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BODA BODA MOTORCYCLE TRANSPORT AND SECURITY CHALLENGES IN KENYA



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FOREWORD

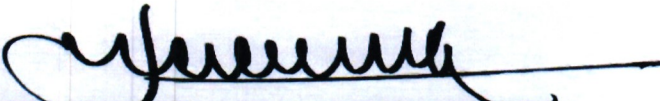
Ensuring public safety is one of the leading functions of the public service and successful performance in this role requires a strategic approach that involves the concerted effort of all stakeholders. Transport plays a significant role in the development of the economy and, the boda boda sub-sector is becoming entrenched as a major part of the Kenyan economy and a source of employment and livelihood for many.

Boda bodas are becoming a popular means of transport for many rural and urban dwellers and have evolved into an informal sector of the transport industry. With this rising popularity, there are worrying concerns that the sub-sector is becoming associated with crime, traffic accidents and impunity, with grave implications for public safety. This situation has largely been attributed to the boda boda sector operating with minimal regulation and control. Complaints of boda boda operators and criminals on motorcycles attacking people are common occurrences across Kenya and, boda bodas are gradually turning into the new face of crime. In addition, boda boda accident related deaths and injuries have become major public health concerns in Kenya.

The seemingly informal, unregulated nature and weak governance framework for the sector is a serious threat to national security as it provides incentives for risk taking, recklessness and impunity among operators. The sector is dominated by a fairly youthful population without requisite professionally motorcycle training, less educated and of lower socio-economic standing- operating in a context of weak regulation and oversight. Consequently, the sub-sector is evolving into an unregulated informal industry with greater risks to public safety.

Preventing crime is a priority for national security, with immediate implications for the public. The penal approach to the sector, that of arresting operators and banning boda boda operations will not be sustainable in the long run for Kenya's developing economy. There is an urgent need to develop and implement policies that will allow boda boda operators to participate in economic activities in a regulated and orderly manner, where operators can derive an income while contributing to our nation's development and prosperity. This study recommends the urgent need to put in place a policy framework to register, regulate, monitor and govern the boda boda industry in the country.

This research is among efforts initiated by the government to inform policy discourse in addressing conventional, new and emerging crime trends in the country. It is my sincere hope that this report will assist stakeholders in addressing public safety challenges by ensuring that boda bodas are safe, secure, orderly, reliable and can be converted into a sustainable sector of public transport in Kenya.



HON. JUSTICE (RTD) P. KIHARA KARIUKI
ATTORNEY GENERAL/CHAIRMAN OF THE GOVERNING COUNCIL - NATIONAL
CRIME RESEARCH CENTRE

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The Centre is also greatly indebted to the study respondents who shared their views, experiences and information on the reference subject of boda boda transport. This would not have been possible without your participation. The Centre expresses its gratitude to the Research Supervisors and Research Assistants who ensured authentic and quality data was collected, cleaned, coded, entered and analyzed.

Finally, my sincere appreciation to NCRC's Principal Researcher Vincent O. Opondo, the lead researcher and author of this report as well as Geoffrey Kiprop - Research Officer, who assisted in the report writing, for their tremendous contribution in finalization of the report.

The findings and recommendations of this study will go a long way in assisting stakeholders in the security and transport sector to formulate sound policies in addressing public safety challenges in the boda boda Motorcycle Transport in Kenya.



GERARD E. WANDERA
DIRECTOR/CEO
NATIONAL CRIME RESEARCH CENTRE

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1.0 Introduction

Transport plays a significant role in the development of the economy and, the boda boda sub-sector is becoming entrenched as a major part of the Kenyan economy and a source of employment and livelihood for many. Boda bodas are becoming a popular means of transport for many rural and urban dwellers and have evolved into an informal sector of the transport industry. With this rising popularity, there are worrying concerns that the sub-sector is becoming associated with crime, traffic accidents and impunity, with grave implications for public safety. This situation has largely been attributed to the boda boda sector operating with minimal regulation and control.

This study sought to address concerns around the boda boda motorcycle transport and security challenges in Kenya. Major contentions with the boda boda sub-sector are that conventional crimes, new and emerging crime trends involving motorcycles have increased two fold.

The general objective of this study was to establish the relationship between boda boda transport and crime in Kenya. The specific objectives were to: establish the prevalence of boda boda motorcycle related crimes; identify the root causes of boda boda related crimes; identify the perpetrators and victims of boda boda related crimes; identify the mode of operation of perpetrators of boda boda related crimes; examine the consequences of boda boda related crimes; identify the existing control measures and their effectiveness in addressing boda boda related crimes; and identify challenges and make recommendations to address boda boda related crimes.

This study is informed by a conceptual model providing insights into the interaction of various factors: *motorcycle factors, human factors, the physical environment and registration/regulatory factors* within the socio-economic context of weak registration, regulation, monitoring and the resultant boda boda-related crimes and accidents that characterize the boda boda sub-sector in Kenya.

The study was descriptive in nature and was carried out in 24 purposively selected counties: Mombasa, Kwale, Kilifi, Tana River, Lamu, Taita-Taveta, Garissa, Wajir, Mandera,

Marsabit, Turkana, West Pokot, Trans Nzoia, Narok, Kajiado, Bungoma, Busia, Siaya, Homa Bay, Kisumu, Migori, Nairobi, Kiambu and Tharaka Nithi. Multi-stage cluster sampling was applied for the selection of constituencies and wards, while households were systematically selected for the study.

Primary data was collected using structured individual face-to-face interviews. A total of 5,515 sample respondents were interviewed in this study: 4,313 (78.2%) respondents were members of the public (households) and 1,202 (21.8%) were boda boda riders. Secondary data was collected through review of existing literature while key informants guide was used to collect information from key informants drawn from selected agencies with specialist knowledge on boda boda motorcycle and transport sector. Quantitative data was analyzed through descriptive statistics using the Statistical Package for Social Science (SPSS). The information is presented in frequencies, percentage tables, bar graphs and pie-charts. Qualitative data from the key informants was analyzed thematically and reinforced households and riders quantitative data.

1.1 Summary of Major Findings

The boda boda transport sub-sector is dominated by a majorly youthful population of males with family obligations and responsibilities. Majority have low levels of schooling with majority at primary and secondary education levels. Boda boda also employ minors with serious implications for the development trajectory and safety of children. The sub-sector further employ people with university level education –speaking to the realities and pervasiveness of unemployment in Kenya. The following are summaries of the major findings of this study:

1.1.1 Understanding Boda boda riders/operators

Majority of the boda boda riders or operators were males (97.4%) while female riders constituted (2.6%). On age, (38.2%) of the riders were in the age range of 26-33 years; with (30.0%) falling within the 18-25years age cohort; (20.0%) were aged 34-41 years; (7.3%) were between 42-49 years; (2.4%) were aged 50-57years. Notably (1.1%) of riders were aged 10-17 years. On marital status, (71.1%) of the riders were married, (25.5%) were single/never married; (1.7%) were separated and (1.6%) divorced. On education, (43.7%) had primary education; (42.5%) had secondary; (5.7%) had middle level college education (1.7%) had

university education; (6.3%) had no education. On religion, (75.0%) were Christians while (23.7%) were Muslims.

1.1.2 Prevalence of boda boda related crimes

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

Prevalent crimes committed against boda boda motorcycle riders were: theft of motorcycle and Motorcycle parts (86.5%); robbery and robbery with violence (85.2%); murder (62.2%); general stealing (49.2%); motorist causing death by dangerous driving (29.3%); assault 28.9%; kidnapping and abduction (28.0%); mob justice (21.5%); fraud and forgery (16.9%); fighting (16.1%); handling stolen property (7.1%); indecent assault (7.1%); malicious damage to property (6.2%); burglary (5.5%); rape (2.1%); and sodomy (1.0%).

1.1.3 Root causes of boda boda related crimes

The main root causes of boda boda motorcycle related crimes were: pervasive unemployment and idleness (48.3%); poverty (24.9%); drug and substance abuse (17.5%); lack of/weak regulation of the boda boda sub-sector (12.8%); greed and desire for quick money (10.6%); weak law enforcement by the police and other law enforcement agencies (10.4%); peer pressure factors (7.9%); high levels of illiteracy (6.3%); criminal mindset and tendencies (5.3%); insecurity across the country due to absence of adequate security personnel (3.2%); poor transport infrastructure (3.0%); high cost of living (1.8%); corruption among law enforcers (1.7%); ease of access to firearms through the porous Kenyan borders (1.6%).

1.1.4 Perpetrators and victims of boda boda related crimes

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

1.1.5 Consequences of boda boda related crimes

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

1.1.6 Measures put in place to address boda boda related crimes

The measures put in place to address boda boda motorcycle related crimes included: regulation by bodaboda SACCOs and Associations (20.1%); police road blocks, checks and patrols (16.1%); community policing and nyumba kumi initiatives (12.5%); sensitization of riders on safety by stakeholders (4.5%); raft of measures, rules and regulations put in place to govern boda boda (3.6%); limiting hours of boda boda operations at night (3.5%); increased presence of security personnel (2.6%); inspections by NTSA (2.1%); street lighting (1.7%); crackdowns on boda bodas violating laws (1.4%) issuance of safety gear e.g reflector jackets, helmets (1.3%); and building of boda boda sheds (1.2%).

1.1.7 Challenges faced in addressing boda boda related crimes

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

1.2 Recommendations

Stakeholders in the security sector and transport industry need to pay particular attention to the evolving boda boda sub-sector in light of the alarming increase in boda boda related crimes, accidents and impunity. This study does not advocate for banning of boda boda operations and other penal approaches of arresting and prosecuting operators as this is not sustainable in the long run for a developing economy like Kenya where bodas bodas are also making significant contributions to livelihoods and national development. Arising from the findings and conclusions of this study, the following recommendations seek to inform policy interventions in addressing boda boda related security challenges, accidents and impunity in the country.

(i) Establish a Data base of all boda boda operators in Kenya through mandatory registration, refresher training and testing

The boda boda industry in Kenya has evolved without a coherent and comprehensive legal framework to govern it. Lack of a data base of all boda boda operators in Kenya is a major policy gap and a serious threat to national security. This study found out that some boda boda riders committed petty and major violent crimes and motorcycles have become a major facilitator in commission of crimes. There are serious concerns for an industry dominated by a fairly youthful population of men who are not professionally trained, less educated and of lower socio-economic standing - operating in a context of weak policing, regulation and

oversight. The United Kingdom government instituted strict licensing for riders in the 1990s that contributed to the fall in motorcyclists' casualties and brought sanity to the industry.

The Kenyan government should make it mandatory before one is allowed to operate a boda boda motorcycle on Kenyan roads to meet certain minimum conditions. These should include: must have undergone formal motorcycle rider training; acquired riders/driving licence; certificate of good conduct; helmet; reflector jackets. They must also have helmets and reflective jacket for the pillion passengers. Strategies should also be put in place for re-testing and validating professional competencies of operators who currently hold valid riding/driving licences. Authorization to operate a boda boda motorcycle as public service vehicle/motorcycle should be granted by the NTSA/TLB only after the operator has joined a SACCO or a boda boda association. The NTSA should undertake the responsibilities of inspection of the motorcycle to be used in public transport service.

Modalities should also be explored to assign boda boda motorcycle unique/special identifiers to distinguish them from motorcycle for courier services, personal or private use. Boda boda Associations would play a critical role in self-regulation and also being a consultative forum for membership to dialogue and negotiate with the government and other stakeholders.

A data base and formalization of the boda boda sub-sector will assist in addressing the challenge of impunity, recklessness, and criminals infiltrating the trade. Registration will make it possible to track legitimate riders and weed out criminals from the sub-sector. The current informality status of the industry offers great incentives for criminals to thrive – this was the case in the *matatu* industry where notorious criminal gangs like *Mungiki* reigned supreme. The entry point could be partnering with existing boda boda Associations and SACCOs.

Government sponsored motorcycle rider trainings to operators could also be incentives towards the registration and development of a data base of boda boda operators in Kenya.

(ii) Address government policy oversight by facilitating a shift of the boda boda industry from the current 'informal sector to the formal economy'

There is inherent policy oversight in the boda boda debacle. The 2008 government policy zero-rating motorcycles of up to 250cc was a noble effort to create jobs and spur development in the country. This policy led to a significant decrease in motorcycle prices

with the net effect of explosion of motorcycles into the economy without an attendant counter policy framework regarding their registration, regulation, monitoring and designation as Public Service Vehicle (PSVs).

There is need for government policy shift to officially recognize and designate boda boda motorcycles as part of the public service vehicles or public service motorcycles. Boda bodas have evolved as unregulated informal entities in the transport industry in Kenya. They are not legally recognized as public service vehicles but offer this crucial service that has critical implications for public safety. Boda bodas -just like when *matatus* were first introduced in Kenya, operated illegally as a means of public transport until 1973 when they were authorized by a presidential decree to operate legally in the country. Penal approaches or abolition of boda boda operations is not a sustainable option in the context of a developing country like Kenya with major challenges in public transport and widespread unemployment. Undoubtedly, boda bodas play an important role in the transport sector and Kenya's economy as alternative or complementary mode of transport.

The government should facilitate shift of the boda boda sub-sector from the current informal entities to the formal economy. The benefits derived from formalization would go a long way in addressing public safety risks in the sub-sector. Through this shift, boda boda owners and operators will see themselves as switching from informal to formal employers and employees with responsibilities as governed by laws. They also need to be recognized as making major contributions to national development. This will greatly reduce impunity and risk taking behaviours prevalent in the industry, and thereby promote public safety.

The State Department for Transport and other stakeholders can address this lacuna through the transport policy management. This can be achieved by expanding mandate of the TLB to also include the registration of motorcycles as PSV's and designation of specific routes akin to what TLB does in the *matatu* industry in Kenya. With formal recognition as public service providers, boda bodas will ultimately generate additional revenue to the government through taxes, TLB licenses and other levies.

(iii) Subsidize the cost of motorcycle riders' training and establish motorcycle specific riding schools

Stakeholders in the boda boda sub-sector need to recognize the necessity for a paradigm shift in policy for targeted support to the boda boda sub-sector. There is need to explore modalities to subsidize the cost of motorcycle riders training programmes in Kenya. Many riders interviewed in this study aver that fees currently being charged by motor vehicle driving schools are very expensive for poor riders and jobless youth who dominate the sub sector. Another important observation during the survey was the lack of motorcycle specific riding schools across Kenya. The current practice is that one enrolls into a motor vehicle driving school, gets a motor vehicle driver's license and thereafter has it stamped for motorcycle.

This arrangement is a costly venture for many poor youth, who in most cases are unable to raise the higher fees required for training as motor vehicle drivers. This is a major disincentive to formal motorcycle rider training and the acquisition of riding licenses by boda boda operators in Kenya. The government can partner with driving schools to establish motorcycle specific riding schools in each county. Government subsidies or waivers on motorcycle rider trainings would go a long way in facilitating the shift of boda bodas from the informal to the formal economy as well.

(iv) Effectively implement the National Transport and Safety Authority (NTSA) Regulations (Operation of Motorcycles) 2014

This study found out weak law enforcement for the boda boda sub-sector as a contributing factor to crimes, accidents and impunity in Kenya. The boda boda industry operates on lawlessness, not because of inadequate legal regime but more because of weaker enforcement of laws. The subsector has therefore established systems that reinforce a culture of impunity. If not well regulated, the subsector has the potential of being infiltrated by violent criminal gangs akin to what was obtaining in the matatu industry a few years ago.

The boda boda sub-sector in Kenya has largely operated without effective regulation and control. The seemingly ineffective governance of the sector has occasioned increasing cases of boda boda related accidents, crimes and impunity. These regulations provides effective and comprehensive framework that if implemented, will be the turning point in addressing

most of the challenges bedeviling the boda boda subsector in Kenya. The informal, unregulated nature of boda bodas connotes greater risks to public safety.

Strict enforcement of the National Transport and Safety Authority (NTSA) Regulations (Operation of Motorcycles) 2014, the Traffic Act CAP 403, 2009 and other regulations will self-evidently be part of the solution to taming a sub sector that has gained notoriety for lawlessness in Kenya.

(v) Undertake concerted sensitization and awareness education to boda boda operators and the general public towards road safety and crime free boda boda sub-sector in Kenya

This study found out that members of the public were at the highest risk of falling victim to boda boda related crimes. The Ministry of Interior and Coordination of National Government, Ministry of Information Communication and Technology, Ministry of Transport, Ministry of Education should undertake concerted partnerships with boda boda associations, media, private sector actors, civil society organizations and international development partners to institute a public campaign towards road safety and crime free boda boda sub-sector in Kenya. This will enlighten them and members of the public of the risks they face when using boda boda mode of transport. Surviving victims of boda boda related accidents should be involved in the campaign towards safe riding.

(vi) Address unemployment and poverty found to be the major root causes of boda boda related crimes

The government should put in place programmes and modalities to address poverty and wide spread unemployment especially among the youth which were pointed out by the study respondents as the push factors for young people venturing in boda boda trade and partly the key root causes of some boda boda related crimes. Empirical evidence asserts that unemployment and poverty induces people to adopt high risk behaviours like involvement in crime, violence and young people are found to be the majority in boda boda trade.

(vii) Recommendations to the National Police Service and other law enforcement agencies

In order to effectively deal with boda boda motorcycle and related crimes, it is recommended that the National Police Service should increase intelligence and surveillance of the sub-sector to identify crime patterns, trends and hot spots in the boda boda sub-sector. The NPS should undertake intelligence led policing in gathering information and profiling of criminals or rogue operators masquerading as boda boda operators. Given the findings of this study on the time of the day, week, month and year when boda boda related crimes are likely to occur, police patrols should be upscaled around neighbourhoods and major areas of operation of boda boda at nights, weekends, end month, public holidays and the month of December. The police service and other law enforcement agencies should also strictly enforce laws and regulations meant to ensure public safety on the roads like wearing of helmets, reflector jackets; carrying only one passenger to ensure strict observance of traffic rules by boda boda riders. Security and law enforcement agencies must also uphold integrity and shift focus from the lackluster handling of boda boda sub-sector that has partly been blamed for lawlessness and impunity in the sub sector in Kenya.

(viii) Recommendations to the National Transport and Safety Authority

The objective of forming NTSA was to harmonize operations of the key road transport departments and help in effectively managing the road transport sector to minimize loss of lives through road traffic accidents. NTSA in conjunction with the National Police Service should carry out compliance and inspections crack downs on riders who violate traffic rules including motorcycles operating without insurance cover, overloading, over-speeding, operating unregistered motorbikes, riders without licenses, riding under the influence of drugs and alcohol. NTSA in conjunction with the County Transport and Safety Committees could also designate specific zones of operation for boda bodas in the Counties. The NTSA in partnership with the National Police Service, County Governments, Boda boda Associations, SACCOs and other stakeholders should undertake concerted civic education and public awareness campaigns on road safety and crime prevention to boda boda operators in all counties.

(ix) Recommendations to the County Governments

The County governments should formulate relevant by-laws and policies to govern and regulate operations of the boda boda sector in their areas of jurisdiction. Such policies could include designating specific zones of operations for boda boda. The County governments and other partners should also purpose through policy to offer targeted support to the boda boda transport sub-sector in formation of Savings and Credit Cooperatives Organizations (SACCOs), sponsoring rider trainings and public awareness campaigns. Indeed, the formation of SACCOs in the matatu sector brought back sanity to the once ungovernable public transport industry.

County Governments should also install street lights and CCTV cameras in their jurisdictions to reduce the confidence of boda boda criminals since this study established that most boda boda crimes occur at night. The County Governments should also assist the sub-sector by constructing sheds for operators that can also act as points of revenue collection from operators. The commercial boda boda transport sector's potential is not yet fully exploited as a major source of revenue for County governments.

(x) Recommendations to Motorcycle Dealers and Sellers

Motorcycle dealers and sellers have a critical contribution in terms of selling genuine motorcycles with standard basic safety gears of two helmets, reflector jackets as prescribed in law. They should also ensure buyers of new motorcycles undertake statutory registration with Kenya Revenue Authority/National Transport and Safety Authority to help address the issue of unregistered motorcycles that are often used in committing crimes and wanton impunity on Kenyan roads.

(xi) Recommendations to Boda boda Owners

Boda boda motorcycle owners can help in addressing challenges in the sub-sector by undertaking insurance policy cover for their motorcycles; employing professionally trained and certified riders; vetting and undertaking criminal background checks on riders they employ. They could further assist the trade by installing tracking devices on their motorcycles; ensuring all the statutory documents for ownership of the motorbike and riders are in place. Boda boda owners can also help by registering their motorcycles in boda boda SACCO's and associations.

(xii) Recommendations to Boda boda Riders' Associations and SACCOs

Boda boda riders Association can help by encouraging voluntary registration of their members and undertaking sensitization campaigns on road safety and concerns around crime affecting the trade. Boda boda Associations can also formulate and enforce rules of operation for their members in their jurisdictions. The association should monitor operations of their members and collaborate with security agencies in reporting criminal elements in the sub-sector. The associations can also champion legal representation and welfare of members by working closely with the government. Strong Associations and SACCOs will encourage self-regulation and hold to account their membership and there by ensure only qualified, licensed riders operate on our roads.

(xiii) Recommendations to Boda boda Riders

It is recommended that all boda boda riders should acquire requisite motorcycle rider trainings, licenses, and safety gears before venturing on the roads. Law abiding individual riders also have an obligation to collaborate with security agencies and other enforcement authorities to report operators who masquerade or engage in criminal activities and violations of the laws. Additionally, riders must strictly observe and adhere to road traffic rules to curb accidents.

(xiv) Recommendations to the General Public

In order to address boda boda related crimes and accidents, persons patronizing boda bodas as passengers must ensure their safety by wearing safety gears of helmets, reflector jackets. Passengers should take precaution when using the services of boda boda late into the nights as this study established higher incidences of victimization with regards to boda boda related crimes late in the nights. The general public should also champion Community Policing and Nyumba Kumi initiatives and report boda boda criminals to the authorities.

(xv) Recommendations for Further Research

The study recommends extension of this research to the twenty three Counties not covered by this study to provide a complete national outlook of boda boda transport and security challenges in Kenya.