



EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY
ONE STOP BORDER POST REGULATIONS

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ONE STOP BORDER POSTS REGULATIONS, 2017

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**THE EAST AFRICAN COMMUNITY
ONE STOP BORDER POSTS REGULATIONS, 2017**

IN EXERCISE of the powers conferred upon the Council by Section 55 of the East African Community One Stop Border Posts Act, 2013, the Council of Ministers makes the following Regulations—

**PART I
PRELIMINARY PROVISIONS**

Citation and commencement.

1. (1) These Regulations may be cited as the East African Community One Stop Border Posts Regulations, 2017.
- (2) These Regulations shall commence on a date to be appointed by the Council and different dates may be appointed for different parts of the Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“Act” means the East African Community One Stop Border Posts Act, 2013;

“adjoining Partner State” means a Partner State whose officers perform border controls within the control zone in the host Partner State;

“border controls” means any border related control measures, checks and authorizations; without limitation, provided for in the national laws and regulations of the Partner States;

“Community” means the East African Community established under Article 2 of the Treaty;

“competent authorities” means any ministries or other government entities of the Partner States assigned responsibilities for border controls by their national laws;

“control zone” means the territory of the host Partner State within which officers of the adjoining Partner States effect border controls, including the exclusive use area;

“Council” means the Council of Ministers established by Article 9 of the Treaty;

“exclusive use area” means that area of the control zone

dedicated for the exclusive use of the adjoining Partner State;

“facilitation agents” means any person other than an officer, providing services to the completion of border controls by passengers or freight in accordance with the national laws of the Partner States;

“facilities” means any border control processing areas, office and other accommodation spaces, storerooms, offloading bays and warehouses, official parking lots, sanitation, food and other utility areas provided for use by officers of the adjoining Partner States and the various users of the one stop border post control zone;

“host Partner State” means the Partner State in whose territory the border controls of the adjoining Partner State are effected;

“lead agency” means the border control agency designated by each Partner State to act as liaison office of the one stop border post inter-agency administrative matters;

“officer” means a person responsible for conducting border controls in accordance with the national laws of the Partner States or the laws of the Community;

“one stop border post” means a border post established under section 4 of the Act;

“Partner State” means the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the Republic of Uganda, the United Republic of Tanzania, and any other country granted membership to the Community under Article 3 of the Treaty; and

“Treaty” means the Treaty for the Establishment of the East African Community.

PART II

LEAD AGENCY

Appointment of lead agency.

3. (1) Each Partner State shall, in respect of the one stop border posts, designate one of its competent authorities as the lead agency.
- (2) The lead agency shall be responsible for the administrative matters at the one stop border post.

PART III
CONTROL ZONES

Configuration of the control zone.

4. The configuration of the control zone of each one stop border post established under section 5 of the Act shall be specifically agreed between the two Partner States that have a common one stop border post.

Specification of the control zone.

5. (1) Subject to sections 7 and 55 of the Act, the demarcations and physical areas of the control zone shall specify the following—

- (a) geographical lay out of the control zone;
- (b) structures and buildings;
- (c) security fence and barriers;
- (d) access routes;
- (e) signage;
- (f) restricted areas; and
- (g) any other demarcation or physical barriers as shall be mutually agreed upon between the adjoining Partner States.

(2) The demarcation and physical areas referred to in subregulation 5(1) shall have distinct signage in appropriate languages as adjoining Partner States shall agree.

PART IV
OPERATIONAL PROCEDURES FOR BORDER CONTROL

Sequence of controls.	6. (1)	The jurisdiction of the adjoining Partner States shall be sequential and the Partner State of exit shall exercise its jurisdiction before the Partner State of entry.
	(2)	The adjoining Partner States shall, where practical, conduct their controls by way of simultaneous processing of documents and joint inspections and verifications, by all competent authorities of the Partner States.
	(3)	For the avoidance of doubt, despite having conducted its controls jointly with the Partner State of exit under sub regulation (1), the Partner State of entry shall not conduct its controls on the person or goods before the Partner State of exit has conducted its controls and

		handed over jurisdiction in the appropriate manner.
	(4)	Any variations to the sequence of controls that may be necessitated by practical considerations without prejudice to the sequence of jurisdiction, shall be implemented by the adjoining Partner States on a case by case basis.
	(7)	The adjoining Partner States may agree on any unique bilateral procedures and practices as are necessitated by the unique characteristics of their one stop border post.

PART V
 MAINTENANCE OF PEACE, SECURITY, LAW AND ORDER IN THE CONTROL
 ZONE

Maintenance of Peace,
 Security and Law and
 Order in the control
 zone

7. (1) The host Partner State shall be responsible for the maintenance of peace, security and law and order in the control zone.
- (2) The host Partner State shall ensure and guarantee the safety of the officials of both adjoining Partner States and the users of the border control zones that access the one stop border post for services.
- (3) The adjoining Partner States shall agree and strategically install high tech surveillance devices to enhance the security of the one stop border post.
- (4) The security measures may include installation of appropriate non-intrusive human security screening devices for the border control zones at entry points into the control zones without creating unnecessary bottlenecks at such screening points that would militate against the objectives of the one stop border post.
- (5) The host Partner State may, in the discharge of its responsibilities for the maintenance of peace, security, law and order, request the assistance of the law enforcement agencies of the adjoining Partner State in dealing with a situation where such assistance is considered necessary.
- (6) The adjoining Partner State shall upon request and in the security interest accede and render assistance to the extent authorised in the applicable laws.

PART VI
CONDUCT OF OFFICERS

Identification.

8. (1) A competent authority shall issue identity badges to the officers working in the control zone.
- (2) An officer who wishes to access a control zone shall visibly display an identity badge issued by the competent authority.
- (3) The particulars of the identity badge issued under sub-regulation (1) shall include—
 - (a) the emblem of the Partner State and logo of the competent authority;
 - (b) the identity badge number;
 - (c) the photograph of the officer;
 - (d) the officer's full names;
 - (e) the name of the competent authority to which the officer belongs;
 - (f) an electronically readable access code; and
 - (g) security features for badge verification purposes.
- (4) In the absence of such identity badge, an officer may be given access to the control zone for official purposes upon being identified by another officer at the control zone and shall be issued with a temporary identification document.
- (5) Where officers at the control zone are required to conduct undercover border control operations, the officers shall be exempt from visibly displaying their identity badges but shall at all times carry their badges for purposes of identification.
- (6) The loss, theft or destruction of an identity badge shall as soon as practicable, be reported to the issuing authorities of both Partner States who shall disable the identity badge.

PART VII
CONDUCT OF FACILITATION AGENTS

Identification of
facilitation agent.

9. (1) A facilitation agent who wishes to access a control zone shall visibly display an identity badge issued by the Partner State in accordance with section 41 of the Act.
- (2) The particulars of the identity badge issued under sub-regulation (1) shall include—
- (a) the emblem of the Partner State and logo of the employer or the association;
 - (b) the identity badge number;
 - (c) the photograph of the facilitation agent;
 - (d) the facilitation agent's full name; and
 - (e) the particulars of the employer or association of the facilitation agent.
- (3) In the absence of such identity badge, a facilitation agent may be given access to the control zone for official purposes upon being identified by another officer at the control zone and shall be issued with a temporary identification document.