

Regional Seminar on the Role of Customs in Natural Disaster Relief

29-30 October 2013

Astana, Kazakhstan

Seminar Report

Summary

On 29-30 October, the International Federation of Red Cross and Red Crescent Societies (IFRC), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), and the World Customs Organization (WCO) held a two-day regional seminar on the role of customs in humanitarian relief operations. This seminar is part of a series of regional seminars in response to WCO's call in June 2011 to all its member states to ensure the highest level of disaster preparedness at national level.

The seminar brought together experts from CIS countries working in customs administrations, national disaster management authorities, Red Cross and Red Crescent movement, non-governmental and international organisations. The participants shared experiences related to customs procedures during emergency situations and best practices, and defined strategies to provide an effective and timely response in emergencies via customs facilitation.

Welcome and Opening Remarks

The seminar was opened by Ms. Konakbayeva, Deputy Director on multilateral cooperation of the Ministry of Foreign Affairs of Kazakhstan, who underlined the importance of the event for the Central Asia region. With regional vulnerability to natural disasters being a great challenge on the way to regional sustainable development, there is a need for strengthening regional cooperation on various levels with the support of international actors like IFRC, ECHO, OCHA, and other agencies. She briefed the participants on Kazakhstan's plans to undertake further leadership in regional risk reduction initiatives and initiatives at national and community levels, and underlined the country's role as an emerging humanitarian donor. Concluding her speech, she expressed her wish for practical outcomes of the seminar.

Opening remarks were continued by representatives from each of the convening organisations, including Mr. Stephen Tull (UN Resident Coordinator in Kazakhstan), Mr. Baylar Talibov (IFRC Representative for Kazakhstan and Kyrgyzstan), Mr. Georges Cantone (Technical Attaché, WCO) and Mr. Marcel Vaessen (Head of OCHA Regional Office for Caucasus and Central Asia).

In his opening remarks, Mr. Stephen Tull thanked the Government of Kazakhstan for the country's overall support of regional humanitarian offices and international organisations working in disaster preparedness, response and management, and support provided to the regional seminar in particular. He underlined the importance of the event as it gathered key partners at a time when a stable Afghanistan is of high priority in many foreign policies. He stressed the need to understand the role that national customs authorities are expected to play in emergency response: "In times of crisis, when needs of the affected population are highest, the system of customs regulations is there to serve and protect citizens in the most optimal way while ensuring the safety and security of the country."

Climate change is expected to lead to increasingly more frequent large-scale natural disasters affecting the most vulnerable populations in the region. Underlining the timely nature of the seminar, Mr. Baylar Talibov expressed the hope that despite challenges in the work of humanitarian actors, common efforts would lead to big plans and goals like the achievement of all Millennium Development Goals. He briefed participants on what the IFRC does and concluded saying: "As a leading humanitarian organisation, we work worldwide side by side with other humanitarian actors to help those in need, providing relief, rehabilitation and development. We share a common understanding of the need for humanitarian actors to coordinate with customs authorities on these issues".

Mr. Georges Cantone reminded participants about the goals of the seminar. He noted that bringing experts together creates an opportunity to reflect on possible measures that can be embedded into national emergency laws and regulations to make emergency response more effective and efficient. He noted: “We have a serious challenge ahead of us, but I strongly believe that by joining our forces, we will come to concrete achievements to facilitate professional rescue workers in times of disasters to save as many lives as humanly possible.”

Mr. Vaessen wrapped up the opening remarks by highlighting the importance of the event as a joint effort to increase the effectiveness of existing customs procedures and regulations regarding humanitarian goods and humanitarian personnel. He concluded: “We have to strengthen our partnerships and create mechanisms for local authorities, customs, international and national humanitarian organisations to work as a team and move from mutual understanding to joint action.”

Part One: Identifying the Challenges

Part one of the seminar, chaired by Mr. Cantone, focused on key operational challenges in disaster response operations for international responders, customs officials and disaster management actors.

Ms. Virginie Bohl from OCHA Geneva briefed the participants on challenges such as unnecessary delays, high costs and bureaucratic bottlenecks that hamper international humanitarian response. From the standpoint of international responders, such problems are partly rooted in customs regulations such as clearance, the imposition of taxes, duties, fees and charges on humanitarian consignments, the amount of documentation required, the necessity to deal with several governmental entities, burdensome physical examination processes and re-exportation. Ms. Bohl highlighted the importance to consider issues caused by responders themselves, such as inappropriateness of the emergency goods, poor quality, poor documentation or abuse of procedures. She concluded by underlining the importance of awareness and mutual responsibility of both responders and customs officials.

Mr. Merab Arakhamia, Deputy Head of the Customs Department from the Georgia Revenue Service, provided an overview of the customs procedures used in Georgia regarding emergency situations. He briefed the audience on the National Response Plan, which describes simplified procedures of customs clearance for humanitarian aid and personnel and specifies assigned responsibilities of governmental authorities. He provided an example of a clearance process to demonstrate how simplification works in practice. His presentation provoked a very active follow-up discussion, including safety and security concerns raised by other participants. In response, Mr. Arakhamia elaborated on the system of advanced customs notifications sent by the Ministry of Internal Affairs. He explained that these notifications contain key information about the recipient and goods and serve as a basis for simplified customs clearance procedures. Other comments and questions touched upon medical certification, transportation, trust in non-profit organisations as recipients of humanitarian goods, authorisations, and general humanitarian aid status requirements for goods.

A follow-up table-top discussion, chaired by Mr. Vaessen, 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 control, proper documentation
- lack of knowledge related to customs procedures
- differences in standards of the sender, transit country and country-recipient
- absence of a clear universal law to be followed by stakeholders
- delays due to the time required for approvals, delays in information
- translation of documents
- inadequacy of the donor mandates in relation to the needs of affected people
- lack of clearly defined role of authorities
- lack of humanitarian aid stock as a signal of lack of preparedness;
- unique requirements to medical items;
- lack of inter-ministerial coordination and cooperation

Part Two: The International Legal Framework

The second part of the seminar focused on the international legal framework. Mr. Cantone briefed participants on the work of WCO and explained how the general role of customs fits into natural

disaster relief through facilitation of relief consignments clearance. He also introduced key WCO instruments, tools and policies related to disaster relief, including:

- recommendations of the Customs Co-operation Council;
- revised Kyoto Convention (Annex J5 of the Revised Kyoto Convention on the Harmonization and Simplification of Customs Procedures);
- Istanbul Convention (Annex B.9 on Temporary Admission);
- 2011 Council Resolution on the Role of Customs in Natural Disaster.

Mr. Cantone's overview was followed by the presentation of IFRC Tajikistan, Mr. Abdulfattoh Shafiev, on the the Model Act, Model Decree, and Guidelines on Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance, adopted by state parties to the Geneva Conventions in 2007, also known as the "IDRL Guidelines".

The second part of the seminar was concluded by Ms. Bohl, who presented OCHA's customs model agreement aiming to facilitate the import and transit of emergency relief consignments and equipment of relief personnel during disaster relief operations. She emphasised the importance of having the agreement in place and explained the mechanism of its implementation.

Part Three: The International Humanitarian System and its Application

Part three of the seminar, chaired by Mr. Talibov, focused on the international humanitarian system, and included an introduction to the international coordination system for disaster relief, an outline of international disaster response systems of the Red Cross and Red Crescent (RC/RC) and an overview of the regional systems for disaster cooperation in Central Asia, Eastern Europe, and south Caucasus.

The session started with Mr. Vaessen providing an overview of the actors involved in humanitarian assistance, such as governments, NGOs, RC/RC Movement, and UN. He introduced the structure of the UN system and agencies' roles in disaster preparedness, assessment, response and management within the system of inter-agency coordination. Mr. Vaessen explained the way in which the Inter-Agency Standing Committee (IASC) brings actors together to coordinate humanitarian action in disasters using the cluster approach.

In the presentation on international disaster response by the RC/RC Movement, Mr. Talibov discussed the role of the movement and its fundamental principles applied to crises and disasters. He then provided an overview of the tools used by IFRC to respond to disasters, including Disaster Management Information Systems, Disaster Response Emergency Fund, Regional Disaster Response Teams, Field Assessment and Coordination Teams and the Emergency Response Unit. He concluded by an overview of the coordination mechanisms utilised by the system, illustrating it by examples of RC/RC field work.

Mr. Shafiev provided an overview of the regional systems for disaster cooperation. He briefed participants on related regional agreements, the conclusions of the 2009 and 2011 Central Asia workshops on IDRL and their follow-up projects and discussions, lessons learnt and success stories.

Mr. Yerzhan Nurseitov (Chief of Division, Department for Elimination of Emergency Situations, Ministry of Emergency Situations of Kazakhstan) continued the session with a presentation on the Almaty Centre for Disaster Response and Risk Reduction. He focused on the history of the centre's establishment, its goals, strategies and plans. The centre was established to ensure effective mechanisms to mitigate disaster risks, and aims to encourage regional and international cooperation. The initiative is widely supported by UN agencies such as ISDR, OCHA, UNDP, and other international organisations. He concluded by describing the plans following the bilateral agreement between Kazakhstan and Kyrgyzstan signed in May 2013 in Almaty.

In order to bring the discussions of the first day into practice, participants went through a scenario exercise in which they had to deal with a disastrous earthquake in fictional country 'Ark' with a population of fifteen million people. Mr. Shafiev and Ms. Bohl facilitated the exercise. Participants were provided with relevant guidelines, global treaties and resolutions, regional treaties and bilateral agreements. Working in small groups, they discussed the earthquake situation, identified relevant international instruments, evaluated the effectiveness of decisions made by the leaders

and justified their decision regarding customs procedures for a convoy with humanitarian aid.

The first day was concluded in plenary where participants presented and discussed the results of their group work. The majority of participants noted that the exercise was extremely helpful as a practical application of international guidelines introduced in earlier sessions. Some participants commented on the complexity of the task, explained by the different levels of expertise and knowledge of different actors in the scenario, the contradictions between some of the adopted conventions, the necessity to prioritise goods and the overall need for education of stakeholders to facilitate a certain level of mutual understanding between various actors involved in disaster relief.

In the concluding remarks on the existing international legal framework, participants considered its main strengths and weaknesses in light of challenges identified earlier in the day. The most important aspects complicating the use of the framework were considered to be lack of awareness of the procedures of the framework's operationalisation at various levels, lack of training, fear of exacerbation of already complicated bureaucratic procedures with additional requirements, and lack of communication and coordination between actors. However, the framework was commonly considered advantageous thanks to its comprehensive and inclusive character.

Part Four: National Legislation, Procedures and Plans

The second day of the seminar started with a recap of the first day and participants' feedback. They noted the great value of examples provided by both participants and facilitators and the importance of contextualising international conventions and regulations to every country. One of the participants emphasised: "I think it would not be a mistake to say that some of us have seen the documents you have shared with us yesterday for the first time in our life. It would have been a shame to encounter a need for their use in an emergency situation and stumble upon it as we had no clue about it".

Subsequently, the seminar moved on to presentations by participants from Belarus, Kazakhstan, Kyrgyzstan, and Ukraine, who shared their hands-on experience with national laws for facilitating the entry of international disaster relief goods and equipment. The session was chaired by Mr. Vaessen.

Mr. Leonid Muromtsev, Chief of Division of the Ministry of Revenue and Duties of Ukraine, presented the Ukrainian legislation system related to customs clearance procedures during emergencies and emphasised the agreement that Ukraine signed with 16 other countries to regulate disaster relief and preparedness. He also provided examples of its practical use. In response to a follow-up question, Mr. Muromtsev explained that customs accredit all broker agencies and approve their schedule on a monthly basis. This is described in the Ukrainian customs law on humanitarian aid, which also states that all broker services for humanitarian aid are to be provided free of charge.

Mr. Dzmitry Rusakov, Disaster Management Programme Coordinator at the Belarus Red Cross Society, provided an overview of their humanitarian work over 2008-2013, challenges of delivering humanitarian aid to remote areas and trans-boundary emergencies.

Ms. Bermet Kargabaeva, Disaster Management Coordinator at Kyrgyz Red Crescent Society, informed participants about the strategic direction that the national society focuses on, such as strengthening capacity of local communities, developing capacity of school teachers and students as well as strengthening capacity of the National Society itself. Moreover, she discussed the customs procedures and related challenges of humanitarian aid during emergencies. Using practical examples, she demonstrated how procedures that are considered to be simplified in theory are not working efficiently in practice because they cause delays in some cases. Other major issues discussed include local certification required for goods with certificates from neighbouring countries and the need to deal with multiple governmental agencies as there is no inter-governmental coordination mechanism in place.

Mr. Nurlan Panzabekov, Director of Disaster Management Department of Kazakhstan Red Crescent Society, spoke about issues encountered by his organisation, including the issue of almost identical emblems used by private companies and ordinary emergency services, items requiring certificates and causing delay of the entire aid shipment, customs clearance needing funding because of the use of private brokers required by the government, costs of clearance procedures exceeding the costs of donated aid, and issues with goods being returned because of changes in the customs clearance location and absence of public notifications. In conclusion, he expressed a hope that the seminar will lead to recommendations of relevant changes to the legislation of the countries.

Part five of the seminar started with the presentation of Mr. Cantone, who introduced the principles of coordinated border management (CBM). He provided an overview of factors that lead to CBM, including the need for a structured approach to border management, more efficient use of human resources, risk management, and stakeholder benefits. Mr. Cantone went over the CBM concept implementation overview at both national and international levels and challenges that it addresses for various actors: trade and humanitarian operator, customs and border agencies, and cooperation between them. He concluded his presentation by underlying the major advantages of using CBM, such as meaningful limitation or elimination of bottlenecks at the border, more efficient resource and infrastructure utilisation, and facilitation of humanitarian agencies.

Subsequently, Mr. Amir Yelchibekov, Country Manager in Kazakhstan at EC/UNDP Border Management Programme in Central Asia (BOMCA), introduced BOMCA's goals in assisting gradual adoption of modern border management methods in Central Asia. BOMCA aims at enhancing border security and facilitation of legal trade and transit, such as intra-agency cooperation, inter-agency cooperation and international cooperation. He provided a brief analysis of BOMCA's Integrated Border Management strategy and gave an overview of major related projects in the region. Concluding his presentation, Mr. Yelchibekov shared plans for future interventions in the region, including strengthening capacity of established training institutions' consortia in Central Asia, linking BOMCA activities with human development projects, developing capacity of law enforcement agencies, and promotion of cross-border trade facilitation and road network development.

Following the presentations, participants formed small country-specific groups and identified the main strengths and weaknesses of their national system of customs regulations related to humanitarian aid. The groups identified the following recommendations for strengthening systems:

- ✓ Ratify international conventions and acts in all CIS countries to provide a common legal framework;
- ✓ Develop a common legal act to strengthen inter-agency collaboration between governmental authorities and NGOs and international humanitarian actors, determining their roles and responsibilities;
- ✓ Create a commission responsible for humanitarian aid assistance consisting of representatives from various governmental agencies;
- ✓ Conduct regular public awareness trainings, educating people on measures and procedures to be followed in emergencies. National Red Cross and Red Crescent Societies can be involved in such activities as facilitators;
- ✓ Use mass-media resources to inform population;
- ✓ Use existing information platforms like National Customs websites to share relevant documents, updates and general information on requirements and procedures regarding humanitarian goods and personnel;
- ✓ Conduct national and international seminars for customs authorities involving international experts;
- ✓ Conduct seminars similar to the current one and simulation exercises involving all stakeholders. To provide better understanding of the roles that partners play, include roles- exchange as an element of simulation exercise;
- ✓ Regularly share information on developments in customs conventions and other relevant information. OCHA might facilitate the information exchange;
- ✓ Create a partner vision through assigning a lead coordinating agency and providing clear understanding of everyone's role in emergency management. Incorporate this system into national legislation;
- ✓ Strengthen existing legislature through its operationalization and institutionalisation;
- ✓ Facilitate changes in national legislation through international advocacy campaigns.

Overall, participants concluded that there is a strong need for an improved level of awareness, training and collaboration between stakeholders. International organisations are envisioned to be facilitators in the process.

Commenting on the commonly shared opinion that the presence of representatives of customs authorities is key in such discussions, Ms. Bohl, noted that, unfortunately, in countries like the USA, customs administration is almost never invited to such events. OCHA works closely with WCO to encourage customs participation in seminars and to facilitate collaboration between stakeholders.

During the final session of the seminar, participants were asked to group together in country delegations to come up with a plan of actions addressing the challenges identified over the course of the seminar. Suggested actions are reported by country in the Annex A.

Evaluation

Concluding the seminar, participants were asked to complete a brief evaluation form regarding the content and structure of the seminar and suggestions for further improvements. Overall, the feedback was very positive, with the majority of participants rating the seminar as “excellent”. The average scores from the numerical feedback questions, on a scale of 1 – 5 (1 being “poor” and 5 being “excellent”), are summarised as follows:

Question 1: Overall, how would you rate the seminar? Average score = 4.96

Question 2: How was the content? Did you find it clear and useful? Average score = 4.87

Question 3: How did you find the structure and flow of the seminar? Average score = 4.91

Some comments and recommendations for improvement are summarised as follows:

- Include more concrete examples and situation studies observed at the border, more practical exercises;
- Have representatives of customs, MoES of all CIS countries, including Turkmenistan and Uzbekistan;
- Increase customs authorities representation as a key element of the discussion;
- Increase the representation of direct stakeholders, such as governmental authorities;
- Send the training activity task in advance to allow participants that are representing their country with 1-2 people to gather necessary information about other actors involved;
- Provide more information and position overview of customs officials from all CIS countries;
- Focus more on cross-border cooperation between customs in CIS countries;
- Need for more emphasis on concrete examples of dealing with prohibitions related to humanitarian aid, such as medical equipment, medicines, quarantine measures, etc.;
- Increase the length of the seminar to target more practical exercises and outcomes.

Armenia

- Create a database on humanitarian goods information that will provide data on type of aid, dates of expected arrivals, and recipients;
- Operationalize the simplified procedures stated in the legislature;
- Increase the number of systematic trainings and seminars providing opportunities for sharing experience at country level;
- Develop and ratify an inter-governmental agreement regulating humanitarian goods transportation and delivery;
- Create more communication channels between the countries of the region to develop collaboration.

Azerbaijan

- Strengthen the legislature determining regulations around humanitarian aid clearance, transportation and delivery;
- Conduct seminars at regional level regarding relevant documentation and regulations, including international legislature;
- Increase awareness on rules, regulations and laws of destination countries among donor and recipient organisations;
- Provide the information exchange channels between the governmental authorities and humanitarian community.

Belarus

- Conduct analysis of effectiveness of currently existing laws, regulations and international agreements;
- Conduct case studies of other countries' experience in utilising particular articles of international conventions;
- Increase awareness on laws and regulations regarding humanitarian aid among actors other than customs authorities;
- Determine roles, duties and responsibilities of the lead agency (probably MoES);
- Clearly define regulations on limitations, restrictions and prohibition of particular items;
- Conduct the analysis of potential donor countries and develop bilateral agreements;
- Avoid an overlap with existing legislature.

Georgia

- Strengthen the existing national plan;
 - Create a clear mechanism at customs check points utilising simplified procedures;
 - Develop and ratify inter-governmental agreements and mechanism regulating delivery and transportation of humanitarian aid;
 - Conduct inter-governmental meetings, discussions and information exchange;
 - Have unified customs points between countries (for example, Georgian-Turkish point where all the procedures are implemented by representatives of both countries).

Kazakhstan

- Determine the list of restricted/prohibited items and include it into existing regulations;
- Ratify relevant international agreements and conventions;
- Operationalize existing regulations with the help of international expert assessments and consultations;
- Conduct analysis of case studies using other countries of the region;
- Develop the basis for inter-governmental cooperation, consider having common plan;
- Have intra-governmental detailed plan determining roles, duties, responsibilities and mechanisms of interaction between various governmental agencies.

Kyrgyzstan

- Customs code clearly describes the mechanism utilising customs regulations, including the system of one-window, however needs specificity regarding humanitarian aid;
- Develop partnerships and cooperation at the regional level;
- Develop and ratify concrete mechanisms utilising international conventions;
- Provide financial and expert support to any policy developments related to facilitation of humanitarian aid at customs.

Moldova

- Consider case-studies of other countries like Georgia;
- Get more practical emphasis in all inter-governmental discussions and experience exchange;
- Simplify existing customs procedures;
- Eliminate costs of customs clearance on humanitarian aid;
 - Lead regional discussions to clearly defined inter-governmental agreements related to humanitarian assistance.

Tajikistan

- Adapt the national legislature to international standards in addition to existing regulations on humanitarian consignments and IDRL guidelines;
- Establish a one-window system combined with simplified procedures;
- Create inter-agency and inter-governmental working groups/committees to facilitate regional cooperation;
- Conduct regular trainings and simulation exercises;
- Provide technical and financial support of the related policy-development process;
- Provide internal expert consulting.

Ukraine

- Incorporate missing case scenarios into recommendations on customs facilitation resolution issued by the government;
- Develop the mechanism for effective implementation of simplified procedures at the customs;
- Reconsider existing mechanism of providing bilateral assistance to include all neighbouring countries;
- Ratify necessary bilateral agreement.