

# The CHARTER

## MINIMUM STANDARDS FOR THE TREATMENT OF SMALL SCALE CROSS-BORDER TRADERS IN THE COMESA REGION

### Introduction

Small scale trade accounts for 35% of total cross border trade. Small-scale cross-border traders however face difficulties complying with border formalities which sometimes lead to violation of their rights. To address this challenge, the COMESA Council of Ministers adopted (in 1994) the following COMESA Regulations on the Minimum Standards for the Treatment of Small Scale Traders which spell out the rights and obligations of both the traders and border officials:

*Basic rights and obligations for traders and officials at the border:*

1. All individuals shall be able to cross the border without verbal or physical abuse or harassment, including but not limited to sexual and gender-based violence.
2. Documents for traders shall be processed at the border in an efficient and timely manner without discrimination. A receipt must be provided to the trader for any payment made and the payment properly recorded.
3. Only officials of the approved agencies should be present at the border and all border officials should wear uniforms or ID badges that allow the identification of their respective agency.
4. Physical checks of traders must be recorded with the reason and outcome provided. Female traders have the right to receive a physical check by female officials in a private but regulated and accountable environment.
5. All duties, fees and taxes and the basis for their calculation must be publicly available at the border.
- 5.1. Any change to duties, fees and taxes must be publicly announced at the border, with reasonable time for traders to prepare, before their application.
- 5.2. No unpublished fees or charges should be demanded at the border.
6. Documentary requirements should be clearly stated and publicly available at the border.
- 6.1. Any change in documents required must be publicly announced at the border with reasonable time for traders to prepare before implementation.
- 6.2. Simplified procedures should be applied to small traders.
7. Traders should be aware of their rights and obligations when crossing the border.
- 7.1. Traders must present required documentation and pay appropriate duties at the border and obtain a receipt for any payments made to an official.
- 7.2. Traders shall not attempt to bribe any official to avoid payment of duties or obtain preferential treatment in any way, including avoiding queues.

*With the support of the International Community, Governments commit to:*

1. Ensuring that the basic rights and obligations governing cross-border movement of goods and people are clearly stated in the local language and visibly apparent at all border crossings.
2. Ensuring that at every border post there is at least one agent that has received gender awareness training.
3. Ensuring that 50% of officials at any border post have received gender based awareness training.
4. Ensuring that at all border posts traders have recourse to an independent and confidential mechanism to register violation of any of these basic rights. Female traders must be able to register the violation of any basic rights with a female staff.
5. Ensuring the strict application of disciplinary measures against officials found to have violated the rights of a trader.
6. Supporting organizations of informal cross-border traders in disseminating information on these rights and obligations and in delivering advice and information to enhance the capacities of the traders.
7. Continuing to improve the quality of infrastructure at all border crossings to provide an open and safe environment for traders, with attention to the specific needs of women traders, and appropriate facilities for officials to undertake their work.
8. Improving the quality of data collected at all border posts on small traders, including the number passing through the border each day and the nature of the goods traded.

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