

RAPID Task Order 2.2 Activity

Meeting of the Customs Advisory Working Groups on Transit, Customs Cooperation and Trade Facilitation Johannesburg

June 10-13, 2002

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OVERVIEW

1. INTRODUCTION

The Customs Advisory Working Groups on Customs Co-operation, Trade Facilitation and Transit held their 5th meeting from 10 – 13 June 2002, in Sandton City, Johannesburg. The CAWGs on Rules of Origin and Transit had met earlier. All the SADC Member States were represented except the Democratic Republic of Congo and Seychelles. The SADC Secretariat was also represented in the meeting, which was facilitated by four Rapid consultants. The list of participants is attached to this report as Annex I.

As usual, the Project met the full cost of all participants except those from Zimbabwe.

2. PLENARY MEETING

At the plenary, the meeting heard reports on inter-sessional development presented by the SADC Secretariat, RAPID and individual countries. The RAPID Team presented the TO (2.4) explaining that work relating to the implementation of the Free Trade Area would continue but it would be result oriented and more focused than it had been under TO 2.2. The Hub, established under the TO would provide assistance in implementing WTO and WCO instruments, and in building the capacity of Customs administrations which are designed to achieve their vision of providing world-class Customs service.

The CAWGs were advised to take opportunity of the meeting, which would be the last under TO 2.2, to finalize pending work, to take stock of what had been achieved, and to revise their work plans in the light of the more stringent requirements of the new TO regarding deliverables.

The SADC Secretariat reported, among other things, that a Joint Task Force between SADC/COMESA had been established with a view coordinating the activities of the two organizations, especially those relating to Trade Facilitation.

Countries reported on significant progress in implementing the Trade Protocol and in introducing streamlined documentation, procedures and computerization. Angola indicated that they would ratify the Trade Protocol in August, and confirmed their desire to host the meeting of the Sub-Committee on Customs Cooperation. Several countries also reported accession to the instruments of the WCO.

Delegates also reported that Customs administrations were cooperating at operational level informally and on the basis of the MOUs. So far MOUs had been signed between Tanzania and Mozambique, Tanzania and Zambia, Mozambique and South Africa, and South Africa and Zambia.

A RAPID consultant, Mike J Crichton from Canada, made a presentation on Risk Management and intelligence. He emphasised the need for information sharing and co-operation between member states to combat problems being faced within the region regarding smuggling and fraud. He would complete a training plan on Risk Management in mid-July. Initially he would introduce the training package in South Africa, and SARS would subsequently assist in providing training in Risk Management in the rest of the region.

Another RAPID consultant, Mr. R. Botha, made a presentation on One Stop Border Posts. He explained the principles behind the concept, the advantages and the legal framework necessary for

the neighbouring countries to implement the concept. The meeting noted that implementation of the one stop border post concept as presented could facilitate joint controls, joint processing, or other co-operation that could lead to speedy clearance at border posts. The presentation also provided very useful details which would be taken into account when introducing pilot joint controls on the Trans-Kalahari Corridor.

After their respective meetings, the CAWGs met again in plenary meeting to adopt the group reports.

3. GROUP REPORTS

It was proposed that RAPID should assist in developing guidelines for accession to the various instruments of the WCO. (Note by RAPID: WCO has prepared pamphlets on the various instruments to assist Member states in this regard.) To facilitate uniform and effective application of MOU's the SCCC was requested to mandate the CAWG on Customs Co-operation to formulate guidelines to the application of MOU's.

The Guidelines to the Completion of the SADC Customs Document were finalised but the appendices would be completed at the next meeting of the CAWGs.

A SADC Statement on the Code of Conduct for customs officials was developed, and the integrity action plan was given milestones as directed by the SCCC. A SADC Integrity Certificate was also developed.

Under the Integrity Action Plan, the following guidelines were developed –

- Disciplinary procedures;
- Recruitment and Promotion Policies;
- Transfer Policy;
- Criteria for the award of the SADC Integrity Certificate.

The Transit CAWG discussed progress in the implementation of the TKC and recommended urgent revision of SACU legislation revoke national documents and introduce a single transit document. Without such legislation little could be achieved. The CAWG recommended that the TKC pilot project be extended to December 2002.

The CAWG also examined the merits and demerits of the TIR transit system and the Yellow Card system being proposed by COMESA. They strongly recommended that a representative of IRU, the organization administering the TIR system, and the COMESA Secretariat be invited to make presentations at the Angola meeting of the SCCC. The adoption of a system similar to the TIR would solve the problems relating to transit documentation since the TIR Carnet serves as a security as well as a transit declaration.

The CAWGs reviewed their Work Plans as approved by the SCCC meeting in Maputo and in the light of TO 2.4, which is result oriented. New target dates were set for the various activities on the work plan.

MINUTES

MEETING OF THE CUSTOMS ADVISORY WORKING GROUPS JOHANNESBURG, SOUTH AFRICA

10 – 13 JUNE 2002

1. INTRODUCTION

The 5th meeting of the Customs Advisory Working Groups on, Transit, Customs Co-operation and Trade Facilitation, took place in Sandton City, Johannesburg from 10 – 13 June 2002.

2. ATTENDANCE

All the SADC Member States were represented except for the Democratic Republic of Congo and Seychelles.

Also present were Mr. A.E. Magombe, from the SADC Secretariat, Messrs. T. Lyimo and I.V. Mazorodze of the RAPID Project. Mr. M. Crichton (Risk Management and Intelligence) and Mr. R. Munyaradzi (Customs Consultant) joined the meeting as consultants for the RAPID Project.

The list of participants is attached to this report as **Annex I**.

3. ELECTION OF CHAIRPERSON

Mr. Mujuri, Zimbabwe was elected Chairperson for the meeting

4. ADOPTION OF AGENDA

At the request of Mozambique, an item entitled “Implementation of Annex VII of the SADC Trade Protocol” was added to the agenda. Subject to this addition, the Provisional Agenda and programme of work were adopted.

5. DEVELOPMENTS DURING INTERSESSION

2.1 REPORT BY THE SADC SECRETARIAT

Mr. Magombe reiterated the following –

- All decisions must be implemented by the next SCCC meeting in Angola, i.e. practical implementation of working plans must have taken place.

- The different Customs Advisory Working Groups proposal has been approved by the Heads of Customs and must now be implemented within the individual countries.
- The SADC Secretariat handles the Sub-committee on Customs Co-operation. The Secretariat was mobilising funds, which would enable countries to second personnel who would then be paid by the SADC Secretariat.
- Translation issues are being addressed. Only final versions of documents will be translated. This is according to the decision made during the Maputo meeting.
- Progress on Rules of Origin has been made. Member States must submit new set of signatures and stamps to SADC Secretariat. Fifteen sets must be submitted to the Secretariat who will then forward it to the individual countries.
- Trade Facilitation – Recommendations will be discussed in groups.
- One Stop Border Post – Still needs attention.
- Transit – Progress has been made on the subject and recommendations are in the process of being implemented.
- Website – Development of website presented by Rules of Origin and is final stages.
- Joint Task Force between SADC/COMESA – Documents and procedures must be harmonised. This will enable the regional groups to work together and apply same procedures, etc.

2.2 REPORT BY THE RAPID PROJECT

Mr. T. Lyimo reported on the following –

- Messrs. Castonguay and Monette returned to their respective countries and will return to the Project during September;
- Mr. Mike Crichton joined the Rapid Project and will make a presentation on Risk Management and Intelligence. It is important for the region to concentrate on risk management and intelligence. There must be a balance between enforcement procedures and trade facilitation. Mr. Crichton is not a full time consultant for the Rapid Project.
- Mr. Munuyaradzi joined Rapid after his retirement and possesses a vast amount of knowledge regarding customs matters.
- The Rapid project will be ending on 30 June 2002, while a new project will commence on 14 June 2002.
- It is necessary to assess what the Rapid project has achieved and what the impact of achievements at National level in the respective countries. Problems will also be identified to determine what factor will hinder the success of the forthcoming project.
- A transitional activity is taking place which means that not much work must be left pending and additional deliverables needs to be put on the record.

- When Working Groups commence topics must be prioritised which can show results. Those topics must then be finalised before 30 June 2002.
- Pending meetings which will take place –
 - Training
 - Trans-Kalahari Project
 - TIR System on Transit for private stakeholders
 - Sub-committee meeting itself.
- Pending project is different because it will involve different countries and SADC as a region. USAID will be involved in each country and monitor progress on implementation of recommended practices.
- A Southern African Global Competitiveness Hub will be set up in Southern, Western and Eastern Africa.
- The key of the new project is to ensure global competitiveness between SADC business people and the United States of America.

2.3 REPORT BY DELEGATES ON COUNTRY PROGRESS IN THE IMPLEMENTATION OF THE TRADE PROTOCOL

2.3.1 BOTSWANA

Botswana has been on full implementation since December 2002 and is continuing the process of registration of companies which want to use the Protocol. The list of signatories which will be used on the Certificates of Origin are updated. No problems are being experienced in respect of the practical implementation of the SADC Trade Protocol.

2.3.2 ANGOLA

- Introduced SAD on 1 May 2002 at Luanda Airport;
- This system is risk based and intelligence led;
- Introduced automated clearance system at Luanda Airport on 1 June 2002;
- Empathetic to the aims of SADC;
- Hope to introduce the document at Luanda Port in August 2002 and automate it by September 2002;
- Implementation at a 3rd location within this calendar year;
- Looking to build an automated transit system;
- Forum to address the issue of signing the trade protocol is the proposed SCCC/HOC meeting in Luanda at the end of July 2002.

2.3.3 NAMIBIA

- Deposited its instrument during June 2001 for ratification;
- Still using Asycuda 2.7;

- Proposal to migrate to Asycuda ++ was forwarded to Parliament, whereby the approval will depend on the viability of funds;
- Establishing a Revenue Authority under the Inland and Revenue Department;
- In the process of signing MOU's with Angola and Namibia;
- Cabinet has approved in principal, Namibia's accession to the Revised Kyoto Convention. Preparations are currently being made for the Honourable Minister of Finance to table the Convention in Parliament.
- A new section on Rules of Origin was established in time with the Trade Protocol implementation.
- Five meetings with stakeholders were held of which one with Namibian Association for freight forwarders was held on the 16th of April 2002 with one to be held on the 25th of June 2002.
- On Integrity: In Namibia integrity is being handled at the high level. An Anti-Corruption Commission bill is currently being deliberated in the Parliament with a view to establishing a commission under the Office of the Prime Minister. Namibia Customs management has also tabled a proposal to the Minister to implement the SADC Integrity Plan of action. In this respect Customs has already finalised most elements of this action plan.
- Namibia Customs offices and border posts are fully computerised.
- Namibia customs has a single customs declaration document called the NA 500.

2.3.4 ZIMBABWE

- Customs clearing agents have been registered.
- The staff compliment at Beit Bridge has been beefed up. The parking facilities are being developed there. Customs is training staff in conjunction with Immigration in Client Care procedures.
- An internal audit team staffed by well qualified personnel has been established. The team has assisted in analysing internal systems designed to reduce time of clearance of goods after arrival of a commercial vehicle.
- There are efforts to introduce WAN at all the stations. A tender to do this has been touted for the supply of SAPS computer systems.
- Code of conduct has been developed for ZIMRA (Zimbabwe Revenue Authority).
- Signatories to Certificates of Origin are being compiled. The lists so far compiled will be circulated to Member Countries.
- Date stamps and Origin Verifications have been procured.
- A meeting has been held with the Zimbabwean Chartered Institute of Transport to discuss areas of mutual co-operation. The intention is to move commercial traffic through Customs control faster.

2.3.5 MOZAMBIQUE

- Mozambique has been implementing the SADC Trade Protocol on Trade since September 2001.
- Expecting to do deep valuation of the implementation of the Protocol during September 2002. During this time the trade community will be requested to give their input for the improvement of the system.
- Signing of MOU with Malawi, South Africa, Tanzania and Zambia.
- A lot of progress has been done concerning exchange of information between Mozambique and Malawi and South Africa. Technical teams had been set.
- Legislation was published regarding transit where bond guarantees are foreseen. A strategy for implementation is being prepared.
- A unit of Rules of Origin was set to facilitate the implementation of the Protocol.
- Establishment of National Working Group which is composed by Ministry of Trade, Ministry of Finance (Customs), Bank etc. This process is not officialised.

2.3.6 SWAZILAND

- Aligned customs legislation with trade protocol - Draft amendments have been made to incorporate the implementation of the SADC trade protocol into our national legislation. Such amendments are currently awaiting the approval of the Ministry of Finance before they are referred to Parliament for finalisation.
- Interfacing of computers – Swaziland is currently non computerised on its imports and exports. However, it is presently engaged on consultancy work with a computer expert on possibilities of implementing ASYCUDA ++ in the near future.
- SADC Tariff arrangements – Being a contracting party in both SADC Trade Protocol and SACU, Swaziland is also implementing the SADC tariff reduction arrangement jointly offered by SACU countries to other SADC member states as a means of facilitating SADC free trade in due course.
- Submission of signatories to Certificates of Origin – a list of signatories to the SADC certificates of origin and their specimen signatures have already been submitted to the SADC Secretariat. A revised list of the signatories will also be submitted soon to the relevant authority to reflect replacement officers' resultant from retirement age and death casualties.
- Instrument for accession to Nairobi convention – A draft instrument to the Nairobi Convention is presently being discussed between Customs and the Minister for Foreign Affairs and Trade.

2.3.7 ZAMBIA

Zambia ratified the SADC Trade Protocol in April 2001 through Statutory Instrument No. 53 of 2001. It has deposited specimen signatures and stamps with the SADC Secretariat for onward transmission to all participating Member States. Zambia is presently trading with Botswana, Malawi, Mauritius, Mozambique, RSA, Tanzania and Zimbabwe. Most, if not all, trade with Malawi, Mauritius and Zimbabwe is however being conducted under the COMESA Free Trade Area regime since traders of these states are more familiar with the COMESA FTA.

Zambia has a National Working Group that draws membership from Customs, Minister of Trade, Finance, other Ministries and Government Departments and the Private Sector. This National Working Group supports the trade process.

Trade under the SADC Trade Protocol is, to a large extent, proceeding smoothly. The most common problem comes from the MMTZ requirement of faxing certificates of origin to SARS central co-ordinating unit for onward transmission to the port of entry into SACU. The arrangement causes so much border delays that it has now become a non-tariff barrier to trade. Its revision is recommended.

2.3.8 MALAWI

Malawi started implementing the Protocol on Trade on 1st May 2002.

- Two columns were specially created for “Other Member States other than South Africa” (Column 8) and Column 9 for “South Africa”.
- SADC Certificates of Origin are issued by the Customs and Excise Division of the Malawi Revenue Authority. The only problem that is encountered is the requirement to fax the Certificates of Origin to SACU Co-ordinating Authority and Beit Bridge since we sometimes encounter communication problems and this delays traffic.
- Malawi was one of the first countries to institute a National Working Group on Trade policy which covers the SADC Protocol on Trade and meets quarterly. The Malawi Revenue Authority has a consultative forum with all its stakeholders and meets quarterly too. The last such meeting was held on 6 June 2002.
- Malawi is implementing ASYCUDA and will migrate to ASYCUDA ++ later in the year.

The Malawi Revenue Authority signed MOU’s with Mozambique and Zimbabwe and will soon sign another with South Africa.

2.3.9 RSA

- Implemented Licensing and Accreditation System;
- Licensing of Road Hauliers;
- RIB/RIT system implemented;
- Manifest Acquittal System to be implemented at end of July;
- Export system implemented and functional;
- EDS implemented at border posts;
- ROO implemented;
- Transit – Trans Kalahari Park is being attended to;
- SACU Central Co-ordinating Unit for Sugar and Textiles has been established;
- Agreement has been signed between RSA and Zambia and RSA and Mozambique.

2.3.10 LESOTHO

- Acceded to the Nairobi convention;
- Printing of SADC Certificates of Origin;
- Consultations with trade;
- One revenue authority by 1 December 2002.

2.3.11 MAURITIUS

- Trade facilitation aspect – fully implemented;
- Single goods declaration;
- System is on line with all major stakeholders;
- Sign/adhere to most of the important conventions;
- Integrity – legislation has been introduced to combat fraud;
- Regular meetings with stakeholders;
- MOU's signed with major partners.

2.3.12 TANZANIA

- Single Bill of Entry implemented;
- MOU with Zambia and in the process with Mozambique;
- Developed a ROO section;
- Will implemented ROO by July;
- Migrate ASSACUDA 2.7 to ASSACUDA ++.

6. MEMORANDA OF UNDERSTANDING

Mr. Mazorodze asked the question on how MOU's are being put in place, i.e. how are they being administered. A discussion has ensued by the delegations of various Member States on how MOU's are signed and administered in their respective countries.

General consensus was reached that MOU's address specific issues and must be specified therein i.e. effects of no-man's land. It was furthermore mentioned that MOU's must be filtered through to the lowest level in the organisation and especially to personnel at the various border posts to the countries adjacent to which MOU's were signed with. An advantage under the MOU's is the information sharing between Customs administrations.

This enables countries to combat fraud and smuggling.

Mr. Mazorodze recommended that the CAWG on Customs Co-operation must develop a draft proposal on how MOU's are introduced/handled within the respective Customs Administrations.

7. IMPLEMENTATION OF ANNEX VII OF THE SADC PROTOCOL ON TRADE

The delegation representing Mozambique presented a paper on the problems they are facing in respect of smuggling of sugar across their borders from neighbouring countries.

The borders between Mozambique and Zimbabwe are vast and cannot be controlled by Customs only. A discussion ensued on how Member States control smuggling of goods within their own countries.

It was suggested that

- the Mozambique Customs authority consult with Industry within Mozambique and develop structures in which an anti-smuggling group can operate to combat such smuggling;
- address the problem in conjunction with the Army, Police and Immigration; and
- visit countries that have similar problems, i.e. to develop strategies to solve the problems being experienced.

The Mozambique Customs authority furthermore, needs to develop a high profile strategy to indicate to Government and the private sector that the matter is being addressed.

The Mozambique delegation mentioned that a task force has been developed in which the matter is addressed. The reason for mentioning this specific problem is to facilitate a process of information sharing between the various countries regarding the smuggling of sugar.

It is suggested that the matter be re-directed to the CAWG on Customs Co-operation. The aspect of smuggling must be viewed holistically but using the smuggling of sugar in a case study. It must be furthermore linked with MOU's.

8. PRESENTATION ON THE NEW TASK ORDER – SOUTHERN AFRICAN GLOBAL COMPETITIVENESS HUB

Mr. T. Lyimo presented a paper which was circulated to all members on the purpose and function of the Southern African Global Competitiveness Hub which is to be established in Botswana.

Major activities on which the program will focus on is –

- Trade capacity strengthening;
- AGOA export business development;
- Customs and trade facilitation;
- Transport corridor efficiency;
- SPS/Food Safety Standards for Agricultural Trade; and
- Information Exchange and Outreach.

9. ORGANISATIONAL REQUIREMENTS FOR EFFECTIVE IMPLEMENTATION OF THE TASK ORDER AND RECOMMENDATIONS TO SCCC

Mr. Lyimo advised that the implementation of the new task order is subject to the development of the following structures -

- Project Advisory Board;
- Project Steering Committee;
- Trade facilitation at regional and national level;
- Customs Head Quarters Reform Team;
- Project Management Capacity; and
- Means of Communication;

A lengthy discussion on paragraphs 8 and 9 took place of which the following has been noted –

- What effect will the new task order have on decisions already made?
- If other countries are brought on board to what extent will work already been done be revisited?
- Whose goals are being worked towards the SADC Protocol on Trade or the US Government?

It is suggested that –

- The meeting progress in the way which has been doing business previously;
- Mr. Lyimo take note of the concerns and present to the SCCC meeting which will be held in Luanda at the end of July;
- Acceptance of the new task order should be made by the SCCC.

10. EXPAND THE WORK PLAN IN THE LIGHT OF THE NEW TASK ORDER

Mr. Mazorodze mentioned that the conditions of funding for the Project have changed and more emphasis is placed on deliverables.

It has been decided that Work plans be updated and reviewed by the respective groups by –

- (a) deleting the activities which are completed;
- (b) reviewing dates attached to milestones; and
- (c) expanding on deliverables with a view of them being measured and a concrete way.

11. PRESENTATION ON BUILDING THE CAPACITY OF SADC CUSTOMS ADMINISTRATION TO USE RISK MANAGEMENT

Mr. M. Crichton, RAPID Consultant made a presentation on risk management and intelligence. He emphasised the need for information sharing and co-operation between member states to combat problems being faced within the region regarding smuggling and fraud.

A training plan on Risk Management will be completed in mid-July by Mr. Crichton. The CAWG: Training will thereafter take over such training plan.

12. ONE STOP BORDER LEGISLATION AND MOU

Mr. R. Botha, Consultant on One Stop Border Posts for the RAPID Project gave a broad overview on what a one stop border post is and the implications thereof.

The principles of a One Stop Border Post is –

- Customs offices and other border agencies placed in close proximity;
- Travellers need only one-stop;
- Demarcated control zone which is used by both side.

Advantage of a One Stop Border Post is the reduction in delays regarding processing of commercial vehicles.

Framework in which a One Stop Border Post can operate –

- National legislation providing therefore; or
- Bi-lateral agreements.

A discussion ensued on the process forward regarding the implementation of a One Stop Border Post or the application of the principles thereof i.e. joint controls and joint processing.

It was decided that

- Mr. R. Botha will make the same presentation at the SCCC meeting to be held at the end of July in Luanda;
- A paper will be compiled during the meeting of the Group focusing on the Trans-Kalahari Corridor which will be forwarded to Mr. R. Botha. It will be thereafter be presented at the SCCC meeting, which will be supported by the presentation which is to be delivered by Mr. Botha.

Annex A: Participant list

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