CONCEPT NOTE
For the organisation of
"Tripartite (COMESA-EAC-SADC) Workshop and Senior Officials Meeting on Vehicle Overload Control Regulation & Enforcement"

I. Background

Studies and reports at regional and national level have highlighted the persistence of the vehicle overloading in East and Southern African (ESA) countries. Even in the countries which are actively trying to combat the overloading, more than 10% of the trucks are still involved and in the worse situation up to 50% of the trucks are in violation of vehicle overloading laws and regulations. Therefore, developing and implementing a sound road infrastructure maintenance policy is a key element to be addressed at regional and national level by Regional Economic Communities (RECs) and National Governments. Since vehicle overloading is one of the major causes of early deterioration of road infrastructure, this theme should be anchored in respective road transport policies, laws and regulations and enforced both at regional and national level to ensure increased life cycles of roads.

1.1 Key issues and challenges

For East and Southern Africa, the key issues/challenges and proposed solutions, as well as the conclusions and recommendations were agreed at the Regional Workshop on “Harmonisation of Key Elements and Implementation of Best Practice in Overload Control” held in Nairobi, Kenya, 10th – 11th July 2008. These are presented in the table below:

Table 1. Key issues/challenges and proposed solutions on vehicle overloading in East and Southern Africa

<table>
<thead>
<tr>
<th>Issue/Challenge</th>
<th>Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Lack of an appropriate enabling framework for overload control</td>
<td>Where absent, establish an appropriate enabling framework for overload control via a participatory approach involving both public and private sector stakeholders.</td>
</tr>
<tr>
<td>2 Lack of policy on, or appreciation of, the im-</td>
<td>Where absent, national public and private sector</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Lack of harmonised regulations</td>
<td>RECs to harmonise OC regulations including axle load and vehicle/combination mass limits. Countries to amend their regulations so as to ensure compliance with the harmonised REC regulations.</td>
</tr>
<tr>
<td>4</td>
<td>Lack of regional co-ordination on overload control</td>
<td>Stronger coordination and dissemination of REC-harmonised policies at regional, sub-regional and national levels by SROs and national bodies.</td>
</tr>
<tr>
<td>5</td>
<td>Lack of awareness of REC recommendations on OC, including the SADC MoU on Vehicle Loading and the MLP on Management of Vehicle Loading</td>
<td>SROs and national bodies to engender awareness and disseminate REC harmonised recommendations on OC, including SADC MLP on Vehicle Loading.</td>
</tr>
<tr>
<td>6</td>
<td>Inadequate/outdated legislation</td>
<td>Where necessary, countries to review/update legislation and regulations in line with REC harmonised recommendations, including SADC MLP.</td>
</tr>
<tr>
<td>7</td>
<td>Lack of regional co-ordinated siting of weighbridges</td>
<td>Regional weighbridge location plan to be agreed by RECs as blue print for deployment of weighbridges along regional corridors.</td>
</tr>
<tr>
<td>8</td>
<td>Inadequate weighbridge infrastructure/equipment</td>
<td>Each country to undertake an inventory and audit of its weighbridge stock and to develop a strategy for gradually replacing inadequate weighbridges in accordance with an appropriate strategy.</td>
</tr>
<tr>
<td>9</td>
<td>Inappropriate selection of weighbridge equipment</td>
<td>The development of a guideline dealing in part with the criteria to be used for selecting weighbridge equipment with the aim of developing a coordinated network of standardised weighbridges strategically located over the Regional Trunk Road Network.</td>
</tr>
<tr>
<td>10</td>
<td>Variable weighing conditions</td>
<td>Development of a guideline for the standardised weighing of vehicles for enforcement of axle and vehicle/combination mass limits.</td>
</tr>
<tr>
<td>11</td>
<td>Variations in weighing methods</td>
<td>Development of a guideline for the standardised weighing of vehicles as regards tolerances to be allowed on axles and vehicle/combination mass.</td>
</tr>
<tr>
<td>12</td>
<td>Inadequate overload control operations-lack of effective reporting systems.</td>
<td>An appropriate Overload Control Management System should be installed on all primary weighbridges located at least on regional corridors.</td>
</tr>
<tr>
<td>13</td>
<td>Inadequate overload control operations-inappropriate opening hours.</td>
<td>All countries to ensure that the hours of operation of weighbridge units are synchronised with Customs.</td>
</tr>
<tr>
<td>14</td>
<td>Inappropriate institutional structures and inadequate human resources</td>
<td>Weighbridge operations and institutional structures should be given a much higher profile than hitherto in many countries.</td>
</tr>
<tr>
<td>15</td>
<td>Inadequately trained human resources</td>
<td>Training in overload control should be standardised throughout the region and should</td>
</tr>
</tbody>
</table>
follow a prescribed syllabus. Outputs of such training should be certified and accredited with an appropriate educational establishment.

**15 Lack of public support and co-operation**
Mount an appropriate public awareness campaign involving all stakeholders and including public of information booklets and flyers and holding of a national stakeholder workshop involving political leaders.

**16 Inadequate funding for overload control**
Need to sensitise Ministries of Finance and lobby political support for overload control. Utilise Road Fund monies for adequately addressing the financial requirements for overload control.

The problem faced by ESA countries is also shared by its principal development partners.

In its recent report\(^2\) the European Court of Auditors (CoA) concludes that: *“Most of the partner countries have made unsatisfactory progress on vehicle overloading, which has an important impact on road life expectancy and maintenance costs.”* They recommend that future investments should include the implementation of a sustainable road network management and more specifically the implementation of an effective axle load control policy. Support to transport infrastructure and the governance of the sector will form an integral part of the future regional programmes under the 11\(^{th}\) EDF. Addressing the axle load control within a strategic policy approach will be part of the DEVCO’s response to the CoA conclusions referred above.

The countries of the 3 RECs EAC, SADC and COMESA\(^3\) jointly referred to as The Tripartite, have decided and agreed at Ministerial level to develop a legal and institutional frame for the establishment of a Free Trade Area (FTA). As a part of this regional integration strategy, they have prioritised transport integration and harmonisation and have already adopted harmonised standards on vehicle overload control and to develop a common strategy to combat vehicle overloading.

**1.2 Tripartite Agreed Vehicle Overload Standards, Legislation, Regulations and Strategy**

Agreement was reached on the standardisation or harmonisation of a number of important aspects of overload control in the ESA region including:

- **Legislation and Regulations**
  - Adoption by all RECs of the SADC MoU and Model Legislative Provisions on Vehicle Loading
  - Common vehicle and axle/axle unit loads
  - Introduction of a Bridge Formula for the protection of bridges
  - Common weighing tolerances
  - Banning of quadrem axle units
  - Allowance of lift axles
  - Weighbridge verification intervals

---

\(^2\) Special report n°17 2012 : The European Development Fund (EDF) Contribution to a sustainable road network in Sub-Saharan Africa (http://eca.europa.eu/portal/pls/portal/docs/1/19834746.PDF)

\(^3\) EAC : East African Community, SADC: Southern African Development Community, COMESA: Common Market for Eastern and Southern Africa are the REC’s participating to the Tripartite Agreement.
o Auditing of weighbridges
o Decriminalisation of overloading offences and introduction of administratively administered fees
o Level of fees to be based on recovery of road damage
o Development and facilitation of implementation of a data management system

- **Weighbridge Infrastructure and Equipment**
  - Development of a strategic network plan for location of overload control stations on major transport corridors
  - Selection of appropriate weighbridge types based on traffic volumes

- **Enforcement and Weighbridge Operations**
  - Private sector participation in the operations and maintenance of weighbridges
  - Introduction of a cross-border overload control system at all border posts along regional corridors;
  - Adoption of a policy to promote a self-regulation and accreditation system of overload control;

- **Institutional Arrangements**
  - REC support to sub-regional organisations in their management and implementation of overload control programmes
  - Establishment of dedicated overload control enforcement units by Member States

- **Human Resources**
  - REC pursuit of the establishment of a Regional Training Centre for overload control
  - Adoption of a common training syllabus
  - Adequate training and accreditation of overload control personnel
  - REC to design and facilitate implementation of anti-corruption programmes

- **Public Awareness**
  - RECs, SROs and Member States to engender awareness of importance of overload control by appropriate means including leaflets, information signs as well as community and national radio stations and websites.

### 1.3 Implementation Progress and Status

To implement and enforce the above agreements, joint planning, implementation and coordination is still needed at both regional and national level. Whilst the EAC is in the process of enacting the enabling regional legislation for the implementation of the above, member states who belong to COMESA and SADC still have to enact national legislation in order to domesticate the regional agreements. In addition there is a need for public awareness campaigns, institutional development and capacity building in order to facilitate full implementation of the common strategy. Coordinated technical assistance is foreseen in a number of ESA member states in order to ensure synchronised implementation.
1.4 EU and Tripartite Cooperation

From the foregoing, it is clear that there is common interest between the Tripartite RECs and the EU to develop and implement a harmonised vehicle overload control strategy and enforcement regime in the ESA in order to protect investments in road transport infrastructure and to facilitate trade and transport. The starting point of this common endeavour is the progress and achievements made by the Tripartite towards harmonising policy, laws, standards and regulating overload control in the ESA region. In 2009 EAC, COMESA and SADC Transport Ministers meeting in separate REC meetings adopted harmonised vehicle overload standards and strategy. In 2013, the EAC started the legislative process to start the implementing of the Vehicle Load Control legislation based on the above strategy and standards. COMESA and SADC have lagged behind in implementation primarily because of the legislative hurdle. The Tripartite needs to develop and adopt harmonised and synchronised implementation plan.

In June 2014, COMESA, EAC, IGAD, IOC and SADC met in Djibouti to discuss the EU’s support to regional infrastructure under the aegis of the 11th EDF EA-SA-IO programming. The Regional Organisations and the EU noted the Infrastructure Regional Indicative Programme in the amount of 600 million Euros, aimed at contributing to economic integration with specific objectives to: i) improving connectivity and efficiency of regional infrastructure networks; ii) enhancing strategic and regulatory framework of regional infrastructure networks; and strengthening capacity development on infrastructure.

The meeting was informed that the EU was in the process of elaborating an EDF blending framework, which will be the preferred option to financing infrastructures. Other options will include: contribution to other funds; parallel co-financing at national level for projects with a regional relevance; stand-alone grants for projects in fragile countries. Soft infrastructure (including border posts, weighing bridges, etc. and support for regulatory frameworks) shall be financed outside blending operations.

The modus operandi for the utilisation of the Regional Infrastructure Envelope shall include increasing the leverage of EU grants, mainly through blending operations. The meeting agreed that SADC, on behalf of other DMROs and EU, would coordinate a Tripartite axle load conference and jointly prepare for the conference in consultation with the relevant stakeholders.

1.5 Way Forward

As a way forward, a study financed under the DFID/TMSA funded programme which is still to be validated by stakeholders has recommended that a regional vehicle overload control implementation strategy should be informed by the following guiding principles:

i. overload control be focused on developing better management, based on a proper and sound communication system that that will inter alia help with the gradual reduction in corruption;
ii. the Tripartite consider the location for the establishment of a central control facility as resolved in earlier agreements;
iii. it is accepted that countries may, for various reasons not move to harmonised standards, and that the management systems be designed to accommodate different standards for different countries in a way that enable any accredited weighbridge facility to issue a weighbridge
certificate for any country. This system should be linked with the Customs systems at the border posts as well;

iv. a system of independent auditing be developed to detect operational issues and possible fraud at weighbridge facilities by comparing results between weighbridges, and analysing time series data for discrepancies;

v. the Tripartite take active measures to change the “harassment” model of business at the weighbridge facility and actively promote a culture of co-operation with the transport operators;

vi. the Tripartite attempt to align overload tariffs and set maximum tariffs that are equitable; and

vii. the Tripartite study the implementation of a possible “chain of responsibility” approach to include all decision makers in the tariff net and that member states implement aspects thereof where possibly practical.

The DFID/TMSA funded Study on Vehicle Overload Controls conducted by Aurecon proposes a strategy for ESA based on the following four pillars

- Integrated regional and national institutional Frameworks
- Harmonised legal instruments for Implementation of Vehicle Overload Control
- Joint planning of network of facilities
- Mutual recognition of weighbridge certificates and electronic linking of weigh stations

Considering all of the above studies, implementation status and the TMSA study recommendations, as well as the agreement between the EA-SA-IO Regional Organisations and the EU, the EU and the Tripartite have agreed to cooperate in organising a workshop on Vehicle Overload Control Regulation and Enforcement in the EA-SA region as elaborated below.

2. Objectives of the workshop and expected results

The main objective of the workshop is to develop and adopt a Tripartite Strategy and Implementation Plan for the synchronised and coordinated implementation of agreed measures focused at supporting Member States to implement the legislative, policy, regulatory systems and standards at national and corridor level necessary for ensuring harmonised vehicle overload controls in the ESA region.

2.1 Specific workshop objectives

The specific workshop objectives are to;

a) Disseminate the Vehicle Overload Control Standards and Strategy approved by COMESA, SADC and EAC which specifies the key elements of overload control practice to be standardised or harmonized.
b) Validate the Study on Road Transport Market Liberalization in the COMESA-EAC-SADC Tripartite Region on Lot 1 –Vehicle Overload Controls standards

c) Identify regional regulatory frameworks that need to be developed in order to underpin the proposed vehicle overload control strategy

d) Develop and adopt an implementation strategy and roadmap for overcoming the challenges to effective overload control in East and Southern Africa;

e) Debate, produce resolutions and an adopt an Agreement on the implementation strategy and roadmap for implementing the agreed policy, legal, regulatory, and institutional measures at national, corridor and regional levels in the ESA region.

f) Developing and adopt a plan to run pilot programmes on selected regional corridors.

g) Identify and specify technical assistance and capacity building and institutional development requirements to implement the strategy at both national and regional levels

Based on consultations and findings gathered before the seminar and on the results of the discussion at the proposed workshop, the Tripartite should adopt a strategy and define an implementation plan for the future action on harmonised regional vehicle overload control in the ESA region. This strategy and implementation plan should define the frame of the future actions at national level to be implemented based on the regional vehicle overload control standards that have already been adopted and partially implemented in ESA region.

2.2 Proposed elements of strategy

The strategy and implementation plan should cover the following aspects:

A. Information
   • Raise political concern and mobilise political will and interest at the highest levels
   • Increase public awareness on the problem
   • Disseminate information to the road users
   • Train key the stakeholders (Public administration, private sector)
   • Exchange of information between and among member state

B. Legislation
   • Harmonisation of the national legislative frame to the Tripartite
   • Definition of an acceptable implementation frame
   • Synchronised domestication of agreed regional policies, regulations and standards

C. Implementation
   • Development of a regional system of measurement
   • Harmonisation of the system of notification and sanction
   • Verification of the private actor
   • Installation of weighbridges at strategic locations on a corridor basis
   • Development of a Cross Border Road Transporter Operator System

D. Institutions
   • Development and establishment of requisite regional oversight institutions and regulatory frameworks.
• Capacity building for national institutions responsible for policy formulation, regulation and enforcement

E. Follow up and Monitoring

• Monitor the evolution of the problem
• Performance audit of the weighbridges
• Control of the effectiveness of the system
• Survey on possible fraud and corruption system resulting from the new roadmap

3. Methodology, processes and participation

The proposed methodology, processes and key partners to engage in the planning and delivering the conference are as follows;

3.1 Before the workshop

i. Consult with the Consultants from Aurecon, Nick Poree and Associates and the Council for Scientific Industrial Research (CSIR) who carried out the interrelated studies on Vehicle Overload Controls, Vehicle Regulations and Standards and the development of the Road Transport Management Scheme Draft Standard. The aim of the consultations is to harmonise recommendations from the three studies, obtain the Consultants’ inputs into the development of draft Agreement and Implementation Plan and secure the Consultants participation at the workshop.

ii. Translate and disseminate in English, French and Portuguese languages, the Lot 1. Report on Vehicle Overload Controls conducted by Aurecon.

iii. Prepare a draft Strategy and Implementation Plan in consultations with COMESA, EAC and SADC Secretariats, that should be discussed during the workshop and adopted during the Senior Officials meeting.


v. Identify and contract resource persons.

vi. Identify and invite workshop participants.

vii. Develop a workshop agenda, programme and budget.

viii. Consult with COMESA, EAC and SADC Secretariat and The Delegation of the European Union to Botswana and the SADC, (EUD) in order to clear the Draft Implementation Plan and workshop agenda and programme

3.2 Proposed workshop agenda and programme: [Draft programme attached]

Total workshop duration- 3 days.
3.2.1 **Topic 1: Presentation of problem, prior agreements and Lot 1. Report on Vehicle Overload Controls, for validation. (Day 1)**

i. The first session will consist of a general introduction of the vehicle overloading problem and the consequence on the long term management of the road network. Results of the preceding studies will be used to highlight and demonstrate the importance of the problem.

ii. The presentation will include agreed vehicle overload strategy and standards and the progress and status of implementation in ESA region.

iii. Finally, the findings and recommendations of the Lot 1. Study Report on Vehicle Overload Controls by Aurecon will be presented for validation by participants.

3.2.2 **Topic 2: Overview of the Draft Tripartite Vehicle Overload Control Strategy and Implementation Plan (Day 2)**

i. In this second session the Draft Strategy and Implementation Plan on harmonised vehicle overload controls will be presented.

ii. Participants will debate the draft and make recommendations to Senior Officials to adopt the Implementation Plan for approval by Ministers.

3.2.3 **Topic 3: Adoption, conclusion and ceremony of signature (Day 3)**

The last session should be an official meeting of Senior Officials responsible for transport and a ceremony of signature of the record of deliberations and the outcomes reached during the workshop and meeting. The Senior Officials will consider recommendations from the Technical Officials workshop.

3.3 **Workshop Format**

The proposed format is adopted from the one applied at the Regional Workshop on Harmonisation of Key Elements and Implementation of Best Practice in Overload Control held in Nairobi, Kenya, 10th – 11th July 2008. It is based on presentation of synthesis of key issues by an Expert Resource Person followed by discussions. After presentation of all key issues there will be a facilitated discussion in plenary. This process will be concluded by passing and adoption of workshop resolutions, conclusions and recommendations.

Proceedings will be recorded and a record of the conference will be adopted and signed by heads of delegations.

3.4 **Working Language**

The working language of the seminar shall be English, French and Portuguese. (Interpretation should be organised)

3.5 **Target participants: [Estimated Total 120 ].**

It is accepted that relative to the Tripartite, the EAC i.e. Burundu, Kenya, Rwanda, Tanzania and Uganda, has at the level of technical and Senior Officials and Ministers gone through the process of validation, adoption and approval of vehicle overload controls. This has resulted in the current legal enactment process which is underway.
Only COMESA and SADC are still required to validate, adopt and approve an Implementation Plan. The target member states are the continental member states as the focus is to ensure implementation along regional transport corridors.

It is also noted that five member states belong to both COMESA and SADC i.e. DR Congo, Malawi, Swaziland, Zambia and Zimbabwe.

SADC Secretariat will invite all SADC Mainland States. COMESA Secretariat will identify and invite COMESA mainland non SADC/EAC States to attend the Workshop and Senior Officials Meeting.

The Workshop and Meeting of Senior Officials on harmonised vehicle overload controls and enforcement in the ESA region is primarily targeted at the following institutions:

- a) Permanent Secretaries / Director General or equivalent rank from ministries in charge of transport and traffic policy and regulation and/or road infrastructure for proposed Senior Officials meeting;
- b) Directors, higher or equivalent rank from ministries in charge of transport and traffic policy and regulation and/or road infrastructure for the workshop;
- c) national road funds, national road agencies and the regional association –Association of SADC National Road Agencies (ASANRA);
- d) national regulatory departments and agencies responsible for enforcement of cross border transport regulation; and
- e) National and regional road transporters association representing cross border freight and passenger transport –FESARTA and Southern Africa Bus Operators Association (SABOA).

The representative of the different countries and associations should have the ability to represent and engage their government in the process.

(The enforcement agencies such as Customs, Police, Justice could also be considered since they are also crucial for implementation laws and formulating laws (Justice))

In addition to the above the following will also be invited to participate:

- i. The DEVCO’s director of the Eastern and Southern Africa and the delegation of the different countries concerned.
- ii. Road Transport Sector Experts from COMESA, EAC and SADC Secretariats.
- iii. Experts Consultants (Engineer and Legal Expert) who conducted the Lot 1 Study Report on Vehicle Overload Controls from Aurecon.
- iv. Consultants who conducted the related TMSA studies Lot 3 and the RTMS Standard from Nick Poree and Associates and the Council for Scientific and Industrial Research-South Africa Representatives from functional regional transport corridor institutions i.e. Northern; Central; Trans Kalahari; Walvis Bay Corridor Group, Dar es Salaam, Maputo, Beira and Nacala Corridors.
- v. Representatives of ICPs and support programmes supporting this initiative i.e. JICA; USAID TradeHub for Southern Africa, MRGP; DFID; AfDB and the World Bank SSATP team.

4. Dates and venue

- 10-12 of November 2014
- Location - Gaborone (Botswana) exact venue to be confirmed
5. **Workshop Budget**

A budget for the conference shall be developed once the above is agreed. The budget will include the following costs elements:

- a) Hire of conference venue including a conference package covering support facilities for copying documents, projection, morning and afternoon teas and lunch.
- b) Travel, accommodation and dsa for delegates
- c) Local transport and airport transfers.
- d) Interpretation equipment and services (French, English and Portuguese)
- e) Translation Services
- f) Conference support and administration
- g) Communication and visibility