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Your Excellency,

THE URGENT NEED FOR A NATIONAL ROAD SAFETY POLICY

Road safety is a key and extremely important governance issue, having economic, social and quality-of-life implications, and regulating road safety constitutes a major challenge to governments across the globe. It is a complicated process involving the attitude of the local culture to the rule of law, institutional enforcement capacity and the state of road infrastructure, individual driver personalities and habits, political and business elite attitude to control, standardization and acceptance of traffic rules in a federal system, acceptance by drivers of the need to consider the safety of other road users, lobbying by different interest groups who might see road safety regulations as restrictions on their businesses, the role of stakeholders, and the growing number of motor vehicles on roads.

As a response, major efforts have been made in many countries in the areas of legislation, institutional and enforcement capacities, and driver education in an attempt to regulate road safety and bring down the costs in life, limb and property that are caused largely by avoidable accidents.

Nigeria is classified as a **high road accident** country with an extremely high rate of fatalities, injuries and property loss suffered in these accidents, **most of which are avoidable**. Statistics compiled by the World Health Organisation, covering 2013 but released in its 2015 report showed that though Nigeria's accident rate per 100,000 inhabitants (20.5%) is lower than the African average (26.6%, the highest in the world), its fatality rate per 100,000 motor vehicles (at 615.4) is higher than the African average in this category (at 574); **and disturbingly, for the year covered by the report (2013), Nigeria recorded one of the highest numbers in terms of road accident fatalities in the world at 35,621, the highest in Africa.**

This situation has two main negative impacts on the socio-economic health of the country: the first is that the high accident rate impacts severely on the quality of life, including psychologically by making the prospects of a road trip quite daunting, often robs families of their sole bread-winners, and the nation of young people on whom a lot has been invested in terms of education and training, and who, prior to their loss or disability, were being relied upon to improve the living standards of their families and communities, and contribute to national development.

The second negative impact is that because of the high risk of loss, it raises insurance premiums for carriage of persons and goods by road to amongst the highest in the world, indeed discouraging a majority of road users from insuring lives, goods and vehicles and thereby impacting negatively on the **value-recovery mechanisms** that ought to help businesses and surviving families mitigate loss and remain financially and economically viable.

Nigeria at both the national and state levels has made various attempts to address the issue of road safety, the most visible being the establishment by law, in 1986, of the **Federal Road Safety Commission** with provisions covering virtually every aspect of road safety, and empowering the commission to regulate on these matters as they deem fit with enforcement powers being conferred on the Corps also established by the Act.

There are also various road traffic laws, federal and state, which predate the formation of the FRSC, most of whose provisions are geared towards creating the conditions by which road safety is enhanced. In addition, over the past two decades, the establishment by many state governments of various types of traffic control agencies have been mechanisms by which governments have sought to apply the laws and thereby address the issue of road safety.

The problem with all these attempts is a **troubling lack of national consensus and clarity as to the strategies to be adopted and methods to be applied to address the very serious problem of road safety, together with a lack of clarity of mandate of the various agencies involved, including the police.** In short, the multiple agencies do not seem to operate in a cooperative and cohesive manner, often challenging each-others' authority, or working at cross-purposes, and the situation is compounded by political and other considerations, with the result that safety conditions on our roads and highways have in fact deteriorated over the past

two decades as road users, particularly commercial ones, take advantage of the lacuna or inter-agency conflict to do as they please.

Prior to the establishment of FRSC, enforcement of Road Traffic and Safety laws and regulations was the exclusive preserve of the Nigeria police operating on a 24 hour cyclical platform and exercising that power through their various Motor Traffic Divisions scattered across the country. However, with the establishment of the FRSC, that exclusivity was lost, although the law establishing the commission did not state that the police should cease their road traffic enforcement functions (and that would have been a problem anyway since police powers are constitutionally conferred), but what the establishment of the FRSC did do was to create the impression that they were solely responsible for road safety even though they had neither the capacity, numbers nor geographical spread of the police, and more particularly that, unlike the police, they operate like the civil service with fixed working hours, closing down their operations at 6pm each day after which time most of the road safety violations take place.

The upshot of this lack of clarity in mandate, strategy, synergy and methodology has meant that road safety failures continue to exact a gruesome toll in lives, a high economic cost, and pose a major challenge to Nigeria's governance systems. It is my respectful view that this situation is greatly compounded by the lack of a **National Road Safety Policy** which would provide clear and unambiguous guidelines regarding all the elements of road safety including enlightenment, enforcement, responsibility and all the other components.

One of the key elements of effective governance across the globe is the development and continuous review of policy affecting all aspects of our lives. Policy drives function, cost, purpose, objectives and desired outcomes. Nigeria at the moment is one of the few countries of our category (medium income), size, importance and accident numbers that does not have a **national road (or transport) safety policy**. South Africa has a very comprehensive one for instance, and so do Kenya, Malaysia, Indonesia and the Philippines. Because these countries, like Nigeria, have high mortality and property loss figures (and risks) due to avoidable road accidents, their **national safety policies** enable them to develop institutional and collective responses that assist in reducing those figures and risks.

One of the challenges we are still grappling with as a nation is that we create multiple comprehensive laws and multiple agencies, with all the best of intentions,

to deal with specified problems, but often there is no organic process by which they are made to work in a holistic and effective manner, and that missing component is policy. Laws are good as starting points in terms of identifying the problem and conferring the powers, and like the FRSC Law or the Law establishing the FRSC they can be very detailed in setting out offences and defining areas of regulations and enforcement. But without any clear **Federal Government policy setting out what the Government wants to achieve and which areas it considers as priority** so that often limited resources are properly targeted at desired outcomes **and certain privileged groups are expressly informed that they are subject to the policy**, you often have the laws administered half-heartedly, fearfully and haphazardly and with little success.

In the absence of policy you often have situations where heads of agencies apply the laws with a measure of arbitrariness, personalization, in support of vested interests or hesitantly and uncertainly, sometimes to the extent that the intention of the legislature is completely defeated, people take advantage of the 'certainty vacuum' and act with impunity, and the public interest remains unserved.

it is my respectful view that the development of a national road safety policy document by all the relevant agencies such as the Ministry of Justice, the Police, FRSC, Ministries of Transportation and Works, etc., along with inputs from state agencies, experts and the private sector, that sets out in clear terms the objectives, mandates, obligations and duties of all stakeholders, public and private, its publication and wide dissemination, would address to a large extent the serious deficiencies in the whole road safety space, and would enable the various agencies charged with the regulation of safety on roads and highways to more effectively carry out their activities, and enable a better and more effective budgeting and fund appropriation process for the clearly defined functions specified under the policy. The hope would be that this would lead to substantially reduced carnage on our roads.

The obligation of preparing such a policy must necessarily fall on the federal government as it has primary responsibility for the main agencies involved, i.e. the police and the FRSC, and has the largest network of roads passing through every state and local government in the land. Indeed it is virtually impossible to move within a state or through other states without traversing a federal high way, and

therefore a National Road Safety policy orchestrated and issued by the FG would necessarily bind all road users, empower the different road safety agencies, and compel compliance with the objectives of the policy.

COMPONENTS OF THE POLICY

An effective Road Safety policy would necessarily include road safety management, safer mobility, safer vehicles, driver education and enlightenment, enforcement and prosecution, engineering (road infrastructure and signage), environmental issues, the role of stakeholders, and risk analysis for prevention strategies.

Road safety management would involve the articulation of the "general objectives of the policy" and will identify the agencies involved in the implementation and establish their roles. So for instance, such national policy will identify the type of activity and behaviour that has been determined as the major contributors to, and causes of, current danger levels on our roads and highways, and direct agencies to deal with these problems.

For instance, research shows that a substantial cause of at least 70% accidents on our roads are due to the mechanical state of the vehicles involved being non-compliant with the relevant provisions of the various Road Traffic Laws and the FRSC Act. For instance 70% of commercial vehicles, especially the mini-buses or 'danfos', do not have functioning running lights, many have only one functioning headlamp, most do not have brake lights or direction indicators, and a majority do not have side mirrors. And yet all these items are clearly specified as compulsory in the various legislation. A trip along the Third Mainland Bridge or the Ibadan Benin expressway after dark will establish this fact without question. All of these omissions of key and standard (in most parts of the world where you would be arrested for driving with a broken tail light and thought slightly insane if you drove at night with no running lights) vehicle safety equipment contribute greatly to the state of un-safeness on our highways because they are all designed to enable the drivers signal their intention to other road users, exercise good judgment and make rational and informed driving decisions, and warn other road users of their presence or what they intend. Many otherwise avoidable accidents have occurred due to these failures, or at the least, near-misses adding to the stress of a journey. Yet the FRSC Act and other road safety laws and regulations have provisions in these areas **which are for some reason not enforced and at present almost**

completely ignored. A National Road Safety Policy that targets these areas will concentrate minds towards compliance and enforcement

This same casual or uninformed approach to these important vehicular safety components affects trailers, tankers, tippers, delivery lorries and trucks etc., as if there is a general conspiracy to be non-compliant with the law, and yet there is almost zero enforcement and zero education, apparently because governments and their agencies have not paid sufficient attention to this issue, or because they fear a backlash from transporter and driver unions with political costs in votes or disruption of businesses (e.g. supply of petrol) if they seek to enforce compliance (as some agency officials once informed me some years ago when I raised the issue). Because of governments' seeming passiveness to these issues (even where their own laws provide for them and criminalize their breach), large numbers of government owned and operated vehicles, or vehicles being used on government business e.g. contractors, PSP waste disposal and public transport vehicles, are also non-compliant. The net effect of this is that driving generally is a dangerous and stressful exercise, the levels of which are exponentially increased at night time. Most of the omissions highlighted here require a minimal financial input by the operators to rectify, sometimes just the cost of replacement, and the proposed policy should demand immediate compliance and enforcement across the board for all vehicles travelling along federal highways. **The goal of the policy would be substantial voluntary compliance, thereby enabling the relevant agencies to concentrate their enforcement assets on the deviant few that resist compliance even after public enlightenment.** In addition to these safety equipment failures just pointed out are numerous mechanical deficiencies that also touch on safety, such as worn-out tyres, faulty brakes, cracked windscreens, and emission of huge amounts of black smoke which obscure the view of the driver following behind, all prescribed in the law but ignored, often with tragic results.

DRIVER EDUCATION/PUBLIC ENLIGHTENMENT

It is clear from the above that a key element of the policy would address the issue of safer vehicles from the perspective of driver/operator education and voluntary compliance.

Another major contributory factor to the high rate of accidents on our roads is the attitude of drivers to road safety generally and which again touches very significantly on the issue of driver education. A study of driving habits of both

private, government and commercial drivers shows a large measure of ignorance of, or disdain for, traffic rules and almost complete blindness to traffic signs {where they exist}.

Observation shows that that drunk driving, disregard for other road users, over speeding, cornering without indicating, sudden crossing of lanes, sudden stopping to pick a passenger or for any other purpose, behavior that are extremely common and casually dismissed as the norm. Indeed many drivers see nothing wrong with any of the forgoing and are often indignant and argumentative when any attempt is made to check them. In recent times and perhaps most dangerous, is the issue of the use of the mobile phone while driving and which virtually every driver, educated or not, seems to be guilty of, a situation which is now made worse by the growing phenomenon of **texting while driving**. Although Road Safety experts around the world have identified phone use and texting while driving as having overtaken drunk-driving as a leading cause of serious and often fatal accidents, and while legislators and enforcement agencies in many countries have imposed strict controls on the use of phones while driving, some going as far as imposing a 'no-touch' law with heavy penalties, we, strangely, have been extremely passive on this very vital RS issue. It is instructive to note that although the FRSC Law contains many references to this issue, their efforts in driver education and enforcement on this issue has been largely feeble and disturbingly intermittent. The national Road Safety policy should identify and deal with this matter in clearer terms and impose on the relevant agencies the obligation of stiffer and more stringent efforts, particularly with regards to consistent and aggressive driver education instead of the often ambivalent approach that exists currently.

It is clear that a majority of the people who use their phones while driving to either speak or text are ignorant of the fact that the distraction caused by this action increases the risk of accident by 300%, usually affecting other road users, and that these actions are against the law. But people continue to act with impunity either because they are ignorant of the law or because they know that the enforcement mechanisms are weak. The proposed policy will underline the importance of continuous driver education and rigid law enforcement in addressing the forgoing issue.

THE ROLE OF THE PUBLIC SECTOR

The first element of the public sector aspect of the policy would be the role of enforcement agencies. The policy must be clear in stating the expectations of their principal, the Federal Government represented by its political heads, and clarify some of the grey areas currently exploited by road users. **For instance, if due to capacity and security concerns, the FRSC is unwilling to operate after dark, then the policy must direct that the Police (or, by delegation, state traffic law enforcement agencies) should exercise regulatory functions during this critical period, i.e., 6 pm to 6am. We surely cannot leave unaddressed a situation where there is absolutely no road safety regulation during the most dangerous period of the day.** Like I mentioned earlier, this is the time when the most rickety and dangerous vehicles are brought out to operate by drivers and owners who know they are constituting a massive risk but also know there will be absolutely no consequences. In addition, the policy must incorporate the role of driving schools and review their training methods, and after the publication of the policy, all driving schools would be compelled to incorporate them as training guides so that new drivers are knowledgeable about the requirements of road safety. At present, learner drivers have been observed to drive without instructors, to use their phones and to pay little heed to highway-code obligations. If we leave this area un-addressed that we are creating another generation of bad drivers.

Research and even a cursory observation of daily activities on our roads and highways reveals a serious level of non-compliance of Road Safety regulations by a substantial number of vehicles owned and operated by the public sector at Federal, State and Local Government levels. Ministries, agencies, institutions and local government administration, including law enforcement agencies such as the police and even the FRSC, are all guilty in this regard. Official vehicles, staff buses, contract and waste disposal vehicles operating as agents of government or on government business, and patrol vehicles fall into these categories, especially with regards to safety equipment as set out in the various Road Safety laws, e.g. appropriate warning lights, tyres, side mirrors, and so on. **In addition, many government drivers believe they are immune from the operation of Road Safety laws generally, and drive recklessly, use their phones recklessly and unlawfully, do not signal when they are cornering or changing lanes, over speed, drive against traffic, and are disdainful of and disrespectful to other road users. This is an additional issue, often overlooked, that increases the trust deficit between government and members of the public.**

Convoy and escort drivers of both public officers and private individuals are another category of the Public Sector that is in serious need of firm regulation with regard to their operations. These escort drivers (often encouraged by their principals) show little patience for lawful behaviour on the roads and have nothing but scorn for legitimate road users, seeming to believe that they are not subject to regulation. They disobey traffic laws, use sirens and flashing lights without restraint (another area that the law empowers the FRSC to control but which it does not) bullying other drivers out of the way, and are violent when confronted or resisted. The recent shooting of an FRSC official who was trying to enforce the law, by a police escort in the convoy of an Abia government official graphically illustrates this disturbing state of affairs, one that is inconsistent with democratic norms and the values of an orderly society. **The proposed FG policy should frontally address all these issues so that by a process of internal control and direction within the various components and agencies of the public sector (usually by circular, directive or force order), compliance can be enforced, and in relation to issues of vehicle safety standards, sufficient budgetary allocation made towards maintenance of vehicles.**

THE ROLE OF THE PRIVATE SECTOR

In tackling this serious and ongoing Road Safety crisis, particularly with regards to vehicle safety and driver attitude, it is important that the policy specifically states that those elements of the private sector who conduct their business through fleets of company cars or trucks, tankers and trailers, whether directly owned or hired, must ensure, in the public interest, that their vehicles are compliant with the vehicle safety standards set out in the law, and that their drivers are educated sufficiently to understand their obligations in terms of Road Safety and held accountable by their employers and hirers if they breach the standards. As things stand now, many of the vehicles used by corporate organisations and companies to conduct their businesses are non-compliant with extant road safety standards, and they are at present not held to account.

The policy will compel private sector buy-in to, and compliance with its terms, and this would be a major contribution to road safety generally as a very high number of fatalities are immediately traceable to vehicle safety issues in this category.

ENGINEERING

We know that there is a major challenge across the country today with regards to the state of our roads and highways, and this is mainly as a result of a rather casual attitude to their state of repair over the last two decades, resulting from a culture of continuously deferred maintenance, and which will take another couple of decades to correct. **However, it is proposed that the policy should be able to set out a framework within which relevant government bodies and contractors will operate that will ameliorate the situation, and will use or rely on an early warning system that will enable faster remedial responses to the more dangerous portions of federal highways across the country.** Also the policy must demand the return of more traffic direction signage and highway milestones and should provide for continuous clearing of encroaching vegetation and removal of accident vehicles from the sides and shoulders of the highways, to enable road users more safely and efficiently navigate their journeys.

ENVIRONMENTAL ISSUES

The need for policy that specifies the environmental standards for vehicles, especially regarding emissions, is self-evidence and needs no further elucidation.

I hope Your Excellency finds this policy paper helpful.

Respectfully,

FOLA ARTHUR-WORREY,

2ND August, 2017.