

AGREEMENT FOR THE ESTABLISHMENT OF THE
INTER-GOVERNMENTAL STANDING COMMITTEE ON SHIPPING

C O N T E N T S

PREAMBLE	
ARTICLE I	ESTABLISHMENT OF ISCOS
ARTICLE II	OBJECTIVES
ARTICLE III	MEMBERSHIP
ARTICLE IV	FUNCTIONS
ARTICLE V	ORGANS OF ISCOS
ARTICLE VI	COUNCIL OF MINISTERS
ARTICLE VII	COMMITTEE OF REPRESENTATIVES
ARTICLE VIII	SECRETARIAT
ARTICLE IX	STATUS OF ISCOS
ARTICLE X	FINANCES
ARTICLE XI	SETTLEMENT OF DISPUTES
ARTICLE XII	WITHDRAWALS
ARTICLE XIII	AMENDMENTS
ARTICLE XIV	DEPOSITARY
ARTICLE XV	ENTRY INTO FORCE AND RATIFICATION
ARTICLE XVI	ACCESSION
ARTICLE XVII	RESERVATIONS

AGREEMENT FOR THE ESTABLISHMENT OF THE
INTER-GOVERNMENTAL STANDING COMMITTEE ON SHIPPING

THE GOVERNMENTS parties to this Agreement (hereinafter
called "the Governments"),

DETERMINED to strengthen their solidarity by
means of co-operation in shipping and related matters;

REALISING the importance of co-ordinating
national shipping policies for the promotion of the
harmonious growth of their maritime economy and the
expansion of maritime trade; and

RECOGNIZING the need to establish a common
maritime institution to serve these ends

HEREBY AGREE as follows:-

ARTICLE I
ESTABLISHMENT OF ISCOS

The Governments hereby establish the Inter-Governmental Standing Committee on Shipping (hereinafter called "ISCOS").

ARTICLE II
OBJECTIVES

The objectives of ISCOS shall be to contribute to the development of maritime economy and the harmonization of national maritime policies of the Governments.

ARTICLE III
MEMBERSHIP

Membership of ISCOS shall be open to Governments of all states of the East and Southern Sub-region of Africa.

ARTICLE IV
FUNCTIONS

In order to achieve the objectives set out in Article II and subject to the general directions of the Governments, ISCOS shall be responsible for:-

- (a) advising the Governments on the best means of containing increases in freight rates and transport costs or other adverse changes within the shipping industry;
- (b) undertaking research and compiling statistical data with a view to advising the Governments on the level and structure of freight rates, port operating costs, conditions of marine carriage and other factors related to sea transportation;

- (c) conducting negotiations with shipping conferences, shipowners, operators of shipping lines and other related bodies concerning freight rates and conditions of maritime transport;
- (d) carrying out studies upon request by any of the Governments; and
- (e) carrying out such other functions as the Governments may direct.

ARTICLE V
ORGANS OF ISCOS

ISCOS shall be composed of:-

- (a) a Council of Ministers consisting of Ministers for the time being responsible for maritime affairs in their respective Governments (hereinafter called "the Council");
- (b) a Committee of Representatives of officials designated by their respective Governments (hereinafter called "the Committee"); and
- (c) a Secretariat.

ARTICLE VI
COUNCIL OF MINISTERS

1 The Council:-

- (a) shall determine the general principles and policies governing the activities of ISCOS;

- (b) shall consider the reports of the Committee;
- (c) shall appoint the Secretary General on the recommendation of the Committee;
- (d) shall exercise such other functions as are expressly reserved for the Council; and
- (e) may delegate to the Committee any of its functions within the scope of ISCOS except those set out in sub-paragraph (a), (b), (c) and (d) above.

2 The Council shall elect its Chairman from among its Members who shall preside over all its meetings. The Chairman shall hold office for a term of two years from the date of election and shall not be eligible for re-election.

- 3
- (a) The Council shall meet at least once a year and a majority of its members shall constitute a quorum.
 - (b) Unless otherwise agreed the meetings shall be held at the headquarters of ISCOS.
 - (c) The Secretary General shall give at least thirty (30) days notice of the meeting to the Members of the Council.
 - (d) The Council shall adopt its own rules of procedure for all its meetings.
 - (e) Decisions of the Council shall be by consensus.
 - (f) Extraordinary meetings of the Council may be convened at the request of any Government.

ARTICLE VII
COMMITTEE OF REPRESENTATIVES

- 1 The Committee shall:-
- (a) formulate the general principles and policies governing the activities of ISCOS and submit them to the Council;
 - (b) approve the annual reports, budget and accounts of ISCOS;
 - (c) consider and approve the annual contributions to be paid to ISCOS by the Governments;
 - (d) approve rules and regulations governing financial, administrative and other activities of ISCOS;
 - (e) approve contracts or other undertakings between ISCOS and other entities in accordance with the ISCOS Financial Regulations;
 - (f) recommend the appointment of the Secretary General to the Council and appoint senior staff;
 - (g) appoint external auditors;
 - (h) form such sub-committees or study groups as may be required from time to time for the purpose of achieving the objectives of ISCOS;
 - (i) generally direct the activities of the Secretariat; and
 - (j) exercise such other functions as may be delegated to it by the Council.

- 2 There shall be a Chairman of the Committee who shall hold office for a period of two years.
- 3 The Chairman shall preside over the meetings of the Committee and shall exercise such other functions as are provided for in this Agreement or assigned to him by the Council.
- 4 The Committee shall hold regular meetings every three months, and may hold extraordinary meetings whenever necessary.
- 5 The Secretary General shall give at least (30) days' notice of the regular meetings and at least fourteen (14) days' notice of the extraordinary meetings to the members of the Committee.
- 6 The meetings shall be held at the headquarters of ISCOS unless otherwise agreed.
- 7 The Committee shall adopt its own rules of procedure for all its meetings.
- 8 The Committee shall reach its decisions by majority vote and the Chairman shall not have a casting vote.
- 9 The Chairmanship of the Committee shall rotate every two years among the Governments in such order as may be agreed from time to time.

ARTICLE VIII
SECRETARIAT

- 1 The Secretariat shall include a Secretary General who shall be the chief executive officer of ISCOS. On completion of the existing system of rotation amongst the Member Governments referred to in Article XIV (3), the Secretary General shall be appointed from competent nationals of Member Governments and shall hold office for a period not exceeding five (5) years.
- 2 The Secretary General shall be responsible for:-
 - (a) conducting the general business of ISCOS under the direction of the Committee;
 - (b) preparing the programme of activities, budgets and accounts of ISCOS and submitting them to the Committee;
 - (c) presenting annual reports of the activities of ISCOS to the Committee;
 - (d) providing secretariat services to the Council and Committee;
 - (e) making rules and regulations governing financial, administrative and other activities of ISCOS and submitting them to the Committee;
 - (f) appointing junior members of staff;
 - (g) determining the terms and conditions of service including remunerations and submitting them to the Committee for approval; and
 - (h) performing any other functions that may be delegated or assigned to him by the Committee.

- 3 In the event of the Secretary General being unable to perform his functions through illness, leave, absence or other causes, the Committee may appoint a person to act as Secretary General during such period, and the person so appointed shall exercise all the powers and discharge the duties of the Secretary General.
- 4 The headquarters of the Secretariat shall be situated at Mombasa, Kenya.

ARTICLE IX
STATUS OF ISCOS

- 1 In the territory of each Government, ISCOS shall possess full juridical personality and, in particular, capacity:-
 - (a) to contract;
 - (b) to acquire and dispose of movable and immovable property; and
 - (c) to institute legal proceedings.
- 2 ISCOS shall enjoy at the headquarters and in the territory of each Government such immunities and privileges as are necessary for the fulfilment of its objectives and functions.
- 3 Each Government shall take all necessary steps, in accordance with its laws, to give full effect to the provisions of paragraphs 1 and 2 of this Article.
- 4 ISCOS shall conclude a Headquarters Agreement with the Host Country.
- 5 ISCOS may establish regional offices in the territory of each Government other than in the territory of the Government where the Secretariat has its headquarters.

ARTICLE X
FINANCES

- 1 The funds required to run ISCOS shall be contributed equally by the Governments.
- 2 Contributions shall:-
 - (a) be made in accordance with annual budgets of expenditure for each financial year. In this context financial year means the period starting from first July to thirtieth June each year;
 - (b) be paid in respect of each financial year, by the end of September of that year; and
 - (c) be paid into an account at a bank approved by the Committee in US dollars or any other convertible currency.
- 3 The Secretary General shall submit to each Government:-
 - (a) within three months after the end of each financial year a provisional statement of accounts showing revenue and expenditure for the financial year and assets and liabilities of ISCOS at the end of that financial year;
 - (b) within six months after the end of each financial year an audited statement of such accounts certified by external auditors; and
 - (c) such other accounts, reports and statements as may, from time to time, be required by the Committee.
- 4 Subsequent contributions may be determined after taking into account any surplus or deficit in the actual revenue

and expenditure of ISCOS in respect of any preceeding financial year as determined from the accounts prepared under paragraph 3 of this Article.

ARTICLE XI
SETTLEMENT OF DISPUTES

- 1 Any dispute that may arise between the Governments concerning the interpretation or application of this Agreement shall be settled amicably.
- 2 (a) Any dispute arising between ISCOS and any of the Governments concerning the interpretation or application of this Agreement shall be referred to the Council which shall endeavour to settle it by negotiation.

(b) In the event that the Council fails to settle the dispute, it shall on the request of any party be submitted to an arbitral tribunal composed as follows:-
 - (1) Each of the parties involved shall designate one arbitrator and the two arbitrators so designated shall elect a third, who shall be the umpire. If within thirty days of the designation or appointment of the two arbitrators they have not agreed on an umpire, they shall request the Executive Secretary of the United Nations Economic Commission for Africa to appoint an arbitrator who shall be the umpire.
 - (11) If the dispute involves more than one party to this Agreement, each party shall designate one arbitrator, and the arbitrators so designated shall by unanimous decision elect an umpire.

If within thirty days of the designation or appointment of the arbitrators they have not agreed on an umpire, they shall request the Executive Secretary of the United Nations Economic Commission for Africa to appoint the umpire.

(c) The arbitral procedure shall be established by the tribunal; and in the event of failure to agree all decisions of the umpire including all rulings concerning its constitution, procedure, jurisdiction and the division of the expenses of the arbitration, shall be final and binding.

3 The decision of the umpire on the issues in dispute shall be final and binding on all parties involved.

ARTICLE XII

WITHDRAWALS

- 1 Any Government may withdraw from ISCOS by giving two years' notice to the Secretary General, who shall immediately inform the other Governments of such notice.
- 2 Withdrawal by any Government shall not affect its contractual obligations entered into before or its budgetary obligations for the financial year in which it withdraws.

ARTICLE XIII

AMENDMENTS

- 1 Any Government may propose an amendment to this Agreement to the Secretary General. Certified copies of the text of any proposed amendments shall be prepared and circulated

by the Secretary General to the Governments at least three (3) months prior to the meeting at which they are to be considered.

- 2 Amendments to this agreement shall be adopted by the Council by consensus and shall enter into force when ratified by the majority of the Governments.

ARTICLE XIV
DEPOSITARY

- 1 This Agreement and all Instruments of Ratification or Accession shall be deposited with the Executive Secretary of the United Nations Economic Commission for Africa who shall transmit certified copies of this Agreement and such Instruments to the Governments Parties to this Agreement and to ISCOS.
- 2 The Executive Secretary of the United Nations Economic Commission for Africa shall notify the Governments Parties to this Agreement and ISCOS of the dates of deposit of Instruments of Ratification and Accession and shall register this Agreement with the United Nations and the Organisation of African Unity.

ARTICLE XV
RATIFICATION AND ENTRY INTO FORCE

- 1 (a) This Agreement shall enter into force when the Governments of the Republic of Kenya, The United Republic of Tanzania, The Republic of Uganda and The Republic of Zambia have deposited Instruments of Ratification in accordance with Article XIV(1) of this Agreement.

(b) The Executive Secretary of the United Nations Economic Commission for Africa shall notify Member Governments and ISCOS of the date when this Agreement enters into force.

2 This Agreement shall replace the Agreement between the Governments of The Republic of Kenya, The United Republic of Tanzania, The Republic of Uganda and The Republic of Zambia for the establishment of an Inter-Governmental Standing Committee on Shipping and such replacement shall not affect any contracts, agreements or arrangements made prior to the entry into force of this Agreement.

ARTICLE XVI

ACCESSION

Any other government wishing to accede to this Agreement shall apply to the Council which after considering its application may admit it. The Agreement shall enter into force in relation to that Government on such date as its Instrument of Accession is deposited and notified in accordance with Article XIV (2) of this Agreement.

ARTICLE XVII

RESERVATIONS

No reservations shall be made to this Agreement.

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


DONE In one original In the English Language at Mombasa In The Republic of Kenya this Sixteenth day of July, Nineteen Hundred and Elghty Seven.



ARTHUR KINYANJUI MAGUGU
MINISTER FOR TRANSPORT AND COMMUNICATIONS
FOR THE REPUBLIC OF KENYA



ARCADO DENNIS NTAGAZWA
DEPUTY MINISTER FOR COMMUNICATIONS AND WORKS
FOR THE UNITED REPUBLIC OF TANZANIA



PONSIANO MULEMA
MINISTER FOR REGIONAL COOPERATION
FOR THE REPUBLIC OF UGANDA



NCHIMUNYA JOHN SIKAU LU
ZAMBIAN HIGH COMMISSIONER TO KENYA
FOR THE REPUBLIC OF ZAMBIA