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THEME

**THE USE OF PROBLEM-SOLVING METHODS TO MEET THE
CHALLENGES OF CUSTOMS' ADMINISTRATION FOR
CONTINUOUS IMPROVEMENT**

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Abstract:

Customs is currently facing major challenges, most notably are control; to fight anti fraud in one hand and providing facilitations; for the purpose of giving more flexibility to international exchange on the other hand.

Algerian customs resorts to classical means in the implementation of its missions; in addition the adopted methods of problem solving are ineffective because the results generated from its use are not in the level of customs' expectation, so the resort to modern methods and taking in considerations the foreign customs' experience would generate more effectiveness and performance.

In order to adapt global transformations, increase the level of performance and achieve continuous improvement, customs should give importance to new public management through the involvement of managers and staff in decision making and push them to use techniques of problem solving which help in the elimination and prevention of failures and then rectifying the occurred ones.

This study based mainly on the presentation of customs' challenges, and how to meet these challenges and achieve continuous improvement, through the adoption and the use of managerial methods (PSM), we'll carry out an analysis study and then discuss the main failures and problems in order to propose appropriate recommendations and solutions.

Keywords:

Continuous improvement, fighting against fraud, providing facilitations, solve problems, customs' challenges, potential solutions, rectify and prevent defects, public management.

الملخص:

تواجه إدارة الجمارك حالياً تحديات كبرى أبرزها المراقبة و مكافحة الغش بأنواعه من جهة و تقديم تسهيلات للمتعاملين الاقتصاديين بغرض إضفاء مرونة على المبادلات التجارية من جهة أخرى.

تلجأ الجمارك الجزائرية في تنفيذ المهام المنوطة بها في مجالي التسهيلات و مكافحة الغش إلى وسائل كلاسيكية ، بالإضافة إلى أن الطرق التي تعتمد عليها في حل المشاكل المتعلقة بهما غير فعالة و لا تضيء إلى نتائج في مستوى الأهداف المسطرة من طرف الجمارك، و هذا لا يعني التقليل من الجهود التي تقوم بها الجمارك و لكن اللجوء إلى طرق حديثة و الاستفادة من تجارب الجمارك الأجنبية من شأنه إضفاء فعالية أكثر على أداء الجمارك.

ومن أجل أن تتكيف مع المعطيات الجديدة و التحولات العالمية و تحسن الخدمة و مستوى الأداء المستمر لابد من إعطاء أهمية للمناجمنت العمومي الجديد بصفة عامة و المناجمنت الاشراكي بصفة خاصة من خلال إشراك جميع المصالح و الموظفين في اتخاذ القرارات و دفع المسؤولين إلى الاستعمال المنظم لتقنيات و طرق حل المشاكل التي تساهم في زيادة الفعالية و التقليل من النقائص و استدراك الخلل المعايين.

هذه الدراسة تتمحور حول كيفية تحقيق التحسين المستمر للخدمة و مواجهة التحديات في إدارة الجمارك الجزائرية التي تشكل إحدى أهم الهياكل التابعة لوزارة المالية لما لها من دور اقتصادي فعال، و ذلك عن طريق اعتماد و تبني أساليب حديثة، و نذكر بالخصوص ما يسمى بتقنيات حل المشاكل.

العمل يركز أساسا على عرض للتحديات التي تواجهها الجمارك نتبعها بدراسة تحليلية و تطبيقية لتقنيات حل المشاكل، بغرض استدراك النقائص المعايينة من خلال اقتراح التوصيات المناسبة.

الكلمات الدالة:

تحسين الأداء المستمر، مكافحة الغش، تقديم تسهيلات، حل المشاكل، اقتراح توصيات، استدراك الخلل و النقائص، تحديات إدارة الجمارك، المناجمنت العمومي.

Résumé :

Aujourd'hui, l'administration des douanes est confrontée à de très grands défis, le plus important d'entre eux consiste à assurer d'une part, un contrôle efficace et une lutte contre la fraude sous toutes ses formes et de l'autre part à accorder les facilitations nécessaires aux opérateurs économiques dans l'objectif de plus de flexibilité aux échanges commerciaux.

Dans l'accomplissement des ses missions, les Douanes Algériennes font recours à des moyens classiques dans le domaine des facilitations et de la lutte contre la fraude ajoutant à cela le fait que les méthodes adoptées dans la résolution des problèmes liés à ces domaines s'avèrent inefficaces et n'aboutissent pas aux objectifs escomptés malgré les efforts engagés depuis des années d'où la nécessité d'opter pour des méthodes modernes et de tirer profit des expériences des douanes étrangères.

Par ailleurs et en vue de s'adapter aux nouvelles données et mutations internationales, il y a lieu d'accorder une place particulière au new management public en associant l'ensemble des services et des fonctionnaires dans la prise de décision et d'inciter les responsables à utiliser régulièrement les techniques des résolution des problèmes capables de contribuer à plus d'efficacité et à minimiser les lacunes constatés.

La présente étude s'articulera autour d'un point essentiel qui consiste à rechercher la meilleure méthode permettant d'améliorer continuellement le service public et de faire face aux défis auxquels est confrontée l'Administration des Douanes Algérienne.

En effet, notre travail vise à exposer les défis que rencontre, aujourd'hui, l'Administration des Douanes, il sera suivi par une étude analytique et pratique des techniques de résolution des problèmes dans l'objectif de parer les insuffisances constatées en proposant les solutions adéquates.

Les mots clés :

L'amélioration continue, la lutte contre la fraude, l'accord des facilitations, la résolution des problèmes, la proposition des solutions, le rattrapage des insuffisances, les défis de l'Administration des Douanes, le management public.

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The acronyms:

abbreviation	Designation
AEO	authorized economic operator
CA	customs administration
DSTR	déclaration simplifié de Transfer routier
FMEAC	failure mode and effects analysis criticality
HOC	Head office of customs
HR	Human resources
NPM	new public management
PST	problem solving techniques
RPN	Risk Priority Number
SIGAD	système informatisé de gestion automatique des douanes
WCO:	world customs organization
WTO	: world trade organization
(WWWWHHW	What? Who? Where? When? How? How much? Why?

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INTRODUCTION

INTRODUCTION

Public administration aims to serve population by responding to their satisfaction and meeting their needs, in the same way and with the same means based on the principles of equality and continuity, accordingly it tends to improve and modernize its departments and responds the new exigencies of actual environment within the use of developed tools, means and methods. Among the public authorities that make efforts to achieve continuous improvement, customs which appears as one of the most important institutions.

Customs around the world engages in diverse missions and contributes to the implementation of public policies that govern the international trade, protect the economy and secure the borders, so no one can ignore the importance of customs institutions, and this for already more than 60 years because the World Customs Organization has existed since the time when customs was simply a tax administration.

Customs missions have evolved under the auspices of the non-governmental organization that is the WCO; from classic missions based only on taxation, to economy protection, security of the territories and decision-making.

An administration par excellence, with a permanent presence in borders, and a strong will to reach its new objectives of modernization, of performance and of efficiency, Algerian customs is facing major challenges and sometimes pernicious; on one hand they must control the flow of goods to fight against fraud, on the other hand they are required to facilitate the exchanges for value creators (operators): it is a customs dilemma that has always survived, isn't it??

In this context, the Algerian public authorities “conscious” of the customs role in the framing of foreign trade of Algeria, have:

- Created the National Office for Combating Drugs and Addiction¹;

According to Executive Decree No 97/212 dated on safer 4, 1418 corresponding the 9th of June 1997, customs administration is a permanent member in the community of evaluation and monitoring, the mentioned administration works under the supervision of the head of government (prime minister), it's a public institution of an administrative nature, it has the legal personality (moral) and financial autonomy, its basic functions are associated with work

¹ Décret exécutive 97/212 du 4 safer 1418 correspondent au 9 Juin 1997 portant la création du office national de la lutte contre la drogue.

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on coordination with all sectors involved in the fight against drugs, in order for preparing an integrated national policy, through the preparation and implementation of a master plan containing prevention and medical treatment, integration as well as repression in case of necessity.

- Revised the organization of the customs administration²; all organizational changes has stipulated by law (central and external departments), it has been establish to modernize the administration and facilitate its management.
- Intensified means of actions of customs administration
- Established the department in charge of public service reform under the tutelage of the prime minister³ because of its importance and its role in enhancing the relationship administration_ citizen

Furthermore, other plans of public sector improvement have also been established⁴.

The Algerian Customs Administration is among the authorities of Ministry of Finance with a number of measures that could improve the custom's public service. Over a period of four years Algerian Customs has achieved successfully a structuring actions affect on the two sides of the dilemma mentioned above;⁵

- In contraband (drug seizure ; staggering **10kg** of cocaine, **101,963** tons of hashish Treated, **10.145kg** of heroin , psychotropic; **290 808** tablets, **293** bottles) Fuel: **1516994** L worth **87,028,622 DA**
- In counterfeiting: Seizure of **8 611 646** Counterfeited articles
- tax Fraud : duties and taxes; **13 717 592 109,88 DA**
- Illicit trafficking and currency infringement:**50 031 926 429,22 DA**
- **138** authorized economic operator

² Décret exécutif n° 08-63 du 17 Safer 1429 correspondant au 24 février 2008 portant organisation de l'administration centrale de la direction générale des douanes.

-Arrêté interministériel du 21 Rabie El Aouel 1431 correspondant au 7 mars 2010 portant organisation de l'administration centrale de la direction générale des douanes en bureaux.

-Décret exécutif n° 11-421 du 13 Moharrem 1433 correspondant au 8 décembre 2011 fixant l'organisation et le fonctionnement des services extérieurs de la direction générale des douanes.

³ Décret exécutif n° 13-381 du 15 Moharrem 1435 correspondant au 19 novembre 2013 fixant les attributions du ministre auprès du Premier ministre, chargé de la réforme du service public.

⁴ Plan of modernization "head office of customs"

⁵ Statistics "2010_2013" internal document head office of customs

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- Connection to SIGAD ; approximately 1658 operators

The obtained achievements are important but they were apprehended in an often uncoordinated approach not recognized by new public Management⁶ which is born in the 1970s, it denies - or at least minimizes - any difference in nature between public and private management. Accordingly, it calls for a pragmatic approach to problems and better sharing of roles between; the level of control (the political power that makes strategic decisions and set goals) and the execution level (the power of directors or the manager who makes the operational decisions).

New public management is a new system of governance, follows an application of the methods of private management, which make efficient companies market, the public sector Overall, so the NPM is the application of management techniques from the private to the public sector.

Problem solving methods is one of the tools of NPM, its application in companies is a topic that has been discussed by many researchers⁷, but it is new and very few academic researches has been done regarding to its application in public administration generally and Customs Administration in particular⁸

Precisely; **what would be the contribution of the application of certain methods of problem solving to face issues and challenges of the customs administration?**

The deal with this problem underlies the following questions;

- **Are PSM applicable in customs administration?**
- **How PSM can contribute in achieving customs' challenges (fights against fraud and provides facilities) and realizing continuous improvement?**
- **What management tools would be most appropriate for the case of customs?**

⁶ TAYEB Saïd la gestion des administrations publiques – école nationale d'administration année universitaire 2009-2010

⁷ (LEWIN, J. Creative Problem Solving in Occupational Therapy. Philadelphia:1998
-Lippincott Williams & Wilkins—applies PSM to healthcare

⁸ BAHAMID Farouk; BERDJOU DJ Hakim et autres Projet SCM : Analyse de la cartographie du processus de dédouanement et amélioration de la performance SCM des entreprises, Centre des études supérieures industrielles CESI- Algérie.SCM 5. Promotion 2012-2013

- Audit logistique selon le référentiel ASLOG v.2001 appliqué à la Sarl MINIROS .Mme BOUCHELAGHEM ARAR Nawal et autres, Centre des études supérieures industrielles CESI- Algérie SCM 5. Promotion 2012-2014

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In order to better understand this issue we ask the assumptions below:

- **Some Customs administrations have succeeded through the use of PSM**
- **The use of PSM contribute to improve the performance of Customs**
- **The majority of PSM are applicable in customs**

The methodology of the study is based on observation and data analysis (statistics provided by the head office of customs) as well as the use of some managerial tools that we we'll tackle on in this paper because the approach adopted in this paper is far from being purely technical in customs matters but rather a part of management in general and SPM in particular.

The purposes fixed through this paper are:

- bringing an innovative ideas to the identification of a large institution which is the customs
- Meeting the challenge of introducing specific tools considered particular to enterprises in public administration.
- Encourage decision makers to use the PSM

For the treatment of these issues, we will treat the following points:

- In the first part we will talk about the challenges that customs administration faces; fighting against fraud and providing facilities for operators, and the efforts have made in the field to better manage the exchanges, and facilitate the movement of capitals and allow free competition.
- The second part is devoted to an analysis study; how can we apply certain Problem solving methods in order to help in the process of providing facilitations and generate potential problems in the process (process of getting the statute of AEO), to propose recommendations and solutions to eliminate failures, but before that we'll define our problem and then select the best applicable methods to talk about its essence and know how to use them in general.

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- The third part; I will Conclude with a part that contains the same study carried out in second chapter but here I'll devote it to other side of customs challenges which is fighting against fraud, I will show how to successfully apply Those methods in customs administration, through defining the causes and effects of fraud (contraband), to tackle with them through proposition of a list of recommendations in order to take corrective actions.

PART ONE:
CHALLENGES THAT CUSTOMS'
ADMINISTRATION FACES

Part one: challenges that customs' administration faces

In view of the facts of current economic relations, which tends to liberalization and opening of the borders, Customs administration lives a dialectic between facilities and control that's why it finds itself confused in front of the massive exchanges, that it had to adapt to, and reconsider their methods of work and control.

Customs plays an important role due to its position, the nature of its activity, and positioning its agents on the borders, in addition to its hard work of protecting the national economy.

So from the nineties (liberalization of trade and opened market, creation of WOT and WCO) customs became more conscious of its challenges, and thus through promulgation of legislations and regulations that provide more facilities for economic operators and minimize control whereby it can reach effectiveness and override impediment.

Within this dialectical situation the biggest worry of customs is how to reconcile with both challenges (facilities and control); although these tasks seem contradictory, but the strong will and the use of new managerial methods can settle this dilemma.

In fact, customs struggle on within minimizing control, as well as requiring facilities, in this part we'll articulate the facilities required within different provisions and the main types of fraud that customs face, how this fraud is faced

SECTION ONE: CUSTOMS FACING THE CHALLENGE OF PROVIDING FACILITATIONS:

In order to improve its services and contribute in pushing forward national economy, customs takes many measures and procedures, those procedures comes within encouraging investments in the fiscal side, as well as those which come within customs procedures, the most important measurements is granting privileges and facilities for clients in various fields (administrative, fiscal, and even social.....) as following:

I. Tax Facilities:

The economic transformation has accompanied a change in Algerian economic policy, particularly the transformation from market capitalization to free market (1989), which encourages the development of investment and foreign trade and impose the inevitability of granting fiscal concessions and facilities.

Because of its fiscal and economic importance, the necessity for liberalization of foreign trade needs to grant fiscal advantages, including the exemption, reduction or suspension of the rights and customs duties.

1 - Facilities granted by the system on the development of investment:

New legal provisions⁹ requires a recent measures in favor of investors, it includes:

- The application of the reduced rate for the rights and customs duties for goods, equipment and machines imported directly involved in the completion of the investment.
- Exemption from added value for goods, machinery, equipment, or services that directly intervene in the completion of the investment.

A- National agency of investment development: according to the Order 03-01¹⁰, the investor benefits during the stage of completion in the framework of the decision of granting privileges issued by the Agency from the:

- application of the reduced rate of customs rights for equipment imported which involved directly in the completion of the project, estimated at 5 % for the decisions of the grants in place before publishing the order 06-08 dated on 19/07/2006

⁹ الأمر رقم 01-03 المؤرخ في 2001/08/20

¹⁰ المادة 9 من الأمر رقم 01-03 المؤرخ في 2001/08/20

Part one: challenges that customs' administration faces

- exemption of customs rights for the imported goods that enter directly in the completion of the project in relation to the decisions of the grants system studied after Publishing it 06-08 dated 19/07/2006¹¹
- exemption from VAT for goods those enter directly in the implementation of the investment

B- National agency of supporting young: according the latter agency, benefits from customs duties are¹²:

- Application of the reduced rate is estimated at 5% of the rights of the customs for imported equipment that enter directly in the completion of the investment.
- Exemption from VAT for equipment that enter directly in the implementation of the investment

2 – Facilities in the framework of international agreement¹³

International economic cooperation embodied through bilateral and multilateral agreements with States, private and international organizations, which aims to achieve commercial and economic cooperation with a view to reviving the national economy through the privileges granted in its context.

Algeria Seeks since its persuasion the policy of free economy to enter in agreements in order to participate in the economic and trade negotiations at the international level also to express its will to make partnerships.

Here we will have a look at the most important agreement concluded by Algeria, especially with the countries of the Maghreb and the Arab states, especially Jordan and then the most important valid agreement, which is the partnership agreement with the European Union.

¹¹ حسب التعليمية رقم 11/م ع ج/د/ 07.420 لـ 2007/01/15

¹² المرسوم التنفيذي رقم: 297/96 المؤرخ في: 08 سبتمبر 1996 المحدد لشروط و مستوى المساعدة المقدمة للمتعاملين الشباب تستفيد من بعض الامتيازات نظرا للمهام المنوطة به

¹³ اتفاقية الشراكة التجارية المبرمة بين الجزائر و الأردن في الجزائر تاريخ: 19 ماي 1997 والمصادق عليها بموجب المرسوم الرئاسي رقم: 252/98 المؤرخ في: 08 أوت 1998

A- Maghreb relations of cooperation:

The Maghreb countries concluded a number of bilateral agreements in most but became multilateral in the field of customs and were themes revolve about:

- Mutual administrative cooperation for the prevention of customs offenses and search for them and the exchange of information as well as the affairs carried out by customs officers such as monitoring.
- Concessions and privileges between States among them in order to liberalize trade and access to a free trade zone in the first stage and then achieving a customs union in a second phase
- Trade agreement and tariff Algerian-Moroccan: signed on: March 14, 1989 in Algeria and is the rate required by 40 % of origin marking required management to Moroccan customs declaration detailed for export.
- trade agreement and tariff Algerian - Mauritania : signed in : November 12, 1973 in Algeria The ratification was under Order 20/74 dated : 4 February 1974 and in contrast to prior agreements , the exemptions under this agreement are according to a specific list of goods Algerian and Mauritanian beneficiary of the exemption .

B- Relations of cooperation with Arab countries:

Mainly the partnership between Algeria and Jordan in Algeria¹⁴ it stipulates the exemption from payment the rights taxes for products originating in Algeria or Jordan exchanged between the two countries, except those listed in Appendix of the agreement.

C- Partnership Agreement with the European Union:

In order to achieve a financial and more effective and useful economic cooperation, Algeria created a free trade zone with the European Union, because it's the principal dealer, where

¹⁴ اتفاقية الشراكة التجارية المبرمة بين الجزائر و الأردن في الجزائر بتاريخ:19ماي 1997 والمصادق عليها بموجب المرسوم الرئاسي رقم: 08 أوت 1998
252/98 المؤرخ في: 08 أوت 1998

Part one: challenges that customs' administration faces

European goods account in more than 60 % of the total imports of Algeria, and approximately 62 % of total Algerian exports exported to the European Union.

Algeria has entered into a partnership agreement with EU on April 22, 2002 and was ratified by the national People's Assembly in the April 26, 2005, as it aims to bring about a free trade zone gradually through 12 years from the date the Agreement enters into force, or about 2017

The agreement provides to export Algerian goods towards the European Common Market with exemption from customs duties, with the exception of agricultural products that are subject to the quota system.

II. Procedural facilities;

It includes facilities that come within customs procedures which have been recommended in convention of Kyoto¹⁵, and authorized economic operator which constitute a new pillar of facilitation;

1 - Economic customs procedures (les régimes douaniers économiques)

This measure is a WCO¹⁶ Recommendation (Revised Kyoto Convention on the simplification and harmonization of customs procedures),

In Algerian customs law defined “Customs economic procedures” as follows: motivational customs procedures mainly used to favor the promotion and development of some economic activities (exports, for example), which is relating to special functions of transit, storage, transfer and use.

it strengthens the competitiveness of national institutions abroad, and thus by introducing a mechanisms of customs and fiscal privileges that is variable depending on the nature of economic activity (exemption from taxes and customs duties, obtaining fiscal and financial concessions related to export process),

The goal of these systems is to reduce the duties of the institutions obligation that deal with international ones, through the preparation of appropriate procedures, and the total or partial

¹⁵ international Convention on the simplification and harmonization of Customs procedures (revised Kyoto Convention in 2002)

¹⁶ Convention of Kyoto, Ibid

exemption of taxes and duties constitute the most important procedure, as well as the exemption from the application of prohibitions relating to economic control of foreign trade.¹⁷

2- Customs procedures facilities:

A-Customs clearance at place:

In the context of giving more flexibility to clearance, customs' administration granted to the operator the possibility of economic clearance without brought its merchandises to the office. This procedure can be granted to any institution provide financial guarantees, and depends also to the number of import and export operations, and by submitting a request to the taxman Customs Office that located in the place of customs clearance (Bureau de domiciliation) and deposit an guarantee to ensure payment of taxes and customs duties.

According to this procedure in the case of import; the operator as soon as the arrival of his goods he waives it without doing customs procedures, and the movement of goods from the Office of entering to store would be through the simplified permit of cross (DSTR)

In the case of export, the operator should already inform the customs administration by the process of shipping goods in order to that latter can verify the merchandises.

B- Automatic clearance (SIGAD)¹⁸:

Due to the attention of customs' administration to ease and flexibility of transactions that it's in continuous and spectacular increase in size, this administration has created a system of information to Customs since October 1995 allows speeding up of clearance operations, and currently this system (SIGAD) covers more than 98% of the foreign trade operations in Algeria, it includes information concerning the statistics of goods, transportation, fiscal collection, so they can control the operations of the entry and exit of goods and the granting of foreign trade statistics.

¹⁷ Articles 115 to 196 of customs code

¹⁸ Système d'Information de Gestion Automatisée des Douanes.

3- AEO:

The growth of global trade and increasing security threats to the international movement of goods have forced customs administrations to shift their focus more and more on securing the international trade

The World Customs Organization (WCO) drafted the WCO Framework of Standards to Secure and Facilitate global trade (SAFE). In the framework, several standards are included that can assist Customs administrations in meeting these new challenges. Developing an Authorized Economic Operator program is a core part of SAFE.

A- Definition:

An **authorized economic operator**, or **AEO**, is defined as:

"A party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs administration as complying with WCO or equivalent supply chain security standards. Authorized Economic Operators include inter alia manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses and distributors"¹⁹

This means the economic operator should monitor on regular basis the relevant processes, checking whether the procedures in place are adequate to assure customs and security and safety compliance. The economic operator should document what has been done, both to manage the improvement action and to evidence it to customs authorities.

B- Who is an AEO according to Algerian law²⁰:

An AEO can be defined as an economic operator as laid down in Article an AEO statue can be granted to any economic operator meeting the following common criteria:

- Record of compliance with customs requirements,
- Satisfactory system of managing commercial and, where appropriate, transport records, which allows appropriate customs controls,
- Proven financial solvency and,

¹⁹ *AUTHORISED ECONOMIC OPERATORS* GUIDELINES approved by the ccc-gen (AEO subsection) on 17 april 2012

²⁰ Décret exécutif n 12/93 du 8 rabaie ethani 1433 correspondant au 1^{er} mars 2012 fixant les conditions et les modalités du bénéfice du statut d'opérateur économique agréé en douane

The authorized economic operator benefit from some facilitation notably; facilities to access simplified customs procedures as well as reducing of physical and documentary control.

C- The WCO framework of standards to secure and facilitate global trade²¹:

The AEO concept is one of the main building blocks within the WCO SAFE Framework of Standards (SAFE). The latter is part of the future international Customs model set out to support secure trade. SAFE sets out a range of standards to guide international Customs Administrations towards a harmonized approach based on Customs to Customs cooperation and Customs to Business partnership. SAFE is based on four core elements:

- harmonization of the advance electronic cargo information
- each country that joins SAFE commits to employing a consistent risk management approach to address security threats
- On request of the Customs administration of the receiving nation, the customs administration of the sending nation will perform an outbound inspection of high-risk containers and cargo.
- Definition of benefits that Customs will provide to businesses that meet minimal supply chain security standards and best practices.

Customs will trust the operator and perform less or no inspections on goods imported or exported by or via the AEO, the mover of the goods is available more quickly, which means lower transport costs. Customs benefits as scarce inspection capacity can be targeted better at cargo of unknown and potentially unsafe operators²².

Most members of WCO have acceded to the SAFE framework and it can be expected that in the next few years, the majority of customs administrations will introduce AEO-programs. At present, AEO or similar programs have been introduced.

Algeria introduced the AEO in 2012, to adapt international transformation in one hand, on the other hand to facilitate a large number of import and export operations.

²¹www.wcoomd.org

²² *AUTHORISED ECONOMIC OPERATORS*GUIDELINES,op.cit

Although all these programs find their roots in the SAFE framework of standards, but the approaches differ. For example the Algerian AEO program is open only to producers²³, who acted in compliance with regulation, whereas European Union program is open to all operators in supply chain.

SECTION TWO: CUSTOMS FIGHTING AGAINST FRAUD:

Fraud means any infringement of laws or regulations that the Customs Administration is responsible for enforcing, committed to²⁴:

- evading or attempting to evade the payment of duties, fees or taxes applicable to the goods,
- evading or attempting to evade the prohibitions or restrictions on goods
- collect or attempt to collect improperly reimbursements, subsidies and other payments,
- Obtain or attempt to obtain illegal trade benefits infringing the principles and practices of legitimate commercial competition.

With the intention of avoiding some commitments and obtaining some privileges and rights illegally.

We'll exhibit the principle types of fraud as well as the means to fight against it (in other words how customs faces it) as following:

I. Different types of fraud:

Customs fraud may appear in different forms in order to take advantage of the privileged position mitigate or evade payment of customs duties and taxes.

1 –counterfeiting:

Based on the various legal provisions in force, The Algerian legislator mention numerous authorities in charge of fighting against counterfeiting, among these authorities customs administration appears with a vital role:

²³ Guide de l'opérateur économique agréé, la direction générale des douanes, 2013

²⁴ Séminaire destine aux services qui recherchent la fraude commerciale, direction générale des douanes, 2007

a. Definition:

Counterfeiting have been defined as: "counterfeit goods are the goods that affect a right from Intellectual property rights"²⁵

b. Customs facing counterfeiting:

The negative effects of goods imitation knew a dangerous and continuous expansion, these negative effects do not affect only the owners of the rights and brands, but extend to Consumer and generally they adversely affect the national economy and the public treasury. Hence, customs should involve protecting the State's economy through fighting against counterfeiting, as well as health and security of its population.

- Protecting the owner of rights propriety

evidently the owner of brand is the most aggrieved from counterfeiting because the brand is a guaranteed right to him, and to reinforce the status of this right, it requires lots of time, a high fees and great efforts, it is not easy to the owner of the intellectual right to implement in the market, as a result the violent of this right constitute an economic crime without doubt.

Furthermore counterfeiting affect badly on the reputation of brand, the consumers tend to lose their trust about the product and leads often to their reluctance to buy this product, In addition, the prices of counterfeit products are definitely less than those of the original ones and this certainly leads to the orientation of the consumer to cheapest acquisition of products and thus reduced the original products sales,

In this context customs have concluded many agreements in the field of intellectual propriety protection notably:

- Ratification of Convention of AMI with the United States of America government and signature of convention of cooperation with Korean customs.
- Signature of 10 protocols since 2007 with propriety intellectual rights holders.
- 268 requests of protection filed at the head office customs

There be noted that Algerian customs administration won two awards for its efforts in fighting against counterfeiting (2007- 2008) from WCO.

- Protecting the economy and consumers:

Also, the risk of counterfeiting, can be highlighted through taxes and customs duties, the fact that the value of the goods remains unknown and producers are usually anonymous it cannot

²⁵ Article 22 du code des douanes

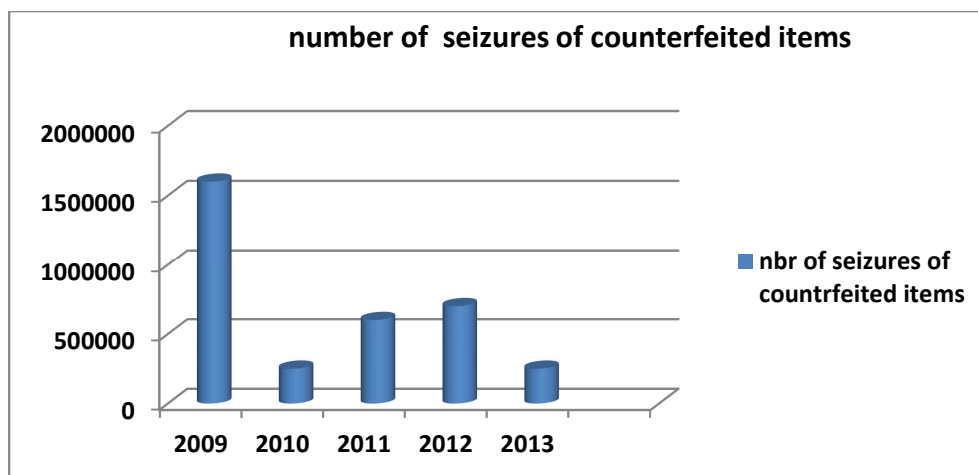
Part one: challenges that customs' administration faces

be collected, furthermore the spread of counterfeit goods in the country terrorizing foreign investors, they think they will lose their market share and thus leads them to withdraw their projects to a lack of confidence, likewise counterfeited products affect badly on health of the consumer

For example food is likely to be non- conforming to standards of health and so medicines: it may result dangerous effects to the patient or kill him.

Counterfeit Cosmetics leads to diseases and cancer it affects on the security of the consumer as well as spare parts; counterfeited pieces do not fit in with original product thus leads the owner of the car to the danger...etc

Graph 2: Evolution of seizures of counterfeited items:



Source; statistics from the HOC

2 – Contraband (smuggling):

a - Definition: In order to clarify the concept of smuggling, the legislature stated the fact of the smuggling in the Article 324 of Customs law²⁶ provides:

The term smuggling is any:

- Imports or exports of goods outside the customs offices.
- Infringement of Articles 25, 51, 60, 62, 64, 221, 222, 223, 225, 225bis and 226 of this Code.
- Landing and fraudulent shipments of goods.
- Subtraction of goods placed under the transit procedure.

²⁶ L'article 324 du code des douanes

b- Customs facing contraband:

Smuggling is a phenomenon that has serious consequences on economic and social sides, so customs involves in fighting anti contraband to protect the economy and population:

Socially: The smuggled goods constitute a risk on public health; the most obvious example of this idea is the smuggling of drugs and narcotics which are extremely harmful to health. We can also mention the example of products that do not meet the criteria imposed by the sanitary control because they are imported out of customs offices. The facts of smuggling may also cover arms, which represents a major threat to public safety, especially in the situation of insecurity that the country live.

Economically: The effects of smuggling on the national economy are:

- The non- payment of duties and taxes arising smuggling operations we can always discuss the example of tobacco products; In this context, the annual losses at the Treasury are around 35 million dinars, this is due to the activities of illegal trade in cigarettes.

Furthermore the import of certain goods outside the customs officers can be detrimental to national companies that produce the same kind of goods, since smuggled products are sold on the black market at lower prices than those of domestic firms this looks like the effect of dumping.

- Large quantities of contraband goods released for consumption in black on domestic markets are likely to prevent the collection of reliable information accurate statistics which are essential for control and followed the economic policy of the state, especially in foreign trade.

- Money laundering: smuggling activities allow traffickers to earn large profits illegally which cause the detriment of the national economy. Drug traffickers for example, often rely on financial experts to smuggle large amounts of money earned from drug trafficking, they resort to complicated network of bank accounts, which will ultimately lead to bankruptcy by their owners after realizing their goals.

3 – Customs facing tax fraud (value, type, origin):

It's clear that the main role of Customs is protecting economy and collecting taxes and duties, that's why CA make a big efforts for the best collection in benefit of public treasury, within the full verification of elements of taxation through following actions:

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- Implementation of the Harmonized System amendments 2012 in the national tariff
- Securing and substantial improvements in tax collection (the rights and duties) and forced recovery (following fines due to customs offense)
- Declination control of the customs value and tax benefits
- Establishment of regional research unit responsible for the collection of information on customs offenses

a - Fraud in customs value:

The customs value of imported goods is determined mainly for the purposes of applying ad valorem rates of customs duties. It constitutes the taxable basis for customs duties. It is also an essential element for compiling trade statistics, monitoring quantitative restrictions, applying tariff preferences, and collecting national taxes almost all customs administrations of the current **159 WTO Members** (in Algeria it have defined according to the article 16 of customs law) value imported goods in terms of the provisions of the WTO Agreement on Customs Valuation (adopted in 1994). This Agreement establishes a customs valuation system that primarily bases the customs value on the transaction value of imported goods, which is the price actually paid or payable for the goods when sold for export to the country of importation, plus, certain adjustments of costs and charges. Currently more than 90% of world trade is valued on the basis of the transaction value method which provides more predictability, uniformity and transparency for the business community.²⁷

the fraud in the value can be commit through the decrease or the increase of the value, The perpetrator of fraud declare less value in order to evade taxes and duties and increasing the competitiveness of imported goods on the market, as well as declare more value in order to smuggle capitals abroad and obtaining more sum of foreign currency.

b - Fraud in tariff:

The Harmonized Commodity Description and Coding System generally referred to as "Harmonized System" or simply "HS" is a multipurpose international product nomenclature developed by the World Customs Organization (WCO).²⁸

The tariff is the base that determines the value of the rights and customs duties, fraud in tariff can be committing through declaring a false commodity classification”, its objective is

²⁷ www.wcoomd.org

²⁸ www.wcoomd.org

evasion of some of the measures taken in the framework of foreign policy or to evade the measures specified in laws and regulations in force.

c- Fraud in Origin;

Article 14 stipulates "the country of goods origin is that, where it has been extracted from the basement, harvested or produced" the Origin may also be defined as the geographical link between the goods in a given country which is deemed issue.

Traffickers can benefit from the fraud in origin, especially when there are advantages in terms of duties and taxes, and in case of existence of multinational agreements that provides exemptions, or to divert control measures, quantitative restrictions and prohibitions

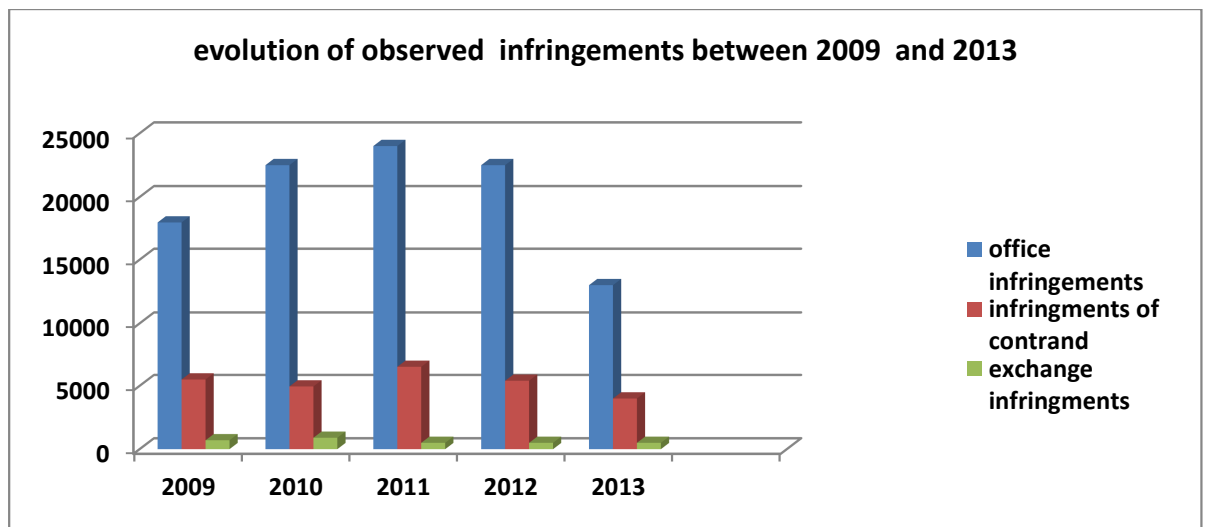
4 - Currency offenses;²⁹

Foreign exchange fraud is any trading scheme used to defraud traders by convincing them that they can expect to gain a high profit by trading in the foreign exchange market

This type of fraud relating on transfer of funds to other country, we can define it as the illicit movement of capitals from and to abroad, according to regulations in force. It encourages organized crimes and money laundry which is a result of all criminal acts (contraband, drugs trading, embezzlement, counterfeiting, weapons trading.....)

²⁹Ordonnance 10-03 du 16 ramadhan 1431 correspondant au 26 Aout 2010 modifiant et complétant l'ordonnance 96-22 du 23 safar 1417 correspondant au 09 juillet 1996 relative a la législation et a la réglementation des échanges et des mouvement de capitaux de et vers l'étranger

- Graph 2: Evolution of observed infringements between 2010 and 2014:



Source: statistics from HOC

5- Money laundry:

The most dangerous one because it commits to use illegal sources gained from contraband, drugs trade counterfeiting ...etc and all other economic crimes;

- Definition ³⁰

The money laundry is a process that allows giving legality to funds with illegal sources, using techniques that hide the source of these funds. The European Council defines the money laundering as "the illegal transfer of funds to the legitimacy in order to re-invest it in the formal sectors or used it for personal purposes"

- **Customs facing money laundry:** customs involves fighting this phenomenon in order to control and punish:

- Smuggling Funds to other countries, which violate the legal provisions which impose restrictions in the field of exchange and currency

- Smuggling Funds abroad, do not escaped undergo a tax;

- smuggling Funds of criminal origin of the proceeds of crime or misdemeanor common law.

It affects badly on national security because it encourages weapons and drugs trade which constitute a threat on state and public safety

³⁰ تبييض الأموال، إشكالية و عناصر أجوبة، حلقة دراسية، المدرسة الوطنية للإدارة 2004 2005

II. Means of fighting against fraud and efforts of customs:

The Algerian Customs are charged In the protection of national economy, using the means and the proper tools to accomplish their mission, but the means that customs used to face fraud are very traditional and classical, whereby it cannot reach desired results, so it should seek after new methods to reach performance, and work effectively, in following we'll make an overview about the means used by customs to face fraud:

1 - Human and legal means:

There are lots of laws and regulations defining and prohibiting all acts of fraud in an implicit or explicit way, in this context, we can mention:

A- Legal means:

a - The Customs code:³¹

It was established by law N°79-07 of July 1997 as amended and supplemented in particular by law n ° 98-10 do Aug. 22, 1998, The application includes all the customs territory, In this context , it is clear that smuggling is a customs offense. The latter was defined by the legislator in Article 5 of this Customs Code as any violation of the laws and regulations that the customs authorities are responsible for enforcing and punishable under this Code. Indeed, all the facts of contraband are subject to financial penalties and jail terms that depend on the rank and degree of the offense. For this reason, the legislature drew a distinction between the facts of smuggling are offenses and those representing contraventions.

b - International agreements and mutual assistance and different regulations of fighting against fraud:

➤ International agreements;

International agreements are rather part of international cooperation in fighting and punishment of fraud, we mention following agreements:

- Multilateral agreements managed by the WOC
 - Agreement of NAIRONI dated on 09/06/1977 entered in force on 21/5/1980.
 - Agreement of Johannesburg dated on 27/06/2003;
- Bilateral agreements: the most recent agreements are concluded with :

³¹ Article, 22, 319 to 325

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- South Africa signed on 08/02/2003³²
- Nigeria signed on 07/02/2004³³
- Syria signed on 13/03/2000³⁴
- Turkey signed on 10/10/2004³⁵
- Iran signed on 15/04/2009³⁶
- Emirate on 15/04/2009³⁷

➤ **different regulations of fighting against fraud:**

- Ordonnance 10-03 du 16 ramadhan 1431 correspondant au 26 Aout 2010 modifiant et complétant l'ordonnance 96-22 du 23 Safar 1417 correspondant au 09 juillet 1996 relative a la législation et a la réglementation des échanges et des mouvement de capitaux de et vers l'étranger.
- Ordonnance 05-06 du 23/08/2005.
- Arrête du 15/07/2002 déterminant les modalités d'application de l'article 22 du code des douanes relative à l'importation des marchandises contrefaites.

B- Human means:

Nowadays no one can ignore the importance of human resources, customs are aware of this situation that's why they recruit average 20 000 agents of different ranks, most of them are issued from the (06) six specialized schools and a national school for high ranked officers, this amount of 20000 seems a little bit a big number, but it's explained by the positioning of the country which represented with a large frontiers and dangerous borders (morocco, countries of Sahel...)

³² Décret N° 03/60 du 08/02/2003

³³ Décret présidentiel N° 04/24 du 07/02/2004

³⁴ Décret présidentiel N° 2000/56 du 13/03/2000

³⁵ Décret présidentiel N° 04/321 du 10/10/2004

³⁶ Décret présidentiel N° 09/127 du 15/04/2009

³⁷ Décret présidentiel N° 09/123 du 15/04/2009

2 - Organizational and material means:

A- Organizational means:

Organization by the State regarding the customs administration, provide for the intervention of several services in monitoring the flow of goods across land borders. In this context we mention the following organizational measures³⁸:

- Direction of intelligence (sub direction of fighting against smuggling, a sub direction of fighting anti-counterfeiting and sub direction of mutual assistance)
- Directorate of post control.

Both directorates are responsible for collecting all information related to drug trafficking, counterfeiting and working with other specialized services in the fight against counterfeiting, the suppression of illicit traffic in narcotic drugs and psychotropic substances, as well as participate in the activities of associations aimed at raising awareness on the subject.

- Collect and analyze information and reports information on customs fraud and publish the summary for services to fight against commercial fraud, smuggling and counterfeiting.
- Exchange information and cooperate with the regional offices of the binding of the World Customs organization, and to provide them with information on the fight against fraud in the framework of the Nairobi convention.
- Exchange information and cooperate with foreign authorities under the mutual assistance concluded by Algeria.

B- Material means:

Resources are of great importance in the activities of the fight against fraud, this is due to the need to conduct field trips in order to control land borders (Means of transport, the technical and telecommunications used for rapid exchange of information of fraud):³⁹

- Extension des connexions du réseau du SIGAD
- More than 600 vehicles of all categories combined (4BY 4), 120 vehicles for the fight against smuggling at land borders.
- Acquisition of 100 road motorcycles for control of border strips east and west

³⁸ Décret exécutif n° 08-63 du 17 Safer 1429 correspondant au 24 février 2008 portant organisation de l'administration centrale de la direction générale des douanes

³⁹ Statistics HOC

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- 7 mobiles scanners for containers
- 5 substances Analyzer
- Acquisition of sniffer dogs.
- Acquisition and installation of equipment of the transmission network operating customs satellite to the widespread use of automated system for customs clearance of goods to all offices
- Extension of the connections of the network SIGAD

3 – Control and risk management:

A- control:

The customs face fraud through an effective tool which is control, we mean by control the actions taken to ensure the application of laws and regulations that customs are in charge to apply.

in order to keep pace with the development of foreign trade and the global economy, the customs administration has generalized the facilities measures in favor of economic operators to speed up operations of clearance, also they can benefit from these some fiscal privileges to enable them to promote investments and national economy.

Facing of these data, Customs should exercise its protective role, in order to be a bulwark against all forms of fraud that can be dragged behind these facilities, and in this framework came customs control in all its forms.

- It can be a based audit control;

Customs duties, taxes and fees are calculated on the base of the value of the goods, that's why they should verify and control the real value, if there are tax privileges, also control tariff ensures the authenticity of the provided information about the classification of goods, furthermore customs Administration obliged to ensure the accuracy of the origin of goods and this is because the ratio of rights and duties to be paid related to the origin of goods, especially when there are privileges granted in the framework of bilateral agreements or international, furthermore the control of documents is indispensable.

- Or post- audit :

Because of the facilities and tariff concessions granted and the evolution of the phenomenon of fraud, in Addition to the increase the volume of trade, and the impossibility to control each operation of import, this led CA to the adoption of a second type of control, which is post-audit.

Subsequent control derives its strength from the provisions of the Kyoto agreement⁴⁰, which stipulates that the Customs Department is forced to carry out the control of goods in real time, through the increase of its interventions in the context of post-audit. In addition, there are legislative and regulatory provisions of the Customs law⁴¹

B- Risk Management

a – Definition:

In the WCO “Risk management guide”, the risk from a customs perspective is generally defined as: “The potential for non-compliance with Customs laws”,

Management of risk is one of the techniques and procedures in the field of management which allow Customs to collect the necessary information to address the movement of dangerous goods.

The technical management of risk is to exploit the available information in order to detect irregular transactions that constitute a great danger, and thus shed customs control them.

It can be either a real danger or potential determines the real danger from the client's past, a good knowledge of the information (intelligence) related to a particular activity or a particular product, the supposed danger does not constitute a preview but just a hypothesis of fraud.

b -Necessity of risk management in customs:

- To reconcile the facilities and control:

The multiplicity of ways of fraud results considerable damages to public treasury and national economy, customs should combat fraud to ensure competition on the other hand customs must encourage trade and lifting barriers, by simplifying customs procedures and easing customs control.

⁴⁰ international Convention on the simplification and harmonization of Customs procedures (revised Kyoto Convention in 2002)

⁴¹ Articles 47, 48,109 and 252

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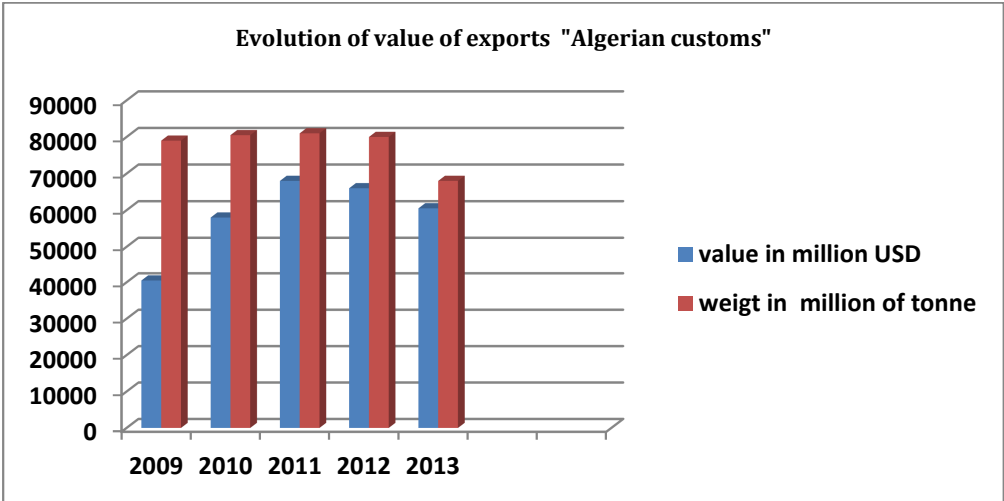
- To reconcile the control and available means:

The physical control of merchandise is always the most reliable mean to ensure the application of regulations, but limitation of administration's capabilities and the continuous movement of merchandises do not enable them to achieve control of each operation,

- To reconcile control and volume of operation:

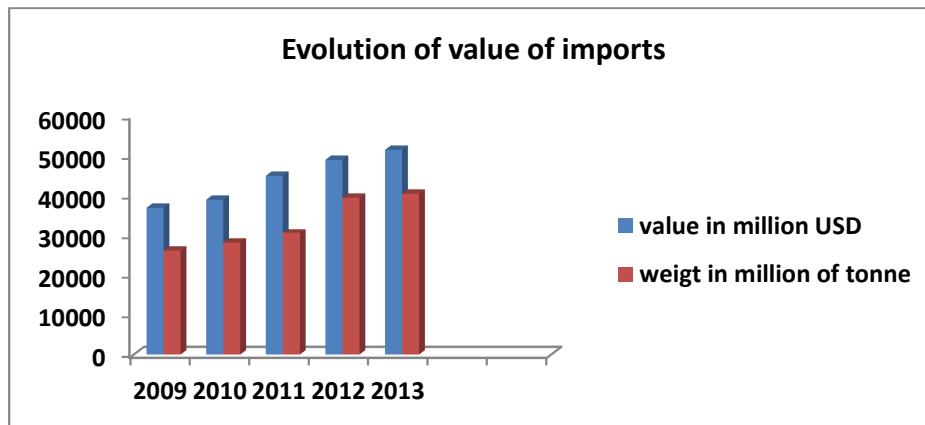
The customs controls are necessary to ensure the effectiveness of the intervention of the customs but the big volume of movement of people and goods through borders makes full control impossible, to solve this problem customs must focus control on areas that represent the highest risk.

Graph 3: Evolution of export and import operations in Algerian customs "value and weight":



Source: statistics from the HOC

Graph 4: Evolution of export and import operations in Algerian customs "value and weight":



Source: statistics from the HOC

- Keeping pace with economic transformations:

In the context of the current economic and trade policies that focus on free trade, we cannot over control. Algeria sign a partnership agreement with the European Union and the possibility of joining WTO forced her to re-examine their customs policies to fit with the basic principles of those organizations.

International organizations represents a common legal institutionalized framework aims to guide the trade relations between the Member States and the establishment of new rules aimed at creating a global market through lifting barriers.

These commitments will be completed by the liberalization of foreign trade and openness of foreign exchanges which affect trade in Algeria by increasing its size as a result the commercial fraud will be increased, which requires the adoption of mechanisms of control that adapt these challenges, the most important technical that customs conduct is the risk management.

CONCLUSION OF THE PART ONE:

Current economic environment poses major challenges that will have to be addressed by customs, therefore, customs struggle on facing those challenges and achieving its objectives of performance and continuous improvement, the need to keep pace all international transformations and development of trade exchanges push customs forward to adapt them by solving all problems relating to management of complicated problems of facing fraud and providing facilities to operators in the same time which constitute a major dilemma in customs.

The means they use are useful but not helpful to reach a set goals for better results and high performance, customs should look after other methods and means whereby it can tackle on dysfunctions appears in management of administration's issues and problems.

Part two

The use of SPM in customs' administration to provide facilitation

In this part we will talk about PSM in the first section, in the second one we will choose one of the methods of PS, which is failure mode, effects and criticality analysis and apply it to discuss about the process of providing the statute of AEO. (measure of facilitations) in section two.

SECTION ONE: PSM AS A NEW MEAN TO SOLVE PROBLEMS IN CA:

In this section we'll talk about the process of PSM, first we'll define these methods after we'll discuss what are the steps we should follow to solve problems creatively.

I. essence of SPM:

Creative Problem Solving (CPS) is the trademarked name for the Osborn-Parnes process of how to solve problems creatively. Alex Osborn's landmark book published Applied Imagination (1960), Here Osborn details the attributes of Creative Problem Solving.

1-defenition⁴²:

Solving problem methods are methods that help particularly to identify and prevent the possible causes of the problem to analyze the effects and then take corrective actions. It is very clear that we must define the problems and find out their root causes before we think about rectifying them.

2-process of PS:⁴³

Creative problem-solving usually begins with defining the problem, .then identifying its root causes and generate solutions, after evaluate the generated solutions and agree with the best solutions, finally implement the evaluated solution within a corrective actions.

a. Define the problem:

A problem is a variation from a recognized standard⁴⁴ and a good problem definition states the current situation and the desired situation. When defining the problem, the statement should not imply any solutions or causes. The current situation is defined by facts use clear and concise language supported by gathered facts when defining the problem. The desired

⁴² www.bussinesballs.com

⁴³ Moore, Carl. 1990. Group Techniques for Idea Building, Applied Social Research Methods Series Volume 9. Sage Publications.143pp

⁴⁴ COMBRIDGE advances learners dictionary , 3rd edition

situation, or what we want to happen, is defined as an objective. The desired situation should be stated in clear, concise, concrete language and be both realistic and worthwhile.

“A problem clearly stated is a problem half solved”

b. Identify and define the root causes:

To solve problems the group must identify and define root causes (reasons for the problem) rather than symptoms (something that indicates the presence of the problem). A technique to use when considering all possible causes is brainstorming which is a technique that allows a large number of ideas to be generated and Ishikawa diagram which is a helpful technique to structure discussion about root causes (part three), and FMECA (part two, 2nd section) and ABC Pareto analysis and other many useful tools

c. Generate Alternative Solutions:

Now that the group has identified and defined root causes, brainstorm alternative solutions. The focus of this step is to generate, not evaluate. Usually groups that generate and evaluate together often reduce the number of potentially viable solutions (when one member suggests a solution, other members offer reasons why it will not work). After the group has exhausted its ideas for alternative solutions, combine aspects of previously generated solutions. Some solutions are likely to integrate the best aspects of various ideas and also are more likely to find consensus in the group.

d. Evaluate the Alternatives:

Before evaluating alternatives, the group needs to first establish criteria for judging solutions. The criteria should define general characteristics that a solution should have. One way to help members develop criteria is to ask them to complete sentences that naturally lead to identifying criteria.

Criteria should be objective and preferably measurable rather than emotional. Group members should focus only on those criteria that are needed or desired to solve the problem. Unnecessary criterion needlessly reduces the number of potential solutions.

Weighing the solutions against criteria can be done with various degrees of structure. For a highly structured approach, groups can use cube de stern (part three), FMECA (part two), with each of the criteria listed on one axis and each alternative solution on the other. The criteria can be weighted if some are more important than others. For each solution, each member assigns a score to each criterion based on the extent to which that solution meets the

criterion. For example, use a scale of one to ten with ten the highest score. Ask team members to assign a value to each solution based on how closely it meets the criterion. Multiply the ratings for each solution by the weight given to each criterion. Add the products for each solution and write the sum in a total score column. The solution with the highest total score is the group's choice.

In a less structured approach, each group member gives an overall score to each alternative without scoring each criterion separately.

It is important to remember that evaluation matrices are simple tools to help the group make better decisions. They should not be thought of as formulas that will automatically produce

e. Agree on the best solution:

After completing step 4, the group is now left with the "best solution" either by evaluating criteria. Agreeing on the "best solution" requires that the group have some ground rules for making decisions, such as consensus or majority vote. If the group is having difficulty in reaching consensus, members or a facilitator should work to clarify specific areas of disagreement and then identify ways to integrate similar interests into the solution. Controversy and disagreement if used constructively can be effective tools in selecting the best solution. Sometimes, as a result of disagreement, the group may actually identify new solutions supported by group consensus.

f. Develop an Action Plan:

Action planning is designed to involve people, build their commitment, and increase the likelihood that the solution will be implemented effectively and on time. To help structure the action plan, groups can choose from a variety of action plan types. Questions that need to be answered during action planning include:

(1) What they want to do (goal); (2) how each step is to be undertaken (strategy); (3) when they want to do it (timeframe); (4) who is responsible for each step. (Corrective action plan in part two and part three)

Typically, a group's energy and attention may wane during this step if members think selecting the best solution is the culmination of the problem-solving process. As long as the group understands, up front, that action planning is part of the process of problem solving, members should accept this phase as part of the process.

g. Implement and Evaluate the Solution:

Solution steps should be implemented according to the action plan, and evaluation is probably the step most groups underemphasize when problem solving, the purpose of evaluation is to determine how well the solution is working or why the solution may not be working. The group should decide how comprehensive the evaluation should be based upon the complexity of the problem and the decided solution.

Depending on the severity of the problem and the quality of solution desired, objectives and approaches for problem solving will vary. For minor problems, a group may focus on quickly reaching a solution as the main objective. Groups concerned with finding a quality solution as the main objective may factor in more time for the problem solving process. To be effective, problem solving must arrive at a solution that gets the job done, efficiently uses the available resources, promotes cooperation, and fosters competence among those faced with solving the problem.

II. Choice of appropriate method (FMECA):

Procedures for conducting FMECA were described in US Armed Forces Military Procedures document (1949); revised in 1980 as MIL-STD-1629A, By the early 1960s, contractors for the U.S. National Aeronautics and Space Administration (NASA) were using variations of FMECA or FMEA under a variety of names. The civil aviation industry was an early adopter of FMEA, with the Society for Automotive Engineers (SAE) publishing

ARP926 in 1967. After two revisions, ARP926 has been replaced by ARP4761, which is now broadly used in civil aviation.

During the 1970s, use of FMEA and related techniques spread to other industries. In 1971 NASA prepared a report for the U.S. Geological Survey recommending the use of FMEA in assessment of offshore petroleum exploration. A 1973 U.S. Environmental Protection Agency report described the application of FMEA to wastewater treatment plants. FMEA as application for HACCP on the Apollo Space Program moved into the food industry in general.

The automotive industry began to use FMEA by the mid 1970s. The Ford Motor Company introduced FMEA to the automotive industry for safety and regulatory consideration after the Pinto affair. Ford applied the same approach to processes (PFMEA) to consider potential process induced failures prior to launching production. In 1993

the Automotive Industry Action Group (AIAG) first published an FMEA standard for the automotive industry. It is now in its fourth edition. The SAE first published related standard J1739 in 1994. This standard is also now in its fourth edition⁴⁵.

The series of ISO 9000 (2000 version) standards, which focuses on the organization of a system of quality management that improves continuously, recommends showing that the organization knows how to work preventively with method. In this context of continuous

Improvement, FMEA is one of the basic tools of prevention and continuous improvement, what the FMCEA is and what's the main objective of Applying.⁴⁶

1 - Definition:

potential failure modes and effects analysis (FMEA); or failure modes, effects and criticality analysis (FMECA) is a step-by-step approach for identifying all possible failures in a design, a manufacturing or assembly process, or a product or service.

It can be defined also as a systematic, proactive method for evaluating a process to identify where and how it might fail and to assess the relative impact of different failures, in order to identify the parts of the process that are most in need of change.

Furthermore it can be defined as a control operation of preventive analysis that allows verifying and evaluating the performance of a system before its establishment.(C'est une opération de contrôle de l'analyse préventive qui permet de vérifier et d'évaluer la performance d'un système avant qu'il soit mis en œuvre)⁴⁷

2- Basic terms:⁴⁸ the following covers some basic FMEA terminology:

- **“Failure modes”** means the ways, or modes, in which something might fail. Failures are any errors or defects, especially ones that affect the customer, and can be potential or actual.

- **“Effects analysis”** refers to studying the consequences of those failures.

Failures are prioritized according to how serious their consequences are, how frequently they occur and how easily they can be detected.

⁴⁵ Failure mode ,effects and criticality analysis 1993, reliability analysis center, Rome

⁴⁶Gérard Landry, AMDEC guide pratique, AFNOR, 2eme édition

⁴⁷ Mougin processus ; les outils d'optimisation de la performance, éd. d'organisation, paris 2004)

⁴⁸ Failure mode effects and criticality analysis, the USA department of defense reliability analysis center

- **Criticality analysis:** a procedure by which each potential failure mode is ranked according to combined influence of severity and probability of occurrence.
- **“Detection”:** the means of detection of the failure mode by maintainer, operator or built in detection system, including estimated dormancy period (if applicable)
- **“Risk Priority Number (RPN)”** Cost (of the event) * Probability (of the event occurring) * Detection (Probability that the event would not be detected before the user was aware of it)
- **“Severity”** the consequences of a failure mode. Severity considers the worst potential consequence of a failure, determined by the degree of injury, property damage, system damage and/or time lost to repair the failure.
- **Corrective actions:** a documented design, process or procedure change used to eliminate the cause of a failure or design deficiency.

Figure 1: sample of FMECA worksheet:

	Failure Mode	failure effects	Failure cause	Likelihood of Occurrence (1- 4)	Likelihood of Detection (1-4)	Severity (1-4)	Risk Priority Number (RPN)
1							
2							
3							
4							

E - How to conduct a FMECA analysis (steps to construct the matrix)

Step One: Select a process to evaluate with FMECA

Evaluation using FMECA works best on processes that do not have too many sub processes. Instead of doing an FMECA on a large and complex process, such as import operations in customs administration, try doing an FMECA on sub processes or variants. Conducting an FMECA of the entire import operations process would be an overwhelming task. Instead,

consider individual FMECA analyses of the medication ordering, dispensing, and administration processes.

Step Two: Recruit a multidisciplinary team (brainstorming)

Be sure to include everyone who is involved at any point in the problem. Some people may not need to be part of the team throughout the entire analysis, but they should certainly be included in discussions of those steps in the process in which they are involved.

Step three: Have the team list failure modes and causes:

For each step in the process, list all possible “failure modes”—that is, anything that could go wrong, including minor and rare problems. Then, for each failure mode listed, identify all possible causes.

Step Five:

For each failure mode, have the team assign a numeric value (known as the Risk Priority Number, or RPN) for likelihood of occurrence, likelihood of detection, and severity. Assigning RPNs helps the team prioritize areas to focus on and can also help in assessing opportunities for improvement. For every failure mode identified, the team should answer the following questions and assign the appropriate score (the team should do this as a group and have consensus on all values assigned):

- ✓ **Likelihood of occurrence:** How likely is it that this failure mode will occur?

Assign a score between 1 and 4, with 1 meaning “very unlikely to occur” and 4 meaning “very likely to occur.”

- ✓ **Likelihood of detection:** If this failure mode occurs, how likely is it that the failure will be detected?

Assign a score between 1 and 4, with 1 meaning “very likely to be detected” and 4 meaning “very unlikely to be detected.”

- ✓ **Severity:** If this failure mode occurs, how likely is it that harm will occur?

Assign a score between 1 and 4, with 1 meaning “very unlikely that harm will occur” and 4 meaning “very likely that severe harm will occur.”

Step Six: Evaluate the results:

To calculate the Risk Priority Number (RPN) for each failure mode, multiply the three scores obtained (the 1 to 4 score for each of likelihood of occurrence, detection, and severity).

The lowest possible score will be 1 and the highest 64.

Step Seven:

Use RPNs to plan improvement efforts. Failure modes with high RPNs are probably the most important parts of the process on which to focus improvement efforts. Failure modes with very low RPNs are not likely to affect the overall process very much, even if eliminated completely, and they should therefore be at the bottom of the list of priorities;

D- Advantages of using FMECA: Major benefits derived from a properly implemented FMECA effort are as follows:

- Improve the quality, reliability and safety of a product/process
- Improve company image and competitiveness
- Reduce system development time and cost
- Collect information to reduce future failures, capture engineering knowledge
- Reduce the potential for warranty concerns
- Early identification and elimination of potential failure modes
- Minimize late changes and associated cost
- Catalyst for teamwork and idea exchange between functions
- Reduce the possibility of same kind of failure in future
- Reduce impact on company profit margin

SECTION 2: APPLICATION OF CHOSEN METHODS:

Our study carried out in customs administration; first of all we have selected the methods we see appropriate and applicable to discuss problems relating to facilitation in customs (process of getting the statute of authorized economic operator)

In a first stage we'll identify the failures and its root causes, after we'll propose corrective actions in order to solve the most potential failures relating to facilitation.

I. Identification of failures and its root causes and effects:

Here we'll analyze the dysfunction that may occur in obtaining the statute of OEA and then classify them according to their criticality through its evaluation

1- Parameters of application:

- **place of carrying the study out:** Algerian customs
- **Period of analysis:** The last four years (2011-2014)
- **The process analyzed :** The statute of AEO is one of measures of requiring facilities; the application is limited on the process of obtaining this statute,
- **The objective of the use of FMECA:**

The purpose of the FMECA is to evaluate the process "obtaining a statute of authorized economic operator" for possible failures and to prevent them by correcting the processes proactively rather than reacting to adverse events after failures have occurred (prevention may reduce risk) and then take actions to eliminate or reduce failures, starting with the highest-priority ones, for use in continuous improvement and monitor and track improvement over time.

- **Proposition of evaluation grid;** The score is assigned between 1 and 4 as following:

	1	2	3	4
Detection	Visual control	Control of mail's ledger	Control of hierarchical boss	Copmlaint of requester
Occurrence	1 request/10	2-4 requests/ 10	5 requests /10	in each request
Severity	Lateness of 3 days	Lateness of 4 days	Lateness of 5 days	more than 5 days

The use of FMECA:

Using this standard you start by considering each component or functional block in the system and how it can fail, referred to as failure modes. You then determine the effect of each failure mode, and the severity on the function of the system. Then you determine the likelihood of occurrence and of detecting the failure.

The procedure is to calculate the Risk Priority Number, or RPN, using the formula $RPN = Severity \times Occurrence \times Detection$

2- Generation of potential root causes and effects of failures through the use of FMECA (identify the failures that may occur):

The following chart represents the FMECA of the process “obtaining the statute of authorized economic operator:

Steps for getting the approval	Failure mode What could go wrong?	Failure Effects: What would be the consequences of failure	Failure causes : Why would the failure happen	Detection(D) : What to do to detect the failure?	Occurrence (O) : What is dysfunction frequency ?	Gravity (G) :	Criticality C = DxOxG
1- Perform a request	Absence of the officer responsible for receiving operators requests	Hampering the operator.	Absence for personal matters	1	1	1	1
			Negligence of employees	1	3	4	12*
	Accumulation of requests versus a limited deadline	Lateness in treatment of requests	Difficulties in managing requests	2	1	2	4
			inexistence of computerized system	2	4	4	16*
	Territorially Incompetency of department which treat the requests	Non treatment of requests	Weak of competence of officers in the field of regulations	3	3	4	36*
			Absence of full information and communication	4	3	2	24*
2- acceptability study	Overstepping (missing) the deadline	Waste of time (hamper a measure of facilitation)	Accumulation because of the important number of requests	1	4	2	8
	Absence of necessary documents	Rejection of requests	Leak of Communication with EO (info)	3	2	4	24*
3- audit	Difficulties in collecting information	unreliable received information	unavailability of modern means and methods of	3	2	3	18*

Part two: the use of PSM to face the challenge of providing facilitation in customs' administration

	and enquirers about operators		performing the audit				
			Leak of coordination between departments that owe the information and the department that treat the file	3	2	2	12
			Insufficiency of specialized and skilled officers in audit matters	3	4	4	48*
	Struggle on performing audit reports	Rejection of reports from the head department , as a result lengthen the procedures of obtaining the approval	Lack of competence	2	4	4	32*
4- send the requests to the head department for study	Disappearance of files	Reperform other request by the operator which lead to cause damages for operator	Negligence of agents in charge of transmission of files	3	1	4	12*
			False destination of files	2	4	4	16*
	Length of procedure (take lots of time)	Waste of time	A remote locality between department in charge of receiving and studying requests and this who deliver the approval	1	4	1	4

Part two: the use of PSM to face the challenge of providing facilitation in customs' administration

5-treatment of files	Rejection of audit report	reformulation of reports which affect badly on deadline and charge of work (double travail)	Insufficiency of info about operator because of the lack of coordination	2	4	2	16*
			Bad writing of audit reports	1	3	2	6
6-perform the approval.	Rejection of the request from the head office	No facilities will be granted	Non accordance with law	3	2	4	24*
7-recognize in SIGAD-customs clearance (ciblage)	The same operator will be object of control each control		The computerized system of SIGAD (pick according to operation and not operators)	1	2	2	4

Part two: application of PSM to face the challenge of providing facilitation customs' administration

II-proposition of corrective actions:

In this stage we consider corrective actions which can reduce the severity or occurrence, or increase detection. Typically, we start with the higher RPN values, which indicate the most severe problems, and work downwards. The RPN is then recalculated after the corrective actions have been determined. The intention is to get the RPN to the lowest value.

we propose a corrective actions plan for all dysfunctions has a criticality ($C = D \times O \times G$) more or equal to 25% of the maximum score, in other words superior or equal to 16, we consider also that the failure are critical if its gravity is assigned in maximum value.(4)

1-generation and evaluation of potential solutions:

Steps of getting the approval	Failure causes	Proposed solutions
1-perform a request	1- negligence of employees	1-1 punish employees and set up a severe punctuality system
	2- inexistence of computerized System	1-2 set up a computerized system of registering requests
	3- weak of competence of officers in the field of regulations	1-3 perform a training programs for officers
	4- absence of full information and communication	1-4 communicate with operators and create a specialized cell in charge for information
3-audit	1- unavailability of modern means and methods of performing the audit	3-1 use of modern means and tools of audit
	2- insufficiency of specialized and competent officers in audit matters	3-2 recruit specialists in audit matters and retrain officers in this field
	3- lack of competence in performing audit reports	3-3 create a special cells in charge of performing reports
4-send the requests to the head department for study	1- negligence of officer in charge of transmission of files	4-1 Set up intranet system to transmit requests
5- treatment of requests	1- insufficiency of information about operators	5-1 coordinate with all department that may owe the information about operators
6-perform the approval	1- non accordance with law	6-1 control and verification of requests in all sides

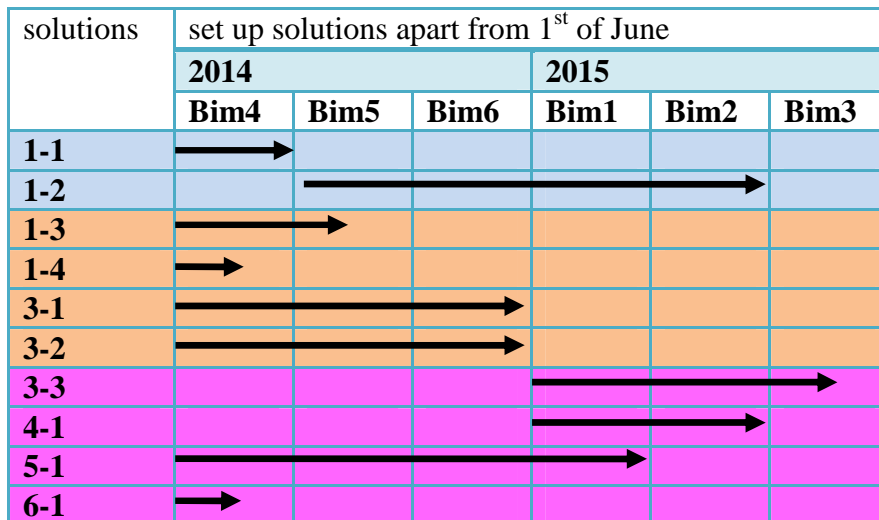
Part two: application of PSM to face the challenge of providing facilitation customs' administration

2- Implementation of solutions: GANTT:

After generating the appropriate solutions to the potential causes of failures, according to its gravity and RPN score, right now we perform a GANTT diagram to set up the proposed solutions in the right period:

Solutions ⁴⁹	Duration of implementation	Department responsible of solutions' implementation
1-1	2 months	HRD
1-2	8 months	Computing directorate
1-3	3 months	computing directorate system
1-4	2 months	Regional directorate of fighting against fraud
3-1	6 months	Directorate of
3-2	4 months	HRD
3-3	5 months	Directorate of organization
4-1	4 months	Computing directorate
5-1	6 months	Regional directorate of fighting against fraud
6-1	1 month	Directorate of post-control, directorate of regulation.

The following chart represents the diagram of GANTT:



⁴⁹ solutions represented with codes

CONCLUSION OF THE PART TWO:

Nevertheless the challenges of customs are extremely considerable, the question of continuous improvement for the future lies in the process through which customs will tackle the problems and agree on an appropriate acceptable solution.

Emphatically said, to face the challenge of providing facilitation and solve problems which impeding the process of facilitation, the recourse to management tools and problem solving methods achieve the effectiveness in eliminating failures and increasing the efficiency of solve a particular problem.

PART THREE

**THE USE OF SPM IN CUSTOMS'
ADMINISTRATION TO FIGHT
AGAINST FRAUD**

Problem solving methods are a complementary tools, they complete each other, they have a common objective and same functionality but different principles

In this part we will talk about some tools to talk about the problem of fraud in customs' administration and analyze it using PSM in the same way in which we analyzed the problem relating to facilitation in the second part.

SECTION 1: CHOICE OF THE APPROPRIATE PSM:

The choice of the right problem-solving method, from available methods, is a crucial skill for studiers in many areas because PSM requires creativity in identifying problems for which the brainstorming is particularly useful and recommended for its ease, also diagram of Ishikawa would be an effective tool that identifies causes and problem effects and classify them in groups. The best use of a fishbone is when we know that a specific area needs to be analyzed but we are not sure which portion of it is creating the problem.

In this section we'll discuss about Ishikawa diagram and brainstorming.

I. Brainstorming

Alex Osborn⁵⁰, an advertising executive, began developing methods for creative problem solving in 1939, he found that conventional business meetings were inhibiting the creation of new ideas and proposed some rules designed to help stimulate them. He was looking for rules which would give people the freedom of mind and action to spark off and reveal new ideas which would never have happened under normal circumstances, he discovered a significant improvement in the quality and quantity of ideas produced by employees to "think up" was originally the term he used to describe the process he developed, he published several books on creative thinking. In 1942, "How to Think Up" was published, in which Osborn presented the technique known as "brainstorming".

⁵⁰Alex Faickney Osborn (May 24, 1888 – May 5, 1966) was an advertising executive and the author of the creativity technique named *brainstorming*.

1 - Definition:

Alex Osborn described brainstorming as "a conference technique by which a group attempts to find a solution for a specific problem by amassing all the ideas spontaneously by its members"⁵¹

We can define Brainstorming also as group or individual creativity technique by which efforts are made to find a conclusion for a specific problem by gathering a list of ideas spontaneously contributed by its members.

The members of the group meets to generate new ideas around a specific area of interest using rules which remove inhibitions, make people able to think more freely, move into new areas of thought and so create numerous new ideas and solutions. The participants shout out ideas as they occur to them and then build on the ideas raised by others. All the ideas are noted down and are not criticized. Only when the brainstorming session is over, the ideas would be evaluated.

Osborn envisioned groups of around 12 participants, participants should be selected based on the nature of problem to be brainstormed, mixing different level of participants was to be avoided, they should generally be self-starters and have a range of experience in the task, brainstorming session should also be supported by someone to handle the recording and collecting of ideas during the session

The group simply provides ideas that might lead to a solution and apply no analytical judgment as to the feasibility. The judgments are reserved for a later date as it is outlined in the four basic guidelines of brainstorming.

³⁸Scardamalia, M., & Bereiter, C. (2003, Fall). Beyond brainstorming: Sustained creative work with ideas. *Education Canada*, 43(4), 4-7, 44.

2- The four **(04) general rules of brainstorming**⁵²:

The four basic guidelines which Osborn has developed were:

A- Focus on quantity:

This rule is a means of enhancing divergent production, aiming to facilitate problem solving through the maxim quantity breeds quality. The assumption is that the greater the number of ideas generated the greater likelihood of producing a radical and effective solution and useful ideas.

B- Withhold criticism:

In brainstorming, criticism of ideas generated should be put 'on hold'. Instead, participants should focus on extending or adding to ideas, reserving criticism for a later 'critical stage' of the process. By suspending judgment, participants will feel free to generate unusual ideas.

C- Welcome unusual ideas:

To get a good and long list of ideas, unusual ideas are welcomed. They can be generated by looking from new perspectives and suspending assumptions, these new ways of thinking may provide better solutions. "It is easier to tone down a wild idea than to think up a new one."⁵³

D- Combine and improve ideas:

Good ideas may be combined to form a single better good idea, as suggested by the slogan "1+1=3". In addition to contributing ideas, participants should suggest how other ideas can be turned into better ideas; it is believed to stimulate the building of ideas by a process of association.

⁵²A review of brainstorming research; six critical issues for inquiry, creative problem solving group Buffalo, Buffalo New York; June 1998.

⁵³ Alex Faickney Osborn

3 - Objectives of brainstorming:

- Reduce social inhibitions among group members that inhibitions which prevented them putting forward ideas which they felt might be considered "wrong" or "stupid". Osborn found that generating "silly" ideas could spark off very useful ideas because they changed the way people thought.
- Increase overall creativity of the group.
- Generate more ideas than individuals working alone, as a result a greater quantity of original ideas gave rise to a greater quantity of useful ideas “Quantity produced quality”
- Works whatever your personal style. Naturally; there are techniques and environments which suit certain people better than others but brainstorming is flexible enough to be able to suit everyone.
- Makes the generation of new ideas easy and is a tried-and-tested process.
- Helps to come up with new ideas and do so with surprisingly little effort.

II. Ishikawa diagram:⁵⁴

In some cases, a problem can be due to more than one root cause or may have multiple forcing functions that either singularly, or in combination, will result in the problem. Brainstorming may not provide the ability to address these more complex problems. The pictorial representation of this root cause analysis can be achieved using an Ishikawa or Cause and Effect Diagram because of its shape, this process is also called a Fishbone Diagram. So what Ishikawa diagram is about? Before conducting an analysis using Ishikawa diagram we should know more about it, what is an Ishikawa diagram? How Ishikawa diagram is structured?

1- Definition;

An Ishikawa diagram, diagram is an analysis tool that provides a systematic way of looking at effects and the causes that create or contribute to those effects.

⁵⁴ Iliieg and Ciocoiu c.n, application of fishbone diagram to determine the risk of an event with multiple causes management research and practice vol. 2 issue 1 (2010) p: 1-20

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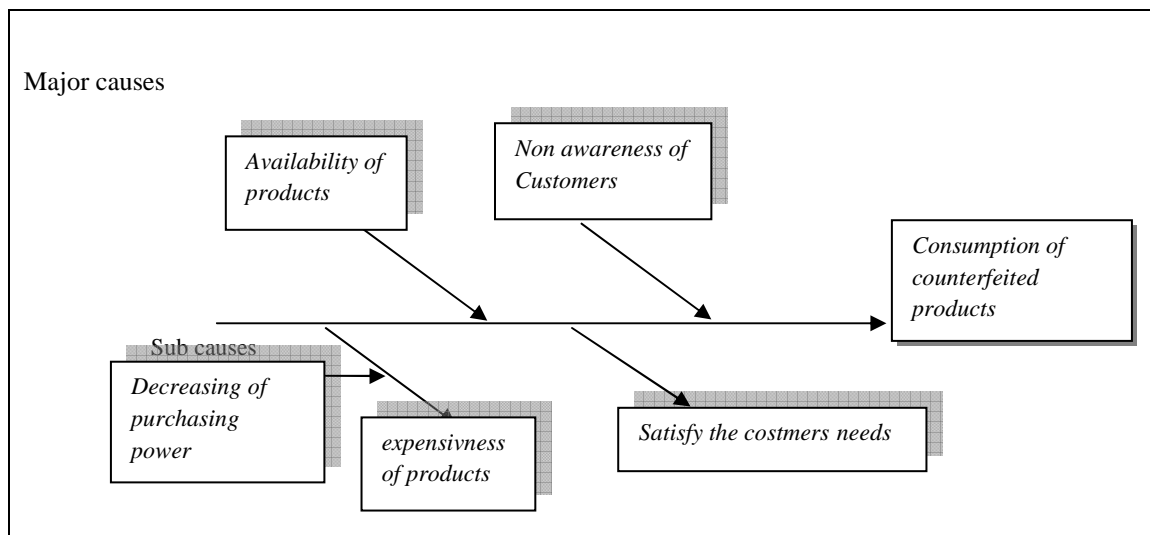
It was named after **Kaoru Ishikawa**⁵⁵ in the 1960s who pioneered quality management processes in the **Kawasaki shipyards**⁵⁶, the basic concept was first used in the 1920s, and is considered one of the seven basic tools of quality control

Manufacturing industries was the first used the tool; **Mazda Motors**⁵⁷ famously used an Ishikawa diagram in the development of the Miata sports car, where the required result was "Jinba Ittai" (Horse and Rider)

It called also the fishbone diagram because it is drawn to resemble the skeleton of a fish. it used to identify potential root causes to problems, all the causes that generate the problem because of its function it may be referred to as a cause-and-effect diagram.

In a typical Fishbone diagram, the effect is usually a problem needs to be resolved, and is placed at the "fish head". The causes of the effect are then laid out along the "bones", and classified into different categories along the branches; these categories are usually **Methods, Milieu (environment), Machines, Materials and Men power**. Further causes can be laid out alongside further side branches (figure 01)

figure 02:Ishikawa diagram example:



⁵⁵ Ishikawa Karou Born in Tokyo in 1915, he has graduated from University of Tokyo in 1939 with an Engineering degree in applied chemistry , he worked as a naval technical officer until 1941 and then he worked for Nissan Liquid Fuel Company he was an associate professor at the University of Tokyo in 1947 a very famous person in Quality management assistant , he developed several quality-tools

⁵⁶ Kawasaki shipyard origins go to April 1878

⁵⁷ Mazda motor corporation is a Japanese automaker, founded in Japan in 1920

The main goal of the Fishbone diagram is to illustrate in a graphical way the relationship between a given outcome and all the factors that influence this outcome.

2- Structure of Ishikawa diagram (how to construct a fishbone diagram)⁵⁸:

The steps for constructing and analyzing a Cause-and-Effect Diagram are outlined below:

Step 1 - Identify and clearly define the outcome or effect to be analyzed:

Formulate the problem and write it in a box on the right side of the diagram. Everyone must clearly understand the nature of the problem being discussed. If everyone is not clear on the purpose of the session, the session will not resolve the problem. In this step the following rules have to be applied:

- Decide on the effect to be examined. Effects are stated as particular quality characteristics, problems resulting from work, planning objectives, and the like.
- Use Operational Definitions. Develop an Operational Definition of the effect to ensure that it is clearly understood.
- Remember, an effect may be positive (an objective) or negative (a problem), depending upon the issue that's being discussed.
- Using a positive effect which focuses on a desired outcome tends to foster pride and ownership over productive areas. This may lead to an upbeat atmosphere that encourages the participation of the group. When possible, it is preferable to phrase the effect in positive terms.
- Focusing on a negative effect can sidetrack the team into justifying why the problem occurred and placing blame. However, it is sometimes easier for a team to focus on what causes a problem than what causes an excellent outcome. While you should be cautious about the fallout that can result from focusing on a negative effect, getting a team to concentrate on things that can go wrong may foster a more relaxed atmosphere and sometimes enhances group participation.

⁵⁸Public Health Infrastructure, *Fishbone (Ishikawa) Diagram (Example)*
<http://www.phf.org/infrastructure/PublicHealthFishbone.pdf>

Step 2 - Use a chart pack positioned so that everyone can see it, draw the spine and create the effect box.

- Draw a horizontal arrow pointing to the right. This is the spine.
- To the right of the arrow, write a brief description of the effect or outcome which results from the process.
- Draw a box around the description of the effect.

Step 3 - Identify the main causes (G) contributing to the effect being studied.

These are the labels for the major branches of your diagram and become categories under which to list the many causes related to those categories.

- Establish the major causes, or categories, under which other possible causes will be listed. You should use category labels that make sense for the diagram you are creating.
- Write the main categories your team has selected to the left of the effect box, some above the spine and some below it.
- Draw a box around each category label and use a diagonal line to form a branch connecting the box to the spine.

Step 4 - For each major branch, identify other specific factors which may be the causes of the effect:

- Identify as many causes or factors as possible and attach them as sub branches of the major branches.
- Fill in detail for each cause. If a minor cause applies to more than one major cause, list it under both.

Step 5 - Identify increasingly more detailed levels of causes and continue organizing them under related causes or categories. You can do this by asking a series of why questions. You may need to break your diagram into smaller diagrams if one branch has too many sub branches. Any main cause (3Ms and P, 4Ps, or a category you have named) can be reworded into an effect.

Step 6 - Analyze the diagram. Analysis helps you identify causes that warrant further investigation. Since Cause-and-Effect Diagrams identify only Possible Causes, you may want to use a Pareto Chart to help your team determine the cause to focus on first.

- Look at the “balance” of your diagram, checking for comparable levels of detail for most of the categories.
- A thick cluster of items in one area may indicate a need for further study.
- A main category having only a few specific causes may indicate a need for further identification of causes.
- If several major branches have only a few sub branches, you may need to combine them under a single category.
- Look for causes that appear repeatedly. These may represent root causes.
- Look for what you can measure in each cause so you can quantify the effects of any changes you make.

3- Advantages of Ishikawa diagram:

- Fishbone diagrams permit a thoughtful analysis that avoids overlooking any possible root causes for a need.
- The fishbone technique is easy to implement and creates an easy-to-understand visual representation of the causes, categories of causes, and the need.
- By using a fishbone diagram, you are able to focus the group on the “big picture” as to possible causes or factors influencing the problem/need.
- Even after the need has been addressed, the fishbone diagram shows areas of weakness that - once exposed - can be rectified before causing more sustained difficulties.

SECTION 2: THE USE OF THE CHOSEN METHODS

We aim to combine these methods to solve problems in customs administration for continuous improvement; First of all we should do a brainstorming session before applying the Ishikawa diagram, to identify principal causes and effects that would be a subject of representation within the Ishikawa diagram,

Before applying the SPM, we have to define a particular problem to reach a set objective and then we should choose the appropriate ones applicable in customs administrations in general and fighting counter contraband in particular,

I. Application of selected methods in custom's administration:

Before performing a brainstorming session we should put on a framework for our study to clarify and simplify the analysis, in our case we suppose that:

- **Place:** Algerian Borders (customs territory)
- **Problem;** aggravation of contraband phenomenon
- **Objective of study:** seeking for the causes of contraband and trying to take corrective actions to eradicate this phenomenon.
- **Time (Period of analysis) :** the last three years (2011- 2014)
- **The tool used to establish the corrective plan actions (CAP) is:** LASSWELL⁵⁹
What? Who? Where? When? How? How much? Why? (WWWWHHW)

⁵⁹ The tool is named after; **Harold Dwight Lasswell** (February 13, 1902 – December 18, 1978) was a leading American political scientist and communications theorist.

1- The use of brainstorming:

Osborn notes that brainstorming should address a specific question; he held that sessions addressing multiple questions were inefficient. Further, the problem must require the generation of ideas rather than judgment; that's why in our case we have defined one problem to brainstorm about.

A session of brainstorming has been organized in the head office of customs on the 3rd of May 2014, a group of 14 participants have been selected because of their long experience in the field of fighting against fraud, most participants have minimum a rank of main inspector, and two of them are sub directors in the HOC.

the group have been met in order to think about possible causes and reasons leading to **the aggravation of contraband** and find solution for preventing those problems, after shouting out about the problem, and the production of different ideas, a list of proposed causes have been effectively discussed and evaluated by the participants in order to pick up the most important ideas among a large list of ideas.

2- The use of Ishikawa diagram to identify causes and affect of contraband: (Define the root causes of aggravation of contraband)

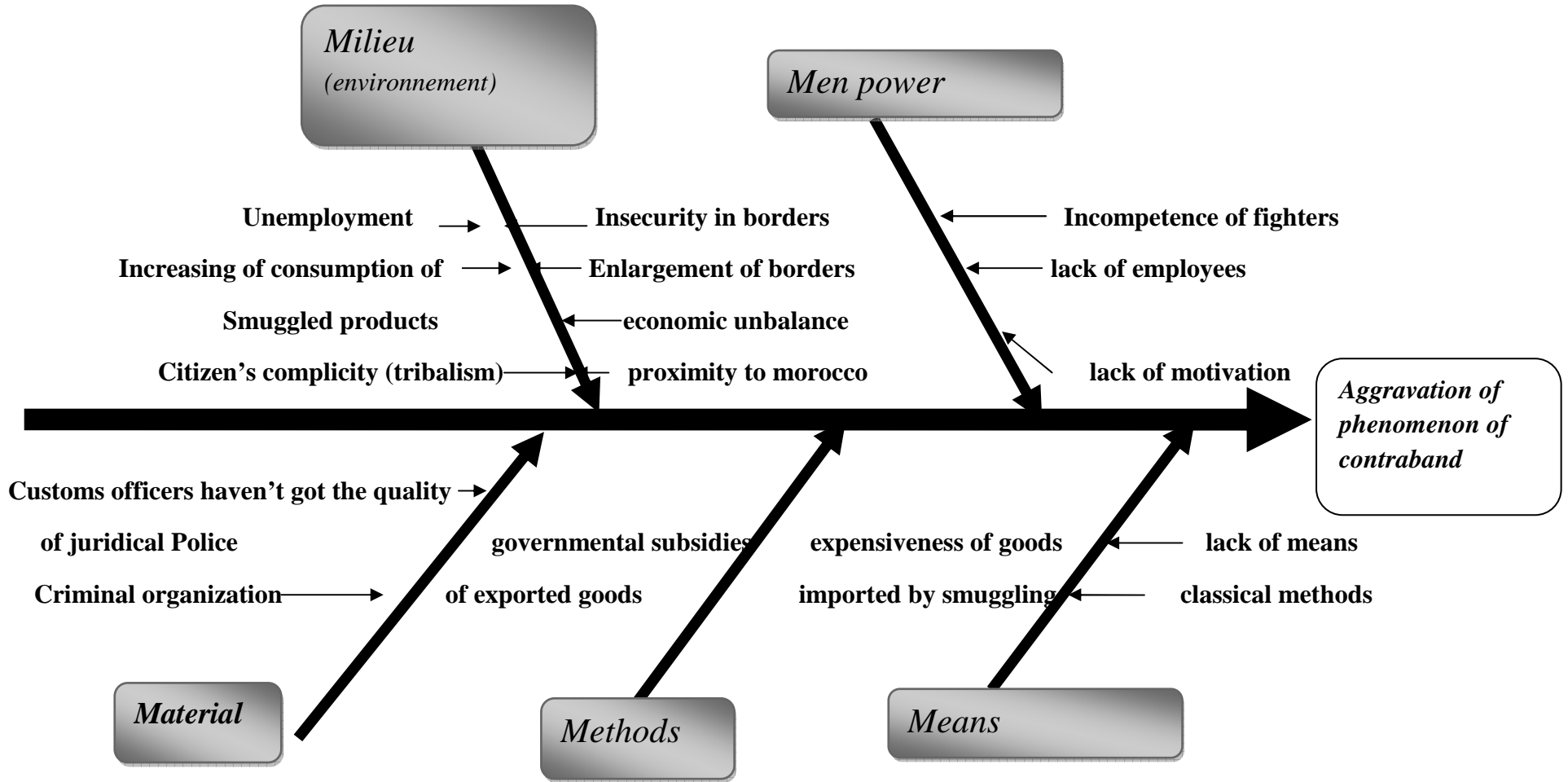
Ishikawa diagram is a team brainstorming tool, that's why before conducting an analysis using this tool, we has been formed a multidisciplinary working group when each member participated and freely expressed his opinion, We'll present those causes and effects within Ishikawa diagram, to identify potential causes generating the problem.

We will classify the causes according to their relation with the problem and then take corrective actions.

The following Fishbone Diagram shows how customs delve into root causes of aggravation of contraband and how think up to eradicate this phenomenon by taking corrective actions through elimination of potential causes leading to the later phenomenon, by regrouping the causes according to the 5Ms (material, methods, means, milieu, men power):

Part three: the use of solving problem methods to fight against fraud

Causes	effect
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II. Proposition of corrective actions:

After the analysis that have been performed about one of most potential problems “aggravation of contraband” in customs administration we find numerous adaptable solutions in order to improve customs actions, and eradicate a such phenomena.

1- Generation of potential solutions through the use of LASSEWEL tool;

The following chart represents all corrective actions proposed in this study (causes will be displayed one by one) taking in consideration the framework which has been determined in this paper, this actions plan has been performed based on LASSWELL tool (WWWVHHW):

What? Who? Where? When? How? How much? Why

CAUSE N°1- Increasing of consumption of smuggled products:

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Drugs and fuel	Algerian citizens	University School	Disappointments Parties Sportive events	Secretly	drug seizure ; staggering 10kg of cocaine, 101,963 tons of hashish Treated, 10.145kg of heroin , psychotropic , 290 808 tablets, 293 bottles) Fuel: 1516994 L worth 87,028,622*	Social conditions and leak of social principles Social exclusion poverty unemployment	1-Sensitize about the bad effects of smuggled products in schools and university
							2-Provide places of leisure time
							3-Organize tournament of sport for young
							4-Include School programs a module about the dangers of contraband
Frippery And food		Family	Parties All over the year		Statistics	Poverty Expensiveness of cloths	5-Sensitize people through Notable
							6-Promote the national production

*Statistiques de la direction générale des douanes (2011-2014)

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CAUSE N°2-unemployment:

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Graduated and non graduated without jobs	Young approximately age between 22 and 40)	borders	rate of unemployment in 3 years	Scholar exclusion	The number of unemployed reached 1,175,000 people, or 9.8% of the active population against 1.253 million people in 2012 (11%) and 1,062,000 people (10%) in 2011*	Unavailability of jobs Plurality of graduated in some fields Selection of jobs	1-Set the needs of jobs in the market 2-Cooperate with other structures involved in recruitment 3-Promote the production

*Statistiques de l'office national des statistiques (ONS)

CAUSE N°3- Tribalism (citizen's complicity)

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Violence and vandalism	Citizens in border	Borders	In each seizure	Use of weapons Burning*	The last three years (2011-2014)	Solidarity between smugglers	1-Promote the associative environment

*In eastern borders (TEBESSA), on 2011 the customs local and a number of vehicles was burnt by protesters (citizens)

CAUSE N°4- Proximity to morocco

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Geographical proximity to the first producer of cannabis resin	farmers and producers of cannabis resin	Morocco (Oujda Maghnia, Saïdia)	Length of the year	-----	40 000 tones, 120 000 DZD/KG	Satisfy the needs of consumers (increasing of consumption) Easy and fast gain	1- Set up a separator in borders*

*The Mexico–United States barrier – also known in the United States as **The Border Fence** or **Border Wall** – is a collection of several barriers, designed to prevent illegal movement across the Mexico–United States border. The barriers were built as part of three larger "Operations" to taper transportation of illegal drugs manufactured in Latin America and illegal immigration

Part three: the use of solving problem methods to fight against fraud

CAUSE N°5-enlargement of borders

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Borders surrounded with 7 countries	Libya, Tunisia, Niger, Mali, Mauritania Morocco and the Western Sahara	East Oust North South	----- ---	----- -	6000 km		Implant security services near to borders Increase the number of officers customers in the borders

CAUSE N°6- Insecurity of borders

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Arabic spring and political situation in neighboring countries	Terrorists Organized groups	In borders	-----	Terrorist attack	----- -----	Enlargement of borders	6-Perform Bilateral and multilateral cooperation

*Ex: The In Amenas hostage crisis on 16 January 2013, when alQaeda linked terrorists affiliated with a brigade led by Mokhtar Belmokhtar took over 800 people hostage at the Tigantourine facility

CAUSE N°7- Economic Unbalance

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Difference in economic situation between countries	----- --	Algeria and the other 7 border countries	The last three years	Difference in prices of products	Ex; prices of fuel in Algeria is 20 DZD/L it is estimated of 100 DZD/L in neighboring countries	Grant of state (subsidies)	1-Decrease the price of certain strategic products 2-Cooperate economically with Neighboring countries 3-Remove subsidies

Part three: the use of solving problem methods to fight against fraud

CAUSE N°8- Non qualification of fighters

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Non control of method of fighting counter contraband	Customs officers	Algerian customs "borders"	Parallel the aggravation of contraband phenomenon	The use of traditional methods Lack of knowledge in customs matters (regulation)		Lack of training	1-Organize a programs of training and retraining 2-Motivate customs officers with remuneration for example

Cause n°9- Lack of motivation

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
negligence at work	Customs officers	Borders	Parallel the current situation (economic, social, security)	Negligence in work Working with any efforts or enthusiasm	Customs officers in borders especially	Difficult working Conditions Threats of smugglers Difficult climate	1-Improve working conditions 2-Increase salaries and remuneration of customs 3-Protect customs officers from all threats Protect their rights

Cause n°10- lack of employees

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Imbalance between the number of officers and the real needs in borders	Customs officers on borders	borders	Parallel the transformations happened in neighbors countries (Arabic spring)	Unbalance of positioning officers	20000 employees	Resignation and abandon of employees Lack of recruitment	1-Motivate employees 2-Recruit officers as many as possible 3-Assign the majority of officers in borders

Part three: the use of solving problem methods to fight against fraud

CAUSE N°11- Lack of resources and means

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Inexistence of appropriate resources to fight against Contraband	material, human and legal resources	Algerian borders	within the international transformation and development of means of fighting	-----	600 vehicles 100 bike 2 engines 2 scanner 5 analyzer of substance Computerized system	Enlargement of borders Strength of threats of neighbors countries Expensiveness of modern means	1-Acquisition of modern material for fighting contraband

Cause n°12- expensiveness of imported smuggled products in algeria:

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Increase of prices of some products in Algeria compared with neighboring countries	----- --	Algeria	Three last years	-----	Depend to products (food)	Lack of producers Products non granted by government Economy effects	1-Promote national producers 2-Subsidy the products which are mostly subject of smuggling

Cause n°13- subsidization of some goods exported by smuggling

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Government support in prices A financial help from state	Government	Algeria	Since the socialism period	Paying a part of the price	Depending on product example (bread, milk and fuel.....)	-----	1-Remove subsidies of some products

Part three: the use of solving problem methods to fight against fraud

Cause n°14- the use of classical methods of fighting, lack of the use of investigation, infiltration:

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Resorting to protecting borders within ascertainment	Fighters	Algerian borders	In each fighting intervention	Checkpoints Cooperation with gendarmerie and police Verification and control Repression and punishment of smugglers non use of investigation and infiltration	-----	-----	1-Use detectors of smuggled items 2-Cooperate with gendarmerie, police and other security departments training of officers 3-Infiltrate and investigate 4-To use modern methods

Cause n°15- customs officers haven't got the quality of judicial police

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
The full authority to fight, the ability to punish	Customs officers	Algeria	always	-----	-----	According to Regulation	1-Enlargement of customs missions 2-Give them more authority in fighting against contraband

Cause n°16-existence of criminal organized groups

What ?	Who ?	Where ?	When ?	How ?	How much ?	Why ?	Corrective actions
Gangs working illicitly	Terrorists, fraudsters, criminals Individuals and groups	Borders and Algerian territory	Absence of security International organization Social conditions Economic				1-take the International experience in fighting against fraud in consideration 2-Cooperate with all department responsible of security

Part three: application of solving problem methods to fight against fraud

2- Evaluation of solution (prioritization of actions):

The proposed solutions above are evaluated after a session of brainstorming held in the head office of customs⁶⁰ with the same participants through the use of “cube de stern”⁶¹

Also, the recommended solutions are recapitulated in the following chart with indication of degree⁶² of priority⁶³, effectiveness⁶⁴, ease of establishment⁶⁵ and acceptability⁶⁶

The last column devoted to the score obtained of each solution and the higher score indicate the most interesting solutions.

Causes	Corrective actions	Priority	Effectiveness	ease of establishment	acceptability	Score
1	1	3	3	3	3	12*
	2	3	3	1	3	10*
	3	3	3	2	3	11*
	4	3	3	1	3	10*
	5	2	2	0	1	5
	6	2	3	1	3	9*
2	1	0	2	0	1	3
	2	0	2	0	1	3
	3	1	3	1	1	6
3	1	2	3	2	3	10*
4	1	0	3	0	2	5
5	1	3	2	3	3	11*
6	1	3	3	2	3	11*
7	1	1	2	1	1	5
	2	3	3	1	2	9*
	3	0	3	1	1	5
8	1	3	3	1	2	9*
	2	1	1	0	3	5
9	1	3	3	0	3	9*
	2	1	1	0	3	5
	3	3	2	2	2	9*
10	1	2	3	1	2	8
	2	3	3	2	3	11*
11	1	3	3	0	2	8
12	1	1	3	0	1	5

⁶⁰ Session of brainstorming held on 25th of May 26, 2014, in the head office of customs

⁶¹ Patrice STERN est Professeur Emérite à ESCP Europe et Directeur scientifique de l'Exécutive Mastère Spécialisé en Business Consulting. Il enseigne la psychosociologie et le management des hommes, la négociation et les méthodes du consultant. Il a également enseigné à l'Ecole des Mines, l'Ecole Nationale d'Administration (E.N.A.)

⁶² degree from 1 to 3

⁶³ priority of the action (0; no priority 1; has a little priority 2; has priority 3; has a big priority)

⁶⁴ Effectiveness of action (0; neglected effectiveness 1; certain effectiveness 2; big effectiveness 3; potential effectiveness)

⁶⁵ Ease of establishment of the action (0; an important difficulties in the establishment 1; a serious difficulties 2; some difficulties but easily surmountable 3; no difficulties)

⁶⁶ Acceptability of the action by the employees (0; a big resistance 1; the idea will be bad accepted 2; a little acceptable 3; acceptable with any resistance)

Part three: application of solving problem methods to fight against fraud

	2	2	1	1	1	5
13	1	0	2	1	1	4
14	1	3	3	1	1	8
	2	3	3	1	2	9*
15	1	2	2	1	0	5
	2	1	3	1	0	4
16	1	3	3	2	2	10*
	2	3	3	3	3	12*

3- Implementation of actions (set up actions through GANTT⁶⁷ tool):

After a session of brainstorming held on 25th of June 2014, the members of the group estimated that prioritized actions according to the above evaluation would be the actions have superior or equal to 9.

In this context a prior actions have been identified to facilitate the implementation of proposed solutions, as well as the duration and the department responsible of its implementation as following:

Actions taken	duration	Responsible department	How to implement actions
1-1 Sensitize about the bad effects of smuggled products in schools and universities	5 months	Customs Police Ministry of education Ministry of superior education	-organize meetings of awareness -sensitize through media
16-2 Cooperation with all department responsible of security	8 months	Police HOC Gendarmerie Police of borders	- perform protocol of - meetings - contact the departments to define the - negotiation
10-2 Recruit officers as many as possible	12 months	HOC Directorate of public function	-Set the needs of officers -cooperate with directorate of public function -cooperate with financial controller
6-1 Perform Bilateral and multilateral cooperation	12 months	Government HOC Ministry of foreign affairs	-exchange of experience within the organization of workshop in the field - signature of conventions in which stipulate the strengthen of competences of officers in borders in the field of surveillance
5-1 Implant security services near to	6	Police	-cooperate with other

⁶⁷ GANTT

Part three: application of solving problem methods to fight against fraud

borders	months	Customs Gendarmerie Police of borders	services responsible for security -movement of officers to borders
1-3 Organize tournament of sport for young	6 months	Ministry of sports	
1-2 Provide places of leisure time	16 months	Ministry of young and sport	
1-4 Include School programs a module about the dangers of contraband	6 months	Ministry of education	
3-1 Promote the associative environment	3 months	Ministry of local collectivities	-create associations of awareness.
16-1 take International experience in fighting against fraud in consideration	10 months	Customs” intelligence directorate”	-organize training sessions from foreign customs in benefit of Algerian officers.
1-6 sensitize people through Notable	2 months	Ministry of local collectivities(role of the mayor)	
7-2 Decrease the price of certain strategic products	18 months	Government (ministry of trade and finance) investment and industry	-encourage the grants of government of certain products
8-1 Organize a programs of training and retraining for officers	4 months	head office of customs “training directorate”	-organize of training sessions about new techniques of detection fraud -check the availability of schools responsible of training -organize the program
9-1 Improve working conditions and Protect their rights	12 months	Customs “human resources directorate and “directorate of means”	-acquisition of modern means and
9-3 Protect customs officers from all threats	2 months	Customs “ HR directorate”	-revise the laws protection officers
14-2 Cooperate in training officers	6 months	HOC Training directorate	

Part three: application of solving problem methods to fight against fraud

Based on the above consideration we can perform the GANTT diagram as following:

solutions ⁶⁸	When? Set up actions starting from June 1st,2014								
	2014			2015					
	Bim4	Bim5	Bim6	Bim1	Bim2	Bim3	Bim4	Bim5	Bim6
1-1	→								
16-2				→					
10-2				→					
6-1	→								
5-1	→								
1-3				→					
1-2		→							
1-4			→						
3-1	→								
16-1				→					
1-6		→							
7-2	→								
8-1	→								
9-1				→					
9-3			→						
14-2	→								

⁶⁸ Same solutions represented with codes

CONCLUSION OF THE PART THREE:

All complicated problems related to fraud must not be used as excuses to avoid searching for new ways to tackle with problems in the overall interest of administration. Undoubtedly the administration should know and foresee the problems to come in future years, which could damage and limit the wellbeing of this administration.

As we have seen in this part the use of certain PSM in customs administration would generate the root causes of problems to facilitate the elimination of its bad effects.

CONCLUSION

CONCLUSION:

This study leads us to know that the significant and continuous increase in the volume of international trade requires customs authorities to adopt increasingly modern methods of control of goods' movement across borders to detect and eliminate fraud, and provide facilitation in order to facilitate exchanges.

That's why we show the importance of the problem solving methods' use in realizing customs' challenges and achieving its objectives relating to effectiveness and continuous improvement through the elimination of problems and prevention of failures.

The application of these methods or techniques needs conscience of responsible to push forward the use of NMP techniques' and adopt modern approach in managing problems and failures that may occur in order to respond to standards of effective administrations and modern economy which know an increasingly fast change.

The good use of PSM do not require big effort from customs and public authorities, rather it needs a real will to change the way of managing, particularly; the training of officers in the field of management and pushing employees and bosses forward to use PSM to tackle with problems and failures with more flexibility and less difficulty.

After analysis and evaluation of some problems relating to customs' challenges, now we have an analytical look at issues and problems, also we arrive at a clear understanding of problems and its root causes, including potential risks and most appropriate alternatives

So PSM is valuable tool to solve complex and difficult issues, many people use some from of it every day because of its use's ease and effectiveness in solving big issues, a problem must first be felt, understood, and alternative choices created before effective groups can consider its solution, implement the decision, and evaluate how well the solution is working.

Conclusion

SPM are definitely useful for the case of Algerian customs as we have seen in this paper (part one and two), because we have treated the root causes of problem and not the problem itself to achieve more performance with low costs in few time, and this needs creativity and a change in the way of thinking of managers and the staff.

The change of the way of management can meet some difficulties relating to its acceptance within employees, in other words the use of new techniques in managing customs' issues can face a strong resistance from managers and their collaborators; they may refuse the change because they think that this change may generate more problems instead of eradicating them, that's why we should think how to implement these methods increasingly and convince employees in all levels to use them without meeting strong resistance.

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