

## **EXECUTIVE SUMMARY OF CHALLENGES FACED BY THE WCO-WCA REGION AND PATHWAYS TO SOLUTIONS**

### **INTRODUCTION**

West and Central African Customs administrations are facing multiple challenges and are striving for solutions, with varying outcomes. It is becoming increasingly necessary to seek collective, concerted and efficient solutions to these common problems. The sources of recommendations are quite many and it would be appropriate to integrate all of these directives and translate them into concrete actions.

It is for this purpose that the 15<sup>th</sup> Meeting of Experts of the Conference of Directors General of Customs of the World Customs Organization (WCO) West and Central Africa Region (WCA) has set up a virtual working group tasked with producing an executive summary of the challenges facing the region.

The main purpose of this comprehensive paper on the overall strategy of the WCA region is to identify and list all the challenges confronting the region with a view to formulating guidelines to solutions. The specific objectives will entail the following:

- Present all the challenges without prioritizing, in order to take all into consideration;
- Underscore the importance of this inclusion considering the strategic approach of the WCO and the WCA Region;
- Highlight WCO directives and tools that can facilitate the handling of these challenges;
- Arouse the interest of Directors General on the scope of these challenges and the need to resolve them;

This document is not an exhaustive or definite draft of the region's current challenges and available opportunities. It lays on the following topics: (I) Politicization of customs administrations; (II) Leadership; (III) Human resource management; (IV) Multiple

interventions of inspection companies; (V)Dependence on ASYCUDAand future trends; (VI)Updating and harmonisation of community codes; (VII)Economic partnership agreements; (VIII) Sub-regional transit; (IX)Organized cross-border crime;(X)Coordinated border management; (XI)WTO trade facilitation agreement.

## **I- POLITICIZATIONOF CUSTOMS ADMINISTRATIONS**

### **1- ANALYSIS**

The borderline between the political sphere and the administrative sphere is not watertight because the same staff membersare often found in these entities. Armed with a curriculum and with their skills developing as they progress hierarchically, the administrative staff members are found at the core of the political field, either by competenceor by proximity, or both.

However, there are administrative areas which, on account of the sensitivity of the matter and the instability of political arena, have been circumscribed by legal provisions that isolated them from politics and any attempt at political interference. Customs administrations are a part thereof and, what is more, they have a special status that waives the general status of the public service. The special status restricts political freedoms, freedom of trade unions and associations, while providing for benefits of a completely different nature.

Despite the foregoing, the politicization of customs administrations is often criticized and presented as a source of underachievement. A tour on the web reveals that it is an omnipresent evil and has been so for a long time. The only difference is that in the past, competence outweighed proximity (social, family, religious, ethnic, etc.). Today, deficiencies tend to be compensated for by acquaintances instead of the culture of competence, the sole guarantee of performance in better serving the public interest.

### **2- PROPOSALS**

Customs Administrations of the WCA Region are facing the huge challenge of considerable political interference in personnel management, both from the view points ofstaff recruitment and mobility. Two prospects for solutions are available to overcome this situation.

There is leadership on the one hand and competence-based human resources management on the other hand. These proposals will be further developed in this paper. When properly implemented, they will, to say the least, scale down and even put an end to decades of "political customs administrations".

## **II- LEADERSHIP**

### **1- ANALYSIS**

Customs administrations are entrusted with tax, economic, support and security missions. By virtue of these cross-cutting missions, they enjoy a privileged position in our countries. In some countries of the world, they are whole Ministries or actually ranked as such.

Whether at the fiscal, economic or security level, Customs officials actively participate in the life of the State and are even substituted for other trades in certain periods and locations. This cross-cutting character makes it a lead administration, on account of its ever-increasing contribution to the State budget and its role in business competitiveness.

However, this leadership must be embodied, which is not always the case. Considering the skills of customs administrations and the performance they achieve, the leading position should be obvious. There is need to be fully aware and to behave consistently.

### **2- PROPOSALS**

In fact, leadership could be defined as a relationship of mutual trust, manifested by the ability to unite and mobilize energies around an action. The expression and embodiment of this leadership would be more assertive in carrying out the tasks of customs administrations, but also to benefit from the trust of policy makers regarding the orientations that the customs authority would like to give to its action. Furthermore, armed with this leadership, Customs administrations could come out of the political yoke and drive the changes necessary for their modernization.

Beyond skills and performance, ethics and integrity are important links in the development of Leadership. Integrity is the quality of complying or being compliant with the dictates of duty and conscience. As regards ethics, it is an individual disposition to act according to virtues so as to seek the right decision in a given situation.

Redeeming the image of customs administrations and Trust with respect to political authorities in a bid to deconstruct all prejudices, can be achieved through the effective implementation of WCO instruments such as the Arusha Declaration, the Action Plan for the Promotion of ethics, the Guide on the development of ethics and the Compendium of ethical best practices

The WCO should quickly grasp the importance of leadership, which underpins the BMP training provided annually for customs administration managers. Civil servants who have received this training are required to implement the skills acquired for their administration in their everyday work. It is incumbent on administrations to ensure the accountability of these civil servants so as to make the most benefit.

It is in the same vein that the WCO-WCA Region has henceforth suggested that trade on Leadership should permanently feature in the agenda of the Conference of Directors General of Customs.

The many regional initiatives of the WCO-WCA Region need strong leadership to flourish. The implementation of solutions outlined in this paper is in line with this goal.

### **III- HUMAN RESOURCE MANAGEMENT**

#### **1- ANALYSIS**

Human resource management is the lame duck of customs administrations of the WCA Region. Indeed, the diagnostic report of the Columbus programme provides abundant information on this shortcoming for all administrations that will be subject to the Phase 1 exercise.

That is why pillar 4 of the WCO strategic plan replicates the organizational development and strategic plan of the WCA Region, which makes human resource Management its 3<sup>rd</sup> Pillar.

Therefore, resource management is a core concern for all customs administrations and related organizations striving to be crucible of performance and a source of emulation.

## 2- PROPOSALS

The proactive competence-based management of jobs and workforce (GPEEC) occupies centre stage in efforts to modernize the customs administrations in light of the shortcomings in this area and the central role to be played by human resources in the development and performance of administrations. Indeed, man is no longer only a means, but should be seen as an actor with a key role to play in the system.

Thus, the West Africa Customs administrations Modernization Project (MADAO) funded by the Swedish Customs Cooperation Fund under the supervision of the WCO, presents an interesting approach for customs administrations concerned with overcoming the difficulties of human resource management.

Through the developed tools, which are veritable instruments to support decision-making, jobs are secure, the necessary skills are described and the issue of staff mobility will henceforth be addressed scientifically.

These tools are: jobs benchmark, skills repository, dictionary of skills and job descriptions. Ultimately, such an approach will lead to a clearly outlined staff career plan.

The expansion of this project to Central Africa Customs Administrations was recommended at the 20<sup>th</sup> Conference of Directors General of Customs of West and Central Africa.

In fact, the regional strategic plan is the planning tool shared by all administrations that implement it in their national planning tool. Therefore, since the problems are

similar, the use of the same referents will enable all and sundry to share experiences and implemented solutions in order to overcome certain difficulties.

#### **IV- MULTIPLE INTERVENTIONS OF INSPECTION COMPANIES**

##### **1- ANALYSIS**

For several decades, Customs administrations have been confronted with the problem of intervention of inspection companies. Indeed, several functions of Customs administrations have been outsourced to multinational structures that support, or even replace customs officers in carrying out their traditional missions.

Whether it is inspection before shipment or inspection at destination, these companies offer a variety of services ranging from customs valuation to tariff classification and the identification of the origin of goods. Today, the process of goods identification is steeped in shortcomings and this has led to a diversification of solutions proposed.

While some are contented with the traditional missions (tariff description, origin, value, risk analysis, etc.), others are investing in modernization by offering modernization equipment with technical assistance (scanners), electronic transit tracking and even training.

This situation was reportedly brought about during the structural adjustment period during which the Bretton Woods institutions made it a conditionality in order to protect customs revenues. This showed especially a lack of confidence with respect to the customs administrations where professional ethics seemed to be lacking.

In addition, following the signing of the WTO agreement on customs valuation in 1994, the use of inspection companies was recommended "in light of the organizational and technical shortcomings of the various customs administrations in implementing the agreement." Rightly or wrongly, it was after this that the phenomenon grew, relegating customs workers to mere endorsement agents or auxiliaries under the supervision of such companies.

However, the use of these companies could not be indefinite. Also, the WTO Working Group on inspection before shipment recommended in 1999 as follows: "developed countries should ensure that developing countries receive the necessary technical assistance to strengthen their capacities so that they can gradually bypass inspections before shipments." Since then, there has been foot-dragging here and there, without much progress.

## 2- PROPOSALS

The year 2013 was a remarkable turning point. First, on 20 June at a Regional Workshop organized by the WCO in Niger on the intervention of inspection Companies in West and Central Africa, a joint declaration was adopted known as "The Niamey Declaration." This was a strong commitment on the part of Administrations, Governments and the WCO to work towards recovering all customs functions outsourced and assist administrations in this process. The terms of the declaration concern pre-shipment inspection as well as inspection at destination.

Then in December 2013, the signing of the WTO agreement on trade facilitation in Bali cleared the obstacles to trade facilitation and ended the recourse to pre-shipment inspection (Article 10, paragraph 5.).

In addition to this international legal assistance, the WCO has developed the Phase II Revenue Dossier which entails the process of re-owning customs traditional functions. It is up to administrations to express the need so that relevant training should be envisaged to support them.

Moreover, the WCO in February 2015 also sent a questionnaire on the intervention of inspection Companies to all administrations. It entailed collecting information on expired contracts, those in progress and those renewed and areas of intervention. Administrations stand to gain by responding to the questionnaires in a bid to carry out a comprehensive identification with a view to drawing up an operational action plan.

However, the great difficulty in the planned deconstruction/reconstruction process is that inspection companies have become deeply rooted in our States. This multifaceted rooting is given concrete expression, among others,

through personalized relationships with governments, the use of local personnel at all levels of responsibility and the diversification of solutions proposed.

But, all things considered, the intervention of these companies has a significant cost for States. Therefore, the leadership of customs authorities must work in raising the awareness of political authorities on the need to restore the fiscal monopoly of the State and build the capacity of customs officials to appropriately fulfil the missions that are incumbent on them.

## **V- DEPENDENCE ON ASYCUDA AND FUTURE TRENDS**

### **1- ANALYSIS**

Born in the Economic Community of West African States (ECOWAS) in the early 1980s, the Automated System for Customs Data (ASYCUDA) has evolved from statistical software to a global Customs computing system. Indeed, it is now present in more than eighty (80) countries and available in nineteen (19) languages.

The programme was launched in 1981 by the United Nations Conference on Trade and Development (UNCTAD) in its version 1. Versions have evolved over time: in 1984, 1994 and 2004 with version 2, version 3 or ASYCUDA ++ and Version 4 or ASYCUDA WORLD respectively.

UNCTAD's objective is to modernize the Customs administration to facilitate the development of trade by ensuring regular flow of commercial traffic, automating the calculation of taxes and allied duties, stepping up the efficiency of customs control and thus optimize the collection of revenues with a uniform application of customs regulations.

With the expertise and experience in the area of customs computing, ASYCUDA has finally won the trust of customs administrations and governments. Thus, with the mandate of UNCTAD, efforts have increasingly been made to set forth norms and standards in customs IT. Within the WCA region, of the twenty-three (23) administrations, only two (2) have information systems other than ASYCUDA. This

state of things provides information on the ubiquitous presence of the automated customs system.

However, while some administrations have acquired the source codes and undertake autonomous developments in some areas, the majority is largely dependent on UNCTAD's expertise in more ways than one (maintenance, development, technical assistance), with all the ramifications in terms of cost. Some are still using earlier versions of the Programme while others are striving to find ways (material and financial) of upgrading to newer versions.

## 2- PROPOSALS

Customs administrations would benefit in promoting the transfer of technology and skills in order to have engineers and experts in the different areas of customs computing (system, network, development, security, etc.) with a view to managing their evolving information systems, when they are able to get the source codes.

In addition, some countries in the Region already have proven expertise in customs computing (those using ASYCUDA and those with other information systems). Consequently, sharing of experience and good practices would contribute to upgrading each other. Indeed, through bilateral agreements, technical assistance from some countries could be sought.

Furthermore, at the multilateral level, the Regional Working Group on IT development (RWG info) is an enabling framework for discussions that is being put to good use by administrations of the WCA Region. Also, recommendations from the last meeting and subsequent meetings must be followed through.

Future developments of ASYCUDA have been addressed in the WCO IT Subcommittee. It was recommended that UNCTAD, in relation to the ASYCUDA database, should carry out upgrading on the model of WCO data on its database tables that were not yet there.

## VI- UPDATING AND HARMONISATION OF COMMUNITY CODES

### 1- ANALYSIS

Countries of the WCO West and Central Africa Region belong to various community organizations. While all belong to the African Union (AU), they are nonetheless affiliated to customs, monetary and economic unions or others.

Mention can be made of the West African Economic and Monetary Union (WAEMU/ 8 countries) and the Economic Community of West African States (ECOWAS/15 countries) in West Africa, the Central African Economic and Monetary Community (CEMAC/6 countries) and the Economic Community of Central African States (ECCAS/10 countries) in Central Africa.

WAEMU and CEMAC each have a Community code and a Common External Tariff (CET). However, since 1 January 2015, the ECOWAS CET entered into force for fifteen (15) countries including WAEMU countries. CET implementation within economic communities has become one of the pillars of integration in addition to the crafting of common customs regulations.

### 2- PROPOSALS

The existing Community codes only include a limited number of countries on both sides of the WCA (8 countries within WAEMU and 6 countries within CEMAC). However, there are international provisions which commit the various Members, namely the International Convention on the Simplification and Harmonization of Customs Procedures, adopted in 1973 (effective in 1974) and revised in 1999.

In view of the establishment of the Free Trade Area of the AU, countries of the WCA Region can reflect on a flexible community code suitable for all of Africa. Since geographical, political and geostrategic specificities are found in the region, a regional initiative will have a continental scope.

Beyond this prospective approach, administrations are in the era of digital customs with the use of information technology. In a context of dematerialization of

procedures and the one-stop shop, all automated procedures should be included in current regulations. The legal validity of electronic documents is based on updates or amendments to applicable regulations. Therefore, it is necessary to update and harmonize existing regulations before considering an extension of the scope.

## **VII- ECONOMIC PARTNERSHIP AGREEMENTS**

### **1- ANALYSIS**

The Cotonou Agreements terminate the Generalized System of Preferences while considering a renewed partnership based on reciprocity between the European Union (EU) and six regions of the African, Caribbean and Pacific (ACP) countries.

However, the EU and the ACP are very unequal partners, both in terms of wealth (ACP are 31 times less rich) and in terms of trade dependence. The EU is of paramount importance to ACP trade (it is the largest importer and second exporter to ACP countries), but this volume of trade is marginal for the EU.

The European market has low tariff barriers unlike the ACP heavily protected by customs tariff rate amounting to 20%. These customs duties are on average 25% of revenue for African governments. Lowering these duties could lead to adjustments, particularly severe for countries for which the European Union is a major trading partner and for which customs duties remain an important component of State revenue.

Of course, access to the European market provides full access of the EU from the start and a progressive tariff dismantling over a period of 20 years for sub-Saharan Africa; but eventually, trade liberalization will be a reciprocal reality with all that this implies in terms of loss of revenue, even when series of safeguard clauses have been provided in case of disruption of the local market.

### **2- PROPOSALS**

There is a revival of regional integration triggered by the EPA negotiations. The era of singular destinies seems to be a thing of the past and it is necessary to unite, or perish. There is need therefore to develop common survival strategies in an

economic world war (WAEMU/ECOWAS/Mauritania rapprochement, implementation of ECOWAS CET).

In this context, beyond the fiscal transition programme, Customs administrations are challenged on two of their main missions: the economic mission and the security mission. Indeed, the salvation of economic communities lies in strengthening the economic fabric to face competition by supporting businesses and securing trade.

Priority should be given to intra-regional trade, with mutual recognition of Authorized Economic Operators (AEO).

Customs administrations have two preferred tools to play their role in restructured economies, namely the framework of SAFE standards establishing the era of partnership and the Implementation Guide of the Trade Facilitation Agreement.

## **VIII- SUB-REGIONAL TRANSIT**

### **1- ANALYSIS**

Globalization continues to increase global trade flows that are essentially based on shipping. According to Jean Michel GRADT, "International shipping crossed the symbolic threshold of 10 billion tons of goods in 2014, that is, twice more than twenty years ago." Shipping has extended to all continents the production and consumption of raw materials and manufactured goods.

However, all countries do not have maritime fringes and some depend on coastal countries to receive and transport their share of volume. All countries do not have port facilities to accommodate larger vessels, hence the creation of hubs and the development of transit.

The West and Central Africa region also relies heavily on this situation. Indeed, on both sides, there are large ports that centralize and serve the hinterland countries by transit.

A set of international conventions and agreements govern transit. While the right of way for landlocked countries is enshrined in the UN Convention on the Law of the Sea signed in Montego Bay (10 December 1982), since 1965, the adoption of the International Convention on Trade and Transit for landlocked countries recognized this right of access with non-discriminatory treatment of the latter.

Also, goods in transit are exempt from taxes and duties, regardless of the means of transport, even in the case of transhipment operations.

However, it was the Customs Convention on the international transport of goods under TIR, called the TIR Convention (1975) that established transit systems designed for maximum ease of movement of goods under Customs seals in international transport, by providing the transit countries with security and the required customs guarantees.

This agreement inspired other regional and sub-regional conventions and even bilateral conventions designed to promote and regulate transit.

## 2- PROPOSALS

"The computerization of transit is the most effective way to ensure the smooth flow of road transport. This process is based on the interconnection of customs computer systems." Today, the interconnectivity of information systems is a major challenge for the development and simplification of transit operations.

It is within this perspective that ECOWAS after the adoption of the TRIE Convention envisaged the ALISA project for the interconnectivity of the computer systems of administrations of member countries for transit. The project experienced delays in its implementation. When Côte d'Ivoire, under the interim EPAs signed with the European Union, benefited from a Support Programme for Trade and Regional Integration (PACIR), the transit component was identified as a key sector.

With three other countries, a quantum leap was recorded in the interconnection Project through the drawing up of functional and technical specifications, in addition to a simple and standard solution that can be implemented in all information systems

The meeting of the Regional Working Group (RWG Info) on the development of customs IT, that held in Abidjan from 20 to 22 January 2016, recommended that administrations of the WCA Region should adopt the PACIR standard to implement the interconnection of information systems project.

It therefore appears that regional transit should primarily be based on the computerization and interconnection of information systems, but that is not enough. In fact, the electronic tracking of goods will have an important role to play in the geo-location or geo-tracking of goods in transit and ensure transportation without breaking of bulk.

Notwithstanding this, warranty also plays a significant role in increasing the security of goods and facilitates the payment for damages in case of non compliance with commitments. It is a role which, in accordance with international and community practice, devolves on consular chambers, in terms of laying down modalities.

The biggest challenge for the countries of the region lies in setting the standards for means of transport used in transit, given that container transport is not yet sufficiently rooted in our transit systems because of the costs involved.

It is therefore up to governments, as part of a coordinated management of transit operations, to lay down the requirement of containerized transport to avoid breaking of bulk and multiple controls. While the transition to a scanner becomes the standard in the departure and arrival office, time will be saved through the pooling of inspection results.

Beyond the Revised Kyoto Convention, the WCO has drawn up a transit manual. All this, combined with the Customs White Paper of the 21st century offers our administrations a solid basis for the development of a secure regional transit through the use of digital technology.

## **IX- ORGANIZED CROSS-BORDER CRIME**

### **1- ANALYSIS**

"The notion of cross-border crime covers a range of criminal activities whose authors

and impacts span the borders of several States. Cross-border crime increasingly refers to groups organized in networks, which receive support and facilities from different countries. These illegal activities - including drug trafficking, arms trafficking, human trafficking, trafficking of pharmaceutical products, trafficking of tobacco and tobacco products, money laundering, armed robbery or maritime piracy - are now major challenges for the security and stability of societies where such crimes are perpetrated."

This comment by Michel LUNTUMBUE allows us to trace the facets of organized transnational crime and to have an idea of its scope in the WCARegion. Although today West Africa is considered as a hub for trafficking of all kinds, the fact remains that the ramifications are far-reaching (Central Africa being next-door).

In general, West Africa reveals a correlation between conflict or post-conflict zones and zones with ripple effects of crimewhere there is illegal trafficking of all kinds.

Terrorist organizations are also important channels for traffickers. Indeed, a direct correlation could be established between such trafficking and the financing of terrorist activities in this part of the Continent.

Today, considerable effort isbeing made by States to overcome this scourge of cross-border organized crime and its consequence: terrorism.

## 2- PROPOSALS

The efforts made by countries of the sub-region for a coordinated fight against cross-border crime, is part of the ECOWAS Regional Action Plan adopted by Heads of State and Government in Abuja on December 2009.

This regional system is an offshoot of the African Union (AU) Action Planfor the fight against drugs and crime prevention (PAUA). Launched in January 2008 for a five-year period, the PAUA aims "to reverse current trends of drug abuse and drug trafficking, organized crime, corruption, terrorism, challenges related to socio-economic development and human security, and improve the welfare of people in Africa."

PAUA also aims "to build the capacities of [...] Regional Economic Communities

(RECs) and Member States in drafting and coordinating the implementation of drug control and crime prevention policies." As such, the ECOWAS Action Plan is a reflection, at the regional level, of PAUA,hence its possible ownership by countries of the WCA Region, all belonging to the AU.

Moreover, the WCO has made available to members the compendium of coordinated border management principles adopted at the June 2015 session (year dedicated to CBM) and has developed,as part of SAFE Standards, a third advanced pillar, namely the Customs Partnership and other government agencies.

## **X- COORDINATED BORDER MANAGEMENT**

### **1- ANALYSIS**

This issue is of paramount importance in the current context of our porous borders,characterized by multifaceted threats such as terrorism, illicit drug trafficking, illicit trade in species protected by CITES, the circulation of small arms and light weapons, epidemics such as Ebola ...

Faced with these threats, the question of "how to manage a border?" becomes central in government policies. To this question, the WCO's response is unambiguous. To cope with this challenge, bordersshould be managed otherwise, that is to say, implement a "Coordinated Border Management" (CBM) policy involving the participation of all stakeholders.

"Coordinated Border Management" means a coordinated approach to border control services, both nationally and internationally, in order to improve their responsive efficiency in border controls.

Thus, according to the WCO, the term "Coordinated Border Management" [CBM] (preferred to the term Integrated Border Management) refers to a coordinated approach to border control services, nationally and internationally, to achieve more effective management of the movement of goods and passengers with a viewto maintaining a balance with the legal requirements.

Also, according to the WCO, Coordinated Border Management (CBM) entails, in the area of border management, an approach designed to involve and coordinate public service organizations working on both sides of the border in view of achieving a common goal and thus provide a coherent government response to the challenges of border management.

CBM also means a way of managing border operations designed to guarantee the implementation of efficient and cost-effective processes and procedures by all regulatory agencies involved in border security, while meeting the regulatory requirements applicable to travellers, goods and international means of transport.

## 2- APPROACH

The objective of a coordinated border management system is to facilitate trade and customs clearance for travellers, while ensuring border security. This goal is achieved through national and international cooperation.

Nationally, CBM is based on cooperation within and between services. Cooperation within the different services is between the different structures of a government and has a vertical and horizontal dimension. The vertical dimension of cooperation within services focuses on coordination and cooperation between the various administrative levels, from the State body to the units working at the borders. The horizontal dimension for its part dwells on cooperation between diverse units at different levels of service.

International cooperation between services is another pillar of the CBM. It is based on a solid legal framework bringing together two or more countries. Cooperation may be based on a policy statement, a memorandum of understanding or a bilateral/multilateral agreement. Effective cooperation and coordination between border services take place at three levels:

- Local cooperation between civil servants on both sides of the border;
- Bilateral cooperation between neighbouring States;
- Multilateral cooperation.

The latter aspect is a challenge to the WCA Region. The establishment of juxtaposed control posts and the signing of memoranda of understanding for administrative mutual assistance will enable the pooling of resources to effectively roll back crime, facilitate trade and manage pandemics, natural disasters and the flow of post-conflict migrants.

Initial implementation has been recorded with the Memorandum of Understanding on the sharing of river/sea (fluvio-maritime) intelligence that the entire region should take ownership of by signing and applying its terms.

The effective implementation of coordinated border management also involves an exchange of fluid intelligence and a good management and risk analysis system.

Nevertheless, the crucial aspect of interconnectivity should be factored in to ensure fluid cooperation. As such, the WCO has made available to administrations the Customs Enforcement Network (CEN) for the exchange of secure intelligence regularly used by the Regional Liaison Offices in charge of intelligence (BLRL).

## **XI- WTO TRADE FACILITATION AGREEMENT**

### **1- ANALYSIS**

Concluded in Bali in December 2013, the WTO's Trade Facilitation Agreement (TFA) is the first multilateral trade agreement since the establishment of the WTO. Once in force, it should reduce the total cost of trade by over 14% for low-income countries and more than 13% for middle income countries in the top bracket by simplifying the movement of goods across borders.

With the current procedures at the borders, an ordinary transaction may involve several steps. The TFA has laid down a series of measures for the rapid movement of goods across borders, inspired by best practices worldwide.

The implementation of the agreement is subject to assistance and support to be provided to countries to help them acquire the requisite capacity. The agreement

shall enter into force when two-thirds of WTO members would have ratified it and deposited their instruments of acceptance with the WTO Secretariat.

## 2- PROPOSALS

Customs administrations will be at the core of TFA implementation. Also, the WCO has launched the Mercator Programme designed to support TFA implementation. This program aims to assist governments worldwide to implement the TFA in a prompt and harmonized manner.

All WCO regions have benefited from a regional workshop on the Mercator programme. In addition, an implementation guide has been drawn up by the WCO to assist customs administrations in the process. It should be noted that the initial trade facilitation process began since the drafting of the RKC.

CHALLENGES	STRATEGIES	STRUCTURES
POLITICIZATION OF CUSTOMS	-Leadership -CBJSMF	-Training -HRM -Internal Control (Service inspections)
LEADERSHIP	-LMD Training -CBJSMF -Arusha Declaration -Plan of action for the Promotion of ethics -Ethics development Guide -Collection of best practices on ethics	-Training -Strategic planning - Internal Control
HUMAN RESOURCE MANAGEMENT	-CBJSMF (MADAO)	-HRM
INSPECTION COMPANIES	-Niamey Declaration -Trade Facilitation Agreement -WCO Phase II Revenue File -Leadership	-Legislation and International Cooperation -Customs operations (clearance and surveillance) -Training
SYDONIA	-Breeding ground for computer experts -Bilateral and multilateral cooperation	-Recruitment -Training -Computer -Legislation and International Cooperation
COMMUNITY CODES (UPDATING AND HARMONIZATION)	-Adoption RKC (including the annex) -mainstreaming dematerialization of procedures and One-stop shop -Preparation of a draft Customs Code for the WCO WCA Region extended to the AU -Coordinated Border Management (CBM)	- Legislation and International Cooperation - Computer - Strategic planning
ECONOMIC PARTNERSHIP AGREEMENT (EPA) AND ITS CONSEQUENCES	-Enhancing regional integration -SAFE Standards framework (pilier II) -Implementation of TFA -Coordinated Border Management (CBM)	- Legislation and International Cooperation - Strategic planning
TRANSIT	-WCO Transit manual	- Legislation and

	<ul style="list-style-type: none"> <li>-Sample of WCO data</li> <li>- PACIR Standard</li> <li>-Interconnection</li> <li>-Coordinated Border Management (CBM)</li> </ul>	<ul style="list-style-type: none"> <li>International Cooperation</li> <li>-Customs operations (surveillance and clearance)</li> <li>-Computer</li> <li>-Chambers of Commerce</li> </ul>
ORGANIZED TRANSBORDER CRIME	<ul style="list-style-type: none"> <li>-African Union Plan of Action (AUPA)</li> <li>-Draft Plan of action of the WCA region (WCARPA)</li> <li>-SAFE standards framework (Pillar III)</li> <li>-Capacity building</li> <li>- Coordinated Border Management (CBM)</li> </ul>	<ul style="list-style-type: none"> <li>- Legislation and International Cooperation</li> <li>- Customs operations</li> <li>- Strategic planning</li> <li>-Training</li> </ul>
COORDINATED BORDER MANAGEMENT (CBM)	<ul style="list-style-type: none"> <li>-Memeorandum of understanding</li> <li>-Interconnection</li> <li>-Secure intelligence sharing</li> <li>-Joint control posts</li> <li>-Collection of WCO coordinated border management</li> <li>-Memerandum of understanding on the mutualization of fluviomaritime intelligence</li> <li>-Networking Customs</li> </ul>	-All structures
TRADE FACILITATION AGREEMENT (TFA)	<ul style="list-style-type: none"> <li>-Adoption of RKC</li> <li>-Setting up of National Trade Facilitation Committees</li> <li>-WCO Guide on the implementation of the TFA</li> </ul>	<ul style="list-style-type: none"> <li>- Legislation and International Cooperation</li> <li>-Computer</li> <li>- Strategic planning</li> </ul>

**SUMMARY TABLE OF CHALLENGES AND PROPOSED STRATEGIES AND IMPLEMENTATION STRUCTURES**



# LEADERSHIP

CBJSMF

CBM

## CROSS-CUTTING STRATEGIES