

Tripartite Transport Facilitation Laws set to be Harmonized from Cape to Cairo



File/ Cargo trucks Kazungula Border

Cross border road transport laws, regulations, standards and systems are set to be harmonized from Cape to Cairo following the endorsement of two anchor Multilateral Agreements and five Model Laws.

The COMESA-EAC-SADC Tripartite Sectoral Ministerial Committee on Legal Affairs (TSMCLA) endorsed the Tripartite Draft Legal Instruments on Transport and Transit Facilitation during a virtual meeting held on 18 September 2020.

The two anchor Multilateral Agreements are the COMESA-EAC-SADC Vehicle Load Management Agreement (VLMA) and the COMESA-EAC-SADC Multilateral Cross Border Road Transport Agreement (MCBRTA). The agreements had been adopted by the Tripartite Sectoral Ministerial Committee on Infrastructure (TSMCI) at its 2nd meeting held in October 2019 in Lusaka, Zambia.

The accompanying model laws endorsed are the COMESA-EAC-SADC Vehicle Load Management Model Law; COMESA-EAC-SADC Cross Border Road Transport Model Law; COMESA-EAC-SADC Road Traffic Model

...the Draft COMESA-EAC-SADC Multilateral Cross Border Road Transport Agreement provides for a framework for enabling a comprehensive cross border road transportation management system...

Law; Draft COMESA-EAC-SADC Road Traffic and Transport Transgressions Model Law; and Draft COMESA-EAC-SADC Transport of Dangerous Goods by Road Model Law

The instruments will be presented for consideration and final approval by the Tripartite Ministerial Council that will then

recommend the Vehicle Load Management Agreement and the Multilateral Cross-Border Road Transport Agreement for signature, by the Heads of State and Governments. The meeting of the Tripartite Council of Ministers is expected to be conducted before the end of this year (2020).

The COMESA-EAC-SADC Vehicle Load Management Agreement sets out the harmonized regulations and standards and the methodology for calculating overload fees. The purpose is to retrieve the additional cost to the infrastructure caused by overloading, as well as the permissible load limits with the view to protect the road pavement as well as to ensure road safety. This Draft Agreement also provides the basis for cooperation between the Member/ Partner States of the Tripartite Free Trade Area regarding vehicle load management, law enforcement, information sharing, as well as mechanisms for dispute resolution.

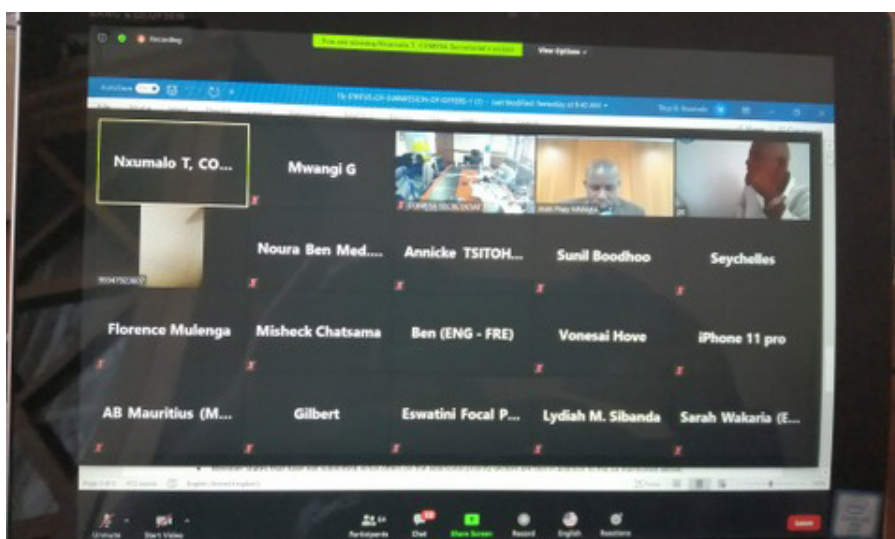
The COMESA-EAC-SADC Multilateral Cross Border Road Transport Agreement, provides for a Tripartite legal framework for harmonization of road traffic and transport related aspects, including vehicle registration documents, transport operator registration, vehicle fitness testing, driver training and testing, as well as driving licence categories based on appropriate international standards, including United Nations Standards.

Further, the Draft COMESA-EAC-SADC Multilateral Cross Border Road Transport Agreement provides for a framework for enabling a comprehensive cross border road transportation management system, which is based on quality regulation as opposed to economic regulation. The transport management system is supported by an electronic Tripartite Transport Registers and Information Platform System (TRIPS), which enables the exchange of data between the Member/Partner States, from their own National Transport Information Systems (NTIS) that consist of a number of modules, amongst others a vehicle system, a driver system, an operator system and a transgression system.

The draft instruments were developed through the Tripartite Transport and Transit Facilitation Programme (TTTFP) of COMESA, EAC and SADC. The joint programme is funded by the European Union under the 11th European Development Fund.

The meeting was opened by the Minister of Justice of Madagascar, Hon Jonny Richard Andriamahefarivo and also addressed by the Executive Secretary for the Southern Africa Development Community Dr. Stergomena Lawrence Tax who is also the Chair of the Tripartite Task Force.

Experts Discuss Trade Negotiation Modalities in Time of COVID-19



Virtual Meeting of the COMESA Trade COMESA

Trade experts from the 21 COMESA Member States met last week, 16 September 2020 to review progress on trade negotiations between countries and to assess towards concluding Trade in Services negotiations. The virtual meeting, which was the 8th for the COMESA Technical Working Group on Trade in Services, considered the complexities prevailing during the COVID period and provided technical and policy guidance from the Member States regarding the negotiations.

Speaking at the meeting, Senior Trade Officer at the COMESA Secretariat Mrs. Alice Twizeye stressed the importance of concluding negotiations on Trade in Services in all the seven identified priority sectors. These include: business, communication, financial transport, construction, energy-related and tourism services.

"These have potential to enhance the development and diversification of regional services as well as facilitate an increase in Trade in Services and proactively find solutions to be competitive and trade with third parties outside the region and globally," she said.

COMESA considers Trade in Services as a fundamental economic activity globally given its contribution to job creation, building competitiveness and significantly contributing to economic growth. It creates the need for Member States to streamline their policies and promote it among themselves.

Mrs. Twizeye added: "This makes the Trade in Services agenda important for COMESA hence

the need for this meeting so that despite COVID19 impact across the world, our Member States can take necessary actions and explore new opportunities to the prevailing challenges."

Previously, most trade negotiations have been conducted in physical meetings. However, in view of pressing need for negotiations to progress, the Secretariat decided to convene the virtual meeting to provide Member States with relevant updates in light of the current logistical challenges of convening a physical session.

"Online negotiations may be very challenging and may be impossible but through online and virtual platforms exchange of requests and offers, it is still possible with other technical work on improving the drafting and presentation of the initial offers," said the Senior Trade Officer. At least 60 delegates attended the virtual meeting.

At the meeting, the Secretariat shared information and updated Member States on the submission of draft offers for sectors that Member States are willing to open for the others. It also shared preliminary technical analysis of the initial offers submitted and information on capacity building initiatives planned for the coming months.

The delegates provided suggestions on how to move forward on some of the issues to advance the negotiations on the schedules that have already been submitted during this COVID period to enable work to continue.



Energy Infrastructure Development will Unlock the Region's Vast Potential



Energy Infrastructure

The power outages being experienced in the Eastern Africa-Southern Africa-Indian Ocean have continued to affect productivity leading to Africa losing 12.5% of production time compared to 7% for South Asia. This has been attributed to lack of adequate regional infrastructure in energy.

Recent studies have shown that many African countries, some of which are in the Eastern and southern Africa and the Indian Ocean (ESA-IO) countries suffer power shortages and regular interruptions to services.

Assistant Secretary General in charge of Programmes in COMESA, Ambassador Kipyego Cheluget says bridging the energy gap is one

of the main priorities of the region infrastructure development as it will reduce the cost of doing business and enhance the competitiveness.

He was speaking during the 6th Technical Steering Committee (PTSC) of the project on Enhancement of Sustainable Regional Energy Market for Eastern Africa, Southern Africa and the Indian Ocean (ESREM-EA-SA-IO) meeting on 15th September 2020.

He noted that COMESA region was richly endowed with power generating natural resources of which only a few are harnessed. The situation is exacerbated by inadequate regional infrastructure in energy leading to low levels of competitiveness of the countries in the local, regional and global

markets and power shortfalls.

"As economies grow, so does the demand for energy as chronic shortages hold back potential for economic growth," he said. "This, underscores the need for new approach as we seek to craft strategies to increase the implementation of power projects in both generation and transmission."

Amb. Cheluget stressed the need for more generation capacity and optimization of the general system losses of electricity which is currently higher than average of 12 per cent.

Participants to the meeting represented Regional Economic Communities (RECs), Association of Energy Regulators, Power Pools, Regional Centres for Renewable Energy and Energy Efficiency, the European Delegation to Zambia and COMESA.

One of the proposals made to the meeting was the need for countries to secure their energy sources by tapping into indigenous resources so that the region is not dependent upon imports of fuel to light cities and power economic growth. Currently, there are several oil and gas exploration activities in some of the regional States, which governments and private sector can invest in infrastructure such as transmission interconnectors and pipelines.

The ESREM project is supported by the European Union.

COVID- 19: Region Begins Gradual Re-opening of Learning Institutions

Lower and higher institutions of learning are opening up for educational activities in the COMESA region as the bloc begins to ease COVID-19 restrictions. So far, schools in Egypt, Zambia and the Democratic Republic of Congo (DRC) have been opening from the month of August, September and some are set October.

Governments in the respective countries have introduced accompanying measures which the primary, secondary and universities must strictly follow in order to prevent the spread of the coronavirus in learning institutions.

According to the latest COVID-19 Situational Update compiled by the COMESA Early Warning System (COMWARN) experts, the pandemic has

had a negative impact on the schools as most Member States closed the learning institutions as a way of containing the spread of the virus.

"All sectors such as the pre-primary, primary, secondary, technical, vocational education, training institutions and universities were closed as a measure to contain the spread of the coronavirus," the report says.

This prolonged closure has led to consequences such as unemployment, disruption of curriculum implementation, interruption of health and psychosocial support such as counselling and mentoring, an upsurge of teenage pregnancies and disruption of the school fees paying scheme whereby funds allocated to support needy students are diverted to other needs.

In Zambia, schools started re-opening on 14 September and will continue through to 28 September for both examination and non-examination classes. Universities and colleges will join in from 28 September 2020. Measures that have been put in place to protect the learners include wearing of masks, provision of sanitizers, checking temperatures when entering school premises, observance of social

distancing in classes, depending on student population, availability of class rooms and staffing situation, shifts may be introduced and there is an adjustment of the school calendar.

The DRC opened the primary, secondary and universities from 10th August and measures introduced include:- wearing of masks, provision of sanitizers, checking of temperatures when entering school premises and observance of social distancing in classes.

For Egypt, the government plans to open the schools beginning 17 October with adherence to measures such as pupils to carry their own meals and water, temporary COVID-19 isolation rooms established in schools, regular disinfection of school buses, social distancing in classes, teachers and other subordinate staff to have their temperature checked before entering or leaving the school. In addition, awareness posters have been placed strategically in all classes.

In Kenya, plans are underway to start re-opening learning institutions in mid-October.

COMESA's New Plan for the Next Five Years

The COMESA Secretariat has developed a draft Medium-Term Strategic Plan (MTSP) covering 2021- 2025 which is geared to support structural transformation of the region and boost overall economic development through trade facilitation and investment promotion.

To formulate this new MTSP, the Secretariat used a wide consultative approach with key stakeholders both internally and externally. Consultations were undertaken at different levels including the African Union Commission under Agenda 2063, SDG Centre for the Sustainable Development Goals (SDGs) as well as with partner Regional Economic Communities (RECs) to gather information for the upcoming strategy. As a result, alignment has been established at the global, continental, regional and subject specific levels.

As part of the strategy formulation process, the draft MTSP 2021 -2025 was presented to the Member States for validation on 17 September 2020, during a virtual meeting attended by 60 participants from the 21 Member States on

Addressing the delegates, COMESA Secretary General (SG) Chileshe Kapwepwe said the process to develop an inclusive and sustainable successor strategy has been a key priority for the Secretariat as the facilitating and coordinating office.

"It is important that we, as a Member State driven organization develop a strategic plan that will enable the region to build on its successes and override its challenges," she said.

She called upon Member States to domesticate the Strategic Plan once finalized, by aligning it with their National Development Plans (NDPs) and take on ownership of the implementation process. This is central towards attainment of the long-term goals of COMESA.

She also emphasized the need for a regional buy-in while acknowledging that the speed



towards attaining the regional integration agenda will come about when Member States and non-state actors fulfill their roles and responsibilities.

The SG urged Member States to entrench ownership through funding of regional integration programmes. Currently, over 70% of the programmes are funded by cooperating partners.



COMESA SG Chileshe Kapwepwe

"Sustainability of programmes under such funding arrangements is not easy to foresee. We need to think about reversing the reliance of external funding for regional integration programmes," the SG said.

The plan is designed to create an enabling economic environment focusing on trade facilitation, market integration, infrastructure development, industrialization including small and medium enterprise development and regional industrial clusters, institutional and regulatory policies, capacity development as well as resource mobilization.

The Plan will also be used to engage COMESA's strategic partners and mobilize financial and non-financial resources and also provide a framework for developing the organization's annual work programmes and budgets. It will be presented to the COMESA Council of Ministers in November this year for approval and subsequent implementation from January 2021.



The COMESA Diary

21-22 Sep 2020	Technical experts meeting on Gender Equality and Women Empowerment Organised by: Gender and Social Affairs Venue: Virtual
23 Sep 2020	Meeting of Auditors General Organised by: Legal/Finance/ Audit Venue: Virtual
29-30 Sep 2020	Fifteenth Meeting of the Technical Working Group on Rules of Origin Organised by: Trade & Customs, Venue: Virtual
30 Sep 2020	Second Steering Committee Meeting for the Small-Scale Cross Border Trade Organised by: Trade & Customs, Venue: Virtual
1 Oct 2020	Second Steering Committee Meeting for the Trade Facilitation Programme Organised by: Trade & Customs, Venue: Virtual
6-8 Oct 2020	Fifth Meeting of the Trade and Trade Facilitation Sub-Committee Organised by: Trade & Customs Venue: Virtual
6-9 Oct 2020	Nineteenth Meeting of the Legal Drafting Sub Committee Organised by: COMFWB (Formerly FEMCOM) Venue: Virtual
12 Oct 2020	Sixth Meeting of Sub-Committee of Heads of Customs (Experts Meeting) Organised by: Trade & Customs Venue: Virtual
13-15 Oct 2020	Twentieth Meeting Legal Drafting Sub Committee Organised by: Legal/Finance/ Audit Venue: Virtual