

ROLE OF MATATU OPERATORS IN THE SUCCESS OF GOVERNMENT REGULATIONS IN THE PUBLIC TRANSPORT SECTOR: A STUDY OF MATATU OPERATORS IN KIAMBU COUNTY, KENYA.**AUTHORS:**

Rahab Wambui Cheche,
Department of Sociology and Social work,
University of Nairobi.
P.O. Box 30197-00100,
Nairobi, Kenya.
Email: rwccheche@gmail.com
Tel. No: +234721302478

James Gichuru Kariuki (PhD),
Department of Sociology and Social work,
University of Nairobi.
P.O. Box 30197-00100,
Nairobi.
Email: jgikariuki@yahoo.co.uk
Tel: +254722566404

ABSTRACT

Matatus are the most popular mode of transport in Kenya. This can be attributed to the fact that they are a cheaper and more convenient mode of transport compared to other means of transport. The objectives of this study were to find out the perception of the operators towards the set regulations; and also to find out the role of Matatu operators in the success of the set regulations in the industry. The study interviewed 85 Matatu operators and 5 key informants who included: a Matatu owner, a route marshal, a Matatu SACCO worker, a traffic police officer and an NTSA officer. Interviews of the operators and key informants in the industry revealed that Matatu operators played a key role towards the success or failure of the government regulations. The study established that the operators had perceptions towards the regulations and these perceptions shaped their adherence to the regulations or lack of it altogether. The study recommends involvement of Matatu regulators and other stakeholders in the industry in coming up with the regulations as this has been seen as a contributor to the success of the regulations.

KEY WORDS: anomie, *dala dalas*, Matatu, regulations, squad

1.0 INTRODUCTION

In many parts of the world, the public transport sector is very popular since it facilitates movement of goods and people from one place to another. Public transport is popular since it is convenient and it is low cost compared to the private transport. However, there is need for regulation in the industry since lack of regulation leads to exploitation of the general public by the players in the industry. Governments have a key role to protect their citizens from exploitation and other vices associated with the industry. Croley, S. (2008) states that regulations correct market failures. These market

failures may include unjustified high prices and unhealthy competition. This study was therefore set to study the role of the Matatu operators in the success of the regulations set by the government.

1.1 Objectives of the Study

The objectives of this study were:

- i. To find out the perception of Matatu operators towards regulations in the public transport industry;
- ii. To find out the role of Matatu operators in the success of the set regulations in the public transport industry.

2.0 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Literature Review

Different countries have realized the importance of regulating their public transport industries. This is because unregulated sectors have more often than not been characterized with exploitation and abuse of freedom. Regulation leads to controls of not only the general public but also the other key players in the industry. While the general public is protected from exploitation, the operators are protected from market failures.

Tanzania is one of the countries that has a public transport system that is similar to the Kenyan context. *Daladalas* are the most common public transport vehicles in Tanzania. Behrens, et al, (2016) states that even though *daladalas* are the most common provider of public transport in Dar es Salaam and Tanzania, their services can be said to be generally of poor quality and unsafe. *Daladalas* operate in a laissez faire environment whereby the operators do as they wish. Government regulations are weak with regard to expected professional standards and market entry. *Daladalas* are old and poorly maintained. This causes a great negative impact on air quality and emissions. As a result, the quality of service and safety of passengers Tanzania is compromised.

Regulations for the public transport sector in Tanzania are outlined in The National Transport Policy. The policy's ultimate vision is to have an efficient and cost-effective domestic and international transport services available to the whole population and sectors of the national changing environment. It also seeks to have an economy with maximum safety and minimum environmental degradations (Transport & ICT Department, 2013).

The government of Tanzania has come up with a framework to resolve the challenges experienced in the public transport sector such as overlapping, unclear responsibilities and poor coordination between institutions, by proposing a city-wide urban transport authority for Dar es Salaam. However, establishment of this authority is yet to happen. It has been lagging behind for long which further makes addressing the public transport system in Tanzania difficult. Statistics indicate that Tanzania already has a very big road safety problem considering that it has a relatively small vehicle fleet compared to other countries such as the neighbouring Kenya. With the rapid growth of fleet in the country, the number of deaths and injuries on its road network is likely to increase in the future. There is therefore a great need for the country to place higher emphasis on addressing its road safety problems (Transport & ICT Department, 2013).

Despite the challenges experienced in the public transport industry in Tanzania, *daladalas* can be said to be relatively more formalized and regulated compared to public transport operations of most paratransit services elsewhere in Sub-Saharan Africa. They are licensed, assigned routes, and are expected to follow fares set by the regulatory body. The fares are set to ensure affordability by customers rather than cover actual operating costs (Behrens, et. al, 2016).

Regulations in the public transport industry in Kenya are in the form of laws and by-laws. The government of Kenya has come up with various laws and regulations for the public transport sector. The government seeks to protect its citizens from harassment, exploitation and mistreatment associated with the Matatu industry. Legal notices have been passed to this effect such as the Kenya Traffic Act, legal notices No. 161 of 2003, No. 83 of 2004, No. 65 of 2005, No. 209 of 2010.

The Kenya Traffic Act, CAP 403, highlights the laws relating to transport on the roads. The Traffic Act is a comprehensive and extensive document that tackles all the areas of traffic e.g. registration of vehicles, licensing of vehicles, driving licenses, driving and other offences relating to the use of vehicles on roads, regulation of traffic and accidents. In spite of these laws, traffic offences on the Kenyan roads are very common, especially by the public transport vehicle operators.

In the year 2004, the government of Kenya introduced a set of laws popularly known as the “Michuki rules” named after the then minister for transport Hon. John Michuki. These are known to be the most stringent traffic laws since 1984 when the Matatus were required to apply for licenses (Mutongi, 2017). Since then, there has been amendments and by-laws that are put in place in line with the current state of affairs.

Regulations in the public transport industry in Kenya are spearheaded by the National Transport and Safety Authority (NTSA). This is a government body was formed in the year 2012 with a core function of facilitating the provision of safe, reliable, and efficient road transport services. NTSA is responsible for advising and making recommendations on all matters relating to road transport and safety. It is also responsible for implementing policies relating to road transport and safety. They do this in accordance with the provisions of Act no. 33 of 2012.

Most Matatus are not operated by the actual owners. Matatu owners have to hire drivers and conductors to operate the Matatus on their behalf. The hired drivers and conductors have to deal with the financial demands of a number of stage and rank workers (Godard and Fatonzoun, 2002). Out of the daily earnings, the operators have to pay the daily target to the owner, pay the daily fee to the SACCO, and also pay fees to informal cartels for them to be allowed to be in operation.

It has been observed that there is high level of non-compliance by Matatu operators to the set regulations in the industry. Operators claim selective compliance other than full non-compliance. Some of the reasons given for selective compliance are that the regulations are inappropriate, unworkable and contentious (McCormick, et. al, 2013). Matatus operators are known for not observing traffic rules thus resulting to many fatal road accidents. Whenever a fatal road accident occurs, there is usually public outrage as to why members of the public continue to die yet the government has a role to protect its citizens. Most accidents are as a result of reckless driving and are mostly preventable.

Since the Matatu owners’ main goal is to maximize profits, Matatu operators come up with strategies to also maximize their daily earnings in form of retained cash after paying the Matatu owners their daily targets. Matatu drivers maximize income by overloading, speeding and making stops at undesignated areas along the route to pick up passengers. Vehicles also carry more passengers than their capacity (McCormick, et al, 2013).

The operators have also come up with tactics to enable them escape prosecution once they are arrested for breaking the laws. The tactics include escaping from the officers or even giving bribes to the officers. This is because they view the court process as tedious, expensive and unfair to the operators. With an aim of maximizing their daily income, Matatu operators use other routes other than the ones designated by NTSA. This is especially during the peak hours. They escape through routes that have little or no traffic so that they use lesser time to their destination. They may also use the shorter route though it is not designated.

Another reason for changing the prescribed route is to escape police blocks and checks. Matatu operators have formulated a way of informing each other where there are traffic blocks. When they are aware that their vehicles do not meet the prescribed requirements or when they clearly know that their vehicles are unroadworthy, they change the route so that they use the routes that have no traffic police presence.

By paying bribes to either cops, or gangsters, or both, Matatu operators keep the system moving, and the everyday practices of corruption are embedded into the social landscape to such a point they become a routine. The general public hates this constant participation in corruption by Matatu operators, even though the passengers themselves often promote and encourage, if not demand Matatu operators to continue their various corrupt and illicit practices (Ference, 2013).

According to Godard and Fatzoun (2002), the behaviour of Matatu operators is not only a concern to the government but also to the general public. This is because their operations affect in a great way the general public. When a road accident occurs, many families lose their breadwinners through death. Victims or road accidents are admitted in hospitals where they have to pay a lot of money. Other victims who get hurt in the accidents can no longer able to lead their normal lives.

Implementation of traffic rules seems to be seasonal where there are times when the law enforcers are on the roads arresting the law breakers but they are not there many other times. When these enforcers are not on the roads, the drivers break the laws. Khayesi, et. al. (2015) describes a vicious cycle that seems to have evolved at the national level with respect to the road accidents in Kenya. The NTSA is known to speak tough when accidents killing many people occur but the cycle repeats itself when the heat cools off. Statements which seem to threaten the operators are issued by implementation agencies concerned with public transport regulation when an accident occurs. Enforcement officers become more vigilant at that time but only for a short while. The officers then relax and compromise on all the issued measures until another major crash occurs. It is worth noting that when the law enforcers are on the roads, there is usually a significant decrease in road accidents as reported by NTSA.

Weaknesses in institutional frameworks are major contributors to a chaotic public transport sector in Kenya and other countries. Chitere and Kibua (2004) note that institutional fragmentation in the public transport sector is a key obstacle to road transport planning. In the Kenyan case, the Kenya Roads Board (KRB) is the main institution responsible for the national road infrastructure network. Other institutions in the transport sector include: the Transport Licensing Board (TLB), Motor Vehicle Inspection Unit, Registrar of Motor Vehicles, Driving Test Center, Traffic Police and Local Authorities. Instead of these institutions and government departments being under one umbrella, they are fragmented across government ministries and departments. An example is the Registrar of Motor Vehicles, who determines and fixes passenger and luggage capacity for all vehicles which is currently under the Ministry of Finance. Another example is the Driving Test Unit is under the Office of the President. This leads to confusion and disjointed handling of transport matters (Chitere and Kibua, 2004).

2.2 Theoretical Framework

This study was based on Functionalism sociological theory which seeks to interpret society in terms of how each of its part contributes to the stability of the whole. Several theorists have made significant contributions to the functionalism theory. This study looked into the contribution of two theorists by the name: Emile Durkheim and Talcott Parsons.

Durkheim compares society to a biological organism. This means that each part of society plays a key and necessary role just like in an organism. The public transport system is a very key sector in any country. As parts of a society interact, there is need for some level of control. Control

mechanisms exist to avoid a situation where the society is chaotic, a state Durkheim refers to as anomie.

Disorganization can occur in a society through deviant behaviour. This deviant behaviour leads to dysfunctions in society and eventually social problems. This can be corrected through a criminal justice system. Without social control and punishments for wrongs done, a society will collapse into the state of anomie.

The Matatu industry in Kenya is highly regulated. Regulations have been put in place to correct the bad behaviour that has been associated with the Matatu industry for a long time. By the year 2004 when the Michuki rules were put in place, the Matatu industry was associated with hooliganism and high levels of road accidents. These regulations were welcome by the general public though the Matatu operators and owners took a bit of time to accept them.

Durkheim explains two forms of social control. These are formal and informal social control. Formal social control is practised through a form of set laws, statutes, rules and regulations. Informal social control is expressed through customs, norms and values. These are entrenched in an individual through socialization (Newman and O'brien, 2008). Both forms of social control should be employed together for the overall good of the society.

The Matatu industry is regulated through formal social control. This is done through the Kenya traffic act and other bylaws that are meant to outline the punishments for anyone who is found breaking the set laws and regulations. The recipients of these regulations are mostly the Matatu operators since they are the main people in the Matatu industry.

Parsons was interested in the idea of social order. Trevino (2001) states that when various social processes functions occur, conflicts, tensions and strains emerge. Every society should therefore have a means of managing their tensions, diffusing and resolving conflicts and ensuring an orderly means of carrying out activities. In the public transport industry, this management comes in form of regulations by the government in form of acts, laws and bylaws. Due to the high number of stakeholders in the industry, especially the members of the general public who depend on Matatus to travel and transport their goods from one place to another, tensions and conflicts are inevitable. High levels of control are therefore very key in this industry.

Parsons explains that all societies must have a system of social order which he referred to as AGIL- Adapt, Goal Achievement, Integration and Latency. This simply means that each system must be able to adapt to its environment. Goal achievement means that every society has an inherent set of goals. Integration means regulation of social relationships in a society. Latency is a system of pattern maintenance (Newman and O'brien, 2008). All these work together to maintain a system of social order.

The social order in this case is maintained through a system of rules and regulations as set out in the Traffic act and other bylaws in Kenya. The result of disobeying these rules and regulations is also outlined. The Matatu operators could be obeying the rules because of fear of arrest but eventually, social order is maintained. The main goal of these regulations is to maintain good relationships especially between the operators and the members of the public.

3.0 RESEARCH METHODOLOGY

3.1 Site Selection

The study was carried out in Kikuyu sub-county which is in Kiambu County. Kikuyu sub-county has its headquarters in Kikuyu town which is located 20km Northwest of Nairobi, the capital city of Kenya. The town is named after the Agĩkũyũ people who are the major ethnic group in the area. Kikuyu is close to Nairobi and therefore many people working in Nairobi commute everyday to work and back home using Matatus.

3.2 Sample Size and Sample Design

This study interviewed a sample of 85 Matatu operators from the various Matatu SACCOs operating in the Sub-county. It also interviewed 5 key informants who included: a Matatu owner, a SACCO official, a route marshal, a traffic police officer and an NTSA officer.

3.3 Instruments of Data Collection

Questionnaires with both close ended and open ended questions were used to collect data from the Matatu operators. Key informants guide was used to collect data from key informants.

4.0 RESULTS AND DISCUSSION

4.1 Background Characteristics of the Respondents

The study found out that majority (96.5%) of the Matatu operators were male and they had at least a secondary school education. Majority (60%) were youth aged below 35 years. Majority of the operators (90.6%) were employees while 9.4% operated Matatus that they owned. Majority (90%) of the operators were registered with the NTSA and their Matatus operated under SACCOs as these were key requirements by the government. The operators earned a daily retainer after paying the daily targets to their employers and the respective SACCOs.

4.2 Perception of Matatu operators towards Government Regulations

The first objective of the study was to find out the perception of Matatu operators towards government regulations in the public transport industry.

4.2.1 Awareness of Existing Regulations

The study found out that 80% of the operators were aware of the existence of government regulations in the industry (Fig. 1). They had been made aware of the existence of these regulations mostly through the media. The NTSA had done a good job of advertising the regulations and making the members of the public aware through both mainstream and the social media.

On the awareness of existing regulations, an NTSA officer had this to say:

“Our organization has worked hard to make the Matatu operators aware of what is expected of them when they are on the road. We use the mainstream media, social media and other forums to pass information across. We also pass information to the operators through their respective SACCOs since all of them are required to be members of SACCOs for them to be on the road”.

Awareness of the existing regulations in Kenya

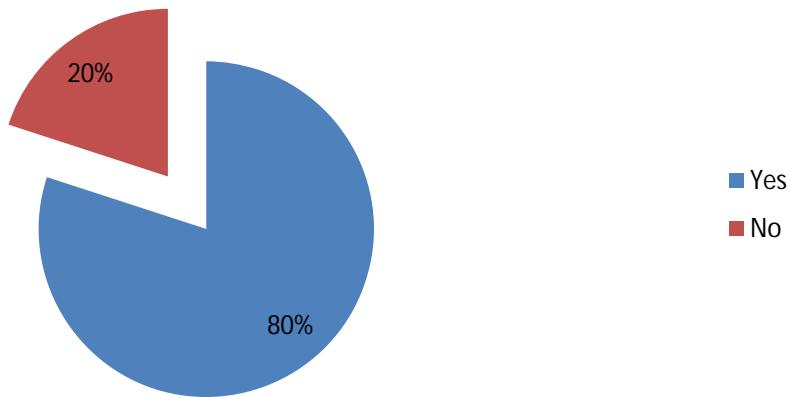


Fig 1: Pie-chart showing the percentage of Matatu operators that are aware of existence of regulations in the public transport industry

4.2.2 Adherence to the Government Regulations

On adherence to the regulations, only 68% of the operators said that they obeyed the regulations consistently while 32% did not (Fig. 2). This was because they felt that some of the regulations were a hindrance to their work and did not help them work better. They viewed the regulations as too many and the penalties for breaking them as too harsh and unreasonable. This finding concurs with McCormick, et. al. (2013) who states that some of the reasons given for selective compliance are that the regulations are inappropriate, unworkable and contentious.

One of the drivers stated:

“It is not possible to adhere to all these regulations. If we were very keen to follow them, we would not work at all because the rules are too many and they hinder us from working. They are more of a bother than they are helpful in our work”.

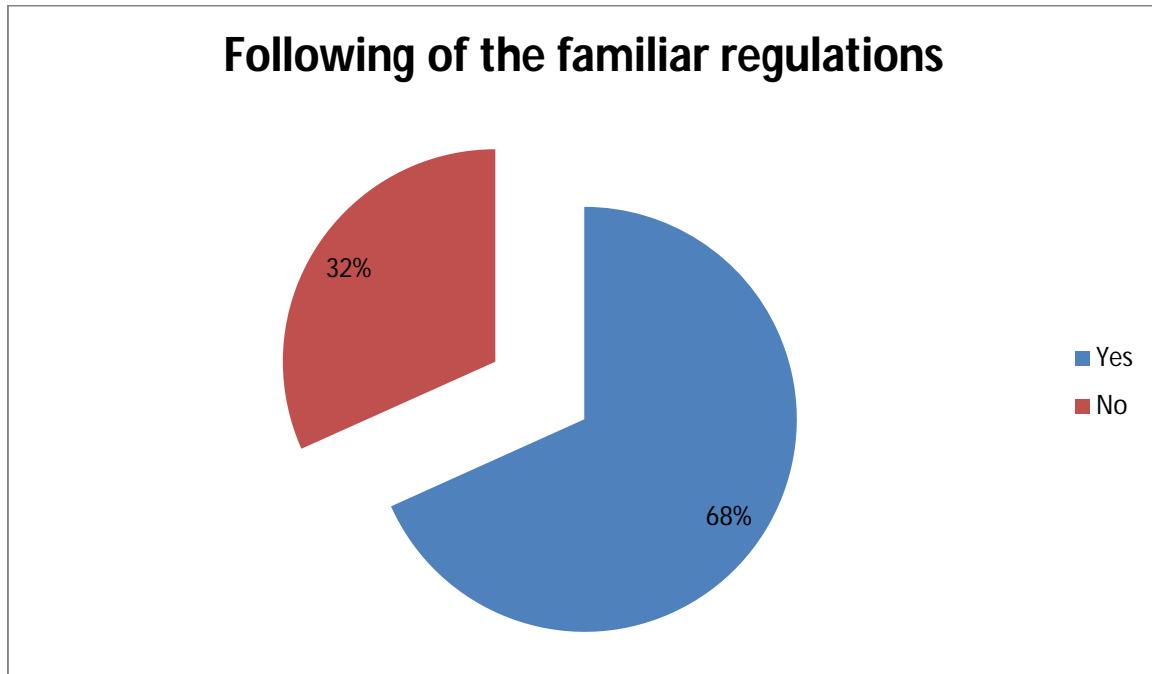


Fig 2: Pie-chart showing the percentage of Matatu operators who followed the regulations they were familiar with.

4.2.3 Strategies to Avoid Prosecution on Breaking the Rules

The study went further to investigate the strategies the operators used to avoid prosecution when they broke the rules. One of the strategies that Matatu operators used to escape prosecution was by bribing traffic officers who were meant to be the enforcers of the set regulations. A majority of the operators admitted to giving bribes to the traffic police officers thus getting away with traffic offences.

One of the conductors had this to say:

"Every Matatu on the road has a fault that warrants arrest. To avoid arrest, we give something to the officers so that they can allow us to operate. They take something small compared to what we would be charged at a court of law".

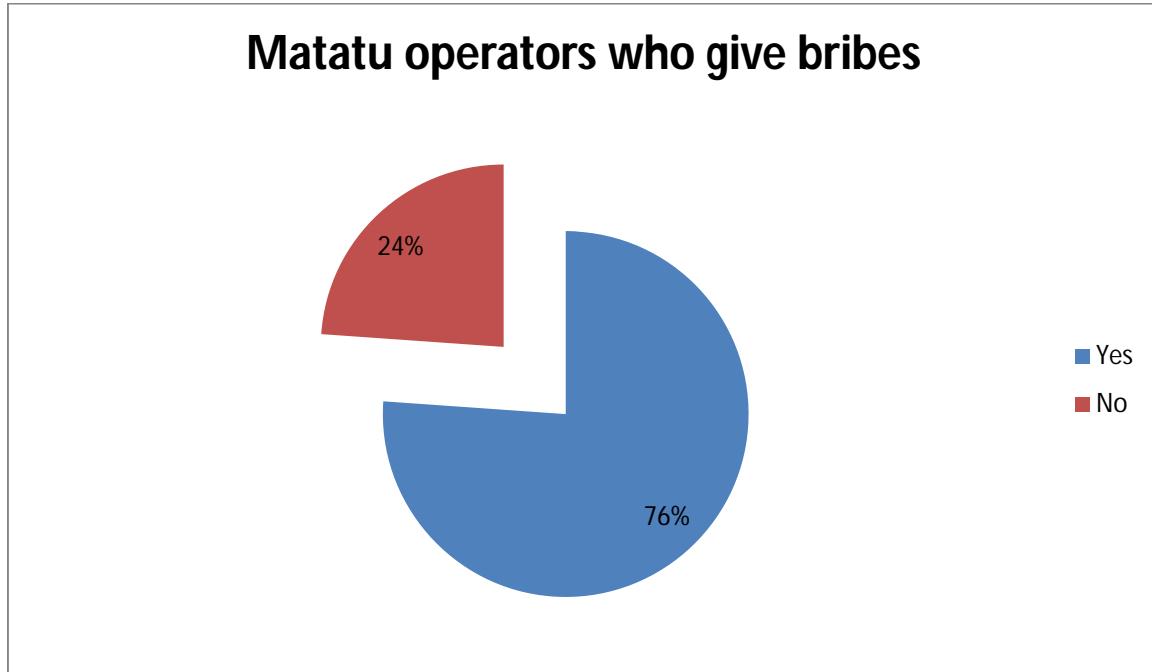


Fig 3: Pie-chart showing the percentage of Matatu operators who regularly bribed the law enforcement officer

The operators claimed that the implementation officers and judges seem to have preconceived negative attitudes towards them and therefore they charged them heftily for even very minor mistakes. It was therefore easier to bribe and avoid getting arrested than going through the court process by all means. This finding concurs with Koster, et. al. (2016) who notes that the penalties for breaking traffic rules passed in 2012 are so stiff that they end up being counterproductive.

4.3 Role of Matatu Operators towards Success of Government Regulations

The second objective of this study was to find out the role of Matatu operators in the success of the regulations in the public transport industry.

4.3.1 Success of the Regulations

Matatu operators play a key role in the success of the government regulations. As a matter of fact, most of the regulations in the public transport industry, if not all were made for them to follow. If they followed them, sanity would be enhanced in the public transport sector. If they don't follow them, the Matatu industry will continue to be associated with hooliganism, reckless driving and other vices. The study found out that most of the operators felt that the government was successful in regulating the public transport industry.

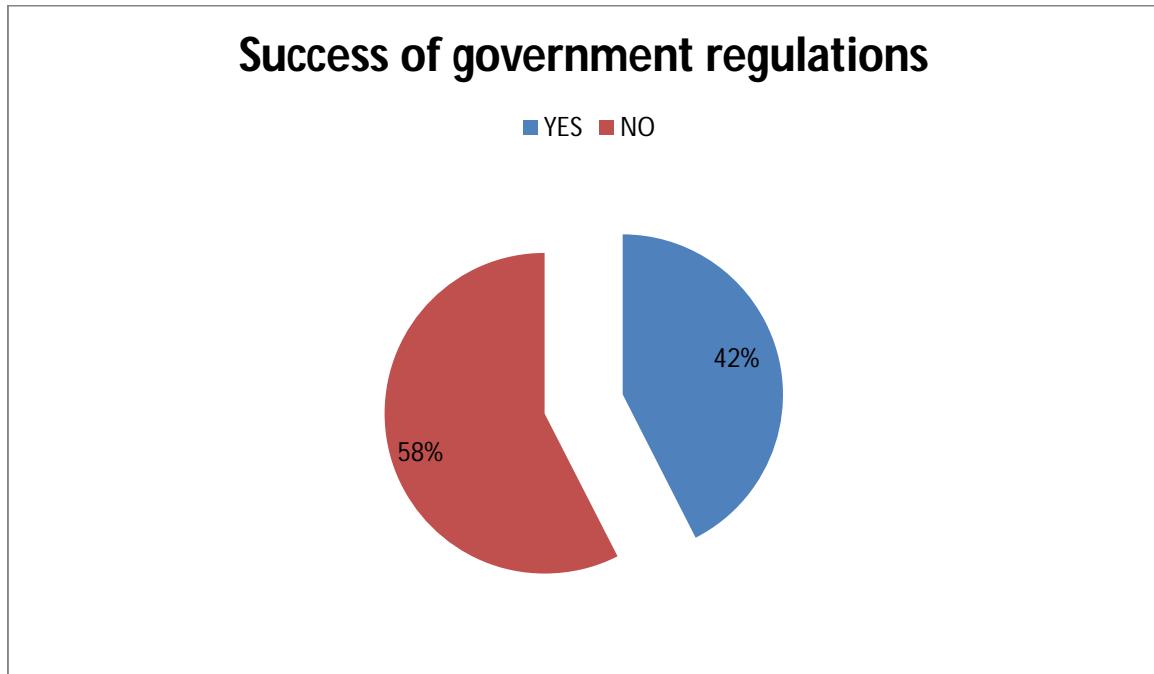


Fig 4: Pie-chart showing the percentage of Matatu operators who view the government regulations in the industry to have been successful

4.3.2 Hindrances to implementation of the regulations

The study sought to find out why the regulations were not being properly implemented despite the government's efforts to streamline the public transport sector. The Matatu operators saw government officials as hindrances to the success of the regulations. Instead of them being supportive to them, they saw them as people who were not willing to listen to the views of the operators.

One of the operators had this to say:

"The traffic police officers do not help the government in implementation of the regulations. All they do is take bribes from us even when we are not in the wrong. They even threaten to keep us out of business if we don't give what they want".

The study therefore found that the greatest hindrance to the implementation were the police officers (53%), NTSA officers (32%) and SACCO officials (15%). This is as shown in Fig.5.

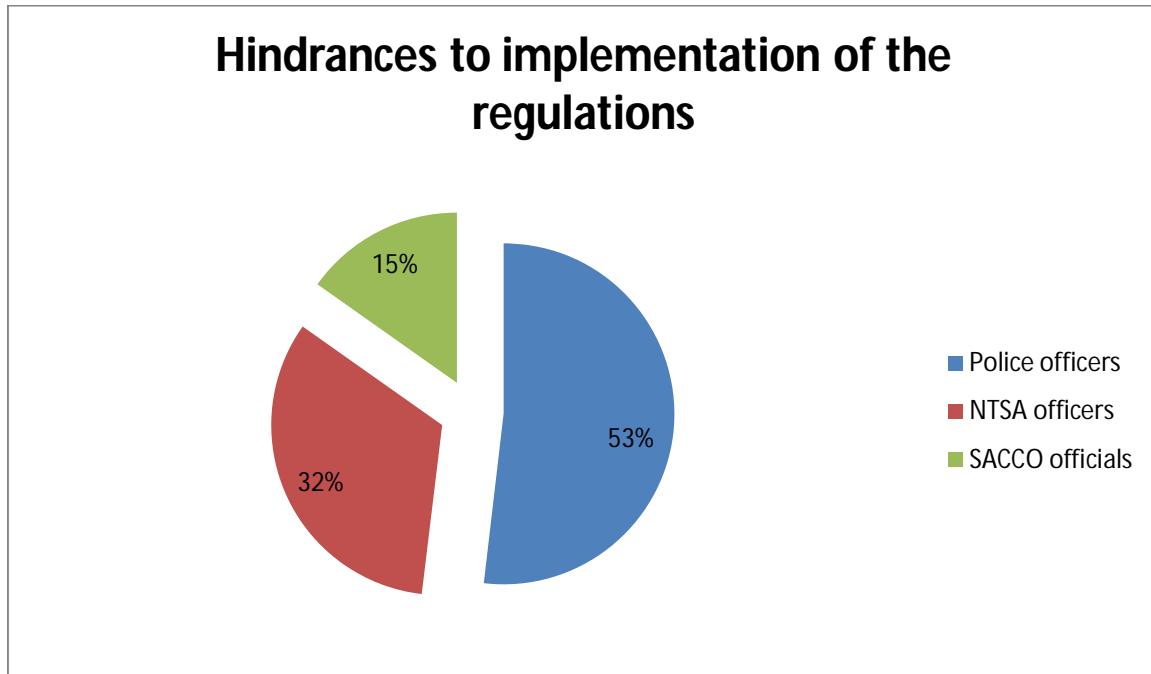


Fig 5: Pie-chart showing the people that the Matatu operators viewed to be the hindrances to implementation of the regulations

Behrens. et. al.(2016) notes that the regulations as stipulated in the Kenya traffic Act are unpopular among the operators because they see them as enhancing the extractive power of the police. The operators perceived the implementation officers as people who wanted to take advantage of them instead of people who supported them in their work. The relationship between them was therefore one of fear and suspicion instead of one of cooperation for the overall good of the industry.

5.0 CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

This study concludes that the Matatu operators play a key role in the success of the government regulation of the public transport sector in Kenya. Many Kenyans depend on Matatus to transport them and their goods from one place to another. Some travel for work, others for business and others to visit and for leisure. The Matatu industry, the government and the members of the public have a symbiotic relationship. Matatu operators earn an income from the industry, the government earns tax and other revenue from the industry while members of the public depend on Matatus to transport them from one place to another. Since Matatu operators play a key role in the public transport industry in Kenya, it is important to involve them since without them the regulations in the industry would not be successful.

5.1 Recommendations:

1. All stakeholders in the industry should be involved in policy making. This will bring an understanding that they are all working together for the overall good of the general public that depend on the public transport sector.
2. Regular educational forums between the implementation officers and the Matatu operators should be held so that they can build a good working relationship.
3. The government should come up with stiff penalties for the implementation officers who are caught accepting bribes from Matatu operators.

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