I. SYSTEM AND METHODS OF THE RESTRICTIONS

Legal Basis of the Restrictions

The statutory basis for import controls in Ghana is the Imports and Exports (Restrictions) Order, 1948 (No. 113 of 1948) which prohibits all imports except under the authority of a licence granted by the Controller of Imports and Exports (see Annex I). Import control measures are also in force for certain products pursuant to the provisions of various ordinances, such as the Arms and Ammunition Ordinance, the Dangerous Drugs Ordinance, the Animals (Control of Importation) Ordinance and the Importation of Livestock Ordinance. Measures taken under these legislations are not related to balance-of-payments considerations.

Administration of the Restrictions

The import policy is formulated by the Minister of Trade and Industries, subject to the approval of the Cabinet. The basic purpose is to regulate imports in the light of the balance-of-payments position of the country, account being taken of Ghana's position as a member of the sterling area. The restriction of imports from hard currency sources applies mainly to non-essential items and to goods for which a satisfactory substitute is available from other sources.

The import control system is administered by the Controller of Imports and Exports, whose office constitutes a department of the Ministry of Trade and Industries. The responsibility for the issue of licences rests with the Controller. Where licences are required applications must be submitted to the Controller of Imports and Exports prior to the placing of orders. When an import licence has been obtained (or where importation is allowed under Open General Licences and Ghana Quota Licences) the appropriate exchange is granted automatically.

Details relating to current regulations governing the import of specific commodities are published in the Ghana Gazette in Notices to Importers issued by the Controller of Imports and Exports which are accessible to the public.

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1 Provisional, to be checked by the authorities of Ghana.

MGT(59)61
Methods of Restriction

Under the current import policy, as set out in Notice to Importers No. 131 of 3 February 1959, and to the Notice on the Control of Imports into Ghana 1959, dated 28 January 1959, imports are admitted under the following procedures: (1) Open General Licences, (2) Quota Licences, (3) Specific Import Licences and (4) Special Unnumbered Licences. (For details see Annexes II and III.)

(1) Open General Licences: Several Open General Licences are in force, allowing the importation of defined goods from specified countries without a specific import licence. These Open General Licences (or Free-Lists) are briefly described below:

(i) Open General Licences No. 1 and No. 3 permit the importation of the following goods from all countries: single copies of books, magazines, periodicals and the like, bona fide trade samples, personal and household effects, bona fide gifts of less than a specified weight and value and articles for which a re-importation certificate has been issued by an Officer of Customs and Excise.

(ii) Open General Licence No. 6 establishes a free-list which applies to imports from Australia, Burma, Ceylon, Iceland, Ireland, India, Iraq, Jordan, Libya, New Zealand, Pakistan, Southern Rhodesia, South West Africa and the United Kingdom and the United Kingdom Colonies. This free-list covers all imports except petroleum products other than lubricating oils for household purposes, cinematograph films of 16 mm. or over, and gold.

(iii) Open General Licence No. 2 establishes a free-list which applies to the OEEC countries and their dependent territories (except French Somaliland), Finland, Australia, Iraq, Burma, Ceylon, Morocco, Eritrea, New Zealand, Guinea, Pakistan, India, Tunisia, Transjordan, Libya, Spain, Ethiopia, South Africa, Brazil, Chile, Paraguay, Peru, Uruguay, Mainland China, Indonesia, Israel, Taiwan and Thailand. This free-list covers all imports except the following:

- refined and unrefined sugar and molasses;
- certain petroleum products and explosives;
- real silk;
- motor vehicles of the American type assembled in the countries to which this free-list applies;
- cinematographic films of 16 mm. or over;
- gold coin and bullion unrefined gold and partly worked gold.

However, as authorized by Open General Licence No. 13, refined sugar can be freely imported from Belgium, France, the Federal Republic of Germany, the Netherlands, South Africa, Australia, Czechoslovakia, Poland and the USSR.
(iv) Open General Licence No.12 provides for the free importation of wheat flour from Canada and the United States.

(v) Open General Licence No.4 authorizes the free importation from British and French West African territories of goods manufactured in these territories from local raw materials and of livestock and poultry produced in the Territories.

(2) "Quota Licences": A "quota licence" is a licence issued to importers to permit the importation of defined commodities from specified countries. It is revised from time to time. The present quota licence authorizes imports from the USSR and the other Eastern European countries, French Somaliland, Lebanon, Sudan, Syria and Yugoslavia of all goods except sugar, petroleum products, explosives, real silk, gold, arms and ammunition, exposed cinematographic films. (However, imports of refined sugar from Czechoslovakia, Poland and the USSR, are covered by OGL No.13 and are therefore not subject to the quota licence procedure.

(3) Individual Import Licences: Specific licences are required for all imports not covered by an Open General Licence or a Quota Licence. However, imports of a few items listed in paragraph (4) below are subject to special licences.

(4) Special Licences: Separate Gazette Notices are issued from time to time advising importers of the programmed commodities subject to a special licensing scheme and of the manner in which applications for licences to import these goods should be made. At present this scheme covers imports of: (i) cinematographic films of dollar origin, (ii) unmanufactured tobacco from the United States, (iii) goods of Japanese origin, and (iv) general goods of United States/Canadian origin.

Treatment of Imports from Different Sources

As indicated above most goods can be freely imported without a licence from non-dollar countries (except Japan and the countries to which the quota licensing system applies). Imports from Japan require specific licences. Except for wheat flour from Canada and the United States all imports from dollar sources are subject to individual licensing. Established merchants who obtain dollar allocations may use them to purchase all classes of goods from Canada and the United States with the exception of petroleum products, explosives, ordnance, cinematographic films and gold. Moreover, applications may be submitted for licences which meet the criterion of essentiality and non-availability from other sources.
Measures Taken to Relax Restrictions

An import programme is drawn up annually by Ghana to cover imports of essential goods from the dollar area. The overall size of the dollar import allocation has been determined in recent years by the actual or estimated requirements of essential capital and consumer goods, but provision has also been made for less essential goods considered suitable for the Ghana market by reason of competitive price and consumer acceptability. During the past five years the overall quota for dollar imports has gradually been increased to meet a growing demand within Ghana, and for the past three years funds have been provided for imports of less essential consumer goods. During 1958 increased quotas were granted for a number of items including tractors, motor vehicles and machinery from the dollar area.

Following the Montreal Conference in October 1958, further measures of relaxation of restrictions on dollar imports have been under consideration.

II. EFFECTS OF THE RESTRICTIONS

(Statement by the Government of Ghana)

The effects of present restrictions on Ghana's trade are generally quite small, as may be seen from the following analysis:

(a) Quota Licences

A Quota Licence allows the holder to import all goods except a few specified items without any limitation as to quantity or value from the countries listed on the licence, and is valid for an indefinite period. In practice, therefore, a Quota Licence is at present equivalent in its effect to an Open General Licence as the specified items are the same in both cases.

(b) Specific Licences in Respect of Imports from North America

Although imports from the dollar area are subject to annually determined ceilings based on Ghana's actual or estimated requirements of essential capital and consumer goods, adequate provision is made to ensure that all essential goods are covered with import licences without undue restriction. In spite of this flexibility our annual dollar ceilings have not been fully utilized in recent years. Similarly a special dollar allocation which has been made available each year since 1956 for the importation of less essential goods has never been fully utilized, although established importers who on application are allotted funds readily obtain import licences to cover their importations of all classes of goods except petroleum products, explosives, ordnance, cinematographic films and gold.
It can be said, therefore, that the effect of the existing import licensing restrictions on Ghana's trade with the dollar area is small indeed, and that the present imbalance in the trade between Ghana and the dollar area is due to other factors. One such factor may be the level of prices of dollar goods which are generally higher than that of other traditional suppliers.

(c) Specific Licences for Imports from Japan

Imports from Japan are subject to an annually determined ceiling from which funds are apportioned to importers according to their trading performance. Specific import licences are issued to importers to allow the importation of all classes of goods (except a few items such as petroleum products, explosives, arms and ammunition, cinematographic films and gold) to the limit of their allocations. Consideration is normally given to requests for supplementary licences in cases where importers are able to utilize their allocations. This system of supplementary allocations allows importers to meet increased demands of trade.

The restrictive effect of the import licensing system on trade with Japan is thus quite small. As an example licences issued during 1958 were only utilized to 54 per cent of their value.

ANNEXES

I. Imports and Exports (Restriction) Order, 1948.

II. Control of Imports into Ghana, 1959.
   (Public Notice by Controller of Imports and Exports, dated 28 January 1959)\(^1\)

III. Notice to Importers No. 131 (dated 3 February 1959)
   Open General Licences and Quota Licences.\(^1\)

\(^1\) One copy of these Annexes (English only) is supplied to each contracting party.
Annex I

Imports and Exports (Restriction) Order, 1948

G O L D CO A S T

ORDER
MADE UNDER SECTION 41 OF THE CUSTOMS
ORDINANCE

1. This Order may be cited as the Imports and Exports (Restriction) Order, 1948.

Short title.

2. The importation into the Gold Coast of any article is hereby prohibited except under licence granted by the Controller of Imports and Exports and subject to such terms and conditions as may be contained therein.

Importation of goods restricted.

3. The exportation out of the Gold Coast of any article is hereby prohibited except under licence granted by the Controller of Imports and Exports and subject to such terms and conditions as may be contained therein.

Exportation of goods restricted.

4. Nothing in the provisions of this Order shall be taken to prohibit the importation or exportation of any article under the authority of a licence granted by the Comptroller of Customs.

Provided that the Controller of Imports and Exports may vary or revoke any such licence.

Validity of licence granted by the Comptroller of Customs.

5. The Export (Restriction) Order, 1940 is hereby revoked.

Revocation of Order
No 35 of 1940.