

African Union, African Regional Bodies

Road Safety Charter

Legislation as at 31 January 2016

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African Union

Road Safety Charter

Published

Commenced

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Preamble

We, Member States of the African Union:

Considering the Constitutive Act of the African Union, adopted on 11 July 2000 in Lome, Togo, in particular Articles 14 (e) and 15, which entrusts 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 AHG/Decl.1 (XXXVII) of the OAU Assembly of Heads of State and Government adopted during the 37th Ordinary Session of the Assembly 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 Assembly/AU/Dec.78 (V) 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.Assembiy/Au/9(XII) adopted at the 12th Ordinary Session of the 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 Assembly/AU/Decl.2(XVIII) adopted at the 18th Ordinary Session of the 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 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 Decision EX CL/Dec.682(XX) adopted by the 20th 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 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;

HEREBY AGREE as follows:

Chapter I General provisions

Article 1 – Definitions

For the purposes of this Charter, the following definitions shall apply:

"**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;

"**Non-motorized road users**" means a user of the road that does not require a motor to generate energy for that purpose, and includes the use of animal-drawn or human-drawn carts, a pedestrian and a cyclist;

"**Assembly**" means the Assembly of Heads of State and Government of the African Union;

"**Member State**" means a Member State of the African Union;

"**States Parties**" mean Member States, which have ratified or acceded to this Charter;

"**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 a vehicle on the road;

"**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;

"**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 and principles

Article 2 – Objectives

1. The main objectives of the Charter are:
 - a) To serve as a policy framework for Road Safety improvement in Africa;
 - b) 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.
2. 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 interventions by Development Partners in the Road Safety area;
 - e) Enhance Private sector, Civil Society Organisations, Non-Governmental Organisations participation in Road Safety issues; and
 - f) Promote the harmonization of the collection, treatment and dissemination of Road Safety data.

Article 3 – Principles

In implementing the provisions of this Charter, States Parties shall function in accordance with the following principles:

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 States Parties 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.

Chapter III Road safety management

Article 4 – Creation of Road Safety Lead Agencies

1. States Parties shall establish legally mandated national road safety lead agencies with cross-sectorial coordination responsibilities within three (3) years after the ratification or accession this Charter.

2. The responsibilities of the lead agencies shall among others include:
 - a) Policy advice to Government on matters of Road Safety across sectors; and
 - b) Formulation and coordination of the implementation of road safety strategies.

Article 5 – Institutional strengthening of Road Safety Lead Agencies

States 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

States Parties shall, 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. States 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. States 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. States Parties shall also engage actively in international Road Safety partnerships.
3. State Parties shall create the enabling environment for Private Sector, Civil Society, Non-Governmental Organisations, Academic and Research Institution's participation in Road Safety activities.
4. State Parties shall commemorate the Africa Road Safety Day every third Sunday of November.

Chapter IV Safer road and mobility

Article 9 – Functional classifications

1. States Parties shall technically 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. States 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

States Parties shall develop Road Safety Management Policies and Principles to guide consultants and contractors during the process of road construction in order to ensure road safety.

Article 11 – Road Safety Inspection

1. States Parties shall ensure that Road Safety Inspections are carried out 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, crash barriers and streetlights.
3. The Safety Analysis shall also pay specific attention to areas considered as dangerous spots.

Article 12 – Road Safety Audit

1. States Parties shall introduce legislation and policies requiring Road Safety Audits in all phases of design, construction and operation of road infrastructure.
2. States 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. States Parties shall ensure that design manuals for roads and bridges are developed, reviewed and updated to ensure that they are fit for purpose, cater for a safe design and reflect 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

States Parties shall ensure that the needs of vulnerable road users are adequately taken into account in the planning, design and provision of road infrastructure.

Article 15 – Safer vehicle

1. States Parties shall adopt and enforce minimum standards of vehicles to ensure their roadworthiness.
2. States 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. States 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. States Parties shall put in place legislation regulating the transportation of dangerous and hazardous goods.

Article 16 – Safer road users

1. States Parties shall strengthen the rules and regulations for training of drivers and issuing of driver licenses.
2. States Parties shall introduce a communication drive to educate and sensitize the population on the principal risks of road crashes.
3. States Parties shall introduce Road Safety in school curricula.
4. States 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 belts, use of helmets and enhancing visibility and use of mobile telephone while driving.
5. States Parties shall formulate and enforce regulations on driving and rest hours for professional and all other drivers and introduce appropriate monitoring and enforcement mechanisms.

Article 17 – Post-crash care

1. States 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. States Parties shall establish Emergency Medical Services (EMS) coordinating centres.
3. States Parties shall implement 3rd party motor vehicle insurance law to ensure EMS and rehabilitation of vehicle crash victims.
4. States Parties shall facilitate Training (capacity building) in injury emergency response services.
5. States Parties shall ensure the presence of emergency services at strategic locations on high ways to attend to road users injured in highway accidents.

Chapter V

Financing, monitoring and evaluation

Article 18 – Financing modalities

1. States Parties shall recognize the socioeconomic consequences of road accidents 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. States Parties shall prescribe the proportion of financial resources to be allocated for road safety interventions as part of road infrastructure development and maintenance.
3. States Parties shall identify sustainable sources of funding, particularly internally, for Road Safety.

Article 19 – Conference of the State Parties

1. A Conference of States Parties to the Charter is hereby established as the highest political decision making body. The Conference of States Parties shall consist of Ministers responsible for Road Safety.
2. The Conference of States Parties shall adopt rules of procedures for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties to Charter.

3. The Conference of States Parties shall:
 - a) Provide strategic oversight, ensure effective implementation of the Charter and take all measures it deems necessary for the promotion of the objectives of the Charter;
 - b) Promote the harmonization of appropriate policies, strategies and measures for increasing road safety in Africa;
 - c) Consider and adopt, as appropriate recommendations of the Secretariat;
 - d) Consider the reports and activities of the Secretariat and take appropriate action in regard thereto;
 - e) Consider and adopt amendments to this Charter; and
 - f) Perform any other function consistent with the Charter or the Rules of Procedure of Conference of States Parties.
4. The Conference of States Parties shall meet every three (3) years.
5. The Commission shall serve as Secretariat of Conference of States Parties and shall coordinate the implementation of this statute at the continental level.

Article 20 – Monitoring and evaluation at national level

1. States Parties shall develop and implement sustainable and accurate national databases on road crashes and enforce mandatory reporting.
2. States Parties shall build national capacity for data management on road safety.
3. States Parties shall establish baseline data on road safety.
4. States 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. States Parties shall establish an evaluation process to review the progress and draw lessons from the implementation of their Road Safety programs.

Article 21 – Settlement of disputes

1. Any dispute or difference arising between States Parties with regard to the interpretation, application and implementation of this Charter shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means;
2. In the event of failure by the disputing parties to settle the dispute or difference in accordance with Article 21 (1), the disputing Parties may, by mutual consent, refer the dispute to:
 - a) The African Court of Justice Human and Peoples' Rights, where applicable, or
 - b) An Arbitration Panel of three (3) Arbitrators whose appointment shall be as follows:
 - i) two (2) Arbitrators each appointed by a Party to the dispute; and
 - ii) a third Arbitrator who shall be President of the Panel and appointed by the Chairperson of the African Union Commission;
3. The decision of the Panel of Arbitrators shall be final and binding.

Chapter VI

Final provisions

Article 22 – Popularization of the Charter

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Charter.

Article 23 – Safeguard clause

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

Article 24 – Signature, ratification and accession

1. This Charter shall be open to Member States of the Union for signature, ratification or accession.
2. The instrument of ratification or accession to the present Charter shall be deposited with the Chairperson of the Commission who shall notify Member States of the Union of the deposit of the instruments of ratification or accession.

Article 25 – Entry into force

1. This Charter shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification.
2. The Chairperson of the Commission shall notify all Members States of the entry into force of the present Charter.
3. For any Member State acceding to the present Charter, the Charter shall come into force in respect of that State on the date of the deposit of its instrument of accession.

Article 26 – Reservations

1. A State Party may, when, ratifying or acceding to this Charter, submit in writing, a reservation with respect to any of the provisions of this Charter. Reservation shall not be incompatible with the object and purpose of this Charter.
2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 27 – Depository

This Charter shall be deposited with the Chairperson of the Commission, who shall transmit a certified true copy of the Charter to the Government of each signatory State.

Article 28 – Registration

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

Article 29 – Withdrawal

1. At any time after three years from the date of entry into force of this Charter a State Party may withdraw by giving written notification to the Depository.
2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.
3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to the withdrawal.

Article 30 – Amendment and revision

1. Any State Party may submit proposal(s) for the amendment or revision of this Charter. Such proposal(s) shall be adopted by the Conference of State Parties.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit such proposals to the Conference of State Parties at least six months before the meeting at which it shall be considered for adoption.
3. Amendments or revisions shall be adopted by the Conference of State Parties by consensus or, failing which, by a two-thirds majority of States Parties.
4. The amendment or revision shall enter into force in accordance with the procedures outlined in Article 25 of this Charter.

Article 31 – 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 twenty sixth Ordinary Session of the Assembly, held in Addis Ababa, Ethiopia

31 January 2016