The Economist INTELLIGENCE UNIT

The Global Illicit Trade Environment Index

A report by The Economist Intelligence Unit

Commissioned by TRANSNATIONAL ALLIANCE TO COMBAT ILLICIT TRADE TRACIT.ORG

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Acknowledgements

The Global Illicit Trade Environment Index is based on a similar index that was devised and constructed in 2016 by Chris Clague. The 2018 update and expansion was managed by Trisha Suresh, Michael Frank, with assistance from Chris Clague. Chris Clague wrote this report, focusing on the UAE results, and Scott Aloysius provided research support. It was edited by Amanda Simms.

We take sole responsibility for the construction of the index and the findings of this report.

The Global Illicit Trade Environment Index is a measure of the extent to which economies enable (or inhibit) illicit trade through their policies and initiatives to combat illicit trade. The index is built around four main categories, each of which comprise a few indicators. The four categories are government policy, supply and demand, transparency and trade, and the customs environment. This report is focused on how economies in the Asia-Pacific region score on the index, and delves into which regional economies are taking the most action, and which ones are doing little to address this issue.

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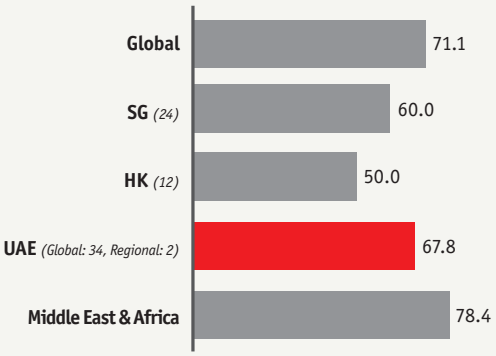
Introduction

Like Singapore, Hong Kong and a number of other key economies covered by the Global Illicit Trade Environment Index, the UAE has leveraged its geographic location to transform itself into a key node in global trade networks, as well a regional hub for financial and other services. Again, like Singapore and Hong Kong, this has brought significant economic benefits to the UAE that are not always balanced with commensurate efforts to combat the various types of illicit trade that flow alongside, and are often obscured by, trade in licit goods and services.

UAE global ranking, regional ranking, and vs. HK and SG



Numbers in parentheses are rankings

In The Economist Intelligence Unit's 2018 Global Illicit Trade Environment Index, which was commissioned by the Transnational Alliance to Combat Illicit Trade (TRACIT), the UAE ranks 34th out of 84 countries, although it ranks second among its regional peers, behind Israel. The global index expands upon an Asia-Pacific-specific version, originally created by The Economist Intelligence Unit in 2016 to score 17 economies in Asia on the extent to which they enabled or prevented illicit trade. It measures economies across four categories: government policy, supply and demand, transparency and trade, and the customs environment.

The UAE's score and therefore rank in the overall index was held back by two categories. In transparency and trade, which looks at areas such as the availability of track and trade services and governance of free-trade zones (FTZs), the UAE ranks 58th, with a score of 44 out of 100. It fares better, at least in terms of its score, in the customs environment category (72). But because so many of the 84 economies in the index score well here, the UAE's rank is just 54th, not far behind Canada, South Africa and Hong Kong. Where it shines, however, is in the supply and demand category, coming in 3rd overall, largely because of the level of its tax and social security burdens.

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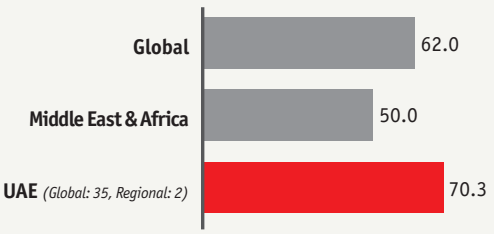
Category 1: Government policy

The UAE's showing in the government policy category, while better than the average score of the 84 countries, is weakened by its lack of commitment to key illicit trade-related treaties and, to a lesser extent, its cyber-security preparedness. Of the 14 illicit trade treaties considered relevant for the index, the UAE has signed and ratified only nine. Signed and ratified is an important and obvious distinction. For example, in July 2013 the UAE did sign the UN Arms Trade Treaty, which includes provisions on monitoring arms in transit and being trans-shipped, as well as preventing the diversion of weapons to unauthorised owners and users.[1] But as at November 2018 it has yet to ratify the treaty, rendering its signature so far no more than a symbolic gesture, albeit one that it is not alone in making—more than a quarter of the 130 signatories are yet to ratify, including the likes of Israel, Libya, Turkey, Singapore and the US.[2] Nor is the UAE even a signatory to the other arms-related treaty in the index, The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, which is aimed at "offences transnational in nature and [that] involve an organised criminal group."[3]

In other aspects of government policy, the UAE is doing better. On corruption, a major enabler of illicit trade, it is part of the second group of 16 economies in the index that all receive a score of one on a scale of zero to five, zero being the least corrupt and five the most. It also does well on interagency collaboration between law enforcement and customs authorities, a vital component to combating illicit trade—and one that is either weak or non-existent in a third of the 84 economies. A good example of interagency co-operation is the UAE's Federal Customs Authority, which heads a series of formally organised committees attended by representatives from the police and concerned government ministries. Some experts and observers believe that the UAE could do even more in this area to the benefit of itself and the region as a whole, like Michael Ellis of Ellis and Associates, a consultancy, and former assistant director of trafficking in illicit goods and counterfeiting sub-crime directorate at Interpol, . "The UAE could create something like an Intelligence Fusion Center," says Mr Ellis, "that creates a single point of contact and a single source of information for illicit trade. It could bring together customs, the market inspectorate, representatives from FTZs and the tax authorities."

UAE gov't policy ranking and regional ranking



Numbers in parentheses are rankings

1 https://www.un.org/disarmament/convarms/arms-trade-treaty-2/
2 https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&clang=_en
3 See Article 4: https://treaties.un.org/doc/source/recenttexts/18-12_c_e.pdf

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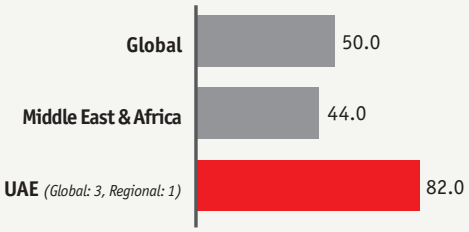
Category 2: Supply and demand

A measure of the domestic environment that either discourages or encourages the flow of illicit goods, supply and demand is by far the best of the four categories for the UAE. It ranks 3rd overall with a score of 82, bested only by Singapore in 2nd and New Zealand in 1st and ahead of economies like Hong Kong, Finland and Denmark.

UAE global and regional ranking



Numbers in parentheses are rankings

Within the category's six indicators and sub-indicators, the UAE performs no worse than 5th on any one. On the tax and social security burdens indicator, which is a composite of two sub-indicators, corporate tax burden and employers' social security burdens, the UAE is tied for the top rank with five other countries. Economies with lower corporate taxes and higher employer social security burdens tend to have, but not always, larger informal or shadow sectors that overlap with and thrive on contributions from various forms of illicit trade.[4]

There are two ways of looking at the UAE's performance on supply and demand, one encouraging, the other less so. The encouraging aspect is both its overall ranking and its role as a leader in the region. Among the nine other economies in the Middle East and Africa covered by the index, only Israel performs nearly as well. After Israel, there are increasingly steep drop offs, ending with Iraq and Libya at the bottom, both with scores approaching zero. The UAE can't do much for governance or the policymaking process in failed or failing states like Iraq or Libya. But for economies in the region with functioning governments, it can serve as a model, if not provide direct guidance, when it comes to pushing and pulling on the policy levers that affect supply and demand for illicit goods, such as tax regimes and labour market regulations.

Less encouraging, however, is that although the UAE does mostly a good job in terms of managing supply and demand of illicit trade insofar as it stays within its borders, it appears less concerned with goods that are transiting through, bound for markets elsewhere, as evidenced by its lack of oversight into its FTZs.

4 Friedrich Schneider and Dominik H. Enste, *The Shadow Economy*, Cambridge, 2013

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Category 3: Transparency and trade

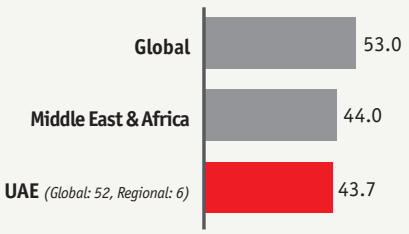
The Economist Intelligence Unit has already produced a thematic paper this year on the role select FTZs around the world play in facilitating illicit trade, a paper that included analysis of Jabal Ali FTZ (also known as JAFZA), by far the largest FTZ in the UAE and one of the largest in the world. FTZ governance, a measure of expert perception of the extent of monitoring and oversight of the zones, is one of the four indicators in the transparency and trade category, along with the availability of track and trace services and international reporting on human trafficking, drug trafficking and intellectual property (IP) infringements.

The UAE receives a score of zero on the FTZ indicator, joining, most prominently, Singapore, as well as a host of developing economies, including Libya and Morocco.[5] This drags down its ranking in the category to 52nd overall and 7th in the region, where Algeria, Israel and Turkey come out on top.[6] As explained in the FTZ paper:

> *"…legislation on the books grants customs [in the UAE] the authority to carry out inspections, but local experts say that legislation is honoured more in breach than in practice. The quantity and quality of inspections are considered to be low, when authorities are checking at all. One regional brand manager said that firms have taken to engaging law enforcement as a means of motivating customs to carry out more inspections, but that isn't always effective."*

As a result of these issues, JAFZA has become a major hub for illicit trade, especially trade in counterfeits and other IP-infringing goods.

UAE overall ranking and regional



Numbers in parentheses are rankings

The UAE does do better on other indicators in the category, however. It ranks 17th overall and 2nd in the region on the availability of track and trace services, an important tool for combating illicit trade, especially for trade in illicit tobacco products, but also for beverages and other consumer goods.[7] The UAE has made steady improvements in this area over the past decade, with its score rising in each of the last six World Bank Logistics Performance Indexes, the source of the scoring for this indicator.

5 The FTZ paper, with full analysis of Jabal Ali, is available here: http://illicittradeindex.eiu.com/
6 In the context of illicit trade and the index, not having FTZs counts as a positive for an economy's score. Algeria does not have any FTZs and therefore receives a higher score.
7 https://tobacconomics.org/wp-content/uploads/2015/05/Ross_International_experience_05.28.15.pdf

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The UAE is also becoming more transparent when it comes to reporting on trafficking in humans and narcotics, as well as in IP-infringing goods. Sharing information, data and intelligence with partner agencies and enforcement authorities, and international organisations like the UN Office on Drugs and Crime help to create a shared body of knowledge of trends and techniques to better combat illicit trade. Many economies fall short on this indicator, some because of capacity constraints, some because of neglect, active and otherwise. The UAE, however, has stepped up its efforts and now regularly publishes data on seizures and prosecutions in human trafficking cases.[8]

8 See, for example: https://gulfnews.com/going-out/society/uae-arrested-48-human-traffickers-last-year-1.2223077

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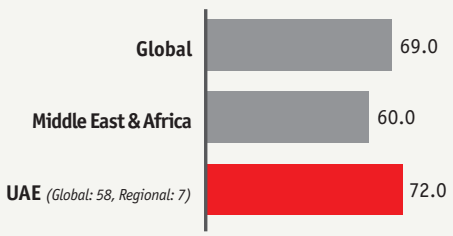
Category 4: Customs environment

The UAE has a fairly strong customs environment for combating illicit trade in absolute terms, although it suffers by comparison in the rankings (52nd) because a large number of economies in the index perform so well in this category, which measures how effective customs authorities are in managing their dual mandate to facilitate licit trade while also preventing illicit trade. That said, it does—somewhat surprisingly, given the fiscal resources at the government's disposal—underperform relative to its less-developed regional peers. Turkey, for example, receives a score of 86.5 versus UAE's 72, putting it in a tie for 13th with France and Belgium, while both Tunisia and Morocco receive higher scores.

UAE overall ranking and regional



Numbers in parentheses are rankings

There are fixes available. For one, it could continue on the path to having its authorised economic operator (AEO) programme certified as "full-fledged" by the World Customs Organisation. An AEO programme is a system that offers certification for preferential customs processing to firms that meet a list of requirements, including supply-chain security standards. To be granted AEO status by a customs authority, firms must submit to an audit that covers compliance records for exports and imports, any criminal records for the company and its officers, tax compliance, and fiscal solvency, as well as its overall business portfolio.[9] At present, the UAE's "Golden Trust" programme, launched in 2007, has certified 40 firms as AEOs and set a target to certify a total of 200 by 2018, although until it adds a security requirement to the certification process, it won't be classified as a full AEO programme by the WCO.[10]

The UAE could also improve the level of automation at customs. Automation, as defined by the OECD in its Trade Facilitation Indicators, includes practices such as the electronic exchange of data, automated border procedures and greater use of risk management in customs processing.[11] The benefits automation provides for combating illicit trade are three-fold. The first is that by automating the processing of licit trade, more time is freed up for customs officials to spend on inspections and investigations into illicit trade. The second, as laid out in the OECD definition, is improved risk management. And the third is that automation reduces the number of potential face-to-face corruption points in the customs process.

9 http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/~/media/4448CE5B00DB422FA89A29AA447A4F22.ashx (Note: The 2018 edition of the WCO Compendium of Authorized Economic Operator programmes classifies the UAE as having an "Operational Customs Compliance Programme", which means its current programme lacks a security requirement, but does require an "operator [to have] an appropriate record of compliance with Customs requirements, a satisfactory system for managing commercial records and, where possible, a good financial solvency." The security requirement is detailed in Annex IV of SAFE 2015.
10 https://www.aeo.ae/index.php/uaeo-list-of-certified-companies/
11 http://www.oecd.org/trade/facilitation/indicators.htm

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The UAE ranks 32nd in automation. This is not bad in the context of the overall index, but it does place it near the bottom of high-income economies, among which the Netherlands, Singapore and South Korea are the benchmarks, with the highest scores. Low-income and, to a lesser extent, middle-income economies tend to have limited financial resources that can make investment in higher levels of automation at customs due difficult because of the costs involved. The UAE is among the wealthiest nations in the world, seeing itself as a leader in global trade. As such, it could be reasonably expected to deploy resources sufficient to ensure that its customs systems are state of the art.

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Concluding remarks

The UAE has been taking more action on illicit trade in recent years, including in the areas of enforcement and new legislation,[12] but it can and should be doing more. In that, of course, it is not alone. Even the economies at the top of the index rankings are far from perfect in their policies and levels of enforcement. But many of those economies don't necessarily present systemic risks when it comes to illicit trade. That is not the case for the UAE, Hong Kong, Singapore or any of the regional and international hubs for trade and finance. Small moves in their illicit trade environments are bound to have an outsized impact on illicit trade flows.

The UAE could position itself as a leader in this regard, not only among its fellow hubs across the globe but in its immediate region, as well. Some measures would require more effort than others, such as increasing monitoring and oversight of JAFZA, but none are so difficult as to be out of reach, they just require the political will. Such measures include:

- **Adding security certification to the AEO audit process.** Annex 4 of the 2015 WCO SAFE Framework of Standards includes five types of security full-fledged AEO programmes must take into account when certifying operators: cargo, conveyance, premises, personnel and trade partner security. The UAE should add these to their AEO auditing process, not least because all are crucial aspects of combating illicit trade.
- **Bolstering automation at customs.** While the OECD Trade Facilitation Indicators results show that the UAE has automated some of its customs processes, there is room for improvements, improvements that would almost certainly have cross-over benefits in a drive to achieving full-fledged AEO status.
- **Signing *and* ratifying the five illicit trade treaties that it hasn't yet.** In addition to the UN Arms Trade Treaty and The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, the UAE should also sign and ratify the WHO Protocol to Eliminate Illicit Trade in Tobacco Products, the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, and the Amended Council of Europe/ OECD Convention on Mutual Administrative Assistance in Tax Matters.
- **Improving oversight and enforcement in FTZs.** This would have the greatest impact on illicit trade in the region and across the globe. The economic benefits that are derived from FTZs need to be accompanied by a commensurate effort to ensure the zones are not providing criminals safe havens to conduct illicit business. Legislation for achieving this, where it exists, as it does in the UAE, needs to be translated into concrete and sustained action.

12 https://www.khaleejtimes.com/business/economy/uae-has-no-room-for-illicit-trade
https://www.thenational.ae/uae/fall-in-human-trafficking-in-the-uae-last-year-new-report-reveals-1.731471

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Index methodology

The Global Illicit Trade Environment Index measures the extent to which a country enables illicit trade, either through action or inaction. Based on the findings from an extensive literature, and input from a panel of illicit trade experts, we built the Index around four main categories, each with four to seven indicators. Those categories are:

- Government policy measures the extent to which countries have comprehensive laws targeting illicit trade. The category focuses on legal authority at relevant stakeholders, and considers intellectual property protection, cyber security and money laundering laws.

- Transparency and trade measures the extent to which the government makes itself publicly accountable in its efforts to combat illicit trade. The category also considers best practices in trade governance.

- Supply and demand considers the institutional and economic levers that can stem or amplify illicit trade flows.

- Customs environment measures how effectively a country's customs service manages its dual mandate of trade facilitation while preventing illicit trade.

We constructed the Index in consultation with an expert advisory panel:

- **Julio Bacio Terracino** – deputy head of division at OECD Public Sector Integrity Division, Public Governance Directorate

- **Michael Levi** – professor of criminology at Cardiff University (UK)

- **John M. Sellar** – independent anti-smuggling, fraud, and organised crime consultant

This index follows the illicit trade framework from the OECD Task Force on Countering Illicit Trade (TF-CIT).[1] According to the OECD, illicit trade refers to "trafficking and illegal trades in drugs, arms, persons, toxic waste, natural resources, counterfeit consumer goods, and wildlife." Framework examples transcend industry and geography, including illicit trade's negative impact on health, environment, human vulnerability, terrorism, and government.

Country selection

We selected 84 countries to ensure a representative sample of countries in global supply chains, with particular consideration for illicit trade flows. The selected countries

1 http://www.oecd.org/gov/risk/oecdtaskforceoncounteringillicittrade.htm

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represent 95% of global GDP and 95% of trade flows. When selecting countries, we also made sure to include a balance of countries from all regions and levels of development. Regions are classified primarily based on based on the World Bank's country and lending groups for 2018.[2]

Indicators by type

The Index includes 14 quantitative indicators and six qualitative indicators. There are four broad categories of indicators:

- **EIU country scores.** Our country analysts are expert economists who regularly track the business environment and operational risk for their country of study. Analysts score countries based on answers to a set of specific questions for each topic, ensuring comparability across all 84 countries.

- **International institution scores.** We draw on existing indices or benchmarking exercises from highly reputable international sources, such as the World Bank's Logistics Performance Index and the Organization for Economic Cooperation and Development's Trade Facilitation Indicators.

- **Participation/availability scores.** Countries receive scores for adoption of illicit trade-related international conventions and participation in trade services, such as Authorised Economic Operator ("trusted trade") programmes.

- **Survey of experts.** Ten indicators are scored based on qualitative desk-based research and interviews with in-country illicit trade experts.

Indicator normalisation

In order to compare data points across countries–as well as to construct aggregate scores for each country–the project team normalised collected data on a scale of zero to 100 using a min-max calculation. While both scores and rankings are relative assessments, scores have more absolute weight as they better capture the distribution of actual outcomes.

Other indicators were normalised as a two, three or four-point rating. For example, "4.5) Customs recordal system" was normalised so that countries without such systems scored 0, countries with partially effective systems scored 50, and countries with effective systems scored 100.

While using normalised values (that is, a score of 0–100) allows for direct comparability with other normalised indicator scores in the 2018 Global Index, we cannot directly compare performance of countries in the 2016 APAC Index and this Index. This is because (a) normalised scores change based on performance of other countries in the sample, and (b) some indicator scoring frameworks and data sources have changed.

2 https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups

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Indicators

Our research team collected data for the Index from December 2017 to February 2018. In addition to scores from The Economist Intelligence Unit, the Index uses publicly available data from international organisations, as well as qualitative analysis based on desk-based research and interviews with in-country experts.

INDICATOR	UNITS	SOURCE	DESCRIPTION	WEIGHTS[3]
1. Government policy				**35%**
1.1 Commitment to illicit trade-related treaties	# of conventions (out of 14)	Various	Extent to which a jurisdiction has entered into 14 different international conventions related to illicit trade.	12%
1.2 Compliance to FATF standards	0-10 score	Basel Institute on Governance AML Index	Extent to which a jurisdiction engages in international judicial cooperation on money laundering and other criminal issues, based on FATF assessments and Basel Institute on Governance analysis.	8%
1.3 Intellectual property protection	1-5 score	EIU Business Environment Ratings/Risk Briefing	Extent to which a high standard of comprehensive IP laws are enforced. (Note: proxy indicator used for 18 countries: Protection of intellectual property rights from EIU Risk briefing.)	12%
1.4 Corruption	1-5 score	EIU Risk Briefing	Extent of corruption among public officials.	28%
1.5 Law enforcement techniques	0-3 score	EIU custom score	The extent to which there is specific legislation empowering authorities use special investigative techniques under UNTOC and UNCAC guidelines: controlled deliveries, intercepting communications and undercover operations	14%
1.6 Interagency collaboration	0-2 score	EIU custom score	The extent to which law enforcement and customs authorities cooperate on efforts to counter illicit trade.	14%
1.7 Cybersecurity preparedness[4]	0-1 score	International Telecommunication Union	The extent to which governments are committed to cybersecurity across five main pillars: legal, technical, organisational, capacity building, and cooperation.	12%
2. Supply and demand				**20%**
2.1 Tax and social security burdens	2-10 score	EIU/US Social Security Administration	Extent of corporate tax and social security contributions of companies.	10%

3 Category weights represent that category's share of the index. Indicator weights represent that indicator's share of its category.
4 ITU does not score Hong Kong or Taiwan. Hong Kong has therefore received China's score. Taiwan has received an average of the scores for four developed East Asian economies: Hong Kong, Japan, Singapore and South Korea.

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2.2 Quality of state institutions	1-5 score	EIU Business Environment Ratings/Risk Briefing	Effectiveness of country's public institutions. (Note: proxy indicator used for 18 countries: Quality of bureaucracy from EIU Risk briefing.)	40%
2.3 Labour market regulations	1-5 score	EIU Business Environment Ratings/Risk Briefing	Our restrictiveness of labour laws rating scores countries between 1 and 5 on the degree of restrictiveness on hiring and firing, with 1 being "very high" and 5 being "very low". (Note: proxy indicator used for 18 countries: Restrictiveness of labour laws from EIU Risk briefing.)	15%
2.4 Perception of organised crime[5]	0-7 score	World Economic Forum/EIU	Perception of the extent to which organised crime (mafia-oriented racketeering, extortion) imposes costs on business.	35%
3. Transparency and trade				**20%**
3.1 Track and trace services[6]	0-5 score	World Bank LPI	Ability to track and trace consignments.	35%
3.2 Adoption of Annex D of Revised Kyoto Convention	0-4 score	World Customs Organization	Adoption of Annex D of Revised Kyoto Convention.	25%
3.3 FTZ governance	0-2 score	EIU custom score	Extent to which countries establish customs offices and authorise inspections of goods in transit in all FTZs.	25%
3.4 International reporting	0-6 score	EIU custom score	The extent to which the government reports on its efforts to counter human trafficking, IP infringement, and drug trafficking.	15%
4. Customs environment				**25%**
4.1 Percentage of shipments physically inspected[7]	% of shipments	World Bank LPI	Percentage of shipments physically inspected.	10%
4.2 Customs clearance and inspection	# of hours	World Bank Doing Business	Number of hours, on average, for customs clearance and inspection.	10%
4.3 Automation[8]	0-2 score	OECD Trade Facilitation Indicators	Assessment of electronic exchange of data, automated border procedures, and use of risk management.	32%
4.4 Authorised Economic Operator programme	0-2 score	World Customs Organisation	Assessment of operational or planned AEO programmes.	28%
4.5 Customs recordal system	0-2 score	EIU custom score	Assessment of existence and effectiveness of customs recordal systems.	20%

5 WEF does not rate five of the countries in the index: Belarus, Belize, Iraq, Libya and Myanmar. For these countries, EIU country analysts applied WEF's scoring framework to assign a custom score.
6 World Bank LPI does not score Belize for Track and Trace Services. We have assigned Belize an average of Costa Rica, Guatemala and Panama.
7 World Bank LPI does not score Armenia or Belize for physical inspection of shipments. For Armenia, we have assigned an average of CIS lower middle income economies (Georgia, Kyrgyzstan, Moldova, Ukraine, and Uzbekistan). For Belize, we have assigned an average of Costa Rica, Guatemala and Panama.
8 OECD's Trade Facilitation Indicators do not include scores for Iraq or Libya. We have assigned both countries the lowest score based on our research.

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The Economist INTELLIGENCE UNIT

LONDON
20 Cabot Square
London
E14 4QW
United Kingdom
Tel: (44.20) 7576 8000
Fax: (44.20) 7576 8500
E-mail: london@eiu.com

NEW YORK
750 Third Avenue
5th Floor
New York, NY 10017, US
Tel: (1.212) 554 0600
Fax: (1.212) 586 0248
E-mail: newyork@eiu.com

HONG KONG
1301 Cityplaza Four
12 Taikoo Wan Rd
Taikoo Shing
Hong Kong
Tel: (852) 2585 3888
Fax: (852) 2802 7638
E-mail: hongkong@eiu.com

SINGAPORE
8 Cross Street
#23-01 Manulife Tower
Singapore 048424
Tel: (65) 6534 5177
Fax: (65) 6428 2630
E-mail: singapore@eiu.com

GENEVA
Rue de l'Athénée 32
1206 Geneva Switzerland
Tel: (41) 22 566 2470
Fax: (41) 22 346 9347
E-mail: geneva@eiu.com

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