

COMMISSION OF INQUIRY REGARDING
THE PREVENTION OF PUBLIC VIOLENCE
AND INTIMIDATION

SIXTH INTERIM REPORT ON THE TAXI & MINIBUS INDUSTRY
IN THE KING WILLIAM'S TOWN AREA

GOLDSTONE REPORT ; GK - 42

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COMMISSION OF INQUIRY REGARDING
THE PREVENTION OF PUBLIC VIOLENCE
AND INTIMIDATION

*SIXTH INTERIM REPORT ON
THE TAXI AND MINIBUS INDUSTRY
IN THE
KING WILLIAM'S TOWN AREA*

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THE PRESIDENT

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

The Commission's Committee investigating public violence and intimidation in the taxi and minibus industry has submitted its sixth interim report, which is annexed hereto. The Commission accepts the findings of the report and agrees with its recommendations.

The Commission has decided to submit this report to you at this stage as its publication may be of assistance to the persons and organisations seeking to bring peace, order and co-operation in the minibus industry in the King William's Town area.



R J GOLDSTONE
CHAIRMAN OF THE COMMISSION

26-7-94

SIXTH INTERIM REPORT TO THE COMMISSION OF INQUIRY REGARDING
THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION BY
THE COMMITTEE INVESTIGATING PUBLIC VIOLENCE AND INTIMIDATION
IN THE TAXI INDUSTRY. THIS REPORT PERTAINS TO THE
CIRCUMSTANCES PREVAILING IN KING WILLIAM'S TOWN AND
SURROUNDING AREAS.

D J Rossouw

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CHAIRMAN OF THE COMMITTEE

M N S SITHOLE
MEMBER OF THE COMMITTEE

S Van Zyl

S VAN ZYL
MEMBER OF THE COMMITTEE

21-7-94

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

1. INTRODUCTION

1.1 This is a further inquiry in the series dealing with violence within the minibus industry in a particular area. It was instituted in response to a request which was received from the Border-Ciskei Regional Peace Committee on 31 March 1994, after efforts to negotiate a peaceful resolution of the situation had reached an impasse.

1.2 The usual terms of reference, viz, to inquire into and to establish the nature and causes of the violence, its aims, what persons are involved and what steps are recommended for the cessation of the violence, apply with special reference to the situation in the King William's Town area.

1.3 The inquiry was held in the Conference Centre of the Amatola Sun Hotel in Bisho. It commenced on Monday, 16 May 1994 and concluded on Friday, 20 May 1994. The sessions were also attended by two international observers, Mr R Simmonds of Canada and Mr K Frimpong of Botswana.

1.4 A taxi conflict has sporadically erupted in violence in and around King William's Town for the last few years, and did so again in November and December 1993. The main contenders in the

conflict are the Border Alliance Taxi Association and the King William's Town Taxi Forum. Both these bodies were legally represented at the inquiry. The parties that have an interest in the minibus industry in the area and which were represented, were:

1. The King William's Town Taxi Forum
2. The Border Alliance Taxi Association
3. The Ginsberg Taxi Association
4. The Department of Transport
5. The South African Police
6. The King William's Town Borough Council
7. The King William's Town Municipality
8. The King William's Town Chamber of Commerce
9. The Border-Ciskei Regional Peace Committee
10. The Ciskei Police Force
11. The Ciskei Department of Transport

The last two bodies were allowed separate representation because it was soon after the election and no practical merging with the South African Police Service and the Department of Transport had yet taken place.

1.5 The Committee received very helpful written representations. *Viva voce* evidence was adduced and verbal representations were received from all the delegations. The Committee was accorded every assistance to conduct the inquiry as efficiently and as expeditiously as possible. We express our gratitude to all concerned.

1.6 A special word of thanks must also be accorded to Miss Thandi Norman of the office of the Attorney-General in Bisho who acted as the Committee's counsel, as well as to our investigators, Major Eric Haynes and Detective Warrant Office J P Neethling.

2. BACKGROUND TO THE CONFLICT

2.1 Prior to the independence of Ciskei there were few problems experienced in the taxi industry in the Border area, i.e. East London, King William's Town, Stutterheim and magisterial districts which were afterwards incorporated in Ciskei. This can, to a large extent, be ascribed to the fact that permits to operate taxis were difficult to come by and specially trained members of the South African Railway Police ensured that taxis were operated by duly authorised operators who complied strictly with the conditions attaching to their permits. Transgressors were regularly prosecuted and a conviction could lead to the cancellation of the operator's permit. Permits were in any case issued for limited periods and a conviction could jeopardise the renewal thereof. This had the result that entry into the taxi trade was restricted and that the number of taxis operating was controlled.

The large concentrations of people in the Border area have always been dependent on public transport to and from work and for journeys to conduct their business and social activities. They were to a large extent dependent on buses for transport. Taxis were operated in accordance with what is understood by the term "taxi".

2.2 When Ciskei became independent in 1981 a unique situation was created. King William's Town was completely surrounded by Ciskei and places like Bisho and Zwelitsha in Ciskei were about three kilometres from the King William's Town municipal boundary. There was a large and constant flow of people from Ciskei to places in the Republic of South Africa and vice versa. To move from one point to another in Ciskei and also in the Republic of South Africa often necessitated cross-border trips. However, Ciskeian permits for the transportation of passengers in Ciskei did not authorise the conveyance of the passengers in South Africa. Conversely, permits which were issued in South Africa did not authorise the conveyance of passengers in Ciskei.

2.3 During 1982 the concept of "free enterprise" came into existence in Ciskei. This concept was perceived to entitle taxi owners to transport passengers for reward without a permit within the boundaries of Ciskei. The concept was legalised to a large extent during 1984 when the Small Business Deregulation Act was passed. However, a 1985 amendment provided that a permit to transport passengers was necessary and that its issue was subject to certain requirements, for example, the owner had to have a valid driver's licence and the vehicle had to be roadworthy. However, the amending act contained no penalty clause; consequently, taxi operators in Ciskei could, and did, ignore requirements and conducted their businesses without permits.

Towards the end of the last decade the requirements for obtaining

a permit to transport passengers in South Africa were relaxed. This was a boon for Ciskei operators who, on production of a Ciskei permit, which was already a mere formality to obtain, had very little difficulty in obtaining a permit for the conveyance of passengers in the Republic of South Africa. When the South African Railways Police merged with the South African Police during October 1986 effective law enforcement of the minibus industry declined. Unfortunately this took place when the taxi business was booming and was becoming a major industry. By cutting prices they forced the traditional (sedan) vehicles out of business and by legal and illegal means (which included violence and intimidation) they also forced most buses out of business. The minibus transport industry was firmly established in the area.

2.4 Two types of permits are issued to minibus operators to convey passengers, namely, permits to operate on certain routes and permits to operate within a certain radius, usually 60 kilometres, from their starting point which is commonly referred to as their point A. Permits to operate on specified routes are mostly issued for long distance conveyance of passengers, for example, to Cape Town or Johannesburg. On these routes drivers are not allowed to drop or pick up passengers en route. (In recent times this rule has been breached on such a large scale that it constitutes a major cause of taxi unrest).

2.5 Initially, most minibus owners were members of the South African Black Taxi Association (SABTA) but internal clashes during the 1980's resulted in a number of taxi associations breaking away

from SABTA and forming other associations. Thus, in the King William's Town area the Border Alliance Taxi Association (BATA) was established. BATA consists of the following affiliated taxi associations: Melita (Mdantsane, East London), Peddie, Veta (Alice), Keiskammahoek, Stutterheim, Ilitha, Ndevana, Queenstown, Middledrift, Grahamstown and Pirie (Rooi Dam) Taxi Associations and certain operators who previously were members of Dimbaza Taxi Association. Except for taxi associations based in East London, Queenstown and Grahamstown all these other associations are based in (what had been) Ciskei. They operate from their home towns (which are their point A) but they regard King William's which falls within the radii of their permits as their headquarters.

The King William's Town Taxi Forum ("the Forum") was formed during 1993 and consists of Uncedo (KWT), Bisho-King, Zwelitsha and Dimbaza Taxi Associations. They are also known as BIKITA. The Forum retains membership of SABTA and operates from King William's Town which is its point A. The members, however, reside in Ciskei but lay claim to use King William's Town as the starting point because all these places were in the magisterial district of King William's Town before the independence of Ciskei. The Ginsberg Taxi Association is actually the only local association in King William's Town (as Ginsberg fell within the magisterial district of King William's Town during Ciskei's independence) but is not affiliated to any other taxi association and is not involved in the conflict between the two major associations.

2.6 The Ginsberg Taxi Association has its own rank in Garden

Street. The biggest rank in King William's Town is situated on the market square. This is at present used by the Forum to the exclusion of BATA after conflict erupted between the two taxi associations some years ago. To resolve that conflict the Borough Council allowed BATA to use the Cathcart Street rank on the clear understanding that it was to be only a temporary measure. To all appearances, however, BATA intended to continue its occupation of the Cathcart Street rank indefinitely and, as subsequent events proved, was prepared physically to defend that occupation.

2.7 The Forum does not countenance the use by BATA of the Cathcart Street rank because of the perception that this rank is better located to attract passengers than the Market Square rank. The Cathcart Street rank is also reputed to be the rank for long distance trips and attracts long distance passengers which gives BATA an advantage over the Forum. BATA, on the other hand, is unhappy because the Forum uses King William's Town as their point A (starting point). BATA is of the opinion that Forum members must have the places where they reside, for example, Zwelitsha, Bisho or Dimbaza as their point A and that only Ginsberg Taxi Association is a local taxi association as far as King William's Town is concerned and may, therefore, use King William's Town as point A. At present, BATA physically prevents Forum members operating on certain routes covered by their permits, namely, King William's Town-Peddie, King William's Town-Alice and certain other routes.

2.8 During April 1993 and acting in accordance with guidelines

issued by the Department of Transport the Borough Council took steps to form the King William's Town Local Taxi Liaison Committee and for this purpose acknowledged the Forum's claim to be a local-taxi association and they were consequently admitted as a member of the Committee. BATA, on the other hand, was not granted membership and is excluded from meetings of the Committee where matters pertaining to the operation of taxis in King William's Town and ranks to be used are discussed and decisions taken. BATA perceives the Borough Council as affording privileges to the King William's Town Forum which are denied to them (BATA).

2.9 Five roads carrying a large volume of traffic lead into the centre of King William's Town. In order to relieve the press of traffic in the town centre the Borough Council accepted the results of a traffic study done by its consultants. *Inter alia*, this traffic plan calls for rerouting the entry of roads into the town and this would entail the closure of the Cathcart Street rank. In order to accommodate taxis using the Cathcart Street rank the rank on Market Square would be upgraded and a holding area opened in Oak Street.

The Borough Council attempted the implementation of the traffic plan towards the end of 1993. After upgrading the Market Square rank it served notice on BATA to vacate the Cathcart Street rank. BATA's resistance to moving and the Forum's endeavour to force the issue by physical intervention led to an eruption of the simmering conflict.

Although violence had occurred from time to time during the conflict between the opposing parties firearms had been used in only two incidents reported to the South African Police during 1991 and three incidents during 1992. Towards the end of 1993 violence increased and from November 1993 to March 1994 twenty incidents involving firearms were reported to the South African Police. This included three murder cases. A number of cases on charges of terrorism were also reported. The associations blockaded public roads and the Forum at one stage blockaded the Cathcart Street rank.

Meetings were convened and attended by the Borough Council, South African Police, King William's Town Peace Committee and the two taxi associations to resolve the conflict and bring about peace. Although violence has abated the conflict has not been resolved.

3. THE NATURE OF THE VIOLENCE

3.1 As mentioned in the previous paragraph violence, including the use of firearms with fatal results, flared up sporadically in the last few years.

3.2 When the Borough Council of King William's Town decided in October 1993 to implement the traffic flow plan, it served notice on BATA that the Cathcart Street rank would be closed at midnight on 27 November 1993 and that alternative premises had been made available at the Market Square. The Market Square rank was then, as now, fully controlled by the rival taxi association, the Forum.

BATA protested against this and warned that violence may result. On 30th November 1993 members of the Forum blockaded the road between King William's Town and Dimbaza. BATA taxis were forced to turn back. BATA retaliated by blockading certain routes, eg King William's Town-Alice, preventing Forum members from using them. Although shots were fired no one was injured. At various places during the day shots were fired; fortunately, no fatalities occurred but one passenger received light wounds. On the same day Forum members also "took possession" of the Cathcart Street rank by parking their minibuses on the rank. The next day saw further blockades and the use of firearms. Vehicles were set alight or otherwise damaged. In the days following 2 people died and others received gunshot wounds. On 5 December 1993 a hand-grenade exploded at a filling station. No one was injured but some damage to buildings and a minibus was sustained. On 7 December 1993 a gun battle raged between members of the rival associations. Further shootings occurred sporadically.

3.3 It would seem that some quiet returned to the area after BATA obtained court orders in the Ciskei Supreme Court and the Eastern Cape Division of the Supreme Court of South Africa. A number of peace organisations also played a role in restoring peace. Tensions, however, remained high and a further outburst of violence occurred in February and March 1994 leaving two people dead and a number of others injured as a result of shootings.

3.4 The aim of the violence is to obtain a commercial advantage and, to all intents and purposes, party politics play no role in

the conflict. From the information at its disposal, the Committee inferred that taxi operators of BATA and the Forum are responsible for the violence. No individuals were identified.

4. SOME VIEWS REGARDING THE CAUSES OF THE VIOLENCE

4.1 In dealing with the cases of the taxi violence in the King William's Town area it is important initially to list what the warring parties and other stakeholders perceive as the sources of conflict since this sheds some light on the dynamics and ethos of much of the violence in the area.

4.2 The general perception prevailing among the parties and stakeholders is that the conflict is a battle for taxi routes and ranks. This occurs by way of the one taxi association denying the other rights of plying certain routes which are perceived as lucrative, and vice versa. Such denial results in unofficial and illegal road-blockades by the one association against the other and the refusal by rival taxi associations to share common facilities such as taxi ranks allocated by urban local authorities.

4.3 According to the presentation at the inquiry by BATA the causes of the taxi violence in the area are the following:

4.3.1 The fact that taxi business, like most businesses, is highly competitive. The fierce competition among taxi businessmen inherently bears the seeds of conflict.

4.3.2 It is in the nature of the taxi industry that groups with similar interests such as local and long distance taxi associations are formed for the protection of the interests of the members.

4.3.3 As a secondary cause of conflict suspicion plays an important role. Such suspicion may exist among the members of a particular association *inter se*, or between one association and another or even between an association and law enforcement agencies and urban local authorities. Thus BATA may view the SAP or King William's Town burrough officials with suspicion as siding with the Forum and allowing themselves to be put under pressure by the Forum to close the Cathcart Street rank.

4.4 According to the Forum the causes of the taxi conflict in the area are the following:

4.4.1 The inconsiderate and unlawful restrictions placed by BATA on Forum members from plying certain routes, in particular the King William's Town to Peddie and King William's Town to Alice routes. These restrictions are physically enforced by BATA members.

4.4.2 The unreasonable territorial aggrandisement by BATA members who claim that King William's Town is a neutral venue and yet they selectively target Forum members by

preventing them from transporting passengers from King William's Town to areas under the control of BATA. The effect of this territorial restriction is that certain routes are for the exclusive use of BATA members. This prohibition also applies to special trips such as for funerals and school athletic meetings.

4.4.3 The unfair advantage which BATA members gain in long distance trips in that they not only use their own towns such as Alice and Peddie as starting points but also King William's Town to transport passengers to various destinations, whereas other associations such as the Forum are prohibited by BATA from using their (BATA's) own towns as starting points. The effect of this prohibition is that Forum members who travel on long distance trips through areas (such as Alice and Keiskammahoek) would be stopped, assaulted and robbed of their money and have to watch helplessly as their passengers are forced to disembark.

4.5 The Ginsburg Taxi Association members see the causes of taxi violence in the King William's Town area as the following:

4.5.1 The founding of the Forum marked the beginning of taxi violence in the area because the Forum dictated terms in so far as the official opening of the new upgraded taxi rank is concerned. Forum members also interfered with and made critical remarks against Ginsberg Taxi

Association members who also operated from the upgraded rank to a point that the latter association had to withdraw from this rank.

4.5.2 The preferential treatment given to Forum members by the King William's Town local authority while BATA members were being ignored or threatened with eviction notices to leave the BATA rank.

4.6 The Ciskeian Police see the causes of the taxi conflict in the area as being the following:

4.6.1 The competition for business between the Forum and BATA on the lucrative Ilitha via Phakamisa and Zwelitsha to King William's Town route with the Forum claiming this route as its private domain to the exclusion of BATA members.

4.6.2 The claim by Forum members that King William's Town is their domain and that they do not benefit from long distance trips from this town because they are foiled by BATA at the Cathcart Street rank. This attitude on the part of the Forum possibly led to the attempted closure of this rank by the King William's Town municipality in 1993 and to the blockades which occurred in November 1993 at the instance of the warring taxi associations.

4.6.3 The creation of power bases for the various taxi

associations by the unrestricted circulation and possession of unlicensed firearms among taxi drivers. The easy acquisition of unlicensed firearms by taxi drivers is spawned by the intolerance and high competition levels between rival taxi associations.

4.6.4 The fact that the taxi industry is being overtraded and the concomitant lack of control. Political boundaries had the effect of making policing of the industry virtually impossible.

4.7 According to the Ciskeian Deputy-Director of Public Transport Branch the causes of the taxi conflict in the area are the following:

4.7.1 The obvious absence of law enforcement in the Ciskei to regulate the burgeoning taxi industry, which situation was created by the fact that the Small Business Deregulation Act, No 27 of 1984 which regarded the taxi trade as small business, provided no penal measures to deal with offenders. The effect was that taxi operators flouted this law with the knowledge that no prosecutions would follow. Moreover, law enforcement in the industry was made all the more difficult because some policemen were known to be taxi owners.

4.7.2 The total disregard by taxi operators of provisions of the taxi permits granted to them in the Ciskei and the

arbitrary designation and allocation of routes among themselves as associations instead of complying with the terms and conditions of the permits granted to them by the Ciskei Transportation Board.

- 4.7.3 The creation of no-go areas by some taxi associations in the Ciskei and the concomitant monopoly exercised by them on certain routes and taxi ranks much to the exclusion of other associations.

4.8 To the South African Police in the area the causes of the taxi conflict are the following:

- 4.8.1 The misconception which arose in the area amongst taxi owners and all and sundry that the "free enterprise" system (ie deregulation of the taxi industry) which had been proclaimed in the Republic of Ciskei was to apply in South Africa as well. The relaxation of requirements for obtaining a South African taxi permit, however well intended, created a perception that "the law regarding illegal" taxis would not be strenuously applied. This misconception led to a phenomenal increase in the number of "pirate" taxis without local and cross-border permits. Many unemployed people had also turned to the taxi industry for employment.

- 4.8.2 The demise of the South African Railways Police in 1986 resulted in a significant increase in "pirate" taxis. As

the South African Police had not been specially trained to do the work which had been done by the Railways Police (eg the inspection of permits), and lacked the necessary manpower, law enforcement was not effective.

4.8.3 As a contributory factor, the corresponding increase in legally operating taxis caused by the relaxation of the requirements in obtaining permits in South Africa resulted in permits in Ciskei being even easier to obtain.

4.8.4 The (unsubstantiated) allegations of wide-spread corruption among those responsible for granting permits and biannual vehicle fitness certificates.

4.8.5 The mistaken perception held by some taxi owners that "free enterprise" entitled them to establish new taxi ranks anywhere and to be in absolute control thereof either for themselves or for their association.

4.8.6 The further mistaken perception held by some taxi owners that "free enterprise" encompassed direct competition with formalised commuter bus companies even though this is incompatible with the concept of a taxi and contrary to the conditions of all taxi permits.

4.9 The above causes of the conflict are succinctly summarised by the South African Police in their written submission as follows:

"The cumulative effect of all the above was, and is, supply exceeding demand, in contrast to the situation which existed prior to "free enterprise" and a frantic competing for both passengers routes and ranks in the face of decreasing profits and the heightened anxiety of perhaps having to leave the "taxi" industry for the hardship and poverty of the unemployment lines; a competition for business which had become so tenacious in its struggle for continued existence and profit as to be at the expense of human suffering and misery".

5. THE FINDINGS OF THE COMMITTEE: CAUSES OF THE TAXI CONFLICT IN THE AREA

On a conspectus of the information received by the Committee the immediate cause of the eruption of violence in the taxi industry in King William's Town in November/December 1993 were the events described above in paragraph 3.2. However, as pointed out in paragraph 3.1 the conflict had begun well before 1993.

An analysis of the written and oral submissions of the parties and relevant stakeholders in respect of the causes of the taxi conflict in the King William's Town area leads the Committee to the inescapable conclusion that most of the causes of the taxi violence in the area are akin to those already enunciated in the Commission's Fifth Interim report, namely: The negative effect of apartheid laws on urbanisation; commercial factors; the permit system and the role of the Transport authorities; lack of law enforcement; and cupidity, intolerance and territorial power

struggles among taxi associations. Each of these causes will be expatiated upon in the context of the area in question as follows:

5.1 THE EFFECT OF APARTHEID LAW ON URBANISATION

Until recently, the official position was that King William's Town was situated in the Republic of South Africa whereas areas such as Zwelitsha, Dimbaza, Mdantsane, Keiskammahoek, Peddie etc were situated in the Ciskei. Thus many an entrepreneur among black people in residential areas on the periphery of King William's town, faced with the reality of rapid urbanisation and the demand for jobs as the economic situation worsened, turned to the taxi industry for survival, disregarding the political boundaries of the area. This fact, coupled with the failure of the political authorities to provide facilities for mass transport, especially after the demise of the SAR commuter bus service, resulted in the proliferation of the pirate taxi business in the area. This obviously had to lead to a scramble for lucrative routes and ranks by various taxi owners and associations with competition and tensions inevitably building up. In this regard, a comparative analysis of a "census of taxis" provided by the South African Police in the area confirms the large number of "taxis" operating in the area.

5.2 COMMERCIAL FACTORS

5.2.1 There is no doubt in the Committee's mind that the taxi industry in the area, like in the rest of the country,

is saturated, in that the supply of taxi services far exceeds the demand for them. This fact may be denied by some who have a vested interest in the industry but most would agree that the fierce competition prevailing in the taxi business coupled with decreasing profits are indicators of an over-subscribed market.

5.2.2 Not only are decreasing profits and rising costs having a negative effect on the industry but the inability of the free market system to operate in the industry also has such an effect. The free market system does not come into its own for the following reasons:

5.2.2.1 Physical constraints placed by the one association on the other(s), (eg road blockades).

5.2.2.2 The absence of business skills and sophistication in the case of many of the taxi operators, with no proper books of account kept, and therefore no taxes paid.

5.2.2.3 The prevalent desire to duplicate facilities such as taxi ranks.

5.2.2.4 The downswing in the economy and the effect of inflation on running expenses. (Some of the "taxis" seen at an inspection *in loco* seemed to be public hazards and definitely not roadworthy).

5.3 THE PERMIT SYSTEM AND THE ROLE OF TRANSPORT AUTHORITIES

5.3.1 The Committee is satisfied that the existence of more than one transport authority in the area, each with its own standards and norms for granting and issuing taxi permits, is highly undesirable. This applies to the issuing of roadworthy certificates as well. Evidence was tendered that in the Ciskei permits were obtainable "over the counter" while it was far more difficult to obtain them from the South African transportation authorities. The need for uniformity of standards in the granting and issuing of permits cannot be over-emphasized.

5.3.2 The Committee also finds that the general deregulation of the taxi industry, whether called "free enterprise", deregulation or a relaxation of entry requirements, has caused more harm than good.

5.4 THE LACK OF LAW ENFORCEMENT

5.4.1 The Committee finds that there is an appalling lack of law enforcement over the taxi industry in the area as a result of the following factors:

5.4.1.1 Defective legislation on deregulation in the Ciskei which does not contain penal sanctions for dealing with offenders in the industry. The

Ciskeian Small Business Deregulation Act, No 27 of 1984 is a case in point.

5.4.1.2

The perception that some police officers in the area are themselves taxi owners and therefore have a vested interest in the taxi business. The Committee was furnished with a list of names of certain officers alleged to operate taxis in the area. The names were handed to the South African Police representatives for investigation and action. The results of the investigation are not yet known.

5.4.1.3

The demise of the SAR commuter bus service and the subsequent withdrawal of the Railway Police who were trained in the inspection of taxi permits to regulate the competition between the railway bus service and the taxis. The South African Police in the area have conceded that they are unable to fill the void left by the Railway Police.

5.4.1.4

The difficulties created by political boundaries between the Ciskei and the RSA with law enforcement agents unable themselves to pursue offenders beyond the borders of their jurisdictional area.

5.4.1.5

The proliferation of unlicensed firearms in the area and the common circulation and possession

thereof by people in the taxi industry makes policing a hazardous task.

5.5 CUPIDITY, INTOLERANCE AND POWER STRUGGLES

5.5.1 The Committee also finds that common triggers of the conflict in the taxi business of the area in question are plain greed, intolerance and the use of physical force against business rivals. Evidence was tendered that physical force was used by the warring parties either to coerce passengers to disembark and to discourage rival taxi drivers from plying their business on certain specific routes which are generally considered to be lucrative, or to blockade all entry routes to King William's Town.

5.5.2 The Committee also heard evidence that taxi operators join associations for the sake of protection. Such protection manifests itself in group action by the association's fellow members, who are invariably armed to the teeth, against members of rival associations. Such reprehensible conduct occurs in the name of "free enterprise" and it makes a mockery of fair competition. Unless the warring parties become more tolerant towards one another and less selfish, and unless they desist from resorting to physical force as a form of conflict resolution, then the conflict in the area will take a long time to disappear.

6. RECOMMENDATIONS

6.1 A comparison of the causes mentioned heretofore and those mentioned in the Fifth Interim Report reveal that they are the same. In the Fifth Interim Report they were summarized on p 52 -53 as follows:

"1.1 Enormous and sudden growth of the kombi-taxi or minibus taxi industry, causing ever increasing commercial competition amongst operators;

1.2 A general lack of business training and skills within the industry which, if such skills and experience had been present, would have served to assist the operators of taxis to come to terms with economic circumstances prevailing in the transport industry and with severe competition amongst themselves;

1.3 Dissatisfaction with the perceived policy of deregulation manifested in the random issue of permits to illegal operators;

1.4 Problems surrounding the effective enforcement of laws, regulations and rules coupled to dissatisfaction with or lack of respect for the existing law enforcement agencies, including the S A Police;

1.5 A prevailing culture of violence which seems to suggest that violence, in itself, is a means towards the achievement of a solution of a problem and that the threat of violence will serve

as a deterrent to prevent acts of omission or commission by the person(s) threatened".

6.2 It follows that the recommendations in that report to address the causes also apply to the situation in King William's Town. It is therefore unnecessary to repeat those recommendations here.

6.3 There can be no doubt that the conflict will not be resolved by continuing violence. Negotiations offer the only alternative and is the only way to meet the various demands and to ensure a fair deal for everyone involved.

It seemed to the Committee that there was general consensus about that at the inquiry. As a consequence a peace process was activated or reactivated and, it is heartening to report, that it has made headway in the weeks following the inquiry.

It is the Committee's fervent hope that the taxi operators themselves will be imbued with the prevalent spirit of reconciliation in the country and will refuse to see this present negotiation process die. The Committee believes that the objectives of the present process, if achieved, will furnish a permanent solution to the taxi conflict in the King William's Town area.

6.4 POWERS OF INQUIRY

In a number of instances negotiations between warring taxi

associations broke down because peace makers were unable to bring one or more of the warring factions to the negotiating table. Where they have so succeeded, headway could often not be made, because the parties so vociferously and vehemently proclaimed their different points of view that meetings ended in disorder.

In such cases (and, as stated, they occur frequently) the call by mediators to bring in a body with specific powers to inquire into the causes of the quarrel has had a salutary effect. Almost invariably the news that the Goldstone Commission would investigate the violence in the taxi industry in a particular locale, has coincided with a decrease in the level of violence. This has proved to be the case in Groblersdal, Rustenburg, Pretoria, King William's Town and Alexandra. Particularly, the report on Alexandra [the Third Interim Report at pp 9 et seq] highlights the powers of the inquiry [as provided in Section 8 of Act No-139 of 1991- (as amended)] to obtain the presence of the important role players and that that can effectively and beneficially be used to get the negotiation process back on track with improved chances of success.

The inquiry procedure itself, allowing, as it does, the opportunity for the committee members and all role players to examine the various points of view that are put forward by questioning the proponents, often shows up flaws in the view points or elicits facts which clarify misconceptions and misunderstanding. This process allows new ideas for resolving problems to be generated. When such ideas find general acceptance

during the inquiry a hopeful and expectant atmosphere is born. Our experience has been that, by the time the inquiry concludes, members of the rival taxi associations are eager to express their desire to work together and resolve their differences.

Admittedly, more than a year elapsed in Alexandra before meaningful progress was made, especially through the sustained efforts of people like the Rev Liz Carmichael. In King William's Town, the negotiation process was reinstated immediately after the inquiry and was sustained thereafter by regular follow up by the chairman of the Committee.

It is clear, therefore, the quicker the negotiation process is reinstated and followed up after the inquiry the better. Any delay results in a hardening of attitudes which will again endanger the process of conflict resolution.

The Committee is convinced that a body with powers of inquiry similar to that of the Goldstone Commission and a mandate which will allow it to mediate and assist in conflict resolution has an essential role to play for the foreseeable future in assisting the taxi industry to forswear violent conflict and embrace negotiation as the means of resolution of problems. The Committee therefore recommends the establishment of such an independent body.