

**BILATERAL AGREEMENT**  
(hereinafter referred to as “the Agreement”)

between

**THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA**

and

**THE GOVERNMENT OF THE REPUBLIC OF MALAWI**

**CONCERNING THE ESTABLISHMENT AND IMPLEMENTATION  
OF**

**A ONE-STOP BORDER POST**

**AT MWAMI/MCHINJI**

**PREAMBLE**

**WHEREAS** the Government of the Republic of Zambia and the Government of the Republic of Malawi (singularly herein referred to as “the Party” and jointly as “the Parties”);

**ENJOINED** as Member States of the Common Market for Eastern and Southern Africa hereinafter referred to as “COMESA”, and as Member States of the Southern African Development Community hereinafter referred to as “SADC”;

**HAVING REGARD** to the relevant objectives set forth in—

- a) the COMESA Treaty;
- b) the SADC Treaty;
- c) the SADC Protocol on Trade; and
- d) the SADC Protocol on Transport, Communications and Meteorology;

**IN PURSUANCE** of the principles of enhanced trade facilitation within the COMESA and the SADC regions through the establishment of One-Stop Border Posts between States;

**GIVING EFFECT** to the decision of the..... Council of Ministers meeting held in .....at which Mwami One-Stop Border Post (OSBP) project was identified as one of the priority projects in the region;

**CONVINCED** of the need to—

- a) enable expeditious and more effective border controls;
- b) reduce the number of stops in cross border trade and other transactions by combining border controls activities of the Parties at a single location in each direction;
- c) extend the application of national laws relating to border controls of each Party in the other State thereby enabling border controls Officers of each Party to perform statutory functions outside their national territory;
- d) allow for the hosting of border controls Officers in each other’s territory with authority to execute border controls functions using their own national laws;
- e) share each other’s existing border controls infrastructure and facilities thereby enabling border controls Officers of each Party to perform statutory border controls functions outside their national territory;
- f) simplify border controls documents and procedures to allow for expeditious processing of border controls;

- g) maximize the use of Information and Communication Technology in order to enhance the easier and speedier sharing of border controls data between the Parties border controls Officers;
- h) harmonize border controls regulations and procedures of the Parties for standardized application and easier predictability;
- i) carry out joint technical training of border controls Officers of the Parties so as to achieve common levels of conceptual understanding of the OSBP operations;
- j) involve the private sectors of each Party through public awareness programmes, training of border controls facilitation agents and provision of requisite access to all private sector border controls facilitation agents;
- k) achieve maximum possible integration of border controls documentation, procedures and systems for the mutual success of the objectives underpinning this Agreement;

**COGNISANT** of the current related initiatives and the need to address other Non Tariff Barriers (NTBs) within and between the Parties in conjunction with the establishment of the One Stop Border Posy(OSBP) in order not to negate the potential benefits of the OSBP:

**DETERMINED** to implement an OSBP at Mwami in the shortest possible timeframe;

**TAKING INTO ACCOUNT** the need to synchronize the completion of the construction of the physical border controls infrastructure and facilities in the territories of both Parties with the operationalisation of the requisite and enabling legal procedures and training frameworks; and

**MINDFUL** of the principles of international law governing relations between States and the parties, other individual obligations and commitments under other international, regional, multilateral and bilateral agreements; and

**RESOLUTE** to act in concert for the establishment of an OSBP at Mwami/Mchinji

**NOW THEREFORE**, the Parties have agreed as follows:

## **ARTICLE 1** **Definitions**

1. In this Agreement—

“adjoining State” means—

- (a) for the Republic of Zambia: the Republic of Malawi;
- (b) for the Republic of Malawi: the Republic of Zambia;

“border controls” means any border related control measures, checks and authorizations, without limitation, provided for in the national laws and regulations of the Parties;

“commission” means the Joint Commission established under article 10;

“competent authorities” means any ministry or government department of the Parties assigned responsibilities for border controls by the national laws and regulations of the Parties;

“control zone” means the part of the territory of the host State within which Officers of the Parties are empowered to effect border controls and includes the exclusive use area;

“exclusive use area” means that area of the control zone dedicated for the exclusive use of one of the Parties;

“facilitation agents” means any person providing assistance to the completion of border controls by passengers or freight as provided for in the national laws and regulations of the Parties;

“host State” means the State in whose territory the border controls of the adjoining State are effected;

“law enforcement agency” means any agency or person empowered by the national and border controls legislation of each Party to enforce the provisions thereof ;

“Officer” means a person responsible for conducting border controls in terms of the national laws and regulations of the Parties, and includes a police officer.

“one stop border post” means a border post established under an agreement for such purpose at which all traffic utilizing the border post stops only once in each direction of travel and both exit and entry procedures are undertaken from the same control zone;

## **ARTICLE 2**

### **Establishment of an OSBP**

- 2.1 The Parties agree to establish and implement an OSBP at their common border at Mwami/Mchinji on such terms and conditions herein outlined.
- 2.2 The main objective of the Agreement shall, *inter alia*, be to enhance trade facilitation, through the efficient movement of goods and people within the COMESA and the SADC regions.

## **ARTICLE 3**

### **Control Zones**

- 3.1 In order to simplify and expedite border controls, the Parties agree to implement one-stop border processing arrangements by establishing and designating control zones at their respective border posts located at Mwami/Mchinji. The control zones shall be so arranged that, for each direction of travel, border controls shall be carried out in the State of arrival (entry).
- 3.2 For the avoidance of doubt and subject to Article 11, no border controls shall be carried out in the State of exit.**(except by express agreement of the Parties where such is necessitated by geographical or other considerations)**
- 3.3 The control zones shall comprise the specifically demarcated and secured physical areas described in a Schedule which shall form an integral part of this Agreement and shall be annexed hereto. The contents of the Schedule shall be mutually agreed upon and shall be confirmed through an exchange of diplomatic notes.
- 3.4 The competent authorities of the Parties shall ensure that their exclusive use areas are clearly identified through the display of official signs.
- 3.5 The competent authorities of the Parties shall, by mutual agreement, provisionally bring into effect alterations to the delimitation of the control zones which shall prove necessary. Any arrangement so reached shall come into effect immediately.
- 3.6 The Parties may amend the delimitation of the control zones contemplated in Article 3.1. Such amendments shall be confirmed through an exchange of diplomatic notes and shall come into effect on a date to be mutually agreed upon by the Parties. Any such amendments shall form an integral part of this Agreement and shall be annexed as a Schedule.
- 3.7 The competent authorities of the Parties shall, by mutual agreement, adopt uniform business hours for their respective offices.
- 3.8 The Officers of the adjoining State shall be empowered to control access and egress and keep order within their exclusive use area within the host State. They shall, if the need arises, request assistance from the authorities of the host State for this purpose.
- 3.9 The Officers or members of a law enforcement agency of the host State shall not have access to the exclusive use area of the adjoining State, except at the request of the Officers of the adjoining State.
- 3.10 The competent authorities of the Parties shall adopt and enforce efficient passenger and vehicle traffic control routes, procedures and traffic rules within and through the control zones.

#### **ARTICLE 4**

#### **Border Controls**

- 4.1 The Parties agree that Officers of the adjoining State shall carry out border controls under their own laws within the control zone in the host State.
- 4.2 The exit formalities of the State of departure(exit) shall be carried out before the entry formalities of the State of arrival(entry)Such formalities shall, to the extent possible, be carried out jointly and shall be sequenced as may be agreed to by the Parties depending on practical considerations..
- 4.3 The Officers of the State of arrival (entry) shall not commence carrying out border controls before the Officers of the State of departure(exit) have completed their border controls regardless of the approach adopted in terms of Sub-Article 4.2Such handover of jurisdiction shall be by way of a final official stamp to that effect or electronic release received by the state of entry. For the purposes of this Article, any form of relinquishment of such border controls, shall be considered a form of border controls.
- 4.4. The Officers of the State of departure(exit) shall similarly no longer carry out their border controls when the Officers of the State of arrival(entry) have begun their own border controls except with the consent of the Officers of the State of arrival(entry) authorized to take such decisions, which consent shall not be unreasonably withheld.
- 4.5 Notwithstanding Articles 4.2, 4.3 and 4.4, the Parties agree that their respective Officers shall conduct physical inspections and verifications, undertake searches, take samples of cargoes and inspect means of transport jointly, or where such is not reasonably practical, in immediate succession. Alternatively, either Party may rely on the inspection results of the other Party, which results shall not be unreasonably withheld.
- 4.6 Where in exceptional circumstances, in the course of border controls, the sequence provided for in Article 4.2 is modified, the Officers of the State of arrival(entry) shall not proceed to conduct detentions, arrests or seizures until the border controls of the State of departure(exit) are completed. In such a case, the Officers of the State of arrival (entry) shall escort the person's vehicles, animals merchandise or other goods, for which the border controls of the State of departure (exit) are not yet completed, to the Officers of that State who may proceed to take such measures as they deem necessary.
- 4.7 Where the State of arrival (entry) refuses to admit any persons, vehicles, animals merchandise, or other goods, or if such persons decide not to pass through the border controls of the State of arrival (entry), or send or take back any vehicles, merchandise, animals or other goods under their control, the authorities of the State of departure (exit) shall accept back such persons, vehicles, animals, merchandise, or other goods. However, the authorities of the State of departure(exit) shall take any measures to deal with them in accordance with their national laws and in ways that do not impose obligations on the State of entry.
- 4.8 In carrying out its controls, each Party shall, to the extent practicable, ensure that it utilizes the single window concept which obliges the simultaneous and coordinated

documentation processing and effecting of controls by all agencies with a mandate and interest to do so.

- 4.9 The Officers of the adjoining State shall freely transfer sums of money levied on behalf of their Government in the control zone to the adjoining State, as well as merchandise and other goods lawfully seized.
- 4.10 Nothing in this Article shall prevent the Parties from agreeing to higher levels of trade facilitation at their common border through, inter alia the integration of their border control structures within or between themselves including reliance on Officers of one Party carrying out controls for and on behalf of the other Party in terms of that other Party's national laws. The powers to be exercised by such Officers in such circumstances shall be agreed upon between the Parties in supplementary arrangements to this Agreement and shall be annexed hereto.

## **ARTICLE 5**

### **Application of Border Control Laws**

- 5.1 The laws relating to border controls of the adjoining State shall apply in the control zone in the host State and shall be put into effect by the Officers of the adjoining State in the same way as in their own territory.
- 5.2 Breaches of the laws relating to border controls of the adjoining State which are detected in the control zone of the Host State are subject to the laws of the adjoining State as if the breaches had occurred in the adjoining State's own territory.
- 5.3 Officers of the adjoining State may, in terms of the border control laws of that State, detain, question, search or arrest any person in the control zone of the Host State who is exiting the adjoining State. They may, in the course of conducting their border controls, escort such person to the adjoining State.
- 5.4 Officers of the adjoining State shall not, in the control zone of the host State arrest or detain a person exiting the host State or escort such person to the territory of the adjoining State. Officers of the adjoining State may, nevertheless, require such person's attendance at the office of the adjoining State in order that a statement shall be taken or otherwise at the office of the Host State. In the former case, an Officer of the host State shall be notified and shall be present while a statement is taken and may participate in the questioning and may remain present as long as the person in question so requests.
- 5.5 Nothing in Sub-Article 5.4 shall prevent an Officer of the adjoining State from passing on information to the adjoining State relating to any person or goods exiting the host State which information can only be acted upon once the adjoining State assumes jurisdiction over such person or goods within its territory.

- 5.6 The Parties shall agree to operational procedures consistent with the principles contained in this Agreement to facilitate the application of their border controls. Without limitation to the generality of this Sub-Article, such procedures shall, *inter alia*, include harmonization of documents, mandatory pre clearance of specified local importation and transit goods, entrenchment of existing arrangements for locals living around the common border. Such procedures which shall form an integral part of this Agreement, shall be confirmed through an exchange of diplomatic notes and shall be annexed as a Schedule.
- 5.7 The Parties shall further agree to comprehensive mandatory information and Communications Technology (ICT) requirements at their common border to enable seamless, reliable and effective data exchange of high integrity and appropriate format within and between the various agencies of the Parties operating at the common border. Such ICT platform shall include a robust and transparent cargo clearing and tracking systems within the territories of the Parties.

## **ARTICLE 6**

### **Criminal Jurisdiction**

- 6.1 Subject to Article 3.9, the law enforcement agency of the host State shall be responsible for maintaining peace, security, law and order and dealing with non border controls related criminal offences in the control zone. With respect to border controls related criminal offences, the law enforcement agencies of the Parties shall have jurisdiction to assist border controls agencies in effecting their controls in terms of the provisions of their national laws, Nothing in this Article shall prevent law enforcement agencies of the Parties from carrying out independent border control activities in the control zone as mandated by their national laws.
- 6.2 Nothing in this Agreement shall be interpreted as restricting the jurisdiction of the host State to maintain law and order and to prosecute under its laws such offences committed within its territory.
- 6.3 Notwithstanding Article 5.4, a law enforcement Officer of the adjoining State may in the control zone in the host State, arrest a person exiting the host State—
- (a) provided such arrest is authorized by a warrant issued by a court in the adjoining State; or
  - (b) the name and description or both, together with particulars of an arrestable offence of which there are reasonable grounds for suspecting such person to have committed an offence, have been made available by the competent authorities of the adjoining State to the competent authorities of the host State.
- 6.4 The law enforcement agencies of the host State shall, upon request, assist those of the adjoining State in effecting their mandated controls in the control zone including without limitation, the provision of secure holding cells and related facilities.



6.5 The Parties may, as necessitated by circumstances, agree to parameters for carrying out security related joint border control patrols in each other's territory involving border control Officers and consistent with the principles contained in this Agreement to facilitate the fight against cross-border crime. Such parameters to be agreed on and described in a Schedule which shall be annexed hereto and shall *inter alia*, include a clear and precise definition of the extent of each other's territory to be covered by such joint patrols, jurisdiction and powers of the Officers involved in such joint patrols, provisions relating to the carrying and use of arms by the Officers during such joint patrols, and command and control structures of such joint patrols.

## **ARTICLE 7**

### **Conduct of Officers**

- 7.1 Officers of the adjoining State shall be permitted to move freely in the control zone for official purposes. In carrying out their functions, they shall not be required to produce passports or visas and may pass through border controls of the host State simply by producing appropriate evidence of their identity and status.
- 7.2 The Parties shall agree on the number of Officers that may be tasked to undertake duties in the adjoining State, which number shall take into account the passenger and vehicle volumes at any peak point in time. The number may be varied from time to time at the discretion of the Parties. The competent authorities of the adjoining State shall inform the competent authorities of the host State in writing of the names and designation of the Officers that will be working within the control zone of the host State. In the event of any change, information of such changes shall be communicated promptly to either Party.
- 7.3 Officers of the adjoining State shall wear their national uniform or visible distinctive insignia in the host State. Such Officers shall not be armed except by special arrangements between the Parties. In cases where a show or use of arms is required, the Officers of the adjoining State shall enlist the assistance of the law enforcement agents of the host State, which assistance shall not be unreasonably denied.
- 7.4 Each Party agrees to appoint an Officer serving in the adjoining State to act as the main contact person for communications with the competent authorities of the host State. Nothing in this Article shall prevent Officers representing individual border controls agencies from collaborating and consulting with Officers from their counterpart agency during the course of the day-to-day performance of their functions in the control zone.

- 7.5 The authorities of the host State shall grant the same protection and assistance to Officers of the adjoining State, in the exercise of their functions, as they grant their own Officers.
- 7.6 The laws of the host State relating to the protection of Officers in the exercise of their functions shall apply equally to the punishment of offences committed against Officers of the adjoining State in the exercise of their functions.
- 7.7 Any claim for compensation for loss, injury or damage caused by or to Officers of the adjoining State in the course of their functions in the host State shall be subject to the laws and jurisdiction of the adjoining State as if the circumstance giving rise to the claim had occurred in that State.
- 7.8 Officers of the adjoining State may be prosecuted for any offences committed in the control zone in the course of their functions. In such a case, they shall come under the jurisdiction of the adjoining State, as if the offence had been committed in that State.
- 7.9 The law enforcement authorities of the host State shall take such steps as deemed necessary to investigate, record and communicate to the competent authorities of the adjoining State all the particulars and evidence of any alleged offence committed in the control zone of the host State by an Officer of the adjoining State as contemplated in Article 7.8. The laws of the adjoining state shall apply to such offences.
- 7.10 The Officers of the host State shall be competent witnesses in proceedings of any offences committed in the control zone of the host State to which they are investigating officers or percipient witnesses involving either members of the public or Officers of the adjoining State where such offences are tried before the courts of competent jurisdiction and other quasi-legal or administrative structures of the adjoining state

## **ARTICLE 8**

### **Facilities**

- 8.1 The Parties undertake to provide each other comparable office and other accommodation within the facilities located in the host State which shall be as agreed to and listed in a Schedule to be annexed hereto and to waive all costs related to the occupation and maintenance of such premises.
- 8.2 Subject to proper declarations being made and appropriate inventories being kept, all equipment and goods which are necessary to enable the Officers of the adjoining State to carry out their functions in the host State, shall be freely transferable within the control zones exempt from all taxes and duties on entry and exit. The said goods and equipment shall not be regarded as imports or exports on entry or exit.
- 8.3 The Officers of the adjoining State shall whilst exercising their functions in the host State shall be authorized to communicate with their national authorities and to

establish such communication links to the adjoining State as shall be required for this purpose including but not limited to the extension of their local area telecommunication and other networks into the control zone of the host State. To this end, the authorities of the host State shall, where necessary, assist the Officers of the adjoining State to obtain telecommunications and other communication services subject to commercial costs and conditions normally prevailing.

- 8.4 The Parties undertake to harmonize the structures and facilities in the (**insert the OSBP model preferred by the Parties**) control zones so as to mirror each other, through the exchange of or joint designs and procurement of related services. In doing so, the parties shall consult both internal and external public and private sector stakeholders for input as to their requirements in the control zones.
- 8.4 Notwithstanding anything to the contrary herein, the Parties shall ensure that adequate and appropriate facilities are provided within their respective control zones to the public that utilize the border post including without limitation, ablution, food, banking and other convenience facilities.

## **ARTICLE 9**

### **Facilitation Agents**

- 9.1 Facilitation agents of both States shall be granted reasonable access to the control zones for official purposes. In carrying out their functions they shall not be required to produce any passports or visas, but shall access the control zones by way of appropriately issued identity and status cards.
- 9.2 The Parties shall, in consultation with the national facilitation agents associations, agree on the criteria for the vetting, registration and the numbers of facilitation agents that shall be afforded access to the control zones in terms of this Sub-Article. The competent authorities of each State shall submit in writing the names and full particulars of the facilitation agents that will be working within the control zone of the host State. In the event of any changes, information of such changes shall be promptly communicated between the Parties.
- 9.3 Facilitation agents shall in the control zones wear their agency uniforms and shall at all times display visibly their identity and status cards.
- 9.4 Facilitation agents shall at all time in the exercise of their functions in the control zones be subject to the laws of the host State in all respects.
- 9.5 Notwithstanding the foregoing, facilitation agents shall provide their services in accordance with the border controls laws of the State under whose controls they are facilitating regardless of the location of such facilitation.

- 9.6 Each Party shall determine and allocate appropriate and comparable facilities to its national facilitation agents in the control zone within its own territory and in the exclusive use area within the territory of the host State. A list of the facilities to be allocated to facilitation agents shall be agreed to by the Parties and listed in a Schedule to be annexed hereto.
- 9.7 Subject to proper declarations being made and appropriate inventories being kept, all goods and equipment which are necessary to enable facilitation agents of the adjoining State to carry out their functions in the control zone of the host State shall be freely transferable within the control zone and shall be exempt from all taxes and duties on entry or exit.
- 9.8 Facilitation agents of the adjoining State, whilst in the exercise of their functions in the, host State shall be authorized to communicate with their national offices and to establish such communications as may be required for this purpose on their own accord and cost.
- 9.9 Facilitation agents of the adjoining State shall freely transfer any sums of money received for facilitation services in the control zone to the adjoining State subject to adjoining state's exchange control regulations.
- 9.10 In order to simplify and expedite the clearance of commercial traffic through the border post, the Parties shall migrate from the manual entry system to the electronic control system that is easily accessible for use by the facilitation agents and introduce appropriate pre-clearance procedure.

## **ARTICLE 10**

### **Joint Commission**

- 10.1 A Joint Commission comprising equal numbers from each State of representatives of the competent authorities and law enforcement agencies of the Parties shall be established to oversee the implementation of this Agreement. The Parties shall determine the level at which such representation shall be and number of members of the Commission. Each Party shall be responsible for the nomination of its Officers who shall constitute the Commission. A representative of the facilitation agents organizations from each State shall be nominated as a member of the Commission and shall attend and fully participate at the meetings of the Commission.
- 10.2 The Commission shall determine the administrative measures necessary for the implementation of this Agreement and resolve any difficulties that may arise from such implementation including the power to constitute any administrative committees comprising Officers of the Parties directly involved in undertaking border controls. Operatives of the facilitation agents at the border posts shall also be co-opted into such administrative committees to ensure valuable contribution and feedback from the relevant private sector stakeholders.

- 10.3 The Commission shall adopt its decisions by consensus. In the event of failure by the Commission to reach a consensus on any issue in terms of this Agreement, such issue shall be referred for consideration and direction as may be agreed upon by the Parties.
- 10.4 The Commission shall meet as often as required and alternate the locality of the meetings between the territories of the Parties, unless agreed otherwise. The meetings of the Commission shall also be chaired by an Officer representing the Party in whose territory the meeting is held, unless agreed otherwise. The administrative committees shall meet routinely at pre-determined intervals or as necessary and shall regulate their own rules of procedure at such meetings.
- 10.5 Each Party shall take all necessary administrative, financial and other measures including enacting necessary laws to ensure the effective implementation of this Agreement by the Commission.

#### **ARTICLE 11** **Temporary Measures**

- 11.1 This Agreement shall not affect the rights of any Party to take temporary measures in the interests of defence and security, public safety, public order, economic interests of the State, public morality, public health, and any other circumstances of a similar nature. Such temporary measures shall include, but not limited to, the temporary closure of the border post within that Party's territory.
- 11.2 The Party taking any temporary measures under this Article shall, prior to taking such temporary measures, inform the other Party without delay through the exchange of diplomatic notes and refer the matter to the Joint Commission for consideration.
- 11.3 In circumstances where prior notification shall not be practical, the Party taking such temporary measures shall simultaneously inform the other Party of the temporary measures imposed through the exchange of diplomatic notes and refer the matter to the Joint Commission for consideration.
- 11.4 Each Party shall take responsibility to expeditiously informing its Officers working in the control zone about the temporary measures imposed.

#### **ARTICLE 12** ***Force Majeure***

Neither Party shall be in breach of this Agreement if it is prevented from performing any of its obligations hereunder, by reason of strikes, boycotts, act of God, wars, riots, sabotage, acts of public enemy or any other circumstances of a similar nature, provided that prompt written notice is given by such Party to the other and is simultaneously referred to the Joint Commission in the most expeditious manner,

setting forth the circumstances or inability giving rise to the failure to fulfill such obligations.

**ARTICLE 13**  
**Dispute Resolution**

- 13.1 Any dispute that may arise in the interpretation, application and implementation of this Agreement and any supplementary agreements shall be resolved by the Parties amicably and in the spirit of friendship and co-operation.
- 13.2 The Parties hereby acknowledge that in resolving such disputes they shall primarily be guided by the need to give effect to the paramount objectives of this Agreement.
- 13.3 Any dispute between the Parties in terms of this Agreement that remains unresolved in terms of this Article for a period of more than\*.....days shall be referred to the\*\* ..... for arbitration.  
\* and \*\* insert the agreed number of days and the Arbitral body.

**Article 14**  
**Limits of Liability**

- 14.1 Nothing in this Agreement shall be interpreted as restricting the jurisdiction of either Party to take such legislative or administrative measures and decisions as may be deemed appropriate within its territory including the control zone. Where such measures and decisions are likely to affect the other Party, such Party shall give prior notice to the other Party through the exchange of diplomatic notes.

**Article 15**  
**Confidentiality**

- 15.1 Neither Party shall ,at any time during the subsistence of this Agreement or at any time thereafter, disclose to any third party or use for any other purpose, except as provided for in this Agreement, any information or data which has been disclosed or obtained by it from the other Party pursuant to this Agreement.

**Article 16**  
**Notices and Addresses**

- 16.1 For the purposes of this Agreement, including the giving of notices in terms hereof, each Party shall utilize the normal diplomatic channels existing between the two States.
- 16.2 Without prejudice to the provisions of Sub-Articles 3.8, 3.9, 5.4, 6.4 and 7.3 of this Agreement, any notice or request required or permitted to be given or made under

this Agreement shall be in writing. Such notice or request shall be deemed to have been duly given or made when it shall have been delivered by hand, mail, fax or e-mail to the Ministry in charge of.....(Insert the Ministry)

- 16.3 Each Party shall designate a focal Ministry to be responsible for the implementation of this Agreement,

**Article 17  
Amendments**

- 17.1 This Agreement may be amended by the Parties through mutual written agreement.

**Article 18  
Termination**

- 18.1 Either Party may terminate this Agreement by giving the other Party ninety (90) days notice or such longer period as the Parties may require by mutual agreement, through the exchange of diplomatic notes.
- 18.2 On termination, the Parties shall revert to a two-stop border post concept on such terms, conditions and practical disengagement arrangements as mutually determined by the Parties.

**ARTICLE 19  
Entry into Force**

- 19.1 Each Party agrees to, where necessary, amend any of its other existing laws or enact such new law as may be necessary to give effect to the provisions of this Agreement.
- 19.2 The provisions of the new legislation referred to in Article 19.1 shall be similar in effect and be in such terms as shall be agreed between the Parties.
- 19.3 Notwithstanding the date of signature and the dates of exchange of instruments of ratification, this Agreement shall enter into force on the date of commencement of the new legislation referred to in Article 19.1, which legislation shall come into operation simultaneously within the respective jurisdictions of the two States.

**IN WITNESS WHEREOF**, the undersigned being the duly nominated and authorized representatives of the Parties have signed this Agreement.

**THUS DONE AND SIGNED** at ..... on the ..... day of.....  
201...., in duplicate in the English language, both texts being equally authentic.

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**For and on behalf of the  
Government of the  
Republic of Zambia**

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**For and on behalf of the Government of  
the Republic of Malawi**