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ECONOMIC COMMISSION FOR AFRICA

**REPORT OF THE
SPECIAL MEETING OF PLENIPOTENTIARIES ON
THE STATUTES OF THE
TRANS-AFRICAN HIGHWAY BUREAU
14 September 1993
Rabat, Morocco**

A. ORGANIZATION

1. The Special meeting of Plenipotentiaries on the statutes of the Trans-African Highway Bureau was held in Rabat, Morocco on 14 September 1993 at the kind invitation of the Government of the Kingdom of Morocco.

B. ATTENDANCE

2. Plenipotentiaries from the following countries participated in the meeting: Algeria, Central African Republic, Congo, Egypt, Ethiopia, Gabon, Kenya, Libyan Arab Jamahiriya, Malawi, Morocco, Nigeria, Senegal, Sudan, Tanzania, Tchad, Zambia and Zaire.

3. Representatives of the following organizations also attended as observers: United Nations Development Programme (UNDP), Islamic Development Bank (IDB) and the European Economic Community (EEC).

C. OPENING OF THE MEETING

4. The meeting was opened by his Excellency Mohammed Kabbajh, Minister of Public Works, Professional Training and Training of High Calibre Experts.

5. In his welcome speech, the Minister after expressing his pleasure in opening the Special Meeting of the African Plenipotentiaries on the Statutes of the Trans-African Highway Bureau, recalled that the development of Africa as well as its economic integration required the setting up of road transportation and communication infrastructure capable of responding to the needs of the continent.

6. Underscoring the importance of road transport, His Excellency stressed the fact that compared to other transportation modes, road transport had the advantage of being flexible in providing door to door services and also linkages between areas of production and areas of consumption, villages and cities.

7. In stressing the importance of a speedy reactivation of the Bureau, the Moroccan Minister reminded the meeting of the importance of setting up one coordination office for all the trans-African highway authorities. This would indeed provide a forum for African experts to exchange experience in the various fields pertaining to the maintenance and development of the African road network. It would also reduce the cost of running the various trans-African highway authorities.

8. In conclusion the Minister paid tribute to the Executive Secretary of the ECA for the laudable efforts that the ECA had made relentlessly in the reestablishment of a centralized bureau to administer and coordinate the activities of the various trans-African highway authorities.

9. On behalf of the United Nations Under-Secretary General and Executive Secretary of the Economic Commission for Africa Mr. Layashi Yaker, the Chief of the

Transport, Communications and Tourism Division Mr. Mpekese Bongoy, recalled all efforts made to reactivate the bureau.

10. He reminded the meeting of the bureau's activities being part of the Second United Nations Transport and Communications Decade for Africa (UNTACDA II), whose activities are part of the programme for the establishment of the African Economic Community.

11. He stressed the important coordination role that the Bureau would play in the removal of the physical and non-physical barriers to intra-African trade and travel and also cited the efforts that African member States had made to date on the reactivation of the Trans-African Highway Bureau.

12. In his concluding remarks he urged the plenipotentiaries to consider, adopt and sign the statutes to enable the bureau to start functioning as of January 1994.

D. ACCOUNT OF PROCEEDINGS

Election of the Bureau (Agenda item 2)

13. The meeting elected the following bureau:

Chairman:	Morocco
Vice Chairman	Malawi
Rapporteur	Gabon

Adoption on the agenda and organization of work (Agenda item 3)

14. The meeting adopted the agenda as follows:

1. Opening of the meeting
2. Election of the Bureau
3. Adoption of the agenda and organization of work
4. Adoption and signing of the Statutes
5. Closure of the meeting

Consideration of the Statutes of the Trans-African Highway Bureau (Agenda item 4)

15. The Chairman of the meeting, Mr. J. Chafik, introduced this agenda item by recalling all the past activities that had been undertaken in the endeavour to establish the Trans-African Highway Bureau.

16. He also recalled that the work programme and financial implications had been already discussed and approved during the previous meetings. He then invited the

participants to ease the implementation of this programme by inter-alia contributing funds to the bureau in due course.

17. The draft statutes were considered article by article and the amendments are reflected in the Appendix I attached herewith.

Adoption and signing of the statutes (Agenda Item 5)

18. The meeting adopted the amended statutes and plenipotentiaries from the following member States appended their signatures to the statutes: Algeria, Central African Republic, Egypt, Ethiopia, Kenya, Malawi, Morocco, Nigeria, Tanzania, Zambia and Zaire.

19. The meeting instructed the ECA secretariat to endeavour to obtain signatures from the remaining member States and also to ensure that the statutes were ratified before the end of the year to enable the bureau to start functioning in early 1994.

20. It was also agreed that a meeting would be organised to launch the bureau in 1994 as soon as the required 26 ratifications had been obtained.

Closure of the meeting (agenda item 6)

21. The Plenipotentiary of Malawi gave a vote of thanks, on behalf of all the delegates, thanking His Majesty King Hassan II, the Government and the people of the Kingdom of Morocco for their hospitality and the excellent arrangements they had made for the smooth running of the meeting.

22. In his closing statement, the Chairman thanked all the delegates for the cooperation and the serious manner with which the deliberations were undertaken. He also thanked the secretariat for their effort in facilitating the organisation and running of the meeting. Finally he reminded the meeting of the importance of the main agenda item discussed in the realisation of the physical integration of the African continent, and the need to keep the existing momentum on the reestablishment of the Bureau.

23. He then declared the meeting closed at 1915 hours.

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Annex I

STATUTES OF THE TRANS-AFRICAN HIGHWAY BUREAU

STATUTES OF THE TRANS-AFRICAN HIGHWAY BUREAU

The Governments of the States parties to this statutes,

Conscious of the significant role played by the Trans-african Highway Authorities in integrating the road transport infrastructures and services of African countries and thereby enhancing the physical integration of the continent and the development of better relations and economic cooperation among African countries;

Considering the political and economic realities of the developing African countries and the chronic shortages of trained and skilled manpower throughout the region;

Taking into consideration the acute problems faced by member States in honouring their financial commitments towards the running of the institutions already set up to coordinate the construction of the various trans-african highways,

Realizing that the establishment of a single Bureau will provide for the full coordination of plans and programmes formulated at the subregional levels into a coherent continental network;

Satisfied that a single Bureau will provide effective and dynamic servicing of the activities of Trans-African Highway Authorities and Coordinating Committees and help reduce and minimize the cost borne by member States;

Cognizant of the fact that the location of the Bureau at the Headquarters of the Economic Commission for Africa will enable it to be in a much better commanding position to monitor the successful realization of the noble objectives of all Trans-African highways and enhance its chances of attracting funds from International financing agencies;

Considering the decision of the African Ministers of Transport, Communications and Planning at the end of its meeting held in Addis ababa in May 1991 on the reactivation of the Trans-African Highway Bureau,

Have agreed to the following provisions:

CHAPTER I **General Provisions**

Article 1: Establishment

There is hereby established, in accordance with the provisions of these statutes, a Trans-African Highway Bureau (hereinafter referred to as the "Bureau")

Article 2: Headquarters

The headquarters of the Bureau shall be in Addis Ababa, Ethiopia, at the Economic Commission for Africa.

Article 3: Status, Privileges and Immunities of the Bureau

(a) The Bureau shall be an autonomous unit within the Transport, Communications and Tourism Division of the Economic Commission for Africa.

(b) Notwithstanding the above, the Bureau shall have a juridical personality to implement the aims and objectives defined in Article 5 and, in particular, the capacity to contract, acquire, own, possess and dispose of property and to sue and be sued in its own name.

(c) The Bureau, its staff and individuals attending meetings of its organs in an official capacity shall within the territories of member States be granted such immunities, privileges and facilities as may be required for the effective discharge of their duties in pursuance of the provisions of these statutes or of decisions taken in accordance with these statutes by the appropriate organs of the Bureau.

(d) The extent of the privileges and immunities of the Bureau 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: Duration

The Bureau is established for an unspecified duration.

Article 5: Aims and objectives

The principal aims and objectives of the Bureau shall be the provision of a single secretariat and technical services to all Trans-African Highway Authorities and subsidiary bodies.

Without limiting the generality of the foregoing the Bureau shall be responsible for the:-

- (a) Preparation and implementation of its work programmes and coordinating those of the various Highway Authorities;
- (b) Establishment of unified standards for research, programming, construction and maintenance of highway infrastructure;
- (c) Promotion of national manpower training in road transport including the development and strengthening of subregional and regional highway training institutes;
- (d) Harmonization of Traffic rules, regulations and procedures;
- (e) Establishment of information systems including the African Road Data Bank.

CHAPTER II

Organs responsible for the development of Trans-African Highways

Article 6: Principal organs

The development of Trans-African Highways requires the following organs:

- (a) Conference of Ministers
- (b) Support Council
- (c) A technical Committee
- (d) Coordinating office

Article 7: Conference of Ministers

(a) The Conference of Ministers shall comprise the Ministers responsible for the Trans-African Highways of member States of the Economic Commission for Africa;

(b) The Executive Secretary of the Economic Commission for Africa and the Secretary General of the Organization of African Unity shall be ex-officio members.

Article 8: Meetings of the Conference of Ministers

(a) The Conference of Ministers shall meet in regular sessions once every two years and may hold special meetings at the request of a simple majority of its members.

(b) Notice of every meeting of the Conference of Ministers shall be given to each member State in writing at least 45 days in advance. The notice shall state the time, date, place and general nature of the business to be carried out.

(c) The presence of at least one third of the member States that have ratified the statutes shall be considered a quorum for the transaction of business at any meeting of the Conference.

Article 9: Functions of the Conference of Ministers

The Conference of Ministers shall be the supreme organ of the Bureau. It shall have overall responsibility for the formulation of policies for the Bureau in accordance with its aims and objectives and to adopt such measures as it deems appropriate to fulfil the aims and objectives of the Bureau.

Without limiting the generality of the foregoing the Conference shall be empowered to:

- (a) Adopt its own rules of procedure, subject to the provisions set out above.
- (b) Make decisions, resolutions and recommendations for the implementation by the Authorities, the Support Council and the Coordinating Office;
- (c) Receive, review and adopt periodic country reports of member States, compiled in the report of the combined meeting of the Governing Councils of the Authorities;
- (d) Adopt a three-year programme for the Authorities;
- (e) Approve a three-year programme and budget estimate for the Bureau and secure its funding through the Support Council;
- (f) Approve new quotas for contributions by member States to the three-year budget of the Bureau;
- (g) Review and approve the progress report of the Bureau for the last programme period.

Article 10: The Support Council

(a) The support Council is an organ of the Conference of Ministers responsible for ensuring financial support to the Bureau.

(b) It shall be composed of the following:

- (i) Ambassadors of member States accredited to Addis Ababa or duly mandated representatives of member States which have ratified the statutes,

- (ii) The Executive Secretary of ECA and the Secretary General of the OAU or their representatives,
- (iii) Representatives of donors and specialized international organizations.

(c) The Support Council shall meet annually under the chairmanship of the Dean of the African Diplomatic Corps in Addis Ababa.

Article 11: Functions of the Support Council

The Support Council shall be responsible for ensuring the full mobilization of funds for the regular budgets of the Bureau.

Without limiting the generality of the foregoing it shall be empowered to:

- (a) Review the financial position of the Bureau and undertake dues collection missions when deemed necessary;
- (b) Explore alternative sources of funding for the activities of the Bureau;
- (c) Receive and adopt annual progress report of the Bureau on level of programme implementation and expenditure of funds;
- (d) Report on its activities to the Conference of Ministers;
- (e) Undertake such other responsibilities as may be entrusted to it by the Conference of Ministers.

Article 12: Technical Committee

- (a) The Technical Committee shall comprise the following members:

- (i) Representatives of member States that have ratified the Statutes;
- (ii) The Coordinator;
- (iii) Representatives of the Executive Secretary of ECA and the Secretary General of OAU;
- (iv) Representatives of the Trans-African Highway Authorities.

(b) The Technical Committee shall meet just before the regular sessions of the Conference or any special meeting which may be held by it.

Article 13: Functions of the Technical Committee

Subject to the Directives issued by the Conference of Ministers, the Technical Committee shall be empowered to:

- (a) Consider the periodic reports of the Authorities and if necessary recommend their adoption by the Conference of Ministers;
- (b) Recommend a three-year policy and programme for the Authorities;
- (c) Recommend a three-year programme and budget estimate for the Bureau;
- (d) Recommend new quotas for contributions by member States to the three-year budget of the Bureau;
- (e) Review and recommend the progress report of the Bureau for the last programme period;
- (f) Perform other tasks that may be entrusted to it by the Conference of Ministers.

Article 14: The Coordinating Office

(a) The Coordinating office of the Trans-african Highway Bureau shall be the principal secretariat and the executive organ of the Conference of Ministers and the Trans-African Highway Authorities. The Coordinating office comprises a coordinator and a bilingual secretary;

- (b) The Coordinating office shall have the following functions:
 - (i) To develop and execute programmes relevant to the coordination activities of member States by providing appropriate technical advisory services;
 - (ii) To convene the regular and special meetings of the Conference of Ministers, the Support Council and the Technical Committee, and to prepare the agenda, working documents and reports thereof;
 - (iii) To advise each Authority of Coordinating Committee on the preparation of its country programmes;
 - (iv) To prepare and submit annually to the Conference of Ministers and the Support Council, accounts, income estimates and expenditures of the Bureau;

- (v) To transmit decisions taken by the Conference of Ministers to the respective member States of the Authorities;
- (vi) To ensure that decisions taken by the Conference of Ministers are executed;
- (vii) To perform such other services required for the effective operation of the Bureau as may be assigned by the Conference of Ministers and/or Governing Councils of the Authorities.

Article 15: The Coordinator

- (a) The Coordinating Office shall be headed by a Coordinator to be appointed by the Conference of Ministers, upon the recommendation of the Executive Secretary of ECA, for renewable period of four years.

CHAPTER III
Financial provisions

Article 16: Budget of the Bureau

- (a) The budget of the Bureau shall be prepared and implemented by the Coordinator as specified in the financial regulations approved by the Conference of Ministers.

- (b) 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 and other regular expenses incurred by the staff.

- (c) The resources of the Bureau shall be from:

- Contributions of member States;
- Grants and legacy from bilateral and multilateral donors;
- Income from various sources.

Article 17: Financial obligations of member States

- (a) Member States shall be responsible for the funding of the Bureau's programmes of work, as determined by the Conference of Ministers.

- (b) Each member State shall pay their contributions as soon as the programme of work has been approved by the Conference of Ministers.

Article 18: Financial Control

- (a) The financial control of the Bureau shall be the responsibility of the ECA budget and finance section and the Bureau will accordingly cooperate with that section.
- (b) The ECA Budget and Finance section shall ensure that the audit is done in conformity with the income and expenditures of the Bureau.

Article 19: Auditing of Accounts

The accounts of the Bureau shall be subject to audit by an auditor appointed by the ECA.

The authorized Auditor shall have access to all books, registers, statements and other documents pertaining to the accounts. On receipt of the statements of accounts transmitted to him by the Coordinator of the Bureau, the auditor shall send the certified statements of accounts as well as his own reports to ECA for submission to the Conference of Ministers.

The certified statements of accounts and the report of the auditor shall be transmitted to the Conference of Ministers by the ECA Budget and Finance Section together with the section's own report within two months after the end of the financial year concerned. In exceptional cases, the statements and reports may be transmitted later than this date should the Conference of Ministers so decide.

CHAPTER IV
Miscellaneous Provisions

Article 20: Relations with other bodies

- (a) The Bureau shall cooperate closely with governments and bodies concerned with its activities, especially the United Nations Economic Commission for Africa and the Organization of African Unity.
- (b) The Bureau shall be located in the premises of the Economic Commission for Africa which shall provide it with the necessary logistical support.
- (c) The Trans-African Highway Authorities and the Coordinating Committees shall cooperate in every way possible so as to help the Bureau to achieve its aims and objectives.

Article 21: Working languages

The official working languages of the Bureau shall be Arabic, English and French.

Article 22: Settlement of Disputes

Any dispute which may arise as to the application or interpretation of any provision in these statutes shall, after all diplomatic means of settlement have been exhausted, be submitted to an arbitration tribunal made up of two judges, each of whom represents a State party to the dispute and a representative appointed by the Executive Secretary of ECA with the consent of both parties.

Article 23: Amendments

These statutes shall be amended by a decision taken by two-thirds of the members of the Conference of Ministers.

Article 24: Dissolution

The Bureau may be dissolved by a decision of three-quarters of the members of the Conference of Ministers, which shall establish a committee for the orderly liquidation of assets and liabilities of the Bureau.

Article 25: Inapplicable Provisions

All earlier provisions contrary to the present statutes are abrogated.

Article 26: Entry into force

(a) These statutes shall come into force as soon as they are ratified by 26 member States;

(b) The original version of the present statutes, of which the Arabic, English and French are equally authentic, shall be deposited with the Executive Secretary of the United Nations Economic Commission for Africa, who shall transmit certified copies of them to all the member States.

شهادة

و بناء على ذلك فإن المفوضين الكاملي الصلاحيات للحكومات التي درست و صادقت
على الانظمة الأساسية يضعون فيما يلي توقيعاتهم.

En foi de quoi, les plénipotentiaires des gouvernements qui adhèrent aux
présents statuts les ont signé.

In witness thereof, the plenipotentiaries of the governments which have
considered and adopted these statutes append their signatures

البلد PAYS COUNTRY	إسم و إمضاء المفوض NOM ET SIGNATURE DU PLENIPOTENTIAIRE/ NAME AND SIGNATURE OF THE PLENIPOTENTIARY	المكان و التاريخ Place et date/ Place and date
Algérie		
Angola		
Bénin		
Botswana		

Burkina-Faso		11.0
Burundi		11.0
Cameroun		11.0
Cap-Vert		11.0
Comores		11.0
Congo		11.0
Côte d'Ivoire		11.0
Djibouti		11.0

Egypte		
Eritrea		
Ethiopia		
Gabon		
Gambia		
Ghana		
Guinée		
Guinée-Bissau		

Guinée Equatoriale		
Kenya		
Lesotho		
Liberia		
Libya		
Madagascar		
Malawi		
Mali		

Maroc		
Maurice		
Mauritanie		
Mozambique		
Namibia		
Niger		
Nigeria		
République Centrafricaine		

Rwanda		
Sao-Tomé et Principe		
Sénégal		
Seychelles		
Sierra-Leone		
Somalia		
Sudan		
Swaziland		

Tanzania		
Tchad		
Togo		
Tunisie		
Uganda		
Zaïre		
Zambia		
Zimbabwe		

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