

CUSTOMS ADMINISTRATIONS AND THEIR ROLES IN ENVIRONMENTAL PROTECTION: A GENERAL ASSESSMENT AND THE CASE STUDY OF TURKEY

GÜMRÜK İDARELERİ VE ÇEVRESEL KORUNMA ÖNLEMLERİ AÇISINDAN ROLLERİ: GENEL BİR DEĞERLENDİRME VE TÜRKİYE ÖRNEĞİ

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ÖZET

Contrary to the general belief that assumes that the role of states and correspondingly customs have been decreasing especially with the advent of globalization, the role of states and their units have been on the rise. In parallel with this general proposition, customs administrations cannot be considered only gate-keepers and tax-collectors. Moreover, they have many new duties and responsibilities such as fighting against terrorism and terrorism financing, environmental and health controls, etc. As for environmental issues, a number of international regulations put responsibilities directly or indirectly on customs' shoulders. The Basel Convention on hazardous wastes, CITES Convention on endangered species, the Cartagena Protocol on biodiversity, the Chemical Weapons Convention and the Montreal Protocol on Ozone Layer are prominent examples of those regulations. In the context with these regulations, customs and Turkish customs should adapt themselves to new perspectives and responsibilities.

Anahtar Kelimeler: Çevresel Koruma, Basel Konvansiyonu, CITES, Cartagena Protokolü, Kimyasal Silahlar, Montreal Protokolü.

JEL Sınıflandırması: F01, F02, F18, F53, F55

ABSTRACT

Küreselleşme ile birlikte devlet aygıtının ve ona paralel olarak gümrük idarelerinin işlevlerinde bir azalma olduğuna dair genel kanının aksine, devletin ve devlet organlarının işlevlerinde bir artış gözlemlenmektedir. Buna paralel olarak, gümrük idareleri de artık sadece kapı görevlileri ve vergi toplayıcılar olarak değerlendirilemez. Gümrük idarelerinin terörizm ve terörizmin finansmanı ile mücadele, çevresel ve sağlık kontrolü gibi pek çok yeni görev tanımları oluşmaktadır. Bu makalenin konusunu oluşturan çevresel görevlere gelince, birçok uluslararası düzenleme doğrudan ya da dolaylı olarak gümrük idaresinin omuzlarına yeni görevler yüklemektedir. Tehlikeli atıklarla ilgili Basel Konvansiyonu, nesli tehlike altında olan canlılarla ilgili CITES Konvansiyonu, biyolojik çeşitlilikle ilgili Cartagena Protokolü, Kimyasal Silahlar Konvansiyonu ve ozon tabakasıyla alakalı Montreal Protokolü bu düzenlemelerin başta gelenlerini oluşturmaktadır. Bu bağlamda, gümrük idaresi ve Türk gümrükleri kendilerini yeni görevlere ve alanlara hazırlıklı hale getirmek durumundadır.

Key Words: Environmental Protection, Basel Convention, CITES, Cartagena Protocol, Chemical Weapons, Montreal Protocol.

JEL Classification: F01, F02, F18, F53, F55

INTRODUCTION

Customs administrations have played important roles since the Ancient Egypt times. The roles and functions of customs are generally defined in the context of customs duty collection, baggage- checking, smuggling prevention and border protection. These works have still been fulfilled by customs offices throughout the world. However, with the advent of globalization and liberalization of world economy, new and additional responsibilities are given to customs such as fighting against terrorism, terrorism financing, and money laundering. In relation with the aim of this paper, human health and environment-related issues have also been added to the responsibilities of customs offices. There are several international agreements regulating different issues such as the Basel Convention about hazardous wastes, CITES about endangered species, the Chemical Weapons Convention about chemical substances and so on. These and more international regulations have given some extra duties to customs administrations in order to implement those conventions effectively and properly. This paper examines first the international agreements in the context of new responsibilities of customs administrations. I have chosen seven of them which are prominent international regulations. Then, the paper examines these agreements in the context with Turkish Customs experiences. Last, the paper concludes and makes some recommendations about how to implement these regulations more effectively in terms of customs' responsibilities

1. The Treaties, Conventions And Protocols That Are Related To Responsibilities Of Customs Administrations

Globalization is a very powerful process that transforms the world especially intensifying

since the 1970s. Customs administrations are not free of these transformations. As Gordhan notes succinctly (2006, p. 49-50), a number of strategic drivers play important roles affecting the functions of customs. The main drivers are: incredibly growing international trade volumes, trade liberalization and the decreasing of tariffs, the rise of the regional trade initiatives, the emergence of new supply chain and logistics models, increasing threat of transnational organized crime, and so on. Therefore, there have happened many changes, redefinitions and additions in the responsibilities of customs. Customs have begun playing more important role in public health and environmental issues. Indeed, growing number of international agreements like CITES, Basel, Montreal on environmental issues has caused customs to fulfill new responsibilities. As Gordhan, Mukiruya et. al. point out (2006, p. 49, p. 21-22), the functions of customs do not consist of only collecting duties, preventing smuggling and protecting borders, but also includes new spheres of responsibilities like health, environment, intellectual property, and so on.

The world has been witnessing a number of international regulations, which are also called multilateral environmental agreements – MEAs- by the UNEP (2008, p.7), regulating the trans boundary movement of a wide variety of items such as banned/restricted chemicals, hazardous/toxic waste, rare/endangered species and so on so forth. Naturally, trans boundary movements in the form of document and commodity controls must be completed with the involvement of customs offices. Thus, customs play a regulative and an implementing institution role in the context of environmental protection measures. However, customs do not act alone while fulfilling these responsibilities, Several national and international institutions, ministries and agencies play crucial roles whether implementing their responsibilities or assisting customs administrations in their work. These

organizations include secretariats of several treaties, ministries of environment, agriculture and special international organizations like Interpol, UNEP, UNIDO, UNODC, WCO, ICCWC, and WTO.

1.1. The Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes and Their Disposal and two Similar Conventions

The Basel Convention aims to reduce trans boundary movements of hazardous wastes and other wastes, to minimize the generation of them and to treat and dispose of those wastes in an environmentally sound manner (Article 4). The Convention has established a regulatory system in order to achieve these main goals. According to that system, exporting hazardous substances is subject to prior informed consent of importing country and a notification system is established accordingly. In addition, those substances cannot be exported to countries that are not party to the convention and re-importing is subject to a duty (UNEP, 2008, p.17). Hazardous wastes and other wastes regulated by the Convention are listed in the Annexes (from I to IX) of the Convention. These substances include clinical wastes, pharmaceutical wastes, wastes from production/formulation, waste asbestos, waste oils/water, explosive wastes and so on. The convention sets out specific procedures consisting of four stages for trans boundary movements in which customs play a significant role. These stages are: notification which means exporter's informing about the movement of hazardous waste, consent&issuance of movement document which means the preparation of appropriate documents, trans boundary movement which means the receiving of wastes by the disposer and confirmation of disposal which means the completion of the movement and the disposal (BASEL, 2015, p. 1-4).

In a similar way with the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants regulate the international trade and trans boundary movements of hazardous wastes and chemicals. In this sense, these three conventions have many common points whereas they have some differences. They aim to protect human health and environment from hazardous wastes and chemicals. They aim to expand the use of environment-friendly technologies and techniques used during the production process. The Basel Convention is the most comprehensive environmental agreement in its kind that includes wide variety of substances, whereas the Rotterdam Convention regulates hazardous chemicals, pesticide formulations and the Stockholm Convention regulates persistent organic pollutants (p. 4-8).

When it comes to the role of customs, it comes into use while hazardous wastes and other wastes are being exported, imported and transitted through borders and customs gates. Customs administrations fulfill generally their controls on those substances as a document-basis or a physical examination. In order to facilitate the customs clearance process, the Convention's Secretariat and the World Customs Organization have reviewed the harmonized system codes of those substances in addition to UN-class and H codes. Thus, it is very important to verify compliance between documents and substances in order to avoid illegal trafficking. Moreover, customs play a crucial role in confirming the notification process indicating that exporting and importing is fulfilled according to the convention's rules, and this is implemented through the verification of documents. Any possible discrepancy or suspicious transaction is resolved with the participation of either national or international

bodies. Hence, the cooperation between national enforcement units and international bodies is very significant for implementing the rules of the Convention. The Secretariat of the Convention has produced a number of online and hard-copy guidelines and manuals in order to ensure effective implementation of the Convention, which are very useful sources to be taken into account. The role and function of customs in Rotterdam and Stockholm Conventions is similar to that of the Basel Convention (UNEP, p. 27-28).

1.2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Sachs discusses about ecological diversity, preservation of ecosystem, and species extinction in the context with sustainable development. According to him (2009, p. 72; 2015, p.448), the earth is undergoing the sixth mass extinction which causes great damages to ecological diversification. Differently from the previous five ones that emanated from volcanic eruptions, asteroid collisions, this mass extinction originates from human's activities. It is estimated that roughly a quarter of species of birds have come to extinction because of human impacts. Likewise, due to the same reason, marine fisheries, coral reefs and various marine life forms have been exploited or overexploited in a way that has destroyed the ecological diversity (p.72).

CITES is a very comprehensive agreement about wild animals and plants, which aims to regulate international trade of these specimens without threatening their survival. It was adopted in 1973 and entered into force in 1975. It includes more than 35.000 species of animals and plants from rare animals, exotic leather goods to timber, wooden musical instruments. The appendices of the Convention is very important in categorizing and implementing it. In appendix

I, there are some 530 animal and 300 plant species, which are threatened with extinction. Hence, international trade of this group is permitted exceptionally, and commercial trade is generally prohibited. The appendix II includes some 4.400 animal and 28.000 plant species, which are not threatened with extinction, but should be kept under control so as to avoid a probable extinction. Under the appendix III, there are small numbers of animal and plant species –roughly 200-, which are protected at least one party country. One country's demand for assistance is enough to start the control mechanism for species in this group. The secretariat of CITES has established very rich online resources about trade database, trade data dashboards and checklist of species, which cover thousands of animals and plants, enabling the check of trans boundary movements of those species more easily and effectively. Any living creature is able to be checked via these resources in terms of both biological and commercial aims (CITES, 2015).

CITES is not only important in terms of ecological diversity, but also covers a large sum of money in terms of both legal and illegal trade of wildlife. Indeed, according to the UN Office on Drugs and Crime (UNODC), an estimated value of illegal trafficking of wildlife is 10-20 billion dollars as of 2013. Furthermore, illegal logging and processing creates a market about 30-100 billion dollars (UNODC, 2013, p.1). When the numbers of legal trade are added to this estimation, there appears a huge amount of money in front of us. Because of this importance, international community established a consortium on combating wildlife crime in 2010 (ICWC). The ICWC was established with the involvement of CITES Secretariat, WCO, Interpol, UNODC and the World Bank. The main aim for this establishment is to provide a holistic approach in order to fight against wildlife crimes.

Customs administrations play a key role

since they are implementing institutions of international trade. Because exporting and importing of wildlife whether legally or illegally is a very profitable business of which volume has been increasing rapidly. Species of animals and plants are subject to customs control in a way of whether documentary or physical inspections. Thus, checking the validity of documents and comparing them with actual goods are crucial processes in implementation of the convention. Specifically for CITES, there is a licensing system that enables a standard form for CITES commodities. During the customs clearance, the existence of appropriate CITES documents and its comparison with regular customs documents like declarations, invoices, carnets may be very useful and may facilitate for both customs purposes and convention' practice. CITES provides a number of online, interactive and hard-copy sources in order to be understood properly (UNEP, p. 60-67).

1.3. The Cartagena Protocol on Biosafety to the Convention on Biological Diversity

The Cartagena Protocol is an international agreement that aims to protect biological diversity against threats from genetically modified products (GMOs). It was adopted in 2000 and entered into force in 2003, which has over 145 parties. It is a very controversial agreement which has faced strong opposition from GMOs-exporting countries and international traders. The Protocol regulates trans boundary movements of GMO by establishing export, import and transit procedures. GMOs are used directly for food as well as feed or for processing. Main GMOs that are regulated under this protocol are soybean, corn/maize, cotton, canola and rice (UNEP, p. 38). With the advent of modern biotechnology, the number of GMOs are increasing incredibly. In order to facilitate information exchange between parties and secretariat, the Biosafety Clearing House was founded with this protocol.

This mechanism enables parties to exchange scientific, environmental and legal information and to assist each other when necessary.

As to the role of customs, it is growing incredibly as well. GMOs constitute a considerable part of international trade in parallel with biotechnical advancements. Indeed, corn, rice, canola, cotton and soybean are very important agricultural tradable commodities generating more than half of that trade. Customs' importance appears in the inspection of shipment documents and the verification of documents and commodities within a cross-check system. Unlike some of other agreements discussed here, this protocol does not prohibit the import and export of GMOs, which leaves it up to each signatory party. Thus, customs should be familiarized with the national legislation about these commodities. Another function of customs about GMOs is collecting duties since these products are subject to high customs duties almost all countries in the world (UNEP, p. 43-45).

1.4. The Chemical Weapons Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

The Chemical Weapons Convention that entered into force in 1997 aims to eliminate chemical weapons along with their all processes like production, stockpiling, transiting. In addition to destroying mission, the convention aims to regulate peaceful chemical industries. In order to fulfill these goals, the Organization for the Prohibition of Chemical Weapons was established of which base is in The Hague, Netherlands. The Convention has a schedule system consisting of three parts. Schedule I consists of chemical substances which can be used only for chemical weapons like Saxitoxin, Ricin, Mustine. Therefore, international trade, movement and production of these materials

are subject to strict rules and controls. Schedule II consists of dual-use substances which can be used for both weaponry and industrial needs. Schedule III consists of substances which are used for non-weaponry aims (OPWC, 2015).

Customs stands at the crossroads in facilitating responsibilities of national authorities concerning the implementation of the convention. Customs' function appears in two aspects. First, it controls the legal movement of chemical substances for trade and industry. Second, it controls and prohibits the chemical substances that are prevented from importing, exporting and transiting. While fulfilling these responsibilities, customs officers should be careful about verification of documents so as to avoid illegal movements of chemicals. The main obstacle in implementing the convention was the discrepancy between national coding systems of different countries on the basis of last 6-digit of HS codes. Therefore, the WCO has issued a list of subheadings to be used for national purposes in order to harmonize the coding system even at the national levels (UNEP, p.50-57).

1.5. The Montreal Protocol on Substances that Deplete the Ozone Layer

The Montreal Protocol, which entered into force in 1989, aims to protect the ozone layer by reducing the production of various substances that destroy the layer. Main Ozone depleting substances are composed of Chlorofluorocarbons (CFCs), Hydrochlorofluorocarbons (HCFCs), Halons, Carbon Tetrachloride. As to the major uses of these substances, refrigerants, fire extinguishers, air conditioning systems, fumigants, pesticides, compressors and cleaning solvents are prominent examples of those (UNEP, 2008, p.70). According to the protocol, the use of those substances is aimed to reduce and so a timetable is scheduled for every country in order to meet its obligations. A multilateral fund was established for helping

developing countries in the way of implementing the convention. Major implementing agencies are UNEP, UNIDO, UNDP and World Bank.

When it comes to customs' role and regulation of international trade, the protocol established a licensing system for exports and imports. There is not any standard form for the import/export license, so every country can create its own format provided that the protocol's requirements are met. The licensing system is very useful for monitoring, data-collecting and controlling of international movements of ozone depleting substances. As was mentioned in other conventions, inspection, cross-check and physical examination -if possible- of these substances are main responsibilities of customs administrations. Furthermore, the function of customs appears in the implementation of quotas and bans on ozone depleting substances. Because of the importance of customs, the UNEP and the secretariat of the protocol have prepared many training programs as well as several publications for customs officers whether in a class style or online (UNEP, p. 74-79). Customs always appears as an implementing institution throughout these international regulations, therefore, customs officers should always be familiar with those regulations, their institutions and publications in order to stay up-to-date.

2. The Case Study Of Turkish Customs

2.1. The Basel Convention and Turkey

Turkey has been a party to the Convention since 1994 and it has also adopted the 2003 amendments of the convention. The main competent authority for the convention is the ministry of environment and urban affairs (BASEL, 2006, p. 1-8). In order to implement the convention on the national levels, several laws, regulations and sub-regulations have

been accepted until now, the last and the most contemporary one is accepted in 2015. According to the latest legislation, as a rule the import of hazardous wastes is prohibited, but, under some conditions they may be imported. These wastes can only be exported to EU or OECD countries with three conditions. First, they cannot be disposed in Turkey because of technical incapability. Second, the prior informed consent of state of import and/or transit is required. Third, export must be completed according to national and international regulations. Similarly, according to national regulations and communiqué of standardization of foreign trade, used tyres and some types of metal wastes are prohibited to Turkey.

There are two important aspects of the Basel Convention as well as other conventions of this paper in the context with customs and Turkey. First, Turkish customs plays an executive or implementing role rather than a regulating role. Regulations about hazardous wastes and other wastes are prepared by different ministries such as environment and urban affairs, economy etc., however, implementation of these regulations is carried out at customs administrations. Thus, it can be said that customs reflects the practical side of all these conventions. Second, Turkey's EU membership process plays a crucial and stimulating role in realization of these regulations. As stated at the 24th article of the latest legislation about the Basel Convention, these regulations comply with the EU's directives and regulations. Indeed, with the advent of the EU process, which actually began in the 1960s but intensified after 2000 with the start of accession negotiations, Turkey has completed a large number of reforms, adopted regulations in accord with the EU legislation including environmental ones. As such, the legislative standard of Turkey has reached the level of developed countries while

the enforcement is still a problematic issue.

2.2. CITES and Turkey

Turkey became a party to the convention in 1996. The management authority is the ministry of forestry and water affairs. In addition to this ministry, there are many authorized institutions in Turkey. For example, the ministry of food, agriculture and livestock is responsible for some animal species, the ministries of customs and trade and interior are authorized in terms of enforcement of the convention. There are also four local CITES offices situated in Ankara, Istanbul, Izmir and Antalya.

Turkey's importance comes from its becoming one of the richest flora centers of the world, which has over 10.000 different kinds of plants with an endemism ratio of % 30 (Coskun, 2003, p.329). Thus, Turkey adopted the convention and made some regulations so as to fight against illegal trade of fauna and flora. According to the CITES regulation, ministries of agriculture and rural affairs and environment are authorized to regulate and coordinate the technical aspects of the convention. However, the rest of the regulation, from article 9 to 41, is about the international trade of the CITES commodities, which customs steps in. The regulation lays down rules that change slightly depending on the annexes of the convention. The 21th article regulates the CITES certificates, which are used during customs transactions. The validity of the certificate in terms of several aspects and the compatibility of it with other customs documents are crucial issues for the correct implementation of the convention. The regulation also covers the arrangement of sanctions, offences in the context of mis-invoicing and false invoicing activities, which means a lot from the customs perspective. Other than this main regulation, there are many sub-regulations and communiqués formulated by different ministries like customs, trade and economy.

According to CITES statistics about Turkey's

seizures of convention-related commodities, a considerable part of seizures are carried out by customs officers. The main incident areas are the Ataturk International Airport (Istanbul), Kapikule and Ipsala customs gates to Greece and Bulgaria, and some customs gates located in the southeast parts of Turkey. Main seizure items are composed of various kinds of furs (mink, vison, bison, fox, etc.), a number of snake skins from different types and several kinds of animals (CITES, 2014, p. 76-83). As understood from these figures, Turkey is used as a bridge between Asia/Africa and Europe in terms of endangered species. In fact, this reality does not contradict with the transit state role of Turkey in drug and human trafficking activities.

2.3. The Cartagena Protocol and Turkey

Turkey signed the protocol in 2000, ratified in 2003 and it entered into force in 2004. The protocol has caused a controversy in Turkey as well as international society since there are several domestic and international companies importing GMOs. Thus, a stable and definite national legislation has not been established properly. Many articles of the Biosecurity Law and sub-legislations have been cancelled by court, amended by governments as a result of applications of civil society organizations.

As to the customs aspect of the problem, because there are huge tax burden on these commodities, there are a high risk of smuggling, mis-invoicing and misusing of international trade transactions. For example, there are very high customs duties on corn (%130), soybean (% 46), canola (% 46), and rice (% 34-45), which brings about a big risk. Thus, the inspection and investigation of these commodities' international trade is crucial from two aspects: enforcement and duty collection. Since public/private corruptive practices are relatively common for these commodities, the regulation and allotment of trade and quotas is crucial for fighting against misuses. The main obstacle

on this issue emanates from the difference between regulating and implementing institutions. The customs is the implementing organization whereas the Ministry of Economy is the regulating organization, a situation which results in the rise of smuggling and mis-invoicing activities. The Ministry of Economy does not know the practice of regulation that was put into force by its decisions, which creates discrepancy between theory and practice. On the other hand, The Ministry of Customs is not involved in the decision-making process, which causes a discontinuity between ministries.

2.4. The Chemical Weapons Convention and Turkey

Turkey signed the agreement in 1993 and ratified in 1997. After participating in the convention, Turkey has made several regulations about chemical substances. According to the latest legislation (regulation and communiqué), there are a two-sided import system. First, the import of some substances listed in the annexes is prohibited. Second, some of substances can be imported with prior permissions from competent authorities (the general directorate of importation). In addition, imports from non-parties and exports of imported goods are prohibited in accord with the Convention's rules. As to the exporting rules, it is forbidden to export listed substances to non-party countries, while exporting to party countries is possible with prior permission.

As I stated in the section 2.1., the role and function of customs consists of mainly implementing the national and international legislation. The inspection on documents, the cross-check of national and international documents, and comparison between documents and commodities if possible are important facets of customs' responsibilities. On the other hand, these national regulations are prepared and managed by the ministry

of economy, its sub-directorates and general secretariats of export' associations. Another significant aspect is the validity of documents and avoiding discrepancies between them. The legislations determine some validity dates for the import/export of chemical substances such as 3, 6 months, and 1 year. It is crucial to pay attention to these time limits since the otherwise will mean the breach of the convention.

2.5. The Montreal Protocol and Turkey

Turkey signed the agreement in 1990 and accepted amendments and revisions made within the convention such as London, Copenhagen, Montreal and Beijing revisions. After joining these international agreements, a set of national legislation entered into force in order to adapt them into Turkey. In relation with the customs purposes, this legislation is three dimensional. First, import of ozone depleting substances is regulated by a communiqué published by the ministry of economy. According to this legislation, the importation of some substances is prohibited, while some others can be imported with prior permission. The ministries of agriculture and rural affairs, environment and urban affairs and economy are competent authorities in terms of permissions and documentation. If import is allowed, it is carried out with the import license, which is formulated by the ministry of economy and must be introduced to customs while importing. Second, allowed substances can be imported according to allotment of quotas, which is regulated by the ministry of economy. In addition, while quotas are being calculated, the registration to the ministry of environment and urban affairs must be completed. Third, as to the export regulations, substances that are listed in the annexes I and II cannot be exported to non-party countries. Moreover, some substances that are listed one by one cannot be exported to any country such as carbon tetrochlorur, chlorodifleratans,

bromotiflorometans and so on. These prohibited and conditionally allowed substance are listed according to their harmonized system codes so that the inspection and control of them can be carried out easily. As I mentioned in other parts of the paper, the inspection and cross-check of documents and informing the competent authorities in case of any discrepancy is very important in struggling against illegal trade of these substances. Customs' prevention and deterrence functions constitute the key part of the actual implementation of international agreements.

CONCLUSION AND RECOMMENDATIONS

Customs administrations have always been at the frontline in terms of implementing national/international trade rules. However, new functions about health and environment protection have been on the agenda of customs as the world has rapidly been changing especially after globalization, which indicates an incredible transformation in telecommunication and transportation technologies. The new works for customs have been codified in international agreements from various types like treaties, conventions, and protocols. The control of hazardous wastes, chemical substances, and endangered species are prominent issues that customs should be familiar with. In parallel with the global trend, Turkish customs has been experiencing the same process that is an increasing role of customs in environmental protection. Throughout the research paper, I examined the international and Turkish aspects of the phenomenon. Other than the international aspect, Turkish customs should evaluate the new paradigm and develop new strategies accordingly. In order to accomplish these new responsibilities, there are some measures to be taken.

1. Environment and health related issues

are regulated and implemented by different institutions in Turkey. On the one hand, major regulator institutions are ministries like environment and urban affairs, agriculture and rural affairs, economy, some specialized public and private agencies. On the other hand, implementation of international trade rules is fulfilled by the customs administration. The difference between regulating and implementing institutions cause a turf war in the governance of those issues. Thus, a new structuring of government system that aims the unification of regulating and implementing organizations will help increase the effectiveness of national/international regulations. It is apparent that organizations of customs and environment or agriculture cannot be incorporated under one institution since they are ontologically different from each other. However, institutions that are interested in international trade of those commodities should be reorganized under the same organization. In fact, this idea has been on the agenda of many governments since decades, but, because of political reasons it has not been accomplished until now. Hence, different organizations of customs and economy -previously the undersecretariat of foreign trade- should be restructured under the same ministry in order to increase efficiency and avoid discrepancies.

2. In connected with the first recommendation, even if one organization cannot be established, the involvement of the customs in decision-making process should be provided. Otherwise, the difference between theory and practice will remain the same, which makes the implementation more difficult. Policy coordination between regulating and implementing organizations is a matter of a greatest importance that should not be ignored at all.

3. CITES has a special importance for Turkey since it has over ten thousand types of different plants and animals. Furthermore, Turkey plays a bridge role between developing and developed countries/continents, which makes the issue

more significant. Thus, a national database about rare and endangered species of Turkey should be created so as to monitor both national heritage and smuggled national/international species via Turkey. In fact, there are some initiatives to establish that kind of database, but it could not come to an end and into use. In connection with customs, this database should be shared with customs and customs enforcement units in order to fight effectively against illegal trade of those species. Particularly, the enforcement part of Turkish customs will play key roles in implementing national and international rules.

4. Several international institutions regulate, monitor and examine illegal trade of commodities mentioned within this paper. The UN's agencies like the Office on Drugs and Crime (UNODC), the Environmental Program (UNEP), other organizations like World Customs Organization (WCO), Interpol are prominent examples of those institutions. Even though Turkish customs has had a relationship with the WCO, it has not established close relationship with other institutions especially on the environmental crimes. Thus, the growing relations with the UN agencies and benefitting from them more will contribute a lot in the context of effectively fighting against those crimes. In addition to these intergovernmental organizations, there are a number of NGOs functioning for the protection of environment and health, which can be very useful to benefit from.

5. There is an increasing trend that the risk-based management of customs is gaining ground, which Turkish customs began pursuing a few years ago. According to this approach, the control and inspection of everything is impossible, hence, some risk criteria should be used in order to develop a more effective control mechanism. The risk management is generally restricted to international trade of common commodities like electronics, textiles, processed/unprocessed animal/vegetable products and so on. This understanding excludes the environmentally dangerous commodities, which is a significant

shortcoming for the policy. Furthermore, there are some initiatives in the WCO about risk management and its implementation on environmental issues. Thus, Turkish customs and especially enforcement part of it should pay attention to these initiatives and benefit more from the conventional wisdom.

6. Turkish customs and particularly enforcement part of it should establish specialized units about the implementation of MEAs. This will help customs concentrate on those issues more effectively since institutional awareness plays a key part in the implementation of those agreements. This does not necessarily mean the giving-up of holistic approach, but specialized teams and working groups should be established. As such, customs enforcement will be able to participate in national and international programs, initiatives and decision-making processes more effectively.

7. The UN Office on Drugs and Crime introduces a very rich pool of sources in terms of wildlife and forest crimes as well as drug trafficking, migrant smuggling and human trafficking. Indeed, this agency is one of the most important sources for analyzing transnational crimes. Thus, the Turkish customs enforcement organization should develop further relationship with the UNODC so that it can gain and increase its ability to fight against transnational crimes including wildlife and forest crimes.

8. The conventions examined in the paper have various training, practicing and education opportunities for party and non-party states. Secretariats of conventions prepare and introduce several online, on-ground programs and tons of research papers, leaflets, reports, statistics, and so on to be used. It is crucially important to increase the awareness of central and regional customs officers about environmental issues and to make them well informed about prevention techniques of illegal trade of those commodities. Thus, Turkish customs, especially enforcement part of it, should participate in those activities more enthusiastically.

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