

RECUEIL DES INSTRUMENTS JURIDIQUES ET INSTITUTIONNELS
DE FACILITATION DU TRANSPORT ET DES ÉCHANGES
EN AFRIQUE SUBSAHARIENNE

ANNEXE VI-8

PROTOCOL ON TRANSPORT AND COMMUNICATIONS (ZEP)

(LUSAKA 1981)

ANNEX VII

Article 23

PROTOCOL ON
TRANSPORT AND COMMUNICATIONS

PREAMBLE

THE HIGH CONTRACTING PARTIES

RECALLING the provisions of items (iv) of sub-paragraph (a) of paragraph 4 of Article 3 of the Treaty to the effect that co-operation among the Member States in the fields of transport and communications shall be set out in a Protocol to be annexed to the Treaty; and

BEING AWARE of Resolution 298 (XIII) of the Conference of Ministers concerning the Trans-African Highways; General Assembly Resolution 32/160 concerning the Transport and Communications Decade for Africa, 1978-1988 and Resolution 278 (XII) of the Conference of Ministers of the United Nations Economic Commission for Africa concerning the Pan-African Telecommunications Network;

HEREBY AGREE AS FOLLOWS:

ARTICLE I

Interpretation

In this Protocol:

"Committee" means the Transport and Communications Committee established by Article 11 of the Treaty;

"common carrier" includes a person or an undertaking engaged in the business of providing services for the carriage of goods and passengers for hire or reward and operating as such under the laws of a Member State;

"multimodal transport" means the transport of goods from one point to another by two or more modes of transport on the basis of a single contract issued by the person or enterprise organising such services and while such person or enterprise assumes responsibility for the execution of the whole operation;

"multimodal transport facilities" include items such as heavy lift swinging devices, twin deck cranes, gantry crane, elevators, large carriers, mechanized storage, low loaders, access facilities, low-profile straddle carriers, mobile cranes, container gantry cranes, side loaders, heavy duty forklifts, heavy duty tractors, heavy duty trailers, portable ramps, flat wagons (flats) for containers, low tare special user wagons and trucks for containers, pallets and web-slings for pre-slung cargoes for different commodities;

"telecommunications" means the process of transmitting information or data from one point to another point or to several points by means of telephones, telegraphs, telexes, data facsimiles, and radio and television broadcasting, by means of telephone lines coaxial cables, submarine cables, radio links and artificial satellites;

ARTICLE 2

Objectives

The Member States undertake to evolve co-ordinated and complementary transport and communications systems and policies to improve and expand their existing transport and communications links and to establish new ones as a means of furthering the physical cohesion of the Member States and the promotion of greater movement of persons, goods and services within the Preferential Trade Area, and to this end the Member States shall take all necessary steps to give effect to this Protocol.

ARTICLE 3

Road transport

The Member States shall:

- (a) ratify or accede to the United Nations Conventions on Road Traffic and on Road Signs and Signals, 1968, and take such steps as may be necessary to implement their provisions;
- (b) harmonize the provisions of their laws concerning the equipment for and markings of vehicles used for inter-State transport within the Preferential Trade Area;
- (c) adopt common standards and regulations for the issuance of driving licences;
- (d) harmonize and simplify formalities and documents required for the vehicles and cargo used in inter-State transport within the Preferential Trade Area;
- (e) adopt minimum requirements for the insurance of goods and vehicles;
- (f) adopt common regulations governing speed limits on the urban roads and highways of the Member States;
- (g) adopt common regulations prescribing minimum safety requirements for the transport of dangerous substances;
- (h) harmonize rules and regulations concerning special transport requiring escort;
- (i) adopt common rules and regulations governing the dimensions, technical requirements, gross weight and load per axle of vehicles used in inter-State trunk roads within the Preferential Trade Area;
- (j) construct inter-State trunk roads linking the Member States to common standards of design and maintain existing road networks to such standards as will enable the carriers of other Member States to operate to and from their territories in a reasonably efficient manner;

their territories as well as the feeder roads that are linked with it in order to facilitate trade within the Preferential Trade Area;

(l) agree with regard to the levying without discrimination of frontier tolls and on the eventual waiver of such tolls in respect of vehicles registered in the Member States;

(m) ensure that common carriers from other Member States have the same opportunities and facilities as common carriers in their territories in the undertaking of inter-State transport operations;

(n) ensure as far as practicable that transport rates of common carriers applicable within their territories for the conveyance of passengers and goods to and from other Member States shall not be less favourable than similar transport rates within their territories; and

(o) ensure that the treatment of motor transport operators engaged in inter-State transport within the Preferential Trade Area from other Member States is not less favourable than that accorded to the operators of similar transport from their own territories.

ARTICLE 4

Railway transport

The Member States in whose territories railways are operated shall:

(a) adopt common safety rules and regulations governing railway signs, signals and rolling stock;

(b) adopt common minimum safety requirements for the transport of dangerous substances;

(c) harmonize their legal and administrative requirements for inter-State railway transport within the Preferential Trade Area with a view to eliminating related barriers and inconsistencies that exist among themselves;

(d) harmonize and simplify documents required for inter-State railway transport among themselves;

(e) harmonize procedures with respect to the packaging, marking and loading of goods and wagons for inter-State railway transport among themselves;

(f) agree to charge the same tariffs in respect of goods from their territories and goods from other Member States except where their goods enjoy domestic transport subsidies, and apply the same rules and regulations in respect of railway transport among themselves without discrimination;

(g) consult each other on proposed measures that might affect the railway transport of other Member States;

(h) agree to allocate adequate space for the storage of goods from each other within their goods sheds;

(i) take measures to facilitate the transfer of railway wagons used for inter-State railway transport within the Preferential Trade Area from one railway network to another;

(j) agree to facilitate the deployment of railway rolling stock for the conveyance of goods to and from the territories of each other without discrimination particularly in times of emergency; and

(k) endeavour to maintain the existing physical facilities of their railways to such standards as will enable other Member States to operate their own systems within the Preferential Trade Area in a reasonably efficient manner.

ARTICLE 5

Air Transport

The Member States shall:

(a) standardize their airport facilities and civil aviation rules and regulations by implementing the provisions of the Chicago Convention on International Civil Aviation, with particular reference to Annex 9 thereof;

(b) co-ordinate the flight schedules of their designated airlines;

(c) develop, maintain and co-ordinate their navigational, communications and meteorological facilities for the provision of safe air navigation;

(d) agree to grant preferential treatment to each other in the granting of air traffic rights and other facilities with a view to increasing the efficiency and profitability of their designated airlines;

(e) grant each other preferential treatment in the use of maintenance and overhaul facilities and other services for aircraft, ground equipment and other facilities;

(f) agree to charge the same rates and apply the same rules and regulations relating to scheduled air transport services among themselves;

(g) agree to allocate space on board the aircraft of their designated airlines for goods consigned to or from the territories of other Member States;

(h) take measures directed towards aircraft standardization including co-operation in the preparation of technical specifications for the type of aircraft to be operated.

ARTICLE 6

Maritime transport and ports

The Member States shall:

- (a) standardize port services and harmonize and simplify documents relating to port operations within the Preferential Trade Area;
- (b) endeavour to make the maximum use of the opportunities offered by the Code of Conduct for Liner Conferences as adopted by the United Nations Conference on Trade and Development where they find it advantageous to do so;
- (c) promote co-operation among their port authorities in the management and operations of their ports and maritime transport to facilitate the efficient movement of traffic between their territories;
- (d) where they are coastal States, co-operate with land-locked Member States in maritime transport so as to facilitate the trade of such land-locked Member States;
- (e) agree as far as practicable to charge the same tariffs in respect of goods from their territories and goods from other Member States except where their goods enjoy domestic transport subsidies, and apply the same rules and regulations in respect of maritime transport among themselves without discrimination;
- (f) agree as far as practicable to allocate space on board their ships for goods consigned to or from the territories of other Member States; and
- (g) agree to allocate adequate space for the storage of goods traded among themselves within their goods sheds.

ARTICLE 7

Inland waterway transport

The Member States which have common navigable inland waterways shall:

- (a) adopt, harmonize and simplify rules, regulations and administrative procedures governing their inter-State inland waterway transport;
- (b) use, where feasible, joint maintenance facilities;
- (c) harmonize tariffs for their inter-State inland waterway transport;
- (d) adopt common rules to govern the packing, marking, loading and other procedures concerning their inter-State inland waterway transport;
- (e) agree as far as practicable to charge the same tariffs in respect of goods from their territories and goods from other Member States except where their goods enjoy domestic transport subsidies, and apply the same rules and regulations in respect of inland water transport among themselves without discrimination;

(f) agree as far as practicable to provide space without discrimination on board vessels registered in their territories for goods consigned to and from the territories of other Member States; and

(g) wherever possible promote co-operation among themselves by undertaking joint ventures in inland waterway transport including the establishment of joint shipping services.

ARTICLE 8

Pipeline transport

The Member States shall, where common pipeline projects are feasible, co-operate in all aspects of the planning, financing and execution of such projects.

ARTICLE 9

Freight booking centres

Each Member State shall:

- (a) endeavour to establish national freight booking centres;
- (b) recommend to all their respective national enterprises or agencies the contracting of exports or imports handled by them on c.i.f. and f.o.b. basis respectively; and
- (c) undertake to reduce their dependence on liner conferences by means such as the establishment of a multinational coastal shipping line and the use of the shipping lines of other Member States.

ARTICLE 10

Multimodal transport

The Member States shall:

- (a) harmonize and simplify regulations, procedures and documents required for their multimodal inter-State transport;
- (b) apply uniform rules and regulations with respect to the packaging, marking and loading of goods;
- (c) provide, where feasible, technical and other facilities for direct trans-shipment of goods at main trans-shipment points; and
- (d) agree to allocate multimodal transport facilities for goods consigned to or from the territories of other Member States.

ARTICLE 11

Meteorological services

1. Each Member State shall collect and disseminate to the other Member States meteorological information in order to facilitate the efficient operation of air navigation, coastal shipping, inland water transport and the issuing of cyclone warnings.
2. The Member States shall co-operate and support each other in all activities of the World Meteorological Organization affecting the interests of the Preferential Trade Area.
3. The Member States shall exchange information concerning new developments in meteorological science and technology.

ARTICLE 12

Postal services

The Member States shall promote close co-operation between their postal administrations and devise ways and means to achieve speedier, cheaper and more frequent postal services among themselves.

ARTICLE 13

Telecommunications

The Member States shall:

- (a) re-organize and improve their inter-State telecommunications networks to meet standards required for efficient inter-State traffic within the Preferential Trade Area;
- (b) harmonize, where possible, their telecommunications tariffs among themselves; and
- (c) establish a direct system of telecommunications among themselves so that messages may be transmitted speedily and at reduced rates.

ARTICLE 14

Radio and television

The Member States shall exchange radio and television programmes on matters relating to trade in products originating in the Member States and for which trade concessions are granted.

ARTICLE 15

General provisions

1. The Member States shall take measures directed towards the harmonization and maximum use of programmes within their existing institutions for the training of personnel in the field of transport and communications.
2. The Member States shall exchange information on new technical developments in all modes of transport and communications.
3. Each Member State shall take all necessary measures to prohibit the transportation of those products, mail and merchandise that are considered illegal in another Member State and are gazetted as illegal in accordance with the rules and regulations of that Member State.

ARTICLE 16

The Committee

Subject to such directives as the Transport and Communications Commission for Eastern and Southern African States may give, the Committee shall:

- (a) foster co-operation between itself and the national institutions for the development of transport and communications of the Member States;
- (b) undertake activities, including studies, designed to promote the attainment of the objectives of this Protocol; and
- (c) have such other functions as the Council may assign to it.

ARTICLE 17

Regulations

The Council may make regulations for the better carrying out of the provisions of this Protocol.