

BORDER MANAGEMENT IN THE TRADE FACILITATION PROCESS:THE CHALLENGES

INTRODUCTION

Mr. Chairman,
Participants, distinguished invited guests,
Ladies and gentlemen;

I wish to use this opportunity to thank the organizers for the invitation to participate on behalf of the Ghana Immigration Service at this workshop on Trade Facilitation. It is a pleasure and an honour to be here.

However, I must confess at a certain difficulty in speaking on the third day of the Workshop, for almost everything that should be said, has already been well articulated by earlier speakers. Nonetheless, I will try to give a perspective from the Ghana Immigration Service, starting with a few general remarks.

GLOBALIZATION AND TRADE FACILITATION

The pace of globalization seems to have picked up in recent decades, thanks to trade and capital flows. Globalization is here to stay: The reality is that we already live in a global economy where flows of trade, capital and knowledge across national borders are not only large, but also are increasing every year.

In this globalizing, and rapidly changing world economy therefore, trade facilitation among regional blocs takes on special significance.

Trade facilitation will improve the regions trade performance significantly and thereby spur the growth of productivity and incomes. It is described as the simplification, harmonization, automation and speeding up of the international flow of people and goods across borders. It has become a topical and significant issue for developing countries like Ghana because it is acknowledged that there is a strong link between increased trade, economic growth and poverty reduction. The availability of modern technology to significantly improve the management of cross border trade and distribution of goods have combined to create a strong interest in trade facilitation. It has also been noted that customs and other border related regulatory formalities are increasingly considered a more significant barrier than tariff rates and that border management improvement is critical to achieving sustained trade growth and global security issues.

CONTROL AND FACILITATION

The economic integrative imperatives of globalization, trade liberalization and facilitation call for borders to become increasingly porous. A central paradox of this phenomenon is that on the one hand, states must remain open to the movement of people, goods and services if they want to develop. On the other hand, there must be credible controls at the borders to prevent a whole range of threats to national security.

Why should Ghana keep her borders secure? And why should border patrols and controls become relevant when globalization delimits territorial barriers and everybody is talking of facilitation of trade. Ghana needs to secure its borders against external threats and to protect its sovereignty. Our neighbors may not necessarily pose a threat in the sense of overt aggression but due to the open nature of the borders and the conflict in the Sub-region individuals and groups need to be contained. A case in point is the recent arrival of Sudanese refugees into Ghana almost unnoticed.

The new thinking is that even if the borders are essential for state sovereignty, they should not inhibit the movement of people and trade across regions. Nonetheless in a free and open society citizens need to have confidence in the security of the borders. There is a need to rethink and reconceptualise our borders in a progressive manner to minimize obstacles to legitimate movement and maintain at the same time the integrity of the borders.

SECURITY SITUATION IN SUB-REGION

While appreciating the dynamics of the paradigm shift, Ghana finds itself under peculiar circumstances due to its geographical location. This country finds itself in a sub region that has been in turmoil for close to two decades and in the past two years its immediate neighbors to the east and west have been experiencing political turmoil which has spilt over to Ghana. This poses challenges to Ghana, and especially frontline organizations, such as the Ghana Immigration Service tasked with the primary jurisdiction over laws that govern entry and exit to and from Ghana.

Concomitant to our position in a turbulent sub region which could create rebel and refugee movement, is that such conflicts could and have

generated transnational organized crime involving trafficking of small arms and light weapons, illicit trafficking of drugs, human trafficking, armed robbery, money laundering, motor vehicle theft, advanced fee fraud(419),cattle theft, passport trafficking and smuggling among others.

Taking cognizance of the above underscore the need for a much more comprehensive and coordinated action. There is a need to adopt comprehensive and cooperative approach to border management to deal with the pressures of trade facilitation, integration and greater globalization.

It is essential that a balance is struck between enhanced security and facilitation of International trade, because it is no longer an option but the only way forward.

THE ROLE OF GHANA IMMIGRATION SERVICE

Noting the challenges and potential threats posed to Ghana by its position in West Africa and the imperatives of trade facilitation, is the Ghana Immigration Service in a state of preparedness and has it the capacity to perform its statutory functions?

The Ghana Immigration Service (GIS) generally is responsible for the control of movement of people to and from the country. It is charged with the responsibility of enforcement of all the enactments relating to the entry, residence and employment of all foreigners in Ghana.

Its strategic objectives include the regulation of entry into Ghana in a manner that facilitates travel, trade and business while ensuring the security of the borders.

It maximizes deterrence to unlawful migration by enforcing Immigration laws firmly and fairly. The Service also ensures improvements to the processing of arriving and departing passengers and also monitors, controls and reduces the fraudulent acquisition and use of travel documents.

ACHIEVEMENTS SO FAR

- ✓ The Ghana Immigration Service has since the ratification of the ECOWAS protocol on free movements of persons, goods and services given full effects to the provisions.
- ✓ ECOWAS nationals arriving through the entry points of Ghana are admitted without visa requirements.
- ✓ Community citizens are granted stay permits with a validity of 90days in accordance with the protocol.
- ✓ Embarkation and disembarkation cards have been simplified and made compatible with the harmonized version of the ECOWAS secretariat.
- ✓ Special booths have been created at the Kotoka International Airport (KIA) and designated to arriving ECOWAS nationals.
- ✓ The use of ECOWAS travel certificates, national passports and most recently ECOWAS passports is given the right recognition it deserves at the entry points.
- ✓ The current investment laws in Ghana which are essentially tied to foreign capital for employment of foreigners in Ghana do not provide any special concessions for ECOWAS citizens, however, member citizens of the sub region who do not meet the minimum foreign capital requirements are provided easier forms of acquiring residence permit.

Under the Gateway project Ghana Immigration Service is expected to positively respond to government's policy on investment and trade liberalization and facilitation by modernizing its activities to benchmark international standards. In fulfillment of this the Service has undertaken the following measures:

- ✓ *Automation of Kotoka International Airport and Aflao;* the objective is to reduce passenger-processing time, establish a more efficient data collection, storage and retrieval system and improve security. Plans are far advanced for similar installations to be done at Paga and Elubo.
- ✓ *Construction of Data Centre:* A new Data Centre to house the service's Management Information System (MIS) has been constructed. The objective is to collate and manage all relevant data for use by the service and other organizations. The equipment is currently being installed and our operations and processing at the Immigration headquarters will soon be computerized.

- ✓ *Standard Operating Procedures:* Standard Operating Procedures (SOPs) which benchmarks our operational guidelines has also been developed.
- ✓ *Strategic Plan:* A strategy document which spells out our vision, mission and strategic objectives is also currently pending management's review.
- ✓ *Visa On Arrival Policy:* The Ghana Immigration Service has implemented the visa-on-arrival policy.

CHALLENGES

Recent events have seen comments from policy makers and the general public suggesting that our borders are unprotected. Such comments however fail to acknowledge the immense challenges the service faces in facilitation and control. Examining critically the capacity of the Ghana Immigration Service to deliver in the form of personnel, technology and policy capability leaves much room for improvement despite considerable gains.

- The staff strength of the GIS is inadequate to man all approved and unapproved routes.
- Basic technology and equipments to improve patrols and policing are almost non-existent. Technology is needed to enhance the ability of officers to detect in a more predictable way, increase deterrence and protect border integrity.
- Processing a traveller is now basically labour intensive with little technological underpinning. This causes unintended delays at the border posts, apart from KIA and Aflao aforementioned.
- Data use and data sharing among agencies at the borders should be encouraged.
- A lot of time is taken to process alert records which are done manually at most of our border controls.
- The porous nature of our borders contributes to an ineffective manning of our borders.
- The infrastructure especially buildings at most of our border posts are not functionally designed.
- There are excessive documentation requirements. In the case of Immigration, due to a large number of our traders being illiterate they are unable to complete immigration forms in a timely manner.

- Lack of communication, cooperation and partnership at the local and regional level of border agencies, which thwarts efforts to deal effectively with increased trade flows.
- ECOWAS citizens granted 90 days overstay their permits and fail to renew visas.
- Use of unapproved routes by nationals of member states in most cases without any travel documents.
- Use of identity cards by some ECOWAS citizens especially those from UEMOA countries instead of passports.
- The increase in the movement of persons across Ghana's borders has brought about an increase in cross border crimes.
- Problems of transhumance caused by marauding alien herdsmen who enter the country through unapproved routes and engage in negative activities.
- Exporters and importers complain about harassment and extortions from our border personnel along the borders.
- Lack of infrastructure in terms of automation, provision of equipment, use of scanners, passport readers etc by the border agencies.
- There is poor security at some of the borders, leading to traders sometimes losing their wares.
- Lack of awareness of ECOWAS citizens about the protocols and their rights and responsibilities.
- Border residents who facilitate irregular migration across the borders for economic gains.
- Use of fraudulent documents.
- Lack of evaluation and monitoring mechanism for the implementation of well meaning directives, Protocols and rules.

It is worthy to mention that if we evaluate the current performance of ECOWAS member states in the area of free movement of persons one will notice that some real achievements such as the abolition of visa requirements and the introduction of travel certificates have been made. It is important however to acknowledge that much remains to be done, especially in the area of removal of numerous non-tariff barriers. Such barriers have succeeded only in creating insecurity and affect the facilitation of trade and leads to conflicts and resentment.

In the light of the sketched operational milieu of the Ghana Immigration Service, comprehensive and integrated planning and action is needed as a

prerequisite for the effective and efficient management of our borders to facilitate trade processes.

MODERN BORDER MANAGEMENT SYSTEM

How then can facilitation of trade be reconciled with the need to ensure security in the movement of people, goods and services? Some people are of the view that, to see a contradiction between control and facilitation is based on a false dichotomy because they support each other.

The more effective controls are the more facilitation can be offered in “no-risk” areas. It is in this light that the World Customs Organization has introduced a new instrument “The framework of standards to secure and facilitate global trade”, its implementation would however be crucial.

The balancing of facilitation and control is the basic requirement for a border management system. This in the past had taken place at the physical point of entry but it is being extended and relocated to points of embarkation known as advanced passenger processing.

To address the challenges therefore it would be necessary to identify what border management tries to achieve in most jurisdictions. The border management system is the key control mechanism for overall migration management. Effective border management system will recognize that facilitation and control are two equally important objectives that must be addressed at the same time.

The two major objectives for an effective border system is to facilitate bonafide travellers, providing a welcoming and efficient gateway to Ghana and provide a barrier and disincentive to entry for those seeking to circumvent migration laws. With these objectives Ghana could maximize the benefits of managed temporary and permanent migration, while simultaneously protecting Ghana from the unauthorized entry of those considered not to be of benefit under visa policy rules or whose entry would not be in the national interest.

The design therefore of border management systems should take into consideration certain factors, such as:

- (i) The physical characteristics of the border.
- (ii) The border permeability;

- (iii) The relationship with immediate state neighbours;
- (iv) The commitment and capacity of neighbouring states to control their own borders and manage irregular migration
- (v) Whether interception of undocumented travelers is planned and feasible at points of entry
- (vi) How much checking on identity and intentions is done at the border or at points remote from the border
- (vii) Where the visa decision is made.
- (viii) The volume and variability of volume of passengers at the borders.
- (ix) Whether there is sufficient flow of information between the various authorities involved in border management.

The above factors immediately provide a large range of factors and options to be addressed to enable Ghana move toward improving trade facilitation.

RECOMMENDATIONS

To address the challenges, I will mention but a few measures which need to be adopted;

- Establishment of a regional steering committee to monitor and evaluate implementation of decisions made especially with regard to free movement of persons and trade facilitation.
- Modern border management does not only require the actual and physical presence of personnel on the ground. Effective control of borders now encompasses the use and application of technology. New technologies are developing at a rapid rate, machine readable documents and scanners, automated data capture, passports with machine readable zones (MRZ), monitors, remote sensors, lasers, biometrics and other tools. These gadgets provide a more accurate data capture to address challenges posed by volume and speed. They also enhance the risk assessment capabilities of officers and provide real time information regarding border activity.
- Modern day border management requires surveillance of borders for twenty-four hours constantly. Ensuring effective monitoring will be labour intensive and will require the beefing up of staff to play this responsibility.
- Transportation infrastructure is very crucial to border patrols. Routes for patrol and policing must be properly demarcated and

delineated.

- There should exist a practical interface between all relevant parties at the borders; customs, Ghana Immigration Service and other governmental agencies, business associations, traders and other interested parties in order to improve the quality and acceptability of border management programmes for trade facilitation. It should be noted that the GIS is just one of the panoply of organizations tasked with the responsibility of securing Ghana's borders.
- Sharing of information and intelligence between agencies is vital. The quality of data collection and analysis should be improved and if possible there should be a central database to allow for interagency access between such agencies; GIS, CEPS, BNI, Narcotics and others
- It is important that migration policies are linked to development policies. If trade facilitation is a thematic area then migration policies should be aligned to the subject matter to facilitate entry for legal migration.
- Infrastructural facilities should be improved at the borders to enhance the performance of duty of border personnel and facilitate immigration procedures.
- Local authorities, chiefs, border residents should be enlightened and sensitized to respect the provisions of the ECOWAS protocols.
- Cross border crimes have given a negative meaning to free movement. Checks and balances therefore have to be put in place to ensure that free movement protocols does not prove counter productive and detrimental to national security and stability of this country.
- Sensitization of public officials, Immigration and other border agencies to stop the harassment of businessmen and travellers generally and for them to change their corrupt attitude.

- Adoption of an ECOWAS visa in line with the schengen states visa system.
- National investment code must be revised in line with the ECOWAS protocol.
- A language policy should be instituted to make French compulsory up to Senior Secondary level since this is a major hindrance to facilitation.

- Border security procedures are continuously evolving. To keep track, we must modernize and regularly update the knowledge and skills of officers to undertake situational awareness along the borders. Training and human resource development should be strengthened to support all aspects of migration management. Re-orientation and capacity building of the implementing agencies to promote free flow of trade is necessary.
- The policy and legal base for border management should be reviewed. All of the operational work–border improvement, travel document improvement etc. needs to be supported and guided by a clear policy base and a clear legal and regulative framework. There should be a push for closer regulatory cooperation. eg identification of border residents.
- Joint border patrols along the frontiers should be stepped up.
- There is a need to ensure that Ghana has a secure travel document and also improve issuance systems. If issuance systems lack integrity, persons take advantage of the weaknesses and there is duplicate/triplicate issuance.

CONCLUSION

There is no doubt that there is a need to revitalize the Ghana Immigration Service to meet the challenges of contemporary border management and trade facilitation. Immigration is a dynamic process and with closer integration, increasing trade and deepening globalization, the pressures on the Ghana Immigration Service to effectively respond to the challenges and potential threats is enormous and cannot be understated.

Obviously, there are challenges of financial, material and human resources that limit our capacity to live up to the tasks. Government will however need to set its priorities right, because the cost of inaction could be far greater.

I will close with that thought and with my thanks, for your kind attention.

PRESENTED BY:
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(CONTROLLER OF IMMIGRATION/OPS)