THE RIGHT TO LIFE AND PREVENTION OF ROAD ACCIDENT DEATHS:
ANALYSIS OF THE ETHIOPIAN POLICY, LEGAL AND INSTITUTIONAL
FRAMEWORKS

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THE RIGHT TO LIFE AND PREVENTION OF ROAD ACCIDENT DEATHS;
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FRAMEWORKS

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DECLARATION

I, Hanna Mathewos, hereby declare that this work is an original work and has not been presented in any other institution before. All referred materials are duly acknowledged.
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<td>African Charter on Human and Peoples’ Rights</td>
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<td>ACHR</td>
<td>American Convention on Human Rights</td>
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<td>ADRDM</td>
<td>American Declaration of the Rights and Duties of Man</td>
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<td>BAC</td>
<td>Blood Alcoholic Concentration</td>
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<td>COMESA</td>
<td>Common Market for Eastern and Southern Africa</td>
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<td>Economic Commission for Europe</td>
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<td>ECHR</td>
<td>European Convention on Human Rights</td>
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<td>EMS</td>
<td>Emergency Medical Service</td>
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<td>Ethiopian Road Authority</td>
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<td>Ethiopian Birr</td>
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<td>FPC</td>
<td>Federal Police Commission</td>
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<td>Federal Transport Authority</td>
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CHAPTER ONE
INTRODUCTION

1.1. BACKGROUND OF THE STUDY

Human rights in general and the right to life in particular are commonly understood as being those rights which are inherent to every human being without discrimination and are inalienable in a sense that they exist even where not recognized or irrespective of existing international or national laws. They are also interrelated, interdependent and indivisible.¹ As the right to life is protected under different international, regional and national instruments States assume obligations and duties to respect, to protect and to fulfill this right. Ethiopia being a State Party to various human right instruments is obliged to respect, protect and fulfill the rights recognized under those instruments. As a result of this, Ethiopia is taking various measures to ensure the realization and observance of the rights to life through constitutional recognition and set up the necessary laws and regulations.

In spite of such universal, regional and national recognition of the right to life, road accident deaths (hereinafter RADs) become one of the top causes of the infringement of the right to life. According to the third Global status report on road safety, road traffic accident (hereinafter RTA) killed over 1.25 million people and it is the leading cause of death among young people aged between 15 and 29 years.² By 2030, road traffic injuries are expected to be the 5th leading cause of death in low and middle income countries.³

¹United Nations human rights, Human rights indicators, a guide to measurement and implementation, office of the high commissioner, 2012
Most of these deaths are in low and middle-income countries where rapid economic growth has been accompanied by increased motorization and road traffic injuries.\(^4\) In Africa, the number of road traffic injuries and deaths have been increasing over the last three decades that made the African Region the highest level of deaths worldwide at 26.6 per 100 000 population for the year 2013.\(^5\)

In response to this crisis, numerous international and regional instruments and resolutions have been adopted to address the global road safety crisis.\(^6\) For instance, Out of the 58 United Nations transport agreements and conventions administered by the Inland Transport Committee of the United Nations Economic Commission for Europe (UNECE), 13 are of particular relevance to road transport that addresses road transport and road traffic safety.\(^7\)

Ethiopia is also one of those countries that experience high numbers of RADs. More than 90% of the traffic accidents are caused by human errors\(^8\). Among others, the major causes of fatal accidents are failure to give way for pedestrians, over speeding and failure to respect rules. Driver errors with no or fake driving license, inadequate training, alcohol use, drug or Chat are also leading causes for RADs.\(^9\)

To reduce the burden of RADs it has to start with policy framework and legislation. Against this backdrop, this thesis will explore the implementation of the right to life in Ethiopia by focusing on the policy, legislative and institutional measures Ethiopia has taken to overcome RADs.

\(^{4}\)Id., page 3  
\(^{6}\)United Nations Economic Commission for Africa, the case study; Road safety in Ethiopia, (2009) available at [http://www.repository.uneca.org/handle/10855/738](http://www.repository.uneca.org/handle/10855/738)  
\(^{8}\)Supra note 6, page 22  
\(^{9}\)Id.
1.2. STATEMENT OF THE PROBLEM

According to the report of World Health Organization (hereinafter WHO) that was published in April 2014, traffic accidents in Ethiopia account for the deaths of 37.28 persons per 100,000 population which keeps Ethiopia 12th in the world.\textsuperscript{10}

On the other hand, different road transport legislations enacted by Ethiopian government have been put in to critics as they are not comprehensive, specific, clear and adequate to control the multiple causes of RADs. Though Ethiopia has adhered to Common Market for Eastern and Southern Africa (COMESA) road transport treaty and signed bilateral road transport agreements with all neighboring countries, the country has never signed the various UN Road traffic international treaties started with 1949 Geneva Convention and revised by the 1968 Vienna convention.\textsuperscript{11}

Nonetheless, Ethiopia’s obligations on the right to life under international human rights instruments have not been analyzed in light of road transport legislations (hereinafter RTLs), policy and institutional frameworks as the right to life and RADs are not separate concepts; nor can one successfully addressed the causes of RADs without reference to these frameworks. Therefore, it is paramount importance to examine these links between the right to life and its applicability in the Ethiopian context through analyzing Ethiopian policy, RTLs and institutions as they are very important to reduce RADs.

\textsuperscript{11}Supra note 6, page 28
1.3. OBJECTIVES OF THE STUDY

1.3.1. MAIN OBJECTIVE

The main objective of the study is to assess the adequacy of the Ethiopian policy and legal measures that has taken and institutions it has established to prevent RADs to realize the right to life.

1.3.2. SPECIFIC OBJECTIVES

The following specific objectives will be addressed,

- To assess the relationship between the right to life and RADs.
- To show how the Ethiopian RTLs relate with the right to life.
- To assess the causes of RADs in Ethiopia visa-vise Ethiopian RTLs.
- To assess whether Ethiopia has comprehensive, clear and adequate policies, RTLs and institutions.
- To make an assessment on how far the Ethiopian government went in addressing the problem of RADs.

1.4. QUESTIONS OF THE STUDY

The central question of the research is whether the policy and legal measures Ethiopia has taken and institutions it has established to prevent RADs are adequate to realize the right to life.

➢ The specific questions that will discussed under this are:
• What is the relationship between the right to life and RADs?

• What are the Ethiopian RTLs that affect the right to life?

• What are the causes of RADs and how they relate with Ethiopian RTLs?

• Does Ethiopia have comprehensive, clear and adequate policies, RTLs and institutions as well?

• What works have been done by the Ethiopian government in addressing RADs?

1.5. SIGNIFICANCE OF THE STUDY

This study is crucial as there was no prior exhaustive and comprehensive research done in the area that assess the impacts of the Ethiopian policy, RTLs and institutions on the enforcement of the right to life in relation with RADs. This research will serve as an input and source of reference to the government as it highlights the need of attention and gives recommendation for policy framework, legislation and institutional reform. Furthermore, it calls for initiatives to further research studies through providing important information in the area.

1.6. SCOPE OF THE STUDY

This research is mainly focuses on the implications of the Ethiopian road transport Safety policy, federal RTLs and institutions on the enforcement of the right to life in light of RADs. The nexus between policy, RTLs and institutions and the right to life will be discussed through analyzing the implications of policy, legal and institutional measures in relation to the implementation of the right to life in Ethiopia.
1.7. LIMITATIONS OF THE STUDY

The shortage of reference materials such as researches and comprehensive data sources were major challenges. Since time is short and high cost is required to collect data’s and as it is difficult see cases and legislations throughout Ethiopia, the researcher is only limited to analyzing few cases and the impact of Ethiopian Federal RTLs on the right to life in Ethiopia. Also some concerned institutions are not voluntary for interviewee.

1.8. RESEARCH METHODOLOGY

This research uses Empirical Legal Research methodology based on both primary and secondary data. International, regional and national legal instruments, journals, articles, reports, government enactments and polices, books and other related materials will be used as primary data. Interviews with federal government officials or personalities such as; federal police officers (investigators), Attorney Generals, judges were conducted using purposive sampling method.

1.9. ORGANIZATION OF THE STUDY

The research is organized in five chapters. Chapter one is the introduction part of the study in which background of the study, statement of the problems, objectives of the study, research questions, significance of the study, and limitation of the study will be dealt. Second chapter will discuss about the right to life. In this chapter an attempts will be made to see the definition, content, recognition and limitation of the right to life and its protection in Ethiopia. Third chapter will deals with RADs including its causes and the magnitude of the problem. Chapter four will deals with the measures taken by the Ethiopian government to curve RADs. These include policy, legislative and institutional measures. Finally, chapter five concludes the main findings of the study and ends with recommendations.
### 1.10. REVIEW OF RELATED LITERATURE

The researcher has identified that there is only few literature on the area of RADs that relates it with the right to life. However, many studies have been undertaken on road accidents. Among others, Antenehs’ study focuses on “the assessment of the magnitude and factors contributing to the Mortality related to RTAs in ‘Addis Ababa, Ethiopia from September 2013 to August 2014’.”\(^{12}\) As a result he finds out in all, there were 2372 recorded RTAs in Addis Ababa during 2013/14. Of these, 382(16.1%) were fatal. Among all fatalities majority were male (73.03%) and pedestrians (84.0%) and more than half of fatalities (53.8%) occurred due to failure to give a way for pedestrians.\(^{13}\) Therefore, he concludes that majority of affected were vulnerable road users among which pedestrians were predominant and affected while crossing the road outside the zebra cross and responsible parties were driving commercial cars.\(^{14}\) And vast majority of victims died at the scene instantaneously which needs policy on pedestrian safety and education on behavioral change.\(^{15}\)

Another researcher Atsbeha, on his study called “Addis Ababa RTAs study and possible engineering solutions; case study of Akaki-Kaliti Sub-city roads” examined RTA and possible engineering solutions through investigating the magnitude of RTAs and black spot areas.\(^{16}\) Similar study on road accident is done by Tewolde Mekonnen. His study was an Empirical Analysis on Traffic Accidents Involving Human Injuries in Addis Ababa and identifies the major factors determining the number of traffic injuries.\(^{17}\) In doing so, he attempts to identify the variables that mainly determine the number of injuries and shows that

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\(^{13}\)Id., page 2  
\(^{14}\)Id., page 25  
\(^{16}\)AtsbehaGebremeskel, Addis Ababa road traffic accident study and possible engineering solutions; case study of Akaki-Kaliti Sub-city roads,may,2014,Addis Ababa, Ethiopia  
\(^{17}\)Supra note 3
Drivers who are in the age group of 18-30, elementary school level of education and residential areas are the main causes of injuries per accident.\textsuperscript{18}

The research that specifically relates road accident with the right to life is the one that is done by Ogwaro Geoffrey, on “\textit{RADs and the right to life: the case of South Africa and Uganda}”.\textsuperscript{19} This study focuses on the linkage between inordinately high road accident rates in Uganda and South Africa and the right to life as protected by international and regional human rights law as well as the national constitutions of the two countries.\textsuperscript{20} It establishes RTA and deaths as an important human rights issue directly linked to the right to life as protected by human rights law and examined preventive efforts by the states towards RADs and concludes that not enough is being done by the countries in terms of their duty to protect and in terms of international norms and standards, both in the human rights sector and in the road safety sector.\textsuperscript{21}

Therefore, this research will assess the adequacy of the Ethiopian policy and legal measures that has taken and institutions that has established to prevent RADs to realize the right to life which is a new area of research in Ethiopia.
CHAPTER TWO

THE RIGHT TO LIFE IN GENERAL

2.1. THE GENERAL CONCEPT AND NATURE OF THE RIGHT TO LIFE

Like other human rights, the concept of the right to life goes to the early middle-ages while other more ancient expressions express the protection of life in the negative i.e. forbidding harming or killing people such as the Ten Commandments and it has been concretized in the form of Magna Carta of 1215; the American Declaration of Independence, 1776, and the French Declaration of the Rights of Man and the Citizen of 1789. The right to life has an importance both for individuals and for society as a whole as it serves as a basic right, facilitating the enjoyment of all other human rights. It grants the entitlement of individuals to be free from acts and omissions intended or expected to cause their unnatural or premature death, as well as their legitimate expectation to enjoy a dignified existence. The right to life is recognized as part of customary international law and the general principles of law, and is also recognized as a jus cogens norm, universally binding at all times.

While many international, regional and national legal instruments recognized the right to life none of these instruments define it. However, based on the moral principle it is believed that a human being has the right to live and should not be unlawfully killed by another human being. It has been interpreted broadly to protect not only against the termination of life

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23Human Rights Committee, Draft General Comment No. 36, organizational and other matters including the adoption of the report of the pre-session working group on individual communications (September 2, 20015, CCPR/C/GC/R.36/Rev.2)
24Id.
26Supra note19, page 10
itself, but the right to life requires the realization of all human rights. Therefore, the right to life is a foundational right in which all the other rights of the human depends.

2.2. RECOGNITION OF THE RIGHT TO LIFE

Although the right to life is not defined under different legal instruments, nowadays many international, regional and national legal instruments universally acknowledged it as a basic or fundamental human right. Among others it is recognized under the Universal Declaration of Human Rights (UDHR) and the American Declaration of the Rights and Duties of Man (ADRDM) are the first international documents identifying a right to life. Other instruments including the European convention on human right (ECHR), the International Covenant on Civil and Political Rights (ICCPR), the American Convention on Human Rights (ACHR), and the African Charter on Human and Peoples’ Rights (ACHPR) protect this right. Therefore, International human rights law recognizes the right to life as fundamental human right that is central to the enjoyment of all other human rights.

2.3. THE CONTENT OF THE RIGHT TO LIFE

Article 2 of the ECHR states that ‘Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally….’ Then it tries to specify a number of circumstances in which the intentional deprivation of life is permissible, including ‘in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law’ and ‘when it results from the use of force which is no more than..."
absolutely necessary in defence of any person from unlawful violence’. 36 What is explicit is ‘life’ is an item to which ‘everyone’ is acknowledged to have a right and it is necessary to respect for all human life. 37 The European Court of Human Rights has interpreted the right to life as one of the most fundamental right and puts the obligations on a State to refrain from unlawful deprivation of life and in certain circumstances, a positive obligation to take steps to prevent avoidable losses of life. 38

Article 6 of ICCPR also recognizes and protects the right to life of all individuals and prohibits unlawful deprivation of this right. 39 According to the general comment no. 36 the deprivation of the right to life regulated by article 6 include the carrying out of a death penalty, extra-judicial killings, murder, road-traffic deaths, death resulting from medical malpractice, assisted suicide, euthanasia and infanticide. 40

Therefore, these two instruments recognized the legal protection of the right to life to incorporate the respect for human life and an obligation on the state parties to not only refrain from killing but also to govern in a manner that seeks to preserve human life wherever reasonably possible. It means that the States have to protect the right to life of the citizens including from RTAs as it is included under the contents of the right to life.

ACHR under Article 4(1) also protects the right to life in a way ‘Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.” 41

36 Id.
39 Supra note 32, article 6(1)
40 Supra note 23, Para. 5.
41 Supra note 33, article 4(1)
Similarly Article 4 of the ACHPR states that ‘Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.’\(^42\) This expression of the right to life refers to the concept of the inviolability of a human being and the need for respect for life and it is supplemented by explicit recognition in Article 5 of a ‘right to the respect of the dignity inherent in a human being’.\(^43\) Cumulative reading of these two articles show that human life has a special value and dignity which requires legal protection.\(^44\) The inclusion of the idea of dignity in human life enables the incorporation of basic economic and social needs into the ambit of a right to life by extending the conditions necessary for life to continue beyond a mere absence of death and leads to a recognition that all forms of human life will need some basic level of protection regardless of whether the individual entity is of rights bearing status.\(^45\)

According to General Comment No.3, of the ACHPR the right to life should not be interpreted narrowly as it secures a dignified life for all which requires the realization of all human rights recognized in the Charter.\(^46\) It also impose an obligation on the States have a to develop and implement a legal and practical framework to respect, protect, promote and fulfill the right to life and derogation from the right to life is not permissible in a time of emergency, including a situation of armed conflict, or in response to threats such as terrorism.\(^47\) Though ACHPR do not have a provision that recognize the death penalty, the African commission ruling on various cases shows that death penalty is not the prima facie violation of the right to life. The commission emphasized that the right to life is violated only if due process in the imposition of death sentence is not respected as it amounts to arbitrary

\(^{42}\)Supra note 34, article 4  
\(^{43}\)Id., article 5  
\(^{44}\)Id., article 4 and 5  
\(^{45}\)Id.  
\(^{46}\)Supra note 25, page 8  
\(^{47}\)Id.
deprivation of life.  


In addition, the commission urges those States Parties that have not already abolished the death penalty to immediately establish a moratorium on executions and to adopt measures aimed at the full abolition of the death penalty.  

As it can be seen from these international and regional human rights instruments, the right to life includes the inherent nature of the right to life of every human. And it is accompanied by an assertion of the legal protection of this basic human right and the negative obligation not to deprive arbitrarily of one's life which includes to refrain from taking life except when is absolutely necessary in very limited circumstances. States also have positive obligation to take all appropriate measures to protect, promote and preserve human life. Therefore, the right to life has been interpreted broadly to protect not only against the termination of life itself, but also against activities whose effects may cause any injury to life and the state should prohibit unlawful deprivation of this right, including RADs.

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52 Supra note 23, Para. 11
2.4. LIMITATION ON THE RIGHT TO LIFE

Limitation refers to justifiable infringement of fundamental rights and freedoms which is exception to the general rule that fundamental rights and freedoms should be protected. The international human rights law allows states to limit or restrict human rights through ways of express limitations to rights, derogations from rights and reservations to treaties. However, limitations should fulfill the criteria of balance of legitimate interests, no time limitations, strict interpretation, proportionality and must be necessary.

Also it should be for the purpose of public order, public health, public moral, national security and public safety. In addition, conventions often contain a paragraph prohibiting the abuse of an international instrument to destroy another right. Article 5 ICCPR, for instance, stipulates: “Nothing in the present Convention may be interpreted as implying for any state, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.”

The right to life is not an absolute right without limitations. Many international human right instruments specify restrictions or exceptions to the scope of this right. Among other international instruments, article 2 and 15(2) of ECHR together, limitations of the right to life are restrictive in nature as it states human life cannot be intentionally terminated, aside from exceptional conditions. The restrictions with respect to the right to life are due to Court Decision following a person’s conviction of a crime for which the penalty is provided by law to execute a death penalty. Regarding other Restrictions paragraph 2 of Article 2 states that

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56Supra note 31, article 2 and 15(2)
57Id.
“if the act of killing occurred as a result of the use force which is no more than absolutely necessary”, then the act is not regarded as being in conflict with the principle of the right to life in the cases of legitimate defense in circumstances with respect to a direct threat to physical existence, for detaining and Preventing the escape of a detainee uprisings and quelling rebellions and war Actions.⁵⁹

Although, the right to life is not an absolute right, it is non derogable right. According to Article 4(2) of the ICCPR states can never derogate this right even in times of public emergency that threatens the life of the nation.⁶⁰ This means though it is possible to limit the right to life in certain circumstances states cannot suspend this right in a state of national emergencies.⁶¹ For instance, even in a state of emergency, police may only shoot people when it is necessary and proportionate.⁶²

2.5. PROTECTION OF THE RIGHT TO LIFE IN ETHIOPIA

The FDRE Constitution guarantees every person the inviolable and inalienable right to life and the constitution provided that no person may be deprived of his life except as a punishment for a serious criminal offence determined by law.⁶³ This shows the Constitution has accepted the possibility of the deprivation of the right to life through the imposition of the death penalty as long as the measure is taken in accordance with law even though it unequivocally prohibits any arbitrary deprivation of the right to life.⁶⁴ Following this, the Criminal Code allows the imposition of the death penalty but only in “cases of grave crimes and on exceptionally dangerous criminals … as a punishment for completed crimes and in

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⁵⁹Id.
⁶⁰Supra note 32, article 4(2)
⁶²Id., page 1
the absence of extenuating circumstances." In addition, the offender should have attained 18 years of age at the time of the commission of the crime and in all cases, execution of death penalty requires confirmation by the Head of the State, and ascertainment of its non-remission or non-commutation by pardon or amnesty. The Constitution also permits the Head of State to commute the sentence of death penalty against persons committing crimes against humanity, genocide, summary execution, forced disappearances and torture, to life imprisonment.

Ethiopia is also bound by different international and regional instruments including ICCPR and the ACHPR. Despite the recognition, there have been reports and allegations made by national and international bodies claiming the presence of serious violations of the right to life in the country, in various forms, both by state’s agents and private actors.

According to Article 4 of the ICCPR, states including Ethiopia cannot derogate from the right to life. The Human Rights Committee further expanded the category of non-derogable rights by identifying provisions of the ICCPR containing elements that cannot be subject to lawful derogation. This Committee requires states to change their constitutions when the latter allow derogation from rights that are listed under Article 4 of the ICCPR as non-derogable. However, the right to life which is non-derogable under the ICCPR is not included under the Ethiopian list of non-derogable rights. Due to this ICCPR and FDRE constitution apparently seem incompatible regarding the non-derogability of the right to life during state of emergency. According to article 13(2) of the constitution human and democratic rights enshrined in the constitution must be interpreted in a manner confirming to

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65The criminal code of the federal democratic republic of Ethiopia, (1995)
66Id., article 117
67Supra note 63, article 15
69Supra note 32 Article 4
70Supra note 53, page 17
71Id.
72Id.
the principles of international instruments adopted by Ethiopia including ICCPR.\textsuperscript{73} In addition, as pursuant to article 9 (4) of the constitution ICCPR is also the law of the land.\textsuperscript{74} Therefore, the organ which is responsible to declare state of emergency is responsible to take it into consideration while exercising its declaration right.\textsuperscript{75}

\footnotesize{\textsuperscript{73} Supra note 63, article13(2)  
\textsuperscript{74} Id., article 9(4)  
\textsuperscript{75} Henok A. Gebeyehu , Non-/Derogation of the Right to Life: A Paradox between the Constitution of the Federal Democratic Republic of Ethiopia and International Covenant on Civil and Political Rights, available at http://www.academia.edu/9962308/Derogation_of_the_Right_to_Life_in_Ethiopia}
CHAPTER THREE

ROAD ACCIDENT DEATHS IN GENERAL

Albeit, the right to life is protected under different international, regional and national legal instruments there are impediments that hinders its implementation. Among other factors RADs is one of the contributing factors for the non-implementation of the right to life. In relation to this, this chapter starts by defining RTAs. Then it will assess the relationship between the right to life and RADs via how RADs could be a threat to the right to life. Next to this, the magnitude of RADs will be seen. Finally the main causes of RADs in general and in particular to Ethiopia will be discussed.

3.1. WHAT IS ROAD TRAFFIC ACCIDENT?

Generally "An accident is an unplanned, unforeseen and unexpected event that has a negative impact on all activities of the individual(s) concerned. An accident can result in death, injury, health hazard, and loss of property, damage to environment or a combination thereof."\(^76\)

According to this definition an accident is a sudden happening that causes people to be disabled or handicapped, loss of live, shattering of dreams, loss in the family, hospitalization, and much more as it affects all activities of individuals.

The Economic Commission for Europe (ECE) defines road traffic accidents RTAs as;

"Road traffic accidents are those which occur or originate on a way or street open to traffic, which resulted in one or more persons being killed or injured and in which at least one

moving vehicle was involved. These accidents, therefore, include collisions between vehicles, between vehicles and pedestrians, and between vehicles and animals or fixed obstacles.”\textsuperscript{77}

A road accident is also defined as “any accident involving at least one road vehicle, occurring on a road open to public circulation, and in which at least one person is injured or killed excluding intentional acts (murder, suicide) and natural disasters.”\textsuperscript{78}

These two definitions define Road accident similarly as an accident that occurs on the road which results at least a death or an injury of person. However, the first one explains about how an accident happens while later excludes intentional killing or suicide and a natural occurrence that results loss of human life.

Generally road accidents have left many injuries to the physical and mental health of humans. Thousands of people are losing their lives and families losing their loved ones. Unfortunately, the pain of loss stays forever. This doesn’t leave an impact on individuals only but also affects the country's gross domestic product and development. Therefore, there is a never ending list on what impact road accidents can do.

\textbf{3.2. ROAD ACCIDENT DEATH, A THREAT TO THE RIGHT TO LIFE}

RTAs are one of the major causes of death worldwide accounting for 1.25 million deaths annually in 2013 and the main cause of death among those aged 15–29 years.\textsuperscript{79} This represents an average of 3472 persons dying each day around the world and around half of all these deaths on the world’s roads are motorcyclists, cyclists\textsuperscript{1} and pedestrians.\textsuperscript{80} In addition to these deaths, between 20 million and 50 million people globally are estimated to be injured or

\textsuperscript{78}Definition of Road accidents available at https://www.insee.fr/en/metadonnees/definition/c11167 (accessed May 2017)
\textsuperscript{79}Supra note 2, page 2
\textsuperscript{80}Id., page 4
disabled each year.\textsuperscript{81} Low-income and middle-income countries had a greater rate of these accidents in which 90\% of the accidents occur in these countries while 10\% of road traffic deaths occurred in high-income countries.\textsuperscript{82}

African Region had the highest rate of fatalities from road traffic injuries worldwide at 26.6 per 100 000 population while the European Region has a rate far below the global average (9.3 per 100 000 population for the year 2013.\textsuperscript{83}

Table 3.1: Road traffic fatality rates, WHO regions (per 100 000 population)

<table>
<thead>
<tr>
<th>WHO Region</th>
<th>Mortality rate per 100,000 people</th>
</tr>
</thead>
<tbody>
<tr>
<td>African</td>
<td>26.6</td>
</tr>
<tr>
<td>Americas</td>
<td>15.9</td>
</tr>
<tr>
<td>South-east Asia</td>
<td>17.0</td>
</tr>
<tr>
<td>Eastern Mediterranean</td>
<td>19.9</td>
</tr>
<tr>
<td>European</td>
<td>9.3</td>
</tr>
<tr>
<td>Western Pacific</td>
<td>17.5</td>
</tr>
<tr>
<td>Global</td>
<td>18.8</td>
</tr>
</tbody>
</table>

Source: Global status report on road safety, 2015, WHO

3.2.1. THE MAGNITUDE OF ROAD ACCIDENT DEATHS IN AFRICA

The highest road traffic death rate in the world is in Africa (26.6 deaths per 100000 populations per year), which is more than double the European countries.\textsuperscript{84} The range of fatalities per 100,000 populations in the African countries is not very wide; rather 70\% of all the deaths in the Region occurred in the ten countries that account for 70\% of the regional

\textsuperscript{82}Supra note 2, page 3
\textsuperscript{83}ld.
\textsuperscript{84}ld.
population: Democratic Republic of Congo, Ethiopia, Ghana, Kenya, Madagascar, Mozambique, Nigeria, South Africa, Tanzania and Uganda.\(^8^5\)

On the other hand, the risk of road traffic crash in the African countries is particularly high for pedestrians, or those travelling on two- or three-wheeled vehicles though other categories such as those using public transport, and passengers on pick-up trucks are included with the increased risk of being injured or killed on Young males (ages 5 to 44 years).\(^8^6\)

### 3.2.2. ROAD ACCIDENT DEATHS IN ETHIOPIA

Ethiopia is included among the top ten countries of the world in which around 62% of reported road traffic deaths occur.\(^8^7\) Ethiopia stands as one of the worst countries with respect to RADs as the country contributed to a high proportion (23%) of road accident related deaths to the African continent.\(^8^8\) RADs in Ethiopia reached at the rate of 20.16 per 100,000 of population.\(^8^9\) In addition the RADs reached above 3,874.3 deaths per 100,000 vehicles and 80% of these deaths are attributed to drivers faults and the remaining due to road construction maintenance and technical problems of the vehicles including other leading causes of drinking and driveing, non compliance with traffic rules and speeding.\(^9^0\)

Table 3.2: The Magnitude of RTA’s in Ethiopia

<table>
<thead>
<tr>
<th>Types of accident</th>
<th>Year of Traffic Accident Recording</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light injury</td>
<td>6,016</td>
</tr>
</tbody>
</table>

\(^8^5\)Supra note 3, page 8  
\(^8^6\)Id., page 9  
Table 3.2 above shows traffic accident rate in Ethiopia is growing. In 2011/2012 the number of registered traffic accident death was 3,132, but this reached 4,352 in year 2015/2016. The situation is likely to be even more severe than shown in the statistics due to the possible significant under-reporting.

Table 3.3: Distribution of total crash fatalities by sex, age group and year in Ethiopia

<table>
<thead>
<tr>
<th>Age group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drivers</td>
</tr>
<tr>
<td>Pedestrians</td>
</tr>
<tr>
<td>Passengers</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>&lt;18</td>
</tr>
<tr>
<td>10%</td>
</tr>
<tr>
<td>24%</td>
</tr>
<tr>
<td>23%</td>
</tr>
<tr>
<td>22%</td>
</tr>
<tr>
<td>18-30</td>
</tr>
<tr>
<td>43%</td>
</tr>
<tr>
<td>32%</td>
</tr>
<tr>
<td>38%</td>
</tr>
<tr>
<td>37%</td>
</tr>
<tr>
<td>31-50</td>
</tr>
<tr>
<td>39%</td>
</tr>
<tr>
<td>25%</td>
</tr>
<tr>
<td>30%</td>
</tr>
<tr>
<td>29%</td>
</tr>
<tr>
<td>&gt;51</td>
</tr>
<tr>
<td>8%</td>
</tr>
<tr>
<td>19%</td>
</tr>
<tr>
<td>9%</td>
</tr>
<tr>
<td>12%</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>92%</td>
</tr>
<tr>
<td>72%</td>
</tr>
<tr>
<td>70%</td>
</tr>
<tr>
<td>74%</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>8%</td>
</tr>
<tr>
<td>28%</td>
</tr>
<tr>
<td>30%</td>
</tr>
<tr>
<td>26%</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>14%</td>
</tr>
<tr>
<td>44%</td>
</tr>
<tr>
<td>42%</td>
</tr>
</tbody>
</table>

Source: Federal police commission central Information and crime Intelligence Directorate, May 2017

91Federal police commission central information and crime intelligence, May 2017, Table 3.2
Data in table 3.3 emphasize which age group had the largest crash fatalities. It shows that males had the highest 74% crash fatality and it reveals that among the vulnerable, pedestrians (44%) had more fatalities followed by passengers (42%) for the last five years (2011/2012-2015/2016).\textsuperscript{93} Compared to all age groups, the 18 to 31 (37%) age group had the greatest increase in fatality rate and the pedestrians (44%) had the highest number of fatalities followed by the passengers.\textsuperscript{94}

3.3. CAUSES OF ROAD ACCIDENT DEATHS

Traffic accident occurs as the result of a combination of multiple factors. The following are the main factors that contribute to great RADs.

3.3.1. HUMAN FACTORS

Human factors in vehicle collisions include all factors related to drivers and other road users that may contribute to a collision.\textsuperscript{95} The human behavior is the most significant factor in an accident which comprises characteristic of drivers including Speed, age, fatigue, alcohol, travelling in darkness, psycho-physical conditions, negligence and non-use of seat belts.\textsuperscript{96}

3.3.1.1. DRIVERS

Among human factors the drivers are the main cause for the occurrence of accidents due to various human related causalities.

Drink driving is one of the most important risk factors that causes of RTAs and increases the risk of being involved in a road crash for all road users as alcohol interferes with road users’

\textsuperscript{93} Supra note 91, table 3.3
\textsuperscript{94} Id.
\textsuperscript{96} Id., page 625
skills by impairing cognition, vision and reaction time.\textsuperscript{97} It also increases the likelihood of adopting other risky forms of behavior, such as speeding and not using safety equipment such as seat-belts and helmets.\textsuperscript{98} The relative risk of crash involvement starts to increase significantly at a blood alcoholic concentration (hereinafter BAC) level of 0.04 g/dl.\textsuperscript{99} A variety of BAC limits are in place across the world, ranging from 0.0 g/dl to 0.10 g/dl.\textsuperscript{100} The maximum permissible BAC for drivers in most countries is either 0.05\% or 0.08\%.\textsuperscript{101} Lower BAC limits are often established for young drivers and for drivers of commercial vehicles.\textsuperscript{102}

In addition, although the extensive and mandatory use of seat-belts and improper use of a child restraint have contributed to the reduction of RADs, drivers have the problem of using them due to lack of awareness.\textsuperscript{103} Researchers have shown that the use of seat belts reduce serious and fatal injuries by 40 to 65 percent, so does child restraint by 54\%.\textsuperscript{104} Therefore, failure to use a seat-belt and child restrain are a major risk factor for road traffic deaths and injuries among vehicle occupants.\textsuperscript{105}

On the other hand excess and inappropriate speed has been identified as a major risk factor in RTAs.\textsuperscript{106} Speed choice is influenced by factors such as personal preferences, social pressure, road features, vehicle features, haste, pleasure, unintended, boredom among others.\textsuperscript{107} Men exceed the limit more often than women; youths exceed the limit more often than older

\textsuperscript{97}Francesco Mitis and Dinesh Sethi, Reducing injuries and death from alcohol-related road crashes available at www.euro.who.int/__.../5-Reducing-injuries-and-death-from-alcohol-related-road-cra crashes
\textsuperscript{98}Id., page 1
\textsuperscript{99}Supra note 3, page 20
\textsuperscript{100}Id.
\textsuperscript{103}Supra note 3, page 26
\textsuperscript{104}Ibid, page 28
\textsuperscript{107}Institute for road safety Research, Speed choice: the influence of man, vehicle, and road, June 2012, available at http://www.swov.nl/rapport/Factsheets/UK/FS_Speed_choice.pdf
drivers, and commercial drivers exceed the limit more often than those mainly driving for private purposes.\textsuperscript{108}

In high-income countries, speed contributes about 30\% of deaths while in some low and middle income countries, speed is estimated to be the main contributory factor in about half of all road crashes and the relationship between speed and injury severity is particularly critical for vulnerable road users such as pedestrians and cyclists.\textsuperscript{109} Studies undertaken in many countries showed that at speeds above 50 km/hour, every 1 km/hour reduction in the average speed reduces the number of crashes by 2\%.\textsuperscript{110} Therefore, there is a consistent finding from the research that greater speed increases crash, injury, and fatality rates, and that decreasing speed reduces these rates.

The age of drivers also affects the behavior and attention to driving. Globally, RTA is a leading cause of death for young drivers as young age drivers contribute to the high risk of crash injury than older drivers.\textsuperscript{111} It has been established in industrialized countries that men, especially young men in their first few years of driving, have higher rates of crash involvement than women, even when corrected for exposure factors.\textsuperscript{112}

The non-use of proper a motorcycle helmet is also one of the reasons that cause RTA as the use of a motorcycle helmet reduces the risk of a severe head injury by as much as 70\%, and the risk of death by up to 40\% in the event of a crash.\textsuperscript{113} According to the report of WHO, non-helmeted motorized two-wheeler users were three times more likely to sustain head injuries in a crash than those wearing helmets.\textsuperscript{114} Studies have shown drivers who use mobile

\textsuperscript{108}Id., page 2
\textsuperscript{109}Supra note 106, page 76
\textsuperscript{110}Supra note 3, page 18
\textsuperscript{111}Supra note 106, page 78
\textsuperscript{112}Id.
\textsuperscript{113}Supra note 3, page 23
\textsuperscript{114}Supra note 106, page 90
telephones while driving face a risk of a crash four times higher than those who do not use them.\textsuperscript{115}

Substances such as drugs, narcotics, psychotropic, chemical substances and medicines are proved to negatively affect the capacity of driving vehicles as they can seriously impair the perception of the driver, lessen his/her ability to interact and deal safely with unforeseen or unexpected events and may lead to lethal outcomes.\textsuperscript{116} Studies and research suggest that each year a significant number of people are killed or permanently disabled as a consequence of RADs associated with driving under the influence of these substances.\textsuperscript{117}

Furthermore, the risk of accidents by night driving is much more serious than by day.\textsuperscript{118} Studies show that approximately 35\% of those injured and 50\% of fatalities are the victims of an accident during night driving although night driving accounts for only about one third of general traffic.\textsuperscript{119}

\section*{3.3.2. VEHICLES}

Un-roadworthy vehicles pose a major danger to other road users as they could result fatal consequences for other motorists, pedestrians, passengers and cyclists. The main causes for the traffic accident are due to vehicles' numerous defects including malfunction of the braking system, body, tire, improper inspection, overloaded or poorly loaded vehicle or trailer, defective lights or indicators, defective steering or suspension and defective or missing mirrors and maintenance.\textsuperscript{120} This defect of the vehicle especially commercial vehicles contributes for crash injuries.\textsuperscript{121} In low-income countries, the regulation of motor vehicle safety standards are not as systematic as in high-income countries and the

\textsuperscript{115}Id., page 85
\textsuperscript{116}Supra note 102, page 17
\textsuperscript{117}Id.
\textsuperscript{118}Id., page 24
\textsuperscript{119}Id.
\textsuperscript{120}Supra note 16, page 9
\textsuperscript{121}Supra note 106, page 88
engineering advances of high-income countries vehicles do not fit the standards of vehicles in low-income countries.\textsuperscript{122}

\textbf{3.3.3. ROADS}

As the entire process of road transport is conducted on roads, the quality, size and engineering characteristics of the roads will have considerable contribution to the increase or decrease of RTA risks. Among others, road network, road signs, and road markings, junctions’ designs, pavement surfaces, narrow bridges and culverts, median, width, and street lighting are among risk factors for accident.\textsuperscript{123} In the planning, design and maintenance of the road network; due attention is need to include safety considerations.

\textbf{3.4. CAUSES OF ROAD ACCIDENT DEATHS IN ETHIOPIA}

Ethiopia has a major road safety problem and it is becoming worse because of different contributing factors. According to the data of the Federal Police Commission (hereinafter FPC) for the last five consecutive years (2011/2012 to 2015/2016) more than 82% of deaths were due solely to driver factors, 1.93\% to 5.52 \% was due to Vehicle factors, 1.3\% to 3.84\% was due to passengers, 0.23\% to 1.09\% was due to road factors and 8\% to 13.32\% was due to other and unknown factors except the last year (2015/2016) reduction which was 7.23\%.\textsuperscript{124}

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{122}] Id.\item[\textsuperscript{123}] Id., page 87\item[\textsuperscript{124}] Supra note 91, Table 3.4
\end{itemize}
\end{footnotesize}
Table 3.4: Causes of road accident deaths in Ethiopia

<table>
<thead>
<tr>
<th>Causes of RADs</th>
<th>Year of Traffic Accident Recording</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drivers</td>
<td>85%</td>
</tr>
<tr>
<td>Vehicles</td>
<td>4.5%</td>
</tr>
<tr>
<td>Defective Road</td>
<td>0.23%</td>
</tr>
<tr>
<td>Passengers</td>
<td>1.3%</td>
</tr>
<tr>
<td>Others and unknown</td>
<td>8%</td>
</tr>
</tbody>
</table>

Source: Federal police commission, central Information and crime Intelligence Directorate, May 2017

According to the statistics of FPC the main factors are human related factors that include driving without putting passengers first and letting other vehicles pass, speed, unlawful pass, drink driving, unlawful turn, driving leaving the right side, using substances (drugs), driving without keeping distance, driving without giving priority and breach of traffic police order.125

The conditions of vehicles related factors contribute for deaths of many Ethiopian citizens through mechanical failures of the vehicle such as brake failure, tire failure and steering wheel defect among other technical problems.126

Conditions of roads are also one of the causes for traffic accidents.127 Furthermore, passengers are also included among the lists of causes of RADs data of the federal police commission.128 Causes of RAD are not limited to this as there are also other and unknown Causes of road accident deaths that are not identified by the Federal Police.
CHAPTER FOUR
MEASURES TAKEN TO CURVE ROAD ACCIDENT DEATHS
IN ETHIOPIA

4.1. INTRODUCTION

Ethiopia has a major road safety problem. Every year, many live and property losses occur due to RADs. The Country has experienced total RADs of 18,024 from the year 2011/2012-2015/2016. On the other hand, the financial estimation of property damage was 3,661,030,259.45 Birr during the year 2011/12-2015/16, which is 732,206,051.89 Birr average annual cost.

Those figures call for actions to decrease the absolute number of RADs. As traffic fatalities are negatively impacting the development of human capital, working towards reducing RADs should be one the priority agenda of the government. Road accident is a man-made problem that results from a consequence of human actions. Therefore, it could be prevented through special attention from the state. Mobilization of the community and states’ Commitment with formulation of well-defined strategy, clear vision, legal framework, co-ordination, and careful and critical evaluation of measures are essential steps to be taken in order to reduce RTAs.

On the other hand, Ethiopia is a State Party to almost all core international human rights instruments. For instance, Ethiopia is a state party to ICCPR. And according to the general comment no. 36 states parties have the duty to respect the right to life and refrain from engaging in conduct resulting in deprivation of lives. They must also take all suitable measures, which can reasonably be expected from them, to protect the right to life of

129 Federal police commission central Information and crime Intelligence Directorate, Traffic data, May 2017
130 Id.
131 Supra note 23, Para 11
individuals against deprivations caused by persons or entities not acting on behalf of the State. \textsuperscript{132}

There are positive obligations that states that are party to a treaty must ensure that people’s rights are not violated and that persons are protected from violations. \textsuperscript{133} These includes the state has duty to prevent third parties from interfering with and obliged to protect persons from life threatening accidents; inarguably, this includes RADs and injuries. \textsuperscript{134} However, in the case of RADs and injuries negative obligations cannot apply as the state cannot deliberately kill people through accidents. \textsuperscript{135} But if there is an omission by a state when it does not take an action to stop the loss of life under its own territory where it was reasonably capable of and mandated to; the state can and should be held accountable for the violation. \textsuperscript{136} Therefore, excluding limitations, the government should undertake all appropriate measures including setting up policy framework, legislative, and other measures to ensure the protection of the right to life.

The following sub sections will address the measures taken by the Ethiopian government to curve road accidents and to bring safe transportation system.

\textbf{4.2. NATIONAL ROAD SAFETY ACTION PLAN AND STRATEGIES OF ETHIOPIA ON RADs}

Although Ethiopia has celebrated the launch of the first ever Decade of Action for Road Safety 2011–2020 which was launched by the United Nations General Assembly on 11 May 2011;\textsuperscript{137} Ethiopia has never had proper national transport and road safety policy to fight the problem of road accident to date. The absence of the government policy regarding road safety

\textsuperscript{132}Id.
\textsuperscript{133}Supra note 1, page 12
\textsuperscript{134}Supra note 19, page 13
\textsuperscript{135}Id., page 12
\textsuperscript{136}Id., page 24
shows it has been given low priority by road safety government agencies. Some of the reasons why the country has no road safety policy are; the presence of other pressing economic and social priority agenda of the government, the economic effect is not fully considered by decision makers as cause of indirect public expenditure, lack of community awareness, and experience on road safety issues. These gaps were also highlighted by Federal Transport Authority (hereinafter FTA) official who was interviewed.

GTP II has promising target to reduce the number of deaths from RTA per 10,000 cars from 60 in 2014/15 to 27 by 2019/20. To this end, the National Road Traffic Safety Council (hereinafter NRTSC) of Ethiopia also developed Road safety action plans focusing on the following major activities.

- Controlling the road traffic system through using modern traffic controlling systems and technologies such as radar, cameras and surprise patrolling system on main high roads. This also includes controlling of speed limit (using speed indicator tools) and inspect drunk drivers, identify and monitor road traffic flows. Deploying data-base and controlling system to ensure the safety of pedestrians and inspection of vehicle are given better attention in reducing RTAs.

- Increasing road safety awareness of the public through inclusion of it under the educational curriculum, creating traffic safety clubs in schools, creating awareness in different institutions such as Eder, religious institutions and NGOs and usingshort video films, theater, printing materials and use of Media.

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138 Supra note 6, page 26
139 Id.
140 Interview with TesfayeYebas, law affairs Directorate Director, at Federal Transport Authority, 30 may 2017
Expanding Road safety engineering methods (road marks, zebras, sidewalks, traffic lights and road signs, speed brakes), maintainance of damaged roads and the construction of new roads considering separate ways to motorcyclies, pedestrians and cyclies.

Ensuring the safety of road transport sector through protecting drivers safety, technical efficiency of vehicles, organized action of transport associations on road safety. National road safety management through enabling NRTSC with manpower, establishing national road safety technical committee and monitoring road safety works of its members and through study and research.

Delivering speedy Emergency medical service (hereinafter EMS) through the collaborative work of transporters, hospitals, telecommunication and police that could save the injured from death.

Encouraging safety mobility of private individuals and organizations by coordinating the expansion of road safety study, preparing and implementing annual strategy and program on national road safety. It also targets the initiation of supporting the improvement of road safety projects, budgeting funds for road safety education and study.

Increasing road safety manpower via starting and strengthening post graduate program in transport planning and experience sharing with foreign countries.

With regard to the implementation of this national road safety action plan the following activities are performed,\textsuperscript{143}

In controlling the road traffic system;

\textsuperscript{143}Id., page 17-57
Strong and sustainable controlling system is done in Eastern Shewa.

High way patrolling system with the support of radar is placed from Addis Ababa to Hawassa.

Speed controlling system with the support of radar is implemented in Addis Ababa, Oromia and Amhara regions and inspection of drunk drivers is implemented in Addis Ababa.

Strong controlling system on night driving was done particularly in Eastern Showa, Sidama and Wolita zones.

In creating road safety awareness Ethiopian;

- Broadcast and different Radios are transmitting regular programs.
- Individuals songs, music and video clips are used.
- The issue of road safety is included under first level educational curriculum (grade 1-8), books, reference books and videos are prepared. Also different printing exhibitions are conducted and broshers, posters stickers are prepared and distributed.
- More than 5000 traffic clubs and 5000 committies with regulations are established.
- More than 12000 students traffic police and 10,000 drivees are trained on ethical behavior.

Regarding road engineering;

- Based on differentiating dangerous roads, an action is taken in Addis Ababa and southern region via studies.
Under the Ethiopian Road Authority (hereinafter ERA) and Adiss Ababa Road Authority, departments are created for the assessment of road design, construction and maintenance that focuses on road safety.

Amhara, South and Tigrian regions road safety offices made a study and took action on high-risk roads.

In relation to EMS;

- EMS team is established in which the NRTSC is a member initiated a 5 years strategy on rendering ambulance, training and implementation of EMS.
- 30,000 health extension workers provide medical service to the victims of road accident.
- EMS is included under the manual of licence training.

In relation to road transport sector safety;

- National standard on drivers training and examination (with techniques of driving with preventing accident, road safety and required ethical behaviors of drivers) for driving license is prepared.
- Out sourcing of driving training to private sectors is made.
- Uniform standard on technical inspection of vehicles with the support of tools and surprise inspection is started in Amhara, South and Tigrian regional states.
- Transport service associations and organizations are established and are actively engaged.
Regarding the implementation of this action plan, NRTSC is the leading agency that coordinates other stakeholders and follows up the implementation of the action plan.\textsuperscript{144} However, as it is stated under its establishment regulation, NRTSC is not an independent institution rather it is a subordinate department in the ministry of trade.\textsuperscript{145} Also it does not have a mandate to control and monitor other stakeholders while discharging their responsibilities in the implementation of the action plan.\textsuperscript{146} Members of the council and concerned government and non-governmental organizations have a legal obligation to cooperate with the Council in the implementation of traffic safety policy, strategy and programs. However these actors do not work in collaboration with the council.\textsuperscript{147} They are also unable to attend quarter meetings and submit their planning and reporting documents have been challenges to integrate actions.\textsuperscript{148} Moreover, lack of enough attention by the government, weak system, loss coordination, financial constraints and lack of well-educated man power seriously drags NRTSC to implement the action plan.\textsuperscript{149}

Although NRTSC is working on implementation of 10 years action plan, all the stakeholders should appropriately integrate their responsibilities and collaborate for the implementation of the action plan.

A study was conducted on road safety modernization and transformation by FTA focusing on five major areas of road safety management, safer road and mobility, safer vehicles, safer road users and EMS (post-crash response).\textsuperscript{150} It also aims at decreasing RADs meaningfully through establishing well organized management of road traffic safety and intensify collaborative works among stakeholders.\textsuperscript{151} Developing road safety controlling, increasing

\textsuperscript{144} Interview with Amelaku Alemayehu, Head of National Road Safety Council Office, at Ministry of Transport, 29 November 2017
\textsuperscript{145} Id.
\textsuperscript{146} Id.
\textsuperscript{147} Id.
\textsuperscript{148} Id.
\textsuperscript{149} Id.
\textsuperscript{150} Federal road Authority, Systematic study on road safety modernization and transformation, (Amharic version), January 2008
\textsuperscript{151} Id., page 2
public awareness and participation to create a society that is protected from traffic accident are also covered in the study. In order to meet this aim this study tries to analyzes foreign countries experience to each area of study.

The study has identified the following main challenges of road safety in the country:  

- Lack of effective and sustainable traffic management system.
- Weak encouragement to the parties that works for the improvement of road safety.
- Inefficiency of trained man power, lack of formal and organized public awareness creation and insufficient awareness creation by medias and non inclusion of road safety under high level of educational curriculam.
- Weak controlling system on causes of road accident and lack of well organized data on traffic accident.
- Uncomfortable road design for road users and pedestrians and roads are not designed in a way that protects road accidents such as insufficiency of pedestrian walkways and crossings bicycle lanes and crossings and lack of enough traffic signals and lights, road and speed limit signs.
- Insufficient inspection on technical efficiency of imported and assembled vehicles and vehicle maintenance institutions.
- Non-implementation of the rules such as wearing of seatbelts and helmet and absence of a system or standard on the safety requirement of non-motor vehicles while imported or manufactured in the country.

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152 Id.
153 Id.
➢ Absence of road-off system of old vehicles.

➢ Non enforcement of the standard of Annual inspection of vehicles.

➢ No continuous training to drivers and absence of special training and psychological treatment to drivers who commits continuous faults and absence of central recording system to this.

➢ Weak controlling of side walk traders.

➢ Absence of sufficient patrol controlling system on main roads.

➢ No well organized and sustainable traffic penalty administration system.

➢ Absence of special monitoring and controlling system on vehicles that results higher accident and

➢ Lack of good governance and corruption.

This study has gone far in identifying major risk factors of road accidents and main practical challenges of road safety. It also tries to assess good experiences of other countries. However, though FTA is working on the above identified problems still there are challenges of weak participation and collaboration between the stakeholders, sufficient manpower and lack of due attention.154

Generally, under human rights instruments to which Ethiopia is a party lay positive obligation to protect and to fulfill or promote the right to life by creating policy framework that could prevent RADs. However, the country has neither a national transport policy nor road safety policy rather road safety activities are being done by preparing road safety action plan and

154 Interview with Yohanes Lema, Road Safety Education and Awareness Directorate Director, at Federal Transport Authority, 25 October 2017
programs. Accordingly, Ethiopia basically does not take adequate measures to guarantee the implementation of right to life with regard to its duty to protect and promote through adopting policy measure to reduce RADs. Consecutively the government should bears this responsibility and adopt both transport and road safety policies that stimulates effective and efficient countermeasures to prevent road accidents and enabled all relevant parties to deliver their contributions in a timely and co-operative manner.

**4.3. THE LEGAL FRAMEWORK FOR PREVENTION OF ROAD ACCIDENTS**

Another measure that a state has to take under the duty to protect and promote is a legislative measure to ensure the right to life including keeping its inhabitants from a threat of road accident. In this regard the Ethiopian government has developed different legislation for the road transport in which different entities assumes the legal responsibilities of ensuring the road safety. The following sections provide the review of the major Federal legislations that govern the road transport of the country as Ethiopia is a federal country. Legislations used in road transport activities in Ethiopia can be categorized in to the following major groups.

**4.3.1. TRANSPORT PROCLIMATION NO. 468/2005**

A proclamation to provide the regulation of transport was enacted in August 2005 (proclamation 468/2005) which demarcated the roles and responsibilities of the federal and regional transport government agencies.\(^{155}\) It is proclaimed for the improvement of the transport sector through making the transport service more competitive, safe and efficient as

\(^{155}\) A proclamation to provide for the regulation of transport, proclamation no.468/2005, Federal Negarit Gazeta,11\(^{th}\) year, no.58,6\(^{th}\) August, 2005
the transport service plays a great role for the economic and social development of the country.\textsuperscript{156}

The proclamation empowers the FTA to follow up the provision of safe transport services to the public and harmonize and standardize the nation’s road transport system.\textsuperscript{157} Its objectives is the promotion of an efficient, adequate, economical and equitable transport system to ensure that public transport services are safe and comfortable to develop domestic and international transport network and to promote the development of all aspects of transport.\textsuperscript{158}

The general and specific powers and duties of the transport authority are also explained.\textsuperscript{159}

Generally it is good to have such a law that clearly defines the roles and responsibilities of government institutions that works on the transport system with clear objectives and aims.

However, there are problems with regard to the implementation of this proclamation. Among others lack of due attention to areas that could be a cause for road accidents, problem of capacity building, inadequate research and study centers, weak participation and collaboration between the concerned organs and among the federal and regional transport sectors are the main problems.\textsuperscript{160} Also there is an absence of strong follow up of persons and individuals who are engaged in public commercial road transport, weak follow up the importation, manufacture or assembling of vehicles in Ethiopia, weak implementation of directives relating to driving license, the licensing of driving schools and instructors and weak and inadequate supervision of institutions engaged in the annual inspection of vehicles.\textsuperscript{161} Therefore, due to these challenges of FTA this law is not implemented fully.

\textsuperscript{156}Id., preamble
\textsuperscript{157}Id., article 7
\textsuperscript{158}Id., article 4 and 6
\textsuperscript{159}Id., article 7
\textsuperscript{160}Supra note 154
\textsuperscript{161}Id.
4.3.2. ETHIOPIAN ROADS AUTHORITY RE-ESTABLISHMENT
REGULATION NO.247/2011

The objectives of ERA are to develop and administer roads and to ensure the maintenance of standards in road construction.\(^{162}\) It also explains powers and duties, organization of the authority and Powers and Duties of its Board as well.\(^{163}\) In addition, this law deals about the financial source of ERA.\(^{164}\)

ERA has the responsibility to ensure the standard of road construction and well networked roads by improving the road network. However, ERA in implementing this proclamation faces different challenges. Even though, there is a department that supervise whether the design of Ethiopian roads take in to consideration of road safety, practically the construction of Ethiopian roads may not fully implement it. For this we could raise various problems which includes lack of commitments of the contractors, capacity and facility constrains and other out of control situations.\(^{165}\) Also low commitment of higher officials of concerned organs, low quality of roads due to the use of poor materials, absence of effective system that controls road construction supervision consultant, lack of enough traffic safety sign, weak collaboration with other concerning organs, absence of accountability and lack of study that clearly identifies accident area are the main challenges.\(^{166}\) Therefore, an action should be taken on these major problems of ERA that hinders the implementation its responsibilities and duties.\(^{167}\) Furthermore, in addition to affirming the above mentioned problems there are also practical challenges of this law such as road safety sign posts will be theft, financial problems as road construction requires huge investment, lack of well standards roads and

\(^{162}\) A regulation to provide for the Re-establishment of the Ethiopian roads Authority, Regulation No. 247/2011, Federal NegaritGazeta, 17th year, no.81, 8th July,2011, article 5
\(^{163}\) Id., article 6, 7, and 8
\(^{164}\) Id., article 11
\(^{165}\) Interview with Oumer Ahmed, Legal Service Director , at Ethiopian Road Authority, 27 November 2017
\(^{166}\) Interview with NegatuWedenehe, Quality Assurance Road Inspection and safety Management Directorate Director , at Ethiopian Road Authority, 29 November 2017
\(^{167}\) Id.
irresponsibility of contractors are included under the challenges of ERA in implementing its duties.  

4.3.3. DRIVER’S QUALIFICATION CERTIFICATION LICENSE  
PROCLIMATION NO.600/2008

The prevailing occurrence of traffic accident against humanity and property mainly arises due to the deficiency of issuance of driving license procedure. Therefore, it is important to create a uniform, standard and effective system for the issuance of qualification certification of driving license at national level to have qualified drivers.

The purpose of this Proclamation is to ensure that drivers operate vehicles in appropriate condition by acquiring adequate driving skill, to set nationwide driving qualification standard and establish a system for the issuance of driving license certification free from forgery, corruption and bureaucratic red tape and to ensure bilateral and multilateral agreements relating to qualification of driving and movements of traffic on all-weather roads are observed by drivers.

In doing so it explains the powers and duties of transport authority. It also puts the requirements for a driver’s qualification certification license. For instance in the case of motorcycle or automobile driver’s qualification certification license, the law requires the completion of fourth grade education. This is lower even in relation to many other professions such as cleaners, guards or home workers as these professions require at least eighth or twelve grade completion. On the other hand, driving requires higher standard of cognitive capacity and responsibility to decide within friction of seconds than the above.

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168 Interview with Asechalew Asefaw, Legal Service team leader, at Ethiopian Road Authority, 01 December 2017  
169 A proclamation to provide for Drivers Qualification Certification License, Proclamation No. 600/2008, Federal Negarit Gazeta, 14th year, no.59, 25th August, 2008, preamble  
170 Id., article 3  
171 Id., article 5  
172 Supra note 166., article 12 (1)
mentioned professions. Therefore, educational level of drivers should be somehow higher as it is presumed that cognitive capacity of a person increases with the increase of educational level.

Also where a holder of lower qualification certification license wants to obtain a driver’s qualification certification license of a different category, the law only requires taking theoretical and practical training and the test specified for such category of license without any prior experience of driving.\(^{173}\) Because the higher category of the driving license requires earlier driving experience than lower category as the higher category of driving license requires high responsibility and risk. Because second and above category of driving license should be matured enough to take high level of responsibility and should understand all the situations as the lives of the passengers and pedestrians are at the hands of the driver. Therefore, a great attention should be given to the maturity of the driver as it is one of the contributing factors that make the driver for being the cause of RAD. Moreover, limits must be placed on the duration of journeys made by drivers per day.

In addition, a person holding a foreign or international driving license only requires ascertaining that the government which issued the driving license similarly recognizes Ethiopian driver’s qualification certification license.\(^{174}\) But in addition to this, these drivers at least should be oriented about the situations of country including the conditions of the roads and the behaviors of drivers and road users.

The other critical point is the validity and renewal of driver’s qualification certification license. Regarding this the law states that the license of any category is valid for a period of four years and should be renewed for a period of four years and in case of the driver whose

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\(^{173}\) Id., article 7(4)

\(^{174}\) Id., article 15(b)(1)
age is above 55 (fifty five), the license shall be renewed every two years. But this could be seen in relation to the current situation of the Ethiopian roads. Currently the road construction and road systems are booming especially in Addis Ababa. It also could be related with the health condition particularly the sight of the driver within four years. This is a long time as there is no any mechanism to review the health condition of the driver before the lapse of the specified time unless the driver made a medical examination at his/her good will. Therefore, the renewal time of the license should be re-examined considering the current situations.

Regarding practical driving training, apart from having the uniform standard in such as practicing hours, performing the practice is a manual inspection system in which after the practice is done by the trainee the time form is filed by the trainer. This could be a cause for the inefficiency of the trainee and exposed to corruption. Therefore, practical driving training should be under computerized system (software) which could be traceable like that of written exam. Although, there is a uniform standard of training hour which is a total of 20 hours, there are situations in which most of the trainers trains only half an hour (1/2) i.e. a total of 10 practicing hours. So, there should be systematic inspection method of the trainers whether they are properly trains their trainees. In addition, even if the trainers trained for 20 hours, still it is not enough as the more practicing hour is important for the better qualification and effectiveness. Moreover, there should be strong grievance handling system for those who are not properly trained persons.

Generally, this law relates with the human related cause of RADs particularly with drivers which is main factor for RADs in Ethiopia as it takes the highest percentage (> 85%) of all other causes of RADs. Though ERA and other concerned organs are working through issuing different directives and standards and following up the implementation of the same, there are

175 Id., article 19(1) and (4)
176 Interview with Getachew Negusse, Trainer at Be International Drivers and Mechanics Training Institute, 05 November 2017
still various obstacles that hinder their efforts. One is the gap of the law to govern issues like who is responsible in case of injury or death of a person during the training time: the trainee or the trainer? Also there is no central controlling mechanism or system that can control persons who has multiple driving licenses. In order to have driving license in Addis Ababa, it requires Addis Ababa ID card. This is against an idea of having uniform standard as it is an international profession. Also there is a weak follow up on the implementation of directives relating to the licensing of driving schools, instructors and to driving license. Moreover, absence of clear demarcation between the mandate of Federal and Regional governments, weak collaboration between stakeholders, inability to follow up and control the supervision system of experts as they are not experts of FTA rather representatives of regions, lack of well-educated manpower are also among the main challenges.

Furthermore, the problem of the law that relate with the age and educational background of the drivers, issue of injury or death of a person during the training time are included under the main problems for the implementation of the law. In addition, as this law is not implemented fully it is difficult to identify all the gaps of this law.

4.3.4. VEHICLE INSURANCE AGAINST THIRD PARTY RISKS

PROCLIMATION NO.799/2013

This law is enacted to address the social problem as the occurrence of accidents caused by vehicles are escalating from time to time and results loss of lives, bodily injuries and damages to properties. It is also important to establish a system for facilitating the provision of

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177 Interview with Asefa Ayana, Manager of Be International Drivers and Mechanics Training Institute, 27 November 2017
178 Id.
179 Supra note 138
180 Interview with Tamiru Tulu, Drivers Training Institutions follow up and controlling Team Leader, at Federal Transport Authority, 04 December 2017
181 Id.
182 Id.
183 A proclamation to provide for Vehicle Insurance Against Third Party Risks, proclamation no. 799/2013, Federal Negarit Gazeta, 19th year, no.53, 23rd July, 2013, preamble, paragraph 1 and 2
emergency medical treatments to victims of vehicle accidents, and to require owners of
vehicles to have third party insurance coverage against third party risks.\textsuperscript{184}

Besides the prevention of RADs, it is paramount to compensate those who are victims of road
accident. This law is also important to preserve loses of lives as it helps to avert the deaths of
the injured person through medical treatment.

This proclamation prohibits driving a vehicle without a third party insurance coverage.
However, the Ministry of Transport is given the mandate to determine vehicles to operate on
the road without requiring compulsory insurance coverage.\textsuperscript{185} The policy shall cover the
compensation payable for death, bodily injury, damage to property and the expenses of
emergency medical treatment arising from the insured vehicle.\textsuperscript{186} However, the policy
ignores death or bodily injury or damage to property of the insured person or a person hired
by the insured person and occurred in the course of such employment.\textsuperscript{187}

But as far as we are talking about preserving the losses of lives we should not discriminate
among them based on being an insured person or a person hired by the insured person.

Regarding the extent of Liability, the proclamation limits the amount of third party
compensation not to exceed ETB 40,000 in the case of death, ETB 15,000 in the case of
injury as determined by a medical board while it sets ETB 100,000 in the case of damages of
property.\textsuperscript{188} Surprisingly the value given to a person life which is incomparable with property
is much less than the value given to a property though it is allowed to claim in accordance
with other relevant laws. Also the amount of medical coverage is still too small to cover the
medical treatment especially in private health center with current situations. Therefore,

\textsuperscript{184}Id., preamble, paragraph 3 and 4
\textsuperscript{185}Id., article 3
\textsuperscript{186}Id., article 4(2)
\textsuperscript{187}Id., article 7
\textsuperscript{188}Id, article 16 and 27
though the victim can claim compensation using extra contractual liability at least the law should put an exception to which the victim can claim to the extent he/she incurs for medical expenses and the general compensation in case of death.189

4.3.5. VEHICLES IDENTIFICATION, INSPECTION AND REGISTRATION PROCLIMATION NO.681/2010

The deficiency of vehicles registration and annual inspection procedure is one of the causes for the prevailing occurrence of traffic accident against humanity and property. Therefore, Vehicles Identification, Inspection and Registration Proclamation No.681/2010 is enacted to set internationally acceptable standard to implement uniform vehicles registration and annual inspection procedure at the national level.190

This law deals about the requirement of registration and how to get title certificate book for the vehicle from the appropriate organ in order to operate the said vehicle on any road.191

Regarding the requirement of inspection of a vehicle an authorized inspector of an inspection station among other, shall inspect the vehicle’s road worthiness in performing, in a safe manner, the purposes for which it is registered and the vehicle’s compliance with the standards, set in accordance with the law.192

The law puts the mechanism of conducting a special inspection, where it finds it necessary.193 However in addition to a special inspection, it will be better if there is a sudden inspection system to every vehicle.

189 Interview with Yesuf Mohammed, Judge at Federal High Court, 02 December 2017
191 Id, article 4 and 6
192 Id, article 29
193 Id., article 37
In implementing its responsibility, FTA under the Directorate of Vehicle Qualification Certification issues different directives and standards.\(^\text{194}\) This includes directives relating to the certification of the technical competence, licensing and grading of garages engaged in the repair and maintenance of vehicle, and directive for registration and inspection of vehicles.\(^\text{195}\) The Directorate also follows up and supervises the implementation of these directives and determines the operations, equipment, weight and size, number of passengers and load of vehicles using the road and issue approval certificate for registration.\(^\text{196}\) It also follows up the importation, manufacture or assembling of vehicles in Ethiopia, supervise and inspect institutions that undertake annual technical inspection to motor vehicles of the Federal Government and take measures on those institutions that fail to perform their responsibility accordingly.\(^\text{197}\)

However, there are practical constrains on the implementation of FTAs’ duty which contains absence of online system that could control the inspection competence of inspecting institutions i.e. whether they are actually inspecting vehicles as per the standard and their inspecting machines are working or not.\(^\text{198}\) In addition, there is a lack of skilled man power and weak controlling system.\(^\text{199}\) Therefore, though the authority is doing a lot for the implementation of this law, we cannot say that FTA is effective in implementing its responsibility under the law.\(^\text{200}\)

This law also deals with the penalty on the person who violates the requirement of the law.\(^\text{201}\) But its maximum fine is limited to up to 5000 birr and simple imprisonment not exceeding two years, or both unless punished by criminal code. On the other hand, any personnel of the

\(^{194}\) Interview with Admasu Asea, Directorate of Vehicle Qualification Certification Director, at Federal Transport Authority, 04 December 2017

\(^{195}\) Id.

\(^{196}\) Id.

\(^{197}\) Id.

\(^{198}\) Interview with Eshetu Wondemu, Team Leader of Vehicle Qualification Certification Directorate, at Federal Transport Authority, 04 December 2017

\(^{199}\) Id.

\(^{200}\) Id.

\(^{201}\) Id., article 48 (1) and (2)
appropriate organ or a delegated organization who issues or causes the issuance of an inspection certificate with respect to a vehicle that has not fully met the prescribed inspection criteria shall, upon conviction by a court and unless punishable with higher penalty pursuant to the provisions of the Criminal Code, be punished with a fine not exceeding Birr 3,000 and simple imprisonment from six months to two years.\textsuperscript{202} However, practically the punishment under the criminal code does not have a deterrence effect as the final decision of the court results the suspension of the penalty.\textsuperscript{203}

Therefore, though the FTA is working on the implementation of this law still a lot has to be done on the problems of the Authority especially in relation to the controlling mechanisms of inspecting institutions which is the main cause for the ineffective implementation of this law.

### 4.3.6. THE ROAD TRANSPORT TRAFFIC CONTROL REGULATION NO. 395/2017

This regulation is enacted amending the road transport traffic control regulation No.208/2003 to regulate all aspects of traffic requirements of today as the previous regulation is inadequate to govern different faults that are happening now.\textsuperscript{204} It is also proclaimed to preserve the outrageous increasing of loss of lives bodily injuries and damages to properties from time to time.\textsuperscript{205} It regulates the traffic operation and safety precautions such as traffic signals, traffic rules, vehicle emissions, noise, drunk driving, pedestrian’s priority on pedestrian crossings, pedestrian road use, carrying passenger on trucks, use of roads by animals, road signs, safety and lights.\textsuperscript{206}

\begin{flushleft}
\textsuperscript{202}Id., article 48(3)  
\textsuperscript{203}Interview with Mineyebel Ayenew, Attorney General at Federal Attorney General, 07 December 2017  
\textsuperscript{204}Council of ministers regulation to provide road transport traffic control Amendment regulation, Regulation No. 395/2017, Federal NegaritGazeta, 26\textsuperscript{th} December, 2017, preamble  
\textsuperscript{205}Id.  
\textsuperscript{206}Id.
\end{flushleft}
This brings new concepts that were not governed before that relates with the human related causes of RADs as it provides clear and comprehensive law which is very important to reduce RADs. However, the level of alcohol is not defined by this regulation too. Also Seat-belt wearing should be mandatory for both front and rear-seat occupants as it reduces the risk of fatality among drivers and front-seat occupants. This law should also prohibit the use of both hand-held and hands-free mobile phones. As a whole, as this law is a recent law and not implemented fully it is difficult to assess its effectiveness at this stage.\textsuperscript{207}

\textbf{4.3.7. ETHIOPIA’S SPEED LIMITS REGULATION NO. 361/1969}

According to this regulation, the maximum speed limits are 100, 70, and 60 km/hr. for private cars and motorcycles, 80, 60, and 50 km/hr. for commercial vehicles, 70, 50, and 40 km/hr. for motor vehicles and trucks with semi-trailers and trailers on primary, secondary, and feeder roads respectively outside urban areas.\textsuperscript{208} Within urban areas, the speed limits are 60, 40, and 30 km/hr. for private cars and motorcycles, single unit trucks with maximum gross weight of 3,500 kg and public transport vehicles, and single unit trucks exceeding 3,500 kg and trucks with trailers respectively.\textsuperscript{209} The regulation also states that these speed limits shall be reduced where public safety requires for any or all vehicles on any particular roads by the road authority or local municipality. Despite the fact that the speed limits are reasonable, the regulation is not enforced and operating vehicle speeds are much higher than what is stated in the regulation.\textsuperscript{210}

Practically, most drivers are not driving within the speed limit of the law rather the mandate is left to the traffic police as the system is manual. In Ethiopia except some selected areas of

\textsuperscript{207}Supra note 154
\textsuperscript{208}Council of ministers regulation to provide Ethiopia’s Speed Limit Regulation, Regulation No. 361/1969, Federal NegaritGazeta, 1969
\textsuperscript{209}Id.
\textsuperscript{210}Supra note 6, page 28
Addis Ababa there is no enough camera or radar to control the speed of the drivers.\textsuperscript{211} However, publicizing the presence of speed cameras or radar will increase compliance with speed laws and reduce the incidence of crashes resulting in death. In addition speed-limiting devices built into vehicles are also effective for the reduction of RADs. Therefore, unless there is no systematic controlling and inspection mechanism, it will be difficult to reduce RADs that comes out from driving out of the legal limit.

4.3.8. THE CRIMINAL CODE OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

In addition to the above road transport related laws, the 2004 criminal code applies in case of deaths resulting from road accidents. Article 543(2) of this law states that “Where the negligent homicide is committed by a person, such as a doctor or driver, who has a professional or other duty to protect the life, health or safety of another, the punishment shall be simple imprisonment from one year to five years and fine from three thousand to six thousand Birr.”\textsuperscript{212} Also sub article 3 of the same provision put the punishment “rigorous imprisonment from five year to fifteen years and fine from ten thousand to fifteen thousand Birr where the criminal has negligently caused the death of two or more persons or where he has deliberately infringed express rules and regulations disregarding that such consequences may follow or even where he has put himself in a state of irresponsibility by taking drugs or alcohol.”\textsuperscript{213}

As indicated above, the law is not designed not only to punish the offender after the violation of the law but also to deter traffic violations. Deterrence is particularly effective when drivers perceive they are likely to be caught and punished and any punishment administered should

\textsuperscript{211}Supra note 154
\textsuperscript{212}A proclamation to provide for The Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No. 414/2004, Federal Negarit Gazeta,2004, article 543(2)
\textsuperscript{213}Id, article 543(3)
be severe and administered in a timely fashion. But the law puts lower penalty in case of negligent homicide on a driver who has a professional duty to protect the life or safety of people.214 In addition, the practical implementation of the law is even less than this. According to the Federal Supreme Court penalty deciding Directive, the calculation of the penalty for the violation of article 543(3) of this law will be lower as it finally fails up to 3 years simple imprisonment.215 And if the criminal pays compensation almost in all cases the penalty will be suspended and the criminal will be released especially even without finishing the lower decision and finally the deterrence effect of this law will not be achieved.216 Also the Federal High Court files in relation to negligent homicide shows similar scenarios.217 Above all the death of the innocent person will be left without justice and it will not deter wrongdoers from committing other crimes and will not serve as a warning to prospective wrongdoers.218 On the other hand the decision of Federal Supreme Court cassation bench under its legal interpretation excludes article 543(3) from concurrent crimes (in the case of a criminal act which, though flowing from the same criminal intention or negligence and violating the same criminal provision, causes the same harm against the rights or interests of more than one person) in case between Public Prosecutor vs. Addisu Gemechu.219 In this case the accused who was a driver was prosecuted for the crime of heavy negligent homicide under article 543(3) for the death of two persons and for the crime of injuries Caused by negligence under article 559(2) for the injury of seven people that were happened while they were travelling using public transport.220 Lower courts (the Amhara region higher and Supreme courts) made the accused guilty for concurrent crimes i.e. two counts under article 543(3) and seven counts under 559(2) for the death of two persons and the injury of Seven

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214 Interview with RobelRegasa, Judge at Federal first instance court, 02 December 2017
215 Interview with TemesegeLapiso, Attorney General at Federal Attorney General, 07 December 2017
216 Interview with LidiyaTesefahun, Attorney General at Federal Attorney General, 02 December 2017
217 Federal High Court, data recording and ICT Department, 05 December 2017
218 Supra note 203
219 Public Prosecutor vs. AddisuGemechu, Federal Supreme Court cassation bench, February 21, 2017(reviewing the decision of lower court)(unpublished)
220 Id.
people. However, the cassation bench of the Federal Supreme Court repealed this decision and considers the above mentioned concurrent crimes as one crime for the death of two persons and one crime for the injury of seven persons.\textsuperscript{221} This legal interpretation contravenes the principle of concurrent crimes and other courts continuous to use this cassation interpretation of the law as a law. Therefore, the deterrence effect of the law will not be achieved and others will not learn from such punishment.\textsuperscript{222}

To recap, in discharging its responsibility, Ethiopia took different legislative measures to protect its inhabitants from a threat of their life as a result of road accident. As already seen above Ethiopia have laws that could govern road related issues though the laws are not comprehensive enough. As discussed above, there are many issues with the implementation and also there exist gaps in the laws that have to be filled. Therefore, the government of Ethiopia has the obligation to work on the implementation problems and the gaps of the laws.

4.4. INSTITUTIONS

Another duty of a state relates to the obligation to fulfill human rights, which includes the obligations to promote the right to life by creating an institutional frame work.\textsuperscript{223} An effective institutional framework is important for the development and implementation of policies and programs to prevent road traffic injuries. The government of Ethiopia has the responsibility to advance institutional reform to prevent road traffic injuries and address road accidents as it affects the lives of many people and the over all development of the country.

The main governmental institutions concerned with road safety include Ministry of Transport (hereinafter MOT), FTA, ERA, Road Fund, Ministry of Federal Affairs, FPC, Regional Rural

\textsuperscript{221}Id.
\textsuperscript{222}Interview with Tomas Brehane, Attorney General, at Federal Attorney General, 30 October 2017
\textsuperscript{223}Supra note 1, page 12
Road Authorities, Regional Transport Bureaus, Regional Police Commissions, and City Administrations.  

4.4.1. MINISTRY OF TRANSPORT

MOT is one of the departments of the executive branch of the Ethiopian government. It supervises and coordinates institutions of transport sectors including FTA, ERA and Office of Road Fund Agency.

It has the vision” to see the people of Ethiopia enjoy the access of reliable transport services by 2025” and the mission of “Building the capacity of the sector; leading and backing the participation of the private sector as well as scaling up efficient and fruitful transport network in an equitable manner across the nation within a short period of time.”

Even though having such a vision and mission is important to create comfortable and efficient transportation system an attention should be given to the safe transportation system that could reduce RADs. And the vision and the mission of MOT should be able to address the current situation of road accident. In doing so, the vision and mission of MOT should include the safer roads and placing priority on preventing death and serious injury, with consideration to how it could be achieved.

On the other hand, Article 17 of proclamation no 471/2005 explains the power and duties of MOT that includes the power to initiate policies and laws, prepare plans and budgets, and upon approval implement same, ensure the enforcement of federal laws and the promotion of

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224 Supra note 6, page 30
226 Id.
the expansion of transport services.  

Regarding safe transportation system MOT transfers the power to NRTSC.

### 4.4.2. THE NATIONAL ROAD TRAFFIC SAFETY COUNCIL

The Council of Ministers Regulation No. 205/2011 established the NRTSC on 30 March 2011. Structurally the NRTSC is chaired by the State Minister of Transport and the head of the Office of the NRTSC is accountable to the NRTSC chair, and chairs the Technical Committee. Members of the council are individually appointed by the Office of the Prime Minister, and the Council is accountable to the Ministry of Transport. These members are the State Minister of Transport (Chair), State Minister of Communications, State Minister of Education, State Minister of Health, State Minister of Justice, State Minister of Urban Development, Housing and Construction State Minister of Finance and Economic Development, Director General of ERA, Director General of the Ethiopian Road Fund and Federal Police Commissioner. It also works with these federal government agencies as a partner.

The NRTSC have the powers and duties to:

- Formulate national road traffic safety plans and programs,
- Coordinate and/or encourage government sector and private sector participation in road traffic safety,

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228 A proclamation to provide for the definition of powers and duties of the executive organ of the federal democratic republic of Ethiopia, proclamation no. 471/2005, Federal Negarit Gazeta, 12th year, no.11, 17th November, 2005, article 17
229 Council of ministers regulation to provide for the establishment of national road traffic safety council, Regulation No. 205/2011, Federal Negarit Gazeta, 17th year, no.30, March 30th, 2011, article 3
231 Id., page 7
232 Id.
233 Id. page 26
234 Supra note 229, article 5
➢ Evaluate the effectiveness of existing laws, standards and directives regulating roads, vehicles and road users, and propose safety improvements and reviews them

➢ Cooperate with the concerned organs and provide the necessary assistance to promote road traffic safety through forums, formal and non-formal education, public participation, and mass media promotion;

➢ Facilitate and organize forums on the prevention of RADs and evaluate and report to the Ministry on strategy Set up technical committees consisting of members from the concerned organs and coordinate their activities, as may be necessary to improve road traffic safety program implementation by government agencies and Carry out other related activities to attain its objectives.

The Council also established Technical Committees to provide advice to the Council. Concerned government organs and non-governmental organizations have a legal obligation to cooperate with the Council in the implementation of traffic safety policy and strategy.\textsuperscript{235}

The NRTSC has an Office within the Ministry that serves as the secretariat of the Council.\textsuperscript{236}

In addition, the NRTSC also works with nine regional road authorities and police authorities, and their counterparts in the cities of Addis Ababa and Dire Dawa.\textsuperscript{237} These institutions have an important role as they are complementary to the role performed by Federal government agencies. Furthermore, the private sector and civil society also have important roles to promote a consistent road traffic safety approach throughout all aspects of Ethiopian People.\textsuperscript{238}

\begin{footnotes}
\item[235] Id., article 9
\item[236] Id., article 8
\item[237] Supra note 230, page 9
\item[238] Id.
\end{footnotes}
In discharging its responsibility and duties NRTSC has prepared 10 years strategic action plan.\textsuperscript{239} It establishes national Road safety management frameworks that identify seven institutional management functions and tasks of a lead agency for road safety, and for key agencies involved in delivery of road safety and it is aimed to design evidence based interventions which will address the desired road safety results.\textsuperscript{240}

Eventhough the National Road Safety Strategic Plan of Ethiopia 2011 to 202 includes a road safety vision “to stop fatal crashes on the nation’s roads”, and a goal of halving road fatalities by 2020, this will be extremely difficult to achieve given current safety management and policy arrangements, particularly given considerable population and motorization growth rates.\textsuperscript{241}

Although the NRTSC is a very young organization, which is at early stage of establishment and consolidation, it is responsible for overall coordination of road safety in the country. This naturally influences the NRTSC’s ability to drive effective high-impact road safety activities of the country. However, structurally the NRTSC is well organized with clear power and responsibility.

As challenges to this institution there are insufficient road safety commitment, delay in formalizing a permanent solution for high-level road safety coordination and cooperation, lacking the needed resources to act effectively, weak links between federal and regional road safety bodies.\textsuperscript{242} Also several bodies with road safety responsibility have insufficient personnel with inadequate road safety knowledge, know-how and training.\textsuperscript{243} Furthermore, road safety planning is not result focused i.e. it is characterized by lack of specific targets and

\textsuperscript{239} Supra note 142  
\textsuperscript{240} Id, page 7  
\textsuperscript{241} Id, page 24  
\textsuperscript{243} Id.
established procedures for monitoring and evaluation. As head of NRTSC office explains under section 4.1 among others the main challenge of the NRTSC is being dependent on MOT and consideration of as one department of MOT though it is working for its independence.

Therefore, the writer suggests that the NRTSC should conduct a comprehensive, result-oriented demonstration project to improve road safety of the country. It should also give a priority to Promote road safety, traffic management and post-accident trauma care, ensure availability of adequate trained manpower, and promote sustainable road transport with collaboration to other stake holders. Additionally, NRTSC should put its focus on the difficulties listed above and tackle them for successful results. But this does not mean that MOT should leave all road safety issues to NRTSC rather it should give enough attention to safe transportation system and should be included under the duties and responsibilities of the ministry. Therefore, the issue of safe transportation system should be included under the vision, mission, duties and responsibilities as well the objective of MOT in order to solve the problems of road safety.

4.4.3. TRANSPORT AUTHORITY

FTA is responsible for regulating transport services of road, rail, and water transport in the country. The authority is missioner to ensure comfortable and safer transport service to the public.

Proclamation no. 468/2005 defines the responsibilities of the FTA including;

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244 id.
245 Supra note 144
246 Supra note 6, page 32
247 Federal Transport Authority, Mission of Federal Transport Authority, 29 September 2017
248 Supra note 155, article 7
➢ Determination of the operation, and capacity of vehicles using the road and issue approval certificate for registration.

➢ Registration and annual technical inspection of motor vehicles.

➢ Standardization of the importation or manufacture of motor vehicles, certification of the technical competence, licensing, and grading of garages engaged in the repair and maintenance of vehicles and

➢ Licensing of drivers and driving schools and instructors.

In order to improve the shortcomings of the transport system a new proclamation no. 600/2008 was enacted in line with transport proclamation 468/2005. The new proclamation has given the FTA the powers and duties to set detail standards, supervise and issue recognition certificate to the licensing body, prepare curriculum jointly with the appropriate technical and vocational training agency for driver training institutions, determine the quality, content, and form of driver’s qualification certification license book free from forgery, and supervise the implementation of the provisions of the proclamation. In doing so, the FTA driver’s qualification certification Directorate enacted a directive that set a standard on the requirements of driving license to the licensing body and prepared curriculum for driving training institutions.

Within the Authority, directorate of road traffic safety Education and Awareness division is responsible for road safety related activities. Apart from this division; Vehicle qualification certification, drivers qualification certification, and road traffic safety and laws implementation technological support and monitoring. These Directorates undertake road

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249 Supra note 169
250 Id., article 5
251 Federal Transport Authority, Drivers Qualification Verification Directorate, directive no.01/2007,(Amharic version), March 2007
252 Supra note 140
safety related activities including responsibilities in vehicle inspection and registrations, driver training and licensing and road traffic safety.\textsuperscript{253} This organization setup will enable the authority to give overall guidance to harmonize and standardize the transport system nationwide in general and the road safety activities in particular.\textsuperscript{254}

Although the main role of the FTA is to promote an efficient and equitable transport system the Authority is facing poor road safety record, absence of modern technology and skilled man power for inspection of vehicles, the poor condition of many old vehicles and lack of capacity for effective enforcement of driving codes and road laws by the traffic police are mentioned by the Transport Authority.\textsuperscript{255}

\section*{4.4.4. THE ETHIOPIAN ROADS AUTHORITY}

ERA is re-established by regulation No. 247/2011 with the objective to develop and administer highways, and to ensure the standard of road construction.\textsuperscript{256} The construction of standard roads is important to a successful road safety and reduces road hazards and promotes the safety of road users. Moreover, road related technologies increase road safety while reducing fatal accidents.

ERA is also responsible for planning and formulating long and short term plans and programs for road construction, design, maintenance of trunk and major link roads and assumes the duty of expanding and maintaining the federal road network to an acceptable standard and condition.\textsuperscript{257}

This requires effective engineering plans that consider both infrastructure and technology. A well designed infrastructure reduces road hazards and promotes the safety of road users. In

\textsuperscript{253} \textit{id.}  
\textsuperscript{254} \textit{Supra note 6, page 32}  
\textsuperscript{255} \textit{Supra note 154}  
\textsuperscript{256} \textit{Supra note 162}  
\textsuperscript{257} \textit{Supra note 6, page 30}
addition, vehicle and infrastructure related technologies increase road and vehicle safety while reducing RADs.

The authority has a vision to “assure the provision of an adequate and high quality road network to Ethiopian and open up all potential development areas in all parts of the country” and has the mission to” provide safe, comfortable and adequate road infrastructure to support the socio-economic development of the nation and say road users by improving the condition of roads, expanding the network and preserving road asset.”258 Its goals are improving transport operating efficiency and reducing road transport costs, providing access to rural, neglected and food-deficit areas, and developing institutional capacity of the sector.259

The development of a well-planned infrastructure is important to achieve vision, mission and goals of ERA as it contributes for the improvement of road safety that could reduce the number of deaths on roads. This is through improving road designs including the strategic allocation of roadside-barriers, creation or improvement of pedestrian walkways and crossings, creation or improvement of bicycle lanes and crossings, well-planned allocation of traffic signals, road and speed limit signs, among others. Also Infrastructure-related technology used on the roads, for example advanced radars and speed cameras also plays a great role for the reduction of RADs.

Pursuant to article 6 of the same proclamation, the authority, among others, has the powers and duties to:260

1) Initiate policies and laws relating to roads and the Authority;

2) Prepare or cause the preparation of designs and feasibility, environment and other related studies required for road works;

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259Id.

260Supra note 162, article 6
3) Prepare coordinated national road network plan and distribute same to the concerned organs;

4) Prepare or cause the preparation of contracts for road works and consultancy services, enter into such contracts, and supervise or cause the undertaking of supervisions to ensure the road works are executed as per the terms of their respective contract;

5) Cause the preparation and placement of road traffic safety signposts;

6) Enforce vehicle weight regulations on roads;

7) Remove properties unlawfully placed within the right way of roads;

8) Train manpower required for the development of roads as necessary;

9) Protect roads from damage and abuse, remove and cause to remove obstructions from roads.

10) Perform other functions as are required for the attainment if its objectives.

Regarding the implementation of its responsibility, ERA has performed the following main activities:\textsuperscript{261}

- Differentiating hazardous roads and an action is taken in Addia Ababa and southern region

- It established Departements for the asessement of of roads design, constraction and mentainance Under ERA and Addia Ababa roads Authority;

- It, through Amhara, Southern and Tigrain Regions road safety officies, condcuted a study and took an action on hazardeous roads.

According to the interviews undertaken with different officials and experts at ERA, it is undeniable fact that ERA is thriving to ensure road safety in order to reduce RADs. However,

\textsuperscript{261} Supra note 142, page 27
challenges were raised by the interviewees in addition to the problems mentioned under section 4.2.2. This includes lack of enough practical researches relating to road conditions and lack of adequate expertise. Limited availability of road marks, zebra, sidewalks, traffic lights and road signs, speed brakes and other road safety protection methods on roads are also among the gaps. Furthermore, lack of road safety features such as identification and elimination of hotspots and delays in maintaining of damaged roads are identified as problems that are contributing to high risk of collisions and road accidents. In conclusion, ERA has set up achievable goals and workable principles in the re-establishment proclamation despite implementation challenges which the writes believes that they are not impossible to overcome.

4.4.5. THE FEDERAL POLICE COMMISSION

FPC is entrusted, among other functions, with the management of road traffic and enforcement. The Regional Police Commissions also share these functions in the respective regions.\textsuperscript{262} Central Information and crime Intelligence Directorate and department of road traffic safety management sections are the main organs of the commission that are mandated to handle road traffic cases.\textsuperscript{263} The Commission at federal and regional levels works in collaboration with other institutions particularly in collecting and recording of RADs, injuries and causes of road accident data.\textsuperscript{264}

4.4.6. OTHER INSTITUTIONS

As the issue of road safety is multi-sectorial, it requires the involvement of other related sectors such as; the Ministry of Health and Health Bureaus at regional levels have vital roles


\textsuperscript{263}Interview with Commander EshetuFita, central Information and crime Intelligence Directorate vise Director, at Federal police commission, 07 June 2017

\textsuperscript{264}Id.
in providing emergency medical treatments for victims of traffic accidents.\textsuperscript{265} A non-governmental organization like the Ethiopian Red Cross Society provides emergency transport and health services for injuries.\textsuperscript{266} The Ministry of Education at the federal level and Education Bureaus at the regional level also play important role in creating traffic safety awareness to students and school community.\textsuperscript{267}

Nevertheless, the writer had learned from the interviews undertaken with experts and officials of different stakeholders that one of main challenges commonly raised is lack of intersectorial coordination among key actors. As mentioned above a number of efforts are ongoing by different sectors around road traffic accidents to reduce deaths. However there is lack of integrated system and structure that can ensure accountability and coordinated effort among actors. Therefore, setting up a workable and institutionalized system that can embrace all modalities of reducing RADs is inevitable in order to meet targeted goals in a far better way.

The above institutional measures taken by different legal authorities show that the state does have a role to play in protecting the right to life of its inhabitants from road accidents. However, not doing so within reasonableness should amount to state failure. This could legally amount to a violation of the right to life by government authorities. This is especially so where the loss of life happens because of that each governmental authority fails to implement its responsibilities under the law and does not undertake any effective prevention measures. For instance, ERA is dedicated to road safety as it controls over roads and has the power and responsibility to intervene on the issue of roads. Therefore, as a responsible entity ERA should take seriously its responsibility to ensure that the roads are safe and not killing

\textsuperscript{265} Supra note 6, page 35
\textsuperscript{266} Id.
\textsuperscript{267} Id.
people by being a cause to accidents. Accordingly, the state should respect and refrain from interfering with the enjoyment of the right to life indirectly.

4.5. CONCLUSION

All human rights are universal, indivisible, interdependent, and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to their implementation. Hence the right to life, as threatened by road accidents, is just as important as the right to life as threatened by other sources and should be underlined by promoting it as a human rights issue, in the course, promoting the right to life. Also it is important that the state should take RADs as a human rights issue because it is not only a right to life issue but also a right to dignity, right to security of person, right to health, and a right to freedom of movement issue.268

The Ethiopian government therefore, as already discussed above, under binding international human rights law obliged to protect (prevent third parties from taking life or destroying the quality of it) and promote or fulfill the right to life and prohibit unlawful deprivation of this right, including with regard to RADs and injuries. Although state will not intentionally kill people through accidents, there is an omission by the state when it fails to take an action to stop the loss of life where it was reasonably capable and mandated to, the state can and should be held accountable for the violation.

The Ethiopian government must take positive action to facilitate the enjoyment of the right to life. Although the country has neither transport nor national road safety policies there is a strategic action plan of road safety. The country also undertakes legislative and institutional measures. However, as already noted, still there exist gaps in the implementation of the laws and various problems in the institutions. Therefore, all stake holders are required to

268 Supra note 19, page 18
implement their duties and responsibilities for the effective protection of a threat of life. It should begin with creating awareness about RADs are human rights issue, enacting effective laws and policies that encourage and facilitate the non-violation of the right to life with regard to RADs. An effective institutional framework should also be created for the development and implementation of policies and laws to prevent road accidents. As whole since a state have the power and the resources to prevent road accident deaths from happening at disproportionate rate an effective and efficient countermeasures have to be undertaken to the problems and all relevant parties should be able to deliver their contributions in a timely and co-operative manner. Moreover, deaths due to road accidents can be drastically reduced through a political commitment, a comprehensive strategy, a clear vision, a concrete plan, suitable institutional development and legal framework, coordination, and a careful and critical evaluation of measures and their effectiveness.
CHAPTER FIVE  
CONCLUSIONS AND RECOMMENDATIONS  

5.1. CONCLUSIONS  

Since Ethiopia has ratified numerous international human rights instruments that recognize the right to life as a fundamental right, the government must ensure that it respects, protects and fulfills this right. Also the right to life is expressly recognized under the 1995 Constitution. However, RTAs are a major cause for a significant loss of lives in Ethiopia that results in denial of the right to life. But the issue of RADs is not considered in human right lens. Also it remains to be one of the critical problems of the road transport of Ethiopia as it still places Ethiopia on highest rank of the international road safety scene.  

Ethiopia has no comprehensive and formal transport policy and strategy that embrace road accident concerns. However, looking at the extent and magnitude of the problem, the Ethiopian government has adopted a 10 year strategic action plan, different legislations and institutions that improve the national road safety crisis. But, NRTSC that follows up the implementation of this action plan is not an independent institution rather it is set up as a subordinate department in the ministry of trade. This makes NRTSC incapable to control and monitor other stakeholders while discharging their responsibilities in the implementation of the action plan. Also all stakeholders are not working in collaboration with the council as they are not attending quarter meetings and submit their planning and reporting documents have been challenges for the implementation of the action plan. Moreover lack of enough attention by the government, weak system, loss coordination, financial constraints and lack of well-educated man power seriously drags NRTSC to implement the action plan.
The major RTLs and regulations used in Ethiopia are generally good enough to govern much of road accident related matters as they aim at road safety. They can also reduce RADs through controlling and preventing causes RADs. For instance Ethiopian Roads Authority Re-establishment Proclamation No. 247/2011 ensures the standard of road construction and well networked roads and the construction of standard roads reduces the situation of defective Road which is one of the causes of RADs. However, in implementing this law ERA faces different challenges. Even though, there is a department that supervises the design of Ethiopian road safety, practically the construction of Ethiopian roads may not fully implement it. Also there is lack of commitments of the contractors, capacity and facility constrains and other out of control situations. Furthermore, low commitment of higher officials of concerned organs, low quality of roads due to the use of poor materials, absence of effective system that controls road construction supervision consultant, lack of enough traffic safety sign, weak collaboration with other concerning organs, absence of accountability and absence of study that clearly identifies accident area. Moreover, there are practical challenges in implementing this law such as road safety sign posts will be theft; financial problems as road construction requires huge investment, lack of well standards roads and irresponsibility of contractors are included under the challenges of ERA in implementing its duties.

Driver’s qualification certification license Proclamation No.600/2008 is important to create a uniform, standard and effective system for the issuance of qualified driving license at national level. This reduces the prevailing occurrence of traffic accident against humanity as it is mainly arises due to the deficiency of issuance of driving license procedure. However, practically drivers are not acquiring adequate driving skill to achieve safe transport service as there are still some problems in relation to educational level of drivers, uniform criteria for all
categories of driving license, renewal of license, practicing hours of training and other ungoverned issues which are dealt under chapter four of this thesis.

In addition, a person holding a foreign or international driving license is directly allowed to drive in Ethiopia even without any orientation about the situations of country including the conditions of the roads and the behaviors of passengers. Moreover, there is no strong grievance handling system for those who are not properly trained persons. There are also other related problems raised by FTA and training institutions. One is the gap of the law to govern issues like who is responsible in case of injury or death of a person during the training time: the trainee or the trainer? Similarly there is no central controlling mechanism or system that can control persons who has multiple driving licenses. Furthermore, there is a weak follow up on the implementation of directives relating to the licensing of driving schools, instructors and to driving license. Moreover, absence of clear demarcation between the mandate of Federal and regional governments, weak collaboration between stakeholders, inability to follow up and control the supervision system of experts as they are not experts of FTA rather representatives of regions, lack of well-educated manpower are included among the main challenges.

Moreover, Vehicle insurance against third party risks Proclamation No. 799/2013 is designed to compensate third parties and covers emergency medical treatment. However, the amount of compensation and emergency medical treatment coverage is significantly limited. Also the penalty it puts on accused is disproportional with the consequences of the violation. In addition, the criminal law puts lower penalty on negligent homicide on a driver who has a professional duty to protect the people life that he/she is responsible.

Vehicles Identification, Inspection and Registration Proclamation No.681/2010 is enacted to set internationally acceptable standard to implement uniform vehicles registration and annual
inspection procedure at the national level. However, FTA faces practical constrains on the implementation of this law that contains absence of online system that could control the inspection competence of inspecting institutions i.e. whether they are actually inspecting vehicles as per the standard and their inspecting machines are working or not. In addition, there is a lack of skilled man power and weak controlling system. Therefore, though the authority is doing a lot for the implementation of this law, FTA is not effective in implementing its responsibility under the law.

Despite the fact that Ethiopian speed limit regulation no. 361/1969 puts reasonable speed limit, it is not enforced and operating vehicle speeds are much higher than what is stated in the regulation. Practically, most drivers are not driving within the speed limit of the law rather the mandate is left to the traffic police as the system is manual. Also, there is no enough camera or radar to control the speed of the drivers.

The 1995 criminal law is designed to punish the offender after the violation of the law and deter traffic violations. But the law puts lower penalty in case of negligent homicide on a driver who has a professional duty to protect the life or safety of people. In addition, the practical implementation of the law is even less than this as a result of the Federal Supreme Court penalty deciding Directive calculation as it ends up with the suspension of the penalty.

Regarding the institutional framework; the writer came to a conclusion that effective institutional framework in Ethiopia requires significant improvement to control RADs. It is though undeniable to witness the progress of some of the institutions such. FTA is aimed to create safe and comfortable transport service through establishing well organized and structured organizational set up. Besides as NRTSC is empowered to formulate national road traffic safety plans and programs, it has set 10 years strategic action plan. Currently it is working to stop fatal crashes on the nation’s roads and on a goal of solving road fatalities by
2020. However, many constraining factors are challenging the institutions to discharge their duties effectively. Among others, there are insufficient road safety commitment, delay in formalizing a permanent solution for high-level road safety coordination and cooperation, lacking the needed resources to act effectively, weak links between federal and regional road safety bodies. Also several bodies with road safety responsibility have insufficient personnel with inadequate road safety knowledge, know-how and training. Also the NRTSC is dependent on MOT that hinders its effectiveness in discharging its responsibility.

Generally, the writer takes the the high magnitude of RADs as reference to conclude that the efforts by both RTLs and institutions are not satisfactory. In conclusion, the legal and policy measures Ethiopia has taken and institutions it has established to prevent road accident deaths are not adequate to realize the right to life as all the policy and strategies, legal frameworks and institutions could not prevent and control the death of Ethiopian people due to RTAs.

**5.2. RECOMMENDATIONS**

Above all the issue of RADs are a human right issue that requires a special attention as it results in the violation of the right to life. Therefore, for the full realization of the right to life in addition to the efforts being made to reduce the occurrence of RADs in general, special attention should be given to reduce the severity of accidents by taking the following into consideration:

In light of the policies, programs and plans in relation to road transport the following recommendations are set out:

- ➢ There is an urgent need to explicitly recognize the right to life of persons who are dying because of RADs in the national transport policy, strategy and plan that makes it unequivocal that the government is under an obligation to provide safe, road
transport services for these persons. Therefore, the government of Ethiopia should set proper and formal national transport and road safety policy that considers the people, vehicles, the road, and its environment.

- All the stakeholders and private sectors should work on the effective implementation of national road safety action plan from 2011-2020 and on various challenges of road safety in the country particularly on major areas of road safety management, safer road and mobility, safer vehicles, safer road users and EMS and road safety related activities including driver training and licensing and road traffic safety.

In order to improve all legal frameworks of road transport, which have created gaps in developing road transport safety the following suggestions are made:

- Driver’s Qualification Certification License Proclamation No.600/2008 should be amended in considering some of the requirements of licensing such as age (to start and to stop driving) and educational level, uniform criteria for all categories of driving license, time of renewal and manual examining process. It should also fill the gaps including giving orientation to the foreigners who have international license, strong grievance system and the issue of who is responsible when an injury or death is occurred during practical training.

- Vehicle insurance against third party risks Proclamation No. 799/2013 should be amended to include death, bodily injury damage to property of the insured person occurred in the course of employment. In addition, revision of the amount of compensation payable for death, bodily injury, damage to property and the expenses of emergency medical treatment arising from the insured vehicle should be made.
In addition to Vehicles Identification, Inspection and Registration Proclamation No.681/2010, there should be a law that clearly defines the power and responsibility of the institution that undertake an annual inspection and there should be central online control system.

Under Road Transport Traffic Control Regulation No.395/201; the level of alcohol should be defined and Seat-belt wearing should be mandatory for both front and rear-seat occupants. Ethiopia’s Speed Limit Regulation No.361/1969 sets speed limits of drivers. However, speed reduction techniques must be used adequately for its effective implementation with systematic controlling and inspection system such as placing enough speed cameras or radar and alcohol test machine.

The Federal Supreme Court penalty deciding Directive should be amended in line with the 1996 criminal code for crime of negligent homicide.

In order to have an effective institutional framework that could reduce RADs drastically, the following recommendations should take in to consideration:

- The vision and the mission of MOT should be able to address the current situation of road accident. Its mission also should be realistic and achievable, understandable, owned, based on facts, cost-effective and monitored that targeted on a greater reduction of RADs.

- NRTSC should work for the effective implementation of the National Road Safety Strategic Plan of Ethiopia 2011 to 2021 and to met the Road Safety Vision of 2020 which is “Making Ethiopian Roads Safer for Every One”. Also it should give a priority to Promote road safety and should work focusing on its institutional challenges in collaboration with MOT and other stake holders.
FTA should strongly work to ensure comfortable and safer transport service to the public with serious commitment and create support among public and private organizations for substantially improving road safety. In doing so, it should focus on its main challenges.

ERA should work on different challenges that hinders effective implementation of its responsibility and other related problems that hinder its effectiveness on its contribution to road safety. It should work on the development of a well-planned infrastructure that contributes to the improvement of road safety, and thereby reduces the number of deaths on roads. Activities should include; improvement of road designs including the strategic allocation of roadside-barriers; creation or improvement of pedestrian walkways and crossings, creation or improvement of bicycle lanes and crossings; well-planned allocation of traffic signals; road and speed limit signs, use of Infrastructure-related technology; the identification and elimination of hotspots and road maintenance of damaged roads. Similarly, road engineering works on road marks, zebra, sidewalks, traffic lights and road signs, speed brakes and other road safety protection methods should be expanded.

FPC and other institutions should work in collaboration with main stakeholders for the reduction of RADs. Also Civil society, including professional groups, NGOs, private societies, the media, the academic and research organizations are expected to play key roles in addressing the problems of RADs.

There should be a strong and transparent system that made all the above mentioned institutions accountable for their failerity to discharge their responsibilies and duties appropraitly.
In order to increase the reaction of the wider community and to change their behaviors and attitudes related to the crisis of RADs, enough awareness-creating programs and education about the trauma of RADs must be disseminated through both print and mass media than ever.

Among the above areas of recommendations that require special attention and consideration still the writer wants to underline and recommend that the priority should be given to the implementation of the RTLs.
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