Part I
Historical perspectives
Abstract

The chapter presents a comparative history of two African cities notorious for the way their informal transport systems are regulated by different actors. It looks at how small private (often unlicensed) transport operators took over public transport in the 1950s and 1960s, their efforts at self-regulating and the efforts of informal workers to organise. It traces problems plaguing the industry – and often attributed to the (mostly) young men working in the sector – back to colonial urban planning, which provided few avenues for Africans to move around in the city. The further development of the industry, it argues, has been hampered by government interference, often for political reasons and/or to participate in skimming off profits from the sector. The chapter is based on documents from unions, NGO and government reports, newspaper articles and interviews with informal transport workers from Nairobi and Kinshasa. A focus on historical processuality highlights the dynamics of the sector’s development, which lie in the interactions between city administrations, workers’ organisations and workers themselves. Tracing the history of the industry and workers’ struggles through the last half-century thus provides us with new perspectives on the history of neoliberalism, the African city and labour.
1 “Taxi Pirates”
Introduction

African cities have for a long time exerted a considerable fascination not only on travelers, journalists and writers, but also on academics. Most importantly, the so-called “informal sector” has been at the focus of many studies, often following narratives of order in chaos, cultural and social resistance against political and economic neglect and self-organisation in the face of administrative failure. By now, the spectrum of analyses ranges from depressing descriptions of failing or non-existent infrastructure to enthusiastic analyses of subaltern agency. Recent works from the fields of anthropology, geography and urban sociology have undertaken a critical reappraisal of the so-called “informal sector” and embedded these in a regional and global economic context (Blundo & Le Meur, 2009; Hahn, 2012; Hansen & Vaa, 2004; Meagher, 2010; Myers, 2011). However, they often underplay the historicity of the phenomenon and see the informal sector as a new development connected with the global rise of neoliberalism in the last 40 years. Historians, meanwhile, have largely ignored the development of transport systems in African cities, though recent works have undertaken to remedy that desideratum (Hart 2016; Mutongi, 2017; Rizzo, 2017). In the far-reaching literature on the history of African cities, colonial legacies in the spatial and social structure of cities and the socio-historical, cultural and everyday ramifications of large-scale urbanisation processes are in focus, while postcolonial developments in general and the history of public infrastructure beyond grand modernisation projects (such as dams or railway lines) have yet to be analysed. An even bigger desideratum concerns the labour history of informal transport. While most of the literature looks at the topic from the perspective of urban planning or service delivery (Cervero & Golub, 2007; Godard; Hook & White, 2002; Khayesi, Nafukho, & Kemuma, 2015), few works take up the question of labour relations (Mutongi, 2006; Rasmussen, 2012; Rizzo, 2011b; Hart, 2016). But, as this chapter will show, labour is at the heart of the question of informality. Matteo Rizzo (Rizzo, 2011a, 2017) has argued that a view of
urban informality as self-employment glosses over the stark class differences at play in the industry and emphasises the problems with deregulation, resulting in extreme power imbalances and worsening of working conditions. This chapter looks at the state as a third actor, tracing the changing conjunctures of regulation and deregulation over the period of the rise of the informal transport industry.

A history of informal transport in Africa is presented with a phenomenal dissociation: the informal transport sector appears highly dynamic, constantly changing its route networks, showing fast and high throughput, and often undergoing new regulations and deregulations; yet its labour relations have basically remained the same over the last decades. In most African cities, transport businesses (especially in passenger transport) employ drivers on commission. In the case of *matatus* (as they are called in Kenya) or *taxis-bus* (the standard name in the DRC), the driver is responsible for other expenses: the daily wage of the conductor, fuel, small repairs, tips for the touts and sometimes bribes for traffic police. Although the taxi sector knows other forms of owning and working (notably, some owner-drivers), it, too, often employs this commission system. In fact, working on commission was first established in the “formal” taxi sector, before the minibus industry took off. This makes the transport industry a peculiar case study to analyse the rise of the so-called “informal sector” as an economic powerhouse in African cities.

**Masterplan for a colonial capital**

At the root of informal transport in Nairobi and Kinshasa lies a fundamental failure of modernist urban planning. Both cities were significantly restructured in 1948 through masterplans. Zoning followed the functionalist tenet of the four separated functions of living in the city: work, leisure, living and movement. But the plans were marred by the racial (and social) segregation that shaped urban planning in the colonies. The function of “movement” was thus organised in a way that privileged white quarters and largely ignored African quarters, save for the work commutes to factories and white households. While Kinshasa was effectively segregated, separating the “cité indigène” from the rest by a 1-kilometre-deep *cordon sanitaire* (Beeckmans, 2009), Nairobi’s masterplan of 1948 purported to abolish the racial segregation of its last major restructuring in 1927 (White et al., 1948), but effectively continued it through distinguishing between a residential district of private houses (which only white residents could afford), a denser market and residential district for Asians and African craftsmen and (wealthier) traders (the famous Eastleigh) and council housing for the African workers staffing the factories in the industrial zone (Médard, 2010). In both cases, these masterplans supported large, industrial cities with long routes, without actually providing for sufficient transport. This is the legacy of modernist planning in both cities until today – since then, new masterplans that were drawn up by postcolonial governments came too late, were only implemented in a piecemeal fashion, lagged behind rapid urban growth and in some cases only continued the functionalist tradition. This means that urban development in both cities is strongly shaped by the last large-scale efforts to restructure cities, efforts which were informed by colonial and modernist ideology. The tension between functionalism’s emphasis on mobility and colonial segregationists’ emphasis on control put a burden on public transport that wouldn’t be shed for a long time.

This tension is particularly visible in Kinshasa’s and Nairobi’s first efforts at establishing public transport for the African majority of their respective populations. In both cities, private companies took the initiative, though while the City Council of Nairobi
quickly jumped on board, embracing an early private venture and from 1966 even forming an early version of what today would be called a public private partnership (PPP), the city of Kinshasa tried to suppress the first private company servicing African commuters, and launched a flawed attempt at providing public transport via its own PPP.

The Kenya Bus Services (KBS) were established in 1934 by the Overseas Transport Company, a corporation based in London with subsidiaries all over the British Empire. The Nairobi City Council, in exchange for a say in determining routes and fares, granted KBS a monopoly for the city of Nairobi. Its London-style double deckers contributed to the modernist aesthetics of Nairobi, especially after 1948, but they never managed to service the growing demand. KBS buses reserved the lower floor for white passengers, who still often complained about what they perceived to be disrespectful behaviour by staff and African passengers. Africans, however, also complained: about buses missing stops or departing before passengers had debarked, drunk drivers, women with babies and merchandise having to climb the stairs to the upper floor. More importantly, KBS routes ran from the council housing estates in the east of the city to the workplaces in the industrial zone and the (white) residential areas. The company started out with 13 vehicles on 12 routes, thus providing one bus per 3,846 inhabitants (Anonymous, n.d.). Although KBS grew significantly over the following decades, Nairobi itself experienced extreme population growth; thus, the ratio of buses per inhabitants even worsened (cf. Table 1.1). Additionally, most of the growth happened in the “informal” settlements that developed in the cracks of the masterplan, in Kawangware, Kibera or Mathare; the KBS routes didn’t reach there, so that a majority of Nairobians, even if they could afford the rising bus fares, had to walk most of the time. This public transport system was not supposed to enable the African majority to seriously participate in social life in the city, but to effectively transport workers for better productivity.

Table 1.1 KBS buses in Nairobi

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of KBS buses</th>
<th>Nairobi population</th>
<th>Ratio of buses/pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1934</td>
<td>13</td>
<td>50,000</td>
<td>1:3846</td>
</tr>
<tr>
<td>1944</td>
<td>70</td>
<td>108,900</td>
<td>1:1555</td>
</tr>
<tr>
<td>1969</td>
<td>100–150 (diff. across sources)</td>
<td>509,286</td>
<td>1:3395 (calc. w/ 150 buses)</td>
</tr>
<tr>
<td>1979</td>
<td>300</td>
<td>827,775</td>
<td>1:2759</td>
</tr>
<tr>
<td>1989</td>
<td>~300</td>
<td>1,324,570</td>
<td>1:4415</td>
</tr>
</tbody>
</table>

Data sourced from Anonymous. (n.d.)a; Anonymous, (nd.)b; Mutongi, 2017; Thornton White et al., 1948

This is more clearly visible in Kinshasa, where a first company was established on the initiative of the Service des Affaires Indigènes et de la main-d’œuvre together with several subsidiaries of the famous Belgian conglomerate Société Générale. The formation of a parastatal in the form of the Société des Transports en Commun à Léopoldville (TCL) was decided in 1949, but not implemented until 1955. Even more than the KBS, it could be described as a public-private partnership, with the colonial state and several companies located in the industrial zone sharing the investment. The project was accompanied by a discourse of modernisation and development, and the modernity of the TCL was expressed in one special vehicle it put on the streets of Léopoldville: the gyrobus. The gyrobus was
the most modern vehicle in the TCL’s fleet, and it acted as a symbol of futuristic modernity. It was an electric bus propelled by a mechanic gyroscope, which could be winded up at pylons erected at the bus stops. It had been proposed by the Societe Électrique du Congo (Colectric), an electric company and a subsidiary of the Société Générale, and was financed through investments by the colonial state and Colectric. Colectric hailed the project as one that would enable fast, reliable transport of workers to the industrial zones near the railway and the (still to be constructed) airport at Ndjili. They assured colonial administrators that, as electric power would be abundant in supply once the hydroelectric dam at Zongo was built, it was the most effective way of organising public transport in Léopoldville. In part, the gyrobus project was the result of an electric company ensuring itself a market for its own central product – electricity. This didn’t diminish its symbolic value as a part of what Brian Larkin called the “colonial sublime”, the use of technology and infrastructure to instill a sense of awe towards colonial power, but also the promise of development (Larkin, 2008: 36). Even today, older Kinois (including urban planners) remember the gyrobus fondly as a nostalgic sign of “Kin la belle”, the modern city of the past.6

Table 1.2 TCL/SOTRAZ buses in Kinshasa

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of TCL/SOTRAZ buses</th>
<th>Kinshasa pop.</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>150</td>
<td>300,000 (only cité indig.)</td>
<td>1:2000</td>
</tr>
<tr>
<td>1976</td>
<td>300</td>
<td>1,500,000</td>
<td>1:5000</td>
</tr>
<tr>
<td>1990</td>
<td>364</td>
<td>3,119,869</td>
<td>1:8571</td>
</tr>
</tbody>
</table>

Data sourced from Mwanza wa Mwanza, 1997: 115ff.

The gyrobus was supposed to serve two axes that had been constructed according to Ricquier’s masterplan. After several years of deliberations and plans, the TCL and the two gyrobus lines were established only in 1955. Much earlier, a private company had already sprung up to satisfy the demand. Constantin Pipinis, a Greek entrepreneur with business experience in other African colonies, had come to the Congo in 1948 and established a small bus company operating in the cité indigène, mostly to service the work routes to the factories located in the industrial zone. By 1955, when discussions in the bureaucracy had reached a point where the state made public its plans to establish a partially state-owned public transport system, bureaucrats were actually surprised to hear Pipinis’ objection. They simply hadn’t seen his company, the Entracommun, as an important challenger to the public monopoly. Pipinis sued the TCL to protect his business interests.7

The establishment of the TCL and the construction of gyrobus lines also didn’t hold up to the promises. The buses were much too fragile even for the paved avenues they serviced; the humid tropical climate wreaked havoc on the intricate gyroscope mechanism, and the project was discontinued after five years in operation.

“Pirate Taxis”

It is in the gap left by these piecemeal enterprises that informal transport developed. In Kenya, a peculiarity of the local taxi industry contributed. The licensing process disadvantaged African driver-owners by favouring a model wherein (mostly European or Asian) owners rented out a car to a driver. Additionally, the official taxi associations
claimed that license quotas were full. This led to a market controlled by those who had early on been able to afford vehicles and licences, which meant that most Africans lacked access. At the same time, cities like Mombasa (where the so-called “pirate taxis” started to operate in the 1950s) were in even more dire need of affordable public transport, so that the demand grew, which was not satisfiable by the expensive licensed taxis. A similar development took root in Nairobi. Here, even the coach class seats on the upper floor of KBS were largely unaffordable for Africans. Workers from peripheral areas like Makadara (a township to the East) paid 70 cents per voyage, which means commuting amounted to a cost of up to 35 Sh. per month. Given the average monthly wage of 120 Sh., that was not an option for most workers. At the same time, many users complained about inadequate service, especially during peak times, when the few buses couldn’t accommodate high numbers of passengers. Other than walking, which remained the primary mode of moving through the city for the majority of its inhabitants, taxis were the only alternative to KBS – and only unlicensed collective taxis could lower the prices to a bearable level. Though they were called “pirate taxis” by the media, the colloquial (and soon famous) name “matatu” for these vehicles tells us about the importance of their price: tatu (“three” in Swahili) refers to the 30 cents (= three pennies) fare used when the “pirates” started.

In Kinshasa, the informal transport sector developed for the same reasons, but in a slightly different way. Before the colonial government finally realised the urgent need for public transport, a private provider had already stepped in. The aforementioned Constantin Pipinis had established a small passenger transport firm called Transport en Commun pour Indigènes in 1948. He started out with six lorries on three routes; these were equipped with banks on their platforms. The standard fare was 3 francs for the whole of Kinshasa. The service became popular in a short amount of time; in fact, when the term fula fula came up in the 1950s for the lorries, it was allegedly derived from the English word “full”. By 1956, the firm, renamed in the now well-known Entracommun, had established a fleet of 125 buses each equipped with 20 seats. At the same time, more small providers (including Africans) had jumped on the lucrative bandwagon, and by the early 1950s had formed an organisation to represent their interests, the Association des Exploitants Congolais de l’Autobus. In fact, when Léopoldville’s district commissar announced the intention to give TCL exclusive exploitation rights, he was met with sharp protests. Pipinis, the biggest private provider, went through a lengthy court battle, even involved Greek diplomats and called upon the International Court of Justice (ICJ) in the Hague to block the proceedings. The administration reacted very late; apparently Pipinis and the small developing transport industry in Léopoldville had completely slipped under their radar, even though Pipinis had acquired the proper licences in 1948. In the end, the administration enacted the monopoly, but ruled that Pipinis’ business was not affected by it, as his rights to exploitation predated the establishment of TCL. He was additionally granted the rights to operate on the route from Léo to Kasangulu as a subcontractor for TCL. However, only Pipinis and the Office de l’Exploitation des Transports Coloniaux (OTRACO) were exempted from the monopoly; the myriad of smaller providers were kept out of the arrangement and, subsequently, pushed into illegality. But as Pipinis and the TCL combined only serviced less than 1,000,000 trips per month, in a city of more than 400,000 inhabitants (for the cité indigène alone), which had a demand of at least 2,000,000 trips per month, the demand remained high and the possible profits of operating one or two fula fula beckoned operators to continue even at the risk of paying fines.

Thus, despite the differences in development in these two cities, both helped a new, unregulated industry to develop through a combination of failing public service and
monopoly control. In Nairobi as in Kinshasa, the new “informal transport” emerged from a fragmented landscape of private transporters, part of which were driven to the margins because of stifling regulations, but took the risk because demand in underserviced populations remained high. At the same time, providers and workers developed a confident awareness of the important role they served in exponentially growing cities.

**Formal and informal transport workers**

Today, informal transport is associated with buses of different sizes (mostly, the infamous Toyota Hi-Ace 16-seater) and, recently, motorbikes. But informal transport takes many forms, from bicycles to taxis, buses and autobuses. Counting the rickshaws that transported Belgian visitors from the river port to the Hotel ABC in the 1910s in what was then Leopoldville-Est, “informal” transport in Kinshasa existed when the city was still a small colonial post on the Congo river trading route (Kiniali Kamanda, n.d.). Taking the continent as a whole, unregulated transport in colonial states existed since the mid-19th century (McCaul, 1990). In the Belgian Congo, Kenya and beyond, colonial administrations introduced safety regulations in the 1920s and ’30s, which severely curtailed the many forms of previously unregulated transport businesses – rickshaws were banned, lorry drivers couldn’t pick up passengers anymore, and the small industry of black-owned taxis that had developed in 1930s Johannesburg were driven out of business by limiting the number of passengers below the point of profitability.

By the time of the masterplans, however, both Kinshasa and Nairobi had grown to a point where everyday routes extended to extreme lengths in Leopoldville, a commuter routes could take up to 10 km/day, because of a combination of the specific geography (sandy soils circumscribed by hills), urban growth and Heymans’ layout of satellite cities. In Nairobi, people started to settle informally in the gaps left by the 1948 plan. To give one example: Kibera, the today (in-)famous slum, started to grow from a small Nubian community when Kikuyu migrants started to move in as tenants in the 1950s (Gratabaki-Kamau & Katirah-Gitau, 2004). The colonial government employed them as administrative workers, but denied them the right to live in the city. They settled where the distance to the workplace was shortest, i.e. to the west of the centre and south of the European residential area rather than the east (Rahbaran & Herz, 2013).

While KBS failed to keep up with urban growth in Nairobi, the taxi industry became a profitable market. Because Kenyan licensing processes disadvantaged owner-drivers and gave more licences to already existing (mostly European and Asian) owners who employed drivers, Africans who wanted to break into this industry had to operate without a license. They were cheaper than regular taxis and usually took more than one customer at a time. Dubbed “pirate taxis,” they had first appeared in Mombasa, but quickly spread to Nairobi. Over the 1960s, these unlicensed taxis grew in number and provided an important service to people who were neither reached by KBS nor could afford to pay regular taxi fares. Some of these unlicensed collective taxis were supplanted by *matatus*, often refurbished station wagons or pick-up trucks. The burgeoning transport market was driven by demand as much as a significant labour reserve. The taxi business has historically been a sector that absorbs labour reserves; this is visible time and again in times of economic crisis: from the New York taxicabs in the years after the Great Depression and before the introduction of the medallion system to Uber and other “gig economy” transport providers today, unregulated niches in the transport market have acted as a basin for workers out of jobs (Hodges & Russell, 2007; McCaul, 1990). The situation
in late colonial and postcolonial cities was not that different: the “informal sector” was largely made up of recent immigrants from the countryside, whose number far outstretched the labour pool available in the small urban industrial sector.\textsuperscript{13} The obvious dearth of transport possibilities and the ease of entry made this market an obvious choice for new workers to flock to, in the absence of regulated work. This, however, also turned the “pirate taxi” sector into a highly competitive one. Competition over routes and passengers dominated relations between individual pirate taxis, between them and the licensed taxis, and between everybody and the KBS buses. The status of the unlicensed “pirates” was a major point of contention in this competition: while transport unions and licensed taxi businesses demanded more repression and harsher sentencing of unlicensed operators, the pirate drivers themselves started to organise.

The Transport and Allied Workers Union (TAWU) is one of the Kenyan unions with a long tradition in labour organisation – not surprisingly, given the relevance of the Mombasa-Kampala railway for the infrastructure and labour history of the colony. Transport workers (“apprentices”) in the Mombasa railway yards were the first African workers to launch serious industrial action, in 1939 (\textsuperscript{Singh, 1969}). By the late 1940s, Fred Kubai had established TAWU, together with Bildad Kaggia’s Clerks and Commercial Workers Union and Makhan Singh’s unions, the wellspring of Kenya’s famous labour movement. TAWU organised, among many others, the KBS workers, which were prone to going on strike both for material improvements for workers and political improvements in a time of decolonisation. Ironically, \textit{matatus} profited significantly from KBS shutdowns as a result of strikes (\textsuperscript{Mutongi, 2017}: 46). They could fill in the gaps of urban transport, especially when the KBS drivers walked out during important holidays, as they did on Easter 1966 and 1968, respectively (\textsuperscript{Mutongi, 2017}). But TAWU saw the “pirates” as competition, including their workers. This might seem surprising at first, but it is an attitude many “classic” labour organisations exhibited to workers in the informal sector. TAWU was a union that, over the course of two decades, had often fought with successive administrations about the inclusion of different groups of workers into the union, as the “allied” expression left it relatively open which shop floor could be organised by TAWU.\textsuperscript{14} But when it came to the pirate taxis and \textit{matatus}, TAWU was acutely aware that they were seen as undue competition not just by licensed companies such as KBS and the Kenya National Transport Co-operative Society (KENATCO), but also its own members. As a representative of these workers, TAWU complained just as much as KBS about the “pirates”; it would take some years for TAWU to accept the \textit{matatu} workers as part of its constituency. But these complaints also show that TAWU held the city administrations, and government institutions more generally, as responsible, and it would come to accept the \textit{matatu} industry as a necessary urban service. In 1964, the Mombasa branch of the union objected to statements of the chairman of the Transport Licensing Board (TLB), who claimed that hundreds of pirate taxis operated on Mombasa’s most lucrative routes, by calling attention to the practice of the TLB itself which preferred the “car-hire” system used mostly by European and Asian owners over the owner-driver model that African taxi drivers usually employed.\textsuperscript{15} Thus, the TLB disadvantaged smaller self-employed taxi drivers, a practice which, the union also alleged, was against the spirit of \textit{Harambee} (literally "let's pull together", the name given by Kenyatta to the Africanisation policy implemented under that general motto). Nevertheless, their biggest problem was that the government didn’t do enough against the pirates. Licensed taximen complained that the undue competition took away from their earnings on the most lucrative routes, and that they were also submitted to the extensive controls aimed at reining in the unlicensed
industry. Under the pressure of this competition, more and more taxi operators refrained from renewing their licences and swelled the ranks of the “pirates”. At independence, Nairobi authorities counted 400 “pirate taxis” operating in the city, a year later it was already 500. The service had become accepted amongst urbanites, too: passengers refused to testify against the drivers when stopped by traffic police, and at times even protested against administrations banning the matatu; in one case, the citizens of Nyeri county protested a matatu ban by KANU officials after it had led to a 50% decline in market fees, because people couldn’t transport their wares. By the end of the decade, the Matatu Vehicle Owners’ Association’s (MVOA) and TAWU’s calls for matatus to be licensed became louder and received public support from the general public (Mutongi, 2017: 81).

At the same time, despite the complaints about the authorities not doing enough, the “pirates” were under constant threat to be brought before traffic courts for speeding, overloading and operating without license. Bribes and fines were a constant companion of working a matatu, and the cost led workers to speed and forgo necessary repairs in order to be able to pay the bribes and still make profit. It was a “vicious cycle” of reckless driving and being fined (Mutongi, 2017: 75). Many of the drivers quickly collected police records. This resulted in high fines, and they even risked jail sentences for repeat offences. Occasional “police crackdowns” and subsequent mass sentencing, however, also started the first efforts on the part of drivers to organise and protest. In 1964, 200 “pirates” protested in a move they called a “strike” in front of a court building in Kiambu (on the Northern periphery of Nairobi) against the sentencing; they explained to a journalist that the usual fine of 12–25 shillings could accumulate to up to 100 shillings or 40 days in jail. Most of the drivers couldn’t afford these sentences, as they were still paying leasing rates on their cars.

During the same period, Léopoldville (from 1966 Kinshasa), like Nairobi, experienced a second phase of exponential growth, both in population and in terms of area. Satellite towns had stayed inside their designated limits before, but from 1957, unplanned self-constructed settlements expanded the area – in the most extreme example of Ndjili from 470 to 1,800 hectares until 1968, and again to 4,000 hectares until 1975 (Lelo Nzuzi, 2011: 45; 100f.). This massive growth was not accompanied by planned development of either a road or a public transport network. Having only just realised that a road and public transport system policy was necessary, the city’s administration managed to just keep the system from total collapse – and even this only with the support of bigger licensed enterprises and smaller, often unlicensed operations. “Informal” transport in the form we know today, in Kinshasa as in other African cities, was born in the era of late colonialism, when urbanisation began picking up speed. It was, therefore, not a reaction to failing bureaucracies in the era of neoliberal deregulation that spawned unlicensed small communal transport – never had the city been serviced comprehensively. This difference between “planned” and “unplanned” growth is also not a difference between colonial and postcolonial Kinshasa, as several historians of Kinshasa have alleged. In fact, there are many examples of colonial cities ignoring the consequences of urban growth, because the administration saw it as a temporary phenomenon in an essentially rural society. Urban development in Kinshasa can better be described by Luce Beeckmans’ and Johann Lagae’s notion of “syndrome planning” (Beeckmans & Lagae, 2015).

The rise of the micro-business in Kinshasa’s urban transport took place over the course of 20 years. During this period, the sector developed into a patchwork of different forms of size, ownership and labour in a largely unregulated market. Communal transport was
In 1972, the amount of collective taxis in Kinshasa was estimated at 6,000, while the number of fula fula was estimated at 500 (Bureau d’Études et d’Aménagement Urbaines, 1975: 30). The two publicly owned transport societies, in contrast, commanded over a fleet of overall 300 buses (Pain, 1984: 175). Owning a minibus or a taxi became a way for the middle class to expand and stabilise their income. They bought one or two cars, often used lorries or Peugeot pickups, respectively called fula fula and kimalu-malu (“those going very fast”). From the small bus and taxi companies, some also took over a system in which drivers were employed on commission. They were in charge of the vehicle. Every day or week, he (this has remained an overwhelmingly male profession) delivered a predetermined amount to the owner; by the mid-1970s, the daily amount was on average 45–50 zaïre. From the surplus, the driver payed smaller repairs, the gas and the conductor (Bureau d’Études et d’Aménagement Urbaines, 1975: 30). The usual revenue for a fula fula was 160 Z/day (not included the expenses for gas and repairs), but many drivers attempted to make double that amount, thus encouraging speeding, overloading and dangerous driving behaviour (Pain, 1984: 174). The revenue on taxis was significantly less.

Against this background, the official acceptance of the matatu industry by Kenyatta as well as the tacit acceptance of fula fula and kimalu-malu by the Mobutu regime in the 1970s present as the culmination of a process of establishment. Neglect of public transport by postcolonial authorities, the tension between mobility and control in urban planning and the pressure of rapid urbanisation created a situation in which people necessarily felt the pressure to find niches in the urban economy. The most important aspects of the informal transport sector – the commission system, the networks, the highly competitive nature of the business and the precarious labour relations – were already established when Kenyatta published his famous decision. Although much would change significantly over the next decades, the core character of the industry would remain.

The consolidation of informality

During the 1970s, governments had to accept the reality of informal transport. By then, the industry had grown into an invaluable service not just for urban dwellers, but also provided much-needed rural-urban mobility. It also provided employment to thousands of young men and a stabilising surplus income for middle classes threatened by the economic crises of the decade. Moreover, the state itself used the industry to skim off profits, most importantly by penalising drivers for more or less unavoidable offences.

The 1970s are often described as a decade of deregulation on the streets of Nairobi, as Kenyatta had attached little to no requirements to his liberating the matatus from having to obtain Public Service Vehicle (PSV) licences (Mutongi, 2017: 71ff.). Only in 1984, the Moi government introduced an exhaustive set of regulations specifically for the matatus, including a lower-tier PSV license. But in fact, the government had realised very soon after Kenyatta’s move that regulations on insurance, road fitness, drivers’ behaviour and others were necessary. Nairobi’s city hall also tried to intervene when passengers complained about price hikes. Among the regulations was an effort to force the matatus
into a structured network of routes and stops. In 1976, the police raided matatus several times to enforce these regulations and to disperse them from the road junctions they regularly used as ad-hoc bus stops.23

The problem for matatu owners and workers remained the precarious legal status of the industry: although Kenyatta had officially legalised them in 1973, the Nairobi City Council (NCC) declared matatu terminals in the city to be illegal until the franchise agreement between the NCC and KBS would run out in 1985. Of 29 terminals in the city, NCC had only authorised one third as “temporary terminals” and kept matatus out of the Central Business District, the centre of the old masterplan and a quarter of business and administration integrating aspects of Garden City–style design. The legal status of the vehicles themselves – i.e. not needing a Public Service Vehicle (PSV) license to operate – did not exempt them from all the other charges that were historically connected to matatu operation: overloading, obstruction of traffic, not being fit for the road, being uninsured etc. These made matatus easy prey for traffic police, which as only held at bay through chai (bribes), continuously cutting into the meager earnings of drivers (Mutongi, 2017: 100). This, together with the growing competition, necessitated the organisation of route associations, which developed from 1979 onwards and united owners of matatus operating on a specific route. In turn, the city administration started to cooperate with these organisations to establish formalised stops and routes.24 They also organised the network more stringently by controlling departure times from terminals. The associations controlled access to routes and started to employ “fleet controllers” controlling schedules at the terminals (Kapil et al., 1982). In this way, they managed to time departing matatus just before and after a scheduled KBS bus, so that they could pick up passengers on the stops. KBS complained more and more about the competition, but this could also work the other way around: during the 1970s, matatus had extended their network to the Greater Nairobi area to serve commuters from towns just outside Nairobi; in 1981, the Transport Licensing Board (TLB) authorised KBS to extend its network into the region, previously the domain of several country bus companies. Now it was the matatu owners’ turn to complain, though they did so only in interviews to researchers (Kapila et al., 1982, p. 92). Non-members of associations who tried to use the same routes also complained about bullying. Many of the 29 Nairobi terminals had grown over time from bus stops used by the “pirate taxis” in the 1960s. The associations developed around these stops and routes, as especially the more lucrative ones made matatu owners organise to counter police harassment and the NCC’s refusal to provide infrastructure or at least set aside parking space for matatus at the stops. But they also helped to control access and distribute profits. Over one and a half decades, the number of matatus had grown from 400 to 2,000, and competition had become fierce; owners and operators realised that organised queuing at the stops (as taxis did) and management of terminals made operations faster, fuel use more efficient and ensured distribution of profits.

How important this self-regulation was is visible when we compare Nairobi to Kinshasa. Here, the industry developed without self-regulation. Although two big parastatals have existed since the days of the TCL, the informal sector wasn’t much influenced by these. The Office des Transports du Zaïre (OTCZ) and the Société des Transports Kinois (STZ – the direct successor of TCL), commanded over a combined fleet of around 300 vehicles; but these were bound up in specific transport needs. Mostly, these two companies served schoolchildren, military personnel and government workers, as well as providing commuter service for paying businesses; also, most of their vehicles were unfit for the road.
Other than that, the government sporadically established limited and failing public bus companies, often for reasons other than providing a service. For example, in 1979, Mobutu was suspected to have established a transport parastatal solely for the purpose of hiding embezzled funds. Concerning the informal transport industry, the Mobutu regime relied on repression even more than the Kenyan government. There was no legalisation effort; rather, over the decade, the administration introduced more regulations and relied on repression. In preparation for the famous “Rumble in the Jungle” fight between Ali and Foreman in 1974, the government established a control council for vehicles and took the most egregiously broken buses off the streets of Kinshasa. Mobutu wanted to use the global event to showcase the modernity and prosperity of Zaïre, a country that was just in the process of slipping into a corrupt authoritarian state. None of these solutions were permanent, and as in Nairobi, regulations were more often used by police to skim profits off the industry than to actually reign in offences and control the network. Though Kinshasa’s informal transport had routes and stops, these had not developed piggybacking on an existing network, like in Nairobi, and buses frequently took detours to fill up on passengers – a practice that, in Nairobi, was limited to slow times during the day and reined in by the route associations. Though problems persisted, Nairobi had developed a generally stable network that despite its many failings in terms of safety and reliability, served the city better than the small KBS. In Kinshasa, three transport companies had partitioned the three main access roads; informal taxis-bus used these, too, but also fanned out into the satellite towns on the one hand, the old cité indigène on the other. These routes followed a) the existing road network, especially when it came to the large axes, and b) profitability, i.e. taxis-bus drivers would follow the route that, at a given time of day, promised the most passengers. Where to drive remained at the discretion of the driver.

In contrast, Nairobi’s main matatu network was self-regulated by route associations since the mid-1970s.

Nairobi’s termini were established during the 1970s in negotiations between the city and the associations; if necessary, their placement was enforced, e.g. by keeping matatus out of the Central Business District. In Kinshasa, though taxis-bus were also largely kept out of the administrative centre, terminals continued to develop uncontrolled, often at interjunctions where they blocked traffic. Additionally, Kenyan matatus were regulated in terms of security, driver qualifications and vehicle fitness during the 1980s; in Mobutus Zaïre, only indirect taxes on spare parts (e.g. tires) were introduced, again more to skim off profits from the industry than as a regulatory measure. Additionally, this industry was highly volatile; during the political, economical and social crises of the 1990s, Kinshasa’s informal transporters would switch to the transport of goods, which became more profitable. The transport crisis added to the general economic and social malaise.

. . . And its refragmentation

Nairobi, unfortunately, was not spared an even worse decline. Daniel arap Moi had always seen the matatu organisations as potential threat to his power; spurred on by wealthier matatu owners who wanted to take out the competition, he started rounding up uninsured vehicles soon after taking power. In January 1979, 400 vehicles were taken off the road in one day, citing unfitness (Mutongi, 2017: 101). In the following years, he ramped up the pressure on the industry. Finally, with the passing of a Traffic Act in 1984 he reintroduced PSV licences for matatus, among other safety regulations. Following this, the conflict between him and the main matatu organisation, the Matatu Vehicle Owners’ Association
(MVOA) worsened. The situation came to a head in 1988, when matatus organised a four-day strike against the introduction of mandatory speed governors. In the preceding years, the image of the matatu industry as a whole and Joseph Nderi and his MVOA as its main representatives had suffered significantly in the Kenyan public. Throughout the 1980s, reports of matatu workers (drivers, touts, conductors) behaving badly, driving dangerously and even attacking passengers had become a mainstay in the press; but Moi-owned papers had stepped up the reporting since his becoming increasingly paranoid about the MVOA’s potential political power (Mutongi, 2017).

Moi reacted by banning all matatu associations, including the nationwide MVOA. Finally, in the context of the run-up to multi-party elections in 1992, he sent the KANU Youth Wing to the bus stops to take them over and thus exert more control over the unruly industry. Youth Wingers used the opportunity to skim off profits by extorting fees for the use of terminals, without providing the self-regulation of the banned associations. This left the matatu sector in near complete disarray by the time of the 1992 elections.

In Nairobi, a relatively stable self-regulating core developed in the matatu industry to control terminals and construct a stable network of routes, to regulate access to those terminals and routes, to exploit labour and to reign in competition. And ironically, it was the Kenyan state that destroyed this effort at stabilisation, because it saw the unification of the industry under a roof like the MVOA as a political challenge. The matatus outgrew the public transport system, which (despite the establishment of a new, parastatal, company) declined significantly after 1985. At the same time, the ban of the MVOA and Moi’s subsequent effort at using the matatu industry to siphon off profits to the KANU Youth Wing left the industry in disarray by 1992. Population growth and liberalisation of import restrictions on vehicles inflated the matatu market and aggravated competition. Meanwhile, the two public transport companies – KBS and Moi’s state-owned Nyayo Bus Services – basically defaulted. At the height of its power, the industry was racked by chaos and criminality.

Two groups of actors have historically been perceived as criminals exploiting the matatus in Nairobi. The first are the so-called “cartels” that took over from the defunct associations of the 1980s, the second are the Mungiki, a religious and political youth movement often described as “gangs”, because they employed some mafia-style tactics. This characterisation, however, does not do any justice either to the cartels or the Mungiki. There were criminal cartels, to be sure, and both them and the Mungiki resorted to violence when taking over terminals and bus stops to control routes. Mungiki threatened the KANU Youth Wingers operating at the stops with an ultimatum, and there were reports of brutal murders of those who defied the group (Mutongi, 2017: 177). But the way that they organised the bus stops and control of routes was not so different from earlier forms. While the exploitative nature of the industry, especially relating to labour, remained similar, the Mungiki movement became an opportunity for workers themselves to organise.

Mungiki was an ideologically hybrid movement of mostly young Kikuyu men and women coming to prominence in the wake of the political violence that shaped much of the 1990s, particularly around the elections in 1992 and 1997 (Rasmussen, 2014). It was founded in the late 1980s, but its ideological origins are more unclear (Rasmussen, 2014). Its multifaceted ideological heritage led Edward Kisiangani to aptly describe Mungiki as “a pseudo-religious, pseudo-political and quasi-military organisation which expresses the hopelessness that has been created by the deteriorating economic situation” (as cited in Kagwanja, 2003: 30).
From 1990 on, the movement spread to Nairobi, with a stronghold in Mathare, where Mungiki members started to act as protection rackets extorting money from residents. From here, they took over control of Nairobi’s matatu stops. By the early 2000s, it had spread to many other slums and taken over other infrastructure nodes and networks, such as garbage collection and water pumps. In the matatu sector, its ambivalence shines particularly well. Depending on the interviewee, the researcher can hear condemnations of the Kenyan “Cosa Nostra”, or a defense of Mungiki as a quasi-substitute for workers’ organisations taking over the role the official Transport and Allied Workers’ Union wouldn’t, as it wasn’t interested in informal work relations.29

The Mungiki and the cartels began to fight over control of matatu stops, both resorting to sometimes extreme violence.30 At the same time, police stepped up repression and didn’t refrain from shootouts with Mungiki, especially after the ban of the movement in 2002. But it would be too easy to dismiss Mungiki as a criminal organisation only concerned with skimming profits off a lucrative industry.31 Although Mungiki levied fees for access to routes, for daily usage, their management of routes, and for guarded parking in the night, these were familiar to veteran workers. In a probably unconscious linking to this past, Mungiki themselves described these fees not as extortion, but taxation for services rendered (Rasmussen, 2012: 424).

Mungiki members have shown their pride about being able to organise workers in the industry, and coordinating political action such as protests and strikes (Rasmussen, 2012: 421–23). For matatu workers, Mungiki sometimes brought much-needed stability to stops racked by uncontrolled exploitation. When the Mungiki started to spread along the matatu routes during the first half of the 1990s, the stops were in disarray. Drivers arriving at a stop were confronted with touts who had formed gangs, police harassing them for chai and cartels extorting fees for route usage. Owners struggled with the cartels, but largely left the drivers to deal with the situation at the bus stops alone. The Mungiki was organised, militant and politically radical. Although the movement as a whole clearly used the matatu network as a source of revenue, it had populist appeal as a stabilising factor, but also as a representative of the matatu workers’ interests. Workers report having welcomed the Mungiki as a much-needed regulatory force, who would pacify the bus stops, regulate access and distribute profits among the workers. Some acted in a similar fashion to the later formed Matatu Welfare Associations (not related to the MWA as an owners’ organisation), which provided a network for jobs, small insurance in cases of illness or unemployment and representation towards the owners. Matatu operators even became Mungiki members themselves.32 According to Rasmussen, violence in the Mungiki-controlled part of the matatu industry (which had significantly subsided after a prolonged and extremely violent police crackdown on Mungiki33 led by Minister John Michuki in the early 2000s) was relegated to the takeover of new routes, when other controlling groups had to be driven out and owners “persuaded” to adhere to Mungiki control of terminals (Rasmussen, 2012: 427).

Like the associations of the 1980s, the Mungiki ultimately stumbled over political conflict. In the run-up to the 2002 elections, the movement threw its support behind KANU candidate and Moi favourite Uhuru Kenyatta, seemingly earning itself a reprieve from police persecution. This, however, backfired when the opposition candidate Mwai Kibaki won. His Minister of Transport, John Michuki, introduced a new set of regulations including speed governors and mandatory uniforms for matatu operators; as his predecessors, he provoked a days-long strike, but upheld his act, ultimately convincing high-ranking leaders of the MWA and the Matatu Owners’ Association to bring their
members around. The Mungiki, however, were another issue altogether. Police “death squads” began to target the movement and brutally repressed any effort at reorganisation. Although Mungiki still exists, its strength and amount of control over urban infrastructure is nowhere near that during the height of its power.

Similar to Nairobi, though for other reasons, Kinshasa saw a steep decline in the organisation and service of informal transport. The city reeled under the political crises; Mobutu, though he had nominally acceded to a process of democratisation, stalled the process whenever and however he could. Together with the political crisis went an economical malaise that saw the average income decline over the 1980s. Thus, between 1985 and 1989, the number of fula fula on Kinshasa’s streets declined from 700 to 500, and kimalu-malu from 2,000 to 650; the number of vehicles in actual operation was much lower (107 and 373 respectively) (Mwanza wa Mwanza, 1997: 119). In 1989, two new public companies cut into the market. Especially the bigger and medium-sized informal enterprises (five or more vehicles) suffered, and the informal transport sector fragmented even more. These slightly bigger enterprises were caught between competition from the big companies serving the long routes on the one hand and the small one-vehicle operators, who flexibly adapted to the changes, on the short distances that weren’t profitable for bigger operators. At the same time, oil price hikes hit the fula fula operators harder, as the kimalu-malu pickups mostly ran on cheaper diesel (Mwanza wa Mwanza, 1997). Many transporters moved to the transport of goods, as this promised better and safer profit. By the mid-1990s, both fula fula and kimalu-malu had nearly completely disappeared from the informal sector, replaced by the smaller minibuses (“taxis-bus”).

The new (100% publicly owned) companies, TRANZAM and City Train, cut into the market from above. Both served mostly major axes, but TRANZAM did not develop a stable network, instead following informal practice and changing routes and schedules according to the need. Another company, the Société des Transports en Zaïre (SOTRAZ), in which the state-owned a 75% share (the minority share was held by Renault), had to reduce its network to only serve the big thoroughfares due to the bad shape of the smaller roads and the condition of its fleet. One of its main terminals was the university campus, and it offered students a reduced fare.

This alone would not have impacted the industry as a whole so much, because the smaller operators and owner-drivers would have been able to divert to the smaller roads and underserved quarters. But besides further increases in the price of oil, spare parts became nearly unavailable, as imports went down. This left even the smaller taxis-bus operators struggling. In 1994, 40–50% of all vehicles in the informal sector were out of order, either because of lack of spare parts, or simple lack of money, or the lack of profitable exploitation routes. Nevertheless, by the end of the decade, the smaller operators of taxis-bus had prevailed, while fula fula and kimalu-malu were all but absent from the streets of Kinshasa.

Conclusion

This overview of the informal transport sector in two of the major African cities shows the dynamics of the sector, and the influence different social actors exert on its development. Most importantly, the problems in the sector are not necessarily exacerbated by the absence of the state. Starting with the colonial state, the total restructurisation of the city through masterplans laid the groundwork for a fundamental tension in urban life: the
tension between the need for transport of urban dwellers and the structure of control set in place by the colonial state (and continued by postcolonial states).

The modernisation paradigm was certainly a powerful ideological force in the post-war period, and it constituted a significant change from earlier colonial policies, particularly in how colonial states related to their subjects. While it is viewed critically in the literature, it is still seen as a powerful project that shaped African history from 1940 into the 1970s. This picture has become increasingly challenged, particularly from the perspective of labour history (e.g. the General Labour History of Africa project of Stefano Bellucci at the International Institut of Social History (IISH) that emphasises *longue durée* continuities). I therefore want to propose a wider approach that takes into account not only labour, but access to social and cultural life in the city. Informal transport is a great example for this, because it not only provides an important outlet for surplus labour in the city, but also a central infrastructure for people to take part in the economic, social and cultural life in the city. Looking at African social and economic history from the perspective of informal transport, we can see that central elements of what the development paradigm saw as necessary structures for social advancement and the improvement of living standards were not supplied from above, by either the colonial or postcolonial state, but by an extra-legal economy that appeared in the gaps between modernisation projects such as urban masterplans and the enormous process of urbanisation. This, of course, is a highly exploitative industry that provides a precarious and in the case of transport, dangerous kind of infrastructure.

From this perspective, Frederick Cooper’s separation of post-1945 African history in “development and disappointment” (Cooper, 2002: 91) needs to be complicated. While the period from 1940 to 1973, bridging the political rupture of decolonisation, certainly saw state efforts to invest in building infrastructure and industry, and to improve living standards, these were piecemeal and limited by other factors such as the continuing dependency of African economies. Disappointment, in this view, becomes a contemporary companion of development rather than a successive phase in African history.

In this perspective, the 1970s became a decade of consolidation, in which academics and international organisations “discovered” the informal economy as a stable phenomenon, worthy of study and intervention. At that time, it had already been established as a central backbone of life in the city and an integral part of urban economies. So the 1980s, in many African cities, saw the acceptance of the informal economy in general and informal transport specifically, as trade unions are formed, city administrations intervene to regulate bus fares, routes and the competition. The informal economy became less and less distinguishable from the formal economy, as the lines were blurred and licensed enterprises took up labour relations from the informal transport, while informal drivers started to organise.

While the industry consolidated in the 1970s, the following decade saw states trying to control informal transport and diminish its hold over movement in the city. While Mobutu’s regime established more and more parastatals and public-private partnerships trying to take part in the profitable transport sector, Moi went the way of repression. Most importantly, he saw the budding industry and its organisations as potential sources of alternative power. Though other factors contributed to the downfall of the *matatu* associations (among them the fierce competition in the sector and the fragmentation of the MVOA itself), it was the state ban that in the end started the process of spiralling violence and criminality by removing the last institutions that might have kept the brutal competition in check. In Kinshasa, the economic downturn and the political crisis that
would drag on over a decade until devolving into full-blown civil war did their part in breaking the power of informal transport.

In both countries, the 2000s saw a return of more regularised forms of informal transport. But while successive Kenyan governments have started to exert more control and, finally, established a relatively successful institution for the industry to self-regulate, Kinshasa remains a largely uncontrolled space. In any case, informal transport has become an integral part of urban economies, urban politics and urban society.

Notes

Bibliography


“Taxi Pirates”


1 “Taxi Pirates”


With the notable exception of Matteo Rizzo’s seminal work on the *dalla dalla* industry in Dar es Salaam, which focuses on labour relations [Rizzo (2011a, 2011b, 2013, 2017)], others have approached the issue from a more sociocultural angle, while still ultimately putting workers in the focus: [Rasmussen (2012); Mungai (2013); Konings (2006)].

There is another striking similarity in timing, with the 1973 Nairobi Masterplan being drawn up at the same time as French urban planners established the *Bureau d’Études et d’Aménagement Urbaines* (BEAU) in Kinshasa, tasked with another major restructuring of the city through masterplan. Both projects were ultimately unsuccessful [Beeckmans (2012); ETH Studio Basel (2008)].

*cf. “Subsidy to Nairobi Bus Service”; Kenya National Archives (KNA), JA/10/1 (NCC & KBS, 1954–76).*

*“The Housewives” to I. Somen (Mayor, NCC), 7.6.1956, KNA JA/10/1.*

*KNA JA/10/1.*

*Interview Georges Kindo, Kinshasa, 10.12.2013.*

*“Affaire Pipinis”, Archives du Ministère des Affaires Étrangères de Belgique (ArchMinÉtr), Actes coloniaux, 3e DG (1534)1.*

*W.B. Havelock to A.F. Kirby, 21.11. 1956. KNA JA/10/1.*
A memorandum in 1955 mentions several “indigènes” among a group of transport entrepreneurs. Director 3e DG (3rd Direction Générale), J. Frederick, Memo, 9.6.1955; ArchMinÉtr, 3e DG (1534).

This was possible because trade in the colony was still subject to international treaties, including the 1884 Berlin accords. “Affaire Pipinis”, ibid.

Memorandum of a Meeting between the department and TCL, 23.11.1954; ibid.


Cf. the original discussion in: Hart (1973) Hart himself has since critiqued his own terminology. Examples are collected in the files concerning TAWU in the Kenya National Archives (KNA); e.g. ABK/8/235, Trade Dispute: TAWU vs. Eboo’s Petrol Station, 1955–56.

“Pirate Taximen”, Daily Nation, 30.07.64.

Daily Nation, 03.04.73.


“Nyeri crisis after transport ban”, Daily Nation, 25.09.1967:

“200 defendants ‘rebel’ outside Kiambu Court”, Daily Nation, 09.01.1964.

Francis Lelo Nzuzi, for example, contrasts a colonial “ville aménagée” with a postcolonial “ville spontanée”, a distinction that, on closer inspection, is difficult to uphold. Lelo Nzuzi (2011: 25–107).


“Dangerous Matatu drivers warned”, DN, 23.06.1976.


Interview with representatives of ACCO, Kinshasa, 10.12.2014.


For the first example cf. Interview Dickson Mbugua, the second comes from several interviews with ex-drivers. Interviews Joseph Ambutu, John Kairithi, 16.1.2017.

The escalation of this violence resulted in a massacre of 22 members of a rival gang in 2002, which led to the ban of the Mungiki movement. Cf. Anderson (2002: 532).

This, of course, does not mean that Mungiki as a whole wasn’t a financially highly profitable operation. In 2002, one of the leaders of the movement, Ibrahim Ndura Waruinge, estimated revenue from members’ fees alone as high as 4.5 million KSh. (57,000$) per month. Kagwanja (2003: 34).

Interview Joseph Ambutu.
