

**AFRICAN UNION**

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**SECOND AFRICAN UNION CONFERENCE  
OF MINISTERS RESPONSIBLE  
FOR MARITIME TRANSPORT  
12 – 16 OCTOBER 2009  
DURBAN, SOUTH AFRICA**

**AU/MT/MIN/1 (II)**

**AFRICAN MARITIME  
TRANSPORT CHARTER**

## PREAMBLE

We, the Member States of the African Union (AU),

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Resolved** to implement Decision N° EX.CL/Dec.358 (XI) of the Assembly of Heads of State and Government of the African Union which endorses the Abuja Declaration and Plan of Action on Maritime Transports in Africa, particularly point 1 relating to the updating of the African Maritime Transport Charter adopted in 1994.

**HAVE AGREED AS FOLLOWS:**

**CHAPTER I**  
**Definitions and Scope of Application**

**Article 1**  
**Definitions**

For the purpose of the Charter:

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

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

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

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

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

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

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

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

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

**“Landlocked Member State”**, means a Member State without a seacoast;

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

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

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

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

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

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

whom or on behalf of whom the goods are handed to the carrier in relation to the contract of carriage;

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

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

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

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

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

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

**“Union”** means the African Union.

## **Article 2 Scope of Application**

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

## **CHAPTER II Objectives and Principles of Cooperation**

### **Article 3 Objectives**

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

1. Declare, articulate and implement harmonized maritime transport policies capable of promoting sustained growth and development of African merchant fleets and to foster closer cooperation among the Member States of the same region and between the regions.

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

## **Article 4 Principles**

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

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

### **Article 5 Continental Organizations**

1. In order to ensure the effective coordination of maritime transport policies and programmes, the African Union shall establish a Continental Unit for the coordination of activities of regional cooperation in shipping marine pollution and ports operations.
2. Member States further undertake to establish at continental level and coordinated by the Commission, an Association of African Maritime Administrations (AAMA).

## **Article 6**

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

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

## **Article 7**

### **Maritime Administrations**

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

## **Article 8**

### **Maritime Training Institutions**

1. Member States shall endeavour to establish or strengthen national, regional maritime training, education and research institutions.
2. Member States shall strive to encourage collaboration among different training, education and research institutions for the purposes of cooperation in research, innovation, education and training on matters of policy, strategy and regulation of shipping and ports.
3. Member States shall support allocation or sourcing of funding, for national and regional maritime training, research and education institutions as well as granting of training scholarships.



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

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

##### **Article 9** **Shippers' Councils**

1. Member States agree to promote the establishment of shippers' councils wherever they do not exist, to create an enabling legal framework for their operation and to support them in the performance of their duties.
2. Shippers' Councils are responsible for protecting and defending the interest of shippers by focusing on the simplification of transport and trade procedures, as well as the negotiation of transport costs and conditions. They are also responsible for assisting shippers in their activities specially in training in the area of international transport and trade.
3. Shippers' Councils shall establish appropriate and integrated database for the benefit of shippers and operators in the transport chain.

## **Article 10**

### **Transport Observatories**

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

## **Article 11**

### **Establishment of freight exchanges**

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

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

## **CHAPTER V**

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

## **Article 12**

### **General Cooperation**

1. In order to facilitate effective cooperation, Member States shall endeavour to engage in consultations at regional, continental and international levels and harmonize their policies in the area of maritime, multimodal transport and inland waterways.
2. Member States agree to cooperate at bilateral, sub regional and regional levels on all matters contained in this Charter to promote safe, secure, clean waters and environmentally sustainable maritime inland waterways transport practices.
3. Member States agree to cooperate in the field of shipping and ports operations and Search and Rescue on the basis of the principles embodied in this Charter.
4. Member States agree to cooperate at regional, continental and international levels to prevent and control maritime pollution in order to protect and conserve the marine environment and to suppress all unlawful acts, piracy, terrorism, etc.
5. Member States commit themselves to cooperate to promote integration conditions and the sectoral development of landlocked and island States

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

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

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

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

1. Member States agree to structure and organise maritime transport auxiliary services in order to enhance competitiveness and better quality services delivery for the benefit of their economies.
2. In this regard Member States shall endeavour to:
  - a) Promote access of African operators to maritime transport auxiliary services or professions;
  - b) Create an enabling environment to foster equity investment by African operators in foreign companies operating in Africa in maritime professions and transport auxiliary;
  - c) Encourage African operators to pool resources including expertise in order to foster the emergence of African maritime transport auxiliary groupings capable of competing effectively in the global industry

**Article 15**  
**Trans-African Cabotage**

1. Member States shall promote Cabotage and effective participation of private sector operators at national, regional and continental levels.

2. To this end, the establishment of national and regional maritime Cabotage shipping lines should be encouraged in order to promote intra-African trade and facilitate the economic and socio-economic integration of the continent.

### **Article 16** **Cooperation in the area of Inland Waterways**

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

## **CHAPTER VI** **Cooperation between Landlocked States and Transit States**

### **Article 17** **Transit Trade of Landlocked States**

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

### **Article 18** **Coordination of Policies and Actions**

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

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

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

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

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

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

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

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

1. Member States shall promote multimodal transport at national and regional levels through the:
  - a) Development of an appropriate regulatory framework;
  - b) Improvement of existing facilitation and transit policies;
  - c) Promotion of the development of integrated transport master plan for all modes of transport at national, sub-regional, regional and continental levels;
  - d) Construction, rehabilitation and modernization of infrastructure, equipment and transport services;

- e) Training of transport services professionals;
  - f) Establishment of economic community and logistics platforms.
2. Member States shall work towards the establishment of a harmonized legislative and regulatory framework capable of ensuring the promotion and the guaranteeing of stability of multimodal joint ventures.
  3. Member States shall endeavour to participate in the negotiation, adoption and implementation of regional and international conventions on multimodal transport.

## **Article 22**

### **Reform of Ports Services**

1. Member States undertake to cooperate towards the reform and efficiency of port services and promotion of competitiveness of African ports.
2. In this connection, Member States shall strive to encourage the:
  - a) Promotion of private sector participation in port operations;
  - b) Promotion of capacity building for port operators;
  - c) Adoption of a system of harmonized framework of port statistics and performance indicators;
  - d) Strengthening of the existing Regional organizations and associations of ports for the benefit of port development;
  - e) Promotion of the linkage of ports with development corridors;
  - f) Facilitation of development and acquisition of modern port facilities and equipment;
  - g) Promotion of efficient and effective channel management and port approaches;
  - h) Promotion of safe, secure and efficient port operations;
  - i) Application of internationally acceptable quality standards in port services;
  - j) Encouragement of consultation among the various port stakeholders through the establishment of port committees.

**CHAPTER VIII**  
**Enhancing Maritime Safety and Security**

**Article 23**  
**Cooperation in the Field of Maritime Legislation**

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

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

**Article 24**  
**Sharing of information and Mutual Assistance**

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

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

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

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

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

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

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

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

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

1. Member States shall seek to intensify their efforts at, regional and international levels, directly or with the support of competent regional and international organizations, to ensure the protection and preservation of the marine environment.
2. Member States shall promote, either individually or in regional cooperation, develop contingency plan and other measures aimed at preventing and combating pollution incidents arising from marine transport.
3. Member States commit themselves to the creation of a sustainable compensation regime to cover marine incidents of pollution of the sea that are not covered by existing international compensation regimes.
4. Member States shall seek to implement a common policy aimed at preventing and combating marine pollution from ships and other sources of pollution.
5. To fully implement the provisions of this Article, they shall ensure:



- a) Acceptance, ratification and implementation of marine environment protection conventions and instruments ;
- b) Strengthening of mechanisms for national, bilateral, sub-regional, regional and international cooperation to prevent and combat pollution from all sources and the dumping of toxic wastes in African waters;
- c) Establishment of mechanisms of control and monitoring activities in the maritime domain;
- d) Development of national and regional contingency plans for marine pollution preparedness and response in partnership with the oil industry at national, regional and international levels.

**Article 29**  
**Port Reception Facilities**

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

**CHAPTER X**  
**Information and Communication Technologies,**  
**Facilitation of Maritime Traffic**

**Article 30**  
**Information and Communication Technologies**

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

3. Member States shall promote the use of information technologies in all maritime and port activities.

**Article 31**  
**Measures to Facilitate Maritime Traffic**

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

**CHAPTER XI**  
**Development of Maritime and Inland Waterways**

**Article 32**  
**Improvement of the Safety and Security of**  
**Maritime and Inland Waterways Transport**

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

**Article 33**  
**Concerted Actions for the Development of Passenger Transport**

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

**CHAPTER XII**  
**Financing of Maritime and Inland Waterways Transport**

**Article 34**  
**Monitoring, Evaluation and Financing of Maritime**  
**Transport and Inland Waterways Transport**

Within the framework of the mobilization of the necessary resources for financing maritime and inland waterways transport activities, Member States shall as a priority,

budget appropriately for the provision of a safe, secure and environmentally friendly maritime transport infrastructure:

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

**Article 35**  
**Encouragement of Private Initiative**  
**in Maritime and Inland Waterways Investment**

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

**CHAPTER XIII**  
**Human Resource Development**

**Article 36**  
**Training and Capacity Building and Upgrading of Professionals**  
**in the Maritime Sector**

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

**Article 37**  
**Gender Balance and Participation of Women**

1. Member States agree to promote and adopt policies that create opportunities for the advancement of gender equality, and vigorously promote economic opportunities; recruitment, placement, promotion and progression of women in the maritime sector.

2. Member States shall endeavour to enact relevant legislation to give effect to the acceleration of women empowerment in the maritime sector including encouragement of specific education, mentoring and training of women at all levels.

### **Article 38 Health and Safety**

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

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

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

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

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

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

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

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

**Article 42**  
**Regional and Sub-Regional Levels**

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

**Article 43**  
**Continental Level**

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

To this effect, it has the responsibility of:

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

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#### **Article 44** **Charter Follow-up Mechanism**

1. A follow up Committee composed of fifteen (15) representatives of State Parties, designated by the Ministers Responsible for Maritime Transport, on the basis of geographical representation and rules and procedures of the African Union for a period of two years is hereby created.
2. The Committee shall be charged specifically with:
  - a) Promoting and fostering of the implementation of the principles and objectives set out in the present Charter;
  - b) Monitoring and conducting evaluation of the impact of the implementation of the Charter;
  - c) Preparing, submitting and publishing through the Commission an annual report and recommendations on the status of implementation to State Parties.
3. The rules of procedure of this Committee shall be adopted by the conference of African Ministers Responsible for Maritime Transport.
4. The Committee may, for the execution of its missions, request for the support of the Regional Economic Communities, relevant specialized institutions, sub-regional, regional and continental and international organizations.

## **CHAPTER XV Final Provisions**

### **Article 45 Safeguard Clause**

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

### **Article 46 Competence**

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

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

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

### **Article 48 Signature, Ratification, Acceptance, Approval or Accession**

1. This Charter shall be open for signature by all Member States of the African Union in accordance with their respective constitutional procedures.
2. This Charter is subject to ratification, acceptance or approval or by signatory States. The instruments of ratification, acceptance or approval shall be deposited with the Chairperson of the Commission of the African Union.

3. This Charter shall be open to accession by all Member States. of the African Union Instruments of accession shall be deposited with the Chairperson of the Commission of the African Union.

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

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

#### **Article 50** **Amendment or Revision**

1. After the expiry of five years from the entry into force of this Charter, any State Party may propose amendments thereto. The text of any proposed amendment shall be submitted in writing, to the Chairperson of the African Union Commission, who shall promptly circulate it to all State Parties thirty (30) days following the date of receipt such proposals.
2. No sooner than six months from the date of notification, shall, on the recommendation of the Executive Council, the Assembly of State Parties, at its next Conference, shall, by a majority of those present and voting, decide whether to take up the Proposals. The Assembly may deal with the proposal directly or convene a Review Conference if the issue involved so warrants.
3. The adoption of an amendment at a meeting of the Assembly of State Parties or at a Review Conference on which consensus cannot be reached shall require a two-thirds majority of State Parties.
4. Amendments of this Charter shall enter into force for those State Parties which have accepted the amendment one year after the deposit of their instruments of ratification or acceptance. Any State Party which has not accepted the amendment may withdraw from this Charter with immediate effect, but subject to Article 51, by giving notice no later than one year after the entry into force of such amendment.



5. A State, which becomes party to the Charter after the entry into force of an amendment, shall be deemed to be party to this Charter with regard to any contracting State, which is not bound by the said amendment.
6. The chairperson of the Commission shall circulate to all State Parties any amendment adopted at a Conference of the Assembly of State Parties or at a Review Conference.

#### **Article 51 Withdrawal**

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

#### **Article 52 Authentic Texts**

1. The original of this Charter, of which the English, Arabic, French and Portuguese texts are equally authentic, shall be deposited with the Chairperson of the Commission of the African Union who shall transmit a certified true copy thereof to all States Members.
2. The Chairperson of the Commission shall register the Charter upon its entry into force with the Secretary General of the United Nations.

**IN WITNESS WHEREOF**, the undersigned, being duly authorized thereto by their respective Governments, have signed this Charter.

**Done at Durban this day of 16 October 2009**