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Review Article

The Role of Customs Process in Facilitating International Trade

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Abstract

In fact customs are the doorkeeper of international trade. All international trade must the processed by the respective national customs and such a processing takes time. In order to facilitate trade, each party shall adopt or maintain simplified customs procedures for the efficient release of goods, instruments sufficient to cover payment of the customs duties, taxes, and fees its customs authority ultimately applies in connection with importation of the good. There is no doubt that trade facilitation activities have a positive impact for international traders when they are implemented effectively. Streamlining customs formalities for imports, exports, and transit of goods has the multiple benefits of increasing trade activity while reducing bureaucratic red tape and expensive delays for traders as well as lessening administrative costs at the border. Primarily, customs authorities facilitate international trade by overseeing the import and export of goods. They are tasked with enforcing trade regulations, assessing and collecting customs duties and taxes, and ensuring the correct classification of goods according to international nomenclature. Moreover, customs play a crucial role in maintaining security by preventing illegal trade. They implement border control measures to halt the smuggling of illicit goods, such as drugs, weapons, and counterfeit products, thereby contributing to national and international security.

Keywords: Customs process, trade facilitating, international trade.

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1. INTRODUCTION

Customs is an agency or authority in a country responsible for collecting tariffs and for controlling the flow of goods, including transports, personal effects, animals and hazardous items, into and out of a country. Customs Administration is a study of the administration of the customs operations and brokerages.

It includes the coverage of international trade practices more particularly in the import and export industry. The rapid growth in international trade over the past few decades is largely the result of technological developments and trade liberalization efforts at the multilateral, regional, bilateral, and national levels. These efforts have mainly focused on the reduction of traits to promote economic development, although progress in trade facilitation is still slow in many countries and has been hampered by high costs and administrative difficulties at the border [1].

The first multilateral trade agreement to be finalized since the establishment of the WTO in 1995, the TFA builds on the provisions in the General Agreement on Tarifs and Trade (GATT) related to freedom of transit, fees, and formalities, and the administration of trade regulations (Articles V, VIII, and X of GATT 1994). In addition to the multilateral negotiations at the WTO, countries have also included trade facilitation provisions in their regional and bilateral trade agreements. These agreements commonly take the form of free trade agreements and customs union agreements in managing the movement of goods across their borders, countries apply controls that serve various public policy aims. These include policy objectives such as collecting duties and taxes, protecting the economy from illicit trade practices, and safeguarding society and the environment from dangerous goods. These controls are undertaken by various regulatory, fiscal, and border control agencies and are often outdated, with overly bureaucratic clearance processes that pose greater barriers to trade than tarifs. These constraints are often exacerbated by the uneven use of technology and procedures by agencies where some have automated systems and apply modern techniques such as risk management whilst others are paper-based and apply transactional, "total control/inspection" approaches. Inefficient organizational processes and administrative capacity, combined with little or no interagency coordination and inadequate infrastructure and equipment, increase compliance costs and add to delays and unpredictability when moving goods across borders. As a result, countries have increasingly started to focus on facilitating legitimate trade through national reforms and international trade negotiations. At the multilateral level, the Trade Facilitation Agreement (TFA) of the World Trade Organization (WTO) entered into force on February 22, 2017, following years of negotiations [2].

Efficiency in international trade depends, among other things, on how long customs clearance of goods takes and how quickly they can be delivered to the customer. On the one hand, control procedures are quite complex and take a certain amount of time. On the other hand, appropriate preparation and working through each stage of a foreign trade transaction in detail is the key to success. The pace of life in today's world is rapidly increasing. Therefore, to maintain a competitive position in the global arena, businesses need to be agile, technology-savvy and quickly respond to change [2].

2. Trade Facilitation

Trade facilitation in the broadest sense would be any action taken to encourage trade or ease the movements of goods internationally. As a concept, it can apply to the entirety of the supply chain. In 2015, the director- general of the WTO noted, "Trade costs in developing countries are, on average, the equivalent of a 219 percent import tariff. For each dollar it costs to make a product, it costs a further \$2.19 to bring it to developing countries' consumers. For high- income countries, this cost is closer to \$1.34— still a substantial surcharge. Cutting trade costs would therefore have a dramatic effect around the world: a reduction of 1 percent would support a 3 to 4 percent increase in trade growth" (Azevedo 2015). Between tariff and non-tariff measures, one could posit that the reductions of tariffs would have a greater impact on trade volumes and flows; however, tariffs can be subject to political whims, sometimes contrary to international agreements and accords. On the other hand, it is politically palatable to negotiate agreements to reduce non- tariff barriers, red tape, or impediments to trade by simplifying, standardizing, and harmonizing border requirements [3].

The TFA covers 12 separate issues that are central to trade facilitation efforts. Broadly, these include the advance publication of customs rules and regulations, giving signatory countries a chance to comment on rules before their entry into force; the streamlining of customs fees and formalities with respect to imports and exports;

the timely release and clearance of goods, especially expedited or perishable cargo; the freedom of transit for goods across the territory of other signatories; and cooperation between signatory countries' border management agencies (box 3).74 As noted, the TFA incorporates measures on capacity building and, to this end, divides countries into three categories: those that will implement the provisions of the agreement once it enters into force; those that will do so after a transition period, with an implementation date to be set by the TFA member; and those that will implement TFA provisions after a transition period and after receiving capacitybuilding aid. 7 The TFA recognizes developing countries' growing participation in global supply chains. This growth is largely driven by these countries' increased involvement in intermediate goods trade and a rise in consumer demand by their expanding middle class. In addition, developing countries are increasingly part of global trends in JIT manufacturing and ecommerce. Both of these trends underscore the need to move goods seamlessly across borders and to lower the costs and time delays arising from NTMs at border checkpoints [4].

Grainger 2008 defined trade facilitation is as: 'The simplification and harmonization of international trade procedures' where trade procedures are the 'activities, practices and formalities involved in collecting, presenting, communicating and processing data required for the movement of goods in international trade' (WTO1998 quoted in Grainger 2008). Also Grainger has extended the definition of trade facilitation. In his view, trade facilitation also covers the improvement of transport infrastructure, removal of government corruption, reduction of customs tariffs, resolution of non-tariff trade barriers, export marketing and export promotion (2008).

Trade facilitation is of significant importance because it is all about reducing time in international trade. Also the main objective of trade facilitation is to improve the overall trade environment and reduce trade costs. It provides a comparative advantage for the country undertaking trade facilitating reforms in its Customs, port and other agencies. Li and Wilson, 2009) find that time to export is a significant determinant of comparative advantage. Facilitation of trade through improving Customs and port administrations, as well as removing other non-tariff barriers supports the just-intime supply chain approach required by internationally competitive manufacturers. It has been estimated that each day of delay in shipping time approximates 0.8 per cent of the cost of manufactured goods [4].

According to the Organization for Economic Co-operation and Development (OECD), for every 1 per cent saving achieved in transaction costs, the worldwide benefit would be USD43 billion (Sandford & Temby 2010). Hoekman and Nicita (2010) find domestic trade costs to be more limiting for international trade than

tariffs. According to them, a 10 per cent reduction in the cost associated with importing (exporting) would increase imports (exports) by about 5 per cent. At the international level, trade facilitation has become an important aspect of the current World Trade Organization (WTO) negotiations following the Doha Ministerial Declaration, and prior to that it was high on the agenda at the 1996 Singapore Ministerial Conference. Within the WTO negotiations, GATT Articles V, VIII and X relate to trade facilitation. These articles deal with trade facilitation issues and specifically address the freedom of transit, fees and formalities, and publication and administration of trade regulations respectively. OECD research finds that Customs and administrative procedures have substantial effects on international trade [5].

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Because of international trade operations involve a number of government organizations and private sector entities this is one of the reason that why the trade facilitation is seen as an intricate as well as important agenda item for international organizations such as the World Customs Organization (WCO) and WTO is Also, administrative procedures and cumbersome Customs have been found to be a challenge for developing countries in exporting to developed and

other developing countries (Wilson 2007) in addition ti customs that other government agencies also have a stake in the control of national borders and the movement of goods. It is therefore important to assess the roles of other government organizations, to identify the institutional limitations of these agencies, and to remedy the limitations when seeking to reduce the overall transaction costs. The general principles of trade facilitation—that is, measures to simplify customs clearance and reduce its cost and time—are laid down in Article V (Freedom of Transit), Article VIII (Fees and Connected Formalities with Importation Exportation). and Article X (Publication Administration of Trade Regulation) of the General Agreement on Tariffs and Trade 1994 [8].

In 2001 the WTO Ministerial Conference held in Doha, Qatar, the conference aimed to expedite the movement, release, and clearance of goods, in addition that the conference decided to have these principles reviewed and, if necessary, clarified and improved and the needs and priorities of countries identified. This work concluded with the coming into force in February 2017 of the WTO Trade Facilitation Agreement (TFA), which includes and clarifies all relevant measures in this area. Modalities of implementation of the TFA are adapted to the capacities of developing countries, especially least developed countries. The latter, unlike developed countries that committed themselves to implement the TFA as soon as it is adopted, benefit from special and differential treatment that allows them to determine individually the pace at which they will implement the provisions of the agreement and to benefit from support, including financial support, when necessary [9].

Countries introduce trade facilitation reforms to achieve various policy goals. These include attracting investment and manufacturing to create jobs; reducing trade costs for importers, exporters, and consumers of goods; and participating in global value chains. The accepted aim of trade facilitation is to "simplify and streamline international trade procedures to allow the easier \$ow of trade across borders and thereby reduce the costs of trade. According to the WTO, full implementation of the TFA will reduce global trade costs by an average of 14.3 percent and will result in export gains of between US\$750 billion and US\$1 trillion per annum, depending on a number of factors. According to the OECD, "trade facilitation covers all the steps that can be taken to smooth and facilitate the \$ow of trade including product testing and impediments to labor mobility, the WTO definition of trade facilitation will be used; namely, the simplification, modernization, and harmonization of export and import processes. Trade facilitation is often associated with the activities of a national customs administration. The central role of Customs is recognized in the TFA, and most provisions in Section I of the TFA deal with customs matters.

Also the TFA also recognizes that other government agencies, both at and away from the border, have an impact on international trade, and therefore introduces the concept of Border Agency Cooperation, and the requirement to review formalities and documentation. Prior to the emergence of the current concept and understanding of trade facilitation, contracting parties to PTAs included customs-related provisions in their PTAs, and these tended to focus on two main areas that were more focused on compliance than facilitation: the administration of preferential rules of origin (mainly through the issuing and processing of certificates of origin) to ensure that only qualifying goods receive preferential tari! treatment: and mutual administrative assistance to support enforcement. The TFA contains measures aimed at both facilitating trade promoting compliance and customs cooperation). Transparency A [10].

There is no doubt that trade facilitation activities have a positive impact for international traders when they are implemented effectively. Streamlining customs formalities for imports, exports, and transit of goods has the multiple benefits of increasing trade activity while reducing bureaucratic red tape and expensive delays for traders as well as lessening administrative costs at the border. Repeated studies have shown that improvements using trade facilitation measures have comparatively greater positive effects on trade flows than reductions in tariff barriers (Sakyi, Afesorgbor, and Kwako 2019). In addition, increased trade activity has a positive correlation to increased income/growth and reductions in poverty and inequality [11].

Trade facilitation has become an important aspect of the current World Trade Organization (WTO) negotiations following the Doha Ministerial Declaration, and prior to that it was high on the agenda at the 1996 Singapore Ministerial Conference. Hoekman and Nicita (2010) find domestic trade costs to be more limiting for international trade than tariffs. One reason why trade facilitation is seen as an intricate as well as important agenda item for international organizations such as the World Customs Organization (WCO) and WTO is because international trade operations involve a number of government organizations and private sector entities. Apart from Customs, other government agencies also have a stake in the control of national borders and the movement of goods. It is therefore important to assess the roles of other government organizations, to identify the institutional limitations of these agencies, and to remedy the limitations when seeking to reduce the overall transaction costs.

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Customs and administrative procedures have substantial effects on international trade. Also, cumbersome Customs and administrative procedures have been found to be a challenge for developing countries in exporting to developed and other developing countries.

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3. International Trade

International trade has increased exceptionally that includes services such as foreign transportation, banking, tourism, warehousing, travel and communication, advertising, and distribution and advertising. Other equally important developments are the increase in foreign investments and production of foreign goods and services in an international country. It can be concluded by saying foreign investments and production will help companies to come closer to their international customers and therefore serve them with goods and services at a very low rate. International trade is referred to as the exchange or trade of goods and services between different nations. This kind of trade contributes and increases the world economy. The most different nations. This kind of trade contributes and increases the world economy.

4. Challenges Facing the International Trade and Transport

Trillions of dollars worth of goods are moving around the world on a daily basis. International trade and transportation are critical to the global economy's health. However, the lack of visibility into a large amount of important logistical data and unanticipated supply chain threats create challenges to the market. The global trading system is vulnerable to terrorist exploitation, which would severely damage the entire global economy and the social well-being of nations. Custom agencies, therefore, have a great responsibility to strengthen supply chain security while also contributing to socio-economic growth through revenue collection and trade facilitation. In this blog, we will look at the top customs challenges in today's market [13].

Today, international trade is part of various globalized production processes that require ever more reliable and timely trade transactions. The speed and reliability of deliveries often become a decisive factor in a country's trade competitiveness. At the same time,

environmental sustainability objectives and the impacts of climate change on trade and transport have become priority issues in policy agendas, industry strategies and development partners alike. These are discussed briefly.

5. Transport Costs and Access to Efficient Transport Services

From a country's trade competitiveness perspective, efficient access to affordable, reliable and cost-effective transport systems remains an imperative challenge to be met in many developing countries. Their participation in global trade is largely determined by the cost of producing and bringing goods to markets in a timely manner. Often surpassing customs duties, transport costs influence the volume, structure and patterns of trade, as well as a country's comparative advantage and trade competiveness.

High transport costs hinder export development by limiting the range of potential products and markets in which goods can be competitively and profitably traded. Although the cost of maritime freight as a percentage of the value of goods has fallen globally by around 15 per cent over the past two decades, it remains very high for many developing countries (see figure 1). While developed economies pay on average 6.4 per cent of the value of imports for maritime transport, developing economies pay on average 22 per cent more, at around 7.8 percent. In some regions, notably Africa, the average cost of maritime transport is 67 per cent higher than in developed countries, at 10.6 per cent of the value of imports.

For LLDCs, the maritime leg currently represents about 8.7 per cent of the value of imports.2 Long land distances from the transit port, delays caused by waiting for available transport capacity and security checks or upfront financing costs often mean that the total transport costs as a percentage of imports can be two to three times higher than the abovementioned percentage. Recognizing that LLDCs are among some of the most disadvantaged countries in accessing overseas markets, the Almaty Programme of Action is addressing their special needs to make their international trade more competitive [14].

The quality and the efficiency of transport infrastructure and services indeed affect cost levels. Access to well-functioning transport systems enable smooth trade flows by reducing operating costs such as transport, storage and handling, as well as transaction costs, for example, processing of documentation and trade facilitation. Yet, as noted by experts during the second session of the Multi-year Expert Meeting on Transport and Trade

6. Characteristics of an Effective Customs Administration

Effective customs administrations are expected to ensure that duties and taxes are collected as prescribed

by the legislation, and to do so in the most efficient way and in a manner that is as free as possible from corruption and political influence. The experiences of many countries point to some key characteristics that permit the customs administration to operate effectively:

- A clear separation between the setting of tax policy and its administration, with laws and regulations that are as simple and transparent as possible.
- Confidentiality of taxpayer information (for example, the ministry of finance and other government departments should not have access to individual taxpayer files or transactions, except under well-defined and controlled circumstances in exceptional cases)
 [15].
- Performance criteria adopted for the customs administrations, including revenue targets, service expectations, and the resources required to meet the established criteria.
- A body of professional customs administrators that are well trained and well paid.
- An atmosphere that encourages taxpayers to raise issues of interpretation of the tax laws and their administration. Many countries establish a formal consultative mechanism with taxpayers (e.g., industry associations) to address this issue
- A code of conduct for the staff of the customs administrations that clearly spells out expectations and consequences of nonperformance (not least, the disciplinary actions that will be taken in cases of corruption)—and that is enforced [16].
- An effective internal audit function within the customs administration, with responsibility for determining that the systems and procedures have been followed and investigating cases of alleged corruption [17].

7. Correlation between Corruption and Ease of Trade

Corruption in the public sector is probably one of the main elements of failures in governance (Acemoglu and Verdier, 2000) which directly affects institutional quality and, thereby, the well-being of the society [18].

The World Bank and the International Monetary Fund share the opinion that corruption, as one of the determinants of the poor functioning of institutions, is a great obstacle to economic and social development. Diverse authors show how a higher degree of corruption negatively affects economic growth (Mauro, 1995), slows down the flow of foreign direct investment (Wei, 2000) or distorts tax revenues (Mauro, 1998). The uncertainty in the decision making by economic agents, the poor law enforcement affecting business agreements because of the insecurity around the legal solution to disputes or the inefficient allocation of resources are the most common arguments that are behind this adverse impact [19].

However, other authors present corruption as a factor that, under certain circumstances, may facilitate economic exchanges, thus improving efficiency [see, for example, Egger and Winner (2005), for foreign direct investment or Dreher and Gassebner (2013) for firm entry. The reason is that, in economic systems with extensive and complex regulations as well as weak institutions, bribes can help companies to avoid formal regulatory barriers. That is, corruption would serve as a mechanism for deregulation [20].

This is the "grease the wheels" hypothesis. In this line of research, Méon and Weill (2010) find, using a sample of 69 developed and developing countries, that this hypothesis is accomplished in its weak and strong forms: corruption has a less detrimental effect on efficiency in countries with a low degree of effectiveness of their institutions and a positive effect in countries with especially ineffective institutions. Therefore, there are reasons to believe that the real impact of corruption will depend on the conditions under which it operates, although on the set of empirical contributions the negative impact usually predominates over the positive one [21].

The relationship between corruption and international trade is a less explored area. The motives for expecting that the effect of corruption on international trade flows is favorable or detrimental are similar to those outlined above. On the one hand, the improper functioning of the legal framework can hinder the effectiveness of the contracts, a fact that discourages international transactions by increasing the cost of exporting (Anderson and Marcouiller, 2002)70. So, corruption would have an impact that is similar to the establishment of a tariff. On the other hand, if tariff and/or non-tariff barriers (for instance, complex administrative formalities) are high, bribes could facilitate trade since they would help to overcome these obstacles [22].

The empirical research finds a negative effect of corruption on international trade. This is the case of Levchenko (2007), focusing on institutional quality, Pomfret and Sourdin (2010), showing that direct trade costs increase with corruption, Zelekha and Sharabi (2012), discussing the case of Israel and Masila and Sigue (2010), on a sample of 47 African countries. Nevertheless, Voraveeravong (2013) estimates a positive effect for ASEAN countries.

Akbarian and Shirazi (2012) find an inverted U relationship between corruption and trade for a sample of countries of the Middle East and Latin America. This implies that, for such countries, an increase of corruption from relatively low levels would increase trade while from relatively high levels would reduce it. The specialized literature shows that the positive effect of corruption on trade (evasion) will surpass the negative effect (extortion) in those markets in which tariffs are

relatively high (Dutt and Traca, 2010). A corollary is that corruption favors international trade in those cases in which destination markets present barriers that exceed a certain threshold [23].

Additionally, the phenomenon of corruption presents different aspects that can influence the degree in which it will affect international trade. This fact is highlighted by Thede and Gustafson (2009(24). These factors come from the seriousness of such conduct (if the corruption is severe it can limit or even prevent transactions), its prevalence (which increases the costs of looking for an honest partner), its function (obstruction of market competition) or its predictability (the more predictable is the lower costs implies). Other authors also highlight several factors that should be taken into account [25].

8. Types of Corruption

Customs corruption has many faces. The nature of corrupt activities that customs officials typically engage in vary from country to country and range from acts of extortion, patronage, nepotism, embezzlement, kickbacks and cronvism. Quite often such activities are undertaken for a reward given either in cash or kind (Tarar 2010,). 2 In customs Corruption has become an established norm in many customs organizations. Customs administrations of transitional economies, in particular, have been ranked amongst the most corrupt government institutions (Transparency International 2008, Table 7). The degrees of such graft also vary from simple acts of 'turning a blind eye' to severe acts of aiding in the smuggling of contraband. Thus, it is difficult to comprehensively expound on all forms of corruption that manifest in Customs, However, Hors (2001) offers a simple classification of the different forms of corrupt activities occurring in Customs. She categories them into routine, fraudulent and criminal corruption [26].

8.1 Routine corruption. A manifestation of such corruption would typically encompass customs officials delaying the initiation or conclusion of customs procedures until a bribe is offered to them (Hors 2001). Another expression of routine corruption occurs when customs officials create or threaten to create unwarranted complications in the clearance process. Routine corruption. This occurs where private operators pay bribes to customs officials in order to receive a normal or accelerated completion of customs procedures (Hors, 2001). The gist of such corruption would Volume 7, Number 2 25 World Customs Journal involve customs officials demanding bribes to perform their obligations. The techniques of creating such delays may involve officials promptly attending to files of operators who have paid bribes while making others (non-bribe-paying operators) wait; or the officials may pretend to be absent or engaged elsewhere when a requested action is much needed and only become available once a bribe is paid. For instance, Ferreira, Engels chalk and Mayville (2007)

report that despite being employed to work 24 hours a day, the customs officials in Cambodia's port of Sihanoukville would end their daily operations at 5.00 pm, and could only be persuaded to work past that time through informal payments. This often takes the form of officials conducting examinations in extreme detail; or requesting documents that are difficult to adduce; or sending the cargo for further controls such as quarantine or any other unnecessary actions that may complicate the clearance process [27].

8.2 Fraudulent corruption. This form of corruption is, in essence, initiated by the operators who seek the customs officials' cooperation in committing fraudulent acts in their favour. This occurs where operators persuade customs officials to 'turn a blind eye' to certain procedural requirements in order to reduce their tax liability or other import/export obligations (Hors 2001). It is commonly typified in the form of misdeclaration, misclassification or erroneous valuation of imports/export (Hors, 2001). In such cases the exporters importers/provide incorrect information regarding the nature, quantity, origin or value of their goods, and collude with customs officials by offering them bribes to ignore the true details. Such misclassification would result in erroneous calculation of duty, quite often lowering the operator's true tax obligation [28].

8.3 Criminal corruption. The causes of corruption vary from one situation to the other. Quite often corruption is entrenched in a country's social history, economic policies or bureaucratic traditions and is relative to the particular state of affairs (PREM, 1997). This occurs where criminal operators offer bribes to customs officials to allow them to smuggle illegal substances (Hors, 2001). Incidences of colluded drug and arms trafficking with customs officials fall under this category [29]. However, the root cause of corruption may be analytically understood using Klitgaard's framework on corruption. He argues that corruption flourishes 'when agents have monopoly power over clients, when agents have great discretion, and when accountability of agents to the principal is weak' (Klitgaard, 1988) accordingly, the framework maintains that corruption is a by-product of unchecked monopoly and discretionary powers [30].

9. The Multifaceted Role of Customs and Its Importance for the Economy and Society

The relative importance and priority of the roles and functions of customs may vary depending on geographical, economic, and other features of the country, yet the three core elements are systematically present, the customs administration's mission is composed of three elements, all related to international trade in goods: the fiscal element (revenue collection, directly and in support of the tax administration), the economic element (implementation and oversight of certain government economic policies), and the

protection and security element (safeguard of citizens' health and protection of [31]. The Multifaceted Role of Customs and Its Importance for the Economy and Society. However essential it remains in all countries with a value-added tax (VAT) system, and especially in developing countries, the collection of taxes on imports is today only one of the facets of the role of customs. This role has also taken on economic and societal dimensions and confronts many major global challenges. Thus society from transborder criminal activity [32].

10. CONCLUSIONS

In the 21st century the WCO provides a broad vision for Customs. Which is to support international development, security and peace by securing and facilitating international trade. In the rapidly changing globalized world, increased connectedness between all agencies/parties involved in international trade and travel supply chains is essential. As two important bodies in trade facilitation, both Customs and Port Authorities have an obligation to better serve the trading community. Capacity enhancement and development of a service mentality are two main avenues by which to extend support to trade. Reorientation of customs authorities from a revenue collection to a trade facilitation focus would immensely benefit the country by promoting increased trade, investment and growth. As an 'agent' of other government departments at the border with a charter to oversee proper implementation of state regulations relating to prohibitions and restrictions on imports/exports, border security, and revenue protection, Customs is uniquely placed to facilitate trade. In doing so, the main challenge for Customs is to strike a balance between apparently conflicting objectives, that is, quick clearance for trade facilitation, and enforcement of control measures to protect public health, the economy and community security.

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