

CONVENTION A/P.2/5/82 REGULATING INTER-STATE ROAD TRANSPORTATION BETWEEN ECOWAS MEMBER STATES 3

PREAMBLE 4

The Governments of Member States of the Economic Community of West African States, 4

CHAPTER I 4

Definitions 4

ARTICLE 1 4

CHAPTER II 5

Objective..... 5

ARTICLE 2 5

ARTICLE 3 5

 1. In Benin 5

 2. In Ivory Coast 6

 3. In Gambia 6

 4. In Ghana 6

 5. In Guinea 7

 6. In Guinea Bissau 7

 7. In Upper Volta 7

 8. In Liberia 8

 9. Mauritania 8

 10. In Mali 8

 11. In Niger 9

 12. In Nigeria 9

 13. In Senegal 9

 14. In Sierra Leone 10

 15. In Togo 10

CHAPTER III 10

Highway Code..... 10

ARTICLE 4 10

ARTICLE 5 11

ARTICLE 6 11

ARTICLE 7 11

ARTICLE 8	11
ARTICLE 9	12
ARTICLE 10	12
ARTICLE 11	12
CHAPTER IV	13
Transportation Regulations and Requirements	13
ARTICLE 12	13
ARTICLE 13	13
ARTICLE 14	13
ARTICLE 15	13
ARTICLE 16	13
ARTICLE 17	14
ARTICLE 18	14
ARTICLE 19	14
ARTICLE 20	14
ARTICLE 21	14
ARTICLE 22	15
ARTICLE 23	15
ARTICLE 24	15
CHAPTER V	15
General and Final Provisions	15
ARTICLE 25	15
ARTICLE 26	15
ARTICLE 27	16
ARTICLE 28	16

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ROAD TRANSPORTATION BETWEEN ECOWAS
MEMBER STATES**

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 meter.

"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 vehicle or by containers mounted on such vehicles and operating along clearly defined inter-state road axis.

ARTICLE 3

The following shall be the recognised Community road axis:

1. 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 - Hillancondji - (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)
 - (i) Abidjan - Yamoussokro - Bouafle - Daloa - Duekoue - Toulepleu - (Liberia)
 - (ii) Duekoue - Man - Danane (Guinea)
 - (iii) Abidjan - Adzope - Abengourou - Agnibilekrou - (Ghana)
 - (iv) Abidjan - Grand Bassam - Aboisso - (Guinea)
 - (v) Odienne - Touba - Man - Danane - Toulepleu - (Liberia)
 - (vi) San - Pedro Tabou - (Liberia)

3. In Gambia

- (i) Banjul - Karang - (Senegal)
- (ii) Banjul - 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)

(vi) Bolgatanga – Bawku - Puisiga - (Togo)

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 – Ganta Monrovia
(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 - Ziguinchor (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 Po (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 – Leraba - (Ivory Coast)
- (xiii) Diebougou Gaoua – Kampti - (Ivory Coast)
- (xiv) Sakoinse Koudougou – Dedougou – Nouna - (Mali)
- (xv) Fada N'Gourma - Pama - (Benin)

8. In Liberia

- (i) Monrovia – Freetown – (Sierra-Leone)
- (ii) Monrovia – Ganta – (Guinea)
- (iii) Monrovia – Ganta – Tapeta – (Ivory Coast)

9. 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 – Koury – (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 - Birni N'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 – Igolo – Porto-Novo – (Benin)
- (iii) Lagos Kontagora – Kano – Kogolam – Zinder (Niger)
- (iv) Kano Maradi - Birni N'Konni – Bosso – (Niger)

13. In Senegal

- (i) Dakar St. Louis-Rosso - (Mauritania)
- (ii) Dakar Tambacounda - Doundara-Labe-(Guinea)
- (iii) Dakar Dianke Makam – (Mali)
- (iv) Dakar Kaolack – Keuraip – (Gambia)
- (v) Ziguinchor Seneba – (Gambia)

- (vi) Dakar Kaolack-Karang – Banjul – (Gambia)
- (vii) Dakar Ziguinchor - M'pak - St.Domingos – Ingore - St. Vicente – Bissau (Guinea Bissau)
- (viii) Dakar Colda – Sanikeni – Kambanju – Kontubouel - Bafata – Mansaba - Mbansoa – Bissau – (Guinear Bissau)
- (ix) Dakar Ziguinchor – Tanaf - Dungal Farim – Mansaba - Mbansoa - Bissau (Guinea Bissau)
- (X) Dakar Belingara – Kounkane – Wassadou - Pirade – Banjocounda – Gabou - Bafata – Bissau – (G. Bissau).

14. In Sierra Leone

- (i) Freetown Massiaka – Pamelap – Conakry – (Guinea)
- (ii) Freetown Massiaka – Bo – Mano River – Monrovia – (Liberia)

15. In Togo

- (i) Lome Tsevie – Atakpame – Sokode – Kara - Sansanne Mango-Dappaong - (Upper Volta)
- (ii) Lome Kpalime – Atakpame – Badou – (Ghana)
- (ii) 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 axis 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 be greater than 6/10 of its width or a length of 3.50m).

Articulated vehicles ...15m (under special arrangement made for container vehicles) Articulated carriage (vehicle + trailer 18m) Road train . . . 22m

- (b) Breadth: All vehicles ... 2.50m

- (c) Height: All vehicles ... 4m

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 0.60m

Height of the door 1.60m

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 axis 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 40cm shall be provided for each passenger.

- The space between the back of one seat and the other shall be 60cm.
- 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 40cm 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 in 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 axis 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 Inter-State 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 documents 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

Signed

H.E. COLONEL MATHIEU KEREKOU
President of People's Republic of Benin

Signed

H.E. DR. MOMODOU S.K. MANNEH
*Minister of Economic Planning and Industrial
Development, for and on behalf of the
President THE GAMBIA*

Signed

**Hon. BRIGADE COMMANDER PEDRO
PIRES**
*Prime Minister,
for and on behalf of the President of the Republic of
CAPE VERDE*

Signed

**H.E. FLIGHT LIEUTENANT JERRY JOHN
RAWLINGS**
*Chairman, Provisional National Defence Council
(P.N.D.C.) Republic of GHANA*

Signed

H.E. Mr. FELIX HOUPHOUET-BOIGNY
President of the Republic of IVORY-COAST

Signed

H.E. AHMED SEKOU TOURE
*President of the People's Revolutionary Republic of
GUINEA*

Signed

HON. VICTOR SAUDE MARIA
*Vice Chairman of the Revolutionary Council, Prime
Minister, for and on behalf of the President of the
Republic of GUINEA BISSAU*

Signed

H.E. COLONEL SEYNI KOUNTCHE
*President of the Supreme Military Council, Head of
State of the Republic of NIGER*

Signed

H.E. COLONEL SAYE ZERBO
*President of the Military Committee for Redress for
National Progress, Head of State of the Republic of
UPPER VOLTA*

Signed

H.E. ALHAJI SHEHU SHAGARI
President of the Federal Republic of NIGERIA

Signed

H.E. SAMUEL KANYON DOE
*Commander-in-Chief of the People's Redemption
Council and Head of State of the Republic of
LIBERIA*

Signed

H.E. ABDOU DIOUF
President of the Republic of SENEGAL

Signed

Hon. DRISSA KEITA
*Minister of Finance and Commerce
for and on behalf of President of the Republic of
MALI*

Signed

H.E. DR. SIAKA STEVENS
President of the Republic of SIERRA LEONE

Signed

**H.E. LT. COLONEL MOHAMED KHOUNA
OULD HAIDALLA**
*President of the Military Committee of National
Salvation, Head of State of the Islamic Republic of
MAURITANIA*

Signed

H.E. GENERAL GNASSINGBE EYADEMA
President of the Republic of TOGO