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Request for the inclusion of an additional item in the agenda of the fifty-third session

Observer status for the Customs Cooperation Council in the General Assembly

Letter dated 25 January 1999 from the Permanent Representative of Chile to the United Nations addressed to the President of the General Assembly

I have pleasure in requesting, in accordance with rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-third session of the General Assembly of an additional item entitled "Observer status for the Customs Cooperation Council in the General Assembly".

The Customs Cooperation Council, which is better known as the World Customs Organization, is an intergovernmental organization with a membership of 147 countries. The Council is currently chaired by Mr. Enrique Fanta, who is Chilean.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum (see annex I) and the corresponding draft resolution (see annex II) are attached to this request.

I should be grateful if you would have this letter circulated as a document of the General Assembly.

(Signed) Juan Somavía
Ambassador
Permanent Representative

Annex I

Explanatory memorandum

[Original: English]

I. The Customs Cooperation Council

Presentation, objectives and activities

The Customs Cooperation Council (known as the World Customs Organization (WCO)) is an independent intergovernmental organization in which 147 States are represented. It is an organization that fulfils the criteria for the granting of observer status with the General Assembly laid down in decision 49/426 of 9 December 1994.

The secretariat of WCO has been located in Brussels since 1953. The Convention establishing WCO grants the organization privileges and immunities on Belgian territory.

The organization has its origins in the Committee for European Economic Cooperation, which in 1947 convened a working group of two committees to examine the possibility of establishing one or more European customs unions, based upon the principles of the General Agreement on Tariffs and Trade (GATT). The Economic Committee went on to become the Organisation for Economic Cooperation and Development (OECD), based in Paris; the other became the Customs Cooperation Council (CCC).

In 1994, the Customs Cooperation Council adopted the “World Customs Organization” as an informal working name in order to give a clearer indication of the nature and worldwide status of the organization.

The mission of WCO is to enhance the effectiveness and efficiency of customs administrations in the areas of compliance with trade regulations, protection of society, and revenue collection, thereby contributing to the economic and social well-being of nations. The decisions made by WCO are not influenced by pressures political, military, religious or racial in nature. These are obligations under the Convention establishing the Customs Cooperation Council.

The Council is the organization’s highest body, consisting of the director-generals of customs from all member States, who meet once a year. The Council, which is assisted by a 22-member Policy Commission and a 17-member Finance Committee, defines the direction of the future activities of the organization, and oversees the Secretary-General’s management of the secretariat.

The secretariat of WCO constitutes the permanent departments of the organization, which has approximately 120 officials. The secretariat works closely with the members to ensure the implementation of decisions and recommendations that emanate from the Council and its associated committees.

The goals of international customs cooperation are achieved through the following principles:

(a) The establishment, maintenance, support and promotion of international instruments for the harmonization and uniform application of simplified and effective customs systems and procedures governing the movement of commodities, people and conveyances across customs frontiers, thus contributing to the development of trade and the economic and social well-being of nations;

(b) The reinforcement of members' efforts to secure, through control and enforcement, compliance with their legislation, in particular by endeavouring to maximize the level and effectiveness of members' cooperation with each other and with international agencies in order to combat customs offences;

(c) The assistance of members in their efforts to meet the challenges of the modern environment and adapt to changing circumstances, by promoting communication and cooperation among members and with other international organizations, and by fostering human resource development, improvements in the management and working methods of customs administrations and the sharing of best practices.

In support of its diverse social and economic responsibilities, WCO works through four technical committees, comprised of experts drawn from its worldwide membership and invited specialists. These committees address:

- (a) Nomenclature and the international classification of trade goods;
- (b) Valuation of traded goods (GATT agreement);
- (c) Rules governing the origin of goods;
- (d) Compliance and facilitation in enforcement and customs procedures.

The recommendations arising from the work of these committees go on to form the basis of Council decisions and resolutions implemented by the entire organization's membership.

In addition, in support of the compliance role of customs as a State's primary government agency for border control of goods, conveyances and people, WCO maintains an analytical intelligence unit working on identifying international trafficking trends and modus operandi and preparing specific threat assessments. This unit is supported through a global communications system and the WCO Regional Intelligence Liaison Office (RILO) network, and it liaises with other law enforcement agencies working at the international level.

II. The status of the World Customs Organization vis-à-vis the international community

WCO is the only international organization dealing exclusively with customs matters. The WCO secretariat provides an international forum where delegates from all countries can address and debate customs issues as equals. The WCO manages 17 internationally adopted conventions that offer its members a broad range of options to further the advancement and development of their national customs services and promote international cooperation.

WCO maintains close working relationships with major international organizations and, in turn, is recognized as a partner in achieving shared objectives.

At the forefront of these is the United Nations. The broad scope of work undertaken at WCO, and the social and economic impact it has on States, has resulted in the organization developing close and long-standing relationships with many of the subsidiary bodies and specialized agencies of the United Nations. The eight memoranda of understanding that WCO has concluded with United Nations bodies reflect the value the two organizations place on developing this ongoing relationship.

Two aspects of the WCO mission, the contribution to the protection of society and the promotion of the instruments of international trade facilitation, have led WCO to extend its cooperative agreements at the international level to trade associations and global agency representatives. To that end, WCO has concluded 25 international trade agency memoranda

of understanding with such bodies as the International Chamber of Commerce and the International Federation of Freight Forwarders Association. These trade relationships enhance the customs role in law enforcement.

The role of customs in law enforcement is an important one that is reflected in the partnerships WCO has developed internationally. To assist in combating the smuggling of illicit narcotics, WCO has established a close working relationship with the United Nations International Drug Control Programme and the International Narcotics Control Board. For these two United Nations agencies, in addition to acting in an advisory capacity, WCO has undertaken executive agency responsibilities in the delivery of significant regional projects.

In the field of drug law enforcement, and extending into the broader fields of combating transnational crime, WCO has maintained a close and long-standing relationship with the International Criminal Police Organization (Interpol). This relationship will be further cemented with the signing of a memorandum of understanding. At meetings of both the G7 and the P8, the pivotal border role played by customs, as supported internationally by WCO, has been recognized in the fight to control transnational crime. The programmes developed by WCO to assist its members to contribute to this fight are complementary to, and supportive of, the work undertaken by the United Nations, Interpol, the Financial Action Task Force and others.

Finally, in support of the diverse needs of member services from the different geographic regions of the world, WCO has established RILOs in 10 regional centres^a to promote and deliver the programmes adopted by the World Customs Organization.

III. Advantages of granting the World Customs Organization observer status in the General Assembly

At its eighteenth session of the Council of WCO, convened in Morocco in June 1998, the Council clearly expressed the wish to obtain observer status for the organization in the General Assembly. The reasons for this included "... the need to avoid duplication of effort, personnel, procedures and expenditure ..." and "to avoid divergence in strategies that would run counter to efficient programme delivery ...". This sentiment extended to all aspects of WCO activities, from trade enhancement to law enforcement, where the objectives of both organizations in so many areas are complementary. In addition, by pursuing this closer tie with the United Nations, the Council was acting in accordance with Article IX of the Convention establishing WCO, which directed the Council to "... establish relations with the United Nations ... as may best assure collaboration in the achievement of their respective tasks". The Council felt that obtaining observer status in the General Assembly would greatly assist future cooperation and achieve more effective results.

This cooperation, to be effectively harmonized, reinforced or extended needs coordination at the highest level. Granting WCO observer status would enable both organizations to promote and strengthen the integration of their social, economic and law enforcement efforts, and to establish joint policies, thus avoiding both contradiction in their definition and duplication. With this closer association, both organizations will benefit in the pursuit of their fundamental goals.

WCO has been developing a regionalization programme that has established subregional offices in Asia and the Pacific, Africa, the Middle East, East and Central Europe and Central

^a Cameroon, Chile, Germany, Hong Kong Special Administrative Region (SAR) of China, Kenya, Morocco, Poland, Puerto Rico, Saudi Arabia and Senegal.

and South America. These regional resources would undoubtedly be of assistance to the United Nations in attaining its international objectives.

Participation in sessions of the General Assembly as an observer will help WCO to achieve greater success in its mission, which is to enhance the effectiveness and efficiency of customs administrations, thereby contributing to the economic and social well-being of nations.

Annex II

Draft resolution

Observer status for the Customs Cooperation Council in the General Assembly

The General Assembly

Wishing to promote cooperation between the United Nations and the Customs Cooperation Council,

1. *Decides* to invite the Customs Cooperation Council to participate in the sessions and the work of the General Assembly in the capacity of observer;
 2. *Requests* the Secretary-General to take the necessary action to implement this resolution.
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