



Brussels, 29 January 2015.

**THE ROLE OF CUSTOMS IN NATURAL DISASTER RELIEF – INCLUDING AN UPDATE ON
THE CUSTOMS COMMUNITY CONTRIBUTION TO THE FIGHT AGAINST THE EBOLA
VIRUS DISEASE (EVD)**
(Item XII on the Agenda)

Background

1. As a response to the need for facilitating the entry, exit and transit of disaster relief personnel and their equipment and supplies and forespeeding up the clearance and release of relief consignments at borders to ensure that aid reaches victims in a timely manner, the WCO has developed extensive tools and instruments¹.
2. Recognizing the need for disaster preparedness in Customs administrations for an efficient and effective response to emergencies, the WCO Council in June 2011, adopted a 'Resolution on the Role of Customs in Natural Disaster Relief' that can again be found in the annex to this document.
3. The Resolution includes a set of practical recommendations for Customs on what to do in the event of natural disasters and recommends, among other things, the implementation of WCO tools and instruments, in particular provisions contained in Chapter 5 of the Specific Annex J to the Revised Kyoto Convention (RKC), and where necessary, the signing of the United Nations Model Agreement on Customs Facilitation (Appendix to the Guidelines to Chapter 5 of Specific Annex J to the RKC).

¹ Recommendation of the Customs Co-operation Council to expedite the forwarding of relief consignments in the event of disasters adopted on 8 June 1970, Annex B9 of the Convention on temporary admission (Istanbul Convention, 26 June 1990) Chapter 5 of Specific Annex J to the Revised Kyoto Convention (RKC).

4. This Resolution sets out a number of practical actions to be carried out by Members (points (1) to (6)) and the Secretariat (points (8) to (15) respectively). In this regard, the Secretariat has sent a letter in 2012 to all WCO Members asking for information about initiatives taken by them in pursuant to the Resolution. The information provided below is collected from the responses provided by Members (18) and from information that is available/provided by the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA).

Measures taken in relation to points (1) and (6) of the Resolution on the Role of Customs in Natural Disaster Relief.

5. Regarding measures to be taken under point (1), 16 Members reported that they have either accepted Chapter 5 of Specific Annex J to the RKC or are in the process of accepting it. Two Members were also in the process of incorporating these measures into their national legislation. In relation to some EU Member States, the Secretariat was informed that the acceptance of the provisions contained in the above Chapter is a decision that had to be taken on Union level but that EU Customs legislation was already aligned with Chapter 5 of Specific Annex J to the RKC.
6. Six Members indicated that no duties were levied on goods imported, in transit or exported following a natural disaster, and that they were in the process of implementing some of the points underlined in the Resolution.
7. Only eight Members have signed the United Nations Model Agreement on Customs Facilitation as recommended in point (1).
8. Concerning point (2), five Members informed that they had incorporated specific Customs procedures to relief consignments in their national legislation and/or regulations and in their national emergency plan.
9. In line with point (3), some Members carried out diagnostics and simulation exercises on the procedures introduced for the Customs processing of emergency humanitarian assistance in the event of a natural disaster.
10. In relation to point (4), four Members have drawn up and implemented a training plan to ensure that their Customs staff is well trained and equipped to manage these kinds of emergencies.
11. Regarding point (5), five Members indicated to manage borders in an efficient, simplified and co-ordinated manner with other national authorities involved in the handling of relief consignments in terms of a then dedicated one-stop-shop.
12. In accordance with point (6), six Members have signed bilateral mutual administrative assistance arrangements with their respective neighboring countries in order to manage such emergencies.

Measures taken by the WCO Secretariat in relation to points (8) to (15) of the Resolution on the Role of Customs in Natural Disaster Relief.

13. With regard to assigned tasks to the Secretariat, only one point (9), i.e joint awareness seminars with UN OCHA and International Federation of Red Cross and Red Crescent Societies (IFRC) remains to be carried out for three regions that due to a lack of funding so far could not yet benefit from such seminars.
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14. In May and November 2012, the WCO, the UN OCHA and the IFRC held two joint seminars on the role of Customs in natural disaster relief, dedicated to the WCO Members from the Far East, South and South East Asia, Asia Pacific Region and the Americas and Caribbean Region. In October 2013, similar regional Seminar took place in the European region (Kazakhstan).
15. The seminars brought together participants from WCO Members in each of the three regions, representatives from national disaster management authorities, National Red Cross/Red Crescent (RCRC) societies, non-governmental organizations (NGOs) and United Nations (UN) agencies, among others. During the seminars, participants shared the experiences and perspectives of Customs authorities and key humanitarian partners and enhanced the understanding of each others' role and responsibilities as well as developed better perspectives on their future needs. They were also informed about the existing tools, instruments and initiatives developed by the WCO, the UN OCHA and the IFRC in the field of disaster relief.
16. Due to the lack of financial support, the Secretariat is facing serious difficulties in organizing future seminars in the other regions. For the time being, it is still unclear whether the Secretariat will be in a position to organize such seminars, particularly those scheduled for this year in the WCA, ESA and MENA regions. The Secretariat is still exploring with relevant development partners the potential availability of funding for these seminars, alternatively Members might indicate their possibilities of self-funding or holding such seminars back-to-back with already scheduled other regional events.

Update on the Customs Community contribution to the fight against the Ebola

17. In heavily affected countries such as Liberia, Guinea and Sierra Leone, but also other countries, including Nigeria, Senegal, Spain, the United States and Mali who had to deal with the disease, too, because travelers to those countries had been diagnosed with it, or medical staff who had caught it in the affected region had been treated in those countries, the government agencies involved in cross-border trade, including Customs, have continued to actively participate in the fight against EVD. Special standard operating procedures have been introduced in order to accelerate clearance of relief goods such as food, medicines, medical supplies, clothing and other relief goods and equipments. The declaration processes have been simplified and obligations such as duties and taxes were waived
18. In Liberia, land borders are closed for most traffic but it allowed importation of some essential products such as cattle. The government had signed the United Nations Model Agreement on Customs Facilitation setting out measures to expedite the import, export and transit of relief consignments and possessions of relief personnel in the event of disasters and emergencies. This agreement refers explicitly to the WCO tools and instruments on facilitation including the Revised Kyoto Convention (RKC), A.T.A Convention, Istanbul Convention and others which provided the legal basis for establishment of simplified procedures and engagement with relevant stakeholders.
19. Guinea and Sierra Leone also introduced simplified and fast-track processes for aid consignments. The intervention of control agencies was reduced to expedite the clearance process. Coordination committees were formed to support collaboration among stakeholders and enhance facilitation.

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20. Many Members reported that they had run awareness raising programmes for the personnel of Customs and other agencies on how to handle suspected consignments and passengers to protect themselves from potential infections and prevent the spreading of the disease.
21. The Policy Commission held in Recife in December 2014 received an update by the WCO on efforts by the Secretariat and Members to contribute to the fight against the EVD. A summary of the report of the Director Compliance and Facilitation as well as the of the following discussions can be obtained from the Policy Commission report, doc. SP0506, paragraphs 339 to 353.

Action required

22. The Delegates of the PTC are invited to
- take note of this update;
 - share experiences on the handling of natural disaster relief situations; and
 - provide further guidance on ways forward in this area.

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RESOLUTION OF THE CUSTOMS CO-OPERATION COUNCIL
ON THE ROLE OF CUSTOMS IN NATURAL DISASTER RELIEF

(June 2011)

THE CUSTOMS CO-OPERATION COUNCIL*

Noting :

- (a) the increase in the number of natural disasters affecting populations and requiring urgent international humanitarian assistance, and the need to enhance the role of Customs in the management of humanitarian relief operations;
- (b) the Council's Decision, taken in June 2010, to develop a WCO strategy for enhancing the role of Customs in natural disaster relief, which should include a set of practical recommendations for Customs on what to do in emergency situations of this kind;

Desiring :

- (a) to facilitate the entry, exit and transit of disaster relief personnel and their possessions needed to provide rapid assistance to the victims;
- (b) to speed up the clearance and release of relief consignments¹ at borders in order to ensure that aid reaches victims in need in a timely manner;

Highlighting the need for disaster preparedness in Customs administrations, so that they can respond efficiently and effectively to emergencies;

Recognizing :

- (a) that Customs facilitation in the area of emergency humanitarian relief should take account of the principles of risk management and should be achieved without compromising appropriate standards of Customs control;
- (b) the importance of strengthening the partnership with international organizations, non-governmental organizations and the private sector which play an essential role in the management of humanitarian emergencies, and of providing them with all necessary information about the regulations and procedures applicable to relief consignments;
- (c) the need to build Members' capacities in this domain, and to involve the WCO's partners in capacity building activities to be carried out in order to create the requisite synergy;
- (d) the importance of having a national body to manage natural disasters, which would ensure proper co-ordination with all relevant agencies, including Customs;

* Customs Co-operation Council is the official name of the World Customs Organization (WCO).

¹ Relief consignments as defined in Chapter 5 of Specific Annex J to the Revised Kyoto Convention.

- (e) the importance of ensuring an open flow of information in times of crisis;

RESOLVES :

To invite Members to :

- (1) implement measures as contained in Chapter 5 of Specific Annex J to the Revised Kyoto Convention (RKC) relating to relief consignments and, where necessary, sign the United Nations Model Agreement on Customs Facilitation²;
- (2) plan for, in the interests of proper preparation, all the Customs procedures specifically applicable to relief consignments and incorporate them in their national legislation and/or regulations and, wherever possible, in their national emergency plan. These procedures, including the list of operational border entry and exit points, should be made available to the public, using tools such as Members' national Web sites and/or the Directory managed by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA)³;
- (3) carry out (1) diagnostics on the procedures introduced for the Customs processing of emergency humanitarian assistance and their capacity to put those procedures into operation in the event of a natural disaster; and (2) simulation exercises to test their level of preparedness and capacity to manage emergency situations and possibly to verify the quality of national emergency plans;
- (4) draw up and implement a training plan to ensure that their Customs staff are qualified and able to manage these kinds of emergencies;
- (5) manage borders in an efficient, simplified and co-ordinated manner, including sharing of information, with the other national authorities involved in the handling of relief consignments, disaster relief personnel and their possessions, while using existing clearance systems in order to provide for rapid, efficient and centralized processing of these consignments;
- (6) review and, where necessary, update bilateral mutual administrative assistance arrangements between Customs administrations in order to manage emergencies;
- (7) inform the Secretariat of measures taken in this area, especially those relating to points (1) to (6) of this Resolution;

² The United Nations Model Agreement on Customs Facilitation is to be found at the Appendix to the Guidelines to Chapter 5 of Specific Annex J to the RKC.

³ Directory of National Focal Points and Legislation for Customs Facilitation in International Emergency Humanitarian Assistance.

To instruct the Secretariat to:

- (8)** compile an inventory of existing tools and instruments, such as the RKC, the United Nations Model Agreement on Customs Facilitation and other model agreements developed by Members at the national level or the IDRL Guidelines⁴, dealing with Customs formalities for the clearance of relief consignments at exportation, during transit or at importation;
- (9)** organize, in collaboration with OCHA and the IFRC⁵, regional seminars to promote the use of these existing tools and instruments and to gather Members' feedback on their future needs;
- (10)** study the extent to which the key principles of the SAFE Framework of Standards, such as advance information, the Authorized Economic Operator concept, Trade Recovery Guidelines or the use of technology, could prove relevant in further facilitating the process of clearing relief consignments. This study shall be conducted in consultation with the SAFE Working Group and, if necessary, in collaboration with a group of volunteers and its outcome shall be presented to the Permanent Technical Committee (PTC) in early 2012;
- (11)** ascertain from the Ad Hoc Group on Globally Networked Customs (GNC) how the information exchange envisaged within the framework of GNC could facilitate entry, exit and transit of relief consignments, disaster relief personnel and their possessions;
- (12)** create a dedicated Web page on the WCO Public Web site, containing all existing instruments of relevance in this domain as well as all the useful links to tools developed by the various partners involved in managing natural disaster relief operations. Within that framework, provision shall also be made for a forum facilitating effective communication and the exchange of experiences between Members, together with a mechanism for easily identifying persons responsible for the management of emergency procedures within Customs administrations;
- (13)** with a view to protecting the cultural heritage of the affected country and as Customs plays a fundamental role in the fight against the unauthorized export of cultural property, publish and send an alert to all Customs administrations to increase their vigilance at borders on cultural artefacts that may be smuggled or exported illegally;
- (14)** provide capacity building to assist Members in implementing this Resolution, especially with regard to measures relating to points (1) to (6) thereof;
- (15)** periodically report to the PTC on implementation measures relating to points (8) to (14) of this Resolution. In addition, and based on information provided by Members in point (7), a report will be made to the Policy Commission in June 2012. An initial assessment of the implementation of this Resolution shall subsequently be presented to the Policy Commission in June 2013;

⁴ IDRL Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance (adopted by the IFRC in 2007).

⁵ International Federation of Red Cross and Red Crescent Societies (IFRC).

Annex to
doc. PC0415E1

To task the PTC to:

- (16)** monitor the implementation of this Resolution subsequent to the June 2011 Council Sessions.
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