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REPORT ON THE ESTABLISHMENT OF
THE TRANS-CENTRAL AFRICAN HIGHWAY AUTHORITY

INTRODUCTION

During the Combined Meeting of Trans-African Highway Authorities which was convened from 6 to 10 October 1986 at ECA Headquarters Addis Ababa, the Co-ordinating Committee of Ministers of the Tripoli-Windhoek Trans Central African Highway held its Second Ordinary Meeting and decided that with regard to the transition from the status of "Committee" to that of the TCAH Authority the matter should again be presented for their consideration at the next opportunity, after certain modifications shall have been made to the draft constitution of the authority by the ECA Secretariat; the ECA Secretariat has amended the constitutions accordingly and the amended text is annexed herewith (Annex II).

The Co-ordinating Committee of the TCAH had, during its inaugural meeting at Bangui, CAR, (26-29 June 1984), adopted a programme of work for the Authority (Annex I) which could be implemented by the Authority on its establishment.

A study of the alignment of the Tripoli-Windhoek Trans-African Highway inside Angola and Libya, just completed by the ECA with the cooperation of those two member States, confirms that the status of development of the whole Highway and its feeder roads is encouraging, as far as the infrastructure is concerned; except for large segments inside Chad which would still require a lot of work to bring them to all weather standard.

Action Recommendation

The Conference of Ministers may wish to call upon the concerned member States to expedite the establishment of the Tripoli-Windhoek Trans Central African Highway Authority, to enhance the accelerated development to all-weather standard of this most important Trans-African Highway.

ANNEX I

Programme of Work of the TCAH Authority

I. Co-ordination of infrastructure improvement

The first step to be taken in the planning process aimed towards the effort to improve missing links in the Highway is to locate and identify all those missing links or substandard segments in the Tripoli-Windhoek Highway and its feeder roads, essentially by means of a road inventory operation. Road inventory is the basic activity required for planning purposes, and for determining priority projects.

The proposed activities of the Authority in the short and medium term consisting mainly of road inventory and related studies, is detailed as follows:

1. Preparatory activity and launching of road inventory and data collection efforts followed by processing and analysis of the information obtained, so as to determine the location and nature of the missing links and substandard and deteriorated segments; and preliminary estimates to quantify the resources required to improve and upgrade these to the acceptable minimum standard of an all weather highway.
2. Pre-feasibility and engineering studies, or co-ordination of such studies at the national level, of the identified substandard segments of the Tripoli-Windhoek Highway, to determine the viability and bankability of individual projects, for phased improvement and prioritizing purposes.
3. Pre-feasibility study and detailed engineering design, or co-ordination of studies and design of the feeder roads to the Tripoli-Windhoek Highway.

II. Facilitation of Travel and Trade

Travel and trade in Africa in general, and along the Tripoli-Windhoek Highway system in particular continues to be impeded not only by lack of adequate infrastructure, but also by non-physical obstacles of an administrative and legal nature. To determine the extent of these obstacles in the field, it would be necessary to conduct a study along the Highway and investigate current transit conditions, particularly at the frontiers between member countries. Proposed activities are detailed as follows:

1. Determination of the nature and extent of non-physical barriers at frontiers of member States and along the Highway in general, by actual investigation of current travel and trade arrangements at all border crossings, and at interim barriers, if any.
2. Review of the design standards and traffic regulations prevailing in member countries, with a view to determine whether and to what extent these can be made uniform.
3. Preparation of inter-State treaties, agreements and related legal instruments designed to standardize procedures and regulations concerning customs, immigration, exchange control and traffic matters.

III. Monitoring and co-ordinating of maintenance

The state of maintenance of roads throughout Africa is generally considered grossly defective; and the Tripoli-Windhoek Highway system is no exception. Another important function of the Authority is therefore the monitoring and evaluation of the quality of maintenance operations in member countries. Concerted efforts would need to be made to coordinate improved maintenance performance. Since lack of trained manpower throughout the region is a high contributing factor to the chronic deficiency in road maintenance, seminars and joint training programmes (preferably at multinational centres in member countries), of maintenance personnel is considered useful in the continuing effort to improve the level of maintenance. The following activities are proposed for consideration:

1. Monitoring and evaluation of maintenance performance on the Tripoli-Windhoek Highway and its feeder links to determine the quality of the riding surface as well as the extent of deterioration of the roadway and structure; and establishment of a data base on the backlog of postponed maintenance activities, reasons for non performance, and on expected future increases in costs of rehabilitation and in vehicle operating costs.
2. Organization of maintenance seminars to improve awareness of member governments of the importance of timely and efficient maintenance operations; and the consequences of postponed maintenance activity in the form of increased vehicle operating costs, and expensive reconstruction and rehabilitation later.
3. Preparation of maintenance manuals and handbooks to assist maintenance personnel in Africa (where such Handbooks are scarce), and particularly geared to the terrain and environment of the Tripoli-Windhoek region.

IV. Co-ordination of resource mobilization efforts

The Authority may wish to co-ordinate national efforts in resource mobilization, and initiate concrete action aimed at programmed negotiations with donors to obtain external financing to supplement domestic efforts at the national level, for the effective implementation of programmed work. The following specific activities are proposed:

1. Scheduled negotiations with international financial institutions, friendly and co-operating industrialized nations for bilateral and multilateral financial and technical assistance to implement projects for the improvement of missing links and substandard segments in the Tripoli-Windhoek Highway, and eventually in the feeder roads.
2. Organization, in co-operation with the ECA secretariat, of Pledging Conference and/or Co-financing meetings, to familiarize and sensitize interested donors with individual projects on the Tripoli-Windhoek axis.

ANNEX II

Constitution of the Tripoli-Windhoek
Trans-Central African Highway Authority

The Government of the States parties to this Constitution,

Considering the principles and objectives laid down in the Charter of the Organization of African Unity whereby African States have pledged to promote and strengthen intra-African solidarity and co-operation in the political, economic and social fields and in transport and communications,

Aware that the best way to link the various national and international road networks and to reduce the cost of the construction, improvement and maintenance of these networks is for them to co-operate with one another and to co-ordinate activities relating to the road system,

Realizing the need for them to assume all the responsibilities related to their desire to construct the Trans-Central African Highway and its feeder roads, particularly with regard to matters relating to the co-ordinated planning of their construction and maintenance,

Recognizing that a Trans-Central African Highway Authority will best serve these purposes,

Have agreed to the following provisions:

Article 1

1. There is hereby established in accordance with the provision of this Constitution, an Authority to be called the Trans-Central African Highway Authority (hereinafter referred to as the "Authority").
2. The Authority shall consist of the States through which the Trans-Central African Highway hereinafter referred to as the "Highway" passes, that is to say: Libyan Arab Jamahiriya, Chad, Cameroon, Central African Republic, Congo, Zaire, Angola (and Namibia).
3. African States which are neighbours to the States referred to in paragraph 2 of this Article and whose road networks are linked with or are likely to be linked with the Highway are automatically associate members of the Authority (Tunisia, Algeria, Sudan, Niger, Nigeria, Equatorial Guinea, Gabon, Burundi, Zambia and Botswana) on such conditions as the Governing Council may determine.

Article 2
Objectives

1. The objectives of the Authority shall be to co-ordinate the construction to an all-weather standard and the efficient utilization of the Highway.
2. In order to attain the objectives specified in paragraph 1 of this Article, the Authority shall be responsible for:
 - (i) Co-ordinating the necessary detailed feasibility studies, engineering design studies, construction and maintenance of all sections of the Highway and its feeder links;
 - (ii) Taking all necessary measures for the efficient utilization of the Highway and its feeder roads and particularly those aimed at standardizing and harmonizing customs formalities and traffic regulations of the Highway.

Article 3
Status of the Authority

1. The Authority shall be a legal personality in international law. It shall be empowered to enter into agreements and contracts, to acquire, hold and dispose of immovable and movable property, to borrow and to give loans and make grants and to institute legal proceedings.
2. The Authority, its staff and individuals attending meetings of its organs in an official capacity shall within the territories of the members of the Authority be granted such immunities, privileges and facilities as may be required for the effective discharge of their duties in pursuance of the provisions of this Constitution or of decisions taken in accordance with this Constitution by the appropriate organs of the Authority.
3. The extent of the privileges and immunities of the Authority and of its members, property, funds and assets shall be determined mutatis mutandis, in accordance with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations.

Article 4
Working Languages

1. The official working languages of the Authority shall be English and French provided that certain important official documents shall be produced also in Arabic.

Article 5
Organs of the Authority

The Authority shall have the following organs:

- (a) A Governing Council;
- (b) A secretariat;
- (d) Such subsidiary bodies as may be established by the Governing Council.

Article 6
Membership of the Governing Council

1. The Governing Council shall consist of one representative out of all the members of the Authority, and the Secretary-General of the Organization of African Unity and the Executive Secretary of the Economic Commission for Africa as ex-officio members without the right to vote.
2. The members of the Governing Council shall be appointed for a term of three years and may be reappointed.
3. The Chairmanship and vice-chairmanship of the Governing Council which shall be for a year at a time, shall rotate among the members of the Authority in the French alphabetical order.
4. When for any good cause a member of the Governing Council is unable to act as such the member of the Authority whom he represents, shall appoint another person to replace such member and the person so appointed shall have all the powers, rights and responsibilities of a member of the Governing Council.
5. The Chairman of the Governing Council and the Co-ordinator of the Authority shall be notified in writing of all appointments to the Governing Council.
6. The Chairman of the Governing Council or in his absence, the Vice-Chairman, shall preside over all meetings of the Governing Council. In the absence of both the Chairman and the Vice-Chairman, the members present and forming a quorum shall elect a Chairman for the meeting in question from among themselves.

Article 7
Funding of the Governing Council

The Governing Council shall be the supreme organ of the Authority. It shall be empowered to:

- (i) draw up the programme of studies and improvements of the Highway in consultation with the members of the Authority;
- (ii) determine the financial contributions of members of the Authority to the operating budget of the Authority;
- (iii) adopt the operating budget of the Authority;
- (iv) borrow, in the name of the Authority, funds which may be required for the attainment of the objectives of the Authority;
- (v) enter into contracts on behalf of the Authority;
- (vi) establish such subsidiary bodies as it deems necessary for the purpose of achieving the objectives of the Authority;
- (vii) issue instructions to the co-ordinator of the Authority, and to such subsidiary bodies as it may establish;
- (viii) approve the admission of associate members of the Authority;
- (ix) adopt the administrative and financial regulations to be applied by the Authority;
- (x) subject to any specific directives which may be issued by the members of the Authority, take any other necessary measures appropriate to the objectives of the Authority.

Article 8
Meeting of the Governing Council

1. The Governing Council shall meet once a year or as often thereafter as deemed necessary, in regular session. At the request of a simple majority of its members, it may also hold special sessions. Subject to this Constitution, the Governing Council shall determine its own rules of procedures.

2. Meetings of the Governing Council shall be held at the headquarters of the Authority or in the territory of any of the members of the Authority at the invitation of the Government of the members in question.

3. The Secretariat shall notify the members of each meeting of the Governing Council at least six weeks before the date set for the meeting. Notice of meetings shall be accompanied by a detailed agenda and by reports introducing the items to be discussed.

4. The agenda of meetings of the Governing Council shall be prepared by the Secretariat of the Authority in consultation with the Chairman of the Governing Council.

5. All decisions of the Governing Council except those on financial matters, which require an absolute majority of the members, shall require a simple majority of the members present. The Council may not meet unless at least two thirds of its members are present.

6. A record shall be kept of the meetings of the Governing Council and shall be adopted at the closing meeting of each session.

Article 9

The Secretariat and its Functions

1. The Trans-African Highway Bureau in TCTD/ECA shall be the executive organ of the Authority.

2. The TAHB(TCTD) shall have the following functions:

- (i) to convene meetings of the Governing Council, the Inter-State Facilitation Commission (IFC) and such subsidiary bodies as may be established and to prepare the agenda for all such meetings;
- (ii) to participate in the meetings of the Governing Council, the IFC's and those of any subsidiary bodies as may be established by the Governing Council;
- (iii) subject to any instructions which might be issued by the Governing Council, to take decisions relating to the organization and staff of the TAHB and of such subsidiary bodies as may be established by the Governing Council and to fill the various posts in the TAH Bureau;
- (iv) when delegated to do so by the Governing Council, to perform and exercise duties and powers normally performed and exercised by the Council;

- (v) to provide secretariat services to the Governing Council, the IFC, and such subsidiary bodies as may be established by the Governing Council;
- (vi) to prepare a draft programme of work of the Authority and its organs and to submit this draft to the Governing Council for its approval;
- (vii) to prepare and submit to the Governing Council for approval annual statements of accounts and provisional estimates of the receipt and expenditures of the Authority and its organs;
- (viii) to transmit decisions taken by the organs of the Authority to the members of the Authority;
- (ix) to ensure that decisions taken by the Governing Council, especially those relating to the implementation of the various programmes of work, are executed; and
- (x) to perform any services required for the effective operation of the Authority as may be assigned to him by the Governing Council and to make any suggestions which may contribute to the effectiveness of the Authority.

3. The Secretariat may accept the secondment of technical assistance personnel provided by States which are not members of the Authority or international organizations and remunerated by them. The conditions of service and privileges of such personnel shall be agreed upon between ECA and the bilateral donors.

Article 10

Financial Control

1. The financial control of the Authority shall be the responsibility of ECA Budget and Finance Section and the TAHB will accordingly cooperate with that section.

2. The ECA Budget and Finance Section shall be responsible for administering the finance of the Authority and for ensuring that this is done in conformity with the decisions of the Governing Council.

3. The Budget and Finance Section shall ensure that the accounts and registers faithfully record the receipts and expenditures of the Authority and its organs. On receipt of the Auditor's certified accounts and the Auditor's report, the ECA Finance and Budget section shall forward them, without delay, together with its own report, to the Governing Council and in any case not later than two months from the end of the fiscal year to which the accounts relate; in exceptional cases they may be delayed longer when so decided by the Governing Council.

Article 11
Auditing of Accounts

1. The accounts of the Authority and its Secretariat shall be subject to audit by an auditor appointed by the ECA and external audit, as appropriate. For this purpose the Auditor or his duly authorized representatives shall have access to all books, registers, statements and other documents pertaining to the accounts. On receipt of the statements of account transmitted to him as provided for in paragraph 4 of Article 10 of this constitution, the Auditor shall send the certified statements, along with his report, to ECA for submission to the Governing Council.

Article 12
Budget of the authority

1. The budget of the Authority shall be prepared and implemented as specified in the financial regulations approved by the Governing Council.

2. Every budget proposal shall provide for the amount necessary to cover the annual operating expenditures of the Bureau, the payment of wages and salaries to staff employed in the organs of the Bureau and other regular expenses incurred in operating organs.

Article 13
Obligation of the members of the Authority

The members of the Authority shall co-operate in every way possible with a view to helping the Authority to fulfill its objectives. In particular, they shall:

- (i) honour their financial commitments to the Authority by paying the contributions referred to in paragraph (ii) of Article 7 of this Constitution;
- (ii) facilitate the collection, exchange and dissemination of information required for the effective operation of the Authority;
- (iii) submit such reports and information as may be required by the competent organs of the Authority;
- (iv) second personnel to the organs of the Authority on such terms as may be agreed upon with the Secretariat and;
- (v) participate regularly in the meetings of the various organs of the Authority.

Article 14
Relations with other bodies

1. The Authority shall co-operate closely with Governments and bodies concerned with its activities, and especially with the United Nations Economic Commission for Africa and the Organization of African Unity.
2. In carrying out the provisions of paragraph 1 of this Article, the Authority shall establish such facilities for co-operation with such Governments and bodies as the Governing Council deems necessary.

Article 15
Withdrawal

1. Any member of Authority may, by giving written notice to the Chairman of the Governing Council through the Secretariat, withdraw from membership of the Authority provided that a period of one year has elapsed from the date on which it became a member. The Chairman shall inform the other members of the Authority of such withdrawal by letter immediately.
2. Withdrawal shall not become effective until a period of one year has elapsed from the date of receipt by the Chairman of the Governing Council of the notice of withdrawal; a notice of withdrawal may be retracted at any time during the prescribed period of one year.
3. Any member of the Authority which withdraws from membership in the Authority shall nevertheless remain liable for the discharge of its financial obligations to the Authority, including the payment of the contributions to which it is liable with respect to the entire year before its notice of withdrawal takes effect.

Article 16
Settlement of disputes

Any dispute which may arise as to the application or interpretation of any provision in this Constitution shall, if it cannot be settled by the members of the Authority concerned, be referred to the Commission for Mediation, Conciliation and Arbitration in accordance with Article 19 of the Charter of the OAU, whose decision in the matter shall be binding on all the members of the Authority.

Article 17
Amendments

This Constitution may be amended by decision taken by two-thirds of the members of the Authority.

Article 18
Dissolution

The Authority may be dissolved by a decision of three quarters of its members, which shall then establish a committee for the orderly liquidation of assets and liabilities of the Authority.

Article 19
Final Provision

1. This Constitution shall come into force as soon as the duly authorized representatives of the Governments of four of the members of the Authority affix their signatures thereto and it is ratified by two thirds of the members of the Authority.

2. The original of this Constitution, of which the English, French and Arabic texts are equally authentic, shall be deposited with the Executive Secretary of the United Nations Economic Commission for Africa, who shall have certified copies of it transmitted to all the member States.