SADC Concept Paper
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Acronyms

ARTIN : African Regional Transport Infrastructure Network
AU : African Union
CITMP : Continental Integrated Transport Master Plan
ICT : Information and Communication Technologies
NEPAD : New Partnership for Africa’s Development
PIDA : Programme for Infrastructure Development in Africa
RECs : Regional Economic Communities
RIDMP : Regional Infrastructure Development Master Plan
RISDP : Regional and Indicative Strategic Development Plan
SADC : Southern Africa Development Community
SARA : Southern African Railway Association
SIPO : Strategic Indicative Plan for the Organ
SMS : Safety Management Systems
RRASA : Railway Regulators Association of Southern Africa
SATCC-TU : Southern Africa Transport and Communications Commission Technical Unit
1. PURPOSE

The purpose of this paper is to present a concept for the establishment of an Association of Railway Regulators to implement and oversee economic, technological as well as safety regulatory harmonisation for railways in the Southern Africa Development Community (SADC) region.

2.1 Southern Africa Development Community (SADC)

SADC’s primary goal is to promote sustainable and equitable economic growth and socio-economic development through efficient productive systems, deeper co-operation and integration, good governance and durable peace and security among the fifteen Southern African Member States.

The integration of SADC remains critical for the regional economic development and global competitiveness. For building greater productive and export capacity and global competitiveness across the region, it is necessary to advance a developmental integration agenda in Southern Africa combining trade, integration, infrastructure development and sector policy coordination.

It is essential to strengthen political cohesion within SADC, through the alignment of interlinking and interconnected regional peace and security objectives, as well as ensuring political stability and economic viability through strengthening governance and institutional capacity within SADC.

2.1.1 Overview of SADC strategic priorities

SADC has adopted the SADC Common Agenda, which is the overarching SADC programme for regional integration and development and, which enunciates a set of key principles and values that guide the Regional Integration agenda. The SADC Common Agenda is stipulated in Article 5 of the Treaty and is implemented through the Regional
Indicative Strategic Development Plan and the Strategic Indicative Plan for the Organ (SIPO).

2.1.2 SADC Common Agenda

The SADC Common Agenda is spelled out in Article 5 of the Treaty (as amended, 2009), as well as in the Review of Operations of SADC Institutions and consists of the following policies and strategies:

**Policies:**

The primary objective of the policies are to promote sustainable and equitable economic growth and socio-economic development that will ensure poverty alleviation with the ultimate objective of its eradication, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration and ensuring complementarity between national and regional strategies and programmes, among others.

**Strategies**

- Harmonise political and socio-economic policies and plans of Member States;
- Encourage the people of the Region and their institutions to take initiatives to develop economic, social and cultural ties across the region, and to participate fully in the implementation of the programmes and projects of SADC;
- Create appropriate institutions and mechanisms for the mobilisation of requisite resources for the implementation of programmes and operations of SADC and its institutions;
- Develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services and of the people of the region generally, among Member States;
- Promote the development, transfer and mastery of technology;
- Improve economic management and performance through regional cooperation;
- Promote the coordination and harmonisation of the international relations of Member States; and
- Secure international understanding, cooperation and support and mobilise the inflow of public and private resources into the region.

2.1.3 Regional Indicative Strategic Development Plan (RISDP)

The RISDP is a comprehensive development and implementation framework that guides the Regional Integration agenda of the SADC over a period of fifteen years (2005-2020). It is designed to provide clear strategic direction with respect to SADC programmes, projects and activities in line with the SADC Common Agenda and strategic priorities, as enshrined in the SADC Treaty of 1992.

The ultimate objective of the plan is to deepen integration in the region with a view to accelerate poverty eradication and the attainment of other economic and non-economic development goals.

The RISDP was formulated in March 2001 and was adopted and approved by the SADC Summit in August 2003. After the review of the operations of SADC and its institutions, the RISDP was launched to provide clear direction to the new structure of SADC. The plan contains detailed milestones, target outputs and responsibilities for the first five years of the fifteen year plan (2005-2010). This five year plan was broken down further into annual plans (2005-2006, etc.) to guide the first implementation phase. SADC hopes to enhance its effectiveness and efficiency through these planning procedures (SADC RISDP, 2003). The RISDP was revised in 2015 and refocused to prioritise industrialisation. In this context infrastructure and in particular are seen as key drivers and catalysts.

2.1.4 Regional Infrastructure Development Master Plan (RIDMP)

As infrastructure is central to its goals of poverty eradication and Regional Integration, SADC developed the RIDMP as a strategic framework guiding infrastructure development in Southern Africa. Built on a foundation of harmonised policies and a joint pool of resources, the RIDMP highlights key challenges for infrastructure in the region and establishes specific targets for bridging gaps and removing bottlenecks, in turn aiming to unlock the region’s potential (SADC RIDMP, 2012).
It is from this strategic framework that the SADC’s Regional Transport Master Plan was developed and approved by the SADC Summit of Heads of State and Governments in 2012.

2.1.5 The SADC’s RIDMP Transport Sector Plan

The vision for the SADC’s Regional Transport Master Plan is focused on providing transport infrastructure and services, as well as policy and legislation, enabling environmental and supportive institutions with human resource and institutional capacity development to transform the transport sector. This will ensure a sector that is relevant in the future and has the ability to efficiently address the needs of the transport system users (SADC RIDMP Transport Sector Plan, 2012).

In order to achieve this vision, a conducive policy, legislative and regulatory environment is required. Such an environment needs to be harmonised between and among Member States in order to facilitate expedient transport infrastructure and service delivery. Furthermore, these policies, legislation and regulation tasks need to be performed by transport sector institutions that are appropriately staffed and resourced to support the provision of quality transport infrastructure and services. Apart from the foundation, the 2027 SADC transport system is underpinned by the following pillars:

*Integrity:* The transport system’s integrity relates to both infrastructure and services providers within the sector. Transport infrastructure integrity means that none of the transport system components may fall into disrepair and that all infrastructure components are maintained to the highest standards. Transport system integrity refers to ethical transport service operations, underpinned by transparency, accountability and indisputable business ethics. (Transport Sector Plan – 11 July 2012 (Version 2.0) 3)

*Sustainability:* Refers to the provision of transport infrastructure and services, which makes efficient use of available resources and limits environmental degradation to the greatest extent, by applying appropriate and innovative transport infrastructure and services technologies;
Safety and security: The transport system of the future should emphasise the safety of the transport infrastructure and services, as well as the security of passengers and goods being transported;

Choice: An efficient and effective transport system offers the transport user a choice in terms of transport modes, costs, reliability, service rates, turn-around times, etc.;

Seamlessness: An efficient transport system provides seamless transport networks and services across geographical boundaries and transport modes. Seamless transport systems are enhanced by regional integration and harmonisation initiatives;

Capacity: The SADC transport system of the future should provide sufficient capacity to meet the demand of passenger and freight transport modes. The transport system must respond to demand at all times in order to protect the integrity of the infrastructure and services; and

Connectivity: The SADC transport system of the future should emphasise connectivity between key land-use nodes in order to further regional economic growth and trade, while focusing specifically on providing port access to land-locked countries within the SADC region.

2.1.6 Transport, a key driver for Industrialisation, Regional Integration and Development

Development in Southern Africa has traditionally occurred along routes that connect areas of production (mines, agriculture and industry) with domestic, regional and global markets. From primary production sites, raw materials pass along highways, railways, and pipelines to ports for export, while finished products travel back through the same corridors. As a result, infrastructure has been concentrated along these routes.

With the rapid development in the SADC region, these regional corridors are growing in importance, as they enable other sectors to maximise their productivity. However, infrastructural bottlenecks along these corridors, which include poorly maintained railway lines, roads and bridges, suboptimum border logistics and complex customs procedures, often result in high transport costs and long transportation times.
SADC recognises that these transport corridors require special attention. Therefore, in the Protocol on Transport, Communication and Meteorology, calls for the creation of Corridor Planning Committees to focus on specific strategies for development along the region’s key corridors.

2.1.7 Protocol on Transport, Communications and Meteorology

The Protocol allows SADC Member States to promote an integrated, multimodal transport system throughout Southern Africa that remains efficient, reliable, economically viable and environmentally responsible. This system is best realised through a harmonised regional policy on transport, with coherent frameworks for institutions and strategies for implementation. Through the adoption of the protocol, Member States agreed to cooperate on a transport network aimed at ensuring the free movement of people and goods through the region, particularly from landlocked Member States to seaports located in coastal Member States’ territory and vice-versa infrastructure (SADC Protocol on Transport, Communication and Meteorology, 1996).

To give effect to this vision, the Protocol sets out the functions of the various bodies responsible for areas of activity set out therein.

2. SITUATIONAL ANALYSIS

Railway sector reforms in the region are incomplete, variable and asymmetrical. Only a few countries have separated railway policy from regulation by setting up semi-autonomous railway regulatory agencies. Even in those countries that have done so the regulatory agencies have different functions with some limited to safety regulation, whilst others perform safety, technical and economic regulation.

Railway operations are still largely managed by state owned enterprises whilst a few have been privatised through concessions and management contracts. Some concessions have been reversed.

The PTCM provides for the establishment of regional industry associations to facilitate information sharing and harmonisation of policy, regulations and standards.
To this end railway operations in the region are currently represented by Southern African Railway Association (SARA). SARA consists of railway administrations in the SADC region and some of their associates (customers, suppliers and other interested organisations). SARA’s mandate is to harmonise standards and systems and to coordinate the business and operational plans of railways in order to improve performance and service delivery. Currently, the region has no association for railway regulators, this leads to different standards being used in member states for train operations, lack of harmonisation of technical and economic regulations. This scenario is not conducive to the development of a dynamic railway industry and the provision of seamless cost effective railway services.

3.1. Challenges

An analysis of the current regional situation pertaining to coordinated efforts, alignment and unity, resulted in the following challenges being identified:

3.1.1. Fragmentation

The railway industry in the region is currently not harmonised, member states are working in silos. Even those countries where there is cross border railway movement, railway agreements are championed at railway operator level. Railway operations in the region currently lack integration. The railways are not following similar standards for safe trains operations. One such aspects is the fact that member states are not using similar safety management systems approaches and formats for train operations.

3.1.2. Training and development

Member states in the region are currently following different training curricula, standards and methods for railway employees serving in safety critical grades. These are critical as employees responsible for safe running of trains and whose unsafe practices and decisions may lead to railway occurrences.
3.1.3. Investigations, audits and inspections

Different methods are being followed in the region for occurrence investigations, audits and inspections of railway operations.

3.1.4. Language barrier

SADC region is not using the same language for business communication. Language, therefore, remains crucial and central for interoperability and to ensure safe railway operations throughout the SADC region. Currently different languages are being used throughout the region, including French, Portuguese and English. Without clear directives with regards to language/medium of communication, safe railway operations may be highly and negatively impacted.

3.1.5. Research and Development

The region currently has no collective research and development (R&D) capacity. This, combined with a lack of a research centre impedes the development and application of research findings, impacts negatively on innovation and the development of new products and services for the region and the continent. It further impedes the identification and implementation of tailor-made Best Practise solutions, based on comprehensive research on current international practises and standards.

3.1.6. Interoperability

A number of SARA members in the region are interconnected by Cape gauge (1 067mm). It is also important to note that not all Railways in SADC are members of SARA. The success to safe railway operations in the region depends primarily on safe interoperability to ensure safe movement of commodities form one railway administrator to another. It is therefore important to institute a forum that can address matters of interoperability and uniformity, even beyond the South African region.

In the era of growth and development of the railway industry throughout the region, due processes should be followed to enable interoperability and compatibility throughout the life cycle phases of the Railways. Failure to interoperate safely throughout the region may result in serious railway occurrences.
There is a challenge of how to establish interfaces and interoperability managed through administrations which are not regulated in the region. This therefore creates a serious operational and safety gap, which will impact the other administrations, including those that are complying with the requirements.

3.1.7. Technology management

Some member states are currently undertaking major recapitalisation programmes in order to address capacity issues. This often involves acquisition of new technologies, especially rolling stock and signalling disciplines. Due to a lack of integration and information sharing, the application of divergent and incompatible technologies is highly probable.

4. RATIONALE FOR THE ESTABLISHMENT OF RRASA

The SADC vision requires the harmonisation of technical and operational standards to allow trains to operate across borders without delays in the, changing of locomotives and/or changing drivers. In a nutshell, interoperability means being able to operate across different systems or geographical jurisdictions without barriers.

According to the SADC Protocol on Transport Communication and Meteorology harmonisation “means the dynamic process of establishing mutually complementary policies, legislation, rules, standards, practices or systems between Member States on the basis of agreed minimum requirements”.

The challenge for the SADC region is to achieve optimal harmonisation. Harmonisation may deliver benefits such as lower input costs, improvements in operational efficiency, higher inherent safety and lower training costs. It can also expand the Southern African rail freight market.

The issue of harmonisation may be identified in five categories:

- Policy
- Legal frameworks
- Physical (or technical) standards;
- Business and Operating (or working practice) standards; and
- Regulating standards.

In the absence of a regional association of regulators, a gap therefore exists for a coordinated efforts to influence, encourage and guide member states to work together on railway issues, management of railway occurrences and railway investments. Although associations are voluntary in their nature, it is crucial for all SADC member states with train operations and those intending to establish railway organisations / regulators, to become members of this association in order to integrate railway operations and encourage cooperation in the region.

4.1. Opportunities

The following opportunities have been identified:

4.1.1. Fragmentation

Establishment of a SADC Railway Association will encourage interoperability in the regional railways, thereby reducing regulatory fragmentation. The Association will assist in sharing information on standards for safe railway operations and other important ideas for operating and regulating railway operations. This will encourage member states to adopt or develop similar standards for safe railway operations.

4.1.2. Training and development

The establishment of an association will provide SADC member states with the opportunity to share information on training and up skilling of railway employees. This will be the initial step into unifying training in the region.

4.1.3. Investigations, audits and inspections

The association of railway administrations in the SADC region will offer a platform to member states to share information on railway audits, inspections and investigations. This can also be a platform to initiate transfer of skills where one member state share their skills on investigations, audits and inspections. Railway Inspectors and employees
from one member state could be seconded to another member state for skills transfer and sharing.

4.1.4. Language barrier

The establishment of an Association will encourage member states to close the language gap reducing the effects this barrier have in unifying the region. The association will provide solutions on how communication among member states can be improved, as different languages are currently being used for conducting business.

4.1.5. Research and Development

The establishment of a railway association will encourage research on the regional level in railway operations. This will be a resource that can be used by all member states. The association will encourage networking and cooperation on railway issues within member states. Member states can benchmark against themselves on safe railway operations as well as against international best practise, such as operations in the BRICS countries.

4.1.6. Interoperability

It will help forge consensuses amongst regulators on matters or issues of processes, procedures and guidelines.

4.1.7. Technology management

With a view of all the developments in the region and where safety can be enhanced, the association could advocate the use of standard technologies during the acquisition programmes. For example, the association could advice on the method of train communication, signalling technology and cab layout to be provided for on the rolling stock acquisition programmes.

4.2. Legal Framework

While the Protocol sets out the functions of the various bodies ranging from the Council of Ministers to the Southern Africa Transport and Communications Commission Technical Unit (SATCC-TU), it further provides for the establishment of regional bodies and enjoins Governments of Member states to promote the establishment of such. For
these purposes regional bodies such as SARA have been established. The primary objective of these bodies is to;

Provide for the framework of collaboration and interaction between and among service providers, users, regulators, labour and other stakeholders to participate as equal partners in the process of the implementation of the Protocol, Art 13.13.1

It is within the ambit and pursuit of the strategies set out in the NEPAD framework document, SADC’s overarching regional integration and developmental ambitions and provisions of the Protocol on Transport, Communications and Meteorology, coupled with the absolute necessity for a collaborative and cooperative platform for Regulators of the region, that the establishment of a regional railways regulators association is recommended. The Association will likewise function within the scope as envisaged in the Protocol and will be crucial in providing Regulators or Government departments currently performing regulatory mandates in the region with the platform to pursue SADC’s regional economic development and integration vision through:

- Fostering, deepening and expanding cooperation;
- The facilitation of the sharing of information, experience and expertise;
- The promotion of benchmarking amongst Members;
- Promoting the creation of synergies within the regional railway regulatory environment;
- Working towards standardization;
- Working towards harmonisation;
- Promoting interoperability;
- The mobilization and sharing of resources; and
- The promotion of skills and technology transfer.

To ensure seamless interaction across all SADC structures and stakeholders, Member States are enjoined to cooperate with regional bodies established in a sub-sector and SADC Secretariat is mandated to regularly participate in meetings of these bodies in order to promote its own consultative responsibilities; and may also upon request,
provide secretariat services to assist with the establishment and mobilization of a regional body for a specified period in terms of (Art 13.13 (2) (3) (4) of the Protocol.

4.3. **Proposed Mission and Overall Objectives of RRASA**

The proposed mission and overall objective of RRASA is to:

- Promote rail transport around SADC with the aim to meet current and future challenges of mobility and sustainable development;
- Promote interoperability, creating new regional standards for railways, including common standards with other transport modes;
- Develop and facilitate all forms of regional cooperation among members, facilitating the sharing of best practices (benchmarking);
- Support members in their efforts to improve safe railway operations; and
- Propose new ways to improve technical and environment performance of rail transport.

4.4. **Proposed Function of RRASA**

The RRASA will have the following functions:

- To enable the sharing of information regarding railway occurrences, audits and inspection to provide an opportunity for members to learn from each other and inform future safety assurance activities.
- To coordinate activities of regional bodies representing rail transport administrations, rail safety workers and other stakeholders involved in railway operations, to improve rail safety regionally;
- To conduct research, collect and publish information relating to rail safety;
- To provide and facilitate the provision of advice, education and training in relation to rail safety;
- To promote monitoring, investigation and enforcement of compliance; and
- At the request of SADC, perform any other function as agreed between the RRASA and the jurisdiction making the request.

In performing its functions, the association will:
- Facilitate the safe operations of rail transport within the SADC region;
- Exhibit scientific rigor and performance excellence in carrying out its functions; and
- Promote safety and ensure continuous improvements in safe railway operations throughout the SADC region as a fundamental objective.

5. CONCLUSION

The paper highlighted a need for an association of safety regulators for the SADC region to oversee harmonization of regulation approach in the region. The association will also ensure alignment and dissemination of railway research in the railway industry. The paper also highlighted the benefit of information sharing with regards to risk-based approach in safety assurance activities.