

The Role of Customs and the World Customs Organization in border management

Paper presented to the Follow-up Meeting to the United Nations Counter Terrorism Committee (CTC) Special Meeting

Introduction

1. This information paper provides an outline of WCO initiatives in the area of security and facilitation and complements our earlier submissions to the UN-CTC.

Security and Facilitation through advance electronic transmission of Customs data

2. The approach taken by WCO is to improve the security of borders, without unduly hindering legitimate international trade. The WCO initiative has deliberately focused on the entire international trade supply chain, rather than restricting Customs' interest to that aspect of the international trade transaction, when goods move across a border. The basic principle underpinning our work has been to create an international mechanism for Customs Administrations to gain access to relevant information relating to international trade well in advance, for the purposes of risk management and risk assessment.

3. In effect this methodology will allow Governments to have access to an early warning system to protect their borders against dangerous or harmful cargos arriving, departing or moving through their territories. It also provides enhanced opportunities to authorize trustworthy traders, where assurance of security provisions can be provided and this in turn will allow a greater degree of trade facilitation, leading to a better trading situation for Member countries. In order to achieve these objectives, WCO has consulted and involved the widest possible range of stakeholders, from other intergovernmental organization and private sector organizations covering all modes of transport.

Maritime security

4. In the maritime environment, our efforts complement those of IMO. The new ISPS code which comes into effect in July 2004 improves security arrangements at ports, on ships and at the ship/port interface; the WCO initiatives are intended to provide a methodology for identifying, in advance, high-risks consignments being carried on ships, provide a secure environment for maritime trade and facilitate legitimate cargoes being carried on those ships.

The work completed and future perspectives

5. In June 2002 the WCO passed a Resolution on security and facilitation of the international trade supply chain. As a result of the Resolution an international Task Force that was formed; it has met five times and, through various project groups, has produced a package of security and facilitation measures and Guidelines. The most important of these are:

- A list of essential data elements to identify high-risk consignments;

- The revised WCO Data model, which takes account of security concerns;
- Advance Cargo Information (ACI) Guidelines, which describe the procedures required for providing/accessing information in advance of shipment;
- A new Convention on Mutual Administrative Assistance in Customs Matters (Johannesburg Convention), to assist in sharing information between national Customs authorities;
- Guidelines for the establishment of national legal and administrative frameworks;
- Guidelines for Customs-business cooperation;
- Advance Technology Databank, providing information to Members on the technology available.

6. This package has been approved and adopted by the WCO Council. The next stages of development include implementing the measures through an Action Plan, initiating a new high-level strategic group of Members, to provide leadership and guidance on future developments and drafting a second Resolution, for consideration during the WCO Council in June 2004;

7. The development of international standards will be considered. If this approach is approved the standards will be created from the Guidelines already developed. This process will involve other international organizations and the private sector.

8. Concerning capacity building WCO has produced a Capacity Building Strategy and Diagnostic Framework. The latter document contains a section on security and facilitation.

The relevance of WCO security and facilitation initiatives to the UN Security Council Resolutions 1373 (2001) and 1456 (2003)

9. As described earlier in this report, the main contribution from WCO towards anti-terrorism has been to develop a package of measures relating to security and facilitation of the international trade supply chain based upon the WCO Resolution on Security and Facilitation of the International Trade Supply Chain, adopted in 2002. This comprehensive range of measures has the potential to contribute towards the early warning mechanisms that are described in the UN Security Council Resolutions. The WCO Advance Passenger Information Recommendations and Guidelines, which have been endorsed by the relevant intergovernmental and industry bodies, provide a good practical example of the Customs' contribution towards the early identification of high-risk passengers.

10. WCO and Customs Administrations recognize the need for improved inter-agency partnership on these issues. An example of the contribution that Customs can make in this broader anti-terrorism context is the work currently being done by the Secretariats of WCO and International Atomic Energy Agency (IAEA). Co-operation between the two organizations has been built-up over a number of years and as a result identification manuals, videos and training material have been jointly developed. The WCO Members and Secretariat have also been contributing as expert resources and students in the

comprehensive training programs delivered by IAEA in the field of nuclear security and safety. It is recommended that this co-operation is reinforced and similar arrangements are considered for joint working with other competent agencies dealing with chemical, biological and other potentially dangerous substances.

11. Resolution 1373 (2001) remarks on the close connection between terrorism with other forms of organized crime, including illicit drug and arms trafficking, money laundering, the illegal movement of nuclear, chemical and biological materials and the need to strengthen co-operation at all levels. Customs administrations have a key role to play in the prevention, detection and investigation of such offences and, even though currently the powers of Customs in relation to these issues may vary from country to country, the potential future role of Customs should be recognized as part of national Government response to terrorism.

12. In UN Security Council Resolution 1456 (2003) there is emphasis on the growing danger of terrorist access to and use of nuclear, chemical, biological and other potentially deadly materials and the consequent need to strengthen controls on these materials is emphasized. Here also Customs administrations can play an important role in support of the leading technical agencies. In particular in the future Customs should receive advance electronic information on the international movement of such commodities, which has the potential to become a valuable aspect of early warning mechanisms for detecting the movement of dangerous goods.

13. Resolution 1373 (2001) calls upon all international and regional organizations to evaluate ways in which they can enhance effectiveness and makes particular reference to technical agencies and organizations whose activities relate to the use of or access to nuclear, chemical, biological and other deadly materials. Within this context WCO has contributed towards the work of the UN CTC at meetings in March 2003, May 2003 and October 2003, the latter being a joint meeting with the Organization of American States. Recently, the UN CTC has also developed a "Matrix" for capacity building and WCO has contributed towards this as well.

14. Ambassador Arias, the Chairman of the UN CTC, visited the WCO on 20th November 2003. His visit was planned to coincide with a meeting of the UN Interregional Crime and Justice Institute (UNICRI), which WCO hosted. The objective of the meeting was to discuss a joint UNICRI/EUROPOL project, involving all the key international bodies, on the subject of Weapons of Mass Destruction in Eastern Europe and Central Asia. Those attending the meeting included officials from UNICRI, Europol, IAEA, OPCW, WHO, WCO and UN Counter Terrorism experts.

15. In discussing these broader security issues, delegates at relevant WCO enforcement committee meetings considered that many types of Transnational organized crime, involving a wide range of Customs offences might be used to fund terrorism. Delegates said it was important to look beyond the list of crimes described in UN Resolution 1456 (2003). There was also a recognition that the Customs' role is widening and that the WCO should provide a continuous level of support to national Customs Administrations, so that they can contribute to Government security initiatives.