

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

---

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: [www. Africa-union.org](http://www.Africa-union.org)

---

**ASSEMBLY OF THE UNION**

**Fifteenth Ordinary Session**

**25 – 26 July 2010**

**Kampala, Uganda**

**Assembly/AU/3(XV)**

**BACKGROUND NOTE ON THE AFRICAN  
MARITIME TRANSPORT CHARTER**

**2010**  
MAKE PEACE HAPPEN

## BACKGROUND NOTE ON THE AFRICAN MARITIME TRANSPORT CHARTER

### Introduction

1. It would be recalled that the Second African Union Conference of Ministers responsible for Maritime Transport held in Durban, South Africa from 12<sup>th</sup> to 16<sup>th</sup> October 2009 adopted the **African Maritime Transport Charter** as one of its major outcomes. The other key results of the conference included the adoption of the Durban Resolution on Maritime Safety, Maritime Security and Protection of the Marine Environment and the updated Maritime Transport Plan of Action for Africa.

2. The Report of the Ministerial conference and its main annexes including the **African Maritime Transport Charter** was submitted to the Sixteenth Ordinary Session of the Executive Council for endorsement. To that end, the Executive Council adopted Decision EX.CL/Dec.542(XVI) on the Second African Union Conference of Ministers Responsible for Maritime Transport which, among others, endorses the African Maritime Transport Charter and requests Member States to speed up its ratification.

3. It should also be noted that this Charter has been elaborated to supersede the previous African Maritime Transport Charter which was adopted in Tunisia in 1994 by the Assembly of the then Organisation of African Unity (OAU). It provided for its entry into force 30 days after the receipt by the Secretary General of the OAU of instruments of ratification of two-thirds of Member States of the OAU.

4. However, the required number of instruments of ratification was not attained for over ten (10) years. Given the long passage of time with substantive changes having taken place in the sub-sector and the global economy, in general, the First African Union Conference of Ministers responsible for Maritime Transport that took place in Abuja, Nigeria in February 2007, decided that the Charter should be comprehensively revised and re-submitted to Member States for adoption and ratification.

### Brief Context of the Charter

5. The African Maritime Transport Charter is a comprehensive policy and strategic framework for enhanced cooperation among the Member States in matters of maritime transport in the continent. It is intended to guide the Member States in ensuring a harmonious development of maritime transport infrastructure and operations in the continent in conformity with international conventions. It would also serve as a reference point for partners interested in supporting the development of maritime transport projects at national, regional and continental levels.

6. It addresses issues relating to ports and navigation infrastructure development for both sea and inland waterways; economic and commercial regulation particularly of freight trade, improvement of access to landlocked countries, promotion of multimodal

transport, enhancement of maritime safety and security, protection of the marine environment, promotion of ship building and repair industry, capacity building including training, research and development and institutional reforms, as well as resource mobilization and promotion of investments in maritime transport endeavours.

7. Furthermore, the Charter is an essential tool for enabling Member States and other stakeholders to work together through the African Union to champion Africa's interests in the global economy where the competitiveness of Africa's international trade is always under threat by the dominance of shipping companies of developed countries.

### **Recommendation**

8. In line with Article 49 of the African Maritime Transport Charter, its entry into force requires the deposition of fifteen (15) instruments of ratification, approval or accession with the Chairperson of the Commission. To that end, it should be first be adopted by the AU Assembly as Treaty of the Union.

9. Therefore, the Commission invites the Assembly of the Union, meeting in its Fifteenth Ordinary Session in Kampala, Uganda from 25 to 27 July 2010, is invited to:

- (i) Take Note of the Executive Council Decision EX.CL/Dec.542(XVI) on the Report of the Second African Union Conference of Ministers responsible for Maritime Transport endorsing, among others, the African Maritime Transport Charter;
- (ii) Adopt the African Maritime Transport Charter;
- (iii) Declare that the African Maritime Transport Charter adopted in 2010 supersedes the previous one adopted in 1994.

### **Enclosures:**

- 1. **The African Maritime Transport Charter**
- 2. **Executive Council Decision EX.CL/Dec.542(XVI)**

**Assembly/AU/3(XV)**  
**Annex 1**

**REVISED**  
**AFRICAN MARITIME TRANSPORT CHARTER**

## PREAMBLE

We, Heads of State and Government of the Member States of the African Union (AU),

**Inspired** by the objectives stated in the Constitutive Act of the African Union, particularly Article 3;

**Considering** the treaty establishing the African Economic Community, particularly the relevant provisions dealing with maritime transport;

**Considering** the relevant provisions of the Convention relating to Transit Trade of Landlocked States, signed on 8 July 1965 in New York;

**Recognizing** the specific character of maritime transport as a regional, continental and international activity;

**Recognizing also** the role of maritime transport in the facilitation and development of trade between Africa and other parts of the world and the need to implement an effective maritime transport policy with a view to promoting intra-African trade and trade between African States and other continents;

**Recognizing further** the essential obligations of coastal States in maritime governance and port state control;

**Considering** the importance of cooperation in the implementation of maritime conventions and regulations, particularly in the areas of safety, security, protection of the marine environment and maritime labour;

**Conscious** of the interdependence between economic development and a sustainable policy for the protection and preservation of the marine environment;

**Recognizing** the importance and the role of efficient transport infrastructure and services in the political, economic and social integration of Africa;

**Considering** further the roles of United Nations agencies and other international and regional organizations in maritime transport;

**Bearing in mind** further the need for Africa to fully and effectively implement the 2003 Almaty declaration and Programme of Action on addressing the Special Needs of Landlocked Developing Countries;

**Conscious** of the need to establish and strengthen cooperation in order to coordinate and harmonize maritime, port and inland waterways policies, regulations and procedures both in our mutual relations and in our relations with third States;

**Considering** that the implementation of maritime policies requires heavy investments especially in terms of infrastructure and equipment and that these investments should in the first place be provided by the Member States of the Union, including the Maritime industry itself;

**Concerned** by the diversity and disparity of maritime and inland waterways policies, regulations and procedures between and within Member States;

**Conscious** of the importance of the role of maritime transport in the promotion of economic development and the achievement of the Millennium Development Goals;

**Conscious** of the need to develop African merchant fleets, to ensure development of maritime transport in Africa;

**Preoccupied** by the special difficulties of island countries to fit themselves into the process of integration and development of African nations;

**Resolved** to implement Decision N° EX.CL/Dec.358 (XI) of the Executive Council of the African Union which endorses the Abuja Declaration and Plan of Action on Maritime Transports in Africa, particularly point 1 relating to the updating of the African Maritime Transport Charter adopted in 1993.

**HAVE AGREED AS FOLLOWS:**

## **CHAPTER I**

### **Definitions and Scope of Application**

#### **Article 1**

#### **Definitions**

For the purpose of the Charter:

**“Chairperson”** means the Chairperson of the African Union Commission;

**“Charter”** means African Maritime Transport Charter;

**“Committee on port issues”** means a committee established at port level by a Member State, which comprises, inter alia, representatives of shippers, ship owners, maritime, customs and port administration and which is charged with the promotion of safe and efficient port operations;

**“Commission”** means the African Union Commission;

**“Executive Council”** means the Executive Council of Ministers of the Union;

**“Freight exchange”** means the place where supply and demand for goods transport meets. It is also the place where information on trade flows, regulations, tariff and other elements relating to international transport can be obtained;

**“IMO”** means the International Maritime Organization, a specialized agency of the United Nations with a purpose of providing mechanism and framework for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade;

**“Inland waterways”** means any navigable rivers, creeks, lakes, tidelands, lagoons, below water baseline, or channel leading into such place having facilities for ships to moor and load or discharge including offshore cargo handling facilities, harbour, berths, jetties, pontoons or bouys and wharves within the limits of the inland waterways in any place in a country and includes any place declared to be an inland waterways under relevant national legislation;

**“International Multimodal Transport”**, means the carriage of goods by at least two different modes of transport, one of which is a sea mode on the basis of a unique transport contract from a place in one country at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery in a different country;

**“Landlocked States party”**, means a States party without a seacoast;

**“Maritime Transport”** means all types of carriage of goods and passengers by sea;

**“Maritime transport auxiliaries”**, means any business entity, which contributes to implementation of operations linked or related to maritime transport;

**“Member States”**, means Member States of the African Union;

**“Region”**, means the regions of the African Union as provided for by Resolution CM/Res.464 (XXVI) of the Council of Ministers of the Organization of African Unity on the division of Africa into five (5) regions, namely: Northern, Western, Central, Eastern and Southern Africa;

**“Ship”** means a vessel or mobile facility of any type whatsoever operating in the marine and or in-land waterways environments and includes hydrofoil boat, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms operated for the

purpose of providing movement of goods and passengers and the provision of marine services;

**“Shipper”** means a person or entity who exports or imports goods wholly or partly by sea, or any person or entity through whom or for whom a contract of carriage is concluded with a carrier and shall also be interpreted as the person or entity through whom or on behalf of whom the goods are handed to the carrier in relation to the contract of carriage;

**“Shippers’ Council”** means a statutory council, or equivalent body, which assists, promotes, represents and protects the interests of shippers;

**“State Parties”** means Member States, which have ratified or acceded to the present Charter;

**“Sub-region”** means at least three (3) States of one (or several) region (s);

**“Third State”** means a State other than a State Party;

**“Trans-African Cabotage”** means the exercise of maritime transport and related activities between ports of Member States;

**“Transit State Party”** means a State Party with or without seacoast whose territory is used in carrying import and export commodities for one or several Member States;

**“Union”** means the African Union.

## Article 2 Scope of Application

The Charter falls within the scope of international law encompassing maritime transport and related activities in the coastal, inland waterways, territorial seas including the Exclusive Economic Zones of States Parties and shall by further extension, to related activities in landlocked States Parties.

## CHAPTER II Objectives and Principles of Cooperation

### Article 3 Objectives

The objectives of the African Maritime Charter are as follows to:



1. Declare, articulate and implement harmonized maritime transport policies capable of promoting sustained growth and development of African merchant fleets and to foster closer cooperation among the States Parties of the same region and between the regions.
2. Facilitate and encourage regular consultations for determining African common positions on issues of international maritime policy and to define, for each given problem, concerted solutions.
3. Promote effective implementation of international maritime instruments to which Member States are parties.
4. Promote bilateral and multilateral cooperation among the maritime administrations of States Parties, and their respective operational organizations in the field of maritime and inland waterways transport and port activities.
5. Promote the funding, undertaking of research studies by national institutions that encourage the promotion and development of cooperation in maritime and inland waterways transport and port operations among States Parties and regions.
6. Encourage the establishment and support of maritime and ports administrations.
7. Encourage the establishment of shippers' councils and support them in the performance of their functions.
8. Promote the establishment of national and regional shipping lines and provide them the assistance necessary for their success.
9. Develop and promote mutual assistance and cooperation between States Parties in the area of maritime safety, security and protection of the marine environment.
10. Promote the sharing of best practices among States parties in the overall management and operation of Maritime Administrations and other maritime entities established in terms of this Charter.
11. Promote the provision of maritime education and training at all levels including secondary schools.
12. Promote the employment of seafarers, decent working conditions and training of seafarers.
13. Promote development of multimodal transport and integration of all modes of transport.

#### **Article 4 Principles**

1. This Charter is aimed at strengthening cooperation among States Parties in maritime transport, inland waterways navigation, ports and related activities.
2. The Charter further seeks to promote cooperation between States parties, regional and international organizations.
3. States parties hereby adopt the following fundamental principles:
  - a) Sovereignty, solidarity, cooperation, and interdependence of States;
  - b) Harmonization and coordination of States parties' policies and procedures where practicable in all relevant areas connected with international maritime transport inland waterways and ports;
  - c) Efficiency, safety, security and global competitiveness of maritime, port infrastructure and operations in order to promote economic and social development;
  - d) Safe, secure and efficient shipping on clean oceans and sustainable maritime, port policies and implementation strategies;
  - e) Rights of access to and from the sea and freedom of transit for every landlocked State parties within the framework of international law;
  - f) Transparency and accountability in maritime and port operations.

### **CHAPTER III Institutional Framework for Coordination of Activities Relating to Cooperation in Maritime Administration and Port Operations**

#### **Article 5 Continental Organizations**

1. In order to ensure the effective coordination of maritime transport policies and programmes, the Union shall establish a Continental Unit for the coordination of activities of regional cooperation in shipping marine pollution and ports operations.

2. States parties further undertake to establish at continental level and coordinated by the Commission, an Association of African Maritime Administrations (AAMA).

### **Article 6**

#### **Regional and Sub-Regional Organizations**

1. States parties shall strive to establish, wherever they do not exist, regional and sub-regional cooperation organizations in maritime transport, inland waterways and port operations, and to make them operational as early as possible.
2. States parties also agree to promote the strengthening of specialised sub-regional maritime organisations.
3. States parties agree to further encourage interaction among Regional Economic Communities and specialized organizations.

### **Article 7**

#### **Maritime Administrations**

1. States Parties shall promote the establishment wherever they do not exist, Maritime Administration and National Ports Authorities and to make them functional and sustainable.
2. States Parties shall enhance the capacity and performance of maritime Administrations in charge of the implementation of laws and regulations applicable in the areas of maritime navigation, safety, security and marine environment.
3. States Parties shall further endeavour to utilize IMO's mechanisms and procedures to assess the level of performance of Maritime Administrations.
4. States Parties shall individually ensure the provision of an appropriate and dedicated budget for the proper management, functioning and operation of their Maritime Administration.

### **Article 8**

#### **Maritime Training Institutions**

1. States Parties shall endeavour to establish or strengthen national, regional maritime training, education and research institutions.
2. States Parties shall strive to encourage collaboration among different training, education and research institutions for the purposes of cooperation in research, innovation, education and training on matters of policy, strategy and regulation of shipping and ports.

3. States Parties shall support allocation or sourcing of funding, for national and regional maritime training, research and education institutions as well as granting of training scholarships.
4. States Parties agree to strengthen existing regional specialized institutions in maritime, inland waterways transport and port operations.
5. States Parties shall encourage cooperation in seafarer education, training and employment exchanges.
6. States Parties shall comply with international maritime standards of seafarer training, certification and watch keeping.
7. States Parties shall promote the securing of training berths and opportunities for African seafarers on African owned vessels and on foreign owned vessels.
8. States Parties agree to introduce and adopt a common system and standard for the mutual recognition of diplomas and certificates awarded by national and regional institutions in order to foster the employment of seafarers in the continent.
9. In order to enhance maritime human safety, States Parties shall endeavour to improve regulation and monitoring connected with the identification of seafarers, facilities for their professional activities and the exercise of the right to maritime employment, in conformity with the relevant international conventions in the area.
10. Promote the sharing of best practices in the overall management and operation of Maritime Administrations and other maritime entities established on the basis of this Charter.
11. Promote the provision of maritime education and training at all levels.

## **CHAPTER IV**

### **Cooperation among of Shippers' Council**

#### **Article 9**

#### **Shippers' Councils**

1. States Parties agree to promote the establishment of shippers' councils wherever they do not exist, to create an enabling legal framework for their operation and to support them in the performance of their duties.

2. Shippers' Councils are responsible for protecting and defending the interest of shippers by focusing on the simplification of transport and trade procedures, as well as the negotiation of transport costs and conditions. They are also responsible for assisting shippers in their activities specially in training in the area of international transport and trade.
3. Shippers' Councils shall establish appropriate and integrated database for the benefit of shippers and operators in the transport chain.

### **Article 10**

#### **Transport Observatories**

States Parties agree to establish at national, sub-regional and regional levels, transport observatories, an essential information tool to facilitate the provision to economic operators, transporters, shippers and public authorities of reliable information in real time.

### **Article 11**

#### **Establishment of freight exchanges**

States Parties undertake to establish freight exchanges at national and regional level with a view to:

1. Promoting and developing trade;
2. Mastering the management and grouping of freight;
3. Fostering a common forum for the supply and demand for goods and transport.

## **CHAPTER V**

### **Cooperation in Maritime and Inland Waterways Transport**

### **Article 12**

#### **General Cooperation**

1. In order to facilitate effective cooperation, States Parties shall endeavour to engage in consultations at regional, continental and international levels and harmonize their policies in the area of maritime, multimodal transport and inland waterways.
2. States Parties agree to cooperate at bilateral, sub regional and regional levels on all matters contained in this Charter to promote safe, secure, clean waters and environmentally sustainable maritime inland waterways transport practices.

3. States Parties agree to cooperate in the field of shipping and ports operations and Search and Rescue on the basis of the principles embodied in this Charter.
4. States Parties agree to cooperate at regional, continental and international levels to prevent and control maritime pollution in order to protect and conserve the marine environment and to suppress all unlawful acts, piracy, terrorism, etc.
5. States Parties commit themselves to cooperate to promote integration conditions and the sectoral development of landlocked and island States.

### **Article 13** **Cooperation among African shipping companies**

In promoting cooperation among African shipping lines, States Parties agree to:

1. Encourage, the establishment and development of African shipping lines by adopting, as a top priority national policies, regulations and programs that attract public and private investment in ships and shipping in general;
2. Promote the establishment at all levels of common and/or joint maritime agencies within and outside Africa in order to enable African shipping lines to improve on the co-ordination of their schedule and cargo handling operations;
3. Promote the creation of dedicated fund for the development of the African shipping lines.

### **Article 14** **Cooperation in Transport Auxiliaries**

1. States Parties agree to structure and organise maritime transport auxiliary services in order to enhance competitiveness and better quality services delivery for the benefit of their economies.
2. In this regard States Parties shall endeavour to:
  - a) Promote access of African operators to maritime transport auxiliary services or professions;
  - b) Create an enabling environment to foster equity investment by African operators in foreign companies operating in Africa in maritime professions and transport auxiliary;

- c) Encourage African operators to pool resources including expertise in order to foster the emergence of African maritime transport auxiliary groupings capable of competing effectively in the global industry

### **Article 15**

#### **Trans-African Cabotage**

1. States Parties shall promote Cabotage and effective participation of private sector operators at national, regional and continental levels.
2. To this end, the establishment of national and regional maritime Cabotage shipping lines should be encouraged in order to promote intra-African trade and facilitate the economic and socio-economic integration of the continent.

### **Article 16**

#### **Cooperation in the area of Inland Waterways**

States Parties shall endeavour to intensify their cooperation in the management of efficient, safe, secure and environmentally friendly inland waterways in full respect of the environment and infrastructure linking the different centres of economic activity at national and regional levels.

## **CHAPTER VI**

### **Cooperation between Landlocked States parties and Transit States parties**

### **Article 17**

#### **Transit Trade of Landlocked States parties**

Transit States Parties commit themselves to grant facilities and benefits to Landlocked States Parties using their port infrastructure and equipment including inland container depots and to apply to transit goods, favourable administrative, fiscal and customs measures in accordance with the principles of this Charter and the rights and obligations resulting from relevant and applicable national law and international conventions.

### **Article 18**

#### **Coordination of Policies and Actions**

Transit States Parties and landlocked States Parties agree to coordinate their policies on the acquisition and putting into service of land (rail and road), river, air, maritime and port transport facilities. They agree to coordinate actions and instruments relating to the implementation of their national maritime policies, particularly the grouping and operation of shipping services as well as consignment, handling and transit.

**Article 19**  
**International Transit Agreements and Conventions**

States Parties are encouraged to enter into bilateral and multilateral transit agreements and apply in a concerted manner, the relevant regional and international conventions in force, particularly those relating to transit.

**Article 20**  
**Cooperation in the Field of Maritime Transport Infrastructure and Inland Waterways, Shipbuilding and Repair**

In order to obtain essential support for the sustainable development of maritime transport and inland waterways in Africa, States Parties undertake notably to foster cooperation in the area of maritime transport infrastructure and auxiliary services by:

1. Coordinating their needs in respect of ship building and repair;
2. Establishing at continental level shipyards that are able to provide quality, durable and efficient service to the maritime industry inland waterways;
3. Adopting national policies and international conventions to foster the use of shipyards of States Parties where possible, and to enhance their negotiating power vis-à-vis shipyards of Third States with the aim of realizing substantial economies of scale;
4. Establishing regional and sub-regional facilities for the manufacture and repair of containers;
5. Encouraging port authorities of States Parties to conclude partnership agreements on dredging aimed at rationalizing the use of available resources at sub-regional, regional and continental level.

**CHAPTER VII**  
**Development of Multimodal Transport and Port Management**

**Article 21**  
**Promotion of Multimodal Transport**

1. States Parties shall promote multimodal transport at national and regional levels through the:



- a) Development of an appropriate regulatory framework;
  - b) Improvement of existing facilitation and transit policies;
  - c) Promotion of the development of integrated transport master plan for all modes of transport at national, sub-regional, regional and continental levels;
  - d) Construction, rehabilitation and modernization of infrastructure, equipment and transport services;
  - e) Training of transport services professionals;
  - f) Establishment of economic community and logistics platforms.
2. States Parties shall work towards the establishment of a harmonized legislative and regulatory framework capable of ensuring the promotion and the guaranteeing of stability of multimodal joint ventures.
3. States Parties shall endeavour to participate in the negotiation, adoption and implementation of regional and international conventions on multimodal transport.

## **Article 22**

### **Reform of Ports Services**

1. States Parties undertake to cooperate towards the reform and efficiency of port services and promotion of competitiveness of African ports.
2. In this connection, States parties shall strive to encourage the:
- a) Promotion of private sector participation in port operations;
  - b) Promotion of capacity building for port operators;
  - c) Adoption of a system of harmonized framework of port statistics and performance indicators;
  - d) Strengthening of the existing Regional organizations and associations of ports for the benefit of port development;
  - e) Promotion of the linkage of ports with development corridors;
  - f) Facilitation of development and acquisition of modern port facilities and equipment;

- g) Promotion of efficient and effective channel management and port approaches;
- h) Promotion of safe, secure and efficient port operations;
- i) Application of internationally acceptable quality standards in port services;
- j) Encouragement of consultation among the various port stakeholders through the establishment of port committees.

## **CHAPTER VIII**

### **Enhancing Maritime Safety and Security**

#### **Article 23**

#### **Cooperation in the Field of Maritime Legislation**

States Parties shall endeavour to ensure cooperation in the implementation of relevant legislation in the field of maritime transport, inland waterways and port operations and in this regard agree to:

1. Adapt, and where necessary, update their existing maritime legislations in order to make them compatible with the promotion of safe, secure and environmentally friendly shipping, inland waterways and port activities.
2. Examine with a view to revising and harmonizing, if necessary, their maritime, port and inland waterways legislations in order to make them compatible with international instruments.
3. Consult with each other in international bodies with a view to harmonizing their positions in the area of negotiation in maritime transport and multimodal transport.

#### **Article 24**

#### **Sharing of information and Mutual Assistance**

1. States Parties undertake to put in place an efficient maritime communication network in order to make optimum use of mechanisms for control, follow-up and intervention at sea and ensure better organization of maritime traffic.
2. States Parties should strive to create a strategic framework for the exchange of information and mutual assistance in order to enhance measures that can improve the safety, security and prevention systems and make it possible to combat unlawful acts perpetrated at sea.

**Article 25**  
**Aids to Navigation and Provision**  
**of Hydrographic Services**

States Parties shall encourage the cooperation, coordination and sharing of expertise and service provision in the fields of Navigation and hydrography in accordance with the specifications and the rules of the International Association of Lighthouses Authorities (IALA) and the International Hydrographic Organization (IHO)

**Article 26**  
**International Instrument Relating**  
**To Maritime Safety, Maritime Security and Combating Piracy**

1. States Parties shall enact legislation and take all the necessary measures to give full effect to this Charter and all other relevant international instrument codes and regulations in the area of maritime, port safety and security in order to ensure safe, secure and efficient shipping and port operations.
2. States Parties shall adopt effective measures to combat acts of piracy, armed robbery and other unlawful acts against shipping through co-operation with other international bodies.

**Article 27**  
**Ports and Places of Refuge**

States Parties shall seek to articulate within the framework of international maritime law, national, sub-regional or regional strategies concerning places of refuge for ships in distress taking into consideration real and potential danger they pose to the marine environment and maritime navigation.

**CHAPTER IX**  
**Protection of Marine Environment**

**Article 28**  
**Protection and Preservation of the Marine Environment**

1. States Parties shall seek to intensify their efforts at, regional and international levels, directly or with the support of competent regional and international organizations, to ensure the protection and preservation of the marine environment.

2. States Parties shall promote, either individually or in regional cooperation, develop contingency plan and other measures aimed at preventing and combating pollution incidents arising from marine transport.
3. States Parties commit themselves to the creation of a sustainable compensation regime to cover marine incidents of pollution of the sea that are not covered by existing international compensation regimes.
4. States Parties shall seek to implement a common policy aimed at preventing and combating marine pollution from ships and other sources of pollution.
5. To fully implement the provisions of this Article, they shall ensure:
  - a) Acceptance, ratification and implementation of marine environment protection conventions and instruments ;
  - b) Strengthening of mechanisms for national, bilateral, sub-regional, regional and international cooperation to prevent and combat pollution from all sources and the dumping of toxic wastes in African waters;
  - c) Establishment of mechanisms of control and monitoring activities in the maritime domain;
  - d) Development of national and regional contingency plans for marine pollution preparedness and response in partnership with the oil industry at national, regional and international levels.

## **Article 29**

### **Port Reception Facilities**

1. States Parties shall, individually or collectively, within the framework of relevant international, regional and national instruments, take all the necessary steps such that port reception facilities comply with the needs of ships. They shall ensure the efficient use of such facilities, making sure that this does not lead to unjustified delays to ships.
2. States Parties agree to take all the necessary steps to ensure the proper functioning of port reception facilities in order to limit the impact of pollution from ships.
3. States Parties shall notify ships using their ports of all necessary precautions and up-to-date information relating to the obligations laid down by relevant international conventions and the national legislation applicable.

## **CHAPTER X**

### **Information and Communication Technologies, Facilitation of Maritime Traffic**

#### **Article 30**

##### **Information and Communication Technologies**

1. States Parties shall share information and promote the general application and modernization of current information technologies.
2. States Parties shall encourage the use of such electronic data exchange systems for the dissemination among African States and regional and sub-regional institutions of information on the movement of ships.
3. States Parties shall promote the use of information technologies in all maritime and port activities.

#### **Article 31**

##### **Measures to Facilitate Maritime Traffic**

States Parties should encourage, at national sub-regional and regional level, the establishment of committees for facilitation, harmonization and simplification of administrative and customs procedures, the use of information and communication technologies and in this regard promote the adoption of relevant international conventions aimed at the promotion of facilitation of maritime traffic.

## **CHAPTER XI**

### **Development of Maritime and Inland Waterways**

#### **Article 32**

##### **Improvement of the Safety and Security of Maritime and Inland Waterways Transport**

States Parties shall endeavour to improve the safety of vessels not covered by relevant IMO Conventions including fishing, cargo, passenger ships and other small crafts operating in inland waterways. In this regard States Parties may be inspired to consider adopting the IMO Model legislation for the regulation of safety on inland waterways.

**Article 33**

**Concerted Actions for the Development of Passenger Transport**

States Parties shall establish at national and regional level a concerted plan of action for the development of maritime and inland waterways passenger transport which is reliable, competitive and sustainable.

**CHAPTER XII**

**Financing of Maritime and Inland Waterways Transport**

**Article 34**

**Monitoring, Evaluation and Financing of Maritime  
Transport and Inland Waterways Transport**

Within the framework of the mobilization of the necessary resources for financing maritime and inland waterways transport activities, States Parties shall as a priority, budget appropriately for the provision of a safe, secure and environmentally friendly maritime transport infrastructure:

1. Promote regular studies to evaluate and strengthen the performance of African shipping lines;
2. Encourage financial institutions to support States Parties and continental efforts in the strategic development of the maritime industry, including the acquisition and operational of ships, related equipment and development of maritime sector;
3. Promote the establishment of a national and/or regional maritime fund, including the creation of financial institutions for the development of maritime transport industry and inland waterways.

**Article 35**

**Encouragement of Private Initiative  
in Maritime and Inland Waterways Investment**

1. States Parties shall encourage the participation of the private sector in maritime and inland waterways transport activities.
2. States Parties shall promote the creation of partnerships of African operators in order to increase their financing capacities.

## **CHAPTER XIII**

### **Human Resource Development**

#### **Article 36**

#### **Training and Capacity Building and Upgrading of Professionals in the Maritime Sector**

States Parties shall endeavour to invest in and finance established programmes for education and training in relevant maritime skills and for upgrading maritime professionals in all areas of the maritime and ports industry.

#### **Article 37**

#### **Gender Balance and Participation of Women**

1. States Parties agree to promote and adopt policies that create opportunities for the advancement of gender equality, and vigorously promote economic opportunities; recruitment, placement, promotion and progression of women in the maritime sector.
2. States Parties shall endeavour to enact relevant legislation to give effect to the acceleration of women empowerment in the maritime sector including encouragement of specific education, mentoring and training of women at all levels.

#### **Article 38**

#### **Health and Safety**

1. States Parties agree to promote the adoption of relevant regional and international instruments for the promotion of social security, and occupational health and safety in the maritime industry.
2. States Parties further agree to harmonize, co-ordinate and cooperate in the implementation of measures to improve the lives and working conditions of seafarers and port employees within clearly defined national, regional and international framework.
3. States Parties shall promote and implement awareness and training programmes on contagious disease and occupational health hazards across the maritime industry and at educational and training institutions.
4. States Parties agree to promote seafarers health through the training of medical and paramedical personnel.

**Article 39**  
**Research and Information Centres**

1. States Parties agree to promote research and sharing of research reports on matters of common interest, establish or reactivate research, and information centres.
2. To this end, States Parties shall endeavour to:
  - a) Establish or strengthen national, regional maritime research and development centres;
  - b) Promote harmonized regional approach to maritime training through the adoption and coordination of programmes, exchange of instructors and trainees within the framework of applicable conventions;
  - c) Develop cooperation in the area of research and training with maritime industry at regional, governmental, non-governmental and inter-governmental organizations.

**CHAPTER XIV**  
**Commitment of States Parties, Implementation,**  
**Monitoring and Evaluation Mechanisms**

**Article 40**  
**Commitment of State Parties**

States Parties accept the objectives and principles enshrined in this Charter to reinforce their national maritime transport and inland waterways policies and systems and undertake to institute appropriate measures, especially legislative, regulatory and administrative to ensure that their laws and regulations are consistent with this Charter.

**Article 41**  
**National Level**

States Parties shall take necessary steps to ensure the implementation of this Charter in their respective countries through the elaboration of national maritime transport and inland waterways plans of action.



## **Article 42**

### **Regional and Sub-Regional Levels**

States Parties shall ensure that the objectives and principles governing maritime transport at regional and sub-regional levels are consistent with this Charter. In this regard, regional and sub regional organizations shall also develop maritime transport and inland waterways plans of action and see to it that they are implemented.

## **Article 43**

### **Continental Level**

1. The Commission shall, in collaboration with States Parties, Regional Economic Communities, specialized institutions and competent international organizations, institute an appropriate mechanism for implementation, monitoring and evaluation of this Charter.
2. The Commission, central coordination organ for the implementation of the Charter must play an advocacy role for the development of maritime transport as the key vehicle for Africa's renaissance.

To this effect, it has the responsibility of:

- a) Assisting States Parties in implementation of this Charter;
- b) Coordinating measures geared to evaluating implementation of this Charter;
- c) Ensuring that States Parties establish national funds for Maritime Transport development and inland waterways;
- d) Contributing to the promotion of a culture of Maritime Transport and inland waterways.

## **Article 44**

### **Charter Follow-up Mechanism**

1. A follow up Committee composed of fifteen (15) representatives of States Parties, designated by the Ministers Responsible for Maritime Transport, on the basis of geographical representation and rules and procedures of the Union for a period of two years is hereby created.
2. The Committee shall be charged specifically with:
  - a) Promoting and fostering of the implementation of the principles and objectives set out in the present Charter;

- b) Monitoring and conducting evaluation of the impact of the implementation of the Charter;
  - c) Preparing, submitting and publishing through the Commission an annual report and recommendations on the status of implementation to States Parties.
- 3. The rules of procedure of this Committee shall be adopted by the conference of African Ministers Responsible for Maritime Transport.
  - 4. The Committee may, for the execution of its missions, request for the support of the Regional Economic Communities, relevant specialized institutions, sub-regional, regional and continental and international organizations.

## **CHAPTER XV**

### **Final Provisions**

#### **Article 45**

#### **Safeguard Clause**

- 1. Nothing in this Charter shall prejudice the rights and obligations of any State Party under the United Nations Convention on the Law of the Sea, 1982, and under the customary international law of the sea.
- 2. Nothing in this Charter shall prejudice the rights and responsibilities of Parties under other relevant and applicable international agreements.
- 3. No provision of the Charter shall be used to waive the application of the principles and values contained in other instruments for the promotion of the development of maritime transport in Africa, which have been ratified by the States Parties concerned.

#### **Article 46**

#### **Competence**

The African Court of Justice and Human Rights shall be the competent organ for matters arising from the interpretation or application of this Charter. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by consensus or by a two-thirds (2/3) majority of States Parties.

**Article 47**  
**Settlement of Disputes**

States Parties undertake to settle their disputes regarding the interpretation or the application of the provisions of this Charter by negotiations or any other peaceful means agreed upon by them, which may include enquiry, mediation, conciliation, arbitration, and judicial settlement.

**Article 48**  
**Signature, Ratification and Accession**

1. This Charter shall be open to signature, ratification and accession by the Member States of the Union in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission.

**Article 49**  
**Entry into Force**

1. This Charter shall enter into force thirty (30) days after the deposit of the fifteenth (15<sup>th</sup>) instrument of ratification with the Chairperson of the Commission.
2. For each Member State that ratifies or accedes this Charter after its entry into force, the Charter shall become effective on the date the Member State deposits its instrument of accession with the Chairperson of the Commission.
3. The Chairperson of the Commission shall notify Member States of the entry into force of this Charter at most within a time limit of thirty (30) days.

**Article 50**  
**Amendment or Revision of the Charter**

1. Any State Party may submit proposals for the amendment or revision of the present charter.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit same to States Parties within a maximum period of thirty (30) days after they have been received. Ch. The Executive Council shall be seized of the proposals for amendment or revision of the Charter only when all the States Parties have been duly notified and after a period of one year.
3. The amendments shall be adopted by the Assembly and shall be submitted to States Parties for ratification/accession in conformity with their respective constitutional procedures.

### **Article 51**

#### **Entry into Force of Amendments**

1. Amendments shall come into force Thirty (30) days after the deposit of the fifteenth (15<sup>th</sup>) instrument of ratification with the Chairperson of the Commission.
2. Without prejudice to Article 49, paragraph 2, any Member State which becomes party to the Charter after the entry into force of an amendment shall be deemed to be party to the unamended Charter with regard to any contracting State which is not bound by the said amendment.

### **Article 52**

#### **Withdrawal**

A State Party may, by written notification addressed to the Chairperson of the Commission, specifying the reasons, withdraw from this Charter. The withdrawal shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

### **Article 53**

#### **Authentic Texts and Depository**

1. The Charter, drafted in four original texts in Arabic, English, French and Portuguese, the four (4) texts being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit a certified true copy thereof to all Members States.
2. The Chairperson of the Commission shall notify Member States of the dates of deposit of the instruments of ratification or accession and shall, upon the entry into force of this Charter, register the Charter with the Secretary General of the United Nations.

### **Article 54**

#### **Abrogation**

This Charter shall abrogate and supersede, as of the date of its entry into force, the African Maritime Transport Charter adopted at Addis Ababa, Ethiopia on 15<sup>th</sup> December 1993.

**Adopted by the 15<sup>th</sup> Ordinary Session of the Assembly in Kampala, Uganda, on.....**

**Assembly/AU/3(XV)**  
**Annex 2**

**EXECUTIVE COUNCIL DECISION EX.CL/DEC.542(XVI)**

**DECISION ON THE SECOND AFRICAN UNION CONFERENCE OF  
MINISTERS RESPONSIBLE FOR MARITIME TRANSPORT  
DOC. EX.CL/556(XVI)**

**The Executive Council,**

1. **TAKES NOTE** of the Report of the Second African Union Conference of Ministers responsible for Maritime Transport, held in Durban, South Africa, from 12 to 16 October 2009;
2. **ENDORSES** the African Maritime Transport Charter, the Durban Resolution on Maritime Safety, Maritime Security and Protection of the Environment, and the Revised and Updated Maritime Transport Plan of Action adopted by the Ministers in charge of Maritime Transport in Africa;
3. **REQUESTS** Member States to speed up ratification of the African Maritime Transport Charter so as to enable it to enter into force as early as possible to facilitate accelerated development of maritime transport in the continent;
4. **ALSO REQUESTS** the Commission to facilitate the implementation of the African Maritime Transport Charter and the Durban Resolution on Maritime Safety, Maritime Security and Protection of the Environment within the framework of the 2009-2012 Strategic Plan of the African Union Commission;
5. **FURTHER REQUESTS** the Commission, in collaboration with the Regional Economic Communities (RECs), specialised institutions, Member States and other stakeholders to take all the necessary measures to speed up the implementation of the Maritime Transport Plan of Action with a view to developing a cost-effective, safe, secure and clean maritime transport industry in Africa;
6. **URGES** Member States, RECs and Specialized Agencies to participate effectively in the implementation of the African Maritime Transport Charter and the Durban Resolution on Maritime Safety, Maritime Security and Protection of the Environment;
7. **APPEALS** to development partners including the United Nations Economic Commission for Africa; the African Development Bank, the European Union, the World Bank and others to support the implementation of the African Union Maritime Transport Plan of Action;
8. **REQUESTS** the Commission to submit periodic reports on the implementation of this Decision to the Executive Council.

*"We are determined to deal once and for all with the scourge of conflicts and violence on our continent, acknowledging our shortcomings and errors, committing our resources and our best people, and missing no opportunity to push forward the agenda of conflict prevention, peacemaking, peacekeeping and post-conflict reconstruction. We, as leaders, simply cannot bequeath the burden of conflicts to the next generation of Africans."* (Paragraph 9 of the Tripoli Declaration of 31 August 2009).

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Assembly Collection

2010-07-27

# Background Note on the African Maritime Transport Charter

African Union

DCMP

<https://archives.au.int/handle/123456789/9105>

*Downloaded from African Union Common Repository*