Regional Seminar on the Role of Customs in Natural Disaster Relief

March 9-10, 2016
Addis Ababa, Ethiopia

Seminar Report

With support from:

Japan Customs
Background

In March 2016, the World Customs Organization (WCO), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the International Federation of Red Cross and Red Crescent Societies (IFRC) held a joint seminar on the role of Customs in natural disaster relief in Africa. This was the fourth in a series of regional seminars planned by the three organizations, as requested in the June 2011 resolution of the WCO’s Customs Co-operation Council on the role of Customs in natural disaster relief.

The seminar brought together over 70 participants from 22 African countries (see Annex 1 list of participants). The participants included representatives from national Customs administrations, national disaster management authorities (NDMAs), National Red Cross/Red Crescent (RC/RC) societies, Regional Economic Communities (RECs), diplomats, and United Nations (UN) agencies. These actors were brought together to share experiences and perspectives between customs authorities and key humanitarian partners, and to gain a full grasp of the measures to be implemented in emergency situations.

Welcome and Opening Remarks

The seminar was opened by Mr. Tekleweyni Tadesse from the Ethiopian Revenue and Customs Authority who spoke of the necessity of having an expedient and modern Customs legal framework which encourages the current development plans of the country and is compatible with international standards and practices. Ms. Rita Amukhobu, Political Officer, AUC, then followed speaking on behalf of the Chairperson of the AUC H.E. Dr. Nkosazana Dlamini-Zuma. In her speech, Ms. Amukhobu recognized that the international nature of humanitarian operations is the underlying challenge in customs of goods and services and movement of people. She continued saying an inward looking approach is timely considering the abundant resource the continent has to offer in support of effective humanitarian operations in Africa. Mr. Alexis Bisanukuli, Deputy Representative, OCHA, making remarks on behalf of Ms. Jeanine Cooper, Representative to AU, ECA & Head of Office - AU Liaison Office, underlined the importance of the event as the role of Customs in facilitating humanitarian action cannot be undermined. However, Mr. Bisanukuli said, the challenge is in ensuring that Customs fulfil its economic function “while preserving the humanitarian imperative.”

Opening remarks by representatives from each of the convening organisations, including Mr. Paulo Cavalieri (IFRC Disaster Law Programme), Mr. Georges Cantone (Technical Attaché, WCO) and Ms. Virginie Bohl (Activation and Coordination Support Unit, OCHA) were also delivered where participants were reminded of the objectives of the seminar and expectation of practical outcomes from the discussions ahead.

Part One: Identifying the Challenges

Part one of the seminar provided an introduction for participants about the key Customs challenges in disaster response operations. This session was chaired by Mr. Paulo Cavalieri
from IFRC and included presentations on the different operational challenges for international responders, Customs officials, and national disaster management authorities.

**Ms. Virginie Bohl** from OCHA Geneva briefed the participants on challenges such as lack of preparedness on the part of affected states often displayed in unnecessary delays, imposition of taxes and duties, bureaucratic bottle necks including clearance problems, lack of clarity in procedures and burdensome physical examination processes. Ms. Bohl highlighted problems arising from the side of responders, such as insufficient or lack of information on consignments, poor quality of relief items, poor documentation, inappropriateness of emergency goods and abuse of procedures. In conclusion, she noted the importance of raising awareness on the types of challenges faced in order to be able to discuss how to resolve them.

**Mr. Georges Cantone**, WCO, provided an overview of operational challenges for Customs officials with a brief description of the current “state of play” in customs administration - increase in the number of disasters and great pressure on governments to ensure that aid reaches quickly. Within this operational framework, Mr. Cantone explained that Customs officials are expected to regulate entry of vast amount of in kind and/or unsolicited relief items; deal with issues of prioritisation, processing and planning; operate under inadequate Customs processing systems; manage poor documentation and abuse of simplified/relaxed procedures. These challenges are, however, not without solutions. Mr. Cantone mentioned the WCO instruments, UN Resolution and IDRL Guidelines as some of the tools that could translate into national laws to help implement simplified procedures of Customs clearance for humanitarian aid and facilitate entry, exit and transit of disaster relief personnel.

Operational challenges from IFRC’s point of view was presented by **Mr. Rishi Ramrakha**, IFRC Head of Logistics Unit, who gave a summary of IFRC current Africa Operations 2016 with consequent description of challenges faced in running the various humanitarian operations. Mr. Ramrakha explained that inconsistent customs procedures, lengthy clearance/Customs/cross border delays, and pre- export conformity or certification are the key challenges encountered with Customs in the provision of disaster aid. Mr. Ramrakha concluded noting that building on regional frameworks such as what exists with ECOWAS, SADC, and EAC could help improve the facilitation of international humanitarian assistance in the Africa region.

A follow up round table discussion, chaired by Ms. Bohl from OCHA, focused on participants’ personal experiences of customs challenges with respect to international disaster response operations. The conclusions were consolidated by the seminar organisers into the following list of challenges:

- Lack of national disaster management legislation or coordination body
- No national capacity for coordination due to many emergency situations
- Insufficient coordination and communication between disaster management actors including Customs and NDMAs e.g. when procedures change
- Lack of facilitative legislation and Customs procedures governing clearance of relief consignments e.g. pre-arrival clearing of relief items
- Lack of commitment or reluctance on the part of governments to improve Customs laws and institutional frameworks e.g. due to security issues
• Imposition of duties and taxes on relief goods
• Poor documentation of relief goods
• Insufficient storage place for relief items
• Language barriers between beneficiaries and responders
• No special procedure or cumbersome requirements from other governmental agencies such as food and health institutions, causing delays in getting permits
• Lack of training for Customs officers and others involved in clearance process
• Not enough simulation exercises done to familiarise all actors involved with their role during a disaster
• Congestion at border points
• Unsolicited goods getting through as relief consignments
• Import permits are required but not known beforehand

Also, good practices were shared among participants such as:
• Establishment of border control operation committee and border management agency that help modify and revise Customs acts during disaster operations
• One stop border set up between neighbouring states to facilitates transaction of goods
• Introduction of the new ASYREC module (integrated into ASYCUDA - Automated System for Customs Data) for accelerated customs processing
• Limited applicability of Customs Act on relief consignments and humanitarian assistance
• Development of special customs procedure code applicable to the import of certain products, including relief items
• Temporary admission of goods for later production of documentation

Part Two: International Legal Framework

The second part of the seminar focused on the international legal framework for disaster response, and the key legal instruments. Ms. Virginie Bohl from OCHA chaired the second session, which highlighted key WCO instruments such as the Revised Kyoto Convention, the Istanbul Convention and the 2011 Council resolution on the role of Customs in natural disasters which were presented by Mr. Georges Cantone from WCO.

Mr. Cantone’s overview was followed by Mr. Paulo Cavaleri, IFRC, on the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (the “IDRL Guidelines”) and its core foundations.

The second part of the seminar was concluded by Mr. John David, UNCTAD who gave a presentation on UNCTAD ASYCUDA-ASYREC (Automated System for Relief Emergency Consignments) - a software simplifying relief consignment procedure while maintaining effective control.

Part Three: The International Humanitarian System
Part three of the seminar focused on the international humanitarian system, and included an introduction to the international coordination system for disaster relief, an outline of the international disaster response systems of the Red Cross and Red Crescent (RCRC), and IDRL in Africa context. This session was chaired by Ms. Virginie Bohl from OCHA.

**Mr. Sunday Babatunde**, Regional Humanitarian Civil Military Coordination Officer, OCHA gave an overview of the humanitarian actors in Africa emphasising the state’s primary role in managing humanitarian assistance within its territory. Mr. Babatunde also introduced the structure of the UN system and agencies’ roles in disaster management cycle within the system of inter-agency coordination ending with the UN humanitarian civil-military coordination system.

In the presentation on international disaster response by the RC/RC Movement, **Mr. Paulo Cavaleri**, IFRC, provided an overview of IFRC Global response tools including Disaster Management Information Systems, Disaster Response Emergency Fund, Regional Disaster Response Teams, Field Assessment and Coordination Teams and the Emergency Response Unit concluding with key disaster response trends and challenges.

**Ms. Ida Marstein**, IFRC DLP Coordinator for Africa, briefed participants on IDRL in the context of Africa with focus on the role of Customs under the IDRL Guidelines and examples of legislative good practices from Africa that could be replicated elsewhere in the process of reforming Customs laws.

Participants then underwent a group exercise in which they got use the relevant provisions from the IDRL Guidelines to solve the practical problems in the fictional scenarios. The day was concluded with a plenary presentation from each group on their findings and recommendations and a closing remark by **Mr. Cavaleri**.

**Part Four: National Legislation, Procedures and Plans**

At the beginning of Day 2, **Mr. Georges Cantone** from WCO gave an overview of what had been discussed during that first day of the seminar, namely practical issues of Customs in disaster relief as well as existing international instruments.

Day 2 then continued with a focus on national legislation, procedures and plans. At a panel discussion, three selected participants shared their experiences with national law for facilitating the entry of international disaster relief goods and equipment.

**Ms. Fatou Gaye**, Secretary General from The Gambia Red Cross Society (GRCS), mentioned how GRCS works closely with Customs and the NDMA to make sure relief items can be provided. She highlighted the successful research about IDRL that has been undertaken in The Gambia and the IDRL report that has been produced and launched in February 2016. As a next step, she sees a need for consultation and advocacy of the results.

**Mr. Edwin F. Kendema**, Assistant Commissioner for Port Operations of the Liberian Customs Administration, presented the national laws of Liberia. Prior to the outbreak of Ebola, Liberia had established national disaster and pandemics teams with coordination from the
Minister of Internal Affairs, as well as a national disaster plan and a table top exercise. Customs legislation already provided for special clearance during pandemics and in addition, the Government of Liberia entered in a Memorandum of Understanding with OCHA for the expeditious clearance of international humanitarian assistance. Mr. Kendema highlighted the need for national legislation to address the issue of cargo clearance during national emergencies and the need for a clear national plan for responding to national emergencies.

Mr. Jean Jugus Razafiarison, from the National Disaster Management Agency of Madagascar briefed participants about the IDRL project in Madagascar by presenting the different steps that had been undertaken to find out whether a law addressing international disaster relief is required and if so, how exactly the law should look like.

Part Five: Coordinated Border Management and Partnerships

During this session, participants were asked to assess the main strengths and weakness of their national legal, procedural and institutional systems related to the entry of relief goods and equipment.

Question 1: How much detail should national law have about the facilitation and regulation of Customs treatment of disaster relief?
- Proper documentation, clear language and labelling of the incoming goods
- Main principles should be laid down in national disaster laws
- Maintain flexibility for response to disaster
- Laws should take into account all aspects of facilitation and regulation in customs
- Ratify and domesticate conventions

Question 2: In your national legal systems, where is the best placement for the relevant provisions of the Model Act on Disaster Relief? (For example: In the disaster management law? In the Customs law? In law on pharmaceuticals/food safety, etc.? In all of the above?)
- Several provision in several laws
- In Customs law

Question 3: How to concretely implement the provisions? Implementation of a one-stop-shop at the Customs entry points in case of emergency? Simplification of the required documents for importation? Etc.
- Coordinated national disaster management through for example the NDMA
- Prior to the arrival of goods, documents should be sent to the countries
- Simplifying documents
- Customs should be posted within NDMA office so that they can support each other

Mr. Georges Cantone from the WCO provided an introduction to the principles of coordinated border management (CBM), which have been developed due to increasing concerns from governments about border security and methods for border management. Mr. Cantone explained how the border sector is facing increased security challenges due to transitional organized crime, terrorism, pandemics etc. and therefore requires a more
structured and secure approach, which still takes into account the need to deliver fast and effective relief to affected populations after disasters.

Following the presentations, the participants were divided into groups to discuss how to strengthen the key partnerships between customs authorities and the relevant actors, in order to improve the facilitation and clearance of disaster relief goods and equipment. Their suggestions for strengthening these relationships can be summarized as follows:

**Customs authorities and NDMAs**
- Establish a framework at national level to set up a national disaster management team
- Regular meetings between customs and NDMA
- Customs authorities and NDMAs should sit together and harmonize their procedures
- Sign Memorandum of Understanding (MoU) to formalize the collaboration
- Hold awareness seminars

**Customs authorities and Red Cross/Red Crescent Societies**
- National Societies should get closer to Customs
- Red Cross/Red Crescent could hold workshops for customs officials similar to how they hold workshops for weapons bearer about International Humanitarian Law
- IFRC Disaster Law Programme can support in reviewing legislation and in coming up with new legislation with support from the Model Act on Disaster Relief

**Customs authorities and international partners**
- Exchange information and lessons learned so that Customs can learn from them

How can international representative bodies (such as OCHA, WCO and IFRC) can help in this respect?
- They can help make sure Customs has a seat in the national disaster management committees
- Many of the international bodies only get active when they get a formal request, therefore countries need to actively request help from international bodies
- Provide financial input to organize seminar platforms and documentation
- UN Country Teams can be a useful platform
- Provide capacity building and training

**Evaluation**

At the end of the seminar, participants were asked to complete a brief evaluation form regarding the content and structure of the seminar and suggestions for further improvements. The results contain information from 31 evaluation forms that were filled out and returned to the organizers. The average scores from the numerical feedback questions on a scale from 1 – 5 (1 being “poor” and 5 being “excellent”) are summarized as follows:

Question 1: Overall, how would you rate the seminar? Average score = 4.39
Question 2: How was the content? Did you find it clear and useful? Average score = 4.55
Question 3: How did you find the structure and flow of the seminar? Average score = 4.29
Question 4: How did you find the sessions about Disaster Law? Average score = 4.32

Some comments and recommendations for improvement are summarised as follows:

- The seminar should be longer (3 - 4 days), so that it is possible to go more into detail
- More stakeholders should be invited to the seminar
- Organizers should make sure that all relevant stakeholders from one country are present (NDMA, Customs, Red Cross/Red Crescent Society)
- Hold similar workshops on regional and national level
- Include more time for group discussions

Country Plans of Action

During the last session of the seminar, the participants were asked to group together in country delegations and formulate elements of a plan of action for moving forward on addressing the challenges identified over the course of the seminar. These plans of action can be found below. It is hoped that the outcomes from this seminar will be shared with governments, National Red Cross and Red Crescent Society colleagues and other stakeholders and that significant progress will be made to achieve the goals put forward in the plans of action.

Botswana
- Support the review of the legislation that is sitting with parliament
- Work on and intensify the regulations
- Develop and use the IDRL Guidelines
- Mobilize task team between customs, NDMA and other role players to work together and improve coordination
- Coordinated Border Management (CBM) is already established in Customs, now the aim is to bring on board all other parties
- Establish Single Window International Facilitation Teams (SWIFTs)
- Use support from WCO, OCHA and IFRC to assist Botswana in going forward (training, capacity building and technical assistance)
- Increase collaboration with the Southern African Customs Union
- Highlight the relevance of disaster management issues during ministerial meetings
- Establish new Customs management system with pre-arrival registration system
- Write a report to the Customs management about the findings of the seminar
- Organize a meeting with the Office of the President and the NDMA, to inform them about what other countries are doing to assist

Burkina Faso
- Call on the government to ratify the conventions
- Sensitize for disaster coordination
- Increase capacity building on the human, material and structural level

Regional level:
- Work with ECOWAS and learn from them
Cameroon
- Cameroon ratified the Revised Kyoto Convention in 2014, now the platform needs coordination
- Work together with Customs on this platform

Cape Verde
- Establish legal frameworks
- Analyse current national legislation, treaties and conventions that Cape Verde has signed

Democratic Republic of the Congo
- **Relaunch the national project** drawn up in 2015 (not enacted to date) to establish a platform for national and global coordination

Ethiopia
- Write a report with recommendations to management
- Produce a guideline for the implementation of the conventions (IDRL Guidelines, Kyoto Convention, Tampere Convention)
- Recommend the use of new technologies such as ASYCUDA
- Work in partnership with international organizations
- Sign Memorandum of Understanding (MoU) to implement Coordinated Border Management (CBM)
- Work with RECs to implement Single Window International Facilitation Teams (SWIFTs)
- Enhance technical and logistical support
- Try to increase necessary political commitment

The Gambia
- Use the recommendations from the IDRL Report from The Gambia
- Create and establish stakeholder meetings
- Recommend the establishment of Single Window International Facilitation Teams (SWIFTs)
- Develop an operational manual and guideline to facilitate the implementation process during and after disasters
- Amend the NDMA Act 2008 (especially regarding article 29 of the IFRC Model Act on Customs Facilitation and Priority Treatment which should be included in the revised version)
- Capacity building for Customs officials
- Establish core locations of Customs offices at all border posts to facilitate easy access
- Acquire technical and financial support from IFRC, WCO and OCHA
- Advocate for the political will of the president
Guinea
In the short term:
- Ratify the international conventions not as yet ratified by Guinea (the Revised Kyoto Convention, the Istanbul Convention on Temporary Admission and the Tampere Convention on the Provision of Telecommunication Resources)
- Implement a training programme for all actors involved
- Foster the establishment of a Single Window for facilitating operations
- Create a structure for sustainable crisis management under the authority of the Prime Minister
In the long term:
- Adjust the legal framework
- Transpose the international rules into national legislation (call on the international organizations for technical assistance in this matter)
  At national level:
- Include a module in the school syllabus on natural disaster management in order to raise awareness of this issue among the new generation
  At regional level:
- Promote the organization of these seminars at regional level and identify best practices

Kenya
- Harmonize legislation of existing laws
- Influence Customs curriculum
- Improve coordination with international actors
- Sensitisation of Customs officials regarding the waiving relief items

Liberia
- Establish legal frameworks
- Establish a NDMA of Liberia
- Involve relevant stakeholders
- Draft a disaster law
- Technical support needed from IFRC and ECOWAS for training and logistical support
- Customs agency at national level
  1. Simplify procedures of clearance of relief items
  2. Make sure Customs officials understand the conventions (with support from ECOWAS and IFRC)
  3. Establishing Single Window International Facilitation Teams (SWIFTs) with help from UNCTAD
Madagascar

In the short term:
- Organize a meeting of the Task Force for the purpose of harmonizing the existing texts
- Adopt the domestication of the legal framework, with emphasis on the legal aspect
- Agree the legislative status to be attributed to the text in the country’s regulatory set-up
- Implement a Single Window facility
- Introduce focal points in each ministerial department
- Study the possibility of introducing training for Customs agencies and other actors involved with regard to facilitating relief consignments (whether at ports or airports, bearing in mind that Madagascar is an island)

In the medium and long term:
- Introduce coordinated management of borders and infrastructures for processing relief consignments (scanners, computerized system, etc.)

At regional level:
- Enhance interregional cooperation
- Step up discourse in order to keep abreast of the progress made by each country

Malawi
- Push for the incorporation of customs law in the disaster act
- Review the Customs procedure code for clearance of humanitarian goods which is currently very limited
- Accede to the Tampere Convention and the Istanbul Convention
- Customs should come up with procedures for the facilitation of humanitarian goods
- Incorporation of new model ASYCUDA

Mali
- Adjust the current legislative framework
- Mali has ratified the Revised Kyoto Convention and the TFA
- Guidelines (IDRL): Consider introducing emergency plans which take account of the aspects described in the IDRL Guidelines
- Hold talks in the near future with OCHA Bamako to enhance cooperation
- Capacity-building: In terms of managing humanitarian relief, Mali needs assistance in getting hold of the documents and taking the measures that are necessary for managing humanitarian relief effectively.
Mauritania
- Initiate a national consultation
- Disseminate information on the instruments
- Engage in political decision-making in order to create a comprehensive arsenal of legal provisions

Mauritius
- Request management in Customs to call for meetings with NDMA of Mauritius
- Encourage NDMA to create synergies and awareness with other agencies by organizing a national workshop with support from OCHA
- Encourage management in customs to set up a working group that identifies gaps in terms of legislation and procedures in Mauritius

Mozambique
- Share and discuss the IDRL Guidelines with stakeholders
- Accede to the conventions
- Recommend the government to have a commitment about the IDRL Guidelines
- Support training of leaders about IDRL Guidelines and the conventions

Nigeria
- Write a report to various organizations
- Link up with other organization that have similar responsibilities to customs and convene a stakeholder meeting
- Draw up a roadmap for the way forward
- The Disaster Law Programme (DLP) of the IFRC has started a project in Nigeria; use the reports of the DLP taskforce meetings
- Request further support from WCO, OCHA and IFRC

Rwanda
- Organize stakeholders meeting at national level
- Adopt IDRL Guidelines and Kyoto Convention
- Acquire support (capacity, training, financial and logistical)
- Acquire support from government
  Regional level:
  - organize a seminar, sign Memorandums of Understanding (MoUs) and introduce some of the provisions of the conventions into national acts

Senegal
- Prepare minutes from the seminar for the authorities
- Embark on a dialogue with the national actors involved
- Identify the challenges
South Africa

- Action Plan is similar to that of Botswana
- Write two reports (one to seniors, one to border management agency who report to the inter-ministerial committee)
- Achieve political will
- Legislation currently under review
- Provide recommendations after this seminar
- With support from OCHA, WCO and IFRC, hold workshops for capacity building and awareness raising

Regional level:
- Influence the agenda

ECOWAS

- Organize a similar meeting on the regional level
- Look at what the various countries have and put all countries at the same stage
- Capacity building of ECOWAS departments
- Write report to the president of ECOWAS commission

ECCAS

- Discussions on crisis response are already held with OCHA and the IFRC on an annual basis
- The Central African regional platform takes place annually in collaboration with OCHA and UNISDR (or even, occasionally, with UNDP)
- This platform involves all actors concerned with the disaster management cycle.
- In terms of incorporating the issues in national law, there is a network (under the Presidency of the DRC) composed of current members of national parliaments operating under the bicameral system; this platform could serve as a springboard in assisting countries to work in synergy with, *inter alia*, the Customs authorities

At domestic level:
- ECCAS has a “Customs service” which should implement the Yaoundé Action Plan (a crisis response plan)
- A regional operational plan for disaster preparedness is in place; however, regional response mechanisms still need to be developed if the problems associated with major cross-border crises are to be addressed
- Next meeting on 22 June in Yaoundé
Annex 1: List of participants

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<tr>
<th>Title</th>
<th>First Name</th>
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