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Regulating Roads and Transportation in Tanzania: Domestic Legislation, Regional Integration, and International Laws

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ABSTRACT

This paper examines the legal and policy framework governing road transport infrastructure and traffic regulation in Tanzania within international, regional, and domestic contexts. Tanzania's shift from a low-income to a lower-middle-income country has been significantly shaped by advancements in transport infrastructure, especially the road network, which plays a dominant role in both passenger and freight movement. Effective transportation laws are crucial not only for economic development but also for safeguarding human rights and environmental sustainability. At the international level, United Nations conventions and Sustainable Development Goals underscore road safety as integral to human development, mandating member states to harmonize legal frameworks and enforcement mechanisms. Regionally, Tanzania's commitment through bodies such as the EAC and SADC has facilitated initiatives like the Tripartite Transport and Transit Facilitation Program, which aims to harmonize vehicle standards, cross-border regulation, and data sharing. However, challenges remain in the domestication and enforcement of these regional commitments due to divergent legal systems and administrative capacities. Domestically, Tanzania's regulatory framework is primarily governed by the Road Traffic Act of 1973 and the Roads Act of 2007, supplemented by policy instruments such as the Road Safety Policy (2009). Enforcement is spearheaded by the Tanzanian Police under the Police Force and Auxiliary Services Act (2002). While these laws grant broad discretionary powers to law enforcement in the name of "public interest," this concept remains legally ambiguous and prone to abuse. The lack of definitional clarity and accountability mechanisms presents ongoing challenges to the just and effective enforcement of traffic laws.

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I. INTRODUCTION

Tanzania's transportation infrastructure comprises five principal modes: roads, railways, water, air, and pipelines.² When viewed through the lens of globalization,³ the significance of transport infrastructure cannot be overstated particularly when analyzing its impact on societal development and international relations.⁴ Transportation systems have facilitated the movement of people, goods, and capital, thereby promoting trade, investment, and broader economic integration.⁵ Access to reliable and efficient transport infrastructure is indispensable to national distribution systems and socio-economic development.⁶

Transport infrastructure has played a pivotal role in enabling Tanzania's transition toward becoming a middle-income economy.⁷ The country's infrastructure development aligns closely with the objectives outlined in Tanzania's Vision 2025,⁸ which places particular emphasis on enhancing roads, ports, and railways.⁹ This strategic focus is reflected in the nation's development plans, which recognize the critical contribution of robust infrastructure to economic growth and social advancement.¹⁰ Notably, in July 2020, Tanzania attained lower-middle-income status a milestone partly attributable to sustained investment in the transport sector.¹¹

Among the various modes of transportation, this paper will focus exclusively on road transport,

² African Development Bank Group "Tanzania Transport Sector Review," Transport & ICT Department, September 2013, page 8. Available at: https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Tanzania_-_Transport_Sector_Review.pdf

³ Ralf Michaels "Globalization and Law: Law Beyond the State," Michaels, Ralf, Globalization and Law: Law Beyond the State (March 15, 2013). Law and Social Theory (Banakar & Travers eds., Oxford, Hart Publishing, 2013), page 1. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2240898

⁴ Francis Moses, Zakeyo Lushoka, Ambali Kitalima, Eliud Majami, Francis Muya "Assessing the Factors influencing Road Transport Infrastructure Sustainability in Tanzania: Mediating Influence of Technology," Journal of Logistics, Management and Engineering Sciences ("JLMES"), Vol. 4, Issue 2. July-December 2023, page 1. Available at: https://jlmes.nit.ac.tz/assets/images/journal_files/JLMES2024052749_mzbg4s1ri0t5f3x68cq p2alwo9vhkjne.pdf

⁵ Comprehensive Transport and Trade System Development Master Plan in the United Republic of Tanzania, Volume 2 Chapter 4, page 4-1. Available at: https://openjicareport.jica.go.jp/pdf/12150512_02.pdf

⁶ Ibid.

⁷ OECD "Gaps and Governance Standards of Public Infrastructure in Chile," Chapter 4 Transport Infrastructure page 168. Available at: <https://www.oecd-ilibrary.org/docserver/9789264278875-6-en.pdf?expires=1633108790&id=id&accname=guest&checksum=B6F636A765E0CA2B73B760AAD8D64805>

⁸ "[T]he National Strategy for Growth and Reduction of Poverty known, by its Swahili acronym, MKUKUTA, and the First Five-Year Development Plan, and those that guide the development of the transport sector such as the Implementation Strategy of the Transport Policy of 2011 to 2025, the Local Government Transport Program (LGTP) and the Transport Sector Investment Program (TSIP)." For more see: African Development Bank Group, *supra* note 1 at 8.2

⁹ International Trade Administration "Tanzania Country Commercial Guide," Transport Infrastructure (2021). Available at: <https://www.trade.gov/country-commercial-guides/tanzania-transportation-infrastructure>

¹⁰ African Development Bank Group, *supra* note 2 at 8.

¹¹ The World Bank Group, "The World Bank In Tanzania." Available at: <https://www.worldbank.org/en/country/tanzania/overview#1>

which constitutes the most dominant means of transportation in Tanzania.¹² Roads account for over 90 percent of passenger movement and approximately 75 percent of freight traffic nationwide.¹³ The road network in Tanzania is categorized into five classes: trunk, regional, district, feeder, and urban roads. Additionally, there exist unclassified roads such as footpaths, tracks, national park routes, estate roads, and private roads, which also play a role in local connectivity, albeit outside the formal classification system.¹⁴

II. CRITICAL IMPORTANCE OF ROADS TO DEVELOPMENT AND SECURITY

Road infrastructure is a cornerstone of regional integration in East Africa, acting as a catalyst for economic development, political cohesion, and social advancement.¹⁵ Efficient road networks facilitate the movement of goods across borders, thereby reducing transportation costs and time, and enabling partner states to engage in more cost-effective trade.¹⁶ For landlocked countries such as Uganda, Rwanda, and Burundi, road corridors to seaports in Kenya and Tanzania are essential for both imports and exports.¹⁷

The expansion of road networks underpins regional industrialization by enhancing access to Special Economic Zones (“SEZs”) and trade logistics hubs exemplified by Kenya’s Naivasha Inland Container Depot,¹⁸ and Uganda’s Namanve Industrial Park.¹⁹ The East African Community (“EAC”)²⁰ Treaty, and its foundational pillars namely the Customs Union,

¹² Tanzania Invest “Tanzania Roads,” available at: <https://www.tanzaniainvest.com/roads>, Comprehensive Transport and Trade System Development Master Plan in the United Republic of Tanzania *supra* note 5 at 4-3.

¹³ “Trunk roads: Primarily national and international through routes that link several regions and provide access to important border posts and ports, Regional roads: Secondary routes connecting district centers in a region or connecting another important center to a trunk road, District roads: Connecting district headquarters to higher class roads, or connecting important centers within the district or to a higher class road, Feeder roads: Village access roads linking important centers within a ward to the rest of the network, Urban roads: Roads within a city, municipality or a township.” See Ajay Kumar “A Review of Road Sector Reforms in Tanzania,” Sub-Saharan Africa Transport Policy Program, The World Bank and Economic Commission for Africa SSATP Discussion Paper No. 2, April 2002, page 15-16. Available at: <https://www.ssatp.org/sites/ssatp/files/publication/DP02.pdf>

¹⁴ *Ibid* at 16.

¹⁵ Jorge Barga de Macedo and Omar Kabbaj “*Regional Integration in Africa*,” Development Centre Seminars, OECD, April (2002), page 78. Available at: https://www.oecd.org/content/dam/oecd/en/publications/reports/2002/04/regional-integration-in-africa_g1gh29ab/9789264194427-en.pdf

¹⁶ “Efficient Cross-Border Transport Models,” United Nations ESCAP, (2015) page 1. Available at: https://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/documents/UNESCAP_Efficient%20cross-border%20transport%20models_2015_EN_0.pdf

¹⁷ “Regional Integration Brief,” AfDB, NEPAD, Regional Integration and Trade, No. 3 July, 2014, page 2. Available at: https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Regional_Integration_Brief_N-3.pdf.

¹⁸ Lourens Du Toit and Johan Burger “*Developing the Road Transport Network in the EAC*,” NTU-Suf Centre for African Studies, 16 March (2018), page 20. Available at: https://www.ntu.edu.sg/docs/librariesprovider100/abi/2018_mar_lourens-dt-and-burger-jh-developing-the-road-transport-network-in-the-eac.pdf?sfvrsn=54cfb3f5_2

¹⁹ Ramathan Ggoobi “Skills for Industry: Making Uganda’s Industrial Parks more productive by addressing their specific skills gaps and their requirements,” Friedrich Ebert Stiftung, October 2021, page 2. Available at: <https://library.fes.de/pdf-files/bueros/uganda/18544.pdf>

²⁰ The East African Community (EAC) is a regional intergovernmental organization of eight (8) Partner States, comprising the Republic of Burundi, Democratic Republic of Congo, Republic of Kenya, Republic of Rwanda,

Common Market, Monetary Union, and Political Federation are predicated upon seamless intra-regional connectivity.²¹ In addition, legal frameworks governing *One-Stop Border Posts* (“OSBPs”)²² have substantially streamlined customs, immigration, and security procedures.²³

This harmonization of legal and administrative processes has significantly reduced border delays and enhanced regulatory cooperation among partner states.²⁴ Prominent examples include the *Malaba OSBP* (Kenya-Uganda),²⁵ and the *Rusumo OSBP* (Tanzania-Rwanda).²⁶ Beyond economic and legal integration, road infrastructure also facilitates cultural exchange, labor mobility, and regional tourism key elements of the EAC’s people-centered integration agenda.²⁷ Improved road access enhances the delivery of essential services such as judicial administration, healthcare, education, and public governance, particularly in underserved and marginalized border regions.²⁸ This, in turn, reinforces human rights protections and strengthens governmental accountability.

However, challenges remain. Delays and cost overruns in road infrastructure projects are frequently attributed to procurement irregularities and mismanagement.²⁹ Moreover, the heavy

Federal Republic of Somalia, Republic of South Sudan, Republic of Uganda and United Republic of Tanzania, with its headquarters in Arusha, Tanzania. The Federal Republic of Somalia was admitted into the EAC bloc on 24th November, 2023 and became a full member on 4th March, 2024.” For more see: EAC, available at: <https://www.eac.int/>

²¹ “Pillars of the EAC Regional Integration,” EAC (2025), available at: <https://www.eac.int/integration-pillars>

²² “OSBPs aim to reduce the time and associated operational costs for transport companies generated by the duplication of customs procedures between both countries, lack of coordination in the provision of services within each country and other inefficiencies.” Max Mendez-Parra & Linda Calabrese “*One-Stop border posts in East Africa: Impact on transport costs and issues for further analysis*,” ODI Report, July 2023, page 6. Available at: https://media.odi.org/documents/Report_-_One-stop_border_posts_in_East_Africa_-_July_2023.pdf

²³ PLinda Calabrese, Dirk Willem te Velde, Maz Mendez-Parra, Yohannes Ayele and Kevin Rombo “*Building one-stop border posts*,” ODI Report, November 2023, page 10. Available at: https://media.odi.org/documents/OSBP_toolkit_-_Building_one-stop_border_posts_FINAL.pdf

²⁴ Max Mendez-Parra supra note 22 at 24.

²⁵ “The Malaba border is one of several border crossing points in the East African region designated to operate as a One Stop Border Post. However, there are physical and soft infrastructure challenges that prevent optimum operation of the OSBP...” For more see: “Project Brief, Malaba OSBP,” Trade mark Africa, available at: <https://www.trademarkafrica.com/project/malaba-osbp-uganda/>

²⁶ “Rusumo One stop Border Post (OSBP), is a Tanzania-Rwanda border located in Ngara District on Tanzania side. It is called Rusumo OSBP located at Kirehe District. This is a 24/7 border operation with a number of Government agencies all available at once with the aim of expediting and facilitating clearance of goods across border, currently the following Government agencies are available: TRA, Immigration, TBS, TMDA, WMA, TASAC, Livestock & Fisheries Dept, Health Port, Forest Dept, TAEC and Ministry of Agriculture...” For more see: Logistics Cluster, available at: <https://lca.logcluster.org/tanzania-united-republic-239-border-crossing-rusumo-rwanda>.

²⁷ Abraham Ename Minko “Assessing the Impact of Regional Integration on Intra-Africa, Trade, Migration Patterns, Land Use, and Sustainability: A Case Study of East African Community,” African Journal on Land Policy and Geospatial Sciences ISSN: 2657-2664, Vol.7 Issue 5 (November 2024), page 1215. Available at: <https://revues.imist.ma/index.php/AJLP-GS/article/view/50623/27589>

²⁸ Matthew Lynch, Sue Cavil & Lily Ryan-Collins “*Maximizing the Social Development Outcomes of Roads and Transport Projects*,” Guidance Note for the chartered Institution of Highways and Transportation, Engineers Against Poverty, Briefing Note page 1. Available at:

²⁹ Cabriel, S, Tekka, R, & Mwishwa, Y “Examining the Stakeholder’s Perception on Best Practice Measures to Reduce Road Construction Projects Delay in Tanzania,” Project Management Scientific Journal, 2025, 8(1); page

reliance on external borrowing by several EAC member states raises significant concerns about long-term debt sustainability.³⁰ Cross-border insecurity, particularly in conflict-prone areas, continues to obstruct both road construction and safe usage.³¹ The EAC framework specifically emphasizes the need for harmonized transport and communications policies to support integration efforts.³² Addressing these systemic challenges is imperative to realizing the full potential of road infrastructure as a driver of development, legal cohesion, and regional stability in East Africa.

III. REGULATING TRANSPORT AT THE INTERNATIONAL LEVEL

The regulation of road transport at the international level plays a critical role in promoting safety, facilitating cross-border mobility, and harmonizing legal standards among states. As globalization intensifies the movement of goods and people, the need for coherent and coordinated regulatory frameworks has become increasingly urgent. Unequivocally, international law consists of rules and principles of general application which deal with the conduct of states, international organizations, as well as with persons whether natural or juridical.³³

The regulation of road traffic at the international level is significantly influenced by the role of the United Nations (“UN”)³⁴ and the framework of international treaties and principles it supports. Chief among the UN organs contributing to this area is the United Nations Economic Commission for Europe (“UNECE”).³⁵ In particular, through its Inland Transport Committee

208. Available at: <https://www.ajol.info/index.php/pmsj/article/view/287771>

³⁰ W, Mageto, “Resolving the Debt Sustainability Issues from A Legal and Institutional Perspective: A Focus on East Africa”, Working Paper 02/03 ADHR (CFS, 2022), page 2. Available at: https://cfs.uonbi.ac.ke/system/files/2022-08/W.%20Mageto_%20Resolving%20the%20Debt%20Sustainability%20issues%20From%20A%20Legal%20And%20Institutional%20Perspective%20%20A%20Focus%20On%20East%20Africa_0.pdf

³¹ “Africa’s International Borders as Potential Source of Conflict and Future Threats to Peace and Security,” Institute for Security Studies, May 2012, No. 233, page 6. Available at: https://www.files.ethz.ch/isn/145411/Paper_233.pdf

³² “Infrastructure,” the EAC, available at: <https://www.eac.int/infrastructure>

³³ Carter B.E & Weiner A.S “INTERNATIONAL LAW,” Wolters Kulwer Law & Business, New York (2011), page 2.

³⁴ “The Charter of the United Nations is the founding document of the United Nations. It was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The United Nations can take action on a wide variety of issues due to its unique international character and the powers vested in its Charter, which is considered an international treaty. As such, the UN Charter is an instrument of international law, and UN Member States are bound by it. The UN Charter codifies the major principles of international relations, from sovereign equality of States to the prohibition of the use of force in international relations.” See The UN, available at: <https://www.un.org/en/about-us/un-charter>

³⁵ “The United Nations Economic Commission for Europe (UNECE) was set up in 1947 by ECOSOC. It is one of five regional commissions of the United Nations. UNECE’s major aim is to promote pan-European economic integration. UNECE includes 56 member states in Europe, North America and Asia. However, all interested United Nations member States may participate in the work of UNECE. Over 70 international professional organizations and other non-governmental organizations take part in UNECE activities. As a multilateral platform, UNECE facilitates greater economic integration and cooperation among its member countries and promotes sustainable development and economic prosperity...” For more see UNECE, available at:

(“ITC”),³⁶ the central body within the UN system responsible for the development of international legal instruments governing road traffic and road transport.³⁷

A. International law and the promotion of road safety

The UN via the UNECE essentially facilitates the negotiation and adoption of multilateral treaties and conventions aimed at harmonizing traffic laws, vehicle standards, and safety regulations across member states.³⁸ Additionally, the UN Road Safety Collaboration (“UNRSC”),³⁹ led by the World Health Organization (“WHO”),⁴⁰ coordinates global road safety initiatives and supports the implementation of the UN Decade of Action for Road Safety and the related Sustainable Development Goal (“SDG”),⁴¹ which seeks to halve global deaths and injuries from road traffic accidents by 2030.⁴²

Equally important, there are foundational treaties underpinning the international legal framework on road traffic. Most notably, the Geneva Convention on Road Traffic (1949),⁴³ was one of the earliest attempts to harmonize traffic laws among nations and enable cross-border travel by recognizing foreign driving licenses and vehicle registrations.⁴⁴ This was later

<https://unece.org/mission>

³⁶ “The Inland Transport Committee (ITC) is the UN platform for inland transport to help efficiently address global and regional needs in inland transport. In the course of the last 75 years, together with its subsidiary bodies, the ITC has provided an intergovernmental forum, where UNECE and United Nations Member States come together to forge tools for economic cooperation and negotiate and adopt international legal instruments on inland transport. These legal instruments are considered indispensable for developing efficient, harmonized and integrated, safe and sustainable inland transport systems.” For more see UNECE, Inland Transport Committee, available at: <https://unece.org/transport/inland-transport-committee>

³⁷ Ibid.

³⁸ UNECE *supra* note 35.

³⁹ “The UNRSC is an informal consultative mechanism whose goal is to facilitate international cooperation and strengthen global and regional coordination among UN agencies and other international partners to implement UN General Assembly Resolutions on road safety.” For more see WHO, UNRSC, available at: <https://www.who.int/groups/united-nations-road-safety-collaboration>

⁴⁰ “Founded in 1948, WHO is the United Nations agency that connects nations, partners and people to promote health, keep the world safe and serve the vulnerable so everyone, everywhere can attain the highest level of health.” For more see, WHO, available at: <https://www.who.int/about>

⁴¹ “There were 1.35 million road traffic deaths globally in 2016, with millions more sustaining serious injuries and living with long-term adverse health consequences. Globally, road traffic crashes are a leading cause of death among young people, and the main cause of death among those aged 15–29 years. Road traffic injuries are currently estimated to be the 8th leading cause of death across all age groups globally, and are predicted to become the seventh leading cause of death by 2030. ‘Road traffic injuries can be prevented. Governments need to take action to address road safety in a holistic manner. This requires involvement from multiple sectors such as transport, police, health, education, and actions that address the safety of roads, vehicles, and road users’

‘Effective interventions include designing safer infrastructure and incorporating road safety features into land-use and transport planning, improving the safety features of vehicles, improving post-crash care for victims of road crashes, setting and enforcing laws relating to key risks, and raising public awareness.’” For more see: “SDG Target 3.6 Halve the number of global deaths and injuries from road traffic accidents, available at: https://www.who.int/data/gho/data/themes/topics/sdg-target-3_6-road-traffic-injuries

⁴² “Road Safety,” UN, available at: <https://www.un.org/safety-and-security/en/expertise/road-safety>.

⁴³ 26 March 1952, in accordance with article 29.

⁴⁴ “The Convention was prepared and opened for signature by the United Nations Conference on Road and Motor Transport held at Geneva from 23 August to 19 September 1949.” For more see: United Nations Treaty Collection, available at: https://treaties.un.org/pages/ViewDetailsV.aspx?src=TREATY&mtdsg_no=XI-B-

supplemented and, in many jurisdictions, superseded by the Vienna Convention on Road Traffic (1968),⁴⁵ which provides a more comprehensive and updated provisions concerning traffic rules, road signage, and mutual recognition of driver documentation.⁴⁶

Alongside these conventions, there existed the 1958 Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles.⁴⁷ This convention introduced harmonized standards for vehicle safety and performance. Next to that, the 1998 Global Agreement on Vehicle Regulations expanded this mandate to encompass global technical regulations relating to emissions, crashworthiness, and emerging vehicular technologies.⁴⁸ As a collective, these treaties establish a coherent framework that facilitates the safe and efficient movement of vehicles and drivers across international borders.

The overarching principles embedded in these treaties emphasize on “*harmonization*,”⁴⁹ “*sustainable development*,”⁵⁰ “*mutual recognition and mutual trust*.”⁵¹ As a guiding principle,

1&chapter=11&Temp=mtmsg5&clang=_en

⁴⁵ 21 May 1977, in accordance with article 47(1).

⁴⁶ “The Convention was prepared and opened for signature by the United Nations Conference on Road Traffic, held at Vienna from 7 October to 8 November 1968.” For more see: United Nations Treaty Collection, available at: https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtmsg_no=XI-B-19&chapter=11

⁴⁷ “Agreement concerning the adoption of harmonized technical United Nations Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these United Nations Regulations.” For more see: United Nations Treaty Collections, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XI-B-16&chapter=11&clang=_en

⁴⁸ “Global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles.” For more see: UNECE, available at: <https://unece.org/text-1998-agreement>

⁴⁹ “Legal harmonization in international law is composed of common legislative development, consistent implementation, and uniform interpretation of legal texts across jurisdictions. These three different stages are under the authority of and subject to the influence of different state and non-state actors contributing towards a multi-dimensional concept of contemporary legal development.” For more see: Dalma M. Demeter & Zebo Nasirova “*International Legal Harmonization Theory and Practice*,” Legal and Administrative Studies, Proceedings of Conference Legal, Political, Administrative Consequences of Romania’s Accession to the European Union, may (2018), page 66. Available at: <https://researchsystem.canberra.edu.au/ws/portalfiles/portal/59867763/Internationallegalharmonisationintheoryandpractice.pdf>

⁵⁰ “[In 1987]” the Brundtland Commission published its report, *Our Common Future*, in an effort to link the issues of economic development and environmental stability. In doing so, this report provided the oft-cited definition of sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (United Nations General Assembly, 1987, p. 43). Albeit somewhat vague, this concept of sustainable development aims to maintain economic advancement and progress while protecting the long-term value of the environment; it “provides a framework for the integration of environment policies and development strategies” (United Nations General Assembly, 1987). However, long before the late 20th century, scholars argued that there need not be a trade-off between environmental sustainability and economic development.” For more see: Rachel Emas “*The Concept of Sustainable Development: Definition and Defining Principles*,” Brief for BSDR 2015, page 1. Available at: https://sustainabledevelopment.un.org/content/documents/5839GSDR%202015_SD_concept_definiton_rev.pdf

⁵¹ “Mutual recognition has developed into a key principle of the European Union, to achieve a wide range of policy objectives. The principle has become an essential tool in the EU integration process. It means that in the field of law where the principle operates Member States’ actors are bound to accept and enforce standards and/or judicial decisions made in other Member States. The recognition is sometimes quasi-automatic even if these standards and decisions were adopted according to a complete different legal system. Mutual recognition may be seen as a “third way” between full legislative freedom for Member States and harmonization. As such, it has been branded as a non-centralistic, non-hierarchical method of governance and integration. It is, all in all, subject to high expectations

states are obligated to ensure the safety of individuals and the environment in relation to road traffic incidents. This duty entails not only the enactment and enforcement of effective traffic laws but also the imposition of proportionate and meaningful penalties for violations.⁵² At the international level, UNECE oversees 59 legal instruments on transport, of which seven are directly relevant to road safety.⁵³ These instruments serve as benchmarks for the development of national frameworks aimed at enhancing the safety and sustainability of road use.

Recognizing the global rise in vehicular traffic and the attendant increase in road injuries and fatalities, the UN General Assembly proclaimed 2021–2030 as the Decade of Action for Road Safety.⁵⁴ This initiative underscored a shared international commitment to cultivating a culture of road safety, driven by robust political will and national policy implementation. Further, the 2030 Agenda for Sustainable Development incorporates explicit road safety targets, including a commitment to halve global deaths and injuries from road traffic accidents.⁵⁵

These targets align with broader state obligations to protect the rights to life, health, and development under international human rights law. Instruments such as the Universal Declaration of Human Rights (“UDHR”)⁵⁶ and the International Covenant on Civil and Political

and considered suitable to achieve EU objectives, and effective in dealing with cross-border issues of a wide variety. At the same time it is viewed to be respectful of national sovereignty and national and local diversity... Mutual recognition (MR) – and the underlying principle of mutual trust (MT) – is neither a new, nor a unique feature of the EU legal order. Nevertheless, there is currently every reason to revisit MR and MT and their role in the European integration process. The political, legal and practical relevance of MR and MT increased significantly in recent years.” Tony Marguery & Ton Van Den Brink *“Mutual Recognition and Trust: Reinforcing EU Integration (First Part)”*, European Papers, Vol. 1, 2016, No 3, page 861. Available at: https://www.europeanpapers.eu/es/system/files/pdf_version/EP_eJ_2016_3_9_Introduction_Tony_Marguery_Ton_van_den_Brink_00108.pdf

⁵² House of Commons Transport Committee “Traffic Law and its Enforcement,” Sixteenth Report of Session 2003–04, Volume I, page 6. Available at: <https://publications.parliament.uk/pa/cm200304/cmselect/cmtran/105/105.pdf>

⁵³ “The conventions serve as a foundation for states to build national legal frameworks which prevent death and injuries from road traffic crashes. Road safety governance is above all about the political will to create and carry out a national strategy and programme. The United Nations General Assembly resolutions on Improving global road safety encourage all Member States to accede to the conventions and agreements.” See UN ROAD SAFETY CONVENTION, available at: https://unece.org/sites/default/files/2020-12/United_Nations_Road_Safety_Conventions_June%2020_Eng.pdf

⁵⁴ “Decade of Action for Road Safety 2021–2030,” World Health Organization (“WHO”), available at: <https://www.who.int/teams/social-determinants-of-health/safety-and-mobility/decade-of-action-for-road-safety-2021-2030>

⁵⁵ “Road Safety: Considerations in Support of the 2030 Agenda for Sustainable Development,” UNCTAD/DTL/TLB/2017/4, page 7. Available at: https://unctad.org/system/files/official-document/dtltlb2017d4_en.pdf

⁵⁶ “[UDHR] is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages. The UDHR is widely recognized as having inspired, and paved the way for, the adoption of more than seventy human rights treaties, applied today on a permanent basis at global and regional levels (all containing references to it in their preambles).” Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

Rights (“ICCPR”)⁵⁷ enshrine “the right to life.”⁵⁸ A right deeply implicated by the staggering global toll of millions of road traffic deaths annually. In this context, road safety regulation is not merely a public policy concern, but a matter of fundamental human rights.⁵⁹ Empirical data from the WHO further attest to the wide-ranging impacts of road traffic incidents.⁶⁰

Beyond immediate fatalities and injuries, these events often result in long-term disabilities and impose immense social, economic, and psychological costs.⁶¹ The estimated global economic burden of road traffic accidents is approximately USD 518 billion per year, affecting both high- and low-income countries alike.⁶² The enforcement of traffic laws is predicated on the principles of apprehension and deterrence.⁶³ Legal systems rely on legislative clarity, targeted policing, and the imposition of appropriate sanctions to discourage unlawful behavior. Penalties may include monetary fines, license suspensions, demerit point losses, rehabilitation programs, or custodial sentences.⁶⁴ The classical theory of deterrence suggests that, absent meaningful punishment, individuals are likely to repeat offenses, potentially influencing others to do the same.⁶⁵ Accordingly, effective enforcement serves both punitive and pedagogical functions, promoting lawful behavior through direct and vicarious learning.

B. Challenges in regulating international legal frameworks for road safety

⁵⁷ “Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49.” Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁵⁸ Benjamin J. Parsalaw “*Uranium Mining in Tanzania: A Stairway to Prosperity or Impoverishment*,” The Tanzanian Lawyer Journal, 2016 1 JTJA, page 66.

⁵⁹ Ibid.

⁶⁰ See WHO *supra* note 40.

⁶¹ Salum Haji Hamisi & Hamis A. Juma “*Road Accidents in Tanzania: Causes, Impact, and Solution*,” GSJ: Volume 7. Issue 5, May 2019, 763-764. Available at: https://www.globalscientificjournal.com/researchpaper/Road_Accidents_in_Tanzania_Causes_Impact_and_Solution_.pdf

⁶² Yibeltal Assefa Atalay, Bersufekad Wubie Alemie, Belete Gelw, & Kalem Abebe Gelwa “*Epidemiology of Road Traffic Accidents and its Associated Factor Among Public Transportation in Africa: Systematic Review and Meta-Analysis*,” Systematic Review, Frontiers in Public Health, 28 February 2025, page 2. Available at: <https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2025.1511715/full>

⁶³ Zaal, D “*Traffic Law Enforcement: A Review of the Literature*,” Report No. 53, April 1994, Institute of Road Safety Research (“SWOV”), 2. Available at: https://www.monash.edu/_data/assets/pdf_file/0019/216343/muarc053.pdf

⁶⁴ Yolanda Rebollo-Sanz, Jesus Rodriguez-Lopez, & Nuria Rodriguez-Palans “*Penalty-Point System Deterrence and Road Safety: A Quasi-Experimental Analysis*,” Journal of Economic Behavior & Organization, Volume 190, October 2021, page 408-409. Available at: <https://www.sciencedirect.com/science/article/pii/S0167268121003395>

⁶⁵ “The classical theory of deterrence developed from the work of three modern philosophers: Hobbes (1651), Beccaria (1772) and Bentham (1789). They believed that if punishment is severe, certain and swift, a rational individual will weigh potential gains and losses before engaging in illegal activity and will be discouraged from breaking the law if the loss is greater than the gain. Severity of punishment is believed to be one of the key elements implemented by the criminal law to encourage citizens to obey the law...” For more see: Abramovaite, J, Bandyopadhyay, S, Bhattacharya, S & Cowen “*Classical deterrence theory revisited: an empirical analysis of Police Force Areas in England and Wales*,” European Journal of Criminology, No 2022, page 2. Available at: <https://pure-oai.bham.ac.uk/ws/portalfiles/portal/169658586/abramovaitej2022classical.pdf>

While international law provides essential scaffolding for national road safety regimes, it is not without its limitations. A primary challenge lies in the implementation gap many states accede to global conventions but struggle to domesticate or enforce them effectively.⁶⁶ Factors such as inadequate institutional capacity, legislative inconsistencies, and weak infrastructure often hinder meaningful application at the national level.⁶⁷

Moreover, “*legal pluralism*”⁶⁸ across jurisdictions complicates the harmonization of international road safety standards.⁶⁹ Disparate legal traditions, administrative systems, and enforcement priorities mean that uniform implementation remains aspirational rather than actual.⁷⁰ As a result, commitments under international law may be rendered ineffective in practice, especially when national legal reforms lag behind or are poorly resourced.⁷¹ The abstract nature of global commitments also poses a problem.⁷² While frameworks such as the SDGs offer vital direction, their generality can lead to diluted accountability.

The absence of binding mechanisms for compliance, paired with limited oversight, can reduce the impact of these commitments at the grassroots level, particularly in low- and middle-income countries.⁷³ Nevertheless, these challenges do not negate the value of international legal instruments. Instead, they underscore the need for greater technical cooperation, capacity-

⁶⁶ “Study on the Implementation of the African Committee of Experts on the Rights and Welfare of the Child,” ACERWC, (2023), page 6. Available at: <https://www.acerwc.africa/sites/default/files/2025-04/Study%20on%20Implimentation%20of%20Decisions.pdf>

⁶⁷ Francosi Bourguignon & Samuel Wangwe “An Institutional Diagnostic of Tanzania: Synthesis,” Oxford Policy Management, September 2018, page 4-5. Available at: <https://edi.opml.co.uk/wpcms/wp-content/uploads/2018/09/08-Bourguignon-and-Wangwe-Tanzania-Institutional-Diagnostic-wnew-cover.pdf>

⁶⁸ “Legal pluralism whereby “two or more legal systems coexist in the same social field” is the dominant feature of most legal orders worldwide... All states feature legal pluralism, and only a limited number of high-capacity states have nonstate justice actors firmly under their control. Even in these states, legal pluralism thrives through alternative dispute resolution mechanisms, arbitration agreements, and international obligations.” For more see: Geoffrey Swenson “Legal Pluralism in Theory and Practice,” *International Studies Review* (2019), No. 20, page 438-439. Available at: <https://openaccess.city.ac.uk/id/eprint/20511/1/Swenson%20ISR%20Legal%20Pluralism%20in%20Theory%20and%20Practice%20Published%20Final.pdf>

⁶⁹ “Harmonization attempts to ensure that the outputs of the nonstate justice system are consistent with the state system’s core values. At the same time, the nonstate justice system is incorporated and legitimized to some extent. To support harmonization, states and international donors often fund activities to encourage nonstate justice practitioners to act in a manner consistent with state law in general.” *Ibid* at 447.

⁷⁰ *Ibid* at 440.

⁷¹ “Treaty ratification has been interpreted alternately as cheap talk, window dressing, an exercise in legitimation, and a perfunctory gesture designed to mollify domestic or international critics.” For more see: Wade M. Cole “*Mind the Gap: State Capacity and the Implementation of Human Rights Treaties*,” *International Organization* 69, spring 2015, page 407. Available at: <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/F6F0A33C5909506F3AA200AF32989150/S002081831400040Xa.pdf/mind-the-gap-state-capacity-and-the-implementation-of-human-rights-treaties.pdf>

⁷² *Ibid* at 406.

⁷³ Jose Antonio Ocampo & Natalie Gomez Artega “*Accountability For Development Cooperation*,” Study Prepared for the Development Cooperation Forum’s High-Level Symposium on “Accountable and effective development cooperation in a post-2015 era,” Berlin, March 20-21, 2014, page 1-2. Available at: https://www.un.org/en/development/desa/policy/cdp/cdp_news_archive/Ocampo_Accountability_DCF%20Forum_third%20draft.pdf.

building, and regional legal harmonization.⁷⁴ For countries like Tanzania, aligning domestic law with international standards can facilitate access to funding, technical expertise, and cross-border collaboration.⁷⁵ More importantly, it reinforces the normative foundation for protecting life and promoting sustainable development.

IV. REGULATING TRANSPORT AT THE REGIONAL LEVEL

Regulating road transport at the regional level is essential for facilitating trade, enhancing connectivity, and promoting economic integration among neighboring states.⁷⁶ These regional organizations have developed harmonized transport policies, legal frameworks, and infrastructure initiatives to address cross-border challenges.⁷⁷ These efforts aim to streamline vehicle standards, improve road safety, and reduce non-tariff barriers that hinder movement across borders. By aligning national regulations with regional protocols, member states can foster more efficient transport systems and support broader development goals.⁷⁸

The African Union (“AU”)⁷⁹ and regional organizations such as the EAC play a fundamental role in shaping and harmonizing road traffic regulation across the African continent. In point of fact, the EAC law represents a regulatory framework that has been envisaged to direct and control the integration process.⁸⁰ Undoubtedly, regulating road traffic is a task that is in principle dictated by individual member states as part of their sovereign right. However, to attain integration cooperation is essential especially in the context of cross-border transport challenges, road safety, and economic integration.

A. Benefits of regional transport integration

The AU notably through the African Road Safety Charter and the Programme for Infrastructure

⁷⁴ “A Guide to UNCTAD Technical Cooperation,” UN, New York & Geneva 2012, page 28. Available at: https://unctad.org/system/files/official-document/dom20092rev1_en.pdf

⁷⁵ Ibid. at 26

⁷⁶ Emmanuel Butera Mwesigye “The Role of Transport and Logistics in Promoting Trade and Regional Integration within East African Community (‘EAC’)” *Journal of Public Policy & Governance*, Volume 5, issue 3 (2021), page 1-2. Available at: <https://www.stratfordjournals.com/journals/index.php/journal-of-public-policy-governance/article/view/784/914>

⁷⁷ Ibid at 3.

⁷⁸ Craig Mathieson “The Political Economy of Regional Integration in Africa,” *The East African Community (‘EAC’) Report*, January (2016), page 1-2. Available at: <https://ecdpm.org/application/files/9116/5546/8874/ECDPM-2016-Political-Economy-Regional-Integration-Africa-EAC-Report.pdf>

⁷⁹ “The African Union (AU) is a continental body consisting of the 55 member states that make up the countries of the African Continent. It was officially launched in 2002 as a successor to the Organization of African Unity (OAU, 1963-1999).” For more see: AU, available at: <https://au.int/en/overview>

⁸⁰ Ugirashebuja E & Ruhangisa J.E, et al, “EAST AFRICAN COMMUNITY LAW: INSTITUTIONAL SUBSTANTIVE AND COMPARATIVE EU ASPECTS,” Brill (2017), page 139. Available at: https://library.oapen.org/bitstream/handle/20.500.12657/37805/9789004322073_webready_content_text.pdf?sequence=1

Development in Africa (“PIDA”)⁸¹ provides guidance and coordination with regard to road safety and traffic. These instruments emphasize the importance of unified policies on transport, infrastructure development, and road safety standards, aligned with the continent’s broader goals under Agenda (2063), which envisions integrated and safe transport systems across Africa.⁸² The EAC as one of the AU’s regional economic communities (“RECs”),⁸³ has taken concrete steps toward the harmonization of road transport regulations among its member states. The EAC Vehicle Load Control Act (2016),⁸⁴ are examples of regional legal instruments aimed at creating uniformity in axle load limits, vehicle standards, traffic rules, and driver licensing systems.⁸⁵ These efforts seek to address the regulatory fragmentation that hinders cross-border transport and trade, particularly along the Northern and Central Corridors, which are vital to regional economic activity. Furthermore, the EAC has initiated programs to standardize road signage, enforce road safety protocols, and collect road crash data to support evidence-based policymaking.⁸⁶ Through such mechanisms, the EAC enhances both regulatory efficiency and

⁸¹ “[In] July 2012, African Union Heads of State Government adopted the Programme for Infrastructure Development in Africa (‘PIDA’), which is the continental master plan for infrastructure development in transport, energy, transboundary water, and information & Communication Technology (‘ICT’) for the period 2012-2040.” For more see: AU-NEPAD “*Programme for Infrastructure Development in Africa (PIDA)*,” First 10-year Implantation Report, A Decade of Transforming Africa’s Infrastructure, June 2023, at xv. Available at: https://www.au-pida.org/wp-content/uploads/2023/09/PIDA-Progress-Report_WEB.pdf

⁸² “Agenda 2063 is a strategic framework for transforming Africa’s economy and meeting society’s expectations. It builds on the Programme for Infrastructure Development in Africa (PIDA), the New Partnership for Africa’s Development (NEPAD), and Regional and National Infrastructure Plans. Agenda 2063 commits to a shared set of seven aspirations, three of which are directly relevant to transport: Aspiration 1 A prosperous Africa based on inclusive growth and sustainable development Aspiration 2 An integrated continent, politically united, based on the ideals of Pan Africanism, and the vision of Africa’s Renaissance Aspiration 7 Africa as a strong, united resilient and influential global player and partner. The other four aspirations cover good governance and the rule of law, peace and security, values and ethics, and people-driven development by Africans. Although not directly linked to transport, these aspirations will enhance the contribution of the transport sector to achieving the Agenda 2063 aspirations.” For more see: “Delivering Sustainable Transport for Realizing AU Agenda 2063,” AU, Transport Policy Paper, February 2017, page 1. Available at: <https://www.tralac.org/documents/resources/african-union/2510-transport-policy-paper-delivering-sustainable-transport-for-realising-au-agenda-2063-february-2017/file.html>

⁸³ “As regional integration gains momentum, there is growing interest among civil society and citizens to participate in the processes and programmes of regional economic communities (RECs). The constitutive treaties of RECs provide for citizens’ participation, but the accessibility of REC treaties and protocols remains a challenge. Decision-making remains state-centric despite growing citizen and civil society interest in regional integration.” For more see: Open Society Foundation “The Civil Society Guide to Regional Economic Communities in Africa,” New York (2016), at *viii*, available at: <https://www.opensocietyfoundations.org/uploads/e4ae95b2-73b0-48e5-a05c-bc895bbe39df/the-civil-society-guide-to-regional-economic-communities-in-africa-20160202.pdf>

⁸⁴ No. 4 of 15th April, 2016

⁸⁵ “An Act of the Community to make provision for the control of vehicle loads, harmonized enforcement, institutional arrangements for the Regional Trunk Road Network within the Community and to provide for other related matters.” See e East African Community Vehicle Load Control Act, 2016

⁸⁶ “A national road safety policy is a critical initiative in the effort to elevate road safety issues to a position of high priority on the national agenda. It provides the basis for working towards attaining the vision of a safe traffic environment. It will also assist in guiding and coordinating the rules and actions of the relevant Ministries, Agencies and Private sector institutions towards the rational use of scarce resources and thereby reducing duplication of effort. The policy provides the basis for the processes of accountability on day-to-day operation, evaluation and research that can dictate the need for resetting objectives for the enhancement of road safety programmes which can have effective impact to the public in general. Finally, it creates the framework for the

road safety outcomes across the region.

At the regional level, Tanzania plays a pivotal role within key economic blocs, notably the Southern African Development Community (“SADC”)⁸⁷ and the EAC.⁸⁸ These organizations seek to advance economic integration, reduce poverty, and stimulate development across member states. These priorities align with Tanzania’s own Development Vision 2025, which places substantial emphasis on infrastructure particularly transport as a foundation for economic growth, industrialization, and regional collaboration.⁸⁹ Road transport is especially critical in achieving these objectives due to its centrality in facilitating the movement of goods, people, and services across borders. Tanzania’s strategic geographic position and its active participation in regional infrastructure initiatives have positioned it as a major logistics hub in Eastern and Southern Africa.⁹⁰

Improved road networks not only facilitate trade but also contribute to job creation, enhanced productivity, and reduced trade-related costs.⁹¹ A notable example of regional cooperation is the Tripartite Transport and Transit Facilitation Programme (“TTTFP”).⁹² Developed under

undertaking of corrective programme interventions and also facilitates steps to access funding.” For more see: “National Road Safety Policy,” Ministry of Infrastructure Development Dar es Salaam, January (2009) at iii. Available at: <https://www.mow.go.tz/uploads/documents/sw-1629711171-NATIONAL%20ROAD%20SAFETY%20POLICY.pdf>

⁸⁷ The Southern African Development Community (SADC) is a Regional Economic Community comprising 16 Member States; Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, and Zimbabwe. Established in 1992, SAD is committed to Regional Integration and poverty eradication within Southern Africa through economic development and ensuring peace and security.” Available at: <https://www.sadc.int/about-sadc/>

⁸⁸ “The East African Community (EAC) is a regional intergovernmental organization of 6 Partner States: the Republics of Burundi, Kenya, Rwanda, South Sudan, the United Republic of Tanzania, and the Republic of Uganda, with its headquarters in Arusha, Tanzania. The EAC is home to 177 million citizens, of which over 22% is urban population. With a land area of 2.5 million square kilometers and a combined Gross Domestic Product of US\$ 193 billion (EAC Statistics for 2019), its realization bears great strategic and geopolitical significance and prospects for the renewed and reinvigorated EAC. The work of the EAC is guided by its Treaty which established the Community. It was signed on 30 November 1999 and entered into force on 7 July 2000 following its ratification by the original three Partner States - Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18 June 2007 and became full Members of the Community with effect from 1 July 2007. The Republic of South Sudan acceded to the Treaty on 15 April 2016 and become a full Member on 15 August 2016. Available at: <https://www.eac.int/overview-of-eac>

⁸⁹ B.T. Baya & Meanan H. Hangu “Environmental Consideration for Sustainable Industrialization in Tanzania,” The National Environmental Management Council, March 2017, page 4. Available at: <https://www.nemc.or.tz/uploads/publications/sw-1576226406-Environmental%20Consideration%20for%20Industrialization%20in%20Tanzania.pdf>, See also: “Development Vision 2025,” available at: <https://hsrc.tamisemi.go.tz/storage/app/uploads/public/5ac/f22/c6d/5acf22c6d2216284886624.pdf>

⁹⁰ “Strategic Location” Tanzania Investment Center (“TIC”), available at: <https://www.tic.go.tz/pages/strategic-location#:~:text=Tanzania%20is%20accessible%20through%20the,in%20the%20East%20African%20Region.>

⁹¹ “Efficient transportation infrastructure facilitates trade, enhances livelihoods, and promotes overall growth. Conversely, inadequate road accessibility can impede economic activities, restrict access to essential services, and perpetuate poverty.” For more see: Musa Mohammed Alhaji “Impact of Poor Road Network Accessibility on Trade and Livelihoods in Selected Communities of Sarduna LGA, Taraba State,” IIARD International Journal of Geography & Environmental Management, Vol. 11 No. 2 (2025), page 77. Available at: <https://iiardjournals.org/get/IJGEM/VOL.%2011%20NO.%202%202025/Impact%20of%20Poor%20Road%202077-87.pdf>

⁹² “This programme is relevant for the Agenda 2030. It contributes primarily to the progressive achievement of

the auspices of the Tripartite Free Trade Area (“TFTA”)⁹³ which brings together COMESA, the EAC, and SADC the TTTFP aims to establish a harmonized legal and regulatory framework for road transport throughout the region.⁹⁴ It addresses long-standing challenges such as inconsistent vehicle standards, overloading, road safety deficiencies, and regulatory fragmentation.

The TTTFP includes the Multilateral Cross-Border Road Transport Agreement (“MCBRTA”),⁹⁵ which is intended to streamline transport operations and reduce delays in border clearance procedures.⁹⁶ Additionally, the Vehicle Load Management Agreement (“VLMA”)⁹⁷ seeks to standardize axle load limits and promote consistent enforcement, thus protecting regional infrastructure from damage caused by overloaded freight vehicles.⁹⁸ In the wake of the COVID-19 pandemic, the program was further expanded to include a cross-border driver and vehicle monitoring system, enabling regional authorities to track travel data and health information.⁹⁹ This innovation helped to safeguard public health while maintaining the uninterrupted flow of essential goods and services.

Tanzania has actively engaged in these regional efforts, recognizing the importance of

SDG target 9 (built resilient infrastructure, promote sustainable industrialisation and foster industrialisation), but also promotes progress towards Goal "Develop quality, reliable, sustainable and resilient infrastructure, including regional and trans-border infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all". This does not imply a commitment by the Member States of SADC, COMESA and EAC benefiting from this programme. The overall strategic objective is “to facilitate the development of a more competitive, integrated and liberalised regional road transport market in the East and Southern African region. The project purpose is to develop and implement harmonised road transport policies, laws, regulations and standards for efficient cross border road transport and transit networks, transport and logistics services, systems and procedures in the East and Southern African region.” See EAC “Implementation of the Tripartite Transport and Transit Facilitation Programme Eastern and Southern Africa (TTFP),” Available at: <https://www.eac.int/infrastructure/road-transport-sub-sector/ttftp> , For more see “TTTFP Project Background,” available at: <https://ttftp.org/>

⁹³ “The Tripartite is an umbrella organisation consisting of 3 of Africa’s Regional Economic Communities, namely: the Common Market for Eastern and Southern Africa; the East Africa Community and the Southern African Development Community. The Tripartite consists of 26 member countries.” EAC, available at: <https://www.eac.int/trade/international-trade/trade-agreements/comesa-eac-sadc-tripartite-free-trade-area-tfta-agreement>

⁹⁴ “Improving Transport Connectivity for LLDCs and the Status of Implementation of the Vienna Programme of Action in the African Region,” UN Economic Commission for Africa, UN-OHRLS, Background Report, page 7. Available at: https://www.un.org/ohrlls/sites/www.un.org.ohrlls/files/improving_transport_connectivity_for_lldc_and_the_status_of_implementation_of_the_vpoa_in_the_africa_region.pdf

⁹⁵ “Cross border road transport laws, regulations, standards and systems harmonized from Cape to Cairo,” EAC, available at: https://www.eac.int/index.php?option=com_content&view=article&id=1859:eacj-appellate-division-restores-walk-to-work-application-&catid=146:press-releases&Itemid=194

⁹⁶ “Transcending Borders,” Cross Boarder Road Transport Agency, 1 June (2024), page 3. Available at: <https://www.cbrta.co.za/uploads/files/2024-C-BRTA-Transcending-Borders-Newsletter-Jun3-2024.pdf>

⁹⁷ See EAC supra note 99.

⁹⁸ Ibid.

⁹⁹ “Cross-Border Management of Covid-19 Outbreak in East & Southern Africa,” WHO, Covid-19 Response, page 4. Available at: https://www.afro.who.int/sites/default/files/Covid-19/Technical%20documents/CROSS-BORDER%20MANAGEMENT%20OF%20COVID-19%20OUTBREAK%20IN%20EAST%20%26%20SOUTHERN%20AFRICA_0.pdf

regulatory harmonization in reducing non-tariff barriers (“NTBs”)¹⁰⁰ to trade. With approximately more than a quarter of all the cargo offloaded at the Port of Dar es Salaam destined for landlocked countries,¹⁰¹ efficient and predictable cross-border road transport regulation is crucial for both Tanzania’s domestic economy and the broader regional integration agenda. However, “*Regionalism*”¹⁰² presents itself as a strategic solution to the dual pressures faced by EAC member states. On one hand, regional cooperation allows states to better manage the challenges of globalization such as volatile financial markets, technological disruption, and shifting trade dynamics by pooling resources and aligning policies to enhance bargaining power and resilience.¹⁰³

On the other hand, regionalism helps protect national sovereignty not by diluting it, but by reinforcing it through shared authority at the regional level.¹⁰⁴ By creating supranational institutions and frameworks, regionalism offers a buffer against both external market forces and internal fragmentation caused by ethnic divisions or political unrest.¹⁰⁵ In this way, EAC integration not only strengthens the collective capacity of its members to compete globally but also provides a stabilizing structure that upholds state legitimacy and territorial integrity in an

¹⁰⁰ “Non-tariff measures include a very diverse array of policies that countries apply to imported and exported goods. Some NTMs are manifestly employed as instruments of commercial policy (e.g. quotas, subsidies, trade defence measures and export restrictions), while others stem from non-trade policy objectives (e.g. technical measures). The latter often serve a legitimate purpose as they are put in place for valid concerns such as food safety and environmental protection. Although the underlying intent of NTMs is important for negotiations and policy response, it is not the only issue. Regardless of whether NTMs are imposed (or implemented) with protectionist intent or to address legitimate market failures, NTMs are thought to have important restrictive and distortionary effects on international trade.” “Non-Tariff Measures to Trade: Economic and Policy Issues for Developing Countries,” Developing Countries in International Trade Studies, UN (2013), page 9 (vii). Available at: https://unctad.org/system/files/official-document/ditctab20121_en.pdf

¹⁰¹ Jan Bronauer & Ji Yoon “Regional Economic Development in SADC: Taking Stock and Looking Ahead,” South African Institute of International Affairs (“SAIIA”), August 2018, Report 25 at page 30. Available at: <https://saiia.org.za/wp-content/uploads/2018/11/Regional-economic-development-in-SADC-taking-stock-and-looking-ahead.pdf>

¹⁰² “Regionalism as used in this [context] refers to regional integration. Regional integration requires the pooling of national sovereignty. Regional integration generally begins with economic integration, and much has been written about this topic. The integration of states into new political and economic units is largely a response to globalization. Indeed, the “new wave of regionalism relates to the current transformation of the world order, and is associated with or caused by certain structural changes of and in the global system, including the restructuring of the nation-state and the growth of interdependence, transnationalism,” and globalization. States form regional institutions because they recognize there are challenges, which they cannot effectively address independently. The new regionalism includes “economically oriented objectives, but also environmental, political, social, and democratic objectives.” It also incorporates multilevel regional arrangements and reflects “a vastly increased density, breadth, and range of interactions above, between, and below states.” The foremost example of regional integration is the European Union. Regional integration in Europe has demonstrated that it is a long and complex process. Scholars have classified the AU and the European Union as hybrids in terms of regional integration because states retain national sovereignty in some areas, but not others.” For more see: Matiangai V.S. Sirleaf “*Regionalism, Regime Complexes, and the International Criminal Justice*,” Columbia Journal of Transnational Law, Vol. 54, No. 699, 2016, page 727-728. Available at: <https://wilj.law.wisc.edu/wp-content/uploads/sites/1270/2017/03/CLE-Background-Reading-2.pdf>

¹⁰³ Ugirashebuja E & Ruhangisa J.E supra note 80 at 3-4.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

increasingly complex international environment.

B. Challenges in effective implementation

Despite the commendable strides made in regional transport integration, several structural and institutional barriers continue to hinder the full realization of these initiatives. One of the most persistent challenges is the domestication of regional agreements into national legal frameworks.¹⁰⁶ Member states vary significantly in their legal traditions, ratification processes, and institutional capacities, which can lead to prolonged delays in the adoption and enforcement of harmonized rules. The lack of uniform enforcement mechanisms across jurisdictions further exacerbates implementation difficulties.¹⁰⁷ Divergent national priorities, administrative bottlenecks, and limited resources often undermine the consistency and efficacy of enforcement practices. As a result, commitments made at the regional level may not translate into meaningful change on the ground.¹⁰⁸

Compounding these issues is the absence of robust institutional coordination among relevant agencies both within and across states.¹⁰⁹ Some countries lack clear implementation roadmaps or the necessary monitoring systems to track compliance, evaluate performance, or resolve cross-border disputes effectively. Moreover, while programs like the TTTFP have introduced mechanisms for regulatory alignment, the challenge of political will remains.¹¹⁰ Sustained leadership, legal reform, and fiscal investment are essential to ensure that regional transport protocols are not only adopted but operationalized in a manner that is consistent, fair, and transparent. In this context, Tanzania and its regional partners must prioritize capacity-building, legal harmonization, and institutional strengthening.¹¹¹

Without these foundational investments, the transformative potential of regional road transport integration as envisioned in the frameworks of the EAC, SADC, and TFTA will remain largely unrealized. From a holistic viewpoint however, EAC member states, often exhibit a strong inclination to preserve national sovereignty, especially in the face of regional integration

¹⁰⁶ “For international law to be rendered operative in Tanzania, implementing legislations needs to be enacted at the domestic level to give legal force to conventions ratified. In particular, Article 63(3)(e) of the Tanzanian Constitution asserts that, the parliament is the principal organ overseeing the government and all its organs in deliberating upon and ratifying all treaties and agreements to which the country is party-to and the provisions of which require ratification.” See Benjamin J. Parsalaw *supra* note 58 at 57-58.

¹⁰⁷ Johannes Dovelung & Hamudi I. Majamba “Harmonization of Laws in the East African Community,” *Law Africa*, TGCL Series 5 (2018), page 53. Available at: <https://epub.uni-bayreuth.de/id/eprint/3899/1/TGCL%20Series%205%20online.pdf>

¹⁰⁸ *Ibid* at 12.

¹⁰⁹ *Ibid* at 8

¹¹⁰ *Ibid* at 30

¹¹¹ “East African Community (‘EAC’), Regional Capacity Building Strategy for EMIS,” Prepared by ADEA Working Group on Education Management and Policy Support for the EAC Secretariat, 2013 page 3. Available at: https://www.adeanet.org/sites/default/files/eac_emis_capacity_building_strategy_2013_0.pdf

efforts.¹¹² This paper adopts the term "*sovereignty syndrome*" to denote the persistent and deliberate reluctance of member states particularly within regional organizations such as the EAC to cede or delegate aspects of their sovereign authority to "*Supranationality*."¹¹³ The tendency to prioritize state sovereignty essentially leads to selective implementation of the EAC treaty.

Thus, the sovereignty syndrome can be understood as structural and political impediment to effective regionalism, manifesting in the selective or inconsistent implementation of regional legal instruments, resistance to institutional enforcement mechanisms, and a general preference for intergovernmentalism over supranational governance. As a concept it captures the tension between the constitutional autonomy of the nation-state and the legal imperatives of deeper regional integration.

V. REGULATING TRANSPORT AT THE DOMESTIC LEVEL

At the state level and with reference to international law and the EAC treaty, the most prominent sources of laws are constitutions, parliamentary legislations/statutes, judicial decisions, treaties, and protocols.¹¹⁴ In the United Republic of Tanzania, as in many other jurisdictions, the URT Constitution of (1977),¹¹⁵ serves as the supreme law of the land, forming the foundational legal framework from which all other laws and state institutions derive their legitimacy and authority. As such, any law or action that is inconsistent with the provisions of the Constitution is rendered null and void, having no legal effect.¹¹⁶

Of particular significance is the Constitution's inclusion of a justiciable Bill of Rights, which guarantees the promotion, protection, and enforcement of fundamental human rights and

¹¹² Ugirashebuja E & Ruhangisa J.E supra note 80 at 3-4.

¹¹³ "Supranationality is an inherent feature of modern international organizations (IOs). Capacity of international organizations to create direct rules both for their member states, institutions or bodies and for individuals and legal entities of the member states is a core specific feature of supranationality as a legal phenomenon. The principles of supranational regulation, at first glance, contradict the fundamental principles of international law. However, actually there is no conflict if constituent instruments provide for the possibility of withdrawing from an international organization, i.e. the basic principle of free will of the subjects of international law is applied. States, joining a supranational international organization exercise their sovereign rights rather than are deprived of them. Constituent instruments of an international organization do not restrict sovereignty (authority, regime and competence). They, however, impose limits only on one element, i.e. competence. International legal restriction of competence of the state is an established practice and does not violate state integrity and independence." Olha M. Shapkovych & Mykhailo M. Mykivych "Supranationality and Intergrational Organizations: definition, Features, Modes," *Opción*, Año 36, Especial No.26 (2020), page 1728. Available at: <file:///Users/benjieparsalaw/Downloads/31805-Texto%20del%20art%C3%ADculo-51435-1-10-20200424.pdf>

¹¹⁴ Ugirashebuja E & Ruhangisa J.E supra note 80.

¹¹⁵ "[R]evised edition of the Constitution of the United Republic of Tanzania incorporates and consolidates all amendments made therein by the Constituent Assembly in 1977 up to the 14th Amendment of 2005 and it is printed and published under section 4 of the Laws Revised Act Chapter 4." For more see: "Office of the Solicitor General," available at: <https://elibrary.osg.go.tz/handle/123456789/253>

¹¹⁶ Article 64(5) of the URT Constitution

freedoms.¹¹⁷ This constitutional entrenchment underscores the centrality of human dignity, equality, and justice in the Tanzanian legal order. Transport regulation in Tanzania is a critical component of national development, public safety, and economic efficiency.¹¹⁸ As the country experiences rapid urbanization, population growth, and increasing motorization, the demand for a well-regulated and safe road transport system has become more urgent.¹¹⁹

A. Domestic legal framework governing road traffic in Tanzania

Tanzania's legal and institutional framework for road traffic regulation is shaped by a combination of statutes, policies, and enforcement mechanisms aimed at ensuring orderly traffic flow, minimizing accidents, and preserving road infrastructure. Central to this framework are the Road Traffic Act of 1973,¹²⁰ (as amended) and the Road Act of 2007,¹²¹ which provide the legal basis for managing road use, vehicle and driver standards, infrastructure development, and institutional responsibilities across multiple levels of government. This section explores the scope, authority, and challenges of Tanzania's domestic transport regulation regime.

Tanzania's domestic road traffic regulatory framework is primarily governed by two key pieces of legislation: the Road Traffic Act and the Roads Act. The Road Traffic Act serves as the main legislative instrument for traffic regulation, covering areas such as road safety, vehicle fitness, speed limits, driver licensing, and road signage enforcement.¹²² The Roads Act, meanwhile, governs the management, construction, and maintenance of the national road network, including provisions that affect traffic during construction and emergency situations.¹²³ Also, Tanzania has the Highway Act, which prescribes the legal framework for public highways to address road use, access, construction, and penalties.¹²⁴

The Road Traffic Act vests the Minister with broad powers to make regulations aimed at better

¹¹⁷ Benjamin J. Parsalaw *supra* note 58 at 65.

¹¹⁸ "Tanzania: Transport Sector Review," Transport & ICT Department, African Development Group, September (2013), page 8. Available at: https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Tanzania_-_Transport_Sector_Review.pdf

¹¹⁹ "Transforming Tanzania's Cities: Harnessing Urbanization for Competitiveness, Resilience, and Livability," World Bank Group, (2021), page 27. Available at: <https://documents1.worldbank.org/curated/en/811221624876806983/pdf/Transforming-Tanzania-s-Cities-Harnessing-Urbanization-for-Competitiveness-Resilience-and-Livability.pdf>

¹²⁰ No. 30 of 1973.

¹²¹ No. 13 of 2007.

¹²² Dar es Salaam Transport Policy and System Development Master Plan "Technical Report 2 – Transport Planning & Development," Chapter 6 Traffic Control and Management, at 6-2. Available at: https://openjicareport.jica.go.jp/pdf/11897576_03.pdf

¹²³ *Ibid.*

¹²⁴ "The Minister shall at his discretion apportion duties of constructing, altering, maintaining and supervising the highways of Mainland Tanzania between any administrative officers and any board or authority having jurisdiction under any law for the time being in force and the person, board or authority to which such duty is assigned in pursuance of this section, shall be a road authority for the purposes of this Act and shall carry out such duties subject to the control and direction of the Minister." Section 8 of the Highway Act.

implementation of the Act.¹²⁵ These powers encompass issuing Regulations, Orders, and Notices, which acquire legal force once published in the Government Gazette.¹²⁶ This allows the Minister to respond quickly to evolving road safety needs and technological advancements without waiting for parliamentary legislative amendments. Similarly, the Roads Act of 2007 grants the Minister oversight over road planning, development, and maintenance.¹²⁷ This includes issuing policy directions to the Tanzania National Roads Agency (“TANROADS”)¹²⁸ and local governments, particularly concerning road classification, traffic safety during construction, and emergency closures.¹²⁹

The Minister may also intervene in matters of national transport significance. Traffic management authority is shared among several government agencies, including the Ministry of Infrastructure Development, TANROADS, the Land Transport Regulatory Authority (“LATRA”),¹³⁰ and local government authorities. However, law enforcement and day-to-day implementation are primarily the responsibility of the police.¹³¹ The police force operates under the Ministry of Home Affairs and functions as part of the civil service, thereby subject to standard civil service accountability mechanisms.¹³² Further regulatory support is provided by laws such as the Import Control Ordinance Act,¹³³ the Transport Licensing Act (1973),¹³⁴ the

¹²⁵ “The Minister may, subject to the provisions of subsection (2), make regulations for the better carrying into effect of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing, may make regulations.” Section 114 (1) of the Highways Act

¹²⁶ Section 4 of the Road Traffic Act.

¹²⁷ Section 19 of the Roads Act.

¹²⁸ “The Tanzania National Roads Agency (TANROADS) was established on 1st July, 2000 by an order published in the Government Gazette, Notice No. 293 of 2000 under Section 3(1) of the Executive Agencies Act No. 30 of 1997, with the expectation of witnessing a significant improvement in road maintenance and development with respect to quality, efficiency and cost-effectiveness.” TANROADS, available at: <https://www.tanroads.go.tz/>

¹²⁹ Highway Act *supra* note 87.

¹³⁰ “The Land Transport Regulatory Authority (LATRA) is a Government Regulatory Authority established by the Act of Parliament No. 3 of 2019. The Act repealed the act of the former regulator, Surface and Marine Transport Regulatory Authority (SUMATRA). The Authority is set to regulate the land transport sectors particularly, transportation of goods and passengers (commuter buses, intercity buses, goods carrying vehicles, taxis, motorcycles and try cycles), railways and cable transport.” LATRA, available at: <https://www.latra.go.tz/pages/who-we-are>

¹³¹ Section 73 of the Road Traffic Act.

¹³² Nina Sokoine “The Collaboration of Investigative authorities in Tanzania: Current Issues,” KAS African Law Study, A paper presented on the 4th regional conference on “the requirements for an independent and effective judiciary in Burundi, DR Congo, Kenya, Rwanda, Tanzania and Uganda current problems in criminal and civil proceedings” organized by the Rule of law Program for sub-Saharan Africa of the Konrad-Adenauer-Stiftung (KAS), on 1st to 4th September 2016 in Nairobi, Kenya, 2016 page 526. Available at: https://www.nomos-elibrary.de/10.5771/2363-6262-2016-3-524.pdf?download_full_pdf=1

¹³³ “Prohibition of importation of goods except under import license: Subject to the provisions of this Act, it shall be an offence against this Act for any person to import any goods, or to do any act with intent that any goods are imported, unless he is in possession of a valid license (hereinafter referred to as an import license) issued or deemed to have been issued by the Controller under the provisions of section 7 authorizing the importation of the goods: Provided that the provisions of this section shall not apply if the importation of the goods has been authorized by an open general license issued or deemed to have been issued by the Controller under the provisions of section 5.” Section 4 of the Imports Control Act Chapter 276.

¹³⁴ “Issue of licenses (1) A license, together with an authorization for each vehicle to which the license relates,

Motor Vehicle Driving Schools (Licensing) Act (1965),¹³⁵ and the Motor Vehicle Insurance Ordinance (Cap. 169).¹³⁶

In addition, the Road Safety Policy of 2009,¹³⁷ aligned with the UN Decade of Action for Road Safety (2021–2030), promotes enhanced vehicle safety standards, improved road infrastructure, post-crash care, and greater attention to environmental sustainability all in alignment with Tanzania’s Development Vision 2025.¹³⁸ Under the Police Force and Auxiliary Services Act,¹³⁹ the police are mandated to regulate and maintain order on public roads. In particular, the Act authorizes law enforcement to regulate traffic, close roads, prevent obstructions, and manage public safety on streets and highways.¹⁴⁰ Their discretionary authority is ostensibly exercised in the “*public interest*,”¹⁴¹ a legal concept often invoked in administrative and police decision-making.

B. Key challenges facing Tanzania’s road traffic regulation system

Despite the existence of a reasonably comprehensive legal framework, Tanzania continues to grapple with significant challenges in road traffic regulation and safety enforcement. One major issue is the overconcentration of discretionary power in the executive branch particularly in the hands of the Minister responsible for transport. Phrases such as “in the “*public interest*” or “*as the Minister deems fit*” are not clearly defined in law, allowing for broad and sometimes unchecked decision-making authority.¹⁴² This lack of statutory precision and accountability

shall, subject to the provisions of this regulation, be issued to every applicant whose application has been approved by the licensing authority, upon payment of the prescribed fees.” Section 11 of the Transport Licensing Act, available at: <https://tanzanialaws.com/sub-t/655-transport-licensing-act>

¹³⁵ “An Act to provide for the licensing of proprietors of motor vehicle driving schools and the prescription of qualifications for driving instructors and for connected matters.” <https://tanzanialaws.com/statutes/principal-legislation/209-motor-vehicle-driving-schools-licensing-act->

¹³⁶

¹³⁷ “A national road safety policy is a critical initiative in the effort to elevate road safety issues to a position of high priority on the national agenda. It provides the basis for working towards attaining the vision of a safe traffic environment. It will also assist in guiding and coordinating the rules and actions of the relevant Ministries, Agencies and Private sector institutions towards the rational use of scarce resources and thereby reducing duplication of effort. The policy provides the basis for the processes of accountability on day-to-day operation, evaluation and research that can dictate the need for resetting objectives for the enhancement of road safety programmes which can have effective impact to the public in general. Finally, it creates the framework for the undertaking of corrective programme interventions and also facilitates steps to access funding.” Executive summary (iii), Available at: <https://www.mow.go.tz/uploads/documents/sw-1629711171-NATIONAL%20ROAD%20SAFETY%20POLICY.pdf>

¹³⁸ See Development Vision *supra* note 61 at 2

¹³⁹ Cap 322 of 2002.

¹⁴⁰ Section 40 of the Police Force Auxiliary Service Act

¹⁴¹ “Words such as “public interest” or “national development” are often found in limitation clauses. These words are very general and this renders them prone to subjective interpretations since there is no precise definition of what “public interest” or “national development” specifically entail. This gives the state the upper hand in the sense that, the government can define “public interest” or “national development” however, it pleases to fit whatever it so desires. Alternatively, this opens up room for abuse of power for either political or personal interests by the state.” For more see; Benjamin J. Parsalaw *supra* note 58 at 75.

¹⁴² *Ibid.*

raises concerns about potential misuse of ministerial power and weakens public oversight.

In April 2025, Tanzania's Minister for Agriculture, exercised broad discretionary powers to impose a ban on the importation and transit of agricultural goods from Malawi and South Africa.¹⁴³ The decision was made in retaliation for what Tanzania deemed unfair trade restrictions imposed by the two countries on its agricultural exports, such as bananas, maize, and rice.¹⁴⁴ The ban also extended to the suspension of fertilizer exports to Malawi, triggering immediate economic and logistical disruptions at key border points.¹⁴⁵ While the action fell within the scope of ministerial authority under domestic trade and transport laws, it sparked public and diplomatic concern over its suddenness and the lack of a consultative framework prior to its enforcement.

The incident underscored the significant powers vested in Tanzanian ministers to regulate transport and trade, including through the issuance of bans and directives without prior parliamentary scrutiny. Although the ban was lifted shortly after diplomatic engagement, it highlighted the potential risks of unrestrained executive discretion especially in matters affecting regional trade and integration.¹⁴⁶ Governments ought to employ a mixture of both democratic and judicial control over discretionary powers to curb abuse and the rights of the public.¹⁴⁷ The case serves as a strong reminder of the need to institutionalize legal safeguards, transparency, and stakeholder consultation to balance ministerial authority with accountability, ensuring that such measures serve national interests without undermining regional cooperation or economic stability.

Another challenge is the absence of mandatory public consultation or parliamentary review when formulating or amending transport regulations.¹⁴⁸ Regulatory instruments that affect

¹⁴³ "Tanzania lifts bans to allow for trade negotiations," Daily News, April 27, 2025. Available at: <https://dailynews.co.tz/tanzania-lifts-bans-to-allow-for-trade-negotiations/> , For more see also: "Tanzania bans agriculture imports from South Africa, Malawi," Reuter, April 24, 2025, available at: <https://www.reuters.com/world/africa/tanzania-bans-agriculture-imports-south-africa-malawi-2025-04-24/>

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ "Trade policy may be set regional agreement wide (as is the case in a customs union) or left to the discretion of individual members (as in a free trade area). These different arrangements each have costs and benefits, as well as creating different incentives for setting external trade policy" For more see "Regional Integration Agreements," Trade Blocs, page 9. Available at: https://www.redsudamericana.org/sites/default/files/talleres/tradeblocks_World%20bank.pdf

¹⁴⁷ Ronald Osei Mensah "Should Discretionary Power be Controlled Politically Through the Democratic Process or it Should be Controlled Through the Courts," Mediterranean Journal of Social Science, Vol 13, No 6, October (2022), page 41. Available at: <https://www.richtmann.org/journal/index.php/mjss/article/view/13155/12747>

¹⁴⁸ "Public participation in the legislative process is a culmination of a process, comprising a series of consultations, through questionnaires, interviews, workshops and a national conference." For more see Foster Mijiga "Public Participation in the Legislation Process," A Summary of Results from a Nation-wide Regional Survey and a National Conference Conducted by the National Council and the National Democratic Institute between April and October 2000, page available at: 1-2. Available at:

millions such as changes to speed limits, driver licensing criteria, or road classifications can be issued unilaterally without stakeholder engagement or democratic scrutiny. This undermines the legitimacy of the regulatory process and opens the door to arbitrary or politically motivated rule-making.¹⁴⁹ Furthermore, enforcement remains a critical bottleneck. The police force, which plays a central role in upholding road traffic laws, frequently exercises discretionary powers under the guise of maintaining order or acting in the public interest.

Yet, law enforcement practices are not adequately monitored, with an increasing number of police officers facing disciplinary action for misconduct.¹⁵⁰ The problem is compounded by limited institutional capacity, infrastructure deficits, corruption, and inadequate funding.¹⁵¹ Road traffic incidents remain high, and efforts to modernize enforcement tools such as automated traffic systems,¹⁵² digital vehicle inspections or GPS-based monitoring face financial and technical barriers.¹⁵³ Additionally, environmental concerns, including emissions and congestion, are not yet fully integrated into traffic regulation and planning frameworks.

https://www.ndi.org/sites/default/files/1408_na_publicpart_093101_5.pdf

¹⁴⁹ “The absence of many stakeholders from the regulatory process can undermine the goals of public participation in rulemaking. First, it can undermine the effectiveness of regulations. Absent stakeholders may have important information ‘about impacts, ambiguities and gaps, enforceability, contributory causes, [and] unintended consequences’ based on ‘their lived experience in the complex reality into which the proposed regulation would be introduced.’” For more see Michael San’t Ambrogio & Glen Staszewski “*Public Engagement with Agency Rule-Making*,” Final Report, November 19, 2018, 2-3. Available at: <https://www.acus.gov/sites/default/files/documents/Public%20Engagement%20in%20Rulemaking%20Final%20Report.pdf>

¹⁵⁰ “At Least 168 Traffic Officers Face Disciplinary Action for Misconduct in Tanzania,” *The Citizen*, August 27 (2024), available at: <https://www.thecitizen.co.tz/tanzania/news/national/at-least-168-traffic-officers-face-disciplinary-action-for-misconduct-in-tanzania-4740362>

¹⁵¹ “Roughly one-half of all fixed capital investment by governments is in the construction of public infrastructure – an essential component of economic growth and social development, especially in developing countries (Pyman 2021). Yet at the same time governments, citizens and funders are frequently dissatisfied with the outcomes of infrastructure projects as they often involve the waste or misallocation of precious state resources. Corruption can have serious consequences for infrastructure projects across three areas. First, corruption in infrastructure provision is likely to increase prices and inflate project costs. Secondly, corruption can cause delays in project completion and lead to poor quality infrastructure. Thirdly, corruption in infrastructure development is likely to distort the public spending structure, with a bias towards high value, high complexity investments into new infrastructure as opposed to spending on maintenance and operations.” For more see Isabelle Adam and Mihaly Fazekas “Overview of Corruption and Anti-Corruption in Infrastructure Development,” Transparency International, 17 April (2023), page 1. Available at: <https://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-infrastructure-development.pdf>

¹⁵² “Automated Traffic Enforcement Systems (ATES) utilize various technologies to monitor and enforce traffic laws, contributing to road safety and compliance. The advancement of ATES reflects a commitment to improving road safety through technology. Since its introduction in the mid-twentieth century, ATES has experienced substantial evolution and technological breakthroughs.” For more see Abdullatif Mohammed Alobaidallah, Ali Alqatany & Khandoker M. Maniruzzaman “Safety Effectiveness of Automated Traffic Enforcement Systems: A Critical Analysis of Existing Challenges and Solution,” *Future Transp, Systemic Review*, 2025, page 1. Available at:

¹⁵³ “Existing solutions include Radio Frequency Identification (RFID) used for tolling, Camera-based used for red light crossing violations. Also, Radars, Wireless Magnetic Sensors and Induction Loops are used for speeding violations. There are also Global Positioning System (GPS)-based traffic monitoring technologies; however, such solutions are mainly used for congestion reporting rather than traffic enforcement.” For more see Y. Mohana Roopa, M. Ramesh Babu & D. Kishore Babu “Road Traffic Enforcement System Using GPS Enabled Mobile Cloud Computing,” *Indian Journal of Science and Technology*, Vol 11 (44), November 2018, page 3.

Major road infrastructure projects in Tanzania, particularly those crossing ecologically sensitive areas such as the Serengeti-National Park¹⁵⁴ and Selous Game Reserve,¹⁵⁵ have raised serious environmental and human rights concerns. While the Environmental Management Act (2004),¹⁵⁶ requires Environmental Impact Assessments (EIAs)¹⁵⁷ prior to construction activities it is worth noting that enforcement remains inconsistent. In addition, road construction and expansion frequently lead to the forced displacement of residents without adequate compensation or resettlement is a flagrant violation of the right to property.¹⁵⁸ There are still instances of tension between development goals and human rights protections.

Urban road use also presents serious environmental and public health challenges. There is a nature of interdependency between the right to a clean environment and the right to life.¹⁵⁹ High levels of vehicle emissions and congestion in cities such as Dar es Salaam contribute to air and noise pollution, disproportionately affecting low-income communities and undermining the constitutional right to life.¹⁶⁰ Despite existing regulations under the EMA¹⁶¹ and the Air Quality Standards Regulations (2007),¹⁶² enforcement remains weak. In Tanzania, motorcycles are the

¹⁵⁴ “Plans for building a two-lane road through 50 kilometres of the Serengeti National Park in Tanzania must be halted. The road will cause an environmental disaster by curtailing the migration of wildebeest. Evidence from other ecosystems demonstrates that migratory species are likely to decline precipitously, causing the Serengeti ecosystem to collapse, and even flip from being a carbon sink into a major source of atmospheric carbon dioxide.” For more see “Road Will Ruin Serengeti,” *Nature*, Vol 467, 16 September (2010), page 1, available at: <https://people.clas.ufl.edu/rdholt/files/239.pdf>

¹⁵⁵ “The ongoing construction of a major dam and associated infrastructure within a property already on the List of World Heritage in Danger for multiple reasons, including the project under consideration, is alarming and implies that the property may not have a future as a World Heritage property as nominated and inscribed.” For more see: “2020 Conservation Outlook Assessment,” Site Information, page 1-2. Available at: <https://rris.biopama.org/sites/default/files/2020-12/Selous%20Game%20Reserve%20-%202020%20COA%20-%20en.pdf>

¹⁵⁶ EMA 2004 (Cap. 191)

¹⁵⁷ “In Tanzania, the National Environmental Policy of 1997 posits EIA as a planning tool that shall be used to integrate environmental considerations in the decision-making process. Above all, the policy emphasizes on the importance of EIA in striking a balance between development goals versus environmental protection. Like many other countries, Tanzania’s umbrella environmental legislation, the Environmental Management Act of 2004, contains an EIA provision under section 81 of the Act. However, it turns out that many developing countries, including Tanzania, commonly fall victim to adverse impacts despite having EIA provisions. In particular, these countries do not fully consider or pay attention to consideration of impacts, alternatives and the importance of public participation.” For more see Benjamin J. Parsalaw *supra* note 58 at 85.

¹⁵⁸ Article 24 of the URT Constitution

¹⁵⁹ “The Tanzanian Constitution does not explicitly provide for environmental rights for that matter. However, decisions of courts of law (case-law/precedents) are recognized as important sources of law in Tanzania. In this aspect, Courts and in particular the High Court of Tanzania, has played an important role in giving life to environmental protection by interpreting the constitution expansively. In particular, the High Court of Tanzania in the case of *Joseph D.Kessy & Others v.s The City Council of Dar es Salaam*, asserted that the right to a clean environment was included in the right to life, which is one of the basic rights protected under the Constitution.” For more see: Benjamin J. Parsalaw *supra* note 58 at 67.

¹⁶⁰ Article 14 of the URT Constitution

¹⁶¹ Section 133 of the EMA

¹⁶² “The object of these Regulations shall be to: (a) set baseline parameters on air quality and emissions based on a number of practical considerations and acceptable limits; (b) enforce minimum air quality standards prescribed by the National Environmental Standards Committee; (c) help developers such as industrialists to keep abreast with environmentally friendly technologies; and (d) ensure protection of human health and the environment from various

leading cause of road traffic accidents, followed by motor vehicles and bicycles, according to data from the Surface and Marine Transport Regulatory Authority (“SUMATRA”).¹⁶³

The WHO 2017 report ranked Tanzania among the top ten countries globally for road traffic fatalities, with a particularly high number of deaths attributed to road accidents, underscoring the severe risk faced by road users in the country.¹⁶⁴ Road traffic accidents impose a significant financial and social burden on both the state and individuals. Substantial public and private resources are expended on emergency medical care, transportation, law enforcement response, and funeral arrangements.¹⁶⁵ Beyond the tangible economic costs, victims and their families endure considerable pain, grief, and emotional suffering.¹⁶⁶ Consequently, the rise in road traffic accidents has both direct and indirect adverse effects on the national economy, undermining public health systems, productivity, and overall social welfare.

Human-related factors remain the leading cause of road traffic accidents in Tanzania. These include reckless driving, the operation of defective vehicles, negligence by both pedestrians and drivers, over-speeding, poor road design, and driving under the influence of alcohol.¹⁶⁷ While speed regulation mechanisms and detection technologies exist to monitor and sanction vehicles exceeding prescribed limits,¹⁶⁸ enforcement remains inconsistent. Despite the existence of specific legal provisions that criminalize over-speeding punishable by fines or imprisonment traffic laws and safety measures are routinely violated.

In Tanzania, the legally prescribed speed limit for all motor vehicles, including those operated by government agencies, is 80 kilometers per hour on highways.¹⁶⁹ Within urban and built-up areas, the maximum permissible speed is 50 kilometers per hour, unless otherwise indicated by authorized signage.¹⁷⁰ While certain highway sections may allow for higher speed limits subject to regulatory approval, the general statutory limit remains 80 kilometers per hour. These limits

sources of pollution.” Section 3 of the Air Quality Standards Regulations 2007. Available at: https://www.nemc.or.tz/uploads/publications/sw-1645446559-Air_Quality_Standards_Regulations_2007.pdf

¹⁶³ Salum Haji Hamisi & Hamis A. Juma “Road Accidents In Tanzania: Causes, Impact, and Solutions,” GSI Volume 7, Issue 5. page 754. Available at: https://www.globalscientificjournal.com/researchpaper/Road_Accidents_in_Tanzania_Causes_Impact_and_Solution_.pdf

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ “Commissions Report on the Road Traffic Law,” see Law Reform Commission of Tanzania, (1993), page 25.

¹⁶⁸ Section 52 & Section 53 of the Road Traffic Act

¹⁶⁹ Road Traffic (Speed Limit) (Public Service Vehicles) Regulations, 1998 Government Notice 165 of 1998 [Note: This legislation was revised and consolidated as at 31 July 2002 and 30 November 2019 by the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. All subsequent amendments have been researched and applied by Laws. Africa for TANZLII.], For more see: https://media.tanzlii.org/media/legislation/317162/source_file/09b8748e7e4ed95c/1998-165.pdf

¹⁷⁰ “United Republic of Tanzania,” Traffic Police, (2016), available at: <https://www.grsroadsafety.org/botnarcsc/wp-content/uploads/2023/06/Tanzania-World-Health-Organization-Road-Safety-Country-Profile-2018.pdf>

are established under the Road Traffic Act and its subsidiary regulations, and are binding on all classes of drivers without exception.

Notably, government-operated vehicles are frequently implicated in such violations.¹⁷¹ Although substantial efforts have been made to enhance road safety, drivers of government vehicles continue to be among the most persistent offenders, thereby undermining public confidence in traffic law enforcement and compromising broader road safety objectives. One among the key discoveries of this paper is that government affiliated vehicles with plate numbers *STK, STL, STJ, SU, SM* including *DFP or DFPA* are notorious for committing traffic violations with impunity.¹⁷² studies.

VI. CONCLUSION

In sum, Tanzania's road transport system plays a pivotal role in national development, regional integration, and the protection of human rights and environmental welfare. Despite having a comprehensive legal and policy framework from international conventions to domestic legislation the implementation and enforcement of road safety laws face significant challenges. These include legal ambiguities, especially around the concept of "public interest," limited institutional capacity, and inconsistent regional harmonization of transport regulations. The continued rise in road traffic fatalities and economic losses linked to road accidents underscores the need for more robust, accountable, and coordinated enforcement mechanisms.

To move forward, Tanzania must prioritize the harmonization of national laws with regional and international standards while simultaneously strengthening domestic enforcement capacity. This includes revisiting outdated legislation, refining vague legal provisions, and ensuring transparency and accountability in the exercise of police powers. Investment in road infrastructure must be complemented by education campaigns, technology-based monitoring systems, and cross-sectoral collaboration among government agencies, civil society, and international partners. A more rights-based, data-driven, and participatory approach to road safety governance will ensure that infrastructure development not only supports economic growth but also upholds the safety, dignity, and well-being of all road users.

¹⁷¹ "Tragedy of Government Vehicles," The Citizen, February 2019, available at: <https://www.thecitizen.co.tz/tanzania/news/national/-tragedy-of-government-vehicles-2671844>, see also

¹⁷² "Rangi za Plate Number na Maana Zake Tanzania," September 10, 2019. Available at: <http://tuwemachointerprises.blogspot.com/2019/09/rangi-za-plate-namba-na-maana-zake.html>