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Support for Border Management Task Force

AMIR II Achievement of Market-Friendly Initiatives and Results

April 2006

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JORDAN AMIR II

Achievement of Market-Friendly Initiatives and Results

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Support for Border Management Task Force

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Abbreviations and Acronyms

APEC	Asia Pacific Economic Cooperation
BMTF	Border Management Task Force
CRM	Customs Reform and Modernization
EDC	Economic Development Committee
JC	Jordan Customs
MOU	Memoranda of Understanding
SLA	Service level Agreements
UNECE	United Nations Economic Commission for Europe
UN/CEFACT	United Nations Centre for Trade Facilitation and Electronic Business
WCO	World Customs Organization

Abstract

The establishment of a Border Management Task Force (BMTF) by the Jordanian Government is a far-sighted initiative given the current state of the security in the region and the world. The BMTF has embarked on this project at a time when many other governments and agencies are re-thinking their approach to border management. Team members will continue to grapple with the enforcement and facilitation equation as governments call for more security and greater facilitation for legitimate traders.

External and internal forces are driving border agencies to develop risk and compliance based systems that will deliver high quality border management without the traditional call on government to commit additional staff and infrastructure. The Task Force adopted His Majesty King Abdullah's directive as their benchmark in developing the recommendations. This is only the start of the process as the next phase, the implementation phase, will be by far the most difficult. However, continued support for the process from the Royal Court and Jordan Government will assure success.

“.... administration which can achieve objectives at less cost and in shorter time is a wise and efficient administration which helps to create effective and specialized institutions acting with team spirit under efficient and able leadership marked by integrity, placing the public interest above all other considerations. It is one that is characterized by justice, initiative and creativity, focusing on fieldwork, confronting problems before they arise and before they become too complicated to solve. ”

*His Majesty King Abdullah II
Government Designation
March, 1999*

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Executive Summary and Recommendations

The work completed by the Border Management Task Force (BMTF) has canvassed a wide range of domestic and global topics and the recommendations to Government reflect healthy consideration of a number of international models that use a multi-agency approach to border management. The recommendations that the BMTF developed and proposed reflect the situation in Jordan and are very applicable to the situation in that country.

The BMTF came up with two major recommendations, which are:

- 1. Create an administratively, financially, and legally independent single border agency to manage and implement all procedures at the border.*
- 2. Develop a Multi-Agency/Cross designation approach to border management.*

The actual proposal will be to adopt the multi-agency approach to border management in the first phase and then move to a single border agency approach in a second phase.

The Government, in the form of the Economic Development Committee (EDC) in the Cabinet of Ministers, concurred with the report and accepted the recommendations. Further, the Prime Minister is reported to have prepared a directive to begin the next phase of the BMTF to complete the writing of the legal and regulatory changes required to implement first the consolidation into two border agencies, Jordan Customs (JC) and Public Security, and then to move towards a single border agency.

The AMIR Customs Reform and Modernization (CRM) team concurs with the recommendations of the BMTF.

1. Background and Objectives of Consultancy

For the past eight months, a Border Management Task Force (BMTF) has been examining options to improve the management of the border in Jordan. The Cabinet of Ministers approved the BMTF and 13 agencies in Jordan seconded employees to work in the team. The Prime Minister gave the BMTF a one-year mandate to identify ways to coordinate the needs of the separate agencies while keeping in mind the needs of the private sector to facilitate trade and the crossing of Jordan's borders by legitimate travelers.

The BMTF came together in March 2005 and since that time, the members visited a number of border processing centers and commenced the process of identifying new and innovative ways of aligning the various roles and responsibilities of the departments and agencies.

The objective of this consultancy was to assist the BMTF in identifying relevant material to assist the members in their deliberations. The consultant's tasks included monitoring and mentoring the team. The objective of these tasks was to ensure that recommendations were consistent with international best practice as defined by the World Customs Organization's (WCO) Revised Kyoto Convention and Framework of Standards to Secure and Facilitate Global Trade, and other relevant conventions and guidelines applicable to international border processing.

The BMTF submitted the report to the Economic Development Committee (EDC) in the Cabinet of Ministers in late April 2006. The EDC in turn accepted and concurred with the recommendations and sent them forward to the Prime Minister. The EDC recommended to the Prime Minister that he form a second BMTF or extend the mandate of the first task force. This mandate of the new task force would be to implement the recommendations including the drafting of a Memorandum of Understanding between JC and the other border agencies.

2. Post-Interim Report¹ Activities August 2005 to March 2006

At the conclusion of the in-country assignment, the consultant provided a range of ongoing support services to the BMTF. This support included identification of research material and reports and commentary on various issues and recommendations developed by the team.

3. Research Material

The consultant is not aware of any research material that the Border Management Task Force members independently accessed or reviewed. The consultant provided the following published material to the BMTF for its consideration –

¹“Support for Border Management Task Force, Interim Report,” prepared by John Howard for the AMIR Program, August 2005.

- World Customs Organization Strategy Paper on Customs and E-Commerce²
- World Customs Organization's Guidelines on Advance Passenger Information³
- The Revised Kyoto Convention Guidelines on the Application of Information and Communications Technology⁴
- An Independent Review of Airport Security and Policing for the Government of Australia⁵
- Administrative Orders for the Australian Attorney-General's Office and the Department of Immigration and Ethnic Affairs.
- Connecting Government – Whole of Government Response to Australia's Priority Challenges⁶
- World Customs Organization's Single Window Paper⁷
- United Nations Economic Commission for Europe (UNECE) - The Single Window⁸
- UNECE Committee for Trade, Industry and Enterprise Development – The Single Window Concept⁹
- Australia Institute of Criminology – Cross Border Crime and Customs¹⁰
- United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) – Recommendations and Guidelines on Establishing a Single Window to enhance the efficient exchange of information between trade and government¹¹

² WCO Strategy Paper, "E-commerce and Customs", WCO/OMD, Brussels, 2004.

³ 'Guidelines on Advance Passenger Information' (API), WCO/IATA/ICAO, 2003.

⁴ 'Kyoto Convention Guidelines on the Application of Information and Communication Technology,' Brussels, 2004.

⁵ 'An Independent Review of Airport Security and Policing for the Government of Australia,' The Rt Hon Sir John Wheeler DL, Canberra, Australia, September 2005.

⁶ 'Connecting Government – Whole of Government Response to Australia's Priority Challenges,' Department of Communications, Information Technology and the Arts, Canberra, Australia, 2004.

⁷ 'The Single Window Concept, The World Customs Organization's Perspective,' WCO, 2005.

⁸ 'UNECE The Single Window Concept,' United Nations Economic Commission for Europe (UNECE), Geneva, 2003.

⁹ 'UNECE Committee for Trade, Industry and Enterprise Development, Sixth Session, 28 and 31 May 2002, - The Single Window Concept', UNECE 2002.

¹⁰ 'Cross Border Crime and Customs, 4th National Outlook Symposium on Crime in Australia,' paper presented by David Collins, Australian Customs, New Crimes or New Responses convened by the Australian Institute of Criminology and held in Canberra, Australia, 21-22 June 2001.

¹¹ 'Recommendation and Guidelines on Establishing a Single Window to Enhance the Efficient Exchange of Information between Trade and Government,' UN/CEFACT, New York and Geneva, 2005.

- Congressional Research Service – The Library of Congress – Border Security: Inspections Practices, Policies and Issues¹²
- Paper on Capacity Building Workshop on Trade Facilitation Implementation: Tools, techniques and Methodologies¹³
- CDI Terrorism Project – Organization for Homeland Security – Issues and Options¹⁴
- Border management in Jordan (Comments by Consultant)¹⁵
- Biometrics and Identity Security
- Asia Pacific Economic Cooperation (APEC) - Best Practice in Secure Trade¹⁶
- Australian National Audit Office – Cross Agency Governance – Guidance Paper No.7 Best Practice Guide¹⁷
- Commonwealth Agencies Security Preparations for the Sydney 2000 Olympic Games¹⁸
- World Customs Organization’s Framework of Standards to Secure and Facilitate Global Trade¹⁹
- World Customs Organization’s Compendium of Capacity Building Tools²⁰

4. Issues

In the August 2005 report, the consultant identified a number of critical issues that the BMTF members identified as requiring consideration. These issues were -

¹² Congressional Research Service ~ The Library of Congress Border Security: Inspections Practices, Policies, and Issues, Updated October 13, 2004, American Law Division.

¹³ ‘UNECE Capacity Building Workshop on Trade Facilitation Implementation: Tools, Techniques and Methodologies,’ Geneva, 18–20 October 2004.

¹⁴ The Center for Defense Information (CDI), ‘Organization for Homeland Security, Issues and Options,’ Washington D.C., 2001.

¹⁵ Email attachment to BMTF, May 2005.

¹⁶ ‘Best Practice in Secure Trade,’ Asia Pacific Economic Cooperation (APEC), APEC Branch, Department of Foreign Affairs and Trade, Canberra, ACT, 2004.

¹⁷ ‘Cross Agency Governance – Guidance Paper No.7 Best Practice Guide,’ Australian National Audit Office, Canberra, Australia, 2003.

¹⁸ Audit Report, Commonwealth Agencies’ Security Preparations for the Sydney 2000 Olympic Games, Australian National Audit Office, Canberra, Australia, 1998.

¹⁹ Framework of Standards to Secure and Facilitate Global Trade, WCO, Brussels, June 2005.

²⁰ World Customs Organization’s Compendium of WCO Capacity Building Tools, Brussels, 2006.

- Terrorism
- Illegal immigration
- Customs fraud
- Intellectual property
- Transit
- Illegal imports/exports
- Public health issues
- Transport safety
- Public security
- Improved trade facilitation
- Technology
- Maintaining a stable political and social environment
- Improving international gateway clearance
- Corruption/Integrity
- Ensure correct revenue collected
- Tourism
- Transnational organized crime
- Regional security

It is not clear from the material made available to the consultant during the life span of the BMTF if they discussed and took into account all the above points when drafting the final report and recommendations.

5. Discussion Topics

Following is a list of issues drawn from hundreds of pages of emails exchanged between the BMTF and the consultant. The purpose of providing this list is to demonstrate the scope of issues canvassed by the team members.

The issues:

- ❖ Organizational considerations where there is more than one agency operating at an international border.
- ❖ Drafting requirements for administrative guidelines between agencies.
- ❖ Arguments pertaining to the creation of a single border agency versus one or more agencies acting on behalf of agencies with an interest in people or goods crossing the border.
- ❖ Debate regarding delegation of the Customs “goods processing” function.

- ❖ Consultation with the public and relevant industry sectors.
- ❖ Steps following processing mapping.
- ❖ The involvement of the military in border management.
- ❖ Integration and working co-operatively with ASEZA Customs.
- ❖ Pros and cons of having one point-of-contact at each border processing center.
- ❖ Avoiding duplication of functions at border crossings.
- ❖ Cost/benefit of technology to assist with processing passengers and cargo.
- ❖ Collection and storage of "border related" information.
- ❖ Processing, collating, analyzing and dissemination of information and intelligence.
- ❖ Border alert systems and information/intelligence databases.
- ❖ Developing and using advance passenger and cargo information systems.
- ❖ Inter-agency and international cooperation.
- ❖ The use of biometrics for passport and passenger processing.
- ❖ Creating a 'Single Window' for government.
- ❖ Compliance assessment with the Revised Kyoto Convention and other conventions that Jordan has signed.
- ❖ Discussion concerning primary role of a single border management agency. Enforcement and facilitation.
- ❖ Strategic and operational risk management.
- ❖ Selectivity.
- ❖ Train and authorize border agency clients.
- ❖ Issues and problems associated with transit.
- ❖ Compliance management.

- ❖ Cross designation of officers working at international border crossings.
- ❖ Agency modeling – linear, primary emphasis, cross designation and single agency.
- ❖ Memoranda of Understanding (MOUs) and Service level Agreements (SLAs).
- ❖ International models for establishing best practice.

6. BMTF Final Report Summary

The final report is in Arabic. The consultant is reporting based on an English translation of a summary of the report and recommendations.

The BMTF visited 15 border processing centers and the final report appears to provide a complete description of all activities undertaken by the represented agencies. The English summary of the report represents that the report contains comments, discussions, recommendations, and a vision for these border crossings based on international commitments and national requirements.

The BMTF concluded after reviewing the activities at the various processing centers that there was sufficient duplication, interference, and misunderstanding as to the roles of the agencies to cause concern and have the potential to create security concerns.

The BMTF identified infrastructure as a major problem as the buildings at a number of border crossings were creating bottlenecks and inefficiencies in the way people and cargo were processed. Some centers were simply too small and there was insufficient space to house agency representatives to serve the industry and public.

Human resources were identified as another problem with many agencies having unqualified personnel thus leading to problems in the processing of goods and people. There were also claims that staff distribution was inequitable and many of the centers lacked proper training facilities and amenities for overworked staff.

Not surprisingly, the BMTF members identified a shortage in enforcement and detection equipment as a major problem in failing to respond to facilitation priorities at the border. What equipment was at the crossings was old and not well serviced resulting in poor performance and a lack of confidence by the officers assigned to use the equipment.

After reviewing all the information gathered from the various agencies and border crossings concluded that there was a lack of process automation, no shared enforcement or intelligence databases and no electronic connectivity between agencies. There was no structured targeting or profiling regime in place by any agency as none were using risk management based methodologies.

The BMTF identified a lack of clear understanding in all the agencies as to what their respective roles were at the border. As stated earlier this led to duplication and unnecessary interventions.

One major finding by the BMTF was the number of rules and regulations administered by border agencies. This complexity of rules and regulations led to onerous delays while agencies sorted out complex administrative requirements.

Finding the balance between enforcement and facilitation is problematic with complex issues. They were the transit system, lack of training for agency personnel and the people who deal with the agencies from the private sector, and a lack of equity in respect to the payment of incentives, and a lack of investment and commitment by the private sector.

After reviewing and analyzing a number of international models of integrated border management the BMTF concluded that the best way forward would be to develop a proposal that took account of integrating human resources, management, information, legislation, automation, and accountability for performance into one agency. This would result in a better outcome for Jordan and provide a level of confidence about security in Jordan.

The BMTF also made special mention of the private sector and it was their view that the industry should play a bigger role by assuming responsibility for developing at least more appropriate infrastructure that will assist in improving processing of cargo and people at international border crossings.

The BMTF identified that an important step in improving trade facilitation while achieving security is through technology. There was also recognition that showcasing Jordan was an important role for any agency operating at the border. It is after all, the one thing that a tourist remembers when they enter or depart; how were they treated on arrival and possible departure. A simple “Welcome to Jordan” for foreign tourists and a “Welcome Home” to Jordanian nationals by police and customs officers would go a long way to changing the image of Jordanian border agencies.

The BMTF recognized that there is huge potential to improve international and regional cooperation. Organizations such as Jordan Customs are members of the World Customs Organization that has over 160 members. All WCO members are attempting to harmonize and standardize procedures in an effort to support the World Trade Organization Doha Round of negotiations.

7. BMTF Recommendations

The BMTF came up with two major recommendations. They are –

- Create an administratively, financially, and legally independent single border agency to manage and implement all procedures at the border.
- Develop a Multi-Agency/Cross designation approach to border management.

The BMTF identified some advantages and disadvantages for both recommendations.

Single Border Agency

Advantages	Disadvantages
<ul style="list-style-type: none"> - One point of reference that all operating agencies at borders follow certain agreements or legal memos of understanding. - An easy and accessible method to obtain information related to work at borders. - It achieves high level of equality, equal opportunities and incentives among staff working under the authority of the Agency. - Responsibility is defined and restricted in one agency. - Quick implementation of work, and wide security control. - In agreement with international initiatives and requirements of WCO. - A persuasive tool to obtain internal and external financial and logistics support. - Improves revenue collection, provides ways to involve private sector institutions (banks, insurance companies, tourists offices, clearance companies, etc.) - It provides clear and specified instructions, bylaws and responsibilities that enable decision maker to operate easily in a transparent environment. - High level of maintenance and development of infrastructure and facilities. 	<ul style="list-style-type: none"> - It requires new legislation amendment and new legislations. - High financial cost especially at the initial phase of establishment. - It needs time to be fully operational.

Multi-Agency/Cross Designation approach to border management

Advantages	Disadvantages
<ul style="list-style-type: none"> - Smooth access towards adoption of Independent Single Border Agency in the near future. The agency is either one of the current border operating departments or otherwise. - Accountable. Responsibilities are identified and restricted to one known agency. - Efficient and effective. - It highlights lines of specializations; technical and security. - In agreement with international and regional requirements. - Clear and transparent authorities, as well as brief position title definition. - Smooth and well-understood application of laws, regulations and circulars. - Cost effective, and less human resources and logistics. - More efficient security control, and tourist, investment and economic attraction . - To second or designate employees of other departments according to specializations to work under supervision of one of the two major agencies. - Use of modern and state-of-art technology and equipment for checking and inspection of goods, vehicles, and passengers. - Reconsider the procedures of border agencies, modify, and implement needed infrastructure to empower each agency to perform efficiently and effectively. - Rehabilitate and train staff to reach "comprehensive officer" concept in future 	<ul style="list-style-type: none"> - Non listed by BMTF

The BMTF provided some additional advice in terms of managing the border using the multi-agency approach. It was that -

- Jordan Customs shall implement and apply procedures of non-security departments (Agriculture, Health, Tourism, JISM, Public Works and Housing, Trade & Industry). Staff of such departments would be seconded to work at borders under the supervision and control of Customs House Director. Jordan can achieve this objective through memoranda of understanding or delegation of authority to facilitate procedures and restrict point of reference for the staff in accordance with "one stop / one shop" approach criteria.

- Secondly, the General Security Department, through memoranda of understanding or agreements, shall handle and implement all procedures required by other security departments working at the border (intelligence, armed forces / military police) related to visa issuance, immigration procedures (passport verification and stamp) and passengers registration. This will achieve a desired outcome that is to have a single point of contact for each border crossing.

It can be either joint administration between Customs and General Security at the border or the higher-ranking police officer could take charge of specific administrative duties as Officer-in-Charge for security and non-security issues.

Finally, the BMTF recommended to government the adoption of the “second recommendation (applying Multi Agency-Cross Designation Approach) as a first phase to adopt concept of One Single Border Agency. Such system has positive capabilities and easy requirements that contribute to the quick and smooth implementation. We also propose that the mandate of the Task Force is renewed for another year with a new mechanism to monitor and follow up the required tasks by technicians and experts once adoption of the system is approved in accordance with the Cabinet resolution no. 2531 dated Aug. 10th 2004.”