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One-Stop Border Posts in East Africa:
State Encounters of the Fourth Kind

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Across Africa, One-Stop Border Posts are being rolled out as part of a continental/ regional integration agenda that seeks to facilitate the movement of people and goods. This article focuses on four OSBPs in East Africa and addresses the question, firstly, of how far they make a break with entrenched operational patterns within government bureaucracies, and secondly whether they represent a distinct type of border management regime. The article finds that while there has been progress on data sharing in Customs, the construction and management of OSBPs reflects the persistence of distinct institutional cultures within each country. Moreover, working practices involve practical workarounds which belie notions of a paperless border. Secondly, the article finds that OSBPs are unlike other border crossings and share some features with airports and seaports in that they have been designed to handle both cargo and people. But they differ in that they are not heavily securitized and represent co-produced spaces of interaction in which transporters and members of the surrounding community have helped to shape the organizational patterns. The outcomes fuse an official ideology of service, everyday bureaucratic practice and local understandings of ownership.

Since the turn of the millennium, the role of border crossings in African territorial governance has been reconfigured by a conjuncture between large-scale infrastructural investments, on the one hand, and regional integration agendas pursued by the African Union (AU) and various Regional Economic Communities (RECs), on the other.[2] Together they seek to address the historical legacies of economic fragmentation and, at more practical level, to facilitate the unfettered flow of commodities and the free movement of peoples along designated transport corridors.[3] This investment is embodied in large structures, such as expanded port facilities, bridges and highways, but also the soft infrastructure that enables data to be collected, processed and shared more efficiently.[4] The One-Stop Border Posts (OSBPs) that are springing up along Africa's many transport corridors represents relatively low-cost additions to corridor infrastructure. In recent years, seaports have attracted the lion's share of infrastructural

investment and will surely continue to do so in the coming years.[5] But OSBPs matter because they are part of the connective infrastructure that links seaports, urban markets and mining centres. Although OSBPs are the subject of countless donor reports, they have received very little academic attention.[6] In this article, we seek to assess the extent to which OSBPs are changing the landscape of border management in East Africa, where the East African Community (EAC) and COMESA (the Economic Community of East and Southern Africa) converge.

We aim, firstly, to consider how far OSBPs are able to make a break with entrenched institutional patterns. On paper, OSBPs do not simply represent business as usual. They involve a different constellation of actors who are enjoined to work in unfamiliar ways. We therefore seek to understand what happens when the vision rubs up against the reality of a multiplicity of agencies that do not easily communicate or regard each other as rivals. Whilst taking institutions seriously, our approach is partly informed by an emergent literature on 'practical norms' which focuses on the reasons for the gap between formal bureaucratic rules and what unfolds in practice.[7] We are guided by the admission of Jean-Pierre Olivier de Sardan that 'practical norms' provides an "explanatory concept", rather than a precise analytical tool – one whose utility is ultimately to be judged against its ability to make sense of empirical realities.[8] In a study of OSBPs, the picture is especially complex, both because the bureaucrats of two countries meet at the border and because a multiplicity of agencies are present and jockeying for position. It is not, therefore, purely a matter of how officials interpret their own sets of rules, but also a question of whose norms weigh more in the scales. Amidst the welter of competing claims, officials from different agencies in neighbouring countries come to arrangements – and when these solidify into relatively stable patterns we can still meaningfully talk of practical norms.

Secondly, we pose the question of whether OSBPs may be said to represent a distinct site of border governance. Thomas Bierschenk points to the role of governance reforms, and in particular New Public Management models, in shaping demands placed upon bureaucrats.[9] The impact is most apparent in Customs where the creation of semi-autonomous Revenue Authorities (RAs)[10] has been accompanied by selective outsourcing and the importation of performance-based management tools. But as the work of Brenda Chalfin underlines, Customs officers relate to new technologies and associated forms of specialist knowledge, and carve out their own room for manoeuvre, depending on where the work is taking place.[11] Her research focuses on three sites of border regulation - namely the port (Tema), the international airport (Kotoka airport) and

the land border crossing (Lomé-Aflao) - and in each case the patterns differ significantly.[12] Our study points to the further particularities of OSBPs as sites of border work. While it is customary to distinguish between airports, seaports and land crossings, OSBPs sit uneasily between them. In conception, OSBPs are supposed to mark a decisive rupture with the established pattern of land crossings which are popularly associated with intimidation, everyday corruption and chronic delays.[13] OSBPs are intended to actively embody the spirit of cross-border cooperation, whilst upholding the rights of citizens of member states. In some respects, they manifest greater similarities with airports and seaports. Some of their planned features are clearly modelled on those of the modern airport, including counters for processing travellers, but also bureaux for changing money, cafes and public toilets. In their handling of cargo, the OSBPs look like scaled-down versions of seaports, complete with scanners and cargo holding areas. But there is a fundamental difference, namely that the OSBPs are embedded in border spaces that are used on a daily basis by local populations. The manner in which people and goods mingle at the OSBP would be inconceivable in the highly securitized spaces represented by airport and seaports. Although a security imperative would suggest that access ought to be strictly limited, OSBP managers are forced to acknowledge the existence of local claims to co-ownership of the spaces. Indeed, managers positively need local populations to embrace the OSBP to meet their targets. The practical norms that emerge in these very particular spatial configurations therefore reflect the ways in which border populations make their own preferences known. Here we seek to make a distinctive contribution to bodies of literature both on border governance and the social life of African borderlands.[14]

This article is based on four years of research on the Uganda-Kenya and Uganda-Rwanda borders between 2014 and 2018, together with another year of desk-based research - most of it as part of the larger comparative AFRIGOS project. We were able to follow the evolution of OSBPs from the early days of construction through to completion, at least in some cases.[15] Four OSBPs at Busia Uganda/Busia Kenya; Malaba Uganda/Malaba Kenya; Mirama Hills/Kagitumba and Katuna/Gatuna (both on the Uganda/Rwanda border) were selected for closer investigation. They lie on the section of the Northern Corridor (see Map) that links the port of Mombasa to Uganda, Rwanda and Democratic Republic of Congo (DRC).[16] The crucial significance of this Corridor resides in the fact that it supplies the entire sub-region with petroleum and basic consumer goods

The structure of the article is as follows. Firstly, we begin by addressing the ways in which regional integration initiatives have informed the conception of the OSBP as a catalyst for change. Much of the description that is contained here is fundamental to the construction of the larger argument. Secondly, we consider in greater detail how the concept of the OSBP has been operationalized, drawing attention to significant variations in the manner in which these facilities have been constructed and managed between Rwanda, Kenya and Uganda. In the third section, we turn to the ways in which a range of actors have helped to shape how OSBPs are configured in practice.

Map: Transport Routes in East Africa – Northern Corridor in Yellow
INSERT MAP

1. Historical Antecedents: From Regional Integration to the OSBP

The EAC has gone through successive cycles of integration and dis-integration since colonial times, but is now once more in the vanguard of regional integration.[17] In the decades after independence, African states tended to pursue very similar import substitution policies that aimed at building national industries and agro-industries behind the protection of boundary walls. Regionalism was one of the casualties of the drive for national self-sufficiency. The federations and regional communities that had existed in the first half of the 1950s, were but a distant memory two decades later. The winding up of the East African Community in 1977 was merely the culmination of this process of attrition.[18] Over the past two decades, however, the tide has reversed. Structural Adjustment reforms of the 1980s and 1990s prepared the way by pulling the rug from beneath state industrialization strategies. The subsequent re-engagement with regionalism is based on an article of faith that an outward facing strategy is more likely to unlock the economic complementarity of African countries. Whereas the African Union (AU), which replaced the Organization of African Unity (OAU) in 2002, looks to the long-term goal of continental unification and the rolling out of the African Continental Free Trade Area (AfCFTA), the RECs have been more concerned with practical measures to forge regional blocs. Since the 2000s, models of regional integration have rested on three pillars. Firstly, under the Common External Tariff (CET), goods produced outside a given community are supposed to be taxed only once at the port of entry according to internationally recognized Customs values.[19] Secondly, there is supposed to be a free flow of commodities within a designated Single Customs

Territory (SCT), subject to any specific concessions that member states may have extracted. While individual RECs have sought to remove the tariff barriers between states, the Common Market for Eastern and Southern Africa (COMESA) has begun to take shape as a free trade area spanning East, Central, Southern Africa and the Horn.[20] And thirdly, the RECs have committed themselves to the principle of freedom of movement and labour for citizens of member states, which in the case of the EAC is enshrined in the 2009 Common Market Protocol.[21]

Lurking beneath the apparent tidiness of the package, however, are manifold tensions as the larger states weigh the benefits of closer integration against some of the perceived downsides. Hence South Africa stands to benefit from freer access to other African markets, but is concerned about immigration flows. Nigeria is worried about the influx of cheaper Chinese manufactures and South-East Asian rice into the sub-region.[22] In East Africa, where there is equally a protectionist tendency,[23] countries have exploited two specific loopholes: the right of countries to apply for duty-free inputs for industries that plan to export and the right to apply for 'stays of application' on particular goods.[24] Tanzania has restricted agricultural exports on grounds of food security, whilst protecting its own industries through exemptions. By contrast, Uganda and Rwanda have limited industrial capacity and depend on the supply of petroleum and consumer goods by road. Not surprisingly, it is at the borders themselves that many of these tensions play themselves out.

Both the World Trade Organization (WTO) and the World Customs Organization (WCO) have championed shared border management as fundamental to boosting trade.[25] The rationale is that the cost of conducting trade within Africa and with the world beyond is increased by innumerable delays associated with transporting goods.[26] The broad principles of a shared border crossing have been operational in parts of Europe since the 1950s and early 1960s – most notably on the Franco-Swiss border and in the Nordic countries.[27] The OSBP concept represents a distillation of some of the experiences of joint border management. Iterations have surfaced in Latin America at about the same time as the model has travelled to Africa.[28] Inevitably, however, OSBPs in Africa have developed some specificities of their own, while there are marked regional differences - for example, as between West and East Africa. If there is a travelling model, it is one that is apparently flexible enough to accommodate significant variations.

The What and the Where of OSBPs

The EAC was inaugurated in 2000 and implemented a Customs Union Protocol in 2005, followed by a Common Market Protocol in 2010 and with Monetary Union expected to follow.[29] Central to the EAC strategy has been the promotion of OSBPs along the two main transport corridors, namely the Northern and Central Corridors that start at Mombasa and Dar es Salaam respectively. Once commodities have been cleared by the Customs officers of the destination country at the port of entry, trucks are supposed to be sealed and ideally to remain unopened until they arrive at their final destination. A major step forward has been the introduction of an Electronic Cargo Tracking System (ECTS) which became operational between Kenya, Uganda and Rwanda in 2017. Removing unnecessary checkpoints along the corridors is something that member states are formally committed to. But because border crossings often represent very narrow apertures – indeed they were historically chosen for precisely that reason – lengthy queues have posed a recurrent problem. This impacts upon passengers as much as cargo. Rather than having vehicles stop at the point of exit and again at the point of entry, the rationale is that Customs and Immigration formalities for both countries ought to take place only once at the point of entry. There are three variants of the OSBP: a facility that itself straddles the border; one that is located in one country but is used by both sides; and juxtaposed facilities that house personnel from both countries.[30] In East Africa and Southern Africa, juxtaposition is the dominant pattern, although there are examples of the second variant in West Africa.[31] At the receiving facility, officials of the neighbouring countries are supposed to work alongside one another, enabling the rapid processing of goods and people according to the regulations governing trade and migration. For citizens of member countries in East Africa, national identity cards now suffice for the crossing of borders, and an Interstate Pass permits a period of residence for up to three months. It also enables citizens to apply for the right to work and study for longer periods.[32]

As early as 2002, Kenyan and Ugandan agencies at Malaba - by far the busiest border crossing on the Northern Corridor - entered into talks with a view to harmonizing their procedures.[33] This culminated in the signing of a Memorandum of Understanding and the commissioning of a feasibility study in 2004.[34] In 2006, operations were launched based on the piloting of six sensitive commodities. In 2008, petrol tankers were permitted to enter Uganda for the first time without stopping on the Kenya side, and in that same year the border was opened on a twenty-four-hour basis. Hence Malaba may fairly be regarded as one of the first operational OSBPs in sub-Saharan Africa – slightly behind Chirundu on the border between Zimbabwe and Zambia which became a partly

operational OSBP in 2007.[35] However, it was only in 2010 that the East African Legislative Assembly passed the enabling legislation through an OSBP Act.[36] In 2012, a follow-up to the legislation listed 15 OSBPs targeted for implementation across the EAC including the four that concern us (Table 1). From this point onwards, a variety of donors including the World Bank, the European Union, the Japan International Co-operation Agency (JICA), the United Kingdom and Canada contributed to the funding of particular OSBPs, alongside financing that was committed by the governments of the member states. TradeMark East Africa (TMEA), a non-profit organization, assumed responsibility for channelling funding into infrastructure and information systems in no fewer than 13 of the slated OSBPs.[37] Those in Busia, Malaba and Mirama Hills/Kagitumba were all TMEA projects.[38] TMEA has also taken the lead in assembling the data on processing times in association with the various RAs and the Transport Observatory of the Northern Corridor Transit and Transportation Coordination Authority.

Table 1: Planned OSBPS in East Africa, 2012

INSERT TABLE

Source: Schedule to 'East African Community One Stop Border Posts Bill, No. 9, 2012', p.25

Diagram: Plan of Busia OSBP

INSERT PICTURE

2. OSBPs as Instruments of Institutional Change

As of 2018, the OSBPs had reached very different levels of completion. Busia and Mirama Hills/Kagitumba were fully operational. At Malaba, a bridge had been completed, but access roads continued to pose logistical difficulties. In Katuna/Gatuna, construction work on the Uganda side had been suspended indefinitely in 2017, although the work was finally completed in 2019. The uneven picture reflects the interplay between three factors: namely, the range of institutional actors; the volume of the existing traffic flow which has impacted on the construction of roads and buildings; and the difficulty of the terrain.

One of the striking features of the OSBPs in East Africa is how differently they have turned out. The Ugandan OSBPs at Malaba, Busia and Mirama Hills are very similar in design (see Diagram), as is true of the structure on the Rwandan side at Kagitumba. In each case, there is a generous allocation of space for Customs and

Immigration, in which personnel from the two countries can easily work alongside each other. In addition, there are offices for all the other agencies such as Bureau of Standards, Plant Health, Police and Interpol. In the case of the two Kenyan OSBPs, by contrast, the facilities seem scarcely adequate for the task – and this seems likely to remain the case even when construction work is fully completed. In Busia, very few new structures were planned with the exception of an administrative block for the Kenya Revenue Authority (KRA). At Malaba in 2017, there were new buildings, but the allocation of space was counter-intuitive: while Immigration officers from Kenya and Uganda were crammed into a small office, Kenya Bureau of Standards (KeBS) and Plant Health (KEPHIS) enjoyed much more generous allocations. Moreover, Uganda Revenue Authority (URA) and KRA officials did not sit alongside each other as was intended. This was apparently not regarded as a priority because Kenya receives relatively few imports and little transit trade from its neighbours. At Malaba, the KRA did not even check most of the vehicles that cross from Uganda in the belief that verification was best done at the port of Mombasa.

The constellation of institutional actors was a major determinant of the outcomes. In the case of Uganda and Rwanda, the intention was to construct purpose-built facilities from scratch, making full use of the donor funding that was available.[39] In the case of Kenya, there was a preference for adding structures onto the buildings that already existed. This is curious because in Busia, the structures were already deemed inferior to those on the Ugandan side.[40] Modifying buildings that were constructed for a different purpose has turned out to be a challenge, and appears to be a fundamental reason why the operational anomalies in Busia-Kenya persist. This is related to a second factor. In each country, it was the agencies involved in border management that were expected to come up with the specifications for the OSBP that conformed to their requirements. Whereas URA had been given the lead and was able to drive the process in Uganda, KRA seemed to have lacked the same institutional clout. The untidy compromises in Kenya culminated in plans which, as noted by some informants, did not seem to be infused with the philosophy underpinning the OSBPs. In addition, the different agencies in Kenya forged ahead with their own individual priorities within the facility rather than acting in a co-ordinated fashion.[41] There is also a striking difference between the trajectory of the OSBPs on the Uganda-Rwanda border. Whereas Mirama Hills/Kagitumba was completed in good time, work on the Katuna/Gatuna OSBP ground to a halt. The logistical challenges of constructing an OSBP on the Uganda side led to escalating costs and disputes with the contractors. Much the same occurred in Rwanda

where construction required cutting away part of the hill. The greater challenges posed by the terrain was clearly a factor, but it was also less easy to co-ordinate between government agencies in the absence of a body like TMEA that exercised overall oversight. In that sense, the reasons for the setbacks were institutional as much as logistical. The consequences have been profound given that the Katuna/Gatuna crossing provides the shortest route to Kigali. Between July 2017 and June 2018, a mere 17,336 vehicles passed each way through Mirama Hills/Kagitumba, despite the state-of-the art OSBP, whereas 90,895 vehicles continued to struggle through Katuna/Gatuna.[42] Moreover, as soon as inter-state politics intruded over 2019, in the shape of heightened tensions between the Museveni and Kagame regimes, the obstacles ceased to be amenable to local solutions. As of March 2019, the Ugandans were still using their own buildings, and Katuna/Gatuna was still not functional as an OSBP.[43]

Where OSBPs have been realized, there is good evidence that significant strides have been taken toward minimizing the obstacles to the free movement of goods and people. The reconstruction of the main arterial roads and the reduction in the number of checkpoints has helped to reduce overall journey times. But the OSBPs have played a catalytic role in their own right. In 2014/15, TMEA estimated that the turnaround time for trucks plying the corridor between Mombasa and Kampala had reduced from 18 to 4 days and that cargo clearance times had reduced on average from 2 days to 8 hours for fuel and from 3 days to 12 hours for other commodities.[44] In the case of transit goods that enter the port at Mombasa, the Customs declaration is made by clearing agents in the destination country. It is processed by the RAs and the duties paid before the vehicles even begin to move. The presence of URA and Rwandan Revenue Authority (RRA) officials at Mombasa has facilitated the process. As was noted above, when trucks in transit are sealed they should remain unopened to the country of destination. In practice, whether there is physical verification depends on a combination of elements that are identified by the computer system as part of a risk analysis: the country of destination; the nature of the goods; whether the cargo attracts high duty; who the clearing agents are; whether the goods are destined for warehousing, direct use or are in transit; and whether the owner is deemed compliant. The last of these is the most important consideration. Vehicles in Uganda and Rwanda are given a colour-coding – from green, through blue and yellow to red – and a relatively modest number of vehicles are subjected to inspection.[45] In most cases, the trucks undergo only a sighted inspection – focusing on the vehicle registration, trailer registration, container number and verification that the seal is intact – before being allowed to proceed on their way. With

effect from August 2018, a significant change at Busia-Uganda is that all trucks entering from Kenya pass through a cargo scanner.

All of this has made a difference to processing times. At Malaba, the average time between the arrival and departure of a truck fell from 7.47 hours between April and September 2015 to 5.48 hours between October 2015 and March 2016.[46] In Busia, the crossing time went down from 14.20 to 3.40 hours between 2011 and 2017.[47] In 2014, we observed that the queue of vehicles at Busia and Malaba stretched for miles, but in 2016, 2017 and 2018 scarcely any trucks were backed up, even at peak times. However, the exception comes when the computer system crashes and the officers have to wait for it to return before resuming their duties. Although Customs officers indicated that this happened a couple of times a week, one of the drivers we spoke to suggested that it was a more regular occurrence. In the case of passenger vehicles, the turnaround times are rapid. Passengers conduct Immigration formalities for the country they are leaving and then move sideways to the booth of the country they are entering. The entire process is not expected to take more than 20 minutes. Long-distance buses at Mirama Hills/Kagitumba that travel between Kigali and Kampala set aside an hour in case there are goods to be declared at the Baggage Hall – although recent border closures have since reduced the flows.

Differing Institutional Patterns

The differences in the institutional arrangements are also apparent in the manner in which the OSBPs actually function. In Uganda, the URA is responsible for the management of the facilities, but it also has a position of de facto command over the other agencies, including security at the border. Although the Police remain distinct from Customs, the URA co-opts its 'best' officers into the Customs Police that come under the control of the officer in charge of the station.[48] In Rwanda, the command structure differs from one OSBP to the next. At Kagitumba, it is the senior Immigration officer that is responsible, whereas at Rusumo on the Tanzania border it is the RRA that takes the lead.[49] In Kenya, it is the KRA that is nominally in control, but in practice Immigration and Police act with considerable autonomy. Again this has practical consequences. Although the URA and the KRA were given vehicles by JICA to enable them to carry out joint border patrols, the system broke down at Busia for the most fundamental of reasons: whereas the URA officer could grant the authority for KRA officers to enter Uganda, the KRA officer was not empowered to reciprocate. The end result was that the two sides reverted to independently patrolling their side of the

borderline.[50] URA officers also pointed to the greater presence of the Police in Kenya who are the first point of contact for those entering that country. They seemingly take their orders from the District police headquarters and not from the KRA station managers. Under the new Kenya Constitution, the County Commissioner wields considerable power and this is reflected in their influence over the operations of the OSBPs.[51] There is some irony to all of this, in that while the Ugandan and Rwandan governments are generally regarded as more security conscious, they appear to have embraced the operational autonomy of the RAs to a far greater extent than their counterparts in Kenya. There, the jockeying for position between different agencies has resulted in less coherence in border management. In sum, the existence of OSBPs as shared regulatory spaces has not transformed the distinct institutional patterns between neighbouring countries. Indeed, the latter have conditioned the ways the OSBPs operate in practice.

Paper, Paper, Paper

Aside from the challenge of harmonizing legal instruments and bureaucratic procedures, the greatest issue facing the regional integration agenda in general, and the OSBPs in particular, is that of creating data management systems that can speak to one another. Alongside the provision of desks and computers to the OSBPs, there has been donor support for upgrades to the systems that enable the agencies to carry out their functions. The task of integrating information systems involves interventions at two levels: firstly, the creation of a mechanism for sharing information between agencies in a given country, and secondly a framework for enabling information to flow between agencies across borders. Single Window provides a computerized platform for integrating the work of agencies within each of the countries, and is part of a global trend. In fact, versions of Single Window have only recently been adopted by the EU, Asia-Pacific Economic Cooperation and the Association of Southeast Asian Nations (ASEAN).[52] In the EAC, all countries are using it in some form. Hence, KRA officers in Busia can check online whether a permit has been issued by KeBS before agreeing to process a consignment of goods. However, a greater issue concerns the systems used by the Customs authorities across their common borders. Whereas Uganda and Rwanda deploy systems based on ASYCUDA World, Kenya has been wedded to SIMBA, and Tanzania uses TANCIS.[53] Because SIMBA is not web-based, it has been necessary for records created in ASYCUDA World to be manually re-entered into SIMBA.[54]

During interviews in 2016, there was a divergence of opinion as to how far the different Customs systems were compatible. Whereas it was often claimed there was no problem with sharing records, a number of officials at the Uganda-Kenya border maintained that were actually incompatible – resulting in countless phone calls and face-to-face meetings when the officials were not physically seated next to each other. In between lie more nuanced assessments about what happens when humans and technology collide. A URA official remarked that he was able to read records generated in SIMBA whereas his Kenyan colleagues claimed that they were unable to access records made in ASYCUDA. His opinion was that this was less a matter of clashing technologies than the reluctance of KRA to modify some of its entrenched practices. In one case, we were told that some 200 trucks had 'disappeared' in the process of crossing the border at Busia. As often happened when there were technical difficulties, the matter could only be resolved by manually comparing records. In significant ways, the very existence of the OSBP forces officials to come up with practical workarounds that are familiar from the literature on practical norms. This is true of Customs, but there is also increasing pressure on other agencies, such as the Bureaux of Standards, to harmonize their procedures. By 2018, the operational glitches within SIMBA, relating to firewalls, had apparently been resolved. However, the Kenya government had already confirmed its decision to move to its own web-based Integrated Customs Management System (ICMS), with assistance from TMEA, the previous year.[55] The expectation was that when the new system became fully operational it would greatly enhance compatibility between Kenya, Rwanda and Uganda.

What is nevertheless striking is the amount of paper that continues to be generated. At one point in 2016, we witnessed computer documents - presumably of Ugandan origin - being entered into ledgers and then re-entered into the computer system by KRA officials. The URA officer who remarked that in Kenya it was all "paper, paper, paper" was putting his finger on the stubborn persistence of routines that sit uneasily alongside the goal of a fully integrated and paperless world. There is often an enduring trust in paper, which leaves a distinct trail in the shape of stamps and signatures, whereas electronic documents are more limited in what they reveal and retain. But there are other reasons for the persistence of paper. One is that when the power or IT systems fail, there is a need to revert to paper to avoid long delays. Although Customs procedures are now formally paperless, it is still necessary to print versions of the manifests. The drivers need physical documents with stamps in order to process through the numerous weigh-stations and checkpoints en route. While the OSBPs have eliminated the scope for

administrative malpractice at the physical border, the problem has been displaced to other points along the corridor. Hence transporters complain of weigh stations that are configured to delay and catch drivers out, and of Police roadblocks, especially in Kenya, where bribes are routinely demanded.[56] Without detailed paperwork, the drivers would be even easier prey. The anomalies on the road that are part of the daily experience of those engaged in long-distance transportation further underline the limits of the OPSBs as instruments of institutional transformation. While RA officers have to some extent been incentivized, the Police derive little benefit from facilitating flows along the corridors.

3. OSBPs as a Fourth Space

> I pledge to offer superior customer care and not to engage in corrupt practices. I will be a team player.[57]

As Bierschenk observes, the importation of management techniques has led to layering of norms and the creation of 'islands of efficiency'.[58] The RAs have been a particular focus because of their centrality to the fiscal wellbeing of the state. But the impact of reforms varies greatly depending on where Customs work is actually transacted because the range of actors and the spatial configurations diverge. At a busy port enclave like Mombasa, significant inefficiency and corruption is tolerated as long as goods keep moving. At ordinary land crossings, border officials are subjected to minimal scrutiny and receive little financial incentive. As Titeca and De Herdt indicate for Arua, URA officers come to an accommodation with local traders that benefits both parties.[59] OSBPs share elements of each because they are border crossings, but they are also critical transport nodes. RA officers are under pressure to simplify procedures, maximize revenues and seek a more collaborative relationship with 'users'. The new language of service which is a feature of seaports,[60] has become ubiquitous at the OSBPs as well. Within URA, a great deal of emphasis is placed upon instilling pride in performance of one's job, but also in nurturing a 'customer-oriented' work ethic. At the URA border posts, officers append their signature to a notice board on which a service pledge is emblazoned. At one OSBP, officers had also written personalized messages on pieces of paper that were appended to the wall. The mechanisms for making complaints are less obvious, but information desks do perform this function and there are physical 'complaint' boxes in some offices. Maintaining a sunny disposition is a challenge where

URA officers, working in four shifts, may process upwards of 1,000 cargo trucks in a day and all in a context of chronic under-staffing. The imported, and much-touted, management technique that has been deployed to improve the performance of Customs is the Balanced Scorecard, with its four 'perspectives': Financial, Customer, Business and Innovation/Learning.[61] Each year, a set of targets for each perspective cascades down from Kampala to the revenue stations (including the OSBPs) and from there to individual employees. At an OSBP, meeting the financial target might make up as much as 60 per cent of the total score, but this indicator includes trade facilitation activity alongside revenue collection.[62] Crucially, the stations and individuals need to score highly on the customer experience and are judged according to the regularity and quality of their engagement. Where representatives stay away from monthly meetings or raise complaints, this counts negatively on the scorecard. An example came in 2017 when Freight Forwarders at one OSBP felt affronted by the introduction of Customs self-declarations that threatened to put them out of work. They raised their concerns with the station manager who felt the need to listen closely for fear of provoking a negative response. Although the monitoring of performance at the OSBPs is intended to incentivize officers, it can also involve sanctions in the event of under-performance.

Negotiating with those who transport goods is an everyday preoccupation for Customs officers. But they also have to actively engage with the local community. Along both sets of borders, it is common knowledge that there is a vigorous small-scale trade that bypasses the official crossing points – along what are known as *panya* routes. It is very easy at Busia and at Katuna/Gatuna to observe people transporting goods along these paths in broad daylight. Much consists of food crops which may have been purchased in local markets, but there are others that attract duty. The Bank of Uganda and the Bureau of Statistics seek to enumerate the small-scale trade along the various borders, on the basis of two-weekly surveys. These confirm that the overall value of informal trade is not inconsiderable.[63] In Kenya, Uganda and Rwanda, the RAs have sought to lure more of this trade into official channels. Border officials seek to 'sensitize' local traders to the fact that much of what they transport does not carry duty and runs the risk of seizure and fines. The persistence of *panya* trading is typically explained with reference to some combination of ignorance and a fear of authority. Invoking a concrete example, the URA station manager at Busia in 2016 explained that fish traders generally avoided the border post for fear of being taxed.[64] At a meeting, the traders explained that they already paid so many fees and charges that adding a government duty on top would render their work unprofitable. The manager responded

by pointing to practical ways in which most of the existing charges could be dispensed with. The URA set an upper limit on the loads that could be carried at minimal rates of duty and agreed to process the Customs returns directly, thereby dispensing with the need for clearing agents. It also withdrew policemen from key routes who were suspected of extorting money. Subsequently, a steady stream of fish traders could be observed crossing with their loads balanced precariously on bicycles and generally avoiding eye-contact – in part it seems because a number are testing the limits by transporting more than the agreed maximum load. The fact that they were using the crossing at all was taken by the station manager as a vindication of the strategy for engaging small traders. URA officers needed to allow a certain amount to go 'undetected' in order to maximize usage of the facility – an example of practical norms in action.

The preferred method of engagement has been to encourage the traders to establish formal associations, or co-operatives, that are registered by the Ministries of Trade in the countries concerned. At Kagitumba, for example, there is an association of Rwandan maize-flour traders with a membership of some forty individuals who transport their goods in convoys of bicycles. Although these associations are country-specific, there seems to be a close relationship between them. They are also invited to participate in the regular cross-border meetings that are convened by the two sets of authorities and that feed into the performance evaluations. Their role is a dual one: on the one hand, they are expected to convey to small-traders the importance of using the designated crossing points; on the other hand, they are able to make some representations of their own. An additional mechanism has been the creation of information desks that work alongside Cross-Border Trade Associations. These disseminate information to small-scale traders, assist with documentation and occasionally channel complaints. While all the desks are manned by unpaid volunteers who continue to trade independently, the practices vary. In Uganda they have received training as well as computers from COMESA, while in Kenya they have received free office space at the OSBP but no training or equipment. A specific function of the information desks is to hand out the 'Simplified Certificate of Origin' form which enables small-scale traders to pass Customs without recourse to clearing agents who were alleged to fleece them in the past. In some other borders, these forms are handled by Customs officials, but in either event the expressed intention is to offer a better deal to small-traders. From the perspective of the authorities, formalization captures some of the trade that ought to be declared as well as furnishing more robust statistical data. For Customs officers at the OSBPs, it actually creates more work and it

reduces any additional income that could be made from taking bribes along the *panya* routes. But crucially, it enables officers to meet their targets and provides visible evidence that the facilities are actually being used. For the traders, moving through the OSBP underlines their claims to co-ownership of the space and forms part of a larger negotiation.

The efforts to curb trade along the *panya* routes also translates into targets for those working in the preventive branch. At Busia-Kenya, one official noted that the system of paying informants was well-established, but that officers often dipped into their own pockets in order to reduce the delays and hence to achieve their targets – a further example of how practical norms operate. For all that, smuggling has continued to flourish. Much of it is driven by different regulatory regimes on two sides of a given border. In 2016, until it was banned, Ugandan alcohol in sachets formed part of a vigorous contraband trade to both Rwanda and Kenya. Again cars that are more than eight years old may not be imported into Kenya for safety reasons. In this case, vehicles are imported through the port of Mombasa in transit to Uganda from where they double back across the border. Although the KRA forbids such untaxed vehicles to pass the border during the night, for fear that they will be smuggled, that does not appear to make much of an impact on the trafficking in second-hand cars. The Kenyan prohibition on the exportation of scrap metal has led to similar consequences. Similarly, there was a booming informal trade in Busia in 2018, spurred on by a ban on charcoal burning in Kenya. In 2016, a 'reformed smuggler' reported that plastic goods from Kenya were smuggled into Uganda and that Chinese commodities that were ostensibly destined for Uganda found their way back into Kenya.[65] The same informant observed that goods that are made in Kenya are often sold in Uganda and then smuggled back into Kenya. Although this seems to defeat any straightforward economic logic, the answer appears to lie in a conjuncture of two factors: the higher costs for wholesalers doing business in Kenya and the attraction for smaller traders of purchasing goods in smaller quantities.[66]

The inclination of local traders to continue doing things in the accustomed way is rooted in a strong sense of being the owners of the border space – very much as Flynn has outlined for the Nigeria-Benin border.[67] At Busia, the problem historically was that settlements encroached on what was intended to be a no-man's land. On the Kenya side, the decision was taken to knock down the informal settlements, whereas in Uganda the place that is known as 'Sophia' – named after a prominent female trader – has continued to thrive, and indeed hosts a regular market. Sophia is located about 50 meters from the OSBP and it is possible on any given day to witness a steady stream of bicycles and

motor-bikes carrying goods back and forth. The image that confronts the observer standing on the Kenya side could not be more striking: to the left vehicles queue up to pass through the OSBP, while to the right the informal and largely illicit trade proceeds briskly with very little attempt to control it. Informants noted that the resident population fiercely defends its rights to make an income from trade, and that the Police generally keep their distance after a number were allegedly killed by smugglers. Marachi, located on the other side of the OSBP from Sophia, is reputed to be the place where smuggling is conducted by four-wheeled transport and is equally regarded as a no-go zone. More generally, the relationship between local residents and the Police has been fraught at a number of the border crossings. For example, there have been protests at Gatuna and Busia-Kenya over robberies and murders that the Police seemed unwilling or unable to solve.[68]

The Customs authorities are well-aware of some collusion between large and smaller traders. Consignments that are worth less than $2,000 are treated as small-scale and are eligible to be handed under the 'Simplified Certificate'. Large traders in Kenya may drive a truck full of goods to the border and then hand them on to small-traders who may choose to pass at the official crossing or risk using the *panya* routes. Once the goods arrive on the Ugandan side, they can then be reloaded onto larger vehicles or sold in local shops. At Busia, a common sight is that of disabled traders driving wheelchairs, which have been converted to transport goods through the OSBP. This is part of a well-established, but informal arrangement. Customs officers claim that while their disability means they have been treated with leniency, some of them work in league with the larger traders. It is evident that Customs officers often find it easier to look the other way rather than risking a confrontation or pushing more trade onto the panya routes. At Katuna in 2018, URA officers generally did not stop bicycle traders despite the fact that it was common knowledge that they were often making serial journeys on behalf of larger traders. The alternative, one official explained, would be 'riot!'.[69]

Because so much of what passes through the border has been held up for periods of time, whole livelihoods have grown up around the performance of 'services': facilitating speed of access to Customs and Immigration for travellers; changing money; transporting loads and so on. While the OSBPs are under construction, it is almost impossible to prevent people passing in and out of the facilities in a more or less unregulated fashion. But it is striking that even once the buildings have been completed, local populations still enjoy relatively free access. The people who have gravitated towards these spaces of opportunity do so partly out of a sense of entitlement. In their

view, they are the owners of the land and have the perfect right to be there. Moreover, they receive the backing of local politicians who can readily see that the creation of sealed enclaves will impact negatively on their constituents who need to make a living in whatever way possible. As things stand, therefore, the presence of unauthorized actors within the OSBP is tolerated as a necessary compromise by border officials. In the case of Busia-Uganda, the money changers wear yellow cloaks as a sign that they have been formally recognized by the URA. But in most cases, money-changers move in and stake a claim to the space around the OSBP buildings. Where the OSBPs are completed, they host foreign exchange bureaux, but these co-exist with the money-changers rather than displacing them. In some respects, therefore, the border authorities are forced to deal with demands that are difficult to reconcile: on the one hand, creating a secure facility in which the access routes are patrolled and the outer perimeters are secured, and on the other creating a user-friendly environment that facilitates local livelihoods. As things stand, the managers of the OSBPs apparently feel they can do little to restrict access to members of the surrounding community, and it is difficult to believe that this will change when the last stretch of road is properly tarred.

This brings us to the intriguing question of whether OSBPs should be regarded as a possible fourth site of border governance. They have been conceived as a rupture with the existing pattern of land border crossings. They have been planned as trans-national spaces where the physical infrastructure and the electronic procedures transcend national framings. At OSBPs like Busia, the facilities are intended to make bold statements – about efficiency, transparency, international co-operation and global connectivity. In the planning, then, OSBPs resemble airports and seaports. They each handle cargo as well as people, but the difference is that seaports and airports are folded in upon themselves. Port facilities are designed as enclosed spaces with strictly controlled public access. Airports are different in that they are more about human flows, which means that they can not be entirely sealed off. Nevertheless, airports are exceptional spaces where movement is restricted, behaviour is closely monitored, and to some extent the normal rights of citizens are held in suspense - even as their tastes as consumers are gratified. OSBPs handle human flows in the same way as airports do. The same forms are filled and biometric data is collected in an identical way. The aspiration to render OSBPs welcoming spaces is reflected in the building designs, which have reserved space for cafeterias and public toilets. Nevertheless, the movement of people is far less regimented than at airports.[70] Notably, there are large empty spaces where passengers are free to move about. But the plans provide only a limited insight into the ways in which OSBPs

function. Crucially, the OSBP is also located within a space where local people have a strong sense of their rights. Although there is always a security presence, OSBPs have to be outward-facing if they are to win local acceptance. No doubt there will be some arguments in favour of regulating access more closely when all the OSBPs are complete - not least on the part of those charged with security and anti-terrorism responsibilities. But OSBP managers are acutely conscious of the fact that they rely on the patronage of the resident population and therefore need to maintain an open door. As things stand, OSBPs look more like co-produced spaces of engagement than sites of state surveillance – and it is this which makes them very unlike airports.

4. Conclusion

In this article, we have addressed two sets of issues relating to the role of OSBPs in border management. The first is their ability to reconfigure institutional patterns, for which we have found limited support. The variable manner in which OSBP structures have been completed and operationalized has actually reflected the rivalries between agencies in each of the countries as much as cross-border synergies. On either side of the Kenya-Uganda border, the existence (or not) of a lead agency has led to quite different spatial configurations and institutional consequences. Again, the very different patterns at Mirama Hills/ Kagitumba and Gatuna/Katuna on the Uganda/Rwanda border point to the importance of non-state actors like TMEA in co-ordinating planning and implementation. We have also found that where OSBPs have been completed, they have enabled agencies to perform their functions more efficaciously. There has been added pressure on governmental agencies to align their information technologies and work practices. But some of the latter necessarily takes the form of practical workarounds. The proliferation of paper and the reliance on face-to-face meetings to resolve recurrent issues underlines the extent to which the paperless border remains an aspiration. The sharing of electronic data does not replace older bureaucratic practices, but is layered across them. Outside the OSBPs, where officials have less incentive to embrace the vision of the frictionless corridor, paper documents remain fundamental to the ability of drivers to transport their goods.

Secondly, we have considered how far border management assumes a distinct guise at the OSBP. We found that the idea of a productive border crossing, in which truckers, travellers and small-scale traders feel invested, comes with significant consequences. The language of service is heavily loaded and it is an open question how far the ideology of the system is fully internalized. But it does affect the interaction

between officials and those who use the OSBPs. The relationship with members of the surrounding communities also plays a crucial part in shaping the configuration of space and everyday practices within the OSBP. The highly ordered spaces that are depicted on the construction plans are recognizable on the ground, but there is much that is the product of negotiation. Although the access gates filter travellers and vehicles, there has been little attempt to exclude local populations who derive a living from the existence of the border and who can rely on the sympathy of local power-brokers. On the contrary, officials can only meet their regular targets if more local people patronize the OSBP. The concern of managers is to prevent OSBPs from lapsing into the 'disorderly' patterns that are familiar from other border crossings rather than to create sanitized spaces like the modern airport. Where border work is performed therefore matters a great deal. For this reason, we conclude that the OSBP does represent an incipient fourth type of site of border governance that shares elements with, but is distinct from, conventional land border crossings, seaports and airports. It is also one that is on the rise across the continent.

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Notes

[1] The research for this article was conducted under a European Research Council (ERC) Advanced Grant for the project *African Governance and Space: Transport Corridors, Border Towns and Port Cities in Transition (AFRIGOS)* [ADG-2014-670851].

[2] The AU has promoted the Trans-African Highway Project in collaboration with the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB). The individual projects overlap with the transport corridors being championed by each of the RECs.

[3] Ndulu, "Infrastructure".

[4] Nugent, "Africa's Re-enchantment".

[5] Debrie, "West African port". In East Africa, the liberalization of regional air space is expected to support the development of new regional and international airports.

[6] Tyson, "One stop".

[7] Bierschenk and Olivier de Sardan, "Studying"; Olivier de Sardan, "Practical Norms'; Blundo and Le Meur, *Governance.*

[8] "The practical norms concept is not analytical. It gives no specific substantive content to the phenomena it describes not does it define a particular interpretative mode'", Olivier de Sardan, "Researching, 18. The restatement is less categorical in "Practical Norms", 30-32.

[9] Bierschenk and Olivier de Sardan, "Ethnographies", 44-45.

[10] As part of governance reforms, semi-autonomous Revenue Authorities have become widely established across Africa. They bring Customs and other agencies concerned with domestic revenue collection under a single umbrella. See Fjeldstadt and Moore, "Revenue Authorities".

[11] Chalfin, *Neoliberal.*

[12] At the time Chalfin conducted her research, the OSBP was not seriously on the agenda.

[13] This is amply illustrated in Titeca and Kimanuka, *Walking,* and Hollstegge and Doevenspeck, "'Sovereignty Entrepreneurs'".

[14] Flynn, 'We are the Border'; Bennafla, *Commerce.*

[15] In 2014, we carried out pilot research on two sides at Busia, Malaba and Lwakhakha when the OSBPs were under construction. In 2016, we conducted follow-up research in Malaba and Busia and additional work at Katuna (Uganda)/Gatuna (Rwanda) and Mirama Hills (Uganda) /Kagitumba (Rwanda). In 2017, we returned to Malaba and Busia and in 2018 we updated our work at Busia, Mirama Hills and Katuna.

[16] There is also a spur to South Sudan. We did not conduct research on the DRC or South Sudan borders with Uganda because there was initially less evidence of progress. However, in November 2019 an OSBP opened at Elegu-Nimule.

[17] UNECA, *Assessing Regional Integration,* ch.2.

[18] Hazlewood, "End"; and Mangachi, *Regional.*

[19] Chalfin, *Neoliberal,* 24-34. In East Africa, there are three bands: at 0% (raw materials and capital goods), 10% (intermediate goods) and 25%.

[20] Since 2015, SADC, EAC and COMESA have been committed to establishment of a tripartite free trade area. Kenya, Uganda and Rwanda are members of COMESA, but Tanzania belongs only to SADC.

[21] Kago and Masinde, "Free", 345.

[22] Despite having inaugurated an OSBP at Kraké-Seme, Nigeria closed the border indefinitely in August 2019.

[23] Mold, "Running Up".

[24] Bünder, "How Common", 4. Uganda came up with no fewer than 180 'sensitive goods'. Mwapachu, *Challenging,* 63; UNECA, *Assessing,* 16-17.

[25] Kieck, 'Coordinated", 3-4; Doyle, "Collaborative", 15-21. Co-ordinated Border Management (CBM) is the terminology preferred by the WCO. Aniszewski, "Co-ordinated", 6.

[26] The charge for a stationary truck is estimated to be somewhere between $200 and $400 a day which means that a delay at the border of three days represents an enormous cost. Pearson, *Trade,* 1.

[27] Polner, "Coordinated", 58.

[28] Kieck, "Coordinated", 6.

[29] Drummond, Wajid and Williams, "Overview, 1.

[30] Infrastructure Consortium for Africa, *One Stop,* 3-4.

[31] The Kraké-Seme OSBP on the Benin/Nigeria border is located inside Benin, while the Akanu-Noepe OSBP on the Ghana/Togo border is located in Togo.

[32] The EAC passport permits citizens the right to travel in fellow member states for a period of six months. UNECA, *Assessing,* 16.

[33] According to informants, the initiative began with joint meetings between officials from the two RAs in Malaba which was then taken up by the national governments.

[34] A second feasibility study was carried out at Busia in 2005. East and Central Africa Global Competitiveness Hub. *Feasibility.*

[35] Curtis, *Chirundu,* 7.

[36] The East African Community One Stop Border Posts Act, 2010".

[37] TMEA, "One Stop".

[38] Anon, "RRA Using". TMEA invested $7.5 million on the Kagitumba OSBP and a further $7.8 million at Mirama Hills, where it has also improved the road link to Ntungamo. TMEA, *Annual Report 2014/15,* 39. The Ugandan government began constructing the Katuna OSBP with financing from the International Development Association.

[39] Interview with TMEA employee, Kampala, 17 November 2016.

[40] EAC Investment Climate Programme, *EAC Northern,* 3-5.

[41] Ndunda, "Implementation", 32.

[42] Katuna and Mirama Hills monthly traffic flow data, 2017-18.

[43] We are grateful to Hugh Lamarque for his on-site verification in 2020.

[44] TMEA, *Annual Report 2014/15,* 57.

[45] In August 2018, a URA officer estimated that around 30 per cent of vehicles from SCT countries were subjected to verification.

[46] "Northern Corridor Transport Observatory Report", 33.

[47] TMEA end-line survey data, 2017.

[48] Interview with URA officer, Busia-Uganda, 4 November 2016.

[49] Interview with RRA officer, Kagitumba, 10 November 2016.

[50] Interview with URA officer, Busia-Uganda, 4 November 2016.

[51] There is some evidence that the Busia County government on the Kenya side has interfered in the running of the OSBP. Ndunda, "Implementation", .31.

[52] Siva, "Developing", 125.

[53] ASYCUDA (Automated Systems for Customs Data) is the system developed by the United Nations Conference for Trade and Development (UNCTAD) and which has been adopted by a number of countries in Africa. On the response of Camerounian Customs officers to the introduction of ASYCUDA, see Cantens, 'La reforme".

[54] Interview with station manager, Malaba-Uganda 7 October 2017.

[55] Mwiti, "KRA seeks".

[56] Drivers complained of large bribes demanded on the road in Kenya which varied according to national origin. Interview with Ugandan and Kenyan drivers and transporter owners, Busia-Uganda, 9 October 2017.

[57] Personalized pledge appended to a wall in Uganda.

[58] Bierschenk, "Sedimentation", 229-230.

[59] Titeca and De Herdt, "Regulation", 586-589.

[60] However, as the website of the Kenya Ports Authority (KPA) demonstrates, considerable importance is attached to being responsive to the needs of 'customers'. "Customer Service Charter.

[61] Kaplan and Norton, "Balanced".

[62] The SCT means that less revenue is actually collected at the OSBPs.

[63] In 2012, total exports from Uganda were $2,811.2 million, of which informal exports account for were estimated at $453.7 million. Total imports were imported at $6,095.8 million, of which informal imports were reckoned at $53 million. BOU/UBOS, *Informal,* 18. These are almost certainly underestimates because they are based solely on trade taking place around official crossing points.

[64] Interview, Busia-Uganda, 4 November 2016.

[65] Titeca and De Herdt, "Regulation", describe a similar pattern on the border between South Sudan and Uganda, 575.

[66] Discussion with trader, Busia-Kenya, 3 November 2016.

[67] Flynn, "We are the Border".

[68] Kagire, "Slain Trader's Kin".

[69] Interview with URA officer, Katuna, 24 August 2018.

[70] Muller, "Travellers".