

Güney Afrika Gümrük Birliđi

Tarihçe, Başarılar ve Çözülmesi Gereken Sorunlar

Giriş

Bu bildiri, Güney Afrika Gümrük Birliđi'nin (SACU) tarihçesini, başarılarını ve karşı karşıya bulunduğu sorunlarını incelemektedir. Ayrıca Gümrük Birliđi'ne ilişkin olarak SACU'nun amaçlarını ortaya koymaktadır. Söz konusu bildiri, 25- 26 Kasım 2008 tarihlerinde İstanbul'da icra edilen Afrikalı Bölgesel Ekonomik Topluluklar konulu 4. Uluslararası Türk- Afrika Kongresi'nde sunulmak amacıyla hazırlanmıştır.

Arka Plan

Gümrük Birliđi (GB), ayırt edici bir bölgesel bütünleşme düzenlemesidir. Söz konusu düzenleme, serbest ticaret alanından (STA) farklıdır.

Bir GB'de bulunması gereken özellikler şunlardır:

- Diğer GB üyesi devletlerden ithalatta gümrük tarifelerinin bulunmaması
- Üye devletlerin ortak bir dış tarife (ODT) uygulamaları.

SACU örneğindeki GB; Botswana, Lesotho, Namibya, G. Afrika ve Svaziland arasında geçerlidir. Dört Gümrük Birliđi üyesi (G. Afrika, Lesotho, Namibya ve Svaziland), Ortak Para Anlaşması (OPA) aracılığıyla da parasal bütünleşmenin bir ilkesini paylaşmaktadırlar. Bunun anlamı, söz konusu dört ülke arasında Güney Afrika Randı kullanılmakta ve ayrıca yasal statüde kabul edilmektedir. Lesotho, Namibya ve Svaziland'da Rand'ın yanı sıra ülkelerin kendi para birimleri de geçerli olmakla birlikte bunlar Güney Afrika Randı temelinde saptanmış bulunmaktadırlar.

SACU'nun Temel Vasıfları

SACU'nun toplam nüfusu 55 milyon olarak tahmin edilmektedir. Gayri Safi Yurtiçi Hasılası ise 1,2 trilyon Rand olmakla birlikte SADC'ın GSMH'sinin %75'ine tekabül etmektedir. Söz konusu rakam, kişi başına ortalama 31.000 Randa karşılık gelmektedir.

SACU, özel bir gümrük alanı ve ortak bir dış tarife ile bir Gümrük Birliđi olarak kurulmuştur. Bu gümrük alanı içinde göreceli olarak ürünlerin serbest dolaşımı bulunmakta, SACU ticaret alanı içinde gümrük tarifeleri bulunmamaktadır. Üçüncü ülkelerden ithalata ilişkin tüm gümrük vergileri, Ortak bir Hasılat Havuzu'nda toplanmakta ve dolaylı vergiler de düzenlenmektedir. Ortak Hasılat Havuzu, her yıl mutabık kalınmış bir hasılat dağıtım mekanizmasının temelinde dağıtılmaktadır.

Bu düzenlemelerin mevcudiyetinden dolayı Ortak Dış Tarife'nin yönetimi için bir politika düzeni bulunmaktadır. SACU Anlaşması; gümrük vergileri yönetimi, anti dumping, telafi edici ve korumacı vergiler, bir Gümrük Kurulu'nun kurulması için imkan sağlamaktadır. Güney Afrika Uluslararası Ticaret Yönetim Komisyonu (ITAC),

halen Birlik adına tarife uygulamaları konusunda yetki vermektedir. Aynı yolda Güney Afrika, geçiş temelinde Ortak Hasılat Havuzu'nu düzenlemektedir.

SACU Kurucu Yasası

Güney Afrika Gümrük Birliği, temeli 1910 yılına dünyadaki en eski Gümrük Birliği'dir. Bu anlaşma, bir Güney Afrika Gümrük Birliği Anlaşması olarak 1910'da Güney Afrika Birliği ve ardından Bechuanaland, Basutoland ve Svaziland Yüksek Komisyonu arasında bir sisteme bağlanmıştır. Namibya, 1990'da bağımsızlığını kazanması ile SACU'nun bir üyesi haline gelmiştir.

Yıllar boyunca bu düzenleme, farklı yönetim yapıları ve gelişme boyunca genişlemekte, Gümrük Birliği farklı şekillerde vurgulanmaktadır. Gümrük Birliği'nin ömrü süresince bir takım değişiklikler de söz konusu olmaktadır. Bu periyot boyunca, bir hasılat dağıtım mekanizması ile ürünlerin serbest dolaşımı ve ortak bir tarife, bu birliğin temel niteliklerini oluşturmaktadır.

Britanya'nın himayesi altındaki üç devlet Botswana, Lesotho ve Svaziland, bağımsızlıklarını takip eden 1969 yılında yeni bir anlaşmayı sonuçlandırmışlardır. 1969 Anlaşması, serbest ticaretin korunmasına yönelik amacı vurgulamaktadır. It was envisaged that the free trade within the common customs area would be managed in a way that will "ensure the continued economic development of the customs area as a whole, and to ensure in particular that this arrangement encouraged the development of the less advanced members of the customs union and the diversification of their economies, and afford to all parties equitable benefits arising from trade among themselves and with other countries".

The 1969 Agreement provided for an element of compensation to Botswana, Lesotho and Swaziland for the disadvantages of being part of a common customs area with a much larger and more developed economy and for the policy sovereignty they sacrificed. A major disadvantage of this Agreement was the absence of democratic institutions for decision making.

The 1969 Agreement was renegotiated after South Africa obtained a democratically elected government in 1994, taking into account the social, economic, political and international changes in the sub-region and elsewhere. This process culminated in the signing of the new SACU Agreement in 2002. This new Agreement came into force on 15 July 2004. The 2002 Agreement represents a radical break with the past by putting in place a framework agreement that introduces a rules-based dispensation that caters for the needs of a customs union in the 21st Century. The Agreement provides for joint responsibility over decisions affecting tariff setting, the Common Revenue Pool, the development of common policies and integration into the global economy. The new agreement calls for the establishment of an independent SACU Secretariat, which is already in place and is based in Windhoek, Namibia; a Tariff Board; a Tribunal; and National Bodies. The National Bodies are to be established by each Member State to deal with requests from the private sector on tariff changes.

Objectives of SACU

Article 2 of the 2002 SACU Agreement outlines the Objectives of SACU. This can be interpreted as reflecting the aspirations of the Heads of State of the SACU Member States in entering into such an agreement. The objectives are as follows:

- To facilitate the cross border movement of goods between the territories of the Member States;
- To create effective, transparent and democratic institutions which will ensure equitable trade benefits to Member States;
- To promote conditions of fair competition in the Common Customs Area;
- To substantially increase investment opportunities in the Common Customs Area;
- To enhance the economic development, diversification, industrialisation and competitiveness of Member States;
- To promote the integration of Member States into the global economy through enhanced trade and investment;
- To facilitate the equitable sharing of revenue arising from customs, excise and ad valorem duties levied by Member states; and
- To facilitate the development of common policies and strategies.

The SACU Work Programme

The current SACU programme emphasises five core areas: policy development; establishment of institutions; integration into the global economy; trade facilitation and revenue management. In addition, there are a number of ancillary programmes that SACU is pursuing.

Policy Development

In order to develop the customs union as a coherent whole, particularly in the conduct of trade negotiations with third parties, work has started on the development of policies in the areas of agriculture, competition, unfair trade practices and industry. It is envisaged that SACU Member States will have a common industrial policy; cooperate on agriculture policies; cooperate in the enforcement of competition laws and regulations; and that a policy on unfair trade practices and instruments shall be developed.

SACU has started work on the development of an industrial policy framework with the assistance of UNIDO. This will outline the key industrial policy principles for SACU and, over time outline a common industrial policy. In the area of agriculture, work has started in understanding the agriculture sector in the SACU economies, with a view to identify key sectors for cooperation and support. A draft competition policy framework had been developed.

Establishment of Institutions

The key institutions provided for in the 2002 SACU Agreement are the Secretariat, Tariff Board and the Tribunal.

The Secretariat was established in 2004 and is based in Windhoek, Namibia. It is responsible for the day-to-day administration of SACU as well as the coordination and implementation of all decisions of Council and Commission. Council is the

supreme decision making authority of SACU and is composed of at least one Minister from each Member State.

The Tariff Board is an independent institution responsible for making recommendations on the level and changes to customs, anti-dumping, countervailing and safeguard duties on goods imported from outside the common customs area. The Tariff Board is in the process of being established. Currently the work of the Tariff Board has been delegated to the International Trade Administration Commission of South Africa. Member States are currently setting up their National Bodies which will interphase with the Tariff Board. The Secretariat is assisting in the set up of the Tariff Board.

The Tribunal shall be responsible for the adjudication of disputes regarding the interpretation or application of the SACU Agreement or any disputes thereunder. This institution is yet to be established. A draft Annex outlining how the Tribunal will operate has been developed.

Integration into the Global Economy

One of the key objectives of SACU is to promote the integration of the Member States into the global economy. The principal method that has been used to achieve this is through trade negotiations with third countries. Since the entry into force of the 2002 Agreement, SACU has completed an FTA with the European Free Trade Association (EFTA) countries, a Preferential Trade Agreement with MERCOSUR and a Trade, Investment, Development and Cooperation Agreement (TIDCA) with the United States of America. SACU is presently pursuing negotiations with India and with the EU under the Economic Partnership Agreement process. SACU is also involved in the ongoing Doha round of trade negotiations under the WTO. SACU has continued to negotiate the SADC FTA as a bloc and has been able to put together a unified offer to the non-SACU members of SADC.

In order to facilitate negotiations with third countries, SACU is developing a Common Negotiating Mechanism, which will among other things define the structure for negotiations and how to reach common positions for negotiations.

Trade Facilitation

SACU's trade facilitation programme consists of the traditional trade facilitations focus areas, namely, introduction of a single administrative document; capacity building for customs administrations; electronic data interchange; establishment of one-stop-borders and joint customs controls.

In order to strengthen and modernise its customs administration, SACU is presently reviewing its customs and excise Act to align it with international instruments such as the Kyoto Convention and the Johannesburg Convention. At the same time, SACU is working with the World Customs Organisation on a customs development programme.

In order to facilitate cooperation among customs administrations, SACU has developed an Annex on Mutual Administrative Assistance and a mechanism to facilitate the issuance and verification of supplier declarations.

Revenue Management

The revenue management programme is intended to address the objective of achieving an equitable sharing of revenue. Key aspects of this programme include the establishment of a trade and economic statistics database and the administration of the revenue sharing formula. The process of developing a database is ongoing.

Key Challenges

One of the key challenges faced by SACU is the development of common policies. This is to be expected in an arrangement involving countries at different levels of development. However, there has been some progress in this area, as a number of trade agreements have been negotiated jointly.

Another key challenge is the limited scope of the SACU Agreement. The Agreement only covers trade in goods and does not cover services. Increasingly in trade negotiations, the importance of services is gaining ground and this limits the effectiveness of SACU.

The technical capacity of the Secretariat and Member States is also a challenge. This is particularly a challenge at this time of the implementation of the new Agreement, where a number of institutions and policies have to be put in place. This is being done at a time where a number of developments are taking place at the regional and international level, such as the ongoing regional integration debates taking place in the sub-region, the ongoing EPA negotiations and the WTO negotiations. These developments are putting pressure on the limited resources of both the Member States and the Secretariat.

Conclusion

Despite the above challenges, SACU is a focussed and functional Customs Union. It has a revenue sharing arrangement that works a common external tariff and relatively free movement of goods. The SACU economies exude a high level of macroeconomic convergence characterised by good fiscal management, relatively low inflation and moderate debt. The economies have a long history and have been able to negotiate a number of trade agreements as a bloc. This has facilitated their interdependence and a high level of integration, particularly in areas of finance, banking, and retail.

In order to strengthen this integration, the SACU Member States have prioritised consolidation of the customs union as a key medium term objective. This will ensure that all the outstanding institutions are established and that SACU policies are developed.