



DRAFT

AFRICAN ROAD SAFETY CHARTER

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PREAMBLE

We, the Member States of the African Union (AU);

Considering the Constitutive Act of the African Union, adopted on 11 July 2000 in Lomé, Togo, in particular Articles 14 (e) and 15 and which entrust the African Union Commission with a coordination mission in the Transport, Communication and Tourism sectors;

Considering the Treaty Establishing the African Economic Community adopted in Abuja, Nigeria in June 1991, in particular Article 61, that defines the steps that member States should undertake to achieve a harmonious and integrated development of the continental transport and communications network in Africa;

Considering the Decision of the Assembly of Heads of State and Government adopted in July 2001 in Lusaka, Zambia, establishing the New Partnership for Africa's Development (NEPAD) as the framework for Africa's development;

Considering the challenges arising from economic globalization and the need for Africa to implement, in a complete and effective manner, the Almaty Programme of Action of 2003, which underscores the United Nations' programme for cooperation in transit transport for landlocked developing countries;

Considering the Decision of Heads of State and Government of the African Union, meeting in July 2005 in Sirte, Libya, to include in the Millennium Development Goals (MDGs) the transport targets and indicators adopted in April 2005 in Addis Ababa, Ethiopia, by African Ministers responsible for transport and infrastructure, within the framework of poverty alleviation;

Considering the Declaration Doc.Assembly/Au/9(XII) adopted at the XIIth Assembly of Heads of State and Government of the African Union held in Addis Ababa, Ethiopia, in February 2009 on the development of transport and energy infrastructure in Africa;

Considering the Resolution 64/255 adopted by the UN General Assembly on 02 March, 2010 proclaiming 2011-2020 a Decade of Action for Road Safety as well as its dedicated/related Action Plan;

Considering the Declaration Doc.Assembly/AU/Decl.2(XVIII) adopted at the XVIIIth Assembly of Heads of State and Government of the African Union held in Addis Ababa, Ethiopia, in January 2012 on the Programme for Infrastructure Development in Africa (PIDA) and its Priority Action Plan (PAP) and Institutional Architecture for Infrastructure Development in Africa (IAIDA);

Considering the Decision EX.CL/Dec.682(XX) adopted by the Twentieth Ordinary Session of the Executive Council on the Report of the Second Ordinary Session of the Conference of African Ministers responsible for Transport endorsing the Luanda

Declaration and Plans of Action;

Considering the Luanda Declaration AU/TPT/MIN/Decl.(II) and its Africa Action Plan for the Road Safety Decade 2011-2020 adopted by the Second Ordinary Session of the Conference of African Ministers responsible for Transport, in November 2011;

Considering the relevant international conventions in transport matters, especially in the areas of safety and security, the protection of the environment as well as facilitation of transport;

Recognizing the multi-sectorial dimension of road safety and the need for closer collaboration among the key stakeholders (transport, infrastructure, education, police, health, law enforcement...) in improving the road safety situation on the Continent;

Committed to improving transport infrastructure and health services in Africa so as to prevent road crashes and fatalities;

Recognizing the need to speed up the development of infrastructure and associated services in Africa and to put in place safer roads for Africa's development;

Deeply concerned by the inordinately high rate of road crashes in Africa with most victims being pedestrians, cyclists and motorcyclists constituting largely young people and where the cost of road traffic accidents is nearly 2% of GNP: indeed, a heavy toll with a significant adverse socioeconomic impact on the Continent;

Therefore, We, The African Member States have agreed to the following provisions:

CHAPTER I GENERAL PROVISIONS

Article 1 Definitions

For the purposes of this Charter, the following definitions will be understood:

"Assembly": the Assembly of Heads of State and Government of the African Union;

"AU", means the African Union;

"Charter" means the African Road Safety Charter;

"Commission" means the African Union Commission;

"Constitutive Act" means the Constitutive Act of the African Union;

"Member State" means State member of the African Union;

Non-motorized road users mean any transport that does not require a motor to generate energy. Included in this term are pedestrians, cyclists and the use of animal-drawn or human-drawn carts.

Road infrastructure means road facilities and equipment, including the road network, parking spaces, stopping places, draining system, cycle paths, bridges and footpaths

Road Safety Decade means 2011-2020 as Decade of Action for Road Safety proclaimed by the UN General Assembly (Resolution 64/255) and by the 20th Ordinary Session of the AU Executive Council (Dec Ex.CL/Dec.682(XX))

Road Safety Impact Assessment means the evaluation process on Road Safety to be undertaken at all phases of design, construction and operation of road infrastructure.

Road Safety Lead Agency means the national agency in charge of Road Safety issue with cross-sectoral coordination responsibilities.

Road traffic crash means a collision or incident that may or may not lead to injury, occurring on a public road and involving at least one moving vehicle.

Road traffic fatality means a death occurring within 30 days of a road traffic crash.

Road User means a person using any part of the road system as a non-motorized or motorized transport user.

Roadworthiness of vehicles means the technical process of checking all safety technical parameters to ensure the safe use of vehicles.

Safety audits mean checks that are carried out at various stages of any road project to ensure that its design and implementation are consistent with safety principles, and to determine whether further design changes are needed to prevent crashes.

Seat belt: means a vehicle occupant restraint, worn to protect an occupant from injury, ejection or forward movement in the event of a crash or sudden deceleration.

“State Parties” mean Member States, which have ratified or acceded to this Charter.

UNECA means United Nations Economic Commission for Africa.

Vulnerable road users mean road users most at risk in traffic, such as pedestrians, cyclists, motorcyclists and public transport passengers. Children, older people and disabled people may also be included in this category.

CHAPTER II OBJECTIVES

Article 2

Objectives

The main objectives of the African Road Safety Charter are as follows:

1. To serve as a policy framework for Road Safety improvement in Africa.
2. To serve as an advocacy tool and instrument for Road Safety improvement on the Continent aimed at facilitating the creation of an enabling environment to drastically reduce the road traffic crashes.

The specific objectives are to:

- a) Facilitate the formulation of comprehensive Road Safety policies at country level;
- b) Speed-up implementation of national, regional and continental Road Safety programs;
- c) Contribute to the coordination of Road Safety in the Continent;
- d) Promote better coordination of Development Partners in the Road Safety area;
- e) Enhance Private sector, Civil Society Organisations, Non-Governmental Organisations participation in Road Safety issues;
- f) Promote the harmonization of the collection, treatment and dissemination of Road Safety data.

CHAPTER III PRINCIPLES

Article 3 Principles

State Parties shall function in accordance with the following principles in implementing the provisions of this Charter:

1. **Self-reliance and a sense of responsibility** by driving a robust and owned vision on Road Safety improvement.
2. **Solidarity and sharing** knowledge on Road Safety.
3. **Subsidiarity** between the African State Parties, African Union Commission and other regional and continental Institutions working towards the Continent's development and integration.
4. **Development partnership** between the African Stakeholders, the United Nations Agencies and other International Institutions working towards a fair human development in the world.

SCOPE, DUTIES AND COMMITMENT OF STATE

CHAPTER IV ROAD SAFETY MANAGEMENT

Article 4 Creation of Road Safety Lead Agencies

1. State Parties shall establish legally mandated national Road Safety Lead Agencies, with cross-sectorial coordination responsibilities within three (3) years after the signing this Charter.
2. The responsibilities of the Lead Agencies shall among other include:
 - a) Policy advice to Government on matters of Road Safety across sectors;
 - b) Formulation and coordination of the implementation of road safety strategies.

Article 5 Institutional Strengthening of Road Safety Lead Agencies

State Parties shall provide institutional support to Lead Agencies through financial and human resources, political support and recognition to give them the requisite clout to perform their coordination functions.

Article 6 Road Safety Strategies

State Parties will, through an inclusive, collaborative and consultative process, prepare road safety strategies with clear priorities, responsibilities, ambitious and feasible targets.

Article 7 Road Safety Data Management System

1. State Parties shall build capacity within Lead Agencies to enable them create and master credible road safety data management system encompassing quality data collection, storage, collation, analysis, and reporting modules.
2. Road safety data management system shall include national databases on vehicles and drivers, accidents, injuries and deaths, intermediate outcomes such as seat belt and helmet wearing rates and economic impacts of road safety injuries.
3. The data shall be robust, reliable, continentally harmonized and available for planning, research and development, monitoring and evaluation of progress made.

Article 8 Road Safety collaboration

1. State Parties shall promote collaborative efforts at national, regional and continental levels, aimed at improving effectiveness of Road Safety initiatives, knowledge sharing, and monitoring and evaluation.
2. State Parties shall also engage actively in international Road Safety partnerships.
3. State Parties should create the enabling environment for Private Sector, Civil Society, Non-Governmental Organisations, Academic and Research Institutions participation in Road Safety activities.
4. State Parties shall commemorate the Africa Road Safety Day, every third Sunday of November.

CHAPTER V SAFER ROAD AND MOBILITY

Article 9 Functional Classifications

1. State Parties shall legally classify roads according to the functions they serve. Road Designs must reflect the design norms and standards of their respective classification and intended functions.
2. State Parties shall ensure that infrastructure for Non-Motorised Traffic is incorporated as priority requirements within the design of all classes of roads, especially in the urban and rural roads context.

Article 10 Construction Traffic Management

State Parties shall develop Road Safety Management Policies and Principles to guide consultants and contractors.

Article 11 Road Safety Inspection

1. State Parties shall ensure that Road Safety Inspections are undertaken as part of all maintenance processes.
2. The inspections shall take the form of a Safety Analysis and will involve, as a minimum, all road assets including; but not limited to, roadways, pavements, walkways, cycle paths, road furniture, signs, traffic signals or controls, road markings, crush barriers, streetlights...
3. The Safety Analysis shall also pay specific attention to areas considered as “black spots”.

Article 12 Road Safety Audit

1. State Parties shall introduce legislations and strong policies making the undertaking of Road Safety Audits in all phases of design, construction and operation of road infrastructure.
2. State Parties shall establish formal Road Safety Audit guidelines to address inter alia the credibility and independence of the Audit process.

Article 13 National Road Design Manual

1. State Parties shall ensure that Design manual for roads and bridges are developed, reviewed and updated to make sure that it is fit for purpose, cater for a safe design and reflects international best practices.
2. Road designs shall ensure that rest areas have been properly planned and incorporated in the national trunk road systems.

Article 14 Vulnerable Road Users

State Parties shall ensure that vulnerable road users' needs are adequately addressed in the planning, design and provision of road infrastructure.

Article 15 Safer Vehicle

1. State Parties shall adopt and enforce minimum standards of vehicles to ensure their roadworthiness.
2. State Parties shall formulate and enforce regulation on age limit of imported vehicles.
3. State Parties shall strengthen and enforce the mandatory periodic inspection of vehicles.
4. State Parties shall provide incentives for acquiring new vehicles that are environmentally and operationally safe. These incentives should apply also to mass transit vehicles and goods.
5. State Parties shall put in place legislation regulating the transportation of dangerous goods.

Article 16 Safer Road Users

1. State Parties shall strengthen the rules and regulations for training of drivers and issuing of driver licenses.
2. State Parties shall introduce a communication drive to educate and sensitize the population on the principal risks of road crashes.
3. State Parties shall introduce Road Safety in school curricula.
4. State Parties shall issue and enforce road safety legislation, particularly those related to speed control, control of driving while under the influence of alcohol and drugs, wearing seat belt, use of helmets and enhancing visibility and use of mobile telephone while driving.
5. State Parties shall formulate and enforce regulation on driving and rest hours for professional drivers and similar; and introduce appropriate mechanism to monitor and enforce.

Article 17 Post-Crash Care

1. State Parties shall strengthen pre-hospital and post-crash care services in order to provide timely and appropriate care to road traffic-injured patients to minimize their effects and long-term disability.
2. State Parties shall establish Emergency Medical Services (EMS) coordinating centers at strategic locations.
3. State Parties shall implement 3rd party motor vehicle insurance law to ensure EMS and rehabilitation of vehicle crash victims.
4. State Parties shall facilitate Training (capacity building) in injury emergency response services.

CHAPTER VI FINANCING, MONITORING AND EVALUATION

Article 18 Financing Modalities

1. State Parties shall recognize the socioeconomic implication of road crashes as a guiding principle in the allocation of financial resources for road safety. The expenditures on road safety should not be considered as a cost but as an investment.
2. State Parties shall prescribe the proportion of financial resources to be allocated for road safety interventions as part of road infrastructure development and maintenance.

3. State Parties shall identify sustainable sources of funding, particularly internally, for Road Safety.

Article 19 Conference of the State Parties

1. A Conference of the State Parties, made up of Ministers having the Road Safety as their mandate, is hereby established. The African Union Commission shall convene the first meeting of the Conference of the State Parties not later than five (5) years after the entry into force of this Charter.
2. The ordinary meetings of the Conference of the State Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
3. The Conference of the State Parties to this Charter shall adopt its own rules of procedure and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties to this Charter.
4. The State Parties to this Charter at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the road safety;
5. The Conference of the State Parties shall keep under continued review and evaluation the effective implementation of this Charter and in addition, shall:
 - a) Promote the harmonization of appropriate policies, strategies and measures for increasing road safety in Africa;
 - b) Consider and adopt amendments to this Charter;
 - c) Consider and undertake any additional action that may be required for the achievement of the purpose of this Charter.

Article 20 At National Level

1. State Parties shall develop and implement sustainable and accurate national databases on road crashes and enforce mandatory reporting.
2. State Parties shall build national capacity for data management on road safety.
3. State Parties shall establish baseline data on road safety.
4. State Parties shall prepare annual progress reports on Road Safety.
5. The Lead Road Safety Agency in each Member State shall coordinate national road safety data collection and be the custodian of national road safety management systems.

6. State Parties shall establish an evaluation process to review the progress and draw lessons from the implementation of their Road Safety programs.

Article 21
At Continental Level

1. A follow up Committee shall be created comprising representatives of Regional Economic Communities, NEPAD Planning and Coordinating Agency and AU Commission. The Committee in collaboration with all members of the African Lead Road Safety Agencies, institute an appropriate mechanism in order to:
 - a) Promote, foster the monitoring, evaluation and implementation of this Charter;
 - b) Preparing, submitting and publishing through the Commission the report to be submitted to the Conference of African Ministers responsible for Transport;
 - c) Recommending measures to speed-up the implementation of Road Safety programs by Member States.
2. The Committee may, for the execution of its missions, request for the support of the UNECA and other International Institutions.
3. The Conference of State Parties of African Ministers responsible for Transport shall adopt the rules of procedure of this Committee.

CHAPTER VII
FINAL PROVISIONS

Article 22
Settlement of disputes

1. Any dispute or difference arising between the State Parties with regard to the interpretation or application of this Charter shall be settled by mutual consent between the States Parties concerned, including through negotiations, mediation, conciliation, judicial settlement or other peaceful means.
2. In the event any failure to settle the dispute or difference, by mutual consent, either State may refer the dispute to the African Court of Justice and Human Rights.
3. Until such time as the latter shall have been established, the dispute or difference shall be submitted to the Conference of the State Parties, which will decide by consensus or, failing which, by a two-third (2/3) majority of the States Parties present and voting.

Article 23
Popularization of the Charter

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Charter in accordance with the relevant provisions and procedures of their respective constitutions.

Article 24
Safeguard Clause

1. No provision in the present Charter shall be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of Road Safety development in Africa.
2. Nothing in this Charter shall be construed as preventing a Party from taking such action, compatible with the provisions of the United Nations Charter or any other international instrument and limited to the exigencies of the situation, as it considers necessary to its external or internal security.

Article 25
Signature

This Charter shall be open for signature by Member States of the African Union in and Addis Ababa, Ethiopia for a period of six months from....., January, 2014.

Article 26
Ratification, Acceptance or Approval

1. This Charter shall be subject to ratification, acceptance or approval by Member States, in accordance with their respective constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the Depository.
2. Parties shall be bound by all obligations of this Charter.

Article 27
Entre into force

1. This Charter shall enter into force thirty (30) days after the date of deposit of fifteen (15) instrument of ratification by Member States.
2. For each Member State which ratifies this Charter or accedes thereto after the date of the deposit of the fifteen instrument of ratification, it shall entre into force on the thirty (30) day after the date of the deposit by such State of its instrument of accession or ratification.

Article 28
Accession

This Charter shall be open for accession by Member States of the African Union from the date after the day on which the Charter is closed for ratification. The instrument of accession shall be deposited with the Depository.

Article 29 Reservations

Reservations shall not be made with respect to any of the provisions of this Charter, except as provided in Article 21(2).

Article 30 Depositary

This Charter shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Charter to the Government of each signatory State and notify them of the dates of the deposit of the instruments of ratification or accession.

Article 31 Registration

The Chairperson of the African Union Commission upon the entry into force of this Charter shall register this Charter with the United Nations Secretary General in conformity with Article 102 of the Charter of the United Nations.

Article 32 Withdrawal

1. At any time after three years from the date on which this Charter has entered into force a State Party may withdraw from this Charter by giving written notification to the Depositary.
2. Withdrawal shall be effective one year after receipt of notification by the Depositary, or on such later date as may be specified in the notification.
3. Withdrawal shall not exempt the withdrawing State Party from fulfilling any obligations it might have incurred under this Charter.

Article 33 Amendment and Revision

1. Any State Party may propose amendments or revision to this Charter. Such amendments shall be adopted at a meeting of the Conference of State Parties. The text of any proposed amendment to this Charter shall be communicated to the State Parties by the Depositary at least six months before the meeting at which it is proposed for adoption.
2. The depositary shall also communicate proposed amendments to the Signatories to this Charter for their information.
3. State Parties shall make every effort to reach agreement on any proposed amendment to this Charter by consensus. If all efforts at consensus have been exhausted, and no

agreement has been reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of the State Parties present and voting at the meeting. It shall then be submitted by the Depository to all State Parties for ratification or accession.

Article 34
Authentic Texts

This Charter is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, has signed this Charter.

ADOPTED BY THE ORDINARY SESSION OF THE ASSEMBLY OF THE UNION
HELD IN,,,