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REGULATION, CONFLICT AND VIOLENCE
IN THE SOUTH AFRICAN MINIBUS-TAXI INDUSTRY:
OBSERVATIONS FROM THE WESTERN CAPE

by

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A research dissertation submitted in fulfilment of the requirements for the degree
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DEDICATION

This dissertation is dedicated to my late father, Edmund Jefthas.

University of Cape Town

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Declaration

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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Abstract

This research attempts to explore the complexities of the issues underlying the instability in the South African minibus-taxi industry. Presented in this dissertation is a detailed account of the growth and development of the industry and the conflict and violence that has plagued it since the late 1980s. A review of the apartheid government's attempts to address the problems in the taxi industry, is followed by an examination of the democratic government's strategies to bring about the industry's stability through transformation, formalisation and regulation. Of particular interest is the nature of the relationships that exist both *within* the taxi industry and *between* the industry and government, more specifically, law enforcement agencies. The challenges facing future regulation of the industry are then highlighted. In addition to an extensive literature review, 72 interviews were conducted in the Cape Town area. The interviews were intended to provide an in-depth view of the respondents' opinions and perceptions of issues relating to the crisis in the minibus-taxi industry. A qualitative data collection technique was utilised in the form of a semi-structured interview. The questionnaire contained both closed and open-ended questions. Interviews were conducted with members from the taxi industry namely, taxi drivers, owner-drivers, and taxi association executive committee members; law enforcement officials from the South African Police Service and the Traffic Department; and members from U Managing Conflict, a non-governmental organisation that has been involved in the minibus-taxi industry in a conflict resolution and mediation capacity. In the analysis of the findings the process of quantification was utilised as a means of making sense of the data and extracting the general trends that emerged. The findings revealed that little has changed regarding the conditions within the taxi industry. The industry remains in a self-regulated state, with effective governmental regulation virtually non-existent. Relationships both *within* the

industry and *between* the industry and government structures remain volatile. Government attempts to restructure the industry through the Recapitalisation programme are severely hampered by the lack of effective communication between the relevant parties which affects not only their perceptions of each other, but also the manner in which they address the issues and choose to resolve them. While the government has succeeded admirably in identifying strategies for resolving the crisis in the taxi industry, the success has been mainly on paper, as implementation on the ground has been less impressive. The failure of government to put into practice comprehensive strategies to stabilise the industry, brings to the fore the weaknesses of the democratic government with regard to the overall transformation process in the country.

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Abbreviations

ANC	African National Congress
CATA	Cape Amalgamated Taxi Association
CODETA	Congress of Democratic Taxi Associations
CSS	Central Statistical Service
CTB	Central Transport Board
GCIS	Government Communications and Information System
LAGUNYA	Langa, Gugulethu and Nyanga Taxi Association
LRTB	Local Road Transportation Board
LTLC	Local Taxi Liaison Committee
MEC	Member of the Executive Council (of the Provincial Governments)
MINCOM	Ministerial Committee chaired by the Minister of Transport and attended by all nine provincial MEC's responsible for transport
NATDO	National Taxi Drivers' Organisation
NGO	Non-Governmental Organisation
NIA	National Intelligence Agency
NTA	National Taxi Alliance
NTPS	National Transport Policy Study
NTTT	National Taxi Task Team
PAC	Pan Africanist Congress
PRC	Presidential Review Commission
PTWG	Provincial Taxi Working Group
PWV	Pretoria/Witwatersrand/Vereeniging
RSC	Regional Services Council
RTQS	Road Transport Quality System
SABTA	South African Black Taxi Association
SANCO	South African National Civics Organisation
SAPS	South African Police Service
SATACO	South African Taxi Council
SATS	South African Transport Services
TCCC	Taxi Crisis Co-ordinating Committee
UMAC	U Managing Conflict
WEBTA	Western Cape Black Taxi Association
WECUSA	Western Cape United Squatters Association

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CHAPTER 1

INTRODUCTION

Following the deregulation of transport in South Africa in 1987, the South African minibus-taxi industry carved for itself a permanent place in the transport sector of the country, as minibus-taxis quickly became the preferred mode of public transportation for millions of black South Africans. However, where the industry was once regarded as a success story of black economic empowerment, it has in the last decade become synonymous with lawlessness, conflict, violence and death. The use of violence has become the means of protecting economic interests in a market that is overcrowded and has limited resources. Many people have been killed in the bloody battles that erupted between rival taxi associations, and hired assassins have come to play a prominent role in the violence. There have also been numerous allegations of corruption and collusion within government structures up to the highest levels. While there was a visible decline in political violence following South Africa's transition from apartheid to democracy in April 1994, violence pervading the taxi industry not only persisted, but in fact increased around the country. Herein lies the purpose of this research.

The aim of this research is to better understand why in post-apartheid South Africa, seven years after the transition, the minibus-taxi industry has continued to be unstable when restructuring, formalising and regulating the industry has been placed high on the

democratic government's agenda. This research thus revolves around the following themes:

- the history of the minibus-taxi industry, with emphasis on major events which contributed to the manner in which the industry developed;
- the conflict and violence that has plagued the industry virtually since its inception;
- the attempts by both the apartheid government and the democratic government to address and resolve the problems in the taxi industry;
- the nature of the relationships that exist within the industry and between the industry, government and law enforcement agencies;
- the challenges facing the regulation of the taxi industry in the near future.

To help shed light on these themes a review of available literature was conducted as well as interviews with relevant parties. The aim of the literature review was not only to determine what research had already been completed with regard to the minibus-taxi industry, but also to better understand the causative factors which contribute to the industry's instability. The review facilitated the identification of crucial time periods and contexts, internal and external conditions which existed, and the impact they had on the taxi industry and its development. The fieldwork section of the research was confined to the Cape Town area. A total of 72 interviews were conducted with members of the taxi industry, drivers, owners and taxi association executive committee members; members of law enforcement agencies, the South African Police Service (SAPS), and the Traffic

Department; and members of U Managing Conflict (UMAC), a Non-Governmental Organisation (NGO) that has been involved with conflict resolution and mediation processes within the taxi industry. The aim of the interviews was to gain an in-depth look at the respondents' perceptions, views and opinions on issues relevant to the major themes of the research. For this reason a qualitative method of inquiry in the form of a semi-structured interview schedule was favoured. The flexibility that this approach offered allowed for issues to be thoroughly explored and examined through probing, which enabled the respondents to elaborate and clarify their responses.

This dissertation consists of seven chapters and is structured in the following manner:

This introductory section, Chapter 1, briefly outlines the aims of the research, the themes, the methodology utilised and the general findings.

Chapter 2 deals with the history of the South African minibus-taxi industry. The focus is on the manner in which the industry has developed since its inception. The role of the Welgemoed Commission, the National Transport Policy Study (NTPS), the Competition Board, and the policy of deregulation will be examined, along with governmental regulation of the transport sector during the apartheid era.

Chapter 3 examines the conflict, violence and general instability in the taxi industry with the focus particularly on the history of taxi violence in the Western Cape between first the Langa, Gugulethu and Nyanga Taxi Association (LAGUNYA) and the Western Cape Black Taxi Association (WEBTA), and then later the Congress of Democratic Taxi Associations (CODETA) and the Cape Amalgamated Taxi Association (CATA). The chapter further explores the nature of taxi wars that erupted around the country with a

close look at corruption within law enforcement agencies and the utilisation of contract killers or 'hit-men'. Concluding the chapter is a discussion on the apartheid government's response to the conflict with the appointment of the Goldstone Commission of Inquiry in the early 1990s.

Chapter 4 focuses on the manner in which the democratic government has chosen to deal with the instability in the minibus-taxi industry. Of particular interest is the formation of the National Taxi Task Team (NTTT), their investigations and their recommendations regarding restructuring the industry. This is followed by an examination of the government's latest initiative namely the Recapitalisation programme and the reactions to the programme, particularly the strong opposition to the implementation of the programme from members within the taxi industry.

Chapter 5 deals with the research methodology utilised. There is a brief discussion on both quantitative and qualitative research, followed by a discussion on the approach adopted in this research namely a semi-structured interview schedule, a qualitative method of inquiry. The chapter further deals with the selection of, and access to the respondents, the context in which the research was conducted, the ethical considerations, and issues relating to data analysis.

Chapter 6 is a presentation and description of the findings of the fieldwork section of the research. It takes a closer look at the views and perceptions of the respondents on the following issues: working conditions within the taxi industry; conflict and violence in the industry and the government's response to it; the regulation of the taxi industry and the Recapitalisation Programme; the nature of the relationships that exists *within* the taxi

industry and *between* the industry and other parties; and the difficulties and challenges with regard to resolving the problems that exist within the industry.

Chapter 7, the concluding chapter, presents an analysis of the overall research findings. In this chapter issues relating to competition and regulation facing the South African urban public transport sector are viewed from a more comparative angle by drawing on the experiences of public transport sectors in other developing countries. The crisis in the minibus-taxi industry and government's failure to bring about the successful transformation of the industry is then viewed in light of the success of the greater process of transformation occurring in the country, post-1994. Finally the chapter briefly considers the challenges facing future regulation of the minibus-taxi industry.

The findings of this research suggest that the conditions which existed within the taxi industry which in the past have proven to be contributory factors to its instability, continues to exist today. This is despite the many attempts by government to introduce measures to alter those conditions. Relationships *within* the industry and *between* the industry and government and law enforcement agencies remain volatile, with effective communication between the parties virtually non-existent. What emerges from this research is that the success of government's attempts to restructure and regulate the minibus-taxi industry is severely hampered by the nature of the relationships that exists *within* the industry and *between* the industry and government. There is a general feeling of hostility, fear, and lack of trust among all the parties, and the fragile nature of these relationships threatens to adversely affect the formalisation, restructuring and regulation processes. With regard to stabilising the minibus-taxi industry significant progress has been made on paper. However, implementation of the restructuring plans has been less

successful as significant change in operations within the taxi industry has not yet occurred in practice.

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CHAPTER 2

THE HISTORY OF THE SOUTH AFRICAN MINIBUS-TAXI INDUSTRY

2.1 Introduction

Transportation is a vital part of any country's economy. All other sectors are dependent on the availability of adequate transport. It is therefore generally accepted that an effective and efficient transport infrastructure (from both an economic and a technical point of view) is a prerequisite for general economic growth and development (Ferreira, 1992:1-1).

The South African minibus-taxi industry emerged during a period when lucrative employment opportunities for black South Africans¹ were virtually non-existent, as they were denied the opportunity of effective participation in the professions, in business and in the economic life of the country (Minister of Transport, 2000/2001 Budget Speech). An attractive prospect for people in a segregated society with little or no skills, education or training, and little prospect of acquiring any, the taxi industry quickly became the hope for economic success for people in disadvantaged communities.

Railway trains and buses had for many years dominated the transport industry in South Africa. Receiving substantial government subsidies, they had the largest shares of the

¹ Black South Africans refers inclusively to the African, Coloured and Indian race groups.

commuter markets. However, failure to adapt their methods of operating to the needs of the commuters resulted in them losing their monopoly in the transport sector. The minibus-taxi, being a flexible mode of transport, soon replaced the bus and train as the major mode of transportation for black commuters. In the process it provided an opportunity for disadvantaged citizens to actively participate in the economy of the country.

Emerging in the late 1980s the taxi industry quickly became an integral part of the transport system. It was celebrated as a beacon of hope and seen by many as the success story of black small business. Celebrations however quickly ceased since, as Khosa (1996:24) explains:

...by the early 1990s it had started to show signs of decline: profit rates plummeted, violence in the industry became endemic, and several taxi operators who had accumulated huge profits in the 1980s were forced out of the business in the 1990s.

In this chapter the path the minibus-taxi industry has travelled since its emergence will be traced. Attention will particularly be paid to the impact that the Welgemoed Commission, the National Transport Policy Study (NTPS), the Competition Board and the Deregulation policies of the 1980s had on the industry. Included in the section on deregulation is a discussion on governmental regulation of transport in apartheid South Africa with a focus on the manner in which the segregation policies of the apartheid era affected the regulatory practices in the transport sector.

2.2 Background

At the start of the 1900s there existed no control over road transportation since the railway was the only existing means of public transport (Smith, Dehlen, de Haan, Maré and Naudé, 1994). This made the volume of traffic simply too small to warrant any legislative intervention (cited in Nustad, 2000). Following the introduction of the first road passenger service of the South African Railways in the form of two small dual-purpose vehicles which catered for goods and passengers in the Northern Transvaal in 1920 (Smith et al, 1994), motor transport quickly replaced the railway as the dominant mode of transportation in the country.

In 1929, the Le Roux Commission, in the Report of the Road Motor Competition Commission, stated that experiences in other countries ‘...showed that unregulated and uncontrolled competition led to an undesirable and uneconomic multiplication of services in certain areas and the neglect of the services in other areas’ (cited in Competition Board, 1986:19). It was therefore argued that such unregulated and uncontrolled competition would not be in the best interest of the country. The recommendations of this Commission were then incorporated in the Motor Carrier Transportation Act, Act 39 of 1930, which was the first piece of legislation that affected road transportation in South Africa (Smith et al, 1994). This Act then established a Central Road Transportation Board as well as Local Road Transportation Boards (LRTB’s) which were then given the authority to issue Motor Carrier Certificates, ‘...without which it would be illegal to provide transport within any proclaimed transportation areas or on any proclaimed transportation routes’ (Competition Board, 1986:19). The issuing of permits was thus strictly controlled with the purpose of regulating entry into the transport market and thereby protecting rail services against the competition being posed by the bus services

(Vorster and Britz, 1994). In March 1932 the Road Transportation Board called for the amendment of the 1930 Act so that taxi operators who engaged in unlawful activities could be brought within the ambit of the law (Competition Board, 1986). The Amendment Act (The Motor Carrier Transportation Amendment Act, Act 31 of 1932) therefore extended regulation to all taxis.

In the 1970s sedan taxis were operating in South African cities. These sedan taxis operated mainly in the townships, transporting black South Africans who lived long distances from their places of employment. This was due to the segregation policies like the Group Areas Act, which imposed 'residential segregation on the country', forcing black people to live far outside city centres away from what the government declared white areas (McCaul, 1990:vi). Thus forced to live separated from the whites, yet needing to travel to white areas to seek employment, black people were faced with huge transport costs which cut heavily into family budgets (McCaul 1990, cited in Nustad, 2000). The sedan taxis soon started offering shared services, especially between lower income residential areas and suburban railway stations (Moving Ahead Discussion Document, 1998). Buses and trains were no longer found to be adequate, considered to be unreliable, irregular, and overcrowded as well as being seen as a symbol of the oppressive apartheid regime. There was thus a demand for 'faster, more adequate and more convenient transport...', and this demand then 'paved the way for the emergence of the black taxi industry' (Moolman and Kgosimore, 1998:33). The taxi industry at this point however, still did not feature prominently in the transport sector of the country since government very effectively restrained its operations through restrictive regulations.

A change occurred with the introduction of the Road Transportation Act of 1977. The Act presented the taxi industry with a loophole (McCaul, 1990), enabling it to move from the six-seater sedans to ten-seater combis, with a capacity to carry up to eight passengers. The loophole was found in the failure of the Act to legally define 'taxis'. Buses were defined as motor vehicles which could transport more than nine passengers. This meant that black taxi operators were now able to operate legally as long as the number of passengers they conveyed did not exceed eight (Nustad, 2000). There was an immediate increase in the number of taxis operating on the roads. Registered minibuses by blacks increased nation-wide from 12 400 in 1979, to 22 300 in 1982 (Rapp, 1993). Permits were still required for the legal operation of taxis, and even though regulations were now somewhat more relaxed, they remained restrictive (Nustad, 2000).

Along with the growth of taxi operators in the legal sector came growth of illegally operating, pirate taxis, since it quickly became clear that there was an opportunity to make economic gains in the taxi industry without having to operate in accordance with the law. Despite the heavy penalties that existed for these pirate operators should they be identified by the authorities [such penalties included heavy fines and the confiscation of vehicles which could possibly mean eviction from the industry since many did not have the financial means to survive such confiscation], the pirate taxi industry continued to grow. Evans and Cook (1985) attributed this growth to not only the restriction placed on the routes legal taxis could operate on, which resulted in '...freedom of movement...' for illegal taxis allowing them to operate over longer distances, but also the shortage of law enforcement officials assigned the task of policing the taxi industry. They argued that there existed only one traffic officer for every 65 registered taxis. This put the odds of being spotted by a law enforcement official strongly in favour of pirate taxi operators.

Bus operators, soon concerned about the challenge the emerging taxi industry posed for them, lobbied government for consideration of the position they were now placed in (Fieldwick and Cadle, 1992), with their profit rates dropping despite heavy subsidisation by the government. Their concerns contributed to the establishment of the Welgemoed Commission of Inquiry.

2.3 The Welgemoed Commission of Inquiry

The Welgemoed Commission, under the chairmanship of Dr. P.J. Welgemoed, was established with the purpose of investigating bus passenger transport in the country and to make recommendations on the following issues:

- Bus tariffs
- Subsidies
- Future policies
- The effect of the taxi industry on the bus industry
- The security of the bus industry in the interest of South Africa
- The desirability of co-ordinating bodies for Metropolitan Areas and,
- The desirability of the establishment of a National Bus Corporation (Interim Report no. 1 of the Commission of Inquiry into bus passenger transportation in the Republic of South Africa, 1982).

The Commission met for the first time on September 28, 1981 to commence its activities.

In its final report, published in May 1983, the Commission dealt with the effect of the taxi industry on the bus industry (Smith et al, 1994). Overall, the Commission did not see the taxi industry in a positive light. It recommended for a 'clampdown' on minibuses

(Essig, 1985), and called for the phasing out of taxis over a four year period. The Commission further stated that 'taxis', should by definition be metered vehicles with a carrying capacity of four passengers (Vorster and Britz, 1994). Thus the focus of the Commission in its final report was essentially on making the bus industry more viable financially and protecting it against 'unfair' competition from the taxi industry (Ferreira, 1992). Said the Commission in their report:

Excessive taxi activity is symptomatic of shortcomings in the service offered by other modes, and bus services can do much to combat the problem by rendering better quality services (quoted in Smith et al, 1994:2-27).

The report by the Welgemoed Commission calling for the phasing out of taxis was not welcomed. The taxi industry, motor, and oil companies lobbied extensively to prevent the implementation of the Commission's recommendations. In addition to this, some local authorities as well as some influential commercial organisations, including South Africa's Chamber of Mines, were against the report (Rapp, 1993). Ferreira (1992), argues that the proposals by the Welgemoed Commission regarding the taxi industry, were contradictory to the deregulation and privatisation policies of the government and its intention to stimulate small business development in the country. Browning (1989) explains that by the time the report was made public, the taxi industry was already firmly established and thus, fortunately for the industry, a number of events contributed to the impracticability of the call for the eradication of the taxi industry. Among these were: the opposition to the recommendations by many members of government; the fact that the industry had captured a large percentage of the African commuter market; and the growth of the South African Black Taxi Association (SABTA) as a lobbying force.

SABTA was a national association founded with the purpose of not only promoting solidarity within the taxi industry, but of addressing problems within the industry and dealing with government and its policies as a united front (Khosa, 1990; Matilja, 1990, cited in Rapp, 1993). Unofficially SABTA started in 1978 when 21 taxi operators formed the Association. Following the expansion of the taxi industry, the need for a national representative body was recognised and thus in 1981 SABTA was formally constituted. The association had considerable 'consumer clout' which it used in negotiations with suppliers to the taxi industry (McCaul, 1990:viii). By 1990 the national body had approximately 400 local taxi associations affiliated to it, making it the dominant organisation in the taxi industry (McCaul, 1990). SABTA lobbied vigorously to prevent the implementation of the Welgemoed Commission's recommendations (Zimmerman, 1988). In addition some members of government were also opposed to the recommendations, instead being in favour of the '...move away from regulation and protection of vested interests and to free the industry of entry restrictions' (McCaul, 1990:vii). It therefore appeared that the recommendations made by the Commission were about to be discarded. Postponing the decision to turn the report by the Commission into formal legislation (Rapp, 1993), the government opted to wait for the recommendations made by the National Transport Policy Study (NTPS).

2.4 The NTPS, the Competition Board and the White Paper on National Transport Policy

The National Transport Policy Study (NTPS), established in 1982, was aimed at developing an effective transport policy (Van der Reis, Moss and Viviers, 1992).

This was an open inquiry responsive to a broader range of interests than the Welgemoed Commission, and it investigated transport in terms of general trends in government policy (McCaul, 1990:vii).

The NTPS, operating through advisory committees, not only included the Southern Africa Bus Operators' Association in the Study, but it also included SABTA (Fieldwick and Cadle, 1992). This marked one of the first occasions that government acknowledged the importance of minibus-taxis in the transport sector. The recommendations of the NTPS report of 1986 were less harsh on the taxi industry. The Study recommended mainly that restricted and phased deregulation occur (Ferreira, 1992). Included in the recommendations with specific regard to taxi operations, were the following:

- 16 seater taxis should be allowed to operate legally with 15 passengers;
- the minimum number of taxis each Regional Services Council (RSC) could allow was to be determined by central government;
- each RSC should control the number of taxis by means of a quota system, taking into consideration existing road space and the availability of facilities;
- a Road Transport Quality System (RTQS), for ensuring that safety standards were not jeopardised through deregulation, was to be implemented (Ferreira, 1992; Vorster and Britz, 1994).

In March 1986, the Minister of Transport announced that the Department of Transport and the NTPS steering Committee, as well as other interested parties were drafting a White Paper based on the recommendations that had been made (Smith et al, 1994).

At approximately the same time the NTPS was in progress, government called on the Competition Board to investigate 'pirate taxis' in the taxi industry. Upon conclusion of this investigation, the Board found that the existence of pirate taxis highlighted the fact that the permit system was not working and that entry into the market by illegal operators could not be controlled through regulation (Ferreira, 1992). Recognising the inevitability of the existence of pirate taxis in the industry, the Competition Board proposed complete deregulation of the industry (McCaul, 1990).

SABTA was fiercely opposed to the recommendations made by the Competition Board, recognising that the opening of the industry's doors to new entrants would seriously threaten the industry's economic viability (Race Relations Survey, 1989/90). SABTA accused the government of not only deliberately wanting to weaken the industry through its deregulation policy, but also of wanting to influence the leadership of the Association (Ferreira, 1992). Another concern SABTA had with regard to the deregulation process was the increase of white ownership in the taxi industry (Servas and Miller, 1992)². SABTA feared that the gains of black entrepreneurs would be lost if they had to compete with better financed, better educated and better business skilled rivals, who as it was seen by SABTA, would manipulate the industry in their favour. The recommendations by the Competition Board were however appealing to government, and complete deregulation became the policy of choice, in place of the restrictive, phased deregulation as was proposed by the NTPS. The White Paper on National Transport Policy was subsequently

² The issue of white ownership in the minibus-taxi industry was a hotly debated topic with SABTA arguing in 1989 that 50% of the market belonged to whites. According to the Central Statistical Service (CSS), more whites than blacks bought taxis, with new registered taxis in 1989 totalling 786, 386 were said to be registered by whites while only 68 had been registered by blacks. And with used taxis registered totalling 1152, only 368 were allegedly registered by Africans, while 624 were said to be registered by whites (cited in Race Relations Survey, 1988/89). While SABTA continued to estimate white participation in the industry in an ownership capacity to be between 50% of the entire industry to about 30% in certain areas, McCaul (1990) estimated an amount of not higher than 14%.

approved by Cabinet in November 1986 and published and presented in January of the following year (cited in Smith et al, 1994). As Bassier (1989) explains, it succeeded in adding tremendous force to the growth and development of the minibus-taxi industry in the country, with an almost overnight change from a taxi with a carrying capacity of eight passengers to the present fifteen passenger taxi. The White Paper on National Transport Policy mainly suggested:

- the devolution of power to the lowest levels of government;
- the furtherance of private initiative; and
- the removal of regulatory constraints which prevented free competition (White Paper, 1987).

SABTA however, having been involved in the NTPS inquiry and agreeing with and supporting the recommendations made by the NTPS, was not supportive of this White Paper which now included the recommendations made by the Competition Board. This led to a resurfacing of antagonistic relationships between the government and the taxi industry. A compromise of sorts was reached by the government and SABTA in 1989, allowing for a three year transitional period during which the distribution of permits would be restricted, illegal taxis would be made legal, and Local Taxi Liaison Committees (LTLC's) would be established in metropolitan areas to deal with issues regarding the taxi industry at local level (Ferreira, 1992). This was so that the industry would be able to adapt to the deregulation process. But, as will be seen, the industry has found it difficult to recover from the negative effects brought on by deregulation.

2.5 Deregulation

The South African government's acceptance of the deregulation process, should be seen in light of the developments that were occurring both internationally and within the borders of South Africa with regard to economic growth and development, and effective competition. A key issue that came into play in the South African context with regard to deregulation was the political climate in the country. The 1976 and 1977 rebellions in the townships made it clear - to both the government and the business sector - that reform was required to prevent further unrest and political instability (Argue, Van Waldbeeck, Green and Pretorius, 1992). However, to get a clear understanding of what is meant by deregulation and especially deregulation of transport, there must first be an understanding of what regulation, and for the purposes of this research, transport regulation, meant in a South African context.

2.5.1 Governmental regulation of transport under apartheid

As was shown earlier in this chapter, until the decision for deregulation was made, the public transport system was a highly regulated system. Dugard (2001:8) argues that the regulations were used by the apartheid government as a means of enforcing racial segregation of transport and '...to protect the near-monopoly held by the South African Transport Services (SATS), which incorporated railways and, through a complex subsidy system, the emerging bus industry.' According to Browning and Smith (cited in Competition Board, 1986), there are three types of transport regulation namely, *technical*; *traffic* and *trade regulation*. They argue that *technical regulation* deals with issues such as road safety and driver competence, whereas *traffic regulation* deals with issues such as lane distribution and traffic flow. They regard the type of regulation that

applied to taxis in terms of the Road Transportation Act of 1977, as *trade regulation*, since this type of regulation was aimed at protecting the rail and bus transport modes from competition and in effect restricted the entry of taxis into the market. Essentially then the taxi industry was ‘...burdened by a system of restriction and regulation’ (Competition Board, 1986:3), a system that was based on race discrimination against black people and in favour of white people. The government thus played a major role in the transport system through ‘...direct participation, subsidisation and regulation’ (Competition Board, 1986:2).

Despite this strict regulation however, the illegal entry of taxi operators into the transport market could not be stopped. In 1986 the Competition Board cited that there existed approximately 20 000 to 25 000 licensed taxi operators, and between 30 000 and 90 000 unlicensed operators on South African roads. Stated the Board (1987:7):

An overregulated system will not prevent entry by "illegal" taxi owners - only make criminals of them. If the demand is there, experience teaches that entry will occur despite restrictive overregulation.

Thus the growth of the taxi industry, despite restrictive regulations, had a major impact on the profitability of the buses and trains, the very modes of transport the restrictive regulations were meant to protect. Consequently the social and economic costs associated with continuous attempts to protect these modes against competition, coupled with the increasing demand for subsidies to counter the negative impact the growth of the taxi industry had on profitability of buses and trains, forced the South African government to review its stance with regard to transport regulation (Ferreira, 1992). According to Ferreira (1992), this was in line with the overall policy of government regarding the

deregulation of the economy and the privatisation of state assets. The government was looking for new ways to ensure economic growth in the country compelled by not only the impact of economic stagnation, the spiralling unemployment in the country, inflation, and fiscal bankruptcy, but also the political crises that was arising from a sustained assertiveness of the black working class (Miller, 1990).

The political uprisings which started in Soweto in 1976 and which spilled over into the following year, coupled with fears that the continued intervention by government in the transport sector would result in both heightened politicisation and sustained bus and train boycotts by blacks (cited in Dugard, 2001), led to the establishment of a Commission of Inquiry into deregulation in the transport sector. The Commission, the Van Breda Commission of Inquiry into the Road Transportation Bill, 'reflected the growing realisation that passenger transport was an unattractive government investment due to its escalating politicisation and economic inefficiency' (Dugard, 2001:9). However, deregulation of the transport sector would only occur ten years later.

International experiences influenced developments in South Africa. In the United States, the positive relationship between small business development and economic development emerged by showing that small business proved to be the main source of employment opportunities and job creation (Tager, 1988). Many therefore argued that economic development in South Africa was closely linked to the emergence of small business and that the informal black business sector would be a major source for future development³. Taking this into account, it then became of vital importance for the informal black sector to be legitimised so that it could be more fully developed. Tager (1988:7) argued that the

³ By 'informal' sector it was meant that business activities were being conducted '...without the requisite licences and compliance with other legislative formalities...' (Tager, 1988:6).

environment for such development would then have to be, ‘...relatively free from the many regulations and administrative burdens...’ thus facilitating the transition from the informal sector to the formal sector. The minibus-taxi industry was one of the areas identified where such development would be possible.

A thriving business in the 1980s, Tager (1988) explains that the industry could only claim one third of the then approximately 120 000 taxis in the country as being part of the formal sector. The other two thirds were unlicensed and thus operated in the informal sector. This informal sector however, had a very positive impact on the economy of the country in that it affected the sale of petrol, tyres and spare parts and the panel beating industry, generating millions of Rands of business. Removing the restrictions of entry into the taxi industry, which in reality were ineffectual anyway, would therefore stimulate economic growth and development through the participation of many more black people in the economy (Tager, 1988). It would also result in free competition. The recommendation by the Competition Board that these entry restrictions imposed by the Road Transportation Act of 1977 be abolished, since their practical consequences were not consistent with the government’s broader policy of deregulation, was therefore accepted by the government who now had the furthering of private initiative and effective competition as the cornerstone of their strategy (Competition Board, 1986).

2.5.2 Deregulation of the South African Transport Sector

The policy of deregulation has its roots in the Report of the Committee for Economic Affairs of the President’s Council published in 1985 and titled, ‘*A Strategy for Small Business Development and for Deregulation*’ (Competition Board, 1987:1). Tager (1988)

argues that the report recognised the extent to which the discriminatory laws in the country restricted the participation of the black business community in the economy. Deregulation therefore, was to begin with the repeal of legislation which ‘...applied different measures or standards to businessman on the basis of race’ (Tager, 1988:2). In 1986, a formal framework for the deregulation policy was contained in a Cabinet decision. The framework, issued in a news release on July 2, indicated the basic policy objectives. It specified the management of the deregulation process and identified particular problematic areas. Two key issues emerging under the ‘management of deregulation policy’ were that the Competition Board was to be given the responsibility of ‘...conducting investigations into specific priority areas for deregulation’, and that Departments and Regulatory Agencies were to critically assess ‘...existing and proposed new regulation...’ and determine ways of reconciling such regulation with the deregulation policy goals (Competition Board, 1987:1). The licensing of taxis in the black taxi industry was one of the areas ‘earmarked’ for attention with regard to the proposed deregulation policy (Tager, 1988).

Deregulation was not intended to mean ‘no regulation’ (Competition Board, 1987). The process of deregulation essentially involved the redesigning of the system of regulation with a view to simplicity where only ‘clearly justified restrictions’ were left in place or introduced (Competition Board, 1987). The regulations would then promote economic growth and development, instead of inhibiting it. Deregulation was therefore to be seen as ‘...the mechanism to cure unemployment and stimulate economic development’ (Tager, 1988:2). Furthermore, the deregulation programme would significantly reduce the role the government had played in the lives of black people in the country. This would be achieved through the abolition of discriminatory legislation, such as the Influx

Control Act of 1986 which restricted the movements of black people, and the Group Areas Act which prohibited black people from operating in white Central Business Districts as well as ‘...competing with white businesses in white residential areas’ (May and Schacter, 1991:53). The process of deregulation thus involved the removal of racial provisions in the law and the dismantling of socio-economic apartheid (Tager, 1988). Therefore, as Tager argued, the history of apartheid in South Africa made the deregulation policy ‘...more meaningful, more complicated, far reaching and very much more important than deregulation in other parts of the world’ (1988:2). For Dugard (2001:8) however, the implementation of deregulation in the transport sector was not only ‘... a means of strengthening the economy by giving enough blacks a stake in the system to dilute the revolutionary climate’, but also at the same time it was a way for the apartheid government ‘...to complement its political strategy of destabilisation: the economic stratification of black society in the open market.’

2.5.3 The effects of deregulation on the minibus-taxi industry

Almost immediately following the White Paper of 1987, there was a dramatic rise in the issuing of permits by the Local Road Transportation Boards (LRTB’s), from 3 752 in 1985/86, to 16 800 in 1986/87, and 39 604 in 1987/88 (Ferreira, 1992). Permits were handed out indiscriminately since, as Dugard (in Steinberg, 2001) explains, permit enforcement following the deregulation process, ceased to be a priority. Transport authorities thus failed to curb the growth and development of the industry.

By the end of 1987 the uncontrolled influx of new taxis was causing enormous problems within the industry, seeing the focus being shifted from the taxi industry and its operators

competing with the bus industry, to members within the industry now competing with each other. The growth of the number of operators on the road immediately resulted in the market being flooded, causing a rapid decline in profitability in the industry. This then further resulted in a deterioration of operating standards since in order to save money, many operators resorted to unsafe and cheap methods of maintaining their vehicles (Ferreira, 1992). The lack of proper maintenance led to an increase in unroadworthy vehicles operating on South African roads and has resulted in the existing fleet being a 'serious safety hazard which imposes significant costs on the country' (Statement by Minister of Transport, 23 June, 1999). Unroadworthy minibuses are often involved in accidents with high fatality and injury rates.

With the rapid increase of operators in the taxi industry and the absence of effective state regulation, groups of operators joined together and attempted regulatory measures themselves. Forming local taxi associations, these operators started regulating loading practices and prices. As competition for lucrative routes intensified as more operators started plying the same routes, more and more taxi associations began emerging. As Dugard (2001) explains, it was not long before these associations began using their organisational strength to extract income from the industry through the use of violence. Law enforcement agencies failed to properly address and curb the conflicts which were soon on the increase. For Dugard (2001), this failure by the police to positively intervene in and resolve the issue of taxi violence during the apartheid era, was so widespread that it suggested a deliberate strategy on their part.

At best, police behaviour during the late-apartheid period was negligent,...At worst, police used their authority to promote rifts between associations, resulting in widespread allegations that the police manipulated the taxi industry in

terms of the broader political agenda of destabilising and dividing black communities and undermining the ANC (Dugard, 2001:12).

Thus, with the expansion of taxi associations around the country, and the absence of effective and efficient law enforcement, taxi wars between associations were soon on the increase, as associations which had been established for some time did not welcome the intrusion of the newly established associations on what they considered to be 'their' turf. Chaos soon reigned in the taxi industry leading it into a conflict and violence riddled 1990s, an era that saw many innocent bystanders caught in the crossfire of the many bloody battles. It had become very clear that the deregulation policies had an extremely negative effect on the minibus-taxi industry. Free competition and economic development as envisaged prior to the implementation of deregulation, never materialised. Instead, the once flourishing taxi industry became an industry where violence and intimidation were the methods employed to maintain or improve economic standing. The next chapter will deal with the instability in the taxi industry with particular attention being paid to the Western Cape, the scene of many taxi wars. There emerges a tangled web of conflict, corruption and murder in an industry once regarded as the success story of black enterprise.

CHAPTER 3

CONFLICT AND VIOLENCE IN THE MINIBUS-TAXI INDUSTRY

3.1 Introduction

According to Dressel and Neumann (2001:23), conflict is a natural and unavoidable part of human interaction. They describe it as ‘a process during which two or more conflicting parties come into opposition over differences or perceived differences regarding positions, interests, values or needs.’ Laue (1991, quoted in Dressel and Neumann, 2001:23) argues that in many cases the origins of conflict are found in the nonfulfillment of fundamental human needs, and that in such instances ‘conflict may then be defined empirically as escalated natural competition of two or more parties who believe they have incompatible goals, and whose aim is to neutralise, injure, gain advantage over the other party or parties.’ Laue further contends that struggles over values, identity, power and scarce resources are found to be at the heart of all social conflicts.

For Dressel and Neumann (2001) conflict is a healthy expression of tensions or injustices in social systems. They argue that if conflict is viewed constructively it offers the opportunity for change and development. Meyer, Van der Merwe and Kawa (1986) believe that the problem does not lie in the presence of conflict, but in fact in the manner in which conflict is handled. The argument here is that ‘if conflict is handled in a

negative, destructive way, it may end in violence, the extreme manifestation of conflict' (quoted in Dressel and Neumann, 2001:22).

In the overcrowded environment of the South African minibus-taxi industry, lack of proper law enforcement and intense competition for the limited number of lucrative routes saw conflicts between rival taxi associations ending in eruptions of violence. The violence has been characterised by fierce gun battles and bombings, which have resulted in many people being injured or killed. In the period leading up to South Africa's first democratic elections in 1994, incidents of violence in the taxi industry increased dramatically throughout the country and continued to rise following the elections. Political affiliations came to play a key role in the ongoing conflicts in many areas around the country, and there emerged instances during the clashes between taxi associations where assassins were hired to eliminate competitors. As the death toll, along with the number of injuries kept rising it soon became apparent that the taxi industry had spiralled out of control.

Minnaar and Pretorius (1995b:1) argue that the continuation of the conflict in the minibus-taxi industry points to not only '...deeply entrenched antagonisms but also to underlying problems...' which had not been addressed or resolved. These included the many accusations of corruption, false licences and permits, pirate taxi operators, an overcrowded market, the intense competition for lucrative routes and the increasing input costs, all of which threatened the taxi industry's viability. In this chapter the ongoing conflict in the minibus-taxi industry in the 1990s will be examined. Since the fieldwork section of this research is confined to the Cape Town area, particular attention is paid to the taxi wars in the Western Cape. This is followed by a discussion on conflict and violence that occurred within the industry around the country. Concluding this chapter is

a look at the response by the state to the instability in the minibus-taxi industry in the form of the Goldstone Commission of Inquiry. The main causes of taxi violence as identified in the inquiry are examined, along with the recommendations with regard to addressing and resolving the problems within the taxi industry.

3.2 The Western Cape Taxi Wars:

A closer look at LAGUNYA, WEBTA, CODETA and CATA

In the Western Cape in the early to mid 1980s, black people could only obtain a legal permit to operate a taxi if they qualified for residence rights in terms of Section 10 of the Urban Areas Act of 1945. Such a permit allowed taxis to operate in and between townships (Zille, 1992). Despite attempts by government to control the influx of people into the Western Cape, many flocked to the area, and being unable to work legally, they increasingly entered the pirate taxi industry. Since the growth of pirate taxis meant growth in competition for lucrative routes, tensions and hostilities quickly emerged between the legal operators and the burgeoning illegal industry. This set the stage for subsequent conflicts and the eruption of violence. The conflict in the Western Cape taxi industry in the early 1990s occurred mainly between two taxi associations, LAGUNYA and WEBTA.

LAGUNYA, who took its name from the areas where all its business was conducted namely, Langa, Gugulethu and Nyanga, was the first black taxi association in the Western Cape. Formed in 1952, and in line with the permits issued in terms of the Urban Areas Act, its taxis operated mainly within and between townships (Servas and Miller, 1992). The pirate taxis that were growing steadily often operated outside the townships, frequenting routes to and from the city centre (Goldstone Commission, 1992). Initially

LAGUNYA was not too concerned with the pirate operations because it was safer, from their point of view, to stay within the bounds of the law rather than risk losing their share of the market, especially since pirate operators if caught, often had their vehicles impounded and were subject to heavy fines.

During the 1980s there were numerous attempts by pirate operators to become part of LAGUNYA, but they were almost always unsuccessful. The pirate taxis, bound together by their common resentment towards the legal taxi operators and the Traffic Department, in 1987 formed the Western Cape Black Taxi Association (WEBTA) (Zille, 1992). With deregulation occurring that same year, legalising WEBTA's operations became a top priority. Tensions started simmering between WEBTA and LAGUNYA as WEBTA threatened to upset the monopoly that LAGUNYA had over routes in the area (Dugard, 2001).

The decision to legalise taken in 1987 by the Department of Transport in conjunction with SABTA, brought with it a new route permit system. The new system would enable drivers to operate legally on the routes the pirates had already been utilising. Zille (1992) explains that when the decision to legalise the pirate operations was made, it was decided by then Minister of Transport, Mr. Eli Louw, in consultation with SABTA, that the pirates that had already been frequenting the new routes that were now to be made legal, would receive preferential treatment in the legalisation process. Essentially then WEBTA members were to receive the preferential treatment. Applications for permits for these new routes flooded the LRTB's and it soon became apparent to members within the industry that non-WEBTA members were not receiving access to these routes at all. Their permit applications were rejected at an alarming rate, whereas WEBTA applicants had a very high success rate (Zille, 1992). The preferential treatment appeared to have

gone too far out of bounds. Not only were WEBTA members given these routes that they had before been operating on illegally, but the many non-WEBTA members whose permit applications were rejected, were not even given a time period within which to reapply or an explanation for why their permits were being virtually ignored (Zille, 1992). The LRTB's came under constant fire for their permit distribution system and rumours of corruption soon emerged.

One of the causes for the Western Cape 'taxi war' was rumours of widespread corruption within the Local Road and Transportation Boards. They were seen as siding with dominant associations in their areas, stoking violence between taxi operators by granting preferential licences to selected individuals or allowing only one association to ply a particular route (Torres and Minnaar, 1994:26).

The LRTB's however defended their system, saying that many of the applications were completed incorrectly and therefore they were rejected. (Rapp, 1993). Tensions once again mounted as bitterness and resentment grew amongst members of LAGUNYA who felt that they should have been treated in a better manner since they were the ones who had for years operated in accordance with the laws of the Western Cape.

The tables were thus turned. The former pirates who had for years operated illegally on lucrative routes now had the required documentation legalising their operations, while those who had abided by the rules were now being denied access to those routes, with the only way in which they could gain access being through illegal operations. This meant that they would essentially become pirate operators. Tensions flared and a war erupted between LAGUNYA and WEBTA. It started with a shoot-out between operators from both associations in Cape Town outside the Sanlam Golden Acres shopping mall in

October 1990, and it intensified in 1991 when it escalated to include township residents. The events of 1991, as described by Dugard (2001) unfolded as follows.

In early March 1991 the stage was yet again set for conflict as the Gugulethu West Town Council granted LAGUNYA a rank at Site C, Khayelitsha. WEBTA members came primarily from that area. Two taxis were burnt and shots were fired at several others as WEBTA and LAGUNYA operators openly clashed, accusing one another of stealing passengers. A peace agreement reached later in March failed to materialise following conflict in Khayelitsha that resulted in the death of a passenger. The conflict then escalated as in one incident in an attack at Nyanga terminus, 8 taxis were gutted and 3 drivers were injured, and in another incident a taxi was hijacked and burnt. By mid March more than 12 people had been killed in taxi-related violence. Following a decision by residents in Khayelitsha and Gugulethu to boycott taxis until the conflicts ended, several meetings were held between the two rival factions towards the end of March. Their efforts eventually led to the signing of the 'Ten Point Plan' in April 1991, which would be put in operation under the guidance of the *Taxi Crisis Co-ordinating Committee (TCCC)*.

The Ten Point Plan was a wide-ranging peace plan that dealt with agreements in principle for negotiations on routes, ranks, permits, fares, taxi ownership, law enforcement, monitoring mechanisms, and rank and queue marshals (Dugard, 2001:29).

As a symbol of good faith and their commitment to the Ten Point Plan, both WEBTA and LAGUNYA consented to display a 'T' emblem on their taxis. However, shortly after residents agreed to suspend the boycott on 10 April, WEBTA withdrew from the talks.

The conflict resumed and continued despite the ongoing peace talks as both LAGUNYA and WEBTA failed to adhere to the route and rank allocations that were outlined in the Ten Point Plan. The situation intensified in June and July 1991 as members from the community were being drawn into the conflict following numerous violent attacks in Nyanga and Khayelitsha. Lives were once again lost and included among the dead were African National Congress (ANC) activist Mziwonke 'Pro' Jack, ANC Youth League official, Zola Ntsoni and Western Cape Civic Committee chair and member of the TCCC, Michael Mapongwana. Politics had come to be an important feature of the taxi wars. In July 1991, 10 000 residents from Khayelitsha marched to the police station demanding adequate policing and complaining that 'WEBTA assassins' were being used by the state to orchestrate the killings of ANC leaders (Dugard, 2001:31). Allegations of police involvement and a 'Third Force' manipulating events in the taxi industry with the purpose of destabilising black communities soon emerged. In the months that followed the violence continued unabated despite numerous initiatives to find a peaceful resolution. Numerous shacks were burnt, property damage was widespread, damage to taxis amounted to more than R1m and hundreds of lives were lost (Race Relations Survey, 1991/92; Dugard, 2001). In November 1991 it was announced that the Goldstone Commission of Inquiry would investigate the conflict and violence in the minibus-taxi industry in the Western Cape. In January 1992 the committee to conduct the investigation was appointed.⁴

In May 1992, in an attempt to stabilise the taxi industry, the two associations, LAGUNYA and WEBTA came together and united to form the Congress of Democratic Taxi Associations (CODETA). This new association became the umbrella body for

⁴ The findings and recommendations of the Goldstone Commission will be discussed in more detail below.

thirteen taxi associations (Minnaar and Pretorius, 1995a, 1995b). This attempt however, would also soon end in failure.

Former WEBTA members were unhappy about certain conditions within the newly appointed body. The newly formed CODETA soon saw signs of strife, as members from the former WEBTA inquired after moneys that had belonged to the original members of WEBTA but which had never actually been distributed amongst them when the two associations merged. A vicious struggle ensued between the former WEBTA members and the leadership of CODETA and even after this particular issue had been resolved, the tensions remained (UMAC Second Quarterly Report, 1993). The former WEBTA members believed strongly that CODETA favoured LAGUNYA members and that the association had never really served their needs or interests (Dugard, 2001). It seemed impossible for the members of the associations to forget the old rivalries that had cost not only many lives, but also millions of Rands in damages to vehicles. To trust fellow members because the associations had now merged, proved too much of a task for many former WEBTA members. In October 1994, six months after the first democratic election, the inevitable split came when former WEBTA members broke away from CODETA and formed their own association called the Cape Amalgamated Taxi Association (CATA). The break saw an almost immediate resurgence of the conflict as the newly formed CATA ‘...launched a violent bid for routes, ranks and local association members’ (Dugard, 2001:15).

3.2.1 Political Affiliations

Minnaar and Pretorius (1995b:11) argue that the 1994 taxi conflict flared up under the guise of new taxi associations and political groupings, as the conflict was not only an extension of old local political rivalries which originated from squatter areas such as Crossroads near Cape Town, but also a restart of the early 1990s taxi war in the Western Cape between LAGUNYA and WEBTA. As they explain, the 1994 taxi conflict that occurred between CODETA and CATA was linked to the South African National Civics Organisation (SANCO) and the Western Cape United Squatters Association (WECUSA).

Both SANCO and WECUSA were aligned to the ANC. Jeffrey Nongwe, the chairman of WECUSA was also the chair of the ANC branch of Section 4 of Crossroads, however both Nongwe and his cabinet were expelled from the ANC after being implicated in the 'forced removals' of people from Sections 1 and 2 of Crossroads during the period March to July 1993 which saw the deaths of 55 people. It then further emerged that Nongwe's cabinet had allegedly been involved in the Western Cape taxi wars in 1991 and 1992. With WECUSA and the SANCO branch in Old Crossroads involved in a territorial struggle, Nongwe made use of the members of the Balaclava gang, perhaps better known as the Big 8 gang, as his bodyguards. Members of this gang were historically linked to WEBTA and in October 1994 it was alleged that Nongwe and the Big 8 were responsible for the break of former WEBTA members from CODETA and the subsequent formation of CATA. Since some of the members of the newly formed CATA were aligned to the Pan Africanist Congress (PAC), CODETA's affiliation to the ANC was given as one of the main reasons for the split⁵. Immediately following the break by CATA from

⁵ Some CATA taxis used PAC colours, but the PAC denied having any formal links to CATA.

CODETA, there were a spate of attacks and revenge attacks resulting in many deaths and as Minnaar and Pretorius (1995a:22) argue, these taxi hostilities 'became inextricably linked to Mr. Nongwe's personal struggle for control of certain areas in Crossroads.' In addition, during the course of these attacks there yet again emerged suspicions that a 'Third Force', independent of both associations was manipulating the situation. Some of the incidents that occurred subsequent to the suspicions being voiced, reinforced the notion that it was indeed possible that there was an elusive 'Third Force'.

On 16 October 1994, following the killing of a CATA and Big 8 member, Sandile Nongwana, retaliation came when armed men opened gunfire at a SANCO rally held at Khayelitsha stadium. During the course of events 10 people were killed and 23 injured. (Minnaar and Pretorius, 1995b)⁶. A month long battle ensued and events, as described by Minnaar and Pretorius (1995a, 1995b), unfolded as follows.

CODETA, refusing to acknowledge the legality of CATA, prevented them from gaining access to the newly opened Station Deck Taxi Rank in Cape Town. CATA in turn obtained a temporary court interdict which then restrained CODETA from preventing them access to the new rank. The stand-off erupted into violence. On 29 October 1994, 10 people were injured when a shoot-out broke out between members from the two rival associations. The Western Cape Provincial Government responded by having the police conduct random weapon checks at the rank and by establishing the Western Cape Task Team. The Task Team's call for the unification of the then more than 90 taxi associations in the Western Cape proved futile as the taxi wars continued. On 8 November 1994 after members of CATA managed to force CODETA members away from the Station Deck

⁶ The 1994/95 Race Relations Survey claims 11 people were killed while 20 were injured in this incident.

Taxi Rank, gunfire was exchanged at the Nyanga taxi rank resulting in the injury of several drivers. In the weeks following there was a rapid escalation of the violence:

Roving hitsquads ambushed and chased taxis, drivers were abducted and executed, commuters intimidated and shacks torched. Anyone even vaguely connected to the two warring taxi organisations became a potential target. (Minnaar and Pretorius, 1995a:22).

A Peace Pact, agreed upon on 13 November 1994 and to be signed on 17 November 1994, never materialised as attacks continued. This resulted in CATA's withdrawal from the process. Suspicions by the police soon surfaced that there was a third party manipulating CATA and CODETA and stoking the violence for their own ends. An incident later in the month would lend truth to this argument. On 21 November 1994, both CATA and CODETA received messages that tensions were brewing at the Claremont rank and that their members were under threat. Both associations rushed to the rank and yet again gunfire was exchanged resulting in 2 people being injured and 9 taxis being damaged. The notion of a 'Third Force' was further reinforced when on 27 November 1994 unknown gunmen opened fire on members of CATA and CODETA simultaneously, killing 2 people and injuring 4. This incident led to tit-for-tat reprisals in which 7 people were killed within a 24-hour period (Minnaar and Pretorius, 1995a, 1995b). Following this, a truce was finally agreed upon, but peace soon proved to be elusive. By the end of November 1994, after a month and a half long battle, 25 people had been killed and 165 injured in 99 incidents of taxi violence between CATA and CODETA (Dugard, 2001).

Incidences of taxi violence continued throughout 1995. An upsurge in violence in 1996 followed the announcement of the proposals to restructure the taxi industry made by the

National Taxi Task Team (NTTT).⁷ According to Dugard (2001:35) the proposals ‘exacerbated conflict between CATA and CODETA as CATA felt that it had to rapidly develop a power base in order to benefit from plans to re-organise the industry.’ By the end of 1996, 80 people had been killed in taxi-related violence (Ahmed, 1999; Dugard, 2001). The Western Cape Provincial Government and the newly elected Cape Metropolitan Council, in an attempt to respond to public demand, used their legislative powers to address the crisis in the taxi industry. As Dugard (2001:38) explains, ‘the affected area was placed under a partial state of emergency and police and army reinforcements were called in to patrol the taxi ranks and routes.’ Such law enforcement strategies however met with little success. The conflict between CATA and CODETA continued throughout the year, resulting in still more deaths.

3.2.2 Gang involvement

Near the end of the 1990s the issue of gang involvement in the taxi conflicts surfaced. In January 1998 the Human Rights Committee suggested that the incidents of taxi conflict in the Western Cape could be related to the failure of some taxi operators to pay ‘protection money’ to gangs.

It is a known fact that many of the taxi operators on the Cape Flats are compelled to pay protection money to certain gangs, and it is possible that some of the violence is related to the non-payment of this money (Human Rights Committee, January, 1998:31).

⁷ The NTTT will be discussed in more detail in the next chapter.

According to Dugard (2001:15), it had become apparent that many of the CATA drivers were gangsters who were using the taxi industry 'as a springboard for gang and drug-related warfare.' The involvement of gangs in the taxi industry made the issue of taxi conflict and violence an even more complex and difficult one. As Dugard (2001:15) states:

The combination of gangsterism and taxi violence, in an area renowned for violent gang warfare, is an explosive mix that has the potential to drive the taxi wars to new heights of violence.

While the CATA/CODETA feuds continued through the 1990s, violent conflict in the Western Cape minibus-taxi industry during this period was not restricted to conflicts between taxi associations. Conflicts also existed between taxi associations and the bus industry.

3.2.3 The bus/taxi conflict

The bus/taxi conflict, as examined by Minnaar and Pretorius (1995a, 1995b), dates back to 1993 when the Golden Arrow bus company extended its services in Khayelitsha while taxi operators were involved in blockades protesting the increase in the petrol price. Bus drivers soon found themselves the targets of harassment and attacks by taxi drivers who tried to prevent them from operating in Khayelitsha. Between September 1993 and 10 February 1994, 3 Golden Arrow employees were killed while in a number of incidents bus drivers were shot at, passengers were intimidated and attempts were made to run buses off the road. The Western Cape Transport Forum held 'rogue elements' within CODETA responsible for the continuing attacks. On 7 March 1994, following

negotiations between CODETA and bus companies, an agreement was reached stipulating that buses could operate in Khayelitsha on condition that they ‘...stick to the designated bus routes and stopping points’ (Minnaar and Pretorius, 1995b:14).

In early 2000 the bus/taxi conflict flared up again, resulting once more in violent attacks being carried out against the bus industry by members of the taxi industry. On 29 May a Golden Arrow bus driver was ‘shot and burnt to death in a firebombed bus, five commuters were injured in a shooting and an empty bus was gutted by fire’ (Business Day, 30 May, 2000). In a statement issued on 19 April 2000, Transport Minister Dullah Omar called upon Golden Arrow and the two taxi associations CATA and CODETA, to resolve their dispute. Said the Minister:

We wish to call upon all parties involved to settle this dispute in the interest of peace and in the interest of all commuters who have been affected by this dispute. This situation cannot be allowed to continue because violence doesn’t have any place in the future of our public passenger transport operations.

This call for peace was not heard, and the conflict continued.

In a meeting held on 15 June 2000 between the National and Provincial government and CATA and CODETA to discuss the conflict with the Golden Arrow bus company, National Government agreed to facilitate a meeting between the taxi industry and Golden Arrow (Statement by Minister of Transport, 23 June, 2000). However, despite talks of peace, more shootings occurred with more drivers and passengers being killed and injured. In a statement issued on 27 July 2000, the Minister of Transport condemned the killing of a driver and passenger, and called on the SAPS ‘to do everything in their power

to bring these faceless killers to justice'. He further called for the police elite unit, the 'Scorpions', to intervene and conduct the investigation. The Deputy National Police Commissioner, André Pruis then announced that hundreds of police officers from other provinces around the country, including members from elite special task forces from Kwazulu-Natal and Pretoria were to be deployed in townships in Cape Town in an attempt to end taxi violence (Business Day, 2 August, 2000). Armoured vehicles, road closures and a 24-hour ban on road public transportation in Khayelitsha, were all to be put in place in a bid to stabilise the situation. Meanwhile, Lennit Max, the Provincial Commissioner, announced a breakthrough in investigations, with the arrests of 9 people on 30 and 31 July. Amongst them were six people from Khayelitsha and a prominent gangster from Mitchell's Plain. They were arrested on charges of murder and attempted murder. Weapons and other ammunition were recovered in the process (Business Day, 2 August, 2000). In a statement issued on 31 August 2000, the Transport Minister, 'welcomed the steadily decreasing tensions surrounding the transport crisis in the Western Cape'.

The Sunday Times Metro, on 28 January 2001, reported the story of how a 'former Umkhonto weSizwe and South African National Defence Force member' was hired by members of the taxi industry to act as a hit-man during the height of the bus/taxi feud in the Cape Peninsula in mid-2000. The man, Bandile Botya was convicted and sentenced to 3 life terms for the murders of 3 people, 2 passengers and a bus driver. He received a further 75 years imprisonment for the attempted murder of 36 people and the illegal possession of an R4 rifle, 'ammunition and a hand grenade'. During his trial Botya revealed that he had expected to be paid R40 000 by 2 taxi operators, but instead he received only small sums of approximately R200. The drivers were subsequently arrested

and Botya agreed to testify against them. It became apparent that members of the taxi industry had resorted to recruiting hired assassins to eliminate competitors who threatened the economic viability of the industry. The issue of 'hit-men' will be explored in more detail in the next section.

3.3 Taxi conflicts around the country

Taxi conflict and violence was not restricted to the Western Cape. Throughout the 1990s taxi violence showed signs of proliferation around the country. In the year leading up to the election in 1994 there was a dramatic increase in the number of deaths in taxi-related violence with the national figure increasing from 184 deaths in 1992, to 330 deaths in 1993. This increase was attributed to the intensification of destabilisation of black communities in the run-up to the election (Dugard, 2001). In 1994 and 1995, while taxi violence continued around the country, the number of deaths related to it decreased from the 330 deaths in 1993, to 197 deaths in 1994 and 195 deaths in 1995. The decrease was regarded as being a result of the taxi industry undergoing '...substantial re-organisation in response to the more permissive environment of the 'new' South Africa' (Dugard in Steinberg, 2001:136). However, while political violence decreased following the election, taxi violence appeared to move in the opposite direction. Table 1 shows the number of deaths and injuries related to taxi violence that were recorded nationally from 1991 to 1999. As is clear from the details contained in Table 1, taxi violence still continues to exist in democratic South Africa and the death toll continues to rise.

Table 1:

**NUMBER OF DEATHS AND INJURIES
RELATED TO TAXI VIOLENCE: 1991-1999**

YEAR	NUMBER OF DEATHS	NUMBER OF INJURIES
1991	123	156
1992	184	293
1993	330	526
1994	197	314
1995	195	282
1996	285	586
1997	218	335
1998	291	343
1999	263	287

(Statistics: South African Institute of Race Relations; South African Police Services)

3.3.1 Mother bodies

More recently the issue of mother bodies has been recognised in the debates regarding the taxi conflicts. Dugard (2001) contends that the 'real money' generated through the operations in the taxi industry is made by the executive members of mother bodies. As she explains:

Mother bodies typically comprise loose alliances of local and long-distance taxi associations in a particular region...Mother bodies are essentially historical constructs: supra-local taxi associations that, 'by virtue of throwing their weight and forcing their presence', are regarded by

other players in the industry, as well as the government, as official (Dugard, 2001:18).

These mother bodies extract income and compliance from their members through the use of violence or the threat of violence. An estimate by the National Intelligence Agency (NIA) revealed that mother bodies earn over R100 000 monthly 'per local affiliated association' (Dugard in Steinberg, 2001:143). Dugard (2001) further argues that the moneys accumulated in this manner go directly into the pockets of the executive members of mother bodies since there exists no formal financial controls in the taxi industry. This means that there are usually no receipts, no audits and government taxation. Thus, in pursuit of this available fortune, hit-squads have come to play a key role in the violence in the taxi industry as they are often recruited by taxi associations with the purpose of eliminating competitors who threaten to adversely affect the flow of revenue to the mother bodies. Furthermore, as the means to accumulate these vast amounts of money lies in the control of a mother body, there has emerged vicious struggles often characterised by assassinations of leaders of mother bodies, and violent take-overs, to usurp leadership positions at the executive levels (Dugard in Steinberg, 2001).

3.3.2 The role of hit-men in taxi violence

As events of taxi conflicts and violence began unfolding around the country, patterns started to emerge. According to Torres and Minnaar (1994), one of the first incidents where a hit-man was used in the violence in the taxi industry was reported in 1993 in Mamelodi near Pretoria where 5 people were killed at a taxi rank. The police also later uncovered evidence that linked members of the South African National Defence Force to

attacks within the industry in the Pretoria/Witwatersrand/Vereeniging (PWV) and Northern Transvaal area. Minnaar and Pretorius (1995b) argue that in Gauteng and the Northern Transvaal Regions the use of hired hit-men appeared to be more widespread than anywhere else in the country. In 1994 Gauteng police claimed that hit-men were being paid R1 000 for the death of a passenger, R2 000 and R4 000 respectively for the deaths of a taxi driver and taxi owner, and up to R10 000 if the victim was a chairman of an opposing taxi association (cited in Minnaar and Pretorius, 1995b; Race Relations Survey, 1996/97). By the following year reports indicated that the prices had increased to R3 000 for a rival taxi driver, R9 000 for a rival taxi owner and up to R15 000 for the chairman of a rival taxi association (cited in Minnaar and Pretorius, 1995b).

Any person who was willing to commit murder for money was considered a hit-man and as Minnaar and Pretorius (1995b:4) explain, operations of hit-men were well-planned and executed ambushes, where the targets would be killed 'in a hail of bullets', with the preferred weapon, an Ak-47. One of the features that emerged from the assassinations that were carried out by these hit-men was that while hit-men were often hired to kill specific individuals, innocent commuters and bystanders were often also killed in the crossfire. Areas like the Western Cape and Kwazulu-Natal soon followed the trend as more incidents of taxi violence involving hit-men began to emerge.

Hit-men thus started featuring more prominently in taxi violence around the country. The *Sowetan*, in September 1995, said that it had in its possession confidential police documents showing that the anti-corruption unit of the SAPS had uncovered evidence that suggested that 'hit-squads' from neighbouring countries were brought in to assist taxi associations in the protection of lucrative routes (Race Relations Survey, 1995/96). In May 1998 it was alleged that taxi bosses in Mpumalanga had employed 40

Mozambicans to carry out contract killings and that the foreigners were hired because they would be harder to trace than assassins hired locally (Weekly Mail and Guardian, 29 May, 1998). In January 2001, as was explained earlier, it was found that a hit-man had played a key role in the Western Cape bus/taxi conflict of 2000.

3.3.3 Allegations of corruption within the SAPS

As the conflict and violence in the minibus-taxi industry increased and the use of hired hit-men became more frequent, allegations of police involvement soon emerged (Dugard, 2001). A common response by the SAPS to criticism about their failure to respond to taxi-related violence has been the lack of proper resources to police the industry. However, allegations of police corruption and complicity have been rife, since, as Dugard (2001) explains, it quickly became apparent that the authorities failed to act even after they had been furnished with details of hit-men and impending attacks. Speculation existed that members of the SAPS had stakes in the taxi industry and that it led them to either favour or victimise certain associations (Minnaar and Pretorius, 1995b). In addition, the *Sowetan* further reported (September 1995) that police documents revealed that nearly 200 members of the SAPS allegedly owned minibus-taxis (Race Relations Survey, 1995/96). In a report released in 2000 by a Commission established to investigate taxi violence in Gauteng, police officers in Pretoria were implicated in tales of corruption involving the taxi industry. Members of the SAPS were said to be releasing firearms, bullet proof vests and even police uniforms to be used by members of taxi associations in their attacks against rivals. The report further revealed that members of the SAPS actively participated in attacks against members of the taxi industry and that they were paid by taxi bosses to disclose the names of witnesses. Said the report:

...there is overwhelming evidence proving police complicity, collusion and/or corruption, and further, the commission of criminal offenses including those of defeating the ends of justice and the unlawful use of Government property in the cause of the taxi violence...(The Final Report by the Commission of Enquiry into the causes of taxi violence and related unresolved deaths in Gauteng Province, 1999:14).

Corruption within law enforcement agencies whose task it is to police the taxi industry, thus came to play a very prominent role in the continuation of taxi conflict and violence.

Taxi conflicts continued throughout the country despite numerous attempts to reach peace agreements. While there were areas in the country where events and patterns were peculiar to that area, there existed '...enough of a congruence between causes to be able to say that the underlying dynamics are applicable in all the regions...' (Minnaar and Pretorius, 1995b:3). In the next section the causes of the taxi conflict and violence as identified by the Goldstone Commission of Inquiry will be examined.

3.4 The Goldstone Commission of Inquiry: **A review of the main causes of taxi violence**

Appointed on 24 October 1991 by the State President in terms of Section 3 of the Prevention of Violence and Intimidation Act 1991 (Act 139 of 1991), the Goldstone Commission of Inquiry was an independent body with the primary function of directing and co-ordinating the gathering of facts with regard to public violence and intimidation in South Africa (Goldstone Commission, 1992). A fourth committee of the commission was established in January 1992 with the task of inquiring into violence in specific relation to

the public transport system in the country. The establishment of this committee was seen as a direct result of the ongoing taxi wars. The committee was to determine the nature, causes and aims of the violence in the industry, along with identifying the persons directly involved in the instigation or the perpetration of the violence (Goldstone, 1992). Recommendations were then to be made with regard to addressing the problems within the industry which appear to be causing the instability in the taxi industry. Seven reports by the committee to the commission followed, each focusing on a different area in the country where taxi violence was widespread. The First Interim report presented in May 1992, focused specifically on conflicts between WEBTA and LAGUNYA in the Western Cape. The Second report dated July 1992, focused on taxi violence in Ivory Park in the Midrand area. The Third (November 1992) and Fourth (February 1993) reports focused on taxi related violence in Alexandra, Johannesburg and Groblersdal, respectively. The Sixth report (July 1994) dealt with the taxi crisis in King William's Town, while the Seventh report (August 1994) focused on Queenstown. What these reports revealed was that the struggle for economic survival had come to play a key role in the instability in the minibus-taxi industry.

The Fifth Interim Report presented to the commission was a comprehensive document detailing the main causes of the conflict and violence in the taxi industry. Following numerous sessions at various venues around the country where evidence that related to taxi violence was heard, the committee found that although there existed factors or circumstances which were peculiar to each specific area, the root causes of the violence in the minibus-taxi industry, in all the areas, showed discernible similarities (Fifth Interim Report, July 1993). The committee thus identified 6 main causes of taxi violence

which were found to be applicable to all the feuds that were occurring within the taxi industry throughout the country. In sequence they were as follows:

1. The effect of apartheid laws on urbanisation;
2. Commercial factors;
3. The role of the Department of Transport;
4. Lack of law enforcement;
5. The absence of facilities;
6. Intolerance and Power struggles.

3.4.1 The effect of the apartheid laws on urbanisation

The findings of the Goldstone Commission of Inquiry revealed that the instability in the taxi industry is a direct result of the impact the apartheid laws and policies had on the urbanisation patterns in the country. The development of the industry, both its legal and illegal sectors, and the subsequent tensions that emerged between the two were attributed to the divisions that emerged between people during the apartheid era. The legal taxi operators, those operating with the required permits, transported blacks who were legally housed in the townships because they had been granted Section 10 rights. However government could not stem the influx of immigrants from the tribal homelands who housed themselves in informal settlements illegally. Thus 'because they received no legal recognition by the authorities, no permits were issued to minibus-taxi operators to transport them'(Fifth Interim Report, 1993:19). Transport was still a necessity though and hence the birth of the pirate taxi industry. The stage was thus set for conflict.

The very existence of a band of taxi operators operating virtually upon their doorstep without any semblance of legality and providing stiff competition for passengers whose means and choices were limited by their own deprivation, proved to be the touchstone of conflict in virtually every metropolitan area. The 'haves' were thrust upon their resources to protect what they regarded as their hard-earned domain against the free-wheeling onslaught from the 'have-nots' (Fifth Interim Report, 1993:19).

3.4.2 Commercial Factors

The struggle to control key resources which can accelerate the process of capital accumulation in the taxi business emerges as a cardinal feature in the origins and operation of taxi-related violence. The conflict appears to be largely economic in origin, although it operates in the structural and legislative context created by the state (Khosa, 1991:250-251).

Following the implementation of the deregulation policy in the transport sector, the taxi industry, once a profitable enterprise for the 'pioneering black entrepreneurs' (Fifth Interim Report, 1993:20), became overcrowded resulting in a decline in profitability. Other contributing factors influencing the economic viability of the industry included the increase in price for minibuses, fuel, spare parts and insurance (Fifth Interim Report, 1993). In addition, it was argued that 'the overall cost, in terms of time and money, to obtain a permit to operate a taxi could in itself serve as a deterrent and may influence a prospective operator in his decision whether or not to operate legally' (Fifth Interim Report, 1993:21).

The Goldstone Commission Report further revealed that few members within the taxi industry possessed the business skills to understand and analyse factors that influence the industry and therefore they were unable to comprehend that competition was beneficial to everyone, instead dealing with competition by eliminating it, often through the use of violence. Browning (1989:135) argued that discussions with drivers showed that ‘...the very nature of business - the investment of capital in order to provide a profit and therefore a return on the capital - is not understood’, and further stated that the aggressive and violent manner in which taxi industry members often react when they are confronted with a threatening situation, is an indication that they lack the skills to react in any other manner that is more peaceable. As he explains:

When frustration builds up because of poor economic returns and the inability to pay such things as the monthly instalment on the vehicle, the result is quite likely to be aggression against newcomers (Browning, 1989: 136).

Another, somewhat more sensitive issue is that of subsidies, with the buses and trains being heavily subsidised by the government while the taxi industry has been struggling to survive on its own economically. This has greatly impacted on the fare structure of the taxi operators in that in order to compete with the buses, operators have to ‘charge an unrealistic fare based on considerations bearing little relationship to his own expenses’ (Fifth Interim Report, 1993:23). Inflation is virtually ignored as the black commuter’s needs are taken into consideration resulting in taxi fares often remaining the same for years on end. Thus, with the saturation of the taxi industry which resulted from the ‘...uncontrolled influx of new entrant operators...’ (Argue, Pretorius, Green, Moss and Sonderling, 1993:viii), competition for lucrative routes intensified and operators increasingly resorted to overloading their vehicles and making as many trips as possible.

Soon taxi associations, who because of their size were able to wield power to protect their members, frequently employed violent methods to attack competitors (Fifth Interim Report, 1993), to ensure that their share of the market was not threatened. As Torres and Minnaar (1994:28) explain:

Since lucrative routes are the core of a successful minibus taxi operation, rival owners have increasingly resorted to violence to 'eliminate' competitors.

The competition is for passengers and Evans and Cook (1985) argued that it was at a specific time during the daily routine of taxi driving that competition for passengers was at its highest.

For the kombi driver, especially those paid on a commission basis, operating during peak periods is to his advantage, given high frequency of full trips associated with this demand period...During the off peak midday period, given the cost of petrol and the low commuting demand, it often pays the driver to wait at the rank for potential passengers rather than cruise in search of them (Evans and Cook, 1985:5).

Therefore, in the competitive environment of the taxi industry 'protecting one's territory' has become crucial, as newcomers threaten to deplete the already scarce resources (Kgosimore, 1995). Established taxi operators would go to any lengths to ensure that their territory is not invaded and their already meagre profit margins threatened. Violence is thus strongly linked to economic survival as whoever is able to utilise violence in a manner which eliminates competitors, will likely benefit economically.

3.4.3 The role of the Department of Transport

In the Goldstone Commission findings it was concluded that the conduct of the Department of Transport and the LRTB's has contributed to the conflict and violence in the minibus-taxi industry. Furthermore, it was found that nothing positive was done on their part '...to contain the violence or to mediate between warring groups to bring about peace' (Fifth Interim Report, 1993:25). Accusations against the Department of Transport policies and officials included allegations of corruption and favouritism, the issuing of permits without consistently applying the prescribed criteria, the failure to provide adequate reasons for refusing permit applications and continued issuing of permits even after it became clear that the market was overcrowded (Fifth Interim Report, 1993). The report further stated that the LRTB's had not adequately anticipated the problems that would arise as a result of their permit policy. The lack of communication and transparency in the permit allocation process was considered to be a contributing factor to not only the tension between rival taxi associations, but also between the LRTB's and the members of the taxi industry. Thus, the lack of forward planning and the lack of strategy to deal effectively and efficiently with an industry they had before not regarded as legitimate, were considered as the main reasons why the Department of Transport appeared unprepared and ill-equipped to deal with an industry they had in fact helped to create.

3.4.4 Lack of Law Enforcement

The lack of control or defects of regulation that exists in the taxi industry is directly related to the lack of proper law enforcement strategies. Policies aimed at dealing with pirate operators and others within the industry who operate with a tendency to be a law

unto themselves, and with the purpose of bringing order to the industry, meet with failure if the necessary policing does not accompany it (Fifth Interim Report, 1993). In evidence revealed in the inquiry it was found that where 'a concerted effort with sufficient manpower and facilities was launched to address the violence an immediate positive result ensued' (Fifth Interim Report, 1993:42). Overall though the report showed that law enforcement agencies were either unable or unwilling to properly enforce the law, and that this resulted in not only pirates benefiting from the lack of law enforcement, but also all other criminals who break the law. Said the report:

This brings law enforcers into disrepute leading ordinary citizens to doubt the efficacy of the whole system of control, including the legal system(1993:44).

3.4.5 The absence of facilities

The absence or inadequacy of ranking space in an industry where competition for passengers who congregate in certain areas is fierce, easily causes tempers to flare (Fifth Interim Report, 1993). In the Goldstone Commission investigations the following problems at ranks were identified in various areas or towns around the country:

- overcrowding at ranks during peak hours;
- the absence or inadequacy of toilets and shelters;
- lack of adequate control by marshals which often resulted in jostling for position, queue jumping and favouring of one taxi operator above another;
- the intimidation and poaching of passengers;
- pirate operators interfering at ranks;

- members from one taxi association unlawfully attempting to stop members of rival associations from using the ranks (Fifth Interim Report, 1993).

When deregulation of the taxi industry came into effect and brought with it an increase in the utilisation of various routes, including new routes that were before considered illegal if operated on, facilities were needed by the industry for the purposes of loading, off-loading, parking and holding activities. That these facilities were not provided, was as a result of '...tardiness on the part of those municipal authorities to give adequate recognition to the place of the minibus industry in the firmament of trade and business' (Fifth Interim Report, 1993:45). The Goldstone investigation revealed that in the majority of towns no or grossly inadequate facilities existed. The lack of adequate facilities has led to fierce competition for existing facilities as conflicts exist concerning who controls the facilities and who is allowed to use them.

3.4.6 Intolerance and Power Struggles

In the Goldstone Commission report it became clear that blame for the eruption of violence in the taxi industry is also to be placed with the taxi operators themselves (Fifth Interim Report, 1993). Evidence brought to the committee suggested pervasive intolerance, selfishness, greed and provocation. Furthermore, operators seldom took responsibility for their role in conflicts, instead placing blame on members of rival associations or the LRTB's who they regarded as corrupt and showing favouritism to their competitors. Selfishness and greed were found to be the foundations of power struggles throughout the taxi industry and it was further discovered '...that a collective view prevailed among those members of taxi organisations participating in the violence

that they could impose their will on others by the use of violent means’ (Fifth Interim Report, 1993:49). As many members within the industry refused to bend to the will of others, specifically the wills of their rivals, attacks, followed by counter attacks emerged as the pattern of taxi wars.

The Goldstone Commission of Inquiry succeeded in identifying a number of contributory causes of conflict and violence in the minibus-taxi industry. The findings showed a complex interplay between the legacies of apartheid and the inadequacies of the state, evident in its weak regulatory capacity and its internal corruption. The Inquiry however, failed to acknowledge the role that politics played in the taxi conflict. It was argued that political affiliations and political rivalry did not feature prominently in the instability in the taxi industry. Dugard (2001) regards this finding as a ‘miscarriage of justice’ as there existed overwhelming evidence to the contrary. In the Western Cape in particular, as was shown by Minnaar and Pretorius (1995), [examined in section 3.2.1], political affiliations came to play a key role in the taxi conflicts.

3.5 The recommendations from the Goldstone Commission

The Goldstone Commission’s committee investigating public violence and intimidation in the minibus-taxi industry, having identified what they believed to be the main causes of taxi violence, made the following recommendations regarding the taxi industry:

- that deregulation in the taxi industry should not occur for the foreseeable future;
- that there be restructuring of the regulatory system so that prospective entrants are in no doubt as to the rights, duties and

obligations of taxi operators who function within the system, and that the taxi industry itself should be directly involved in establishing the framework of the regulatory system;

- that direct subsidisation be avoided for the future, but that indirect subsidies from the private sector, particularly with regard to the improvement of facilities, be considered;
- that all representative organisations in the industry from local, regional and national levels be identified and participate fully in the consultation process with regard to the formulation of local, regional and national transport policies. In the report it was further stated that government should not attempt to identify any one association as representative of the entire taxi industry as evidence revealed during the inquiry tended to show that national associations were strong in some areas, but weak in others;
- that training facilities be made available for members in the taxi industry;
- that local authorities and local taxi associations, as a matter of urgency, discuss and implement ways of improving the ranking facilities in the taxi industry;
- that the functions previously performed by the inspectors from the Department of Transport be transferred to local authorities, in particular the traffic police;
- that every local authority appoint at least one person to liaise with both local taxi associations and community leaders; and
- that dispute resolution and mediation mechanisms with representatives from all interested parties at all levels be put in place to avoid the escalation of conflict and violence.

The Goldstone Commission's investigation provided the government with a detailed description and analysis of the conditions and systemic problems facing the taxi industry. The government further had a set of recommendations for what could be done to rid the industry of some of its main problems.

Conflict and violence in the taxi industry existed during the latter years of the apartheid regime and continued right through the transition to a democratic government. The Goldstone Commission of Inquiry revealed the condition the minibus-taxi industry was in prior to the 1994 democratic elections. In the next chapter, the focus will be on the manner in which the government, post-1994, has attempted to resolve the crisis in the taxi industry through the formation of the National Taxi Task Team and the introduction of an ambitious restructuring programme, namely the Recapitalisation Strategy.

CHAPTER 4

THE GOVERNMENT'S RESPONSE TO THE CRISIS IN THE MINIBUS-TAXI INDUSTRY POST-1994

4.1 Introduction

A key initiative to stabilise the minibus-taxi industry has been the formation of the National Taxi Task Team (NTTT) in 1995. Based on its final recommendations presented in 1996, the government proceeded to develop a strategy to restructure, formalise and regulate the taxi industry. This strategy, known as the Recapitalisation Programme, and government's attempts to implement the programme has elicited fierce opposition from members within the taxi industry. In this chapter the NTTT's final recommendations and the Recapitalisation Programme will be examined in detail. By way of conclusion the reactions of the taxi industry to such governmental attempts at restructuring the industry will be discussed briefly.

4.2 The National Taxi Task Team

In late 1994, then Minister of Transport, Mac Maharaj, in an attempt to address issues regarding the instability in the minibus-taxi industry, launched a "taxi process". On 14

November 1994, at a Minister's Council on Transport (MINCOM)⁸ meeting, this "taxi process" was '...adopted as Government's proposal to begin a consultative programme to involve the role-players from the industry in finding lasting and sustainable solutions' to the problems within the taxi industry (NTTT Final Recommendations, 1996:1). In 1995 taxi representatives from each of the nine provinces, as well as government officials from all tiers of government, came together at a National Taxi Workshop to decide the way forward to solving the crisis in the taxi industry. This workshop was convened on March 18, 1995 and marked the first time that representatives from all concerned parties came to address issues together (NTTT Final Recommendations, 1996). The result of this workshop was the formation of the National Taxi Task Team in April 1995. The team consisted of nine taxi representatives, one from each of the provinces, nine government representatives across all tiers of government and a group of specialist advisors who were appointed jointly at the first meeting. Dipak Patel was chairman of this task team. The Mission statement of the NTTT was as follows:

To investigate the problems and issues within the taxi industry and to formulate solutions and/or policy options for recommendation to the National Minister of Transport, for his consideration and/or submission to MINCOM, to ensure the short- and long-term sustainability of the industry so that it can play an equitable and competitive role in an effective and efficient public transport system (NTTT Final Recommendations, 1996:2).

To achieve these objectives as revealed in the Mission Statement, the NTTT formulated a 3 phase strategy namely:

⁸ MINCOM is a ministerial committee chaired by the National Minister of Transport and is attended by all nine provincial Members of the Executive Council (MEC's) responsible for transport.

- Identifying issues and problems;
- Analysing those issues and problems; and
- Generating solutions.

Thirty-six public hearings were conducted around the country with the purpose of enabling the participation of not only stake-holders, but also other interested parties.⁹ Not surprisingly, much of what was found by the NTTT regarding the main contributors to the conflict and violence in the taxi industry, had already been made known by the Goldstone Commission of Inquiry. Issues raised ranged from, problems with the LRTB's and its permits system; the decline of profitability in the taxi industry; government subsidy policies; corruption and lack of effective policing; to lack of business skills; poor infrastructure and problematic relationships within the taxi industry and between the taxi industry and outside parties.¹⁰ The NTTT recognised the need for effective government intervention stating:

Though it has tried for years to control itself and eliminate conflict, violence is rife, and the call is that Government should step in (NTTT Final Recommendations, 1996:18).

4.3 The Final Recommendations of the NTTT

The final recommendations of the NTTT, published in August 1996, dealt with four main issues namely: granting recognition and assistance to the taxi industry; effective and efficient regulation and control of the industry; training and capacity building for both

⁹ These hearings were conducted between 23 August 1995 and 13 January 1996 (NTTT Final Recommendations, 1996).

¹⁰ For a more detailed look at the main issues as identified in the hearings conducted by the NTTT in the nine provinces, see: National Taxi Task Team Final Recommendations, August, 1996:9-15.

taxi industry members and transport officials; and ensuring the future economic viability of the industry. The recommendations were thus grouped into the following categories:

1. Formalising the minibus-taxi industry;
2. Regulating and controlling the industry;
3. Training and capacity building; and
4. Economic sustainability and empowerment.

4.3.1 Formalisation

In order to structure the industry democratically, openly and transparently, the rules by which it is governed should be accessible to members of the industry and the commuting public alike, just like the constitution of the country (NTTT Final Recommendations, 1996:49).

The National Taxi Task Team saw the adoption of a Standard Constitution by all taxi associations, dealing with issues such as; a code of conduct for all industry members, disciplinary procedures¹¹, conflict resolution procedures as well as grievance procedures, as a key aspect of the legalisation and formalisation of the taxi industry. Registrations of all taxi associations with a Provincial Taxi Registrar, was then seen to be the next logical step,¹² with the NTTT further arguing for the establishment of councils for taxi associations at regional and provincial levels, to facilitate and ensure a representation structure for the industry at all levels.

¹¹ This included the setting up of self-disciplinary mechanisms to punish delinquents within the taxi industry (Mail and Guardian, 16 August, 1996).

¹² To qualify for this registration process the association would have to prove to the registrar that it had the required minimum number of members, that the association had been in existence for at least one year, and that all members belonging to the association have adopted the Standard constitution.

4.3.2 Regulation and Control

The NTTTT recommendations regarding the regulation and control of the taxi industry included a complete overhaul of the permit system, turning it into ‘...an effective and realistic permit system that can be properly policed’ (NTTT Final Recommendations, 1996:70)¹³. As with the Goldstone Commission of Inquiry, the NTTTT found that LRTB’s were contributing to the instability in the taxi industry. Therefore, along with the redrafting of the permit system, LRTB’s were to be turned into more representative bodies (Weekly Mail and Guardian, 16 August, 1996). Furthermore, effective law enforcement was seen as crucial to stem the flow of violence and conflict in the taxi industry. The recommendation was that ‘sufficient strength’ be placed in police sectors to deal with taxi related violence and that police community forums be promoted.

The NTTTT, like the Goldstone Commission, also found that the existing infrastructure for the minibus-taxi industry was lacking. Adequate facilities were urgently needed and this was considered to be the responsibility of the ‘metropolitan and local authorities’ (NTTT Final Recommendations, 1996:94). Once again it became clear that while membership in the taxi industry had increased dramatically, facilities to accommodate the growth were non-existent.

Another key issue investigated was the labour relations within the taxi industry. The nature of the relationship between the owners and drivers was of particular interest, since it became very clear yet again, that owners were failing to meet their obligations as employers. Owners were found to be lacking in many aspects, including failure on their parts to make contributions towards pension funds, medical aid schemes, unemployment

¹³ For a detailed look at the permit system and its proposed restructuring, see: NTTTT Final Recommendations, 1996: 70-84.

insurance funds and accident funds. Furthermore, employers did not pay their employees a minimum wage as set by legislation.

Following the discussion on the issue of labour relations, the taxi industry component of the NTTT failed to give its unconditional support to all the proposals made. While there existed a commitment to developing sound labour relations within the industry, the taxi representatives argued that such development could only occur ‘...once the process of formalising the industry and restoring its profitability in a sustainable way enables it to meet the requirement of formal labour relations practices’ (NTTT Final Recommendations, 1996:164). Therefore, the recommendations made regarding labour relations were supported only by the government component of the NTTT. Included among the recommendations were the following:

- the standard constitution for taxi associations should bind members to abide by the labour legislation and acceptable employment practices;
- the constitution should contain a disciplinary code with a list of offences and appropriate penalties such as suspension and expulsion;
- databases of the Provincial Taxi Registrars should contain accurate and detailed information about both employers and employees, and the information should be accessible to the Department of Labour; and finally,
- workshops should be made available to create awareness of both employer and employee rights and obligations in terms of the labour legislation. It was suggested that these workshops be a joint venture between the Department of Labour and the Department of Transport. This would then link discussions on acceptable labour relations practices to the broader process of

formalising, restructuring and ensuring the economic sustainability of the industry (NTTT Final Recommendations, 1996).

4.3.3 Training and Capacity Building

The NTTT further recognised the need for skills training and capacity building within the taxi industry. While initiatives to address these issues had been put in place prior to the release of the NTTT's final report, it was found that '...such initiatives were characterised by a lack of co-ordination and an almost complete absence of monitoring and evaluation' (NTTT Final Recommendations, 1996:106). The recommendation was therefore that a more holistic approach be adopted to ensure effective capacity building and skills training so that substantive results could be seen.

The NTTT recommended that workshops for taxi owners focus on issues such as negotiating skills, the operation of co-operatives and constitutional changes, while workshops for drivers focused on advanced drivers skills, customer care, life skills, the code of conduct for the industry, vehicle maintenance and safety operations, traffic legislation, and communication skills. For rank officials who play a key role in the operations of taxi ranks, a more general training course was recommended covering such issues as vehicle checks, environmental care, passenger care and the protection of people (NTTT Final Recommendations, 1996). However, the NTTT recognised that it was not only members of the taxi industry who needed skills training, but that officials that interface with the taxi industry were in need of it too. Said the NTTT:

This need arises from acknowledging the reality that the relationship of public transport officials and the taxi

industry was guided by and dictated to by government policies that have since been replaced. Re-orientation becomes thus almost imperative (NTTT Final Recommendations, 1996:110).

It was therefore advised that workshops dealing with the re-orientation of public transport officials focus on the following issues: change management; conflict management; and cross-cultural awareness. Mechanisms were to be put in place to monitor programmes aimed at improving skills and training of the relevant role-players.

4.3.4 Economic Survival, Sustainability and Empowerment

MINCOM agreed to the formation of trading co-operatives within the taxi industry. The definition of a co-operative given by the NTTT was as follows:

An association of persons who have voluntarily joined together to achieve a common end through the formation of a democratically controlled organisation making equitable contributions to the capital required and accepting a fair share of the risks and benefits of the undertaking in which members actively participate (NTTT Final Recommendations, 1996:116).

These trading co-operatives were thus meant to provide services to its members which would not only lower their input costs, but would also in some instances provide opportunities for an increase in income. Members on their part would adhere to a code of conduct. The recommendation regarding the co-operatives was that membership would not be compulsory, but that being a member would be the only way in which to gain access to government funded benefits made available to the taxi industry. The NTTT

stated that the principle behind the establishment of trading co-operatives within the taxi industry, was 'based on the recognition of a common economic need that can be met more economically by a group rather than an individual' (NTTT Final Recommendations, 1996:126). It was therefore seen as an undertaking where a group of individuals on a voluntary basis, strive to meet their mutual economic and social needs in a manner that ensures that the economic advantages derived are greater than that which the individual could achieve on his own.¹⁴ The taxi industry, the government and the private sector were all considered to be important role-players in the formation of these co-operatives.

4.4 The NTTT recommendations and the Western Cape

The minibus-taxi industry in the Western Cape, at the start of the formalisation process in September 1996, had a fleet of some 7 500 vehicles (5 500 of these vehicles having the required legal permits, while the rest were pirate operators), with approximately 80% of the fleet based in the Cape Town Metropolitan Council area. As Ahmed (1999:2) explains, the taxi industry in the Western Cape had a 'significant business presence' in the province with a 'fleet replacement value of R700 million and an industry turnover of some R1 billion per annum...'

In terms of the recommendations made by the NTTT, the formalisation of the minibus taxi industry was dependent on the co-operation of members of the industry to voluntarily submit themselves to the process. In the Western Cape, the Provincial government, placed under considerable pressure to stop the violence in the province,

¹⁴ For more details on the co-operatives see: NTTT Final Recommendations, 1996.

attempted to do so by legislating key aspects of the NTTT recommendations. This in effect made the formalisation process a legal matter rather than a voluntary process. The legislation, entitled *the Western Cape Road Transportation Act Amendment Law, No.8 of 1996*, was tied as an amendment to the Road transportation Act of 1977, and according to Ahmed (1999:3), 'the promulgation of the Amendment Law was immediately followed by a campaign designed to continue the momentum gained by the start of the implementation of the NTTT recommendations and the promulgation of the Law.' Hence, the formation of the Provincial Taxi Working Group (PTWG).

A PTWG was established in December 1996 to take the recommendations of the NTTT further in the Western Cape. This group then further established eight focus groups constituted by various role-players in the industry, each with a focus on a specific element in the drive towards formalisation of the taxi industry in the Western Cape. The aims and objectives of these groups, as outlined in the Western Cape Taxi Industry Formalisation Information Booklet(1997) were as follows:

1. **Legalisation** - aimed at facilitating the issuing of permits to illegal operators and making amendments to existing permits so that they would reflect the routes or networks of routes more clearly. The group actively encouraged illegal taxi operators to apply for permits through the NTTT Special Legalisation Process, and by the end of February 1997, 1 614 applications for legalisation had been submitted.
2. **Registration** - to facilitate the registration of all taxi associations. By 31 October 1997, 81 associations, 2 494 taxi operators and 3 628 minibus-taxi vehicles had been registered.
3. **Route Identification and Marking** - aimed at identifying all routes and vehicles for the benefit of commuters and to facilitate the regulation and control by public transport authorities. The design for

the permanent marking of taxis was completed in September 1997 and was promulgated as a regulation in terms of the 1996 Road Transportation Act Amendment Law. This regulation made it compulsory for all minibus-taxis to openly display their origin, route numbers and destination.

4. **Enforcement and Legislation** - focusing on a review of the existing legislation, and bringing about amendments, new laws and regulations where none exist, with attention to actual enforcement of the legislation. The first achievement of this group was the promulgation of the 1996 Western Cape Road Transportation Act Amendment Law. Regulations dealing with issues such as the bearing of interim stickers by taxis, permanent vehicle markings and the adoption of the Standard Constitution and Code of Conduct were among the first to be drawn up.
5. **Taxi Liaison and Office** - serving as an official communications channel between the taxi industry and the Department of Transport. On 28 February 1997, the Provincial Representative Taxi Council, a 14 member representative structure, was formally introduced to the MEC. The council was to serve as the official communication channel between the Department of Transport and the taxi industry.
6. **Economic Restructuring** - with the purpose of creating equal economic opportunities through the removal of economic imbalances, and in the process unlocking the inherent potential growth and development of the taxi industry. This group, comprised of various experts, had as one of its tasks the preparation of a strategy for implementing the NTTT vision for the creation of conditions to ensure economic survival, sustainability and empowerment of the industry in the Western Cape.
7. **Training** - meant to identify required skills, knowledge and expertise that are needed for individual operators, taxi associations and taxi drivers in order to provide a better service to commuters. Modalink, a

non-profit company set up to promote public transport in the Cape Metropolitan area led the training drive and appointed a Human Resource Development Officer to manage the training programs for public transport operators.

8. **Communication** - with the purpose of facilitating the consultation process as well as to open up the channels of communication between stake-holders. One of the first tasks this group completed was the preparation and distribution of the Western Cape Taxi Industry Formalisation Information Booklet published in 1997.

The formalisation process in the Western Cape has clearly been and continues to be a 'highly complex' one, but as Ahmed (1999:6) explains:

The Western Cape has committed itself to transforming the minibus taxi industry into an effective, regulated and transformed transport mode, for the benefit of the users of public transport and those involved in the business itself.

The findings of the NTTTT, much like the findings of the Goldstone Commission, revealed an unstable taxi industry in urgent need of restructuring. While the industry had managed to maintain its position as an important part of the transport sector in the country, the conflict and violence that plagues it has had a very negative impact on not only the industry itself, but also on the community and more especially the commuters who are often witnesses to the taxi wars. In recognition of the findings and recommendations of the NTTTT, the democratic government's long term solution to the crisis in the taxi industry has been the introduction of the Taxi Recapitalisation Strategy. This comprehensive plan is intended to completely restructure the industry taking into account every problem and issue contributing to the instability in the industry.

4.5 The Recapitalisation Programme

As was already mentioned, the Recapitalisation Programme, which was approved by Cabinet in September 1999, has its roots in the final recommendations of the NTTT. Among the issues identified as being responsible for the recapitalisation crisis in the industry were the following: the increase in vehicle prices which have made them unaffordable for many within the industry; the average life of the minibus-taxi has peaked at ten years; the inability of members in the industry to access funding to renew its fleet; and the inadequate revenue caused by competition against subsidised modes (5th Draft of Recapitalisation Strategy, 2000). The programme aims to regulate the industry, improve safety standards, diminish corruption, eliminate taxi wars and create new empowerment opportunities (Cape Argus, 8 February, 2000). On 12 June 1997, in a debate of the National Council of Provinces, then Minister of Transport, Mac Maharaj stated that the restructuring of the taxi industry should be viewed in the context of the democratic government engaging in a review of the land transport policy. The new transport policy, as outlined in the White Paper on National Transport Policy which was accepted by Cabinet in 1996, is aimed at fundamentally restructuring the manner in which the function of land transport is managed in the country. The 3 pillars of the new policy are planning, regulation and law enforcement.

In the 2000/2001 Transport budget speech, the Minister of Transport, Dullah Omar, stated that:

Because the industry arose in the margins of our society, the law was often ignored. In many instances, regulation became almost non-existent and lawlessness and violence became prevalent. Accordingly it is incumbent upon

government as part of the transformation process to introduce effective regulation, transform the informal into formal and to implement effective law enforcement.

It was further argued that the Recapitalisation programme ‘...must be seen as part of a broader economic empowerment program which will give millions of blacks a stake in the economy in the country.’ The Departments of Trade and Industry, Minerals and Energy, together with the Department of Finance and the Department of Transport have been responsible for the drafting of the Recapitalisation strategy.

One of the most important objectives of the Recapitalisation programme is the formalisation of the taxi industry, the ‘recognition by government of the taxi industry as a formal part of the public transport system’ (5th Draft of Recapitalisation Strategy, 2000:2). This recognition is however contingent upon the industry ‘complying with fundamental principles of democracy, peace and unity within the industry’ (5th Draft of Recapitalisation Strategy, 2000:2). This compliance has taken two main organisational forms, one being the adoption of a Standard Constitution and Code of Conduct by taxi associations, and two, a Memorandum of Understanding between the Ministry of Transport and the South African Taxi Council (SATACO), which was signed in 1999.

The adoption of the Standard Constitution is intrinsically linked to the registration process wherein all members of the taxi industry are required to register with a Provincial Registrar. Issues outlined in the Constitution include:

- the aims and objectives of a taxi association;
- the roles and responsibilities of the Executive committee which is responsible for the management of an association;
- the criteria for membership;
- the duties and rights of members;

- a code of conduct for members;
- disciplinary procedures should the code of conduct be breached;
and
- grievance procedures.

SATACO, a national organisation 'representing' the taxi industry, was formed on 24 August 1998. The government welcomed the formation of SATACO as there now existed an organisation to work together with government on issues regarding the taxi industry. In May 1999 the Minister of Transport, in committee with the Provincial MEC's of transport, signed an Interim 'Memorandum of Understanding' with SATACO. This was said to mark a commitment by both the government and the industry, to work together to stabilise the taxi industry. SATACO, on behalf of the taxi industry, pledged to support government's restructuring plans.

In forging unity across the divide, the taxi industry pledges its support to the government's comprehensive partnership strategy in general, as contained in the NTTTT Final Recommendations, and in particular to formalise the industry as enshrined in the NTTTT Final Recommendations. Which in turn, has the capacity to create a conducive environment for black economic empowerment within the broader context of social transformation of our country. The taxi industry hereby pledges an unwavering commitment to the fundamental principles of unity, peace, safety and democratic practice (Interim Memorandum of Understanding with the SA Taxi Council, 1999:3).

The key element of the Recapitalisation programme is the introduction of new 18 and 35 seater vehicles. The implementation process of the programme started with a request for

proposals for the manufacturing of the new vehicles. International as well as local manufacturers were allowed to bid by means of the international competitive tendering process. Karin Pearce, the project manager of the Recapitalisation programme stated that the manufacturing of these new vehicles would be beneficial to the South African people since it would create thousands of employment opportunities (Cape Times, 24 January, 2000). As was revealed in a statement by the Ministry of Transport on 31 August 2000, 'one of the key criteria for bidders to qualify to produce the new vehicles, requires that the successful bidder will have to assemble the vehicles in South Africa, with all related services being done in joint ventures with local companies'. The new vehicles would then replace the existing fleet of minibus-taxis, being introduced into the market through a phasing out process.

The introduction of the new vehicles into the market has been identified as one of the major challenges the government's implementation programme would have to contend with. A number of scenarios have thus far been examined. As outlined in the 5th draft of the Recapitalisation Strategy (2000), these scenarios included:

- a) The first come, first serve strategy, where applications for new vehicles are dealt with as they are received.
- b) The implementation of the new vehicles is done according to province. Here it is only once the one province is covered that another province can begin the phasing in of the new vehicles.
- c) The age and condition of the old vehicles are the determining criteria, irrespective of where the operator is located.

- d) A pilot area is identified and the various components of the programme, including the administrative processes, are put into operation.
- e) Pilot areas are identified in each province and a limited number of vehicles are then piloted in line with the anticipated volumes.

To qualify for these new vehicles, operators would have to surrender their old minibuses, produce a valid drivers licence along with the required registration certificates and show proof of membership of a recognised taxi association that is registered with the Provincial Registrar. They would then be in line to receive a 'scrapping allowance' which is a discount of up to 35% for the new vehicle. Should an operator require financial assistance from a qualified financial institution, any bad credit records would not be taken into account.

The Recapitalisation programme seeks to address not only the issue of regulation and control as was identified by the NTTT, but also the subsidy issue. The government has agreed to assist the taxi industry through not only the establishment of co-operatives, as was recommended by the NTTT, but also through facilitating the Recapitalisation programme:

...the economic assistance strategy is aimed at providing significant incentives and disincentives towards the objectives of unifying the industry, stabilising its operations and significantly contributing to the objective of black economic empowerment..(5th Draft of Recapitalisation Strategy, 2000:3).

Effective enforcement of the permit system and the deployment of resources to enable such enforcement, has been identified as a crucial component of the Recapitalisation programme. The objective of the enforcement focus in the strategy has been with a view to achieve the following:

- to create additional enforcement capacity by engaging traffic officers who would also act as transport inspectors;
- to enforce adherence to speed limits for taxis;
- to ensure that all taxis operate in terms of proper authorisations;
- to ensure that all taxis are registered with the Provincial Registrars;
- to enforce roadworthiness of taxis operating on the road;
- to effectively police driver's licences for taxi drivers;
- to effectively police overloading of vehicles;
- to effectively police driving while under the influence of alcohol (5th Draft of Recapitalisation Strategy, 2000).

A number of law enforcement agencies have been identified as key role-players in the campaign to achieve effective and efficient law enforcement with regard to the taxi industry. These agencies are:

- The South African National Roads Agency
- The Provincial Transport and Traffic authorities
- Local Authorities
- The South African Police Services
- The Department of Justice
- The Directorate of Public Prosecutions
- Non-governmental Organisations and the Private sector (5th Draft of Recapitalisation Strategy, 2000).

A number of critical building blocks have been regarded as essential to support the Recapitalisation programme and to ensure its success. These are:

- the establishment of the National Transport Register;
- the development of enforcement capacity;
- the completion of the legalisation process;
- the establishment of the taxi co-operatives; and
- the completion of the industry democratisation process by electing Provincial Taxi Councils, culminating in the election of a permanent SATACO structure (5th Draft of Recapitalisation Strategy, 2000).

The Recapitalisation programme is the democratic government's attempt to formalise and stabilise the minibus-taxi industry through completely altering every area of operation within the industry. The programme has not however, been welcomed by everybody and almost immediately following its introduction there has been fierce opposition to the programme.

4.6 Opposition to the Recapitalisation Programme

Since the very beginning of the Recapitalisation programme, there have been conflicting reports about the programme and the taxi industry's reaction to it. Optimism about the programme and its impact and positive effects, along with the programme being supported by all stake-holders, are countered by reports of blockades, marches, intimidation and violence by members of the industry in opposition to the programme.

The democratic government, choosing not to heed the advice of the Goldstone Commission of Inquiry that no one association be identified as a representative of the

entire taxi industry, conducted negotiations regarding the Recapitalisation programme and its implementation solely with SATACO who was viewed as speaking on behalf of the entire taxi industry. In June 1999, a month after SATACO received official recognition, a 'splinter group of disgruntled taxi associations' banded together and formed an association known as the National Taxi Alliance (NTA) (Dugard in Steinberg, 2001). In August the NTA claimed that proper consultation with all stake-holders had not occurred and called on the Minister of Transport to halt the Recapitalisation programme. The Alliance argued that SATACO, had not been 'consulted by any taxi association or individual operator about its initiatives' and contended that the taxi industry had been 'hijacked by individuals, who purported to be speaking on behalf of the industry, for their own enrichment' (Business Day, 16 August, 1999). The Alliance at this point claimed to have the support of the majority of taxi operators in the country.

During this period the bus industry also came out strongly against the Recapitalisation programme, arguing that it 'discriminated against bus operators'. Chairman of the Western Cape Southern African Bus Operators' Association, George Maluka in August 1999 claimed that the negotiations had occurred without consultation with bus operators whom he believed would be 'significantly affected parties' (Sapa, 5 August, 1999).

In early January 2000, while a senior official from the Department of Transport announced that the new fleet of vehicles would be on the roads by October 2000 (Sapa, 6 January, 2000), newspaper reports revealed that many members within the taxi industry were not familiar with the changes. This was despite many government claims that all concerned parties had been properly informed about the impending changes and its impact on the industry. The National Taxi Drivers Organisation (NATDO), on 11 January, 2000, threatened to launch a protest action against the implementation of the

Recapitalisation programme, accusing government of 'unilateral decision-making' and of overlooking the fact that the programme would mean fewer drivers in one of the country's employment-creating sectors' (The Star, 2000). On 19 January, 2000, following a motorcade protest from Johannesburg to Kyalami, NATDO handed over a memorandum of grievances to a Department of Trade and Industry official condemning government's decision to continue an exhibition where examples of the proposed vehicles were to be staged at the Kyalami Exhibition Centre on 27 and 28 January 2000 (Cape Argus, 20 January, 2000). The Organisation claimed that the government and SATACO had gone ahead with plans without involving major stake-holders. NATDO threatened a nation-wide go-slow along with strikes if their concerns were not addressed. The very next day, on 20 January 2000, the Government Communication and Information System (GCIS) issued a statement announcing that all stake-holders in the taxi industry would have an opportunity to 'voice' their opinions on the final products set to replace the existing fleet. Suppliers, government departments and SATACO would be on hand at the exhibition to 'enlighten industry participants on all aspects of the transformation process to the use of the new vehicles' which would be compulsory for all operators after four years. The statement further said that government believed that the programme adequately addressed 'all identified problems and provides solutions' that would be beneficial to all participants in the taxi industry, from owners and operators to commuters. Disputing claims that government was attempting to usurp the authority in the taxi industry, a statement released on 24 January 2000 said that government's role was merely to 'facilitate the change-over to a more efficient, cost effective and safe system'. Furthermore, despite more claims that many in the industry had not been properly informed about the programme, the project manager still contended that the

introduction of the new vehicles followed ‘...exhaustive consultation between the government and the taxi industry’ (Cape Times, 25 January, 2000).

On 27 January 2000, the Cape Argus reported that government’s plan was ‘facing fierce resistance’ from NATDO. Themba Mgabhi, chairman of NATDO claimed that the Recapitalisation programme was just a ‘political strategy’ aimed at destroying the taxi industry, ‘instead of subsidising and formalising it’. Mgabhi threatened to disrupt the Exhibition at Kyalami if their concerns were not met. These concerns included claims that the programme would split the industry since many operators would not be able to afford the new vehicles; job losses not only within the taxi industry, but also at Toyota, one of the chief manufacturers of the conventional minibuses; and longer waiting periods for commuters due to longer fill-up times. On 28 January 2000, the Minister of Transport stated that government would ignore the ultimatum by NATDO, but would consider the ‘genuine concerns of workers’ (Sapa, 28 January, 2000). On that same day, police and soldiers were deployed in Johannesburg as ‘slow-moving taxis held up traffic for most of the day along the M1 North and besieged the exhibition of the new vehicles’ at Kyalami (Cape Times, 28 January, 2000). On February 2, two days after government had declared the Kyalami exhibition a success, approximately 700 owners and drivers marched to the Department of Transport offices in Johannesburg to once again voice their opposition to the Recapitalisation programme. This occurred after owners had decided to join the protests along with the drivers (Sapa, 2 February, 2000).

In mid February opposition parties openly criticised the government’s plan to restructure the taxi industry through the Recapitalisation programme (Daily News, 17 February, 2000). The leader of the African Christian Democratic party, Reverend Kenneth Meshoe was quoted as saying:

Giving them bigger buses will make them more dangerous, not only to their passengers but to all road users. If the Government says drivers of the 18- and 35- seater buses will be properly trained, why do they not give the same training to the drivers of the present 15- seater taxis? (Daily News, 17 February, 2000).

Furthermore, it was reported that Mr. Stuart Farrow from the Democratic Party, argued that not only did SATACO not represent the entire taxi industry, but that it would be a complete waste to provide billions to an industry when enforcing existing road rules was still a problem. Mr. Thomas Abrahams from the United Democratic Movement, was reported to agree in principle with the programme, but said also that it lacked legitimacy because of its failure to consult with all stake-holders (Daily News, 17 February, 2000).

On 17 February 2000, five taxi drivers were arrested for assault and attempted hijacking, following a protest in Johannesburg against the Recapitalisation programme (The Star, 17 February, 2000). Protesters halted traffic, smashed in windscreens and pulled passengers from taxis that were not part of the protest action. Mgabhi threatened to disrupt meetings which were to take place when a FIFA delegation 'assessing South Africa's bid to host the 2006 soccer World Cup' arrived in the country. Stranded commuters, unable to reach their places of employment blamed government for the situation. Mass action was further threatened if the president did not meet with the group within 7 days (The Star, 17 February, 2000). On 8 March 2000, Deputy President Jacob Zuma met with NTA representatives who assured him that they supported the government initiatives to regulate the industry and that they would not disrupt the FIFA delegation visit (Statement by the Office of the Deputy President, 8 March, 2000). They further asked that apologies be conveyed to the President for the demonstrations and

negative activities of some of the drivers, 'which they formally distanced themselves from'.

In April 2000 the Recapitalisation programme suffered a setback when SATACO withdrew from talks with the government (Dugard, 2001). The council claimed that government had excluded them from decisions on choosing the manufacturers of the new vehicles. SATACO further threatened mass action if government went ahead with the plans to implement the programme. A spokesman for the Department of Transport said that government was confident that SATACO would return to the negotiation table since it was 'in their interest that they come back because the taxi industry needs the programme' (Business day, 5 April, 2000). On April 14, 2000, it was reported that SATACO had agreed to suspend the mass action they had threatened (Sapa, 14 April, 2000).

On 17 August 2000, the NTA and SATACO agreed to merge to form one new national body to engage government on the Recapitalisation programme (Business Day, 17 August, 2000) and in October the two organisations marched to the Union Buildings in Pretoria asking government to consult the taxi industry before implementing the programme. They threatened to 'stop operating' and 'block roads' if government did not respond to their demands. By January 2001 the merging of the two bodies had still not been put in place since, as they claimed, they were still 'finalising their constitution and looking for a sponsor to hold a unity conference' (Business Day, 3 January, 2001).

The Department of Transport, despite all the protests and opposition to the Recapitalisation programme, maintained its position at the start of 2001, saying that it would go ahead with the plans to restructure the taxi industry. While members of the

industry claimed to be 'misinformed and misled on implementation of the project without clear understanding of the financial risks and obligations', government argued that it was 'acting fully within the framework of the national taxi task team and the memorandum of understanding between the minister, transport MEC's and SATACO' (Business Day, January 3, 2001).

A key argument used by many opposed to the Recapitalisation programme has been that the industry has not been properly consulted with regard to the details of the programme, its implementation, and its impact on the industry and its members. This argument is no doubt a valid one as it has become clear that SATACO does not represent all the members of the industry and therefore, since government consulted only with SATACO, there may be members within the industry who were not consulted and thus not included in the process. However, there also appears to be an ulterior motive behind the fierce opposition to the Recapitalisation programme and its implementation.

There are people who benefit significantly financially from the industry being in its present unstable state. As was seen in the previous chapter, 'mother bodies' are able to extract vast amounts of money from the industry and it would therefore be in their best interest for the industry to remain unchanged. Restructuring the taxi industry would result in these mother bodies losing their positions of power and dominance, as the industry would then be subject to regulation and control by the state. As Dugard (2001:22) argues, mother bodies '...regard restructuring as a threat to their violence-oriented business interests.' In addition, it has been reported that parties outside the taxi industry who have vested interests are manipulating events within the industry with the purposes of ultimately prohibiting the government from successfully implementing the Recapitalisation programme. In February 2000 the Mail and Guardian reported that an

internal government document linked Toyota to dissidents within the taxi industry who were threatening to disrupt government's restructuring plans. Toyota, commanding a massive 92% of the taxi market, stands to be one of the biggest losers if government restructuring continues.¹⁵ Allegations in the report were to the effect that Toyota had been operating behind the scenes, sponsoring members of the National Taxi Alliance (NTA) to campaign against SATACO. The Department of Trade and Industry Task Team was said to have collected evidence suggesting that Toyota had provided cars and taxis for opponents of SATACO and that they had funded 'flights and expenses to drum up support at anti-SATACO rallies' (Mail and Guardian, February 4-10, 2000).

4.7 Concluding remarks

The taxi industry, despite the lack of government assistance, and the general instability, has contributed greatly to the economy of the country. In 1999 it was reported that the industry contributed an estimated R12-billion towards the economy each year (Weekly Mail and Guardian, 30 April, 1999). It is the second largest fuel consumer after government, transporting 65% of the South African work-force. The instability in the taxi industry has resulted in government having to spend millions on attempts to stabilise the industry. From 1996 to 1998 Cabinet approved nearly R40-million for each year, for the purposes of implementing the 1995 recommendations of the NTTTT (Race Relations Survey, 1997/1998). The latest initiative, government's Recapitalisation programme, is estimated to be costing close to R3-billion (Race Relations Survey, 2000/2001). While the programme seeks to bring the industry more fully into the economy and to open up

¹⁵ In 1995 it was estimated that the taxi industry provided manufacturers of taxis (Toyota, Volkswagen, Sigma, Nissan) with a turnover of R50-million per year (Rangongo, 1995).

more opportunities for active participation, the opposition to the programme by many within the industry is likely to bedevil governmental implementation strategies. This could result in valuable resources being wasted on an industry plagued with instability.

The findings and recommendations of the NTTT and the subsequent introduction of the Recapitalisation programme is evidence of how the democratic government has succeeded in not only clearly identifying the core issues within the industry which causes instability, but also identifying the solutions and what is needed to bring about transformation. However, from what has been revealed thus far, the implementation of the Recapitalisation programme without a doubt promises to be a difficult task as co-operation within the industry and between the industry and government, which is essential for successful implementation, appears to be severely limited. Opposition to the programme and government's response to that opposition which often tends to be dismissive, has already hampered the process considerably, causing major setbacks to the implementation process and giving the impression that the vision of the Recapitalisation programme will never come to fruition. The obstacles to successful implementation and a stable minibus taxi industry are clearly tremendous. The next chapter deals with the methodology utilised in this research. This is followed by Chapter 6, which is a presentation of the findings of an empirical investigation into the views and perceptions of 72 respondents with regard to issues surrounding conflict, violence and regulation in the minibus-taxi industry.

CHAPTER 5

RESEARCH METHODOLOGY

5.1 Introduction

The research undertaken for this dissertation involved both an intensive review of relevant literature and in-depth interviews with members in the minibus-taxi industry, the SAPS, the Traffic Department and UMAC. To gain a clear picture and understanding of the issues investigated, the need for a flexible and semi-structured interview schedule was recognised early on in the research process. The early phases of the research revealed the wisdom of avoiding the rigid stances of both qualitative and quantitative methodological approaches, in favour of an approach best suited to achieve the goals and objectives of this research study. Therefore, both qualitative and quantitative techniques were utilised in this research, with the former however featuring more prominently than the latter, which was used to a lesser extent in the interview schedule and the data analysis. Here now follows a discussion on the methodology utilised in this research.

5.2 The literature review

A review of the relevant literature, ‘...involves producing a thematic picture of the state of knowledge on the research topic and on the method proposed, exploring the major questions which have been investigated and considering how the literature can inform the planning of the proposed research’ (Francis in Jupp, Davies and Francis, 2000: 37). Thus,

the literature review before and during the research was not only helpful in determining the research design, which ‘...involves making decisions about the research strategy and data collection methods, sampling, the time dimension and data processing and analysis’ (Francis in Jupp, Davies and Francis, 2000:39), but also in shedding light on how the data that emerged from the interviews compared to or differed from what has already been determined in previous studies.

The literature review involved a perusal of all accessible documented material, both published and unpublished, including journal articles and books, government press statements, policy documents, and reports, particularly investigative reports commissioned by the Department of Transport as well as reports by Commissions of Inquiry who had the task of investigating various aspects of the transport industry in South Africa. The sources ranged from material focusing on sociological and political analyses, to those focusing primarily on criminological and economic analyses.

5.3 Quantitative and Qualitative Research

Quantitative research is typically taken to be exemplified by the social survey and by experimental investigations. Qualitative research tends to be associated with participant observation and unstructured, in-depth interviewing (Bryman,1988:1).

The debate about the differences between quantitative and qualitative research has been a long-standing one. Bryman (1988:5) expounds on how the two approaches to research are regarded by some writers as being ‘...competing views about the ways in which social reality ought to be studied...’, and regarded by others as ‘...denotations of different

ways of conducting social investigations and which may be conceived of as being appropriate to different kinds of research question and even as capable of being integrated.' In the former argument quantitative and qualitative research are seen as representing different epistemological positions, that is, what is able to pass as '...warrantable, and hence acceptable, knowledge' about the social world, whereas in the latter argument, the two approaches are essentially just based on technical issues, in that it is concerned simply with the 'different approaches to data collection'. (Bryman, 1988:5).

The alternative standpoint to the belief that quantitative and qualitative research represents different epistemological positions, is to argue that both quantitative and qualitative research are each, in their own ways appropriate for different research problems, the implication here being that the research issue itself should determine which approach is used (Bryman, 1988). This decision is therefore based on 'technical issues' with regard to '...the suitability of a particular method in relation to a particular research problem' (Bryman, 1988:106). The difference between quantitative and qualitative research then is essentially just differences in research strategy and data collection procedures.

The methods employed in this study are consistent with the arguments made in the second standpoint. The nature of the research issue itself determined which of the two approaches would be utilised or whether it would be more beneficial to the research study for the two approaches to be combined. Regarding the two approaches as hailing from two divergent epistemological standpoints, makes combining them somewhat problematic, as Bryman (1988:107) argues:

If quantitative and qualitative research are taken to represent divergent epistemological packages (or paradigms), they are likely to exhibit incompatible views about the way in which social reality ought to be studied, and hence what should be regarded as proper knowledge thereof.

However, Bryman (in Brannen, 1992), further makes a distinction between the integration of quantitative and qualitative **research** and quantitative and qualitative **data**. He argues that the integration of quantitative and qualitative research involves the use of separate methods of data collection that are characteristic of each of the two approaches. For example, using unstructured interviews which is characteristic of qualitative research, and then also a structured questionnaire, which is characteristic of quantitative research. For Bryman though, the notion of using **one primary method** of data collection that conforms with quantitative research, and yet incorporating elements that are characteristic of qualitative research, for example, using a structured interview with pre-coded categories and including some open-ended questions, would be regarded as integration of quantitative and qualitative **data**, but would not have the same meaning as when one refers to the integration of quantitative and qualitative **research**. The argument here is that the quantitative or qualitative data collected in such instances ‘...have not been derived from different methods of data collection but from the same research instrument’ (Bryman in Brannen, 1992:70). The instrument however is characteristic of only one of the methods as is the case in the example with the structured interview which included some open-ended questions. For Bryman the addition of the open-ended questions ‘...does not make for the collection of qualitative data of the kind that the advocates and practitioners of qualitative research seek’ (Bryman in Brannen, 1992:72),

but can be beneficial in the interpretation and understanding of the ‘broad survey findings’ (cited in Bryman in Brannen, 1992:73).

This same argument is applied in cases where, as Bryman states, ‘quantitative and qualitative data co-exist, but where the former derive from the quantification of the latter’, and where terms like “many”, “most”, “often” and “hardly ever” are used to describe the findings (Bryman in Brannen, 1992:70). This argument according to Bryman goes as follows:

...the use of quantification of such data is not meant to provide the means for examining the kinds of issues that are normally of concern among quantitative researchers, such as precise calculations of relationships between variables, teasing out causal paths, providing estimates of central tendency and dispersion, inferring from sample to population and so on. Instead quantification acts as a means of summarizing qualitative material as an alternative to a more indeterminate presentation of the data (1992:73).

In the sections that follow the methods employed in this research study will be examined with a discussion on: the use of a semi-structured interview schedule, a qualitative method of inquiry; the process of data collection in the field; and the analysis of that data through the use of quantification.

5.4 Semi-structured interviews: A qualitative method of inquiry

The fieldwork section of this research focused on investigating the perceptions, views and ideas of the people involved in and most affected by the minibus-taxi industry: taxi

drivers and owners; taxi association officials; law enforcement agencies; and members of NGO's who are often involved in conflict resolution and mediation processes in an effort to facilitate the peaceful resolution to the conflict and violence.

In this dissertation, in an effort to achieve the objectives of the research, a semi-structured interview schedule was utilised. This method is consistent with qualitative research because as Fielding and Fielding (1986:50) argue, the semi-structured interview allows the respondents to, '...develop their answers in their full complexity outside any pre-structuring format.' Therefore while questions were specified, '...the interviewer is more free to probe beyond the answers in a manner which would appear prejudiced to the aims of standardization and comparability' (May, 1997:111). Thus, as May argues, 'Qualitative information about the topic can then be recorded by the interviewer who can seek both *clarification* and *elaboration* on the answers given' (1997:111).

In this study, both qualitative and quantitative data were collected from the interviews conducted with members from the taxi industry. Many of the questions were open-ended. Patton (1980:28) argues that the 'purpose of gathering responses to open-ended questions is to enable the researcher to understand and capture the points of view of other people without predetermining those points of view through prior selection of questionnaire categories.' In addition to the open-ended questions there were also however some questions that had pre-coded categories for the answer. The pre-coded categories that were used in the interview schedule for members from the taxi industry, were as a result of the knowledge from the literature review, previous research studies and the initial interviews that were done, which indicated that these categories would accurately

represent the likely range of answers the respondents would give¹⁶. With the rest of the respondents it was difficult to determine the range of likely answers beforehand, thus all questions administered to the members from the SAPS, the Traffic Department and UMAC were open-ended.

The questions were designed to provide information on the following issues:

- Working conditions within the taxi industry,
- Conflict in the industry;
- The State's response to the instability in the industry;
- Regulation of the taxi industry and the Government's Recapitalisation Programme;
- The nature of the relationships that exists *within* the taxi industry and *between* the taxi industry and outside parties, like the bus industry and law enforcement agencies;
- The difficulties and challenges with regard to resolving the problems within the taxi industry.

The aim was to determine an in-depth view of the nature and characteristics of the instability and the complexities of the social relationships between the concerned parties.

One of the advantages of the semi-structured interview method is that there can be immediate clarification when misunderstandings occur regarding interpretation of questions and/or answers. Furthermore, as Hagan (1982:82), points out, note can also be taken of the researcher's 'impressions regarding the respondents and their environment', since in addition to recording verbal responses, the interviewer is also able to 'act as an observer.' The flexibility of the approach further allows the researcher to use 'their discretion' as to the appropriate time at which to ask the more sensitive questions',

¹⁶ See Qureshi, H. *Integrating methods in applied research in social policy: A case study in carers*, (in Brannen, 1992), for a similar approach adopted.

perhaps at a point during the interview when ‘...the subject appears most co-operative’ (Hagan, 1982:83). Considering the nature of the research, some issues were indeed sensitive and required the flexible and non-directive approach. In many instances during the course of the research the order in which the questions were asked was altered, since through probing and the amplifying of questions and answers, the respondents revealed information in different ways. The interviews were designed to ‘...yield rich insights into people’s experiences, opinions, aspirations, attitudes and feelings’ (May, 1997:109).

Interviews, while yielding rich results, and being beneficial to gaining a better understanding of the perceptions and views of respondents, are not free of disadvantages. The nature of the semi-structured interview makes it a very time-consuming exercise. Not only are the interviews themselves time-consuming, but so too is the transcribing of the tapes. In addition to this, the semi-structured interview also results in large amounts of data that make analysis a very challenging process. Another difficulty is that the detailed explanations that comes through the probing, often result in respondents deviating from the issues under investigation, to ones far outside the scope of the research. The challenge then lay in not only directing the respondent back to the original topic, but also in sorting the data in a manner that ensures that relevant information is not lost.

Another issue that presents itself is that of ‘reactivity’. Bryman (1988:112) defines it as being ‘the reaction on the part of those being investigated to the investigator and his or her instruments.’ The presence of the researcher then possibly influences the behaviour and responses of the respondents and thereby eliciting responses that the respondents might not otherwise have given. As Wilson (in Sapsford and Jupp, 1996:113) states:

The interviewer cannot hope, in this method of asking questions, to merge with the scenery and to be as unobtrusive as the naturalistic form of asking questions demands. Some explanation of the interviewer's purposes and needs is required and a degree of procedural reactivity is necessarily introduced because people, in everyday life, do not submit to an interview at length, except on well-defined occasions such as job interviews.

Furthermore, in this study the manner in which the respondents answered certain questions could also have been influenced by the presence of other parties during the interview. [See section 5.5.3 where at the request of the respondents other drivers or taxi 'guards' were present during the interviews].

Since the very intention of this research was to understand the views and perceptions of the respondents themselves, no explicit theory was adopted prior to the research since it was believed that a stringent theoretical framework would be harmful to the study. As Bryman (1988:86-87) argues: 'the elaboration and application of theory prior to, or even at a relatively early stage of, a qualitative study may prejudice the researcher's ability to see through the eyes of his or her subjects.' In this research therefore an approach similar to the one used by Corrigan (1979 in Jupp, 1989:8), was adopted, as conclusions drawn in this research emerged from the data itself, '...founded upon the perceptions of the subjects themselves rather than imposed from above in the form of some preordained and rigid hypothesis.'

5.5 Respondents

A total of 72 interviews were conducted between February 2000 and July 2001. The respondents were:

- 35 taxi drivers and 15 owner-drivers from various taxi associations in Cape Town. The drivers were operators who were stationed at various ranks in five areas namely: Mitchell's Plain; Athlone; Gatesville; Mowbray; and Cape Town. The ranks in these areas were however only one end of the routes travelled by the respondents. The other ends included areas like Khayelitsha, Bonteheuwel, Manenberg, Bridgetown, Gugulethu, Hanover Park and Wynberg.
- 10 taxi association executive committee members representing different taxi associations. These included chairmen and vice-chairmen, all of whom owned taxis and employed drivers. These associations were branches of different mother-bodies. [It should be noted here that owners who were not members of the executive committees but just members in the associations were not involved in the research since access to these owners proved difficult. Thus due to time constraints interviews with owners were not conducted].
- 5 members of the SAPS, 2 of whom had been specifically assigned to deal with taxi-related issues, while the other 3 had been involved in investigating taxi violence.
- 5 traffic officers, all of whom had been involved in cases such as traffic offences committed by members of the taxi industry, like illegal parking, illegal stopping and the illegal conveyance of passengers. They were also involved with the policing of pirate taxis and those operating without the relevant permits.
- 2 members of UMAC, a NGO which has been involved with the taxi industry since 1985. UMAC (U Managing Conflict, previously known as the Urban Monitoring and Awareness Committee), has been

involved in many conflict resolution and mediation processes with regard to taxi industry conflict and violence. Their investigating of incidents and identifying of causes of taxi conflict has been with the purpose of finding alternative and effective ways to resolve conflicts without the use of violence (UMAC Annual Report, 1997/8).

5.5.1 Sampling

The sampling method utilised was that of 'purposeful sampling'. For Patton (1987) this type of sampling is appropriate in that it allows one to '...learn a great deal more by focusing in depth on understanding the needs, interests, and incentives of a small number of carefully selected [people]...than gathering a little information from a large, statistically significant sample' (quoted in Hauck, 1997:40). Thus for the purposes of this study respondents were selected based on the fact that they were members of a group or category of people that are involved in the minibus-taxi industry: taxi owners; taxi drivers; taxi association officials; law enforcement agencies who have the task of policing the industry; and a NGO that has been involved in a conflict resolution capacity. It was believed that these people would have the information and knowledge that was relevant to this research.

Having decided from which groups the respondents would be selected, gaining access to those groups was the next step. Once this was achieved individuals within these groups who agreed to be interviewed would often identify other individuals either within their own groups or within one of the other groups, who they thought would be helpful in the research and would agree to be interviewed. For example, after the completion of an interview with a police officer, he suggested that 'friends of his' be contacted in the traffic department since they would be able to shed light on the issues from their

perspective. This process of selecting respondents, through the following up of names mentioned during or after interviews is known as snowballing (May, 1997).

Respondents were selected on the basis of their desire to participate in the research and their willingness to voice their views and opinions. Many other potential respondents were approached, but while many declined outright, others claimed to have relevant information but refused to go on record.

5.5.2 Negotiating Access

Prior to the interviews being conducted, all respondents were approached either telephonically or through a visit, and following an introductory explanation about the research, asked whether they would agree to be interviewed. The difficulty with negotiating access varied with each of the groups. Drivers, the most visible group were the easiest to access. In some instances access was gained by engaging drivers in conversation whilst being a passenger in the front seat of the minibus-taxi. On many occasions the drivers approached in this manner agreed to be part of the research. Others, who were reluctant to participate, often facilitated introductions to other drivers at the ranks. There was a general willingness to talk about the research issues, even in cases where drivers refused to go on record. Gaining access to owners who were not drivers or the executive members of the taxi associations, was difficult for two reasons:

1. Drivers were reluctant to give out any information about the owners of the vehicles they were driving. It is suspected here that drivers were fearful that their employers would discover that they had participated in the research and that they had expressed negative views, particularly with regard to the driver/owner relationship. This was also clearly

linked to drivers wanting continual reassurances that their identities would be kept confidential.

2. Other parties were also reluctant to give out information about the taxi industry and its members. The Department of Transport was contacted, but despite numerous inquiries about the Department releasing information, nothing was forthcoming. In another case a NGO member, who eventually provided telephone numbers, was reluctant to release the information since previous negative experiences had caused 'problems', though of what nature these 'problems' were, was never clarified.

The executive committee members were approached at the offices of the taxi associations. In some instances it took three visits to address the committee regarding the research and the motives behind it. Once permission was granted by the executive committee, members of the committee either volunteered to be interviewed, or were selected by the chairman. Access to members of the SAPS and the Traffic Department who have had dealings with the minibus-taxi industry in a law enforcement capacity, proved more difficult despite referrals. Potential respondents initially contacted appeared wary of being interviewed and often cancelled, in some instances at the very last minute before the interview was scheduled to take place. It was eventually possible only after members of the SAPS who were or had been involved with the taxi industry, were approached at various police stations. Gaining access to one respondent in the SAPS in this manner opened the door to not only one other officer who was willing to be interviewed, but also to two traffic officers who eventually became two of the respondents. The 10 respondents who were finally interviewed all had experience in dealing with members of the taxi industry. They were chosen because of their willingness to participate in the research and their availability at the time of the interview.

One of the main reasons respondents gave for their reluctance to voice their opinions was the manner in which they or their organisations had been portrayed in the past. The SAPS and the Traffic Officers were particularly vocal about having been misquoted, wrongly interpreted and portrayed in a negative light. While drivers were more likely to express their views once their confidentiality was guaranteed, the SAPS and Traffic Police, unlike all other respondents, carefully scrutinised the university letter confirming credentials. Mention was often made of the harm misunderstandings could do to the already fragile relationships between the parties. The concern about accuracy and misquoting contributed greatly to why many respondents, otherwise wary of the tape-recorder, agreed to be recorded. [The use of the tape-recorder will be discussed in more detail below]. With respondents from the NGO, access was relatively easy. Confidentiality was hardly mentioned and there existed a willingness to comment on the research issues. Overall the process of gaining access to the respondents was bedevilled by various obstacles. This was no doubt due to the nature of the research where the aim was to investigate sensitive matters regarding the volatility of the minibus-taxi industry.

5.5.3 Process

Interviews with all the respondents were conducted face-to-face. With drivers the interviews were conducted at the various ranks and often in the minibus-taxis or on the street. In some instances, and only at the request of the respondents, interviews were conducted in the presence of others, usually other drivers who refused to go on record, or the taxi 'guards'¹⁷. Although this was not ideal, since the flow of the interview was often

¹⁷ The guard referred to here is taken from the slang term usually used 'guardjie'. The guard essentially has the job of a conductor in that he sits in the back of the taxi and collects the fares from the passengers and determines where the passengers will be getting off.

disrupted, it appeared to visibly put the respondents at ease. The interviews conducted with the executive committee members, the SAPS, the traffic officers and the respondents from UMAC, usually took place at the respondents' place of business, usually their offices. In two instances interviews were conducted at the University of Cape Town. Interviews ranged from 30 and 45 minutes to 2 hours.

In most of the cases, respondents agreed to the use of the tape recorder for the collection of the data. This however only occurred following an explanation about the advantages of the tape recorder and the guarantee that personal details and whatever else the respondent requested would be omitted. In some instances the respondents requested that the tape recorder be switched off when they were answering questions they considered to be sensitive. When this occurred the information was either given off the record, notes were taken when information was on the record, or taken immediately after the interview if the respondent requested that notes not be taken during the interview but that the information was 'just to listen' to.

The use of the tape-recorder was a great advantage since it allowed for greater accuracy in the data collection. As May (1997:125) points out, '...tape recording guards against interviewers substituting their own words for those of the person being interviewed...' In addition to this, the tape recorder also allowed for the focus to remain on the interview and the respondents. Frantically taking down notes during the interview, and this occurred in cases where respondents refused to be recorded, seriously affected the interactive nature of the in-depth interviewing. The focus was thus more on getting down the information accurately and not missing anything in the wording, than it was on the respondent. As Patton (1980:247) argues, 'the interviewer who tries to write down every word will have a difficult time responding appropriately to interviewee needs and cues.'

However, even in cases where the tape recorder was used, notes were still taken during the interview. These notes though served a different purpose in that it was meant to ‘...help the interviewer formulate new questions as the interview moves along, particularly where it may be appropriate to check out something that was said earlier’ and to ‘...facilitate analysis, including locating important quotations from the tape itself’ (Patton, 1980:247).

5.6 Context

...whatever the sphere in which data are being collected, we can understand events only when they are situated in the wider social and historical context (Bryman, 1988:65).

In early 2000, conflict between the taxi industry and the Golden Arrow Bus Company in the Western Cape flared up once again. This was a renewal of old hostilities and conflicts that had been ongoing since the apartheid era, during which the bus industry was considered the legitimate mode of transportation, whereas the taxi industry was marginalised. Following the impounding of numerous unroadworthy and illegal taxis, CATA and CODETA, old rivals that have for years hired hit-squads to attack each other, on 27 March 2000, joined forces and demanded that Golden Arrow cut down on its services during the week and to stop services at the weekends so that taxi operators could increase their passenger loads (Business Day, 30 May 2000; Weekly Mail and Guardian, 7 July 2000). Failing to meet this demand, buses travelling through the townships quickly became the targets of violent attacks. As was described earlier in Chapter 3, bus drivers were killed, buses were destroyed and innocent passengers were injured and killed.

Since a number of informal interviews¹⁸ were conducted prior to the eruption of conflict and violence, it became clear during the interviews conducted at the height of the conflict, that the context had a tremendous impact on the findings, especially with regard to perceptions about the bus industry and the relationship between the two industries. References to the conflict were regularly made as will be seen in the presentation of the research findings in the next chapter.

5.7 Ethical considerations

An important ethical consideration was the confidentiality of the respondents. Prior to the commencement of the interviews, issues regarding confidentiality and anonymity were discussed in detail with each of the respondents. It was evident from the very beginning, but even more so during the bus/taxi conflict of 2000, that respondents were extremely concerned about their identities, the names of their associations and the locations of their ranks becoming public knowledge. Considering the history of that conflict and the widespread existence of intimidation, there was little doubt that very real threats existed. The fears and concerns of the respondents, as well as the sensitivity of the issues under investigation which concerns illegal activities in the taxi industry, had to be recognised. The need for accurate quotations and interpretations was extremely important. Given the climate within which the research was done, there existed a particular responsibility on the part of the researcher to respect the confidentiality of the respondents' views.

¹⁸ Informal interviews refer to discussions held with drivers and owner-drivers during the process of negotiating access and before the interview schedule was finalised.

5.8 Data Analysis

Data analysis is the process whereby the researcher brings order to the data. It is the stage in the research where sense is made of what has emerged from the research. While analysis of the data occurred virtually throughout the research, in that after each interview the data was briefly evaluated and checked against the themes of the study, the final analysis occurred after the completion of the fieldwork, when sense could be made of all the information that had been gathered during the research, including the information that emerged from the literature review.

Following the collection of data, transcription of interviews took place. All recorded interviews were fully transcribed. Transcripts of each of the interviews were then placed into one of three groups: *the taxi industry*; *law enforcement*; or *NGO's*, depending on which group the respondents belonged to. Within each of these groups there were also categories and thus transcripts were then placed into one of the categories within each of the groups. In the taxi industry group, the categories were: *taxi drivers*; *owner-drivers*; and *taxi association executive committee members*. In the law enforcement group the categories were: *the SAPS* and *the Traffic Department*. In the NGO group, because the respondents interviewed were both from the same NGO, there was only category in this group namely *UMAC*. Taking into consideration the confidentiality of all the respondents, each category was assigned a letter and each respondent in the category was assigned a number, which, for convenience was assigned in the order in which the interviews were conducted. Thus, for the category taxi drivers, the letter A was assigned and each of the 35 taxi drivers interviewed were assigned a number from 1 to 35. Similarly, the categories owner-drivers, taxi association executive committee members, SAPS, Traffic Department, and UMAC were assigned letters B, C, D, E, and F

respectively and the respondents in each of these categories were assigned the numbers 1 to 15, 1 to 10, 1 to 5, 1 to 5, and 1 to 2 respectively. Therefore **Respondent A5** would immediately be identified as a taxi driver, whereas **Respondent E4** would be identified as a traffic officer. Table 2 shows the codes the respondents were assigned.

Table 2: CODES ASSIGNED TO THE RESPONDENTS

<u>GROUP</u>	<u>CATEGORY</u>	<u>LETTERS ASSIGNED</u>	<u>NUMBERS ASSIGNED TO THE RESPONDENTS</u>
taxi industry	taxi drivers	A	1 to 35
	owner-drivers	B	1 to 15
	association executive committee members	C	1 to 10
law enforcement	SAPS	D	1 to 5
	Traffic Department	E	1 to 5
NGO's	UMAC	F	1 to 2

Once this process was complete, the individual interviews were carefully scrutinised and themes that emerged within each one were highlighted and compared to the rest of the interviews in that group. Similarities, patterns, relationship trends that became visible were further highlighted. Upon completion of this, the process of quantification was adopted. As was discussed earlier and as will be seen in the presentation of the findings in the next chapter, the manner in which quantification occurred in this study is not in

any way related to the manner in which it would apply in purely quantitative research. 'Quasi-quantification' terms like 'many', 'most', 'often' and so forth were used in this research as a means of summarising what the data yielded and presenting an overall picture. Furthermore, direct quotations from the transcripts will be presented in the findings with the intention of showing what was typical of a particular response or what best explains and represents what the general view was concerning a particular issue.

The entire analysis process was geared towards shedding light on the issues explored in this research, and through this process, to develop a better understanding of the complexities of issues that concern the minibus-taxi industry. Thus the key areas focused on during the analysis were: conflict and violence in the taxi industry; regulation of the industry and the Recapitalisation programme; and relationships between the various parties.

CHAPTER 6

PRESENTATION OF RESEARCH FINDINGS

6.1 Introduction

This chapter offers a presentation of the main research findings which emerged from three distinct groups: members of the minibus-taxi industry; law enforcement officials and members of UMAC, a NGO actively involved in dispute resolution and peacemaking activities. On the whole, the findings capture the extent to which the taxi industry in 2000 remained bedevilled by systemic ailments which have been long in the making. This continuity in volatility suggests that post-1994 governmental strategies are still to bear fruit.

6.2 Respondents from the minibus-taxi industry: drivers, owners and taxi association executive committee members

The respondents from the taxi industry were all men in their mid to late thirties and early forties who come from the historically disadvantaged communities of South Africa, namely the African and Coloured communities. Many of the drivers and owner-drivers have been in the industry for longer than 10 years, while the majority of the committee members have been in the industry for longer than 15 years. Drivers, owner-drivers and committee members all stated that the main reason for entering the taxi industry was because of the limited employment opportunities open to them. Lacking education, skills

and training, the taxi industry afforded them an opportunity to *'make a living'*. Part of the initial appeal was the seeming ability of drivers to control their income. However, many of the respondents stated that what had appeared to be a lucrative business opportunity, in fact turned out to be a continuous struggle to *'make ends meet'*. For these drivers and owner-drivers making money in the taxi industry was not an easy task. Committee members on the other hand felt that while the industry was not as lucrative as it should be, it was an industry where money could be made. Many of the executive committee members had started out as drivers and after some years in the industry had, through obtaining financial assistance or saving their own money, purchased their own vehicles and employed drivers.

A notable observation about respondents within the taxi industry was that although they came from different taxi associations, associations often in conflict with one another, members often had the same experiences and confronted very similar difficulties. Furthermore they were not only in the same positions, but they very often had similar views and opinions about the same topics. A further observation was that there existed a hierarchy in the taxi industry, with a critical distinction between drivers, owner-drivers and taxi association executive committee members. With regard to power, influence and economic standing, drivers were at the bottom of this hierarchy while the executive committee members appeared to be near the top. Mother bodies and in particular the executive committees of the mother bodies as has been shown by Dugard (2001), are said to be at the very top of this hierarchy.

6.2.1 Working conditions in the taxi industry

One of the key issues that emerged from the literature was the working conditions which have existed within the industry since its inception. In this research, enquiries into the working conditions within the industry were aimed at gaining a better understanding of the operations of the taxi industry and what conditions the drivers face on a daily basis. This was to better grasp the stresses that are faced within the workplace and how respondents viewed their daily working environment. It was also to determine whether anything has changed significantly within the work environment in democratic South Africa, since restructuring the taxi industry has been in effect in one form or another since the days of the Goldstone Commission of Inquiry.

Perceptions of working conditions within the taxi industry were greatly influenced by the position each of the groups found themselves in. Drivers and owner-drivers involved in the daily operation of the taxi industry, often found conditions to be '*unbearable*' and '*difficult*.' They emphasised the long hours they have to work, often from as early as five in the morning, to as late as nine in the evening. The weekly wage paid to drivers is often determined by means of a quota system. Quotas are usually amounts set by the owners, and according to the drivers, these quotas are in most instances unreasonably high. This was seen by many as an attempt by the owners to ensure that little or no time is left for the drivers to make money for themselves after the target amount has been reached. Thus, one of the difficulties drivers face in their working environment is the struggle to reach their quotas in an overtraded market. While there was great reluctance to discuss finances and incomes, respondents, by way of explaining their situations, estimated that in cases where an average amount of between R1600 and R2000 per week is brought in, drivers would receive an amount of R200 to R250, and in some rare

instances R300. A few respondents claimed to have received as little as R150, with this often occurring if drivers failed to reach the quota. There were also a few cases where the drivers were required to bring in a set amount at the end of each day and in such instances the drivers would then receive a set wage on either a weekly or monthly basis. All the drivers agreed that the amounts that they were being paid were not sufficient to meet their living expenses and many saw this failure by the owners to pay them '*decent wages*' as a deliberate tactic by their employers to keep them in their present positions where they are barely able to '*make ends meet*'. They saw what they regarded as their '*exploitation*', as a means for the taxi owners to become '*rich*', while they are the '*cheap labour*' who make it possible.

Owner-drivers appeared to have a slight advantage in that they owned their own taxis and were therefore essentially working for themselves. Pressures to reach a certain amount by the end of the day were thus significantly less than in the case of drivers. In cases where the owner-drivers owned more than one vehicle and employed drivers, the advantage was even greater.

To help shed light on the operations in the taxi industry the case study in figure 1 gives an illustration of an average day in the life of a taxi driver.

Figure 1: A case study

A day in the life of a taxi driver:
The story of Mr. Adams¹⁹

It is 5am and the alarm signals the start of the new working day. Mr. Adams is familiar with the routine, he has followed it everyday for the past nine years. *'I am so used to getting up early. It has become just like my life. I must get up and go to work because it means a pay check at the end of the week. I don't mind getting up so early'*, he says. By 5:30am he is well on his way to his employer's home to fetch the taxi that overnight was parked in his employers garage. There have been occasions when Mr. Adams has had the taxi overnight at his own home, and though this is convenient for him, since he is able to go directly to the rank from his home without stopping at his employers home, his employer seldom allows this to happen. Mr. Adams feels that his employer does not trust him to take care of the vehicle while it is on his property.

By 5:45 Mr. Adams and his 'guard', whom he picked up along the way, reaches the rank. Many other taxis from his association and from other associations are already there. There are also long queues of passengers already waiting to be transported to their workplaces. Many of the other drivers are loading, and Mr. Adams falls in the back of the long line of taxis to wait his turn. *'It is always like this so early in the morning...The people line up around the block and it is easy to make the taxi full'*. By 6:00am Mr. Adams has loaded his taxi and is on his way making the first trip for the day. He is familiar with many of his passengers since they are regulars. *'I know most of my passengers that travel with me in the morning. Some of them travel with me again in the night. They trust me...I am like their friend. We laugh and make jokes'*. His guard collects the fares and lets Mr. Adams know where the first passengers will be getting off. Putting a cassette into the tape, Mr. Adams goes about the business of negotiating heavy peak hour traffic.

The bumper to bumper traffic is a regular sight during peak hours. It is during this time that Mr. Adams and the rest of the taxi drivers have to be careful since, being known for their hazardous driving, there are a number of traffic officers on the road waiting to pull over a taxi that appears to be disobeying the rules of the road. Mr. Adams is of the opinion that the traffic officers enjoy wielding their power and that they pull over any taxi even if that driver did not do anything that warranted him being pulled over. *'They just love it, I think. Some of these guys they do it just for kicks. I mean they can sometimes see that the drivers don't do anything and still they pull them over. They see the van is full and then they want to pull the taxi over and talk for half an hour...Now if there is a real problem, if the driver was going to make a accident, if the brakes are bad or something like that or if the driver is drunk, and is making things dangerous for other drivers then okay, I say then you can pull him over, but if it's nothing then leave the guys alone...but then again you must also understand that some drivers drive bad but it is not*

¹⁹ Keeping in mind that the confidentiality of all the respondents is to be protected in this research, the Mr. Adams referred to here is a fictional character created to illustrate a day in the life of a taxi driver. However, the events described are accounts of how many drivers spend an average day in the taxi industry. The quotes are taken directly from the respondents.

really bad because they know how to drive the taxi. They have been doing it for years They are just good at the job'.

As Mr. Adams drops passengers along the way, his guard shouts through the open window signalling to potential passengers. The taxi stops often as people get off and others get on. Mr. Adams is well aware that some of the stops he makes are in violation of traffic rules, but he justifies it by saying that what he does is convenient not only for him, as he is able to get a lot more passengers that way, but also for the passengers as they appreciate that he drops them as close to their destinations as possible, especially if there are no taxi ranks or bus stops in the area. *'Look, I can't just stop at the rank. Some people they stand along the road and they stick out their hands. The buses are not going to stop there. I must stop there. The people know we will stop. And they want us to stop because otherwise they have to walk long ways. I am doing them a favour and they appreciate it. It makes things better for them and better for me because it is easier for both of us. If we don't get caught by the traffic cops, ...and there is so little of them on the road that we can get away with it a lot,...and if nobody gets hurt then I don't see what the problem is. I can't just sit back and let all the other taxis do it and I don't do it because I want to be good and get in the good books with the cops. Are the cops there to see me be good? No! How are they going to reward me for my good behaviour? If they can catch me when I am doing something bad, then they can catch me and I must face it, but if I can get away with it and make money and make the passengers happy, then I must do what I have to do. There are not enough places for us to stop and for the people to get on, and sometimes people can't get to the ranks.'*

When the peak hours are over and the passengers are scarce Mr. Adams prefers to wait at the rank instead of 'cruising'. *'It is okay to cruise sometimes, when things are really going slow, but that also takes up your petrol you see and then sometimes you can ride for a long time and not get any passengers.'*

The last trip is completed at 8:45pm. Mr. Adams delivers the taxi at his employer's house where he has to hand over R250 from the day's income. Whatever additional amount he was able to make goes directly into his pocket and in the pocket of his 'guard'. However, it is not always easy to reach the target amount. For Mr. Adams the overcrowded market is one of the main reasons for this difficulty he experiences. *'There are just too many taxis and too many associations and everybody want the same thing. We are all in the same boat and it is not easy to make money to take in at the end of the day. But you try you know. That is why there is so much fighting, because we are struggling to just get the targets, and on some routes it is easier...but if another guy from another association comes and tries to get the passengers here on the route that I operate on, then something must be done because the people can choose what taxi they want to get, but if they choose him it is wrong because he is not even supposed to be there in the first place... and if he isn't there then they will choose me or maybe another driver that is supposed to be there. I don't actually mind competing with another guy that must be on the route because he is supposed to be there...that is a fair game...but if the guy that is not supposed to be there steals our passengers, then me and that other guy...we get together and we stand with each other to see to it that the other guy goes away...If that means that we must fight, then it must be so...but on most days it is just difficult to make money even with the guys that are supposed to be there. If others come it just makes things worse...'*

The executive committee members, although acknowledging that difficulties existed in the working environment, claimed that the driver determined his own working conditions. These committee members, many having been drivers themselves argued that because drivers were accustomed to the daily operations of the taxi industry and were aware of what it took to survive in the industry, they were equipped to deal with the daily pressures that existed. As one respondent explained:

“Look, we know it is difficult out there, but the drivers are used to it by now. They know what circumstances exist and they know how to handle it. They must decide when they start in the morning, how is my day going to be? Am I going to fight with my enemy or am I going to be smart and do my job better than my enemy.”²⁰

The committee members all owned more than two taxis and employed drivers. Money collected by the drivers came directly to these owners, and it was then up to the owner to decide how much the driver would be paid. While drivers felt strongly that their employers' refusal to pay them adequate wages was based on greed, committee members claimed to pay their drivers 'according to the work he does' and 'the money he brings in'. Many also argued that maintenance of vehicles drained their profits. One respondent captured the views held by many of the committee members:

“For drivers it is like a temporary job. We provide that job. They must appreciate it and the money that we give them. Where are they going to find another job out there? There are too many people without jobs. One driver gives up his job and another one steps in. My taxi, I own it, he works for

²⁰ Respondent C4, June 2001. The 'enemy' referred to here was the drivers from other associations who compete for the same route.

me and I pay the wages, make repairs and buy parts for the taxi. And I must also still make a profit. That's how it is."²¹

When asked about leaving the taxi industry for better working conditions, financial packages and benefits, the majority of the drivers and owner-drivers said that they would without a backward glance leave the industry. Many had dreams of financial freedom, yet while expressing the desire to improve overall living conditions, they soon seemed resigned to the fact that they would remain fixed in their current positions. In sharp contrast, the committee members all felt that they had too much invested in the taxi industry to just pack up and leave. The financial loss it would cost them was often mentioned as their reason for wanting to remain in the industry, along with '*being your own boss*' and '*calling your own shots*', instead of having to work for and answer to someone else. One respondent described it as his '*life's blood*', while another felt that the industry had given him the best opportunity to make a living with the little education he had.

Khosa in 1994 described conditions within the taxi industry saying:

Employed taxi drivers are often forced to work extremely long hours for a pittance. Research indicates that taxi drivers often work between 16 and 18 hours a day. Daily takings vary from R100 to R200 for short distances and between R500 and R1 000 for long distances. Out of an average of R800 generated per week, a short-distance taxi driver would be paid about a R100 per week (Khosa, 1994:63).

²¹ Respondent C7, June 2001.

From what has been revealed in this research, very little has changed in the plight of the taxi drivers. While democracy brought with it new legislation with regard to labour relations in the workplace, such as the Labour Relations Act 66 of 1995 and the basic Conditions of Employment Act 75 of 1997, it appears here that these laws have not as yet been put into effect in the taxi industry. Working conditions for taxi drivers remain as difficult as ever and there appears to be no government mechanisms in place to monitor whether or not the taxi owners or the taxi associations have adopted the standards set by the labour laws.

6.2.2 Relationships between drivers, owners and taxi associations

One of the objectives of the research was to better understand the relationships that exist within the taxi industry. Having confirmed the existence of a hierarchy, the nature of the relationships becomes even more crucial as the balance of power emerges as a key element in the relationships. What quickly became apparent is that the relationships within the industry were severely strained and that although many of the respondents would often characterise the relationships as 'okay', their explanations would reveal a story that emphasised that the relationships were in fact far from being 'okay'. The problems experienced in the relationships between members within the industry highlighted the unequal balance of power as well as the lack of communication, lack of trust, the exploitation, fear, and intimidation that often characterises these relationships.

As was already seen, drivers viewed owners in a rather negative light. In addition to feeling excluded from the decision-making processes, drivers also felt that owners were not treating them fairly with regard to work hours, working conditions and wages. This is by no means a new issue in the owner-driver relationship. Owners have always had the

power. Contracts between owners and drivers are usually secured through an oral agreement and could be terminated at the owner's discretion as neither the owner or the association abides by protective labour legislation. In 1996 Mthembu argued that no improvement had occurred in the relationship between drivers and owners and that working conditions remained unchanged.

Owners, although characterising their relationships with their drivers in a much more positive light, felt that since they were the ones paying the wages, they were entitled to make all the decisions, without any input from the drivers. Although the owner-drivers generally described relationships with their drivers as '*okay*', and the committee members all saying that their relationships with their drivers were '*very good*', the overwhelming feeling was that taxi owners were doing their drivers a '*favour*' and that drivers should be more appreciative. The high unemployment rate in the country was often mentioned, with many of the respondents feeling that drivers should be grateful for the opportunity owners gave them to '*earn money*'. Committee members further agreed with the drivers in that they too believed that the owners had the power in the owner-driver relationship.

Deep divisions appeared to exist not only between the drivers and the owners, but also between both owners and drivers and the taxi associations they were affiliated to. Many stressed that being a member of a taxi association was essentially just a means of ensuring legitimacy within the taxi industry, since not being a member of an association makes it extremely difficult to operate on certain routes and have access to ranks, as taxi association members ensured that '*their turf*' was not violated. Drivers and owner-drivers generally had very negative perceptions of taxi associations, the consensus being that members' needs were not being met. Another point emphasised by many was that taxi

association leaders failed to properly include all members in the decision-making process. Contrary to the opinions of drivers who felt that taxi associations did not do much for its members, the committee members all felt that the relationship between the association and its members was very good and that the association committees were *'always there to assist the drivers with whatever grievances they may have'*. They saw associations as not only being a means for the drivers to be part of a legitimate group within the taxi industry, but also as providing a space where problems could be sorted out.

Considering the history of conflicts between rival taxi associations, it was not surprising that drivers and owner-drivers had negative views of other taxi associations. Respondents' relationships with members of other taxi associations who often compete for the same routes and same passengers, appeared to be plagued with problems. These *'other'* associations were often blamed for many of the problems within the taxi industry, with respondents in almost all instances arguing that rival taxi associations refused to take responsibility for their actions. It was interesting to note that although the majority of the respondents appeared dissatisfied with their own taxi associations, they did not once entertain the notion that their association could perhaps share in the blame for the state that the industry is in with regard to conflict and violence. Their competitors were always the ones responsible for the conflicts that existed over the control of routes, ranks and passengers. *'They'* were the ones overstepping the boundaries and it was in *'their'* association that the corrupt elements were to be found. Furthermore, many respondents felt that their rivals were responsible for creating the negative image of the taxi industry. *'Their'* drivers were reckless, dangerous, breaking traffic laws and disobeying the rank and loading rules. Respondents and their fellow associations members saw themselves as

'victims' of 'difficult' and 'corrupt' members from rival associations. There was an overall tendency towards scapegoating and the demonising of members from 'other' associations, as this shift of blame appeared in some form or another in statements made by all drivers and owner-drivers. Personal responsibility was seldom taken for similar behaviour, as respondents often rationalised such behaviour by describing it as being a defence against, or a reaction to others exhibiting the behaviour first. As the following respondents stated:

*"They bait us. We just do what they do, otherwise we lose out. They are getting away with it, so we can't just sit back and do nothing while they steal our share. But they started it first."*²²

*"You have to think of yourself first. If they play dirty, I must play dirty too, or I will lose the game. I will look like a complete idiot if I let them steal my passengers and I do nothing about it. So I must do what they do, or else I don't survive."*²³

*"If you let them get away with stealing your passengers or doing some other thing wrong then they will keep on doing it. You must show them that you are willing to stand up for yourself, so that they will stop. Otherwise they will walk all over you."*²⁴

Surprisingly the committee members felt that relationships between rival taxi associations were very good. Many respondents claimed that 'for the moment' everything was 'quite good', but that the possibility for conflict always existed since associations had little control over the reactions drivers had towards each other on the roads. An

²² Respondent A8, March 2000.

²³ Respondent A28, July 2000.

²⁴ Respondent B12, October 2000.

argument between two drivers who *'just don't like each other'* could, it was noted, act as a catalyst for a conflict. Through the intervention of other drivers from both associations, the conflict could rapidly escalate, with attacks quickly being followed by retaliatory attacks. When asked how associations reprimanded drivers who were involved in conflict, respondents stated that the executive committee would be contacted, a meeting would be called and the punishment the driver will receive would be decided. These punishments ranged from being asked to stay at home for a period of time (usually a week at the least), being fined (which drivers would then have to work off) or being fired.

One respondent admitted though that relationships between rival taxi associations would never be okay and that *'for the time being'*, they were only *'okay on the surface'*. As he explained:

*"Look, we will never agree on the same things. So now things look like they are okay, but it is only on the surface you understand. If you just say or do one thing wrong then the fighting starts again. For now everything is quiet but underneath you remember what happened last week, last month, last year. It is always in the back of your mind and it will come out one day."*²⁵

Another respondent further argued that differences in beliefs and ideologies were among the main reasons why relationships between rivals were so difficult. This was given as an explanation for why certain groups did not want to *'form one big group'*. Here the issue of race was brought in, however, it was not seen as the primary reason for why some associations had a predominantly Coloured membership or why others were predominantly African. The reason for this was seen to be the differences of opinion

²⁵ Respondent C8, June 2001.

regarding how an organisation should be run and who should be in charge of that organisation. As was stated:

“We will never agree on things. So it is best that we must stay apart. That is the only way there can be some peace. Otherwise when we are together, we fight, people die and that is not good.”²⁶

6.2.3 Taxi industry versus Bus industry

In chapter three the context within which this research occurred was explained, showing how the bus/taxi conflict of 2000, the period during which the majority of the interviews were conducted, had a significant effect on the research findings. The objective behind examining the relationship between the two industries is that the bus industry has on many occasions featured prominently in the conflicts that emanates from within the industry. The relationship between the taxi industry and the bus industry has always been a strained one, and of particular interest was whether or not the reasons for the strained relationships have changed in recent years. At the core of the conflicts that occurred between the two industries during the apartheid years was the fact that the bus industry received large subsidies and was considered the legitimate mode of public transportation, recognised by the government. What emerged from the research is that virtually nothing has changed regarding the relationship between the two industries even though the taxi industry, in post-apartheid South Africa, has now too been recognised as a legitimate part of the transport sector. All of the same issues that featured in the conflicts between the two industries in the past, still, as is evident from the research, features prominently in the conflicts between the two industries today.

²⁶ Respondent C6, June 2001.

Considering the context then, it was not too surprising that many respondents had strong opinions concerning the relationship between the bus and taxi industries. There was an overwhelming feeling amongst all those interviewed, that the taxi industry was still being marginalised, although the methods employed were considered to be more subtle today than they were during the apartheid years. Many felt that they had a '*bad*' relationship with the bus industry, with a large majority of the views indicating that the drivers from both sides were barely able to tolerate one another. Respondents tended to defend the taxi industry and its actions by highlighting the injustices the industry has suffered at the hands of the bus industry. With regard to the bus/taxi feuds of the past and especially the one of 2000, many respondents felt strongly that the bus industry had brought the problems on itself. They felt that the taxi industry was entitled to a larger share of the market since the bus industry was still being subsidised by government.

Furthermore, it was felt by many respondents that the situation would not have escalated to the extent that it did if the bus industry had been more open to '*ideas*' during negotiations. Members of the bus industry were thus considered to be '*unreasonable*'. Many claimed that there existed '*unfair competition*' from the bus industry, an industry which refused to give the taxi industry their deserved share of the market. Drivers saw this as one of the main reasons why they were struggling to reach their targets. The committee members also often referred to the bus/taxi conflicts, with many arguing that the taxi industry was not as lucrative as it should be as it faced '*unfair*' competition from the government subsidised buses. Overall, it was very clear that the taxi industry was still very aware of the bus industry's link to the apartheid regime.

6.2.4 Relationship with the community

The relationship that the taxi industry has with the wider community is of importance since the manner in which the community views the industry directly impacts how successful the taxi industry becomes as passengers are the lifeblood of the industry. The many conflicts within the industry coupled with the overloading, speeding and general disregard for the traffic laws, has tarnished the image of the taxi industry and of interest here was determining in what light the industry viewed their relationship with the community, being aware that it is only through a positive relationship with the community that the industry can be sustained.

While a large percentage of respondents stated that the taxi industry had a good relationship with the community, there were those who argued that the relationship had been strained. They felt that the image of the industry had been severely tarnished because of the violence that often resulted in the deaths of innocent bystanders. However, a number of respondents argued that although they were often portrayed as the villains in the media, members of the community, many of whom were regular passengers and who knew the drivers well, were aware that not all drivers and owners were responsible for, involved in or had knowledge of criminal activity or violence. The committee members took explanations further, many arguing that the taxi industry's relationship with the community was 'very good' because the industry provided a 'valuable service' and the community, especially the previously disadvantaged communities, 'depend' on the industry.

"Our relationship with the people is good because we pick them up and take them to work. If sometimes they got a lot of parcels, we take them to their doors. We wait for them,

not like the bus. We are always around and we go fast...we help them out for cheap."²⁷

6.2.5 Relationship with gangs

When it came to the relationship between the industry and gangs, a very complex picture emerged. As was mentioned in chapter 3, gangs have been known to be involved with members of the taxi industry and there have been allegations that the failure on the part of taxi drivers to pay 'protection money', has been a contributory factor to some of the taxi conflicts. Respondents were very reluctant to openly discuss the issue of relationships that exists between members of the taxi industry and the gangs that exist in Cape Town and that are known for their terrorising of the communities. It became very clear though that there existed an atmosphere of secrecy and fear surrounding this issue as many respondents preferred to voice their opinions off the record, while those willing to go on record tended to be very careful in how they responded. It was therefore difficult to determine the nature of the interrelationships between gangs and taxi operators. It was however apparent that there was no fixed manner in which the gangs operated.

Among the drivers and owner-drivers, there were a number of respondents who argued that members within the industry, drivers in particular at times '*desired*' a relationship with a gang because a '*gang connection*' would prove to be extremely '*useful*' when it came to conflicts with rival taxi associations. The feeling here was that gang members who are well known for their criminal activities, not only have the resources to assist in eliminating competitors, but that they are also able to make it extremely difficult for law

²⁷ Respondent C3, June 2001.

enforcement agencies to apprehend offenders, as bringing in a '*gang connection*' complicates what has proved to be an already difficult situation for the investigators. While respondents were visibly reluctant to provide information on this issue, there were stories that emerged of members within the industry who arranged for members of gangs to '*assist*' them in preventing members from rival associations from gaining access to lucrative routes, at times even when they have the required permits. Others stated that entering into a financial agreement with a gang was not always a choice but that, since the arrangement could be mutually beneficial, there was no reason to risk injury or death by refusing to co-operate or challenging the issue of protection money. The argument here was that gangs could provide assistance in the conflicts between associations where one association wanted to limit its competitor's access to lucrative routes. Respondents therefore suggested that there are members within the taxi industry who would pay protection money to ensure that only their association's members are able to travel on the routes. In some instances extra money would be paid so that gangs would not make agreements with other associations also. Gangs would then deny some operators access to routes by using strong arm tactics, while allowing others, those who have paid protection money, to operate freely. Generally, despite the limited information given by the respondents, a picture of fear and intimidation emerged, where members of the taxi industry were forced into a relationship with a gang. The gang either demanded that a financial arrangement be made with an association with the assurance of safe passage through gang territory in exchange for a fee, or randomly stopped taxis who travelled through the gang territories, demanding money. In the latter scenario the assumption is that the money will be used for drugs: a quick fix. Respondents refused to speculate as to how much money was exchanged and how arrangements were made for the collection of the money.

The committee members confirmed that relationships between members of the taxi industry and gangs 'does in fact exist'. Here again, there was a reluctance to discuss the nature of such arrangements or the benefits that are afforded to the parties. Like the drivers and owner-drivers, the committee members tended to portray the connections that existed between the taxi industry and the gangs as being the fault of 'other associations'. They consequently denied knowledge of any relationship existing between gangs and members of their own associations. As one respondent pointed out:

*"It does happen, this relationship with the skollies, the gangsters. It does happen as I hear it in other associations. I suspect it is the associations that use gangsters when they've got a problem with another association. They have gangsters to protect them."*²⁸

Exploring the relationship between the taxi industry and gangs, while extremely difficult, was important in shedding light on the complexities that surround the issue of conflict and violence in the taxi industry. There appears to be not only members within the industry that are responsible for the criminal activities, but also members from criminal gangs, showing an interconnection between different criminal networks. With alliances being forged between these different networks it is not hard to understand the difficulties the law enforcement agencies have in determining who the perpetrators are. Once again the complexity of the issue of conflict and violence in the minibus-taxi industry comes to the fore.

²⁸ Respondent C9, June 2001.

6.2.6 Relationship with law enforcement agencies: the SAPS and Traffic Officers

The laws and policies of the apartheid government contributed greatly to the manner in which policing occurred in the black townships. With their main agenda being the enforcement of apartheid laws and the elimination of any threat to the status quo, police involvement in crime and violence that did not directly threaten the state (but in fact had township residents fighting amongst each other) was minimal. In cases where the police did intervene, the use of excessive force was the norm rather than the exception. The belief was that this was the only way in which to control the black majority of the population. As Ellis (1999) explains, the police have always had a semi-military nature and preceding the political violence of the apartheid era even, ‘...the South African Police had developed a specific view of how to police African Populations’ (1999:55).²⁹ Law enforcement agents served the government and not the people. Developing relationships with the community was not a priority as brutalising through excessive force became the means of policing the oppressed people of South Africa. As Weitzer (1990) explains, their chief objective was defending white supremacy, with any opposition to their cause immediately being crushed. Botes (1993) argues that the tensions and hostility existing in the relationship between taxi drivers and traffic officials comes from bitter encounters experienced during the apartheid years. Furthermore, Van der Reis, Miller and Servas (1993) found that the negative views that taxi drivers and traffic officials had about each other included views that traffic officers were dishonest and often take bribes, and that taxi drivers are lawless. As they state:

²⁹ For more on the origins of the South African Police (founded in 1913), that lie in British Colonial tradition of indirect rule’, see: Ellis (1999). ‘The New frontiers of crime in South Africa’ in J-F. Bayart, S. Ellis and B. Hibou, (eds.). *The Criminalization of the State in Africa*. Oxford: James Currey, Indiana University Press.

...the relationship between traffic law enforcement officials and combi-taxi operators/drivers, has been a cause for concern for some time...this uneasy relationship has often been stretched to breaking point, and has even given rise to a number of violent confrontations (Van der Reis, Miller and Servas, 1993: 1-1).

The relationship between taxi drivers and traffic law enforcement officials especially, are also often characterised, as Miller (1991) put it, '...by suspicion and mistrust' (quoted in Van der Reis et al, 1993:2-14). With democracy came attempts by the police to alter the relationship between the industry and the law enforcement agencies responsible for dealing with taxi related issues. Of concern then in this research was whether there has been any dramatic change in the perceptions members of the industry had of the SAPS and Traffic Officers.

The South African Police Service was viewed negatively by over 90% of the drivers and owner-drivers. They were considered to be '*corrupt*', '*ineffective*' and '*incompetent*'. Perceptions of conspiracy and collusion were dominant as many respondents accused the SAPS of conspiring against certain associations while favouring others. Among the respondents there existed little doubt that reports about corruption within the SAPS were true. Many further believed that members of the SAPS were providing weapons to members of the taxi industry for the purposes of eliminating competitors. The arguments here were that many within the SAPS had personal financial interests in the industry and that they would go to any lengths to protect those interests. While respondents claimed to have knowledge of actual instances where police were involved in arranging to provide information and weapons to members within the industry, none would go on record as to the nature of the arrangements. There were also stories about policemen owning taxis

and in fact being very involved with taxi associations. Bribery was considered to be a common practice and while many acknowledged that there were 'clean' members of the SAPS who want to have a positive impact and who do attempt to do proper police work, the consensus was that it was extremely difficult to trust the SAPS since it could be a potentially 'deadly mistake'. As was stated:

"Look, you get the good guys, you know these new guys who are coming in and want to do the right thing. The problem is that these good guys are working with the bad guys. They are colleagues and so you see when colleagues share information then there can be a bad guy that hears about that information and he will do bad things with that information. So who do you trust? Can you take a chance like that?"³⁰

"If for instance I go lay a charge and I speak to one man and I see that he is being difficult, that he is not willing to hear me, then what is the use of me going to someone else in that same station if that one man, if he wanted to, could make my information that I give disappear."³¹

The committee members also had negative perceptions of the SAPS, believing strongly that the level of police involvement in the taxi industry was based on their personal investment in the industry. Here stories emerged about police manipulating situations through interfering in the industry to serve their own interests. It was believed that these policemen were being paid by some associations to 'stay off their backs' or to 'get on the case of another association'. One respondent alluded to the 'dirty cops' who make a

³⁰ Respondent A8, March 2000.

³¹ Respondent B13, October 2000.

'decent living' only because they are involved in 'scams' which involve the taxi industry.

As he stated:

*"They don't earn so much money. They earn little and they put their lives on the line for little money? No, they must make extra income. There are ways to make that extra income. You must just know the right people who have the power and then you do what they say, do some favours, give out a name and number or you make something disappear. There are ways to get some extra money. For the police it is easy. So they are safe. They get their money and that is it."*³²

Similarly, relationships with traffic officers were considered to be bad. Drivers often described traffic officers as 'being out to get them' or to be 'harassing' them. Respondents often referred to the number of times per week they were pulled over for what they considered to be 'minor' traffic violations.

*"They are out to get us. Even when we are doing nothing they just see us and pull us over. Then if we ask why, they threaten to fine us. They are just as corrupt as the police. They just want to show us who's in charge."*³³

The committee members, while admitting to not having much contact with traffic officers, argued that they have in the past and the present heard and seen how some traffic officers treat the taxi drivers. Drivers, owner-drivers and association executive committee members were all convinced that racism played an important part in how the SAPS and traffic officers treated members of the taxi industry.

³² Respondent C9, June 2001.

³³ Respondent A30, August 2000.

“After 1994, nothing changed. They say we have rights but unfortunately a number of our people, especially in our industry, unfortunately they don't know their rights.”³⁴

“They say to us - Thabo Mbeki he says that I must do this to you. They are still racist. They say to us, your president makes new rules now. It is difficult to lay a charge because we don't trust them and we don't know the rights of the people. Racism still exists. Sometimes the traffic officers do something that is totally incorrect, but what can you do about it?”³⁵

Effective law enforcement has always been lacking when it comes to policing the minibus-taxi industry. Whatever the reasons for the lack, be it the agenda of destabilisation during the apartheid era or lack of resources, the issue the democratic government is faced with now is that the relationship between the industry and law enforcement agencies is severely strained. The nature of the relationship hampers any genuine attempts to police the industry and address the issue of conflict and violence.

6.2.7 Perceptions of the Recapitalisation Programme

When asked to identify the most serious problem facing the minibus-taxi industry, the majority of the interviewees focused on the restructuring of the industry with specific reference to the Recapitalisation programme. This issue seemed to take precedence over a range of other problems (such as corrupt traffic officials, crime and violence, and pirate operators), presented in a closed question during the interview. However, given the prominent nature of the Recapitalisation programme at the time the research was

³⁴ Respondent C4, June 2001.

³⁵ Respondent C5, June 2001.

conducted, this was not too surprising. Both the drivers and owner-drivers were extremely concerned about the future of the taxi industry, fearing that the restructuring of the industry would mean the loss of their jobs. From the interviews it became apparent however that all of the respondents had very little substantive knowledge about the programme itself.

Drivers knew only that new buses would replace their existing taxis. Many did not even know the name of the programme, referring to it only as the '*government's programme*'. A majority of the respondents (drivers and owner-drivers) argued that their associations probably had all the information and details about the programme, and all the respondents felt that they had not been adequately informed about the programme's details. Many saw this failure on the part of the associations to filter the information down to the drivers, as another indication of their positions in the industry hierarchy. Some respondents claimed that '*people who call the shots in the taxi associations*' were not too concerned about the drivers and their fears because '*they were not the ones that would lose their jobs.*' As was argued:

*"Those people have nothing to worry about. I am the one that will lose my job and then be out on the streets. They are the taxi people, the important people. Like the owners, they have got the money to do other things. They will be able to afford the big buses and then they will only need maybe one driver and then what happens to the other people. I am out of a job. Now they don't tell us anything. Maybe they are not concerned because they are safe you understand."*³⁶

³⁶ Respondent A11, April 2000.

Only a small number (less than 15%) of the respondents were in favour of the programme, hoping for better incomes, working conditions and stability in the taxi industry. The majority opposed to the programme feared that their jobs would be lost and that government attempts to implement the programme would lead to more violence in the industry.

“What are they [government] going to do? Take our taxis away? What if we don't want those new things, the big buses? What if we don't want it? Are they going to force us to take them? No they can't do that. People are going to fight!!”³⁷

“Must we just stand still and see how they take away our jobs.”³⁸

Having carefully scrutinised newspaper articles and government statements in which it was continuously stated that all stake-holders had the necessary information about the programme, and with drivers voicing their suspicions that the taxi associations had the necessary information about the programme and had just failed in their duty to inform them, it was surprising to discover that the taxi association executive committee members did not know much about the programme either. Only four out of the ten respondents from the executive committees had a basic working knowledge of the programme. When they were asked exactly what they knew about the programme, all that was mentioned was that *'new buses would replace old taxis'*, *'there will be certain benefits'* and *'there would be many job losses'*. Another interesting discovery was that none of the executive committee members knew of their association being consulted by either government or

³⁷ Respondent A10, April 2000.

³⁸ Respondent B9, August, 2000.

SATACO. Respondents often referred to other associations, their main rivals, and stated that *'they must know the details about government's plans.'* Two of the respondents further felt that the mother bodies might have the information since they were the ones who sent representatives to *'negotiate with the government'*. A chairman from one association who had attended a meeting with a mother body stated that the industry members had *'some knowledge'* about the Recapitalisation programme, however since no final decision has been made yet, and since the *'threat is not immediate'*, there was *'no real need'* to inform the drivers. Similar responses were given by the other committee members regarding why information about the programme had not reached the drivers. As one respondent stated:

*"No decision has been made yet. Unless a decision is made, we don't have to tell the drivers."*³⁹

The lack of communication and information was considered by many respondents as a failure on the part of the government. As the following respondents explained:

*"It is a problem. Nobody came from government to address the associations - what's going on - we find out through the news. Nobody comes to tell us what's going on, so it is a problem. We don't have the details. We don't have full information."*⁴⁰

*"We don't have all the information so we don't know what is going on and that is dangerous because we hear from outside that the government wants to come and take over the industry and we read in the paper and see on the news what is going on in Jo'burg. They are fighting and government ignores their concerns."*⁴¹

³⁹ Respondent C6, June 2001.

⁴⁰ Respondent C2, June 2001.

⁴¹ Respondent C3, June 2001.

“There might be a lack from the government in delivering the information. There might be a lack from our representatives. Maybe they don't break the information clearly. But we are in darkness. That is why we don't want to accept something like that.”⁴²

“As we see in the newspaper, the government says at the end of the year [2001], the process will be continued, the new taxis will be delivered... and then at the same time we hear government say they give us chance until 2006. We don't really have proper information.”⁴³

Respondents all stated that they would be willing to 'sit and talk' with the government about the Recapitalisation programme and 'negotiate.' Yet at the same time many felt that it was not likely to happen. As was stated:

“The government , they only want to come here to us when they need votes, otherwise we are not important. But I am saying that we would accept them coming here and talking to us.”⁴⁴

“You see this office here, nobody from government comes here to talk, to sit down and tell us what is going on. They are welcome. We would be glad if we can see government coming here to talk.”⁴⁵

Furthermore, with regard to SATACO and its claims to represent the taxi industry, one respondent summed up the general consensus:

“I don't know anyone who is a member of SATACO but I hear even the mother bodies they are complaining of

⁴² Respondent C5, June 2001.

⁴³ Respondent C7, June 2001.

⁴⁴ Respondent C5, June 2001.

⁴⁵ Respondent C8, June 2001.

SATACO: SATACO is going to represent us without our consent. So I don't know. That was the talking last year [2000]. So many complaints about SATACO. We know nothing of SATACO."⁴⁶

Respondents, although acknowledging that they did not have all the information about the Recapitalisation programme, and considering the possibility that there could potentially be some good aspects about the programme that would benefit the industry, tended to focus more on the negative impact they feared the programme would have on the industry. Like the drivers, there was concern about job losses, but while the drivers and owner-drivers showed genuine concern for not only themselves but also for their fellow drivers, these owners at the executive levels appeared more secure in their positions. The following responses captured the overwhelming feeling:

*"Some will be able to afford these new vehicles that the government wants to bring in, but many others, the majority even, will not have the finances. Now I don't know exactly how things will work, but I think some will be more secure and others with no money won't be."*⁴⁷

*"There will definitely be a loss of jobs. For instance, I have three people I employ. So if the government, they give me one van, what happens to the other two? They lose their jobs. Some others have ten vans. The government give two or one - loss of jobs."*⁴⁸

The lack of clear information about the Recapitalisation programme has clearly created problems of a serious nature within the taxi industry. The lack of clarity about not only

⁴⁶ Respondent C7, June 2001.

⁴⁷ Respondent C9, June 2001.

⁴⁸ Respondent C10, June 2001.

the programme, but also government's intentions and government's role has resulted in many drawing their own conclusions. These conclusions have the capacity to start a panic in the industry.⁴⁹

While the government is firmly set on its plans for formalising and regulating the taxi industry, there is disagreement within the industry regarding who represents it in the negotiations with the State. Thus far SATACO has been the chief 'representative' body of the taxi industry, however many have come out strongly against SATACO, saying that it does not represent everyone within the industry. Yet, despite these outcries, and a host of media reports saying that SATACO does not represent the entire industry and therefore cannot make decisions on behalf of it, the government has continued its dealings with SATACO, pretending not to, but virtually ignoring the other voices in the industry. As was clearly revealed in this research, there are associations that do not feel represented by SATACO and that have not even come into contact with any government official, local authority or SATACO member with regard to the Recapitalisation programme. With the uncertainty surrounding the programme still so evident, there is the very real threat that the industry will reject the programme and show this opposition through staging more blockades, marches and threatening violence. Furthermore, many within the industry believe that the programme will be a divisive force in the industry since some will qualify for it while others will not. One area where the potential for violence already exists is in the scrapping allowance which will be made 'available to legal owners of existing vehicles to offset the price of the new vehicles' (Minister of Transport, Budget Speech, 2000/2001). Thus only members of the industry who have legally registered vehicles will qualify for this allowance and be part of the new industry.

⁴⁹ The danger here is that the taxi industry has a history of reacting to threatening situations with the use of force.

However, the fact remains that despite calls that all illegal taxis be registered, there are still many illegal drivers operating today. There is the belief by government that illegal taxis will be eliminated from the industry as it is expected that when the programme is implemented, identifying these elements would become easier. Knowing the history of conflict and violence in the taxi industry the important question then becomes: will these operators stand aside and relinquish their stake in the industry just because government has demanded it?

6.2.8 Regulation of the taxi industry

The attempts by members within the taxi industry to regulate operations on routes and at ranks, and the absence of effective state regulation has contributed greatly to the unstable condition that the industry finds itself in today. With fears regarding the implementation of the Recapitalisation programme so visible among members in the industry, exploring the perceptions on regulation becomes important as government intends to regulate the industry through the programme.

Many respondents felt strongly that joint committees should regulate the taxi industry. Joint committees meant elected representatives from all concerned parties being involved in the decision making process regarding how the industry should be regulated and who should be the regulatory body. While many acknowledged the need for the government and its various departments to play a role, they felt that not all the responsibility and power should be left to the government. A small percentage of respondents felt strongly that the government had no right to want to step into a regulatory position now, when the taxi industry had *'been on its own, without the support of government for a long time'*.

Others were of the opinion that because there was a lack of trust in the relationship, government had no right to expect that the industry would welcome its input. Still others, who were in the minority argued that they believed that the government had good intentions regarding the Recapitalisation programme and its attempts to regulate the industry. The general view though was that regulation should be the responsibility of all concerned parties, thus ensuring that no single structure held all the power. Furthermore, the negative views of the SAPS and traffic officers, and the beliefs that these agencies were corrupt, appeared to serve as a justification for why the taxi industry should not subject itself to the authority of the government. The committee members all agreed that the government's efforts to restructure the industry was an attempt to get control of the industry. The following statement captured the views of many respondents:

*"All these plans of government is to get control of the industry. We don't trust them, as a result we are hesitant to just agree."*⁵⁰

The negative nature of the relationships between members of the industry and government, coupled with the lack of effective communication between the parties, threatens to severely hamper any government attempts to restructure the industry. Clearly the legacy of distrust left by the apartheid regime is a major contributing factor to the industry's unwillingness to be subjected to the regulation of the state.

6.2.9 Conflict and violence in the minibus-taxi industry

One of the key themes in this research has been the nature and characteristics of conflict in the minibus-taxi industry. Of particular interest has been the continuation of the

⁵⁰ Respondent C5, June 2001.

conflicts after the democratic election. Prior to 1994, the Goldstone Commission of Inquiry identified the main causes of violence in the taxi industry. A concern in this research is thus whether progress has been made with regards to addressing the underlying contributory factors.

Money was considered to be the main cause of conflict and violence by over 80% of all respondents. The need to improve one's economic standing in an industry where competition for lucrative routes was extremely intense was seen to be the motivating factor behind the violence in the industry. Power struggles within the industry were regarded as struggles to ultimately gain the economic advantage. Furthermore, many respondents acknowledged that there was a strong economic element attached to the violence since whoever was able to use violence or the threat of violence effectively, would in all likelihood benefit economically.

The committee members tended to couple money and power as the reasons for the conflict. Respondents further stated that conflict arises when associations have disagreements within its leadership structures. These disagreements would then often result in members breaking away to form their own associations. This splitting of associations would not only result in bitterness, anger and resentment on both sides, but also fierce competition for the routes that had the most passengers. The respondents further noted that when there is a struggle and the *'prize'* is money then *'sharing is impossible'*. Another argument made was that *'fighting'* and *'violence'* was a means to assert authority and to show who had the resources and the power to *'crush the enemy'*. As one respondent pointed out:

"You see when they fight then there is always a winner. They don't want to stop if the other guy got the upper hand. If you and I fight and I win the fight, you are going to remember that and you are going to want to win the fight also so that your people don't think that you are a coward and that people can walk over you. You don't want others to see that you have lost your power and that you are weak, so that is what happens when they fight."⁵¹

Once again though respondents tended to refer to 'other' associations as the ones operating in this manner.

The general feeling was that in order to continue to make a living, a taxi driver had to make use of routes where the most passengers are found. With an already overtraded market, the quotas demanded by owners and the competition from buses, this task is becoming increasingly more difficult as many taxis now frequent the same routes. If access to lucrative routes is denied, either through legitimate or illegitimate means, and survival is threatened, then, as was stated by the respondents you have only two options.⁵² You could go along, accepting that you have been denied access to routes, which would eventually result in you going 'out of business', or you could 'fight' and 'take it by force'. With the perceived positive results violence has had for some in the industry in the past, it is very likely that they will continue to use it in the future.

One committee member very clearly stated that peace agreements could not last long since disagreements always emerged and conflict always arises from those disagreements. When asked about other, more peaceful methods that could be used to

⁵¹ Respondent C6, June 2001.

⁵² This can occur through having permits which designate routes, or through being denied access by competitors who use strong-arm tactics.

convey the same messages, the responses were all similar. One respondent captured the views:

*"You can't talk. You can't sit down and tell your grievances because you are ignored. You are told to wait, wait till tomorrow. Nothing happens. You must show that you are serious, that you mean business and that is what the people do."*⁵³

Identifying the perpetrators and instigators of taxi violence proved difficult since the shift of blame to 'other' associations was once again evident here. Committee members also tended to blame only drivers belonging to other associations and never their own drivers. Many argued that their drivers were reprimanded for any 'bad behaviour' and that they were less likely to be the instigators of the violence. Any involvement on their part was always viewed as a response to what was done to them first.

A large majority of the respondents believed strongly that corrupt police officers ranked high on the list of major players involved in the violence. Many respondents claimed to have knowledge of incidences where police officials were working with members of the taxi industry to carry out violent acts against certain associations. There was also the belief as mentioned earlier, that members of the SAPS provided automatic rifles to members of the taxi industry. One argument made was that conflict and violence would not occur on such a regular basis if there were not corrupt people within the SAPS to 'cover up the evidence'. There were further arguments that lack of arrests and convictions in cases involving taxi-related violence was indicative of the corruption within the ranks of the SAPS, and how that corruption was a key factor in the seeming ineffectiveness of a police response to the instability of the taxi industry. Here

⁵³ Respondent C7, June 2001.

respondents stated that police have the resources available to effectively police the taxi industry, but that until corruption was rooted out, it would be an *'impossible'* task for police intervention to be successful. As was stated by respondents:

*"Sometimes the police favour, they are connected to one association and so when you go to make a complaint or say who did what, they take no notice of your complaint."*⁵⁴

*"The police have what it takes to stop a conflict but they just stand there and do nothing. They have the guns, they are the SAPS and they have the knowledge about how to go and solve a case but why don't they use it? They are scared because they know if they arrest someone the finger will also be pointed to them. Their dark secrets will come out...They cannot betray people if they already made deals with them. Then it is too late because if you want to do the right thing it is too late."*⁵⁵

Guns and man-made petrol bombs were considered to be the weapons most commonly used in the violence, with the targets often being the drivers or the vehicle itself.⁵⁶ While many of the respondents argued that innocent passengers and bystanders were not the intentional targets, and were just *'unfortunately caught in the crossfire'*, there were respondents who argued that the attacks on passengers were in fact planned. Though few would give explanations for why innocent people were targeted, one respondent stated that it showed to what lengths people were prepared to go to, to get their message across. Mention was also made of an elusive *'third force'*. There was the overall belief that there existed elements outside the taxi industry whose main objective it is to see the industry

⁵⁴ Respondent A8, March 2000.

⁵⁵ Respondent B14, November 2000.

⁵⁶ Destroying a vehicle could mean that a competitor loses money and in some cases is put out of business.

destabilised. Many drivers commented on the strains of working in an unstable and dangerous environment, making the point that it would be ludicrous for anyone to believe that they would create that working environment for themselves. Views differed though on who this *'third force'* could be. Some argued that it consisted of members high up in government ranks who had *'lackeys'* lower down the ranks, while others argued that it consisted of gang members, who in an attempt to divert attention away from themselves and their corrupt and *'illegal'* practices, either start or fuel the conflicts in the taxi industry. Many drivers and owner-drivers further argued that they had concerns for their own physical safety and therefore, on occasion carried weapons as a precautionary measure. In some instances drivers also travelled in groups. Committee members admitted that they knew of drivers who carried weapons, but they very clearly stated that they did not request that their drivers do this.

There appeared to be no doubt amongst those interviewed that there were people who were benefiting from the ongoing violence in the taxi industry. Many respondents were of the opinion that there were certain corrupt state officials whose jobs remained secure as long as the violence in the industry persisted. Gangs were also said to benefit with the focus being removed from them and their activities while the taxi industry was in chaos. Furthermore, a large majority of respondents stated that *'hit-men'* and *'hit-squads'* are used by taxi associations for the purposes of eliminating competitors. These hit-men, who respondents claim are paid large sums of money, were thus also considered to be beneficiaries of taxi violence.

When it came to views on the impact of violence on the taxi industry, commuters and the community at large, respondents recognised that the violence in the taxi industry, especially since it often resulted in the deaths of innocent bystanders, had a very negative

impact overall. The image of the industry and its members is tarnished and fear is instilled in the community and especially the commuters. Committee members however also felt that *'people sympathised with the taxi industry'* and that the commuters *'understand the problems the industry is facing'*.

A large majority of respondents felt strongly that corrupt elements needed to be expelled from all sectors of government and the taxi industry. The overall feeling was that until such corruption was rooted out, the violence and instability would continue. While acknowledging that the task would be a lengthy and difficult one, many respondents were convinced that allowing these corrupt persons to maintain their positions of authority and to operate with impunity, was detrimental not only to the taxi industry, but also to the government, since it showed the people how *'ineffective its structures are in combating crime and violence in the country'*.

Furthermore it was argued by many that communication was the key to solving many of the problems that exist within the industry and between the industry and law enforcement agencies. Proper communication between all parties was felt to be the *'only way'* to include all stake-holders in the decision-making processes. The committee members argued that government needed to hear what all members of the taxi industry *'had to say'* before embarking on their plans to restructure an industry that is known for its capacity for violence. The lack of effective communication between government and the industry was regarded to be one of the main reasons why many within the industry were against the Recapitalisation programme.

6.3 Respondents from the SAPS and the Traffic Department

The ten respondents from the SAPS and the traffic department have all been involved in the taxi industry in a policing capacity, either with regard to traffic violations or conflict and violence. Here again many of the respondents had similar views making it apparent that the problems that exist in the taxi industry have already been identified and are known by the different parties.

6.3.1 Policing the taxi industry

Overall, the police and the traffic officers considered working conditions, particularly with regard to policing the taxi industry, to be extremely difficult. What stood out most in the interviews with these law enforcement officers were the difficulties the SAPS and the Traffic Department had regarding their negative image. There appeared to be an awareness that they were often perceived negatively not only by members of the taxi industry, but also by the community at large. As the following respondents indicated:

"We know how we are seen. People don't trust us and look we understand that that is what we got from the apartheid years. It is going to take time."⁵⁷

"The people in the taxi industry and most especially the media, they say terrible things about us as law enforcement officers. It is not easy wearing the uniform these days. You cannot make a small mistake because the community will want your head."⁵⁸

⁵⁷ Respondent D3, June 2001.

⁵⁸ Respondent E2, July 2001.

The relationship between the taxi industry and law enforcement is thus severely strained. There exists little trust or proper communication and this was seen as an enormous obstacle to effective policing of the taxi industry, along with lack of resources and assistance from the public. Also high up on the list was the fear for their lives. Many respondents stressed the point that the dangers involved in policing the taxi industry were very real and life-threatening.

“Look, if you get to the scene where violence is occurring and there are many taxi industry people there, the chances are that if you, as a police officer arrives on the scene first, then the taxi industry people outnumber you 50 to 1. And most of them are armed. Now what is a police officer suppose to do? There isn't the fear of killing a policeman. It has actually become a hobby with some of these groups to target the police. You are constantly in danger and you fear for your life. Now how can you handle a situation effectively when you are put in that position and there is no one to back you up and there are no people that will come forward to assist us in cases to identify perpetrators.”⁵⁹

“Well, the main obstacles that you face is that your life is threatened at all times because you are getting to deal with people from different walks of life. A taxi driver is not somebody who has gone through a screening process...It is somebody that's just come off the street irrespective of his background or where he comes from and he's driving a taxi.”⁶⁰

⁵⁹ Respondent D4, July 2001.

⁶⁰ Respondent D5, July 2001.

Another difficulty law enforcement appears to have is the continuous introduction of new laws and by-laws with regard to regulation of the taxi industry. As one respondent stated:

*"The laws and the by-laws are changing day by day which makes your task as a law enforcement officer very difficult."*⁶¹

Furthermore, it became apparent that respondents had difficulty in dealing with the changes in strategy adopted by the state. One respondent captured the feeling many respondents had:

*"There are so many changes going on all the time. Okay so apartheid is gone, but the way things were back then is still remembered today and some of those practices still exist today even though it is not supposed to be that way. So they said everybody must change now, but that change has been difficult. But okay, we try to change and it is the soft approach, we must talk more, communicate and there must be understanding and working together. The police must now work with the community and the people must work with the police. But then that doesn't work and we get blamed for not putting in enough effort, and so it is changed again and now we must get tough on crime and criminals. No more talking or negotiating. So it is different all the time and you have to keep up with all the changes and change too. Sometimes it is hard to do that."*⁶²

Traffic officers also felt that members from the taxi industry failed to realise that the law enforcers had a 'job to do' and 'duties to perform' and that citing a taxi driver for an offence was not a personal attack on the driver or the taxi industry, but rather an attempt

⁶¹ Respondent D5, July 2001.

⁶² Respondent D3, June 2001.

'to reprimand an offender who committed a violation'. There was the further argument that law enforcement in general was viewed in a negative light, but that traffic officers in particular were considered to be *'bad guys'* by the passengers, especially in cases where taxis were stopped while they were transporting people.

*"Those passengers want to get to work. Now if the taxi driver does something wrong on the road and it is my job to pull him over, I will be seen as the bad guy because I will be held responsible for letting those people come late for work."*⁶³

*"I don't know, it is such a difficult situation because if the taxi is packed beyond its limit for instance and the driver is speeding, ignoring the laws, then I must pull him over right? Now when I do that the people in the taxi are already moaning and groaning because they are going to be late for work. And on top of everything else I find that the guy has no permits. Now what must I do? If for example he now has to make other arrangements for those passengers just there because I must get him off the road, those people are going to hate me. They are going to say that traffic cops are picking on the drivers and then you hear all sorts of stories about harassment and so forth. But now on the other side again, if a taxi like that is allowed to operate and there is a huge accident and people get killed, then everyone wants to know why didn't the traffic officers pull these taxis off the road. We get blamed either way."*⁶⁴

Many respondents also claimed to be aware of the difficult working conditions within the taxi industry and the *'stresses'* drivers were under to *'reach their targets'*.

⁶³ Respondent E1, June 2001.

⁶⁴ Respondent E4, July 2001.

“At the end of the day it comes down to frustration from the drivers. This guy has got to drive for a set target, and now he drives for his target and there’s no money on his route because there’s a lot of taxis doing one route. So now he makes illegal stops just to get that one passenger and along comes the police officer or a traffic officer or I will say law enforcement officer. He gets charged R150 up to R600 for committing a violation. So now he loses out on his whole days target.”⁶⁵

The overall feeling was that since they were able to acknowledge the difficulties the drivers experience on a daily basis, the very least the drivers can do is recognise that the law enforcement agencies also had a job to do.

6.3.2 Conflict and violence in the taxi industry

There exists a lot of allegations about the involvement of law enforcement agencies in the conflict and violence in the taxi industry. While respondents often argued that conditions which exist within the industry are the main cause for the instability, there were those who acknowledged the contribution made by the corrupt forces within law enforcement agencies.

The SAPS and traffic officers had similar views on the causes of conflict and violence in the taxi industry. High on the list was the ‘*money factor*’, followed by the ‘*fighting for routes to make more money*’. Respondents argued that the target amounts set by the owners were unreasonable and that that was where the ‘*problems*’ started. Conflicts then

⁶⁵ Respondent D5, July 2001. According to the respondents, fines are made out to the owner because he was the offender. This is seen as the reason why many owners have drivers pay the fines from their own pockets.

arose because of the tactics some drivers used in order to reach their target amounts on routes that were overtraded.

“There’s not a proper screening process for the routes that they’re doing. So you’ve got about 150 taxis running one route. Now I mean 150 taxis running one route in one day.”⁶⁶

Respondents further claimed that it was difficult to identify criminal elements in the taxi industry and that it was even more difficult to bring a ‘perpetrator to justice’. There were those who argued that they have no assistance from the public and that when law enforcement officers attempt to investigate, witnesses do not want to come forward. Often mentioned were the intense pressures to perform enforcement duties properly so that cases were not dismissed on technicalities.

“You’ve got to know your job, and now with the constitution you better know what you’re going to be doing now. Are you going to arrest this person lawfully or are you violating his rights. There’s a lot of things you’ve got to think about and this you’ve got to think while you are actually conversing with the driver.”⁶⁷

The respondents from the SAPS who had been involved in investigating conflict and violence in the taxi industry agreed that there were outside parties instigating the conflicts and manipulating events. Criminal gangs who wish to protect their own illegal operations through maintaining instability in the taxi industry so that the focus remains there, ranked high on the list.

⁶⁶ Respondent D5, July 2001.

⁶⁷ Respondent D5, July 2001.

Though visibly uncomfortable when discussing the issue, there were respondents from both the SAPS and the Traffic Department who admitted that corrupt elements did in fact exist within law enforcement agencies. Respondents tended to refer to media accounts about corruption within law enforcement agencies and the admissions appeared to come only because evidence about corrupt officials have been made public. This was said to contribute greatly to the negative image the taxi industry and the community had of the SAPS and traffic officers.

“There is no trust in the SAPS. We are seen as corrupt, when in fact - and I am not saying that corruption doesn’t exist because it probably does, but there are good police officers who want to make a difference.”⁶⁸

“The stigma from the apartheid days still exists today and it is going to take a long time before we gain the trust of the people.”⁶⁹

Overall though there was optimism that over time, and through hard work and dedication on all sides, improving the relationship between the taxi industry and law enforcement was definitely possible.

6.3.3 Regulation and the Recapitalisation programme

The regulatory capacity of law enforcement agencies plays a vital role in the effectiveness of policing the taxi industry. With the Recapitalisation programme stressing the importance of effective law enforcement in the restructuring process, the perceptions of regulation and control and the capabilities of law enforcement agencies becomes

⁶⁸ Respondent D3, June 2001.

⁶⁹ Respondent E4, July 2001.

important. In addition, identifying the obstacles that prevent effective regulation and attempts to eradicate them, is key in predicting the success of future regulatory capacity.

Many of the traffic officers and the SAPS respondents felt that there has been a 'huge improvement' in the effectiveness of law enforcement agencies with regard to policing the taxi industry. There were those who felt that the Criminal Justice System is 'faulty' and that law enforcement has not been very successful. Still others argued that there were too many restrictions placed on law enforcement officers and that obstacles that they face are insurmountable. The following statements captured the views of the respondents:

"You can't just go in there and drag a guy out and rough him up even if you know that he is responsible for something and you know that he will get away with it. If you do that then you as a police officer, you get into trouble and the public will want to see you go to jail or lose your job and then in a situation like that the system will probably work because they want to make an example and show how they are willing to get rid of bad cops. But when it comes to putting the real bad guys away, it hardly ever works."⁷⁰

"The Justice System hasn't really hit hard on it. The guy gets charged, he gets released the next day. I am sitting again with the same problem on the same route, in the same area."⁷¹

"We are getting better. It is a long process and what you have to understand is that things are not going to change overnight. But we are learning as we go along and it is getting better... something is being done. This new

⁷⁰ Respondent D4, July 2001.

⁷¹ Respondent D5, July 2001.

government programme is a long-term thing and that will make our jobs easier.”⁷²

“I would really like to say we have been effective and in some ways we have been but when you look at the situation you see that things haven’t changed that much. But you also have to look at it from our side. It is difficult out there. There are so many taxis and everyday they get more and more and many of them are pirate taxis. Now how do you identify these taxis? We can’t be all over the place, all the time looking to catch them and pull them over. Even if we stop them today and take away their vans, tomorrow there will be more... the fighting is still there and they are not scared to kill, so what have we really done? What can we do?”⁷³

A majority of the respondents further argued that the capacity of law enforcement officers to perform effectively is severely hampered by the lack of resources:

“There are not enough resources made available. There’s not enough logistical resources made available, so you’re stuck with what you’ve got and you’ve just got to make it work for your area.”⁷⁴

All the respondents agreed that education, proper information and effective communication was crucial if there was any hope of ever resolving the problems in the taxi industry. The Recapitalisation was seen as a ‘good programme’, that could ‘change the industry for the better’. However, many argued that the programme would not be a success if government did not do more to ‘fix their relationship’ with the industry and to educate the industry members about the changes.

⁷² Respondent E3, July 2001.

⁷³ Respondent E4, July 2001.

⁷⁴ Respondent D5, July 2001.

“At the end of the day it comes down to education. You’ve got to educate these people as to what you are doing, what’s your purpose... and that is the only way how you can combat the problem...It is a slow process.”⁷⁵

“You have got to let everybody know what is going on. And lets face it many of the drivers on the road do not read properly and they don’t write properly and they don’t understand much about new laws and regulations and things like that. So if no one goes to tell them, then how will they know.”⁷⁶

“The media should actually play a more positive role to inform the people instead of just tearing the police down. Why don’t they help us to educate and inform the public.”⁷⁷

Respondents appeared convinced that the commitment for change does exist, but felt that if lessons learned in the past are not taken into consideration when dealing with taxi-related issues in the present and future, very little change is likely to occur. As was stated:

“We are familiar now with how these people operate and how they react to certain things. So we must remember what has happened in the past and we must learn from it. We must not make the same mistakes again otherwise we are going to get the same results over and over again.”⁷⁸

⁷⁵ Respondent D5, July 2001.

⁷⁶ Respondent E2, June 2001.

⁷⁷ Respondent E4, July 2001.

⁷⁸ Respondent E4, July 2001.

6.4 Respondents from U Managing Conflict (UMAC)

With the volatile relationships that exist within the industry between rival taxi associations and between law enforcement agencies and the industry, addressing and resolving issues, especially ones related to conflict and violence, have proved to be extremely difficult. UMAC has played a key role in attempts to alter the instability in the industry, first through monitoring and investigating conflicts, and later through facilitating mediation efforts with the purpose of bringing about resolutions. The two UMAC respondents interviewed during the research have been involved in crisis interventions, taxi mediations and conflict resolutions with members of the taxi industry, with the purposes of identifying causes of conflict and violence, and finding alternative ways to resolving conflict without the use of violence.

6.4.1 The conflict resolution and mediation process

The respondents explained that once an area of conflict or potential conflict is identified, the first response is a crisis intervention to bring the conflict to a halt. This is then followed by a more detailed mediation process with the purpose being to *'facilitate the parties identifying solutions'*. The obstacles the respondents have faced in such processes ranged from difficulties with maintaining a neutral attitude and personal safety to problems with getting various stake-holders to the table and difficulties in reaching a compromise that is acceptable to everybody. Yet despite these obstacles, it was argued that conflict resolution processes to a large extent are very successful. As one of the respondents stated:

“Well, it is successful in a way that without any intervention you don’t know what might have happened. That at least there was a place where that space for dialogue could be opened up...How many lives that saved we don’t know. Politically you could say it is very successful because it shows there’s something being done not only on the law enforcement side but also addressing some of the underlying causes. But you know you think of how far we still have to go in terms of some of the structure problems, then honestly it hasn’t been very successful.”⁷⁹

6.4.2 Conflict and violence in the taxi industry

Conflict in the taxi industry was seen to occur for a number of reasons: competition for routes, the establishment of illegal ranks, or the violation of certain agreements. Fierce competition for lucrative routes in an overtraded industry was considered to be one of the main causes of the conflict, as an association who is able to dominate lucrative routes is the one that benefits economically. Pressures to have the biggest associations and access to the most routes were seen to fuel the conflict along with links between the taxi industry and outside criminal forces.

“There’s a lot of money in the industry on the peripheries....associations that have the bigger membership are also attractive to dealers of minibus parts, contracts, advertising,...so there’s pressure on people to have the most prestigious, biggest associations and to be leaders of the taxi associations. To do that they obviously have to

⁷⁹ Respondent F1, April 2001.

attract members. They attract members by offering security belonging to the association. That can be done scrupulously and unscrupulously and honestly that sort of pressure to come out as the biggest and the best...definitely fuels it. A lot of the taxi industry leaders are on the fringes of criminality, there's links proven and unproven between taxis and drug running, taxis and gun-running and taxis and gangsters, money laundering,... and that fuels the conflict."⁸⁰

Like the law enforcement agencies, the respondents from UMAC also claimed that it was difficult to identify perpetrators of violence and conflict in the taxi industry. However, they were convinced that there were people behind the scenes who actually hire outsiders to kill and injure.

*"In our work we've come close to identifying sort of key people within the conflicts. But again its difficult to pin it down. I mean the associations becomes an umbrella body looking after the needs of various smaller groupings, route committees, rank committees. There might be a squabble within one of these groups that actually causes the fights....one of the owners might decide he's had enough and hire a hit-man to take out his competition. So it is difficult to pinpoint."*⁸¹

"I mean if you look at this taxi thing, taxi and buses. The guy was arrested. He was paid R50, a well trained soldier who can be employed anywhere, he was paid R50 by taxi people who said to him ...when you finish the people in Khayelitsha, killing those people...when its finished we are

⁸⁰ Respondent F1, April 2001

⁸¹ Respondent F1, April 2001.

going to give you R40 000. That is what they said to him.

Now he is in jail. There are people behind these things.”⁸²

The UMAC respondents further argued that there were people outside the taxi industry who were at times manipulating events within the industry for their own benefit. Gangs and criminal elements featured near the top of the list of who this ‘third force’ might be. One respondent stated that certain political parties could benefit if they are able to take advantage of the situation and organise people to support their party with promises of interventions.

“There were covert operations during the apartheid years and those covert operations were aimed at breaking down township resistance to the government. And whether it was supporting one civic faction against another civic faction or one taxi faction against another taxi faction...so from that you can get a third force. Or it could be drug merchants wanting to disrupt drug trafficking of one of his competitors,...or it could be a smoke-screen for a gang problem.”⁸³

6.4.3 Regulation and the Recapitalisation programme

The respondents agreed that dealing with problems within the taxi industry was a very difficult task since it often involved complicated and interrelated issues. However they felt that the root causes of the problem have not really been dealt with and that that has been one of the main reasons why many of the conditions in the industry have remained virtually unchanged. As one respondent stated:

⁸² Respondent F2, April 2001.

⁸³ Respondent F1, April 2001.

*"It is an incredibly difficult problem to deal with. They [the State] haven't really taken it on and run with it as they should. There are obvious political and socio-economic dangers of associating with it...It's an issue where the State has to come in and take a direct leading role in sorting it out. Legalisation is the objective and regulation. Then there needs to be a long-term solution. And then also in terms of recognising some of the additional issues that need to be attached to the regulation and legalisation, seriously supporting capacity development, conflict resolution, adding weight to maintaining an ongoing mediation around the process. That's all been lacking. One of the difficulties being, going in and mediating and as soon as the mediation is over, the parties say 'that's it. We've done our jobs' and move away. The root causes remain and the fact is that we haven't been able to take it on when that window of opportunity arises... there's no point."*⁸⁴

Respondents further argued that law enforcement has improved tremendously, moving from having information provided by UMAC made available to them about impending attacks and doing nothing, to *'developing capacity and dedicated units to deal with the taxi violence.'*

The respondents saw the Recapitalisation programme as a *'good programme'*, arguing that it was the *'solution'* to the instability in the taxi industry since it takes into account all the problems that exists in the taxi industry today. There was the recognition that the implementation would be a slow process and that it would be a difficult one. Overall there was concern about the opposition to the programme by many within the industry

⁸⁴ Respondent F1, April 2001.

and the implementation being hampered by parties who claim that they have not been properly informed about the details of the programme. It was further acknowledged that many within the industry '*probably*' do not have the necessary information about the programme and its impact and felt that the government would have to address this issue first if any implementation was to be successful. The threat of violence was considered to be very real, and it was argued that government needed to be '*extremely careful*' in their approach as '*one wrong move*' could lead to an eruption of violence that could cost many people their lives.

Once again, as with the respondents from the SAPS and the Traffic Department, there was the firm belief that proper communication of relevant information needed to become a priority on the part of government to alleviate the many fears concerning the restructuring of the industry and to ensure that the Recapitalisation programme had the greatest chance of being a success.

6.5 Concluding remarks

The intention of the field research was to examine the views and opinions of members from the minibus-taxi industry, law enforcement agencies and UMAC. During the course of the examination there emerged common themes relating to the issues under investigation. There was overall agreement among all the respondents concerning the causes of the instability in the taxi industry. In addition, the issue of communication between all relevant parties featured prominently in all the interviews. The lack of effective communication was generally recognised as being an obstacle which hampers

not only conflict resolution processes and law enforcement efforts, but also government attempts to restructure the industry.

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CHAPTER 7

ANALYSIS AND CONCLUSION

7.1 Introduction

The instability in the minibus-taxi industry dates back to the apartheid era when the government's policies directly impacted on the growth and development of the industry. This occurred first through the strict regulation of the transport system shaped by the government's discriminatory policies and legislation, which effectively prohibited the growth of the black taxi industry, and then later through the implementation of the deregulation policy. The process of deregulation was meant to remove the racial restrictions in the law and encourage free market enterprise. However, with the failure of the Department of Transport to properly monitor the growth of the industry, coupled with the failure of law enforcement agencies to effectively curb the conflicts and incidences of violence that soon erupted in an overcrowded environment, the policy of deregulation instead produced an industry where fierce competition reigned. This concluding chapter takes a comparative look at competition and regulation in the urban public transport sector in South Africa against the background of other developing countries. The countries examined are ones where vehicles exactly like, or very similar to the South African minibus-taxi, form part of the informal sector and where there exists similarities to operation patterns in the South African context. In addition, there will be an evaluation of the South African government's attempts to restructure the taxi industry. The level of success achieved by government with regard to transforming the taxi industry is then

viewed in terms of the success of the overall transformation process in post-apartheid South Africa. Concluding the chapter is a brief discussion on the challenges for future regulation of the South African minibus-taxi industry.

7.2 Competition in the South African public transport sector

On South African roads, competition in the public transport sector occurs not only *within* the taxi industry, between members from different associations, but also *between* the taxi industry and the bus industry. Within the minibus-taxi industry, as is evident from this research, the intense competition occurs in an overcrowded market, and it often results in clashes between taxi associations contesting the same lucrative routes and limited facilities. The conflict between associations have been characterised by fierce gun battles and as was revealed in the literature, and particularly in newspaper accounts, a recurring theme in the conflict has been the hiring of hit-men. Members within the taxi industry have resorted to recruiting people to carry out attacks against their opposition with the purposes of eliminating competitors. These hit-men have become quite adept at eluding the law, as detecting them has proved to be a difficult task for law enforcement agencies. The competition between the taxi industry and the bus industry has also seen an eruption of conflict as members of the taxi industry have often targeted attacks at members of the bus industry, regarding them as rivals for lucrative routes who further threatens the economic viability of the industry. One of the key elements in this antagonistic relationship between the bus and taxi industry is that the bus industry has for many years been identified as a symbol of the apartheid government which heavily subsidised the buses while the taxi industry was left to survive on its own. The democratic government has been reluctant to provide subsidies to the troubled taxi industry, often arguing that

subsidisation of the industry would in fact perpetuate the problems instead of solving them. It was felt that potential drivers would find the industry an attractive prospect should the government provide the industry with subsidies⁸⁵. This would then just serve to exacerbate the already volatile situation. The disagreements concerning the subsidy issue has contributed to the battles that have occurred between the bus and taxi industry. Still today the animosity of earlier years remains and features prominently in the conflicts that continue to flare up. The competition in the South African transport sector has thus resulted in members from the taxi industry using violence or the threat of violence as a means of exerting control to ensure their economic survival. Of interest then is the question of whether instability characterised by incidences of conflict and violence is the inevitable outcome of intense competition in transport sectors where there is overcrowding and little or no government regulation.

7.3 International experiences: insights into urban public transport in developing countries

It is relatively rare among cities in developing countries for there to be total reliance on publicly owned bus companies (Gómez-Ibáñez and Meyer, 1993). In some instances even where the cities do have extensive publicly owned bus services, there is often competition from other forms of privately owned transportation modes which offer services similar to that of the buses. As Gómez-Ibáñez and Meyer (1993:22), argue:

By far the most common scheme for providing urban services in developing countries is a mixed system of publicly and privately owned buses. Often the conventional full-sized buses are operated by a publicly owned

⁸⁵ Considering the high rate of unemployment in the country this number is likely to be very high.

corporation while private operators provide significant minibus services.

Minibuses are thus not unique to South Africa. In other parts of the developing world minibuses often form part of the 'jitney services' which offer the same type of service that minibuses offer in South Africa. Like the minibuses in South Africa, jitneys operate without subsidies and are well known for their speed and flexibility. In addition to this, jitneys also '...provide a source of income to many people who would otherwise be unemployed or severely underemployed...' (Takyi, 1990:163). As Takyi (1990) explains, a jitney is usually defined as a 5 to 12 passenger station wagon, car van and/or minibus that operates along fixed or semi-fixed routes. They usually pick up passengers anywhere along a route until the vehicle has reached its capacity, and passengers are then dropped off wherever they specify. The name 'jitney', which is a slang word for 'nickel', came from the fare that was charged at the time of initiation.

In Buenos Aires, Argentina, one of the most important modes of public transportation is the microbus or 'colectivo'. Roth (1987), examining the private provision of public transport services in developing countries, explains that this mode of transport developed in the 1920s when a general economic crisis in the country forced people to travel in groups while still continuing to pay their fares individually. These colectivos, which run more frequently than the other modes of public transport, account for approximately 83% of public transport trips and operators compete vigorously for passengers who favour the colectivos for both their speed and flexibility (Roth, 1987; Armstrong-Wright, 1993). The organisational unit of these colectivos is the route association, otherwise known as an 'empresa'. According to Armstrong-Wright (1993) there exists 300 empresas, each representing individual owners or small groups of partners in ownership. Owners, who

are able to choose and replace their drivers at will, assume the responsibility for the operation and maintenance of their vehicles, and each empresa has the task of scheduling bus services and providing their members with administrative and legal services. While fares are fixed by government, Roth (1987) explains that income goes directly to the owners who then decide to either turn the money over for distribution among the members of the empresa, divide it proportionally according to the mileage run by each of the vehicles, or divide it in whatever way the empresa chooses. Armstrong-Wright (1993:14) argues that in most cases though the empresas ensure 'equitable earnings by interchanging routes and schedules on a weekly basis.'

In Colombo, Sri Lanka, private bus services are subject to little government regulation and are able to select their own routes, set their own fares and determine their own daily schedule (Roth, 1987). As Gómez-Ibáñez and Meyer (1993) explain, this was as a result of the inadequate services that were being provided by the publicly owned bus company which resulted in government turning to the private operators. However, while the private operators are able to set their own fares, the policy by the Central Transport Board (CTB), the public operator of the buses, of maintaining extremely low fares, has served to limit the ability of the private operators to raise their fares (fares were estimated to be only about 5% higher than the fares of the CTB's) (cited in Gómez-Ibáñez and Meyer, 1993)⁸⁶. As a result of this some of the operators have found it difficult to survive in the competitive environment and as Gómez-Ibáñez and Meyer (1993) argue, there have been operators who have resorted to overloading their vehicles and serving only profitable routes, while avoiding unprofitable ones.

⁸⁶ As of 1985, the CTB operated around 3 000 buses with a carrying capacity of 55 passengers each, while the private operators operated around 4 000 buses, most of which had a carrying capacity of 10 to 30 passengers each (Gómez-Ibáñez and Meyer, 1993).

In Caracas, Venezuela the 'carros por puesto' system captures approximately 47% of the transit market with 90% of the registered vehicles having a carrying capacity of between 12 and 16 passengers (cited in Takyi, 1990). Takyi (1990) explains that the por puestos compete with a cheaper but poor bus service and with ordinary 'taxi cabs'. Associations which range from 5 to 300 vehicles per association are responsible for organising the carros por puestos and members are required to pay dues to the association. The carros por puestos, which provide an alternative to the autobuses, are popular because of their speed and flexibility (Takyi, 1990).

In Nairobi, Kenya, the public sector bus system competes with a private sector comprising large buses operated by a franchised company, as well as smaller buses called 'matatus'. (Armstrong-Wright, 1993). The matatus contribute approximately 6 800 direct and indirect jobs in the informal sector (Takyi, 1990). Matatus include minibuses, light pick-up trucks, larger pick-up trucks, as well as midibuses (cited in Roth, 1987). They are attractive because of their flexibility, speed, their ability to relieve peak-hour loads and because of the service they provide to low density routes as well as narrow roads where buses are not able to travel (Roth, 1987; Takyi, 1990). While the matatu operators are able to set their own schedules, fares, and are able to decide their own vehicle design, the government in its 1984 Traffic Amendment Act officially recognised the role matatus played in the public sector and therefore attempted to implement regulatory procedures with safety being one of the key areas of concern (Takyi, 1990). Annual vehicle inspections, insurance and four years driving experience were then required before the issuing of a matatu license. However, as Takyi (1990) points out, despite these regulations, the matatus showed both high accident rates and a high percentage of vehicles that lack adequate insurance coverage. They are also well known for their

frequent overloading and speeding. In an attempt to improve the matatu service the authorities in Nairobi have thus been focusing on ways of improving the enforcement of the safety and the insurance regulations through providing convenient maintenance facilities (Roth, 1987).

Takyi's (1990) evaluation of jitney systems in developing countries further included a look at Metro Manila in the Philippines where one of the most popular forms of public transport is the 12 to 15 seater jeepney. Out of the three fourths of Metro Manila residents who use public transport, 77% take the jeepney. While the jeepneys are favoured because of their flexibility, they are also associated with hazardous driving, chaotic loading and unloading practices, speeding and congestion. Government officials have thus been faced with proposals to alter the operations of the jeepney.

In the examples cited above where competitive practices occur within the urban transport sector, the disadvantages of competition have come to the fore. A common feature that emerges in areas where there is competition for routes in the transport system is that profit margins become extremely important to the private operators from the informal sector. As is the case in the South African context with the minibus-taxis, jitney operators in many developing cities have resorted to behaviours such as overloading their vehicles, speeding, and they have become notorious for their reckless and aggressive driving and also their picking up of passengers at '...dangerous and disruptive spots' (Takyi, 1990:174). Furthermore, according to Takyi (1990), municipal officials and the public also often criticise jitneys for unruly behaviour and being difficult to discipline. The need to make a profit has led to not only undisciplined attitudes and behaviour toward traffic laws, but has also resulted in accident rates being high '...due typically to the erratic and distinctly fatalistic operating patterns and equally to the minimal maintenance that the

vehicles are given' (Takyi, 1990:170). Roth (1987) argues that vehicles are often maintained only to the extent necessary for them to keep running and that vehicle maintenance and safety issues becomes secondary to ensuring survival in a competitive environment. Other observers have further suggested that the provision of better facilities for the informal sectors and the enforcement of the traffic regulations could serve to ease the safety problem (Gómez-Ibáñez and Meyer, 1993). Armstrong-Wright (1993) emphasises that the greatest stumbling block to effective management of public transport in developing countries is the absence of effective enforcement of traffic regulations.

In addition, route associations, like the taxi associations in the South African minibus-taxi industry, have come to play key regulatory roles in sectors where there exists minimal government regulation. However, there appears to be a sharp contrast in the roles assumed by taxi associations in South Africa and route associations in other developing countries. Taxi associations in the South African minibus-taxi industry are often associated with conflict, as they tend to '...use their organisational strength to extract income, commonly through the use of violence'(Dugard, 2001:11). Route associations on the other hand are said to '...exercise informal supervision to mitigate the dangerous and disruptive practices often attributed to free market conditions...' (The World Bank, 1986:27). There have however been reports of 'infighting' between route associations who compete for the same routes. Roth (1987:224-225) contends that opportunities for illegal operations do exist as attempts by some route associations to protect their turf '...can become criminal, unlawful, perhaps even homicidal.' In general though, it would appear that there exists a large amount of co-operation among the route associations as they are able to provide successful services to both their members and the

public. This brief review of comparative experiences of other developing contexts, seems to suggest that the predisposition toward violence in the South African minibus-taxi industry is not that common a feature of other developing societies. There appears little evidence that competition between the route associations results in the kind of frequent and violent conflicts that are so characteristic of the South African minibus-taxi industry.

According to Bayliss (2000) there are preconditions for effective competition to occur in the urban public transport sector. Firstly, he argues that the use of competition must be favoured by public policy that is supported by a legal framework which allows and protects property rights and fair trade. Secondly, there must exist a culture of competition, along with the industrial capacity to ensure that effective competition becomes a reality. Thirdly, there have to be rules to regulate the manner in which competition occurs. Therefore, as Bayliss (2000) explains, there must essentially exist not only clear transport objectives in which competition has a place, but there should also be evidence of the existence of the administrative and institutional capacity to promote, direct and regulate such competition. The investigation into the South African minibus-taxi industry and the brief examination of transport sectors in comparable developing countries, suggests that in developing contexts competitive forces in the transport sectors are strong whereas the regulatory capacity is extremely weak. The challenge for government's in developing countries thus lies in their ability to foster competition while at the same time ensuring that there exists the capacity to enforce regulations in terms of the set policy agreements. As Bayliss (2000:6) instructively reminds us:

Competition can be a powerful force in urban public transport and can be used for the good. However it will only bring the large benefits it offers if suitably - and this does not necessarily mean heavily - regulated.

This observation regarding the need to balance vibrant competition with robust regulation seems particularly pertinent to the South African case where the administrative capacity to regulate competition in the transport industry more widely and in the taxi industry more specifically has been sadly lacking.

7.4 Restructuring the South African minibus-taxi industry

This dissertation has presented a detailed examination of events that occurred in the minibus-taxi industry over the last ten years. It has shown a decade of attempts by both national and local government to address the volatile nature of the industry through formalisation and regulation. The aim has been to create regulatory frameworks which would not only set out the terms of reference for regulation of the taxi industry, but would also define and assign regulatory responsibilities to the wide range of concerned parties, from national government, local authorities and law enforcement agencies, to taxi association members. Ultimately government attempts to restructure the industry through the implementation of the recommendations of the National Taxi Task Team (NTTT) and the introduction of the Recapitalisation programme, has been with the intention of establishing a web-like regulatory framework which effectively binds all the key role players into a consensual network.

On the basis of the historical record, it would appear then that the democratic government cannot be faulted for its attempts to restructure the minibus-taxi industry. With regard to identifying the solutions to the problems within the industry, the government has been very successful, as is evident from the NTTT recommendations and the Recapitalisation programme. Both represent comprehensive documents which clearly show what is

needed in order to restructure the industry and make it an integral part of the transport sector. However, the weaknesses of the government become visible when one examines the success rate with regard to implementation of the clearly identified solutions. While success has been achieved on paper, it would appear that very little success has been achieved in actual practice thus far. But this discrepancy between theory (policy) and practice (implementation) is a matter of much wider state significance.

One crucial area where government has succeeded in theory but has failed dismally in bringing about change in practice, is with regard to labour relations in the minibus-taxi industry. While labour legislation such as the Basic Conditions of Employment Act No. 75 of 1997 and the Labour Relations Act No. 66 of 1995 has been put in place, which identifies the basic conditions of employment in South Africa and which strives to ensure social justice, labour peace, economic development and general democratisation of the workplace, it has had little impact on the practices in the taxi industry. As was clearly seen in this research, taxi owners and taxi associations do not abide by these labour laws and continue to exploit their drivers. This occurs despite the fact that taxi associations who are legally registered with the Provincial Taxi Registrars agree formally to 'ensure fair labour practices by all its members' (Office of the Provincial Taxi Registrar, 1996:2). What is clearly lacking then is the capacity of government to move effectively on implementation and to put into practice the transformation it has been able to achieve on paper. While the government appears to have mastered the rhetoric with regard to the resolution of complex issues within the taxi industry, tangible results on the grassroots level are still lacking. However, this failure on the part of government to implement successfully on the ground levels is not restricted to the transformation of the taxi industry. It is but a variation of a broader theme which highlights a more general

weakness in governmental circles to *implement* and *sustain* policy plans on a much wider front.

7.5 The transformation process in democratic South Africa

With the transition from apartheid to democracy, the new government has been faced with the difficult task of bringing about transformation in the country. Following the establishment of new and non-racial forms of government at national, provincial and local level, the process of reconstruction and development has been a slow one (Shaw, in Shaw, Camerer, Mistry, Oppler and Muntingh, 1997). In 1998, four years after the democratic election, a report by the Presidential Review Commission (PRC) showed that the democratic government was having only a small measure of success with regard to the transformation of various state departments. Said the commission:

...it is our view that the system of governance in the new Republic of South Africa is in a number of crucial respects not working well at this stage of the transition process. Too little progress has been made in remedying the inequalities and inefficiencies of the past (1998:17).

While there has been a proliferation of policy documents, initiatives and strategies dealing with the aims and objectives of government with regard to the transformation process, it has become evident that there exists a huge discrepancy in what has appeared on paper and what has been put into practice. According to the PRC (1998:16), the general picture reveals that 'state departments appear strong on policy but weak on delivery.'

The PRC (1998) argued that the 'national machinery' of the government was too fragmented and that the wholeness of the government was weakened by structural and functional defects. Key among the weaknesses highlighted was the lack of clear vision and strategy direction. As explained by the Commission (1998:26), there exists a lack of consensus on a common shared vision as 'a plethora of visions have been developed by departments and provinces, often quite different from each other in content, context and direction...' In addition, while many of the departments and provinces have succeeded in embarking on some form of strategy planning, the PRC (1998:26) argued that 'there have been significant variations in how such plans have been developed, the degree of participation and buy-in by staff and external stakeholders, and the ways in which the policy outcomes have been implemented and evaluated.' The PRC further regarded the lack of skills and capacity as a hindrance to the process of setting new goals and priorities. As was explained, in many strategic planning processes, much of the work has been facilitated by outside consultants, and there exists little evidence of the skills being transferred to staff within departments or organisations.

Another major weakness highlighted by the PRC (1998) was the lack of co-ordination and co-operation that exists within the various departments and provinces, and between the different spheres of government. It was argued that this lack created an incapacity to implement policies and programmes effectively. Furthermore, the PRC found that strategic plans, objectives and goals are frequently not adequately communicated to stakeholders and that this has often resulted in both confusion and the stifling of opportunities for mutually beneficial inter-sectoral collaborations. The Commission's report also revealed that it is evident that decisions taken at the highest policy levels are not adequately conveyed down to the implementing department. According to the PRC

there also exists a lack of monitoring and evaluation systems for the measuring of performance and the evaluation of policy outcomes. This, as it was argued, makes it extremely difficult to objectively outline successes and failures and to provide feedback to policy-makers and implementers.

Finally, another issue addressed by the PRC was the mismatch of budgets with administrative capacity. Said the Commission:

Financial planning and budgeting is crucial because it is concerned with the allocation of scarce public resources (financial and human) in such a way that policy priorities are realised. If the policy and strategic planning processes are not fully synchronised with the budgetary and financial processes, the likelihood is that policies will be introduced without the necessary funds or capacity for their successful implementation... (1998:73).

The PRC report casts interesting light on many of the structural defects that have characterised post-1994 reform attempts by central government. Transformation and restructuring of the transport industry as a whole and of the taxi industry in particular, echoes many of the problems identified by the PRC. The Department of Transport, which plays a key role in the regulation of the taxi industry, has itself experienced difficulties with the transformation process. As was revealed by the PRC, the Department of Transport has seen 'significant downsizing of staff', from 1 400 employees in 1995, to 770 in 1997, and a target of not more than 200 in 1999. Notwithstanding these reductions, the Department has a major role in co-ordinating the management of road traffic at local, provincial and national levels which, if success is to be achieved, requires close working relations at all these levels. However, as was found by the PRC, 'poor

inter-sectoral co-ordination is a recurring problem and is an impediment to integrated development programmes' (1998:16). Recognising the problems regarding the transformation process within the Department of Transport thus creates a better understanding of the difficulties the Department has in assuming its role in bringing about successful transformation in the taxi industry.

7.6 Challenges for future regulation of the taxi industry

It becomes clear in the South African context that the restructuring of the minibus-taxi industry is only possible if there exists a firm and binding commitment by all concerned parties to ensure the success of the transformation of the industry. Full-scale implementation of the government's Recapitalisation programme therefore depends on the ability of all relevant role players to set aside personal agendas, and to come together to form successful partnership arrangements where the ultimate objective is to see that a successful minibus-taxi industry takes its rightful place in the transport sector of the country. The challenge thus lies at the level of negotiating and entrenching the politics of co-management.

Co-management, as described by Hauck and Sowman (2001), is essentially a management strategy where stakeholders are involved in a partnership agreement that is characterised by varying degrees of power-sharing and responsibility. It revolves around the notion of merging the interests of government, whose aim it is to achieve efficiency and sustainability, with the interests of others (such as local communities), who have concerns with regard to self-governance and active participation (cited in Hauck and Sowman, 2001). Applying this strategy to the process of restructuring the minibus-taxi

industry, it becomes apparent that the state is but one key party who has the responsibility of ensuring successful transformation of the industry. With many members of the taxi industry unwilling to relinquish the industry to the government's exclusive control, the challenge for government is not only in rooting out the criminal elements with hidden agendas, but also in getting the industry to recognise the benefits of the restructuring process. This can be achieved through government providing incentives to facilitate and ensure co-operation which is based on the acceptance of and commitment to partnership agreements that are clearly defined. Of major importance then are the relationships between the parties and the communication that occurs within them. As Van der Reis, Miller and Servas (1993:3-1) state:

Communication influences the way in which relationships develop. When relationships between individuals and groups go wrong, it is usually because of ineffective communication. Effective communication helps to build positive relationships. Healthy relationships that are built on principles of good communication can make the difference between an aggressive, unpleasant interaction or situation and a positive one. Effective communication supports positive relationships, being built on principles such as honesty, clarity, understanding, sensitivity and constructive listening.

One relationship fraught with problems is the one between the members of the taxi industry and law enforcement agencies. Field research has emphasised that this relationship is often characterised by a lack of trust, lack of effective communication, hostility and resentment. Considering the history of corruption within the security forces during the apartheid era, it is not surprising that there have developed links of a criminal nature between the taxi industry and law enforcement agencies, or that there has been a

breakdown in the relationship. With regard to the taxi industry in particular, traffic authorities and police officers used to enforce the transport laws with a degree of hostility, discrimination and force. In democratic South Africa, the SAPS and the Traffic Department have experienced great difficulty in changing the negative perceptions many in the taxi industry have of them. There is the firm belief that corruption up to the highest levels continues to exist within the state structures. Their image has been tarnished by not only the role that they played in the enforcement of the apartheid laws, but also the continuous accusations of collusion and corruption against them.

The transition the law enforcement agencies and the SAPS in particular have made in terms of shifting their focus from being accountable only to the state, as they were during apartheid, to the focus now including accountability to the community, has not been an easy one. The law enforcement agencies in the new South Africa have been closely scrutinised, severely criticised and perhaps unfairly stigmatised. This, in addition to the lack of respect many within the taxi industry have for laws and the people who enforce them, has made the task of effective law enforcement a very difficult one. Patel (in Minnaar and Hough, 1997) argues that there needs to be '...a boosting, reorientation and transformation of the investigative capacity of the South African Police Service (SAPS)', but recognises too that in addition to this, what is needed is a complete restructuring within the court system, as there is clearly a lack of effective communication in the relationship between the SAPS and the courts in South Africa. One working effectively without the benefit of the other would be a futile exercise.

While the Recapitalisation programme aims to address all the problems within the industry, government's failure to effectively communicate the strategy to all concerned parties, could severely hamper the implementation process. Implementation of the

programme is unlikely to be successful without the co-operation of all the relevant parties. As opposition to the Recapitalisation programme continues and the government vows to continue its implementation process, the extent to which government restructuring efforts will be successful remains to be seen. While capitulation by government to the threats and demands by the taxi industry is not the answer, strong arm tactics will not aid the situation either. A delicate balance is needed, and the challenge for the democratic government lies in finding this balance.

The taxi industry is clearly unstable and steps need to be taken to address the issues that affect so many lives. However, without a relationship of trust and effective communication, there will be little prospects for a peaceful resolution to the problems. When plans to restructure the industry are not clarified or filtered down to the people it would affect the most, there is cause for concern. Will the industry voluntarily yield to government intervention and allow for a transition free from conflict and violence? Despite government's good intentions, the Recapitalisation programme and attempts to implement it could have potentially devastating results. To avoid further conflict with regard to the restructuring of the taxi industry, all concerned parties, must come together with a common purpose of regulating and stabilising the taxi industry.

7.7 Concluding remarks

The South African minibus-taxi industry has come a long way. Withstanding the rigours of the apartheid polices, the competition from government subsidised buses and trains, and also the violence that has plagued it since the 1980s, the industry has managed to maintain its position in the transport sector of the country. Given the right conditions the

industry could flourish and improve the lives of all its members and not only a select few who hold positions of power.

As South Africa moves further into its era of democratic governance, it moves further away from blaming conditions that exist within the country on the apartheid regime. While one cannot ever deny the role that the apartheid government and its policies played in getting the country to where it is today, at some point the democratic government becomes responsible for the conditions that continue to exist. That the government has difficulty in effectively dealing with the taxi industry and mending relationships whose very nature have proved to be instrumental to the flaring up of conflicts, attests to its failure to overcome the obstacles that threaten effective democratic governance. At present the obstacles to government regulation of the minibus-taxi industry appear to be enormous and there is no doubt that the road ahead towards implementation of regulatory measures will prove to be difficult. However, effective and efficient regulation is what is urgently needed for the eradication of the instability and the successful operation of the minibus-taxi industry. Only the future will tell whether the post-apartheid government will be able to harness both state and non-state capacity in pursuit of effective regulation of a highly competitive transport industry. As the historical narrative presented in this dissertation suggests, the obstacles in the way of taming naked competition with effective regulation should not be underestimated.

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APPENDIX

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INTERVIEW SCHEDULE

Key Questions

The following questions were posed to the respondents. The manner in which the questions were phrased and the order in which they were asked during the interviews, varied. In some instances other questions were included, while others were omitted. Only the key questions appear here.

A. Questions for members of the taxi industry

(a) Biographical details:

1. Name:
2. Age: (a) 20-29 (b) 30-39 (c) 40-49 (d) 50 and over
3. Sex: (a) Male
(b) Female
4. Race: (a) African (b) Coloured (c) Indian (d) White (e) Other
.....
5. Do you have any formal education? (a) Yes
(b) No
- If yes, to what educational level? (a) Std. 5-7
(b) Std. 8-10
(c) Post-matric
(d) Other
6. What is your position in the taxi industry/association? (a) Driver
(b) Owner-driver
(c) Owner
(d) Other

7. How many minibus-taxis do you own? (owners).....

(b) General Questions

1. How long have you been in the taxi industry? (a) 0-5 years
(b) 6-10 years
(c) 11-15 years
(d) Other

2. Why did you enter the taxi industry?

- (a) To make money
(b) Only form of employment
(c) Community Service
(d) Other

3. Is it easy to make money in the taxi industry?

- (a) Yes
(b) No

Why do you say so?

4. If you were offered employment elsewhere, would you leave the taxi industry?

- (a) Yes
(b) No

Explain.

5. What do you think is the biggest problem facing the industry today?

- (a) Crime and Violence
(b) Corrupt traffic officials
(c) Pirate Operators
(d) Too few ranking facilities
(e) Government's Recapitalisation programme
(f) Other

6. How would you describe your relationship with:

- 6.1 Taxi owners/ taxi drivers? (a) Good (b) Okay (c) Bad

- 6.2 The taxi association you belong to? (a) Good (b) Okay (c) Bad
 6.3 Other taxi associations? (a) Good (b) Okay (c) Bad
 6.4 The bus industry? (a) Good (b) Okay (c) Bad

Explain.

7. What kinds of problems do you encounter in your dealings with each:

- 7.1 Taxi owners/ taxi drivers?
 7.2 The taxi association you belong to?
 7.3 Other taxi associations?
 7.4 The bus industry?

8. How would you describe the relationship between the taxi industry and:

- 8.1 The community? (a) Good (b) Okay (c) Bad
 8.2 The police? (a) Good (b) Okay (c) Bad
 8.3 The traffic police? (a) Good (b) Okay (c) Bad
 8.4 Gangs? (a) Good (b) Okay (c) Bad

9. What kinds of problems do you think are experienced in each relationship:

- 9.1 The community?
 9.2 The police?
 9.3 The traffic police?
 9.4 Gangs?

10. In your opinion, who should regulate the taxi industry?

- (a) Taxi Associations
 (b) The State
 (c) Joint Committees
 (d) Other

Why do you say so?

(c) Conflict and violence in the taxi industry

1. What do you consider to be the main cause of taxi violence?

- (a) Money
 (b) Sharing of ranking facilities
 (c) Pirate Taxis
 (d) Lack of proper law enforcement
 (e) Other

Explain.

2. Who would you say are the major players involved in the violence?
3. What types of weapons would you say are used in the taxi violence?
4. Do you have concerns about your own physical safety? (drivers).

- (a) Yes
(b) No

If yes, what kind of precautions do you take?

5. Do you think that there are any parties that benefit from the ongoing violence? (External or Internal). Explain.
6. How, in your opinion, has the violence impacted:
 - 6.1 The industry?
 - 6.2 The commuters?
 - 6.3 The community?
7. How effective has the response of the following been to the taxi violence?
 - 7.1 the State? (legislation).
 - 7.2 the SAPS? (enforcement).
8. What, if any, would you say are the difficulties experienced by them in addressing the issue?
9. What do you consider to be the solution to the violence in the taxi industry?
10. How do you see your future in the industry?

(d) The Recapitalisation Programme

1. What do you think of the Recapitalisation Programme? Why do you say so?
2. How do you see it impacting the industry?
3. How successful would you say implementation will be?
4. Are you in favour of the programme? Explain.
5. What are the prospects for stability within the entire transport industry in the future?

B. Questions for law enforcement officials and the members from UMAC

(a) Background

(SAPS and Traffic Department)

1. In what capacity have you been involved with the taxi industry?
2. Who were the parties that were involved?
3. What are the difficulties that you experienced? How did you overcome the difficulties?

(UMAC)

1. Explain the conflict resolution and mediation process?
2. What kinds of issues are dealt with?
3. How long does such processes last?
4. How successful would you say they are?
5. What are the obstacles that you have to contend with?

(b) Violence and conflict in the taxi industry

1. What would you say are the main causes of the conflict in the taxi industry?
2. What fuels the conflict?
3. Who are the instigators/perpetrators of the violence? How difficult would you say it is to identify these people, arrest them and bring them to trial?
4. In your opinion, are there any parties that benefit from the instability in the industry?
In what way do they benefit?

(c) The state's response to the conflict and violence

1. How effective has the state's response been to the violence in the taxi industry?
2. Have state strategies in dealing with the industry changed over time? How is it different from the apartheid years?
3. How do you view the capacity of the state to contain the conflict and violence?
4. What would you say hampers the state's ability to function/act effectively in regard to the conflicts within the taxi industry?

5. What are the difficulties that law enforcement agencies face in dealing with the taxi industry?
6. How would you describe the relationship between the taxi industry and the SAPS/the Traffic department/NGO's?

(d) The Recapitalisation Programme

1. What do you think of the programme and how do you see it impacting the industry?
2. Do you see it reaching full-scale implementation? Explain.
3. What do you think about the opposition to the programme from members within the taxi industry?
4. How should government respond to it?
5. Do you think that all the members in the industry have full knowledge of the programme and how it will affect their lives?

(e) Solving the problem

1. What do you see as the solution to the violence?
2. What would you say is the degree of commitment amongst state, local government, taxi associations and drivers to abide by a peace contract once one has been agreed upon?
3. What are the prospects for a stable future within the transport industry as a whole?