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**REPORT OF THE MEETING OF CUSTOMS EXPERTS FROM THE CENTRAL
AND EASTERN AFRICAN SUBREGIONS ON TRANSIT TRAFFIC**

held in Addis Ababa from 13 to 17 September 1976

I. INTRODUCTION

1. The Sixth Summit Meeting of Heads of State and Government of the Conference of East and Central African States, held in Khartoum from 26 to 28 January 1970, adopted a recommendation concerning transit conditions in Central and Eastern Africa. This recommendation envisaged the possibility of adapting the United Nations TIR Convention to the special conditions obtaining in the two subregions after a thorough examination of transit traffic in Central and Eastern Africa. The study was, if possible, to be entrusted to experts from such countries as had had experience in resolving transit problems.
2. In following up this recommendation the ECA secretariat called on the services of a Swiss expert specializing in customs problems. He was asked to draft a preliminary report on transit traffic in the two subregions.
3. In his report (WP/ECAS/ECOP/13/Add.1), which was issued in May 1971, he identified some of the transit problems in Central and Eastern Africa and set out a programme of work calling for a more thorough investigation of ways of improving existing transit conditions.
4. The programme of work is divided into three parts:
 - (a) Forwarding channels and volume of traffic;
 - (b) Customs procedures and practices;
 - (c) Meeting of customs experts.
5. It is this last part of the programme which was the subject of the Meeting of Customs Experts from Central and Eastern Africa, which did not include only customs experts since experts in transport and external trade were associated with the Meeting.

II. ORGANIZATION OF THE MEETING

A. Opening of the Meeting

6. The Meeting of Customs Experts from the member countries of the Conference of East and Central African States was held in Addis Ababa from 13 to 17 September 1976 to consider the report of the mission of experts on transit traffic conditions in the two subregions.
7. The Meeting was opened by Mr. Adebayo Adedeji, Executive Secretary of the United Nations Economic Commission for Africa. In his opening statement, the Executive Secretary of ECA, after welcoming the delegations, reviewed the salient points of the report of the experts, and gave his best wishes for all success in the work of the Meeting.
8. The meeting was attended by the following countries of the Central and Eastern subregions: Burundi, Equatorial Guinea, Ethiopia, Gabon, Kenya, Malawi, Rwanda, the United Republic of Cameroon, the United Republic of Tanzania, Zaire and Zambia.
9. Observers were also present from the United Nations Development Programme, the Organization of African Unity and the East African Community.

B. Election of Officers

10. The Meeting elected the following officers:
- Chairman: Mr. Japhet N. Nkunya, Controller of Customs and Excise (Zambia)
 - Vice-Chairman: Mr. Felix Magenge, Ambassador Extraordinary and Plenipotentiary of the Republic of Burundi in Ethiopia
 - Rapporteur: Mr. Norbert Tchangoun, Chargé d'études in the Direction des Douanes of the United Republic of Cameroon

C. Adoption of the Agenda

11. The Meeting adopted the following agenda:
1. Consideration of the study of transit traffic conditions in Central and Eastern Africa (WP/ECAS/ECOP/12/Add.2)
 2. Other matters
 3. Adoption of the report of the Meeting

III. DISCUSSION OF THE AGENDA ITEMS

Consideration of the study of transit traffic conditions in Central and Eastern Africa (agenda item 1)

12. After document WP/ECAS/ECOP/13/Add.2, entitled "Report on a mission of experts on transit traffic conditions in Central and Eastern Africa" had been introduced by the secretariat, all the delegations present at the Meeting congratulated the secretariat on the work accomplished in co-operation with the Swiss experts. They also thanked the Government of the Swiss Confederation for the financial assistance it had generously provided to the ECA secretariat to enable it to carry out the study.

13. The delegations present unanimously agreed that the discussion would focus on the draft conventions and recommendations annexed to the report. The Meeting first turned to the draft customs convention on transit trade and the international road transport of merchandise among the Governments of the countries of Eastern and Central Africa, contained in annex I of the report.

14. The preamble was approved in the form in which it had been proposed.

15. Articles 1 and 2 were approved. Article 3 was approved after a discussion. Articles 4-6 were approved.

16. Article 7 was amended by the replacement of subparagraph (j) by the following text:

"(j) The term "approved customs transitor" shall mean any person authorized to effect customs operations;

"(k) The term "approved carrier" shall mean any person responsible for the conveyance of goods under the terms of this Convention or his agent."

17. Articles 8-21 were approved. Articles 22 and 23 were approved after a discussion. Article 24 was approved.

18. In article 25, the words "customs authorities" were replaced by "competent authorities."

19. Articles 26 and 27 were approved.

20. Article 28 was amended as follows: "The Contracting Parties shall communicate to one another facsimiles of the seals, stamps and date stamps they use."

21. Articles 29 and 30 were approved. Article 31 was approved after a long discussion and the substitution of "carrier" for "offender" in the first line. Articles 32 and 33 were approved.

22. After several statements and exchanges of views, the members of the Meeting requested the secretariat to reformulate Article 34 in accordance with the wishes of the delegations. It was in that way that former Article 34 gave rise to three new Articles, which read as follows:

Article 34

"1. The States members of the Conference of East and Central African States may become Contracting Parties to this Convention by:

"(a) Signing it;

"(b) Ratifying it in accordance with their constitutional provisions; or

"(c) Adhering to it.

"2. The Convention shall be open for signature from to inclusive. After that date it will be open for adhesion.

"3. Ratification or adhesion shall be effected by depositing an instrument with the Executive Secretary of the United Nations Economic Commission for Africa."

(The delegations postponed the fixing of the date provided for in Article 34, paragraph 2).

Article 35

"1. This Convention shall enter into force on the ninetieth day following the date on which five of the countries referred to in Article 34, paragraph 1 have signed it or deposited their instruments of ratification or accession.

"2. This Convention shall enter into force in respect of each Contracting Party on the ninetieth day after the date on which it deposits its instrument of ratification or accession.

Article 36

"1. Any Contracting Party may denounce this Convention by sending a notification to the Executive Secretary of the United Nations Economic Commission for Africa,

"2. A denunciation of this Convention shall take effect fifteen months following the date on which the Executive Secretary receives notification of it.

"3. The validity of TIR carnets issued prior to the date on which a denunciation takes effect shall not be affected by the denunciation, and the bond shall not lose its effectiveness."

Owing to the rewording of old Article 34, which was split up into three Articles, the number of the subsequent Articles of the Convention is accordingly modified.

23. Article 37 and 38 (formerly 35 and 36) were approved.

24. The closing section was amended to read as follows:

"In witness whereof, the undersigned, being duly authorized thereto, have signed this Convention,

"Done at On of the year one thousand nine hundred and in the English and French languages, the two texts being equally authentic.

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|--------------------------|-----------------------------|
| "Burundi | Rwanda |
| Central African Republic | Somalia |
| Chad | Sudan |
| Congo | Uganda |
| Equatorial Guinea | United Republic of Cameroon |
| Ethiopia | United Republic of Tanzania |
| Gabon | Zaire |
| Kenya | Zambia" |
| Malawi | |

25. Appendices I-IX to Annex I were approved.
26. The Meeting turned next to the draft customs convention on the international transport of goods in Central and Eastern Africa under cover of an Intra-African Transit (TIA) document, contained in Annex II of the mission report.
27. The Experts requested the secretariat to repeat in a preamble the same provisions as those contained in the preamble to the Draft TIR (CEA) Convention.
28. In article 1, paragraph (a) was amended by replacing "entry and exit duties and taxes" by "import and export duties and taxes." In addition, a new paragraph (g) was added, reading as follows:

"(g) The term "guarantor association" shall mean, in particular, a bank, an insurance company or any other commercial or financial institution, or an organization engaged primarily in goods transport by road, railway or internal waterway."
29. In article 2 the words "These regulations" were replaced by "This Convention" and "They" in the second sentence by "It".
30. Article 3 was approved.
31. In article 4, the words "entry or exit duties and taxes" in paragraph 1(a) were replaced by "import or export duties and taxes."
32. In Article 5, the word "associations" in paragraph 1 and in the first line of paragraph 2 was replaced by "guarantor associations".
33. In Article 6, paragraph 1 was amended by replacing "entry or exit duties and taxes" by "import and export duties and taxes".
34. Articles 7-24 were approved.
35. Article 25 was amended to read as follows: "The Contracting Parties shall communicate to one another facsimiles of the seals, stamps and date stamps they use."
36. Articles 26-30 were approved.
37. The Meeting unanimously decided to replace Articles 31-33 by the provisions of Articles 34-36 from the TIR Convention.
38. Article 34 was amended to read as follows:

"Disputes involving two or more Contracting Parties resulting from the interpretation or application of this Convention shall, in so far as is possible, be settled by arbitration."
39. Articles 35 and 36 were approved.
40. Article 37 was amended to read as follows: "The protocol of signature to this Convention shall have the same effect as the Convention itself and shall be considered to be an integral part of it."

41. Article 38 and Appendices 1-4 were approved.

42. The customs experts spent a long time studying the draft outline of customs procedures in free ports and free zones (Annex III to the experts' report). They noted with interest the potential benefit for land-locked States of the existence in the ports and airports in the two subregions of free ports or zones for the storing of imported goods pending forwarding to their final destination and export products pending embarkation.

43. As a result the experts recommended that the competent authorities of the coastal States of the two subregions should study the possibility and desirability of setting up free ports or zones within their ports and airports to facilitate the transit of goods imported or exported by the land-locked countries.

44. After examining the recommendations appearing in Annex IV of the report, the Meeting adopted recommendation A. Concerning recommendation B, after a long discussion the representative of Zambia, supported by the representative of Burundi, proposed that the studies on guarantees referred to in the recommendation should be entrusted to the secretariat, on the understanding that the studies would relate to the TIR and TIA draft conventions.

45. A representative of the secretariat said that the time available until the next conference was not sufficient to allow it to complete the studies. He endorsed the statement of the representatives of Kenya and the United Republic of Tanzania who felt that countries themselves should consider the problem and reflect on it so as to provide guidance to the secretariat concerning the guarantee method they wished to be studied.

46. Recommendations C and D were adopted.

47. After completing their consideration of the annexes to the experts' report, the participants were invited to select one of the two draft conventions (TIR or TIA) for submission to the Heads of State at their next meeting.

48. After a lengthy discussion, two views emerged. One group of countries, including those of the Eastern African subregion and the United Republic of Cameroon, favoured the TIR Convention, which, they felt, met the requirements put forward by the Heads of State and offered maximum security for the goods transported. The other group, comprising some members of the Central African subregion, supported the TIA Convention on the grounds that it would be easier to apply in the countries concerned, and that it was applicable to all modes of transport.

49. The representative of Equatorial Guinea drew attention to the need to fulfil the assignment defined by the Heads of State and commended the experts on the work they had done, but he wondered whether some of the provisions in one of the conventions could not be added to the other in a way which would satisfy all the delegations.

50. A representative of the secretariat replied that a merger of the two conventions was technically impossible. It was necessary to choose one draft or the other.

51. In view of the deadlock and in order to avoid a vote, the representative of Burundi proposed that the participants should compromise by deferring a choice between the two draft conventions until the next meeting of experts, which would be held in Bujumbura. That would make it possible for each Government to give

more thought to the drafts and to hold consultations with the other Governments concerned; while Governments not represented at the current meeting could examine the report with enough time to think about the matter and opt for one or the other of the draft conventions.

52. The proposal was accepted by all the delegations present as a solution satisfactory to everybody.

53. The representative of Burundi then announced that the meeting in Bujumbura scheduled for November 1976 would probably be postponed until early in 1977. The reason for the postponement was that the sectoral committees of the Conference had expressed a desire to meet before the Heads of State. The countries were discussing the question of the dates of the meeting with the Government of the Congo.

Other matters (agenda item 2)

54. The Meeting unanimously adopted the following two resolutions.

Resolution 1. Meetings of customs experts under ECA auspices

The Meeting of Customs Experts from Central and Eastern Africa on Transit Trade, held in Addis Ababa from 13 to 17 September 1976,

Considering that all the member countries of the Central and Eastern African subregions are affected by the problems raised in the experts' report, namely, training and administrative co-operation,

Considering that many changes are at present occurring in the field of customs techniques and international trade at the international level, for example within the United Nations Conference on Trade and Development and the Customs Co-operation Council,

Proposes that meetings of customs experts should be organized more frequently to enable the countries of the two subregions of Central and Eastern Africa to harmonize their positions before each meeting both at the regional and at the international level, so as to avoid divergences of view frequently noted at such forums,

Resolution 2. Fuller participation in meetings of experts in general, and in meetings of customs experts in particular

The Meeting of Customs Experts from Central and Eastern Africa on Transit Trade, held in Addis Ababa from 13 to 17 September 1976

Considering that many member countries of the Central and Eastern African subregions were not represented at the Meeting,

Considering that certain countries represented in Ethiopia attended only the opening session,

Considering that this attitude was very prejudicial to the final decisions of the Meetings, particularly as regards the choice between the two draft conventions,

Expresses its regret in that regard and the hope that member countries will send representatives to participate in the work of future meetings.

Adoption of the report (agenda item 3)

55. The draft report was adopted.

56. After congratulating the delegations which had actively participated in the work of the Meeting, particularly those which did not include any customs experts, the Chairman declared the Meeting closed.