THE IMPACT OF PASSENGER RAIL PROJECT DISRUPTION: CASE OF CONSTRUCTION MAFIA IN SOUTH AFRICA

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ABSTRACT

The paper assesses the impact of disruptions attributable to construction mafia in rail construction projects. The construction mafia disguised as business forum invades the construction sites to extort money from contractors - making use of violence and intimidation. The construction mafias operate as labourer organizers, giving contractors an ultimatum to pay excessive rates or face strike action, often coupled with the threat of damage to property and threats of violence to those who would otherwise wish to continue working. There are also mafias who provide no service but simply seek a protection fee to ensure they do not disrupt the project. The paper used secondary data to quantify the extent to which the disruption of construction sites impacts the rail sector.

The paper found that, the construction mafias are familiar with the South African procurement regulations, for instance the 30% extortion demand relates to the 2017 Preferential Procurement Regulations. Amongst other, the extortion costs the country billions of Rands in revenue and delays the completion of critical construction projects. Therefore, jeopardising critical infrastructure development opportunities.

The paper advocates for stakeholders' engagements at the beginning of projects to prevent the construction mafia's disruption from impacting construction sites negatively. The engagements with the affected communities through recognized and authorized structures such as local councillors, municipality, traditional leaders, will be beneficial for effective and sustainable processes of developing and maintaining rail infrastructure.

Keywords: Construction mafia, Disruption, Extortion, Business Forum, Intimidation, Rail projects.

1. INTRODUCTION

The steady increase of construction mafia incidences in South Africa, has negative social and economic impact on the government, members of the public and construction companies. Construction mafia has to date disrupted over 180 projects to the value of R63 billion (Deputy Minister of Finance' Speech at the National Summit on Crime-Free Construction Sites, 2024). The social and economic impacts thereof is the delay on the construction schedule and cost associated therewith.

The construction mafia are conversant with the procurement legislation and use it to their advantage. For example, the PPPFA designates that 30% of public procurement contracts should be allocated to local businesses to promote economic transformation and empower historically disadvantaged individuals (HDIs) (Webb, 2022). Construction mafia extorts 30% of the contract value on the ongoing projects, exploiting the legislation, which disadvantages both the local economy and the contractor.

The Construction mafia use extortion, violence, intimidation and disruption to benefit from the ongoing construction projects (Webb, 2022). The Construction sites remain unsafe for the lives of employees and the property of construction companies, which may result in huge cost in an event where there is vandalism and loss of lives in some other cases. Disruptions in construction projects lead to unnecessary loss of funds. One of the immediate impacts of the construction mafia is project delays, as investors are compelled to cease construction in an event of contractors refusing to work under threat; and these disruptions lead to significant cost overruns as delays result to penalties, increased labour costs and the need for heightened security measures (Lobola, 2024). Contractors are bound to have great financial loss due to delays caused by construction mafia activities.

Passenger rail projects are not immune to the construction mafia tactics. The projects in KwaZulu-Natal (KZN) aimed at recovery of rail network from the floods in April 2022, were severely delayed by business forum demands (Passenger Rail Agency of South Africa (PRASA Annual Report, 2023). This paper aims to explore the impact of project disruptions of rail projects.

1.1 Background

Construction mafia activities in South Africa dates back for at least 10 or more years. The construction mafias presenting themselves as business forums gained popularity in 2015 (Lobola, 2024; Webb, 2023). The construction mafias claimed to represent local communities, with the intention to acquire stake in the economic benefits of construction projects. Irish-Qhobosheane (2022) mentioned that, the mafias invade construction sites across the country, demanding money or a stake in development projects in a form of extortions.

Extorsion is described by Abbasi and Pour (2014) as an action against social security of individuals and stealing their belongings through an act of violence and the use of weapons to intimidate, and cause injury or death to the victims. According to Geldenhuys (2023), the local business forum, identified as Delangokubona Business forum invaded the construction site in KZN for the first time in 2016. The forum used violent weaponry, demanding percentage of construction contract and compelling the employment of certain individuals on the construction sites.

Ever since their emergence in KZN, the construction mafias spread to other parts of the country. In one instance, it was reported that a group of people invaded a building site twice in Pretoria to intimidate workers and demand employment of local community (Geldenhuys, 2023). In the Eastern Cape, a bridge project to the value of R1.5 billion was terminated after the altercation with the mafias that spanned across 84 days (Money web, 2019). Several other housing projects were delayed due to the mafia activities in the Western Cape (Cape Times, 2022). The construction mafia activities have taken almost all parts of the country, costing government, companies and the communities social and economic distress.

In passenger rail projects, the so-called business forum has ascertained their position. PRASA has reported delays in rail service recovery projects by the stakeholder management process, whereby in every corridor a project commences with addressing community involvement and the interests of business forums (PRASA Annual Report, 2023). PRASA witnessed a larger scale of dilapidated rail infrastructure as a result of theft and vandalism that was experienced during Covid. As PRASA attempts to recover the rail service post Covid, the construction mafia identified an opportunity seeing that government

allocated billions of Rands to fund the recovery programme by causing frequent delays to the programme at large as well as loss of funds.

2. LITERATURE REVIEW

Rail Transport provides social and economic benefits for the communities served. According to Vahed (2022), transportation is a major influence in developing the country's socio-economic growth as it influences how citizens, goods, and services are accessed throughout the country. Passenger rail projects' disruption delays the completion of construction to bring reliable services to the commuters. The construction delay is defined as the untimely completion of construction work, or the project compared to the agreed contract schedule (Vahed, 2022). Project delays have a negative impact on all project stakeholders in terms of revenue loss, cash flow problems, and the use of service by the communities.

2.1 Community Mobility Challenges Caused by Project Disruptions

Mobility plays a vital role in the social and livelihood of every South African. According to Creswell (2011), "*mobility is multidimensional and constituted through intersection between how entities move as well as how that movement is understood and experienced, and the social conventions that develop through and around it"*. The efforts involved in travelling between two distinct location, and the impacts it has on those undertaking the movement is mobility (Bissell, 2014). An effective mobility involves the services and infrastructure used.

The construction of transport infrastructure is impacted negatively by the disruption attributable to business forums. Disruption in public transport leads to passenger dissatisfaction and reduction in use of that mode of public transport (Eltved et al., 2021). According to Nazem et al. (2018) disruption of services due to prolonged construction can have a long-term impact on travel behaviour. A construction industry is seen by construction projects that are completed on time, which leads to socio-economic growth, creation of wealth and improved standard of living (Oshungade & Kruger, 2017). With incomplete projects, the poorest person is affected by lack of cheaper mobility options.

Without complete infrastructure and lack thereof, users of rail services move to other modes of transport that cost more, which strains their pockets with a little to less money left to carry them through the whole month. According to Oshungade & Kruger (2017), disruption on construction projects causes dissatisfaction to all affected parties. With a struggling economy community unrest are certain, as users may not afford the standard of living without affordable rail services.

Passenger rail project disruptions can have a negative impact on passengers and the transportation system. Disruptions can cause frustration and decrease in the usage of rail transport system. Eltved et al. (2021) posit passenger dissatisfaction to disruption in public transport, and those disruptions can cause passengers to change their travel behaviour and switch to alternative type of public transport, leading to loss of revenue by the operator. The disruption also impacts passengers economically, due to the cost of alternative modes of public transport. Rail Transport is an affordable mode of transport, and if non-operational, people are left to use expensive alternative transport in the form of minibus taxis, etc.

2.2 Socio-Economic Impacts of Project Disruptions

Project disruptions cause delays that result in projects that are not completed. Aibinu and Jagboro (2002, cited in Kikwasi, 2012) revealed six impacts of delays on project delivery in Nigerian construction industry which are: time overrun, cost overrun, dispute, total abandonment and litigation. Contractors are likely to abandon the construction project to avoid losses in costs. For example, housing projects in the western Cape were stalled due to the construction mafia disruption, the site closure ended with financial loss for the department amounting R8 560 000, reducing the project with 45 houses (Geldenhuys, 2023).

The disruptions and the construction mafia have a negative effect on people who really look for opportunities to fend for their families. Lobola (2024) highlights that the most negatively affected communities are the ones that the construction mafia claims to represent, as projects that are disrupted due to the mafia acts eventually lead to lost opportunities for local employment, genuine local businesses and development in the area. The most deserving individuals and businesses in communities become the ones who lose everything.

2.3 Policy Framework

Two policy framework informs this article, the legal succession act, which provided for the establishment of PRASA to provide passenger rail service, and the PPPFA that is being misinterpreted by the construction mafias.

2.3.1 The Legal Succession to the South African Transport Services Act Amendment Act 38 of 2008

Passenger Rail Agency of South Africa (PRASA) provides passenger rail services for the entire country as stipulated in the Legal Succession Act (2008). PRASA owns 2280 kilometres of South Africa's rail network, operating 585 train stations in the metropolitan areas of the Eastern Cape, Western Cape, KwaZulu-Natal and Gauteng (Walters & Pisa, 2023). Through its formation in 2009, PRASA inherited an infrastructure that was chronically under-invested and on the verge of collapse, with the outdated rolling stock, technology and a system that was in serious need of an overall upgrade (National Rail Policy, 2022). To improve the passenger rail service, PRASA entered into a Rolling Stock Fleet Renewal Programme to acquire a fleet of 600 trainsets over a period of 10 years as well as a Modernisation Programme which saw the upgrade of rail infrastructure over a 20-year period valued at R172 billion (PRASA Annual Report, 2016; Selamolela, 2018). The Modernisation programme includes programme such as station modernisation, depot modernisation, platform rectification, re-signalling, etc.

Besides the modernisation programme, PRASA infrastructure also suffered the pandemic of theft and vandalism and natural disaster in terms of the floods in KZN and Eastern cape. PRASA embarked on the Rail service recovery programme, which includes construction of some of the infrastructure. The projects are at risk of invasion by the construction mafia, i.e. business forums, in the terms of 30% sub-contracting that is stipulated in the Preferential Procurement Policy Framework Act (PPPFA) of 2017.

2.3.2 The Preferential Procurement Regulations (2017)

The PPPFA section 4(c) designates that 30% of public procurement contracts should be allocated to local businesses to promote economic transformation and empower historically disadvantaged individuals. The construction mafias mushroomed all over the country unlawfully demanding 30% sub-constructing participation, sometimes even just

money without doing the actual work (Moneyweb, 2018). The PPPFA, was intended for the contract with organs of states, however the construction mafias have also enforced the act on private contracts.

3. THEORETICAL FRAMEWORK

Extortion Theory serves as the study's ultimate theoretical framework. Extortion is the act of obtaining something of value from someone else through threats, violence, or public shaming (Geldenhuys, 2023). Within the scope of this paper, extortion theory offers a comprehensive explanation of how construction mafias deploy tactics to extort money from contractors, therefore disrupting the project process. This theory explains the complexity of project disruptions by the construction mafia, and the subsequent impact on the project complementation and delivery for use by the members of the public.

In addition to extortion theory, this paper beseeched mobilities theory to support the extortion theory for contextualising the study. The mobilities paradigm explains travel patterns over a period of time and urban space under diverse situations (Sadowy, 2021). The mobilities paradigm explores the role played by movement in influencing and creating social and cultural relations (Everuss, 2020). Movement encompasses a rich array of experiences, representations, understanding and infrastructure related to the journey itself. The mobility paradigm was used to determine the impact of infrastructure project delay, so the travel patterns of the communities affected.

4. METHODOLOGY

The foundation of the study is made up of extensive literature reviews, evaluation of earlier research articles, and archival empirical investigations. Secondly, a comprehensive knowledge of the issue is made possible by the comparative approach, which centers mostly on Passenger Rail Agency of South Africa annual performance plans and reports, while emphasising the impact of rail project disruption on community mobility in South Africa. Thirdly, the testing of secondary data and engaging theoretical concepts provides the paper with scientific principle for analysis and findings on construction mafia’s action and effect on the passenger rail transport and community movement.

5. FINDINGS AND DISCUSSIONS

Railway transportation has long been recognised as a highly efficient and sustainable mode of transport, offering a wide range of unique advantages over other modes (Sharma et al., 2023). Passenger rail project disruption delays the completion of construction rail projects to bring reliable services to the commuters. Vahed (2022) defined the delays as the untimely completion of construction work, or the project compared to the agreed contract schedule. Work stoppages due to Criminal Project Hijacking and Community Disruptions are an on-going problem in execution of projects. Communities and community forum demand for portions of these projects, result in delays.

5.1 Delay in Rail Project Completion

PRASA is implementing recovery and rebuild programme on various corridors that have been vandalised in accordance with the Shareholder Compact with the Minister of Transport (PRASA Annual Report, 2023). During the 2023/24 financial year PRASA reported among other the following delays due to business forum or community interruptions:

- The station construction projects on the Central Line of Cape Town were stopped for about 3 months due to criminals and gangsters attempting to hijack these projects and placing the lives of contractors and PRASA employees at risk (PRASA Annual Report, 2023).
- Nolungile station has experienced delays due to contractual issues and community disruptions, and the revised completion date was set for the end of July 2024 (PRASA Annual Report, 2024).
- The delays related to business forum disruption affected delivery dates on certain technical programmes on the recovery programme (PRASA Annual Report, 2023).

"*The heightened prominence of the business forums and community socio-economic issues continue to have adverse impact on the implementation of the recovery programmes"* (PRASA Annual Report, 2022/23). Most projects especially in KZN and WC are disrupted by the business forum, causing delays. As a result, there were no rail services on certain corridors for the longest time, causing communities to seek alternative means of transport.

5.2 Patronage Growth /Travel Pattern

According to Chimusoro et al. (2017), patronage growth is related to the passenger satisfaction. When there is low rail services and unavailability of trains, users lose confidence in the rail transport which courses a lot of dissatisfaction. According to the National Household Travel Survey (2020), the top three factors that influence a household's choice as far as the mode of transport is concerned were travel cost, travel time and flexibility. The level of crowding in the train (84,5%), the waiting time for trains (81,6%), the frequency of trains during peak periods (77,9%) and the frequency of trains during off-peak periods (77,4%) were the attributes most likely to elicit dissatisfaction amongst train users (National Household Travel Survey, 2020). The activity of disruption causes a series or domino effect of reactions that end up with a decrease in trains usage.

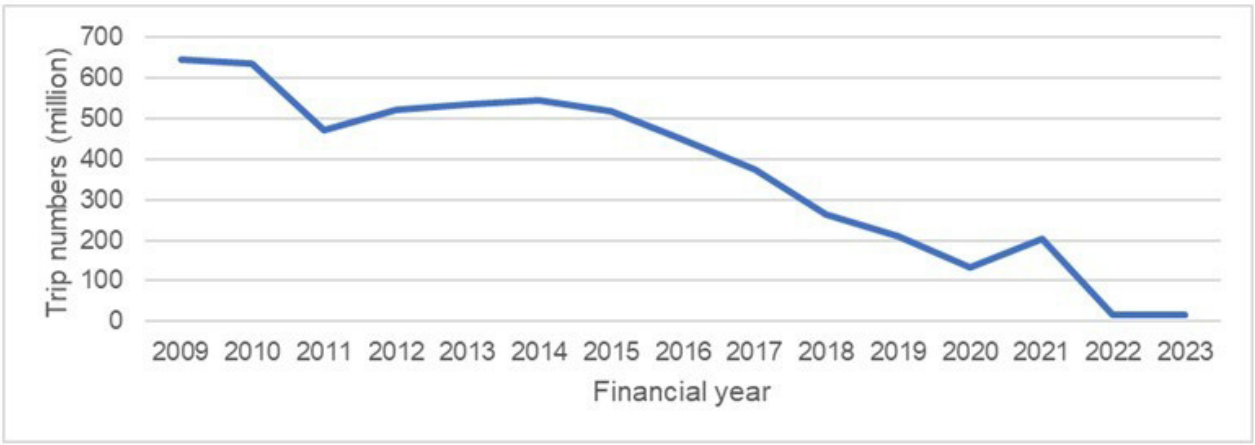

Figure 1: PRASA Financial Statements (2009-2023)

Figure 1 shows the decline in patronage for PRASA metro rail. The decline started during the 2015/16 FY, probable as a result of disruption of modernisation programme implementation and the delays thereof by the community engagement. The patronage slightly picked up during 2021-2022, however slumped during 2023 as shown in Figure 2 below.

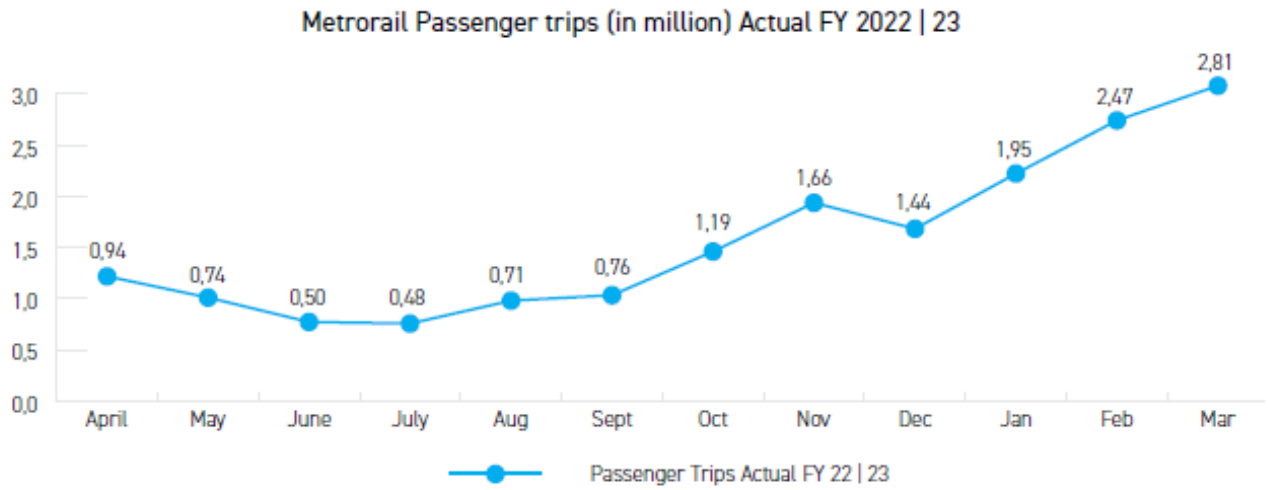

Figure 2: Metrorail passenger trips (PRASA Annual Report, 2023)

According to the PRASA Annual Report (2023), passenger trips in 2022/23 were severely impacted by the KZN floods of April 2022 as the region contributed 61% of passenger trips in 2021/22. In addition, Gauteng passenger numbers were affected by the closure of lines for the Rebuild and Recovery programme. This clearly shows the disruption of infrastructure' impact on passenger movement and the use of rail services.

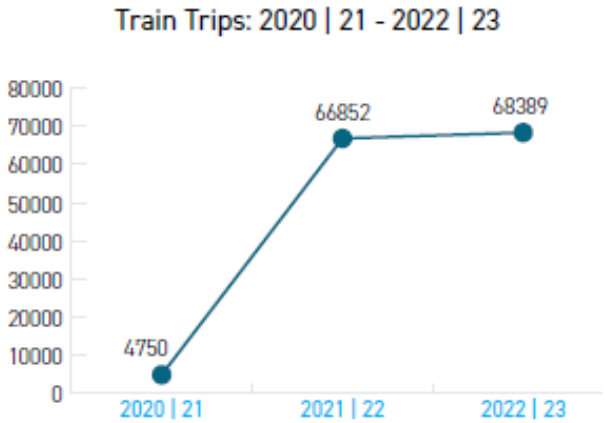

Figure 3: Metrorail train trips for 2020/21 and 2022/23 FY (PRASA Annual Report, 2023)

PASSENGER NUMBERS FY 2023/24 (SPLIT PER REGION)	
Region	Passenger numbers
Gauteng	19 million
Western Cape	13 million
KwaZulu-Natal	7 million
Eastern Cape	400 000
Total	39.4 million

Figure 4: Metrorail train trip for 2023/24 FY (PRASA Annual Report, 2024)

Figure 4 shows further decline in passenger trip in 2023/24 of 39.4 million trips, compared to Figure 3 showing around 68,4 million passenger trips. Travelling patterns have changed over the years, more especially post Covid. According to the National Household Travel

Survey (2020), general usage patterns of public transport have changed drastically between the years 2013 and 2020. There has been a general increase in households who used a taxi (from 9,8 million to 11,4 million), and a significant decrease was recorded in the number of households who used a bus (from 2,9 million to 2,1 million) and a train (1,4 million to 0,5 million) as their preferred mode of transport. It is evident that although rail services are being brought back currently, the travelling patterns have decreased even much more post Covid, considering the extent of vandalism that took place during Covid, and the delays in project completions. For example, in 2019 rail services were operating 444 weekday trips in Cape Town, which fell to 270 in 2020 before the Covid, and currently at 150 weekday trips (Cape Town Engineering News, 2022). With all the rail project disruptions, it will be difficult to go back to a good rate of service that will bring back the confidence of commuters (cited by Van der Merwe, 2022).

5.3 Economic Impact

Most of the population in South Africa is middle class and below, and they cannot really afford their own transport let alone taxis with high fares. According to the National Household Travel Survey (2020), about half of the households nationally in South Africa had a monthly expenditure on public transport of R500 or less (49,7%). Limpopo (71,0%) had the highest number of low-spending households, followed by Eastern Cape (64,1%), Mpumalanga (59,0%) and North West (56,6%). Rural areas had the highest proportion of households who spent R500 or less monthly on public transport (71,4%) compared to urban areas (39,5%).

Considering the drastic reduction in rail services, commuters are imposed to the use of other modes of public transport which are at more expensive rates, for instance the monthly average fare for minibus taxis has increased from R581 to R960 between 2013 and 2020 and likely more up to 2022 (Van der Merwe, 2022). The high cost of public transport has resulted to the poorest of the poor resolving to walk to work and other places.

5.4 Social Impacts

The implementation of the recovery programme brings with it the social and economic benefits for the communities whereby the projects are being implemented. The social impact in terms of job created during construction projects benefit the people across all ages, more especially the youth.

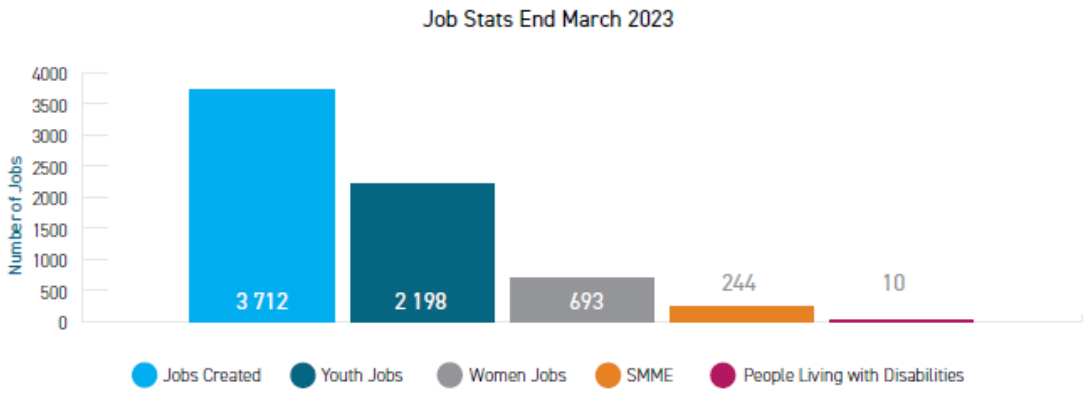

Figure 5: Capital programme job statistics (PRASA Annual Report, 2023)

During the 2022/23 financial year, 3712 jobs were created through the capital programme of PRASA, as shown in the Figure 5 above.

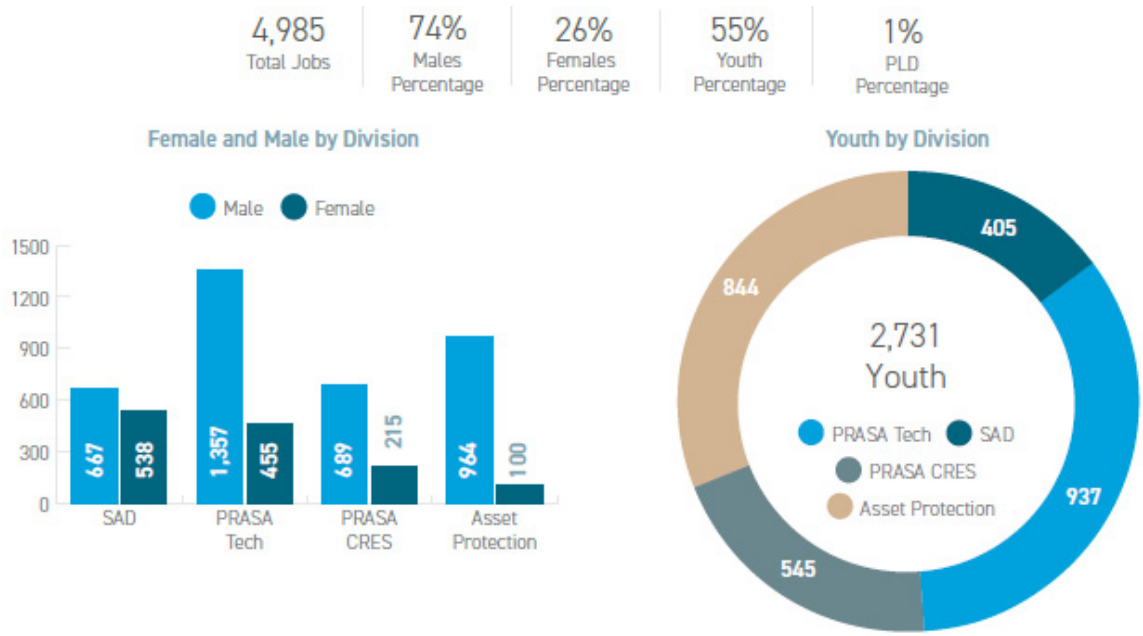

Figure 6: 2023/24 job creation statistics (PRASA Annual Report, 2024)

Figure 6 shows increase in job created through ongoing infrastructure projects in the 2023/24 financial year. However according to the PRASA Annual Report (2024), the job opportunities predominantly increased by the security deployment on capital projects, excluding operation security deployment. PRASA provided more security job opportunities for safe guarding projects, as opposed to local labour on the implementation of projects.

6. CONCLUSION

The disruption of passenger rail projects by construction mafias has negative impacts to the community and users of rail transport. The mobility of community is affected, as the unavailability of rail services force them to use alternative means of travel, which may be costlier than rail transport, therefore limiting their movement socially. Mobility means everything to the average person trying to fend for his/her family. Disruption on rail projects need to be dealt with as it delays the progress or even stops it completely, which means the poorest of the poor depending on cheaper efficient public transport are affected.

7. RECOMMENDATION

From the study we believe that the 3 key things to look at in order to mitigate and lessen disruptions on site are:

i. Procurement Legislation

The role of the Construction Industry Development Board (CIDB) is to build a capable construction industry that provides opportunities for women, youth, the disabled and black people in general (Theessen, 2023). CIDB together with the government should invest in workshops for SMMEs and communities regarding regulations and any amendments at a regular basis, to combat lack of information and misinterpretation of procurement legislation. It is evident that the construction mafia misinterprets the preferential procurement regulations and that can be undone by informing interested parties not only during projects but even at random times.

Careful reviewing of legislature is important in order to protect both the contractor & local SMMEs and put to book those who practice the act of construction mafia together with corrupt officials who are making it difficult for the law to take its' part.

ii. Community Engagement

The paper emphasizes early stakeholders' engagement at the dawning of projects to prevent the construction mafia's disruption from impacting construction sites negatively. This also requires engagement with the affected communities through recognized and authorized structures i.e. local councillors, municipality, traditional leaders, etc. which becomes vital to develop and maintain infrastructure.

iii. Security

Appointment of private security is the best bet to combat the activity, especially on the construction site, although this may come costly.

Understanding the seriousness of this organised crime of the construction mafia, the South African Police Service (SAPS) should combat the construction mafia activity together with private security and understand the root cause of it. SAPS should ensure that the mafia and any illegal project disruptor is brought to justice by upholding their value of cooperating with the community and the government.

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