

COMMISSION OF INQUIRY REGARDING
THE PREVENTION OF PUBLIC VIOLENCE
AND INTIMIDATION

INTERIM REPORT ON THE VIOLENCE IN THE TAXI INDUSTRY

GOLDSTONE REPORT; GK - 7

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NOT TO BE ISSUED

The State President

COMMISSION OF INQUIRY REGARDING THE
INTIMIDATION FROM THE COMMISSION
TAXI INDUSTRY

The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation has the honour to present an interim report on the violence in the taxi industry.

The committee investigating public violence and intimidation in the taxi industry has submitted an interim report to the Commission.

The Commission has decided that this report should be submitted to you at this stage as its publication may be of assistance to the persons and organisations seeking to bring about peace in the taxi industry in the Western Cape.



R. J. GOLDSTONE

CHAIRMAN OF THE COMMISSION

10 JUNE 1992

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The Commission

REPORT TO THE COMMISSION OF INQUIRY REGARDING THE PREVENTION OF
PUBLIC VIOLENCE AND INTIMIDATION FROM THE COMMITTEE ESTABLISHED TO
INQUIRE INTO THE TAXI INDUSTRY

D.J. ROSSOUW

CHAIRMAN OF THE COMMITTEE

MR L.S. VAN ZYL

MEMBER OF THE COMMITTEE

CAPE TOWN

27 MAY 1992

FIRST INTERIM REPORT TO THE COMMISSION BY THE COMMITTEE INVESTIGATING PUBLIC VIOLENCE AND INTIMIDATION IN THE TAXI INDUSTRY

1. This is an interim report that aims only at informing the Commission of the investigations up to now and what still needs to be done.
2. The Committee had its first session on 16 March 1992 in the Dutch Reformed Church Centre, Cape Town. At that stage the Committee consisted of D.J. Rossouw (chairman), L.S. van Zyl, B.M. Ngoepe and G. Steyn. During April the Committee was divided in order to allow the investigation into train violence on the Reef to commence. The reconstituted Committee, which continued the investigation into taxi violence, comprised D.J. Rossouw (chairman) and L.S. van Zyl. The evidence before the Committee is adduced by its legal officer, Mr J. Slabbert. Lt. Van Rensburg of the South African Police has been seconded to assist in the investigations.
3. The Committee has been hampered in its operation by the unavailability of witnesses, representatives and members of the Committee. In the result hearings were punctuated by postponements. However, the record of evidence heard at the public sessions already runs to 790 pages. The Committee has also conducted private hearings with witnesses who are not willing to testify in public.

4. From the information gleaned by the Committee to date it would appear that the roots of the taxi war go back many years. Permits to conduct taxi businesses were granted to Blacks who qualified for residence rights in terms of section 10 of the Blacks (Urban Areas) Consolidation Act, 1945 (since repealed). These permits limited the scope of business to the Black townships, as the name of the first Black taxi association, LAGUNYA (for Langa, Guguletu and Nyanga) indicates.

An informal taxi sector developed among relative newcomers to the area who did not qualify for residence rights and consequently were unable to obtain taxi permits. These "pirates" plied their trade outside the townships, i.e. to and from the city centre. These "pirates" (who later formed WEBTA [Western Cape Black Taxi Association]) were tolerated by LAGUNYA while they were "unlawful" and they were being arrested, prosecuted and fined; their vehicles were impounded and often declared forfeit.

5. The trickle of newcomers to the city over the years swelled to a flood in the 1980s, and especially after influx control was abolished in 1986. The Local Road Transportation Board (LRTB) relaxed its strict requirements for permits (the process referred to as deregulation) and many WEBTA members obtained permits and were allowed to continue to service routes from the townships to the city.

6. LAGUNYA perceived this development as a double-cross by the LRTB and the legalising of WEBTA as a threat.

LAGUNYA's feeling of grievance and its perception of having "earned" its right to a permit through having qualified on residence, and WEBTA's perception that it had "earned" its right to a permit through years of persecution, set the scene for conflict.

7. It is a forlorn hope that one will discover who cast the first stone, and that would in all probability be irrelevant. The conflict has taken on frightening proportions and despite intervention by various persons and bodies it has flared up again and again. The cost of the war, calculated up to the first quarter of this year, is awesome; some 66 people have been killed and damage to property runs to R3,6 million.

8. The Committee welcomes the present initiatives by CODETA and would like to see that convention continue its task to conclusion as speedily as possible. *Prima facie*, the determination of causes of the conflict (the task of this Committee) seems to be irrelevant to CODETA's task. CODETA is the Convention for a Democratic Taxi Association.

9. Various factors have been mentioned before the Committee as having contributed to a greater or lesser extent to the bloody conflict that has, with intervals of relative peace, lasted for some years. Some of these factors are enumerated at random:

9.1.1 It has already been mentioned that "deregulation" resulted in many more permits being granted, and that this intensified the commercial competition.

9.1.2 The two kinds of permits that are issued, namely the "radius" permits and the "route" permits, overlap, creating further potential for conflict. At this stage, if a choice had to be made in order to reduce tension, there seems to be a predilection for route permits. However, routes also need to be defined.

9.2 The various Acts of Parliament regulating the public transport industry in general and the taxi industry in particular seem to need revision. The Committee still has to hear evidence on the general policy with regard to the industry as a whole.

9.3 Law enforcement is understandably difficult under these circumstances.

9.3.1 Information before the Committee indicates that a large number of vehicles operating as taxis have no permits and/or that the drivers may not be licensed. It has also been alleged that even "legal" taxis do not keep to the conditions of the permits.

9.3.2 Complaints have been made that the traffic police and the South African Police are lax in enforcing the law or investigating complaints. There have been allegations that members of the South African Police have participated in violence. Evidence has been received to the contrary. There has been evidence that the South African Police have tried to mediate in the war on a continuing basis.

The role played by the South African Police and their influence on the level of violence experienced in the region have not been fully explored and will be the subject of further investigations by the Committee.

9.4 From the foregoing, it will be seen that the taxi conflict has its roots in commercial competition. At this stage it would be premature to say to what extent politics has played a role in the violence and intimidation relating to this conflict.

9.5 From evidence given by taxi operators, it is evident that an acute lack or shortage of business training and experience on the part of taxi operators, coupled with a commensurate lack of driving skill, has contributed to the carnage that is being experienced on the roads. The same factors have contributed to the contest for business and, by the same token, to the conflict between taxi drivers.

The high rates charged by financial institutions on hire-purchase contracts and ever-increasing running costs collectively contribute to the need on the part of taxi operators to convey as many passengers as possible as often as possible. Vehicles are overloaded and traffic rules are ignored in the contest for patronage.

The urgent need to have training in driving skills was expressed most emphatically by representatives of the taxi industry. This is a field in which the private sector, and particularly those industries that are automotive-related such as the oil industry,

vehicle manufacturers and finance houses, could usefully join hands with SABTA (South African Black Taxi Association) and other taxi organisations to ensure the urgent availability of training facilities.

9.6.1 The absence of ranks and stops (i.e. pick-up and drop-off points) or of adequate ranks and stops adds to the tension and confusion, and in general aggravates to traffic congestion.

9.6.2 It is also common cause amongst those who testified that the facilities available to taxi drivers and passengers at ranks and drop-off points are non-existent or poor.

There is virtually no shelter from the elements or toilet facilities.

The authorities in control in these places need to address the problem without delay.

10. Evidence must still be received on various matters before the Committee will be in a position to submit a final report.

Public hearings will continue on Monday, 20 July 1992 at the Civic Centre in Cape Town.