



Distr.: LIMITED

ECA/RCID/32/98
July 1998

English
Original: English/French

ECONOMIC COMMISSION FOR AFRICA

**First Meeting of the Ad-hoc Committee for
the Creation of a Pan-African Association
for Port Cooperation (PAPC)**

**Addis Ababa (Ethiopia)
14 July, 1998**

**REPORT OF THE FIRST MEETING OF
THE AD-HOC COMMITTEE FOR THE CREATION OF A
PAN-AFRICAN ASSOCIATION FOR PORT COOPERATION (PAPC)**

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CREATION OF A PAN-AFRICAN ASSOCIATION FOR PORT COOPERATION (PAPC)**

A. ORGANIZATION

1. The first meeting of the Ad-hoc Committee on the establishment of a Pan-African Association for Port Cooperation was held in Addis Ababa, Ethiopia on 14 July 1998. The purpose of the meeting was to collectively consider modalities for the setting up of the future Pan-African Association and to agree on its constitution.

B. PARTICIPATION

2. Representatives of the three sub-regional Port Management Associations have attended the meeting, namely, the North Africa Port Management Association (NAPMA), the Port Management Association for Eastern and Southern Africa (PMAESA) and the Port Management Association of West and Central Africa (PMAWCA). OAU and ECA were also represented. The list of participants is attached as Annex II to the present report.

C. OPENING OF THE MEETING

3. Mr. Samba Jack welcomed the participants on behalf of the Executive Secretary of ECA, Mr. K.Y. Amoako, to the first meeting of the Ad-hoc Committee for the creation of a Pan-African Association for Port Cooperation. He reaffirmed ECA's support for the establishment of a Pan-African Association as the Association will go a long way in enhancing mutual togetherness in solving African port problems. He underscored the importance of maritime ports for the socio-economic development of the continent and emphasized that the establishment of the regional Association will in the long term enable ports in the region to become integrated transport centres and logistic platforms for the inter-regional and international trade.

4. Regarding the role of the Association, he drew attention of the meeting to the existence of similar Associations in Asia, America and Europe which speak on behalf of those continents with one voice in global fora and urged the meeting to look carefully into modalities of creating strong and effective Pan-African Port Management Associations whose role and responsibilities fall along the same lines as these in other countries.

5. He drew attention of the meeting to the Plan of Action which was approved in November 1997 in Cairo, Egypt by the Eleventh Meeting of the Conference of African Ministers of Transport and Communications for the development of transport and communications in Africa and said that the proposed Pan-African Association for Port Cooperation will certainly have a role to play in the implementation of the port component of the Plan of Action.

6. Before concluding, he expressed his wish for a successful meeting and invited the participants to give special attention to the two main agenda items of the meeting especially those regarding main issues to be considered regarding the creating of the Association and its constitution.

7. The opening remarks of the representative of the Executive Secretary were followed by the following remarks:

- Mr. Aliou Diallo, President of PMAWCA thanked ECA for its continued effort in assisting PMAWCA. He availed himself of the opportunity of the present meeting to congratulate ECA for its initiative in bringing together the three sub-regional port management Associations to meet in Addis Ababa on issues pertaining to the establishment of the Pan-African Association for Port Cooperation. He concluded in assuring ECA of the commitment of his Association to the successful implementation of the Mombasa decisions.
- Mr. Mohamed Azzou, Secretary-General of NAPMA, expressed his satisfaction for the holding of the present meeting in which he is participating for the first time and conveyed the best regards of the members of his Association to the meeting. He indicated that NAPMA has already had to reflect on issues relating to the coordination of the activities of the three port management Associations. The establishment of the Pan-African Association for Port Cooperation will afford greater openness of the continent to the current globalization trend of the world economy.
- Mr. Samson M.E. Luhigo, Chairman of PMAESA thanked ECA for hosting the meeting, and thanked the PMAWCA for preparing the Draft Constitution of the proposed Pan-African Association for Port Cooperation, which the meeting would consider. He expressed the pleasure of his Association in acknowledging the participation of NAPMA in the meeting since in his view, a realistic Pan-African Association for Port Cooperation would be impossible without the effective participation of the northern region of the continent. Finally, he expressed the hope that the meeting would be able to come out with concrete results.

D. ACCOUNT OF PROCEEDINGS

Election of the Officials (agenda item 2)

8. The Bureau was constituted as follows:

Chairman: Port Management Association of West and Central Africa

Rapporteur: ECA Secretariat

Adoption of agenda and the work programme (agenda item 3)

9. The following agenda was adopted:

1. Opening of the meeting.
2. Election of officials.
3. Adoption of agenda and the programme of work.
4. Issues for consideration regarding the creation of a Pan-African Association for Port Cooperation.
5. A draft Constitution for the creation of a Pan-African Association for Port Cooperation.
6. Date and place for the second Committee meeting, and any other business.
7. Adoption of report and closing of the meeting.

10. The meeting agreed on the following work programme:

Tuesday, 14 July 1998: Morning: 09:00 - 13:00
Afternoon: 14:30 - 19:00

Issues for consideration regarding the creation of a Pan-African Association for Port Cooperation (agenda item 4)

11. A representative of the Secretariat presented to the meeting a document on Issues for Consideration Regarding the Creation of a Pan-African Association for Port Cooperation, (ECA/RCID/30/98 of July 1998). He informed the meeting that the existing three sub-regional Associations in Africa were established in the 1970's as ECA-sponsored institutions with the objective of seeking the improvement of

cooperation and standardization at sub-regional levels of African port services. Regarding the future of the sub-regional Associations, he disclosed that the evaluation carried out by ECA on ECA-sponsored institutions recommended that the sub-regional Port Management Associations should continue to operate; but considerations should be given in the long term to the creation of a single Association for the African continent.

12. Regarding the main items to be addressed, the meeting was informed that special attention should be given to the preparation of a constitution that clearly spell out the functions and the duties of the Association. Regarding the location of the Association's Headquarters, a proposal of a two-year term rotating Headquarters among the existing sub-regional Associations was made with its staff and specialists drawn from the existing Associations. He emphasized the need for a self-financing of Pan African Association with budget to be drawn from resources of the existing sub-regional Associations. Concerning the relation between ECA and the proposed Association, the meeting was informed that once the Association is established ECA would come up with an agreement highlighting areas for cooperation and that it is up to the Committee to decide upon the role to be played by ECA in the Pan-African Association. He recommended that the Association should adopt a legal status which will warrant it the same privileges accorded to international organizations and proposed that the Association's constitution should clearly address the composition, function and duties of the Association's Board of Directors.

13. He concluded his presentation by indicating that the Association's constitution should be finalized as per recommendations of the meeting for presentation to the various Councils of the Sub-regional Associations by the end of 1998 after which it should be finalised during the first quarter of 1999 to enable the launching of the Association before the end of the same year.

14. After the presentation of the Representative of the secretariat, a number of comments regarding the format of the report were made. It was generally agreed that before any meaningful discussions on Section (a) of paragraph 11 (Preparation of the Constitution of the Association) could take place, it was necessary to identify the major principles that should go into the future constitution. Broadly, it was agreed that the proposed Association should have a very lean structure in order to make it cost-effective; and it was the general view of the meeting that it should be a coordinating mechanism. It was agreed that because of the foregoing, the existing Associations will play crucial roles in the evolution of the Pan-African body.

15. Having established the broad principles regarding the preparation of the constitution, the meeting examined the various elements, which had been suggested by the secretariat. These were, inter alia:

(i) The Function of the Association

16. The coordinating function of the Association was stressed. It was the general view that the Association's major responsibility would be to act as the main voice of Africa on the international fora as far as port issues were concerned, by harmonizing the position of the region and presenting that position to Africa's port partners from the other regions during negotiations, either bilateral or multilateral.

(ii) Location of Headquarters

17. Because of the need to have as cost-effective a secretariat as possible, it was the consensus of the meeting to adopt the principle of rotating the Headquarters, the Chairman and the Secretary-General at intervals to be spelt out in the Constitution. In the case of the post of Secretary-General, it was agreed that their functions as Secretaries-General of the sub-regional Associations and of the Pan-African Association for Port Cooperation would overlap each time their sub-region hosted the regional Association.

(iii) Staffing of the Association

18. The same principle of rotation as defined above was adopted for the staff of the regional body. That means that the staff of the sub-regional Association hosting the Pan-African Association would be expected to service the latter as well. In the event that the host Association has any deficit in a particular expertise, the other Associations would however be called upon to make up that deficit. In both instances, i.e. items (ii) and (iii) above, the hope was expressed that permanency and stability would prevail.

(iv) Financing of the Association

19. While it was agreed that the structure of the new Association should be light, it was nonetheless the opinion of the meeting that its financial base must be broad enough to make it financially viable so as not to suffer the fate of many African institutions. It was therefore agreed that all members of the Port community should be drawn into the new body. It was also agreed that the administrative costs of running the Association should be born by the host sub-regional Association. It is only when major projects were in question that the Association should recourse to extra-budgetary funds.

(v) Relations with the ECA

20. Like other such regional organizations, it was agreed that the new Association should establish a working relationship with the ECA, the ADB, and OAU. These relationships could be embodied in a series of Memorandum of understanding between the Association and the concerned organizations.

(vi) Legal Status

21. The Chief of ECA's Regional Cooperation and Integration Division outlined the two possibilities available to the meeting, namely:

- * For the Association to have new Host Agreements with the Governments of the countries where the present sub-regional Associations were headquartered; or
- * For the Association to adopt the legal identity of the existing sub-regional Associations.

22. On balance, even though no concrete decision on the issue was taken, the meeting was of the view that it would be preferable for the new Association to have its own legal character and thus enter into Host Country Agreements wherever it would be hosted.

(vii) The Board of Directors of the Association

23. The meeting agreed that the composition, functions, terms of office, etc; should be spelt out clearly in the Constitution. It was proposed that ECA, ADB and OAU should be duly represented on the Board of Directors.

A draft Constitution for the creation of a Pan-African Association for Port Cooperation
(agenda item 5)

24. Under this agenda item, Mr. Gauze, Secretary-General of PMAWCA, introduced a document on the draft constitution which was prepared by his Association for consideration by the meeting. Further to his presentation, the meeting decided to set up a Committee to review and amend, as necessary, the proposed constitution. The Committee consisted of representatives of PMAWCA, NAPMA, PMAESA, OAU and ECA. The approved draft constitution is attached as Annex I to the present report.

Date and venue for the second Committee meeting and any other business (agenda item 6)

a.) **Date and venue for the next meeting of the Committee**

25. The participants unanimously expressed the wish to have the next meeting of the Ad-hoc Committee held in November 1998 at the Headquarters of NAPMA in Casablanca, Kingdom of Morocco. ECA will consult with NAPMA to agree on the dates for the next meeting of the Committee and inform the other parties accordingly.

b.) Any other business

26. Under any other business, a representative of the Secretariat informed the meeting that the documents distributed to all participants on UNTACDA II and the report of the Eleventh Meeting of the Conference of African Ministers of Transport and Communications held in November 1997 are relevant to the activities of all Associations including the proposed Pan-African Association. He drew special attention of the meeting to the content of the Plan of Action on maritime ports, which was adopted by the ministers for implementation by all ECA partners before the conclusion of UNTACDA II in the year 2000.

27. The meeting was also informed about the American Air Transport Initiative for Africa which is under formulation. In this regard, participants were briefed on the recent visit to ECA of an American delegation led by the United States Secretary for Transportation. As the initiative may also be expanded to cover surface transport, the meeting was informed that Chief Executives of the various Associations may be called upon in future, by ECA, to participate in the implementation of activities related to the port sub-sector.

28. He further indicated that ECA is likely to undertake studies on issues dealing with the performance of ports especially with regards to facilitation in order to identify their problems. The studies may embrace all other areas such as the information systems and data bases in ports in order to determine how to improve the flow of information on ports in the region.

29. Mr. M. Diouf, Chief of the ECA Regional Cooperation and Integration Division, informed the meeting that ECA is ready to help the Associations and stressed the priority to be given to exchange of experiences. He also outlined the financing mechanisms which ECA has in place for such activities.

30. A representative of PMAESA emphasized the need for advance information on any studies to be undertaken since ports authorities and the Associations need to know the relevance of new studies before they are initiated. He also invited representatives of the other two Associations, ECA and OAU to the PMAESA Council scheduled to be held in Reunion in October 1998.

Adoption of the report and closing of the meeting (agenda item 7)

31. The meeting adopted the draft Constitution and constituted a Committee composed by representatives of PWAWSA, PMAESA, PMANA and ECA to review and finalize the draft report on proceedings of the meeting.

32. In his closing remarks, Mr. Diouf, thanked all participants for their attendance and active participation in the meeting. He then declared the meeting closed.

DRAFT CONSTITUTION
FOR THE CREATION OF A PAN-AFRICAN
ASSOCIATION FOR PORT COOPERATION (PAPC)

* * *

PREAMBLE

The Port Management Association of West and Central Africa (PMAWCA), the Port Management Association of Eastern and Southern Africa (PMAESA), AND the Port Management Association of North Africa (PMANA) on whose behalf this Constitution is signed;

Considering the importance of Ports to the economies of Nations and in the promotion of international trade;

Considering the interest for the African countries to promote development of their ports with a view to increasing their productivity and efficiency;

Convinced that cooperation between all ports in the African Continent can facilitate this development and encourage exchange of ideas and experiences among managements of the ports concerned;

Convinced that a Pan-African Association for Port Cooperation which will act as a platform of the African Continent within the framework of the subregional port management associations, can be a forum for close cooperation thereby ensuring a coordinated and credible representation of African port interests in the World:

Hereby agree as follows:

CHAPTER I: GENERAL

Article I: Creation

The Pan-African Association for Port Cooperation abbreviated as "PAPC", (hereinafter referred to as the "Association"), is hereby established by the PMAWCA, PMAESA and PMANA, signatories to this Constitution.

The Official languages of the Association shall be English, French, Arabic and Portuguese.

Article II: Objectives

The objectives of the Association are:

1. To provide a forum for cooperation among its members on matters concerning ports development in Africa;
2. To ensure adequate representation of the interests, and promote the image, of African Ports in the World;
3. To assist in the development of African Ports and improved efficiency and productivity, in particular through training, organization of the African ports symposium, seminars and workshops;
4. To develop an integrated information system and network among the subregional port management associations;
5. To collaborate with all International Organizations, Governments and Institutions and other similar port groupings that can contribute to the achievement of its objectives.

Article III: Headquarters of the Association

The Headquarters of the Association shall function on a rotational basis as provided for in the Rules of Procedure.

CHAPTER II: MEMBERSHIP

Article IV: Category of Members

The Association shall comprise three categories of members: regular members; associate members; and honorary members, which register and withdraw in accordance with the conditions as set out in the Rules of Procedure annexed to this Constitution.

1. Regular members shall be solely the following African Port Management Associations, provided they are signatories to this Constitution :
 - Port Management Association of West and Central Africa (PMAWCA);

- Port Management Association of Eastern and Southern Africa (PMAESA);
 - Port Management Association of North Africa (PMANA).
2. Associate members shall be Corporate and Individual bodies of African origin whose membership is proposed by a regular member;
 3. Honorary membership shall be conferred to a Corporate body, individuals or any other institution by the Association.

CHAPTER III: ORGANIZATION

Article V: Organs

The Association shall have the following Organs:

- (A) The Council
- (B) The Executive Secretariat
- (C) The Committee of African Port Experts

Article VI: The Council

1. Composition, Functions

The Council shall be the decision making organ of the Association. It shall consist of at least two persons who are duly mandated representatives of regular members, which shall include the President and incumbent Secretary General of the subregional port management association concerned.

The Council shall meet in ordinary session at least once every three years and in extraordinary session if and when necessary.

The Council shall meet on the invitation of the President of the Association and notices shall be sent out by the Secretary General.

At the Council Meeting, each member shall have one vote.

The practical modalities of the functions of the Council and the election of its president shall be as defined in the Rules of Procedure.

2. Duties

The Council shall be the supreme organ of the Association. It shall have the powers to take decisions and shall be the only organ competent to:

- (a) Establish the general policies of the Association;
- (b) Elect the President and the Executive Secretary;
- (c) Admit associate and honorary members;
- (d) Examine and approve all Budgets, Activity Reports or the General Policies of the Association;
- (e) Determine the Headquarters of the Association;
- (f) Appoint members of the Committee of the African Port Experts;
- (g) Settle finally, all disputes among members.

Article VII: The Executive Secretariat

1. The administration of the Association and the coordination of its activities shall be ensured by an Executive Secretary elected by the Council on a rotational basis as provided for in the Rules of Procedure from amongst the Secretary Generals of the African Port Management Associations.
2. The Executive Secretary shall have a term of four (4) years, renewable once.
3. The Office of the Executive Secretary shall not attract any remuneration. However, the Executive Secretary shall be entitled to representation allowances the amount of which shall be determined by the Council.
4. The Executive Secretary shall be answerable to the Council.
5. All other conditions of services of the Executive Secretary shall be as defined in the Rules of Procedure.

Article VIII: The African Port Experts Committee

1. Composition

For the implementation of its mission, the Association shall have a Technical Committee known as "African Port Experts Committee".

The members of this Committee shall be a maximum of fifteen (15) in number and appointed on the proposal of regular members for a period of four years, which is renewable.

The Experts shall be chosen in such a way as to embrace the following main domains of port activity: Finance and Accounts, Computer Systems and Information Technology, Equipment and Operation, Engineering, Administration and Management of Human Resources.

However, the Council may appoint short-term external consultants as the need may arise.

The criteria for the selection of external consultants and experts and the modalities of the functions of the Committee shall be as defined in the Rules of Procedure annexed hereto.

2. Duties

The Committee of Experts shall be charged with the study of technical matters submitted by the competent organs of the Association. If need be, some of the members, recognized for their expertise, can be entrusted with the implementation of specific missions in the form of technical assistance or completion of projects. The services of the Experts Committee shall be rendered free of charge. However, for implementation of certain mission, they shall be entitled to allowances in addition to cost of transportation and accommodation.

The value of these allowances and the conditions of application shall be approved by the Council on the proposal of the Executive Secretariat of the Association.

CHAPTER IV: FINANCIAL PROVISION

Article IX: Resources

The resources of the Association shall consist of:

- Contributions of members;
- Income-generating activities;
- Donations, grants and legacies.

Article X: Budget

The budget of the Association shall be prepared by the Executive Secretary and approved by the Council.

According to the terms of each biennial exercise, a Financial Report shall be submitted by the Executive Secretary for the approval of the Council.

Article XI: Accounts

The funds of the Association shall be deposited in its name in US Dollars or any other convertible currencies in one or two bank accounts in any country.

The Executive Secretary shall be the accounting officer of the Association.

CHAPTER V: FINAL PROVISIONS

Article XII: Legal Aspects of the Association

The Pan-African Association for Port Cooperation shall be an International Association which shall enjoy legal immunities and privileges.

The Association shall be accorded legal status in accordance with the laws of the country of the subregional port management association hosting it.

The Executive Secretary shall take all necessary steps to ensure the recognition and respect of this status in conformity with relevant International Conventions.

Article XIII: Review

This Constitution can be reviewed by the Council meeting at an extraordinary session convened solely for this purpose.

The decision to review this Constitution shall be by two-thirds (2/3) majority of the regular members present and voting.

Article XIV: Rules of Procedure

Rules of Procedure shall be approved by the Council and annexed to this Constitution of which it shall constitute an integral part.

Article XV: Effective date

This Constitution shall take effect from the date of signing by at least two-thirds of the regular members.

Article XVI: Depository of Constitution

The original copies of the signed constitution shall be deposited at the ECA Secretariat.



ECA/RCID/32/98

Annex II/Annexe II

ECONOMIC COMMISSION FOR AFRICA

**COMMISSION ECONOMIQUE POUR
L'AFRIQUE**

**First Meeting of the Ad-hoc Committee
for the Creation of a Pan-African
Association for Port Cooperation**

**Première réunion du Comité ad hoc chargé
de la création d'une Association pan-africaine
de coopération portuaire**

**14 July, 1998
Addis Ababa (Ethiopia)**

**14 juillet 1998
Addis-Abéba (Ethiopie)**

**LIST OF PARTICIPANTS/
LISTE DES PARTICIPANTS**

**NORTH AFRICA PORT MANAGEMENT
ASSOCIATION (NAPMA)
UNION DES ADMINISTRATIONS
PORTUAIRES DU NORD
DE L'AFRIQUE (U.A.P.N.A)**

Mr. Mohamed Azzou
Secretary-General
North Africa Port Management
Association (NAPMA)
175-177, Boulevard Zerkkouni
Casablanca, Morocco
Fax (212-2) 252991/232335
Tel: (212-2) 232324

**PORT MANAGEMENT ASSOCIATION
OF EASTERN AND SOUTHERN
AFRICA (PMAESA)
ASSOCIATION DE GESTION DES PORTS
DE L'AFRIQUE DE L'EST ET AUSTRALE**

Mr. Samson M.E. Luhigo
Chairman
Port Management Association of
Eastern and Southern Africa
(PMAESA)
P.O. Box 9184
Tanzania Harbours Authority
Dar es Salaam, Tanzania
Fax: 255-51-113938/113432
Tel. 255-51-116250
E-mail luhigo@raha.com

PMAESA (Cont')

Mr. Alex Kabuga

Acting Secretary-General
Port Management Association of
Eastern and Southern Africa
P.O. Box 99209
Mombasa, Kenya
Fax: (254) 11-311867/228344
Tel: (254) 11-223245
E-mail pmaesa@africaonline.co.ke

**PORT MANAGEMENT ASSOCIATION
OF WEST AND CENTRAL AFRICA (PMAWCA)
ASSOCIATION DE GESTION DES PORTS
DE L'AFRIQUE DE L'OUEST ET
DU CENTRE (AGPAOL)**

Mr. Aliou Diallo

President
Port Management Association
of West and Central Africa
M.D. Port Autonome Conakry
Fax: (224)414 564/412 604
Conakry, Guinee

Mr. Fernand J. Gauze

Secretary General
Port Management Association
of West and Central Africa
P.O. Box 1113
Fax: (234-1) 587.1278
Tel: (234-1) 263 1516
Apapa, Lagos (Nigeria)

or

Liaison Office

Fax: (229-) 31 02 91
Cotonou, Benin

Mr. Thierno Ibrahima Akinwande

Chef de Service Relations
Publique et Marketing
Port Autonome Conakry
P.B. 805

Fax: (224) 412737

Tel: (224) 412604

Conakry, Guinee

or

Liaison Office

Fax: (229-) 31 02 91

Tel: (234-1) 263 1516

Cotonou, Benin

**ORGANIZATION OF AFRICAN
UNITY (OAU)
ORGANISATION DE L'UNITE
AFRICAINNE (OUA)**

Mr. A.S. Koram
Organization of African Unity
P.O. Box 3243
Addis Ababa
Ethiopia
Tel. (251)-517700
Fax. (251)-513036

**ECONOMIC COMMISSION FOR AFRICA
SECRETARIAT/
LE SECRETARIAT DE LA COMMISSION
ECONOMIQUE POUR L'AFRIQUE**

**Cabinet Office of the Executive
Secretary**
Economic Commission for Africa
P.O. Box 3001
Addis Ababa, Ethiopia

Mr. Samba Jack
Chief, Programme, Policy and Financial
Planning Division and as current
Officer-in-Charge of ECA

**Regional Cooperation and Integration
Division (RCID)**
Tel.: (251-1) 516629 / 511870
Fax: (251-1) 513038 / 514416

-Mr. Mbaye Diouf, Chief
Regional Cooperation and Integration
Division (RCID)

-Mr. P. Were

-Mr. A. Tchiboza

-Mr. Azm F. Hoque

-Mr. K. Yeboah-Konadu

-Mr. M. D. Tanoe

-Mr. D. Diarra

INTERPRETER

Mr. M. Mohamed