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**INTERGOVERNMENTAL AGREEMENT ON THE TRANS-AFRICA
HIGHWAYS NETWORK**

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PREAMBLE

Considering the Constitutive Act of the African Union, adopted on 11 July 2000 in Lomé, Togo, in particular Articles 14, 15 and which entrust the African Union Commission with a coordination mission in the Transport, Communication and Tourism sectors;

Considering the Treaty Establishing the African Economic Community, signed in Abuja, Nigeria in June 1991;

Considering the Decision of the Assembly of Heads of State and Government of July 2001 in Lusaka, Zambia, dealing with the establishment of the New Partnership for Africa's Development (NEPAD) as the framework for Africa's development;

Considering the Decision of Heads of State and Government of the African Union, meeting in July 2005 in Sirte, Libya, to include in the Millennium Development Goals (MDGs) the transport targets and indicators adopted in April 2005 in Addis Ababa, Ethiopia by African Ministers responsible for transport and infrastructure, within the framework of poverty alleviation;

Considering the Declaration Doc. Assembly/AU/9(XII) adopted at the XIIth Assembly of Heads of State and Government of the African Union held in Addis Ababa, Ethiopia, in February 2009 on the development of transport and energy infrastructure in Africa;

Considering the Declaration Doc. Assembly/AU/Decl.2(XVIII) adopted at the XVIIIth Assembly of Heads of State and Government of the African Union held in Addis Ababa, Ethiopia, in January 2012 on the Programme for Infrastructure Development in Africa (PIDA) and its Priority Action Plan and Institutional Architecture for Infrastructure Development in Africa (IAIDA);

Considering the Resolution 64/255 adopted by the UN General Assembly on 02 March, 2010 proclaiming 2011-2020 a Decade of Action for Road Safety;

Considering the Decision EX.CL/ Dec.682(XX) adopted by the Twentieth Ordinary Session of the Executive Council on the Report of the Second Ordinary Session of the African Union Conference of Ministers responsible for Transport endorsing the Luanda Declaration and Plans of Action;

Considering the challenges arising from economic globalization and the need for Africa to implement, in a complete and effective manner, the Almaty Programme of Action of 2003, which underscores the United Nations' programme for cooperation in transit transport for landlocked developing countries;

Considering the importance and role of infrastructure and transport services in political, economic and social development as well as the integration of Africa, in a bid to deepen its participation in globalization;

Considering the relevant international conventions on transport matters, especially in the areas of safety and security, the protection of the environment as well as facilitation of transport;

CONSIDERING the vital and facilitatory role of infrastructure and related services in the political and socio-economic development and physical integration of the continent, as well as in the attainment of the Millennium Development Goals (MDGs);

RECOGNIZING the need to speed up development of infrastructure and associated services in Africa through the implementation of harmonized sectoral policies and programs;

THEREFORE, WE THE AFRICAN MEMBER STATES HAVE AGREED AS FOLLOWS:

CHAPTER I GENERAL PROVISIONS

Article 1 Definitions

In this Agreement, unless otherwise stated, the following expressions shall have the following meaning:

“Abuja Treaty” means the Treaty Establishing the African Economic Community, signed in Abuja, Nigeria in June 1991;

“Agreement” means the Intergovernmental Agreement on the Trans-Africa Highways Network;

“Annex” means the appendix attached to the present Agreement;

“Assembly” means the Assembly of Heads of State and Government of the African Union;

“AU” means the African Union;

“Commission” means the Commission of the Union;

“Constitutive Act” means the Constitutive Act of the Union;

“Executive Council” means the Councils of Ministers of the African Union;

“Member States” means the Member States of the African Union;

“NEPAD” means the New Partnership for Africa’s Development;

“REC” means Regional Economic Community which is the African Union’s regional integration bloc;

“Secretariat” means the Secretariat of the Trans-African Highways Network;

“State Party” means any Member State of the African Union, which has ratified or acceded to this Agreement and its annexes;

“Specialised Institution and Agency” means the African Union technical arm on the considered sectoral field;

“Trans-Africa Highways Network” means the network of African Highways connecting capitals of African countries as well as main centres of production and consumption;

“Union” means the African Union.

Article 2 Objectives

The objective of this Agreement and its Annexes is to:

1. Contribute to the physical, political, economic and social integration and cohesion of Africa;
2. Contribute to the facilitation of safe movement of goods and persons and reduction of transport cost on the Continent;
3. Ensure road transport facilities between important areas of production and consumption on the Continent;
4. Set-up common minimum norms and standards for design and maintenance of the Trans-Africa Highways (TAH) network with all weather roads of good quality.

Article 3 Annexes

The followings Annexes shall form an integral part of this Agreement.

- a) Annex I: Road standards
- b) Annex II: Road Classification and Design
- c) Annex III: Road Safety
- d) Annex IV: Social Development
- e) Annex V: Environment

Article 4
Development of the Trans-African Highways Network

1. The routes of the Trans-African Highways Network shall be brought into conformity with the classification and design standards described in the Annexes to this Agreement within a maximum period of ten (10) years for the existing routes and fifteen (15) years for the routes under construction, from the date of entry into force of this Agreement.
2. States Parties shall include in their national priorities, development of the missing links of the Trans-African Highways Network.
3. A State Party shall make every possible effort to develop the Trans-African Highways Network consistent with this Agreement; subject to the availability of budget and other forms of funding and in accordance with its laws and regulations.

CHAPTER II
STRUCTURES

Article 5
Composition of the Trans-African Highways Network

The Trans-African Highways Network is composed of routes described in Annex I to this Agreement, as coordinated within the framework of the Programme for Infrastructure Development in Africa (PIDA).

Article 6
Secretariat

1. The Commission shall act as the Secretariat of the Trans-Africa Highways Network.
2. With a view to ensuring and facilitating the implementation of this Agreement, the Secretariat shall:
 - a) establish a Working Group on the Trans-Africa Highways Network to consider the implementation of duties, obligations and responsibilities enshrined in this Agreement.

The Working Group shall be composed of African Union Commission, United Nations Economic Commission for Africa (UNECA), New Partnership for African Development Planning and Coordinating Agency (NPCA), Regional Economic Communities (RECs), African Development Bank (AfDB) and African Specialised Institutions and Agencies;

- b) ensure that a Conference of State Parties is established;

- c) develop guidelines on the implementation of this Agreement in partnership with the Conference of State Parties;
- d) facilitate the creation of conditions to the set-up of minimum norms and standards for design and maintenance of the Trans-Africa Highways Network;
- e) Assist State Parties to implement this Agreement and coordinate the evaluation of its implementation.

CHAPTER III FINAL PROVISIONS

Article 7 Settlement of disputes

1. Any dispute or differences arising between the State Parties with regard to the interpretation or application of this agreement and its annexes shall be settled by mutual consent between the State Parties concerned, including through negotiations, mediation, conciliation, judicial settlement or other peaceful means.
2. In the event of failure to settle the dispute or difference, by mutual consent, either State may refer the dispute to the African Court of Justice and Human Rights.
3. Until such time as and when the latter shall have been established, the dispute or difference shall be submitted to the Conference of the State Parties, which will decide by consensus or, failing which, by a two-third (2/3) majority of the State Parties present and voting.

Article 8 Popularization

State Parties shall take all appropriate measures to ensure the widest possible dissemination of this Agreement and its annexes in accordance with the relevant provisions and procedures of their respective constitutions.

Article 9 Safeguard Clause

Nothing in this Agreement shall be construed as preventing a Party from taking such action, compatible with the provisions of the United Nations Charter, any other international instrument and limited to the exigencies of the situation, as it considers necessary to its external or internal security.

Article 10 Signature

This Agreement and its annexes shall be open for signature by Member States of the

African Union in and in Addis Ababa, Ethiopia.

Article 11
Ratification, Acceptance or Approval

1. This Agreement and its annexes shall be subject to ratification, acceptance or approval by Member States, in accordance with their respective constitutional procedures.
2. Parties shall be bound by all obligations of this Agreement and its Annexes.

Article 12
Entry into force

1. This Agreement and its Annexes shall enter into force thirty (30) days after the date of deposit of fifteen (15) instruments of ratification by Member States.
2. For each Member State, which ratifies this agreement and its Annexes or accedes thereto after the date of the deposit of the fifteenth instrument of ratification, it shall enter into force on the thirteenth (30) day after the date of the deposit by such State of its instrument of accession or ratification.

Article 13
Accession

This Agreement and its annexes shall be open for accession by Member States of the African Union from the date after the day on which the agreement and its Annexes is closed for ratification. The instrument of accession shall be deposited with the Depository.

Article 14
Reservations

Reservations shall not be made with respect to any of the provisions of this agreement, except as provided in Article 7 (2) of this agreement.

Article 15
Depository

This agreement and its Annexes shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the agreement and its Annexes to signatory State and notify them of the dates of the deposit of the instruments of ratification or accession.

Article 16
Registration

The Chairperson of the African Union Commission upon its entry into force shall register this agreement and its Annexes with the United Nations Secretary General in conformity with Article 102 of the Charter of the United Nations.

Article 17 **Adoption, Amendment and Revision**

1. The annexes to this Agreement shall form an integral part of this Agreement, as the case may be and, unless expressly provided otherwise, a reference to this Agreement constitutes at the same time a reference to any Annexes thereto. Such Annexes shall be restricted to Road Classification and Design, Road Safety, Social Development and Environment.
2. Any State Party may propose amendments or revision to this agreement and its Annexes. Such amendments shall be adopted at a meeting of the Conference of State Parties. The text of any proposed amendment to this agreement and its Annexes shall be communicated to the State Parties by the Depository at least six months before the meeting at which it is proposed for adoption.
3. The depository shall also communicate proposed amendments to the Signatories to this agreement and its Annexes for their information.
4. State Parties shall make every effort to reach agreement on any proposed amendment to this agreement and its annexes by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of the State Parties present and voting at the meeting. It shall then be submitted by the Depository to all State Parties for ratification or accession.

Article 18 **Withdrawal**

1. At any time after three years from the date on which this Agreement and its annexes have entered into force a State Party may withdraw from this agreement and its annexes by giving written notification to the Depository.
2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.
3. Withdrawal shall not exempt the withdrawing State Party from fulfilling any obligations it might have incurred under this agreement and its Annexes.

Article 19 **Authentic Texts**

This agreement and its annexes are drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts are being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, has signed this agreement and its Annexes.

**ADOPTED BY THE ORDINARY SESSION OF THE ASSEMBLY OF THE UNION
HELD IN,,,**