informed that there is only one copy of the list of goods covered under the STR at the border, and this copy was only available at the examination office and only available on request. No information on which goods qualify for the STR was publicly displayed. It was not clear why there was restricted access to the list. Interviews conducted at the border with customs officials confirmed that the form for the STR was only issued to traders engaged in trade between COMESA countries.

The STR is available to all traders, regardless of whether they are members of a CBTA or not. The requirements for use are that the consignment must be valued at under $2000, the goods traded must be on the common list of eligible goods, and the trade must be between participating COMESA countries. The border visits to both Chirundu and Mwami-Mchinji indicated that traders wishing to use the scheme had to pay a K20 administration fee to the local TIDO which administers the scheme and assists traders in filling out the STR form. Because the scheme is not administered by local customs officials, these officials do not inform traders about it. Instead, officials will charge qualifying traders full duties, which highlights the need for further engagement with, and education of, traders with regards to the benefits that they can derive from the STR. It was observed that having knowledge of the STR and any changes to it was a significant advantage of CBTA membership, with CBTA members more likely to know of and use the STR. This indicated how useful these organisations are for engagement with and disseminating information to small scale traders.

It takes 15-20min and no more than 30 minutes for a trader to get STR clearance through the TIDO, including any inspection requirements. During the field visits to Mwami-Mchinji and Chirundu, neither border post had a list of the STR commodities displayed anywhere publicly; however, the CBTA confirmed that it was aware there was a list although they noted that many products that are cleared through the STR are not on the list. This lack of transparency is a major issue for newer traders who are not members of the CBTA and who do not know which items are included on the common list. There is also no particular reason for the list to not be displayed publicly. This is an oversight that could be swiftly remedied and could have a positive impact on the usage of the STR by traders. The STR is a revolutionary program that extends benefits available to large traders under Free Trade Agreements to small traders who are ineligible under existing structures and face far higher unit costs, despite being from much lower income segments of society. It is likely that there is a lack of awareness issue with regards to the STR among both traders and officials. Training and awareness building could improve the use of the STR among traders, while publishing more information (in the form of posters at the border) would also be of use to small scale traders who struggle to obtain information about the program.

5.3.2 No mobility schemes

Not all of the border observed had a functioning mobility scheme in operation. For example, with regards to Kasumbalesa, the DRC is not part of the COMESA nor SADC FTAs and does not yet implement the STR at Kasumbalesa border. Furthermore, the DRC does not have a bilateral trade agreement with Zambia. Interviews with Zambian officials indicated that while the DRC has passed the legislation to implement the STR, and that a bilateral trade agreement between DRC and Zambian has long been proposed, neither has been able to come to fruition. These officials indicated that the potential loss of revenue that each would create was a major factor in these schemes not being fully pursued. Hence, trade between the two countries is conducted on a full MFN basis. All goods imported from Zambia into the DRC are invariably subject to the full MFN customs duties chargeable by DGDA[48] as no preferential trade terms currently exist between the two countries. The simplified declaration under the STR law has, nevertheless, simplified documentation and eased the clearing process. Furthermore, it has saved time for the small-scale trader/transporter and DGDA staff.

[48] Direction Générale des Douanes et Accises, DRC Customs and Excise

This situation is detrimental to small scale cross border traders, as their small volumes mean that fixed costs have a higher impact that larger traders. For example, all livestock traded at Kasumbalesa require a stock movement permit with a flat fee of K50 per consignment, irrespective of number of animals from the Zambian Ministry of Livestock and Fisheries, and a Zambia Police Stock Anti-Theft Movement Permit of K20 per consignment obtained at the point of origin. Research has generally shown that smaller traders are hit worse by costs at the border,[49] and this factor is a major reason for the introduction of the STR (although the STR would not currently have an impact at Kasumbalesa as there is no preferential trade agreement for it to be linked with).

5.4 Access to Markets

5.4.1 Goma-Gisenyi

According to the Constitution of the DRC, small trade on national territory is reserved for nationals. If a foreigner, being a small trader or not, wants to settle in the DRC to do business, he must comply with the law since he or she automatically loses the status as a small trader, and must therefore be subject to Congolese commercial law. The conditions for foreign traders to access markets in Goma by opening a shop or starting a business, are numerous. They must open a company and hold the RCCM (Numéro de Registre Commercial), a national identification number, a tax number, etc. These conditions are not easy for foreigner small traders to meet.

However, given that these conditions are difficult to fulfil, we noted during our discussions with key informants that most Rwandans with commercial activities in the Congo have Congolese ID and act as Congolese. This is particularly the case for Rwandan sellers in the Markets of Virunga, Kahembe and Alanine.

Two categories of foreign traders can be distinguished: the first category consists of traders who do not have sufficient financial capacity and sell basic goods and are assimilated to small traders. The second category of traders are those who have significant financial means who can be qualified as ordinary traders.

The first category buys a license that allows them to sell their goods in Goma or to open a shop. This license costs $ 20, issued by the Provincial Agency in charge of Small and Medium Enterprises, and is for a period of one year. The document is delivered to the applicant within 48 hours, of course after having fulfilled the conditions of the DGM. This license allows traders to go to Goma to sell their goods and return to their country the same country therefore, they don't set up their business in the DRC.

The second category concerns ordinary traders who must comply with the following conditions to access the market or open a commercial activity in Goma:

1. Have an ID card or another official document proving their belonging of their country of origin;
2. Fulfil all the conditions required by the DGM, in particular the possession of the residence permit and visa for traders permanently settled with residence;
3. Have a Trade Registration Number, RCCM which officially costs $ 50
4. Obtain national identification issued by the Provincial Agency in charge of economic affairs.
5. Obtain an import and export number issued by the Ministry of Foreign Trade

[49] Paul Brenton, Nora Dihel, Mombert Hoppe, Carmine Soprano, "Improving Behaviour at Borders to Promote Trade Formalization: The Charter for Cross-Border Traders" (2014)

6. Obtain a Tax Number

To reduce the time necessary to create a company, and reduce the number of documents to be supplied, a Guichet Unique was created in 2012. The elements of the file required by the Guichet Unique to create a business are as follows:

For an individual company:

A letter of request is addressed to the Director General of the Guichet Unique for business creation with a file containing:

- Declaration on honour (in lieu of the extract from the Criminal Record)
- Name of the company
- Address of the company headquarters
- Nature of activities
- Photocopy of a valid identity document

For a multi owner company:

A letter of request addressed to the Director General of the Guichet Unique for business creation with a file containing:

- Statutes of the company in 4 copies
- Proof of release of the capital or extract from the bank account.
- Specimen signature of the Manager.
- Photocopy of valid identity documents of the Manager and all stakeholders

Several reform measures have been initiated to improve the business climate and facilitate the creation of businesses, including:

1. Removal of the requirement of providing a criminal record extract
2. Removal of the requirement of providing a certificate of residence
3. Removal of the distinction between Congolese companies and foreign companies, all of which are now subject to the same regime
4. Removal of the requirement for residence confirmation
5. The reduction of the deadline for the registration in the New Commercial Register (from 15 to 5 days maximum).
6. Reduction of the cost of registration in the New Commercial Register (850 USD to 160 USD for companies, and from 175 USD to 40 USD for individuals)
7. The reduction of the deadline for publication of the statutes of companies in the Official Journal, publication is now done on the website of the Official Journal, within 48 hours (the cost is 150 FC/line, for a total of 150 USD).
8. Reducing the deadline for obtaining the National Identification Number
9. Reducing the cost of obtaining the National Identification Number (from 200 USD to 50 USD for companies and from 100 USD to 25 USD for individuals)
10. Reducing the cost of obtaining the Import-Export Number (from 500 USD to 125 USD for companies, and from 250 to 75 USD for individuals)

With 635 USD, a multi owner company can be regularly created and with only 140 USD, an individual company is regularly created.

We should note that, according to the DRC laws, it is normally not possible for a foreigner small trader to have a selling place at a public market in Goma. The statutes that organize markets in the DRC do not recognize the right of a foreigner to have a stall in these markets. Foreigners who wish to exercise their commercial activities in DR Congo must comply with the laws relating to the investment of the country which give them access to the establishment of a shop or a company as described above.

However, it is not uncommon to find foreigners in the markets of Goma, especially those from Rwanda who have easy access to them because they are all holders of the Congolese ID and thus, benefit from the same advantages as Congolese small traders.

For the itinerant small foreign traders who sell their commodities in the streets of Goma, they are managed by the municipality office that requests the payment of tax which costs 200fc. But market administrators never agreed with this practice because it favours parallel markets. This constitutes a source of conflict between Rwandan and Congolese traders. In fact, about 46% of Rwandan traders from Rusizi, and 38% from Rubavu sell their goods respectively on streets of Bukavu and Goma, exposing them to different types of harassment by police officers and street children (Maibobo)[50].

However, it should be noted that the regrouping of small traders in associations has made it possible to put a minimum of order in the management of small traders between the two cities, although efforts remain to be made in this direction.

5.4.2 Kasumbalesa

Access to the market is not restrictive. Any trader (buyer or seller) is free to conduct business at the market provided they comply with immigration procedures if they are not Zambian. Access to the market is the responsibility of the local authority (Chililabombwe Municipal Council), while immigration status is the preserve of the Ministry of Home Affairs through the Immigration Department

[50] Nene Morisho, Deriving maximum benefit from small-scale cross-border trade between DRC and Rwanda, International Alert, 2015

6. RECOMMENDATIONS

This section provides recommendations for future mobility schemes. These recommendations are based on the research included in this report, the literature review, and the field work. Section 6.1 than provides the recommendations for individual mobility schemes, while section 6.3 provides recommendations for goods mobility schemes.

6.1 Recommendations for Individual Mobility Schemes

6.1.1 Jeton Recommendation

As described above, the Jeton is already widely used in the COMESA region, with it being present at all the borders visited during the fieldwork. The scheme has low set up and operating costs, and provides a simple method to facilitate the movement of small scale cross border traders. The Jeton does have issues, especially the fact that the paper-based system provides for very little in terms of security measures, tracking movement of goods and people, and data capture. However, its widespread use at many border posts such as Goma and Kasumbalesa is a clear indicator of the success of this scheme and the trade that it facilitates is extremely beneficial to the border communities that use it. In the medium to long term, countries should, however, consider implementing an eJeton scheme due to the advantages that such a scheme offers compared to its paper counterpart. As a short-term solution to facilitate cross-border trade, existing Jeton schemes should be retained and borders that do not operate this system should consider implementing it.

However, it must be recognised that the Jeton will continue to exist as the eJeton is being rolled out. At the moment the Jeton's implementation is very ad hoc, with different borders having different requirements, and processes, and different Jetons offering different benefits in terms of distances allowed to travel and time the Jeton is valid for. While this is acceptable to a point for local conditions, it is opaque and is clearly in contrast to the objective of harmonising immigration laws that the Model Law and the free movement protocol champion. In recognising that the Jeton will remain operational in the foreseeable future, at least to some degree, a sensible approach would be for COMESA to develop guidelines for the design and implementation of a Jeton or Border Pass, which could be linked to the Model Law as an explanatory tool to help with the implementation of the provisions of the model law (section 22 of which serves as an enabling provision for a Border Pass). While these guidelines could emphasise that local considerations must be taken into account (especially with regards to deciding who should qualify as a border resident and how far holders should be able to travel into the country they are entering, both of which are questions mainly of geography), they could provide a means to standardise the general requirements and operation of the Jeton to make it a more uniform travel document in the COMESA region.

6.1.2 eJeton Recommendation

The eJeton is more expensive to initiate and operate than the Jeton, but if designed properly it can incorporate most of the Jetons strengths while eliminating many weaknesses. As mentioned in the discussion section, the ability to link the eJeton to a biometric security system and an electronic network that allows the customs and immigration officials to track the movement of people and link traders to their goods makes would remedy many of the complaints that come from the use of the Jeton. A re-usable card could also reduce paperwork and queues at the border if an easy-to-use system is adopted. An automated system would create additional benefits for women as it would reduce the amount of interaction that woman traders have with border officials, thereby reducing the potential for harassment. The ability of border officials to identify potential trafficking via eJeton systems is another benefit. The electronic nature of the eJeton does, however, render it particularly vulnerable to system outages (especially with regards to electricity and internet), as seen in the fieldwork report from Goma.

The adoption of eJeton system at priority borders where such a system would be most effective to enhance security and facilitate and formalise trade is recommended. Appropriate borders would be those with high volumes of small-scale cross-border trader traffic and appropriate infrastructure (or plans to invest in such infrastructure). Countries considering adopting a Jeton scheme where none currently exist should consider adopting an eJeton scheme instead.

Adoption of the eJeton needs to be carefully managed. This will include only implementing the system at borders where enough resources are allocated for infrastructure, training, and change management. Due to the potential for systems to fail for a variety of reasons, it is recommended that parallel paper Jeton systems be maintained for use as a backup.

6.1.3 Laissez-passer recommendation

The discussion section of this paper highlighted the issue that some small-scale traders fall between being able to access a passport and qualifying for a Jeton. Provision should be made for these traders, and the Laissez-passer serves this role. Able to reconcile the link to formal systems and security features of the passport with traders need for a low cost and easy access to the document, the Laissez-passer has significant advantages. Looking at Rwanda's experience with the scheme shows that it can be issued quickly and effectively and can essentially replace the passport for individuals who travel to countries that recognise its validity.

Given the current variation in member states implementation of Laissez-Passer schemes, it is recommended that the amendment of the Model Law be accompanied by a guideline to help states draft the actual implementing regulations that will govern their Laissez-passer and ensure some form of regional standardisation. The Rwandan Laissez-Passer could be used as a baseline to develop these guidelines. The Rwandan Laissez-Passer, as opposed to other less formal versions, offers a formal document similar to a passport (rather than a paper document) that is valid for up to two years. Furthermore, it is relatively cheap (around $10), it can be applied for online, takes 3 days to process, and can be processed from regional immigration centres rather than only the headquarters in the capital. The Rwandan Laissez-Passer offers an example of a formal document, with the security features that come from such a document, that is nonetheless cheap and easy to access, making it a good example of the type of "in-between" travel document that is needed for traders who cannot afford a passport but do not qualify for a Jeton. It is therefore a good basis from which a guideline should be developed.

6.1.4 Advantages and Disadvantages of the Individual Mobility Schemes

Scheme	Advantages	Disadvantages	Gender Considerations
Jeton	• It is inexpensive to institute and operate • It is a simple program both for border officials and those using it to cross the border • It fills a gap for communities that cannot access other documents that would allow them to cross the border	• It cannot be reliably linked to any electronic system • It does not allow customs officials to link traders with their goods for tax and monitoring • It makes it difficult to capture reliable information at the border	A lack of any safeguards and the discretion of customs officials at the border puts women traders that use this scheme in a vulnerable position

Scheme	Advantages	Disadvantages	Gender Considerations
	• It can be issued in minutes at the border post • There is institutional experience in operating Jetons at borders throughout the COMESA region • The parameters of the Jeton scheme can be modified to suit the needs of the locality it operates in	• It lacks security features that would allow immigration departments to monitor traffic at their borders • Can be abused by border officials • It cannot be reliably linked to the holder via identifying information • Lack of security features means it usually has very limited validity (usually one day)	
eJeton	• Can be used by customs and immigration officials to monitor the movement of people and goods and flag potential abuse • Can be used by customs officials and traders to streamline the payment and reclamation of taxes/duties/VAT/etc. • Can decrease unnecessary form filling and administration if re-usable cards are used • Can link traders with their goods • Can be implemented alongside security features such as biometrics	• could require investment in infrastructure to implement correctly • System failures can create significant delays at the border • The more complicated system will require training for customs officials and traders before they can use it properly •	• The potential for an automated system reduces the ability of border officials to harass and extort woman traders who use this scheme An electronic system that captures biometrics can help officials combat human trafficking, which disproportionately affects vulnerable women

Scheme	Advantages	Disadvantages	Gender Considerations
	• Can work in tandem with mobility schemes for goods • A more secure eJeton can allow for longer validity and multiple entry/exits •		
Laissez-passer	• Provides a travel document for those that struggle to obtain a passport • Are provided for a lower cost than a passport • Can include security features such as biometrics • Provides many of the same benefits as the passport • Can be instituted alongside visa free programs in the same MOU •	• Are only valid for a certain number of countries • Require an MOU to be signed with participating partner states • Those with better security features can only be issued from regional government ministries, not at the border • Does not guarantee visa free travel to partner states	• Could reduce the costs faced by woman traders who do not live in the border community who cannot obtain a passport
ID Card	• Remove the requirement of applying for an additional travel document • Can have all of the security features that passports have (including biometrics) • Allow for customs and immigration to track information on border crossing via electronic systems	• Would require significant investment in providing e-IDs to all citizens • Only allows for travel to partner countries that have signed an MOU, as it is only possible in the context of a free movement regime	• Would be gender neutral if issued to all citizens

While the eJeton would be ideal for border communities, this covers only a small segment of the population. As a result, another program that is not restricted with regards to who qualifies needs to be implemented to cover those cannot get an eJeton but also find it difficult to obtain a passport. We recommend that the COMESA Model Law on Immigration should be amended to include the Laissez-passer and that countries implement the program. In the short term, the Laissez-passer could be based on bilateral and multilateral agreements. Longer-term, the amendment of the COMESA model law to include the scheme and coordination from blocs inside the region could provide for larger mutual recognition of Laissez-passers in the region.

6.2 Discussion for Goods Mobility Schemes

Facilitation of trade requires getting both the trader and their goods across the border. The Jeton, laissez-passer, and similar systems focus on the trader, and therefore in order to facilitate trade these will have to be partnered with a trading scheme that allows for the movement of goods across the border. Many countries in COMESA have not yet implemented the STR. In some cases, trade between COMESA neighbours is still conducted on a full MFN basis because one of the countries, such as the DRC, has not ratified or implemented the COMESA FTA. This is not ideal, and schemes to facilitate the movement of goods across these borders should be prioritised. The two schemes that have been identified as candidates for such facilitation are the Simplified Trade Regime (STR), and the de-minimis/personal allowance approach.

6.2.1 Goods Mobility Scheme Recommendation

The STR's issues have been made clear by research at the border, and therefore while it is a useful scheme, there is scope for other options. De Minimis schemes can be beneficial for small scale traders, as they remove issues such as certification, adhering to common lists, and expensive taxes/duties. However, De Minimis programs have significant issues as well, as it encourages abuse via de-bulking, and prevents formalisation rather than encouraging it. In contrast, STR acts as a pathway to formalisation, allowing small traders to take advantage of the same trade agreements that large exporters can, lowering the costs that small traders face. The additional certification documents that accompany the STR also help reduce paperwork faced by small scale traders at the border, reducing complexity and potentially streamlining border crossing. The STR should be expanded throughout the COMESA region where possible and combined with policies for greater transparency and awareness programs to improve uptake where the scheme has already been implemented.

6.2.2 Advantages and Disadvantages of the Goods Mobility Schemes

Scheme	Advantages	Disadvantages	Gender Considerations
STR	• It already exists • It has support from traders, • It seeks to achieve the important goal of allowing traders to access the benefits of FTA's • It lowers the costs for small traders when crossing the border	• incomplete application at certain borders • lack of education for traders regarding its use • Incorrect application of the program by customs officials • Abuse by customs officials who need	• Traders (majority women) report that it better protects them from abuse and extortion • Formalisation reduces women trader's reliance on dangerous informal routes • Women tend to trade lower value items than men

Scheme	Advantages	Disadvantages	Gender Considerations
	• It can reduce the complexity of traders crossing the border with their goods • It encourages formalisation. • Can be used with larger trade agreements such as the TFTA or the AfCFTA if negotiations allow	to meet revenue targets	when conducting small-scale cross border trade, which would therefore mean that they would be more likely to qualify for the STR • Decreases the extent to which border officials can use their knowledge disparity to take advantage of woman traders
De Minimis	• It is simple to use for both customs officials and traders • It is easy for countries to implement, and would not need negotiations • Little/no addition paperwork required	• It can be abused by traders carrying foreign goods • Traders can use it to take advantages of tax differentials • It is difficult to track data on goods traded • It can be used to get around necessary regulations (such as SPS) • Incentivizes the use of de-bulking • Is a derogation of existing trade laws and not a pathway to formalization	• Would benefit woman at borders where they make up a large portion of small traders that would fall under the de minimis value, which would likely be most borders according to previous research

In the short term, the STR program should be preferred, with the program expanded to all COMESA borders. The STR remains the dominant scheme, especially due to its role as an avenue to formalisation, but the introduction of the eJeton could allow for the expansion of an appropriate de minis scheme. An eJeton could allow officials at the border to capture information about traders and their goods. This would then allow for greater monitoring of a de minimis scheme to ensure that traders are not abusing the system by exceeding their monthly threshold. As the De Minimis is a derogation from existing trade rules, it is not a pathway to formalization. It is also advised that COMESA member states be encouraged to prioritise the implementation of the STR as well as prioritise increasing the value threshold of their STR, to allow more traders to trade under the scheme and allow traders currently using it to grow.

6.2.3 Taking local realities into account

Our research has shown that each border has unique features that need to be accounted for with regards to the schemes it implements. Therefore, the importance of accounting for local dynamics that are not shared across borders must be considered when implementing a mobility scheme. Therefore, policies must be flexible to local dynamics when they are considered and when they are implemented if they are going to have the desired effect of facilitating the mobility of small-scale traders and their goods.

6.2.4 Market Access Discussion and Recommendation

Market access and temporary rights of establishment are also vital for non-border area traders. Some countries, such as the DRC, have onerous laws which make it difficult for foreign small-scale traders to do business on their side of the border, requiring such traders to create a company and comply with formal business laws or buy expensive licenses. Other countries, such as Zambia, do not have any restrictions on market space beyond the standard immigration laws that must be adhered to. Furthermore, Zambia offers a cross-border permit to qualifying small scale traders that allows them to stay in Zambia for up to 90 days with the option of renewal. Temporary rights of establishment and access to markets on equal footing with local traders would benefit small traders at borders where they currently struggle to sell their goods due to adverse regulations. Unequal footing can also cause tensions between local and foreign traders, as seen at the border markets in Goma. There is undoubtedly space for officials to engage with traders, through cross-border traders associations, to better formalise access to markets and provide foreign traders with the avenues they require to do business. This could be done via recognition of traders who are members of such associations, allowing officials and the CBTA to work together to implement practical, location-specific interventions to improve access in this area.

It is recommended that should also create guidelines for an integrated approach to CBT, building Zambia's experience with the cross-border permit and the COMESA market. This would include both provisions for the movement of people and the free movement of goods, as well as a commitment to transparency when it comes to the regulations in operation. As noted previously, immigration rules and rules for movement of goods are often created separately, sometimes in a very siloed manner. The Zambian experience provides an example of how these rules can be integrated into a single scheme that encompasses multiple different areas of law. The Zambian cross border permit is facilitated by Zambia's national immigration law, which is to be commended and should be replicated. However, it is difficult to provide further detail with regards to the enabling regulations as we were unable to obtain those regulations.

7. CONCLUSION

One of the key threads that this report has identified is that, at a minimum, facilitating cross border trade must consider both mobility for goods and mobility for people. While it is possible to take a holistic approach, traditionally these two aspects are dealt with in separate areas of law and usually dealt with under separate departments (departments of immigration and departments of trade). As a result, in order for cross border trade to be facilitated, policies for the mobility of goods and the mobility of people must be implemented in a coordinated and cohesive manner. It is also not possible for “a one size fits all” approach to be undertaken, given the variety of traders that operate at the border.

The COMESA region already includes a framework of policies and proposals that can allow for better facilitation of traders. For larger traders with access to a passport, the implementation of the COMESA free movement protocol would address many of the current issues on a defined timescale, allowing for eventual visa-free travel and paving the way for the implementation of COMESA wide ID card travel once the articles on visa elimination and rights of residence/establishment kick in. For smaller traders from border communities, who lack access to passports or biometric ID, the COMESA model law on immigration (intended to help member state harmonize immigration law in preparation for the implementation of the free movement protocol) offers the border pass (Jeton). This policy, which is already in operation at many border posts in the region, provides an important alternative for border community traders who would otherwise not be able to access a travel document. The current paper Jeton in operation at many borders offers important mobility to qualifying small-scale cross border traders, however, it has serious deficiencies with regards to security features and the capturing of data. The eJeton has the potential to rectify these issues, and its implementation offers an important next step for the formalisation of small-scale cross border trade. As this report notes, the implementation of these two policies still creates the issue of traders that fall in between being able to access a passport/biometric ID and a border pass for border communities. A solution to this is to amend the COMESA model immigration law to include a Laissez-passer that can provide a cheaper, easier to obtain a travel document for these traders.

In conjunction with the free movement of people policies mentioned above, simultaneous facilitation for goods must be also implemented. The STR is an innovative solution to the serious issue of smaller traders being locked out of the benefits of free trade agreements. The scheme has already shown some success, and together with policies for greater transparency and programs for better awareness of the STR among traders, the rollout of the STR to all borders in the region could allow for significant facilitation for the goods of small-scale traders.

8. ANNEXURES

8.1 Annex 1: Contact List of Ministry Officials, CBTAs, TIDOs, and Other Stakeholders

Project name	Country	Contact person	Title	Email address	Outcome
COORDINATING MINISTRY					
Small scale cross border trade initiative project	Zambia	Mr. Allen N Ngwira	Director – Domestic Trade and Commerce	Allen.Ngwira@mcti.gov.zm	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020
		Mrs. Margarate M Chikuba	Chief Economist – Domestic Trade and Commerce	Margaret.moonga@mcti.gov.zm; margmoonga@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Zimbabwe	Dr Mavis Sibanda	Permanent Secretary	mavbsib@yahoo.com	Mail Delivery failed
		Mr. David Nyakonda	Director for SME Development	dnyakonda@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Malawi	Mr. Mufwa Munthali (FP)	Ministry of Industry, Trade and Tourism	Mufwa98@hotmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
		Mr. Kelphas Mvula (Alternate)	Ministry of Industry, Trade and Tourism	Kelphas.m@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Kenya	Boniface M Makau	Assistant Director	b_makau@yahoo.co.uk	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
		Bramar Kaleve	Assistant Director	kenanihelen@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 18/12/2020
Trade Facilitation Programme	Zambia	Mrs Bessie Chelemu	Director – Foreign Trade	bessie.chelemu@mcti.gov.zm	Questionnaire sent 04/12/2020
	Zimbabwe	Dr Mavis Sibanda	Permanent Secretary	mavbsib@yahoo.com	Questionnaire sent 04/12/2020
		Mrs Beatrice Mutetwa,	Director International Trade	Bmutetwa1@yahoo.om.co.uk	Mail delivery failed
		Helen Kenani	Assistant Director	Email: kenanihelen@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 18/12/2020 Received reply of "no relevant information to share"
CROSS BORDER TRADE ASSOCIATIONS					
	Zambia (central)	Julius Mugode	Programme Officer	cbtanec@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020

Small scale cross border trade initiative project					Follow up sent 18/12/2020
		Christine P. Sikombe	Secretary General	cbtanec@gmail.com	Questionnaire sent 04/12/2020
		Goodson Mbewe	Chairman General	cbtanec@gmail.com	Questionnaire sent 04/12/2020
		Raphael Chingeleshi	CBTA Chairperson	raphealchingeleshi@gmail.com	Mail delivery failed
	Malawi	Steven Yohane	Secretary General	steveyohane@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Zimbabwe	Mr. Augustine Tawanda	The Secretary General	zimcross@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
		Mrs. Rudo Mutasa	President	Rudomutasa02@gmail.com	Mail delivery failed
		Eric Chikukwa	Programmes Manager	chikukwaeric@gmail.com	Questionnaire sent 04/12/2020 Received completed questionnaire 10/12/2020
	DRC	LOUIS NYEMBO	TRADE INFORMATION DESK	louisnyembo@gmail.com	Questionnaire sent 04/12/2020 Received brief summary reply
NATIONAL STATISTICAL OFFICES (NSOs)					
Small scale cross border trade initiative project	Zambia	Mr. Joseph Tembo	Acting Assistant Director, Central Statistics Office	jtchikali@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Zimbabwe	Mr. Ronald Mhlanga	Manager, Balance of Payments and External Trade Statistics, Zimbabwe National Statistics Agency (ZIMSTAT)	rmhlanga@zimstat.co.zw	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	DRC	Mr. Mariano Lukeso, Pitta	Direction Générale de Douanes et Accises (DGDA) Customs	marianopitta@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Received completed questionnaire 18/12/2020
	Malawi	Mr. Twikaleghe Mwalwanda,	Statistician, External Trade Statistics, National Statistics Office	twikamwalwanda@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Ethiopia	Mr. Zelealem Hilegiorgis	Director for Business Statistics, Central Statistical Agency (CSA)	zelealemh@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Kenya	Mr. Collins Omondi	Director, Macro Economics Statistics, Kenya National Bureau of Statistics	momondi@knbs.or.ke	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020

	Tanzania	Mr. Valerian Tesha	Manager, Trade, Transport and Tourism Statistics, National Bureau of Statistics (NBS)	Vtesha40@hotmail.com , valerian.tesha@nbs.go.tz	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
IMMIGRATION FOCAL POINTS					
Small Scale Cross Border Trade Initiative	Zambia	Mrs. Mubanda Chansa Chileshe	Head of Research & Planning Unit – Department of Immigration	Mcchileshe111@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Zimbabwe	Mr. Bunya Nyatwa	Assistant Regional Immigration Officer	bnyatwa@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	DRC	Didier Iwondo Nkeno Iwenge	Province du HAUT-KATANGA	didierhermani@gmail.com;	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Malawi	Mr. Stanlake Mabvuto Kalimanjira	Deputy Regional Immigration Officer	skalimanjira@yahoo.com/ mkalimanjira@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Kenya	Samuel Mbuthia	Immigration Station Manager	Mbusam66@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
TIDOS					
Small Scale Cross Border Trade Initiative	Zambia (Kasumbalesa)	Prudence Kalyalya	Trade Information Desk Officer	Prudencekalyalya@gmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Chirundu	Rappsom Tembo	Trade Information Desk Officer	rabbtembo@yahoo.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Received answers for questions he is familiar with 18/12/2020
	Nakonde	Precious Nachona	Trade Information Desk Officer	Tidonknd@gmail.com	Questionnaire sent 04/12/2020
	Zambia (Mwami)	Elizabeth Mwanza	Trade Information Desk Officer	Elizabethmanza2013@gmail.com	Mail delivery failed
	Zimbabwe (Chirundu)	Shelter Mutizwa	Trade Information Desk Officer	sheltermutizwa@hotmail.com	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	DRC	Louis Nyembo	Trade Information Desk Officer	louisnyembo@gmail.com	Questionnaire sent 04/12/2020
BORDER REVENUE OFFICIALS (STATION MANAGERS)					
Small Scale Cross Border Trade Initiative	Zambia - Kasumbalesa	Kennedy Kangwa	Station Manager/Ag. Assistant Commissioner - Copperbelt	kangwa@zra.org.zm;	Left company
	Chirundu	Amon Soko	Customs Collector /Customs Services Division	SOKOAM@zra.org.zm;	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020

	Mwami	Vincent Nguluwe	Station Manager – Mwami Customs, Zambia Revenue Authority (ZRA)	nguluwev@zra.org.zm	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Nakonde	Joe M. Simwanza	Assistant Commissioner	simwanzaj@zra.org.zm;	Questionnaire sent 04/12/2020
	DRC - Kasumbalesa	Didier Mukanda Badibanga Berly Badibanga Beya	Inspecteur Principal/CPPA/OPS Direction Générale Des Douanes Et Accises/Chef de Division	didiermukanda@yahoo.fr; berlybadibangabeya@gmail.com;	Mail deliveries failed
	Malawi	Elisa Nyasulu,	Customs Officer, Malawi Revenue Authority,Mchinji Border,	enyasulu@gmail.com, enyasulu@mra.mw	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Kenya (Moyale)	Ferdinand Amaumo	Head of Enforcement, Moyale OSBP (Assistance Customs Station Manager)	Ferdinand.amaumo@kra.gv.ke	Mail deliveries failed
	Ethiopia (Moyale)	Abraha Hluf	Assistant Customs Station Manager	Ahihluf61@gmail.com	Mail deliveries failed
OTHERS					
	Zambia	Kalungu Zulu	District Commissioner/Chipata District	kalungazulu@yahoo.com;	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Zimbabwe	Siaka Coulibaly Ph.D. Jean Providence Nzabonimpa, PhD	Senior Program Officer, Chirundu Border Monitoring and Evaluation Expert, Chirundu	s.coulibaly@acdf-pact.org j.nzabonimpa@acbf-pact.org	Questionnaire sent 04/12/2020 Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Received response of “no relevant information to share” 18/12/2020

	DRC	Bernard Bosele Pilipili John Bandela Nswalu	Directeur provincial interim Aire de la DEDA/KATANGA Chef de Division/ D.G.D.A/KATANGA	bernardbosel@yahoo.fr; bbiseke@yahoo.fr john_bandela@yahoo.fr;	Mail deliveries failed
	Malawi	Tawonga Chata Munthali Leman Jussa	TRF Project Officer – Rules of Origin Project Manager/Malawi Enterprise Productivity Enhancement (MEPE) Project	tcmunthali@yahoo.com; jussaleman@gmail.com;	Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020 Questionnaire sent 04/12/2020 Follow up sent 10/12/2020 Follow up sent 18/12/2020
	Kenya	Dida Ali Ibrahim	Executive Director, Strategies for Northern Development (SND)	d.ibrahim@sndkenya.org	Mail delivery failed
	Ethiopia	Immaculada Guixe Ancho	EU Addis Ababa in Programme Office – in charge of Migration Migration Ethiopian	Immaculada.guixe-ancho@eeas.eu	Mail delivery failed