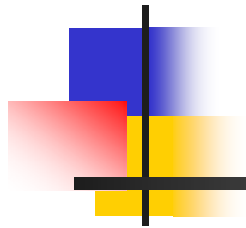


OECD Regional Forum:
Maximizing the Developmental Benefits of
Trade Facilitation

Session VI- Reviewing progress-
Mutual Accountability for Results
Yaounde, 28 September, 2006



PRESENTATION BY:

Yao G. ADZIGBEY

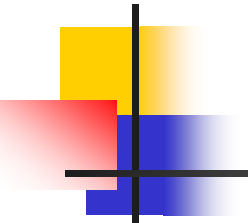
SSATP Regional Coordinator for West &
Central Africa



Reforms & Capacity Building: Issues to consider

- Monitoring & evaluation of adequate human capacities for trade facilitation;
- Verifiable indicators;
- Available review & monitoring mechanism by whom ;
- Means of channeling review results to WTO;
- Assessments of review process (aid) & How?

Instrumentes Juridiques Internationaux sur la Facilitation du Commerce et du Transport /International Agreements PREAMBULE/ PREAMBLE

- 
-
- **Accord international** :
 - engagement écrit entre personnes juridiques de droit public soit souveraine, soit indépendantes ou autonomes.
 - **International Agreement**:
 - Written and signed commitment of legal instruments between independent and sovereign States or international organisations



Les accords internationaux sont désignés sous les noms de/ International Agreements

- Traités/ Conventions,
 - Protocoles,
 - Echanges de notes,
 - Engagements d'honneur,
 - Procès verbaux approuvés de négociations
- Treaties/ Conventions,
 - Protocols,
 - Paraphrasing of documents,
 - Honorable undertakings,
 - Signed Communique of negotiations



Accords /Agreements

i) Accord Bilatéraux

- Accord entre 2 parties sur un sujet précis.

ii) Accord Multilatéraux

Application des règles à travers les parties prenantes

Bilateral Agreement

- Agreement between 2 parties on a specific subject.

ii) Multilateral Conventions .

Agreement that involves several parties



Procédures/ Procedures

- Ratification,
- Accords des matières de droit public,
- Enregistrement ,
- **Thèse de la succession ,**
- **Thèse de la Place Nette .**
- Ratification,
- Agreement under common laws,
- Registration ,
- **Agreement signed on behalf of a Protectorate country ,**
- **A sovereign country is no longer bounded by previous agreements .**



Accords Internationaux à vocation mondiale / **International agreements**

- **Convention de Barcelone de 1221** sur la liberté de transit,
- **Accord Général de 1947** sur les tarifs douaniers et le commerce (GATT),
- **Barcelona convention of 1221** on transit movements of goods,
- **General agreement of 1947 on Trade & Tarifs ,**



Accords Internationaux à vocation mondiale / **International agreements**

- Convention de New York de 1965 sur le commerce de transit des pays enclavés qui fait suite à ;

la convention et le statut sur de la liberté de transit (1921)

- ● la convention de Genève sur la Haute Mer (1958)

1965 Convention of New York on transit to land – locked countries which led to :

- liberty on transit (1921)
- Geneva convention on shipping (1958)



Accords Internationaux à vocation mondiale / **International agreements**

- Convention relatives au fonctionnement des services douaniers,
- la convention de Bruxelles de 1950 établissant un Conseil de coopération douanière
- Convention on the operations of customs services,
- 1950 Bruxelles Convention on the establishment of Board to regulate customs operations



Accords Internationaux à vocation mondiale/ **International agreements**

- la convention de Kyote de 1973 sur la simplification et l'harmonisation des procédures douanières .(remplace l'ancienne de 1923)
- 1973 Kyoto Convention on the simplification and harmonisation of customs procedures.(replaces the 1923 convention



Accords Internationaux à vocation mondiale / **International agreements**

- la convention de Genève de 1982 sur l'harmonisation des contrôles douaniers aux frontières,
- convention douanières
- sur les importations
- temporaires de marchandises
- 1982 Geneva convention on the harmonisation of customs contrôle at borders.
- Customs legislations on temporary importation of goods



Accords Internationaux à vocation mondiale / International agreements

- cinq (5) conventions techniques concernant les équipements de transports : convention de
- Bruxelles (1960) sur les palettes/loading, convention de Genève de (1956) et 1972) sur les conteneurs, convention de Bruxelles (1960) sur les emballages (1994) sur les conteneurs pool



Conventions CEDEAO / UEMOA Relatives aux Transports / ECOWAS/UEMOA Conventions Relating to Transport

- Plus de 50 conventions (signées par les Chefs d'Etat ou par Conseil des Ministres des Etats membres) y inclus;
- **Protocole A/P4/5/82 au transit routier inter- Etats des marchandises: (TRIE)**
- **Conditions des véhicules- Annexe B/ système des cautions & la garantie /principal obligé/ fuellets /conteneur/seaux/point de départ & destination;**
- **Décisions sur Program Régional de facilitation de transport & transit inter –Etats (2003), Création des Comités de Facilitation et Comités des Gestions de Corridors(2005)**




Conventions CEDEAO/UEMOA sur la libre circulation / ECOWAS/UEMOA Conventions on Free movements

- More than 50 Conventions signed by Authority of Heads of State or Council of Ministers of member States including:
- Protocol A/P4/5/82 relating to inter- State transit of goods: ISRT logbook, Annex B
- Vehicle specifications /the guarantee system/ principal obligee/ seal/ point of departure & destination;
- Decision on Regional Transport & Transit Facilitation Program (2003) as well as Decision on the creation of Facilitation and Corridor management Committees(2005)



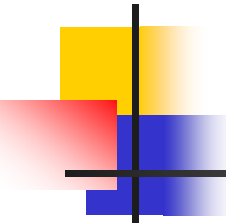
Conventions CEMAC/ECCAS sur la libre circulation / CEMAC/ECCAS Conventions on Free movements

- Meme situation/ Same situation



I. Monitoring & evaluation of adequate human capacities for trade facilitation/Suivi -évaluation des ressources humaines adéquates pour la facilitation du commerce

- i) Symptoms of the problems
- Existing Institutional & Regulatory framework
- **Weak and poor institutional framework for the implementation of decisions;**
- **Multiplicity of organizations for integration; strict national laws;**
- **The legal environment is complex and scattered over many different instruments, deviations are often observed between sub-regional and national transport policies that seriously affect the commitment of various partners towards implementation;**
- **Problem of mindset and deep-rooted corrupt practices ;**
- **Understaffing in the administration;**
- **(Weak HRD at both national & Sub-regional levels)**




I. Monitoring & evaluation of adequate human capacities for trade facilitation/Suivi -évaluation des ressources humaines adéquates pour la facilitation du commerce

- ii) Problems of ICT
- **Wide communication gap;**
- *(insufficiency of information)*

- **Absence of viable data bank**

- **Multiplicity of structures designed to respond to specific needs** *(i.e. permission from 10 to 15 agencies concerning approval of investment incentives);*



I. Monitoring & evaluation of adequate human capacities for trade facilitation/Suivi -évaluation des ressources humaines adéquates pour la facilitation du commerce

- iii) Problems relating to Guarantee System;
- **Ignorance on the part of economic operators and law enforcement agents on the existence of conventions to facilitate transportation;**
- **Customs procedures are full of operational inefficiencies aggravated and perpetuated by dishonesty;**
- **Written decisions and necessary procedures and official requirements are not well publicized on how to move goods and the vehicle efficiently through customs;**
- **Confused practices that oblige agents, traders and transporters to penetrate into customs offices**

I. Monitoring & evaluation of adequate human capacities for trade facilitation/Suivi -évaluation des ressources humaines adéquates pour la facilitation du commerce

- iv) Poor governance & weak administration;
- When the public administration is corrupt, customs are inefficient and unskilled, tax evasion and the “black economy” flourish, and embezzlement is the order of the day, there is no technical standard, software or magic wand or formula that can facilitate trade.
- Entry into the police ,customs and gendarmerie corps is on the basis of high level recommendation;
- IS THE SOLUTION ONLY ON HUMAN CAPACITY BUILDING ?????

II. Verifiable Indicators for measuring progress/ Indicateurs verifiables (Govt. & SSATP Partnership)



- i) Formulation of sound policy strategies by government for economic reform & growth. This is to test the response capacity of national & international communities for facing up to new challenges.
- Mainstreaming trade facilitation into national development strategies;
- Install a sense of common interest and purpose;
- Exertion of political pressure from the top;
- If there is no political will , little can be achieved (1) ;
- Stimulation of collective responsibilities and sense of transparencies;
- Private sector involvement is decisive;
- Absolute need to consult, involve and promote active participation of all stakeholders ,public and private ,the unemployed, unskilled and the elderly .This is the objective of SSATP as a partnership to effect change of attitude, enhance ownership and promote demand driven policy implementation.
- 1. (European Trade Commission –ECE/Trade/299 of 2003)



II. Verifiable Indicators for measuring progress/ Indicateurs verifiables (Actions by Govt.)

- ii b) Policy direction toward trade facilitation;
- “ State of nation address of a newly elected president”- quote:
 - “ To reduce red tape in the national government, within 12 months, all govt. agencies will implement measures to cut in half the number of signatures required for their services.. If legislation is required to effect this efficiency, the agencies concerned will draft appropriate bills for my endorsement to congress”;
- “The Bureau of Customs is exceeding its targets. But the anti-smuggling drive must be relentless. So must the drive against the harassment of legitimate businessmen doing legitimate imports”;
- “ We will minimize bottlenecks to productivity...and corruption and red tape at the national and local governments”



II. Verifiable Indicators for measuring progress/ Indicateurs verifiables (Actions by Govt.)

- ii b) Policy direction toward trade facilitation;
- We will introduce a NEW CULTURE IN GOVERNANCE: a culture of PLAIN TALK and Common Sense... Less meetings, MORE ACTIONS, more tangible results whether in generating jobs, improving peace and order or fighting GRAFT.
- Vision Statement:
- A world class customs services;
- More responsive to the client's needs;
- Supportive of govt. goals;
- Adhering to the world's best practices and ;
- Fostering cooperation with the private sector in building a dynamic organization that every Filipino can truly be proud of.

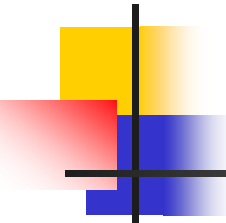
II. Verifiable Indicators for measuring progress/ Indicateurs verifiables (facilitation standards)

- ii) Harmonization & simplification of Legislations and procedures
 - **Harmonized and simplified customs procedures adopted and implemented by 200....; This is a prerogative of government**
 - **Joint border posts constructed between 2006-200.....;**
 - **Converging control at the same place with inspection done simultaneously;**
 - **Speed up controls and avoid congestion at border posts- bridge capacity gaps and ensure competition in the market 2006-200.....**
 - **Sanction severely bribery and corruption by customs officers and carriers**
 - **Ensure a sense of transparency**
 - **Government to install a sense of common interest and purpose & disseminate best practice and promote access by 200.....**
 - **Code of conduct established for the Corridor Management Units.**



II. Verifiable Indicators for measuring progress/ Indicateurs verifiables (dissemination of standards)

- iii) Incorporation of standards into formal rules and legally binding instruments-they become part of WTO machinery;
- They can first be disseminated as soft rules ,more flexible & adaptive and later on translated into formal agreements;
- Economic operators and other stakeholders sensitized;
- Information dissemination by the press- radio, TV Posters & Newspapers;
- Customs services connected and ACIS in full use;
- Regional road control map available to public;
- Conditions of entry into inter- State transportation specified and rationalized.



II. Verifiable Indicators for measuring progress/ Indicateurs verifiables (facilitation & capacity building)

- iv) Mainstreaming trade facilitation into a development strategy;
- Ensuring conducive environment for financial and political growth;
- Attracting foreign direct investment when administrations are decentralized and public financial management is transparent;
- Encouraging competitiveness;
- Generating output and jobs to alleviate poverty and raise standard of living;



III. Available Review & Monitoring mechanism /Mecanisme de Suivi –Evaluation

- i). Trade Facilitation Indicators – Cargo Clearance

	Selectivity	EDI Users	Non EDI User
Super Green	5% of imports- automatic clearance Inspect. at Comp. Premises
Green	25% cleared after non- EDI lodgement	6.5- 32.5 minutes	57.5 minutes -2.5hrs
Yellow	28% requiring doc. checks	1 hr -1 day and 32.5 minute	2hrs -1 day
Red	42% requiring physical inspection.	4hrs-2 days	6hrs- 3 days

III. Available Review & Monitoring mechanism /Mecanisme de Suivi –Evaluation

- vi)Trade Facilitation Indicators-Transit HGV along Corridors , \$10/Check pt.

	Containers/Hydrocarbon/Frigorifique	Sealed Tarpaulin	Unsealed Tarpaulin
1 check point/100Km (Super Green)	600Km /day 80Km/Hr Good Tarred Road	500Km/day 70Km/Hr. Tarred Road	400Km/day 60Km/Hr ,Goods off loaded at Ch.pt
2-3 check- points /100Km (Green)	500Km/day,70Km/Hr State of Road- Fair	400Km/day 60Km/Hr.	300Km /day 50Km/Hr, "do"
4-8 check points /100Km (Yellow)	400Km/day,60Km/Hr Multiple pot-holes	300Km/day, 50Km/Hr.	250Km/day 40Km/Hr , "do"
Over 10 check points/100Km(Red)	300Km/day,60Km/Hr Good Tarred road	250Km/day, 40Km/ Hr.	200Km/day 35Km/Hr. , "do"

III. Available Review & Monitoring mechanism By Whom/Mecanisme de Suivi-Evaluation Par Qui

- vii) New Proposals for REC's, Civil Societies, Govt. Depts.
- i) Establishment of independent observatories to identify & denounce bad practices (by REC's & Civil Societies, Development Partners) ;
- Inform respective Govts. of findings of observatories (by RECs)
- Submission of findings at workshops for Govt. administrations, law enforcement agents, & stakeholders (by REC's) ;
- Publicize in international journals results of findings (by REC's);
- Establishment of Corridor Management Committees (Administrations and Private Sector/Transporters Associat.)
- Port Mgt. Associations competing for cargo by inducing faster and safer clearance of goods & ensuring safety of goods at Ports(Port Mg).

IV. Means of Channeling Review Results to WTO/ Moyen de Communication des Resultats a OMC



- Through the Secretariat of WTO;
- Through the WTO web;

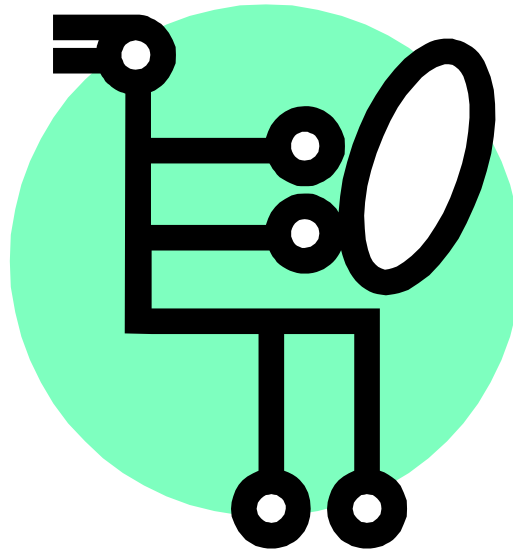


V). Assessments of Review Process (aid) & How ?/
Evaluation du Processus d'examen (aide) par quels
moyens?

- Efficiency and effectiveness of the Review process, (identification of weaknesses in the system etc.)



Merci !



Thank you very much indeed!