

Tripartite Agreement on Road Transport

EAST AFRICAN COMMUNITY

TRIPARTITE AGREEMENT ON ROAD TRANSPORT BETWEEN
THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA,
THE GOVERNMENT OF THE REPUBLIC OF KENYA AND
THE GOVERNMENT OF THE REPUBLIC OF UGANDA

PREAMBLE

The Government of the United Republic of Tanzania, the Government of the Republic of Kenya and the Government of the Republic of Uganda hereinafter referred to as the "Partner States";

BEING desirous of strengthening their economic and commercial relations in the spirit of the East African Community and other relevant international and regional agreements;



CONSCIOUS of the special geographical circumstances peculiar to each Partner State in relation to access to sea ports and maritime transport and also of adequate transit traffic arrangement for the international trade and economic progress;

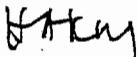
WISHING to promote, facilitate and regulate international road transport services between and in transit through their respective territories and develop the road transport facilities, infrastructure, bridges and related services HAVE AGREED as follows:-

Article I

DEFINITIONS

For purposes of this Agreement the terms:

- (a) "cargo transport" means the carriage of goods for hire or reward or for own account on any vehicle designed to carry 2,300 kgs or more regardless of the actual weight being transported;



- (b) "carrier" means any person duly authorised by any of the Partner States in accordance with their respective national laws and regulations to engage in the international carriage of passengers or goods by road and shall include the person in charge of each vehicle;
- (c) "competent authority" means the Minister responsible for works or/and transport or/and communications or any other person authorised by him to perform the functions and to exercise the rights of the said authority;
- (d) "international transport" means any transport which crosses at least one frontier;
- (e) "Joint Technical Committee" means the committee established by the competent authorities under Article X which will oversee the operation and administration of this Agreement. It shall regulate all matters pertaining to the implementation, application and operation of this agreement;



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- (f) "Partner States" means the United Republic of Tanzania, the Republic of Kenya and the Republic of Uganda;
- (g) "passenger transport" means the carriage of persons in vehicles designed for the transport of twelve or more passengers not including the driver, regardless of the actual number of passengers being transported;
- (h) "region" means the geographical territory of the Partner States;
- (i) "regular service" means the transport of passengers or goods between two points one being located in the territory of one Partner State, and the second being in the territory of another Partner State or between a point in the territory of either Partner State and a point in a third country over a pre-determined fixed route according to a public schedule of departure and arrival times, with charges given in a public tariff with respect to passenger services;
- (j) "right of transit" means the right agreed between the Partner States for the passage of traffic in transit across their territories;



- (k) "road infrastructure" means roads, bridges and road furniture;
- (l) "road service permit" means an official document issued by one of the Partner States with respect to a road transport vehicle, registered by the other Partner States authorising it to enter, exit or transit their territories;
- (m) "route management groups" means the groups referred to in Article X;
- (n) "route service permit" means an authorisation issued by one of the Partner States to a carrier registered by the other Partner State to conduct a regular service for the carriage of goods or passengers (as defined in paragraph (v)(i) below, from, or in transit across its territory;
- (o) "traffic in transit" means passage of traffic across the territory of one of the Partner States with or without transshipment, warehousing, break bulk, cleaning, repairing assembly, repacking, disassembly, reassembly of machinery and bulk goods and



change of mode and means of transport. When any such operation is undertaken solely for the convenience of transportation provided that such a passage is only a portion of a complete journey beginning and terminating beyond the frontier of the state across whose territory the traffic passes;

- (p) "transit" means the passage across the territory of a Partner State when such a passage is only a portion of complete journey beginning and terminating beyond the frontier of the state across whose territory the transit takes place;
- (q) "transit transport" means the carriage of passengers or goods to or from the territory of one Partner State across the territory of the other without setting down or picking up, enroute to or from a point in the territory of the country of origin or in third country with both the origin and destination of the Partner State whose territory is transited;
- (r) "transit routes" means regional trunk roads providing access to major centres of population and economic activities as provided for in Article VI;



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- (s) "transport of own account" means the carriage of goods which are the legal property of the person or persons responsible for operation of the vehicles;
- (t) "trip permit" means an authorisation issued by either Partner State to undertake a single goods or passenger return trip to and from or transiting its territory;
- (u) "unlined vehicle" means a passenger or cargo vehicle travelling without passengers or cargo except for simple luggage for the driver and basic materials necessary for operating the vehicle;
- (v) "vehicle" means:
 - (i) any means of conveyance constructed or adopted for the carriage of passengers or goods by road or for towing other vehicles so designed and constructed within the meaning of sub-paragraph (ii) below;

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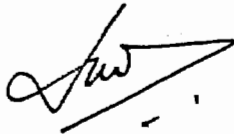
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- (ii) any trailer or semi-trailer constructed or adopted for the carriage of goods or passengers;
- (iii) any combination formed including a vehicle described in sub-paragraph (ii) above.

Article II

Objectives

It shall be the objective of the Partner States to co-ordinate their efforts in providing and sustaining the development of road infrastructure and related facilities in support of social - economic growth of the East African region by ensuring that the same facilitate access to areas of population, production and market centres. In this respect Partner States agree to:



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- (a) promote, regulate and facilitate traffic flow through transit routes by handling regional trade through their territories with a view to achieving a fair distribution of road transport services;
- (b) minimise the incidence of customs fraud and avoidance by taking all the necessary measures to ensure expeditious and secure movement of traffic, avoidance of unnecessary delays in the movement of goods and the simplification and harmonisation of relevant documentation and procedure.

Article III

Principles Governing Operations of this Agreement

I There shall be fair and equal opportunity for the Partner States to share equally benefits realised from the administration of this Agreement in terms of investments and operations by carriers of the Partner States.



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- 2 In undertaking investments to improve routes serving the economy of Partner States, efforts will be exercised to ensure that such investments shall be directed to areas prioritised for investment and these areas shall be agreed under the improvement programme of road network and related facilities.
- 3 In operating agreed services, authorised carriers of each Partner State shall take into account the interests of the carriers of other Partner States so as not to affect unduly the services which the latter provide on the whole or any part of the same routes.

Article IV

Market Access

- I A carrier wishing to undertake the carriage of goods or conveyance of passengers by road:
 - (a) between any point in the territory of one Partner State and any point in the territory of the other Partner State;



- (b) in transit across the territory of a Partner State shall apply for a permit and/or licence authorising such carriage or conveyance to the competent authority of the Partner State in whose territory the vehicle to be used for such carriage is registered.

2. The competent authority receiving an application for a permit and/or licence shall duly consider such application and may grant such application in whole or in part or refuse such application on the following grounds:

- (a) That a carrier has failed to comply with conditions previously imposed upon him in terms of a permit and/or licence;
- (b) Where the applicant has been found guilty and disqualified by a court of a competent jurisdiction in any of the Partner States to carry on business as a carrier;
- (c) That competent authorities have mutually agreed to limit the number of permit or licences to be issued to their carriers or



to limit the number of journeys which may be undertaken in terms of a permit or licence; or

- (d) For such other reasons as shall be agreed upon by the competent authorities.

3. A carrier who has been authorised to conduct the carriage of goods as contemplated in sub-article 1 of this Article shall not be required to obtain any additional authorization to undertake such carriage from the competent authority of the other Partner State.

4. Subject to the provisions of sub-article 3 of this Article a person granted a licence shall have:

- (a) the right to transit through the territories of other Partner States without setting down or picking up goods or passengers; or
- (b) the right to setting down and picking up goods or passengers between two points in the territory of the Partner States.



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5. With respect to sub-article I of this Article the competent authorities of the Partner States may, through the Joint Technical Committee, agree in a protocol to this Agreement on restrictions or and conditions for the issuance of permits and/or licences.

6 This Agreement shall not affect the rights and obligations of any Partner State emanating from international conventions, agreements or arrangements to which it is now or may in future be a party.

Article V

Ports of Entry and Routes Authorised for International Operations

1. Each Partner State will designate ports of entry and the route open to international transport by road under the terms of this Agreement.

2. The Partner State shall co-ordinate the operations of common border posts to ensure that:

- (a) the same hours of operation are observed;



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- (b) when hours of operation are limited, these hours shall be conspicuously displayed on a road side sign close to or within the limits of the nearest town or village where public eating and resting places are available.

Article VI

Transit Routes

- I The Partner States recognise the existence of several cross border routes which include among other major transit routes which handle trilateral and regional trade. The Partner States attach special importance to these routes and consider them critical for socio-economic development of the East African region.



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2. The identified transit routes shall include:

- (a) The Mombasa-Nairobi-Kampala route;
- (b) The Mombasa-Horohoro-Tanga-Dar es Salaam route;
- (c) The Dar es Salaam-Arusha-Namanga-Kajiado-Nairobi route;
- (d) The Namanga-Arusha-Dodoma-Iringa-Tunduma route;
- (e) The Nairobi-Isebania-Musoma-Mwanza-Biharamulo route;
- (f) The Mombasa-Voi-Taveta-Holili-Moshi-Arusha route;
- (g) The Dar es Salaam-Dodoma-Isaka-Mutukula-Masa-Kampala route;
- (h) The Mbarara-Kikagati-Kayunga-Bukoba route;
- (i) The Kampala-Mutukula-Kigoma-Tunduma route;
- (j) The Mbale-Moroto-Lodwar-Wamurupulh-route; and
- (k) The Nakuru-Kisumu-Busia-Kampala route.



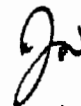
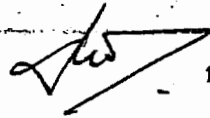
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3. The Partner States agree to explore all necessary possibilities of ensuring that routes mentioned in sub-article 2 of this Article form an East African trunk road network through a well established criteria for the same and that the network shall be improved and maintained to such level that allows smooth traffic flow throughout the East African region.

Article VII

Documentation and Procedures

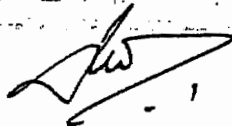
I. The Partner States hereby recognise the documentation and procedures represent important cost and time elements affecting the efficiency of transit operations and agree to keep the costs and delays at a minimum level.



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2. The Partner States undertake to:

- (a) keep documentation and procedures under continuous review in order to simplify and reduce them;
- (b) align their documentation and procedures to those of larger regional organisations to which Partner States are partners;
- (c) harmonise as far as possible commodity codes and descriptions with those commonly used in international trade;
- (d) look for possibilities of harmonising, rationalising and merging control and licence/permits issuing bodies for the purpose of minimizing difficulties and diversity.



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Article VIII

Information Management

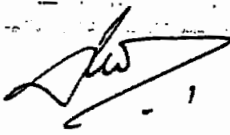
1. The competent authority of each Partner State shall maintain a register containing the information related to vehicles such as vehicle ownership, transfer, permits or licence.
2. Competent authorities shall regularly provide each other with the information contained in the register envisaged in sub-article I of this Article, collected on a specified period of time at each meeting.
3. For the purposes of this Article, the Partner States shall introduce measures to secure the return of all unused or expired permits/licences, as the case may be.



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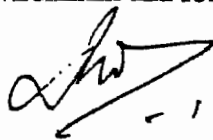
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Article IX

Technical Matters

I. The Partner States shall enhance the overall quality of road transport and road traffic in the region by jointly developing comprehensive strategies aimed at:

- (a) promoting acceptable levels of safety, order, discipline and mobility on the roads;
- (b) protecting the environment and roads infrastructure;



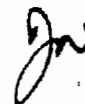
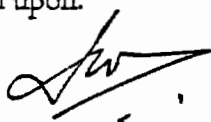
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(c) promoting security through control measures which support transparent, effective, affordable and safe systems or road traffic management; and

(d) harmonising and implementing relevant technical standards on, but not limited to:

- (i) safety and fitness of vehicles;
- (ii) dimensions of vehicles and vehicle combinations;
- (iii) loads on vehicles;
- (iv) abnormal, awkward and hazardous loads;
- (v) traffic signs including traffic signals, road signs and markings;
- (vi) road and bridge design standards and specification;
- (vii) a fully stocked first aid kit and permanently marked First Aid Kit and a working fire extinguisher.

2. (a) The vehicle axle load limits and dimensions which shall be applicable to each of the Partner States under this Agreement shall be agreed upon.



(b) Until the agreement referred to in sub-article 2(a) of this Article is made the existing vehicle axle load limits and dimensions presently in force in each Partner State shall remain in force subject to any amendments.

3. All vehicles engaged in international transport and operated in accordance with the provisions of this Agreement shall be road-worthy and suitable for the road transportation or operations for which they are licensed.

4. The registration and licensing of a vehicle in the territory of one Partner State shall be valid in the territory of the other.

5. The original permit and/or licence, consignment note, certificate of fitness and weighing certificate shall be kept in the vehicle on every journey in the territory of a Partner State and shall be produced for inspection when required by any officer designated by the competent authority for that purpose.

6. All vehicles engaged in international road transport operated in accordance with this Agreement, shall carry with them at all times a certificate of issuance issued by a government recognised institution of the Partner State where the vehicle is registered. The certificate shall have the name and postal address of the person responsible for vehicle operations and for related financial affairs. For the purposes of this paragraph the PTA/COMESA Yellow card or other insurance schemes recognised by the Partner States shall be deemed acceptable.

7. Certificates of fitness issued in the territory of one Partner State shall be valid in the territory of the other Partner State. Notwithstanding the provisions of this sub article, the competent authority of the later Partner State shall be entitled to check the vehicle's fitness or roadworthiness at any time.

8. Subject to relevant applicable laws and regulations, the three Partner States hereby agree to allow the installations and use of computer, radio communication network and facilities by transport institutions by road transporters to facilitate control and co-ordination of traffic movement. Such computer and radio facilities may be transported across borders into Partner States.



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Article X

Institutional Arrangements

1. The competent authorities of the Partner States shall direct all matters concerning the implementation, application and operation of this Agreement. For this purpose they shall establish a Joint Technical Committee which shall meet four times a year, or within three weeks after having consultations.

2. The Joint Technical Committee shall, by means of an administrative memorandum or as provided for by way of annexure to this Agreement:

- (a) prepare and agree on the administrative procedures concerning the use of permits and/or licences;
- (b) determine the services, routes, frequency of service, timetables, scale of traffic, duration of permits and/or licences;



- (c) identify investment needs and prioritise relevant routes for that investment;
- (d) work out strategies to secure investment needed to implement the improvement programme for road network;
- (e) identify and promote new routes which may promote trade and development in the East African region;
- (f) oversee the development of regional institutional capacity on matters related to training and research and sharing research findings related to road network development and road transport services.

3. Notwithstanding the provisions of this Article, the competent authorities may, where circumstances so require hold consultations more frequently and at short notice than is hereby provided in order to enable them to take temporary measures outside the provisions of the administrative memorandum.

4. With respect to sub Article 4, the Joint Technical Committee established under sub-article 2 of this Article shall establish Route Management Groups (RMGs) composed of representatives from:

- (a) each Partner State responsible for planning of investment;
- (b) traffic and transport policing authorities from the Partner State;
- (c) carriers associations from Partner States; and
- (d) authorities representing provinces or municipal areas traversed by the route for which a Route Management Group is established.

5. The Route Management Group shall:

- ~~(a) propose investment needs on the route;~~
- (b) determine and promote cargo and passenger transport services;
- (c) monitor carriers on the route;

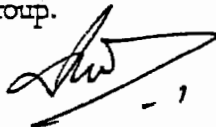


- (d) promote effective law enforcement on the route;
- (e) exchange all information pertaining to the route;
- (f) execute such other functions as may be determined from time to time by the Joint Technical Committee.

6. The Route Management Group shall meet at least four times a year or as may be so directed by the Joint Technical Committee.

7. The Joint Technical Committee shall:

- (a) identify new routes for which Route Management Groups may be established;
- (b) identify other participants or interested groups who may be approached to participate in a Route Management Group;
- (c) determine procedures for the functioning of the Route Management Group.



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8. All matters which cannot be settled by the Joint Technical Committee shall be referred to the competent authorities of the Partner State for final action.

Article XI

Application of Law and Regulations

1. Carriers and drivers of vehicles from one Partner State shall, when in the territory of the other Partner State comply with the laws and regulations in force in the territory of that State.

2. The laws and regulations of one Partner State relating to entry, immigration, passport, insurance, customs, import prohibitions and restrictions, currency and sanitary measures shall apply to passengers, drivers and cargo carried by the vehicles of the carriers of the other Partner States, including the vehicles upon entrance into or departure from or while within the territories of the said Partner State.



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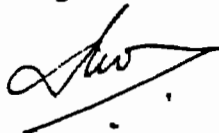
3. All documents required pursuant to the provisions of this Agreement shall be carried in vehicles at all times and shall be produced by drivers upon demand by authorised officers.

Article XII

Taxes, Fees and other Charges

1. Commercial passenger and cargo vehicles registered in the territory of one of the Partner States temporarily operating in the territories of the other Partner States under this Agreement shall be liable to pay all charges levied upon the possession or circulation of those vehicles in those territories. Any exemption that might be needed by vehicles of any of the Partner States, will need to be granted by the competent authority of the relevant country with respect to appropriate relevant laws and regulations that are applicable in the territories of those Partner States.

2. Commercial cargo and passenger vehicles registered in the territory of one of the Partner States temporarily imported into the territory of the other Partner States under this Agreement shall be exempted from import



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duties and taxes of equivalent effect upon application with the respective revenue authorities.

3. Fuel in tanks permanently affixed to a vehicle and functioning as an integral part of that vehicle shall be exempted from customs and excise duties and other levies or taxes. Fuel purchased within the territory of one of the Partner States shall not be exempted from duties, taxes, fees, or levies to the extent that such duties, taxes, fees, or levies are assessed upon vehicles registered within the State.

4. The exemptions under this Article shall not apply to road tolls and other user charges assessed without discrimination upon all vehicles.

5. The Partner States shall use their best endeavours to ensure that prompt payment of import duties and taxes due and payable on goods in transit through their territories which shall not be accounted for at the expiry of the period prescribed in their respective regulations.



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6. The Partner States agree to implement a harmonised cross border road charging system or road transit charges which shall be reviewed from time to time as needs arise and in a framework acceptable by all the Partner States.


Article XIII

Immigration formalities

1. Nationals of any of the Partner States engaged in transportation under the terms of this Agreement and seeking to enter the territory of the other Partner States shall carry valid travel documents which are recognised under the East African Community arrangements.

2. No visas shall be required by nationals of any of the Partner States for entry into the territory of the other Partner States made pursuant to this Agreement.

3. The provisions of sub-article 2 of this Article shall not apply to non-national residents of the Partner States.



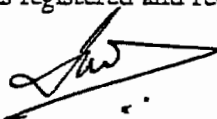
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4. In case of natural calamities, the Partner States agree to make every effort, subject to all other relevant laws to ensure a speedy and unimpeded movement of nationals of the Partner States, and relief consignments to and from the affected areas.

Article XIV

Infringements

I. Without affecting their sovereign right to prosecute in the event of serious or repeated infringements of the provisions of this Agreement or of the laws and regulations in force in the territory of one of the Partner State by a carrier, the driving personnel thereof, or other hired employees who are not nationals of the Partner State where the infringement occurs, the competent authority of that State may notify the competent authority of the state where the carrier is registered and request that authority either to:



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- (a) issue written warning, reminding that carrier to comply with the regulations in force; or
- (b) issue such a warning together with a notification that any subsequent infringement will lead to the temporary or permanent withdrawal of the right to use route services permit, and/or the temporary or permanent exclusion of vehicles operated by or for the account of the offending carrier, or
- (c) issue a notification of the withdrawal of permit right and of exclusion. The competent authority of a Partner State receiving such a request shall comply therewith promptly, and as soon as possible inform the competent authority of the other Partner State in whose territory the infringement occurred of the action taken.

2. Any lawful sanctions which may be enforced by courts of law shall be instituted by the relevant authorities in the courts of the Partner State where the infringement occurred.



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3. Any dispute arising out of the interpretation or implementation of this Agreement shall be amicably settled between the Partner States.

Article XV

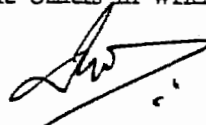
Amendments

This Agreement may be amended by mutual consent of the Partner States and such amendments shall be by exchange of letters to this effect by the competent authorities and shall form an integral part of this Agreement.

Article XVI

Duration of the Agreement

This Agreement shall remain in force for a period of ten years and thereafter shall automatically be renewed for a similar period unless one of the Partner States notifies the others in writing of its intention to re-



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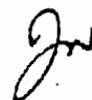
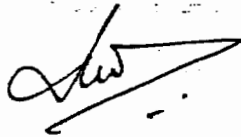
negotiate or terminate the Agreement ten months prior to the expiry of any such period.

Article XVII

Entry into Force

1. The Partner States shall notify each other of the completion of the procedures required by their laws for entry into force of this Agreement. The Agreement shall enter into force nineteen days after the last of these notifications has been submitted to the Secretariat.

2. Upon entry into force of this Agreement, the Agreement will supersede the Tripartite Agreement on Road Transport signed on April 30th, 1998.

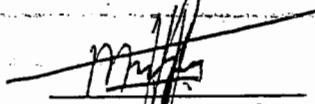


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IN WITNESS WHEREOF, the undersigned being duly authorised by their respective governments, have signed this Agreement.

DONE AT ARUSHA this 29th day of November 2001

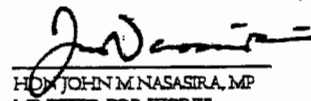
FOR THE GOVERNMENT
OF THE UNITED
REPUBLIC OF TANZANIA

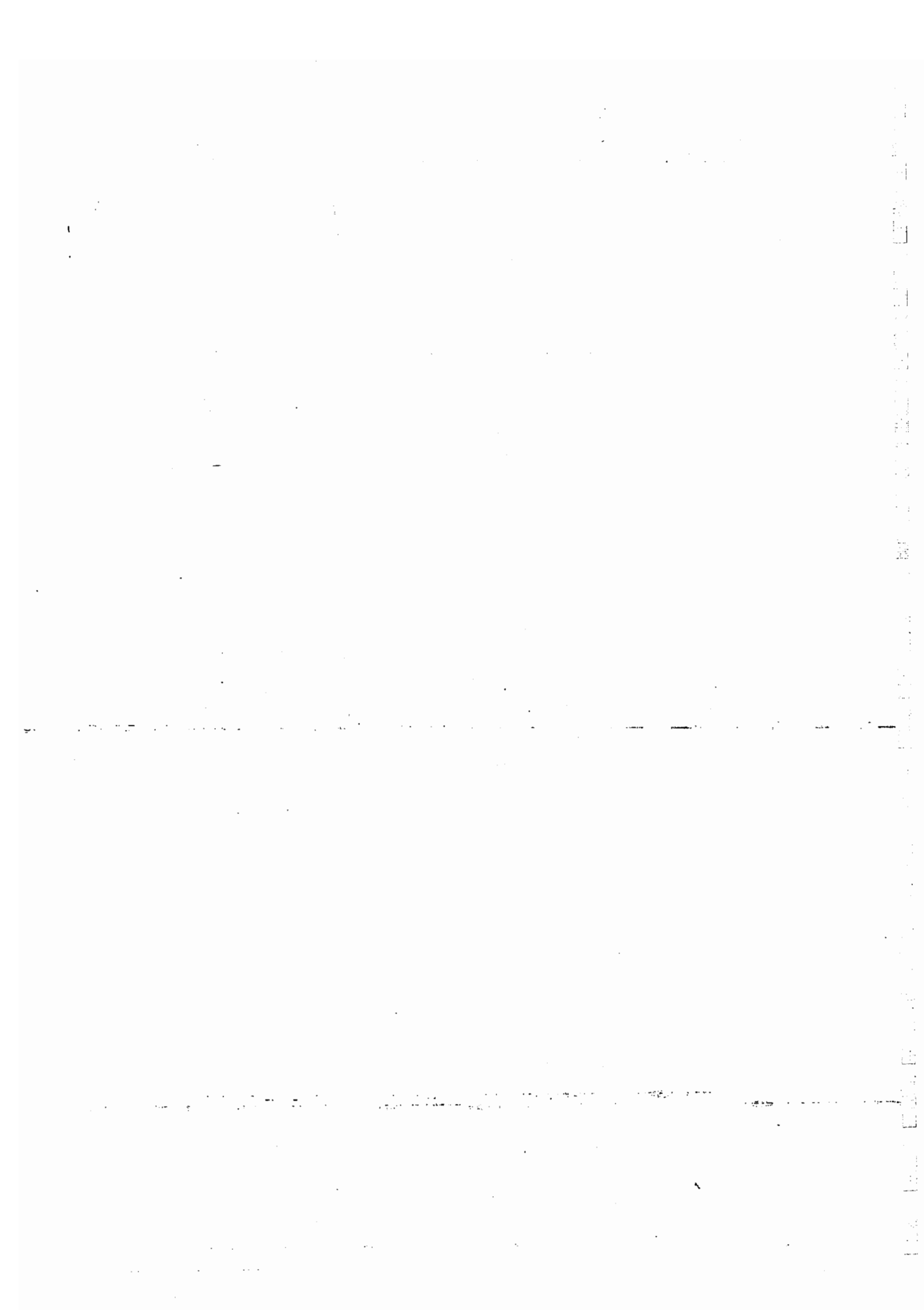

HON HAMZA ABDALLAH
MWENEGOCHI, MP
DEPUTY MINISTER OF WORKS

FOR THE GOVERNMENT
OF THE REPUBLIC
OF KENYA


HON MATHIAS BENEDICT
KEAH, MP
ASSISTANT MINISTER
FOR TRANSPORT AND
COMMUNICATIONS

FOR THE GOVERNMENT
OF THE REPUBLIC
OF UGANDA


HON JOHN M. NASASIRA, MP
MINISTER FOR WORKS
TRANSPORT AND
COMMUNICATIONS



**Tripartite Agreement on Inland Waterway
Transport**

