

# Transport in Africa: Challenges, Prospects for Sustainable Development

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Submitted: 26 April 2025    Accepted: 02 May 2025    Published: 08 May 2025

 <https://doi.org/10.63620/MKSSJER.2025>.

**Citation:** François, D. (2025). *Transport in Africa: Challenges, Prospects for Sustainable Development*. *Sci Set J of Economics Res*, 4(3), 01-04.

## Abstract

*The detailed examination of such a subject will be carried out on the basis of a fundamental problem, which will thus serve as a guideline in the presentation of the ideas which should underlie the approach. This concerns the question of the links between the challenges of transport services in Africa and sustainable development. In other words, how can transport services in Africa contribute more easily to sustainable development in order to meet continental challenges?*

*Thus the problem of method is at the heart of any scientific work as it is true that the method sheds light on the hypotheses and determines the conclusions, our approach will be ordered with a few exceptions around the use of the analytical and exegetical but also comparative method. It is understood as the analysis, interpretation and explanation of the rules of law, particularly those contained in the various legal texts of the GATT and the WTO.*

*As for the expected results, it will be a question of studying the standards and rules of the General Agreement on Trade in Services (GATS or GATS) of the WTO (Section I) which work for a progressive liberalization of the services sector, including among others transport (Section II).*

**Keywords:** GATS, WHO, Transport

## Introduction

Transportation is a fundamental pillar of economic development, regional integration, and social progress. In Africa, the transport sector plays a critical role in connecting people, goods, and services across vast and diverse geographies. However, despite its strategic importance, transportation infrastructure in many African countries remains underdeveloped, fragmented, and inadequate to meet the growing demands of rapid urbanization, trade expansion, and population growth.

The continent faces multiple challenges in its transport systems, including poor road conditions, insufficient investment in railways and ports, limited access to rural areas, and weak regula-

tory frameworks. These constraints hinder mobility, increase the cost of doing business, and exacerbate socio-economic disparities. At the same time, the pursuit of sustainable development presents an opportunity to reimagine transport systems that are inclusive, resilient, and environmentally friendly.

This article explores the key challenges facing transportation in Africa, examines the prospects for sustainable development within the sector, and proposes strategic interventions to support integrated and efficient transport networks across the continent. Through this analysis, the paper aims to contribute to the broader discourse on infrastructure development and regional economic transformation in Africa.

## Section I : The Standards and Rules of the General Agreement on Trade in Services (GATS or GATS) of the WTO.

The GATS, and this constitutes one of its main characteristics, covers all services with the sole exception of those “provided in the exercise of governmental power”. A priori no one is therefore excluded from the overall undertaking of progressive liberalization. That being said, the opening of certain categories of services or their support had to be subject to special treatment, due to the complexity of the problems raised. A sectoral approach thus proved necessary, while fitting within the multilateral framework established by the GATS. Thus, very quickly negotiating groups were set up to achieve the liberalization of sectors identified as specific by the GATS and subject to annexes. . The movements of natural persons, air transport, financial services, maritime transport, telecommunications, and basic telecommunications were thus singled out.

In addition, it will be recalled that the GATS itself provided for special negotiations on public service contracts , the subsidies , while a specific ministerial decision of December 15, 1993 created a Working Group charged with making recommendations for liberalizing professional services through the establishment of multilateral disciplines.

As of October 1, 2009, the results of these negotiations remain mixed. Some have not even started, for example in telecommunications, professional services or air transport. For their part, the negotiations on maritime transport were suspended in June 1996. It is true that these are only minor additional delays, insofar as a new comprehensive series of multilateral negotiations covering all services opened, as we recall, in the year 2000 .

On the other hand, it is worth briefly highlighting the important agreements concluded on the movement of natural persons, basic telecommunications and financial services which now constitute so many protocols annexed to the GATS, that is to say obligations binding conventional legal provisions [1].

## Section II : The Gradual Liberalization of the Service Sectors

In other words, one of the main demands of developed countries during the Uruguay Round negotiations was the liberalization of world trade in services. . These currently represent nearly 25% of international trade. . They employ on average 65% of the workforce in developed countries.

Most developing countries were apprehensive about negotiations on the liberalization of trade in services. Most of them suffer from a balance of payments deficit due precisely to the importation of services. They believed that their markets risked being quickly overwhelmed by the services, particularly financial, offered by companies in developed countries. Their own businesses, most of them "nascent", risked being suffocated or absorbed by the large companies of the North. Developing countries therefore asked to be able to open fewer market sectors or types of transactions than developed countries.

However, some developing countries are among the main global service providers, whether banking (Barbados, Cayman Islands, etc.), financial (Hong Kong, etc.), transport (Singapore, etc.) or tourism. Although these countries are hardly representative of the group of developing countries, they were nevertheless in favor of the inclusion of services in the negotiating agenda. They hoped that the result of these would allow them to increase their share of the global market for trade in services, and to obtain the transfer of technologies. A certain number of proposals were presented, in order to condition the opening of the services markets of developing countries on technology transfers or the training of national personnel. . Another point of interest for developing countries was the liberalization by developed countries of labour-intensive service sectors, notably construction, in which they could usefully draw on their comparative advantages [2].

The General Agreement on Trade in Services (abbreviated GATS) , signed in Marrakech on April 15, 1994, is placed on an equal footing with the GATT.

Based on the United Nations nomenclature, the GATS distinguishes 155 service supply sectors. It also makes a distinction between four modes of service.

The liberalization of trade in services will be carried out in a fundamentally different way from that of trade in goods. The main obstacles to trade in services are not quantifiable as customs duties. They are made up of various regulations and state monopolies. It was therefore impossible to gradually open up all service sectors by gradually lowering trade barriers.

However, the GATS negotiators did not renounce the principle of gradual liberalization. This was demanded by all the participating States, frightened by the idea of opening up their entire services to international competition at once. Consequently, liberalization will be achieved through lists of concessions negotiated between the different trading partners. Each WTO member independently establishes the list of concessions it is prepared to make.

Each WTO member is free to determine the sectors it opens to international competition. It is also free to determine the ways in which these services can be provided to its nationals. . It is finally possible for it to limit the application of the Most Favored Nation Clause to its concessions. . A Member State may, for example, limit the extension of the benefit of a concession it has made to those Member States which have themselves included this concession in their annex; which constitutes a diverted demand for reciprocity.

Each WTO member state has submitted the list of concessions it makes to its partners. Negotiations were to begin within five years of the entry into force of the Agreement establishing the WTO, with a view to gradually raising the level of liberalization.

7. This position was defended by India in an informal proposal made in 1986 to the negotiating group on trade in services (mentioned by J. REYNA, “Services”, in T. STEWART (ed.), The GATT Uruguay Round. A Negotiating History (1986-1992), Deventer, Kluwer, 1993, p.2366). See. also the communication made by 11 countries of Latin America and the Caribbean, doc. GATT MTN.GNS/W/95.
8. See. eg. Peru's communication, GATT doc. MTN/GNS/W/84.
9. The Agreement is also known by its English acronym “GATS” (General Agreement on the Trade of Services).
10. A WTO member state can therefore include a maximum of 620 concessions (155 sectors 4 delivery modes) on its list.
11. Article 2 paragraph 2 and annex to the Agreement.
12. Article XIX.
13. Article II of the GATS.
14. See. the Annex on Exceptions to the Most Favored Nation Clause attached to the GATS text.
15. See. on this subject P.VINCENT, International Economic Institutions, Brussels, Larcier, 2009, pp. 166-167.

The General Agreement on Trade in Services is reminiscent, in more than one way, of the General Agreement on Customs Tariffs as it was originally concluded. The opening of the markets of the different States will only take place within the limits of the concessions granted. These will have to be subject to regular renegotiations, based on the model of the GATT tariff negotiation rounds. These must be marked by the reciprocity of the concessions offered [3].

The General Agreement on Trade in Services contains the Most Favored Nation Clause . From the moment a WTO member agrees to include a service sector in its list of concessions, all providers of this service from other member states will have equal access to its market.

The GATS, however, provides that conditions may be placed on the application of the Most Favored Nation Clause. .A member can, for example, reserve the opening of a sector to other member states which have themselves liberalized this sector. Many developed countries have made use of this option, particularly for the most sensitive sectors, namely telecommunications and financial services. It is therefore through reciprocity, almost trait for trait, that we hope to achieve the liberalization of international trade in services.

A certain number of exceptions to the application of the Most Favored Nation Clause are provided for by the GATS. None specifically concerns developing countries .

The GATS also contains a transparency clause . Under it, Member States undertake to publish as quickly as possible all relevant general implementing measures which concern the operation of the GATS. If publication is not possible, this information must be made otherwise available to the public.

Two principles will only apply in sectors that each WTO member has agreed to open to international competition.

With respect to market access, each member undertakes to accord to services and service suppliers of any other member treatment no less favorable than that provided for in its schedule of concessions.

Once a foreign supplier has been admitted to the territory of a State, the latter must grant it treatment no less favorable than that which it reserves for national suppliers of similar services. . Since most barriers to trade in services are national regulations, this is where the main obligation of WTO members lies.

The GATS provides for the possibility for WTO members to take safeguard measures in the event of an emergency . This term “emergency” has not yet been defined. The GATS simply provides that negotiations must be undertaken on this subject. These should have been concluded before December 31, 1997. In the absence of results, the mandate of the negotiating group was extended. It is simply provided that the safeguard measures

which will be authorized cannot be selective . Pending the entry into force of the safeguards provisions, a country may withdraw or modify any specific commitment one year at the earliest after making it, subject to justification and compensation.

Article XII of the GATS allows WTO members to impose restrictions on the importation of services, in order to protect their balance of payments. This provision recalls Article XII of GATT. In both cases, notification of the measures taken must only take place after the restrictive measures have been taken. Periodic consultations are planned. No limit is set for the application of restrictive measures. These should simply be removed as the situation improves.

Like the GATT, the GATS does not contain any article devoted exclusively to reciprocity. However, this is implied throughout the Agreement. According to Article obligations ". This provision recalls Article XXVIII of the GATT which required the maintenance of concessions granted “on a basis of reciprocity and mutual benefit”. If the term reciprocity has been deleted from the text of the GATS, the mention of “mutual benefits” and “the overall balance of rights and obligations” implies that WTO member states wishing to benefit from the opening of service sectors among their partners will have to make liberalizations of an equivalent level for the benefit of them.

The scope of the reciprocity requirement has changed in the area of services. It obviously does not lend itself to a quantified evaluation, unlike customs concessions. For example, it is almost impossible to count the direct and even more indirect repercussions of the opening of a market to banking establishments and services from third countries.

WTO members therefore tend to abandon the global reciprocity they had adopted in the area of goods. Within the framework of this, tariff concessions of an equivalent level had to be made, but they could concern different products. A tariff reduction on certain agricultural products could be negotiated, in exchange for a reduction on industrial products. In the field of services, on the other hand, we are witnessing trait-for-trait or sectoral reciprocity. WTO members only agree to liberalize a service if it is liberalized by their partners. The structure of the GATS also allows them to limit the liberalization of a sector to member states which have also liberalized it.

Part IV of the GATS provided that new negotiations were to be undertaken from January 1, 2000, for members to negotiate additional concessions to those they had accepted in 1994.

At present, the outcome of these negotiations remains dependent on the fate of the agricultural negotiations. At the end of July 2008, WTO members nevertheless confirmed their desire to deepen their commitments in the area of services liberalization .

The GATS contained several annexes. One of them provided that negotiations would take place quickly, in order to liberalize

16. Article III.

17. Article XVI.

18. Article XVII, paragraph 1.

19. Article X.

20. Article X paragraph 1.

21. Article X paragraph 2.

22. Doc. WTO JOB(08)/93.

23. These are Protocols No. 3 on the movements of natural persons of October 6, 1995 (which, contrary to what its name might lead developing countries to hope, contains very few additional concessions compared to those of 1994). ), No. 4 on basic telecommunications of February 15, 1997 and No. 5 on financial services of December 15, 1997. Negotiations were to be started in the public procurement and air transport sectors. At present, they have not yet started. Furthermore, negotiations on maritime transport were suspended sine die in June 1996.

or regulate, as quickly as possible, certain particularly sensitive sectors. A number of protocols were subsequently concluded . Their structure is identical to that of the concession lists.

Members were therefore able to determine the sectors they opened to competition, the limitations on market access and the exceptions to the national treatment clause that they maintained. Knowledge of the exact scope of a member's concessions, in a given service sector, therefore implies the joint reading of the initial concessions with their horizontal section and the specific commitments as well as subsequent protocols also containing vertical restrictions and specific. In certain hypotheses, a real headache ensues...

Developing countries could thus hope to derive some benefit from the liberalization of trade in services. They could demand access to new technologies in exchange for opening their markets. However, this optimism must be put into perspective. Service providers will not fight for access to least developed country markets. They are only interested in countries with solvent demand, namely those at an intermediate stage of development and the newly industrialized countries. Access to advanced technologies will therefore elude the poorest countries for a long time to come.

## Conclusion

Transportation remains a cornerstone for Africa's economic growth, regional integration, and sustainable development. While the continent faces persistent challenges—including inadequate infrastructure, policy gaps, and financial constraints—there are also significant opportunities to modernize and expand transport systems in line with global sustainability goals. By investing in climate-resilient infrastructure, fostering public-private partnerships, and promoting regional cooperation, African nations can build efficient, inclusive, and environmentally responsible transportation networks.

A comprehensive approach that combines innovation, good governance, and community engagement is essential to unlock the full potential of the transport sector. As Africa moves toward realizing its development aspirations under frameworks such as Agenda 2063 and the Sustainable Development Goals (SDGs), prioritizing transport connectivity will be pivotal to achieving long-term economic and social transformation.

## References

1. Reyna, J. V. (1993). GATT Uruguay Round: A Negotiating History (1986-1992); Services. Kluwer.
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