



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.02.1997
COM(97) 41 final

REPORT FROM THE COMMISSION

**on action to be taken in the maritime transport relationship with the Central
and West African countries**

Introduction.

1. In June 1995 the Council requested the Commission to present a report with a proposal for Community action to be taken in the relationship with the Central and West African countries, taking into account actions already taken, notably the fact finding missions of early 1994, agreed upon by the Council of 29/30 November 1993, as well as recent evolutions in the sector. This report meets with that request and it follows after a readjustment of policy towards the countries in the region, as described in paragraph 20 below, since the Council lastly discussed the subject in some detail in November 1993.
2. The economies of the countries in the Central and West African region suffer from considerable inefficiencies in their maritime transport sectors. It is generally recognized that they are mainly due to these countries' transport policies and practices. The causes are manifold, ranging from insufficient infrastructure, delays in ports, cumbersome customs procedures due to complex documentation rules and non-competitive national shipping companies to a continuation of protective transport policies which do little to improve the situation. The Community has for quite some time been directly involved in the shipping developments in the region, as they have a direct bearing on the economic development of the African countries in general as well as the commercial opportunities of the EU shipping lines. The Community has in particular shown its enduring commitment towards structural change which would benefit all commercial parties engaging in the shipping business to and from Central and West Africa.

A brief history.

3. Maritime transport relations between the Community and the countries of the Central and West African region have been strained for some time. The cause of the friction is well known and relates to the imposition of cargo reservation measures which are not in accordance with the relevant provisions of the UN Liner Code of Conduct which provides for a cargo-allocation arrangement within the conference to allow the national lines at each end of the trade to participate in the traffic on an equal footing. Other conference lines (the "cross-traders") can get a significant share of the trade such as 20% for all of them. This figure was the origin of the so-called 40/40/20 partition rule of the conference traffic on the basis of the Code of Conduct which by referring to cargo-allocation created the conception of cargo rights not only for national shipping lines but for countries. The Central and West African countries exploited this notion and basing themselves on a unilateral declaration made by the ACP countries in an Annex to the Lomé-IV Convention, they apply the 40/40/20 key as a cargo-sharing rule to the entire liner traffic and sometimes even to the bulk trade. To secure their allegedly rightful share of the cargo to West African national lines, the governments in the region established booking offices or shippers' councils which

allocate cargoes on an a priori basis. As a result, waivers are required before shipments destined for or originating in a Central or West African country can be taken on board while other arbitrary restrictive measures are also often applied.

4. In October 1987, following a complaint by Denmark, the Council decided for coordinated action on the basis of Council Regulation 4058/86 in the form of diplomatic consultations, which were conducted in the framework of the Lomé Convention. These consultations led to a joint report, the so-called Mauritius Agreement, which in May 1988 was endorsed by the ACP/EEC Council of Ministers. This report established a number of principles aiming at the opening of the trade. It was denounced by the ACP partners shortly afterwards, however, and a subsequent meeting in April 1989 between ACP and EEC representatives did not lead to successful resumption of the dialogue.
5. As it was felt that the failure was in part linked to the continuing existence of bilateral maritime agreements between a number of Central and West African countries and Member States, it was also decided that Council Reg. 4055/86 should be more effectively applied: in 1993 the Commission formally opened infringement procedures against the Member States which had not complied with their obligation to phase out or adjust the cargo-sharing arrangements in their existing bilateral agreements.

Following complaints lodged in 1987 by Denmark and by several independent shipowners against a whole set of restriction practices, the Commission adopted in 1992 on the basis of Council Regulation 4056/86 two Decisions applying Community competition rules to the trade between the EU and Central and West Africa. In the first Decision, the Commission found that the shipowners' committees set up in respect of trade between France and 11 Central and West African countries constituted agreements which were contrary to the provisions of Article 85 of the EC Treaty and that their practices were in breach of Article 86. The purpose of the shipowners' committees was to apportion between their members all the freight carried by liners, with a machinery to supervise this arrangement set up to cover each of the shipping lines. The members of the shipowners' committees systematically shared out between them, on a monthly basis, all the traffic between France and 11 African countries. Competition was accordingly eliminated, leading to excessively high freight rates. In addition, after seeking the adoption, by the authorities in the African countries concerned, of measures intended to reserve all freight traffic for themselves, the members of the shipowners' committees took a willing and active part in the implementation of such measures with a view to denying access to the traffic concerned to shipowners wishing to operate outside the committees. The Commission imposed fines totalling ECU 15 million on those shipping lines which were members of the shipowners' committees for these infringements. In fixing the level of the fine, the Commission took account of the fact that the main member of the shipowners' committees had given certain important undertakings which ensured that active steps were taken to open up the market to competition.

The same desire of the Commission to open the trades to effective competition from independent lines lay behind the adoption of the second Decision in December 1992 against the CEWAL liner conference. The Commission found that on the routes between northern European ports and Zaire, the shipping lines which were members

of CEWAL had abused their dominant position in breach of Article 86 of the Treaty in various ways in order to eliminate competition from their chief competitor. Fines totalling ECU 10.1 million were imposed by the Commission on four shipowners which were member of CEWAL. In a recent judgement dated 8 October 1996, the Court of First Instance has rejected the appeal lodged by the shipping lines members of CEWAL against this Decision and has confirmed the full application of EC competition rules to international transport liner services serving the European Union.

Due to the action of the Commission, the trades affected by these Decisions became subject to more effective competition and the level of freight rates decreased.

6. In order to avoid or to limit the application of EC competition rules to their trades and to pursue their protectionist policies, various countries took a number of measures including the relocation of freight offices from the Community to Africa. In response, the Commission services then developed a new approach in another effort to convince the African partners that their protective policies in the long run would not serve their own best interests. A compromise approach was devised which would have secured for the countries concerned a certain percentage of the total liner trade for a transitional period. Access to the bulk trade would have remained free. This solution was to be presented by the Community to the African partners with so-called accompanying measures which would have entailed the provision of funding for development assistance, tailored to the specific needs of each country, and dedicated to upgrade the maritime infrastructure and enhance the active participation of the African shipping lines in the trade to and from the Community.

The fact-finding missions.

7. In the spring of 1994 the Commission services conducted high-level missions to Senegal, Ghana, Ivory Coast and Cameroon respectively. They were meant to test the ground for the compromise approach described in the previous paragraph and increase the awareness with the West African political decision makers that inefficient and expensive maritime transport between the Community and the region hurt the competitiveness of each country's exports and unnecessarily increased the price of its imported goods. To this end discussions took place with a considerable number of key government ministers and officials of the four countries concerned. The missions were also used to address the issue of the cargo sharing arrangements which were still part of a number of existing bilateral maritime transport agreements between some Member States and various countries of Central and West Africa. Council Reg. 4055/86 requires the adjustment of these cargo sharing arrangements so as to make them compatible with Community legislation. The required adjustments of the cargo sharing arrangements are currently the subject of the application of the relevant Community procedures and are not further dealt with in this Report.

The Commission services have reported on the two missions to the Council in Working paper SEC(94) 988 of 13 June 1994 ("Transports maritimes en Afrique centrale et occidentale: missions d'étude réalisées par la Commission").

World Bank involvement.

8. Practically at the same time as the fact-finding missions took place, the Commission was informed that the World Bank was giving equally significant attention to the maritime transport sectors of the countries in the sub-region in the context of substantial loans to be granted to these countries on an individual basis. The main thrust of the World Bank approach was to obtain far reaching concessions in the form of liberalisation of the various economic sectors which were considered of key importance for the development and encouragement of trade in the countries involved. As maritime transport was considered to be one of these sectors, this particular transport mode was also targeted.
9. In Cote d'Ivoire as well as in Senegal, World Bank insistence and lengthy negotiations, at which the Commission at the request of the World Bank actively participated, concerning so called Structural Adjustment Loans have led to considerable changes in the legislation of these countries:
 - as for Senegal, this country adopted an "Arreté" in January 1995 stating that as from 1 March of that year access to the non-conference traffic would be free and cargo sharing would only apply to conference traffic in accordance with the UN Liner Code (see Annex I). Waivers are no longer required. The provisions of the Arreté are currently effectively applied;
 - in Cote d'Ivoire, as per the same 1 March 1995 access to the liner traffic was also liberalised and the waiver system abandoned. In addition, as per 1 January 1997 all cargo reservation for specialised (or bulk) cargoes will be abolished. Till that date Ivorian shipping lines will, for this transitional period, be entitled to 50% of transport of bananas, pineapples and palm oil. OCAB, the private Ivorian organisation of shippers of bananas and pineapples, will be allowed to charter its own ships for the carriage of its produce, while the Office Ivoirien des Chargeurs is to be partly privatized. The above-mentioned elements have now been laid down in new "Décrets" and "Arretés" which were adopted by the Ivorian government in March 1996 (attached as Annex II).
10. The World Bank has repeatedly expressed their acknowledgement to the Commission for the Community's efforts since the late 1980s to bring about a change in the Central and West African region, upon which the Bank has been able to build their recent progress. The Community's continued attention to the subject and the various actions by the Commission has implied a consistent exercise of pressure on the African partners which has moulded the minds of decision makers in the countries concerned towards accepting change in spite of strong resistance of those African commercial parties which have a vested interest in the continuation of the status quo and which continue to try and convince their national Governments that cargo reservation is the only way to preserve the national carriers, be they vessel or non-vessel operators. It should be realised, however, that on the basis of experience so far, rather than persuasion by facts and figures or, alternatively, compulsion by using Community legislation, the carrot of the World Bank in the form of the provision of

development funds has proved the most effective means for the encouragement of change.

11. It should be noted that the World Bank has not been successful everywhere it undertook to negotiate conditions to its loans. In Cameroon, the Government refused to yield to the Bank's insistence to open up the maritime transport sector but yet obtained its financial support; this in exchange for concessions related to transport modes other than maritime which the World Bank considered satisfactory. The Commission services and the World Bank consult on a regular basis on the ongoing developments and possible actions to be undertaken by one or the other institution. Currently, negotiations are under way between the World Bank and Nigeria, Benin and Togo.

The Cotonou Round Table Conference and the Sub-Saharan Africa Transport Program (SSATP).

12. In June 1992, CMEAOC (or MINCONMAR: Ministerial Conference of Western and Central Africa on Maritime Transport) and the World Bank organized, with substantial financial assistance from the Community, the Cotonou Round Table Conference (Cotonou I) to review the prevailing situation in the region and to identify options for reform. The Conference brought together a large number of experts and interested parties who recognized the need to lessen public sector involvement in shipping policies and to deal with them in a regional rather than national framework. The Conference also pointed at the importance of developing a better understanding of the factors influencing maritime transport services. To meet with this vital point, a program of studies was launched in 1994 under the name "International Trade and Transport" as a partnership program between CMEAOC and the SSATP. The SSATP is a comprehensive program to develop and improve all transport sectors in Sub-Saharan Africa. One part of this extensive SSATP program is the International Trade and Transport component, the main objective of which is to improve maritime transport efficiency in order to strengthen the international competitiveness of the Sub-Saharan Africa countries. Financial support was provided by the EU, France and Canada. The Commission provided the Member States with full background information on the project on 28 March 1994, see Document MAR/94/22. Annex III gives an overview of the six respective studies which have been completed in the fall of 1996.
13. In the beginning of this year two seminars took place to discuss the preliminary findings of three Studies, one on the restructuring of the West and Central African Shippers' Councils (Study R5) and the other two on Central and West African shipping policy and companies (Studies R1/R6) respectively, as these studies were considered to be covering the key issues to be addressed. The seminars allowed for a thorough discussion on the respective subjects by all interested parties concerned, emanating from either the private or the public sector. The first seminar took place in Ouagadougou in January of this year and unfortunately proved to be used mainly by regional advocates of the continuation of the status quo (i.e. the national shippers' councils) as a platform to defend their own interests. On the other hand, the thematic seminar in Accra of 18/19 April 1996 drew a much more varied and wider audience such as representatives from private shippers, private and national shipping lines,

Government ministries and international organisations, though all mainly of African origin. They provided different views allowing for better, more diverse and more comprehensive discussions on a wider range of issues related to maritime transport such as intermodality, customs procedures, human resources and regional co-operation. Nonetheless, the conclusions of the meeting were not necessarily in favour of the structural changes the Commission would like to see occur in the region. The respective conclusions of the two seminars are attached as Annex IV; they give a due picture of the issues which were deemed of relevance by the participants of the seminars.

14. The Second Round Table Conference which is meant to formally close the program of studies, is to take place again in Cotonou in the beginning of 1997 (Cotonou II). It should ideally adopt recommendations aiming at establishing a basis for a common, market-oriented regional maritime policy which would bring a lasting improvement in the maritime sectors of the Central and West African countries. Such change should not only focus on the application of the UN Liner Code and the cargo reservation issue but should also address subjects such as the easing of customs procedures, facilitation, the development of hub ports, promotion of feeder services and joint operations etc., in short all aspects which are conducive to developing competitive and efficient shipping sectors in the countries concerned.
15. As the conclusions or recommendations to be formulated and adopted by Cotonou II can be expected to be of great importance for the future direction of the maritime transport policy to be pursued by the governments in the region of Central and West Africa, Member States are encouraged to actively participate and, preferably, positively influence the outcome of the proceedings to the extent possible. In this respect, it should be borne in mind that the advocates of traditional policies will do their utmost to preserve or, in the case of Cote d'Ivoire and Senegal, reinstate the situation which has hitherto prevailed. An objective appraisal during Cotonou II of the substance of the outcome of the studies should inevitably convince the African decision makers of the merits of the new approach; the political reality, however, might well lead to different conclusions.

Present situation in Central and West Africa.

16. Not all the countries in the region have a restrictive transport policy. On the basis of information available, the following countries do not put any obstacles in the way of EU or other shipping lines wishing to participate in the traffic between Europe and the Central and West African region: the Central African Republic, Chad, Equatorial-Guinea, Gambia, Ghana, Guinea-Bissau, Liberia, Mauritania, Sierra Leone. Consequently these countries need not be addressed although developments should continuously be followed so as to allow for timely discovery of any change in the present situation. Zaire does not apply market restrictions either but it does impose a tax ranging from 0.5 to 1.8% of the net freight. As for Cote d'Ivoire and Senegal, the new rules which presently apply have been described in paragraph 9 above.
17. An overview of the prevailing regimes in the other countries with restrictive legislations in place is provided in Annex V. It follows that, in general, the situation in each of these countries follows a similar pattern with the application of the cargo

sharing rule of the UN Liner Code to all liner trade instead of to the conference trade only; taxes which amount to a higher or lower percentage of the freight; an obligatory waiver which should be obtained (and paid for) before any shipment can be taken on board; and the levying of fines in case of a breach of the rules which are often arbitrarily imposed. The responsibility for and supervision of these activities mostly lie with the national shippers' council of each country, being government agencies whose main function is to manage the flow of cargoes. EU shipping lines are thus prevented from effectively competing for cargoes on the basis of free market conditions. With the disappearance from the West and Central African scene of all but one conference, the application of the UN Liner Code by most countries not only to the conference trade but to all liner trade has become increasingly awkward.

18. Central and West Africa is not alone in attempting to provide preferential access for its national lines to international shipping. However, the region stands increasingly alone in attempts to expand the application of cargo sharing to all liner cargo and sometimes even to include bulk cargoes. Today, the region is largely isolated in its approach to shipping as other developing countries turn towards more competitive and liberal approaches to shipping. As observed in paragraph 16 above, a number of countries do not restrict access to the market while some others have undertaken measures of liberalisation. This implies that the approach towards maritime policy is becoming more diverse and this development can be considered as an encouragement to further promote change in those countries which have not yet converted to a more open market.

Commission initiatives.

19. So far, the Commission's response to the unilateral measures has been to initiate, at the appropriate administrative and political levels of the country concerned, discussions and to undertake démarches aimed at the abolishment or easing of the restrictions in place. These initiatives are normally undertaken in cooperation with Member States and the Community shipping industry which is a key source of information required. These actions are in general not exclusively undertaken with the transport authorities but also, depending on the case, to the relevant authorities responsible for economic, financial and trade matters who tend to have a broader view taking into account the overall country interest and not only that of the, more limited, transport sector. These actions have in some cases been successful; in Angola and Ghana the Commission has till now been able to prevent the application of restrictive national legislation on cargo reservation. Unfortunately, more often than not, the authorities of a particular country refuse to yield to the Commission's arguments and the lack of sufficient leverage at the Community's side has proved a serious drawback to the achievement of substantial change either in individual countries or at a regional level. Although the Commission intends to further pursue these actions, it is of the opinion that firmer action is called for, as set out below.
20. In view of the achievements of the World Bank in the Central and West African region, the Commission has undertaken to reinforce the World Bank's approach by adopting a similar policy which is intended to give parallel support through coordinated measures in the next round of development programs under the Lomé Convention. The Commission has abandoned the idea of limited cargo reservation of

liner trade, as reflected in paragraph 6, and has initiated the use of development policy instruments to encourage the Central and West African states not only to liberalize but also to strengthen their shipping and improve their port and inland infrastructure. This could be achieved by making good use of the national and regional indicative programmes (NIP's and RIP) as well as the structural adjustment programmes (SAP) negotiated on the basis of the provisions of the Lomé Convention. Indicative programmes are agreed upon between the EU and the relevant Central and West African countries, and they establish the priority areas for development assistance. As the discussions on the mid-term review of the Lomé-Convention have been finalised and the funds for the new financial protocols have been agreed upon, negotiations will start in the second half of this year with a view to conclude national indicative programs with each ACP state and a regional indicative program with the ACP states as a regional grouping. The Commission's objective is to ensure that, even if shipping does not figure among the priority sectors for co-operation with the countries concerned, the indicative programmes with those countries include references to a commitment by both sides to develop a more competitive system of maritime transport services, based on free and fair access to the market. This will be particularly easy and appropriate in those cases where transport is one of the focal areas for EU aid or for programmes specifically dedicated to making certain export sectors more competitive. In such cases, references to the liberalization of shipping should include specific undertakings by the relevant governments as a pre-condition for the release of Community funds.

21. As for the structural adjustment programmes which provide macroeconomic financing, there are grounds for creating a linkage between them and a form of liberalisation with wider knock-on effects even if the counterpart funds generated by such macroeconomic support go to areas of the economy not directly connected to maritime trade or transport.

Proposed action.

22. In principle, all Central and West African countries with which the Commission intends to conclude an arrangement for a national indicative program, will be subject of the Commission's effort to include meaningful provisions on maritime transport in those programs. Taking into account that seventeen countries in the region are organised in the CMEAOC, a co-ordinated and consistent approach for all member countries is considered the best option to work towards achieving comprehensive results which should, preferably, be applicable for the entire region.
23. When establishing the list of countries which should receive the Commission's attention as a matter of priority, a distinction should firstly be made between the landlocked countries of the region and those bordering the Atlantic Ocean. The first category includes Mali, Burkina Faso, Niger, Chad and the Central African Republic. Although they have the same cargo reservation legislation in place as most of their sea bordering partners and although they equally nourish a number of non vessel operating national carriers, these countries are from a shipping point of view not as important as their neighbours and their protective policies consequently have a more limited impact. As for the other category, the negative effects of the restrictions which are in place in the respective above-mentioned countries have greater effect

when (1) the maritime traffic to and from each country is important and when (2) a major cargo-generating ports of the region is affected. Data presented at Cotonou I showed that the traffic through the ports of Senegal, Cote d'Ivoire, Nigeria, Ghana and Cameroon accounts for 75% of the traffic in tonnage terms to and from the entire region. From this viewpoint these countries should be a first priority.

24. Cote d'Ivoire and Senegal have adapted their legislation and the application of the new rules is satisfactory. Ghana does have restrictive legislation but in practice it is not applied and there are no signs that this will change in the near future which was confirmed to the Commission services during their fact-finding mission to Ghana in 1994. Even so, assurances should be obtained that this de facto situation will continue to exist. Nigeria and Cameroon are the other important maritime nations of the region and, in principle, they should therefore be given due attention. However, Nigeria's human rights record has led the Community to suspend its development assistance to the country and consequently no new programmes are planned for the immediate future. The Community has therefore at present no direct means at its disposal to engage in a dialogue with the Nigerian authorities in the framework of the indicative programmes or an adjustment programme under the Lomé Convention but once the political discussions with Nigeria are resumed, maritime transport will feature high on the agenda. This leaves Cameroon as the country of pre-eminent importance to be addressed. The Commission will be able to draw from the World Bank's experience when they negotiated on a change in the maritime policy of Cameroon in 1995 but failed to obtain any commitments for this sector the main reason being that the Cameroonian Government has remained adamant not to give up the protection of their national shipping line Camship.
25. The countries other than Cameroon will also be addressed with some urgency but, in comparison with the above considerations, as a second priority. Although the distinction between more and less important countries as far as maritime transport is concerned may not be as clear, the countries with the bigger ports stand out. Benin with Cotonou as a regional hub port of some renown would be such a country while Angola, with the port of Luanda, may not yet have fully recovered from the recent upheaval but it certainly is a nation with significant economic potential. Furthermore, on the basis of the overview presented in Annex V of the countries which apply restrictions to access to the supply of shipping services in place, Congo, Gabon and Togo also count among the countries to be included in the second priority group.
26. The Commission proposes to act in conformity with the outline given in paragraphs 22 - 25 of this Report. Negotiations on the various programmes with the countries of the region have just commenced or will be initiated shortly. At this stage it is therefore not yet possible to be more specific on the progress which has been made in the dealings with the individual countries so far.

The General Agreement on Trade in Services.

27. The GATS negotiations on maritime transport in the NGMTS did not produce the desired result and a positive outcome can not be expected in the near future as the negotiations have been suspended for the time being. The multilateral option in the framework of the GATS therefore at present offers no viable alternative or supporting

avenue to the key approach described above. Only specific situations which may arise could be covered by the GATS as it currently applies, but this limited application of the Agreement does not provide an adequate means to address the present problem in Central and West Africa. Therefore, the more effective and purposeful way which could be conducive to substantial improvement of the situation would be the action proposed in this Report.

Conclusion.

28. The Commission intends to fully implement its new policy aiming at the full liberalisation of shipping policy in the Central and West African region which is to be encouraged by committing the countries in the region through the development assistance programmes under the Lomé Convention.

This approach will be supported by conventional diplomatic methods, where appropriate, which will aim at addressing individual cases and ad hoc situations for which solutions should be found which take into account not the sectoral, but the overall interests of the particular country concerned.

The Commission will furthermore pursue all informal contacts with the relevant countries which aim at informing and convincing them of the advantages and disadvantages of the various policy options at their disposal.

Nouvelle frappe du texte officiel du Journal officiel , illisible à la reproduction ou à la photocopie.

28 janvier 1995

JOURNAL OFFICIEL DE LA REPUBLIQUE DU SENEGAL

MINISTERE DE LA PECHE
ET DES TRANSPORTS MARITIMES

ARRETE INTERMINISTERIEL n° 509 M.P.T.M.-M.E.F.P.

du 20 janvier 1995

portant réglementation du trafic maritime au Sénégal

LE MINISTRE DE LA PECHE ET DES TRANSPORTS MARITIMES.

LE MINISTRE DE L'ECONOMIE, DES FINANCES ET DE PLAN.

Vu la Constitution, notamment en ses articles 37 et 65,

Vu la convention de la Conférence des Nations-Unies pour le Commerce et le Développement, relative au Code de Conduite des Conférences maritimes,

Vu la loi n° 62-32 du 22 mars 1962 portant Code de la Marine marchande,

Vu la loi n° 65-32 du 19 mai 1965 relative à la police des ports maritimes,

Vu la loi n° 75-51 du 3 avril 1975 portant création du Conseil sénégalais des Chargeurs, modifiée,

Vu la loi n° 94-58 du 26 juin 1992 abrogeant et remplaçant la loi n° 86-14 du 27 mars 1986 relative aux droits de trafic maritime international du Sénégal et à leur exploitation,

Vu le décret n° 78-179 du 2 mars 1978 portant réglementation du trafic maritime au Sénégal.

Vu le décret n° 93-723 du 7 juin 1993 portant répartition des services de l'Etat et du contrôle des établissements publics, des sociétés nationales et des sociétés à participation publique entre la Présidence de la République, la Primature et les ministères,

Vu l'arrêté interministériel n° 14.460 du 21 octobre 1987 abrogeant et remplaçant l'arrêté interministériel n° 8131 du 25 juillet 1980 portant application du décret n° 78-179 du 2 mars 1978 portant réglementation du trafic maritime au Sénégal.

ARRESENT :

Article premier - Les compagnies maritimes hors conférence pourront effectuer leurs chargements à destination ou en provenance des ports sénégalais sans autorisation du Conseil sénégalais des Chargeurs pour compter du 1er mars 1995.

Art. 2 - A partir de cette date, la répartition des cargaisons sera appliquée uniquement aux

compagnies maritimes membres des conférences.

Art. 3 - La répartition des cargaisons maritimes appliquées aux conférences permettra de garantir les 40% du trafic réservés au Sénégal, conformément au Code de conduite.

Art. 4 - A compter du 1er mars 1995, tous les textes en vigueur seront mis en conformité avec le présent arrêté.

Art. 5 - Sont abrogées toutes dispositions antérieures contraires.

Art. 6 - La Direction de la Marine marchande, le Conseil sénégalais des Chargeurs sont chargés, chacun en ce qui le concerne, de l'exécution du présent article.

Fait à Dakar, le 20 janvier 1995.

*Le Ministre de l'Economie
des Finances et du Plan*

Papa Ousmane SAKHO

*Le Ministre de la Pêche
et des Transports maritimes*
Abdourahmane SOW

MINISTRE DES INFRASTRUCTURES
ECONOMIQUES

REPUBLIQUE DE COTE D'IVOIRE

DECRET N° 96-212. DU 9 MARS 1996
PORTANT LIBERALISATION DU REGIME DES
TRANSPORTS MARITIMES SPECIALISES

LE PRESIDENT DE LA REPUBLIQUE

- Sur rapport du Ministre des Infrastructures économiques ;
- Vu la Constitution ;
- Vu la loi n° 61-349 du 9 novembre 1961 relative à l'Institution d'un Code de la Marine marchande telle que modifiée par la loi n° 62-254 du 31 juillet 1962 ;
- Vu le décret n° 93-319 du 11 mars 1993 portant affectation des droits de trafic maritime ivoiriens à la Société Ivoirienne des Transports Maritimes (SITRAM) ;
- Vu le décret n° 94-569 du 14 octobre 1994 portant affectation des droits de trafic maritime ivoiriens sur la façade atlantique aux armements nationaux et à la Société Ivoirienne des Transports Maritimes (SITRAM) ;
- Vu le décret n° 95-385 du 13 avril 1995 portant organisation du trafic maritime en Côte d'Ivoire ;
- Vu le décret n° 96-PR/002 du 26 janvier 1996 portant nomination des membres du Gouvernement ;
- Vu le décret n° 96-179 du 1er mars 1996 portant attributions des membres du Gouvernement ;

LE CONSEIL DES MINISTRES ENTENDU

D E C R E T

Article 1er - L'accès aux "droits de trafic maritime ivoiriens" est libre en matière de :

- transports réfrigérés ;
- transports de vracs liquides notamment huiles, vins et hydrocarbures ;
- transport de vracs solides notamment le clinker et le blé.

Cependant, à titre dérogatoire et ce jusqu'au 31 décembre 1996, les droits de trafic maritime ivoiriens en matière de transports de bananes, d'ananas, d'huiles et de vins sont réservés, à concurrence de 50 %, au pavillon national.

Article 2 - Toutes dispositions antérieures contraires à celles du présent décret et notamment les dispositions du décret n° 93-319 du 11 mars 1993 susvisé et celles des articles 1 b) et suivants du décret n° 94-569 du 14 octobre 1994 susvisé, sont abrogées.

.../...

Article 3 - Le Ministre des Infrastructures économiques et le Ministre délégué auprès du Ministre des Infrastructures économiques chargé de l'Energie et des Transports sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret qui sera publié selon la procédure d'urgence et au Journal Officiel de la République de Côte d'Ivoire.

Fait à Abidjan, le 9 mars 1996

Henri Konan BÉDIE

Copie certifiée conforme à l'original
Le Secrétaire Général du Gouvernement



[Handwritten signature]
A. K. DJIDJI M. H. H

DECRET N° 96-213 DU 9 Mars 1996
RELATIF AUX OPERATIONS D'AFFRETE-
MENT ET DE FRETLEMENT DE NAVIRES EN
COTE D'IVOIRE

LE PRESIDENT DE LA REPUBLIQUE

- Sur rapport du Ministre des Infrastructures économiques ;
- Vu la Constitution ;
- Vu la loi n° 61-349 du 9 novembre 1961 relative à l'Institution d'un Code de la Marine marchande telle que modifiée par la loi n° 62-254 du 31 juillet 1962 ;
- Vu la loi n° 75-497 du 10 juillet 1975 portant approbation de la Convention relative à un Code de conduite des conférences maritimes signé à Genève le 6 avril 1974 ;
- Vu la loi n° 77-926 du 17 novembre 1977 portant délimitation des zones maritimes placées sous la juridiction nationale de la République de Côte d'Ivoire ;
- Vu la loi n° 87-764 du 28 février 1987 autorisant le Président de la République à ratifier la Convention des Nations-Unies sur les conditions d'immatriculation des navires, adoptée à Genève, le 7 février 1986 ;
- Vu la loi n° 87-767 du 28 juillet 1987 relative à la ratification de la Convention internationale de 1974 pour la sauvegarde de la vie humaine en mer (SOLAS 74) et son protocole de 1978 ;
- Vu le décret n° 75-509 du 18 juillet 1975 portant ratification de la convention relative à un Code de conduite des Conférences maritimes signé à Genève (SUISSE), le 6 avril 1974 ;
- Vu le décret n° 87-765 du 28 février 1987 portant ratification de la Convention des Nations-Unies sur les conditions d'immatriculation des navires, adoptée le 7 février 1986, à Genève ;
- Vu le décret n° 87-768 du 28 juillet 1987 portant ratification de la Convention internationale de 1974 pour la sauvegarde de la vie humaine en mer (SOLAS 74) et son protocole de 1978 .
- Vu le décret n° 87-769 du 28 juillet 1987 portant publication de la Convention internationale de 1974 pour la sauvegarde de la vie humaine en mer (SOLAS 74) et son protocole de 1978 ;
- Vu le décret n° 95-385 du 13 avril 1995 portant organisation du trafic maritime en Côte d'Ivoire ;

- Vu le décret n° 96-PR/002 du 26 janvier 1996 portant nomination des membres du Gouvernement ;
- Vu le décret n° 96-179 du 1er mars 1996 portant attributions des membres du Gouvernement ;

LE CONSEIL DES MINISTRES ENTENDU

D E C R E T

Article 1er - Le présent décret a pour objet de préciser les conditions d'affrètement et de frètement des navires en Côte d'Ivoire.

Article 2 - Les opérations d'affrètement et de frètement en Côte d'Ivoire par des compagnies maritimes ivoiriennes ou étrangères, ou tout affréteur, sont soumises à l'autorisation de l'autorité maritime.

Article 3 - Les opérations d'affrètement effectuées par les chargeurs dans le cadre principal de la couverture de leurs besoins de transport, s'entendent de l'affrètement à temps ou au voyage. Elles incluent la possibilité de sous-frètement ou de location d'espace en vue de l'optimisation de l'exploitation de navires.

Article 4 - Les affrètements et frètements à temps ou au voyage sont réputés autorisés dès le dépôt de la charte-partie, auprès de l'autorité maritime.

Article 5 - Les opérations d'affrètement ou de frètement de navire en coque-nue par les compagnies maritimes ivoiriennes ou étrangères font l'objet d'une demande d'autorisation d'affréter ou de fréter, adressée à l'autorité maritime au moins quinze (15) jours avant le démarrage effectif de l'opération et du dépôt de la charte-partie auprès de l'autorité maritime.

Article 6 - Les affrètements de navires de pavillons étrangers par des Compagnies ivoiriennes ou par tout affréteur et les frètements de navires ivoiriens à des Compagnies maritimes étrangères sont soumis à la réglementation en vigueur sur les changes.

Article 7 - En ce qui concerne les affrètements et frètements sous pavillon ivoirien, l'autorité maritime doit s'assurer notamment grâce à la procédure d'autorisation, du respect des dispositions des Conventions internationales maritimes pertinentes en vigueur.

Article 8 - Les contrevenants aux dispositions du présent décret s'exposent aux sanctions prévues par les textes législatifs et réglementaires en vigueur.

.../...

Article 9 - Le Ministre des Infrastructures économiques et le Ministre délégué auprès du Ministre des Infrastructures économiques chargé de l'Energie et des Transports sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret qui sera publié selon la procédure d'urgence et au Journal Officiel de la République de Côte d'Ivoire.

Fait à Abidjan, le 9 mars 1996

Henri Konan BEDIE

Copie certifiée conforme à l'original
Le Secrétaire Général du Gouvernement



A. B. DJIDJI M.H.H

ARRÊTÉ N° 001 /MDET/DTMFP du
relatif à l'application du décret portant régime des
transports maritimes spécialisés.

LE MINISTRE DÉLÉGUÉ AUPRÈS DU MINISTRE DES INFRASTRUCTURES ÉCONOMIQUES
CHARGE DE L'ÉNERGIE ET DES TRANSPORTS,

- Vu la loi n° 61-349 du 09 novembre 1961 portant code de la Marine Marchande ;
- Vu le décret n° 93-319 du 11 mars 1993 portant affectation des droits de trafic maritime ivoiriens sur la façade atlantique aux armements nationaux ;
- Vu le décret n° 94-569 du 14 octobre 1994 portant affectation des droits de trafic maritime ivoiriens sur la façade atlantique aux armements nationaux et à la SITRAM ;
- Vu le décret n° 95-385 du 12 avril 1995 portant organisation du trafic maritime en Côte d'Ivoire ;
- Vu le décret n° 96-PR/002 du 26 janvier 1996 portant nomination des membres du Gouvernement ;
- Vu le décret n° 96-179 du 1^{er} mars 1996 portant attributions des membres du Gouvernement ;

ARRÊTE

- Article 1^{er} : Le présent arrêté a pour objet de préciser les modalités d'application des dispositions du décret n° 96-212 du 09 mars 1996 relatives aux droits de trafic ivoiriens en matière de transports spécialisés.
- Article 2 : Les droits de trafic maritime ivoiriens en transports spécialisés visés à l'alinéa 2 de l'article 1 du décret n° 96-212 du 09 mars mars 1996 portent sur le volume ou le tonnage prévisionnel annuel des cargaisons à exporter ou à importer pour le compte de la Côte d'Ivoire en matière d'ananas, bananes, huile de palme et vin.
- Article 3 : Les droits de trafic maritime ivoiriens visés ci-dessus, autres que ceux affectés au pavillon national jusqu'au 31 décembre 1996, sont accessibles, conformément à la réglementation en vigueur, à tout amateur ou affréteur.

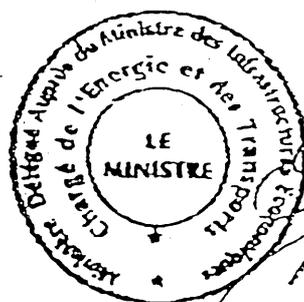
Article 4 : Les taux des frets applicables au transport des trafics spécialisés résultent des négociations entre les chargeurs concernés et les compagnies maritimes. Dans l'hypothèse où le taux de frets proposés par les compagnies maritimes ne rencontrent pas l'agrément des chargeurs, en raison de leur non-compétitivité, la Chambre de Commerce et d'Industrie arbitre en faveur des conditions les plus compétitives offertes sur le marché.

Article 5 : Les chargeurs importateurs ou exportateurs concernés par ces trafics communiquent, à l'autorité maritime compétente leurs réalisations trimestrielles en tonnage ou en volume, à des fins de suivi statistique et de contrôle de l'exécution des présentes dispositions.

Article 6 : La Direction des Transports Maritimes, Fluvio-Lagunaires et de Plaisance est chargée de l'exécution du présent arrêté qui sera publié au Journal Officiel de la République de Côte d'Ivoire.

Fait à Abidjan, le 12 MARS 1996

LE MINISTRE DÉLÉGUÉ AUPRÈS DU MINISTRE
DES INFRASTRUCTURES ÉCONOMIQUES
CHARGE DE L'ÉNERGIE ET DES TRANSPORTS



Safiatou Ba-N'Daw
SAFIATOU BA-N'DAW

AMPLIATIONS :

Cabinet du Premier Ministre	01
Secrétariat Général du Gouvernement	01
MDET	03
MDET / CAB	15
DTMFP	01
OIC	01
Tous Ministères	30
Dossier	01
J.O.R.C.I.	01

RÉPUBLIQUE DE CÔTE D'IVOIRE
UNION - DISCIPLINE - TRAVAIL

MINISTÈRE DÉLÉGUÉ AUPRÈS DU MINISTRE
DES INFRASTRUCTURES ÉCONOMIQUES
CHARGE DE L'ÉNERGIE ET DES TRANSPORTS

MINISTÈRE DE L'ÉCONOMIE
ET DES FINANCES

ARRÊTÉ N° 30002 /MDET/MEF du
relatif à l'organisation du trafic maritime en Côte
d'Ivoire.

LE MINISTRE DÉLÉGUÉ AUPRÈS DU MINISTRE DES INFRASTRUCTURES
ÉCONOMIQUES CHARGE DE L'ÉNERGIE ET DES TRANSPORTS,

ET

LE MINISTRE DE L'ÉCONOMIE ET DES FINANCES,

- Vu la loi n° 61-349 du 09 novembre 1961 portant code de la Marine Marchande ;
- Vu la loi n° 64-291 du 1er avril 1964 portant Code des Douanes ;
- Vu la loi n° 75-497 du 10 juillet 1975 portant ratification de la Convention relative à un Code de Conduite des Conférences Maritimes signé à Genève le 04 Avril 1974 ;
- Vu la loi n° 77-926 du 17 novembre 1977 portant délimitation des zones maritimes placées sous juridiction de la République de Côte d'Ivoire ;
- Vu la loi n° 75-709 du 18 juillet 1975 portant ratification de la Convention relative à un Code de Conduite des Conférences Maritimes signé à Genève le 04 avril 1975 ;
- Vu le décret n° 94-569 du 14 octobre 1994 portant affectation des droits de trafic maritime ivoiriens sur la façade atlantique aux armements nationaux et à la SITRAM ;
- Vu le décret n° 95-385 du 12 avril 1995 portant organisation du trafic maritime en Côte d'Ivoire ;
- Vu le décret n° 96-PR/002 du 26 janvier 1996 portant nomination des membres du Gouvernement ;
- Vu le décret n° 96-179 du 1er mars 1996 portant attributions des membres du Gouvernement ;

Vu l'arrêté n° 07/77/MINIMAR/MC-MEFP du 25 août 1977 relatif à la réglementation et à la rationalisation de la desserte maritime en Côte d'Ivoire ;

ARRÊTENT

SECTION I : PARTICIPATION AU TRAFIC

Article 1^{er} : Le présent arrêté a pour objet de préciser les modalités d'application des dispositions du décret n°95-385 du 12 avril 1995 portant organisation du trafic maritime en Côte d'Ivoire et de garantir le libre accès au trafic dans des conditions de compétitivité, de transparence et de qualité de service.

SECTION II : MODALITÉS DE SUIVI DU TRAFIC DE LIGNE RÉGULIÈRE ET SPÉCIALISÉ

Article 2 : Il est tenu à jour, à l'intention des chargeurs et opérateurs économiques un répertoire sur l'offre de desserte maritime.

A cette fin, les consignataires et agents maritimes établis en Côte d'Ivoire communiquent à l'autorité maritime, une fois par an au cours de la dernière semaine du mois de septembre, les informations suivantes :

- Noms et adresses des armements qu'ils représentent et composition de leur flotte participant au trafic ivoirien ;
- Nature des services (long cours, cabotage, transports spécialisés) ;
- Zone de trafic ;
- Conférence/Hors conférence.

Les modifications éventuelles intervenant en cours d'année sont portées à la connaissance de l'autorité maritime par les consignataires et agents maritimes.

...J...

Article 3 : 1 - En vue de la tenue d'un tableau de bord du trafic et de favoriser l'obtention des meilleures conditions tarifaires et de transport, les importateurs et exportateurs adressent à l'autorité maritime leurs prévisions trimestrielles de chargement.

2 - Il est publié trimestriellement par l'autorité maritime compétente des statistiques établissant l'offre et la demande de transport.

SECTION III : TAUX DE FRET

Article 4 : 1 - Chaque armement, par l'intermédiaire de son consignataire ou de son agent dépose auprès de l'autorité maritime, au cours de la dernière semaine du mois de Septembre de chaque année, les taux de fret de référence par produit ou par groupe de produits qu'il compte appliquer sur une période de douze mois.

Le dépôt de ces taux de référence est sans préjudice des avantages tarifaires qui pourraient être consentis aux chargeurs par les armateurs.

2 - Il est publié trimestriellement la moyenne des taux de fret observés ainsi que les taux les plus bas du marché. Il est procédé à une évaluation constante du coût de la desserte maritime.

SECTION IV : CONSULTATIONS

Article 5 : Dans le cadre de l'application des présentes dispositions et dans un souci de compétitivité et de transparence, des consultations avec les utilisateurs de services maritimes peuvent avoir lieu.

SECTION V : SANCTIONS

Article 6 : Les contrevenants aux dispositions des articles 2 et 4 du présent arrêté sont passibles des sanctions prévues par les textes législatifs et réglementaires en vigueur.

SECTION VI : DISPOSITIONS DIVERSES

Article 7 : Les dispositions contraires de l'arrêté n° 07/77/MINIMAR/MC-MEFP du 25 Août 1977 susvisé sont abrogées.

Article 8 : La Direction des Transports Maritimes, Fluvio-Lagunaires et de Plaisance et la Direction Générale des Douanes sont chargées, chacun en ce qui la concerne, de l'exécution du présent arrêté qui sera publié au Journal Officiel de la République de Côte d'Ivoire.

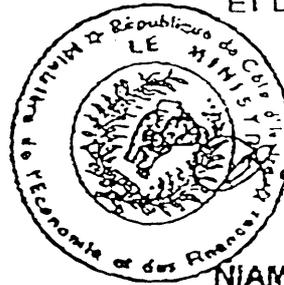
Fait à Abidjan, le

LE MINISTRE DÉLÉGUÉ AUPRÈS DU MINISTRE
DES INFRASTRUCTURES ÉCONOMIQUES
CHARGE DE L'ÉNERGIE ET DES TRANSPORTS

LE MINISTRE DE L'ÉCONOMIE
ET DES FINANCES



Saboton Ba-N'Daw
SABOTON BA-N'DAW



Niamien N'Goran
NIAMIEN N'GORAN

AMPLIATIONS :

Cabinet du Premier Ministre	01
Secrétariat Général du Gouvernement	01
MDET	03
MDET / CAB	15
OTMFP	01
OIC	01
Tous Ministères	30
Dossier	01
J.O.R.C.I.	01

ANNEX III

Overview of studies undertaken in the framework of the Trade and Transport Program.

Study R1

Development of a New Maritime Transport policy.

Objectives: (i) determine the potential supply and demand for maritime transport services assuming a regional services approach; (ii) evaluate new technological and organizational opportunities for regional maritime transport that would reduce costs in the transport chain; (iii) identify potential strategies available to companies in the region; and (iv) identify the administrative, legal, and tax reforms necessary for implementing these new regional organizations and strategies.

Study 2

Agencies involved in Regional Maritime Co-operation.

Objective: assess the structural objectives and the means of action of subregional organizations charged with interstate cooperation in the areas of maritime transport and port services.

Study 3

Comparative Analysis of Costs of the Transport Chain.

Objectives: (i) evaluate the significance of global transport costs and service quality for the competitiveness of the principal African export products, as well as the impact of the transport chains on the cost of factors of production imported by West and Central Africa; and (ii) explain variations in price and service quality by costs paid by transport companies and by the organization of the transport market.

Study 4

National and Subregional Transport Monitoring Units.

Objectives: (i) supply national and subregional authorities with detailed information and relevant indicators for carrying out their maritime policies; and (ii) develop a coherent framework defining the necessary indicators and data, which would be comparable between countries and suitable for aggregation at the subregional level.

Study 5

Mission and Role of the Shippers' Councils.

Objectives: (i) to review the activities of the shippers' councils since their creation; and (ii) to adapt the shippers' councils to the new economic and maritime environment.

Study 6

National Shipping Lines and their Feasibility in a Regional Framework.

Objectives: (i) propose new strategies for African shipowners; and (ii) evaluate the resources needed and propose financing plans.

ANNEX IV

Conclusions (Résultats des travaux) of the Ouagadougou and Accra Seminar.

**THEMATIC SEMINAR
ON THE NEW MARITIME POLICY
AND THE VIABILITY OF SHIPPING LINES
IN WEST AND CENTRAL AFRICA**

Accra (Ghana) April 18 & 19, 1996

.....

REPORT OF DELIBERATIONS

In Accra, Ghana on April 18 and 19, 1996 a thematic seminar organized jointly by the World Bank and the MINCONMAR was held on a new maritime policy and the viability of shipping lines in West and Central African sub-region.

The opening ceremony was presided over by Mr. Magnus Addico, Chief Executive of the Ghana shippers' council, representing the Honourable Edward Salia, Minister of Transport and Communications of the Republic of Ghana. The key note address was delivered by The Honourable Deputy Minister K. A. Peasah, after the welcoming words of the Director General of the Black Star Line and the following messages: of the World Bank; of the European Union; of the CIDA; of the Secretary General of the MINCONMAR.

The texts of the key note address and of the different messages are attached in annex.

Many MINCONMAR member States and international organisations took part to this reflection. The list of participants to the seminar which was moderated by Pr. Cheick S. B. Kamara is also attached in annex.

I. Organization of the sessions

The work commenced in plenary session with three presentations: (i) a scientific framework for discussion, presented by Mr. Peter Faust of UNCTAD; (ii) the presentation of the report on a new maritime policy (study RIA) given by CPCS consultant; (iii) the presentation of the report on the viability of national shipping lines given by the UNICONSULT consultants.

These exposés were followed by general discussions with the aim of in depth consideration, which were held in two working groups operating with identical terms of reference. This exercise was intended to help form avenues for reflection on the basis of the consultants' reports, and to lead to suggestions which will serve as inputs for the next Round Table.

II. Results

1. It was suggested that, while Governments define national transport policy, they should refrain from any action which can impede the competitiveness of private or parastatal shipping lines.
2. Many favored the development of road and rail infrastructure within and between the States of the sub-region in order to improve the flow of inland transport and to improve intra-regional trade.
3. MINCONMAR means should be reinforced and its actions supported by member States and African regional organizations (UEMOA, CEDEAO, UDEAC...).
4. Take into account the socio-economic consequences deriving from the emergence of hub ports and suggest new policies to be implemented so as to enable ports adaptation and development in the sub-region.
5. Disseminate and learn from the lessons and experiences, so far as the future of maritime transport companies is concerned, of the successful shipping lines of the sub-region in order to make more clear the viable alternatives.
6. Insure an open and available database and availability of critical information from the ports for African shipping lines, as well as better information for everyone regarding shipping lines and key elements of the transport chain.
7. Create a reflective group under the leadership of the MINCONMAR comprising experts selected by the member States, in order to reach in depth conclusions on the issues from consultants' reports and the seminar, so as to come up with solid proposals on the matter of transport policy formulation.

In this regard, put in place in each member State a reflection committee which will submit their conclusions to the Secretariat General of the MINCONMAR, no later than the end of July, 1996. Besides, include the participation of the PMAWCA, the UASC, the ANSI, as MINCONMAR specialized organs, the ECA, the ECOWAS, the UDEAC and the UEMOA.

8. Take into account the fact that liberalization has a principal objective of improving the service quality and reducing the costs of maritime transport, for the benefit of foreign trade, through three main principles: (i) competition; (ii) competitiveness; (iii) transparency.

This liberalization, which should be progressive, does not necessarily signify the States' abandonment of the concept of traffic rights.

9. Facilitate the participation of shipping companies of the sub-region in bulk cargo, in particular in petroleum, so as to diversify their activities.

10. To go beyond the national framework to arrive at a regional framework concerning the exploitation of the traffic rights (to pool traffic rights). To this effect, to establish a system of concertation and of follow-up.

Moreover, to propose to all parties a new formula of participation in the traffic.

11. To encourage co-operation and partnership between the shipowners of the sub-region, and extend its scope to shipping lines from other regions.

12. To implement the conclusions of the studies carried out by the MINCONMAR, the ECOWAS, and the ECA on regional cabotage. Cabotage should be reserved for shipping lines of the sub-region.

13. To adapt maritime legislation (Codes of Merchant Marine) to the current economic and institutional context.

On the other hand, to establish appropriate legislation on competition.

14. To encourage the shipping companies in the sub-region to approach the shippers in view of a mutually benefit collaboration.

To take account of shippers' and goods' needs in elaborating and implementing any transport policy in the sub-region.

15. To establish and reinforce relations between ancillary maritime transport services providers and the shipping lines of the sub-region in view of creating a synergy between the economic operators.

On the other hand, to favour co-operation between shipping lines and private enterprises of the sub-region.

16. Concerning multimodal transport and transshipment operations, to accelerate formalities and other administrative and customs procedures which are applied to both cargo and vessel.

17. To find a regional plan and solutions to the problem of maritime insurance.

18. To promote education and ensure the use of human resources in the field of maritime transport in the sub-region.

19. To adapt port equipment et develop shipyards in the sub-region.

20. To favour, in the framework of inter-States relations with donors: (i) association of private operators in the maritime sector in the process of negotiations; (ii) on the other hand, to take account of the pre-occupations and specificities of the maritime sector in the elaboration of development policies.

The closing statement was delivered by the Honourable K. A. Peasah, Deputy Minister.

The text of the statement is attached in annex.

TRADE AND TRANSPORT PROJECT

THEMATIC SEMINAR ON THE RESTRUCTURING OF AFRICAN SHIPPERS COUNCILS OUGADOUGOU (BURKINA FASO), 16 & 17 JANUARY 1996

SYNTHESIS OF DELIBERATIONS

The thematic seminar on the restructuring of the West and Central Africa Shippers' Councils was held in Ouagadougou on the 16 and 17 January, 1996 at the headquarters of the Burkinabe Shippers' Council.

This seminar was organised at the initiative of the Ministerial Conference of West and Central African States on Maritime Transport (MINCONMAR) and the World Bank.

Participating in the seminar were representatives of the Union of African Shippers' Councils and its members, shippers, associations of shippers, Chambers of Commerce of the sub-region. ^{and}

The opening ceremony was marked by a number of speeches and messages which are annexed hereto.

The official opening was presided over by His Excellency OUALA KOUTIEBOU, Minister of Transport and Tourism and incumbent Chairman of the eighth MINCONMAR.

In his opening remarks, the Minister placed emphasis on the factors which justified the organisation of this seminar in a sector in the full thrust of change, namely that of international shipping.

The progressive liberalisation of trade and services and the preponderance of the private sector in the production and distribution process are other underlying factors.

He exhorted participants to strive towards achieving greater competitiveness of the economies of the sub-region.

Three exposes were delivered, a statement by Pr. SLETMO on institutional and economic changes, a scientific framework for the seminar by the Monitoring and Coordinating Unit of the project, a presentation of the interim report by Tractebel Consult, which served as the basis for discussions. The texts of these exposes are annexed hereto.

The meeting took note of the observations in the report prepared by Tractebel and embarked on a general debate on the different aspects of the reform and evolution of the shippers' councils of the sub-region.

.../...

I Observations regarding the interim report

The UASC considers that the interim report presented by the consultant has shortcomings due to the lack of in depth analysis in the assesment of African shippers' councils activities and to assertions which are not in conformity with the reality notably regarding the impact of the activities concerning negotiation and cargo sharing.

The UASC also addressed the weakness of the prospective analysis.

The observations by the UASC in the form of a contribution to the meeting are annexed.

In addition to this contribution, the UASC offered to assist the consultant by providing him with the data necessary for a better understanding. It was recommended that the restructuring experiences of the shippers' councils in some member countries of MINCONMAR be taken into account in the report. By the same way, the specific cases of English speaking countries of the sub-region deserve to be highlighted.

This assistance will be realised by the availability of experts designated by the UASC for the continuation of the study.

The Monitoring and Coordination Unit of the project will see to the full application of this collaboration.

The meeting regretted the inclusion in the annexes of the report of correspondence between the Government of one country of the sub-region and the World Bank. It was requested that this correspondence be taken out of the report.

II General discussion

The need of readaptating the African Shippers' Councils of the sub-region to the new environment was recognised by all participants. The reflections engaged over the last years at the UASC level as well as at individual councils' level bear witness of it.

The shippers' councils organisation should evolve to allow a better representation of all shippers, notably those from the private sector. On this issue, the idea of a partnership (state, private sector) has been voiced, with a preponderance of private operators in the decision making structures as well as an autonomy of management .

.../...

The shippers' councils should have as exclusive missions the defense of shippers' interests.

The shippers' councils should contribute to the promotion of the competitiveness of their respective countries and at last;

The shippers' councils should in the short or mid-term ensure the funding of their activities with their own resources.

A transitional period, to vary according to the countries is necessary to allow the shippers' councils to obtain a real financial independence.

The closing ceremony of the seminar was presided over by His Excellency OUALA KOUTIEBOU, Minister of Transport and Tourism of Burkina Faso and incumbent Chairman of the eighth MINCONMAR.

The speech of the Minister is annexed hereto.

Overview of countries with restrictions to access to the supply of maritime transport services in place.

(Source : European Community Shipowners Association)

	cargo sharing for all liner trade	legislation on cargo sharing, not applied	waiver for all shipments required	taxes on import/export cargoes	fines in case of non-compliance with rules
Angola		X	X	X	X
Benin	X		X	X	X
Burkina Faso	X		X		
Cameroon	X		X	X	
Congo	X		X	X	X
Gabon	X		X	X	X
Ghana		X	X		
Guinea-Conakry	X				
Mali		X	X		
Niger	X				
Nigeria	X		X	X	X
Togo	X		X	X	X

N.B. no information available on other MINCONMAR countries

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ISSN 0254-1475

COM(97) 41 final

DOCUMENTS

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11 07

Catalogue number : CB-CO-97-037-EN-C

ISBN 92-78-15510-1

Office for Official Publications of the European Communities

L-2985 Luxembourg