Towards the development of maritime activities in Burundi

Marc Habonimana

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TOWARDS THE DEVELOPMENT OF MARITIME ACTIVITIES IN BURUNDI

by

HABONIMANA Marc
BURUNDI

A paper submitted to the Faculty of The World Maritime University in partial satisfaction of the requirements for the award of MASTER OF SCIENCE DEGREE in GENERAL MARITIME ADMINISTRATION.

The contents of this paper reflect my own views and are not necessarily endorsed by The World Maritime University or the International Maritime Organisation.

Signature :

Date : 30 September 1987.

Supervised and assessed by : A.A. Monsef
Professor, World Maritime University.

Co-assessed by :
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Finally, my expression of gratitude is forwarded to all my relatives and friends for their moral support.
LIST OF ABBREVIATIONS

ARNOLAC: Armement du Nord du Lac
CEPGL: Communauté Economique des Pays des Grands Lacs
ECA: Economic Commission for Africa
EEC: European Economic Community
FEPB: Exploitation du Port de Bujumbura
FED: Fonds Européen pour le Développement
ICOD: International Center of Ocean Development
IMO: International Maritime Organisation
NORAD: Norwegian Agency for Development
PTA: Preferential Trade Area
TRC: Tanzania Railway Corporation
SNCZ: Société Nationale des Chemins de Fer Zaire
UN: United Nations
UNCTAD: United Nations Conference on Trade and Development
WMU: World Maritime University
ZBR: Zaire, Burundi an Rwanda.

Doc.: Document
EEZ: Exclusive Economic Zone
GNP: Gross National Product
P.: Page
PP.: Pages
Rev.: Revised
Vol.: Volume
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INTRODUCTION.

1. Presentation of the topic

The difference in factors affecting many developing countries is in some cases rather substantial. Each developing country differs from the other in circumstances, which have put some in a more promising position than others, such as landlocked countries which are unfavoured, especially in the field of shipping. Therefore the criteria to consider in establishing maritime activities take rather different forms, including:

- the various economic, social and political factors, taking into consideration the effect on the balance of payments situation in the short and long run,
- the preliminary prerequisites, which must be established and expanded before and within the national development policy, among them, the need for awareness of the values and significant influence and importance of maritime activities in national socio-economic development.

It is because of this difference that I wish to, in this introductive part, present to the reader, before entering in the details of the subject, some general characteristics of the country so that the context of my ideas will, hopefully, be more understandable.

I have divided the topic in two main parts: the first one is a description of existing maritime activities, with a critical analysis of the problems actually faced and the possible solutions to lessen or overcome them. Subjects such as maritime administration, transportation and ports will be approached. Nevertheless, I will not discuss fishing activities because I consider them as a specific and very important topic that should be dealt
with separately.

The second part is an inquiry of the benefits that Burundi, as a landlocked country, could get from the Law of the Sea and other international conventions, as regards to participation in international sea transport, exploitation of marine resources and transit trade facilitation.

2. Generalities

2.1. Geography:

Burundi is a landlocked developing country located in central east Africa. Her neighboring countries are Rwanda in the north, Zaire in west and Tanzania in the east.

The country is very small in area, comprising 27,834 square kilometers (10,747 square miles), but with a relatively large population of about 4.5 million (as estimated in 1981). The result is a high population density of about 150 inhabitants per square kilometer.

The natural divide between Burundi and Zaire is formed by Lake Tanganyika and Ruzizi river on the floor of the western rift valley system. Eastwards from here the land rises sharply up to elevations of around 1,800 meters above sea level in a range which stretches north into the much higher and volcanic mountains of Rwanda. Away from the edge of the rift valley, elevations are lower, and most of Burundi consists of plateaux of 1,400-1,800 meters. Here the average temperature is 20°C and an annual rainfall of 1,200 millimeters. In the valley the average temperature is 23°C.

The hydrography is characterised by a great number of rivers with a strong inclination towards the river Ruzizi or directly into Lake Tanganyika. The other rivers
which have less inclination flow into Lake Victoria in Tanzania.

2.2. Population.

The population is concentrated to the fertile volcanic soils at 1,500-1,800 meters above sea level, away from the arid and hot floor and margins of the valley. The subsequent pressure on the land has resulted in extensive migration to Tanzania and Zaire, but also to Uganda. However, measures in these countries to restrict employment to nationals are closing the outlets for such migration. Efforts are being made by the Government to move people from overpopulated hilly areas to others. About 85 percent of the population are engaged in agriculture, mainly at a subsistence level.

2.3. Economy.

Considering the population increase of 2.65 percent per annum, the real gross national product (GNP) has been reduced at a rate of 1.3 percent per year in the period between 1980 and 1984. The consequence of this situation is, for the country, to remain within the category of less advanced countries, with a GNP per inhabitant of 280 US dollars. Below is a table showing the evolution of the GNP from 1980 to 1984. The amounts are expressed in millions of Burundi francs (1 US dollar = 120 Bu F) in constant prices of 1970.
In spite of unfavorable international conjuncture, the GNP increased more than 14 percent in 1981. This growth was due to the performance of agriculture products, and especially coffee whose production passed from 18,831 tonnes in 1980 to 43,824 tonnes in 1982. According to Africa Review 1985 (1), the country is earning about 90 percent of its export income from coffee. But quotas fixed by the International Coffee Organisation are the real determinant of Burundi coffee revenues, and despite the bumper crop the country's 1984 policy has been characterised by what has been called "rigour and austerity".

Reducing dependence on coffee, diversifying exports and accelerating import substitution are the main elements

therefore behind the country's fourth development plan, which was presented to about 50 donor agencies, organisations and governments convened to a conference ad hoc held in Bujumbura in February 1984. The plan envisages a total expenditure of 107.4 billion BuF, so Burundi sought USD 1,556 million in foreign exchange, of which USD 314 million are for balance of payments support. Apart from coffee, the other agricultural products being exported are mainly tea and tobacco. There are of course others also destined to neighbouring countries. Regarding the mining sector, there are some quantities of bastanasite, cassiterite, tentalite, gold, uranium, platinium, copper and tin. Oil has recently been discovered in the Ruzizi plain. There are also important deposits of nickel which were estimated at 280 million tonnes (about 3% of the world reserves) in 1981, but they still remain unexploited due to a lack of a necessary transport infrastructure (especially a railway network) and capital. The total cost of exploitation was estimated at USD 1 billion in 1981. With regard to industry a lot of efforts still have to be made in view to lessen the weight of imports in the national balance of trade. The main existing units produce beer, soft drinks, cigarettes, textiles, shoes, soap, detergent and blankets. There are also factories for the processing of coffee and by-products of cotton. Energy remains a major problem for Burundi, with oil imports which were taking 45 percent of foreign earnings from coffee in 1984. During 1983 the price of oil to Burundi reached USD 100 per barrel, which is a reflection of the high cost of transport due to the landlocked situation.

Chapter 1 - EXTERNAL TRADE AND ROUTES

As I will have to deal essentially with shipping, I have found it necessary to first give some details about Burundi's external trade and the routing system, as shipping is a servant of trade.

1. EXTERNAL TRADE

Burundi's economic partners are mostly the EEC (European Economic Community), North America, China, Japan and Neighbouring countries (Tanzania, Zaire, Rwanda, Kenya, Zambia and Zimbabwe).

The main export products are: coffee, tobacco, hides, textiles and minerals. The imports are essentially equipment, oil products, vehicles, cement and textiles. This portrays the importance of transportation as a very important parameter in the trade. I will discuss this point in the second part of this chapter dealing with import and export routes.

As far as trade is concerned, the national economy shows an unbalanced situation, the volume of importation being much bigger than that of exportation. In order to illustrate the chronic unbalanced trade, hereafter is a table of balance of payments from 1980 to 1984 (2):
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Exportation</td>
<td>7150.1</td>
<td>6267.3</td>
<td>7932.6</td>
<td>8789</td>
<td>10738.8</td>
</tr>
<tr>
<td>Importation</td>
<td>12226</td>
<td>13413</td>
<td>13872.1</td>
<td>12067.7</td>
<td>13234</td>
</tr>
<tr>
<td>Commercial balance</td>
<td>-5075.3</td>
<td>-7145.7</td>
<td>-5940.5</td>
<td>-3281.7</td>
<td>-2419.5</td>
</tr>
<tr>
<td>Net services</td>
<td>-514.3</td>
<td>-1057.6</td>
<td>-1141.1</td>
<td>-1124.2</td>
<td>-2203.4</td>
</tr>
<tr>
<td>Net transfers</td>
<td>3344.6</td>
<td>4307.9</td>
<td>2352.4</td>
<td>2340.7</td>
<td>2419.5</td>
</tr>
<tr>
<td>Balance of current payments(3+4+5)</td>
<td>-2245.6</td>
<td>-3895.4</td>
<td>-4729.2</td>
<td>-1565.2</td>
<td>-2279.4</td>
</tr>
<tr>
<td>Net capitals</td>
<td>2055</td>
<td>1444</td>
<td>1846.4</td>
<td>2145.5</td>
<td>2308.3</td>
</tr>
<tr>
<td>Errors and omissions</td>
<td>218.6</td>
<td>1019.2</td>
<td>5.6</td>
<td>-177.2</td>
<td>6.5</td>
</tr>
<tr>
<td>General balance</td>
<td>28</td>
<td>-3470.6</td>
<td>-2877.2</td>
<td>-4031.6</td>
<td>35.4</td>
</tr>
</tbody>
</table>

(2)Source:BRB (Banque de la Republique du Burundi)

In addition to this unbalanced situation it is recognised that the external trade of Burundi is also characterised by the following constraints:

1) the extreme specialisation of exportation dominated by coffee;
2) the dependence of the country vis a vis foreign countries for consumption goods and equipment which influence the manufacturing process;
3) the landlocked situation of the country making transport cost exceptionally high, and
4) difficulties of supplying goods due to uncertainties and hazards of the precarious lines of communication.

These four constraints were pointed out in a report on an investigation mission of the African Development Bank (3)
2. IMPORT AND EXPORT ROUTES

I have already pointed out that Burundi is a landlocked country whose traffic to or from foreign countries has to cross other territories. Because the precariousness of the lines of communication, the Government has decided to maintain the use of all corridors leading to ocean ports. Except the air line which is used marginally there are three corridors for exportation and importation:

1) the northern corridor connecting Bujumbura (capital city and the major port of Burundi) to the Kenyan port of Mombasa on the Indian Ocean, through Rwanda and Uganda. The distance is about 2,025 kilometers by the shortest itinerary. This corridor offers several alternatives, but the most utilised are the following:
   a) Bujumbura-Mombasa by road without transhipment. The distance is 2073 kilometers;
   b) second, one is composed of a road between Bujumbura and Kampala in Uganda (871 kilometers) which joins a railway from Kampala to Mombasa, making a total distance of 2209 kilometers;
   c) finally, for oil tankers, there is a pipeline from Mombasa to Nairobi, whereby tanker lorries take the oil cargo to Bujumbura.
2) the central corridor which connects Bujumbura to the Tanzanian port of Dar-es-Salaam (also located on the Indian Ocean), through lake Tanganyika. This corridor offers two alternatives:
   a) the railway from Dar-es-Salaam to Kigoma (a Tanzanian port on lake Tanganyika), connected to the lake transport system between Kigoma and Bujumbura. The total distance is
CARTES DES VOIES D'ACCÈS DU BURUNDI
1428 kilometers.
b) the railway between Dar-es-Salaam and Isaka in Tanzania (982 kilometers) joining the road from there to Bujumbura. The total distance is 1516 kilometers. 
3) the southern corridor connecting the port of Bujumbura to Mbulungu in Zambia and Kalemie in Zaire, are all located along Lake Tanganyika. This essentially serves regional trade.

In order to give an idea of the importance of each corridor, the table below shows the distribution of Burundi’s importation during the period 1981 to 1985.

<table>
<thead>
<tr>
<th>Year</th>
<th>Northern Corridor</th>
<th>Central Corridor</th>
<th>Southern Corridor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>65 (38%)</td>
<td>51 (30%)</td>
<td>45 (27%)</td>
<td>161</td>
</tr>
<tr>
<td>1982</td>
<td>83 (41%)</td>
<td>63 (31%)</td>
<td>43 (21%)</td>
<td>189</td>
</tr>
<tr>
<td>1983</td>
<td>85 (44%)</td>
<td>57 (30%)</td>
<td>40 (20%)</td>
<td>182</td>
</tr>
<tr>
<td>1984</td>
<td>101 (44%)</td>
<td>70 (31%)</td>
<td>57 (25%)</td>
<td>228</td>
</tr>
<tr>
<td>1985</td>
<td>79 (35%)</td>
<td>82 (36%)</td>
<td>64 (28%)</td>
<td>225</td>
</tr>
</tbody>
</table>

Source: BRB (Banque de la Republique du Burundi)

From the table above we can see that through the central and southern corridors an average of 56 percent of the total traffic passed in the period considered. But what is more interesting is that there has been a regular increase in percentage as well as in tonnage in both corridors. As the lake constitutes one of the links of the chain, the figures are enough to prove how important the lacustrian transportation is for Burundi. This is more effective when we come to the exports as almost all the

traffic is passing through the lake from Bujumbura before being transhiped at Kigoma where they are then loaded into train wagons.

Here we find the reason for developing shipping activities in a landlocked country such as Burundi.

As far as trading routes are concerned, one should be aware that the increasing preference for the central corridor is due to the following main reasons:

1) the difference in distance between the routes Bujumbura - Mombasa and Bujumbura - Dar-es-Salaam. The first is more than 500 kilometers longer than the second one by any itinerary. The direct consequence of this is a much higher cost of transport as it appears in the following table comparing the transport costs (in USD) per tonne and by type of product.

<table>
<thead>
<tr>
<th>Routes</th>
<th>Imports</th>
<th></th>
<th>Exports</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Cargo</td>
<td>Bulk Cargo</td>
<td>General Cargo</td>
<td>Bulk Cargo</td>
</tr>
<tr>
<td>Mombasa - Bujumbura</td>
<td>663</td>
<td>580</td>
<td>525</td>
<td>428</td>
</tr>
<tr>
<td>(by road)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dar-es-Salaam -</td>
<td>132</td>
<td>91</td>
<td>111</td>
<td>81</td>
</tr>
<tr>
<td>Bujumbura (by railway + lake)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Difference</td>
<td>531</td>
<td>489</td>
<td>414</td>
<td>347</td>
</tr>
</tbody>
</table>

Source: Ministere des Transports, Postes et Telecommunications du Burundi.

This table shows that through the northern corridor transport costs are 5.5 and 4.9 times (respectively for imports and exports) higher than through the central corridor. The longer distance is not the only
cause of such high costs. In fact there are many other factors, such as higher charge rates and the multiplicity of charges, which influence to a great extent the final cost per tonne transported. The table reproduced at the next page shows in this respect, the structure of transport charges per tonne through the northern corridor. The amounts are expressed in Kenyan shillings (KSh), not including insurance and stowage costs.

<table>
<thead>
<tr>
<th></th>
<th>Imports</th>
<th></th>
<th>Exports</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>general</td>
<td>bulk</td>
<td>general</td>
<td>bulk</td>
</tr>
<tr>
<td></td>
<td>cargo</td>
<td>cargo</td>
<td>cargo</td>
<td>cargo</td>
</tr>
<tr>
<td>port charges at Mombasa</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>quay dues (1%CIF)</td>
<td>227</td>
<td>43</td>
<td>227</td>
<td>51</td>
</tr>
<tr>
<td>handling charges</td>
<td>35</td>
<td>35</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>local transport</td>
<td>120</td>
<td>120</td>
<td>120</td>
<td>120</td>
</tr>
<tr>
<td>collection charge</td>
<td>142</td>
<td>142</td>
<td>142</td>
<td>142</td>
</tr>
<tr>
<td>administrative charges</td>
<td>212</td>
<td>212</td>
<td>212</td>
<td>212</td>
</tr>
<tr>
<td>communication charge</td>
<td>212</td>
<td>212</td>
<td>1315</td>
<td>2253</td>
</tr>
<tr>
<td>transit dues (4%CIF)</td>
<td>605</td>
<td>114</td>
<td>4643</td>
<td>4643</td>
</tr>
<tr>
<td>transport charges</td>
<td>6500</td>
<td>6500</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>total</td>
<td>8053</td>
<td>7378</td>
<td>6679</td>
<td>5441</td>
</tr>
<tr>
<td>equivalent in USD</td>
<td>653</td>
<td>580</td>
<td>525</td>
<td>428</td>
</tr>
</tbody>
</table>

Source: Ministère des Transports, Postes et Télécommunications du Burundi

2) the multiplicity of transit territories with consequent long administrative procedures, causing considerable delays;
3) the road capacity limitation (10 tonnes per axle in Kenya and 8 tonnes in Uganda) due to an inefficient road infrastructure along the corridor;
4) insufficient security for the traffic in transit, due
especially to the political situation in Uganda.

Efforts have been made and are being made by the countries concerned, with a view to the transit conditions. In February 1985 the Governments of Kenya, Uganda, Rwanda and Burundi signed, under the auspices of UNCTAD (United Nations Conference on Trade and Development) the "Northern Corridor Transit Agreement" aiming at the improvement of transport infrastructure and facilities. However, there are still difficulties in the implementation of the agreement.

In brief, Burundi's quickest and therefore more economic route is via Tanzania and the port of Dar-es-Salaam. But in recent years there have been serious bottlenecks both at Kigoma port and at Dar-es-Salaam which is chronically congested. That is why the country had and still has to use the longer more expensive, but more efficient Mombasa outlet.

Actually Burundi has a considerable stake in the joint plans with Rwanda and Tanzania to improve the central corridor system. With the actions already taken or projected by Tanzania to improve the infrastructure and facilities at the ports of Dar-es-Salaam and Kigoma and the railway network, and particularly the foreseeable development of trade between the PTA (Preferential Trade Area for South, Center and East African countries) member States, the central and southern corridors will be increasingly important in the coming years. Therefore it is obvious that Burundi will need to develop its shipping and related activities.
Chapter 2 - MARITIME TRANSPORTATION

1. HISTORICAL BACKGROUND

a. The BELBASES regime

The Belbases, whose existence is linked to the landlocked situation in Burundi, were areas reserved to Burundian, Rwandan and Zairian cargo in transit in the Tanzanian ports of Dar-es-Salaam and Kigoma. They enjoyed particular privileges as free zones belonging to the above-mentioned countries.

It is by a Belgo-British (1) convention of 1921 that the first transit facilities were granted, whose modalities were regulated by a later convention. The management (maintenance of infrastructure, establishment and maintenance of superstructure and equipment) was given to a Belgian company called "Societe Anonyme Belge de l'Est Africain".

One quay for berthing with three positions was built in 1950.

After the independence of these countries, the Tanzanian Government notified its intention to retake the Belbases concessions which were considered as a part of their national sovereignty. In spite of different conventions and agreements between Tanzania and the countries who used the Belbases, no satisfactory regime for the parties has yet been elaborated.

As it was stated in a report of Xavier Ghelbert dated December 1982 (2), the question of the Belbases in particular, and transit in general, is articulated around

(1) Burundi, Rwanda and Zaire were administered by Belgium while Tanzania was under British colonisation.
two problems: port handling and stowage capacity. The handling capacity in the ports of Dar-es-Salaam and Kigoma does not allow a quick loading and discharging of goods on or from ships. Here the problem of slow turnover in the ports arises.

The stowage capacity is necessarily affected by difficulties of handling and inland transport. These difficulties cause of course long delays, and the port, instead of being a transit place, becomes a stowage area.

The Belbases sites which have a limited area, are no longer capable of containing all the traffic to and from Burundi. Therefore some goods have to be stowed in other parts of the port. As the Belbases are free zones, the question is to know whether or not stowage taxes and quay dues have to be paid on the goods. On this particular aspect of the problem, negotiations are actually taking place between Tanzania and the countries who use the Belbases. The solution which will be adopted will influence the future of shipping in Burundi.

b. Regional role of the port of Bujumbura

Lake Tanganyika is enclosed by the territories of Burundi and Tanzania in the east, Zaire in the west and Zambia in the south.

An important part of the import and export traffic for regional and international trade passes through the lake. The port of Bujumbura, located in the center of the sub-region actually using the lake transportation system, has been playing a regional role as transit port for the

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traffic to and from the countries above mentioned and Rwanda which, like Burundi, is also in a landlocked situation. In fact when after the First World War, the Belgians were given Burundi and Rwanda by the United Nations Society for administration in addition to Congo (now Zaire), they found that Bujumbura was well placed to act as a transit port for Rwanda and the eastern part of Zaire (being very far from the national sea port of Matadi on the Atlantic Ocean). At that time there was no efficient road network connecting the countries of the sub-region to Mombasa port. Therefore the northern corridor was not playing an important role in respect of external trade for these countries.

This situation influenced an increased use of the central corridor as the trade of these countries was increasing. Consequently the port of Bujumbura got a regional vocation.

But due to difficulties experienced in recent years on the central corridor, an important part of Rwanda transit cargo has been deviated to Mombasa port.

Actually Burundi is the greatest user of the lake transportation for importation, while Zaire is the biggest user for exportation of copper, zinc, sheet-iron and cement. The share of imports and exports for Rwanda through the lake is still small compared to the overall volume of Rwanda’s transactions. This will be clarified by figures while dealing with transit traffic. The evolution of the transit traffic will be dealt with in the third point.

2. EVALUATION OF THE FLEET

To quote Charles Hardfield (3), it was said that in Central, West and East Africa, steamboats had been put on
lakes and rivers as soon as ingenuity could get them there. In this connection it may be interesting to quote the following statement:

"Once there, they were heavily used for missionary work, trading and passenger carrying. Later, the colonial powers maintained numerous passenger and freight services until the Second World War, in the interest of developing economies in their care."

It is also said that the Belgians maintained variations upon steamer, tug and barge services on lakes Tanganyika, Albert, Kivu and Mueru. In 1930, the biggest steamer was 1,690 tons, the steamwheel tugs 550 horse power and the largest barges 76 meters long and held 1,756 tons.

This proves how long ago navigation on the lake started. Some of the vessels of old design which had been operated since the early beginning of the colonisation period are still in service and others have been progressively added.

At this stage, I will first make some considerations about the national fleet and then some comments will be made on the foreign vessels operating on the lake.

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a. Situation of the Burundian fleet

The national merchant fleet is essentially composed of about twenty ships belonging to a private company called "ARNOLAC" (Armement du Nord du Lac), also managing the port of Bujumbura. The characteristics of this fleet are presented in the table below: (*)

<table>
<thead>
<tr>
<th>Type</th>
<th>Name of vessel</th>
<th>Tonnage (T)</th>
<th>Length (m)</th>
<th>Width (m)</th>
<th>Depth (m)</th>
<th>Beginning</th>
<th>Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tugs</td>
<td>Camus</td>
<td>60</td>
<td>33.40</td>
<td>7.55</td>
<td>3.50</td>
<td>1955</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tanganyika</td>
<td>30</td>
<td>31.20</td>
<td>5.18</td>
<td>1.98</td>
<td>1889</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mwanza</td>
<td>40</td>
<td>23.50</td>
<td>4.55</td>
<td>1.95</td>
<td>1959</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ngiri</td>
<td>-</td>
<td>15.75</td>
<td>4.30</td>
<td>2.00</td>
<td>1959</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Njiwa</td>
<td>-</td>
<td>13.25</td>
<td>4.00</td>
<td>1.35</td>
<td>1958</td>
<td></td>
</tr>
<tr>
<td>Self- impella</td>
<td>Musama</td>
<td>250</td>
<td>31.00</td>
<td>8.50</td>
<td>2.50</td>
<td>1978</td>
<td></td>
</tr>
<tr>
<td>propelling</td>
<td>Swala</td>
<td>100</td>
<td>24.95</td>
<td>6.58</td>
<td>2.75</td>
<td>1963</td>
<td></td>
</tr>
<tr>
<td>vessels</td>
<td>Birikunzira</td>
<td>180</td>
<td>17.50</td>
<td>5.60</td>
<td>2.40</td>
<td>1979</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Twiga</td>
<td>100</td>
<td>24.00</td>
<td>7.00</td>
<td>3.00</td>
<td>1965</td>
<td></td>
</tr>
<tr>
<td>General Warega</td>
<td>1200</td>
<td></td>
<td>65.70</td>
<td>10.00</td>
<td>4.10</td>
<td>1955</td>
<td></td>
</tr>
<tr>
<td>cargo</td>
<td>Albertville</td>
<td>700</td>
<td>59.60</td>
<td>9.02</td>
<td>3.70</td>
<td>1931</td>
<td></td>
</tr>
<tr>
<td>barges</td>
<td>Nyanza</td>
<td>300</td>
<td>54.05</td>
<td>8.50</td>
<td>3.05</td>
<td>1937</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mugandja</td>
<td>450</td>
<td>52.74</td>
<td>8.82</td>
<td>3.01</td>
<td>1955</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Murumbi</td>
<td>450</td>
<td>52.78</td>
<td>8.82</td>
<td>3.05</td>
<td>1955</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Usumbura</td>
<td>400</td>
<td>42.25</td>
<td>8.00</td>
<td>2.81</td>
<td>1927</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Baudoinville</td>
<td>350</td>
<td>36.50</td>
<td>6.00</td>
<td>2.50</td>
<td>1914</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Moliro</td>
<td>200</td>
<td>37.77</td>
<td>6.50</td>
<td>2.41</td>
<td>1929</td>
<td></td>
</tr>
<tr>
<td>Oil Barges</td>
<td>Lubaya</td>
<td>375</td>
<td>42.35</td>
<td>7.01</td>
<td>3.00</td>
<td>1955</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kasimia</td>
<td>150</td>
<td>32.75</td>
<td>5.85</td>
<td>2.00</td>
<td>1953</td>
<td></td>
</tr>
</tbody>
</table>
In addition to the ARNOLAC fleet, there is a container ship of 350 tonnes capacity owned by the Government and some other units owned by private operators. Some additional units are being so that the overall fleet is regularly increasing. The total of ships operating on the lake (excluding foreign fleets) as merchant ships is around 25 (4). There is no passenger vessel owned by Burundi, this activity being covered by two Tanzanian ships.

As regards fishing vessels, the characteristics can be summarised as follows:

- Number: about 22
- Average length: 13.86 meters
- Average width: 4.91 meters
- Average tonnage: 26 tons
- Average age: 16 years.

Source: Waterways Department.

As fishing activities are not covered in this paper I will not make any further comment on fishing vessels.

The ARNOLAC fleet, which constitutes more than 90 percent of the total national tonnage capacity, is 41

(4) The total number can not be fixed, some units being progressively laid up and others built.

* Source: ARNOLAC
years old in average. Most of the ships are more than 30 years old, 2 of them which were built in 1889 are even near 100 years old.

It is said that the longevity of these ships is due to the quality of the lake’s waters. But there is a problem of poor maintenance because of lack of facilities. According to an expertise report made in 1980 (5), 16 out of 20 units needed big and elementary repairs to ensure minimum safety. Specifically, three tugs, all general cargo and oil barges should be repaired (engine and hull). It was also noted that none of them had been repaired or inspected; the engines had been taken instead of being repaired, so that these ships are actually operated as tows using tugs or the remaining self-propellers.

Hopefully ARNOLAC has undertaken a careening programme for the maintenance and repairs necessary for a continuous operation of the fleet. These operations are carried out unsatisfactorily in the slipways of Kigoma (in Tanzania) and Kalemie (in Zaire) which are usually congested and underequipped.

Being aware of the problem of lack of facilities the Government has decided to build a shipyard in the enclosure of the port of Bujumbura. The facilities to be provided will allow the careening, repairing and building of ships necessary for the merchant and fishing fleets. The feasibility studies were carried out in 1981-82 by a West German bureau, IPG of Munich with a financing from the European Fund for Development (Fonds Europeen pour le Developement-FED) (6). The African Development Bank has


(6) Source: Project No-FED 4505 043 1533
agreed to finance the building, and the shipyard is expected to start operating in 1990.

Concerning the technical state of the fleet, it has been stated in many reports and by experts that maintenance and repairs should be carried out urgently otherwise many ships may become out of order. In a report made by the MULPOC (executive organ of the Economic Commission for Africa/ECA) (7), it was recommended that the following actions should be taken:

- servicing of engines
- reconditioning of electric systems
- soldering of unsufficient links
- replacement of rotten bridges
- repairs of holes caused by rust, ... and many other similar defects obviously due to lack of maintenance. It was also noted that the ventilation and lighting systems in crew's quarters were insufficient. Furthermore, there is a lack of navigational equipment. Therefore it was recommended that the following equipment should be provided:

- chemical fire extinguishers with indication of filling dates
- drying pumps in holds
- sufficient life-saving equipment
- fire-fighting equipment
- navigation lights, compass and other aids to navigation
- ventilation system in holds.

Having mentioned this, I think that there is no more comment to make so as to prove the necessity of following up the achievement of the objectives of the main -

(7) Source: ECA/MULPOC/Gisenyi/IX/23, January 1986
tenance programme decided by ARNOLAC. If one recalls that more than 60 percent of Burundi’s imports and more than 90 per cent of her exports are carried by ships to and from Bujumbura, it is understandable how much the country is economically relying on shipping, as far as transportation is concerned. It is, therefore, absolutely necessary to pay great attention to the technical side of the fleet in order to avoid a future dependence on foreign services with all the uncertainties and negative aspects and effects on the national economy. That is why I believe that the Government should be involved to ensure a better technical management of the fleet. This involvement could consist of adopting a policy imposing regular maintenance operations periodically.

Concerning the fleet capacity, one can say that if well exploited, the actual tonnage is sufficient to carry the available volume of trade. Actually, the fleet is exploited at 75 percent of its full capacity, with an average turn round of 5 days for oil barges and 8 days for others. In 1984 this fleet was composed of 3 line tugs, 2 road tugs, 7 self-propellers of 532 tonnes, 2 tanker barges of 532 tonnes, 9 general cargo barges of 5,242 tonnes. Even exploited at 75 percent with the actual turn round, these ships can carry 26,000 tonnes of oil and 324,000 tonnes of general cargo, which make a total of 350,000 tonnes per year. Thus the capacity is higher than the volume of trade to and from Burundi (imports and exports). However, it should be noted that for the transport of oil, the country cannot rely on national services only, the capacity being less than the country’s needs. Therefore there is a need for acquisi-

tion of another vessel, especially since the existing ones are very old (more than 33 years).

Although the present capacity of the national is sufficient, it should be noted that if all the traffic had to pass through the lake (9), the country would need to acquire more ships or, otherwise, charter them from neighbouring countries. Two more reasons justify, in my opinion, new investments in the acquisition of additional units:

-I have already pointed out the decrepitude of most of the ships, due to their old age and lack of maintenance that they have been suffering since a long period. In other words, there is no guarantee to maintain them in operation as far as safety standards and rational management are concerned.

-I have also mentioned the foreseeable development of regional trade which, added to the expected progressive growth of the national economy, will have as logical consequence an increasing demand for lake transport.

In order to ensure the increase of tonnage capacity by the acquisition of additional ships, ARNOLAC (which actually exports more than 80 per cent of the total fleet) should adopt an investment programme in view to progressively replace the ships going to scrap. At the same time the Government should give some support and incentives, which could consist of the following:

- release of required foreign exchange
- guarantee for external loans
- favourable tax regulations

(9) This may happen in case the Northern Corridor is closed due to some circumstances such as war, as it was the case in 1979 during the war between Uganda and Tanzania.
b. The foreign fleet.

When I talk about foreign fleet, one should understand those ships navigating on Lake Tanganyika and which belong to bordering countries other than Burundi. These are mainly Zaire and Tanzania; Zambia does not have any ships on the lake. The biggest share is owned by Zaire with a total number of 60 ships, while Tanzania has got only two ships.

I will make just a brief description to show in which trading environment the national fleet (Burundian) is actually operating.

The Zairian fleet has two bases, one in Kalemie which is the most important, and the other in Kalundu. The composition of this fleet is as follows (10):

- 10 self-propellers: 1,088.4 tonnes
- 4 road vedettes
- 2 coastal boats: 1,102.3 tonnes
- 1 tanker barge: 830 tonnes
- 15 barges: 6,763.5 tonnes
- 27 fishing vessels: 685 tonnes

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(10) Source: Annex III of document ECA/MULPOC/Gisenyi/IX/23
The total tonnage is 10,960 tonnes. Except 9 self-propellers, all the other ships used for transportation are owned by the exploiting national company "SNCZ" (Societe Nationale des Chemins de fer du Zaire). The Tanzanian fleet on lake Tanganyika is composed of 3 ships whose characteristics are described in the table below:

<table>
<thead>
<tr>
<th>Name</th>
<th>Type</th>
<th>Length (m)</th>
<th>Width (m)</th>
<th>Tonnage/Capacity</th>
<th>Year of building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liemba</td>
<td>Passenger</td>
<td>59.50</td>
<td>9.60</td>
<td>400 passengers</td>
<td>1914</td>
</tr>
<tr>
<td>Mwongozo</td>
<td>Passenger</td>
<td>38.80</td>
<td>5.80</td>
<td>400 passengers</td>
<td>1980</td>
</tr>
</tbody>
</table>

The first two are the only passenger ships operating on the lake, so Burundi and Zaire have to depend on Tanzania for the transportation of passengers on the lake. That is why it has been proposed to create a joint transport company for passengers to meet the actual demand in both countries. The project would be executed in the frame of the sub-regional organisation CEPGL (Communaute Economique des Pays des Grands Lacs) grouping Rwanda, Zaire and Burundi.

But this project requires a preliminary feasibility study including the economic and technical aspects in order to evidence its advantages. In this respect, the following points should be considered and included in the study:
- the passenger traffic, both actual and foreseeable
- the necessary equipment, infrastructure and personnel
- the structure and administration of the company
- an economic and financial analysis of the project. If we
consider the estimation made in the above mentioned study of the MULPOC for the year 1986, we find the situation of passenger traffic per year as follows:

- Bujumbura-Kigoma: 9,000 passengers
- Kigoma-Kalemie: 15,000 passengers, including 1,000 from Bujumbura
- Kalemie-Kigoma: 15,000 passengers, including 1,000 for Bujumbura
- Kigoma-Bujumbura: 8,000 passengers
- Bujumbura-Kalemie: 10,000 passengers
- Kalundu-Kalemie: 30,000 passengers, including 10,000 from Bujumbura
- Kalemie-Kalundu: 30,000 passengers, including 10,000 for Bujumbura

The total number of passengers to and from Zaire and Burundi is about 100,000 per year. Bearing in mind that the average speed is 10 knots per hour, and that the distance, for instance, between Bujumbura and Kalemie is 178 miles, we find that the time per voyage for a ship will be 18 hours. If we include stopping time at transit ports, we come to 2 days. Adding to this an average of 2 days in ports, the rotation time will be 4 days, making 90 as total of rotations per year. Therefore, in order to meet a transport demand of 20,000 passengers, we would need a ship of a capacity of 230 passengers. Following the same reasoning, it is found that the traffic between Bujumbura and Kalemie via Kalundu requires a ship of a capacity of 400 passengers.

This leads to the conclusion that there is no advantage of creating a joint shipping company for the carriage of passengers; the actual number of vessels available is sufficient. But in order to ensure a future replacement of the existing ships, and a certain independence vis-à-vis Tanzanian services, and also in
view to meet the growing demand for passenger transportation in the area, one could recommend the acquisition by each of the countries concerned of a ship of (roughly) 300 passengers. This could guarantee a continuous service as well as competition for more efficiency.
3. EVOLUTION OF THE TRAFFIC

As already stated, most of Burundi’s external trade passes through the port of Bujumbura. According to the report of Xavier Ghelbert, 90 per cent of the traffic is to or from Kigoma, but the total volume of goods passing through the port of Bujumbura was reduced from 1978 as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tonnage</td>
<td>158,531 T</td>
<td>145,337 T</td>
<td>149,847 T</td>
<td>141,965 T</td>
</tr>
</tbody>
</table>

This reduction was due to the general economic situation of the country with a decrease of the overall traffic, while the share of the central corridor (using the lake as a link of the transportation chain) was increasing relatively. The figures above mentioned are confirmed in annex I showing the tonnage handled at Bujumbura from 1974 to 1986 (10). The table gives, per class of goods, the different tonnages imported and exported, per port of origin and destination. According to the same statistics, the traffic increased progressively from 1981, passing from 141,965 tonnes to 221,047 tonnes in 1986, which makes an increase of 55.7 per cent. The situation was as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tonnage</td>
<td>141,965</td>
<td>143,260</td>
<td>146,427</td>
<td>163,912</td>
<td>216,402</td>
<td>221,047</td>
</tr>
</tbody>
</table>

If we compare these figures to the tonnage of traffic coming by road from Mombasa and Dar-es-Salaam, we find that the share of the central corridor was more than 98 per cent in average from 1983 to 1986 as shown in the

(10) Source: EPB (The statistic was collected from the port Manager)
following table:

<table>
<thead>
<tr>
<th>Years</th>
<th>1983</th>
<th>1984</th>
<th>1985</th>
<th>1986</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total traffic</td>
<td>146,427</td>
<td>163,912</td>
<td>216,402</td>
<td>221,047</td>
</tr>
<tr>
<td>Road traffic</td>
<td>3,068</td>
<td>2,301</td>
<td>1,815</td>
<td>3,663</td>
</tr>
</tbody>
</table>

For the year 1986 the tonnage carried by each company per month is given in annex II relatively to the country and port of origin or destination. One can say that the specific traffic for Burundi is integrated in the overall commercial exchanges for which Lake Tanganyika plays a supporting role.

Although the port of Bujumbura is of a determinant importance, it should be noted that the central element is the Tanzanian port of Kigoma which handles, not only the Burundian traffic, but also that of Zaire (Eastern provinces) and Rwanda. Therefore, the steady flow of traffic from Burundi depends on the efficiency of that port.

If the different projects planned or undertaken (improvement of port infrastructure and equipment at Kigoma and Dar-es-Salaam, and the improvement of the railway network system between Kigoma and Dar-es-Salaam) are successful, it is predicted that the traffic will increase to 227,300 tonnes in year 2000. The overall traffic to and from different ports will increase as follows:

(11) The estimation was made in a feasibility study made by a German bureau, IPG in 1980, for the building of a shipyard at Bujumbura. The estimated traffic for 1990 was 209,450 tonnes, while the effective tonnage was already 221,047 tonnes in 1986 as mentioned.
Kigoma - Bujumbura: +109%
Kalemie - Kigoma: +339%
Mpulungu - Bujumbura: +195%
Zaire regional traffic: 147%

For the route Bujumbura - Kigoma, the increase should be about 90 per cent.

If the efficiency of the ports of Kigoma and Dar-es-Salaam and the improvement of the railway system are important for forecasting the future traffic through Lake Tanganyika, it is also undeniable that the share of the central corridor will depend on the availability of goods to carry on the one hand, and the transport cost per unit on the other hand. The increase of transport cost may, however, be compensated by a shorter transit time, and therefore a quicker turn round with a subsequent reduction of capital costs.

One of the policies adopted by Burundi, as a landlocked country, being the diversification of access routes to the ocean, which has been estimated is that the traffic through the port of Bujumbura will increase as follows (12):

<table>
<thead>
<tr>
<th>Year</th>
<th>1990</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imports</td>
<td>166,000 T</td>
<td>183,000 T</td>
</tr>
<tr>
<td>Exports</td>
<td>47,000 T</td>
<td>68,000 T</td>
</tr>
</tbody>
</table>

These estimations did not take into consideration the expected development of trade between PTA (Preferential Trade Area) countries, so I think that the traffic will increase more than predicted. It would be difficult, however, to make an estimation in absence of any data.

Regarding the passengers, it was stated that the

actual traffic estimated at 110,000 people in 1985 could increase rapidly to 350,000 passengers in the year 2000, provided that the quality of service would allow efficiency in terms of regularity, safety, cost, comfort and speed. I will not make any further consideration about passenger traffic through the lake.

4. THE MULTIMODAL TRANSPORT AND CONTAINERISATION

The multimodal transportation is of course the only system which can be used by a landlocked country to carry its international trade both for imports and exports. For Burundi, it has already been mentioned that through the so-called "Central Corridor" export goods are loaded into ships at Bujumbura Port from where the latter go to Kigoma Port in Tanzania. There the first transhipment operation takes place by discharging the cargo from ships (eventually through staking areas or sheds) into train wagons. For the next forwarding operation the lake is replaced by the railway until the goods arrive in the port of Dar-es-Salaam. Then the cargo is unloaded again from the train wagons, waiting for shipment in ocean going ships for their final destination. We have the same situation for import traffic, but in an inverse order. Consequent to these several transhipment operations are the following problems:
- high handling costs
- losses and damages to cargo
- slow turn round of ships

In order to overcome these difficulties, especially the risk of damage to cargo, the containerisation system seems to be a good solution for the time being. It is not that such a system may be economically efficient or not.
but it is just a matter of safety of goods. It is my opinion that it can be a very important factor for the promotion of transportation through Lake Tanganyika. An appropriate study should be carried out so as to evaluate the containerisable cargo, the cost of the system and the specific modalities of freight management.

In November 1986 a study on handling of containers in Tanzania and neighbouring countries was published by the Norwegian Agency for International Development (NORRAD). According to the final report (volume 1, p. 2.17) about 28 per cent of the so called ZBR (Zaire, Burundi and Rwanda) general cargo was containerised (house to house) in 1983. This rate increased to 38 percent in 1984 and declined to 33 per cent in 1985.

It was also recorded that the present facilities in the port of Bujumbura actually included a container pier with stacking areas for about 200 containers, a 50 tonnes derrick crane on the pier, one front loader for handling containers, and a number of 3-tonnes forklifts.

In addition to the facilities above noted, it was considered necessary to build a container terminal at Bujumbura, taking into consideration the traffic forecast made by UNCTAD (United Nations Conference on Trade and Development) (13), as it is shown in the tables hereafter:

Forecast of container traffic on the route
Dar-es-Salaam --Kigoma -Lake Tanganyika

<table>
<thead>
<tr>
<th></th>
<th>1980</th>
<th>1985</th>
<th>1990</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Imports</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burundi</td>
<td>4,489</td>
<td>12,600</td>
<td>30,744</td>
</tr>
<tr>
<td>Rwanda</td>
<td>378</td>
<td>1,134</td>
<td>3,024</td>
</tr>
<tr>
<td>Zaire</td>
<td>567</td>
<td>1,638</td>
<td>4,032</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,434</td>
<td>15,372</td>
<td>37,800</td>
</tr>
<tr>
<td><strong>Exports</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burundi</td>
<td>1,130</td>
<td>5,250</td>
<td>19,200</td>
</tr>
<tr>
<td>Rwanda</td>
<td>90</td>
<td>375</td>
<td>1,440</td>
</tr>
<tr>
<td>Zaire</td>
<td>1,800</td>
<td>14,625</td>
<td>28,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3,020</td>
<td>20,250</td>
<td>49,440</td>
</tr>
</tbody>
</table>

b. Number of containers (TEU) required:

<table>
<thead>
<tr>
<th></th>
<th>1980</th>
<th>1985</th>
<th>1990</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Imports</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burundi</td>
<td>422</td>
<td>1,185</td>
<td>2,892</td>
</tr>
<tr>
<td>Rwanda</td>
<td>36</td>
<td>107</td>
<td>284</td>
</tr>
<tr>
<td>Zaire</td>
<td>53</td>
<td>154</td>
<td>379</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>511</td>
<td>1,446</td>
<td>3,555</td>
</tr>
<tr>
<td><strong>Exports</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burundi</td>
<td>130</td>
<td>504</td>
<td>1,844</td>
</tr>
<tr>
<td>Rwanda</td>
<td>9</td>
<td>36</td>
<td>138</td>
</tr>
<tr>
<td>Zaire</td>
<td>135</td>
<td>1,002</td>
<td>2,122</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>274</td>
<td>1,542</td>
<td>4,104</td>
</tr>
</tbody>
</table>
From the tables given we can see that containerization is becoming increasingly important as a transport system. Actually it is a very expensive system for developing countries in general, because containers are hired and sometimes return empty, due to the imbalance of trade. For Burundi, the desequilibrium could be reduced by containerising some export commodities such as coffee. As the system is likely to get a progressive importance, there is a necessity for an adequate planning and coordination to avoid as much as possible an imbalanced traffic and to optimize the costs.

However, since many difficulties are caused by external factors, the improvement of the situation will be difficult to achieve at a purely national level. In fact, many weaknesses are actually caused on behalf of the Tanzanian Railway Corporation (TRC), whose major problems can be identified as being the following:

- Weaknesses in the track system due to old age, insufficient ballast and bad alignment
- Lack of maintenance facilities, equipment and spare parts
- Inadequate communication facilities and lack of effective wagon control
- Shortage of qualified staff and labour, resulting in low productivity
- Congestion at terminals and ports, resulting in bad logs
- Shortage of special wagons as for container transportation. All these constraints result in reduced speed and loads, underutilisation of wagons and locomotives, as well as long cycle time for wagons.

A Tanzania Railway Transport Sector study was prepared by Canadian consultants in 1979. The result of the study was presented by W.H.Grndal & Assoc. and Development Planning Assoc. Consulting Ltd. In its conclusion,
the report proposed some technical and managerial improvements. As a follow-up action a donor conference was held in Brussels in 1984 on a "TRC Rehabilitation and Development Programme", which consists of 34 priority projects covering the period 1985-1989. The carrying out of this programme should allow an improvement of the current situation, especially as regards infrastructure and equipment. At the same time a training programme for the staff, and regular consultations between the parties concerned should allow a better future management for more efficiency.

5. FLEET ADMINISTRATION AND MANNING

Due to the fact that only one company, ARNOLAC, owns a relatively important number of ships, the others being small companies with only one or two vessels, the attention will be drawn to the organisation of that entity. Also it is to be noted that the administration of that shipping company and the port authority is actually the same. The advantages and disadvantages of the system will be discussed in the next chapter while dealing with port administration.

Regarding the manning, the information recorded in January 1987 from the Personnel Department can be subject to some comment. It was noted that ARNOLAC personnel is classified in six categories:

I : non qualified ratings
II : semi-qualified ratings
III : qualified ratings
IV : engineers and skippers
V : mates and captains
VI : senior officers and captains.
This personnel is distributed as follows:

<table>
<thead>
<tr>
<th>Categories</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
</tr>
</thead>
<tbody>
<tr>
<td>nationals</td>
<td>130</td>
<td>67</td>
<td>6</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>foreigners</td>
<td>2</td>
<td>31</td>
<td>14</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>98</td>
<td>20</td>
<td>7</td>
<td>5</td>
<td>3</td>
</tr>
</tbody>
</table>

This table is self-explanatory, and the following conclusions can be agreed upon:

- There is a shortage of qualified personnel in general and, worse, among the few qualified crew, the nationals are less than 50 per cent. Therefore there is a pressing need for education and training of additional personnel.

For this purpose, the company should define a training programme, while the Government should put the required standards to ensure the education of qualified nationals. According to the quoted report of Xavier Ghelbert (IMO Mission), the number of qualified personnel required can be estimated as follows:

- a) nautical: 6 captains
  15 skippers
  20 ratings

- b) engineering: 5 chief engineers
  15 electricians

As this evaluation was made in 1982, it should be updated, taking into account the actual situation and the foreseeable changes on the long run.
Chapter 3 - PORT OPERATIONS AND DEVELOPMENT

As stated by Captain Gur Saran Singh (1), ports play a vital role in the economy of any country. And for Professor A.D. Couper (2), the primary function of a port is the transfer of products quickly and economically from maritime to land transport. And for Professor P.S. Vanchiswar (3), the loading and discharging of various types of merchandise within the confines of a port, may also need facilities to be provided for the handling of different types of ships, for example, passenger ships, conventional cargo carriers, multipurpose carriers, roll-on roll-off, etc.

Depending upon the development of, and the volume of trade in a country, the need may arise for port expansion programmes to be carried out from time to time. That is why no two ports are the same.

Being the servants of the trade's requirements, it is proved that the history of their functions and development has been very much a history of ship and cargo handling technology.

In addition to the handling facilities that they offer, ports play a role of connection between offshore and shore activities, not only for supplies, but also for:

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(3) Source: Lecture notes on Establishment and Administration of Marine Affairs in Developing Countries, WMU, 1986.
building the production platform which follows the drilling rig
-storage facilities
-supplies and skilled labour for repairs and conversions
-reception and transport, perhaps also processing of the products
-administration function.

It is stated that "ports are central, nodal points in the transportation chain. They are also starting points for local, regional and national developments of the economy. This becomes particularly true if we consider the example of developing countries. Ports are the industrial centers of their region, sometimes even the capital city, and always the point of origin of development of the regional economy."(4)

To which extent are Burundi ports fulfilling the above mentioned functions? To answer this question, I will make a description of the actual organisation, infrastructure, equipment, operations and development. Problems, weaknesses and difficulties will be diagnosed in order to find what could, in my opinion, be the possible improvements.

I. PORT ORGANISATION, INFRASTRUCTURE AND EQUIPMENT

Actually the port of Bujumbura is by far the most important, the others being of a minor importance since they do not deal with international trade. Afterwards I will deal with secondary ports in a special point.

a) PORT ORGANISATION AND MANAGEMENT

By a convention of 1967, the exploitation of the port of Bujumbura was conceded to a company called "Exploitation du Port de Bujumbura-EPB". The company is in fact, a subsidiary of a Belgian company, "la Compagnie des Grands Lacs", although the Government and some companies and private own a part of the capital shares. The "Compagnie des Grands Lacs" owns the biggest shipping company, ARNOLAC as well, in which the Government is a shareholder. This situation allows the latter to have a say and a certain control of the activities carried on by both the port and the shipping company.

What is interesting to note is the fact that the real management of the two companies is exercised by the same authority under the supervision of a foreign company which appoints the President and Administrator-Director for EPB-ARNOLAC. The advantages and disadvantages of having the same management body will be discussed later. We can see that even the organisational structure appears to be common to both companies as indicated by the following chart (5)

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ORGANIZATION CHART OF EPB-ARNOLAC
N.B The original chart is given in annex III

BOARD OF DIRECTORS

Administrator Director

Assistant Director

Personnel Manager
Administration and Finance Manager
Workshop Manager
Exploitation Manager

Manpower Service
Medical Service
Accountancy Service
Income Control
Maintenance Service
Shipyard
Manning
Handling
Transit Kigoma
Regarding the manpower, the manning scale of the port is similar to that of ARNOLAC. The personnel is classified in six categories:

I - non qualified dockworkers
II - semi qualified personnel
III - qualified personnel
IV - highly qualified personnel
V - middle managers
VI - top managers

The distribution of personnel is as follows:

<table>
<thead>
<tr>
<th>Categories</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nationals</td>
<td>217</td>
<td>38</td>
<td>17</td>
<td>10</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Foreigners</td>
<td>2</td>
<td>4</td>
<td>7</td>
<td>7</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>219</td>
<td>42</td>
<td>24</td>
<td>17</td>
<td>5</td>
<td>13</td>
</tr>
</tbody>
</table>

Here again, we find that the proportion of foreigners in the total of qualified staff is very important, one of the reasons being the lack of skilled nationals. Therefore the same recommendation for training is to be made as far as port administration and operation are concerned. It is an aspect that seems to have been neglected for a long time, so a long term policy should be urgently adopted and implemented by the authorities concerned.

Coming to the problem of joint management of the shipping company and the port, I think that it is very difficult to make any judgement in favour or against the system. The situation is not very clear, especially when it comes to the administrative costs, as to determine how much should be born by each company, as long as they both are run by the same people. There may of course be many other problems, but some good aspects as well are undeniable. From my own experience and point of view, I think
that the major advantages and disadvantages are the follow-

ADVANTAGES:
There is a rationale in having the Port Authority and the shipping company under one management, in that the two are not very big. Thus it is possible to have them under one management which will, among other things, enable them to save administrative costs, efficiently utilise the few skilled human resources available, coordinate both under one umbrella without much problems and in a symbiosis.

DISADVANTAGES
Other shipping companies using the port might feel that the above mentioned company is receiving first and favourable terms in the usage of port facilities. Furthermore the venture to have the shipping company and the port authority under one management might be a burden to the port authority, in that it may have to meet most of the overhead costs for the port and the shipping company, thus the latter would operate at the expenses of the port authority.

As many problems have already arisen, the situation should be investigated in detail and regularly. Then it will be up to the competent authority to decide whether the two companies should have the separate management or not.

Another problem in relation to the administration and management of the fleet and the port is that there is no procedure for notifying the increase of port dues rates to shippers and other parties concerned, and many times there have been substantial increases without prior announcement.
There should be a defined procedure to consult shippers and other interested parties before rate increases are applied. At least the Ministry in charge of shipping which is supposed to be aware of the situation, should give its formal approval to any change in freight rates and port charges. Here the need for creating a shippers' council appears, who would meet the shipowners and port authority to discuss their needs and mutual interests.

b) PORT INFRASTRUCTURE AND EQUIPMENT

As infrastructure, the port of Bujumbura is actually equipped with:

- a double jetty for protection against water encroachment. The eastern jetty is about 300 meters long and the western one 100 meters.
- one quay 390 meters long for general cargo
- one quay 130 meters long for containers
- a sheltered area relatively confined by the two jetties almost in a rectangular form but of a limited coverage (approximately 300/100 meters).

This infrastructure is sufficient for the actual needs of the port. But there is an urgent necessity to improve the existing infrastructure, especially by repairing the quays with asphalt. The necessity has been felt by the Government for a long time, but due to lack of financial means, the project has never been carried out. I will mention that according to the concession convention between the Government and the port authority, the latter has to maintain only the superstructure while the Government is responsible for infrastructure.

As user and beneficiary of the facilities, it is my opinion that the port authority should ensure and bear the cost of their maintenance. Therefore, I think that
the 1967 convention should be reviewed in order to release the Government from its responsibility regarding the port infrastructure. Then, the port authority should define an overall development plan including the equipment, superstructure and infrastructure.

Concerning the superstructure, the present facilities include essentially: 4 warehouses of 4000 square meters each and a workshop for repairs. The capacity of the warehouses and workshop is estimated to be sufficient for the actual and near future needs of the port, provided that the latter is only a transit area and not a storage place as it sometimes happens. But the stocking capacity is affected by other problems such as transport difficulties (delays in shipment) and long customs procedures. There should be a better coordination between the port authority and the customs administration.

Regarding equipment, the port is using: (6):
- 4 electric cranes "TITAN" of 2.5 tons at 36 meters and 5 tons at 18 meters
- 5 mobile cranes of 10 tons capacity each
- 1 derrick crane of 30 tons capacity at 16 meters and 50 tons at 12 meters. It is used for handling containers
- 4 forklifts (2 "Caterpillar" and 2 "Toyota") of 2.5 tons capacity each
- 2 Hyster of 3 tons capacity each
- 2 lighthouses for buoyage in the entrance channel

According to the estimate of the study made by ECA/MULPOC in 1986, the port of Bujumbura has a handling capacity of 300,000 tons per year. However, since 1974 the average annual traffic has been less than 165,000

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(6) Equipment available in 1986
tons (163,912 tons in 1980). That is to say that the port facilities have been utilised at nearly half capacity. Therefore the actual equipment can allow to handle an increasing traffic up to the year 2000, provided that it is well maintained and efficiently utilised.

2. DEVELOPMENT OF THE PORT OF BUJUMBURA.

As it was stated by UNCTAD (7), the possession of adequate and efficient ports improves a nation's relationship with other States and plays an important part in its economic life. Because of the extent to which foreign trade is carried through the port, the latter should take an important and fundamental part of the country's transport investment.

In order to harmonise economic, financial and physical aspects of the port with other aspects of the national economy, a study for the establishment of a master plan for the port of Bujumbura was decided. This study should suggest solutions to internal problems in relation to the exploitation of the port. These are the following:

- repairing of earth platforms and port equipment
- improvement of handling operations, especially by taking advantages of palletisation
- exiguity of the port area and the entrance channel
- dredging of the port
- education and training of personnel.

The final report which had to be presented in June

1986 had to show the possible solutions to these problems. On the seventeenth of April 1986, a meeting was held in Bujumbura to finalize the master plan for the port and decide on the operations that should be carried out in a short term. The following conclusions were agreed upon:

a) regarding the master plan itself, it was noted that the equipment and infrastructure were sufficient for the expected traffic up to the year 2000, provided the following:
   - maintenance of the available facilities
   - efficient utilisation of the limited port area
   - separation of different activities within the port, to ensure safety and efficiency
   - providing a commercial dock for the projected construction of a ferry-boat terminal
   - providing space for building the projected shipyard and an industrial zone within the port area.

b) as operations to be carried out in a short run, it was decided that the following actions should be taken:

1) improvement of the existing facilities by:
   - reinforcing the docks
   - repairing the quays
   - improving the road network within the port
   - repairing the platforms and the buildings
   - improving the lighting and fire protection systems.

2) building up new infrastructures, namely:
   - a road station (gare routiere) for the international traffic
   - a passenger terminal to facilitate administrative formalities
   - an administrative building including the Maritime Administration, Customs, Shipping Companies, Forwarding Agencies and bounded warehouses.

In addition to the above mentioned, the port should
acquire a weighbridge.

The final conclusions of the study had to give the cost estimate of the operations and make recommendations regarding the organisation and management, so that a good utilisation of the facilities and a better coordination of different activities could be expected.

3. ROLE OF SECONDARY PORTS

Many centers have been developed along the coast as potential ports playing relatively a little role. Apart from Bujumbura, all these other centers are serving either fishing activities or/and passenger traffic. Among them only one, NYANZA-LAC, is important and enjoys a favourable location as it is close to the Tanzanian border in the south of Burundi, at 50 kilometers from the port of Kigoma. The others are mainly used for fishing activities and do not offer any facilities for the time being.

Actually, NYANZA-LAC can not be considered as a port as such, but the Government has been planning to build some facilities to make it operational. Although no study has yet been carried out to determine the feasibility of the project, one can already make the following comments:

1. The distance between Bujumbura and Nyanza-Lac, which is 130 kilometers, is covered by an efficient (asphalted) road. Therefore the port of Nyanza-Lac would create competition from the road transport which much faster. That port should serve only frontier trade, and be designed mainly for passenger traffic and fishing. The infrastructure and equipment to be provided should be relative and proportional to the level of these activities.

2. Bearing in mind that there is no fishing port at Bujumbura and that the exiguity of the port area can not
allow to build facilities for fishing boats , Nyanza-Lac would assume such a role as the main fishing port of Burundi. Because of the great importance of fishing activities for Burundi, and the relatively large number of boats engaged in this activity, port facilities should be provided. That is to say that it is necessary to build a fishing port. Therefore the port projected to be built at Nyanza-Lac would include facilities for fishing boats and a composite passengers-cargo quay. Then, the small fishing centers would disappear, the activity being concentrated in Nyanza-Lac for better coordination and supervision.
Chapter 4 - MARITIME ADMINISTRATION

In chapters 1, 2 and 3 I have described the different components and factors which influence the development of maritime activities in Burundi. In this respect subjects such as national economy, foreign trade and its routes, the fleet and traffic, port administration, infrastructure and equipment, and the actual need for manpower have been discussed. A diagnosis of the problems actually faced was made and some recommendations have been formulated so as to improve the present situation.

But all this would be time consuming if there is no body to ensure that follow-up actions are taken in this respect. Such a responsibility is normally delegated to the Maritime Administration which will be discussed in this chapter.

According to the functions that should be carried out, I will propose a suitable organisation for the Burundian Maritime Administration. I will also outline the difficulties regarding the maritime legislation.

1. FUNCTIONS OF MARITIME ADMINISTRATION

It has been proved that the development of maritime activities in any country necessarily requires a well established and efficient maritime administration. In this connection, it is appropriate to quote the following statement from Professor P.S. Vanchiswar (1):

"The object of a maritime administration organisation within the framework of a country's overall maritime activities is to provide the Government with the machinery which would enable it to satisfactorily and efficiently undertake those functions which are embodied within the
country's merchant shipping legislation (i.e., national maritime laws). These functions would include the implementation of the requirements of international maritime conventions and national rules and regulations framed under the authority of the merchant shipping act."

It is, therefore, obvious that an adequate and updated maritime legislation is a prerequisite for any developmental action in the maritime field. I will come back to this point in the third point.

Then, in pursuing the aforesaid activities, the appropriate Government Authorities would need to have an efficient administrative machinery to advise them on the adoption and implementation of a shipping policy (regarding trade and infrastructure), national legislation and other regulations necessary for developing and operating the maritime programme of the country, and for discharging the Government's obligations under international conventions which may be applicable.

It is said that this machinery can best be provided through a well organised maritime administration which will also be responsible, under the direction of the Ministry in charge of shipping, for providing and organising the appropriate facilities for the survey and certification of ships, education, training, examination, and certification of seamen.

In short, one can assert that the areas affected within the ambit of maritime administration are: the ownership, registration, management, operations, upkeeping

(1) Source: "Establishment and administration of maritime affairs in developing countries," Lecture notes delivered at the World Maritime University, Malmö, 1984.
and maintenance of the national shipping fleet, safety rules, inspection, antipollution regulations, etc., and also other related maritime matters such as shipbuilding, dry-docking, port infrastructure, equipment and operation, shiprepairing, maritime education and training, and maritime labour. In addition to these functions, the following tasks are also important:

- general superintendence and coordination of shipping activities
- manning of ships
- inquiries and investigations into shipping casualties
- contingency planning for the combat of marine pollution
- maritime search and rescue.

2. ORGANISATION OF MARITIME ADMINISTRATION

It is true that in every country having shipping activities there is a ministry that is expected to be responsible for maritime matters. In some countries the responsibilities are shared by several ministries. The situation varies from one country to another, depending on the allocation of Government business and the priorities of the common man. However, in most developing countries shipping matters have not had the priorities that they deserve and the concerned ministries also have to deal with many other non-maritime matters which are often given more importance due to the simple fact that they affect the common man in his day-to-day life. That is the case in countries where maritime matters are looked after by the ministry responsible for transport and communication. In such cases, the ministry often may be preoccupied with matters pertaining to road and air transport, telephone
and telecommunication, while maritime affairs are relatively neglected.

If such a situation can prevail in coastal countries where people have some maritime tradition and are supposed to better understand the importance of shipping activities it should be worse in landlocked countries such as Burundi.

Therefore, as stated by Professor P.S. Vanchiswar, there is a vital need to fully understand the various roles and functions to be undertaken in connection with maritime affairs and the advantages of maritime development. The maritime administration should be able to efficiently conceive and apply the right shipping policy in order to maximize profit and minimize the cost of shipping services for the benefit of the overall national economy. Therefore, as mentioned by Professor E. A. Georgandopoulos, this ability requires an appropriate structure apparatus, which means a competent and efficient administrative body.

The role and functions of the maritime administration have generally been pointed out, but their carrying out requires an efficient organisation adapted to the particular situation of the country. Accordingly, its structure may vary from country to country, but generally the overall infrastructure of the administration would depend, as it is said, upon the nature and extent of the duties and responsibilities involved, which in turn would depend upon the current stage of maritime development, including pace at which the future development is to proceed.

(2), (3) Source: Lecture notes on "Development of maritime infrastructure", delivered at the World Maritime University, Malmo, Sweden, August 1984.
Anyhow what is important is to ensure that the infrastructure is capable of carrying out the essential functions of a maritime administration. For the specific case of Burundi, we shall see how this administration is organised and what could possibly be done to improve it.

It is the Ministry of Transport, Post and Telecommunications which is actually responsible for maritime affairs. As in other countries, there is of course a specialized sub-division especially dealing with maritime matters, either as decision maker or as advisory administration to the Government. That is the Directorate of Waterways which is similar to the Merchant Marine in other countries.

This directorate was created by the Ministerial ordinance 740/283 dated the 5th of December 1977 (4) which defines the structure and responsibilities of that administration. The directorate comprises 4 services:
- administration, responsible for personnel, legal and financial matters
- technical service, responsible for survey of ships and inspection of fishing vessels
- inspection, responsible for safety inspection and investigations into shipping casualties
- international transport service, in charge of maritime policy, international cooperation in the field of shipping and implementation of international maritime conventions.

The directorate is placed under the authority of the Director General of the Ministry, but is acting as the Minister's advisor in shipping matters.

The organisational structure is shown in the following chart:

(4) See Annex IV.
Ministry of Transport, Post
and Telecommunications

Director General of the
Ministry

Director of Waterways

Administrative and Technical Inspection International
legal Service Service Service transport
Service

In the light of the aforementioned functions of the
Maritime Administration, and according to my own experience, the following comments can be made about the actual organisation:

- the ordinance organising the directorate has not defined the power and responsibility of the Director, and is incomplete. Furthermore there is confusion in the competences of the Technical and Inspection services. This unclear situation has sometimes resulted in overlapping and competence conflicts. Therefore a more complete and clear text is needed to solve these problems. In this respect I will propose another organisation chart and broadly define the responsibilities that should be devoted to each service. This will be done as a result the analysis of maritime administrations in different countries.

- there is a lack of skilled maritime personnel, while the sector is very technical. Therefore the carrying out of the described functions becomes difficult. That is why short and long term policies should be defined in view to train the available manpower in maritime affairs, while at the same time qualified personnel should be recruited so as to get an efficient staff coping with all responsibilities in the field of maritime administration.
the wording "Waterways Directorate" does not efficiently express the scope of responsibilities of a maritime administration. It should be more meaningful to call it "Maritime Affairs Directorate".

The proposed structure is the following:

Ministry

Director of Maritime Affairs

Administrative and Legal Service

Technical Service

International Transport Service

Port Officer

Ships Surveyors

Fishing vessels Inspection

This chart is not a copy of, and does not look like any other, due to the particular situation of shipping activities in Burundi, with limited maritime activities, the importance of the fleet and port activities. Nevertheless I believe that it covers the main functions that have to be carried out by the Maritime Administration, as the responsibilities of different services are described hereafter.

- The administrative and legal service would deal with all administrative, legal and personnel matters, administration, finance, legislation, manning, registration, personnel and all general services.

- The technical service would be responsible for survey and inspection of ships, port equipment and investigation in ships casualties. It should employ at least one port engineer, one nautical surveyor and one engineer.

- The international transport service would remain the same with the responsibilities.
It is hoped that the organisation structure will be implemented and fit adequately if the necessary staff could be trained to be able to carry out the necessary tasks. Considering the actual situation of the maritime administration as regards the available staff and the qualifications normally required to exercise different functions, the need for education and training can be evaluated as follows:

- training of 2 maritime affairs administrators
- training of 1 port engineer
- education of 1 nautical surveyor and 1 ship engineer
- training of executive technical staff.

But the result can not be achieved immediately, use should be made, meanwhile, of technical staff from other ministries like Public Works and Planning. Some work could even be delegated to Classification Societies, especially if high expertise is required, for instance for survey of ships for safety purpose.

Finally it is expected that the Maritime Administration should be able to:

- formulate maritime policy and legislation
- implement the formulated policy and legislation
- discharge its national and international obligations, and
- promote maritime development.
3. MARITIME LEGISLATION

The purposes of a maritime legislation (Shipping Act) are the following:

- to encourage and regulate the orderly development of shipping activities, and provide for the qualifying of persons employed on ships
- to regulate the terms and conditions of service onboard ships in conformity with international conventions on the behalf to which the country adheres
- to provide for safety of passengers, crews, ships and cargo, in conformity with relevant international conventions
- to contribute to the protection of the marine environment.

Some of these objectives are expressed in the preambles of many Shipping Acts, like the one of BARBADOS which was adopted in 1982 (6). There it was understood that the maritime legislation should be:

- regulatory, by providing the necessary and adequate regulations regarding shipping activities, and
- developmental, in the form of participation in the process of formulating the policy as regards maritime development, and deciding upon activities to be undertaken in connection with such development. These developmental functions should be contributory to the overall economic development of the country.

In order to cope with the subject, it is convenient to diagnose the actual legislation so as to identify its major weaknesses, so that guidelines for a better adapted legislation can be formulated and proposed.

(6) See P.S. Vanchiswar, op cit, page 52.
The setting-up of a national Shipping Act in detailed manner not being the aim of this paper, I will just mention the points that should be covered in such a legislation.

After getting through the existing texts related to maritime affairs, one can find that there are two main reasons which actually justify the need for a new legislation:

- As it was mentioned in the IMO report on the maritime legislation of Burundi, the negative aspects of that legislation are subsequent to its obsolescent character and to the changes of administrative and political structures of the country. In fact, most of the texts were adopted during the colonisation period (1908-1962) by the colonial masters. From 1916 Burundi was dominated by Belgium, under the same administration with Rwanda and Zaire (formally Congo Kinshasa). One of the effects of that situation has been the application to Burundi of laws which had been edicted for Congo. This is the case for maritime provisions of which most of them have not been changed so far. Not only have there been many changes in international shipping regulations, but also the national administrative and political structures have changed. There is no longer comment to be made so as to prove that the actual legislation is outdated. Therefore, the formulation of a more relevant one is a pressing necessity and a prerequisite for any other developmental action.

- Under the existing legislation, only the following points are covered:
  - administration and navigation
  - investigation commission
  - exploitation of the port of Bujumbura
  - port regulations
Without making a detailed analysis of the provisions, one can easily see that some important aspects are only partially covered, and some others are not even dealt with at all. I hereafter identify which points should be stressed on and/or added. These are:

- definition of navigable waters
- registration of ships and seamen
- licensing
- inspection and inspection of ships
- ships’ manning
- harbour regulations
- navigational aids
- life saving and fire fighting equipment
- fishing vessels
- passenger vessels
- maritime search and rescue
- pollution matters
- maritime labour regulations
- minimum requirements for seamen qualifications
- maritime insurance
- shipowners’ and shippers’ associations.

Taking into consideration the aforesaid remarks, a framework for a new Shipping Act for Burundi is hereafter proposed. Some of the elements were taken from the Kenyan Merchant Shipping Act of 1968, and some others from the Malawi Inland Waters Shipping Act, which offers the advantage of the landlocked situation, similar to Burundi.
BURUNDI SHIPPING ACT

I. Preliminary
   - Short title
   - Interpretation

II. Registration of ships
   - Vessels to be registered
   - Ports of registry
   - Registering authority
   - Survey and measurement
   - Application for registry
   - Nationality and flag
   - Marking of ships: name, official number and other particulars
   - Issue of certificate of registry
   - Duration and renewal of certificate of registry
   - Acquisition of ships
   - Temporary pass for unregistered ships
   - Registry of alterations
   - Change of port of registry, shipowner, master or ship’s name
   - Mortgages
   - Transfers and transmissions
   - Closing of registry
   - Issue of new certificate of registry and certified copies
   - Registry of abandoned ships
   - Registration of Government ships
   - Registration fees
   - Penalties

III. Licensing of vessels
- Application for licence
- Licensing authority
- Conditions, forms, suspension and revocation of licence
- Duration of licence
- Penalty

IV. Masters, officers and crews
- Vessels to be under command of a competent officer
- Certificate of competence
- Shipping masters
- Apprenticeship to the sea service
- Engagement of seamen
- Employment of children and young persons as seamen
- Examination and certification of seamen
- Cancellation of certificate
- Discharge of seamen
- Payment of wages
- Advance and allotment of wages
- Right of seamen in respect of wages
- Mode of recovering wages
- Provision, health and accommodation
- Penal and disciplinary procedure

V. Navigation, safety, construction and equipment
- Declaration of navigable waters
- Lights, sound and distress signals
- General safety provisions and responsibility
- Prevention of collisions and sailing regulations
- Radio and navigation aids
- Tonnage and dimensions of vessels
- Pollution prevention
VI. Harbour regulations
- Powers of harbour master
- Control of ships in harbour
- Entrance in harbour
- Loading and unloading of cargoes
- Designation of harbour areas
- Warehousing - dangerous goods and guns
- Fire fighting operations
- Offenses and penalties

VII. Wrecks - marine casualties - inspection and investigations
- Receivers of wrecks
- Removal of wrecks
- Inspection of fishing vessels
- Investigation into shipping casualties and accidents on ships
- Jurisdiction
- Limitation of actions in civil proceedings

VIII. Arrest and detention of ships
- Causes
- Procedures
- Competent authority

IX. Particular provisions regarding passenger ships

X. Commercial maritime law
- Contracts concerning ships
  1. Contracts of affreightment
     a) Carriage of goods
     b) Freight
  2. Contracts for use of ships
a) Pilotage
b) towage
- Salvage
- Liability of shipowners
- Limitation of shipowners liability
- Liens
- Mortgages
- Collisions
- Marine insurance
- General average
- Jurisdiction
- Arbitration

XI. General provisions
- Leisure navigation
- Pollution combat
- Shipowners and shippers' associations
- International conventions and agreements

XII. Transitory dispositions.
In the first part of this paper, I have been describing the actual situation of maritime affairs in Burundi. A diagnosis of the problems was made and solutions have been suggested to improve the existing inland shipping activities.

If the economic development passes by the improvement of shipping services, why not investigate to find out whether a certain share can be gained in international shipping. The question is to know if Burundi, as other landlocked countries, has the right of access to and from the sea. The answer is "yes" since the International Community has declared the sea as being the common heritage of mankind. Later on we see how this right could effectively be exercised. We will discuss the legal principles and the positive rights to be recognised to land-locked countries. This is particularly important because some countries may not be fully aware of the rights they are entitled to enjoy.

While considering the ways and means of improving the landlocked situation, the freedom of transit to and from the sea has to be recognised as an important factor.

For the purpose of this paper, we will discuss the provisions of the main international conventions dealing with landlocked countries, and the implementation of such conventions which are, inter alia:

- the 1921 Declaration, recognising the right to flag of States having no sea coast
- the 1965 Convention on transit trade of landlocked countries
Chapter 5- RIGHT OF LAND-LOCKED STATES TO AND FROM THE SEA AND FREEDOM OF TRANSIT.

1. INTRODUCTION

This is the heading of article 125 of the United Nations Convention on the Law of the Sea (1) which particularly stressed the special interests and needs of land-locked countries regarding the suitable use of the sea. It has been stated by R.R.Churchill and A.V.Lowe (2) that, as far as the law of the sea is concerned, land-locked countries raise three main questions:

- the right of their ships to navigate on the sea
- their right to access to marine resources
- their access to the sea.

It should be mentioned that nearly all the international laws dealing with these questions have been developed since the end of the First World War, in 1918. The critical situation of land-locked countries has always been a concern expressed by the International Community in its efforts to reach a better world economic order. In 1921, for instance, a declaration recognising the right to flag of States having no sea coast was signed in Barcelona (3). I will come back to it. Later on, the General Assembly of the United Nations adopted the Resolution

(1) The Convention has been published by Dalhousie Ocean Studies Programme in "New Directions in Ocean Policy and Management", Dalhousie University - Halifax -Neva Scotia - Canada ,1982.
(2) "The Law of the Sea",Manshester University Press, 1983
(3) "Law of the Sea", p.395. Published by the International Ocean Institute, Malta ,1985, Rev. 1986.
1028 (XI) on the land-locked States and expansion of international trade which "recognising the need of land-locked countries for adequate transit facilities in promoting international trade", invited the Governments of Member States to give full recognition to the needs of land-locked member States in matter of transit trade and therefore, to accord them adequate facilities in terms of international law and practice in this regard, bearing in mind the future requirements resulting from the economic development of land-locked countries" (4).

Another idea is developed in article 2 of the International Convention on the High Seas which states, inter alia, that States situated between the sea and a State having no sea coast shall, by common agreement with the latter, accord "to ships flying the flag of that State treatment equal to that accorded to their ships, or to ships of any other States as regards access to seaports and the use of such ports."

Having said that, I shall, in the next points, comment on what I have found as being the most important international instruments in relation with the law of the sea, as far as land-locked countries are concerned.

2. DECLARATION RECOGNISING THE RIGHT TO FLAG OF STATES HAVING NO SEA COAST, BARCELONA, April 20, 1921.

In the document quoted under (4) it is said that before the First World War, States without a sea coast could not claim a maritime flag. However, as every vessel

must, in the interest of maintenance of law and order on the open sea, sail under the flag of a State. The issue was raised in Switzerland, where the Swiss Federal Council repeatedly declined to give permission to Swiss citizens to use the national flag at sea. In such circumstances they were compelled to use the flag of some other States. Nevertheless, de jure recognition was given for the first time to a land-locked State to claim and possess a maritime flag.

Under the treaty of Versailles of 1919, the so-called "High Contracting Parties" agreed to recognise the flag flown by the vessels of an allied or associated power having no seaboard. The vessels in that case were to be registered at a specified place situated within the territory of the land-locked State, which was to serve as a port of registry. In this connection, article 273 of the Treaty of Versailles may be considered. Similarly the Treaty of Saint-Germain of 1919, and the Treaty of Treaties of 1920, granted to all contracting powers the privilege of recognition of their respective flags.

It was in these circumstances that a couple of years after the Treaty of Versailles, the States which had participated in the Conference on Communication and Transit at Barcelona signed a declaration which incorporated the provisions of the Peace Treaty. The text of the Barcelona Declaration is reproduced below:

"The undersigned, duly authorised for the purpose, declare that the States which they represent recognise the flag flown by the vessels of any State having no sea coast which are registered at some one specified place situated in its territory, such place shall serve as the port of registry of such vessels."

(5) See: International Maritime Conventions, op cit, p. 2918.
At this stage, it would be appropriate to mention that nowadays, not only the established maritime powers with suitable access to the sea, have created and expanded their merchant marines, but an increasing number of land-locked countries have become maritime nations. For instance in 1983, Switzerland, Czechoslovakia and Hungary had 318,000; 184,000 and 179,000 gross tonnage respectively. (6) This can be recognised as a result of the Barcelona Declaration.

However, land-locked countries (at least some of them) still experience some problems derived from their situation. Hereafter I will discuss these problems, and then we shall see what the international conventions provide as remedies.

3. TRANSIT PROBLEMS OF LANDLOCKED COUNTRIES

It was stated by A. Mpazi Sinjela (7) that States having no direct access to and from the sea are described as land-locked, a geographic status which places these countries in a severe disadvantageous position relatively to their coastal counterparts. For land-locked nations, access to the sea is dependent upon their ability to pass through one or more countries of transit. The availability of suitable transport facilities is normally subject to little or no control by the land-locked States, and countries of transit sometimes have their strategic position as an economic or political lever against land-loc-

(7) See: "Land-locked States and the UNCLOS Regime" , p.39.
ked neighbours. Occasionally, transit has been denied or made too costly, thereby forcing the land-locked country to seek alternate routes or means for the transport of goods to and from the sea. It may also happen that transit goods of land-locked countries are subject to seizure for the satisfaction of orders issued in States of transit, and routine impositions on external trade of land-locked include the levy of heavy customs duties for simple movement of goods through the territory of the transit State, as well as cumbersome and costly formalities and procedures. The consequence of this situation is additional costs, delays and risks of damage to the goods in transit to or from land-locked countries.

These are some of the burdens worsening the precarious economic situation of many developing land-locked countries. In this respect, a report by UNCTAD Secretariat has concluded that the "lack of territorial access to the sea, aggravated by remotness and isolation from world markets and the greater difficulties and costs of international transport services, appear to be one of the major causes of their relative poverty, and a serious constraint to their future economic and social development." (8)

Given these facts, it is obvious that a better regulatory régime is needed so as to improve the landlocked situation, especially for the developing countries concerned. That is why the Convention on transit of land-locked States was prepared and signed in New York, 18 July 1965. The preamble to this convention recalls one of the United Nations objectives, which is to promote the

conditions of economic progress and solution of international economic problems. The recognition of free access to the sea should be considered as "an essential principle of international trade and economic development." (9)

3. THE NEW YORK CONVENTION ON TRANSIT TRADE OF LAND-LOCKED STATES (8, July 1965)

The efforts of the International Community to solve the transit problems of land-locked countries culminated in the above mentioned convention. This convention establishes that freedom of transit shall be granted for traffic in transit and means of transport. The Third United Nations conference on the Law of the Sea has defined "traffic in transit" as meaning transit of persons, baggages, goods and means of transport across the territory of one or more transit States, when the passage across such territory, with or without transhipment, warehousing, breaking bulk or change in the mode of transport, is only a portion of a complete journey which begins or terminates within the territory of a land-locked State. The means of transport include:

- railway, rolling stock, sea, lake and river craft and road vehicles
- where local conditions so require, porters and pack animals. (10) In particular, the New-York Convention emphasizes the following points:

(10) Source: UNCLOS III, article 124.
the obligation for transit States to take measures necessary to avoid delays or restrictions of traffic in transit
-the provision of adequate means of transport and handling equipment for the movement of traffic
-the safeguarding of the position of countries enjoying greater rights than those provided in the convention
-the recognition of essential security interests of countries of transit in exceptional cases where the principle of freedom of transit shall be observed to the utmost possible extent
-the need for effective cooperation between the landlocked and the transit States. This could be commented by quoting the following observation made by John Fried (10):
"Transit trade involves many goods, many individual transactions and innumerable details. Problems, mistakes, complications, misunderstandings are bound to crop up. The important principle here stipulated is that these day-to-day matters be dealt with simply, directly and with as little red tape as possible. Disputes should be nipped in the bud. There should, for example, be no need for Embassies and Foreign Offices to exchange notes about them. Hence the key-word here is cooperation between the "competent authorities", meaning the officials on both sides (or conceivably more than two sides) who actually deal with these matters. They can greatly improve transit trade and facilitate their own work by cooperating with their counterparts in quickly eliminating delays and difficulties on their working level."

In this connection, it might be appropriate to mention the existing joint commission between Tanzania and Burundi. This commission is composed of representatives from both countries and deals with problems which often arise in the process of transit of goods. It is only competent of making recommendations to the Governments concerned, regarding the appropriate measures to be taken so as to improve the conditions of transit for the benefit of the trade. It is my opinion that the commission has not been given enough power to efficiently carry out its responsibilities. It should be, for instance, empowered to hear complaints, to review the adopted measures and enact the appropriate regulations accordingly.

5. THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA (1982)

It was stated by A. Mpazi Sinjela (12) that despite its hopeful signs, the practical impact of the 1965 New-York Convention has been limited, for few countries of transit have signed or ratified it. Land-locked countries have noted this fact, and continued to seek solutions at the Third United Nations Conference on the Law of the Sea.


The 1982 Conference had to establish a convention which could give particular consideration to special interests and needs of developing countries, especially landlocked countries. It was expressed that the use of the oceans, the exploration and exploitation of its resources should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of the State.

The convention contains various dispositions regarding sea-bed resources, coastal States, archipelagic States, islands and landlocked States. It aims at the establishment of a comprehensive regime regulating the different uses of the sea, in order to contribute to the global effort of achieving a "just and equitable economic order" governing the ocean space.

Stating that the sea constitutes a common heritage of mankind, the convention tends to establish an international equity by giving landlocked (and geographically disadvantaged) States access to the living and non-living resources of the high seas, as well as the exclusive economic zones of their neighbouring coastal States, and facilities for transit and transportation of their foreign trade.

The 1982 United Nations Convention on the Law of the Sea was a result of efforts to provide principles governing the rights of landlocked countries, in a single international binding legal instrument. The provisions are contained in articles 124 to 132, which can be summarised as follows (13):

- Article 124 defines the terms used in the convention
- Article 125 establishes the general principles of access

(13) See also: "Landlocked States and the UNCLOS Régime", op cit, p. 57-58.
and free transit, for the express purpose of enjoying the rights provided in the convention, included those related to the freedom of the high seas. The same article provides that transit States shall take "all measures necessary" in protection of their legitimate sovereign interests.

- Article 126 excludes application of the most-favoured-nation clause to privileges accorded under the convention, but also immunizes all agreements granting special rights of access or facilities based on the geographic position of landlocked states.

- Article 127 exempts traffic in transit from customs duties, taxes or other charges, with exception of fees levied for specific services rendered. In addition to that, the means of transport in transit and facilities provided for landlocked countries are not subject to taxes or other charges higher than those levied on means of transport of the transit State.

- Article 128 allows the provision of free zones or other customs facilities at ports of entry and exit in the transit State when agreed upon by the States concerned.

- Article 129 importunes transit States to cooperate with their landlocked neighbours in construction or improvement of means of transport in transit State.

- Article 130 obligates transit States to take all appropriate measures to avoid delays or other difficulties of a technical nature for the traffic in transit. If necessary, both States should cooperate for their expeditious elimination.

- Article 131 recommends treatment for ships flying the flag of landlocked States equal to that accorded to other foreign ships in maritime ports.

- Article 132 provides for continuous operation of existing facilities greater than those mandated by the con-
vention if the parties so desire, and granting of greater facilities in the future is not precluded.

The effectiveness of the international regulations provided in the law of the sea will depend very much on the number of ratifications by coastal States in general and, on an individual basis, on the good faith of each transit State.

As far as good faith is concerned, it can be said that the right recognised to transit States to take all necessary measures to protect their legitimate sovereign interests (article 125) can be used as an argument to effectively negate those rights of landlocked countries, especially as regards transit facilities.

Special agreements providing explicit details of the obligations and rights of the parties need to be concluded on the basis of the general principles laid down in the convention. Such agreements would have more binding force than the convention itself.

It is also my belief that only good cooperation between transit States and their neighbouring landlocked States can allow the latter to achieve better results while trying to find solutions to problems derived from their unfavourable geographical situation.
Chapter 6 - IMPLEMENTATION OF THE LAW OF THE SEA.

The rights actually recognized to landlocked countries by the International Community, through the different legal instruments discussed in chapter 5, can be summarised as follows:

- the right of free access to and from the sea, or freedom of transit
- rights related to customs duties, taxes and other facilities
- free zones and other customs facilities
- navigational rights
- access to maritime ports
- access to marine resources.

I will discuss how these rights can be exercised by landlocked countries and what the expected benefits for the latter are. I will also point out the difficulties of implementing the relevant international conventions for full exercise of the rights listed above.

1. THE RIGHT OF FREE ACCESS TO AND FROM THE SEA

It is the basic right from which all the others derive. It was the purpose of the 1965 New-York Convention on transit trade of landlocked countries that transit States should grant free and unrestricted transit to their neighbouring landlocked States. In article 2 of this convention it is said that freedom of transit should be granted for traffic in transit and means of transport. The measures taken by contracting States for regulating and forwarding traffic across their territory shall facilitate the transit on routes in use mutually acceptable by both parties. Furthermore, no discrimination shall be exercised which is based on the place of origin, departure,
re, entry, exit or destination, the ownership of the goods, the shipowner, place of registration or flag of vessels, land vehicles or other means of transport used.

As stated by A. Mpazi Sinjela (1), landlocked States could seek agreement with transit States for the grant of international servitudes. These are defined by Reid (2) as being "real rights whereby the territory of one State is made liable to permanent use by another State for some purpose." It is said that such servitudes might include the actual grant of a corridor linking the landlocked country with the sea, or a right to use existing rail, road or river systems on a permanent basis. Once granted, the servitudes attain, in international law, an existence independent of the agreement which created it, so that it is not abolished with the cancelling of the agreement.

In the specific case of Burundi, I mentioned in the first chapter concerning external trade and routes, two major corridors are identified: the northern corridor to and from Mombasa Port, and the central corridor linking the port of Bujumbura to that of Dar-es-Salaam. The southern corridor deals only with inland transport for the regional trade. Therefore, the question of freedom of transit for the Burundian traffic is concerned only with the northern and central corridors.

On the northern corridor such right is to be recognised by all the transit States, namely Kenya, Uganda, and Rwanda. By the "Northern Corridor Transit Agreement", the

(1) See: "Landlocked States and the UNCLOS Régime", p. 59.
(2) H. D. Reid, "International Servitudes in law and practice.", 11 (1932), (quoting H. Lanterpacht, "private law and analogies to International law", 121 (1927).
the signing States (Burundi and the aforesaid countries) committed themselves to offer facilities to the traffic in transit through their respective territories. However, this agreement appears to be an instrument of harmonization of administrative regulations (3) rather than providing for real facilities to the traffic in transit, as we shall see in the following points.

Concerning the central corridor, there is no formal agreement actually in force between Burundi and Tanzania. But one can recall the 1921 Convention between Britain and Belgium, which was denounced by the Tanzanian Government after the independence of their country. By this convention, Britain had undertaken not to charge any transit dues, nor to cause any delays or unnecessary restrictions, and to give the same treatment as that accorded to the British themselves with respect to charges, facilities and other related matters to Belgian persons, mail, goods, ships, railway carriages, and trucks in transit from the port of Dar-es-Salaam to Rwanda-Urundi and the Belgian Congo. It was further provided that goods in transit should be exempt from all customs or other similar duties. Free zones were also provided in the ports of Dar-es-Salaam and Kigoma, for the transit cargo to and from the landlocked countries of the sub-region. As the agreement is no longer applicable as such, Burundi should seek and negotiate a new convention with Tanzania in accordance with the provisions of the law of the sea which, although not yet in force, has become part

(3) In fact, the agreement essentially deals with simplification of customs procedures, standardization of documentation, road capacity, reduction of transit charges, communication, insurance and safety of goods in transit.
of what can be called "International Customary Law."

2. RIGHTS RELATED TO CUSTOMS DUTIES, TAXES AND OTHER CHARGES

It is true that some landlocked countries are compounded by heavy customs duties levied by transit States on their goods in transit. It is clear that the objective is to control and regulate the flow of goods entering or leaving the country. However, it should be understood that transit goods do not pose any threat to this objective since they are destined to markets in the landlocked country (import) or abroad (export). That is why no customs duties should be levied on them, and even those charges due for services rendered should be of preferential rates in view to reduce transport costs which have to be born by the landlocked country. The same treatment should be reserved to means of transport in transit. This idea is expressed in the United Nations Convention on the Law of the Sea, whose article 127 provides that:

"traffic in transit shall not be subject to any customs duties, taxes and other charges except charges levied for specific services rendered in connection with such traffic. Means of transport in transit and other facilities provided for and by landlocked States shall not be subject to taxes or charges higher than those levied for the use of means of transport of the transit State."

The idea of exempting goods in transit from customs duties is also reflected in article V of the General Agreement on Tariffs and Trade (GATT) in the following terms:
"...traffic coming from or going to the territory of contracting parties...shall be exempt from customs duties and from all transit duties or other charges imposed in respect of transit, except charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered."

With regard to transit charges, it should be noted that Burundi still pays transit dues (4% of CIF value) for the cargo passing through the northern corridor (4), while both Burundi and Kenya have signed the General Agreement on Tariffs and Trade. This charge should, logically, be abolished, since it is unjustified and contrary to the aforesaid agreement.

3. FREE ZONES AND OTHER CUSTOMS FACILITIES

When goods in transit have to wait for transfer to another mode of transportation, or when there is shortage or breakdown of vehicles, or if there is congestion in port resulting in slow turn-round, goods have to wait in storage areas until the next transhipment operation takes place. Such situations may be costly for landlocked States if they have to pay for use of storage facilities. That is the reason why it was agreed by the signatories of the 1965 Convention on transit trade of landlocked countries that "transit States shall grant conditions of storage at least as favourable as those granted to goods coming or going to their own countries." (article 6)

Taking into consideration the particular situation

(4) See also table 5.
of landlocked States, article 128 of the new Convention on the Law of the Sea recommends that "for convenience of traffic in transit, free zones or other customs facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the landlocked States."

Article 8 of the Convention on Transit Trade of Landlocked States goes further by adding that "facilities of this nature may also be provided for the benefit of landlocked States in other transit States which have no sea-coast or sea-ports." That would be the case for facilities which may be accorded to Burundi by Uganda and Rwanda, which also are landlocked countries, but transit territories for Burundi trade to or from Mombasa Port.

From the dispositions of the conventions above mentioned, it is clear that there is no legal obligation for transit States to grant free zones for the traffic in transit. The granting of such facilities, their building, equipment and operation should be subject to an agreement between the landlocked and the transit States concerned.

For the time being, Burundi is negotiating with Tanzania for facilities in the ports of Dar-es-Salaam and Kigoma, in replacement of those which were provided in the 1921 Convention concluded between Britain and Belgium. With Kenya, Uganda and Rwanda, there is a transit agreement but which, as already mentioned, does not provide for any free zone. It is important for Burundi to obtain such facilities for storage in the port of Mombasa, as well as for building service stations in other transit countries (Uganda and Rwanda) strategically placed on the route. Transport vehicles could then call at these stations to be serviced and, when necessary, repaired. The granting of these facilities should be included in the "Northern Transit Corridor Agreement."
In addition to the above mentioned facilities, the regular flow of goods should be facilitated by adopting a simplified clearing system for goods in transit. It is provided that cumbersome formalities, procedures and documentation result in long transit time, and very often goods suffer damages and losses during customs checkings.

Concerning procedures and documentation with regard to customs, it has been recommended in the Convention on Transit Trade of Landlocked Countries (article 5) that administrative and customs measures shall be applied to permit the carrying out of free, uninterrupted and continuous traffic in transit. When necessary, negotiations should be undertaken to agree on measures that ensure and facilitate the said traffic. Simplified documentation and procedure should apply for the whole journey, including transhipment, warehousing, breaking bulk and change in mode of transport. In this connection, it was rightly stated by A. Mpazi Sinjela (5) that

"since goods for international trade are handled by more than one country, internationalised, simple standard form documents are highly desirable and should be used in all customs in transit. If this were to be done, documents would become familiar enough to officials handling such goods, so that they will speed up the processing of goods, and eliminate many errors, such as sending goods to wrong destinations."

Trying to help in solving the problem, the UNCTAD Secretariat has made a simple standard and straightforward document called "CUSTOMS TRANSIT DECLARATION". Copy

of this document is shown in annex 5. A similar document was proposed and accepted for use by the States signatories of the Northern Transit Corridor Agreement. It is hoped that the implementation of the document by the different countries concerned will facilitate considerably the traffic in transit.

4. NAVIGATIONAL RIGHTS

Before 1914, ships of a landlocked State did not have the right to sail on the sea under the flag of that State. It was understood that since the latter had neither maritime ports nor war ships, it could not verify the nationality of merchant ships or exercise effective control over them.

This situation is no longer prevailing; landlocked States have got the same navigational rights as coastal States. Indeed, it was stated by R.R. Churchill and A.V. Lowe (6) that under the treaty of Versailles, 1919 (article 273) and the other peace treaties concluded at the end of the First World War, the parties agreed to recognize the flag flown by vessels of a landlocked party which were registered at a specified place in its territory, which was to serve a port of registry of such vessels. The right thus accorded to some landlocked States was put on a more general footing in the Declaration recognizing the right to a Flag of States having no sea-coast, adopted at the 1921 League of Nations Conference on Communications and Transit.

Although the possibility exists, not many landlocked countries have established merchant fleets.

(6) Source: "The law of the Sea", p.279.
operating on the open sea. Up to 1983, only eight landlocked States (Austria, Bolivia, Czechoslovakia, Hungary, Mali, Paraguay, Switzerland and Uganda) possessed merchant fleets, and so exercised their navigational rights (7). Each State should be aware of its right to grant nationality to ships that are, under the national law, entitled to be registered under its flag. This would enable it to police the activities of such ships, their crew and passengers, and also to participate, if desirable, in other ocean activities. At the same time nationals actually operating shipping services under foreign flags, could invest in the country for the benefit of the national economy as a whole.

5. ACCESS TO MARITIME PORTS

It has to made clear that there is no shipping without ports, because offshore activities always need a connection to the shore. That is why it should be understood that the right to navigate through the territorial sea and the exclusive economic zone and on the high seas, would be of a limited benefit to a landlocked country if it does not have the right to use ports of a coastal State. The access to such ports should enable ships of such landlocked country to benefit from the facilities normally accorded to ships flying the flag of the coastal State.

In this connection, it may be interesting to quote the following statement of the representative of Uruguay at the 1968-1973 United Nations Seabed Committee:

"States situated between the sea and a State having no sea-coast should guarantee the latter State free transit through their territories, grant appropriate facilities and accord to the ships of that State treatment equal to that accorded to their own ships as regards access to seaports."(8)

Nevertheless, this equal treatment needs to be provided in bilateral or multilateral agreements between the landlocked and coastal States. Otherwise application should be made of the 1923 Convention and Statute on the International Regime of Maritime Ports, which provides that treatment to be accorded, in maritime ports, to ships flying landlocked States' flags is that accorded to other foreign ships.

In the proposal of Ecuador, Panama and Peru to the aforesaid Seabed Committee, it was stated that landlocked states should have such preferential regime as they may agree upon with the neighbouring coastal States. For this purpose, coastal States should guarantee neighbouring landlocked States equal treatment in the use of maritime ports (9). The same idea is expressed in article 131 of the new Convention on the Law of the Sea (1982). But, of course, ships of these countries could, according to article 132, benefit from greater facilities. In fact it is to be noted that, more than others, ships of landlocked countries need to enjoy preferential treatment as they have to use foreign ports as their bases where they get repair facilities, bunkers,...and shore based admi-

(8) See: SHIGERU ODA, "The law of the sea in our times-II" Sijthoff Publication on Ocean Development, p. 300.
(9) See: SHIGERU ODA, op cit, p. 299.
nistration. Therefore it is vital to negotiate special agreement which would include all the necessary services to be provided to ships.

6. ACCESS TO MARINE RESOURCES

It is the publication of "Mare Liberum" in November 1608 which marked a signal turning point for the law of the sea. In this remarkable work, Grotius expressly asserted that oceans were free and open to all peoples. He contended that any State or Government possessed any legal right to appropriate the ocean or restrict the right of access to it. Indeed... "the sea is common to all, because it is so limitless that it can not become the possession of any one, and because it is adapted to the use of all, whether we consider it from the point of view of navigation or fisheries."(10)

The aforesaid statement is actually valid for all the uses of the sea, including the exploration and exploitation of marine resources (minerals, oil, fish,...) as it is provided in the new law of the sea (part IX, section 2Principles governing the area).

It was mentioned by R.R. Churchill and A.V. Lowe (11) that the question of access of landlocked (and geographically disadvantaged) States to marine resources has three main aspects: the access of such States to the resources of the high seas, the role of such States in

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(11) Source: "The Law of the Sea" , op cit , p. 280.—
the international seabed regime, and the access of such States to the resources of the exclusive economic zone. It should be noted that these States have never sought access to the resources of the territorial sea of other States, presumably because this zone is part of a coastal State’s territory, and thus other States have never been accorded any general right of access to its resources.

As regards the access to the high seas’ resources, article 2 of the High Seas Convention and article 87 of the 1982 Law of the Sea Convention provide that freedom of the high seas may be exercised by all States, whether coastal or landlocked. This means that landlocked States are also entitled to exploit living resources of the high seas, as well as non-living seabed resources.

I will not elaborate on the ways and means of effective participation of landlocked countries in this exploitation. However, I find it relevant to mention that in 1969 the United Nations General Assembly concluded to the establishment of an equitable international regime which would regulate "the exploration and exploitation of the resources of the seabed and ocean floor, and the subsoil thereof, for the benefit of mankind as a whole, irrespective of geographical location of States, taking into account the special interests and needs of developing countries, whether landlocked or coastal."(12)

Concerning the international seabed regime, it should be observed that the law of the sea contains a number of provisions (such as article 148) specifically aimed at safeguarding the interests of landlocked coun-

tries, by recommending the promotion of their participation in marine activities, having due regard to their special interests and needs. Article 160 of the same convention requires the Assembly of the International Seabed Authority to give special consideration to their problems.

The provisions regarding the high seas are similar to those concerning the access of landlocked States to resources in the exclusive economic zone of their neighbouring coastal States. It should, however, be noted that the terms and modalities of participation of such countries are to be fixed by the States concerned through bilateral, sub-regional or regional arrangements.

A special stress is to be put on fishing, as it is generally the most important activity. It is said that coastal States should accord to their neighbouring landlocked States, "but which belong to the same sub-region, preferential treatment over third States with regard to fishing rights in their 200-territorial sea" (13). In the proposal submitted by Canada, India, Kenya and Sri Lanka at the 1968-1973 United Nations Seabed Committee (14), it was proposed that nationals of a developing landlocked State should enjoy the privilege to fish in the exclusive fishery zone of the adjoining coastal State on the basis of equality. Similar proposals were submitted by many other countries including China and 14 other African countries (15). Finally it was proposed that the States of a region or sub-region should promote

(13)&(14) Source: Shigeru Oda, op cit, p.300
(15) Algeria, Cameroon, Ghana, Ivory Coast, Liberia, Madagascar, Mauritius, Senegal, Sierra Leone, Somalia, Sudan, Tunisia, and Tanzania.
consultations and negotiations in respect of cooperation in all marine matters.

In conclusion, I can say that the objective in this second part of my paper was to show what rights a landlocked country can claim and exercise while willing to develop its maritime activities. At the same time, the conditions of transit of its international trade will be improved. For this purpose, I have first evoked and commented the general principles of the Law of the Sea concerning landlocked countries. The rights and interests of these countries have been discussed, especially as regards:

- free access to and from the sea, which includes freedom of transit for goods, passengers and means of transport, as well as the facilities of transport and communication to be provided;
- equality of treatment in ports of transit States;
- free access to the international seabed area beyond national jurisdiction;
- particular interests and needs of developing landlocked countries in the international ocean regime, and
- rights and interests of landlocked countries in respect of exploitation of sea resources.

Whenever necessary, particular reference to Burundi has been made, regarding the rights to be negotiated and eventually claimed vis-à-vis the transit States concerned. Finally, a special stress has been put on the importance of bilateral or multilateral agreements which, I believe, are the best way to reduce the obstacles to the country’s international trade.
SUMMARY AND SUGGESTIONS

In the light of what has been discussed in this paper, the title "Towards the development of maritime affairs in Burundi"—has been chosen. In fact, my objective in that was to analyse the situation of shipping and related activities regarding external trade of the country. In this connection I have made a diagnosis of the problems and difficulties encountered at the level of port and fleet infrastructure, equipment, administration and management. I have also tackled the problem of maritime administrative infrastructure and inappropriate legislation.

To summarize, the major problems experienced by Burundi in the field of inland shipping are the following: insufficient awareness of the importance of maritime activities at national level; lack of infrastructure and equipment; lack of financial capabilities; shortage of skilled personnel; inadequate administrative infrastructure; outdated maritime legislation, and non-involvement of the administration in the evolution of international standards.

All these problems have been identified and discussed in my survey; suggestions, proposals and guidelines have been elaborated to the extent of what can possibly be done to improve the actual situation. The concrete actions to be taken will be recalled in my recommendations.

I have also tackled the problem of transit which actually constitutes a considerable hindrance to the promotion of the country's external trade, and a heavy bur-
den to the national economy. In this respect, I have mentioned the transit problems faced by landlocked countries in general, and the specific situation of Burundi.

The analysis of the relevant provisions of the law of the sea has shown what the rights to be recognised to a landlocked State are, and how these rights should be exercised in respect of freedom of transit and the facilities to be granted, access to seaports, navigation and access to the resources of the sea.

For the time being, Burundi needs to be accorded more transit rights and facilities in different transit States, so as to facilitate the transit of its external trade. The question of participation in ocean activities shall be looked at as a possible future development which may be initiated as soon as the opportunity occurs (either the Government - or its nationals - decides to participate in such activities, or to open a registry for foreign investors who would like to operate under the country’s flag.

In short, this paper is an essay to diagnose the situation of maritime affairs in Burundi and to propose remedies to the problems encountered, and also to show the possibility of developing the aforesaid activities. Such development, especially in the field of maritime transport, shall be a key factor in the promotion of the country’s external trade. And as it was recognised by UNCTAD (United Nations Conference on Trade and Development), international trade is both one of the generators of economic growth and one of the main consequences. In other words, growth occurs when trade is created, and growth itself creates trade. Since trade can not occur without provision of transport means, it is clear that the supply of efficient transport is an essential element.
of the development process.

It is understood that maritime activities play a very important socio-economic role, since their promotion shall generate the following main returns:

- providing labour opportunities and, therefore, improvement of social welfare;
- promotion of related activities or industries;
- promotion of the country’s foreign trade, and
- contribution to the economic growth and the national balance of payments.

To achieve the above mentioned objectives, the following ideas should be considered:

1) Due to the importance of maritime activities in the country’s economy, the Government should consider the maritime sector as one of the priorities in the overall national planning. This would be done by providing more financial capabilities (through the budgeting mechanism) for the development of maritime infrastructure.

2) I have mentioned that the maritime legislation was outdated and incomplete. Therefore, updating it should be considered as an urgent matter. I have already identified the weaknesses of the existing legislation, and guidelines have been provided for the setting up of a new one.

3) Reorganisation of the Maritime Administration according to the structure and functions described in this paper.

4) Education and training of personnel at both staff and management levels. As it was found, lack of personnel is a general handicap to efficient operation and management, and also to any development action, so this matter deserves a high priority.

5) While the country is willing to develop its maritime sector, the membership of the International Maritime Organisation (IMO) and the adoption and implementation of
relevant international conventions are very important factors, because it could then seek for international technical assistance.

6) Reinforcement of bilateral and regional cooperation. We have seen that the solutions to transit problems and the right of access to seaports, to the sea and its resources can better be guaranteed by an effective cooperation. To this end, it has been proved that special agreements between landlocked and transit States can allow to achieve better results. Therefore, Burundi should always look for better cooperation with neighbouring transit States.

In conclusion, I should admit that this paper does not spell an end to the problems experienced by Burundi in the field of maritime affairs and transit. It should rather be viewed as an attempt to identify the major problems and propose what, in my opinion, could be the solutions to overcome them. I think that the actions proposed and the recommendations made are realistic and feasible enough.

Finally, I hope that follow-up actions will be taken accordingly, and that further studies and comments will be made to contribute to the development of maritime affairs in Burundi.
A. List of references


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B. Selected Bibliography


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## Annex II

### Tonnage par Société (Arrièvement)

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<td>MUHABURA</td>
<td>16,766 T</td>
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<tr>
<td>BATRALAC</td>
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### Tonnage par Port Provenance et Destination

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<td>KALEHE</td>
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<tr>
<td>ZAMBIE VIA KALAMUL</td>
<td>10,011 T</td>
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<td>MULUNGA</td>
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Tonnage moyen journalier 635 T par jour.
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**TONNAGE PAR DESTINATION (PAYS)**

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ORDONNANCE N°...740....../243...../DU 5 DÉCEMBRE 1977.

PORTANT ORGANISATION DU DÉPARTEMENT DES VOIES MARITIMES

Le Ministre des Transports et de l'Aéronautique,

Vu le décret-loi n° 1/186 du 26 Novembre 1976 portant organisation des pouvoirs législatif et réglementaire;

Vu le décret 100/..... du..... portant organisation des services de l'administration du Ministère des Transports et de l'Aéronautique;

Revu l'ordonnance n°63/146 du 29 Octobre 1952 portant création du commissariat maritime.

ORDONNE

Article 1. Le département des voies maritimes étend sa compétence sur tout le domaine des transports nationaux et internationaux par voies navigables intérieures, notamment sur le lac Tanganyka.

Il est chargé de superviser toutes les activités de transport sur les voies navigables décrites ci-dessus, d'organiser et de coordonner les activités avec les programmes nationaux de développement du transport sur le lac Tanganyka et sur toutes les voies navigables intérieures.

Article 2. Ce département est en outre chargé des relations entre le Gouvernement du Burundi et les Sociétés nationales ou internationales qui exploitent le lac Tanganyka.

Article 3. Le département des voies maritimes comprend quatre services :

a) le service administratif
b) le service d'inspection des voies navigables
c) le service du transport international
d) le service technique

Article 4. Le service administratif est chargé de l'administration journalière, de la gestion du personnel et de la comptabilité du département.

Article 5. Le service d'inspection des voies navigables, qui reprend les attributions jusqu'ici exercées par le commissariat maritime, est chargé de la police de la navigation sur les eaux intérieures, définies par l'ordonnance n°64/560 du 22 Décembre 1958, conformément aux dispositions de l'ordonnance n°5/TI du 25 Décembre 1924.
Il délivre aux intéressés, notamment, les certificats de navigabilité, les permis de naviguer, les certificats de jaupage, les lettres de navigation lacustre internationale.

Il assure les immatriculations des bateaux et embarcations, les inspections techniques et reçoit les déclarations d'accident de navigation.

Pour la constatation des infractions à la police de la navigation et du matériel des ports et des voies navigables, sont compétents le chef de service d'inspection des voies navigables et les agents directement placés sous son autorité.

Article 6. Le service du transport international est chargé, notamment, de l'étude permanente des moyens d'améliorer les conditions de transport en provenance ou à destination de l'étranger, de l'établissement des statistiques relatives au mouvement des importations et des exportations, de la concertation permanente avec les institutions compétentes des pays concernés en vue de favoriser la régularité de l'acheminement des marchandises entre ces derniers et le Burundi, d'étudier, enfin, en concertation avec les ministres intéressés, les programmes d'équipement des ports et des voies navigables, l'application tant de la réglementation nationale que des conventions internationales en matière de navigation.

Article 7. Le service technique est chargé de la surveillance du maintien en bon état technique aussi bien des équipements portuaires que du matériel de transport mis en service dans les eaux territoriales par l'État ou par toute autre entreprise de transport exploitant les voies navigables nationales.

Il assure, notamment, le contrôle de l'état des bateaux de pêche, de l'infrastructure des ports.

Article 8. Sont abrogées toutes dispositions antérieures contraires à la présente ordonnance et, notamment, l'ordonnance n°37/56 du 4 Avril 1934 et l'ordonnance n°63/146 du 29 Octobre 1952 susvisée.

Article 9. La présente ordonnance entre en vigueur le jour de sa signature.

Fait à Bujumbura, le ..........1977

LE MINISTRE DES TRANSPORTS
ET DE L'AÉRONAUTIQUE

Sé Ladislas BARUTWANYO.-

Ingénieur-Civil
ANNEX V

CUSTOMS TRANSIT DECLARATION

<table>
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<th>Consignor (name and address)</th>
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<table>
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<th>Declared (name and address)</th>
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<table>
<thead>
<tr>
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</table>

| Via/To           | By (means of transport) |                        |                                  |
|------------------|-------------------------|------------------------|                                  |

| No. | Despatch identification Number & kind of ship Description of goods Consignor's No. Gross weight |
|-----|-----------------------------------------------------------------|------------------|
|     |                                                                 |                  |

<table>
<thead>
<tr>
<th>Total number of packages</th>
<th>Total gross weight, kg.</th>
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National administrative requirements

Declaration details

I, the undersigned, declare that the particulars given in this declaration are true and correct and undertake to comply with any instructions given by the appropriate authorities concerned in carrying out the transit operation.

[Signature]

(Date and signature of declarant)
<table>
<thead>
<tr>
<th>Office of entry</th>
<th>Stamp</th>
<th>Office of exit</th>
<th>Stamp</th>
</tr>
</thead>
</table>

1st

**TRANSIT COUNTRY**

I have verified that the packages are specified in this declaration conform to the description given and that they are undamaged.

**SEALS**

- [ ] no names of transport
- [ ] intact
- [ ] affixed

Date, signature

<table>
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<th>Stamp</th>
<th>Office of exit</th>
<th>Stamp</th>
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2nd

**TRANSIT COUNTRY**

- [ ] No of transport/packages imported with seals intact.
- [ ] Documents checked

**ADDITIONAL SEAL**

- [ ] Yes
- [ ] No

Date, signature

<table>
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<th>Stamp</th>
<th>Office of exit</th>
<th>Stamp</th>
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3rd

**TRANSIT COUNTRY**

- [ ] No of transport/packages imported with seals intact.
- [ ] Documents checked

**ADDITIONAL SEAL**

- [ ] Yes
- [ ] No

Date, signature

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<th>Country of final destination</th>
<th>Stamp</th>
<th>Office of exit</th>
<th>Stamp</th>
</tr>
</thead>
</table>

- [ ] No of transport/packages imported with seals intact.
- [ ] Documents checked
- [ ] Transit operation completed

Date, signature

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</table>

- [ ] No of transport/packages imported with seals intact.
- [ ] Documents checked