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Road traffic accidents in the developing world: who are liable?

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ABSTRACT

Abstract (English)

The incidence of road traffic accidents (RTA) is rising world-wide. A review of the aetiological factors is presented. The aim is to determine responsibility and advocate preventive measures. The factors include man, the vehicle and the road. Alcohol and drugs of intoxication account for a large proportion of RTA world-wide. In the developing world, roads are poorly built and are poorly maintained. As a result, the roads have become death traps. Vehicles are poorly maintained due to poverty, ignorance and corruption among enforcement agents. All these factors are controllable by government policies. Conclusion: Governments in the developing world owe their inhabitants the duty to keep roads safe and ensure that only road-worthy vehicles ply the roads. The UN and its agencies need to be involved to stem the rising tide of carnage from RTA in the developing world.

Abstract (German, Deutsch)

Das Vorkommen von Straße Verkehr Unfällen (() steigt weltweit. Eine Nachprüfung werden Faktoren des aetiological überreicht. Das Ziel soll Verantwortung bestimmen soll und befürworten Vorbeugungsmittel Maßnahme. Die Faktoren schließen Mann, das Fahrzeug und die Straße mitein. Alkohol und Drogen von Trunkenheit erklären ein großes Verhältnis von RTA weltweit. In der entwickelnden Welt, werden Straßen schlecht gebaut werden und behalten schlecht bei. Demzufolge haben die Straßen Tod Fallen wird. Fahrzeuge werden schlecht aufgrund Armut, Unwissenheit und Verdorbenheit unter Durchsetzung Agenten beibehalten. Alle diese Faktoren sind kontrollierbar durch Regierung Grundsätze. Schluß: Regierungen in der entwickelnden Welt schulden ihren Einwohnern die

Pflicht, Straßen Safe behalten, zu und sichern daß nur Straße-würdige Fahrzeuge ply die Straßen. Der UN und seine Behörden müssen verwickelt werden zu, die steigenden Gezeiten von Blutbad von RTA in der entwickelnden Welt stammen.

Keywords: Road Traffic Accidents; Developing World; Liability.

Trauma is a major cause of morbidity and mortality in the general population worldwide. Trauma from road traffic accidents is rising in Nigeria [1,2] . As a special class of accidental trauma, road traffic accidents (RTA) constitute a major cause of accidental death in the developing world [3-5]. In developing countries, road transportation is beset with a myriad of problems ranging from roads in dangerously poor conditions[6] through road-unworthy vehicles to drunken and uncaring drivers [7,8] and pedestrians [9,10]. In a recent study of accidental deaths in Port Harcourt in the Niger Delta area of Nigeria, RTA was the leading cause[11].

Road traffic accidents RTA are a preventable scourge[12]. With man's invention of the wheel, the death knell has continued to toll for many, who are often innocent, but who may happen to be at the wrong place at the wrong time. Statistics has shown that mortality in road traffic accidents is very high among young adults in their prime and who constitute the work force [4,13-15]. These are usually the breadwinners in many cultures. Innocent children are often direct victims of road mishaps and many become orphaned from these accidents. This imposes harsh social conditions made much worse in countries without social security services.

A study of accounts of accidents in the literature reveals some responsible factors [7,15-18]. The essential factors involved in RTA's include the person, the machine and the road. Most tragic accidents often involve all three. Often the person is involved with only one of the other two. While most RTA's involve motor vehicles, bicycle or pedestrian accidents occur without motor vehicles[19]. A pedestrian may fall into an open manhole or drainage[20,21]. A critical appraisal of factors involved in RTA's is necessary to identify and apportion responsibility for their prevention and redress to victims. This is the thrust of this report.

Most factors involved in RTA are created or controlled by man. Man initiates the process that may yield a RTA by travelling. He or she may travel as a pedestrian, as a passenger in a vehicle or as the operator of a vehicle. To these extents, such a person bears some responsibility[22] even if passively so as a passenger. A high proportion of accidents is directly blameable on man. The clearest example includes drunken drivers of motor vehicles[5,7,23,24]. The role of intoxication with drugs and alcohol is important in the aetiology of RTA world-wide[8,25-29]. The consumption of these intoxicating agents is voluntary. Man may also neglect to ensure that the machine is roadworthy and in good shape. Occasionally he or she may fail to adhere to safety regulations. In some countries, it is unlawful to transport children as front seat passengers. It is also an offence to have a passenger in the car without the safety belts fastened[25,30,31]. Regulations such as these are rarely found in developing countries[17,18]. When they are made, they are not enforced and may even be repealed due to lack of the will and ability to enforce or provide necessary enforcement facilities[32].

A few road traffic injuries occur in pedestrians and cyclists involving dangerous road conditions but excluding motorised vehicles[13]. In number and severity, most road traffic accidents involve motor vehicles. While it is the onus of every vehicle operator to ensure the safety of the vehicle he or she operates, the state has agencies or authorities charged with the responsibility of ensuring that vehicles that ply public roads are in safe conditions. In Nigeria, there have always been the vehicle inspection officers (VIO). Perhaps, because these were overworked, but more likely because

ineptitude or corruption had rendered them ineffective with regards to ensuring the roadworthiness of vehicles, the Federal Road Safety Corps (FRSC) was formed in 1988[2] and officially inaugurated in 1995. The full time operators are designated Road Marshals. In spite of the induction of volunteer senior civil servants, company executives and the academia as special marshals to boost morale and number, the FRSC soon tended towards the ways of the VIO's. The outfit soon lost its focus and became a political pawn. Today it is unclear whether the FRSC has been reabsorbed into the Police Force or not. The government is responsible for the VIO, the FRSC and all other agencies involved in the inspection of vehicles plying public roads including those who issue licenses to operators. It is also the duty of government to establish the machinery for the enforcement of its laws. Unfortunately this has eluded successive developing world governments with Nigeria as an example[2,32]. The state of the economy, another primary responsibility of government, also impacts on the epidemiology of RTA. Recently, in Nigeria, motorcycles have become a popular means of transportation especially in the urban areas as fewer people can maintain their cars[32,33]. Motorcycle and pedestrian accidents[10,34] occur in vulnerable individuals lacking the relative physical protection afforded by cars and buses. These accidents result in major multiple injuries in the patients [33].

Road conditions are important aetiologic factors in RTA world-wide[14,35-37]. Rural roads tend to pose special and additional hazards[14]. In the developing world context, the road is a major factor in RTA[5,6,38]. Many roads have become death traps with potholes are dotted along the length and breadth of the roads. Often roads are blocked by broken-down vehicles or by garbage dumped by agencies of government. Road signs, on the very few occasions they are present, are often unhelpful if not deceptive. It is government that builds and has the responsibility to maintain these roads. Uncompleted projects are often hastily 'commissioned' often for the ulterior motive of futile immortalization of a name. The end result is that the roads are very poorly built and soon lapse into disrepair, posing danger to man and machine.

In established democracies, victims of road traffic accidents have access to redress when factors responsible for an accident are identified[39,40]. Agencies that own uncovered manholes or drainage facilities are held accountable for mishaps that are traceable to their facility. With rapidly advancing frontiers of global democratisation, trauma is expected to pose legal problems on responsibility and liability. Compensation claims are expected to rise with new interpretations and forensic analyses[39,41,42]. Furthermore clinicians attending to RTA victims are exposed to litigation for alleged negligence[43,44]. From the foregoing, liability for Road Traffic Accidents lies between man and government. On balance, developing world governments, being responsible for ensuring that vehicles that ply public roads meet certain minimum standards and being solely responsible for the construction and upkeep of roads, must accept the greater responsibility for the carnage on the roads. In the prevailing winds of global democracy, in addition to the plea of Asogwa for assistance[2], the United Nations Organisation and its agencies such as World Health Organisation, Organization for Economic Cooperation and Development (OECD) and the World Bank, should set up an a body to monitor the roles of governments in road traffic accidents, in a bid to stem the rising tide of carnage on roads in developing countries.

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