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Economic and Social Commission for Western Asia (ESCWA)

REPORT

OF THE EXPERT GROUP MEETING ON THE HARMONIZATION OF INSTITUTIONAL FRAMEWORKS AND LEGISLATION IN THE TRANSPORT SECTOR IN THE ESCWA REGION DAMASCUS, 12-13 NOVEMBER 2008

Summary

The Economic and Social Commission for Western Asia (ESCWA) held an expert group meeting on the harmonization of institutional frameworks and legislation in the transport sector in Damascus from 12 to 13 November 2008. ESCWA organized this meeting in cooperation with the Ministry of Transportation in the Syrian Arab Republic, under the auspices of the Syrian Minister of Transport.

This report includes a summary of the current state of the transport system in the Arab region and the strategy proposal for developing an integrated, multimodal transport system in the Arab region. It highlights the major research and discussion topics that were taken up at the meeting, most importantly the institutional structures, legislation, and laws applied in some of the ESCWA countries, the proposals put forward for their harmonization and good practice as established at the international level.

The meeting concluded by adopting a number of recommendations aimed at harmonizing the institutional and legislative frameworks of the transport sector in the countries of the ESCWA region, and finalizing the implementation of the Integrated Transport System in the Arab Mashreq (ITSAM). The participants adopted this report at their closing meeting on 13 November 2008.

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Introduction

1. In the context of the United Nations Action Plan, in cooperation with the Ministry of Transportation in the Syrian Arab Republic and under the auspices of the Syrian Minister of Transport, the Economic and Social Commission for Western Asia (ESCWA) organized the Expert Group Meeting on the Harmonization of Institutional Frameworks and Legislation in the Transport Sector in the ESCWA Region. The meeting took place at the Meridien Hotel in Damascus from 12 to 13 November 2008.
2. The meeting dealt with the current state of the transport system in the Arab region, the strategy proposal for developing an integrated multimodal transport system, institutional structures, legislation and laws applied in some of the ESCWA countries and proposals put forward for harmonizing them, and some examples of good practice from around the world.
3. Representatives of member countries and Arab organizations and invited experts made observations and voiced suggestions on all topics, with the attendance and participation of the Transport Team and specialized ESCWA advisers who responded to all queries. The meeting closed with the adoption of a number of recommendations, most importantly proposals aimed at harmonizing the institutional and legislative structures governing the transport sector in member countries and other recommendations for completing the implementation of the Integrated Transport System in the Arab Mashreq (ITSAM).

I. RECOMMENDATIONS

A. RECOMMENDATIONS FOR HARMONIZING THE INSTITUTIONAL AND LEGISLATIVE STRUCTURES GOVERNING THE TRANSPORT SECTOR IN THE ESCWA REGION

4. Learn about current studies and about the implementation measures and legislative and organizational reforms that have been adopted in a number of ESCWA member countries by way of improving the institutional and legislative frameworks in the transport sector. Take advantage of national expertise available in the member countries and of successful international practice in harmonizing institutional frameworks and legislation in the transport sector.
5. Form a working group to include representatives of member countries, with the ESCWA secretariat playing the role of overall coordinator. The group would aim to dispense advice to member countries on the harmonization of institutional structures and legislation in the transport sector in the ESCWA region. The ESCWA secretariat is working on the preparation of a proposal covering the formation of such a working group, the scope of its work, the tasks it would undertake and the duration of its mandate, to be submitted to the Transport Committee for approval.
6. Identify which roads and railways would be given priority by the transport sector working group in the first phase. The group will also focus on legislation concerned with inter-institutional coordination within countries.
7. With regard to harmonizing institutional structures in the transport sector, participants recommended that the working group and secretariat be charged with the following tasks:
 - (a) Tasks for the working group:
 - (i) Identify the agencies and bodies concerned with transport from inside and outside the sector and identify ways of coordinating between them;
 - (ii) In cooperation with ESCWA, find out about both successful experiences and problems with implementation;

- (iii) Prepare a matrix of future responsibilities in each country in line with the general framework for developing the transport sector and harmonizing institutional frameworks and legislation in each country;
 - (iv) Arrive at a general consensus on a set of proposals aimed at developing regulatory/institutional frameworks inside the transport sector and outside it in related sectors, and identify ways of coordinating between them.
- (b) Tasks for the ESCWA secretariat:
- (i) Prepare a questionnaire to be distributed to member countries, in order to obtain the information needed about the institutional structures in place and their function, the steps being taken to reform and develop the transport sector, and the relevant parties concerned from outside the transport sector in each of member countries;
 - (ii) Prepare a study that includes an analysis of the institutional framework, that addresses the distribution of responsibilities in the transport sector and that pinpoints gaps and duplication in each country;
 - (iii) Discuss the results of the study with member countries and formulate the recommendations necessary for improvement;
 - (iv) Convene an expert group meeting in order to have multilateral discussions and consultations about the matrix of future responsibilities and the institutional/regulatory framework in each country;
 - (v) Assist the working group to develop an action plan for harmonizing the institutional frameworks and transport legislation in member countries.
8. As regards the harmonization of legislation in the transport sector of the ESCWA region, participants recommended the following:

(a) Tasks for the working group:

Arrive at a general consensus on a set of proposals aimed at developing legislation in the transport sector in the member countries, and in related sectors if possible, according to each country's requirements.

(b) Tasks for the secretariat:

- (i) Prepare a questionnaire in order to analyse existing legislation, with a focus on administrative measures such as licensing procedures for transport and other works, and their links with the institutional structures;
- (ii) Hold a dialogue with each country about the legislative elements that need to be developed, so that the institutional framework can be implemented.

B. RECOMMENDATIONS RELATED TO THE COMPONENTS OF THE ITSAM

1. Agreement on International Roads in the Arab Mashreq

- (a) Request the member countries which have not yet signed the Agreement (the Sudan and Oman) to expedite the signing process;

(b) Request member countries which signed the Agreement but failed to ratify it by the deadline (13 November 2008) to expedite its ratification and begin implementing the action plan adopted;

(c) Request the signatory countries to follow up on implementing the agreement according to the action plan adopted.

2. Agreement on International Railways in the Arab Mashreq

(a) Request member countries which have not yet signed the Agreement (Oman and Qatar) to expedite the signing process;

(b) Request member countries which signed the Agreement but failed to ratify it by the deadline (13 November 2008) to expedite its ratification and begin implementing the action plan adopted;

(c) Request the signatory countries to follow up on implementing the agreement according to the action plan adopted.

3. Memorandum of Understanding on Maritime Transport Cooperation in the Arab Mashreq

(a) Request member countries which have not yet signed the Memorandum to expedite the signing process;

(b) Request member countries which signed the Memorandum but failed to ratify it by the deadline to expedite its ratification.

4. National trade and transport facilitation committees

(a) Request member countries to take all necessary measures to facilitate trade and transport;

(b) Request member countries which have not yet set up national committees to order the *Guide to setting up national trade and transport facilitation committees* published by ESCWA in 2003 and to request the technical support that ESCWA offers on setting up these committees;

(c) Request member countries which have set up national committees to expedite their mobilization by creating and adopting implementation action plans for each and to take advantage of the technical support offered by ESCWA in preparing action plans and mobilizing committees;

(d) Request ESCWA to continue offering technical support to member countries in all areas relating to the establishment or mobilization of national trade and transport facilitation committees, according to the resources available and based on member country demand.

5. Road safety

Invite ESCWA member countries to cooperate within the framework of the United Nations Development Programme (UNDP) on improving road safety.

6. Convention on International Multimodal Transport of Goods in the Arab Mashreq

(a) Extend thanks to ESCWA for its efforts and cooperation with the general secretariat of the League of Arab States towards achieving a uniform convention;

(b) Invite specialized government agencies in the member countries to create practical plans and programmes for developing a multimodal transport system in each country by way of preparation, so that the Convention can be implemented as soon as it enters into force.

II. TOPICS FOR DISCUSSION

9. A synopsis of the current status of the transport system in the Arab region was presented at the meeting along with the strategy proposed for developing the integrated multimodal transport system. Also reviewed were the institutional, legislative and legal structures in force in some of the ESCWA member countries and some examples of best practice at the global level. Some proposals were put forward for harmonizing these frameworks in the countries of the region. Representatives of member countries and Arab organizations, and invited experts, made observations and suggestions on all the topics raised, in the presence of and with the active participation of the Transport Team and specialized ESCWA advisers.

A. STATUS OF THE TRANSPORT SYSTEM IN THE ARAB REGION, HOW TO IMPROVE IT AND STRATEGIES FOR DEVELOPING AN INTEGRATED MULTIMODAL TRANSPORT SYSTEM

10. Representatives of ESCWA presented a review of the current status of the transport system in the Arab region, specifically ground transport on roads and railways, maritime and air transport, and multimodal transport. They also covered the status of transport, trade, measures and logistics in the Arab region and related regional and international agreements. The ESCWA representatives also made a proposal for a comprehensive strategy comprising 12 main items aimed at developing an integrated multimodal transport system in the Arab region.

B. FOLLOW-UP TO THE IMPLEMENTATION OF SOME COMPONENTS OF ITSAM

11. Country representatives reviewed and discussed the implementation of certain components of ITSAM, namely, the Agreement on International Roads in the Arab Mashreq, the Agreement on International Railways in the Arab Mashreq, the Memorandum of Understanding on Maritime Transport Cooperation in the Arab Mashreq, the national trade and transport facilitation committees and road safety.

C. STATUS OF AND ISSUES SURROUNDING THE INSTITUTIONAL STRUCTURES OF THE TRANSPORT SECTOR IN THE COUNTRIES OF THE ESCWA REGION

12. The representative of Bahrain presented a summary of a working paper on the status of institutional structures in the transport sector and related issues in Bahrain. He enumerated the six main bodies responsible for the transport sector: (a) the Ministry of Transportation, responsible for regulating the land and maritime transport sectors; (b) the Ministry of Works and Housing, responsible for planning, designing and building the road and bridge infrastructure; (c) the Ministry of Industry and Commerce, in charge of specifications and licensing; (d) the General Directorate of Traffic, Ministry of the Interior, concerned with traffic law, law enforcement and traffic emergencies; (e) the Ministry of Municipalities and Agriculture Affairs, tasked with public planning for the Kingdom; and (f) the Directorate General of Ports, responsible for regulating maritime transport. The Bahrain representative added that the private sector had been granted the privilege of managing and operating the ports.

13. The ESCWA consultant made a presentation on the institutional structures needed to redefine the role of the state in the transport sector. He noted the trend represented by the states' playing the role of the party responsible for creating the policies and regulations and by the complementarity of its role with that of the private sector which acts as service provider. The presentation covered a number of examples of best practice in the world and identified prevailing institutional models and the main principles that need to be applied and followed when restructuring.

14. The Saudi delegation delivered a presentation on the institutional and legislative framework of the Kingdom's transport sector. The presentation covered the Government bodies concerned with transport in the Kingdom. Aside from the Ministry of Transport, these comprise a number of bodies and Government agencies such as the Ministry of the Interior, represented by the General Administration of Traffic Control Police, the Ministry of Municipal and Rural Affairs and the Ministry of Hajj. The delegation also set out the regulatory framework governing the Ministry of Transport and its principal agencies and the legislation and related statutes regulating the transport sector on both land and sea. The presentation also shed light on some of the land transportation agreements expected between the Kingdom and a number of countries, whether regional or bilateral, and some of the maritime transport agreements and treaties the Kingdom had signed or joined up to, at both the regional and international levels. The presentation concluded with the major studies undertaken by the Ministry on improving transport legislation and the related institutional framework.

15. The representative of Egypt made a presentation on the comprehensive institutional development that sectors subsidiary to the Ministry of Transportation are currently undergoing, which aims to increase private sector participation in transport infrastructure projects, and to strengthen the role of the Ministry of Transportation in formulating the necessary policies and in regulating, overseeing and monitoring the sector. Institutional entities are currently being set up within the Ministry of Transportation to be responsible for regulating ongoing activities and to control competition between different operators in the sector. Preparations are also underway for implementing twinning projects with some European countries, with the aim of institutional and legislative convergence and the transfer of best practice in relation to safety and security. The presentation touched on the preparation of a uniform draft resolution for domestic transportation in Egypt that will be tantamount to a legislative framework defining the terms of reference for all transport-related parties. The Ministry of Transportation should be the reference point for all domestic transport matters, namely, planning, regulation, oversight, and operational control. A project to set up a national transportation council is taking legal shape. The aim of the council would be to coordinate and integrate the projects being undertaken by different ministries and parties, especially projects of a national character so as to ensure integration in the planning of these projects at the national level.

16. The representative of Jordan's Ministry of Transport presented a paper summarizing the legislation and regulatory structures in the transport sector in the Kingdom. This paper covered the legislation governing the Jordanian transport sector, in all its modes, its institutional structures and the most important pieces of transport-related legislation that were under discussion in 2008.

17. The representative of Palestine reviewed the transport situation in the Palestinian Territories, describing the network as "completely destroyed" due to the Israeli measures effectively cutting off communications between West Bank cities and the complete destruction of the bus sector which has negatively affected the Palestinians' mobility. The presentation noted some of the actions of the Palestinian Ministry of Transport, such as granting automobile licences, including for public transport vehicles. The presentation referred to Law No. 2000 prepared by the Ministry and currently before the Palestinian Legislative Council for ratification. The representative of Palestine explained in detail the Ministry's plan of action for the next phase, most importantly: the modernization of transport programmes; service improvements in outlying and rural areas; reducing environmental pollution; improving regulations, legislation and administrative apparatuses; developing and improving the road network and road safety; and activating the role of the Ministry in border-crossing agreements and goods transport from Palestine to the surrounding countries.

18. Oman contributed a working paper in which it described the state of institutional structures in the maritime and ground transport sectors and related legislation, and the extent of implementation of the recommendations of the Transport Committee for the development of ITSAM, especially the Agreement on International Roads and the Agreement on International Railways in the Arab Mashreq and the National Trade and Transport Facilitation Committees.

D. HARMONIZING INSTITUTIONAL STRUCTURES IN THE TRANSPORT SECTOR

19. The ESCWA adviser presented an analysis of the kinds of institutional structures prevailing in the ESCWA countries. He noted the determination to improve the transport sector in general and institutional structures in particular, pointing to the importance of harmonizing these structures between the countries of the region. The adviser suggested in his presentation a programme of work to achieve this harmonization in which the countries could participate, with ESCWA playing the role of overall coordinator.

20. The ESCWA adviser made a presentation about the need to revise the legislative structure of the transport sector in the ESCWA countries in line with the future needs of the region. Such a revision would include administrative measures that need to be taken and applied by the countries in a transparent way, which would require creating standards to be followed by the administrative courts to revise administrative adjudication in a highly transparent way. The adviser recommended that the agencies responsible for transport should play a role in regulating the sector and not merely operating it. The adviser touched on the need to regulate the railway sector, for the laws governing this sector in most ESCWA countries were inadequate. It was also necessary to modernize the laws of the road in order to meet the needs of cross-border trade. Laws governing the maritime transport sector also needed revising and modernizing to bring them into line with developments in maritime trade law, ship registration and maritime safety. This revision and these modernizing steps will contribute to improving bilateral trade in the ESCWA region.

21. The representative of Yemen presented a working paper on the harmonization of the legislative structures in the transport sector in the ESCWA region.

E. TRANSPORT LEGISLATION: GOOD PRACTICE WORLDWIDE

22. In his presentation on the positive impact of good practice on transport legislation, the ESCWA adviser focused on harmonizing transport agencies. He stressed that the overall responsibility for the transport sector was distributed between the authorities responsible for each of the transport sectors, on the one hand, and other agencies responsible for infrastructure, economic planning, local planning and environmental impact, for example, on the other. The presentation also raised the issue of accepting transit licences and other means used to facilitate regional and international trade. With regard to the railways sector, there was a presentation on the different concepts and views that existed regarding the railway infrastructure and its operation. As for maritime transport, there was a discussion of the discrepancies between general law and civil law in this sector and their effect on legislation.

F. ACTION TAKEN ON THE MULTIMODAL TRANSPORT AGREEMENT BETWEEN THE ARAB COUNTRIES

23. The ESCWA representative made a presentation, in the presence of the representative of the secretariat of the League of Arab States, about the action taken on the draft agreement for a multimodal transport system between the Arab countries. He summarized the results of the intensive meetings that had taken place between representatives of the ESCWA secretariat, the general secretariat of the League of Arab States and the team preparing the multimodal transport agreement between the Arab countries. These had led to the preparation of a uniform version of the multimodal transport agreement between the Arab countries on 9 October 2008. The Council of Arab Transportation Ministers approved the draft at its eleventh session, held in Cairo on 29 October 2008.

24. The representative of the general secretariat of the League of Arab States made an intervention in which she clarified the features of the agreement and the subsequent steps that will be taken in the context of the League of Arab States in preparing it so that it can be signed and ratified by the Arab countries.

25. The ESCWA representative reminded the country representatives of the need to provide ESCWA with the required reports on the follow-up to the recommendations of the ninth session of the Transport Committee and the most important transport developments in the member countries during the year 2008, in preparation for the tenth session of the Transport Committee scheduled to be held in the first quarter of 2009.

26. There was a long discussion in which all member countries and Arab regional organizations participated, during which participants made their observations and the ESCWA adviser and representatives of the secretariat responded to all queries that were made.

27. There was a protracted discussion about the final recommendations, in which the Syrian Deputy Transport Minister participated, along with representatives of all member countries and Arab regional organizations. Agreement was reached on the text of the recommendations as contained in paragraphs 4-24.

III. ORGANIZATION OF THE MEETING

A. DATE AND VENUE

28. ESCWA held the Expert Group Meeting on Harmonizing Institutional Frameworks and Legislation in the Transport Sector in the ESCWA Region at the Meridien Hotel in Damascus from 12 to 13 November 2008.

B. OPENING

29. At the opening session, Mr. Nabil Safwat, the ESCWA representative, team leader of the Economic Development and Globalization Division's Transport Team, made the opening remarks on behalf of the Deputy-Secretary-General of the United Nations and Executive Secretary of ESCWA, Badr Omar AIDafa. In his statement, Mr. Safwat welcomed all meeting participants and conveyed to them Mr. AIDafa's apologies for his absence due to his presence on an official mission outside Lebanon. He also thanked the Syrian Transport Minister, Mr. Yarub S. Badr, for taking such an interest in the meeting, attending the opening session and addressing the gathering. Mr. Safwat expressed his appreciation for the hospitality of the Transport Ministry of the Syrian Arab Republic in so graciously hosting the meeting. He briefly reviewed the aims of the meeting and ESCWA's achievements in developing the components of the integrated transport system in the Arab Mashreq and following up their implementation, including the Agreement on International Roads, the Agreement on International Railways, the Memorandum of Understanding on Maritime Transport, the National Committees for Facilitating Transport and Trade and Road Safety. Mr. Safwat conveyed praise, on behalf of Mr. AIDafa, for the positive expansion of cooperation and coordination between ESCWA and the League of Arab States that had culminated recently in ratification by the Council of Arab Transport Ministers of the draft agreement on multimodal transport between the Arab countries. This agreement is regarded as a model of coordination and cooperation between the two organizations worthy of imitation and a major step towards facilitating and developing trade between the Arab countries.

30. The sponsor of the meeting, the Transport Minister of the Syrian Arab Republic, Mr. Yarub S. Badr, delivered the opening address in which he welcomed the participants. He noted the achievements of the Syrian Ministry of Transport and the programmes and action plans it was carrying out with the aim of improving the infrastructure, legislation and laws. He also cited administrative and institutional developments, the role of the private sector, the qualifying and training of human resources, road safety and applied research in the field of transport. The Minister further expressed his appreciation and gratitude for the efforts of ESCWA and the Transport Team in the service of the region.

C. PARTICIPANTS

31. The invitation was addressed to all those concerned with the transport sector generally and the issue of institutional and legislative frameworks in the transport sector specifically, including officials, technicians and legal advisers. Also invited were experts specializing in the fields of roads, railways, multimodal ground and maritime transport, road safety, the facilitation of transport and trade in the ESCWA countries, and the Arab organizations concerned with this sector. The list of participants can be found in the annex.

Annex*

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