

CHAPTER FIFTEEN

CO-OPERATION IN INFRASTRUCTURE AND SERVICES

ARTICLE 89

Common Transport and Communications Policies

In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty, the Partner States undertake to evolve co-ordinated, harmonised and complementary transport and communications policies; improve and expand the existing transport and communication links; and establish new ones as a means of furthering the physical cohesion of the Partner States, so as to facilitate and promote the movement of traffic within the Community. To this end, the Partner States shall take steps, inter alia, to:

- (a) develop harmonised standards and regulatory laws, rules, procedures and practices;
- (b) construct, maintain, upgrade, rehabilitate and integrate roads, railways, airports, pipelines and harbours in their territories;
- (c) review and re-design their intermodal transport systems and develop new routes within the Community for the transport of the types of goods and services produced in the Partner States;
- (d) maintain, expand and upgrade communication facilities to enhance interaction between persons and businesses in the Partner States and promote the full exploitation of the market and investment opportunities created by the Community;
- (e) grant special treatment to land-locked Partner States in respect of the application of the provisions of this Chapter;
- (f) provide security and protection to transport systems to ensure the smooth movement of goods and persons within the Community;
- (g) take measures directed towards the harmonisation and joint use of facilities and programmes within their existing national institutions for the training of personnel in the field of transport and communications; and

- (h) exchange information on technological developments in transport and communications.

ARTICLE 90

Roads and Road Transport

The Partner States shall:

- (a) take measures to ratify or accede to international conventions on road traffic and road signs and signals and take such steps as may be necessary to implement these conventions;
- (b) harmonise their traffic laws, regulations and highway codes and adopt a common definition of classes of roads and route numbering systems;
- (c) harmonise the provisions of their laws concerning licensing, equipment, markings and registration numbers of vehicles for travel and transport within the Community;
- (d) adopt common standards for vehicle construction, vehicle inspection and vehicle inspection centres;
- (e) adopt common standards and regulations for driver training and licensing;
- (f) adopt common requirements for the insurance of goods and vehicles;
- (g) adopt common regulations governing speed limits on urban roads and highways;
- (h) adopt and establish common road safety regulations, accident rescue, first aid, medical care and post-trauma systems within the Community;
- (i) prescribe minimum safety requirements for packaging, loading and transporting of dangerous substances;
- (j) establish common measures for the facilitation of road transit traffic;
- (k) harmonise rules and regulations concerning special transport requiring security;
- (l) adopt common rules and regulations governing the dimensions, technical requirements, gross weight and load per axle of vehicles used in trunk roads within the Community;

- (m) co-ordinate activities with respect to the construction of trunk roads connecting the Partner States to common standards of design and in the maintenance of existing road networks to such standards as will enable the carriers of other Partner States to operate to and from their territories efficiently;
- (n) co-ordinate their activities in the maintenance, rehabilitation, upgrading and reconstruction of the trunk road networks connecting the Partner States and ensure that such road networks once rehabilitated will not be allowed to disintegrate;
- (o) adopt a co-ordinated approach in the implementation of trunk road projects connecting the Partner States;
- (p) agree on common policies and standards for the manufacture and the maintenance of road transport equipment;
- (q) establish common road design and construction standards for the trunk roads connecting the Partner States and promote the use, as much as possible, of local materials and resources;
- (r) adopt common and simplified documentation procedures for road transportation within the Community and harmonise road transit charges;
- (s) gradually reduce and finally eliminate non-physical barriers to road transport within the Community;
- (t) ensure that common carriers from other Partner States have the same opportunities and facilities as common carriers in their territories in the undertaking of transport operations within the Community;
- (u) ensure that the treatment of motor transport operators engaged in transport within the Community from other Partner States is not less favourable than that accorded to the operators of similar transport from their own territories;
- (v) make road transport efficient and cost effective by promoting competition and introducing regulatory framework to facilitate the road haulage industry operations;
- (w) exchange information and experience on issues common to roads and road transport within the Community; and
- (x) encourage the use and development of low cost and non-motorised transport

in the Community's transport policies.

ARTICLE 91

Railways and Rail Transport

1. The Partner States agree to establish and maintain co-ordinated railway services that would efficiently connect the Partner States within the Community and, where necessary, to construct additional railway connections.
2. The Partner States shall, in particular:
 - (a) adopt common policies for the development of railways and railway transport in the Community;
 - (b) make their railways more efficient and competitive through, *inter alia*, autonomous management and improvement of infrastructure;
 - (c) adopt common safety rules, regulations and requirements with regard to signs, signals, rolling stock, motive power and related equipment and the transport of dangerous substances;
 - (d) adopt measures for the facilitation, harmonisation and rationalisation of railway transport within the Community;
 - (e) harmonise and simplify documents required for railway transport within the Community;
 - (f) harmonise procedures with respect to the packaging, marking and loading of goods and wagons for railway transport within the Community;
 - (g) agree to charge non-discriminatory tariffs in respect of goods transported by railway within the Community;
 - (h) consult each other on proposed measures that may affect railway transport within the Community;
 - (i) integrate the operations of their railway administrations including the synchronisation of train schedules and the operations of unit trains;
 - (j) establish common standards for the construction and maintenance of railway facilities;
 - (k) agree on common policies for the manufacture of railway transport

equipment and railway facilities;

- (l) agree to allocate space for the storage of goods transported by railway from each other within their goods sheds;
- (m) take measures to facilitate thorough working of trains within the Community;
- (n) facilitate the deployment of railway rolling stock, motive power and related equipment for the conveyance of goods to and from each other without discrimination;
- (o) endeavour to maintain the existing physical facilities of their railways to such standards as will enable the Partner States to operate their own systems within the Community in an efficient manner;
- (p) provide efficient railway transport services among the Partner States on a non-discriminatory basis;
- (q) facilitate joint utilisation of railway facilities including manufacture, maintenance and training facilities to ensure their optimal use; and
- (r) promote co-operation in the fields of research and exchange of information.

ARTICLE 92

Civil Aviation and Civil Air transport

1. The Partner States shall harmonise their policies on civil aviation to promote the development of safe, reliable, efficient and economically viable civil aviation with a view to developing appropriate infrastructure, aeronautical skills and technology, as well as the role of aviation in support of other economic activities.
2. The Partner States shall take necessary steps to facilitate the establishment of joint air services and the efficient use of aircraft as steps towards the enhancement of air transportation within the Community.
3. The Partner States shall in particular:
 - (a) adopt common policies for the development of civil air transport in the Community in collaboration with other relevant international organisations including the African Civil Aviation Commission (AFCAC), the African Airlines Association (AFRAA), the International Air Transport Association (IATA), and International Civil Aviation Organisation (ICAO);

- (b) undertake to make civil air transport services safe, efficient and profitable through, inter alia, autonomous management;
- (c) liberalise the granting of air traffic rights for passengers and cargo operations with a view to increasing efficiency;
- (d) harmonise civil aviation rules and regulations by implementing the provisions of the Chicago Convention on International Civil Aviation, with particular reference to Annex 9 thereof;
- (e) establish a Unified Upper Area Control system;
- (f) establish common measures for the facilitation of passenger and cargo air services in the Community;
- (g) co-ordinate the flight schedules of their designated airlines;
- (h) consider ways to develop, maintain and co-ordinate in common, their navigational, communications and meteorological facilities for the provision of safe air navigation and the joint management of their air space;
- (i) encourage the joint use of maintenance and overhaul facilities and other services for aircraft, ground handling equipment and other facilities;
- (j) agree to take common measures for the control and protection of the air space of the Community;
- (k) apply the ICAO policies and guidelines in determining user charges and apply the same rules and regulations relating to scheduled air transport services among themselves;
- (l) adopt common aircraft standards and technical specifications for the types of aircraft to be operated in the Community; and
- (m) co-ordinate measures and co-operate in the maintenance of the high security required in respect of air services operations and operate joint search and rescue operations.

ARTICLE 93

Maritime Transport and Ports

The Partner States shall:

- (a) promote the co-ordination and harmonisation of their maritime transport policies and establish a common maritime transport policy;
- (b) promote the development of efficient and profitable sea port services through the liberalisation and commercialisation of port operations;
- (c) make rational use of existing port installations;
- (d) in the case of the coastal Partner States, co-operate with the land-locked Partner States and grant them easy access to port facilities and opportunities to participate in provision of port and maritime services;
- (e) take measures to ratify or accede to international conventions on maritime transport;
- (f) establish a harmonious traffic organisation system for the optimal use of maritime transport services;
- (g) co-operate in the elaboration and application of measures to facilitate the arrival, stay and departure of vessels;
- (h) promote co-operation among their port authorities in the management and operations of their ports and maritime transport so as to facilitate the efficient movement of traffic between their territories;
- (i) agree to charge non-discriminatory tariffs in respect of goods from their territories and goods from other Partner 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;
- (j) agree to allocate space on board their ships for goods consigned to or from the territories of other Partner States;
- (k) install and maintain efficient cargo handling equipment, cargo storage facilities and general operations and train related manpower and where feasible shall undertake these jointly;
- (l) agree to allocate adequate space for the storage of goods traded among

themselves;

- (m) co-ordinate measures with respect to, and co-operate in the maintenance of, the safety of maritime transport services, including joint search and rescue operations;
- (n) provide adequate facilities with good communication systems that would receive and respond to signals promptly;
- (o) inter-connect their national communication systems so as to identify polluted points in oceans for concerted marine pollution control;
- (p) encourage their respective national shipping lines to form international shipping associations;
- (q) review their national maritime legislation in accordance with the existing international maritime conventions.

ARTICLE 94

Inland Waterways Transport

The Partner States shall:

- (a) harmonise their inland waterways transport policies and shall adopt, harmonise and simplify rules, regulations and administrative procedures governing waterways transport on their common navigable inland waterways;
- (b) install and maintain efficient cargo handling equipment, cargo storage facilities and general operations and train related manpower resources and where possible shall undertake these jointly;
- (c) encourage joint use of maintenance facilities;
- (d) harmonise tariffs structure for waterways transport on their common navigable inland waterways;
- (e) adopt common rules to govern the packaging, marking, loading and other procedures for waterways transport on their common navigable inland waterways;
- (f) agree to charge the same tariffs in respect of goods transported within the Community and apply the same rules and regulations in respect of inland

waterways transport among themselves without discrimination;

- (g) agree to provide space without discrimination on board vessels registered in their territories for goods consigned to and from their territories;
- (h) wherever possible, promote co-operation among themselves by undertaking joint ventures in inland waterways transport including the establishment of joint shipping services;
- (i) co-ordinate measures with respect to, and co-operate in the maintenance of, safety in inland waterways transport services including the provision and maintenance of communication equipment to receive distress positions promptly and joint search and rescue operations;
- (j) facilitate the deployment of inland waterways vessels and equipment for efficient conveyance of all classes of traffic to and from each Partner State;
- (k) integrate efforts to control and eradicate the water hyacinth menace and its effects on inland waterways transport;
- (l) facilitate joint studies in the use and management of inland waterways;
- (m) provide regional training and research facilities for the promotion and development of marine operations and meteorology;
- (n) undertake joint surveying, mapping and production of navigational charts and provision of navigational aids;
- (o) facilitate provision of adequate meteorological equipment, communication and safety facilities to vessels plying the lakes within the Partner States;
- (p) jointly tackle issues on inland water pollution with a view to achieving effective monitoring and control thereof;
- (q) jointly explore utilisation of unexploited inland waterways transport resources and tackle matters related to shipping and port services; and
- (r) harmonise national policies on inland waterways transport.

ARTICLE 95

Multimodal Transport

The Partner States shall:

- (a) harmonise and simplify regulations, goods classification, procedures and documents required for multimodal transport within the Community;
- (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 including intermodal cargo exchange points, inland clearance depots, dry ports or inland container depots;
- (d) agree to allocate multimodal transport facilities for goods consigned to or from the Partner States;
- (e) take measures to ratify or accede to international conventions on multimodal transport and containerisation and take such steps as may be necessary to implement them; and
- (f) promote communication and information exchange to enhance the efficiency of multimodal transport.

ARTICLE 96

Freight Booking Centres

The Partner States shall encourage the establishment of freight booking centres.

ARTICLE 97

Freight Forwarders, Customs Clearing Agents and Shipping Agents

1. The Partner States shall harmonise the requirements for registration and licensing of freight forwarders, customs clearing agents and shipping agents.
2. The Partner States shall allow any person to register, and be licensed, as a freight forwarder, customs clearing agent and shipping agent, provided that, that person fulfills the legal and customs requirements of that Partner State.
3. The Partner States shall not restrict the commercial activities, rights and obligations

of a lawfully registered and licensed freight forwarder or clearing agent.

ARTICLE 98

Postal Services

The Partner States shall harmonise their policies on postal services and promote close co-operation between their postal administrations and devise ways and means to achieve fast, reliable, secure, economic and efficient services among themselves through:

- (a) strengthening of postal sorting, routing, transit and distribution centres within the Community;
- (b) pooling financial, technical and human resources to modernise, mechanise and automate mail and postal financial services so as to provide timely and efficient services to postal users or customers and, further introduce value-added postal services thus turning postal outlets one-shop for communication services;
- (c) adopting competitive marketing strategies to increase market shares in the international courier services and further introduce on-line track and trace system Electronic Data Inter-Change (EDI) for customer information and expedited inquiry handling systems;
- (d) conducting joint market research activities with a view to launching new postal products or services;
- (e) introducing appropriate postal security systems and procedures in the postal networks; and
- (f) co-operating in the development and design of relevant human resources training and development programmes.

ARTICLE 99

Telecommunications

The Partner States shall;

- (a) adopt common telecommunications policies to be developed within the Community in collaboration with other relevant international organisations including the Pan-African Telecommunications Union (PATU), International Telecommunications Union (ITU), Regional African Satellite

Communication (RASCOM), International Telecommunication Satellite Organisation (INTELSAT), International Maritime Satellite Organisation (INMARSAT), Commonwealth Telecommunications Organisation (CTO) and other related organisations;

- (b) improve and maintain inter-connectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community;
- (c) harmonise and apply non-discriminatory tariffs among themselves and where possible, agree on preferential tariff treatment applicable within the Community;
- (d) co-operate and co-ordinate their activities in the maintenance of telecommunications facilities including training and the exchange of manpower;
- (e) encourage co-operation in local manufacturing of info-telecommunication equipment, research and development;
- (f) facilitate a conducive environment to promote private sector investors in the info-telecommunication equipment within the Community; and
- (g) adopt a common frequency management and monitoring scheme, assign mutually agreed upon frequencies for cross-border mobile radio communications and issue operating licences agreed upon by the Partner States.

ARTICLE 100

Meteorological Services

1. Each Partner State shall collect and disseminate to the other Partner States meteorological information in order to facilitate the efficient operation of air navigation, coastal shipping, inland waterways transport and the issuing of cyclone warnings and other adverse weather phenomena and co-operate in the following areas:
 - (a) Expansion and upgrading of meteorological observations network and telecommunications;
 - (b) Training and research in meteorology, by using common facilities such as the Regional Meteorology Training Centre (RMTC), Drought Monitoring

Centre (DMC) and other similar institutions;

- (c) Provision of meteorological services which would include the exchange of observations and products for safety of air navigation, coastal shipping, inland waterways and transport as well as meteorological support to key sectors of the economy which include agriculture, water resources, tourism and construction;
 - (d) Support to early warning systems and remote sensing for food security;
 - (e) Meteorological support to environment management;
 - (f) Harmonisation of policies for the provision of meteorological services;
 - (g) Co-operation in human resources development and information exchange; and
 - (h) Climate analysis and seasonal forecast.
2. The Partner States shall co-operate and support each other in all activities of the World Meteorological Organisation (WMO) affecting the interests of the Community especially the monitoring of the atmospheric and climatic changes on the planet.
 3. The Partner States shall exchange information and expertise concerning new developments in meteorological science and technology including the calibration and comparison of instruments.

ARTICLE 101

Energy

1. The Partner States shall adopt policies and mechanisms to promote the efficient exploitation, development, joint research and utilisation of various energy resources available within the region.
2. For the purposes of paragraph 1 of this Article, the Partner States shall in particular promote within the Community:
 - (a) the least cost development and transmission of electric power, efficient exploration and exploitation of fossil fuels and utilisation of new and renewable energy sources;
 - (b) the joint planning, training and research in, and the exchange of information

on the exploration, exploitation, development and utilisation of available energy resources;

- (c) the development of integrated policy on rural electrification;
- (d) the development of inter-Partner State electrical grid inter-connections;
- (e) the construction of oil and gas pipelines; and
- (f) all such other measures to supply affordable energy to their people taking cognisance of the protection of the environment as provided for by this Treaty.