

African Participation in International Agreements on Trade and Transit Transport

Major Agreement	African States Parties	Impact on LLDCs
General Agreements:		
(a) 1947 General Agreements on Tariffs and Trade (GATT)	All African States	Formed the basis for the development of free trade and the general, systematic reduction of Customs duties that followed its ratification
(b) 1994 World Trade Organization Agreement (WTO)	All African States, except the following which are Observers Status: Algeria, the Comoros, Equatorial Guinea, Ethiopia, Liberia, Libya, São Tomé and Príncipe, the Seychelles, and Sudan.	Established for the development and monitoring of free trade in an open market economy. A new Draft Agreement on Trade Facilitation at 2013 meeting in Bali.
(c) 2013 WTO Trade Facilitation Agreement (TFA) and.	16 African Countries Submitted Category A Notifications (10 Dec. 2015): Botswana, Burundi, Cote d'Ivoire, Egypt, Gabon, Kenya, Mauritius, Morocco, Nigeria, Rwanda, Republic of Congo, Senegal, Seychelles, Tanzania, Tunisia, Uganda. 4 LLDCs Accepted the Protocol: Botswana, Niger, Togo.	Expediting movement, release and clearance of goods, including goods in transit, and improving customs cooperation; Special and Differential Treatment (SDT) measures and TFA Facility technical assistance for capacity development in Least Developed Countries (LDC).
Rights of Transit and Landlocked Countries:		
(a) 1965 New York Convention on Transit Trade of Landlocked Countries	Ratified or acceded to by Burkina Faso, Burundi, the Central African Republic, Chad, Lesotho, Malawi, Mali, Niger, Nigeria, Rwanda, Senegal, Swaziland, and Zambia. Cameroon, Sudan, and Uganda signed it in 1965 but did not ratify. 12 LLDCs, 4 Transit Countries	This is an update of the 1921 Barcelona Convention based on the principle that transit is a service to be rendered to others in the international interest, not a privilege to be the source of undue and excessive benefits, if not straight abuse of a controlling position (position dominante). Significantly, all African countries that ratified the Convention on Transit Trade to Landlocked Countries or acceded to it were landlocked except Senegal and Nigeria
(b) The United Nations Convention on the Law of the Sea, commonly referred to as "UNCLOS" was first signed in December 1982 and came into force in November 1994	47 African countries are party to UNCLOS.	Article 125 provides for rights of transit across the territory of neighbouring States so as to obtain access to the sea. The convention states that the Land-locked States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the Exclusive Economic Zones of coastal States of the same subregion or region.

Customs Conventions:		
1950 Brussels Convention establishing the Customs Cooperation Council; 1973 Kyoto Convention under World Customs Organization; Revised Kyoto Convention (RKC)	All African States are parties to the 1950 Brussels Convention. African States Contracting Parties to WCO: Algeria, Botswana, Cameroun, Cape Verde, Cote d'Ivoire, Egypt, Gabon, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Togo, Uganda, Zambia, and Zimbabwe. The Democratic Republic of the Congo signed the Convention in 2000 but did not ratify it. 10. LLDCs; 18 Transit.	Promotes trade facilitation and effective controls through legal provisions that detail the application of simple yet efficient procedures. Several revisions and amendments have been made, including Annexes for implementation.
Maritime Convention:		
1965 London Convention on Facilitation of International Maritime Traffic.	Ratified or acceded to by Algeria, Benin, Burundi, Cameroon, Cabo Verde, Congo, Côte d'Ivoire, Egypt, Gabon, The Gambia, Ghana, Guinea, Kenya, Liberia, Libya, Madagascar, Mali, Mauritius, Nigeria, Senegal, the Seychelles, Sierra Leone, Tanzania, Tunisia, and Zambia. 3 LLDCs; 22 Transit.	Updates the 1923 Geneva Convention and Statute on the International Regime of Maritime Ports. Convention was concluded under the auspices of the International Maritime Organization (IMO). To prohibit the harassment of vessel captains, crews, passengers, and shipping agents through the use of excessive formalities in ports.
Conventions on Road Transport:		
(a) 1949 Geneva Convention on Road Traffic	Adhered to or ratified by 24 African States: Algeria, Benin, Botswana, Burkina Faso, the Central African Republic, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ghana, Egypt, Lesotho, Madagascar, Malawi, Mali, Morocco, Namibia, Niger, Rwanda, Senegal, Sierra Leone, South Africa, Togo, Tunisia, Uganda, and Zimbabwe. 8 LLDCs, 16 Transit.	<p>The objective of the Convention was to promote the development of international road traffic by establishing uniform rules for it.</p> <p>A protocol on road signs and signals was adopted at the same time as the convention</p>
(b) 1968 Vienna Convention on Road Traffic	Signed, ratified, or adhered to as of June 2013 by Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Ghana (signature only), Kenya, Liberia, Morocco, Niger, Senegal, Seychelles, South Africa, Tunisia, and Zimbabwe. 1 LLDC, 13 Transit countries.	<p>To facilitate international road traffic and increase road safety through the adoption of uniform traffic rules."</p> <p>Convention on Road Signs and Signals was also concluded</p>

Conventions on Air Transport:		
(a) 1944 Convention on International Civil Aviation (Chicago Convention). The Convention has been revised several times: in 1959, 1963, 1969, 1975, 1980, 1997, 2000, and 2006.	All African States are Parties.	It establishes rules for regulation of airspace, aircraft registration, and safety and details the rights of the signatories relevant to air travel, including the Five Freedoms of air traffic.
(b) The 2010 Beijing Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation	Among the 25 signatories, eight are African States: Chad, The Gambia, Mali, Nigeria, Senegal, Cameroon, Zambia, and Uganda. This Convention has not yet been ratified.	Aiming at promoting the safety and security of persons and property response to new types of threats jeopardizing air transport.
(c) 2011 Ninth Edition on Safeguarding International Civil Aviation against Acts of Unlawful Interference (Annex 17 to the Convention on International Civil Aviation).	All ICAO Member States	To ensure the safety of the crew, passengers, personnel on the ground, and public in general in all matters regarding civil aviation. The air transport carriers of countries in Sub-Saharan Africa not complying with these rules are blacklisted

Africa Regional Treaties and Conventions on Facilitation of Transit Transport and Trade

Instrument	Impact on LLDCs
1963 OAU Addis Ababa Charter	To promote international co-operation, co-ordinate and harmonize their general policies, especially in the fields of economic co-operation, including transport and communications .
1973 Addis Ababa Declaration on Cooperation, Development, and Economic Independence	Objectives:- Developing infrastructure as the "fundamental basis of development with priorities: Connecting road networks, especially for access to the sea and to the benefit of landlocked countries; Eliminating obstacles to traffic by simplifying Customs and police procedures and harmonizing legislation; Establishing African consortia of shipping lines; Taking joint positions on the matter of level of freight rates; Developing shippers' council; Reinforcing cooperation between airlines, exchanging traffic rights, developing joint action on the selection of aircraft types, maintenance, and training.
1979 Monrovia Declaration	In pursuit of the objectives of the New International Economic Order, the OAU Council committed to implement completely the programme of the United Nations Transport and Communications Decade in Africa.
1980 Lagos Plan of Action and Final Act of Lagos	Called for the creation of an African Common Market by 2000, and in this regard assigned to the Regional Economic Communities the objective: "... to reinforce effectively sectoral integration in transport. "
1991 Abuja Treaty Establishing the African Economic Community (AEC)	The policy objectives include: "To promote economic, social and cultural development as well as integration of African economies", including in the area of trade and transport, "the harmonization of policies and removal of obstacles to movement of persons, goods and services, with special measures for the landlocked countries ".
1993 African Maritime Transport Charter	Chapter VII on issues of Landlocked Countries . Transit Partner States agree to grant facilities and benefits to landlocked countries and to apply non-discriminatory administrative, fiscal and Customs measures. They agree to coordinate their policies of acquisition and use of land, river, air and maritime transport and port. They are encouraged to enter into bilateral and multilateral agreements on transit and to ratify those in force.
1999 Yamoussoukro Decision	Grants to the States party free exercise of the First, Second, Third, Fourth, and Fifth Freedoms on scheduled and non-scheduled passenger and freight services performed by an eligible airline.
2000 Constitutive Act of the African Union	Transformed OAU into AU. The objectives contained in the Constitutive Act, include to promote sustainable development at the economic, social and cultural levels as well as the integration of African economies.
2009 African Maritime Transport Charter	Update of the 1993 Charter and a call to include it in the national legislations. It calls for emphasis on cooperation between LLDC and Transit States , development of Multimodal Transport, Ports and ICT applications. Specifically, (Chapter VII on Landlocked countries): Transit Partner States agree to grant facilities and benefits to landlocked States and to apply nondiscriminatory administrative, fiscal, and customs measures; they agree to coordinate their policies of acquisition and uses of land, river, air and maritime transport, and

	ports; they are encouraged to enter into bilateral and multilateral conventions on transit and to ratify those in force.
2000 ACP-EU Partnership Agreement; Second Revision 2010.	Several provisions relate to transit transport and trade: Article 84 - Special attention shall be paid to transport and communication infrastructure; Article 87 - Specific provisions and measures shall be established to support landlocked ACP States in their efforts to overcome their difficulties and the obstacles hampering their development; Article 41 - The Parties reiterate their commitment to the GATS (GATT); Article 42 - Maritime transport is the only transport mode specifically mentioned in the Agreement.
2014 Inter-Governmental Agreement to Underpin the Trans-African Highway.	Objectives: Contribute to the physical, political, economic and social integration and cohesion of Africa; Contribute to the facilitation of safe movement of goods and persons and reduction of transport cost on the Continent; Ensure road transport facilities between important areas of production and consumption on the Continent; and Set-up common minimum norms and standards for design and maintenance of the TAH network with all-weather roads of good quality.

Table 3. Legal Instruments for Developments in Main Corridors – East Africa

Legal Instrument	Distance from Anchor Port (km)	Key Transit Transport Issues
Northern Corridor Transit Agreement (NCTA) – 1985. Multilateral Treaty established the Transit Transport Coordination Authority of the Northern Corridor (TTCA-NC) to manage development of the corridor. Members: Kenya, Uganda, Rwanda, Burundi. DRC joined in 1987. South Sudan joined in 2012. Treaty amended in 2007 transforming it into a Development Corridor.	Mombasa to: Nairobi – 430; Kampala – 1170; Kigali – 1700; Bujumbura – 2000; Goma – 1880; Juba – 1750.	Several Protocols on transport and transit facilitation were subsequently amended in 2007: (i) Maritime Port Facilities (ii) Transit Routes and Facilities (iii) Customs Control (iv) Documentation and Procedures (v) Transport by Rail of Goods in Transit (vi) Transport by Road of Goods in Transit (vii) Handling of Dangerous Goods (viii) Facilities for Transit Agencies and Employees (ix) Third Party Motor Insurance (x) Inland Waterways Transport (xi) Transport by Pipeline (xii) Multimodal Transport of Goods
Central Corridor Transit Transport Facilitation Agency Agreement (TTFA) -2006. Members: Tanzania, Burundi, Rwanda, DRC, Uganda.	Dar-es-Salaam to: Kigali – 1400; Kampala – 1600;	The general provisions refer to a number of international programmes favouring landlocked countries and regional integration, including: (i) Almaty Programme of Action (ii) UN General Assembly Resolution 56/180 related to specific actions for landlocked

	Bujumbura – 1450; Kigoma – 1,254.	(iii) countries Millennium Declaration which recognizes the special needs and problems of LLDCs (iv) NEPAD (v) COMESA Specific Provisions for Right of Transit and Transit Facilitation.
Djibouti-Ethiopia Corridor Authority (Negotiations under COMESA.) Members: Djibouti, Ethiopia, South Sudan, Sudan.	Djibouti to Addis Ababa: Road – 900; Rail – 780.	Multimodal Corridor (Road, Rail, Inland Waterways).
Lamu Port, South Sudan and Ethiopia Transport (LAPSSET) Corridor Development Authority 2012. Members: Kenya, South Sudan, Ethiopia, Uganda		Multimodal Options (road, rail, pipeline, air, electricity). Development Corridor Project US\$ 30 billion. Construction has commenced in Kenya: Lamu Port, road and railways.

Table 4. Legal Instruments for Developments in Main Corridors – Southern Africa

Legal Instrument	Distance from Anchor Port (km)	Key Transit Transport Issues
Dar-es-Salaam Corridor Committee (DCC). Joint Venture between Malawi, Tanzania and Zambia Managed under an Institutional Constitution 2008. DRC Associate member.	Dar-es-Salaam to: Lusaka - 2000; Extensions to Copper Belt (Kitwe and Ndola) and Lubumbashi.	Objective to implement SADC Protocol on Transport, Communications and Meteorology. Improved corridor performance; one stop border posts under construction
Maputo Corridor Logistics Initiative (MCLI) Memorandum and Article of Association 2004 Members: Mozambique, South Africa, Swaziland.	Maputo to: Johannesburg – 600.	Objective is to transform the Maputo Transport Corridor into a Development Corridor.

<p>North-South Corridor Management Committee (NSCMC) - 2009</p> <p>Members: South Africa, Zimbabwe, Zambia, Tanzania, DRC, Botswana, Malawi, Mozambique.</p>	<p>Durban to : Gaborone; Harare; Lusaka - 2500</p>	<p>The development and management of the NSC is to be guided by the following agreed principles:</p> <p>Equal treatment – Laws, regulations, procedures and administrative measures pertaining to the movement of goods and persons.</p> <p>Transparency – Laws, regulations, procedures and administrative measures on movement of goods and persons publicly available in a prompt, transparent and readily accessible manner.</p> <p>Harmonization – Laws, regulations, procedures and administrative measures pertaining to the movement of goods and persons.</p> <p>Efficiency – Efficient and effective administration of transit traffic to facilitate the movement of goods and persons.</p> <p>Simplicity – Laws, regulations, procedures and administrative measures pertaining to the movement of goods and persons.</p> <p>Consistency – Consistent application of all laws, regulations, procedures and administrative measures pertaining to the movement of goods and persons.</p> <p>Mutual assistance – Cooperation and mutual assistance between respective authorities involved facilitation.</p>
<p>Trans- Kalahari Corridor Management Committee MOU 2003 Under Walvis Bay Management Group.</p> <p>Members: Botswana, Namibia, South Africa.</p>	<p>Walvis Bay to: Francistown - 1780; Gaborone – 1340; Johannesburg – 1900.</p>	<p>The objectives of the TKCMC are to: (i) Develop strategic partnerships between themselves and the private sector; (ii) Simplify and harmonize their Customs procedures, adopt a common transit procedure and introduce joint Customs control at borders points; (iii) Establish consultative committees composed of public and private sector stakeholders on the subject of joint Customs control; (iv) Ensure that revenue obtained from road users under road user charges are dedicated to the maintenance and operations of roads; (v) Offer equal access to each other's transport markets; (vi) Adopt and implement harmonized standards in respect of vehicle characteristics, vehicle fitness, road signs, axle load, etc. (vii) Improve traffic safety by law enforcement and driver training and testing.</p>
<p>Trans-Capriivi Corridor Management Committee Under Walvis Bay Management Group.</p> <p>Members: Namibia, Zambia, DRC, Zimbabwe</p>	<p>Walvis Bay to: Lubumbashi – 2600; Lusaka – 2395; Livingstone – 1565; Ndola – 2500; Harare – 2515.</p>	<p>The key objectives of Walvis Bay Corridor (WBC) development are to: (i) Facilitate regional transport and trade and ensure full utilization of the port and corridor infrastructure assets; (ii) Position the port of Walvis Bay as the western gateway to SADC; Support regional integration.</p>

Legal Instruments for Development of Main Corridors – Central and West Africa

Legal Instrument	Distance from Anchor Port (km)	Key Transit Transport Issues
Brazzaville Agreement creating the International Commission for the Congo-Oubangui-Sangha River Basin (ICCOSB) Members: DRC, CAR, Congo Republic.	N/A	Objectives: (i) To establish a uniform river regime based on freedom and equal treatment. (ii) To equip and operate the rivers on basis of “a right to equitable and reasonable participation to the benefits derived from lasting use of rivers”
Treaty establishing Abidjan-Lagos Corridor Organization (ALCO) 2004 Members: Côte d’ Ivoire, Ghana, Togo, Benin, Nigeria		Coastal Corridor with feeder roads to Mali and Burkina Faso. Objectives: (i) Enhance intra-regional trade (ii) Improve access to landlocked countries to export markets (iii) Reduce cost and transit time (iv) Put in place more efficient trade and transport systems and enforce regional harmonized regulations in the sub-region.
Dakar – Bamako Corridor	Bamako - 1050	Port Agreement; Transit Agreement; Road Transport Agreement; Rail Transport Agreement
Abidjan – Ouagadougou – Bamako – Niamey Corridor	Ouaga – 1250; Bamako – 1225; Niamey – 1700.	Port Agreement; Transit Agreement; Road Transport Agreement; Rail Transport Agreement
Tema - Ouagadougou – Bamako – Niamey Corridor	Ouaga – 1030; Bamako – 1962; Niamey – 1576.	Port Agreement; Transit Agreement; Road Transport Agreement
Lome - Ouagadougou – Niamey – Bamako corridor	Ouaga – 986; Niamey – 1222; Bamako – 1973.	Port Agreement; Transit Agreement; Road Transport Agreement
Cotonou – Niamey – Ouagadougou – Bamako Corridor	Niamey – 1031; Ouaga – 1200.	Port Agreement; Transit Agreement; Road Transport Agreement; Rail Transport Agreement.
Douala – Central African Republic – Tchad Corridor	1800	Port Agreement; Transit Agreement; Road Transport Agreement; Rail Transport Agreement
Pointe Noire – Central African Republic-Tchad Corridor	1800	Port Agreement; Transit Agreement; Road Transport Agreement; Rail Transport Agreement

Table 6. Status of Implementation of Key Transit Transport Issues by Region

Issue for Harmonization	East Africa EAC COMESA	Southern Africa SADC	Central Africa ECCAS CEMAC	West Africa ECOWAS UEMOA
Vehicle Load and Dimensions Control (Axle load and Gross Vehicle Mass limits)	Yes. Axle Load/GVM Weighbridges installed	Yes. Axle Load/GVM Weighbridges installed		ECOWAS Supplementary Act/SP.1/02/12 on Harmonization of Standards and Procedures for the Control of Dimensions, Weight and Axle Load/GVM of Goods Vehicles.
Road Transit Charges	Harmonized Road Transit Charges with SADC	Harmonized Road Transit Charges with COMESA and EAC		
Carrier License and Transit Plates	COMESA Carrier License and Transit Plates			Inter-State Road Transport (TIE).
Third Party Motor Vehicle Insurance Schemes	Yellow Card (3 rd . Party Insurance)	Yellow Card (of COMESA)	Orange Card	ECOWAS Brown Card insurance scheme (Convention A/P1/5/82) - ECOWAS "Carte Brune" (Brown Card) and CIMA Code
Road Customs Transit Declaration Document	COMESA Customs Declaration Document (CD-COM)	Single Administrative Document (SAD)		ECOWAS' Interstate Road Transit Scheme (ISRT) – Convention A/P4/5/82 and Supplementary Convention A/SP.1/5/90

Road check points	Significant reduction			ECOWAS Interstate Road Transport (IST) – Convention A/P.2/5/82; Resolution C/RES/.4/5/90 on reduction of number road check points in ECOWAS Member States.
Regional Customs Bond	Customs Bond Guarantee Scheme - Harmonized with SADC	Customs Bond Guarantee Scheme - Harmonized with COMESA and EAC		Customs Agreements on Inter-State Road Transit (TRIE Convention)
Border Posts Operations	15 OSBP envisaged; 7 under development	Chirundu OSBP Pilot; Other OSBP Projects in NSC		
ICT for Vehicle Tracking and Fleet Management	Automated Systems for Customs Data (ASYCUDA)	ASYCUDA	ASYCUDA	ASYCUDA