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**ORGANISATION DE L'UNITE
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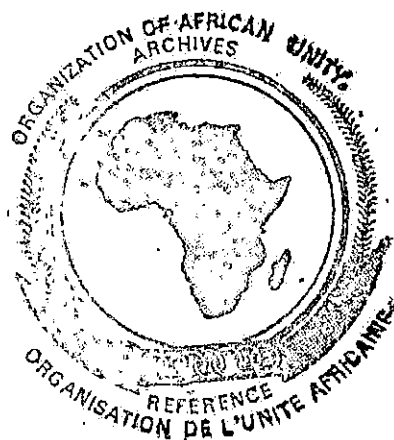
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مجلس ابناء و بنات افريقيا

COUNCIL OF MINISTERS
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Port-Louis, Mauritius, 24 - 29 June 1976

CN/758 (XXVII)

A CONVENTION ON INTERNATIONAL MULTIMODAL
TRANSPORT OF GOODS



CM0758

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A CONVENTION ON INTERNATIONAL MULTIMODAL
TRANSPORT OF GOODS

I. INTRODUCTION

The question of Multimodal (or Intermodal or Combined) Transport of Goods was the subject of the UN/IMCO Conference on Container Traffic, which was convened by the United Nations Economic and Social Council (UNECOSOC) and took place from November 13 to December 2, 1972 in Geneva.

2. The purpose of the Conference was to discuss technical, economic, legal, social and other problems connected with the development of this new mode of transporting goods in international trade.
3. The Conference passed a resolution calling, among other things, for studies to be undertaken by the Secretariat of the United Nations Conference on Trade and Development (UNCTAD), so as to identify possible implications to the developing countries of the adoption by them of the new transport system.
4. The OAU was represented at the Conference and has since maintained a close watch on developments in the area of multimodal transport.
5. In January 1973, the organizational meetings of the 54th Session of the UNECOSOC endorsed the UN/IMCO Conference's resolution and requested the Secretary-General of UNCTAD to set up an Intergovernmental Preparatory Group (IPG) to draft a Convention on International Intermodal (Multimodal or Combined) Transport.
6. In May 1973, the Council of Ministers at its 21st Session passed resolution CM/Res.313 (XXI) calling "on the Administrative Secretary-General of the OAU, in collaboration with the Executive Secretary of ECA and the Secretary-General of UNCTAD ... to convene a Conference of African Experts in the sphere of Maritime Transport and Container Traffic in particular to study economic and social effects of this mode of transport on the development of Africa".

7. During the resumed 12th Session of the Trade and Development Board (TDB) of UNCTAD in April/May 1973 in Geneva, the Board on receipt of instructions from the UNECOSOC set up the IPG, consisting of 68 members, to undertake the drafting of a convention on the new system of transport. Africa is represented on the IPG by the following 15 OAU Member States: Algeria, Cameroun, Egypt, Ethiopia, Ghana, Ivory Coast, Kenya, Niger, Nigeria, Rwanda, Senegal, Somalia, Tanzania, Zaire, and Zambia.

8. In addition, the TDB arranged for the IPG to hold 3 sessions as follows:

- (a) 1st Session: October 29 to November 2, 1973
- (b) 2nd Session: November 11 to 29, 1974; and
- (c) 3rd Session: July 28 to August 15, 1975.

All these meetings were to take place in Geneva.

9. The first session of the IPG was intended to identify the problems mentioned in paragraph 2 above, so that the Secretariat of UNCTAD could study them in order to facilitate the assessment of the possible implications of Intermodal Transport to the developing countries, especially in the context of a convention which the international community might adopt on the new mode of transport. The IPG is to take the results of the UNCTAD studies into account when it actually commences the drafting of a possible convention.

10. The second session of the IPG (November 11 to 29, 1974) was to begin the actual drafting of a convention on international multimodal transport. It was to receive and take into account, as indicated in the preceding paragraph, the results of the UNCTAD studies of the factors of special interest to the developing countries which were supposed to have been identified by the first session.

11. The third session was intended to complete the drafting of a convention for forwarding to the United Nations General Assembly. If satisfied, the General Assembly is then to arrange for a Conference of Plenipotentiaries to examine and, if appropriate, adopt it for accession by states.

II. PROGRESS TO DATE

12. So far, all the three meetings mentioned in paragraph 8 above have taken place.

13. The Third Session of the IPG took place in Geneva from February 16 to March 4, 1976 instead of from July 28 to August 11, 1975. At this meeting, the African Group was indecisive whether to take part in drafting a Convention or ask for more time to study its various possible implications to individual economies. The Group was in favour of postponing any drafting of a Convention at that time. In fact, the general contention is that the African Group is not at this stage prepared to participate in the drafting of a Convention on Multimodal Transport and therefore continue applying delaying tactics by always asking for more time. There is also some doubt about the African stand as to whether she actually wants a Convention at all.

III. FUTURE COURSE OF ACTION

14. The indecisiveness shown so far by the African Group in reaching a fruitful decision to participate in drafting a Convention, during previous IPG Sessions clearly demonstrate that a new area of action is imperative. Towards this end, the General Secretariat in cooperation with the ECA is working towards activating before January 1977 the Ad Hoc Committee of African Experts on Multimodal Transport which was recommended by the Conference of African Experts on Maritime Transport and endorsed by the Council of Ministers, at its 24th Session (February 1975). The convening of the Ad Hoc Committee is long overdue, due mostly to lack of co-operation from the OAU Member States. What is needed is a group of African specialists and not officials from OAU Member States.

IV. THE PROPOSED AD-HOC COMMITTEE OF AFRICAN EXPERTS

15. The Conference of African Experts on Maritime Transport, which took place in Addis Ababa in October 1974, recommended that an Ad-Hoc Committee of African Experts be set up to examine techno-economic implications of multimodal transport in Africa. This recommendation was finally approved by the OAU Council of Ministers and adopted in OAU resolution CM/Res.313(XXI).

16. The results of the Committee's work are to serve two purposes: (a) to provide guiding principles upon which OAU Member States can base their transport policies, and (b) to provide a brief for the African members of the IPG, so that, if a convention on multimodal transport is drafted, it would take full account of the African position and interests.

17. The General Secretariat, with the co-operation of the ECA, hopes to reconvene two meetings of the Ad-Hoc Committee in Addis Ababa in July and in December 1976, so that the experts' views will be relayed to the African Group well ahead of the Fourth IPG Session.

18. The proposed Ad-Hoc Committee is to be composed of the following specialists selected from OAU Member States, and it is imperative that they should be Africans due to African interests at stake:

- a) At least one Econometrician
- b) " " one Transport Economist
- c) " " one Shipping Specialist
- d) " Specialist in Harbours Administration
- e) " Specialist in Customs Administration
- f) " International Lawyer

19. It is proposed that the Secretary of the Committee be a member of the OAU Secretariat. The Expert Group is to be assisted by ECA experts, and in this respect the Council of Ministers might wish to request the ECA to co-operate fully with the OAU in the execution of this important task.

20. The General Secretariat is of the view that the specialists should be paid an honorarium of US\$1000 for the entire exercise. It is envisaged that not more than ten specialists will be in the proposed Ad-Hoc Committee.

V. CONCLUSION

21. To carry out this vital task, the Council of Ministers is requested to mandate the Advisory Committee on Budgetary and Financial Matters to make the necessary funds available to the General Secretariat. See attached draft resolution.

Draft Resolution on Convention on International
Multimodal Transport

The Council of Ministers of the Organization of African Unity, meeting in its 27th Ordinary Session in Port-Louis, Mauritius, from 24 to 29 June 1976,

Having heard the report of the Administrative Secretary-General of OAU on Multimodal Transport, document CM/734 (XXVII),

Noting that the African countries and in particular those who are land-locked are still concerned about the effects on their economies of combined haulage of goods,

Recalling resolution E/CONF.59/39 Add.3. adopted by the UN/IMCO Conference on International Container Traffic, with particular reference to paragraph 9 (a),

Recalling further, the recommendations of the African Ministerial Conference on Trade, Development and Monetary Problems that took place in Abidjan (9 - 13 May 1973), especially those related to Maritime Transport,

Recalling further the recommendations of the Conference of West African Ministers of Transport that took place in Abidjan in June 1975,

Recalling further, the decisions of the Council of Ministers meeting in its 23rd Ordinary Session in Mogadishu, Somalia, from 6 to 11 June 1974, as adopted in Document CM/Res.365 (XXIII),

1. CALLS ON the Administrative Secretary-General of the OAU, in collaboration with the Executive Secretary of the ECA to convene the Ad Hoc Committee of African Experts on Multimodal Transport of Goods between now and December 1976, to enable the African Group at the next IPG Session scheduled for January 1977, to have an African brief on a possible international convention on multimodal transport.
2. REQUESTS the Advisory Committee on Budgetary and Financial Matters to authorize the General Secretariat to incur, where applicable, expenditure beyond the amount already earmarked for this exercise in the OAU budget.

RECOMMENDATIONS

As a matter of reference, recommendations made by the Conference of African Experts on Maritime Transport and Container Traffic, meeting in Addis Ababa from 7 - 12 October 1974, in pursuance of OAU resolution CM/Res.313(XXI) on Maritime Transport and Container Traffic, are being reproduced here again for the Council's observations.

At that Conference, the Experts recommended that the stand of the African Group in the Intergovernmental Preparatory Group Meetings should be based on a certain number of basic principles, inter alia:

- (a) Promotion of economic and social development in developing countries, and especially the less-favoured countries;
- (b) In particular, promoting continental inland multimodal transport arrangements, which would in turn facilitate and promote increased intra-African trade;
- (c) Taking into consideration the Programme of Action on the Establishment of a New International Economic Order, adopted by the United Nations General Assembly during its sixth special session;
- (d) Ensuring that the introduction of multimodal transport promotes changes in the existing patterns in international trade which are adverse to the needs of the African countries and those of the developing countries in general, so that the disparity between the volume of imports to that of exports will be narrowed down;
- (e) Taking into consideration the need for speedy ratification of an International Convention on the Code of Conduct for Liner Conferences by OAU Member States;
- (f) Ensuring an orderly introduction of new transport techniques in developing countries;

- (g) Ensuring to developing countries the ownership and control of their transport, insurance and other related industries;
- (h) Ascertaining the responsibilities and rights of the Multimodal Transport Operators (MTO's) in detail, so as to safeguard the interests of developing countries, and especially the African MTO's;
- (i) Taking into consideration the right of Governments of developing countries to regulate and supervise the activities of multimodal transport undertakings in their respective territories;
- (j) Ensuring that the MTO's operating between developed and developing countries have partial recourse to insurance companies in developing countries;
- (k) Promoting the development of transport insurance and other related industries in developing countries, ensuring their participation in multimodal transport and determining the costs of multimodal transport;
- (l) Ensuring that a future Convention on Multimodal Transport shall not constitute an impediment to the implementation of the Code of Conduct for Liner Conferences and to the development and exploitation of ports envisaged by national planning, and safeguarding the activities and interests of African shippers;
- (m) Ensuring that multimodal transport shall not result in conditions of sale likely to disadvantage external trade in particular, and the economic development of developing countries in general;
- (n) Taking into consideration the necessity, for developing countries, to establish maritime companies and multimodal transport undertakings at regional level; and
- (o) Recommends further, that in the light of these principles, that an Ad-Hoc Committee of Experts be set up under the auspices of the OAU and ECA to undertake an in-depth techno-economic study of the implications to Africa on Multimodal Transport.

RESOLUTION ON
INTERNATIONAL CONTAINER TRAFFIC (CM/Res.313(XXI))

The Council of Ministers of the Organization of African Unity, meeting at its Twenty-First Ordinary Session in Addis Ababa from 17 to 24 May 1973,

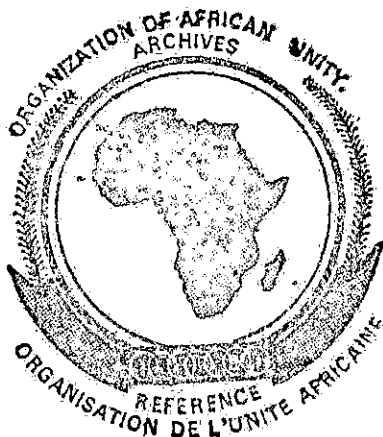
Taking note of the report of the Administrative Secretary-General of OAU on International Container Traffic, document CM/519,

Noting that the African countries and in particular those who are land-locked are still concerned about the effects of combined haulage of goods,

Recalling resolution E/CONF.59/39/Add.3 adopted by the UN/IMCO Conference on International Container Traffic, with particular reference to paragraph 9 (a),

Recalling further the recommendations of the African Ministerial Conference on Trade, Development and Monetary Problems that took place in Abidjan (9 - 13 May 1973), especially those related to Maritime Transport,

1. CALLS ON the Administrative Secretary-General of the OAU in collaboration with the Executive Secretary of the ECA and the Secretary-General of UNCTAD after having prepared the necessary basic documents to convene a conference of African Experts in the sphere of Maritime Transport and Container Traffic in particular to study the economic and social effects of this mode of transport on the development of Africa.



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