



ACCESSION PROCESS

Vivek Ramburun
CAREC Workshop
27 Feb 2013

3 Phases in Accession

Prior Phase

- Domestication or other consultative process
- Gap analysis

Time of Accession

- Specify Specific Annexes accepted
- Inform Recommended Practices reserved
- State differences between provisions of National Legislation and those of the Recommended Practices

Post / Implementation

- Review process every 3 years
- Notifications

2 Approaches

Domestic Readiness

Improvements in legislation, organization and operations in order to meet the obligations in the Convention

Protocol / Foreign Affairs

International act of consent to be bound by the Convention by particular action, notably, ratification, acceptance, approval or accession and notification through the depository

Stakeholders

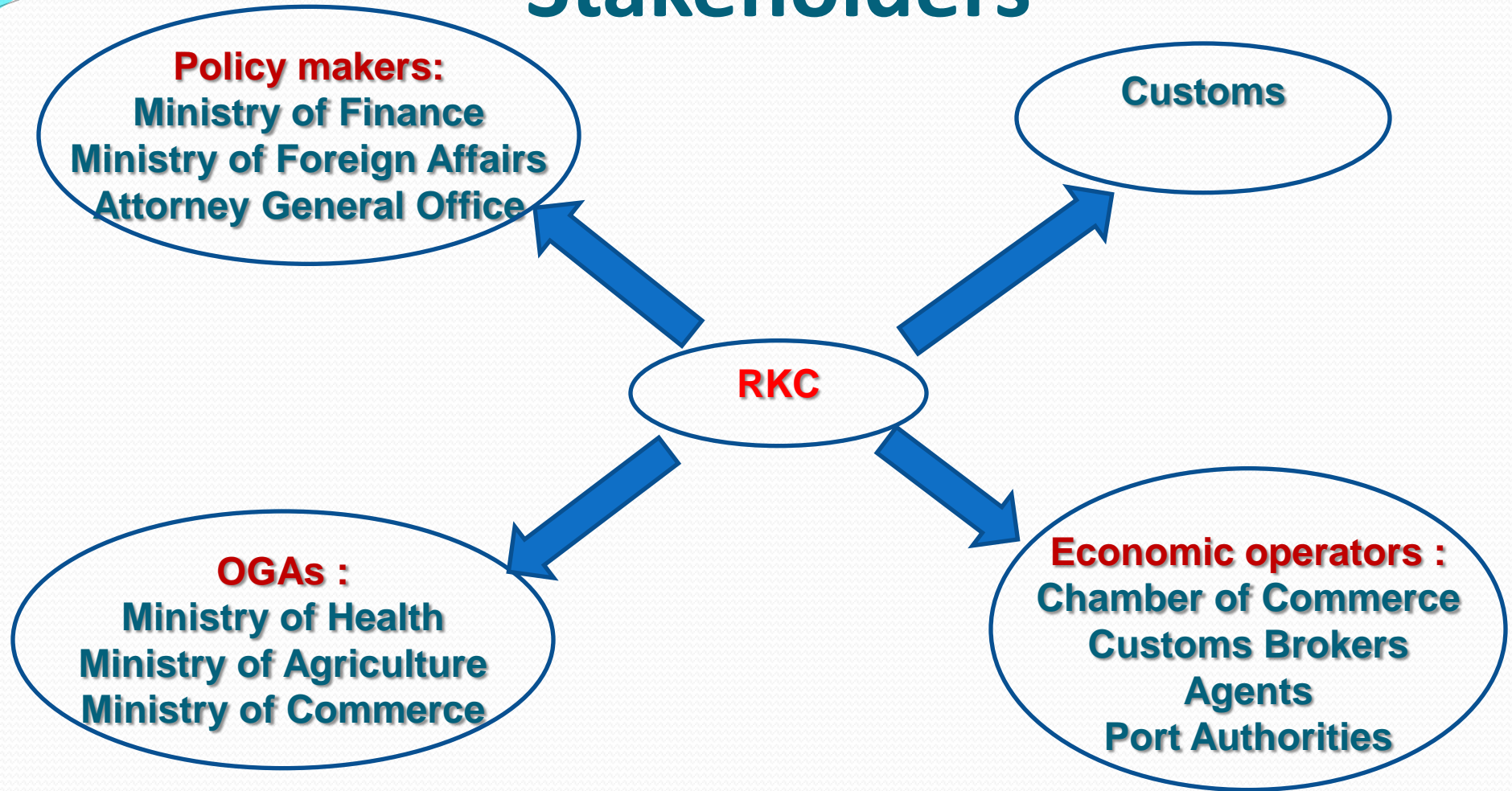
Policy makers:
Ministry of Finance
Ministry of Foreign Affairs
Attorney General Office

Customs

RKC

OGAs :
Ministry of Health
Ministry of Agriculture
Ministry of Commerce

Economic operators :
Chamber of Commerce
Customs Brokers
Agents
Port Authorities



INSTITUTIONAL FRAMEWORK

MINISTERIAL COMMITTEE



NATIONAL COMMITTEE



CUSTOMS MANAGEMENT COMMITTEE



TECHNICAL COMMITTEE

Domestic
readiness

Smooth
implementation



Steps for readiness

- Institutional decision to acceded to the convention?
- Translation into your official language?
- Consultation with the stakeholders?
- Situation/gap analysis?
- Identification of gap?
- Formulation of reform package?
- Reform of the legislation/regulations/organization?

By understanding the legal rights and obligation described in the convention

By understanding the reality, notably,

- Strategic management
- Resources
- Legal framework
- Systems and procedures
- ICT
- External co-operation, communication and partnership
- Integrity



TA/CB support might be available

- Institutional decision to acceded to the convention?
- Translation into your official language?
- Consultation with the stakeholders?
- Situation/gap analysis?
- Identification of gap?
- Formulation of reform package?
- Reform of the legislation/regulations/organization?



e.g., Bilateral donor, ITC, WB, UN, WCO



Accession process



Example: Revised Kyoto Convention

Article 8

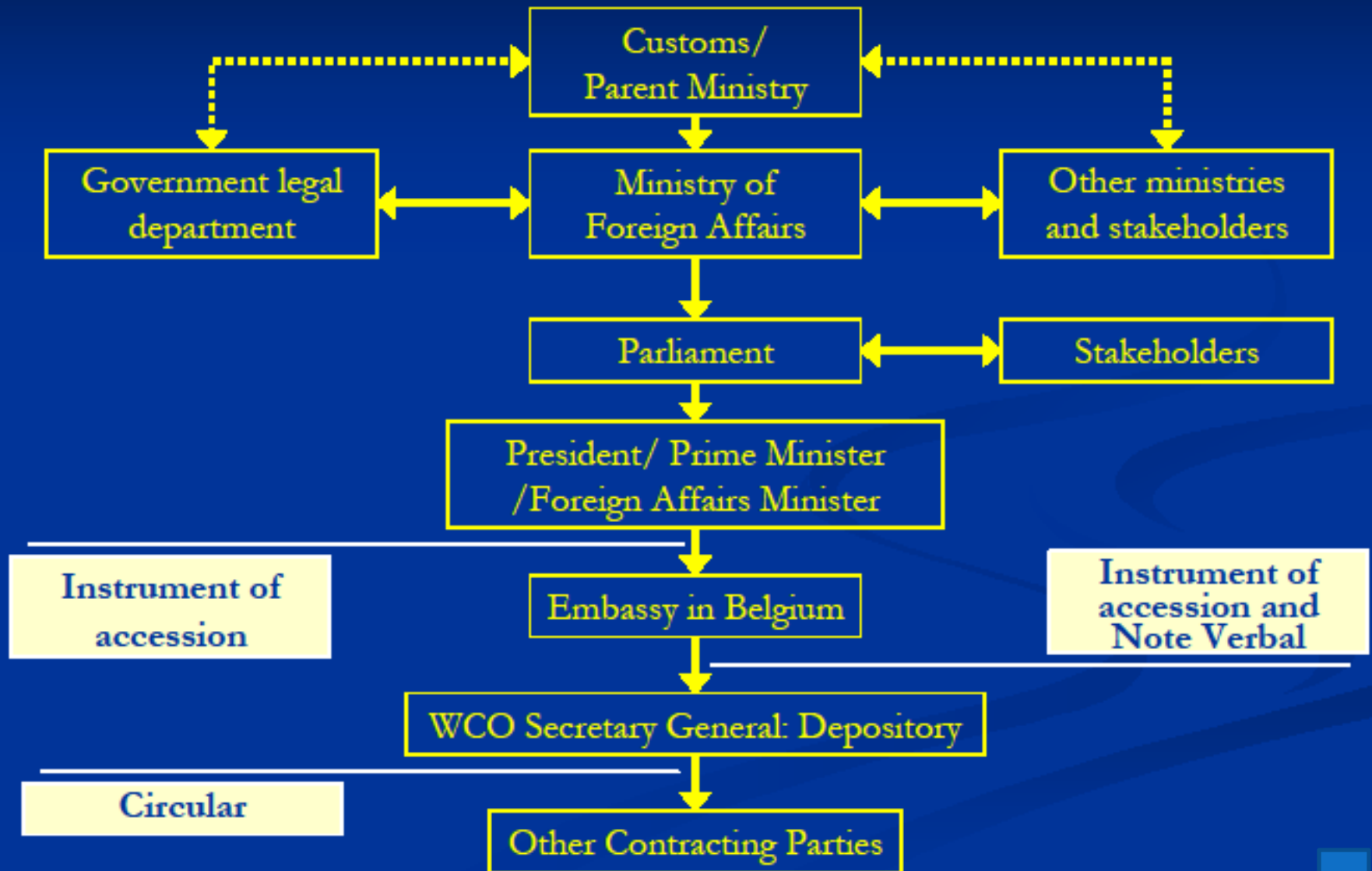
1 Any Member of the Council ... may become a Contracting Party to this Convention :

(c) by acceding to it

Article 19

1 This Convention, ... and all instruments of ratification or accession shall be deposited with the Secretary General of the Council.

Example: accession process





EMBASSY OF THE REPUBLIC OF NAMIBIA

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Mr. Michel Danct
Secretary General
World Customs Organization
Rue du Marché, 30
1210 BRUSSELS

3 May 2004

Dear Mr. Danct,

**INSTRUMENTS OF ACCESSION TO THE REVISED KYOTO CONVENTION -
INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND
HARMONIZATION OF CUSTOMS PROCEDURES (AS AMENDED) AND
INTERNATIONAL CONVENTION ON THE HARMONIZED AND CODING SYSTEM**

Kindly find enclosed Instruments of Accession to the Revised Kyoto Convention signed by Hon. Haidjo Hamutenya, MP, and Minister of Foreign Affairs of the Republic of Namibia.

Yours sincerely,

Sophia Nangombe
Chargé d'Affaires a.i.

Note Verbal



REPUBLIC OF MAURITIUS

INSTRUMENT OF ACCESSION

WHEREAS the Revised Kyoto Convention on the Simplification and Harmonization of Customs Procedures (as amended) was done at Brussels on 26 June 1999;

AND WHEREAS Article 8(2) of the said Convention provides that after 30 June 1974, it shall be open for accession;

AND WHEREAS Article 19(1) of the said Convention provides that instruments of accession shall be deposited with the Secretary-General of the Council;

AND WHEREAS the Republic of Mauritius is desirous of acceding to the Revised Kyoto Convention;

AND WHEREAS the Republic of Mauritius, hereby notifies, that it **ACCEPTS** Specific Annex Chapters A1, A2, B1, B2, B3, C1, D1, D2, E1, E2, E3, F3, G1, H1, H1, J2, J3, J4 and J5, subject to **RESERVATIONS** to Recommended Practice 2 of Specific Annex Chapter C1, Recommended Practice 7 and 9 of Specific Annex Chapter D1, Recommended Practice 9 of Specific Annex Chapter D2, Recommended Practice 7 and 18 of Specific Annex Chapter E1, Recommended Practice 4 and 5 of Specific Annex Chapter F3, Recommended Practice 3,6 and 10 of Specific Annex Chapter F5, Recommended Practice 16 and 23 of Specific Annex Chapter G1 and Recommended Practice 14 and 16 of Specific Annex Chapter J1,

NOW THEREFORE the Republic of Mauritius, **HEREBY ACCEDES** to the same and undertakes to carry out the stipulations therein contained:

IN WITNESS WHEREOF I have signed this Instrument of Accession at Port Louis on the ^{21st} day of August in the year Two Thousand and Eight.

Dr. the Hon. Navinchandra RAMGOOLAM, G.C.S.K.
Prime Minister
Republic of Mauritius



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

Established in 1952 as the Customs Co-operation Council
Créée en 1952 sous le nom de Conseil de Coopération Douanière

General Secretariat

PG0131E

Brussels, 27 November 2008

**INTERNATIONAL CONVENTION ON THE SIMPLIFICATION
AND HARMONIZATION OF CUSTOMS PROCEDURES**

(done at Kyoto on 18 May 1973, amended on 26 June 1999)

NOTIFICATION BY MAURITIUS*

The Embassy of the Republic of Mauritius has notified the Secretary General, by a communication received on 24 September 2008, that Mauritius has acceded to the International Convention on the simplification and harmonization of Customs procedures, done at Kyoto on 18 May 1973 and amended on 26 June 1999, and accepted the Specific Annexes A, B, C, D, E, G, H and J and the Chapter 3 of the Specific Annex F.

Mauritius makes the following reservations in relation to the Recommended Practices of the accepted Chapters:

Chapter 1 of Specific Annex C

Recommended Practice 2

This Recommended Practice provides that goods for outright exportation be declared in an alternative manner to the standard goods declaration, for example, on a commercial document. It recommends that such procedure may apply where the goods to be exported are not liable to export duties and taxes and do not give rise to repayment of or exemption from internal duties and taxes, and where the goods declarations are not used for compilation of statistics. This is inconsistent with Section 92(1) of the Customs Act of the Republic of Mauritius which requires a bill of entry in the prescribed form to be passed for all goods meant for export, including goods for outright exportation. Regulation 60(1) of the Customs Regulations 1989 prescribes that the bill of entry shall be in accordance with the standard Single Goods Declaration (SOD) form. Currently, the Republic of Mauritius uses all trade data, including those relating to outright exportation, for the compilation of statistics.

* This Convention will enter into force for Mauritius on 24 December 2008.

Difference between
provision of National
Legislation and those
of Rec. Practices

Frequently observed problem

- Ministry of Foreign Affairs (and Parliament) is busy with their own interest and does not wish spending its time/resources for Customs convention while Customs institutionally decided to accede to the convention.



- Mobilize stakeholders that effectively influence these entity (e.g., Mass media, academics, private sector, international community).
- Consider contributing an expert to the Ministry of Foreign Affairs for this convention

RECOMMENDATIONS

The Secretariat strongly recommends the Members to deposit the instruments to the Secretariat by hand. Use of postal service is not recommended. Please make sure if the Secretariat receives the instruments and the date of receipt. It could happen that it would not receive the instrument due to the formality error.





IMPORTANT TIPS MY EXPERIENCE WITH RKC

Tips 1

- Identify a high profile event for announcement ; e.g Budget Speech; Stakeholders forum; Important launching; (Invite WCO SG to meet policy makers if SG is in mission in the region)
- Networking - informal contacts across the supply chain can make the difference
- Do not hesitate to contact and keep them on their toe

Tips 2

- Convince policy makers that accession does not involve investments
- Proposing amendments to legislations at one go simply does work – adopt a gradual approach
- Timing is critical – policy makers have other more important priorities

Tips 3

- Depending on Jurisdictions, have the cabinet approval (derogation) for the DG Customs to submit subsequent notifications instead of the PM

Tips 4

- Just attending Workshops do not help

**“Real technical assistance
needed to accompany team”**

Lessons Learnt

- Do your homework ,but do not stop at the level of Customs
 - Identify the whole process
 - Follow up across the whole value chain
- Do away with the traditional bureaucratic manner to manage the project - a focused team of high quality officers is adequate
- Built on the APEC model and adopt “whole of value chain package”
- Customs has to show real leadership

“ Whole of value chain package”

- Information paper to parent Ministry
- Cabinet memorandum
- Instruments of accession
- Proposed amendments to legislation
- List of projects



QUESTIONS?



THANK YOU