



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON NATIONAL ECONOMY, TRADE AND LABOUR MATTERS

ON THE

**BORDER MANAGEMENT AND TRADE FACILITATION BILL, N.A.B. NO. 5
OF 2025**

FOR THE

FOURTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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FOREWORD

Honourable Madam Speaker, the Committee on National Economy, Trade and Labour Matters has the honour to present its Report on the Border Management and Trade Facilitation Bill, N.A.B. No. 5 of 2025, for the Fourth Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders 206 (j) and 207 of the National Assembly of Zambia Standing Orders, 2024. Specifically, Standing Order 207(j) provides that portfolio Committees shall study and review Bills referred to them by the House.

The Committee held fourteen sittings to consider the Bill. In order to gain insight into the ramifications of the Bill, the Committee sought both written and oral submissions from various stakeholders. The list of the stakeholders is at Appendix II of the Report.

The Report is in three Parts. Part I contains the salient provisions of the Bill. Part II highlights concerns raised by stakeholders, while Part III contains the Committee's observations and recommendations.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It further wishes to thank you, Madam Speaker, for affording it an opportunity to consider the Border Management and Trade Facilitation Bill, N.A.B. No.5 of 2025. The Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly during its deliberations.



Ms Sibeso K Sefulo, MP
CHAIRPERSON

July, 2025
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Ms Sibeso K Sefulo, MP (Chairperson); Mr Joel Chibuye, MP (Vice-Chairperson); Mr Gary Nkombo, MP; Mr Kabwe T Chewe, MP; Mr Davison Mung'andu, MP; Mr Derricky Chilundika, MP; Dr Simon Mwale, MP; Mr Simon Banda, MP; Mr Walusa Mulaliki, MP; and Mr Wesley Kolala, MP.

2.0 BACKGROUND

The *Border Management and Trade Facilitation Act, No. 12 of 2018*, was enacted to streamline Zambia's border operations and enhance trade efficiency. However, through constant evaluation, significant inadequacies had been identified within the Act, which could adversely affect Zambia's trade relations.

One critical shortcoming was the Act's failure to comprehensively address specific trade requirements, potentially creating obstacles to cross-border commerce and diminishing Zambia's competitiveness in the global market. Additionally, the Act did not clearly identify the appropriate authorities responsible for operations at ports of entry, leading to inefficiencies and coordination challenges among regulatory agencies. This ambiguity could result in delays and increased costs for traders. Further, the Act did not ease trade for persons involved in trade by the use of modern technologies in trade facilitation. This oversight hampered efforts to streamline border operations, improve transparency, and reduce processing times.

To address these challenges, Cabinet approved the introduction of the Border Management and Trade Facilitation Bill, N.A.B No. 5 of 2025, to repeal and replace the Act. The Bill aimed at enhancing Zambia's cross-border transactions and trade processes by recognising appropriate authorities at ports of entry and promoting the use of modern technologies in trade facilitation. Therefore, the enactment of the Bill was essential to strengthening Zambia's border management, promote efficient trade facilitation, and align its trade framework with international best practices.

3.0 OBJECTIVES OF THE BILL

The objects of the Bill were to:

- a) provide for co-ordinated border management and control for the efficient movement and clearance of goods;
- b) give effect to the provisions of agreements relating to the one-stop border posts;
- c) provide for simplified trading arrangements with adjoining States relating to the movement and clearance of goods;
- d) establish control zones and provide for powers of officers in control zones;
- e) provide for the development, management and maintenance of border infrastructure;
- f) authorise the application of the laws of the Republic and the laws of an adjoining State in a one-stop border post;
- g) repeal and replace the *Border Management and Trade Facilitation Act, No. 12 of 2018*; and
- h) provide the matters connected with or incidental to the foregoing.

PART I

4.0 PROVISIONS OF THE BILL

The provisions of the Bill were as set out hereunder.

PART I – PRELIMINARY PROVISIONS

Clause 1 – Short Title and Commencement

This clause provided for the citation of the Act once enacted and its commencement date.

Clause 2 – Interpretation

The clause provided for the definitions of key words and phrases used in the Bill in order to make the law easier to be understood by the citizens and those tasked to implement the law.

Clause 3 – Application

This clause provided for the application of the Act, to a customs port and control zone.

Clause 4 – Legislation Relating to Border Control at Port of Entry

This clause provided for applicable laws listed in the Second Schedule relating to border controls at a port of entry and the basis for border control operations by the appropriate authorities specified under clause 5 of the Bill. Further, the clause empowered the Minister by a statutory instrument, to add or remove legislation listed in the Second Schedule.

PART II – ADMINISTRATION

Clause 5 – Lead Agency

The clause placed the responsibility on the Zambia Revenue Authority (ZRA) as the Lead Agency at ports of entry and to coordinate border operations. The clause also allowed the Immigration Department to perform the functions of the Lead Agency, where the Lead Agency was not present at any port of entry. Further, the clause empowered the Minister to appoint, by statutory instrument, any other appropriate authority under clause 16 of the Bill to perform the functions of the Lead Agency, where the Lead Agency and the Immigration Department were not present at a port of entry.

Clause 6 – Functions of Lead Agency

This clause set out the functions of the Lead Agency which were to, among others, coordinate the import and export of goods and services, provide an electronic platform for the issuance of import and export permits or approvals through the Zambia Electronic Single Window System and collaborate with regional and international institutions or agencies to promote trade facilitation.

Clause 7 – Constitution of Steering Committee on Trade Facilitation

Clause 7 constituted the Steering Committee on Trade Facilitation, whose function was to provide policy direction to the Minister on matters relating to trade facilitation under the direction of the Secretary to the Cabinet. The clause further set out the mode of appointment of members of the Steering Committee on Trade Facilitation by the Minister.

Additionally, the clause mandated the Steering Committee on Trade Facilitation to, in the performance of its functions, consult and cooperate with any State institution in the implementation of the Act, review recommendations from the Committee and recognise the role of other agencies in implementing matters relating to trade facilitation.

Clause 8 – Constitution of National Trade Facilitation Committee

The clause constituted a National Trade Facilitation Committee. The clause further set out the mode of appointment of members by the Minister, nomination of a Chairperson and Vice-Chairperson, and the ineligibility of a person being appointed as a member of the National Trade Facilitation Committee.

Clause 9 – Functions of Committee

The clause set out the functions of the National Trade Facilitation Committee, which were to coordinate and monitor policy on border management controls and trade facilitation; report and make policy recommendations to the Steering Committee on Trade Facilitation for consideration on matters relating to border management controls and trade facilitation; and perform other functions as may be necessary to give effect to the provisions of the Act.

Clause 10 – Secretariat of Committee

The clause empowered the Minister to designate a department in the Ministry responsible for trade to be the secretariat of the National Trade Facilitation Committee. Further, the clause provided that the secretariat would be responsible for the administration of the day-to-day affairs of the National Trade and Facilitation Committee under the general supervision of the Ministry responsible for trade.

Clause 11 – Constitution of Border Management Committee and Joint Border Management Committee

This clause constituted a border management committee and a joint border management committee at every port of entry. The clause also empowered the National Trade Facilitation Committee to appoint the members of the border management committee and the joint border management committee.

Additionally, the clause mandated the border management committee or the joint management committee to be responsible for enhancing border agency coordination, implementing policy decisions affecting border operations and providing technical advice on border operations to appropriate authorities.

PART III – TRADE AGREEMENTS

Clause 12 – Trade Agreements

The clause empowered the President to enter into a trade agreement with an adjoining State, which included a simplified trading arrangement and a one-stop border post agreement, for purposes of trade facilitation and ensuring reciprocity in the application of border controls. Further, the clause allowed the President to delegate the authority to enter into a trade agreement to a Minister.

Clause 13 – Simplified Trading Arrangement

This clause made it mandatory for a simplified trading arrangement referred to under clause 12(3) to include, among other things, simplified customs and origin conferring documentation, a maximum value threshold within which a simplified trading

arrangement applied and a list of products, agreed with the adjoining State, to which the simplified trading arrangement applied.

Clause 14 – One-Stop Border Post Agreement

This clause allowed a one-stop border post agreement referred to under clause 12(3) to provide for, among other things, the establishment and defining of a control zone, the appointment and functions of facilitation agents in a control zone and the direct movement of goods and persons to an adjoining State.

Clause 15 – Publication of Border Agreement

The clause mandated the Minister to cause a border agreement to be published in the Gazette, within thirty days of the border agreement entering into force.

PART IV – BORDER MANAGEMENT

Clause 16 – Number of Appropriate Authorities at Port of Entry

The clause required six appropriate authorities to operate at a port of entry, which included the Lead Agency, Immigration Department, Ministry of Health, Zambia Compulsory Standards Agency, Plant Quarantine and Phytosanitary Service Department and Department of Veterinary Services. The clause also allowed a local authority or an association from a private sector listed in the Third Schedule to operate at a port of entry.

Further, the clause allowed an appropriate authority to delegate any of its functions to another appropriate authority among the six authorities. Additionally, an appropriate authority was mandated to perform a statutory function delegated to the appropriate authority by any other appropriate authority which was not part of the six appropriate authorities.

Clause 17 – Operating Hours and Days

The clause provided for the operating hours and days at a port of entry for the appropriate authorities referred to under clause 16, to be in accordance with the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*.

Clause 18 – Coordinated Border Management

The clause mandated the Lead Agency, in coordinating the conduct of facilitating imports and exports to, among other things, ensure that information, including results from the non-intrusive inspection, was shared with appropriate authorities through the Zambia Electronic Single Window System, enforce system reminders for any delayed processes and monitor processing of documents by each appropriate authority.

The clause also mandated the Lead Agency, in collaboration with an appropriate authority, to develop and implement a mechanism to facilitate clearance inland in accordance with the relevant applicable laws where there was a delay in any clearance process.

Clause 19 – Declaration Powers

This clause made it mandatory for all imports, exports and transits to be cleared or declared in accordance with the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*. The clause also mandated a person entering or exiting the Republic to be cleared in accordance with the *Immigration and Deportation Act, No. 18 of 2010*. Additionally, the

clause mandated the Lead Agency to coordinate joint inspections, in collaboration with the relevant appropriate authority, where an inspection of goods was necessary.

Clause 20 – Pre-clearance

The clause mandated an appropriate authority to conclude the border clearance process in accordance with the *Customs and Excise Act, Chapter 322 of the Laws of Zambia*, prior to the arrival of goods, where practicable.

The clause further mandated the Lead Agency to coordinate the facilitation of pre-clearance with a relevant authority, where a customs declaration was made through pre-clearance.

PART V DESIGNATION AND OPERATION OF CONTROL ZONE

Clause 21 – Establishment and Designation of Control Zones

This clause allowed the Minister, in collaboration with an adjoining State, to establish and designate control zones in the Republic and an adjoining State, on terms and conditions that may be specified in a border agreement relating to a one-stop border post, through a border agreement.

Further, the clause also mandated the Minister, in consultation with relevant appropriate authorities, to establish and designate control zones at ports of entry for one-stop border post processing arrangements. Furthermore, the clause mandated an appropriate authority operating in a control zone, for purposes of offering one-stop border post processing agreements, to do so in accordance with the Act.

Additionally, the clause provided that an established and designated control zone established and designated in sub-clause (1), may be wholly or partially located in the Republic or an adjoining State or be in some other mutually agreed location as specified in a border agreement. Lastly, the clause mandated a control zone established and designated in sub-clause (1) to be arranged in a way that for each direction of travel, border controls shall be carried out at a port of entry depending on the configuration, from a single stop location.

Clause 22 – Exclusive Use Areas Within Control Zones

This clause provided for exclusive use areas within a control zone to be identified by official signs. The clause further mandated an officer to control the entry in the exclusive use areas and allowed the officer in control to request for assistance from competent authorities of an adjoining State.

Clause 23 – Border Control in Control Zones by Officer of Adjoining State

The clause allowed an officer of an adjoining State to carry out border controls within a control zone in accordance with the terms and conditions specified in a border agreement. The clause further allowed an officer to exercise border controls in accordance with the laws of that adjoining State.

Clause 24 – Joint Controls

This clause allowed an officer of the Republic and an officer of an adjoining State to jointly conduct border controls. The clause further allowed an officer of the Republic to rely on the results of an inspection and search conducted by an officer of an adjoining State.

Clause 25 – Free Movement of Officer in Control Zone

The clause mandated an officer to move freely in a control zone to carry out official duties without the requirement of the production of a passport or visa and allowed an officer to pass through border controls of an adjoining State on production of appropriate evidence of the officer's identity and status as provided in a border agreement.

Additionally, the clause allowed the Lead Agency, in consultation with an appropriate authority, to develop border specific guidelines on activities that were not allowed in the control zone.

Clause 26 – Appointment and Number of Officers in Control Zone

The clause mandated an appropriate authority to appoint officers to perform functions in a control zone. The clause further mandated an appropriate authority to submit to the Lead Agency, the number and names of officers appointed to perform duties in the control zone.

Additionally, the clause mandated the Lead Agency, in consultation with the appropriate authorities and competent authority of an adjoining State, to determine the number of officers to perform duties in a control zone. Lastly, the clause mandated the Lead Agency to inform the adjoining State, in writing, of the names and designation of the officers.

Clause 27 – Identification Card

This clause mandated the Lead Agency to issue an identification card to an officer for use in the control zone. Further, the clause mandated an officer to wear the official uniform and visible distinctive insignia of the respective appropriate authority or adjoining State and visibly display the officially issued identification card, while performing official duties. Additionally, the clause required an officer to display the identification card, where an officer was not required to wear uniform by reason of the officer's work.

Clause 28 – Carrying of Firearm

The clause prohibited an officer from carrying a firearm in a control zone unless the officer belonged to a law enforcement agency of the Republic or an adjoining State duly authorised by law or was specifically authorised to do so by the Ministry responsible for home affairs.

Clause 29 – Protection to Officers and Compensation

This clause mandated the Lead Agency and the competent authorities in an adjoining State to grant protection to officers operating in a control zone from loss, injury or damage caused by or to an officer of the Republic or to an officer of an adjoining State in the course of performing functions in a control zone as provided in a border agreement. Further, the clause provided for a claim for compensation for loss, injury or damage caused by or to an officer of the Republic or an officer of an adjoining State in the course of performing functions in a control zone to be subject to the laws of the respective State as if the circumstances giving rise to the claim had occurred in that State.

Clause 30 – Traffic Control

This clause mandated the Lead Agency and an officer of an adjoining State to implement measures for effective control of traffic in control zones.

Clause 31 – Equipment for Official Use

The clause provided for equipment necessary to enable an officer of the Republic or an adjoining State to carry out official functions in a control zone to be freely transferable within the control zone and not to be regarded as imports or exports on entry or exit. Further, the clause provided for the equipment to be declared to the Lead Agency and an inventory kept by an appropriate authority.

Clause 32 – Communication Equipment in Control Zones

The clause mandated an officer of an adjoining State to be authorised to establish communication links with an adjoining State including the extension of the local area telecommunication and other networks in the control zone of an adjoining State, while performing official functions in the Republic.

The clause also allowed the Lead Agency to assist an officer of an adjoining State, where necessary, to obtain telecommunications and other communication services, subject to the necessary legal authorisations, prevailing commercial costs and conditions.

Clause 33 – Laws of Adjoining State to apply in Control Zones

This clause provided that the laws relating to border controls of an adjoining State shall apply in a control zone located in the Republic and be effected by the officers of an adjoining State in the same way as an adjoining State. Additionally, where there was a border agreement between the Republic and an adjoining State and where there was a contravention of that law, the contravention would be deemed as if it had occurred in the adjoining State.

The clause further provided that a contravention of the laws concerning border controls of an adjoining State relating to the control zone located in the Republic should be subject to the laws of an adjoining State as if the contravention had occurred in the adjoining State.

Clause 34 – Authorisation in Control Zones

This clause prohibited a person from carrying out activities in a control zone without authorisation from the Lead Agency. Further, the clause mandated the Lead Agency, in consultation with other appropriate authorities, to develop guidelines on activities allowed in the control zones.

Clause 35 – Criminal Acts for Non-Border Control Laws

The clause mandated the law enforcement agencies to handle non-border control related criminal offences committed in a control zone in the Republic in accordance with the applicable laws.

PART VI – CONDUCT OF FACILITATION AGENT IN CONTROL ZONES

Clause 36 – Access to Control Zones by Facilitation Agents

This clause empowered a facilitation agent to have access to a control zone and facility in a control zone for official purposes where the facilitation agent presented a valid identification card issued for that purpose by the Lead Agency.

The clause further exempted a facilitation agent from the production of a travel document or visa. Additionally, the clause mandated a facilitation agent, while in a control zone, to be in possession of identification card and present it to a person who requested to see it.

Clause 37 – Performance of Functions in Control Zones

This clause mandated a facilitation agent, in the performance of functions in a control zone, to be subject to the laws of the Republic or the laws of an adjoining State.

Clause 38 – Communication with Officers

This clause allowed a facilitation agent while performing functions in a control zone, to communicate with that agent's offices outside the control zone to establish communication links that may be required.

PART VII – THE ZAMBIA ELECTRONIC SINGLE WINDOW SYSTEM

Clause 39 – Zambia Electronic Single Window System

This clause mandated the Lead Agency to operate the Zambia Electronic Single Window System. It also empowered the Zambia Electronic Single Window System to serve as a single-entry point and platform for any person involved in trade facilitation to, among others, lodge documents electronically including the import, export and transit of documents for processing and approval, enable the synchronised processing of data or information and facilitate electronic transactions in trade and reduce legal and operational barriers to electronic transactions.

Further, the clause mandated all appropriate authorities to be connected to the Zambia Electronic Single Window System. Additionally, the clause mandated the Lead Agency to notify the users at any foreseeable and unforeseen service interruption within prescribed timelines and provide an alternative method of payment, where there was an interruption in a method of payment relating to a transaction in the Zambia Electronic Single Window System.

Clause 40 – Risk Management

This clause mandated an appropriate authority to utilise the risk management platform in carrying out border controls and operations. It also mandated an appropriate agency to utilise an integrated risk management framework to carry out border controls and operations, where an integrated risk management framework was provided in the Zambia Electronic Window System.

The clause further empowered the Minister to prescribe guidelines by statutory instrument for the utilisation of the integrated risk management framework and platform.

Clause 41 – Appropriate Authority to Co-operate with Lead Agency

This clause mandated an appropriate authority to co-operate with the Lead Agency in, among other things, executing and conducting service level agreements, generating data for official use by the appropriate authorities, and ensuring that information was confidential and was used only for the purpose for which it was intended.

Clause 42 – Technical Aspects of Zambia Electronic Single Window System

The clause allowed the Lead Agency to adopt relevant internationally accepted standards, procedures, documents, technical details and formalities for the effective implementation of the Zambia Electronic Single Window System. Further, the clause set out the guiding principles for the processes and technical aspects of the Zambia Electronic Single Window System, which included security of trade data, simplicity and accessibility and confidentiality.

Clause 43 – Registration of Appropriate Authority

This clause mandated an appropriate authority that was required to use the Zambia Electronic Single Window System to apply to the Lead Agency to be registered as a user of the Zambia Electronic Window System in a prescribed manner and form.

Clause 44 – Lead Agency to be responsible for Electronic Transactions Relating to Trade

This clause provided that the provisions of the *Electronic Communications and Transactions Act, No. 4 of 2021*, and any other written law relating to electronic transactions and cyber security shall apply to the Zambia Electronic Single Window System.

The clause empowered the Lead Agency to facilitate transactions by use of reliable electronic records and promote public confidence in the integrity and reliability of electronic records in the Zambia Electronic Single Window System.

Clause 45 – Integrity of Information

This clause provided for the integrity of information to be considered to be maintained in the Zambia Electronic Single Window System, if the information remained complete and unaltered. Further, the clause provided that the integrity of the information shall not be considered to have been altered merely because of the addition of any endorsement or any material change that may have arisen in the normal course of communication, storage or display.

Clause 46 – Requirement Relating to Retention of Information

This clause set out, in addition to the requirements outlined in the *Electronic Communications and Transactions Act, No. 4 of 2021*, the requirements relating to the retention of information.

Clause 47 – Requirement to Provide or Produce Information in Paper Form

The clause mandated the Lead Agency when required, to provide or produce information in electronic form in a paper form or other non-electronic form and other means of electronic communication or otherwise.

Clause 48 – Responsibility of Lead Agency on Zambia Electronic Single Window System

This clause mandated the Lead Agency to be responsible for, among other things, ensuring that information on the Zambia Electronic Single Window System was confidential and was used only for the intended purpose, taking precautions to ensure that electronic systems were secure from unauthorised access and requiring users of the Zambia Electronic Single Window System to comply with applicable policies, written laws and regulations relating to data protection.

PART VIII – GENERAL PROVISIONS

Clause 49 – Temporary Measures in Interest of Defence, Security, Public Safety, among others

This clause empowered an appropriate authority to make temporary measures in the Republic, which were in the interest of defence, security, public safety or public health and other temporary measures that may be prescribed. The clause also made it mandatory for the temporary measures to remain in force until the appropriate authority considered it necessary to lift the temporary measures. Further, the clause allowed an

appropriate authority to notify the Lead Agency of the temporary measures undertaken or to be undertaken.

Additionally, the clause allowed the Lead Agency to notify the appropriate authorities or an adjoining State, where a temporary measure was undertaken. Lastly, the clause provided for the relevant law of the Republic to apply, in implementing the temporary measures in the clause.

Clause 50 – Immunity

The clause provided for the immunity of a member of the Steering Committee on Trade Facilitation, Committee or a member of the Lead Agency or an appropriate authority for an act or thing done or omitted to be done in good faith in the exercise or performance of any power or function conferred under the Act.

Clause 51 – Regulations

This clause empowered the Minister to make Regulations for the better implementation of the provisions of the Act.

Clause 52 – Guidelines

The clause empowered the Lead Agency to issue guidelines which were necessary for the better implementation of the provisions of the Act. The clause further mandated the Lead Agency to publish the guidelines in at least one daily newspaper of general circulation in the Republic and in the Gazette and any other electronic media.

Clause 53 – Repeal of Act No. 12 of 2018 and Savings and Transitional Provisions

This clause repealed the *Border Management and Trade Facilitation Act, No. 12 of 2018*, and set out the savings and transitional provisions once the Act was operationalised.

PART II

5.0 CONCERNS RAISED BY STAKEHOLDERS

Stakeholders who appeared before the Committee supported the Bill. However, in doing so, they raised the concerns outlined below.

Clause 6 – Functions of Lead Agency

Some stakeholders submitted that enforcement of deadlines for declaration processing referred to under clause 6(1) d of the Bill, should be done in consultation with other border agencies in line with the principles of border agency cooperation. It was submitted that enforcement of deadlines for declaration processing should be done without necessarily hindering the promotion of product safety and public health.

Other stakeholders submitted that there was need to equally capacitate all border institutions with appropriate resources if they were to effectively implement the provisions in the Bill. They argued that if this was not done, some institutions may contribute to delays in declaration processing.

With regard to clause 6(2), some stakeholders submitted that the clause restricted the functions of the Lead Agency at stations where the ZRA had delegated the role of Lead Agency to other appropriate authorities, referred to under clause 5(3). They were of the view that the appropriate authority with delegated authority of the Lead Agency might still perform some functions referred to under clause 6(1), such as enforcement of

deadlines for declaration processing. It was submitted that failure to perform some functions referred to under clause 6(1) could hinder efficient border management and trade facilitation. It was therefore, suggested that there was need to enhance clause 6(2) to broaden the mandate of an appropriate authority with delegated powers.

Clause 8: National Trade Facilitation Committee

Some stakeholders submitted that while the Bill outlined the membership of the Steering Committee and the National Trade Facilitation Committee, it did not clarify whether an individual serving on the Steering Committee could also be appointed to the National Trade Facilitation Committee. The lack of clarity presented a possibility for cross membership.

It was submitted that although cross membership may enhance coordination, it could present governance and accountability challenges about the strategic direction provided by the Steering Committee and the coordinating and policy monitoring role of the National Trade Facilitation Committee.

Clause 12 – Trade Agreements

Some stakeholders submitted that clause 12 must specify the Minister to whom the President could delegate the power to enter into trade agreements with adjoining states. They were of the view that the Minister responsible for trade and industry was appropriate compared to Ministers in other portfolios.

Clause 16 – Number of Appropriate Authorities at Port of Entry

Some stakeholders submitted that while the Bill provided for six appropriate authorities to operate at a port of entry as part of the coordinated approach to simplify and harmonise border processes, clause 16 (1) was too restrictive about authorities to operate at a border post. It was therefore, suggested that the Bill should empower the minister with discretion to add to the listed six authorities when need arose.

With regard to clause 16 (2) on the listing of an association from the private sector listed in the Third Schedule to operate at a port entry, the Bill did not clearly outline the criteria under which an association would be permitted to operate from a port of entry. It was submitted that this lack of clarity could lead to challenges in implementation. It was therefore, suggested that the Bill provide for clarity on the matter.

Clause 17 – Operating Hours and Days

Some stakeholders submitted that clause 17 of the Bill implied that the appropriate authorities would not be operating daily at the ports of entry. However, section 12(2) of the *Immigration and Deportation Act, No. 18 of 2010*, provided that every person who arrived in Zambia must appear before the nearest immigration officer at a port of entry. Further, section 16(1) of the Act also required that every person departing from Zambia, should do so at a port of entry.

These legal requirements therefore, implied that immigration officers must be present at the ports of entry on a daily basis during the prescribed operating hours to facilitate compliance.

Additionally, the First Schedule to the Immigration and Deportation (General) Regulations, 2011 set out ports of entry and their operating hours, among other things. Clause 17 of the Bill also provided that the operating days and hours at a point entry shall be prescribed, however, given that the ZRA did not have presence at all ports of

entry, it would be prudent to harmonise these provisions in both statutes to accommodate circumstances where the ZRA had no presence at some ports of entry.

Clause 24 – Joint Controls

Stakeholders observed that clause 24 permitted a Zambian border official to rely on inspections conducted by personnel from an adjoining State to a border agreement. It was however, suggested that in order to ensure due diligence, Zambian officials must be obligated to conduct their independent inspections as a means of guarding against potential smuggling and illicit trade or to prevent potential abuse.

Clause 39 – Zambia Electronic Single Window System

Stakeholders submitted that the introduction of the Zambia Electronic Single Window framework carried significant ramifications for border management and trade facilitation in Zambia. By mandating digital integration and inter-agency cooperation, the system sought to reduce clearance times, lower trade costs, enhance regulatory transparency and aligning Zambia with international obligations.

However, the successful implementation of this digital system hinged on the development of robust ICT infrastructure, effective inter-agency cooperation and clear governance structures. It was submitted that to ensure successful implementation, the Government should prioritise and expedite the establishment of a strong ICT infrastructure, implement comprehensive training for both public and private sector stakeholders and develop clear accountability frameworks for inter-agency cooperation. The Committee was informed that it was essential to establish robust legal safeguards to protect data integrity and prevent abuse.

Clause 50 – Immunity

Stakeholders submitted that clause 50 encouraged the efficient execution of duties without fear of personal liability. They were, however, of the view that it must be carefully balanced to avoid abuse. They stated that the provision should be complemented with robust accountability mechanisms, including internal disciplinary processes and access to judicial review, to ensure that protection was not extended to acts of negligence or abuse.

PART III

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

The Committee makes the observations and recommendations outlined below.

i. Limited Delegated Authority

The Committee observes that clause 6(2) of the Bill restricts the functions of a Lead Agency with delegated authority derived under clause 5(3). The Committee also observes that failure to perform some functions referred to under clause 6(1) can hinder efficient border management and trade facilitation. The Committee, therefore, recommends that there is need to enhance clause 6(2) to broaden the mandate of an appropriate authority with delegated powers.

ii. Lack of Clarity on Eligibility of Membership

The Committee expresses concern that while the Bill outlines the membership of the Steering Committee and the National Trade Facilitation Committee, it does not clarify whether an individual serving on the Steering Committee may also be appointed to the

National Trade Facilitation Committee. The Committee therefore, recommends that the Bill states clearly on membership eligibility as cross membership has the potential to present governance and accountability challenges about the strategic direction provided by the Steering Committee; and the coordinating and policy monitoring role of the National Trade Facilitation Committee.

iii. Lack of Clarity on the Delegated Powers

The Committee observes that clause 12 provides for the delegation of powers by the President to a Minister to enter into trade agreements. However, the Committee is concerned that the provision is not explicit as to which minister is being referred to. The Committee, therefore, recommends that the Minister responsible for commerce, trade and industry be designated for this mandate as the Ministry has the requisite expertise and experience required in negotiating mutually beneficial trade agreements.

iv. Discretionary Power to Appoint Agencies

The Committee observes that the Bill in clause 16(1) provides for six appropriate authorities to operate at a port of entry, however, the Committee contends that the clause is too restrictive about authorities to operate at a border post. In this regard, the Committee recommends that the Bill should empower the Minister responsible for commerce, trade and industry to add to the list when need arises.

v. Lack of Clarity on the Operations of an Association from Private Sector at Port of Entry

The Committee observes that clause 16(2) does not clearly outline the criteria under which an association from the private sector will be permitted to operate at a port of entry. The Committee, therefore, recommends that to avoid operational challenges, the Bill must clearly spell out the role an association from the private sector will play at the port of entry.

vi. Provision for Independent Verification

The Committee observes that clause 24 permits a Zambian border official to rely on inspections conducted by personnel from an adjoining State to a border agreement. The Committee, however, recommends that in order to ensure due diligence, Zambian officials must be obligated to conduct their independent inspections as a means of guarding against potential smuggling and illicit trade. The Committee further recommends that for the purposes of preventing unnecessary delays, joint controls can be standard operating procedure.

vii. Zambia Electronic Single Window System

The Committee observes that the introduction of the Zambia Electronic Single Window framework carries significant ramifications for border management and trade facilitation in Zambia. The Committee also observes that by mandating digital integration and inter-agency cooperation, the system could reduce clearance times, lower trade costs and enhance regulatory transparency, among other benefits.

The Committee therefore, recommends that to ensure successful implementation, the Government should prioritise and expedite the establishment of a strong ICT infrastructure, implement comprehensive training for both public and private sector stakeholders and develop clear accountability frameworks for inter-agency cooperation.

viii. Immunity

The Committee observes that clause 50 encourages the efficient execution of duties without fear of personal liability. However, it is of the view that this must be carefully balanced to avoid abuse.

In this regard, the Committee recommends that the provision should be complemented with robust accountability mechanisms, including internal disciplinary processes and access to judicial review to ensure that protection is not extended to acts of negligence or abuse.

7.0 CONCLUSION

The Border Management and Trade Facilitation Bill, N.A.B. No. 5 of 2025, represents a forward-looking reform that aligns with Zambia's strategic goals of enhancing trade, industrial growth, and regional integration. The strengths of the Bill are evident. This is because the Bill promises more efficient border operations through unified management and modern technology; faster and simpler clearance of goods; increased trade flows; and exceptional support for small-scale traders, which can stimulate grassroots economic activity. These measures proposed in the Bill, if well-implemented, will reduce the time and cost of moving goods across Zambia's borders, thereby improving the country's competitiveness and attractiveness for business. Moreover, the Bill's approach is in harmony with the broader developmental objectives outlined in Zambia's national plans since smoother trade logistics and greater regional market access can catalyse growth in agriculture, manufacturing, and other key sectors.

In view of the foregoing, the Committee supports the enactment of the Border Management and Trade Facilitation Bill, N.A.B. No. 5 of 2025, into law.



Ms Sibeso K Sefulo, MP
CHAIRPERSON

July, 2025
LUSAKA

APPENDIX I

LIST OF NATIONAL ASSEMBLY OFFICIALS

Mr Stephen Chiwota, Director (Financial Committees)
Mrs Angela M Banda, Deputy Director (Financial Committees)
Ms Chitalu R Mulenga, Senior Committee Clerk (FC2)
Mr Moses Chuba, Committee Clerk
Mrs Racheal M Kanyumbu, Administrative Assistant
Mr Daniel Lupiya, Committee Assistant
Mr Muyembi Kantumoya, Parliamentary Messenger
Mr Mitchel Fwanyanga, Intern

APPENDIX II

LIST OF WITNESSES

Ministry of Finance and National Planning
Ministry of Justice
Road Transport and Safety Agency
National Economic Advisory Council
Bank of Zambia
Zambia Institute of Chartered Accountants
Zambia Institute for Policy Analysis and Research
Zambia Revenue Authority
Zambia Information and Communications Technology
Zambia Chamber of Commerce and Industry
Zambia Association of Manufacturers
Competition and Consumer Protection Commission
Zambia Institute of Valuation Surveyors
Drug Enforcement Commission
Zambia Development Agency
Zambia Tourism Agency
Zambia Police Service
Smart Zambia Institute
Immigration Department
National Road Fund Agency
Zambia National Building Society
Zambia Bureau of Standards
Zambia Compulsory Standards Agency
Business Regulatory Review Agency
Cross Border Traders Association of Zambia
Department of National Registration, Passport and Citizenship
Ministry of Commerce, Trade and Industry
Ministry of Infrastructure, Housing and Urban Development
Ministry of Transport and Logistics
Ministry of Home Affairs and Internal Security