**EASTERN AND SOUTHERN AFRICA REGIONAL WORKSHOP ON VEHICLE LOAD CONTROL**

**INTRODUCTION**

The regional workshop was organized by the Northern Corridor Transit and Transport Coordination Authority (NCTTCA) and the Federation of Eastern and Southern Africa Road Transport Associations (FESARTA) with support from SSATP and the Trade Facilitation Facility (TFF). The Kampala regional workshop focused on **Self-Regulatory Vehicle Load Control Charter** and **lessons from TFF Activities in Eastern and Southern Africa**. It reviewed the work program around the charter as well as the broader TFF-supported program in East and Southern Africa such as to distill the main achievements and lessons for the future activities in the region. More specifically the workshop sought to (i) build a consensus on an action plan for effective implementation of the EAC Act on Overload Control; (ii) initiate discussion on developing a Tripartite-wide action plan on overload control; (iii) review the main achievements of other TFF activities in East and Southern Africa and (iv) draw lessons for supporting the regional integration agenda in the Tripartite region. The workshop was held from 18th to 20th August, 2014 at Imperial Royal Hotel in Kampala and was aimed at defining a way forward for effective implementation of axle load control in Eastern and Southern Africa.

The workshop was attended by road authorities, transport corridor authorities, transport association and representatives from the transport sector from Eastern and Southern Africa regions. Countries represented by public or private institutions included: Burundi, DR Congo, Kenya, Malawi, Rwanda, Uganda, South Africa, South Sudan, Tanzania, Zambia, and Zimbabwe. Corridor authorities in attendance included the Transit Transport Coordination Authority of the Northern Corridor (TTCA-NC), the Central Corridor Trade and Transport Facilitation Agency (CCTTFA) and the Dar Corridor. The following regional and international institutions were also in attendance: The East Africa Community (EAC), the African Development Bank (AfDB), the European Union, the World Bank, the Federation of Eastern and Southern Africa Road Transport Associations (FESARTA), and Trademark East Africa. See annex 1 for the full list of participants.

**EXECUTIVE SECRETARY WELCOMING REMARKS**

In his welcome remarks, the Executive Secretary welcomed the participants to the workshop. He thanked Engineer Sabiiti, who represented of the permanent Secretary, Ministry of works and transport roads Uganda and applauded the commitment of Uganda government to the Northern Corridor activities and acknowledged all those coordinating the implementation of agreed programs.

He reported that the Mombasa port community stakeholders agreed that compliance at weighbridges is one of the indicators monitoring the implementation of the port charter. This indicator, measured on weekly and quarterly basis, is part of the task assigned to NCTTCA in the implementation of the Port Charter was signed on 30th June, 2014.

The Executive Secretary noted that there is still overloading at weighbridges as measure by the Transport Observatory, despite laws being in place. He stated that the NCTTCA is launching a communication campaign aimed at changing behaviour and perception among shippers and truckers in order to enhance voluntary compliance. The self-regulatory charter against overloading has been finalized, and is expected to be signed in September, 2014. This initiative that binds trucking companies, logistics operators and regulatory agencies to specific and collective targets, is anchored on the EAC vehicle Control bill, and it will complement the Mombasa port charter. In future, it will be extended to other Member States of the Northern Corridor.

He urged the region to implement high speed weigh in motion especially at weighbridges registering high traffic. He finally urged the workshop to evaluate ourselves by reviewing the implementation of our specific country laws on axle load control and share experiences at the regional level.

**TFF/WORLD BANK OPENING REMARKS**

Mr. Dominique from the TFF welcomed Members from the Regional Economic Commissions, development partners and all the stakeholders to the meeting. He noted that the axle load initiatives is part of wider program which was conceived during a meeting of the REC TCC held in Kigali in February 2011.

He reminded participants that the purpose of this workshop was on one hand to define an action plan for implementation of vehicle load control in Eastern and Southern Africa, and on the other hand to reflect at what has been achieved through the TFF funded activities and look forward to identify a program after the TFF comes to an end in December 2014. A questionnaire had been circulated and he urged all stakeholders to fill it. He finally urged all the stakeholders and development partners to work collaboratively to achieve our goals

**GUEST OF HONOUR**

In his opening remarks, the Permanent Secretary, who was represented by Engineer Sabiiti, welcomed all the participants to Kampala. He commended the support the World Bank had extended to the development and improvement of our transport infrastructure and the commitment to enhancing the efficiency of the corridor nodes and the connecting transport infrastructure. He assured the participants that the Government was working towards provision of the best regulatory environment to support all the regional initiatives.

The meeting was informed that the government of Uganda was implementing the heads of States directive to only weigh transit trucks once at the points of entry and exit and it is expected that the self-regulatory initiatives would complement this effort so as to safeguard our roads while enhancing efficiency in the transport sector.

He reminded the meeting that the purpose of this workshop was to define a way forward for effective implementation of axle load control in the Eastern and Southern Africa regions. The course towards promoting self-regulation will go a long way in supporting the government efforts in promoting safety and protecting our roads.

He urged SSATP and the World Bank to continue supporting the initiatives geared towards strengthening and harmonizing the interactions of institutions in the interest of trade facilitation. He then officially opened the workshop.

**WORKSHOP PROCEEDINGS**

**Presentation of the program**

After introduction of the participants, the work program for the meeting was presented and adopted (see annex 2).

**Status of load control in East and Southern Africa**

This session was intended to provide the participants with an overview of vehicle load control in Eastern and Southern Africa:

* The perspective of the trucking industry
* A review of vehicle load control along the Northern Corridor
* An overview of the components of a vehicle load control strategy

FESARTA noted that there was still lack of harmonization throughout the region, in terms of single axle limits, tolerances, weighbridges equipment, etc. He further indicated that the instruments and regulation governing vehicle load control were of different nature, community Act superseding national laws in EAC, but only Protocols for the SADC and COMESA, requiring domestication. He advocated for the Tripartite to ensure harmonization of vehicle load control in Eastern and Southern Africa, taking advantage of the work done under EAC. He regretted that the donor support to the Tripartite action plan extended through the TMSA disappeared and called for renewed support.

The Northern Corridor informed the meeting weighbridge compliance information was part of the Transport Observatory ([http://top.ttcanc.org](http://top.ttcanc.org/) and [www.kandalakaskazini.go.ke](http://www.kandalakaskazini.go.ke)).

The NCTTCA is recommending member states to upgrade their Weighbridge systems \ and enable ICT Systems interconnection at regional level. Introduction of ICT and interconnection are seen as effective means to curb corruption at weighbridges. The NCTTCA further urged member states to fast track the process of developing the regulations for the EAC Vehicle Load Control.

Mike Pinard has been involved in the development of the EAC act and is the author of the SSATP guidelines, case studies, and best practices for vehicle load control in Eastern and Southern Africa. He informed the meeting on the main points of the study on Road Transport Liberalization in the COMESA-EAC-SADC Tripartite Region: Vehicle Overload Controls.

He gave a brief overview of the Strategic and Philosophical Framework for overload control, International Best Practices, Analysis and Implementation of Legal Aspects and Planning of Network Facilities. He noted that study recommended institutional frameworks and a draft legal instrument and gave some practical considerations for the electronic linking of weighbridge facilities between the tripartite regions.

The meeting agreed on the following:

* The EAC Bill and its supporting regulations to be accepted by all stakeholders as a blue print for implementation.
* The need to address all aspects of an overload control strategy in a regionally coordinated manner, through the establishment of Tripartite Technical Committee to oversee implementation.
* Focus on “translation” of national regulations to comply with regional requirements while undertaking pilot project as basis for fine tuning regulations

**Session on industry self-regulation and voluntary compliance**

*The Charter*

The rationale for the development of a Charter against overloading is that technology and enforcement are likely to be not sufficient to eradicate overloading, and that the industry and the shippers must be part of the process through voluntary compliance. The Charter has been developed to enable all parties concerned by vehicle load control to state their collective and individual commitments towards eradication of overloading.

This structure enables including new categories of stakeholders, or replicating in other Northern Corridor countries. The Charter also includes a monitoring and evaluation framework stating baseline and targets for the individual commitments.

The short term action plan includes a communication campaign leading to the signing of the Charter in September 2014. On the longer term, monitoring the implementation of the Charter will require data collection and analysis of selected verifiable key performance indicators. The NCTTCA Secretariat will perform this as secretariat for the Charter. The longer term plan includes rolling out the Charter to the rest of the Northern Corridor, and includes in the Charter incentives to self-regulation.

*Self-regulation in South Africa*

FESARTA presented the Road Transport Management System (RTMS) which is a set of standards for the management of trucking companies aligned with ISO 39001 and addresses issues related to Road safety, Driver wellness, and Training and Certification process.

In the discussions that followed, the meeting recognized that both initiatives shared the same objectives of compliance with regulations, road safety, and efficiency. The meeting further recognized that, although the conditions that led to the initiatives differ (the Charter involving multiple stakeholders’ institutions and associations, while the RTMS is primarily a trucking company individual initiative), there is need for regional coordination and consultation between the two, and borrow ideas from each other.

**The EAC Vehicle Load Control Act and the national regulations in East Africa**

The representative from EAC Mr. Willy Musinguzi gave a brief status on the development of EAC Vehicle load Control Act, 2013. He states that the Bill was passed by East African Legislative Assembly in April 2013 and is now Undergoing the Assent Process to become an EAC Act. At the moment Kenya, Uganda and Burundi have signed the Bill. The Assent process is expected to be finalized by October, 2014 once Tanzania and Rwanda sign the bill. This will be followed a gazette notice to operationalize of the act. A consultant is being procured to assist in the development of the regulations.

Country presentations followed:

* Kenya National Highways Authority
* Tanzania Roads Agency (Tanroads)
* Uganda National Roads Agency
* Rwanda Transport Development Agency
* Burundi Ministry of Transport
* DR Congo Roads Fund
* South Sudan (where the legislation for vehicle load control is still under development)

The respective presentations highlighted differences among countries, notably on the tolerances, and the decriminalization of overloading. The presentations also informed the meeting of the status of development of the weighbridges in East Africa.

Kenya

Axle load is regulation through amendments of:

* Traffic Act, Legal Notice 93 of June 2013
* Roads Act, Legal Notice 86 of May 2013

The amendments are in accordance with the EAC Bill.

There are four weighbridges on the Northern Corridor, managed under a concession contract with SGS: Mariakani, Athi River, Webuye, Gilgil (all multideck, all except Gilgil with High Speed WIM). By 2017, Mariakani and Athi River will be equipped on both sides of the road.

Uganda

Axle load is only enforced on GVM, not axles.

Two weighbridges were recently refurbished in Magamaga and Luwero. There are 6 other older facilities. Four are being developed at main border posts and a new weighbridge is under development on a new road under construction. Most are scales, but replacement with multideck ongoing on two locations.

Tanzania

The Road Traffic Act 30 of 1973, Regulation 2001, regulates axle load.

There are 25 fixed weighbridge and 17 mobile facilities in Tanzania. Multidecks are under installation at Vigwaza, Horohoro and Sirari, and there is a High Speed WIM in Vigwaza. The network includes:

* Three weighbridges on the Central Corridor (Vigwaza, Manyoni, and Nyakanazi)
* Three weighbridges on the Dar Corridor (Vigwaza, Makambako and Mpemba)

Rwanda

Axle load is regulated by Presidential Decree 85/01 dated 2/9/2002, Article 67, which is not aligned with EAC Bill.

There are currently weighbridges at some border posts (for instance in Nemba and Ruhwa). A study is being commissioned to define weighbridges implementation.

Burundi

The axle load is regulated through the Road Safety Law 1/26 dated Nov 23 2012, Article 74, based on the EAC Bill.

Weighbridges are installed at the borders only (land borders Ruhwa, Gasenyi, Kobero and Kanyaru Haut, plus at the port of Bujumbura).

DR Congo

Axle load is regulated by Cabinet Decrees No CAB/MIN-ITPR/005/RM/JM/2011, No CAB/MIN/FINANCES/148/2011, No CAB/MIN/TVC/001/2011, and No CAB/COMPME/018/2011, all dated June 3 2011. GVM is 56 tons but there is a tolerance of 20%. A new decree dated April 29 2014 amending the previous regulations is bringing the axle load regulations closer to the EAC Bill, but maintaining the 20% tolerance.

Weighbridges are installed as follows:

* Four fixed weighbridges on the N1 road between Kinshasa-Matadi and Lubumbashi-Kasumbalesa
* Two mobile under installation on the N4 road between Kisangani and Beni

The zero tolerance for GCM was discussed by the meeting in conjunction with the weighing techniques. Mobile and single axle scales are insufficiently precise and should not be used for enforcement purposes. Multidecks are preferable, and High Speed WIM should be used for screening purposes on all the roads with high traffic, in order to avoid delays at weighbridges. Although the Act does not allow for tolerance on GVM, the trucking companies noted that the margin of error for weighbridges has been measured at around 2% and this should be taken ito consideration in the Act.

The meeting recommended a participative process for the development of the EAC regulations, involving both national regulatory institutions and logistics operators. The meeting further recommended extending the consultation to the whole Eastern and Southern Africa region, in order to ensure compatibility between the EAC, SADC and COMESA regulations.

**Outstanding technical issues in load control in east and southern Africa**

The meeting reviewed outstanding technical issues that needed to be addressed during the development of the EAC regulations on vehicle load control. The meeting considered the following and ranked them according to priority for consideration in the development of the regulations, or for some, in the revision of the Act:

* The onus on compliance with load limits should not only rest with the transporter, but also with the **consignor and consignee**. The consignor/loader sometimes does not know the weight of the load, or intentionally misrepresents the load. The transporter cannot be held responsible for this
* There should be **weighing at the port**, to ensure that what is loaded onto a vehicle combination, is as per the documents and is legal. This will help stop incorrect weights being declared on the documents
* The transport industry does not accept that there be no **tolerance on gvm and gcm**. Whilst weighbridges may well become more accurate, they are certainly not 100% accurate now
* It is understood that South Africa and other Southern African countries, will only go to a **9-ton single axle load limit**. However, the 10-ton limit must remain and there could be accommodation for those limiting to 9 tons
* Extra load limit allowance for **Super single tyres** needs further research and deliberation
* The extra length allowance for **bullbars** did not attract much attention, since the 22m overall length is only now being introduced
* There was little input to **bridge formula, lift axles and air suspensions**

**Concluding session on vehicle load control in Eastern and Southern Africa**

The meeting drew conclusions on three themes:

* The Self-Regulatory Charter for Vehicle Load Control
* The implementation of the EAC Act
* Wider regional cooperation in Eastern and Southern Africa

*Charter*

The Charter has been developed for and by Kenya stakeholders, but the longer term plan includes rolling out the Charter to the rest of the Northern Corridor, starting with Uganda. The NCTTCA has initiated discussions with the Government of Uganda to that effect.

The short term action plan comprises a communication campaign leading to the signing of the Charter in September 2014 and the signing itself. On the longer term, monitoring the implementation of the Charter will require data collection and analysis of selected verifiable key performance indicators and it is planned to include in the Charter incentives to self-regulation. The NCTTCA Secretariat will perform this as secretariat for the Charter, which will require assistance to develop its capability to perform this role.

*EAC Act implementation*

The meeting agreed on the need to address all aspects of an overload control strategy in a regionally coordinated manner, through the establishment of Tripartite Technical Committee to oversee implementation (developed in the following section).

The meeting recommended a participative process for the development of the EAC regulations, involving both national regulatory institutions and logistics operators. The meeting further recommended extending the consultation to the whole Eastern and Southern Africa region, in order to ensure compatibility between the EAC, SADC and COMESA regulations.

Finally, the meeting recommended several technical pending issues to be taken into consideration in the revision of the Act or in the development of the Regulations, as developed in the corresponding section of the present report.

*Institutional framework for Tripartite level coordination in Eastern and Southern Africa*

Efficient and effective coordination of the implementation of vehicle load control measures at regional level (EAC/SADC/COMESA) is an important pre-condition to harmonization.

Taking note of the closure of TMSA which had been instrumental in ensuring regional coordination, the meeting recommended that RECs take charge directly of the coordination for regional integration in Eastern and Southern Africa, by strengthening the capacity of the Tripartite Secretariat.

With respect to vehicle load control in the region, it is recommended to establish en ESA Technical Committee on Vehicle Load Control under the Tripartite Coordination Mechanism (as set out in Article 6 of the MoU on Inter-Regional Cooperation and Integration amongst COMESA, EAC and SADC).

The Committee would be accountable to, and report to, the Tripartite Committee of Senior Officials on Infrastructure, who in turn is accountable to, and report to, the Tripartite Sectoral Ministerial Committee on Infrastructure. The Committee comprises representatives of the line ministries for roads and transport, road agencies and road funds, Customs authorities, private sector logistics associations and federations, and corridor authorities.

The functions of the ESA Technical Committee on Vehicle Load Control are notably to (i) the effective implementation of harmonised vehicle load control policies, standards and measures; (ii) develop model legislative provisions for promulgation by individual member states, including model regulations, schedules and annexes that are required to be implemented in terms of the model legislative provisions; (iii) develop programmes for training, capacity building and awareness creation amongst stakeholders; (iv) initiate policies to improve the efficiency of the regional network of weighing stations and establish a central coordination and data centre for the regional network of weighing stations.

To support the coordination role of the Technical Committee, Corridor authorities and corridor management committees (existing and planned) will engage in facilitation and awareness creation of vehicle load control measures within their respective corridors, while National road authorities, or similar institutions, will be responsible for implementing vehicle load control measures, in accordance with the provisions of the proposed legal instrument.

**TFF achievements in Eastern and Southern Africa**

The session informed the meeting on the trade facilitation activities funded by the TFF in Eastern and Southern Africa:

* The RECs and Corridor Authorities action plan agreed upon during the REC TCC Meeting in February 2011, and implemented through the SSATP, focusing on transport observatories and engagement with the trucking industry, in East Africa
* Southern Africa trade facilitation activities
* Strengthening the trade facilitation agenda of the World Bank regional trade and transport programs

Thanks to combined efforts of governments, RECs and donors there has been a significant improvement in trade facilitation in the region. For example under the East African Trade and Transport Facilitation Project (EATTFP) the Revenue Authorities understand the need to introducing soft reforms before construction of infrastructure and this process has enabled attainment of key milestones. In particular, border clearance times have significantly reduced and are now among the lowest in East and Southern Africa; there has been enhanced efficiency and reliability of transport and logistics services resulting in reduced clearing and processing times and reliability has improved; likewise transit times have declined leading to increased vehicle utilization rates and thus efficiency of transport services. The logistics industry has significantly matured leading to significant logistics and operator costs (fixed costs) reductions. The trucking industry however warned the meeting that the pressure on prices may become unbearable, as it is not only driven by cost reductions (which are significant) but also by increased competition. Kenya and Tanzania, the coastal and transit countries have benefitted significantly from reductions in delays and uncertainties in the clearance and movement of cargo, enabling the logistics operators to successfully develop their range of services and increase their efficiency. Assisting the logistics industry to equally mature in the hinterland countries will be needed in future to develop a regional market for logistics services.

Overall the return on investment in soft interventions is much larger than any of the project’s physical infrastructure in respect of the Internal Rate of Return, although investment in infrastructure is usually necessary for those benefits to materialize.

Nevertheless the meeting identified challenges the region still faces including the number of implementing agencies with low capacity in both procurement and financial management to enable them deliver the quality of services expected of them. There is a need for attention to institutional development that could comprise supporting EAC partner States to implement the Common Market Protocol, supporting the modernization of revenue authorities operating systems including interconnectivity, enhancing coordination amongst responsible State organs to facilitate trade such as the highway and port authorities (e.g. KenHA vs KPA in Kenya), supporting efficiency gains at the main ports including further investment in infrastructure and supporting the implementation of enabling legislation e.g. Axle Load control Act.

Likewise increased attention is needed in enhancing regional trade including through actions to de-mystify cross border trade amongst smaller traders by standardizing and publishing requirements, setting-up commodity markets near the borders, identifying and progressively removing NTB, adopting ICT amongst key stakeholders and enhancing trade related advocacy.

The meeting highlighted selected contributions of the TFF especially when combined with other partners. For example funding from TFF and TMEA was catalytic in enabling the CCTTFA and NCTTCA to collect detailed data of relevance to impact evaluation, including the following: (i) trucking survey – provided detailed information on the supply of trucking services, costs and prices in Kenya, Tanzania and Rwanda; (ii) building on corridor performance monitoring - design and collection of data as part of observatories on Northern and Central Corridors the NCTTCA now operates one of the most systematic data collection and dissemination systems on any corridor in Africa; (iii) port process diagnostics provided detailed data on movement of cargo and document processing in Mombasa and Dar es Salaam Ports; (iv) border post surveys provided detailed monitoring of border processes and clearance times at key regional border posts such as: Malaba, Gatuna/Katuna, Mutukula; (v) data collection (Northern Corridor Observatory and border crossing time surveys) funded by SSATP/TFF provided fora for discussions to keep track of and understand general developments in trade facilitation in the EAC region.

While NCTTCA and CCTTFA have launched Transport Observatories, there is need for improvement, in order to expand the scope of the indicators monitored, expand the transport observatory to the Dar Corridor, but also publicize the significance of the indicators measured and use the monitoring as input in the policy formulation to improve corridor efficiency.

While the meeting welcomed the collaborative approach used in the support especially the synergy established between the TFF and TMEA the situation in Southern Africa with the demise of the TMSA was repeatedly mentioned with a strong call for the World Bank and other development partners to consider a Tripartite-wide approach to supporting the regional integration agenda such as currently done in East Africa.

**Vote of thanks**

Mr. Willy Musinguzi thanked the World Bank for its contribution and support to the initiative on vehicle load control and the workshop. He also commended the Northern corridor, FESARTA and the representative from all countries present for their effort and contribution to make the workshop a success.

He noted that self-regulation was very important in trade facilitation and preservation of the road infrastructure and urged all stakeholders to promote this course.

He stated that EAC will fast-track the enactment of the EAC Vehicle Control Act and the development of related legislations with a spirit to facilitate trade.

He thanked the Corridor Authorities for signing the memorandum of understanding as a show of commitment towards regional integration.

He noted the importance of tripartite approach on transport issues and informed the meeting that the matter will followed through the coordinator, infrastructure management development, Dr Jovin Mwemezi.

**Closing remarks -Northern corridor**

The Northern Corridor Executive Secretary thanked the World Bank/SSATP for the support towards the regional workshop on axle load control which he termed successful.

He noted that various issues were discussed and lessons learnt during the workshop and that NCTTCA would convey the challenges and action areas to policy organs.

He was delighted that within a period of two month, two important Charters have been developed i.e. the port community Charter and axle load self–regulatory charter and pledged to extend the development to the rest of the region.

He finally informed the workshop that the Northern corridor Secretariat will also need to undertake an impact assessment of the northern corridor initiatives and review the strategic plan by the end of the year.