

Factors That Influence Crime amongst Matatu And Boda Bodaoperators In Nairobi, Kenya And Mechanisms For Mitigation

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ABSTRACT: This study examined the management of crime in Public Service Vehicles in Nairobi County Kenya, with special focus to criminal activities on Public Service Vehicles (PSV's) in Starehe sub-County. The specific objectives of the study were to determine the nature, extent, and trends of crime associated with the use of PSVs; analyze the factors that influence crime in PSVs; and suggest mechanisms that will mitigate crime associated with the use of PSVs in Starehe sub-County. Matatu is a 14 seater vehicle used as PSV while Bodaboda is a motorcycle which is used to carry passengers. The research questions were adopted from the objectives of the study. This study is important because it highlights the special features that attract crime in PSVs, which is vital to policy makers and stakeholders interested in improving the services and productivity of the public transport sector. The study is also useful to scholars and future researchers who wish to contribute academic knowledge of preventive measures in crime prevention. The literature on the study topic was reviewed based on the themes of the study, as prescribed in the objectives. The theoretical model adopted for the study was the Routine Activity Theory which was used to guide the researcher in the research methodology. The study research design adopted was descriptive survey in nature, using both qualitative and quantitative methods to collect, interpret, and present the primary and secondary data. A targeted population was derived from the PSV drivers, police officers from the sub-County; as well as, stakeholders from the PSV SACCOs, the County and National Government, National transport and safety authority(NTSA), and the Civil Society. The sample technique used in the study was simple random sampling and purposive sampling techniques. The proposed sample size for this study was 60. The instruments used for data collection were the semi-structured questionnaires and the key informant interviews. Content validity and content reliability were used to confirm the genuineness and consistencies in tools used and in yielding the results. Finally, the study concluded and the researcher made recommendations, and a future outlook on managing crime relating to the use of PS

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I. INTRODUCTION

The transport industry is one of the industries that has a significant effect on the economic growth and development of a nation. Public transport provides mobility and access to areas of interest to people. People engage public transport services when they want to get access to areas of employment, education, retail, health and recreational facilities, as well as community facilities. Since the movement of people and goods must occur on day-to-day basis in a working economy, it is certain that the transport sector holds a very critical role to any given nation/society. This importance of the transport sector attracts numerous investments of people who may want to reap the guaranteed returns.¹

History of Public Transport in Kenya

An elaborate public transport system in Kenya can be traced back to 1934, when the Overseas Transport Company of London (OTCL) launched the first local bus in Kenya using a fleet of 13 buses on 12 routes.² OTCL was later on rebranded to United Transport Overseas Services (UTOS) and its busses registered as Kenya Bus Services Ltd (KBS). Additionally, most of the transport needs were met by taxis. The 1950s saw the introduction of the Matatus on city routes besides the Kenya bus though the operation of Matatus remained

¹Republic of Kenya (2009). Integrated national transport policy: Moving a working nation. Report by the Ministry of Transport. Nairobi.

²Mukabanah, E. M. (2008). Kenya Bus Services Ltd –Why It Collapsed. Nairobi Bus Rapid Transit Concept Paper -Draft Input. Retrieved from http://www.kenyabus.net/uploads/downloads/KBS_Collapse.pdf

illegal until 1973.³ In 1966 the City Council of Nairobi (CCN) awarded United Transport Overseas Services (UTOS) - the then owners of Kenya Bus Services Ltd (KBS) a monopoly franchise to operate a bus service in return for a 25% shareholding stake. By the early 70s, the rural-urban migration in Kenya had grown significantly thus creating a higher demand for public transport services within the city that KBS alone could not satisfy. Intensified lobbying from the informal and illegal Matatu operators saw the government bow down to pressure to legalize the operation of Matatus as a public transport form in 1973.⁴ At this point individual Matatu owners intensified their investments into the public transport sector.

Understandably, the availability of competitively priced world class transport infrastructure and related services is essential to support enterprise development. A transport system with adequate capacity and levels of service comparable to other countries with which to compete is vital to move goods and people quickly, effectively and in environmentally sustainable ways.⁵ While Matatus proved reasonably revolutionary, it soon became evident that there were areas that they couldn't ply, paving way for introduction of motorcycles, commonly known as BodaBoda. The increasing use of motorcycles in the developing countries for transportation purposes has been ascribed to socio-economic reasons, convenience in negotiating traffic in congested cities and poorly maintained roads, political reasons and the ease of parking in narrow streets.

Adoption of BodaBoda as a Preferred Mean of Transport

Alternative means of transport referred to as BodaBoda has been widely adopted in the developing countries as an alternative to the conventional buses and minibuses and as development from the non motorized two wheeler bicycles. In Kenya the industry thrived significantly after the zero rating of motorcycles below 150cc by the government in 2007. The broad objectives were to enhance transport and provide employment to the youth through the creation of transport enterprises. However, developments in the industry have revealed a myriad of negative incidences of fatal accidents leading to loss of lives and property including the motorcycles themselves, and the alleged involvement of the riders in criminal activities which raises questions on the economic viability of the venture.

Torres (2001) identified the major reasons for the emergence of the motorcycles as means of urban mobility as the inadequacy and ineffectiveness of the conventional modes of transportation such as the buses and taxis, and ferry and train in very few cities. Further the overland modes have been unable to provide door to door services, more so that there were no defined bus stops and specific public transport routes. In addition, Torres identified that the sorry state of roads in developing countries played a key role; larger proportions of the urban road network were unpaved, while most paved roads were in poor condition. This situation invariably made it difficult for commercial motorists to link several routes and access to many activities areas; motorcycle operators could easily manoeuvre the bad roads.⁶

Motorcycles also provided a faster means of transport service in the face of poor road condition and persistent traffic congestion. The high level of unemployment and underemployment also provide the impetus for the secondary and university graduates to earn a living and a steady income. As a result, most motorcycle operators get involved in motorcycle service just to secure a temporary employment. Cox (2010) applauded the socio-economic benefit of the BodaBoda industry as it was a considerable direct and indirect income generator.⁷

According to Oluwaseyi, et al. (2014) the use of motorcycle for public transport is not a new commercial public transport system, it has been the common mode of inter-city transportation in most riverine areas and in dispersed settlements around the globe.⁸ Historically, the origin of two wheeler bicycles can be traced way back in 1860s by Pierre Michaux, a blacksmith in Paris who formed the first company to construct

³Khayesi, M. (1999). The struggle for regulatory and economic sphere of influence in the Matatu means of transport in Kenya: a stakeholder analysis. Paper presented to the Sixth International Conference Competition and Ownership in Land Passenger Transport, Cape Town, South Africa on 19-23 September 1999.

⁴Mukabanah, E. M. (2008). Kenya Bus Services Ltd –Why It Collapsed. Nairobi Bus Rapid Transit Concept Paper -Draft Input.

Retrieved from http://www.kenyabus.net/uploads/downloads/KBS_Collapse.pdf

⁵ DTTAS (2013) Joint Agency Inputs on Enterprise Transport Trends and Needs. Nairobi: Department of Transport, Tourism and Sport

⁶ Torres Martinez, A.J. (2001) Road Maintenance Policies in Sub-Saharan Africa: Unsolved Problems and Acting Strategies. *Transport Policy*, 8, 257-265. [http://dx.doi.org/10.1016/S0967-070X\(01\)00009-9](http://dx.doi.org/10.1016/S0967-070X(01)00009-9)

⁷ Cox P, (2010) *Moving people: Sustainable transport development*. London: Zed Books.

⁸Oluwaseyi, O.S., Edward, E., Eyinda, C.A. and Okoko, Eno.E. (2014) Performance Assessment of Motorcycle Operation, as a Means of Urban Mobility in Lokoja, Nigeria. *Journal of Transportation Technologies*, 4, 343-354. <http://dx.doi.org/10.4236/jtts.2014.44031>

bicycles with pedals. Developments to motorised two-wheeler later followed in other European countries before moving to the United States of America.⁹ In the late 1970s the market was taken over by Japanese manufacturers, Honda, Kawasaki, Suzuki, and Yamaha dominate. Currently, there are an estimated 300 million motorized 2 and -3 wheelers on the road, worldwide. A large majority (85 percent) of them are in Asia and African countries. In Kenya similar to Uganda, bodabodas were introduced in the 1960s in the town of Busia. From there they spread to other rural and urban areas in both countries, with a faster rate of diffusion occurring in Uganda. Initially they were used to smuggle goods across the Kenyan-Ugandan border but in time they transformed into an informal 'for hire' type of transport service catering largely to passenger needs.¹⁰

BodaBodas in Kenya provide passenger taxi services both in urban and rural. They have also been used to transport goods at house hold level and also by small scale traders who have gained greater and flexible mobility and enhance their incomes through cheap and easy transportation of goods. The motorcycle Bodaboda business upsurge is a recent Kenyan phenomenon. This was as a result of the government of Kenya waiver of tax on imported motorcycles in 2008. This was meant to promote job creation in the transport sector to the youth. Since the gazettement of the zero rating on taxes, the number of motorbikes leaped from 3757 units in 2005 to 91151 in 2009¹¹. Report by World Health Organization (WHO) indicates that between the year 2005 and 2011, motorcycle registration rose by almost 40-fold. In 2011, motorcycles made up 70% of all newly registered vehicles.¹² The majority of motorcycles in Kenya are used as bodabodas which are emerging as an important means of public transportation. The rise in the motorcycle transport has had a significant impact on the livelihood of youth. The industry growth has enabled Bodaboda riders to increase their earnings to average of 50%.

Amidst the benefits of motorcycle business in enhancing transportation and job creation, motorcycles pose significant challenges in developing countries that are not faced by the rest of world.¹³ Concerns have also been raised on the rising accidents to the riders and passengers. Globally, of the 1.2 million road deaths occurring each year, nearly half (46%) affect vulnerable road users comprising pedestrians, pedal cyclists and motorcycle riders. In Kampala motorcycles have been found to be responsible for 50% of road traffic crashes. In Kenya, the proportion of accidents resulting from motor cycles had significantly risen from 1.7% in 2005, to 4.2% in 2008 and 6.1% in 2009.¹⁴

II. CRIMES AMONGST BODA BODA AND MATATU OPERATORS IN NAIROBI

Crime continues to be a major scar on the peace and security landscape in Kenya. Whereas crime cuts across the country geographically, it is more prevalent, severe and acute in peri-urban informal settlement areas that are popularly known as slums. In the recent past, crime, particularly in major urban areas in Kenya, continues to defy the state and non-state efforts expended towards its prevention and management. The increasing crime rates pose a major challenge to peace and security in the country in the process frustrating both domestic and foreign investments.

A number of scholars have defined crime in various ways. Mushanga (1985), defined crime as an act committed or omitted that is harmful to the state, an individual or both. He adds that the act so committed or omitted must be specifically prohibited by an existing criminal law.¹⁵ On his part, Siegel (1995) provides an integrated definition of crime by stating that crime is a violation of the societal rules of behaviour as interpreted and expressed by a criminal legal code created by people holding social and political powers.¹⁶

When discussing crimes by PSV and bodaboda, it is worth noting that these implies transport related crimes as well as the general crimes which involve the use of vehicles and motor bikes in perpetuating armed robberies, general stealing etc.

⁹Georgano, G.N (2002). *Early and Vintage Years, 1885-1930: The Golden Era of Coach building*. Mason Crest Publishers.P.22.

¹⁰Mutiso, W. & Behrens, R (2011) *Bodabodabicycle taxis and their role in urban transport systems: Case studies of Kisumu and Nakuru, Kenya*. Centre for Transport Studies: University of Cape Town,

¹¹KNBS (2010) *National Economic Survey, 2010*. Kenya National Bureau of Statistics: Nairobi

¹²WHO (2012) *Motorcycle-related road traffic crashes in Kenya Facts & figures*. RS10 Kenya project: Nairobi

¹³World Bank (2008) *Africa Development Indicators 2008/09*. Washington: World Bank

¹⁴Odero, W (2009) *Motorcycle Injuries in East Africa: Magnitude, Risk Factors and Prevention*. A paper presented RTIRN Regional Workshop, Accra, Ghana in December 2, 2009

¹⁵Mushanga, T. (1974). *Criminal Homicide in Uganda: a sociological study of violent deaths in Akole, Kigezi and Toro districts of Western Uganda*. Nairobi: East African Literature Bureau.

¹⁶Siegel, L. (1995). *Criminology, Theories, Patterns and Typology*. New York: West Publishing Company.

Prevalence of bodaboda and Matatu-related crimes

The most prevalent PSV and bodabodamotorcycle- related crimes committed by the crew are: causing death by dangerous riding (79.5%); general stealing (76.7%); breach of public order and creating disturbance (66.2%); theft of Motorcycle and motorcycle parts (62.9%); assault 57.0%; robbery and robbery with violence (52.9%); riding under influence of alcohol (52.7%); possession and usage of dangerous drugs (49.5%); handling and trafficking of dangerous drugs (42.1%); murder (38.7%); kidnapping and abduction (26.2%); bribery (23.1%); defilement (17.8%); rape (17.2%); smuggling of goods across borders (15.9%); theft of motor vehicle and motor vehicle parts (14.2%); fraud and forgery offenses (13.0%); handlingstolen property (12.8%); burglary (11.3%); motorcycle hijackings (10.4%).¹⁷

Prevalent crimes committed against Matatu and BodaBoda operators are: theft of motorcycle/vehicle and Motorcycle/vehicle parts (86.5%); robbery and robbery with violence (85.2%); murder (62.2%); general stealing (49.2%); motorist causing death by dangerous driving (29.3%); assault 28.9%; kidnapping and abduction (28.0%); mob justice (21.5%); fraud and forgery (16.9%); indecent assault (7.1%); malicious damage to their property (6.2%); burglary (5.5%); rape (2.1%); and sodomy (1.0%).¹⁸

Root causes of Matatu and BodaBoda related crimes

In a study conducted by Godfrey Kiprop and OdhimboOpondo in 2018, it was established that the main root causes of Matatu and bodaboda related crimes are: pervasive unemployment and idleness (48.3%); poverty (24.9%); drug and substance abuse (17.5%); lack of/weak regulation of the bodaboda and matatusector (12.8%); greed and desire for quick money (10.6%); weak law enforcement by the police and other law enforcement agencies (10.4%); peer pressure factors (7.9%); high levelsof illiteracy (6.3%); criminal mindset and tendencies (5.3%); insecurity across the country due to absence of adequate security personnel (3.2%); poor transport infrastructure (3.0%); high cost of living (1.8%); corruption among law enforcers (1.7%); easeof access to firearms through the porous Kenyan borders (1.6%).¹⁹

The main perpetrators of Matatu and bodaboda related crimes are identified as: drivers/conductors/bodaboda riders hired as casuals or on commission basis (71.9%); riders/drivers who hire motorcycles/vehicles from owners (66.5%); passengers (61.6%); members of the public (33.7%); bodaboda motorcycle/vehicle owners (33.6%); almost all of traffic police officers (15.8%); County government inspectorate and enforcement officers (2.6%); National Transport and Safety Authority officers (1.1%) and Matatu drivers (1.1%). The main victims of bodaboda crimes are: Matatu/bodaboda pillion passengers (75.3%); drivers/riders employed by Motorcycle/Matatu owners as casuals or on commission (71.0%); drivers/riders who hire motorcycles/vehicles from owners (57.5%); Matatu/bodaboda motorcycle owners (47.5%); general members of the public (45.3%); and police officers (2.5%).²⁰

III. CONSEQUENCES OF MATATU AND BODA BODA RELATED CRIMES

The consequences of Matatu and bodaboda related crimes are: matatu/bodaboda crimes and accident-related deaths (52.9%); loss of property (23.8%); health related problems (21.2%); increased insecurity in the country (17.4%); increased motor vehicle/motorcycle related accidents (10.7%); increased teenage pregnancies and school drop outs (9.8%); increase in poverty levels (8.1%); loss of jobs (7.7%); loss of public confidence and trust in bodaboda as a means of transport (6.5%); smuggling of contrabands and illegal goods into Kenya'seconomy (5.5%), family disintegration (2.6%); increase in drug and substance abuse (1.9%); breach of public order and creating disturbance (1.5%).²¹

IV MEASURES TO ADDRESS MATATU AND BODA BODA RELATED CRIMES.

The measures put in place to address Matatu/bodaboda related crimes included: regulation by Matatu/ bodaboda SACCOs and Associations (20.1%); police road blocks, checks and patrols (16.1%); community policing and NyumbaKumi initiatives (12.5%); sensitization of riders/drivers on safety by stakeholders (4.5%)raft of measures, rules and regulations put in place to governmatatu andbodaboda (3.6%); limiting hours of bodaboda operations at night (3.5%); increased presence of security personnel (2.6%); inspections by NTSA (2.1%); street lighting (1.7%); crackdowns on drivers/conductors/bodaboda riders violating laws (1.4%);

¹⁷ Oral interview, Police Inspector M. Pangani Police Station, Nairobi County, 22nd August 2019

¹⁸ Oral interview, Police Inspector M. Pangani Police Station, Nairobi County, 22nd August 2019

¹⁹Kiprop, G. And Odhiambo, O.V. 2018. Bodaboda Motorcycle Transport and Security Challenges in Kenya. National Crime Research Centre Nairobi; Printed in Kenya, p. 3

²⁰Kiprop, G. And Odhiambo, O.V. 2018. Bodaboda Motorcycle Transport and Security Challenges in Kenya. National Crime Research Centre Nairobi; Printed in Kenya, p. 3

²¹Oral interview, James Mwangi, NTSA Personnel, CBD Nairobi County, August 2019.

issuance of safety gear such as reflector jackets, helmets (1.3%); and building of bodaboda sheds in certain key meeting points(1.2%).

V. CHALLENGES FACED IN ADDRESSING BODA BODA RELATED CRIMES

In the course of this study, it was established that the challenges faced in addressing matatu and bodaboda crimes are: weak law enforcement and regulation of the matatu and bodaboda sub-sector (32.6%); corruption among sections of police and other law enforcement agencies (16.6%); culture of impunity among matatu crew and bodaboda operators (14.8%); untrained matatu drivers and bodaboda riders (11.7%); anonymity of the bodaboda industry making it difficult to trace criminals (9.3%); unemployment challenges (7.1%); fear of victimization from bodaboda operators and some matatu drivers and conductors (6.6%), general insecurity concerns in some parts of the county (6.0%); poor roads infrastructure (5.0%); drug and substance abuse (4.6%); unregistered motorcycles (3.9%); inadequate security officers to handle the matatu and bodaboda sub sector and related crimes (2.8%); harassment of matatu and bodaboda operators by security and other law enforcement apparatus and other road users (2.7%).

VI. WAY FORWARD ON MATATU AND BODA BODA CRIME MITIGATION

In order to effectively deal with Matatu and bodaboda related crimes, it is important that the National Police Service (NPS) should increase intelligence and surveillance of the sub-sector to identify crime patterns, trends and hot spots in the matatu and bodaboda sub-sector. The NPS should undertake intelligence led policing in gathering information and profiling of criminals or rogue operators masquerading as matatu drivers or bodaboda operators. Given the findings of this study on the time of the day, week, month and year when matatu and bodaboda related crimes are likely to occur, police patrols should be upscaled around neighbourhoods and major areas of operation of bodaboda at nights, weekends, endmonth, public holidays and the month of December.

The police service and other law enforcement agencies should also strictly enforce laws and regulations meant to ensure public safety on the roads like wearing of uniforms, and gear such as helmets, reflector jackets; carrying only stipulated number of passengers to ensure strict observance of traffic rules by bodaboda riders and matatu operators. Security and law enforcement agencies must also uphold integrity and shift focus from the lackluster handling of matatu and bodaboda sector that has heavily been blamed for lawlessness and impunity in the transport sector in Kenya.²²

Additionally, the government should put in place programmes and modalities to address poverty and wide spread unemployment especially among the youth which are the push factors for young people venturing in matatu and bodaboda trade and partly they are the root causes of some matatu and bodaboda related crimes. Unemployment and poverty induces people to adopt high risk behaviours like involvement in crime, violence and young people are found to be the majority in the road transport trade.²³

Also, Matatu and bodaboda owners can help in addressing challenges in the sub-sector by undertaking insurance policy cover for their vehicles/motorcycles; employing professionally trained and certified drivers/riders; vetting and undertaking criminal background checks on drivers/riders they employ. They could further assist the trade by installing tracking devices on their vehicles/motorcycles; ensuring all the statutory documents for ownership of the motor vehicle/bike and drivers/riders are in place. Bodaboda owners can also help by registering their motorcycles in bodaboda SACCO's and associations.

Administratively, the County government of Nairobi should formulate relevant by-laws and policies to govern and regulate operations of the bodaboda sector in their areas of jurisdiction. Such policies could include designating specific zones of operations for bodaboda and certain matatus. The county government and other partners should also purpose through policy to offer targeted support to the bodaboda transport sub-sector in formation of Savings and Credit Cooperatives Organizations (SACCOs), sponsoring rider trainings and public awareness campaigns. Indeed, the formation of SACCOs in the matatu sector brought back sanity to the once ungovernable public transport industry. This should be extended to bodaboda sub-sector. The county government of Nairobi should also install street lights and CCTV cameras in the areas that face cases of matatu and bodaboda related crimes to reduce the confidence of bodaboda and matatu affiliated criminals since studies have established that most crimes occur at night. The County government should also assist the sub-sector by constructing sheds for operators that can also act as points of revenue collection from operators. The commercial bodaboda transport sector's potential is not yet fully exploited as a major source of revenue for the county government.²⁴

²² Oral interview, Peter Maina, Matatu Operator, Nairobi County, August 2019.

²³ Ibid

²⁴ Oral interview, Dennis Odhiambo, BodaBoda rider, Nairobi County, August 2019.

VII. CONCLUSION

Majority of bodaboda operators have low education qualifications, non formal training on operation of motorcycles and no formal business management training. They rely on hands-on experience in running the businesses yet education and training have the greatest effect on performance of matatu and bodaboda businesses. There is a high level of non compliance with government regulations on motorcycle transport business among operators in Nairobi County. Offenses committed by drivers/conductors/bodaboda riders result into capital losses, liabilities and losses in time which in turn negatively affect the matatu and bodaboda as a business venture.

Drivers, conductors and riders are both perpetrators as well as victims of the crimes that occur on the roads. To address such crimes, there are various steps that should be taken including increased police surveillance activities, installation of CCTV cameras in areas where there are none or where the existing ones are non-functional. Efforts should also be made to sensitise the riders on road transport regulations.

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