

Economic Community of West African States, African Regional Bodies

## A/P2/5/82 Convention regulating Inter-State road Transportation between ECOWAS Member States

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Economic Community of West African States

# A/P2/5/82 Convention regulating Inter-State road Transportation between ECOWAS Member States

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**Not commenced**

*[This is the version of this document as it was at 29 May 1982 to 31 May 1982.]*

## **PREAMBLE**

The Governments of Member States of the Economic Community of West African States,

MINDFUL of Articles 40 and 41 of the Treaty of the Economic Community;

CONSCIOUS of the urgent need to develop transportation in general and road transportation in particular with a view to promoting trade;

CONVINCED that the gradual integration of the economies of the Member States of the sub-region requires a harmonious development of the system of road transportation;

DESIROUS of encouraging movement of persons, goods and services through the harmonization of their transport policies,

HAVE AGREED as follows:-

## **Chapter I Definitions**

### **Article 1**

In this Convention

"**Treaty**" means the Treaty of the Economic Community of West African States,

"**Community**" means the Economic Community of West African States established by Article 1 of the Treaty,

"**Member State**" or "**Member States**" means a Member State or Member States of the Community;

"**Authority**" means the Authority of Heads of State and Government of the Community established by Article 5 of the Treaty;

"**Council**" means the Council of Ministers of the Community established by Article 6 of the Treaty;

"**Executive Secretary**" means the Executive Secretary of the Community appointed under Article 8 of the Treaty;

"**Transporter**" means the natural or legal person in whose name the transporter's licence is issued;

"**Road Vehicle**" means any motor vehicle or any Trailer or semi Trailer with back axle, the front part of which rests on the towing vehicle and is so designed as to be connected to such a vehicle,

"**Container**" means any means of transport (frame, tankers or similar stock);

- (1) having a durable outlook and of such quality as to withstand repeated use,
- (2) specially designed to facilitate transportation of merchandise without the need for breaking bulk by one or several means of transportation,

- (3) equipped with devices which can be easily manipulated especially when changing from one means of transport to another,
- (4) made in such a way that it can be filled and emptied easily, and
- (5) having an internal capacity of at least one cubic metre

**"Way-bill"** means a document issued by the loading agent or the freight office, indicating the nature and weight of the cargo, the loading and off-loading points as well as the date of commencement of transportation.

## **Chapter II Objective**

### **Article 2**

1. The aim of this convention shall be to define the conditions under which transportation by road shall be carried out between the Member States of the Community.
2. This convention shall deal with the road transportation of persons and merchandise between one or several points of the territories of Member States by road vehicles or by containers mounted on such vehicles and operating along clearly defined inter-state road axes.

### **Article 3**

The following shall be the recognised Community road axes:

In Benin

- I. — Cotonou — Bohicon — Dassa-Zoume — Parakou-Bembereke — Kandi — Malanville — (Niger)
- II. — Cotonou — Dassa — Zoume-Savalou — Djougou-Natitingou-Porga -(Upper Volta)
- III. — Cotonou — Ouidah-Hiflancondji — (Togo)
- IV. — Cotonou — Port-Novo-Igolo - (Nigeria)
- V. — Djougou — Parakou-N'Dali-Nikki - (Nigeria)
- VI. — Cotonou — Seme-Krake — (Nigeria)

2. In Ivory Coast

- (i) — Abidjan — N'Douoi-Toumodi-Yamoussokro-Tiebissou-Bouake-Katiola-Ferkes-Sedougou-Ouangolodougou-La Leraba - (Upper Volta)
  - (ii) — Ouangolodougou - Nielle - Komani -(Mali)
  - (ii) Abidjan-Yamoussokro-Bouafle-Daloa — Duekoue-Toulepleu -(Liberia)
- [Please note: numbering as in original.]*
- (iii) Duekoue-Man-Danane — (Guinea)
  - (iv) Abidjan-Adzope-Abengourou-Agnibilekrou — (Ghana)
  - (v) Abidjan-Grand-Bassam-Aboisso - (Guinea)
  - (vi) Odienne-Touba-Man-Danane-Toulepleu - (Liberia)
  - (vii) San-Pedro — Tabou - (Liberia)



3. In Gambia
  - (i) Banjul-Karang - (Senegal)
  - (ii) Ganjuf-Bignona - (Senegal)
4. In Ghana
  - (i) Accra-Kumasi-Dorma Ahenkro - (Ivory Coast)
  - (ii) Aflao-Accra-Takoradi-Axim-Elubo-(Ivory Coast)
  - (iii) Accra-Kumasi-Kintampo-Tamale-Bolgatanga-Nevrongo-Paga-(Upper Volta)
  - (iv) Kumasi-Techiman-Wenchi-Wa-Lawra-Hamile-(Upper Volta)
  - (v) Accra-Aflao-(Togo)
  - (iv) Bolgatanga-Bawku-Puisiga-(Togo)

*[Please note: numbering as in original.]*
5. In Guinea
  - (i) Conakry-Boke-Gaoul-Koundara-Kandika-Gabou-Bissau-(Guinea Bissau)
  - (ii) Conakry-Labe-Gaoul-Carrefour-Lekering — Koundara-Tambacounda-Dakar (Senegal).
  - (iii) Conakry-Coyah-Pamelap-Massiaka-Freetown-(Sierra Leone)
  - (iv) Conakry-Coyah-Mamou-Kankan-Siguiri-(Mali)
  - (v) Conakry-Coyah—Mamou—Kankan-Beyla-Nzerekore—Gantamonrovia -(Liberia)
  - (vi) Conakry-Coyah-Mamou-Kankan-Beyla—Nzerekore-Ganta-Monrovia (Liberia)
  - (vii) Conakry-Kankan-Kerouane-Beyla-Sinko - (Ivory Coast)
6. In Guinea Bissau
  - (i) Bissau-St Vicente-Ingore-St-Domingos-M'Pack-Ziguincho - (Senegal)
  - (ii) Bissau-Nhacra-Mansoa-Mansaba-Farim-Dungal-Tanaf-Ziguinchor (Senegal)
  - (iii) Bissau-Mansoa-Mansaba-Bafata-Contuboel—Kambadju-Salikenie-Kolda-Dakar - (Senegal)
  - (iv) Bissau-Bafata-Gabu-Bajocunda-Pirada—Wassadou-Koukane-Velingara-Dakar — (Senegal)
  - (v) Bissau-Gabu-Buruntuma-Kadika-Koudara-Gaoual-Boke-Boffa-Conakry — (Guinea)
7. In Upper Volta
  - (i) Ouagadougou-Koupela-Feda N'Gourma-Kantchari - (Niger)
  - (ii) Ouagadougou-Koupela-Tenkodogo-Bitou (Togo) and (Ghana)
  - (iii) Ouagadougou-Pc - (Ghana)
  - (iv) Ouagadougou-Leo—(Ghana)
  - (v) Ouagadougou-Kaya-Dori—(Niger)
  - (vi) Ouagadougou-Yako-Ouahigouya-Thiou — (Mali)
  - (vii) Bobo-Dioulasso-Faramana - (Mali)
  - (viii) Bobo-Dioulasso-Orodara-Koloko-(Mali)
  - (ix) Bobo-Dioulasso-Diebougou — (Ghana)

- (x) Yako-Koudougou-Leo — (Ghana)
  - (xi) Bobo-Dioulasso-Ouessa — (Ghana)
  - (xii) Ouagadougou-Bobo-Dioulasso-Lerabs - (Ivory Coast)
  - (xiii) Diebougou-Gaoua-Kampti - (Ivory Coast)
  - (xiv) Sakoinse-Koudougou-Dedougou-Mouna - (Mali)
  - (xv) Fada N'Gourma-Pama — (Benin)
6. In Liberia
- (i) Monrovia-Freetown — (Sierra-Leone)
  - (ii) Monrovia-Ganta — (Guinea)
  - (iii) Monrovia-Ganta-Tapeta (Ivory Coast)
- [Please note: numbering as in original.]*
9. In Mauritania
- (i) Nouakchott-Rosso-(Senegal)
  - (ii) Nouakchott-Aioun-Nema-Gogui — (Mali)
  - (iii) Nouakchott-Aioun-Nema-(Mali)
10. In Mali
- (i) Bamako-Nioro du Sahel-Nahe - (Senegal)
  - (ii) Bamako-Kita-Keneba — (Senegal)
  - (iii) Bamako-Kolokani-Mourdiah-Goumbou-Nara-Guirel-Mauritania)
  - (iv) Bamako-Kolakani-Nioro du Sahel-(Mauritania)
  - (v) Bamako Gao-Labezana-(Niger)
  - (vi) Bamako-Dougouni-Sikasso - (Upper Volta)
  - (vii) Bamako-Segou-Bla-San Severa-Bandiagara-Bankass-Koro-(Upper Volta)
  - (viii) Bamako-Segou-Bla-Sienso-Kiparana-Kourv-(Upper Volta)
  - (ix) Bamako-Segou-Bla-San-Taminian - (Upper Volta)
  - (x) Bamako-Bougouni-Manakoro-(Ivory Coast)
  - (xi) Bamako-Bougouni-Sikasso-Zegoua-Bouake (Ivory Coast)
  - (xii) Bamako-Bougouni-Yanfolila-Badogo-(Guinea)
  - (xiii) Bamako-Kouremale-(Guinea)
11. In Niger
- (i) Niamey-Makalondi-(Upper Volta)
  - (ii) Niamey-Tera-(Upper Volta)
  - (iii) Niamey-Tillabery-Ayorou-(Mali)
  - (iv) Niamey-Dosso-BirniN Konni-Mara (Nigeria)
  - (v) Niamey-Dosso-Gaya-(Benin)

- (vi) Tahoua-Tsernawa-Birni N'Konni-(Nigeria)
  - (vii) Zinder-Magaria-(Nigeria)
  - (viii) Naine-Soroa-(Nigeria)
  - (ix) Diffa-(Nigeria)
  - (x) N'Guimai-Bosso-(Nigeria)
12. In Nigeria
- (i) Lagos-Badagry-Cotonou-(Benin)
  - (ii) Lagos-Idiroko-Igoio-Porto-Novo-(Benin)
  - (iii) Lagos-Kontagora-Kano-Kogolam-Zinder (Niger)
  - (iv) Kano-Maradi-Birni N'Konni-Dosso - (Niger)
13. In Senegal
- (i) Dakar-St. Louis-Posso-(Mauritania)
  - (ii) Dakar-Tambacounda-Doundara-Labe - (Guinea)
  - (iii) Dakar-Dianke Makam-(Mali)
  - (iv) Dakar-Kaolack-Keuraip-(Gambia)
  - (v) Ziguinchor-Senaba-(Gambia)
  - (vi) Dakar-Kaolack-Karang-Banjul-(Gambia)
  - (vii) Dakar-Ziguinchor-M'pak-St. Domingos Ingore-St. Vicente-Bissau-(Guinea Bissau)
  - (viii) Dakar-Colda-Saniken-Kambanju-Kontu-bouel-Bafata-Mansaba-Mbansoa-Bissau-(Guinea Bissau)
  - (ix) Dakar-Ziguinchor-Tanaf-Dungal-Farim-Mansaba-Mbansoa-Bissau (Guinea Bissau)
  - (x) Dakar-Belingara-Koukane-Wassadou-Pirade-Banjocounda-Gabou-Bafata-Bissau-(G. Bissau)
14. In Sierra Leone
- (i) Freetown-Masslaka-Parnelap-Conakry-(Guinea)
  - (ii) Freetown-Mssiaka-Bo-Mano River-Monrovia-(Liberia)
- In Togo
- (i) Lome-Tsevie-Atakpame-Sokode-Kara-Sansanne Mango-Dappaong-(Upper Volta)
  - (ii) Lome-Kpalima-Atakpame-Badou-(Ghana)
  - (iii) Lome-Aneho-Savicondji (Benin)
  - (iv) Lome-Kara-Ketao-(Benin)
  - (v) Kara-Awandjelo-Kabou-(Ghana)
  - (vi) Sokode-Bassar-Natchamba-(Ghana)

The present list of inter-state road axes is provisional.

It may be modified by the Council of Ministers upon the recommendation of the Transport, Telecommunications and Energy Commission.

### Chapter III Highway code

#### Article 4

The axle load of the various types of vehicles authorised to carry out Inter-State Transportation shall not exceed 11.5 tonnes.

#### Article 5

The maximum dimensions allowed for the road vehicles defined in Article 2 above shall be as follows:

a) Length	Vehicles with two or three axles	11m (In exceptional cases, the length of passenger vehicles may be longer than 11 meters but shall not exceed 12 meters, provided the overhang shall not be greater than 6/10 of its width or a length of 3,50m).
	Articulated vehicles	15 m (under special arrangement made for container vehicles) Articulated carriage (vehicle + trailer 18m
	Road train	22 m
(b) Breadth	All vehicles	2.50 m
(c) Height	All vehicles	4 m

#### Article 6

For an omnibus, two entrances or exits shall be provided for passengers. One emergency exit shall also be provided.

Width of the door	0.60 m
Height of the door	1.60 m

Every entrance or exit (other than emergency exit) shall be on the near side of the omnibus.

### **Article 7**

Vehicles with exceptional dimensions shall seek permit from the Minister responsible for Transport in the State in which the vehicles are registered. In the event such vehicles operate in other Member States they shall seek prior approval from the Ministers of Transport of the transit States.

Vehicles with exceptional dimensions may operate only during the day on specified axes during a specified period.

### **Article 8**

The maximum number of passengers to be carried in public transport vehicles shall be determined by the following standards:

- A space of 40 cm shall be provided for each passenger
- The space between the back of one seat and the other shall be 60 cm.
- An allowance of 70 kg. shall be made for the weight of each passenger.
- Each passenger shall be entitled to 30 kg. for his baggage
- An allowance of at least 40 cm shall be provided for a Central corridor.

### **Article 9**

Vehicles operating under the present Convention shall carry at their rear and front, reflectorised plates bearing their registration numbers and the signs of the Member States in which the registration has been effected.

### **Article 10**

The minimum period for mechanical examination shall be fixed as follows:

- (1) Every three months for Passenger Transport Vehicles,
- (2) Every six months for Goods Transport Vehicles

The mechanical examination shall compulsorily be conducted before an Inter-State Passenger or Goods Transport Vehicle is put back on the road after it has been involved in a serious accident or when it is subject to alteration or transfer.

### **Article 11**

A mechanical examination shall take place in the State where the vehicle is registered. It shall be recognised as valid in other States.

If the certificate of road worthiness expires while the vehicle is in the territory of a State other than that to which it was registered, it shall undergo a mechanical examination in that State.

If in the opinion of any of the contracting States such vehicles are deemed mechanically unfit, a report of the observation shall be forwarded to the State where the vehicle is registered with a view to affecting a re-examination.

The said vehicle shall comply with the internal regulations of the State in which it was registered upon its return to that State.

## **Chapter IV**

### **Transportation regulations and requirements**

#### **Article 12**

A vehicle registered in one of the Member States may operate between one or several pre-determined points in the territories of other Member States along the axes defined in Article 3 above provided that:

- The goods loaded in one State shall only be transported to another Member State or Member States.
- It complies with rules laid down by the offices in charge of Freight.
- The vehicle shall satisfy prescribed regulations while crossing the customs barrier of each Member States.

#### **Article 13**

In order to facilitate the use of public passenger transport operating between Member States, the conditions laid down in Article 11 of the Convention may be waived provided there is a bilateral or multilateral agreement between Member States concerned.

#### **Article 14**

Carriage of persons and goods mixed together in one vehicle shall be forbidden between States of the Community.

#### **Article 15**

Transportation of goods or persons along the Inter-State routes defined in Article 3 above shall be carried out in accordance with the regulations in force in each State regarding the co-ordination of transportation by rail and by road.

#### **Article 16**

Vehicles registered in one of the Member States shall operate within the road traffic and fiscal regulations in force in their country of registration.

These vehicles shall be exempted from fiscal regulations in force in other Member States.

#### **Article 17**

Vehicles taking part in Interstate transportation shall possess a bilingual (official language of the Member State/ One working language of ECOWAS) Inter-State Transport Permit; printed in two colours (grey) for vehicles licensed to undertake public transportation of persons and (green) for vehicles engaged in the transportation of merchandise.

The specimen permit attached as an appendix shall be the only recognised format.

This permit which shall be valid for each vehicle shall bear the authorised itinerary and the official stamp of the States involved.

This licence shall be valid for one year.

### **Article 18**

Conditions for the issue of these permits shall be defined by bilateral or multilateral agreements signed between the States concerned. These agreements which may be renewed annually shall also stipulate for each State the number and the category of vehicles authorised to operate in the other State or States.

The basic criteria for comparison shall be tonnage and the authorised number of passengers; the number of vehicles according to specified categories may vary from one State to another in relation to the total number of vehicles in each State.

### **Article 19**

The implementation of this system of transport authorisation shall be subject to the establishment and operation of freight offices or road transport stations in charge of Inter-State transport in the Principal towns of States which are signatories to this convention.

### **Article 20**

Rules relating to Inter-State allocation of freight shall be those laid down by the inter-State freight offices of Member States.

### **Article 21**

Vehicles shall possess a five-page waybill in the Appendix and issued by the loading agent or the freight office stating the nature, the weight of the cargo, loading and off loading points and the date on which the transport owner takes responsibility of the freight.

### **Article 22**

The driver of a vehicle engaged in Inter-State Road Transport shall produce on demand by any competent authority responsible for traffic control, the following document in addition to his licence and the particulars of the vehicle:

- (i) Inter-State transport permit.
- (ii) Waybill

### **Article 23**

The transporter shall be responsible for acquiring and maintaining the validity of an insurance policy covering the responsibility he might encounter in accordance with the legislation in force in countries where he shall operate as regards loss or injury to a third party, taking into consideration the limits of the amount which the insurance policies of those countries have or may set for such purposes.

### **Article 24**

An infringement of the provisions of the traffic regulations in any of the States shall render the offender liable to the sanctions prescribed by the laws or regulations in force in the country where the offence is committed.

Any infringement of the provisions of the present convention, without prejudice to the sanctions that may be imposed on the driver or transporter shall render the offender in the person of the transporter, in the State where the offence was committed liable to the temporary or permanent withdrawal of the Inter-State transportation permit of the vehicle in question.

## **Chapter V**

### **General and final provisions**

#### **Article 25**

The Member States agree to retain provisions of treaties signed between them which shall not be contrary to the provisions of the present convention. Furthermore, Member States undertake to harmonise earlier accords signed and in force with third countries, to conform with the provisions of the present Convention.

#### **Article 26**

1. Any Member State may submit proposal for the revision of this convention.
2. Any such proposal shall be submitted to the Executive Secretary who shall communicate them to the other Member States not later than thirty days after the receipt of such a proposal. Amendments or revisions shall be considered by the Authority after Member States have been given one month's notice thereof.

#### **Article 27**

Any Member State desiring to withdraw from the present Convention shall give a year's notice of its intention to the Executive Secretariat which shall inform Member States thereof. If by the end of this period, the notice is not withdrawn, the Member State concerned shall cease to be party to the Convention.

During the one year period referred to above, the Member State in question shall continue to comply with the provisions of the present Convention and it shall be incumbent upon it to discharge the obligations which fall on it by virtue of the present Convention.

#### **Article 28**

The present Convention shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitely upon ratification by at least seven (7) signatory States in accordance with the constitutional procedures applicable for each Member State.

This Convention and all the instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this Convention to all Member States and notify them of the dates of deposits of these instruments of ratification and shall register this convention with the Organisation of African Unity, the United Nations and such Organisations as the Council shall determine.

IN FAITH WHEREOF WE the Heads of State and Government of the Economic Community of West African States have signed this convention.

Done at Cotonou this 29th day of May 1982 in single original in the English and French languages both texts being equally authentic