The Challenge of Traffic Law Enforcement in the Federal Capital Territory (FCT), Nigeria

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This study is concerned with traffic law enforcement in Nigeria. It focuses on the identification and discussion of the major issues and challenges militating against effective traffic law enforcement in Nigeria’s Federal Capital Territory. Information from secondary sources, especially published materials of Transport Secretariat of Federal Capital Development Authority, and records of Federal Road Safety Commission and Directorate of Road Traffic Services served as the control for evaluating the transport situation in Federal Capital Territory. The study identifies management problems, multiplicity of enforcement agencies, weak institutions, heavily-loaded and conflicting laws, numerous operators, unionisation and sharp practices as major challenges affecting traffic law enforcement in the Territory. On the basis of these, recommendations bordering on introduction of operator’s license, and institutional restructuring especially the establishment of a central authority for managing transport in the capital territory, are made. The adoption and implementation of these recommendations would ensure effective traffic law enforcement and engender safe and efficient traffic operations in Federal Capital Territory.

Keywords: Law enforcement, operator’s licence, penalties, roadworthiness, traffic law.

INTRODUCTION

Road transport is the most dominant, most favoured and most important mode in Nigeria. While the first route for modern road system was laid in 1898, Nigeria today has over 200,000 kms of roads. But despite a century of existence and large kilometrage of roads, the overall conditions of the roads are generally poor with many trunks in deplorable state of disrepair [1].

The operation of vehicles on the roads is left in the hands of numerous private entrepreneurs who use mainly second-hand imported vehicles called ‘tokunbo’ for public transport. Consequently, road transport has today become chaotic and unregulated especially in urban centres. This situation therefore raises various efficiency, safety and environmental concerns. These concerns are generally addressed through the instrument of regulations and control, designed to set operational standards, control the market and regulate transport operating environment. But such regulatory and control mechanism will make no meaning if it is not accompanied or backed by enforcement measures [2].

To “enforce” means to make people obey a particular law or rule i.e. to compel obedience of people to a law, regulation or command. It could also mean to make something happen by force or somebody to do something by force. Enforcement can therefore be defined as a process by which adherence to specific rules and regulations are imposed in a society by force of punishments initiated and backed by the laws of the land. Thus, enforcement of transport legislation is the area of activity aimed at controlling road Users’ behaviour in order to achieve safe and efficient operations on the roads [3].

In Nigeria, road transport laws and regulations are found in Acts of government while the main legal requirements relating to vehicles on the roads are stated in the National Highway Code. From such legal documents, the following tasks of enforcement can be identified:

a) Preventive Duties

Its goals are to prevent violation of transport laws by:
i. Providing information to aid road users to comply with road transport laws and regulations.
ii. Measuring compliance with technical standards in the design of various road infrastructure projects.
iii. Indicating to drivers and pedestrians how to behave in traffic situations.
iv. Conducting researches on various aspects of road transport.

b) Persuasive Duties.
They are to persuade road users to avoid transport offences through:

i. Public relations exercises such as providing advice, lectures, demonstrations and visit to all groups and sections of the society.
ii. Awareness campaigns that better understanding between the regulatory agencies and the general public is preferred to disobedience.

c) Punitive Duties.
The goal is to apprehend and punish law offenders by:

i. Carrying out quality and quantity licensing of vehicles and drivers.
ii. Arresting a road user when there is a high probability that he is endangering the lives and properties of other road users.
iii. Initiating actions which may lead to court appearances
iv. Upholding the penalties imposed by the courts.

A regulatory system must be enforceable under specific circumstances for it to benefit the society. This is because poor enforcement of regulations plagues developing countries leading to the following among others [4]:

i. Unreliable transport service.
ii. Poor vehicle maintenance standards which may affect safety and contribute to pollution.
iii. Poor driving standards which affect safety result in traffic congestion and maltreatment of passengers.
iv. Violence between operators.
v. Anti-social or dangerous on the – road behaviour.
vi. Unaffordable transport fares.

All these underscore the importance of enforcement of transport rules and regulations in a road transport management system. This paper therefore identifies and discusses the major challenges confronting effective enforcement of traffic laws and makes appropriate recommendations that would ensure strict compliance by all road users and engender smooth and safe transport services in the FCT.

This paper is structured as follows. Section Two describes the location and socio-economic setting of the FCT while the proceeding section provides an account of the information gathering process which generated the data for the study. Section Four identifies and discusses the major issues in traffic law enforcement in the FCT expounding their varying dimensions and character which affect traffic law enforcement in the territory. The final section closes the report summarizing the issues and offering suggestions that would engender the effectiveness of traffic law enforcement in the FCT.

The Federal Capital Territory

The Federal Capital Territory (FCT) was created as the nation’s major response to the problems of Lagos. It was established through the instrumentality of decree No 6 of 5th February, 1979. It is geographically located at the centre of the country lying just above the hot and humid low lands of Niger- Benue, but before the drier part of the country lying to the north (see fig 1a&b). This makes the city easily accessible from all parts of the country [5].

It shares boundaries in the north with Kaduna state, west with Niger state, south-west with Kogi state, east and southeast with Nassarawa state. Abuja, easily identifiable by Aso Hills is on the Gwagwa plains placed in the eastern gradient of the territory and it is about 3% (250 sq.km) of the total land area of the Federal Capital Territory. The remaining 97% of the land area is meant for the development of satellite towns [6].

The FCT covers an area of 800 sq kms and larger in land mass than seven states in the country (Anambra, Ekiti, Lagos, Imo, Akwa Ibom, Ebonyi, and Abia) and compares in size with four others (Rivers, Enugu, Ondo, and Osun). The design, construction and management of the territory was vested in the Federal Capital Development Authority (FCDA) which commenced physical development in 1981. By 12th December 1991, the seat of Government moved from Lagos to Abuja.

Presently, the FCT is made up of six Area Councils .It had an official population of 1.4 million in 2006, but with increasing number of commuters and internal migration, the population today could be well over 8 million people. Thus, the capital city has become a big and sprawling city with population significantly exceeding projected forecast. The territory comprises of satellite towns or suburbs harboured by a mixture of people most of whom belong to the low income group who commute daily with the centre. Indeed, since its creation about thirty years ago, the capital territory has remained the destination of mass movement of people from different parts of the country thereby increasing the population of the main city and its adjoining settlements even to the point of near explosion. Providing for the mobility needs of this teeming population requires effective transport management system for which traffic law enforcement is a crucial component.

In the last five years, levels of efficiency and productivity in the capital territory have been adversely affected by growing weaknesses in the physical
infrastructure necessary to support the basic needs of the population and the productive sectors. Though transport infrastructure could be said to be fairly adequate, but the system is already witnessing considerate stress and
straght evident in prolonged traffic hold-ups on major roads. Traffic congestion has now become city-wide. In this regard, traffic law enforcement is key.

METHODOLOGY

Information for this study was collected mainly from secondary sources. We consulted published materials obtained from the Federal Capital Development Authority (FCDA) and the Transportation Secretariat. From the documents we obtained current information on FCT generally and in particular, its development activities. We also obtained information on other collaborating agencies on transport matters in FCT. From the headquarters of the Directorate of Road Traffic Services, we obtained records of vehicle registration, list of offences and their penalties and the operational challenges of the Directorate.

We also obtained information from Nigeria Police Motor Transport Division (MTD) on their operational activities and its relationships with other traffic regulatory agencies. From the Federal Road Safety Commission (FRSC) we obtained the list of their punishable offences, information on its mandate and the ambit of their operational activities. Information from these sources were matched with observable traffic situation in the FCT to identify the major traffic law enforcement issues and challenges in the capital territory.

Issues of Traffic Law Enforcement in FCT

The following issues are identified to constitute serious operational challenges to traffic law enforcement in the FCT.

Management Challenge

Though standard roads are in the FCT, proper management of the facilities especially with regard to setting standards for drivers and the state and operation of their vehicles are lacking. This is due to the apparent absence of a centralized authority for management of transportation in the territory which has diminished capacity for planning and coordination. This results in grossly ineffective traffic law enforcement permitting operators and other road users to behave the way they like. Available transport infrastructural capacities are sub-optimally utilized, allowing current usage to impact so negatively on the environment and leaves the operation of vehicles on the roads virtually in the hands of nobody. This has made it difficult for necessary consultations to be made before laws are formulated thereby signalling failures even at enactment.

Multiplicity of Agencies

Presently in FCT, the Transport Secretariat handles policy matters relating to transport with the Department of Road Traffic Services as one of its operational arms expected to superintendent over traffic matters in the territory. But transport actions in the FCT continue to be driven by the expansion of the road network and a focus on capital spending rather than management and development of a holistic approach to resolving the territory’s transportation problems. Developments have been carried out on project-by-project basis and the transportation system has evolved from the unsystematic accumulation of public projects and policies. This approach has largely neglected the critical component of traffic regulatory control, management, and coordination. Consequently, a multiplicity of agencies outside the administration of the FCT play different traffic regulatory roles in the territory, formulating their own policies and programmes apparently in isolation thereby operating as functional silos. Specifically the following are prominent and active.

The Nigeria Police

The Motor Traffic Division (MTD) is the department of the Police responsible for the enforcement of general traffic laws and regulations. It engages in road traffic control, checks drivers licence, vehicle licence, and other vehicle papers and persecutes violators (offenders). Indeed the Nigeria Police is the primary enforcement agency of all laws of the federal, state and local Governments in the country. However, the Police have become more proactive in crime prevention and control, security and prosecution of such crimes that affect lives and properties with little attention paid to traffic law enforcement. They often overlook defects in scores of commercial vehicles plying the roads, such as worn-out tyres, and non-functional lamps to the detriment of road users.

Department of Road Traffic Services

Popularly known as VIO is empowered to issue and renew licenses for all private and commercial vehicles, and also issue such permits as hackney and goods carriages. They also regulate fares and register new vehicles and keep a register of such.

Federal Road Safety Commission (FRSC)

It was established in 1988 as an interventionist response to the alarming rate of road traffic accidents in Nigeria. They are to design and produce drivers licence for various categories of vehicle operators, produce vehicle number plates, establish standard model driving schools in the country and enforce safety rules on the roads. Less notable enforcement agencies and bodies include the following:

i. Traffic Wardens for traffic controls

ii. Road Transport Departments such as the Transport Secretariat of FCDA
iii. Licensing Authority
iv. Federal Ministry of Works for Engineering Standards
v. Ministry of Federal Capital Territory
vi. Federal Environmental Protection Agency for pollution control.
vii. Operators Associations/ Trade Unions such as NURTW and NARTO.
viii. Local Government Councils.

These agencies have different missions and operational procedures which have been found to be conflicting resulting in duplication of duties and struggles over ownership of functions. A major case is the conflict between FRSC and VIO arising from issuance of vehicle drivers’ licence which has generated so much controversy to the utter detriment of road users. Statutorily, the FRSC is mandated to produce Drivers license, while the VIOs are empowered to test drivers and recommend those qualified to FRSC for production of their licences which on completion should be handed over to the VIOs for issuance to the rightful owners. This is precisely what the law states making the emerging controversy highly unnecessary and unhealthy for traffic management in the FCT and the country in general.

Similarly, the major agencies are all involved in preventive, persuasive and punitive activities on the roads. Consequently, they employ similar enforcement strategies in their operations. They individually carry out regular vehicle checks and inspection, and engage in patrols on the roads. It is common to find on a short road artery, multiple check points mounted by different agencies. This situation does not provide for effective law enforcement as there is no synergy between them.

**Weak Agencies**

Many of the enforcement agencies are not properly equipped for their tasks lacking in standard equipment such as operational vehicles (towing, surveillance and patrol), communication gadgets, and alcohol detectors among others. Many of these agencies are faced with low staff strength, while the competence of the few staff is poor. Many of them are not only untrained but most cases untrainable. These agencies also have poor record-keeping capabilities. All these diminish their capabilities to enforce transport laws and regulations.

Even more disturbing is the loose enforcement arrangement at the national level. One of the greatest contradictions in Nigerian transport industry is that the road which caters for as high as 95% of the mobility needs of Nigerians is not under the Federal Ministry of Transport. It is controlled by the Federal Ministry of Works which is operationally an engineering ministry concerned with road construction and maintenance. The implication of this is that neither the Ministry of Transport nor the Ministry of Works is responsible for traffic law enforcement. Thus, the operation of vehicles on the roads is left open and uncatered for. It is this vacuum that has been filled by private vehicle operators who are regulated by their unions, mainly NURTW.

In FCT, the Department of Road Traffic Services (DRTS) is the designated agency for traffic law enforcement. Presently it operates as a department under the Transportation Secretariat of FCDA headed by a Director. The Directorate is structured into four divisions and nine other units with a total workforce of about 750 staff. It has no financial autonomy, as its budget is determined and controlled by FCDA and the Transportation Secretariat which also oversees its operation and superintends over such an important issue as staff training. Consequently, most of the staff are ill-equipped to carry out their functions except for the few senior officers who also require constant up-skilling and re-tooling. The Directorate has 70 operational vehicles, 8 tow vehicles and 200 tyre clamps. All these indicate that DRTS as the FCT traffic enforcement agency is rather weak and grossly incapacitated to effectively perform its functions both at the strategic policy formulation and indeed operational levels.

**Complex and Heavily-Loaded Laws and Regulations**

Generally speaking, the extent of enforcement of laws is influenced in part by the number of its operating parameters that are subject to regulations. Where the parameters are many and regulations unnecessarily complex, it becomes difficult or impossible to enforce. This is the case with Roadworthiness regulation whose enforcement is often difficult due to its numerous operating parameters (Table 1). Given its complexity, both specific and overall judgements are highly dependent on the discretion of enforcing officers.

From the table it is clear that the parameters are simply unwieldy. Apart from the fact that some of them cannot be defined such as “smooth” or “worn-out” tyres, many of them depend on the discretion of the officers. Similarly, it must be decided how many of these parameters or what percentage of them must be satisfied to warrant issuance or refusal of roadworthiness certificate. This situation makes enforcement of the regulation very difficult with the result that many vehicles ply the roads in unroadworthy conditions. To further confirm confusion, the schedules of offences handled by the agencies are too numerous. For instance, while the FCT Road Traffic Act specifies a total of 136 offences, the National Road Traffic Regulation specifies about 40 offences to be handled by FRSC. All these make enforcement conflicting and confusing. It is therefore not surprising that many old, rickety, and ramshackle vehicles operate on the roads of FCT.

**Conflicts in Administration of Penalties**

One major concern in the FCT today is that the multiplicity of enforcement agencies has generated
Table 1: Parameters of Vehicle Road Worthiness Regulation.

<table>
<thead>
<tr>
<th>VEHICLE COMPONENTET</th>
<th>General</th>
<th>Interior</th>
<th>Exterior</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameters</td>
<td>- Windscreen wiping and washing system</td>
<td>- Wheel chair tie down</td>
<td>- Head Lamp – low and high beam</td>
</tr>
<tr>
<td></td>
<td>- Braking system</td>
<td>- Interior Lighting</td>
<td>- Turn Signal-front, side and rear</td>
</tr>
<tr>
<td></td>
<td>- Motor Vehicle Brake Fluid</td>
<td>- Step well-back</td>
<td>- Reflectors</td>
</tr>
<tr>
<td></td>
<td>- Steering system</td>
<td>- Radio Communication</td>
<td>- Lamps</td>
</tr>
<tr>
<td></td>
<td>- Lamps and Reflective Devices</td>
<td>- Horn</td>
<td>- Parking clearance</td>
</tr>
<tr>
<td></td>
<td>- Smooth Tyres</td>
<td>- Fire Extinguisher</td>
<td>Tail lamps</td>
</tr>
<tr>
<td></td>
<td>- Accelerator Systems</td>
<td>- First Aid Kit</td>
<td>Stop lamps</td>
</tr>
<tr>
<td></td>
<td>- Panel Condition, etc.</td>
<td>- Reflectors</td>
<td>Four-way Emergency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Sharp Edges</td>
<td>lamps (Hazard Light)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Seat belt</td>
<td>Back-up lamp</td>
</tr>
</tbody>
</table>

Source: NRTR, [7].

Table 2: Variations in Penalties.

<table>
<thead>
<tr>
<th>S/NO</th>
<th>Offences</th>
<th>Penalties (Fines in #)</th>
<th>DRTS</th>
<th>FRSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Assaulting Road Marshal/Traffic Officer on duty</td>
<td>5,000.00 and impound vehicle</td>
<td>10,000.00</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Use of Phone while Driving</td>
<td>2,500.0</td>
<td>4,000.0</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Drivers licence Violation</td>
<td>1,000.00 and impound vehicle</td>
<td>10,000.00</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Overspending / Dangerous Driving</td>
<td>2000.00 and Delay vehicle</td>
<td>10,000.00</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Road Marking Violation</td>
<td>1,000.00</td>
<td>5,000.0</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Overloading Violation</td>
<td>2,000.00 and dislodge excess</td>
<td>10,000.00</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Driving under influence of Alcohol/Drug</td>
<td>3000.00 and impound vehicle</td>
<td>5,000.00</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Riding Motorcycle without Safety Helmet</td>
<td>5,000.00</td>
<td>2,000.00</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Operating Vehicle with Forged Documents</td>
<td>5,000.00</td>
<td>20,000.00</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Wrongful Overtaking</td>
<td>2,000.00</td>
<td>3,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Source: NRTR and Road Traffic Act Documents.

Conflicts in the administration of penalties as traffic offenders pay different penalties for similar offences (Table 2). The table shows ten of such regulations and many more are contained in the Schedules of regulations of many agencies. For instance, Overloading attracts a fine of N2000 under the FCT Act as against N10,000 in the FRSC Schedule.

Similarly, operating a vehicle with ‘forged documents’ attracts a fine as high as N20,000 penalty if arrested by FRSC, but it is only N5,000 fine under the FCT Act. This situation has engendered complaints from Road Traffic Workers Union and private road users leading to resistance to enforcement and sometimes violent protests from traffic violators.

Concentration on Financial Penalties

Effective enforcement requires a system of realistic penalties for all infringements. In this regard, financial penalties have become the most popular with universal application. But a major problem in many countries is that financial penalties are often inadequate deterrents. In Nigeria for instance, it is instructive to note that fines for offences such as excessive speed, licence infringement or operation of unroadworthy vehicles are often regarded as normal operating expenses by drivers. Most drivers prepare for such fines setting aside at the start of daily operations to sort out encounters with enforcement officials. This makes such enforcement efforts less effective. Part of the problem is that the fines are considered meagre and easily affordable by Drivers e.g. driver licence and road marking violations attract N1000 each in the FCT Act.

There are non-financial penalties or sanctions for transport offences which are open to enforcement officials, they include the following:
i. Revocation of licence/ Withdrawal of Permit
ii.Suspension from driving
iii.Vehicle Seizure.
iv.Imprisonement.
v.Delays
vi.Caution/Warning is important because not all traffic offenders need to be sanctioned.

For minor transgressions, such as slight excess speed, minor lighting offences, or slightly defective silencers etc law enforcement officers could caution offenders. By administering a caution either verbal or written, the goodwill of the offender is retained and he is given the opportunity to put things right without the stigma of conviction. But many of these methods are used for intentions other than what are provided for in law. They are in many instances converted to higher values of fines.

Numerous Operators

A major challenge of traffic law enforcement in the FCT is the large number of operators on the roads. On the average over 600,000 vehicles ply the roads of Abuja daily. On Awolowo road for instance, an average of 10,686 cars (both taxis and private) 155 buses and 4,166 mini-buses (molue, danfo or kabu-kabu) and tricycles ply the road. In the satellite towns, large numbers of motorcycles add to vehicular types operating on the roads. This makes it difficult for enforcement officers to track down violators. On escape, they cannot be traced.

The numerous number of operators also make compliance to rules and service standards very difficult especially adherence to such rules as route and timetable requirements. Many operate in accordance with their perception of demand at any time thereby disregarding their service conditions. They also fail to charge authorized fares varying it at will depending on demands e.g. festive periods. The problem is compounded by defective registration process. It is common to find vehicles registered for private use easily converted to public transport.

Unionization

Road transport in the FCT like other parts of the country is controlled largely by various operators’ unions. Due to the fluid control system, the unions such as National Association of Road Transport Owners (NARTO), National Union of Road Transport Workers (NURTW) and the various Motorcycle Riders Unions, most cases dictate and direct operational procedures and practices on the roads. Even more disturbing is the fact that they have become powerful “cartels” capable of upturning government policies let alone simple traffic rules and regulations. Like in other parts of the world, they must be consulted before policies are formulated, but in the Nigerian case, they always have their ways. They are therefore a major threat to traffic law enforcement in the FCT.

Sharp Practices

A significant proportion of drivers and vehicles in Nigeria do not carry valid licences and roadworthiness certificates. Many of these licences are either forged, or obtained through corrupt means. The fact that the acts establishing many of the enforcement agencies make then revenue generating organs of government provides the alibi for fraudulent practices. Enforcement officials tend to hide under the pretext of pursuing government business, but as we all know, government business is nobody’s business.

CONCLUSION AND RECOMMENDATIONS

We have in this paper identified the main issues confronting and challenging effective traffic law enforcement in the FCT. The most important issue to deal with is the numerous and unwieldy private transport operators in the city. In this regard, operator’s licence which should be granted only to corporate organizations and bodies should be introduced. This would force the operators to come together in form of cooperatives in order to qualify for the licence, and thus enable them participate in service provision and delivery. This approach would eliminate the problem of numerous operators; the use of substandard and rickety vehicles and most importantly permit greater enforcement of traffic rules and regulations.

Secondly, financial penalties especially must be sufficiently severe to deter operators from offending. Penalties must also be regularly adjusted in line with inflation to prevent them from becoming ineffective over time. Another very key enforcement success factor is that regulatory and control measures must at inception seek the appreciation and understanding of the people in order to get their buy-in. This implies that adverts, campaigns and consultations must be carried out to ensure that the people accept the law and appreciate its social benefits as being for the general good of all.

There is also the need to centralize the production of Driver Licence in the country. This would permit the introduction and enforcement of such non-financial penalties as suspension of a driver from driving or outright withdrawal of driver licence or Permit after some documented warnings. Urban transport regulation and control enforcement agencies should normally be different from the statutory national law enforcement agencies. It is therefore recommended that a special unit be created which should be integrated within the central urban transport authority for effective coordination. Through this central authority the enforcement unit would be guided by general
transport management goals indicated in Table 3. Based on these, legislations can be made more definite and sufficient with appropriate powers in law which define the penalties for violation. Sufficient resources can then be allocated to carry out the required enforcement duties.

In order to provide for effective enforcement, the personnel and staff of the unit must be trained in traffic management. They should also be trained in the application of traffic management techniques to enable them understand why various enforcement techniques are being used and why it is essential to enforce adherence to them. Essential components for enforcement which must be provided for adequately are equipment for mobility of staff and other gadgets for operational activities including increasing the numerical strength of staff for adequate coverage of the territory.

It is therefore recommended that the Road Traffic Services can be transformed into the enforcement unit within the proposed central authority for managing transport in the Federal Capital Territory. This must be given immediate official attention, if Nigeria is to run a Federal Capital that would meet international standards.

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