

No. 26994

**MALAWI
and
UNITED REPUBLIC OF TANZANIA**

Agreement concerning the Malawi-Tanzania corridor transport system (with protocols). Signed at Lilongwe on 15 August 1987

Authentic text: English.

Registered by Malawi on 29 December 1989.

**MALAWI
et
RÉPUBLIQUE-UNIE DE TANZANIE**

Accord relatif au système de transport du corridor Malawi-Tanzanie (avec protocoles). Signé à Lilongwe le 15 août 1987

Texte authentique : anglais.

Enregistré par le Malawi le 29 décembre 1989.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF MALAWI AND THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA CONCERNING THE MALAWI-TANZANIA CORRIDOR TRANSPORT SYSTEM

Preamble

The Government of the Republic of Malawi (the Government of Malawi) and the Government of the United Republic of Tanzania (the Government of Tanzania) (hereinafter referred to as the "Contracting Parties");

BEING desirous of further strengthening their economic and commercial relations in the spirit of the Southern African Development and Co-ordination Conference (SADCC Lusaka, 1980);

CONSCIOUS of the need of land-locked countries to have access to sea-ports and maritime transport and also of the importance of adequate transit traffic arrangements for the international trade and economic progress of such land-locked countries;

RECALLING the Third ACP/EEC Convention (Lome, 1984) to which they have subscribed;

TAKING into account the principles enunciated in the Convention and Statute of Freedom of Transit (Barcelona 1921),² the Convention on Transit Trade of Land-Locked States (New York 1965),³ the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto 1973),⁴ the International Convention on Mutual Administrative Assistance for the Prevention, Investigation

¹ Came into force on 15 August 1987 by signature, in accordance with article XIX.

² League of Nations, *Treaty Series*, vol. 7, p. 11.

³ United Nations, *Treaty Series*, vol. 597, p. 3.

⁴ *Ibid.*, vol. 950, p. 269.

and Repression of Customs Offences (Nairobi 1977),¹ the Convention on International Multimodal Transport of Goods (Geneva 1980),² the Treaty for the Establishment of the Preferential Trade Area for Eastern and Southern Africa (PTA) (Lusaka 1981) and the Convention on the Law of the Sea (Montego Bay 1982);³

RECOGNIZING that the Republic of Malawi is a land-locked country dependent upon its neighbouring coastal states for access to the sea;

AWARE of the provisions of their bilateral Agreement Concerning International Road Transport (Songwe-Kyela 1984); and

WISHING to ensure the smooth and rapid movement of both goods in bilateral trade between themselves and the imports and exports of Malawi in transit through Tanzania;

HAVE AGREED as follows:

ARTICLE I

Objectives

1. The Contracting Parties agree that the purpose of this Agreement is to promote the use of Malawi-Tanzania Corridor transport System (hereinafter referred to as "the Corridor") for transit of the overseas trade of Malawi through Tanzania, for bilateral trade between them and for regional trade.
2. The Contracting Parties undertake to permit operations of the Corridor within the framework laid down in this agreement and its Protocols and to take all reasonable measures to enhance the efficiency and attractiveness of the Corridor to traders.

¹ United Nations, *Treaty Series*, vol. 1226, p. 143.

² United Nations Conference on Trade and Development Document, TD/MT/CONF/17.

³ United Nations, *Treaty Series*, vol. 1833, No. I-31363.

3. The Contracting Parties shall provide necessary facilities for such movement of goods in accordance with the provisions of this Agreement and its Protocols.

4. The Contracting Parties shall take all necessary measures -

- (a) for the expeditious and secure movement of traffic, the avoidance of unnecessary delays in the movement of goods and the simplification and harmonization of relevant documentation and procedures; and
- (b) to minimize the incidence of customs fraud and customs avoidance.

ARTICLE II

Definitions

In this agreement -

"Corridor" means the Malawi-Tanzania Corridor Transport System;

"right of transit" means the right agreed between the Contracting Parties for the passage of traffic in transit across their territories;

"TAZARA" means "Tanzania-Zambia Railway Authority;

"THA" means Tanzania Harbours Authority;

"traffic in transit" means passage of traffic across the territory of a Contracting Party with or without transshipment, warehousing, breaking bulk, cleaning, repairing, repacking, assembly, 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;

"transit" means passage across the territory of a Contracting Party when such passage is only a portion of a complete journey, beginning and terminating beyond the frontier of the State across whose territory the transit takes place;

"vessel" means any ship, barge, lighter or other water borne craft, whether self propelled or not, suitable for the transport of goods and freight containers.

ARTICLE I I I

Right of Transit

1. Each Contracting Party hereby grants to the other Contracting Party the right of transit through its territory under the conditions specified in this Agreement and its Protocols, subject and as provided for under paragraph 3 of Article 19 of the Treaty for the Establishment of the Preferential Trade Area for Eastern and Southern Africa (PTA) (Lusaka, 1981).

2. The Contracting Parties shall take all measures necessary for the safety of traffic in transit.

ARTICLE IV

Port Facilities

1. The Government of Tanzania undertakes to provide the necessary maritime port facilities and services for Malawi Cargo.

2. Protocol A to this Agreement contains agreed operating procedures at the port of Dar es Salaam.

ARTICLE V

Provisions relating to Fuel

1. The Contracting Parties agree that in order to facilitate easy delivery of Malawi oil products, the Malawi Railway Holdings Company