



**GLOBAL
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AGAINST TRANSNATIONAL
ORGANIZED CRIME

TROUBLED HIGHWAYS

CRIME AND CONFLICT IN SOUTH AFRICA'S
LONG-DISTANCE TRANSPORT INDUSTRY

INTERGAP
Metallic

744-6P

Michael McLaggan

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SOUTH AFRICA
ORGANIZED CRIME OBSERVATORY

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CONTENTS

Acronyms and abbreviations.....	ii
Executive summary	1
Methodology.....	3
A turbulent past and fractious present	4
Rank and file: where taxis, politics and policing meet.....	7
The conflict with Intercape and other companies.....	10
Escalating cycle of violence and intimidation	11
Does the transport market violence constitute organized crime?	16
The taxi industry's view.....	19
Profile of a taxi baron: Bonke Makalala.....	21
Whose law is it anyway? State v industry	24
Agents of order and disorder	24
The state's response	26
Conclusion and recommendations	32
Appendix.....	34
Notes.....	38



FROM VISION TO ACTION: A DECADE OF ANALYSIS, DISRUPTION AND RESILIENCE

The Global Initiative Against Transnational Organized Crime was founded in 2013. Its vision was to mobilize a global strategic approach to tackling organized crime by strengthening political commitment to address the challenge, building the analytical evidence base on organized crime, disrupting criminal economies and developing networks of resilience in affected communities. Ten years on, the threat of organized crime is greater than ever before and it is critical that we continue to take action by building a coordinated global response to meet the challenge.

ACRONYMS AND ABBREVIATIONS

ANC	African National Congress
APM	Africa People Mover
BATA	Border Alliance Taxi Association
BRT	Bus rapid transit
CATA	Cape Amalgamated Taxi Association
Codeta	Congress of Democratic Taxi Associations
DPCI	Directorate for Priority Crime Investigation (Hawks)
DSO	Directorate for Special Operations (Scorpions)
GI-TOC	Global Initiative Against Transnational Organized Crime
IAP	Integrated action plan
MEC	Member of the Executive Council
NLTA	National Land Transport Act
NTA	National Taxi Alliance
POCA	Prevention of Organized Crime Act
ProvJoints	Provincial Joint Operational and Intelligence Structure
SANTACO	South African National Taxi Council
SAPS	South African Police Service

EXECUTIVE SUMMARY

On 5 June 2022, as an Intercape bus was travelling along a rural section of the R61 road in the Eastern Cape, a rock hurtled towards the windshield, smashing through the glass, narrowly missing the driver and causing him to veer off the road. Remarkably, the driver managed to steer the bus back onto the road. There was no loss of life, although 14 passengers and the driver sustained injuries. The estimated repair cost to the damaged vehicle was R1.5 million.¹

It was no accident: the rock had been hurled from a vehicle pursuing the bus. Nor was it an isolated incident – it was one of many brazen acts of violence targeting the property of the Intercape Ferreira Mainliner bus company, and its employees and passengers, that have occurred since 2015. The attacks have included stonings, shootings, intimidation and murder. Other long-distance passenger transport companies operating similar routes have also been frequently beset by attacks and what they describe as extortion attempts.

These incidents, which have escalated since the COVID-19 pandemic, are generally perpetrated at the behest of people employed by, or actors associated with, South Africa's mass-transport taxi industry.² This report examines the criminal dynamics behind such incidents, in particular how the taxi industry has come to be characterized by high levels of violent regulation. The industry argues that it has limited opportunities in a stagnant economy, and casts itself as the David facing the Goliath of the corporate transport sector. It believes that the law is biased in favour of uncompromising operators like Intercape.

The taxi industry in South Africa has developed certain modes and norms, a hallmark of which is a form of negotiation and dispute resolution that occurs mostly outside of the formal legal system. In the context of this industry, adherence to custom, especially in rural areas, holds more weight than



Intercape buses after stoning incidents in the Eastern Cape province. *Photos supplied*

adherence to law. Very often, agents of the state, including law enforcement and politicians, are loath to intervene in taxi-related matters, in no small part owing to a lengthy and complex relationship between the state and the taxi industry.

With the state reluctant to intervene, the industry is mostly left to its own devices, including pushing for agreements with other taxi operators to set prices and control certain routes. Where one party breaks such agreements, or new players enter the scene offering competitive prices, violence often follows as an instrument to 'regulate' the competition. The taxi industry also seeks to influence the operations of other forms of transport that might compete with them, in the case of this study buses, whose services compete with those of the taxi industry on certain routes and whose pricing structures may be unfavourable to smaller-scale taxi operators unable to compete with the economies of scale that national bus companies can pass on to their customers. When this occurs, they often resort to the same means of violent dispute resolution seen within the taxi industry, of the sort of destructiveness that the passengers involved in the June 2022 Intercape incident experienced.

In recent years, bus companies have been dragged into the kinds of negotiations, demands and violent resolution that characterize the internal operations of the taxi industry. Driving this is the high frequency of bus travel along certain long-distance routes, mostly through the Eastern Cape province, which taxi operators claim is killing their business.³ Some members of taxi industry associations, mostly in rural areas, decry Intercape's invasive practices; others, mostly from urban areas, see the disruption of bus operations as an opportunity to supplant them with their own services.⁴

Other transport operators are also exposed to the kinds of incidents of extortion, racketeering and violence that bus companies experience, including chartered services and e-hailing taxis, as organized criminals seek to take advantage of various sectors of the country's public transport market. Intercape alone, however, the focus case study of this report, experienced close to 200 acts of violence or intimidation on its property or against its personnel from 2015 to the present, most of them in the Eastern Cape province and in the region known as the 'former Transkei'. Key actors and taxi associations come from, or have ties to, this part of the country, and this connection is important in understanding how the attacks on Intercape and other companies should not be seen as lone-wolf incidents, but as part of an expansive and organized campaign of economic violence.

This litany of violence therefore comes against the backdrop of a stagnant economy where competition for business is intense, a taxi industry that has existed largely outside the law since its beginnings in apartheid South Africa, and a general breakdown in law and order, where both the will and ability of the state to address criminality are limited. Taxi industry leaders are quick to put these incidents down to rogue elements among their number or deny knowledge of the violence. Intercape labels it as blatant extortion.

That the acts in question are criminal in nature is indubitable. Whether they constitute organized crime is an aspect that requires more detailed examination, and which this report assesses. Various orders made by the Eastern Cape High Court unequivocally hold that the campaign is one of an organized nature, constituting organized criminal activity, and that the state has failed in its mandate to ensure commuter safety, among other regards. The report weighs state failure in the regulation of taxi industry as a factor in the violent attacks on bus companies.

Added to all of this is the highly volatile issue of race relations in South Africa, and how small black-owned businesses understand the dimensions of economic competition with large, white-owned

corporates, such as Intercap. The taxi industry's position is that Intercap allegedly refuses to negotiate in what the former sees as 'invasive' and 'exclusionary' economic practices. For them, it is a story of rural economic struggle and entrepreneurship on the margins; for Intercap, it is a dispute with an industry characterized by violence and whose operations are 'controlled at times literally through the barrel of a gun'.⁵

This report examines the dynamics of these incidents of violence and racketeering, and situates them in the context of South Africa's historically self-regulated taxi industry, and particularly as a manifestation of how the industry's modes of violent economic competition and governance have spawned a tertiary market for monetized armed violence. It assesses whether the country's legal framework could construe these incidents as acts of organized crime, which is a prerequisite for the state to prosecute perpetrators under South Africa's Prevention of Organized Crime Act (POCA).⁶ It evaluates the inadequate nature of the state response to the problem of passenger transport violence and intimidation, finding lack of political appetite to address institutional violence in the taxi industry, and indications of a tendency towards appeasement of the industry by elements of the state. It concludes by recommending ways in which the state could play a less partisan role by engaging in constructive peaceful resolution in public transport disputes to replace the forms of violent non-state regulation that continue to cause untold harm to bus operators and their passengers.

Methodology

A desk review of primary materials documenting lengthy recording of incidents, statements and legal proceedings involving Intercap was conducted. Intercap provided the Global Initiative Against Transnational Organized Crime (GI-TOC) with two bundles of documents that included court documents (founding affidavits, responding affidavits and judgments), email and messaging service correspondence, records of events, and photographs of people and damage to Intercap's property. Consultations were also held with other transport operators, including e-hailing services.

Secondary sources in the form of news articles were consulted and reviewed as background to the current saga and historical instances of taxi violence. Academic literature on South Africa's taxi industry, notably dealing with its history and dynamics of operation, were consulted to aid in understanding how the current situation fits in as part of a broader political economy and landscape of violence.

Fieldwork was conducted in South Africa's Eastern Cape and Western Cape provinces between 3 and 12 March 2024 during which interviews were carried out with taxi industry representatives and officials. Most sources spoken with consented to be named, while others preferred to remain anonymous.



A TURBULENT PAST AND FRACTIOUS PRESENT

The violence plaguing South Africa's public transport sector has its roots in a struggle between a regulated bus industry, once associated with the apartheid regime, and an unregulated taxi industry that developed informally to meet the needs of the large population of black South Africans forced to live away from centres of commerce. While the taxi industry emerged as early as the 1930s, with sedan-type vehicles used to transport as many as six people at a time,⁷ the 'minibuses' that now characterize the industry became a feature in the late 1970s with the 16-seater Toyota Hiace-Ses'fikile now the most common type of vehicle used.⁸

A historical synopsis of how the taxi industry was forged in the violent and politically turbulent furnaces of the late apartheid era helps provide an understanding of how the current incidents targeting Intercape and other bus operators have their origins. In the democratic era, the conflictual political dynamics may have relented and market access for taxi operators has become more equitable, but the taxi industry has maintained its hard line as a protector of its economic activity, often violently intolerant of competing operators.

From the outset, the taxi industry faced a number of challenges in service provision, competing with a centralized state transport system that included buses and trains and had a virtual monopoly on public transport. With the apartheid administration being hostile to black-owned businesses, taxi operators found it difficult to acquire operating permits during the 1970s and 1980s.⁹ Most of the industry therefore operated illegally until the late 1980s, when the public transport sector was deregulated, leading to a significant increase in the number of taxi operators and taxis on the road. From being essentially outlawed, prospective taxi operators could suddenly obtain permits cheaply, often through unofficial channels.¹⁰

This rapid expansion in supply led to market saturation and intensified competition, particularly on high-demand routes previously primarily served by buses and trains. Taxis quickly became the main mode of commuter transport,¹¹ but operators competed with state-subsidized bus companies and found it more difficult to turn a profit.¹² At the height of political upheaval in pre-transition South Africa in the 1980s, buses were targeted by taxi operators primarily for their association with the apartheid regime, but with commercial incentives not far behind.¹³ Although largely politically motivated, boycotts and acts of intimidation led to disinvestment in the bus sector and the subsequent retrenchment of workers, many of whom turned to the growing taxi industry for employment.



A Golden Arrow bus destroyed on the N2 near Langa during a minibus taxi strike in Cape Town, August 2023.

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With few plans in place on the part of the state to deal with the growing industry – the state in South Africa normally licenses industry, and oversees zoning, and health and safety regulations – a system of self-regulation emerged, led by taxi associations.¹⁴ Developing in a generally laissez-faire environment, the taxi associations tasked themselves with regulation while ultimately being focused on expansion and control over passenger routes.¹⁵ They came to wield considerable power in the transport industry, often determining which routes could be used by which operators and ensuring this through force.¹⁶ Violence became the preferred means of preventing competition,¹⁷ and taxi associations increasingly resorted to corruption and extortion to gain a greater market share.¹⁸

Despite factionalism in the industry, there is precedent for associations to set aside their disputes and unite in their opposition to other forms of road transport, with attacks on buses surging particularly during taxi strikes.¹⁹ For example, in Cape Town in 2000, the Cape Amalgamated Taxi Association (CATA) and the Congress of Democratic Taxi Associations (Codeta), often in conflict with one another, joined forces to threaten state-subsidized bus company Golden Arrow, accusing it of monopolizing the market.²⁰

Incidents escalated during the COVID-19 pandemic, most notably on long-distance routes,²¹ and attacks on buses have also become more systematic and organized, now affecting intercity and interprovincial routes. Many such incidents are carried out for financial gain through theft, but extortion at the behest of taxi associations is also alleged in some cases.²² In cases involving long-distance operators in particular, demands have been made for operators to reduce the frequency of their services through certain towns, to cease operating in these towns altogether or to pay money in exchange for unimpeded operations.

These acts would be classified under South African law as extortion – a common law crime understood as comprising unlawfulness, intentionality and coercion.²³ When someone unlawfully and intentionally puts pressure on another person in order to obtain a benefit, whether monetary or not, it is an act of extortion. In the case of the conflict between bus companies and taxi associations, any form of coercion by taxi personnel (e.g. intimidation, threats or violence) that results in bus companies taking actions that benefit the taxi industry (e.g. bus companies increasing fares, reducing frequency of services in certain areas or paying money to taxi personnel) is grounds for making a case of extortion.

The nature of the threats and use of violence in this context suggests an evolution in the scale of public transport extortion, while the systematic nature of the current targeting of buses indicates a marked

growth in the level of violence and intimidation. Golden Arrow, for example, continues to experience attacks, with an average of 200 buses stoned per month in the Western Cape in 2020, while other bus services have also come under fire, such as the privately owned Intercape and the more recently developed bus rapid transit (BRT) systems.²⁴

While taxi operators have always ‘inhabited a rough and tumble world, on the grey margins of the law’,²⁵ the coordinated and strategic nature of recent attacks on commercial bus operators like Intercape suggest that taxi industry violence has evolved into a form of organized crime, to the extent that certain taxi associations have been accused of resembling mafia-style groups. Although taxi associations do resemble mafia-style groups in the sense that they are characterized by territorial control and defined leadership structures,²⁶ they are established for a legitimate purpose, namely to protect the interests of operators and personnel in an essential industry. However, while the purpose of taxi associations is not criminal, illicit means are often used in pursuance of that purpose, such as the use of violence to deter competition.

The violence they are able to perpetrate and their sense of impunity is accentuated by the industry’s intersection with politics, law enforcement and other overlapping illicit economies, including markets for assassination, money laundering and illicit firearms.²⁷ The intersection of illicit economies and illicit means of pursuing an otherwise legitimate purpose, coupled with the defining features of taxi associations means that many of these associations can be construed as resembling mafia-style groups. However, there is a great deal of nuance, as the services provided by taxi associations are essential to the functioning of much of the country’s transport system, even though the taxi industry operates in ways that test the boundaries of legality.

Bus rapid transit

Conflicts between taxi operators and urban bus services arose during efforts to develop integrated mass transit systems in urban centres. Initiatives to connect train, taxi and rail services in Johannesburg and Cape Town through the introduction of BRT systems faced significant opposition from the taxi industry, as the new bus services were seen as direct competition. These urban transport systems, inspired by the success of similar services in other countries, were proposed as a way of providing efficient and cost-effective transport while also helping to formalize the minibus taxi industry.²⁸

Despite attempts to include taxi operators by offering them shares and employment to drivers to mitigate potential competition-related violence on overlapping routes,²⁹ projects like MyCiTi in Cape Town and Rea Vaya in Johannesburg faced opposition from the outset, including targeted attacks on bus owners and infrastructure.³⁰ Sporadic attacks on MyCiTi buses since 2015 have often occurred during taxi



A MyCiTi bus is set alight in Cape Town during a South African National Taxi Council strike in August 2023. *Photo supplied*

strikes, when Golden Arrow buses and railway services were also targeted, possibly to maximize impact by bringing all commuting to a halt.³¹ At the same time, the slow roll-out of BRT systems has meant that only a small part of the taxi industry has been formalized, leaving most of the industry unchanged and taxi violence continuing unabated.³² ■

Rank and file: where taxis, politics and policing meet

Efforts to curb taxi industry violence by the state have been hindered by cases of corruption and complicity among police officers, as well as corruption in the issuing of operating licences,³³ and by bribery of officials, notably police and traffic officials,³⁴ in exchange for unimpeded operation.

Arguably, the reasons for the police service failing to respond over time to certain incidents involving taxi violence could be explained by the fact that some have interests in the taxi industry, the heft the industry wields as a political constituency or simply fear. The lack of appetite among some elements in the police service to deal with taxi violence is a common thread that can be traced since the early history of the industry and is evident in the current Intercape conflict too, where the state has not intervened decisively.³⁵

It is a duplicitous relationship that goes back decades. Allegations of public officials having business interests in the industry have been present since the dawn of democracy.³⁶ South Africa's first democratically elected president, Nelson Mandela, made a statement in November 1996 decrying police corruption and complicity in the taxi industry, and highlighting how it scuppered efforts to deal with the issue.³⁷ The Directorate for Special Operations (aka the Scorpions) was later deployed in 1999 to investigate taxi associations, making some headway in terms of arrests.³⁸ As recently as 2023, the office of the Western Cape Police commissioner received complaints regarding involvement of police officers in the taxi industry and the ownership of taxis either by them or their intimate partners.³⁹ And an official interviewed by the GI-TOC in the Eastern Cape also suggested that police ownership of taxis in parts of the province was present.⁴⁰

Under the National Land Transport Act (NLTA), direct financial or business interests by law enforcement officials, or their immediate family, in the public transport sector is prohibited.⁴¹ In environments where agents of the state have interests in the industry, efforts to deal with industry-related issues are likely to be affected.

Purported links between political figures and the taxi industry sporadically surface. An assassination in 2015 highlights the complex web of relationships between the taxi industry, politics and business. Former transport minister Fikile Mbalula, who was the police minister at the time, had a relationship with the victim in this case, a businessperson from the North West province named Wandile Bozwana.⁴² A well-known Mamelodi taxi owner, Vusi 'Khekhe' Mathibela, was eventually sentenced to 30 years in prison for Bozwana's murder.⁴³

Bozwana had met with Mbalula and Mathibela just two days before he was killed.⁴⁴ The circumstances of the meeting between the three men remain unclear. However, Mbalula was later described as a person of interest in the murder when it was reported that he had contacted Mathibela by phone on the day of Bozwana's murder.⁴⁵ Political machinations in the North West province are thought to be part of the motivation for the assassination, as Bozwana was close to political figures in the province and was said to have drawn the ire of some prominent politicians there.⁴⁶ Whether Mbalula had anything to do with it is a matter of speculation, and no charges were ever brought against him. What the episode does show, however, is the interconnectedness of figures in politics, business, the taxi industry and the market for contract killing.

Victor Sam

Victor Mbulelo Sam, a former CATA secretary general, was allegedly instrumental in orchestrating attacks on Golden Arrow buses in 2000. Sam was involved in politics as a member of the United Democratic Movement party and an electoral candidate for the Crossroads ward in Cape Town before his death.⁴⁷

Sam had a chequered past, marked by arrests for armed robbery, murder and assault, and yet was acquitted on several occasions.⁴⁸ During a 1998 bail hearing, the state made the claim that plans were afoot among CATA members to orchestrate Sam's escape from custody. It was the 13th occasion on which he had been charged for taxi violence-related matters but had not previously been prosecuted. On this occasion, he was granted R10 000 bail.⁴⁹ He was not subsequently convicted.

In mid-2000, Sam allegedly enlisted the services of Siyabulela Khobo to instigate attacks on Golden Arrow buses,⁵⁰ most likely in reaction to competition from the state-subsidized bus company. It was later alleged that Sam had never paid Khobo for his role.

Internal conflict within CATA, possibly in response to Sam's proposal to limit the number of taxis per owner within the association, may have also made it expedient for him to be removed from the picture. Sam was shot dead in Crossroads, Cape Town, in 2000, in what may have been a hit, and Khobo was later convicted of his murder.⁵¹ ■

The murders of Sam and Bozwana also highlight the prevalence of taxi industry-related assassinations as well as political assassinations perpetrated by people associated with the taxi industry. In fact, the taxi industry regularly dominates the categories of assassinations identified in research by the GI-TOC,⁵² with an estimated 46% of all targeted killings between 2015 and 2021 related to the taxi industry.⁵³ This is partly explained by the industry's reliance on contracted hitmen to ensure control over routes and eliminate competition.⁵⁴ Initially hired by taxi associations to provide the muscle needed for enforcement and protection in an industry largely regulated by violence, as we have seen, 'taxi hitmen', as these statistics would suggest, are now also in high demand outside of the industry to the extent that they have become a pool of monetized violence for hire, 'used by other actors and entities in both the under and upperworlds for political and economic ends'.⁵⁵

This commoditization of 'violence-for-hire' has been enabled by an illicit trade in firearms, with some weapons originating from state sources, including the police.⁵⁶ Inquiries into a series of taxi industry-related killings between 1996 and 2000 in Gauteng also uncovered police involvement in providing 'protection' and hiring out weapons for use in these conflicts. This was partly due to the direct interest that some police officers had in the industry, with an estimated 10% of the taxis in the area at the time being owned by police personnel.⁵⁷

The provision of firearms to perpetrators of violence in the taxi industry by law enforcement officers persists.⁵⁸ In one notable example, the 2019 Gauteng commission of inquiry into taxi violence noted in its final report that high-calibre firearms traced to taxi industry-related murders were sometimes of the type issued to state agencies, notably the police and defence forces.⁵⁹ In an interview in 2021, after the commission's report was made publicly available, Mathapelo Peters, then spokesperson for

the South African Police Service (SAPS), emphasized the police force's intention to 'remove those members who seem to be compromised whether it's through corruption or whether it's through the feeding of firearms'.⁶⁰ She was addressing the commission's findings in the context of taxi violence.

Recent research by the GI-TOC has also highlighted how state agencies, particularly the SAPS, have reported significant numbers of firearms as 'lost' or 'stolen' on an annual basis.⁶¹ In some of these cases, most notably in the case of former SAPS colonel Christiaan Prinsloo, significant numbers of police-issued firearms were directly traced to gang-related murders.⁶² Given the findings of the Gauteng commission, and the recent history of state-issued firearms finding their way into the hands of criminals, the possibility that some police officers are providing firearms for use in taxi violence needs to be considered.

The entrepreneurialism that characterized the early days of the taxi industry, offering black South Africans a chance to participate in an economy that had been designed to exclude them, has therefore evolved into a market characterized by economic violence, with force used for commercial ends. The taxi industry has always operated on the regulatory margins. During minority rule, that marginal position was born from disaffection in a context of political and racial exclusion; in the democratic era, with its open markets, the same regulatory marginality has been nurtured and seemingly protected through mutual economic-interest relations forged with power-holders of the new regime.

This shift from primarily politically motivated violence to commercially driven attacks on the free market is evident not only in the increasing conflicts between taxi associations and attacks on state-subsidized transport, but more recently also in incidents of organized violence targeting privately owned bus services such as Intercape.

THE CONFLICT WITH INTERCAPE AND OTHER COMPANIES

The first sallies in the taxi-Intercape conflict were made by the taxi industry in the Eastern Cape in 2015.⁶³ Taxi associations claimed that Intercape's operating licences had been issued in the Western Cape, which, they said, invalidated the company's services in the adjacent province. Taxi operators would wait at pick-up and drop-off points and demand to inspect the bus drivers' licences. In some cases, they would prevent commuters from boarding or disembarking. Bus drivers were often threatened with physical harm.⁶⁴ In the years that followed, taxi operators continued to harass long-distance bus companies over their operating permits.⁶⁵

The chair of the Idutywa Taxi Association, Bongani Jwambi, confirmed that his association adopted this practice, but justified his members' actions: 'All we do is stop these buses along the N2, check for permits and whether all compliance issues are met,' adding: 'If passengers have tickets, we never forbid them from boarding.'⁶⁶

From Intercape's perspective, these quasi-police inspections are frivolous. The company's chief executive, Johann Ferreira, said: '[The taxi associations] would try to find something wrong. ... There were a lot of allegations about our permits, but, to this day, there [have been] no investigations because there was nothing to investigate. The allegations were unfounded.'⁶⁷ Since the outset, the protagonists in the conflict have brought polarized perspectives of how the market should operate and be regulated. This is evident in another common grievance articulated by taxi associations that the bus drop-off and pick-up points in towns are not 'designated points'. Taxi operators make money by shuttling commuters to and from intercity bus stops. 'We need the buses,' explained Jwambi. 'Much of our revenue comes from taking people to the bus stops.'⁶⁸ But he explained that when buses stop outside of the designated areas, taxis are not needed. In a free market, it is fallacious that one player should dictate the rules of engagement in its favour to others.

Intercape buses have come under attack since 2015, including at the depot in Cape Town. *Photo supplied*



However, taxi associations see the practice of bus companies avoiding designated points as exclusionary, as it denies them access to a key segment of their market.

Escalating cycle of violence and intimidation

Africa People Mover (APM), an intercity bus transport service operating in the Eastern Cape since 2014, came under attack along the Butterworth to Idutywa route in 2017 (see Figure 2).⁶⁹ The then chair of the Uncedo Butterworth Association, Mandla Ntakana, said that the company was offering services cheaply, pricing taxi operators out of the market. This, said Ntakana, was the reason for APM's buses being vandalized and blocked.⁷⁰

Things came to a head in 2018 in a series of incidents throughout the Eastern Cape when taxi operators blockaded routes, accusing bus companies of operating outside the terms of their permits and 'stealing' business from taxis. They reportedly forced commuters off buses and made them use taxis instead.⁷¹ Cases of intimidation increased in frequency and level of organization between 2018 and 2019. In some cases, buses were shot at, such as an Autopax bus in Kwa-Zulu Natal in 2019.⁷² In another instance, a Translux driver was killed in the same province while travelling from Gauteng to the Eastern Cape, also in 2019.⁷³ Autopax's buses continued to come under attack into 2020, with two City to City buses being shot at, once again en route to the Eastern Cape from Gauteng.⁷⁴

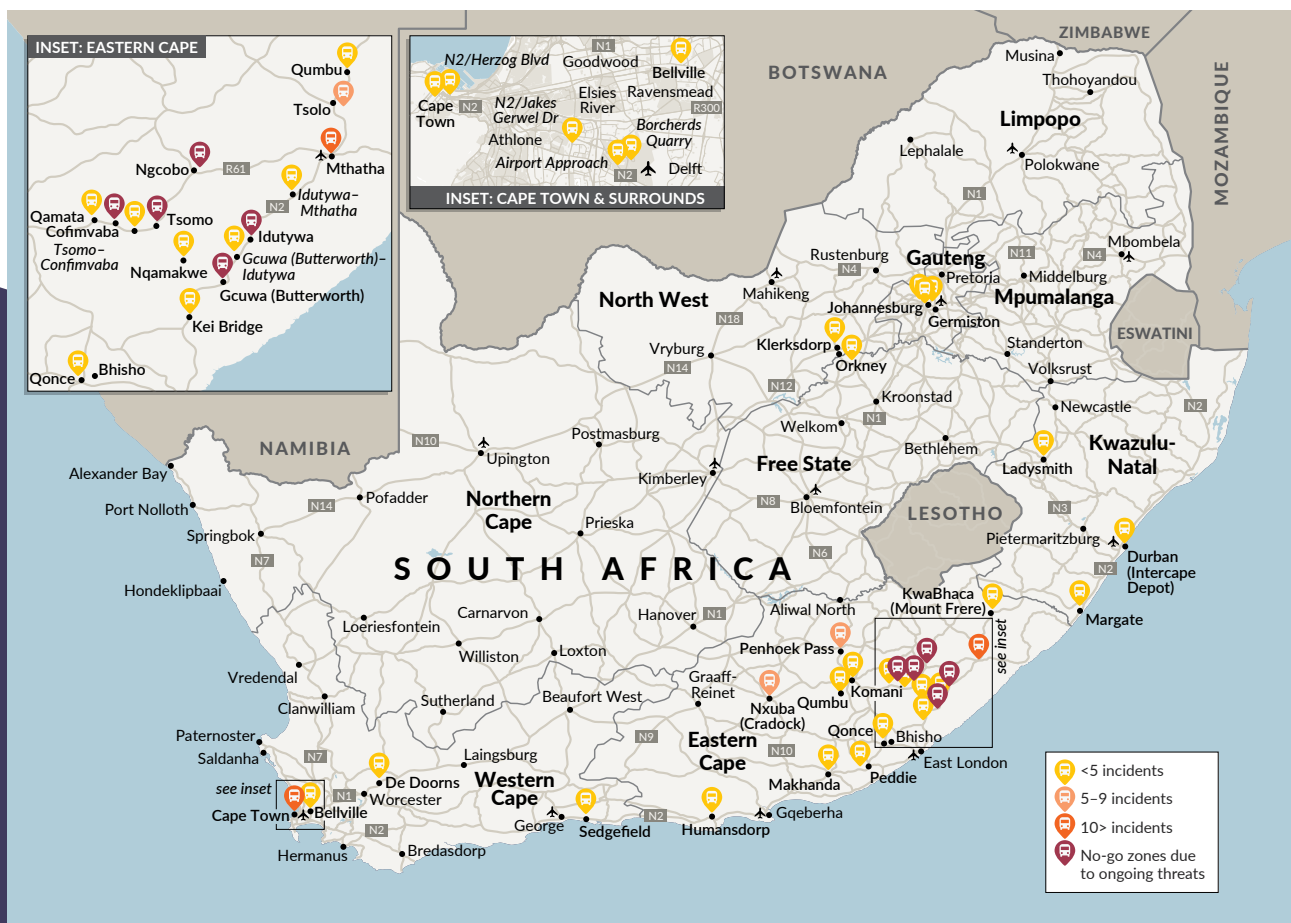


FIGURE 1 Sites of attacks against Intercape, according to Intercape, 4 April 2020–31 May 2023.

SOURCE: Documentation provided by Intercape

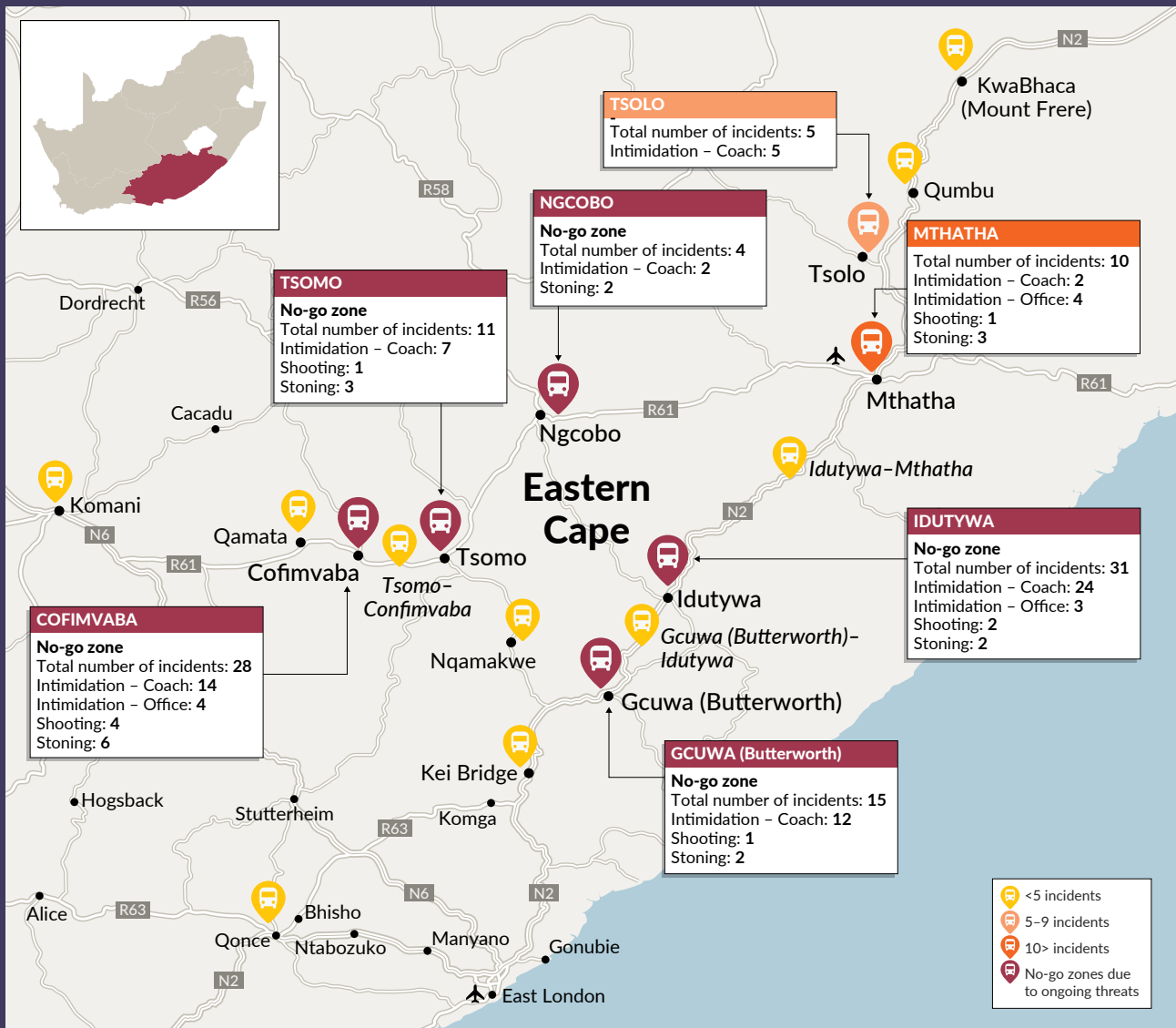


FIGURE 2 Region of the Eastern Cape where the majority of incidents affecting Intercape occurred, 4 April 2020–31 May 2023.

NOTE: Not all incidents occurred in towns, with some happening along the highways, notably the N2.

SOURCE: Documentation provided by Intercape

On 24 March 2020, days before the country was put under a national lockdown to curb the spread of the COVID-19 pandemic, Intercape initiated court proceedings seeking an interdict to prohibit taxi associations from interfering with its business and to compel the police service to take measures to prevent further acts of criminality. However, it did not proceed with this application owing to the onset of the pandemic causing attacks to cease from the start of lockdown until the following year.

Bus companies reduced ticket prices after the easing of lockdown measures during 2020 and 2021 to stimulate sluggish demand post-COVID. This had the effect of escalating confrontations with taxi associations, as a proportion of commuters would opt to use bus services rather than taxis.⁷⁵ A new phase in the conflict was thus triggered, with cases of intimidation and violence increasing in regularity, while a clear modus operandi among perpetrators emerged. This included stoning buses along commonly traversed highways, following buses in vehicles and shooting at buses in motion,

and threatening and sometimes assaulting drivers and commuters, often preventing commuters from either boarding or disembarking from buses in certain towns. Importantly, some of these incidents occurred either after a meeting between Intercape and taxi personnel where Intercape refused to accede to demands, or after police escorts of buses had ceased.⁷⁶

At various times, taxi associations have also collaborated in presenting a uniform fare per route for what they want bus companies to charge.⁷⁷ At a meeting in Kokstad on 15 March 2021 between bus operators, taxi associations, officials from the Department of Transport and the SAPS, an agreement on fares was apparently reached, although Intercape was not present and the precise details of the 'agreement' are unavailable.⁷⁸ Nevertheless, at a subsequent meeting in Mount Frere (KwaBhaca) on 8 April 2021, at which an Intercape representative was present, Vincent Honono of the Uncedo Mount Frere Taxi Association claimed that an agreement on 'pricing structures' had been reached and that 'Intercape must follow the agreement'.⁷⁹ Intercape has so far refused to accede to these demands and continues to face violence, including malicious damage to property and occasionally murder in the case of attacks on buses in hotspot areas.



The violence against Intercape is emblematic of a wider breakdown of law and order in South Africa.

Photos supplied

Other businesses that are ancillary to bus companies, notably supermarkets that sell bus tickets, have also been affected.⁸⁰ In March 2021, the Uncedo Taxi Association in Mount Frere sent a request to outlets not to sell bus tickets for less than R500 (see Appendix 1.2).⁸¹ At some point in 2022, the United Ngcobo Taxi Association and the Tsomo Taxi Association sent letters to supermarkets in the Eastern Cape town of Ngcobo demanding that they stop selling long-distance bus tickets (see Appendix 1.3 and 1.4).⁸² In one case, the manager of Kei Bridge Shell Ultra City sent an email directly to Intercape, requesting that they cease stopping at the premises following an act of intimidation (see Appendix 1.5).⁸³ According to a representative of the South African National Taxi Council (SANTACO) in the Eastern Cape, members of local taxi associations were frustrated with what they saw as Intercape's

refusal to negotiate: 'Those letters that were sent to retailers telling them to not sell bus tickets, those came after Intercape dropped their prices and the other bus companies followed suit. They disregarded agreements on timetables and pricing structures proposed.'⁸⁴

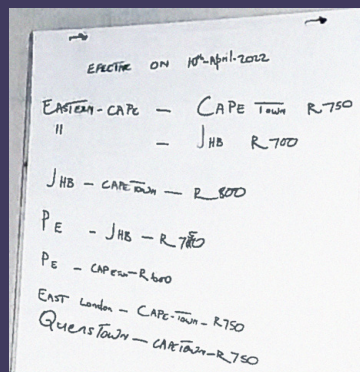
As the incidents above indicate, the Uncedo Taxi Association, United Ngcobo Taxi Association, Border Alliance Taxi Association (BATA), Tsomo Taxi Association (all in the Eastern Cape), CATA, Codeta (both in the Western Cape) and certain Gauteng taxi associations are all alleged by Intercape to have engaged in some form of conduct affecting the company and other long-distance bus operators.⁸⁵ It is noteworthy that these associations have been together at some of the meetings with Intercape, including a meeting in East London on 28 March 2022, highlighting that lines of communication exist between these geographically dispersed associations.

The East London meeting

On 28 March 2022, a meeting was held between various bus companies, including Intercape and taxi associations in East London. At the meeting, Intercape representatives claimed that taxi industry personnel dominated in terms of engagement.⁸⁶

What can be regarded as limits to be imposed to bus companies' operations were proposed by the taxi representatives. These included limiting the number of buses travelling in the Eastern Cape to two per day; not picking up or dropping passengers in towns after 12.00 noon; not implementing seasonal price changes and instead offering a fixed ticket price all year round; progressively increasing prices to R1 000 per ticket for certain long-distance routes by the end of 2022;⁸⁷ and ceasing operations in Idutywa, Butterworth, Ngcobo, Tsomo, Cofimvaba, Gcuwa and Ngqamakhwe.⁸⁸

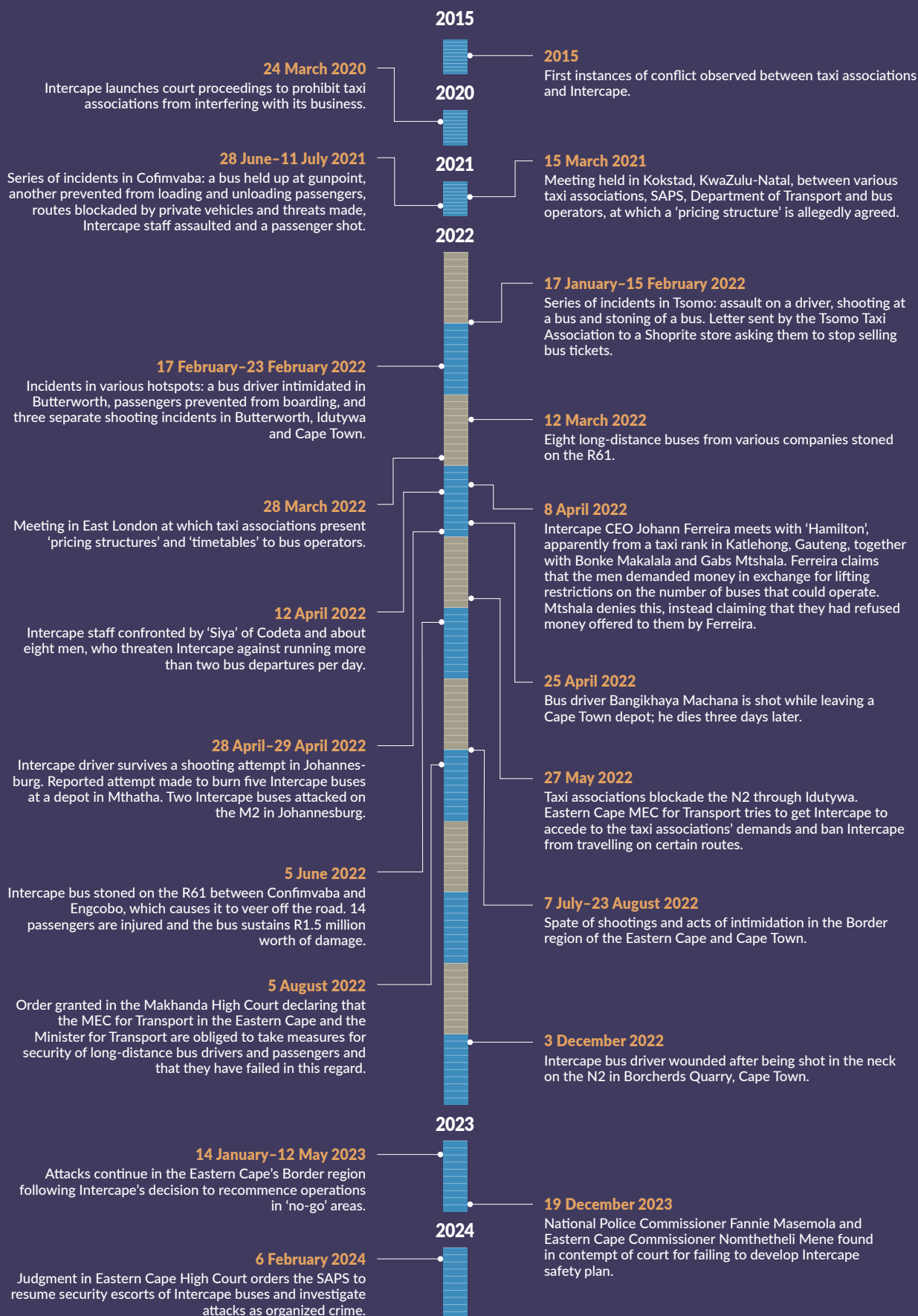
After the meeting, Ferreira was approached by Gabs Mtshala (of Uncedo and SANTACO Eastern Cape) and Bonke Makalala (of CATA) to arrange a later meeting in April for Ferreira to be allowed more time to voice his concerns. On 8 April 2022, while in Gauteng, Ferreira was contacted by 'Hamilton', a Gauteng taxi association representative (apparently operating out of Natal Spruit taxi rank in Katshele), requesting a meeting. Ferreira later met with him alongside Mtshala and Makalala at Menlyn Maine shopping centre in Pretoria. At this meeting, Ferreira alleged that the individuals mentioned wanted money. According to Hamilton, payment would mean that the restrictions on the number of buses allowed to operate would be lifted.⁸⁹ If this is true, this is a clear attempt at extortion. No amount was agreed upon, but in any case, Ferreira refused to accede.⁹⁰ Mtshala denies Ferreira's version of events, claiming that no money was demanded.⁹¹ ■



CATA representative Bonke Makalala outlining a proposed pricing structure for bus companies to follow at a 28 March 2022 meeting in East London. The routes specified involve the three provinces where Intercape has experienced the most violence, namely the Western Cape, Eastern Cape and Gauteng.

Photos supplied

TIMELINE OF EVENTS INVOLVING INTERCAPE



Does the transport market violence constitute organized crime?

Intercapex experienced 176 attacks on its property and personnel between 2020 and the end of 2023.⁹² That these incidents were organized would appear to be demonstrated by the fact the attacks started immediately after the SAPS ceased escorting buses, and the regularity and consistent manner in which the acts were carried out. Bus stops in hotspot towns in the Eastern Cape, including Cofimvaba, Butterworth, Ngcobo, Idutywa and Tsomo (see Figure 2), have regularly been targeted, with passengers prevented from either boarding or disembarking. Buses are sometimes ordered to return to previous stops and drop off the passengers they picked up at these stops. Assaults on drivers occur with a certain degree of frequency, and many of these incidents are in towns or on roads that are on long-distance taxi routes. Although attacks are not limited to bus stops, with numerous incidents of coaches being forced to stop and sometimes shot at or stoned while in motion, buses are most vulnerable while stationary. Perpetrators are aware of the bus timetables, and often engage in disruption when buses arrive at the stops. Few arrests have been made and where they have been, most of these charges were dropped.⁹³ To date, no one has been successfully prosecuted, although there is one major case currently before the courts in Cape Town (detailed in a later section).

Figure 1 shows that most incidents were concentrated in rural Eastern Cape towns and along highways in the province, some of which became 'no-go' areas (see also Appendix 1.1). Incidents in the Western Cape occurred almost exclusively in the centre of Cape Town, which experienced close to 20 incidents. The price of private security deployed to protect Intercapex and its passengers in the hotspot areas cost the company an average of R45 000 a day, according to the company's own estimation.⁹⁴ Intercapex recorded an estimated loss of around R7 million in 2022 resulting from business lost due to certain towns becoming 'no-go' zones.⁹⁵



Defence and police forces patrol hotspots in Khayelitsha, Cape Town, after taxi violence breaks out in the Western Cape province. © Brenton Geach/Gallo Images via Getty Images

While the Eastern Cape, and to a lesser extent the Western Cape, bears the brunt of the targeted violence, attacks occur on other long-distance routes. Two noteworthy incidents in Gauteng in April 2022, also targeting Intercap, happened along the M2 Johannesburg to Mthatha route, and along the same road, close to the N3 interchange on the Durban to Pretoria route.⁹⁶ The nature of these attacks, which both involved gunmen waiting in ambush along the bus routes, strongly indicates that they were part of a coordinated plan. That Intercap was deliberately targeted is indubitable and shows that assailants have knowledge of the national routes that the company's buses use and the times at which they can intercept them.

Moreover, during meetings that took place thinly veiled threats were made against bus operators by taxi association representatives from Gauteng, the Eastern Cape and Western Cape (the three provinces where Intercap is most frequently attacked), which suggests a collusive nationwide effort. This was certainly the case with the East London meeting, where bus operators were allegedly told by various, geographically diverse, taxi associations that 'the only way to resolve the issues between the taxis and the buses was to agree to certain terms and conditions'.⁹⁷ The conditions included a reduction in frequency of services and price reductions.⁹⁸ That those allegedly involved in extortion against bus companies have connections to both the Western Cape and the Eastern Cape lends credence to the idea that attacks could be coordinated trans-provincially. This is underscored by the historical links between Western Cape and Eastern Cape taxi operators; as interviews with stakeholders in both provinces confirmed, sometimes they are the same people.⁹⁹

Extortion in the long-distance transport sector

Extortion, defined as the practice of obtaining something (especially money) through force or threats,¹⁰⁰ is expressly listed as a Schedule 1 offence in South Africa's Prevention of Organized Crime Act. In the current conflict between taxi associations and bus operators, taxi industry personnel are demanding money in exchange for 'allowing' bus operators to use certain routes, or ordering bus operators to limit their frequency of operation in particular areas, increase their prices for tickets to these areas, or cease operating altogether.

The 6 February 2024 judgment in *Intercap Ferreira Mainliner (Pty) Ltd v Minister of Police and others* in the Eastern Cape High Court, Makhanda Division, determined that Intercap is being subjected to a single, countrywide, campaign of violence and intimidation and that this campaign 'fits the mold of a pattern of racketeering activity as defined in POCA and organized crime as contemplated in section 16 of the SAPS Act'.¹⁰¹ Among other findings, the judgment states that a total of R5 million was demanded of Intercap by two taxi associations sometime between March and April 2022 to 'ensure its continued operations in the Western Cape'.¹⁰²

Gabs Mtshala, chair of SANTACO Eastern Cape,¹⁰³ Uncedo Taxi Association, and Mdantsane and East London Taxi Association, admits that there were indeed attempts by taxi operators to extort bus companies, but insisted that SANTACO put a stop to this. 'We spoke to those operators and persuaded them otherwise,' he said.¹⁰⁴ ■

Some attacks on buses have occurred almost immediately after meetings between Intercape and taxi associations, in cases where taxi association demands have not been met. In one example, Intercape CEO Johann Ferreira attended meetings with individuals representing taxi associations, including Codeta and Uncedo Eastern Cape, in Cape Town on 13 April 2022. The 13 April meeting followed the harassment of Intercape employees at Cape Town's central station and the prevention of buses from departing.¹⁰⁵ The perpetrators claimed that only two buses per day were allowed to depart, as per the 'agreement' made at the East London meeting.¹⁰⁶

The 'leader' of the group harassing Intercape employees was a man identified as 'Siya' (of Codeta), who named himself as 'head of operations' at Codeta and, according to Ferreira in an affidavit dated 29 April 2022, was very hostile and demanded the 13 April meeting.¹⁰⁷ Here, Ferreira alleged that Siya said that to 'make the problem go away, all Intercape had to do was pay'.¹⁰⁸ Ferreira claims that he refused all demands made.¹⁰⁹ About two weeks later, there were attacks on moving buses in Johannesburg, and an Intercape driver, Bangikhaya Machana, was shot dead in Cape Town.¹¹⁰

Disinformation campaigns have also accompanied attacks. For example, a 'communiqué' dated 6 June 2022 claimed that Intercape's operations in the Eastern Cape had been discontinued and that anyone who had booked services after the stated date would receive a full refund (see Appendix 1.6). Intercape denied the veracity of the document, which was found to be fraudulent.¹¹¹ Fraud and forgery with an intent to deceive are both offences under the POCA.

Incidents such as those outlined above occurring across such a wide geographic reach would suggest a high level of planning and coordination by perpetrators, although it is of course possible that unrelated groups have seized the same opportunity in different parts of the country. Regardless, these two possibilities present equally concerning scenarios. Either acts perpetrated against long-distance bus companies are so organized and nationally coordinated that criminal groups can plan attacks across the country, or autonomous actors, seeing the profitability of the practice and relative impunity, are copying the actions of others. Whichever is the case, it points to the systemization of extortion that has taken hold in the passenger transport industry and the violence used in pursuing it.

However, a more complex and nuanced dynamic could also be at play. As explained above, taxi operators in small towns appear to be genuinely struggling to maintain the viability of their businesses. Claims made by taxi industry personnel are that increasing prices of bus tickets are a matter of survival for taxi operators as the latter cannot compete with low bus fares. Realizing this, actors whose goal is to take control of long-distance routes may have tapped into this local frustration and used it for their own gain. The bigger taxi operators gain from inhibiting long-distance bus operators and supplanting them. The smaller local operators gain by having reduced competition, to a degree. The interests of both parties therefore overlap. This is merely postulation, but the prevailing circumstances and central role apparently played in them by certain actors in the taxi industry (more of which below) point to this being a possibility.

If there were any doubt as to the ability or willingness of taxi associations to band together and orchestrate countrywide action against buses, a meeting on 13 April 2022 in Cape Town, involving Ferreira and members of Codeta, CATA, and Uncedo, during which taxi industry representatives threatened nationwide action, must surely dispel it. In that meeting, according to Ferreira, 'The taxi associations told us in no uncertain terms that if we did not give in to their demands, they would involve every single taxi association in South Africa in their campaign against long-distance bus operators.'¹¹²

'The taxi associations told us that if we did not give in to their demands, they would involve every single taxi association in South Africa in their campaign.'

The taxi industry's view

All the taxi associations we spoke to denied involvement in the violence but defended their grievances as justified by the economic situation. Jwambi of the Idutywa Taxi Association was critical of the 6 February 2024 decision of the Eastern Cape High Court, which ruled that acts against Intercape constituted 'organized crime', saying the judge was biased towards Intercape:

The competition between us and these buses is really unfair, but the judge is favouring Intercape and does not look deeper into how this practice [competitive pricing and number of buses] is affecting many of us in this part of the world. ... There is no way what is happening could be described as organized crime, but just a reaction when members have been pushed to the wall by actions of others who refuse to operate within the ambits of regulations.¹¹³

It is a sentiment echoed by other associations. In the wake of the Makhanda High Court judgment, Landile Qwalase, the Butterworth Taxi Association's secretary, said it was a concern that the law was 'biased towards Intercape, without looking at all the root causes of this conflict'.¹¹⁴

The Butterworth Taxi Association's public relations officer, Lundi Jozana, said they had tried to resolve differences with the management of Intercape but accused them of arrogance in their refusal to negotiate. 'Hence, we took a decision as the Mnquma Transport Forum that no buses should stop in our town. However, we now see that they are sometimes escorted by police or private security companies and they still continue to monopolize the industry,' said Jozana.¹¹⁵

While long-distance taxi services have the potential to net considerable profits, operators in the smaller towns of the Eastern Cape experience economic headwinds, as mentioned. Associations told stories of declining numbers of commuters, compelling taxi owners to reduce their operations and cut their



An Intercape bus came under attack in August 2022 while en route from the depot to pick up passengers at Cape Town's central station. *Photo supplied*

fleets, and of how vehicles had been repossessed.¹¹⁶ Long-distance bus companies were cited as a reason for their declining fortunes. Associations said they had attempted to reach agreements with bus companies to persuade them to limit their operations in their towns (as discussed above), and thus apportion the market between them.¹¹⁷ They claimed that all bus companies complied barring Intercape.¹¹⁸ 'They have as many as five buses running through town per day,' said a member of the Uncedo Mount Frere Taxi Association.¹¹⁹ In Butterworth, this number was closer to 20, according to Jozana.¹²⁰

Members of associations in small towns and rural areas generally do not have access to other business opportunities, unlike their counterparts in larger towns. 'Our members are often people who have been retrenched,' said Sibongile Gwadela, chair of the Tsomo Taxi Association. 'They join the association as a means of keeping their standard of living.'¹²¹

In addition to saturating the market, associations argued that Intercape's competitive pricing threatened their business and livelihoods. 'We charge R750 for a trip between Tsomo and Gauteng, and R900 to the Western Cape. Buses sometimes charge less than R500,' said Gwadela.¹²² All of the associations point the finger at Intercape for low prices and anti-competitive behaviour. Some specifically referenced a Black Friday special that Intercape ran in 2019, in which tickets were sold for R199.¹²³ 'We cannot compete with these prices,' said Mtshala. 'If that's what you charge, for that whole day you've captured the entire market.'¹²⁴

Ferreira has a different version, however, of the pricing grievance. 'We've always been the most expensive because of our infrastructure,' he explained. 'No other [bus] company has invested in infrastructure the way Intercape has done. These things cost money. ... If you look where this issue of pricing began, it was subsidized state companies who were charging unsustainably low prices. The first drivers to be killed were Intercity and Translux drivers, not Intercape, because of the low fares they were charging. Eventually, they were driven out of the Eastern Cape.'¹²⁵ Intercape, as a private company, does not receive state subsidies. Ferreira claimed that bus operators in the past that were not legally registered and would operate without official-issue permits had an impact on pricing by charging 'exorbitantly low prices'.¹²⁶

Mtshala's position is that there was a gentlemen's understanding between the taxi associations and other bus companies in terms of fair market share, but Intercape was the 'elephant in the house who does not want to comply'.¹²⁷ Intercape, said Mtshala, was 'monopolizing' the associations' areas of trade and this uncompromising monopolistic stance triggered the violence.¹²⁸

Paying your fare share

One measure to which taxi associations have resorted to keep operating long-distance routes in the face of declining demand, and to pool their resources, is what are termed 'express' services. This rotation arrangement operates like a stokvel. Taxi associations agree to take turns making long-distance trips where commuters can be picked up in each town along

the way. The other associations along the routes agree to contribute the fare for a certain number of passengers, regardless of how many board. This way, the driver whose turn it is to do the trip receives the fare for a full taxi load. Associations can lose money in this manner, but it ensures that the association whose turn it is to take the trip gets the cash for a full minibus load. ■

Ferreira said that he had 'invited' other bus companies to give information, alongside Intercape, to the police, but they refused: 'That's why they [the taxis] have an issue with me. None of the other bus companies went to the police. They all negotiated with the taxis. That's where the road parted.'¹²⁹

All association representatives interviewed denied being party to violence against the bus company; some even denied any knowledge of the incidents. Given how small some of the hotspot towns are, this seems disingenuous. A member of the Butterworth Taxi Association said, 'We know nothing about the vandalism of the buses. We were told about the bus that was shot at in Ngqamakhwe.'¹³⁰ However, a comment made later provided a glimpse into the industry's conceptualization of the dispute: 'Why have [Intercape buses] been vandalized? What is the cause for that? Who is at fault? If you are doing something wrong to somebody, or you are provoking somebody, then obviously they are going to retaliate.'¹³¹

It would be imprudent to cast taxi associations simply as victims in this saga, but it should be acknowledged that many of the issues currently faced in the public transport industry stem from the environment in which they operate, which includes a stagnant economy, poor governance, and limited access to capital and subsidies. However, not all people accused of violence are those who claim their businesses are struggling. There are those whose alleged goal is to capture as much of the market as possible for the sake of profit. A noteworthy person in this regard is a Cape Town transport operator by the name of Bonke Makalala.

Profile of a taxi baron: Bonke Makalala



Photo supplied

Hailing from Tsomo in the Eastern Cape, Bonke Makalala made a name for himself in Cape Town as an entrepreneur, starting out as a driver before working his way up, acquiring a small fleet of over a dozen taxis and a handful of buses and trucks. A member of CATA and the Tsomo Taxi Association, he is hailed as a success story in his hometown,¹³² where he organized the repair of a bridge at his own expense.¹³³ He makes use of a helicopter, which he lands in the town on occasion.¹³⁴

Like Victor Sam two decades previously (see the previous section), Makalala's influence extends beyond CATA and Cape Town, with operations across provinces, notably the Eastern Cape. His registered business, Makalala Trans, lists construction, logistics and funeral services as part of its operations, in addition to transport.¹³⁵ His family members appear to be involved in the running of the business. One Bulelwa Meffie-Joyce Makalala was made a director of Makalala Trans on 15 January 2024,¹³⁶ a month after legal proceedings were initiated against Makalala in the Athlone Magistrates' Court in Cape Town.¹³⁷ Bonke Makalala resigned as a director on 2 February 2024.¹³⁸ Most of the transport services offered by the company ply routes between the Western Cape and Eastern Cape,¹³⁹ running through numerous hotspot towns known for attacks on buses.

Accusations of criminality have dogged Makalala, often in relation to the CATA–Codeta association feuds. In July 2021, he was accused on social media platforms of being behind the violent conflict that prevailed between the two taxi associations at the time.¹⁴⁰ Makalala denied the accusations,

saying he was unfairly targeted by others in the taxi industry. 'I want the violence to end as much as everyone else,' he told the media.¹⁴¹

Makalala met with Ferreira, along with other taxi industry representatives, at the East London meeting in March 2022 and again on 8 April 2022 in Gauteng. In the latter meeting, Ferreira claimed he was told by a certain 'Hamilton', apparently from Natal Spruit taxi rank in Gauteng, that if 'he paid', Intercape would be 'allowed' to have more buses operating along certain routes.¹⁴² Ferreira refused.¹⁴³

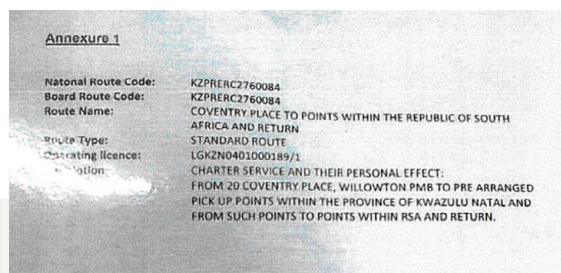
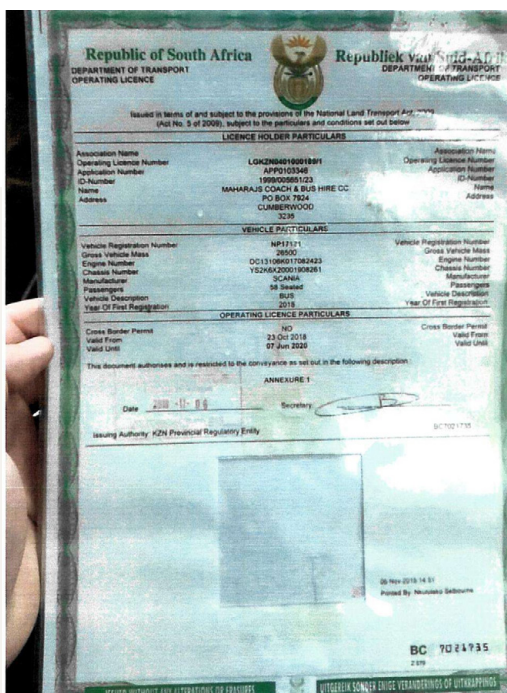
Makalala was later arrested in Pretoria, where he was apparently in hiding.¹⁴⁴ He appeared in court on 14 December 2023 on multiple charges, including murder, attempted murder, illegal possession of firearms and impersonating a police officer.¹⁴⁵

Following Makalala's arrest, Ferreira, speaking to the media, publicly claimed that Makalala was a primary instigator in the extortion of long-distance coach operators and that he had planned to oust established bus companies from the Eastern Cape routes and replace them with his own bus services.¹⁴⁶ Ferreira made express reference to Makalala having set up bus services in the Eastern Cape and advertising transport to and from 'no-go zone' towns after Intercape had suspended operations there.¹⁴⁷

Ferreira provided a possible explanation: 'At the meeting in East London, it was Bonke Makalala who was running the show. He chaired the meeting and was the one writing down the "pricing structure". When it got to the point that [Intercape] couldn't operate along certain routes, he brought his buses in to operate those routes.'¹⁴⁸

Ferreira claimed that Makalala did not have the correct operating documentation: 'He acquired permits for chartered services from KwaZulu-Natal and back but used those for operating buses in the Eastern Cape and Western Cape.'¹⁴⁹

The complaints against Makalala and his company were present well before they emerged in public in December 2023. In a letter to the Western Cape Government and City of Cape Town, dated 5 December 2022, Marais Muller Hendricks Attorneys, on behalf of Intercape, alleged that attacks on Intercape's buses occurred immediately after action was taken against Makalala Trans on more than one occasion.



The operating licence that Makalala was using when one of his company's buses was impounded in the Western Cape. Photos supplied

For example, after the impoundment of a Makalala Trans vehicle on 30 July 2022 (although it is not specified precisely where) over an invalid operating permit, Intercap buses and personnel came under attack in Cape Town with the shooting of a driver on 31 July, and the shooting of two buses on 3 August on Jakes Gerwel Drive and at the Intercap depot, both in Cape Town.¹⁵⁰

After the company lodged a complaint against Makalala with the Western Cape Provincial Regulatory Entity on 1 December 2022, three of Intercap's buses came under attack in various parts of the country, including Cape Town on 3 December, and in Durban and along the Johannesburg to Mthatha route, on 4 December.¹⁵¹ This, Intercap's attorneys claimed, demonstrates 'that the aforementioned attacks, and possibly others, on Intercap buses are [undeniably] connected to the operation of Makalala Trans ... These attacks appear to be clear retaliation against the efforts by Intercap to assist with effective law enforcement against unlawful transport operators.'¹⁵²

In the state's affidavit in Makalala's bail hearing, details are given of how he issued several threats by phone to a rival long-distance taxi operator, in this case Siyamdumisa Dolophu, chairperson of the Eyona taxi rank in Fish Hoek.¹⁵³ Dolophu opened a case with the SAPS in May 2023 after claiming that Makalala had told him that he would die. Dolophu was shot and killed in October 2023.¹⁵⁴ A police officer, allegedly due to testify in Makalala's court case, was killed on 25 February 2024 in Cape Town in what is believed to be an assassination.¹⁵⁵

Makalala was denied bail on 29 March 2024 and is currently awaiting trial.

Since the delivery of the most recent judgment in the Intercap affair on 6 February 2024, Intercap has resumed operations in the previously designated 'no-go' areas after the Eastern Cape High Court ordered the resumption of SAPS escorts through these areas.¹⁵⁶ It remains to be seen how long these will continue and, if the escorts cease, whether the violence will resume.

Despite the taxi industry's grievances in this dispute, with which one can empathize on a certain level, free enterprise is an essential part of a healthy economy, as is competitive pricing. Intercap is not guilty of unlawful, or even unethical, conduct in this regard. The economic challenges faced by local taxi associations are often an unfortunate consequence of having limited access to capital and a constrained economic environment where alternative means of income are scarce – a legacy of the long shadow of apartheid, and which has disproportionately affected rural communities and small towns in South Africa, where many taxi operators are based.

The taxi industry's interpretation of Intercap's operations as being tantamount to commercial provocation underscores how the contrasting understanding of fairness in the market held by the parties on either side of this dispute irrevocably clash. However, actions that unduly inhibit competition remain illegal under South African law and are conventionally viewed as unfair practice.



WHOSE LAW IS IT ANYWAY? STATE V INDUSTRY

The taxi industry is a vital cog in South Africa's public transport system, providing an essential service to a demographic that has been important over the years to the electoral outcomes of the African National Congress (ANC). As a result, the industry has become a powerful political constituency, entangling itself in the affairs of the ANC and the state more broadly, and wielding enormous influence over any attempts by the state to reform it.¹⁵⁷ An informal system of patronage has also taken root, with reciprocal relationships developing between those in the industry and those in politics.¹⁵⁸ Examples of the manifestation of these relationships include police officials owning taxis, taxi fleets ferrying voters to polling stations during election periods, and even the use of hitmen drawn from the taxi industry to assassinate political opponents.¹⁵⁹

The continued importance of the industry to the ANC was made evident in the party's 2024 election manifesto, where the taxi industry is explicitly mentioned as a distinct group, alongside faith-based organizations, military veterans, students, intellectuals and traditional leaders, in a call to 'join us to defend and advance our freedom'.¹⁶⁰ That fact that the industry is specifically mentioned as a group in its own right, separate from general public transport operators and the business community (neither of which are mentioned), underlines the industry's importance as a voting bloc and explains the deferential attitude that the government at various levels has towards the industry. Despite being intertwined with government affairs, however, the taxi industry operates according to its own rules, particularly in terms of dispute resolution and competition regulation, to the extent that it has developed quasi-state functions.

Agents of order and disorder

The taxi industry's extensive membership, ready access to firearms and contract killers, and political clout have made it a behemoth in which the state is reluctant to intervene – a flagrant challenge to the Weberian model in which the state holds a monopoly on the use of force. As the conflict with bus companies shows, the industry's influence as a quasi-state actor extends beyond the parameters of minibus taxis and into the relationships between the industry and other transport actors. Its internal relationships and those with other forms of transport are often characterized by violence and intimidation. Moreover, given the industry's reliance on violence, state actors are often reluctant to intervene in resolving taxi-related matters.

The success of violence in enforcing the authority of certain taxi associations at the expense of others, coupled with the failure of the state to disrupt criminal behaviour and effectively regulate the industry, has allowed taxi bosses to continue to use violence to their advantage.¹⁶¹ Murray Bridgman, an advocate at the Cape Bar, has described this prevailing orthodoxy as 'neo-medievalism', observing that the state only provides little or no governance of the industry, allowing industry leaders to carve out their own fiefdoms where they essentially perform roles traditionally associated with the state.¹⁶² These include the enforcement of their own regulations, determining their own pricing structures, an informal means of taxation and the use of force to suppress competition.

The industry's quasi-state role means it acts as an agent of both order and disorder, depending on its interests. At various times, taxi operators and associations have used their power to either quell or instigate unrest. For example, taxi associations publicly displayed efforts to prevent the looting of businesses during the rioting that followed former president Jacob Zuma's arrest in July 2021,¹⁶³ and notably rebuffed calls for a national shutdown by Julius Malema, leader of the Economic Freedom Fighters, in early 2023, claiming that they did not wish to 'disrupt an already fragile economy'.¹⁶⁴ Yet civil unrest has also occurred at the behest of taxi associations. In Cape Town in August 2023, for example, SANTACO launched a taxi strike in response to the municipality's enforcement of by-laws and impounding of non-compliant taxis, which not only disrupted commerce but resulted in the deaths of at least half a dozen people.¹⁶⁵ Both the promotion of order and the instigation of disorder demonstrate the power the industry holds as a quasi-state actor in South African society, and the deference afforded it by both national and provincial government essentially legitimizes it as such.

Competing ideologies and the rise of violent entrepreneurialism

Beyond the lack of regulation, the conflict between the taxi industry and other modes of long-distance transport stems from two opposing ideologies, rooted in different histories of development and intertwined with the reality of race relations in South Africa. These ideologies reflect contrasting views on fairness in the marketplace, particularly in the context of a struggling economy and the declining fortunes of rural South Africa. On one side is Intercap, a white-owned company that advocates for a liberal approach to the free market, where participants are allowed to operate freely within the confines of the law. On the other side is the black-dominated taxi industry, which favours an approach where parameters governing each party's operations are in place, akin to a planned economy of sorts.

The taxi associations give greater weight to local custom and their own industry-developed rules, which operate *de facto*. They perceive the country's official laws to be biased in Intercap's favour, claim that the company does not negotiate with them and decry what they see as the 'arrogance' of CEO Johann Ferreira.¹⁶⁶ Intercap meanwhile maintains that it operates lawfully and within the rules of fair competition. Conflict arises when neither side is prepared to accept the arguments and proposals (or indeed demands) of the other.

The situation is exacerbated by violent entrepreneurs who attempt to limit the operations of bus companies for their own commercial gain and use illegal means to further their interests and expand their operations. The strategic advantage of someone like Bonke Makalala is that he migrated to an urban area, where he has built up businesses and social capital, while maintaining ties to his home region. Local operators are likely to see a greater chance of working out arrangements that are favourable to them when dealing with someone they see as one of their own, rather than an outsider. Indeed, territorialism was a common theme in interviews with taxi associations, with claims

that locals should be consulted before outsiders can start operating in their towns.¹⁶⁷ By maintaining connections like these, violent entrepreneurs can ensure influence across provinces and negotiate and garner support for trans-provincial ventures, while conferring benefits on local operators. The poor economic environment in much of South Africa provides fertile ground for the influence of certain taxi bosses and other violent entrepreneurs to spread.

The vested interests of those in the taxi industry play an important role in explaining the incidents involving bus companies. The geographical spread of incidents affecting bus companies supports the view that violent entrepreneurs or other actors have influence in certain areas. Incidents in the Eastern Cape tend to be more widely dispersed than those in the Western Cape, where they are almost exclusively confined to Cape Town. Events in the Eastern Cape tend to occur in towns and on highways within the Border and former Transkei regions of the province.

The distinction between South Africa's rural and urban environments is also important in understanding the potentially different motivations behind the violence meted out against bus companies. The plight of rural taxi associations in the decaying hinterland of the Eastern Cape, for example, is characterized by minimal economic opportunity. Joining taxi associations is one of the few ways in which individuals can earn an income in these areas, where unemployment is rife.¹⁶⁸ Operators in small towns in the Eastern Cape, where alternative streams of income are minimal and even profit from the taxi business appears modest, express what appears to be genuine concern for the prospects of their businesses amid competition from bus companies.¹⁶⁹

There are of course other operators who have often branched off into various different business ventures, notably construction and private security,¹⁷⁰ and appear more preoccupied with expansion of their businesses, as opposed to mere survival. Interviews with various stakeholders paint a picture of an aggressive expansion of extortionist activity in the public transport sphere in different provinces, in which certain members of the taxi industry seek concessions, and even the taking over of routes entirely, from other transport operators, including long-distance buses.¹⁷¹

While some of the attacks against buses may be isolated incidents following ad hoc decisions by local actors, the existence of central characters, the targeting of very specific routes and the timing of many of the attacks suggests a coordinated effort in many cases. The flames of competition are fanned by endemic corruption in government, which allows, among other things, the obtaining of necessary documentation by fraudulent or other expedient means.¹⁷² The scope of the conflict has been worsened by general troubles in ensuring law and order in South Africa,¹⁷³ which has encouraged violent entrepreneurs to expand their operations with a sense of impunity and continue their operations largely unimpeded.

The state's response

While conflict between the taxi industry and other long-distance transport operators intensified, the state was noteworthy in its absence. Although some acknowledged the severity of the attacks on buses and their impact on the ability to provide safe commuter transport, responses from state actors were generally limited or lacklustre. This stems from a reluctance to intervene in taxi matters, which could be due to vested interests, the importance of the industry as a political constituency, or simply fear. The history of conflict between taxi and bus operators is therefore characterized to a large extent by extra-legal agreements and efforts at self-regulation outside the ambit of the state, which should be the primary regulator and arbiter of disputes in a functioning society.



As conflict between the taxi industry and other long-distance transport operators has intensified, the response from the state has been lacklustre. © Shaun Swingler

The steps that have been taken by the government to address the issue, including a proposed moratorium on the issuing of operating licences for taxis and the withdrawal of licences where operators are found to be involved in extortion or racketeering, have generally been insufficient or remain unimplemented.¹⁷⁴ In addition, the solutions tend to be identified and implemented regionally, with a sustained national solution conspicuously absent. The response is additionally hampered by the proliferation of arguments over who should be held accountable for the problem, with no single government department willing to take responsibility and instead going to great lengths to demonstrate that their hands are tied.

In early 2021, a Priority Committee on Transport was formed from a Provincial Joint Operational and Intelligence Structure (ProvJoints) that comprised the Department of Transport, the Provincial SAPS, Provincial Crime Intelligence, the Department of Cooperative Governance and various municipal representatives, to coordinate solutions to ongoing disputes.¹⁷⁵ The committee drew up a joint operational and deployment plan involving the SAPS, and provincial and municipal traffic officers, ostensibly focusing on the R61 between Mthatha, Engcobo, Cofimvaba and Queenstown, and on the N2, where problems occur between Butterworth, Idutywa, Ngqamakwe and Tsomo. However, it is unclear what the ProvJoints has achieved.

In a presentation to the Parliamentary Portfolio Committee for Tourism on 12 September 2022, the National Department of Transport outlined the intervention, emphasizing that 'extortion and intimidation are pure acts of criminality at the hands of unidentified third parties purporting to be taxi operators' and outlining a list of engagements it had pursued, mostly with taxi associations.¹⁷⁶ In the use of 'purporting', the statement implicitly denies, or at least downplays, the role played by taxi associations in violence. It also suggests a deferential relationship with the taxi industry and only a limited acknowledgement of the systematic nature of the attacks. It also appears to ignore the fact that members of CATA, Codeta, BATA, the United Ngcobo Taxi Association, the Uncedo Taxi Association and the Tsomo Taxi Association have all been involved in making threats against bus companies.¹⁷⁷ The

statement went on to note that the 'statutory obligation for dealing with criminality and ensuring safety lies with the SAPS and other law enforcement agencies and the Department is always in support'.¹⁷⁸

The idea that responsibility for combating taxi industry violence lay with the SAPS rather than the department was reinforced in a briefing to a separate Parliamentary Portfolio Committee the following day. Fikile Mbalula, then the transport minister, described the intimidation of buses as blatant criminality and explicitly referred to these incidents as attempts to eliminate competition. While Mbalula admitted that 'extortion has become institutionalized in the public transport space, with the taxi industry being the main culprit',¹⁷⁹ the ministry nevertheless claimed that its ability to address these crimes was limited. According to the deputy director-general of transport for rail, Ngwako Makaepa, arguing on behalf of Mbalula in an answering affidavit in 2022 following the institution of legal proceedings by Intercape, the minister's ability to deal with acts of criminality is restricted in terms of the NLTA.¹⁸⁰ Makaepa argued that the directive to 'promote' the safety of Intercape's operations does not equate to 'ensuring' it, and that investigating crime was therefore beyond the minister's responsibilities.¹⁸¹ The minister claimed that it is not the duty of the ministry to ensure that Intercape is not arbitrarily deprived of its property and that this is instead a matter for the Member of the Executive Council (MEC) for Transport, Eastern Cape.¹⁸²

An integrated action plan

The judgment in *Intercape Ferreira Mainliner v MEC for Transport, Eastern Cape, and others* led to the development of an Integrated Action Plan (IAP) in late 2022 at the initiative of the MEC for Transport in the Eastern Cape.¹⁸³ The IAP identifies the following hotspots: R409 Ndabakazi to 40 Junction; N2 Butterworth to Idutywa (Amathole District); R61 Ngcobo to Queenstown; R409 40 Junction to Tsomo (Chris Hani District); and R61 Mthatha to Ngcobo (OR Tambo District).¹⁸⁴

Under the IAP, the provincial department committed to deploying transport inspectors, provincial traffic officers and others in accordance with the National Road Traffic Act and the NLTA.¹⁸⁵ However, there is no indication given of the number of traffic inspectors and officers to be deployed, nor where they would be deployed, for how long, what strategies would be used, and how more inspectors and officers would be trained. There is also a lack of detail on the appointments, including the mandate of the appointees and duration of the deployments. In addition, the plan does not identify a point of contact for criticism, complaints or input.

Most concerning is the IAP's failure to acknowledge the organized criminal element of the attacks and acts of intimidation against buses. Without recognition of the criminal nature of the violence, there will be no impetus to address the issue as one of criminality, including through the use of appropriate legislation (such as the POCA) and referral to relevant law enforcement bodies (such as the Directorate for Priority Crimes Investigation, DPCI).¹⁸⁶ The plan's ability to adequately address what amounts to organized violence and extortion will therefore be slim.

In an affidavit filed in response to the IAP on 8 March 2023, Intercape outlined several problems with the plan.¹⁸⁷ These include the fact that none of the 'no-go' areas where Intercape has previously found it impossible to operate – namely, Idutywa, Cofimvaba, Butterworth, Ngcobo and Tsomo – are specifically listed for intervention.¹⁸⁸ Intercape also mentions numerous towns where it has licences but has not been able to initiate services due to threats of violence.¹⁸⁹ The MEC provided virtually no feedback on Intercape's input nor was the IAP amended to address the issues raised.

In the period immediately following the adoption of the IAP, Intercape continued to have to resort to private security to protect its operations, as there was no visible policing present along the hotspot routes identified in the IAP and by Intercape. Not only was there a lack of follow-through, but attitudes towards the process appear to have been apathetic, as evidenced by an implementation meeting in December 2022 at which neither the transport minister nor the MEC was present.¹⁹⁰ In the 22 August 2023 judgment in *Intercape Ferreira Mainliner (Pty) Ltd v MEC for Transport, Eastern Cape and others*, the judge agreed with Intercape that the implementation plan was inadequate, citing the 30 attacks recorded by Intercape between January and May 2023 as evidence of this.¹⁹¹ Intercape contended that the transport minister's conduct fell short of his obligations, even if the minister's mandate is only to 'promote' rather than 'ensure' the safety of Intercape personnel and passengers.¹⁹²

In an answering affidavit, the office of the MEC for Transport, Eastern Cape, through its Operator for Licences and Permits, Bhelu Melane, argues that Section 91 of the NLTA envisages the MEC to deal with acts of violence between rival taxi operators specifically.¹⁹³ He also disputed that violence had reached unacceptable levels, despite evidence to the contrary, and appears to follow the taxi industry line that the attacks are due to 'rogue elements' within the industry rather than evidence of systematic extortion.¹⁹⁴ This position, which echoes the taxi industry's official line, overlooks the level of coordination present, including the timing and targeted nature of the attacks. Also of concern is the suggestion that Section 91 be used to close problematic routes and ranks until a 'peace accord' is signed,¹⁹⁵ rather than to discipline violent individuals and bring about arrests and prosecutions, indicating a policy of appeasement rather than sanction.

Ferreira's affidavits on behalf of Intercape indicated the lack of timelines for implementation of each of the steps listed in the IAP as being a problem, in addition to the lack of adequate detail regarding the implementation of each step.¹⁹⁶ He further highlights that SAPS intervention is necessary in preventing violent incidents, and that there were past instances when acts of intimidation occurred, mainly at bus stops in certain towns, where intervention by the SAPS had deterred further violence.¹⁹⁷



Widespread violence associated with the taxi industry impacts the predominantly low-income communities the industry aims to serve.

© Brenton Geach/Gallo Images via Getty Images

However, currently, in addition to inadequacies in the IAP, Ferreira contends that the SAPS has not acted in accordance with provisions of the IAP that are designed to address violence and that this failure prompted Intercape to employ its own security.¹⁹⁸

This brings up another major issue identified by Intercape, which is the authorities' attitude to the use of private security, which contributes to the normalization of private security being 'a normal business cost in South Africa'.¹⁹⁹ This attitude does not consider that private security lacks the same special statutory powers that the SAPS possesses and ignores the state's obligation to ensure the safety and security of the South African public. Unfortunately, the state appears to be of the view that the SAPS's obligation does not extend to providing security services on a consistent basis.

On the prospect of continuing the escorts, the SAPS Deputy Provincial Commissioner for Policing, Thandiswa Kupiso, claims that what Intercape is requesting would amount to 'preferential policing'.²⁰⁰ Another argument, put forward by the Eastern Cape MEC for Transport's office, is that imposing a court order to comply with Intercape's request could constitute an infringement of the separation of powers doctrine, as the department does not have the resources to do so and Intercape is not entitled to escorts.²⁰¹ This ignores the role that the SAPS must play in fighting crime. If the intimidation and disruption of bus operations is criminal, then the SAPS and the Department of Transport must take appropriate measures to address it. This was made clear in the 6 February 2024 judgment, which found that the SAPS, specifically the DPCI, had an obligation to investigate the attacks and intimidation as incidents of organized crime, as outlined in the SAPS Act.²⁰²

The police escorts were only intended to be temporary, as a more comprehensive plan of investigation, arrest and prosecution was required. It is here that Intercape contends that the IAP and the SAPS response have failed. The fact that the incidents stopped during the escorts and resumed afterwards highlights that attacks occur based on the presence or absence of protection, indicating planning and organization among the perpetrators. In one example, in February 2023, before withdrawing its private security, Intercape warned authorities to expect further disruptions to their services if the police did not intervene. Throughout early 2023, Intercape experienced acts of intimidation and vandalism in several Eastern Cape towns.²⁰³

Evaluating the response

The government's response to violence against bus companies is characterized by deference to the taxi industry and deflection of responsibility to other parties. The inaction of police officers to taxi industry violence, sometimes even when it is when meted out in their presence, has been a common theme throughout the history of the conflict with bus companies.²⁰⁴

In some cases, Intercape personnel who have tried to lodge complaints have been told by SAPS officers to open cases in other towns, only to then be told that the case falls outside the jurisdiction of that office. In other cases, Intercape alleges that dockets have gone missing.²⁰⁵ 'Absolutely nothing has come of any of the cases we have opened,' said Ferreira.²⁰⁶ A municipal traffic official in one of the hotspot towns corroborated this claim: 'There are police who own taxis. High-ranking police officers. Sometimes dockets to do with taxi matters just disappear,' he said.²⁰⁷

On 19 December 2023, the Eastern Cape High Court found the National Police Commissioner and Eastern Cape Police Commissioner to be in contempt of court for failing to develop and implement a long-haul bus safety plan.²⁰⁸ Police escorts through hotspot towns were ordered to resume and the SAPS had 30 days to file an affidavit outlining what was being done to curb attacks on long-distance buses.²⁰⁹

The 6 February 2024 judgment also found that while investigations had taken place into some of the incidents, they were investigated as isolated events rather than part of an organized and systematic practice. It was further revealed that the DPCI command structure had been unaware of the incidents affecting Intercape, despite three written requests from Intercape requesting that the DPCI become involved in the investigations.²¹⁰ The court firmly held that the attacks on Intercape were part of a coordinated, nationwide effort to undermine its business and that law enforcement intervention needed to recognize this and investigate appropriately.²¹¹ In other words, both the SAPS and the DPCI had failed in their mandates under sections 16(4)(b) and 17D(1)(a) of the NLTA respectively. The SAPS and the DPCI were both to submit a report within 60 days of the ruling detailing progress made in terms of investigations to both the court and Intercape.²¹² At the time of writing, no further details as to whether these reports were submitted and their contents were available.

As the judgment also showed, the conduct of the taxi industry meets the threshold of being criminal under South African law and the evidence presented demonstrates that it meets the definition of a pattern of racketeering activity, as defined under the POCA. This does not preclude the possibility that some incidents of violence may be isolated, but the timing and well-planned nature of many of the events suggests a coordinated effort as part of a larger pattern of violence and criminality. The attacks, intimidation and attempted extortion of Intercape and other long-distance transport operators therefore constitute organized crime and must be investigated and prosecuted as such.



CONCLUSION AND RECOMMENDATIONS

Emerging during apartheid in a political and socio-economic environment hostile to black entrepreneurship, the minibus taxi industry is a remarkable testament to black enterprise and resilience amid limited opportunities.²¹³ However, its unparalleled success has come at a significant cost, with widespread violence meted out against competitors, including other public transport services, impacting the predominantly low-income communities the industry aims to serve.

Operating essentially in a legal vacuum and competing over saturated routes, the taxi industry has evolved into a quasi-state actor, establishing its own rules of governance and self-regulating, often through force. The current violence against bus companies continues a historical pattern, now on a larger scale, with provincial and national routes targeted alongside intra-city services. The violence is driven largely by violent entrepreneurs seeking to increase their profits and control of the market amid limited opportunities in an oversaturated transport environment.

This violence is enabled by a general breakdown of law and order in the country, with politicians and law enforcement officials adopting an attitude of appeasement towards the taxi industry. As a result, arrests and prosecutions have been limited. Despite the organized nature of the attacks, authorities have largely failed to acknowledge and address them as organized crime, instead labelling the violence as the work of rogue elements within the industry and overlooking the broader pattern of coordinated efforts.

Several aspects of the current situation paint a picture of organized criminality, however. Taxi associations, often at war with each other, have been able to set aside their differences and work together to rail against other industries – in the case of bus companies, by issuing their demands in unison, including jointly dictating ticket fares. The ability of rival taxi associations to unite against a common perceived threat, collude in making demands and cooperate in planning and carrying out attacks marks a logical progression in the scale and nature of violence and demonstrates the industry's capacity for organized crime. The fact that some of those allegedly involved in extortion have connections to both the Western Cape and the Eastern Cape lends credence to the idea that attacks may be coordinated across provinces.

The attacks on buses underline the wider problem of organized crime in South Africa, where extortion and racketeering activities have increasingly infiltrated various sectors of the economy, including the construction sector.²¹⁴ The targeting of bus companies such as Intercap is therefore symptomatic of



The taxi industry often resorts to violence as an instrument to regulate competition. © Alet Pretorius/Gallo Images via Getty Images

a broader issue, and reflects the growth of criminal markets in a context of weakened rule of law, and limited state capacity and political will to intervene. Criminal actors in one market, if not investigated and apprehended at an early stage, often branch out into other markets, with the local extortion economy providing multiple avenues for illicit profit-making beyond the public transport sector. In this context, what is currently happening with the attacks against Intercape is a symptom of widespread organized crime and corruption that demands a more robust and coordinated response from political and law enforcement bodies. To this end, we make the following recommendations:

- In line with court judgments, the SAPS, and specifically the DPCI, should investigate and prosecute coordinated attacks as organized crime using appropriate legislation, including the POCA, the Competition Act and the SAPS Act.
- A full investigation by a multi-organizational task team should be carried out into extortion in public transport, specifically in the Western Cape and Eastern Cape.
- A high-level panel on taxi violence in the Eastern Cape should be convened to consult with various stakeholders in the province, including bus operators and taxi associations, state officials and civil society. Investigations should be conducted into the involvement of police and government personnel in the industry, including taxi ownership. Investigations should also be carried out into lost dockets dealing with taxi-related matters and appropriate sanctions should be imposed on the police officers responsible for overseeing or investigating these cases.
- A full investigation should be carried out into the issuing of operating permits by the Department of Transport and into the illicit trade in transport licences in South Africa more broadly. This should include scrutiny of all forms of transport offering commuter services.
- A renewed assessment and report on the viability and potential impact of formalization and subsidizing of the taxi industry should be undertaken and made publicly available upon completion.
- The state should play an active role in the resolution of disputes in all matters relating to public transport, always in accordance with the law and principles of the constitution.

APPENDIX

PROPOSED HOTSPOT AREAS		
Hotspot Towns	Specific Hotspot Areas	Hotspot Routes
Idutywa	Loading Point Idutywa BP Garage, Main Road	N2 between Butterworth and Idutywa
	Ticket Kiosk Shoprite Idutywa Church St, Idutywa, 5000 Tel: 047 489 4870	
	U-Save Idutywa Cnr Market Square & Richards Street, Idutywa, 5000	
	Build-it Elangeni Richards St, Idutywa, 5000. Tel: 047 489 1417	
Ndabakazi	(not applicable)	

42 In addition to the hotspot areas proposed above, which all concern areas serviced by Intercap in the past, there are areas for which Intercap has operating licenses but in respect of which it has never been able to initiate services on account of threats and acts of violence. Intercap proposes that these additional areas, which are set out in the table below, similarly be regarded as hotspot areas or, at the very least, as medium priority areas.

PROPOSED ADDITIONAL HOTSPOT AREAS, ALTERNATIVELY MEDIUM PRIORITY AREAS		
Hotspot Towns	Specific Hotspot Areas	Hotspot Routes
Maclear	Loading Point Caltex Garage Maclear Motors	R56 between Ugie and Katkop
	Ticket Kiosk Usave Maclear Cnr van Riebeeck and Rugby St, Nqanqaru, 5480 Tel: 045 932 1818	
Ugie	Loading Point Hiltons Service station	R56 between Maclear and Elliot
	Ticket Kiosk (not applicable)	
Elliot	Loading Point Caltex Garage	R58 between Katkop and Queenstown
	Ticket Kiosk Usave Elliot 19 Maclear Road Maclear, Hilview, Elliot, 5460 Tel: 045 931 2616	
Cala	Loading Point Engen Garage, Cala, on the R410	R410 through Cala

		R409 crossing with the N2 (also known as 40 Junction)
Ngcobo	Loading Point Brite Start Total Garage, Main Road	Between Queenstown and Mthatha on R61
	Ticket Kiosk Shoprite Ngcobo, 23 High St, Ngcobo, 5050 Tel: 047 548 5300	
	Shoprite Tsomo, Main Road, Tsomo, 5400. Tel: 047 488 6600	
Tsomo	Loading Point Bus Rank, R409, Tsomo	R409 between N2 & 40 Junction
	Ticket Kiosk (not applicable)	
Cofimvaba	Loading Point Cofimvaba Caltex Garage	R61 between Queenstown and Engcobo
	Ticket Kiosk 1 Boxer Superstores, Market Street, Cofimvaba, 5380 Tel: 047 874 0200	
Butterworth	Loading Point Ellerines, High Street	N2 between Kei Bridge and Idutywa
	Ticket Kiosk Shoprite Butterworth, Fingoland Mall, Umtata St, Butterworth, 4960 Tel: 047 401 8400	
	Shoprite Empumalanga, 1 Cnr Umtata and Bungalow Mall, Merriman St, Butterworth, 4960 Tel: 047 401 3201	
	OK Furniture Butterworth, Fingoland Mall, Umtata St, Butterworth, 4960 Tel: 047 401 5100	
Nqamakwe	Loading Point Bus Stop, Main Road (R409), Nqamakwe (opposite Build It)	R409 through Nqamakwe
	Ticket Kiosk Usave Nqamakwe, Main Road (R409), Nqamakwe, 4990. Tel: 047 487 0045	
Matatiele	Loading Point BP Garage, Matatiele	R56 between Mt Fletcher and Kokstad
	Ticket Kiosk	

	Ticket Kiosk Usave Cala 317 Umtata St, Cala, 5455 Tel: 047 877 0754	
Lady Frere	Loading Point Sasol Garage (VGS Motors), on the R410	R410 through Lady Frere
	Ticket Kiosk Shoprite Mini Lady Frere Convenience Centre, Lady Frere, 5410 Tel: 047 564 6905	
Cedarville	Loading Point Quest Garage, Main Road (R56)	R56 through Cedarville
	Ticket Kiosk Usave Box, Cedarville Main Road, R56 Cedarville, 4620 Tel: 039 757 6500	
Bizana	Loading Point Total Garage	Between Mpetswa & Port Edward on the R61
	Ticket Kiosk Shoprite Bizana Erf 13 And, 14 Upper Main St, Bizana, 4800. Tel: 039 251 8480	
Flagstaff	Loading Point Engen Garage	Between Lusikisi & Mpetswa on the R61
	Ticket Kiosk Shoprite Flagstaff 68 Main St, Flagstaff, 4810. 039 252 7350	
Lusikisiki	Loading Point Sasol Garage	Between Gemvale & Flagstaff on the R61
	Ticket Kiosk Shoprite Lusikisiki 24 Main Street, Lusikisiki 4820 Tel: 039 253 7400	

1.1 Intercap's proposed hotspot areas and areas where it has never been allowed to operate.

UNCEDO SERVICE
TAXI ASSOCIATION
MOUNT FRERE



P.O BOX 92403
MT FRERE

CHAIRPERSON: 083 5539 747

Dear Manager

Singulo lo mbutho ungasentla sinesicelo esokuba ningu Shoprite,Ackermans,Mpiti Filling Station & Ok Furnitures ningalithengilisi itikiti elingaphantsi kwe R500.00. Sinesivumelwano no no bus ukuba ningathengisi itikiti lingabi ngaphantsi kwe R500.00.

Sovuyiswa yintsebeziswano yenu

Ozithobileyo

V.N HONONO (Chairperson)

M. NOMKUCA (Secretary)

UNCEDO SERVICES
MT FRERE BRANCH
P.O BOX 92403
Mount Frere, 6000
Tel: 083 256 0154
E-mail: uncedoservices@gmail.com
Sign: _____ Date: _____

1.2 Letter from the Uncedo Taxi Association outlining to various retail outlets in Mount Frere that they must not sell bus tickets for cheaper than R500.

TSOMO TAXI ASSOCIATION PRIMARY CO-OPERATIVE LIMITED

ENQUIRIES: PRO S G Mjaca 062 354 4515 Training Mr N. Lusitl 082 974 0266

THE OFFICE OF CHAIRPERSON
Mr S Gwadda 078 349 6435
Mr M M Jaca 083 354 7458
email: tsomotaxiassociation@gmail.com

TSOMO
5400
15/02/22

To: Tsomo Shoprite Management

Dear Sir/ Madam

The above association humbly request Shoprite to stop selling bus tickets.
We hope this request will be granted as of today.

Yours in business

S.S. Gwadela

Chairperson



Secretary Mrs N Mkhumbuzi 073 399 8123 Treasurer Mr M Ngwane 073 840 7647

1.3 Letter from the Tsomo Taxi Association to the local Shoprite requesting that the outlet refrain from selling bus tickets.

"FA8"

UNITED ENGCOBO TAXI ASSOCIATION



Tel: 047 548 1508

Mr. D. Ntshane (Chairperson)

@ 073 693 3119

TO WHOM IT MAY CONCERN!

THIS IS TO REQUEST ALL NGCOCO SUPERMARKETS AND RETAILERS TO STOP SELLING TICKETS FOR BUSES OPERATING AT NGCOCO DUE TO A CRISIS AND UNBULLDOZING THEMSELVES BETWEEN TAXI OPERATORS AND BUSES WHO ARE NOT LOCAL TO NGCOCO

WE, THE TAXI INDUSTRY APPEAL TO YOU SUPERMARKETS AND RETAILERS NOT TO SELL THOSE TICKETS BECAUSE ^{THEY} ARE IMPACTING NEGATIVELY TO OUR BUSINESS. IT IS US THE TAXI OWNERS WHO TRANSPORT YOUR CUSTOMERS AROUND ALL CORNERS OF NGCOCO. WE WILL TELL YOU WHEN THE CRISIS IS RESOLVED BETWEEN OURSELVES AND BUSES.

YOURS IN TAXI SERVICES
Mphahlele A (TREASURER)

1.4 Undated letter from the United Ngcobo Taxi Association to various retail outlets in Ngcobo requesting that they stop selling bus tickets until 'the crisis is resolved'.



DRAGONFLY INVESTMENTS 14 CC
t/a

SHELL ULTRA CITY KEI BRIDGE

N2, OLD TRANSKEI BORDER POST

P.O. BOX 15470, BEACON BAY 5241

TEL: 047 050 4749/087 2321 373 * FAX: 087 8095 934 * E-mail: admin@keibrIDGE.co.za

DATE: 01 March 2022

TO WHOM IT MAY CONCERN

Due to an intimidation done by Taxi drivers today at Kei Bridge regarding Intercape bus.

I would like to stop the bus from coming to stop here at the Garage as from today until further notice.

Regards
Nontando

1.5 An email sent to Intercape by the manager of Kei Bridge Shell Ultra City requesting that they cease stopping at the premises.

FAKE NEWS 6 JUNE 2022

DISCONTINUATION OF TRANSPORTATION SERVICES TO AND FROM EASTERN CAPE

This serves as a formal communique with regards to rendering transportation services to and from Eastern Cape from all provinces.

Transportation Services to and from the above mentioned province have been discontinued with effect from today, 06 June 2022. This is due to the uncontrollable violence and death threats that is experienced by our drivers and passengers day in day out in the Eastern Cape.

All passengers who have tickets booked for services after this date will be refunded in full. For assistance with receiving your refund, contact our Call Centre 27 21 180 4400 or email your ticket reference number and contact details to refunds@intercape.co.za.

It has been our pleasure connecting you to and from Eastern Cape for the past years. Thank you to all our passengers for your continued support.



1.6 A fake communiqué dated 6 June 2022 claiming that Intercape's operations in the Eastern Cape had been discontinued.

NOTES

- 1 Affidavit deposed to by Johann Ferreira, CEO of Intercape Ferreira Mainliner, in *Intercape Ferreira Mainliner v MEC for Transport, Eastern Cape and others (2099/2022)* [2023] ZAECMKHC 91, at para 82, 30 June 2022.
- 2 Parliamentary Monitoring Group, Taxi violence & ongoing attacks on long distance bus services: Intercape bus service briefing, 23 August 2022, <https://pmg.org.za/committee-meeting/35332>. Possibly the most infamous of these acts came two months before the stoning on the R61, over 1 000 kilometres away in Cape Town, where Intercape driver Bangikhaya Machana was shot at the city depot after finishing a shift. He died three days later. See Suné Payne and Karabo Mafolo, Murder of long-distance bus driver part of 'campaign of violence' against industry, says Intercape boss, *Daily Maverick*, 5 May 2022, <https://www.dailymaverick.co.za/article/2022-05-05-murder-of-long-distance-bus-driver-part-of-campaign-of-violence-against-industry-says-intercape-boss>.
- 3 Most internal migrants living in the Western Cape are from the Eastern Cape originally, a total of 53.64% of all internal migrants in the province, as of the 2011 census. This is important as it means high demand for long distance services for migrants heading home and back during certain peak periods. See Derek Yu, South African internal migrants fare better in the job market in two regions, *The Conversation*, 20 January 2021, <https://theconversation.com/south-african-internal-migrants-fare-better-in-the-job-market-in-two-regions-152786>.
- 4 A noteworthy case in this regard, which at the time of writing was playing out in a Western Cape court, concerns business owner and taxi association representative Bonke Makalala, who has ties to associations in the Western Cape and Eastern Cape. This case is pivotal in understanding the role of influential actors who engage with taxi operators and their associations across provinces and who own multiple businesses, in Makalala's case, taxis, buses and trucks.
- 5 Jeremy Cronin, It's important to understand the history of the evolution of the taxi industry, *Daily Maverick*, 2 July 2020, <https://www.dailymaverick.co.za/opinionista/2020-07-02-its-important-to-understand-the-history-of-the-evolution-of-the-taxi-industry>.
- 6 The Prevention of Organized Crime Act (POCA) is the only legislation in South Africa that defines the crime of 'racketeering'. A pattern of racketeering activity is defined in the POCA as the 'planned, ongoing, continuous or repeated participation or involvement in any offence referred to in Schedule 1 and includes at least two offences referred to in Schedule 1'. Schedule 1 lists numerous offences, including public violence, extortion, malicious injury to property, fraud, forgery or uttering a forged document, and murder, all of which occurred during the period under scrutiny.
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- 101 *Intercap Ferreira Mainliner (Pty) Ltd v Minister of Police and others* (2024) ZAECMKHC (15), 6 February 2024, at para 71.
- 102 *Ibid.*, at para 30.
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- 106 *Ibid.*, at paras 69 and 71.2.
- 107 *Ibid.*
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- 109 *Ibid.*, at para 71.2.
- 110 Philani Nombembe, Extortion, deadly violence 'could bring long-distance bus industry to its knees', *Sunday Times*, 21 August 2022, <https://www.timeslive.co.za/sunday-times/news/2022-08-21-extortion-deadly-violence-could-bring-long-distance-bus-industry-to-its-knees>; Documents provided to the GI-TOC by Intercap Ferreira Mainliner; Lisalee Solomons, Intercap bus driver killed as violent attacks on the company escalate, News24, 30 April 2022, <https://www.news24.com/news24/southafrica/news/we-can-no-longer-keep-quiet-about-extortion-and-violence-intercap-ceo-20220430>.
- 111 Document provided to the GI-TOC by Intercap Ferreira Mainliner titled 'Fake News 6 June 2022' – see Appendix 1.6.
- 112 Affidavit deposited to by Johann Ferreira, CEO of Intercap Ferreira Mainliner, in *Intercap Ferreira Mainliner v MEC for Transport, Eastern Cape and others*, at para 65, 30 June 2022.
- 113 Interview with Bongani Jwambi, Idutywa Taxi Association chairperson, Idutywa, 5 May 2024.
- 114 Interview with representatives of the Butterworth Taxi Association, Butterworth, 5 May 2024.
- 115 *Ibid.*
- 116 Interview with members of the United Ngcobo Taxi Association, Ngcobo, 7 March 2024; Interview with members of the Uncedo Mount Frere Taxi Association, Mount Frere, 6 March 2024.
- 117 Towns visited include Tsomo, Idutywa, Butterworth, Ngcobo and Mount Frere.
- 118 Attempts to contact other bus companies with whom taxi associations claim to have negotiated were met with limited success. Badela Transport did not respond to calls and messages sent requesting interviews. The director of Mavumisa Transport replied that he had never experienced hassles and promptly put down the phone. None of the contact numbers and email addresses provided for Eagle Liner were functional, and attempts to contact Africa People Mover were futile.
- 119 Interview with members of the Uncedo Mount Frere Taxi Association, Mount Frere, 6 March 2024.
- 120 Interview with members of the Butterworth Taxi Association, Butterworth, 5 March 2024.
- 121 Interview with Sibongile Gwadel, chairperson of the Tsomo Taxi Association, Tsomo, 5 March 2024.

- 122 Ibid.
- 123 Intercape Facebook page, <https://www.facebook.com/intercapebus/posts/black-friday-dealsorange-is-the-new-black-at-intercape-we-believe-that-you-can-s/1299426176896020>.
- 124 Interview with Gabs Mtshala, chairperson of SANTACO Eastern Cape, Uncedo Taxi Association and Mdantsane and East London Taxi Association, East London, 4 March 2024.
- 125 Interview with Johann Ferreira, CEO of Intercape Ferreira Mainliner, 18 March 2024, online.
- 126 Ibid.
- 127 Interview with Gabs Mtshala, chairperson of SANTACO Eastern Cape, Uncedo Taxi Association and Mdantsane and East London Taxi Association, East London, 4 March 2024.
- 128 Ibid.
- 129 Interview with Johann Ferreira, CEO of Intercape Ferreira Mainliner, 18 March 2024, online.
- 130 Interview with Butterworth Taxi Association members, 5 March 2024.
- 131 Ibid.
- 132 Interview with Sibongile Gwadel, chairperson of the Tsomo Taxi Association, Tsomo, 5 March 2024.
- 133 Sithandiwe Velaphi, Good Samaritan fixes neglected Tsomo bridge, Dispatch LIVE, 19 January 2023, <https://www.dispatchlive.co.za/news/2023-01-19-good-samaritan-fixes-neglected-tsomo-bridge>.
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- 137 See Velani Ludidi and Samane Jr Marks, Taxi boss Bonke Makalala appears in Cape Town court facing multiple charges, *Daily Maverick*, 14 December 2023, <https://www.dailymaverick.co.za/article/2023-12-14-taxi-boss-bonke-makalala-appears-in-cape-town-court-facing-multiple-charges>.
- 138 Ibid.
- 139 Makalala Trans official website, <https://makalalatrans.co.za/> [Accessed 25 January 2024].
- 140 Okuhle Hlati, Taxi boss: I am not involved in deadly war, *Cape Times*, 21 July 2021, <https://www.iol.co.za/capetimes/news/taxi-boss-i-am-not-involved-in-deadly-war-99299a18-4d54-434f-bcc0-047626212871>.
- 141 Ibid.
- 142 Affidavit deposited to by Johann Ferreira, CEO of Intercape Ferreira Mainliner, in *Intercape Ferreira Mainliner v MEC for Transport, Eastern Cape and others*, at para 63, 30 June 2022.
- 143 Ibid.
- 144 Velani Ludidi and Samane Jr Marks, Taxi boss Bonke Makalala appears in Cape Town court facing multiple charges, *Daily Maverick*, 14 December 2023, <https://www.dailymaverick.co.za/article/2023-12-14-taxi-boss-bonke-makalala-appears-in-cape-town-court-facing-multiple-charges>.
- 145 Ibid.
- 146 Roy Cokayne, Intercape is seeking jail time for SAPS commissioners, MoneyWeb, 13 December 2023, <https://web.archive.org/web/20231213030830/https://www.moneyweb.co.za/news/south-africa/intercape-is-seeking-jail-time-for-saps-commissioners>.
- 147 Affidavit deposited to by Johann Ferreira, CEO of Intercape Ferreira Mainliner, in a complaint to the Western Cape Provincial Regulatory Entity, 1 December 2022, at para 19.
- 148 Interview with Johann Ferreira, CEO of Intercape Ferreira Mainliner, 18 March 2024, online.
- 149 Ibid. In an affidavit, Ferreira details how one of Makalala's buses was impounded in the Western Cape when the operating licence used was found to be for another company, and was for chartered service from the KwaZulu-Natal province and back. The licence used was not valid for operating an interprovincial bus service and was not issued to the correct company.
- 150 Affidavit deposited to by Johann Ferreira, CEO of Intercape Ferreira Mainliner, in a complaint to the Western Cape Provincial Regulatory Entity, 1 December 2022; Letter from Marais Müller Hendricks Attorneys, representing Intercape, to the Western Cape Government and City of Cape Town Municipality, 5 December 2022.
- 151 Ibid.
- 152 Ibid.
- 153 Affidavit of the State in the case of *S v Makalala F924/2023*
- 154 Ibid.
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- 157 GI-TOC, Strategic Organized Crime Risk Assessment: South Africa, September 2022, p 16, <https://globalinitiative.net/analysis/assessing-south-africa-organized-crime-risk>.
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- 159 Ibid.
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- 165 Eunice Masson, Taxi council and Cape Town agree to end eight-day taxi strike, *Mail & Guardian*, 11 August 2023, <https://mg.co.za/news/2023-08-11-taxi-council-and-cape-town-agree-to-eight-day-taxi-strike>; Matthew Hirsch and Ella Morrison, Taxi strike death toll mounts as minister and mayor hit stalemate, *GroundUp*, 8 August 2023, <https://groundup.org.za/article/five-taxi-strike-deaths-as-minister-mayor-in-stalemate>.
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- 167 Ibid.
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- 169 Interviews with taxi associations in the Eastern Cape, 4–8 March 2024.
- 170 Interview with Gabs Mtshala, chairperson of SANTACO Eastern Cape, Uncedo Taxi Association, and Mdantsane and East London Taxi Association, East London, 4 March 2024.
- 171 Interview with members of the National Charter Association, Cape Town Central Business District, 11 March 2024; Interview with Johann Ferreira, CEO of Intercap Ferreira Mainliner, 18 March 2024, online.
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- 174 The Department of Transport was behind this proposal. A complaints line for extortion and racketeering activity was also suggested, including a means of providing evidence of collusion between the SAPS and traffic officers with taxi personnel. Despite this, no actionable responses are noted as having developed regarding these initiatives. Documents provided to the GI-TOC by Intercap Ferreira Mainliner. The current Eastern Cape MEC for Transport was contacted regarding whether a renewed plan was in place following the judgment but was unable to provide details, citing ongoing legal proceedings; Communication with the Eastern Cape MEC for Transport, 8 March 2024, WhatsApp.
- 175 *Intercap Ferreira Mainliner v MEC for Transport, Eastern Cape and others* (2099/2022) [2022] ZAECMKHC 91, Reasons for Order, para 16(e), 7 October 2022.
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- 177 These include the statements made at the various meetings mentioned earlier and demands made of other businesses associated with bus companies, notably those selling bus tickets.
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- 180 Answering affidavit on behalf of the Minister for Transport in the matter of *Intercap Ferreira Mainliner (Pty) Ltd v MEC for Transport, Eastern Cape and others* [2023] ZAECMKHC 91, at para 10, 25 August 2022.
- 181 This is despite legal precedent interpreting 'promote' to impose a positive obligation on the state.
- 182 Answering affidavit on behalf of the Minister for Transport in the matter of *Intercap Ferreira Mainliner (Pty) Ltd v MEC for Transport, Eastern Cape and others* [2023] ZAECMKHC 91, at para 12, 25 August 2022.
- 183 Notably, the IAP did not have the support of the transport minister, who instead chose to appeal the judgment, but the appeal was later dropped. Affidavit deposed to by Xolile Nqatha, MEC for Transport and Community Safety, Eastern Cape, in *Intercap Ferreira Mainliner v MEC for Transport, Eastern Cape and others* (2099/2022) [2022] ZAECMKHC 91, 28 October 2022; Affidavit deposed to by Johann Ferreira, CEO of Intercap Ferreira Mainliner, in *Intercap Ferreira Mainliner v MEC for Transport, Eastern Cape and others* (2099/2022) [2023] ZAECMKHC 91; Response to the Integrated Action Plan, in *Intercap Ferreira Mainliner v MEC for Transport, Eastern Cape and others* (2099/2022) [2023] ZAECMKHC 91, at para 10, 11 November 2022.
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- 185 Official communication by the Department for Transport, Eastern Cape, issued by the MEC for Transport and Community Safety Xolile Nqatha, 28 October 2022, in response to the order of the Eastern Cape High Court, in documents provided to the GI-TOC by Intercape Ferreira Mainliner, p 1179.
- 186 Also known as the Hawks, the Directorate for Priority Crimes Investigation is a specialized branch of the SAPS that deals with organized crime.
- 187 Affidavit deposed to by Johann Ferreira, CEO of Intercape Ferreira Mainliner, in response to the Department of Transport and Community Safety, Eastern Cape's Integrated Action Plan in *Intercape Ferreira Mainliner v MEC for Transport, Eastern Cape and others* (2099/2022) [2023] ZAECMKHC 91, at paras 66–87, 8 March 2023.
- 188 Specific places in these towns include Idutywa BP Garage, Main Road; Brite Start Total Garage in Ngcobo, Main Rd; Bus Rank in Tsomo on the R409; Caltex Garage in Cofimvaba, and Ellerines, High Street in Butterworth. See Appendix 1.1.
- 189 See Appendix 1.1.
- 190 Minutes from a hybrid meeting hosted by Adams & Adams, which included representatives from the SAPS, Intercape, and government representatives from the Eastern Cape Department for Transport and Community Safety, 12 December 2022, in documents provided to the GI-TOC by Intercape Ferreira Mainliner, p 1313.
- 191 *Intercape Ferreira Mainliner (Pty) Ltd v MEC for Transport, Eastern Cape and others* [2023] ZAECMKHC 91.
- 192 The Constitutional Court judgment in *Premier, Gauteng v Democratic Alliance and others* 2022(1) SA 16 (CC) held that the framers of the constitution used the term 'promote' to confer a power coupled with a duty and not merely a discretion. The word 'may' is similarly interpreted in the Eastern Cape High Court in respect of public roads and transport in *Agri Eastern Cape v MEC, Department of Roads and Public Works and others* 2017 SA 383 (ECG).
- 193 Answering affidavit of Bhelu Melane Operator, Licences and Permits, Department for Transport and Community Safety, Eastern Cape, on behalf of the MEC, at para 73 and 75, in the matter of *Intercape Ferreira Mainliner (Pty) Ltd v MEC for Transport, Eastern Cape and others* [2023] ZAECMKHC 91.
- 194 *Ibid.*, at paras 59, 62 and 110.
- 195 Replying affidavit of Johann Ferreria deposed to on 2 June 2023, at para 131, in the matter of *Intercape Ferreira Mainliner (Pty) Ltd v MEC for Transport, Eastern Cape and others* [2023] ZAECMKHC 91.
- 196 *Ibid.*, at para 26.
- 197 *Ibid.*, at para 63.
- 198 *Ibid.*, at para 165.
- 199 *Ibid.*
- 200 Major General Kupiso mentions other bus companies, such as AutoPax, that are in the same predicament and also need assistance. Affidavit deposed to by Johann Ferreira, CEO of Intercape Ferreira Mainliner, in response to the Provincial and National Police Commissioners in *Intercape Ferreira Mainliner v MEC for Transport, Eastern Cape and others* (2099/2022) [2023] ZAECMKHC 91, at para 9.3, 2 June 2023. Adrienne Carlisle, Hire your own security, we can't protect you, police tell Intercape, *Daily Dispatch*, 14 July 2023, <https://www.dispatchlive.co.za/news/2023-07-14-hire-your-own-security-we-cant-protect-you-police-tell-intercape>.
- 201 Replying affidavit of Johann Ferreria deposed to on 2 June 2023, at para 39, in the matter of *Intercape Ferreira Mainliner (Pty) Ltd v MEC for Transport, Eastern Cape and others* [2023] ZAECMKHC 91.
- 202 *Intercape Ferreira Mainliner (Pty) Ltd v Minister of Police and others* (2024) ZAECMKHC (15), 6 February 2024. Section 16(2) of the SAPS Act outlines what is understood by the term 'organized crime' and Section 16(1) imposes an obligation upon the police to investigate and take adequate steps to prevent the acts in question. Furthermore, Section 17D(1)(a) requires the DPCI to investigate and prevent crimes determined to be national priority offences, something the court in the 6 February 2024 judgment determined the acts against Intercape to be.
- 203 Replying affidavit of Johann Ferreria deposed to on 2 June 2023, at para 61, in the matter of *Intercape Ferreira Mainliner (Pty) Ltd v MEC for Transport, Eastern Cape and others* [2023] ZAECMKHC 91.
- 204 Innocentia Nthabaleng Molefe, The policing of taxi violence in the Stanger area, Master of Technology in Policing, University of South Africa, 2016.
- 205 Affidavit deposed to by Johann Ferreira, CEO of Intercape Ferreira Mainliner, in *Intercape Ferreira Mainliner v MEC for Transport, Eastern Cape and others* (2099/2022) [2023] ZAECMKHC 91, at para 47, 29 April 2022.
- 206 Interview with Johann Ferreira, CEO of Intercape Ferreira Mainliner, 18 March 2024, online.
- 207 Interview with a municipal official, Eastern Cape, 5 March 2024.
- 208 *Intercape Ferreira Mainliner (Pty) Ltd v Minister of Police and others*, ZAECMKHC 12 (2024), 25 January 2024.
- 209 *Ibid.*
- 210 *Intercape Ferreira Mainliner (Pty) Ltd v Minister of Police and others*, ZAECMKHC 15 (2024), 6 February 2024. A letter addressed to the DPCI on 6 June 2023 reiterated a complaint of racketeering activity, while Intercape had previously reported cases of racketeering to the Investigating Directorate in December; Documents provided to the GI-TOC by Intercape Ferreira Mainliner.
- 211 *Ibid.*
- 212 *Intercape Ferreira Mainliner (Pty) Ltd v Minister of Police and others*, ZAECMKHC (15), 6 February 2024. The GI-TOC contacted the SAPS for comment (national deferred to the Eastern Cape), who argued that, due to the matter still being before the court, they could not comment or provide any

further details at this point. Communication with Colonel Priscilla Naidoo, SAPS Eastern Cape spokesperson, 19 March 2024, WhatsApp; Communication with Xolile Nqatha, MEC for Transport and Community Safety, Eastern Cape, 22 March 2024, WhatsApp.

213 Lisa Seftel, Continuity and change in the South African minibus taxi industry, University of the Witwatersrand School of Governance, November 2021.

214 See Jenni Irish-Qhobosheane, The shadow economy: Uncovering Cape Town's extortion networks, GI-TOC, April 2024, <https://globalinitiative.net/analysis/the-shadow-economy-uncovering-cape-towns-extortion-networks>.



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