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TRANSIT TRANSPORT SYSTEMS IN WEST AND CENTRAL AFRICA

Issues, actions and constraints

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ABBREVIATIONS

BARC	Bureau d’affrètement routier
BEAC	Banque des états de l’Afrique Central
CBC	Conseil burkinabé des chargeurs
CCAC	Conseil de chargeurs centrafricaines
CEMAC	Economic and Monetary Community of Central Africa
C&F	Clearing and forwarding
DNT	Direction Nationale des Transport
CNUT	Conseil nigerien des utilisateurs des transport publics
EC	European Community
ECOWAS	Economic Community of West African States
EMACI	Entrepôts maliens en Côte d’Ivoire
EMASE	Entrepôts maliens au Sénégal
EMATO	Entrepôts maliens au Togo
FCFA	franc de la Coopération financière africaine
GATT	General Agreement on Tariffs and Trade
km	kilometres
LLDCs	Land-locked developing countries
MINCONMAR	Ministerial Conference of West and Central African States on Maritime Transport
NITRA	Niger Transit
OCBN	Organisation commune Bénin-Niger
RCFM	Regié des chemins de fer du Mali
RCFS	Regié des chemins de fer de Sénégal
REGIFERCAM	Regié des chemins de fer du Cameroun
SBTR	Société burkinabé des transports routiers
SICF	Société ivoirienne des chemins de fer
SNTN	Société nationale des transports du Niger
SOCATRAF	Société centrafricaine des transports fluviaux
TIF	Transport international par chemins de fer
TIPAC	Transit interétats des pays de l’Afrique Central
UDEAC	Central African Customs and Economic Union
UMOA	Union monétaire ouest africaine

INTRODUCTION

1. Land-locked developing countries (LLDCs) have to address many complex physical and non-physical barriers in their efforts to improve their transit transport systems. This study describes efforts being made in West and Central Africa. Section I provides an overview of the current transit transport situation in West and Central Africa. Issues, actions and constraints at the country level are discussed in more detail in the country profiles under section II. The study concludes that although major efforts have been made in the past to improve transit transport systems in West and Central Africa, the removal of non-physical barriers remains a major challenge and one which deserves high priority. Simplification and harmonization of customs and administrative documentation and procedures which can be attained with modest investment can achieve immediate benefits in terms of improving transit times and reducing transit transport costs.

I. OVERVIEW OF THE CURRENT TRANSIT TRANSPORT SITUATION IN WEST AND CENTRAL AFRICA

2. West and Central Africa comprises 22 countries 1/ of which only five are land-locked 2/. This asymmetry affords the five land-locked countries considerable opportunities for alternative transit corridor choices. However, a variety of factors, including the high cost of constructing and maintaining new transit corridors and differences in languages and currencies, have acted to preserve the predominance of traditional corridors.

A. Legal framework for transit

3. The legal framework for transit transport in West and Central Africa is based on international and domestic law instruments. West and Central African countries have not acceded to or ratified many international conventions related to transit transport, as can be seen in annex II. However, as GATT members, they subscribe to article V of the Agreement which stipulates basic principles relating to transit transport.

4. Under GATT, contracting parties undertake to grant passage to goods in transit to and from other contracting States via the routes most convenient for international transit. Contracting parties accept that transit goods should not be subject to any unnecessary delays or restrictions and that such goods should be exempt from customs duties and other duties and charges imposed in respect of transit except charges for transportation or those commensurate with administrative expenses entitled by transit or with the cost of service rendered.

5. In West Africa, much less in Central Africa, international transit transport principles have been complemented by regional legal instruments. The Treaty of the Economic Community of West African States (ECOWAS) was followed up by two supplementary instruments, the Inter-State Road Transit of Goods (TRIE) and the Inter-State Road Transport (TRI) conventions adopted by ECOWAS member States in 1982. These in turn have been supplemented over the years by scores of protocols and recommendations. In addition, land-locked countries in West and Central Africa (LLDCs) and their transit neighbours, as can be seen in annex 1, have concluded bilateral agreements and operational arrangements relating to roads, ports and railways.

6. The legal framework in West Africa and to a lesser extent in Central Africa is therefore wide in both scope and content when compared to other regional initiatives elsewhere in developing countries except, perhaps, Eastern Africa. However, the legal framework is still less comprehensive compared to the legal framework for transit in Western Europe.

7. Major achievements in West Africa include: (1) the establishment of the trans-West African road network which sets minimum road standards and axle load limits for the system; (2) harmonization of highway legislation on matters such as registration of vehicles, issue of driving licence, organization of technical inspection of vehicles, road safety, and methodology for compilation of road statistics; (3) the establishment of a regional third part motor insurance system which permits victims of road accident to settle claims with designated local insurance companies; and (4) maintenance of the ECOWAS institutional machinery for intergovernmental consultations and decisions on matters related to transit trade.

8. The main weakness of the legal framework for transit in West and Central Africa relates to implementation of decisions. Once decisions have been adopted by ECOWAS or UDEAC bodies (ministers or heads of State), implementation is left to the political will of individual States. Given wide variations in the pace and modalities for implementing changes by individual States, changes have taken a long time to be accomplished and harmonization of transit systems as intended has at times been difficult to achieve.

9. Notable setbacks include the failure to implement the TRIE convention adopted in 1982. The TRIE convention which seeks to introduce an international customs transit system in the ECOWAS subregion is not likely to be operational in the near future because the single customs declaration document which is one of the main pillars of the system is no longer acceptable in some member countries. Furthermore, disagreement persists regarding the ownership and management of the customs bond or security, without which the system cannot function.

B. Transit corridors

10. The traditional corridors in West and Central Africa lead to the ports of Dakar, Abidjan, Lomé, Cotonou, Douala and Pointe Noire. The port of Lagos has attracted some traffic from Eastern Niger and Chad. Freight tonnages are still modest but are increasing because transport costs in Nigeria are low due to low energy costs. If freight security in Nigeria could be improved, the corridor’s competitiveness could pose a significant challenge to the Cotonou and Douala corridors, which have been the traditional corridors for Niger and Chad respectively.

1. Dakar corridor

- Rail corridor (Dakar-Tombacounda-Kayes-Kita-Bamako, 1,240 km) operated by the Régie des chemins de fer de Sénégal on the Senegal side and Régie des chemins de fer du Mali on Mali territory.

2. Abidjan corridor

- Rail corridor (Abidjan-Bouké-Ferkessedougou-Bobo Dioulasso-Ouagadougou 1,154 km) operated by Société Ivoirienne des chemins de fer on Côte d'Ivoire territory and Sociéte des chemins de fer Burkinabé on Burkina Faso territory.

- Road corridor through Côte d'Ivoire territory (Abidjan-Bobo Dioulasso-Ouagadougou, 1,176 km).

3. Lomé corridor

- Road corridor through Togo (Lomé-Sokodé-Koupéla-Ouagadougou).

- Road corridor through Burkina Faso and Togo (Lomé-Sokodé-Koupéla-Niamey).

4. Cotonou corridor

- Combined rail-road corridor (Cotonou-Parakou-Niamey, 1,057 km).

- Road corridor through Benin (Cotonou-Parakou-Niamey).

5. Douala corridor

- Rail-road corridor (Douala-Ngaoundéré) - 884 km by rail, organized by the Régie des chemins de fer du Cameroun, thereafter 598 km by road to Bangui via Boulai and Bouar, total 1,752 km.

- Rail from Douala to Balabo (555 km) then by road to Bangui via Bertou (668 km) - total 1,786 km.

- Rail from Douala to Ngaondéré (884 km) then to Ndjamena (785 km) - total 1,669 km.

- Road from Douala to Ndjamena by road via Yaounde, Garoua and Bouli (total 1,932 km).

6. Pointe Noire corridor

- Rail-river transport - rail from Pointe Noire to Brazzaville (510 km) then by the Congo and Oubangui rivers to Bangui (1,195 km) - total 1,705 km.

C. Transit countries and port facilities

11. The West and Central African subregion has several modern ports that handle both general and containerized cargo. The main ports for transit trade of LLDCs are: Dakar in Senegal; Abidjan in Côte d'Ivoire; Lomé in Togo; Cotonou in Benin; Douala in Cameroon and Pointe Noire in Congo.

1. Port of Dakar (Senegal)

The port of Dakar serves Mali. The port is a sheltered harbour formed by two jetties. The approach to the port poses no particular problems, and a good anchorage ground is found in a depth of about 15 m. Depth in the entrance is in the region of 11 m, and the inner roads are spacious, providing ample room for manoeuvring. Annual tonnage handled: imports 2.5 million tonnes, exports 2.2 million tonnes. The port has facilities for general cargo and containers. Total length of the main quay is 1,074 m.

2. Port of Abidjan (Côte d'Ivoire)

The port of Abidjan handles cargo from Burkina Faso, Mali and Niger. The port is situated on a lagoon and is connected to the sea by a channel 2.8 km long and 13 m deep. The port has a total length of more than 5,000 m. It handles 5.2 million tons annually. It has facilities for general cargo, ore, oil, bananas, fish, containers, tankers and ro-ro.

3. Port of Lomé (Togo)

The port of Lomé handles cargo from Burkina Faso, Mali and Niger. It is adjacent to the Ghana border. The port has facilities to accommodate general cargo, bulk, container vessels, ro-ro and tankers. It handles 1.6 million tonnes. It has a total length of 1,549 m. Warehouse space is 50,000 m^2, with an open storage area of 2,000,000 m^2.

4. Port of Cotonou (Benin)

The port of Cotonou serves Niger. It has a capacity of about 1.5 million tonnes per annum. The port has berths for a variety of cargoes. A recently constructed ro-ro berth has been commissioned. The total quay length is 2,490 m. It has warehousing and cold storage facilities.

5. The port of Douala (Cameroon)

The port of Douala handles cargo for the Central African Republic and Chad. The port handles 4.3 million tonnes annually. The main problem with the port is the access channel, which limits the size of vessels. The largest vessel the port can accommodate is 30,000 dwt., 8 m draft. There are 58,000 m^2 of warehousing available next to the general cargo berth. Another 380,000 m^2 of cold storage space is available in the fishing port. There are 11 cargo berths with a total quayage of 2,000 m, the depth alongside being maintained at 8.5 m. There are container, tanker and ro-ro berths.

6. Port of Pointe Noire (Congo)

The port of Pointe Noire serves the Central African Republic, Gabon and Zaire. Annual exports handled amount to 2.4 million tonnes and

imports 640,000 tonnes. It has facilities for general cargo, containers and tankers. Total berth length is 1,850 m. Warehousing facilities include open, covered and cold storage.

D. Inland transport

12. Rail, road and inland waterways, singly or in combination, are the principal modes of transport in West and Central Africa. Except for the Central African Republic, where river transport is important, transit traffic to and from LLDCs is either by combined rail-road or all road transport.

1. Rail transport

13. Rail transport, once the dominant mode of transport in West and Central Africa is increasingly under pressure from road transport, whose share of freight cargo grew exponentially in the 1970s. Mali and Burkina Faso are linked by rail to Senegal and Côte d'Ivoire, respectively. The other three LLDCs (Niger, Central African Republic and Chad) are not as well served. The railway line from Benin towards Niger terminates within Benin territory at Parakou (435 km) from where the onward journey to Niamey (622 km) is by road. Similarly, the railway in Cameroon terminates at Ngaoundéré some 884 km from the coast, where transshipment and a road journey of 785 km is necessary to reach Ndjamena in Chad. The break-up of railway networks serving Mali and Burkina Faso into separate autonomous national railway companies after independence, followed by inadequate investment and organizational problems, led to poor railway services which encouraged these countries to invest in alternative modes of transport.

2. Road transport

14. Massive investments in road construction during the 1970s, which significantly increased the speed, flexibility and reliability of road transport, altered the pattern of freight movement in favour of road transport. Its share of freight cargo, which was in single digits in the 1960s, surged beyond 40 per cent in the 1980s. This shift towards road transport could have been even more dramatic had government policies not intervened to protect railways by mandatorily confining certain goods, such as logs, minerals, cement, etc., to railway transport.

15. However, the expansion of road transport, which is largely dominated by small private operators, posed new challenges. Road damage, road accidents and tax evasion called for closer inter-State cooperation to harmonize road standards, traffic regulations and customs control measures. The need to enforce control measures without inhibiting road transit is still a major challenge in West and Central Africa.

3. Inland waterways

16. The Pointe Noire corridor on the Oubangui and Congo rivers through Brazzaville and Pointe Noire port was once an important corridor for both the Central African Republic and Chad. For Chad, this involved road transport from Ndjamena to Bangui, about 650 km, followed by river transport from Bangui to Brazzaville (1,300 km) and rail transport from Brazzaville to Pointe Noire, (510 km).

17. Although freight rates are generally lower on this corridor compared to the rail-road or all road corridor to Douala in Cameroon, the Pointe Noire corridor has lost virtually all of Chad's transit trade, while Central African Republic transit trade represented only 70,000 tonnes in 1988. The principal disadvantage of this corridor is the length of time which transit trade takes to move from Pointe Noire to Banqui, which averages 2.5 months, as against six weeks for the Cameroon corridor. Furthermore, the Oubangui river is closed for four months of the year (February-May) and restricted to some extent for a further two months during the dry season, which coincides with the cotton harvest in Central Africa. Governments in Central Africa have considered a project to regulate river transport by constructing a dam, but the project will require foreign financial support, which, in view of the modest transit trade, is not expected to materialize in the foreseeable future.

E. National institutions

1. Governments

18. In West and Central Africa, the Ministries of Transport are the lead government agencies for transport policy formulation, investment and management of key infrastructure such as ports, railways and communications. However, other ministries also have important roles to play in transit matters. These include the ministries of the interior, which are responsible for police and immigration; the ministries of finance, which collect government taxes; and the ministries of foreign affairs, which provide consular and diplomatic services.

2. Public sector enterprises

19. Governments in West and Central Africa own and operate ports, railways, shipping lines, airlines and telecommunication networks. The public sector entities normally function as autonomous bodies. Recently, they have been encouraged, within the framework of structural adjustment programmes, to cut costs and operate on commercial lines.

3. Shippers' councils

20. Shippers' councils in West and Central Africa are powerful bodies with broad mandates from Governments to manage imports and exports. Typically, they are assigned to: (1) managing bilateral cargo-sharing arrangements stipulated in bilateral or regional agreements; these agreements normally reserve two thirds of LLDCs' transit cargo to be carried by their national road carriers; (2) managing exclusive port facilities under inter-State bilateral agreements; and (3) managing, on behalf of their States, the 40/40/20 cargo-sharing formula stipulated in the United Nations Convention on the Code of Conduct for Liner Conferences.

4. Clearing and forwarding agents

21. The clearing and forwarding (C & F) profession in West and Central Africa is dominated by large foreign private firms which are generally subsidiaries of foreign shipping lines. SOCOPAO, a subsidiary of DELMAS VIELJEUX of France, GERMA and ALRAINE Nigeria Ltd. are among the principal actors in West

and Central Africa. In recent years, indigenous C & F agents have multiplied. In the port of Douala, for example, small indigenous C & F agents, mostly operating in the informal sector, handle about 50 per cent of the transit freight. Their lack of financial security, in a largely unregulated environment, has led to a perceived need to institute minimum standards for C & F agents.

F. Regional institutions

22. To foster regional economic integration and promote both inter-State and international trade, Governments in West and Central Africa have established a number of regional institutions, notably the Economic Community of West African States (ECOWAS), the Central African Customs and Economic Union (UDEAC) and the Ministerial Conference of West and Central African States on Maritime Transport (MINCONMAR).

1. Economic Community of West African States

23. ECOWAS, 3/ which was established in 1982, aims to promote cooperation and development in all fields of economic activity, particularly in the fields of industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions, and social and cultural matters for the purpose of raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent.

24. The Transport, Telecommunications and Energy Commission has elaborated regional standards and instruments relating inter alia to: free movement of personnel, residence and establishment; promotion of the trans-West African road network; harmonization of highway legislation; establishment of an ECOWAS Brown Card relating to motor vehicle third party liability insurance; a convention on inter-State road transit of goods; and road traffic regulations.

25. Some ECOWAS initiatives, such as the promotion of the trans-West African road network and the ECOWAS Brown Card relating to motor vehicle third party liability insurance, have been widely implemented, while the implementation of many other initiatives has been patchy.

2. Central African Customs and Economic Union

26. UDEAC, 4/ which was established in Brazzaville in 1964, aims to move its members forward towards economic union and balanced industrial development. To this end, the treaty envisages the creation of a customs union, with a common external tariff, and total removal of all internal barriers. The treaty also envisages close coordination of national development plans, the promotion of transport, establishment of a common investment code and harmonization of documentation and procedures.

27. The fundamental objectives of UDEAC proved too ambitious. Buoyed by high commodity prices in the 1970s, member States went their different paths in pursuit of industrial policies and programmes. In consequence, the treaty was amended in Yaoundé in 1974 to reflect a more restrictive stance in the trade

and transport sectors. Inward-looking policy measures and actions taken by individual Governments over the years have created cumbersome administrative and customs procedures seldom encountered elsewhere in Africa.

3. Ministerial Conference of West and Central African States on Maritime Transport

28. MINCONMAR 5/ seeks to foster and promote an integrated maritime development programme in the subregion through, inter alia: the harmonization and coordination of the policies of the member States in matters concerning maritime transport; the promotion and development of appropriate machinery and bodies for the improvement of maritime transport (especially by the setting-up of national and subregional maritime structures, the setting-up of National Shippers' Councils or equivalent bodies and the negotiation of freight rates for the whole region through a regional Negotiating Committee); the development of national and/or multinational merchant fleets; and the efficient organization of maritime services in the subregion on the basis of increased participation in all traffic by the national and subregional shipping lines cooperating as closely as possible.

G. Factors influencing transit route choices

29. A priori, shippers will choose transit routes which offer them security, reliability, speed and low cost. In West and Central Africa, shippers' choices are often affected by several extraneous factors, notably: weather conditions; government policy measures and actions; and the political and economic environment.

1. Weather conditions

30. Weather conditions, particularly heavy rains, cause dislocations and delays in freight movements in many West and Central African countries. Chad and the Central African Republic are particularly vulnerable to poor weather conditions. In the dry season, when cotton is harvested, the Oubangui and Congo rivers, which normally provide low-cost transport, are not navigable. Thus, cotton exports from Chad and the Central African Republic have to be carried by road or combined rail-road to Douala. During the wet season, road transport for both countries is erratic and prone to long delays and accidents.

2. National policy measures and actions

31. Appropriate national policy measures and actions in LLDCs alone are not enough to ensure transit facilitation. They can only succeed if complementary measures and actions are also undertaken in the countries of transit. This can be seen from the case of infrastructure development. In order for a railway line linking an LLDC to a maritime port to operate efficiently, the LLDC and its coastal neighbour must both be willing to provide adequate investment for their respective national railway companies. Similarly, smooth road transit operations require inter-State coordination to harmonize road standards, traffic regulations and customs and administrative procedures.

32. West and Central African countries have recognized the need to strengthen their cooperation in the transport sector, but many obstacles still stand in the way.

3. Political and economic environment

(a) Political environment

33. Transit transport is very sensitive to the political environment. The measures which new political rulers take following violent change of Government, such as border closures, suspension of telecommunications with the outside world and excessive security checks on transit highways, all hamper efficient functioning of transit operations. A number of LLDCs have themselves at one time or another during the last 10 years gone through difficult political changes. Their transit trade has sometimes also had to endure the effects of political crisis in the countries of transit.

(b) Impact of economic recession

34. The worldwide economic recession in the 1980s profoundly weakened West and Central African economies. Engrossed in budgetary and balance-of-payment difficulties, countries were compelled to stop capital investments and reduce recurrent expenditure, leading to inadequate maintenance and rapid deterioration of transport infrastructure. The economic crisis also weakened countries' resolve with regard to regional cooperation. Solutions to national problems often ran counter to regional commitments. Governments, for example, acted to protect national railways by restricting road transport, particularly from foreign carriers. Inter-State cargo-sharing arrangements were rigorously enforced to protect national carriers, without due regard to costs or choice of shippers. A web of customs and administrative regulations designed, albeit, to curb tax evasion was enforced without regard to their negative effect on transit traffic flows. Police-manned check points, which were acknowledged and censured in regional meetings, were tolerated at home and allowed to continue in spite of regional commitments to remove or reduce them. Indeed, these non-physical barriers today constitute the most critical stumbling block for transit traffic operations in West and Central Africa.

H. Conclusions and recommendations

35. Economic integration within the framework of ECOWAS and UDEAC has provided the basis for inter-State cooperation on matters related to transit trade. The activities of ECOWAS in West Africa have laid a foundation for regionally agreed standards and practices designed to facilitate transit trade. The positive impact of some of the regional instruments, such as the third party motor insurance system, road standards and permissible axle load limits and harmonization of high-way legislation, has been observed. However, lack of progress in other areas, notably international road customs transit and police road-blocks on the highways, is a major challenge in West and Central Africa.

36. The cost of transport in general and road transport in particular is very high. Estimates by the UNCTAD secretariat indicate that while freight costs of imports were approximately 4.4 per cent of the c.i.f. values in the developed market economies and 8.8 per cent in developing countries in 1990,

the comparable cost for Burkina Faso, Chad, the Central African Republic and Mali was approximately 22 per cent and averaged 16.5 per cent for Uganda, Rwanda and Burundi. The cost of exporting from a central point of loading in the Central African Republic (ex-works, ex-factory, ex-mill, ex-plantation, ex-warehouse, etc.) to f.o.b. at the seaport of shipment constitutes up to 32 per cent of the f.o.b. value. Many of these costs are often paid in foreign exchange, which reduces the net foreign exchange earnings from exports. Transit costs are proportionately even greater for the low-value, bulky commodities exported by LDCs, such as sugar and cotton, and in these cases can constitute over 40 per cent of the ex-works value. For some high-value commodities, such as tobacco or minerals, transit costs can be less than 10 per cent of the ex-works value. 6/

37. Since inland transit transport constitute some 40 per cent of the total import costs of LLDCs, bilateral and/or subregional cooperation has an important role to play in reducing transit costs. For LLDCs, affordable and efficient transit services are required not only to save resources by reducing the cost of transport but also to foster predictability of transit times, without which exporters cannot benefit from lucrative supply contracts which specify "prompt shipment". Transit countries which have invested heavily in transit infrastructure and facilities have an interest in promoting efficient transit services not only in order to maximize the utilization of existing investments, but also because savings made by LLDCs would feed into new investments and growth and lead to the expansion of the transit transport sector. Measures to reduce transit costs are, therefore, urgently required. Such measures should address the three interlocking components of the transit transport sector: the legal framework of transit transport; the physical infrastructure; and transit support institutions and services.

38. In West Africa, priority should focus firstly on implementing outstanding commitments undertaken by member States within the framework of ECOWAS. In this connection, the ECOWAS secretariat should elaborate modalities designed to ensure uniformity in the implementation of ECOWAS decisions. Secondly, ECOWAS member States, with the assistance of the ECOWAS secretariat, should review their bilateral agreements to ensure that they are in line with international conventions. Thirdly, member States should, in accordance with ECOWAS decisions, coordinate their policies to ensure early ratification of international conventions related to transit trade.

39. In Central Africa, where UDEAC has made less progress in developing regional standards and practices, priority should focus on reaching agreement on basic regional standards and practices. The experience in the ECOWAS region should serve as guidance for elaborating regional instruments in the UDEAC subregion.

40. Cost-effective transit transport operations need an intermixture of an enabling policy environment and the intervention of skilled transit transport operators. A harbinger for appropriate transit policies is the functioning of effective institutional consultative arrangements involving both Governments and transit operators. In the same vein, training is a prerequisite for the development of competent transit services by both public and private agencies. No less important is the need for legislative action to define the rights and responsibilities of all transit operators: port authorities; shipping agents; C & F agents; customs; railway and road carriers and shippers. It is

essential that public enterprises such as railway and port authorities which in the past were protected by law, for instance by limiting the amount of compensation payable in civil suits, should be made to observe a high standard of care in their commercial operations. Last but not least, the restructuring and modernization of the road haulage industry in West and Central Africa should receive priority attention because this industry is a very weak link in the transport chain. At the moment, many of the vehicles operate in the informal sector. They are old, poorly maintained, break down often and cannot be securely fastened or sealed. As such, they invite police attention and rigorous customs inspection, which in turn cause major delays and additional costs. There is, therefore, need to encourage new investments in road vehicles which would fulfil customs requirements for international transport. Establishment of international transport companies, ideally with equity participation from across national frontiers, will also have the advantage of integrating road transport in West and Central Africa into the formal economy.

II. TRANSIT TRANSPORT SYSTEMS: ACTIONS AND POLICIES AT THE NATIONAL LEVEL

A. Burkina Faso

1. Transit corridors and transport mode distribution

41. Three main corridors serve Burkina Faso:

- Rail corridor through Côte d'Ivoire (Abidjan-Bobo Dioulasso-Ouagadougou - 1,154 km);
- Road corridor through Côte d'Ivoire (Abidjan-Bobo Dioulasso-Ouagadougou - 1,176 km);
- Road corridor through Togo (Lomé-Ouagadougou - 992 km).

42. Prior to the recent crisis in Togo, about half of Burkina Faso's transit trade passed through Côte d'Ivoire, with the freight roughly divide equally between rail and road transports, while 44 per cent of the freight passed through Lomé by road. The other routes, notably the Cotonou-Ouagadougou road corridor and the Accra/Tema-Ouagadougou road corridor, had little importance (about 4 per cent of the total). The Cotonou-Ouagadougou corridor was used mainly to transport petroleum products. Although Ouagadougou is geographically closer to the port of Tema than to any other port of the region, and despite the Burkina Faso Government's constant efforts to diversify its transport routes to the sea, the Ghana corridor is little used for three main reasons: language, currency problems and bad road conditions.

43. Since the early 1990s, however, the distribution of Burkina's transit trade has changed, with Côte d'Ivoire and Benin acquiring increased shares as Togo's share diminished. The volume of Burkina Faso's transit activities at the port of Lomé fell by 60 per cent between 1990 and 1993.

2. Physical condition and capacity of the transit corridors

(a) Port capacity and facilities

44. Generally, the physical condition of the two main ports serving Burkina Faso is good. The port of Abidjan is one of the largest and best equipped in sub-Saharan Africa. Although Lomé is smaller and probably less equipped with modern machinery, it is still one of the best in the subregion. Warehousing and other physical capacities made available to Burkina Faso at both ports are underutilized. Burkina Faso's transit trade is small compared to the overall activities at the ports. It represents only 10 per cent of the total annual traffic at the port of Abidjan (only 500,000 tons out of the 5,600,000 tons of the total volume of activity in 1993) and 33 per cent at the port of Lomé.

45. Burkina Faso has been accorded exclusive use of warehouses at the port of Abidjan with a total storage space of 16,540 m^2, including a 3,204 m^2 warehouse which is managed by the Conseil Burkinabé des Chargeurs (CBC), and an area of 22,000 m^2 at the port of Lomé. This capacity is considered to be in excess of Burkina Faso's transit trade.

46. There are two terminals in Ouagadougou and Bobo Dioulasso which serve as dry ports.

47. Both the ports of Abidjan and Lomé are equipped with transshipment facilities. Transshipment activities take place normally at all major ports of the region. However, the port of Abidjan is more active in this activity, which represents 10 per cent of its business, owing to its large capacity and better facilities.

(b) Rail and road infrastructure and equipment

48. The quality of the transport infrastructure and rolling stock varies from one corridor to another. The rail-track from Abidjan to Ouagadougou is currently in poor condition. The track is old and lacks proper maintenance, and the average age of the rolling stock exceeds 25 years. The road from Abidjan to Ouagadougou is in very good condition, especially on Côte d'Ivoire territory. However, the condition of road vehicles is not good. Vehicles are generally over 10 years of age on average. In addition, many of them are unsuitable for international transport because they cannot be securely fastened or sealed. The road from Lomé to Ouagadougou is generally in good condition except for a 200 kilometre segment on Togolese territory, between Kara and the Burkina border. The quality of road vehicles in this corridor is also poor. The condition of the roads is deteriorating fast because axle load-limits are not respected and because of lack of proper road maintenance.

3. Transit corridor constraints

(a) Port of Abidjan

49. There are no major handicaps in terms of facilities and equipment at the port of Abidjan, where physical infrastructure is adequate and continuous efforts are being made to acquire modern equipment and computerize the information system. The port of Abidjan is probably the most efficient port

in West Africa in terms of speed of cargo handling. However, it is more expensive. The main problem at the port of Abidjan concerns customs formalities, which are rigorous and time-consuming. Some C & F agents complain that it often takes up to 10 days to complete customs formalities. This handicap diminishes the port's competitiveness. The Ivorian authorities are currently experimenting with a few measures that could help improve the port's competitiveness. These measures include simplification of customs formalities and enhancing the computer information system.

(b) Abidjan-Ouagadougou rail corridor

50. Transit trade activities on this corridor are managed by two national railway companies, the Société Ivoirienne des Chemins de Fer (SICF) and the Société des Chemins de Fer Burkinabé (SCFB). The activities of the two companies are coordinated by the Bureau du Traffic International (BTI). The rail corridor through Côte d'Ivoire has become less efficient and uncompetitive compared to the two main road corridors due to managerial and technical problems: first, inadequate rolling stock - a problem which is compounded by immobilization of wagons by customers for unduly long periods; second, the age of rolling stock (over 25 years of age on average) - a factor which causes frequent breakdowns and delays in freight movement; and third, the poor condition of the rail-track, which necessitates slow traffic movement. Currently, the round trip Abidjan-Ouagadougou takes about 30 days, which is too long for the distance travelled. The continued deterioration of the rail corridor has put increased pressure on the Abidjan-Ouagadougou road corridor, which has picked up 20 per cent of the rail corridor's freight over the past five years. This, in turn, has accelerated road damage, as road vehicles are usually overloaded.

51. There is minimal administrative interference on the rail corridor, because rail wagons satisfy standards laid down by the two customs administrations and because railways, being national enterprises, are accorded favourable treatment by the Governments.

(c) Abidjan-Ouagadougou road corridor

52. The condition of the road on this corridor is very good, particularly on the Côte d'Ivoire side. The only bottleneck, however, relates to the numerous checkpoints in both Côte d'Ivoire and Burkina Faso. On the Côte d'Ivoire side, an effort has been made to reduce the number of checkpoints in order to increase the corridor's competitiveness. Officially, there are currently four fixed checkpoints from Abidjan to the Burkina border. However, additional mobile ones whose purpose and number depend on the specific objectives pursued by the Government at the time may also be erected. Furthermore, customs escort is obligatory. Although the escort is provided free of charge, it operates only three days per week. A major objective of customs escort should be to provide security to transit traffic and eliminate or decrease police road-blocks for inspection en route. However, this is not normally achieved because customs officials in charge of escort normally go ahead and leave transit convoys behind to fend for themselves.

53. Checkpoints for transit traffic are more numerous and inspections more rigorous on Burkina Faso territory.

(d) Port of Lomé

54. There are no major handicaps at the port of Lomé in so far as facilities and equipment are concerned, since a high degree of excess capacity is observed. Although it has less modern equipment than the port of Abidjan, the Port of Lomé is efficient and competitive. The quality of cargo handling is satisfactory and customs formalities are less cumbersome. There are, however, a few complaints about the slow handling of bills of lading due to frequent computer breakdowns and delays in customs clearance due to poor coordination between different customs departments, namely the Brigade du Port, the Navigation office and Headquarters.

(e) Lomé-Ouagadougou road corridor

55. The most significant drawback in this corridor is the poor condition of the road on Togolese territory between Kara and the Burkina border (200 km). The number of checkpoints on Togolese territory is low, and traffic flows quite smoothly due to the escort system. There are only two fixed checkpoints on Togolese territory: at Togblekope (near Lomé), where the convoy starts, and at Cinkasse, on the Burkina border. In addition, there is one stop at Sokode for rest. In Togo, customs escort is not provided free of charge. The participation fee is CFAF 20,000 per vehicle escorted. Although the escort system has reduced police interventions on the road, it has introduced new constraints for transit operations. First, there are currently only three planned escorts per week. Hauliers have asked for more escorts. Togolese authorities have indicated that they would be willing to organize additional convoy escorts whenever the number of vehicles waiting for escort is large enough. Second, only outward convoys from Lomé to Ouagadougou are well organized. The inward convoys from Ouagadougou to Lomé are poorly organized and as a consequence fall victim to rigorous customs and police inspections. Third, the locality where vehicles assemble to form convoys at Togblekope does not have adequate space. Togblekope has not been equipped to receive large numbers of vehicles. Vehicles just gather on the sides of the road, seriously hampering normal road traffic. Fourth, the convoy system may contribute to rapid road damage, as the passage of many heavy trucks occurs within a short period of time instead of the heavy vehicles being evenly spread over the whole week.

4. Auxiliary capital investments designed to facilitate transit traffic flows

56. At the port of Lomé, handling equipment is inadequate and old. The equipment has not received proper maintenance due to the socio-economic crisis the country is passing through. Investment to rehabilitate this equipment is, therefore, needed. There is also need to rehabilitate and upgrade computerization of port and customs operations.

57. Establishment of a proper parking lot at Togblekope, where vehicle convoys form, is considered essential. Such a facility should be big enough to receive a minimum of 50 trucks. The facility should provide suitable accommodation for crew. In addition, measures are needed to ensure security of crew and property.

58. Road damage due to overloading and poor road maintenance is a critical problem to be addressed. Weigh bridges should be installed at critical points to enforce axle load regulations. There is at the moment only one operational weigh bridge at the port. The one at Togblekope is out of order due to lack of maintenance. In the long-run, measures to enforce axle load limits must go in tandem with increased allocation of resources for road maintenance, coupled with implementation of effective maintenance procedures. In this connection, it would be necessary to institute reasonable user charges and utilize the revenue collected to finance road development and maintenance.

59. Finally, in order to facilitate cross-border formalities, the customs facilities on both sides of the border should be located within a short distance. Ideally, the two countries' customs offices should be located in one building which could be built right on the border or in the territory of one of the countries not far from the border. Burkina Faso has been pursuing this idea for some time and is undertaking negotiations with its neighbours in order to realize it.

5. Measures designed to improve transit services

(a) Customs services

60. ECOWAS member States signed the Convention relating to inter-State road transit of goods which seeks to establish an international customs transit regime in West Africa. The implementation of this Convention has been very slow.

61. Pending the establishment of the TRIE convention, national customs transit regimes should adopt reform along the following lines: (1) avoid double clearance procedures which involve verification procedures by headquarters administrations. Double clearance can be avoided if senior personnel are stationed at the ports and at the national frontiers; (2) institute closer coordination between shipping agents, C & F agent and customs to ensure quick flow of essential documents, such as bills of lading, and payment of dues and fees; and (3) computerization, which could permit pre-clearance of transit goods.

(b) Clearing and forwarding agents

62. C & F agents are well established in West and Central Africa. The large agencies are affiliates of well-known multinationals such as SAGA and SOCOPAO/SDV. These agencies generally provide good quality service. Beside them, there are other C & F agents, some of which operate in the informal sector. Many of the new entrants lack adequate skills. The need to assist new entrants to ensure that they acquire professional skills and ethics has become apparent. This issue has been raised in the context of the overall need to establish clear legal rights and responsibilities of C & F agents.

(c) Shippers' council

63. The Conseil Burkinabé des Chargeurs (CBC), a parastatal company, is a major player in Burkina Faso's external trade. It assists Burkina Faso exporters and importers in international transport matters and related formalities. More specifically, it is in charge of the distribution of the

freight between Burkina Faso and transit country hauliers. It charges a fee for its services. The future role of CBC has been raised in the context of the ongoing structural adjustment programmes under which trade and services are being liberalized. A strong shippers' council, presumably with a more limited mandate focusing on shippers' interests and concerns, continues to be needed in Burkina Faso.

(d) Road hauliers

64. Several hauliers, including the Société Burkinabé des Transports Routiers (SBTR), participate in Burkina Faso's transit trade. According to the agreements signed with all its transit neighbours, two thirds of Burkina Faso's transit trade should be carried by national carriers. Most of Burkina Faso's road hauliers are from the informal sector. Their vehicles are often operated by illiterate drivers. The vehicles, many of which have open tops, cannot easily be securely fastened or sealed. They are generally old and in a poor state of repair, causing numerous breakdowns in transit. The recent devaluation of the CFA franc has dramatically increased the price of vehicles and spare parts, making it even more difficult to renew or maintain the stock of vehicles. It has also dramatically increased operating costs and raised the price of transport services. One way to turn these adverse factors into some advantage is to promote the creation of genuine modern private transit transport enterprises with equity investment from the public across the subregion with the support of foreign capital and expertise.

6. Legal framework for transit

65. Burkina Faso is party to a number of international conventions, regional treaties and bilateral agreements (see annexes I and II). In addition, transit transport is subject to domestic law and a web of regulations and administrative directives. Since Burkina Faso transit trade passes through either Côte d'Ivoire or Togo, the laws and practices governing transit trade in those countries would form part of the overall legal framework for Burkina Faso transit trade. Furthermore, as Burkina Faso and her two transit neighbours are ECOWAS members, it follows that the ECOWAS treaty, and more particularly the TRIE and TRI conventions, together with the relevant protocols and recommendations relating to transport, are important legal sources for its legal framework for transit.

66. Rail transit from Ouagadougou in Burkina Faso to Abidjan in Côte d'Ivoire has been facilitated by an inter-railway agreement entered into between the two national railways (SICF and SCFB). The advantages of rail transport includes simplified customs procedures, which have been adapted from the International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail (TIF).

67. On the contrary, road transit is subject to national customs transit procedures which entail processing of new documents at each border crossing. These procedures add 24-48 hours delay to transit trade, and payments for customs bond and clearance charges increase the cost and transit times, which could have been prevented if the ECOWAS international customs transit had been implemented. Elimination or reduction of police checks en route is also needed to free transit traffic and improve transit times.

B. Mali

1. Corridors and transport mode distribution

68. Mali's transit is conducted mainly through two corridors:

- The rail corridor through Senegal (1,240 km; carries 43 per cent of freight);

- The road corridor through Côte d'Ivoire (1,225 km; carries 56 per cent of freight).

69. There is a third route, namely the road corridor to the port of Lomé in Togo which passes through Burkina Faso's territory (2,071 km). This route plays only a marginal role.

70. Currently, the railway system linking Dakar to Bamako is in poor condition, which makes the road corridor through Côte d'Ivoire more competitive, more so as the road is in very good condition, especially in Côte d'Ivoire. However, the cumbersome customs procedures in Côte d'Ivoire somewhat diminishes the corridor's competitiveness.

71. The port of Dakar is closer to Mali's trading partners (which are mainly European countries) than is the port of Abidjan. This explains why the corridor is mostly used for imports. The road corridor through Abidjan is mostly used for exports, because (a) the country's main export (cotton) is produced in the country's southern region near the Côte d'Ivoire border, and (b) exports are subject to less customs formalities in Côte d'Ivoire than are imports.

72. The road corridor through Togo is less competitive because of the longer distance involved (2,071 km) and the dilemma of crossing Burkina Faso, where customs and police checkpoints are numerous and controls are particularly rigorous.

2. Physical condition and capacity of the transit corridors

73. The physical condition of the ports serving Mali is good. The characteristics of the ports of Abidjan and Lomé have already been presented in paragraphs 49 and 54 above. The port of Dakar, which mainly handles Mali's imports, is one of the largest in the region. It is relatively well equipped. Mali's transit trade represents only 7 per cent of the total traffic at the port of Dakar.

74. Warehousing and other physical capacities are adequate and in fact currently underutilized. Mali enjoys exclusive port facilities at the ports of Dakar, Abidjan and Lomé with a total of 79,505 m^2 of storage capacity managed by its parastatal body - Entrepôts maliens:

- 33,374 m^2 at the port of Dakar, managed by Entrepôts maliens au Senegal (EMASE);

- 34,084 m^2 at the port of Abidjan, managed by the Entrepôts maliens en Côte d'Ivoire (EMACI);

- 12,045 m^2 at the port of Lomé, managed by the Entrepôts maliens au Togo (EMATO).

75. This storage capacity is well in excess of Mali's current transit trade.

76. The contrast in quality between the rail and road infrastructures is immense. The rail track linking Bamako to Dakar, like the one linking Abidjan and Ouagadougou, is in poor condition. It is old, maintenance is inadequate and the rolling stock is old. On the contrary, the road linking Abidjan to Bamako is in very good condition on the Côte d'Ivoire side, and conditions on Malian territory will soon be good too when repair of the 209 km segment between Sikasso and Bougouni is completed. However, it is feared that vehicle overloading, inadequate resources for maintenance and poor maintenance procedures are likely to lead to rapid deterioration of road surfaces.

3. Transit corridor constraints

(a) Port of Dakar

77. Some of the port users who are familiar with both Dakar and Abidjan ports consider Dakar to be less efficient. Their main complaints relate to cargo handling and stowage. However, they say customs formalities are less cumbersome than those applied at the port of Abidjan.

(b) Dakar-Bamako rail corridor

78. Transit trade traffic on this corridor is operated by two national companies, the Régie des Chemins de Fer du Sénégal (RCFS) in Senegal and the Régie des Chemins de Fer du Mali (RCFM) in Mali. Freight is shared equally between the two companies. There are complaints about poor coordination between the two companies, which leads to delays and escalating costs. The railway companies have been facing various managerial and technical problems for a long time. First, the rolling stock is inadequate to meet existing demand. Second, it is very old, often breaking down and causing delays in freight movement. Lack of wagons either because of breakdowns en route or immobilization by some users who use them as storage is also common. These problems sometimes cause excessive stockpiling of Mali-bound goods at the port of Dakar. The problem is particularly severe for exports during peak harvest seasons. Third, accidents are many because the rail track is in poor condition. Poor rail track also imposes slow speeds of 40-50 kilometres per hour on average. Furthermore, there is a 242 kilometre segment of rail track which needs urgent repairs.

79. There are no customs and police inspections en route. Customs procedures have been simplified, and they are based on a single transit document, the Transit International Ferroviaire (TIF) document, which accompanies goods from Dakar to Bamako.

(c) Abidjan-Bamako road corridor

80. The condition of the road on this corridor is very good, particularly on the Ivorian side. The only handicap relates to the numerous police checkpoints on both Côte d'Ivoire and Malian territory. There are as many as 21 checkpoints on the road, of which about 13 are on Côte d'Ivoire territory. Côte d'Ivoire has recently reduced the number of fixed site checkpoints to six. However, there are also mobile checkpoints whose number may vary from one day to another. Furthermore, customs regulations require that transit traffic must be escorted by customs. In Côte d'Ivoire customs escort for Mali-bound freight is free. However, it is provided three times per week which is considered to be inadequate.

(d) Lomé-Bamako road corridor

81. The Lomé-Bamako road corridor must transit Burkina Faso territory. The road is in good condition on both Burkina Faso and Malian territory. Mali-bound freight is escorted by Togolese customs from Lomé to the Togolese border with Burkina Faso three times a week. The most significant constraint on this corridor is the excessive number of checkpoints, particularly on Burkina Faso territory.

4. Auxiliary capital investments designed to facilitate transit traffic flows

82. The small-scale investment suggested in paragraph 56 for Burkina Faso is also relevant for Mali. Proper facilities at each of the border crossings in terms of offices, vehicle parking space, weigh bridges and telecommunications are essential. In order to guarantee a normal life span for roads, the installation of weighbridges must go hand in hand with increased allocation of resources for road maintenance and effective maintenance procedures.

5. Measures designed to improve transit services

(a) Customs services

83. The implementation of an international customs transit regime on the rail corridor between Bamako and Dakar has greatly facilitated train movement between Senegal and Mali. The TIF document has replaced Senegalese and Malian national customs documents and procedures, thereby simplifying customs and administrative formalities and reducing the cost and delays related thereto. Unfortunately, the ECOWAS initiative to implement an international road transit regime, as mentioned previously has not been achieved.

84. Pending the establishment of the ECOWAS TRIE convention, national customs administrations are recommended to consider implementation of the measures suggested in paragraph 61.

(b) Clearing and forwarding agents

85. Mali is served by C & F agents with branch offices in Senegal, Côte d'Ivoire and Togo. The quality of the services provided is good. There are, in addition, C & F agents operating in the informal sector who provide C & F services. The quality of the services of these agents is not always

good. There is a need to assist them to ensure that they acquire professional skills and ethics. There is also a need to establish clear legal rights and responsibilities for C & F agents.

(c) Shippers' council

86. Mali does not have a shippers' council. However, the Direction Nationale des Transports (CNT) is in charge of transport policy formulation, while the Entrepôts maliens in Senegal, Côte d'Ivoire and Togo manage the bilateral cargo-sharing arrangements outlined in annex 1.B to ensure that a significant percentage of Malian goods are transported in Malian vehicles.

(d) Road hauliers

87. Most Malian vehicles are old (over 12 years) and do not meet normal standards for international transport. Many vehicles cannot be securely fastened or sealed and are often subjected to stringent customs and police inspection. These vehicles are owned by multi-purpose traders, often operating in the informal sector. These traders, not being professional transporters, are unlikely to undertake long-term investment in new vehicles, particularly given current weak freight demand. However, the numerous breakdowns, accidents and inspection delays are not in the shipper's interest. There is need to build a healthy haulage industry through the promotion of professional transport firms.

6. Legal framework for transit

88. Mali has acceded to a number of international conventions and is a signatory to several regional treaties and bilateral agreements (see annexes I and II). Malian transit transport is subject to domestic law and is affected by a web of regulations and administrative directives.

89. The laws and practices governing transit trade in Côte d'Ivoire and Senegal, where Mali's transit trade passes must be taken into account in assessing the overall framework for Mali's transit trade. As in the case of Burkina Faso, Mali and its transit neighbours are members of ECOWAS, and as such share a substantial body of common standards and practices. However, inadequate implementation of some of the common standards and practices, as discussed in paragraph 67 above, exposes Mali's transit trade to avoidable delays and additional expenses. Introduction of an international customs transit system in the ECOWAS subregion would significantly facilitate cross-border movements and reduce delays and attendant costs. Elimination or reduction of police checks en route is also required.

C. Niger

1. Transit corridors and transport mode distribution

90. In 1992, Niger's transit trade was distributed as follows:

- Combined rail-road corridor through Benin (Cotonou-Parakou-Niamey, 1,057 km, 65 per cent);

- Road corridor through Togo (Lomé-Niamey through Burkina Faso, 1,192 km, 9 per cent);

- Road corridor through Nigeria (Lagos-Niamey, 1,622 km, 16 per cent);

- Road corridor through Côte d'Ivoire (Abidjan-Niamey through Burkina Faso, 5 per cent);

- Road corridor through Ghana (Accra/Tema-Niamey through Burkina Faso, 5 per cent).

91. The Algiers-Niamey trans-Saharian corridor (3,700 km) would be advantageous to the northern regions of the country. However, it would be very expensive to develop.

92. Nearly two thirds of Niger's transit trade takes place through the port of Cotonou. Less than 20 per cent takes place through any other port. Following Niger's efforts to diversify its transit trade routes, freight through Nigeria, Ghana and Côte d'Ivoire has been on the rise in recent years. The corridor through Nigeria, in particular, has made significant progress and has surpassed Niger transit through Togo since 1991 due to the socio-political crisis in Togo.

93. The transit corridor to the port of Cotonou is not only the shortest to Niamey, it has been reinforced by bilateral agreements and arrangements entered into between the Governments of Benin and Niger. The "Accord sur le transit et l'utilisation du port de Cotonou" provides Niger with a duty-free area in the port of Cotonou. In addition, the two countries jointly own and operate a railway company, the Organisation Commune Bénin-Niger (OCBN) which carries the lion's share of Niger's transit trade.

94. The port of Lomé used to be the second most important port for Niger's transit trade. The activity of this port fell by 45 per cent between 1989 and 1993 due to the political crisis in Togo. Half of Lomé's share of regional transit trade has been picked up by the ports of Abidjan, Cotonou and Lagos. Beside the crisis, another factor which discourages Niger's, as well as Mali's, transit trade through the port of Lomé is the fact that the transit traffic has to pass through a third country, Burkina Faso, where traffic is subjected to much customs and police delay.

95. The port of Lagos could play an even greater role in Niger's transit trade, particularly for traffic to and from Niger's eastern regions. However, the expansion of transit traffic through the Nigerian corridor is limited by three factors: language, currency and, above all, freight security. Even so, published official figures may understate the share of transit trade through Nigeria, given the importance of smuggling activities between Niger and Nigeria.

96. The corridors through Côte d'Ivoire and Ghana have little prospect of significantly increasing their share of Niger's transit trade, given the longer distances involved and the necessity of the traffic having to pass through third countries.

2. Physical condition and capacity of the transit routes

97. Niger's transit trade represents 15-20 per cent of total traffic at the port of Cotonou and 3-5 per cent at the port of Lomé. The port of Cotonou is generally considered less well equipped and less efficient than the ports of Abidjan or Lomé in terms of port handling operations and custom clearance. However, overall performance is satisfactory.

98. The ports of Cotonou and Lomé have sufficient warehousing capacity to accommodate Niger's transit trade. Niger has been accorded 15,200 m^2 of storage space at the port of Cotonou, and 10,000 m^2 of storage capacity, including warehouses and 600 meters of docks, at the port of Lomé.

99. Most of the freight from Cotonou goes through the Cotonou-Niamey rail/road route which includes 438 kilometres of railway from Cotonou to Parakou (all on Benin territory). Rail transport is operated by the Organisation Commune Benin Niger (OCBN), a parastatal company owned and managed by the two countries. At Parakou, the freight is transshipped from rail wagons to road vehicles. These road vehicles are selected from a pool that the OCBN has put together through arrangements with private hauliers.

100. The problems facing the OCBN are similar to those facing the other railways companies of the region: old infrastructure and rolling stock. Some major repair work was completed in 1993 on a 173 kilometre segment of the railway. Repair work is currently being planned for another 95 kilometre segment.

101. The OCBN has a stock of 12 tractors and 298 wagons with a potential of 450,000-500,000 tons per annum. This stock is sufficient to handle the normal volumes of transit trade. However, shortages occur at the peak cotton harvest season. According to OCBN officials, an additional 4 tractors, 30 wagons and 70 tankers (for the shipment of petroleum products) would be needed to eliminate the current capacity problem.

102. The Cotonou-Niamey road has been entirely asphalted and is now in very good condition. However, due to the virtual monopoly power of the OCBN over the transit trade between the two countries, the use of this road corridor for transit transport has not yet been officially authorized by the Governments. Officials of both the OCBN and the two Governments fear that such an authorization may shift traffic away from the OCBN.

103. The Lomé-Niamey road through Burkina Faso is in good condition except for a 200 kilometre segment on Togolese territory which is in poor condition.

3. Transit corridor constraints

(a) Port of Cotonou

104. The port of Cotonou has berths for a variety of cargoes including general cargo/bulk and containers. However, customs formalities are cumbersome, causing long delays in customs clearance. At the moment, the port authorities are experimenting, on a small scale, with the "Programme Escale" which is designed to enable the completion of all formalities (port, transit and customs) at a one stop facility.

(b) Cotonou-Niamey combined railroad corridor

105. The rail line from Cotonou towards Niamey ends at Parakou (435 km) where transshipment into road vehicles is made for onward transport to Niamey (622 km). The transshipment causes a one-day delay in freight movement. In addition, it implies additional handling costs and possible loss or damage to goods. Additional handicaps include: (1) the poor state of the railroad; (2) inadequate and aging rolling stock; and (3) inadequate transshipment facilities at Parakou. The OCBN is making a remarkable effort to improve the quality of the rail track with the repair work just completed and being planned. Similarly, the company is in the process of purchasing two new locomotives. These will help increase the efficiency of the railway system. Even so, the rail corridor, because of transshipment problems, will remain less competitive compared to the two road corridors: the all-road route from Niamey to Cotonou; and the road corridor from Niamey to Lomé through Burkina Faso and Togo.

106. Three types of transit document are used on the Cotonou-Niamey rail-road corridor: the S116 on the railway, the TRIE from Parakou to the Niger border, and the CTR on Niger territory. This complicates formalities and causes additional delays.

107. There are no police or customs stops for inspections on the Cotonou-Parakou rail segment, as the OCBN uses sealed wagons. However, there are numerous checkpoints on the forward road journey from Parakou to Niamey. The Benin authorities now escort Niger-bound vehicles twice a week from both Cotonou and Parakou, the cost of which must be paid by the road carriers (CFAF 50,000 per customs declaration). The two escorts per week are not considered to be adequate. This causes delays and additional costs as vehicles are immobilized while waiting for convoys to be formed.

(c) Cotonou-Niamey road corridor

108. Recent physical improvements on the road have significantly increased the competitiveness of the all-road corridor. The most important drawback of the corridor is customs and police harassment. However, customs escort has, to a certain extent, reduced the gravity of this problem.

(d) Lomé-Niamey road corridor

109. There are serious physical and non-physical barriers on this corridor. As mentioned in paragraph 55 above, there is a 200 km stretch of road in Togolese territory which is in poor condition. Furthermore, onerous customs and administrative delays constitute a serious barrier during passage in Burkina Faso.

4. Auxiliary capital investments designed to facilitate transit traffic flows

110. At the port of Cotonou, handling equipment is inadequate. Investments should also aim at broadening and enhancing computerization of port and customs operations. Computing equipment is needed to support and extend the "Programme Escale".

111. At Parakou, transshipment (unloading and loading) operations take one day. To speed up such operations, better handling equipment is needed. Furthermore, weigh bridges are needed at Parakou and Niamey in order to enforce axle load limits.

112. Dry port facilities in Niamey will undoubtedly facilitate transit activities. Niger authorities have plans to identify a space in Niamey for establishment of a dry port. Appropriate facilities and equipment will need to be installed.

5. Measures designed to improve transit services

(a) Customs services

113. Customs services are cumbersome and time-consuming at the port of Cotonou. Customs clearance could take one week or more. In addition, road vehicles en route face excessive stops by the police. However, the escort system has reduced the number of checkpoints on the roads. Nevertheless, hauliers consider that the two escorts per week currently put in place are not enough and should be increased.

(b) Clearing and forwarding agents

114. The main clearing and forwarding agencies operating in Cotonou are affiliates of foreign multi-nationals, such as SAGA and SOCOPAO/SDV. At the port of Cotonou, the Société Nigérienne de Transit (NITRA), a Niamey-based forwarding and warehousing company, is authorized to provide clearing and forwarding services to Niger importers. Overall quality of clearing and forwarding services is satisfactory.

115. At the port of Lomé, Togo, clearing and forwarding services are provided by Togolese agencies; NITRA provides only warehousing services. NITRA is negotiating a franchise to provide clearing and forwarding services to Niger importers, as it does at the port of Cotonou.

(c) Shippers' council

116. The Conseil Nigérien des Utilisateurs des Transports Publics (CNUT) plays the role of a shippers' council. It organizes transit itineraries and the distribution of freight between Niger and transit-country hauliers. According to the bilateral agreements between Niger and the two transit countries, two thirds of the freight is allocated to Niger hauliers. An agreement signed with Nigeria in 1977 gives Nigerian hauliers the right to transport Niger's transit cargo to the border. For security reasons, Niger importers prefer using the services of Nigerian hauliers on Nigerian territory. Niger authorities are negotiating a new arrangement with Nigeria.

(d) Road haulage

117. Several hauliers, including the Société Nationale des Transports du Niger (SNTN), participate in Niger's transit trade. Most of the road hauliers are from the informal sector. The vehicles on the road corridors are generally old and lack adequate maintenance. Hauliers blame the recession, which has made it difficult for them to purchase spare parts and renew vehicle stock.

The SNTN for example, has not been able to buy new vehicles for the last 12 years. These problems have been compounded by the recent devaluation of the CFA franc which has caused import prices to double.

6. Legal framework for transit

118. Niger is a party to a number of international conventions, regional treaties and bilateral agreements (see annexes I and II). In addition, transit transport is subject to domestic law, regulations and a web of administrative directives.

119. Niger's principal transit country is Benin. Togo has been an important transit country for Niger, but Nigeria is increasing in importance. All these countries belong to ECOWAS, and Niger therefore benefits from the existence of regionally or bilaterally agreed standards and practices. However, Niger's transit trade is in addition constrained by State monopoly transport arrangements. The Organization commune Benin-Niger (OCBN), a joint State railway organization, has a monopoly to move Niger's transit trade, except minerals, between the port of Cotonou in Benin and Parakou (435 km). OCBN also has a monopoly to organize the transshipment and onward road transport from Parakou to Niamey (632 km). Transport of minerals is confined to Niger Transit (NITRA), another State enterprise. These three monopolies greatly reduce competition in the transport service. The rail-road corridor which accounts for 65 per cent of the transit trade faces transshipment delays and high insurance costs because of the additional risk of damage to cargo during transshipment. Transport liberalization would stimulate a healthy competition between the transport modes, which should result in greater efficiency, faster transit times and lower costs.

D. Central African Republic

1. Transit corridors and transport mode distribution

120. The main corridors which serve the Central African Republic are:

- Rail from Douala to Ngaoundéré (884 km), then road to Bangui via Boulai and Bouar (598 km) - total 1,752 km

- Rail from Douala to Belabo (555 km), then road to Bangui via Bertoua (668 km) - total 1,518 km

- Road from Douala to Bangui via Bertoua (1,798 km)

- Rail from Pointe Noire to Brazzaville (510 km), then the Congo-Oubangui rivers to Bangui (1,195 km) - total 1,705 km

121. The Pointe Noire corridor, also known as the transequatorial route (on the Oubangui and Congo rivers) through Brazzaville was once the only transit corridor for the Central African Republic. Since the late 1980s, the Cameroon corridor through Douala has increased in importance.

122. In general, the transequatorial route is preferred by transit operators for imports of bulk, low-value commodities (sugar, flour, salt) or for exports of logs. Competition between the Cameroon and Congo routes remains for general cargo imports (containerized) and for sawn wood.

123. Cotton and coffee exports mainly use the Cameroon route because harvests take place when navigation on the Oubangui river is closed or restricted. Moreover, during periods of declining commodity prices, trade operators find the faster road corridor more competitive than the transequatorial route.

124. In favourable circumstances, total exports of wood, coffee and cotton could rise by 75,000 tons, and it is envisaged that 50,000 tons of logs could mainly use the transequatorial route.

2. Physical conditions and capacity of transit corridors

(a) Port capacity and facilities

125. The port of Douala comprises 2.5 km of quays, including specialized quays. The port has a handling capacity of 4.4 million tons, but transit traffic for the Central African Republic represented only 70,000 tons in 1988. A 20-ha UDEAC zone exists within the port, and two of the seven units of this zone are reserved for the Central African Republic. The main problem of the port is the limited draft of the access channel, because of which large vessels have to be loaded lightly. The productivity of the port of Douala is average, with throughput of 550 tons per ship per day of general cargo and 1,600 tons per ship per day of containers.

126. The port of Pointe Noire handled about 4 million tons of cargo during the period 1984-1988. However, the volume of traffic has declined since 1989, when inefficient rail transport by the chemin de fer Congo-Océan made the Compagnie minière gabonaise divert its manganese exports to Gabonese ports.

(b) Surface infrastructure and equipment

127. The roads serving the Central African Republic in Cameroon are bitumenized as far as Yaoundé and laterite to the border crossings at Garoulai or Gamboula. The laterite sections are in good or fair condition and passable at all seasons. Inside the Central African Republic, the laterite is generally in good condition. The Bangui-Bossembele section, which is already bitumenized, has been rehabilitated, and the section between Bossembele and Yoloké has been bitumenized.

128. The Cameroon railway system (REGIFERCAM), with a capacity of 2 million tons per year, currently operates below capacity. The railway system extends to Ngaondéré in Cameroon (884 km) from which there is a lateral road connection to Bangui via Garoua-Boulai. However, a more convenient transshipment point, though at present less well equipped, is Belabo (555 km). Belabo is currently used mainly for timber transshipment. The Cameroon policy is to make maximum use of the railway system for transit transport.

129. The Pointe Noire-Brazzaville section of the Congo corridor is served only by rail (510 km) and operated by the chemin de fer Congo-Océan (CFCO). The Central African Republic accounts for only 5 per cent of the 1.2 million ton traffic operated by this rail line.

130. River transport is carried out mainly by SOCATRAF (Société Centrafricaine des Transports Fluviaux), a joint venture with ownership divided between the State and the French company SAGA. It operates 102 barges and 53 tugs and owns warehouses and handling equipment.

3. Transit corridor constraints

(a) Ports of Douala and Pointe Noire

131. The two sea ports available to the Central African Republic are major ports with facilities for general cargo, container terminals, and specialized berths for minerals, fruit (bananas), etc. Central African Republic trade passing through each port is less than 4 per cent. No capacity constraints for the Central African Republic are, therefore, envisaged in the foreseeable future.

132. The main problem in Douala is the draft of the access channel which is maintained at present at -5.9 m. This allows vessels of 20,000 dwt drawing about 8 m to pass at high water. Larger vessels need to be lightly loaded and on the outward journey from Europe usually call first at the more distant port of Pointe Noire.

133. Port and customs clearance at the port of Douala, which can take up to 30 days, constitutes the major bottleneck for transit traffic through Cameroon.

134. In the Pointe Noire corridor, the Central African Republic depends upon the river ports of Bangui and Brazzaville and the ocean port of Pointe Noire. The river ports have adequate capacity to handle present and foreseeable future cargoes, which consist mainly of exports of logs from the Central African Republic, Congo and part of Cameroon and imports of petroleum products, cement and general cargo. The port of Bangui has quays of ample length for barges, plus a 30-metre quay for containers with a 30-ton crane. The port of Brazzaville has about 800 m of quays and a log port. Although the latter has siltation problems, making it necessary to use the main port for logs during several months of the year, the port has adequate capacity at present.

(b) Douala-Bangui rail/road corridor

135. The Cameroon railway system is operating well below capacity. The train journey from Douala to Ngaoundéré (880 km) takes two days, which is reasonable. However, transshipment facilities, especially at Belabo, are inadequate and the onward transport by road during the rainy season (August-March) is difficult.

(c) Pointe Noire corridor

136. The main weakness of the Pointe Noire corridor is navigation on the Oubangui river, which is closed for four months of the year (February to May) and restricted to some extent for two months after this period. Similar problems are encountered on the Lobaye and Sangha rivers. This means that the Central African Republic is totally dependent on the Douala route for part of the year.

4. Auxiliary capital investments designed to facilitate transit traffic flows

137. Central African Republic transit routes are all susceptible to weather conditions. The Pointe Noire corridor is interrupted during the dry season, and the trans-Cameroonian corridor suffers from intermittent cut-offs during heavy rains. The Central African Republic needs at least one all-weather transit corridor. Three projects designed to provide such an all-weather transit corridor have been discussed. The first project envisages extension of the Cameroonian railway system from Kribi to the Central African Republic (1,100 km). The second is to construct a dam on the Pointe Noire corridor to regulate the water flow in the Oubangui-Congo rivers. The third is an all-weather road from Bangui to Douala. These long-term projects, however, will take time to realize, as they depend on the availability of foreign financial resources.

138. In the meantime, improvement of transshipment facilities at terminals is needed, particularly at Bilbao which is a more convenient transshipment point for the Central African Republic.

139. Large sections of road between Bangui and Douala are not bitumenized, but even so there is a need install weigh bridges at critical points in the transit route in order to enforce permissible axle-load limits which are designed to protect road pavements.

5. Measures designed to improve the quality of support services for transit services

(a) Customs services

140. The main document required by transit traffic within UDEAC is the D.15. This is issued in the first port of entry for imports and in the originating country for exports. The D.15 procedure is cumbersome. Not only does it require detailed information, it must be accompanied by additional documents: bills of lading, invoice for the goods, invoice for transport of the shipment, a certificate of "domiciliation banquaire", in the Central African Republic requiring invoices to be sent to Bangui and returned and a certificate of a "caution banquaire", the cost of which is one per cent of the cif value, etc.

141. Rigorous customs clearance procedures at the port of entry and exit are exacerbated by frequent and extended stops for inspection en route by various security agencies: police, gendarmerie and the army, who appear to be totally unconcerned with transit traffic delay.

142. Simplification of customs transit and administrative procedures without putting tax revenues in jeopardy may be realized through a customs transit system based on simplified documentation and procedures provided: (1) goods travel in secure vehicles or containers; (2) duties and taxes at risk are, throughout the journey, covered by an internationally valid guarantee; (3) goods are accompanied by an internationally accepted carnet used in the country of departure and accepted in the countries of transit and destination; (4) customs control measures taken in the country of departure are accepted by the countries of transit and destination; and (5) customs administrations commit themselves to maintaining close coordination and cooperation.

(b) Clearing and forwarding agents

143. The major C & F agents established in other countries of the subregion, such as SOCOPAC and GETMA, operate in Cameroon as well. However, up to 50 per cent of the market in Douala is in the hands of small private informal-sector agents. Lack of clear rights and responsibilities of C & F agents and the need for legislation has become a topical subject in the light of the entrance into the profession of numerous informal-sector agents who lack financial guarantee. New entrants have, of course, stimulated competition, but there is need to assist them to acquire professional skills and ethics. There is also need to protect shippers by establishing clear rights and responsibilities of C & F agents.

(c) Shippers' council

144. The Conseil de chargeurs centrafricains (CCAC), established in 1979, is a parastatal organization responsible for: negotiating freight rates with liner conferences; implementing the 40/40/20 cargo-sharing formulas of the United Nations Code of Conduct for Liner Conferences; rationalizing shipping schedules; and promoting the national shipping industry. The CCAC does not intervene in the inland transport freight market. This task is assigned to the Bureau d'Affrètement Routier (BARC), another parastatal, which controls road freight, tariff regulation and the distribution of freight between Central African Republic and foreign hauliers. These parastatal organizations are financed through a tax charged on the freight they handle, estimated to range between 3 and 9 per cent of the freight value.

6. Legal framework for transit

145. The Central African Republic is a party to a number of international conventions, regional treaties and bilateral agreements (see annexes I and II). In addition, transit transport is subject to domestic law and a web of regulations and administrative directives.

146. Since Central African Republic transit trade passes through Cameroon and Congo, the laws and practices governing transit trade in those two transit countries form part of the overall legal framework. The Central African Republic and its two transit countries are members of UDEAC, which, unlike ECOWAS, has been less successful in introducing regional standards and practices. Furthermore, as can be seen in annex I, there have been very few bilateral agreements entered into between Chad and her transit neighbours. These factors lead to the conclusion that transit trade is largely regulated by domestic laws and practices, which may differ from one country to another.

147. Transit transport through the Congo is by river, boat and rail. This multimodal transport system, which is organized by public enterprises in both the Central African Republic and Congo, is largely free of police intervention. However, because river transport is slow, the transit journey normally takes between 40 and 50 days.

148. Transit through Cameroon is either by combined rail-road or all-road transport. Customs clearance for goods travelling by rail from Douala is less cumbersome because REGIFERCAN is exempted from certain customs formalities, such as customs bond requirements. Road transit from Douala is cumbersome. Not only does the D.15 customs document require detailed information, it often must be accompanied by additional documentation, which, as discussed above, may require information to be sent from Bangui to Douala before goods can be released. These customs procedures can take one to two weeks. These rigorous customs clearance procedures at the port of entry and exit are exacerbated by frequent and extended stops en route imposed by various security agents (police, gendarmerie). As a result of all these delays, transit trade from Douala to Bangui generally takes between three and four weeks, almost the same period it takes for goods to reach Bangui from Pointe Noire.

149. Simplification and harmonization of customs procedures is therefore urgently required to facilitate transit trade and reduce the high costs of transport.

E. Chad

1. Transit corridors and transport mode distribution

150. The main corridors which service Chad are:

- Douala to Ngaondéré by rail (884 km), Ngaondéré to the Chad border (768 km) and to Ndjamena (17 km) - total 1,669 km;

- Douala to Ndajamena by road via Yaoundé and Garoua Bouli (1,915 km), to the border 17 (km), to Ndjamena;

- Pointe Noire to Brazzaville by rail (510 km), the river Oubangui to Bangui (1,195 km) and then road to Ndjamena via Damara Sibul and Sido (510 km) - total 2,215 km.

151. The rail-road corridor through Cameroon to Douala is the dominant transit route for Chad. However, more than 80 per cent of petroleum products are imported from Nigeria. The Nigerian corridor is also becoming important for high-value containerized cargo. The corridor is limited to products which the Nigerian authorities do not consider "sensitive", such as food aid and various consumer goods. However, many such products find their way through informal trade.

2. Physical condition and capacity of the transit corridors

(a) Port capacity and facilities

152. The physical condition and capacity of the ports of Douala and Pointe Noire, as discussed in paragraphs 125-126, are considered to be good and adequate for Chad's requirements in the foreseeable future. The port of Lagos, which is currently operating below capacity but can handle more than 10 million tons (non-oil shipments), can easily handle all of Chad's transit trade, which would amount to less than 2 per cent only of Nigeria's non-oil shipment.

(b) Surface infrastructure and equipment

153. The road in Cameroon consists of motorway from Douala to Yaoundé with a two-lane, 7.5 m carriageway made from asphaltic concrete. There are then good laterite roads of 6-7 m width to Bertoua via Ayos and on to Garoua Boulai, Meidougou and Ngaoundéré, with occasional narrower sections. These roads are usable throughout the year, although delays can be expected during the rainy season. The alternative road via Bafoussam to Meidougou of 930 km is bitumenized for about 250 km at either end with some poor sections in between. It then joins the main road at Meidougou. The final section of both routes from Ngaondéré to Kousseri at the Chad border is a good bitumenized road with a width of 7.5 m. The final 17 km stretch in Chad from Kousseri to Ndjamena is mainly bitumenized but in poor condition. The roads in southern Chad are in poor condition. All the main roads in Nigeria between the north Cameroon border and the ports are bitumenized and in good to fair condition.

154. The Cameroon rail system (Régie des chemins de fer du Cameroun) from the port of Douala to Ngaoundéré consists of a single track of 880 km. This represents a big advantage in distance over the road to Ngaoundéré, which is 1,147 km long. Capacity is estimated at two million tons a year of freight, while present traffic reaches only 1.4 million tons. There is, therefore, no shortage of capacity, and a reasonably good service is offered. The time taken to Ngaoundéré is two to three days.

155. The Pointe Noire corridor is rarely used nowadays by Chad because of the long distance (2,307 km) and the restriction on the river Oubangui, which is closed or restricted for navigation during four months and restricted for a further two months.

3. Transit corridor constraints

(a) Ports of Douala, Pointe Noire and Lagos

156. The Douala and Pointe Noire port constraints have been discussed in paragraphs 131-134. In so far as Nigerian ports are concerned, the major handicap relates to port handling equipment. Old port handling equipment has been the main cause of occasional port congestion.

(b) Douala-Ndjamena rail-road corridor

157. The Cameroon railway system is operating well below capacity. The time taken from Douala to Ngaoundéré (880 km) is 2-3 days. Transshipment facilities at Ngaoundéré are better than those available at Belabo. Some C & F agents maintain offices and facilities at Ngaoundéré, but there is need for overall improvement in transit facilities, including the installation of proper dry port facilities, the presence at Nagondéré of senior customs and administrative personnel, and improving communications facilities. Lack of adequate road maintenance and repair of roads in Cameroon as well as Chad leads to rapid road damage, which in turn leads to an unwarranted number of road accidents. Road transport is also undermined by lengthy customs clearance procedures at the port and excessive police inspections en route. These disadvantages work to the benefit of the new transit corridor through Nigeria.

(c) Pointe Noire corridor

158. The main weakness of the Pointe Noire Corridor is navigation on the Oubangui river which is closed for four months of the year (February to May) and restricted to some extent for two months after this period. Similar problems are encountered on the Lobaye and Sangha rivers. This route is now rarely used by Chad.

4. Auxiliary capital investments designed to facilitate transit traffic flows

159. The main predicament facing Chad’s present transit transport situation is its virtual dependence on a single route (Douala-Ndjamena, 1,725 km). The Pointe Noire corridor is too long and is further weakened by restricted navigation on the Oubangui river which coincides with Chad’s maximum export needs (January-May).

160. The Nigerian transit corridor offers a viable alternative but goods considered to be sensitive (wheat, rice, maize, wines, vegetables, oils, etc.) are restricted and there is the extra complication that the route passes through Cameroon territory in the far north. The detour road under construction through Niger will clearly strengthen the corridor’s competitiveness.

161. Another potential route, currently under discussion, is the trans-Saharan road between Ndjamena and Algiers. This route, it is anticipated, will be considerably shorter, for a large part of Chad’s imports, than the maritime route currently used from Marseille to Douala (from 15 days to 27 days). However, this route is subject to a higher unit cost for land transport (in comparison with the common sea transport) and to high road taxation in Algeria.

162. The improvement of transit facilities at the ports, transshipment points and commercial centres in land-locked countries deserves priority attention. As discussed in paragraph 135 above, there is need to strengthen both physical and administrative facilities at the rail head transshipment point at Ngaondéré. Complementary facilities are also required at Ndjamena to ensure proper handling, storage and clearance of transit goods.

5. Measures designed to improve transit services

(a) Customs services

163. The customer clearance procedures within the UDEAC subregion, as discussed in paragraphs 140-142, are a major obstacle to transit trade. The combined rail-road corridor, which carries more than 80 per cent of Chad's transit trade, has an advantage over the all-road option because railway transport benefits from simplified customs clearance procedures. There is no reason why road transport should not also enjoy the same treatment provided that: (1) goods travel in secure vehicles or containers; (2) duties and taxes at risk are, throughout the journey, covered by an internally valid guarantee; (3) goods are accompanied by an internationally accepted carnet used in the country of departure and accepted in the countries of transit and destination; (4) customs control measures taken in the country of departure are accepted by the countries of transit and destination; and (5) customs administrations commit themselves to maintaining close coordination and cooperation.

(b) Clearing and forwarding agents

164. Major C & F agents in Chad, such as SACOPAO du Chad, have offices in Douala. The monopoly of large C & F agents is being challenged by new entrants. Competition in the C & F profession offers price advantages to the shipper, but the shipper also needs protection from unscrupulous operators. It is, therefore, essential that C & F agents offer adequate financial guarantees and that the law intervenes to establish standards, rights and responsibilities of all the commercial parties involved in transit operations.

(c) Shippers' council

165. Chad's Cooperative des Transporteurs Tchadiens (CTT) was abolished in September 1989 on the basis of recommendations associated with an IDA project on adjustment of the transport sector, which implied the liberalization of transport prices. CTT was replaced by the Bureau National de Frêt (BNF), which mainly plays a role of statistics and tax collection (10 per cent for the Caisse Autonome d'Amortissement de la Dette, 5.5 per cent for the turnover tax, 1 per cent for the BNF itself). The BNF issues the mandatory waybills (lettre de voiture: CFAF 1,000) and administer the cargo-sharing arrangements with Cameroon.

6. Legal framework for transit

166. Chad is a party to a number of international conventions, regional treaties and bilateral agreements (see annexes I and II). In addition, transit transport is subject to domestic law and a web of regulations and administrative directives.

167. Since Chad's trade passes mostly through Cameroon, the laws and practices governing transit trade in that country form part of Chad's overall legal framework for transit trade. UDEAC, which brings together Chad and Cameroon in an economic community, has been less successful than ECOWAS in introducing regional standards and practices, and in the absence of comprehensive bilateral agreements, domestic law and practices become the main regulator of transit trade. Cameroonian domestic law and practices have a profound impact

on Chad's transit trade, because the entire route from Douala to Ndjamena (1,669 km) is in Cameroonian territory, except for the last 17 km. Customs clearance procedures in Cameroon, as discussed in paragraphs 140-141 above, are cumbersome and the delays at the port are exacerbated by frequent and extended stops for inspection en route by various security agencies (police, gendarmerie). Simplification and harmonization of customs procedures is, therefore, urgently required to facilitate transit trade and reduce the high cost of transport.

Notes

1/ Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Nigeria, Senegal, Sierra Leone, Togo and Zaire.

2/ Burkina Faso, Central African Republic, Chad, Mali and Niger.

3/ ECOWAS members are: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Nigeria, Senegal, Sierra Leone and Togo.

4/ The following are States members of UDEAC: Cameroon, Central African Republic, Chad, Congo, Equatorial Guinea and Gabon.

5/ MINCONMAR members include all the West and Central African States.

6/ "International transport costs facing land-locked developing countries" (UNCTAD/LDC/Misc.10).

Annex I.A

BILATERAL AND REGIONAL AGREEMENTS BETWEEN LAND-LOCKED COUNTRIES AND THEIR TRANSIT NEIGHBOURS IN WEST AND CENTRAL AFRICA

	Regional agreements	Road haulage agreements	Railway agreements	Port agreements	Waterway agreements
BURKINA FASO	ECOWAS MINCONMAR UMOA	NIGER MALI GHANA TOGO COTE D'IVOIRE BENIN	COTE D'IVOIRE	COTE D'IVOIRE TOGO BENIN	
MALI	ECOWAS MINCONMAR UMOA	COTE D'IVOIRE BURKINA FASO	SENEGAL	TOGO BENIN MAURITANIA COTE D'IVOIRE SENEGAL	
NIGER	ECOWAS MINCONMAR UMOA	BENIN BURKINA FASO NIGERIA GHANA COTE D'IVOIRE		BENIN	
CENTRAL AFRICAN REPUBLIC	UDEAC MINCONMAR UMOA	CAMEROON		CAMEROON	CONGO
CHAD	UDEAC MINCONMAR CEMAC	CAMEROON		CAMEROON	

Annex I.B

BILATERAL TRANSIT AGREEMENTS IN WEST AND CENTRAL AFRICA

I. Burkina Faso

(a) Road haulage agreements

. Convention sur le transport routier (Road Haulage Convention), 10 October 1996; between Burkina Faso and Niger

. Convention sur le transport routier (Road Haulage Convention), 26 July 1968; between Burkina Faso and Mali

. Convention sur le transport routier (Road Haulage Convention), 31 January 1968; between Burkina Faso and Ghana, giving 50 per cent of the freight to each country and limiting the carriage of freight to 30 vehicles per country

. Protocole d'accord sur le transport routier (Memorandum of Agreement on Road Haulage), 14 April 1984; between Burkina Faso and Togo, allocating transit haulage 2/3 and 1/3

. Protocole d'accord concernant le transport routier (Memorandum of Agreement on Road Haulage), 18 February 1975; between Burkina Faso and Côte d'Ivoire, allocating haulage and determining routes

. Accord de transport routier (Road Haulage Agreement), 23 January 1984; between Burkina Faso and Benin

(b) Railway agreement

. Convention fixant l'organization et les conditions de fonctionnement du chemin de fer Abidjan-Niger (Convention on the Organization and Operating Conditions of the Abidjan/Niger Railway Line) (30 April 1960), between Burkina Faso and Côte d'Ivoire. This Convention defines the role and membership of the 18 members of its board of directors and steering committee.

A single document is required for goods in transit: the "Déclaration-Soumission" (Declaration-Submission), issued for international rail transport (Transport international par Chemins de Fer - TIF). This document is recognized by customs, and provides a goods description. The simplified method, which simply involves the sealing of the wagon or container used to transport the goods, saves time.

(c) Port agreements

. The basic conditions signed by the Abidjan Port Authority (Port Autonome d'Abidjan) and the Chamber of Commerce of Burkina Faso authorizing occupancy of land by Burkina Faso in the port of Abidjan, Côte d'Ivoire, for a period of 30 years starting in 1972 with a minimum of investment of CFA 19,224,000 and an annual fee of 165 CFA/sq.m.

. Agreement on the Use of the Port of Lomé, Togo, 1979. Following a memorandum of agreement signed on 28 March 1979, Burkina Faso has an area of 22,000 square metres at the port of Lomé. Transit goods are free of duty.

. Following the Agreement on the Use of the Port of Cotonou, Benin (29 January 1984) and the Convention on the Occupation and Use of the Port Area of Cotonou (18 September 1984), Burkina Faso has an area of 20,000 square metres at the port of Cotonou (Decree No. 82-407, 4 December 1982).

II. Mali

(a) Road haulage agreements

. The Memorandum of Agreement on Road Haulage of 29 November 1974 determines freight allocation, axle loads and transport conditions with Côte d'Ivoire.

. The Memorandum of Agreement on Road Haulage of 26 August 1983 contains the same terms as the preceding agreements with Togo.

. The Memorandum of Agreement on Public Road Haulage, of 26 July 1968. This agreement between two land-locked countries (Mali and Burkina Faso) allows Malian vehicles to cross Burkina Faso territory.

(b) Railway agreement

The agreement of 8 June 1963 with Senegal was replaced by an agreement signed in August 1987 designed to regulate terms and conditions governing railway traffic between Senegal and Mali. The agreement determines technical, administrative and financial relations between the two railway administrations.

(c) Port agreements

. The Agreement on Cooperation in the Field of Maritime Transport and Transit, of 26 August 1983, allows Mali to use Togolese ports and installations. Togo granted Mali one seat on the port of Lomé administrative board. Management of the leased area at the port of Lomé was entrusted to the Entrepôts maliens au Togo (EMATO).

. The Memorandum of Agreement on Cooperation in the Field of Maritime Transport and Transit, of 7 January 1983. The terms of this agreement between Mali and Benin are similar to those described in the preceding paragraph.

. The Agreement on Cooperation in the Field of Maritime Transport and Transit, of 29 April 1987. The terms of this agreement between Mali and Mauritania are identical to those described in the two preceding paragraphs above.

. The Memorandum of Agreement on Cooperation in the Field of Transport and Transit, of 13 January 1979, allows Mali the use of a warehouse of 40,000 square metres within the customs area of the Port of Abidjan. Mali has established the organization Entrepôts maliens en Côte d'Ivoire (EMACI) (Order No. 77-33/CMLN of 13 May 1977) to manage its facilities at this port, i.e. to supervise the evacuation of imported and exported goods. The warehouse's annual revenue totals CFAF 45 million. Mali has one seat on this port's administrative board.

. The Agreement on the Use of the Ports of Dakar and Kaolack and the Convention on the Use of the Port Facilities of Senegal, of 8 June 1963, were valid for 26 years, and expired in June 1988. On 27 June 1989, the two Governments agreed to their extension up to 2 July 1990. Management of the warehouse and port is entrusted to the Entrepôts maliens au Sénégal (EMASE), a financially autonomous public company established by Order No. 77-32/CMLN of 12 May 1977. Mali has one seat on this port's administrative board too. EMASE office staff benefit from tax privileges similar to those enjoyed by diplomats.

III. Niger

(a) Road haulage agreements

. The Agreement on the Administration and Management of the Port of Cotonou and of the Railway (5 June 1959) with Benin was updated on 13 October 1977 to encompass road transport. It designates transit routes and allocates two thirds of freight to hauliers of Niger and one third to Beninese hauliers. Single axle loads are limited to 11.5 tonnes. Transit documents required are:

- Certificate of road worthiness;

- International travel authorization;

- Vehicle and goods insurance.

. The Convention on Road Haulage (10 October 1977) with Burkina Faso deals with road haulage and sets freight allocation at 2/3 : 1/3.

. The Agreement on Road Haulage (9 December 1977) with Nigeria determines routes and limits axle loads to 10 tonnes. Transit goods are transported solely by Nigerian hauliers up to the Nigeria-Niger border.

. The Memorandum of Agreement on Road Haulage (9 June 1976) with Ghana deals with allocation and transit documents.

. The Memorandum of Agreement on Road Haulage (18 February 1975) with Côte d'Ivoire deals with freight allocation and transit documents. Axle loads are limited to 10 tonnes.

(b) Port agreements

. The Agreement on Transit and the Use of the Port of Cotonou (5 January 1975) with Benin: This agreement deals with both transit matters and matters relating to use of the port of Cotonou; it accords Niger a duty-free area, three representatives on the port's administrative council and one representative on the steering committee. On 18 January 1979, the two countries signed a memorandum for the implementation of this Agreement. The memorandum also established two organizations (NITRA and SOTRACOB) with mandates to manage cargo-sharing. It allocated two thirds of freight to NITRA, one third to SOTRACOB.

IV. Central African Republic

(a) Road haulage agreement

. Convention on the Transport of Goods by Land, 1989, replaces the Berberati Convention, 1969, stipulates 60-40 per cent cargo-sharing and confines heavy goods (lumber, fertilizers, building materials) to rail transport.

(b) Waterways agreement, 1970

. The Memorandum of Agreement of 27 February 1970 deals with the upkeep of the Oubangui-Congo-Sangha (Ngoka) waterway, which totals 2,616 kilometres. Authorization for the forwarding of goods along this route as far as Pointe Noire was granted to the mixed investment company Socatraf (Société d'économie mixte de transport trans-Afrique sur fleuve).

(c) Port agreement

. Although no agreement has been ratified, the Congo and Cameroon have set aside port facilities at Pointe Noire and Douala within the cooperation framework of the Joint Standing Commission on Transport (Commission mixte permanente sur le transport). A draft agreement for the establishment and exploitation of a long-term bonded storage area at Douala, called the Zone UDEAC, was submitted for signature on 24 July 1969.

V. Chad

(a) Road haulage agreement

Since 1975, an agreement between the Governments of Chad and Cameroon has stipulated that 65 per cent of Chad's transit trade through the Cameroon corridor should be allocated to Chadian carriers and 35 per cent to Cameroonian carriers.

(b) Port agreement

A long-term storage agreement (Convention d'entreposage de longue durée) creating a UDEAC zone at the port of Douala was drawn up but not signed. The agreement grants Chad two plots of 6,500 square metres at the port.

Annex II

STATUS OF RATIFICATION OF INTERNATIONAL CONVENTIONS RELATED TO TRANSIT TRADE BY LAND-LOCKED COUNTRIES AND THEIR MAIN TRANSIT NEIGHBOURS IN WEST AND CENTRAL AFRICA

	1966 NY Convention a/	GATT b/	Law of the Sea c/	Road Traffic 1968 d/	Hamburg Rules e/	Kyto Convention f/	Warsaw Convention g/
Land-locked countries							
Burkina Faso	X	X			X		X
Central African Republic	X	X		X			
Chad	X	X					X
Mali	X	X	X				X
Niger	X	X		X			X
Transit countries							
Benin		X					X
Cameroon		X	X			X	X
Congo		X					X
Côte d'Ivoire		X	X		X	X	X
Nigeria	X	X	X		X	X	X
Senegal		X	X		X	X	X
Togo		X	X				

a/ Convention on Transit Trade of Land-locked Countries, 1965.
b/ General Agreement on Tariffs and Trade.
c/ United Nations Convention on the Law of the Sea.
d/ Convention on Road Traffic, 1968.
e/ United Nations Convention on the Carriage of Goods by Sea, 1978.
f/ International Convention on the Simplification and Harmonization of Customs Procedures.
g/ Convention for the Unification of Certain Rules relating to International Carriage by Air.
