

FACILITATIVE ROLE OF **CUSTOMS ADMINISTRATIONS** IN DEALING  
WITH **GLOBAL HEALTH CRISIS** IN THE COMESA REGION

Special Report

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# FACILITATIVE ROLE OF CUSTOMS ADMINISTRATIONS IN DEALING WITH GLOBAL HEALTH CRISIS IN THE COMESA REGION

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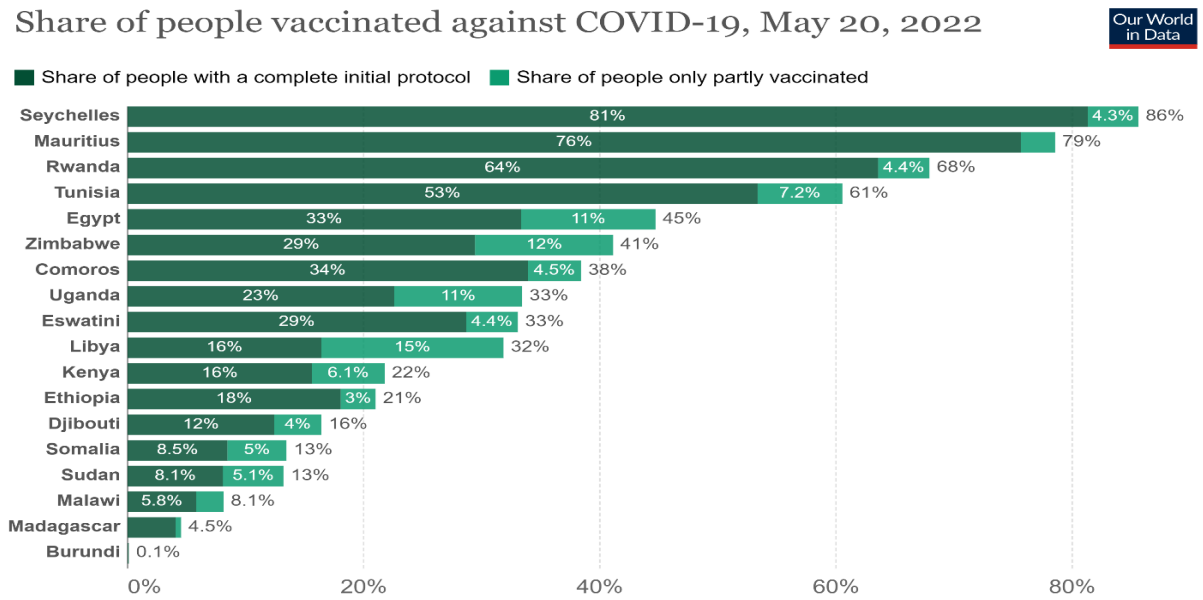
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**BACKGROUND**

Slightly over 2 years ago, on 11 March 2020, the World Health Organization (WHO) declared the novel coronavirus disease (COVID-19) a pandemic. Globally, as of 24 May 2022, there were 523.7 million confirmed cases of COVID-19, including 6.2 million deaths reported to WHO. In addition, as of 23 May 2022, a total of 11.7 billion vaccine doses had been administered<sup>1</sup>. COVID-19 has therefore been the most devastating global health crisis of the 21<sup>st</sup> Century.

The administration of COVID-19 vaccines is one of Africa's largest immunization drives to date. Vaccines are a critical tool in the fight to end the pandemic, and equitable access to safe and effective vaccines is crucial. Within the COMESA region, as illustrated in Figure 1 below, the share of people fully vaccinated varied widely, ranging from 0.1 – 81 percent. The average share is 34.86 percent.

**Figure 1: Share of people vaccinated against COVID-19, May 20, 2022, by COMESA country**



Source: Official data collated by Our World in Data  
 Note: Alternative definitions of a full vaccination, e.g. having been infected with SARS-CoV-2 and having 1 dose of a 2-dose protocol, are ignored to maximize comparability between countries. CC BY

Source: adopted from Our World in Data

1 <https://www.who.int/initiatives/act-accelerator/covax>

Customs Administrations, as the authorities mandated with regulating and managing imports and exports, play an important role in ensuring the timely, efficient and effective clearance of health commodities. This has been the case, particularly COVID-19 vaccines and related medicines across borders, and thus sustaining the integrity of the vaccines and medicines supply chains in their respective jurisdictions. This serves to help COVID-19 vaccines and other pharmaceuticals reach where they are needed quickly and efficiently.

The World Customs Organization's (WCO) Secretary General Dr Kunio Mikuriya underscores the critical role of customs stating, "How to achieve equitable distribution of COVID-19 vaccines is critical, and Customs administrations around the world should support global efforts by not only facilitating the cross-border movement of the vaccines themselves, but also by speeding up and facilitating the Customs clearance of the raw materials and components used in the vaccine manufacturing process."<sup>2</sup> (WCO, 2021).

## OBJECTIVES

This policy brief highlights the role of customs administrations in helping to deal with the global health crisis of COVID-19 through facilitating the cross-border movement of essential medical supplies. In addition, it provides information and best practice for Customs Administrations within the COMESA region to better optimise their response and ability to manage disasters/pandemics and ensure supply chain continuity being cognizant that similar health situations or challenges may occur in the future.

Further, it serves to give impetus to the regional collective effort, based on the recommendation on reporting and sharing of best practices by COMESA Member States contained in the **Guidelines for the Movement of Goods and Services across COMESA region during the COVID 19 Pandemic**, which were adopted by the 8<sup>th</sup> Extra-Ordinary Council of Ministers Meeting of 14<sup>th</sup> May 2020.

## CUSTOM'S BEST PRACTICE

### a) Customs Officials' Safety and Health

Customs Officers are often among the first government officials to meet travellers and crew members on board arriving vessels and aircraft (including road transport). They typically get involved in physical verification of goods exercises, in addition to handling physical documentation and physically dealing with stakeholders on imports/exports. It is therefore of utmost importance that they are adequately protected against contracting any disease or illness in the course of their duties. Border operations policies should therefore include a core component for the provision of Personal Protective Equipment (PPE) and other protective gear to frontline border officials in tandem with the provision of safe working

<sup>2</sup> <http://www.wcoomd.org/en/media/newsroom/2021/may/the-wco-secretariat-note-on-the-cross-border-movement-of-vaccines.aspx>

spaces and adequate physical infrastructure for handling COVID-19 vaccines and related medical supplies. Further, training of customs officials on the requirements for handling vaccines and other medicines is necessary. Furthermore, their health and safety responsibility roles require that Customs Administrations are properly integrated as part of a country's preparedness and response mechanisms.

### **b) Communication Strategy**

Having in place an effective communications strategy is paramount as Customs Administrations play a vital role in the goods clearance supply chain that involves interactions with not only Partner Government Agencies (PGA's), importers, exporters and clearing agents but also the private sector stakeholders such as transporters, manufacturers, etc. Because of their crucial role, Customs Administration's need to be proactive in communicating processes and procedures and any other related information to both external and internal stakeholders, to provide clarity in the unclear and uncertain environment created by a crisis such as the COVID-19 pandemic, on how they will facilitate clearance of goods.

The strategy should encompass: having a dedicated crisis communications taskforce; establishing veracity of information being communicated; use of appropriate communication tools and channels; pre-approved or agreed upon communication plans for the different stakeholders; media strategy; and continuous evaluation mechanisms. By following some general steps, Customs can ensure that those in charge of communicating messages internally, to stakeholders and externally to the public rely on accurate information, understand the objectives of the messages being sent, have enough empathy to create trust, and are equipped to effectively plan and communicate to targeted audiences during the time of heightened public concern (WCO, 2021).

### **c) Classification of Goods**

As of April 2022, the WCO's Harmonised System<sup>3</sup> (HS) Convention has 160 contracting parties worldwide of which 20 are members of COMESA. As of 07 March 2022, out of 160 Contracting Parties, 81 Contracting Parties have notified the Secretariat that they have implemented the amendments to the HS Nomenclature effective from 1 January 2022. Within COMESA, 12 Member States have notified the WCO of their HS 2022 implementation (WCO, 2022), namely Burundi, Comoros, Democratic Republic of Congo (DRC), Eswatini, Ethiopia, Kenya, Malawi, Madagascar, Mauritius, Rwanda, Seychelles and Uganda.

Classification of goods is standard and uniformly done in line with the General Interpretative Rules (GIRs) and the Explanatory Notes to the HS, and goods are classified as presented at the time of importation. Notwithstanding,

<sup>3</sup> The Harmonized Commodity Description and Coding System generally referred to as "Harmonized System" or simply "HS" is a multipurpose international product nomenclature developed by the World Customs Organization (WCO). It comprises more than 5,000 commodity groups; each identified by a six digit code, arranged in a legal and logical structure and is supported by well-defined rules to achieve uniform classification. The system is used by more than 200 countries and economies as a basis for their Customs tariffs and for the collection of international trade statistics. Over 98 % of the merchandise in international trade is classified in terms of the HS. The HS contributes to the harmonization of Customs and trade procedures, and the non-documentary trade data interchange in connection with such procedures, thus reducing the costs related to international trade.

<http://www.wcoomd.org/en/topics/nomenclature/overview/what-is-the-harmonized-system.aspx>

stakeholders may have different and divergent opinions on the tariff classification of the same goods due to varied interpretations of the tariff headings, relevant section and chapter notes, the scope of the commodity codes and the explanatory notes. Classification disputes usually involve holding or detainment of goods pending a decision by Customs that could lead to delayed release and increased costs for the importer.

The WCO Secretariat in collaboration with the WHO has provided a guide on classification – ‘HS Classification reference for COVID 19 medical supplies.’ This has been an invaluable tool as it has aided Customs Administrations with a quick classification reference manual and thus avoided tariff classification disputes which could have led to unnecessary delays in the clearance of vaccines and other situationally critical medicines and supplies. With the new HS 2022 version, the WCO has updated this list accordingly - HS classification reference for vaccines and related supplies and equipment (HS 2022); COMESA Member States should cascade this to their national levels. There is an expectation that this form of leadership on classification for handling imports under emergency situations in the future will continue to be shown by the WCO.

#### **d) Streamlined Processes and Procedures**

In order to facilitate the timely clearance of the COVID-19 vaccines and related medical supplies, it is imperative that Customs Administrations first and foremost identify the consignments as ‘perishable goods’ (due to time and temperature sensitivity) or expedited shipments and institute appropriate treatment measures. This can be done through: pre-arrival processing; developing and implementing specific processes for the clearance of the vaccines and related medical supplies so as to prioritise their clearance e.g. use of green channels for the consignments, provisional goods entry declaration, facilitated clearance outside of official working hours, and clearance at the importer’s/declarant’s premises; profiling of consignments using risk-management and if examination of goods is deemed necessary performing non-intrusive inspection; timely dissemination of technical information on the clearance process to all/relevant stakeholders; use of Authorised Economic Operators for vaccine consignments; and, where applicable the issuance of advance rulings on value, classification or origin, amongst others.

Further, use of WCO instruments and tools such as the WCO Resolution on the Role of Customs in Facilitating the Cross-Border Movement of Situationally Critical Medicines and Vaccines and other WCO Secretariat Notes on COVID-19, WCO Revised Kyoto Convention (RKC), WCO SAFE Framework of Standards, and WCO guides on Authorised Economic Operator (AEOs), Coordinated Border Management (CBM), Risk Management, Advance Ruling, Preclearance and Business Continuity Planning should be employed.

Within COMESA, 13 Member States (MS) are contracting parties to the RKC namely Democratic Republic of Congo (DRC), Egypt, Eswatini, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Sudan, Tunisia, Uganda, Zambia and Zimbabwe. Further, The COMESA Regional AEO Guidelines were adopted by the 40<sup>th</sup> Meeting of the Council of Ministers in November 2019, with the Secretariat having developed Standard Operating Procedures manuals for AEO Validators and post authorization management and regional training materials on the implementation of the AEO Programme which are awaiting adoption by Council. There are also plans to develop a database for the national AEO programme. In addition, the COMESA Coordinated Border Management programme (CBM) under the European Union (EU) funded European Development Fund 11 Trade Facilitation Programme (EDF 11 TFP) provides the framework for assistance to Member States on a coordinated approach to border management ;the CBM guidelines developed under the programme once adopted by Member States will provide momentum to having a common regional approach to coordinate the interventions of border agencies in expediting clearance of vaccines and related medical supplies during health emergency situations.

#### **e) Automation and Digitization**

The COVID-19 Pandemic has highlighted the importance of digitized trading instruments and goods clearance procedures. With fears on handling documentation and social distancing requirements, the automation, digitization and optimization of customs processes and procedures quickly proved to be one of the single most critical success factors in ensuring the supply chain continuity. Whilst use of automated customs clearance systems is the norm, a survey conducted by UNCTAD 'ASYCUDA COVID-19 Customs Automation Survey' revealed that a high percentage of the respondents still require both electronic customs declaration and supporting documentation to be submitted as hard copies, did not mandate online release and lacked a legislative framework for electronic signatures (UNCTAD, 2021). In COMESA, the Customs Administrations mostly use the ASYCUDAWorld system, with a few having customized their own clearance systems.

Digital transformation initiatives to ease trade include: enhanced use of customs clearance systems (e.g. automating processes and procedures that were hitherto manual), acceptance of digital copies of documents, automated risk-based management, electronic payments, online exemption management and online release, interoperability initiatives between customs systems and other partner government agencies and Single Window Systems.

In addition, the Pandemic has illustrated opportunities that Customs can leverage on new technologies and digital transformation, to enhance their operations through for example: acceptance of electronic signatures and authentication mechanisms for internal and external users ; use of new technologies such as Internet of Things (IoT) for tracking of goods ; and use of data analytics, big data, machine learning etc for processing and analysis of large volumes of

information to identify patterns and potentially risky or fraudulent operations.

In the COMESA region, the Secretariat is supporting some Member States in developing or upgrading their customs automation interconnectivity and electronic single window as well as ICT facilities and equipment at identified targeted border posts. In addition, work is underway to implement a regional single window project with a view to harmonizing and standardizing exchange of trade data and operationalizing the regional single window strategy based on internationally standardized data sets and best practices. Further, the COMESA Digital Free Trade Area which is under progress for implementation will aid greatly in facilitating digital trade under its three thrusts of e-commerce, e-logistics, e-legislation once operationalized.

#### **f) Collaboration with Partner Government Agencies (PGA's) and Private Sector**

There is need for collaboration and cooperation between the clearance supply chain stakeholders and Customs Authorities to ensure safe and seamless clearance of vaccines and other related medical supplies given the fact that they require stringent and specialized cold transportation and storage. As medicines are regulated by health authorities, it is paramount that the Customs Authorities effectively coordinate with them, in addition to other Partner Government Agencies (PGAs) involved in their clearance. This can be achieved through: having an open, direct and fluid communication line amongst the various stakeholders (both government and private); establishing inter-institutional task forces with Standard Operating Procedures (SOPs); and joint verifications being undertaken. These measures are geared towards avoiding any interruptions or delays.

Further, initiating a clearance coordination group within the ambit of a coordinated border management framework specifically targeted at coordinated COVID-19 vaccines and related medicines clearance should be advanced.

#### **g) Securing the Supply Chain through Trade Facilitation**

Burdens or delays in clearance can be eliminated through simplified and harmonised processes and procedures and maintaining controls against illegitimate trade by guarding against import of illicit vaccines and related medical supplies. For goods in transit, the uninterrupted facilitation of the transit route is essential.

Customs Administrations in their endeavours to support the movement of essential and other goods as smoothly as possible can take advantage of provisions espoused in the World Trade Organization Trade Facilitation Agreement (WTO TFA) in instituting their trade facilitation measures.



The main WTO TFA provisions administered by Customs Administrations in this regard are: Article 1.2: Information Available Through Internet; Article 3: Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges ; Article 7: Trade Facilitation Measures for Authorized Operators ; Article 8: Expedited Shipments ; Article 9 : Perishable Goods; Article 10: Formalities Connected with Importation, Exportation and Transit ( Article10.1: Formalities and Documentation Requirements ; Article 10.2: Acceptance of Copies ; Article 10.4: Single Window; and Article 10.6: Use of Customs Brokers); and Article 11: Freedom of Transit.

In COMESA, as of December 2021, 14 Member States have ratified the WTO TFA, with 15 having notified of their Category A, 14 of Category B & 15 Category C measures. (COMESA Member States TFA ratifications are Burundi, Djibouti, Egypt, Eswatini, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Tunisia, Uganda, Zambia and Zimbabwe. DRC is yet to ratify the Agreement)

### **CHALLENGES AND CONSTRAINTS**

Generally, Customs administrations introduced measures to facilitate the clearance and movement of medical relief goods and supplies (and all goods) while applying appropriate risk management. These included implementation of waiving/reduction or removal of duties and taxes on essential medical goods. Notwithstanding, some impediments to vaccine production, importation and distribution were experienced. Within the East and Southern Africa region (ESA), these are: the certificate of origin process which remains largely manual thus adding extra time to the supply chain process; the various permits required for distribution from different institutions and organizations within the same jurisdiction; differing regulations in different countries; different vaccine storage requirements from country to country; and lack of skills and capacity building on vaccine treatment by customs and other partner government agencies, which further elongate and burden the vaccine supply chain (WCO PSCG, 2020).

### **CONCLUSION**

The cross-border movement of COVID-19 vaccines together with other situationally critical medicines and related inputs has brought to the fore the pivotal yet dichotomous role played by Customs Administrations. This is because they have to expeditiously facilitate clearance whilst at the same time maintaining controls to ensure protection of society against illicit or substandard shipments. Thus, the preparedness of Customs Administrations and their agility in dealing with such crises impacts the overall efficacy of the supply chain.

In view of the foregoing, the role of Customs also extends to: advocating for the exemption or waiving of duty or taxes on the vaccines or related medical supplies and inputs and undertaking regular reviews of requisite COVID-19 vaccine

clearance related working processes and procedures with an aim to improve on the same.

Ultimately, the incorporation of the best practices highlighted above by Customs Administrations will not only help to build supply chain resilience, but also enhance their readiness and receptiveness to handle future disruptions.

Within the COMESA region, whilst the various Customs Administrations are at varying levels in their customs initiatives and agendas, the very global and common nature of customs work and roles ensures that uniform application of policies/ best practice will serve to synergise trade facilitation efforts and cross-border trade in that regard.

## **RECOMMENDATIONS**

**From the foregoing, the following policy implications are made:**

**Customs Administrations, including those in the COMESA region could consider the following:**

- Further fostering the simplification and streamlining of customs processes and procedures through automation/digitization, to ensure minimal manual processes, and further incorporating digitalization through for example acceptance of digital signatures and digital copies.
- Employing use of new and emerging technologies such as data analytics, internet of things, etc to enhance their operations thus improving overall efficiency.
- Training of staff in the required areas: handling of cold storage and dangerous goods eg vaccines/dry ice, classification of goods, trade facilitation, amongst others.
- Development of business continuity plans by Customs Administrations for use in the event of a crises/ pandemic.

**The COMESA Secretariat should consider undertaking the following:**

- Enhancing support for digital trade facilitation through strengthened implementation of the COMESA Digital Free Trade Area (DFTA) – e-trade, e-logistics, e-legislation and the requisite instruments e.g., the electronic Certificate of Origin, trade information portals and Single Window Systems.
- Strengthen support to Member States in implementing the WTO TFA Category B & C measures through capacity building, and further institute a regional framework for resource mobilization for the same.
- Provide a platform for sharing of experiences and best practice by Member States to constitute a repository of knowledge for the region.

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